



CITY COUNCIL MEETING AGENDA
TUESDAY, February 22, 2022, at 7:00 p.m.
City Hall Council Chambers, 201 First Avenue East

The public can participate in person in the council chambers or via videoconferencing.

Register to join the video conference at:

<https://us02web.zoom.us/j/87100114903?pwd=OHRJcTBiSWWhTQ0src1ozVXNZUk5RUT09>

Public comment can also be provided via email to publiccomment@kalispell.com.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. AGENDA APPROVAL

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 – February 7, 2022

2. Confirmation of Firefighter/Paramedics Susan Brenco, Karlie Kominsky, and Abigail Miller

This item considers Kalispell Fire Department confirmation of individuals who have successfully completed their one-year probationary period and requirements.

3. Award Bid for a Backhoe Loader to Western States CAT

This item considers the purchase of a backhoe loader with trade-in credits to Western States CAT in the amount of \$97,347.82.

4. Grant Acceptance from the Montana Department of Transportation on behalf of the Airport Users' Association.

This item considers the acceptance of a \$394,187 grant for the installation of runway lighting at the Kalispell Airport.

5. Girl Scout Week March 6-12, 2022, Mayoral Proclamation

This proclamation declares the week of March 6-12, 2022, to be Girl Scout Week.

F. COMMITTEE REPORTS

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. **Public comment can also be provided via email to publiccomment@kalispell.com, or via video conference.**

H. REPORTS, RECOMMENDATIONS, AND SUBSEQUENT COUNCIL ACTION

Persons wishing to address the council on individual agenda items are asked to provide public comment via email to publiccomment@kalispell.com or during the meeting verbally in council chambers or via the online meeting. Please provide your name and address for the record.

1. Resolution 6059 – Resolution of Intent - Floodplain Ordinance Update
This resolution sets a public hearing for March 7, 2022, to seek public comment on the updated draft of the Floodplain Ordinance prior to consideration of adoption.

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

J. ADJOURNMENT

UPCOMING SCHEDULE / FOR YOUR INFORMATION

City Offices Closed – February 21, 2022 – Presidents’ Day Holiday

Next Work Session – February 28, 2022, at 7:00 p.m. – Council Chambers

Next Regular Meeting – March 7, 2022, at 7:00 p.m. – Council Chambers

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

ADMINISTRATIVE CODE
Adopted July 1, 1991

Section 2-20 Manner of Addressing Council

- a. Each person not a Council member shall address the Council, at the time designated in the agenda or as directed by the Council, by stepping to the podium or microphone, giving that person's name and address in an audible tone of voice for the record, and unless further time is granted by the Council, shall limit the address to the Council to three minutes.
- b. All remarks shall be addressed to the Council as a body and not to any member of the Council or Staff.
- c. No person, other than the Council and the person having the floor, shall be permitted to enter into any discussion either directly or through a member of the Council, without the permission of the Presiding Officer.
- d. No question shall be asked of individuals except through the Presiding Officer.

PRINCIPLES FOR CIVIL DIALOGUE
Adopted by Resolution 5180 on February 5, 2007

- 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 in 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 & guidelines established for each meeting.



CITY COUNCIL DRAFT MEETING MINUTES

February 7, 2022, at 7:00 p.m.

City Hall Council Chambers, 201 First Avenue East

The public was able to participate in person in the council chambers or via videoconferencing.

Public comment was also available via email to publiccomment@kalispell.com.

Video of this meeting with time stamped minutes can be found at:

<https://www.kalispell.com/480/Meeting-Videos>.

A. CALL TO ORDER

Mayor 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 - Sam Nunnally: Present](#)

[Council Chair - Chad Graham: Present](#)

[Council Member - Jed Fisher: Present](#)

[Council Member - Sid Daoud: Present](#)

[Council Member - Jessica Dahlman: Present](#)

[Council Member - Ryan Hunter: Present](#)

Staff present in Council Chambers included City Manager Doug Russell, City Attorney Charles Harball, City Clerk Aimee Brunckhorst, Development Services Director Jarod Nygren, Senior Planner P.J. Sorensen, Public Works Director Susie Turner, and Police Chief Doug Overman.

