



DRAFT CITY COUNCIL MEETING MINUTES
Monday, November 7, 2016

A. CALL TO ORDER 04:51:32 PM (00:00:06)

Mayor Johnson called the meeting to order at 7:00 p.m.

Staff present: City Manager Doug Russell, City Attorney Charles Harball, Deputy City Clerk Judi Funk, Planning Director Tom Jentz, Senior Planner Jarod Nygren, Community Development Coordinator Krista Lammers, Public Works Director Susie Turner, Parks Director Chad Fincher, Police Chief Roger Nasset, Captain of Administration Wade Rademacher, and Fire Chief Dave Dedman.

B. ROLL CALL 04:51:40 PM (00:00:14)

Mayor - Mark Johnson: Present
Council Member - Kari Gabriel: Absent
Council Member - Sandy Carlson: Present
Council Member - Wayne Saverud: Present
Council Member - Chad Graham: Present
President - Jim Atkinson: Present
Council Member - Rod Kuntz: Present
Council Member - Tim Kluesner: Absent
Council Member - Phil Guiffrida: Present

C. PLEDGE OF ALLEGIANCE 04:51:59 PM (00:00:33)

D. AGENDA APPROVAL 04:52:30 PM (00:01:04)

Motion to approve the Agenda as submitted.

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

E. CONSENT AGENDA [04:52:48 PM \(00:01:22\)](#)

1. [Council Minutes – Regular Meeting – October 17, 2016](#)  
2. [Acceptance of CDBG Grant Award for ADA Improvements at the Fairgrounds](#)  
Acceptance of this Grant will fund a portion of the Fairgrounds ADA Improvement project on behalf of Flathead County.

Public Comment

None.

Motion to approve the Consent Agenda as submitted.

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

The motion carried unanimously upon vote.

F. COMMITTEE REPORT - None.

G. PUBLIC COMMENT [04:53:39 PM \(00:02:13\)](#)

Mayor Johnson opened general public comment.

Patrick Plantenberg, Townsend, Montana, presented Parks Director Fincher with the Rocky Mountain Chapter ISA 2016 Gold Leaf Award in recognition of Kalispell's 2016 Arbor Day celebration.

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

H. PUBLIC HEARING – Vacation of Public Utility Easement – Sunset Boulevard LLC
[04:58:36 PM \(00:07:10\)](#)

Council accepted comments regarding the vacation of a public utility easement located off West Wyoming Street and Highway 93.

Mayor Johnson opened the public hearing.

No one wished to speak.

Mayor Johnson closed the public hearing.

I. REPORTS, RECOMMENDATIONS, AND SUBSEQUENT COUNCIL ACTION

1. Resolution 5786 - Adopting the Water and Wastewater Facility Plan Update-South Kalispell Development  **[↩ 04:59:09 PM \(00:07:43\)](#)**

This resolution adopts the Water and Wastewater Facility Plan Update for South Kalispell Development, a supplement to the Water and Wastewater Facility Plan adopted February 17, 2009.

Public Works Director Turner provided a staff report on this item and answered questions.

Public Comment

None.

Guiffrida moved and Carlson seconded Resolution 5786, a resolution to approve and adopt the Water and Wastewater Facility Plan – South Kalispell Development as an amendment to the existing City of Kalispell Water, Sewer, and Storm Drainage Facility Plan previously adopted pursuant to Kalispell City Resolution 5342.

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

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

[Mayor - Mark Johnson: Approve](#)

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

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

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

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

[President - Jim Atkinson: Approve](#)

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

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

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

The motion carried unanimously upon roll call vote.

2. Resolution 5787 – Board of Investment Loan – \$170,000 - Remodel Woodland Park Restroom and Purchase Vehicle  [↩05:05:59 PM \(00:14:33\)](#)

This resolution authorizes a Montana Board of Investment loan in the amount of \$170,000 for the purposes of remodeling the Woodland Park restroom and purchasing a vehicle for the Parks Department.

Russell provided a staff report on this item and Fincher answered questions.

Public Comment

None.

Saverud moved and Atkinson seconded Resolution 5787, a resolution authorizing participation in the Board of Investments of the State of Montana Annual Adjustable Rate Tender Option Municipal Finance Consolidation Act Bonds (INTERCAP Revolving Program), approving the form and terms of the loan agreement and authorizing the execution and delivery of documents related thereto.

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

[President - Jim Atkinson: 2nd](#)

[Mayor - Mark Johnson: Approve](#)

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

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

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

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

[President - Jim Atkinson: Approve](#)

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

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

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

The motion carried unanimously upon roll call vote.

3. Resolution 5788 – Resolution of Intent – Public Works Design & Construction Standards  [↩ 05:09:02 PM \(00:17:36\)](#)

This resolution schedules a public hearing for December 5, 2016 for a proposed amendment to the Public Works Design & Construction Standards.

Russell provided a staff report on this item and Turner answered questions.

Public Comment

None.

