

## Pedestrian and Bicycle Path Advisory Committee Meeting Minutes

25 July 2022

Committee Members Present: Giuseppe Caltabiano, John Repke, Doug Reed, John Phelps, Antonia Malchik, Mary Behrendt, Luke Moses, Jim DeHerrera

City Staff Present: Craig Workman, Karin Hilding, Angela Jacobs

Public Present: Mike Fitzgerald, Bruce Boody, Rachel Schmidt, Casey Malmquist, Patty Zanto, (Dick Allison?), Steve Britt

A. The meeting was called to order at 8:04 a.m.

B.

Bruce Boody gave a presentation: overview of his trail design for the Riverbend Condo trail. Discussed its intended ADA compliance with exactly 5% grade. Trail set just above average high water mark, elevated at 3000.3 feet. There are some years, like the current one (lake level was 3002.1 feet), when the trail will be closed. However, this year is the second highest water mark ever recorded. This only applies to the elevated section; the paved portions would be above that level. Design was made to make the trail as low as possible to avoid physical and visual impact on the condo owners. Some trees will have to be limbed but there's no intention to take any down.

The elevated section would be supported by helical piers, which are also used on other sections of trail. There is almost no impact. The equipment sits on the trail as it's built so it doesn't even touch the ground. They use resistance detection as they're building. [Discussion followed of other sections of trail with helical piers, Cow Creek and near the railroad trestle.]

Discussed railing options that are least visible to the property owners, and then access to the HOA's docks, which would tie in to the raised boardwalk. A gate would be provided so that the condos and docks are closed to the public.

Doug Reed: What are the surfaces used for the piers?

Karin Hilding: In the past we've used Trex boards, but in this case we'd use concrete because it's quieter.

Giuseppe Caltabiano: Why does FWP see a surface trail as disturbing the bank more than a raised trail?

Karin Hilding: Several reasons, including needing to add fill to bring the path above the water mark, plus the surface itself.

Giuseppe Caltabiano: Would bicyclists and pedestrians create some erosion if it's gravel?

Karin: Possibly.

(Dick Allison?): We've never seen an estimate of cost for this project.

Karin: We haven't yet hired an engineer to do an estimate.

Giuseppe Caltabiano: Are trails covered by resort tax, or property tax?

Karin Hilding: Since we're under Parks Board the funding is sometimes supported by Parks Department. Some funding comes from the resort tax. Seems like this is something this committee should start looking at in general, where money comes from and where it's spent.

Steve Britt (resident on Miles Ave., condo owner): Will have to cut 85% of one tree to get the path in, to get 10-foot clearance needed overhead, plus the docks will end up being almost halfway in the river. Presence of tree in front of his home would push docks way out into the middle of the river.

Casey Malmquist: Regarding how this is paid for, this solution will be costly, but there is a local group willing to do a capital campaign to raise money to support the raised trail.

### **Conversation shifted to Riverbend Condo HOA's proposed trail design.**

Bruce Boody: With this design, it's meeting the Malmquist property at 3000 feet, but we need to get to 3007 by the end to meet the BNSF trail, so we can't grade it to be HOA compliant. Regarding impact on the riverbank, we're at the high water mark, plus it's located on the steepest portion of the bank. Also, on the north end of the Malmquist property is an infiltration system that intercepts and filters contaminated groundwater and pumps it up to the containment ponds in the railyard, and we can't put a trail on top of that.

John Repke: This design is extremely close to the condos. Are we assured that *all* the condo owners are okay with that?

Scott Britt: I'm number 126, and would rather have a gravel path so my kids can easily take their kayaks down to the river. Would rather have a path close to my window than have it be harder for them to get their kayaks to the water.

John Repke: Are the other one or two owners okay with this path being so close to their homes?

Rachel Schmidt: It was established at a previous meeting that that deck [referring to a deck that encroaches over the proposed path site] is illegal and needs to be removed.

Patty Zanto: There is agreement on the easement.