C. PLEDGE OF ALLEGIANCE

D. AGENDA APPROVAL

Motion and Vote to approve the agenda as presented.

[Council Member - Sid Daoud: Motion](#)

[Council Member - Sam Nunnally: 2nd](#)

[Mayor - Mark Johnson: Approve](#)

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

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

[Council Member - Sam Nunnally: Approve](#)

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

[Council Member - Jed Fisher: Approve](#)

[Council Member - Sid Daoud: Approve](#)



[Council Member - Jessica Dahlman: Approve](#)



[Council Member - Ryan Hunter: Approve](#)



The motion passed unanimously on voice vote.



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 – January 18, 2022  

2. Bid Recommendations for Upper Zone Wells and North Main Well Project  
Staff recommends awarding Bid Schedules 1, 2 and 3 to O’Keefe Drilling Company Inc. for the upper zone wells and north main well projects.

3. Ordinance 1871 – Second Reading - Repeal of First Responder Age Requirements  
This item would repeal Ordinance 1467, which requires police officers to be between the ages of 20 and 40 when appointed, and a portion of Ordinance 1337, which requires firefighters to be 34 or under when appointed.

4. Ordinance 1872 – Second Reading - City Employee Residency Requirements  
This item would repeal Ordinance 1582, which imposes residency requirements on City employees.

Public Comment

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

[00:04:04](#)

Motion and Vote to approve the consent agenda as submitted. 

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

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

[Mayor - Mark Johnson: Approve](#)

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

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

[Council Member - Sam Nunnally: Approve](#)

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

[Council Member - Jed Fisher: Approve](#)

[Council Member - Sid Daoud: Approve](#)

[Council Member - Jessica Dahlman: Approve](#)

[Council Member - Ryan Hunter: Approve](#)

The motion passed unanimously on roll call vote.

F. **COMMITTEE REPORTS** - COVID Situation Report from Health Officer Joe Russell

Health Officer Joe Russell with the Flathead City-County Health Department provided an update regarding the current health situation related to the COVID-19 pandemic presenting slides regarding; the prevalence of disease through 2-6-2022, total tests and positivity rate through 1-31-22, average daily hospital census, breakthrough cases through 2-6-2022, hospital/death data, vaccination rates by age group through 1-28-2022.

00:16:02 Councilor Hunter asked questions related to children and Covid cases. He then asked questions regarding where transmission is likely happening. Councilor Hunter then asked questions about testing.

Health Officer Russell answered Councilor Hunters questions and spoke further about the importance of the identification of cases.

00:20:34 Councilor Hunter asked further questions about trends.

00:21:33 Councilor Fisher asked questions regarding quarantine timing.

00:22:17 Councilor Graham asked questions regarding herd immunity.

00:24:18 Councilor Gabriel asked questions related to whether a 2nd booster (4th shot) is necessary.

00:25:17

Health Officer Russell then provided a status report regarding environmental health and the tremendous work that the staff does. They are conducting a large number of food service inspections each month and many plan reviews. He then spoke regarding the septic system program.

00:28:17 Health Officer Russell spoke regarding the Animal Shelter.

00:29:46 Councilor Nunnally asked questions related to environmental health inspections.

Mayor Mark Johnson thanked Health Officer Russell for all of his efforts.

G. **PUBLIC COMMENT**

Persons wishing to address the council on any issue not on the agenda were asked to do so at this time and to give their name and address for the record.

Ron Gerson, Public Comment

Mr. Gerson of 9 4th Avenue East spoke regarding the eviction situation at the Fairbridge/Outlaw Inn stating he wonders if the city did due diligence when the application (for the new use) was brought before the planning board. He also feels the city should develop a crisis management and response effort to oversee these kinds of things. He spoke to the incredible work that the nonprofits in the community do, but feels they need more support from the city regarding crises. Mr. Gerson feels the development plan for Kalispell should be changed to properly address housing.