Guiffrida moved and Carlson seconded Resolution 5788, a resolution of intent to amend the City of Kalispell’s Standards for Design and Construction, calling for a public hearing and directing the city clerk to provide notice therefore.

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

The motion carried unanimously upon roll vote.

4. Ordinance 1778 – 1st Reading – Short Term Rentals (Vacation Rentals By Owner) 
[↩ 05:12:02 PM \(00:20:36\)](#)

This ordinance amends the Kalispell Zoning Code by recognizing Short Term Rentals as permitted in all residential zones through an administrative Conditional Use Permit process.

Russell and Jentz provided staff reports on this item.

Public Comment

Diane Medler, Chamber of Commerce & Visitors Bureau, noted the Chamber supports the option to allow short term rentals and requested council consider a 3-day minimal rental period for the ordinance.

Mayre Flowers, Citizens for a Better Flathead, commended council for working on the issue and requested council look at other cities’ standards. She offered suggestions for additional provisions.

Kuntz moved and Atkinson seconded the first reading of Ordinance 1778, an ordinance amending the Kalispell Zoning Ordinance (Ordinance No. 1677) at Kalispell Municipal Code sections 27.20.095, Short Term Residential Rental Standards and 27.37.10, Definitions as set forth in Exhibit “A”, and declaring an effective date.

Kuntz moved to amend Section A, subsection 3(e), by striking the following language:

- (e) Each short term rental shall have access to the minimum required parking for a residential unit in the zoning district (no non-conforming status).

The motion was seconded by Carlson.

Kuntz spoke to the motion.

The amendment failed upon roll call vote with Atkinson, Carlson, and Kuntz voting in favor, Graham, Guiffrida, Saverud and Mayor Johnson voting against, with Gabriel and Kluesner absent.

Graham moved to add a new #3 as follows:

(3) The residential dwelling unit shall be the property owner's primary residence in all residential zones.

The motion was seconded by Atkinson.

Graham spoke to the motion.

The amendment carried upon roll call vote with Atkinson, Graham, Guiffrida and Saverud voting in favor, Carlson, Kuntz and Mayor Johnson voting against, with Gabriel and Kluesner absent.

Guiffrida moved to amend the new #3 by striking the RA-1 and RA-2 zones. The motion was seconded by Atkinson.

Guiffrida spoke to the motion.

The amendment carried upon roll call vote with Carlson, Graham, Guiffrida, Kuntz and Saverud voting in favor, Atkinson and Mayor Johnson voting against, with Gabriel and Kluesner absent.

Jentz and Harball answered questions.

Guiffrida moved to add a condition that the applicant is required to check the subdivision's covenants and determine if VRBOs are allowed as part of the application process.

Guiffrida spoke to the motion.

The amendment carried unanimously upon roll call vote.

The main motion, as amended three times, carried upon roll call vote.

[Council Member - Rod Kuntz: Main Motion](#)

[President - Jim Atkinson: 2nd](#)

[Mayor - Mark Johnson: Disapprove](#)

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

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

5. **Resolution 5789 - Resolution of Intent to Adopt, Revise or Reject a Proposed Amendment to the Growth Policy for the Intersection of Stillwater Road and Four Mile Drive**  [←05:57:04 PM \(01:05:38\)](#)

This resolution schedules a public hearing for November 21, 2016 to adopt, revise or reject a Growth Policy amendment that would apply to 30 acres at the intersection of Stillwater Road and Four Mile Drive.

Senior Planner Nygren provided a staff report on this item.

Public Comment

None.

Guiffrida moved and Kuntz seconded Resolution 5789, a resolution of intention to adopt, revise or reject a recommended amendment to the Kalispell Growth Policy 2020 to amend the designation of property located at the northwest corner, southwest corner and southeast corner of the intersection of Stillwater Road and Four Mile Drive in Flathead County, Montana and to call for a public hearing.

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

The motion carried unanimously upon roll call vote.

6. Ordinance 1779 – 1st Reading - Zoning Text Amendment – Nonconforming Signs and Signs Without Permits  [↩ 06:01:13 PM \(01:09:47\)](#)

This ordinance removes the requirement that nonconforming signs be brought into compliance when there are cumulative changes to more than 50% of the sign face.

Senior Planner Nygren provided a staff report on this item.

Public Comment

Daniel Therrien, Western Neon, remarked this is an opportunity to make the sign code better and that this is a discussion about more than just signs; it is about property rights. He said this regulation is highly contested and is not right.

Atkinson moved and Graham seconded the first reading of Ordinance 1779, an ordinance amending certain portions of the Kalispell Zoning Ordinance (Ordinance No. 1677) at KMC Section 27.22.170, Nonconforming Signs and Signs Without Permits, and declaring an effective date.

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

The motion failed upon roll call vote.

7. Ordinance 1780 – 1st Reading - PUD Extension – Glacier Town Center  [↩06:18:21 PM \(01:26:55\)](#)

This ordinance extends the existing Glacier Town Center Planned Unit Development plan until February, 2018.

