



CITY COUNCIL MEETING MINUTES

Monday, September 19, 2016, at 7:00 p.m.
City Hall Council Chambers, 201 First Avenue East

A. CALL TO ORDER

Mayor Mark Johnson called the meeting to order at 7 p.m.

B. ROLL CALL

[Mayor - Mark Johnson: Present](#)
[Council Member - Kari Gabriel: Present](#)
[Council Member - Sandy Carlson: Present](#)
[Council Member - Wayne Saverud: Present](#)
[Council Member - Chad Graham: Present](#)
[Council Chair - Jim Atkinson: Present](#)
[Council Member - Rod Kuntz: Absent](#)
[Council Member - Tim Kluesner: Present](#)
[Council Member - Phil Guiffrida: Present](#)

Staff present included City Manager Doug Russell, City Attorney Charles Harball, City Clerk Aimee Brunckhorst, Planning Director Tom Jentz, Public Works Director Susie Turner, and Police Detective Doug Overman.

C. PLEDGE OF ALLEGIANCE

D. AGENDA APPROVAL

Motion to approve the agenda as submitted.

[Council Member - Tim Kluesner: Motion](#)
[Council Chair - Jim Atkinson: 2nd](#)
[Mayor - Mark Johnson: Approve](#)
[Council Member - Kari Gabriel: Approve](#)
[Council Member - Sandy Carlson: Approve](#)
[Council Member - Wayne Saverud: Approve](#)
[Council Member - Chad Graham: Approve](#)
[Council Chair - Jim Atkinson: Approve](#)
[Council Member - Rod Kuntz: Absent](#)
[Council Member - Tim Kluesner: Approve](#)
[Council Member - Phil Guiffrida: Approve](#)

The motion passed unanimously with Council member Kuntz absent.

E. CONSENT AGENDA

All items listed on the consent agenda will be accepted by one motion. If a council member desires to discuss an item separately, the item can be removed from the consent agenda by motion.

1. [Council Minutes – Regular Meeting – September 6, 2016](#)  
2. [Ordinance 1775 – Montana Chip Partners – Second Reading](#)  
Montana Chip Partners is requesting I-1 (Light Industrial) zoning.

Motion to approve the consent agenda as submitted.

[Council Member - Chad Graham: Motion](#)

[Council Member - Phil Guiffrida: 2nd](#)

[Mayor - Mark Johnson: Approve](#)

[Council Member - Kari Gabriel: Approve](#)

[Council Member - Sandy Carlson: Approve](#)

[Council Member - Wayne Saverud: Approve](#)

[Council Member - Chad Graham: Approve](#)

[Council Chair - Jim Atkinson: Approve](#)

[Council Member - Rod Kuntz: Approve](#)

[Council Member - Tim Kluesner: Approve](#)

[Council Member - Phil Guiffrida: Approve](#)

The motion passed unanimously with Council member Kuntz absent.

F. COMMITTEE REPORT - None.

G. PUBLIC COMMENT

Persons wishing to address the council on any issue not on the agenda are asked to do so at this time. Those addressing the council are requested to give their name and address for the record. Please see the last page of the agenda for the proper manner of addressing the council. Please limit comments to three minutes.

Mayor Johnson opened general public comment.

[07:02:12 PM \(00:04:09\) **Fred Zavodny, Public Comment**](#)

Mr. Zavodny spoke regarding a petition he submitted from the Village Greens subdivision residents asking that their subdivision be excluded from any zoning that would allow short term rentals.

[07:04:52 PM \(00:06:48\) **Public Comment Closed.**](#)

Seeing no further public comment, Mayor Johnson closed public comment.

H. [**REPORTS, RECOMMENDATIONS, AND SUBSEQUENT COUNCIL ACTION**](#)

Persons wishing to address the council on individual agenda items will be asked to do so following staff reports. Please see the last page of the agenda for the proper manner of addressing the council. Please limit comments to three minutes.

1. [Resolution 5782 – Resolution of Intent and Call for a Public Hearing on the South Kalispell Water & Wastewater Facility Plan Update-South Kalispell Development](#)
This Resolution would notify the public of the Council’s intent to hold a public hearing on October 17, 2016, to consider adopting the Water and Wastewater Facility Plan Update-South Kalispell Development.  

[07:05:23 PM \(00:07:19\)](#) City Manager Doug Russell provided the staff report on this item.

[07:06:39 PM \(00:08:35\)](#) Public Works Director Susie Turner provided further detail on this item.

City Council began questions for staff.

Public Comment

Mayor Johnson opened public comment. Seeing no comment, Mayor Johnson closed public comment.

[07:09:02 PM \(00:10:58\)](#) **Motion approving Resolution 5782, a Resolution calling for a public hearing on the proposed adoption of the “Water and Wastewater Facility Plan Update-South Kalispell Development” to supplement the Kalispell 2008 Water and Wastewater Facility Plan update.**

[Council Member - Phil Guiffrida: Motion](#)

[Council Member - Kari Gabriel: 2nd](#)

[Mayor - Mark Johnson: Approve](#)

[Council Member - Kari Gabriel: Approve](#)

[Council Member - Sandy Carlson: Approve](#)

[Council Member - Wayne Saverud: Approve](#)

[Council Member - Chad Graham: Approve](#)

[Council Chair - Jim Atkinson: Approve](#)

[Council Member - Rod Kuntz: Absent](#)

[Council Member - Tim Kluesner: Approve](#)

[Council Member - Phil Guiffrida: Approve](#)

The motion passed unanimously with Council Member Kuntz absent.