00:34:03 *Gina Benesh, Public Comment*

Ms. Benesh on 3rd Avenue asked the council to focus on affordable housing. She then spoke regarding past affordable housing projects brought to the city by past city employee Susan Jennings Moyer. Ms. Benesh provided an example of a gentleman that lives in one of the affordable housing units. She asked whether more such projects have been brought to Kalispell. Ms. Benesh spoke regarding the lack of housing choices for someone who cannot afford a studio for \$1000 per month and her concerns about affordable housing. Ms. Benesh feels government should be subsidizing housing.

00:37:31 *Tracy Diaz, Public Comment*

Ms. Diaz with Community Action Partnership spoke regarding the situation at the Outlaw Inn/Fairbridge, and CAP being inundated with requests for assistance. She spoke regarding her frustration regarding lack of notice. She explained area non-profits have been working hard to see what resources are available to assist. The lack of housing inventory is a barrier. Ms. Diaz explained there are still about 35 families that will face eviction this weekend. She spoke regarding a private donor that has stepped forward with funds to help provide additional temporary shelter at the homeless Shelter.

00:39:27 *Tammy Hirsch, Public Comment*

Ms. Hirsch, Service Coordinator for Volunteers of America spoke regarding how busy she has been trying to keep up with the homeless situation among the veteran population. She spoke regarding her frustrations when she is unable to help them when they barely make too much for the grant program she administers. She further spoke about the critical need in this valley for housing for people in lower income brackets. She spoke regarding landlords pushing people out of rentals to raise the rent. She would like to see Kalispell create a landlord liaison position. She then spoke to the negative social issues that follow housing insecurity.

00:42:38 *Cassidy Kipp, Public Comment*

Ms. Kipp with Community Action Partnership spoke regarding a survey that was conducted regarding motels that might be available for extended use and they found low availability for much more than what people are currently paying who have been living at the Fairbridge. She spoke regarding misconceptions that may be circulating in the community and what the realities are. She spoke regarding the lack of housing inventory and the need for the community to work on intentional planning to make sure housing is available for everyone. The community needs to make sure that everyone has a place that is safe.

00:44:58 *Kyle Waterman, Public Comment*

Mr. Waterman of 942 2nd Avenue East talked about the importance of the community not chastising the sellers or the buyers (of the Fairbridge/Outlaw), but that it is time to take action. He spoke to the agencies that are leading us into action and to providing supportive services for these nonprofits and the individuals they serve. He would encourage council to bring back Health Officer Joe Russell with the City-County Health Department for a report on the community health side of the department and making sure that discussions about housing are part of our health care system and part of a healthy vibrant community. He spoke regarding the service jobs that people living at the Fairbridge do within the community and their need to stay in Kalispell. He encouraged council members to understand the resources within the community and for community members to help support the work that is being done by area nonprofits.

00:47:21 Jamie Quinn, Public Comment

Ms. Quinn, Executive Director of the Flathead Food Bank spoke regarding the homeless numbers in the area. She voiced her disappointment in Council and the city and the work the nonprofits have done. She asked for the Council's help with the situation. She said the nonprofits are under resourced, under paid, and overworked. She spoke regarding the need for a community response with City Council involved.

00:49:50 David Webber, Public Comment

Mr. Webber spoke regarding his military service and further government service. He then spoke regarding his experiences living at the Outlaw Inn/Fairbridge. He spoke regarding local biases he feels are shown to the people that live at the Outlaw. He spoke regarding his disappointment in Council over the situation at the Outlaw Inn/Fairbridge. He feels something should be done. He spoke regarding residents at the Outlaw Inn taking care of each other. He then said he feels a building moratorium should be enacted.

00:54:31 Matt Karen, Public Comment

Mr. Karen spoke regarding families still staying in the Outlaw Inn/Fairbridge that have not found a housing solution. He spoke regarding some people getting help through CAP and Veteran's Affairs but noted there is not much they can do. He talked regarding being a framer and the lack of framers in the area.

