CITY COUNCIL WORK SESSION
CITY COUNCIL CONFERENCE ROOM
418 EAST SECOND STREET – 2ND FLOOR
MONDAY, JULY 6, 2020
5:00 TO 7:00 PM

1. Call to Order

2. Annual Mayor and City Council Goal setting session

3. Public Comment

4. Direction to City Manager

5. Adjourn

City of Whitefish

Mayor and Council **DRAFT** Goals for FY21

Administration	**Est. date of Completion**
1. Create Resort Tax Education and Reallocation Plan	**June 2021**
2. City Purchasing Policies and Procedures	**September 2020**
3. Grants Management Policies and Procedures	**September 2020**
4. Utility Billing Project for Garbage Services	**December 2020**
5. Develop Personnel Liability Funding Strategies	**June 2021**
6. Information Technology Improvements for Security and Effective Operations	**June 2021**
7. Short-term Rental Program Enhancements	**June 2021**
8. Additional Cemetery Location and Plan	**Long-term/Ongoing**
9. Coordinate Name Change for Lost Coon Lake and Lost Coon Trail	**December 2020**

Fire Department	
1. Provide Council Emergency Management Training	**December 2020**
2. Long-Range Master Plan for Fire Department	**June 2020**

Parks and Recreation	
1. Armory Park	**June 2019**
2. Irrigation and Landscape Master Plan	**November 2020**
3. Parks Sign Master Plan	**June 2021**

Planning Department	
1. Affordable Housing Implementation	**Long Term/Ongoing**
2. Highway 93 South Corridor Plan	**September 2020**
3. Update Architectural Review Standards	**October 2020**
4. Implement Parking Plan for Downtown	**Long Term/Ongoing**
5. Update Subdivision Standards	**February 2021**
6. Update Setbacks for Non-Residential and Mixed-Use Developments in WB-2	**August 2020**
7. Update Landscaping Chapter and Tree Retention Standards	**March 2021**
8. Downtown Master Plan Implementation – Update Zoning Ordinance	**December 2021**

Police Department	
1. Plan for Expanded Police Service to Big Mountain if Annexed	**January 2023**
2. Plan for Proactive Policing and Adequate Staffing Levels	**Long Term/Ongoing**
3. Explore Creation of a Deer Management Plan	**June 2021**

Public Works

1.	Design and Construct Wastewater Treatment Plant Upgrades	**Fall 2021**
2.	Increase Water Capacity	**Long Term/Ongoing**
3.	Program to Assist Property Owners with Sidewalk Maintenance Responsibilities	**Long Term/Ongoing**
4.	Birch Point Quiet Zone	**November 2021**
5.	Edgewood and Texas Resort Tax Street Reconstruction Project	**November 2021**
6.	Update City Transportation Plan	**April 2021**
7.	Improve Recycling Efforts with CAP Steering Committee	**Long Term/Ongoing**
8.	Whitefish Lake Septic Leachate	**Long Term/Ongoing**
9.	Reduce Illegal Sump Pump Connections	**Long Term/Ongoing**

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CITY COUNCIL REGULAR MEETING AGENDA

The following is a summary of the items to come before the
City Council at its regular session to be held on Monday,
July 6, 2020 at **7:10 p.m.** at City Hall, 418 E. 2nd Street, 2nd Floor

The health and wellbeing of our community is our top priority. The City has protocols in place to ensure physical distancing and proper sanitation to resume in-person meetings in accordance with the guidance from the State and Flathead City-County Health Department. We also encourage individuals who wish to provide public comment to submit a letter to the City Clerk, Michelle Howke at mhowke@cityofwhitefish.org or deliver a letter to City Hall before the scheduled meeting. Written comments should provide your name, address, and should be short, concise, courteous, and polite. Written comments received will be provided to the City Council and will be appended to the packet following the meeting. The Council meeting can be streamed live on the City of Whitefish YouTube Channel.

Ordinance numbers start with 20-10. Resolution numbers start with 20-18.

1) CALL TO ORDER

2) PLEDGE OF ALLEGIANCE

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

4) COMMUNICATIONS FROM VOLUNTEER BOARDS

5) CONSENT AGENDA
   a) Minutes from June 15, 2020 Special Session and Regular Session (p.17)

6) PUBLIC HEARINGS (Items will be considered for action after public hearings) (Resolution No. 07-33 establishes a 30-minute time limit for applicant's land use presentations. Ordinances require 4 votes for passage – Section 1-6-2 (E)(3) WCC))
   a) Resolution No. 20- ; A Resolution strongly encouraging the use of masks or cloth face coverings in public settings to help prevent the spread of COVID-19 (p.282)
   ~~a)~~b) Consideration of a request from Big Mountain River LLC for an eight lot (20 sublot) subdivision, located at 244, 314 & 322 West Second Street, zoned WR-3 (Low-Density Multi-Family Residential District) (WPP 20-01) (p.24)
   ~~b)~~c) Consideration of a request John Shigo and Christina Larsen for a Conditional Use Permit to construct an accessory apartment in an existing structure located at 725 Somers Avenue, zoned WR-2 (Two-Family Residential District) (WCUP 20-08) (p.184)

7) COMMUNICATIONS FROM PLANNING AND BUILDING DIRECTOR
   a) Consideration of a Determination of Exemption Hearing Request from Kelly Laab located at 777 Dakota Avenue (WSE 20-02) CONTINUED from June 15, 2020 (p.212)

8) COMMUNICATIONS FROM POLICE CHIEF

a) Ordinance No. 20-__: An Ordinance adding a new Chapter to Title 7 prohibiting the storage, placement, and maintenance of personal property in a manner that interferes with the use of public property (First Reading) (p.255)

9) COMMUNICATIONS FROM FINANCE DIRECTOR
   a) Resolution No. 20-__; A Resolution requesting distribution of Bridge and Road Safety and Accountability Program Funds (p.261)

10) COMMUNICATIONS FROM CITY MANAGER
   a) Written report enclosed with the packet. Questions from Mayor or Council? (p.266)
   b) Other items arising between July 1st through July 6th

11) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS
   a) Letter from residents and users of Lion Mountain Loop Road request to add 3 removable speed bumps (p.274)
   b) Letter from Solberg Family Glenwood Trust for Safety Buoys for Whitefish Lake sandbar area (p.279)
   c) Consideration of a letter of support for the Great American Outdoors Act (p.280)
   d) ~~Resolution No. 20-__; A Resolution encouraging the use of masks while in public to prevent the spread of COVID-19 (p.282)~~MOVED TO ITEM 6a) PUBLIC HEARINGS

12) 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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July 1, 2020

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

Mayor Muhlfeld and City Councilors:

Monday, July 6, 2020 City Council Agenda Report

There will be a work session at 5:00 pm for the City Council goal setting. Food will be provided.

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

CONSENT AGENDA

a) Minutes from June 15, 2020 Special Session and Regular Session (p.17)

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

Item "a" 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 Big Mountain River LLC for an eight lot (20 sublot) subdivision, located at 244, 314 & 322 West Second Street, zoned WR-3 (Low-Density Multi-Family Residential District) (WPP 20-01) (p.24)

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

Summary of Requested Action: Big Mountain River LLC is requesting a Preliminary Plat to develop an eight-lot subdivision (20 sublots) at 244, 314, 322 W 2nd Street. The site is undeveloped. The property is zoned WR-3 (Low-Density Multi-Family Residential District) and the Whitefish Growth Policy designates this property as 'High Density Residential'.

Planning & Building Department Recommendation: Staff recommended approval of the Preliminary Plat application subject to 23 conditions set forth in the attached staff report.

Public Hearing: The applicant spoke at the public hearing on June 18, 2020. The draft minutes for this item are attached as part of this packet.

Planning Board Action: The Whitefish Planning Board met on June 18, 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 WPP 20-01 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 of the Planning Staff and the Planning

Board, approve WPP 20-01, the Findings of Fact in the staff report and the 23 conditions of approval, as recommended by the Whitefish Planning Board on June 18, 2020.

The item is a quasi-judicial matter.

b) Consideration of a request John Shigo and Christina Larsen for a Conditional Use Permit to construct an accessory apartment in an existing structure located at 725 Somers Avenue, zoned WR-2 (Two-Family Residential District) (WCUP 20-08) (p.184)

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

Summary of Requested Action: John Shigo and Christina Larsen are requesting a Conditional Use Permit to construct an accessory apartment at 725 Somers Avenue. The site is developed with a single-family home and an existing garage with a 2nd floor to be used as the accessory apartment. The property is zoned WR-2 (Two-Family Residential District) and the Whitefish Growth Policy designates this property as 'Urban'.

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

Public Hearing: The applicant spoke at the public hearing on June 18, 2020. The draft minutes for this item are attached as part of this packet.

Planning Board Action: The Whitefish Planning Board met on June 18, 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 20-08 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 of the Planning Staff and the Planning Board, approve WCUP 20-08, the Findings of Fact in the staff report and the six conditions of approval, as recommended by the Whitefish Planning Board on June 18, 2020.

This item is a quasi-judicial matter.

COMMUNICATIONS FROM PLANNING AND BUILDING DIRECTOR

a) Consideration of a Determination of Exemption Hearing Request from Kelly Laab located at 777 Dakota Avenue (WSE 20-02) CONTINUED from June 15, 2020 (p.212)

Please review the enclosed Conditional Dedications by Landowner Agreement provided in the packet.

COMMUNICATIONS FROM POLICE CHIEF

a) Ordinance No. 20-__: An Ordinance adding a new Chapter to Title 7 prohibiting the storage, placement, and maintenance of personal property in a manner that interferes with the use of public property (First Reading) (p.255)

From Police Chief Dial's memorandum.

Introduction/History

Whitefish is a tourist destination and an extremely welcoming community. Our streets, sidewalks, public gathering areas and parks are to be used and enjoyed by all without interference from those who attempt to place their personal property in these areas. For years, benches along Central Avenue, City Beach, and various other areas which allow people to sit and enjoy Whitefish have been utilized by citizens and visitors. More recently the newly constructed pavilion in Depot Park has become a popular gathering area used to enjoy the park, picnic, and relax. Unfortunately, there are those individuals who do not respect the rights of others and gather in those areas and deposit duffle bags, backpacks, suitcases, garbage, and other items which clutter the area making it inaccessible to others. These types of gatherings misappropriate public areas for personal use and affect businesses and residences. With the current pandemic and the uncertainty of how the Covid-19 virus spreads, it is in the best interest of everyone to assure that public areas are kept sanitary and free of items that could further spread the disease.

The City regularly receives complaints from merchants, businesses, citizens, and visitors regarding the aforementioned issue.

Current Report

Currently there are no ordinances or state statute that specifically address the unauthorized use of public venues and makes enforcement challenging. The purpose of this ordinance is to ensure no one is deprived of the use of public property, that public health concerns are addressed, that no areas are obstructed, and to ensure that no one causes a public area to be uninviting to others.

Financial Requirements

None

RECOMMENDATION: Staff respectfully recommends the City Council approve Ordinance No. 20-__: An Ordinance adding a new Chapter to Title 7 prohibiting the storage, placement, and maintenance of personal property in a manner that interferes with the use of public property (First Reading)

This item is a legislative matter.

COMMUNICATIONS FROM FINANCE DIRECTOR

a) Resolution No. 20-__; A Resolution requesting distribution of Bridge and Road Safety and Accountability Program Funds (p.261)

From Finance Director Ben Dahlman's staff report.

Introduction/History

House Bill 473 was signed into law creating the Bridge and Road Safety and Accountability Act, or BaRSAA. The law provides for a graduated increase in the motor fuel tax, with a portion of collections (approximately $21 million by FY21) allocated to local governments. Local governments must contribute to all distributions from the BaRSAA account with a minimum 5% match.

BaRSAA funds can be used to pay for the construction, reconstruction, maintenance, and repair of roads, alleys, and bridges that cities or towns are responsible for maintaining. BaRSAA funds can be used to pay project costs incurred before an allocation is made, so long as the costs were incurred during the same fiscal year in which they are distributed. BaRSAA funds cannot be used for capital equipment purchases.

Once a local government is ready to begin a BaRSAA project, they may request distribution of the funds along with any eligible reserved funds from prior years. The City may place the funds into a restricted account to be used within five years of distribution.

A request for the distribution of funds must include:

a) the amount of funding sought (up to; but not exceeding, the amount allocated for that year and any prior years' reservations);
b) copy of an adopted resolution to request and accept the funding by the governing body, identifying the source of the matching funds for the distribution; and,
c) a description of the project or projects to be funded.

Current Report

The Public Works Department is using the BaRSAA funds for the reconstruction of Monegan Road. The project began in FY20, and City staff now needs to request another draw of the BaRSAA funds. Each draw requires a resolution to be approved prior to submittal. The attached resolution was created to accomplish this task. The overall project was budgeted to be funded with money from the Trailview Subdivision project, the City's Stormwater Fund, Streets Fund, Impact Fees Fund and the BaRSAA Fund.

Financial Requirement

The Monegan Road project has been completed.

For FY20, the BaRSAA gas tax allocation for the City of Whitefish is $180,886.04. In order to achieve the 5%, match this year, a transfer of $9,044.30 will be required from the Streets Fund.

The City also contributed over $100,000 of City funds from the Stormwater Fund and $38,218.75 from the Impact Fees Fund for the project.

In addition; as a condition of approval for the Trailview Subdivision, the developer needs to contribute 21% or $80,259.38 of the Monegan Road Project due to its adjacency to the subdivision. The entire amount due has collected as of the date of this narrative.

A budget amendment for FY20 will be needed to cover the final costs of the project in the BaRSAA Fund. The budget amendment will include the additional support from the Streets Fund for the 5% match since only $7,350 was budgeted and to appropriate the higher expenditure costs of the project for the Trailview portion that was not completely budgeted.

RECOMMENDATION: Staff respectfully recommend the City Council approve Resolution No. 20-__; A Resolution requesting distribution of Bridge and Road Safety and Accountability Program Funds.

COMMUNICATIONS FROM CITY MANAGER

a) Written report enclosed with the packet. Questions from Mayor or Council? (p.266)
b) Other items arising between July 1st through July 6th

COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

a) Letter from residents and users of Lion Mountain Loop Road request to add 3 removable speed bumps (p.274)

b) Letter from Solberg Family Glenwood Trust for Safety Buoys for Whitefish Lake sandbar area (p.279)
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d) Resolution No. 20- ; A Resolution strongly encouraging the use of masks while in public to prevent the spread of COVID-19 (p.282)

ADJOURNMENT

Sincerely,

Dana

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
June 15, 2020
SPECIAL SESSION 5:00 TO 5:30 P.M.

1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Qunell, Feury, Hennen, Davis, Norton, and Sweeney (5:23 pm.). Staff present were City Manager Smith, City Clerk Howke, and Finance Director Dahlman.

2) INTERVIEWS

City Council interviewed Joe Courtney for the Board of Adjustments, Robert Horne Jr. for the Strategic Housing Plan Steering Committee and Katie Williams for both the Strategic Housing Plan Steering Committee and the Whitefish Housing Authority.

3) PUBLIC COMMENT

None

4) APPOINTMENTS

Due to time constraints, appointments were made during the Regular Session.

5) ADJOURN

Mayor Muhlfeld adjourned the Special Session and opened the work session at 5:30 pm.

WHITEFISH CITY COUNCIL
June 15, 2020
7:10 P.M.

1) CALL TO ORDER

Mayor Muhlfeld called the meeting to order. Councilors present were Qunell, Feury, Hennen, Davis, Sweeney, and Norton. City Staff present were, City Clerk Howke, City Manager Smith, City Attorney Jacobs, Planning and Building Director Taylor, Public Works Director Workman, Parks and Recreation Director Butts and Police Chief Dial. Approximately 40 people were in the audience.

2) PLEDGE OF ALLEGIANCE

Mayor Muhlfeld asked Sean Frampton to lead the audience in the Pledge of Allegiance.

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

Richard Hildner, 104 5th Street, provided a letter that is appended to the June 15th Council packet on the website. He is requesting Lost Coon Lake and Lost Coon Trail to be renamed as Lodgepole Pond and Lodgepole Trail.

Dave VonKleist, Whitefish, stated there are two issues pressing this community right now; the issue with COVID-19; and the division we are beginning to see. Both of these issues have been brewing for quite some time. He asks and implores the Council to look at the other side of the information that is being provided from the DNC, GOP, and the CDC. Look at the other side because what we are seeing here is destroying our community.

Dennis Bee, Whitefish is upset because he sees this as our community and his community. How many people have been affected economically including himself in this county by decisions being made on a state level, a regional level, and a local level? His business has been affected dramatically. This is the United States of America. He believes in voting, he does not want our Police Department defunded, and he does not want masks worn throughout this city. Do not make demands on the residents of this city unless you have the science and data to back it up.

4) COMMUNICATIONS FROM VOLUNTEER BOARDS

Councilor Norton reported the Tree Committee met and walked the State Park Reconstruction Project. The Public Works Department and Parks and Recreation Department are working on making a condition for the Urban Forester and Arborist to walk projects. The Urban Forester and Arborist can help you with the boulevard trees and the trees in the right of way.

5) CONSENT AGENDA

a) Minutes from June 1, 2020 Regular Session (p.44)

b) Consideration of a request for Final Plat for Dankbaar Subdivision, 2-lot minor subdivision, located at 197 and 205 West 8th Street, zoned WR-2 (Two-family Residential) (WPP 20-02) (p.49)

c) Consideration of a request for Final Plat for Colorado View Subdivision, for 12-lot subdivision located at 450 Colorado Avenue, zoned WR-3 (Low Density Multi-Family Residential District), the Whitefish growth Policy designates this property as 'High Density Residential" (WPP 20-) (p.70)

d) FY20 Third Quarter Financial Reports (p.76)

Councilor Sweeney made a motion, seconded by Councilor Hennen, to approve the Consent Agenda as presented (or amended). The motion passed.

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

a) Consideration of approving City Manager's proposed budget as the FY21 Preliminary Budget and setting final Public Hearing on the Capital Improvement Project and FY21 Final Budget for August 17, 2020 (p.85)

City Manager Smith gave her staff report that is provided as the transmittal letter in the FY21 Proposed Budget on the website.

Councilor Qunell asked and Manager Smith recapped the cash reserves; the budget is going from a 15.29% (FY20) to a 17.13% (FY21). Those numbers are going to fluctuate as we adjust the budget with

year-end cash balances. We are able to grow our cash reserves right now because of Tax Increment sunsetting to cover all of the increases.

Mayor Muhlfeld applauded Manager Smith and all of the Directors and former City Manager Stearns. The cash reserves in 2008 plummeted to 1-2% of our total budget. Now 17% cash reserve is a big credit and testament to the leadership and the directors tightening their belts when they were asked to.

Mayor Muhlfeld opened the Public Hearing.

Chuck Stearns, 698 Woodside Lane, commended City Manager Smith, and the staff for presenting a very balanced and good budget in a very difficult year for the Council to review. He suggests the Council to consider reducing the mill levy. When the Tax Increment District sunsets it can provide a nice relief for both increasing government expenditures and property tax reductions. He knows it's a tough year, but he hopes council will consider it.

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

Councilor Norton asked and Manager Smith stated this year is a difficult budget. We don't know what the future holds. If building does halt, we will be looking at layoffs, and some significant reductions in staff. We can levy property tax collections, but it does not mean we are going to collect it. Our goal has always been to continue increasing cash reserves. She suggests to maybe consider reducing the mill levy for FY22.

Councilor Norton made a motion, seconded by Councilor Sweeney to approve the FY21 Preliminary Budget and set the final Public Hearing on the Capital Improvement Project and FY21 Final Budget for August 17, 2020. The motion passed.

b) Resolution No. 20-17; A Resolution adopting fees for temporary on-street parking permits and water main taps (p.208)

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

The temporary on-street parking ordinance states only three stalls are permitted, and only for construction projects or moving companies.

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

Councilor Feury made a motion, seconded by Councilor Hennen to approve Resolution No. 20-17; A Resolution adopting fees for temporary on-street parking permits and water main taps. The motion passed.

7) COMMUNICATIONS FROM PLANNING AND BUILDING DIRECTOR

a) Consideration of a request from Zac Weinberg for a Whitefish Lake and Lakeshore Protection Permit located at 1508 West Lakeshore to remove a stone retaining wall, patio and path and adding beach gravel (WLP 20-W10) (p.214)

Director Dave Taylor gave his staff report that is provided in the packet on the website.

Councilor Norton made a motion, seconded by Councilor Sweeney to approve the request from Zac Weinberg for WLP 20-W10. The motion passed.

b) Consideration of a Determination of Exemption Hearing Request from Kelly Laab located at 777 Dakota Avenue (WSE 20-02) (p.226)

Director Dave Taylor gave his staff report that is provided in the packet on the website. The application for a Subdivision Exemption Boundary Line Adjustment for 777 Dakota Avenue was denied by the Zoning Administrator and the County Clerk and Recorder's Office as a Subdivision Evasion. The City Code outlines the applicant can request a hearing of the City Council within 30 days of such a denial.

Discussion followed between Council, staff, the applicant and legal counsel regarding the improvements that would have been required if it were to go through as a subdivision; street and sidewalk for Marina Crest Drive would need to be improved and connected as a through street to Dakota Avenue, widen Dakota Avenue from 50 feet to 60 feet wide, sidewalks along Dakota Avenue or pay cash-in-lieu of sidewalks, parkland dedication, and the 20% requirement for the Legacy Homes Program that could be paid in cash in lieu or build one unit for affordable housing. **After some discussion Attorney Frampton and Attorney Jacobs both agreed to a 30-day extension to construct an agreement as an action item for Council.**

Mayor Muhlfeld called for a recess at 9:17 and reconvened at 9:26.

8) COMMUNICATIONS FROM PUBLIC WORKS DIRECTOR

a) Consideration for Authorization to Contract for the Baker Avenue Underpass Project (p.265)

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

Councilor Feury made a motion, seconded by Councilor Sweeney to award the Baker Avenue Underpass Project to LHC, Inc. in the amount $1,714,213.09, including alternates 1,2,3 and 5. The motion passed.

9) COMMUNICATOINS FROM CITY ATTORNEY

a) Consideration of release allowing repairs to the Whitefish Community Center (p.288)

City Attorney Jacobs gave her staff report that is provided in the packet on the website.

Councilor Hennen made a motion, seconded by Councilor Sweeney to approve the proposed settlement agreement. The motion passed.

10) COMMUNICATIONS FROM CITY MANAGER

a) Written report enclosed with the packet. Questions from Mayor or Council? (p.304)

None

b) Other items arising between June 10th through June 15th

Manager Smith reported the soft opening for the employee surveillance testing site for COVID-19 will open on Thursday, June 18th at the High School. She ran some quick calculation of what was commented from former City Manager Stearns. She would not recommend the full 10 mills, with budget adjustments that 17% cash reserves have gone down slightly. The $393,000 would reduce our reserves from the prior year.

11) COMMUNICATIONS FROM MAYOR AND CITY COUNCILORS

a) Appointments of City Council Member Legacy Land Advisory Committee (LLAC) and Whitefish Trails Operations Committee to replace Councilor Hartman on both committees -Council appointment; currently Councilor Qunell is a representative of the LLAC (p.307)

Councilor Feury confirmed he will serve on both LLAC and Whitefish Trails Operations Committee.

b) Consideration of appointments to volunteer boards and committees not made during the Special Session preceding tonight's meeting

Councilor Feury made a motion, seconded by Councilor Hennen to appoint Joe Courtney to the Board of Adjustments to complete the term ending December 31, 2021. The motion passed.

Mayor Muhlfeld appointed Bob Horne to the Strategic Housing Plan Steering Committee and Katie Williams to the Whitefish Housing Authority. Council unanimously ratified his appointment.

Council Comments

Councilor Qunell will be absent for the July 6th meeting. He agrees it is time to change the name of Lost Coon Lake and Lost Coon Trail. He thanked our youth for stepping up. He would like City staff take a look at street names, place names for any overt racism, or offensive language and start the process of changing those names. He also would like City staff look at City Ordinances where we might have an opportunity to ban offensive symbols of hate and discrimination.

Councilor Sweeney stated the Lost Coon Lake name change is in process. Lost Coon Trail is more problematic because of the step in changing a name of a road. It is a county road so as a city we don't get to control whether that name gets changed.

Councilor Davis stated he is disturbed Whitefish is in the national news again, though he is encouraged by the young woman who stood up and the young folks who are advocating for change. He agrees the name of Lost Coon Lake needs to be changed. He felt the deer management presentation during the work session was interesting and he feels it might be something to look further into.

Councilor Hennen also agrees the name of Lost Coon Lake needs to change. The George Floyd incident has energized him, and he will continue to fight, and it is encouraging to see young kids stepping up and willing to stand on the front line. He also said a lot of credit should go out to Chief Dial and the Whitefish Police Department. The recent events were a powder keg.

Councilor Feury thanked Chief Dial and appreciated the memo he sent to City Council. He and Councilor Norton feel it should be shared with the public as a whole. He mentioned there are 14 bears in town and some people have mistaken bear spray for OFF and they spray it around on their decks thinking it is going to make the bears go away. Fish Parks and Wildlife will tell you bear spray is ultimately an attractant.

Councilor Norton also thanked Chief Dial for his years of service and reassuring council we are all doing the right thing in our town. It has been a very tense three weeks, and a time of reckoning. One of the best part of a small town is feeling this enormous heart for those who are suffering. If someone acts out in public, they are suffering too. Hopefully, we can hold them up to becoming their better self. Even when we are in conflict, you can choose to look at the world as being divided, or you can choose to see what commonalities you have and maintain that at all cost. She also mentioned to keep up the pandemic precautions.

City Manager Smith asked for clarification on the action items to ban any kind of display that would be offensive or racist. The Council agreed with a head nod. Council also agreed to add the deer management plan as a Council goal.

12) 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 10:10 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

June 30, 2020

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

RE: Big Mountain River Preliminary Plat at 244, 314, 322 W 2nd Street (WPP 20-01)

Honorable Mayor and Council:

Summary of Requested Action: Big Mountain River LLC is requesting a Preliminary Plat to develop an eight-lot subdivision (20 sublots) at 244, 314, 322 W 2nd Street. The site is undeveloped. The property is zoned WR-3 (Low-Density Multi-Family Residential District) and the Whitefish Growth Policy designates this property as 'High Density Residential'.

Planning & Building Department Recommendation: Staff recommended approval of the Preliminary Plat application subject to 23 conditions set forth in the attached staff report.

Public Hearing: The applicant spoke at the public hearing on June 18, 2020. The draft minutes for this item are attached as part of this packet.

Planning Board Action: The Whitefish Planning Board met on June 18, 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 WPP 20-01 with Findings of Fact and recommended Conditions of Approval.

Proposed Motion:

- I move to approve WPP 20-01, the Findings of Fact in the staff report and the 23 conditions of approval, as recommended by the Whitefish Planning Board on June 18, 2020.

This item has been placed on the agenda for your regularly scheduled meeting on July 6, 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
Draft Minutes, Planning Board Meeting, 6-18-20

Exhibits from 6-18-20 Staff Packet

1. Staff Report – WPP 20-01, 6-11-20
2. Element Review, 3-30-20
3. Sufficiency Review, 4-21-20
4. Adjacent Landowner Notice, 5-29-20
5. Advisory Agency Notice, 5-29-20
6. Letter, Whitefish Housing Authority, 6-10-20

The following was submitted by the applicant:

7. Application for Preliminary Plat, 3-23-20, updates 5-27-20

c: w/att Michelle Howke, City Clerk

c: w/o att Big Mountain River LLC 6479 Hwy 93 S, suite 141 Whitefish, MT 59937
Bruce Boody Landscape Architect, 301 E 2nd St Whitefish, MT 59937
Dave Radatti, Mindful Designs, Inc 118 W 2nd St Whitefish, MT 59937

Exhibit A
Big Mountain River LLC
Conditional Use Permit WPP 20-01
Whitefish Planning Board
Recommended Conditions of Approval
June 18, 2020

1. The subdivision must comply with Title 12 (Subdivision Regulations) and Title 11 (Zoning Regulations) and all other applicable requirements of the Whitefish City Code, except as amended by these conditions.

2. Except as amended by these conditions, the development of the subdivision must be in substantial conformance with the approved preliminary plat, site plan and elevations that govern the general location of lots, roadways, parking, landscaping and improvements and labeled as "approved plans" by the City Council.

3. Approval of the preliminary plat is subject to approval of detailed design of all on- and off-site improvements, including drainage and a plan for snow removal and storage. Through review of detailed road and drainage plans, applicant is advised that the number, density and/or location of building lots, as well as the location and width of the road right-of-way, and widths of rights-of-way shown on the preliminary plat may change depending upon constructability of roads, pedestrian walkways, and necessary retaining walls within the right-of-way, 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)

4. Prior to any ground disturbing activities, a plan must be submitted for review and approval by the Public Works and Planning & Building Departments. The plan must include, but may not necessarily be limited to, the following:
   - Dust abatement and control of fugitive dust.
   - Hours of construction activity.
   - Noise abatement.
   - Control of erosion and siltation.
   - Routing for heavy equipment, hauling, and employees.
   - Construction office siting, staging areas for material and vehicles, and employee parking.
   - Measures to prevent soil and construction debris from being tracked onto public roadways, including procedures to remove soil and construction debris from roadways as necessary.
   - Detours of vehicular, pedestrian, and bicycle traffic as necessary.

- Notation of any street closures or need to work in public right-of-way.

(City Engineering Standards, 2019)

5. 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 must 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 must approve the design prior to construction. Plans for grading, drainage, utilities, streets, sidewalks and other improvements must be submitted as a package and reviewed concurrently. Water lines for the homes removed previously need to be abandoned at the main. No individual improvement designs will be accepted by Public Works. (City Engineering Standards, 2019)

6. All areas disturbed because of road and utility construction must be re-seeded as soon as practicable 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 or homeowners association. (§12-4-30, WCC)

7. 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 1)

8. The existing driveway(s) must be removed and restored with curb, gutter and boulevard landscaping. The 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. (Finding 4)

9. Street lighting is required in accordance with the Whitefish Standards for Design and Construction. Street and other on-site lighting must be dark sky compliant and meet the requirements of the City's Outdoor Lighting ordinance. (§11-3-25, WCC; City Engineering Standards, 2019)

10. The street must be signed for 'No Parking'. (Finding 4)

11. The Fire Marshal must approve the placement and design of all fire hydrants prior to their installation and fire access. (UFC; Subdivision Regulations §12-4-18; Engineering Standards, 2019)

12. A final plan for buffer restoration must be submitted and approved prior to the issuance of the building permit. In addition, a geotechnical letter must be submitted along with building permits for Lots 4-8. (Finding 3; §11-3-29, WCC)

13. The refuse and recycling location must be reviewed and approved by the Public Works Department and Republic Services. (§§4-2, 12-4-21, WCC)

14. A Certificate of Subdivision Approval must be obtained from the Department of Environmental Quality and written approval by the Whitefish Public Works Department approving the storm drainage, water and sewage facilities for the subdivision. (Subdivision Regulations, Appendix C)

15. The public trail connector from W. 2nd Street to the north edge of the property must be installed, as depicted on the site plan. This path, built to City standards with the exception of grade standards, will be open to the public, but owned and maintained by the Homeowners Association. The final details of the trail installation must be submitted to the Parks, Public Works and Planning Departments for review and approval and be signed for steepness. An easement granting public access to the trail must be noted on the final plat. (Finding 4, City Engineering Standards, 2019)

16. The Hendrix Avenue right-of-way must be abandoned, and a 20-foot wide utility easement provided for the sewer main and two-inch waterline serving the homes on the other side of the river. This easement must be reviewed and approved by the Public Works Department and noted on the final plat. (§12-4-29, WCC; Finding 4, City Engineering Standards, 2019)

17. A Water Quality Plan must be submitted for the construction of the homeowners association private trail meeting the requirements of §11-3-29C(5), WCC. (Finding 3)

18. The following notes must be placed on the face of the plat:
    - Building numbers must be located in a clearly visible location.
    - The internal roads shown on the final plat are intended to be privately owned and maintained and open to the public. It is understood and agreed that these internal roadways do not conform to City requirements for public roadways. The owners (and successors in interest) of the lots described in this plat will provide for all-season maintenance of the private roadways by creation of a corporation or association to administer and fund the maintenance. This dedication is made with the express understanding that the private roadways will never be maintained by any government agency or public authority. It is understood and agreed that the value of each described lot in this plat is enhanced by the private nature of said roadways. Thus, the area encompassed by said private roadways will not be separately taxed or assessed by any government agency or public authority.
    - A geotechnical letter must be submitted along with the building permit for Lots 4-8.

    (Subdivision Regulations §§11-3-29C, 12-4-6, 12-4-20, WCC; Staff Report Findings 1, 3, 4; City Engineering Standards, 2019)

19. A common off-street mail facility must be provided by the developer and approved by the local post office. (§12-4-24, WCC)

20. Prior to approval of the final plat, the applicant must produce a copy of the proposed Covenants, Conditions and Restrictions (CC&Rs) Homeowners Association providing for long-term maintenance of the:
    - Open spaces;
    - Westerly trail open to the public;
    - Noxious weeds through implementation of the weed management plan. The weed management plan must be submitted to the Planning Department for review and approval prior to final plat; and
    - Drainage and storm water management facilities.

    (§§12-4-26, 12-4-30, WCC; Staff Report Finding 3 & 4; City Engineering Standards, 2019)

21. Compliance with the Legacy Homes Program approved housing mitigation plan will be met through the development of three (3) deed restricted townhouses and payment of $116,930 at the time of final plat. (§§11-1A-4A, 11-1A-4D, WCC)

22. Other permits may be required by other governmental agencies and the owner is responsible for obtaining these permits which may include a floodplain permit, a permit from the conservation district and a water quality protection permit.

23. The Big Mountain River preliminary plat is approved for three years from Council action. (§12-3-8, WCC)

	Chair Qunell asked and Ms. Keenan said regarding truck traffic, they will have no more trucks than other restaurants that are downtown to get in their supplies, etc.. They get milk delivered two to three times per week which are their larger trucks, and produce and other goods like chocolate. At this point, they get maybe six larger trucks per week. It is not every day nor all hours of the day. Chair Qunell asked and Ms. Keenan said all trucks should be able to stay on the property and not park in the street as has happened at Safeway. Eric Payne, nuWest Builders, 100 Central Avenue, said he has helped Sweet Peaks with this project from the conceptual stage of choosing this location through the entire plan as presented and helped with the application. He feels lucky to be part of a CUP that is so positive; it will be an amazing transformation of a facility that is badly in need of a transformation.
PUBLIC COMMENT	Chair Qunell opened the public hearing and no one wished to speak. Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.
MOTION / BOARD DISCUSSION	Scott moved and Middleton seconded to adopt the findings of fact within staff report WCUP 20-09, with the nine (9) conditions of approval, as proposed by City Staff. Chair Qunell thanked the applicant as it will be quite an upgrade at that corner and a great upgrade to our City entrance. He is excited about having something that is homegrown and looks good there. Scott asked and Ms. Keenan said the Sweet Peaks location in town on 3rd Street will be maintained.
VOTE	**The motion passed unanimously.** The matter is scheduled to go before the Council on July 20, 2020.
PUBLIC HEARING 4: BIG MOUNTAIN RIVER, LLC PRELIMINARY PLAT REQUEST *6:28 pm*	A request by Big Mountain River, LLC, for an eight lot (20 sublot) subdivision. The property is zoned WR-3 (Low-Density Multi-Family Residential District), located at 244, 314 and 322 W. 2nd Street, and can be legally described as Lots 1 and 2 Hendrix Subdivision; Lot 12 Grandview in S36, T31N, R22W, Flathead County.
STAFF REPORT WPP 20-01 (Compton-Ring)	Compton-Ring said this matter was originally scheduled for the May Planning Board meeting, but the Applicant requested to postpone it until June after receiving a request from the Whitefish Housing

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	Authority to include affordable housing in the development instead of providing a fee-in-lieu. The previous request was for a 17-unit subdivision, with a fee-in-lieu being paid for all units, but now 20 sublots, with four two-unit buildings and four three-unit buildings, are being proposed and they will incorporate three Legacy Homes and pay a fee for the fourth unit. Senior Planner Compton-Ring reviewed her staff report and findings. No public comments have been received regarding to this project. Staff recommended adoption of the findings of fact and conditions of approval within staff report WPP 20-01 and for approval of the preliminary plat for the Big Mountain River Subdivision, and the two subdivision variances requested by the Applicant, to the Whitefish City Council.
BOARD QUESTIONS OF STAFF	Scott asked and Compton-Ring said the project involves building a public trail and abandoning an unimproved right-of-way; the Whitefish River is on the edge of the easterly lot. Scott asked and Compton-Ring said the Parks & Recreation department has reviewed this project and the staff report incorporates their comments. Chair Qunell asked and Compton-Ring said the 95 Karrow project included a path that went down to and along the River which will hook up with this one at the junction where the dock open to the public is proposed. There is unimproved W. 1st Street to the north of this area. The trail goes along W 1st Street and wraps around the property along the river and goes underneath the train tracks connecting to Skye Park Bridge. Where the trails connect between W 1st Street and along the river, there is a hub and along with docks which is about where this trail will connect. Compton-Ring will bring a map to the Council meeting for this discussion. Chair Qunell said the Conditions of Approval do not mention that the three affordable units cannot be consecutive as one piece but are supposed to be spread apart. Compton-Ring said their housing mitigation plan shows two triplexes along W 2nd Street (the center units) and a three-unit on the River. Compton-Ring said we will deed restrict those particular units by agreement which will come in with the final plat and get recorded at the same time. Chair Qunell asked and Compton-Ring said these are called flag lots as they do not front on W 2nd Street, they access W 2nd Street by an easement, which is the definition. The road they are constructing is essentially an easement as the lot lines go to the middle of those roads.

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	Beckham asked and Compton-Ring said she cannot think of anything comparable to this type of density (20 units on three lots) that fronts the Whitefish River but she could research that before this goes before Council. Compton-Ring said it meets the density requirements for WR-3 and there are quite a few triplexes to the east and a number of multi-unit buildings towards town. Chair Qunell said regarding the utility easement on the site map the red dotted line comes in out of a common area to the north and wraps around the building next to the building footprint of Lots 5 and 5B. He asked and Compton-Ring said you can build right up to them; however, you cannot encroach into them. Beckham asked and Compton-Ring said there is no condition included for bicycle racks as everyone has a garage. Bicycle racks are not a requirement as this is a single-family home development, not a multi-family development or commercial project where they would be required.
APPLICANT / AGENCIES	Sierra McCartney, 301 E. 2nd Street, with Bruce Boody Landscape Architect, introduced Mr. Boody, Dave Radatti with Mindful Designs, the owners' representative, and Wil Goodpaster with TD&H Engineering. Ms. McCartney said there are two updates from when the preliminary plat was submitted. They have submitted a 310 Permit application and met onsite with the Flathead Conservation District's Board and they did not have concerns while onsite so it appears they will recommend the 310 Permit approval. Their next meeting is Monday, June 22, and they will formally recommend approval. The second update is they have slightly adjusted the layout of the 2.5-foot wide access trail to the River indicated on the plan in order to avoid disturbing existing native shrubs. They have reviewed the staff report and findings of fact and are in agreement with everything in staff report. Scott said they have access to the River and mentioned the trail that goes down to it. He said the Parks & Recreation department of the City has to a certain degree encouraged docks and access along the River and takes care of all of them. He asked if they have talked with P&R about putting in a dock on their side of the River. Ms. McCartney said the proposed 10-foot wide bike/ped trail on the west side of site leads down and connects to the trail at Karrow and

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	there is a public dock there. The private 2.5-foot wide trail referred to earlier will be a private trail that leads down to a dock but that is just for residents of this development and was part of the 310 Permit submittal. The two trails are separate and the public trail on the west will be signed to indicate it is public but not ADA compliant. The other (private) trail will be signed as a private use trail. Dave Radatti, Mindful Designs. said there will be a lot of topography and vegetation between the two trails which originate in different areas and do not even communicate with each other.
PUBLIC COMMENT	Chair Qunell opened the public hearing and no one wished to speak. Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.
MOTION / BOARD DISCUSSION	Middleton moved and Scott seconded to adopt the findings of fact within staff report WPP 20-01, with the twenty-three (23) conditions of approval, as proposed by City Staff. Middleton said he reviewed this project with the Whitefish Housing Authority and thanked the applicant for reconsidering their request and providing more affordable housing. He feels it will fill an important need and enthusiastically supports it. Scott said everything seems to be approved in the staff report. The streets look a little narrow but he presumes the Fire Marshal has approved them. It seems like a good project, and he likes that they are leaving a lot of open space and providing a trail. Ellis clarified the City does not have jurisdiction over docks in the Whitefish River, the Flathead Conservation District does. As Ms. McCartney stated, the Applicant applied for a permit, there was a site visit on the property. Their permit application will come up next Monday night and he anticipates it being approved. Chair Qunell thanked the Applicant for reconsidering and including affordable units as that is the goal of the Inclusionary Zoning Ordinance, to actually build units, not just to collect money from developers.
VOTE	**The motion passed unanimously.** The matter is scheduled to go before the Council on July 6, 2020.
NEW BUSINESS *6:56 pm*	None.

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BIG MOUNTAIN RIVER
STAFF REPORT
PRELIMINARY PLAT
WPP 20-01
June 11, 2020

A report to the Whitefish Planning Board and the Whitefish City Council regarding a request by Big Mountain River LLC for a Preliminary Plat to develop an eight-lot (20 sublots) residential neighborhood on W. 2nd Street. A public hearing is scheduled before the Whitefish Planning Board on June 18, 2020 and a subsequent hearing is set before the City Council on July 6, 2020.

BACKGROUND

This project, originally scheduled for the May Planning Board, proposed a 17-unit subdivision and fee in lieu of affordable housing. After receiving comments from the Whitefish Housing Authority that they would be more supportive of units developed into the project, the applicant requested postponement in order to revise their project, as described below.

I. PROJECT SCOPE

The applicant is proposing a residential townhouse subdivision with eight parent lots (20 sublots with four two-unit buildings and four three-unit buildings). A new single access to the project will be off W. 2nd Street. This private road will loop through the property providing access to all units. In addition to vehicular access, the private loop road provides an internal sidewalk system for access to all units, W. 2nd Street and a new paved trail along the western property line open to the public. Parking is provided within two-car garages and two surface parking areas distributed around the site for a total of five additional parking spaces.

The project is providing open space areas to the north, along the Whitefish River, and to the west. The open space area to the north includes the required Whitefish River buffer and will contain a private homeowner pedestrian path to the river along with a homeowners' dock. Noxious weeds within the open space along the Whitefish River will be mitigated and landscaped with native vegetation. The open space area to the west will contain a 10-foot wide paved pedestrian bicycle path within a 20-foot easement. This trail will connect W. 2nd Street to the new trail system in the 95 Karrow project to the north. This path, built to City standards with the exception of grade standards, will be open to the public, but maintained by the Homeowners Association.

This project has an existing 20-foot wide public right-of-way between the Grandview and Hendrix subdivisions called Hendrix Avenue. This is a substandard unimproved right-of-way with a very steep grade terminating in the Whitefish River. Within the southern portion of the right-of-way is a sewer main which comes from Karrow Avenue bisecting the Hendrix Tracts subdivision and connecting to W. 2nd Street. Within this right-of-way, there is also a two-inch water line from W. 2nd Street that goes north and continues under Whitefish River serving two residential lots to the north of the River.

The applicant is proposing to vacate this right-of-way, leaving the sewer main and water line within a 20-foot easement and locating the trail, described previously, within a new easement along the western property line.

As part of the application, two subdivision variances are being requested:

- §12-4-12H which limits the number of flag lots in a subdivision to less than 50% of the total and the applicant is proposing ten of the seventeen lots be flag lots.
- §§12-4-14D and 12-4-15A which requires streets to be designed in accordance with the adopted city of Whitefish engineering standards for both public and private streets.

To comply with the Legacy Homes program, the applicant is proposing to develop three deed restricted units and pay the 1.5x fee in lieu for the fourth unit. They are using reduced lot size, reduced lot width and increased lot coverage as permitted through the Legacy Homes Program.

A. Owner:

Big Mountain River LLC
6479 Hwy 93 S, Suite 141
Whitefish, MT 59937

Technical Assistance:

Bruce Boody Landscape Architect
301 E 2nd St
Whitefish, MT 59937

Applicant:

Dave Radatti
Mindful Designs, Inc
118 W. 2nd Street
Whitefish, MT 59937

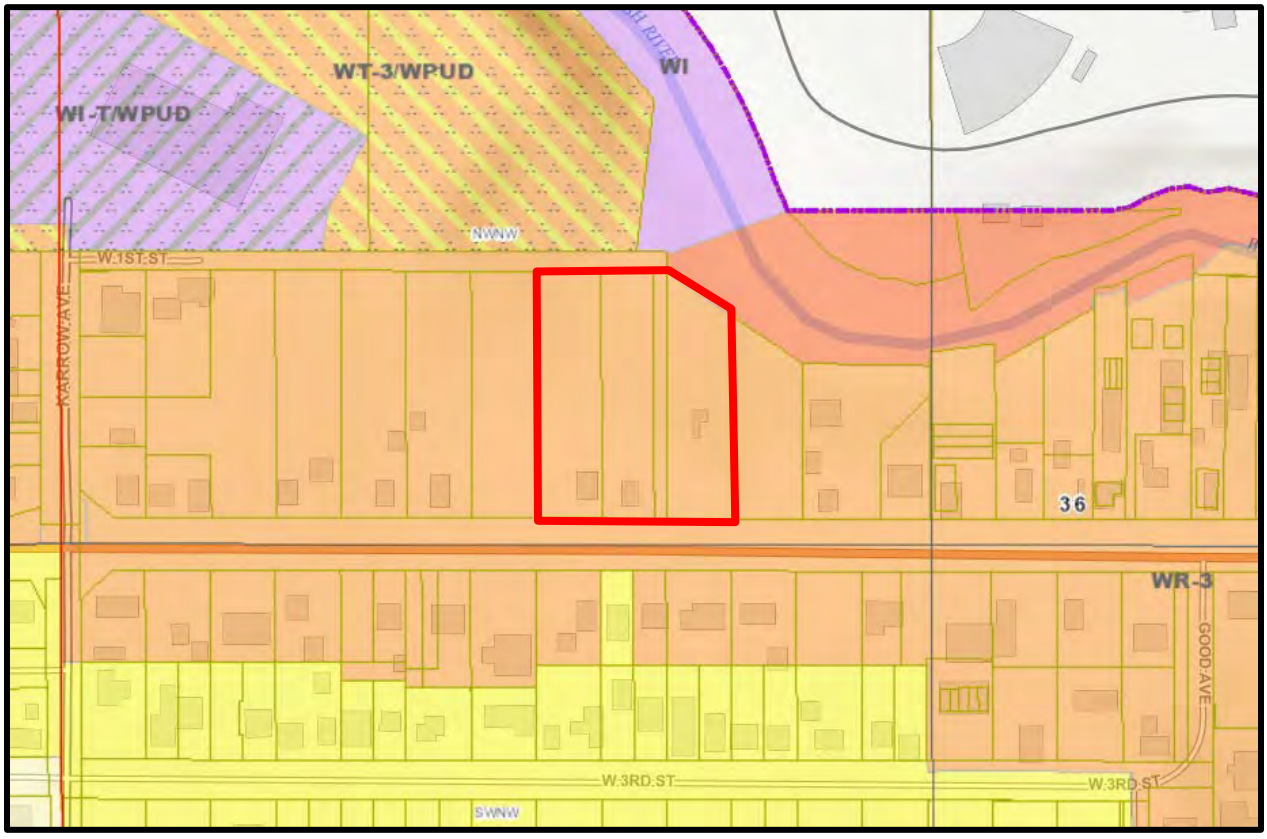
B. Location: The subject properties are located at 244, 314 and 322 W. 2nd Street and can be legally described Lots 1, 2 Hendrix and Lot 12 Grandview in Section 36, Township 31N, Range 22W, P.M.M., Flathead County.

C. Existing Land Use and Zoning:

The property is currently vacant. Three older single-family houses and out-buildings were demolished several years ago. The property is zoned WR-3 (Low-Density Multi-Family Residential District).

D. Adjacent Land Uses and Zoning:

North:	Whitefish River & former Idaho Timber	WR-4 & WT-3/WPUD
South	Residential & Professional Office	WR-3
East:	Residential	WR-3
West:	Residential	WR-3



E. Utilities:

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

Fire: Whitefish Fire Department
Schools: Whitefish School District #44

F. Public Notice:
A notice was mailed to adjacent landowners within 300-feet of the subject parcel on May 29, 2020. A sign was posted on the property on April 29, 2020. Advisory agencies were noticed on May 29, 2020. A notice was published in the Whitefish Pilot on June 3, 2020. As of the writing of this report, no comments were received.

II. REVIEW AND FINDINGS OF FACT
This request is reviewed in accordance with statutory criteria and the Whitefish Zoning and Subdivision Regulations.

A. Effects of Health and Safety:
Fire: The Whitefish Fire Marshal reviewed the project. The Fire Marshal will approve the placement and design of all fire hydrants prior to their installation and emergency access.

Wildland Urban Interface: The property is within the city limits and within the City's Fire District. The property will be served by City water and meet all Fire Department emergency access requirements. The Fire Marshal recommends the open space areas be properly mitigated for wildland fire protection and maintained yearly.

Flooding: FEMA designated base flood elevation for this section of the Whitefish River at 3003.8-feet. The area with the mapped floodplain is within a dedicated open space area and no development is proposed except for a trail and dock for the residents. The exact alignment of the trail is yet to be finalized and the dock will require a permit from the Flathead Conservation District. Staff will recommend this as a condition of approval.

Access: The subdivision has one main vehicular access off W. 2nd Street 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 access standards are being met.

Traffic Impacts: The application does not include a Traffic Impact Study, as the number of trips generated is less than 200 per day. Traffic will enter and exit the site from W. 2nd Street which was improved several years ago by MDT. There is an existing center-turn lane for vehicles to use to access the site when making a left-hand turn into the site from the west. The design of W. 2nd Street also included the installation of a sidewalk and boulevard.

Finding 1: The proposed subdivision will not have a negative effect on public health and safety because the Fire Department has reviewed the proposal for conformance with the fire code; a portion of the property is within a mapped floodplain, but it will be within dedicated open space; access is off an existing public road; and the amount of traffic generated can be handled by the existing road design.

B. Effects on Wildlife and Wildlife Habitat: There are no mapped crucial wildlife habitat and/or daily or seasonal migration corridors on this site. It is likely that deer and other animals travel through the property and along the Whitefish River. The preservation of buffers and other open areas help to maintain these patterns.

Finding 2: The subdivision should not have a negative effect on wildlife and wildlife habitat because there are no mapped crucial wildlife habitat nor migration corridors on

this property; the River and its buffer are being maintained and enhanced; and other open areas are located throughout the development.

C. Effects on the Natural Environment:

Surface and groundwater: The developer will extend Municipal water and sewer to the subdivision thereby minimizing any potential impacts to the groundwater. The property is not mapped as being within the high groundwater area.

Slopes: The site has been graded and filled over the years to accommodate the former residential homes and is flat to the south. There are sloped areas along the riverbank along with some minor land movement at the northeast of the property.

There are building sites within 200-feet of the Whitefish River on slopes that likely exceed 10%. According to the Water Quality Protection regulations, if a building is located within 200-feet of a water body and is constructed on a slope of 10% or more, a geotechnical letter will need to be supplied along with the building permit. Staff will recommend this as a condition of approval.

Whitefish River: The applicant is proposing to protect the Whitefish River with a buffer and setback meeting the Water Quality Protection regulations. The buffer requirement is top of bank or 75-feet, whichever is greater plus a 20-foot setback from the edge of the buffer. (§11-3-29C(1), WCC) In addition, any structure within 200-feet of the buffer on a lot that abuts the river is required to submit a geotechnical letter along with the building permit. There are three lots (seven sublots) proposed along the Whitefish River. In 2017, the City hired Randy Overton, Water Source Hydrology, to review a 'top of bank' determination for a project in this neighborhood. As part of this assessment, we also had him review a few undeveloped properties along the River we knew would be redeveloping at some point in the future. The westerly lot of this project is one of those lots reviewed. When the applicant over-laid the 2017 top of bank determination, he discovered 75-feet is a greater buffer than top of bank; therefore, that is the buffer being shown on this plan. Additionally, there is a narrow wetland along the edge of the River. According to §11-3-29C(1)(a), the buffer is measured from the edge of the wetland, making the 75-foot buffer greater than the top of bank.

Buffer Averaging – §11-3-29C(4). The applicant is proposing buffer averaging, as provided for in the Water Quality Protection regulations. Buffer averaging permits one to reduce the buffer in some areas while increasing it in other areas provided the total buffer square footage remains the same and the buffer width is no less than 50-feet along the Whitefish River. The standard also recommends the reductions generally be "located where riparian functions may be less sensitive to adjacent land uses, and increases are generally located where riparian functions may be more sensitive to adjacent land uses." Overall, as proposed, there is a net increase in buffer square footage from 1,218 square feet to 1,406 square feet.

Allowed Activities within the Buffer – §11-3-29C(5). Within the buffer they are proposing a private path and dock for the residents which is a permitted use provided impacts are mitigated. Staff proposes the details of the trail construction be a condition of approval.

Wetlands: As described previously, there is a wetland associated with the Whitefish River. The edge of the wetland has been determined by a wetland professional and is included within the River buffer, as established by the Water Quality Protection regulations.

Storm Water Conveyance: There are no mapped storm water conveyances within the project boundaries.

Drainage: Drainage is proposed to be collected within the private road, treated and directed toward the River. A standard condition of approval notes that the preliminary plat may be changed, including density, based on the City's review of the drainage plans. All drainage plans will meet the City of Whitefish Standards and be reviewed and approved by the Public Works Department.

Finding 3: The subdivision should not have a negative impact on the natural environment because the River buffer is being preserved and restored, a Geotech

review will be required with the building permits for the lots along the River and staff will review the storm water plan with the final engineering plans.

D. Effects on Local Services:

Water: The project proposes to connect to the City water system located in Highway 93 W. As described previously, there is an existing two-inch water line that serves two properties on the north side of the Whitefish River. This water line, located partially within the Hendrix Avenue right-of-way before it goes under the Whitefish River, will need to be re-routed and located within the utility easement.

The Montana Department of Environmental Quality (DEQ) 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 437.5 allowable ERUs remaining in the deviation approval and this project will require 17 ERUs total (they receive a 3 ERU credit for the homes removed).

Sewer: The project proposes to utilize the City sewer system. The sewer facilities will be designed and constructed to City specifications.

Streets: The private street will be privately constructed, owned and maintained, but open to the public. See discussion above regarding traffic impacts. Due to the proposed narrowness of the new private street, on-street parking is not possible nor proposed; therefore, staff is recommending a condition of approval to sign the street with no parking signs. The one existing driveway will be eliminated, and the other driveway is generally where the new access will be located. Staff will make a condition of approval that the existing driveway(s) are removed, and the curb and boulevard be restored. Depending on spacing, the driveway removal may require the installation of street trees. 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; in this case, W 2nd Street sidewalk and boulevard will be maintained by this development.

Schools: The site is within the Whitefish School District #44. At completion, using 2011 census information for Flathead County student generation rate of 0.31 students per single family unit, this subdivision could generate up to six school-age children.

Parks and Open Space: The applicant is proposing to set aside 0.86 acres of open space (36% of the project). These open spaces include areas along the River, within the development and along the western edge of the project where a paved trail, open to

the public will be available. The area along the River will include restoration areas with native plants and construction of a private neighborhood trail. All the open space areas will be held in private ownership and will be maintained privately.

Pursuant to §12-4-11C(4) and §12-4-11C(6), this preliminary plat is exempt from Parkland dedication as required under the Subdivision Regulations because they are providing long-term protection of a water quality protection area which exceeds the requirements of the subdivision regulations. The project is providing 0.86 acres of open space, of which 0.72 acres is along the Whitefish River, where the parkland dedication requirement would be 0.16 acres.

The applicant is proposing an important connection to the Whitefish River pedestrian-bike path along the west side of their property. This path will connect W. 2nd Street to the trails within the 95 Karrow project. While not shown as part of the Whitefish Connect Plan due in part to the extreme topography of Hendrix Avenue and the 95 Karrow development not being fully contemplated during Plan development, it is an important trail connector bisecting the W. 2nd Street block between downtown and Karrow Avenue. The Connect Whitefish Plan does state the City should continue to "prioritize connections between the Whitefish River Trail and existing pedestrian and bicycle facilities that provide safe access to the downtown area, schools and parks" which this path does. As well, during public outreach for the Plan "the community overwhelmingly envisioned a future where residents and visitors can bicycle, walk or jog to downtown, schools, parks and trails outside of town without awkwardly hopping back and forth between paths and sidewalks and city streets and

highways" which this path also achieves. This trail will be 10-feet wide within a 20-foot wide easement open to the public but owned and maintained by the Homeowners Association. The trail grade will not be as severe to the west, as a trail within Hendrix Avenue would be, but it will still not meet grade standards; staff recommends installing a sign warning trail users of its steepness. Staff will recommend the completion of this trail, the easement, and the vacation of the Hendrix right-of-way as a condition of approval.

north end of trail (95 Karrow grading in background)	**slope of trail toward 95 Karrow project**

Police: The project is in the City of Whitefish and will be served by the City Police Department. The proposed development will have some impact on the Whitefish Police Department; however, this subdivision is not anticipated to impact current levels of service.

Fire Protection: The Whitefish Fire Department serves the property. The proposed development will have some impact on the Whitefish Fire Department; however, this subdivision is not anticipated to impact current levels of service. See previous discussion regarding Fire.

Solid Waste: Republic Services is under contract with the City of Whitefish to handle solid waste for the city. Solid waste is taken to the Flathead County Landfill. There is sufficient capacity within the landfill to accommodate the additional solid waste generated from this subdivision.

Medical Services: The Whitefish Fire Department provides emergency medical services to this property with North Valley Hospital within a couple of miles south of this property.

Finding 4: The proposed subdivision does not pose any negative effects on local services because City staff has preliminarily reviewed the project for water, sewer and stormwater; the Fire Department has preliminarily reviewed the proposal for

conformance with the Fire Code, including the roadway width and turning radius. Additional services, such as police and schools, are not anticipated to be affected; adequate park and open space is being set aside for the neighborhood that includes pedestrian and bicycle trails open for the public and Whitefish River buffer areas are being preserved. The Big Mountain River preliminary plat is exempt from Parkland dedication as required under the Subdivision Regulations because they are proposing to permanently set aside open spaces that exceed what is required for subdivisions and they are providing long-term protection of a water quality protection area which exceeds the requirements of the subdivision regulations.

E. Effects on Agriculture and Agricultural Water User Facilities:
This property has not been used for agricultural purposes. No property surrounding the subject project is being used for agricultural purposes.

Finding 5: The proposed subdivision does not pose any negative effects on agriculture or agricultural water users because the property is within the city limits and has direct access to public services and facilities.

F. Compliance with Growth Policy. 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 meeting the Water Quality Protection regulations with the buffer and setback from the Whitefish River and associated wetland. The application also proposes to remove non-native, noxious weeds from the buffer and repair the land movement within the buffer.

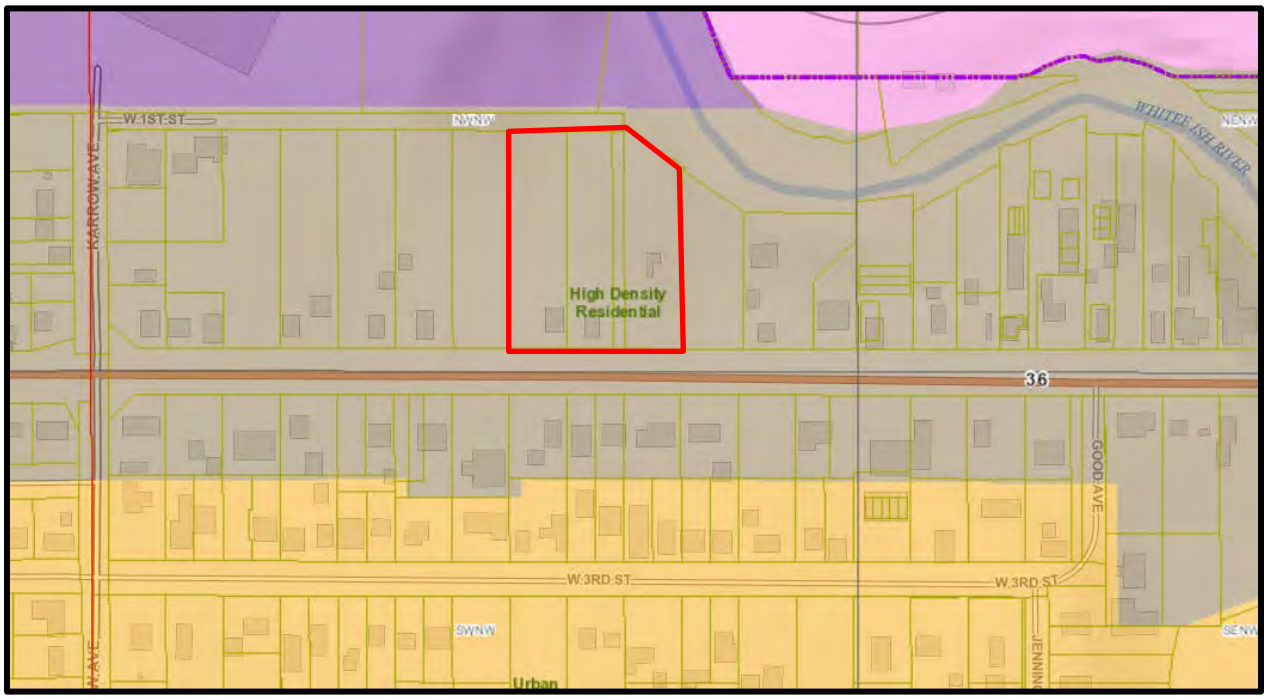
Chapter 3, Land Use Element:

The Growth Policy identifies the parcels as 'High Density Residential' in the Highway 93 W Corridor Plan and 2007 Whitefish City-County Growth Policy.

High Density Residential classification states:

> Multi-family residential, mostly in the form of apartments, condominiums, and townhomes, are accounted for by this designation. Areas designated for High Density Residential development are mostly near the downtown and along major transportation routes. All multi-family structures are now subject to architectural review, and the City will be looking for a higher quality of site planning, architecture, and overall development high density projects have exhibited in the

past. The applicable zones are WR-3 and WR-4, but WR-2 with a PUD option also allows for high densities.



In addition, this is an infill project served by all public services and facilities within the city limits which is a priority and main theme in the 2007 Growth Policy versus expanding urban densities and uses into rural areas that would require the extension of public services and facilities.

Staff Analysis: The type of project is consistent with both the zoning and the Growth Policy. 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 many of which are also multi-family oriented.

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 contribute to the Legacy Homes program by providing three deed restricted townhouses and paying a fee in lieu of building the fourth townhouse. These funds will be used for future affordable housing for the local workforce.

2015 Highway 93 W Corridor Plan: These properties are located within 'Area B' of the Highway 93 W Corridor Plan. The Plan noted this area is transitioning from

predominately single-family to other uses including professional offices and personal services. While this plan did not make any recommended changes to the existing land use, it did provide an opportunity for property owners to rezone their properties to a WT-3 (Neighborhood Mixed-Use Transitional District). This applicant is not proposing to change any zoning as the current WR-3 zoning district meets the needs of the project.

Finding 6: The project complies with Growth Policy Designation of High Density Residential because it is zoned WR-3 (Low-Density Multi-Family Residential District), the proposed use is consistent with the WR-3 zone and it is implementing various aspects of the Growth Policy including protecting environmentally sensitive areas, compatible infill development, and contributing toward housing for Whitefish's workforce.

G. Compliance with Zoning:

The property is zoned WR-3 and is compliant with the permitted uses, density and development standards.

Legacy Homes. The project is obligated to provide four units to comply with the Legacy Homes program (20 x 20%). In the Housing Mitigation Plan (HMP), the applicant is proposing to develop three (3) deed restricted units and pay a fee in lieu for one (1) of the units. The three units will be two two-bedroom units (one at 90% and one at 120%) and one one-bedroom unit (at 80%). The Legacy Homes regulations require the average of the units be at 100% and the project's average is slightly lower at 96.67%. The applicant is also proposing to pay the 1.5x fee for the fourth unit ($116,930.00). As the applicant explains in the HMP, the payment of the fee for the 4th unit enables the project to be feasible and for the development of the three units. They also note, it is so early in the process that, if it is determined to be financially feasible, they would like to have the flexibility to develop the fourth unit.

The Whitefish Housing Authority reviewed the proposal and is in support of the request. They are appreciative of the inclusion of three units and payment for the fourth unit. The letter is attached as an exhibit.

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 provide an option to pay a fee in lieu of developing the housing on-site, at 1.5 times the fee rate. Per §11-1A-4A, WCC, circumstances include, but are not limited to:

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

Since this is a waterfront development, taxes may be higher and there may be significant HOA dues for maintenance of open space areas. It is the role of the City Council to review and approve alternative means of compliance. (§11-1A-4B, WCC)

Finding 7: The proposed subdivision complies with the zoning because residential is a permitted use for the zoning districts, the applicant is providing three deed restricted townhouses and paying a fee lieu of an additional unit which is an option for projects with approval from Council.

H. Compliance with Whitefish Subdivision Regulations:

Finding 9: With the imposition of conditions, the subdivision complies with the Whitefish Subdivision Regulations.

Variance Request Analysis:

To construct the subdivision in its current design, the applicant has requested two variances:

- The maximum number of flag lots. "Flag lots are allowed with a creative design in either infill subdivisions or new subdivisions provided adjoining flag lots share driveways that meet fire department access standards and the lots comprise no more than fifty percent (50%) of the total lots within the subdivision." (§12-4-12H)

  A flag lot is defined as: "An irregularly shaped lot typified by being almost entirely landlocked and having limited access and/or no direct frontage. Access to a public or private road is typically by an extended strip of land either deeded or by easement." Based on the lot configuration, Lots 4-8 are considered flag lots as they do not front on W. 2nd Street. This exceeds the 50% threshold, as five of the eight parent tracts (12 of the 20 sublots) are considered flag lots.

- The private road standard for width and sidewalks according to the design of the plat. The subdivision standards require streets to meet the City of Whitefish Design and Construction standards. (§§12-4-14D and 12-4-15A) The narrowest street standard is 28-feet with curb, gutter, sidewalks and street trees on both sides. The application is proposing a narrower street section of 20-feet with curb and gutter on both sides. Sidewalks are proposed to be on both sides of the north portion of the loop road, but not on the south portion. Street trees will be located in some boulevards.

The subdivision regulations require the Council to review the following criteria before any variance to the subdivision standards be granted. No variance shall be granted unless the criterion can be met or are not applicable §12-2-5C:

1. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.

The granting of the variance will not be detrimental to the public health, safety or general welfare or injurious to adjoining properties because the project is providing adequate space for vehicle maneuvering within the property and the applicant will work with the Fire Department to assure emergency access is provided and MDT on the shared access to W. 2nd Street and all other development standards are being met. Neither the alternative street standard nor the flag lots should have any impact on adjoining properties.

2. Due to the physical surroundings, shape, or topographical conditions of the property involved, strict compliance with the regulations will impose an undue hardship on the owner.

The applicant is requesting this variance due to lot shape, configuration, and topography. This lot is located on the Whitefish River and is not a standard lot and block property where there would be an easier opportunity to develop a standard public street. Due to the limited area to develop, a private road meeting all Fire Department requirements was the solution to develop the property with a WR-3 zoning. The final product and layout with the modified grid pattern are in keeping with the character of Whitefish.

3. Undue hardship is not based exclusively on a personal or financial hardship, or any hardship that is self-imposed.

The applicant is not claiming a personal or financial hardship.

4. The variance will not cause a substantial increase in public costs.

The requested variance should not cause an increase in public costs, as all the infrastructure is privately owned and maintained.

5. The variance will not place the subdivision in nonconformance with any adopted zoning regulations, growth policy or other adopted policies or regulations.

The variances requested will not place the subdivision in nonconformance with any other City regulations or policies.

Finding 10: The variance criteria for the requested greater than 50% flag lots and an alternative street standard are met for the Big Mountain River because it will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties; the request is due to the physical surroundings and shape of the property; the request is not based exclusively on a personal or financial hardship, or any hardship that is self-imposed; it will not cause a substantial increase in public costs; and it will not place the subdivision in nonconformance with any adopted zoning regulations, growth policy or other adopted policies or regulations.

I. Compliance with the Montana Subdivision and Planning Act:

Staff has reviewed the proposal for compliance with the Montana Subdivision and Platting Act and found the requirements have been met.

Finding 11: The proposed subdivision complies with the Montana Subdivision and Platting Act, MCA 76-3.

RECOMMENDATION

It is recommended the Whitefish Planning Board adopt the findings of fact within staff report WPP 20-01 and recommend to the Whitefish City Council the preliminary plat for the Big Mountain River Subdivision as submitted by the applicant, subject to the following conditions and the two subdivision variances requested by the applicant, be **approved**:

1. The subdivision must comply with Title 12 (Subdivision Regulations) and Title 11 (Zoning Regulations) and all other applicable requirements of the Whitefish City Code, except as amended by these conditions.

2. Except as amended by these conditions, the development of the subdivision must be in substantial conformance with the approved preliminary plat, site plan and elevations that govern the general location of lots, roadways, parking, landscaping and improvements and labeled as “approved plans” by the City Council.

3. Approval of the preliminary plat is subject to approval of detailed design of all on- and off-site improvements, including drainage and a plan for snow removal and storage. Through review of detailed road and drainage plans, applicant is advised that the number, density and/or location of building lots, as well as the location and width of the road right-of-way, and widths of rights-of-way shown on the preliminary plat may change depending upon constructability of roads, pedestrian walkways, and necessary retaining walls within the right-of-way, 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)

4. Prior to any ground disturbing activities, a plan must be submitted for review and approval by the Public Works and Planning & Building Departments. The plan must include, but may not necessarily be limited to, the following:
   - Dust abatement and control of fugitive dust.
   - Hours of construction activity.
   - Noise abatement.
   - Control of erosion and siltation.
   - Routing for heavy equipment, hauling, and employees.
   - Construction office siting, staging areas for material and vehicles, and employee parking.
   - Measures to prevent soil and construction debris from being tracked onto public roadways, including procedures to remove soil and construction debris from roadways as necessary.
   - Detours of vehicular, pedestrian, and bicycle traffic as necessary.
   - Notation of any street closures or need to work in public right-of-way.

   (City Engineering Standards, 2019)

5. 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 must 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 must approve the design prior to construction. Plans for grading, drainage, utilities, streets, sidewalks and other improvements must be submitted as a package and reviewed concurrently. Water lines for the homes removed previously need to be abandoned at the main. No individual improvement designs will be accepted by Public Works. (City Engineering Standards, 2019)

6. All areas disturbed because of road and utility construction must be re-seeded as soon as practicable 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 or homeowners association. (§12-4-30, WCC)

7. 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 1)

8. The existing driveway(s) must be removed and restored with curb, gutter and boulevard landscaping. The 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. (Finding 4)

9. Street lighting is required in accordance with the Whitefish Standards for Design and Construction. Street and other on-site lighting must be dark sky compliant and meet the requirements of the City's Outdoor Lighting ordinance. (§11-3-25, WCC; City Engineering Standards, 2019)

10. The street must be signed for 'No Parking'. (Finding 4)

11. The Fire Marshal must approve the placement and design of all fire hydrants prior to their installation and fire access. (UFC; Subdivision Regulations §12-4-18; Engineering Standards, 2019)

12. A final plan for buffer restoration must be submitted and approved prior to the issuance of the building permit. In addition, a geotechnical letter must be submitted along with building permits for Lots 4-8. (Finding 3; §11-3-29, WCC)

13. The refuse and recycling location must be reviewed and approved by the Public Works Department and Republic Services. (§§4-2, 12-4-21, WCC)

14. A Certificate of Subdivision Approval must be obtained from the Department of Environmental Quality and written approval by the Whitefish Public Works Department approving the storm drainage, water and sewage facilities for the subdivision. (Subdivision Regulations, Appendix C)

15. The public trail connector from W. 2nd Street to the north edge of the property must be installed, as depicted on the site plan. This path, built to City standards with the exception of grade standards, will be open to the public, but owned and maintained by the Homeowners Association. The final details of the trail installation must be submitted to the Parks, Public Works and Planning Departments for review and approval and be signed for steepness. An easement granting public access to the trail must be noted on the final plat. (Finding 4, City Engineering Standards, 2019)

16. The Hendrix Avenue right-of-way must be abandoned, and a 20-foot wide utility easement provided for the sewer main and two-inch waterline serving the homes on the other side of the river. This easement must be reviewed and approved by the Public Works Department and noted on the final plat. (§12-4-29, WCC; Finding 4, City Engineering Standards, 2019)

17. A Water Quality Plan must be submitted for the construction of the homeowners association private trail meeting the requirements of §11-3-29C(5), WCC. (Finding 3)

18. The following notes must be placed on the face of the plat:
    - Building numbers must be located in a clearly visible location.
    - The internal roads shown on the final plat are intended to be privately owned and maintained and open to the public. It is understood and agreed that these internal roadways do not conform to City requirements for public roadways. The owners (and successors in interest) of the lots described in this plat will provide for all-

season maintenance of the private roadways by creation of a corporation or association to administer and fund the maintenance. This dedication is made with the express understanding that the private roadways will never be maintained by any government agency or public authority. It is understood and agreed that the value of each described lot in this plat is enhanced by the private nature of said roadways. Thus, the area encompassed by said private roadways will not be separately taxed or assessed by any government agency or public authority.

- A geotechnical letter must be submitted along with the building permit for Lots 4-8.

(Subdivision Regulations §§11-3-29C, 12-4-6, 12-4-20, WCC; Staff Report Findings 1, 3, 4; City Engineering Standards, 2019)

19. A common off-street mail facility must be provided by the developer and approved by the local post office. (§12-4-24, WCC)

20. Prior to approval of the final plat, the applicant must produce a copy of the proposed Covenants, Conditions and Restrictions (CC&Rs) Homeowners Association providing for long-term maintenance of the:
    - Open spaces;
    - Westerly trail open to the public;
    - Noxious weeds through implementation of the weed management plan. The weed management plan must be submitted to the Planning Department for review and approval prior to final plat; and
    - Drainage and storm water management facilities.

    (§§12-4-26, 12-4-30, WCC; Staff Report Finding 3 & 4; City Engineering Standards, 2019)

21. Compliance with the Legacy Homes Program approved housing mitigation plan will be met through the development of three (3) deed restricted townhouses and payment of $116,930 at the time of final plat. (§§11-1A-4A, 11-1A-4D, WCC)

22. Other permits may be required by other governmental agencies and the owner is responsible for obtaining these permits which may include a floodplain permit, a permit from the conservation district and a water quality protection permit.

23. The Big Mountain River preliminary plat is approved for three years from Council action. (§12-3-8, WCC)

Element Review
Preliminary Plat Application

RE: Element Review for: Big Mountain River Subdivision

Pursuant to MCA 76-3604(1)(a) and Whitefish Subdivision Regulations Section 12-3-4(A) we have determined your application:

- ✓ **Contains all the required Elements to begin a Sufficiency Review**

  Is missing the following Elements:

Until the above-mentioned items are submitted, no further review will occur on your project.

/s/ Wendy Compton-Ring
Staff Signature

3-30-20
Date

Sufficiency Review
Preliminary Plat Application

RE: Sufficiency Review for: Big Mountain River

Pursuant to MCA 76-3-604(2)(a) and Whitefish Subdivision Regulations Section 12-3-4(B) we have determined your application:

☑ Contains sufficient detail to commence review of the application. Your application will be scheduled for Planning Board on 5/21/2020 and City Council on 6/1/2020.

☐ Is lacking required detail in the following Elements:

Until the above-mentioned items are submitted, no further review will occur on your project.

Staff Signature

4-21-20
Date

P:\Files\Admin\Forms\Sufficiency Letter_preliminary plats.docx

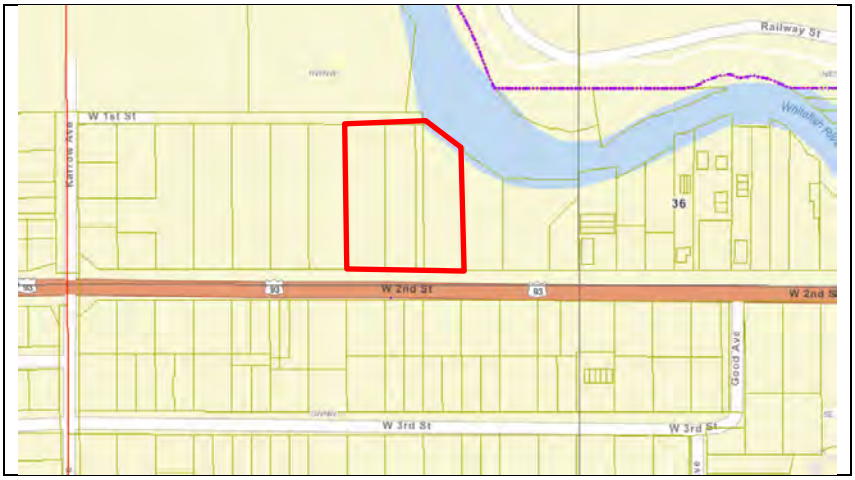
The City of Whitefish would like to inform you that Big Mountain River LLC is requesting an eight lot (20 sublots) subdivision. The property is currently undeveloped and is zoned WR-3 (Low-Density Multi-Family Residential District). The property is located at 244, 314 & 322 W 2nd Street and can be legally described as Lots 1 & 2 Hendrix and Lot 12 Grandview subdivisions in S36, 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, June 18, 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, July 6, 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 *wcompton-ring@cityofwhitefish.org*. Comments received by the close of business on Monday, June 8, 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

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

Date: May 29, 2020

To: Advisory Agencies & Interested Parties

From: Whitefish Planning & Building Department

The regular meeting of the Whitefish Planning Board will be held on Thursday, June 18, 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 item listed below. Upon receipt of the recommendation from the Planning Board, the Whitefish City Council will hold a subsequent public hearing for the items 1 & 2 on July 6, 2020 and items 3 & 4 on July 20, 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 Big Mountain River LLC for an eight lot (20 sublot) subdivision. The property is zoned WR-3 (Low-Density Multi-Family Residential District), is located at 244, 314 & 322 W 2nd Street and can be legally described as Lots 1 & 2 Hendrix subdivision; Lot 12 Grandview in S36, T31N, R22W, Flathead County. (WPP 20-01) Compton-Ring

2. A request by John Shigo and Christina Larsen for a Conditional Use Permit to construct an accessory apartment in an existing structure at 725 Somers Avenue. The property is zoned WR-2 (Two-Family Residential District) and can be legally described as Lot 4, Block 3 McKeens Subdivision in S36, T31N, R22W, Flathead County. (WCUP 20-08) Compton-Ring

3. A request by Eric Holden on behalf of Pamela Secrease for a Conditional Use Permit to construct an accessory apartment above a new garage at 909 Kalispell Avenue. The property is zoned WR-2 (Two-Family Residential District) and can be legally described as Lots 10 and 11 S15', Block 17 Riverside ADD W in S36, T31N, R22W, P.M.M., Flathead County. (WCUP 20-10) Lindh

4. A request by Sweet Peaks Ice Cream, Inc., for a Conditional Use Permit to allow an ice cream manufacturing facility at 6588 Highway 93 South. The property is zoned WB-2 (Secondary Business District) and can legally be described as Lot A of the Best Bet Subdivision in S36, T31N, R22W, Flathead County. (WCUP 20-09) Taylor

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 packet 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.

Depending on state-wide directives, the meeting may be held remotely via WebEx and the public will have an opportunity to comment via an internet connection. Written comments are preferred due to limitations of technology. If a live meeting is held, interested parties are encouraged to send in written comments rather than attending the meeting in person due to the public health crisis. There may be restrictions in place limiting the number of people in any given room, although accommodations will be made for public comment. 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.

June 8, 2020

City of Whitefish
Whitefish, MT 59937

To: Whom it May Concern

REF: Big Mountain River - WHA Opinion

To Whom It May Concern,

The Whitefish Housing Authority has read over the recent Housing Mitigation Plan (HMP) as submitted for the above-referenced project. After a lengthy and detailed meeting with the developer followed by a scheduled board meeting the Whitefish Housing Authority finds no significant deviations from the intended Legacy Homes Program criteria. The proposal or HMP as submitted by the developer to include three units plus a payment in lieu for the 4th unit as one option and a potential 2nd option offering four units is acceptable to the Whitefish Housing Authority and is appreciated.

The board unanimously agrees to submit our recommendation for the Big Mountain River Project Housing Mitigation Plan.

Respectfully,
Lori Collins
Executive Director
Whitefish Housing Authority

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: _____

MAJOR PRELIMINARY PLAT APPLICATION

FEE ATTACHED $ 6,445.00 & $100.00
(see current fee schedule)

INSTRUCTIONS:

- [x] A Site Review Meeting with city staff is required. Date of Site Review Meeting: MARCH 19, 2020
- [x] Submit the application fee, completed application, and appropriate attachments to the Whitefish Planning & Building Department. The City recommends complete applications be submitted a minimum of **sixty (60) days prior** to the City Council meeting at which this application will be heard.
- [ ] Schedule a Date and Time with City Staff to Submit the Application: _____ (Date/Time)
- [ ] The regularly scheduled meeting of the City Council is the first and third Mondays of each month at 7:10PM 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: Big Mountain River
Street Address: 244, 314, 322 W 2ND Street, Whitefish, MT 59937
Assessor's Tract No.(s) 0430750, 0895150, 0110610 Lot No(s) 1,2(Hendrix)&12 (Grandview)
Block # 1 (Hendrix) & 1 (Grandview) Subdivision Name Hendrix Tracts of WF & Plat of Grandview to WF
Section 36 Township 31N Range 22W

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: 3-18-2020

Print Name: Adnan Merchant

Applicant's Signature — Date: 3-18-20

Print Name: DAVID S RADAR

Representative's Signature — Date: 03/18/20

Print Name: Bruce Beasley

**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:

All applicable items required by *Appendix B: Preliminary Plat Submittal Requirements* of the Whitefish Subdivision Regulations must be submitted to the Whitefish Planning & Building Department with the application for preliminary plat, including the following:

Attached	ALL ITEMS MUST BE INCLUDED - INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED
☐	Eight (8) copies of the Preliminary Plat Application and supplemental information
☐	Electronic version of the entire application and supplemental information (i.e. pdf)
☐	Eight (8) copies of the preliminary plat
☐	Eight (8) copies of the Deed and Encumbrance Report (aka "title report"), no more than 90 days old
☐	Eight (8) copies of the Environmental Assessment (unless a 1st minor from a tract of record)
☐	Eight (8) copies of the Applicable items from Appendix B of the Whitefish Subdivision Regulations (can be found at: www.cityofwhitefish.org)
☐	Eight (8) copies of the Housing Mitigation Plan (unless exempt)
☐	Eight (8) copies of any additional information requested during the pre-application process
☐	Eight (8) copies of the Fair Market Land Value (state of Montana Department of Revenue for the most current year)
☐	Eight (8) copies of the Recommendation from the Parks Board – unless exempt 12-410(C)
☐	$100 deposit for sign to be posted on site during the duration of the public process (submit a separate check, which will be returned to you after you return the sign to the Planning Office)

When all application materials are submitted to the Planning & Building Department, and the staff finds the application is complete, the staff will schedule the subdivision for a public meeting before the City Council. The Council must act within 60 working days once an application is determined to be complete pursuant to §12-3-5 of the Subdivision Regulations.

I understand I am responsible for maintaining the public notice sign on the subject property during the entire public process. I understand I will forfeit my $100.00 deposit, if I do not return the public notice sign to the Planning & Building Department in good condition after the public review.

Applicant Signature

3-18-20
Date

C. OWNER/APPLICANT INFORMATION

OWNER(S) OF RECORD:

Name: Big Mountain River, LLC Phone: (615) 299-7395

Mailing Address: 6479 US Highway 93 S, #141

City, State, Zip: Whitefish, MT 59937

Email: _____

APPLICANT (if different than above):

Name: Dave Radatti, Mindful Designs Inc. Phone: (406) 863-9177

Mailing Address: 118 2nd Street W

City, State, Zip: Whitefish, MT 59937

Email: dave@mindfuldesignsinc.com

OTHER TECHNICAL/PROFESSIONAL:

Name: Bruce Boody, Bruce Boody Landscape Architect Inc. Phone: (406) 862-4755

Mailing Address: 301 E 2nd Street, Suite 1B

City, State, Zip: Whitefish, MT 59937

Email: boodyla@bruceboody.com

D. GENERAL DESCRIPTION OF SUBDIVISION:

- [x] Initial Preliminary Plat
- [ ] Amendment to an Approved Preliminary Plat
- [ ] Change a Condition of Approval to an Approved Preliminary Plat (attach a narrative explaining which condition you are requesting to be changed and why the condition is no longer valid or warranted)
- [ ] Re-file of an Expired Preliminary Plat; date preliminary plat expired: _____

ZONING DESIGNATION: WR-3 Low Density Multi-Family Residential

If proposing to change the underlying zoning, proposed zoning: _____

LOTS AND ACREAGE:

Total Acreage in Subdivision: 2.4 Acres Number of Lots or Rental Spaces: 8 Lots, 17 Sublots

Maximum Size of Lots or Spaces: 5,116 SF Minimum Size of Lots or Spaces: 2,424 SF

Total Acreage in Lots: 1.5 Acres Total Acreage in Streets or Roads: .6 Acres

PROPOSED USE(S) AND NUMBER OF ASSOCIATED LOTS/SPACES:

Single Family: _____ Townhouse: 17 Dwelling Units Mobile Home Park: _____

Duplex: _____ Apartment: _____ Recreational Vehicle Park: _____

Commercial: _____ Industrial: _____ Planned Unit Development: _____

Condominium: _____ Multi-Family: _____ Other: _____

CRITICAL AREAS ON-SITE OR NEARBY:

☐ Lake ☑ Wetlands ☑ Streams ☐ Stormwater Conveyance ☐ High Groundwater

☑ Slopes 10-30% ☐ Slopes 30%+ ☑ Floodplain

PARKLAND/OPEN SPACE PROPOSAL: The following information is required to show how the project meets the parkland dedication requirements of the subdivision regulations (Section 12-4-10). A recommendation from the Park Board is required to be submitted along with the application, unless exempted under the subdivision regulations 12-4-10(C).

- Date of Parks Board Meeting (prior to submitting an application): Exemption 6
- Market Land Value (state of MT Department of Revenue for the most Current Year): $1,053,121
- Total Acreage in Parks, Open Spaces and/or Common Areas: .86 Acres

IMPROVEMENTS TO BE PROVIDED:

Roads: ☐ Gravel ☑ Paved ☑ Curb ☑ Gutter ☑ Sidewalks ☐ Alleys ☐ Other (explain): _____

Water System: ☐ Individual ☐ Multiple User ☐ Neighborhood ☑ Public ☐ Other (explain): _____

Sewer System: ☐ Individual ☐ Multiple User ☐ Neighborhood ☑ Public ☐ Other (explain): _____

Other Utilities: ☐ Cable TV ☐ Telephone ☑ Electric ☐ Gas ☐ Other (explain): _____

Solid Waste: ☐ Home Pick Up ☐ Central Storage ☑ Contract Hauler ☐ Owner Haul

Mail Delivery: ☑ Central ☐ Individual

Fire Protection: ☑ Hydrants ☐ Tanker Recharge

Drainage System: To be collected and treated on site, and discharged, eventually ending up in the Whitefish River.

E. VARIANCES:

ARE ANY VARIANCES TO THE SUBDIVISION REGULATIONS BEING REQUESTED?

☑ Yes ☐ No

If yes, please complete the Variance Section (attached) and submit the applicable fee.

May 26, 2020

Ms. Wendy Compton-Ring, Senior Planner
Whitefish Planning & Building Dept.
418 East Second Street
Whitefish, MT 59937

Re: Addendum to Preliminary Plat Application
Big Mountain River

Dear Wendy:

Recent decisions by the City of Whitefish and the Whitefish Housing Authority related to the above-reference preliminary plat application have necessitated minor adjustments to that application.

The initial proposal included the relocation of the Hendrix Avenue right-of-way, which currently bisects the site north-to-south, to the western edge of the site. The City has agreed to the relocation of the right-of-way but will abandon the right-of-way and require that it be shown on the plat as an easement in its new location. This is significant as building setbacks are required from a right-of-way, but not from an easement. This allows the applicant added flexibility in site-planning.

The applicant had also proposed to pay a fee in lieu of providing on-site affordable housing units. The Housing Authority has rejected that proposal, and is requiring on-site units. The designation of the Hendrix Avenue right-of-way as a (relocated) easement, gives the applicant additional buildable land and the ability to modify the plat to accommodate the required on-site affordable units.

The net result of the above is the addition of one-tenth of an acre of land to the site's total (now 110,875 square feet or 2.5 acres) and three new townhome sublots. A total of twenty sublots on 8 master lots are now proposed. The addition of land and units precipitated a review of the original application and accompanying documentation, and while no significant changes have been made, a number of small adjustments relating to lot size, lot configuration, lot coverage and open space ratios have been made and are reflected on the revised plat drawing.

The rationale for a variance from the subdivision design standard limiting the number of *flag lots* within the subdivision remains unchanged. The only language change relative to the variance application (and a result of the additional land being acquired) is in our response to **(2) Location/Physical Surroundings**:

"….The existing buffer and setback areas total ~~37,661~~ 38,945 square feet (.~~86~~ 89 acres) and encompass ~~36~~ 37% of the ~~2.4~~ 2.5- acre site….."

A one-page addendum to the Environmental Assessment is attached. The only notable change to that document is a *decrease* in anticipated vehicular traffic. This downward adjustment to anticipated daily trips is a result of having initially used a factor of ten trips per day per unit (the standard for a detached single family home) rather than our traffic engineer's estimate of 5.44 trips per day per townhome.

If you have any questions or need clarification of anything herein, feel free to contact our office.

Sincerely,

Bruce Boody, L.A.

VARIANCE REQUEST

Completely address each of the following items, if requesting a variance to the Subdivision Regulations. The Council will use the information provided to evaluate the variance request – all criteria need to be met or found not applicable in order for the Council to grant the variance.

SECTION OF SUBDIVISION REGULATION CREATING HARDSHIP:

12-4-12: LOTS:

H. Flag lots are allowed with a creative design in either infill subdivisions or new subdivisions provided adjoining flag lots share driveways that meet fire department access standards ***and the lots comprise no more than fifty percent (50%) of the total lots*** *within the subdivision (emphasis added).*

The city's subdivision regulations define a Flag Lot as:

"(A)n irregularly shaped lot typified by being almost entirely landlocked and having limited access and/or no direct frontage except through a driveway abutting a road or street. Access to a public or private street is typically by an extended strip of land either deeded or by easement."

EXPLAIN THE UNDUE HARDSHIP CREATED WITH STRICT COMPLIANCE OF THESE REGULATIONS:

Three of the proposed eight lots (and seven sub-lots) have frontage on Second Street. This means, by the definition cited above, that the remaining five lots and a total of ten sub-lots are considered flag lots. Because this exceeds the threshold of 12-4-12, highlighted above - more than half of the proposed lots are considered flag lots – the owner is seeking a Variance from this standard. In the absence of flag lots, and as described below, the subject property would remain as three lots, each fronting on West Second Street. It is the applicant's position that due to the property's location, configuration and topographic characteristics (detailed below), the requested variance is a reasonable solution and the minimum relief needed to allow otherwise code-complying development of the site.

PROPOSED ALTERNATIVE(S) TO STRICT COMPLIANCES WITH ABOVE REGULATIONS:

Without the requested variance the site could be subdivided into no more than five lots, with two of those lots being Flag Lots.

ANSWER THE FOLLOWING QUESTIONS IN THE SPACES PROVIDED BELOW:

1. Will the granting of the variance be detrimental to the public health, safety or general welfare or injurious to other adjoining properties? Explain.

No. The requested variance does not involve, or seek approval for, land uses other than residential and does not seek to deviate from any of the city's other development standards. The property remains zoned WR-3, as are properties

adjoining the site to the east and west. Development of the proposed subdivision will adhere to the same density limitations, yard setbacks and open space requirements, as well as building bulk, scale, mass and height standards, as adjoining WR-3-zoned properties. A Mixed-Use Planned Unit Development ("95 Karrow") is approved on the property to the north of the site – the former Idaho Timber site. The request to deviate from a lot-configuration standard for an otherwise code-complying residential development proposal will in no way be detrimental to persons or properties in the area.

2. How is the physical surrounding, shape or topographical conditions of the property limiting the ability to fully comply with the Regulations?

The subject property possesses several unique characteristics which, when considered in total, preclude an otherwise code-complying request from full compliance with the subdivision regulations. These include:

Topography. *The site possesses a great deal of topographic variety, from relatively flat areas in the southerly portion of the property to steep slopes falling to the Whitefish River at the north/northeast end of the site. Topography effectively influences the scope and location of development on this property.*

Size, Configuration.

The subject property is comprised of three narrow but deep residential lots. The site is too narrow east-to-west to accommodate a street built to city specifications within a 50- or 60-foot-wide right-of-way. With only +/- 280 feet of frontage on West Second Street, and minimum lot widths of 75 feet required in the WR-3 zone, ***any*** *subdivision of the property into more than three lots will require the use of flag lots.*

Location/Physical Surrounding.

The property is situated between Second Street (Highway 93) West and the Whitefish River. Being a riverfront property with a small river-side wetland, development on the site is subject to increased 'setbacks" from the wetland and river. A Buffer no less than 75 feet in width is required for the delineated wetland, and an additional 20-foot-wide setback is required beyond the Buffer. Both of these lines are shown on the face of the preliminary plat, and indicate the areas protected from development. The existing buffer and setback areas total 37,661 square feet (.86 acres) and encompass 36% of the 2.4- acre site. The 100-year floodplain affects this property as well and is also shown on the plat.

The site has frontage on West Second Street, and the proposed subdivision shows a single point of ingress and egress near the center of the property. A private drive extending north from Second Street will serve the townhome development; there are no other viable options in providing access to the site, nor are there opportunities to extend an existing street or right-of-way to or through the property. The property is not in a typical lot and block subdivision grid and there are no improved or adequate easements or alleys to offer alternative access to or exit from the site.

Because the site is narrow and deep, and development is limited to the southerly 2/3 of the site by terrain constraints (soils and slopes) and floodplain and wetland setbacks, the resulting size and configuration of developable area cannot be subdivided to any reasonable (and expected) density in the absence of flag lots.

3. Is the hardship solely a financial hardship or a hardship that has been self-imposed? Explain.

The stated hardship - that due to the site's unique location, configuration and topography, an otherwise fully code-complying residential townhome development cannot be built without utilizing a number of what the city defines as flag lots - is neither a financial hardship nor a self-imposed one.

4. Will the variance cause a substantial increase in public costs? Explain.

No substantial increases for any public entity have been identified. All utility extensions are done at the expense of the developer. The access drive is a private improvement that will be maintained by the owner, and existing city services are adequate to serve the site. Please refer to the Environmental Assessment/Community Impact Report, attached, for further discussion of public costs.

5. Will the variance cause the subdivision to be in nonconformance with any adopted zoning regulations, growth policy or adopted policies or regulations? Explain.

No. Every other aspect of the proposed subdivision is in full conformance with the city's zoning and subdivision regulations. Furthermore, this is exactly the type and scale of development anticipated at this location by the Highway 93 West Corridor Study, an adopted element of the city's Growth Policy.

June 11, 2020

Ms. Wendy Compton-Ring, Senior Planner
Whitefish Planning & Building Dept.
418 East Second Street
Whitefish, MT 59937

Re: Second Variance Request
Big Mountain River

Dear Wendy:

Recent decisions made by the City of Whitefish Public Works Department, regarding street widths, have necessitated a second variance request for the Big Mountain River Project. According to the 2019 City of Whitefish Engineering Standards, the minimum asphalt width for a local subdivision street is 24-feet. However, this width is reduced to 20-feet when following subdivision standards for a private/local street. The applicant respectfully requests that the standards for a private/local street be applied to the Big Mountain River project.

At Big Mountain River's second Pre-Application meeting, on January 31, 2020, the project design team asked Public Works for the street width requirement. At that time, Pubic Works did not provide a requirement, and left it to the Fire Marshall to approve the proposed street width and turn radiuses. At present, reworking the site layout to include a 24-foot road width would decrease the number of proposed townhome units, and as a result, would eliminate the on-site affordable housing units.

Attached you will find a variance request. If you have any questions or need clarification of anything herein, feel free to contact our office.

Sincerely,

Bruce Boody, L.A.

VARIANCE REQUEST

Completely address each of the following items, if requesting a variance to the Whitefish Engineering Standards. The Council will use the information provided to evaluate the variance request – all criteria need to be met or found not applicable in order for the Council to grant the variance.

SECTION OF REGULATION CREATING HARDSHIP:

TABLE 6 -1
ROAD DESIGN STANDARDS FOR LOCAL SUBDIVISION STREETS

DESIGN STANDARDS	ARTERIAL	COLLECTOR	LOCAL	LID/ RURAL[1]	PRIVATE LOCAL
Minimum Right-of-Way[2]	80 ft.	60 ft.	60 ft.	60 ft.	50 ft.
Minimum Asphalt Width	[3]	[3]	24 ft.[4]	20 ft.[5]	20 ft.
Maximum Grade	6%	8%	9%	9%	9%
Cul-de-sac turn around:					
a. Outside Asphalt Radius	50 ft.	50 ft.	50 ft.		
b. Minimum Outside Right-of-Way Radius[6]	60 ft.	60 ft.	55 ft.		

[1] Average net residential density of 1 acre or less. Low Impact Design (LID) requires approval by the City Engineer.

[2] Terrain and design constraints may dictate greater right-of-way.

[3] Design approved by the City Engineer.

[4] Where parking is required on both sides of street, 34 feet minimum roadway width is needed.

Note: Where density exceeds 8 units/net acre, parking is required on both sides of street unless overflow/visitor parking demands are met elsewhere. Zoning requires all parking to be met off street unless approved by Council.

[5] No parking allowed on 20 feet rural street.

[6] Right-of-way radius is intended to accommodate sidewalk and boulevard requirements.

6.1 DESIGN STANDARDS

6.1.1 General

C. Access driveways are defined as an access serving one or two lots and not more than three dwellings. Accesses serving more than two lots and three dwellings will be considered a road and must be built to road standards. This includes lots fronting on the street unless adequate driveway separation can be met.

EXPLAIN THE UNDUE HARDSHIP CREATED WITH STRICT COMPLIANCE OF THESE REGULATIONS:

It is the applicant's position that due to the property's location, configuration and topographic characteristics, the requested variance is a reasonable solution which would allow reasonable, code-complying development of the site. With the exception of the accompanying variance relating to the allowable number of flag lots on the site, the proposed subdivision meets or exceeds all other city standards and regulations.

In the absence of the requested variance(s), it would not be feasible to develop the site with both market-rate and the required affordable dwelling units. The proposed twenty-foot-wide paved streets (private access drives within a townhouse development, not through streets) are capable of handling the anticipated traffic. Please refer to the Environmental Assessment for anticipated traffic numbers.

PROPOSED ALTERNATIVE(S) TO STRICT COMPLIANCES WITH ABOVE REGULATIONS:

Without the requested variance(s) the site could be subdivided into no more than five lots.

ANSWER THE FOLLOWING QUESTIONS IN THE SPACES PROVIDED BELOW:

1. Will the granting of the variance be detrimental to the public health, safety or general welfare or injurious to other adjoining properties? Explain.

No. The requested variance does not involve, or seek approval for, land uses other than residential and does not seek to deviate from any of the city's other land-use development standards. The property remains zoned WR-3, as are properties adjoining the site to the east and west. Development of the proposed subdivision will adhere to the same density limitations, yard setbacks and open space requirements, as well as building bulk, scale, mass and height standards, as adjoining WR-3-zoned properties. A Mixed-Use Planned Unit Development ("95

Karrow") is approved on the property to the north of the site – the former Idaho Timber site. The request to deviate from a street-width standard for an otherwise code-complying residential development proposal will in no way be detrimental to persons or properties in the area. No on-street parking will be allowed, there is no through traffic possible, and all parking requirements have been met.

2. How is the physical surrounding, shape or topographical conditions of the property limiting the ability to fully comply with the Regulations?

The subject property possesses several unique characteristics which, when considered in total, preclude an otherwise code-complying request from full compliance with the subdivision regulations. These include:

Topography. *The site possesses a great deal of topographic variety, from relatively flat areas in the southerly portion of the property to steep slopes falling to the Whitefish River at the north/northeast end of the site. Topography effectively influences the scope and location of development on this property.*

Location/Physical Surrounding.

The property is situated between Second Street (Highway 93) West and the Whitefish River. Being a riverfront property with a small river-side wetland, development on the site is subject to increased 'setbacks" from the wetland and river. A Buffer no less than 75 feet in width is required for the delineated wetland, and an additional 20-foot-wide setback is required beyond the Buffer. Both of these lines are shown on the face of the preliminary plat, and indicate the areas protected from development. The existing buffer and setback areas total 37,661 square feet (.86 acres) and encompass 36% of the 2.4- acre site. The 100-year floodplain affects this property as well and is also shown on the plat.

The site has frontage on West Second Street, and the proposed subdivision shows a single point of ingress and egress near the center of the property. A private drive extending north from Second Street will serve the townhome development; there are no other viable options in providing access to the site, nor are there opportunities to extend an existing street or right-of-way to or through the property. The property is not in a typical lot and block subdivision grid and there are no improved or adequate easements or alleys to offer alternative access to or exit from the site.

Because the site is narrow and deep, and development is limited to the southerly 2/3 of the site by terrain constraints (soils and slopes) and floodplain and wetland setbacks, the resulting size and configuration of developable area is limited; wider streets would not better serve the site than the proposed 20-foot widths.

3. Is the hardship solely a financial hardship or a hardship that has been self-imposed? Explain.

The stated hardship - that due to the site's unique location, configuration and topography, an otherwise fully code-complying residential townhome development cannot be built without utilizing flag lots – the subject of another request – and the requested pavement widths, is neither a financial hardship nor a self-imposed one. The owner is asking that a street width allowed by the city's engineering standards in certain applications be allowed at this location. It is not a through street, there will be no parking on the "street" and traffic will be far less than 200 trips per day.

4. Will the variance cause a substantial increase in public costs? Explain.

No substantial increases for any public entity have been identified. The access drive is a private improvement that will be maintained by the owner, and existing city services are adequate to serve the site. Please refer to the Environmental Assessment/Community Impact Report, attached, for further discussion of public costs.

5. Will the variance cause the subdivision to be in nonconformance with any adopted zoning regulations, growth policy or adopted policies or regulations? Explain.

With the exception of the flag-lot variance, the proposed subdivision is in full conformance with the city's zoning and subdivision regulations. This is exactly the type and scale of development anticipated at this location by the Highway 93 West Corridor Study, an adopted element of the city's Growth Policy. The proposed development also features on-site affordable housing units per recently adopted regulations.

The city's engineering standards do include 20-foot pavement widths: the "Low Impact/Rural and the "Private/Local" standards as shown in Table 6-1 above. The applicant respectfully requests that the standards for private/local be applied here.

APPENDIX B
PRELIMINARY PLAT: SUBMITTAL REQUIREMENTS

I. SUPPLEMENTS TO THE PRELIMINARY PLAT:

A. **A completed and signed subdivision application form.**

Attached.

B. The required review fee.

Attached.

C. One or more vicinity map(s) showing:

1. Ingress and egress to the subdivision from the adjoining or nearest public roads.
Vehicular access is proposed off Second Street between Lot 1 of Hendrix Tracts and Lot 12 of Grandview Addition. Traffic circulation will occur via the single access road which provides ingress and egress on to Second Street/Highway 93 West.

2. Any rivers, streams or creeks adjoining or in the vicinity of the proposed subdivision.
The northeastern portion of Lot 12 of Grandview Addition borders the Whitefish River.

3. Names of any adjoining platted subdivisions and/or numbers of adjoining certificates of survey on record in the office of the County Clerk and Recorder. *The proposed subdivision adjoins Lot 11 of Grandview Addition (234 West 2nd Street) to the east, and Lot 3 of Hendrix Tracts (336 West 2nd Street) to the West. See attached drawings.*

4. Location of any buildings, railroads, power lines, towers, roads, and other land uses.
Please refer to the Preliminary Plat drawing.

5. Any existing or proposed zoning. *As is noted on the preliminary plat, existing zoning for Lots 1 & 2, Block 1 of Hendrix Tracts, and Lot 12 of Grandview Addition is WR-3 Low Density Multi-Family Residential. No new zoning is proposed.*

B. Title report, no more than 90 days old.

Attached in Appendix 1.

C. Any existing covenant and/or deed restrictions.

There are no known covenants or deed restrictions on the property.

D. A preliminary grading plan which includes a weed management plan and a plan for temporary erosion and sedimentation control during development of the site.

See attached erosion and sediment control plan – sheet 2, Appendix 3A. Please refer also to Sheets L3 (Topography) and L6 (Utility and Stormwater Plan). Additionally, weed management measures are described in the Environmental Assessment.

E. A preliminary stormwater management plan for the entire site. See §12-4-25.

See Sheet 6, Utility and Stormwater Plan.

F. Preliminary road and utility layout, which includes water, sewer and storm water.

See Sheet 6, Utility and Stormwater Plan.

G. Parkland dedication calculations.

The net acreage of the subdivision - the total acreage of all lots, is 1.5 acres. Eleven percent of 1.5 acres is .16 acres. Point one six acres must be dedicated as a park, or pay cash in lieu. This project, however, is exempted under the subdivision regulation 12-4-11(C.6) "Where a subdivision provides for long term protection of an area identified as a water quality protection area under section 11-3-29, "Water Quality Protection", of this code, important wildlife habitat; significant cultural, historical or natural resources; agricultural interests of aesthetic values and the land area equals or exceeds the dedication requirements of subsection A of this section;"

H. If applicable, a Critical Areas Report consistent with the requirements outlined in §11-3-29, Critical Areas, of the Whitefish Zoning Jurisdiction Regulations.

A Critical Areas Report describing the stormwater management plan, best management practices, and site restoration will be prepared and submitted to the City for approval prior to Final Plat. The Wetland Delineation and Assessment Report prepared by Calypso Ecological; the Geotechnical Investigation Report prepared by Slopeside Engineering; and a Determination of Buffer and Setback Distance Report prepared by Water & Environmental Technologies are provided as Appendices 5, 3, and 7, respectively.

I. FIRM or FEMA panel map and letter identifying floodplain status.

FEMA Panel 30029C1090J

J. If applicable, a Geotechnical Review:

Attached as Appendix 3 is a Geotechnical Investigation/Report prepared by Slopeside Engineering of Kalispell.

K. If applicable, a copy of the draft covenants for the subdivision.

The draft CC&Rs are attached as Appendix 4.

L. If applicable, a tree preservation plan, §12-4-5.
Please refer to Sheet L4 Tree Preservation Plan. The Environmental Assessment also addresses tree preservation on the site.

M. If applicable, a traffic impact analysis, Section 8.9, Whitefish Engineering Standards.
When the proposed development is completed, the area of the subdivision will average approximately 170 vehicle trips per day based on a factor of ten (10) vehicle trips per day per unit. Public Works requires any development generating 200 or more Average Daily Trips (ADT) to the City street system to complete a Traffic Impact Study (TIS). Therefore, a traffic impact study will not be required as part of the proposed residential subdivision development.

N. If any common area is proposed to be part of the subdivision, the subdivider shall submit a plan for long term management of these areas. If common property and/or facilities within the subdivision are to be maintained by an association of the property owners, the subdivider shall submit a draft of the restrictions which will govern the association. These restrictions shall, at a minimum, provide that:

1. The property owners association will be formed prior to sale of any lots within the subdivision;
2. Membership is mandatory for all property owners in the subdivision; and
3. The association is responsible for any liability insurance, payment of taxes on common property and maintenance of common use areas and facilities.

Please refer to the draft Declaration of Covenants, Conditions and Restrictions for Big Mountain River, attached as Appendix 4.

Q. If the subdivision will be phased, a phasing plan as part of the preliminary plat submittal, the subdivider may propose to delineate on the preliminary plat two or more final plat filing phases and establish an estimated schedule for completion.
Phasing of the subdivision is not proposed.

R. A community impact report, for both major and minor subdivisions, assessing the anticipated needs of the proposed subdivision for local services, including education and busing; roads and maintenance; water, sewage, and solid waste facilities; and fire and police protection as outlined in Appendix F.
See below.

S. An environmental assessment, if required.
See below.

T. If the subdivision will be utilizing on-site water and / or sewage treatment, the subdivider shall provide information on the new water supply and / or wastewater facilities that includes information that is provided on the forms and format required by the Montana Department of Environmental Quality for the use of on-site water and waste water facilities, as required under §76-3-622 of the MSPA.

N/A

U. Any other land use applications that may apply to the project such as a: rezone application, planned unit development application, variance request, growth policy amendment (text or map), etc.

N/A.

V. Other items identified by the planning director or designee through the pre-application process.

N/A

Big Mountain River Preliminary Plat
Addendum to Environmental Assessment
May 26, 2020

PART 1 – RESOURCE ASSESSMENT

No changes.

PART II - SUMMARY OF PROBABLE IMPACTS

3. Effects on Local Services

a. Indicate the proposed use and number of lots or spaces proposed for the subdivision, i.e. single family residential, multi-family residential, commercial, industrial.

The preliminary plat indicates subdividing the property into eight lots with a total of ~~seventeen~~ twenty sub-lots. Two-and three-bedroom residential townhomes are proposed, in two- and three-unit configurations as follows:

- *Lots ~~1~~, 2, 4, ~~and~~ 5 and 7 each contain a ~~two-bedroom,~~ 2-unit ("duplex") townhouse.*
- *Lots 1 and 3 each contain a ~~two-bedroom,~~ 3-unit (triplex) townhouse.*
- *Lots 6~~, 7,~~ and 8 each contain a ~~three-bedroom, 2~~ 3-unit (duplex"), riverfront townhouse.*

In total, the subdivision contains ~~seventeen~~ twenty townhouse dwelling units.

PART III - COMMUNITY IMPACT REPORT

2. Roads and Maintenance

a. Estimate how much daily traffic the subdivision, when fully occupied, will generate on existing streets and arterials.

When the proposed development is completed, the ~~area of the~~ subdivision will average approximately ~~170~~ 109 vehicle trips per day based on a factor of 5.44 vehicle trips per day per unit.

Sources

14. Bob Abelin, P.E.
Abelin Traffic Services
Helena, MT

Prepared by: Brian Wood Address: 201 2nd St. #1b, Whitefish 59937

Flathead Premier
Title Company

ZONING REPORT

ORDER NO.:	978FPT
TO:	Frampton Purdy
DATE:	February 7, 2020
RE:	Big Mountain River, LLC 244 W 2nd Street, Whitefish, MT 59937 314 W 2nd Street, Whitefish, MT 59937 322 W 2nd Street, Whitefish, MT 59937
FEE:	$150.00

The assurances referred to on the face page are:

According to Flathead Premier Title Company, LLC's property records relative to the following described real property (but without examination of the Company records maintained and indexed by name):

TRACT 1:

Lot 12, Block 1 of Grandview Addition to Whitefish, Montana, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

EXCEPTING THEREFROM
That portion conveyed to the Montana Department of Transportation in Bargain and Sale Deed recorded February 14, 2012 as Document No. 201200003374, records of Flathead County, Montana.

TRACT 2:
Lot 1, Block 1 of Hendrix Tracts of Whitefish, Montana, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

EXCEPTING THEREFROM
That portion conveyed to the Montana Department of Transportation in Bargain and Sale Deed recorded February 15, 2012 as Document No. 201200003421, records of Flathead County, Motion.

TRACT 3:

Lot 2, Block 1 of Hendrix Tracts to Whitefish, Montana, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

EXCEPTING THEREFROM
That portion conveyed to the Montana Department of Transportation in Bargain and Sale Deed recorded February 15, 2012 as Document No. 201200003422, records of Flathead County, Montana.

The last recorded instruments purporting to transfer title to said real property is:

Warranty Deed in favor of Big Mountain River, LLC, a Montana limited liability company, recorded May 26, 2017 as Document No. 201700010756, records of Flathead County, Montana.

NOTE: We did not find any covenants or deed restrictions on properties described above.

This report is based on a search of our tract indexes of the records of the Flathead County Courthouse. This is not a title or ownership report and no examination of the title to the aforementioned real property has been made. No liability beyond the amount paid for this report is assumed for this reason. Flathead Premier Title Company, LLC is not responsible beyond the amount paid for this report in connection with any errors and/or omissions contained herein.

No examination has been made of the records of Flathead Premier Title Company, LLC maintained and indexed by name, nor has an examination been made regarding matters affecting any deed(s) of trust or mortgage(s) shown in this Zoning Report, or other matters which may affect any such deed(s) of trust or mortgage(s). No report is made regarding any liens, claim of lien, defects or encumbrances other than those specifically set forth in this report. If this report was requested by reference to a *street address,* no assurances or guarantees are made that the aforementioned real property is the same as the address provided to Flathead Premier Title Company, LLC. No examination has been made with respect to the identity of the party named in the last recorded instrument purporting to transfer title to the aforementioned real property, or with respect to the validity, legal effect or priority of any matter reflected in this report.

If you are interested in additional services or title insurance coverage, or questions about additional services available, please contact Flathead Premier Title Company, LLC at 406-752-7000.

Thank you for your continued business.

Report prepared by:

Tracy Martin
Flathead Premier Title Company, LLC

L2 Blk1=0430750, L2 Blk1=0110610, L1 Blk1=0895150 6/26/2019 JB/cw

CERTIFICATE OF SURVEY

in NW1/4 SEC. 36, T.31N., R.22W., P.M.,M., City of Whitefish, FLATHEAD COUNTY, MONTANA

Sec. 36

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

JOB NO: 819.186 (Project 819.151)
DATE: MAY 10, 2019
COMPLETED DATE: 6/26/2019
FOR: BRUCE BOODY
OWNER: BIG MOUNTAIN RIVER LLC

SCALE : 1" = 100'

100' 50' 0 100' 200'

COS# 21154

Purpose: RETRACEMENT

THIS MAP IS FURNISHED FOR INFORMATION PURPOSES ONLY TO ASSIST IN PROPERTY LOCATION WITH REFERENCE TO STREETS AND OTHER PARCELS. NO REPRESENTATION IS MADE AS TO ACCURACY, AND FLATHEAD PREMIER TITLE ASSUMES NO LIABILITY FOR ANY LOSS OCCURING BY REASON OF RELIANCE THEREON.

Surveyor's Notes:

Ownership extends to low water per 70-16-201 and 70-20-201(5), M.C.A.

See Detail on this sheet for record boundary information and subdivision breakdown.

Monuments found from COS 20611 and Amd. Plat of The South Half of Lot 9, Block 1, Hendrix Tracts are too far out of tolerance and therefore not accepted by this surveyor.

Surveyor has made no investigative or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.

DESCRIPTION:

THREE TRACTS OF LAND, SITUATED, LYING AND BEING IN THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 31 NORTH, RANGE 22 WEST, P.M.,M., FLATHEAD COUNTY, MONTANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

LOT 1:

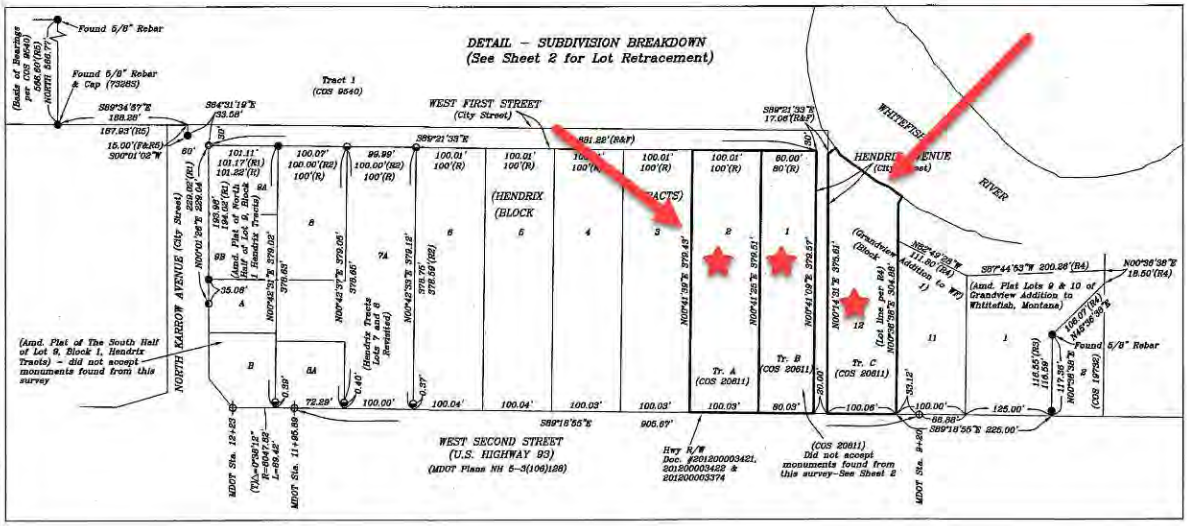
Lot 1, Block 1 of the Plat of the Hendrix Tracts of Whitefish, Montana (records of Flathead County, Montana). EXCEPTING THEREFROM that portion conveyed to the Montana Department of Transportation in Bargain and Sale Deed Document No. 201200003421 (records of Flathead County, Montana) and containing 0.697 ACRES; Subject to and together with all appurtenant easements of record.

LOT 2:

Lot 2, Block 1 of the Plat of the Hendrix Tracts of Whitefish, Montana (records of Flathead County, Montana). EXCEPTING THEREFROM that portion conveyed to the Montana Department of Transportation in Bargain and Sale Deed Document No. 201200003422 (records of Flathead County, Montana) and containing 0.871 ACRES; Subject to and together with all appurtenant easements of record.

LOT 12:

Lot 12, Block 1 of the Plat of Grandview addition to Whitefish, Montana (records of Flathead County, Montana). EXCEPTING THEREFROM that portion conveyed to the Montana Department of Transportation in Bargain and Sale Deed Document No. 201200003374 (records of Flathead County, Montana) and containing 0.616 ACRES, more or less; Subject to and together with a retaining wall easement as shown hereon; Subject to and together with all appurtenant easements of record.



LEGEND:

- ○ Set 1/2"x24" Rebar & Cap (7975S)
- ◉ Found 5/8" Rebar & Cap (10009S)
- ● Found 1/2" Rebar & Cap (7975S) (unless noted)
- ◒ Found 5/8" Rebar & Cap (9525LS)
- ◐ Found 5/8" Rebar & Cap (2989ES)
- ⊕ Found 2" Alum. Cap MDOH (14742LS)
- ✪ Found 1/2" Rebar & Cap (2343S)

POB Point of Beginning
(F) Found Information
(R) Record Information Per Plat of Hendrix Tracts
(R1) Record Information Per Amd. Plat of North Half of Lot 9, Block 1 Hendrix Tracts
(R2) Record Information Per Plat of Hendrix Tracts Lot 7 and 8 Revisited
(R3) Record Information Per COS 19702
(R4) Record Information Per Amd. Plat of Lots 9 & 10 of Grandview Addition to Whitefish, Montana
(R5) Record Information Per COS 9540

CERTIFICATE OF SURVEYOR

THOMAS E. SANDS 7975-S 6.26.19

APPROVED: June 17, 2019

EXAMINING LAND SURVEYOR
REG. No. 7525S 4177US

STATE OF MONTANA)
COUNTY OF FLATHEAD) SS

FILED ON THE 26 DAY OF June 2019
AT 1:02 pm, PAID $26.50
Debbie Pierson
CLERK & RECORDER

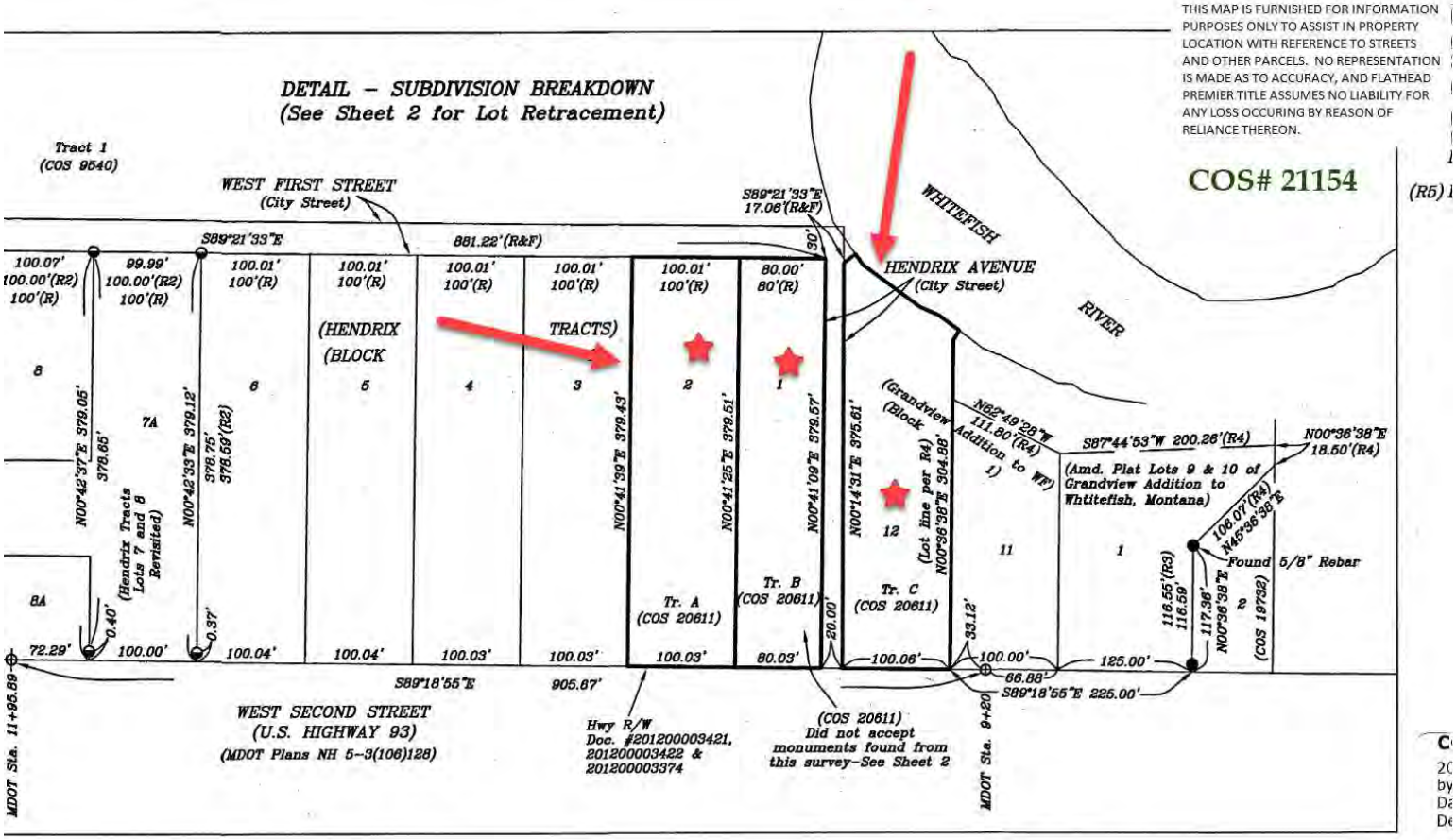
BY _____ DEPUTY

INSTRUMENT REC. No. 201900012860

COS# 21154
201900012860 Fees: $26.50 by: SC
by SANDS SURV
Date 6/26/2019 Time 1:02 PM
Debbie Pierson, Flathead County Montana

SHEET 1 OF 2

CERTIFICATE OF SURVEY No. 21154


DETAIL – SUBDIVISION BREAKDOWN
(See Sheet 2 for Lot Retracement)
THIS MAP IS FURNISHED FOR INFORMATION PURPOSES ONLY TO ASSIST IN PROPERTY LOCATION WITH REFERENCE TO STREETS AND OTHER PARCELS. NO REPRESENTATION IS MADE AS TO ACCURACY, AND FLATHEAD PREMIER TITLE ASSUMES NO LIABILITY FOR ANY LOSS OCCURING BY REASON OF RELIANCE THEREON.
COS# 21154
Tract 1
(COS 9540)
WEST FIRST STREET
(City Street)
S89°21'33"E
881.22'(R&F)
S89°21'33"E
17.06'(R&F)
WHITEFISH
RIVER
HENDRIX AVENUE
(City Street)
(HENDRIX
(BLOCK
TRACTS)
(Grandview
(Block
Addition to
(Amd. Plat Lots 9 & 10 of
Grandview Addition to
Whitefish, Montana)
(Hendrix Tracts
Lots 7 and 8
Revisited)
(Lot line per R4)
Tr. A
(COS 20611)
Tr. B
(COS 20611)
Tr. C
(COS 20611)
Found 5/8" Rebar
WEST SECOND STREET
(U.S. HIGHWAY 93)
(MDOT Plans NH 5--3(106)128)
S89°18'55"E
905.67'
S89°18'55"E 225.00'
Hwy R/W
Doc. #201200003421,
201200003422 &
201200003374
(COS 20611)
Did not accept
monuments found from
this survey–See Sheet 2
MDOT Sta. 11+95.89
MDOT Sta. 9+20

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

JOB NO: 819.186 (Project 819.151)
DATE: MAY 10, 2019
COMPLETED DATE: 6/26/2019
FOR: BRUCE BOODY
OWNER: BIG MOUNTAIN RIVER LLC

CERTIFICATE OF SURVEY

in NW1/4 SEC. 36, T.31N., R.22W., P.M.,M., City of Whitefish, FLATHEAD COUNTY, MONTANA

Sec. 36

SCALE : 1" = 50'
50' 25' 0 50' 100'

Purpose: RETRACEMENT

N

SANDS SURVEYING INC.

COS# 21154

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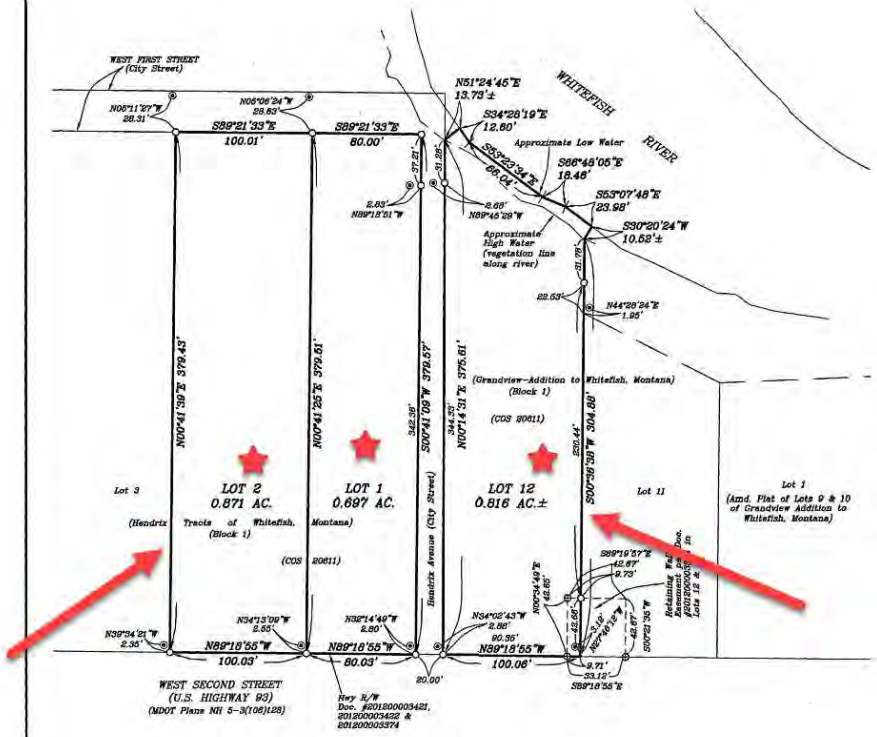

Surveyor's Notes:

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See Detail on Sheet 1 for record boundary information and subdivision breakdown.

Monuments found from COS 20611 and Amd. Plat of The South Half of Lot 9, Block 1, Hendrix Tracts are too far out of tolerance and therefore not accepted by this surveyor.

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LEGEND:

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- ◉ Found 5/8" Rebar & Cap (10009S)
- ● Found 1/2" Rebar & Cap (7975S) (unless noted)
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- ⊙ Found 1/2" Rebar & Cap (2343S)

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(F) Found Information
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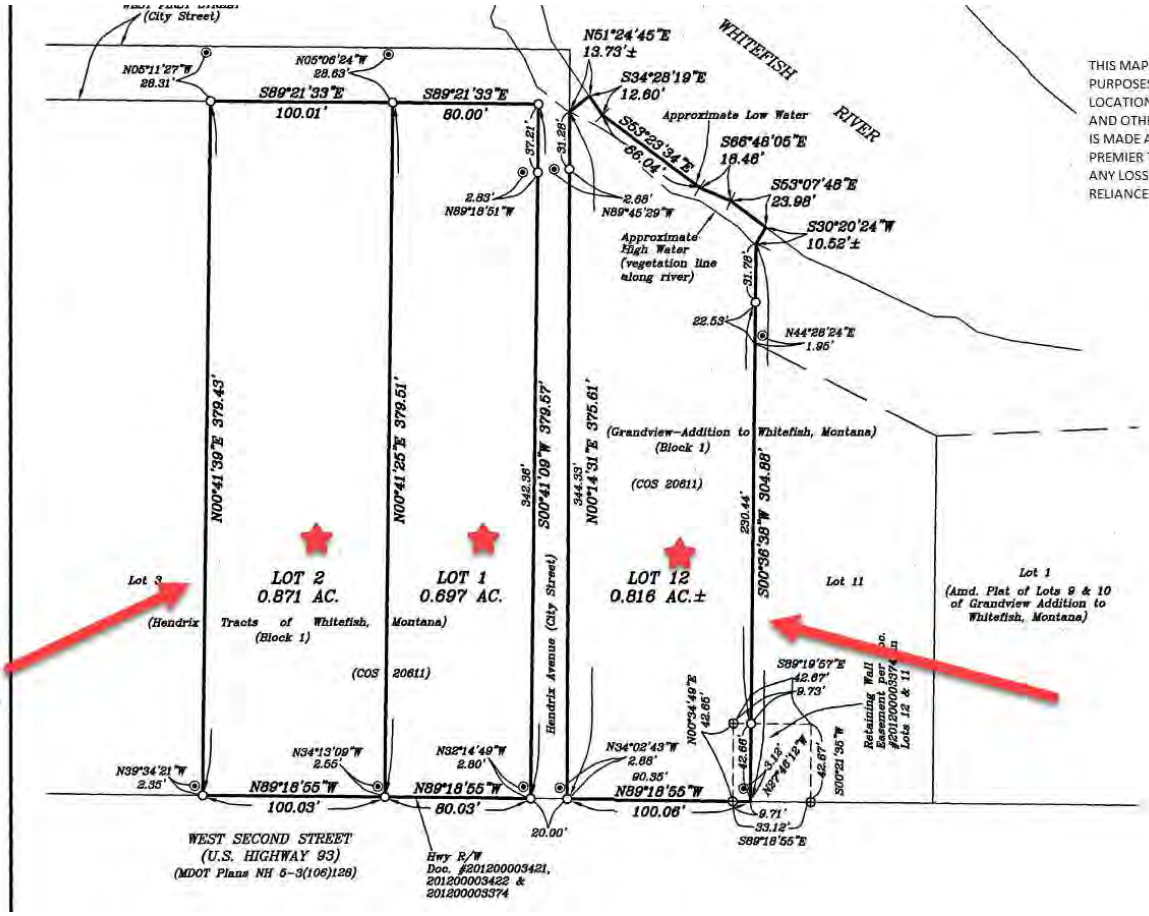
(R1) Record Information Per Amd. Plat of North Half of Lot 9, Block 1 Hendrix Tracts
(R2) Record Information Per Plat of Hendrix Tracts Lot 7 and 8 Revisited
(R3) Record Information Per COS 19732
(R4) Record Information Per Amd. Plat of Lots 9 & 10 of Grandview Addition to Whitefish, Montana
(R5) Record Information Per COS 9540

COS# 21154
201900012860 Fees: $26.50 by: SC
by SANDS SURV
Date 6/26/2019 Time 1:02 PM
Debbie Pierson, Flathead County Montana

SHEET 2 OF 2

CERTIFICATE OF SURVEY No. 21154



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COS# 21154

Surveyor's Notes:

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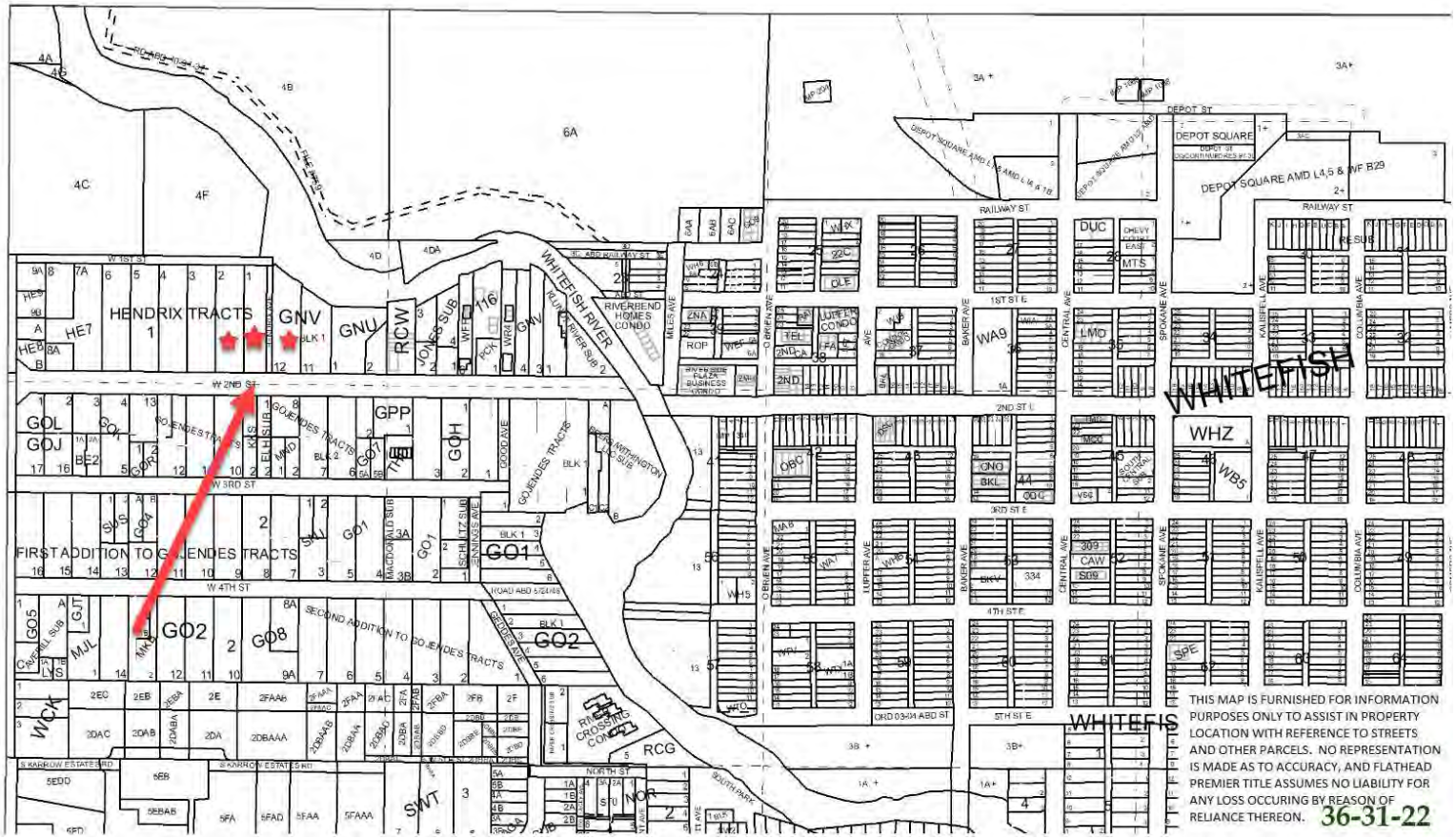

HENDRIX TRACTS
FIRST ADDITION TO GOJENDES TRACTS
SECOND ADDITION TO GOJENDES TRACTS
GOJENDES TRACTS
RIVERBEND HOMES CONDO
RIVER CROSSING CONDO
DEPOT SQUARE
DEPOT SQUARE AMD L4,5 & INF B29
WHITEFISH
WHITEFISH RIVER
RAILWAY ST
1ST ST E
2ND ST E
3RD ST E
4TH ST E
5TH ST E
W 1ST ST
W 2ND ST
W 3RD ST
W 4TH ST
NORTH ST
SOUTH PARK
THIS MAP IS FURNISHED FOR INFORMATION PURPOSES ONLY TO ASSIST IN PROPERTY LOCATION WITH REFERENCE TO STREETS AND OTHER PARCELS. NO REPRESENTATION IS MADE AS TO ACCURACY, AND FLATHEAD PREMIER TITLE ASSUMES NO LIABILITY FOR ANY LOSS OCCURING BY REASON OF RELIANCE THEREON.
36-31-22

INFORMATION
SUBDIVISION ACRES
SECTION 640.00
ALL 1/4 1/4 40.00

SURVEYS OF RECORD

D.E.
547= WFSH L21, S2 22 B42
383/460= RIVERSIDE IMP CO AC L11, 12
469/953= 6, 6AAA
490/497= GOJENDES TR L15 B2
490/812= 5DCB, RIVERSIDE IMP CO AC
490/813= 5DCB, RIVERSIDE IMP CO AC
493/345= 2FAA, 2DBAA
496/118= GOJENDES TR L12 B2
496/484= GOJENDES TR L15 B2
498/671= 5DCB, RIVERSIDE IMP CO AC
507/802= 6AA
510/242= 5EDA
510/746= 8B, 8A, 9A, 9B,10A, 11A
512/534= 4B, 5AC, 5AB
515/960= 5C, 6B
523/191= 5AB
528/801= 5BBC 5BBB
541/255= 4D, 4DA
544/721= WFSH L15,16 B31
553/742= 11D, 12
612/431= WFSH L1-6 B42

C.S.
1248= GOJENDES TR B1
1416= RIVERSIDE IMP CO AC 8B,8A,9A,9B,10A
1452= RIVERSIDE IMP CO AC 10,11,11B,12A
1465= WFSH L10,11,12 B60
1508= WFSH L23,24,25 B38
1517= RIVERSIDE ADD L10, 11 B1
1561= RIVERSIDE ADD L9,10,11,12 B10
1739= RIVERSIDE ADD L12 B1
2058= 5BBG, 5GD
2072= GOJENDES TR L6 B2
2206= 2EA, 2DA FT
2528= GOJENDES TR L7 B2
2529= GOJENDES TR L15 B2
2939= S WFSH ADD 1 L2 B4
2976= RIVERVIEW ADD L9 B5
3015= GOJENDES TR L16 B2
3016= S WFSH L3 B4
3190= RIVERSIDE ADD L9 B12
3199= RIVERSIDE ADD L16 B1
3223= WELLS AND GRANT L17, 18 B3
3224= RIVERVIEW ADD L1 B1
3225= RIVERVIEW ADD L7 B4
3282= RIVERSIDE ADD L18 B1
3422= RIVERSIDE ADD L2, 3, 4 B4
3454= RIVERSIDE IMP CO AC 11D,12
3456= GOJENDES TR ADD 1 L2 B2
3853= 2FAB,2DBAB,2FA,2DBA,2FAC,2DBAD,
2FAA,2DBAA,2FAAA,2FAAC,2DBAAB,
2DBAC,2DBABA,2DBAA,2FAAA,2FAAC,
2DBAAB,2DBAC,2DBABA
3888= 2F,2FB,2FBA,2FAB,2IA,2DBA,2DBAB,
2DBBD,2DBB,2DB
4278= WFSH L9,10,11,12 B45
4814= WFSH L20,21,22 B37
4983= WFSH L19,20 B38
4982= S WFSH L1,2 4 B6
5280= WFSH L13,14 B36
5329= 2E, 2DA
5374= 5DBD, 5BD, 5BG, 5BGA
5397= RIVERSIDE ADD L11,12 B15
5588= WHITEFISH L9 B44
5739= RIVERSIDE ADD L6 B5
5817= S WFSH L1,2,3 B1
5858= WELLS AND GRANT L18,19 B3
5865= 5ED, 5EBA, 2E, 2DA
5942= RIVERSIDE ADD L11 B2
6164= 5F, 5FAA BLA
6212= 5EB, 5EBA, 5F, 5FA, 5FAA
6287= RIVERVIEW ADD L6 B4
6331= RIVERSIDE ADD L9,10,11,12 B11
6645= RIVERSIDE ADD L3 B5
6646= RIVERSIDE ADD L1 B18
6671= 5F, 5FB
6801= 5ED, 5EDD
6802= 2DA, 2E, 2DAB, 2EB
6819= 2E, 2DA, 2EC, 2DAC
6827= WFSH L18,19,20 B27
7007= 5FA, 5FAA BLA
7064= GOJENDES TR ADD 1 L16 B2
7072= RIVERSIDE IMP CO AC L13
7073= WHITEFISH B40
7148= 5FC
7155= 5BBC
7169= S WHITEFISH L1 B4
7210= WHITEFISH L1-16 B59
7213= GOJENDES TR ADD 1 L1,2 B1
7294= WFSH L8-18 B39
7334= RIVERSIDE ADD L10,11 B12
7365= RIVERSIDE IMP CO AC 4AAA
7560= 3A
7611= 2DBD, 2DBE, 2DBBC, 2DBBB RTMT
7657= 5FAA, 5F, 5FF
7697= 5FF
7716= 5BC, 5BCA
7721= GOJENDES TR S122 L13 B2
7732= 5BC
7823= 5BE,5BEA,5BEB,5H,5HA,5J BLA
7944= GOJENDES TR S2 L14 B2
8258= WFSH L1,2, N2 3 B49
8279= WFSH L20-23 B38, L8-10 B25 RTMT
8570= GRANDVIEW ADD E75 L5 B1
8575= 2DAB, 2EB
8618= RIVERSIDE ADD L10 B13 RTMT
8756= RIVERSIDE ADD L7,8 B5 RTMT
8890= GOJENDES TR ADD 2 L3 4,5 B1 RTMT
8914= GOJENDES TR L5 B2
9078= GOJENDES B1 RTMT
9111= WFSH L15-21 B61
9115= HENDRIX TR L9 B1 RTMT
9134= WFSH ADD L1 B7 RTMT
9172= GOJENDES TR ADD 2 L1, 2 B2
9376= RIVERSIDE ADD L10 B3
9540= 4A
9626= 3AC
9629= RIVERSIDE ADD L2,3, W2 4 B2 RTMT
9730= WFSH L1-8, 19-25 B43
9739= 9A,10A,11A,13CCCA RTMT

11301= GOJENDES TR ADD 1 L7 B2
11311= RIVERVIEW ADD L14, 13 W6 B2 RTMT
11336= WFSH L19-23 B33 RTMT
11337= RIVERVIEW ADD L12,13 B2 RTMT
11434= WFSH L16,17 B54 RTMT
11482= GOJENDES TR N150 L8 B2 RTMT
11547= 5BE,5BEA,5BEAA,5BEAB,5J,5HA BLA
11639= WFSH L8,9,10,11 E6 B38 RTMT
11774= WFSH L5, 6, N2 7 B60 RTMT
11825= RIVERSIDE IMP CO AC L11, 12
11865= 5FAA, 5FAAA
11950= RIVERSIDE ADD L1,2,3,9,10,11,12 B11 RTMT
11982= WFSH L6,7,8 B45, WFSH AMD L9 L9,10 B45 RTMT
11987= WFSH LAND CO ADD 1 L6 B2
11997= RIVERVIEW ADD W62.3 L8 B6
12007= RIVERSIDE IMP CO AC L9
12066= GOJENDES B1 RTMT
12107= RIVERSIDE ADD L12,13 B2 RTMT
12129= NORTHS SUB S WFSH L1,5,6 B1 RTMT
12157= WFSH L8,9,10 B53 RTMT
12158= RIVERSIDE ADD L4 B7 RTMT
12189= WFSH L23, 24 B59 RTMT
12274= WFSH L23 B37 RTMT
12337=WFSH L19-22 B58 RTMT
12455= WFSH L19 B37 RTMT
12529= RIVERSIDE ADD L7,8 B1 RTMT
12654= RIVERSIDE ADD L7 B3 RTMT
12754= SOUTH WFSH L1-4 B5 RTMT
12809= WFSH L3 B25 RTMT
12814= WFSH LAND CO ADD 1 L2 B7 RTMT
13165= RIVERVIEW L1,2,3 B2 RTMT
13207= RIVERVIEW ADD L3 B1 RTMT
13222= RIVERVIEW ADD L1,2 B3 RTMT
13255= SOUTH WFSH L1 B2 RTMT
13256= WHITEFISH L11,12 B53 RTMT
13363= RIVERSIDE ADD L14 B2, L1 AMD L15 B2 RTMT
13464= SOUTH WFSH ADD 1 L5 B3 RTMT
13489= RIVERSIDE ADD L1,2,3,4 B4 RTMT
13520= RIVERVIEW ADD L1 B1 RTMT
13530= RIVSDE ADD L1,2,3,9,10,11,12, ALLEY B11 RTMT
13621= 3AE
13678= RIVERVIEW ADD L2 B1 RTMT
13701= 5BA RTMT
13783= 6A, 6AD, 6AC, 6AB, 6AA, 3D RTMT
13839= 1CE RTMT
14060= SOUTH WFSH ADD 1 L1, 2, 3, L4 B1 RTMT
14061= WHITEFISH L23, 24, 25 B38 RTMT
14073= 6A, 6AA, 7C, 7AA RTMT
14144= WHITEFISH L14, 15 B50 RTMT
14165= RIVERSIDE ADD L6 B3 RTMT
14197= 5B BLA
14323= WHITEFISH L10, 11 B48 RTMT
14442= RIVERSIDE ADD L12 B6, WTC5ACT 1ST ADD L8 B2 RTMT
14474= RIVERSIDE IMP CO AC L13 EASE
14487= WHITEFISH L15-18 B38 RTMT
14561= WHITEFISH PT B36-38,42-44 RTMT
14562= WHITEFISH PT B53 RTMT
14567= WHITEFISH L4S2, 5-8 B58 RTMT
14616= WHITEFISH L15,16 B51 RTMT
14701= WFSH L6 S22.5, L7 B39 RTMT
14976= WFSH L1,2,3 B 47 RTMT
14983= RIVERSIDE ADD L11, 12 B14 RTMT
15044= WFSH L1,2, ABD ST B56 RTMT
15233= WFSH L8 B25 RTMT
15234= WFSH ADD 1 L3 B8 RTMT
15249= WFSH LAND CO ADD 1 L4 B5 RTMT
15304= RTMT LINE
15333= RIVERVIEW ADD TO WF W2 L7 B6 RTMT
15369= WF L2-4 W18, L2-4 E22 OF W40 RTMT
15456= RIVERVIEW ADD TO WF L1, 2 B6 RTMT
15534= 2G, 2DC RTMT
15535= WHITEFISH L1 B38 RTMT
15536= WHITEFISH L18, 19, 20 B49 RTMT
15537= 2, 5G RTMT
15538= RIVERSIDE ADD L2, 3 4 N50 B4 RTMT/EASE
15547= WELLS GRANT ADD L11 B3 RTMT
15724= 6AA RTMT
15767= 5BDB, 5BGA, 5BDBA, 5BGAA FT
15827= RIVERSIDE ADD L5, 6 B12 RTMT
15890= MCKEENS SUB W60 L6 B4 RTMT
15897= WF LAND 1ST ADD L8 RTMT
15915= RIVERSIDE ADD L2, B12 RTMT
15958= WHITEFISH L13 B57 RTMT
15970= RIVERSIDE ADD WF L12-18, TRB B2 RTMT
RIVERSIDE ADD WF TRB B2
15987= RIVERSIDE ADD L1 RESUB L7,8, B5 RTMT
16020= WFSH L20-24 B51 RTMT
16108= WFSH L8 B28 RTMT
16187= RIVERSIDE ADD WF L 8 B8
16379= BIG MTN GLASS SUB L1 RTMT
16432= WFSH L13 BLK 56, L13 BLK 57 RTMT
16438= WF LAND CO 1ST ADD L7 B8 RTMT
16543= WFSH L16,17,18, B47 RTMT
16546= 5BAA, 5BAAA FT
16568= WFSH L23 N1/2, L24 B54 RTMT
16673= WFSH L13,14,AMD BLK 30,31 RTMT
16783= WF L13,14 BLK 38 RTMT
16784= WF L14 E40' BLK 25 RTMT
16808= RTMT R/W
16818= 2FAAB, 2DBAAA RTMT
16875= RIVERSIDE ADD RTMT L4,5,B9 RTMT
16912= WFSH L24, 25 B48 RTMT
16913= 3 MTG
16914= WFSH L23 B35 RTMT
16939= WFSH L11-20 B26 RTMT
17033= WFSH L19 B51 RTMT
17035= WFSH L1-5 B23 RTMT
17143= WFSH L13-16 B59 RTMT
17235= RIVERSIDE IMP CO AC L13 RTMT
17243= 2FB, 2F, 2DBB, 2DB, 2BBE CRT ORD
17303= WFSH L1-3 B26 RTMT
17327= WFSH PTN L1-3 B62 RTMT
17341= WFSH L10-12 B57 RTMT
17389= WFSH L1, 2 B51 RTMT
17478= WFSH AMD L6-10, B30 RTMT
17488= WFSH L2,3, B45 RTMT
17610= RIVERVIEW ADD L6, S15 L5 RTMT
17637= SOUTH WFSH 1ST ADD L5 W40 N2 B14
17638= RIVERSIDE ADD TO WF
L7-10 B15, L6-8 B16 RTMT
17701= WHITEFISH L6-10, B 27 RTMT
17754= 5FA, 5FAD FT
17769= WHITEFISH L1-4 B57 RTMT
17824= WHITEFISH E68 L3-4 B24 RTMT
17835= RIVERSIDE ADD WF L4 B10 RTMT
17882= WHITEFISH L20, 21, 22 RTMT
1790[illegible]

19298= RIVERSIDE ADD WFSH L4-5 B16 RTMT
19306= TUBBS ADD L9,10 RTMT
19321= TUBBS ADD L8 RTMT
19369= WFSH L13-15 B62 RTMT
19437= WELLS AND GRANT ADD L9-10 B2 RTMT
19500= RIVERSIDE ADD TO WF L4, 5, 6, 7 B2 RTMT
19506= WFSH L6 B25 RTMT
19534= WFSH L5 B25 RTMT
19552= WELLS AND GRANT L13-16, B3 RTMT
19633= WFSH LAND CO ADD 1 L1, B3 RTMT
19666= KLUNDT RIVER SUB L1 RTMT
19690= WFSH L16 B25 RTMT
19732= GRANDVIEW ADD AMD L9,10 L2 RTMT
19733= WHITEFISH LAND CO AD 1 L6 B4 RTMT
19843= WFSH L1-3, PT ABD ALLEY B41 RTMT
19878= RVRSDE ADD WF L1 B2, L12-18 B3, TR 1B RTMT
19923= WF LAND CO 1ST ADD L2 B6 RTMT
19924= WHITEFISH L17 B25 RTMT
19925= WF RIVER LANDING CONDO RTMT
19936= WF LAND CO ADD 1 L8 B4 RTMT
19951= RIVERSIDE ADD TO WF L7, 8 B11
19969= WFSH L13-16 BLK 60 RTMT
19997= 5BDB, 5BDBB CRT ORD
20104= RIVERSIDE ADD WFSH L1 B2, L12-18 B3 RTMT
20148= MCKEENS L4 B5 RTMT
20180= WHITEFISH L15-18 B44 RTMT
20334= MCKEENS SUB L6 RTMT
20342= WHITEFISH PTN L 13, 14 B 25 RTMT
20343= GOJENDES TRACTS PTN L7 B2 RTMT
20351= WHITEFISH L23 B64 RTMT
20414= RIVERVIEW ADD L1 B4 RTMT
20419= MCKEENS L11 RTMT
20430= NORTHS SUB S WFSH L3,4,7,8, ABD ALLEY B1
ABD PLACEY AVE, 6TH ST RTMT
20446= WFSH L6 B36 RTMT
20464= WHITEFISH L12, 13 L13 RTMT
20484= WFSH L8-10 B53 RTMT
20517= RIVERSIDE ADD L10, 11 S15' B7 RTMT
20535= WFSH L17, 18 B42 RTMT
20611= HENDRIX TR L1, 2 B1 RTMT
20615= WFSH L4 B26 RTMT
20695= RIVERSIDE ADD WF L6, B10 RTMT
20696= GOJENDES TRS ADD 1 L4, 5 S70 FT, B2 RTMT
20877= WF L13, 14 B53 RTMT
20924= RIVERSIDE ADD WF L9 B14 RTMT
21030= RIVERSIDE ADD WF L6 B13 RTMT
21053= WFSH LAND CO ADD 1 L2 B1 RTMT
21065= WELLS & GRANT ADD L18, B2 RTMT
21108= RIVERVIEW ADD L12 B5
21154= HENDRIX TR L1, 2 B1 AND GRANDVIEW ADD L12 B1 RTMT
21222= GRANDVIEW ADD L3 W2 EX TR A B1
21272= WFSH L17, 18 B33 RTMT
21283= WFSH L15, 16 B32 RTMT
21284= WFSH L6, 7 B49 RTMT
21295= RIVERSIDE ADD WF L8 B17 RTMT
21317= WFSH S37.56' L1, 2, 3, 4, 5, 6 B42 RTMT
WFSH N71.44' L1, 2, 3, 4, 5, 6 B42

S.R.I.
SI 1048= WF AMD L13, 14 B45
SI 1077= 4D, 4DA
SI 1103= WFSH L10 B27
SI 1104= WFSH L10 B27
SI 1105= WFSH L9 B27
SI 1114= WF 1ST ST, CENTRAL AVE
SI 1136= GOJENDES TR L10 S2 B2
SI 1152= WF L22 B39
SI 1160= RIVERVIEW ADD WFSH L1 B3
SI 1161= GOJENDES TRS L2 B2
SI 1196= W 4TH ST, GEDDES AVE
SI 1197= W 3RD ST, JENNINGS AVE
SI 1198= GOJENDES TR ADD 2 L1 B2
SI 1199= GOJENDES TR ADD 2 L6 B1
SI 1318= RIVERSIDE ADD WFSH L12 B9
SI 1319= RIVERSIDE ADD WFSH L12 B9
SI 1320= RIVERSIDE ADD WFSH L12 B9
SI 1321= RIVERSIDE ADD WFSH L12 B9
SI 1327= 7TH ST W, WFSH
SI 1328= 7TH ST W, WFSH
SI 1329= ARBOR GROVE SUB
SI 1330= CS 14060
SI 1331= CS 14060,P-A
SI 1332= S WFSH L5 B3
SI 1333= NORTHS SUB L6 B1
SI 1334= RIVERVIEW ADD RESUB L5 B3
SI 1414= WF L8 B25
SI 1435= S WF ADD 1 L6 B3
SI 1438= SOMERS AVE
SI 1439= SOMERS AVE
SI 1440= SOMERS AVE
SI 1441= SOMERS AVE
SI 1442= SOMERS AVE
SI 1457= WF L15, 16 B51
SI 1460= SCOTT AVE SQUARE CORR L2
SI 1463= MC KEEN SUB W60' L6 B4
SI 1478= S WFSH 1 AMD N90' B5, L1 B5
SI 1548= BRASH SUB L1
SI 1580= DEPOT SQUARE AMD L2 AMD L1
SI 1581= DEPOT SQUARE AMD L2 AMD L1

3

THIS MAP IS PREPARED ONLY FOR T
REPRESENTATION OF THE LOCATION

THIS MAP IS FURNISHED FOR INFORMATION PURPOSES ONLY TO ASSIST IN PROPERTY LOCATION WITH REFERENCE TO STREETS AND OTHER PARCELS. NO REPRESENTATION IS MADE AS TO ACCURACY, AND FLATHEAD PREMIER TITLE ASSUMES NO LIABILITY FOR ANY LOSS OCCURING BY REASON OF RELIANCE THEREON.