2. [Eisinger Properties LLC Annexation and Zoning](#)  
 - a. [Resolution 5783 – Annexation](#)
This Resolution would approve a request from Eisinger Properties to annex into the city a 4.45 acre parcel located at 837 Reserve Drive.
 - b. [Ordinance 1776 – Initial Zoning](#)  
This Ordinance would create initial zoning of B-2 (General Business) on property at 837 West Reserve Drive.

[07:10:40 PM \(00:12:37\)](#) Planning Director Tom Jentz provided the staff presentation on this item.

[07:13:10 PM \(00:15:06\)](#) Council member Graham began questions for staff.

[07:14:44 PM \(00:16:40\)](#) Council member Guiffrida continued questions for staff regarding liability.

[07:15:16 PM \(00:17:12\)](#) City Attorney Charles Harball answered a question from Council.

[07:15:22 PM \(00:17:19\)](#) Council member Jim Atkinson continued questions for staff.

[07:16:02 PM \(00:17:59\)](#) Tom Jentz answered questions from Council.

Public Comment

Mayor Johnson opened public comment.

[07:16:42 PM \(00:18:39\)](#) **Rory Young, Applicant**

Mr. Young, representing Jackola Engineering said he was available for questions as a representative of the applicant.

Public Comment Closed

Seeing no further public comment, Mayor Johnson closed public comment.

[07:17:25 PM \(00:19:22\)](#) **Motion to approve Resolution 5783, a Resolution to provide for the alteration of the boundaries of the City of Kalispell by including therein as an Annexation certain real property described as Tract 2 of Certificate of Survey 19815 of Section 30, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana, to be known as Eisinger Properties addition no. 425; to zone said property in accordance with the Kalispell Zoning Ordinance, and to declare an effective date.**

[Council Member - Wayne Saverud: Motion](#)

[Council Member - Sandy Carlson: 2nd](#)

[Mayor - Mark Johnson: Approve](#)

[Council Member - Kari Gabriel: Approve](#)

[Council Member - Sandy Carlson: Approve](#)

[Council Member - Wayne Saverud: Approve](#)

[Council Member - Chad Graham: Approve](#)

[Council Chair - Jim Atkinson: Approve](#)

[Council Member - Rod Kuntz: Absent](#)

[Council Member - Tim Kluesner: Approve](#)

[Council Member - Phil Guiffrida: Approve](#)

The motion passed unanimously with Council member Kuntz absent.

[07:19:06 PM \(00:21:03\)](#) **Motion to approve Ordinance 1776, an Ordinance to amend section 27.02.010, official Zoning Map, City of Kalispell Zoning Ordinance, (Ordinance No. 1677), by Zoning Certain Real Property described as Tract 2 of Certificate of Survey 19815 of Section 30, Township 29 North, Range 21 West, Flathead County, Montana, (Currently Zoned County R-1 (Suburban Residential) to City B-2 (General Business)) in accordance with the Kalispell Growth Policy 2020, and to provide an effective date.**

[Council Chair - Jim Atkinson: Motion](#)

[Council Member - Chad Graham: 2nd](#)

[Mayor - Mark Johnson: Approve](#)

[Council Member - Kari Gabriel: Approve](#)
[Council Member - Sandy Carlson: Approve](#)
[Council Member - Wayne Saverud: Approve](#)
[Council Member - Chad Graham: Approve](#)
[Council Chair - Jim Atkinson: Approve](#)
[Council Member - Rod Kuntz: Absent](#)
[Council Member - Tim Kluesner: Approve](#)
[Council Member - Phil Guiffrida: Approve](#)

The motion passed unanimously with Council Member Kuntz absent.

I. CITY MANAGER, COUNCIL, AND MAYOR REPORTS (No Action)

City Manager Doug Russell provided the following report:

- Past efforts by the community to raise money for a bandshell have since fallen apart. Money that was previously donated has been sitting in an account for some time. The city would like to figure out a way to return the donated money and close out the account. Mr. Russell will bring that forward in the form of a resolution at a future meeting.
- Mr. Russell spoke regarding the request from Council at the last work session to review further possible unintended consequences in zoning for short term residential rentals prior to bringing the item forward at a regular session. Mr. Russell spoke to the possible consequences of the removal of homes from the housing market and how it may affect affordable housing, and how some communities have take actions to try and limit that consequence. He asked whether council would like to move forward with short term rentals on a regular meeting or take it back for further discussion at a work session.
- Council member Atkinson asked questions regarding Home Owner Associations and whether they can regulate short term rentals through by-laws.

[07:23:37 PM \(00:25:34\)](#) City Attorney Charles Harball answered a question from Council.

[07:24:21 PM \(00:26:17\)](#) Council members Saverud and Guiffrida expressed that they would like to have another work session regarding vacation rentals by owner.

- Mr. Russell explained that the next work session will be cancelled. He will bring the short term rentals issue before council at the work session in October.

[07:25:43 PM \(00:27:40\)](#) Mayor Johnson announced that the general candidate forum that he and Councilor Guiffrida will be hosting has been scheduled for October 12, 2016, in Council Chambers at 7 p.m.

J. [ADJOURNMENT](#)

The Mayor adjourned the meeting at 7:27 p.m.

Attest: _____

Aimee Brunckhorst, CMC
City Clerk

Minutes approved on: October 7, 2016

UPCOMING SCHEDULE / FOR YOUR INFORMATION

Next Work Session – September 26, 2016, at 7:00 p.m. – Council Chambers

Next Regular Meeting – October 3, 2016, at 7:00 p.m. – Council Chambers

Reasonable accommodations will be made to enable individuals with disabilities to attend this meeting. Please notify the City Clerk at 758-7756.

Watch regular City Council sessions live on Charter Cable Channel 190 or online at the [Meetings on Demand](#) tab at www.kalispell.com.