00:55:55 Chris Krager, Public Comment

Mr. Krager, Director of Samaritan House spoke regarding all of the community support and private donors that have been stepping up to help with the situation related to the closure of the Outlaw Inn/Fairbridge. He spoke regarding temporary shelter that will be available at the former Army Reserve Center at the Samaritan House, though it is a very complicated situation.

Public comment received via email to the Mayor and Council at publiccomment@kalispell.com, can be found at:

<https://time.ci.kalispell.mt.us/WebLink/Browse.aspx?id=151569&dbid=0&repo=Kalispell>.

[Seeing no further public comment, Mayor Johnson closed public comment.](#)

H. REPORTS, RECOMMENDATIONS, AND SUBSEQUENT COUNCIL ACTION

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1. [KM Accessory Casino Conditional Use Permit](#)  

This item considers a request from Bergen, LLC for a conditional use permit to allow an accessory casino within a bar in the basement of the KM Building, at 29 3rd Street East.

Senior Planner P.J. Sorensen presented the staff report.

Public Comment

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

[01:02:52](#)

Motion to approve a request from Bergen, LLC, for Conditional Use Permit KCU-21-09, a conditional use permit for an accessory casino, subject to 5 conditions of approval within the B-4 Zoning District, located at 29 3rd Street East and which can be described as Lots 1-12, Block 56 of the Kalispell Original Townsite, according to the map or plat thereof on file and of record in the Office of the Clerk and Recorder of Flathead County, Montana.

Council Member – Kari Gabriel: Motion

Council Member – Sam Nunnally: 2nd

[01:03:44](#) Councilor Hunter provided discussion on the motion.

Vote on the motion.

Council Member - Kari Gabriel: Motion

Council Member - Sam Nunnally: 2nd

Mayor - Mark Johnson: Approve

Council Member - Kari Gabriel: Approve

Council Member - Sandy Carlson: Approve

Council Member - Sam Nunnally: Approve

Council Chair - Chad Graham: Approve

Council Member - Jed Fisher: Approve

Council Member - Sid Daoud: Approve

Council Member - Jessica Dahlman: Approve

Council Member - Ryan Hunter: Approve

The motion passed unanimously on roll call vote.

2. [Fairbridge Inn Conditional Use Permit](#)  

This item considers a request from Fortify Holdings, LLC for a conditional use permit to allow the conversion of an existing hotel at 1701 Highway 93 South.

City Manager Doug Russell began the presentation with information regarding criteria and the process related to how conditional use permits must be reviewed per code and the legal process.

[01:08:11](#) City Attorney Charles Harball spoke regarding the legal parameters that the city must abide by and the lack of jurisdiction that the city holds in matters related to the landlord/tenant issue currently occurring at the Outlaw Inn/Fairbridge.

[01:12:36](#) Senior Planner P.J. Sorensen presented the staff report on this item.

[01:18:21](#) Councilor Hunter asked questions related to who can apply for a conditional use permit. He then asked about review criteria related to neighborhood impact.

[01:23:49](#) Councilor Fisher asked about plans related to the commercial space within the facility. He then asked questions about parking lot repairs and storm drain improvements.

[01:25:10](#) Councilor Nunnally asked questions related to the possibility of phasing construction.

[01:26:26](#) Councilor Dahlman asked questions related to the portion of the property that looks like cabins. She then asked about commercial footage.

[01:28:12](#) Councilor Fisher asked about legal parameters.

[01:28:44](#) Mayor Johnson asked about the closing date of the property.

[01:29:31](#) Councilor Graham asked questions related to jurisdictional parameters.

Public Comment

Mayor Johnson opened public comment.