36-31-22

9798= GOJENDES TR N2 L1 B2
9814= RIVERSIDE ADD L2,3 B3 RTMT
9836= 5DC, 5DBD RTMT
9936= S WFSH ADD 1 L3 B3 RTMT
10008= RIVERSIDE ADD L1, 2, 3, 4 B15 RTMT
10066= GOJENDES TR 2 N190 L17 B2
10173= TUBBS ADD L1 RTMT
10264= S WFSH ADD 1 S2 L1 B3
10281= RIVERSIDE ADD L7,8 B12 RTMT
10288= WFSH L7,8,9,10,11 B46 RTMT
10348= WFSH L1-5 B53
10385= RIVERSIDE ADD L10,11 B2
10420= 5, 5H, 5BEB, 5BEA, 5BEAC, 5BE
10465= WFSH L1,2,3 B37 RTMT
10608= WFSH L1,2,10,11,12 B35 RTMT
10635= 5GB, 5BD
10702= WFSH L3-12 B54
10869= WFSH L5,6,7 B37 RTMT
10886= 5BC
11186= GOJENDES TR S160 L4 B2
11202= WFSH L9,10 B28
11213= MCKEENS SUB L4 B4 RTMT
17941= RIVERSIDE ADD WF L2 RTMT
17965= WFSH L19, 20 B25 RTMT
18000= 5BBB, 5BBBA, 5BBBB UTILITY SITE
18001= 5BDB, 5BEA UTILITY SITE
18008= WF L11, 12 B49 RTMT
18034= RIVERSIDE ADD WF L9 B7 RTMT
18037= WHITEFISH L1, 2 B60 RTMT
18094= RIVERSIDE IMP CO AC RESUB L11, 12 L1, 2 R/W
18201= RIVERSIDE ADD WF L4, B17 RTMT
18219= WHITEFISH L23-26, N2 L22, B42 RTMT
18241= 5EBA, 5EBAB FT
18536= RIVERSIDE IMP CO AC L5 RTMT
18641= RIVERSIDE IMP CO AC TR ABA OF L6 RTMT
18674= WTC C, D, E, F, B30 AMD B30, 31 RTMT
18675= WFSH 1, 2-3-4 E22 OF W40, B24 RTMT
18682= WHITEFISH L9, 10 B64 RTMT
18851= WFSH G-K, B30 AMD B30, 31 RTMT
18897= SOUTH WF L2 B4 RTMT
18908= MCKEENS L5 B1 RTMT
18922= WFSH PT L3, 5 B23
19003= 4DA RTMT
19054= WFSH S2 L3,L4,N2 L5 BLK 62 RTMT
19263= WFSH PT L16,17 B64 RTMT

01/27/20

3-2-19 102

THIS MAP IS FURNISHED FOR INFORMATION PURPOSES ONLY TO ASSIST IN PROPERTY LOCATION WITH REFERENCE TO STREETS AND OTHER PARCELS. NO REPRESENTATION IS MADE AS TO ACCURACY, AND FLATHEAD PREMIER TITLE ASSUMES NO LIABILITY FOR ANY LOSS OCCURING BY REASON OF RELIANCE THEREON.

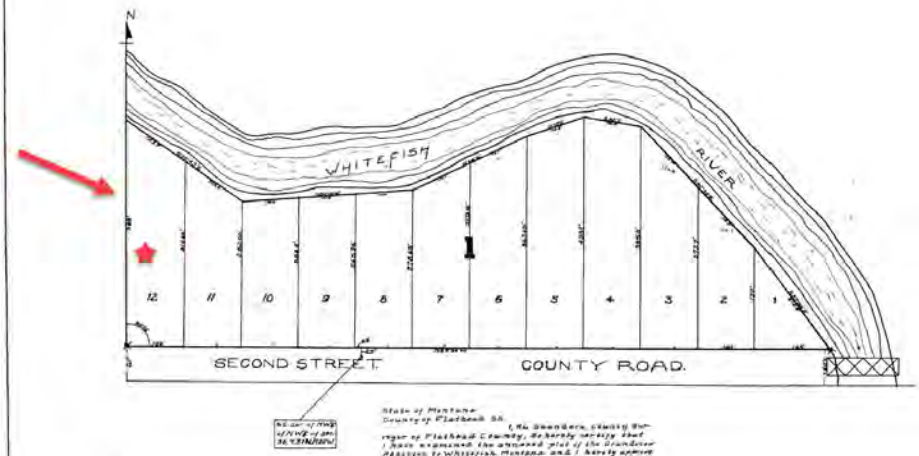
PLAT OF

GRANDVIEW - ADDITION

TO

WHITEFISH, MONTANA.

SCALE 1 INCH = 80 FEET.



NE cor. of NW¼ of NW¼ of Sec. 13 T.30N.R.22W.

State of Montana
County of Flathead SS.

I, the Undersigned, County Surveyor of Flathead County, do hereby certify that I have examined the annexed plat of the Grandview Addition to Whitefish, Montana and I hereby approve the same.

Dated at Kalispell, Montana, this 13th day of Oct. 1917

4428

Filed for record at the request of Whitefish Land Co. Filed on the 13 day of Nov. A.D. 1917 at 1:30 o'clock P.M. and recorded in Book 2 of Plats, Page 28 Records of Flathead County, Montana.

By Nell E. Evans Deputy

The Whitefish Land Company, of Whitefish in the County of Flathead, State of Montana, a corporation duly organized and existing under and by virtue of the laws of said State, does hereby certify that it has caused to be surveyed, subdivided and platted into blocks, lots, streets, avenues and alleys as shown by the plat and the certificate of survey hereto attached all of the following described tract of land, to-wit:

Commencing at a point 288 ft N of S.E. Cor of the NW¼ of the NW¼ of Sec 36, T 31 N, R 22 W M.P.M., thence running N 89°34' W 407 feet; thence N. 288 feet; thence S 89°34' E 240 feet; thence N 0°26' E 1056 feet; thence N 89°34' W 1040 feet; thence N 0°26' E 1320 feet; thence S 89°34' E 1320 feet; thence S 0°26' W 1344 feet to the point of commencing; all of said described tract of land being in and part of the NE¼ of the NW¼ of said Sec 36, T 31 N, R 22 W M.P., and to be known and designated as the Grandview Addition to Whitefish, Montana.

And the lots in said addition all the streets, avenues and alleys shown on said plat attached hereto are hereby granted and dedicated to the use of the public forever.

In witness whereof, the said Whitefish Land Company, by the authority of its by-laws and the resolutions of the board of directors duly passed, has caused these presents to be executed and subscribed by its president, Harry Dodd, and C.W. Jessup, town by me, to be its president and secretary, of the Whitefish Land Company, the corporation that made the above certificate of dedication, and acknowledged to me that such corporation executed the same for the uses and purposes therein expressed.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year first above mentioned.

Whitefish Land Company
By Harry Dodd President
Attest C.W. Jessup Secretary

State of Montana } SS
County of Flathead }

On this the 16th day of April, A.D. 1917, before me, E.L. Nedom, a Notary Public in and for the State of Montana, personally appeared Harry Dodd and C.W. Jessup, known by me to be the President and Secretary, of the Whitefish Land Company, the corporation that made the above certificate of dedication, and acknowledged to me that such corporation executed the same for the uses and purposes therein expressed.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year first above mentioned.

E.L. Nedom
Notary Public for the State of Montana
Residing at Whitefish, Mont.
My Commission expires June 4, 1918.

State of Montana } SS
County of Flathead }

I, W.K. Tuppet, City Engineer of Whitefish, Montana, do solemnly swear that between the 10th and the 28th days of April, A.D. 1917, I made a survey and re-survey of the Streets of land included within the Grandview Addition to Whitefish, Montana, as shown on the annexed plat, that said plat was made in strict conformity to said survey, that the dimensions of all lots, streets, alleys, avenues and alleys and the courses thereof, as shown thereon, are true and correct to the best of my information and belief, that the iron monument, Cut in Cross at the SE and SW corners of Block 2 as shown thereon, and being less than 4 feet above the ground, and that said survey was made in accordance with sections 8418 to 8428 inclusive of the Political Code of the State of Montana, and that said plat conforms, as near as the circumstances will admit to the adjoining parts of the city already platted.

W.K. Tuppet

Subscribed and sworn to before me this 28th day of April, A.D. 1917

E.L. Nedom
Notary Public for the State of Montana
Residing at Whitefish, Mont.
My Commission expires June 4, 1918.

State of Montana }
County of Flathead } SS
City of Whitefish }

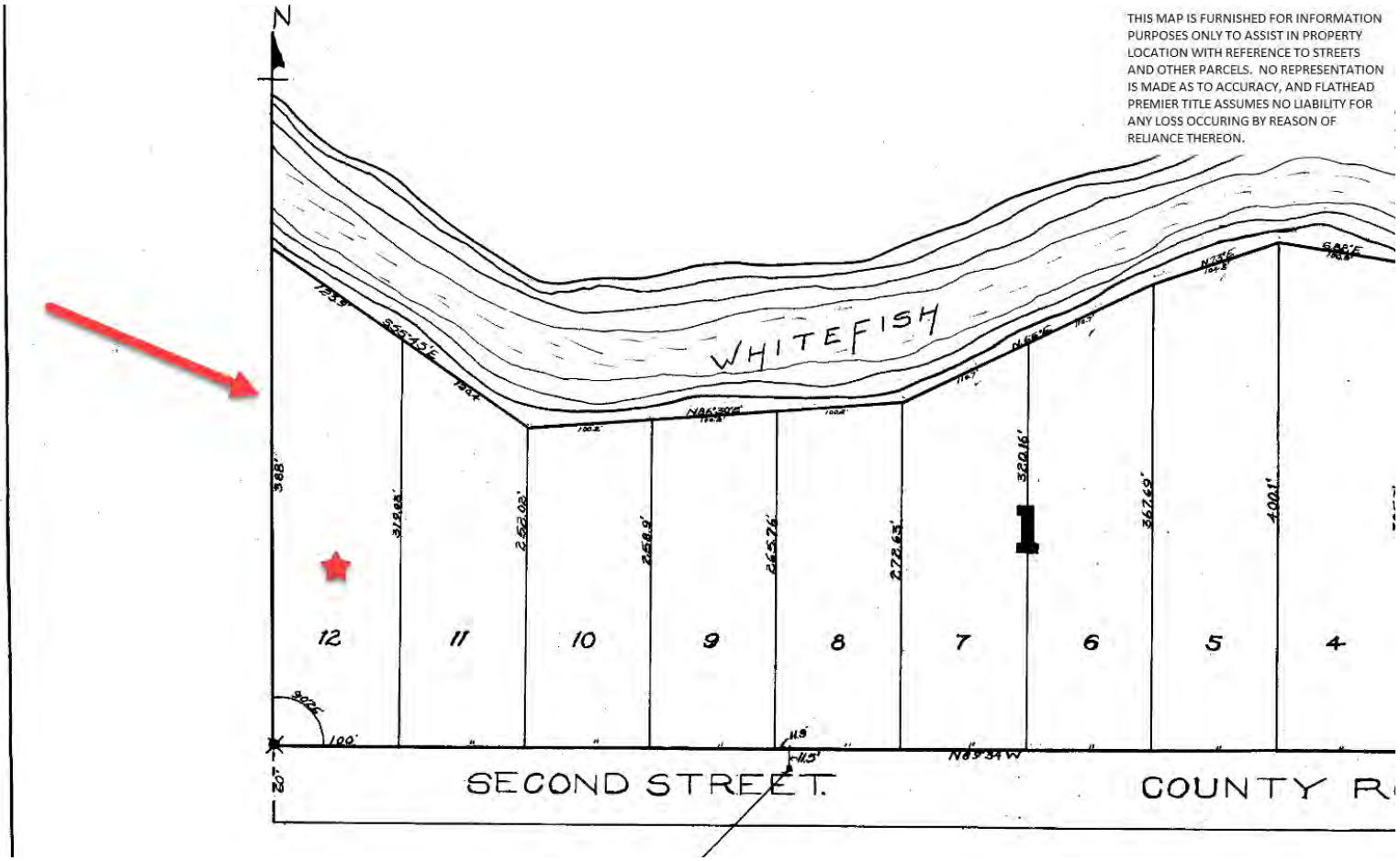
We, O.E. Schenauer, Mayor, and R.H. Wiedman, Clerk of the City of Whitefish, do hereby certify that at a meeting of the City Council of the City of Whitefish, held on the 14th day of April, A.D. 1917, the annexed plat of the Grandview Addition to Whitefish, Montana, was examined and approved by said City Council, and a similar order was duly passed and entered in the minutes of said City Council, and in witness whereof, we have hereunto set our hands, and caused the seal of the City of Whitefish, Flathead County, Montana, to be affixed on the 16th day of April, A.D. 1917.

Attest: R.H. Wiedman City Clerk
O.E. Schenauer Mayor

State of Montana }
County of Flathead } SS.

We, E.H. Brimhall, Chairman of the Board of County Commissioners of Flathead County and E.J. Green, Clerk of said Board do hereby certify that at a meeting of said Board, a County Commissioners held on the 13th day of April A.D. 1917 the annexed plat of the Grandview Addition to Whitefish, Montana was examined and approved by said Board of County Commissioners, and the streets, avenues and alleys shown thereon dedicated to the public forever, and it is further ordered that the same be accepted, and the County Clerk be and is hereby directed to attest the same and affix the seal of Flathead County, Montana, to be affixed on the 13th day of April A.D. 1917

Attest: E.J. Green Clerk
E.H. Brimhall Chairman


THIS MAP IS FURNISHED FOR INFORMATION PURPOSES ONLY TO ASSIST IN PROPERTY LOCATION WITH REFERENCE TO STREETS AND OTHER PARCELS. NO REPRESENTATION IS MADE AS TO ACCURACY, AND FLATHEAD PREMIER TITLE ASSUMES NO LIABILITY FOR ANY LOSS OCCURING BY REASON OF RELIANCE THEREON.
N
WHITEFISH
12
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1
SECOND STREET.
COUNTY R

Montana Department of Transportation
Right–of–Way Bureau
PO Box 201001
Helena, MT 59620–1001

201200003374
Page: 1 of 4
Fees: $28.00
Paula Robinson, Flathead County MT by NW 2/14/2012 2:58 PM

ROW\Forms\Pln\522

Revised 11/06/09

04307750

State of Montana
Department of Transportation

Right-of-Way Bureau
2701 Prospect Avenue
PO Box 201001
Helena, MT 59620-1001

R/W ID.: NH 5-3(106)128 Parcel No.: 43 County: Flathead
Designation: Whitefish-West
Project No. 2017-106
320942-FT

Bargain and Sale Deed With Easement

Approved by 2/14/12

This Deed, made this 15 day of DEC, 2011, in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration now paid, the receipt of which is acknowledged, witnesses that,

Robert W. Pero and
Robert W. Pero Revocable Trust
1290 Birch Point Drive
Whitefish, MT 59937-2258

does hereby **grant, bargain, sell** and **convey** to the **Montana Department of Transportation** the following-described real property:

Parcel No. 43 on Montana Department of Transportation Project NH 5-3(106)128, as shown on the Right-of-Way plan for said project recorded in the office of the County Clerk and Recorder of Flathead County, Montana. Said parcel is also described as a tract of land in Lot 12, Block 1 of Grandview Addition to Whitefish, Montana, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana, as shown by the shaded area on the plat, consisting of 1sheet, attached hereto and made a part hereof, containing an area of 87 m^2 (936 sq. ft.), more or less.

ALSO, the Grantors hereby convey unto the MONTANA DEPARTMENT OF TRANSPORTATION, an easement for the installation and maintenance of a retaining wall in said Lot 12, Block 1 of Grandview Addition to Whitefish, Montana, as shown by the hatched area on said plat, containing an area of 37 m^2 (398 sq. ft.), more or less.

ROW:2017:P43

Bargain and Sale Deed With Easement
R/W ID.: NH 5-3(106)128
Designation: Whitefish-West

Parcel No.: 43

Excepting and reserving to Grantor(s), however, all gas, oil and minerals beneath the surface of the above-described and conveyed premises, together with the right to extract the same, provided that in the exercise of such right, the surface thereof shall not be disturbed, interfered with or damaged. This exception and reservation does not include sand, gravel and other road building materials, which are conveyed by this Deed.

Further excepting and reserving unto the Grantor(s), his heirs, successors and assigns, all water, water rights, ditches, canals, irrigation systems, existing or as relocated, if any, including but not limited to, water stock or shares, bonds, certificates, contracts and any and all other indicia of water, water right and ditch ownership, or any interest therein appurtenant to the land described therein, save and except groundwater for the use, benefit and purposes of the Grantee(s).

To have and to hold the above-described and conveyed premises, with all the reversions, remainders, tenements, hereditaments and appurtenances thereto, unto the Montana Department of Transportation and to its successors and assigns forever.

This Deed was executed on the date of its last acknowledgment:

(Signature)
Robert W. Pero

Trustee
(Signature)
Trustee of the Robert W. Pero Revocable Trust

State of MT)
County of Flathead)

This instrument was acknowledged before me on December 15, 2011
(date)

by Robert W. Pero
(Grantor(s))

THERESA B. DUGAN
NOTARY PUBLIC for the
State of Montana
Residing at Whitefish, Montana
My Commission Expires
February 23, 2015

Theresa B. Dugan
Notary Signature Line

Theresa B. Dugan
Notary Printed Name

Notary Public for State of MT
Residing at: Whitefish
My Commission Expires: 2 / 23 / 2015

State of MT)
County of Flathead)

This instrument was acknowledged before me on December 15, 2011
(date)

by Robert W. Pero
(name of person(s))

as Trustee
(type of authority, e.g., president, trustee, member, partner, etc.)

of Robert W. Pero Revocable Trust
(name of entity on behalf of whom instrument was executed)

THERESA B. DUGAN
NOTARY PUBLIC for the
State of Montana
Residing at Whitefish, Montana
My Commission Expires
February 23, 2015

Theresa B. Dugan
Notary Signature Line

Theresa B. Dugan
Notary Printed Name

Notary Public for State of MT
Residing at: Whitefish
My Commission Expires: 2 / 23 / 2015

Recording Information

201200003374
Page: 3 of 4
Fees: $28.00
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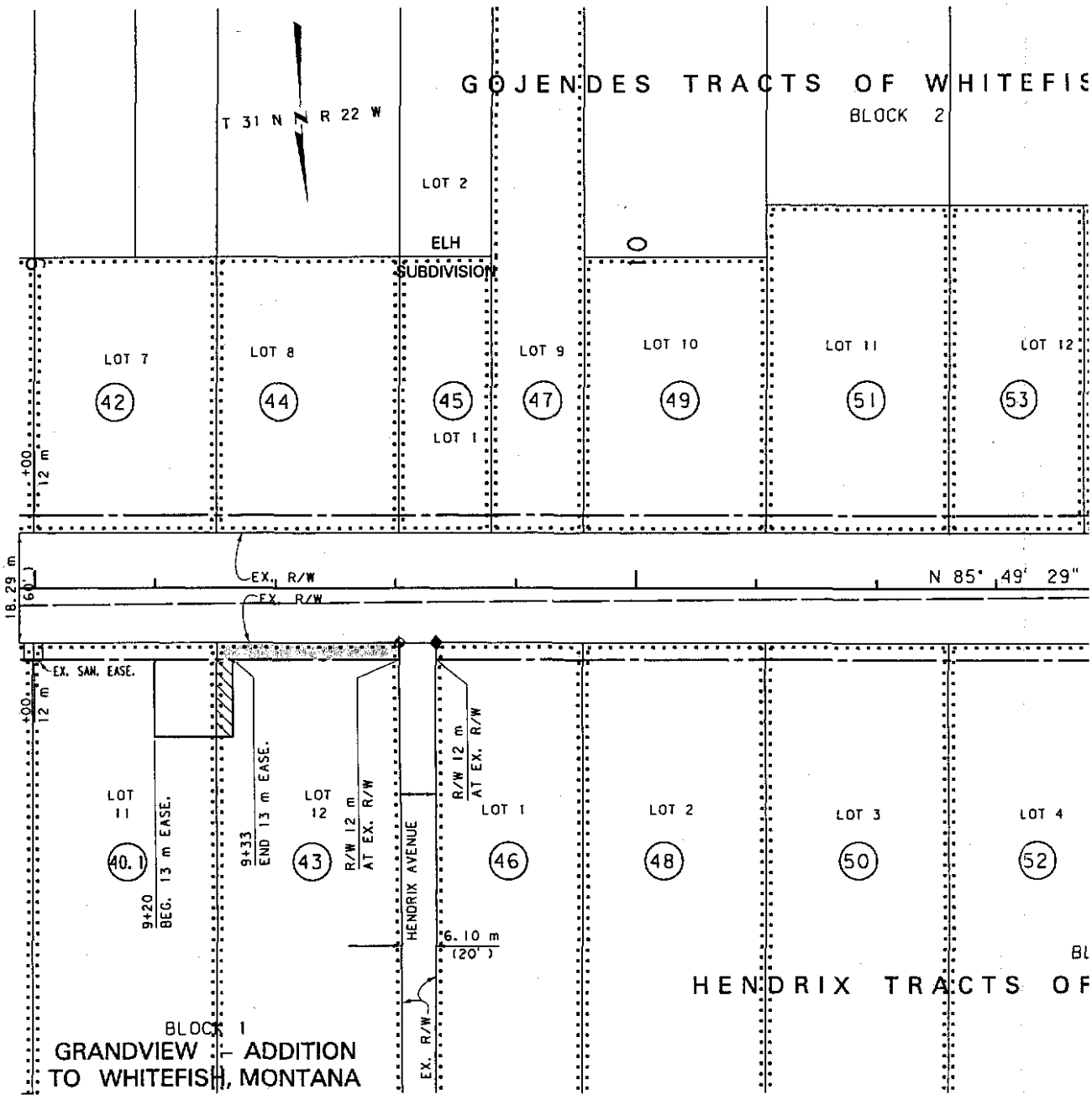
MDT MONTANA DEPARTMENT OF TRANSPORTATION
MONTANA CADD
THOMAS, DEAN & HOSKINS, INC.
GREAT FALLS, MONTANA
(406) 761-3010

TD&H ROW



GRID STATE PLANE COORDINATES

THIS IS A STATE PLANE COORDINATE PROJECT. ALL DIMENSIONS, DISTANCES AND AREAS ON THIS PROJECT ARE GRID, EXCEPT FOR THE EXISTING R/W WIDTH DIMENSION, WHICH IS RECORD. THE COMBINATION SCALE FACTOR IS 0.99954422

FOR EXISTING R/W RETRACEMENT, SEE COS 16808

NOTES: 1. ALL MEASUREM
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Page: 4 of 4
Fees: $28.00
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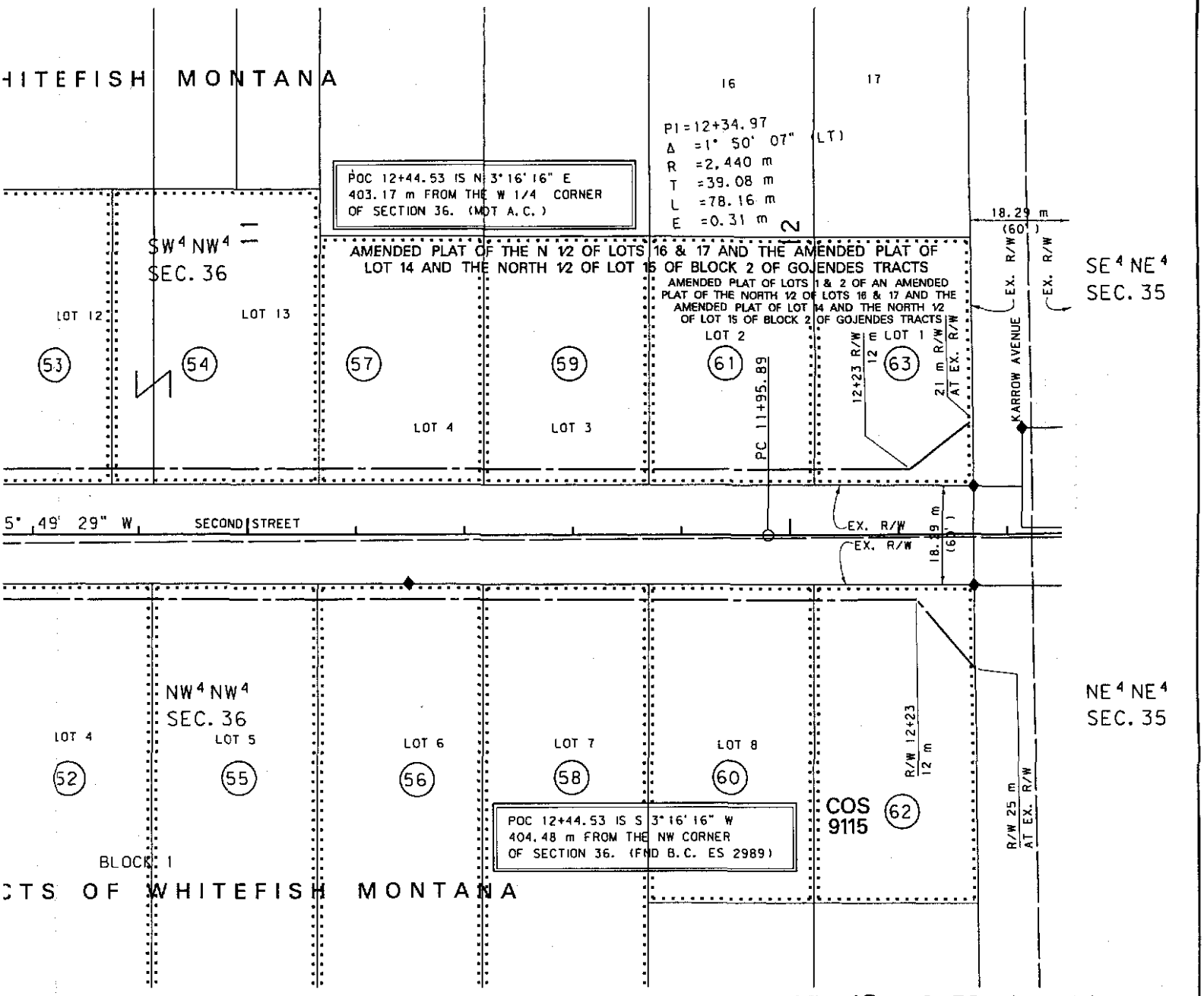
STATE	RIGHT-OF-WAY ID	SHEET NO.	TOTAL SHEETS
MONTANA	NH S-3(106)128		

PROJECT NUMBER 2017-106

WHITEFISH-WEST



PARCEL 43 ; SHEET 1 OF 1

1. ALL MEASUREMENTS ARE METRIC EXCEPT AS NOTED
2. THE PROPOSED R/W LINE WHERE A SPIRAL CURVE TRANSITION IS USED IS A CHORD RATHER THAN A CONCENTRIC CURVE.
3. THE ENGLISH AREAS ARE FOR INFORMATIONAL PURPOSES ONLY.
4. ALL STATIONS AND OFFSETS FOR R/W BREAKS ARE IN REFERENCE TO THE R/W BASELINE.

L E G E N D

EASE.
OWNERSHIP BOUNDARY
RIGHT OF WAY LINE
R. R. R/W LINE
CENTERLINE
FULL ACCESS CONTROL
LIMITED ACCESS CONTROL
TRACT CONVEYED

DATE PREPARED 9-28-11
DATE REVISED

THIS PLAT IS PREPARED FROM THE MONTANA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLANS & RECORDED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER.

MONTANA
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY EXHIBIT
FLATHEAD COUNTY
SCALE 1:500

0 25M 50M

Montana Department of Transportation
Right–of–Way Bureau
PO Box 201001
Helena, MT 59620–1001

201200003421
Page: 1 of 4
Fees: $28.00
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ROW\Forms\Pln\520 Revised 11/06/09

State of Montana
Department of Transportation

Right-of-Way Bureau
2701 Prospect Avenue
PO Box 201001
Helena, MT 59620-1001

R/W ID.: NH 5-3(106)128 Parcel No.: 46 County: Flathead
Designation: Whitefish - West
Project No.: 2017-106
320949-FT

0895150

Bargain and Sale Deed

This Deed, made this 15th day of DEC, 2011, in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration now paid, the receipt of which is acknowledged, **witnesses that,**

Robert W. Pero Revocable Trust
1290 Birch Point Drive
Whitefish, MT 59937-2258

does hereby **grant, bargain, sell** and **convey** to the **Montana Department of Transportation** the following-described real property:

Approved by 2/15/12

Parcel No. 46 on Montana Department of Transportation Project NH 5-3(106)128, as shown on the Right-of-Way plan for said project recorded in the office of the County Clerk and Recorder of Flathead County, Montana. Said parcel is also described as a tract of land in Lot 1, Block 1 of Hendrix Tracts to Whitefish, Montana, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana, as shown by the shaded area on the plat, consisting of 1 sheet, attached hereto and made a part hereof, containing an area of 70 m^2 (753 sq. ft.), more or less.

ROW:2017:P46

Bargain and Sale Deed
R/W ID.: NH 5-3(106)128
Designation: Whitefish - West

Parcel No.: 46

Excepting and reserving to Grantor(s), however, all gas, oil and minerals beneath the surface of the above-described and conveyed premises, together with the right to extract the same, provided that in the exercise of such right, the surface thereof shall not be disturbed, interfered with or damaged. This exception and reservation does not include sand, gravel and other road building materials, which are conveyed by this Deed.

Further excepting and reserving unto the Grantor(s), its successors and assigns, all water, water rights, ditches, canals, irrigation systems, existing or as relocated, if any, including but not limited to, water stock or shares, bonds, certificates, contracts and any and all other indicia of water, water right and ditch ownership, or any interest therein appurtenant to the land described therein, save and except groundwater for the use, benefit and purposes of the Grantee(s).

To have and to hold the above-described and conveyed premises, with all the reversions, remainders, tenements, hereditaments and appurtenances thereto, unto the Montana Department of Transportation, and to its successors and assigns forever.

This Deed was executed on the date of its last acknowledgment.

Robert W. Pero, trustee
(Signature)
Trustee of the Robert W. Pero Revocable Trust

State of MT)
)
County of Flathead)

This instrument was acknowledged before me on December 15, 2011
(date)

by Robert W. Pero
(name of person(s))

as Trustee
(type of authority, e.g., president, trustee, member, partner, etc.)

of Robert W. Pero Revocable Trust
(name of entity on behalf of whom instrument was executed)

THERESA B. DUGAN
NOTARY PUBLIC for the
State of Montana
Residing at Whitefish, Montana
My Commission Expires
February 23, 2015
(Seal)

Theresa B. Dugan
Notary Signature Line

Theresa B. Dugan
Notary Printed Name

Notary Public for State of MT
Residing at: Whitefish
My Commission Expires: 2 / 23 / 2015

State of _____)
)
County of _____)

This instrument was acknowledged before me on _____
(date)

by _____
(name of person(s))

as _____
(type of authority, e.g., president, trustee, member, partner, etc.)

of _____
(name of entity on behalf of whom instrument was executed)

_____
Notary Signature Line

_____
Notary Printed Name

(Seal)

Notary Public for State of _____
Residing at: _____
My Commission Expires: _____ / _____ / 20__ __

Recording Information

201200003421
Page: 3 of 4
Fees: $28.00
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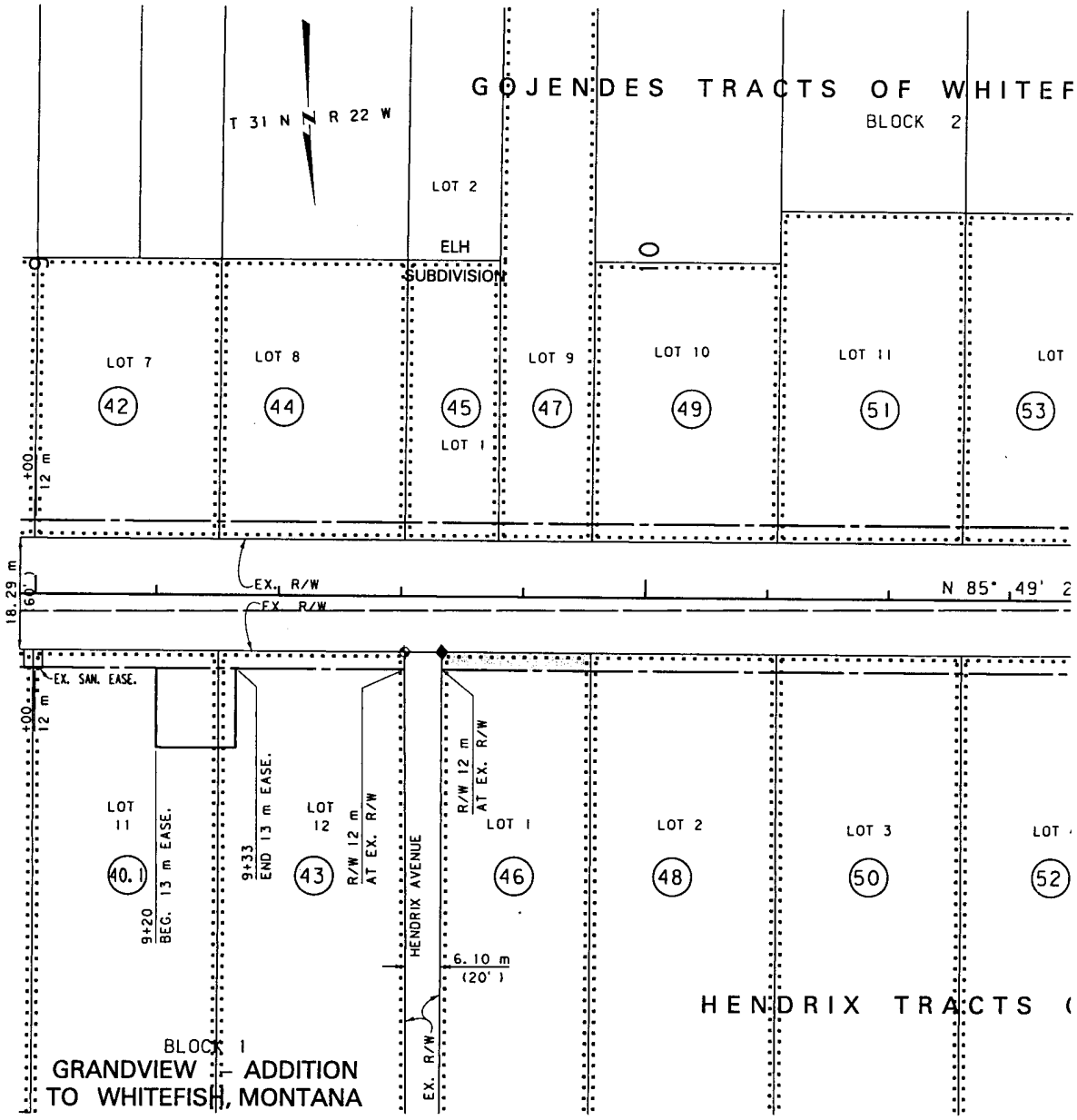
MONTANA DEPARTMENT OF TRANSPORTATION
MDT
MONTANA CADD

THOMAS, DEAN & HOSKINS, INC.
GREAT FALLS, MONTANA
(406) 761-3010

TD&H ROW



GRID STATE PLANE COORDINATES

THIS IS A STATE PLANE COORDINATE PROJECT. ALL DIMENSIONS, DISTANCES AND AREAS ON THIS PROJECT ARE GRID, EXCEPT FOR THE EXISTING R/W WIDTH DIMENSION, WHICH IS RECORD. THE COMBINATION SCALE FACTOR IS 0.99954422

FOR EXISTING R/W RETRACEMENT, SEE COS 16808

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Page: 4 of 4
Fees: $28.00
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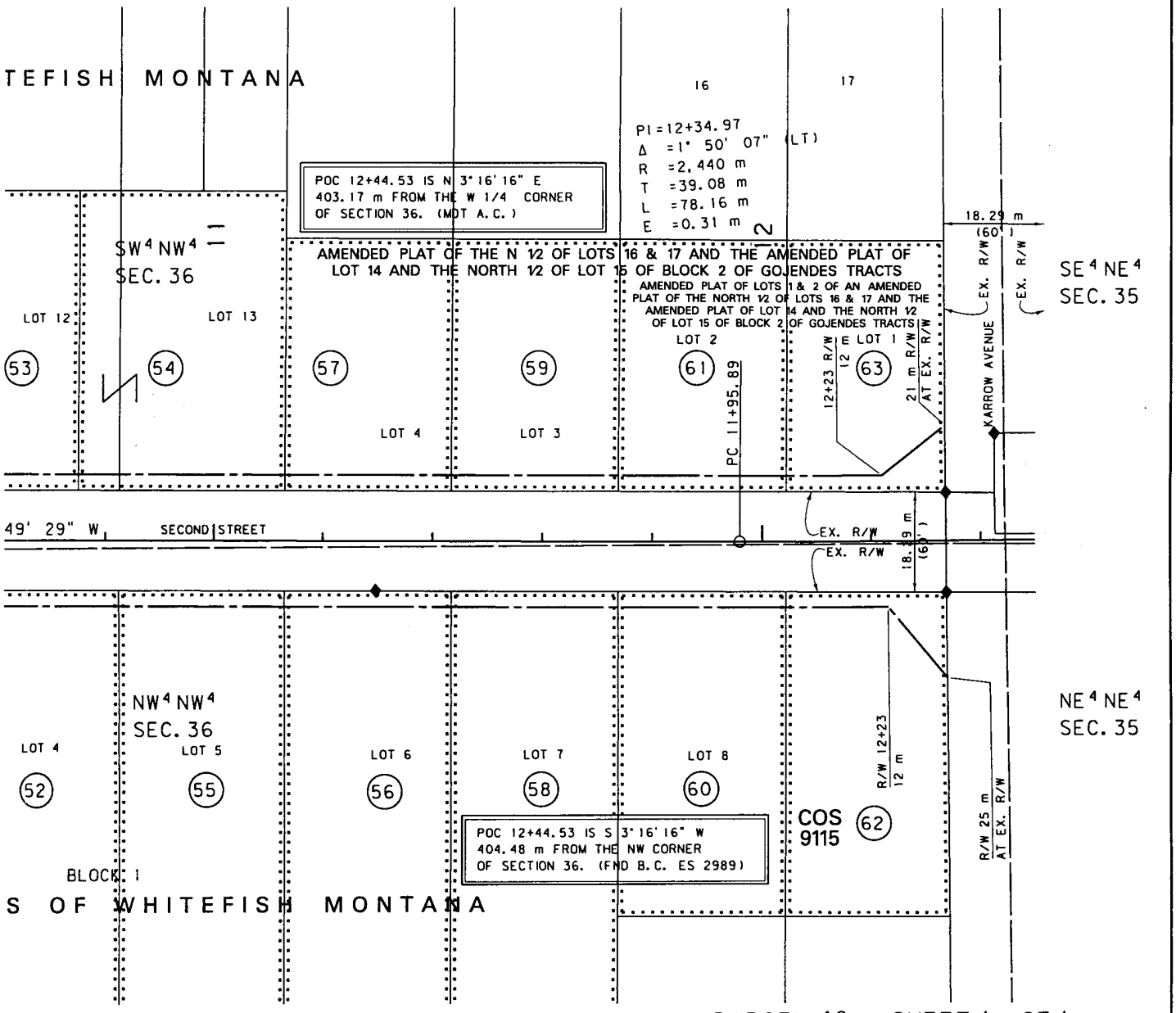
STATE	RIGHT-OF-WAY ID	SHEET NO.	TOTAL SHEETS
MONTANA	NH 5-3(106)128		

PROJECT NUMBER 2017-106

WHITEFISH-WEST



PARCEL 46 ; SHEET 1 OF 1

ALL MEASUREMENTS ARE METRIC EXCEPT AS NOTED

THE PROPOSED R/W LINE WHERE A SPIRAL CURVE TRANSITION IS USED IS A CHORD RATHER THAN A CONCENTRIC CURVE.

THE ENGLISH AREAS ARE FOR INFORMATIONAL PURPOSES ONLY.

ALL STATIONS AND OFFSETS FOR R/W BREAKS ARE IN REFERENCE TO THE R/W BASELINE.

L E G E N D

OWNERSHIP BOUNDARY		TRACT CONVEYED	
RIGHT OF WAY LINE		DATE PREPARED	10-13-11
R.R. R/W LINE		DATE REVISED	
CENTERLINE			
FULL ACCESS CONTROL	AC AC		
LIMITED ACCESS CONTROL			

THIS PLAT IS PREPARED FROM THE MONTANA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLANS & RECORDED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER.

MONTANA
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY EXHIBIT
FLATHEAD COUNTY

SCALE 1:500

0 25M 50M

Montana Department of Transportation
Right–of–Way Bureau
PO Box 201001
Helena, MT 59620–1001

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Page: 1 of 4
Fees: $28.00
Paula Robinson, Flathead County MT by JL
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ROW\Forms\Pln\520

Revised 11/06/09

State of Montana
Department of Transportation

Right-of-Way Bureau
2701 Prospect Avenue
PO Box 201001
Helena, MT 59620-1001

R/W ID.: NH 5-3(106)128 Parcel No.: 48 County: Flathead
Designation: Whitefish - West
Project No.: 2017-106

320955-FT

Bargain and Sale Deed

This Deed, made this 15 day of DEC, 2011, in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration now paid, the receipt of which is acknowledged, **witnesses that,**

Robert W. Pero and
Robert W. Pero Revocable Trust
1290 Birch Point Drive
Whitefish, MT 59937-2258

does hereby **grant, bargain, sell** and **convey** to the **Montana Department of Transportation** the following-described real property:

Parcel No. 48 on Montana Department of Transportation Project NH 5-3(106)128, as shown on the Right-of-Way plan for said project recorded in the office of the County Clerk and Recorder of Flathead County, Montana. Said parcel is also described as a tract of land in Lot 2, Block 1 of Hendrix Tracts to Whitefish, Montana, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana, as shown by the shaded area on the plat, consisting of 1 sheet, attached hereto and made a part hereof, containing an area of 87 m^2 (936 sq. ft.), more or less.

Approved by 2/15/12

ROW:2017:P48

Bargain and Sale Deed
R/W ID.: NH 5-3(106)128
Designation: Whitefish - West

Parcel No.: 48

Excepting and reserving to Grantor(s), however, all gas, oil and minerals beneath the surface of the above-described and conveyed premises, together with the right to extract the same, provided that in the exercise of such right, the surface thereof shall not be disturbed, interfered with or damaged. This exception and reservation does not include sand, gravel and other road building materials, which are conveyed by this Deed.

Further excepting and reserving unto the Grantor(s), his heirs, successors and assigns, all water, water rights, ditches, canals, irrigation systems, existing or as relocated, if any, including but not limited to, water stock or shares, bonds, certificates, contracts and any and all other indicia of water, water right and ditch ownership, or any interest therein appurtenant to the land described therein, save and except groundwater for the use, benefit and purposes of the Grantee(s).

To have and to hold the above-described and conveyed premises, with all the reversions, remainders, tenements, hereditaments and appurtenances thereto, unto the Montana Department of Transportation, and to its successors and assigns forever.

This Deed was executed on the date of its last acknowledgment.

(Signature)
Robert W. Pero

(Signature)
Trustee of the Robert W. Pero Revocable Trust

State of MT)
County of Flathead)

This instrument was acknowledged before me on December 15, 2011
(date)

by Robert W. Pero
(Grantor(s))

THERESA B. DUGAN
NOTARY PUBLIC for the
State of Montana
Residing at Whitefish, Montana
My Commission Expires
February 23, 2015
(Seal)

Notary Signature Line
Theresa B. Dugan
Notary Printed Name
Notary Public for State of MT
Residing at: Whitefish
My Commission Expires: 2 / 23 / 2015

State of MT)
County of Flathead)

This instrument was acknowledged before me on December 15, 2011
(date)

by Robert W. Pero
(name of person(s))

as Trustee
(type of authority, e.g., president, trustee, member, partner, etc.)

of Robert W. Pero Revocable Trust
(name of entity on behalf of whom instrument was executed)

THERESA B. DUGAN
NOTARY PUBLIC for the
State of Montana
Residing at Whitefish, Montana
My Commission Expires
February 23, 2015
(Seal)

Notary Signature Line
Theresa B. Dugan
Notary Printed Name
Notary Public for State of MT
Residing at: Whitefish
My Commission Expires: 2 / 23 / 2015

Recording Information

201200003422
Page: 3 of 4
Fees: $28.00
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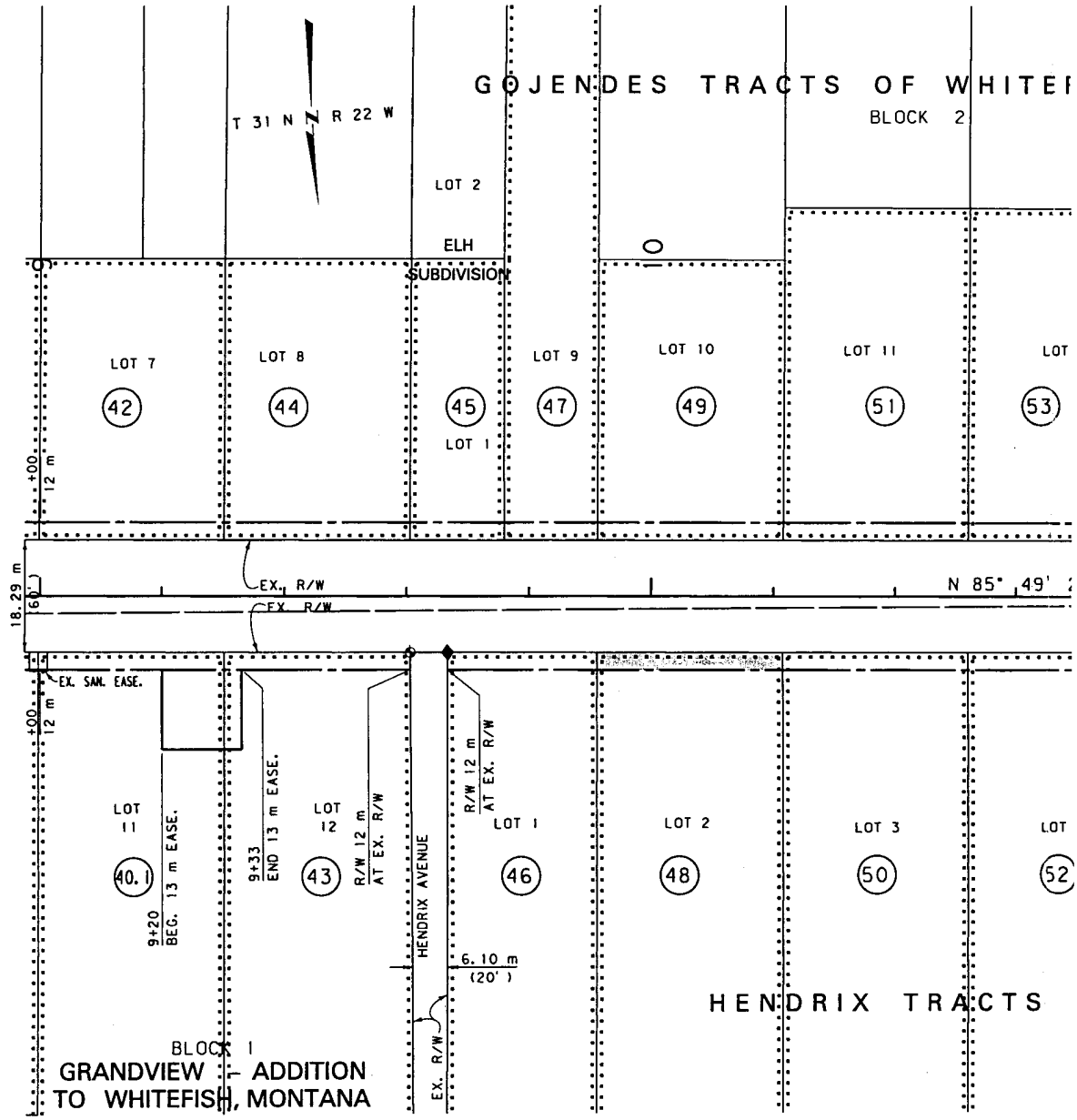

GRID STATE PLANE COORDINATES

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FOR EXISTING R/W RETRACEMENT, SEE COS 16808

NOTES: 1. ALL MEA
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MDT MONTANA DEPARTMENT OF TRANSPORTATION
MONTANA CADD
TD&H RDROW
THOMAS, DEAN & HOSKINS, INC.
GREAT FALLS, MONTANA
(406) 761-3010

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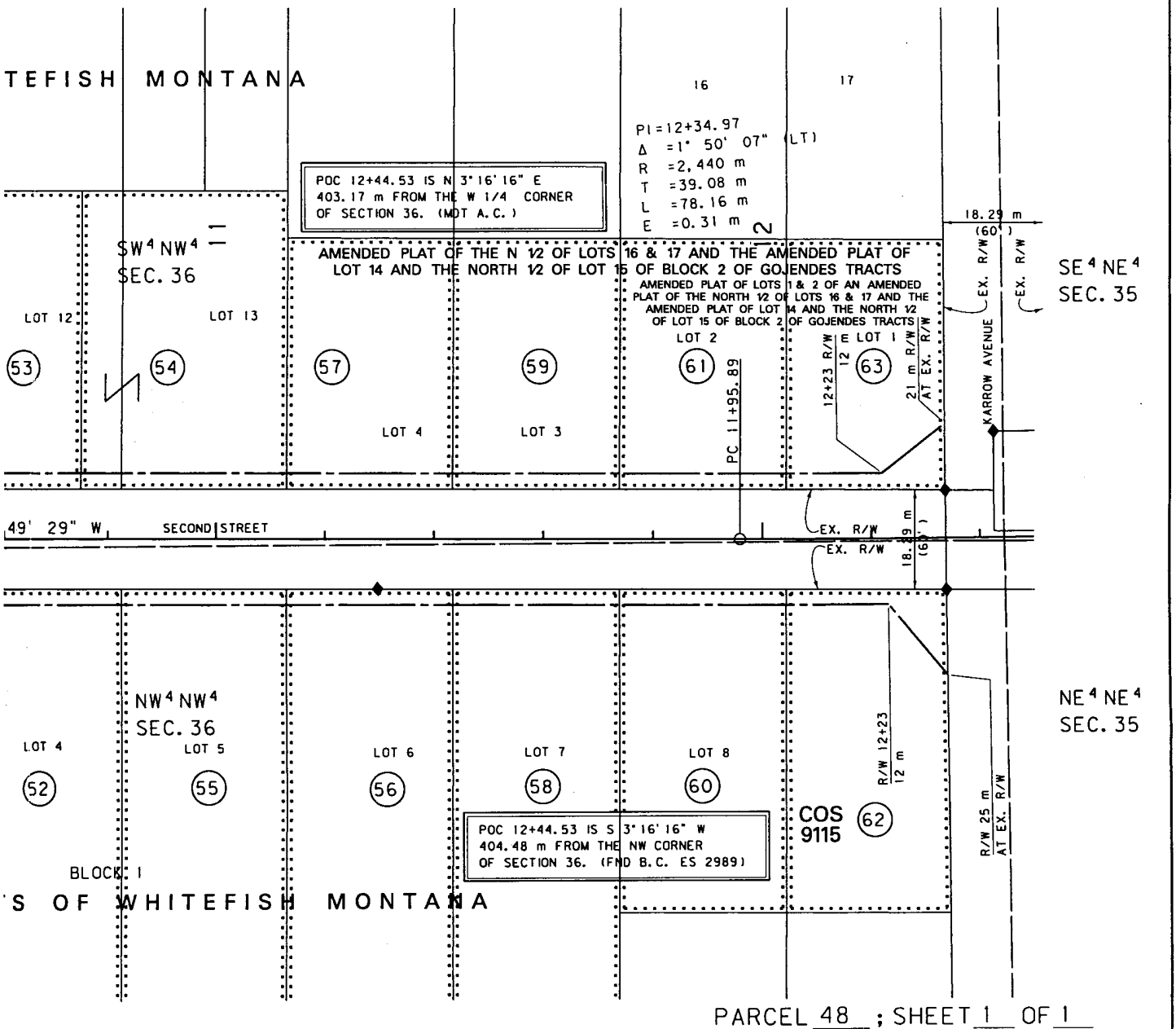
STATE	RIGHT-OF-WAY ID	SHEET NO.	TOTAL SHEETS
MONTANA	NH 5-3(106)128		

PROJECT NUMBER 2017-106

WHITEFISH-WEST



PARCEL 48 ; SHEET 1 OF 1

ALL MEASUREMENTS ARE METRIC EXCEPT AS NOTED

THE PROPOSED R/W LINE WHERE A SPIRAL CURVE TRANSITION IS USED IS A CHORD RATHER THAN A CONCENTRIC CURVE.

THE ENGLISH AREAS ARE FOR INFORMATIONAL PURPOSES ONLY.

ALL STATIONS AND OFFSETS FOR R/W BREAKS ARE IN REFERENCE TO THE R/W BASELINE.

LEGEND

- OWNERSHIP BOUNDARY
- RIGHT OF WAY LINE
- R.R. R/W LINE
- CENTERLINE
- FULL ACCESS CONTROL (AC)
- LIMITED ACCESS CONTROL (AC)
- TRACT CONVEYED
- DATE PREPARED 10-13-11
- DATE REVISED

THIS PLAT IS PREPARED FROM THE MONTANA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLANS & RECORDED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER.

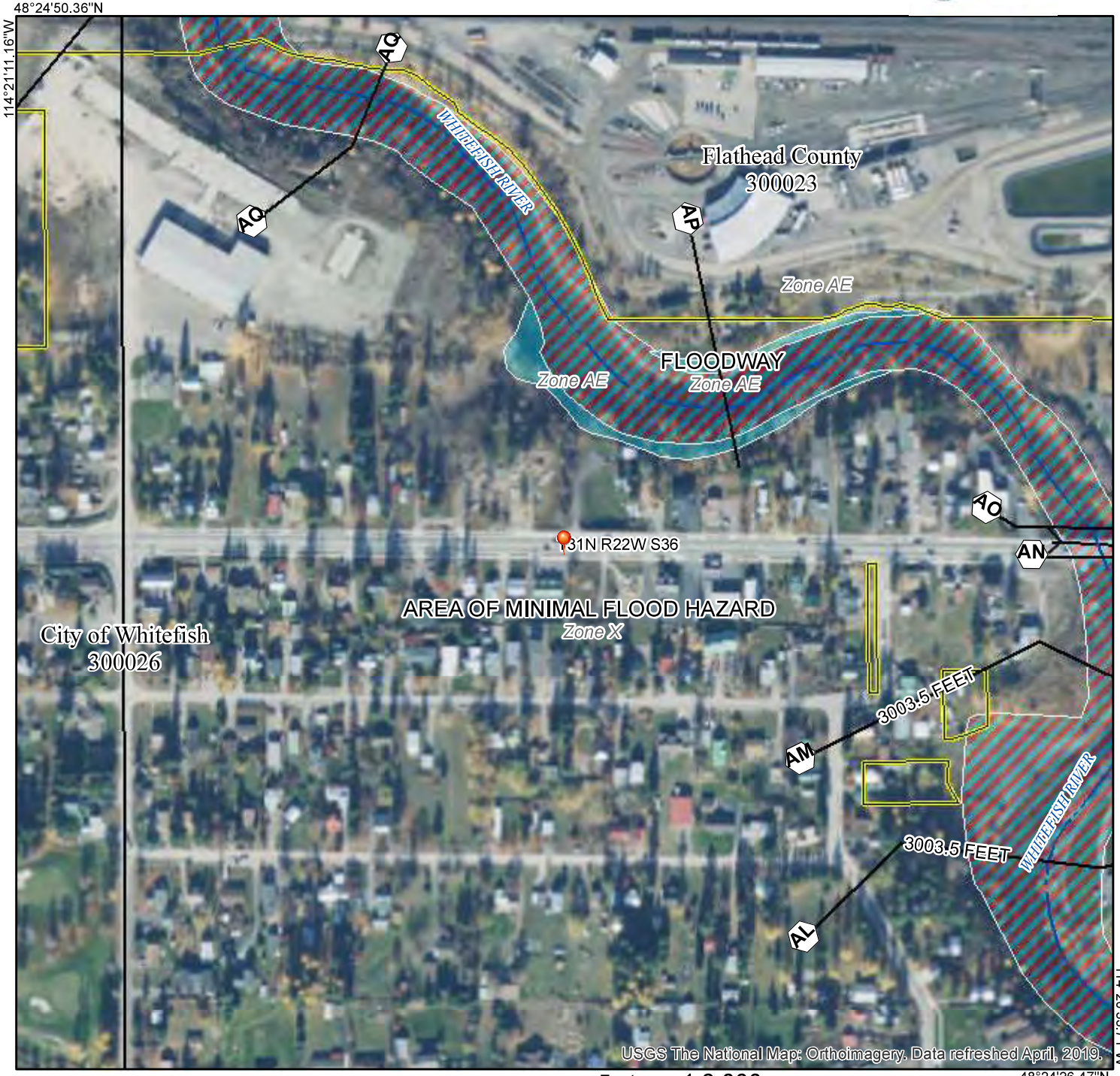
MONTANA
DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY EXHIBIT
FLATHEAD COUNTY

SCALE 1:500

0 25M 50M

National Flood Hazard Layer FIRMette



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Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS
- Without Base Flood Elevation (BFE) *Zone A, V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD
- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS
- NO SCREEN Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
- 20.2 / 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS
- Digital Data Available
- No Digital Data Available
- Unmapped

N

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 11/12/2019 at 9:21:11 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Slopeside Engineering

October 22, 2019

Big Mountain River, LLC
% Mindful Designs, Inc.
118 West 2nd Street
Whitefish, MT 59937

Subject: **Geotechnical Investigation**
Big Mountain River Development
Whitefish, Montana
Job No. 19-448

Dear Mr. Dave Radatti,

At your request, Slopeside Engineering, LLC (Slopeside) has conducted a geotechnical investigation for the planned Big Mountain River Development, encompassing the properties at 244, 314, and 322 West 2nd Street, in Whitefish, Montana. The Vicinity Map, Figure 1, shows the general location of the site. The investigation was conducted to evaluate subsurface materials, conditions at the site, and develop recommendations for site preparation, earthwork, building foundations, slope stability concerns, seismic considerations, concrete slab-on-grade floors, utility trench backfill, and AC pavement sections. The investigation included a review of existing subsurface information for the site vicinity, subsurface explorations, and engineering analyses. This report describes the work accomplished and provides our conclusions and recommendations for use in the design and construction of the proposed project. Slopeside has strived to perform the investigation and develop recommendations in a manner consistent with the degree of care that is presently standard to the geotechnical engineering profession.

PROJECT DESCRIPTION

The project site is located on the west side of Whitefish, north adjacent to West 2nd Street (US Hwy 93). The location of the site and general site layout are shown on the Site Plan, Figure 2.

Available design details and information provided by the Project Team indicate the proposed buildings are two- to three-story structures with either crawl spaces, concrete slab-on-grade floors, or walk out basements. We anticipate maximum column and continuous wall loads will be less than 100 kips and 5 kips per lineal ft, respectively. Asphaltic concrete (AC) paved parking and roadways will provide access to the buildings. Cuts and fills with a maximum depth of about 15 ft and 3 ft, respectively, are anticipated. Utility trench depths will range from about 6 to 8 ft deep. Daylight basements are planned for the structures on the north side of the development.

SITE DESCRIPTION

General

The project site is located in an area of mixed commercial and residential development on the west side of Whitefish. The site is bordered by West 2nd Street to the south, and residential development to the east and west. The western two-thirds of the site borders the undeveloped West 1st Street right of way to the north, and the remaining third of the north boundary is shared with the Whitefish River. Past development of the site appears to have consisted of residential and ancillary structures, some with partial to full basements. In addition, it appears site leveling in the upper to 2 to 5 ft of soil has occurred. Access to the townhomes will be from West 2nd Street. The majority of the existing site is vegetated with grass, underbrush, and some large evergreen and deciduous trees. Previous site grading appears to be limited; however, based on observations in the upper 2 to 5 ft of soil, it appears some site leveling and filling has occurred. Groundwater consisting of seeps or springs was not observed at the ground surface; at the time of this investigation; however, the presence of horse tails and other vegetation on the slope leading down to the river indicate groundwater approaches the ground surface and may surface on the slope during the seasonally wet times of the year.

Topography

A geologic reconnaissance of the site indicates some minor land movement has occurred at the crest of the slope near the northeast corner of the site, resulting in some surface cracking in this location. Site observations indicate that the majority of the site within the planned development area is relatively flat without slope stability concerns; however, development near the crest of and on the existing slope is a concern that could affect the planned structures if site development and grading recommendations are not followed.

The slope along the northwest and north center portions of the property grades downward toward the Whitefish River at average slopes of about 8H:1V to 3H:1V. The slope appears to steepen moving east, with slopes as steep as about 1.5H:1V near the crest of the slope in the northeast corner of the site. Observations of the terrain indicate mostly uniform slopes throughout the majority of the site. The slope in the northeast corner of the site appears to have been steepened by earthwork activities, as about 5 ft of fill material was observed in the boring at the crest of the slope. The steep portion of the slope in the northeast corner of the site where soil cracks were observed incorporates a section with about 10 to 15 ft of vertical relief at a slope of about 1.5H:1V to 2H:1V. Seeps and springs were not observed; however, we anticipate may be present in some areas under the thick underbrush based on our knowledge of the soils, groundwater table, and perched water flowing through sand lenses in this area.

Geology

The project site lies in the Rocky Mountain Trench bounded by the Salish Mountains to the West, Swan Range to the East, and Whitefish Range to the North. The trench was traversed by the Flathead Glacier and was covered by substantial areas of glacial lakes during recession of the ice mass. The surficial geology of the area consists of silts and clays deposited by glacial lakes. These soils are underlain by glacial till soils consisting of silty gravel with large cobbles and boulders that were deposited during glaciation of the area.

Site Seismicity

The site lies within the Intermountain Seismic Belt and is mapped as a zone of potentially significant seismic ground movement. Subsurface materials encountered during this limited investigation indicate the site soils should be classified as Site Class E, in accordance with the International Building Code (IBC 2012). Based on the significant presence of fine grained silt and clay soils, we anticipate the risk of liquefaction or lateral spreading is low.

SUBSURFACE CONDITIONS

General

Subsurface materials and conditions at the site were investigated on July 22 and 23, 2019, with seven borings, designated B-1 through B-7. The borings were drilled to depths of 5.3 to 40.3 ft below the ground surface. The approximate locations of the subsurface explorations are shown on the Site Plan, Figure 2. A detailed discussion of the field exploration and laboratory testing programs completed for this investigation are provided in Appendix A. Logs of the borings are provided in Appendix A on Figures 1A through 7A.

Soils

Typical soils observed at the ground surface consist of silt topsoil over silty clay fill material, and underlain by laminated lakebed deposits comprised of silt, silty clay, and lean clay soils. One to 12 inch thick sandy silt layers were observed in the laminated lakebed deposits below depths of 3.0 ft. For the purpose of discussion, the materials and soils disclosed by the subsurface investigation have been grouped into the following categories:

1. **TOPSOIL and Silty CLAY FILL**
2. **SILT, Silty CLAY, and Lean CLAY with Sandy SILT lenses**

1. TOPSOIL and Silty CLAY FILL. All borings advanced for this project encountered topsoil comprised of silt with abundant organics at the ground surface. The topsoil is generally dark brown with a heavily rooted zone to a depth of about 3 to 4 inches. The topsoil with abundant organic content extends to depths of 3 to 10 inches. The topsoil is underlain by brown to grayish brown silty clay fill material with random dark brown inclusions. The silty clay appears to have been disturbed and regraded, likely prior to the residential development of the site. The relative consistency of the silty clay is stiff to very stiff based on standard penetration test (SPT) blow counts of 20 to 33 blows per ft. Moisture contents of this soil unit range from about 11 to 22 percent of the soil's dry weight.

The silty clay soils extend to depths of about 1.1 to 5.2 ft, and are underlain by Glacial Lakebed deposits comprised of a layered system of silt, silty clay, and lean clay.

2. SILT, Silty CLAY, and Lean CLAY with Sandy SILT lenses. Glacial Lakebed deposits comprised of laminated silt, silty clay, and lean clay, with periodic lenses of sandy silt or silty sand were encountered beneath the silty clay fill layer at depths of 1.1 to 5.2 ft below the ground surface. Sandy silt lenses from 1 to 12 inches thick were observed within this soil unit. The sandy silt lenses contain fine grained sand particles, are medium stiff, and appear saturated. The fine grained silt, silty clay, and lean clay soils tend to strength diminish with depth as the moisture contents increase. SPT blow counts of 4 to 38 blows per ft indicate the Glacial Lakebed deposits are medium stiff to hard. Moisture contents range from 21 to 39 percent. All explorations advanced for this project were terminated in this soil unit at depths of 5.3 to 40.3 ft below the ground surface.

Groundwater

Groundwater was encountered in Borings B-1 through B-3 and in B-6; however, due to the time required for equilibration, the groundwater levels were not measured. A piezometer was constructed in Boring B-7 to a depth of 18 ft below the ground surface and was measured on July 29, 2019, with no groundwater present. We anticipate the groundwater level is typically between 15 and 20 ft below the ground surface elevation. The groundwater level rises during spring thaw and the relatively wet spring season. Groundwater elevations in this area are typically the highest during April, May, and June, and likely approach about 15 ft below the ground surface.

ENGINEERING ANALYSIS

General

Based on discussions with the project team at the time of this investigation, we understand the proposed structures will consist of a two- to three-story structures with concrete slab on grade floors, crawl spaces, or daylight basements. We anticipate cuts and fills up to about 15 and 3 ft, respectively, will be necessary for construction of the project. Maximum column and wall loads of 100 kips and 5 kips per lineal ft, respectively, are anticipated for the planned structures. We anticipate utility trench depths will be up to 6 to 8 ft deep.

Site Preparation

Site stripping will need to be conducted in all planned development areas. The removal of topsoil should extend down to the stiff brown to grayish brown, silty clay fill soils. Based on observations during the subsurface investigation, we anticipate site stripping will be necessary across the entire site planned for development. The topsoil zone will likely range from about 3 to 10 inches thick, with an average stripping thickness of about 8 inches. Following stripping, loose or organic rich fill material shall be removed down to firm clay soils. We anticipate loose fill material removal will be necessary in the vicinity of the preexisting structures and existing utility trenches.

Based on past experience, the near surface fine grained soils encountered during this investigation have little cohesion. As a result, these soils can be easily disturbed and strength

diminished during construction, particularly in relatively high moisture content areas and where seepage or surface water is allowed to pond and infiltrate. Therefore, positive site drainage is of critical importance to both construction and long-term performance of the planned structures and roadways. It is anticipated that surface runoff could provide water to the project area. Surface diversion systems should be considered necessary and will assist in maintaining the undisturbed soil strength.

Earthwork

We understand it is desirable to use on-site soils for the construction of Structural Fills and utility trench backfill, when allowed by the City of Whitefish Standards. Near surface, on-site soils consist primarily of fine-grained, moisture-sensitive silt, silty clay, and lean clay. Soils encountered beneath the topsoil zone are suitable for Structural Fill construction as long as the soils are free of organics or other deleterious materials, and cobbles and boulders larger than 4 inch maximum size are removed. Compaction of Structural Fill and utility trench backfill shall be accomplished when moisture contents are within 3 percent of the optimum moisture content as determined by ASTM D698. Observations in the upper 10 ft of soil during the subsurface and laboratory investigations revealed that the in situ soils are typically wet of the optimum moisture content as determined by ASTM D698, indicating moisture conditioning using drying methods will likely be necessary to approach the optimum moisture content for compaction. Use of on-site, fine grained soils will be a weather-sensitive earthwork operation, and commonly utilizes large spaces when moisture conditioning the material. It should be realized that fine grained soils can be difficult to compact, particularly during wet or cold weather. Construction of Structural Fill using fine grained soils during relatively wet weather or when temperatures are below freezing (including nightly low temperatures), will significantly reduce the efficiency of earthwork operations. Limiting mass grading to the relatively dry and warm late spring, summer or early fall months will reduce the likelihood of weather affecting construction operations.

The presence of sandy silt and silty sand layers will need to be planned for during excavation and utility construction. "Running sands" may occur in the sandy silt layers and tend to seep water and erode the excavation sidewalls. This will be of particular concern during utility construction. Construction of utilities in the late summer or winter months will assist in reducing the risk of "running sands" adversely affecting temporary construction and open trenches; however, trench shoring and dewatering systems will likely be necessary for deeper excavations.

Slope Stability Analysis

Observations at the site indicate slope stability concerns are present in the vicinity of the relatively steep slope at the northeast corner of the site. Experience with the soils encountered, observed groundwater levels, and perched water in sand lenses indicate the current slope is marginal and future movements are possible. We understand current regulations indicate a buffer of 75 ft from Average High Water is required in the vicinity of the Whitefish River. Although we understand the intent of this regulation, in our opinion, slope stability is a significant concern in this area and removing soil and flattening a portion of the slope will greatly increase the factor of safety against sliding.

Slopeside Engineering's experience with Glacial Lacustrine deposits in the Flathead Valley, specifically along the Whitefish River, have culminated in recommended slopes and setbacks. The common failure mechanism in these locations is a small failure that occurs at the toe of the slope due to trapped pore water pressures in silt and sand lenses. Following the initial slump, the slope failure tends to propagate upslope as seepage erodes the slide material and soil lense. Larger failures are also possible that tend to fail up to the crest of the slope, and then propagate if measures to stabilize the head scarp are not constructed.

Based on slope stability analyses conducted in the vicinity of this project, observations of subsurface explorations (including the presence of fill material to a depth of 5.2 ft near the crest of the slope) and experience with similar soil structures and slopes, Slopeside Engineering recommends permanent slopes of 3H:1V. The gradual slope recommendation of 3H:1V takes into consideration the soil types, perched water, and the presence of the Whitefish River.

Foundation Design

Footings shall be established in the undisturbed stiff to hard, silt, silty clay, and lean clay Glacial Lakebed deposits, encountered at a depth of 1.1 to 5.2 ft below the ground surface. Based on the assumed elevation of the planned footings, we anticipate the soil to a depth of more than 10 feet below the bottom of footings will consist of medium stiff to stiff fine grained soils with periodic lenses of sandy silt. Precautions to minimize disturbance of the bearing surface and reduce associated differential settlements are provided in the **Recommendations** section of this report.

Based on typical design for like structures, we anticipate maximum design loads will be less than 100 kips for column loads, and 5 kips per lineal foot for the continuous wall footings. Field and laboratory test data for this project along with previous geotechnical investigations conducted in the nearby vicinity of this project and on similar soils were used in the foundation analysis.

Bearing pressure values of 2,000 psf for continuous wall and spread column footing foundations are appropriate for the medium stiff to stiff silt, silty clay, and lean clay soils. Excavation below the upper silty clay fill layer that appears to have been disturbed in the past will be necessary for all foundations. We anticipate settlements associated with the allowable bearing pressures presented above and in the Recommendations section of this report will be less than 1 inch with differential settlements less than ½ the total settlement. Settlements are expected to occur over a relatively short time period in response to the loading. Precautions to minimize disturbance of the underlying fine grained soils are provided in the **Recommendations** section of this report.

Pavement Analysis

A flexible pavement design has been conducted using the 1993 edition of the AASHTO Guide to Pavement Design. A light duty pavement section is provided. Light duty pavement sections should be used in areas where vehicular traffic consisting of cars, pick-ups, vans, and occasional small delivery vehicles are anticipated, i.e. parking lots. The pavement analysis assumes a design life of 20 years with an 85 percent reliability level and a Terminal Service Index of 3.0. An Equivalent Single Axle Loading (ESAL) of 110,000 was assumed for light-duty pavement sections. A CBR value of 3 was used to model the subgrade, assuming the subgrade consists of stiff

silty clay soils. The pavement section is presented in the **Recommendations** section of this report.

RECOMMENDATIONS

1.0 General Site Preparation

1.1 The removal of topsoil and other organic material, including the clearing and grubbing of surficial vegetation and root zones, should be accomplished within the construction zone prior to any earthwork construction. We anticipate stripping thicknesses will range from 3 to 10 inches with an average stripping thickness of about 8 inches. In addition, the removal of loose fill material, likely present in the vicinity of previously removed structures and existing utilities shall be removed prior to placement of structural fill or settlement sensitive improvements. Due to the presence of moisture-sensitive fine grained soils near the ground surface, care shall be taken to reduce the risk of disturbing the soils due to heavy construction traffic. We recommend rubber-tired construction traffic be limited to areas at least 2 ft above subgrade soils consisting of moisture-sensitive silt, silty clay, and lean clay soils. Following removal of surface organics, the underlying soils shall be evaluated by a qualified geotechnical engineer for suitability as a subgrade material in all sidewalk, building, Structural Fill, and any other settlement sensitive areas. Following the evaluation, site preparation can proceed for earthwork, concrete slab subgrade, and pavement subgrade.

1.2 Surface drainage shall be established to direct runoff away from the construction area. Seepage may occur in the larger cuts for the foundation excavations; the contractor should be aware that drainage ditches and dewatering equipment such as sumps and collection channels may be necessary to complete the excavations.

1.3 Excavated material or structural fill to be placed as backfill shall not be stockpiled within 50 ft of existing slopes or above previously excavated temporary slopes. Stockpiling soil above steep slopes will add weight to the slope that will reduce the factor of safety against sliding.

1.4 Soils encountered at the site have a relatively high silt and clay percentage. These soils are fine grained, moisture-sensitive soils that are easily disturbed by construction activities and traffic. Due to the relatively high moisture content of these soils, we recommend construction traffic not travel over fine grained subgrade soils. In areas where heavy construction traffic is anticipated, haul roads with a minimum gravel thickness of 2 feet should be constructed over the planned subgrade. The gravel shall consist of a well-graded gravel with a maximum size of 3 inches with no more than 7 percent passing the No. 200 sieve. Geotextile fabric placed between the fine-grained soils and gravel for the haul road will reduce the risk of continued maintenance of the haul road during construction. Provided the haul road is constructed over subgrade prepared as recommended in Item 8.0, it can be used as a portion of the subbase course for the access roads and parking areas.

1.5 The stability of construction excavations and associated worker safety are the responsibility of the contractor in accordance with current OSHA regulations; this responsibility may

require design by a registered professional engineer. Based on the predominant soil types encountered during our investigation, temporary construction excavations that are to be planned in accordance with OSHA provisions should assume Type B material conditions for silt and clay soils; however, Type C material should be assumed for excavations encountering the sandy silt lenses, below depths of about 3 ft below the existing ground surface. Actual subsurface conditions at the time of excavation should be observed by a geotechnical engineer to determine whether slope flattening, bracing or other stabilization is necessary due to seepage or other unexpected conditions.

2.0 Excavation, Earthwork, and Construction Materials

2.1 Based on the subsurface and laboratory investigations, we anticipate subgrade soil moisture contents will be near or greater than the optimum moisture content for the soil in most areas. Track-mounted hydraulic excavators equipped with smooth-lipped buckets should be used to accomplish excavation to subgrade in all Structural Fill, roadway and foundation areas. The use of track-mounted equipment will reduce the risk of disturbing the underlying moisture-sensitive, fine-grained soils. Rubber-tired equipment, including graders and scrapers, grad-alls and skid steers, used within 2 feet of subgrade elevation will greatly increase the risk of disturbing the underlying subgrade soils.

2.2 Structural Fill constructed within proposed building footprints, roadways, engineered slopes, sidewalks, and other areas that are settlement-sensitive shall be comprised of soils that are free of organics and deleterious materials. All Structural Fill material should be placed in no greater than 8-inch thick lifts and compacted to a minimum of 95 percent of the maximum dry density as determined by ASTM D698. In addition, the moisture content of the Structural Fill at the time of compaction should be within 3 percent of the optimum moisture content as determined by ASTM D698. Cobbles and boulders larger than 4 inch maximum size shall not be used as fill material. Structural Fills should consist of on-site soils or be from a material source approved by our geotechnical engineer and meet the following composition guidelines:

- The sand and gravel-size particles comprising the fill should be hard, durable rock materials that will not degrade by moistening or under mechanical action of the compacting equipment; i.e. not shale or other clayey rock types.

- The binder/fines should have maximum Liquid Limit and Plasticity Index values of 25 and 10 percent, respectively.

- No frozen, organic, or other deleterious materials should be present in the Structural Fill.

2.3 In areas where Structural Fill is placed and compacted below building foundations or if fill operations are planned for the relatively wet fall, winter and spring months, the fill material shall be comprised of granular Structural Fill free of organics and deleterious materials. All

granular Structural Fill material shall be compacted to a minimum of 95 percent of the maximum dry density as determined by ASTM D698. In addition, the moisture content of the granular Structural Fill at the time of compaction shall be within 3 percent of the optimum moisture content as determined by ASTM D698. Granular Structural Fills should consist of aggregate from a material source approved by our geotechnical engineer and meet the following gradation and composition guidelines:

Screen or Sieve Size	Percent Passing by Weight
3-inch	100
1½-inch	85-100
No. 4	30-60
No. 200	10 maximum

- The sand and gravel-size particles comprising the fill should be hard, durable rock materials that will not degrade by moistening or under mechanical action of the compacting equipment; i.e. not shale or other clayey rock types.

- The binder/fines should have maximum Liquid Limit and Plasticity Index values of 25 and 10 percent, respectively.

- No frozen, organic, or other deleterious materials should be present in the Structural Fill.

2.4 Structural Fill shall be placed in uniform lifts not exceeding an 8-inch loose thickness and be compacted to at least 95 percent of the maximum dry density as determined by ASTM D698. Structural Fill shall be placed over undisturbed subgrade material or subgrade soils compacted to a minimum of 95 percent of the maximum dry density as determined by ASTM D698 and within 3 percent of the optimum moisture content at the time of compaction. The subgrade shall be observed by a qualified geotechnical engineer prior to fill placement. Structural Fill shall not be placed over frozen subgrade or previously placed Structural Fill that has frozen.

2.5 Utility trench and foundation wall backfill materials shall be approved by our geotechnical engineer and be placed in uniform lifts of maximum 8-inch loose thickness and be compacted to 95 percent of the maximum dry density as determined by ASTM D698. Backfill materials shall be placed and compacted per Item 2.2 or 2.3. We anticipate the moisture contents of the excavated materials will be relatively wet of the optimum moisture content and moisture conditioning will be required, making it difficult to compact during relatively wet conditions and when temperatures are less than 40 degrees (F). Backfill shall not be placed on frozen subgrade material or previously placed backfill that has frozen.

Compaction within 5 feet of foundation structures shall be accomplished using hand-operated tamping equipment only.

2.6 Fill placement shall be observed and tested by our geotechnical site representative. Any areas of rutting, excessive deformation, or other non-uniform performance shall be moisture conditioned and recompacted, or removed and replaced, as recommended by our geotechnical engineer.

2.7 Structural Fill shall not be planned for the slope leading down to the Whitefish River on the northeast quarter of the property. Structural Fill planned for more gradual slopes in the vicinity of the northwest quarter of the property shall be benched into the native soils following site stripping, in accordance with the attached Benching Detail (Detail 3). All previously placed fill material shall be removed from the existing slope. In addition, slopes shall be constructed as 3H:1V slopes to increase the factor of safety against sliding. In the event 3H:1V slopes are not feasible, deep foundations to support retaining walls will likely be necessary. Based on the current site plan, it appears the majority of the steep slope will be removed during construction of the townhome unit in the northeast corner of the property. Additional site grading may be necessary in that area to flatten the existing slopes to 3H:1V or flatter.

2.8 Permanent cut and fill slopes shall be no steeper than 3H:1V.

3.0 Foundation Preparation and Design

3.1 Continuous wall and spread footing foundations shall be constructed on undisturbed native Glacial Lakebed soils comprised of silt, silty clay or lean clay (encountered approximately 1.1 to 5.2 ft below the existing ground surface). The fine grained soils shall be cleaned of all loose and deleterious material. We recommend our geotechnical engineer observe the conditions at the bottom of all footing excavations for suitability of the proposed foundation bearing pressures. Care shall be taken to minimize disturbance to the fine grained bearing surfaces. All footing excavations shall be completed with an excavator equipped with a smooth-edged bucket operating from above or outside the bearing area. Footing surfaces shall be cleaned of loosened or softened material prior to footing formwork or concrete placement.

3.2 In areas where groundwater seepage is present or if extra precaution against wet foundation subgrade soils is necessary due to the timing of construction, column and wall foundation footings shall be constructed on a thickness of 3 to 6 inches of open graded angular drain rock with a maximum size of 1½ inches and a minimum size of $^1/_4$ inch (Detail 4). The angular gravel shall be compacted using vibratory methods until well-keyed. A nonwoven drainage geotextile (Mirafi 140N or equivalent) shall be placed between the silt or clay soils and the open-graded drain rock to reduce the risk of "piping" of the fine grained soils. Areas where groundwater seepage is not observed, the open graded gravel thickness is unnecessary, assuming all loosened material that occurred due to excavation techniques is removed prior to concrete placement. Due to the sensitive nature of the silty soils and the

possible seepage during excavation, we recommend the open graded gravel fill or concrete placement occur rapidly following excavation and before water has a chance to pond or flow over the subgrade soils. Compaction should occur immediately after placement of gravel to reduce the risk of disturbing the underlying soils. We recommend our geotechnical engineer observe compaction of the gravel to reduce the risk of applying too much compactive effort and disturbing the underlying soils.

3.3 Where the removal of unsuitable material is required, replacement Granular Structural Fill should be placed and compacted per Item 2.3 to attain foundation grade. Unsuitable materials include uncontrolled previously placed fill materials, soils with support capability less than the bearing values planned for a specific footing, and any saturated or softened/disturbed native soils that may occur due to isolated seepage, weather, or construction activities.

3.4 Spread footing and continuous wall foundations shall be established on the undisturbed medium stiff to stiff Glacial Lakebed soils, or compacted Granular Structural Fill (Item 2.3). Spread footing and continuous wall footings can then be designed with maximum allowable bearing pressures of **2,000 psf,** provided load-settlement relations discussed in the **Engineering Analysis** are acceptable. Continuous wall and spread footing foundations shall have minimum footing widths of 18 inches and 2 ft, respectively. Larger footings are anticipated and will depend on the planned loading. All foundations shall be designed by a Structural Engineer.

3.5 All foundation footings should have a minimum embedment of 1.0 ft below finished interior surfaces. Exterior wall footings should be embedded a minimum of 4.0 ft below exterior grades to establish frost protection. In addition, all foundations shall be constructed a minimum 10 ft horizontal distance from the face of a slope at foundation elevation. Additional distance from slopes can be accomplished by deepening foundations.

3.6 Lateral load resistance can be provided by friction acting along footing bases and passive pressure acting on the footing sides. For design purposes, the following parameters are appropriate:

Material	**Friction Coefficient**	**Passive Resistance (psf/ft depth)**
Silt, Silty Clay, or Lean Clay; or Fine Grained Structural Fill	0.30	200*
Granular Structural Fill	0.50	300*

*Assumes foundation backfill compacted per Item 2.5

4.0 Lateral Earth Pressure

4.1 Lateral earth pressure parameters for design of cantilevered walls backfilled in accordance with Item 2.5 and Detail 1, can be designed using active earth pressures with an equivalent fluid weight of 40 pcf. A minimum uniform pressure of 100 psf should be added to the above design pressures for embedded and cantilevered walls to allow for surcharge effects during construction. Larger pressures may be necessary depending on the contractor's approach to the work.

5.0 Foundation Drainage

5.1 Relief of hydrostatic pressure against below grade walls and cantilevered retaining walls shall be provided using drainage as shown on Detail 1, or an approved alternate system.

5.2 The foundation-wall junction in areas where concrete slabs will be below finished site grades and any other wall joints that will be below-grade shall be constructed with water stops. Below-grade walls shall be dampproofed with a heavy-duty, asphaltic membrane with fiber reinforcing. If further risk reduction is desired for the intended lower level space utilization or flooring, then waterproofing systems shall be considered.

6.0 Site Drainage

6.1 Finished site grades should be positively sloped away from foundation and backfill zones. Grading should be designed and maintained to route runoff away from the building areas. Roof drains and subsurface drains shall not be allowed to outlet on slopes directly below the planned structures.

6.2 We understand crawl spaces may be used for the some of the planned structures. Exterior foundation drains consistent with Detail 1, shall be constructed around all crawl space foundation walls. The drains shall be connected to an outlet acceptable to the Civil Engineer. In addition, drainage lines or sumps shall be provided within the crawl spaces to reduce the risk of ponding water within the crawl spaces. Damp proofing crawl spaces is also recommended.

6.3 Seeps and springs observed at the ground surface or areas where additional drainage is desired, can be controlled with french drains sloped to drain to an acceptable outlet. French drains shall be constructed per Detail 5 and shall consist of a typical 2-ft by 2-ft trench. The french drain shall consist of a minimum 4-inch diameter perforated pipe, surrounded by open-graded drain rock (rounded gravel is acceptable) and enveloped with a nonwoven drainage geotextile. The fabric shall be protected with a minimum cover of approximately 12 inches.

7.0 Slab-on-Grade Design/Capillary Break

7.1 Concrete slab subgrades shall consist of native soils or Structural Fill constructed over native soils in accordance with Sections 1.0 and 2.0. Areas of unsuitable fill material or areas where rutting, yielding, or other non-uniform subgrade performance is observed, shall be removed or recompacted as recommended by our geotechnical engineer. A subgrade

modulus value of 150 psi/in should be assumed for silty clay subgrade soils prepared in accordance with Sections 1.0 and 2.0 in the concrete slab area.

7.2 Following the subgrade preparation of Item 7.1 for concrete slabs planned above surrounding site grades, a nominal 8-inch thick layer of $^{3}/_{8}$ to $^{3}/_{4}$ inch open-graded angular crushed rock should be provided to reduce the risk of capillary rise affecting the concrete slab. The open graded angular gravel shall be compacted using vibratory methods until well keyed. Depending on the necessary level of protection against moisture, a vapor barrier installed per the manufacturer's recommendations will likely be necessary.

7.3 In areas where concrete slabs are planned below surrounding site grades (daylight basement areas), following the subgrade preparation of Item 7.1, a nominal 12-inch thick layer of $^{1}/_{4}$ to 1½ inch open-graded angular crushed rock shall be provided for slab underdrainage. The upper 2 inches of this 12 inch thick layer can be substituted with $^{3}/_{4}$ inch minus crushed rock to provide a compact surface for construction activities, if desired. The slab-on-grade base course shall be compacted using vibratory compaction methods until well-keyed. Underdrain lines shall consist of minimum 3-inch diameter slotted PVC pipes on longitudinal centers not exceeding 15 feet. These lines should be plumbed to a sump or positive gravity outfall. The drain lines shall be sloped to drain by providing trenches below the nominal drainage layer as necessary. A nonwoven drainage geotextile shall be placed between the native silt or clay and the drain rock. A generalized sketch of this system is included as Detail 2. Given the large plan area of the structures, benefits may be realized from designing slab underdrainage as two discrete systems with each system responsible for half the slab area. Depending on the necessary level of protection against moisture, a vapor barrier may also be necessary.

8.0 Ashphaltic Concrete Pavement

8.1 In preparation for basecourse placement, the subgrade shall be excavated using an excavator with a smooth cutting edge. In areas where Structural Fill is already present, scarifying and recompacting the AC pavement section subgrade should not be necessary unless the subgrade has previously frozen. Any areas where rutting, yielding, or other non-uniform subgrade performance is observed, should be repaired and improved as recommended by our geotechnical engineer. Undisturbed silty clay soil is the assumed pavement subgrade material.

8.2 Placement of a woven separation geotextile fabric between the silty clay subgrade and the basecourse layer will improve constructability and reduce the risk of the subgrade soils contaminating the basecourse material. In addition, the geotextile will significantly reduce the risk of subgrade disturbance during spring thaw, when subgrade soils are weakest. The recommended geotextile should consist of Mirafi 500X or equivalent and should be placed to the manufacturer's specifications.

8.3 The following flexible pavement thickness design sections assume a 20-year design period, provided the traffic assumptions discussed in the **Engineering Analysis** are acceptable. The

pavement sections assume construction procedures and material requirements as outlined in the *Montana Public Works Standard Specifications, Sixth Edition, 2010*, are followed.

Pavement Component	Light-Duty Section*
Asphaltic Concrete Pavement	3 in.
1½-inch minus Crushed Base Course	15 in.

*Assumes geotextile equivalent to Mirafi 500X is placed between subgrade and base. In the event a geotextile is not used, we recommend increasing the Base Course thickness by 3 inches for both the light-duty and heavy-duty pavement sections.

9.0 Exterior Concrete Flatwork

9.1 Concrete flatwork that is allowed to move independently, such as sidewalks, typically have minimal damage of the concrete due to frost heave. As long as the concrete is allowed to raise and lower without being fixed at the edges, minimal cracking due to frost heave is anticipated.

9.2 To reduce the risk of frost heave occurring within the limits of the exterior concrete flatwork and affecting entryways and fixed concrete slabs, Slopeside recommends a combination of reducing water infiltration and removing some of the frost susceptible soils. Slopeside recommends reducing the amount of surface water infiltrating into the ground by collecting roof water in gutters and hard piping the runoff to an acceptable outlet approved by the Civil Engineer. Slopeside also recommends the frost susceptible subgrade soils be overexcavated to a depth of about 2 ft below the bottom of concrete elevation and backfilled with at least 18 inches of Structural Fill consisting of 3 inch minus "pit run" gravel with no more than 5 percent passing the No. 200 sieve, and compacted to a minimum of 95 percent of the maximum dry density as determined by ASTM D698. The upper 6 inches of base material below the concrete should consist of $^1/_4$ inch to 1 inch open-graded angular drain rock. The angular drain rock shall be compacted using vibratory methods until well-keyed, and be provided a drainage outlet.

10.0 Seismic Design

10.1 Seismic design following the static procedures outlined in the International Building Code may be conducted using a Site Class E (2012 IBC). A site specific seismic hazard study will be necessary if dynamic procedures are to be followed.

11.0 Construction Services and Quality Control

11.1 Geotechnical observation should be provided to monitor the site preparation, earthwork, and foundation stages of construction. These geotechnical services should ascertain that subsurface conditions are reasonably consistent with those determined by our investigation, and should ascertain that site and foundation preparation are consistent with our recommendations.

CONCLUSION

The foregoing recommendations present our initial geotechnical input for design and construction of the project. In order for these recommendations to be properly incorporated in the subsequent design and construction stages we recommend that our geotechnical engineering staff remain involved with the project to ascertain that our recommendations have been properly interpreted both during design and construction. These services will reduce the potential for misinterpretation of subsurface conditions and geotechnical design recommendations that are important in the preparation of project plans, specifications and bid documents.

LIMITATIONS

Slopeside Engineering, LLC, has strived to prepare this report in accordance with generally accepted geotechnical engineering practices in this area solely for use by the client for design purposes and is not intended as a construction or bid document representing subsurface conditions in their entirety. The conclusions and recommendations presented are based upon the data obtained during the investigation as applied to the proposed design and construction details discussed in this report. The nature and extent of variations between the subsurface explorations may not become evident until construction. If variations are then exposed, it will be necessary to reevaluate the recommendations of this report.

If changes in the concept, design data, or location of the structures are planned, the recommendations contained in this report shall not be considered valid unless the changes are reviewed by our geotechnical engineer, and a written response is provided.

Sincerely,

Joshua C. Smith, P.E.
Principal Geotechnical Engineer

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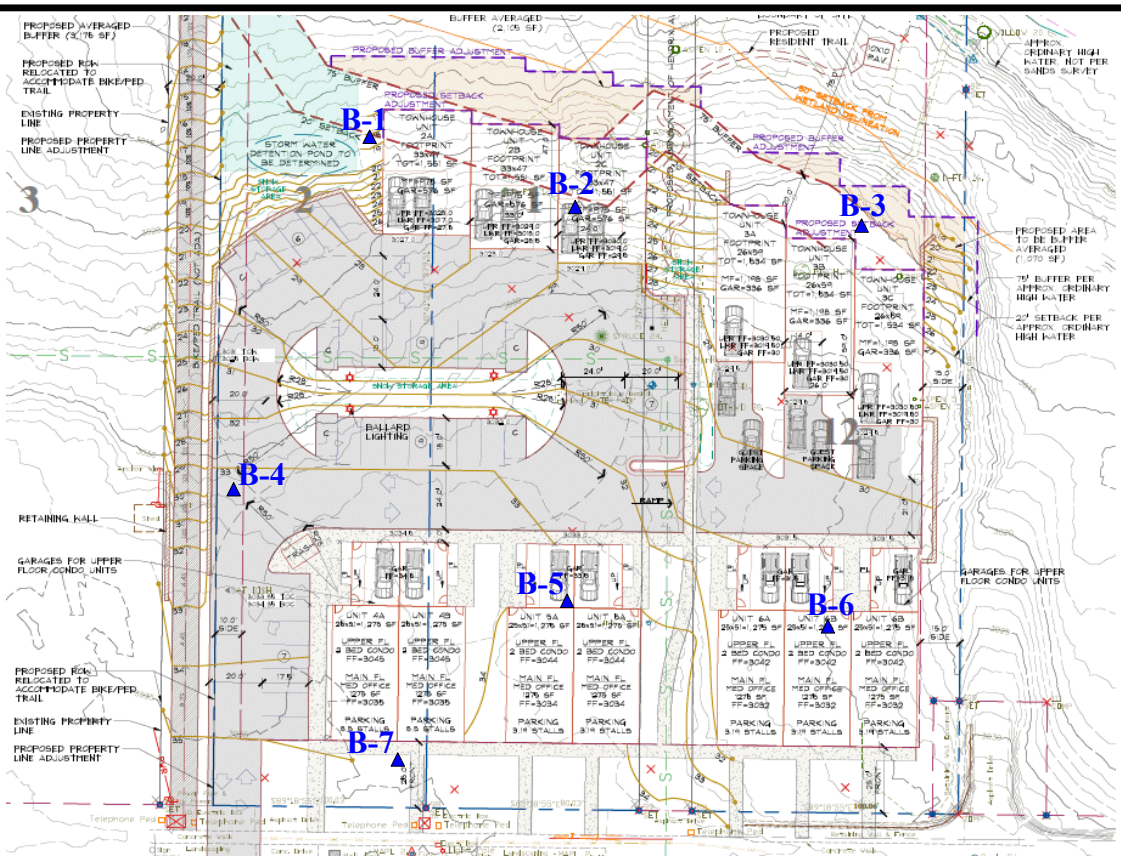
No Scale Intended

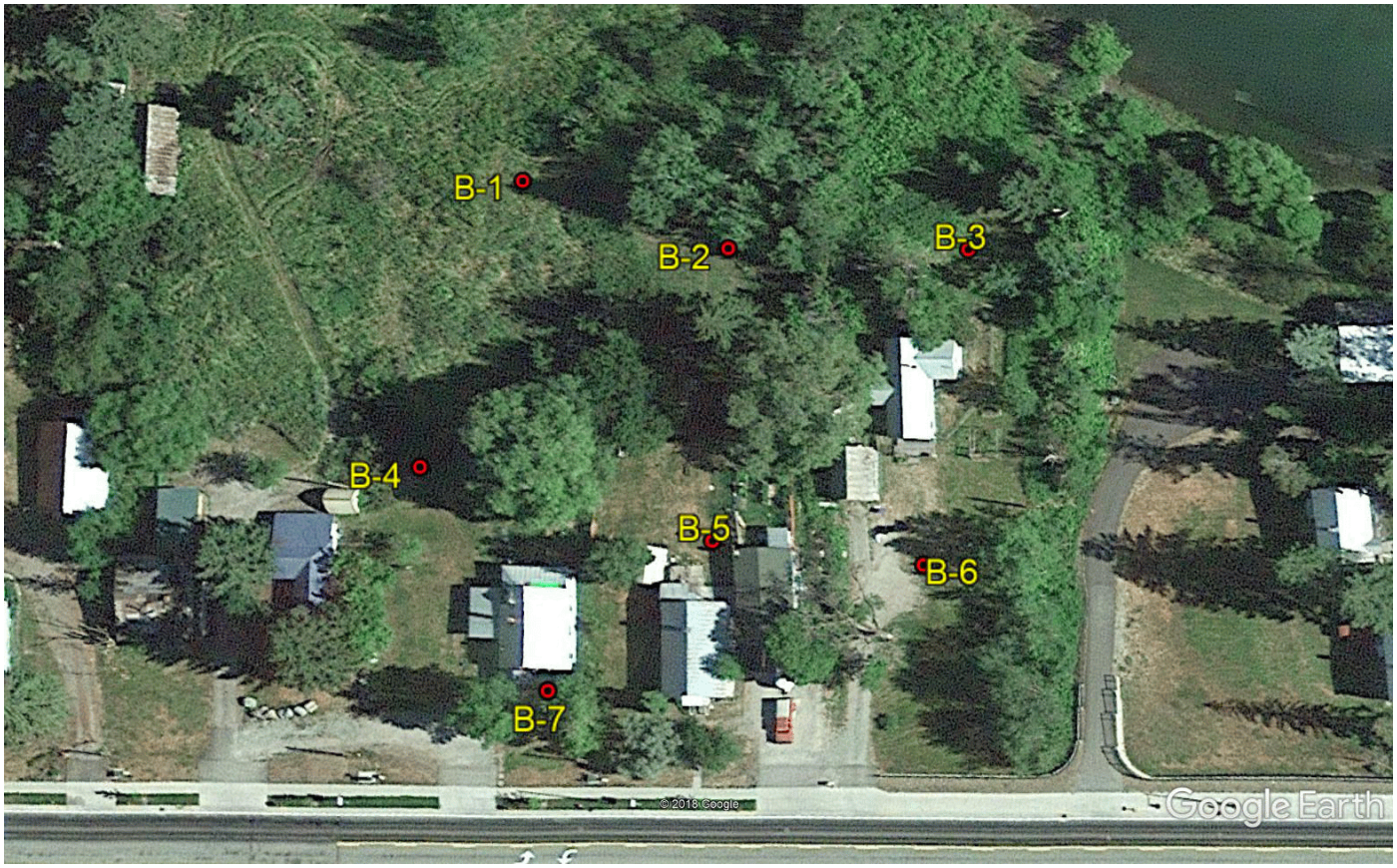
Project:	Big Mountain River Development Whitefish, Montana	**Job Number:** **Date:**	19-448 August 7, 2019

Vicinity Map

Slopeside Engineering, LLC
Kalispell, MT
FIGURE 1

Slopeside Engineering





No Scale Intended

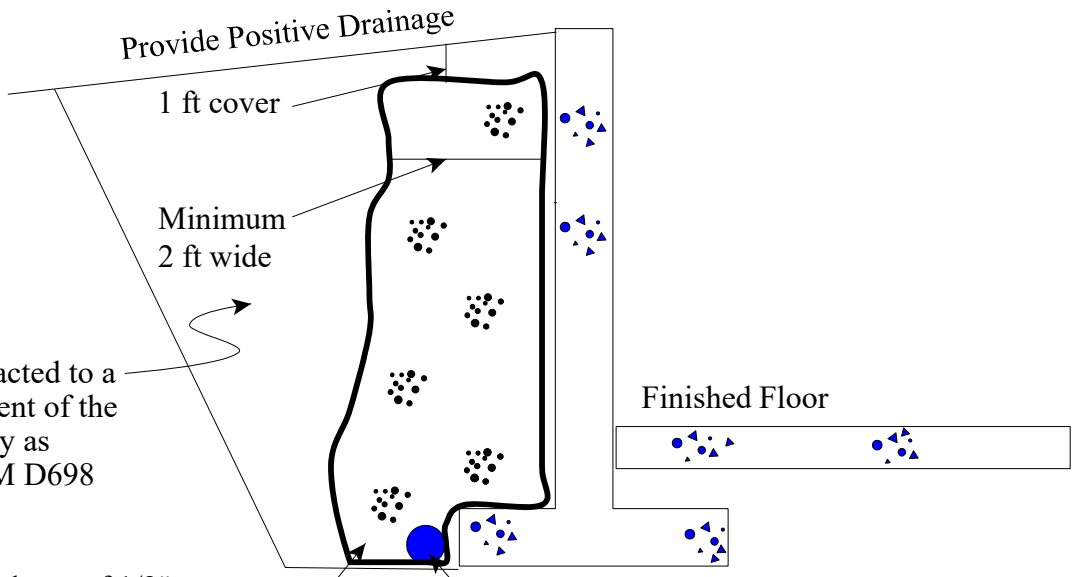
Project:	Big Mountain River Development Whitefish, Montana	Job Number: Date:	19-448 August 7, 2019

Site Plan

Slopeside Engineering, LLC
Kalispell, MT
FIGURE 2

Slopeside Engineering

Wall Backfill/Drainage

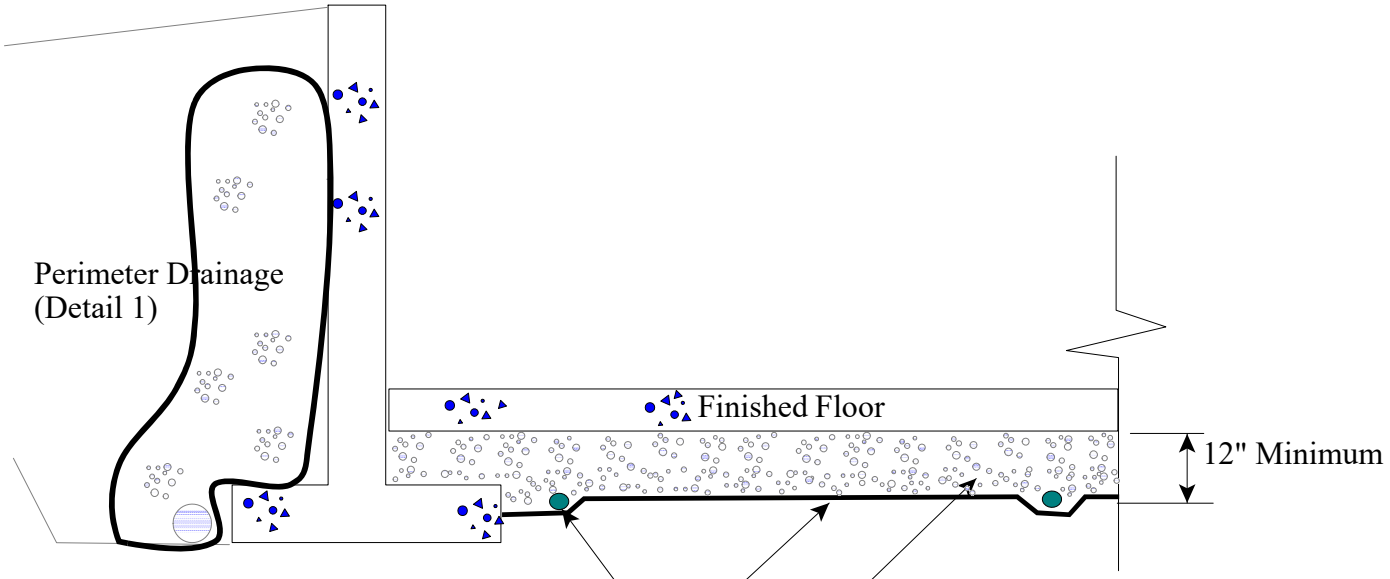


No Scale Intended

Project:	Big Mountain River Development Whitefish, Montana	**Job Number:** **Date:**	19-448 August 7, 2019

Perimeter Underdrainage
Slopeside Engineering, LLC
Kalispell, MT
Detail 1

Slab Underdrainage



Given the plan area of the building, it may be beneficial to design two discrete underdrainage systems, each designated to provide drainage to half of the planned slab area.

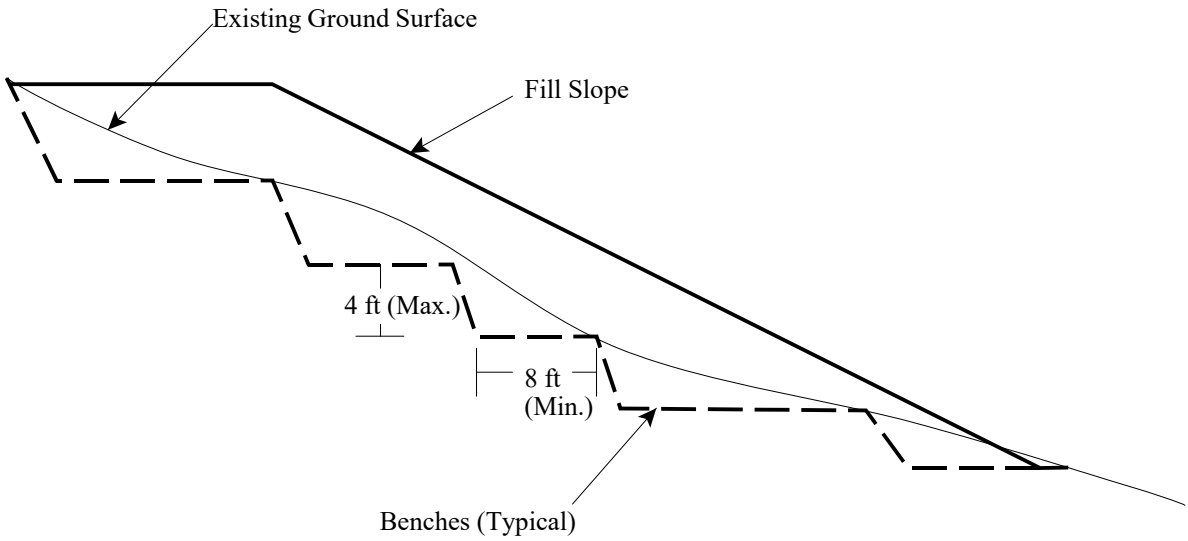
No Scale Intended

Project:	Big Mountain River Development Whitefish, Montana	Job Number: Date:	19-448 August 7, 2019

Slab Underdrainage
Slopeside Engineering, LLC
Kalispell, MT
Detail 2

Slopeside Engineering

Benching Detail for Fill Slopes

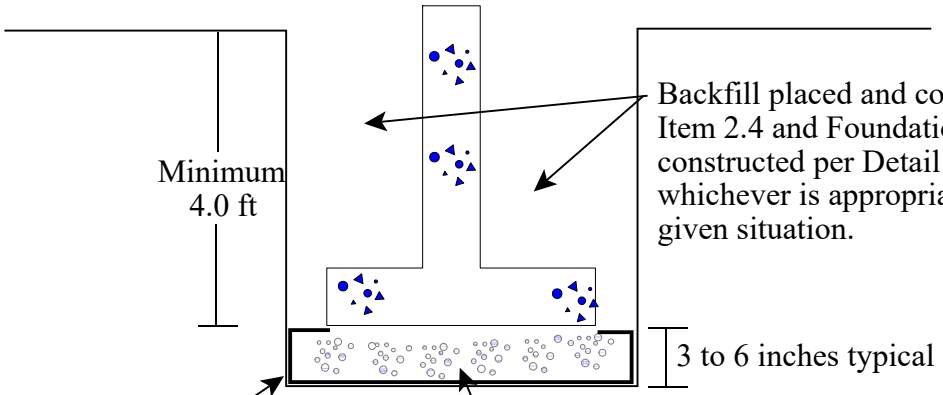


No Scale Intended

Project:	Big Mountain River Development Whitefish, Montana	**Job Number:** **Date:**	19-448 August 7, 2019

Benching Detail for Fill Slopes
Slopeside Engineering, LLC
Kalispell, MT
Detail 3

Footing Subgrade Preparation (if necessary)



Non-woven drainage geotextile, such as Mirafi 140N, placed between the silty gravel soils and open-graded drain rock.

In areas where groundwater seepage is observed or during wet weather construction, use open graded **angular** drain rock, maximum size 2 inches, minimum size $^{1}/_{4}$ inches, compacted with vibratory equipment until well-keyed (3/4 inch gravel chips work well for this purpose). During relatively dry construction and when subgrade soils are not saturated, overexcavation is not necessary.

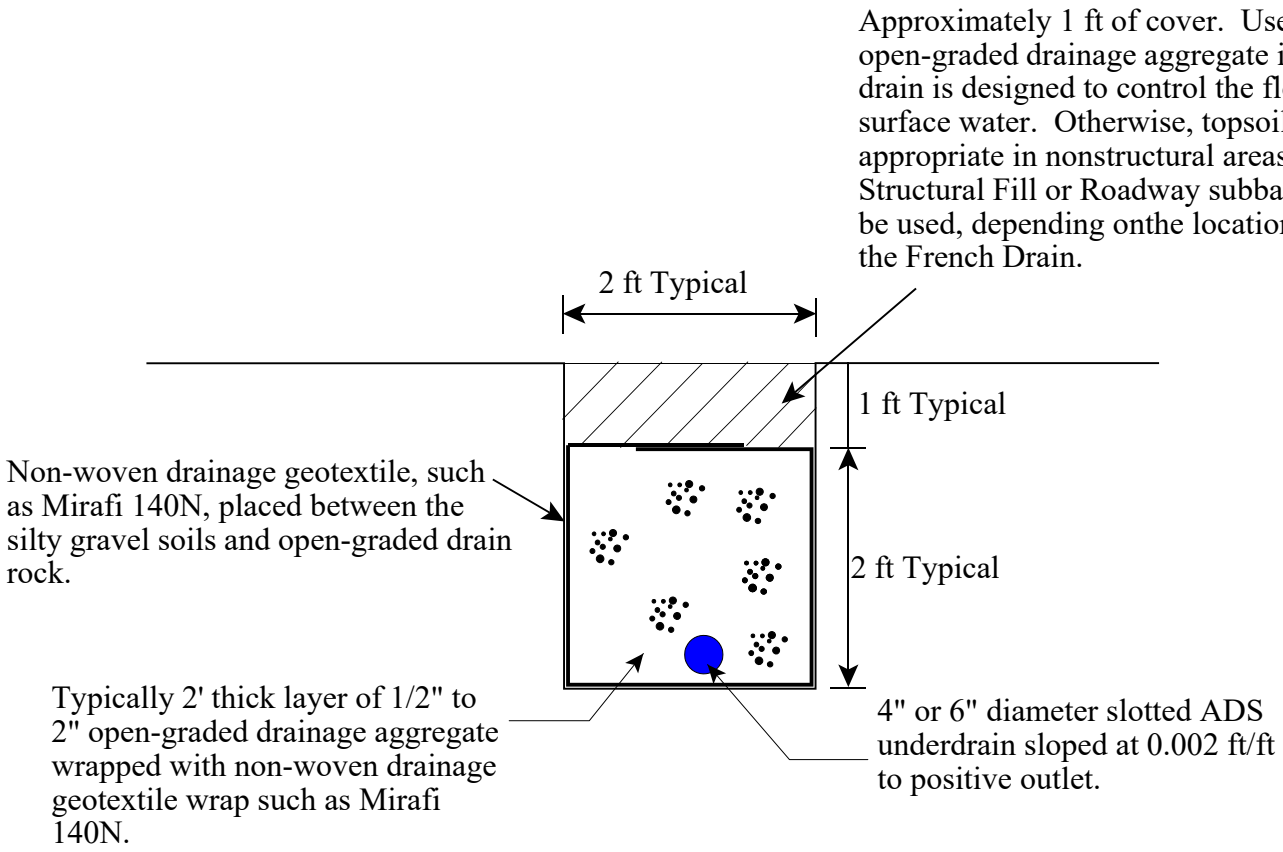
No Scale Intended

Project:	Big Mountain River Development Whitefish, Montana	**Job Number:** **Date:**	19-448 August 7, 2019

Foundation Detail
Slopeside Engineering, LLC
Kalispell, MT
Detail 4

Slopeside Engineering

Typical French Drain



No Scale Intended

Project:	Big Mountain River Development Whitefish, Montana	**Job Number:** **Date:**	19-448 August 7, 2019

Typical French Drain
Slopeside Engineering, LLC
Kalispell, MT
Detail 5

Slopeside Engineering

APPENDIX A

Field Explorations and Laboratory Testing

FIELD EXPLORATIONS AND LABORATORY TESTING

FIELD EXPLORATIONS

General

The subsurface materials and conditions at the site were investigated by Slopeside on July 22 and 23, 2019, with seven borings designated B-1 through B-7. The locations of the subsurface explorations are shown on the Site Plan, Figure 2. All field explorations were observed by an experienced engineer provided by our firm, who maintained a detailed log of the materials disclosed during the course of the work. The following subsections contain a detailed description of the field investigation completed for this project.

Borings

The borings were completed to depths of 5.3 to 40.3 ft. The borings were drilled with hollow-stem auger techniques using a truck-mounted Mobile B61 drill rig provided and operated by Crowley Environmental Drilling of Butte, Montana. Disturbed samples were obtained from the borings at 2.5- to 5-ft intervals of depth. Disturbed samples were obtained using a standard split-spoon sampler and undisturbed samples were obtained using a thin-walled shelby-tube sampler when deemed appropriate. At the time of sampling, the Standard Penetration Test (SPT) was conducted. This test consists of driving a standard split-spoon sampler into the soil a distance of 18 in. using a 140-lb hammer dropped 30 in. The number of blows required to drive the sampler the last 12 in. is known as the Standard Penetration Resistance, or N-value. The N-values provide a measure of the relative density of granular soils, such as sand, and the relative consistency or stiffness of cohesive soils, such as silt and clay. The soil samples obtained in the split-spoon sampler were carefully examined in the field, and representative portions were saved in airtight plastic bags for further examination and physical testing in our laboratory. Logs of the borings are provided on Figures 1A through 7A. Each log presents a descriptive summary of the various types of materials encountered and notes the depth where the materials and/or characteristics of the materials change. To the left of the descriptive summary, the numbers and types of samples taken during drilling operations are indicated. To the right, N-values are shown graphically, along with the natural moisture contents, Atterberg Limits, and Torvane shear strength values.

LABORATORY TESTING

General

All samples obtained from the subsurface explorations were returned to our laboratory where the physical characteristics of the samples were noted, and field classifications were modified where necessary. The laboratory testing program for this project consisted of natural moisture contents, Atterberg Limits, and One-Dimensional Consolidation tests.

Natural Moisture Content

Natural moisture content determinations were made in conformance with ASTM D2216. The results are shown on the boring logs, Figures 1A through 7A.

Atterberg Limits

Atterberg Limits are defined as soil plasticity determined by the moisture range through which a soil passes from a plastic to liquid consistency. This test was conducted in conformance with ASTM D4318 and results are presented on the Boring Logs, Figure 7A, and on Figure 8A.

One-Dimensional Consolidation Testing

Consolidation is the process of time-dependent settlement of silt and clay soil when subjected to an increased loading. This testing is conducted in a fixed-ring consolidometer in general accordance with the procedures of ASTM D2435-03. The test measures sample surface area; pressure versus strain relations are thereby determined. Specimens for the testing are trimmed from "undisturbed" samples retrieved commonly by Shelby tube samplers. Specimen dimensions for testing are typically 2.5 inches in diameter by 1.0 inch in height. During the test, specimens may be inundated at a selected normal pressure to simulate field conditions. Test data is generally reduced using the square root of time fitting method to determine specimen strain at 100 percent of primary consolidation for each load increment. This strain at progressive load increments is plotted to construct the consolidation curve for which field soil deformation can be approximated. The results of this test have been presented on Figure 8A.

Slopeside Engineering

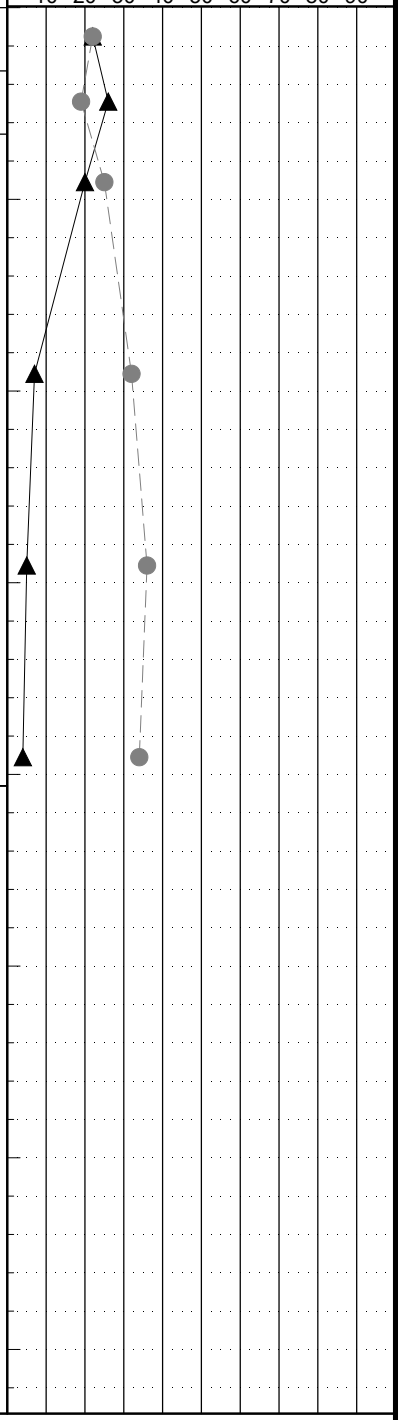
BORING LOG B-1

PROJECT: Big Mountain River Development | **PROJECT NO.:** 19-448
CLIENT: Mindful Designs, Inc. | **DATE:** July 23, 2019
LOCATION: See Site Plan | **ELEVATION:** 3,018
SUBCONTRACTOR: Crowley Environmental Drilling | **LOGGED BY:** Joshua Smith
METHOD: Mobile B-61, Hollow stem auger | **GW:** ▽ **GW(2):** ▼

DEPTH (feet)	SAMPLERS	SAMPLE NO.	DEPTH (feet)	SOIL TYPE	MATERIAL DESCRIPTION
0		S-1	0.8		FILL/TOPSOIL: SILT with Sand; stiff, dark brown, abundant organics, damp to moist
		S-2	2.3		FILL: Silty CLAY, stiff, brown and gray with dark brown inclusions, moist
5		S-3			Lean CLAY, Silty CLAY, and SILT (Laminated Lakebed Deposits); stiff to very stiff, gray, brownish gray, greenish gray, and pinkish gray, moist - Layers are typically laminated to 6 inches thick. - Very moist, below 8 ft.
10		S-4			- Medium stiff, below 8.8 ft. - 1 ft thick silty sand layer at 9 ft. - Silt layer frequency and thickness increases with depth, specifically below 10 ft.
15		S-5			
20		S-6			Boring terminated at 20.3 ft.
25					
30					
35					

TEST RESULTS

Plastic Limit ⊢——⊣ Liquid Limit
Water Content ● (percent)
N-values ▲ (Blows per foot)
10 20 30 40 50 60 70 80 90



This information pertains only to this boring and should not be interpreted as being indicative of the site.

Groundwater encountered; however, not measured due to time required for equilibration.

Figure 1A PAGE 1 of 1

Slopeside Engineering

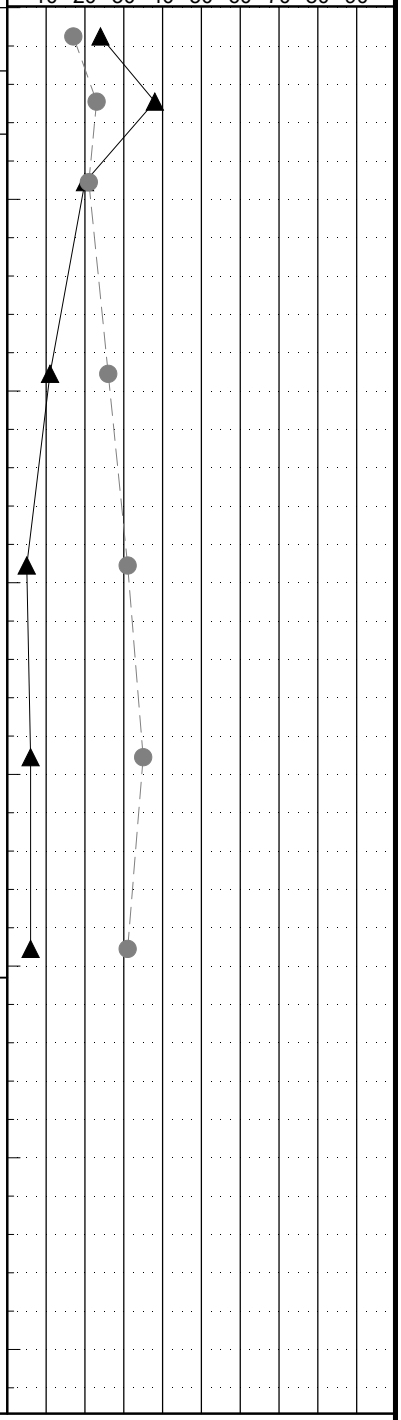
BORING LOG B-2

PROJECT: Big Mountain River Development | **PROJECT NO.:** 19-448
CLIENT: Mindful Designs, Inc. | **DATE:** July 22, 2019
LOCATION: See Site Plan | **ELEVATION:** 3,025
SUBCONTRACTOR: Crowley Environmental Drilling | **LOGGED BY:** Joshua Smith
METHOD: Mobile B-61, Hollow stem auger | **GW:** ▽ **GW(2):** ▽

DEPTH (feet)	SAMPLERS	SAMPLE NO.	DEPTH (feet)	SOIL TYPE	MATERIAL DESCRIPTION
0		S-1	0.3		FILL/TOPSOIL: SILT with Sand; stiff, dark brown, abundant organics, damp to moist
		S-2	1.1		FILL: Silty CLAY, stiff, brown and gray with dark brown inclusions, moist
5		S-3			Lean CLAY, Silty CLAY, and SILT (Laminated Lakebed Deposits); stiff to very stiff, gray, brownish gray, greenish gray, and pinkish gray, moist - Layers are typically laminated to 6 inches thick. - Very moist, below 13 ft.
10		S-4			- Medium stiff, below 13.8 ft. - 1 ft thick silt with sand layer at 4 ft. - Silt layer frequency and thickness increases with depth, specifically below 20 ft.
15		S-5			
20		S-6			
25		S-7			Boring terminated at 25.3 ft.
30					
35					

TEST RESULTS

Plastic Limit ⊢——⊣ Liquid Limit
Water Content ● (percent)
N-values ▲ (Blows per foot)
10 20 30 40 50 60 70 80 90



This information pertains only to this boring and should not be interpreted as being indicative of the site.

Groundwater encountered; however, not measured due to time required for equilibration.

Figure 2A

Slopeside Engineering

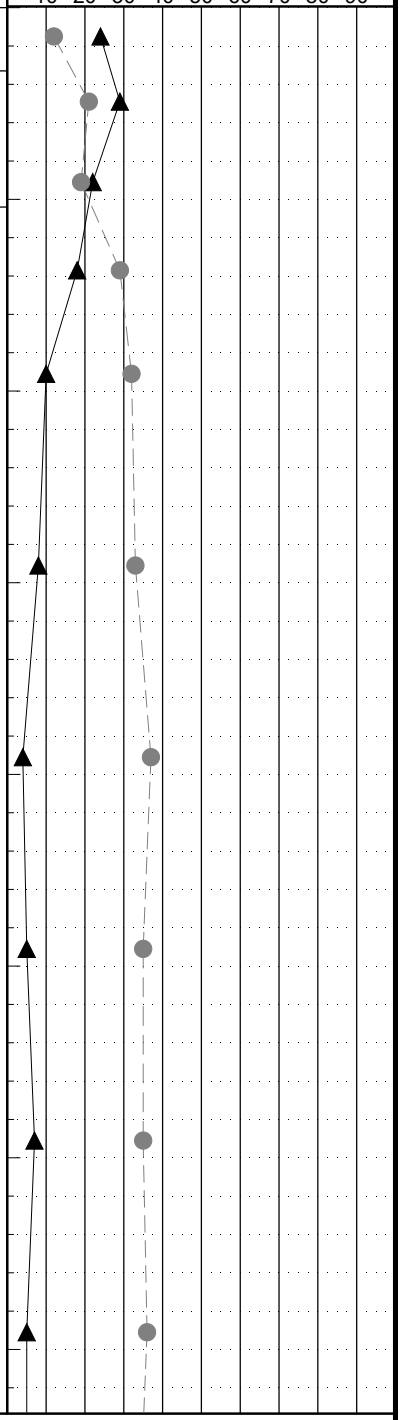
BORING LOG B-3

PROJECT: Big Mountain River Development | **PROJECT NO.:** 19-448
CLIENT: Mindful Designs, Inc. | **DATE:** July 22, 2019
LOCATION: See Site Plan | **ELEVATION:** 3,025
SUBCONTRACTOR: Crowley Environmental Drilling | **LOGGED BY:** Joshua Smith
METHOD: Mobile B-61, Hollow stem auger | **GW:** ▽ **GW(2):** ▼

DEPTH (feet)	SAMPLERS	SAMPLE NO.	DEPTH (feet)	SOIL TYPE	MATERIAL DESCRIPTION
0		S-1	0.3		FILL/TOPSOIL: SILT with Sand; stiff, dark brown, abundant organics, damp to moist
		S-2			FILL: Silty CLAY, stiff, brown and gray with dark brown inclusions, moist
5		S-3	5.2		- Fine, angular gravel piece encountered at 4.3 ft.
		S-4			Lean CLAY, Silty CLAY, and SILT (Laminated Lakebed Deposits); stiff to very stiff, gray, brownish gray, greenish gray, and pinkish gray, moist
10		S-5			- Layers are typically laminated to 6 inches thick.
					- Very moist to wet, below 9 ft.
					- Medium stiff, below 18.8 ft.
15		S-6			- Silt layer frequency and thickness increases with depth, specifically below 15 ft.
					- Gray, below 29.3 ft.
20		S-7			
25		S-8			
30		S-9			
35		S-10			

TEST RESULTS

Plastic Limit ⊢——⊣ Liquid Limit
Water Content ● (percent)
N-values ▲ (Blows per foot)
10 20 30 40 50 60 70 80 90



This information pertains only to this boring and should not be interpreted as being indicative of the site.

Groundwater encountered; however, not measured due to time required for equilibration.

Figure 3A

Slopeside Engineering

BORING LOG B-3

PROJECT: Big Mountain River Development
PROJECT NO.: 19-448
CLIENT: Mindful Designs, Inc.
DATE: July 22, 2019
LOCATION: See Site Plan
ELEVATION: 3,025
SUBCONTRACTOR: Crowley Environmental Drilling
LOGGED BY: Joshua Smith
METHOD: Mobile B-61, Hollow stem auger
GW:
GW(2):

DEPTH (feet)	SAMPLERS	SAMPLE NO.	DEPTH (feet)	SOIL TYPE	MATERIAL DESCRIPTION
40		S-11			Boring terminated at 40.3 ft.
45					
50					
55					
60					
65					
70					
75					

TEST RESULTS

Plastic Limit ⊢——⊣ Liquid Limit
Water Content ● (percent)
N-values ▲ (Blows per foot)
10 20 30 40 50 60 70 80 90

▲ 40
● 40

This information pertains only to this boring and should not be interpreted as being indicative of the site.

Figure 3A

Slopeside Engineering

BORING LOG
B-4

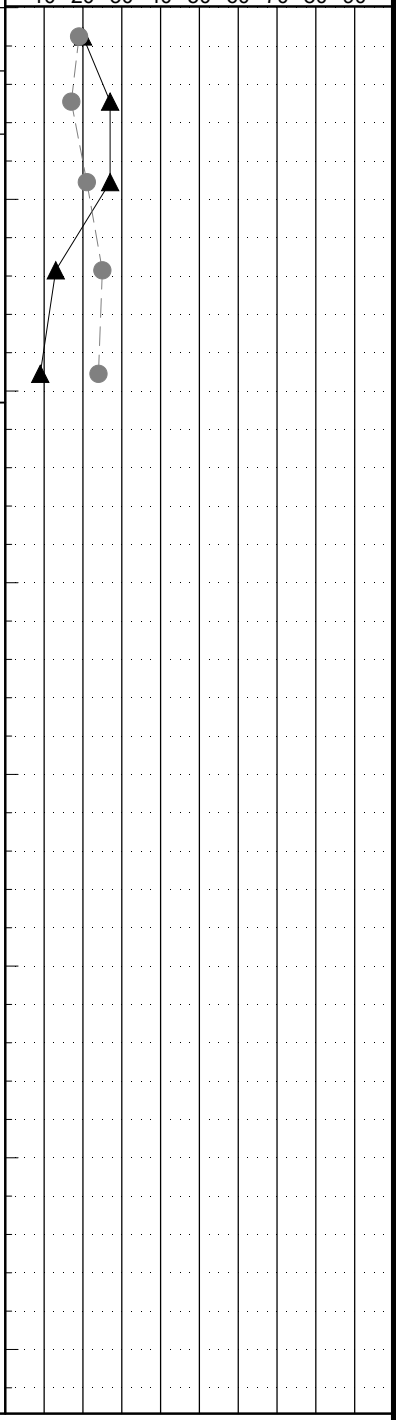
PROJECT: Big Mountain River Development
PROJECT NO.: 19-448
CLIENT: Mindful Designs, Inc.
DATE: July 23, 2019
LOCATION: See Site Plan
ELEVATION: 3,032
SUBCONTRACTOR: Crowley Environmental Drilling
LOGGED BY: Joshua Smith
METHOD: Mobile B-61, Hollow stem auger
GW:
GW(2):

DEPTH (feet)	SAMPLERS	SAMPLE NO.	DEPTH (feet)	SOIL TYPE	MATERIAL DESCRIPTION
0		S-1	0.8		FILL/TOPSOIL: SILT with Sand; stiff, dark brown, abundant organics, damp to moist
		S-2	2.3		FILL: Silty CLAY, stiff, reddish-brown and gray with dark brown inclusions, moist
5		S-3			Lean CLAY, Silty CLAY, and SILT (Laminated Lakebed Deposits); stiff to very stiff, gray, brownish gray, greenish gray, and pinkish gray, moist
		S-4			- Layers are typically laminated to 6 inches thick.
10		S-5			Boring terminated at 10.3 ft.
15					
20					
25					
30					
35					

TEST RESULTS

Plastic Limit ⊢——⊣ Liquid Limit
Water Content ● (percent)
N-values ▲ (Blows per foot)

10 20 30 40 50 60 70 80 90



This information pertains only to this boring and should not be interpreted as being indicative of the site.

Groundwater not encountered.

Figure 4A

Slopeside Engineering

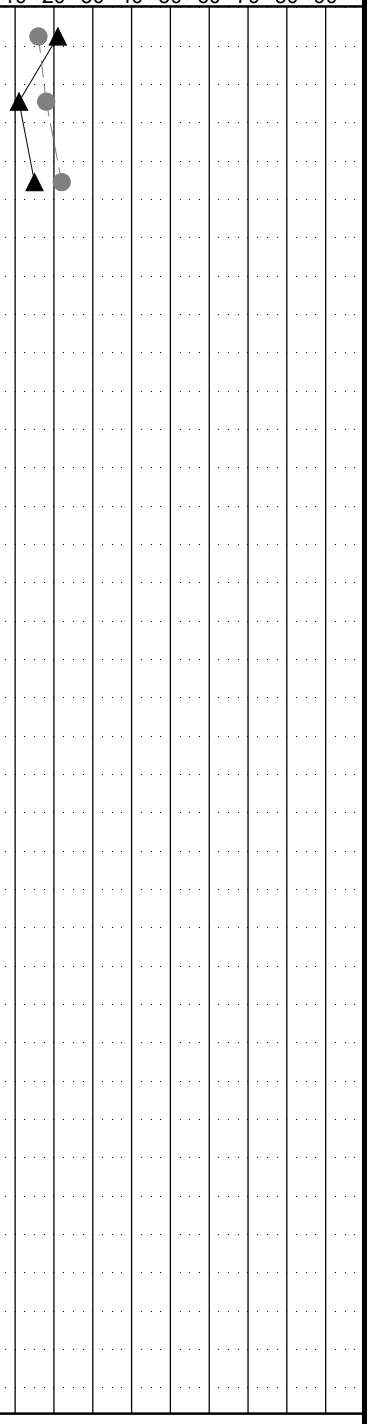
BORING LOG B-5

PROJECT: Big Mountain River Development | **PROJECT NO.:** 19-448
CLIENT: Mindful Designs, Inc. | **DATE:** July 23, 2019
LOCATION: See Site Plan | **ELEVATION:** 3,034
SUBCONTRACTOR: Crowley Environmental Drilling | **LOGGED BY:** Joshua Smith
METHOD: Mobile B-61, Hollow stem auger | **GW:** ▽
GW(2): ▼

DEPTH (feet)	SAMPLERS	SAMPLE NO.	DEPTH (feet)	SOIL TYPE	MATERIAL DESCRIPTION
0		S-1	0.2		FILL/TOPSOIL: SILT with Sand; stiff, dark brown, abundant organics, damp to moist
		S-2			FILL: Silty CLAY, stiff, reddish-brown and gray with dark brown inclusions, moist
5		S-3	3.0		Lean CLAY, Silty CLAY, and SILT (Laminated Lakebed Deposits); stiff to very stiff, gray, brownish gray, greenish gray, and pinkish gray, moist - Layers are typically laminated to 6 inches thick.
					Boring terminated at 5.3 ft.
10					
15					
20					
25					
30					
35					

TEST RESULTS

Plastic Limit ⊢——⊣ Liquid Limit
Water Content ● (percent)
N-values ▲ (Blows per foot)
10 20 30 40 50 60 70 80 90



This information pertains only to this boring and should not be interpreted as being indicative of the site.

Groundwater not encountered.

Figure 5A

Slopeside Engineering

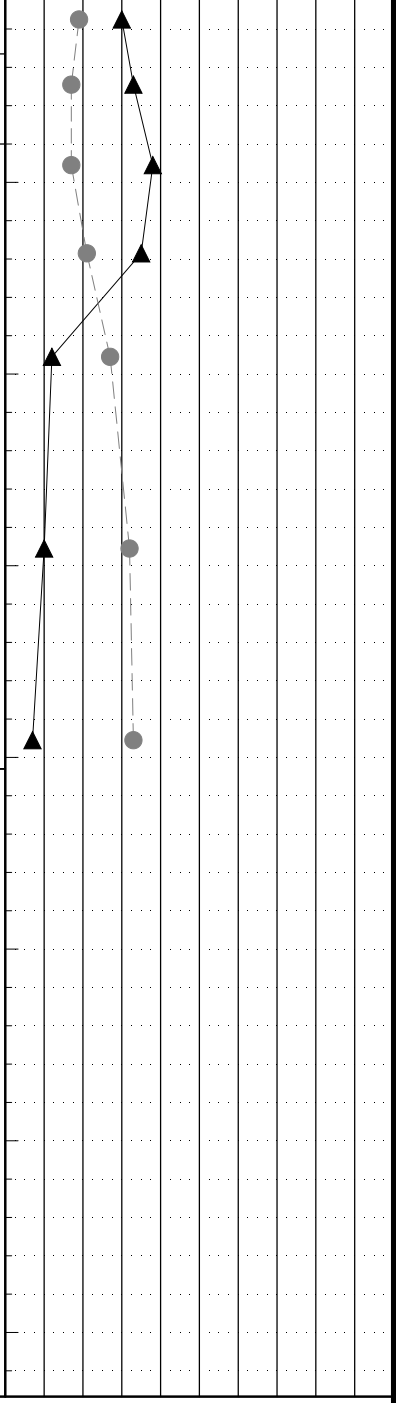
BORING LOG B-6

PROJECT: Big Mountain River Development
PROJECT NO.: 19-448
CLIENT: Mindful Designs, Inc.
DATE: July 23, 2019
LOCATION: See Site Plan
ELEVATION: 3,030
SUBCONTRACTOR: Crowley Environmental Drilling
LOGGED BY: Joshua Smith
METHOD: Mobile B-61, Hollow stem auger
GW:
GW(2):

DEPTH (feet)	SAMPLERS	SAMPLE NO.	DEPTH (feet)	SOIL TYPE	MATERIAL DESCRIPTION
0		S-1	0.5		FILL/TOPSOIL: SILT with Sand; stiff, dark brown, abundant organics, damp to moist
		S-2			FILL: Silty CLAY, stiff, brown and gray with dark brown inclusions, moist
5		S-3	4.0		Lean CLAY, Silty CLAY, and SILT (Laminated Lakebed Deposits); stiff to very stiff, gray, brownish gray, greenish gray, and pinkish gray, moist
		S-4			- Layers are typically laminated to 6 inches thick.
		S-5			- Very moist, below 9 ft.
10					- Medium stiff, below 18.8 ft.
					- 1 ft thick silt with sand layer at 9 ft.
15		S-6			- Silt layer frequency and thickness increases with depth, specifically below 15 ft.
		S-7			
20					Boring terminated at 20.3 ft.
25					
30					
35					

TEST RESULTS

Plastic Limit ⊢——⊣ Liquid Limit
Water Content ● (percent)
N-values ▲ (Blows per foot)
10 20 30 40 50 60 70 80 90



This information pertains only to this boring and should not be interpreted as being indicative of the site.

Groundwater encountered; however, not measured due to time required for equilibration.

Figure 6A

Slopeside Engineering

BORING LOG B-7

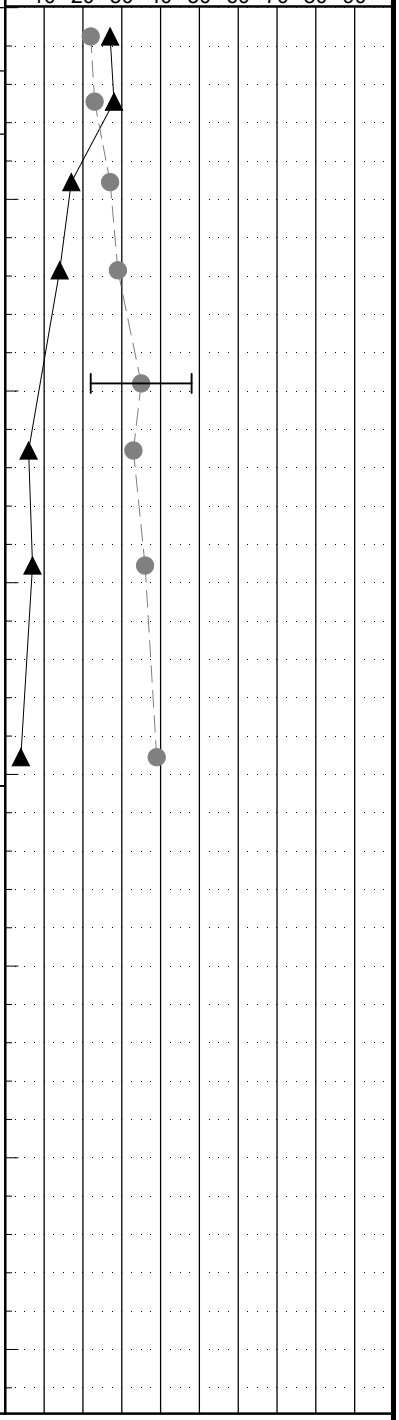
PROJECT: Big Mountain River Development | **PROJECT NO.:** 19-448
CLIENT: Mindful Designs, Inc. | **DATE:** July 23, 2019
LOCATION: See Site Plan | **ELEVATION:** 3,035
SUBCONTRACTOR: Crowley Environmental Drilling | **LOGGED BY:** Joshua Smith
METHOD: Mobile B-61, Hollow stem auger | **GW:** ▽ >18ft 7/29/19
GW(2): ▽ _____

This information pertains only to this boring and should not be interpreted as being indicative of the site.

DEPTH (feet)	SAMPLERS	SAMPLE NO.	DEPTH (feet)	SOIL TYPE	MATERIAL DESCRIPTION
0		S-1	0.5		FILL/TOPSOIL: SILT with Sand; stiff, dark brown, abundant organics, damp to moist
		S-2	1.3		FILL: Silty CLAY, stiff, brown and gray with dark brown inclusions, moist
5		S-3			Lean CLAY, Silty CLAY, and SILT (Laminated Lakebed Deposits); stiff to very stiff, gray, brownish gray, greenish gray, and pinkish gray, moist
		S-4			- Layers are typically laminated to 6 inches thick.
					- Very moist, below 11.5 ft.
10		S-5			- Medium stiff, below 10.8 ft.
		S-6			- 1 ft thick silty sand layer at 4 ft.
15		S-7			- Silt layer frequency and thickness increases with depth, specifically below 15 ft.
		S-8			
20					Boring terminated at 20.3 ft.
25					
30					
35					

TEST RESULTS

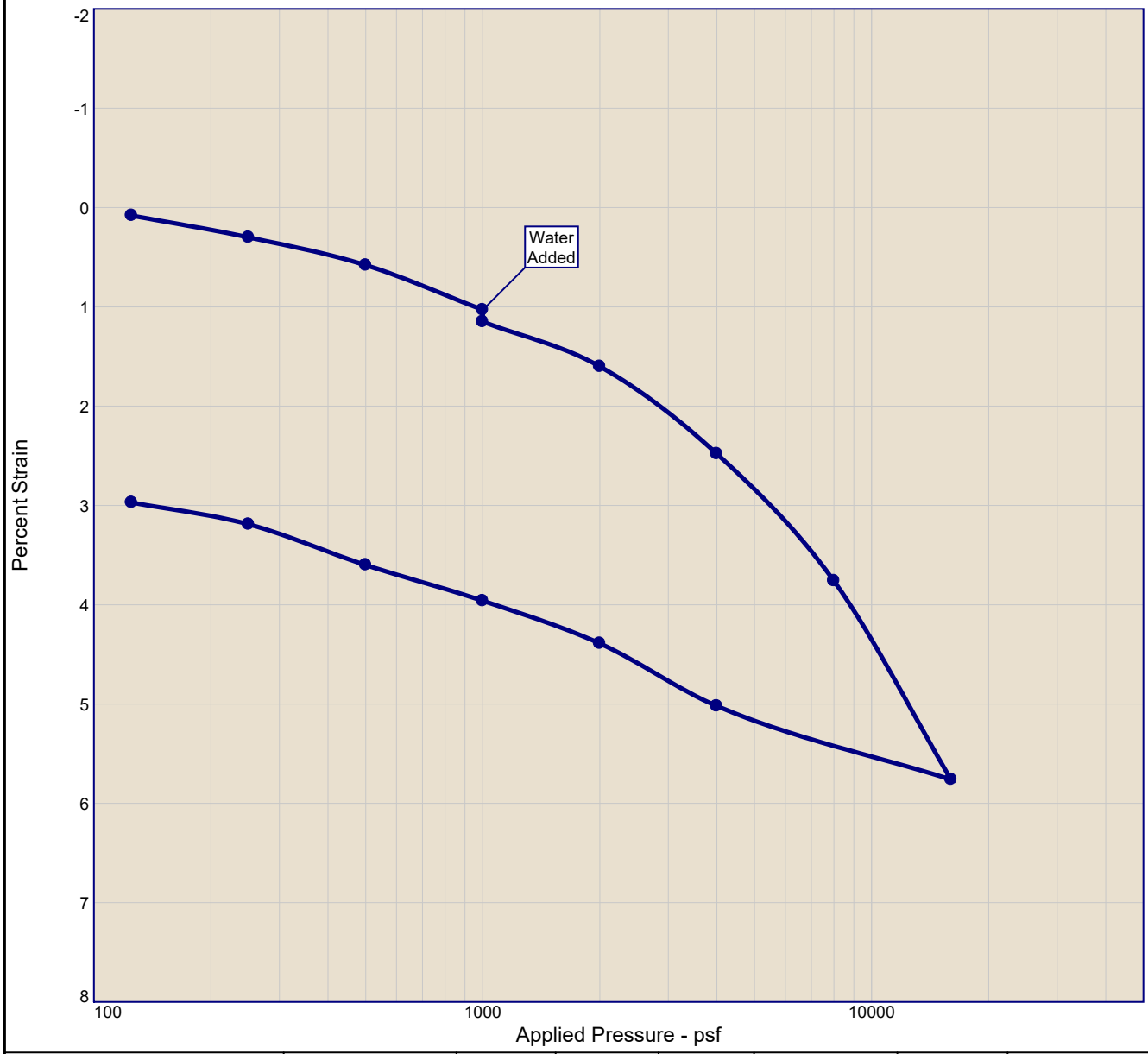
Plastic Limit ⊢——⊣ Liquid Limit
Water Content ● (percent)
N-values ▲ (Blows per foot)
10 20 30 40 50 60 70 80 90



Groundwater not encountered. Installed 1.5 inch diameter piezometer to a depth of 18 ft for periodic groundwater measurements. Torvane shear strength taken on shelby tube sample at 10.8 ft is 0.55 tsf.