Rachel Schmidt: The letter [referring to letter sent to the City from the condo owners' attorney on 29 April 2022] said that the condo owners would only agree to a very specific location and design that they submitted.

Mary Behrendt: Are there regulations about how far out in the river docks can go?

Casey Malmquist: The docks would probably have to be moved and re-permitted.

John Phelps: What are the next steps?

Karin Hilding: After we vote, it would go to the Parks Board and then Planning Board and then City Council. They could then direct Public Works to hire an engineer and a surveyor to do a survey and detailed drawing of the raised path.

John Phelps: When an engineer is designing, will there still be opportunity for public input?

Karin Hilding: At that point, we'd be working with FWP. At that point, Craig [Workman] would be the main contact person between the city and FWP and the Conservation District. Then we'd do a 124-permit application. An environmental assessment will be required, and

part of that is to provide information on *all* other alternatives that might work. Also, as part of DNRC's requirement, we have to show that you won't be raising the river. When FWP goes through their 30-day process, they invite the public to give input.

Mary Behrendt: Is there an option of combining the two designs somehow?

Karin Hilding: The elevated path at the north and south has some surface sections.

Casey Malmquist: There could be some compromise horizontally but not vertically.

John Phelps: Going into the river is the only way we can get a 10-foot path.

Doug Reed: Is there an option for going with the HOA's design, but not gravel? Could we use the helical concept in that location?

Bruce Boody: There's no limitation on that. It would probably still be raised because otherwise there's disturbance of the bank.

Scott Britt: Would that avoid the railings? They're also a safety issue if kids are swimming and get caught under the path.

Karin Hilding: We can look at that. Railings are always required if there's a drop-off but in that situation there wouldn't be, at least on the condo side.

John Phelps: If the condo owners were to grant a wider easement, that opens up possibilities.

Bruce Boody: Also, looking at the vertical to meet grade for ADA compliance.

John Repke: There was a trail built previously on the water, and according to the easement once a trail is built that's where the easement is located. [Visual nod of agreement from Angela Jacobs.]

John Phelps: We are on the agenda for the Parks Board's next meeting, and City Council the meeting after that.

Antonia Malchik: Just to confirm, what we're voting on today is just our preference. When it gets to FWP and DNRC, all options will be shown, including HOA's preference. [Karin Hilding and John Phelps confirm.]

[Discussion of advantages and disadvantages—pros and cons of the two path designs—previously emailed to the committee.]

John Phelps: Correction to what I emailed you: FWP never rejected the previous design; they didn't take action.

John Phelps: Motion to **approve the pros and cons as amended**.

Mary Behrendt makes the motion. Jim Benning seconds. Vote unanimous in favor.

Rachel Schmidt: Safe Trails Whitefish sees Bruce's design as the best alternative for a vision of a connected Whitefish.

Giuseppe Caltabiano: Are we making a motion to approve or recommend?

John Phelps: Recommend.

Jim Benning: A third alternative has come up, an elevated boardwalk in the location preferred by the condo owners.

John Phelps: Right now the design they've given can't meet up with Casey's path. Original goal is to pick a design that meets all of the city's needs, but we can compromise at any step in the future. We can provide that as an alternative for FWP. Right now we should choose one of the developed designs.

Giuseppe Caltabiano: The third option would require the owners to widen the easement, and the city has no jurisdiction to assume that will happen. We're stuck between these two options in order to be ADA compliant unless the condo owners take initiative.

Casey Malmquist: This trail *will* be built, and done properly. I urge the committee to vote for the ADA compliant version. Suggestion of a gravel trail is disingenuous because they know FWP won't approve it. They need to work with the city on this design.

Mary Behrendt moves to vote for option A (Bruce Boody's design) as what we recommend to the Parks Board. Jim Benning seconds, but with the assumption that we continue to look at other options. Vote is unanimous. Issue now goes to Parks Board, on the agenda for August 9, and then to city council on September 6.

Meeting adjourned but I forgot to note down the time! Around 9:30?