Senior Planner Nygren provided a staff report on this item.

Public Comment

None.

Saverud moved and Atkinson seconded the first reading of Ordinance 1780, an ordinance authorizing and adopting an extension to the amendment to the Glacier Town Center Planned Unit Development Agreement.

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

The motion carried unanimously upon roll call vote.

8. Ordinance 1781 – 1st Reading - Parking Advisory Board Recommendation to Eliminate Parking Restriction  [←06:20:44 PM \(01:29:18\)](#)

This ordinance eliminates certain parking restrictions that are currently established west of Second Avenue West.

Administrative Captain Rademacher provided a staff report on this item and Jentz answered questions.

Public Comment

None.

Guiffrida moved and Graham seconded the first reading of Ordinance 1781, an ordinance amending Chapter 17 of the Kalispell Municipal Codes entitled Motor Vehicles and Traffic, declaring an effective date and authorizing the city attorney to codify the same.

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

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

The motion carried unanimously upon roll call vote.

9. [2016 Legislative Priorities](#)  [↩06:27:53 PM \(01:36:27\)](#)

This motion adopts the 2016 Legislative priorities as presented by the Kalispell City Council.

City Manager Russell provided a staff report on this item.

Public Comment

None.

Guiffrida moved and Kuntz seconded the City Council adopts the proposed list of 2016 Legislative Priorities dated November, 2016.

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

[Council Member - Rod Kuntz: 2nd](#)

[Mayor - Mark Johnson: Approve](#)

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

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

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

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

[President - Jim Atkinson: Approve](#)

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

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

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

The motion carried unanimously upon vote.

10. [Consideration of Membership in Montana Infrastructure Coalition](#)  [↩ 06:32:55 PM \(01:41:29\)](#)

This motion approves the City of Kalispell's acquisition of a voting membership in the Montana Infrastructure Coalition.

City Manager Russell provided a staff report on this item.

Public Comment

None.

Atkinson moved and Kuntz seconded the City Council approve a voting membership in the Montana Infrastructure Coalition for the City of Kalispell.

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

The motion carried unanimously upon vote.

11. Special Event/Alcohol Permit – Craft Brewer’s Festival and Hockey Tournament – November 11-12  [↩ 06:40:35 PM \(01:49:09\)](#)

This motion denies the request for the sale and consumption of alcohol at the Craft Brewers Festival and Hockey Tournament at the Woodland Ice Center on November 12, 2016.

City Manager Russell provided a staff report on this item.

Public Comment

Kim Morisaki, 846 6th Avenue West, gave a history of the Hockey Association Board and detailed their contribution to the community. She noted they were asked by the convention center to move the event from January in order to compete less with the Pond Hockey Tournament and were not aware of the December 21st alcohol allowance date.

Sean Hinchey, 528 Woodland Avenue, noted they are an all-volunteer organization and carry general commercial liability insurance. He remarked the ordinance seems to be arbitrary and he is hoping for flexibility.

Greg Eisinger commented you can't have Brewfest without the brew and noted that all proceeds were going to the concrete campaign. He asked council to make an exception for them because everybody works really hard for this thing.

Diane Medler, Chamber of Commerce, asked council to take this under consideration because it is a fundraiser for children's hockey.

Sean Baker, 2268 Mission Trail Road, said they are proud of the public-private partnership they have with Parks and Recreation and they need this fundraiser to put concrete in so the area can be used year-round.

Jeremy Reese remarked they are upgrading facilities without funding from the city, and this event is specifically held to upgrade the Woodland Park Facility.

Atkinson moved and Guiffrida seconded denial of the application for the sale and consumption of alcohol at the Craft Brewers Festival and Hockey Tournament on November 12, 2016 on the grounds that the date of use requested is outside of the dates permitted by city ordinance.

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

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

[Mayor - Mark Johnson: Approve](#)

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

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

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

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

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

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

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

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

The motion carried unanimously upon vote.

J. CITY MANAGER, COUNCIL, AND MAYOR REPORTS (No Action) [07:07:17 PM \(02:15:51\)](#)

City Manager Russell noted that City offices will be closed on Election Day and Veteran's Day; next Monday's work session will regard COPS grants; and there will be no work session held on November 28.

Kuntz remarked Ward 3's most recent town hall meeting had high school students in attendance and it was great to have young people participating. He said they talked about a lot of good stuff including the bypass, resort tax, driving courtesy, VRBOs, and Halloween on the East Side.

Mayor Johnson described the ribbon cutting on the bypass and said there is another 911 Center meeting on November 16 where by laws and staffing issues will be discussed. He commented that VRBOs are a big topic and thanked council for stepping up to support the ordinance, and noted it is important to stay consistent with the rules for everyone.

Mayor Johnson reminded everyone to vote tomorrow.

K. ADJOURNMENT [07:14:17 PM \(02:22:51\)](#)

Seeing no further business, Mayor Johnson adjourned the meeting at 9:22 p.m.