Figure 7A

CONSOLIDATION TEST REPORT



Natural		Dry Dens. (pcf)	LL	PI	Sp. Gr.	P_c (psf)	C_c	Initial Void Ratio
Saturation	Moisture							
100.3 %	33.7 %	87.7	48	26	2.65	4442	0.13	0.891

MATERIAL DESCRIPTION	USCS	AASHTO
Lean Clay	CL	

Project No. 19-507 **Client:** Slopeside Engineering

Project: Slopeside 2019 Testing

Location: Big Mountain Road **Depth:** 8.8'-10.6' **Sample Number:** 3230

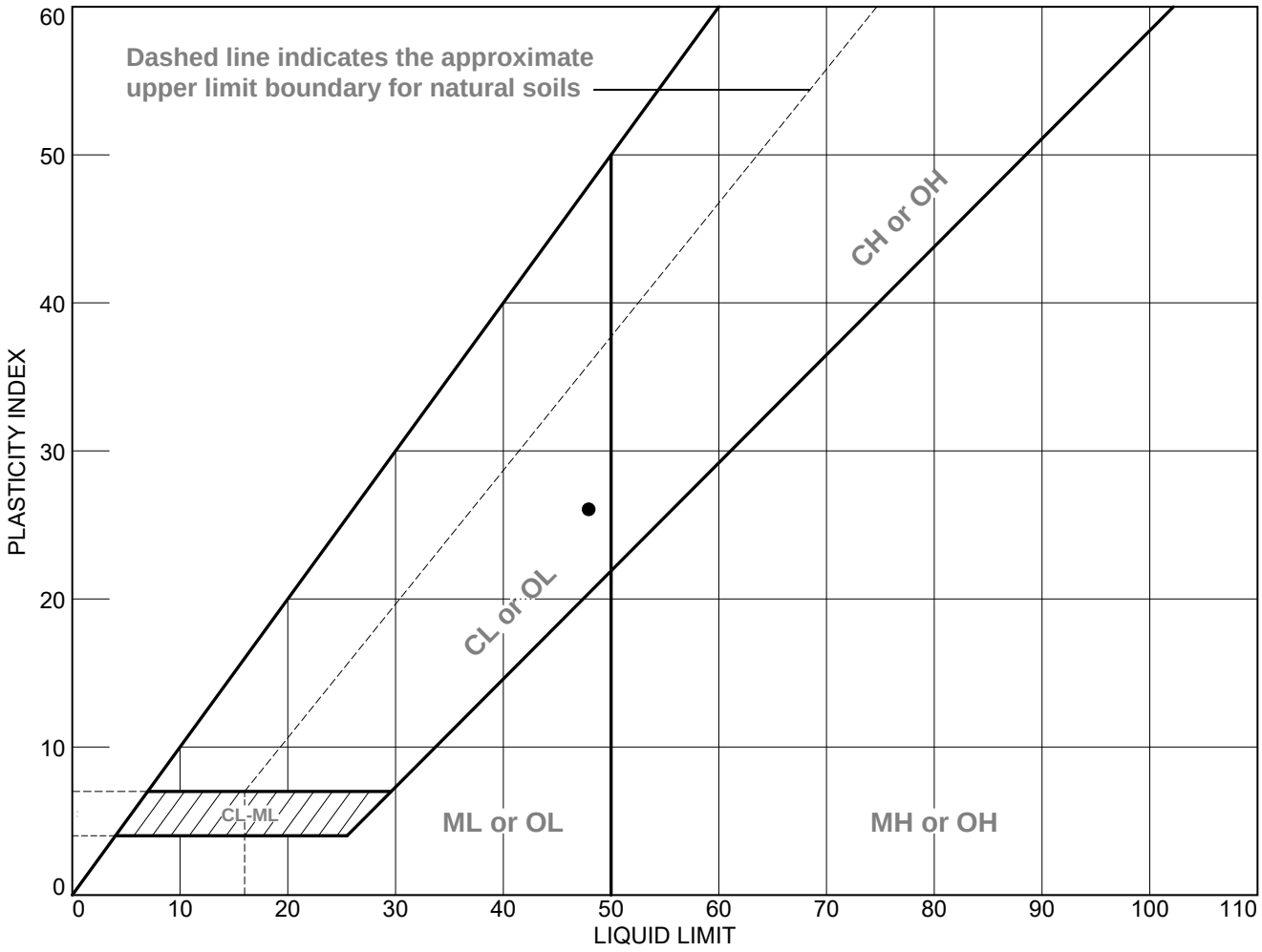
Remarks:

9.3'-9.4'
Dry density 9.1-9.6' 89.9 pcf at 33.7% moisture

ALPINE GEOTECHNICAL

Figure

LIQUID LIMIT, PLASTIC LIMIT, AND PLASTICITY INDEX



SOIL DATA								
SYMBOL	SOURCE	SAMPLE NO.	DEPTH	NATURAL WATER CONTENT (%)	PLASTIC LIMIT (%)	LIQUID LIMIT (%)	PLASTICITY INDEX (%)	USCS
●		3230	8.8'-10.6'	34	22	48	26	CL

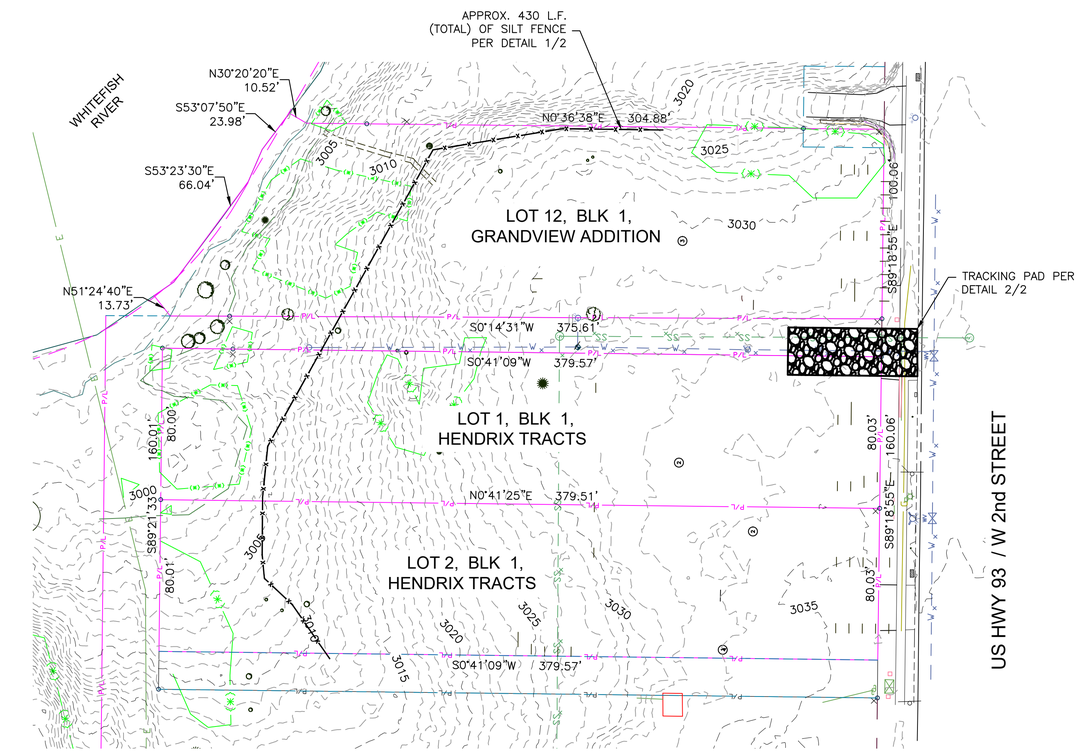
ALPINE GEOTECHNICAL

Client: Slopeside Engineering
Project: Slopeside 2019 Testing

Project No.: 19-507 **Figure**

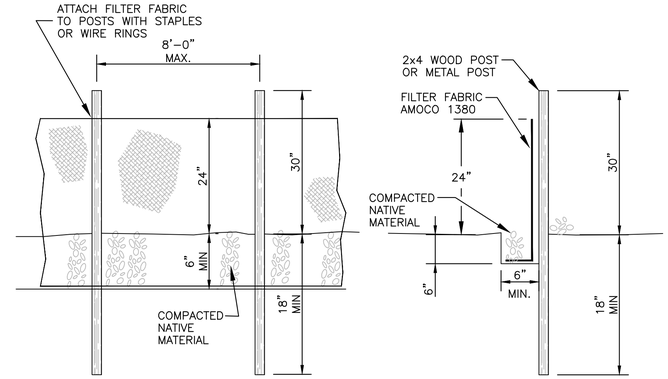
EROSION CONTROL NOTES

1. THE PROJECT SITE AND ADJACENT AREAS DISTURBED DURING CONSTRUCTION SHALL BE PROTECTED WITH TEMPORARY EROSION CONTROL MEASURES DURING THE ENTIRE COURSE OF THE PROJECT. THE CONTRACTOR SHALL EMPLOY EROSION, SEDIMENT AND STORM WATER DRAINAGE CONTROL BEST MANAGEMENT PRACTICES (BMPs) WITH ALL CONSTRUCTION ACTIVITIES. THE CONTRACTOR SHALL NOT ALLOW UNTREATED RUNOFF TO DRAIN FROM THE PROJECT SITE.
2. CONSTRUCTION ACTIVITIES WHICH DISTURB EQUAL TO OR MORE THAN ONE ACRE REQUIRE A GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY ALSO KNOWN AS A "GENERAL PERMIT" WHICH IS ADMINISTERED BY THE MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ).
3. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ANY NECESSARY/REQUIRED PERMITS TO SUCCESSFULLY COMPLETE THE PROJECT AS INDICATED IN THE PLANS AND SPECIFICATIONS. THIS INCLUDES A STORM WATER POLLUTION PREVENTION PLAN (SWPPP) FROM MDEQ FOR CONSTRUCTION ACTIVITIES WHICH DISTURB EQUAL TO OR MORE THAN ONE ACRE.
4. CONTRACTOR SHALL INSTALL EROSION/SEDIMENT CONTROL BEFORE ANY CONSTRUCTION BEGINS AT THE SITE.
5. PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL INSTALL EROSION/SEDIMENT CONTROL MEASURES AS SHOWN, TO TRAP SILT AND OTHER MATERIALS CARRIED IN RUNOFF WATER. THE SEDIMENT AND EROSION CONTROL MEASURES SHALL REMAIN IN-PLACE AND BE CLEANED AND MAINTAINED UNTIL CONSTRUCTION IS COMPLETED AND VEGETATION HAS BEEN ESTABLISHED.
6. WASHOUT OF CONCRETE TRUCKS SHALL OCCUR OFF-SITE AT AN APPROVED LOCATION. DO NOT WASH OUT TRUCKS INTO STREETS, DRAINAGE AREAS, GUTTERS OR ANY STORM DRAIN SYSTEM.
7. BMPs SHALL BE INSPECTED EACH DAY WORK IS UNDERWAY AT THE SITE AND IMMEDIATELY AFTER ANY STORM EVENT OF 0.5" OR MORE OF PRECIPITATION OCCURS. CONTRACTOR SHALL CLEAN OR MAINTAIN SUCH DEVICES WHEN THEY ARE NOT EFFECTIVE IN TRAPPING AND RETAINING SEDIMENT, AND ADD DEVICES WHERE NEEDED. ANY NECESSARY REPAIRS TO BMPs SHALL BE MADE WITHIN 24 HOURS OF OBSERVATION OR NOTIFICATION FROM THE PROJECT ENGINEER.
8. ALL BMPs SHALL MEET AND BE INSTALLED PER CITY OF WHITEFISH STANDARD SPECIFICATIONS & DRAWINGS (LATEST EDITION).
9. TRACKING PAD AND ADJACENT STREETS SHALL BE CONTINUOUSLY CLEANED AND MAINTAINED BY CONTRACTOR.
10. ALL STORM DRAINAGE INLETS SHALL BE PROTECTED FROM SEDIMENTATION WITH DRAINGUARDS. DRAINGUARDS SHALL BE KEPT IN PLACE UNTIL STABILIZATION OF DISTURBED AREAS IS ACHIEVED.



EROSION CONTROL PLAN

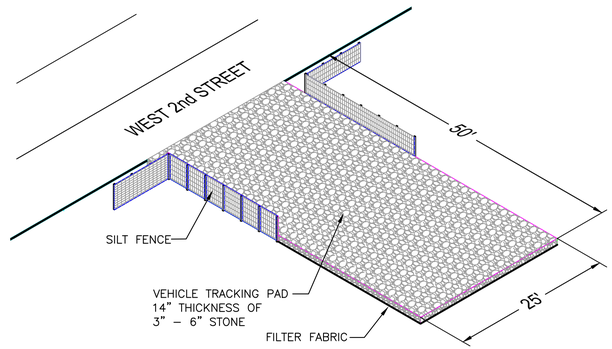
0 40' 80' 120'
SCALE



NOTES:

1. ENDS OF INDIVIDUAL ROLLS OF FABRIC SHALL BE SPLICED TOGETHER ONLY AT A SUPPORT POST WITH A MINIMUM 6" OVERLAP.
2. SILT FENCE FABRIC TO BE SECURELY FASTENED TO METAL POST WITH WIRE TIES OR HOG RINGS (3 PER POST). FOR WOODEN POSTS, FABRIC SHALL BE FASTENED WITH NO. 17 GAGE STAPLES (5 PER POST) OR NO. 14 GAGE NAILS (4 PER POST).

SILT FENCE DETAIL 1/2
NOT TO SCALE



NOTE:
ALL VEHICLES ENTERING AND EXITING THE CONSTRUCTION AND/OR BUILDING SITE SHALL TRAVERSE THE VEHICLE TRACKING PAD TO MINIMIZE MUD AND DIRT FROM TRACKING OFF SITE. ROCK SHALL BE REPLENISHED IF TRACKING OCCURS. TRACKING PAD SHALL BE RENEWED AS NECESSARY TO RETAIN EFFECTIVENESS. ALL MATERIALS SPILLED, DROPPED, WASHED OR TRACKED FROM VEHICLES ONTO ROADWAYS SHALL BE REMOVED IMMEDIATELY.

VEHICLE TRACKING STONE ENTRANCE REQUIREMENTS:
- 3"-6" DIAMETER WASHED ROCK
- UNDERLYING FILTER FABRIC TO BE REQUIRED AS STATED

FILTER FABRIC REQUIREMENTS:
- TENSILE GRAB STRENGTH = 200 LBS (ASTM D4632)
- ELONGATION MINIMUM = 15% (ASTM D4632)
- SEAM BREAKING STRENGTH MINIMUM = 180 LBS (ASTM D4632)
- APPARENT OPENING SIZE MAXIMUM = 0.3 MM (#50 SIEVE) (ASTM D4751)
- PERCEPTIVITY MINIMUM = 0.3/SEC (ASTM D4491)

VEHICLE TRACKING PAD DETAIL 2/2
NOT TO SCALE

NOT FOR CONSTRUCTION

REV	DATE	REVISION

TD&H Engineering
406.751.5246 • tdhengineering.com
450 CORPORATE DR. SUITE 101 • KALISPELL, MONTANA 59901

DRAWN BY:	DJK
DESIGNED BY:	DJK
QUALITY CHECK:	
DATE:	03/16/2020
JOB NO.	K19-054
FIELDBOOK	

EROSION CONTROL PLAN - BIG MOUNTAIN RIVER, LLC
244, 314, 322 W 2nd STREET WHITEFISH, MT 59937

LT 1, 2, BLK1 HENDRIX TRACTS, LT 12, BLK1 GRANDVIEW ADD
SECTION 36, T31N, R22W, PMM

K19-054 SITE REVIEW.DWG

SHEET 2

Return after recording to:
Mindful Designs, Inc.
118 2nd Street
Whitefish, Montana 59937

Above this line is for recording purposes only

DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR BIG MOUNTAIN RIVER

This Declaration of Covenants, Conditions and Restrictions (this "Agreement") is made this ____ day of _____, 2020, by Big Mountain River, LLC (hereinafter referred to as "Declarant"). The Declarant, as owner of the Property legally described below, hereby declares that said Property, and all parts and parcels thereof, shall at all times be owned, held, used and occupied subject to the provisions contained in this agreement and to the covenants, conditions, and restrictions contained herein.

1. Property. The Declarant owns that property legally described as follows (collectively the "Property" or individually a "Lot"):

   - *TRACT 1: Lot 12, Block 1 of Grandview Addition to Whitefish, Montana, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.*
     EXCEPTING THEREFROM, That portion conveyed to the Montana Department of Transportation in Bargain and Sale Deed recorded February 14, 2012 as Document No. 201200003374, records of Flathead County, Montana.

   - *TRACT 2: Lot 1, Block 1 of Hendrix Tracts of Whitefish, Montana, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.*
     EXCEPTING THEREFROM That portion conveyed to the Montana Department of Transportation in Bargain and Sale Deed recorded February 15, 2012 as Document No. 201200003421, records of Flathead County, Motion.

   - *TRACT 3: Lot 2, Block 1 of Hendrix Tracts to Whitefish, Montana, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.*

EXCEPTING THEREFROM That portion conveyed to the Montana Department of Transportation in Bargain and Sale Deed recorded February 15, 2012 as Document No. 201200003422, records of Flathead County, Montana.

2. Shared Party Walls. A wall or walls may be located on the division line between adjacent structures on the Lot(s) (hereinafter the "Party Wall(s)"). These structures may also share a roofline, fence, driveway, landscaping, certain stormwater drainage facilities, certain structural facilities, utilities, mechanical systems, ventilation facilities, and other systems (all of which are collectively referred to as the "Common Elements"). The Declarant, and each and every subsequent owner of a Lot ("Owner") that contains Party Walls, including its appurtenant improvements, by their ownership of any Lot subjected hereto, hereby agrees to the following with regard to the Party Wall(s), the Common Elements and related matters.

a. Ownership and Easements. Each Owner shall have and is hereby granted a one-half, undivided interest in and to the Party Wall(s) and Common Elements in which they share with an adjoining Owner. Each Owner shall have and is hereby granted an easement over the one-half, undivided interest held by the other adjacent Owner in and to the Party Wall(s) and Common Elements they have in common. Neither Owner shall unreasonably obstruct the other Owner(s) use of Party Wall(s) and/or Common Elements which they share. Each Owner shall have and is hereby granted an easement across and under the Property for underground utilities that serve their Lot.

b. Use. Each of the Owners shall have the right to use the Party Wall(s), which they share with adjoining Owner(s), to laterally support the adjacent building on their respective Lot(s). Any other uses of the Party Wall(s) are permissible, provided they do not interfere with or impair the rights of the other adjoining Owner, excepting that openings or windows are prohibited in Party Wall(s).Each Owner shall have the right to use the Common Elements which they share with an adjoining Owner. Any uses of the Common Elements, which one party shares with another, are permissible provided that they do not interfere with or impair the rights of the adjoining Owner.

c. Maintenance, Repair and Modification. Each Owner is responsible for maintaining the Party Wall(s) and Common Elements which they share with an adjoining Owner in a safe and functioning condition. Adjoining Owners agree that any damage caused by the act or omission of one Owner (including his agents, guests, tenants, and invitees) will be repaired to its original condition at the sole expense of the Owner who caused the damage. Any repairs or replacement required that are not the result of the act or omission of either Owner will be made at the joint and equal expense of both Owners sharing that Common Element or Party Wall(s), and either Owner may undertake such necessary repairs or replacement and receive contribution from the other Owner for one-half of the reasonable expenses incurred. Any portion of the Party Wall(s) or Common Elements exclusively used by one Owner will be repaired or replaced at the sole expense of that Owner.

i. Appurtenant Property Maintenance. Each Owner may make modifications, additions, or alterations to the Party Wall(s) or Common Elements appurtenant to his Property with the consent of the adjoining Owner, which consent will not be unreasonably withheld, and provided that said modifications, additions or alterations do not interfere with or impair the rights of other Owners.

ii. Vegetative Stormwater Filter Maintenance Plan. A vegetative stormwater filter area exists on the Property. This area consists of native plants and grasses that serve as a stormwater quality treatment device. The filter is intended to reduce erosion and the transport of solids, particulates, hydrocarbons, and nutrients from stormwater generated within the lots. For a vegetative filter to be effective in removing pollutants from stormwater runoff, proper maintenance is necessary to ensure proper filter function. Each and every Owner of a Lot should inspect vegetation at least annually for evidence of erosion, as well as for overall health of the vegetation and for unwanted growth or the presence of invasive plant species. When areas of unwanted or invasive plants are found, Owners should remove the unwanted growth using methods to limit the disruption to the remaining vegetation. The use of herbicides or other chemical applications should be prohibited within this area so as not to affect the adjacent pond area and associated vegetation. During these inspections, Owners should inspect areas for accumulation of excessive sediment or debris and remove any contaminants as necessary. Removed sediment and debris should be disposes of in a manner consistent with applicable local, state, and federal regulations. Owners shall also take preventative measures so as not to inhibit the filtration capabilities of the vegetation or add unnecessary pollutant loads to the area. Lot Owners should not introduce activities that could damage the vegetation, such as vehicle access, excavation, removal of vegetative areas, or the building of any structures or hardscape surfaces within the easement boundary. Owners should also be cognizant when stockpiling any earthen materials, applying chemicals, or introducing excessive water flows to the area. If an area of the filter is found to be damaged, Owners should revegetate the damaged area with similar plants and grasses and remediate any soil media as necessary.

3. Duty to Maintain Individual Elements. Each Owner shall keep all exterior walls and the roof on his own Property in good condition and repair at his sole cost and expense. Each Owner may only make modifications, additions, or alterations to the exterior walls, roof or exterior appearance (including paint or stain color) of the improvements on his own Property with the written consent of the other adjoining Owner(s), which consent will not be unreasonably withheld. No such modifications, additions, or alterations shall interfere with or impair the rights of other Owner(s). The exterior appearance of the buildings and improvements shall remain consistent, and any proposed modifications, additions, or alterations of the exterior appearance shall take such desired aesthetic consistency into account.

4. Covenants

a. The parties recognize that sharing a common wall can result in sound from one building being audible in the adjoining building. Each Owner agrees not to create sound or allow others to create sound in their building that is unreasonably disturbing to the occupants of the adjoining building. The Property allows short-term rentals subject to the requirements of City, County, and State law. If any Owner elects to rent his Lot, the tenants thereof shall be informed of the duty to minimize sound that can be heard in the adjacent building and the Owner shall be liable for violations of this covenant by his agents, guests, tenants, and invitees.

b. No poultry, birds, excepting inside pet birds, which may be kept inside the house, shall be permitted. Cats, dogs or other small household pets, not to exceed two in total number, for each Lot Owner may be kept. All pets are to be leashed, kenneled, (underground electric fences are permitted) or otherwise confined to the Owners Lot, except when leashed and controlled by the owner. If a breach occurs, the Lot Owner of the pet is responsible for any liability and cleaning.

c. No fence may be constructed upon the Property or any Lot thereon, without the prior written consent of the Association.

d. The parking or storage of campers, camping trailers, pickup campers, trucks over ¾ ton, boats, trailers or unlicensed, or inoperable, vehicles must be screened from public view as viewed from the public right of ways.

e. No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the other Lot owners.

f. All structures upon any Lot shall be kept in good repair and appearance.

g. No garbage, rubbish, trash, or other waste may be kept or placed in public view as viewed from the public right of ways; except on those designated days for public collection and stored securely in trash receptacles.

h. Owners will conform to all architectural and design guidelines as set by the Association (or its Architectural Committee) regarding exterior finishes and new construction.

i. No business or commercial activities shall be conducted on any of the Lots except home-based businesses as defined herein. Home-based businesses means business of a professional nature or a home-based business as defined by Flathead County; but specifically excluding retail, manufacturing, or other businesses that impair the quiet, residential character of the neighborhood. Examples of allowable home-based businesses include: an architect's home office, an artist studio, computer programming, a contractor's office, or insurance sales. Examples of disallowed home-based businesses include: an auto repair shop, a barbershop, a beauty shop, a

daycare, a restaurant, or warehouse facility. These examples are not inclusive and are included here for illustrative purposes only.

5. Homeowner's Association. Each Owner of a Lot within the Property shall, by virtue of their ownership of a Lot, be a member of the Big Mountain River Homeowner's Association, Inc.; which entity will have been formed, under the laws of the state of Montana, to provide for i) ownership, maintenance and repair of all common area(s) (hereinafter collectively and singularly referred to as the "Common Area(s)"), which include those land areas and improvements identified on the Plat of the Big Mountain River, utilities common to all Lots, and those streets, alley ways and easements identified on the Plat of the Big Mountain River, ii) maintenance and repair of all Common Element(s) and iii) a structure under which all Owners may act as a group in accordance with this Declaration and the Association Bylaws.

   a. The Association's Board may, from time to time, adopt rules, regulations, budgets and fee schedules regarding the use, enjoyment and maintenance of the Property. Furthermore, the Association's Board may adopt a fee schedule for violations of promulgated rules and regulations. Any assessed fee will be assessed against the Owner and may be made a lien against that owner's Lot and appurtenances. Any lien made against a Lot under this section shall bear interest at the legal rate, from the date of filing, and may be foreclosed in the same manner set forth in the Bylaws.

   b. In order to provide the Association with adequate working capital, the Association shall collect $1,000 from Buyer at the time of the sale or purchase of a Lot, which amount may be adjusted no more than yearly by the Association. Such payment to this fund shall not be considered advance payment of annual assessments.

6. Liability for Injuries. Any injury to third parties caused by the use, maintenance, or modification of the Party Wall(s) or Common Elements is the responsibility of both Owners jointly, unless the injury is caused by the act or omission of one of the Owners.

7. Reserved Declarant Rights. Notwithstanding anything in this Declaration, or the Bylaws, to the contrary, the Declarant does hereby reserve the right(s) to:

   a. At any time, Declarant may assign, to such other party or parties as Declarant deems appropriate, all or any portion of Declarant's rights, duties and obligations with respect to this Declaration, whether provided under this Declaration, the Bylaws, or any other agreements or documents related thereto.

   b. For so long as Declarant owns one or more Lots (hereinafter "Period of Declarant Control"), Declarant may:

      i. unilaterally, at any time and without the vote or consent of any other Owner(s), amend this Declaration, in whole or in part; and

      ii. appoint the Board of Directors of the Association,

unless it sooner decides, in its sole and absolute discretion, to end its Period of Declarant Control by filing with the Clerk and Recorder of Flathead County, Montana a notice providing for the Cessation of Declarant Control.

8. Insurance. Each Owner shall obtain and keep in force homeowners insurance insuring their Lot and appurtenances thereto, and their interest in the Party Wall(s) and Common Elements, to their full insurable value against fire and other casualties, and name the Association and adjacent Lot Owners who share said Wall(s) and Common Elements as an "additional insured" on said policy of insurance. Each party shall also obtain and keep in force liability insurance covering their Property, personal property and their interest in the Party Wall(s) and Common Elements share with other Owners. On request of an Owner, the adjoining Owner shall provide written proof of such insurance.

9. Encroachments; Boundary Line Adjustment. If, for any reason, it is determined that any parts of the building (or other improvements existing at the time this Agreement is recorded) that are located primarily on one Owner's Property (the "Encroaching Building") encroach onto an adjoining Owner's Property, the Owner of the Encroaching Building shall have and is granted an easement over the adjoining Owner's Property to permit such encroachment. If, for any reason, it is determined that the Party Wall(s) is not located exactly on the common division line between two Lot(s), the Party Wall(s) shall nonetheless be treated as a common wall, with the ownership, easements, costs and expenses of maintenance, repair and replacement, and other rights and responsibilities being determined as provided in this Agreement. In such event, either Owner may request that the boundary line between the two Lot(s) be revised so that the boundary line coincides with the Party Wall(s), and the Owners shall both cooperate to accomplish such a boundary line adjustment, including any needed conveyances of Property, at no charge to each other, except that the Owners shall share equally in the costs of the boundary line adjustment survey, recording costs and other costs of accomplishing the boundary line adjustment.

10. Duration, Waiver and Modification of Agreement. This Agreement shall terminate at such time as Party Wall(s) and Common Elements no longer exist. Except as otherwise provided during the Period of Declarant Control, this Agreement may only be amended by a written instrument executed by the President of the Association, certifying that more than 75% of the members of said Association have voted in favor of said amendment.

11. Successors in Interest. This Agreement shall create mutual easements and covenants that run with the Property, and each and every part, parcel or lot thereof, as long as the Party Wall(s) or Common Elements exist, benefiting and binding all successors, heirs, assigns of all Owners.

12. Non-Merger. It is acknowledged that, at present, the Lot(s) are owned by the Declarant. However, it is anticipated that the common ownership of the Lot(s) will be severed at some time in the future. It is the express intent of the parties that the easements provided herein shall not be deemed to be merged or ineffective by reason of the present common ownership of the Lot(s). If for any reason the present common ownership of the Lot(s) is deemed to cause a merger or otherwise render ineffective any easements provided herein, all such easements shall be deemed

automatically granted and re-granted and in full force and effect at such time as the common ownership is severed by conveyance of the Lot(s) to a third party, and all such easements shall thereupon be deemed to be effective and in full force and effect without any further action by the parties or their successors or assigns.

13. Enforcement. Each Owner shall have the right to enforce the terms herein provided by any action or proceeding at law or in equity against any person or Owner violating or attempting to violate any of the aforementioned restrictions, either to restrain violation or to recover damages. If after sending a notice of default, the defaulting/violating party fails to cure the default within 10 days of the postmarked date of the notice default, the non-defaulting party or parties may, without breaching the peace, cure the default and file a lien upon the defaulting Owner's Lot for costs and fees attributable to the curative actions. The costs and fees attributable to curative actions shall bear interest at the legal rate.

14. Choice of Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Montana.

15. Severability. If any term or provision of this Agreement shall be held to be invalid or unenforceable for any reason, that term or provision shall be ineffective to the extent of such invalidity or unenforceability without invalidating the remaining terms and provisions, and this Agreement shall be construed as if such invalid or unenforceable term or provisions had not been included.

IN WITNESS WHEREOF, the undersigned has caused this Agreement to be executed on those dates indicated below.

DATED this ____ day of _____, 2020.

DECLARANT: (BIG MOUNTAIN RIVER, LLC)

X_____
_____ as Appointed Agent
of BIG MOUNTAIN RIVER, LLC

[STATE OF MONTANA ; COUNTY OF FLATHEAD]

This instrument was acknowledged before me on the ___ day of _____, 2020 by _____ as Appointed Agent of BIG MOUNTAIN RIVER, LLC.

X_____

(SEAL) Notary Public for the state aforesaid

CALYPSO ECOLOGICAL CONSULTING, LLP
P.O. Box 5438
Whitefish, MT 59937

February 27, 2020

Bruce Boody Landscape
301 East 2nd Street, Suite 1B
Whitefish, MT 59937

Dear Bruce:

Per your request, I completed a wetland delineation along a stretch of the Whitefish River in Whitefish, MT that is part of the proposed Big Mountain River LLC Project. This letter summarizes my findings of wetlands delineated along the river within the project boundaries.

I visited the property on May 27, 2019. Most of the property is on an upland slope which descends to the Whitefish River. Most of this slope was determined to be within upland vegetation and not included in the wetland boundary.

The wetland boundary exists as a relatively narrow strip along the Whitefish River. The wetland strip varies in width, depending on the steepness of the adjacent slope. The survey took place in the spring when the water level of the river is high, allowing an easy assessment of the high water mark of the Whitefish River along the steeper banks. This was evidenced by upland vegetation on an abrupt steep slope and a narrow strip of wetland vegetation and soils on adjacent flatter ground next to the river. In one area, however, the upland slope was further back from the water's edge and not as steep, resulting in a wider swath of flat ground adjacent to the river. In this area, not all of the flat ground was underwater but a high water table was present, along with hydric soils and hydrophytic vegetation.

Wetland characteristics include 100% hydrophytic vegetation, hydric soils, and evidence of wetland hydrology, the three characteristics required to be considered a wetland. Dominant wetland vegetation included redosier dogwood (*Cornus sericeus*, FACW), gray alder (Alnus incana, FACW), white willow (*Salix alba,* FACW), cattail (*Typha latifolia*, OBL), beaked sedge (*Carex utriculata*, OBL), meadow foxtail (*Alopecurus pratensis*, FACW), and redtop (*Agrostis stolonifera*, FAC). Hydric soils were present in both soil pits with either a dark surface layer over a depleted sandy redox subsurface layer or a deeper dark surface layer with redoximorphic features, each meeting criteria for hydric soil. Finally, wetland hydrology was present as saturation in the top twelve inches of the assessment pit, as well as the presence of reduced iron, both primary wetland hydrology indicators. Two additional secondary wetland hydrology indicators were also present, including geomorphic position and passing the FAC-neutral test.

Adjacent upland areas had no evidence of wetland hydrology or wetland soils. Vegetation along the steep banks was found to be primarily facultative upland, dominated by quaking aspen and upland shrubs. Soils here met no criteria for hydric soils and there was no evidence of wetland hydrology. Vegetation near the flatter ground without a steep bank did meet criteria for wetland vegetation as this area was dominated by non-native facultative wet and facultative

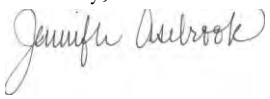
grasses. But the soils in this upland area met no criteria for hydric soils and there was no evidence of wetland hydrology.

Overall, all construction activities are taking place out of the wetland boundary (see attached construction maps). The only work within the wetland boundary is support for one floating dock structure with helical piers. The piers are similar to very large screws that are turned into the river bottom until it reaches a specific resistance, based on the weight of the structure and use. There is no permanent impact to wetland areas from this work.

I am attaching four ACOE wetland field forms that were used in this wetland delineation. I am also attaching photos of the wetland and upland areas along with maps that show the wetland boundary, wetland delineation plots, and construction activities.

Please call or email me if you have questions or need additional information.

Sincerely,

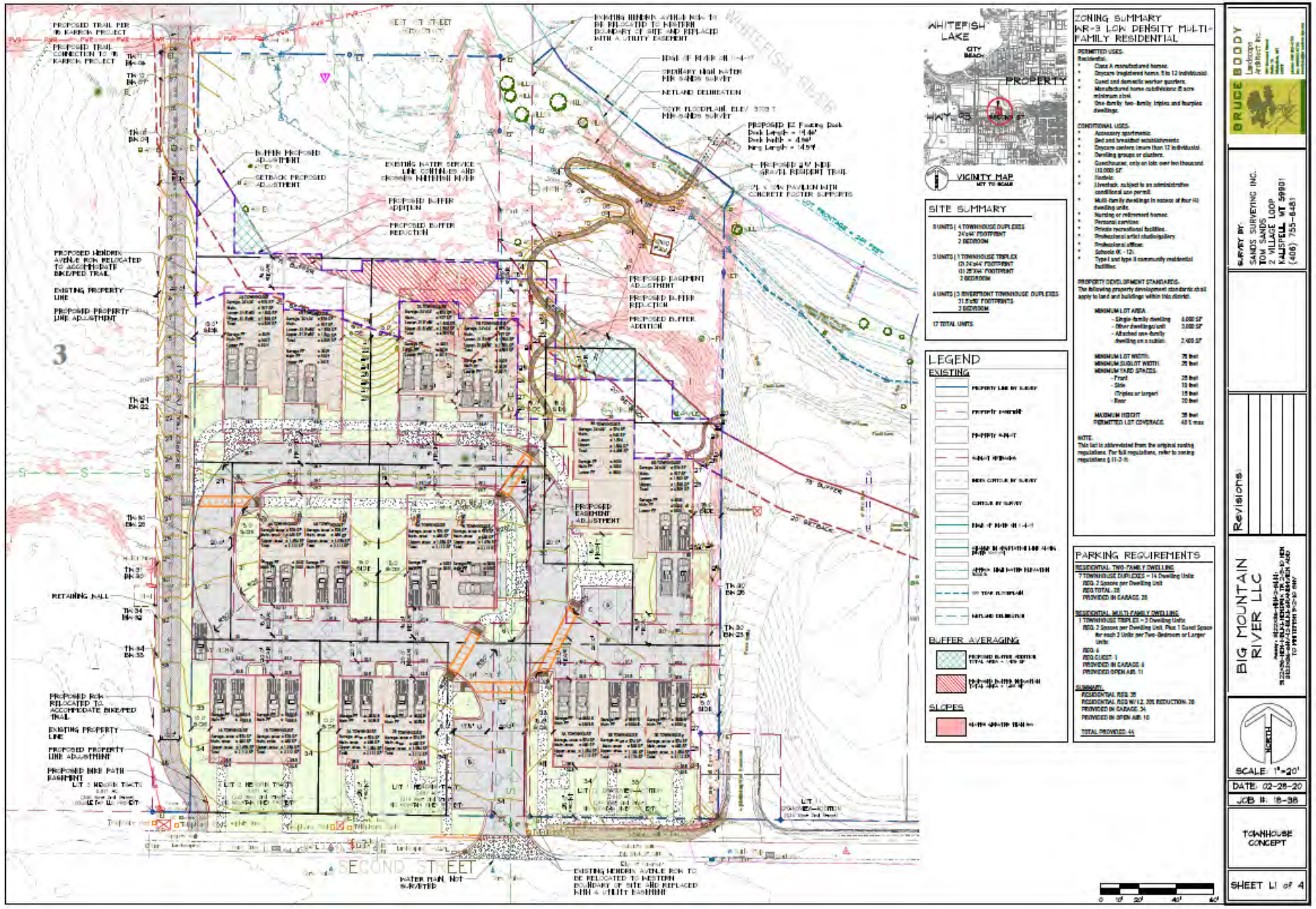


Jennifer Asebrook
(406) 871-8020
jenasebrook@gmail.com

Appendix A. Big Mountain River LLC Wetland Delineation

- **Maps of wetland boundaries and development plan**

Whitefish River
upland plot 2
wetland plot 2
wetland plot 1
Delineated wetland boundary
Property boundary
upland plot 1
N
US Highway 93
Meters
0
10
20
40
60
80


PROPOSED TRAIL PER RB KARREN PROJECT
PROPOSED TRAIL CONNECTION TO RB KARREN PROJECT
EXISTING HENDRIX AVENUE ROW TO BE RELOCATED TO WESTERN BOUNDARY OF SITE AND REPLACED WITH A UTILITY EASEMENT
EDGE OF RIVER BANK
ORDINARY HIGH WATER MHW SANDS SURVEY
WETLAND DELINEATION
100YR FLOODPLAIN ELEV. 3003.7 MHW SANDS SURVEY
PROPOSED 12' Floating Dock Dock Length = 41.66' Dock Width = 4.66' Ramp Length = 14.94'
PROPOSED 8' WIDE GRAVEL RECREATIONAL TRAIL
21' x 24' PAVILION WITH CONCRETE FOOTER SUPPORTS
EXISTING WATER SERVICE LINE CROSSES AND CROSSES NORTHERN RIVER
BUFFER PROPOSED ADJUSTMENT
SETBACK PROPOSED ADJUSTMENT
PROPOSED BUFFER ADDITION
PROPOSED BUFFER REDUCTION
PROPOSED EASEMENT ADJUSTMENT
PROPOSED BUFFER REDUCTION
PROPOSED BUFFER ADDITION
PROPOSED HENDRIX AVENUE ROW RELOCATED TO ACCOMMODATE BIKE/PED TRAIL
EXISTING PROPERTY LINE
PROPOSED PROPERTY LINE ADJUSTMENT
3
RETAINING WALL
PROPOSED ROW RELOCATED TO ACCOMMODATE BIKE/PED TRAIL
EXISTING PROPERTY LINE
PROPOSED PROPERTY LINE ADJUSTMENT
PROPOSED BIKE PATH EASEMENT
75' BUFFER
20' SETBACK
SECOND STREET
WATER MAIN, NOT SURVEYED
EXISTING HENDRIX AVENUE ROW TO BE RELOCATED TO WESTERN BOUNDARY OF SITE AND REPLACED WITH A UTILITY EASEMENT
WHITEFISH LAKE
CITY BEACH
PROPERTY
HWY 93
VICINITY MAP
NOT TO SCALE
SITE SUMMARY
8 UNITS | 4 TOWNHOUSE DUPLEXES
2436± FOOTPRINT
2 BEDROOM
3 UNITS | 1 TOWNHOUSE TRIPLEX
(2) 2436± FOOTPRINT
(1) 2834± FOOTPRINT
3 BEDROOM
6 UNITS | 3 RIVERFRONT TOWNHOUSE DUPLEXES
3156± FOOTPRINTS
3 BEDROOM
17 TOTAL UNITS
LEGEND
EXISTING
PROPERTY LINE BY SURVEY
PROPERTY SETBACK
PROPERTY ADJUST
EASEMENT
HIGH WATER BY SURVEY
CONTOUR BY SURVEY
EDGE OF WATER BY SURVEY
GRADE BREAK
WETLAND DELINEATION
100 YEAR FLOODPLAIN
BUFFER AVERAGING
PROPOSED BUFFER ADDITION
PROPOSED BUFFER REDUCTION
SLOPES
ZONING SUMMARY
WR-3 LOW DENSITY MULTI-FAMILY RESIDENTIAL
PERMITTED USES:
Residential:
Class A manufactured homes.
Daycare (registered home, 8 to 12 individuals).
Guest and domestic worker quarters.
Manufactured home subdivisions (5 acre minimum size).
One dwelling: two-family; triplex and fourplex dwellings.
CONDITIONAL USES:
Accessory apartments.
Bed and breakfast establishments.
Daycare centers (more than 12 individuals).
Dwelling groups or clusters.
Guesthouses; only on lots over two thousand (10,000) SF.
Hostels.
Livestock; subject to an administrative conditional use permit.
Multi-family dwellings in excess of four (4) dwelling units.
Nursing or retirement homes.
Personal services.
Private recreational facilities.
Professional artist studios/gallery.
Professional offices.
Schools (K - 12).
Type I and type II community residential facilities.
PROPERTY DEVELOPMENT STANDARDS:
The following property development standards shall apply to land and buildings within this district.
MINIMUM LOT AREA
- Single-family dwelling 6,000 SF
- Other dwellings/unit 3,000 SF
- Attached one-family dwelling on a sublot 2,400 SF
MINIMUM LOT WIDTH 75 feet
MINIMUM SUBLOT WIDTH 25 feet
MINIMUM YARD SPACES:
- Front 20 feet
- Side 10 feet
- Cripples or larger 15 feet
- Rear 20 feet
MAXIMUM HEIGHT 35 feet
PERMITTED LOT COVERAGE 40 % max
NOTE:
This list is abbreviated from the original zoning regulations. For full regulations, refer to zoning regulations § 11-2-11.
PARKING REQUIREMENTS
RESIDENTIAL TWO-FAMILY DWELLING
7 TOWNHOUSE DUPLEXES = 14 Dwelling Units
REQ. 2 Spaces per Dwelling Unit
REQ TOTAL: 28
PROVIDED IN GARAGE: 28
RESIDENTIAL MULTI-FAMILY DWELLING
1 TOWNHOUSE TRIPLEX = 3 Dwelling Units
REQ. 2 Spaces per Dwelling Unit, Plus 1 Guest Space for each 3 Units per Two-Bedroom or Larger Units:
REQ: 6
REQ GUEST: 1
PROVIDED IN GARAGE: 6
PROVIDED OPEN AIR: 11
SUMMARY:
RESIDENTIAL REQ: 28
RESIDENTIAL REQ W/ 2.36% REDUCTION: 28
PROVIDED IN GARAGE: 34
PROVIDED IN OPEN AIR: 10
TOTAL PROVIDED: 44
0 10' 20' 40' 60'
BRUCE BODDY
Landscape Architecture Inc.
SURVEY BY:
SANDS SURVEYING INC.
TOM SANDS
2 VILLAGE LOOP
KALISPELL, MT 59901
(406) 755-6481
Revisions:
BIG MOUNTAIN RIVER LLC
NORTH
SCALE: 1"=20'
DATE: 02-28-20
JOB #: 18-38
TOWNHOUSE CONCEPT
SHEET L1 of 4

Appendix B. Photographs of Big Mountain River LLC wetland delineation.

Photo 1. River's edge at east side of delineation. Narrow wetland with steep upland bank.

Photo 2. Wetland plot W-2. Flatter wetland area with no steep bank.

Photo 3. Wetland plot W-1 and Upland plot U-1. River's edge in center of delineation. Narrow wetland with steep upland bank.

Appendix C. Big Mountain River LLC Wetland Delineation

- **Wetland Delineation forms**

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project Site: Big Mountain River LLC City/County: Whitefish/Flathead Sampling Date: 5/27/2019

Applicant/Owner: State: MT Sampling Point: U-1

Investigator(s): Calypso Ecological Consulting, LLP/J. Asebrook Section, Township, Range: S28, T28N, R21W

Landform (hillslope, terrace, etc.): Local relief (concave, convex, none): none Slope (%): 15

Subregion (LRR): E - Rocky Mtn Forests & Rangeland Lat: Long: Datum: NAD83

Soil Map Unit Name: NWI classification: upland

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)

Are Vegetation ☐, Soil ☐, Or Hydrology ☐, significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐

Are Vegetation ☐, Soil ☐, Or Hydrology ☐, naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ☐	No ☒			
Hydric Soil Present?	Yes ☐	No ☒	**Is the Sampling Area within a Wetland?**	**Yes ☐**	**No ☒**
Wetland Hydrology Present?	Yes ☐	No ☒			

REMARKS:

VEGETATION – Use scientific names of plants

Tree Stratum (Plot Size: ____)	Absolute % Cover	Dominant Species?	Indicator Status
1. *Populus tremuloides*	15	yes	FACU
2. ____			
3. ____			
4. ____			
50% = ____, 20% = ____	15	= Total Cover	
Sapling/Shrub Stratum (Plot Size: ____)			
1. *Symphoricarpos albus*	50	yes	FACU
2. *Rosa woodsii*	20	yes	FACU
3. *Spiraea betulifolia*	10	no	FACU
4. ____			
5. ____			
50% = ____, 20% = ____	80	= Total Cover	
Herb Stratum (Plot Size: ____)			
1. *Elymus repens*	5	no	FAC
2. *Myosotis sylvatica*	10	no	FAC
3.			
4.			
5.			
6.			
7.			
8.			
9. ____			
10. ____			
11. ____			
50% = ____, 20% = ____	15	= Total Cover	
Woody Vine Stratum (Plot Size: ____)			
1. ____			
2. ____			
50% = ____, 20% = ____		= Total Cover	
% Bare Ground in Herb Stratum ____			

Dominance Test Worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC:	0	(A)
Total Number of Dominant Species Across All Strata:	3	(B)
Percent of Dominant Species That Are OBL, FACW, or FAC:	0%	(A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x1 =	0
FACW species	0	x2 =	0
FAC species	15	x3 =	45
FACU species	95	x4 =	380
UPL species	0	x5 =	0
Column Totals:	(A) 105		(B) 425

Prevalence Index = B/A = 4.05

Hydrophytic Vegetation Indicators:

☐ Dominance Test is >50%

☐ Prevalence Index is ≤3.0[1]

☐ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

☐ Wetland Non-Vascular Plants[1]

☐ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes ☐** **No ☒**

REMARKS: Vegetation does not meet criteria for hydrophytic vegetation.

Project Site: Big Mountain River LLC

SOIL Sampling Point: U-1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (Moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-16+	10YR 3/1	100	n/a				loam	

[1]Type: C= Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Sandy Mucky Mineral (S1)
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Loamy Mucky Mineral (F1) **(except MLRA 1)**
- ☐ Loamy Gleyed Matrix (F2)
- ☐ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ☐ 2 cm Muck (A10)
- ☐ Red Parent Material (TF2)
- ☐ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type:

Depth (Inches):

Hydric Soils Present? **Yes** ☐ **No** ☒

Remarks: No hydric soil indicators are present.

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ☐ Surface Water (A1)
- ☐ High Water Table (A2)
- ☐ Saturation (A3)
- ☐ Water Marks (B1)
- ☐ Sediment Deposits (B2)
- ☐ Drift Deposits (B3)
- ☐ Algal Mat or Crust (B4)
- ☐ Iron Deposits (B5)
- ☐ Surface Soil Cracks (B6)
- ☐ Inundation Visible on Aerial Imagery (B7)
- ☐ Sparsely Vegetated Concave Surface (B8)
- ☐ Water-Stained Leaves (B9) **(except MLRA 1, 2, 4A, and 4B)**
- ☐ Salt Crust (B11)
- ☐ Aquatic Invertebrates (B13)
- ☐ Hydrogen Sulfide Odor (C1)
- ☐ Oxidized Rhizospheres along Living Roots (C3)
- ☐ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Tilled Soils (C6)
- ☐ Stunted or Stresses Plants (D1) **(LRR A)**
- ☐ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ☐ Water-Stained Leaves (B9) **(MLRA 1, 2, 4A, and 4B)**
- ☐ Drainage Patterns (B10)
- ☐ Dry-Season Water Table (C2)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Geomorphic Position (D2)
- ☐ Shallow Aquitard (D3)
- ☐ FAC-Neutral Test (D5)
- ☐ Raised Ant Mounds (D6) **(LRR A)**
- ☐ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ☐ No ☒ Depth (inches):

Water Table Present? Yes ☐ No ☒ Depth (inches):

Saturation Present? (includes capillary fringe) Yes ☐ No ☒ Depth (inches):

Wetland Hydrology Present? **Yes** ☐ **No** ☒

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: No wetland hydrology indicators are present

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project Site: Big Mountain River LLC City/County: Whitefish/Flathead Sampling Date: 5/27/2019

Applicant/Owner: State: MT Sampling Point: W-1

Investigator(s): Calypso Ecological Consulting, LLP/J. Asebrook Section, Township, Range: S28, T28N, R21W

Landform (hillslope, terrace, etc.): Local relief (concave, convex, none): concave Slope (%): 1

Subregion (LRR): E - Rocky Mtn Forests & Rangeland Lat: Long: Datum: NAD83

Soil Map Unit Name: NWI classification: Emergent wetland

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)

Are Vegetation ☐, Soil ☐, Or Hydrology ☐, significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐

Are Vegetation ☐, Soil ☐, Or Hydrology ☐, naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes	☒	No	☐	
Hydric Soil Present?	Yes	☒	No	☐	**Is the Sampling Area within a Wetland?** **Yes** ☒ **No** ☐
Wetland Hydrology Present?	Yes	☒	No	☐	

REMARKS:

VEGETATION – Use scientific names of plants

Tree Stratum (Plot Size: ____)	Absolute % Cover	Dominant Species?	Indicator Status
1. *Salix alba*	100	yes	FACW
2.			
3.			
4.			
50% = ____, 20% = ____	100	= Total Cover	
Sapling/Shrub Stratum (Plot Size: ____)			
1. *Cornus sericeus*	20	yes	FACW
2. *Alnus incana*	10	yes	FACW
3.			
4.			
5.			
50% = ____, 20% = ____	30	= Total Cover	
Herb Stratum (Plot Size: ____)			
1. *Poa palustris*	1	no	FAC
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
50% = ____, 20% = ____	1	= Total Cover	
Woody Vine Stratum (Plot Size: ____)			
1.			
2.			
50% = ____, 20% = ____		= Total Cover	
% Bare Ground in Herb Stratum ____			

Dominance Test Worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC:	3	(A)
Total Number of Dominant Species Across All Strata:	3	(B)
Percent of Dominant Species That Are OBL, FACW, or FAC:	100	(A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	0	x1 =	0
FACW species	130	x2 =	260
FAC species	1	x3 =	3
FACU species	0	x4 =	0
UPL species	0	x5 =	0
Column Totals:	(A) 131		(B) 263

Prevalence Index = B/A = 2.02

Hydrophytic Vegetation Indicators:

☒ Dominance Test is >50%

☒ Prevalence Index is ≤3.0[1]

☐ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

☐ Wetland Non-Vascular Plants[1]

☐ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes** ☒ **No** ☐

REMARKS: Vegetation passes dominance test and the prevalence index for hydrophytic vegetation.

Project Site: Big Mountain River LLC

SOIL Sampling Point: W-1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (Moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-5	10YR2/1	100						
5-16+	10YR5/2	90	10Y5/6	10	C	M		

[1]Type: C= Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☒ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Sandy Mucky Mineral (S1)
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Loamy Mucky Mineral (F1) **(except MLRA 1)**
- ☐ Loamy Gleyed Matrix (F2)
- ☐ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ☐ 2 cm Muck (A10)
- ☐ Red Parent Material (TF2)
- ☐ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type:

Depth (Inches):

Hydric Soils Present? **Yes** ☒ **No** ☐

Remarks: Meets hydric soil criteria: depleted subsoil layer with redoximorphic features below dark surface.

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ☐ Surface Water (A1)
- ☐ High Water Table (A2)
- ☒ Saturation (A3)
- ☐ Water Marks (B1)
- ☐ Sediment Deposits (B2)
- ☐ Drift Deposits (B3)
- ☐ Algal Mat or Crust (B4)
- ☐ Iron Deposits (B5)
- ☐ Surface Soil Cracks (B6)
- ☐ Inundation Visible on Aerial Imagery (B7)
- ☐ Sparsely Vegetated Concave Surface (B8)
- ☐ Water-Stained Leaves (B9) **(except MLRA 1, 2, 4A, and 4B)**
- ☐ Salt Crust (B11)
- ☐ Aquatic Invertebrates (B13)
- ☐ Hydrogen Sulfide Odor (C1)
- ☐ Oxidized Rhizospheres along Living Roots (C3)
- ☒ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Tilled Soils (C6)
- ☐ Stunted or Stresses Plants (D1) **(LRR A)**
- ☐ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ☐ Water-Stained Leaves (B9) **(MLRA 1, 2, 4A, and 4B)**
- ☐ Drainage Patterns (B10)
- ☐ Dry-Season Water Table (C2)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☒ Geomorphic Position (D2)
- ☐ Shallow Aquitard (D3)
- ☒ FAC-Neutral Test (D5)
- ☐ Raised Ant Mounds (D6) **(LRR A)**
- ☐ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present?	Yes	☐	No	☒	Depth (inches):	
Water Table Present?	Yes	☐	No	☒	Depth (inches):	14”
Saturation Present? (includes capillary fringe)	Yes	☒	No	☐	Depth (inches):	10”

Wetland Hydrology Present? **Yes** ☒ **No** ☐

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: Meets wetland hydrology with primary indicators saturation and presence of reduced iron. Also meets two secondary indicators.

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project Site: Big Mountain River LLC City/County: Whitefish/Flathead Sampling Date: 5/27/2019

Applicant/Owner: State: MT Sampling Point: U-2

Investigator(s): Calypso Ecological Consulting, LLP/J. Asebrook Section, Township, Range: S28, T28N, R21W

Landform (hillslope, terrace, etc.): Local relief (concave, convex, none): none Slope (%): 0

Subregion (LRR): E - Rocky Mtn Forests & Rangeland Lat: Long: Datum: NAD83

Soil Map Unit Name: NWI classification: upland

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)

Are Vegetation ☐, Soil ☐, Or Hydrology ☐, significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐

Are Vegetation ☐, Soil ☐, Or Hydrology ☐, naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes ☒	No ☐		
Hydric Soil Present?	Yes ☐	No ☒	**Is the Sampling Area within a Wetland?**	**Yes ☐ No ☒**
Wetland Hydrology Present?	Yes ☐	No ☒		

REMARKS:

VEGETATION – Use scientific names of plants

Tree Stratum (Plot Size: ____)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2. ____	____	____	____
3. ____	____	____	____
4. ____	____	____	____
50% = ____, 20% = ____	0	= Total Cover	
Sapling/Shrub Stratum (Plot Size: ____)			
1.			
2. ____	____	____	____
3. ____	____	____	____
4. ____	____	____	____
5. ____	____	____	____
50% = ____, 20% = ____	0	= Total Cover	
Herb Stratum (Plot Size: ____)			
1. *Alopecurus pratensis*	90	yes	FACW
2. *Agrostis stolonifera*	10	no	FAC
3.			
4.			
5.			
6.			
7.			F
8.			
9. ____	____	____	____
10. ____	____	____	____
11. ____	____	____	____
50% = ____, 20% = ____	100	= Total Cover	
Woody Vine Stratum (Plot Size: ____)			
1. ____	____	____	____
2. ____	____	____	____
50% = ____, 20% = ____	____	= Total Cover	
% Bare Ground in Herb Stratum ____			

Dominance Test Worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC:	1	(A)
Total Number of Dominant Species Across All Strata:	1	(B)
Percent of Dominant Species That Are OBL, FACW, or FAC:	100%	(A/B)

Prevalence Index worksheet:

	Total % Cover of:	Multiply by:	
OBL species		x1 =	
FACW species	90	x2 =	180
FAC species	10	x3 =	30
FACU species		x4 =	
UPL species		x5 =	
Column Totals:	(A) 100		(B) 210

Prevalence Index = B/A = 2.1

Hydrophytic Vegetation Indicators:

☒ Dominance Test is >50%

☒ Prevalence Index is ≤3.0[1]

☐ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

☐ Wetland Non-Vascular Plants[1]

☐ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes ☒ No ☐**

REMARKS: Vegetation passes dominance test and the prevalence index for hydrophytic vegetation.

Project Site: Big Mountain River LLC

SOIL Sampling Point: U-2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (Moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-16+	10YR3/1	100	n/a				loam	

[1]Type: C= Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Sandy Mucky Mineral (S1)
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Loamy Mucky Mineral (F1) **(except MLRA 1)**
- ☐ Loamy Gleyed Matrix (F2)
- ☐ Depleted Matrix (F3)
- ☐ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ☐ 2 cm Muck (A10)
- ☐ Red Parent Material (TF2)
- ☐ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type:

Depth (Inches):

Hydric Soils Present? **Yes** ☐ **No** ☒

Remarks: No hydric soil indicators are present.

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ☐ Surface Water (A1)
- ☐ High Water Table (A2)
- ☐ Saturation (A3)
- ☐ Water Marks (B1)
- ☐ Sediment Deposits (B2)
- ☐ Drift Deposits (B3)
- ☐ Algal Mat or Crust (B4)
- ☐ Iron Deposits (B5)
- ☐ Surface Soil Cracks (B6)
- ☐ Inundation Visible on Aerial Imagery (B7)
- ☐ Sparsely Vegetated Concave Surface (B8)
- ☐ Water-Stained Leaves (B9) **(except MLRA 1, 2, 4A, and 4B)**
- ☐ Salt Crust (B11)
- ☐ Aquatic Invertebrates (B13)
- ☐ Hydrogen Sulfide Odor (C1)
- ☐ Oxidized Rhizospheres along Living Roots (C3)
- ☐ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Tilled Soils (C6)
- ☐ Stunted or Stresses Plants (D1) **(LRR A)**
- ☐ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ☐ Water-Stained Leaves (B9) **(MLRA 1, 2, 4A, and 4B)**
- ☐ Drainage Patterns (B10)
- ☐ Dry-Season Water Table (C2)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☐ Geomorphic Position (D2)
- ☐ Shallow Aquitard (D3)
- ☐ FAC-Neutral Test (D5)
- ☐ Raised Ant Mounds (D6) **(LRR A)**
- ☐ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present?	Yes	☐	No	☒	Depth (inches):	
Water Table Present?	Yes	☐	No	☒	Depth (inches):	
Saturation Present? (includes capillary fringe)	Yes	☐	No	☒	Depth (inches):	

Wetland Hydrology Present? **Yes** ☐ **No** ☒

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: No wetland hydrology indicators are present

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project Site: Big Mountain River LLC City/County: Whitefish/Flathead Sampling Date: 5/27/2019

Applicant/Owner: State: MT Sampling Point: W-2

Investigator(s): Calypso Ecological Consulting, LLP/J. Asebrook Section, Township, Range: S28, T28N, R21W

Landform (hillslope, terrace, etc.): Local relief (concave, convex, none): concave Slope (%): 1

Subregion (LRR): E - Rocky Mtn Forests & Rangeland Lat: Long: Datum: NAD83

Soil Map Unit Name: NWI classification: Emergent wetland

Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)

Are Vegetation ☐, Soil ☐, Or Hydrology ☐, significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐

Are Vegetation ☐, Soil ☐, Or Hydrology ☐, naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes	☒	No	☐	
Hydric Soil Present?	Yes	☒	No	☐	**Is the Sampling Area within a Wetland?** **Yes** ☒ **No** ☐
Wetland Hydrology Present?	Yes	☒	No	☐	

REMARKS:

VEGETATION – Use scientific names of plants

Tree Stratum (Plot Size: _____)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2. _____	_____	____	____
3. _____	_____	____	____
4. _____	_____	____	____
50% = _____, 20% = _____	0	= Total Cover	
Sapling/Shrub Stratum (Plot Size: _____)			
1. *Cornus stolonifera*	5	no	FACW
2. _____	_____	____	____
3. _____	_____	____	____
4. _____	_____	____	____
5. _____	_____	____	____
50% = _____, 20% = _____	5	= Total Cover	
Herb Stratum (Plot Size: _____)			
1. *Alopecurus pratensis*	50	yes	FACW
2. *Agrostis stolonifera*	25	yes	FAC
3. *Carex utriculata*	15	yes	OBL
4. *Typha latifolia*	10	yes	OBL
5.			
6.			
7.			
8.			
9. _____	_____	____	____
10. _____	_____	____	____
11. _____	_____	____	____
50% = _____, 20% = _____	100	= Total Cover	
Woody Vine Stratum (Plot Size: _____)			
1. _____	_____	____	____
2. _____	_____	____	____
50% = _____, 20% = _____	_____	= Total Cover	
% Bare Ground in Herb Stratum _____			

Dominance Test Worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC:	4	(A)
Total Number of Dominant Species Across All Strata:	4	(B)
Percent of Dominant Species That Are OBL, FACW, or FAC:	100	(A/B)

Prevalence Index worksheet:

	Total % Cover of:	Multiply by:	
OBL species	25	x1 =	25
FACW species	55	x2 =	110
FAC species	25	x3 =	75
FACU species		x4 =	
UPL species		x5 =	
Column Totals:	(A) 105		(B) 210

Prevalence Index = B/A = 2.0

Hydrophytic Vegetation Indicators:

☒ Dominance Test is >50%

☒ Prevalence Index is ≤3.0[1]

☐ Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)

☐ Wetland Non-Vascular Plants[1]

☐ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes** ☒ **No** ☐

REMARKS: Vegetation passes dominance test and the prevalence index for hydrophytic vegetation.

Project Site: Big Mountain River LLC

SOIL Sampling Point: W-2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth	Matrix		Redox Features					
(inches)	Color (moist)	%	Color (Moist)	%	Type[1]	Loc[2]	Texture	Remarks
0-16+	10YR2/2	100	10YR6/6	10	C	M		

[1]Type: C= Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ☐ Histosol (A1)
- ☐ Histic Epipedon (A2)
- ☐ Black Histic (A3)
- ☐ Hydrogen Sulfide (A4)
- ☐ Depleted Below Dark Surface (A11)
- ☐ Thick Dark Surface (A12)
- ☐ Sandy Mucky Mineral (S1)
- ☐ Sandy Gleyed Matrix (S4)
- ☐ Sandy Redox (S5)
- ☐ Stripped Matrix (S6)
- ☐ Loamy Mucky Mineral (F1) **(except MLRA 1)**
- ☐ Loamy Gleyed Matrix (F2)
- ☐ Depleted Matrix (F3)
- ☒ Redox Dark Surface (F6)
- ☐ Depleted Dark Surface (F7)
- ☐ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ☐ 2 cm Muck (A10)
- ☐ Red Parent Material (TF2)
- ☐ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if present):

Type:

Depth (Inches):

Hydric Soils Present? **Yes** ☒ **No** ☐

Remarks: Meets hydric soil criteria: dark surface with redoximorphic features

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ☐ Surface Water (A1)
- ☐ High Water Table (A2)
- ☒ Saturation (A3)
- ☐ Water Marks (B1)
- ☐ Sediment Deposits (B2)
- ☐ Drift Deposits (B3)
- ☐ Algal Mat or Crust (B4)
- ☐ Iron Deposits (B5)
- ☐ Surface Soil Cracks (B6)
- ☐ Inundation Visible on Aerial Imagery (B7)
- ☐ Sparsely Vegetated Concave Surface (B8)
- ☐ Water-Stained Leaves (B9) **(except MLRA 1, 2, 4A, and 4B)**
- ☐ Salt Crust (B11)
- ☐ Aquatic Invertebrates (B13)
- ☐ Hydrogen Sulfide Odor (C1)
- ☐ Oxidized Rhizospheres along Living Roots (C3)
- ☒ Presence of Reduced Iron (C4)
- ☐ Recent Iron Reduction in Tilled Soils (C6)
- ☐ Stunted or Stresses Plants (D1) **(LRR A)**
- ☐ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ☐ Water-Stained Leaves (B9) **(MLRA 1, 2, 4A, and 4B)**
- ☐ Drainage Patterns (B10)
- ☐ Dry-Season Water Table (C2)
- ☐ Saturation Visible on Aerial Imagery (C9)
- ☒ Geomorphic Position (D2)
- ☐ Shallow Aquitard (D3)
- ☒ FAC-Neutral Test (D5)
- ☐ Raised Ant Mounds (D6) **(LRR A)**
- ☐ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present?	Yes	☐	No	☒	Depth (inches):	
Water Table Present?	Yes	☐	No	☒	Depth (inches):	14"
Saturation Present? (includes capillary fringe)	Yes	☒	No	☐	Depth (inches):	11"

Wetland Hydrology Present? **Yes** ☒ **No** ☐

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: Meets wetland hydrology with primary indicators saturation and presence of reduced iron. Also meets two secondary indicators.

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:

[x] A Pre-Submission Meeting with city staff and the Legacy Homes Coordinator is required.
Date of Meeting: march 19th, 2020

[ ] 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: currently referred to as: BMR LLC

Street Address: 244, 314 and 322 West Second Street

Assessor's Tract No.(s) 0430750; 0895150; 0110610 Lot No(s) LOT 12 GRANDVIEW ADDITION; LOTS 1&2 HENDRIX TRACTS

Block # 1 Subdivision Name GRANDVIEW ADDITION AND HENDRIX TRACTS

Section 36 Township 31 Range 22W

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

David S Radatti _____ 5-14-20

Applicant's Signature Date

David S Radatti

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:

[x] Reduced Lot Size: 20%

[x] Reduce Lot Width: 10%

[x] Increase Lot Coverage: 10%

[ ] Increase Density: 20%

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

- [ ] Administrative Conditional Use Permit
- [ ] Conditional Use Permit
- [ ] Planned Unit Development
- [ ] Minor Subdivision
- [x] Major Subdivision

D. OWNER/APPLICANT INFORMATION

OWNER(S) OF RECORD:

Name: Big Mountain River LLC Phone: 615-525-6796

Mailing Address: 6475 US highway 93 South

City, State, Zip: whitefish, MT, 59937-8282

Email: agha@usc.edu; amerchant789@gmail.com

APPLICANT (if different than above):

Name: David Radatti DBA Mindful Designs Phone: 406 -250-0336

Mailing Address: 118 second street west,

City, State, Zip: whitefish, mT, 59937

Email: dave@mindfuldesignsinc.com

OTHER TECHNICAL/PROFESSIONAL:

Name: Bruce Boody Phone: 406 862-4755

Mailing Address: 301 Second Street, Suite 1B

City, State, Zip: Whitefish, MT 59937

Email: bruceb@bruceboody.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
   20 Single-family attached homes (townhouses); in what number of buildings 8
   _____Multi-family (duplex, triplex, apartments, condominiums); in what number of buildings _____
   _____TOTAL

   4 Number of Legacy Home Units Required for Project (20% of TOTAL above)

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

3. 4 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
   3 Single-family attached home (townhouses); in what number of buildings 3
   _____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.

   they match

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
AS DICTATED BY	NA	80	TRIPLEX	1000	1	1
WHA COST	NA	90	TRIPLEX	1150	2	1
STRUCTURE	NA	120	TRIPLEX	1150	2	1

[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	0	0	
1 Bedroom	1	1	
2 Bedroom	TBD	2	
3+ Bedroom	TBD	0	
Total	17	3	

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:

IN A 5-21-20 MEETING WITH LORI COLLINS AND WENDY COMPTON-RING WE DISCUSSED THIS RATIO. AT THIS TIME WE ARE UNCERTAIN OF HOW MANY OF OUR MARKET RATE UNITS WILL BE 3 BEDROOM VS 2 BEDROOM (THE SF OF SOME OF THESE UNITS IS ON THE CUSP OF BEING A LARGE 2 BEDROOM OR A SMALL 3 BEDROOM AND WE HAVE TO WORK THROUGH DESIGN SPECIFICS BEFORE ASSIGNING THIS). HOWEVER, AFTER THE MEETING, IT SOUNDED LIKE THE WHA WOULD BENEFIT FROM (2) 2 BEDROOM AU'S AND (1) 1 BEDROOM AU -- SO THAT IS WHAT WE PROVIDING

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			1000	1000
2 Bedroom			1150	1150
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.

non-applicable

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

THIS PROJECT WILL BUILD OUT IN AN ESTIMATED 24 MONTH TIME PERIOD -- IN ONE FELL SWOOP. AT THIS TIME, WE HAVE NOT DETERMINED WHICH BUILDINGS WILL BE BUILT IN WHICH ORDER -- THIS WILL COME DOWN TO JOB SITE LOGISTICS AND EFFICIENT SEQUENCING, WHICH WE WILL DETERMINE AT A TIME MUCH CLOSER TO BREAKING GROUND WHEN WE HAVE A COMPLETE CONSTRUCTION IMPLEMENTATION PLAN IN PLACE. SINCE IS NOT A PHASED PROJECT, WENDY AND LORI DID NOT THINK THIS WOULD BE A PROBLEM

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
   - [1] Pay fee in lieu of Legacy Homes ($116,930 x required units = $ 116,930)
   - [ ] 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)

HONESTLY, WE ARE TRYING TO MAKE THIS PROJECT HAPPEN, FINANCIALLY. WE UNDERSTAND THAT WHA WOULD RATHER HAVE HOMES THAN MONEY AND WE WANT TO HELP OUT AND PROVIDE THAT. IF THE FINANCES DONT PENCIL OUT FOR A DEVELOPER/INVESTOR, THE PROJECT WILL NOT HAPPEN. WE ARE OFFERING TO PROVIDE TO BUILD THREE OF FOUR UNITS, FOR AN AVERAGE OF 96.6 AMI. PAYING THE FEE FOR OUR 4TH UNIT WILL HELP US ACTUALLY MAKE THIS A REALITY. IF WE ARE ABLE TO BUILD THE 4TH UNIT OUT AS AN ADU (TO BE DETERMINED AFTER COMPLETING DESIGN AND BUDGETING) WE PROPOSE IT TO BE A 3 BEDROOM AT 110% AMI, BRINGING OUR AVERAGE TO 100%. WE WOULD LIKE APPROVAL ON THIS CONTINGENCY PLAN AT THIS TIME, IN CASE WE ARE ABLE TO MAKE THAT HAPPEN FOR THE WHA.

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

Water & Environmental
TECHNOLOGIES

November 18, 2019

Wendy Compton-Ring
Whitefish Planning Department
P.O. Box 158
Whitefish, MT 59937

Re: Determination of Buffer and Setback Distances for 224, 234, and 244 West 2nd Street, Whitefish, Montana
WET Project No. 1120.19

Dear Wendy,

Big Mountain River, LLC and James and Sharron Laidlaw are individually pursuing the development of five contiguous parcels that border the Whitefish River, all of which also front West 2nd Street in Whitefish, Montana. One of the initial development criteria is to determine the appropriate buffer and setback distances from the river that will be applied for site review.

The Big Mountain River parcels consist of Lots 1 and 2 of the Hendrix Tracts (314 and 322 West 2nd Street) and Lot 12 of the Grandview Addition (244 West 2nd Street). The two Laidlaw properties include Lot 11 of the Grandview Addition (234 West 2nd Street) and Lot 1 of the Amended Plat of the Grandview Addition (224 West 2nd Street). Bruce Boody Landscape Architect has developed a site plan for the three Big Mountain River properties; however, the development plan for the Laidlaw properties is still in the conceptual stage. The two developments are being simultaneously addressed because of their proximal location to each other and project schedules.

Existing Land Use and Zoning

The site is bordered by West 2nd Street on the south, residential development to the east and west, and the Whitefish River forming the northern border. Past development of the site appears to have consisted of residential and ancillary structures, some with partial to full basements. The four western parcels are vacant but were historically used for individual residences. There are currently three, single-family residences located on Lot 1 of the Amended Plat of the Grandview Addition (224 West 2nd Street). A site vicinity map showing the location of these properties relative to other features is provided as Figure 1.

The subject properties are located in an area of mixed commercial and residential development on the west side of Whitefish. The area is zoned Low Density Multi-Family Residential (WR-3). Although the adapted 93 West Corridor Study allows for designation as Neighborhood Mixed-Use Transitional (WT-3).

Geomorphology

A Base Map of the combined properties showing the site geomorphology and existing development features is provided in Attachment A. The geomorphology of the five parcels is characterized by irregular slopes and depressions which reflects a number of different anthropogenic influences. For instance, the geotechnical investigation completed by Slopeside Engineering (October 22, 2019) for the Big Mountain River properties found site grading has occurred throughout the area based on observing fill material in the upper 2 to 5 feet of the soil profile. Soil boring log B-3 identified 5.2 feet of fill on the upper bench at the northeast corner of the property indicating the original ground surface has been historically extended and not representative of the original ground surface.

The geotechnical report also noted the slope along the northwest and north-central portions of the property grades downward toward West 1st Street right-of-way and the Whitefish River at an average of about 8H:1V to 3H:1V. The slope then steepens moving east, being as steep as 1.5H:1V near the crest at the northeast corner of the site. The report concluded the slope at the northeast corner was steepened by previous earthwork activities. Surface soil cracks were observed in this area that incorporates a section with about 10 to 15 feet of vertical relief at a slope of about 1.5H:1V to 2H:1V. A copy of the Slopeside Geotechnical Report is provided in Attachment B.

Although the slope along the northwest margin of the site is fairly uniform, another man-made feature is manifest by the shape of the topographic contours along the east side of Lot 1of Hendrix Tracts. The flat, uniformly-spaced contours display that a road was extended from the top of the bench out into the river. The V-shaped contours that parallel each side of the road represent the drain ditch (i.e. barrow area) on each side of the historic road. These features were ground-truthed in the field.

In contrast, the two Laidlaw parcels have been significantly altered from historic excavation. The topographic contours display a U-shaped appearance with relatively steep sides and flat bottom that gradually slopes from Highway 93 down to the river on Lot 11 (234 West 2nd Street). The excavation continues to wrap around the north side of the bench at the base on Lot 1 (224 West 2nd Street). The hillslope on the western margin of Lot 11 is as steep as 1.5H:1V with the south and east margins generally about 4H:1V. The north-facing slope on Lot 1 is about 2H:1V. The excavation is relatively old because the Montana Department of Revenue (DOR) property records indicate two of the houses on this parcel were constructed in 1928. It is surmised this property was utilized as the borrow area for fill material to originally construct West 2nd Street to grade. In addition, the recent realignment of Highway 93 has further manipulated the property through the construction of the retaining wall, which could be wrongfully perceived as the top of bank and render the property undevelopable. It should be noted there is no culvert under the highway and therefore, this area does not constitute a critical stormwater conveyance.

It is also apparent the slope at the northeast corner of Lot 1 was altered by excavation to provide access down to the river from a dilapidated historic cabin that is still present on site. As shown on the base map, additional evidence of site grading and contouring is the historic landscaping that consists of a river-rock pond and arch and a pathway constructed to the river.

This information clearly demonstrates that all five parcels have been extensively altered either through fill placement or excavation and the original ground surface used to identify the top of bank would be impossible to define as it is virtually indiscernible.

Determination of Buffer and Setback Distances

Whitefish code 11-3-29 Subsection C.1.a., provides guidance for determining the appropriate buffer and setback distances along the Whitefish River as: *The buffer shall be the top of bank (where evident) or seventy-five feet (75') from the ordinary high-water mark, whichever is greater. If there is an associated wetland along the river, the seventy-five feet (75') shall be measured from the edge of the wetland. If any structure is proposed within two hundred feet (200') of the buffer on a property that abuts the river, a geotechnical letter consistent with Subsection D of this section shall be required. Such an analysis may also be required if the director of public works determines, based on field observation and in consultation with the applicant, that a proposed structure beyond this setback may be damaged by slope failure, slumping or other geologic instability, or that it may contribute to such instability on other properties. Unless an approved geotechnical letter concludes that a larger setback is necessary, the setback shall equal the rear yard setback in the applicable zone, but in no case shall it be less than twenty feet (20').*

As noted, the two methods to determine the buffer distance are either: 1) top of bank location; or 2) use the established distance of 75 feet from the ordinary high-water mark. The general definition of a streambank is the land immediately adjacent to and which slopes toward the bed of a watercourse which is necessary to maintain the integrity of a watercourse. The Whitefish Water Quality Protection regulations define "top of bank" as: *The top of the intact bluff against which fine grained talus rests, where a generally sharp and distinct break occurs from a relatively flat slope on the higher elevation to steep slope leading down toward the edge of the floodplain, taking into account the possibility of false top of bank due to rotational slumps or other land movement.*

Based on the aforementioned definition, I used a topographic survey recently completed by Sands Surveying and conducted three field visits to determine the top of bank, where evident. My delineation begins at the northeast corner of the Laidlaw property and traverses westerly to the northwest corner of the Big Mountain River property. As previously described, the northeast 100 feet of Lot 1 (224 West 2nd Street) was excavated and graded to create a park area that gradually slopes down to the river to provide river access. At a distance of approximately 100 feet from the east property line a bench is present at the 3009-foot contour, which extends westerly with the elevation increasing to the 3012-foot contour near the Laidlaw/Big Mountain River property line. A notable change in slope also occurs near the eastern margin of the Big Mountain River property at an elevation of 3004 feet which essentially represents the 100-year floodplain elevation (see Base Map). This bench extends northwesterly and becomes imperceptible near the historic access road.

In 2017, the City requested Randy Overton, Water Source Hydrology, provide an opinion regarding the location of the top of bank on Lot 12 and Lot 1 of the Big Mountain River properties located at 244 and 314 West 2nd Street, respectively. The top of bank locations from Mr. Overton's report have been transposed onto the Base Map. In addition, three topographic cross sections, which extend perpendicular to the contours, were generated to better define where a generally sharp and distinct break occurs. Mr. Overton's top of bank locations are also plotted on the cross sections to examine their relative position on the overall topographic slope.

Mr. Overton's report indicates the top of bank at the east margin of Lot 12 (224 West 2nd Street) is 217 feet beginning from the edge of the sidewalk and extending north to the top of bank. This location would put the top of bank at an elevation of 3026.5 feet, which is still on a relatively flat area of the lot (see Figure 2 - Cross Sections A – A' and B – B'). However, Mr. Overton acknowledges: *…the area has been modified by grading north of an apparent break in slope.* He further states that: *Between the top of bank location and the river it is also apparent that there are a series of slump blocks that bear the signature of retrogressive rotational slope failure that occurred sometime in the past, and that have been modified by minor grading or smoothing.* This is the area where the geotechnical investigation encountered 5.2 feet of fill. Based on the findings of the geotechnical investigation, in combination with Mr. Overton's observations, it is apparent the top of bank is not readily evident at this location. However, the presence of the unstable soils poses a significant risk for failure.

Mr. Overton also located the top of bank along the property line between Lots 1 and 2 (314 and 322 West 2nd Street). His report states: *The measurement along the west property began at the edge of the sidewalk and extended 196 feet north to the top of bank. The top of bank between the property lines follows a more or less straight line.* This top of bank location has also been plotted on the Base Map and topographic Cross Section C – C' (see Figure 3). As shown on both the topographic map, the top of bank is located on a uniform section of the slope at an elevation of 3029 feet and does not coincide with a "sharp or distinct break" per the water quality protection definition. Cross Section C – C' clearly displays the ground surface uniformly slopes down to the river and there is no evident distinct break to identify the top of bank.

Proposed Buffer and Setback

Our analysis shows that it is not possible to identify the top of bank along this stretch of the Whitefish River because historic land-use activities (fill placement and excavation) have substantially altered the original ground surface. As a result, the top of bank is essentially indiscernible. We therefore propose that the most pragmatic approach is to apply the 75-foot buffer distance from the mean high-water mark and utilize a 20-foot setback.

Benefits of 75-foot Buffer

As previously described, a series of stress fractures have been identified near the crest of the slope at the northeast corner of the Big Mountain River property and at the northwest corner of the Laidlaw property (see Base Map). These fractures are precursors of a rotational slump. The conceptual site plan for the Big Mountain River property includes a proposed excavation to a depth of five feet. Removal of the fill and original soil will unload the weight and thereby stabilize and prevent a slump failure from occurring. The area will be contoured and revegetated. By leaving this area intact the end result will be a catastrophic slope failure potentially reaching the river.

Previous Whitefish Staff Interpretations

The Big Mountain River property is adjacent to another development where the Whitefish Planning Department previously determined that using the 75-foot buffer was applicable based on the same rationale provided in this report. The staff report for the 95 Karrow project (WPP 17-04/WPU 17-02) states: *The applicant intends to remove the fill which includes wood chips, concrete, metal and other debris. As such the exact location of the tope of bank is indiscernible; therefore, the applicant is using 75-feet as the buffer.* The western margin of the Big Mountain River project abuts the 95 Karrow development.

In summary, it has been shown that identifying the top of bank is nebulous at best because historic land-use activities have altered the original ground surface. As a result, the top of bank is not evident. The most pragmatic approach is to apply the 75-foot buffer distance from the mean high-water mark and utilize a 20-foot setback.

We are requesting your opinion on this matter so the two property owners will have guidance on how to proceed with further development plans. If you have any questions regarding the information contained in this letter, please do not hesitate to contact me.

Sincerely,

Roger A. Noble, P.G.
Sr. Hydrogeologist

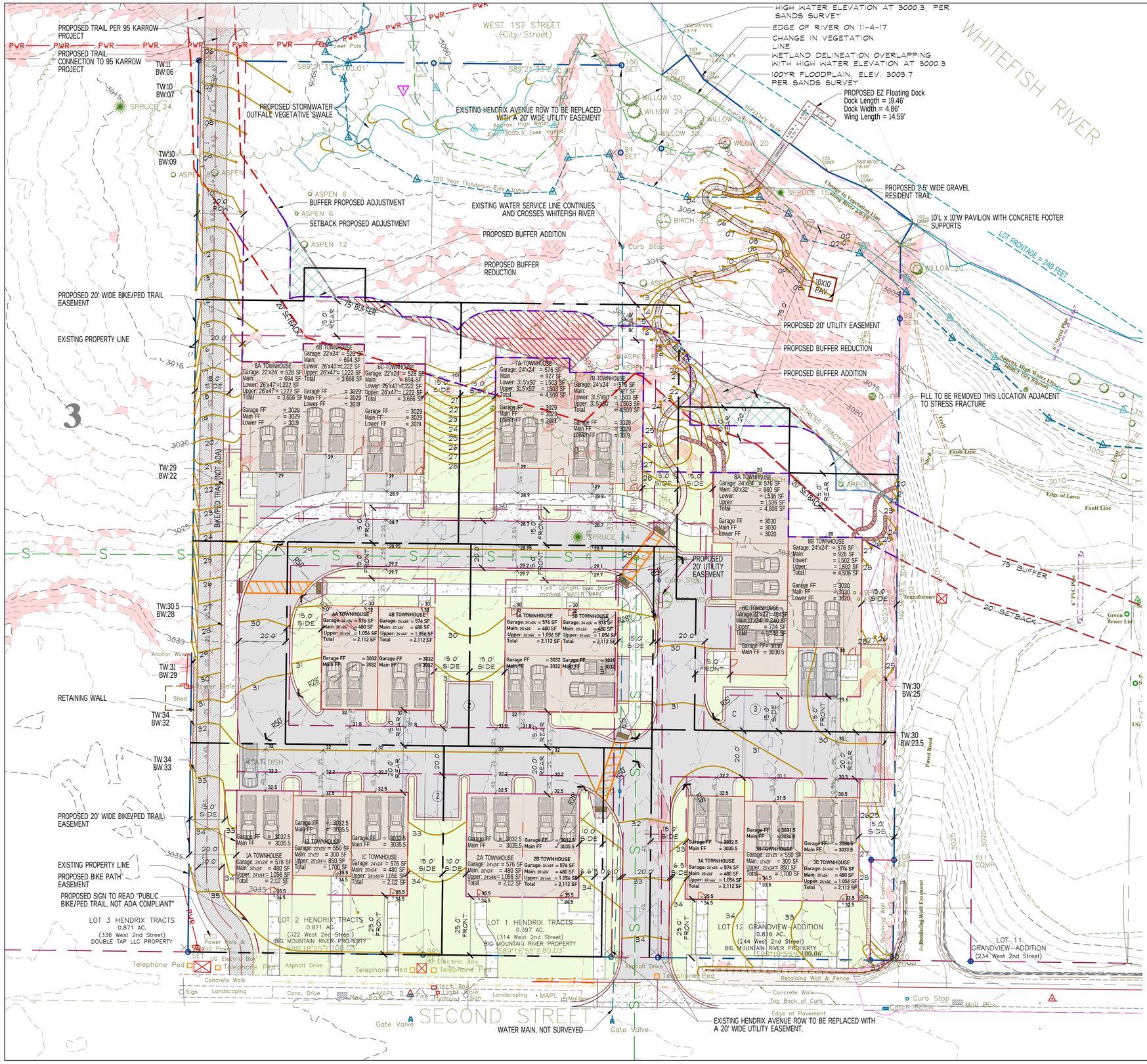
c: David Radatti
James Laidlaw
Bruce Boody

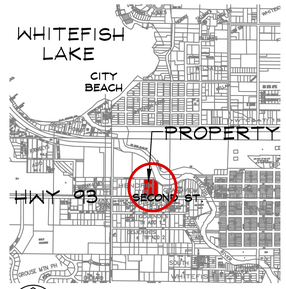
List of Figures

Figure 1 – Site Vicinity Map
Figure 2 – Topographic Cross-Sections A – A' and B – B'
Figure 3 – Topographic Cross-Section C – C'

List of Attachments

Attachment A – Topographic Base Map
Attachment B – Geotechnical Investigation Report for Big Mountain River Development





VICINITY MAP
NOT TO SCALE

SITE SUMMARY

6 UNITS | 3 TOWNHOUSE DUPLEXES
24'x44' BUILDING FOOTPRINT
2 BEDROOM

6 UNITS | 2 TOWNHOUSE TRIPLEXS
(4) 24'x44' BUILDING FOOTPRINT
(2) 25'X34' BUILDING FOOTPRINT
2 BEDROOM

6 UNITS | 2 RIVERFRONT TOWNHOUSE TRIPLEXES
BUILDING FOOTPRINT VARIES
(5) 3 BEDROOM
(1) 2 BEDROOM

2 UNITS | 1 RIVERFRONT TOWNHOUSE DUPLEX
1,502 SF BUILDING FOOTPRINT
3 BEDROOM

20 TOTAL UNITS

LEGEND

- PROPERTY LINE BY SURVEY
- INTERIOR PROPERTY LINE BY SURVEY
- PROPOSED PROPERTY EASEMENT
- PROPERTY LOT
- PROPERTY SUBLOT
- SUBLOT SETBACKS
- INDEX CONTOUR BY SURVEY
- CONTOUR BY SURVEY
- EDGE OF RIVER ON 11-4-17
- CHANGE IN VEGETATION LINE ALONG RIVER 10-11-18
- APPROX. HIGH WATER ELEVATION 3000.3
- 100 YEAR FLOODPLAIN
- WETLAND DELINEATION

BUFFER AVERAGING

- PROPOSED BUFFER ADDITION TOTAL AREA = 1,217 SF
- PROPOSED BUFFER REDUCTION TOTAL AREA = 1,213 SF

SLOPES

- SLOPES GREATER THAN 30%

ZONING SUMMARY
WR-3 LOW DENSITY MULTI-FAMILY RESIDENTIAL

PERMITTED USES:
Residential:
* Class A manufactured homes.
* Daycare (registered home, 5 to 12 individuals).
* Guest and domestic worker quarters.
* Manufactured home subdivisions (5 acre minimum size).
* One-family, two-family, triplex and fourplex dwellings.

CONDITIONAL USES:
* Accessory apartments.
* Bed and breakfast establishments
* Daycare centers (more than 12 individuals).
* Dwelling groups or clusters.
* Guesthouses, only on lots over ten thousand (10,000) SF.
* Hostels.
* Livestock, subject to an administrative conditional use permit.
* Multi-family dwellings in excess of four (4) dwelling units.
* Nursing or retirement homes.
* Personal services
* Private recreational facilities.
* Professional artist studio/gallery.
* Professional offices.
* Schools (K - 12).
* Type I and type II community residential facilities.

PROPERTY DEVELOPMENT STANDARDS:
The following property development standards shall apply to land and buildings within this district:

MINIMUM LOT AREA:	
- Single-family dwelling	6,000 SF
- Other dwellings/unit	3,000 SF
- Attached one-family dwelling on a sublot:	2,400 SF
MINIMUM LOT WIDTH:	75 feet
MINIMUM SUBLOT WIDTH:	25 feet
MINIMUM YARD SPACES:	
- Front	25 feet
- Side	10 feet
(Triplex or larger)	15 feet
- Rear	20 feet
MAXIMUM HEIGHT	35 feet
PERMITTED LOT COVERAGE:	40 % max

NOTE:
This list is abbreviated from the original zoning regulations. For full regulations, refer to zoning regulations 11-2-H.

PARKING REQUIREMENTS

RESIDENTIAL: TWO-FAMILY DWELLING
4 TOWNHOUSE DUPLEXES = 8 Dwelling Units
REQ: 2 Spaces per Dwelling Unit
REQ TOTAL: 16
PROVIDED IN GARAGE: 16

RESIDENTIAL: MULTI-FAMILY DWELLING
4 TOWNHOUSE TRIPLEX = 12 Dwelling Units
REQ: 2 Spaces per Dwelling Unit, Plus 1 Guest Space for each 3 Units per Two-Bedroom or Larger Units
REQ: 24
REQ GUEST: 4
PROVIDED IN GARAGE: 24
PROVIDED OPEN AIR: 7

SUMMARY:
RESIDENTIAL REQ: 44
PROVIDED IN GARAGE: 40
PROVIDED IN OPEN AIR: 7
(Additional spaces available in private drives)

TOTAL PROVIDED: 47

BRUCE BOODY
Landscape Architect Inc.
301 Second Street
Suite 1b
Whitefish, MT
59937
phone 406 862-8155
fax 406 862-8750
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SURVEY BY:
SANDS SURVEYING INC.
TOM SANDS
2 VILLAGE LOOP
KALISPELL, MT 59901
(406) 755-6481

Revisions:

BIG MOUNTAIN RIVER LLC

Assor: 31223X36-HEN-2-BLK1; 31223X36-HEN-1-BLK1; HENDRIX TR 2-9-10 HEN 31223X36-SNY-12-BLK1; GRANDVIEW ADD TO WHITEFISH 3-2-10 SNY

NORTH

SCALE: 1"=20'

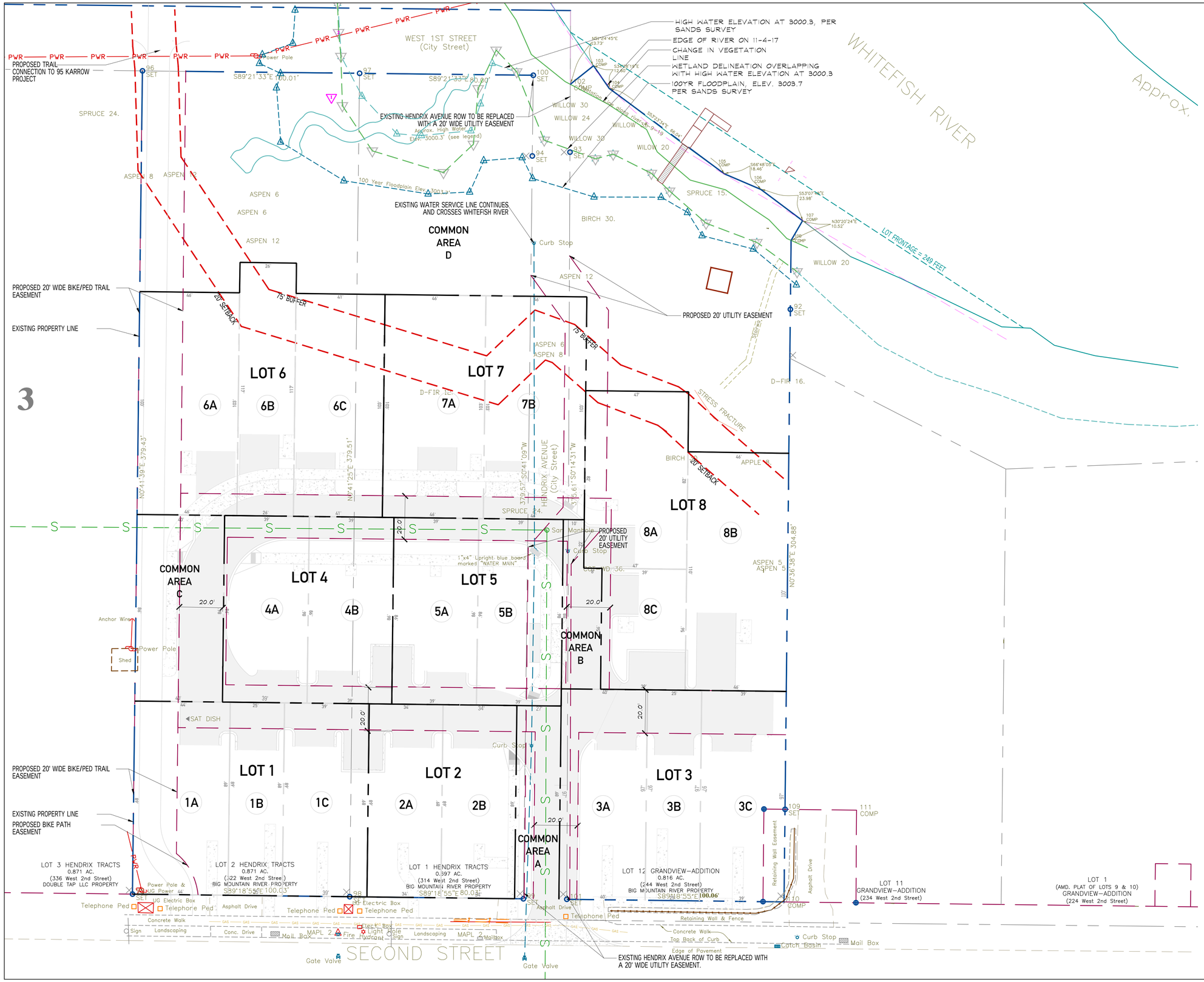
DATE: 05-22-20

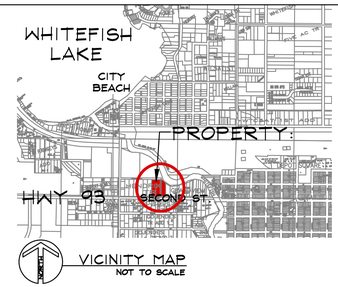
JOB #: 18-38

PRELIMINARY PLAT SUBMITTAL REVISION

TOWNHOUSE CONCEPT PLAN

SHEET L1 of 6





VICINITY MAP
NOT TO SCALE

SUBDIVISION ACREAGE SUMMARY

AREA TOTALS	GROSS SF	NET SF	GROSS AC	NET AC
LOTS	67,701	57,895	1.6	1.4
ROAD EASEMENTS	13,955	n/a	.3	n/a
COMMON AREA	39,043	35,046	.9	.8
ENTIRE SUBDIVISION	110,853	n/a	2.5	n/a

LOT TABLE

LOT	SUBLOT	GROSS SF	NET SF	GROSS AC	NET AC
1	A	3,917	3,620	.09	.08
	B	2,225	1,917	.05	.04
	C	3,472	2,996	.08	.07
2	A	3,031	2,613	.07	.06
	B	3,472	2,508	.08	.06
3	A	3,856	2,417	.09	.06
	B	2,424	1,920	.06	.04
	C	3,781	3,001	.09	.07
4	A	3,354	2,556	.08	.06
	B	3,354	2,651	.08	.06
5	A	3,358	2,658	.08	.06
	B	3,348	2,646	.08	.06
6	A	4,726	4,466	.11	.1
	B	2,671	2,772	.06	.06
7	A	4,776	4,309	.11	.1
	B	4,776	4,309	.11	.1
8	A	3,877	3,474	.1	.1
	B	5,110	5,110	.12	.12
	C	2,173	1,952	.05	.05
TOTAL OF ALL LOTS		67,701	57,895	1.6	1.4

COMMON AREA TABLE

AREA		GROSS SF	NET SF	GROSS AC	NET AC
A		1,813	0	.04	0
B		1,218	1,034	.03	.02
C		3,477	0	.08	0
D		32,535	31,303	.75	.72
TOTAL OF ALL AREAS		39,043	32,337	.9	.74

PARKLAND DEDICATION CALCULATIONS

TOTAL OF ALL LOTS = 1.6 AC
1.6 x .11 (11%) = .17 AC

Point one seven (.17) Acres must be dedicated as parkland, or pay cash in lieu.

This project, however, is exempted under the subdivision regulation 12-4-11(C.6): "Where a subdivision provides for long term protection of an area identified as a water quality protection area under section 11-3-29, "Water Quality Protection", of this code, important wildlife habitat; significant cultural, historical or natural resources; agricultural interests of aesthetic values and the land area equals or exceeds the dedication requirements of subsection A of this section;"

0 10' 20' 40' 60'

BRUCE BOODY
Landscape Architect Inc.
301 Second Street
Suite 1b
Whitefish, MT
59937
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fax 406 862-8750
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Revisions:

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NORTH

SCALE: 1"=20'

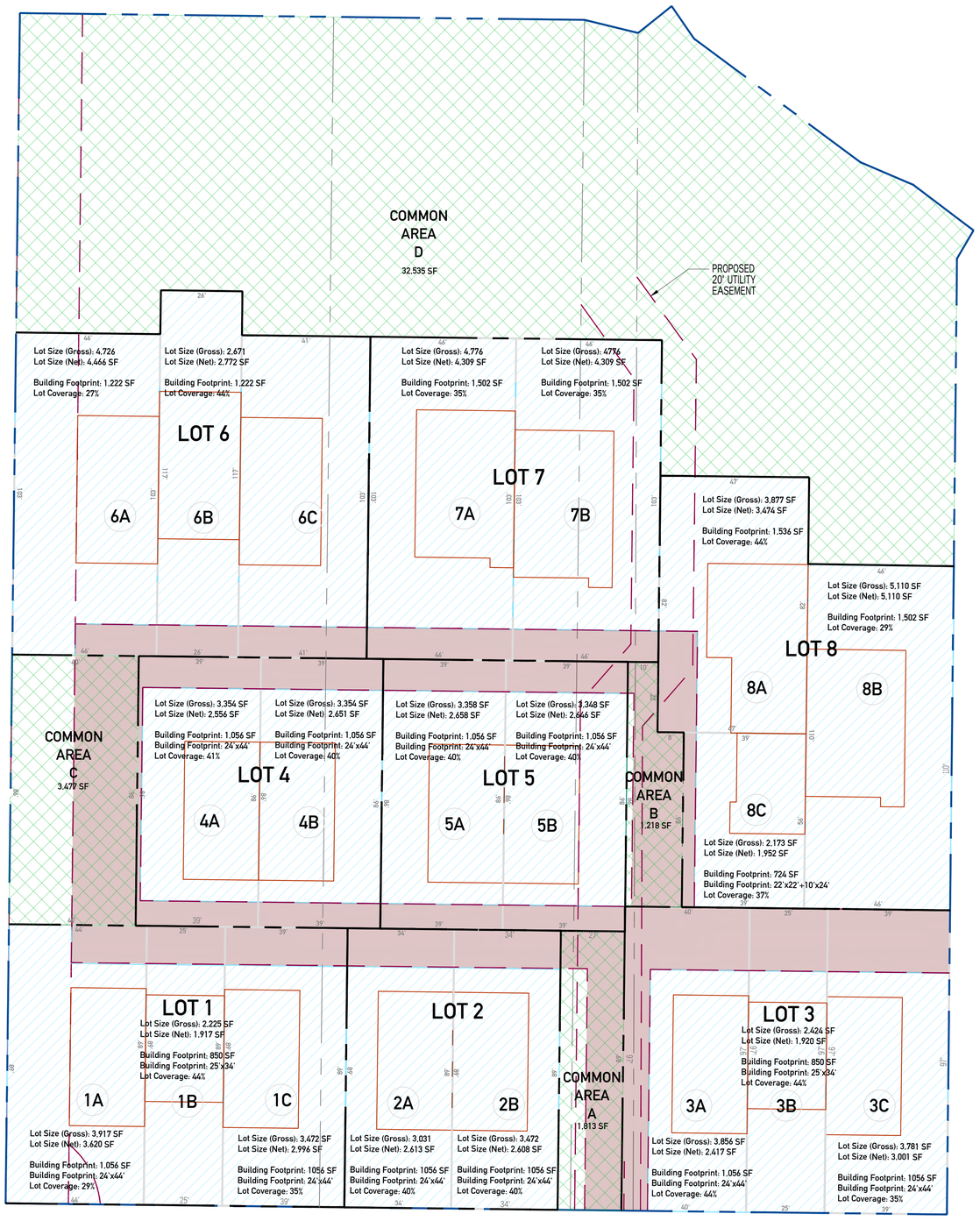
DATE: 05-22-20

JOB #: 18-38

PRELIMINARY PLAT SUBMITTAL REVISION

PRELIMINARY PLAT PLAN

SHEET L2 of 6



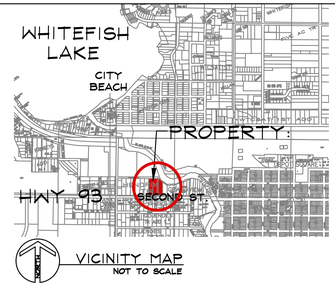
LEGEND

EXISTING

- PROPERTY LINE BY SURVEY
- INTERIOR PROPERTY LINE BY SURVEY

PROPOSED

- PROPERTY LOT
- PROPERTY SUBLOT
- SUBLOT AREA (NET)
- EASEMENT
- ROAD RIGHT OF WAY
- COMMON AREA
- BUILDING FOOTPRINT



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0 10' 20' 40' 60'

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Revisions:

BIG MOUNTAIN RIVER LLC

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NORTH

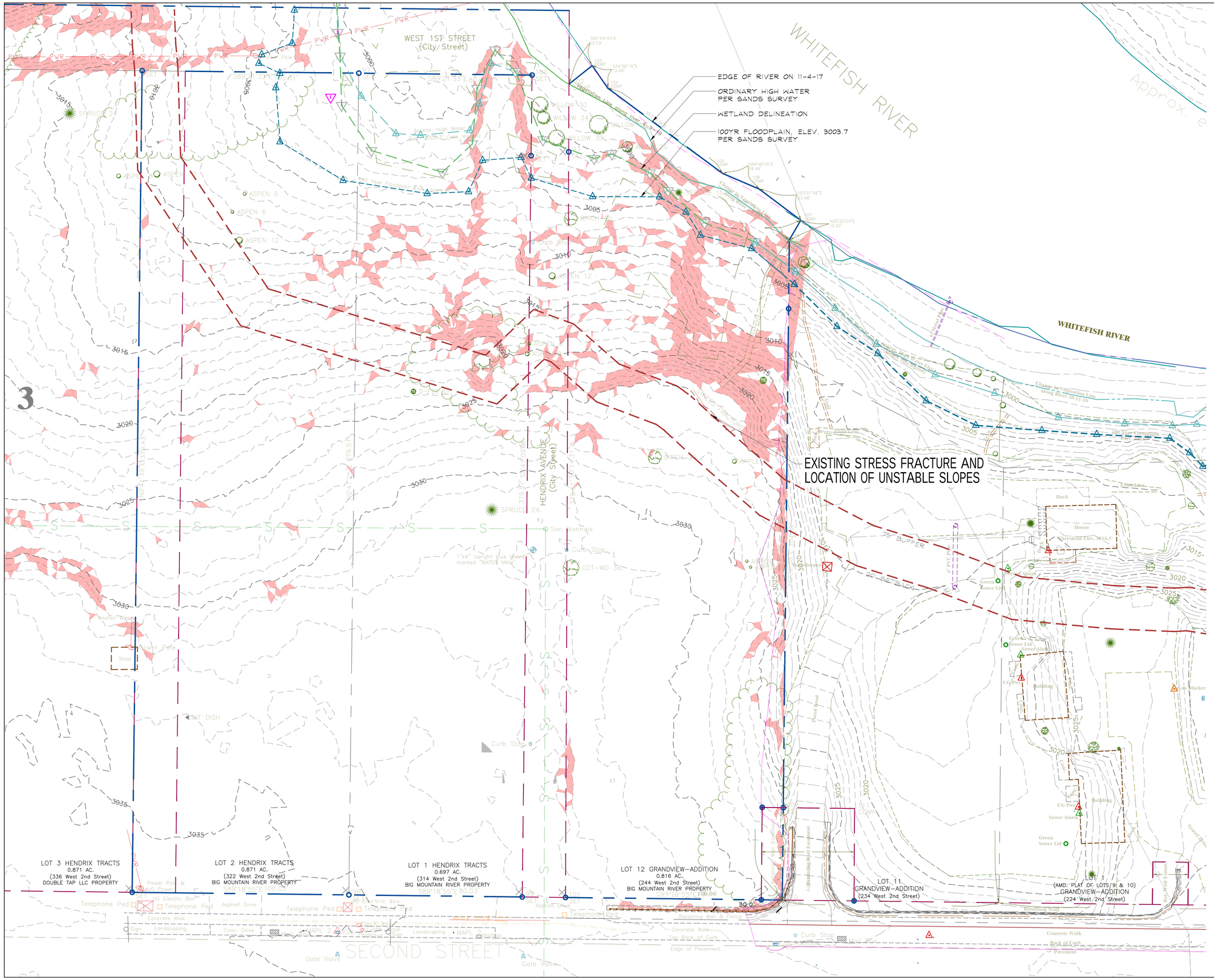
SCALE: 1"=20'

DATE: 05-22-20

JOB #: 18-38

PRELIMINARY PLAT
SUBMITTAL
REVISION
PRELIMINARY
PLAT PLAN
DIAGRAMMATIC

SHEET L6 OF 6



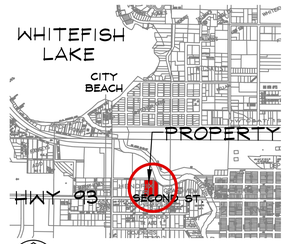
LEGEND

EXISTING

- PROPERTY LINE BY SURVEY
- PROPERTY EASEMENT
- INDEX CONTOUR BY SURVEY
- CONTOUR BY SURVEY
- EDGE OF RIVER ON 11-4-17
- CHANGE IN VEGETATION LINE ALONG RIVER 10-11-16
- APPROX. HIGH WATER ELEVATION 3000.3
- 100 YEAR FLOODPLAIN
- WETLAND DELINEATION

SLOPES

- SLOPES GREATER THAN 30%



VICINITY MAP
NOT TO SCALE

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31/22N/36-GNV-12-BLK1; GRANDVIEW ADD
TO WHITEFISH 3-2-10 GNV

NORTH

SCALE: 1"=20'

DATE: 3-20-20

JOB #: 18-38

PRELIMINARY PLAT
SUBMITTAL

TOPOGRAPHY
PLAN

SHEET L3 of 5

HIGH WATER ELEVATION AT 3000.3, PER SANDS SURVEY

EDGE OF RIVER ON 11-4-17

CHANGE IN VEGETATION LINE

WETLAND DELINEATION OVERLAPPING WITH HIGH WATER ELEVATION AT 3000.3

100YR FLOODPLAIN, ELEV. 3003.7 PER SANDS SURVEY

WHITEFISH RIVER

WEST 1ST STREET (City Street)

SECOND STREET

HENDRIX AVENUE (City Street)

LOT 3 HENDRIX TRACTS
0.871 AC.
(336 West 2nd Street)
DOUBLE TAP LLC PROPERTY

LOT 2 HENDRIX TRACTS
0.871 AC.
(322 West 2nd Street)
BIG MOUNTAIN RIVER PROPERTY
S89°18'55"E 100.05'

LOT 1 HENDRIX TRACTS
0.697 AC.
(314 West 2nd Street)
BIG MOUNTAIN RIVER PROPERTY
S89°18'55"E 80.03'

LOT 12 GRANDVIEW–ADDITION
0.816 AC.
(244 West 2nd Street)
BIG MOUNTAIN RIVER PROPERTY
S89°19'55"E 100.06'

LOT 11
GRANDVIEW–ADDITION
(234 West 2nd Street)

LOT FRONTAGE = 249 FEET

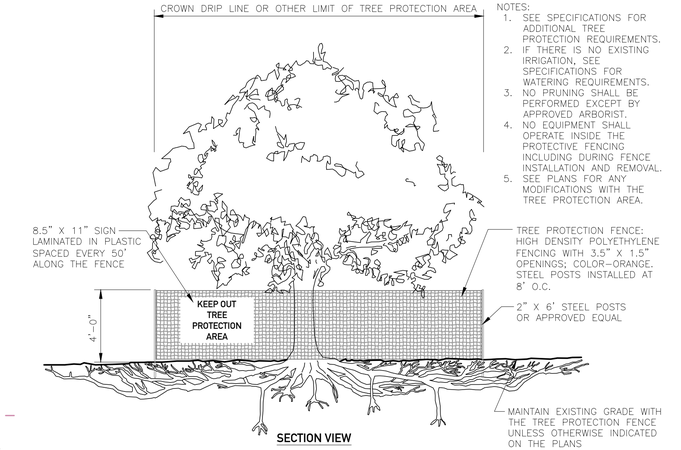
LEGEND

EXISTING TREES TO BE PRESERVED

- BIRCH OR COTTONWOOD TREE
- ASPEN TREE
- DOUGLAS FIRE TREE
- ENGELMANN SPRUCE TREE
- TREE GROUPING
- NATIVE SHRUB GROUPING

EXISTING TREES TO BE REMOVED

- BIRCH OR COTTONWOOD TREE
- ASPEN TREE
- DOUGLAS FIR TREE
- ENGELMANN SPRUCE TREE
- TREE GROUPING



NOTES:
1. SEE SPECIFICATIONS FOR ADDITIONAL TREE PROTECTION REQUIREMENTS.
2. IF THERE IS NO EXISTING IRRIGATION, SEE SPECIFICATIONS FOR WATERING REQUIREMENTS.
3. NO PRUNING SHALL BE PERFORMED EXCEPT BY APPROVED ARBORIST.
4. NO EQUIPMENT SHALL OPERATE INSIDE THE PROTECTIVE FENCING INCLUDING DURING FENCE INSTALLATION AND REMOVAL.
5. SEE PLANS FOR ANY MODIFICATIONS WITH THE TREE PROTECTION AREA.

1 TEMPORARY TREE PROTECTION
1/4" = 1'-0"

P-RE-18

0 10' 20' 40' 60'

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Revisions:

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B122X36-GNV-12-BLK1; GRANDVIEW ADD TO WHITEFISH 9-2-10 GNV

NORTH

SCALE: 1"=20'

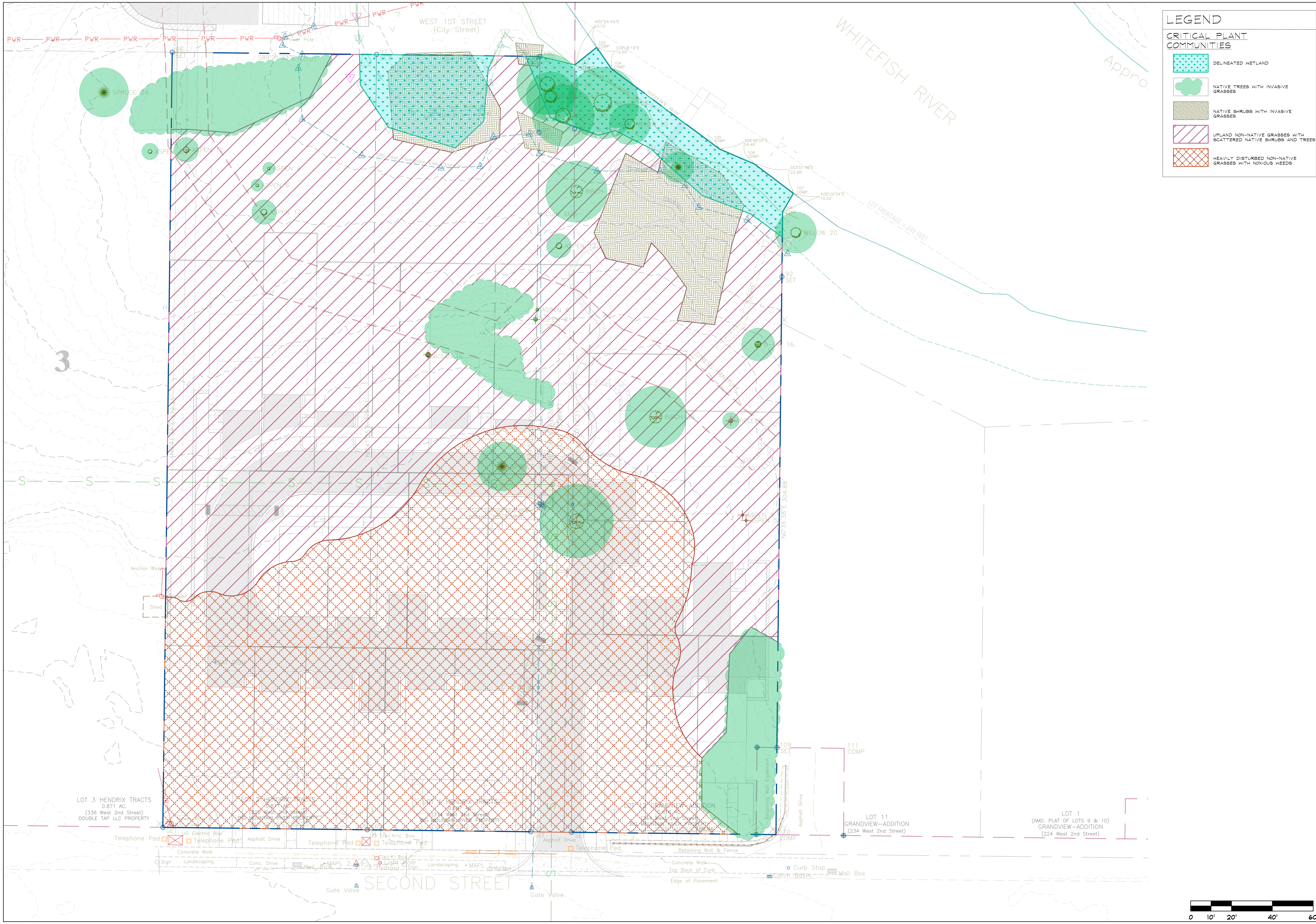
DATE: 05-22-20

JOB #: 18-38

PRELIMINARY PLAT SUBMITTAL REVISION

TREE PRESERVATION PLAN

SHEET L4 of 6



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SURVEY BY:
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KALISPELL, MT 59901
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Revisions:

BIG MOUNTAIN RIVER LLC

NORTH

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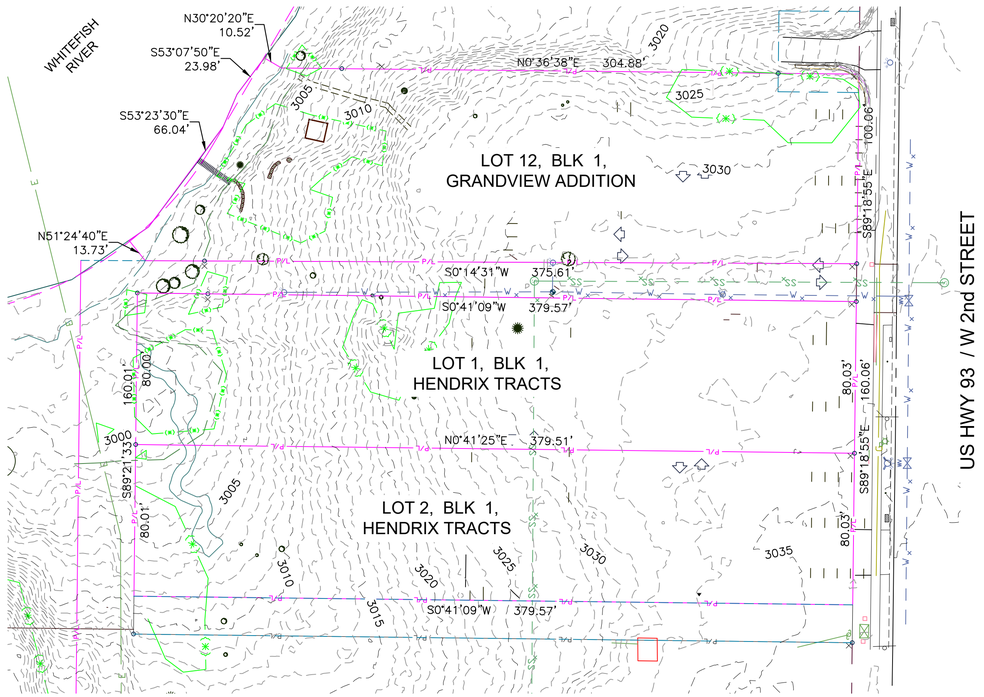
DATE: 05-22-20

JOB #: 18-38

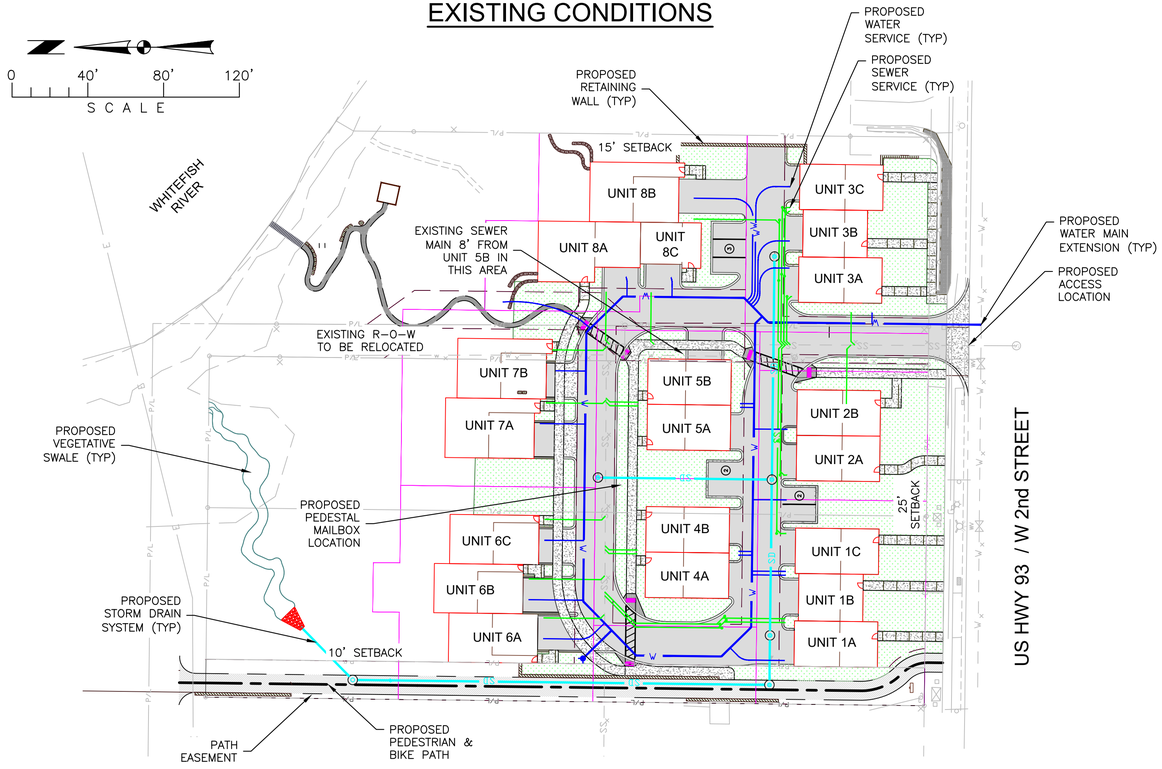
PRELIMINARY PLAT SUBMITTAL REVISION

CRITICAL PLANT COMMUNITIES

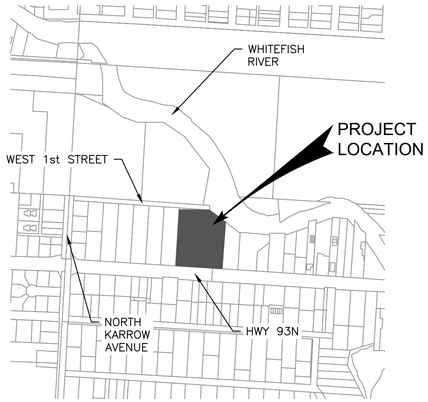
SHEET L5 of 6



EXISTING CONDITIONS



PROPOSED LOT LAYOUT



VICINITY MAP

NOT TO SCALE

GENERAL NOTES

DATUM
THE MONTANA STATE PLANE COORDINATE SYSTEM, FEDERAL INFORMATION PROCESSING STANDARD (FIPS) ZONE 2500, NORTH AMERICAN DATUM,1983 (NAD 83), INTERNATIONAL FEET, WAS USED FOR HORIZONTAL CONTROL AND THE NORTH AMERICAN VERTICAL DATUM 1988 (NAVD 88) WAS USED FOR THE VERTICAL CONTROL.

MUNICIPAL SERVICES
SANITARY SEWER AND WATER SERVICE BY THE CITY OF WHITEFISH. SERVICE EXTENSIONS REQUIRED
SOLID WASTE DISPOSAL BY CONTRACT HAULER. (EXISTING)
STORM DRAINAGE TO BE COLLECTED, TREATED ON SITE, AND DISCHARGED.

MAIL DELIVERY
PEDESTAL GROUP MAILBOX.

EMERGENCY SERVICES
POLICE AND FIRE PROTECTION PROVIDED BY THE CITY OF WHITEFISH.

DESCRIPTION
LOTS 1 & 2 OF BLK 1, HENDRIX TRACTS AND LOT 12 OF BLK 1, GRANDVIEW ADDITION, CITY OF WHITEFISH, SECTION 36, T31N, R22W, PMM, FLATHEAD COUNTY, MONTANA
ASSESSOR # - 0895150, 0110610, 0430750

PROPOSED USE
TOWNHOUSE

ZONING
CURRENT ZONING IS CITY OF WHITEFISH ZONING ORDINANCE DESIGNATION WR-3 LOW DENSITY MULTI FAMILY RESIDENTIAL. SETBACKS ARE BASED ON SAID DESIGNATION.

LANDSCAPE
LANDSCAPING PER CITY OF WHITEFISH STANDARDS.

TRAFFIC
ACCESS OFF US HWY 93 / 2nd STREET.
PARKING ON SITE.

PARKING
47 SPACES TOTAL. COMBINATION OF GARAGE, OPEN AIR, DRIVEWAY, FULL SIZE AND COMPACT.

LIGHTING
SITE LIGHTING WILL BE INSTALLED PER CITY OF WHITEFISH STANDARDS

LEGEND

- PERIMETER BOUNDARY
- CONTOUR LINE (1' INTERVAL)
- 2990 CONTOUR LINE (5' INTERVAL)
- EXISTING STRUCTURE
- EDGE OF ASPHALT
- EXISTING WIRE FENCE
- EXISTING WOOD FENCE
- PROPERTY PIN
- CP CONTROL POINT
- GAS VALVE
- LUMINAIRE
- EASEMENT BOUNDARY
- RETAINING WALL
- EDGE OF GRAVEL
- G GAS LINE
- W WATER LINE
- E ELECTRIC LINE
- SS SEWER LINE
- SD STORM DRAIN LINE
- T TELEPHONE
- FIRE HYDRANT
- WATER METER & CURB STOP
- BARRIER POST
- MANHOLE
- DECIDUOUS TREE (12" OR LARGER)
- CONIFEROUS TREE (12" OR LARGER)
- CONCRETE
- UTILITY POLE
- GAS METER
- GUY WIRE
- PROPOSED WATER
- PROPOSED SEWER
- PROPOSED STORM DRAIN
- PROPOSED ASPHALT

NOT FOR CONSTRUCTION

REV	DATE	REVISION

TD&H Engineering
406.751.5246 • tdhengineering.com
450 CORPORATE DR. SUITE 101 • KALISPELL, MONTANA 59901

DRAWN BY: DJK
DESIGNED BY: DJK
QUALITY CHECK:
DATE: 05/23/2020
JOB NO. K19-054
FIELDBOOK

PRELIMINARY PLAT - BIG MOUNTAIN RIVER, LLC
244, 314, 322 W 2nd STREET WHITEFISH, MT 59937

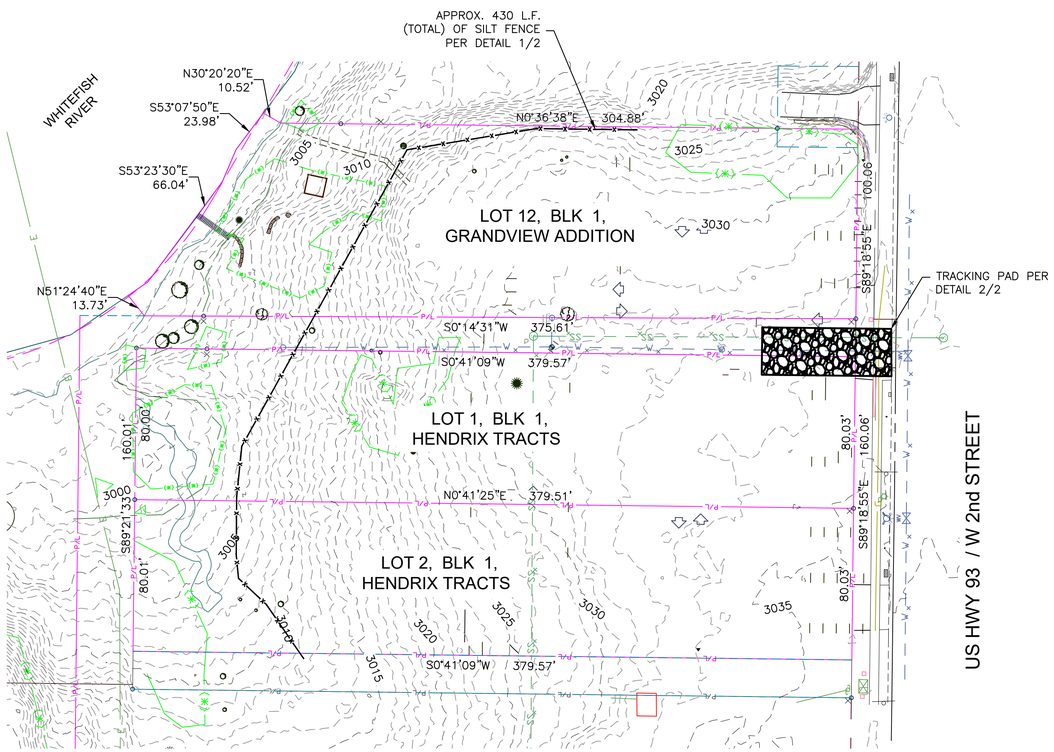
LT 1, 2, BLK1 HENDRIX TRACTS, LT 12, BLK1 GRANDVIEW ADD
SECTION 36, T31N, R22W, PMM

K19-054 PRE-PLAT.DWG

SHEET 1

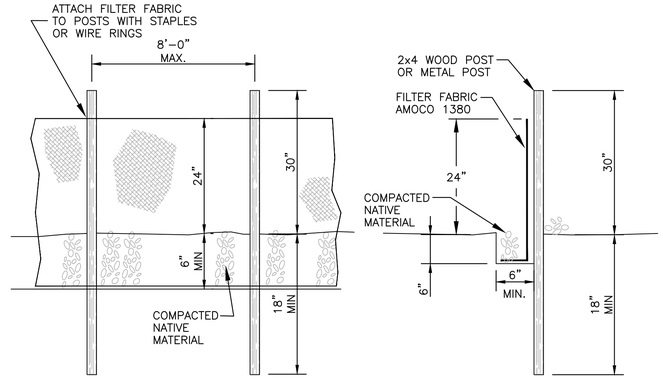
EROSION CONTROL NOTES

1. THE PROJECT SITE AND ADJACENT AREAS DISTURBED DURING CONSTRUCTION SHALL BE PROTECTED WITH TEMPORARY EROSION CONTROL MEASURES DURING THE ENTIRE COURSE OF THE PROJECT. THE CONTRACTOR SHALL EMPLOY EROSION, SEDIMENT AND STORM WATER DRAINAGE CONTROL BEST MANAGEMENT PRACTICES (BMPs) WITH ALL CONSTRUCTION ACTIVITIES. THE CONTRACTOR SHALL NOT ALLOW UNTREATED RUNOFF TO DRAIN FROM THE PROJECT SITE.
2. CONSTRUCTION ACTIVITIES WHICH DISTURB EQUAL TO OR MORE THAN ONE ACRE REQUIRE A GENERAL PERMIT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY ALSO KNOWN AS A "GENERAL PERMIT" WHICH IS ADMINISTERED BY THE MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ).
3. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ANY NECESSARY/REQUIRED PERMITS TO SUCCESSFULLY COMPLETE THE PROJECT AS INDICATED IN THE PLANS AND SPECIFICATIONS. THIS INCLUDES A STORM WATER POLLUTION PREVENTION PLAN (SWPPP) FROM MDEQ FOR CONSTRUCTION ACTIVITIES WHICH DISTURB EQUAL TO OR MORE THAN ONE ACRE.
4. CONTRACTOR SHALL INSTALL EROSION/SEDIMENT CONTROL BEFORE ANY CONSTRUCTION BEGINS AT THE SITE.
5. PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL INSTALL EROSION/SEDIMENT CONTROL MEASURES AS SHOWN, TO TRAP SILT AND OTHER MATERIALS CARRIED IN RUNOFF WATER. THE SEDIMENT AND EROSION CONTROL MEASURES SHALL REMAIN IN-PLACE AND BE CLEANED AND MAINTAINED UNTIL CONSTRUCTION IS COMPLETED AND VEGETATION HAS BEEN ESTABLISHED.
6. WASHOUT OF CONCRETE TRUCKS SHALL OCCUR OFF-SITE AT AN APPROVED LOCATION. DO NOT WASH OUT TRUCKS INTO STREETS, DRAINAGE AREAS, GUTTERS OR ANY STORM DRAIN SYSTEM.
7. BMPs SHALL BE INSPECTED EACH DAY WORK IS UNDERWAY AT THE SITE AND IMMEDIATELY AFTER ANY STORM EVENT OF 0.5" OR MORE OF PRECIPITATION OCCURS. CONTRACTOR SHALL CLEAN OR MAINTAIN SUCH DEVICES WHEN THEY ARE NOT EFFECTIVE IN TRAPPING AND RETAINING SEDIMENT, AND ADD DEVICES WHERE NEEDED. ANY NECESSARY REPAIRS TO BMPs SHALL BE MADE WITHIN 24 HOURS OF OBSERVATION OR NOTIFICATION FROM THE PROJECT ENGINEER.
8. ALL BMPs SHALL MEET AND BE INSTALLED PER CITY OF WHITEFISH STANDARD SPECIFICATIONS & DRAWINGS (LATEST EDITION).
9. TRACKING PAD AND ADJACENT STREETS SHALL BE CONTINUOUSLY CLEANED AND MAINTAINED BY CONTRACTOR.
10. ALL STORM DRAINAGE INLETS SHALL BE PROTECTED FROM SEDIMENTATION WITH DRAINGUARDS. DRAINGUARDS SHALL BE KEPT IN PLACE UNTIL STABILIZATION OF DISTURBED AREAS IS ACHIEVED.



EROSION CONTROL PLAN

0 40' 80' 120'
SCALE

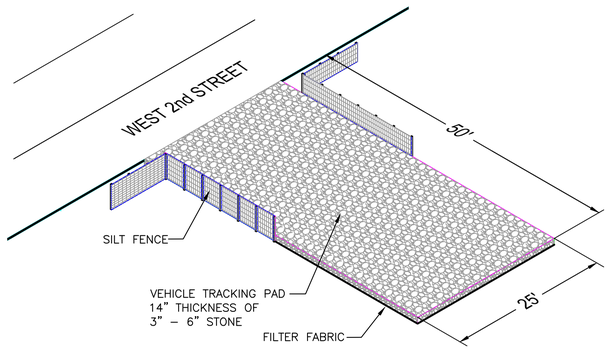


NOTES:

1. ENDS OF INDIVIDUAL ROLLS OF FABRIC SHALL BE SPLICED TOGETHER ONLY AT A SUPPORT POST WITH A MINIMUM 6" OVERLAP.
2. SILT FENCE FABRIC TO BE SECURELY FASTENED TO METAL POST WITH WIRE TIES OR HOG RINGS (3 PER POST). FOR WOODEN POSTS, FABRIC SHALL BE FASTENED WITH NO. 17 GAGE STAPLES (5 PER POST) OR NO. 14 GAGE NAILS (4 PER POST).

SILT FENCE DETAIL 1/2

NOT TO SCALE



NOTE:
ALL VEHICLES ENTERING AND EXITING THE CONSTRUCTION AND/OR BUILDING SITE SHALL TRAVERSE THE VEHICLE TRACKING PAD TO MINIMIZE MUD AND DIRT FROM TRACKING OFF SITE. ROCK SHALL BE REPLENISHED IF TRACKING OCCURS. TRACKING PAD SHALL BE RENEWED AS NECESSARY TO RETAIN EFFECTIVENESS. ALL MATERIALS SPILLED, DROPPED, WASHED OR TRACKED FROM VEHICLES ONTO ROADWAYS SHALL BE REMOVED IMMEDIATELY.

VEHICLE TRACKING STONE ENTRANCE REQUIREMENTS:

- 3"–6" DIAMETER WASHED ROCK
- UNDERLYING FILTER FABRIC TO BE REQUIRED AS STATED

FILTER FABRIC REQUIREMENTS:

- TENSILE GRAB STRENGTH = 200 LBS (ASTM D4632)
- ELONGATION MINIMUM = 15% (ASTM D4632)
- SEAM BREAKING STRENGTH MINIMUM = 180 LBS (ASTM D4632)
- APPARENT OPENING SIZE MAXIMUM = 0.3 MM (#50 SIEVE) (ASTM D4751)
- PERCEPTIVITY MINIMUM = 0.3/SEC (ASTM D4491)

VEHICLE TRACKING PAD DETAIL 2/2

NOT TO SCALE

NOT FOR CONSTRUCTION

REV	DATE	REVISION

TD&H Engineering
406.751.5246 • tdhengineering.com
450 CORPORATE DR. SUITE 101 • KALISPELL, MONTANA 59901

DRAWN BY:	DJK
DESIGNED BY:	DJK
QUALITY CHECK:	
DATE:	05/23/2020
JOB NO.	K19-054
FIELDBOOK	

EROSION CONTROL PLAN - BIG MOUNTAIN RIVER, LLC
244, 314, 322 W 2nd STREET WHITEFISH, MT 59937

LT 1, 2, BLK1 HENDRIX TRACTS, LT 12, BLK1 GRANDVIEW ADD
SECTION 36, T31N, R22W, PMM

K19-054 PRE-PLAT.DWG

SHEET 2

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

June 30, 2020

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

RE: Shigo/Larsen Accessory Apartment at 725 Somers Avenue (WCUP 20-08)

Honorable Mayor and Council:

Summary of Requested Action: John Shigo and Christina Larsen are requesting a Conditional Use Permit to construct an accessory apartment at 725 Somers Avenue. The site is developed with a single-family home and an existing garage with a 2nd floor to be used as the accessory apartment. The property is zoned WR-2 (Two-Family Residential District) and the Whitefish Growth Policy designates this property as 'Urban'.

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

Public Hearing: The applicant spoke at the public hearing on June 18, 2020. The draft minutes for this item are attached as part of this packet.

Planning Board Action: The Whitefish Planning Board met on June 18, 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 20-08 with Findings of Fact and recommended Conditions of Approval.

Proposed Motion:

- I move to approve WCUP 20-08, the Findings of Fact in the staff report and the six conditions of approval, as recommended by the Whitefish Planning Board on June 18, 2020.

This item has been placed on the agenda for your regularly scheduled meeting on July 6, 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
Draft Minutes, Planning Board Meeting, 6-18-20

Exhibits from 6-18-20 Staff Packet

1. Staff Report – WCUP 20-08, 6-18-20
2. Adjacent Landowner Notice, 5-29-20
3. Advisory Agency Notice, 5-29-20
4. Email, Joos, 6-8-20

The following was submitted by the applicant:

5. Application for Conditional Use Permit, 5-1-20

c: w/att Michelle Howke, City Clerk

c: w/o att John Shigo, 725 Somers Ave Whitefish, MT 59937

Exhibit A
Shigo/Larsen
Conditional Use Permit WCUP 20-08
Whitefish Planning Board
Recommended Conditions of Approval
June 18, 2020

1. The project shall be constructed in compliance with the plans submitted April 30, 2020, except as amended by these conditions. Minor deviations from the plans shall require review pursuant to §11-7-8(E)(8) and major deviations from the plans shall require review pursuant to §11-7-8. The applicant shall maintain and demonstrate continued compliance with all adopted City Codes and Ordinances.

2. One off-street parking space shall be designated for the accessory apartment and two off-street parking spaces shall be designated for the primary residence. (§11-3-1(D))

3. The existing unpaved driveway must be paved according to §11-6-3-1(D)(2) and all stormwater generated by the proposal must be retained on-site. (§11-3-2(C))

4. Prior to building permit issuance, the property owner must provide the City a recorded copy of either a deed restriction or a restrictive covenant that the accessory apartment may only be rented if the owners maintain permanent residence in the primary structure and may only be rented for a period of 30 days or more. (§11-3-1(C))

5. Short term rental for less than 30 days is not permitted. (§§11-3-1(C); 11-2G-1)

6. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun. (§11-7-8)

WHITEFISH PLANNING BOARD
MINUTES OF MEETING
June 18, 2020

CALL TO ORDER AND ROLL CALL	Chair Steve Qunell called the regular meeting of the Whitefish Planning Board to order at 6:00 pm. Board members present were Whitney Beckham, John Ellis, Scott Freudenberger, Allison Linville, John Middleton, and Toby Scott. Planning Director David Taylor, Senior Planner Wendy Compton-Ring and Long Range Planner Hilary Lindh represented the Whitefish Planning and Building Department. Public Works Director Craig Workman also attended. There were approximately 14 people attending in addition to the board members and staff.
AGENDA CHANGES *6:00 pm*	None.
APPROVAL OF MINUTES *6:00 pm*	Scott moved, and Freudenberger seconded to approve the April 16, 2020 minutes without corrections. **The motion passed unanimously.**
COMMUNICATIONS FROM THE PUBLIC (ITEMS NOT ON THE AGENDA) *6:00 pm*	None.
OLD BUSINESS: *6:02 pm*	None.
PUBLIC HEARING 1: SHIGO AND LARSEN CONDITIONAL USE PERMIT REQUEST *6:02 pm*	A request by John Shigo and Christina Larsen for a Conditional Use Permit to construct an accessory apartment in an existing structure at 725 Somers Avenue. The property is zoned WR-2 (Two-Family Residential District) and can be legally described as Lot 4, Block 3 McKeens Subdivision in S36, T31N, R22W, Flathead County.
STAFF REPORT WCUP 20-08 (Compton-Ring)	Senior Planner Compton-Ring reviewed her staff report and findings. As of the writing of WCUP 20-08, one letter in support was received and is included in the packet. Staff recommended adoption of the findings of fact within staff report WCUP 20-08 and for **approval** of the conditional use permit to the Whitefish City Council.

DRAFT

BOARD QUESTIONS OF STAFF	None.
APPLICANT / AGENCIES	John Shigo, 725 Somers Avenue, said he has been a Whitefish resident for 27 years, 12 at his current address. When the garage was built in 2007, he did not plan on a bathroom or apartment, but now want to install a bathroom which necessitates the Conditional Use Permit. They do not intend to use the unit as a rental; it is for their personal use to give the family additional room as they have a small home. They may put in a very small accessory kitchen at some point in the future. He feels it fits well with the neighborhood as there are multiple garages and multiple-story garages.
PUBLIC COMMENT	Chair Qunell opened the public hearing and no one wished to speak. Chair Qunell closed the public hearing and turned the matter over to the Planning Board for consideration.
MOTION / BOARD DISCUSSION	Ellis moved and Linville seconded to adopt the findings of fact within staff report WCUP 20-08, with the six (6) conditions of approval, as proposed by City Staff. Chair Qunell asked and Compton-Ring said once they get CUP approval, they can add a bathroom now and a kitchen in the future; a kitchen does not have to be added now.
VOTE	The motion passed unanimously. The matter is scheduled to go before the Council on July 6, 2020.
PUBLIC HEARING 2: SECREASE CONDITIONAL USE PERMIT REQUEST *6:05 pm*	A request by Eric Holden on behalf of Pamela Secrease for a Conditional Use Permit to construct an accessory apartment above a new garage at 909 Kalispell Avenue. The property is zoned WR-2 (Two-Family Residential District) and can be legally described as Lots 10 and 11 S15', Block 17 Riverside ADD W in S36, T31N, R22W, P.M.M., Flathead County.
STAFF REPORT WCUP 20-10 (Lindh)	Planner Lindh reviewed her staff report and findings. As of the writing of WCUP 20-10, one comment from the adjacent neighbor was received regarding the disputed location of the north property line which will be confirmed during building permit. No other comments have been received. Staff recommended adoption of the findings of fact within staff

DRAFT

SHIGO/LARSEN
CONDITIONAL USE PERMIT
WCUP 20-08
June 11, 2020

This is a report to the Whitefish Planning Board and the Whitefish City Council regarding a request for a Conditional Use Permit to allow an accessory apartment in a WR-2 zone at 725 Somers Avenue. This application has been scheduled before the Whitefish Planning Board for a public hearing on Thursday, June 18, 2020. A recommendation will be forwarded to the City Council for a subsequent public hearing and final action on Monday, July 6, 2020.

PROJECT SCOPE

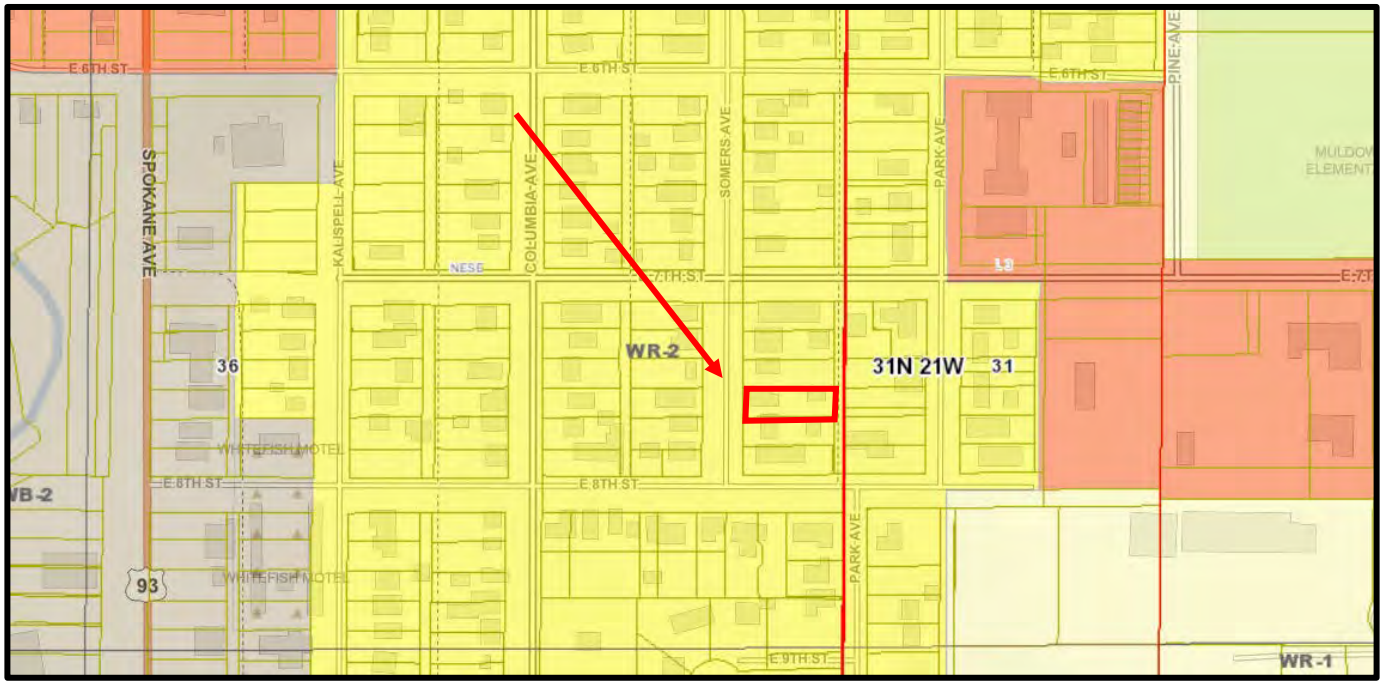
The applicant is requesting a conditional use permit to construct an accessory apartment on the 2nd floor of an existing garage. The garage was constructed in 2007 and meets all current accessory structure requirements. The garage accesses off the public alley to the east of the garage.

A. **OWNER:**

John Shigo & Christina Larsen
725 Somers Avenue
Whitefish, MT 59937

B. **SIZE AND LOCATION OF PROPERTY:**

The subject property is approximately 7,884 square feet. It is located at 725 Somers Avenue and can be described as Lot 4 in Block 3 of McKeens Subdivision in Section 36, Township 31N, Range 22W, P.M.M., Flathead County, Montana.



C. **EXISTING LAND USE:**

The subject property is currently developed with a single-family residence and a detached 2-story garage.

D. **ADJACENT LAND USES AND ZONING:**

North:	Residential	WR-2
West:	Residential	WR-2
South:	Residential	WR-2
East:	Residential	WR-2

E. **ZONING DISTRICT:**

The property is zoned WR-2, Two-Family Limited Residential District. The purpose of this district is intended for residential purposes to provide for one-family and two-family homes in an urban setting, connected to municipal utilities and services.

F. **WHITEFISH CITY-COUNTY GROWTH POLICY DESIGNATION:**

The Growth Policy designation for this area is 'Urban' which corresponds to the WR-2, Two-Family Limited Residential District.

> This is generally a residential designation that defines the traditional neighborhoods near downtown Whitefish, but it has also been applied to a second tier of neighborhoods both east of the river and in the State Park Road area. Residential unit types are mostly one and two-family, but town homes and lower density apartments and condominiums are also acceptable in appropriate locations using the PUD. Densities generally range from 2 to 12 units per acre. Limited neighborhood commercial located along arterial or collector streets are also included in this designation. Zoning includes WLR, WR-1, and WR-2.

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

H. **PUBLIC COMMENTS:**

A notice was mailed to adjacent landowners within 300-feet of the subject parcel on May 29, 2020. A sign was posted to the property on May 27, 2020. A notice was emailed to advisory agencies on May 29, 2020. A notice of the public hearing was published in the *Whitefish Pilot* on June 3, 2020. As of the writing of this staff report, one comment in support of the request was received.

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:

Finding 1: The proposed use complies with Growth Policy Designation of Urban because the proposal is for an accessory apartment in association with a single-family residence in compliance with the WR-2 zoning.

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

The property is zoned WR-2, Two-Family Residential District. The development proposal is consistent with the purpose and intent of the applicable regulations.

Setbacks, Height and Lot Coverage:

The garage was constructed in 2007 and all accessory structure requirements were met at the time of building permit including setbacks, height and lot coverage.

Parking:

The zoning requires two spaces for the single-family home and one space for the apartment. There is adequate space on the property to meet these requirements and this will be confirmed at the time of building permit. There is space for parking off the alley, within the garage and one space off Somers Avenue. The parking and driveway off the alley are not paved, as required by §11-6-3-1D(2). Staff will recommend this as a condition of approval.

Accessory Apartment Standards:

The subject property for the proposed accessory apartment complies with both the minimum lot size and lot width requirements of the WR-2 zoning. The structure is detached and accessory to a single-family home. The apartment does not exceed 600 square feet.

Finding 2: The proposed use complies with the WR-2 zoning district because it conforms to the development standards outlined in the zoning and §11-3-1 of the Whitefish Zoning Regulations regarding accessory apartments, as conditioned.

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

Adequate usable land area: The subject parcel is approximately 7,900 square feet in size. The maximum permitted lot coverage in this zoning district is 40%. All setbacks and lot coverage requirements are met.

Access that meets the standards set forth in these regulations, including emergency access: The accessory apartment and garage access from the public alley to the east of the property.

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. Additionally, there are no wetlands, riparian zones, or geological hazards on or near the subject property.

Finding 3: The subject property is suitable for the proposed accessory apartment because the proposal complies with the minimum lot size, minimum lot coverage, and required setbacks; access to the proposed structure will be from an existing alley; and there are no environmental constraints on the property to limit development.

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: Section 11-6-2(A) of the Whitefish Zoning Regulations requires two (2) parking spaces per single family dwelling unit and §11-3-1(D) requires one (1) off-street space must be provided for the accessory apartment. The proposed lot provides adequate space to accommodate all parking needs on-site with the identified parking space located inside the proposed garage, and the existing driveway located along the eastern property line.

Traffic Circulation: The proposed use should not impact traffic circulation on the existing road.

Open space: The submitted site plan appears to have adequate open space.

Fencing/Screening: Fencing and screening are not required by the zoning regulations.

Landscaping: Section 11-4-1 of the Whitefish Zoning Regulations exempts single-family dwellings and accessory apartments from the landscaping requirements; therefore, no landscape plan is required.

Signage: No signage is proposed for the accessory apartment.

Undergrounding of new and existing utilities: The subject property currently has existing utilities located on-site which service the single-family residence. Any new utilities will be required to be installed underground.

Finding 4: The quality and functionality of the proposed development is adequate because the applicant can meet the required number of parking spaces, the proposed use will not impact existing traffic circulation, no signage is proposed for the accessory apartment, and all new utilities will be undergrounded.

5. Availability and Adequacy of Public Services and Facilities.

Sewer and water: The subject property is currently serviced by municipal water and sewer. Separate water and sewer service is required for the accessory apartment.

Storm Water Drainage: The new stormwater standards require an engineered stormwater plan if the impervious surface is 10,000 square feet; however, the entire lot is less than 10,000 square feet so no stormwater plan will be required.

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.

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

Streets: The subject property is located on Somers Avenue, a paved public street.

Finding 5: The subject property appears to have adequate availability of public services because the property is currently served by sewer and water, is within the jurisdiction of the Whitefish Fire Department and the City of Whitefish Police Department, and is accessed from Somers Avenue.

6. Neighborhood/Community Impact:

Traffic Generation: Traffic impacts are anticipated to be minimal as the subject property has an existing single-family residence and is located within an existing neighborhood with similar uses. The accessory apartment should not result in a significant impact to traffic on Somers Avenue or surrounding roadways.

Noise or Vibration: No additional noise or vibration is anticipated to be generated from the proposed use. Any additional noises or vibrations would be associated with construction and are not anticipated to be permanent impacts.

Dust, Smoke, Glare, or Heat: No impact is anticipated beyond what would be expected from the residential use currently onsite. The existing driveway is not paved, the applicant will be required to pave the driveway as a condition of approval as required in §11-6-3-1(D)(2).

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

Hours of Operation: There are no hours of operation anticipated with this use beyond those that would be typical for a residential property.

Finding 6: The proposed development is not anticipated to have a negative neighborhood impact because the accessory apartment will not increase traffic generation on surrounding streets, there will be no noise or vibration beyond associated construction disturbance, no fumes or other odors are anticipated, and there will be no hours of operation for the residential use.

7. Neighborhood/Community Compatibility:

Structural Bulk and Massing: The proposed accessory apartment will meet the lot coverage and height standards. The proposed structure is accessory to the main single-family home and will be similar to existing adjacent residential uses in the neighborhood.

Scale: The proposed accessory apartment meets the accessory structure setbacks. This allows for adequate open space within the subject property to maintain the character and scale of the neighborhood.

Context of Existing Neighborhood: The existing neighborhood is predominantly single-family residential. The proposed use is not expected to impact or change the character of the existing neighborhood. The proposed use is consistent with the existing zoning and the structures already constructed within the neighborhood.

Density: The design of the proposed structure is similar to other buildings in the area. The density is not out of character with the area.

Community Character: The proposed accessory apartment will not be detrimental to the immediate neighborhood integrity as the accessory apartment reflects the housing standards established in the area and will be utilized as an accessory use to the existing primary residence.

Finding 7: The proposed accessory apartment is compatible with the surrounding neighborhood because the use is similar to existing uses in the neighborhood, it will be consistent with the design, size and density of the immediate area, and it will be utilized as an accessory use to the existing primary residence.

RECOMMENDATION

It is recommended that the Whitefish Planning Board adopt the findings of fact within staff report WCUP 20-08 and that this conditional use permit be recommended for **approval** to the Whitefish City Council subject to the following conditions:

1. The project shall be constructed in compliance with the plans submitted April 30, 2020, except as amended by these conditions. Minor deviations from the plans shall require review pursuant to §11-7-8(E)(8) and major deviations from the plans shall require review pursuant to §11-7-8. The applicant shall maintain and demonstrate continued compliance with all adopted City Codes and Ordinances.

2. One off-street parking space shall be designated for the accessory apartment and two off-street parking spaces shall be designated for the primary residence. (§11-3-1(D))

3. The existing unpaved driveway must be paved according to §11-6-3-1(D)(2) and all stormwater generated by the proposal must be retained on-site. (§11-3-2(C))

4. Prior to building permit issuance, the property owner must provide the City a recorded copy of either a deed restriction or a restrictive covenant that the accessory apartment may only be rented if the owners maintain permanent residence in the primary structure and may only be rented for a period of 30 days or more. (§11-3-1(C))

5. Short term rental for less than 30 days is not permitted. (§§11-3-1(C); 11-2G-1)

6. The conditional use permit is valid for 18 months and shall terminate unless commencement of the authorized activity has begun. (§11-7-8)

The City of Whitefish would like to inform you that John Shigo & Christina Larsen is requesting a Conditional Use Permit to construct an accessory apartment within an existing structure. The property is currently developed with a single-family home and detached garage and is zoned WR-2 (Two-Family Residential District). The property is located at 725 Somers Avenue and can be legally described as Lot 4, Block 3 McKeens subdivision S36 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, June 18, 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, July 6, 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 *wcompton-ring@cityofwhitefish.org*.

Comments received by the close of business on June 8, 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

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

Date: May 29, 2020

To: Advisory Agencies & Interested Parties

From: Whitefish Planning & Building Department

The regular meeting of the Whitefish Planning Board will be held on Thursday, June 18, 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 item listed below. Upon receipt of the recommendation from the Planning Board, the Whitefish City Council will hold a subsequent public hearing for the items 1 & 2 on July 6, 2020 and items 3 & 4 on July 20, 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 Big Mountain River LLC for an eight lot (20 sublot) subdivision. The property is zoned WR-3 (Low-Density Multi-Family Residential District), is located at 244, 314 & 322 W 2nd Street and can be legally described as Lots 1 & 2 Hendrix subdivision; Lot 12 Grandview in S36, T31N, R22W, Flathead County. (WPP 20-01) Compton-Ring

2. A request by John Shigo and Christina Larsen for a Conditional Use Permit to construct an accessory apartment in an existing structure at 725 Somers Avenue. The property is zoned WR-2 (Two-Family Residential District) and can be legally described as Lot 4, Block 3 McKeens Subdivision in S36, T31N, R22W, Flathead County. (WCUP 20-08) Compton-Ring

3. A request by Eric Holden on behalf of Pamela Secrease for a Conditional Use Permit to construct an accessory apartment above a new garage at 909 Kalispell Avenue. The property is zoned WR-2 (Two-Family Residential District) and can be legally described as Lots 10 and 11 S15', Block 17 Riverside ADD W in S36, T31N, R22W, P.M.M., Flathead County. (WCUP 20-10) Lindh

4. A request by Sweet Peaks Ice Cream, Inc., for a Conditional Use Permit to allow an ice cream manufacturing facility at 6588 Highway 93 South. The property is zoned WB-2 (Secondary Business District) and can legally be described as Lot A of the Best Bet Subdivision in S36, T31N, R22W, Flathead County. (WCUP 20-09) Taylor

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 packet 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.

