



**KALISPELL CITY COUNCIL MINUTES
SEPTEMBER 6, 2016**

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A REGULAR MEETING OF THE KALISPELL CITY COUNCIL WAS HELD AT 7:00 P.M., TUESDAY, SEPTEMBER 6, 2016, IN THE COUNCIL CHAMBERS AT CITY HALL IN KALISPELL, MONTANA.

A. CALL TO ORDER

B. ROLL CALL

Jim Atkinson, Sandy Carlson, Kari Gabriel, Chad Graham, Phil Guiffrida, Mark Johnson, Tim Kluesner, Rod Kuntz, Wayne Saverud were present.

Also present: City Manager Doug Russell, City Attorney Charles Harball, City Clerk Aimee Brunckhorst, Planning Director Tom Jentz, Senior Planner Jarod Nygren, Planner P.J. Sorensen, Public Works Director Susie Turner, and Police Chief Roger Nasset.

C. PLEDGE OF ALLEGIANCE

D. AGENDA APPROVAL

Phil Guiffrida moved to approve the agenda as submitted. The motion was seconded by Sandy Carlson.

The motion carried unanimously upon vote.

E. CONSENT AGENDA

1. Council Minutes - Regular Meeting - August 15, 2016

[Minutes](#)

Public Comment

Mayor Johnson opened public comment on the consent agenda. Seeing none, he closed public comment.

Wayne Saverud moved to approve the consent agenda as submitted. The motion was seconded by Tim Kluesner.

The motion carried unanimously upon vote.

F. COMMITTEE REPORT - None.

G. PUBLIC COMMENT Mayor Johnson opened general public comment.

Diane Bokor, Public Comment

Ms. Bokor of 312 Bisner Street, with the non-profit Paws to Play, partnering with Kalispell Parks and Recreation spoke regarding the success of the Pools to Play fundraiser that recently occurred to raise money for a dog park and about the upcoming Doggie Dayz fundraising event on September 17, 2016 at Lawrence Park.

Jeremy Reese, Public Comment

Mr. Reese with the Flathead Valley Hockey Association said the association will be receiving a rebate from Bonneville Power and Flathead Electric that will be coming directly to the city. Mr. Reese would like to see if the Association can have that rebate credited to their utility account. The association is also deciding whether to start their construction project this year.

H. PUBLIC HEARING - Montana Chip Partners and Kraig Trippel De-Annexation (Exclusion of Land from the City)

Council will accept comments concerning de-annexing 15,742 square feet of property to facilitate a land trade between Montana Chip Partners and Kraig Trippel on adjoining parcels near the western end of West Montana Street, and to the north of the railroad tracks. (See item I.1. below.)

Mayor Johnson opened the public hearing for public comment.

Jim Thompson, Applicant

Mr. Thompson of 5865 Hwy 53 South, in Somers, a partner in Montana Chip Partners stated he was available to the Council for questions.

Public Hearing Closed.

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

I. REPORTS, RECOMMENDATIONS, AND SUBSEQUENT COUNCIL ACTION

1. Montana Chip Partners and Kraig Trippel Land Trade - De-Annexation, Annexation, and Zoning

Montana Chip Partners and Kraig Trippel are requesting three separate actions to facilitate a land trade of two adjoining parcels near the western end of West Montana Street, and to the north of the railroad tracks.

City Manager Doug Russell provided a brief introduction to this item.

Planner PJ Sorensen provided the staff presentation on this item.

Councilor Atkinson began questions for staff.

Public Comment

Mayor Johnson opened public comment. Seeing none, he closed public comment.

a. Resolution 5778 - De-annexation

This Resolution would de-annex (exclude from the city) 15,742 square feet of property to be traded from Montana Chip Partners to Kraig Trippel.

[Reso 5778](#)

Wayne Saverud moved to approve Resolution 5778, a Resolution excluding certain territory from the City of Kalispell, under the provisions of Title 7, Part 48, M.C.A. (Exclusion of Land), comprising a tract of land described on exhibit "A" and further described as Tract 1AE in Section 7, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana, and setting an effective date. The motion was seconded by Kari Gabriel.

The motion carried unanimously upon vote.

b. Resolution 5779 - Annexation

This Resolution would annex into the city 15,472 square feet of property to be traded from Kraig Trippel to Montana Chip Partners.

[Reso 5779](#)

Public Comment

Mayor Johnson opened public comment. Seeing none, he closed public comment.

Jim Atkinson moved to approve Resolution 5779, a Resolution to provide for the alteration of the boundaries of the City of Kalispell by including therein as an annexation certain real property located in Government Lot 4 of Section 7, Township 28 North, Range 21 West, P.M.M., Flathead County, Montana and more particularly described on exhibit "A", to be known as Montana Chip addition no. 424; to zone said property in accordance with the Kalispell Zoning Ordinance, and to declare an effective date. The motion was seconded by Tim Kluesner.

The motion carried unanimously upon vote.

c. [Ordinance 1775 - First Reading - Initial Zoning](#)

This Ordinance would create zoning of I-1 (Light Industrial) on property to be traded from Kraig Trippel to Montana Chip Partners.

[Ord 1775](#)

Rod Kuntz moved to approve Ordinance 1775, an Ordinance to amend Section 27.02.010, official Zoning Map, City of Kalispell Zoning Ordinance, (Ordinance No. 1677), by zoning certain real property more particularly described on exhibit "A" and further described as Tract 1AE in Section 7, Township 28 North, Range 21 West, Flathead County, Montana, (currently zoned County I-1 (Light Industrial) to City I-1 (Light Industrial)) in accordance with the Kalispell Growth Policy 2020, and to provide an effective date. The motion was seconded by Jim Atkinson.