Depending on state-wide directives, the meeting may be held remotely via WebEx and the public will have an opportunity to comment via an internet connection. Written comments are preferred due to limitations of technology. If a live meeting is held, interested parties are encouraged to send in written comments rather than attending the meeting in person due to the public health crisis. There may be restrictions in place limiting the number of people in any given room, although accommodations will be made for public comment. 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.

From: Brian Joos
To: Wendy Compton-Ring
Subject: Comment on 725 Somers Avenue CUP
Date: Thursday, June 4, 2020 9:30:51 PM

Wendy,

My comment for the Whitefish Planning Board regarding the Conditional Use Permit request by John Shigo & Christina Larsen is as follows:

I live less than one full block away from the location of this proposed project and can see it from my home. I believe strongly that the Whitefish Planning Board should grant the Conditional Use Permit as requested. This kind of development simultaneously creates additional housing stock and benefits the existing homeowners by creating the potential for rental income to offset the always increasing cost of owning a home in Whitefish. In addition, it is infill that does not contribute to urban sprawl, and it increases the value of the property at issue, which is of benefit to all surrounding neighbors. In my opinion, this kind of project should be permitted as a matter of right in our neighborhood. I support it wholeheartedly.

Brian Joos
711 Park Avenue
PO Box 1433
Whitefish, MT 59937
EXTERNAL SENDER verified by City of Whitefish IT

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 $ _____
(see current fee schedule)

INSTRUCTIONS:

☐ A Site Review Meeting with city staff is required. Date of Site Review Meeting: NA - Per Wendy 4/28/2020

☐ 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: Shigo Garage Upgrade - Plumbing

Street Address: 725 Somers Ave

Assessor's Tract No.(s) 0613870/3122X36-MKS-4-B Lot No(s) 4

Block # 3 Subdivision Name MCKEENS SUB

Section S36 Township T31 N Range R22

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 4/28/2020

John Shigo
Print Name

Applicant's Signature Date 4/28/2020

John Shigo
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: John Shigo/Christina Larsen Phone: 406-270-7477

Mailing Address: 725 Somers Ave

City, State, Zip: Whitefish, MT 59937

Email: shigojw@yahoo.com

APPLICANT (if different than above):

Name: _____ Phone: _____

Mailing Address: _____

City, State, Zip: _____

Email: _____

OTHER TECHNICAL/PROFESSIONAL:

Name: _____ Phone: _____

Mailing Address: _____

City, State, Zip: _____

Email: _____

D. DESCRIBE PROPOSED USE:

The proposal is to plumb and existing garage/studio effectively making it an accessory apartment. This requires hooking up to the water system and sewer system. The existing garage and second story loft area was buit in 2006 to Whitefish City Codes and was permitted and inspected. The current building meets all electrical, foundation, framing, insulation, frost protection and snow load requirements.

The main purpose for the upgrade is to make the space more usable for my family by providing a bathroom for convenience. Additionally it will allow us to have available water for a garden and landscaped area at the back of our property.

ZONING DISTRICT: WR-2

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 proposed project conforms to the goals and policy's of the Whitefish City County growth policy. It is within the urban growth boundry and will maintain the city's small town feel with. This proposal is a request to install plumbing and convert an existing structure into a accessory apartment.

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

   The proposed project is to plumb (hook up to existing's homes water supply and sewer system. The building is an existing 16' x 28' x 22' tall, with a second story finished loft with family space. Total building foot print is 448 sqf.

   The project will provide off street parking in the existing garage.

   The proposed project meets all city setback requirements for an accessory apartment as outlined in city regulations.

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

   The property is located in WR-2 zoning where it is permissible to have an accessory apartment with conditional use permits.

   The project exist on an oversized lot of 7844 sqf, existing home and garage loft occupy 22% off the land, with 78% of the yard as usable space.

   The lot is in town in an existing neighborhood with no sensitive areas present.

   The location allows for full access of the street and off of the paved alley for access by city emergency services as well as utility services and access to the parking.

4. How are the following design issues addressed on the site plan?
   a. Parking locations and layout
   b. Traffic circulation
   c. Open space
   d. Fencing/screening
   e. Landscaping
   f. Signage
   g. Undergrounding of new utilities
   h. Undergrounding of existing utilities

4a - Parking is in the existing garage accessed from the alley. Additionally a second outside parking spot is available to the north side of the garage entry.
4b - Traffic flow - is either out of the north end of the alley on to 7th street or the south end out to 8th street.
4c - 78% of the lot is not covered by existing buildings on the lots
4d - Privacy fence around a portion of the garage
4e - Existing residential landscaping in the yard
4f - NA
4g - Water line will be put in from the house to the garage - via MT trenchless. Sewer access will be just to the south side of the garage in an existing open area.
4h - existing underground utilities will not be disrupted - current underground utilities are gas and electrical service.

5. Are all necessary public services and facilities available and adequate? If not, how will public services and facilities be upgraded?
   a. Sewer
   b. Water
   c. Stormwater
   d. Fire Protection
   e. Police Protection
   f. Street (public or private)
   g. Parks (residential only)
   h. Sidewalks
   i. Bike/pedestrian ways – including connectivity to existing and proposed developments

5a - Current home has sufficient capacity to support a new sewer connection.
5b - Existing Home is on Somers Ave has a 1" line from the main to the new meter pit and a 1" line from the meter pit to the home. Current water supply meets requirements of a new fixture count.
5c - 5i - no significant changes to existing services in comparison to as to now.

6. How will your project impact on adjacent properties, the nearby neighborhoods and the community in general? Describe any adverse impacts under the following categories.
   a. Excessive traffic generation and/or infiltration of traffic into neighborhoods
   b. Noise, vibration, dust, glare, heat, smoke, fumes, odors

The project should have little to no change on the existing neighborhood as the primary use has not changed.

During sewer and water connections there will be limited construction noise and dust. We anticipate the connection phase will take less than 2 or 3 days.

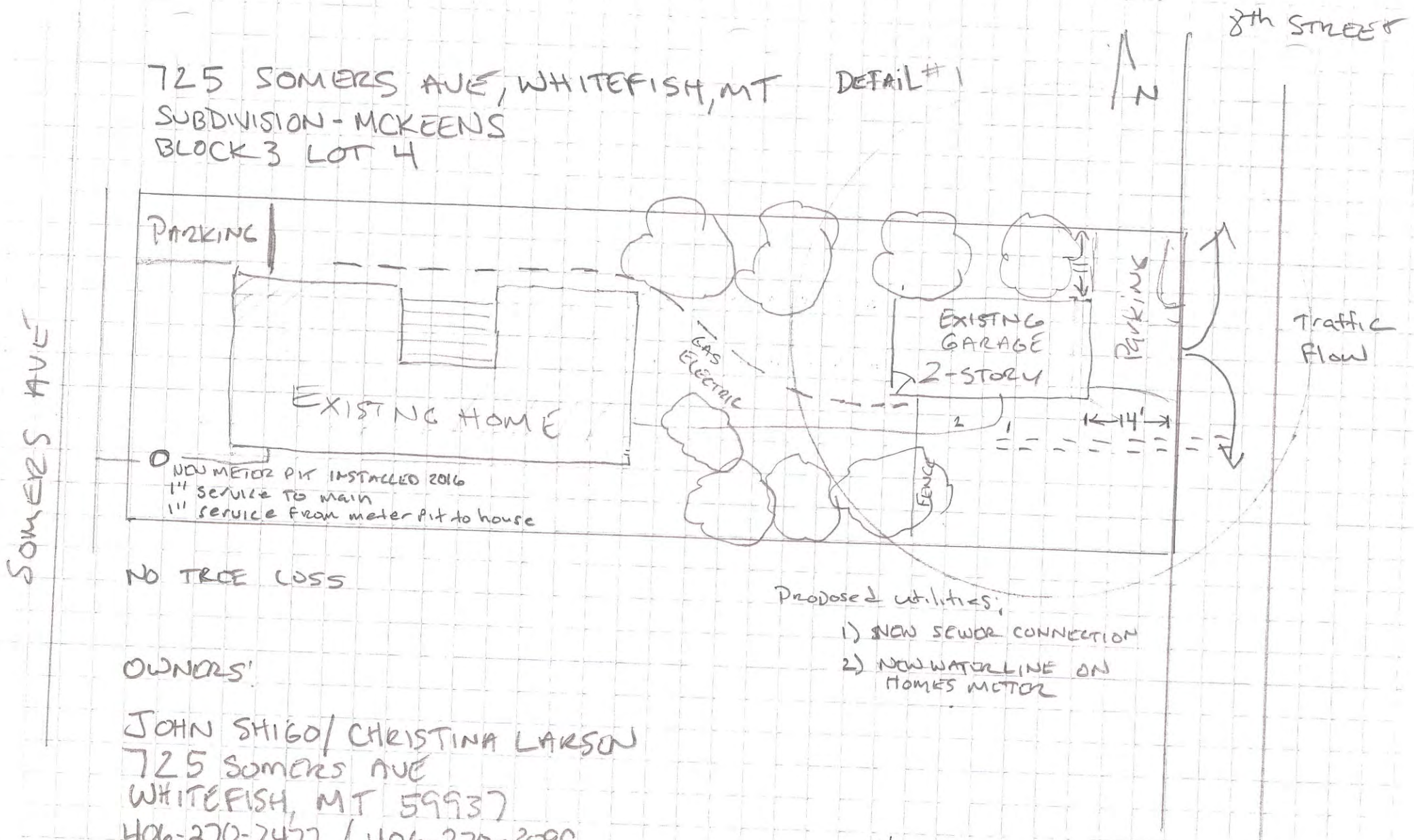
7. What are the proposed hours of operation?
   N/A

8. How is the proposal compatible with the surrounding neighborhood and community in general in terms of the following:
   a. Structural bulk and massing
   b. Scale
   c. Context of existing neighborhood
   d. Density
   e. Community Character

8a - Building is in size and shape compatible with the neighborhood and constructed of similar materials as nearby homes. Overall scale 16'x28'x22' tall - matches other accessory apartment and garages in the neighborhood.
8b - Compatible with other nearby buildings with like construction materials
8c - The current building exist in harmony with the neighborhood and is similar in size. As stated earlier the building already exist we just would like to convert to an accessory apartment by adding a bathroom.
8d - Proposed use is within the city guidelines for WR-2 zoning
8e - No change - existing building exist and the primary use is not changing.

725 SOMERS AVE, WHITEFISH, MT DETAIL #1

SUBDIVISION - MCKEENS
BLOCK 3 LOT 4



NO TREE LOSS

Proposed utilities:
1) NEW SEWER CONNECTION
2) NEW WATERLINE ON HOMES MOTOR

OWNERS'

JOHN SHIGO/ CHRISTINA LARSON
725 SOMERS AVE
WHITEFISH, MT 59937
406-270-2477 / 406-270-3099

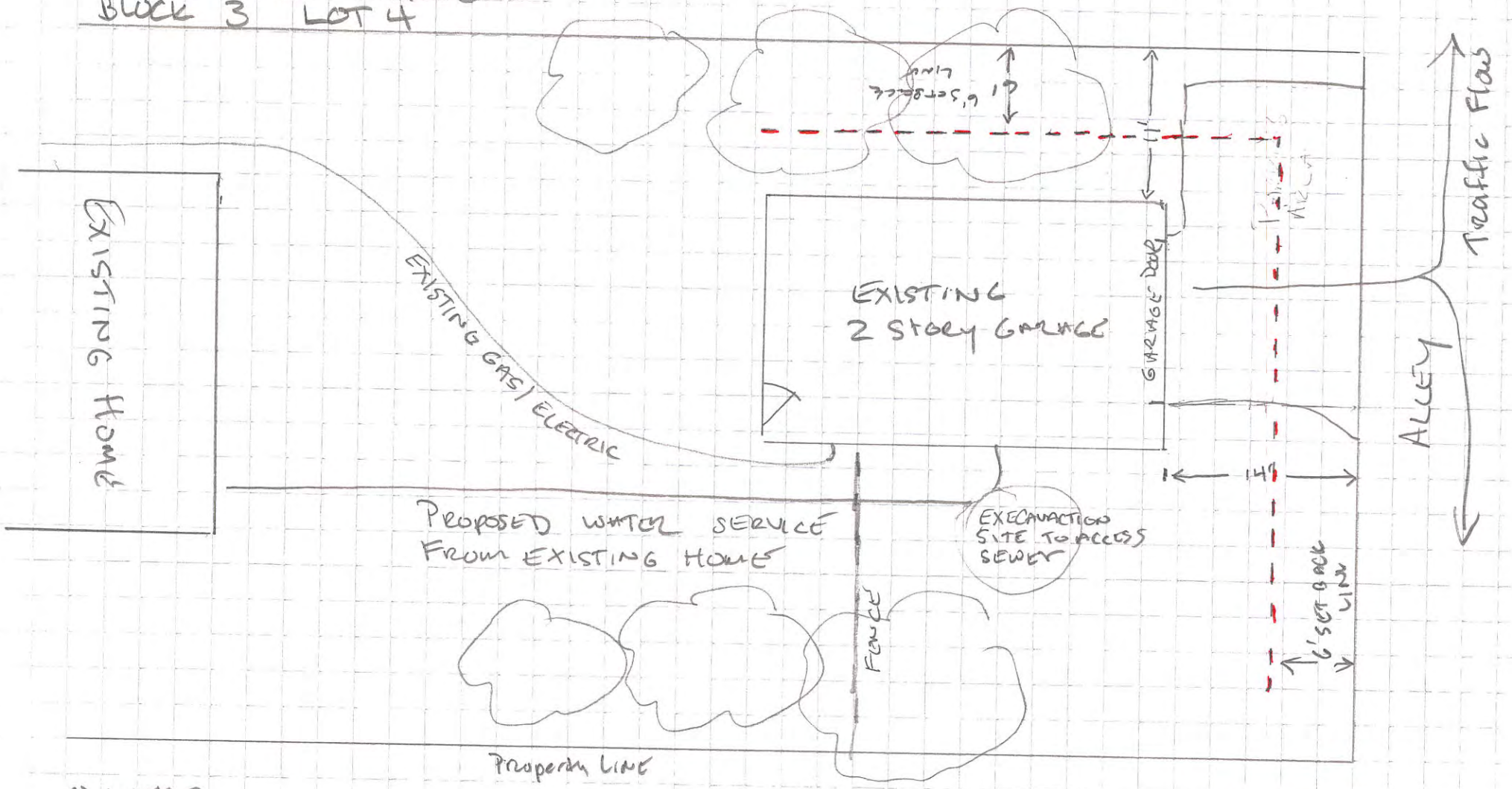
1/4" = 5'

Submitted on graph paper per Wendy 4/28/2020

Page 1

DETAIL #1

725 SOMERS AVE, WHITEFISH, MT
SUBDIVISION - MCKEENS
BLOCK 3 LOT 4



OWNERS

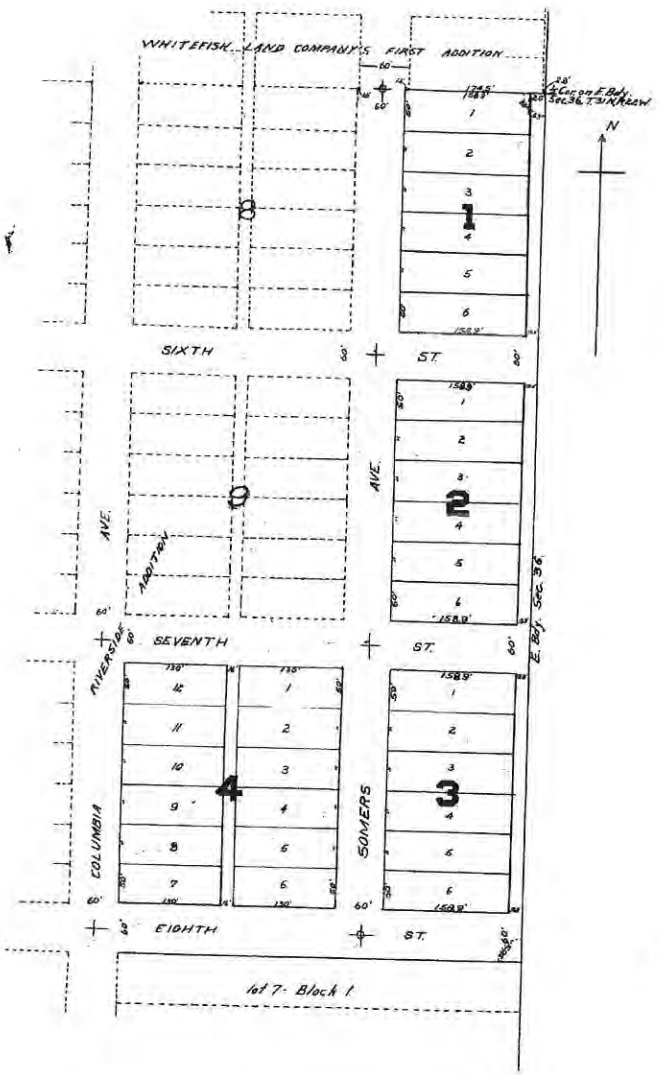
JOHN SHIGO/ CHRISTINA LARSON
725 SOMERS AVE
WHITEFISH, MT 59937
406-270-7477 | 406-270-3049

1" = 10'
- - - - = 6' SET BACK LINE

PAGE 2

MCKEEN'S SUBDIVISION OF WHITEFISH MONTANA

Scale: 1" = 100'



CERTIFICATE OF DEDICATION

We, Albert R. McKeen and Margaret M. McKeen, husband and wife, of the County of Flathead, State of Montana, do hereby certify that we have caused to be surveyed, subdivided and platted into lots, blocks, streets, avenues and alleys, as shown by the plat and certificate of survey hereunto annexed, all of the following described tracts of land, to-wit: lots numbered one to six, inclusive, and the south 216 feet of lot numbered seven of block numbered one of the Riverside Addition to Whitefish, Montana, according to the plat thereof on file in the office of the County Clerk and Recorder, containing 7.21 acres, to be known and designated as McKeen's Subdivision of Whitefish, Montana, and the lands included in all streets, avenues and alleys shown on said plat, are hereby granted and donated to the use of the public forever.

In witness, whereof, we have hereunto set our hands, and affixed our seals, on this the first day of November, A.D. 1919.

In the presence of:

W.K. Trippet

Albert R. McKeen

Margaret M. McKeen

State of Montana,
County of Flathead. s.s.

On this the first day of November, A.D. 1919, before me, W.K. Trippet, a notary public in and for the county and state aforesaid, personally appeared Albert R. McKeen and Margaret M. McKeen, husband and wife, known to me to be the persons whose names are subscribed to the foregoing certificate of dedication, and acknowledged to me that they executed the same.

In witness whereof, I have hereunto set my hand and affixed my notarial seal, the day and year above written.

W.K. Trippet
NOTARY PUBLIC for the State of Montana,
Residing at Whitefish, Montana.
My commission expires Oct. 15, 1922.

CERTIFICATE OF SURVEY

State of Montana,
County of Flathead, s.s.

I, W.K. Trippet, do solemnly swear that between the 22nd and the 27th days of September, A.D. 1919, I made a careful and accurate survey of the tracts of land included within McKeen's Subdivision of Whitefish, Montana, as shown on the annexed plat; that said plat was made in strict conformity to said survey; that the dimensions of all lots, blocks, streets, avenues and alleys and the courses thereof as shown thereon, are true and correct to the best of my information and belief; that I set iron monuments, 2 inches diameter, 2½ feet long, at the intersection of all streets and avenues as shown thereon and indicated thus: ⊕; that said survey was made in strict accordance with sections 3445 to 3470, inclusive, of the Political Code of the State of Montana, and chapter 119 of the session laws of the 15th legislature assembly.

W.K. Trippet

Subscribed and sworn to before me, this the 31st day of October, A.D. 1919.

Joseph Reed
Notary Public for the State of Montana,
Residing at Whitefish, Montana.
My commission expires Jan. 29th, 1921.

CERTIFICATE OF CITY ENGINEER

State of Montana,
County of Flathead,
City of Whitefish. s.s.

I, Henry J. Hoag, City Engineer of Whitefish, Montana, hereby certify that I have examined the annexed plat of McKeen's Subdivision of Whitefish, Montana, and that said plat conforms, as near as the circumstances will admit to the adjoining parts of the city already platted.

Henry J. Hoag

Dated at Whitefish, Montana, this first day of November, A.D. 1919.

CERTIFICATE OF CITY COUNCIL

State of Montana,
County of Flathead,
City of Whitefish. s.s.

We, J.E. Skyles, Mayor, and E.C. Prestbye clerk of the City of Whitefish, do hereby certify that at a meeting of the City Council of the City of Whitefish, held on the 3rd day of November, A.D. 1919, the annexed plat of McKeen's Subdivision was examined and approved by said City Council, and that said platted area containing less than 20 acres, it is hereby ordered that no park or playground be set aside or dedicated.

In witness whereof, we have hereunto set our hands and caused the seal of the City of Whitefish, Flathead County, Montana, to be affixed on the 3rd day of November, A.D. 1919.

Attest: E.C. Prestbye, Clerk.

J.E. Skyles, Mayor

CERTIFICATE OF COUNTY SURVEYOR

State of Montana,
County of Flathead. s.s.

I, F.P. Scott, County Surveyor of Flathead County, hereby certify that I have examined the annexed plat of McKeen's Subdivision of Whitefish, Montana, and hereby approve the same.

F.P. Scott

Dated at Kalispell, Montana, this 15 day of December, A.D. 1919.

CERTIFICATE OF COUNTY ATTORNEY

State of Montana,
County of Flathead. s.s.

I, T.H. MacDonald, County Attorney of Flathead County, Montana, hereby certify that I have examined the abstract of title to the land described on the annexed plat of McKeens Subdivision of Whitefish, Montana, and that Albert R. McKeen is the owner in fee simple of said land so platted.

Dated at Kalispell, Montana, this _____ day of _____, A.D. 1919.

CERTIFICATE OF COUNTY COMMISSIONERS.

State of Montana,
County of Flathead. s.s.

We, Andrew W. Swaney, Chairman of the Board of County Commissioners of Flathead County, and S.C. Bibee, Clerk of said Board, do hereby certify that at a meeting of said Board of County Commissioners, held on the 15th day of December, 1919, the annexed plat of McKeen's Subdivision of Whitefish, Montana, was examined and approved by said Board of County Commissioners and the streets, avenues and alleys shown on said plat were declared to be public highways; that said platted area containing less than 20 acres, it was thereby ordered that no park or playground be set aside or dedicated.

In witness whereof, we have hereunto set our hands and caused the seal of Flathead County, Montana to be affixed on the 15th day of December, A.D. 1919.

Attest: S.C. Bibee, Clerk

A.W. Swaney, Chairman

State of Montana,
County of Flathead. ss.
Filed for Rec. 16 day of Dec.
A.D. 1919 at 9:00 o'clock A.M.
S.C. Bibee
County Clerk and Recorder
By Carl J. Sonstelie
Fee

EXISTING
Building

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CONDITIONAL DEDICATIONS BY LANDOWNER

RECITALS

WHEREAS, Kelly and Courtney Laabs, through their LLC, own Lot 1 of Subdivision 195, Flathead County, Montana (Rec. 200124910430) and have an option to purchase four lots in the Dakota Meadows subdivision in Whitefish;

WHEREAS, the Laabs seek to adjust the boundary lines of the above-described property and claim that their adjustment is exempt from subdivision review by the City of Whitefish;

WHEREAS, the City of Whitefish's Planning Department determined that Laabs claimed exemption is an attempt to evade subdivision review and Flathead County has made the same finding;

WHEREAS, the Laabs appealed the Planning Department's finding of evasion and a hearing was held before the Whitefish City Council on June 15, 2020;

WHEREAS, at the hearing, the Laabs offered to make certain dedications to the City such as right of way, sidewalks, and park land;

WHEREAS, pursuant to WCC 12-7-4-A, the City Council may consider "all surrounding circumstances" in deciding whether to affirm or reverse the finding of the Planning Director;

WHEREAS, the City Council tabled its final decision on the matter while the Laabs and the City discussed terms of any potential dedications; and

WHERAS, the City would like to memorialize the Laabs' intentions in writing for the Council's consideration prior to its final vote.

NOW, THEREFORE, the parties enter the following:

CONDITIONAL AGREEMENT

1. The following terms are subject to the following conditions precedent: (1) that the City Council approve the proposed exemption as allowed in WCC 12-7-5-A (thus reversing the Planning Director's finding); (2) that Flathead County approve the proposed exemption; (3) that the boundary line adjustment is recorded by the Flathead County Clerk; and (4) that the Laabs, or their assigns, close on their purchase of the four lots in the Dakota Meadows subdivision which are part of the boundary line adjustment.

2. Upon the satisfaction of all conditions set forth in paragraph 1, the Laabs agrees to the following:

    a. Dedicate to the City of Whitefish the 40 feet of existing declared city street as shown in the plat of Subdivision No. 195, attached hereto as Exhibit A;

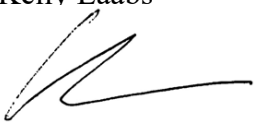
b. Construct a 5 foot wide concrete sidewalk per City of Whitefish standards along the Dakota Avenue frontage as shown in Detail SD-14, attached hereto as Exhibit B;

c. Provide cash in lieu of park land dedication in the amount of $57,108;

d. Record a deed restriction for 777 Dakota restricting the property to no more than four (4) lots. The Laabs reserve the right to record additional terms as they see fit so long as it does not increase the number of lots.

e. To personally guarantee their performance obligations set forth in paragraphs (a) – (d) above by posting a bond equal to 125% of the cost of the sidewalk improvements. The Laabs and the City agree to work with each other in good faith to enter into a final improvement guarantee agreement similar to but not subject to the provisions of the Subdivision Improvement Guarantee set forth in WCC 12-3-11(I)(5). Failure to enter into an improvement guarantee agreement will not affect or void the City's decision following the hearing or the Laabs' obligations, if the contingencies are satisfied, set forth in paragraphs (a) – (c) above.

Kelly Laabs



Individually and on behalf of his LLC

Courtney Laabs

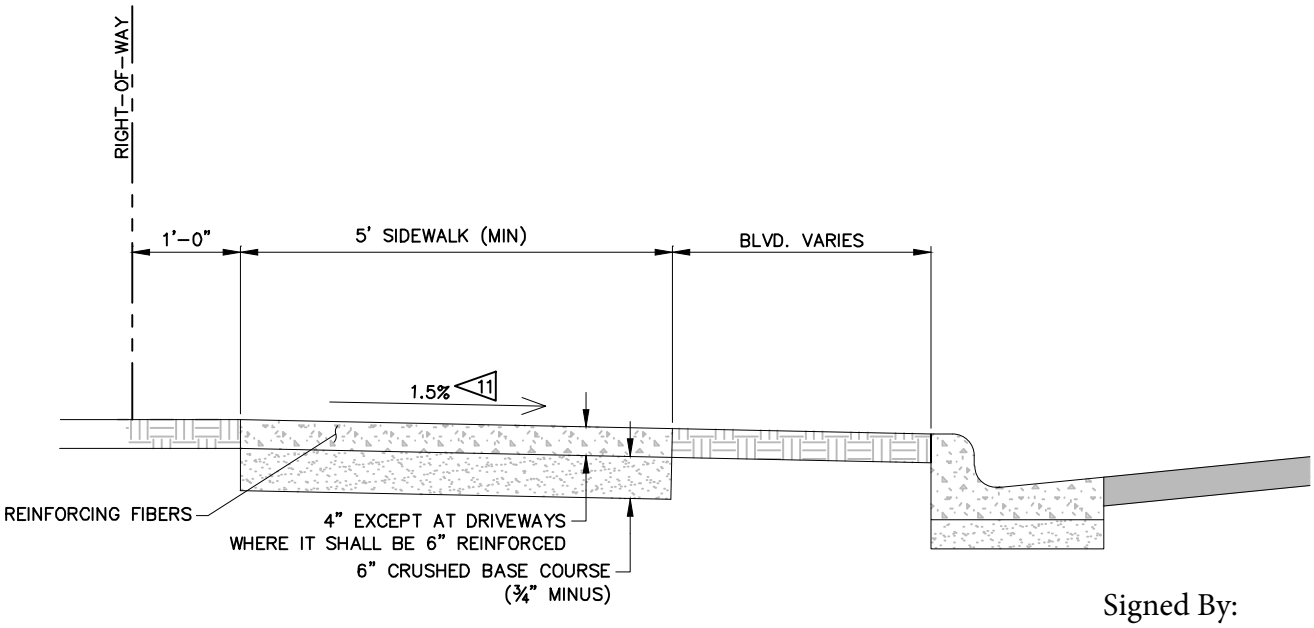
Individually and on behalf of her LLC

City of Whitefish

_____

By:_____

Title: _____



Signed By:

Courtney and
Kelly Laabs

STANDARD SIDEWALK
SCALE: NONE

NOTES:

1. CONCRETE SHALL BE M-4000 WITH ¾" MAXIMUM AGGREGATE AND A 28-DAY STRENGTH OF 4000 PSI, 5% TO 8% AIR CONTENT WITH A MAXIMUM SLUMP OF FOUR (4) INCHES.
2. CONCRETE SHALL INCLUDE 0.75 POUNDS OF REINFORCING FIBERS PER CUBIC YARD.
3. CONTRACTION JOINTS SHALL BE SPACED THE SAME DIMENSION AS THE WIDTH BUT NOT EXCEED 6 FEET EACH WAY. CONTRACTION JOINTS SHALL BE CONSTRUCTED BY SAWING OR SCORING. A TOOL SHALL BE USED WHICH WILL LEAVE CORNERS ROUNDED AND DESTROY AGGREGATE INTERLOCK FOR THE SPECIFIED MINIMUM DEPTH. CONTRACTION JOINTS SHALL BE A MINIMUM OF ¼ OF THE TOTAL DEPTH OF THE CONCRETE.
4. ALL SIDEWALKS GREATER THAN SIX FEET IN WIDTH SHALL BE SAWCUT LENGTHWISE DOWN THE CENTER A MINIMUM OF ¼ THE TOTAL DEPTH OF THE CONCRETE.
5. EXPANSION JOINTS, USING ½" MATERIAL SHALL BE SPACED AT INTERVALS OF 45' MAXIMUM.
6. ALL EDGES AND JOINTS SHALL BE ROUNDED WITH AN EDGING TOOL OF A MINIMUM ¼" RADIUS.
7. SIX INCHES OF BASE MATERIAL IS REQUIRED. BASE MATERIAL SHALL BE ¾" CRUSHED BASE COURSE COMPACTED TO 95% PER AASHTO, T-99, OR SAND THOROUGHLY COMPACTED IN PLACE.
8. GRADE, ALIGNMENT AND FORMS SHALL BE INSPECTED BY THE CITY OR THEIR DESIGNATED INSPECTOR PRIOR TO POURING.
9. ALL CONCRETE DRIVEWAY SECTIONS SHALL BE 6" THICK WITH REINFORCEMENT. (SEE DRIVEWAY APPROACH DETAIL SD-15)
10. ALL COLD JOINTS SHALL HAVE SMOOTH DOWEL BARS PLACED IN BOTTOM ⅓ OF CONCRETE AT 18" O.C. EACH WAY AND 6" FROM EDGES, OR KEY WAYS INSTALLED TO PREVENT VERTICAL SEPARATION.

11 2.0% MAX.

TR 7K - 0836500

BY: **SANDS SURVEYING, INC.**
1995 THIRD AVENUE EAST
KALISPELL, MT. 59901
PH: (406) 755-6481

DATE: NOVEMBER 8, 2000

JOB NO: 125403

FOR: MARY JANE STREET

OWNER: REVISED & RESTATED LIVING TRUST OF MARY JANE STREET

PLAT OF
SUBDIVISION No. 195
IN THE SE1/4NW1/4 SEC. 25, T.31N., R.22W., P.M.,M., FLATHEAD COUNTY, MONTANA

SCALE: 1" = 100'
0' 50' 100' 200'

N

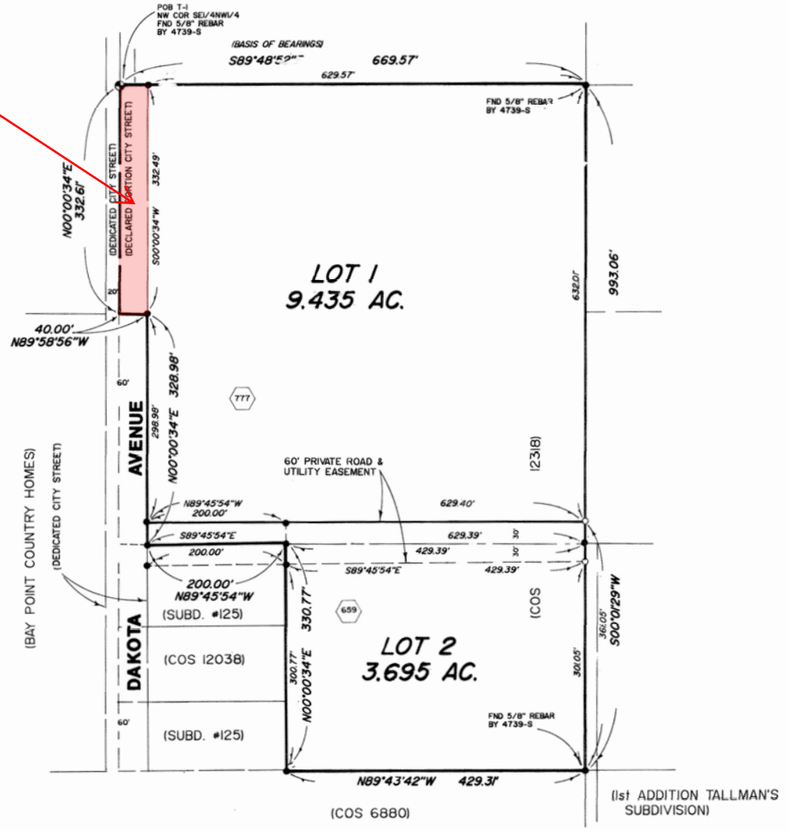
LEGEND

- 1/16th CORNER (AS NOTED)
- FND 1/2" REBAR BY 7579-S (UNLESS NOTED)
- SET 1/2"x24" REBAR WITH 1 1/4" PLASTIC CAP, STAMPED: SANDS, 7975-S
- ADDRESS

TOTAL AREA: 13.130 AC.

To be dedicated to the City of Whitefish (+/-0.30 Ac)

By: Courtney and Kelly Laabs



CERTIFICATE OF DEDICATION

WE, THE UNDERSIGNED PROPERTY OWNERS, DO HEREBY CERTIFY THAT WE HAVE CAUSED TO BE SURVEYED AND PLATTED INTO LOTS ALL THE FOLLOWING DESCRIBED PROPERTY AS DESCRIBED IN THE CERTIFICATE OF DEDICATION, AND SHOWN BY THE ANNEXED PLAT OR MAP AND SITUATED IN FLATHEAD COUNTY, MONTANA:

A TRACT OF LAND, SITUATED, LYING, AND BEING IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 31 NORTH, RANGE 22 WEST, P.M.,M., FLATHEAD COUNTY, MONTANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

BEGINNING at the northwest corner of the Southeast Quarter of the Northwest Quarter of Section 25, Township 31 North, Range 22 West, P.M.,M., Flathead County, Montana; Thence along the north boundary of said SE1/4NW1/4 S89°48'52"E 669.57 feet to a found iron pin; Thence S00°01'29"W 993.06 feet to a found iron pin; Thence N89°43'42"W 429.31 feet to a found iron pin; Thence N00°00'34"E 330.77 feet to a found iron pin; Thence N89°45'54"W 200.00 feet to a found iron pin on the easterly R/W of Dakota Avenue; Thence along said R/W N00°00'34"E 328.98 feet to a found iron pin; Thence leaving said R/W N89°58'56"W 40.00 feet to the west boundary of said SE1/4NW1/4; Thence along said west boundary N00°00'34"E 332.61 feet to the point of beginning and containinc 13.130 ACRES; Subject to and together with a 60 foot road known as Dakota Avenue as shown hereon; Subject to and together with a 60 foot private road and utility easement as shown hereon; Subject to and together with all appurtenant easements of record.

The above described tract of land shall hereafter be known as: **SUBDIVISION No. 195.**

UTILITY EASEMENT CERTIFICATE

The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair, and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "UTILITY EASEMENT" to have and to hold forever.

In witness whereof, we have caused our hands to be this 30 day of MAY, 200[illegible]

MaryJane S. Street — Its Designated and restated Living Trustee of MaryJane S. Street

STATE OF MONTANA)
SS
COUNTY OF FLATHEAD)

On this 30, day of May, 200[illegible] before me a Notary Public for the State of Montana, personally appeared MaryJane Street, and known to me to be the person(s) whose name(s) are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

Linda Iverson
Notary Public for the State of Montana
Residing at Whitefish, MT
My commission expires 11/[illegible]/2003

CERTIFICATE OF CITY COUNCIL

We, Andy Feury, Mayor for the City of Whitefish, and Debbie Lenmark, City Clerk of the City of Whitefish, Montana do hereby certify that the accompanying plat was duly examined and approved by the City Council of the City of Whitefish at its regular meeting held on the 4th day of September, 200[illegible].

Andy Feury — Mayor of Whitefish, Montana
Debbie Lenmark — City Clerk of Whitefish, Montana

CERTIFICATE OF CITY ATTORNEY

I, John M Rholes, City Attorney for the City of Whitefish, Montana, do hereby certify that I have examined the Certificate of Title by a licensed title company on the land described in the Certificate of Dedication on the annexed Plat of SUBDIVISION No. 195, and find that MaryJane S. Street, Trustee of the Revised and Restated Living Trust of MaryJane Street are the owners in fee simple of the land so platted. Dated this 5th day of September, 200[illegible].

John M Rholes
City Attorney for the City of Whitefish

CERTIFICATE OF SURVEYOR

THOMAS E. SANDS 7975-S

APPROVED: 9/6, 2000

Examining Land Surveyor 588-S

STATE OF MONTANA)
SS
COUNTY OF FLATHEAD)

Filed for record this 6 day of Sept, 2001, 10:43 o'clock AM

Susan W. Hakenfeld
Flathead County Clerk & Recorder
By: [illegible]
Instrument Record No. 200124910480

REST# 1576
File # 10-6-34

$16.00

SHEET 1 OF 1 SHEET

MEMORANDUM

To: Mayor Muhlfeld and City Council

From: Dave Taylor, AICP, Planning Director

Date: June 15, 2020

RE: Determination of Exemption Hearing Request for 777 Dakota Avenue WSE 20-02

Introduction

Both the Zoning Administrator and the County Clerk and Recorder's Office denied a request by Richard Swan of TD&H on behalf of Kelly and Courtney Laabs for a Subdivision Exemption Boundary Line Adjustment for 777 Dakota Avenue (Lot 1 of Subdivision 195 and Lots 7,8,9 and 10 of Dakota Meadows) as a Subdivision Evasion. The City Code outlines that the applicant can request a hearing of the City Council within 30 days of such a denial, and the applicant can then argue the merits of their request. After said hearing, the City Council then decides whether the Exemption should be approved or not. If approved, the County Clerk and Recorder is notified that the proposed plat can then be recorded. The application, proposed plat, and letters of denial by both the City Zoning Administrator and the County are attached for your review.

Background

Title 12-7 of the City Subdivision Regulations provides for review of certain exemptions of the subdivision requirements. One of those exemptions is a boundary line adjustment, wherein a property owner may request an exemption from the subdivision regulations if common boundary lines of a lot within a subdivision are simply adjusted or moved. There are certain criteria provided (see

attached Subdivision Exemptions code sections) wherein either City Staff or the Flathead County Clerk and Recorder's Office may deny such a request as an evasion of subdivision regulations.

The primary reason for a denial of an exemption is if the applicant appears to be trying to avoid going through subdivision, which would involve both a preliminary and final plat, and the improvements required therein under the City Subdivision Regulations. In this case, staff determined that the proposed boundary line adjustment was an attempt at evasion, and Flathead County agreed.

The applicant originally approached city staff with ideas for a similar request for a boundary line adjustment for 777 Dakota Avenue and they were told that it would likely be considered an evasion and they needed to apply for a major subdivision. They then submitted a preliminary design for a five-lot major subdivision and applied to go to the City Site Review Committee for feedback. At the April 2 Site Review meeting the proposal was reviewed and the applicant was given input by City Staff from Planning, Public Works, Fire, and Parks. At the meeting, the applicant was informed of the subdivision improvement requirements, namely that Marina Crest Lane would need to be extended east to the edge of the property to fulfill the Transportation Plan requirements, right-of-way dedication was required along Dakota Avenue for a full 60' wide right-of-way, a sidewalk or cash-in-lieu would be required for Dakota Avenue, the parkland dedication or cash-in-lieu requirements would need to be met, and the Legacy Homes Program requirements for deed restricted housing or cash-in-lieu would have to be satisfied. The applicant seemed unhappy with those requirements at the meeting. A few days later the applicant again inquired about doing a boundary line adjustment subdivision exemption with an adjacent subdivision in order to create the lots without having to incur the cost of the subdivision requirements. They were informed that it would likely be considered an evasion, but they were free to apply.

On April 24, the applicant applied for a subdivision exemption for a boundary line adjustment. That proposal was to eliminate two lot lines between existing lots in the adjacent Dakota Meadows subdivision off of Labrie Drive, and then move those lot lines onto the 9.44 acre lot at 777 Dakota to then create three lots there. Since lots were being removed from one subdivision and added to the other, there would essentially be no net gain. The zoning administrator denied that request on the basis of the evasion of subdivision criteria and the fact that the proposal was not a 'relocation of common boundary lines.'

The applicant then came back with a new modified subdivision exemption proposal, which is the one before you. In this version, the lot lines would be removed between several lots in the Dakota Meadows subdivision and combined with portions of the 9.44 acre lot off of Dakota to create four revised lots. That was also denied by the zoning administrator and subsequently by Flathead County.

Evasion Review Criteria

Here is what the code askes the City Council to consider with regard to subdivision evasion criteria:

12-7-5-A. Evasion Review Criteria for Subdivision Exemptions: Determination of Exemption: In determining whether an exemption is claimed for the purpose of evading subdivision review under these regulations, the council shall take into consideration all of the surrounding circumstances which may include, but are not limited to, the prior history of the particular property proposed for the exemption, the proposed configuration of the parcels to determine if the proposed exempt transactions display any pattern of development by use of exempt land divisions or any other circumstances which would result in the apparent creation of a subdivision without review.

Note that there is not one criteria that determines an evasion, but the Council must take into consideration all of the surrounding circumstances. In the case of this submittal, there are numerous suspect circumstances. The reasons for denial that are stated in the attached letters include the following:

- The lot lines being adjusted are between two platted subdivisions, which neither MCA 76-3-207 nor section 12-7-3 of the Whitefish City Code provide an explicit exemption for.

While the City Code and State Law allows for a relocation of common boundaries involving platted subdivisions per 12-7-5-E, that exemption allows the relocation of common boundaries or the aggregation of lots for five or fewer lots within a platted subdivision, which this clearly does not qualify for. It also allows the relocation of a common boundary between a single lot within a platted subdivision and adjoining land "outside a platted subdivision", which generally means the adjoining land has never been platted as part of subdivision. The next sentence of 12-7-5-E "*A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas*" shows that outside a platted subdivision refers to an unplatted parcel. Nowhere does either the City Subdivision Regulations or the Montana Subdivision and Platting Act specifically allow aggregation of lots or for relocation of common boundaries between two platted subdivisions such as the application requests. Even if "outside a platted subdivision" could be assumed to refer to any adjacent parcel, platted or not, the proposal still would not qualify as that exemption is limited to a single lot within a platted subdivision. While the city may have signed off on boundary line adjustments between platted subdivisions in the past, those typically involved a single common boundary line between a single lot from each adjusted to remedy an encroachment or setback violation.

- The proposed amended plat includes more than a 'common boundary line' adjustment. Per 12-7-5-B-2, the proper use of the exemption for relocating common boundary lines is to '*establish a new boundary between adjoining parcels of land…'* This does more than establish a new boundary between two adjoining parcels, it also removes common boundary lines within one platted subdivision to create new lots within a lot in an adjoining subdivision. It also expands small residential lots within a platted

subdivision to create larger tracts that go outside that subdivision that could be further subdivided without respect for future infrastructure requirements.

- The resulting lots are inconsistent with the approved subdivision of Dakota Meadows and the uses in it, as well as the protective covenants adopted with that subdivision.

Those items show inconsistency with the purpose of boundary line adjustments as well as a pattern of development with results in the apparent creation of a subdivision without review, which is a criterion showing evasion per 12-7-5-A.

- Prior to this Boundary Line Adjustment request, a major subdivision proposal for this property was brought to the City Site Review Committee, and the proponents appeared put off by the subdivision requirements of road and sidewalk improvements and the affordable housing requirements of the City's Legacy Homes Program for deed restrictions or cash-in-lieu. This Boundary Line Adjustment application was then later submitted with a similar layout, indicating this application is an attempt to evade the subdivision requirements.

The fact that the division of 777 Dakota was originally considered as a subdivision and then changed to a boundary line adjustment by the applicant shows intent to avoid the subdivision review.

Apart from the criteria met in the attached denial letter, the proposed application shows in their proposed plat a pattern of development consistent with a new subdivision as they are attempting to create new developable lots for sale out of an existing larger tract of land by borrowing lot lines from a previously platted and approved subdivision with its own covenants and restrictions, and they are clearly using the exemption in order to avoid paying for public improvements, parks, and affordable housing.

Additionally, the applicant did not submit copies of any new restrictive covenants for the revised lots located on what is currently 777 Dakota Avenue which might prohibit future subdivision. The newly created lots would be created in such a way that while they could be further subdivided based on the WR-2 zoning, any opportunity to create a transportation or utility grid system to properly access and service those lots that would conform to city standards would be lost. Even if there were restrictive covenants that would prohibit further subdivision of those new lots, the proposal remains an attempt to evade subdivision.

Also, staff was able to find a copy of the restrictive covenants for the Dakota Meadows that were included with the Final Plat (see attachment). Combining lots that may be subject to covenants with property not subject to the same covenants and restrictions creates significant issues.

Recommendation

Staff recommends that the City Council review the attached materials and Subdivision Evasion Criteria and support Staff's recommendation that the subdivision exemption be denied on the basis that it is an attempt to evade City subdivision requirements.

CITY OF WHITEFISH SUBDIVISION REGULATIONS

Chapter 7: EXEMPTIONS AND EVASION CRITERIA

12-7-1: PURPOSE:

The MSPA provides that certain divisions of land, which would otherwise constitute subdivisions, are exempt from local subdivision review and approval, unless the use of the exemption is an attempt to evade the MSPA. The exemptions are found in part 2 of title 76, chapter 3, Montana Code Annotated.

12-7-3: DIVISIONS OF LAND EXEMPT FROM REVIEW BUT SUBJECT TO SURVEY REQUIREMENTS AND ZONING REGULATIONS:

A. Except as provided in subsection B of this section, the following divisions of land are not subdivisions under the MSPA or these regulations, but are subject to the surveying requirements of 76-3-401, Montana Code Annotated, for divisions of land not amounting to subdivisions and are subject to applicable zoning regulations adopted under title 76, chapter 2, Montana Code Annotated:

1. Divisions made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties;

2. Divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family;

3. Divisions made outside of platted subdivisions by gift, sale, or agreement to buy and sell in which the parties to the transaction enter a covenant running with the land and revocable only by mutual consent of the governing body and the property owner that the divided land will be used exclusively for agricultural purposes;

4. For five (5) or fewer lots within a platted subdivision, relocation of common boundaries and the aggregation of lots; and

5. Divisions made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

B. Notwithstanding the provisions of subsection A of this section:

1. Within a platted subdivision filed with Flathead County clerk and recorder, a division of lots that results in an increase in the number of lots or that redesigns or rearranges six (6) or more lots must be reviewed and approved by the governing body and an amended plat must be filed with the county clerk and recorder;

2. A change in use of the land exempted under subsection A3 of this section for anything other than agricultural purposes must be reviewed as a subdivision and will be subject to the review procedures outlined in these regulations.

C. The city council may examine a division of land to determine whether or not the requirements of these regulations apply to the division and may establish a review fee not to exceed two hundred dollars ($200.00) for the examination.

12-7-4: PROCEDURES FOR REVIEW OF SUBDIVISION EXEMPTIONS:

Any person seeking exemption from the requirements of these regulations and the MSPA shall submit to the planning director a paper copy of a certificate of survey, or if a survey is not required, an instrument of conveyance and a completed subdivision exemption affidavit which provides evidence of entitlement to the claimed exemption. The affidavit shall be filed with the certificate of survey, unless otherwise not required, creating the parcel(s) subject to exemption:

A. Prior to submittal of the certificate of survey to the Flathead County clerk and recorder, the survey shall be reviewed by the planning director for compliance with the Whitefish zoning jurisdiction regulations and applicable development standards. Existing buildings and structures shall be indicated on the certificate of survey along with the building setbacks from property boundaries, existing and proposed land areas within the parcels or lots and any other relevant information related to the property.

For purpose of zoning compliance review, where two (2) contiguous lots, parcels or tracts of record are held in a common or single ownership, and where both of these tracts of record are nonconforming, they shall be considered as a single site for the purpose of meeting the requirements of the zoning district in which they are located. This section considers lots as merged for the purposes of zoning regulation for size, setbacks or similar development standards but does not aggregate individual parcels of land in a manner described by section 76-3-103(16)(b), Montana Code Annotated.

Relocated or new property boundaries shall not be located so existing buildings or structures do not comply with the required setbacks of the zoning district in which the properties are located. If existing buildings are nonconforming with regard to setbacks, the relocated property boundary must bring the building setback more in compliance and in no case shall the relocated or new property boundary create a setback which is less compliant with the applicable zoning regulations.

Relocated or new property boundaries shall not be established to create parcels or lots not in compliance with the minimum lot size requirements of the zoning district in which the properties are located.

A lot line adjustment between two (2) or more lots, parcels or tracts of record where neither lot is in compliance with the minimum area requirements of the zoning district in which it is located may proceed with a lot line adjustment provided the final lot area for each lot(s) remains the same and neither lot(s) becomes more nonconforming with the underlying zoning standards.

B. For those parcels for which an exemption from subdivision review is claimed, a paper copy of the certificate of survey, in final form, and a subdivision exemption affidavit signed by the property owner and the planning director shall be submitted to the Flathead County clerk and recorder for review.

C. If the Flathead County clerk and recorder and/or other appropriate government representatives determine the claimed exemption may constitute an evasion of the act under these regulations, the county clerk and recorder shall notify the planning department and landowner or surveyor within five (5) days stating in writing the reason leading to such a determination. Thereafter, the planning department shall review the findings of the clerk and recorder's office and make a final

determination as to whether or not the claimed exemption may constitute an evasion of the act under these regulations. The planning department shall notify the landowner in writing and the landowner may withdraw the instrument or may request in writing within thirty (30) days of the date of written notification to the landowner by the planning department that he/she be given a hearing before the city council.

D. If the Flathead County clerk and recorder does not make such determination and the instrument otherwise complies with all laws, the instrument is eligible for recording.

E. Upon receipt of the written request for hearing, the council shall set a time and place for the hearing and inform the landowner thereof. The planning department shall provide an evaluation and recommendation on the subject instrument. At the hearing, the landowner may present any additional evidence in support of the claim of exemption. The council shall approve or disapprove the proposed exemption within thirty (30) days of the receipt of the request for hearing. The council shall provide written notification of its decision to the landowner or surveyor and the county clerk and recorder. If the proposed exemption is approved, the council shall notify the county clerk and recorder that the instrument is deemed not to be an evasion of the act or these regulations. If the proposed exemption is disapproved, the council shall instruct the county clerk and recorder not to file the exemption instrument.

12-7-5: EVASION REVIEW CRITERIA FOR SUBDIVISION EXEMPTIONS:

A. Determination Of Exemption: In determining whether an exemption is claimed for the purpose of evading subdivision review under these regulations, the council shall take into consideration all of the surrounding circumstances which may include, but are not limited to, the prior history of the particular property proposed for the exemption, the proposed configuration of the parcels to determine if the proposed exempt transactions display any pattern of development by use of exempt land divisions or any other circumstances which would result in the apparent creation of a subdivision without review.

1. Pattern Of Development: In considering the proposed land exemption for the creation of a division of land or multiple divisions of land by use of or proposed use of an exemption for a pattern of development, the following circumstances shall be considered:

a. Original Tract Less Than Twenty Acres: It may be concluded a pattern of development may occur whenever more than three (3) parcels which includes two (2) exempt parcels and a remaining parcel are divided from the original tract of less than twenty (20) acres, regardless of ownership, by use of an exemption from subdivision review;

b. Original Tract Twenty Acres Or More: It may be concluded that a pattern of development may occur whenever more than four (4) parcels under twenty (20) acres which includes three (3) exempt parcels and a remaining parcel are divided from the original tract of twenty (20) acres or more, regardless of ownership, by use of an exemption from subdivision review;

c. Pattern Of Development Evidenced: It may be concluded a pattern of development is evidenced when the use of an exemption(s) contiguous to platted lots where common roads are shared or the exempted tracts have similar shape or size to the platted lots, or the exempted tracts are being created by the same landowner who created the platted lots.

B. Relocation Of Common Boundary Lines: The intended purpose of the exemption allowing the relocation of common boundary lines is to allow a change in the location or the elimination of a boundary line between adjoining properties outside of a platted subdivision.

1. Certificates of survey claiming this exemption must clearly distinguish between the existing boundary locations and, in case of a relocation of the boundary line, the new boundary location. This must be accomplished by representing the existing boundary with a dashed line and the new boundary, if applicable, with a solid line. The appropriate certification set forth in ARM 24.183.1104(1)(f) must be included on the certificate of survey. Certificates of survey showing the relocation of common boundary lines must be accompanied by a quitclaim or warranty deed or recordable agreement from adjoining property owners for the entire newly described parcel(s) or that portion of the tract(s) being affected at the time of recording.

2. The proper use of the exemption for relocating common boundary lines is to establish a new boundary between adjoining parcels of land outside of a platted subdivision, without creating an additional parcel. The exemption may not be used if the division of land would result in the permanent creation of one or more additional parcels of land.

3. It may be presumed the use of this exemption is for the purpose of evading subdivision review if:

a. The reviewing agent determines the documentation submitted according to this chapter does not support the stated reason for relocation; or

b. The proposed relocation creates a parcel of less than one hundred sixty (160) acres which, prior to the relocation included more than one hundred sixty (160) acres.

E. Relocation Of Common Boundaries Involving Platted Subdivisions: Certain revisions to subdivisions platted since July 1, 1973, which include relocation of common boundaries and the aggregation of lots for five (5) or fewer lots within a platted subdivision or the relocation of a common boundary between a single lot in a platted subdivision and adjoining land outside a platted subdivision, are permitted without review and is exempt from subdivision review. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

1. If a change is made to a platted subdivision which results in an increase in the number of lots or redesigns or rearranges six (6) or more lots, the amended plat will be subject to review and approval by the city council prior to being filed with the clerk and recorder.

2. If the resulting lots are inconsistent with the approved subdivision and the uses in it, the use of the exemption will be presumed to have been adopted for the purpose of evading the MSPA.

3. If the resulting lots do not comply with existing zoning, covenants, and/or deed restrictions, the use of the exemption will be presumed to have been adopted for the purpose of evading the MSPA.

DRAFT

After Recordation, Return To:

_____

_____

_____

DECLARATION OF EASEMENTS, CONDITIONS, COVENANTS AND RESTRICTIONS OF DAKOTA MEADOWS

THIS DECLARATION made this _____ day of _____, 2006, by DMG, LLC, a Montana limited liability company, of Whitefish, Montana, hereinafter called "Declarant".

W I T N E S S E T H:

WHEREAS, Declarant is the record owner of the real property situated in Flathead county, Montana, which is more particularly described as follows:

Lots 1 through 11 of Dakota Meadows, according to the Subdivision Plat #XXXXXXXXX of Dakota Meadows on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

WHEREAS, Dakota meadows is intended to be a residential community and these Conditions, Covenants and Restrictions are designed to reflect that intention. All landowners shall be subject to the control of the Architectural Control Committee provided for herein.

WHEREAS, the undersigned desires to record this Declaration of Easements, Conditions, Covenants and Restrictions, and to subject all the real property described above to the Conditions, Covenants and Restrictions hereinafter set forth, each and all of which are intended for the unfit of said property, and for each owner thereof, and shall inure to the benefit of and pass with said property, and each and every parcel thereof, and shall apply to and be binding upon the successors in interest to said property, and any owner thereof.

All persons or corporations who now or shall hereafter acquire any interest in and to the above described property shall be held to agree and covenant with the owner of any of the property located in the tracts hereinabove described, or any parcel thereof, with all

their heirs, successors and assigns, to conform to and observe the following Conditions, Covenants and Restrictions as to the use thereof, and as to the construction of dwellings and improvements thereon.

ARTICLE I

ROAD, UTILITY AND EASEMENTS

Declarant hereby dedicates and grants permanent and perpetual easements for installation, maintenance and repair of utilities, and ingress and egress purposes, including maintenance and repair, along the sixty (60) foot public road and utility easements which are shown on the Subdivision Plat of Dakota Meadows, on file in the office of the Clerk and Recorder of Flathead County, Montana.

ARTICLE II

MEMBERSHIP AND VOTING RIGHTS

Every owner of a tract which is subject to assessment shall be a member of Dakota Meadows Homeowners Association (hereinafter "the Association"). Membership shall be appurtenant to and may not be separated from ownership of any tract which is subject to assessment. Each owner shall be responsible to notify the Secretary of the Association of any transfer of ownership.

The owner(s) of each tract shall be entitled to one vote for each tract owned. When more than one person holds an interest in a tract, all such persons shall be members. The vote for such tract shall be exercised as they determine, but in no event shall more than one vote be cast with respect to any tract.

The business and property of the Association shall initially be managed by the Declarant. Until such time as one hundred percent (100%) of the tracts have been sold by the Declarant, the Declarant shall exercise all powers to act on behalf of the Association. At such time, 100% of the tracts are sold, Declarant, or its designee, shall call and chair a special meeting of the members for the purpose of electing a Board of Directors for the Association.

ARTICLE III

COVENANT FOR MAINTENANCE ASSESSMENTS

1 **Creation of the Lien and Personal Obligations of Assessments.** The undersigned, for each tract owned, hereby covenant, and each owner of any tract, by

acceptance of a Deed therefore, whether or not it shall be expressed in such Deed, is deemed to covenant and agree to pay to the Association:

a. Annual assessments or charges; and

b. Special assessments for capital improvements, such assessments to be established and collected as hereinafter provided.

The annual and special assessments, together with interest, costs, and reasonable attorney fees, shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. Each assessment, together with interest, costs, and reasonable attorney fees, shall also be the personal obligation of the person who is the owner of such property at the time when the assessment fell due. The personal obligation for delinquent assessments shall not pass to the owner's successor in title unless expressly assumed by them.

2. **Purpose of Assessments.** The entrance to the development and the boulevard between the sidewalk and the road shall be deemed Common Areas and shall be maintained by the Association. In addition, the Association shall maintain the trench drains along the northern, southern, and western boundaries of the subdivision. The assessments levied by the Association shall be used exclusively for landscaping and maintenance of the entrance to the development, exterior maintenance of structures, entrance to the development, boulevard landscaping and sprinkler system, maintenance of the right-of-way area between the west boundary of Lot 11 and the edge of the pavement on Dakota Avenue, and cleanliness of boulevards and streets.

3. **Annual Assessments.** The initial annual assessment shall be Three Hundred and 00/100 Dollars ($300.00) per tract.

Commencing in January 2007, the Board of Directors of the Association may fix the annual assessment for the ensuing year, provided that after January 15, 2009, the annual assessment may not be increased by more than ten percent (10%) of the annual assessment for the prior year without a vote of the membership.

4. **Special Assessments for Capital Improvements.** In addition to the annual assessments authorized above, the Association may levy, in any assessment year, a special assessment applicable to that year only for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair, maintenance or replacement of a capital improvement within said road and utility easement, including fixtures and personal property related hereto, provided that any such assessment for capital improvements shall have the approval of two-thirds (2/3) of the votes of the members present in person or by proxy at a meeting duly called for such purpose. If such assessment is not approved, there shall be no special assessment.

5. **Notice and Quorum for Any Action Under Section 3 and 4.** Written notice of any meeting called for the purpose of taking any action authorized under Section 3 and 4 shall be sent to all members not less than thirty (30) days nor more than sixty (60) days in advance of the meeting. At he first such meeting called, the presence of members or of proxies entitled to cast sixty percent (60%) of all the votes of each class of membership shall constitute a quorum. If the required quorum is not present, another meeting may be called subject to the same notice requirement, and the required quorum at the subsequent meting shall be one-half (½) of the required quorum at the preceding meeting. No such subsequent meeting shall be held more than sixty (60) days following the preceding meeting.

6. **Uniform Rate of Assessment.** Both annual and special assessments must be fixed at a uniform rate for all tracts and may be collected on a monthly basis.

7. **Date of Commencement of Annual Assessments; Due Dates.** The annual assessments provided for herein shall commence May 15, 2007. The first annual assessment shall be adjusted according to the number of months remaining in the calendar year. The Board of Directors shall fix the amount of the annual assessment against each Tract at least thirty (30) days in advance of each annual assessment period. Written notice of the annual assessment shall be sent to every owner subject thereto. The due dates shall be established by the Board of Directors. The Association shall, upon demand, and for a reasonable charge, furnish a certificate signed by an officer of the Association setting forth when the assessment and charges on a specified Tract have been paid.

8. **Effects of Nonpayment of Assessments; Remedies of the Association.** Any assessment or charge not paid within thirty (30) days after the due date shall bear interest from the due date at the rate of ten percent (10%) per annum. The association may bring an action at law against the Owner personally obligated to pay the same, or foreclose the lien against the property. No owner may waive or otherwise escape liability for the assessments or charges provided for herein by abandonment of his tract or parcel.

9. **Subordination of the Lien to Mortgages.** The lien of the assessment provided for herein shall be subordinate to the lien of any first mortgage. Sale or transfer of any Tract shall not affect the assessment lien. However, any holder of a first mortgage or trust indenture who obtains title to a tract pursuant to the remedies provided in the mortgage or trust indenture, or by deed (assignment) in lieu of foreclosure, will not be liable for such tract's unpaid dues or charges which accrue prior to the acquisition of title to such unit by the holder of the mortgage or trust indenture. Except as provided herein, no sale or transfer shall relieve any tract from liability for any assessments thereafter becoming due or from the lien thereof.

ARTICLE IV

INSURANCE

1. **Liability Insurance.** Public liability and property damage insurance shall be purchased by the Board or acquired by assignment from Declarant, as promptly as possible following its election, and shall be maintained in force at all times, the premium thereon to be paid out of the Association's funds. The insurance shall be carried in reputable companies authorized to do business in Montana. The minimum amounts of coverage shall be $500,000.00 for personal injury to any one person, $1,000,000.00 for personal injury to number of persons sustained in any one accident or mishap, and $100,000.00 property damage. The policy shall name the Association, its directors, officers, employees and agents in the scope of their employment, as insured. This policy shall insure against, but may not be limited to, injury or damage occurring on any of the easements or rights of way referenced herein.

2. **Other Insurance.** The Board of Directors of the Association may purchase additional insurance as the Board may determine to be advisable including, but not limited to, workmen's compensation insurance, demolition insurance to remove improvements that are not rebuilt, fidelity bonds, and insurance on Association-owned personal property. All premiums therefore shall be paid out of the Association's funds.

3. **Owner's Additional Insurance.** An owner may carry such personal liability and property damage insurance respecting his individual living tract as he may desire; however, any such policy shall include a waiver of subrogation clause against Association and all other owners.

ARTICLE V

HOLDERS OF DEEDS OF TRUST

Each holder of a deed of trust, upon written request by such holder to the Board, shall be entitled to timely written notice of: (1) any proposed amendment of this Declaration affecting a change in (i) the boundaries of any tract or the exclusive easement rights appertaining thereto, (ii) the number of votes in the Homeowner's Association pertaining to any tract or (iii) the purposes to which any tract is restricted; (2) any condemnation loss or casualty loss which affects a material portion of a tract on which there is a first mortgage held; (3) any delinquency in the payment of assessments or charges owned by an owner of a tract subject to a first mortgage, where such delinquency has continued for a period of sixty (6) days; (4) any lapse, cancellation or material modification of any insurance policy maintained by the Homeowner's Association pursuant to Article IV.

ARTICLE VI

ARCHITECTURAL COMMITTEE

1. **Architectural Control Committee.** The "Architectural Control Committee" shall consist of the Declarant or a person or persons designated by Declarant until such time as one hundred percent (100%) of the Lots have been sold by Declarant. Thereafter, the "Architectural Review committee" shall consist of those persons who shall be appointed by the Board of Directors of the Association. The "Architectural Control committee" shall consist of the Board of Directors of the Association, or of a special "Architectural Control Committee" of at least three (3) or more persons appointed by the Board, all of whom must be members of the Association.

2. **Architectural Control.** All Owners intending to construct a dwelling or build or alter any type structure whatever upon any tract, shall first submit their plans and specification, in writing, to the Architectural Control Committee. All structures, exterior improvements, including paint colors, shall be submitted to the Architectural Control Committee for approval prior to commencement of work. No dwelling house or other structure shall be erected, placed, or altered on any tract until the construction plans and specifications along with the proposed site therefore have been approved in writing by the Architectural Control Committee as to the quality of workmanship and materials, harmony of external design with existing structures, and location of the structure with respect to topography and finish grade elevation. Construction plans and specifications shall include the following:

a. Site plan, including building(s), and drainage plan;
b. Exterior elevations of all structures;
c. Exterior finishes, including paint color; and,
d. Description of all fencing and landscaping.
e. Detached garages not to exceed sixteen feet (16') maximum height from natural grade, not to exceed twenty-four feet by twenty-four feet (24' x 24') square.

3. **Approval by Committee.** Approval or disapproval by the Architectural Control committee must be in writing. In the event the committee fails to act within thirty (30) days after the proposed plans and specifications of any structure have been submitted in writing, or, of an entire dwelling, no specific approval shall be required for such structure and the pertinent provisions of this Declaration shall be deemed to have been fully complied with.

ARTICLE VII

PROTECTIVE COVENANTS

The following Protective Covenants are designed to provide a uniform plan for the ownership, use and development of the hereinabove described property, to preserve, insofar as practical, the natural beauty of said property, and to encourage the development of said property for country residential living.

1. **Tract Size.** No parcel shall be further divided.

2. **Land Use.** All tracts or parcels of land within the subject property shall be used for single-family residential purposes only. No piece, parcel, tract, or any part of the above-described property shall be used at any time for any business, trade, manufacture, or other commercial purpose whatsoever.

3. **Structures.**

a. No building shall be erected, altered, placed or permitted on any other Lot, tract, parcel, or piece of the above-described property, except one single-family dwelling used for residential purposes, provided that one (1) detached garage shall be permitted per Lot.

b. Any dwelling erected or placed upon the subject property shall be used only as a private, single-family residence, and no dwelling building or structure may be applied to, used, or occupied as a multi-family structure.

c. No more than one (1) single-family dwelling house shall be erected, placed or situated upon any Tract or Lot.

d. All construction upon the subject property shall comply with the requirements of the most current edition of the Uniform Building Code adopted and in effect in the City of Whitefish on the date of commencement of construction, and all applicable master plan and zoning requirements of the City of Whitefish, Flathead County, or the State of Montana.

4. **Setback Lines.** No building or structure shall be erected, placed or located upon any parcel or tract of land closer than permitted by the Whitefish Zoning Regulations in effect on the date of commencement of construction. The Association will be separately metered for boulevards and common area.

5. **Water and Sewer Service.** All property shall be connected to the Whitefish City Water and Sewer System, which shall provide water and sewer service for the properties, subject to payment of charges for such service. Each Lot or building shall be

separately metered for water and sewer service.

6. **Utilities.** All utilities and utility connections on the subject property shall be underground, with the exception of phone and cable connection boxes which are placed above ground.

7. **Garbage.** All garbage containers used in connection with any structure erected upon the above described premises shall be kept from view of the public. No garbage containers shall be maintained which are not of a suitable type and which do not have cover sufficient to prevent the escape of noxious odors from such container. If not kept inside, as in a garage, then garbage containers must be either sunk in the ground or placed in an enclosure completely screened from view. However, on garbage pick-up days, garbage containers may be exposed to view for the convenience of the garbage collector.

8. **Vehicles** No trucks exceeding one (1) ton, trailers, semi-trailers, other trailers of every type and description, including travel trailers, boat trailers, snowmobile trailers and motorcycle trailers, pick-up box, campers, or other similar units designed to be transported or pulled by motor vehicles or any other unsightly vehicle shall be parked or allowed to remain in said properties unless stored in a garage.

9. **Exterior Maintenance.** The Association shall maintain the entrance to the development, boulevards and boulevard sprinkler system and all other structures in the Common Area, to include painting and repairing the structures; maintaining the lawn and grounds to preclude noxious weeds and other noxious growths;; and not permitting refuse piles or other unsightly objects to accumulate or remain on the grounds. Paint on buildings, fences and other structures shall be required to be in subdued, "earth tones" such as will tend to harmonize with the vegetation of the area and tend to preserve the natural view, which is a community asset at present.

10. **Signs:** No signs, billboards, or advertising structures of any nature may be erected, maintained, or used on the subject property or any part thereof, except that one advertising sign, which must be in compliance with City of Whitefish regulations, may be erected for the sole and exclusive purpose of advertising for the sale or lease of the property upon which the sign is erected, provided that the Declarants shall have the right to place a "For Sale" sign which is four feet (4') by eight feet (8') at the entrance of the property for a period of not more than three (3) years from the date of this Declaration.

11. **Pets:** All animals shall be kept under full control of the property owner, and shall not be permitted to run at large. Barking dogs or offensive noise from any animal will not be tolerated. Repeated complaints regarding barking dogs may result in a hearing before the Board after due notice. The board shall be authorized to order the owner/renter to remove the offending dog from the project. When pets are outside a building and within the Project, but not on the Owner's Lot, they must be on a leash at

one end and held at the other end by the Owner/guest. The Owner/guest must remove animal waste, place it in a tightly sealed plastic bag, and dispose of it in an enclosed garbage container. If an Owner/guest disposes of animal waste on the Project any place except in a garbage container, the Owner of the dog may be fined in an amount to be determined by the Board of Directors. All Owners/guests shall comply with the Flathead County Dog Ordinance or any other ordinance, rule or regulations of Flathead County or the State of Montana regarding animals.

12. **Landscaping:** Front yard landscaping shall be complete within one (1) year of the date of occupancy of the residence on any Lot. A landscape plan shall be submitted to Architectural Control Committee for approval prior to commencement of landscaping work.

13. **Waste.** All trash, garbage, or other waste materials shall be kept in sanitary containers with airtight lids.

14. **Nuisance.** No noxious or offensive activities shall be carried on upon the property, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.

15. **Roads.** All roads to or upon the subject property, or any parcel or tract thereof, shall be paved, a minimum of thirty-two feet (32') wide, within a sixty foot (60') right-of-way. All Owners of said tracts of land within the subject property shall pay assessments for upkeep, maintenance and repair of all road situated within the subject property in accordance with Article III herein. The roads will be conveyed to the City of Whitefish who will maintain the roads. The Association shall maintain the five foot (5') boulevard on each side of the roadway, including the landscaping and sprinkler system within the boulevard.

16. **Fences.** No fence shall be constructed closer to the road than the closest projection of the residence to the road right-of-way. Side and rear fences shall not exceed five feet (5') in height. A plan for any proposed fence shall be submitted to the Architectural Control Committee for approval prior to commencement of installation.

17. **Term.** The provisions of this Declaration shall be binding for the term of twenty (20) years from the date of this Declaration, after which time the Declaration shall be automatically extended for successive periods of ten (10) years unless an instrument signed by the owners of 2/3 (two-thirds) of the total area of the real property described on Exhibit "A" has been recorded agreeing to change this Declaration in whole or in part. These covenants may be amended by 2/3 (two-thirds) agreement of the Owners of all the real property subject to these covenants.

18. **Enforcement.** The Board of Directors of the Homeowner's Association or any Owner shall have the right to enforce these conditions, covenants and restrictions by

any proceeding at law or equity. The method of enforcement may include proceedings to enjoin the violation, to recover damages, or both. Failure by any owner to enforce such provision shall not be deemed to be a waiver of the right to do so thereafter. Any person or entity who may recover any and all damages resulting from such violation, and it is expressly understood that the prevailing party in an action to enjoin the violation of these covenants or to enforce these covenants, the prevailing party in such action shall be entitled to recover reasonable attorney's fees in addition to any other damages and costs.

19. **Severability.** Invalidation of any one of these covenants by judgement or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

20. **Amendment.** After one hundred percent (100%) of the tracts have been sold, this Declaration may be amended by an instrument signed by the owners of seventy-five percent (75%) of the lots in Dakota Meadows, which instrument has been recorded, agreeing to such amendment. Each parcel of land, regardless of size or of any deeded ownership interest in a multi-family residential unit, shall be entitled to one (1) vote under this Article.

IN WITNESS WHEREOF, the Declarants hereunto executed this Declaration of Conditions, Covenants and Restrictions this _____ day of _____, 2006.

DMG, LLC, a Montana
Limited Liability Company

BY:_____
Member

STATE OF MONTANA)
:ss.
County of Flathead)

This instrument was acknowledged before me this _____, 2006, by _____, as a Member of DMG, LLC.

_____
_____
Notary Public for the State of Montana
Residing at _____
My Commission Expires _____

(SEAL)

CONDITIONS OF APPROVAL
DAKOTA MEADOWS PRELIMINARY PLAT - #WPP-03-3
APPROVED BY WHITEFISH CITY COUNCIL
APRIL 21, 2003

1. That the development of the subdivision shall be in substantial conformance with the approved preliminary plat that shall govern the general location of the lots and roadways.

2. That the improvements (water, sewer, roads, street lights, sidewalks, driveways, etc.) within the subdivision shall be designed by a licensed engineer and constructed in accordance with the City of Whitefish's design and construction standards and the Whitefish Subdivision Regulations. Prior to any construction, the City of Whitefish Public Works Department shall approve the design and construction of the improvements.

3. All roads and road right-of-ways within the subdivision, and including 30' along the west edge of the property, shall be dedicated to the City and open to public use.

4. The applicant shall pave the temporary cul-de-sac.

5. The following notes shall be placed on the face of the plat stating:

   - At the time of the building permit, Lot 10 shall provide a paved driveway through the road right-of-way to the temporary cul-de-sac.
   - The City reserves the right at any time to allow for and/or construct a street within the right-of-ways dedicated on this plat.
   - All lots except lots 9A and 9B shall be single-family lots.

6. The developer shall waive protest to the future creation to an SID for curb and gutter on Dakota Avenue.

7. The applicant shall provide cash-in-lieu of sidewalk for the Dakota Avenue frontage. The cash amount will approximate that amount need to construct sidewalks along the Dakota Avenue frontage and will be estimated by the Public Works Director.

8. That a Certificate of Subdivision Approval be obtained from the Department of Environmental Quality and written approval by the Whitefish Public Works Department approving the water and sewage treatment facilities for the subdivision.

9. Parkland cash-in-lieu dedication is $11,450.00

10. The applicant shall submit a site specific drainage plan that shows where runoff water from the developed site(s) will flow, i.e. to which drainage areas and to which detention ponds. The applicant will also submit a site specific erosion and sediment control plan for construction activities which is to be approved by the Whitefish Public Works Department and implemented prior to any earth moving.

11. All areas disturbed because of road and utility construction shall be re-seeded as soon as practical to inhibit erosion and spread of noxious weeds.

12. The Fire Marshal shall approve the placement and design of all fire hydrants prior to their installation.

13. That a note shall be placed on the face of the final plat requiring house numbers be posted on the house in a clearly visible location. This note shall appear on the face of the plat.

14. A note shall be placed on the face of the plat stating, "All garbage containers be stored in a bear proof storage area, such as a closed garage, until the day of pick-up."

15. The applicant shall provide written approval for mail delivery from the USPS in Whitefish.

16. That the preliminary plat is valid for a period of three years from the date of approval.

17. The boundaries of the properties shall be addressed to ascertain their true location.

18. An appraisal of the vacant land is required to determine cash-in-lieu for parkland.

19. The duplex on lot 7 shall be converted to a single-family house.

20. The applicant is required to consult with the Department of Fish, Wildlife and Parks to find a solution to mitigate the pheasant nesting area and provide follow up.

June 9, 2020

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

RE: Kelly and Courtney Laabs

Dear Council:

I represent Kelly and Courtney Laabs. My clients own 777 Dakota Avenue (Lot 1 of Subdivision No. 195) and four lots in the adjacent Dakota Meadows subdivision. My clients applied for approval of a boundary line adjustment but the Planning Department, by its letter of May 15, 2020, denied their submittal because "the proposed method of disposition is adopted for the purpose of evading subdivision review and requirements." The Department's conclusion was based on the following factors:

1. The lot lines being adjusted are between two platted subdivisions, which neither § 76-3-207, MCA, nor WCC § 12-7-3 provide an explicit exemption for.

2. The proposed amended plat includes more than a common boundary line adjustment under § 12-7-5-B-2 by creating new lots within an adjoining subdivision and expands the small residential lots within a platted subdivision to create larger tracts that could be further subdivided without respect to future infrastructure requirements.

3. The resulting lots are inconsistent with the approved subdivision of Dakota Meadows and the uses in it, as well as the protective covenants adopted with that subdivision.

4. My clients previously brought a major subdivision proposal to the City.

Invalid Determination

The Whitefish City Code sets forth a clear procedure for determining if a claimed exemption is an attempt to evade subdivision review, yet the City did not follow its own procedure. Per section 17-2-7-4-A, the Planning Department can review the survey only for

compliance with zoning regulations and applicable development standards – it cannot make a determination on whether the claimed exemption is an attempt to evade subdivision review as the Planning Director did in this case. If, as here, there are no zoning or survey discrepancies, the affidavit shall be signed by the Planning Director and submitted to the Flathead County clerk and recorder for this review and determination. (WCC § 12-2-7-4-B) If the county clerk makes no determination on evasion, the survey is eligible for recording. (WCC § 12-2-7-4-D) If the county clerk determines that the claimed exemption may constitute an evasion, s/he must state "the reasons leading to such a determination" and then – and only then – may the Planning Department assess the exemption application for evasion. (WCC § 12-2-7-4-C)

Here, despite the fact that the Planning Director determined no zoning or survey issues existed with my client's application, he denied it on improper grounds, citing only to an evasion analysis that he was not authorized to conduct at that time. This improperly prevented the affidavit from being signed and submitted to the county clerk for the proper determination per the city code.

The City exceeded its jurisdiction by conducting an evasion analysis *before* the county even considered my clients' application. The county then made no findings of the reasons leading to the determination and therefore there is nothing for the Planning Department to review. The county stated that its determination of evasion was based on the findings of the Planning Director's letter of May 22, 2020, however, since the Planning Department was not authorized to make that determination, it remains an unlawful basis for the county's denial and thus an invalid determination.

In sum, it's our position that the Planning Department's position as set forth in its letter of May 22, 2020, is unlawful and an invalid basis upon which to find that my clients are attempting to evade subdivision review.

Evasion Criteria

WCC § 12-7-5 provides criteria for the City to consider in determining whether a claimed exemption is made for the purpose of evading subdivision review:

> A. Determination Of Exemption: In determining whether an exemption is claimed for the purpose of evading subdivision review under these regulations, the council shall take into consideration all of the surrounding circumstances which may include, but are not limited to, the prior history of the particular property proposed for the exemption, the proposed configuration of the parcels to determine if the proposed exempt transactions display any pattern of development by use of exempt land divisions or any other circumstances which would result in the apparent creation of a subdivision without review.
>
> 1. Pattern Of Development: In considering the proposed land exemption for the creation of a division of land or multiple

divisions of land by use of or proposed use of an exemption for a pattern of development, the following circumstances shall be considered:

a. Original Tract Less Than Twenty Acres: It may be concluded a pattern of development may occur whenever more than three (3) parcels which includes two (2) exempt parcels and a remaining parcel are divided from the original tract of less than twenty (20) acres, regardless of ownership, by use of an exemption from subdivision review;

b. Original Tract Twenty Acres Or More: It may be concluded that a pattern of development may occur whenever more than four (4) parcels under twenty (20) acres which includes three (3) exempt parcels and a remaining parcel are divided from the original tract of twenty (20) acres or more, regardless of ownership, by use of an exemption from subdivision review;

c. Pattern Of Development Evidenced: It may be concluded a pattern of development is evidenced when the use of an exemption(s) contiguous to platted lots where common roads are shared or the exempted tracts have similar shape or size to the platted lots, or the exempted tracts are being created by the same landowner who created the platted lots.

The Planning Department provided no analysis under this criteria. If it had, it would find that the criteria for evasion is not met. The prior history of Lot 1 of Subdivision No. 195 provides no evidence that my client is attempting to evade subdivision review. There is also no "pattern of development" as defined by the City Code because the proposed exemption is not a "creation of a division of land or multiple divisions of land" and the specific circumstances set forth in § 12-7-5-A-1(a) – (c) are not present.

The Planning Department further analyzed the wrong criteria in its second bullet point which referenced § 12-7-5-B-2. That section, which is different than the exemption language under § 12-7-3-A-4, is vaguely entitled "Relocation of Common Boundary Lines" but is specifically limited to "boundary lines between adjoining properties outside of a platted subdivision," which is not the circumstances presented by my client's application. (WCC § 12-7-5-B) Also, the Planning Department expressed concern over further subdivisions but Lot 1 of Subdivision No. 195 has a deed restriction prohibiting any further subdivisions.

Instead, the proper section is 12-7-5-E which is entitled "Relocation of Common Boundaries Involving Platted Subdivisions" and involves "the relocation of a common boundary between a single lot in a platted subdivision and adjoining land outside a platted subdivision." The term "adjoining land" is undefined and therefore would include both platted and un-platted land. Unlike the similar language in the exemption in § 12-7-3-A-5 to the subdivision review,

the criteria under 12-7-5-E is not limited to "divisions" of land. Under § 12-7-5-E, "the relocation of a common boundary between a single lot in a platted subdivision and adjoining land outside a platted subdivision are permitted without review and is exempt from subdivision review." Only if the adjustment redesigns six or more lots will it be subject to review, which is not the case here. (WCC § 12-7-5-E-1) Therefore, my client's application is not subject to review. Also, an application may be presumed to have been submitted for the purpose of evading the MSPA if the proposed use is inconsistent with the approved subdivision or does not comply with existing covenants. (*Id.*, § 12-7-5-E-2, 3) The proposed use is residential, which is consistent between both subdivisions, and the Planning Department failed to identify any inconsistency in use. Dakota Meadows does not have restrictive covenants and the Planning Department incorrectly stated there would be an inconsistency with the protective covenants adopted by Dakota Meadows. Even if Dakota Meadows had restrictive covenants, § 76-3-207(1)(e), MCA, provides that those would control so there could be no inconsistency of use as a matter of law.

Based on the evaluation criteria set forth in the Whitefish City Code, my client's application is exempt from subdivision review and is permitted. Even under the City's evasion criteria, the City has failed to identify any evidence that would suggest that my client is attempting to evade subdivision review.

The Planning Department's denial letter further lists its interpretation of § 76-3-207, MCA as a "factor" considered in its decision to find my client was evading subdivision review. Whether a particular statute applies to a set of circumstances is a question of law. Either my client has a right to proceed under the statute or not. However, the Planning Department's interpretation of the Montana Code is not evidence of my client's intentions, nor is the City's interpretation a lawful factor to consider because it is not part of the evasion criteria adopted in the city code. (WCC § 12-7-5-A)

Moreover, the Planning Department's interpretation of § 76-3-207, MCA and § 12-7-3, WCC is incorrect. My client's proposal fits squarely within the exemption for the "relocation of common boundaries of five or fewer lots within a platted subdivision" because it proposes to relocate the common boundaries of four lots in the Dakota Meadows subdivision, or alternatively it seeks to relocate one boundary in Subdivision No. 195. The Department's interpretation that the exemptions must explicitly state "within two platted subdivisions" is improper because it would require a court to insert language which does not exist. Statutory interpretation has to be reasonable and give effect to the entire Act, which provides exemptions for relocations of boundary lines outside of platted subdivisions (subsection 1), within platted subdivisions (subsection 4), and both inside and outside of a platted subdivision (subsection 5). The proposal fits under subsection 4 because it seeks to adjust the common boundary of the lines within Dakota Meadows and falls under subsection 5 because Lot 1 of Subdivision 195 is outside of Dakota Meadows and vice versa. It would be unreasonable to exempt a boundary line adjustment in every conceivable scenario but then not exempt an adjustment between two platted residential subdivisions.

The Planning Department's interpretation is also inconsistent with the City's Code which interprets the exemption under § 12-7-3-A-5 as the relocation of a common boundary between a

lot in a platted subdivision and adjoining land outside a platted subdivision, without any limitation that the land outside of the platted subdivision has to be unplatted. It's also inconsistent with how the City and Flathead County has been treating similar situations. For years, Flathead County has been approving boundary line adjustments between two platted subdivisions. *See, e.g.,* Plat File #9-2-25 (Rec. 8834112010), 20140022 (Rec. 201400010048), and 9-3-30 (Rec. 9620811510). In fact, some of those have occurred in the City of Whitefish and received approval from the Planning Department. *See, e.g.,* Plat File #1-9-49 (Rec. 201300018543). The City's prior approval of similarly situated applicants but denial of my clients' application results in a denial of equal protection.

For the reasons stated above, my clients request that the Council reverse the Planning Department's finding of evasion and approve its application for a boundary line adjustment as exempt from subdivision review.

Very truly yours,

Sean S. Frampton
Frampton Purdy Law Firm

c: City Attorney
SSF/kks

June 5th, 2020

WHITEFISH CITY COUNCIL
418 East Second Street, PO Box 158
Whitefish, MT 59937
(406) 863-2410 Fax (406) 863-2409

Dear Council,

My Husband, Kelly, and I, own 777 Dakota Avenue (Lot 1 of Subdivision No. 195) and four lots in the adjacent Dakota Meadows subdivision. We would like to take this opportunity to discuss our plan and present additional evidence to show that we are not trying to evade subdivision review.

Our desire is and has always been to create a permanent home in Whitefish for us to enjoy and to share with my sister and her family. My husband and I have two daughters, Parker (3) and Quinn (1). Kelly is a native Montanan and I moved to Whitefish over 10 years ago. We support many Whitefish and surrounding Flathead organizations and we both work full-time here in the Valley. From 2012 to 2016, we have lived at 429 Marina Crest Lane and fell in love with this neighborhood. Since that time, we built and sold a house elsewhere in Whitefish but always desired to be back in a neighborhood family environment after having our two children. When Kelly heard that there was an opportunity to purchase 777 Dakota Avenue, we became very excited about building our forever home on this lot. Furthermore, my sister and her family are moving to Montana in the spring next year and will be a great addition to the community. My lifelong dream of building a house next to my sister was in our sights, and we thought it would be a great piece of property to do so. We are not developers and are not looking to profit off the extensive parceling of this land. We are simply trying to appropriately share this parcel with family so our children (who are obviously cousins) can grow up as neighbors and enjoy the many joys this neighborhood and area can provide.

Throughout this whole process, we have consulted with local professionals such as Bruce Boody, TD&H Engineering, and Montana Land Surveying. All have been resoundingly in favor of what we were doing and expressed no concern. Our first step was to meet with the Planning Department to discuss possibility of a boundary line adjustment. The Planning Department told us we *had* to apply for subdivision approval. We are not developers and we did not wish to enter the subdivision process. We submitted for subdivision approval because the City indicated we had to, but when we attended the site review meeting, we realized that we were *not* obligated to do a subdivision application because we met the BLA exemption. All of our consultants, including attorneys, as well as our investigation with the plat room personnel indicated that it was a "no brainer" that our proposal was exempt from subdivision review. It's simply unfair that the Planning Department is using our subdivision application as evidence of evasion when our intent was to apply for an exemption and then were told we had to apply for subdivision approval. We took the Planning Department's remarks as gospel and then, only *after* we looked into it further did we discovery the BLA propriety, which is why we then moved to that stage. And, as sign of good faith, when City raised a BLA issue, we re-submitted addressing it.

We appreciate your consideration and attention to this matter.

Kind Regards,

Courtney Laabs
156 Wild Rose Lane
Whitefish, MT 59937

June 5th, 2020

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

Dear Mr. Taylor,

We would formally like to request a City Council hearing to determine whether or not our our boundary line adjustment ("BLA") proposal, entitled "Second Submittal of Boundary Line Adjustment Request for 777 Dakota Avenue", submitted via Rick Swan, is exempt from subdivision review. We received the denial letter from David Taylor on May 15th. Enclosed with this letter is the required $200 Fee.

We would like this added to the Council agenda on June 15th for the following reason: Thirty (30) days after the date of this request falls on July 4th, and if it were to be pushed out the July 6th City Council meeting, that would be 32 days after today (June 5th, 2020). If it were to be pushed out to the Council meeting on July 6th, this would fall outside of the requited 30 days to approve or deny our request per section 12-7-4-E of Whitefish City Code.

We appreciate your consideration and attention to this matter. Please confirm receipt.

Kind Regards,

Courtney Laabs
406.890.8194

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

May 15, 2020

Richard Swan
TD&H Engineering
450 Corporate Drive, Suite 101
Kalispell, MT 59901

Re: Second Submittal of Boundary Line Adjustment Request for 777 Dakota Avenue

Dear Mr. Swan:

This letter is in response to your revised request for a boundary line adjustment exemption for Lots 7,8,9 and 10 of Dakota Meadows and Lot 1 of Subdivision No. 195 in Section 25, T31N, R22W, P.M.M., Flathead County, Montana. Pursuant to MCA 76-3-207, the requested boundary line adjustment is **denied** due to the fact that the proposed method of disposition is adopted for the purpose of evading subdivision review and requirements. Items that factor in the decision for denial include:

- The lot lines being adjusted are between two platted subdivisions, which neither MCA 76-3-207 nor section 12-7-3 of the Whitefish City Code provide an explicit exemption for.

- The proposed amended plat includes more than a 'common boundary line' adjustment. Per 12-7-5-B-2, the proper use of the exemption for relocating common boundary lines is to 'establish a new boundary between adjoining parcels of land…' This does more than establish a new boundary between two adjoining parcels, it also removes common boundary lines within one platted subdivision to create new lots within a lot in an adjoining subdivision. It also expands small residential lots within a platted subdivision to create larger tracts that go outside that subdivision that could be further subdivided without respect for future infrastructure requirements.

- The resulting lots are inconsistent with the approved subdivision of Dakota Meadows and the uses in it, as well as the protective covenants adopted with that subdivision.

- Prior to this Boundary Line Adjustment request, a major subdivision proposal for this property was brought to the City Site Review Committee, and the proponents appeared put off by the subdivision requirements of road and sidewalk improvements and the affordable housing requirements of the City's Legacy Homes Program for

deed restrictions or cash-in-lieu. This Boundary Line Adjustment application was then later submitted with a similar layout, indicating this application is an attempt to evade the subdivision requirements.

Per 12-7-3-B of the Whitefish City Code, you can request a hearing before the City Council to determine whether or not your proposal is exempt from subdivision review and requirements for a $200 fee. If you wish to pursue that route, let us know in writing within 30 days of the date of this letter and remit the required fee and we will schedule it for a future City Council meeting per the provisions of 12-7-4-E of the Whitefish City Code.

Sincerely,

David Taylor, AICP
Director of Planning & Building

CC: Flathead County Clerk and Recorder's Office

Flathead County Clerk and Recorder's Office

800 S. Main St◆ Room 114 ◆ Kalispell MT 59901 ◆ (406) 758-5526

Memorandum

To:	TD&H Engineering	Attention: Douglas Peppmeier; Richard Swan
CC:	City of Whitefish	Attention: David Taylor
	Clerk and Recorder	Debbie Pierson
From:	Sheena Sterling, Plat Room/Recording Supervisor	
Date:	05/29/2020	
Re:	Amended Plat of Lots 7, 8, 9, & 10, Dakota Meadows and Lot 1, Subdivision No. 195	

Dears Sirs:

The Flathead County Plat Room has reviewed the plat of: Amended Plat of Lots 7, 8, 9, & 10, Dakota Meadows and Lot 1, Subdivision No. 195 and determined it to be an evasion of subdivision review based upon the findings of The City of Whitefish provided on May 22, 2020.

The City of Whitefish provided the attached letter denying the approval of: Amended Plat of Lots 7, 8, 9, & 10, Dakota Meadows and Lot 1, Subdivision No. 195 submitted by TD&H Engineering. The Flathead County Plat Room upholds this denial and will consider re-review if approval from the Whitefish City Council is obtained.

Sincerely,

Sheena Sterling
Sheena Sterling

City of Whitefish
Planning & Building Department
PO Box 158
418 E 2nd Street
Whitefish, MT 59937
Phone: 406-863-2410 Fax: 406-863-2409

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

SUBDIVISION EXEMPTION APPLICATION

FEE ATTACHED $ $50.00
(See current fee schedule)

INSTRUCTIONS:

☐ Submit the application fee, completed application and appropriate attachments to the Whitefish Planning & Building Department.

☐ Once approved, Planning staff will forward the original letter to the Surveyor on the application unless directed otherwise.

A. LEGAL DESCRIPTION OF PROPERTY: Street Address 777 Dakota Avenue

Assessor's Tract No.(s) 0836500, 0502799, 0502802,050803,0502804 Lot No(s) 7, 8, 9 & 10 and Lot 1

Block # _____ Subdivision Name Dakota Meadows / Subdivision No. 195

1/4 Sec NW Section 25 Township 31 N Range 22 W

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.

Joseph R. Gregory
Owner's Signature[1]

5/11/2020
Date

Majestic Hills, LLC
Print Name

Richard J. Swan
Applicant's Signature

05/11/2020
Date

Richard J. Swan - TD&H Engineering
Print Name

Representative's Signature

Date

Print Name

[1] 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

APPLICATION CONTENTS:

Attached

X Certificate of Survey (showing as-built information for any existing structures, eaves and access; clearly showing the old and new boundaries)

X Vicinity Map

N/A Municipal Facilities Exclusion, if within the city's service area

X Signed Affidavit (attached)

B. OWNER(S) OF RECORD:

Name: _____ Phone: (423) 793-0120

Mailing Address: 620 Shelby Street

City, State, Zip: Bristol, TN 37620

Email: jgregory@jrgregory.com

TECHNICAL/PROFESSIONAL:

Name: Richard J. Swan - TD&H Engineering Phone: 406.751.5246

Mailing Address: 450 Corporate Drive, Suite 101

City, State, Zip: Kalispell, MT 59901

Email: rick.swan@tdhengineering.com

C. TYPE OF EXEMPTION SOUGHT:

☐ Gift or Sale to a Member of the Immediate Family [76-3-207(1)(b)]: Complete Section D.

☐ Relocation of Common Boundary [76-3-207(1)(a), (1)(d)]: Complete Section E.

☐ Agricultural Purposes [76-3-207(1)(c)]: Complete Section F.

☐ Other: _____: Complete Section G.

D. FAMILY TRANSFER SUBMITTAL REQUIREMENTS:

☐ Zoning Classification: _____

☐ Name of Grantee: _____

☐ Relationship to Grantor: _____

☐ Parcel to be Conveyed Under this Exemption: _____

☐ Has the Grantor Used a Family Transfer in Flathead County? (Yes/No): _____

- If Yes, include date, name, exemption used and Certificate of Survey:

_____

☐ How will access be provided to the parcel being created:

_____

☐ How will utilities be provided:

_____

E. BOUNDARY LINE ADJUSTMENT SUBMITTAL REQUIREMENTS:

- ☐ Zoning Classification: WR-2
- ☐ Minimum Lot Size Required in Zone: 6,000 square feet
- ☐ Number of Lots Affected: 5
- ☐ Gross Area of Lots Before and After the Lot Line Relocation:
  10.444 ACRES
- ☐ Will access to the lots change? If so, describe:
  NO
- ☐ How will utilities be provided:
  CITY OF WHITEFISH - UTILITIES ARE IN PLACE

F. AGRICULTURAL PURPOSES SUBMITTAL REQUIREMENTS:

- ☐ Zoning Classification: _____
- ☐ Will this Parcel or any Remainder be Transferred to Someone Else? _____
  - o If Yes, describe: _____
- ☐ Parcel to be Conveyed Under this Exemption: _____
- ☐ Copy of signed covenant, revocable only by mutual consent of the governing body and the property owner, indicating land will only be used for agricultural purposes. Such covenant shall be signed by property owner, buyer (if there is a purchaser) and governing body and recorded by the Certificate of Survey.
- ☐ How will access be provided to the parcel being created:
  _____

G. OTHER EXEMPTION REQUESTS:

- ☐ Identify the applicable MCA: _____
- ☐ Describe the purpose of the exemption:
  _____
- ☐ Are any required notes on the face of the COS? _____
  - o If Yes, describe: _____

City of Whitefish
Planning & Building Department
PO Box 158
Whitefish, MT 59937

Subdivision Exemption Affidavit

Date: _____

Flathead County Plat Room
800 South Main Street
Kalispell, MT 59901

The City of Whitefish has checked the survey described below and has found it to be in compliance with applicable zoning and subdivision regulations.

Surveyor: Richard J. Swan - TD&H Engineering

Owner: Majestic Hills, LLC

Survey: Section 25 Township 31 N Range 22 W

Purpose: Boundary Line Adjustment

The City is also requesting your review of this survey for compliance with established subdivision evasion criteria. Please notify our office if there are any issues related to this survey – including any changes or if you have any questions.

Sincerely,

City of Whitefish
Planning Department

It is hereby understood that this Affidavit seeks approval of the use of an exemption to subdivision review. It is also understood that approval of the use of the exemption is not approval under zoning, health, floodplain or other applicable regulations.

Under penalties of perjury, I / We declare that we have examined this form, including the accompanying Certificate of Survey, and to the best of our knowledge and belief, it is true, correct and complete and is in compliance with all Montana State laws and City of Whitefish ordinances and resolutions and the purpose of the survey for that which is stated.

Joseph R. Gregory — 5/11/2020
Owner(s) – all must sign the application (Date)

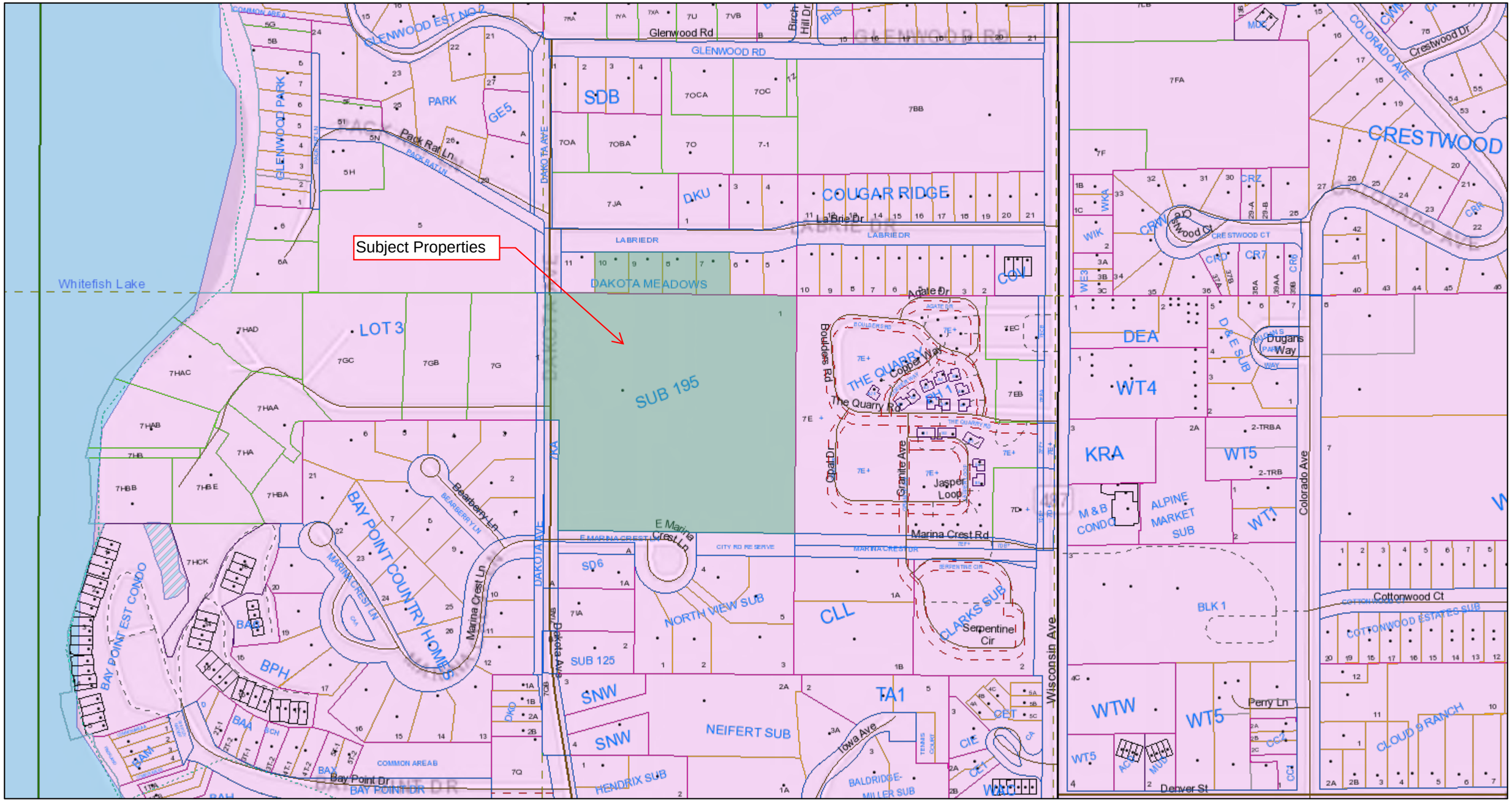
Majestic Hills, LLC
Please Print Name

Owner(s) – all must sign the application (Date)

Please Print Name

Revised 8-14-17

Flathead County Map



4/24/2020, 9:32:44 AM

1:4,514

0 0.04 0.07 0.15 mi

0 0.05 0.1 0.2 km

Flathead County, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

- Parcels
- Misc
- Tract Land
- Condo
- Lot
- Imp
- Bbook_Lines
- CondoBdy
- Subdivbdy

Roads_With_Assrno
- HIGHWAY

- ALLEY; ROAD
- RAILROAD

ROW_No_Assrno
- HIGHWAY
- ALLEY; ROAD
- RAILROAD

- Hydro_Outline_Assrno
- Hydro_Outline_NoAssrno
- BPA Transmission Line
- Section

Administrative Tract Line
- ABDRD
- ABDRXR
- EASEMENT
- IRRIGATION_DITCH
- LEASEDLOT
- MEANDER
- PLACER SURVEY
- QSECTION
- RESERVATIONBDRY
- RIVER
- RUNWAY
- SLOUGH
- UNREC_SUB_LOT
- Property Address

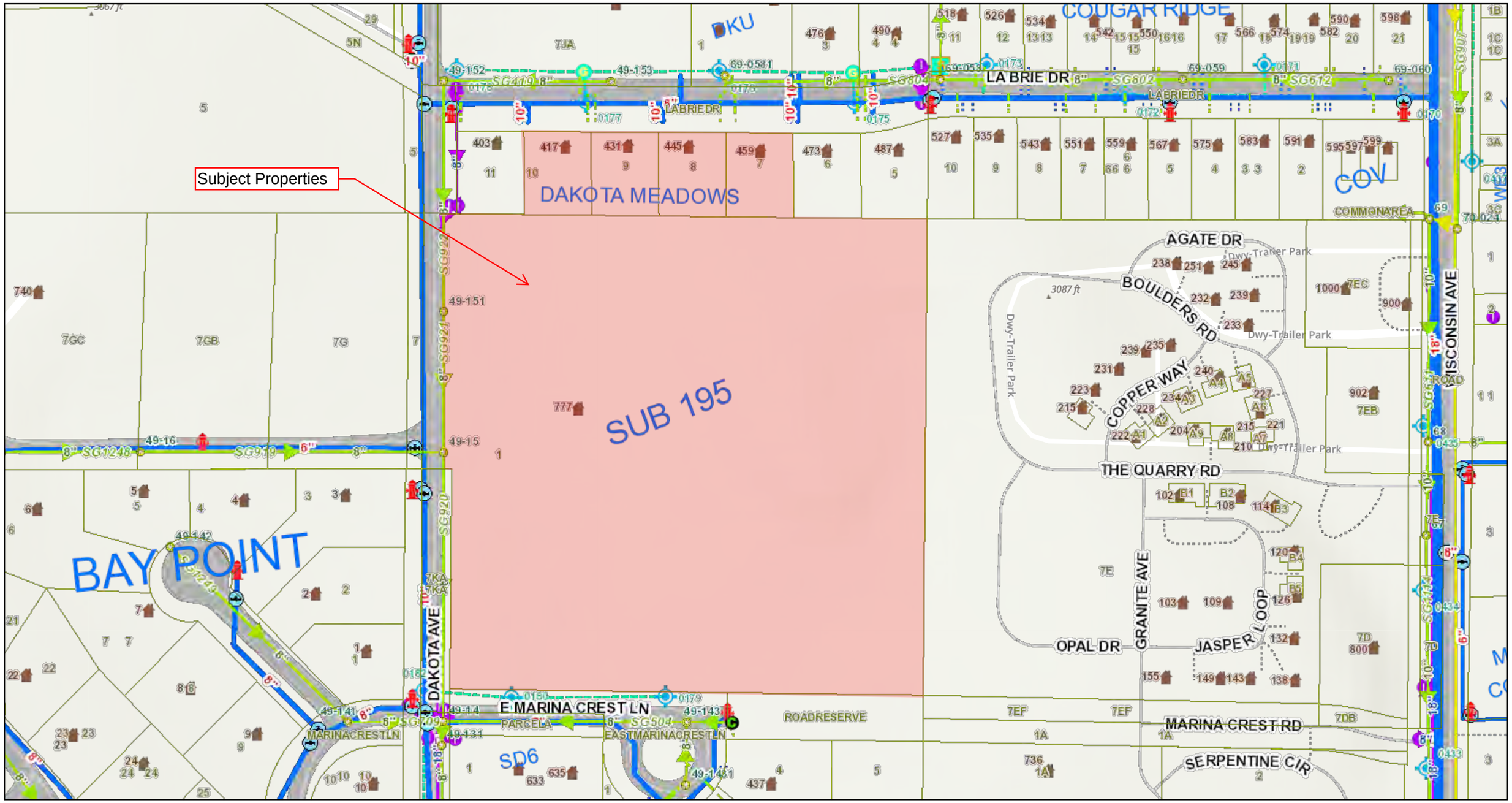
Adjacent County Highways
- US Highway
- State or Secondary Highway

- All Roads
- Driveways or Alleys
- Forest Service Roads
- Unnamed Roads

Road Classifications
- Arterial Road

Flathead County
U.S. Department of Agriculture Farm Services Agency Aerial Photography Field Office. | Flathead County |

City of Whitefish Utilities



4/24/2020, 9:40:18 AM

1:2,257

0 0.02 0.04 0.07 mi

0 0.03 0.06 0.11 km

CityLimits
ParcelPolygons
Address

Street Pavement
<all other values>
Bridge Deck
UNPAVED

Public Streets
<all other values>
ALLEY; DWY
Electrical Connections

Electrical Points
Service
Antenna

Ground Box
Pedestal
Streetlights
Signals
Storm Detention Areas
Stormwater Pressure Mains

Storm Open Drains
Storm Gravity Main
Storm Culverts
Storm Discharge Points
Stormwater Weirs
Storm Clean Outs

Storm Manholes
Storm Inlets

Storm Network Structures
Discharge Structure
Stormwater Treatment Device
Water Structures
Water Lateral Lines

Water Mains Private
1"; 1 1/2"; 2"
4"; 6"; 3"
8"; 10"; 12"

Water Mains
<all other values>
1"; 1 1/2"; 2"
4"; 6"
8"; 10"
12"; 14"; 16"
18"; 20"; 24"
Water Casings
Raw Water

Water Network Structures
Other
Well
Meter Well

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Flathead County GIS, City of Whitefish, Sources: Esri, HERE, Garmin, FAO,

City of Whitefish GIS
City of Whitefish

OWNER: MAJESTIC HILLS, LLC

BY: TD&H ENGINEERING
450 CORPORATE DRIVE - SUITE #101
KALISPELL, MT. 59901
PHONE: (406) 751-5246

DATE: APRIL, 2020

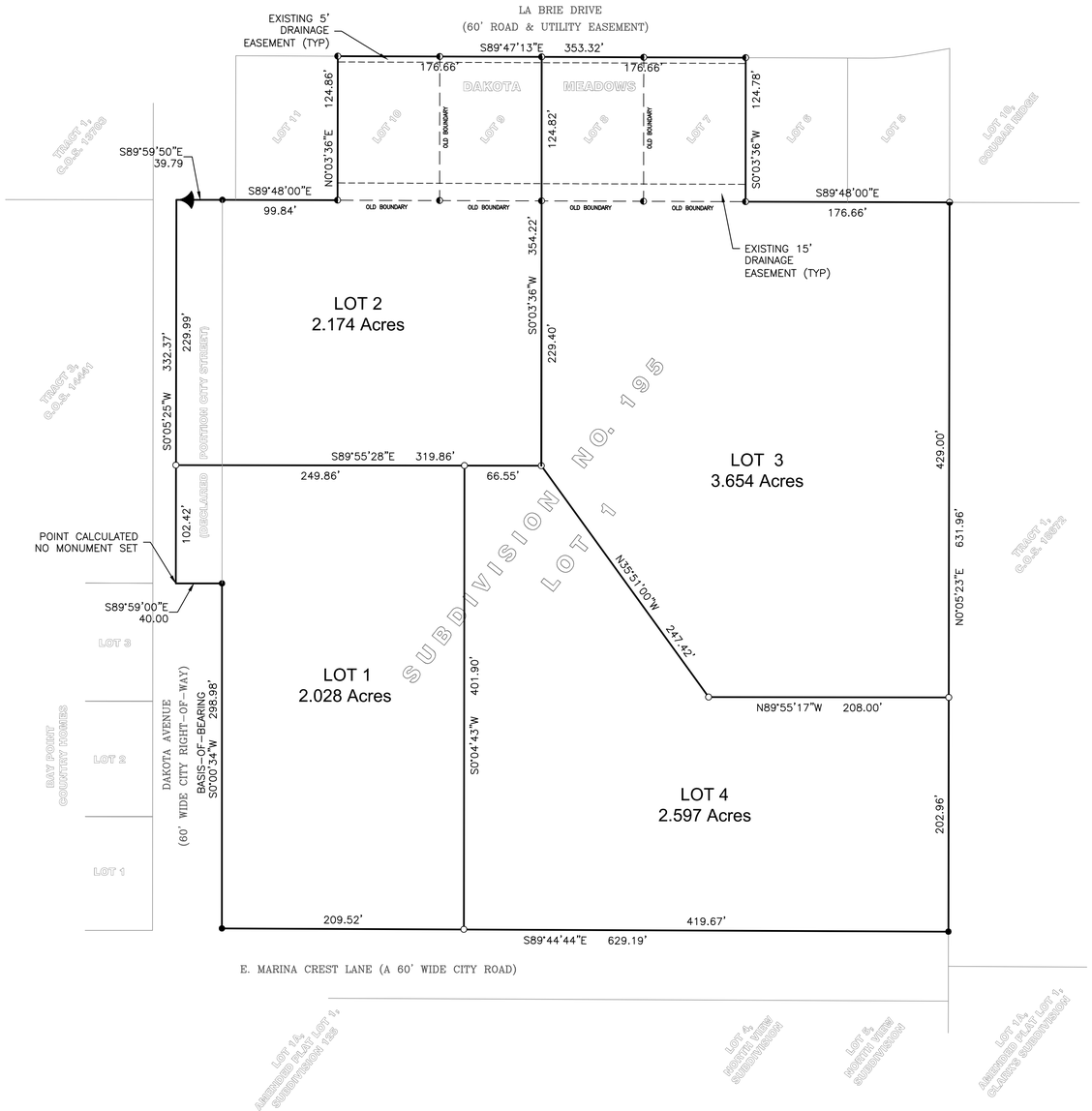
PURPOSE: RELOCATION OF COMMON BOUNDARIES
ROAD & UTILITY DEDICATION

AMENDED PLAT OF

LOTS 7, 8, 9, & 10, DAKOTA MEADOWS AND LOT1, SUBDIVISION No. 195

LOCATED IN THE NW 1/4 OF SECTION 25, TOWNSHIP 31
NORTH, RANGE 22 WEST, P.M.M., CITY OF WHITEFISH,
FLATHEAD COUNTY, MONTANA.

SEC. 25



CERTIFICATE OF DEDICATION

I(We), the undersigned property owner(s), do hereby certify that I(we) have caused to be surveyed and platted into lots as shown by the plat and certificate of survey hereunto the following described tract of land, to wit:

A tract of land located in the Northwest quarter of Section 25, Township 31 North, Range 22 West, P.M.,M., City of Whitefish, Flathead County, Montana, being more particularly described as follows:

Lots 7, 8, 9, & 10, Dakota Meadows, and Lot 1, Subdivision No. 195 according to the maps or plats thereof on file at the Office of the Clerk and Recorder of Flathead County, Montana.

The above described tract of land is to be known and designated as AMENDED PLAT OF LOTS 7, 8, 9, & 10, DAKOTA MEADOWS AND LOT 1, SUBDIVISION No. 195, and containing 10.446 acres.

I(We), the undersigned property owner(s), hereby certify that the purpose for this division of land is the relocation of common boundaries for five or fewer lots within a platted subdivision and no additional lots were created; therefore, this division of land is exempt from review as a subdivision pursuant to Section 76-3-207(1)(d), MCA.

I(We) further certify that this division of land is exempt from sanitary review pursuant to Section 76-4-125 (1)(d) MCA. (Municipal Facilities Exclusion).

MAJESTIC HILLS, LLC

By: _____

State of _____)

County of _____) ss.

On this _____ day of _____, 202__ before me, the undersigned, a Notary for the State of _____ personally appeared _____, known to me to be the person(s) whose name(s) is(are) subscribed to this instrument, and acknowledged to me that they executed the same.

My commission expires _____

_____

_____

Notary Public for the State of _____

Residing at _____

LEGEND

- FOUND 1/16TH CORNER, DAMAGED REBAR
- FOUND 5/8" REBAR W/CAP MARKED BELSKI 14731
- FOUND 5/8" REBAR W/CAP MARKED HELPS 4739S
- FOUND 5/8" REBAR W/CAP MARKED SANDS 7579-S
- SET 5/8" REBAR W/CAP MARKED 9525 LS
- SUBJECT PROPERTY
- EXISTING PRIVATE ROAD AND UTILITY EASEMENT
- ADJACENT PROPERTY
- OLD BOUNDARY

0 60' 120' 180'
SCALE

CERTIFICATE OF SURVEYOR

_____
REGISTRATION NO. 9525 LS

APPROVED _____ ,20____

_____
EXAMINING LAND SURVEYOR REG. NO. _____

STATE OF MONTANA
COUNTY OF FLATHEAD SS

FILED ON THE _____ DAY OF _____, 20____

TIME: _____

_____
CLERK AND RECORDER

BY: _____
DEPUTY

RECEPTION NO. _____

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ORDINANCE NO. 20-___

An Ordinance of the City Council of the City of Whitefish, Montana, adding a new Chapter to Title 7 of the Whitefish City Code prohibiting the storage, placement, and maintenance of personal property in a manner that interferes with the use of public property.

WHEREAS, the City of Whitefish's property such as parks, streets, sidewalks, benches, and public gathering spaces are valuable amenities that are used and enjoyed by residents and visitors alike; and

WHEREAS, in recent years, individuals have used the City's property to store personal items such as duffle bags, suitcases, and garbage thus interfering with other's rights to access and use such public property; and

WHEREAS, the City has received numerous complaints from businesses, residents, and visitors about individuals storing personal items on public property; and

WHEREAS, given the current COVID-19 pandemic, it is in the best interests of the City, its residents, and its visitors to ensure that public property and spaces are kept sanitary and free from items that may spread the virus; and

WHEREAS, it is in the best interests of the City of Whitefish and its inhabitants to prohibit the storage, placement, and maintenance of personal property in a manner that interferes with the use of public property.

NOW, THEREFORE, be it ordained by the City Council of the City of Whitefish, Montana, as follows:

Section 1: A new Chapter is hereby added to Title 7 of the Whitefish City Code as set forth in Exhibit A attached hereto.

Section 2: If any section, subsection, sentence, clause, phrase, or word in this section is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this section.

Section 3: 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, ON THIS _____ DAY OF _____ 2020.

_____
John M. Muhlfeld, Mayor

ATTEST:

_____
Michelle Howke, City Clerk

EXHIBIT A

Whitefish City Code Title 7 – Public Ways and Property
Chapter 7 - Excessive Personal Property Interfering with the Use of Public Property

7-7-1: **PURPOSE:** Public areas should be accessible and available to residents and the public at large for their intended uses. The unauthorized use of public property for the storage of excessive personal property interferes with the rights of other members of the public to use public areas for their intended purposes, including those with accessibility issues, and can create a public health or safety hazard that adversely affects residential and commercial areas. The purpose of this chapter is to maintain public areas in a clean, sanitary, and accessible condition to prevent the misappropriation of public areas for personal use, and to promote the public health and safety by ensuring that public areas remain readily accessible for their intended uses.

7-7-2: **DEFINITIONS:** As used in this chapter, the terms are defined as follows:

EXCESSIVE:	More than what a reasonable person would carry with them for the enjoyment or use of the public property or an amount of property that will interfere with another's use of public property.
PERSON:	Any natural person or individual, group, business, business trust, company, corporation, partnership, entity, association, club, or organization composed of two or more individuals.
PERSONAL PROPERTY:	Any and all tangible things or property, including, without limitation, goods, materials, products, and merchandise or food of any kind.
PUBLIC PROPERTY:	That portion of any public area or public areas within the City that are owned, managed, controlled, or maintained by the City, including, without limitation, any park, parking lot, street, median strip, space, ground, building, structure, sidewalk, avenue, highway, curb, bikeway, or any right-of-way or other public way in the City, improved or unimproved.
STORE:	To put aside or accumulate for use when needed, or to put for safekeeping, and/or to place or leave or lay away in a location for preservation or later use or disposal, separate and apart from being carried, kept, or stored upon one's person.

7-7-2: **PROHIBITED CONDUCT:** It is unlawful for a person or persons to place, store, or maintain more personal property than is reasonable for the use of the public property and in a manner that:

A. Deprives another the use of the same property;

B. Creates a health or sanitation issue;

C. Creates an obstruction; or

D. Causes a public area to be uninviting to others.

7-7-3: **VIOLATION – PENALTY.** Any violation of the restrictions set forth in this section may be punished as a misdemeanor as provided in section 1-4-1 of this code. Any such violation may also be treated as a municipal infraction, and the person violating the restrictions set forth in this section may be assessed a civil penalty as provided in section 1-4-4 of this code. For each separate incident, the City will 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.

MEMORANDUM

To: Mayor John Muhlfeld

City Councilors

From: Bill Dial, Chief of Police

Re: Excessive Personal Property Ordinance

Date: June 30,2020

Introduction/History

Whitefish is a tourist destination and an extremely welcoming community. Our streets, sidewalks, public gathering areas and parks are to be used and enjoyed by all without interference from those who attempt to place their personal property in these areas. For years, benches along Central Avenue, City Beach, and various other areas which allow people to sit and enjoy Whitefish have been utilized by citizens and visitors. More recently the newly constructed pavilion in Depot Park has become a popular gathering area used to enjoy the park, picnic and relax. Unfortunately, there are those individuals who do not respect the rights of others and gather in those areas and deposit duffle bags, backpacks, suitcases, garbage, and other items which clutter the area making it inaccessible to others. These types of gatherings misappropriate public areas for personal use and affect businesses and residences. With the current pandemic and the uncertainty of how the Covid-19 virus spreads, it is in the best interest of everyone to assure that public areas are kept sanitary and free of items that could further spread the disease.

The City regularly receives complaints from merchants, businesses, citizens and visitors regarding the aforementioned issue.

Current Report

Currently there are no ordinances or state statute that specifically address the unauthorized use of public venues and makes enforcement challenging. The purpose of this ordinance is to ensure no one is deprived of the use of public property, that public health concerns are addressed, that no areas are obstructed, and to ensure that no one causes a public area to be uninviting to others.

Financial Requirements

None

Recommendation

Staff recommends adoption of this ordinance for the reasons stated in this report.

Respectfully,

Bill Dial

Chief of Police

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RESOLUTION NO. 20-__

A Resolution of the City Council of the City of Whitefish, Montana, requesting distribution of Bridge and Road Safety and Accountability Program Funds.

WHEREAS, the Bridge and Road Safety and Accountability Account created by HB 473 requires the Montana Department of Transportation to allocate accrued funds to cities, towns, counties, and consolidated city-county governments for construction, reconstruction, maintenance, and repair of rural roads, city or town streets and alleys, bridges, or roads and streets that the city, town, county, or consolidated city-county government has the responsibility to maintain; and

WHEREAS, a city, town, county, or consolidated city-county government that requests funds under the Bridge and Road Safety and Accountability Account must match each $20 requested with $1 of local government matching funds; and

WHEREAS, a city, town, county, or consolidated city-county government requesting distribution of allocated funds may make such a request to the Department of Transportation between March 1 and November 1 of the year the funds were allocated; and

WHEREA**S**, a description of the project to be funded is detailed in Appendix A; and

WHEREAS, the local match of 5% for the allocated funds has been budgeted from the Street Maintenance District Assessments.

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

Section 1: The City of Whitefish requests distribution of its share of the allocated Bridge and Road Safety and Accountability funds totaling $180,886.04 to be used for the projects identified in Appendix A.

Section 2: Dana Smith, the City Manager of the City of Whitefish, is hereby empowered and authorized to execute such further documents as may be necessary to facilitate the distribution of said funds.

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

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

_____
John M. Muhlfeld, Mayor

ATTEST:

_____
Michelle Howke, City Clerk

APPENDIX A

Project Description

The City of Whitefish will be dedicating FY20 BaRSAA funds to the Monegan Road Reconstruction Project which includes the reconstruction of Monegan Road between Voerman Road and JP Road. The road surface within the project limits was improved from gravel to paved. The project will consist of engineering design, basecourse preparation, asphalt pavement installation, pavement marking, and drainage system improvements.

Staff Report

To: Mayor Muhlfeld and City Council

From: Benjamin Dahlman, Finance Director

Date: June 30, 2020

Re: BaRSAA Distribution Resolution

Introduction/History

House Bill 473 was signed into law creating the Bridge and Road Safety and Accountability Act, or BaRSAA. The law provides for a graduated increase in the motor fuel tax, with a portion of collections (approximately $21 million by FY21) allocated to local governments. Local governments must contribute to all distributions from the BaRSAA account with a minimum 5% match.

BaRSAA funds can be used to pay for the construction, reconstruction, maintenance, and repair of roads, alleys, and bridges that cities or towns are responsible for maintaining. BaRSAA funds can be used to pay project costs incurred before an allocation is made, so long as the costs were incurred during the same fiscal year in which they are distributed. BaRSAA funds cannot be used for capital equipment purchases.

Once a local government is ready to begin a BaRSAA project, they may request distribution of the funds along with any eligible reserved funds from prior years. The City may place the funds into a restricted account to be used within five years of distribution.

A request for the distribution of funds must include:

a. the amount of funding sought (up to; but not exceeding, the amount allocated for that year and any prior years' reservations);
b. copy of an adopted resolution to request and accept the funding by the governing body, identifying the source of the matching funds for the distribution; and,
c. a description of the project or projects to be funded.

Current Report

The Public Works Department is using the BaRSAA funds for the reconstruction of Monegan Road. The project began in FY20, and City staff now needs to request another draw of the BaRSAA funds. Each draw requires a resolution to be approved prior to submittal. The attached resolution was created to accomplish this task. The overall project was budgeted to be funded with money from the Trailview Subdivision project, the City's Stormwater Fund, Streets Fund, Impact Fees Fund and the BaRSAA Fund.

Financial Requirement

The Monegan Road project has been completed.

For FY20, the BaRSAA gas tax allocation for the City of Whitefish is $180,886.04. In order to achieve the 5% match this year, a transfer of $9,044.30 will be required from the Streets Fund.

The City also contributed over $100,000 of City funds from the Stormwater Fund and $38,218.75 from the Impact Fees Fund for the project.

In addition; as a condition of approval for the Trailview Subdivision, the developer needs to contribute 21% or $80,259.38 of the Monegan Road Project due to its adjacency to the subdivision. The entire amount due has collected as of the date of this narrative.

A budget amendment for FY20 will be needed to cover the final costs of the project in the BaRSAA Fund. The budget amendment will include the additional support from the Streets Fund for the 5% match since only $7,350 was budgeted and to appropriate the higher expenditure costs of the project for the Trailview portion that was not completely budgeted.

Recommendation

Staff respectfully requests that the City Council approves the accompanying resolution requesting distribution of Bridge and Road Safety and Accountability Act Program funds.

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CITY MANAGER'S REPORT

July 1, 2020

COVID-19 PANDEMC UPDATE
As of the date of this report and after having gone two months with no new cases, Flathead County has reported over 20 new case of COVID-19 since June 13th. Furthermore, Flathead County has confirmed community spread within the Valley. We must continue to be vigilant in our efforts to prevent the spread in our community by washing and sanitizing frequently, practicing physical distancing of 6 feet, and wearing a mask in public, especially when social distancing of 6 feet cannot be maintained.

The Flathead Community Health Center is operating a COVID-19 testing site on Thursdays from 12:30 p.m. - 6:30 p.m. and Fridays from 7:00 a.m. - 12:00 p.m. in the Whitefish High School parking lot. This site is setup to test individuals who do not have symptoms of a respiratory illness and it is completely free! While is it designed for workers who interact with customers regularly, anyone who wants to be tested may do so. Availability is on a first come, first serve basis.

While many event organizers are canceling events throughout Montana, the City anticipates certain special events to continue this summer. As directed by the Governor, the City is requiring all special event organizers to work with the Flathead City-County Health Department to ensure their event has put into place all safety measures to meet the Governor's guidelines for Phase Two prior to the City's approval. The Health Department has noted that the turn-around for event reviews is about three days.

WWTP UPDATE FROM PUBLIC WORKS DIRECTOR WORKMAN
Swank is making excellent progress on the wastewater treatment plant. To date they have completed the mass excavation for the project including all of the grading for the reactor basins, Grit Building, Main Process Building and the Biosolids Treatment Basin. The Effluent Diffuser has been installed in the Whitefish River and was done so in compliance with the permits issued by Montana Fish, Wildlife, and Parks and the US Army Corps of Engineers. The Majority of the yard piping has been completed for the project including the new effluent line from the plant to the river and the 1,600 feet of non-potable water line from the plant to the screening building. This new non-potable line is one of the ways we will be recycling treated wastewater at the plant and will eliminate the use of more than four million gallons of potable water per month. The Retaining wall has been built along the Rocksund trail and the shared use path has been restored. Vertical construction is now well underway at the plant and reactor floor as well as several of the 25' tall reactor walls have been constructed.

The only significant change order encountered was due to unexpected soil conditions at the site. The foundation plan was designed based on several geotechnical borings which were advanced at the site. The borings revealed a suitable bearing sand layer approximately 26' – 30' below ground. A rammed aggregate pier foundation system was designed to reach this bearing sand layer. Unfortunately, during the early stages of the foundation work it was discovered that this bearing sand layer dives down significantly on the southern portion of the treatment plant pad. The RAP system could not be constructed to this depth and changes were required to obtain sufficient structural capacity for the reactor basins and part of the main process building. The solution involved a combination of poured concrete rigid inclusions and structural geofoam and resulted in $304,860 in additional cost.

To date, Swank has billed us for $4,847,147 with $15,362,668 remaining for a total contract amount of $20,209,816.

Photos courtesy of Randy Reynolds

DEPOT PARK PROJECT UPDATE FROM PUBLIC WORKS DIRECTOR WORKMAN

The City issued a Certificate of Substantial Completion to Knife River for the Depot Park Phase III Project on Thursday 6/25/2020. Central Avenue has been reopened and the first Farmers Market was held on the reconstructed roadway on 6/30/2020. This phase of the project included a plaza area with a planter and raised seating wall at the southwest corner of Depot Park, a variety of landscape features, improved lighting, bicycle and pedestrian amenities, and a completely reconstructed Central Avenue from Railway Street to Depot Street. The design also incorporated removable bollards to safely close Central Avenue for events. Although a few punch list items remain, such as the installation of a bus shelter, parking signage, and some minor landscape finishes, this milestone marks the completion of the Depot Park Masterplan, which was drafted in 2012 and updated in 2017. Residents, business owners, and visitors alike will enjoy the benefits of this successfully completed plan for generations to come.

WHITEFISH FIRE SERVICE AREA

On June 29, 2020, the Whitefish Fire Service Area, Fire Chief Page, and I mutually agreed to terminate the agreement for fire protection service as of June 30, 2021 and negotiate a new contract with a minimum of a two-year term. All parties agreed that the contract should not automatically renew for an additional one-year term beginning July 1, 2021, as written. The City is seeking an increase in the payment for service more than the 1.9% currently in the agreement. We will hold our next negotiating session in mid-July and hope to have a contract settled by the end of September.

OTHER ITEMS

City staff have been working diligently to update the current website. The updated website will allow increased accessibility and make notifications; alerts; reporting issues and paying bills easier. We are looking forward to enhanced community engagement and communication through this new web portal to the city.

City staff has also prepared the attached brochure to assist downtown employees with finding all day parking places as re-parking will be prohibited starting July 1, 2020.

NEXT COUNCIL MEETING
The next City Council meeting will be held on Monday, July 20th, in the City Council Chambers. A work session is tentatively schedule for the review of the draft Sustainable Tourism Master Plan.

Respectfully submitted,

Dana

Dana M. Smith, CPA
City Manager

DOWNTOWN PARKING Q&A

Q. *I work downtown, where can I park?*

A. There are many unrestricted parking options within walking distance of downtown.

Q. *Does Whitefish Provide lease parking?*

A. Whitefish provides leased parking in the Parking Facility located at the corner of East 1st Street and Baker Avenue. The Parking Facility provides 62 covered spaces on the 2nd Level, 75 uncovered spaces on the 3rd Level; leased by the month or year.

Parking Facility

Q. *Can I re-park my vehicle?*

A. Effective July 1, 2020, re-parking is prohibited.

Q. *What is re-parking?*

A. Re-parking is minimally shuffling the parking location of your vehicle to comply with time restrictions. As of July 1, 2020 you must move your parked vehicle at least "out of the block face" or parking lot before a posted time limit expires.

Q. *When can a vehicle return to the initial block face?*

A. Vehicles cannot return to the initial block face or parking lot sooner than two hours following expiration of the initial time period.

Q. *Why is re-parking prohibited?*

A. To ensure customers of downtown businesses can find convenient parking; encourage turnover of high-demand parking spaces; and discourage employees from shuffling their vehicles.

Q. Where does it apply?

A. The no re-parking applies to any public parking space with a time restriction.

Q. *How do I comply with no re-parking?*

A. Park in one of the many locations within a short walk of the downtown core where all-day parking is allowed.

Q. *Why would I want to park so far from my workplace?*

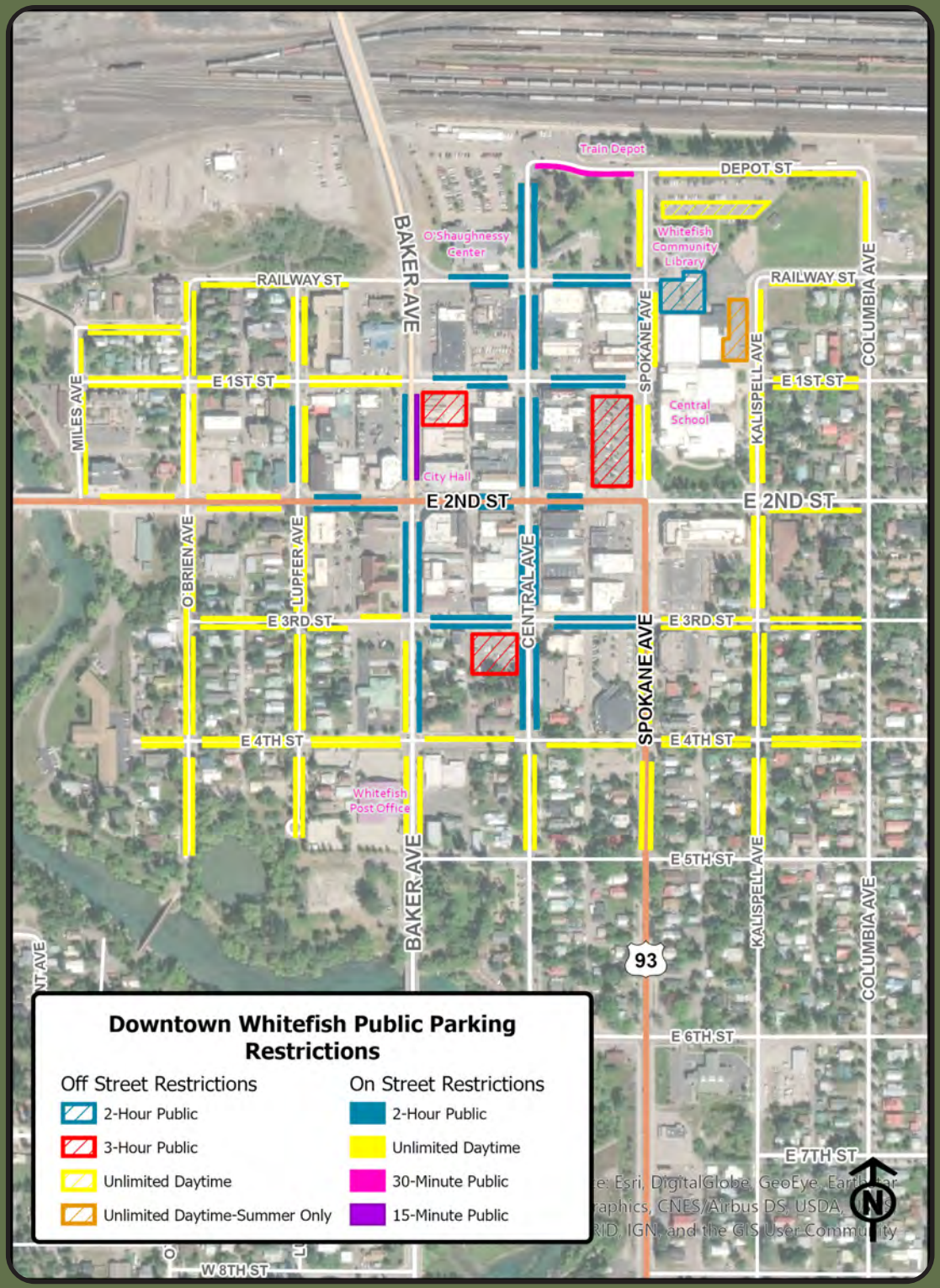
A. If you use an all-day parking space you can expect

- Less stress about enforcement
- No need to move your vehicle every 2-3 hours
- Better experience for our customers by improving parking availability.

Q. *Why does Whitefish not provide better parking for downtown employees?*

A. The city is working towards creating an employee parking permit program with input from a Parking Permit Implementation Committee. The permit program will debut in 2021.

City of Whitefish
418 East Second Street
Whitefish, MT 59937
406.863.2400
www.cityofwhitefish.org



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Possible Ideas/Solutions from Petitioners

June 16, 2020

Dear Whitefish City Council Members,

We are writing to petition for 3 removable speed bumps to be place on Lion Mountain Loop Road evenly spaced with the third bump placed where the pavement ends and joins the county gravel road. We would like the bumps during spring, summer, and fall. We would also like an officer present periodically to give tickets to speeders.

With the advent of the Whitefish Trails System, Lion Mountain Loop Road has seen a significant increase in traffic, speeding, and dust.In our opinion, people driving to the Trail should access the Trailhead off Hwy. 93 at the top since it requires a right-hand turn. Since it is not safe to enter Hwy. 93 at the top because it requires a left-hand turn, people using the Trail should come down Lion Mountain Loop Road to enter Hwy. 93 where it is safer. This would cut down on the traffic on Lion Mountain Loop Road. New signage would be required to indicate this.

Based on observation from people living on or close to and users of the Lion Mountain Loop Road it is safe to say that people do not observe the 25 mile an hour speed limit. In our opinion, 25 miles an hour may be too fast if there are bicyclists, pedestrians, dog-walkers, and children on the road. Tis is especially true if the cars are kicking up dust. Many drivers show little regard for others using the road even when asked to slow down. In fact, many speed up or flip you off.

In response to the dust, some residents participate in the Dust Program and pay for what the Program doesn't cover. While we appreciate the Dust Program we would like more help with the speeders. Thank you for your attention to this matter.

Sincerely,

Residents and Users of Lion Mountain Loop Road

Copies sent to: Flathead County Commissioners
Whitefish Police Chief Dial

Possible Ideas/Solutions from Petitioners

1. Speed Indicator

2. Safety Issue-lots of children in the area

3. 3-way permanent stop sign at Mountain Park Drive and Lion Mountain Loop Road

4. Signage for drivers to access the Trail off Hwy. 93 at the top near the Trailhead

5. Signage on Lion Mountain Loop Road to indicate access to Trailhead for bicyclists.

Name	Address	Phone
Suzanne Hitesman	2120 Lion Mtn. Lp. Rd. WF	862-5959
Marlene Denny	2115 Lion Mtn. Lp. Rd. WF	270-2244
Tod Lonergan	157 Stumptown Loop WF	(607) 320-1656
Lisa Lonergan	157 Stumptown Loop WF	970.570.8206
Becca Fredenberg	200 Beaver Way, Kalispell	805 754 4997
TK Hitesman	2120 Lion Mtn Lp Rd. WF	862-5959
MRes80	135 Labrador Ln WF	850-2307
WD MACLEAN	2140 LION MT LP RD	862-4600
DAN BROWN	1003 MOUNTAIN PARK RD	270-4847
Bianka Zandel	2130 Lion Mountain Loop Rd.	260-7990
EMILY HUTCHINS	1000 Mountain Park Dr	407-1827
Pip Hunt	195 Tamarack Meadow Rd	862 1814
Brad Maerle	195 Tamarack Meada Rd	6107618836
ALEC LOVETT	195 Tamarack Meadow Rd	536-409-2251
Terry Swanson	2013 Mountain Park Loop	406-863-8923
Jeff Brown	1006 Meadowlark lane	406-253-5317
Lee Zignego	147- Labrador Lane	406-862-4629
Doreen Zignego	147- Labrador Lane	406-862-4629
Nicci Daniher	1001 Meadowlark Lane	406-407-3235
Anna Porter	1010 Meadowlark Lane	406-314-2281
Jerry Idarahn	2250 Lion Mtn Loop	406-862-4895
JEFFREY JESSOP	2010 LION MTN LOOP RD.	(801)-673-5083
KERI THORN	1005 mountain park Drive	406.471.1823

June 17, 2020

Dear Whitefish City Council Members,

This letter is in regards to the June 16, 2020 letter about putting in 3 removable speed bumps on Lion Mountain Road.

It has come to my attention that there is a difference of opinion about what could be done about the speeding on this road. The noise from the speed bumps affects people's sleep, so the placement and or number of bumps needs to be discussed.The bumps could also be dangerous for bicycle riders coming down the road if they weren't ready for them. Signage could help them with that.

I wanted to let you know we are open to discussing all ideas for solutions to this problem of speeding. A possible solution might be a 3-way stop sign at Mountain Park Drive and Lion Mountain Loop Road and put the removable speed bumps on the county gravel road.

We would be more than happy to sit down with you to see what could be done.

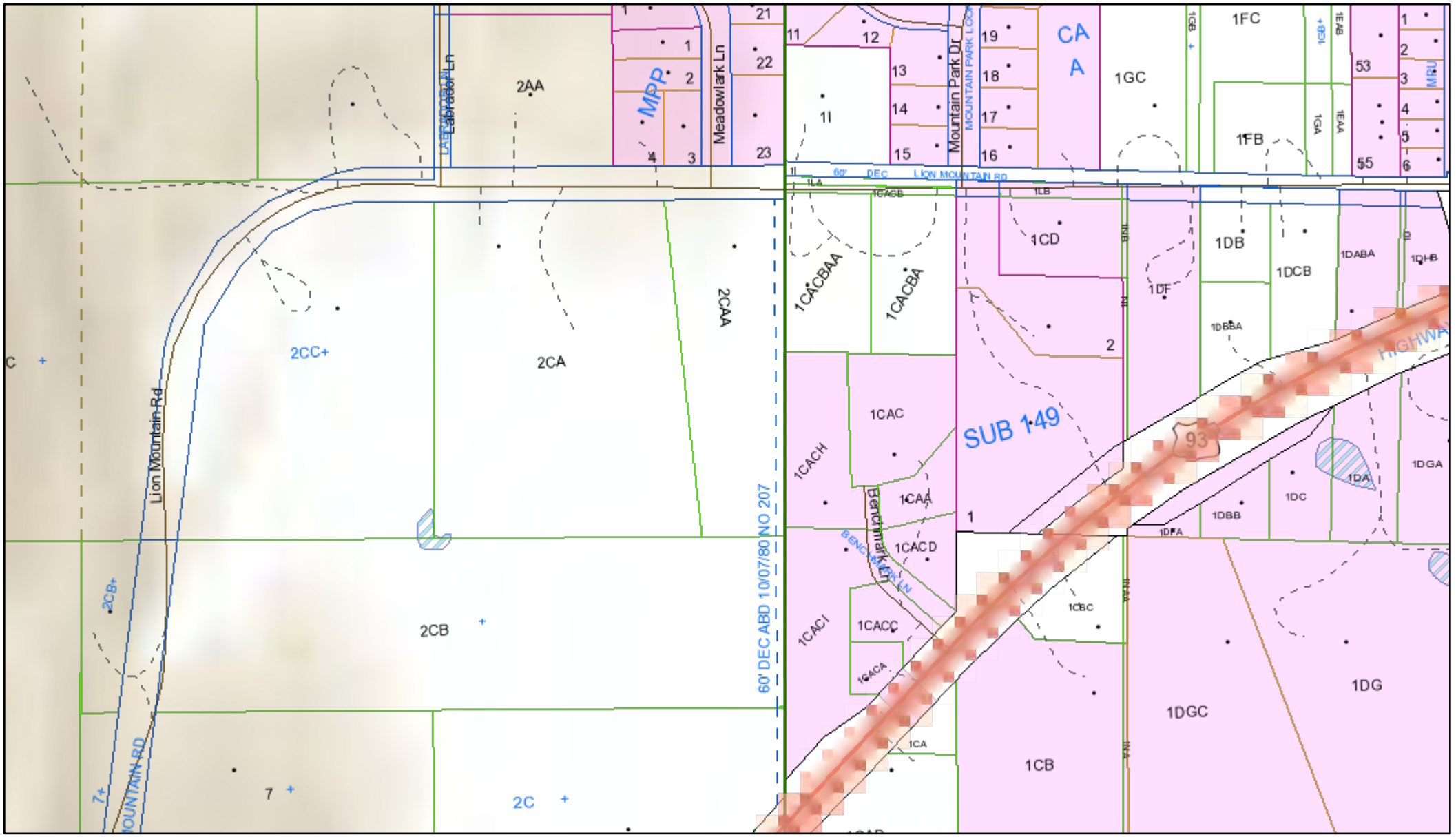
Sincerely,

Suzanne Hitesman

Suzanne Hitesman
2120 Lion Mountain Loop Road
Whitefish, MT 59937

862-5959

Flathead County Map



6/30/2020, 9:44:27 AM

1:4,514

0 0.03 0.05 0.1 mi

0 0.04 0.08 0.16 km

Flathead County, Sources: Esri, USGS, NOAA, Sources: Esri, Garmin, USGS, NPS

Parcels
Misc
Tract Land
Condo
Lot
Imp
Bbook_Lines
CondoBdy
Subdivbdy
Roads_With_Assrno
HIGHWAY
ALLEY; ROAD
RAILROAD
ROW_No_Assrno
HIGHWAY
ALLEY; ROAD
RAILROAD
Hydro_Outline_Assrno

Flathead County

U.S. Department of Agriculture Farm Services Agency Aerial Photography Field Office. | Flathead County | Sources: Esri, USGS, NOAA | Sources: Esri, Garmin, USGS, NPS |

received
6/29/2020

To: Mayor John Muhlfeld and the Whitefish City Council June 24, 2020

From: Solberg Family Glenwood Trust

Re: Safety Buoys for Whitefish Lake sandbar area

We write today to ask the city to provide funding (roughly $3500) for new buoys, similar to the ones by City Beach and The Lodge. These are not for personal use, but for overall safety of boaters and swimmers on the eastern shore of Whitefish Lake. It is a very busy area for boating due to the nature of the location between City Beach and The Lodge. MANY boaters have had their day (and boat) ruined by not knowing about the dangerously shallow and extensive area of the sandbar.

25 years ago, Dick and Jane Solberg, who still reside on the property, applied for and received some much needed financial assistance by securing funding for 10 large safety buoys to go around the perimeter of the sandbar. Most people on the lake are familiar with this sandbar as it extends out well over 100 yards and gets to about 2 feet deep. Our family has been diligent in placing the buoys out each Spring and retrieving them in the Fall. Currently, we are down to 3 buoys and they are old and broken. Over the years, these buoys have earned their keep, but some have been lost to wind or damage, not to mention their age. Without these markers it makes this part of the lake very dangerous. Every summer countless boats hit the rocks or the lake bottom and ruin the props, impellers, and hulls.

In addition, kayakers, canoers, and SUP users frequent this shallow area to swim and take a break and they enjoy being able to do so without fear of a boat coming through the sandbar.

With your financial assistance to purchase these buoys, our family will continue to place them around the sandbar in the Spring, pull them out in the Fall, and store them all Winter as we have done for decades.

Buoys cost approximately $350 each and having 10 would be most ideal.

Please consider our critical request to continue to keep this area of the lake safe for everyone.

Thank you for your time.

Sincerely,

The Seely, Solberg, Corwin, and Willis Families –

Please contact:

Austin Willis (4th generation)
145 Battle Ridge Dr.
Kalispell, MT 59901
406-861-6838 or afwillis79@gmail.com for any correspondence

From: Anna Peterson
Sent: Monday, June 29, 2020 11:54 AM
Subject: Template for Town Specific Letters of Support to Representatives - Great American Outdoors Act Vote in Late July

Hello!

Quick update on this - the Great American Outdoors Act will now be voted on at the end of **JULY** in the House of Representatives, so we have a bit more time or local letters, op-eds, etc. to show support and help get this over the finish line.

If interested and able, please consider doing a letter from your mayor/full council/commission addressed to your House of Representatives member by July 15. See attached for a template.

Please let me know if you are able to do this and send me a copy of the letter once you have it!

Thanks so much and more to come individually,
Anna

July 6, 2020

Dear Representative Fern,

In this time of public health emergency, the below listed local elected officials hope you will invest in our parks, public lands, and outdoor recreation in recognition of their importance to our economy, and to our communities' wellbeing through full funding of the Land and Water Conservation Fund (LWCF) and voting for the Great American Outdoors Act.

In the weeks and months to come, our nation's parks, trails, and outdoor spaces will be integral to our nation's coping and recovery. Great parks and green spaces make stronger, healthier communities. Everyone deserves access to the outdoors and the countless benefits parks provide. America's public lands bring us peace of mind and generate economic revenue - both will be critically needed to recover from the impact of the COVID-19 outbreak.

Our national, state and local parks, trails and public lands are a critical economic driver for communities big and small, urban and rural, across the nation. Across the nation, the travel and tourism industries have been taking a hit in the current crisis. **Investing now in full funding for LWCF will help with a strong long-term recovery for gateway communities and states that rely on visitors to public lands.** Specifically:

- America's outdoor recreation economy supports over 7.6 million jobs, contributes over $887 billion in annual economic output, and serves as the lifeblood for countless communities across the country.
- Every dollar spent on LWCF returns $4 in economic value from natural resource goods and services alone - over and above the economic benefit of the outdoor recreation economy and tourism.

Broadly-supported, the Great American Outdoors Act is directly relevant, ready to go, and makes sense for Congress to move forward with and pass.

Investing in our public lands, and providing full, permanent funding for LWCF is a low-cost economic stimulus that will pay big dividends for communities across America. **Please vote for the Great American Outdoors Act.**

Sincerely,

John M. Muhlfeld
Mayor

RESOLUTION NO. 20-__

A Resolution of the City Council of the City of Whitefish, Montana, strongly encouraging the use of masks or cloth face coverings in public settings to help prevent the spread of COVID-19.

WHEREAS, coronaviruses are a large family of virus that cause illness ranging from the common cold to more serious issues, including death; and

WHEREAS, in late 2019, an outbreak of a new strain of coronavirus began in Wuhan, China; and

WHEREAS, on February 11, 2020, the World Health Organization named the new strain of coronavirus causing illness in China "COVID-19;" and

WHEREAS, according to the Center for Disease Control: "COVID-19 is thought to spread mainly through close contact from person-to-person in respiratory droplets from someone who is infected. People who are infected often have symptoms of illness. Some people without symptoms may be able to spread the virus."; and

WHEREAS, the Center for Disease Control has warned: "The virus that causes COVID-19 is spreading very easily and sustainably between people."; and

WHEREAS, on March 11, 2020, the World Health Organization declared a global pandemic due to the spread of COVID-19; and

WHEREAS, President Donald Trump, Governor Steve Bullock, the Flathead County Board of Commissioners, and Mayor John Muhlfeld have all declared states of emergency related to COVID-19; and

WHEREAS, on March 16 and April 5, 2020, the City adopted emergency Ordinance Nos. 20-04 and 20-05, enacting measures to reduce the spread of COVID-19; and

WHEREAS, on March 27, 2020, Governor Bullock issued a "stay at home" Directive; and

WHEREAS, on March 30, 2020, Governor Bullock issued a Directive requiring that individuals traveling to Montana from another state or country self-quarantine for 14 days; and

WHEREAS, on or about April 3, 2020, the Center for Disease Control recommended that individuals wear masks or cloth face coverings in public settings especially when other social distancing measures are difficult to maintain to prevent the spread of COVID-19; and

WHEREAS, the City has been strongly committed to following all recommendations from the federal, state, and county levels and instituted measures such as requiring sheltering-in-place, supporting the closure of schools, closing City Hall to the public, closing some City parks and recreational facilities, allowing or requiring City employees to work from home, closing lodging facilities, developing methods for extensive public outreach, and discouraging travel to the region; and

WHEREAS, the efforts of the State and City were successful in helping limit the spread of COVID-19 within our community; and

WHEREAS, on April 22, 2020, Governor Bullock issued a Directive for "Reopening the Big Sky" that provided for a phased re-opening of Montana and addressed the guidelines for Phase One; and

WHEREAS, Governor Bullock's April 22, 2020, Directive set forth the following guidelines for every Phase of the re-opening:

- Individuals should continue to practice good hygiene by adhering to the following guidelines:
  - Wash your hands with soap and water or use hand sanitizer, especially after touching frequently used items or surfaces.
  - Avoid touching your face.
  - Sneeze or cough into a tissue, or the inside of your elbow.
  - Disinfect frequently used items and surfaces as much as possible.
  - Strongly consider using non-medical face coverings while in public, especially in circumstances that do not readily allow for appropriate physical distancing (e.g., grocery/retail stores, pharmacies, public transportation).

- People who feel sick should stay at home.
  - Do not go to work or school.
  - Contact and follow the advice of your medical provider.
  - Follow local health department guidance on isolation and quarantine.

- Employers should:
  - Develop and implement appropriate policies, in accordance with federal, state, and local regulations and guidance, and informed by industry best practices, regarding:
    - Social distancing and protective equipment.
    - Temperature checks and/or symptom screening.
    - Testing, isolating, and contact tracing, in collaboration with public health authorities.
    - Sanitation.
    - Use and disinfection of common and high-traffic areas.
  - Monitor workforce for indicative symptoms. Do not allow people with symptoms of COVID-19 to work.
  - Collaborate with public health officials when implementing policies and procedures for workforce contact tracing following an employee's COVID-19 positive test result.

WHEREAS, on May 19, 2020, Governor Bullock issued a Directive moving the State into Phase Two of the re-opening which:

- Increased permissible group size to 50 individuals, provided social distancing can be accomplished.

- Allowed all businesses to operate, provided they adhere to physical distancing, the Phase Two Guidelines, all other Directives and guidance remaining in effect, and CDC sanitation protocols.
- Allowed restaurants, bars, breweries, distilleries and casinos to remain in the same operational status as Phase One, but with an increase to 75 percent capacity.
- Allowed gyms, indoor group fitness classes, pools, and hot tubs to operate at 75 percent capacity if they adhere to strict physical distancing and exercise frequent sanitation protocols.
- Allowed concert halls, bowling alleys, and other places of assembly to operate with reduced capacity provided they adhere to physical distancing guidelines and follow CDC sanitation protocols.
- Allowed childcare facilities to increase capacity consistent with the guidelines contained in the Governor's previous Directive on childcare if physical distancing guidelines can be implemented and removed the 24-person cap per facility effective June 1.
- Directed employers to continue to permit telework as much as possible and where feasible.
- Directed senior living or assisted living facilities and outdoor recreation to continue to follow the guidelines of Phase One.

WHEREAS, Governor Bullock's May 19, 2020 Directive also lifted the 14-day quarantine requirement for travelers from other states and countries effective June 1, 2020; and

WHEREAS, it is estimated that in 2018 alone, the City welcomed between 500,000 and 1,250,000 visitors; and

WHEREAS, since Governor Bullock lifted the 14-day quarantine requirement for visitors from other states and countries, the City has experienced a significant influx of visitors, many of whom have traveled from areas with a high rate of COVID-19 infection; and

WHEREAS, since Phase Two of the re-opening, the State has experienced a marked increase in COVID-19 cases, with the highest number ever being reported on June 28, 2020; and

WHEREAS, since Phase Two of the re-opening, Flathead County has experienced a marked increase in COVID-19 cases, with 20 new cases reported after four weeks of no new cases; and

WHEREAS, on or about June 5, 2020, the World Health Organization advised governments to encourage the general public to wear masks or cloth face coverings to help prevent the spread of COVID-19; and

WHEREAS, strongly encouraging the use of masks or face coverings in public settings in accordance with federal and state guidance will help ensure the health and safety of the City's residents and visitors, will reduce the likelihood that the State will reinstate Directives closing businesses, and will limit the cascading impacts on critical services by limiting spread of COVID-19; and

WHEREAS, it is in the best interests of the City of Whitefish and its inhabitants to strongly encourage residents and visitors to use masks or cloth face coverings in public to help reduce the spread of COVID-19.

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

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

Section 2: The following guidelines must be followed within the City of Whitefish:

- All individuals should wear masks or cloth face coverings over their noses and mouths when indoors in public settings or communal spaces outside the home.
- All individuals present in a City park or on a City sidewalk, shared-use path, or right-of-way should wear masks or cloth face coverings.
- Employers should provide access to masks or cloth face coverings to employees present in the workplace and require employees to utilize them while at work.
- Businesses should recommend that patrons wear masks or cloth face coverings and clearly post signs stating such recommendation.
- These guidelines do not apply to the following:
  - Children under the age of six
  - Individuals for whom a mask or cloth face covering would cause impairment due to an existing physical or mental condition.
  - Individuals working in a profession in which the use of a mask or face covering will not be compatible with the duties of the profession.
  - Individuals who do not have contact with the public and can maintain social distancing with other employees at all times.
  - Individuals exercising if a mask for face covering would interfere with their breathing.
  - Individuals who are seated at a restaurant or bar while eating or drinking.

Section 3: If the City of Whitefish determines the above guidelines are not being adhered to, the City will consider passing an ordinance which will require that such guidelines be adhered to and provide penalties for non-compliance.

Section 4: 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

Michelle Howke

From: Rachel Kahn [redacted]
Sent: Monday, June 29, 2020 8:29 PM
To: John Muhlfeld
Subject: Masks in Whitefish

To Whom It May Concern,

I was emailing to ask if there are considerations to make masks mandatory for Whitefish? As cases rise, it seems to be a good course of action to help with the spread of the disease, at the very least in the downtown area. I saw that Jackson Hole passed a resolution today requiring masks and I was hopeful that we would be able to follow suit.

While I'm sure I am not the first person to email about this, I wanted to know what courses of action are being taken when you have the time.

I know this is a challenging time for everyone and thank you for working to continue to keep the community safe.

Rachel Kahn
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Andy Gmail [redacted]
Sent: Tuesday, June 30, 2020 1:45 PM
To: Michelle Howke
Subject: Mask policy

I am in total agreement about a mask requirement in whitefish. I feel like every time I go out, there are tourists from all over who do not have a mask. Furthermore, wearing a mask in public is literally awkward because I always feel like the one weirdo who is wearing a mask. To add to this, I am a physician and should be comfortable with this.

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

Michelle Howke

From: armstrong[redacted]
Sent: Monday, June 29, 2020 5:42 PM
To: John Muhlfeld
Subject: Masks

With the growing number of cases in the valley and tourist season just beginning, will the City of Whitefish implement a mask requirement?

Sent via the Samsung Galaxy Note10+, an AT&T 5G Evolution capable smartphone

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: JoBeth Blair [redacted]
Sent: Tuesday, June 30, 2020 1:38 PM
To: Michelle Howke
Subject: City Of Whitefish Mask Requirement

Dear Whitefish City Counselors-

Let's stay ahead of COVID19. Our community needs to lead on this. Please, implement a mask requirement for Whitefish businesses. Doing so will allow us to stop the spread of COVID19 and allow our business to remain open. Masks are an easy and simple way to prevent the spread of disease within our community. Town is packed and more people are on their way from all over the country. We need to model responsible behavior now.....not later.

Thank you-
JoBeth

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: John Muhlfeld
Sent: Monday, June 29, 2020 11:11 AM
To: Michelle Howke
Subject: FW: Masks in Whitefish

JOHN M. MUHLFELD | MAYOR, CITY OF WHITEFISH
418 East Second Street| 406.249.2779 mobile

-----Original Message-----
From: Laura Brazan [redacted]
Sent: Monday, June 29, 2020 11:08 AM
To: John Muhlfeld <jmuhlfeld@cityofwhitefish.org>
Subject: Masks in Whitefish

Please make them mandatory.

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

Michelle Howke

From: John Muhlfeld
Sent: Monday, June 29, 2020 11:11 AM
To: Michelle Howke
Subject: FW: Covid

JOHN M. MUHLFELD | MAYOR, CITY OF WHITEFISH
418 East Second Street| 406.249.2779 mobile

-----Original Message-----
From: Sue Carpenter [redacted]
Sent: Sunday, June 28, 2020 7:31 AM
To: John Muhlfeld <jmuhlfeld@cityofwhitefish.org>
Subject: Covid

John,
I am disturbed by the very lax regulations for covid in Whitefish. We are inundated with tourists, who seem happy to go everywhere in Whitefish, and very rarely have I seen masks being worn. As Flathead valley covid numbers rise, nothing I am aware of, is being done to address the issue. I gather the economy is the primary concern. I don't understand why we shut everything down initially, but when our numbers are climbing now, nothing is being done.
Susan Carpenter
EXTERNAL SENDER verified by City of Whitefish IT

Jennifer, David and Trajan Elden

[redacted]
Whitefish, MT 59937
[redacted]

June 27, 2020

TO: Flathead County Commissioners, CIty Councils of Whitefish, Columbia Falls, Kalispell

Dear Flathead County and City Leaders,

I am writing to you with deep concern for the spread of **COVID19** in our communities and to urge you to **immediately and concertedly, mandate a mask ordinance to prevent the spread of this mysterious and potentially fatal disease.**

Thanks to mandates by Governor Bullock, we as a State did a great job keeping people safe by taking pause this Spring. We sacrificed our ability to work as usual and sheltered in place with our child taking on the challenge of keeping the boat afloat while homeschooling our 1st grader.

However, now that the summer has arrived, as have the tourists, and restrictions have lifted, our communities are faced with increasing case numbers and risk community wide spread of this highly contagious virus, making us vulnerable again not just to our health but also to prospects of returning to the academic year with some in person attendance..

Science shows that wearing a mask significantly decreases the potential **of viral transmission. As stated in a recent study by Texas A & M University, "this inexpensive practice, in conjunction with social distancing and other procedures, is the most likely opportunity to stop the COVID-19 pandemic**. Our work also highlights that sound science is essential in decision-making for the current and future public health pandemics." (https://www.sciencedaily.com/releases/2020/06/200612172200.htm)

While more testing is showing more numbers, it is also showing us how many asymptomatic people are positive carriers. Millions of people traveled through Glacier National Park last summer from all over the Country and the world. We have out of state travelers enriching our local economies right now. Our communities are a bustle with people happy to be out and about enjoying the beauty of our home. Some are acting wisely and wearing masks, but many are not.

The US is #1 in COVID19 cases in the world. PLEASE take head NOW, and require masks for everyone in public and let's get a handle on this situation before it's out of control. We can see that if left to the individual, people are going to opt out, putting the greater population at risk.

Our family is committed to keeping ourselves and our communities safe by wearing masks in public, social distancing and continuing to limit unnecessary exposure. It is our hope that everyone else will too. With your leadership, you can show the way and be remembered for doing the right thing.

On behalf of our family with sincere thanks,

Jennifer Elden

Owner, Whitefish Massage Therapy and Amalgamated Sope Company

Whitefish, Montana

Michelle Howke

From: John Muhlfeld
Sent: Monday, June 29, 2020 2:10 PM
To: Michelle Howke
Subject: FW: Masks in Whitefish

JOHN M. MUHLFELD | MAYOR, CITY OF WHITEFISH
418 East Second Street| 406.249.2779 mobile

-----Original Message-----
From: Debra Funk [redacted]
Sent: Monday, June 29, 2020 12:18 PM
To: John Muhlfeld <jmuhlfeld@cityofwhitefish.org>
Subject: Masks in Whitefish

Hello John,

I appreciate the great job you've done on keeping us informed during Covid19. As our town has opened up to tourists, I hate to see all of our "hard work" be lost. In order to keep from a future shut down, it seems as if mandatory mask wearing makes a lot of sense. Studies have shown that mask wearing can greatly cut down Covid19 transmission. So many communities are making mask wearing mandatory. It seems like a simple, sensible, and compassionate step to take for our citizens.
Thank you,
Debra Funk
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: John Muhlfeld
Sent: Monday, June 29, 2020 11:12 AM
To: Michelle Howke
Subject: FW: Travel from Texas

JOHN M. MUHLFELD | MAYOR, CITY OF WHITEFISH
418 East Second Street| 406.249.2779 mobile

From: Griffith Family [redacted]
Sent: Saturday, June 27, 2020 9:09 AM
To: John Muhlfeld <jmuhlfeld@cityofwhitefish.org>
Subject: Travel from Texas

Mayor Muhfeld,

I reside in Austin, TX and we are currently experiencing a massive outbreak of Covid-19. This recent surge came fast and furious. Governor Abbott has paused and even rolled back reopening measures that will certainly hit many already struggling businesses hard (many more won't recover).

Meanwhile, our family has decided to cancel our travel plans to Whitefish, to do our part to mitigate the spread of Covid-19. I'm a business owner myself and the last 90 days have been the most stressful in my life. We certainly don't want to bring Covid to Montana.

The only problem...our Airbnb host (Stumptown Vacation Rentals) will absolutely not refund our payment, nor offer a credit for a future visit. Why she would encourage us to come to Whitefish from a hotspot, I cannot understand. This is not only bad business, but it potentially puts your local economy at risk should we, or any other tourists, unknowingly bring the virus with us.

If you believe that you can advise me on this matter, or direct my concern more appropriately, please let me know. We love visiting Whitefish, but this latest issue is really troubling. We all need to work together.

Regards and stay safe,

Shaun Griffith
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Hermina Jean Harold [redacted]
Sent: Monday, June 29, 2020 8:00 PM
To: Andy Feury; Frank Sweeney; John Muhlfeld; Ryan Hennen; Rebecca Norton; Steve Qunell
Subject: We need a mask mandate

Dear Mayor and Councilmembers,

Unfortunately, individual people have proven they are not capable of making decisions that will benefit and protect others. We have too many people in Montana as a whole that are not wearing masks even though the research says it works to slow the spread of Covid. Please be the leadership we need and mandate mask wearing. The local workers need you to protect them from those who just can't be bothered.

Thank you,
Hermina Harold, relative of a local Whitefish worker

--
Hermina Jean Harold
Executive Director / Trust Montana
Community Organizer / North-Missoula Community Development Corporation
[redacted]

[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Jennifer Harrell [redacted]
Sent: Tuesday, June 30, 2020 3:38 PM
To: Michelle Howke
Subject: Wearing of Masks in Whitefish

To whom it may concern,

I am writing to ask you to make it a law that people wear masks in the City of Whitefish for the safety of all the Citizens in Whitefish.

We have an extremely large amount of tourists in Whitefish who have come here from states with very high outbreak of Covid-19. I have never seen the amount of cars from far away stares as I have seen this spring.

It is our local governments job to ensure the safety of its citizens. Please make wearing a mask Mandatory in all Public Places in Whitefish, including the Farmers Market.

Thank you for your attention in this important matter.

Sincerely,

Jennifer Harrell
[redacted].
Whitefish MT 59937
[redacted]

Get Outlook for iOS
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Imagination Station Whitefish [redacted]
Sent: Tuesday, June 30, 2020 4:57 PM
To: Michelle Howke; John Muhlfeld
Subject: required face masks in Whitefish

Hello,
Now, more than ever, our community needs to come together and require that everyone wear face masks in our town. It is very difficult to keep my staff comfortable with all of the tourist and other locals that do not wear face masks. We are on the front line and we compliment the people that come into the store wearing masks and using my hand sanitizer provided at the door. Customers also thank me for providing hand sanitizer and use it regularly, coming and going.
It is difficult to enforce customers to wear masks if we do not all come together and make it happen.

Have a great day!
Denise Magstadt
Imagination Station
Whitefish, MT 59937
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Jean Weiskotten [redacted]
Sent: Monday, June 29, 2020 9:38 PM
To: Michelle Howke
Subject: Mandatory masking

Dear City of Whitefish,
I am writing to ask that you implement mandatory masking in Whitefish. As a local, I have been masking and isolating for months. When I go into town to shop now, I see alot of out of state plates and so few people wearing masks. And now cases are rising. It seems unfair to those who have sacrificed to keep our community safe. People are coming here to escape the virus but are not taking precautions. The easiest way to protect ourselves and others is by simply wearing a mask. There will come a time when the state of Montana will issue a mandatory masking. Oregon and other states have this now because they are in a crisis mode. We can get ahead of this. Its not that hard. I feel threatened by people in public who are careless. Mandatory masking will level the field for all of us.
Thank you for your consideration,
Jean Weiskotten
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Jessica [redacted]
Sent: Tuesday, June 30, 2020 1:47 PM
To: Michelle Howke
Subject: Masks

Hi,

I live in whitefish and I think a mask requirement would be incredibly helpful to stopping the spread of Covid-19 with the new influx of tourists into our town. I doubt Montana will go on lockdown again and the summer is only going to get busier. I would like to make sure we do what we can to protect our residents and our healthcare professionals.

Thanks,
J

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

Michelle Howke

From: John Muhlfeld
Sent: Monday, June 29, 2020 3:39 PM
To: Lisa Jones; dylan@explorewhitefish.com; Michelle Howke
Subject: FW: face masks

JOHN M. MUHLFELD | MAYOR, CITY OF WHITEFISH
418 East Second Street| 406.249.2779 mobile

From: Stumptown Snowboards [redacted]
Sent: Monday, June 29, 2020 3:38 PM
To: John Muhlfeld <jmuhlfeld@cityofwhitefish.org>
Subject: face masks

Mayor Muhlfeld,

I am writing to out of great concern for the influx of visitors to our town and many not wearing face masks as they visit downtown retail. My husband and I own Stumptown Snowboards and it has been shocking to see the number of people coming through our door. While it is nice to have the business, the lack of face masks is not good. We are now requiring them in our store and are providing free disposable masks at the door but that is quickly getting expensive! We feel if there was a city wide requirement for face masks to be worn in public indoor places we could put up a unified front as a town and people would adapt to wearing them as routine. It is frightening to watch the number of Covid cases climb again after 2 months of 0 cases in the valley. We feel Whitefish should be actively committed to "preventing the spread" besides just recommending face masks.

Thank you,
Kristin

Kristin Tabor | Stumptown Snowboards
[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: John Muhlfeld
Sent: Monday, June 29, 2020 11:12 AM
To: Michelle Howke
Subject: FW: An address to the city regarding COVID-19

JOHN M. MUHLFELD | MAYOR, CITY OF WHITEFISH
418 East Second Street| 406.249.2779 mobile

From: Todd Lengacher [redacted]
Sent: Friday, June 26, 2020 4:48 PM
To: John Muhlfeld <jmuhlfeld@cityofwhitefish.org>
Subject: An address to the city regarding COVID-19

John,

I appreciate your recent address regarding the intersection of our town, recent incidents in our town, and racism.

Given this week's changes at the local, state, national, and international level, we would all benefit from a sense of how the City of Whitefish sees itself managing the influx of visitors from the set of states that are seeing their highest COVID-19 case counts ever. Anecdotally, the number of visitors from Texas and California alone are rising. In one drive between Whitefish and Kalispell this week I noted 10 Texas plates. That is with me keeping my eyes mostly on one road over a span of 20 minutes.

I understand the economic implications of protecting the public health of all and I am not suggesting we close our doors, but I do think we should consider some reasonable responses that respond to current situations. For instance, counties and states are now calibrating their responses to out-of-state visitors by the percentage positive rates in that state. Mostly, John, I want to hear from you about how you anticipate responding should our current trajectory continue or worsen.

I have written to Governor Bullock urging him to reconsider his decision to let decisions be made at the local level. That said, it is where we are and as such I hope we can create and share an action plan that addresses the needs of our businesses while protecting our citizens.

Thank you in advance for your thoughts.

Todd
EXTERNAL SENDER verified by City of Whitefish IT

June 26, 2020

Dear Mayor Mulhfeld and Whitefish City Council members,

I urge you to require face masks be worn in Whitefish when six feet social distancing outdoors cannot be maintained and when people are inside places of business. Please also require seating in eating establishments to be placed at least six feet apart.

We don't yet have a spike in the number of Covid-19 cases in our city. However, Montana's Phase Two of reopening, visitors to our area and a general lack of wearing face masks increases our risk of infection.

Wearing face masks is scientifically proven to reduce the risk of Covid-19 infection. Now is the time for Whitefish to require everyone to wear masks to protect all citizens and visitors.

Sincerely,
Gail Shay Linne
[redacted]
Whitefish

Michelle Howke

From: Paul McCann [redacted]
Sent: Sunday, June 28, 2020 6:43 PM
To: Michelle Howke
Subject: C-19

Dear Council Members,
Please require face masks to be worn when someone is inside of a public place. Naturally, there should be some reasonable exceptions.
This will cause some some burdens for businesses and enforcement officers, however the health and safety of our citizens needs to be protected during this time of rapidly increasing infections.
Thank you for your considerations.
Paul McCann
[redacted].
Whitefish
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Katie Morgan [redacted]
Sent: Monday, June 29, 2020 1:14 PM
To: Michelle Howke
Subject: Mandatory masks

Hi,

I'm an Airbnb short-term rental property co-owner in downtown Whitefish.
I also have my high health risk mother living with us on our property on Hodgson Road, Whitefish.

I am doing everything I can to ensure our rental property is sterilized after each stay and I wear a mask to the grocery store, post office, and anywhere else I need to go inside. I am shopping for my mother as well as our household and our condos.

I would appreciate your attempting to require masks in our community at this time. The uptick in cases has me very nervous about the safety for our community and ourselves.

If you felt it necessary to recommend no further short term stays, we're willing to cancel our existing summer guest reservations to keep people safe. I hope that is the case with many others in our tourist-driven economy.

Please keep yourself safe and consider addressing the possibility, once again, of locking things down. Lives are at stake.

Thank you for your time.

Katie Morgan

[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Kerry Nagel [redacted]
Sent: Sunday, June 28, 2020 2:26 PM
To: Michelle Howke
Subject: mandatory masks

To the Mayor and City Council of Whitefish

I was recently in Missoula for a quick trip, and was BLOWN AWAY by the city-wide concerted effort to have all patrons wear masks. Every shop downtown had the exact same sign in their window. A simple statement of unity. This is the way we're doing things. No apologies. No exceptions. I felt safer than I thought I would, going to the "big city".

The display of a uniform sign does two things:
1) it sends the same message...again and again...wear a mask...wear a mask..wear a mask...
2) it sends a united message. Each business owner is not being asked to decide on their own messaging or artwork.
3) it helps the employees. They are not being asked to regulate their customers...the sign says it all for them.
4) it says something loud and clear about Missoula, and the way they work through problems..together.

I said it quite a few times: "why isn't Whitefish doing this?" We have a small, educated populace. Let's let that stand front and center. Thank you for your consideration.

Kerry Nagel
ATTEND, LLC
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Marilyn Nelson [redacted]
Sent: Monday, June 29, 2020 3:22 PM
To: Michelle Howke
Subject: Request for Mandatory Masks

Dear Honorable Mayor Muhlfeld and Council Members,

I am writing to request that the City immediately institute a mandatory cloth face covering (mask) order for all residents and visitors entering any indoor public venue and any outdoor public space where physical distancing is not practical or possible. With the increasing presence of COVID-19 and the potential for transmission from travelers into our community, it is imperative that we take protective measures to safeguard our community from the economic, social and personal devastation a widespread outbreak would bring. While reliable information about this disease and its transmission has lagged, making good community decision-making challenging, it is now widely accepted that mandatory masks are one of the simplest and most effective measures a society can take to protect its population and control and reduce the transmission of COVID-19. Recent scientific studies confirm this:

https://www.sciencedaily.com/releases/2020/06/200612172200.htm

http://med.stanford.edu/news/all-news/2020/06/stanford-scientists-contribute-to-who-mask-guidelines.html

Whitefish in particular, and Montana as a whole, has been on the leading edge of bold and decisive action in response to the pandemic, which is why our state has one of the lowest per capita rates of infection in the country. This is changing with the reopening of our economy. On June 1st, with the transition into Phase 2 reopening, our business instituted mandatory mask-wearing for customer-facing staff, as well as requesting that all visitors wear face coverings, While the response from our customers has been largely supportive, a mandatory mask order would provide cover for our business and other essential and non-essential businesses who are working hard to keep our employees and customers safe from this invisible enemy. We don't want to let our guard down and have to resume lock-down. It is incumbent for our City to continue to be proactive and follow the science that demonstrates that lives will be saved if everyone wears masks. So let's make it happen.

Thank you for your leadership and consideration of this vital issue.

--
Marilyn R Nelson, Retired Owner
Nelson Hardware, Inc.
Glacier Country Enterprises, LLC (dba Nelson's Ace Hardware)
Nelson Real Estate Holdings, LLC
[redacted]
Whitefish, MT 59937
[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Jodi Petlin [redacted]
Sent: Tuesday, June 30, 2020 1:25 AM
To: Michelle Howke
Subject: Why wouldn't we mandate masks?

June 29, 2020
TO: Flathead County Commissioners, CIty Councils of Whitefish, Columbia Falls, Kalispell

Dear Flathead County and City Leaders,

I am writing to you with deep concern for the spread of COVID19 in our communities and to urge you to immediately and concertedly, mandate a mask ordinance to prevent the spread of potentially deadly virus.

This article in Time Magazine says it all.

We Have a Cheap, Effective Way to Keep Ourselves Safer From COVID-19. Why Are We Fighting About It?
At long last, we have made a truly game-changing scientific breakthrough in preventing the spread of COVID-19. The impact of this breakthrough seems almost too good to be true. We have found a disease control tool that, when used properly, can dramatically reduce the person-to-person transmission of SARS-CoV-2, the virus that causes COVID-19. Studies have shown that this tool could reduce transmission by somewhere between 50% and 85%. The tool is cheap and remarkably low-tech. You can even make

Read in TIME: https://apple.news/AaQ0eO7mzT3e6fwaHTqGDRA

Our studio is committed to keeping ourselves and our communities safe by wearing masks in public, social distancing and continuing to limit unnecessary
exposure. It is our hope that everyone else will too. With your leadership, you can show the way and be remembered for doing the right and life-affirming thing.

Many thanks,

Jodi Petlin
Shanti Yoga

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

Michelle Howke

From: Adam Pitman [redacted]
Sent: Tuesday, June 30, 2020 12:30 AM
To: Michelle Howke
Subject: Mandate masks

I love our community. It's up to all of us to be vigilant and protect it during these unprecedented times. Covid is spiking in Montana and the Flathead at an alarming rate. Thousands of Tourists are pouring into the Valley. Almost none of them are wearing masks.

We are in trouble here. Other places have flattened the curve — our curve is just beginning. Please mandate masks for all businesses in Whitefish. Every interior location. No exceptions. I believe that, without this common-sense ordnance, our town will be forced into another lockdown again which will be devastating for our economy.

This isn't political — all our medical professionals and scientists agree this is one of the best steps to preventing Covid spread at this time. It is the right choice — it is the smart choice. Please make a mask mandate a priority. It will save the lives of our neighbors, friends and family.

Thank you,
Adam Pitman

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Sarah [redacted]
Sent: Tuesday, June 30, 2020 1:00 PM
To: Michelle Howke
Subject: Mask requirement

To Whitefish City Council,
I am writing to express my approval of a mask requirement in the city of Whitefish. We need to do this to keep the community safe and give the kids the best chance to return to school this fall. I had a terrible experience in early June while shopping in the downtown area. My mother and I went to only a couple of stores. We were the only ones wearing masks. No employees or tourists were wearing masks. No one was maintaining a 6 foot social distance from each other. Not one small business was enforcing this! We then walked out of a shop and a couple of women followed us out. I hear one of them coughing right behind us, not wearing masks. Both my mother and I turned around to see them looking at each other and laughing. I asked why they thought this was funny. And the one remarked, if you have a problem with this then maybe you should just stay home! I was so enraged I was speechless. I can't believe this is the town I consider home. My mother was appalled. I have not been downtown to support the small businesses since then. My life and health, and my family's are too important. Please please keep the folks in this community safe and require mask use in Whitefish.
Thank you for your time and consideration, Sarah Marbarger

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

Michelle Howke

From: Alethea Schaus [redacted]
Sent: Tuesday, June 30, 2020 10:18 AM
To: Michelle Howke
Subject: Mandatory Masks ~ Common Sense

Dear Michelle Howke;

Please support the implementation of mandatory masks in Whitefish, in addition to other ongoing social distancing protocols and requirements -

I realize that our valley economy is for all intents and purposes at this time in history nearly singularly dependent upon tourism... which is something to explore as well...

However, at this point we are immensely vulnerable with the massive influx of visitors from all across the nation, and will continue to be going forward, if folks continue to be careless ~ we simply do not know enough about this virus to behave any other way than with great care for one another.

In my work I visit with folks from all around the nation on the phone all day long ~ this is not a virus to take lightly or to allow to spread within our communities.

Common sense precautions and prevention ~ easy.

Thank You ~

Alethea

--
Alethea Schaus
[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Ralph Simpson [redacted]
Sent: Tuesday, June 30, 2020 5:47 AM
To: Michelle Howke
Subject: masks

City Council,

I, for one, am in favor of the City of Whitefish instituting an ordinance making mandatory the wearing of a mask in stores or businesses and in places outdoors where physical distancing is not possible.

Thank you,

Ralph Simpson

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: John Muhlfeld
Sent: Monday, June 29, 2020 11:11 AM
To: Michelle Howke
Subject: FW: Masks mandatory in Whitefish . Why have you not done this. What are you waiting for ? Get it together dude.

JOHN M. MUHLFELD | MAYOR, CITY OF WHITEFISH
418 East Second Street| 406.249.2779 mobile

-----Original Message-----
From: Lorinda Smith [redacted]
Sent: Monday, June 29, 2020 11:09 AM
To: John Muhlfeld <jmuhlfeld@cityofwhitefish.org>
Subject: Masks mandatory in Whitefish . Why have you not done this. What are you waiting for ? Get it together dude.

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

Michelle Howke

From: John Muhlfeld
Sent: Monday, June 29, 2020 3:32 PM
To: Michelle Howke
Subject: FW: Please Require Masks in WF

FYI

JOHN M. MUHLFELD | MAYOR, CITY OF WHITEFISH
418 East Second Street| 406.249.2779 mobile

-----Original Message-----
From: Marlene Snyder [redacted]
Sent: Monday, June 29, 2020 3:28 PM
To: John Muhlfeld <jmuhlfeld@cityofwhitefish.org>
Subject: Please Require Masks in WF

We have watched the numbers of mask wearing citizens for down. Numbers of Covid-19 cases are up. We have great concern about tourists. Please set the standard for the state and keep Whitefish citizens as safe as possible. We want your leadership to help protect us.

This is not over blown as I have been hearing science deniers claim. We need to have our leaders educate the citizenry.

Thank you for your consideration.

Lee and Marlene Snyder
[redacted]
Sent from my iPhone
EXTERNAL SENDER verified by City of Whitefish IT

received
6/29/2020

To: Mayor John Muhlfeld and the Whitefish City Council June 24, 2020

From: Solberg Family Glenwood Trust

Re: Safety Buoys for Whitefish Lake sandbar area

We write today to ask the city to provide funding (roughly $3500) for new buoys, similar to the ones by City Beach and The Lodge. These are not for personal use, but for overall safety of boaters and swimmers on the eastern shore of Whitefish Lake. It is a very busy area for boating due to the nature of the location between City Beach and The Lodge. MANY boaters have had their day (and boat) ruined by not knowing about the dangerously shallow and extensive area of the sandbar.

25 years ago, Dick and Jane Solberg, who still reside on the property, applied for and received some much needed financial assistance by securing funding for 10 large safety buoys to go around the perimeter of the sandbar. Most people on the lake are familiar with this sandbar as it extends out well over 100 yards and gets to about 2 feet deep. Our family has been diligent in placing the buoys out each Spring and retrieving them in the Fall. Currently, we are down to 3 buoys and they are old and broken. Over the years, these buoys have earned their keep, but some have been lost to wind or damage, not to mention their age. Without these markers it makes this part of the lake very dangerous. Every summer countless boats hit the rocks or the lake bottom and ruin the props, impellers, and hulls.

In addition, kayakers, canoers, and SUP users frequent this shallow area to swim and take a break and they enjoy being able to do so without fear of a boat coming through the sandbar.

With your financial assistance to purchase these buoys, our family will continue to place them around the sandbar in the Spring, pull them out in the Fall, and store them all Winter as we have done for decades.

Buoys cost approximately $350 each and having 10 would be most ideal.

Please consider our critical request to continue to keep this area of the lake safe for everyone.

Thank you for your time.

Sincerely,

The Seely, Solberg, Corwin, and Willis Families –

Please contact:

Austin Willis (4th generation)
[redacted].
Kalispell, MT 59901
[redacted] for any correspondence

Michelle Howke

From: John Muhlfeld
Sent: Monday, June 29, 2020 10:42 AM
To: Michelle Howke; Dana Smith; Frank Sweeney; Angela Jacobs; Andy Feury; Ryan Hennen; Rebecca Norton; Steve Qunell; Ben Davis
Subject: FW: Masks

One of numerous emails I am receiving encouraging us to "do something".

JOHN M. MUHLFELD | MAYOR, CITY OF WHITEFISH
418 East Second Street| 406.249.2779 mobile

From: trieweilerc@bresnan.net [redacted]
Sent: Sunday, June 28, 2020 7:59 PM
To: John Muhlfeld <jmuhlfeld@cityofwhitefish.org>
Subject: FW: Masks

Dear Counselors,

We've watched with alarm as the State and Whitefish, in particular, descend into summer chaos in the midst of a global pandemic and Covid-19 cases follow the predictable trajectory that comes with lack of leadership and irresponsible behavior.

The most frustrating part is that this didn't have to happen. The State's and this town's initial pro-active responses stopped the virus in its tracks. By the end of May, Montana had the lowest infection rate in the country and Flathead County had no known active cases. We hadn't experienced a death from the virus in weeks. But at the first sign of blowback from so-called "freedom lovers" who apparently rely on political leaders and agenda driven media for their misinformation, both the Governor and local leaders wilted and have since ignored CDC guidelines for re-opening non-essential businesses.

As a result we've now gone from 0 to 52 known active cases in Western Montana—10 of those in Flathead Co. as of 6/28. This does not include out of state visitors even after they've been tested and found to be positive. Statewide we've gone from 14 to 237 active cases. Hospitalizations have increased from 0 to 11 and we've had 6 additional deaths.

We understand that re-opening is important to people's livelihoods since, unlike most other western democracies, we lack the social safety net to provide for people while they shelter in place to avoid a deadly pandemic. However, there are common sense measures that can be taken to reduce the risk of re-opening that are simply being ignored by the Governor and by this Council, for reasons we don't entirely understand.

Even people who, for the most part, ignore science in favor of partisanship, have some basic understanding that social distancing is safer than crowds of people. That's why many are flocking to Western Montana. Where there seems to be disagreement, based on where you get your information, is the value of wearing facial covering. Scientifically, however, there is no disagreement. European studies prove that infection rates are reduced fivefold by widespread use of masks. And the latest study from the University of Washington estimates that if 95% of people wore masks when in public places, 33,000 lives could be saved in the U.S. just between now and October 1. It's not rocket science. Masks limit the spread of germs and save lives. Masks, together with distancing when possible, are the only safe way to re-open businesses.

So why doesn't Whitefish make masks mandatory? We've heard various excuses. None of them have merit.

We've heard it may not be popular. But you didn't get elected to be popular. You were elected to lead. Leadership has never been more important. And our experience elsewhere is that it is popular among the majority of people.

We've heard that it can't be enforced as a practical matter. But that's not true. You don't have to have 500 police on the street arresting people who refuse to respect others by wearing a mask. All you have to do is condition re-opening of businesses on a mask requirement while visitors are on that property. Every business in town has to be licensed by the City. Licenses can be conditioned on following health laws. Masks during a pandemic caused by spread of a virus from one respiratory system to another are essential to good health. One of us has been in San Diego Co. and San Francisco in California, and the states of Utah and Washington in the past two weeks. Every location required masks to enter a business. No one was complaining. Enforcement was not an issue. People seemed to feel good about being socially responsible. When it is required, the public complies or goes somewhere else where they can continue to cavalierly infect each other. Good riddance. At least those who choose to be safe can be.

If you can shut down hotels and restaurants completely, as you did in the Spring, you can surely attach conditions to their re-opening.

Even if your only concerns are for the economy and not public health, the economy can't thrive for long if this disease continues to spread and kill people. Please do your part with a mandatory mask law. If businesses don't comply then require that they close again. Whitefish is better than you give it credit for being.

Terry and Carol Trieweiler

Virus-free. www.avg.com

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Ingrid Wick [redacted]
Sent: Tuesday, June 30, 2020 1:19 PM
To: Michelle Howke; John Muhlfeld
Subject: I support masks and (re)adopting protections to curb spread of COVID-19

Dear Councilors,

I am writing to you with deep concern for the spread of COVID19 in our community.

I support an immediate mask ordinance.

This article in Time Magazine says it all.

We Have a Cheap, Effective Way to Keep Ourselves Safer From COVID-19. Why Are We Fighting About It?
At long last, we have made a truly game-changing scientific breakthrough in preventing the spread of COVID-19. The impact of this breakthrough seems almost too good to be true. We have found a disease control tool that, when used properly, can dramatically reduce the person-to-person transmission of SARS-CoV-2, the virus that causes COVID-19. Studies have shown that this tool could reduce transmission by somewhere between 50% and 85%. The tool is cheap and remarkably low-tech. You can even make

Read in TIME: https://apple.news/AaQ0eO7mzT3e6fwaHTqGDRA

I support reinstating 2 week quarantine for out of state visitors and other safeguarding precautions.
I will also contact Bullock's office with these requests.

Thank you!
Ingrid

--
Ingrid Wick
Whitefish, MT
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Richard Hildner
104 5th St.
Whitefish, MT 59937

Dear Mayor, Council, and Staff:

I respectfully request that the Mayor, Councilors, and staff attending work sessions and Council meetings wear appropriate face coverings. Doing so will serve two purposes; first, to give some measure of protection for yourselves and the public with whom you are in contact. It has been well established that proper masking and distancing, especially in confined spaces, is the best defense against the spread of Covid-19. Second, by properly masking and distancing you set a good example and expectation for public behavior.

I am well aware of the inconvenience posed by masking, but that should not be a deterrent. Masking is a public health and safety issue, not a political statement. There are those of us in the community who are uncomfortable or unwilling to participate in the public process if our safety is willfully compromised.

Please consider using the disposable masks provided by the City and encourage the public to do the same. Masking at Costco, for example, is near 100% when they have someone at the door actually handing out masks. There is no reason why this couldn't be done at work sessions and Council meetings.

I wish to complement you on setting the appropriate seating distance in Council chambers. It was disconcerting to watch members of the public rearrange the chairs to suit their preference. Perhaps someone on the dais could remind people that the chairs are placed six feet apart for a reason.

Sincerely,
Richard Hildner

Michelle Howke

From: melissa hartman [redacted]
Sent: Wednesday, July 1, 2020 1:48 PM
To: Michelle Howke
Subject: Support for a mask ordinance

I am in support of a Whitefish mask wearing ordinance, especially for indoor establishments: grocery stores, hardware, post offices, shops, etc... but also for large outdoor gatherings like farmers' market for the duration of the Covid pandemic.

Respectfully,

Melissa Hartman
[redacted]
Whitefish, MT

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

The following pages were handed out at the City Council meeting the night of the meeting. They are included here as an addendum to the packet.

Rcvd 7/6/2020 @ 7:00 P.M. compiled by Marsha @ W.F. Police

INCIDENT SEARCH
Print Date/Time: 7/6/2020 10:21:24 AM

Incident Number	Call Date/Time	Incident Type
2020-00008144	07/05/2020 23:29:54	Fireworks
2020-00008142	07/05/2020 23:29:02	Fireworks
2020-00008139	07/05/2020 22:44:00	Fireworks
2020-00008138	07/05/2020 22:22:37	Fireworks
2020-00008136	07/05/2020 22:21:39	Fireworks
2020-00008137	07/05/2020 22:12:10	Fireworks
2020-00008135	07/05/2020 22:10:20	Fireworks
2020-00008134	07/05/2020 22:09:03	Fireworks
2020-00008133	07/05/2020 21:36:20	Fireworks
2020-00008099	07/05/2020 00:08:14	Fireworks
2020-00008094	07/04/2020 23:35:50	Fireworks
2020-00008093	07/04/2020 23:35:36	Fireworks
2020-00008092	07/04/2020 23:30:50	Fireworks
2020-00008091	07/04/2020 23:27:37	Fireworks
2020-00008089	07/04/2020 23:12:03	Fireworks
2020-00008087	07/04/2020 23:09:06	Fireworks
2020-00008086	07/04/2020 23:03:39	Fireworks
2020-00008085	07/04/2020 22:59:21	Fireworks
2020-00008083	07/04/2020 22:57:35	Fireworks
2020-00008082	07/04/2020 22:56:47	Fireworks
2020-00008081	07/04/2020 22:53:38	Fireworks
2020-00008079	07/04/2020 22:51:44	Fireworks
2020-00008077	07/04/2020 22:47:40	Fireworks
2020-00008075	07/04/2020 22:42:32	Fireworks
2020-00008073	07/04/2020 22:36:30	Fireworks
2020-00008074	07/04/2020 22:36:30	Fireworks
2020-00008071	07/04/2020 22:34:16	Fireworks
2020-00008072	07/04/2020 22:31:29	Fireworks
2020-00008069	07/04/2020 22:29:43	Fireworks
2020-00008066	07/04/2020 22:25:54	Fireworks
2020-00008065	07/04/2020 22:20:35	Fireworks
2020-00008063	07/04/2020 22:08:26	Fireworks
2020-00008064	07/04/2020 22:06:35	Fireworks
2020-00008062	07/04/2020 22:03:59	Fireworks
2020-00008060	07/04/2020 21:52:34	Fireworks
2020-00008053	07/04/2020 21:02:37	Fireworks
2020-00008036	07/04/2020 18:29:23	Fireworks
2020-00008026	07/04/2020 16:07:10	Fireworks
2020-00007997	07/04/2020 00:03:04	Fireworks
2020-00007989	07/03/2020 23:06:56	Fireworks
2020-00007986	07/03/2020 22:52:01	Fireworks
2020-00007984	07/03/2020 22:39:49	Fireworks
2020-00007983	07/03/2020 22:37:55	Fireworks
2020-00007981	07/03/2020 22:20:19	Fireworks
2020-00007982	07/03/2020 22:14:25	Fireworks
2020-00007980	07/03/2020 22:11:22	Fireworks
2020-00007979	07/03/2020 22:11:17	Fireworks
2020-00007978	07/03/2020 22:09:37	Fireworks
2020-00007894	07/02/2020 20:50:33	Fireworks
2020-00007891	07/02/2020 19:31:19	Fireworks
2020-00007846	07/01/2020 21:50:53	Fireworks
2020-00007841	07/01/2020 20:04:31	Fireworks
2020-00007714	06/28/2020 22:47:22	Fireworks
2020-00007696	06/28/2020 14:52:03	Fireworks
2020-00007673	06/27/2020 22:40:16	Fireworks

57 Fireworks calls to W.F. Police June 19, 2020 to July 05, 2020

in addition one more call at 6 pm this evening July 06, 2020

signed Tanya Smith

[redacted]

2020-00007662	06/27/2020 16:56:49	Fireworks
2020-00007325	06/19/2020 22:01:48	Fireworks
2020-00000069	01/02/2020 20:38:33	Fireworks
2020-00000031	01/01/2020 19:38:30	Fireworks
2019-00015745	12/31/2019 21:28:40	Fireworks
2019-00015743	12/31/2019 21:28:40	Fireworks
2019-00015744	12/31/2019 21:21:05	Fireworks
2019-00015735	12/31/2019 17:29:42	Fireworks
2019-00012684	10/12/2019 22:21:17	Fireworks
2019-00012683	10/12/2019 22:21:01	Fireworks
2019-00012685	10/12/2019 22:19:57	Fireworks
2019-00012680	10/12/2019 22:07:23	Fireworks
2019-00011538	09/15/2019 21:33:01	Fireworks
2019-00010119	08/17/2019 21:15:23	Fireworks
2019-00009462	08/04/2019 20:48:37	Fireworks
2019-00009126	07/29/2019 10:39:07	Fireworks
2019-00009011	07/26/2019 22:21:10	Fireworks
2019-00009010	07/26/2019 22:08:47	Fireworks
2019-00008055	07/08/2019 22:07:58	Fireworks
2019-00008054	07/08/2019 21:58:29	Fireworks
2019-00008051	07/08/2019 20:11:27	Fireworks
2019-00008019	07/07/2019 20:24:24	Fireworks
2019-00007981	07/06/2019 22:41:42	Fireworks
2019-00007977	07/06/2019 21:50:49	Fireworks
2019-00007975	07/06/2019 21:33:04	Fireworks
2019-00007929	07/05/2019 23:22:06	Fireworks
2019-00007922	07/05/2019 22:01:13	Fireworks
2019-00007918	07/05/2019 20:44:36	Fireworks
2019-00007910	07/05/2019 17:25:44	Fireworks
2019-00007879	07/05/2019 00:53:32	Fireworks
2019-00007878	07/05/2019 00:27:26	Fireworks
2019-00007875	07/05/2019 00:06:02	Fireworks
2019-00007876	07/05/2019 00:00:21	Fireworks
2019-00007874	07/04/2019 23:54:46	Fireworks
2019-00007866	07/04/2019 22:44:35	Fireworks
2019-00007863	07/04/2019 22:33:15	Fireworks
2019-00007864	07/04/2019 22:29:42	Fireworks
2019-00007856	07/04/2019 22:04:38	Fireworks
2019-00007850	07/04/2019 21:09:49	Fireworks
2019-00007844	07/04/2019 20:06:02	Fireworks
2019-00007836	07/04/2019 19:27:22	Fireworks
2019-00007789	07/03/2019 22:56:26	Fireworks
2019-00007790	07/03/2019 22:56:11	Fireworks
2019-00007787	07/03/2019 22:46:47	Fireworks
2019-00007782	07/03/2019 22:09:13	Fireworks
2019-00007783	07/03/2019 22:07:03	Fireworks
2019-00007781	07/03/2019 22:04:56	Fireworks
2019-00007720	07/02/2019 19:41:02	Fireworks
2019-00007719	07/02/2019 18:57:19	Fireworks
2019-00007670	07/01/2019 23:02:37	Fireworks
2019-00007667	07/01/2019 22:45:05	Fireworks
2019-00007660	07/01/2019 21:58:12	Fireworks
2019-00007625	06/30/2019 22:18:05	Fireworks
2019-00007626	06/30/2019 22:10:16	Fireworks
2019-00007599	06/30/2019 06:25:51	Fireworks
2019-00007589	06/30/2019 00:18:46	Fireworks
2019-00007520	06/28/2019 19:08:13	Fireworks
2019-00003102	03/18/2019 01:05:10	Fireworks
2019-00000126	01/03/2019 18:34:29	Fireworks
2019-00000040	01/01/2019 22:06:20	Fireworks

Total Rows: 115

07/06/2020

Dear Mayor and City Council,

Vote NO on this Resolution; it is not in the best interests of our community and society. If Resolution No.20 passes it will cause a division in our city, pitting neighbor against neighbor.

You have created an echo chamber and you are not representing all your constituents, but the select few that you surround yourself with. By using curried responses from select business owners you ignore most of your constituents. Many of the citizens of Whitefish aren't being heard or represented.

Science and facts do not support healthy people wearing a mask to 'protect' others in public settings. There are reports of healthy young adults becoming sick with pleurisy from wearing masks.

If you have a compromised immune system you should take precautions to protect yourself. You should not rely on others for your health. As reported in The New England Journal of Medicine 5/21/20, "Wearing a mask does not offer protection from infection."

Issuing a mandate for everyone to wear a mask is akin to the action of a ruling government, a monarchy. We decided against that rule almost 250 years ago.

Do not pass this resolution - it is not in the best interest of our city.
Below are hyperlinks to two articles that you should read.

"Masks Are Symbolic," says Dr Fauci and The New England Journal of Medicine
https://hennessysview.com/masks-are-symbolic-dr-fauci/

https://www.theatlantic.com/health/archive/2020/05/cdc-and-states-are-misreporting-covid-19-test-data-pennsylvania-georgia-texas/611935/

Thank you for your time and consideration,
Julie Perchy
[redacted]
Whitefish, Montana

Michelle Howke

From: Suzanne [redacted]
Sent: Monday, July 6, 2020 8:45 AM
To: Michelle Howke
Subject: Speed on Lion Mtn. Lp. Rd.

Hi Michelle, Hope you had a nice 4th of July weekend. I am writing in regards to the letter Mr. Clyde Dicks wrote about putting in a stop sign at Mountain Park Drive and Lion Mountain Loop Road. A stop sign actually makes more sense than speed bumps for the reasons he noted in his letter to you. The neighbors have thought about and come up with a sensible plan that would solve the problem and be less hassle for the city. It sounds like Speed bumps Would create a whole new set of problems and issues. Thank you for putting all our letters before the Council. Suzanne Hitesman

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

Michelle Howke

From: Dicks Family [redacted]
Sent: Sunday, July 5, 2020 9:34 PM
To: Michelle Howke
Cc: Suzanne Hitesman
Subject: Re: speed on lion mtn lp rd

Dear Ms. Howke, Director Workman, and City Council:

I have spoken with Ms. Suzanne Hitesman and her husband and I am also in favor of doing something to reduce the speeding issue on Lion Mountain Loop Rd. However, myself and several other families in the area are opposed to speed bumps and we would prefer a 3-way stop at the intersection of Lion Mountain Loop Rd and Mountain Park Dr for several reasons:

1. NOISE. Traffic begins early in the morning and continues until late at night. Speed bumps are very noisy and the noise affects everyone in the area, including houses that are several hundred feet away. Even if a car is not speeding, wheels still make a loud, double thud, and trailers with boats and/or building materials are even much louder.

2. COST & MAINTENANCE. A stop sign is a one-time expenditure that requires zero future expense or attention, while temporary speed bumps will incur expense and labor to the City in spring and fall of every year, indefinitely. Speed bumps also generally require warning signs (I believe) that add to their cost.

3. SAFETY. Speed bumps are more hazardous to cyclists than are stop signs. Furthermore, there is now quite of lot of traffic entering Lion Mountain Loop Rd from the Jehovah's Witness church to the south, and stop signs on Lion Mountain Loop Rd would make it safer for these vehicles.

4. EFFECTIVENESS. Some vehicles (especially trucks, SUVs, and even cyclists) see speed bumps as a challenge, unfortunately, and make little to no effort to slow down, whereas a stop sign forces people to stop (quietly.)

It would be greatly appreciated if the City approves a 3-way stop at the corner of Lion Mountain Loop Rd and Mountain Park Dr. It is my understanding that Ms. Hitesman would be in favor of the above, and also possibly one or more temporary speed bumps along the upper gravel portion of Lion Mountain Loop Rd for speed and dust abatement in that area.

Yours sincerely and gratefully,

Clyde & Kendra Dicks
[redacted]

On Jul 5, 2020, at 10:51 AM, Suzanne Hitesman <sph@montanasky.com> wrote:

Begin forwarded message:

From: Suzanne Hitesman <sph@montanasky.com>
Date: July 5, 2020 10:51:16 AM MDT

To: Michelle Howke <mhowke@cityofwhitefish.org>
Subject: Re: speed on lion mtn lp rd

Hi Michelle-Are they allowing people to attend the Council meeting? If not, will send me the results of our speeding issue on Lion Mtn. Lp. Rd.? I know you are very busy with all that is going on so I really appreciate you keeping us informed. Suzanne Hitesman
On Jun 22, 2020, at 7:43 AM, Michelle Howke wrote:

> Suzanne,
>
> Good morning. The next Council meeting is July 6th at 7:10 pm. I will send you a copy of the agenda July 2nd.
>
> Thank you,
>
> Michelle Howke
> Administrative Services Director/City Clerk
> PO Box 158/418 E. 2nd Street
> Whitefish, MT 59937
> mhowke@cityofwhitefish.org
> 406-863-2402
>
> -----Original Message-----
> From: Suzanne Hitesman [redacted]>
> Sent: Friday, June 19, 2020 9:38 PM
> To: Michelle Howke <mhowke@cityofwhitefish.org>
> Subject: Re: speed on lion mtn lp rd
>
> Thank you Michelle-will you let me know when the next council meeting is in time for me to call the people on the list as they might want to go? Or is the meeting just between them to discuss what they want to do? Suzanne On Jun 19, 2020, at 9:44 AM, Michelle Howke wrote:
>
> > Suzanne,
> >
> > Thank you for your email. I have discussed with Director Workman regarding your request. We will put this on the next Council agenda under Communications from the Mayor and Council. This will be at the end of the agenda. This will give Council the opportunity to address the letter and direct staff. A majority of the Council need to agree to the direction given to staff.
> >
> > Please let me know if you have any questions.

Thank you,

Michelle Howke
Administrative Services Director/City Clerk PO Box 158/418 E. 2nd
Street Whitefish, MT 59937 mhowke@cityofwhitefish.org
406-863-2402

-----Original Message-----
From: Suzanne Hitesman <sph@montanasky.com>
Sent: Friday, June 19, 2020 7:18 AM
To: Michelle Howke <mhowke@cityofwhitefish.org>
Subject: speed on lion mtn lp rd

Hi Michelle-Thank you so much for your help with the speeding issue!
Suzanne Hitesman EXTERNAL SENDER verified by City of Whitefish IT

EXTERNAL SENDER verified by City of Whitefish IT

EXTERNAL SENDER verified by City of Whitefish IT

The following pages were handed out at the City Council meeting the night of the meeting. They are included here as an addendum to the packet.

Michelle Howke

From: Criswell Abel [redacted]
Sent: Friday, July 3, 2020 5:07 PM
To: Michelle Howke
Subject: Masks in Public

Hello I am a Whitefish resident and the director of the Spa at Whitefish Lake. I am requiring my staff to wear masks while in the spa and now we are requiring guests as well to wear a mask while in the treatment room. I think requiring all visitors and residents to wear a mask in public when social distancing is not applicable is a great idea. Obviously it's difficult in a restaurant or bar setting, or while exercising outside... but I think any opportunity to safely continue to conduct business is appreciated. If we can slow the transmission of Covid-19 by wearing masks, and it keeps Whitefish businesses open...it makes complete sense. Thank you for your time and consideration.

Criswell Abel
[redacted]
Whitefish, MT 59937
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Ruth Ackroyd [redacted]
Sent: Friday, July 3, 2020 3:28 PM
To: Michelle Howke
Subject: Wearing Masks for the comman good

Ruth Ackroyd
[redacted] Whitefish, Mt 59937

To: Whitefish City Council
I support requiring and mandating that masks be worn at all times when in public or in Whitefish businesseses including resturants and bars. I also support fining individuals who refuse to wear masks and fining businesses who fail to enforce the mandate.This is for the public good and for our community's residents health and safety. As positive corona virus cases have doubled across Montana, the Whitefish leadership needs to take action immediately and require masks because our state and federal leaders have failed to protect us in this pandemic. Thank you
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Val Trina [redacted]
Sent: Sunday, July 5, 2020 6:40 PM
To: Michelle Howke
Subject: Re: Longtime city resident asking for mask mandate.

Thank you. I'd like to stay anonymous at the city council meeting so if my name could not be read out loud that would be great. Thanks

On Sunday, July 5, 2020, 06:31:34 PM MDT, Michelle Howke <mhowke@cityofwhitefish.org> wrote:

Thank you for your comment. Your letter will be distributed to the Council at the meeting July 6, 2020. You are welcome to speak towards your letter during the Public Hearing. If you are unable to attend the meeting you can watch the live streaming on YouTube, https://www.youtube.com/channel/UC2DuZE-QgQkdLNdkTPxBfuQ.

Please continue to help prevent the spread of COVID-19 by staying *Clean, Careful, and Connected*.

- Clean: Wash and sanitize your hands frequently.
- Careful: Practice 6-feet social distancing and wear cloth face coverings in confined spaces.
- Connected: Stay informed at www.WhitefishCovidCares.com.

Thank you,

Michelle Howke

Administrative Services Director/City Clerk

PO Box 158/418 E. 2nd Street

Whitefish, MT 59937

mhowke@cityofwhitefish.org

406-863-2402

From: Val Trina [redacted]
Sent: Saturday, July 4, 2020 9:04 AM
To: Michelle Howke <mhowke@cityofwhitefish.org>
Subject: Longtime city resident asking for mask mandate.

Dear WF City Council,

I've lived in Whitefish for over 20 years and have been so proud of our city and county as we followed social distancing to keep coronavirus at bay. Then the tourists started to stream in. It was predictable that they would flock in even more than usual this year precisely because we did such a good job in keeping the area covid-free. Disturbingly, it is largely the tourists who are not wearing masks as we continue to try to maintain a safe environment and protect ourselves. I suggest that not only should everyone be required to wear masks in public, but that the mandate to do so be widely posted. Out-of-towners may be less likely to read the local news or follow local social media. Please have all businesses post signs about requiring masks to either enter or be on the premises. Also post signs all over town about masks and social distancing. If this doesn't happen, we will be forced to close down again--which no one wants.

Sincerely,

Val Trina

536 Ramsey Ave

Whitefish, MT 59937

406-890-9336

EXTERNAL SENDER verified by City of Whitefish IT

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Madeline Axtell [redacted]
Sent: Friday, July 3, 2020 1:41 PM
To: Michelle Howke
Subject: Access to City Resolution Re: Masks

Hi Michelle!

I am hoping to provide feedback re: the drafted city revolution as shared by Explore Whitefish this afternoon - however I am not able to gain access via the link they provided.

Can you help me with this?

Thank you in advance!

Cheers,

Madeline Axtell
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Joe Basirico [redacted]
Sent: Saturday, July 4, 2020 7:22 AM
To: Michelle Howke
Subject: Face masks

Hi Michelle,

I saw the article in the Interlake encouraging comments on face mask wearing. It was asking for public comments. I strongly encourage the council to require masks in indoor public venues, no excuses, no equivocating. A mask should be worn whenever social distancing may not be possible, or in all other indoor circumstances. How does one control when they think they are social distancing and others are not paying attention or don't care?

If you're indoors at a public venue, a mask should be required.

Joe Basirico
[redacted]
Whitefish, MT
[redacted]

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

Michelle Howke

From: LuAnn Basirico [redacted]
Sent: Saturday, July 4, 2020 8:19 AM
To: Michelle Howke
Subject: Masks in Whitefish

Good Morning,
Thank you for the opportunity to comment on mask wearing in Whitefish. I'm definitely in favor of asking the public to wear masks inside at public venues. Let's all do our part and decrease the chances for illness & spread.
Thank You,
LuAnn Basirico
[redacted]
Whitefish, MT 59937
[redacted]

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

Michelle Howke

From: Sue Basta [redacted]
Sent: Friday, July 3, 2020 1:13 PM
To: Michelle Howke
Subject: Mask mandate - WF = yes

I respfully request that the city mandate masks in public areas and in retail stores, grocery stores, etc.

Thank you for your ordenance.

Sue Basta
[redacted]
Whitefish MT 59937
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Scott Karin Bates [redacted]
Sent: Sunday, July 5, 2020 6:48 PM
To: Michelle Howke
Subject: Masks

Masks please. I am shocked that when I shop at Super One I am one of three people wearing a mask, staff included. I now shop Safeway for that reason.

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

Michelle Howke

From: Joanie Bechtle [redacted]
Sent: Saturday, July 4, 2020 8:45 AM
To: Michelle Howke
Subject: Masks

Hello,
I am writing in support of the mask requirement in the city of Whitefish. I work on the front line as a veterinarian as do my staff. They are exposed daily to numerous tourists and locals who generally do not chose to mask up. We have chosen to keep our business "people free" because it will only take one positive individual to expose our business and force closure for a minimum of two weeks. This has huge financial consequences for each of us as well as our families, but also consequences to our clients. Other businesses have the same risks but can't keep people out due to the nature of their business. If the city will make masks required, compliance will become high, especially in our teen generation as well. I feel that with a mask ordinance, we as a high risk town can stay open and potentially consider school in the fall if we can control our numbers. Already I have seen a lack of consideration because people are very tired of the pandemic, but sadly it isn't going away. This would take enforcement out of the hands of our citizens in general and keep us all safer.
Thank you for your consideration,
Dr. Joanie Bechtle. DVM
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: David Bibb [redacted]
Sent: Sunday, July 5, 2020 5:22 PM
To: Michelle Howke
Subject: Masks and how to get people to wear them.

To Whom It May Concern,

I live in Great Falls and so have no iron in the fire, so to speak, but I do have a suggestion. Making masks required makes sense; however, people are stubborn and I would suggest having a contest for various forms of mask-wearing. As our fairs have been canceled and we all know how cutthroat the competition is at fairs; why not make prizes for the most original, most constantly seen wearing a mask, different kinds of masks could be in different categories for the contests. Instead of making it all penalty and no reward (aside from not dying from the virus), it would give people a positive reason to wear their masks.
Regards,
David Bibb
[redacted]
Great Falls, MT 59401
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: David Blair [redacted]
Sent: Friday, July 3, 2020 12:10 PM
To: Michelle Howke
Subject: Please mandate masks

Hi, I'm David Blair and I work downtown at Montana Coffee Traders. I am a frontline worker and would really like to see masks required when entering any establishment. Our town is getting busier and busier and tourists are going to bring Covid here sooner or later (cases are already spiking all over Montana). Please please do the right thing to protect us.

Thank you for your time.

David
EXTERNAL SENDER verified by City of Whitefish IT

From the desk of:

Kevin R Bowlby
[redacted]
Whitefish, MT 59937

To: Whitefish MT City Council
Date: July 2, 2020
Re: Face Mask Requirement in Public – Resolution 20

Dear City Council,

First, thank you for the great work you do in public service making our great city greater.

I have read the notes in Resolution 20 and would encourage the Council to consider not putting an ordinance in place for Mandatory Requirement of Wearing a Face Mask in Public due to Covid19 that is being vetted at this time. In addition, making it a criminal act if not adhered to with punitive damages and possible criminal charges. I understand the severity of the pandemic but feel a great deal of citizens and visitors alike are cautious and courteous in the city of Whitefish and do not pose additional threats to the spread of the virus via air contamination. It is my belief and others, that the spread comes as much or more from other sources that are much more invasive such as touch and poor hygiene. Imposing a face mask requirement will do nothing to prevent these behaviors.

I also believe that using data from the CDC and WHO is politically driven and is still not conclusive on how the disease spreads. I do agree we need to be cautious, take precautions and adhere to new ways of life, but am not convinced of the aforementioned agencies findings. Working on education is more important than threatening the citizens of a criminal act. Additional influence from the media is also dramatizing the issue making a small percentage in favor of requiring a face mask and I do not feel it's the majority.

While I fully understand your authority to enact emergency measures, many feels that the current measures in place, the moral actions of citizens and strong suggestion to wear a mask by business owners is enough. Making it a crime to not wear a mask on a sidewalk is not the answer. Please consider that the current policy is enough as the private sector is working very hard to develop a cure and antidote for this virus in due time.

Thanks for considering my POV.

Kevin R Bowlby

Michelle Howke

From: Liz Boucher [redacted]
Sent: Friday, July 3, 2020 4:56 PM
To: Michelle Howke
Subject: MASKS

May I suggest you do your research before mandating people wear masks?
I was a dental assistant for 18 plus years. I wore a mask, gloves and scrubs and I can tell you from experience it does not protect you from getting sick. I caught the flu twice and many other things that came my way.
I for one will not be wearing a mask! I have lived in Whitefish since 1972 sir. If that means I don't shop downtown then so be it!
You are asking people to weaken their immune system! I will not be doing that to myself or my family.
Last I knew it's my body my choice! or is that if you just want to kill an unborn child??

Thank you,
Liz Boucher
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: B. Brennan [redacted]
Sent: Friday, July 3, 2020 1:54 PM
To: Michelle Howke
Subject: Freedom

Hello,
Regarding masks,
I would greatly appreciate it if I could be free to make my own choices right now. I would like to be able to choose to put my mask on to go to Costco, take it off to sit at city beach, keep it off At restaurants etc. I am not in agreement wit having masks mandated. I believe social distancing is going well, and also Plexi - glass up everywhere is effective. Masks are not a great choice for everyone, especially having it on all day long, and for a long period of time, at work or school. (Or outside in the heat) We have common sense, let's keep our freedom to choose when to put it on ourselves. And for our own families, we can each choose to stay home if we aren't comfortable going out amongst tourists this season. Business owners can require masks on, with a sign at the door if they choose to. Some businesses don't choose to put those signs up. That's great! It's all about freedom of choice in my opinion. Please let us choose, that's why we live in Montana in the first place.
Thank you,
Brittany Brennan
Whitefish resident
[redacted]

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

Michelle Howke

From: andrea Brew [redacted]
Sent: Friday, July 3, 2020 7:51 AM
To: Michelle Howke
Subject: Masks

Dear City Clerk,
I recommend we require masks in all public areas of Whitefish. We need to listen to the experts and be responsible.
Thank you!
Andrea Brew
[redacted]
Whitefish, MT 59937

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

Michelle Howke

From: Tom Britz [redacted]
Sent: Friday, July 3, 2020 1:36 PM
To: Michelle Howke
Subject: Proposed City Action - Mask Wearing

To the Mayor and City Council of Whitefish,

I have read what I believe is proposed language of *strongly recommending* the wearing of facemasks indoors, in public places, and feel compelled to comment.

In light of the swelling of Whitefish's out-of-town population in the summer months from outside of Montana, particularly from states that, unlike Montana, are now swelling with pandemic infections, I feel that soft, recommended language does not go nearly far enough.

After serious contemplation, *I believe that you must make it mandatory for all of us*, until the infection potential from outside the Flathead Valley subsides. I do take this issue seriously, and of the residents/business owners/employees that I've informally polled have near unanimity in their similar concerns. Don't worry about offending us. Worry about keeping us safe.

Just like wearing a seat belt is designed to protect me from myself, not buckling up is an offense where I can be fined. Don't be swayed that this action would be infringing on my freedom. There are a plethora of examples and precedents.

If you don't put some teeth into this action, only a percentage of people will think you are serious, and your time and efforts will be largely ignored. I must say, that I cannot believe that I am strongly asking you to take such restrictive, enforceable action, but these are not normal times.

Based on observing the behavior of out-of-town visitors already here over the past month or two, too many of them are ignoring the polite requests that are present everywhere around this town.

Either put some teeth into this action, or don't bother. Continue with your leadership role, and please keep public safety for those of us who live and work in this town at the top of your plate.

There are times when you can't pussyfoot around. This is one of them.

Tom Britz
President/CEO - **Glacier Hops Ranch, Inc.**
p[redacted]
[redacted]com
Follow us on Facebook / Check us out on YouTube

Michelle Howke

From: Paz [redacted]
Sent: Friday, July 3, 2020 8:18 PM
To: Michelle Howke; Dana Smith
Subject: Against Mask Resolution

Paz Chentnik - we own two properties in Whitefish - [redacted], Whitefish MT 59937 & [redacted] Drive.

There are quite a few issues I find with the resolution.

1. Requiring people to wear masks outdoors
2. There is no deadline for this resolution, and there is not a need for more government regulations.
3. This is not worth the time or effort of the police department during the busiest time of the year.

On a personal note, we came to Montana (pre-COVID) and have heavily invested in the community due to the fact that Montana does not infringe on the rights of its citizens.

In Montana, there have been 23 deaths due to COVID in 2020 and 82 deaths due to motor vehicle accidents. I know there are many more statistics that show the low rate of fatality for COVID, however, the infringement on our rights as American citizens has gone beyond keeping our citizens safe.

Thank you for taking the time to read our comments.
--

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Corrie Colbert [redacted]
Sent: Friday, July 3, 2020 5:06 PM
To: Michelle Howke
Subject: If this then that mask talk is too confusing…get tough WHITEFISH!!!

"the Mayor, Deputy Mayor, and city staff have recently met with stakeholders to discuss the need for front line employees, visitors, and locals to wear a mask in public when social distancing is not possible." = that's problematic

Our whole work team feels we must protect our community and *not* cater to tourist's comforts. Of course revenues are important but at what cost? Is it worth it to make $$$ just to have a whole community sick and stressed out?

We are witnessing many local residents animosity towards tourists this year. The general consensus is most of them are a**holes for coming here instead of just staying home; regardless of how obliviously they speed through our neighborhoods and park their boat trailers ;0.

We were at ZERO cases and we all know cases are rising here and across the country.

PLEASE MAKE MASKS MANDATED IN ALL INDOOR ESTABLISHMENTS.

You can't tell the public "wear a mask when social distancing is not available" because no one can agree on what that means exactly. Enforcement is another issue but if we can come together and agree it's needed, we can all gently suggest and inform members of our community, whether local or tourist, that we have mandated this to protect *all* community members.

It's not political, it's just science; masks are proven to help reduce numbers…(see below)

We must help the human family realize that consumption over compassion, connection and safety is just not worth it in the end.

Corrie Colbert
[redacted]

————
FACTS:

The latest forecast from the Institute of Health Metrics and Evaluation (Independent lab) suggests that 33,000 deaths could be avoided by October 1 if 95 percent of people wore masks in public.

Even if you live in a community where few people wear masks, you would still reduce your own chances of catching the virus by wearing one, said Chin-Hong and Rutherford.

The bottom line is that any mask that covers the nose and mouth will be of benefit.

"The concept is risk reduction rather than absolute prevention," said Chin-Hong. "You don't throw up your hands if you think a mask is not 100 percent effective. That's silly. Nobody's taking a cholesterol medicine because they're going to prevent a heart attack 100 percent of the time, but you're reducing your risk substantially."

If we're practicing social distancing, do we still need to wear masks?

A mnemonic that Chin-Hong likes is the "Three W's to ward off COVID-19:" wearing a mask, washing your hands, and watching your distance.

"But of the three, ***the most important thing is wearing a mask,***" he said. Compared to wearing a mask, cleaning your iPhone or wiping down your groceries are "just distractors." There's little evidence that fomites (contaminated surfaces) are a major source of transmission, whereas there is a lot of evidence of transmission through inhaled droplets, said Chin-Hong.

"You should always wear masks and socially distance," said Rutherford. "I would be hesitant to try to parse it apart. But, yes, I think mask wearing is more important."

source: https://www.ucsf.edu/news/2020/06/417906/still-confused-about-masks-heres-science-behind-how-face-masks-prevent

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Coordinator [redacted]
Sent: Thursday, July 2, 2020 5:51 PM
To: Michelle Howke
Subject: Montana Coffee Traders - mask mandate

Hello City Council Members,

I wrote earlier from my personal email and, after discussion with the MCT management team, I am now writing on behalf of our company. We are in support of mandating masks. Our preference would be a state mandate, but given that it might be unlikely we would like a city mandate.

As I mentioned in my personal letter, strong wording that made masks in public spaces required not optional as well as an understanding of enforcement are crucial components. Our front line staff in the Downtown Whitefish café saw at least 700 people today. When I spent time there this morning maybe 5% of the visitors were masked. Working in a customer facing environment during a global pandemic with the necessary regulations making every aspect of the job more difficult service industry work is the most challenging it's been in decades. Our town is a thriving community with an idyllic walkable downtown and we have our dedicated front line workers to thank for making that possible. We need to send them the message that their health and wellbeing is a priority.

I know this is challenging for you all as it is for all of us working through this time. I thank you for you time and the efforts you are making to balance the decisions for our community.

JESSIE FARNES
CAFÉ COORDINATOR
MONTANA COFFEE TRADERS
COORDINATOR@COFFEETRADERS.COM
[redacted] COFFEETRADERS.COM

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Resa Cornutt [redacted]
Sent: Friday, July 3, 2020 8:36 PM
To: Michelle Howke
Subject: masks

My name is Theresa Cornutt and I am fully in support of people wearing masks as much as possible, especially in public places.

Thank you!

Theresa Cornut
[redacted]
Whitefish, MT 59937
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Carol Cunningham [redacted]
Sent: Friday, July 3, 2020 2:28 PM
To: Michelle Howke
Subject: Wearing Face Masks in Public Settings

Hi Michelle. I support a mandatory requirement for wearing face masks in public settings in the city of Whitefish.

It's distressing to go into the grocery store after seeing more out-of-state license plates than Montana plates in the store's parking lot, and then find that you are one of the very few people wearing a face mask in the store.

Thank you.

Carol Cunningham
[redacted]
Whitefish, MT 59937
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Michael DeYoung [redacted]
Sent: Friday, July 3, 2020 1:46 PM
To: Michelle Howke
Subject: Whitefish Mask Wearing

Good afternoon,

I would like to personally say that wearing a mask should be up to the individual not the city to decide. I work at Don “K” as the body shop manager and we here at the entire Don “K” dealership have done a phenomenal job of protecting ourselves from COVID-19. We’ve set up lines that customers must stay behind, glass plates between advisers and customers, we sanitize every vehicle that goes into our shops, and we of coarse do social distancing. If anyone shows signs of sickness we don’t allow them at the dealership (customer or employee) until they’ve been tested negative for COVID-19.

I’ve made a short story very long, but I do not believe we should be forced into wearing a mask.

Thank you,

Michael DeYoung
Don "K" Body Shop
[redacted]
Whitefish, MT 59937
[redacted]

Virus-free. www.avast.com
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Stacy Dolan [redacted]
Sent: Saturday, July 4, 2020 8:31 AM
To: Michelle Howke
Subject: Masks

Hi Michelle,

I would like to add my support for a city resolution to mandate masks. It is smart protection for our more vulnerable town. It is good for our citizens , economy and community.

Stacy Dolan
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Richard Dugan [redacted]
Sent: Friday, July 3, 2020 1:50 PM
To: Michelle Howke
Subject: Mask wearing policy for Whitefish

I would like to ask that Whitefish require face masks for all employees and customers at every “inside” institution in town. I feel that it is the simplest, most efficient step we can take to try and keep stores and restaurants open during the pandemic.

Regards,

Richard Dugan
[redacted]
Whitefish 59937
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Ashley Dunigan [redacted]
Sent: Saturday, July 4, 2020 6:12 AM
To: Michelle Howke
Subject: Mandatory Face Masks

Hello,

My name is Ashley, I live in Columbia Falls, but I work in Whitefish. Please make wearing a mask mandatory for everyone in all public areas. I have been wearing a mask to work, but it does little to no good, if the people I interact with are not also wearing a mask. I work in close proximity with other employees as well as customers. Imposing this mandate helps take away the stigma, and gives some consistency of information. Let's keep Montana open for business by protecting each other.

Thank you.

Ashley Dunigan
[redacted]
Columbia Falls, MT 59912
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Ebru Erdini [redacted]
Sent: Friday, July 3, 2020 2:21 PM
To: Michelle Howke
Subject: Fw: Mandatory mask

Follow up:
Address [redacted]
Whitefish Montana

----- Forwarded Message -----
From: Ebru Erdini [redacted]
To: mhowke@cityofwhitefish.org <mhowke@cityofwhitefish.org>
Sent: Friday, July 3, 2020, 02:19:41 PM MDT
Subject: Mandatory mask

Hi,

We came across and information that city is planning to discuss mandatory mask.
We are family of 5 with 2 disabled son. We have already been very careful even when our cases were low. We are absolutely AGANST mandatory mask. We much rather see the city to shut down for tourists then locals wearing masks. These tourist has to put up with mask only during their stay but we have to be in this for very long time. My family was already not happy that we, locals, couldn't use the city parks until tourists starts to arrive.
We would like to be considered part of Whitefish community not second class citizens where we can only enjoy our beautiful city only when the tourists are here.

Warm Regards ,
Ebru
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Elizabeth Ettinger [redacted]
Sent: Friday, July 3, 2020 7:06 PM
To: Michelle Howke
Subject: Whitefish Mask Mandate

To the Whitefish city clerk,

My husband, daughter, and I have temporarily relocated to Whitefish from Texas in order to have my mother, a full time resident of Whitefish, help with childcare while we work remotely full time. The reason we had to do this is since early March, our daycare has infrequently been open and had to shut down with frequency due to the coronavirus. In that, we're not quite tourists nor are we locals (though my extended family does contain multiple Whitefish households.)

We would love to see a Whitefish mask mandate. Our state, Texas, only recently enacted one, and that is after it was too late for many hospitals and counties. An ounce of prevention is worth a pound of cure, especially when it comes to preserving human health and life. Goldman Sachs also recently noted that a universal mask mandate can help local economies. I believe it can help here as well- masks help people lower their risk in a way that allows them to participate in an economy that may not be worth the risk without them.

I'm not sure how long we'll be here, but as non-residents, we would love to support the health of local Whitefish residents by wearing a mask when we are out in public.

Thank you,
Lilly Ettinger
[redacted]
Whitefish, MT 59937

(Waco, TX 76710)

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

Michelle Howke

From: Jim Farley [redacted]
Sent: Friday, July 3, 2020 7:42 AM
To: John Muhlfeld
Cc: Michelle Howke
Subject: SAY NO TO MANDATORY MASK DEMANDS

Importance: High

Mayor Muhlfeld,
Good morning and Happy Independence Day!

I rarely write to Government leaders. however I feel the mask mandate conversation needs input from both sides. I am 63 years old, in perfect health and absolutely against wearing a mask. I was at Super 1 yesterday, after I heard people were emailing you pleading for a mask mandate. While in the store, I took a count of those wearing masks versus those that CHOSE not to. Mask wearers made up 25% of the shoppers. I encourage you NOT to let the minority of people that have COVID-PHOBIA dictate the behavior for everyone else.

-high risk people or those that are really scared of catching the virus have the choice to wear a mask
-people have the choice to self-isolate
-they have the choice of shopping or going out at times when few others are out

As a person that absolutely sees no extra protection is most masks people wear (scarves do nothing per the CDC) I should have the same freedom to make my own choices as the mask wearers.

-I respect the social distancing requirements and in fact stay much farther than 6 feet from mask wearers out of respect
-I do not carry on unnecessary conversations with mask wearers
- I am very conscious of any symptoms that may indicate I even have a cold

Whitefish isn't New York City or Houston, Texas where 5 to 8 million people are stacked on top of each other. This is Whitefish Montana. People here are very active and healthy. Montana has one of the lowest people per square mile ratios in America. There is no reason for Whitefish to bow to the demands of a minority of the population just because people see large cities passing this mandate.

The Constitution provides all Americans the opportunity to pursue life, liberty and happiness. Personally, and I speak for many others, I cannot pursue happiness while being partially suffocated by a mask. While these rights do not allow anyone to yell fire in a crowded theatre, the mask or no mask decision MUST REMAIN A PERSONAL CHOICE.

Finally, from an economic standpoint, the businesses in Whitefish have already taken a financial blow from the lock down this year. The city of Whitefish loses the tax revenue. Why push people like me to Kalispell or Columbia Falls to shop and dine because of a TOTALLY UNNECESSARY MASK MANDATE?

Thank you in advance for your time and consideration of my point of view on this subject.

Thank you,

Jim Farley- [redacted] Whitefish Montana

Principal-C.F.O.

Secure Collateral Management, LLC

Phone: [redacted]7

Cell: [redacted]

Fax: [redacted]

Email: [redacted]

Website: www.secure-cm.com

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EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: skifevermt [redacted]
Sent: Sunday, July 5, 2020 5:25 PM
To: Michelle Howke
Subject: Face mask resolution

Hi, although I don't live in Whitefish, I do work there.

I just started at the new company, Forloh, which is planing to open their store in the next two weeks. I would be more comfortable working with the public if everyone was required to wear a mask.

I do have an underlying health condition and no longer qualify for unemployment since I quit my job in Bozeman to be closer to my daughter here in the Flathead Valley. Since I have to work, face masks would give me some peace of mind. I always wear one when out in public.

Thank you,

Kenje A Fehlberg
[redacted]
Marion, MT 59925

Sent from my Verizon, Samsung Galaxy smartphone
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: J Foster [redacted]
Sent: Saturday, July 4, 2020 7:41 AM
To: Michelle Howke
Subject: Masks

I am in favor of wearing masks in Whitefish. At this point it seems to be our major line of defense against the virus.

If Whitefish wants to keep its businesses open, protect workers and citizens by requiring masks.

Joni Foster
[redacted]
Whitefish, MT
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Barb G [redacted]
Sent: Saturday, July 4, 2020 8:11 AM
To: Michelle Howke
Subject: Face masks

Please implement a resolution for the wearing of masks in the town of whitefish. I am self employed as a house cleaner in whitefish. We need to do everything we can to slow down this virus and protect our communities!!!
Barbara Gallagher
[redacted]
Kalispell MT 59903

--
Sent from Gmail Mobile
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Leslie Galloway [redacted]
Sent: Friday, July 3, 2020 8:04 PM
To: Michelle Howke
Subject: Re: Mandatory Masks in public

My address [redacted] Rd, Whitefish, MT 59937
Leslie Galloway
[redacted]

On Fri, Jul 3, 2020 at 7:46 PM Leslie Galloway [redacted] > wrote:

> Please consider **requiring** people to wear masks when they cannot social-distance (inside restaurants, bars, shopping, super markets etc)
> We need to learn from other cities that we are not immune.
> Thank you
> Leslie Galloway
> [redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Rory Galloway [redacted]
Sent: Friday, July 3, 2020 10:55 PM
To: Michelle Howke
Subject: Masks

mhowke,

While I applaud the effort to solicit input from our citizens regarding this issue, I think it is a foregone conclusion that masks need to be worn when social distancing can not be achieved. The purpose of a face covering is to decrease infection to others, while providing some protection to the wearer. This is not an unreasonable thing to expect at this time, given our increasing numbers this past June. As evident in the data, initial efforts were very successful in reducing exposures, but then everybody relaxed and our second wave arrived.

It's not unreasonable to request people to wear masks for the greater good of everyone. Just like we all stop at intersections, we all drive in the right lane, and we are all use our turn signals. These safety measures are reasonable and so are facial covers. Also, how is wearing a mask so much worse than covering our mouths when we sneeze, which courteous citizens have been doing long before this pandemic appeared.

This message should be formulated, clearly communicated, and logically encouraged. There really is no reason why these issues are not part of the daily communications in our city. For example, the Art Festival this weekend, their website says nothing at all about safe distancing, hand washing, group sizes, facial covers, etc. It's as if the pandemic did not even exist. This is not only wrong but also is negligent.

http://www.whitefishartsfestival.org/

We either can be informed and stay safe, or we can continue to move forward without information/ knowledge and be subject to the negative repercussions.

Wear a Mask!

Thanks,

Rory Galloway

[redacted]

Whitefish, MT

[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: kimberly Hanson [redacted]
Sent: Friday, July 3, 2020 2:08 PM
To: Michelle Howke
Subject: Masks in public

Kim Hanson
[redacted]
Whitefish,MT 59937

No, masks should not be required.
They should be elective.
Social distancing and hand washing should be encouraged.
We also are gaining heard immunity by slowly letting people become exposed to COVID-19 which has a lower risk of death then the seasonal flu. We do not mask during flu season. Our hospitals are not close to being to capacity with dealing with COVID patients. That is the whole point of “slowing the spread”. We can’t stop the spread, just as we can’t stop the flu, even with a vaccine.
If places make people wear masks, several people just won’t go there, they will give their money to Amazon and Kalispell stores not requiring masks.
My Two Cents,
Kim

Sent from Yahoo Mail for iPhone
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Carrie Hanson [redacted]
Sent: Saturday, July 4, 2020 7:56 AM
To: Michelle Howke
Subject: Re: Masks

City council:
I agree we all need to take care of ourselves and others by wearing masks indoors and when social distancing. I am in the high risk category-going into a building where some wear masks & others don't is similar to swimming in a public swimming pool & one person urinates in the pool. So I have stayed out of businesses that do not require masks. I will visit businesses that DO require masks-they show the public they care about us, in my opinion.
Carrie Hanson
[redacted]
Whitefish, MT 59937

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

Michelle Howke

From: rhauf [redacted]
Sent: Thursday, July 2, 2020 7:07 PM
To: Michelle Howke
Subject: Mask

I am all for wearing a mask on public settings.
PERIOD

Sent from my Verizon, Samsung Galaxy smartphone

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Rock Henderson [redacted]
Sent: Sunday, July 5, 2020 6:31 PM
To: Michelle Howke
Subject: Mask Resolution

Dear council members,

My name is Rock Henderson and I live at [redacted] in Columbia Falls, Montana. Although I do not live in Whitefish, I do work full time there and I know that there is a need for a mandate for people to wear some sort of mask in public. I work in the service industry and I see vast numbers of people coming from out of state including the current hot spots of California, Texas, Arizona and Florida. There entirely too many people not wearing masks both local and tourist. In fact, there is a downtown restaurant where not one of the employees were wearing masks. How can that be? There is overwhelming evidence that masks are of the best ways to prevent the spread of disease especially covid-19. Covid-19 is already here in Whitefish and what will you do to mitigate the damage it can cause. I am in favor of a mandate calling for masks in public although I do not think you should allow exceptions for people with supposed health or mental concerns. There is no evidence that that masks exasperate current health conditions nor cause mental impairment. My mother has COPD and she wears a mask and has no issues. People will take advantage of any exceptions you have so please limit them. It should be black and white. Wear a mask in public unless you are in the process of eating or drinking. That is all that is needed.

Thank you for your time on this matter and I do hope you treat my email and this situation with the utmost seriousness that it merits.

Sincerely,

Rock Henderson
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Kristin Hetzer [redacted]
Sent: Saturday, July 4, 2020 7:39 AM
To: Michelle Howke
Subject: No Masks

This is an infringement on our freedom and health. The virus is less and less of health risk as it diminishes. Look at the science. Statistics and facts. The masks keep people fearful and it is not based on facts. NO MASKS!

Sent from my Verizon, Samsung Galaxy smartphone

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Suzanne Hildner [redacted]
Sent: Friday, July 3, 2020 12:03 PM
To: Michelle Howke
Cc: John Muhlfeld; jmuhlfeld@riverdesigngroup.net; Frank Sweeney; Frank and Paula Sweeney
Subject: Making Resolution
Attachments: COVID OP Ed.pdf

HI Michelle;

I have already send the attached Opinion letter that has been circulated to western MT papers to John and Frank. This is the long version, the Missoulian will be publishing a short version next week. Please include it in the public commentary for the other councilors for the meeting on the 6th. I have included Frank and John in this email so that can see my comments on the Resolution 29.

1. The fourth WHEREAS - I would recommend changing "People who are infected….." to “People who are infected may or may not have symptoms and many may be without symptoms but still highly infectious” or something similar.

2. I would like to see under section 2 that businesses are required to adopt a “No mask, no service” position on masking.

Thanks for all you are doing during these crazy times;

Happy 4th

Suzanne Daniell Hildner, M.D.

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Richard Hildner [redacted]
Sent: Thursday, July 2, 2020 8:39 PM
To: Michelle Howke
Cc: John Muhlfeld
Subject: Masking

Hi Michelle,
Please provide the Mayor and Council with a copy of this email. Thanks.

Mayor and Council,
In your packet is a letter I sent on 6/22/20. Much has changed in the intervening days. The City's population has exploded and there seems to be little regard for distancing and mask-wearing. Your proposed emergency ordinance is a step in the right direction but I'm afraid it may be too little too late. I encourage you to take the next step now and require mandatory masking in public spaces.

Thanks,
Richard Hildner

Richard Hildner
[redacted]
Whitefish, MT 59937

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Shannon Hoge [redacted]
Sent: Saturday, July 4, 2020 9:05 AM
To: Michelle Howke
Subject: Mask Up Whitefish

To the City and Council,

I am strongly IN FAVOR of an official city policy and action to promote the wearing of masks in public to prevent the spread of coronavirus. We've seen the spike in cases since the influx of tourists and mixing of people going about their busy summer activities. I believe we should heed the advice of public health experts who conclude that wearing masks can cut down on virus transmission. If it is easy and expected, I believe many more people will comply.

I encourage the City to approve a resolution and move forward with a MaskUp campaign as other states and municipalities have done. Masks could be made more available in businesses and farmers market, etc., perhaps printed with a Whitefish souvenir logo. Our lamppost banners could display positive messaging.

I hope these comments will help you to take responsible steps to protect the health of our community.

Thank you,
Shannon Hoge
[redacted]
Whitefish, MT
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Donna Scholl Holmstul [redacted]
Sent: Saturday, July 4, 2020 7:46 AM
To: Michelle Howke
Subject: Masks Resolution

To the City Clerk and City Council of Whitefish MT:

We would like to express our support for the City of Whitefish's proposed resolution to strongly encourages the use of masks in order to help to prevent the spread of Covid-19. The mask-wearing mandate should apply not only to our health care workers and first responders, but to all front line workers, visitors, and locals when out in public where social distancing is not possible.

As has been widely reported, there are two main reasons to wear masks. First, there's some evidence of protection for the wearer; but more importantly, there is stronger evidence that indicates that masks protect others from catching an infection from the person wearing the mask. And infected people can spread the virus just by talking.

Thank you for your efforts to protect the residents of our fine community.

Respectfully,

Donna & John Holmstul
[redacted]
Whitefish MT 59937

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: patrick hudson [redacted]
Sent: Friday, July 3, 2020 6:12 PM
To: Michelle Howke
Subject: Resolution

What happened to Fauci saying that masks don't work? What you are doing is idiotic and unconstitutional - and we will not stand for it. Stay inside if you want to, but don't tell me what I have to wear on my own body and where I can and can't go based off of that. This is a form of discrimination, and you won't get away with it.

Sorry for any typos... Sent from my phone EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: leslie hunt [redacted]
Sent: Sunday, July 5, 2020 6:18 PM
To: Michelle Howke
Subject: input

Hi Michelle,

I am writing to express my support for mandatory masks in Whitefish. I feel that it is a small sacrifice for a potentially large benefit of stopping the spread of COVID 19.

Thank you,
Leslie Hunt
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Nicole James [redacted]
Sent: Friday, July 3, 2020 11:59 AM
To: Michelle Howke
Subject: Mandatory Masks

Hi there,

My employees and I strongly encourage the requirement of masks in public places. We started requiring masks in both stores on June 30th. We were supplying masks complimentary but found many people that took one, looked around, did not purchase anything and through their mask away on the way out the door. By making masks mandatory in the stores, we have found that it brings in serious shopper and limits the large families just milling around therefore cutting down on the amount of people in the store at one time.

We appreciate you considering this requirement and taking care of our town. The last thing any of us want to do is shut back down and we believe this is worth the effort to avoid that.

Thank you!!

Nicole James
Sage & Cedar
[redacted]
Whitefish, MT 59937
www.sageandcedar.com
[redacted]

Kalispell Store:
[redacted]
Kalispell, MT 59937
[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Paul Johnson [redacted]
Sent: Friday, July 3, 2020 4:41 PM
To: Michelle Howke
Subject: Mask Resolution

To Whitefish City Council,

Like many other government entities across the country, you are drastically overreacting to the COV-19 disease. This is not the Bubonic Plaque with people lying in the streets waiting to be buried. This is not the Spanish Flu from 1918. This is not a catastrophic natural disaster with a breakdown of the country's physical infrastructure. For healthy adults, the risk of serious illness or death is very low. The latest estimates are that the mortality rate is about 1% for those who are infected. Obviously, it is higher if you are older or have other health problems.

If you are older and have other health issues, then, of course, take precautions as you feel necessary. For most people, COV-19 is not a threat. Let individuals decide what is the best course of action for their own situation. State governors and Federal officials have crippled the national economy with their absurd rules that they impose on everyone. Even though governors have declared state emergencies, nowhere are they given the authority to close businesses or require citizens to stay home or not travel. Your proposed resolution also exceeds your authority.

The sky is not falling. Please use some common sense around this issue and let us make our own health decisions.

Paul Johnson

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Melinda Johnson [redacted]
Sent: Friday, July 3, 2020 6:10 PM
To: Michelle Howke
Subject: Mask Wearing

We are in total support of mandatory public mask wearing.
Melinda Johnson
[redacted]
Whitefish MT 59937
[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Walt Landi [redacted]
Sent: Friday, July 3, 2020 10:02 PM
To: Michelle Howke
Subject: Masks

There are currently only 14 people hospitalized with the virus in the state of Montana out of a population of 1.1 million.
There have been only 22 deaths from the virus since this thing has started.
The hospitals are empty!
Not a single person has died of the virus in Whitefish. I am unaware of any Whitefish resident even being hospitalized from the virus.
The CDC has stated recently that the virus is less deadly than the flu. See attached.
How can you mandate wearing a mask when the data proves it to be unnecessary?
I will not wear one. Are you going to put people in jail for not following your mandate?

Walt Landi
[redacted]1

https://montanadailygazette.com/2020/07/02/cdc-shows-montana-coronavirus-is-66-less-deadly-than-the-regular-flu/

https://www.conservativereview.com/news/horowitz-cdc-confirms-remarkably-low-coronavirus-death-rate-media/

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

Michelle Howke

From: Shelley Lentz [redacted]
Sent: Friday, July 3, 2020 9:51 AM
To: Michelle Howke
Subject: Face masks

To whom it may concern:

I propose a mandatory order to wear face masks while occupying indoor spaces in order to protect our community from COVID-19. I believe that employees working in a public setting, such as stores, restaurants, offices, etc are at risk of contracting, and thus spreading said virus as they are in contact with multiple people throughout their work day. Also locals and visitors alike should also be required to wear masks in consideration for them selves and others while occupying public places. Medical professionals have been recommending the use of face masks for some time now, but it has, unfortunately, become so politicized that the idea of protecting your fellow man has become lost. Please, let's use our brains here and put politics aside and protect each other.

Thank you,
Shelley Lentz
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Mary Lepper [redacted]
Sent: Friday, July 3, 2020 2:16 PM
To: Michelle Howke
Subject: MASKS

PLEASE DO NOT MANDATE MASK WEARING FOR OUR CITIZENS AND TOURISTS.

PLEASE LEAVE THE DECISION UP TO COMMON SENSE AND TO EACH PERSON TO MAKE THAT CHOICE.

I'M BELIEVING THAT PEOPLE ARE HONEST AND DON'T WANT TO GIVE ANYONE ANY GERMS IF THEY BELIEVE THEY MIGIHT BE A CARRIER AND IF THEY HAVE BEEN IN CONTACT WITH SOMEONE WHO MIGHT BE SICK.

WE DO NOT HAVE THE NUMBERS TO JUSTIFY THIS MANDATE, WE ARE STILL VERY LOW IN CASES AND VERY LOW IN HOSPITALIZATIONS AND EXTREMELY LOW IN DEATHS.

WE ARE NOT A BIG CITY WITH CROWED STREETS, SUBWAYS AND OTHER ENTERTAINMENT AREAS.

THANK YOU.

MARY LEPPER
30 YEAR RESIDENT OF WHITEFISH.
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Jen [redacted]
Sent: Saturday, July 4, 2020 10:05 AM
To: Michelle Howke
Subject: Masks for Whitefish

Hi!
I would greatly appreciate a strongly worded mask mandate for the City of Whitefish.
With spikes being seen in all areas of Montana, as well as other major tourist destinations, it would be an easy way to protect our front line workers.
If people would like to come and enjoy all that Whitefish has to offer, protecting the businesses and front line workers should be a TOP priority – and masks are an easy (even though controvsersial) way to protect our community.
Please put Whitefish front line workers first!

Thank you,
Jen Kuropat

JEN KUROPAT
REGIONAL SALES REPRESENTATIVE
MONTANA COFFEE TRADERS
5810 HWY 93 SOUTH WHITEFISH, MT 59937
[redacted]
JEN@COFFEETRADERS.COM

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Richard Closson <[redacted]>
Sent: Sunday, July 5, 2020 9:03 AM
To: Michelle Howke
Subject: Masks

Gladys Klundt [redacted] . Whitefish avenue Montana. I am 93. My husband fought for freedom in ww2 for 3 years people stood by and watched until it was too late. This seems to have a similar ring to it my oxygen levels are very low but I do fine. No big health problems. Put a mask on me and I may die. Trust God with your lives covid germs go through masks , do your science EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: [redacted]
Sent: Sunday, July 5, 2020 2:55 PM
To: Michelle Howke
Subject: masks

I am in favor of requiring
people to wear masks any
time they are out in public .
Jeanne Thorson
[redacted]
Whitefish .
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Michelle Scott [redacted]
Sent: Thursday, July 2, 2020 2:34 PM
To: Michelle Howke
Subject: Face masks

To Whitefish City Council,

I strongly urge you to require face masks be worn in our town. It is absolutely frightening to go downtown and see throngs of tourists not wearing masks and not distancing.

We have worked way to hard to fall back and have to start over with quarantine.

Please keep us safe and require face masks to be worn in all business and outside in town as well.

Thank you,

Michelle Scott
[redacted]
Whitefish
4[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Karin Usach Franck [redacted]
Sent: Saturday, July 4, 2020 11:00 AM
To: Michelle Howke
Subject: I support wearing masks

To Whom It May Concern:

I am in full support of wearing mouth coverings/masks in public spaces in Whitefish as it has become obvious that our town is being inundated by people out of state.

Thank you for taking this initiative.

All the Best,

Karin Usach Franck
[redacted]
Whitefish, MT 59937
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: [redacted]
Sent: Sunday, July 5, 2020 9:13 AM
To: Michelle Howke
Subject: masks

People with severe breathing difficulties like asthma can not wear masks. The cloth masks create a lint that will collect in the lungs like in a dryer lint trap. As long as wearing a mask is optional, there is no liablility concerns for the City of Whitefish, once you make it mandatory, any harm done to people from the lint or reduced amounts of oxygen to the lungs will make the City of Whitefish liable for damages done. Similar to what happened in Libby with the asbestos dust. Something to think about. Rodney Ackerman, 7[redacted], PO Box[redacted], Kalispell, MT 59904
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: David Ackroyd [redacted]
Sent: Sunday, July 5, 2020 11:14 AM
To: Michelle Howke
Subject: Mask for COVID-19

To whom it may concern:
My name is David Ackroyd and I live at [redacted], Whitefish.

After being unable to return to Whitefish from New Jersey because of the pandemic and having spent the past several weeks in one of its epicenters, I strongly recommend that the Whitefish City Council pass a strong endorsement of wearing masks in public. I only wish that it could be a mandate. For the past four months I have watched as the infection rate here rose precipitously and then abated because of strong leadership from the governor and from business owners. The curve has flattened here because almost everyone in public indoor spaces such as supermarkets wears a mask. Many markets have signs prohibiting entrance without one and limit the number of people allowed in the store at any one time. Inside the stores, the aisles are marked with one-way arrows so that people will not be passing too closely to one another and checkout lines are clearly marked at 6 foot intervals. What's more, there are plexiglass shields between the checkout lines and the cashiers, and ALL staff are masked at ALL times. At a time when the infection rate is steadily increasing in Whitefish and all of Montana, it is simply foolish to ignore or dispute the fact that masks do make a difference.

Sincerely,
David Ackroyd

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

Michelle Howke

From: Doug Adams <[redacted]>
Sent: Saturday, July 4, 2020 9:00 AM
To: Michelle Howke
Subject: masks

Michelle,
I hope you're doing well.
I'm writing about the proposed resolution on wearing masks. It seems to me that the purpose in strongly encouraging the use of masks is meant to use peer pressure to intimidate people into wearing the masks. Although most will comply, I think it will lead to harassment of those that choose not to. In this time of hatred of anyone who isn't politically correct and ungodly, I predict it will cause additional conflict. In other words, the cure that the city council seeks to find will be worse than the illness.
For me, I will wear a mask in a store that won't let me in without one. But I won't wear one otherwise. I would appreciate the city council not overstepping its moral bounds.
Thanks,
Doug Adams
[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Barry Anspach [redacted]
Sent: Saturday, July 4, 2020 6:11 PM
To: Michelle Howke
Subject: Use of masks

The lack of a coherent national policy on Covid-19 safeguards places the responsibility for such actions on state and local governments. Self quarantining and lock-down are over. Business are open. Tourists are in town. The virus will spread. I support any resolution encouraging the use of masks while in public. Best if the action is mandatory. Second best if the action is simply strongly encouraged.

Thanks -

Barry Anspach
[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: nancy Antczak [redacted]
Sent: Saturday, July 4, 2020 4:35 PM
To: Michelle Howke
Subject: Masks

Dear John Muhlfeld,
I am writing to you because of the plan to make masks mandatory. Will you be addressing the issue of people who have asthma or other lung issues? For some people with a lung condition masks are impossible to wear especially while shopping and doing day to day activities outside of there home.

Will a document from their pulmonologist be enough to exempt them if this ordinance is passed?

Thank you,
Nancy Antczak
[redacted]
Whitefish, MT 59937
[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Cy Appel [redacted]
Sent: Saturday, July 4, 2020 1:41 PM
To: Michelle Howke
Subject: Concerning mandatory masking

Is there anything that the city council doesn't want to regulate?

Putting the populace in masks during the height of the summer season might seem to the councilmembers as a smart move, but in our opinion is just another example of the unending desire of the City elites to attempt to control the lives of its citizens without any belief that they might have enough common sense to regulate their exposure.

As an additional consideration, this dictate, if passed (as I am sure it will be) will prevent the development of herd immunity of which one hears a lot about.

So accept our strong opposition to this idea. And please note that as long as this dictate remains in force we shall take our business elsewhere - Columbia Falls is not that far away and the stores there are very accommodating.

Cyril and Myra Appel
[redacted] (fortunately out of the city limits)
Whitefish 8[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Brent Appelgren [redacted]
Sent: Sunday, July 5, 2020 11:01 AM
To: Michelle Howke
Subject: Don't Impose a Mask Mandate until there's a Local Emergency

Dear Mayor and City Councilors,

I was very surprised to read that the Whitefish City Council is considering a mask mandate. Unfortunately, the details of the proposed regulation were not published in the Interlake. I also surfed the city's website and could not find the specific proposal. Although it is difficult to comment on an unpublished proposal, I have the following comments.

In order to limit citizen's constitutional freedoms, there needs to be a local emergency. If there are dramatically increasing cases in Whitefish you may well have the authority to impose a mask mandate. The media says there are 14 cases in Flathead County and no hospitalizations. Even if all of the county cases are in Whitefish, this would not qualify as a local emergency.

There has been a dramatic increase in cases in many parts of the country (Arizona, Texas, Florida, and California) in recent weeks. These cases are primarily people under the age of 35. Hospitalizations are decreasing everywhere other than the hottest areas. Death rates are dramatically decreasing.

It appears that the spike in incidents is a result of younger people not social distancing. Infections primarily result from respiratory droplets where people are in close contact – coughing, sneezing, and loud talk. It is likely that most of these spikes derive from bars and social gatherings where people lose their inhibitions and disregard the protocols.

So, what would be appropriate in Whitefish? The most effective restraint would be requiring more social distancing in bars and restaurants, but I don't believe that it would be appropriate for a local city to impose these restrictions. Whitefish is not more impacted by the virus than other parts of Montana. It would be appropriate for the state to re-impose previous restrictions on bars and restaurants if state health experts determine it is appropriate and convince the governor to do so. It would not be appropriate for a city to impose restrictions unless there is a local emergency.

I believe that local businesses could require masks be worn in their establishments if they believe it is warranted, with Costco as an example.

We are in a pandemic. People will be infected. The health impact of Covid-19 in Whitefish is much less severe than the normal flu season.

We have seen some examples of extreme governmental overreach in Montana recently. The Blackfoot Tribe closed down access to Glacier National Park for the season costing the economy hundreds of millions of dollars. That sovereign government did so at a time when there were zero cases on the reservation. The City of Missoula shut down a baseball tournament in the middle of the event, forcing all of the teams to travel home without completing the scheduled competition. Missoula also mandated masks be worn anywhere in public, whether outdoors or indoors and regardless of social distancing. There were only 58 cases in the Missoula county at the time. Please don't go down that route of authoritarian overreach!

My conclusion is to request that whatever action you take, be reasonable in light of the circumstances. I don't believe there is any community spread here in Whitefish. If it develops, impose some incisive restrictions, in consultation with state health officials. If you implement additional restrictions, please provide the actual facts, including numbers of infections, which required your action. In short explain the "emergency" that justifies the action.

Sincerely,

Brent Appelgren

[redacted]

Whitefish, Montana 59937

[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Shelly Arbuckle [redacted]
Sent: Saturday, July 4, 2020 8:44 PM
To: Michelle Howke
Subject: Masks

YES! Shelly Arbuckle, [redacted], Whitefish

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

Michelle Howke

From: Mary Armstrong [redacted]
Sent: Sunday, July 5, 2020 7:48 AM
To: Michelle Howke
Subject: Comment re: masks

In my opinion, people should be required to wear masks inside public buildings. Businesses should not allow customers without masks to enter their buildings. Mask may be removed to eat and drink as long as social distancing requirements are met.

Masks should be worn outside when social distancing is not possible.

There should be fines for people not wearing masks and also for business owners that allow people without masks in their buildings. Then maybe people would start taking mask wearing seriously.

Mary Armstrong
[redacted]
Whitefish, MT

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Chad Arterbury [redacted]
Sent: Saturday, July 4, 2020 3:45 PM
To: Michelle Howke
Subject: Mask ordinance for Whitefish

Chad Arterbury
[redacted]
Whitefish, MT 59937

Wearing masks in public has no scientific evidence that it would lead to lower transmission of the virus. Everything we know about the virus up until now has been completely proven wrong as this pandemic has played out. The push for masks in public is from a new sustained media barrage scaring people and causing panic. We know that they (MSM) are constantly wrong about everything and so following their advice as a City is dubious at best.

Masks in public:
N95: An N-95 mask filters out particulate matter larger than .3 microns. So the question then is how big is a COVID particle. A COVID particle is about .1 micron....this idea of people doing anything particularly useful w...a mask is just LOONEY TUNES." - Sen. Dr. Scott Jenson, M.D.

The "droplet" argument for wearing masks is basically just uninformed. It's a nice idea until you look at the research & how porous masks are. "Surgical masks will NOT block aerosolized particles AS SMALL AS A DROPLET CONTAINING INFLUENZA VIRIONS."

From "Inside Surgery," a premier surgeon's journal, in 2009 during the swine flu outbreak, in an article titled "Standard Surgical Masks Do Not Protect Wearer From Getting Swine Flu." "For the prevention of transmission of swine flu this type of mask is ESSENTIALLY WORTHLESS."

From the US Department of Labor, on surgical masks for COVID: "Will not protect the wearer against airborne transmissible infectious agents due to loose fit and lack of seal or inadequate filtration."

New England Journal of Health: https://www.nejm.org/doi/full/10.1056/NEJMp2006372?query=recirc_mostViewed_railB_article

We know that wearing a mask outside health care facilities offers little, if any, protection from infection. Public health authorities define a significant exposure to Covid-19 as face-to-face contact within 6 feet with a patient with symptomatic Covid-19 that is sustained for at least a few minutes (and some say more than 10 minutes or even 30 minutes). The chance of catching Covid-19 from a passing interaction in a public space is therefore minimal. In many cases, the desire for widespread masking is a reflexive reaction to anxiety over the pandemic.

Another article with Scientific references scrubbed from the internet since last time I read it. Don't we wonder why?
http://webcache.googleusercontent.com/search?q=cache:UKYiH9A96aYJ:https://www.oralhealthgroup.com/features/face-masks-dont-work-revealing-review/&hl=en&gl=us&strip=1&vwsrc=0

Purchase any mask off the shelf and you will see it has a disclaimer that it will not prevent the spread of Covid-19. If this is the case, what is the point? Especially if a bandana counts as having a mask on.

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: natalie aubele [redacted]
Sent: Saturday, July 4, 2020 4:43 PM
To: Michelle Howke
Subject: Mask regulations

My name is Natalie Barnett and I live at [redacted]. in Whitefish.

I was just informed about this "city resolution" about masks in public. I am surprised that this was proposed during the busy 4th of July weekend. So many Whitefish citizens are out camping, busy with friends and family and enjoying the long weekend. To have the hearing on the Monday after the holiday seems to be a way for the citizens of Whitefish to not fully voice their opinions, whatever they may be.

I am writing to you to say that I am OPPOSED to these proposed guidelines. I believe if it makes workers downtown feel more comfortable, encouraging masks in small shops makes sense. Like in Bookworks, where they require a mask, that is THEIR CHOICE. I worked downtown in a small shop and can see how social distancing could be difficult, especially during tourist season. However, business owners should be able to choose if they will require guests to wear masks in their shops.

The guidelines I extremely disagree with are " all individuals present in a City Park or on a city sidewalk, shared-use path, or right of way should wear masks or cloth face coverings." This is unacceptable. My 7 year old should not have to wear a mask while walking down a sidewalk or playing at the park. Getting outside for fresh air with a mask on ? Seems counterproductive.

Anyone that is fearful of this virus or high risk can make their own choices of where and when they can go out in public. If they feel more comfortable wearing a mask at the park or at the beach or while jogging... so be it.

If there was a way for just tourists to wear a mask and not locals, I would be very supportive of that. However, I realize that seems nearly impossible to regulate.

I understand that most city officials are just trying to do their best for our community. I also recognize how uneducated some of Whitefish citizens are on covid-19 and are not keeping up with any updates. I hope that there are enough informed locals that can voice their opinions.

Thank you for taking the time to read my email.
Best,
Natalie Barnett

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Linda Bailey [redacted]
Sent: Thursday, July 2, 2020 7:12 AM
To: Michelle Howke
Subject: Whitefish mask proposal

Mark me with one big NO!

Want to be "progressive" fix the streets and get rid of the neighborhood blight first.
Thanks

Sent from Yahoo Mail on Android
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Clare baine [redacted]
Sent: Sunday, July 5, 2020 7:37 AM
To: Michelle Howke
Subject: masks

As a local restaurant worker I am urging our city to mandate face masks immediately. I am 71 and am considered at high risk and would appreciate if everyone would join me wearing a mask at the restaurant but know that it is necessary for it to be mandated for that to happen. All should be wearing a mask while out in public, no matter who you are!

Clare Baine [redacted]. Whitefish
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Jessica Baine [redacted]
Sent: Thursday, July 2, 2020 7:29 AM
To: Michelle Howke
Subject: Mask Requirements

I am writing to request that the city of Whitefish implement a mask requirement ordinance at their next city council meeting. Our community has seen a huge influx of out-of-state visitors over the past month. Many of those visitors are coming from states with record high coronavirus cases and are moving throughout our community without masks. Our Frontline workers, essential workers and tourism employees are at an extremely high risk of contacting the virus due to the lack of mask wearing in public places. It has been proven that masks are highly effective in slowing the transmission of the disease. I fear for my family, friends and neighbors if our community does not take steps to require masks being worn in public. If we want to prevent needless deaths and preserve our economy, the city needs to implement a mask requirement ordinance immediately. I appreciate all of the work our city officials have done to help keep our community safe during this pandemic. Please continue to do so by making masks a requirement while in public places. Thank you for your time.
Sincerely,
Jessica Schwaderer
[redacted]
Whitefish, Montana, 59937
[redacted]

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

Michelle Howke

From: Bonnie Baker [redacted]
Sent: Saturday, July 4, 2020 9:56 AM
To: Michelle Howke
Subject: Mandatory Masks

Thank you all for your time & effort in implementing the hard decisions to make Whitefish a safer place during these difficult times.

My husband & I support mandatory masks in every Whitefish business, including restaurants/bars & any time social distancing is not possible. Please make this happen immediately for our safety.

Bonnie Baker & Ron Breese
[redacted]
Whitefish, MT
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Mike Baldwin [redacted]
Sent: Sunday, July 5, 2020 4:16 PM
To: Michelle Howke
Subject: face masks

We are concerned for the safety of our total community including those working in our local businesses who interact with the public. We encourage everyone to be a part of keeping our community safe by simply wearing a mask, hand washing and to continue social distancing in public places. Together we can be part of the solution not part of the problem.

Respectfully,
Mike and Virginia Baldwin

Sent from Mail for Windows 10

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Linh Barinowski [redacted]
Sent: Sunday, July 5, 2020 10:18 AM
To: Michelle Howke
Subject: Yes to mask mandate

Good morning,
Please pass this important mandate. We should be learning from the mistakes of other areas, and continue to be proactive before COVID overwhelms us, too.

Thank you!
Linh

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

Michelle Howke

From: Mary Jane Barrett [redacted]
Sent: Saturday, July 4, 2020 3:23 PM
To: Michelle Howke
Subject: Masks: Front line employees, visitors, locals 7/4/20

Importance: High

7/4/20 To: M. Howke/City of Whitefish

I support the mandatory wearing of masks for all front line employees, visitors, and all locals regarding Covid 19 precautions related to a very contagious virus, including
following medical guidelines outlined for appropriateness for babies, toddlers, and children. If social distancing is not possible than all people need to be wearing masks.

Until this country has access to a vaccine or has better ability to manage this pandemic it is up to everyone to try to protect others and as well as themselves. Science, not politics
needs to be the word of the day.

Thank you. My office that I own is below and my home address is: 995 Ranch Lane, Kalispell, MT 59901 Home: 756-9547. (We live just as close to Whitefish as we do Kalispell)

Mary Jane Barrett, MS, RN email: mjb@mjnurse.com
Certified Case Manager [CCM]
Nurse Consultant
[redacted] - Whitefish, MT 59937
Tel: [redacted] Fax: [redacted]
FN, Inc.
MJNURSE.COM
mjb@mjnurse.com

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EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Mike Barrett [redacted]
Sent: Wednesday, July 1, 2020 9:24 PM
To: Michelle Howke
Subject: Re: Mask Ordinance

[redacted] Whitefish 59937

On Wed, Jul 1, 2020 at 9:22 PM Mike Barrett [redacted] wrote:

> So I work as a back of the house staff member in a very popular local restaurant and my question is...are we open or are we not open for business? There is absolutely no way to truly "social distance" in a busy restaurant. What if the local and or tourist arrives at said restaurant without a mask or refuses to wear a mask? What recourse will be available? How do I taste the food to be assured of quality with a mask on? I believe that either we are open for business or we are not and to tell the truth I believe that dine in business is going to become the epicenter of an outbreak in the near future. Am I endangering my own livelihood? Yes I am but I don't want to end up in the hospital so someone can go out to eat.
>
> Thank You
> Michael Barrett

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Billie Bartlett [redacted]
Sent: Tuesday, June 30, 2020 4:57 PM
To: John Muhlfeld
Subject: Please require masks to be worn in Whitefish

Mayor Mulfeld,

In view of the COVID virus and the looming number of deaths in our community, I ask that you consider requiring masks to be worn by all citizens and visitors to our community of Whitefish. It is a small sacrifice to prevent the loss of precious members of our community.

I thank you for serving our beloved Whitefish as mayor and appreciate your considering my request.

Sincerely,
Billie Welsh Bartlett
Resident, 65 years
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Billie Bartlett [redacted]
Sent: Tuesday, June 30, 2020 4:38 PM
To: John Muhlfeld
Subject: Masks

Hi, Mayor Mulfeld,

I am writing to request that you write an order requiring that masks be worn by all people in Whitefish during the coronavirus epidemic. With the influx of tourists, who provide a living to many of our residents, as well as the ease with which the virus is transmitted, our citizens stand at greater risk of contacting this disease.

I thank you for your service to our community, and hope that you will seriously consider my request.

Billie Welsh Bartlett
Resident, 65 years

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: m.basta [redacted]
Sent: Saturday, July 4, 2020 2:30 PM
To: Michelle Howke
Subject: City mask ordinance:yes

I'm all for the ordinance mandating the wearing of masks.
Its disturbing to me that the two things demonstrably proven to reduce the spread of covid, i.e. social distancing, wearing a mask has to be mandated in order to change peoples' behavior.

Thank you in advance for doing the right thing!

Michael Basta
[redacted]
Whitefish, Mt 59937

Sent from my Verizon, Samsung Galaxy smartphone

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Niles Bauer [redacted]
Sent: Sunday, July 5, 2020 2:04 PM
To: Michelle Howke
Subject: Proposed Resolution to Wear Masks in Whitefish

There truly is a need for people living and visiting in Whitefish to wear a mask when in businesses, stores, restaurants and bars. What is as important as the resolution itself is the police department's commitment to enforce the resolution, if passed.

Thank you,

Niles & Janet Bauer
[redacted]
Whitefish

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

Michelle Howke

From: Kara [redacted]
Sent: Thursday, July 2, 2020 8:19 AM
To: Michelle Howke
Subject: Mask requirements

Kara Bauer
[redacted]
Whitefish.
[redacted]

I agree with mask requirements...ON THE SHOPPERS. If they want to come into a place of business, a mask is mandatory.

This is what I see and know everyday: employees wearing masks standing behind plexiglass getting headaches, nausea and hypoxic 8 hours a day in order to
1. Have a job and pay their bills, feed their family, and
2. protect themselves from unmasked people who are in front of them for 5 minutes.

I, personally, am sick and tired of being sick and tired having to work behind a mask, for hours on end, to protect myself from a consumer who can't be bothered to slip one on for just a few minutes! Not to mention the fact the masks we can get our hands on, and have to provide OURSELVES, aren't N-95's!

People/public are out and about running errands, popping in and out of this stores, free to breath fresh air in their car, in the parking lot, all day at home, on their walk...etc, while employees are FORCED to breath behind a mask for HOURS at a time.

My point:
MAKE MASKS MANDATORY ON CUSTOMERS NOT EMPLOYEES.

Thank you
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Kevin Bauman [redacted]
Sent: Saturday, July 4, 2020 12:33 PM
To: Michelle Howke
Subject: Face masks

I am in support of a resolution to require masks. If we do it right the second time, perhaps we can shorten the overall length of time we have to do it.

Kevin Bauman
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Randy Beach [redacted]
Sent: Sunday, July 5, 2020 11:15 AM
To: Michelle Howke
Subject: Masks Recommendation

Regarding the Council's discussion of wearing masks to decrease the spread of COVID-19 please consider the following:

1. Scientific studies (including one in Nature recently) show that, if worn properly and with the right fit, surgical masks are effective at blocking 99% of respiratory droplets expelled by people with with coronaviruses or influenza viruses. The material of a double-layered cotton mask can block droplet emissions too, but by about 66%. A recent extensive review of research from an international group of scientists showed that if at least 60% of the population wore the 2 layer cotton masks, the epidemic could be stopped.
2. This information is very important for Whitefish and the Flathead Valley. In 2019, 3.05 MILLION people visited Glacier National Park. Most of these visitors were during the late spring/summer/fall, and I expect that a significant percentage of those 3,050,000 million people spent time in Whitefish. Our county has health care facilities based on our county population of 100,000. We likely could not adequately care for a big increase of sick people over the summer months.
3. In order to protect each other and ourselves, we must be more consistent with wearing masks in public. If all merchants require masks be worn by employees and customers our community will benefit greatly. However, at present I know of only one retailer that requires masks be worn by employees and customers. Whitefish is a unique market, not easily duplicated in the surrounding communities. With a positive approach to getting people to wear masks, it is likely most people will comply. Wearing masks has such a profound effect on decreasing contagion, we cannot afford not to make it the standard here. Social distancing and handwashing are integral as well, but the most important is the wearing of masks in public.

As a health care provider, I have major concerns about keeping our citizens and visitors safe from COVID 19.

Rayne Beach, Family Nurse Practitioner
[redacted]
Whitefish,MT
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: arhillbily [redacted]
Sent: Saturday, July 4, 2020 8:00 PM
To: Michelle Howke
Subject: Mask

No to mask

Dee Benbrook

Sent from my Verizon, Samsung Galaxy smartphone

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Cgraine [redacted]
Sent: Tuesday, June 30, 2020 2:55 PM
To: John Muhlfeld
Subject: covid precautions in Whitefish

Dear Mayor Muhlfeld and City Council Members,

I am writing to express my concern about the behaviors I am seeing in Whitefish during Phase 2 of reopening. Specifically, many if not most people are not wearing masks and social distancing in shops and businesses. I would like for mask wearing to be a requirement of business; for employees as well as customers. It seems to me that if this is a mandate, then it is easier for a business to require and enforce it. It looks like the health information we are getting is showing that wearing face masks (and distancing) would go a long ways towards helping prevent the spread of Covid-19, especially since there is no vaccine for it yet. With so many tourists in town, and locals who are also frequenting business, I think it would be a good idea to make these things requirements. I am aware that there is community spread in our area, and now is the time to act, not after it gets out of control.

Regards,
Cynthia Benkelman
Whitefish, MT
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: a&rbeougher [redacted]
Sent: Sunday, July 5, 2020 5:05 PM
To: Michelle Howke
Subject: Covid 19

Thank you for the opportunity to weigh in on the face mask mandate.
Of course Whitefish should do all that is needed to protect our citizens.
All that are involved in marketing to tourists, including taxpayer funded Visitor and Convention Bureau should be held responsible for unleashing
the Trojan Horse on our community.
Staying safe at home.
Sincerely,
Alan Beougher
[redacted]
Whitefish, MT
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Vicki Bernstein [redacted]
Sent: Thursday, July 2, 2020 12:37 PM
To: Michelle Howke
Subject: Resolution 20

Good morning Michelle,
Thank you for the opportunity to voice my appreciation to the City Council for taking action to prevent the further spread of the Covid virus in our town.
As I watch the spike in virus cases across the state, it is only a short matter of time before Governor Bullock issues a mandatory mask wearing ordinance in Montana. Therefore in the interest of time and before the incidence and prevalence of Covid-19 increases, Whitefish should implement a mandatory mask policy now, with hefty fines for noncompliance.
My friends and family live here and out of respect for their health and well-being I urge you to mandate a no mask no service policy in our city. I also recommend that banners be placed at both entrances to the city informing both tourists and residents of the updated policy.

Thank you again for the opportunity to share my opinion and I urge the city council to please act swiftly.
Vicki Bernstein
[redacted]
Whitefish
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Devon Blades [redacted]
Sent: Saturday, July 4, 2020 3:31 PM
To: Michelle Howke
Subject: Mask petition

Happy 4th!
I am 100 percent onboard with Whitefish requiring mask while in public. I feel that with our large tourist population right now, it's in everyone's best interest.
Thanks so much!!
Devon Blades
[redacted]
Columbia Falls

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

Michelle Howke

From: deb and charlie [redacted]
Sent: Thursday, July 2, 2020 9:36 AM
To: Michelle Howke
Subject: Mask Requirement

Dear Whitefish City Mayor and Council,

I have been pleased with your forward thinking and actions amidst the pandemic. With the influx of out of state visitors and the non compliance of mask wearing in Whitefish, your action is needed. Please put in place a mask requirement for all indoor facilities. I will continue to stay away from places where masks are not used. Perhaps use some of the resort tax funding to provide masks to businesses and venues that don't have them (Super One). I want to give a shout out to Safeway. Their employees continue to wear masks. Require masks at the Art in Depot Park event as well. I have also contacted the governors office.

Thank you for your time and consideration on this issue.

Debra Bond
[redacted]
Whitefish

Sent from Mail for Windows 10

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Carrie Bowman [redacted]
Sent: Thursday, July 2, 2020 10:50 AM
To: Michelle Howke
Subject: Please Pass Resolution No. 20

Dear Whitefish City Council,

Anything you can do to protect us and inhibit the spread of Covid-19 is important. Resolution No. 20 does this. We've been surprised and appalled at the lack of facemasks and social distancing in Whitefish. Please pass Resolution No.20. It sets an example of respect for people living in and visiting our community.

We will continue to wear our facemasks and social distance and encourage others to do the same.

In Unity and Solidarity,

Tom and Carrie Bowman
[redacted].
Whitefish
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: David Brandt [redacted]
Sent: Saturday, July 4, 2020 11:45 AM
To: Michelle Howke
Subject: Mandatory mask issue

I think this would be an overreaching burden on our community. This should be an issue of hospitalizations and deaths not just people testing positive. Currently there no one in KMRC in the hospital in the covid unit this is very consistent with the common flu. We are Whitefish residents and will shop and eat and entertain in Columbia Falls and Kalispell if you impose this unnecessary restriction on our community. Please advise only people who are at risk to do so. This would be an unnecessary restriction angering your local constituents.

David Brandt
EXTERNAL SENDER verified by City of Whitefish IT

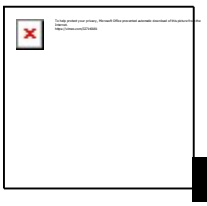
Michelle Howke

From: Tory Brandt [redacted]
Sent: Saturday, July 4, 2020 1:00 PM
To: Michelle Howke
Subject: I Vote No On Masks

Tory Brandt
[redacted]
Whitefish, MT 59937

We are full time residents and we have absolutely no problem with the tourists who visit our beautiful town. They should be able to experience Whitefish as much as any of us who have chosen to live here. None of us should be forced to wear masks. If people want to wear them because they think they help? Fine. For those of us that know they don't, let us live our lives. Let's look first to the hospitals and it is proof that we are not even close to being in a pandemic. There is absolutely zero reason we should be forced to wear them.

--



[redacted]
Executive National Vice President | Arbonne Independent Consultant
[redacted]

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EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Ann Brestrup [redacted] >
Sent: Saturday, July 4, 2020 7:03 PM
To: Michelle Howke
Subject: masks in public when social distancing not possible

I am writing to support the City taking formal action to to require front line employees, visitors, and locals to wear masks in public when social distancing is not possible.

Although I see people wearing masks and some employees of retail venues wearing masks, a concerningly large number of visitors, store employees and visitors do not wear them. The city is becoming increasingly crowded as summer progresses and if we are to protect one another from contracting COVID-19 it is imperative that the importance of wearing masks be recognized and steps to enforce the use of masks be taken. I wish that people would accept this responsibility without having to be mandated to do so, but unfortunately that is not happening.

The number of COVID-19 cases is increasing at an alarming rate in Montana and across the country. I hope that our City Council will vote to adopt a resolution that will enforce the wearing of masks. I do not consider being expected to wear a mask and to expect legal consequences if i do not do so in the required situations to be an infringement on my liberty. We are expected to follow many rules to maintain pubic safety and we expect consequences if we do not follow those rules. If there ever was a time to establish rules and legal consequences, this is that time.

Thank you for considering my opinion.

Sincerely,
Ann Adams
[redacted]
Whitefish 59937

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Robin Brooks [redacted]
Sent: Saturday, July 4, 2020 3:20 PM
To: Michelle Howke
Subject: mask mandate feedback

Hello, I am a ten year resident and business owner in Whitefish. I wanted to share my feedback on the upcoming resolution regarding mandating masks. I am strongly opposed to mandating the wearing of masks.

I already see the majority of people choosing to wear a mask, many businesses in town (including my own) already require or strongly recommend masks. Mandating their use only works to further anger and divide an already very on edge population. I take particular offense to mandating their use on sidewalks. While the three blocks downtown on Central are very busy, every other street is not. Do I really have to wear a mask when walking alone or with my family? That's completely absurd and the science does not support it! Evidence has shown that transmission rate is VERY low outdoors as the particles disperse and the UV kills the virus quickly. Our lives have already had to change so much; economically and socially, so many people are on the edge. My main concern is for the mental health of people that are greatly suffering because of the blown up fear factor in all of this and lack of socialization and connection that they are experiencing because of it. Not to mention all of the social pressure, ostracization, and anger against those who either chose not to or can not wear a mask. A mandate is not necessary, the social pressure and business choice is already in place and adequate.

Thank you for your time, and I hope some sanity comes back to our community and the world during this challenging time.

Robin Brooks

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Mitchell Brown [redacted]
Sent: Thursday, July 2, 2020 11:26 AM
To: Michelle Howke
Subject: Face mask proposal

Hi
My name is Mitch Brown and I live at 1000 KM Ranch Rd, Whitefish. I fully support the city proposal of mandatory mask wearing in public.
I work in the restaurant industry and I am amazed and very disappointed in the people visiting Whitefish not respecting social distancing, mostly not wearing masks and also traveling in large groups.
It's also upsetting to me that these same people are often rude, demanding, disrespectful and unwilling to follow simple guidelines.
This virus has also left Whitefish with a serious lack of service industry workers thus we are all short staffed; to the point that my employer can't even open 7 days s week.
The combination of all this is very stressful to us front line employees in an already stressful time. We really appreciate the support of the city and the CVB in such difficult times.

Thank you,

Mitch Brown
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: William Bruzek [redacted]
Sent: Sunday, July 5, 2020 12:11 PM
To: Michelle Howke
Subject: Masks

We are students of the sciences. We have degrees in business and science. The current scientific theory to help contain the corvid virus is to wear a mask in consideration of our fellow humans. The past two weeks we have witnessed a surge of people into our area. The wearing of masks buy visitors and locals is almost nonexistent at this time. This is a very serious problem that our Governor is not addressing at this time. For the safety of all people in Whitefish, please advise us that masks are mandatory when social distancing isn't possible. Thank you for your concerns and efforts!

William P. and Judith A. Bruzek
[redacted]
Whitefish,MT 59937
Sent from my iPhone
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Rachel Burke [redacted]
Sent: Wednesday, July 1, 2020 9:20 PM
To: Michelle Howke
Subject: Masks in public

My name is Rachel Burke, I own a home and work in Whitefish. I would like masks to become mandatory and would also like to consider going back to a two week quarantine for out of state visitors. Thank you for your consideration on this matter.

Rachel Burke

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

Michelle Howke

From: Kellie Cahill [redacted]
Sent: Sunday, July 5, 2020 1:39 PM
To: Michelle Howke
Subject: Masks

Please require masks to be worn in public buildings (at the least) in city limits of Whitefish. My entire family works in the restaurant industry and we see how many people are not being considerate of others and wearing masks. The restaurant I work at has required us to wear masks in the front of house. Our town is flooded with out of state people and requiring masks would help protect all of us. Maybe set a date for review? Separate 1st?October 1st? So people don't freak (even more) and think it's required forever? I would even be fine with scaling back to phase one. This is not a partisan issue, it's a human welfare issue. This is tough for everyone, so thank you.

Kellie Cahill
[redacted]
WF MT 59937
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: James Cannava [redacted]
Sent: Sunday, July 5, 2020 1:03 PM
To: Michelle Howke
Subject: Resolution Encouraging Use of Masks

I am a pediatric dentist who also has a master's in public health. I am in one of the highest risk professions for contracting airborne diseases since the dental drill causes aerosolization of oral bacteria. I also work and treat patients with preexisting conditions that put them at a high risk for complications associated with Covid-19. The health and safety of my patients as well as the financial stability of my business requires that I stay Covid-free.

Our household strongly supports Whitefish's proposed resolution encouraging the use of masks ("mask mandate"). Our community has worked too hard over the last few months to risk going backwards or have things turn out worse than they were before (as has happened in many areas of the country). My family and I took the Governor's orders very seriously. We expect the same from our neighbors, city businesses and visitors.

Wearing a mask should be the norm while try to manage the pandemic. While we have tried to support local businesses, we have been frustrated that there places where employees aren't wearing masks. For example, last time I was at 2nd Street Pizza, none of the employees were wearing masks while handling food or speaking with customers. There also weren't any plastic partitions. To make matters worse, the nature of this business creates a situation were crowds of customers are mingling very closely together while ordering and paying for food. This is not OK and we won't be back until changes are made.

We had two family members from Seattle visit this weekend and they were shocked at the lack of community mask-wearing. We felt badly and were embarrassed. This resolution will not scare people/tourists away from visiting us. If it does, those are not the kind of people we want in our town. Instead, let's a be a community that makes scientifically supported decisions to protect one another. It is the right thing to do. It is the kind thing to do. Also, it's not that hard to hear a mask.

Thank you for considering this resolution and we hope it passes.

James Cannava
[redacted]
Whitefish, MT 59937
[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Kerrie Cardon [redacted]
Sent: Sunday, July 5, 2020 10:42 AM
To: Michelle Howke
Subject: Face Masks - Yes, please!

Good morning Michelle,

As a nurse, I am writing to voice my strong opinion that face masks should be required for all Whitefish public spaces.

Due to a pre-existing condition, my asthma and my age, I am in the high risk category. As a registered nurse, I know how pathogens spread. As a patient, if I get Covid it won't end well for me.

I'm not sure why public health guidance such as face masks and social distancing became political when it's just necessary to keep everyone safe and prevent the spread of Covid.

I hope Whitefish once again sets the example of what we as citizens can do to help one another. Businesses must be able to maintain safety for their employees. That is their moral obligation. Visitors and locals will be reluctant to visit establishments if they don't feel safe.

It isn't political. It's public health. It's just a face mask.

Thank you for the opportunity to voice my opinion.

Kerrie Cardon
[redacted]
Whitefish, MT 59937

[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Carrey H [redacted]
Sent: Thursday, July 2, 2020 5:05 AM
To: Michelle Howke
Subject: Mandatory mask hearing

I am writing in response to the "hive call" to hear public opinion on mandatory masks.

MASKS SHOULD NOT BE MANDATORY FOR THE SCIENTIFIC REASONS LISTED BELOW AND BECAUSE MANY PEOPLE HAVE HEALTH CONDITIONS THAT PREVENT THE USE OF MASKS like ASTHMA, as well as other psychological and medical conditions where masks are medically contraindicated!

By making masks mandatory you are denying services to many more residents than you think!

"Suggested & encouraged" mask wearing if you must, but NOT mandatory. Please see the scientific evidence below. Conclusions in YELLOW.

Furthermore, people like to be asked not mandated!
YOU ARE GOING TO WRECK THE WHITEFISH ECONOMY IF YOU IMPLEMENT THIS MANDATE. Or maybe that your underlying desire?!!

Carrey Hirt
[redacted]
Whitefish MT 59937

EXTERNAL SENDER verified by City of Whitefish IT

Jacobs, J. L. et al. (2009) "Use of surgical face masks to reduce the incidence of the common cold among health care workers in Japan: A randomized controlled trial," *American Journal of Infection Control*, Volume 37, Issue 5, 417 – 419.
https://www.ncbi.nlm.nih.gov/pubmed/19216002

N95-masked health-care workers (HCW) were significantly more likely to experience headaches. Face mask use in HCW was not demonstrated to provide benefit in terms of cold symptoms or getting colds.

Cowling, B. et al. (2010) "Face masks to prevent transmission of influenza virus: A systematic review," *Epidemiology and Infection*, 138(4), 449-456.
https://www.cambridge.org/core/journals/epidemiology-and-infection/article/face-masks-to-prevent-transmission-of-influenza-virus-a-systematic-review/64D368496EBDE0AFCC6639CCC9D8BC05

None of the studies reviewed showed a benefit from wearing a mask, in either HCW or community members in households (H). See summary Tables 1 and 2 therein.

bin-Reza et al. (2012) "The use of masks and respirators to prevent transmission of influenza: a systematic review

Smith, J.D. et al. (2016) "Effectiveness of N95 respirators versus surgical masks in protecting health care workers from acute respiratory infection: a systematic review and meta-analysis," *CMAJ* Mar 2016 https://www.cmaj.ca/content/188/8/567

"We identified six clinical studies ... . In the meta-analysis of the clinical studies, we found no significant difference between N95 respirators and surgical masks in associated risk of (a) laboratory-confirmed respiratory infection, (b) influenza-like illness, or (c) reported work-place absenteeism."

Offeddu, V. et al. (2017) "Effectiveness of Masks and Respirators Against Respiratory Infections in Healthcare Workers: A Systematic Review and Meta-Analysis," *Clinical Infectious Diseases*, Volume 65, Issue 11, 1 December 2017, Pages 1934–1942, https://academic.oup.com/cid/article/65/11/1934/4068747

"Self-reported assessment of clinical outcomes was prone to bias. Evidence of a protective effect of masks or respirators against verified respiratory infection (VRI) was not statistically significant": as per Fig. 2c therein;

Conclusion Regarding That Masks Do Not Work

No RCT study with verified outcome shows a benefit HCW or community members in households to weari mask or respirator. There is no such study. There are exceptions.

Likewise, no study exists that shows a benefit from a broad policy to wear masks in public (more on this below).

Furthermore, if there were any benefit to wearing a mask, because of the blocking power against droplet and aerosol particles, then there should be more ber from wearing a respirator (N95) compared to a surgic mask, yet several large meta-analyses, and all the RC prove that there is no such relative benefit.

Masks and respirators do not work.

Michelle Howke

From: Ann Carriveau [redacted]
Sent: Sunday, July 5, 2020 2:35 PM
To: Michelle Howke
Subject: Wearing of face mask requirement

My apologies, I hit send too quickly.

I am writing to voice my opinion and inform you that I do not agree with the wearing of face masks while in public. It will more likely lead to me not frequenting businesses in town which is the only way I can choose where my dollars are spent.

Ann Carriveau
[redacted]
Whitefish, MT
Homeowner and full time resident

Sent from Yahoo Mail for iPhone
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Diane Carter [redacted]
Sent: Thursday, July 2, 2020 1:50 PM
To: Michelle Howke
Subject: masks

I am supportive of Resolution 20 as well as figuring out the lodging complications. I trust there may be a unified compromise for this very delicate issue as well.

Thank you for all this effort, concern and action.

Diane Carter
[redacted]
Whitefish
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Glo Caudillo [redacted]
Sent: Sunday, July 5, 2020 4:43 PM
To: Michelle Howke
Subject: Face Masks requirement

I support an ORDER / REQUIREMENT for wearing of face masks in Whitefish, when social distancing is not possible. If the language is "strongly recommend / encourage," the anti-masks people will NOT comply. I say get right to it and require it now.

The health and wellbeing of our community is at stake and we need to take all possible steps to improve and not enable it to get worse. Time is of the essence. Please ACT expeditiously.

Thank you,
Gloria Caudillo
[redacted]
Whitefish MT 59937
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Morgan Cawdrey [redacted]
Sent: Thursday, July 2, 2020 1:30 PM
To: Michelle Howke
Subject: Comments

Hi Michelle,

Address: [redacted], Whitefish

As a restaurant owner and worker we would definitely appreciate some firm guidelines about masks, in order to form our policies around it. There seems to be little agreement and consistency in the service sector about masks, and while we're happy to adhere to guidelines, it's hard to insist our servers wear them when it's not instituted across the board. We have asked servers to give patrons the option to have their server wear masks, and very few have asked them to wear them. But others have definitely appreciated that they were wearing masks. It seems to be our job on the front line to educate people and set the standard, but without a firmly set standard to look to from a higher authority it has been challenging.

--
Best,

Morgan Cawdrey
General Manager
Cypress Yard
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Terry Chute [redacted]
Sent: Saturday, July 4, 2020 2:40 PM
To: Michelle Howke
Subject: Face Covering Resolution

I strongly support Resolution #20 that will encourage the use of face masks/cloth face coverings. The City of Whitefish took strong steps early on in the pandemic to limit out of town visitor stays. Please continue to lead by implementing this very simple, effective, and cheap public health measure to protect the citizens and the health care workers of Whitefish.

Thank you,

Jane Kollmeyer, [redacted], Whitefish, MT EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Richard Closson [redacted]
Sent: Sunday, July 5, 2020 3:46 PM
To: Michelle Howke
Subject: Masks

Richard Closson [redacted] Whitefish,MT.

"Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery?
Forbid it,Almighty God! I know not what course others may take; but as for me, give me liberty, or give my death! "
Patrick Henry. I am profoundly opposed to the mask mandate.

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Richard Closson [redacted]
Sent: Sunday, July 5, 2020 8:52 AM
To: Michelle Howke
Subject: Masks

Bonnie Closson. [redacted]. Whitefish Montana. I believe you will be taking away my religious and constitutional rights I have low blood pressure, I took my 7 year grandaughter into a store and we both felt it was hard to breathe. Are you willing to sign your names on possible medical bills and lawsuits with laws that make us breathe carbon dioxide ?

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: isaac cohen [redacted]
Sent: Sunday, July 5, 2020 2:28 PM
To: Michelle Howke
Subject: Coronavirus precautions

Thank you all for taking this on

I'm glad to see continuing efforts for public safety, but I'm also concerned by an early draft which appears to put extremely high-risk venues on equal footing with extremely low-risk, outdoor settings

The Wall Street Journal, on how and where people mostly get covid-19:

"close-up, person-to-person interactions for extended periods. Crowded events, poorly ventilated areas and places where people are talking loudly—or singing, in one famous case—maximize the risk."

Therefore "...tactics like installing plexiglass barriers, requiring people to wear masks in stores and other venues, using good ventilation systems and keeping windows open when possible..."

https://www.wsj.com/articles/how-exactly-do-you-catch-covid-19-there-is-a-growing-consensus-11592317650?mod=e2fb&fbclid=IwAR2nnosSMyeZ6hfRypnhXzlY8wE1QHdkEa6DVoUXfJ3u6fzuiHdZQf7qEkE&fbclid=IwAR0smvTHxM1jAUIzeXKd1tBhSJnm0v5Azxw4BZwVOeRTn2qi0--2vNcvEyA&fbclid=IwAR3UYGFi28WTXZx5vH2BK7D7yNiYddC6pkI4kHOfvJfRjN6QnPNNdkmIjaA&fbclid=IwAR0GAYvkBaEKSS5UEVkztUh3ZFaLt54Ud7U5uhwnN5sFR1twutejT0BLK4k&fbclid=IwAR3ScK7bYVPYZK2lmDfDy6Ca3LCR54kWtOF0ISr86PNRrQv7eOEkrzo6X5w&fbclid=IwAR0i7BnnCElPB1ZaOQCWWD8NTWp7GQ4GdIntMzr6iFfomoDSK2nL7jvSKwo&fbclid=IwAR3kXRWMMrjhZkvzrZu0cpTzidHtjM3LLYJNmeqwpfWIsqH20sB16SQUwAk&fbclid=IwAR2pjRNbOAGP1_nFiLoBxZwtyV5plO54J1jiWHKQTL5hGh7Zman0HKGGonw&fbclid=IwAR0SkP9Qb7rAqWo0KZMQL44TSJRTThGAMlSQQwpfUhKIVD9nt1xewdvFn_s&fbclid=IwAR0B50Y2_WNwG5qvXF5OAOLZvOvPrKA80fYgm841FVzMgx5YHbbcJ4AiSQw

Dr. Michael Osterholm:

"I often hear people talking about the risk of going to the beach, and ironically, beaches are probably some of the safest places to go to if you're not literally cheek and jowl with someone, just because the wind is blowing all the time."

(https://www.npr.org/2020/06/17/879255417/amid-confusion-about-reopening-an-expert-explains-how-to-assess-covid-risk)

other links to studies about the relative safety of outdoor air:

https://cliffmass.blogspot.com/2020/04/why-outside-air-is-safe-and-park.html

I was particularly distressed to see wording in the original draft which appeared to prohibit walking down even an entirely empty city street or path without a mask... I'm sure that was not the intent, but with all the paranoia going on, it seems important to be clear and avoid confusion about such things

Isaac Cohen

[redacted]

[redacted]

Whitefish

[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Alonso Conrad [redacted]
Sent: Sunday, July 5, 2020 2:23 PM
To: Michelle Howke
Subject: Whitefish City Council Public Comment July 6, 2020

Good Evening,

My name is Alonso Conrad. I moved to Whitefish, Montana in 1995, graduating from Whitefish High School and now live in Kalispell, Montana. I believe it is not only within the City of Whitefish's authority to enforce a mask mandate but its moral duty to do so in order to protect its residents.

We are a tourism economy and we welcome out of state visitors/part-time residents who enjoy our town's attractions as an opportunity to escape from the rest of the world. But the benefit of tourism should not come at the unnecessary risk of our front line workers. Front line workers in town, at the park and on the mountain, are exposed to dozens or hundreds of people each day. The CDC, the WHO and Vice President Pence all agree that wearing masks is safe for the population at large and is essential to stop the spread of the virus when social distancing cannot be effectively maintained. By mandating face masks for all those who can safely wear them, you provide legal protection for front line workers, support for local businesses to protect their employees and act to prevent widespread virus exposure that could cause us to close down our economy in the height of our Summer season. By remaining silent, you leave us unsupported and vulnerable.

To quote our Vice President Pence, now is the time where "we have to (metaphorically) put our arms around and protect the most vulnerable among us." Please support and protect us.

Thank you,

Alonso Conrad
[redacted]
Kalispell, MT 59901
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Mary corrao [redacted]
Sent: Saturday, July 4, 2020 10:11 PM
To: Michelle Howke
Subject: Mask mandate

I request that the city of whitefish mandate masks.
Mary Corrao, [redacted], whitefish.

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Anne Couser [redacted]
Sent: Saturday, July 4, 2020 1:06 PM
To: Michelle Howke
Subject: Masks

Yes! At least until everything clears down because I lived in Cortolane for many years went back to visit and their numbers right now or triple the highest day they ever had because of all the tourists they aren't careful at all and a couple of my friends we've gotten it.
I always think we need to stand up for the weakest of those that we are living near....standing up for the people that are compromised!! Saying "sorry you don't wanna wear a mask but if you don't then don't come in because we are protecting our weakest❤️ That is the way in everything that's happening now with the Black Lives Matter, police, Cobden we need to protect the people that are hurting and put our pride behind us to survive all of this! Yes he will get flack from people with all these civil liberties that they are flaunting but if There is a mandate that says this is gonna happen right now and it's just black and white...It is there a civil liberty to not wear a mask but if they don't wear in our town,We won't lose business will gain business because we are an upstanding town that takes care of its citizens and the people that are hiding because of all the tourists will come out of the woodwork.
People that don't wanna wear a mask have the liberty to go anywhere else they want to do their business.....Because we stand up to protect our own💪Thank you for listening , Anne Marie couser

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

Michelle Howke

From: lcrogue07 [redacted]
Sent: Saturday, July 4, 2020 5:00 PM
To: Michelle Howke
Subject: Public comment on masks

Hello,
I would like to weigh in on the city's consideration of making masks mandatory.

The Coronavirus family of viruses ranges in size from 80 to 160 nanometers, a N95 respiratory mask can filter particles as small as .3 microns, 160 nanometers is equal to .16 microns.
This means that a N95 respiratory mask cannot stop a virus, and if the N95 mask cannot stop a virus, then the homemade and improvised masks are even less effective than a placebo.

The CDC website shows that even though there is a spike in cases, which is likely due, at least in part, to the increase in testing, the death rates in the US continues to decline.

https://www.cdc.gov/nchs/nvss/vsrr/covid19/index.htm

Unless you are considering closing down the state to tourists, or requiring tourists and those that leave the state and return to quarantine for 14 days again, as Montana's spike, while also due, in part, to an increased testing, also coincides with the end of the 14 day quarantine your attempt to make masks mandatory is little more than political pandering, and an attempt to control people as though we are chattle, which I can assure you, we are not.

Thanks you for your consideration,

Anthony McGillivray

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Chris [redacted]
Sent: Thursday, July 2, 2020 11:32 AM
To: Michelle Howke
Subject: Re: Resolution 20

Hi Michelle,

I'm writing in regards to Resolution 20 which strongly encourages the wearing of face masks in the City of Whitefish. I totally agree with this resolution and believe it is a step in the right direction and that the City Council should pass it.

However, I truly believe it does not go far enough. I fear "strongly encouraging" the use of face coverings will change too few minds and we will continue to see unmasked people on the streets, in restaurants, bars, grocery stores and other areas where social distancing is not possible. Who polices this resolution? We the residents? Store owners? Our police officers? I see potential for conflict in trying to enforce a resolution that only strongly encourages a change in behavior.

The harsh reality is that in order to flatten this frightful spike in Covid-19 cases in our valley and state we need to make the wearing of face coverings mandatory in all public places and perhaps consider closing the town down again. I want Whitefish to thrive as much as anyone but more than that I want my friends and neighbors and family to be around after this pandemic runs its course, without them this town means little to me.

I hope you will share this with our City Council members.

Thank you,
Chris Crumal
[redacted], Whitefish
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Kelly Davidson [redacted]
Sent: Thursday, July 2, 2020 11:34 AM
To: Michelle Howke
Subject: Mask mandate

I support a mask mandate. I love shopping at Costco because of it. I think it somewhat diffuses the stigma and righteousness when we don't have a choice. Also helps identify selfish people who I need to avoid.
Kelly Davidson.
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Cutthroat Tattoo [redacted]
Sent: Saturday, July 4, 2020 9:21 AM
To: Michelle Howke
Subject: Mask, comment

Aspen Degenhardt
[redacted]
Whitefish, MT 59937
[redacted]

I strongly advice against the idea of mandatory masks. Not for inconvenience or political political purposes. It is simply one's choice to wear one. Who is someone to mandate a mask? If one is asking themselves whether they "should" enforce it... please realize the similarities between "should" and "could". Yes, you are in a position to do so. But "should" you? The answer is simply no.

Thanks for reading.

All of my best,
Aspen
--
All of our best,
Cutthroat Tattoo
[redacted]
Whitefish, MT 59937
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Donna [redacted]
Sent: Saturday, July 4, 2020 10:28 AM
To: Michelle Howke
Subject: Proposed Resolution for Mask Wearing in Whitefish

To Whom It May Concern:

I feel like the mandatory wearing of masks is pretty simple. Healthy People in Whitefish = A Healthy Economy in Whitefish. The argument has been proposed that our county numbers are low so why should we have to wear masks? The answer is... yes, our numbers may be lower compared to the rest of the world so why not keep it that way? Our number of infections in the county are climbing almost daily, let's stop the spread of the virus in its tracks with such a simple resolution. This is NOT political. This is about doing what is right for all of our community members. Again.... A Healthy Whitefish is a Healthy Economy. Wearing a mask is simple and the least we can do for our community.
Donna Rhoads
[redacted]
Whitefish

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

Michelle Howke

From: [redacted]
Sent: Saturday, July 4, 2020 9:52 AM
To: Michelle Howke
Subject: Masks

This email is to voice my wholehearted support for a mandatory mask policy.

As much as my wife and I would love to start supporting our Whitefish and Valley bars and restaurants, we presently are not comfortable in doing so.

The lack of masks by employees and fellow patrons just makes it too much of a “beat the odds” game which we don’t want to play.

Until our fellow residents and visitors do their part to make us all safer, we’ll be staying home.

Thank you,

Craig Drew
[redacted]
Whitefish, MT. 59937
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Jack Dykstra [redacted]
Sent: Saturday, July 4, 2020 12:47 PM
To: Michelle Howke
Subject: Make masks mandatory in all Whitefish businesses

Mayor and City Council Members, PLEASE vote YES to require masks as mandatory for all customers and staff at Whitefish businesses. This is a science proven way to halt or severely limit the spread of the C-19 virus. THIS IS A PUBLIC HEALTH AND SAFETY issue at a time when our resort town along with others in Montana are seeing a dangerous spike of C-19 infections. And, requiring masks is the only way to avoid another small business killing lock-down.

Let's do our part to help our fellow residents, family members, friends, visitors, as well as our business community to survive this deadly virus. MAKE MASKS MANDATORY!

Respectfully, Jack and Mary Dykstra, Whitefish
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Lacy Eccles [redacted]
Sent: Saturday, July 4, 2020 5:48 PM
To: Michelle Howke
Subject: Masks

Hello,

I am writing to support the idea of wearing masks in public in Whitefish. As a community member and Whitefish Schools employee, I think we should take all measures possible to limit transmission. The more we can control the virus now, the more likely we can return to school with students in the building.

Thank you

Lacy Eccles
[redacted]
Whitefish, MT

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Cari Elden [redacted]
Sent: Saturday, July 4, 2020 9:17 AM
To: Michelle Howke
Subject: Wearing masks

Name: Cari Elden
Address: [redacted], Whitefish

Dear Whitefish officials,
I've been a member of this community for 20 years. I love living here for all the reasons others do and why others come to visit. As more seek to leave more populated areas and have a 'vacation', it is driving up our population to high levels.

When we know wearing masks slows the spread of this virus and can protect our locals along with our visitors, they should be mandated. I went into a local restaurant to get carry out last night and the only people, of 50 plus, in the restaurant to be wearing masks besides me was the staff. Everyone wants life to go back to normal. We all do in some way. But, it will happen faster if we mandate masks. Leaving it up to a suggestion is failing.

Could the city help fund masks for local businesses to hand out at their doors with our resort tax dollars? Seems like it would help them and help us all.

Thank you, Cari Elden

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

Michelle Howke

From: Nancy Ellis [redacted]
Sent: Thursday, July 2, 2020 7:39 AM
To: Michelle Howke
Subject: resolution 20

Can we please have masks mandatory at local grocery stores! This is the place where locals, tourists etc are gathering every single day
While safe way has done an excellent job providing protective measures and having their employees wear masks, super 1 has failed. We need to require masks to be mandatory for the grocery stores! Thank you!
Nancy Ellis
local business owner Whitefish
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Jim Farley [redacted]
Sent: Saturday, July 4, 2020 6:41 PM
To: Michelle Howke
Subject: MANDATORY MASK ORDINANCE -SHORT ANSWER ABSOLUTELY AGAINST PLEASE READ MY EMAIL

Importance: High

M Howke,
My wife Sarah and I are 100 percent AGAINST a MANDATORY mask ordinance.

We are all adults and have the RIGHT to make our own decisions. Do NOT succumb to MOB RULE. I heard about the possibility of this ordinance last week, so I started counting people that wear a mask versus those that do not. Only about 25% of people in Whitefish have chosen to wear a mask. Their choice should NOT be forced on the rest of us. This is NOT COMMUNIST CHINA!!

Reasons;
-Mask wearers that also practice social distancing are NOT going to gain any extra protection by mandating others wear a mask.
-People that are THAT COVID PHOBIC should self-quarantine.
-Large cities like New York or Houston etc., where 5 to 8 million people are stacked on top of each other and crammed into mass transit cannot properly social distance, therefore mask mandates are reasonable. Whitefish has ample space for the small population.
-Whitefish businesses have already been illogically subjected to the lockdown a few months ago. Many are teetering on insolvency. A mandated mask rule will unnecessarily disrupt their business again. People like me, who REFUSE to wear a mask will go to Columbia Falls or Kalispell and shop instead.
-Whitefish will lose the resort tax revenue associated with the lost sales.

The CDC said that as little as 24 minutes per day of sunlight will start killing the virus. Whitefish residents are healthy outdoor people. This is totally opposite of those that are forced to live in large cities. Outdoor activities like bike riding, hiking, running/walking, paddle boarding, kayaking etc. will be SERIOUSLY HINDERED by forcing participants to breathe through a mask while exerting the energy these activities demand.

In closing, just because you have received MORE emails about WANTING a mask mandate than not wanting one, DOES NOT mean that is the will of Whitefish citizens. Consider who has time to write emails. It's those that aren't as healthy or active, so aren't outside enjoying the summer activities. If THE MAJORITY of Whitefish residents WANTED a mask mandate then a MAJORITY of Whitefish residents would already be wearing one!! If a majority of residents were ALREADY wearing a mask then a mandate would be unnecessary.

This should tell you all you need to know about the will of the people. No one is stopping people from wearing a mask if they want to and as a non mask wearer I guarantee you I respect mask wearer's social distance.