The motion carried unanimously upon vote.

2. [Gold Creek Cellular of Montana \(Verizon\) Water Tower Lease Agreement](#)

This agreement would approve an agreement allowing Gold Creek Cellular to utilize the Buffalo Hill Water Tower for communication equipment.

[Verizon Lease](#)

City Manager Doug Russell provided an introduction on this item.

Public Works Director Susie Turner provided a staff presentation on this item.

Councilor Kluesner began questions for staff.

Councilor Atkinson continued questions for staff.

Councilor Saverud continued questions for staff.

Public Comment

Mayor Johnson opened public comment.

Sam Nunnally, Public Comment

Mr. Nunnally, of 113 Indian Trail Road, is the Telecommunications Supervisor with Kalispell Regional Health Care. Mr. Nunnally said they have problems in several areas on their campus with Verizon cell service. They would appreciate the Council approving this agreement as it is critical for them to be able to contact doctors and nurses on their cell phones, and they feel this additional equipment will approve the service on campus.

Public Comment Closed

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

Phil Guiffrida moved to approve adopt the Water Tower Lease Agreement between Gold Creek Cellular of Montana and the City of Kalispell and authorize the City Manager to sign the agreement on behalf of the City of Kalispell. The motion was seconded by Chad Graham.

The motion carried unanimously upon vote.

3. Resolution 5780 - Trumbull Creek Crossing, Phase III Developer's Agreement

This Resolution would approve a developer's agreement for the city to provide municipal sanitary sewer treatment service to Trumbull Creek Crossing, Phase III, which is part of a Flathead County Subdivision.

[Res 5780](#)

City Manager Doug Russell provided a brief introduction to this item.

Councilor Kluesner began questions for staff.

Public Comment

Mayor Johnson opened public comment. Seeing none, he closed public comment.

Rod Kuntz moved to approve Resolution 5780, a Resolution approving the development agreement for Trumbull Creek Crossing, Phase III, a Flathead County Subdivision, pursuant to the provisions of Kalispell Resolution No. 5072, and directing the City Manager to execute the same. The motion was seconded by Phil Guiffrida.

The motion carried unanimously upon vote.

4. Resolution 5781- Preliminary Plat - Meadow Park, Unit 4

This Resolution would approve splitting a .61 acre subdivision into two residential lots. The applicant is also requesting removal of an existing plat condition limiting development to single-

family dwellings only.

[Reso 5781](#)

Senior Planner Jarod Nygren provided the staff presentation on this item.

Councilor Atkinson began questions for staff.

Planning Director Tom Jentz responded to questions from Council.

Councilor Guiffrida continued questions for staff.

Counselor Kluesner continued questions for staff.

Public Comment

Mayor Johnson opened public comment.

Andy Bestwick, Public Comment

Mr. Bestwick of 28 Willow Brook in Whitefish, spoke as the owner of the lot explaining why he feels the Council should approve the removal of the plat restriction (condition #11 in the staff report).

Public Comment Closed.

Chad Graham moved to approve Resolution 5781, a Resolution conditionally approving the preliminary plat of Meadow Park Unit 4 Subdivision, described as lot 1 of Meadow Park Unit No. 3 of Section 20, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana. The motion was seconded by Phil Guiffrida.

Councilor Guiffrida asked a follow up question of staff.

Councilor Graham continued questions of staff.

Councilor Kluesner began discussion on the motion.

Councilor Graham provided discussion on the motion.

Councilor Guiffrida provided discussion on the motion.

Councilor Kuntz continued discussion on the motion.

Councilor Atkinson clarified the motion.

The motion carried unanimously upon vote.

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

City Manager Doug Russell provided the following report:

- The Next Work Session will include: VRBO's (Vacation Rentals by Owner) and a Discussion about the Noise Ordinance

- Mr. Russell referenced a recent impact fee article in the newspaper. He said the industrial user said the cost of impact fees was about 1/2 million. City Manager Russell clarified that these costs are related to a non-typical, high industrial discharge to the treatment facility. He explained the matter further.
- Flathead Electric said they are on a program to work on converting all of the existing lights to LED lights. The city will also change design standards to LED for new construction. Flathead Electric would anticipate that we may see an annual savings of \$22,000 per year. The city is currently converting the decorative lights to LED's at a rate of five or six a year. If they do see savings from Flathead Electric, that money may be an opportunity to speed up that conversion. That would be brought before Council for discussion.

Councilor Graham asked questions about the impact fee article that Mr. Russell referred to.

Councilor Kluesner asked whether the Governor candidates have replied to requests for a candidate forum.

Councilor Guiffrida has been working on a General Election Candidate Forum. He said that the absentee ballots will be sent October 14. They will have the forum a week or two prior to the release of absentee ballots, but the date is yet to be determined as they are working through candidate scheduling conflicts.

Mayor Johnson provided the following report:

- The report reviewing the 911 Center that was completed by an outside firm has been released. The report and recommendations will be discussed at the next 911 meeting.
- Mayor Johnson spoke regarding the 15 year anniversary of the 9-11 Terrorist Attack.

K. ADJOURNMENT
Seeing no further business, Mayor Johnson adjourned the meeting at 8:04 p.m.

Aimee Brunckhorst, CMC
City Clerk

Minutes approved on: September 19, 2016