Thank you in advance for your time and consideration,

Jim Farley

[redacted] Whitefish Mt

Cell: [redacted]

Email: [redacted]

Website: www.secure-cm.com

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EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Jessie Farnes [redacted]
Sent: Thursday, July 2, 2020 9:07 AM
To: Michelle Howke
Subject: Mask Mandate

Dear City Council Members,

I am writing in support of a mask mandate for the City of Whitefish. I would prefer a state-wide mandate for public spaces and retail establishments, but at least we could start here. In viewing the wording for the upcoming agenda I'm concerned with two things.

1. The use of the term "should". The only way this is effective is if it is a requirement. The soft wording makes it, once again, optional. As someone who is managing front line staff anything that is optional is viewed as contentious by the customers. Front line staff not only are in the riskiest positions, but now they are brutalized by those politicizing COVID 19 blaming the front line workers for regulations. A requirement would be more beneficial and show that we are prioritizing the health and well being of those working in our community.

2. Enforcement. If we make masks mandatory how would these regulations be enforced? It doesn't seem like there is much enforcement of the current regulations once again making front line staff the target for angry customers about the perceived "choice" businesses are making to protect their people and the health of the community.

If both of these items are too problematic does it make more sense to push for a state-wide mandate and solution from the Governor? Is it realistic to think he might take a step like that during an election year? If he wouldn't make that decision what message are we sending to our front line workers if we don't? With the huge influx of home buying from people seeking refuge in a smaller town, added to the ongoing issue of housing and rental prices, plus the payroll protection regulations, and the inherent vulnerability of front line work during COVID 19 front line workers in our town are in the worst position. Some care more, some care less, but ultimately we want to keep our community intact and prove that our front line workers, as the heart of our thriving town, are a priority. Many who I know put on a good face for their jobs and are trying to be grateful for what they have, but it is clear on social media and elsewhere that they do not feel "essential" and are struggling with the constant stream of tourists who clearly do not feel that masks, social distancing, or any regulations matter.

There are no easy answers. Our businesses need to survive and our front line workers need support. Honestly I do not know what decision you will make and I empathize with the complex nature of this process.

Thank you for your time,

--

Jessie Farnes

[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Robert Farrington [redacted] >
Sent: Sunday, July 5, 2020 3:27 PM
To: Michelle Howke
Subject: Opposed to forced mask wearing.

Dear sirs,

This letter is in opposition the forced wearing of masks in the city of Whitefish and should be left as optional but recommended, with proper guidance and education. Listed below is the CDC recommendation but they clearly state "may help prevent" and "most likely to reduce" but do not say with scientific certainty or proof that they do. Below the CDC recommendations is a list of recommendations by the Mayo Clinic.

A suggestion would be to state educate about basic microbiology and virology through the Whitefish Pilot, InterLake, local news(and news papers), social media, signs and pamphlets. Improving education of current scientific facts on what helps prevent the spreading bacteria or viruses will benefit all communities. Why would this enforcement (Some would say overreach) only be in Whitefish and not the greater Flathead Valley - all Montana counties - all states?

This will cause confusion, anger and raise tensions between those who choose not to and those who do. If this is implemented and someone is not able or advised not to wear a mask how is this to be policed? Is the city going to start fining people? What if in their opinion they are able to maintain social distancing? Will it reach the point where people will be harassed and have their masks checked to see if they are of high enough quality to have any effect i.e. surgical, N95, N99, respirator, double layer tight knit weave etc...?

A sincere request along with transparent, honest, and up to date scientific information will go a very long way over an iron fist approach. Wearing a mask is just one of the many recommendations and if we make this city law then why are we not making all of the other recommendations city law, each to be enforced? Let's be guided by science rather than ruled or governed by fear (personal or otherwise) and let's ask rather than demand. The majority of the community will comply with a sincere request.

Thank you for this consideration.
Rob Farrington
[redacted]. - Whitefish

- CDC recommends that people wear cloth face coverings in public settings and when around people who don't live in your household, especially when other social distancing measures are difficult to maintain.
- Cloth face coverings may help prevent people who have COVID-19 from spreading the virus to others.
- Cloth face coverings are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings.

How can you slow the transmission of COVID-19?

Until a COVID-19 vaccine is developed, it's crucial to slow the spread of the COVID-19 virus and protect individuals at increased risk of severe illness, including older adults and people of any age with underlying health conditions.To reduce the risk of infection:

- Avoid large events and mass gatherings.
- Avoid close contact (within about 6 feet, or 2 meters) with anyone who is sick or has symptoms.
- Stay home as much as possible and keep distance between yourself and others (within about 6 feet, or 2 meters) if COVID-19 is spreading in your community, especially if you have a higher risk of serious illness. Keep in mind some people may have the COVID-19 virus and spread it to others, even if they don't have symptoms or don't know they have COVID-19.
- Wash your hands often with soap and water for at least 20 seconds, or use an alcohol-based hand sanitizer that contains at least 60% alcohol.
- Wear a cloth face covering in public spaces, such as the grocery store, where it's difficult to avoid close contact with others, especially if you're in an area with ongoing community spread. Only use nonmedical cloth masks — surgical masks and N95 respirators should be reserved for health care providers.
- Cover your mouth and nose with your elbow or a tissue when you cough or sneeze. Throw away the used tissue.
- Avoid touching your eyes, nose and mouth.
- Avoid sharing dishes, glasses, bedding and other household items if you're sick.
- Clean and disinfect high-touch surfaces, such as doorknobs, light switches, electronics and counters, daily.
- Stay home from work, school and public areas if you're sick, unless you're going to get medical care. Avoid public transportation, taxis and ride-sharing if you're sick.

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Hugh Fenwick [redacted]
Sent: Saturday, July 4, 2020 10:55 AM
To: Michelle Howke
Subject: In support of Masks

To Whom It May Concern:

I am in full support of masks in public spaces as it has become obvious that our town is being inundated by people out of state that have come to escape COVID hot spots but may be bringing it with them and cause Whitefish to become a hot spot.

Thank you for taking this initiative.

All the Best,

Hugh Fenwick
[redacted]
Whitefish, MT 59937
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Margaret Fischer [redacted]
Sent: Saturday, July 4, 2020 7:50 PM
To: Michelle Howke
Subject: Masks for COVID 19- Whitefish

To whom it may concern:
We are in support of making masks mandatory in public areas where social distancing is not possible. This should include all business and retail establishments, as well as churches and recreational areas that have an influx of patrons.
Thank you,
Margaret and Daniel Fischer
[redacted]
Whitefish, MT 59937
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: joann Fleming [redacted]
Sent: Saturday, July 4, 2020 8:03 PM
To: Michelle Howke
Subject: Masks for Covid-19 Whitefish

To whom it may concern:
We are in support of making masks mandatory in public areas where social distancing is not possible. This should include all business and retail establishments, as well as churches and recreational areas that have an influx of patrons.
Thank you,

Joann and Don Fleming
[redacted]
Whitefish, MT 59937
Sent from my iPhone
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Susan Fletcher [redacted]
Sent: Sunday, July 5, 2020 12:09 PM
To: Michelle Howke
Subject: Masks

I very much believe that masks should be mandatory in Whitefish. The sidewalks of our city are so full right now that it feels like there is no room to breathe uncontaminated air. I am 66 years old with underlying health conditions and I feel unsafe in my town.

Susan Fletcher
[redacted]
Whitefish
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Brian Frank [redacted]
Sent: Sunday, July 5, 2020 4:40 PM
To: Robert Farrington
Cc: Michelle Howke
Subject: Re: Opposed to forced mask wearing./Kudo's

Thank you for taking the time to write this thoughtful note. It will fall on deaf ears, but that is another story.

On Jul 5, 2020, at 3:27 PM, Robert Farrington <farrington211@gmail.com> wrote:

Dear sirs,

This letter is in opposition the forced wearing of masks in the city of Whitefish and should be left as optional but recommended, with proper guidance and education. Listed below is the CDC recommendation but they clearly state "may help prevent" and "most likely to reduce" but do not say with scientific certainty or proof that they do. Below the CDC recommendations is a list of recommendations by the Mayo Clinic.

A suggestion would be to state educate about basic microbiology and virology through the Whitefish Pilot, InterLake, local news(and news papers), social media, signs and pamphlets. Improving education of current scientific facts on what helps prevent the spreading bacteria or viruses will benefit all communities. Why would this enforcement (Some would say overreach) only be in Whitefish and not the greater Flathead Valley - all Montana counties - all states?

This will cause confusion, anger and raise tensions between those who choose not to and those who do. If this is implemented and someone is not able or advised not to wear a mask how is this to be policed? Is the city going to start fining people? What if in their opinion they are able to maintain social distancing? Will it reach the point where people will be harassed and have their masks checked to see if they are of high enough quality to have any effect i.e. surgical, N95, N99, respirator, double layer tight knit weave etc...?

A sincere request along with transparent, honest, and up to date scientific information will go a very long way over an iron fist approach. Wearing a mask is just one of the many recommendations and if we make this city law then why are we not making all of the other recommendations city law, each to be enforced? Let's be guided by science rather than ruled or governed by fear (personal or otherwise) and let's ask rather than demand. The majority of the community will comply with a sincere request.

Thank you for this consideration.
Rob Farrington
[redacted]. - Whitefish

- CDC recommends that people wear cloth face coverings in public settings and when around people who don't live in your household,

especially when other social distancing measures are difficult to maintain.
- Cloth face coverings may help prevent people who have COVID-19 from spreading the virus to others.
- Cloth face coverings are most likely to reduce the spread of COVID-19 when they are widely used by people in public settings.

How can you slow the transmission of COVID-19?

Until a COVID-19 vaccine is developed, it's crucial to slow the spread of the COVID-19 virus and protect individuals at increased risk of severe illness, including older adults and people of any age with underlying health conditions.To reduce the risk of infection:

- Avoid large events and mass gatherings.
- Avoid close contact (within about 6 feet, or 2 meters) with anyone who is sick or has symptoms.
- Stay home as much as possible and keep distance between yourself and others (within about 6 feet, or 2 meters) if COVID-19 is spreading in your community, especially if you have a higher risk of serious illness. Keep in mind some people may have the COVID-19 virus and spread it to others, even if they don't have symptoms or don't know they have COVID-19.
- Wash your hands often with soap and water for at least 20 seconds, or use an alcohol-based hand sanitizer that contains at least 60% alcohol.
- Wear a cloth face covering in public spaces, such as the grocery store, where it's difficult to avoid close contact with others, especially if you're in an area with ongoing community spread. Only use nonmedical cloth masks — surgical masks and N95 respirators should be reserved for health care providers.
- Cover your mouth and nose with your elbow or a tissue when you cough or sneeze. Throw away the used tissue.
- Avoid touching your eyes, nose and mouth.
- Avoid sharing dishes, glasses, bedding and other household items if you're sick.
- Clean and disinfect high-touch surfaces, such as doorknobs, light switches, electronics and counters, daily.
- Stay home from work, school and public areas if you're sick, unless you're going to get medical care. Avoid public transportation, taxis and ride-sharing if you're sick.

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Marshall Friedman [redacted]
Sent: Saturday, July 4, 2020 10:57 AM
To: Michelle Howke
Subject: masks

Dear Mayor Muhlfeld and members of the Whitefish City Council,

I sincerely appreciate your concerns that are reflected in your seeking public comments on the mask issue.

I would propose, however, that if the comments in the Daily Interlake are correct, that you are wasting your time.

Again, if the language in the article is correct, you are going to "strongly encourage" the wearing of masks "when social distancing is not possible".

All of you already know why I feel that wearing masks inside of any building is so very important. This language, however, and with all due respect, is a copout.

Re "strongly encourage" – you're already doing that, so why bother? If you really want to get serious and potentially save people from becoming ill, possibly save lives, and minimize the risk of having to shut our local economy down again, you will "mandate" it, not "strongly encourage" it.

The other statement – "when social distancing is not possible"- is yet another copout. It leaves the decision to the individual. If the real intent here is to require masks anytime one is *inside a building* - which is what it should be - then when somebody is inside Safeway, he or she gets to make their own decision as to whether or not they can social distance, so that will change no behavior whatsoever. Those who don't want to wear masks still will not.

If what you're intending to do is to do what we should all expect from our leadership regarding the safety of our community and the ability for people to continue to make a living, "strongly encouraged" should be replaced with "mandated", and "where social distancing is not possible" should be replaced with "any time one is inside of a building".

I note that the article states that city and county officials in Missoula are requesting the local public health officer to issue an order *requiring* masks "*in licensed buildings".* It also notes that Big Horn County requires wearing masks "when outside of their homes". They are both getting it right. "Encouraging" and "when social distancing is not possible" is *not* getting it right.

Respectfully,

Marshall Friedman

Marshall Friedman
[redacted]
Whitefish, MT 59937
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Lindsey Gardner [redacted]
Sent: Thursday, July 2, 2020 9:24 AM
To: Michelle Howke
Subject: Please require mask wearing

I am writing to encourage you to please require mask wearing in and around the city of Whitefish. The surge since reopening is frightening and I want to make sure we can stay healthy and OPEN.

Thank you,
Lindsey Gardner
Follow me on Instagram: https://www.instagram.com/lindseyjanephoto

[redacted] capturing love, life +memories
[redacted]tana

LINDSEY JANE PHOTOGRAPHY

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Melissa Genovese [redacted]
Sent: Saturday, July 4, 2020 7:33 PM
To: Michelle Howke
Subject: Masks

I think that it would be a wise idea for everyone to wear masks in public, especially with the influx of tourists from high risk regions that find MT a safe place.
My parents were in downtown Spokane recently and everyone was very compliant with masks. They also limited the number of individuals allowed in business in town, with a line outside. It sounds like the patrons were patient and polite. I wear a mask on a daily basis at work. According to health officials, it is greatly minimizing spread amongst my coworkers if one of us would contract COVID. It also could reduce the risk that we would have to close the business for 2 weeks.

Thank you,
Melissa Genovese
[redacted]
Whitefish

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

Michelle Howke

From: Karen Giesy [redacted]
Sent: Saturday, July 4, 2020 10:58 AM
To: Michelle Howke
Subject: Face Masks

I implore the City of Whitefish to strongly encourage use of face masks rather than make it mandatory. I am not opposed to the masks, but feel that it is my right to choose to wear it or not. I am immune compromised, therefore I am cautious everyday of my life. Herd immunity is one of the way this virus will weaken.
Please make the correct choice to support our freedom of choice.
Thank you.
Karen Giesy
[redacted]
Whitefish, MT. 59937
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Derek Good [redacted]
Sent: Sunday, July 5, 2020 2:07 AM
To: Michelle Howke

I will quit my job in whitefish and only shop in columbia falls. Im already debating leaving my job because of the mandatory masks at work.
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Gail Goodwin [redacted]
Sent: Saturday, July 4, 2020 4:40 PM
To: dean.karlan@gmail.com
Cc: Michelle Howke
Subject: Re: mask policy

Love it! Thank you!!!

Gail Lynne Goodwin, CPM®
Montana Bear Properties
[redacted]
For one-of-a-kind uniquely located luxury vacation rentals, hibernate with us.

On Sat, Jul 4, 2020 at 3:29 PM Dean Karlan [redacted] > wrote:

> Dear Mayor -
>
> We are property owners on the mountain in Whitefish, and want to add our two cents on the mask policy: Mandate them in restaurants (while not at your table) and in all stores. It really isn't that hard. And it isn't a burden at all.
>
> The public debate I believe has been falsely characterized as "freedom" vs "mask". The policy to mandate masks is actually a policy to protect our freedom, since the pandemic is itself a threat to our freedom (being healthy is key to freedom!). Sound policy efforts to slow its spread are fundamentally efforts to protect our freedom.
>
> And here is the kicker, to remind oneself if being falsely attacked for bad policy: this is true even for those who do not understand or agree that such a policy actually protects their freedom. We must protect the freedom of the ignorant, not just our own.
>
> Lastly, I'll appeal to logic from my profession, an economics professor. What we have here is a simple case of "externalities", whereby one person's behavior affects others. This is one of the simplest and most direct cases where government action to help set social norms, to prevent negative externalities, is perfectly justified by sound economic reasoning.
>
> I'm proud to be a property owner in Whitefish. Please help keep our community safe and prosperous.
>
> Thank you.
>
> Dean Karlan
> Professor of Economics and Finance, Northwestern University
> [redacted]
> Evanston, IL 60208

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Gail Goodwin [redacted]
Sent: Saturday, July 4, 2020 11:58 AM
To: Michelle Howke
Subject: PLEASE REQUIRE MASKS!!!- Please pass to City Council and the Mayor- thank you!

Dear City of Whitefish,

My name is Gail Goodwin and I'm a local businesswoman and resident of Whitefish, Montana. My latest development project, Snow Bear Chalets located slopeside at Whitefish Mountain Resort put Whitefish, Montana on the cover of TIME Magazine when we were selected as one of the **100 World's Greatest Places**. Our treehouse chalets provide luxury, short term vacation rentals to guests from all over the country. We're proud to shine a spotlight on Montana, and specifically on Whitefish.

I am writing to you today to beg you to please amend Resolution #20 to make it stronger, and then pass the resolution which will make masks or facial coverings MANDATORY in Whitefish! With the influx of tourism, there is a spike in cases in our country and in our state and our residents are now at a greater risk than ever. In a perfect world this regulation would have been issued as a federal or state mandate, but since it hasn't been, please step us to protect our community by requiring people to wear masks indoors in all public spaces and in outdoor public spaces where social distancing isn't possible.

Here are the reasons I believe a mandatory mask mandate is the best thing to do to protect our community and should be enacted immediately:

- Physical Health:
It has been scientifically proven that if a healthy person and an infected person are in the same room together and both are wearing masks, there is less than a 1% chance that the healthy person will be infected. Less than 1%! The biggest problem with COVID-19 is that many people are asymptomatic and are spreading it without knowing they even have it. A simple cloth mask to prevent the disbursement of their droplets when exhaling will prevent the spread. I wear my mask to protect you. You wear your mask to protect me.

I realize there are those with minimal education who will argue that masks don't work. If they're right and we wore them for nothing, my bad, but no harm has been done. If they're wrong as science proves, then the consequences are severe and people will die. This is an easy decision Whitefish.

- Financial Health of our Businesses:
A mandatory mask requirement would reduce the spread in Montana, and allow us to remain open for responsible business. As a local business, I choose to welcome out-of-state guests who contribute to our local economy in many ways. However, many are coming from hot spots and could, unknowingly, be carrying COVID-19 with them to Montana. Again, I wear my mask to protect you. You wear your mask to protect me. And, by all of us wearing masks, together we protect our economy.

Personally, I can't shop in Whitefish right now. As a type-A blood type woman over 60, I am in a higher risk category. I haven't been able to shop in a local grocery store since early March, due to the lack of masks on staff and other shoppers. I'm now shopping 100% online, which is hurting our local businesses. We need a mandate to protect our local business owners and allow our residents to shop locally once again.

- Creating a Shortage of N-95 PPE for front line workers and health care providers:

If the general population and tourists don't wear masks, then I and many like me are required to wear an N-95 mask, which is the only kind of mask that will prevent me from getting the virus carried by others. Yes, I'm healthy and do what I can to support a strong immune system, but this virus kills healthy people too. If others aren't willing to protect me by simply wearing a mask, then I have to take more serious precautions and wear an N-95 mask. Therefore, without a mandate requiring all of us wearing cloth masks, higher risk healthy people will be forced to shorten the supply of N-95 masks for front line workers. In essence, the lack of a mandate from you would mean that you are in essence contributing to the shortage of PPE available for front line workers.

- Recommendation vs Mandate
Although Governor Bullock has stated his "strong recommendation" for everyone to wear a mask, unfortunately, a recommendation just isn't strong enough and people are ignoring it. Tourists don't know or care that it's "strongly recommended". Try strongly recommending that we file federal or state taxes, or simply recommending that we don't speed when driving, and see how that works. Simply, it won't. A recommendation and a mandate are nowhere near one another. A "strong recommendation" is the same as doing nothing, which ultimately makes our city complicit in the spread. We're better than this Whitefish!

Reward Good Behavior: In cooperation with Explore Whitefish and the local Chamber, consider creating a reward for people wearing a mask. Perhaps if you enter a shop and you're wearing a mask, you get a free "Thank you for wearing your mask" gift with a $25 purchase or a free coffee with the purchase of a dozen cookies. It would have to be store specific, but it would be easy to put Whitefish on the map as a CARING and SAFE place to visit. Merchants could submit their special offers and the Chamber could hire someone to hand out 'Thank You' cards with a specific special gift to people walking the sidewalks who are just wearing a mask. We could turn this into a positive thing where people would understand we're all in this together and be supportive of the marketing effort to help keep our community and our businesses safe. I would be happy to work with a team to implement this kind of a positive, caring project!

It's the KIND thing to do:
Whitefish is known as a friendly place to visit, filled with kind, caring people. By wearing a mask, we're saying "You are welcome here, and I'm protecting you by wearing my mask".

As a child, my parents taught me to cover my mouth when I would sneeze or cough. Why? Because it was kind to protect others from my germs. With these super nasty germs of COVID-19, this is a no-brainer. We should all be kind to one another and wear our masks as a way of caring.

Again, I wear my mask to protect you, you wear your mask to protect me. And together, we wear our masks to protect our businesses and the economy of Montana. It's as simple as "do unto others that which you would have done unto you". Regardless of where we stand politically, wearing a mask is the kindest thing we can do right now for one another. Let's show our love for one another and #maskupMT!

In summary, yes, we might encounter folks who feel that wearing a mask might be an inconvenience or a discomfort, but if it prevents our fellow Montanans from needing a ventilator, it's an inconvenience that we should all be more than willing to make- for others. With freedom comes responsibility.

Choose not to wear a mask? The safety of our community shouldn't be jeopardized by selfish, inconsiderate people who put their personal beliefs or desires above the physical and economic health of our community. Therefore, I'd tell them "Do want you want on your own property, but **if you intend to exhale in public, wear a mask".**

Whitefish leaders, this is your time to step us and lead by issuing a mandate and not a recommendation. The bottom line, we need leadership to make masks or face coverings mandatory in public spaces and in public spaces outdoors when social distancing isn't possible. **A recommendation won't make a difference- it must be a mandate with consequences.** People don't speed because of fines, so perhaps you impose a stiff fine with the monies going to a fund to help our front line workers who are protecting all of us.

If our government officials don't take this seriously, Montanans won't either. We desperately need this mask mandate to protect the lives and the economy of Montana. I urge you to strengthen Resolution #20 to require mandatory masks in Whitefish and pass this resolution today before it's too late.

Thank you for your time and for your service to our community. Please, be strong and do the right thing, for the sake of Whitefish and of our way of life. Thank you in advance for taking serious steps to protect our community.

If I can help in any way, please feel free to reach out to me at your convenience. Thanks again.

Hugs,
Gail

Gail Lynne Goodwin, CPM®
Montana Bear Properties
[redacted]
For one-of-a-kind uniquely located luxury vacation rentals, hibernate with us.

Gail Goodwin
[redacted]
Whitefish, MT 59937

Snow Bear Chalets
[redacted]
Whitefish, MT 59937

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Gail Goodwin [redacted]
Sent: Thursday, July 2, 2020 9:54 AM
To: governor@mt.gov; Michelle Howke; pmitchell@flathead.mt.gov; pholmquist@flathead.mt.gov; rbrodehl@flathead.mt.gov
Subject: Please MANDATE MASKS NOW

Dear Governor Bullock. Flathead County and City of Whitefish Officials,

My name is Gail Goodwin and I'm a local businesswoman and resident of Whitefish, Montana. My latest development project, Snow Bear Chalets located slopeside at Whitefish Mountain Resort put Montana on the cover of TIME Magazine when we were selected as one of the 100 World's Greatest Places. Our treehouse chalets provide short term vacation rentals to guests from all over the country. We're proud to shine a spotlight on Montana, and specifically on Whitefish.

I am writing to you today to beg you to please make masks or facial coverings mandatory in Montana! With the influx of tourism, there is a spike in cases in our country and in our state. Although Governor Bullock has stated his recommendation to wear a mask, unfortunately, a recommendation just isn't strong enough. We need to make people understand that I wear my mask to protect you, you wear your mask to protect me. And together, we protect our businesses and the economy of Montana. Regardless of where we stand politically, wearing a mask is the kindest thing we can do right now for one another.

Flathead County and City of Whitefish- As an alternative, I'm including the country officials and those from the City of Whitefish too, pleading for a mandatory mask requirement.

This regulation should have come down from Washington as a federal mandate, but since we have no leadership in DC, we're on our own. Governor Bullock, it would be best and most effective if you would step up and lead us through this as a state, by requiring people to wear masks in public spaces. Shoes and shirts are required so why not masks!?

As a type-A blood type woman over 60, I am in a higher risk category than most. I haven't been able to shop in a local grocery store since early March, due to COVID-19. We need a mandate to protect ourselves and others.

A mandatory mask requirement would reduce the spread in Montana, and allow us to remain open for responsible business. Yes, wearing a mask might be an inconvenience for some, but if it prevents my fellow Montanans from needing a ventilator, it's an inconvenience that we all have to make. With freedom comes responsibility. Please help us protect one another without shutting down our economy!

The bottom line, we need leadership to make masks or face coverings mandatory in public spaces and practice social distancing outside. **A recommendation won't make a difference- it must be a mandate with consequences.** Perhaps a $500 fine with the monies going to a fund to help our front line workers who are protecting all of us.

If our government officials don't take this seriously, Montanans won't either. We desperately need this mandate to protect the lives and the economy of Montana. I urge you to enact this mandate today.

Thank you for your time and for your service to our community, our city, our county, and our state. Please, be strong and do the right thing, for the sake of Montana and our way of life. Thank you in advance for your serious consideration.

Warm regards,

Gail

Gail Lynne Goodwin, CPM®
Montana Bear Properties
[redacted]
For one-of-a-kind uniquely located luxury vacation rentals, hibernate with us.

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Stephanie Gordon [redacted]
Sent: Tuesday, June 30, 2020 1:34 PM
To: John Muhlfeld
Subject: Please require mask wearing

Hello,

I realize you have received many e-mails and and calls that include statistics regarding Covid-19 along with medical information on why masks help prevent the spread of the virus. Because of this, I will not include more information.

I simply want to ask that the council require mask wearing in Whitefish while in businesses and offices as well as outdoors if social distancing is not possible.

I have people in my life who are at high risk if infected with this virus and my husband owns a business. It would be economically damaging to our family if his business was affected by illness due to Covid. Additionally, my job is in school-based mental health. I truly hope for school to be able to open (not only for my own child to attend her 8th grade year, but also for my job and the students I serve).

I truly believe mask wearing can help to curb the spread of this virus.

Please mandate mask wearing!
I would also support a 14-day quarantine for out-of-state visitors, but mask wearing is a great start.

Thank you for your consideration and attention to this matter.

Sincerely,
Stephanie Gordon

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

Michelle Howke

From: Cynthia Granmo [redacted]
Sent: Saturday, July 4, 2020 3:43 PM
To: Michelle Howke
Subject: Mask Resolution

All over the country, elected officials are exceeding the bounds of their authority by forcing people to wear masks. What will come next? Recall that the German government required an ethnic group to wear a badge "for the good of the country"; recall that Mao and Pol Pot required everyone to wear uniform clothes "for the good of the country". This is a slippery slope opening the door to further erosion of our civil liberties.

If business owners feel that they do not want customers without masks, then they can do what Costco has done: no mask, no entry. If I want to shop there, I will put on a mask. A resolution strongly encouraging people to wear masks, that is one thing. But a requirement? Then I will no longer buy my groceries, hardware, clothing, gas, etc. in Whitefish. I will no longer eat in Whitefish restaurants. I will no longer support any civic activity in Whitefish.

While I understand the need to be proactive to stop the spread of the coronavirus, the violation of civil liberties is not the way to do it.

Thank you,

Cynthia Granmo
[redacted]
Whitefish, MT 59937
[redacted]

Sent from my Verizon, Samsung Galaxy smartphone

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Nicole Hale [redacted]
Sent: Wednesday, July 1, 2020 11:22 PM
To: Michelle Howke
Subject: Resolution No. 20

Please do not force the citizens of Whitefish to wear masks. Wearing masks should be voluntary.

First of all, many reputable doctors have stated masks do not protect against Covid-19. Second, talk to any pathologist and they will agree it is healthy for our bodies to fight bacteria and illnesses. If we wear masks and block the healthy bacteria you will find more citizens will become weaker and sicker over the long run and it could lead to more deaths. Everyone agrees, no one has immunity to Covid-19. So what happens if you mandate everyone to wear masks and then next fall the flu/cold season hits? You will find more deaths because they will be fighting the Covid-19 plus the seasonal flus/colds. In my opinion, you would be making a grave mistake enforcing our citizens to wear masks while taking away our individual rights.

Sincerely,
Nicole Hale
[redacted]
Whitefish, MT 59937
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Chuck Haney [redacted]
Sent: Thursday, July 2, 2020 12:34 PM
To: Michelle Howke
Subject: support mandatory masks

I would like to support mandatory mask wearing in Whitefish. The influx of visitors to our town, even during a pandemic, has been unsettling, mostly due to a blatant disregard for public health concerns. Though, somewhat better in the last few days, I cannot believe the number of folks walking around the grocery stores and many other indoor facilities without masks on.

Thank you for taking my comment. Hopefully, the city will act on this situation before it really becomes dire to our citizens of Whitefish.

Chuck Haney

Chuck Haney Photography LLC
[redacted]
Whitefish, MT 59937
[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Dani Harmon [redacted]
Sent: Tuesday, June 30, 2020 7:15 PM
To: John Muhlfeld
Subject: Masks

Hi,
I heard that the council will be considering establishing local policy to protect our community and would like to encourage you to vote for requiring masks be worn when social distancing cannot happen, and to ask those from (or traveling home from) "hot spot" states to quarantine to protect the rest of the community from Covid-19.
My family had to travel to Denver last week for a heart procedure for my son and we were so impressed with how well Colorado is complying with safe practices. Likely because they have faced the seriousness of this illness, they know that wearing masks is a simple and effective way to protect public health. Our town needs our leaders to take this seriously and prevent the spread.
My employer in Kalispell is following the KRMC policy, requiring me to quarantine for 5 days after traveling to a hot spot state and then having a negative Covid test prior to returning to work. I am happy to do so, as I do not want my son's medical needs to effect the health of our neighbors.
Please ask Whitefish people and visitors to act responsibility in the face of this virus by wearing masks and making sure they haven't brought this to our homes before they venture into our community.
Thank you,
Dani Harmon

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Patti Harmon [redacted]
Sent: Tuesday, June 30, 2020 4:29 PM
To: John Muhlfeld
Subject: Mandatory masks in Whitefish

It is my understanding that the Whitefish City Council plans on considering making masks mandatory in Whitefish at the council meeting this evening.

I am a member of the "at risk" age group and a permanent resident of Whitefish.

I appreciate the economics of opening our state and local area to visitors. However, I also feel vulnerable when the same visitors fail to safely distance or wear masks.

COVID-19 is definitely on the increase in Montana. The ONLY known effective intervention is distancing and/or masks. Please vote to make masks mandatory when reasonable distancing is not possible.

Thank-you.

Patti Harmon
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Mark Heil [redacted] >
Sent: Saturday, July 4, 2020 1:04 PM
To: Michelle Howke
Subject: masks

Masks
They do stop the spread. They don't stop the spread.
CDC has flip flopped repeatedly on numerous issues dealing with Covid-19.
Why? Because they don't know and neither does the city council of Whitefish.
The spread is inevitable regardless of any precautions that a frightened public deems necessary.
If you are high risk or have underlying medical issues taking extra care to not expose yourself to the virus is prudent, for healthy individuals a mask should be up to them and to say it is socially or morally wrong to not wear one is media hype.
So my vote is to say no to mandatory masks.
Just to point out that most if not all of the employees at Super 1 have not been wearing masks since the onset of the virus yet none have gotten sick.
The uptick is due to not being locked in your homes and that is not an uptick in deaths just testing positive for the virus.
Mark Heil
[redacted]
Whitefish, Montana
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Kristen Hebert [redacted]
Sent: Thursday, July 2, 2020 8:57 AM
To: Michelle Howke
Subject: Masks in public

Good Morning,
I writing to express my support for instating a mandatory mask requirement for Whitefish (I support it for all of Montana as well). With the influx of tourists, as well as locals being around many people or traveling, it only makes sense. It is just a little step to prevent the spread ofCOVID-19.
Thank you,
Kristen MurphyHebert

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

Michelle Howke

From: Linda Hersom [redacted]
Sent: Thursday, July 2, 2020 3:52 PM
To: Michelle Howke
Subject: Resolution No. 20- Comments

Hello,

I strongly disagree with requiring the use of masks on outdoor hiking trails or at parks. Requiring them in indoor spaces such as shops, grocery stores, etc. is a reasonable request and I think regardless of personal options on masks, everyone would be willing to do their part to keep the community safe. I personally have problems breathing if exercising wearing a mask due to asthma. I understand that I am at an elevated risk of a bad outcome should I become ill with Covid19 but believe that the health and mental health benefits of keeping my immune system strong and body healthy far outweigh the risk of outdoor exposure on a shared hiking/biking trail. The general option in the scientific community is that the risk of outdoor submission is minimal. It seems like an unfair burden to take away the ability of locals to exercise, stay healthy and enjoy our local trails. If anything, perhaps we should reconsider closing the town to out-of-state visitors before the situation here gets out of control again.

linda hersom
green peak promotions
[redacted] |whitefish, mt 59937
[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Anne Heslop [redacted]
Sent: Sunday, July 5, 2020 2:39 PM
To: Michelle Howke
Subject: Proposed Mask Ordinance

I have read the proposed mask ordinance and I would like to suggest the following changes:
1. Masks should be required inside businesses.
2.Businesses should have the right to refuse entry to anyone not wear wearing a mask.
3. Mask should not be required outside provided social distancing can be maintained.
4. Mask should be strongly encouraged at parks, city festivals, etc where social distancing is challenging.
5. In regards to age of children wearing a mask. The city should follow Kalispell Hospital requirement, and make the minimum age 13.

On a different note, businesses especially restaurants and bars need to be following guidelines in regards to occupancy. This past week restaurants have been at full capacity with long waits inside the building. Restaurants and Bars are showing to be hotspots for transmission. This needs to be monitored.

Also protesting should be strongly discouraged since participants do not distance.

Thank you,
Anne Heslop
Permanent Whitefish Resident
[redacted]
Whitefish MT, 59937

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

Michelle Howke

From: Pat Hierl [redacted]
Sent: Saturday, July 4, 2020 12:03 PM
To: Michelle Howke
Subject: Masks required

PLEASE pass something to require people to wear masks.
We went to the golf course for lunch last Monday, figuring if we went a bit later we could sit on the deck. It was to be our first restaurant visit since March 15th. Well, the deck was full because of spacing. Okay, fine. We checked inside and there was a table available that was a safe distance away from other tables. The server did not wear a mask, the menus were not cleaned, and people were walking close to the table to get to the pro shop. This is city owned property – very disappointed. We were regulars there (probably once a week) but won't be going back.
Super 1 was not requiring masks. They were pretty good a few weeks ago, but I was in there two days ago and none of the workers were wearing masks.

This is very disappointing. I am in one of the 'at-risk' groups. I am most disappointed that mask wearing has become politized. Common sense tells you that masks can help stop the spread.

Thank you

Pat Hierl
[redacted]
Whitefish
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Alena Hillukka [redacted]
Sent: Saturday, July 4, 2020 3:03 PM
To: Michelle Howke
Subject: City Clerk - Masks

To Whom It May Concern,

I am writing this email regarding mandated masks because I strongly feel that it is a violation to our 1st Amendment rights. Although I respect those who choose to wear one, my freedoms should not stripped away because of those in fear. It should be a choice. This should not be the "new normal". It starts with one freedom being disappearing. Before you know it, we will no longer be a free people.

What about those who feel uncomfortable to wear a mask? Or those who cannot? I am pregnant with my second child. Being pregnant takes a lot out of a woman. It can be hard enough to breathe while pregnant. Adding a mask on top of that is a bad idea. In fact, Anthony Fauci (the director of the CDC) stated a few months back that masks are completely unnecessary. Now he has gone back on those past statements. His word is extremely questionable. We all need to use our critical thinking and research the data on the coronavirus. It is not as scary as the media portrays.

I hope that my thoughts are truly considered.

Thank you for your time.

Sincerely,

Alena R Hillukka
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: [redacted]
Sent: Thursday, July 2, 2020 5:41 AM
To: Michelle Howke
Subject: NO MANDATORY MASKS

The people of Whitefish do NOT WANT MANDATORY MASKS!!!
No to anything MANDATORY! Also No to making local businesses think it's mandatory with the use of clever wording!

Brandon Hirt
[redacted]
Whitefish, MT

https://omny.fm/shows/the-todd-herman-show/dr-scott-atlas-blows-covid-narratives-out-of-the-w?fbclid=IwAR1qaauhT5Krc21Rlmb3bkPy5XiKwvVmFO3zzV6y_Kti5i7ySuhD6ArBddk EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Paul Holland [redacted]
Sent: Saturday, July 4, 2020 9:18 AM
To: Michelle Howke
Subject: masks

We strongly encourage mask usage for Whitefish!!

Paul and Jane Holland

[redacted]

Whitefish

Thank you!

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Linda Hunt <[redacted]
Sent: Saturday, July 4, 2020 8:37 PM
To: Michelle Howke
Subject: Wearing Mask

Thank you for requesting input. I have stopped going downtown to make purchases because no one, really no one is wearing a mask. I was pleased to see that the bookstore is requiring people to wear a mask and that is really the only place I shop at now. I am surprised to see that Super 1 is not requiring masks worn by employees or shoppers. Consequently, I am now driving down to Costco for all my grocery needs. I needed a repair on my bike and both stores in town were letting people in without masks. I was very uncomfortable being in these two stores.

I hope that a decision to mandate wearing masks is soon.

Thank you.

Linda Hunt
[redacted]
Whitefish, MT

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Alice Infelise [redacted]
Sent: Saturday, July 4, 2020 3:43 PM
To: Michelle Howke
Subject: Whitefish Mask Ordinance/Resolution

I am writing this to be submitted to the city council meeting on Monday, July 7. I urge you to do your part to make sure that mask-wearing is voluntary, not mandatory in our communities.

Many jurisdictions are basing their face mask policies on guidance from the Centers for Disease Control and Prevention (CDC). The CDC has flip-flopped its position on face coverings several times since March but is now recommending that everyone wear a mask in public. This recommendation is not supported by strong empirical evidence. Though there is science to support mask-wearing, there's also a preponderance of science showing that masks can cause considerable harm and are ineffective in preventing the spread of coronavirus. There is also no science supporting the use of masks by healthy individuals. So emergency orders that are being issued to help protect public health are actually hurting individuals' physical and emotional well being — and violating their basic human rights, constitutional rights and religious rights.

I am an 80 year old woman and I would never dream of expecting someone to be responsible for my health. That is my responsibility and mine alone. However, I do not think that it is a good idea to breathe my own waste and reduce my oxygen intake. That is one of the problems with this "disease".

This pandemic panic is being manipulated by politicians who want to control us with fear, news media who are raking in the millions in ads, and doctors and hospitals who are fleecing insurance companies by listing most deaths as covid related.

Evidence that masks reduce the transmission of viral respiratory infections within community settings is equivocal at best. A recent meta-analysis (bit.ly/2VHaubd) that included nearly a dozen randomized, controlled trials and 10 observational studies found that there was no clear clinical or laboratory-confirmed evidence that masks prevent infection. Even the U.S. Surgeon General has noted that masks "are not effective in preventing the general public from catching the coronavirus." (bit.ly/31Dgdm5)

In terms of harm, studies show that wearing a face covering reduces blood and tissue oxygenation — which can be deadly — while increasing carbon dioxide levels. The use of masks can also increase the risk of infection and the spread of viral illness (particularly cloth masks), hinder detoxification that occurs through exhalation, impair the immune system, and cause a wide range of other physical and psychological issues. (bit.ly/31Epv1e). Moreover, some masks have been found to contain known carcinogens, which put people at risk from inhaling toxic chemicals and having them come into contact with their skin. Nearly all fabrics except organic cotton are manufactured using carcinogenic chemicals and now some people think its a good idea to breathe them.

There is no science to support the use of masks by healthy individuals, and the World Health Organization backed this up when it said, "WHO stands by recommendations to not wear masks if you are not sick or caring for someone who is sick." Forcing healthy individuals to wear face coverings is a completely unnecessary intervention that dehumanizes their interactions with others. More important, it eliminates their right to make informed decisions about what risks and precautions they are willing to take.

It is unethical and unconstitutional to subject healthy, law-abiding citizens to measures that can result in physical and emotional harm and that impinge on their ability to move freely throughout society. For those with deeply held religious beliefs, mask mandates violate their ability to abide by natural law and follow their convictions to walk in faith, not fear. As such, the decision to wear a mask is a highly personal one and should not be universally mandated; measures that are meant to protect the community as a whole are not effective if they hurt individuals in that community.

Mandatory medicine and mandated interventions such as social distancing and mask-wearing have no place in a free society; citizens want to maintain the right to make responsible decisions about what is best for themselves and their children based on their own unique circumstances. I urge you to do the right thing, stand for choice and protect all individuals by encouraging — not mandating — the use of face masks in the community. This policy can be bolstered by asking at-risk populations and those who are sick to self-quarantine, with society taking the best care of them possible.

Thank you for your continued leadership during these unprecedented times and for upholding the health and the right to male our own responsible choices.

Sincerely,
Alice Infelise
[redacted]
Whitefish, MT

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Karen Jacobson [redacted]
Sent: Saturday, July 4, 2020 9:29 AM
To: Michelle Howke
Subject: Masks—Yes!!!

Karen Jacobson
[redacted]
Whitefish

YES on wearing masks when social distancing is not possible!!! The influx of tourists “escaping” to Montana and the Flathead valley is unbelievable. It’s only a matter of time before we have a huge spike... 😬

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

Michelle Howke

From: Amy Johannes [redacted]
Sent: Sunday, July 5, 2020 9:34 AM
To: Michelle Howke
Subject: Mask Resolution

Thank you for putting forth the mask resolution. While it is a good start, I think you should go further and make it an ordinance. I wish people would wear masks without an ordinance, but it's simply not practical. Even with an ordinance, people will still exercise their defiance by pulling them down around their necks or not wearing them properly. A quick trip to Costco or other stores that require masks will quickly prove that there are myriad ways to defy the ordinance. However, an ordinance is still the best solution.

Please protect our small business owners and residents. Let's not follow the lead of the southern states.

Best,
Amy Johannes
[redacted]
Whitefish, MT

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Bill Jones [redacted]
Sent: Sunday, July 5, 2020 3:52 PM
To: Michelle Howke
Subject: Mandating Masks while in Whitefish public settings

We are encouraged that the City of Whitefish is considering further the safety of their residents and businesses as well as slowing the spread of Covid 19 through mask usage We support any resolution which encourages mask use but we think the City falls short if they just encourage and not mandate use in public settings. Obviously they are already encouraged by the CDC and people do not wear them. The recent letter by Terry and Carol Trierweiler, Whitefish Pilot July 1, 2020 is well founded (with the exception that the number of Covid 19 cases since it was published have alarmingly increased here since!) and we believe the City should follow their logic and recommendation to make masks mandatory while in Whitefish public settings.
Sincerely,
William Jones
[redacted]
Whitefish MT 59937
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: katethegreatjones . [redacted]
Sent: Sunday, July 5, 2020 4:48 PM
To: Michelle Howke
Subject: Mask situation URGENT

To whom it may concern;

I am a proud mother of 6 and a passionate Ski instructor and an associate of Professional Ski Instructors of America!!!. We appreciate the open invitation of opinions for mask wearing in our city! Thank you for opening your minds to our opinions. We are a family of 8 who live downtown Whitefish and adore our amazing town. Our home has now been in the family for 108 years and we would like to keep it that way. I am a ski instructor and we believe strongly in the power of the outdoors being the best medicine and health for our 6 small children's childhood. We would absolutely NOT be able to stay and continue our legacy here in this town unfortunately if masks were mandatory. We would NEVER choose to lessen our own and our children's oxygen content (for optimal brain development) to appease this crooked control plot called COVID! We believe that Covid is a plot to control our amazing country and ultimately the world and agree with the CDC Themselves in saying masks do not necessarily protect anyone anyways. Let's encourage our town and teach our citizens to stay healthy through ways that won't permanently damage their health instead of forced masks. Please be brave In your decision. MAKE HISTORY BY GOING AGAINST THE GRAIN!!! ...and let's show the world that there will be no more spikes in covid due to non mask wearing. There is no difference. Keep Montana the free, beautiful place to raise our children in.....PLEASE!!!

Warmly, ❁

Katelyn Jones
Whitefish Mountain Resort Ski Instructor
Professional Ski Instructor of America ❁
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Brian Joos [redacted]
Sent: Thursday, July 2, 2020 9:23 AM
To: Michelle Howke
Subject: Mask Resolution Public Comment

The City should make a mask resolution. The science is clear, and it shows that if everyone wears masks as much as possible, transmission is significantly decreased. This proven truth, this reality, exists no matter on which side of the political spectrum you fall, or what anyone "believes" based upon the various conspiracy theories circulating on the internet. Additionally, wearing a mask is easy and harmless for nearly everyone, akin to wearing a bicycle helmet or a seatbelt, as has been demonstrated in many other locations in this country and abroad. We cannot let politics lead to policy that isn't based in reality. But if you're going to make a mask resolution, don't make it weak and meaningless by saying that all individuals "should" wear a mask. You actually need to require that they do so, with language like all individuals "MUST" wear a mask. Please use this as an opportunity to do your part to keep us as safe as we can be.

Brian Joos
[redacted]
Whitefish, MT 59937
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Diane Kane [redacted]
Sent: Sunday, July 5, 2020 7:40 AM
To: Michelle Howke
Subject: Masks

I would love to see a resolution in favor of all citizens, tourists, employers and employees wearing masks! It is an inexpensive and effective alternative to shutting down! Thank you, Diane Kane

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

Michelle Howke

From: David Karmilovich [redacted]
Sent: Saturday, July 4, 2020 10:05 AM
To: Michelle Howke
Subject: Face Mask Input

The city of Whitefish SHOULD strongly encourage the use of masks in Whitefish when social distancing is not possible.

The city SHOULD NOT try to REQUIRE the wearing of masks as this would be government overreach and unconstitutional/illegal.

If I was a business owner I would require all employees and customers to wear a mask if they wanted to be inside my business. This is the legal right of business owners and should be left up to them.

Thanks,
David Karmilovich
[redacted]
Whitefish, MT 59937
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Nancy Kaumeyer [redacted]
Sent: Thursday, July 2, 2020 3:59 PM
To: Michelle Howke
Subject: Mask concerns

Hi,

I would like to voice my support of council Mandating the wearing of masks as outlined in section 2 of the proposed resolution on face masks. I would like stiffer language. Masks must be worn in buildings and outside when in proximity of others and WILL be enforced. We are heading to a crisis. Saying it could be enforced later if people don't comply wastes time.
Thank you,

Nancy Kaumeyer

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

Michelle Howke

From: Robert Keesee [redacted]
Sent: Sunday, July 5, 2020 2:42 AM
To: Michelle Howke
Subject: No to Mask

Hello
My name is Robert Keesee. I live in Kalispell Yet work in Whitefish 40-44 hours a week for the last 9 years. I work in a retail business that waits on several of the Whitefish City employees each day.

We were asked to wear these mask by our employer when this “epidemic “ first came out. We did comply. We “ All” suffered from headaches and some nausea due to them. These mask when wore for several hours restricts the oxygen level to your body. Maybe fine for some yet not all people.

We have shields in place to try and protect us from the germs of others. We clean our facility as asked to keep spread down. We wash our hands very often and use sanitizer on us and have some for the customers.

We offer curb side service for those who are concerned.

We are doing what is necessary.

Mask are Not. This is a validation of rights. I also know that many of your employees see the Mask as unnecessary.

I would be happy to join them in any type of protest or lawsuit shall you try and mandate them. (Which cannot be mandated unless made into a law) “We the People “

Thank you
Robert Keesee
[redacted]
Kalispell, Mt
59901

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

Michelle Howke

From: Chris Kelly [redacted]
Sent: Saturday, July 4, 2020 9:24 AM
To: Michelle Howke
Subject: No mask!

Chris Kelley
[redacted]
Whitefish, MT 59937

No masks! We have finally reached the point that we can accept people for wearing one and not wearing one. It is ones choice! Not yours! Thanks!!
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: ryan kirack [redacted]
Sent: Saturday, July 4, 2020 5:58 PM
To: Michelle Howke
Subject: Masks

Hi,
I'm a resident here. As part of the USA, and MT in particular the idea of liberty, freedom and self preservation is what makes us different. No one has to leave their home except by choice and we are not a dense community by population. Let the businesses thrive if they want to. And let the customers patronize if they want to. The mask in itself is not an issue...it's the government mandate it; that's the wrong approach. Make it "suggested" but not mandatory in my humble opinion.
Thanks
Ryan
Sent from my iPhone
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Richard Closson [redacted]
Sent: Sunday, July 5, 2020 9:17 AM
To: Michelle Howke
Subject: Masks

Patty no Klundt [redacted] whitefish Montana. Patty jo has had kidney failure for two years to the doctors amazement she is alive with no dialysis she Needs all the fresh air she can get she survived influenza a which kills more people. Why should we let other people's fears rob us of living and trusting God with the breath he has given us
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Eva Nell Kowalski [redacted]
Sent: Sunday, July 5, 2020 10:58 AM
To: Michelle Howke
Subject: Masks

My husband and I are both positive about wearing masks. We are seniors, but feel it protects everyone.

Glenn and Eva Nell Kowalski
[redacted]
Whitefish, MT 59937
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Stephanie Kuhl [redacted]
Sent: Sunday, July 5, 2020 2:44 PM
To: Michelle Howke
Subject: Potential facemark requirement

Greetings Whitefish City Council.

Thank you for considering a mask requirement for public spaces in our town. Montana as a whole has done a stellar job at curbing the spread of the global pandemic, Covid-19. We are so much further ahead of other states in containing, quarantining and reopening, which is a testament to Montana's strength and grit to do the right thing, when it isn't always presented in a clear manner. As a small, tight-knit community, we all did our part to safely reopen and save much of our local businesses from suffering the loss of several months of closures. Much of the success of Phase One of reopening was due to the fact that our population is small, and spread out amongst a large span of land. As we've moved onto Phase Two we have seen our special places in Montana fill with visitors from other states, many of which are major hot-spots for this virus, and I've witnessed so many of them not practicing the guidelines Montanans have adhered to in order to keep our case numbers low. While most of us see this as an obvious play-by-play in the reopening phase, I believe that we all need to do our part by responsibly wearing a mask and social distancing in order to not overwhelm our medical community with numerous cases caused by carelessness.

As a local business owner, and Flathead Valley native, I speak to dozens of local and seasonal residents each week. The opinions run the gamut on how this pandemic is being handled and how it could play out. I reopened my business on April 30th, and have been up and running for 10 weeks. As a hairdresser I am considered a high risk profession with this virus and have required face masks for all of my clients visiting my space. I am continually complimented and thanked for my due diligence in keeping my clients safe and not becoming a hot-spot in Whitefish for the spread of Coronavirus. Wearing a mask all day while working is not something I enjoy, however, I feel it is my responsibility in order to keep all safe who come in contact with me, given the nature of this virus. Considering that on a national level we are failing miserably to control the spread of COVID-19, I feel we need to look to other communities and countries who have been able to contain the virus and responsibly keep their citizens safe. As a small community who relies on the business of tourism and out-of-state travelers, it only seems logical to ask everyone to do the small task of wearing a face mask while in public. I realize there will need to be some exceptions and different guidelines to apply to this requirement, and those ideas should come from an expert, which I certainly don't claim to be. I think it is crucial for our community to take the lead in requiring masks in order to show our concern for public safety, and spare our medical community the horrors that can transpire in this pandemic. I appreciate you hearing my concerns, and I'm so thankful for the City's diligence in monitoring our safety.

Stephanie Kuhl
Foxtrot Salon
Whitefish, Montana
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Lyn Kuhr [redacted]
Sent: Saturday, July 4, 2020 6:19 PM
To: Michelle Howke
Subject: Masks

I am against you or anyone mandating the wearing of masks in Whitefish! It is and should be the individuals choice.

Lyn Kuhr
PO Box
Whitefish Montana 59937

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: christina larsen [redacted]
Sent: Thursday, July 2, 2020 11:14 AM
To: Michelle Howke
Subject: mask ordinance

Dear City Council,
I urge you to adopt an ordinance requiring mask wearing at local businesses.
I am shocked by the number of tourists I see downtown every single day, and can only conclude that we owe our increasing numbers of Covid infections to resumed travel.
My biggest concern is that we have been short sighted in "re opening" the State and the City. If we face additional shut downs because of rising rates of infection, and if schools cannot reopen in the fall, we will have sacrificed the balance of our economy in service of the tourist economy. We will also have sacrificed the health and safety of our citizens.
My husband and I are full time working parents of a school aged child. It will be a tremendous hardship on working families if school cannot resume in the fall. I would prefer more strenous and restrictive measures to be implemented this summer-- even shutting down out of state travel-- in the interest of improving the odds that children can return to school in the fall.
Sincerely,
Christina Larsen
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Katrina Larsen [redacted]
Sent: Thursday, July 2, 2020 9:01 AM
To: Michelle Howke
Subject: Whitefish mask policy

Good morning.
I'm a Whitefish resident and am deeply concerned about the recent influx of tourists during the Covid pandemic. Numbers and crowds seem to only be increasing by the day. I urge city officials to increase regulations and requirements for the use of masks in public and businesses in order to keep our community members safe, especially those working in the retail and service industries who are faced with constant exposure.
Thanks very much.
Katrina Larsen
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: John Muhlfeld
Sent: Thursday, July 2, 2020 4:08 PM
To: Michelle Howke
Subject: FW: coved 19

Follow Up Flag: Follow up
Flag Status: Completed

JOHN M. MUHLFELD | MAYOR, CITY OF WHITEFISH
418 East Second Street| 406.249.2779 mobile

-----Original Message-----
From: Dorothea LeDonne [redacted]
Sent: Thursday, July 2, 2020 4:05 PM
To: John Muhlfeld <jmuhlfeld@cityofwhitefish.org>
Subject: coved 19

Drive through our town and It is obvious that many residents/non-residents are not social distancing or wearing masks. The incidence of cases is going up and is not just because we are finally doing more testing in this valley. We have two hospitals, both with very limited ICU capacity and only 6 respirators. It will take more than suggestions to stop the marked decline in common sense. The town has turned itself into yet another petri dish.

Does this community want to destroy the economy for the long term by condoning behavior that can only increase business profits for the short term? It is only a brief matter of time before our health care providers will be under siege and our clinics and our hospital system begin to turn into emergency care for individuals with moderate and severe cases of covid 19. The longer we wait to mandate common sense pandemic reduction techniques, the sooner we will be faced with closing restaurants and bars and our beaches.

It doesn't matter that now younger adults are contracting the disease and fewer older adults are. Most older adults don't even want to venture into town anymore. While the younger adults have less severe disease, those with moderate disease will impact our health care system which is already under stress. And the way this is headed, they will spread this pandemic like wildfire to our essential workers, elderly, cancer patients, and the immunosuppressed and more vulnerable populations among themselves as well as the rest of us.

If one only cares about money, who the heck will want to come here for vacations or for a second home if it is as dangerous or even less safe than the big cities? It won't take long for tourists and part time residents to realize we do not have the capacity to take care of them if they are diagnosed with covid 19 and require hospitalization. If our governor or out city council fails to act soon, the morbidity and mortality rates from this pandemic will make our permanent resident waiting periods to see family doctors and specialists or be scheduled for elective procedures and surgeries even worse.

It will take mandatory social distancing and masks in stores, restaurants, bars, and super markets as well as fines to slow what is now happening throughout our valley. It is more and more common to see more and more coustomers in the stores without masks failing to even social distance. It is the recipe for the perfect storm. The denial, ignorance, and worse yet politicalization of the importance of wearing a mask or social distancing is increasing. Tourists come here

wearing a mask and stop wearing them because of the prevailing attitudes in this town. Several store owners in this town forbid masks and some threaten their workers who want to wear masks or want protection at the cash registers. I don't have to tell you this. You all know this is happening.

Sincerely,

Dorothea LeDonne, Mph, Epidemiology
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Ed Lieser [redacted]
Sent: Sunday, July 5, 2020 9:58 AM
To: Michelle Howke
Subject: Mask Resolution

While I'm not a resident of the City of Whitefish, I live on Lion Mt and support the resolution on wearing masks. I appreciate the city's attention to this very important issue.

Ed Lieser

Sent from Yahoo Mail for iPhone
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Lois Linn [redacted]
Sent: Wednesday, July 1, 2020 12:26 PM
To: Michelle Howke
Subject: Mandatory masks in Whitefish

Hello,
I understand that the mayor and the city council are considering a policy that would make wearing masks or face covering mandatory in Whitefish. I strongly support making people wear masks whenever they are in a public building or space. We have all seen the results of a suggestion to wear masks- bare faces all over town. Covid 19 is here and being spread in the community. We need to get serious about limiting the spread of this deadly virus. Masks are a powerful tool to protect our community, but only if everyone wears them.
Please protect our community by requiring masks on everyone, and specify that they must cover both the nose and the mouth.
Thank you.
Lois Linn
Whitefish, MT

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

Michelle Howke

From: Gail Linne <g[redacted]
Sent: Saturday, July 4, 2020 11:32 AM
To: Michelle Howke
Subject: Yes to encouraging mask wearing

To: Mayor Muhlford, Whitefish City Counsel and Staff,

I strongly support the City of Whitefish's proposed resolution to encourage the use of face masks in Whitefish when social distancing is not possible.

Front line employees, local citizens and visitors should all wear face masks to reduce the spread of COVID-19.

Thank you for writing this important proposed resolution to help protect all of us.

Sincerely,

Gail Shay Linne
[redacted]
Whitefish

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Della Littfin [redacted]
Sent: Wednesday, July 1, 2020 9:44 PM
To: Michelle Howke
Subject: In favor of requiring masks be worn

I am in favor of the City of Whitefish requiring that masks be worn when social distancing is not possible. Thank you for your efforts to make this happen.

Della Littfin
[redacted] Whitefish, MT 59937

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Sarah Lundstrum [redacted]
Sent: Thursday, July 2, 2020 2:37 PM
To: Michelle Howke
Subject: Mask Ordinance for city

Hi!

I just wanted to share my support for the City Council to adopt a mandatory mask ordinance for public places, not just recommending them. At this point we should be doing all we can to stop the spread of COVID-19 and the lowest hurdle is to adopt a mask ordinance.

Thanks!
Sarah Lundstrum
Whitefish, MT
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Allison Magnuson [redacted]
Sent: Saturday, July 4, 2020 5:22 PM
To: Michelle Howke
Subject: mandatory masks in public spaces

Good Afternoon,
I am writing to ask that the city council make wearing face masks mandatory when residents or visitors are in public. I have noticed that many people are not wearing masks and are not social distancing. We have such a nice community in Whitefish, I think it is important to safeguard our shops, hotels, restaurants, grocery stores, and the general public from this virus. The servers in the restaurants are no longer wearing masks. They come in contact with lots of people from all over. Many shoppers in the grocery stores are not wearing masks and the hand sanitizer at the front entrance of the stores has disappeared. There needs to be a sign at the front door of business establishments requiring a face mask before entering. People are walking up and down the sidewalks in town without masks. Not wearing a face mask is a public health hazard. Please consider issuing an ordinance requiring the wearing of face masks mandatory when in public. Let's keep Whitefish safe.
Sincerely,
Allison Magnuson
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Chuck Martin [redacted]
Sent: Saturday, July 4, 2020 8:28 PM
To: Michelle Howke
Subject: Mask Resolution

I am in favor of a resolution requiring people to wear a mask in all public places in the City of Whitefish. These are unprecedented times. I believe it is prudent to error on the side of caution until the COVID-19 pandemic is under control.

Chuck Martin
[redacted]
Whitefish, MT 59937
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: [redacted]
Sent: Saturday, July 4, 2020 1:15 PM
To: Michelle Howke
Subject: Face Mask

I Do Not feel the need to wear a face mask unless I am coughing, sneezing and/or sick. Wearing a mask has us recycling our own oxygen and breathing in particals from the mask which is not good for our lungs. Our lungs need fresh air.

Mary

Sent from my MetroPCS 4G LTE Android device
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Debbie Maue [redacted]
Sent: Thursday, July 2, 2020 11:21 AM
To: Michelle Howke
Subject: City Resolution 20- OPPOSITION

Hello,
I am writing to express my OPPOSITION to the passing of Resolution 20.
Currently, Whitefish and it's residents have done an excellent job of respecting others and limiting the spread. The cases have NOT "surged" by any stretch in Whitefish pr Flathead and we've had guests continuously since Easter. 45 days ago. If there was going to be any surge we would have seen it by now.
There is evidence to support the disease is much more wide spread than previously thought and much less deadly. Proof that people are building the immunity against it. Proof through the groups of protesters not testing positive.
As well as, cities like Chicago now opening up and even "back peddling" on the stats with the mayor stating now that the increase #'s of positive are due to increased testing WITHOUT increased hospitalizations.
I might suggest sifting through the data (one being that those testing positive for antibodies are being noted as "positive"), listening to the "silent majority" and truly weighing it all against this unnecessary action.
Thank you.
Debbie
[redacted]
Whitefish, MT 59937
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Don [redacted]
Sent: Saturday, July 4, 2020 11:23 AM
To: Michelle Howke
Subject: Mask mandate

As a resident of Whitefish, MT I would like to register my voice as being against a mandated mask policy. There are too many voices eager to impose their will on others—under the guise of knowing what's best. I believe freedom to choose goes beyond governmental competence. Thank you.
Marilyn McBurney
[redacted]
Whitefish, MT

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

Michelle Howke

From: Kathy McCabe [redacted]
Sent: Saturday, July 4, 2020 8:23 PM
To: Michelle Howke

Kathy McCabe [redacted]. Wf
I think it's a good idea for everybody to wear masks . Ihave notice to many people not wearing masks in business in whitefish. We need to keep are town safe.
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Thomas McClure [redacted]
Sent: Sunday, July 5, 2020 11:56 AM
To: Michelle Howke
Subject: Masking policy

We are strongly in support of the proposal to “encourage” mask use in settings where COVID-19 transmission is possible. We would support stronger measures, including a mask mandate in indoor settings, as well as a requirement for social distancing in dining, and especially, drinking establishments since masks cannot be used while eating or drinking. Since mask use is “encouraged”, or better yet, mandated, in settings where tourists and residents alike will be participating, masks should be readily available at convenient locations and times at reasonable cost.

Thomas McClure MD
Christina McClure
[redacted], WF
[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Marie Meckel [redacted]
Sent: Wednesday, July 1, 2020 11:09 AM
To: John Muhlfeld
Subject: Masks/face coverings

Attn: John Muhfeld

As we are seeing an increase of the Covid19 cases in the Flathead valley after the reopening of more businesses, especially in our town of Whitefish, and an influx of out of state tourists, it is alarming to see so many people not wearing face coverings while strolling down our sometimes crowded downtown streets and entering our businesses. Even the employees of some downtown businesses are not wearing face coverings!

Wouldn't it be prudent to make it a condition for all businesses within the city limits to require all employees and anyone entering those establishments to wear face coverings if they are to remain open?

Please consider, for the health of our citizens and visitors alike, establishing a requirement for the wearing of face coverings in All of our local businesses.

Marie Meckel
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Melanie Meeks [redacted] >
Sent: Saturday, July 4, 2020 3:20 PM
To: Michelle Howke
Subject: Mask resolution

I am very much in favor of a mandated mask resolution for Whitefish where a great deal of tourists flock. It's the least we can do to keep our Workers, residents and state safe. Hoping Bigfork will follow your lead.

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

Michelle Howke

From: Jerry Meislik [redacted]
Sent: Sunday, July 5, 2020 10:25 AM
To: Michelle Howke
Subject: Masks

To the Whitefish City Council

As residents of the Whitefish area for the past 26 years we were very proud of Whitefish and the State of Montana when they instituted rules to contain COVID-19. It appeared that the efforts worked and there were very few cases for several months. Then most restrictions were lifted and the number of cases has increased greatly. Although the actual numbers are not as high as other states the percentages of increased cases is very high. Data suggests that masks are among the measures that can limit the spread of the virus. It appears to be a simple solution to try and contain COVID-19.

The few times we have ventured out – only to go to a necessary appointment -as we drive through Whitefish we see hardly anyone in a mask. We have talked to friends who say that in Missoula and other places around the country most people wear masks.

Unfortunately it appears that individuals in this area do not take the virus seriously. So it is up to the government in this area to take a stand to try and prevent further spread of COVID-19. Whitefish should mandate businesses to require face masks for all their employees and that businesses require individuals entering the stores wear masks. If individuals don not want to wear a mask to enter a store they do not have to shop there. We know it will not be easy and there will be many objections but consider what will happen if this area becomes another Sun Valley or Texas or Arizona and everything has to close down again. The economic consequences will be far greater.

To our way of thinking consideration for others is of paramount importance.

We sincerely hope that the Whitefish City Council will consider instituting a mandatory mask requirement

Jerry and Rhona Meislik

[redacted]

Whitefish, Montana

Sent from Outlook
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Lynnelle Mellinger [redacted]
Sent: Saturday, July 4, 2020 4:01 PM
To: Michelle Howke
Subject: Mask wear

Hello,

Please allow each individual to be responsible for their own health and DO NOT require a mask. I will not mention my reasons as everyone's side is discussed ad nauseum.

Thank you,
Lynnelle Mellinger
Fortine, MT

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

Michelle Howke

From: jan metzmaker [redacted]
Sent: Saturday, July 4, 2020 1:59 PM
To: Michelle Howke
Subject: masks

Michelle,
I think anyone who enters a business in Whitefish should wear a mask. Being someone who is of the age considered to be high risk, it only makes sense. Perhaps the City could assist with providing masks for those who don't have one. We need to flatten the curve again and with all the folks coming to Whitefish from out of town, it is prudent to request that masks be worn.

Thanks,

Jan Metzmaker
[redacted]
Whitefish
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Belinda Mitchell [redacted]
Sent: Saturday, July 4, 2020 11:02 AM
To: Michelle Howke
Subject: Mask resolution

Hello Michelle- this is Belinda Mitchell, [redacted], Whitefish, writing to give my input in the mask resolution. I read the article in the daily Interlake about the upcoming proposal, but did not get the specifics in the article about what exactly is being proposed. I want to give my support for business' requiring masks to be worn inside their business, however, I am not in favor of being mandated to wear a mask while I am walking around downtown where it is easy to social distance and so not wear a mask. Also I am not in favor of forcing churches to require their parishioners to wear masks during service. Thank you for considering this.
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Brenda Moen [redacted] >
Sent: Saturday, July 4, 2020 5:33 PM
To: Michelle Howke
Subject: Face masks, yes!

Please require face masks be worn in public in Whitefish. Thank you for protecting the citizens and visitors to our wonderful town. Brenda and Marc Moen [redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Brenda Moen [redacted] >
Sent: Saturday, July 4, 2020 5:39 PM
To: Michelle Howke
Subject: Face masks

My friend, Martha Olson does not have a computer and asked me to send this email to you in support of requiring masks be worn in public in Whitefish. She is a 27 year resident of Whitefish and lives at 23 Willowbrook Close. Thank you.
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Perry Moore [redacted]
Sent: Sunday, July 5, 2020 12:27 AM
To: Michelle Howke
Subject: MASKS

I find this proposal to be totally communistic. It is just as bad as the shutdown that ruined the cities tax base. Our city leaders are not interested in protecting the community but furthering their control over the city population and increasing their own power. Who will be the MASK police and what might the penalty be for not wearing a MASK.!!
I vote no to this idiotic proposal.
Perry L Moore
[redacted]
Whitefish, Mt.

4[redacted]

Sent from Mail for Windows 10

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Anne Shaw Moran [redacted]
Sent: Saturday, July 4, 2020 9:25 AM
To: Michelle Howke
Subject: Comments from Anne Moran on Masking

Hi, Michelle--

Hope you are well. Thank you for gathering comments on masking. Here are mine:

To Mayor Muhlfeld and Whitefish City Council:

I have probably spent as much time as all of you researching this issue (on behalf of the library and given that I work with critical responders in my day job) and respect that these are extremely difficult decisions with no easy answers. I believe mask requirements/strong recommendations (there are valid safety reasons for both approaches) are wholly appropriate **within municipal and/or community structures,** and should be strongly requested outdoors on city or public property in those truly busy commerce areas where social distancing is improbable.

It's a much stickier decision to reach inside someone's private property, yard, business or church to enforce something. And given the current numbers in Flathead County **I strongly believe it would be premature and elevate other threats to start requiring masks outside in those areas where social distancing is easily achieved** (i.e., when we are in areas where we can walk our dogs without running into others, hike on trails, work in our own yards/gardens on our own property, or other places where social distancing is easily and safely maintained and the use of masks would destroy the necessary mental health/freedom we all must seek periodically to revitalize ourselves to survive the ongoing mental burden of this period), **and could be a grave mistake at this time in a community like ours**.

You must somehow balance your decision-making so that you do not micromanage this community into an environment where people cannot relieve their stress and/or retain some autonomy. Stress management is one of the most critical components to maintaining good health and its importance cannot be overestimated right now. Over-regulation may also put your own law enforcement personnel--who most especially deserve all our support and appreciation at this time--into seriously disadvantaged positions, potentially fraught with conflict. Is it good judgment to place them in the no-win position of outdoor mask requirement enforcement, or to place your typically law-abiding citizens in the position of being law-breakers--or getting into conflicts with neighbors-- if they want to weed their own back yard carrot-patch or let their five-year-olds play catch on their own fee-simple property? Though we must continue to watch carefully, I do not believe Flathead County COVID-19 numbers have earned this response just yet. Masks in independently owned buildings and businesses that serve the public? Possibly, provided you can work with them to evolve reasonable accommodation for those whose livelihoods must be preserved as food/drink providers.

Why not phase it? Continue to focus on City and public property to set an example. Release guidelines or strong encouragement or whatever you judge is most appropriate for areas where you know social distancing cannot reasonably be achieved. And the City should absolutely initiate an intentional public service campaign on this. There is still so much in this arena that can and should be done to generate immediate results without increasing conflict. We are certainly overdue to dial up the signage downtown--how about the City provides sandwich boards on every downtown street corner? Some reader-boards like MDT did last winter? Coordinate with the banks, grocery stores, and other institutions to post PSAs on their electronic signage. Get a banner over the highway entries, so visitors are clear that we appreciate masking. Then monitor it and keep it on your agenda; that way, you can always dial it up if needed. But please do not just yet fall into the morass of over-regulating and over-enforcing, heavy-handedly and too quickly; the potential conflict you create could cause an equal or greater threat to the health and well-being of both your law enforcement personnel and Whitefish's citizens.

As always, thank you all for your dedicated public service and your diligence to the difficult decisions we all must make at this time. There are no easy answers and this taxpayer is grateful for all that you and your staff do.

Sincerely,

Anne Shaw Moran
[redacted]
Whitefish, MT 59937

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Sharon M. Morrison [redacted]
Sent: Saturday, July 4, 2020 5:33 PM
To: Michelle Howke
Subject: Brief research report: Bidirectional impact of imperfect mask use on reproduction number of COVID-19: A next generation matrix approach - ScienceDirect
Attachments: WebPage.pdf

Hello—

I submit this recently released study on mask use for consideration as to required mask use. Sharon Morrison

https://www.sciencedirect.com/science/article/pii/S2468042720300191

EXTERNAL SENDER verified by City of Whitefish IT

Brief research report: Bidirectional impact of imperfect mask use on reproduction number of COVID-19: A next generation matrix approach

David N.Fisman[a]Amy L.Greer[b]Ashleigh R.Tuite[a]

Abstract

The use of masks as a means of reducing transmission of COVID-19 outside healthcare settings has proved controversial. Masks are thought to have two modes of effect: they prevent infection with COVID-19 in wearers; and prevent transmission by individuals with subclinical infection. We used a simple next-generation matrix approach to estimate the conditions under which masks would reduce the reproduction number of COVID-19 under a threshold of 1. Our model takes into account the possibility of assortative mixing, where mask users interact preferentially with other mask users. We make 3 key observations:

1. Masks, even with suboptimal efficacy in both prevention of acquisition and transmission of infection, could substantially decrease the reproduction number for COVID-19 if widely used.

2. Widespread masking may be sufficient to suppress epidemics where R has been brought close to 1 via other measures (e.g., distancing).

3. “Assortment” within populations (the tendency for interactions between masked individuals to be more likely than interactions between masked and unmasked individuals) would rapidly erode the impact of masks. As such, mask uptake needs to be fairly universal to have an effect.

This simple model suggests that widespread uptake of masking could be

determinative in suppressing COVID-19 epidemics in regions with R(t) at or near 1.

Keywords

Masks

Epidemiology

COVID-19

SARS-CoV-2

Next generation matrix

Mixing

Assortative

Epidemics

Background

The use of masks as a means of reducing transmission of COVID-19 outside healthcare settings has proved controversial. Available evidence suggests that masks and other face coverings reduce both transmission and acquisition of droplet-borne respiratory viruses in healthcare settings (Chu et al., 2020; Leung et al., 2020; Offeddu et al., 2017) but evidence outside healthcare is limited. Ecological evidence suggests that countries where mask use is widespread have controlled COVID-19 epidemics more rapidly (Kai, Goldstein, Morgunov, Nangalia, & Rotkirch, 2004), and models suggest that even imperfect use of masks and other face coverings could be a potent disease control intervention, due to the bidirectional effects of masks on disease transmission (Eikenberry et al., 2020).

Objective

To use a simple, “next generation matrix” approach to explore the impact of masks on epidemic reproduction numbers under varying assumptions around effectiveness, uptake, and population mixing patterns.

Methods and findings

We can represent mask use in a population using a simple mixing approach whereby the “force of infection” (rate of infection of susceptibles) in masked (λ_m) and unmasked (λ_u) individuals is:

$$\begin{pmatrix} \lambda_m \\ \lambda_u \end{pmatrix} = \begin{pmatrix} \beta_{mm} & \beta_{um} \\ \beta_{mu} & \beta_{uu} \end{pmatrix} \begin{pmatrix} I_m \\ I_u \end{pmatrix}$$

Here I_m and I_u represent prevalent infections among masked and unmasked individuals. Each β_{ij} represents the product of contact rate and transmission probability from an infectious individual with mask use status i, acting on a susceptible person with mask use status j. Population mixing may be random, but assortativity is also possible, in which case masked individuals would interact predominantly with other masked individuals, and vice versa. Assortativity would manifest as zeroes in the anti-diagonal of the matrix (Garnett & Anderson, 1996). This simple model is available as a Microsoft Excel spreadsheet at: https://figshare.com/articles/Next_Generation_Matrix_Approach_to_Mask_Use_for_COVID-19/12279266. Reproduction numbers (the number of new cases created by prevalent cases) can be estimated as the largest non-negative eigenvalue of the next-generation matrix:

$$\begin{pmatrix} R_{mm} & R_{um} \\ R_{mu} & R_{uu} \end{pmatrix} = \begin{pmatrix} \beta_{mm} N_m D_m & \beta_{um} N_m D_u \\ \beta_{mu} N_u D_m & \beta_{uu} N_u D_u \end{pmatrix}$$

Here N is population size and D is duration of infectivity; contact numbers and disease duration are equivalent for masked and unmasked individuals

such that differences in β_{ij} relate entirely to the effectiveness of mask use for transmission (E_T) and for prevention of acquisition of infection (E_A). For example, β_{mm} would be estimated as
$\beta_{mm} \cdot (1 - E_T) \cdot (1 - E_A)$
. Using this simple model, we see that widespread adoption of partially effective masks can reduce *R* from a high baseline value (e.g., 3) to below 1, provided mask use is widespread and masks impact both transmission and acquisition of infection (Fig. 1, bottom panels). If *R* is closer to 1 (e.g., 1.5) as may be the case following social distancing, limited mask uptake with effects limited entirely to reduced transmission may be sufficient to drive *R* to values below 1 (Fig. 1, top panels).

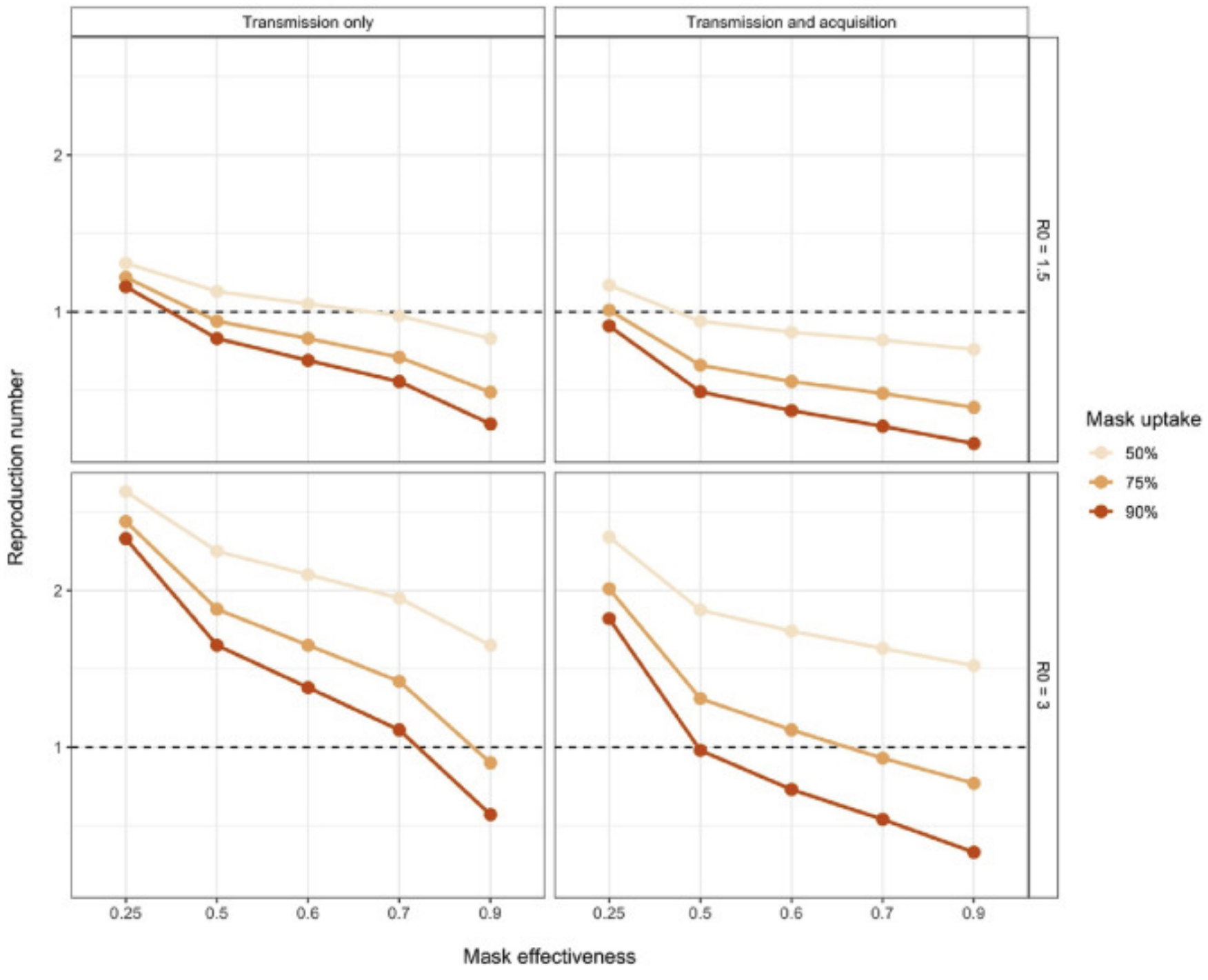

Fig. 1. Effect of Mask Uptake and Effectiveness on Reproduction Number of COVID-19

Effective reproduction number (R) is plotted on the Y-axis and increasing mask effectiveness is

plotted on the X-axis in both figures. Curves represent 50% (light), 75% (medium) or 90% (dark) uptake of masks in the population. Top panels represent a scenario with baseline R=1.5; and masks reducing transmission only (left), or both transmission and acquisition of infection with equal effectiveness (right). Bottom panels are identical, but use a baseline R=3.

Assortative mixing diminishes the impact of masking (Fig. 2), concentrating the epidemic in non-masked segments of the population. Assortativity is modeled using the approach of Garnett and Anderson (Garnett & Anderson, 1996), by adding an assortativity constant (η) to the matrix; values of η closer to 0 approximate random mixing while values closer to 1 represent extreme assortativity.

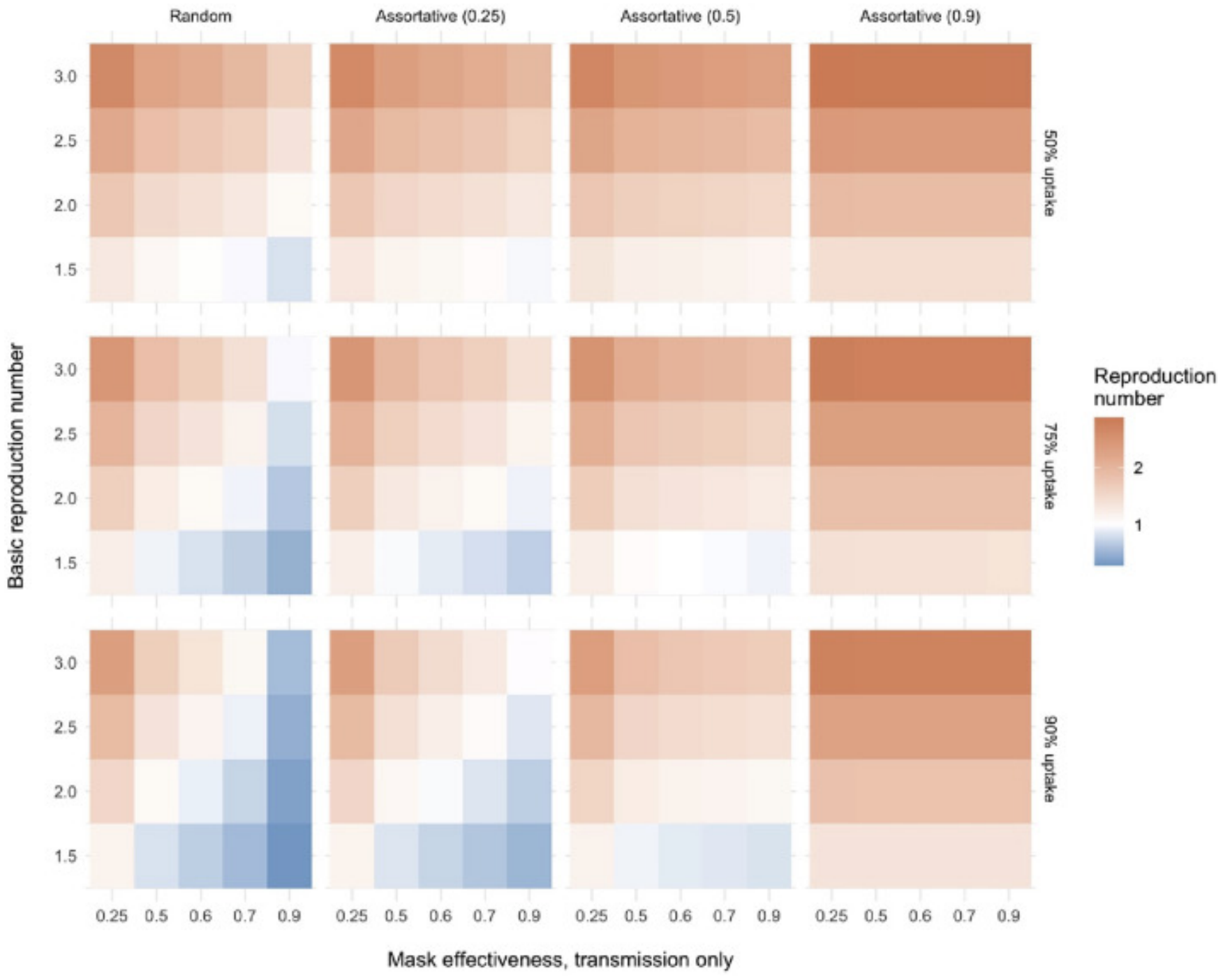

Fig. 2. Diminished Effect of Masks on Reproduction Number of COVID-19 with Assortative Mixing.

Baseline effective reproduction number (R) is plotted on the Y-axis and increasing mask effectiveness is plotted on the X-axis, across four different scenarios with respect to assortativity. Left handed panels show random mixing, while the three right hand panels show progressive

increases in assortativity (coefficients of 0.25, 0.5 and 0.9, based on the approach of Garnett and Anderson (Garnett & Anderson, 1996)). The effective reproduction number, R, in each scenario is represented by color coding, with red areas signifying R>1, white signifying R=1, and blue areas signifying R<1. It can be seen that R falls below 1 more easily with random mixing than with assortative mixing; when assortativity is extreme (far right panel), R cannot be brought below 1, even when R_0 is low, mask use is widespread, and masks are highly efficacious. Note that simulations in this figure consider only reduction of transmission risk, and assume that masks do not prevent acquisition of infection.

Discussion

Recommendations for the public use of masks and other face coverings for prevention of COVID-19 transmission have proven surprisingly contentious in high-resource countries. The reasons for this are likely varied and include concerns about diminished mask supply for healthcare workers and false reassurance for masked individuals with diminution of social distancing. Nonetheless, as we demonstrate here, even modest mask effectiveness for reduction of transmission of COVID-19 could have important effects on epidemic dynamics, especially given that pre-symptomatic transmission of disease is an important feature of COVID-19 epidemiology, and may account for over 40% of all transmission events (He et al., 2020). Even a partial reduction of this burden of transmission may be sufficient to drive reproduction numbers below 1, especially when they have been brought close to 1 by other non-pharmaceutical epidemic control measures such as aggressive physical distancing. While we used a slightly different mathematical approach, our findings are consistent with those published by Eikenberry et al. (Eikenberry et al., 2020), and provide a degree of cross-validation of these findings. We also show here that the benefit of masks may be diminished via assortative mixing patterns, if mask-users predominantly contact other mask users. As such, the impact of masks and other face coverings in reducing COVID-19 transmission is likely to be greatest if attention is paid to ensuring availability for disadvantaged populations.

Our analysis has several limitations, including the model's simplicity and the

lack of precise estimates for mask effectiveness in the context of COVID-19. However, it should be noted that our model is likely conservative; a recent systematic review suggested, based on the best available evidence, that face masks reduce the risk of acquisition of viral infection by 85% (95% CI 66–93%) (Chu et al., 2020); as we note here, the impact of masking is markedly enhanced if both acquisition and transmission are reduced. In a health emergency like the current pandemic, decisions may need to be made on the basis of best available information, even if that information is imperfect. In the absence of evidence of harms done by masking, and with even preliminary evidence that they could influence epidemic growth, we suggest that their more widespread use be considered by jurisdictions which have not yet advocated this intervention.

Declaration of competing interest

The research was supported by a grant to DNF from the Canadians Institutes for Health Research (2019 COVID-19 rapid researching funding OV4-170360). None of the authors has any conflict of interest to declare.

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☆

The research was supported by a grant to DNF from the Canadians Institutes for Health Research (2019 COVID-19 rapid researching funding OV4-170360).

Peer review under responsibility of KeAi Communications Co., Ltd.

Michelle Howke

From: Joe Mushel [redacted]
Sent: Thursday, July 2, 2020 10:03 AM
To: Michelle Howke
Subject: Face Masks

We were a leader and now we are going in the wrong direction, fast! Please make it mandatory for everyone to wear masks while going out in town. I keep hearing it from locals and people working trying to do the responsible thing. We are on the fast track of having to shut everything down again. Nobody wants that.
Regards,
Joe Mushel

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

Michelle Howke

From: Sara Mushel [redacted]
Sent: Thursday, July 2, 2020 8:27 AM
To: Michelle Howke
Subject: Mandate masks

Greetings,

As a longtime Whitefish citizen, mother, and business owner who has halted operations due to Covid, I would like to voice my concern about the rising number of tourists in our town who are not wearing masks and significant risk that poses for the health and safety of our community. Please implement a mandatory mask order so that we can all return to a new, safer normal. ***Mandatory masks are the only way that we can move forward together.***

Thanks for your time.

Sara Mushel, MS, FMCHC, BCHN-C
Whitefish Functional Health, LLC

Sent from iCloud
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Matt And Alex Neill [redacted]
Sent: Thursday, July 2, 2020 9:19 AM
To: Michelle Howke
Subject: Mask wearing

We are outraged by the number of out of state plates and people here, and when we enter businesses we are the only ones - as locals - wearing masks. Even employees are not wearing masks and are serving food. This is absolutely ludicrous.

If people can't wear masks we can shut down again to force them to stay away.

Please help us keep our community safe.

Alex Neill

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

Michelle Howke

From: Nelliepurrrrr [redacted]
Sent: Sunday, July 5, 2020 12:56 PM
To: Michelle Howke
Subject: Whitefish mask mandate

As a business owner and parent of two children in Whitefish, I strongly support a mask mandate in Whitefish.

Thank you.

Francine Bottinelli

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Ryan Nelson [redacted]
Sent: Sunday, July 5, 2020 12:56 PM
To: Michelle Howke
Subject: Masks in Whitefish

Ryan Nelson
[redacted]
Whitefish, MT 59901

The city should require masks for everyone's safety when out in public areas. It's an easy easy way to help stop the spread and keep our small community safe. As the tourists come there has been a much higher rate of transmission of the virus, I mean it's skyrocketed 100 people in just 2 days of passing. I will be wearing a mask, in any public place whether I am working or enjoying my time out and about with the public.

I work at RockFish Climbing and Fitness and I'm worried about the lack of cautiousness and proactive protection from our locals and our visitors here in the valley. I have already seen many new faces come to our small gym from all over the country, including some of our hardest hit states and if controlling the spread is our concern well we should consider any and all proactive measures. All gyms are just COVID-19 cesspools at this time and it only takes one person with the virus to change our lives forever.

I am pro mask and those who decide not to wear a mask (which is their right to decide) should be held accountable and stay away from the general public as they are now threatening our community... we have to stand together.

Let's go back to to why we shut down the state to begin with and make sure we make better educated decisions before we make anymore mistakes that simply might destroy lives.

I think it will deter visitors and also locals from being out and about and it may even keep out if state folks out of state and at this time that's exactly what she should be asking of the public.

I think Montana should take a huge step backwards, and let Montana heal.
We should reconsider imposing a mandatory 14 day quarantine for all out of staters, and remind the our community that we are all at risk and no one is safe without these measures.

Masks have been worn for protection for decades, it's easy and if your against it you can stay home or out of public spaces.

This fight is not over, this virus is here,
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: John Noyes [redacted] >
Sent: Saturday, July 4, 2020 10:17 AM
To: Michelle Howke
Subject: Masks

Please consider the youth of Whitefish, including my grand daughters, make masks mandatory so kids can go back to school. Individualism is not part of the decision, it's for community. Get it done!

Hope Noyes
[redacted]
Whitefish
[redacted]

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

Michelle Howke

From: Dana Nunn [redacted]
Sent: Saturday, July 4, 2020 1:10 PM
To: Leigh Nunn; Michelle Howke
Subject: Mask Mandate proposal - Against

Mr. Mayor,

Good morning and happy 4th of July to you and your family. My husband and I wanted to quickly share with you that we are VERY much against a city mask Mandate.

We hope that you will take into account the gravity of this kind of mandate and the encroachment of our liberty and freedom to choose.

According to the most recent WHO (world health organization) information asymptomatic transmission is very rare! https://youtu.be/NQTBlbx1Xjs

It should be up to the individual and business owners whether to wear a mask or not.

We live at 440 Columbia Ave and hope that the city of Whitefish will stand behind their constituents protecting their freedom to choose what is best for them and their families.

Regards,
Dana and Leigh Nunn

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Dawn Oehlerich [redacted]
Sent: Thursday, July 2, 2020 11:37 AM
To: Michelle Howke
Subject: Mandate needed on face coverings

Good morning
We very strongly feel everyone, needs to wear a face covering inside any buildings and outside anywhere social distancing guidelines cannot be adhered to. This should carry a penalty of a hefty fine for violations.
Also we think a 14 day quarantine for all out of state visitors needs to be mandated.
Our town is about to blow up. Please do more to protect those of us who reside here
Michael &Dawn Oehlerich
606 Masters Crt
WhitefishMT
--
Dawn Oehlerich, RIA,CFP
KilterHowling, LLC
Registered Investment Advisor
[redacted]
Whitefish, MT 59937
[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: nadine ordway [redacted]
Sent: Thursday, July 2, 2020 12:05 PM
To: Michelle Howke
Subject: Resolution 20

I strongly support issuing a MANDATORY face mask ordinance in the city of Whitefish. 'Strongly Suggesting' is a good start but leaves the people on the frontline (clerks,store employees, waitstaff, etc) in the position of dealing with people who are unhappy with being asked to comply with this simple request. A mandatory ordinance takes it out of their hands and relieves them of this added stress. I feel that the sooner we do this, the better, to avoid having to shut down completely when the situation inevitably gets worse. In my observation, there are way too many people who are not respecting suggestions. Thank you.
Nadine Ordway
[redacted]
Sent from my iPhone
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Alice Padgham [redacted]
Sent: Sunday, July 5, 2020 11:22 AM
To: Michelle Howke
Subject: Masking

I strongly support a mask mandate. I am not sure how successful it will be if it is only voluntary but that is probably a good place to start and of course if it becomes necessary to mandate it with stronger rules that would be my preference. I am seeing a lot of the "guests" in our city not be very respectful of their hosts. Thanks for taking this on.
Alice Padgham
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: [redacted]
Sent: Sunday, July 5, 2020 12:22 PM
To: Michelle Howke
Subject: In support of mask resolution

Thanks so much for proposing the resolution for masks! It's been weird to go downtown and have some people wearing masks and some not (even if they have children with them). It makes the whole thing seem like a joke, something that Whitefish doesn't take seriously. I think it generates ill will as well, on both sides. I've been avoiding going downtown for those reasons, and I miss it!
Jane Peranteau
[redacted].
Whitefish, MT 59937

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Nicki Perisho [redacted] >
Sent: Sunday, July 5, 2020 8:28 AM
To: Michelle Howke

In favor of a mandatory masking policy for the city of Whitefish.

Nichole Perisho
[redacted]
Whitefish, MT 59937
4[redacted]
--
Nicki

"The greatest way to live with honor in this world is to be what we pretend to be." Socrates
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: [redacted]
Sent: Saturday, July 4, 2020 3:47 PM
To: Michelle Howke
Subject: Face Mask

I support a Face Mask ordinance. There are to many tourists in town. Strong encouragement would be nice, but a ordinance is necessary.

David Perry
[redacted]
Columbia Falls, MT. 59912
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Nancy Persons <s[redacted]>
Sent: Sunday, July 5, 2020 6:21 AM
To: Michelle Howke
Subject: Masks

Greetings,

Being proactive is far better than not being wise. I agree that face coverings while inside should be mandatory.

I honestly only shop at places that require masks downtown.

THANK you BookWorks!

I am concerned for the shop workers with so many people coming into town thinking they are free and left Covid-19 at home. We must keep this wonderful shop employees save who are willing to work, and we need to keep our community save!

Please require masks indoors and any tight/close outdoor social settings!

Nancy Persons

In the end, to ski is to travel fast and free - free over untouched snow country. To be bound to one slope, even one mountain, by a lift may be convenient but it robs us of the greatest pleasure that skiing can give, that is to travel through the wide wintery country; to follow the lure of peaks which tempt on the horizon and to be alone for a few days or even hours in clear, mysterious surroundings.

(Hans Gmoser)

Nancy Persons

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Laura Peschel [redacted]
Sent: Sunday, July 5, 2020 12:37 PM
To: Michelle Howke
Subject: Masks

I strongly support encouraging and even requiring face masks in public spaces. The influx of out of town visitors and increased cases has me very concerned. It is in all our best interests to wear a mask to protect public health and our economy.

Thank you,

Laura Peschel
[redacted], Whitefish, MT 59937
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Nigel Pickhardt [redacted]
Sent: Saturday, July 4, 2020 12:34 PM
To: Michelle Howke
Subject: Mask Ordinance Comment

Greetings,

I am a resident of Whitefish and, if it adds any weight whatsoever to my concerns, an ER nurse by profession. I do believe a mask ordinance of some kind is in order, for Whitefish at least, if not the county and state as a whole. It is both frustrating and dangerous that visitors, business owners, and residents are allowed to take a careless, even political, position on a matter of public health, literally playing a game of viral Russian roulette with those around them who may be at increased risk, i.e. the elderly, chronically ill, and immuno-compromised. It is morally indefensible to support unsubstantiated egocentrism or politics over evidence-based, minimally invasive, measures that not only prevent the spread of a potentially deadly disease, but lay the groundwork for lasting economic recovery. There is also that a blanket ordinance, supported by unwavering municipal leadership would decrease the numerous, potentially violent, social conflicts that occur between individuals and business owners on a daily basis - and are getting worse.

We find ourselves facing a threat that is purely scientific in nature. This is a critical moment, wherein dedicated, rational leaders and community members need to adhere to sound, scientific principles, not jingoistic conspiracies theories and non-productive political static, to reduce the rate of infection and mitigate the effects of social division.

Sincerely,

Nigel Pickhardt
[redacted]
Whitefish, MT 59937

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: [redacted]m Pitman <ad[redacted]
Sent: Thursday, July 2, 2020 1:06 PM
To: Michelle Howke
Subject: New Mask Resolution

Dear City Council,

Thank you so much for listening to our concerns about COVID and a mask mandate. I really appreciate the steps you have taken on this subject, however I don't think they go far enough.

A single Whitefish COVID fatality is one too many. The scientific community agrees that COVID infections can be significantly reduced by wearing masks (especially by those already infected). Considering the spike of positive COVID cases in our state and community, and the influx of tourists, there has never been a better time for an emergency ordnance. A few years ago, the city made an emergency ordnance to curb the threat of black bears getting into trash bins. A pandemic with a 1-2% mortality rate is far and beyond a more urgent and dangerous matter.

There is a vast anti-science movement happening in our country. A simple suggestion to wear a mask will not be heeded by this group. They respect laws — not science, not suggestions. Therefore, please consider declaring an emergency ordnance making masks mandatory in the City of Whitefish with consequences If people do not comply. I realize that this is mentioned as a possible "next step" if the recommendation for mask wearing Is not successful. I fear, by then, it will be too late.

Please be swift! Please be bold! I believe history (and our wonderful community) will look favorably on your decisive actions here.

Stay healthy and happy,
[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Jeff Plum [redacted]
Sent: Saturday, July 4, 2020 4:29 PM
To: Michelle Howke
Subject: Mandatory masks

Last I looked whitefish had a lot of restaurants and bars, what good are masks in these establishments. If you impose this you might as well ask local businesses to close their doors and claim bankruptcy.

Mobile: 4[redacted]

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

Michelle Howke

From: Victoria Reich [redacted] >
Sent: Saturday, July 4, 2020 2:39 PM
To: Michelle Howke
Subject: Mark ordinance

Whitefish City Council,
I'm a full time resident of Whitefish, living near our busy city center and beach. I support an ordinance requiring or strongly recommending the use of masks in public spaces. Our city is extremely busy this Summer with tourists from all over the US, and Covid remains highly active and contagious across the country. I believe a mask ordinance is a reasonable measure to help protect employees of our local businesses, as well as our more vulnerable residents and visitors alike. Thanks for your consideration.
Respectfully,
Victoria Reich
[redacted]
Whitefish

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

Michelle Howke

From: Janice Richards [redacted]
Sent: Thursday, July 2, 2020 11:56 AM
To: Michelle Howke
Subject: Covid and masks - urgent

Dear City Council members,

For review at the Monday night meeting.

I was amused reading the article in the newsletter explaining watercraft inspection protocols. Zebra Muscles protocols to protect the inspectors are listed. Boaters could have Covid 19 but there are no protocols to test them or require masks in Whitefish to protect the public.

As I see it...
You have to stop with your watercraft and have it inspected BUT if you have Covid or come from an area that has thousands of people dying welcome to WHITEFISH. We are not requiring visitors or some locals to act responsibly regarding a deadly virus while requiring them to help prevent the spread of invasive species. I understand the impact invasive species have on the ecosystem, but they don't kill people!

SIGN DECALS REQUIRED BY ALL BUSINESSES IN WHITEFISH.

NO MASK

NO SHIRT
NO SHOES

NO SERVICE

Sincerely,

Jan

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Doug Rommereim <[redacted]>
Sent: Wednesday, July 1, 2020 8:46 PM
To: Michelle Howke
Subject: Masks

Obviously, until this is over, the more masks, the merrier . I heartily endorse a must wear ordinance. Doug rommereim. Great northern bar.
Sent from my iPhone
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Sherry Runk <s[redacted]>
Sent: Sunday, July 5, 2020 2:40 PM
To: Michelle Howke
Subject: Mandatory Face Masks

I am against the City of Whitefish mandate to wear face masks in public, especially in churches.

I believe business owners and organizations have the right to decide if they want customers/members to wear face masks or not and the public is obligated to respect their wishes.

Sherry Runk
6204 Monterra Ave., Apt. B
Whitefish, MT 59937
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Christine A Russell <[redacted]>
Sent: Wednesday, July 1, 2020 3:37 PM
To: Michelle Howke
Subject: The Trieweiler Letter to the Whitefish Pilot

Follow Up Flag: Follow up
Flag Status: Completed

I'm sure you've read the Trieweiler letter to the Whitefish Pilot. I am writing to endorse their plea asking for the council to require people to wear masks in our places of business. I am 65 years old and work in downtown retail. So far, since reopening, the majority of shoppers do not wear masks and do not keep 6 (or even 3) feet distance.
To me, the situation is alarming and very risky. I am also in disbelief that nothing has been done. In the best interest of saving lives and keeping the doors open you must require all to wear masks in our places of business. Thank you,
Christine Russell EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: rich ruther [redacted]
Sent: Saturday, July 4, 2020 8:28 AM
To: Michelle Howke
Subject: city clerk

No is my vote for wearing masks, they don't work and are not needed.

Rich Ruther
[redacted]
montana
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Scarlett Schindler [redacted]
Sent: Thursday, July 2, 2020 2:12 PM
To: Michelle Howke
Subject: Masks in Whitefish

Please consider making masks mandatory in public places in Whitefish as our tourist season is in full swing and we are putting ourselves at risk to keep the local economy afloat.
Thank you,
Scarlett Schindler
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Maggie Schwenker [redacted]
Sent: Thursday, July 2, 2020 4:54 PM
To: Michelle Howke
Subject: Comments regarding masks

As a front-line worker in Whitefish, I would appreciate masks being made mandatory for all customers and service workers. We have seen very low voluntary use of masks in my workplace by the high number of visitors from around the US and the world. Having a city-wide mandatory use of masks would make us and our visitors safer.
Even in those places where physical distancing is possible and outlined by businesses, many people choose not to comply. Resorts and hotels are booking at nearly 100% occupancy. We are very vulnerable, and I believe aggressive action taken now could help us to avoid a second shutdown. Thank you for taking my comments into consideration.
-Maggie Schwenker
[redacted], Whitefish MT
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Niki Scott [redacted]
Sent: Thursday, July 2, 2020 2:39 PM
To: Michelle Howke
Subject: Resolution #20

Dear City Clerk,

I am writing to express my disapproval of Resolution #20. I am an adult. As an adult, I am perfectly capable of making my own informed decisions based on available information regarding my own health and safety and that of my children. You provide the information. I make the decision. I do not need or want the government making these decisions for me. PLEASE DO NOT PASS THIS BILL. This a perfect example of the government overreach that has thrown our country into its current state of chaos.

Sincerely,

Niki MacLean
[redacted].
Whitefish, MT 59937
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Patti Scruggs [redacted]
Sent: Saturday, July 4, 2020 9:07 AM
To: Michelle Howke
Subject: Masks

I am in favor of mandatory masks while in Whitefish.
Thank you.
Patti Scruggs
[redacted]
Whitefish

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

Michelle Howke

From: Stephanie Seguin [redacted]
Sent: Saturday, July 4, 2020 8:13 PM
To: Michelle Howke
Subject: Input on mask wearing order

Stephanie Seguin
Mailing: [redacted], Whitefish
Physical: [redacted] Whitefish

As a community art teacher and artist, I am reliant on income generated from teaching classes and sales from galleries and craft fairs.

Should businesses or events need to close again due to the spread of the virus I will be left in an incredibly difficult financial position. Affording rent and paying bills will be near impossible after already spending what little savings I had to make it through the last closure. Should I become infected due to one of my students, or art patrons I would risk: Infecting my other students and/or art patrons, loosing income to my time quarantined, and potentially incur expensive medical bills.

The simplest and least inconvenient measure would be to require masks in all indoor settings, and outdoor settings where social distancing is not an option. If wearing a mask keeps our economy open and surviving, there is no question which path is the correct path.

"Strongly Suggesting" wearing a mask is not enough. There are too many fuzzy, messy, and mixed messages already in existence. A clear, easy to understand message is desperately needed from our Whitefish leadership.

I URGE you to consider the health, well being, and financial success of Whitefish's service workers, and small business owners during this difficult time. They make this wonderful community what it is, do not leave them to fend for themselves.

Sincerely,

Stephanie Seguin
Artist and Educator
Stumptown Art Studio, FVCC, Stephanie Seguin Ceramics

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

Michelle Howke

From: Kelly Sellers [redacted]
Sent: Sunday, July 5, 2020 3:42 PM
To: Michelle Howke
Subject: Masks in Whitefish

To Whom it May Concern,

My name is Kelly Sellers and I live and work in Whitefish. I have been concerned for locals since the uptick in tourism has arrived. Everywhere I go I see out of state license plates and very little mask coverage. I understand that we live in a tourist destination and that with our low case's of COVID, there are bound to be people that want to visit. But the city should enforce a stricter mask initiative. There has been many news reports as well as health guidelines stating that mask are very important to keep the spread at bay, it should be worth looking at to keep the locals living and working here safe. I want my kids to go to school in the fall, it's important they continue a in school education in a physical classroom and if we get a surge here that won't happen. Please consider a mandatory policy for all in public places (such as grocery stores, downtown whitefish, etc) that can keep the locals safe. Thank you!

Sincerely,

Kelly Sellers
[redacted]
Sent from my iPhone
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Christine Shea <[redacted]>
Sent: Saturday, July 4, 2020 4:28 PM
To: Michelle Howke
Subject: Resolution for mask wearing in public places

Hi,
My name is Christine Shea and I reside at 20 Moose Jaw Trail in Whitefish. I am reaching out to provide my input on the resolution for mask wearing in public spaces. I whole heartily support this resolution. With tourist season upon us and relatively low per capita cases, folks are flocking here to the Valley in droves. Our + cases are spiking at an alarming rate. We must be proactive in aiding the halt of the spread of this still mystery virus that has killed almost 129,000 Americans to date. People, locals and tourists alike, are not consistently practicing social distancing or wearing masks. I am a 55 year old Registered Nurse and I can tell you from experience what prophylactic measures can do to help curb the spread of disease.
I truly appreciate all the council has done over the past several months to help keep our community safe and healthy and I urge you to pass the resolution requiring the wearing of masks in public places.
Thank you for seeking public input and taking the time to read the replies of the public!

Sincerely,
Christine Shea
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Roger Sherman <[redacted]>
Sent: Thursday, July 2, 2020 10:39 AM
To: Michelle Howke
Subject: Covid Masks

Dear Council
To suggest that customers wear masks, in my observation, is a failure. Maybe 10 to 15 % comply. If the hesitation is a loss of business let's examine Costco. They have a stringent rule and I see no downturn of customer satisfaction. Whitefish could set an example and do the correct thing, Do you have the will to do so?
Thank you,
Roger Sherman
[redacted]

Virus-free. www.avast.com
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Andy Shors [redacted]
Sent: Saturday, July 4, 2020 12:21 PM
To: Michelle Howke
Subject: Masks

I am writing to voice my strong support for a resolution supporting or requiring mask use. We have a great opportunity to come together as a community and a nation and protect our elderly and otherwise susceptible neighbors. Masks are uncomfortable, and they can be unflattering, but they are ultimately a very small nuisance when considering the great sacrifices made by previous generations facing great challenges. If we all bind together for the next months, we can end this pandemic and move back to normal life.

Andrew Shors, MD
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Miranda Simpson [redacted]
Sent: Saturday, July 4, 2020 11:11 AM
To: Michelle Howke
Subject: Masks in Whitefish

Hello,

I am writing today in support of a mask requirement for the town of Whitefish. As a popular tourist destination, we have the responsibility to do what we can to ensure the safest possible environment for our local community and those visiting from out of town.

My husband works the front line at a popular bar/restaurant in town. He is dismayed daily by the apartment lack of concern and respect from guests who refuse to wear a mask or social distance.

An official move from the City of Whitefish would be powerful message that needs to be made at this time.

Thank you for having this conversation.

Sincerely,
Miranda Simpson
[redacted], Whitefish, MT 59937
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: darryl slattengren [redacted]
Sent: Saturday, July 4, 2020 3:44 PM
To: Michelle Howke
Subject: Resolution #20. Please make it a mandate to wear masks indoors in Whitefish ♡😁

Hello,

My name is Darryl Slattengren. I am an airline pilot and consider myself most fortunate to call Whitefish my home. Since the beginning of the Covid-19 pandemic in the United States I have been most impressed with the leadership of our elected officials in the Governor's office and also very proud of the City of Whitefish for their early adoption of distancing policies and education. Especially for someone who travels for a living and is considered essential for our country's infrastructure, Montana's success made me all the more convinced to sacrifice my families income in order to protect my families health when I decided in April to take a 2 month unpaid leave of absence from my employer so that I wouldn't potentially be bringing the virus back to the Flathead Valley or to my family.

Now that we are phasing into our re-opening however, I am saddened to see how quickly people are ignoring or forgetting how unforgiving this virus can be to so much of our community. And we now know, that it isn't just the "compromised elderly" that can become seriously ill. It appears to affect every age group and without rhyme or reason. Truly there is so much we don't yet know about this disease. We owe it to our wonderful valley hospitals to prevent a crisis that will compromise our medical staff as well as all of our community.

With that pre-amble, I therefore ask that you please make resolution #20 stronger by **mandating**, not simply encouraging, the use of masks in confined spaces and wherever gatherings take place that social distancing cannot be accomplished.

Thank you for your consideration and leadership,

Darryl Slattengren
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Richard Smith [redacted]
Sent: Thursday, July 2, 2020 3:08 PM
To: Michelle Howke
Subject: masks

I live full time in Whitefish at [redacted]. I strongly urge the city of Whitefish to not only pass an ordinance compelling people to wear masks, but to pass one with specific penalties and fines for those who refuse to comply, thank you EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Vera Smith [redacted]
Sent: Saturday, July 4, 2020 10:18 AM
To: Michelle Howke
Cc: Vera Smith
Subject: Mask resolution

Thank you for the opportunity to comment on the above.

While I reside in North Kalispell, I am a very frequent visitor to
Whitefish supporting its economy as that is where my doctor is, where I buy my coffee, shop for groceries, get my gas, buy my flowers, get my car serviced, do my banking and so on. Therefore, I feel sharing my opinion is relevant.

Yes, we should mandate everyone wear a mask in Whitefish when unable to social distance.

Apparently some people do not understand that wearing a mask is a **health issue** and not a **removal of a "right"**. We're not asking people to turn in their guns, we're asking them to protect themselves and us. It's another way to slow down the spread of this potentially dangerous, deadly virus. It's simple folks; embrace it for your health!

NAMASKE,
Vera Smith
[redacted]
Kalispell, MT 59901

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Dick or Jane Solberg [redacted]
Sent: Saturday, July 4, 2020 3:17 PM
To: Michelle Howke
Subject: Masks

I would like to see the City of Whitefish require employees of any licensed business to wear a mask when working. I would also like to see the businesses post a sign encouraging shoppers to wear a mask and maintain social distancing. If Costco can require it, what's the problem with our local businesses not seemingly concerned? Missoula has already taken the first step.

Jane Solberg

[redacted]

Whitefish, MT 59937

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Gary Stephens [redacted]
Sent: Thursday, July 2, 2020 10:53 AM
To: Michelle Howke
Subject: mask wearing

Dear Councilmembers,

I oppose the mandatory wearing of masks. We are perfectly capable of deciding what to do for our own safety without the government mandating what we need. What are you going to do to people who do not wear the mask if you mandate it? Are you going to arrest them? Are you going to fine them when all of us are struggling financially? This is an example of a government that is exceeding its authority and being socialist.

There is a lot of evidence that the expansion of the Covid pandemic is actually beneficial to us because those who are getting the virus now are younger and better able to weather the virus. This is shown by the lack of increase in the death rate. This is a good way to achieve herd immunity. Let us older residents (I am one of those) take our own measures for protection. That is the segment of our society that needs to be protected. We do not need to take measures to protect the rest of society. Just mandate older residents to wear masks if you truly wish to protect our health.

Gary Stephens
[redacted]

Sent from Mail for Windows 10

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Ragnar Stoelzle [redacted]
Sent: Thursday, July 2, 2020 11:41 AM
To: Michelle Howke
Subject: Mask resolution

To Whom It May Concern,

My name is Ragnar Stoelzle and I live at [redacted] in Wfish. I support the cities initiative to put an ordinance in place to strongly request everyone to wear masks. I also support any initiative to reduce lodging and public place numbers.

Thank you,

Ragnar Stoelzle

RS Resources

RSRESOURCESMT@GMAIL.COM

[redacted]

Whitefish, MT 59937

406-270-5818

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Nancy Streibich [redacted]
Sent: Wednesday, July 1, 2020 4:18 PM
To: John Muhlfeld
Subject: Masks

Are you considering making "mask wearing" mandatory in public places?
At Tate Interiors we're seeing 30-40 out of town visitors a day and I estimate only 10% -20% come in with a mask or are willing to wear a mask we provide for free.
I'm completely frustrated and concerned.
I know you're busy - no need to get back to me.
Just reaching out with my thoughts...
Have a great 4th!
- Nancy Streibich

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Stumptown Snowboards [redacted]
Sent: Thursday, July 2, 2020 2:50 PM
To: Michelle Howke
Subject: Face Mask Ordinance

Mayor Muhlfeld and City Councilors,

I am writing to show our strong support a face mask ordinance. This needs to be enforceable not just a recommendation. We have been requiring them in our store now for about two weeks and have met little resistance so this can be done. But I strongly believe if it is merely "strongly suggested" it won't be enough. It has to have teeth. It is very stressful to go to work every day and worry about my staff and myself getting Covid or spreading it to others. There are too many tourists in town so we must get a handle on this as quickly as possible.

Thank you,
Kristin and Joe Tabor

Kristin Tabor | Stumptown Snowboards
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: JeanAnne Swope [redacted]
Sent: Saturday, July 4, 2020 9:14 AM
To: Michelle Howke
Subject: Masks

I live in Denver part time but am a resident of Whitefish. We have been wearing masks since March. It is shocking to me to return home to see how cavalier Montanans are re: masks and social distancing. I urge the city to REQUIRE both. Covid19 will win if we do not protect each other.
JeanAnne Swope
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Jeanne Tallman [redacted]
Sent: Sunday, July 5, 2020 12:06 PM
To: Michelle Howke
Subject: Face masks resolution

To the Whitefish City Council:

I wonder if each of you on the city council has considered the science of what the negative impacts are when a human wears a mask for long periods of time each day? We breathe in carbon dioxide and breathe out toxins. These functions of breath are necessary for the health of our bodies. When you wear a mask you are breathing the toxins back into your lungs.

I would recommend that you encourage the people of Whitefish to be smart, wash their hands often and don't touch their faces. If they are more comfortable wearing a mask, they should have that option. Please give the citizens of Whitefish credit for having common sense.

Thank you,

Jeanne Tallman
[redacted]
Whitefish, Montana 59937

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

Michelle Howke

From: Robert Tedrow [redacted]
Sent: Saturday, July 4, 2020 9:02 AM
To: Michelle Howke
Subject: Mask ordinance

I work at the whitefish liquor store and have contact with people from all over the country daily. I wears a mask at all times in an effort to protect myself and others with whom I have interaction. The percentage of customers wearing masks is disturbingly low. Please consider a mask ordinance requiring folks to wear a mask when they are in public or at the very least entering a business in whitefish. This would apply to all employees working in the businesses as well. It's just a matter of time before the number of cases in whitefish began to escalate with all the people here from other parts of the country. This is definitely the time for proactive leader ship to keep the community of whitefish As safe as possible.

Thank you for your consideration on this matter.

Robert Tedrow
[redacted]
Kalispell, mt 59901
[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Pete Thomas <[redacted]
Sent: Saturday, July 4, 2020 2:14 PM
To: Michelle Howke
Subject: Comment for Coronavirus policy

Happy 4th of July,

I'm writing to give input on behalf of the Thomas family (myself, my wife Allison, and our daughters, Francesca and Eva) regarding potential policy adoption to help protect our community and visitors from COVID-19. This is especially important as our town continues to fill up with out-of-town guests, clearly increasing our vulnerabilities and likelihood of creating more cases of infection.

I see this as a matter of critical and timely action, to make sure Whitefish has a set approach we can understand clearly and adopt as a community, with no room for interpretation. I'm hoping, regardless of political affiliation, that we can look at this crisis from the same side of the table and understand that the healthier we are as a community, the sooner we can get back to normal. This requires patience, but the alternative, which is probably based on hope and luck (not science), will only prolong our return to normal, as well as the path toward economic stability as a community.

I'd like us to get back to the 'we' mentality, rather than the 'me' mentality, and somehow (perhaps through PR and signage) communicate and educate the public that wearing a face covering primarily protects the other, but also provides secondary protection for the wearer. If rules are in place, it takes away the awkward scenarios that clearly exist in Whitefish at the moment, causing overconfidence, mixed messages of what's appropriate, and unfortunately, some division, even among friends and neighbors. The only way we can improve the situation, as a community, is to set policy and mandate the wearing of masks or face coverings, and make it the norm. Simply put.

It's hard to be consistent, even on a personal level, without a shared approach. It is not a weakness or an attack on personal right, but an obligation as community members to take care of ourselves and others.

Thanks for your time,

Pete Thomas

[redacted]
Whitefish, MT 59937

[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: stephanie thompson <[redacted]
Sent: Sunday, July 5, 2020 4:38 PM
To: Michelle Howke
Subject: mask support-

Dear Dana Smith,

Our community has worked incredibly hard over the past few months; to try and curve the spread of the Corona Virus. Now it seems as if all of our hard work is for not. Yes it's summer, yes it's awesome here but the lack of respect being shown by out of state travelers and even our own community members is really disheartening. I know this is a crazy time and the mask isn't a cure all; but there is evidence that it does help, so why not do our part even if it helps a little?

The grocery stores for example aren't even doing the same thing. I have been a loyal Super One shopper for years and it's clear that they don't seem to care about their customers or employees during this pandemic-. Safeway on the other hand has done a great job requiring their staff to mask up, I feel welcomed in my mask there and better protected while getting my groceries. Costco on the other hand requires all who enter to have a mask and it seems to be working just fine-boom done.

I work at a local veterinary clinic and we wear masks all day long protecting our team and the people we come in contact with including a high number of out of state travelers just passing through. Surely the rest of us can deal with wearing them on a temporary basis when going into businesses and interacting with others. It's not that hard and it could just save someones life. We may not all agree on everything but it would be nice if the community was on the same page with this. Let's protect ourselves and others during this time.

I 100% support the mask!

Thank you for your time,

Stephanie Thompson
[redacted]
Whitefish, MT 59937
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Leo Tracy [redacted]
Sent: Saturday, July 4, 2020 4:51 PM
To: Michelle Howke
Subject: Proposed Resolution Requiring the Wearing of Masks in Public

To: Whitefish City Council and Staff

From: Leo Tracy

I've reviewed your draft Resolution. I agree with it. I thank the City Council and it's staff for taking the initiative and making the effort to accomplish this.

To those who may oppose the Resolution, something intended to protect equally those who live here and those visiting from elsewhere, I say with all due respect, "When in Rome do as the Romans do". When in Whitefish please do as we do. We treat you as we do our own.

Leo Tracy

Sent from Mail for Windows 10

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Jeannine Trousdale [redacted]
Sent: Sunday, July 5, 2020 8:26 AM
To: Michelle Howke
Subject: Masks

Thank for reaching out to our community for our opinion about mandating masks. I highly support the effort for all indoor spaces and tight outdoor spaces.

Jeannine Trousdale
Whitefish resident
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Val Urban [redacted]
Sent: Sunday, July 5, 2020 7:36 AM
To: Michelle Howke
Subject: THE PATRIOTIC THING TO DO

When will this be over? It's a question the majority of Americans have dealt with on a daily basis since a small but vocal minority installed a racist eight-year-old in the White House. Most of us get up every morning counting days on a calendar, hoping November will save our democracy. Until we find out, it's more important than ever to exercise true patriotism by helping fellow citizens who are trying to make things better. We can choose to focus on stuff that matters, rather than the hateful venom of the MAGA cult. What could be more important (and easier) than wearing a face covering to help others stay alive? It's common sense that none of us want the Whitefish business community to suffer because of Covid-19, but what's equally common sense is that we not blindly allow those consumed with racism and hatred to take us over a cliff in the name of personal liberty. I'm guessing these same people oppose speed limits, promote anti-vaxxer nonsense and don't believe secondhand smoke is dangerous. Don't fall for it, it's still about the racism and hatred. We all need to support the proposal that would make downtown Whitefish a safer place through common-sense use of face coverings.

Val Urban
Whitefish, Montana

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Ted Valentiner [redacted]
Sent: Thursday, July 2, 2020 7:42 AM
To: Michelle Howke
Subject: Resolution

This is the reality of face mask usage. People should not let their fear impact my life. Please take the time to review!
Ted D Valentiner
[redacted]
Whitefish, MT

https://youtu.be/pZiGJUbxqww

Sent by Pony Express
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Ted Valentiner <t[redacted]
Sent: Thursday, July 2, 2020 7:22 AM
To: Michelle Howke
Subject: Fwd: Resolution 20

Ted D Valentiner
[redacted]
Whitefish, Montana

> **From:** Ted Valentiner <[redacted]>
> **Date:** July 2, 2020 at 7:04:06 AM MDT
> **To:** "mhowke@cityofwhitefish.org" <mhowke@cityofwhitefish.org>
> **Subject: Resolution 20**
>
> Please be advised that, under no circumstances, will I submit to wearing a mask. There is clear and ample evidence that such mask wearing is ineffective in stopping viral transmission in spite of what the omnipresent media bias would have us believe. Consideration of such action is inappropriate and is another in a litany of Whitefish "guardians of the common good" trying to control our personal lives. This proposal is unacceptable and, based on recent legal consultation, both illegal and unenforceable.

Ted D Valentiner
[redacted]
Whitefish, MT

Sent by Pony Express

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: [redacted]
Sent: Thursday, July 2, 2020 3:57 PM
To: Michelle Howke
Cc: gallery@frameref.com; 'Tula Thompson'
Subject: referendum on requiring masks

Dear City of Whitefish counselors and staff:

As a downtown business that has been inundated with casual tourists as if this were just another "normal" summer, we are overwhelmingly in support of a city mandate requiring EVERYONE to wear masks in public. After a few weeks of "encouraging" people to wear masks in the gallery, today we made it a requirement; it would be wonderful to have the weight of the City of Whitefish behind us on this. This community has done an amazing job navigating the pandemic thus far, with clear and concise information available daily from both the City and from the Chamber of Commerce. Taking this one step to help further protect our citizens and our business community is absolutely the right thing to do. The safety of our staff, and of their friends and family, are vastly more important than any perceived inconvenience that residents and visitors may believe they suffer.

Thank you for your compassionate leadership, particularly during these past few months.

Respectfully,

Derek Vandeberg, President
Frame of Reference Fine Art
[redacted]
Whitefish, MT 59937
[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Kristen Vandenburgh [redacted]
Sent: Saturday, July 4, 2020 1:05 PM
To: Michelle Howke
Subject: Public comment

I live outside the city limits of Whitefish but our family members frequent the restaurants, shops and businesses of Whitefish on a regular basis.
We all say that if mandatory masks slow the spread of the virus and prevent another shutdown, we will do our part to help the business community stay open.

Kristen VanDenburgh
[redacted]
Columbia Falls
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: The Walking Man Frame Shop & Gallery [redacted]
Sent: Thursday, July 2, 2020 11:01 AM
To: Michelle Howke
Subject: re: mandatory face masks in Whitefish

Dear Michelle Howke/ City Council members,

We support the requirement for the use of mandatory face coverings were other means of social distancing are not possible as determined by the Whitefish City Council.

Peter & Michelle Edland

The Walking Man Frame Shop & Gallery

[redacted]

Whitefish, MT 59937

4[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: beth white <[redacted]
Sent: Saturday, July 4, 2020 12:06 PM
To: Michelle Howke
Subject: Mask Resolution

I am writing in support of the resolution requiring masks to be worn in public. As a local NVH hospitalist physician, I believe the masks are imperative if we want to slow the spread of the coronavirus. It is critical with the number of tourists/visitors that are arriving.

Thank you for your consideration.

Elizabeth White, MD
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Judy Williams [redacted]
Sent: Saturday, July 4, 2020 11:16 AM
To: Michelle Howke
Subject: Face masks in Whitefish

Judy Williams
[redacted]
Whitefish, MT. 59937
[redacted]

I am in favor of having all folks wear face masks when in a public setting in Whitefish. So YES to face masks. Let's follow the science and keep the WF Covid 19 numbers down.

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

Michelle Howke

From: Richard Williams [redacted]
Sent: Sunday, July 5, 2020 4:26 PM
To: Michelle Howke
Subject: Health and Well Being for Whitefish

To City Council,

We support this important measure to ensure that our community stays safe and healthy. This is an important issue and policy that will help Whitefish stay on a steady upward health and economic trajectory and recovery for the future. Don't let short sightedness rule the day, the COVID-19 can affect anyone. Please help keep our community safe for now and the future with a unified message and policy.

Sincerely,
Richard and Susan Williams
[redacted]
Whitefish, MT 59937

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: kevin wilmot <k[redacted]>
Sent: Saturday, July 4, 2020 4:36 PM
To: Michelle Howke
Subject: Re: Mask Mandate

Hello City of Whitefish!

I have sent my thoughts for why I am opposed to the mask mandate. I think I made my points clearly but this quote from C.S. Lewis sums up this whole situation perfectly. Please vote down this mandate.

Of all tyrannies, a tyranny sincerely exercised for the good of its victims may be the most oppressive. It would be better to live under robber barons than under omnipotent moral busybodies. The robber baron's cruelty may sometimes sleep, his cupidity may at some point be satiated; but those who torment us for our own good will torment us without end for they do so with the approval of their own conscience.

—C. S. Lewis[17]

From: [redacted]
Sent: Saturday, July 4, 2020 2:57 PM
To: mhowke@cityofwhitefish.org <mhowke@cityofwhitefish.org>
Subject: Mask Mandate

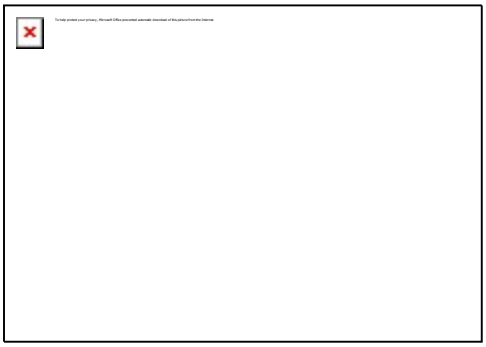
Whitefish City Government:
My name is Kevin Wilmot and have lived in Whitefish for 15 years. I reside at 291 Mountainside Drive

I appreciate your concern regarding the wearing of masks. I would like to state that I am opposed to a mandate that would require mask wearing in public and would cast a no vote for any such action.

There are several reasons I think a mask mandate poor decision. First are the common sense health reasons.
1. We need oxygen to live, and anything that reduces or interferes with a persons ability to breathe is a bad thing, logic alone tells us this. The mask not only will reduce a person ability to breathe in oxygen, it also increases their uptake of CO2, the waste product of our body's metabolism. By reducing oxygen intake and

increasing Co2 intake you are weakening the body and damaging the immune system. Making the person less able to fight off Covid 19 or any other disease for that matter.

2. Covid deaths have been dropping dramatically. Although cases are going up, deaths are going down. This is obviously a great thing. More people are being exposed and thus building natural immunity all while deaths are dropping. This means that the virus is getting weaker as it passes through the population. Getting Covid-19 is not an automatic death sentence as the media would like us to believe. 98-99% of people who get Covid recover. People who are at risk should take precautions, as they should any time a virus is going around, there's no need for drastic measures. We have encountered viruses like this before and zero action was taken, it was the right thing to do then and it's the right thing to do now.
https://ourworldindata.org/grapher/daily-covid-deaths-3-day-average



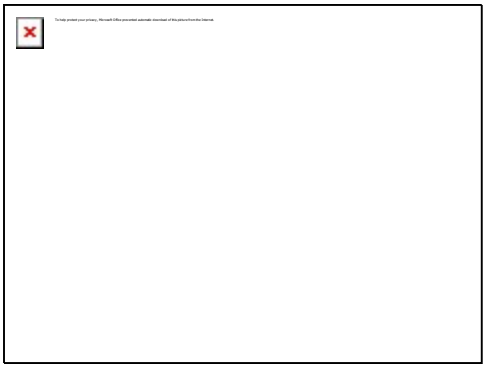
Daily confirmed COVID-19 deaths, rolling 3-day average - Our World in Data

Limited testing and challenges in the attribution of the cause of death means that the number of confirmed deaths may not be an accurate count of the true number of deaths from COVID-19.

ourworldindata.org

3. The mask do not provide protection, the virus is too small. The Covid-19 is smaller than .1 micron. The N95 respirator mask, if fitted properly, will block particles as small as .3 microns. Therefore, there's reason to believe that even the N95 mask are ineffective in protecting against Covid-19. But even if we were to all agree that the N95 mask were effective in stopping Covid-19, almost no one is wearing them. The typical surgical mask or homemade mask that people wear are completely ineffective for particles smaller than 100 microns. Resulting in zero protection for anyone. Dr. Fauci, even at one point before this became politicized, stated as much in this 60 minutes interview, masks are ineffective in stopping the spread of the virus.
https://www.youtube.com/watch?v=PRa6t_e7dgI

Although Fauci may have changed his tune regarding masks when he speaks to the public watch this 43 second video. He shows that what he really thinks about masks hasn't changed since the 60 minutes interview. When testifying in front of Congress just days ago when he thought the cameras were off, he immediately removes his mask. This shows how this is not a health issue, it's just political.
https://www.youtube.com/watch?v=YsnbnfB973U



Anthony Fauci Removes Mask When The Cameras Are Off

Anthony Fauci Removes Mask When The Cameras Are Off

www.youtube.com

4. Forcing people to wear masks is medical tyranny. As I write this on Independence Day I can't believe I have to point out how wrong this is from a stand point of freedom and personal responsibility. To force business owners and citizens to wear masks against their will flies in opposition to everything a free country stands for. There's a very simple solution to this when looked at through the lens of freedom. If you are afraid of contracting the virus you are FREE to stay home or wear a mask. If you own a business and wish that everyone who comes into your store wear a mask (as Costco has done) you are FREE to do so. If a business owner chooses not to make his/her employees or customers wear a mask they are FREE to do so (at least they would be in a free country). And as a customer you are FREE to not do business with them if you choose. There is no need to force people at the barrel of a gun to wear masks. Let people make that decision for themselves.

Thanks again for your consideration on this matter.
Kevin Wimot

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: The Wilmots [redacted]
Sent: Saturday, July 4, 2020 9:21 AM
To: Michelle Howke
Subject: Whitefish mask mandate

To our Whitefish city government:

I appreciate the opportunity the city of Whitefish has given to residents to voice our opinions on a city-wide mask mandate. As a resident of Whitefish, I am opposed to a regulation of this manner. There are multiple reasons for this, which I will outline below.

1) My husband and 10-year-old son have asthma, and masks can trigger an asthma attack for them. With the mandate, it would be exhausting and undue stress to deal with the angry individuals confronting them for not wearing masks. Their health condition is no one's business, and this requires a revelation of their condition to complete strangers to prevent escalating conflict. This is especially stressful for a 10-year-old boy, but is also stressful for his 13- and 17-year-old sisters who may be accompanying him.

2) Masks can be worn as a choice - I think it's fine if others choose to wear them. But forcing this action on everyone is unacceptable. I don't want to walk downtown in 85 to 90 degree weather with a mask on, so I choose not to. I don't want to hike up Big Mountain with a mask limiting my air intake, so I choose not to. I don't want to sit on City Beach getting a 'mask-tan'. I can respectfully leave space between myself and those near me or passing by. Some stores may choose to require masks, and that is their prerogative as private entities. But the city government mandating mask-wearing is overstepping the municipal government's role. Overreaching government is not a hallmark of life in Montana.

3) I question the efficacy of masks, and therefore the logic of a requirement to wear them. It is said that masks keep others safe, meaning the COVID-19 virus can get into your own mask. The masks are not one-way: the virus can get out as easily as it gets in. The argument that if someone sneezes or coughs the water droplets will stay in is a poor argument at best. Let's face it: if someone sneezes without using the crook of their elbow or a tissue to catch the sneeze, they are not typically going to be the type to wear a mask, anyway. And assuming the virus is airborne, the mask has as much a chance of holding it in as pants have of holding in gaseous flatulation. Gross analogy, but true. AND, I bet those molecules are larger than the COVID-19 virus! (Eewwww ;0)).

4) The adverse health effects of breathing in your own carbon dioxide and the toxins your body exhales are easy to see. In addition, the moist, unfresh air within a mask is a breeding ground for bacteria (we know how wet our breath is from our frozen scarves in winter). I have seen countless individuals struggling for oxygen while wearing masks. If your mouth is open under your mask, your body is signalling it is lacking oxygen. As a result, we would have more heavy mouth-breathers with a mask that lets the virus through like a sieve. Common sense tells us this is not a healthy nor logical act, and should not be forced on individuals. Worst case, there could be a potential for lawsuits against the city because someone passes out and hits their head from lack of oxygen due to the mandatory masks.

In summary, I hope the good sense of the city authorities helps them to see clearly regarding the emotional appeals of a vocal minority in this mask-wearing situation. The government officials have been elected to keep a cool head and make a logical decision without overreaching. I have faith that the city of Whitefish will do so on this issue.

Thank you,
Tricia Wilmot
[redacted], Whitefish
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Brian Wood [redacted]
Sent: Saturday, July 4, 2020 9:10 AM
To: Michelle Howke
Subject: Masks

I strongly support a requirement for masks in Whitefish.
Brian Wood
Whitefish
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Carolanne Wright [redacted]
Sent: Saturday, July 4, 2020 9:28 AM
To: Michelle Howke
Subject: Mask Mandate

Good morning. I would like to express my extreme concern that the City of Whitefish is considering a mandatory mask requirement. When we look at the data, which I have provided below, the death rate and hospitalizations have plummeted from COVID-19 across the nation—including Montana. The reason we are seeing a rise in cases is due to the over 800% increase in testing. Most people who test positive never develop the disease. The focus should be on herd immunity and protecting those most at risk (those in nursing homes), not draconian measures for the majority of the public. It's outrageous that we have opened nursing homes, waived the two week quarantine for visitors, yet now propose measures that seriously compromise our constitutional rights.

What's particularly alarming is if a mask requirement is adopted, it opens the door for further unconstitutional mandates, like requiring vaccination and subsequent tracking. I personally do not shop at stores that require a mask and will shop online for our food if you implement a mask mandate. If you pass such a mandate, it will also destroy our ability to attend church. Please seriously consider the ramifications of passing such a measure.

Thank you for your time and consideration.

Sincerely,
Carolanne Wright
[redacted]
Whitefish

We're seeing an 87.6% *decrease* in the daily death rate from COVID, ON A NATIONAL LEVEL.

Basically, the data tells us that the news outlets are simply reporting the total number of cases and the daily increases in cases. They are not reporting that hospitalization rates have plummeted, death rates have plummeted, survival rates have skyrocketed, and they have focused entirely on "cases". Obviously, more cases are a result of massive increase in testing.

Testing 15 April: 3,287,635 total tests.

Testing 29 June: 31,557,407 total tests.

Here's the data and where we stand in Montana:

On 15 April we were testing 136 people per day, we had completed 9,234 tests, 7 total deaths, 24 people in the hospital, and 399 total cases.

By June 27th we were testing 1,227 people per day, an 802% increase in testing. 82,474 tests had been completed, 22 deaths, 11 hospitalizations, and 863 total cases.
(significant to note that two days later, Montana conducted 2,118 COVID-19 tests)

What does this tell us?

On 15 Apr:

Of all people tested (9234), only 4.3% (399) of people presenting flu symptoms had covid. 95.7% didn't have COVID, just common flu.

On 27 June:

Of all people tested (82,464), only 1.04% (863) of people presenting flu symptoms had covid. 98.96% didn't have COVID, just common flu.

So over the last 2.5 months the percent of people with flu symptoms who tested positive for COVID-19 in Montana has dropped by 75%.

Lets look at hospitalizations:

15 April: 24 hospitalized of 202 active cases, or 11.9%.

27 Jun: 11 hospitalized of 237 active cases, or 4.64%, a 61% decrease. (95%+ of people with covid will not require admissible Medical Care)

In summary:

We went from testing 136 people a day in Montana (9,234 tests on April 15th), to 1,227 tests per day (and 82,474 total tests). Active cases have only gone from 202 on 15 April to 237 on 27 June.

22 total COVID deaths in a population of 1,062,000 Montanans or .002% (99.998% chance of non exposure or survival to exposure as of 27 Jun).

Still only 22 people hospitalized Statewide.

Even with opening the state, at least here in Montana things seem to be on a positive trajectory.

National Data: www.covidtracking.com

Montana Data: montana.maps.arcgis.com

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Stefanie Yancho [redacted] >
Sent: Saturday, July 4, 2020 11:13 AM
To: Michelle Howke
Subject: Wearing of Masks In Public Setting in Whitefish

To whom it may concern,

I believe wearing facial masks in public in the City of Whitefish should NOT be required.

There is also evidence supporting the fact that face masks can actually be harmful to your health by impeding the flow of oxygen to your body as well as suppressing the immune system from working properly.

The majority of the population wears masks incorrectly. They touch their face/mask MORE, wear it under the nose instead of over, never wash the masks or dispose of them after one use (if they are disposable) which can cause bacteria, virus, and mold growth. This moisture can trap these "germs' and then cause contamination when the wearer takes off the mask, touches it, etc. I have personally seen people take their masks off to eat/drink/even sneeze before putting it up over their nose and mouth again.

While I am not a resident of Whitefish, I travel to Whitefish frequently to enjoy the restaurants, nightlife, and outdoor recreation. If masks become mandatory, I, along with many people I know, will refuse to spend our money in a town that supports these policies.

Thank you,
Stefanie Cavalea
Kalispell, MT
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: linda young [redacted]
Sent: Thursday, July 2, 2020 5:32 AM
To: Michelle Howke
Subject: mask mandate

Hi, We have read the proposal and prefer that mask wearing should be mandated, not suggested. Otherwise, we don't think it will have too much effect. However, it would be better than nothing, and we support your efforts to do what you can.

For whatever it's worth, our family is not shopping or even willing to walk downtown because of the lack of mask wearing, and we know other locals (and probably tourists?) who feel the same. So with a mask mandate, downtown would potentially be busier, even more successful and way safer (and hardly put out at all) with mandatory masks.

Thank you for your consideration and for all you do!

Linda and Eric Young
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Courtney Lyle [redacted]
Sent: Friday, July 3, 2020 6:11 PM
To: Michelle Howke
Subject: Mask mandate

I am in support of the mask mandate in Whitefish

Thank you,

Courtney Lyle, MD, MAS

Get Outlook for iOS
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Norma MacKenzie [redacted]
Sent: Friday, July 3, 2020 4:40 PM
To: Michelle Howke
Subject: Masks

As usual this time of the year Whitefish is being overrun with tourists. It should be mandatory that all people where masks in any type of business or all indoor settings other than domestic residents. Bars and Restaurants should follow strict Federal and State guidelines and require masks when entering and leaving. If not they should be closed down and especially if the virus continues to spread state wide and locally. Masks should also be required outdoors if social distancing can't be obtained. This is weeks overdue.
Thank you
Jim MacKenzie
Whitefish

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

Michelle Howke

From: David MacLean [redacted]
Sent: Saturday, July 4, 2020 7:38 AM
To: Michelle Howke
Subject: Masks

Dear City of Whitefish representatives,

I recently read of your consideration of a face mask requirement for the city of Whitefish.

I oppose this measure as it will be counterproductive.

Residents of Whitefish are capable of making their own decisions regarding masks, and if the city attempts to force people to wear masks it will only serve to polarize.

Wearing masks should be a grassroots phenomenon. If city council wishes to do something it should make masks readily available and place signs encouraging the wearing of masks.
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: [redacted]
Sent: Friday, July 3, 2020 1:50 PM
To: Michelle Howke
Subject: city council to vote on face mask.

Hello,

I wish to make my voice heard in the city in which I live and work. I do not think it is the place of government to require businesses, employees and/or people at large to wear face coverings as it is the responsibility and choice of citizens at large for their own health and safety. Even though a large portion of our population is rather dumb in their ability to take care of themselves it is not the place of government to infringe on the right of our citizens to dress or wear what they think is appropriate.

What is next? military uniforms for the entire population. Please do not pass the mask wearing requirement on the citizens of Whitefish Mt. We live here for the freedoms which we are granted, if we wanted to be told what to do we would live in a large city.

Mark Ainslie

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: ken mcfadden [redacted]
Sent: Friday, July 3, 2020 1:29 PM
To: Michelle Howke
Subject: Re: John's Contact Info.

Please add to my note or post as separate

This pandemic is like trying to stop a freight train. Once we hit the breaks it will take 2-3 weeks to see it slowing down. The longer we wait the worse it will look to both our economy and our community health.
On Jul 2, 2020, at 4:34 PM, Michelle Howke <mhowke@cityofwhitefish.org> wrote:

> Thank you for your comment. Your letter will be distributed to the Council at the meeting July 6, 2020. You are welcome to speak towards your letter at the beginning of the meeting under Communications from the Public. If you are unable to attend the meeting you can watch the live streaming on YouTube, https://www.youtube.com/channel/UC2DuZE-QgQkdLNdkTPxBfuQ.
>
> Please continue to help prevent the spread of COVID-19 by staying *Clean, Careful, and Connected*.
> - Clean: Wash and sanitize your hands frequently.
> - Careful: Practice 6-feet social distancing and wear cloth face coverings in confined spaces.
> - Connected: Stay informed at www.WhitefishCovidCares.com.
>
> Thank you,
>
> Michelle Howke
> Administrative Services Director/City Clerk
> PO Box 158/418 E. 2nd Street
> Whitefish, MT 59937
> mhowke@cityofwhitefish.org
> 406-863-2402
>
> **From:** ken mcfadden [redacted]
> **Sent:** Thursday, July 2, 2020 2:46 PM
> **To:** John Muhlfeld <jmuhlfeld@cityofwhitefish.org>
> **Subject:** Re: John's Contact Info.
>
> To the Whitefish Mayor,
>
> I have just seen the proposed resolution to address the exponential rise in Covid 19 cases in the Flathead. This appears to be a great first step in the right direction. Perhaps combining this with an ordinance mandating businesses to require employees to wear masks (and if not enough later ? customers) would get the use of masks to the level needed to slow and contain the pandemic. Hopefully businesses can see masking as being in their own best interest and the only way to allow Whitefish to stay open without the pandemic overwhelming our community and our health care system. Continuing our current policy will lead to a defacto shutdown by August. I also think a total mandate at this time would seem to be an unsolvable political and enforcement problem.

Anyone interested in the facts about masking can visit the site masks4all.co. It becomes abundantly clear there is a way to keep our economy open, and save both jobs and lives at the same time. 2 important facts: 1. Simple cotton masks limit the “spray" of droplets from talking to 2.5 inches compared to unmasked talking spraying particles 6-12 feet. 2. Currently 30 % of hospitalizations in US are patients less than 50 years old.

thank you again for initiating action against the epidemic, Dr. Ken McFadden

,

On Jul 2, 2020, at 2:01 PM, John Muhlfeld <jmuhlfeld@cityofwhitefish.org> wrote:

JOHN M. MUHLFELD | MAYOR, CITY OF WHITEFISH
418 East Second Street| 406.249.2779 mobile

EXTERNAL SENDER verified by City of Whitefish IT

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: McGough & Company [redacted] >
Sent: Friday, July 3, 2020 1:53 PM
To: Michelle Howke
Subject: Wearing of masks

I am totally AGAINST the City of Whitefish passing an ordinance which will require wearing of masks.

This totally goes against my constitutional rights.

I refuse to require customers to wear masks while shopping in my store.. This is not necessary if other precautions are taken. I will not offend anyone who walks into my store by requiring them to wear a mask. I refuse to shop at other stores that require a mask.

This goes way above and beyond what the City can enforce. I will not pay additional taxes for the City to hire someone to enforce this ridiculous ordinance.

Stacey McGough, Owner
McGough & Company
[redacted]

--
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: pat mcgrath [redacted]
Sent: Saturday, July 4, 2020 8:40 AM
To: Michelle Howke
Subject: Mask

Dear city manager,

Pat McGrath
[redacted]
Whitefish

Yes I support a mask mandate. Everyday at my job I have to meet many people. Almost none wear a mask. It's like the vacation crowd believes wf is a total escape isolation bubble and it just seems so arrogant to me. It's frustrating. My boss just doesn't want to do anything that affects business. Thank you for trying your best to watch out for us.

Pat
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: kristin mcnally [redacted]
Sent: Friday, July 3, 2020 5:43 PM
To: Michelle Howke
Subject: Masks

Please mandate masks. As a virologist I can tell you it's an efficient way to slow the spread of the virus. Especially with the number of out-of-state tourists and your proximity to GNP.

I'd also like to bring to your attention that there's a man named John Stine that is injecting people in Whitefish with recombinant coronavirus spike protein that he makes in his garage and claims will provide immunity to COVID-19. This is an inaccurate claim and incredibly dangerous, criminal behavior and should be stopped.

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Chris Merriman [redacted]
Sent: Saturday, July 4, 2020 8:07 AM
To: Michelle Howke
Subject: Yes for Masks

Yes for masks in all public places. Letting everyone know that Whitefish Is a place of health, caring for others, and safe recreation and social adventures.

Would we have funds to hand out masks to visitors ...maybe with Whitefish logo?

Warmly, Chris Merriman
[redacted]
Whitefish MT

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Robert Merriott [redacted]
Sent: Saturday, July 4, 2020 7:35 AM
To: Michelle Howke
Subject: RE Masks in Whitefish mandates

Greetings distinguished council member. I am a resident of Whitefish and currently a frontline worker. I am a bartender by trade (in town here), and I have a compromised immune system. I fully support a law or mandate to wear a mask in all public settings but especially indoors. My employer is doing their best to protect us from COVID but nearly all of our guests are from out of state. Specifically coastal states where COVID outbreaks are taking place. These people will not wear masks unless you force them to. Thank you for your time and consideration.

Robert Merriott
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Jay Moon [redacted]
Sent: Sunday, July 5, 2020 6:40 PM
To: Michelle Howke
Subject: Wearing masks in Whitefish

My wife and I are home owners in the city of Whitefish. We totally agree with the proposed ordinance that would require everyone to wear a mask if they are in public. Further, we would suggest moving to the penalty phase immediately. It has been demonstrated in other states and communities that "suggesting" or "encouraging" people to wear masks in public is only partially effective. Once residents and visitors alike understand that the wearing of masks in public carries a stiff penalty it will not take long for everyone to comply.
I commend the mayor and city council for your wise and timely action in this regard.
Jay and Mary Ann Moon

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

Michelle Howke

From: Jerri/Curt Mortenson [redacted]
Sent: Saturday, July 4, 2020 7:43 AM
To: Michelle Howke
Subject: Mask Order

Hello,
We are 100% in favor of an enforceable mask order for all ages to keep our residents and visitors healthy.

Jerri and Curt Mortenson
[redacted]
Whitefish

Sent from Yahoo Mail for iPhone
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Lee Muraoka [redacted] >
Sent: Saturday, July 4, 2020 8:45 AM
To: Michelle Howke
Subject: masks

City Clerk of Whitefish,
I am 86 years old and wear a mask and disposable gloves if I need to shop. The mask protects you please think of others and do the same for me. My husband is 95.
Leora Muraoka [redacted] Whitefish [redacted]
Sincerely
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Jo Ann Murillo [redacted]
Sent: Friday, July 3, 2020 8:53 PM
To: Michelle Howke
Subject: Masks

YES! to everyone wearing masks in buildings and restaurants but NO to wearing masks outdoors on pathways like bike trails and neighborhoods. I think this will cause angry confrontations with no way to control them. Our downtown sidewalks that are crowded yes because there is not enough space to separate. Please know that we are being invaded beyond normal summer travel upon our little town!! Starting to see hiking trails overcrowded and so are our beaches. Can we try to control how many out town visitors at Les Mason, city beach and trails going up the mountain? Let's think about our safety first over profit.

Thank you.

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: neaomie [redacted]
Sent: Sunday, July 5, 2020 6:13 PM
To: Michelle Howke
Subject: I am against city ordinance requiring face masks

I do not agree with any ordinance forcing anyone to wear face masks or imposing penalties for not doing so.

Sent from my Verizon, Samsung Galaxy smartphone
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Noelle Niles [redacted]
Sent: Friday, July 3, 2020 11:32 PM
To: Michelle Howke
Subject: Masks

To Whom it May Concern,

I support an ordinance requirement masks while in public spaces. I was in town recently with my mask and entered a shop where they were wearing masks then was on my way out and was confronted by 3 separate groups entering the store with no masks totaling 9 people. I patiently waited in a corner while they meandered through not paying any attention and the gentleman behind the counter turned to me and said “I feel your pain”. I had a choice to be in the shop and took that risk with a mask on to respect the workers who have to be there to make a living. I was disappointed and upset that the people entering did not have the same respect. I have two grandparents in the valley over 90 and would like them to live through this.

Noelle Bailly
[redacted]
Whitefish, MT 59937

I grew up here and built a second home in 2017 to be able to come band be near family. I left NYC on March 22nd to drive 38 hours cross country with my 3 week old daughter and my 2.5 year old son because he was crying to go outside. I am so thankful to be here but am now more paranoid to go out here than my friends in NYC because people don’t take it seriously here. I have taken part in 2 zoom memorials for coworkers and ha e been unable to attend a funeral of family member because of Covid. People haven’t see the effects of it in the valley but I personally know many people who have had it and know we can all do better hear to keep those safe that are more vulnerable than us.

Best,

Noelle
[redacted]

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

Michelle Howke

From: Lynn Noble <[redacted]
Sent: Friday, July 3, 2020 12:07 PM
To: Michelle Howke
Subject: Say no to mandatory masks

As a resident of Flathead Valley I respectfully request you vote AGAINST making masks mandatory in Whitefish. Mask wearing should be an individual's choice, not a mandate.

Thank you,

Lynn Noble
Kalispell, MT
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: [redacted]
Sent: Friday, July 3, 2020 2:13 PM
To: Michelle Howke
Subject: MASK REQUIREMENT

As an employee of Don K, I do not support the mask requirement. We have extensive social distancing precautions in place which I believe will mitigate our exposure. After doing research, I believe the masks are not effective, and in some cases even promote the spread of germs and viruses. Masks also can be a health risk to the wearer if worn long term. So, I say no mask mandate.
Norman Palin
[redacted]
Kalispell, MT 59901
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: John Noyes [redacted] >
Sent: Saturday, July 4, 2020 7:43 AM
To: Michelle Howke
Subject: Masks

Why would the city of Whitefish NOT make mask wearing mandatory? Protecting our citizens and the visitors is the right thing to do and the ONLY thing to do! Issue the order. Claiming “Love Lives Here” would demonstrate the validity by wearing masks. Love for one another, love for town, love for state, love for country. It’s a no brainer, just do it.

Hope Noyes
[redacted]
Whitefish
[redacted]

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

Michelle Howke

From: RUSSELL OLOFSON [redacted]
Sent: Sunday, July 5, 2020 5:38 PM
To: Michelle Howke
Subject: No to mask

My name is Russel Olofson. I own three homes in whitefish with my primary residence being [redacted]. I also own a business that was purposely built and ran outside city limits because of the escalating overreach of the Whitefish city council and its mayor.

I, and my family are very much against the mandatory mask ordinance in public spaces. I'm concerned with the councils recent history in overstepping its boundary of city governance into the realms of ruling subjects. This started with the council and Mayors shut down of vacation rental's in the city, that of which is a direct violation of the 14th Amendment Section 1 that states "*nor shall any state deprive any person of life, liberty, or property, without due process of law"* Depriving its citizens the use of their private property, with no law being voted on, or voice from its public but done behind closed doors.

My two month old daughter, upon seeing someone wearing a mask address her in public, crawls under my legs in fright. This is something that should awaken the common sense in all of us, this is not how I want my daughter to grow up. This is not how our country, state or city should act. FORCING its people to wear a mask.

I will not comply with any order to the fact. I and my family will take all commerce outside the city limits of whitefish to other towns. If I have business inside the city, I will not be wearing a mask. Period.

If you would like to discuss anything further, please contact me.

Russel Olofson
[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Ronald Olson [redacted]
Sent: Saturday, July 4, 2020 7:09 AM
To: Michelle Howke
Subject: Fwd: Masks

Sent from my iPad

Begin forwarded message:

> **From:** Ronald Olson [redacted]
> **Date:** July 3, 2020 at 6:11:37 PM MDT
> **To:** jmuhlfeld@cityofwhitefish.org
> **Subject: Masks**
>
> With the influx of tourists in Whitefish with the majority not following Covid protocol, we encourage the adoption of mask requirements. This is putting our citizens at risk with so many from different states visiting.
> Thank you,
> Ron & Linda Olson
> [redacted].

Whitefish

> Sent from my iPad

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Catherine Owens [redacted]
Sent: Thursday, July 2, 2020 5:19 PM
To: John Muhlfeld; Michelle Howke
Subject: Please, no masks!

Good Afternoon.

I understand that you will be addressing Resolution No. 20 at the next City Council Meeting. Before you vote on this matter, I would ask that you look at the scientific data behind mask wearing. The data is not there. No where in this resolution is there any scientific evidence that masks stop the spread of a virus. **We must make decisions based on research, not emotion, nor peer pressure, nor politics.**

If this resolution goes through, I'm afraid, you will create a kind of hostility in Whitefish of which we have never seen before. You will create a dividing line between the "maskers and the unmaskers." **Please don't do this to our community.**

I would ask that you read this article before altering the face of Whitefish, literally.

https://www.rcreader.com/commentary/masks-dont-work-covid-a-review-of-science-relevant-to-covide-19-social-policy?fbclid=IwAR0c_SycgJ6MbXmXpoU9UN-QZbqFTsnIqogaJaGt-mLCCxx5IiL2Zo0rMsU

An excerpt: "To put it simply, the "second wave" of an epidemic is not a consequence of human sin regarding mask wearing and hand shaking. Rather, the "second wave" is an inescapable consequence of an air-dryness-driven many-fold increase in disease contagiousness, in a population that has not yet attained immunity."
We must, while protecting the elderly and the immune compromised, build immunity to this virus and every other virus that has and will come our way.

Please do not vote "Yea" on Resolution 20. The evidence just isn't there.

Thank you for your time,
Catherine Owens

Catherine OWENS
Candidate for MT House District 5
[redacted]
Whitefish, Montana 59937
[redacted] for
catherineowensmthd5@gmail.com

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Mark Panicek [redacted]
Sent: Friday, July 3, 2020 1:57 PM
To: Michelle Howke
Subject: Mask Resolution Input

Yes! Please enact this immediately!

We have done so well so far, both as a state and a community, to prevent the spread of COVID. However, with the current influx of out of state visitors it will all be for nothing if we don't start enforcing strict mask and social distancing protocols. Going back to full closure of businesses would be devastating.

Sincerely,

Mark Panicek
[redacted]
WF

[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: michael parratore [redacted]
Sent: Friday, July 3, 2020 1:15 PM
To: Michelle Howke
Subject: masks

Just writing to let you know you better think twice about bringing any of those ridiculous mask mandatory guidelines here to our part of Montana. I Guarantee my family nor myself will never abide by anything forced on us. We don't need gov protecting our health. That's our jobs. It's your job to protect and preserve our rights and liberties. Please don't start crossing those lines. I don't care about the crazy crap going on in the big cities. Those cities are hopeless which is why I moved my family out of the big cities.

Thank You,
Michael Parratore and voting Family

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Elzabeth Pitman [redacted]
Sent: Thursday, July 2, 2020 7:07 PM
To: Michelle Howke
Subject: Mask Ordinance

Dear Council Members,

Please make mask wearing in Whitefish mandatory. As a front line worker and community member, I feel a need to raise my voice. We have worked so hard to keep our families, friends, and fellow community members safe these last few months and now we are beginning to quickly lose ground. If we continue out current path we are destined to begin losing beloved members of our community and potentially headed into another shutdown. Please make the tough, but correct decision to mandate mask wearing to protect our loved ones and our jobs.

Sincerely
Dr. Elizabeth Pitman, DVM

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: David Powers [redacted] >
Sent: Friday, July 3, 2020 4:13 PM
To: Michelle Howke
Subject: resolution to require face masks

The wearing of face masks is little more than a "feel good" attempt in the effort to control the spread of Covid-19. Even the best surgical mask (not N95 masks) will not block the virus particles due to the small size of the Covid-19 virus, which is 0.125 microns compared to the 0.3 micron filtering ability of a surgical mask. That is assuming the mask is worn and handled properly, which I can guarantee is not very likely. Is this going to be the first step in the process to contain any and all airborne virus and bacteria outbreaks? Might as well be in a hazmat suit all the time. Anytime you place a large quantity of people in a limited space there will be transmission of disease, mask or not.

My personal opinion aside, I see an issue with enforcing such a resolution and question who will be made responsible for that enforcement. I also question the legal authority to pass such a resolution.

Let's put things in perspective; in Montana there have been 23 deaths linked to (not directly caused by) Covid-19 so far this year and 82 deaths as the direct result of auto accidents. Hmmm.....

David Powers
Rexford, Mt
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Kevin Reed [redacted]
Sent: Friday, July 3, 2020 5:12 PM
To: Michelle Howke
Subject: Masks

I heard you were contemplating making a mandatory mask ordinance in the city of whitefish. According to the US Constitution, I believe you have no authority to do such an act. This virus not only has an extremely high recovery rate of 99.7 (and climbing), but if you look at the numbers, no businesses should be even closed let alone having to wear masks. Here's the latest numbers in case you're in the dark...
After almost 100,000 COVID tests in Montana...There is a 1% positivity rate for testing, .0022% death rate per test, .0002% death rate for the Montana population...death rate goes down the more we test--Testing positive doesn't mean you're sick. We're all being played. You would think that people would be smart enough to see through this, but people are lemmings and are easily manipulated. Don't be one of the authoritarians that try to impose Draconian measures over this weak little virus.

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: TFDesign [redacted] >
Sent: Friday, July 3, 2020 12:19 PM
To: Michelle Howke
Subject: Mask Use Resolution

To the City Council and Mayor,

I have just found out about the Mask Use Resolution and the vote happening on Monday. I am completely against requiring everyone to wear a mask.

I believe in the freedom of letting people and businesses control their own lives. Understanding that the virus "case" numbers have been "rising", the death rates continues to fall. The sick and elderly should continue to be cautious and weigh the risk posed by exposure to public places, but for healthy people, especially the young, we should be able to live in freedom.

Dr. Fauci himself has wavered on mask wearing. The CDC has flip flopped so many times on masks and how the virus is likely transmitted. The WHO says one day that the virus can't be transmitted by an asymptomatic person, then retracts the statement days later.

I'm not claiming to be a medical expert but I'm smart enough to see 75% of the people wearing masks are either wearing them wrong or the "mask" they are wearing are completely ineffective. I've done research that points to risks wearing the masks may cause, including increasing your risk of catching the virus.

https://www.cnn.com/2020/03/02/health/surgeon-general-coronavirus-masks-risk-trnd/index.html

https://www.news-medical.net/news/20200315/Wearing-masks-may-increase-your-risk-of-coronavirus-infection-expert-says.aspx

People suffering from asthma, lung disease, heart disease, along with other aliments (known or unknown) will be put into a new risk by breathing air that is recycled by your lungs over and over again.

There is so much misinformation out there, it's tough to make an informed decision, let alone the right one. What I rely on is freedom of choice. If people chose to wear the face mask for their protection, I'm fine with that. If businesses chose to wear masks and/or not allow patrons to enter without masks, I'm fine with that as well. But a blanket decision by a City government is overreach in my opinion.

I worry about our small businesses and restaurants that have been shut down for months. I worry about our hospitality businesses suffering through this crisis. This blanket decision will continue to negatively impact their businesses.

The city rallied around the "shut down", as to not overwhelm our hospitals. Businesses shut down, no questions asked. Most stayed home for months, no questions asked. We don't need another shut down or soft shut down.

I hope you make the right decision, by leaving the decision up to individuals and businesses. On this Independence weekend, I hope you consider the sovereign rights of individuals that are granted to us under the constitution.

Thank you for your time and efforts through this difficult time.

Regards,

Kevin Richardson
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: sherri sadino [redacted]
Sent: Friday, July 3, 2020 1:45 PM
To: Michelle Howke
Subject: Mandatory masking when in public

I support the resolution for increasing usage of masks in the city of Whitefish. I would like to see mandatory for employees and visitors. I would also like to see enforcement by the police with fines for breaking the law. If a few people get arrested word will spread quickly and people will start complying. My name is Sherri Sadino, address PO Box [redacted] Whitefish, physical address [redacted]. Thank you
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Tony Sadino [redacted] >
Sent: Friday, July 3, 2020 11:48 AM
To: Michelle Howke

[redacted], WF I am in favor of wearing masks
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Tim Salt [redacted]
Sent: Friday, July 3, 2020 10:14 PM
To: Michelle Howke

We support and encourage the city council resolution requiring mask wearing.
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Alan Satterlee [redacted]
Sent: Saturday, July 4, 2020 8:33 AM
To: Michelle Howke
Subject: Monday council meeting

As a resident of Whitefish I fully support the resolution to require the wearing of a mask by anyone in public.

Thanks,

Alan Satterlee
[redacted]
Whitefish, MT
59937

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

Michelle Howke

From: Katja Schalbetter [redacted]
Sent: Friday, July 3, 2020 2:58 PM
To: Michelle Howke
Subject: Mask wearing in Whitefish

Hi

I strongly support a mandate for mask wearing in town for employees and visitors. Let's set an example and keep visitors and locals safe before the numbers get any worse.

Thanks

Katja Schalbetter
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Susan Schnee <[redacted]
Sent: Friday, July 3, 2020 2:59 PM
To: Michelle Howke
Subject: comment to city council/masks

To: Members of the Whitefish City Council:

I strongly support a city resolution requiring the wearing of face coverings (mouth and nose) while in public. It would help with those of us with businesses in town that will be or are requiring masks to be worn. We need a strong front to counter the politicizing of the issue.

Thank you for your attention.

Susan Schnee
Copperleaf Chocolat/Voyageur Booksellers
[redacted]
Whitefish, MT 59937
4[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Greg Shaffer [redacted]
Sent: Friday, July 3, 2020 1:45 PM
To: Michelle Howke
Subject: Masks
Attachments: Masks.pdf

Attached is a printed information sheet from a OSHA 10&30 certified person.
I will not be in support of the City of Whitefish mandating the mask issue.
I do believe the City is setting itself up for numerous law suits that were generated from this mandate where a negative result happened because of wearing a mask.
It also sets up the individual businesses for law suites as well as stated in the last paragraph of this article.

Quote “If work requires you to wear a mask, OSHA requires that your employer verifies you are receiving the minimum of 19.5% oxygen level by law!! Are your oxygen levels being monitored while at work ??? Are you experiencing dizziness and headaches?? This is a written law NOT a recommendation!! I guarantee if employees started citing law and demanding their employers follow the law then masks would go away!! End Quote.

Might want to rethink this one and focus on continued education for hygiene and social distance. Also if you’re going to try to mandate something make sure our out of state visitors wear the masks to protect us from them.

Greg Shaffer
Fixed Operations Manager
Don K Whitefish
[redacted]

Virus-free. www.avast.com
EXTERNAL SENDER verified by City of Whitefish IT

- Copied from an OSHA certified friend

So Masks?

I am OSHA 10&30 certified. I know some of you are too. I don't really know WHY OSHA hasn't come forward and stopped the nonsense BUT

I want to cover 3 things

• N95 masks and P95 masks with exhale ports

• surgical masks

• filter or cloth masks

Okay, so upon further inspection OSHA says some masks are okay and not okay in certain situations.

If you're working with fumes and aerosol chemicals and you give your employees the wrong masks and they get sick you can be sued.

• N95 masks and ported P95: are designed for CONTAMINATED environments. That means when you exhale through N95 the design is that you are exhaling into contamination. The exhale from P95 (ported) masks are vented to breathe straight out without filtration. They don't filter the air on the way out. They don't need to. Conclusion: if you're in Stewart's and the guy with Covid has P95 mask his Covid breath is unfiltered & being exhaled into Stewart's (because it was designed for already contaminated environments, it's not filtering your air on the way out)

• Surgical Mask: these masks were designed and approved for STERILE environments. The amount of particles and contaminants in the outside and indoor environments where people are, clog these masks very, very quickly. The moisture from your breath combined with the clogged mask will render it "useless" IF you come in contact with Covid and your mask traps it You become a walking virus dispenser. Every time you put your mask on you are breathing the germs from EVERYWHERE you went. They should be changed or thrown out every 20-30 minutes in a non-sterile environment.

• Cloth masks: today three people pointed to their masks as they walked by me entering Lowe's. They said "Ya gotta wear your mask BRO" I said very clearly "Those masks don't work bro, in fact they MAKE you sicker"! they "pshh'd" me.

By now hopefully you all know CLOTH masks do NOT filter anything. You mean the American flag one my aunt made? Yes. The one with sunflowers that looks so cute? Yes. The bandanna, the cut up t-shirt, the scarf ALL of them offer NO FILTERING whatsoever. As you exhale you are ridding your lungs of contaminants and carbon dioxide. Cloth masks trap this carbon dioxide the best. It actually risks health. The moisture caught in these masks can become mildew ridden overnight. Dry coughing, enhanced allergies, sore throat are all symptoms of a micro-mold in your mask.

Ultimate Answer: Ported P95 blows the virus into the air from a contaminated person and N95 holes are larger than the coronavirus and does not block particles that small. And most importantly, asymptomatic transmission is not happening anyway.

The surgical mask is not designed for the outside world and will not filter the virus upon inhaling through it. Its filtration works on the exhale. (Like a vacuum bag it only works one way)

Cloth masks are WORSE than none.

The CDC wants us to keep wearing masks. The masks don't work.

*Occupational Safety & Health Administration sited.

The top American organization for safety.

They regulate and educate asbestos workers, surgical rooms, you name it.

If your mask gives you security wear it, just know it is a false sense of security.

If stores stopped enforcing it no one would continue this nonsense.

==========

If work requires you to wear a mask, OSHA requires that your employer verifies you are receiving the minimum of 19.5% oxygen level by law! Are your oxygen levels being monitored while at work? Are you experiencing dizziness and headaches? This is a written law NOT a recommendation! I guarantee if employees started citing law and demanding their employers follow the law then the masks would go away!

Michelle Howke

From: [redacted]
Sent: Friday, July 3, 2020 10:35 PM
To: Michelle Howke
Subject: Masks, etc.

I am in favor of masks **outside** on the city streets due to the number of people visiting here at this time of year, **as well as in stores**. Really, if we can make a big deal about wearing a shirt, why not a mask as well? No shirt, no shoes, no mask, no service. No excuses. A fine for anyone not doing it.

The problem is, THIS HAS TO BE ENFORCED! Declaring it's an order and relying on busy clerks to confront people is just asking for trouble. Train people how to approach the people not wearing masks. Bill Dial, in concert with the Health Department, needs to figure out a way to have people patrolling and enforcing this. And they need to enforce the six foot rule as well.

As an older person, I wear a mask every time I'm at the store. **I expect all others to do it as well.** I'm staying home as a matter of policy, but STILL HAVE TO GO OUT SOMETIMES. To take a pet to the doctor or get groceries (only every other week) or refill prescriptions, I must go out occasionally. I shouldn't live in fear of catching this horrible disease because someone is too selfish to put a mask on for the short time they are in a shop. Nor do I want to have my lungs ruined for the remainder of my life. (Oh, lucky me, I lived but I can't climb stairs anymore? Not really recovered, is it?) Nor do I want to bring it home to my husband and endanger him as well.

The fact that we have bars still open is incomprehensible to me. Maybe set up an open air beer garden all summer if we really have the need to sell liquor. It's got to be safer than expecting a bunch of people in an indoor bar to space themselves out. But at least it's easy for me to avoid bars. Not the same with drug stores, grocery stores, hardware stores, etc. There's only so much you can order from Amazon.

Elizabeth Shores
[redacted]
Whitefish, MT
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Katherine Sivanish [redacted]
Sent: Friday, July 3, 2020 7:02 PM
To: Michelle Howke
Subject: Mask

Hello,
We love Whitefish and the community members in it. With that said, please do not take away our rights and enforce mask wearing. Please let those that want to wear mask, wear mask.
I think we are all well aware of social distancing and can do that with out wearing mask.
Thank you,

Katherine Sivanish
Area Manager Arbonne International
[redacted]
www.katherinesivanish.arbonne.com
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Greg Smith <[redacted]
Sent: Friday, July 3, 2020 1:11 PM
To: Michelle Howke
Subject: Whitefish Resolution for Mask Wearing in Public

Dear Whitefish City Council:

I wholeheartedly support a resolution that requires the public to wear masks in public when social distancing is not possible, to include front line employees, visitors, locals and law enforcement. Thank you for taking this action, which will be vital to protecting the health of citizens in our communities.

Thank you,

Greg Smith
[redacted]
Apartment 201
Whitefish, MT 59937
EM:[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: William Smith [redacted]
Sent: Friday, July 3, 2020 11:59 AM
To: Michelle Howke
Subject: Mandating Masks

As a member in good standing in our beautiful city of Whitefish , I would like to make it be known that I DON'T agree with any mask wearing mandate of any kind , and in fact it is illegal and unconstitutional to make such mandates , DO NOT underestimate the number of Constitutional Patriots in our great city , we will NOT comply and cower quietly , there are literally thousands of studies showing that wearing masks does nothing for the prevention or spread of Covid-19 , and in fact is an unhealthy practice , if our city leaders aren't capable of doing the necessary research before considering such a mandate , then it will be time to replace said leaders !

Thank You for your time and consideration,

Sincerely; W.B. Smith

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Jeanne spring [redacted] >
Sent: Friday, July 3, 2020 3:48 PM
To: Michelle Howke
Subject: Mandatory masks

I am a local resident who is very concerned about the lack of mask wearing in our community. Please mandate wearing masks to help keep our residents and businesses safe and healthy.

Thank you
Jeanne Spring

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

Michelle Howke

From: Michelle Spring [redacted]
Sent: Friday, July 3, 2020 1:26 PM
To: Michelle Howke
Subject: Masks in Whitefish

To Whom It May Concern,

Please implement mandatory masks for businesses and the public.

I am a local physician in town, and I am in full support of a state-wide mandate to wear masks and social distance 6ft or more. I am quite concerned about Covid19 and the increasing rates of positive test results in our state.

Sincerely,

Michelle Spring, MD, FACS

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Jeanne spring [redacted]
Sent: Friday, July 3, 2020 3:51 PM
To: Michelle Howke
Subject: Mandatory masks

To whom it may concern

I am a local resident here in Whitefish, and am concerned about the lack of mask wearing in our community. Please mandate the wearing of masks to help our community and our businesses be safe.

Thank you

Jeanne M Spring

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

Michelle Howke

From: Heart of Whitefish [redacted]
Sent: Friday, July 3, 2020 8:45 AM
To: Michelle Howke; The Toggery
Subject: Fwd: City of Whitefish Seeks Your Input on Mask Use Resolution

Hi Michelle,
Please see below for Trek's comment for City Council on the proposed mask use resolution.

Thanks,
Chris

---------- Forwarded message ---------
From: **Trek Stephens** [redacted]
Date: Fri, Jul 3, 2020 at 7:38 AM
Subject: Re: City of Whitefish Seeks Your Input on Mask Use Resolution
To: [redacted]

In my opinion a resolution is pointless. Create an ordinance with penalties and move forward.

Trek Stephens
www.toggerymontana.com

On Jul 2, 2020, at 9:52 AM, Heart of Whitefish [redacted] wrote:

View this email in your browser

City of Whitefish Seeks Your Input on Mask Use Resolution on July 6th City Council Agenda

FROM THE CITY OF WHITEFISH -

In response to dozens of email requests by business owners and citizens, the Mayor, Deputy

Mayor and city staff met with stakeholders today to discuss the need for our front line employees, visitors and locals to wear a mask in public when social distancing is not possible. The input received has been overwhelmingly positive for the city to take formal action. A City Resolution has been drafted and the public is encouraged to provide comments for the next city council meeting by 4:00pm on Monday (7/6/20) via email, addressed to the city clerk (mhowke@cityofwhitefish.org). Please provide your name and address. We ask comments to be concise, courteous, and polite. Since capacity is reduced by Covid guidelines, a limited amount of public can attend the meeting in person on Monday, July 6, 2020 at 7:10pm., however the meeting can be streamed live on YouTube. Please review the draft Resolution No. 20-__ and we will appreciate your participation in the public process by providing your input. We are all in this together and we'd like to hear from you.

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Our mailing address is:
Heart of Whitefish
PO Box 1964
Whitefish, MT 59937-1964

Add us to your address book

Chris Schustrom
c. 406-260-1198

Michelle Howke

From: Samantha Stewart [redacted]
Sent: Friday, July 3, 2020 4:01 PM
To: Michelle Howke
Subject: Masks

Hello,
I am writing on behalf of my husband myself and my two littles to support mandating masks in Whitefish. We have been overrun by tourists and I am seeing lots of plates from high risk states. I think masks would be a huge benefit to keep our residents and workers safe.
Thank you,
Samantha and Tyler Stewart
[redacted]
Whitefish, MT 59937

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

Michelle Howke

From: Alanna Strong <[redacted]
Sent: Friday, July 3, 2020 1:32 PM
To: Michelle Howke
Subject: Pro Masks

Thanks for asking for input.
I fully support the City of Whitefish mandating mask wearing in public.
Alanna Strong

[redacted]
Whitefish, MT 59937
[redacted]

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

Michelle Howke

From: B Stropro [redacted] >
Sent: Friday, July 3, 2020 6:02 PM
To: Michelle Howke
Subject: Behavior in The Valley

Follow Up Flag: Follow up
Flag Status: Completed

It was our impression on a recent visit to Whitefish that the compliance with CDC recommendations (Masks, Social Distance,Limited large gatherings, Gloves on food prepping,etc.)for the Covid-19 Pandemic was weak & a source of personal unease.Without a doubt, the locals were letting their guard down.
We named the area a 'Covid Petri Dish'. It's especially disconcerting now with large groups of out of state visitors pouring into Western Mt. coming from many states where the rates of confirmed cases is sky rocketing. The Gorilla is still on the loose ...& you don't stop wrestling the Gorilla when you are done, but only when the Gorilla is done.
On returning to Bellevue, Wa., we went into Fred Meyers where 99.9% wore masks & distancing is a respectful way o life.

With 4th of July weekend , hopefully
all Montanans will come together to
Safe guard themselves, their neighbors, & us visitors. If not, there is a very high probability of a large spike of new cases about 2-4 weeks from now. Resulting sadly in loss of 'life, liberty, & the pursuit of happiness.'
Join in the fight.. It's the Patriotic thing to do.

Bob Stromberg
Bellevue, Wa.
Haling from Havre

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

Michelle Howke

From: Scott Thomas [redacted]
Sent: Saturday, July 4, 2020 8:46 AM
To: Michelle Howke
Subject: City Mask Should Be Required

Scott Thomas
Carpenter
[redacted], Whitefish

My wife and i think it's necessary that in any building or public space, that it be required. We are allowing people from across the country to come into our home from at risk areas. We are seeing a spike, let's stop it now. Mask work.
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Jana Todd [redacted]
Sent: Friday, July 3, 2020 1:54 PM
To: Michelle Howke
Subject: Re: city resolution to require face masks

Dear Michelle, I strongly support a resolution to require face masks in public. I would also strongly support giving business owners and law enforcement the power to actually enforce the mandate and punishment for those refusing (i.e., a fine substantial enough to discourage refusal).
As I stated in my email to governor Bullock, Senator Jon Tester and Mayor Muhlfeld, I do not feel safe going anywhere right now, particularly since we opened up to tourists. They have infiltrated our town, running around with no face masks, leaving me stuck in my own home.
I appreciate your time and sincerely hope we take action on this matter quickly and before it's too late.
Concerned Whitefish resident,
Jana Todd
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: David Trousdale [redacted]
Sent: Sunday, July 5, 2020 5:39 PM
To: Michelle Howke
Subject: Masks

Hello,

I understand the City is asking for input on the wearing of masks for COVID-19. I strongly support any proposal that would mandate the wearing of masks in enclosed spaces. Being outside is apparently very different, particularly if proper distancing is observed.

David Trousdale
[redacted].
Whitefish

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

Michelle Howke

From: Amelia Urbanski [redacted]
Sent: Friday, July 3, 2020 2:39 PM
To: Michelle Howke
Subject: Whitefish Mask Resolution

Hi,

I am writing to voice my support for the city resolution on requiring masks in indoor and communal spaces. It truly is a small ask of members in the community and can have a tremendous impact on slowing the spread of COVID. I hope you will strongly consider enacting this policy.

Thank you,
Amelia Urbanski
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: will vasquez [redacted]
Sent: Friday, July 3, 2020 7:50 PM
To: Michelle Howke
Subject: No mask

No mask please in the city of whitefish or surrounding areas.

Thank you
[redacted]
Whitefish Mt
59937

William Vasquez
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Karen Voermans [redacted]
Sent: Saturday, July 4, 2020 7:26 AM
To: Michelle Howke
Subject: Masks

As a long time resident of Whitefish I strongly encourage city council to vote to require the wearing of masks in town. We have so many people visiting from outside our city, county and state that we are sitting ducks. Please help all of us take responsibility for ourselves and each other and immediately require the wearing of masks or stay away. It is each person's responsibility to make that choice.

Thank you for your attention to this very important decision.

Karen Voermans
[redacted].
Whitefish, MT
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: The Village Shop [redacted]
Sent: Thursday, July 2, 2020 11:29 PM
To: Michelle Howke
Subject: Masks

Hello City Council,

Thank you for having the protection of our residents and visitors as your focus in drafting this resolution. I am very much in support of wearing masks in public to protect each other during this time of uncertainty. I believe the council taking a more serious stand on this would help lead the public to be more responsible with face covering. As a business owner and resident I will support this with my actions and words.

Thank you,
Tami Yunck
The Village Shop
[redacted]

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

Michelle Howke

From: Judith Wade [redacted]
Sent: Sunday, July 5, 2020 6:43 PM
To: Michelle Howke
Subject: comment on Face mask

Dear M. Howke

I would like to recommend that individuals entering places of business in Whitefish be required to wear face masks. Our lovely town is being inundated with tourists from all over the country.. We certainly don't want an increase of the virus in Flathead County. When everyone wears a mask, it is so encouraging to know we are taking care of each other.

Thank you for your attention to this matter.

Judith Wade
[redacted]
Whitefish, MT
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Vicki Walborn [redacted]
Sent: Friday, July 3, 2020 1:56 PM
To: Michelle Howke
Subject: MASKS

With the protocols that Don K has in place here at the dealer ship I see NO reason for us to wear a mask. I do not want to wear or see any reason to wear a mask 8 hours a day. My home address is [redacted], Kalispell, MT

Thank you,

Vicki Walborn
Estimator
Don K Whitefish
[redacted]
vicki@donk.com

Virus-free. www.avast.com
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: [redacted]
Sent: Saturday, July 4, 2020 10:22 AM
To: Michelle Howke
Subject: Mandate Facemasks

Science tells us that effects of the pandemic can be minimized if people wore facemasks when they cannot adequately social distance. I am not clear why the city council needs to request comments to make a decision regarding a mask mandate. I hope it is not a popularity contest.

Are we going to wait until the pandemic kills more people in the Flathead? Do we care enough about front line workers…even if their employer's don't? Do we care enough about our fellow citizens health to require everyone to wear a mask…to protect each other? Do we know that many in our community have conditions that pre-dispose them to the worst of covid-19? Does love really live here?

Wearing a mask until the pandemic subsides is not difficult, nor is it too much to ask of our community or the citizens who have elected to visit here. A mask mandate may actually encourage more tourists who are interested in a safer alternative for their families.

No Mask, No shirt, No shoes, …..NO SERVICE.

"It is not the strongest of the species that survive, nor the most intelligent, but the one most responsive to change." Charles Darwin / Scientist

Thank you for your leadership.

Charlie Webster. [redacted], Whitefish, MT 59937

Sent from Mail for Windows 10

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Karen Whitby <[redacted]
Sent: Friday, July 3, 2020 9:55 PM
To: Michelle Howke
Cc: Bill Whitby
Subject: City Council consideration of C-19 face masks

Dear Council Members,
Thank you for your consideration of this important issue.
We would encourage you to vote ***in favor of*** the proposal for masks to be worn in public in Whitefish.
This would also send a message to our valuable tourists that we do not take the health of our community for granted and we wish to protect everyone including ourselves.

Karen & Bill Whitby
[redacted]
Whitefish, MT 59937
[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Susan Wollner <t[redacted]
Sent: Saturday, July 4, 2020 8:58 AM
To: Michelle Howke
Subject: Mask

We think it would be great to require masks in public places where distancing isn't possible, not only in Whitefish, but all of Flathead County.
Dave & Sue Wilmer
[redacted]., Columbia Falls 59912

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

Michelle Howke

From: 4C's Wildlife Control [redacted]
Sent: Monday, July 6, 2020 7:31 AM
To: Michelle Howke
Subject: Masks

Vote no on Mandatory masks. Masks do not protect anyone from anything they only act as a separation mechanism, limiting or interaction with each other. If you implement mandatory masks I believe you will see a decline in business revenue.

There is no Medical emergency or mass event that should make this step necessary after how our numbers when and this would seem very delayed at this point.

Kept Whitefish free! Say no to the masks

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

Michelle Howke

From: Marguerite Amstadt [redacted]
Sent: Monday, July 6, 2020 12:16 AM
To: jmuhlefeld@cityofwhitefish.org
Cc: Michelle Howke
Subject: NOT IN FAVOR of the Mandate to Wear Face Masks

As a property owner and 26 year citizen of Whitefish, I DO NOT want to see a mandate enforce in Whitefish to wearing face masks. If someone is concerned for their safety, they should be responsible for taking care of them selves and wear a mask. Healthy people should not be mandated to wear one. There is enough factual information out there to support the case against wearing a mask. Masks should be for those in public who are sick or are worried their immune system is very weak. If this is to be a formal mandate, I would say where were you when the BLM were here? Masks are more about submission and control than our safety and the well-being of those in a close distance to each other.

Marguerite Amstadt
[redacted]
Whitefish, MT.
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Paul Arends [redacted]
Sent: Sunday, July 5, 2020 10:39 PM
To: Michelle Howke
Subject: Regarding mask wearing decision at City Council

To the city council,
My wife and I live in Kalispell but have taken pleasure to shop and dine in Whitefish the last 20 years since we have located here. We are asking the council to not place undue restrictions and burden on those who enjoy what the town has to offer visitors. We have several favorite places that we have patronized multiple times in just the past few weeks, but we will no longer do so if we are forced to wear masks. We have already spoken to others in Kalispell who said they will not come to Whitefish under this ordinance. This is not a wise step in the right direction but physically and emotionally taxing for our communities and economy. And when and how will a decision be made to lift it? This is opening a Pandora's box with diminishing returns. This is unsettled science. Please do not do this!

Paul and Margie Arends
[redacted]
Kalispell, MT

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

Michelle Howke

From: Cheri Aronsson [redacted]
Sent: Monday, July 6, 2020 8:38 AM
To: Michelle Howke
Subject: Wearing of masks

To the City Council

Please make the wearing of masks mandatory...

All of us need to be willing to do such a small thing for the greater good....

Thank you,

Cheri and Peter Aronsson
Sent from my iPad
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Karen Beckley [redacted]
Sent: Monday, July 6, 2020 9:04 AM
To: Michelle Howke
Subject: Mask Resolution

Thank you City of Whitefish for considering a mask resolution for our community. I am so proud of our mayor for the way he has handled this pandemic. First and foremost I want to keep our community safe. I am in full support of wearing masks in public. I pray that this resolution is passed. I have been a full time resident of Whitefish since 2011 and am very proud to call this special town home.

Karen Beckley
[redacted]
Whitefish
[redacted]

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

Michelle Howke

From: Cassandra Bermel [redacted]
Sent: Sunday, July 5, 2020 10:10 PM
To: John Muhlfeld
Subject: NO TO MASKS

There is talk about mandatory Masks to be worn in Whitefish. If that is the case your town is going to lose a lot of business. I live in Bigfork but go to whitefish to many different restaurants and other places but if masks are required I will never go to whitefish again and I know a lot of people won't be spending their money there either. Masks can be optional but you can't force us to wear one. We have rights.

Cassie Sydnor
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Christopher Bickford [redacted]
Sent: Monday, July 6, 2020 10:22 AM
To: Michelle Howke
Subject: Mask enforcement

To whom it concerns,

It doesn't seem at all necessary to create a mask mandate in the city of Whitefish given that there are only 18 active cases in the entire Flathead valley. Businesses can and should enforce mask-wearing on their own without a city-wide mandate. CDC says it is unsafe for those exercising to wear a mask. Many people are out exercising at the lake, parks, etc.

Thank you,
Chris Bickford
[redacted] Kalispell, MT 59901
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Janet Blackaby [redacted]
Sent: Sunday, July 5, 2020 10:47 PM
To: Michelle Howke
Subject: Mask mandate

Once government mandates something, getting it to retract or void a resolution almost never occurs. Is there an extremely specific point where the mask mandate would be rescinded?

Thank you for your time.

Janet Blackaby

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: [redacted]
Sent: Monday, July 6, 2020 10:10 AM
To: Michelle Howke
Subject: Face masks

Hello,
This should be up to the business owner to require, and if so then they need to be prepared to handout masks at the door.
Actually this is a common sense issue. Not a political issue or government issue. Out in the fresh air, unless in gatherings Should a mask be worn, outdoors, no mask, in businesses, stores etc. put the mask on.
Kelli S. Bowden
Ps this is not the opinion of the Whitefish Credit Union.

Whitefish CREDIT UNION

Kelli Bowden
Administrative Assistant
Whitefish Credit Union
300 Baker Ave, Whitefish MT 59937
Ph. ([redacted] | Fax (406) 862-2143 | www.WhitefishCU.com

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EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: rita braun [redacted]
Sent: Monday, July 6, 2020 9:46 AM
To: Michelle Howke
Subject: mask resolution

Good Morning, Michelle,

Rita Braun here. Luck you…getting to read thousands of these emails.

A tough call for sure. Any mandate opens the potential for a civil liberties outcry, further complicating an already complicated situation.

My preference is to require masks. The issue is simple for me: I don't want to get sick or get another sick. But I don't think a mandate would go down well, however, a step approach may, driven by COVID case and trend reports. A certain number of cases or type of trend could advance the city through the steps.

Step 1
Emphatically push social distancing. (I know the city is on this big time. Up the push?)
Require all frontline business employees to wear masks.
Require all businesses to provide hand sanitizer, and for big stores like Super 1, to station hand sanitizer throughout the store. (Many shops already provide sanitizer at the entrance.)

Step 2
Give business owners the option to require anyone who comes in to the store to wear masks. (This might already be happening?)

Step 3
Mandate masks for all.

Crazy stuff to manage. And a big distraction from busy work loads!

Chuck said he saw you last week. I miss everyone at the City—such a great bunch of people to have been connected to. I hope you are supremely happy and well!!

Sincerely,

Rita

Rita Braun :: Whitefish, MT
[redacted]

Flathead Director, Writing Coaches of Montana
writingcoachesofmontana.org

Editor

Michelle Howke

From: Patrick Carloss [redacted]
Sent: Monday, July 6, 2020 8:34 AM
To: Michelle Howke
Subject: Employee mask wearing resolution

Hi Michelle, I am writing in support of a council resolution to require all employees that deal with the general public to wear masks at work.

Thank you, Pat Carloss, Tupelo Grille
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Mike Carpenter [redacted]
Sent: Monday, July 6, 2020 9:27 AM
To: Michelle Howke
Subject: City of Whitefish resolution consideration

Comments with regards to resolution for requiring the use of face masks when in public.

I believe it is important to very specifically define where the wearing of a mask would be required. I do not support a broad resolution on wearing masks when outside the home. Some exceptions would be when using outdoor public spaces, gyms, and eating establishments.

Assuming a sensible resolution that includes exceptions listed above, I believe would lead to compliance within the community.

Thank you for allowing me to comment.

Michael J. Carpenter
[redacted]
Whitefish, MT

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

Michelle Howke

From: Sandie Carpenter [redacted]
Sent: Saturday, July 4, 2020 5:54 PM
To: John Muhlfeld; Andy Feury; Rebecca Norton
Subject: mask wearing resolution

Dear Council Members,

I strongly urge that the City of Whitefish adopt a mandatory mask wearing resolution. If wishy-washy language such as "strongly encourage" is used people will not comply.

If a whole county of 13,000 residents (Bighorn County) requires all people to wear masks when outside their homes, certainly one town can mandate it.

Not being able to enforce is not, in my opinion, a reason not to demand it.

Sincerely, Sandie Carpenter
[redacted], Whitefish , MT 59937

us us Sandie us us
[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Backdoor GeneralStore [redacted]
Sent: Sunday, July 5, 2020 11:44 PM
To: Michelle Howke
Subject: Masks

Yes wear masks
Let's be proactive on this before things escalate any further.

Trini and Gwen Carreon

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

Michelle Howke

From: Nathan Closson [redacted]
Sent: Monday, July 6, 2020 10:42 AM
To: Michelle Howke
Subject: Proposed Mask Use Resolution and Mandate

To the Whitefish City Council,

I am concerned about the terms of a possible Mask Mandate that could follow a Mask Use Resolution. How long would the Mandate be in effect? Will the Whitefish Police enforce it and serve tickets? What will be the amount of the fine? Will the mandate apply to schools? Will it apply to churches?

I realize the city council has the power to establish such a mandate, but I think it would be better to let individual businesses and establishments to determine their own policy concerning masks.

Nathan Closson
[redacted]
Whitefish, MT 59937
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Kenneth Cordoza [redacted]
Sent: Monday, July 6, 2020 8:25 AM
To: Michelle Howke
Subject: Masks

Both myself and my wife support the mask ordinance. Kenneth F Cordoza Jr and Maureen Cordoza.

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Linda Cornutt [redacted]
Sent: Monday, July 6, 2020 10:18 AM
To: Michelle Howke
Subject: Wearing masks

I strongly feel masks should be required in public. With the highly contagious nature of the virus, it is downright selfish for people not to wear masks. With the influx of tourists that Whitefish has, we are asking for skyrocketing numbers of cases if we do not take action and require the wearing of masks.
Sincerely,
Linda Cornutt
[redacted]
Whitefish

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

Michelle Howke

From: LDMAZMT LLC [redacted]
Sent: Sunday, July 5, 2020 11:06 PM
To: Michelle Howke
Subject: Masks

No to mandating masks.

Do not force business owners to require employees and patrons to wear masks. Let the business owners decide what is best for their employees and clients.

Nationally there have been awful unintended consequences including the loss of life due to mandating mask wearing. It stirs up unnecessary violence. Whitefish does not need to make national news again for having angry protestors. Our summer/winter population is especially transient and unpredictable. Public spaces could become much more dangerous than Covid because of behavioral and medical issues the mask wearing would create.

This would be a burden to our police to enforce such a law. Is Whitefish in the position to handle the litigation that likely would result from passing such an order? Whitefish taxpayers should have something like this on the voting ballot.

See the article below.

The 43-year-old guard was shot in the head after telling a customer at a Family Dollar store to wear a face mask -- which the state has mandated for all retail employees and customers, police say. He died at a Flint hospital.

(CNN) Calvin Munerlyn, the security guard who was shot and killed in Michigan last week, was "loved everywhere," his widow told CNN.

"He was devoted, loving, kind-hearted, courageous, brave, just committed," she said. "He was just loved everywhere," Munerlyn's widow, Latryna Munerlyn, told CNN's Don Lemon Tuesday night.

The 43-year-old guard was shot in the head after telling a customer at a Family Dollar store to wear a face mask -- which the state has mandated for all retail employees and customers, police say. He died at a Flint hospital.

Ramonyea Travon Bishop, 23, Larry Edward Teague, 44, and Sharmel Lashe Teague, 45, have been charged with first-degree premeditated murder, along with other charges, the Genesee County Prosecutor's Office said in a statement on Monday.

Thank you kindly,

Lisa Danielle, Lifelong Whitefish Resident, taxpayer, business owner, and concerned member of the community.

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Nicci Daniher [redacted]
Sent: Monday, July 6, 2020 12:33 AM
To: Michelle Howke
Subject: Mask Resolution

My name is Nicci Schellinger Daniher and I live at [redacted], Whitefish MT 59937. My phone number is [redacted]. I'm a Whitefish native and I support a city mandate that requires a mask be worn in public places to reduce the spread of Covid-19. With tourists from all over visiting this summer, we need to take steps to protect all of us during this second outbreak, I was so impressed with the steps the mayor took during the first. He acted quickly and decisively and while people may not have liked the restrictions, Whitefish did a great job containing The virus. Mask wearing is minimally uncomfortable and is a small inconvenience compared to the positive impact it could have in mitigating the spread of COVID-19.

I appreciate everyone at City Hall for taking on this controversial topic.

Best,

Nicci Schellinger Daniher

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

Michelle Howke

From: DeGroot [redacted]
Sent: Sunday, July 5, 2020 9:03 PM
To: Michelle Howke
Subject: Mask Proposal

We would like to add our support to the proposal for requiring masks in public places. As age 70+ residents of Whitefish we take the treat of COVID 19 very seriously and we would welcome the city's efforts to keep us safe.

Thank you,
Bill and Necia DeGroot
[redacted]
Whitefish
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: [redacted]
Sent: Monday, July 6, 2020 10:05 AM
To: Michelle Howke
Subject: Mask Ordinance

The Wuhan Flu. Hoax and big lie!
Sure there's a Flu. The numbers are padded. The numbers tested are padded. If someone has had the Flu which many people get the Flu, right! Well if you have antibodies they say you have tested positive. A sham. Besides very few people are dying. Even that's a big lie. The hospitals get paid large sums for putting people on ventilators. More if they die. Without an autopsy we really don't know the cause of death. The head of Pulmonary Pathology at the Cleveland Clinic has performed over 50 autopsies on people who were said to die from the Wuhan Flu. He took tissue samples of all of their major organs. His results showed that 92% of his autopsies, those people died from other causes. Yep, more lies and more padded numbers. You can easily figure out the agenda.
So masks in Whitefish Montana!
C'mon. Are you kidding me. Oh Whitefish is the new New York.

Hope all is well with you.

Thank you!
Respectfully,
Mitch Drachman

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MITCHELL DRACHMAN
MANAGING DIRECTOR
[redacted]
EMAIL: [redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: [redacted]
Sent: Sunday, July 5, 2020 8:06 PM
To: Michelle Howke
Subject: Masks

I would like to express my hopes that a mandatory rule would go in place for wearing masks to help stop COVID from spreading. My husband & I like to support businesses & restaurants in the Whitefish area, but have not been going to restaurants because we are not comfortable with the wait staff not wearing masks or gloves. We would feel more comfortable if personnel in grocery stores & restaurants were all wearing masks & gloves & enforced social distancing especially in grocery stores. Thank you for your consideration.

Charmalee Drew
[redacted]
Whitefish, MT 59937
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Cindy Dyson [redacted]
Sent: Monday, July 6, 2020 9:29 AM
To: Michelle Howke
Subject: Mask resolution

I'd like to communicate my preference about the City's resolution on masking wearing.

I think it is a good idea for the City to pass a resolution encouraging mask wearing when indoors and/or confined spaces. I also think it would be a good idea for the city to encourage local businesses with public access to post their own requirements regarding masks at business entrances. Such a posting would allow shoppers to make a decision about the risk of entering before entering.

If people know whether a business requires or only encourages masks before entering that business, they will be able to manage their own risk assessment more effectively. It would be very cool to develop a consistent and easily identifiable sign posted at the entrance of all publicly accessed businesses so shoppers/clients will come to easily identify the requirements of each business without confusion. This is something the City or the Chamber could develop and offer free electronically to all our businesses.

I am very much against the City requiring masks -- other than within its own buildings. I think such a requirement could likely create a backlash and be counterproductive.

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Jay S. Erickson <[redacted]
Sent: Sunday, July 5, 2020 10:05 PM
To: Michelle Howke
Subject: Mandatory facial coverings in Whitefish

Dear Sirs,

I understand that the city council of Whitefish will be discussing the merits of mandatory facial coverings in Whitefish. As a long time practicing physician in Whitefish, I just completed my 30th year, I have great pride and a sense of responsibility for the city of Whitefish and its citizens. I have followed with intense interest the COVID 19 pandemic from its first rumblings in China in early January until we radically changed the way we cared for patients at Glacier Medical Associate in early March, into the state in which we currently find ourselves. While Montana initially managed the pandemic numbers with the stay at home orders we now are facing increasing numbers of COVID cases within the state of Montana. The number of hospitalizations are again growing. While lately the death rate has not climbed significantly, this may likely change as the COVID numbers continue to climb. We have seen the average age of those infected decline, so more younger patients are getting infected, we are also doing a better job of protecting the high risk elderly and I believe there is a time lag as the younger infected patients eventually will spread the disease to their parents and grandparents, again increasing the death rate.

As I observe the lack of social distancing and lack of facial coverings at many locations around Whitefish, this has me extremely worried. This is a public health crisis where we have the potential to save lives. By allowing citizens and tourists to socially gather and not practice social distancing we are just inviting a large surge in COVID numbers in Whitefish and the valley that could have been prevented with practicing social distancing, facial coverings and frequent washing of hands. No one wants to shut down business or to shelter in place again. Facial coverings are very effective if everyone uses a facial covering. The influx of out of state tourists seems somewhat staggering.

Japan is a great example of handling the COVID pandemic in an exemplary fashion. A country of 125 million has had 19,500 cases and 972 deaths from COVID. Certainly part of the success is due to everyone wearing facial coverings when out in the public. We know that we protect others from disease when we wear a mask, so it is a selfless act to wear a mask in order to protect others. I would like to encourage the city of Whitefish to mandate facial coverings when in public spaces to save lives, especially those at highest risk and to bend the curve once again. Let's do the right thing and lead the way in protecting our citizens.

Regards,

Jay

Jay S. Erickson M.D.
Assistant Dean for Regional Affairs
Assistant Clinical Dean, WWAMI Montana
Clinical Professor
University of Washington School of Medicine

MT WWAMI Clinical Office
[redacted]
Whitefish,MT 59937

[redacted]

Michelle Howke

From: Carole Erickson [redacted]
Sent: Monday, July 6, 2020 8:29 AM
To: Michelle Howke
Cc: Carole Erickson
Subject: Council agenda item requiring Face masks

I support requiring city-licensed businesses that are customer based to require face masks of everyone entering their business establishment as well as those who work there. An office would be exempt, unless it deals with the public on an ongoing and regular basis.

I also support requiring masks on the streets and sidewalks in a defined area of our business district as well as at city parks and beaches, except when swimming.

I want this to include all grocery stores and businesses within the city and not just in the downtown area.

We need to protect each other from Covid-19.

Thank you.

Carole Erickson
[redacted]
Whitefish, MT
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: LEE and GENA FISCHER [redacted]
Sent: Sunday, July 5, 2020 10:37 PM
To: John Muhlfeld
Subject: Face masks

Hi John, my name is Gena Fischer. I am writing you to plead to you to enforce the use of face masks in public places in Whitefish. Our family has been personally affected by the virus, and it can be very scary. In recent weeks I have seen such irresponsible behavior by both locals and tourists, from packed bars such as the Lodge at Whitefish to hordes of tourists packing the grocery stores, with none wearing masks. Masks can reduce the spread of the virus by as much as 80 percent. It's such an easy way to show respect to others, as well as yourself. We are heading towards a giant mess if people don't start taking this virus serious. Tourists need to respect our community by wearing masks, and locals need to realize this virus is far from over. Please continue to be proactive in helping to control the spread of the virus. As my husband says, masks right now are a no-brainer. Thanks, Gena Fischer

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

Michelle Howke

From: Sarah Fitzgerald [redacted]
Sent: Monday, July 6, 2020 10:23 AM
To: Michelle Howke
Subject: Mask Wearing in Public

Hi all,
Yes please mandate mask wearing. I feel you should make this an Ordinance rather than just a Resolution with fee's for enforcement.
Sincerely,
Sarah Fitzgerald
[redacted]
Whitefish, MT 59937

Sarah Fitzgerald
Senior Vice President, Financial Advisor
Whitefish Wealth Management
[redacted]
[redacted] | www.dadavidson.com

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EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Lisa Follett [redacted]
Sent: Monday, July 6, 2020 9:38 AM
To: Michelle Howke
Subject: In favor of mandatory mask ordinance

My name is Lisa Follett and I live at [redacted], Columbia Falls but I work in Whitefish.

I am requesting that masks be mandatory when inside and social distancing can not be maintained. Due to the current surge in local cases and the number of tourists at this time, I think that it is prudent that we protect ourselves and our community. When entering a building all people can easily put on a mask. We are required to wear shoes and shirts. Please do not wait any longer, mandate this ordinance. I also work in a restaurant in Columbia Falls, we all wear masks voluntarily.
Thank you,
Lisa

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Clint Franklin [redacted]
Sent: Monday, July 6, 2020 9:27 AM
To: Michelle Howke
Subject: Mask Requirement

I am completely against the city requiring everyone or even requiring anyone to wear mask. This is a decision to be made by each individual and should not be mandated by the city. Lately Whitefish has been demonstrating that we are not tourist friendly or welcoming, which the entire economy in our area is built on tourism.

Clint Franklin

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

Michelle Howke

From: Richard Closson [redacted]
Sent: Sunday, July 5, 2020 8:41 PM
To: Michelle Howke
Subject: Mask

Monica Garrett
[redacted]
Whitefish MT 59937
I don't want to be forced to wear a mask EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Kari Greenberg [redacted]
Sent: Sunday, July 5, 2020 10:13 PM
To: Michelle Howke
Subject: masks

I support the city asking people to wear masks indoors and also when in close proximity to others outdoors. Thank you for working toward making this happen. I really appreciate our wonderful city doing what we can to protect everyone.

Kari Greenberg
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Cyndi Howe Hale [redacted]
Sent: Monday, July 6, 2020 10:46 AM
To: Michelle Howke
Subject: mask wearing

I do not think it is a good idea for the city to demand mask wearing, I think it will profoundly affect local businesses negatively and it has already been an extremely difficult year. If it is a state wide or county wide mandate that is different. But for the city of Whitefish to demand mask wearing and Kalispell and Columbia Falls does not, alot of people just won't shop
in Whitefish, they already don't like the resort tax. Local businesses cannot survive on just tourism, we need the support of locals too.

Cyndi Hale
Chelsi Blackwell

Fifty Seven Boutique
[redacted]
Whitefish, MT 59937

[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Adam Hannigan [redacted]
Sent: Sunday, July 5, 2020 7:49 PM
To: Michelle Howke
Cc: Aleta Hannigan
Subject: Masks in WF

Adam and Aleta Hannigan
[redacted]
Whitefish, MT

We would love to see masks required, not only recommended. Our local resources are limited and we are always inundated with tourists from highly infected states. As we watch the rapid increase in statewide cases, we have an opportunity to be proactive. Thank you for your time and consideration.

The Hannigan's.

Sent via iPhone.
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: M Hobgood [redacted]
Sent: Sunday, July 5, 2020 10:23 PM
To: Michelle Howke
Subject: Mandatory Masks Wearing

My husband and I request that the City require mask wearing, particularly in enclosed facilities.
We are in good health and hope to maintain that status. We have limited our trips to grocery stores and have not been in a restaurant or bar.
However, when we do go out we have noticed a large number of people are not wearing masks nor social distancing. This is absolutely not safe for everyone.
Please help us survive this pandemic by requiring masks be worn.
Thank you!
Molly and Bill Hobgood
[redacted]
Whitefish
Sent from my iPhone
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: JC [redacted]
Sent: Monday, July 6, 2020 8:22 AM
To: Michelle Howke
Subject: MANDATORY MASK.... NO!!!!

Hi,

I am writing to you as I am completely opposed to ANY mandatory requirement for face masks. The data proves it is more harmful than good. And let's be honest here. This is a political agenda to control the people. Won't be looking good for you if you require this. It is against our rights to even require it. It has nothing to do with a virus that really isnt anything more than a flu/cold that is easily gotten over. More people die from the flu every year and it was never a pandemic. This is purely a plandemic by the evil in this world. Please see attached video for a little info....

https://www.youtube.com/watch?v=uN1jQinyhsA

Sincerely,
Jill
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Chris Jolly [redacted]
Sent: Monday, July 6, 2020 12:42 AM
To: Michelle Howke
Subject: Yes to Masks

I definitely think we should require everyone to wear a mask, especially in the stores and most importantly the tourists!!

Please make it a requirement.

Thank you,

Chris Jolly
[redacted]
Whitefish MT 59937
Expand Your Mind
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Sarah Jones [redacted]
Sent: Sunday, July 5, 2020 9:14 PM
To: Michelle Howke
Subject: MASKS

From
Sarah H. Jones
[redacted]
Whitefish, MT
July 4, 2020

Dear Whitefish City Council Members,

Now in my late 70s and living in this beautiful community, I am very concerned about the spread of COVID-19 in our town. We have many visitors from big cities coming to Whitefish this summer. I request that the Whitefish City Council issue an order to require the wearing of MASKS anywhere outside one's residence, hotel room, or camper, etc. Many resort towns like Whitefish have similar rules in place. That use of masks should include the streets, shops, restaurants, bars and food stores throughout our town. People recreating in parks, trails and water activities in our area should practice social distancing.

Thank you for your leadership during this difficult time.
Sarah Jones

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Catherine Kahle [redacted]
Sent: Sunday, July 5, 2020 11:13 PM
To: John Muhlfeld; Michelle Howke
Subject: Face Mask Resolution

Our country is a Republic and founded on individual liberty. Forcing people to wear a face mask is against what our country stands for - it is not lawful or Constitutional. There is no proof that wearing a face mask is helpful for countering Coronavirus. The chances of even contracting Covid19 in Montana is .001 percent based on a test that has false positives. The death rate of supposed Covid19 in Montana is .0002 percent. Wearing a face mask can actually be detrimental to a person health because it doesn't allow a person to have fresh air and also activates viruses inside the body that are dormant. I am very disappointed and embarrassed that such an idea as required face mask wearing is being considered for the city of Whitefish. If people want to wear a face mask that is their right. My right to fresh air is equally as important. Ben Franklin said, "Those who would give up essential Liberty, to purchase a little temporary Safety, deserve neither Liberty nor Safety." Please do not pass required face masks in Whitefish, Montana. My family and I will not shop in Whitefish if masks are required.

~Catherine Kahle
[redacted] Trego, Montana
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Veronica Karns [redacted]
Sent: Monday, July 6, 2020 9:24 AM
To: Michelle Howke
Subject: MASK comment by Whitefish Resident

Hello,

My name is Veronica Karns and I live in Whitefish MT. I am writing in response to the potential face mask covering mandate that will be voted on this evening. While I support a recommendation by the city, I strongly disagree a mandate. While I am fully aware of the visitors/tourist and uptick in new cases I bring a perspective to this email that perhaps is not fully aware by your council members or others that are in favor of a mandate on masks. First, does anyone complaining have children or teenagers? Do any of them play sports? Does any of them have a health condition like asthma? Are any of them in the resort or restaurant business? My guess is no because it is unrealistic to ask people to wear a mask while playing sports, eating, while having facial medical condition and running a business where the mouth is part of the product and sale. The science behind the cloth facial covering is a prevention that can be fought on both sides (pros and cons) that do not stop the spread of Covid-19. I believe that if you try to impose this mandate that is clearly not a federal or state-mandate then you will have a class action lawsuit against the city as well as protesters who will be relentless. If the point is to slow the spread, then I would recommend that you don't put citizens in a position to exercise their 1st Amendment and gather in GREAT NUMBERS disturbing the down town and put stress on the city and law enforcement that we need so very much in other areas. This number of people would far exceed any Black Lives Matter protesters. Be intelligent and prudent! Please don't be political....!!! The city was very aware of the tourist and summer crowds to come when the Governor Bullock assigned the Phase 1, 2 and 3 plan that did not include a Face Mask. Shutting the barn door after the horses have left does nothing! I know the council majority doesn't like Donald Trump. I know the majority of the face mask complaint makers are not Christians (believers in Jesus Christ that know they can die any day and they are not in charge of life or the lives of others when it comes to illness and death). I know they are afraid to get sick and recover with a 80% chance or higher (any age under 80yrs according to the CDC). 98% recovery rate for all under 40yrs of age (again according to the CDC). I am aware people may be scared to die...but the odds are on their side to survive! PLEASE RESPECT FREEDOM!. The "Left" SCREAMS THIS with "Pro-choice" ...but now they are contradictory because it is an election year and will try every last ditch to use Covid-19 to control minds of U.S. Citizens. PLEASE RESPECT EVERYONE'S RIGHT TO CHOOSE if they wear or don't wear a FACE MASK!!!!!! Again, the reasoning of science behind this potential mandate can really be fought in a court of law that has potential to even be reviewed by the Supreme Court if dismissed by any lower level court decision!!!! There is a mass amount of people that feel the same way as this email that live in Whitefish and surrounding areas. They will indeed fight any face mask mandate in a civil, intelligent, and lawfully creative way!

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Jenny Kelley [redacted]
Sent: Monday, July 6, 2020 9:08 AM
To: Michelle Howke
Subject: Face Mask Resolution

Jennifer Kelley
[redacted], Whitefish 59937

I support wearing face masks in public.
I am not sure how it will be enforced but believe it is the right thing for our community.
I've seen so many out of state plates lately and just hope that with the influx also comes understanding and compliance. We've done so well so far! Welcoming others is less scary if basic PPE is in place.

Thank you for allowing our community to weigh in on this topic.

Respectfully,

Jennifer
EXTERNAL SENDER verified by City of Whitefish IT

July 5, 2020

Dear Mayor Muhlfeld and Members of the Whitefish City Council,

We are writing you today in support of increased preventative measures to stop the spread of COVID-19 in our community, specifically mandating face coverings (non-medical face masks) for all people when they are in public places and cannot maintain physical distancing of 6 feet or more, including in all local businesses as well as city offices and by city employees. This is a practice endorsed by public health organizations, including the Centers for Disease Control (CDC), and is critical especially now that science shows that the virus can spread to others when individuals are showing no signs of illness (asymptomatic and/or pre-symptomatic). As of July 5th, there were 20 states that mandate face coverings – California, Connecticut, Delaware, Hawaii, Illinois, Kansas, Maine, Maryland, Massachusetts, Michigan, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Texas and Washington.

We cannot turn a blind eye to what is happening in other parts of the United States and be ignorant in thinking that it will not touch our community as well. As more people from out of state come to enjoy our beautiful corner of Montana, it is critical that our city leaders work to keep all of us – residents and visitors – safe and healthy. Mandating face coverings is one step, but others should also be considered:

- Increasing signage in businesses and public spaces encouraging healthy hand hygiene, face coverings, physical distancing and staying home – especially when sick. The CDC has signs available for download as do other jurisdictions, like the New York City Health Department: https://www1.nyc.gov/site/doh/covid/covid-19-posters-and-flyers.page

- Limiting occupancy for public gatherings, including popular events like Farmer's Markets to ensure that physical distancing can be maintained.

- Reducing occupancy in local businesses, including restaurants, to no more than 50% capacity.

- Advocating to Governor Bullock to reinstate the out of state quarantine requirement so that all visitors self-isolate for 14 days after arrival.

These are steps that we must take to slow the spread of COVID-19, prevent a surge on our healthcare system and protect health care and other essential workers.

Thank you for your consideration.

Best Regards,

Tom and Mary Kennelly

[redacted]
Whitefish, MT

Michelle Howke

From: Anne Klein [redacted]
Sent: Monday, July 6, 2020 10:27 AM
To: Michelle Howke
Subject: Masks

Have read the articles about masks in the Daily Interlake and the Pilot. I have been coming to Whitefish for over 20 years for four months in the summer. I am very concerned to see the lack of masks in stores (retail, hair salons, groceries, etc.) and restaurants in Whitefish. Costco in Kalispell has the right idea. Don't enter without a mask! The amount of visitors from all over is absolutely frightening. I am hoping a strong resolution is passed tonight requiring masks. My name is Anne Klein Post Office Box [redacted] Whitefish.
Sent from my iPhone
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Mary Reed Kuennen [redacted]
Sent: Sunday, July 5, 2020 10:15 PM
To: Michelle Howke
Subject: Mask requirement

I have lived in whitefish for 35 years and support a city requirement to wear masks in public places. I wear one but have seen too many people who don't and they also do not stay at least 6 feet from me. This is a small price to pay to keep businesses, schools, and daycares open. If people don't like it they have a choice to travel and shop elsewhere.

Thanks,

Mary Kuennen

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

Michelle Howke

From: Betty Kuffel [redacted]
Sent: Monday, July 6, 2020 9:15 AM
To: Michelle Howke
Subject: MASK RESOLUTION

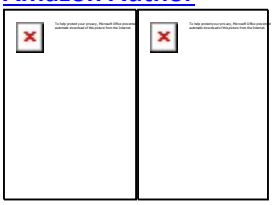
YES! I am in favor of mandated masks.

As a physician, I highly recommend we follow the science, listen to experts and mandate mask wearing in Whitefish.

We have it in our power to make a difference and keep our residents safer. We can set an example for the hordes of visitors we will see this summer and avoid overloading our healthcare providers and hospitals.

Betty Kuffel, MD

Betty Kuffel, MD FACP
Whitefish, MT
https://www.bettykuffel.com
Amazon Author



EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: [redacted]
Sent: Monday, July 6, 2020 10:11 AM
To: Michelle Howke
Subject: Face Mask Resolution

It is imperative we mandate face mask wearing in public. Science, experience and common sense show it is the only measure currently available to limit the spread of Covid-19.

This mandate is no different from other public safety measures such as speed limits or waiting for the green light to proceed.

We need to use judgement and wisdom to fight this critical pandemic.

Tom Kuffel
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Richard Closson [redacted]
Sent: Sunday, July 5, 2020 8:37 PM
To: Michelle Howke
Subject: No Masks Please!

Janice Lamparelli
[redacted]
Whitefish, MT 59937

I am opposed to mandatory laws being made in the name of safety when scientifically, the virus goes right through masks. It is unhealthy for people to breathe in carbon dioxide all through the day! It causes an insufficient amount of oxygen in our blood as well! Please do not make it mandatory! Thank you for listening!

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

Michelle Howke

From: john latchaw [redacted]
Sent: Monday, July 6, 2020 7:46 AM
To: Michelle Howke
Subject: Facemasks.

Glad to see you making an effort to enforce the wearing of face masks. I hope it's mandatory with all the tourists we have coming between Whitefish and Columbia Falls, where i live. Hope the meeting is successful today and good luck.
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Jillian Lawrance [redacted]
Sent: Monday, July 6, 2020 10:29 AM
To: Michelle Howke
Subject: Whitefish - Use of Masks

To whom it may concern,
I am writing to you as a concerned citizen of Whitefish to let you know that I am in favor of encouraging and even **requiring** mask use while in all public places. Our town is seeing a huge amount of tourists from all over the country - seems like more than any other year. This is frightening as many are coming here from "hot spot areas" and quarantining for 2 weeks is no longer required. Also, I have seen so many not wearing masks or social distancing. Bars, restaurants, beaches and even the mountain are packed and very few people are following federal guidelines to prevent the spread of covid 19! PLEASE PLEASE PLEASE pass this resolution so that our community, especially those that are vulnerable, will be better protected.

Thank you,
Jillian Lawrance
[redacted]
Whitefish, MT 59937
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Ron Lenoch [redacted]
Sent: Monday, July 6, 2020 9:21 AM
To: Ron Lenoch; Lisa Lenoch; Michelle Howke
Subject: Re: Masks in Whitefish

Thank you for the opportunity to respond to the mask issue in Whitefish.

It concerns us that we as citizens are close to losing the freedom to make our own decision about when/where to use masks. We have been given guidelines to follow and science also has proven that effective handwashing, covering your mouth when coughing, and avoiding touching your face and mouth are most effective in stopping the spread of infection.

We have listened to several physicians that question the effectiveness of wearing a mask as many touch the mask, adjust the mask, or pull it down exposing the nose so they can breathe. So there is some controversy.

We have observed people in Whitefish being responsible wearing masks when they feel they are needed. We believe the wearing of masks does not need to be mandated but should continue to be an individual decision.

We have appreciated the handwashing stations in businesses in the area and and believe we are capable of making the decision to wear a mask depending on the situation.

Thank you,
Lisa and Ron Lenoch
Whitefish
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Richard Closson [redacted]
Sent: Sunday, July 5, 2020 9:24 PM
To: Michelle Howke
Subject: Masks

Greetings!
Thanks for the opportunity to voice our strong community position against a mandate on masks.
We can all agree there are positions all across the board on this issue. All the more reason to respect people's freedom to choose. Common sense! Let us make wise decisions based on facts. As a non-political independent thinker, engineer currently practicing in medical pediatrics, the fact is there is a 1% positivity rate for for testing, .0022% death rate per (+) test, .0002% DEATH RATE for the Montana population... death rate, goes down the more we test. That is testing positive DOES NOT MEAN you are sick. Is it not wiser to make decisions based on facts versus emotions and politics for the health of our amazing community?

Thank You!

Gregory Logan, M.S., SLP
[redacted]
Whitefish, MT

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

Michelle Howke

From: Hikmat Maaliki [redacted]
Sent: Monday, July 6, 2020 9:37 AM
To: Michelle Howke
Subject: comments on mask resolution

I would like to express support for the City of Whitefish to enforce a mandatory policy on wearing masks in public places, especially indoors. There has been a large influx of people locally and there is very little masking in public places, including retail stores, supermarkets, as well as outdoor public spaces where crowding is occurring (such as the Whitefish Mountain Resort.) Given the explosive rise in cases of Covid 19 around the country, it seems inevitable that without more enforceable measures regarding masking, Covid will spike locally and potentially lead to excessive burden of illness and death. There is plenty of data showing that masking reduces the risk of infection/transmission of Covid 19. Given that local businesses bear the brunt of the risk, the City of Whitefish could create less burden on individual businesses pertaining to guests potential social and political views by enforcing masking as a Public Health issue. Businesses could then cite local ordinance as a requirement for their patrons to mask.

Thanks for your consideration.

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EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Richard Closson [redacted]
Sent: Sunday, July 5, 2020 8:13 PM
To: Michelle Howke
Subject: Masks.

Michelle Macalister
[redacted].
Whitefish, MT 59937

Scientifically masks have been proven to be more problematic for the body than helpful. Walking around all day in a mask makes me feel like "I can't breathe!"

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: [redacted]
Sent: Monday, July 6, 2020 10:24 AM
To: Michelle Howke
Subject: support strong mask resolution

We are a family of six here in Whitefish, and we all strongly support the city council to pass a mask requirement resolution to protect us all - locals, tourists, and workers.

Unfortunately, the population cannot be trusted to follow encouragement - we would support a much stronger order REQUIRING masks in public - or soon, we will all be in a shutdown situation once again.

I am dismayed and disappointed to drive past downtown Whitefish and see so many people without masks - locals and tourists alike. Consequently, no one from our family will visit any business or restaurant on Central Avenue or elsewhere in Whitefish. We are sending one person to the grocery store - and obviously none of us are attending or spending any money at art fairs, farmers markets, coffee shops, restaurants, shops, etc.

Our state and national governments don't get it - we hope the Whitefish City Council is brave enough and smart enough to do what is needed. Please step up!!
Thank you.
Karen MacCarter
[redacted]
Whitefish
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Daryl MacCarter [redacted]
Sent: Monday, July 6, 2020 10:10 AM
To: Michelle Howke
Subject: yes to mask resolution

I am an MD and would strongly recommend that masks be worn at all times when in public, even when being able to social distance, as covid19 is contagious by respiratory droplets (even with normal conversation) and especially when people who are shouting, coughing or sneezing - I am in full support of the city council,s requirement !- let,s keep our community safe ! Daryl MacCarter MD,MS,FACP,FACR - cell phone 2[redacted] , address [redacted]. , Whitefish Mt
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Ward MacIntyre [redacted]
Sent: Sunday, July 5, 2020 10:38 PM
To: Michelle Howke
Subject: In support of requiring masks

In response to recommendations from the CDC and the WHO The MacIntyre family would like to see the city of Whitefish implement a policy requiring facemasks to be worn appropriately while in public spaces.
Although recommended it does not seem as though visitors and others are using face covers appropriately. Creating a unified policy for our town would help protect not only Montana residence but others as well. In hopes of avoiding additional cases and future shut downs which have astrong economic ramifications we would like to see the city whitefish be proactive and encouraging all people to a face mask when in public settings.

Sincerely,
Ward and Kristen MacIntyre
[redacted]
Whitefish

Sent from Yahoo Mail for iPad
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: [redacted]
Sent: Monday, July 6, 2020 9:35 AM
To: Michelle Howke
Subject: masks

I think everyone needs
to be required to wear a
mask when they are out in
public no matter the
circumstances .
Janice Maddux
[redacted]
Whitefish
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: DONNA maddux [redacted]
Sent: Sunday, July 5, 2020 10:09 PM
To: Michelle Howke
Subject: Community policy for masks…please!

I actually live in Olney. However, I get my mail, bank, attend church, and generally consider myself Whitefish. Our guests don't realize our comparatively small numbers are relative to our population and services. My daughter, who has Covid antibodies (long story) wears her mask in crowds to show solidarity.

With summer weather, and mixed messaging aplenty, we need a regulation to wear masks in public places. Thank you, Donna Maddux

Sent from Mail for Windows 10

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: [redacted]
Sent: Monday, July 6, 2020 9:37 AM
To: Michelle Howke
Subject: Re: Masks

My address: [redacted]
Whitefish, Mt
[redacted]

Sent from my iPhone

> On Jul 6, 2020, at 9:36 AM, [redacted]
>
> Dear City Counsel Members,
> Thank you for your service to our community, especially during this time of uncertainty.
> I support a resolution to require masks when unable to socially distance outdoors, or while indoors and not eating.
> Janice McCann
>
> Sent from my iPhone
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Sherry Lynn McIntyre [redacted]
Sent: Monday, July 6, 2020 8:12 AM
To: Michelle Howke
Subject: No face mask

No face mask in Whitefish!!! Don’t push uneducated beliefs on me

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

Michelle Howke

From: Michael Meador [redacted]
Sent: Monday, July 6, 2020 9:42 AM
To: Michelle Howke
Subject: Masked man

Hi, Mike Meador here, co-owner of Glacier Cyclery. I'd like to voice my support for the wearing of masks in Whitefish businesses. It just seems like the smart thing to do. Co-owners Vanessa Gailey and Tyler Tourville also support this resolution. I know that co-owner Ron Brunk sat in on Mayor Muhlfeld's meeting on this subject, but as Ron is retired and doesn't deal with the public on a daily basis, I think his opinion might differ from the rest of the owners of Glacier Cyclery. We thank you for your time and consideration on this matter.

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

Michelle Howke

From: Christopher Miller [redacted]
Sent: Monday, July 6, 2020 8:20 AM
To: Michelle Howke
Subject: PUBLIC COMMENT: Mask Resolution/Mandate

Please consider my public comment regarding the Whitefish pandemic mask mandate resolution. Below are questions I request the council consider before reaching a decision.

1. What is the city's stated objective with the mask mandate? News articles indicate there is a desired result but do not state what that result is.
2. Is the desired result measurable or is it a subjective outcome?
3. How will we know when success has been achieved? When will the mandate end?
4. If the city's objective is to save lives can we expect the mandate to remain in place during the next influenza cycle? Why or why not?
5. Will the mandate require masks be worn outdoors? The Daily Inter Lake article on 7/6/2020 suggests this will be the case as it includes "city parks, sidewalks, shared-use paths or other public rights of way".
6. What property specifically would the mandate leave as mask free zones?
7. How will the mandate be enforced? For example, if a citizen chooses not to wear a mask while on a city sidewalk, park or other public use space will they be fined, arrested or something else?
8. Will the city facilitate citizen reporting of violations from other citizens? If so, will the accusation be anonymous or public record?
9. What is our definition of social distancing and how do we know when it is being violated? For example, is it a violation if citizens ambulate past each other, briefly collapsing the 6' zone?

City manager Dana Smith stated "dozens of email requests by business owners and citizens" is the impetus behind this public policy discussion. Might it be less intrusive to assist businesses who have formally requested action? Creating official city signage, advertising the business names in the local paper and city website would help inform the public and facilitate businesses making their own decisions.

Costco, at its discretion, has mandated mask wearing in their stores for months. If big box stores like Costco are allowed to make their own decisions why would a local proprietor not be afforded the same right? Business choice and personal choice - not government dictation - is a less intrusive solution.

Respectfully,

Chris Miller
Whitefish
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Patrick Nagle [redacted]
Sent: Monday, July 6, 2020 9:57 AM
To: Michelle Howke
Cc: Patrick Nagle
Subject: Against Face Mask Mandate; Recommendation for Tourists fine.

Michelle,

1) At this time, I am AGAINST a mandatory face mask requirement in the City of Whitefish for residents. If you would like to require quarantine and/or face masks for tourists OR a "recommendation" for the city, that is fine with me.

2) Please re-paint all the crosswalks in downtown Whitefish immediately before another kid gets hit by a car. It's a separate issue, but I guarantee you someone is going to get hit by a car at 6th Avenue where it crosses Spokane (between Remax of Whitefish and National Parks Realty) because that is where about 100 people cross the highway a day on bikes and on foot. When one car stops, another usually tries to speed around it on the right without realizing that the car in front of them has stopped to let a 7 year old on a bike cross the highway. Inevitably, there should be a crosswalk installed at that intersection and the 25mph speed limit should be extended south another block or two so no one arrives at that intersection going 40-50mph (posted speed 35mph up to 6th street where it turns to 25mph through town). I noticed that a new blinking/lighted 25mph sign was installed last week and it has had a moderately positive effect, but there are still people that barrel past my house at 550 Spokane at speeds upwards of 40-45mph frequently (usually talking on their phones). Speeders tend to slam on their brakes when they see a kid on a bike crossing the intersection in front of the Garden Wall Inn where the blinking crosswalk is installed.

Thank you.

Sincerely,

Patrick Nagle (WHITEFISH RESIDENT)
Broker/Owner
Nagle Realty- Whitefish MT
[redacted], Whitefish MT 59937
[redacted]
www.NagleRealty.com

Montana Broker License:
RRE-BRO-LIC-74603
California License #01964442

Michelle Howke

From: Shirley Olsen [redacted]
Sent: Monday, July 6, 2020 3:57 AM
To: Michelle Howke
Subject: Masks

Good Morning, I wanted to let you know I am against mandatory face masks in Whitefish. If you do this I will no longer shop or do anything at all in town will take my business out of town. Please just recommend them.
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Shirley Olsen [redacted]
Sent: Monday, July 6, 2020 3:53 AM
To: John Muhlfeld
Subject: Masking

Hi Just wanted to let you know I am 100 percent against mandatory face masks ! I will not shop or do any activity in Whitefish if this happens. If you want to recommend sure but to make them mandatory is wrong. So please do no do that.
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Ronald Olson [redacted]
Sent: Friday, July 3, 2020 6:12 PM
To: John Muhlfeld
Subject: Masks

With the influx of tourists in Whitefish with the majority not following Covid protocol, we encourage the adoption of mask requirements. This is putting our citizens at risk with so many from different states visiting.
Thank you,
Ron & Linda Olson

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

Michelle Howke

From: Richard Closson [redacted]
Sent: Sunday, July 5, 2020 8:44 PM
To: Michelle Howke
Subject: Masks

David Payiva
[redacted]
Kila , MT 59920

Sent from my iPad
No masks!!! Please!!!
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Brandi Peerman [redacted]
Sent: Sunday, July 5, 2020 11:30 PM
To: Michelle Howke
Subject: Face masks

Dear City Council,

I am the owner of The Farmhouse Inn and Kitchen on Lupfer Ave. I strongly oppose this resolution. Forcing my staff to wear face masks will put myself, my family, my employees, and the general public at risk for severe Covid infection. There is no scientific evidence to support wearing face masks as a way to prevent the spread of Covid-19. There is strong evidence and studies that show wearing face masks increases your risk of infection and other health problems. Face masks decrease oxygen intake. Face masks are about 3-4% effective at reducing the spread of particles small enough to spread infection. However, face masks cause large saliva particles to accumulate in the inside and the outside of the mask. A study was done to determine why some first responders and ICU workers who were otherwise young and healthy were dying from Covid. It was determined that the large particles of saliva that collect on the masks are inhaled and collect in the airways in large amounts and travel to the brain killing the ICU doctors. In addition to this risk, the large particles that accumulate on the outside of the masks are spread rapidly when employees are constantly touching their masks to adjust them as they are very uncomfortable. I watched the entire staff at jersey boys pizza touch their masks no less than 20 times each in the 5 minutes I waited for my order. They were wearing gloves but touching their masks and then touching the food. They would have been far better off not wearing the masks.

Forcing my staff to wear face masks will put myself and the city of whitefish at risk for litigation. Businesses and municipalities are being sued all over the country for forcing employees to wear masks. As a restaurant owner I know that my staff works hard every day. Theyre breathing heavy and sweating in the kitchen. If you dont believe me then I welcome you to come work a shift in our kitchen with a mask on and see how you feel. One of the ladies at Reecias salon passed out from wearing a mask. That was just standing. Try manual labor with a mask on. It is completely irresponsible of the city to demand workers and the general public trying to get some exercise in public pathways and children playing in parks to put their health at risk. Really??? We need to wear a mask while walking outside on a path???? You've got to be kidding me!

Some say wearing a mask is a form of mutual respect during the covid pandemic. However, reminiscent of Nazi Germany, psychological manipulation is a type of social influence that aims to change the perception or behavior of others through Indirect, deceptive, or underhanded tactics. We are not discussing what others can do be safe and healthy anymore Because the facts show face masks are not healthy. We're only discussing what people can do for each other. This is a great method of control. Tell the masses this is for community benefit and we all need to do the same thing and feel the same way. Social shaming and herd mentality will get most to comply. This is psychological manipulation at its finest.

I talk to hundreds of people and local business owners every day at the restaurant and I don't believe the majority of locals would want this resolution passed. I know the feel of this town and this resolution is not wanted.

I have had my business destroyed enough from Covid. My staff will be unable to work if this is forced on them, further hurting our business. You are asking me to force something on my staff with zero scientific evidence of any benefit. You are telling me I have to force customers to wear masks. This will deter tourists. This resolution will put burdensome restrictions on our customers. You are going to hurt the businesses in the city of whitefish Further with this resolution. Why would you do that?? You are going to intentionally hurt our business so you can appear politically correct. I would think you would want to educate yourselves prior to making a decision like this. I am so disappointed.

The following are just a few of many, many reports that support my claims.

The National Institutes Of Health concluded that N95 and surgical facemasks can induce significantly different temperatures and humidity in the microclimates of facemasks, which have profound influences on heart rate and thermal stress and subjective perception of discomfort. See attached study- https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7087880/

Here is an article from Dr. Blaylock in face masks that pretty much sums up everything- https://www.meehanmd.com/blog/2020-06-12-healthy-people-should-not-wear-face-masks/

1) Wearing a face mask may give a false sense of security and make people adopt a reduction in compliance with other infection control measures, including social distancing and hands washing.[3]

(2) Inappropriate use of face mask: people must not touch their masks, must change their single-use masks frequently or wash them regularly, dispose them correctly and adopt other management measures, otherwise their risks and those of others may increase.[3,4]

Other potential side effects that we must consider are:

(3) The quality and the volume of speech between two people wearing masks is considerably compromised and they may unconsciously come closer. While one may be trained to counteract side effect n.1, this side effect may be more difficult to tackle.

(4) Wearing a face mask makes the exhaled air go into the eyes. This generates an uncomfortable feeling and an impulse to touch your eyes. If your hands are contaminated, you are infecting yourself.

(5) Face masks make breathing more difficult. For people with COPD, face masks are in fact intolerable to wear as they worsen their breathlessness.[5] Moreover, a fraction of carbon dioxide previously exhaled is inhaled at each respiratory cycle. Those two phenomena increase breathing frequency and deepness, and hence they increase the amount of inhaled and exhaled air. This may worsen the burden of covid-19 if infected people wearing masks spread more contaminated air. This may also worsen the clinical condition of infected people if the enhanced breathing pushes the viral load down into their lungs.

(5B) The effects described at point 5 are amplified if face masks are heavily contaminated (see point 2)

(6) While impeding person-to-person transmission is key to limiting the outbreak, so far little importance has been given to the events taking place after a transmission has happened, when innate immunity plays a crucial role. The main purpose of the innate immune response is to immediately prevent the spread and movement of foreign pathogens throughout the body.[6] The innate immunity's efficacy is highly dependent on the viral load. If face masks determine a humid habitat where the SARS-CoV-2 can remain active due to the water vapour continuously provided by breathing and captured by the mask fabric, they determine an increase in viral load and therefore they can cause a defeat of the innate immunity and an increase in infections. This phenomenon may also interact with and enhance previo

Brandi Peerman
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: David Perry [redacted]
Sent: Monday, July 6, 2020 7:16 AM
To: Michelle Howke
Subject: comments on covid masks

Hello City of Whitefish,

My name is David Perry and I live on [redacted] here in Whitefish. This is an email responding to the City of Whitefish proposed plan to require face masks in public within the city limits.

The World Health Organization put out a statement-
(https://abcnews.go.com/Health/cdc-offer-conflicting-advice-masks-expert-tells-us/story?id=70958380)
"If you are healthy, you only need to wear a mask if you are taking care of a person with COVID-19," the WHO guidelines read.

As the CDC states, "If you are at risk, do not go out". Therefore it appears prudent to not require the large healthy segments of the population not to wear masks.

As a side note, can you please describe who are 'stakeholders' in the Whitefish area?

Thank you Michelle!

David Perry

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Carole Peschel [redacted]
Sent: Monday, July 6, 2020 10:14 AM
To: Michelle Howke
Subject: Masks

Please make masks mandatory in Whitefish. You made the hard decision earlier to extend the ban on hotels etc. It was a hard decision to make but you did the right thing. Please do the right thing again.
Banners on the entrances to our town.
MASKS REQUIRED $500 fine. Fine businesses that are non compliant.

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Rachel [redacted]
Sent: Sunday, July 5, 2020 8:48 PM
To: Michelle Howke
Subject: Public comment for mask wearing

Rachel Phillips
[redacted]
Whitefish

My public comment is:
It harms no one for people to wear masks, but possibly harms hundreds of people if people don't wear masks!!! This could result in an immense strain on our medical resources.

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

Michelle Howke

From: Chris Prew [redacted]
Sent: Monday, July 6, 2020 10:23 AM
To: Michelle Howke
Subject: Comment in WF Mask resolution

Hi- I support the proposed resolution for wearing masks in Public places in whitefish. There are so many visitors here who are not social distancing and wearing masks.

Chris prew
[redacted], whitefish 59937
--
Chris Prew
Whitefish, MT
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Phyllis Quatman [redacted]
Sent: Monday, July 6, 2020 9:28 AM
To: Michelle Howke
Subject: Mandating masks

Hi, all,

Jack and I support mandating the wearing of masks during this pandemic.

Thanks,

Phyllis and Jack Quatman

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Cheryl Rice [redacted]
Sent: Sunday, July 5, 2020 11:15 PM
To: Michelle Howke
Subject: Masks

Please pull up this booklet 1st before wearing a mask. http://themillenniumreport.com/2020/06/read-this-first-before-ever-wearing-a-mask-warning-update/?fbclid=IwAR35MvQYhIVy12H3jtMOzZXELkhdi7pKEwhP9cbGNXNYcEnx_fsSU16zvpo
This virus is not as serious as previously predicted. No masks because there is absolutely NO scientific evidence by a virologist that a mask will prevent you from getting the virus.
To begin with, we live in a constitutional republic. Choice is part of all our systems. This category should be no different.
Secondly, if Covid was closer to the Black Death instead of the flu, and the original Neil Ferguson model was accurate, I would be wearing a mask to bed. But why are regulations stricter now when we are closer to herd immunity and have found better treatment protocols that have lowered the death rate. Prove this wrong!!.... What really matters is DEATH RATES, not the results from testing, which can be faulty. According to the CDC death rates in USA have been declining since mid April. It's over, in fact in never really began. CDC on same page claims USA population is 327,167,434. Do the math: To date overall death rate per capita is 0.0003%. That's a pandemic? Not even close!
Death rates have now fallen to 0.000002%. And now they want to close down again AND force everyone to wear masks everywhere all the time? Next they will want to vax everyone against it? Please, ask yourself, does this seem right to you? If you want to wear a mask or get a vax shot, please do. It's okay. But do the death rate numbers really warrant the need for everyone to wear a mask all the time? The answer is NO, those of us who are healthy need to maintain our good healthy immune system, not destroy by wearing a mask.
How come no one is talking about our immune systems?! Focusing on masks and not healthy habits is only a bandaid. No one is talking about the importance of diet, exercise, sunlight and sleep. What if there was a campaign about cutting back on sugar and alcohol to lower inflammation in the body? Viruses and cancers thrive in unhealthy bodies. Masks do not fix the problem of those who have a compromised Immune System. Yes, some have it beyond their control and those individuals need to isolate, and individuals who are around them need to protect them if they choose to wear a mask.
Unless you put me in charge of your life style, why do I need to wear a mask for you? My mask is not the tipping point. Your immune system is your responsibility. What if we all take accountability for our health? What would that look like? How could the government support vulnerable populations in this capacity? True leaders work to unify, mask mandates do not unify. We should question leaders who turn us against each other. Communication and intention matters. The battle over masks is just a physical manifestation of how intolerant and polarized we've become.
Using respect as the main reason to wear a mask is nonsensical. If I am sick, I will happily wear a mask. If it's a store policy I will have to comply if I want to shop there, but I will look for another store that doesn't require a mask 1st. otherwise, if I am healthy it's my right to choose the amount of risk I am willing to take on. Data is also in that people who are asymptomatic are not spreading the virus.
Where is the data that masks make a difference coming from? Last I heard it came from nurses and doctors in hospitals. I doubt there is a way to test mask effectiveness.
Lastly, and most importantly- watching people get on board with arbitrary regulations makes me feel more strongly than ever that I must stay present and in the truth. Today it's a mask mandate and in a month it could be gloves and in a year who knows, forced vaccinations? We are accepting Executive orders like they are normal. Our system is set up so one person or a small group of people do not have too much power.

The media has done a great job scaring people but I encourage everyone to ask questions and look for positive information. There is plenty to be found. If you feel safer in your mask, I fully support your choice. I stand for a future where every human being is respected and empowered to speak their truth. But don't force me to wear a mask. Sincerely, Cheryl Rice Box [redacted] Columbia Falls, MT 59912

Sent from Mail for Windows 10

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Nancy Robinson [redacted]
Sent: Monday, July 6, 2020 9:45 AM
To: Michelle Howke
Subject: Yes for Mask Requirement

Hi Michelle,

I wish to vote yes for mask requirements in the City of Whitefish.

I am older and feel more susceptible to Covid 19. I hope everyone feels the need to wear a mask for the good and protection of all.

Thanks.
Nancy Robinson
[redacted]
Whitefish, MT 59937
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Dana Smith
Sent: Monday, July 6, 2020 9:22 AM
To: Michelle Howke
Subject: FW: Masks

Follow Up Flag: Follow up
Flag Status: Flagged

Dana Smith, CPA
City Manager
City of Whitefish
418 E. 2nd Street
P.O. Box 158
Whitefish, MT 59937
Ph: 406-863-2406
Fax: 406-863-2419

From: Susan Robison [redacted]
Sent: Monday, July 6, 2020 7:02 AM
To: Dana Smith <dsmith@cityofwhitefish.org>
Subject: Masks

I believe masks should be mandatory in Whitefish and all of flathead county!
Thank you.
Susan Robison
[redacted]
Whitefish

Sent from my iPhone

> On Jul 3, 2020, at 6:58 PM, Dana Smith <dsmith@cityofwhitefish.org> wrote:
>
> Greetings Whitefish Folks,
>
> Next Monday, July 6th, the City Council will have a work session starting at 5:00 p.m. to review the draft FY21 City Council Goals and the regular meeting will follow at 7:10 p.m. in the City Council Chambers. I have attached the agenda for the both meetings, as well as the report on agenda items and my report to

the City Council. Please be aware we have limited space in our City Council Chambers and encourage those who wish to provide public comment to send an email to mhowke@cityofwhitefish.org or drop a letter off at City Hall before 4:00 p.m. on the night of the meeting.

There are three other meetings scheduled for next week (agendas attached):

- Monday July 6th: Pedestrian and Bicycle Path Advisory Committee meeting is scheduled for 8:30 a.m. in the City Council Chambers
- Tuesday, July 7th: Whitefish Architectural Review Committee meeting is scheduled for 8:15 a.m. in the Council Conference Room
- Thursday, July 9th: Whitefish Strategic Housing Plan Committee meeting is scheduled for 6:00 p.m. in the City Council Conference Room

NEW WEBSITE COMING IN JULY! City staff have been working diligently to update the current website. The updated website will allow increased accessibility and make notifications, alerts, reporting issues, and paying bills easier. We are looking forward to enhanced community engagement and communication through this new web portal for the city.

<image001.jpg>

<image002.jpg>

COVID-19 UPDATES
Please remember the risk of COVID-19 is still present as cases rise in other counties. We ask that you continue to wash your hands or use hand sanitizer frequently, practice 6-feet physical distancing, and wear a mask in public. You can learn more at www.WhitefishCovidCares.com.
The City Council will consider a resolution strongly encouraging mask be worn in Whitefish on Monday evening, which can be found in the City Council packet.

Have a safe 4th of July weekend!

Take care,

Dana Smith, CPA
City Manager
City of Whitefish
418 E. 2nd Street
P.O. Box 158
Whitefish, MT 59937
Ph: 406-863-2406
Fax: 406-863-2419

<image003.jpg>

<2020.07.06.Agenda.ws.pdf>
<2020.07.06.Agenda.revised.pdf>
<2020.07.06.Agenda.report.pdf>
<07-06-20 City Manager Report.pdf>
<Pedestrian and Bicycle Path Advisory Committee Agenda July 2020.pdf>
<Agenda 7-7-20.pdf>
<07-09-20 WF Strategic Housing Plan Steering Committee Agenda.pdf>

Michelle Howke

From: Wayne Robinson [redacted]
Sent: Monday, July 6, 2020 8:59 AM
To: Michelle Howke
Subject: YES on Mask Requirement

Hi Michelle,

Please log me down as a vote to require a mask be worn in Whitefish when in public places.

Due to age and pre-existing conditions I am in a high-risk for dangers of Covid-19 infection.

Currently I am only shopping at places that have mask requirements and would love to see that expanded.

Thank You

Wayne Robinson
[redacted]
Whitefish, MT 59937

Sent from Mail for Windows 10

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Brenda Roskos [redacted]
Sent: Sunday, July 5, 2020 10:55 PM
To: Michelle Howke
Subject: Forced masking
Attachments: Screenshot_20200703-224709_Messenger.jpg

This is unacceptable and appalling. I as well as my deceased parents (who would have been outraged over this) strongly disagree to this masking nonsense even the CDC admits masks dont work! We all moved to WF in the 1970s and this is total insanty.

A large number of residents from the Flathead Valley will discontinue their support of WF. And this is big talk all over the valley.

No Grocery shopping or recreational shopping
Restaurant Dining
Dental visits or Doctors etc etc etc.

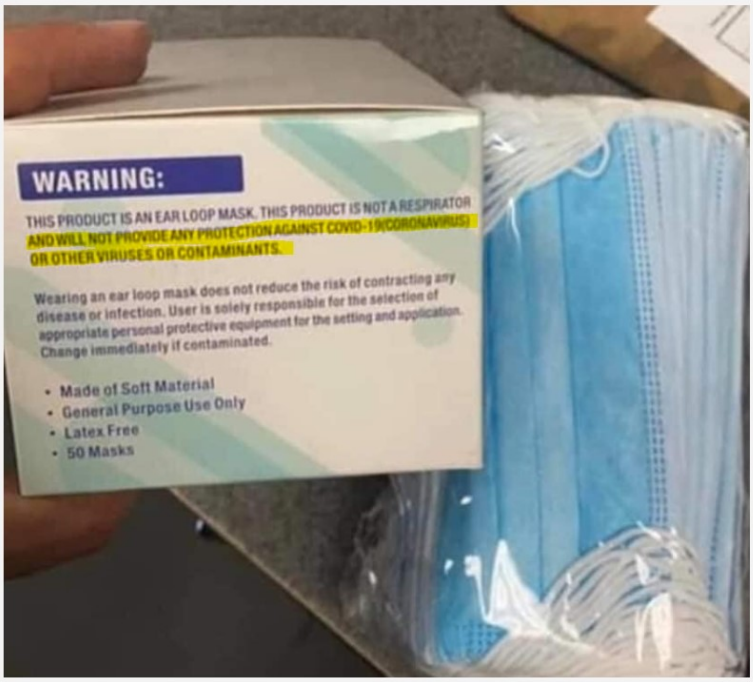
Mrs. Louise Roskos

Kalispell Montana

EXTERNAL SENDER verified by City of Whitefish IT

10:47 34%
Occult Ritual Transformation and Co...
haveyenotread.com

And here's one little thing in particular they'd love you to keep silent about:



Caption on box of standard face masks: "This product...will not provide any protection against COVID-19 (Coronavirus) or other viruses or contaminants" ...

Yes, they even admit *right on the box holding the face masks* that they don't work for coronavirus.

Share This

Michelle Howke

From: Susie Ruffatto [redacted]
Sent: Monday, July 6, 2020 9:10 AM
To: Michelle Howke
Subject: Face masks

As a long time Whitefish resident, I would like to express my support for any decisions that will encourage the use of face masks. We are so fortunate to live in an area with (so far) relatively light viral presence. Evidence seems to be indicating that widespread use of masks can prevent the spread of more virus. Those who are exposed to the public through their work, including my daughter and son-in-law who are both nurses in the valley, along with all the wonderful people who are now at work in local businesses deserve to be protected.

Thank you and I hope the proposal passes!

Susie Ruffatto
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Dawn Rush [redacted]
Sent: Saturday, July 4, 2020 6:17 PM
To: Michelle Howke
Subject: Please take a minute to read

Follow Up Flag: Follow up
Flag Status: Completed

An Arizona mayor's letter to his city:

Dear Citizens of Eagar,
Over the past several weeks I have been asked repeatedly what the Town of Eagar plans to do about Covid19, masks, visitors, riots, etc. It is somewhat alarming how many expect and almost invite a more drastic infringement on their freedoms. My response from the onset of the Covid19 pandemic has been that we will err on the side of freedom. When riots began to riddle the country and our governor took the drastic measure of a statewide curfew, again, I maintained that we will err on the side of freedom. I have received numerous phone calls from reporters, citizens, visitors, and complete strangers to our area asking why the Town of Eagar has not cancelled upcoming rodeos and our 4th of July parade. Again, my response is that Eagar will err on the side of freedom. What authority does the Town of Eagar, or any other state or local government, have to infringe on the rights of healthy law- abiding citizens?
It bares mentioning that I am not one that believes that the coronavirus is fake or any one of a dozen other theories disseminating across the internet. Covid19 is a real virus that unfortunately has drastic negative effects on the health of some of the individuals that contract it. Just as with the flu virus, some of those individuals will die. I do not make light of the fact that its effects on individuals and families throughout the globe have been and will continue to be life changing and/or life ending.
There are many individuals that risk serious peril if they were to contract the virus. Those individuals should take extreme precautions. I certainly would were I in their position. In fact, I would invite those individuals to please stay home and not attend our festivities. But don't ask that the government require it of healthy law-abiding citizens. If an individual is fearful of contracting the virus, I would invite that individual to take every precaution they deem fit; including wearing masks, gloves, or a variety of other personal protective equipment. Those precautions do not harm me and I will not judge you adversely for doing what you feel is best for you. But don't ask that the government require it of healthy law-abiding citizens.
As grim as Covid19 is portrayed under the most drastic scenario, I dare say that we are facing a much more serious pandemic here in America. We are currently in the midst of the nation's first political pandemic. Never before in the history of America has ignorance and bigotry been more celebrated. Never before has our government been more eager and willing to take away freedoms from the citizenry. Never before has the citizenry been more willing to give them up. Benjamin Franklin warned that "Those who would give up essential liberty to purchase a little temporary safety, deserve neither liberty nor safety". I believe his warning is as applicable today as it ever was. Some will say that these safety measures have not impacted individual liberty. To them I would quip Thomas Jefferson: "If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be." The right to move about freely in public is one of the cornerstones of American democracy. In a panicked frenzy, created by the media, state and local governments trampled that right wholesale. History will not judge us kindly for our actions over the past several months.
In closing, where would America be if our ancestors that pioneered the countryside, facing a mortality rate that would make the coronavirus look like a scratch, had simply given up, turned back, or laid down and died out of fear? Where would America be if its brave service men and women, who throughout history have on occasion faced odds of almost certain death, simply refused to fight out of fear? When did we stop being the land of the free and the home of the

brave? Take charge of your own life. Nobody owes you anything. The government has never been more ill equipped to solve your problems nor is it its function to do so. This is America! Stand up and be somebody! Be brave and live free.
Mayor Bryce Hamblin Town of Eagar
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Christine Samuels [redacted]
Sent: Monday, July 6, 2020 9:19 AM
To: Michelle Howke
Subject: Masks in Whitefish

I am writing to express how strongly I feel that Whitefish residents and visitors should NOT be required to wear masks. It should be a personal choice whether or not to wear a mask in public.
On a professional level, I work in a front office of a busy company in Whitefish and have a steady flow of clients coming and going all day that I interact with. We leave it up to the clients whether they wear a mask or not, and if it makes them more comfortable we put masks on for meetings.
On a personal level, I have a daughter who is deaf and relies on lip-reading for communication. Masks not only muffle sound, but also make it impossible for her to lip-read, so therefore she does not have access to communication within her own community. I understand there are clear masks available, but no one here has any reason to purchase them, and they don't really help the issue anyway since they fog up when speaking and make it impossible to lip-read as well. She already has a difficult time with those that are wearing masks of their own volition, but understands that is their choice. But to require everyone to wear them would only alienate her from her peers more than she already is. Am I asking for the decision to be made purely because of my daughter? Of course not. Just one more thing to take into consideration.
Thank you.
Christine Samuels
[redacted]
Whitefish
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: John Sanman [redacted]
Sent: Sunday, July 5, 2020 7:16 PM
To: Michelle Howke
Subject: Wuhan Covid-19 Mask Issue

Thank you for the opportunity to provide feedback on the proposed Wuhan Covid-19 mask action. The following comments are solely based on the material contained in the Daily Interlake article of 7/4/20. No additional detail appeared to be available on the City of Whitefish website, and the vote is reportedly scheduled for 7/6. We have been given two days notice with second hand information over a holiday weekend. This has the sad appearance of an issue that is being deliberately railroaded through. I question whether Council is really interested in contrary feedback.

My feedback is as follows. I strongly recommend the City of Whitefish leave the decision on whether or not to require masks in the capable hands of business owners. In other words, allow business owners determine whether or not to require masks based on their risk tolerance judgement for their own business. If a customer does not comply, they can be told that they are trespassing, and asked politely to leave immediately. If the customer continues to not comply, then the police can be called with a formal trespassing complaint. This process utilizes existing laws already on the books, and therefore should not be controversial. Simple is good.

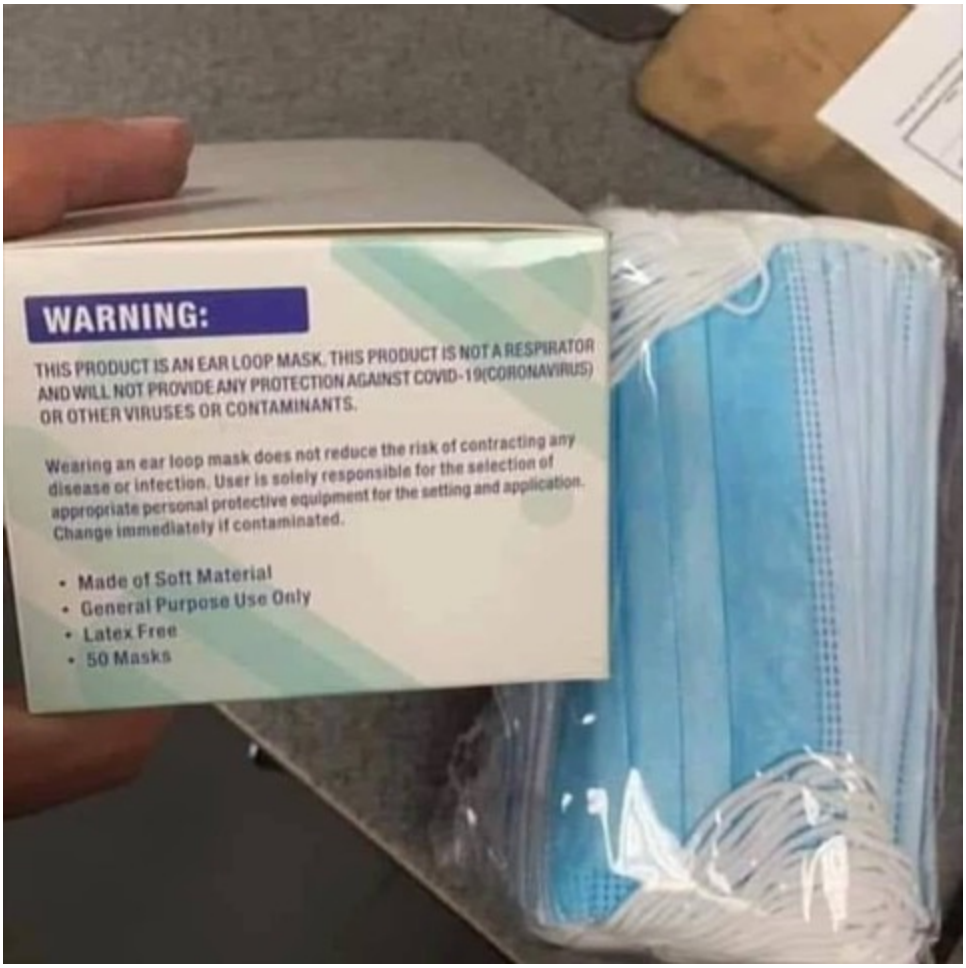
This also allows customers to provide feedback (positive or negative) with their feet. Those who feel more comfortable in a 'mask required' shop will be more likely to patronize it, and vice versa. Those who disagree either way are not forced to do a thing. And it can change on a dime given changes in the Wuhan Covid-19 threat surface. No formal action from City Council is needed, now or in the future.

Bottom line, let freedom ring. Avoid the temptation to do what Whitefish City Council seems all too good at doing, which is dictating to the populace (two days notice with second hand information over a holiday weekend????).

For myself, masks appear to be mostly a political fashion statement, with minimal consideration given to efficacy or need (see attached photo). Given the current Wuhan Covid-19 threat surface, if Whitefish requires masks, I will in all likelihood take my business elsewhere.

Again, thank you for the opportunity to provide feedback.

John M Sanman
[redacted]



EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Kathleen Scott [redacted]
Sent: Monday, July 6, 2020 6:46 AM
To: Michelle Howke
Subject: Resolution support

Hello!

Please add my support to the Resolution.

This isn't a party issue as many try to portray it. This isn't about personal rights. It's about protecting one another and is the most effective, selfless act in reducing the spread.
Since we don't have any federal leadership in this fight, I am so thankful that officials in the city of Whitefish are taking such great care in keeping people safe. Thank you!!!!
Katey Scott

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

Michelle Howke

From: Jordan Scotti [redacted]
Sent: Monday, July 6, 2020 8:34 AM
To: Michelle Howke
Subject: YES to mask mandate

We would urge you to vote YES to a mask mandate in Whitefish.
Thank you,
Doug & Jordan Scotti
[redacted]
Whitefish
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Kelly Shaeffer [redacted]
Sent: Sunday, July 5, 2020 11:04 AM
To: John Muhlfeld
Subject: Mask or No Mask

To John Muhlfeld, Mayor, City of Whitefish

I am responding to your inquiry about people wearing masks in the City of Whitefish. I am a resident of Whitefish and work part time at an art gallery on Central Avenue. My employer does not think masks are required in the gallery for employees, local visitors and out-of-state visitors. I encouraged them to post signs that read “Masks Required”. They denied my request as they think it would discourage people form entering the gallery.

I think it is of the utmost importance to require masks for employees, residents and visitors while in the city of Whitefish. It is not only the responsible thing to do but could protect many residents from obtaining and spreading the COVID-19 virus throughout Montana.

Keep Montana safe!

Thank you for your consideration,
Kelly Shaeffer
[redacted]
Whitefish MT 59937

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Tommy S [redacted]
Sent: Sunday, July 5, 2020 10:30 PM
To: Michelle Howke
Subject: Whitefish Covid Mask

I am a front line retail worker in Whitefish. I work for one of the largest employers in the valley. On a day to day basis I will interact with up to hundreds of people, many of whom are tourists from out of state. We have some measures in place to help protect our guests but I would appreciate it if they would also be considerate towards us by wearing masks. I fear that without additional measures in place we will be either forced to go into lock down again or be subjected to the virus. I live in a building with many people who are particularly vulnerable to this illness. I limit my contact as much as possible but I don't think everyone here in Whitefish is taking this as seriously as we should.

Thomas Shea

[redacted]
Whitefish MT 59937

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Deborah Sheldahl [redacted]
Sent: Monday, July 6, 2020 9:29 AM
To: Michelle Howke
Subject: Masks Should Be Mandatory

Dear City Council,

With the influx of tourists there is an increasing number of people without masks in the downtown area and at our grocery stores. I no longer feel safe shopping there. Some merchants, i.e. Bookwords and Frame of Reference Gallery, have posted their own rules. Others, fearful of backlash, have chosen not to do so.

Please make our city safer for residents and visitors alike by requiring masks in public places.

Sincerely,
Deborah Sheldahl
[redacted], Whitefish, MT 59937

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: george shryock <[redacted]>
Sent: Monday, July 6, 2020 8:52 AM
To: Michelle Howke
Subject: mask resolution

As long time citizens of Whitefish, we support wearing masks when social distance cannot be maintained in our town. Visitors coming from all over increase the possibility of bringing covid-19 to our community, and it is important to keep all of us safe. Masks have been shown to reduce the rate of transmission. All customers and staff in enclosed spaces should be required to wear masks, with reasonable exceptions such as eating at a restaurant table.

George and Jane Shryock
[redacted]
Whitefish, MT

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Tracy & Christi Smith <[redacted]
Sent: Monday, July 6, 2020 10:24 AM
To: Michelle Howke
Subject: mask mandate

Dear City Council,

I am in support of a city mandate requiring the use of masks in Whitefish. In my opinion, it's up to all of us to take care of each other, and there is increasing evidence that mask wearing stops the COVID-19 virus from spreading. As I see it, requiring a mask is a public health issue that is no different than the ban on smoking in public so that the general population is not exposed to second-hand smoke.

Christi Smith
[redacted]
Whitefish, MT 59937
[redacted]6
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Dana Smith
Sent: Monday, July 6, 2020 9:29 AM
To: Michelle Howke
Subject: FW: Mask in Whitefish

Dana Smith, CPA
City Manager
City of Whitefish
418 E. 2nd Street
P.O. Box 158
Whitefish, MT 59937
Ph: 406-863-2406
Fax: 406-863-2419

From: Becky Smith-Powell [redacted]
Sent: Saturday, July 4, 2020 7:07 AM
To: Dana Smith <dsmith@cityofwhitefish.org>
Subject: Fwd: Mask in Whitefish

Dana, sorry to sent this to you, but the email listed in the newspaper did not work for me. Please let me know if you received this. Thanks Becky Smith-Powell

---------- Forwarded message ---------
From: **Becky Smith-Powell** [redacted]
Date: Sat, Jul 4, 2020 at 7:03 AM
Subject: Mask in Whitefish
To: mhowke@cityofwhitefish.com <mhowke@cityofwhitefish.com>

Thank you for requesting input on the use of masks in Whitefish. Please move forward with the use of these personal safety devices. Here are my suggestions:

Masks should be worn indoors at all public places, businesses, and gatherings over 10.

Masks should be worn, when social distancing is not possible, outdoors in events over 50.

* exclusion: for those who are hearing impaired, if they request the person wearing the mask to remove during conversation, there should be no repercussions. Masks should be removed by speakers during public meetings when the speaker who holds the floor is addressing/speaking to the attendees. Many people with hearing impairments, read lips so when a face is covered with the mask, conversation and understanding is not possible.

Again, thank you for the opportunity to express our opinion.

Becky Smith-Powell
[redacted], Whitefish, MT 59937
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: MerryLynn Southers [redacted]
Sent: Monday, July 6, 2020 8:17 AM
To: Michelle Howke
Subject: Resolution on Mask Wearing

To the City Clerk,

I strongly recommend that the City of Whitefish adopt a resolution to require the wearing of masks for everyone – that includes business/shop
owners, shop workers, waiters, all other staff, bartenders, visitors, tourists, locals....everyone – when they cannot socially distance by at least
6 feet...both inside and outside. That includes everyone walking the main streets of Whitefish, gathering at art festivals and other outside events
anywhere else. We already have so many people/visitors that social distancing is not an easy task in downtown Whitefish.

We have been very fortunate (and thankful for the early action of our governor and our city mayor) that in Montana, the Flathead Valley and
Whitefish so far we have not seen high numbers. But with the influx of visitors, that could all change very quickly. We do not want WF to
become another hot spot for the state...like the Bozeman and Billings areas. As you know, once the coronavirus kicks in, it will be even harder
to contain. And the longer we go without requiring the wearing of mask, the more devastating it will be.

My husband and I were tourists ourselves for 17 years and we have now lived here fulltime for 14 years. There is nowhere in the world that we
would rather be. Whitefish is a very special place and we want to see it stay that way. We are very fortunate to be here and to have been
accepted into this community. Over the years we have supported the City in many ways. But I must admit that at this time with so many visitors
in town – most of them not wearing masks - my husband and I have chosen not to venture in to town or anywhere else except for essentials.
We do not see enough mask being worn by visitors or locals – not even in the grocery stores.

Masks are the best way to keep our economy going (which we totally understand is extremely important to this community), continue to support
this special place AND help slow the spread of the coronavirus. Please adopt a resolution to require that masks be worn in Whitefish.
Thanks so much!

Merry Lynn Southers
[redacted]
Whitefish, Montana 59937

Michelle Howke

From: Suzi Stagg [redacted]
Sent: Monday, July 6, 2020 10:06 AM
To: Michelle Howke
Subject: Strongly encouraging masks not enough

Hello.

While I believe a resolution to strongly encourage the use of masks in public is a step in the right direction, it is not enough. There are already notices on most businesses encouraging the use of face coverings and it is not working. I don't believe that adding the word"strongly" is going to make anyone not wearing a mask now, put one on. No mask, no service is no different that then the no shirts, no shoes, no service signs that have been a part of American culture for decades.

I understand how important tourism is to our local economy. I think that the health and safety of the residents of Whitefish is more important. I support the resolution, but would more strongly support a mandate. I would also support helping businesses defray the cost of supplying masks to those that try to enter their establishments without one. Please act quickly before it is too late.

Thank you for all you do.
Suzi Stagg
[redacted]
Whitefish, MT.
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: P S [redacted]
Sent: Sunday, July 5, 2020 11:15 PM
To: Michelle Howke
Subject: Public comment on mask resolution

Hello, my name is Patrick Staunton and my address is [redacted], Columbia Falls Montana. I would like to say I am against unnecessary mandates or resolutions in regards to facial coverings. I belive our bill of rights and basic human rights allow every individual free bodily autonomy and freedom from unjust intervention in personal affairs. I believe United States citizens can make their own choices and will make the right responsible choice when given the liberty and freedom they justly deserve. Furthermore, there are numerous direct forms of evidence showing the negative side effects of increased blood CO2 and decrease of available O2 when breathing through a face mask. The only true way to assure safe and adequate oxygen respiration is with an approved respirator that is fitted and tested on the individual user. Cloth or surgical facemasks reduce breathable oxygen levels below the safe 19.5% O2 standard for workplace safety according to OSHA as well. I encourage you to respect our constitutional rights, and respect the purpose of the government as a service for the people and not a ruler above them.

Thank you
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Richard Closson [redacted]
Sent: Sunday, July 5, 2020 8:19 PM
To: Michelle Howke
Subject: Masks. Ryan Storey 104 Colorado ave.

My name is Ryan Storey and I'm writing in regards to the issue of mandatory masks in public. It is my belief that forcing me or anyone else to wear or do anything without our consent or belief is in fact unconstitutional. And the fact that your new mandate doesn't even require anyone to even wear a proper medical mask that would prevent airborne pathogens from being inhaled or exhaled. Tying a bandana over your face just for false peace of mind is ridiculous.

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

Michelle Howke

From: James Stroud [redacted]
Sent: Monday, July 6, 2020 9:25 AM
To: Michelle Howke
Subject: face masks

While I am in support of face mask inside shops and stores I am **strongly against** face mask outside while walking on the sidewalks parks etc. That makes no sense. Where do we stop... next wearing them while hiking biking etc. Are you going to require us all to drink through a straw and eat at local establishments with a face mask on? Lets be sensible about this.

We have eaten out 4-5 times a week since May to support our local businesses. The cdc estimates the death rate at 0.26% versus influenza at 0.10% We have more hospitals in Montana than Covid hospitalizations right now and the vast majority of new cases are much less lethal and do not require hospitalizations. Most new cases are under 40 and the probability of death there is even less than driving your car 100 miles a day. Again some common sense please.

Jim Stroud
[redacted]
Whitefish
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Brian D Szady [redacted]
Sent: Monday, July 6, 2020 10:21 AM
To: Michelle Howke
Subject: Required Mask Comment

I do NOT support requiring mask wearing for a few reasons:
1.) While cases have risen, mortality rate has plunged to less than .26% - lower than a bad season of Influenza A
2.) We do not live in California or New York - where the government believes it can solve all problems. Montana is about freedom and choices - if people are not comfortable being around others, the answer is simple: Don't be around others.
3.) Local businesses have implemented their own requirements - simply dropping platitudes, unenforceable, from government undermines your own credibility

Do NOT overuse your governmental power while sitting in City Hall - when the need comes for the locals to truly rely on the government, no one will have faith in such power/nor listen to those in charge.

Brian Szady
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Karen Thorley [redacted]
Sent: Monday, July 6, 2020 7:39 AM
To: Michelle Howke
Subject: Vote for mandatory masks

I am in favor of wearing masks in the city of Whitefish for the protection of our health. Karen Thorley- (resides in Whitefish)
Get Outlook for Android
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: meltoelcke [redacted]
Sent: Monday, July 6, 2020 6:39 AM
To: Michelle Howke
Subject: mask mandate

Hello, I am Melanie Toelcke. My family lives at [redacted]. I find it very disconcerting that our governor and all health specialists of sound repute are begging us to wear masks and we just aren't getting it done. We all want to be working, we all want the economy to come back, and this is our only defense. It sure would be nice if people would willingly do this small thing that can make a big difference but clearly we need a mandate.

Thank you.
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Vanzant, Lisa M. [redacted]
Sent: Sunday, July 5, 2020 10:44 PM
To: Michelle Howke
Subject: Masks

No to Mandatory Mask wearing.

Let people choose what is best for their bodies, families, businesses, churches.

There are currently Zero Covid patients at KRMC. The survival rate is over 99%

Please do not burden our police with enforcing mandatory mask wearing. This burden could include several hundred protesters from around the state of Montana and beyond. There are far too many unintended consequences that could hurt Whitefish.

Do not violate the rights of individual businesses and churches, private schools, to decide what is best for their clients, patrons, employees.

Do not rob residents, children, athletes, and visitors from enjoying the outdoors. Do not grasp the freedom away from individuals and businesses to decide what is best for their situation. Vulnerable individuals have the choice to wear a mask, stay home, or shop remotely.

Thank you kindly,

Lisa Macalister Vanzant

Licensed Agent

New York Life Insurance Company

Registered Representative offering Securities through NYLIFE Securities LLC (Member FINRA/SIPC) A Licensed Insurance Company

[redacted] Whitefish, MT 59937

[redacted]

Phone: [redacted]

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Please copy email_optout@newyorklife.com
New York Life Insurance Co, 51 Madison Ave, New York, NY 10010

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Michelle Howke

From: Mark Voelker [redacted]
Sent: Monday, July 6, 2020 8:37 AM
To: Michelle Howke
Subject: Counsil Mask Ord Comments

Honorable Mayor and City Council Members,

Re: Masks.

We are in favor of requiring facemasks in any indoor situation in a public venue, as well as any situation where a 6 foot social distance can not be had or maintained out of doors.

We, as high risk local citizens, with other high risk family in the valley, simply do not use many of the local establishments (ie don't do business with) and we applaud businesses (and do business with) that require their employees and customers to follow these simple short term mitigations in order to reduce the risks brought on by the pandemic.

We are thankful for the City Leader's foresight in the past resolutions in the matter and hopeful for future concern.

Mark Voelker and Kathy Grant
[redacted]
Whitefish
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Sam Watson [redacted]
Sent: Monday, July 6, 2020 9:59 AM
To: Michelle Howke
Subject: please support public mask requirement

To the Whitefish City Council,

My partner and I urge you to support the resolution requiring the use of masks in public in order to protect our community during the pandemic. Masks are proven to reduce the spread of covid. Covid is on the rise nationally, and as more visitors come to our community citizens and tourists alike deserve to feel safe when out in public. In particular, service workers have a right to safety on the job, which cannot exist if they have to come in regular contact with patrons whose faces are not covered. We cannot afford an outbreak in our small town. For the safety of our community and economy, please require the use of masks in public spaces.

Best,

Sam Watson and Carson Ramsden
[redacted]
Whitefish, MT 59937
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Candy Wells [redacted]
Sent: Monday, July 6, 2020 10:16 AM
To: Michelle Howke

NO MASKS! IF PEOPLE ARE AFRAID OF THIS VIRUS, THEN STAY HOME!!!!!
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: David Williams [redacted]
Sent: Monday, July 6, 2020 6:29 AM
To: Michelle Howke
Subject: Facemasks

I would like to see the city of Whitefish make wearing masks, both inside and outside, mandatory if social distancing is not possible.

David Williams
[redacted]
Whitefish
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Mikey Winn [redacted]
Sent: Monday, July 6, 2020 9:39 AM
To: Michelle Howke
Subject: Masks

To whom it may concern.

As a current employee at two businesses on central street, I am emailing today urging the city to mandate masks in businesses. It is no mystery as to why there has been a spike in cases since tourism has increased in our state. And while I understand that we are a tourist town and need them to spend their money here, during these times, the health and safety of the people who live and work here should take precedence over that. Every day that I work becomes more and more unnerving as more and more unmasked tourists (many of which are coming from hotzone areas) filter in and out of our establishments. We have worked very hard in the past months to keep out numbers low and flatten the curve. I am very proud of our state and community for the work that we did to keep our neighbors safe. We did our part. We stayed at home. We made major sacrifices. And it worked. And now, because of the work we put in, and the subsequent low numbers of cases, out of towners are coming in and taking advantage of OUR work and being reckless with our communities well being. WE DID, AND CONTINUE TO DO, OUR PART. The least we can do is ask the people who are visiting our community is to do theirs. It's about respect. If the council decides against this mandate because it might be "an inconvenience for tourists", it will be very telling where the towns workers lie on their list of priorities.

Do the right thing. Please.

Mikey Winn

[redacted]
Spotted Bear Spirits
Harlow
Whitefish Theatre Co.
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: RJ Wire [redacted]
Sent: Monday, July 6, 2020 7:40 AM
To: Michelle Howke
Subject: Face mask use in Whitefish SUPPORT

I strongly SUPPORT use of face masks in Whitefish when social distancing is not possible ~ in fact, even if it is!

I am a clerk at the Montana House gift shop in Apgar Village. All of us who work there wear masks throughout the day, and we have a sign posted outside the building, as well as prominently on the front door indicating masks are required inside the store. We also have masks available for customers if they do not have their own. Response has been overwhelmingly positive with 95% of our customers either complying or deciding not to come into the shop. Especially with numbers rising of those testing positive for the virus, face coverings should be required.

Thanks for taking time to consider this resolution for Whitefish.

Ms. Rusty Wire
[redacted]
Whitefish 59937

[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Beej Worth [redacted]
Sent: Monday, July 6, 2020 9:50 AM
To: Michelle Howke
Subject: Mask Resolution

Yes please.
Can it be stronger than a “strong encouragement?” – like maybe a regulation?

Wear a mask, wash your hands, keep your distance... it is just not that hard.

Thank you for your time and attention.

Barbara J. Worth
[redacted]
AND
[redacted]
Whitefish, MT 59937

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Ina Albert [redacted] >
Sent: Monday, July 6, 2020 1:41 PM
To: Michelle Howke
Subject: To Wear or Not to Wear, that is the question

Dear City Clerk,

Laws are made to protect ourselves and to protect others. You get a ticket for not wearing a seat belt to protect yourself. You are fined for going over the speed limit to protect both yourself and others. We accept these restrictions without complaint. Masks are in the same category. We wear them to protect others and to protect ourselves. Why this is being interpreted as violation of our Constitutional rights I have no idea. The truth is that masks have become a symbol of our political opinions, not a vehicle for our protection.

Objections to masks are a contradiction of our individual right to LIFE and should be enforced like any other protection for ourselves and others.

What's more, the requirement for the wearing of masks follows the protective health guidelines. They should go into effect and be enforced immediately with so many visiting travelers in our area.

Thank you for your swift action,

Ina Albert

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: CV Box [redacted]
Sent: Monday, July 6, 2020 2:50 PM
To: Michelle Howke
Cc: cvbox@live.com
Subject: Use of masks in Whitefish

My wife and I live in Whitefish, but due to fear of retaliation from the city and residents, I'm sending message anonymously.

The mandate of wearing masks is unscientific and poses many health risks (physically and mentally). Do not force us to wear a mask.

Please educate those concerned.

Please read the science articles below:

Department of Labor & OSHA: https://www.youtube.com/redirect?redir_token=-sKxck43gtMGUqoQx7oIs0n-F7l8MTU5NDE1NDcwNkAxNTk0MDY4MzA2&q=https%3A%2F%2Fwww.osha.gov%2Flaws-regs%2Fstandardinterpretations%2F2007-04-02-0&event=video_description&v=Gda9o4FTXrE

Universal Masking in Hospitals in the Covid-19 Era: https://www.nejm.org/doi/full/10.1056/NEJMp2006372?query=TOC
"The chance of catching Covid-19 from a passing interaction in a public space is therefore minimal. In many cases, the desire for widespread masking is a reflexive reaction to anxiety over the pandemic."

A Cluster Randomised Trial of Cloth Masks Compared With Medical Masks in Healthcare Workers: https://pubmed.ncbi.nlm.nih.gov/25903751/

The Physiological Impact of Wearing an N95 Mask During Hemodialysis as a Precaution Against SARS in Patients With End-Stage Renal Disease: https://pubmed.ncbi.nlm.nih.gov/15340662/

Review of the Medical Literature
Here are key anchor points to the extensive scientific literature that establishes that wearing surgical masks and respirators (e.g., "N95") does not reduce the risk of contracting a verified illness:

Jacobs, J. L. et al. (2009) "Use of surgical face masks to reduce the incidence of the common cold among health care workers in Japan: A randomized controlled trial," *American Journal of Infection Control*, Volume 37, Issue 5, 417 – 419. https://www.ncbi.nlm.nih.gov/pubmed/19216002
N95-masked health-care workers (HCW) were significantly more likely to experience headaches. Face mask use in HCW was not demonstrated to provide benefit in terms of cold symptoms or getting colds.

Cowling, B. et al. (2010) "Face masks to prevent transmission of influenza virus: A systematic review," *Epidemiology and Infection*, 138(4), 449-456. https://www.cambridge.org/core/journals/epidemiology-and-infection/article/face-masks-to-prevent-transmission-of-influenza-virus-a-systematic- review/64D368496EBDE0AFCC6639CCC9D8BC05

None of the studies reviewed showed a benefit from wearing a mask, in either HCW or community members in households (H). See summary Tables 1 and 2 therein.

bin-Reza et al. (2012) "The use of masks and respirators to prevent transmission of influenza: a systematic review of the

scientific evidence," *Influenza and Other Respiratory Viruses* 6(4), 257–267. https://onlinelibrary.wiley.com/doi/epdf/10.1111/j.1750-2659.2011.00307.x
"There were 17 eligible studies. … None of the studies established a conclusive relationship between mask/respirator use and protection against influenza infection."

Smith, J.D. et al. (2016) "Effectiveness of N95 respirators versus surgical masks in protecting health care workers from acute respiratory infection: a systematic review and meta-analysis," *CMAJ* Mar 2016 https://www.cmaj.ca/content/188/8/567
"We identified six clinical studies … . In the meta-analysis of the clinical studies, we found no significant difference between N95 respirators and surgical masks in associated risk of (a) laboratory-confirmed respiratory infection, (b) influenza-like illness, or (c) reported work-place absenteeism."

Offeddu, V. et al. (2017) "Effectiveness of Masks and Respirators Against Respiratory Infections in Healthcare Workers: A Systematic Review and Meta-Analysis," *Clinical Infectious Diseases*, Volume 65, Issue 11, 1 December 2017, Pages 1934–1942, https://academic.oup.com/cid/article/65/11/1934/4068747
"Self-reported assessment of clinical outcomes was prone to bias. Evidence of a protective effect of masks or respirators against verified respiratory infection (VRI) was not statistically significant"; as per Fig. 2c therein:

Radonovich, L.J. et al. (2019) "N95 Respirators vs Medical Masks for Preventing Influenza Among Health Care Personnel: A Randomized Clinical Trial," *JAMA*. 2019; 322(9): 824–833. https://jamanetwork.com/journals/jama/fullarticle/2749214
"Among 2862 randomized participants, 2371 completed the study and accounted for 5180 HCW-seasons. ... Among outpatient health care personnel, N95 respirators vs medical masks as worn by participants in this trial resulted in no significant difference in the incidence of laboratory-confirmed influenza."

Long, Y. et al. (2020) "Effectiveness of N95 respirators versus surgical masks against influenza: A systematic review and meta-analysis," *J Evid Based Med.* 2020; 1- 9. https://onlinelibrary.wiley.com/doi/epdf/10.1111/jebm.12381
"A total of six RCTs involving 9,171 participants were included. There were no statistically significant differences in preventing laboratory-confirmed influenza, laboratory-confirmed respiratory viral infections, laboratory-confirmed respiratory infection, and influenza-like illness using N95 respirators and surgical masks. Meta-analysis indicated a protective effect of N95 respirators against laboratory-confirmed bacterial colonization (RR = 0.58, 95% CI 0.43-0.78). The use of N95 respirators compared with surgical masks is not associated with a lower risk of laboratory-confirmed influenza."

Conclusion Regarding That Masks Do Not Work

No RCT study with verified outcome shows a benefit for HCW or community members in households to wearing a mask or respirator. There is no such study. There are no exceptions.

Likewise, no study exists that shows a benefit from a broad policy to wear masks in public (more on this below).

Furthermore, if there were any benefit to wearing a mask, because of the blocking power against droplets and aerosol particles, then there should be more benefit from wearing a respirator (N95) compared to a surgical mask, yet several large meta-analyses, and all the RCT, prove that there is no such relative benefit.
Masks and respirators do not work.

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: [redacted]
Sent: Monday, July 6, 2020 2:22 PM
To: Michelle Howke
Subject: MASKS QUESTION

Importance: High

Hey Michelle,

Here is your 500 million and one email regarding masks.

I have a solid question.

I was a part of a conversation recently regarding masks, and it was brought up that in Post Offices and Financial Institutions-people are not supposed to wear masks because they can't identify people on camera God forbid there was an altercation or a robbery for instance.

It got me thinking…….

What about government, state, federal businesses, like City Hall for example? What if (another God forbid) someone came in and created a scene and threatened us in front of the billing department, or tried robbing the cashier? We wouldn't be able to get a good description from the cameras besides hair color (if they weren't wearing a cap or hoodie). That's kinda a safety issue!!!!

ALSO…….

Not to mention that there have been some older customers (AND employees as well) that when wearing a mask, WE can't hear them very well (muffled) and they really can't hear us at all. I know of some people that look at mouths when people are talking (SERIOUSLY) and they complain that they can hear or see what people are saying. This REALLY makes it hard for customer service and frustrates some people.

Side note: Peoples glasses have seriously fogged up when breathing when they have tried to sign up for service I have noticed this. If they tried to hold their breath so that they can see, I worry that they might pass out!! I have seen this multiple times and people have complained.

Just my two cents regarding masks.

Chris

[redacted]

Michelle Howke

From: Madeline Axtell <[redacted]
Sent: Monday, July 6, 2020 3:35 PM
To: Michelle Howke
Subject: Re: Access to City Resolution Re: Masks

Thank you Michelle! Below is my official comment:

> As the manager of a local downtown business in Whitefish and a resident of downtown Whitefish - I would like to submit my approval of the current draft of the Mask / COVID-19 Resolution 20-__. I believe the formality of the resolution will continue to perpetuate the habits of those that are working against the spread of COVID-19 and provide businesses with the foundation to further enforce best practices. I also think it is important to include the final two items in the resolution exclusions that allow those exercising [indoor or outdoor] and those working in professions where mask wearing is not compatible with their duties [i.e. fitness professional] to continue with best practices as possible.
>
> The Whitefish community is eager to keep eachother safe and while also working to keep our small businesses open for tourists during our busiest season - this includes fitness facilities that we all rely on for our health and wellbeing. Considering the health of this community holistically includes valuing physical exercise and the businesses that provide such services while also acknowledging that masks should be worn, where possible and appropriate. For example: masks must be worn in the lobby of a yoga studio prior to entering the studio itself, once in the studio guests experiencing class at an appropriate distance without masks.

Thank you in advance for passing this on to the Council to be included in their consideration!

Cheers,

Madeline Axtell

On Mon, Jul 6, 2020 at 8:43 AM Michelle Howke <mhowke@cityofwhitefish.org> wrote:

> Madeline,
>
> Good morning. Thank you for reaching out. I have attached a copy of the Resolution for your review.
>
> Thank you,
>
> Michelle Howke
>
> Administrative Services Director/City Clerk
>
> PO Box 158/418 E. 2nd Street

Whitefish, MT 59937

mhowke@cityofwhitefish.org

406-863-2402

From: Madeline Axtell [redacted]
Sent: Friday, July 3, 2020 1:41 PM
To: Michelle Howke <mhowke@cityofwhitefish.org>
Subject: Access to City Resolution Re: Masks

Hi Michelle!

I am hoping to provide feedback re: the drafted city revolution as shared by Explore Whitefish this afternoon - however I am not able to gain access via the link they provided.

Can you help me with this?

Thank you in advance!

Cheers,

Madeline Axtell

EXTERNAL SENDER verified by City of Whitefish IT

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Robert Baker [redacted]
Sent: Monday, July 6, 2020 1:52 PM
To: John Muhlfeld; Michelle Howke
Subject: No Masks

To whom it pertains,

I am a medical technician and local college student. I am emphatically against the strong encouragement or mandate of wearing masks in Whitefish (or anywhere, for that matter). The masks (which are usually not worn correctly) do not keep the user safe, so that means the user would be wearing one for the benefit of others. I believe that is a personal decision. As for businesses, that is there decision, too. If the community would like to boycott a business due to the business manager's decision to not wear masks, that business will experience the consequences of that choice. That is a pretty fundamental American principle based on capitalism, is it not? I am pursuing my law degree, and I would provide references for my points except that I am on my lunch break writing this because I did not know about this pending decision until a few hours ago at work. If government is trying to guilt trip citizens into wearing masks, it is abusing its authority. If it scholastically shows why masks are good for a community to wear, then I would be okay with it strongly encouraging it (never mandating, however). The fact of the matter is, though, that an entire community wearing masks is not healthy. I wish I could provide you with resources for that claim at this time, but my lunch break is over. I appreciate your considerations of my concerns. I ask that you diligently consider the ramifications of the vote at hand.

Respectfully,
Jay
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Steve Barrett [redacted]
Sent: Monday, July 6, 2020 12:46 PM
To: Michelle Howke
Subject: Mask recommendation

Hello,
This is my recommendation for mandatory wearing of face masks in all city commercial establishments until there is sound evidence of a decline in COVID-19 occurrence.

Steve Barrett
[redacted].
Kalispell MT 59901
[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Lyn Bennett [redacted]
Sent: Monday, July 6, 2020 3:55 PM
To: Michelle Howke
Subject: Mandatory mask requirement

Now that we are aware that this novel Coronavirus has a lower case fatality rate than was previously expected, and that our health care facilities have not been overwhelmed, I do not agree with a mandatory mask requirement. I think this type of requirement could set a dangerous precedent. Do we want to make masks a requirement for every flu season?
I do agree that people who are immune compromised, elderly or afraid should be protected and that there should be better facilities for restrooms and hand washing throughout downtown.
Thank you,

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

Michelle Howke

From: stuart berg <[redacted]
Sent: Monday, July 6, 2020 3:54 PM
To: Michelle Howke
Subject: Mandatory Mask Issue

Hello there,

I'm writing to you today, in hopes of convincing you, that in the long run, mandatory mask wearing may not be the best course of action at this time.

First of all, from first hand experience; From a day and a half of wearing a mask during very busy barista shifts, I had an incredible migraine after the first day (I don't normally get headaches of any kind). I also had an irregular shallowness in my lungs, I had never experienced in my life. In addition I experienced mild dizziness, nausea, and literal stupidity.. forgetting how to do things, I have been doing for decades now.

After the second day, I realized I couldn't sacrifice my health simply for the comfort of others and I am now on unemployment indefinitely...

which I suggest considering- I don't know how many people there are in our town/state that feel the same way I do, but I feel that by making masks mandatory you're forcing a percentage of us to remain on the governments dime and keeping small businesses from finding staff. Many of my friends in the service industry have expressed their concerns over the way they feel after an 8hour shift with a mask, as well.. I hope you will take this into consideration, despite my lack of first hand testimony.

In addition, I feel as though requiring a citizen to risk their own health for the (assumed) safety of others, may be unconstitutional and you may be saving yourself the hassle of legal action down the road. I'm not entirely certain about the legality, but the fact that healthy people who wear masks are likely to have health risks, should be enough of a concern to not make it mandatory.

I'll now include some links to article that support my point of view. Obviously, there is conflicting information everywhere, so I don't know how much value you'll find here if you, but I wouldn't waste your time with articles that don't seem legitimate.

Thank you and I pray you make the best decision for all citizens,

Stuart Berg

[redacted]

Whitefish, MT 59937

https://www.weforum.org/agenda/2020/03/who-should-wear-a-face-mask-30-march-who-briefing/

https://pjmedia.com/news-and-politics/megan-fox/2020/05/14/neurosurgeon-says-face-masks-pose-serious-risk-to-healthy-people-n392431

https://www.news-medical.net/news/20200315/Wearing-masks-may-increase-your-risk-of-coronavirus-infection-expert-says.aspx

https://www.marketwatch.com/story/the-cdc-says-americans-dont-have-to-wear-facemasks-because-of-coronavirus-2020-01-30

https://www.dailywire.com/news/u-s-surgeon-general-heres-why-cdc-and-who-recommend-healthy-people-do-not-wear-masks

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Ray Boksich [redacted]
Sent: Monday, July 6, 2020 2:18 PM
To: Michelle Howke
Subject: Face masks

Dear Mayor and Councilors,

I am very much in support of an ordinance calling for the wearing of face masks in public areas as well as stores, bars and restaraunts . Thank you Ray Boksich
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: bkr [redacted]
Sent: Monday, July 6, 2020 3:58 PM
To: Michelle Howke
Subject: Mandatory Masks

I do not think making mask wearing should be mandatory. I think it should be up to the individual to make that decision for themselves. Businesses should also be able to make the decision to have mask wearing mandatory or not in their place of business.

Nancy Beougher
[redacted]
WF
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Steven & Michelle Boyd [redacted]
Sent: Monday, July 6, 2020 12:27 PM
To: Michelle Howke
Subject: City Hall - Tonight's Meeting

I am NOT in favor of mandating masks. In fact, I am only shopping at businesses that give employees and patrons a choice. (eg: SuperOne Foods)

FREEDOM allows us choice thus the reason for Independence day and the plege of allegiance.

Forcing people to wear masks is only prolonging the inevitable.

I vote NO for mandating masks in public.

Michelle Boyd
Olney MT 59927

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Kaydance Boyd [redacted]
Sent: Monday, July 6, 2020 12:32 PM
To: Michelle Howke
Subject: input on masks

NO, NO, NO

Our family of 3 vote is a big fat NO for insisting people wear masks

Boyd Residence
[redacted]
Whitefish Montana
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Jeannine Brite [redacted]
Sent: Monday, July 6, 2020 1:51 PM
To: Michelle Howke; John Muhlfeld
Subject: Masks

To whom it may concern,
We are deeply disturbed by the idea the city of whitefish may adopt a mandatory mask policy. It goes against our constitutional rights and is illegal. We will not stand for communism in our town and will fight you in a court of law if need be. Please stop pandering to fear-mongering.
With all sincerity,
Jon and Jeannine Brite

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

Michelle Howke

From: Britta [redacted]
Sent: Monday, July 6, 2020 11:36 AM
To: Michelle Howke
Subject: No masks!

Please don't mandate masks for Whitefish. Those that are concerned are welcome to wear a mask. This small community feels eery enough. Please keep Whitefish, Whitefish.
Thank you!

Get Outlook for Android
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Rebecca Norton
Sent: Monday, July 6, 2020 2:51 PM
To: Michelle Howke
Subject: Fwd: masks in Whitefish

Get Outlook for iOS

From: Sally Broste [redacted]
Sent: Monday, July 6, 2020 2:39 PM
To: Rebecca Norton
Subject: masks in Whitefish

Re: Resolution 20
I believe it is important to require masks in public. We are sure to see a continuing rise in COVID cases now that our tourist season is in full swing. It is imperative that masks be required by our local government.
Requiring or strongly encouraging facemasks may actually entice people to come from other parts of the valley to where they would feel safe dining or shopping.

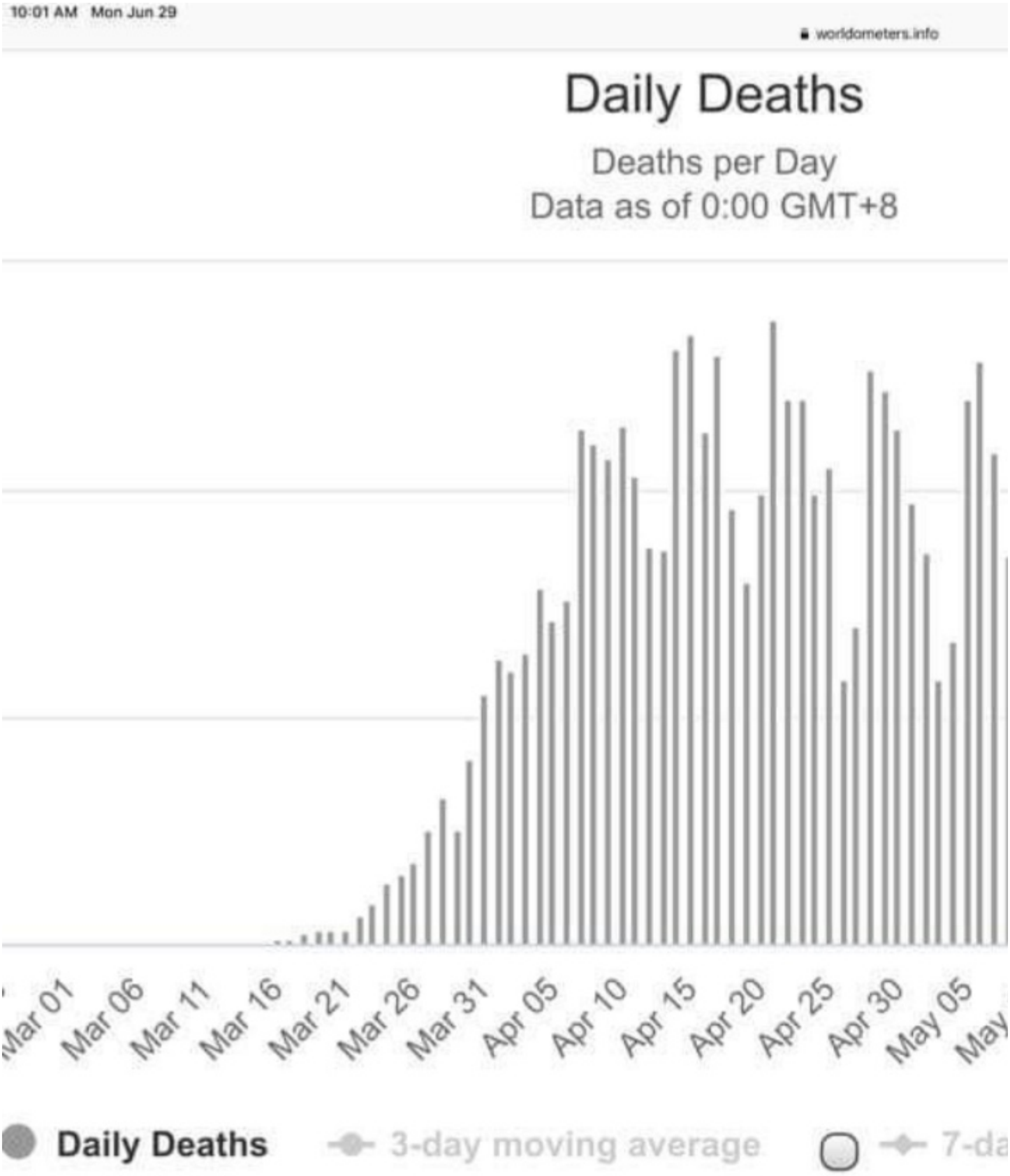
--
Sally & Nels Broste
[redacted]
Whitefish, MT 59937
([redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Jessica Brown [redacted]
Sent: Monday, July 6, 2020 3:58 PM
To: Michelle Howke
Subject: NO Mask Mandates for Whitefish, Montana

Dear City Clerk and City Council,

We are an active, healthy, community involved family raising our children and working for over two decades in research and engineering in the medical field analyzing clinical data and releasing new products to save patients lives. As the governor has stated many times, Montanans are a smart, highly responsible groups of citizens who take health and community seriously. It would be such a slap in the face to have local government decide that we can no longer enter restaurants, shop at stores, or walk down the sidewalk without masking our faces and our young children (which has been recently found to be dangerous to children health). We constantly strive toward health as a high priority in our family. In addition, last week was the lowest fatality rate in the nation in two months. The sole reason for new alarm is due to inaccurate media reporting and excessive testing to simply gather more data to track the virus.


10:01 AM Mon Jun 29
worldometers.info
Daily Deaths
Deaths per Day
Data as of 0:00 GMT+8
Mar 01
Mar 06
Mar 11
Mar 16
Mar 21
Mar 26
Mar 31
Apr 05
Apr 10
Apr 15
Apr 20
Apr 25
Apr 30
May 05
Daily Deaths
3-day moving average

I have done a bit of research using studies, RCT trials, and scientific literature reviews on mask efficacy, linked below.

Unfortunately it is not protective to wear masks and actually subverts the stated health goal of protecting yourself or those around you.

When I read the research I discovered that masks don't work for this because they do not block viral particles (97% viral particle penetration in a RCT), they increase risk of self contamination from pathogens on the outside and inside of the mask, they increase risk of community spread due to pathogens on outside of mask/touching surfaces, and they decrease Oxygen intake and increase CO2 consumption.

Everyone needs to make their own informed decision, but the literature doesn't support masking in the community setting. See a few sources listed below:

Small sample size but COVID found on outside of cloth masks, risking community spread when touching/readjusting
https://annals.org/aim/fullarticle/2764367/effectiveness-surgical-cotton-masks-blocking-sars-cov-2-controlled-comparison

Scientific Literature review masks ineffective
https://www.oralhealthgroup.com/features/face-masks-dont-work-revealing-review/?fbclid=IwAR2p3HA7VORTvFd5bQ2yZ2SQPIzXhVG0HZHTQokZwadc9yJTKcPoBp_DLk0

RCT trial cloth masks allowed 97% of viral particles to pass and INCREASED infection from self contamination
https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4420971/pdf/bmjopen-2014-006577.pdf

Decreased o2 n95
https://clinicaltrials.gov/ct2/show/NCT00173017

Decreased blood oxygen levels in surgeons in surgical masks
https://pubmed.ncbi.nlm.nih.gov/18500410/

Who guidance that there is no evidence in literature of effectiveness of community masking
https://www.who.int/publications-detail/advice-on-the-use-of-masks-in-the-community-during-home-care-and-in-healthcare-settings-in-the-context-of-the-novel-coronavirus-(2019-ncov)-outbreak

Harmful to health literature review
https://www.technocracy.news/blaylock-face-masks-pose-serious-risks-to-the-healthy/?print=pdf

New England Journal of Medicine:
"We know that wearing a mask outside health care facilities offers little, if any, protection from infection." https://www.nejm.org/doi/full/10.1056/NEJMp2006372

CAL-OSHA Regulations: "Cloth face coverings do not protect against COVD -19"
https://dir.ca.gov/dosh/coronavirus/COVID-19-Infection-Prevention-in-Logistics.pdf

"Face coverings may increase risk if users reduce their use of strong defenses."
"There is limited evidence to suggest that use of cloth face coverings by the public during a pandemic could help reduce disease transmission." https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Face-Coverings-Guidance.aspx

FDA - "Even a properly fitted N95 mask does not prevent illness or death" https://web.archive.org/web/20200516235249/https://www.fda.gov/medical-devices/personal-protective-equipment-infection-control/n95-respirators-and-surgical-masks-face-masks

Neurosurgeon Dr. Russell Blaylock :
”There is no scientific evidence that masks are effective. If you are not sick, you should not wear a face mask.” https://technocracy.news/blaylock-face-masks-pose-serious-risks-to-the-healthy/

Columbia University: Psychological Harms of Face Masks:
"Many young children burst into tears or recoil when someone wearing a mask approaches. By putting on masks, we take away information that makes it especially difficult for children to recognize others and read emotional signals, which is unsettling and disconcerting." https://www.cugmhp.org/five-on-friday/why-a-mask-is-not-just-a-mask/?fbclid=IwAR1_h_ykyuIOzQ9WqA_u_muupA8D8UwOgvnhlwcjoIw_CReHuKSPPmy2wC4

US Surgeon General Jerome Adams:
”Masks are not effective in preventing the general public from catching coronavirus.”
https://twitter.com/Surgeon_General/status/1233725785283932160

WHO, Dr. Mike Ryan:
”There is no specific evidence to suggest that the wearing of masks by the mass population has any potential benefit. In fact, there’s some evidence to suggest the opposite in the misuse of wearing a mask properly or fitting it properly. https://www.cnn.com/2020/03/30/world/coronavirus-who-masks-recommendation-trnd/index.html

US Department of Labor — OSHA:
”Oxygen deficient is any atmosphere that contains less than19.5%.” This happens when the oxygen is displaced by inert gas such as CARBON DIOXIDE and is the leading cause of FATALITIES.” https://www.osha.gov/SLTC/etools/shipyard/shiprepair/confinedspace/oxygendeficient.html

Another article that is basically a literature review
https://www.professorhinkley.com/blog/sorry-oregon-your-mask-is-useless-according-to-the-science

https://www.cnbc.com/2020/06/08/asymptomatic-coronavirus-patients-arent-spreading-new-infections-who-says.html?__source=sharebar%7Cfacebook&par=sharebar

Asymptomatic carriers not a risk for illness spread...
https://pubmed.ncbi.nlm.nih.gov/32405162

Thank you for your time and consideration in reviewing these links and considering the actual data that shows that Montana is doing very very well in surviving the virus that has drastically weakened across the nation in cities and more populated areas. In fact, according to the CDC data, our chances of surviving covid are now 99.8% as a worse case.

Thank you again,

Jessica Brown
Whitefish, Montana Resident
R&D Medical Device Engineer
[redacted]
Montana State University Alumni
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Brenda Buckner [redacted]
Sent: Monday, July 6, 2020 12:12 PM
To: Michelle Howke
Subject: Policy on wearing masks

I encourage you to vote no on the policy requiring or strongly encouraging people to wear masks.

They are not proven to prevent the spread of disease and are a health hazard to healthy people due to breathing in one's own carbon dioxide.
There have been deaths and serious illness throughout this unusual season covid -19 due yo wearing masks.
Sincerely,
Brenda Buckner
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Sara Cabe [redacted]
Sent: Monday, July 6, 2020 2:57 PM
To: Michelle Howke
Subject: Masks

I support the requirement to wear a mask in public locations. As a part time resident and “tourist” we are coming from areas where masks are mandated. We want to keep the Flathead open to business while protecting the health of the community. Since we know many visitors will be traveling in the area, it would be great to have everyone wearing a mask. I loved seeing people in stores wearing them... from mountain berry bowl, to super 1 and alpine market. I feel like the stores respect the health of others and are taking the right precautions.

Thank you,
Sara Cabe
[redacted]
Kennewick WA

[redacted]
Whitefish

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

Michelle Howke

From: dhdudescaleb [redacted]
Sent: Monday, July 6, 2020 12:46 PM
To: Michelle Howke
Subject: Whitefish City Council Mask Wearing

Whitefish City Council,

I live here in the Flathead Valley and strongly disagree with voting to make wearing masks a strong recommendation or a mandate.

Caleb
EXTERNAL SENDER verified by City of Whitefish IT

City of Whitefish
Mayor John Muhlfeld
Rachael Norton
Michelle Howke

July 6, 2020

STAUNCHLY **AGAINST** A MANDATED MASK RESOLUTION

I am motivated to stand up against the Whitefish City Council and Mayor's promotion of a mandated mask resolution for several reasons. The issue is not supported by statistics, masks have been found ineffective in many medical studies around the globe, they are a punitive form of psychological torture which can induce PTSD and/or depression, and mandated masks are UNCONSTITUTIONAL.

1) I have spoken with middle and high school teachers who are worried about their students' mental well-being under lockdown and are strongly against forced masks. One young girl in 7th grade called her teacher in June unable to cope, preparing to kill herself. The "isolation" was too much to bear. A mandated mask would isolate her even more.

2) A strong, senior friend in her 70's just bought a gun to protect herself and is working on her concealed carry permit. She's adamant against masks. Too many strangers around town wearing masks are frightening, especially if you live alone. Mind you, this invincible lady has lived through rape as a child, spousal abuse as a young woman, and cancer as an adult.

3) Another friend in her 40s is deaf. She reads lips to survive. People wearing masks prevent her from communicating. She's frustrated and angry at this situation, getting ready to move out of town.

RE: Resolution 20 - A MANDATED Mask Requirement Would NOT prevent spread of COVID according to health officials, and worse, It can increase viral infections and respiratory illness to those who wear them. For instance, fireman Jeff Neff explains the dangers of increasing carbon dioxide, dropping oxygen intake below OSHA standards, leading to gradual degradation of brain function.

More over coronavirus counts are proven inaccurate through overinflation according to medical experts in the field.

Additionally, the Centers For Disease Control has admitted "conflating the results of two different types of coronavirus tests, distorting several important metrics and providing the country with an inaccurate picture of the state of the 'pandemic'. CDC confirmed to *The Atlantic* on Wednesday (May 20, 2020) that it "is mixing results of viral and antibody tests. The two tests reveal different information and are used for different reasons. Several states are blending the data in the same way."

"'You've got to be kidding me,'" Ashish Jha, the K.T. Li Professor Global Health at Harvard and director of the Harvard Global Health Institute, told us (The Atlantic research team), when we described what the CDC was doing. 'How could the CDC make that mistake? This is a mess.'"

"Mixing the two tests (viral + antibody) makes it much harder to understand the meaning of positive tests and it clouds important information about the U.S. response to the pandemic, Jha said. 'The viral testing is to understand how many people are getting infected, while antibody testing is like lookin in the rearview mirror. The two tests are totally different signals,"

he told us. "By combining the two types of results, the CDC has them both '***uninterpretable***,'" he said.

Kristen Nordlund, a spokesperson for the CDC, told The Atlantic, that "the inclusion of antibody data in Florida is one reason the CDC has reported hundreds of thousands more tests in Florida than the state government has."

WHEREAS, Respiratory Infection is much HIGHER among healthcare workers wearing cloth masks compared to medical masks. Cloth masks should NOT be used in any healthcare setting according to research by the University of New South Wales.

"Widespread USE OF cloth MASKS by healthcare workers may actually put them at INCREASED RISK of RESPIRATORY ILLNESS and VIRAL INFECTIONS and the GLOBAL USE SHOULD BE DISCOURAGED, according to a study by the University of New South Wales."

"The penetration of cloth masks by particles was almost 97% compared to medical masks with 44%." NEITHER CLOTH nor MEDICAL MASKS prevented respiratory infection, according to the head of UNSW's School of Public Health and Community Medicine. "Results of the study CAUTION AGAINST the USE OF CLOTH MASKS."

Researchers speculated that cloth masks' moisture retention, reuse and poor filtration may explain the increased risk of infection.

Guidelines from the WHO (World Health Organization),"reflect higher infection risks posed by cloth masks." The study involved 1,607 hospital healthcare workers across 14 hospitals.

According to Dr. Brosseau, a national expert on respiratory protection and infectious disease and professor (retired) University of Illinois at Chicago and Dr. Sietsema, expert on respiratory protection and assistant professor at the University of Illinois at Chicago both concluded in their commentary, "We DO NOT recommend broad mask use. We DO NOT recommend requiring the general public wear masks if they do not have symptoms of COVID-19-CoV-2 transmission."

"Sweeping masks recommendations — as many have proposed —will not reduce SARS-CoV-2 transmission, as evidenced by the widespread practice of wearing such masks in Hubei province, China, before and during its mass COVID-19 transmission experience. Our review of relevant studies indicates that CLOTH MASKS WILL BE INEFFECTIVE at preventing SARS-CoV-2 transmission whether worn as source control or as PPE (Personal Protective Equipment).

"Even masks that fit well against the face (surgical) will not prevent inhalation of small particles by the wearer or emission of small particles from the wearer. Surgical masks are not evaluated using worst-case filter tests, so there is NO WAY to KNOW which ones offer better filter efficiency."

"Kellogg, seeking a reason for the FAILURE OF CLOTH MASKS REQUIRED FOR THE PUBLIC in stopping the 1918 influenza pandemic, found that the number of cloth layers needed to achieve acceptable efficiency made them difficult to breathe through and caused leakage around the masks... Along with the extremely LOW EFFICIENCY of cloth masks as filters and their poor fit, There is NO EVIDENCE to support THEIR USE BY THE PUBLIC or healthcare workers to control the emission of particles."

"A randomized trial comparing the effect of medical and cloth masks on healthcare worker illness found that those wearing cloth masks were 13 times more likely to experience influenza-like illness than those wearing medical masks."

"In sum, very poor filter and fit performance of cloth masks and very low effectiveness for cloth masks in healthcare settings lead us to conclude that CLOTH MASKS OFFER NO PROTECTION for healthcare workers INHALING PARTICLES near an infected or confirmed patient."

The study's conclusion: "Cloth masks are ineffective as source control and PPE."

"If masks had been the solution in Asia, shouldn't they have stopped the pandemic before it spread elsewhere?"

The above examples are merely a SAMPLE of **proof that masks do not prevent the spread of this virus but actually cause more risk and harm to the weare**r. More research is ongoing.

Statistical analysis DOES NOT support an inflated fear of death from COVID, propagated by the media. The state of Montana has approximately 1,080,000 residents according to the U.S. Census. In the past six months, only 23 deaths were attributed to COVID. The large majority of those who died had pre-existing conditions which arguably could have been the key cause of their death. If a person dies with COPD, Cancer, Diabetes, old age and COVID, how can you justify labeling the cause of death as COVID on a death certificate when any of those other diseases could have been the main cause?

With a state population of 1,080,000 and **only 23** deaths labeled as COVID to date, the chance of dying from COVID in Montana is a minor risk factor of .002%.

In stark contrast, back in 2017, pneumonia killed 183 in Montana. There were 184 car fatalities.

Statistics and health officials have disproved the value of masks in general, the concept of mandating masks for Whitefish plus, opening the door for fines issued to those judged "not in compliance" is punitive, possibly dangerous, can be proven illegal and UNCONSTITUTIONAL.

"My face, my choice!"

Constance See

Whitefish

Michelle Howke

From: Kevin Chapman [redacted]
Sent: Monday, July 6, 2020 12:14 PM
To: Michelle Howke
Subject: Please do not make wearing a mask mandatory in Whitefish

Importance: High

Hello, I am a Whitefish resident. I'm being told that Whitefish is voting about making wearing a mask mandatory in Whitefish. Please do not make wearing a mask mandatory in Whitefish. If business owners want to make it mandatory for their store then fine but please don't enforce everyone to wear one. It should be our choice to wear a mask outside. How would this affect the restaurants and bars in Whitefish who have suffered enough? Masks are a detriment to our health. We need to build our immune system with fresh air, sun & exercise.

Kevin Chapman
Loan Consultant
NMLS ID #123212
Direct: [redacted]

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CALIBER HOME LOANS

We care about our customers' personal information. Please contact the appropriate parties to verify any emails requesting personal/financial information or requesting funds to be wired, prior to taking any action.

This electronic transmission and any documents or other writings sent with it constitute confidential information, which is intended only for the named recipient. If you are not the intended recipient, please reply to the sender that you have received the message in error and delete it. Any disclosure, copying, distribution or the taking of any action concerning the contents of this communication or any attachment(s) by anyone other than the intended recipient is strictly prohibited. Caliber Home Loans, Inc. 3701 Regent Blvd., Suite 200, Irving, TX 75063. Equal Housing Lender. NMLS # 15622

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Lori Chapman [redacted]
Sent: Monday, July 6, 2020 11:37 AM
To: Michelle Howke
Subject: NO Mask

Please Mayor do not be a dictator and enforce mandatory mask! Please inform the citizens in this city that mask are a detrimental to our health!! If business owners want to make a mask mandatory for their store, then fine! If people are scared then they can wear a mask and gloves or stay home. There is a surge because there is more testing. Many people have already had this flu virus. It was a bad flu year. I know a ton of people that had the flu this year. Mandatory mask will only make healthy people sicker!!! People who are immune compromised need to protect themselves when out n about!
Please explain to the citizens that we need fresh air, sun, exercise, healthy diets, to keep our immune system strong!! Not a Mask!!!
Allow people to make their own decisions we are adults and know what is best for our bodies! Dr Fauci said many times mask for not work. Now he is changing his tune?!! No he was correct when he said it the first time!
Please mayor not not cave to the loudest people who are demanding everyone needs to wear a mask. The silent majority of us do not want Our mayor to enforce these draconian rules. Please give us freedom!

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

Michelle Howke

From: Dan Chapman [redacted]
Sent: Monday, July 6, 2020 12:30 PM
To: Michelle Howke
Subject: No required Masks

Dear Mayor,
I don't think making people wear a mask in the city is the right move. There are 100k full time residents in Flathead valley and we have
a whopping 16 active cases, .00016%! The fact is people who are vulnerable or scared need to wear one but not all of us.
It should be each persons own decision. There is no factual proof it prevents it from spreading.

https://www.kpax.com/news/coronavirus/flathead-county-reporting-6-additional-covid-19-cases

Thank you, Dan Chapman
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Katie Christensen [redacted]
Sent: Monday, July 6, 2020 2:38 PM
To: Michelle Howke
Subject: Please NO mask Mandate

I am writing to show my support AGAINST the mask mandate that is up for vote tonight. My husband is the medical field and as much as mask can help when being used PROPERLY everyone re using masks and not sanitizing them it will actually lead to more sickness. When the inside of the masks are being toughed and thrown in cars with our dirty hands are touching the inside to then put next to our nose and mouths it is only going to lead to more problems. Also It should be up to business and individuals to if they want to wear them or not. Please vote against this the mask mandate.

Thank you for your time,
Katie Christensen
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Nancy Cohn [redacted]
Sent: Monday, July 6, 2020 12:32 PM
To: Michelle Howke
Subject: Mandate Mask Wearing

I highly recommend we follow the science, listen to experts and mandate mask wearing in Whitefish.

We have it in our power to make a difference and keep our residents safer. We can set an example for the hordes of visitors we will see this summer and avoid overloading our healthcare providers and hospitals.

Nancy Cohn
[redacted]
Columbia Falls, MT 59912

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Ann Minnett Coleman [redacted]
Sent: Monday, July 6, 2020 12:39 PM
To: Michelle Howke
Subject: Vote YES for masks

I sincerely hope our city council votes to mandate masks within city limits. We have to take care of each other.
Ann Minnett Coleman
[redacted]
Whitefish
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Cris C [redacted]
Sent: Monday, July 6, 2020 2:15 PM
To: Michelle Howke
Subject: Mask up please

City Council and Mayor,
I request that you mandate masks inside places of business, unless you are seated in a bar or restaurant, then you may remove your mask while seated. The masks only work to stop the spread if everyone is wearing them. When I wear one people often come too close to me, maybe they feel safe to walk near because I have one on, but that doesn't stop the spread. The most recent results from people testing positive in our valley are not from out of the area, it's being spread amongst us. Please change the Resolution to make it mandatory, at least people could be shamed for not wearing them, even if you don't want to fully police it.
As always, thanks for all you do!
Cris Coughlin
Whitefish resident
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Ralf Daum, Michelle Daum [redacted]
Sent: Monday, July 6, 2020 1:15 PM
To: Michelle Howke
Subject: mandated masks
Attachments: council page.pdf; WHO Adivice on the use of Masks.pdf

I have included a single page summary and attached the current 16 page WHO recommendations on mask wearing with highlighted portions that pertain to community settings as opposed to hospital/care situations.

Thank you,
Michelle Daum
[redacted]
Whitefish, MT 59937
[redacted]

To the City of Whitefish and Whom It May Concern:

I implore you to consider the fact that you would probably never entertain the idea of making mask wearing in public un-lawful or creating a mandate against it because you believe people should be able to wear a mask if they choose. Likewise, do not mandate the wearing of a mask in public as people should also be able to choose that option. Please recognize there is not any scientific consensus or solid evidence it will be beneficial. For those that believe it helps them, let them choose to do it, for those that don't, let them choose not do it.

The following is summary from the WHO website, "Advice on the use of masks in the community during home care and in healthcare settings in the context of the novel coronavirus 2019 ncov outbreak, available to all at:

https://www.who.int/publications/i/item/advice-on-the-use-of-masks-in-the-community-during-home-care-and-in-healthcare-settings-in-the-context-of-the-novel-coronavirus-(2019-ncov)-outbreak

> only LIMITED evidence that **MEDICAL masks** *MAY* be beneficial at preventing transmission

data using disposable surgical masks or reusable 12-16 layer cotton masks

(in a household with a sick person or at mass gatherings) (page 6)

> "At present, there is **no direct evidence** (from studies on COVID-19 and in healthy people in the community) on the effectiveness of universal masking of healthy people in the community to prevent infection with respiratory viruses, including COVID-19." (page 6)

> *Guidance on the use of masks for the general public, number 2) Advice to decision makers on the use of maske for the general public:*

"At the present time, the widespread use of masks by healthy people in the

community setting **is not yet supported by high quality or**

direct scientific evidence and there are potential benefits and

harms to consider (see below)." (page 6)

> non-medical masks show only POTENTIAL benefit for SOURCE CONTROL (page 7)

> *Potential Harms/Disadvantages* lists 11 items including physical effects, disposal causing contamination/environmental hazard and populations that have difficulty wearing them (page 8)

> "**the use of non-medical masks**, made of woven fabrics such as

cloth, and/or non-woven fabrics, should only be considered

for source control (used by infected persons) in community

settings and **not for prevention.** (page 9)

>a minimum of 3 layers is required, Masks make of 4 layers of cotton handkerchiefs alone have achieved only 13% efficiency

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Regards,
Michelle Daum, 787 North Valley Dr, Whitefish, MT daum.rmk@gmail.com 808-640-3996

Advice on the use of masks in the context of COVID-19

Interim guidance

5 June 2020

World Health Organization

This document is an update of the guidance published on 6 April 2020 and includes updated scientific evidence relevant to the use of masks for preventing transmission of Coronavirus disease 2019 (COVID-19) as well as practical considerations. The main differences from the previous version include the following:

- Updated information on transmission from symptomatic, pre-symptomatic and asymptomatic people infected with COVID-19, as well as an update of the evidence of all sections of this document;
- New guidance on the targeted continuous use of medical masks by health workers working in clinical areas in health facilities in geographical areas with community transmission[1] of COVID-19;
- Updated guidance and practical advice for decision-makers on the use of medical and non-medical masks by the general public using a risk-based approach;
- New guidance on non-medical mask features and characteristics, including choice of fabric, number and combination of layers, shape, coating and maintenance.

Guidance and recommendations included in this document are based on previous WHO guidelines (in particular the WHO Guidelines on infection prevention and control of epidemic- and pandemic-prone acute respiratory infections in health care) (1) and the evaluation of current evidence by the WHO ad hoc COVID-19 IPC Guidance Development Group (COVID-19 IPC GDG) that meets at least once a week. The process of interim guidance development during emergencies consists of a transparent and robust process of evaluation of the available evidence on benefits and harms, synthetized through expedited systematic reviews and expert consensus-building facilitated by methodologists. This process also considers, as much as possible, potential resource implications, values and preferences, feasibility, equity, ethics and research gaps.

Purpose of the guidance

This document provides guidance to decision makers, public health and IPC professionals, health care managers, and health workers on the use of medical and non-medical masks in health care (including long-term care and residential) settings, for the general public, and during home care. It will be revised as more data become available.

Background

The use of masks is part of a comprehensive package of the prevention and control measures that can limit the spread of certain respiratory viral diseases, including COVID-19. Masks can be used either for protection of healthy persons (worn to protect oneself when in contact with an infected individual) or for source control (worn by an infected individual to prevent onward transmission).

However, the use of a mask alone is insufficient to provide an adequate level of protection or source control, and other personal and community level measures should also be adopted to suppress transmission of respiratory viruses. Whether or not masks are used, compliance with hand hygiene, physical distancing and other infection prevention and control (IPC) measures are critical to prevent human-to-human transmission of COVID-19.

This document provides information and guidance on the use of masks in health care settings, for the general public, and during home care. The World Health Organization (WHO) has developed specific guidance on IPC strategies for health care settings (2), long-term care facilities (LTCF) (3), and home care.(4)

Transmission of COVID-19

Knowledge about transmission of the COVID-19 virus is accumulating every day. COVID-19 is primarily a respiratory disease and the spectrum of infection with this virus can range from people with very mild, non-respiratory symptoms to severe acute respiratory illness, sepsis with organ dysfunction and death. Some people infected have reported no symptoms at all.

According to the current evidence, COVID-19 virus is primarily transmitted between people via respiratory droplets and contact routes. Droplet transmission occurs when a person is in close contact (within 1 metre) with an infected person and exposure to potentially infective respiratory droplets occurs, for example, through coughing, sneezing or very close personal contact resulting in the inoculation of entry portals such as the mouth, nose or conjunctivae

[1] Defined by WHO as "experiencing larger outbreaks of local transmission defined through an assessment of factors including, but not limited to: large numbers of cases not linkable to transmission chains; large numbers of cases from sentinel surveillance; and/or multiple unrelated clusters in several areas of the country/territory/area" (https://www.who.int/publications-detail/global-surveillance-for-covid-19-caused-by-human-infection-with-covid-19-virus-interim-guidance)

(eyes).(5-10) Transmission may also occur through fomites in the immediate environment around the infected person.(11, 12) Therefore, transmission of the COVID-19 virus can occur directly by contact with infected people, or indirectly by contact with surfaces in the immediate environment or with objects used on or by the infected person (e.g., stethoscope or thermometer).

In specific circumstances and settings in which procedures that generate aerosols are performed, airborne transmission of the COVID-19 virus may be possible. The scientific community has been discussing whether the COVID-19 virus, might also spread through aerosols in the absence of aerosol generating procedures (AGPs). This is an area of active research. So far, air sampling in clinical settings where AGPs were not performed, found virus RNA in some studies (13-15) but not in others. (11, 12, 16) However, the presence of viral RNA is not the same as replication- and infection-competent (viable) virus that could be transmissible and capable of sufficient inoculum to initiate invasive infection. Furthermore, a small number of experimental studies conducted in aerobiology laboratories have found virus RNA (17) and viable virus (18), but these were experimentally induced AGPs where aerosols were generated using high-powered jet nebulizers and do not reflect normal human cough conditions. High quality research including randomized trials in multiple settings are required to address many of the acknowledged research gaps related to AGPs and airborne transmission of the COVID-19 virus.

Current evidence suggests that most transmission of COVID-19 is occurring from symptomatic people to others in close contact, when not wearing appropriate PPE. Among symptomatic patients, viral RNA can be detected in samples weeks after the onset of illness, but viable virus was not found after day 8 post onset of symptoms (19, 20) for mild patients, though this may be longer for severely ill patients. Prolonged RNA shedding, however, does not necessarily mean continued infectiousness. Transmissibility of the virus depends on the amount of viable virus being shed by a person, whether or not they are coughing and expelling more droplets, the type of contact they have with others, and what IPC measures are in place. Studies that investigate transmission should be interpreted bearing in mind the context in which they occurred.

There is also the possibility of transmission from people who are infected and shedding virus but have not yet developed symptoms; this is called pre-symptomatic transmission. The incubation period for COVID-19, which is the time between exposure to the virus and symptom onset, is on average 5-6 days, but can be as long as 14 days.(21, 22) Additionally, data suggest that some people can test positive for COVID-19, via polymerase chain reaction (PCR) testing 1-3 days before they develop symptoms.(23) Pre-symptomatic transmission is defined as the transmission of the COVID-19 virus from someone infected and shedding virus but who has not yet developed symptoms. People who develop symptoms appear to have higher viral loads on or just prior to the day of symptom onset, relative to later on in their infection.(24)

Some people infected with the COVID-19 virus do not ever develop any symptoms, although they can shed virus which may then be transmitted to others. One recent systematic review found that the proportion of asymptomatic cases ranged from 6% to 41%, with a pooled estimate of 16% (12%–20%),(25) although most studies included in this review have important limitations of poor reporting of symptoms, or did not properly define which symptoms they were investigating. Viable virus has been isolated from specimens of pre-symptomatic and asymptomatic individuals, suggesting, therefore, that people who do not have symptoms may be able transmit the virus to others.(26) Comprehensive studies on transmission from asymptomatic individuals are difficult to conduct, but the available evidence from contact tracing reported by Member States suggests that asymptomatically-infected individuals are much less likely to transmit the virus than those who develop symptoms.

Among the available published studies, some have described occurrences of transmission from people who did not have symptoms.(21,25-32) For example, among 63 asymptomatically-infected individuals studied in China, there was evidence that 9 (14%) infected another person.(31) Furthermore, among two studies which carefully investigated secondary transmission from cases to contacts, one found no secondary transmission among 91 contacts of 9 asymptomatic cases,(33) while the other reported that 6.4% of cases were attributable to pre-symptomatic transmission.(32) The available data, to date, on onward infection from cases without symptoms comes from a limited number of studies with small samples that are subject to possible recall bias and for which fomite transmission cannot be ruled out.

Guidance on the use of masks in health care settings (including long-term care and residential facilities)

Use of medical masks and respirators to provide care to suspected or confirmed COVID-19 patients

This section provides evidence- and consensus-based guidance on the use of medical masks and respirators by health workers providing direct care to COVID-19 patients.

Definitions

Medical masks are defined as surgical or procedure masks that are flat or pleated; they are affixed to the head with straps that go around the ears or head or both. Their performance characteristics are tested according to a set of standardized test methods (ASTM F2100, EN 14683, or equivalent) that aim to balance high filtration, adequate breathability and optionally, fluid penetration resistance.(34, 35)

Filtering facepiece respirators (FFR), or respirators, similarly offer a balance of filtration and breathability; however, whereas medical masks filter 3 micrometre droplets, respirators must filter more challenging 0.075 micrometre solid particles. European FFRs, according to standard EN 149, at FFP2 performance filter at least 94% solid NaCl particles and oil droplets, and US N95 FFRs, according to NIOSH 42 CFR Part 84, filter at least 95% NaCl particles. Certified FFRs must also ensure unhindered breathing with maximum resistances during inhalation and exhalation. Another important difference is the way filtration is tested; medical mask filtration tests are performed on a cross-section of the masks whereas FFRs are tested for filtration across the entire surface. Therefore, the layers of the filtration material and the FFR shape, ensuring outer edges of the FFR seal around wearer's face, result in a guaranteed claimed filtration when worn compared to the open shape, or leaking structure, of medical masks. Other FFR performance requirements include being within specified parameters for maximum CO_2 build up, total inward leakage and tensile strength of straps.(36, 37)

Available evidence

WHO's guidance on the type of respiratory protection to be worn by health workers providing direct care to COVID-19 patients is based on 1) WHO guidelines recommendations on IPC of epidemic- and pandemic-prone acute respiratory infections in health care;(1) 2) updated systematic reviews of randomized controlled trials on the effectiveness of medical masks compared to that of respirators on the risk of: clinical respiratory illness, influenza-like illness (ILI) and laboratory-confirmed influenza or viral infections. The WHO guidance is similar to recent guidelines of other professional organizations (the European Society of Intensive Care Medicine and the Society of Critical Care Medicine, and the Infectious Diseases Society of America).(38, 39)

Meta-analyses in systematic literature reviews have reported that the use of N95 respirators compared with the use of medical masks is not associated with any statistically significant lower risk of the clinical respiratory illness outcomes or laboratory-confirmed influenza or viral infections.(40, 41) Low-certainty evidence from a systematic review of observational studies related to the betacoronaviruses that cause severe acute respiratory syndrome (SARS), Middle East respiratory syndrome (MERS) and COVID-19 showed that the use of face protection (including respirators and medical masks) results in a large reduction in risk of infection among health workers; N95 or similar respirators might be associated with greater reduction in risk than medical or 12–16-layer cotton masks), but the studies had important limitations (recall bias, limited information about the situations when respirators were used and about measurement of exposures) and most were conducted in settings in which AGPs were performed.(42)

WHO continues gathering scientific data and evidence on the effectiveness of different masks use and on its potential harms, risks and disadvantages, as well as its combination with hand hygiene, physical distancing and other IPC measures.

Recommendations

The WHO COVID-19 IPC GDG considered all available evidence on the COVID-19 virus modes of transmission and on medical mask versus respirator use to protect health workers from infection, its level of certainty, as well as the potential benefits and harms, such as development of facial skin lesions, irritant dermatitis or worsening acne, or breathing difficulties that are more frequent with respirators.(43, 44)

The GDG also considered the implications of maintaining or changing the current recommendations, in terms of availability of medical masks versus respirators, cost and procurement implications, feasibility, equity of access to these respiratory protections by health workers around the world. The GDG acknowledged that in general, health workers have strong preferences regarding highest perceived protection possible to prevent COVID-19 infection and, therefore, place high value on the potential benefits of respirators in settings without AGPs, despite demonstration of equivalence of effectiveness compared to medical masks in some studies and low certainty of the evidence suggesting their greater risk reduction in others.

Definitions

Universal masking in health facilities is defined as the requirement to wear a mask by all health workers and anyone entering the facility, no matter what activities are undertaken (discussed with COVID-19 IPC GDG).

Targeted continuous medical mask use is defined here as the practice of wearing a medical mask by all health workers and caregivers working in clinical areas during all routine activities throughout the entire shift. In this context, masks are only changed if they become soiled, wet or damaged, or if the health worker/caregiver removes the mask (e.g. for eating or drinking or caring for a patient who requires droplet/contact precautions for other reasons) (discussed with COVID-19 IPC GDG).

Health workers are all people primarily engaged in actions with the primary intent of enhancing health. Examples are: Nursing and midwifery professionals, doctors, cleaners, other staff who work in health facilities, social workers, and community health workers, etc. (46)

In conclusion, the great majority of the GDG members confirmed previous recommendations issued by WHO which include that:

- in the absence of AGPs[2], WHO recommends that health workers providing direct care to COVID-19 patients, should wear a medical mask (in addition to other PPE that are part of droplet and contact precautions);
- in care settings for COVID-19 patients where AGPs are performed (e.g. COVID-19 intensive and semi-intensive care units), WHO recommends that health workers should wear a respirator (N95 or FFP2 or FFP3 standard, or equivalent).

Note: Respirators are recommended for settings where AGPs are performed. Based on values and preferences and if widely available, they could also be used when providing direct care to COVID-19 patients in other settings. For additional guidance on PPE, including PPE beyond mask use by health workers, see WHO IPC guidance during health care when COVID-19 infection is suspected (2) and also WHO guidance on the rational use of PPE.(45)

[2] The WHO list of AGPs includes: tracheal intubation, non-invasive ventilation, tracheotomy, cardiopulmonary resuscitation, manual ventilation before intubation, bronchoscopy, sputum induction induced by using nebulized hypertonic saline, and autopsy procedures.

Targeted continuous medical mask use by health workers in areas of known or suspected COVID-19 community transmission

This section considers the continuous use of medical masks by health workers and caregivers in areas of known or suspected community transmission regardless of whether direct care to COVID-19 patients is being provided.

Available evidence

In areas where there is community transmission or large-scale outbreaks of COVID-19, universal masking has been adopted in many hospitals to reduce the potential of (asymptomatic, pre-symptomatic and symptomatic) transmission by health workers and anyone entering the facility with COVID-19 to other health workers and to patients.(47)

There are currently no studies that have evaluated the effectiveness and potential adverse effects of universal or targeted continuous mask use by health workers in preventing transmission of SARS-CoV-2. Despite the lack of evidence the great majority of the WHO COVID-19 IPC GDG members supports the practice of health workers and caregivers in clinical areas (irrespective of whether there are COVID-19 or other patients in the clinical areas) in geographic settings where there is known or suspected community transmission of COVID-19, to continuously wear a medical mask throughout their shift, apart from when eating and drinking or changing the mask after caring for a patient requiring droplet/contact precautions for other reasons (e.g., influenza), to avoid any possibility of cross-transmission.

This practice reflects the strong preferences and values placed on preventing potential COVID-19 infections in health workers and in non-COVID-19 patients; these preferences and values may outweigh both the potential discomfort and other negative consequences of continuously wearing a medical mask throughout their shift and the current lack of evidence.

Note: Decision makers should consider the transmission intensity in the catchment area of the health facility and the feasibility of implementing a policy of continuous mask use for all health workers compared to a policy based on assessed or presumed exposure risk. Either way, procurement and costs should be taken into account and planned. When planning masks for all health workers, long-term availability of medical masks for all workers should be ensured, in particular for those providing care to confirmed or suspected COVID-19 patients.

Guidance

In the context of locations/areas with known or suspected community transmission or intense outbreaks of COVID-19, WHO provides the following guidance:

- Health workers, including community health workers and caregivers, who work in clinical areas should continuously wear a medical mask during their routine activities throughout the entire shift; apart from when eating and drinking and changing their medical mask after caring for a patient who requires droplet/contact precautions for other reasons;
- According to expert opinion, it is particularly important to adopt the continuous use of masks in potential higher transmission risk areas including triage, family physician/GP practices, outpatient departments, emergency rooms, COVID-19 specified units, haematological, cancer, transplant units, long-term health and residential facilities;
- When using medical masks throughout the entire shift, health workers should make sure that:
  - the medical mask is changed when wet, soiled, or damaged;
  - the medical mask is not touched to adjust it or displaced from the face for any reason; if this happens, the mask should be safely removed and replaced; and hand hygiene performed;
  - the medical mask (as well as other personal protective equipment) is discarded and changed after caring for any patient on contact/droplet precautions for other pathogens;
- Staff who do not work in clinical areas do not need to use a medical mask during routine activities (e.g., administrative staff);
- Masks should not be shared between health workers and should be appropriately disposed of whenever removed and not reused;
- A particulate respirator at least as protective as a US National Institute for Occupational Safety and Health-certified N95, N99, US FDA surgical N95, European Union standard FFP2 or FFP3, or equivalent, should be worn in settings for COVID-19 patients where AGPs are performed (see WHO recommendations above). In these settings, this includes its continuous use by health workers throughout the entire shift, when this policy is implemented.

To be fully effective, continuous wearing of a medical mask by health workers, throughout their entire shift, should be implemented along with other measures to reinforce frequent hand hygiene and physical distancing among health workers in shared and crowded places where mask use may be unfeasible such as cafeterias, dressing rooms, etc.

The following **potential harms and risks** should be carefully taken into account when adopting this approach of targeted continuous medical mask use, including:

- self-contamination due to the manipulation of the mask by contaminated hands;(48, 49)
- potential self-contamination that can occur if medical masks are not changed when wet, soiled or damaged;
- possible development of facial skin lesions, irritant dermatitis or worsening acne, when used frequently for long hours(43, 44, 50)
- masks may be uncomfortable to wear;(41, 51)
- false sense of security, leading to potentially less adherence to well recognized preventive measures such as physical distancing and hand hygiene;
- risk of droplet transmission and of splashes to the eyes, if mask wearing is not combined with eye protection;
- disadvantages for or difficulty wearing them by specific vulnerable populations such as those with mental health disorders, developmental disabilities, the deaf and hard of hearing community, and children;
- difficulty wearing them in hot and humid environments.

Table 1. Type of mask for use by health workers depending on transmission scenario, setting and activity*

COVID-19 Transmission scenario	Who	Setting	Activity	What type of mask*
Known or suspected community transmission	Health worker or caregiver	Health facility (including primary, secondary, tertiary care levels, outpatient care, and LTCF)	In patient care area – irrespective if patients are COVID-19 suspect/confirmed	Medical mask (targeted continuous medical masking)
	Personnel (working in health care facilities but not providing care for patients, e.g. administrative staff)	Health care facility (including primary, secondary, tertiary care levels, outpatient care, and LTCF)	No routine activities in patient areas	Medical mask not needed. Medical mask should be considered only if in contact or within 1m of patients, or according to local risk assessment.
	Health worker	Home visit (for example, for antenatal or postnatal care, or for a chronic condition)	When in direct contact or when a distance of at least 1m cannot be maintained.	Consider using a medical mask
	Health worker	Community	Community outreach programs	Consider using a medical mask
Sporadic transmission or clusters of COVID-19 cases	Health worker or caregiver	Health care facility (including primary, secondary, tertiary care levels, outpatient care, and LTCF)	Providing any patient care	Medical mask use according to standard and transmission-based precautions (risk assessment)
	Health worker	Community	Community outreach programs	No mask needed
Any transmission scenario	Health worker or caregiver	Health care facility (including primary, secondary, tertiary care levels, outpatient care, and LTCF)	When in contact with suspect or confirmed COVID-19 patient	Medical mask
	Health worker	Health care facility (including LTCF), in settings where aerosol generating procedures (AGP) are performed	Performing an AGP on a suspected or confirmed COVID-19 patient or providing care in a setting where AGPs are in place for COVID-19 patients.	Respirator (N95 or N99 or FFP2 or FFP3)
	Health worker or caregiver	Home care	When in close contact or when a distance of at least 1 m cannot be maintained from a suspect or confirmed COVID-19 patient	Medical mask

*This table refers only to the use of medical masks and respirators. The use of medical masks and respirators may need to be combined with other personal protective equipment and other measures as appropriate, and always with hand hygiene.

Alternatives to medical masks in health facilities:

In the context of severe medical mask shortage, face shields may be considered as an alternative. The use of cloth masks (referred to as fabric masks in this document) as an alternative to medical masks is not considered appropriate for protection of health workers based on limited available evidence. One study that evaluated the use of cloth masks in a health care facility found that health care workers using cotton cloth masks were at increased risk of influenza like illness compared with those who wore medical masks.(52)

As for other PPE items, if production of cloth masks for use in health care settings is proposed locally in situations of shortage or stock out, a local authority should assess the proposed PPE according to specific minimum standards and technical specifications.

Additional considerations for community care settings:

Community health workers should use standard precautions for all patients at all times, with particular emphasis regarding hand and respiratory hygiene, surface and environmental cleaning and disinfection, and the appropriate use of personal protective equipment. Additional IPC measures that are needed will depend on the local COVID-19 transmission dynamics and the type of contact required by the health care activity. Furthermore, the community health workforce should ensure that patients and workforce members apply respiratory hygiene, and physical distancing of at least 1 metre (3.3 feet). They also may support set-up, community education and maintenance of hand hygiene stations.(53)

When conducting screening activities (e.g., conducting interviews), no mask is needed if a distance of at least 1 metre (3.3 feet) can be maintained and there is no direct contact with patients.(42, 53) In the context of known or suspected

community transmission, consider additional precautions, including the wearing of a medical mask, when community health workers provide essential routine services (Table 2).

When a patient is suspected or confirmed to have COVID-19 infection, community health workers should use contact and droplet precautions. Contact and droplet precautions include the use of a medical mask, gown, gloves and eye protection.(53)

Guidance on the use of masks for the general public

Available evidence

Studies of influenza, influenza-like illness, and human coronaviruses (not including COVID-19) provide evidence that the use of a medical mask can prevent the spread of infectious droplets from a symptomatic infected person (source control) to someone else and potential contamination of the environment by these droplets.(54, 55) There is limited evidence that wearing a medical mask by healthy individuals in households, in particular those who share a house with a sick person, or among attendees of mass gatherings may be beneficial as a measure preventing transmission.(41, 56-61) A recent meta-analysis of these observational studies, with the intrinsic biases of observational data, showed that either disposable surgical masks or reusable 12–16-layer cotton masks were associated with protection of healthy individuals within households and among contacts of cases.(42)

This could be considered to be indirect evidence for the use of masks (medical or other) by healthy individuals in the wider community; however, these studies suggest that such individuals would need to be in close proximity to an infected person in a household or at a mass gathering where physical distancing cannot be achieved, to become infected with the virus.

Results from cluster randomized controlled trials on the use of masks among young adults living in university residences in the United States of America indicate that face masks may reduce the rate of influenza-like illness, but showed no impact on risk of laboratory-confirmed influenza.(62, 63) At present, there is no direct evidence (from studies on COVID-19 and in healthy people in the community) on the effectiveness of universal masking of healthy people in the community to prevent infection with respiratory viruses, including COVID-19.

WHO regularly monitors all emerging evidence about this important topic and will provide updates as more information becomes available.

Guidance

1) **WHO recommends that persons with any symptoms suggestive of COVID-19 should (1, 2):**
   - wear a medical mask, self-isolate, and seek medical advice as soon as they start to feel unwell with potential symptoms of COVID-19, even if symptoms are mild. Symptoms can include: fever, cough, fatigue, loss of appetite, shortness of breath and muscle pain. Other non-specific symptoms such as sore throat, nasal congestion, headache, diarrhoea, nausea and vomiting, have also been reported. Loss of smell and taste preceding the onset of respiratory symptoms have also been reported.(64, 65) Older people and immunosuppressed patients may present with atypical symptoms such as fatigue, reduced alertness, reduced mobility, diarrhoea, loss of appetite, delirium, and absence of fever.(26, 66, 67) It is important to note that early symptoms for some people infected with COVID-19 may be very mild and unspecific;
   - follow instructions on how to put on, take off, and dispose of medical masks and perform hand hygiene;(68)
   - follow all additional measures, in particular respiratory hygiene, frequent hand hygiene and maintaining physical distance of at least 1 metre (3.3 feet) from other persons.(42)

In the context of the COVID-19 pandemic, it is recommended that all persons, regardless of whether they are using masks or not, should:

- avoid groups of people and crowded spaces (follow local advice);
- maintain physical distance of at least 1 metre (3.3 feet) from other persons, especially from those with respiratory symptoms (e.g. coughing, sneezing);
- perform hand hygiene frequently, using an alcohol-based handrub if hands are not visibly dirty or soap and water;
- use respiratory hygiene i.e. cover their nose and mouth with a bent elbow or paper tissue when coughing or sneezing, dispose of the tissue immediately after use, and perform hand hygiene;
- refrain from touching their mouth, nose, and eyes.

2) **Advice to decision makers on the use of masks for the general public**

Many countries have recommended the use of fabric masks/face coverings for the general public. At the present time, the widespread use of masks by healthy people in the community setting is not yet supported by high quality or direct scientific evidence and there are potential benefits and harms to consider (see below).

However, taking into account the available studies evaluating pre- and asymptomatic transmission, a growing compendium of observational evidence on the use of masks by the general public in several countries, individual values and preferences, as well as the difficulty of physical distancing in many contexts, WHO has updated its guidance to advise that to prevent COVID-19 transmission effectively in areas of community transmission, governments should encourage the general public to wear masks in specific situations and settings as part of a comprehensive approach to suppress SARS-CoV-2 transmission (Table 2).

WHO advises decision makers to apply a risk-based approach focusing on the following criteria when considering or encouraging the use of masks for the general public:

1. **Purpose** of mask use: if the intention is preventing the infected wearer transmitting the virus to others (that is, source control) and/or to offer protection to the healthy wearer against infection (that is, prevention).

2. Risk of **exposure** to the COVID-19 virus
   - due to epidemiology and intensity of transmission in the population: if there is community transmission and there is limited or no capacity to implement other containment measures such as contact tracing, ability to carry out testing and isolate and care for suspected and confirmed cases.
   - depending on occupation: e.g., individuals working in close contact with the public (e.g., social workers, personal support workers, cashiers).
3. **Vulnerability** of the mask wearer/population: for example, medical masks could be used by older people, immunocompromised patients and people with comorbidities, such as cardiovascular disease or diabetes mellitus, chronic lung disease, cancer and cerebrovascular disease.(69)
4. **Setting** in which the population lives: settings with high population density (e.g. refugee camps, camp-like settings, those living in cramped conditions) and settings where individuals are unable to keep a physical distance of at least 1 metre (3.3 feet) (e.g. public transportation).
5. **Feasibility**: availability and costs of masks, access to clean water to wash non-medical masks, and ability of mask wearers to tolerate adverse effects of wearing a mask.
6. **Type** of mask: medical mask versus non-medical mask

Based on these criteria, Table 2 provides practical examples of situations where the general public should be encouraged to wear a mask and it indicates specific target populations and the type of mask to be used according to its purpose. The decision of governments and local jurisdictions whether to recommend or make mandatory the use of masks should be based on the above criteria, and on the local context, culture, availability of masks, resources required, and preferences of the population.

Table 2. Examples of where the general public should be encouraged to use medical and non-medical masks in areas with known or suspected community transmission

Situations/settings	Population	Purpose of mask use	Type of mask to consider wearing if recommended locally
Areas with known or suspected widespread transmission and limited or no capacity to implement other containment measures such as physical distancing, contact tracing, appropriate testing, isolation and care for suspected and confirmed cases.	General population in public settings, such as grocery stores, at work, social gatherings, mass gatherings, closed settings, including schools, churches, mosques, etc.	Potential benefit for source control	Non-medical mask
Settings with high population density where physical distancing cannot be achieved; surveillance and testing capacity, and isolation and quarantine facilities are limited	People living in cramped conditions, and specific settings such as refugee camps, camp-like settings, slums	Potential benefit for source control	Non-medical mask
Settings where a physical distancing cannot be achieved (close contact)	General public on transportation (e.g., on a bus, plane, trains) Specific working conditions which places the employee in close contact or potential close contact with others e.g., social workers, cashiers, servers	Potential benefit for source control	Non-medical mask
Settings where physical distancing cannot be achieved and increased risk of infection and/or negative outcomes	Vulnerable populations: • People aged ≥60 years • People with underlying comorbidities, such as cardiovascular disease or diabetes mellitus, chronic lung disease, cancer, cerebrovascular disease, immunosuppression	Protection	Medical mask
Any setting in the community*	Persons with any symptoms suggestive of COVID-19	Source control	Medical mask

*This applies to any transmission scenario

Potential benefits/advantages

The likely advantages of the use of masks by healthy people in the general public include:

- reduced potential exposure risk from infected persons before they develop symptoms;
- reduced potential stigmatization of individuals wearing masks to prevent infecting others (source control) or of people caring for COVID-19 patients in non-clinical settings;(70)
- making people feel they can play a role in contributing to stopping spread of the virus;

- reminding people to be compliant with other measures (e.g., hand hygiene, not touching nose and mouth). However, this can also have the reverse effect (see below);
- potential social and economic benefits. Amidst the global shortage of surgical masks and PPE, encouraging the public to create their own fabric masks may promote individual enterprise and community integration. Moreover, the production of non-medical masks may offer a source of income for those able to manufacture masks within their communities. Fabric masks can also be a form of cultural expression, encouraging public acceptance of protection measures in general. The safe re-use of fabric masks will also reduce costs and waste and contribute to sustainability.

Potential harms/disadvantages

The likely disadvantages of the use of mask by healthy people in the general public include:

- potential increased risk of self-contamination due to the manipulation of a face mask and subsequently touching eyes with contaminated hands;(48, 49)
- potential self-contamination that can occur if non-medical masks are not changed when wet or soiled. This can create favourable conditions for microorganism to amplify;
- potential headache and/or breathing difficulties, depending on type of mask used;
- potential development of facial skin lesions, irritant dermatitis or worsening acne, when used frequently for long hours;(50)
- difficulty with communicating clearly;
- potential discomfort;(41, 51)
- a false sense of security, leading to potentially lower adherence to other critical preventive measures such as physical distancing and hand hygiene;
- poor compliance with mask wearing, in particular by young children;
- waste management issues; improper mask disposal leading to increased litter in public places, risk of contamination to street cleaners and environment hazard;
- difficulty communicating for deaf persons who rely on lip reading;
- disadvantages for or difficulty wearing them, especially for children, developmentally challenged persons, those with mental illness, elderly persons with cognitive impairment, those with asthma or chronic respiratory or breathing problems, those who have had facial trauma or recent oral maxillofacial surgery, and those living in hot and humid environments.

If masks are recommended for the general public, the decision-maker should:

- clearly communicate the purpose of wearing a mask, where, when, how and what type of mask should be worn. Explain what wearing a mask may achieve and what it will not achieve, and communicate clearly that this is one part of a package of measures along with hand hygiene, physical distancing and other measures that are all necessary and all reinforce each other;
- inform/train people on when and how to use masks safely (see mask management and maintenance sections), i.e. put on, wear, remove, clean and dispose;
- consider the feasibility of use, supply/access issues, social and psychological acceptance (of both wearing and not wearing different types of masks in different contexts);
- continue gathering scientific data and evidence on the effectiveness of mask use (including different types and makes as well as other face covers such as scarves) in non-health care settings;
- evaluate the impact (positive, neutral or negative) of using masks in the general population (including behavioral and social sciences).

WHO encourages countries and community adopting policies on masks use in the general public to conduct good quality research to assess the effectiveness of this intervention to prevent and control transmission.

3) Types of mask to consider

Medical mask

Medical masks should be certified according to international or national standards to ensure they offer predictable product performance when used by health workers, according to the risk and type of procedure performed in a health care setting. Designed for single use, a medical mask's initial filtration (at least 95% droplet filtration), breathability and, if required, fluid resistance are attributed to the type (e.g. spunbond or meltblown) and layers of manufactured non-woven materials (e.g. polypropylene, polyethylene or cellulose). Medical masks are rectangular in shape and comprise three or four layers. Each layer consists of fine to very fine fibres. These masks are tested for their ability to block droplets (3 micrometres in size; EN 14683 and ASTM F2100 standards) and particles (0.1 micrometre in size; ASTM F2100 standard only). The masks must block droplets and particles while at the same time they must also be breathable by allowing air to pass. Medical masks are regulated medical devices and categorized as PPE.

The use of medical masks in the community may divert this critical resource from the health workers and others who need them the most. In settings where medical masks are in short supply, **medical masks should be reserved for health workers and at-risk individuals when indicated.**

Non-medical mask

Non-medical (also referred to as "fabric" in this document) masks are made from a variety of woven and non-woven fabrics, such as polypropylene. Non-medical masks may be made of different combinations of fabrics, layering sequences and available in diverse shapes. Few of these combinations have been systematically evaluated and there is no single design, choice of material, layering or shape among the non-medical masks that are available. The unlimited combination of fabrics and materials results in variable filtration and breathability.

A non-medical mask is neither a medical device nor personal protective equipment. However, a non-medical mask standard has been developed by the French Standardization Association (AFNOR Group) to define minimum performance in terms of filtration (minimum 70% solid particle filtration or droplet filtration) and breathability (maximum pressure difference of 0.6 mbar/cm^2 or maximum

inhalation resistance of 2.4 mbar and maximum exhalation resistance of 3 mbar).(71)

The lower filtration and breathability standardized requirements, and overall expected performance, indicate that the use of non-medical masks, made of woven fabrics such as cloth, and/or non-woven fabrics, should only be considered for source control (used by infected persons) in community settings and not for prevention. They can be used ad-hoc for specific activities (e.g., while on public transport when physical distancing cannot be maintained), and their use should always be accompanied by frequent hand hygiene and physical distancing.

Decision makers advising on type of non-medical mask should take into consideration the following features of non-medical masks: filtration efficiency (FE), or filtration, breathability, number and combination of material used, shape, coating and maintenance.

a) Type of materials: filtration efficiency (FE), breathability of single layers of materials, filter quality factor

The selection of material is an important first step as the filtration (barrier) and breathability varies depending on the fabric. Filtration efficiency is dependent on the tightness of the weave, fibre or thread diameter, and, in the case of non-woven materials, the manufacturing process (spunbond, meltblown, electrostatic charging).(49, 72) The filtration of cloth fabrics and masks has been shown to vary between 0.7% and 60%.(73, 74) The higher the filtration efficiency the more of a barrier provided by the fabric.

Breathability is the ability to breathe through the material of the mask. Breathability is the difference in pressure across the mask and is reported in millibars (mbar) or Pascals (Pa) or, for an area of mask, over a square centimeter (mbar/cm^2 or Pa/cm^2). Acceptable breathability of a medical mask should be below 49 Pa/cm^2. For non-medical masks, an acceptable pressure difference, over the whole mask, should be below 100 Pa.(73)

Depending on fabric used, filtration efficiency and breathability can complement or work against one another. Recent data indicate that two non-woven spunbond layers, the same material used for the external layers of disposable medical masks, offer adequate filtration and breathability. Commercial cotton fabric masks are in general very breathable but offer lower filtration.(75) The filter quality factor known as "Q" is a commonly used filtration quality factor; it is a function of filtration efficiency (filtration) and breathability, with higher values indicating better overall efficiency.(76) Table 3 shows FE, breathability and the filter quality factor, Q, of several fabrics and non-medial masks.(73, 77) According to expert consensus three (3) is the minimum Q factor recommended. This ranking serves as an initial guide only.

Table 3. Non-medical mask filtration efficiency, pressure drop and filter quality factor*

Material	Source	Structure	Initial Filtration Efficiency (%)	Initial Pressure drop (Pa)	Filter quality factor, Q ** (kPa^{-1})
Polypropylene	Interfacing material, purchased as-is	Spunbond (Nonwoven)	6	1.6	16.9
Cotton 1	Clothing (T-shirt)	Woven	5	4.5	5.4
Cotton 2	Clothing (T-shirt)	Knit	21	14.5	7.4
Cotton 3	Clothing (Sweater)	Knit	26	17	7.6
Polyester	Clothing (Toddler wrap)	Knit	17	12.3	6.8
Cellulose	Tissue paper	Bonded	20	19	5.1
Cellulose	Paper towel	Bonded	10	11	4.3
Silk	Napkin	Woven	4	7.3	2.8
Cotton, gauze	N/A	Woven	0.7	6.5	0.47
Cotton, handkerchief	N/A	Woven	1.1	9.8	0.48
Nylon	Clothing (Exercise pants)	Woven	23	244	0.4

* This table refers only to materials reported in experimental peer-reviewed studies. The filtration efficiency, pressure drop and Q factor are dependent on flow rate. ** According to expert consensus, three (3) is the minimum Q factor recommended.

It is preferable not to select elastic material for making masks; during wear, the mask material may be stretched over the face, resulting in increased pore size and lower filtration efficiency throughout use. Also, elastic materials may degrade over time and are sensitive to washing at high temperatures.

b) Number of layers

A minimum of three layers is required for non-medical masks, depending on the fabric used. The innermost layer of the mask is in contact with the wearer's face. The outermost layer is exposed to the environment.(78)

Fabric cloths (e.g., nylon blends and 100% polyester) when folded into two layers, provides 2-5 times increased filtration efficiency compared to a single layer of the same cloth,-and filtration efficiency increases 2-7 times if it is folded into 4 layers.(75) Masks made of cotton handkerchiefs alone should consist of at least 4 layers, but have achieved only 13% filtration efficiency.(73) Very porous materials, such as gauze, even with multiple layers will not provide sufficient filtration; only 3% filtration efficiency. (73)

It is important to note that with more tightly woven materials, as the number of layers increases, the breathability may be

reduced. A quick check for breathability may be performed by attempting to breathe, through the mouth, and through the multiple layers.

c) Combination of material used

The ideal combination of material for non-medical masks should include three layers as follows: 1) an innermost layer of a hydrophilic material (e.g. cotton or cotton blends); 2), an outermost layer made of hydrophobic material (e.g., polypropylene, polyester, or their blends) which may limit external contamination from penetration through to the wearer's nose and mouth; 3) a middle hydrophobic layer of synthetic non-woven material such as polyproplylene or a cotton layer which may enhance filtration or retain droplets.

d) Mask shape

Mask shapes include flat-fold or duckbill and are designed to fit closely over the nose, cheeks and chin of the wearer. When the edges of the mask are not close to the face and shift, for example, when speaking, internal/external air penetrates through the edges of the mask rather than being filtered through the fabric. Leaks where unfiltered air moves in and out of the mask may be attributed to the size and shape of the mask.(79)

It is important to ensure that the mask can be held in place comfortably with little adjustment using elastic bands or ties.

e) Coating of fabric

Coating the fabric with compounds like wax may increase the barrier and render the mask fluid resistant; however, such coatings may inadvertently completely block the pores and make the mask difficult to breathe through. In addition to decreased breathability unfiltered air may more likely escape the sides of the mask upon exhalation. Coating is therefore not recommended.

f) Mask maintenance

Masks should only be used by one person and should not be shared.

All masks should be changed if wet or visibly soiled; a wet mask should not be worn for an extended period of time. Remove the mask without touching the front of the mask, do not touch the eyes or mouth after mask removal. Either discard the mask or place it in a sealable bag where it is kept until it can be washed and cleaned. Perform hand hygiene immediately afterwards.

Non-medical masks should be washed frequently and handled carefully, so as not to contaminate other items.

If the layers of fabrics look noticeably worn out, discard the mask.

Clothing fabrics used to make masks should be checked for the highest permitted washing temperature. If instructions for washing are indicated on the clothing label, verify if washing in warm or hot water is tolerated. Select washable fabrics that can be washed. Wash in warm hot water, 60°C, with soap or laundry detergent. Non-woven polypropylene (PP) spunbond may be washed at high temperatures, up to 125°C.(72) Natural fibres may resist high temperature washes and ironing. Wash the mask delicately (without too much friction, stretching or wringing) if nonwoven materials (e.g. spunbond) are used. The combination of non-woven PP spunbond and cotton can tolerate high temperatures; masks made of these combinations may be steamed or boiled.

Where hot water is not available, wash mask with soap/detergent at room temperature water, followed by either i) boiling mask for one minute OR ii) soak mask in 0.1% chlorine for one minute then thoroughly rinse mask with room temperature water, to avoid any toxic residual of chlorine.

WHO is collaborating with research and development partners and the scientific community engaged in textile engineering and fabric design to facilitate a better understanding of the effectiveness and efficiency of non-medical masks. WHO urges countries that have issued recommendations on the use of both medical and non-medical masks by healthy people in community settings to conduct research on this important topic. Such research needs to look at whether SARS-CoV-2 particles can be expelled through non-medical masks of poor quality worn by a person with symptoms of COVID-19 while that person is coughing, sneezing or speaking. Research is also needed on non-medical mask use by children and other medically challenging persons and settings as mentioned above.

Table 4 provides a summary of guidance and practical considerations on the composition, construction and management of non-medical masks.

Table 4. Summary guidance and practical considerations for non-medical mask production and management

Guidance and practical considerations
Fabric selection:
Choose materials that capture particles and droplets but remain easy to breathe through.
Avoid stretchy material for making masks as they provide lower filtration efficiency during use and are sensitive to washing at high temperatures.
Fabrics that can support high temperatures (60° or more) are preferable.
Construction:
A minimum of three layers is required, depending on the fabric used: an inner layer touching the mouth and an outer layer that is exposed to the environment.
Choose water-absorbing (hydrophilic) materials or fabrics for the internal layers, to readily absorb droplets, combined with an external synthetic material that does not easily absorb liquid (hydrophobic).
Mask management:
Masks should only be used by one person.
All masks should be changed if soiled or wet; a soiled or wet mask should not be worn for an extended period of time.
Non-medical masks should be washed frequently and handled carefully, so as not to contaminate other items.
Clothing fabrics used to make masks should be checked for the highest permitted washing temperature, which is indicated on the clothing label.
Non-woven polypropylene (PP) spunbond may be washed at high temperature, up to 140°C.
The combination of non-woven PP spunbond and cotton can tolerate high temperatures; masks made of these combinations may be steamed or boiled.
Where hot water is not available, wash mask with soap/detergent at room temperature water, followed by either i) boiling mask for one minute OR ii) soak mask in 0.1% chlorine for one minute then thoroughly rinse mask with room temperature water, to avoid any toxic residual of chlorine.

3. Alternatives to non-medical masks for the general public

In the context of non-medical mask shortage, face shields may be considered as an alternative noting that they are inferior to mask with respect to prevention of droplet transmission. If face shields are to be used, ensure proper design to cover the sides of the face and below the chin. In addition, they may be easier to wear for individuals with limited compliance with medical masks (such as those with mental health disorders, developmental disabilities, deaf and hard of hearing community and children).

Guidance on the use of medical masks for the care of COVID-19 patients at home

WHO provides guidance on how to care for patients with confirmed and suspected COVID-19 at home when care in a health facility or other residential setting is not possible.(4) Home care may be considered when inpatient care or isolation in non-traditional settings is unavailable or unsafe (e.g. capacity is limited and resources are unable to meet the demand for care services). If feasible, a trained health worker should conduct an assessment to verify whether the patient and the family are able to comply with recommended measures for home-care isolation (e.g. hand hygiene, respiratory hygiene, environmental cleaning, limitations on movement around or from the house) and to address safety concerns (e.g. accidental ingestion of and fire hazards associated with using alcohol-based handrubs). Specific IPC guidance for home care should be followed. (4)

Persons with suspected COVID-19 or mild COVID-19 symptoms and no risk factors should:

- be isolated in a medical facility if confirmed, or self-isolate at home if isolation in a medical or other designated facility is not indicated or not possible;
- perform hand and respiratory hygiene frequently;
- keep a distance of at least 1 metre (3.3 feet) from other people;
- **wear a medical mask** as much as possible; the mask should be changed at least once daily. Persons who cannot tolerate a medical mask should rigorously apply respiratory hygiene (i.e. cover mouth and nose with a disposable paper tissue when coughing or sneezing and dispose of it immediately after use or use a bent elbow procedure and then perform hand hygiene);
- limit movement and minimize shared space;
- avoid contaminating surfaces with saliva, sputum or respiratory secretions;
- improve airflow and ventilation in their living space by opening windows and doors as much as possible;
- ensure adequate cleaning and disinfection of touch surfaces, near where the patient is being cared for, such as bedside tables, bedframes, and other bedroom furniture; electronic touchscreens, keyboards, and controls; and bathroom fixtures.

Caregivers or those sharing living space with people with suspected COVID-19 or with mild COVID-19 symptoms should:

- perform hand hygiene according to the 5 Moments of Hand Hygiene,(80) using an alcohol-based handrub if hands are not visibly dirty or soap and water when hands are visibly dirty;

- keep a distance of at least 1 m from the affected person when possible;
- **wear a medical mask** when in the same room as the affected person;
- dispose of any material contaminated with respiratory secretions (disposable tissues) immediately after use and then perform hand hygiene;
- improve airflow and ventilation in the living space by opening windows as much as possible;
- ensure adequate cleaning and disinfection of touch surfaces in the patient's room, such as bedside tables, bedframes and other bedroom furniture; electronic touchscreens, keyboards, and controls; and bathroom fixtures.

Guidance on mask management

For any type of mask, appropriate use and disposal are essential to ensure that they are as effective as possible and to avoid any increase in transmission.

WHO offers the following guidance on the correct use of masks, derived from best practices in health care settings:

- perform hand hygiene before putting on the mask;
- place the mask carefully, ensuring it covers the mouth and nose, adjust to the nose bridge, and tie it securely to minimize any gaps between the face and the mask;
- avoid touching the mask while wearing it;
- remove the mask using the appropriate technique: do not touch the front of the mask but untie it from behind.
- after removal or whenever a used mask is inadvertently touched, clean hands with an alcohol-based handrub, or soap and water if hands are visibly dirty;
- replace masks as soon as they become damp with a new clean, dry mask;
- do not re-use single-use masks;
- discard single-use masks after each use and dispose of them immediately upon removal.

WHO continues to monitor the situation closely for any changes that may affect this interim guidance. Should any factors change, WHO will issue a further update. Otherwise, this interim guidance document will expire 2 years after the date of publication.

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Acknowledgements

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2) the WHO Health Emergencies Programme (WHE) Ad-hoc Experts Advisory Panel for Infection Prevention and Control (IPC) Preparedness, Readiness and Response to COVID-19, and other international experts including (in alphabetical order):

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Michelle Howke

From: Lynsi DeWaard, REALTOR KWRealtyNWMT [redacted]
Sent: Monday, July 6, 2020 2:48 PM
To: Michelle Howke; John Muhlfeld
Subject: Mandated Masks

Good Afternoon,
I am writing to you in regards to making masks mandatory. This should be a choice that each person makes for themselves and their families. I personally cannot wear one and I am considered one that could be sensitive to it. However I choose not to let this pandemic run my life. Those that feel the need to wear a mask should by all rights wear one but do not make everyone wear one. The town may lose income/funds due to people choosing not to shop/dine in Whitefish because of the masks, I know we will no longer do any of those things there.
This pandemic can become under control like all the other colds/viruses if people just use common sense by staying home if they are ill and washing your hands. If we aren't exposed to anything and become extremely sanitized the common cold would wipe us out, we must be exposed to life and build up our immunities, especially our young ones.

Thank you,

Lynsi DeWaard, The DeWaard Team
Realtor®, KWLand, C2EX, KW ALC, RRE-RBS-LIC-38364
at Keller Williams Realty Northwest Montana

A [redacted]
W valleymountainhome.com
Mobile app http://app.kw.com/KW2LDQ4AY
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EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Olivia Diamond [redacted]
Sent: Monday, July 6, 2020 11:47 AM
To: Michelle Howke
Subject: Face Masks

Face Masks are positively necessary in Whitefish and increasingly imperative with the influx of out-of-state visitors. We have seen the harm done because a national policy of mandatory mask-wearing in public, prohibition of large gatherings, and too hasty re-openings has caused.
Now is past time for all good men and women to do what is right for themselves and their countrymen.

Olivia Diamond

[redacted]

Whitefish MT

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Samantha Dittman <[redacted]
Sent: Monday, July 6, 2020 2:08 PM
To: Michelle Howke
Subject: Mask mandate

City of Whitefish,

I am writing in support of the proposal to mandate a mask in public settings. With the influx of out of state visitors over the summer, it is imperative that we take this simple step towards protecting our workers, community, and our hospital system. Additionally, without continued SBA support a second round of business closures could cripple our local economy.

All data supports the efficacy of masks, a minor inconvenience, compared to the consequences of a widespread outbreak in our small community. We've seen how this plays out in other counties, states, countries. It's time to take action. NOW!

Sincerely,
Samantha Dittman
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Bettejo Dyck [redacted]
Sent: Monday, July 6, 2020 1:14 PM
To: Michelle Howke
Subject: Required masks

To City Council,

As a resident of Whitefish for 36 years to would like to voice my opinion in reguards to requiring the wearing of masks (face coverings) in Whitefish and your vote tonight. I am TOTALLY APPOSED to even the thought of it!!!! Were is LIBERTY or FREEDOM in this ruling?

Please think about the blue collar workers were wearing a mask impedes doing there job safely and adds health issues. Ever tried doing heavy manual labor in 85 degrees weather with a mask blocking your breathing ability??! Or for those of us who for can't medically wear them?

I love going to Costco but since they have IMPOSED their face covering rule it is too stressful! Everyone is on edge! I have friends and family members boycotting them until they lift it.

Do not let fear over rule common sense!! Government is not to be our parents, we have ability to think for ourselves! Let each individual decide for one's self!

Thank you for hearing me out.

Bettejo Dyck
Sent from Yahoo Mail on Android
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Steffany [redacted]
Sent: Monday, July 6, 2020 12:45 PM
To: Michelle Howke; John Muhlfeld
Subject: Whitefish Mask Mandate

Hi there,

This email is to strongly encourage the mask mandate in discussion NOT be moved forward as proposed. The WHO has come out saying asymptomatic transmission is highly unlikely, the surgeon general is WARNING against our healthy population wearing masks- the notion of Whitefish adopting this is absurd even from a health standpoint. The larger issue at hand is the breach of individual freedoms this creates. Montana is better than this. Whitefish is better than this.

Steffany Earll
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Sarah Etzler [redacted]
Sent: Monday, July 6, 2020 12:39 PM
To: Michelle Howke
Subject: Mandated masks

Hi,

I wanted to cast my vote as a no to mandated mask wearing in whitefish!

Thank you

Sarah Etzler

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

Michelle Howke

From: Cowgirl Coffee [redacted] >
Sent: Monday, July 6, 2020 12:50 PM
To: Michelle Howke; John Muhlfeld
Subject: Mask Requirement for Whitefish City

Dear Mayor,

My name is Shea Fast.
I am the Owner of Cowgirl Coffee. [redacted]. and [redacted].
I started this business in Whitefish in 2002. Employing hundreds of Women in our community.
I personally moved to Whitefish MT in 1995.

I am writing you in regards to Mandatory mask requirements within the City of Whitefish during these changing times.
I have been hesitant to share in fear for my business reputation.
This is a very personal belief, regarding the mandatory for wearing a mask in our community.

Hygiene and wellness is personal. It is a choice, similar to clothes, exercise, and food.
I request you to NOT require our community members and visitors to wear masks. Please allow them to make personal wellness decisions on their own.

We (Cowgirl Coffee) have been OPEN, both Whitefish Locations, throughout this entire pandemic serving our community. We as a company follow strict cleanliness policies, and have always received a Letter Grade of A or above. We have followed the County Health inspections, and trust their guidance. Not only do we want to provide a healthy and stellar experience for our customers, but we want to be the face of Whitefish. We interact with locals and visitors daily and have heard the frustrations and love for this community.

As a business owner I have always look to problem solve. I see a lack of problem solving with this mandate. Masks provide very little protection for the wearer. Those at risk, we see, are taking precautions when to venture out into the community.

As a leader, while providing boundaries and structure, I have always found that with TRUST and WORDS OF BELIEF to my organization, is when I see the best results. This is when we witness a WIN WIN.
The more lack in trust, and intense management, especially regarding personal decisions, the more angst, frustrations, and ”kick back” is received.

Belief in others, goes a long way. People rise to the occasion.

I am sure you know this. Rather than epitomizing humility, influence and meeting people where they are at, too many leaders think being a leader means power and authority. Great leaders are humble – allowing their appreciation and faith in their people and in promoting the right attitude and belief systems that encourage others to succeed and prosper.

So why would you not believe in this strong healthy community to make the best decisions for themselves? Do you not believe in Whitefish Community Members?

Can you provide answers to these questions.

How long will you require mandatory face masks?
Do you have an end date?
What is your exit strategy?
What happens in the future with another virus?
How will you implement this requirement?
What type of punishment for those that do not comply?
How will you determine those that should not wear a Mask?
According to OSHA.GOV “those who have trouble breathing or are otherwise unable to put on or remove a mask without assistance should not wear one.”
How will the city pay for the extra work load on the police department?
What steps are you taking or benefits you offer for businesses in City limits that will see a decline in their visibility and visitation?
Will you offer free masks? If no, why?
Will you offer cleaning of masks? If no, why?
What training are you offering?
According to OSHA Cloth masks
“Will not protect the wearer against airborne transmissible infectious agents due to loose fit and lack of seal or inadequate filtration.”
Do you feel this is protecting Whitefish Businesses? If yes, How? If No, Why?
Do you feel this helps Whitefish Businesses ? If yes, How? If No, Why?
Does the data outweigh the detriment that this holds on our communities business?
Do you have the data to support such a drastic mandate?

I urge you to equip the people of Whitefish with topics that allow them to become the best version of themselves and as a community member.

Whitefish locals and visitors will flourish if they have a community leader that provides building of strengths, not highlighting weakness and sickness.

Masks should be a personal choice, because you, as the leader, believe in your community members to make the best decisions.

Warmly,
Shea Fast
Cowgirl Coffee
cowgirlcoffee.com
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Rhonda Fitzgerald [redacted]
Sent: Monday, July 6, 2020 4:02 PM
To: Michelle Howke
Subject: masks required

To City Council,
Please pass the resolution to require that masks be worn in Whitefish. An ordinance would be even better. The health of our local economy is reliant on Whitefish remaining a healthy place. Please protect our citizens and ensure that our businesses can remain open.
Thank you,
Rhonda Fitzgerald

Rhonda Fitzgerald
The Garden Wall Inn | [redacted] | Whitefish, MT 59937
P: [redacted] | F: [redacted]1 | www.gardenwallinn.com

Whitefish Covid Cares: Clean, Careful, Connected - Helping to keep our community safe and resilient.

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Vicki Forristal [redacted]
Sent: Monday, July 6, 2020 11:30 AM
To: Michelle Howke
Subject: support of mask mandate

As a resident of Whitefish, an employee that works in town, and as the wife and daughter of individuals at particular risk to COVID-19, I strongly support the mask mandate. Please help protect our community and its visitors by passing the mandate. Thank you.

Vicki Forristal
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Tyler Furry <[redacted]>
Sent: Monday, July 6, 2020 11:38 AM
To: Michelle Howke
Subject: Letter to City Council & Mayor for Tuesdays meeting

Dear City Council Members & Mayor Mulfield,

I urge you to vote **no** on the resolution to require masks in city limits. After reading the rules outlined in the proposition there are serious legal and public health concerns the city is going to experience if they pass this resolution.

1. The proposition as written has too much grey area and will be impossible to enforce. The propositions are written with so many hypocritical patterns that most citizens will not understand when it is required and when it is not. Passing these rules will create a legal quagmire for the city.
2. The proposition is putting the burden of wearing masks on the people that live and work here and deferring enforcement on the business owners. THIS IS WRONG. Flathead had practically no cases until we opened up for tourists.
3. Passing a resolution like this is going to increase conflict citywide. There are serious mental health effects of this pandemic that are going to escalate when the city takes a position like this. This is becoming a hot-button issue, and if the city becomes involved by stripping citizens of their freedom of choice and personal responsibility, there will be consequences.
4. Having talked to multiple friends in the healthcare system, masks if worn over an extended period (not in a clinical setting) can do more harm by the wearer constantly touching their face to adjust the mask, thus making the spread of a virus more possible.

Do the right and morale thing and vote no on this proposition. We are a strong, smart and respectful community that values personal freedom. I believe that the citizens of Whitefish can handle this situation without extra mandates being passed by the city.

Thanks for your consideration,

--

Tyler Furry
Creative Director

The ZaneRay Group
[redacted] • Whitefish, MT 59937
[redacted]
www.zaneray.com

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Ray Garth [redacted]
Sent: Monday, July 6, 2020 1:32 PM
To: Michelle Howke
Subject: Mandating masks

Dear Ms Howke,

I am against mandatory wearing of masks, not that they are not appropriate in certain circumstances. I do not see that wearing a mask in a vehicle as to be beneficial, walking on park trails, bicycling, playing golf or being on a beach in your family group, but in a close proximity group of people, not in your family group, a mask would probably be prudent. Masks are still in tight supply also, by mandating wearing of them is going to create another shortage for our heath care workers and front line people.

I have seen research that constant wearing of masks, produces decreased oxygen and increased carbon dioxide in an individual's blood, which lowers a person's immune ability, making any lung issues much more intense. There are several cases of skin problems that develop with frequent mask usage.

Thank you for your consideration.

Dr. Raymond Garth, DC, DACAN

Garth Chiropractic, PC,

in the Mountain Center (Formally the Mountain Mall)

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Kevin Gartland [redacted]
Sent: Monday, July 6, 2020 2:09 PM
To: Michelle Howke
Cc: 'John Muhlfeld'; 'Ben Davis'
Subject: Chamber supports City Masking Resolution

Dear Mayor Muhlfeld and City Councilors:

On behalf of the Board and membership of the Whitefish Chamber of Commerce, I would like to express our strong support for the Resolution you will consider tonight re: recommending that masks or face coverings be worn in Whitefish businesses and in public areas where social distancing is not possible.

With the reopening of our tourist economy June 1, the return of out-of-state visitors and our increased testing capacity, we have all expected that the number of COVID-19 cases in our community and state would rise. That is now happening, and local residents and visitors alike are concerned about keeping themselves, their families, friends and co-workers safe from unnecessary exposure to the virus.

We must also recognize that scores of Whitefish businesses have been devastated – and hundreds of locals left jobless -- by the COVID crisis … first by the three month long "lockdown," and then by a very weak "peak season" that's been crippled by the closure of the Canadian border, severely limited access to Glacier National Park, a dramatic reduction in the number of flights to/from Glacier Park International Airport, and the cancellation of most major public events – many of which attract thousands of visitors to the Flathead Valley.

In order to salvage what we can of the "Summer of COVID," we need to do everything possible to limit the spread of the virus without moving backward. More than a dozen local businesses have already closed their doors for good as a result of this crisis; dozens more will follow if another lockdown, lodging ban and/or return to Phase 1 restrictions once again brings our local economy to a screeching halt.

With that in mind, our Board of Directors voted unanimously on Friday to support a Resolution to "strongly encourage" the wearing of masks or face coverings by employees and visitors alike in all local businesses and public spaces where social distancing is not possible. While this will not stop the spread of COVID-19 in our community, we are hopefully that it will help keep the situation manageable for local hospitals and healthcare workers, while also allowing our local businesses a chance to survive the current economic crisis.

With best regards,

KOG

Kevin O. Gartland
Executive Director
Whitefish Chamber of Commerce
[redacted]
Whitefish, MT 59937
[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Mindi Gawe [redacted]
Sent: Monday, July 6, 2020 2:26 PM
To: Michelle Howke
Subject: Yes to masks!

To all City of Whitefish Officials,

I am a native of Whitefish and have many family members here as well. I work at Whitefish Animal Hospital, and my husband and I own and operate the Whitefish Motel & Studios. Our two children attend Whitefish Schools, and we are patrons of many businesses of Whitefish.

I would love to see all full time and part time residents as well as all visitors (many from states and areas where there are heavy infection rates of Covid-19) be required to properly wear a mask in all public places and anywhere the 6 foot distance rule cannot be achieved (sidewalks, farmers market, etc.). After no new reported cases for two months, we are seeing a fairly low number of new cases in the weeks since moving to phase two, but if we have learned anything from watching what happens in other more affected areas, it is that numbers of cases can multiply extremely rapidly and become out of control very fast. There is science to back the fact that masks work to slow the spread. Many places around our country are requiring masks now. I believe if we act early and responsibly by requiring everyone to wear a mask in our treasured town that we could continue operating our businesses more safely and reduce the risk of potentially closing again which would result in additional revenue loss. I am also concerned that our schools will not be able to open for the '20/'21 school year if we are still dealing with increasing cases. Our economy AND community would stay healthier with a mask mandate. Win-win!

We were way ahead of this virus before we moved to phase two. Please pass a resolution to mandate masks or facial coverings for ALL who are medically able and of a safe age in our town so we can get back to the position we were in at the end of May. Just say YES TO MASKS!

Thank you all for all your continued efforts to keep our community safe!

Mindi Gawe
[redacted]
Whitefish, MT

Whitefish Motel & Studios
[redacted].
Whitefish, MT

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Kathleen Givan [redacted]
Sent: Monday, July 6, 2020 11:52 AM
To: Michelle Howke
Subject: Masks please

For my part, and the safety of all, masks should be required. This is the only way to keep tourism and residents going forward!
Thanks Kathleen Givan
[redacted]

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

Michelle Howke

From: Amber Golliday <[redacted]
Sent: Monday, July 6, 2020 3:31 PM
To: John Muhlfeld; Michelle Howke
Subject: Mask wearing

To whom it concerns,

I understand that Whitefish is trying to implement a mandatory mask wearing. My husband and I do not agree with this. We hope you consider the loss of business Whitefish will endure because of this. My husband and I will abstain from all businesses who make this mandatory. I will also be forwarding this to many of my friends etc who feel the same way as we do.

Thank you for your time in reading this and I truly hope you have thought this through and the consequences it WILL have for Whitefish.

Respectfully
Amber and Steve
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Leah Gruns <[redacted]
Sent: Monday, July 6, 2020 3:55 PM
To: Michelle Howke
Subject: NO MASK MANDATE!!!!

Dear Whitefish,

I say "NO" to making masks in Whitefish mandatory. It is a completely useless mandate aimed more at controlling people than at keeping them safe. If passed, you can guarantee that I will not spend a penny in your city.... I suggest you all research the damage that wearing masks will actually do!

Leah Gruns
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Dustin Hartong [redacted]
Sent: Monday, July 6, 2020 2:55 PM
To: Michelle Howke
Subject: No face masks!!

My name is Dustin Hartong and along with many Montana locals we are completely against wearing masks and making them mandatory. It is a simple fact of an infringement on our rights and the rights that I myself fought for overseas during my tours as a Marine. not only will this cause more disruption and turmoil between locals I believe wearing masks and the whole pandemic is becoming an issue that many are seeing as a false narrative and this is only one area of serious concern that Montana residents should NOT have to wear masks as that is our right, any fines or penalties imposed on individuals who do not wear masks will be an utter failure and not taken lightly by many hard charging Montanans. I wanted to express my opinion which is my right as well and will continue to keep the fight against the false pandemic and encourage those around me to not buy into this crazy idea and extreme measures. Thank you.
Sincerely,
Dustin Hartong
[redacted]
OEF Combat Veteran/406 Honor Gaurd
Semper Fi

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

Michelle Howke

From: Joy Hawley [redacted]
Sent: Monday, July 6, 2020 1:48 PM
To: Michelle Howke
Subject: requiring masks

Hi Michelle,
As an employee of the city library, I would like to express my feelings on making masks required in public buildings. We serve many elderly, marginalized, and health compromised patrons at the library; the people most affected by COVID19. Whitefish is a very popular tourist destination, and this year in particular, we are experiencing a greater influx of people from out of the area. Requiring masks is the common sense thing to do in order to keep our patrons, and city employees safe from illness. Taxing our health care providers and intimate local hospital with unnecessary illness from infection is a very important concern.
Please keep Whitefish safe for everyone!

Joy Hawley
Whitefish Community Library
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Charlotte Heldstab [redacted]
Sent: Monday, July 6, 2020 11:39 AM
To: Michelle Howke
Subject: face mask requirement

I strongly support an ordinance requiring everyone in public to wear a face mask. Had the CDC required this back in March, thousands of lives could have been saved.

Charlotte Heldstab
Whitefish, MT
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Jennie Holtz [redacted]
Sent: Monday, July 6, 2020 12:48 PM
To: John Muhlfeld; Michelle Howke
Subject: Proposed mask resolution

Dear Mayor Muhlfeld,

It has come to my attention that tonight the City Council will be discussing a potential resolution strongly encouraging mask wearing.

As a frequent out of state visitor, may I just communicate a hearty disapproval? Whitefish is a treasure of mountain air, recreational opportunities and novel destinations. Why would I want to invest my time and money in a venture that is likely to leave me inhaling my own Co2, rather than experiencing the fullness of all that Whitefish's tourism industry has to offer?

While I realize we are in the midst of ongoing evaluations and adjustments because of Covid, I believe it should remain the responsibility and choice of each concerned citizen to put their own personal safety measures in place. Mask wearing is detrimental to the well-being of many individuals' health, and such measures should be freely partaken in, not mandated. If employees are concerned about their own safety, they should be free to choose a mask. If patrons are concerned about their risk, they too can choose measures to protect themselves. If a mask is considered to be protective at all, it should be adequately protective to the individual concerned. There is going to be inherent risk in opening up our world again. Infection rates will rise as our immune systems work through a virus they are designed to manage. We will all do our part by staying home when feeling unwell, or taking our own safety precautions if we belief the risk to be such that our bodies cannot duly and healthfully manage it on their own. But taking steps which are likely to end in a mandate of precautions that are imperfect and controversial at best, hardly seems the wise and proper thing to do.

Thank you for taking the time to consider the input of those who enjoy your city.

Sincerely,
Jennie Holtz
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: [redacted]
Sent: Monday, July 6, 2020 11:56 AM
To: Michelle Howke
Cc: Kate McMahon
Subject: mask resolution

Hi Michelle: I hope we're not too late, but Kate and I want to go on record in support of the proposed Council resolution strongly recommending the wearing of masks to help prevent the spread of the coronavirus in Whitefish. Wearing a face covering when out in public is an easy and responsible thing to do. We have watched with great concern as state after state has seen significant spikes in new Covid-19 cases due to premature reopenings and failure to take proper precautions such as social distancing and wearing masks. Let's not make those mistakes here.
Thanks and regards---
Bob Horne
Kate McMahon
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: [redacted]
Sent: Monday, July 6, 2020 11:32 AM
To: John Muhlfeld
Subject: mask

Sir,

I have a son on other side of Whitefish and the only to get there is go thru your town WHY do I have to wear a mask in my car to drive thru your town? I don't plan to shop their... I have hard enough time breathing because of my sinuses and a mask only makes it worse. I feel like we are sheep being lead to slaughter because we have to do what certain parties tell us what to do; Isn't American still a free country?? Certain govt. parties want us to do exactly what they say without question~ where does that say that in the constitution? I don't want socialism I want a free America!! Reply requested
Thank you.

B.J. Howell
Col. Falls, MT

[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Novalee Hutchens [redacted]
Sent: Monday, July 6, 2020 11:32 AM
To: John Muhlfeld
Subject: Mask agenda

Im am absolutely opposed to being forced mask wearing!!! If people WANT to wear them fine let them. This is still the US of America. I should have the right and free choice to NOT WEAR A MASK for my health and physical wellbeing.
There are many medical arguments
As why wearing them is more dangerous than not. Not to mention
The lack of actually deterring anything. My opinion matters and im stating it in black and white before your meeting.
Novalee M.Hutchens

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Veronica Hutcheson [redacted]
Sent: Monday, July 6, 2020 1:16 PM
To: Michelle Howke
Subject: MASK vote tonight. WHITEFISH RESIDENT

Hello City Council,

My name is Veronica Hutcheson. Please let the citizens of Whitefish make their own choice! It is Freedom at stake! Here are some medical facts about wearing facemasks (PLEASE SEE BELOW AND READ ALOUD AT COUNCIL MEETING PLEASE)!. Please don't open up a can of worms in this city! We have too many sports, kids activities, businesses and sane households on the line. Wearing a mask should be a choice. I would hate to see a class action lawsuit and protests in downtown over this. Our police department deserves better! Our children deserve better. Protect yourself with wearing a mask if you you think that will...the science says otherwise...see below:

A person wearing any kind of mask faces breathing resistance as air filters through the device, making the wearer work harder to inhale than he would without the mask. This can have several adverse physiological effects when the mask is worn for long periods of time. Moreover, carbon dioxide that is exhaled can get trapped in the chamber of the mask the re-enter the body each time the mask user inhales. This delivers less oxygen into the body than when the person is not wearing a mask. "It can lead to oxygen shortage, suffocation, respiration trouble, and heart attacks," said Dr D Saha, scientist and additional director at the Central Pollution Control Board. He pointed out that masks are a potential source of bacteria and viruses. "The moisture from exhalation inside the mask, when in constant contact with the 37 degrees Celsius warm human body, becomes ideal place for virus and bacteria to thrive," he said. This could result in the growth of microbes on masks and aid the spread of airborne diseases like influenza. https://scroll.in/pulse/860276/no-good-choices-a-mask-may-block-out-some-pollution-but-have-other-ill-health-effects

Now consider the Government –Chemical Safety Board agency take: Every year people are killed by breathing "air" that contains too little oxygen. Because 78 percent of the air we breathe is nitrogen gas, many people assume that nitrogen is not harmful. However, nitrogen is safe to breathe only when mixed with the appropriate amount of oxygen. These two gases cannot be detected by the sense of smell. A nitrogen enriched environment, which depletes oxygen, can be detected only with special instruments. If the concentration of nitrogen is too high (and oxygen too low), the body becomes oxygen deprived and asphyxiation (death) occurs. https://www.csb.gov/hazards-of-nitrogen-asphyxiation/

Thanks,
Veronica Hutcheson
Whitefish Resident

Michelle Howke

From: Ann Jeremiassen [redacted]
Sent: Monday, July 6, 2020 1:38 PM
To: Michelle Howke
Subject: masks

Please, please mandate the wearing of masks in all public areas in Whitefish. As I drove through town this morning, I saw fewer than ten people wearing masks. We have all worked so hard to stay healthy that it seems only fair for locals and tourists to protect themselves and others from becoming infected.

I live north of town, but spend lots of time in Whitefish. Thank you so much.

Ann Jeremiassen
Olney, Mt.
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Doug Johnson [redacted]
Sent: Monday, July 6, 2020 3:33 PM
To: Michelle Howke
Subject: Masks

We strongly support the use of face masks by all individuals when entering a place of business in the Whitefish community. The use of face masks will not only protect the individual wearing the mask but will also protect the business owner, employee and indirectly the residents of Whitefish.

We believe the City Council should strongly urge the wearing of masks at all times whether indoors or outdoors and mandate mask usage when entering a place of business in Whitefish.

Doug & Linda Johnson
[redacted]
Whitefish, MT
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Richard Johnston [redacted]
Sent: Monday, July 6, 2020 3:26 PM
To: Michelle Howke
Subject: Mandated Masks In Public

Sir/Mam

I am writing in regards to the information I received today stating Whitefish leadership are contemplating forcing citizens to wear masks in public.
I ask you and your colleagues to not give in to the hysteria surrounding volumes of false information being put out concerning the benefits and safety of wearing protective masks while in public.
Personal responsibility should be the deciding factor if one chooses to wear a mask or not. If one is at risk by all means wear a mask but please do not force this issue on those of us who prefer not to.
This is a severe infringement upon the civil liberties of Americans citizens.

Sincerely
Richard Johnston

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

Michelle Howke

From: Danny Jones [redacted]
Sent: Monday, July 6, 2020 12:53 PM
To: Michelle Howke
Subject: Regarding mask mandate

I am a resident of Whitefish. It's up to the citizens to determine whether they wanna wear masks or not. If people are afraid of getting sick then they can wear the masks or stay home but everybody else needs to live their life With their own convictions and not be forced to conform.

Sincerely,
Daniel Jones
[redacted]
Whitefish, MT 59937

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

Michelle Howke

From: Mariah Joos <[redacted]
Sent: Monday, July 6, 2020 3:54 PM
To: Michelle Howke
Subject: Public Comments on Mask Ordinance

To Whom it May Concern:

I write today in full support of a mandatory mask ordinance for all indoor spaces in Whitefish. I am the owner of Nelson's Ace Hardware. I have a staff of over 30 who have been serving our community as essential workers since the beginning of the Covid-19 crisis.

In our busiest months, we see an average of 500 customers a day. While our sales staff has been wearing masks since June 1, we often find that we are surrounded by people. The exposure for those individuals may be small as they spend relatively short amounts of time in our presence. The cumulative impacts for our staff are huge. We take that exposure back to our homes and families.

We, as a community, have a chance to keep our local economy open during this difficult time. We need it to remain open. We can only remain open if cases do not spiral out of control.

Mask wearing is simple. We wear masks to protect our customers, we would appreciate the same in return.

Sincerely,

Mariah Joos

Nelson's Ace Hardware

--
Mariah Joos
Owner
Nelson's Ace Hardware
[redacted]
Whitefish,MT 59937
[redacted]3
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Mikayla G [redacted]
Sent: Monday, July 6, 2020 12:19 PM
To: Michelle Howke
Subject: Mandatory Masks

My name is Mikayla Jost. My family and I reside full-time at [redacted] in Whitefish.

I'm writing to encourage you to allow the people in Whitefish personal freedom in choosing whether or not to wear a mask.

I am very diligent to keep my family healthy. We don't eat refined sugar or flour. We get exercise, fresh air and sun every possible day. We get adequate sleep, practice social distancing, take vitamins and supplements each day to boost our immune system. We stay home when we are sick! I have researched this mask issue extensively, and have come to the conclusion that I'm doing the very best things for my family, and it's my personal opinion that masks are not necessary for us at this time, and I believe I should have the freedom to so choose.

Thank you for your consideration!

Mikayla Jost, (Joel, Edison and Bella too)
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Diane Joy [redacted]
Sent: Monday, July 6, 2020 2:25 PM
To: Michelle Howke
Subject: Masks

No masks. You are taking away our civil liberties!

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

Michelle Howke

From: Joey Kositzky [redacted]
Sent: Monday, July 6, 2020 12:09 PM
To: Michelle Howke
Subject: RE: Public Comment Round #2 Res Strongly Recommending Masks

Please include my comment in Round #2 of public comment.

"I have lived in Whitefish for over 50 years. My daughter owns a business that caters to both locals and tourists. I have been employed at the Whitefish Community Library for over 33 years. I don't know that this community has ever faced such an important decision. We need to balance the health of our community with the economic impact and it is an extremely difficult but important decision. I appreciate you reaching out to us - the people who love Whitefish, work and live here for our comments.

I appreciate that a surgeon wears a mask in the operating room to protect me. I especially appreciate people wearing a mask to protect me as well as themselves. It's really not asking too much

I am very much concerned about myself (being an over 70 years of age person) and my daughter and would like to feel comfortable shopping in and supporting my local business.

The Whitefish Community Library requires masks to enter the premises. I would like to see masks required for everyone entering any business where distancing is not possible. "

Thank you Michelle. Stay well!
joey

Joey Kositzky
Director
Whitefish Community Library
[redacted]

From: Michelle Howke <mhowke@cityofwhitefish.org>
Sent: Monday, July 6, 2020 11:38 AM
To: Whitefish City Council <city-council@cityofwhitefish.org>; Department Directors <directors@cityofwhitefish.org>
Cc: Wendy Compton-Ring <wcompton-ring@cityofwhitefish.org>; Hilary Lindh <hlindh@cityofwhitefish.org>; Keni Hopkins <khopkins@cityofwhitefish.org>; Bridger Kelch <bkelch@cityofwhitefish.org>; Mary Barry <mbarry@cityofwhitefish.org>
Subject: RE: Public Comment Round #2 Res Strongly Recommending Masks

Please find the link below for Round #2 of public comment. There will be more to come. Due to the volume of comments, please let me know if you would like a paper copy provided for the meeting. I will have a list of names to be read into the record.

[redacted]

Michelle Howke

From: Belinda Kreitman [redacted]
Sent: Monday, July 6, 2020 2:42 PM
To: Michelle Howke
Subject: NO MASK

I WILL NOT WEAR A MASK AS IT'S MY CONSTITUTIONAL RIGHT TO REFUSE. YOU WILL HAVE SEVERAL LAWSUITS IF YOU CONTINUE WITH THE MASK DEMAND - THE CITY WORKS FOR ME NOT THE OTHER WAY AROUND. I LIVE HERE I WORK HERE I OWN A BUSINESS HERE - STOP TRYING TO INFRINGE ON OUR GOD GIVEN RIGHTS.

WHO ARE *** THE STAKEHOLDERS ???? I FOUND THAT VERY INTERESTING AND SOMEWHAT SHADY.

BELINDA KREITMAN
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Katy Krezowski [redacted]
Sent: Monday, July 6, 2020 12:10 PM
To: Michelle Howke
Subject: Mask requirement

Dear city Council,
I strongly believe that we should instill a mask wearing directive when social distancing is possible. I would advise a mask wearing directive even when social distancing is available. I believe our number one responsibility is to our local residents and we should do everything possible to ensure our children returning to school in the fall.

Thank you,
Katy Krezowski
[redacted]
Whitefish
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Jesse Kuntz [redacted]
Sent: Monday, July 6, 2020 2:44 PM
To: Michelle Howke
Subject: Mask mandate

Good afternoon,

I am writing to encourage the city council to make a mandatory mask mandate for all public spaces in Whitefish. My hope is that this can slow the transmission of COVID-19 in our community so businesses can stay open and our schools will be accessible in the fall.

Thank you,

Jesse Kuntz
[redacted], Whitefish

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

Michelle Howke

From: Christine Lazorishak <[redacted]
Sent: Monday, July 6, 2020 1:02 PM
To: Michelle Howke
Subject: In support of mask resolution

Good afternoon,

I am writing to voice my support of a mask resolution. As I watch our state and county COVID-19 numbers increase along with the increased number of tourists that likely will not slow until the Fall, I feel that wearing a mask is important to slowing the spread. As a mother with an asthmatic child, I think it is our responsibility as a community to protect all those with compromised immune systems. I believe that if the majority wear masks that the stigma associated with wearing one will decrease, particularly with our youth.

Thank you,
Christine Lazorishak
[redacted]
Whitefish, MT 59937

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Todd Lengacher [redacted]
Sent: Monday, July 6, 2020 12:03 PM
To: Michelle Howke
Subject: public comment - Resolution 20

To our city council,

First, let me express my gratitude for each of you and the significant time, effort, and thought you are committing to managing this pandemic. I also want to thank you for taking this initial step toward attending to the broad set of needs in our community. This is a complex and multi-tentacled issue that our country and state have asked our local governments to solve, rather than utilizing larger and more systemic solutions. In my opinion, this is less than ideal, but it is where we are and so we must take action ourselves.

The resolution you have set forth is anemic and reads as one meant to placate and minimize offense rather than taking decisive action to ensure long-term public and economic health. I recommend we dissolve this resolution and consider much more decisive and dramatic steps to protect our community. We have evidence right here in Whitefish that such measures can quickly reduce the positive case percentages.

At the very least the current resolution needs to address the significant gap between "must" and "should". Section 2 leads with "...guidelines must be followed..." but then every subsequent point leads with "should". Wearing masks is a simple public health measure we can mandate. This is a simple act that carries with it now an abundance of evidence confirming its efficacy. I implore you not to continue the downward push of responsibility and ask restaurants and stores to enforce mask-wearing. Mandate their use in public places. Wearing a mask - even one that is only mildly effective - will reduce the spread from the wearer to those around them. Perhaps as importantly, wearing a mask sends a strong message of community and caring for your neighbor. This is a time where we need to set aside our personal political leanings and fear of civil liberty infringement and take care of one another. Wearing a mask when you are sharing a space with others is as simple as covering your sneeze - we do it because it is part of a social contract from which we all benefit.

Todd Lengacher
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Mary Liberatore [redacted]
Sent: Monday, July 6, 2020 1:12 PM
To: Michelle Howke
Subject: Whitefish masks

Mary Liberatore
[redacted]
Columbia Falls MT 59912

I live in Columbia Falls and work in Whitefish. I do not want mask wearing to be mandatory.
Thank you,
Mary
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: George Losleben [redacted]
Sent: Monday, July 6, 2020 12:21 PM
To: Michelle Howke
Cc: Connie J. Johnson; Michael Bennett; Todd Bergland
Subject: Fwd: Masks

Monday noon
Whitefish

Michelle,
Please add my name to support the wearing of masks in Whitefish. I agree totally to my wife, Connie Johnson's email. As a native Montanan, I am happy to see our many visitors who have come to enjoy Montana but public health and wisdom dictate the need for masks during this crucial time. This should not be a political issue and shame on those who try to make it one. It is simply a matter of life and death.
Thank you for allowing my participation.
George Losleben
Retired Attorney & Broker
[redacted]

---------- Forwarded message ---------
From: **Connie J. Johnson** [redacted]
Date: Mon, Jul 6, 2020 at 11:58 AM
Subject: Masks
To: <mhowke@cityofwhitefish.org>

Michelle,

I fully support the Mayor's in establishing a city ordinance for all people in the city to wear masks as a proactive way to prevent others from getting the COVID 19 virus as well as themselves.

We don't want to get to the point with COVID 19 cases soaring out of control because both social distancing and wearing masks were ignored by visitors and many residents. Many have a false sense of security yet COVID 19 is active here in the Valley. Further, all people wearing masks when in the city protects our fragile health care system and health workers from an overload in positive cases. And wearing masks also protects the workers and the businesses in Whitefish, already experienced labor issues.

It is not easy but mandating masks is good for health and business.

Thank you for your proactive steps to prevent the spread of COVID 19.

Connie J. Johnson, MPH, MBA
8[redacted]
[redacted] Whitefish, Mt.
resident of Whitefish, Mt for 45 years.

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Kathy Lundgren [redacted]
Sent: Monday, July 6, 2020 3:49 PM
To: Michelle Howke
Subject: Masks

To the City Council and Mayor,

I am not in favor of face mask and will take my business elsewhere if necessary (if this is mandated). There are too may facts relating to the detrimental health issues possibly occurring in ordinary citizens wearing masks incorrectly. I have a medical background and there simply is not proof that these work in preventing the spread of an unknown nature. Far more people contract and die of Tuberculosis each year than have contracted Covid. Tuberculosis is an air borne disease. We definitely know what it is and have accurate tests. We do not have accurate tests for Covid. I could go on and on with my research, but will stop here.

\One more…….if masks work, why have the "Experts" never suggested them during the regular Flu Season???

Kathy Thompson

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: patti moffatt [redacted]
Sent: Monday, July 6, 2020 3:29 PM
To: Michelle Howke
Subject: I say no

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: monte mandarino <[redacted]
Sent: Monday, July 6, 2020 3:19 PM
To: Michelle Howke
Subject: Masks

We support the mandatory wearing of masks for all front line employees, visitors, and all locals regarding Covid 19 precautions.

Thank you, Monte and Dana Mandarino

[redacted]
Whitefish, MT 59937 EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Dan T [redacted]
Sent: Monday, July 6, 2020 3:05 PM
To: Michelle Howke
Subject: Mask wearing

To whom it may concern. Absolutely against the mask rule. Leave it to the business owners and citizens to make that decision. Stop trying to destroy the local economy's and personal Liberty. Thank you, Dan Manson

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Samara Martin [redacted]
Sent: Monday, July 6, 2020 3:24 PM
To: Michelle Howke
Subject: Whitefish mask mandate

Hello,
I am writing against the mandatory masks in whitefish. I feel that if we are to implement this rule, what is to say it wont stop there, thus infringing upon our freedom/choices.

Thank you for listening,
Samara Martin
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Jacklyn McDonald [redacted]
Sent: Monday, July 6, 2020 3:16 PM
To: Michelle Howke
Subject: making masks mandatory

Sent from my iPhone

Dear City Council Members,
Thank you for taking the opinion of constituents into consideration before making this decision.
I am a patient treating medical professional at the Kalispell Regional Hospital. I am mandated to wear a mask every day. I have done much reading on this issue and have spoken with patients, doctors, nurses, and other pathologists. After my research and personal experience, I honestly believe we are doing more harm with masks than good. In all honesty, these masks do not keep any virus out, the pathogens are way to small to be blocked by a mask. If the masks worked, we would not have to distance ourselves from each other. Many people are suffering all kinds of side effects from the masks. Our need for clean fresh air far outweighs any protective qualities of a mask.
My sincere recommendation is to allow people to make these choices for themselves. A mandate will never go over well with most of us, a recommendation would stand a chance of being heeded. Those who decide they feel protected by masks should wear them, simple as that. Other cities that have set this mandate have seen massive drops in commerce. I myself will travel outside my resident city to not be forced to wear a mask.
Thank you for caring for us as people, as Americans. Thank you for recognizing that many of us do research for ourselves and will make informed decisions for ourselves, as is our right.
Sincerely,
Jacklyn McDonald
[redacted]. Whitefish

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Dana Smith
Sent: Monday, July 6, 2020 3:59 PM
To: Michelle Howke
Subject: FW: Make masks mandatory please

FYI

Dana Smith, CPA
City Manager
City of Whitefish
418 E. 2nd Street
P.O. Box 158
Whitefish, MT 59937
Ph: 406-863-2406
Fax: 406-863-2419

-----Original Message-----
From: Wendy McFadden [redacted]
Sent: Monday, July 6, 2020 3:58 PM
To: Dana Smith <dsmith@cityofwhitefish.org>
Subject: Make masks mandatory please

Dear City Leaders,

I am writing to request that you require people within the city limits of Whitefish to wear a mask when they are in public. This seems an obvious and simple solution which will allow us to control the spread of COVID-19 with out shutting down our economy Indeed, left unchecked, spread of the virus itself could shut down the economy. It is a very small burden to carry in order to continue engaging freely in social And economic activity. I don't believe that we will achieve the level of compliance with mask wearing that will be needed to control the spread of COVID-19 unless it is made mandatory. I don't believe stringent enforcement will be necessary. Police were surprisingly effective at enforcement of limitations on fireworks this year, and it seems they would likely have similar success with enforcing mask wearing. Police might be authorized to use as much discretion as they like, fines could be minimal, or law-enforcement could simply provide verbal warnings when enforcement iS required Once everybody else is wearing a mask, people's discomfort will probably dissipate and they will realize that it isn't such a big hardship. Governments that have been proactive about controlling the spread of the virus have garnered passionate public support. Please do not allow a small number of overly vocal naysayers to control city policy, adversely impacting the communitie's health and its economy. Please pass a mandate to require that maskS be worn In public within city limits.

Thank you,
Wendy McFadden
[redacted]
Whitefish, Montana
59937
[redacted]

Sent from my iPhone

Michelle Howke

From: Aaron McPherson [redacted]
Sent: Monday, July 6, 2020 11:07 AM
To: Michelle Howke
Subject: opposition to formal action regarding mask wearing

Good Morning.

I'm writing in opposition to any formal action that Whitefish is looking to take requiring public mask wearing.
I understand there is an uptick of COVID in MT however it is not the City's place to mandate that healthy citizens wear masks. If business want to require that customers walking into their establishment wear a mask… that is a different story.
Please remember we are in Whitefish MT this is not a hot spot.

Aaron McPherson
[redacted]
Whitefish, MT 59937
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Loraine Measure [redacted]
Sent: Monday, July 6, 2020 11:21 AM
To: Michelle Howke
Subject: wearing masks

I live in Kalispell ([redacted]) but I wish I lived in Whitefish. For many years I have watched and applauded Whitefish enact carefully planned legislation and innovation to best benefit the physical and financial health and growth of residents. I have admired. no, envied, your stance on difficult and sometimes unpopular issues you felt were good for the community as a whole. I believe the result of these forward-thinking actions drives community feelings that result in big local dollars going to build and maintain businesses and buildings, parks and recreation areas. These actions have made Whitefish a progressive and financially healthy community. Please take this next step to require businesses, residents and visitors wear masks at all times in the company of other than close family members. You are a rock star in my book. Sincerely, Loraine K. Measure
loraine k measure

"Do not muddle with the affairs of dragons because you are crunchy and taste good with ketchup." unknown
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Gail Melvin [redacted]
Sent: Monday, July 6, 2020 12:48 PM
To: Michelle Howke
Subject: Masks

Hi Michelle,
Please vote "yes" for required masks for the library. We are getting many out-of-towners and out-of-staters already and we are
trying to stay germ-free. Every little bit helps.
Thank you.

Gail Melvin
Whitefish Comm. Library
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: terri muraoka [redacted]
Sent: Monday, July 6, 2020 1:27 PM
To: Michelle Howke
Subject: Mask ordinance

Please pass the mask ordinance. I would rather err on the side of safety!
Sent from my iPhone
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Patricia Murphy [redacted]
Sent: Monday, July 6, 2020 2:56 PM
To: Michelle Howke
Subject: Mask Mandate

We just celebrated Independence Day. Our forefathers as well as our own fathers, grandfathers, husbands and children have served and now serve to protect our freedoms. People who are sick and vulnerable should wear masks or stay home. However, it is our right as American citizens to freely choose to wear or not wear a mask. Forcing Americans to wear masks is a form of dictatorship, which some people are openly proposing. We will not accept that form of governing, nor shop at places where masks are mandatory. The rampant fear mongering taking place, especially here, is not warranted. Please rethink this proposal.
Pat Murphy
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: mwiersmamt [redacted]
Sent: Monday, July 6, 2020 3:22 PM
To: Michelle Howke
Subject: Vote NO on mandating masks

Vote NO on mandating masks!!

Sent from my Samsung Galaxy smartphone.
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Yvonne Nanasi [redacted]
Sent: Monday, July 6, 2020 3:17 PM
To: Michelle Howke
Subject: City Resolution 20- RE: Covid 19 precautions within the city

I am writing to support the city resolution to increase the safety precautions regarding the Covid 19 Virus. I am especially supportive of requiring that persons wear masks in public as well as rolling back to phase 1 practices.
I am a Whitefish resident/property owner who is among the vulnerable population for contracting the virus. If the influx of out-of-state visitors without a quarantine period is allowed to continue, we must be vigilant regarding safety measures to protect our residents.
It has been very distressing that individuals are mingling in town without taking precautions. Therefore, it is necessary for public safety and to assure that our scarce health resources are kept available when needed.
thank you,
Yvonne Nanasi
[redacted], Whitefish, MT 59937
6[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Dave Nellie <[redacted]
Sent: Monday, July 6, 2020 12:06 PM
To: Michelle Howke
Subject: Mandatory masks? Yes please.

Greetings-

My name is David Bottinelli, year-round resident and business owner in Whitefish. My street address is just outside city limits but hopefully my opinion still counts. We live at [redacted]. My polite and concise opinion on mandatory masks is this:

Please make mask wearing mandatory in Whitefish ASAP. This is a public health issue, not a political issue. Science, history and common sense all agree that mask use will slow the spread of infectious disease and is a minor hindrance to the public for a relatively short time. Thank you.

-dave

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Jill Nelson [redacted]
Sent: Monday, July 6, 2020 10:53 AM
To: Michelle Howke
Subject: Proposed City wide mask proposal comments

I am writing in support of a city-wide mask wearing mandate. I am a long-time resident of Whitefish and work in the healthcare field as an essential worker. Since the beginning of Montana's re-opening and specifically since Phase 2 was implemented, I have struggled significantly with going into downtown Whitefish. The prevalence of people on the streets, cars with out of state license plates (from areas with high incidences of COVID infections) and lack of mask wearing has been truly troubling. Because of this, I have avoided shopping in local businesses and every time I do go into town, I am troubled by the amount of people who seem to be ignoring CDC, Flathead County and City of Whitefish recommendations (social distancing and mask wearing if unable).

It would be extremely helpful if mask-wearing was universally mandated - giving coverage to business owners and their employees. If tourists arrive in town and see that we require masks in our community, from the grocery stores, sporting goods and hardware stores to gas stations and every shop in downtown Whitefish, then perhaps the message would be carried out community wide and no individual business would suffer.

I am trying my best to keep the clients I work with, as well as my own family as safe as possible by wearing my mask when I go out and would appreciate help and support community wide.

I have appreciated Whitefish's strong leadership during the COVID-19 crisis and hope that this can continue as people continue to see our town as a "safe" place to come to recreate this summer.
Respectfully--
Jillian R. Nail
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Corey Olofson [redacted]
Sent: Monday, July 6, 2020 2:51 PM
To: Michelle Howke
Subject: Mask Ordinance

My name is Corey Olofson and I live at [redacted], Whitefish, MT 59937.

I am writing in regards to the possible mask ordinance that the city is voting on this evening. I own 4 properties within the City limits and a business that was purposely placed outside of city limits.

The basis of this entire pandemic has been unconstitutional from the beginning. When the City forbade people to rent their vacation rentals that was overreaching their power. I am wholeheartedly disappointed in the City. The City Council has time and time again overreached their governmental powers by trying to restrict people's Constitutional rights.

This isn't just about masks. It is about overreaching of government power. Wearing masks has been scientifically proven to do no good. It even says on N95 masks that they will not protect you against Coronavirus. So why are we forcing people to become an expressionless society? My 2 year old daughter cries everytime someone in a mask talks to her. THat should be a large indicator of what this is going to do to our children. There will be long lasting results from all of this. When did it become the government's responsibility to look after our health. How about trying to foster good health behaviors rather than restrict freedoms?

I am wholeheartedly against the City mandating mask wearing. I will not comply and I will be taking my business elsewhere. This greatly saddens me what our wonderful little City has become.

Sincerely,
Corey Olofson
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Judy Olsen [redacted]
Sent: Monday, July 6, 2020 1:46 PM
To: Michelle Howke
Subject: Council Mtg tonight

I am immunocompromised. Please make the decision that masks be required for everyone and especially front line employees. I will drive to Whitefish to have a hot fudge sundae at Whitefish DQ if employees, behind the counter and at the drive-up window creating "cold" food—ice cream dishes,—are wearing masks! I will come to Whitefish to eat out if employees and waiters are wearing masks. In Kalispell few businesses are following those guidelines so I no longer eat out at all…..Jimmy Johns gets my drive-up business because they are wearing masks.

It could be an economic plus. "Come to Whitefish for dinner because we care about your health!" "The last safe place."

Judy Olsen
[redacted]
Kalispell, MT. 59901
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Barbara Palmer [redacted]
Sent: Monday, July 6, 2020 1:29 PM
To: Michelle Howke
Subject: Vote for Masks

Whitefish City Council,

Please vote in favor of masks being required. So many visitors have arrived from states where Covid-19 is rampant and very few of them use face coverings. I would like to enjoy my town but am now very reluctant to do so because of the onslaught of visitors who very well may be endangering Whitefish residents.

Thank you,

Barbara Palmer

[redacted]

[redacted], Whitefish

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Marvin Parker [redacted]
Sent: Monday, July 6, 2020 12:45 PM
To: Michelle Howke
Subject: Masks

I suggest Whitefish City Council mandate the wearing of face masks for all employees & customers in any place of business. It is obvious that just asking people to wear a face mask is not working. Marvin L. Parker [redacted] Drive
Whitefish

Virus-free. www.avast.com

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: [redacted]
Sent: Monday, July 6, 2020 3:09 PM
To: Michelle Howke
Subject: Masks

PLEASE require ALL out of state visitors to wear masks.(and locals) Encourage Jeff Mow, Glacier National Park Superintendent, to require masks in park and trails. These people come to our city too.
It is the responsible thing to do. Be brave and smart enough to be a leader when it comes to wearing masks. Do not be wishy washy On this.
Marylou B. Patterson
[redacted]
Tony Patterson
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: [redacted]
Sent: Monday, July 6, 2020 12:59 PM
To: Michelle Howke
Subject: Mask mandate

Hi there.

I am against any mandates for masks. Please reconsider this proposal. The reason the cases have been increased is because the testing numbers have been increased. If you do implement this how are you going to inform all the tourists of this rule? Most tourists don't look up city ordinances before they come to town. I'd also like to know how this is going to be enforced. As far as I know policemen cannot charge someone with a crime without a law code. What will the punishment be? Also how long will this be in effect? There should be an end date as well. In all reality though, this should not even be implemented in the first place… Is your responsibility to be sure that every single thing I addressed is laid out before this is put into affect.

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

Michelle Howke

From: Tessa Pitman [redacted]
Sent: Monday, July 6, 2020 1:26 PM
To: John Muhlfeld
Cc: Michelle Howke
Subject: Public Comment - July 6 - Mandatory masks

Dear Mayor Muhlfeld and City Counsel,

I'm writing to ask Whitefish enforce a mandatory mask policy effectively immediately. I am reaching out to you on behalf of my dear friends in the service industry who serve locals and tourists alike in the Flathead valley at large. I want to urge those who travel to our state where a mask. It seems the voice of leaders in our community is falling on deaf ears which in turn weakens their diligent advocacy for their employees, business and community. Our numbers are low because we had the advantage of being vigilant and proactive. As a health care provider, I continue to remain cautious about overwhelming our health care system; we are not out of the woods yet. As I have said before, as cases in our surrounding states continue to increase, the less likely we'll be able to rely on them for back up if our community becomes overwhelmed with patients who need medical attention. However, while health is our first priority, there needs to be recognition that those in the service industry or small businesses that make our community unique and thrive, face additional ramifications for exposure including downstream financial loss if not so much more. It would take one employee in a small business to test positive to shut that business down for a few weeks and maybe longer. That affects more than that one tourist and more than that one employee. This is bigger than all of us. Please help keep Whitefish a safe, healthy, and thriving community by enforcing masks. Help keep store managers and clinics safe and open. Help remind those who enter our beautiful town that we are a strong community. Let's s rally together and help set the standard so many of us are trying to exemplify on a daily basis.

Take good care,

Tessa Pitman
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: steve pleasants [redacted]
Sent: Monday, July 6, 2020 11:41 AM
To: Michelle Howke
Subject: Mask requirement

Hi Michelle, this is Steve Pleasants, I have a chiropractic office here in Whitefish. Although I have been using masks and social distancing in my office 99% of my patients do not want to use it whenever Billie visiting my office and I am in agreement although we use required social distancing and masks. As a doctor of chiropractic I am familiar with disease and disease patterns and aware that most infections are related more to the host rather than one spreading it. That is one of the reasons why most chiropractors promote better health and better support for your immune system and recommending those that are vulnerable to take the precautions, not those that are healthy. I am therefore totally against mandatory use of masks and highly recommend that the city Council do not do not adopt this policy. It should be totally voluntary. I have attached some information that I have received from an expert who has provided his credentials. I am currently Visiting family in Bend Oregon Where masks are required in public and it is a huge nuisance and seems totally unnecessary .
Steve Pleasants, D.C
Facemask Efficacy and Aerosol Dispersal During Singing:
Providing the Facts from a Health & Safety Professional Brian Powers, CIH

First, let me say that I love each and everyone of you and would like to correct some misunderstandings many of you may have in regards to the two topics listed in the title of this article.

Before I address the two topics, please allow me a moment to provide you with a brief summary of my credentials. I feel that this is necessary because many of you are not aware of what I actually "did for a living" as I'm not aware of exactly what you may do or have done.

Most of you probably know that I worked for Winchester Ammunition and maybe know I was a "Safety Guy" but that's probably about all. As you can see in the byline of this article, I have included my professional designation (CIH) after my name. I rarely use this since (1) most folks have no idea what it means and (2) like many of you I prefer to not use my professional title in my personal life. CIH stands for Certified Industrial Hygienist. A Certified Industrial Hygienist is a person who is trained in and considered to be an expert in Occupational Health (as opposed to Occupational Safety) which includes such things as respiratory protection, employee exposure monitoring, aerosol dispersal, airborne hazards control, hearing protection, etc. I obtained my certification in 1986. In addition to this designation, I have a BS in Biology (UK 1977) and a MS in Industrial Hygiene (Central Missouri State University 1980). Finally, I worked for 3+ years (1978 – 1981) as an OSHA inspector (Industrial Hygienist) and for 30 years as an Industrial Hygiene Supervisor and Manager for Olin Corp (Olin Chemical, Olin Winchester, Olin Brass).

With that out of the way, I now would like to get to the main points of this article. First let's address the misunderstandings that may be out there in regards to the effectiveness of the facemask that many are now wearing. facemasks, especially the cloth, homemade masks do not provide protection from either inhaling or exhaling aerosols, which could contain COVID-19 viruses. In fact, the N-95 respirators are not even fully protective because they only remove 95% of particles/aerosols above 0.3micron in diameter and the COVID-19 virus can be as small as 0.06 microns in diameter, which is 5 times smaller than the protection level that the N-95 provides. To possibly make this easier to see, let's use an example of a screen door. The screen door (face mask filter) will prevent large things (bugs) from coming into your house. But it will not prevent dust from coming in. Even if you put two screens in the door, dust still will get in. This is the basic principle of how ineffective the face masks truly are. In addition to that, air will ALWAYS seek the path of least resistance and the vast majority of the masks that are worn are not properly sealed around the face to prevent leaks. Therefore, most of what is inhaled or exhaled simply goes around the filter media (cloth, N-95,

etc.). If you wish to learn more about this topic (and are as nerdy as I am! HA!), there is an additional post on my page of an article written by a corporate EH&S Manager for a chemical company in Appleton, WI.

Second, let's address the misunderstandings associated with aerosol dispersal (which may contain COVID-19 viruses) during singing. Some have heard and found articles that indicate that singing can disburse aerosols up to 16 feet. This is simply not true. This myth probably came about from outbreaks of COVID-19 in three Chorale/Choirs which occurred in early March before any lockdown or social distancing measures were instituted. In fact the CDC determined that in one of these outbreaks, the choir members were sitting 6-10" apart and sharing snacks!

To determine the distance aerosols could travel when dispersed during singing, the Institute of Fluid Mechanics in Munich, Germany conducted a research study of a professional singer, a vocal coach and two amateur choir singers. The Munich study concludes: "Air is only set in motion in the immediate vicinity of the mouth when singing. In the case of the professional singer, the experiments showed that at a distance of around 0.5 meter (about 19.5 inches), almost no air movement can be detected, regardless of how loud the sound was and what pitch was sung. It is therefore, unlikely that the virus could spread beyond this limit via the air flow created during singing." As you can see from the conclusion from this experiment, aerosols emitted during singing barely traveled 16 inches much less 16 feet. My experience in conducting hundreds of employee air monitoring studies over my 30+ years as an Industrial Hygienist would concur with the results of this study. There is additional post on my page of the article that includes this and additional information on this topic.

One last misunderstanding that I would like to correct is in regards to social distancing. The "6 feet rule" for social distancing is meant to be a guide not a hard, fast rule that can never, even for a moment be violated. In fact, a time of exposure needs to be considered before enough exposure can occur which may lead to inhalation of aerosols potentially containing the COVID-19 virus. CDC refers to this as "close contact" which is defined as "someone who was within 6 feet of an infected person for at least 15 minutes". So, just passing someone for a moment is NOT considered by CDC and OSHA as enough time to transmit aerosols from one person to another.

In conclusion, I first want to apologize for the length and "techieness" (new word!) of this article. I will be glad to discuss this further with any of you who might be intrigued by these topics. Second, I (and all of the other elders) want each of you to know that we did (and will continue to) consider everyone of you and your physical health and safety as well as your spiritual health, especially when making decisions such as had to be recently made.

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

Michelle Howke

From: [redacted]
Sent: Monday, July 6, 2020 12:43 PM
To: John Muhlfeld
Subject: NO MASK MANDATE

Hi,

My name is Alane and we live in Columbia Falls. We do a decent amount of our dining out in Whitefish and then also shopping while we are there. I am very pro medical FREEDOM and, should your city decide to vote this mandate through, we will no longer be doing any business there. I have already canceled my Costco membership since they require them, i pracrice what I preach. I am very serious about this issue. There are beginning to be many side affects becoming obvious due to the hazards of constant masking. I really hope you decide to protect the freedom of the people to choose for ourselves.
Thank you,
Alane Powell for
Timothy, Shawn, Ethan, Gavin, Savannah, Westin, Quinn and Corbin
Sent from my LG Mobile
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Cindy Radosevich [redacted]
Sent: Monday, July 6, 2020 1:43 PM
To: Michelle Howke; John Muhlfeld
Subject: Strongly NOT supportive of required Masks

Dear Whitefish City Council,
It has come to my attention that Whitefish is at risk for mandatory mask-wearing via the less intrusive initial "strongly recommended" masks for those in your community.

As a Flathead Valley resident I understand that being a tourist community heightens the concern for potential covid19 infections. However, I believe people travel here for the fresh air and freedom-loving components of this beautiful area as much as the recreational opportunities. I can easily see this mask requirement backfiring and bringing economic backlash to the struggling small businesses of Whitefish. People are weary of being told what they "must" do and boycotting has taken on a new strength. I would hate to see the charming town of Whitefish lose its segway into potential financial solvency during this short summer season.

Additionally, since mask wearing can be (and SHOULD BE) the personal choice of those concerned for their own health, it seems unnecessary to ask every citizen and visitor to wear them. Montanas love their freedom: freedom to choose how to navigate their own health, freedom to breathe fresh air—without the harmful benefits of the mask wearers own recycled unhealthy air, and freedom to enjoy the beauty of the Flathead and the community feel of the charming town of Whitefish without fear of edicts and penalties.

Please vote NO to "strongly recommmending—with potentially mandating" mask wearing for all. Let's give our community and our visitors that slice of Americana that so many are longing for after a spring of "sheltering in place." We can leave them with a taste of the "freedom to choose" that many communities, states, and nations are denying their people

Sincerely,
Cindy Radosevich
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Erin Rankin [redacted]
Sent: Monday, July 6, 2020 3:48 PM
To: Michelle Howke
Subject: Mask Requirements

Dear Councilors:

I am a fourth generation Montanan, born and raised in Livingston, Montana, and I have lived in Whitefish for nearly 13 years. I am writing to voice my concerns regarding mask usage, or lack thereof, in our community.

I am requesting the implementation of a mask ordinance or mandate in all public indoor areas, as well as outdoors where social distancing is not possible. While, due to the divisiveness of this issue, it appears that a mandate will not be issued at the statewide level (I've both called and written Governor Bullock's office this week to express my support), that does not preclude Whitefish from extending such measures in our town. We need not wait for the country or our state to do the right thing - we can set the bar for what is safe and acceptable in our community, and possibly be an example for others to follow.

It is regrettably clear that many, both locals and tourists alike, cannot be trusted to take the responsible path to protect our community of their own volition. Politely encouraging action will undoubtedly fall short. A clear line in the sand rather than an ambiguous ask will better set the tone for the expectations of residents and visitors in our town.

As I was raised in and currently inhabit areas that are both popular gateways to two national parks, I am all too familiar with the importance of tourism within our economy and am concerned about the ramifications a health crisis may have on numerous counts.

The tourists may be here spending for the moment, but I know I am not alone in having significantly curbed my typical local spending/activity due to the prevalence of behavior in our community that is counter to acknowledged safety guidelines. For every individual petulantly refusing to do business where masks are required, I believe there are numerous people like me silently protesting businesses that do not uphold such health standards.

I am concerned for the safety of frontline/essential workers who are entitled to a healthy work environment, but also do not wish for them to manage unwieldy customers. My hope is that a clear and concise directive from our city will protect them from altercations – they will not be alone because Whitefish has their back. This move will not be popular with everyone and, as we've seen across the country, there will be blowback. But, the citizens of Whitefish have shown time and again that we know how to come together, and I think we will rise to the occasion now more than ever.

If cases are permitted to escalate unchecked all summer, how will we fair as the year progresses? Businesses, including the ski resort which is vital to our winter tourism, along with schools were shut down already this spring. We cannot afford to let that happen again, but may not have a choice if we do not take decisive action now. And, then where will our economy be?

Those who protest mask usage have yet to pose a solid counter-argument to wearing one – scientific or constitutional. They embrace a hedonistic and uninformed view that freedom represents their right to do as they please unencumbered when, in reality, freedom tethers us to the burden of being responsible for our conduct with consideration for the well-being of others. Their rights are not more important than yours or mine. Their inconvenience or minor discomfort should not threaten the safety of others who also wish to go about their lives. Their maskless trips to the nail salon, bar, concert, or beach should not rob my children of the right to attend school without risk to their health.

We no longer permit smoking in establishments because it poses a health risk to the public. We require seatbelts and hands-free device usage while driving because not doing so poses a health risk to the public. How is wearing a face covering to protect one another from a viral pandemic any different? We must take the very simple, and hopefully temporary, step to require masks to avoid a health risk to the public.

There is no need for this virus to reach crisis level in Montana before we act. We have the benefit of modeling after the many countries worldwide that are successfully managing, or even halting outbreaks. We should follow the science and be both proactive and responsible in our response.

Thank you in advance for your time.

Erin Rankin

"Freedom makes a huge requirement of every human being. With freedom comes responsibility. For the person who is unwilling to grow up, the person who does not want to carry his own weight, this is a frightening prospect." – *Eleanor Roosevelt*

"A hero is someone who understands the responsibility that comes with his freedom." – Bob Dylan

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EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: The Rappleyes [redacted]
Sent: Monday, July 6, 2020 2:17 PM
To: Michelle Howke
Subject: Masks

My name is Paige Rappleye. I live at [redacted] Kalispell. I am a mother of 3, 1 of which is immuno-compromised. I am also the part-time caregiver of my in-laws who have many health conditions between them.
I know that I am not a WF resident, but my hope in supporting masking in WF is that neighboring communities will follow suit.

I live within walking distance from Smiths & Super1 in Kalispell. When Stay home orders were first put into place, I would walk there (masked) just to get out of the house & get some fresh air. Over the last month, I have been saddened by the fact that my preferred grocery stores are not only NOT encouraging shoppers to mask, but staff isn't either. My only "safe" shopping options, I feel, are Rosauers & Costco. Rosauers isn't requiring patrons to mask, but because the staff is it appears like more shoppers are as well.

I feel that employees need to set the tone for their establishments & patrons will follow. If our local govt leadership sets the tone, that much better.

Thank you for considering this safety measure,
Paige Rappleye

excuse my typos, sending this email from my mobile.
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Red [redacted]
Sent: Monday, July 6, 2020 10:18 AM
To: John Muhlfeld
Subject: At Risk

Good morning Sir,
It is a waste of time to pass a resolution to 'strongly encourage' people to wear masks. No one will listen. Look at the crowds, mostly of the tourists, are they wearing masks, are they distancing, NO they are not. The people who you represent are the ones who are going to suffer.
Take a stand and order that masks be worn, that these gatherings be stopped. Our governor, unfortunately, caved to the pressure and opened up our Great State much, much too early. We had set such a wonderful example to the country by caring and taking care of each other and being one of the few states with little or no new cases. But oh, take a look at us now. We have drunk the Kool Aid. Take control and protect us, please.
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Kevin Reed [redacted]
Sent: Monday, July 6, 2020 11:19 AM
To: Michelle Howke
Subject: Re: Masks

I think it's a bit telling when asked to maintain social distancing. If people that are worried about this virus truly believe in masks working, why are they worried about social distancing? They have a mask on. They're safe, right?

On Mon, Jul 6, 2020, 10:24 AM Michelle Howke <mhowke@cityofwhitefish.org> wrote:

> Kevin,
>
> The meeting is in the Council Chambers at City Hall (2nd Floor). Please maintain social distancing. If the chambers are full please remain in the lobby area, the meeting will be viewed on a TV and provided with audio. I have attached the agenda for your records.
>
> Thank you,
>
> Michelle Howke
>
> Administrative Services Director/City Clerk
>
> PO Box 158/418 E. 2nd Street
>
> Whitefish, MT 59937
>
> mhowke@cityofwhitefish.org
>
> 406-863-2402
>
> **From:** Kevin Reed [redacted]
> **Sent:** Sunday, July 5, 2020 8:36 PM
> **To:** Michelle Howke <mhowke@cityofwhitefish.org>
> **Subject:** Re: Masks
>
> Where and when is the meeting? I don't generally attend these functions but with our freedoms being stripped away from us on a routine basis these days I'm finding it my civil duty as an educated American to speak out against the frauds of our society.

On Sun, Jul 5, 2020, 6:48 PM Michelle Howke <mhowke@cityofwhitefish.org> wrote:

Thank you for your comment. Your letter will be distributed to the Council at the meeting July 6, 2020. You are welcome to speak towards your letter during the Public Hearing. If you are unable to attend the meeting you can watch the live streaming on YouTube, https://www.youtube.com/channel/UC2DuZE-QgQkdLNdkTPxBfuQ.

Please continue to help prevent the spread of COVID-19 by staying *Clean, Careful, and Connected*.

- Clean: Wash and sanitize your hands frequently.
- Careful: Practice 6-feet social distancing and wear cloth face coverings in confined spaces.
- Connected: Stay informed at www.WhitefishCovidCares.com.

Thank you,

Michelle Howke

Administrative Services Director/City Clerk

PO Box 158/418 E. 2nd Street

Whitefish, MT 59937

mhowke@cityofwhitefish.org

406-863-2402

From: Kevin Reed [redacted]
Sent: Friday, July 3, 2020 5:12 PM
To: Michelle Howke <mhowke@cityofwhitefish.org>
Subject: Masks

I heard you were contemplating making a mandatory mask ordinance in the city of whitefish. According to the US Constitution, I believe you have no authority to do such an act. This virus not only has an extremely high recovery rate of 99.7 (and climbing), but if you look at the numbers, no businesses should be even closed let alone having to wear masks. Here's the latest numbers in case you're in the dark...

> After almost 100,000 COVID tests in Montana...There is a 1% positivity rate for testing, .0022% death rate per test, .0002% death rate for the Montana population...death rate goes down the more we test--Testing positive doesn't mean you're sick. We're all being played. You would think that people would be smart enough to see through this, but people are lemmings and are easily manipulated. Don't be one of the authoritarians that try to impose Draconian measures over this weak little virus.
>
> EXTERNAL SENDER verified by City of Whitefish IT

EXTERNAL SENDER verified by City of Whitefish IT

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Norbert Reis [redacted]
Sent: Monday, July 6, 2020 3:46 PM
To: Michelle Howke
Subject: Mandatory mask wearing

Whitefish City Council,

We are in the midst of a global pandemic and the United States has proven incapable of reducing the spread of COVID-19 and is #2 in the world in the number of new daily cases per capita. Europe has pretty much solved their problem through strict social distancing policies, mandatory mask wearing and shuttering of businesses. We as a state and city, need to implement similar measures to reduce the spread of the virus. The City Council is responsible for the public health and safety of everyone that lives in or visits Whitefish. One simple solution to mitigate the spreading of COVID-19, wear a mask!

If you are only "encouraging" the public to wear masks, nothing will change. Too many people are ignorant of the pandemic's devastating effects or are socially irresponsible. Most people will not comply with suggestions unless they are directed to by mandate. I strongly urge City Council to mandate the wearing of masks before it is too late.

V/r
Norbert Reis
[redacted]
Kalispell
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: matthew relles [redacted]
Sent: Monday, July 6, 2020 11:26 AM
To: John Muhlfeld
Subject: Please no face masks required

To whom it may concern,

My name is Matthew and I would like to voice my belief that not only are face masks not effective in the prevention of spreading or contracting virus's in the 0.1 micron size as the filter rate of most cloth masks only filter at the rate of 20-100 microns, but that it is also an infringement on the personnel liberties of people everywhere. A fundamental principle of natural law is the ability to make decisions about personal health care as each individual deems fit, so long as it doesn't infringe on the health of others and since the evidence has come to show that face coverings are not effective in preventing the spread of virus's it would only serve to further erode the freedom of the American people and Montana's in particular. Please do not propagate the divisive and tyrannical tactic of forced muzzling. It will only serve to continue the nonsense that has already rivalled "The Blob".

Sincerely,
Concerned citizen
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: [redacted]
Sent: Monday, July 6, 2020 12:42 PM
To: Michelle Howke
Subject: Whitefish City Council Meeting Tonight

Dear Whitefish City Council,

I am a resident in Flathead Valley and I heard about the meeting tonight regarding a mandate to wear masks. I want you to know that I am very strongly opposed to that.

Thank you,
Ryan
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: HEATHER SATOVICK [redacted]
Sent: Monday, July 6, 2020 10:00 AM
To: John Muhlfeld
Subject: Require masks in our city to slow the spread of Covid

Hi,
I'm very concerned with the number of travelers entering Whitefish and the surrounding areas who are not social distancing or wearing masks (I live in Whitefish just outside the city). The cases of Covid are rising to a level that could shut down business, schools etc. or worse yet Montanians get sick and/or die. Prompt action is required of your office. Require masks. A simple thing could keep our economy open, our people employed, our kids in school and our people healthy and alive. I care about the people of Montana, please make the call that shows you do too. I AM NOT HAPPY with the current lack of preemptive planning and leadership on covid 19.

Heather Satovick
Whitefish Montana
[redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Pam Schipman [redacted]
Sent: Monday, July 6, 2020 12:05 PM
To: Michelle Howke
Subject: I vote no for mask mandated

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

Michelle Howke

From: Schipman, Lee [redacted]
Sent: Monday, July 6, 2020 1:58 PM
To: Michelle Howke

I vote NO on mandatory masks.

Get Outlook for Android
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Chelsie Schnetter [redacted]
Sent: Monday, July 6, 2020 11:32 AM
To: Michelle Howke
Subject: Mask mandate

I vote against the mask policy.

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

Michelle Howke

From: Jayla Schultes [redacted]
Sent: Monday, July 6, 2020 12:12 PM
To: Michelle Howke
Subject: Mandatory Mask

I am writing to you to disagree with your possible mandate for masks. One reason is my sister and brother in law who live in Kansas both got Covid even though they wore N95 masks. So masks don't make a difference!
Second, the WHO top doctors have stated with known research that anyone who has Covid with NO symptoms it's "extremely rare" to infect anyone else! I will send you that video.
Please take in account all sides and don't fall for all the fear mongering and false facts!!

EXTERNAL SENDER verified by City of Whitefish IT

July 6, 2020

To the mayor & City Council,

I am for the wearing masks, it should be mandatory. I see very few taking the Covid 19 serious. I wear a mask and feel others should wear them to due to the rising number of cases. I see people not social distancing, standing in crowds, and have no regards for the safety of others. I do see some locals wearing a mask but not enough to feel safe.

Thank You

Dana Scott
[redacted]
Whitefish, MT.
59937

Michelle Howke

From: Sarah Scott [redacted]
Sent: Monday, July 6, 2020 1:44 PM
To: Michelle Howke
Subject: Face Covering Resolution

To the Whitefish City Council,
I am writing in opposition to the resolution regarding mandatory face coverings in Whitefish. As a resident who enjoys all forms of recreating in town and a parent of two children who love summer time, I cannot support wearing masks when outside in parks or on shared use paths. These are both times where communication with my children is important and a mask significantly inhibits how clearly we can talk. I have spent a lot of time outside in our parks and bike paths in three last few months and at no time did it feel crowded or were we unable to maintain safe distances except to pass. Whitefish is an outdoor recreation paradise. In a time where nothing feels normal, nature and the playgrounds feel right. Please do not infringe on this.
Thank you for your consideration,
Sarah Scott
[redacted]
Whitefish, MT. 59937
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: mary sheehan [redacted]
Sent: Monday, July 6, 2020 11:56 AM
To: Michelle Howke
Subject: Masks

No Masks
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Pam Schipman [redacted]
Sent: Monday, July 6, 2020 12:06 PM
To: John Muhlfeld
Subject: I vote no for mask mandated

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

Michelle Howke

From: Paul Siddall [redacted]
Sent: Monday, July 6, 2020 3:45 PM
To: Michelle Howke
Subject: Face masks

I tend to believe that the wearing of face masks is not necessary for the following reasons. First, if wearing of face masks would help, they would be required for the common flu, which they are not. The common flu comes around every year and kills a lot of people. Second, you would be requiring people to inhale their own carbon dioxide, not very healthy. Third, there are a lot of expert doctors who will tell you that masks are useless against a virus and are only useful against bacteria.

Thank you for allowing my input.

Sincerely, Paul

--
Paul Siddall
Licensed Realtor in the State of Montana
RRE-RBS-LIC-11407
National Parks Realty
[redacted]
Whitefish, Mt. 59937
Toll Free [redacted]
Local [redacted]
Mobile [redacted]
Fax [redacted]
Email [redacted]

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Lorinda Smith <[redacted]
Sent: Monday, July 6, 2020 12:47 PM
To: John Muhlfeld
Subject: covid saftey for our community

Dear mayor and council. please insate a 14 day quarantine for incoming vacationers and a mandatory mask law. please please please... thank you
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: TJ John [redacted]
Sent: Monday, July 6, 2020 1:16 PM
To: Michelle Howke

Here are my reasons why I vote no to masks: masks cause health issues, not everyone can afford to keep buying them, all masks are not made equal, masks do not stop the spread, children won't keep masks on, mask causes eye glasses to fog, masks cause skin irritation, it violates a person's constitutional right to be free of oppression and to express free expression, certain fabrics being breathed through can cause cancer! Please also keep in mind that even a hospital grade N95 mask is rendered not effective after 30 minutes of use. There are many other reasons why I say no, but to keep the correspondence short I will not name them all.

Judy Smith

[redacted]
Whitefish, MT

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Terri Smith [redacted]
Sent: Monday, July 6, 2020 12:48 PM
To: Michelle Howke
Subject: Resolution 20: Masks

Re: Resolution 20
I believe it is important to require masks in public. We are sure to see a continuing rise in COVID cases now that our tourist season is in full swing. It is imperative that masks be required by our local government.
Requiring facemasks may actually entice people to come from other parts of the valley to where they would feel safe dining or shopping.

Thank you,

Terri and Mark Smith
Whitefish, MT

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

Michelle Howke

From: Ken Stein [redacted]
Sent: Monday, July 6, 2020 12:33 PM
To: Michelle Howke
Subject: Input for masks

Michelle,
I've heard on the news, input is wanted on the mandatory wearing of masks.
My opinion is that they should be worn in all grocery and drug stores and maybe retail stores. I think suggested use on public sidewalks downtown is inappropriate.
Respectfully,
Ken Stein
[redacted]
Whitefish

Ken Stein
Purewest/Christies of Whitefish
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: John Stevens [redacted]
Sent: Monday, July 6, 2020 11:53 AM
To: Michelle Howke
Subject: Masks

I am in support of a resolution to require mask wearing in public places. I believe it is key to keeping our community safe and open for business.

John Stevens
[redacted]
Whitefish, MT
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Colette Stroia [redacted]
Sent: Monday, July 6, 2020 1:58 PM
To: Michelle Howke
Subject: In opposition to the mask mandate

To whom it may concern:

I would like to express my concern and opposition to the proposed mask mandate here in Whitefish. Residents of our community need to take personal responsibility, and if they are a part of a high risk population they should stay away from public gatherings/spaces, rather than enforcing mask wearing upon healthy citizens. If I am a healthy individual with no symptoms of COVID-19 I should be able to go to public places and choose not to wear a mask. 50% of the people walking around Whitefish/in the grocery stores/etc. are wearing them incorrectly. Cloth masks do absolutely nothing except make you look like an idiot when worn on your chin. Deaths and hospitalizations are not rising exponentially, Our healthcare systems are NOT overwhelmed.

I would also like to express that you can find over and over again medical documentation that says that the likelihood of catching COVID19 outside is highly improbable. I don't think anyone should have to wear a mask ANYWHERE outside. Of course keep your distance, but mask wearing outside does not make sense.

Whitefish is a town where we pride ourselves on inclusiveness, and now the same people who have been so vocal about inclusivity and respecting people's choices as their own, are now some of the most vocal about wanting tourists to leave, and mandating that personal freedoms be sacrificed because they want people wearing masks. I don't see any "love lives here" in those sentiments.

Of course, if a business owner wants to mandate that his or her employees wear masks, or not allow people in their business without masks, that is the business owner's decision. It's not the decision of our city/government to make.

I would also like to express my concern about the precedent a mask wearing mandate will put on the school year. I have small children, it is lunacy to believe that elementary school children will wear a mask at school all day, and I would hate for my child to not be able to see their teacher smile at them.

Respectfully,
Colette Stroia
[redacted], Whitefish MT 59937

--
Colette Stroia

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Bernadette Tarnow [redacted]
Sent: Monday, July 6, 2020 2:38 PM
To: Michelle Howke
Subject: Face masks

Both my husband and myself agree that it should be required that all persons entering any business in Whitefish be required to wear a mask (along with social distancing of 6').
We believe the City of Whitefish would be doing a service for the residents of the city by enforcing the wearing of masks.
Thank you,
Brent and Bernadette Tarnow
[redacted]
Whitefish, MT 59937
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Mtn5 [redacted]
Sent: Monday, July 6, 2020 11:55 AM
To: Michelle Howke
Subject: City Council Vote Tonight

To Whitefish City Council,

We are Flathead County residents and are strongly opposed to the mask-wearing recommendation that is being considered.

Thank you,
Tom and Jan
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Lindsay Truempy [redacted]
Sent: Monday, July 6, 2020 1:36 PM
To: John Muhlfeld; Michelle Howke
Subject: face mask

Forcing people to wear a face mask is a violation of their civil rights, and they can sue you. It causes massive headaches, sinus/lung infection.
Also the test come from China and have a 70% rate of showing a false positive.
I suggest you allow a free people to stay free or you might be the one behind bars
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: DTseng [redacted]
Sent: Monday, July 6, 2020 11:39 AM
To: Michelle Howke
Subject: Masks

I urge the City to require the wearing of masks by everyone while in the city of Whitefish.

This is a serious public health issue and we need to prevent the spread of corona virus in the most effective way possible. The wearing of masks is such a measure, especially when it has proven to be so.

Decisive steps need to be taken by city officials immediately to have a chance of stopping the spread of this virus. I hope city officials have the courage to do so.

Thank you,
David Tseng
Whitefish resident
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Rebecca and Todd Ulizio [redacted]
Sent: Monday, July 6, 2020 2:19 PM
To: Michelle Howke
Subject: Masks

Hello! My name is Rebecca Ulizio. I am an organic farmer in Whitefish. I am currently serving three markets a week in the whitefish, Kalispell and Columbia Falls area. Research shows that people wearing mask are not protecting themselves but only the people who they encounter. I would like to continue growing food for our community but feel safe while distributing that food. I also need to feel like I can protect my staff. At the moment I feel like I cannot do that. Please make this mandatory to protect the citizens of our community. Thanks for the opportunity to be heard. Sincerely, Rebecca Ulizio from Two Bear Farm

--

Two Bear Farm
[redacted]
Whitefish, MT 59937
Twobearfarm.com

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: [redacted]
Sent: Monday, July 6, 2020 2:31 PM
To: Michelle Howke
Subject: no mask

My vote is for no mask mandate in the city. Let store owners & individuals decide for themselves.
Mary Vail
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Desirai Renee [redacted]
Sent: Monday, July 6, 2020 3:53 PM
To: Michelle Howke
Subject: Facial Masks

Dear Mayor Mhulfeld,

Regarding the wearing of face masks in Whitefish. If so enforced...,

I will take all my business out of Whitefish...
I will not eat here...
I will not shop here...
I will not get gas here...
I will not go to Dr's or Dentists here.
I will not donate to any organization within Whitefish...

Whitefish will get $0 of my money if masks are a requirement.

And if enforced, I will file a complaint with the ADA

https://www.ada.gov/filing_complaint.htm#2

Thank you for your consideration
Desirai Van Ekelenburg

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

Michelle Howke

From: Andrea <[redacted]
Sent: Monday, July 6, 2020 3:54 PM
To: Michelle Howke
Subject: Face masks

I'd prefer to remain anonymous please

Please don't mandate face masks for the city of whitefish.

https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4868614/

Andrea Vissotzky
[redacted]
Olney Mt 59927

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Dave vonKleist [redacted] >
Sent: Monday, July 6, 2020 3:00 PM
To: Michelle Howke
Subject: Masks in Whitefish
Attachments: e9b547eed1044d26c0676a3ed638aaaa9ef05079.mov

Dear Mayor John Mhulfeld,

I would like to thank you for taking the time and consideration to read my concerns regarding the suggested mandate of wearing face masks in Whitefish, MT.

Based on verifiable facts and information, from multiple sources, including the CDC, it is evident that the static's and numbers are inconsistent.

Please note the following information:

According to the CDC:
The current death as of July 6, 2020 is 129,811.
https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html

As of today, July 6,2020, there are 2,886,267 cases.
https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html

According to the United States Census Bureau:
The current US population 329,908,343
https://www.census.gov/popclock/

According to the current CDC numbers of death due to "confirmed and probable " counts, (please see the CDC's description of probable counts in the link below) in accordance with the US Census Bureau there are nearly 330 million people in the United States of which nearly 130 thousand people have died of "confirmed & PROBABLE" Coronavirus. That relates to 1.3 deaths to every 3,300 people.

Using the same numbers from the CDC and the US Census Brueau, approximately 2 people out of 330 will test positive for Coronavirus.

Please note: The tests have been noted on the CDC website to have false positives. See link below:

https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/commercial-lab-surveys.html

- Some results may be false positive results (the test result is positive, but the person does not really have antibodies to SARS-CoV-2), or false negative results(the person has antibodies to SARS-CoV-2, but the test doesn't detect them). False positive results are more likely change the survey results if it is an area where the percentage of individuals previously infected is relatively low; it could make it look like more people are infected in the community than really are. Our analysis adjusted the seroprevalence estimate to account for false positives and false negatives.

https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html
Confirmed & Probable Counts
As of April 14, 2020, CDC case counts and death counts include both confirmed and probable cases and deaths. This change was made to reflect an interim COVID-19 position statement
pdf icon
external icon
issued by the Council for State and Territorial Epidemiologists on April 5, 2020. The position statement included a case definition and made COVID-19 a nationally notifiable disease. Nationally notifiable disease cases are voluntarily reported to CDC by jurisdictions.
A confirmed case or death is defined by meeting confirmatory laboratory evidence for COVID-19.
A probable case or death is defined by one of the following:

- Meeting clinical criteria AND epidemiologic evidence with no confirmatory laboratory testing performed for COVID-19
- Meeting presumptive laboratory evidence AND either clinical criteria OR epidemiologic evidence
- Meeting vital records criteria with no confirmatory laboratory testing performed for COVID19

Not all jurisdictions report confirmed and probable cases and deaths to CDC. When not available to CDC, it is noted as N/A.

According to John Hopkins Medical In the us 250k deaths are due to medical error. 10% of the deaths in USA

On July 3, 2020

Dr. Maria Van Kerkhove
Technical Lead of COVID 19 for the World Health Organization quotes.

“It still appears to be rare that an asymptotic individual actually transmits onward to a secondary individual.”

OBJ

Full video 3:03
https://www.youtube.com/watch?v=NQTBlbx1Xjs&fbclid=IwAR0g9C1uE7RR59abhspvK7-akybXuiTwhv0YucCWVXrK2Ud5jAxAta2QYxI

Given the above information and referenced websites, it becomes clear that the inconsistencies in the data information and statistics being provided by the CDC inconsistencies and create confusion when trying to figure out the true nature of the threat of infection from Covid19.

Decisions being made on behalf of the general population are either made from sound science or fear. I hope that the decisions made are in the best interests of our community and visitors to Whitefish without influence of political or financial interests or emotions and/or fear.

Again, thank you for your time and consideration.

EXTERNAL SENDER verified by City of Whitefish IT

Dave vonKleist

Michelle Howke

From: Mark Wagner [redacted] >
Sent: Monday, July 6, 2020 1:59 PM
To: Michelle Howke
Subject: Masks

I will be short and to the point. Masks should be REQUIRED in Whitefish and everywhere else in Montana. Period. Anything less puts too many people at risk. If not required, too many people do not wear masks.

Thank you.

Mark Wagner
[redacted]
Columbia Falls, MT 59912

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

Michelle Howke

From: Rebecca Norton
Sent: Monday, July 6, 2020 12:57 PM
To: Michelle Howke
Subject: Fwd: Wearing of masks

Did this letter come to you too? Thanks
Get Outlook for iOS

From: Rebecca Norton <rnorton@cityofwhitefish.org>
Sent: Monday, July 6, 2020 11:07 AM
To: tcswalls@yahoo.com
Subject: Re: Wearing of masks

Thank you Steph. I like your line about not preventing commerce but preventing the spread. I will pass your message onto our city clerk so the other councilors receive it too. Stay well 😌💪💖

Get Outlook for iOS

From: [redacted]
Sent: Monday, July 6, 2020 10:24:43 AM
To: Rebecca Norton <rnorton@cityofwhitefish.org>
Subject: Wearing of masks

Hi Rebecca
Just wanting to let you know as a resident of Whitefish I support resolution for requiring the mandatory wearing of masks inside buildings and businesses in Whitefish
and outside if social distancing is not possible. Doing so does not prevent commerce but does prevent the spread of a devastating illness. Please encourage the Council to vote accordingly for the safety and health of all our citizens and visitors.
I am so happy you are on the Council at this time.
Thank you for serving
Stephanie (Walls)
Sent from my iPhone
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: pinkadink.wells [redacted]
Sent: Monday, July 6, 2020 11:53 AM
To: Michelle Howke
Subject: Masking

Sent from my Samsung Galaxy smartphone.

Hi, this is Jamie Wells I have been a resident of whitefish Montana for the last 20 years. I absolutely think it is a terrible idea to require people to wear masks. Some of us have anxiety issues as well as breathing issues and I think this will only cause more stress on our bodies as well as our immune systems.. I believe it should be a choice to have to wear a mask not a requirement. It has been working well so far this way and I think it should stay the same. Those who want to wear masks should not be shamed to do so but those of us who want to build our immune systems as well as breathe in the beautiful Montana fresh air especially while doing outdoor activities such as biking hiking and running should be able to do so and breathe and are clean air. We live here for a reason and it is to enjoy the beautiful clean Montana mountain air. This will inhibite us from enjoying our beautiful town we live in

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Wendy [redacted]
Sent: Monday, July 6, 2020 2:53 PM
To: Michelle Howke
Subject: Masks

I vote “No mask law!”

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

Michelle Howke

From: Brian Wiersma [redacted]
Sent: Monday, July 6, 2020 3:20 PM
To: Michelle Howke
Subject: Vote no on mandating masks

Vote no on mandating masks.
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Deborah Wilson [redacted]
Sent: Monday, July 6, 2020 1:33 PM
To: Michelle Howke
Cc: Deborah Wilson
Subject: Comment on mask resolutions

Importance: High

Deborah M. Wilson
[redacted]
Kila, Montana 59920

I understand that there is a proposed resolution that "strongly encourages the use of masks in Whitefish". How do you plan to enforce this? Will you plan to tell the business owners in Whitefish that their customers will be fined if they go to their establishment without a mask? Who will monitor and police this action? What will you do if the fines are not paid? Wearing a mask provides to those who do not understand a false feeling of security. It really does not protect a person from Covid-19. The person would need to always wear an entire hazmat suit to be protected and even then they would have to follow the proper protocol in order to truly avoid infection. Requiring people to wear a face mask is just for control. There have been tests done to show that the mask does not allow the proper amount of oxygen that a person needs and that it is dangerous to a person's health to wear a mask all of the time. Requiring people with disabilities or health issues to wear a mask can put their health at risk. If someone passes out in Whitefish because of their mask, who will be responsible? The business owner? Whitefish? Do not worry….both will be named in the lawsuit.

The bottom line is that I refuse to wear a mask anywhere. There are many other people who will not wear a face mask as well. What are you going to tell Whitefish business owners when they lose business because of the face mask requirement? I am interested in the answers to my question.

Thank you,

Deborah M. Wilson

EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Marjorie Wilson [redacted]
Sent: Monday, July 6, 2020 11:08 AM
To: Michelle Howke
Subject: mandatory masks

Yes, I agree with mandatory mask wearing in Whitefish. Let us set the example and keep Covid numbers down.

Marjorie Wilson
[redacted]
EXTERNAL SENDER verified by City of Whitefish IT

Michelle Howke

From: Carolanne Wright <[redacted]
Sent: Monday, July 6, 2020 3:50 PM
To: Michelle Howke
Subject: Comment on Resolution 20 and Mask Requirement
Attachments: say-no-to-whitefish-mask-mandate.csv; say-no-to-whitefish-mask-mandate.xlsx

Hi Michelle,

Please find below key points as to why I do not support a mask requirement in Whitefish. I have also attached copies of the petition against a mask requirement that has over 343 signatures and 138 comments.

Thank you for your time and consideration.

Carolanne Wright
[redacted]
Whitefish, MT

In under 48 hours since we learned of Resolution 20 on July 4th, we have gathered over 343 signatures and over 138 comments against a mask requirement here in Whitefish. In addition to many comments vowing to shop outside of Whitefish if the resolution passes, here are a select few from concerned citizens:

"As a business owner in Whitefish I reject the idea to infringe upon people right to determine their own health and safety standards. I'm against any ordinance that requires or recommends people wear masks or other health decisions that belong solely to each individual."

"As a local business owner, I'm concerned about my staff having to wear masks for a full 8-hour shift. Several studies have shown the risk of breathing in your own CO2 which lowers immunity and causes light-headedness, headaches, vertigo, and fatigue."

"I oppose the mandate to wear a mask. I do not agree that this will fix our problem, let us be free and choosing to wear a mask or not. I personally feel long term mask wearing is unhealthy and more detrimental on my immune system than not! Let us choose, do not take out personal freedoms and impose this burden on our police to try and enforce this."

"Hospitalizations are down, deaths are down. Let those who desire protect themselves. It's not the government's job."

Science does not support the wearing of masks to contain the spread of COVID-19:

The New England Journal of Medicine, May 21, 2020:

"**We know that wearing a mask outside health care facilities offers little, if any, protection from infection.** Public health authorities define a significant exposure to Covid-19 as face-to-face contact within 6 feet with a patient with symptomatic Covid-19 that is sustained for at least a few minutes (and some say more than 10 minutes or even 30 minutes). The chance of catching Covid-19 from a passing interaction in a public space is therefore minimal. **In many cases, the desire for widespread masking is a reflexive reaction to anxiety over the pandemic.**"

Source:
https://www.nejm.org/doi/full/10.1056/NEJMp2006372?fbclid=IwAR2fiUg8KfV4_8z_IYoSqyaRI0rvOtAZ9R7fmbP0RNAWTm5AdJx1y4anGKM

Center for Infectious Disease Research and Policy, April 2020

"We do not recommend requiring the general public who do not have symptoms of COVID-19-like illness to routinely wear cloth or surgical masks because: There is no scientific evidence they are effective in reducing the risk of SARS-CoV-2 transmission.Their use may result in those wearing the masks to relax other distancing efforts because they have a sense of protection."

"Masks may confuse that message and give people a false sense of security. **If masks had been the solution in Asia, shouldn't they have stopped the pandemic before it spread elsewhere?"**

Source: https://www.cidrap.umn.edu/news-perspective/2020/04/commentary-masks-all-covid-19-not-based-sound-data

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Face masks are available that protect the person wearing them and are readily available online for a nominal cost. With a KN95 lab-tested rating and HEPA filtration, this is an excellent solution for those who are concerned about contracting the coronavirus. https://www.airdoctorpro.com/masks/

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Petition Text:

Say No to the City of Whitefish Mask Mandate

About this petition

We believe that those who reside in and visit our great city of Whitefish, Montana should have the choice of whether or not to wear a face mask while shopping, enjoying the outdoors or frequenting establishments where social distancing might not be an option.

However, as Americans who value freedom of choice, we also believe individual businesses have the right to refuse service to customers who do not wear masks. Several stores in the downtown area have signs posted to this effect. This is in the same spirit as "No Shirt, No Shoes, No Service."

Freedom of choice is crucial. The City of Whitefish should not be mandating masks. Instead, decision makers within a business, congregation or library should develop a mask policy tailored to their specific needs.

Petition Files:

EXTERNAL SENDER verified by City of Whitefish IT

07/06/2020

Dear Mayor and City Council,

Vote NO on this Resolution; it is not in the best interests of our community and society. If Resolution No.20 passes it will cause a division in our city, pitting neighbor against neighbor.

You have created an echo chamber and you are not representing all your constituents, but the select few that you surround yourself with. By using curried responses from select business owners you ignore most of your constituents. Many of the citizens of Whitefish aren't being heard or represented.

Science and facts do not support healthy people wearing a mask to 'protect' others in public settings. There are reports of healthy young adults becoming sick with pleurisy from wearing masks.

If you have a compromised immune system you should take precautions to protect yourself. You should not rely on others for your health. As reported in The New England Journal of Medicine 5/21/20, "Wearing a mask does not offer protection from infection."

Issuing a mandate for everyone to wear a mask is akin to the action of a ruling government, a monarchy. We decided against that rule almost 250 years ago.

Do not pass this resolution - it is not in the best interest of our city.
Below are hyperlinks to two articles that you should read.

"Masks Are Symbolic," says Dr Fauci and The New England Journal of Medicine
https://hennessysview.com/masks-are-symbolic-dr-fauci/

https://www.theatlantic.com/health/archive/2020/05/cdc-and-states-are-misreporting-covid-19-test-data-pennsylvania-georgia-texas/611935/

Thank you for your time and consideration,
Julie Perchy
[redacted]
Whitefish, Montana