Cameron Wagar, Public Comment

Mr. Wagar, Project Manager with Fortify Holdings LLC, spoke regarding the lack of notice they were given by the seller regarding the eviction date of the tenants at the Fairbridge/Outlaw Inn, and said that the buy/sell was written to provide flexibility for the sellers and their tenants. Fortify Holdings asked the current owner for more time when they learned about the eviction notices and reported that they then reached out to Community Action Partnership and other organizations along with Senator Tester's office to try to help with a solution. He spoke regarding Fortify Holdings wish to be a community partner long-term and the benefits of the project long-term. Mr. Wagar provided further information about solutions they have been attempting to help make happen.

01:35:23 Tracy Diaz, Public Comment

Ms. Diaz with Community Action Partnership confirmed that Fortify Holdings had reached out to CAP as soon as the eviction notice went out and have participated in multiple meetings to try to help with alternative plans with the seller. CAP appreciates the renovations that are planned for the Outlaw/Fairbridge and the creation of new affordable housing for the community.

[01:37:02](#) Seeing no further public comment, Mayor Johnson closed public comment.

[01:37:08](#)

Motion to approve a request from Fortify Holdings, LLC, for Conditional Use Permit KCU-21-12, a conditional use permit for a multi-family residential development subject to 22 conditions of approval within the B-2 Zoning District, located at 1701 Highway 93 South.

Council Member – Chad Graham: Motion

Council Member – Sandy Carlson: 2nd

[01:37:52](#) Councilor Hunter provided discussion on the motion.

[01:41:08](#)

Amendment to the Main Motion to postpone consideration of the conditional use permit until our next regularly scheduled council meeting on February 22, 2022, so that in the interim the City Attorney can provide the Council and thereby also place on the public record a thorough legal analysis as to why the Council is unable to consider the impact of the mass evictions on the community as part of its consideration of the conditional use permit or is unable to apply conditions related to the evictions as part of its approval process.

Council Member – Ryan Hunter: Motion

Council Member – Jessica Dahlman: 2nd

Councilor Dahlman provided discussion on the motion.

01:42:46 Councilor Nunnally provided discussion on the motion.

01:43:13 Councilor Daoud provided discussion on the motion.

01:48:31

Vote on the amendment to the main motion.

Council Chair - Chad Graham: Motion

Council Member - Sandy Carlson: 2nd

Mayor - Mark Johnson: Disapprove

Council Member - Kari Gabriel: Disapprove

Council Member - Sandy Carlson: Disapprove

Council Member - Sam Nunnally: Disapprove

Council Chair - Chad Graham: Disapprove

Council Member - Jed Fisher: Disapprove

Council Member - Sid Daoud: Approve

Council Member - Jessica Dahlman: Approve

Council Member - Ryan Hunter: Approve

The amendment to the motion failed with Councilors Daoud, Dahlman and Hunter in favor, and Councilors Gabriel, Carlson, Nunnally, Graham, Fisher and Mayor Johnson opposed.

01:49:31 Councilor Hunter provided discussion on the main motion.

01:51:21 Councilor Graham provided discussion on the motion.

01:53:31 Councilor Daoud provided discussion on the motion.

01:55:43 Mayor Johnson provided discussion on the motion.

02:00:40

Vote on the main motion.

Council Chair - Chad Graham: Motion

Council Member - Sandy Carlson: 2nd

Mayor - Mark Johnson: Approve

Council Member - Kari Gabriel: Approve

Council Member - Sandy Carlson: Approve

Council Member - Sam Nunnally: Approve

Council Chair - Chad Graham: Approve

Council Member - Jed Fisher: Approve

Council Member - Sid Daoud: Approve

Council Member - Jessica Dahlman: Approve

Council Member - Ryan Hunter: Approve

The main motion passed unanimously on roll call vote.

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

City Manager Doug Russell provided the following report:

- Council will not meet next Monday night.
- Manager Russell reported that he sent out an email regarding planning for the new city water tank and plans to apply the city logo on the water tower.
- The Government Affairs Meeting through the Chamber met today focusing on public safety. Police Chief Overman presented with lots of questions asked. Consideration of a staffing analysis will likely come forward at a future work session.

02:03:36 Councilor Hunter mentioned a study that looked at housing development patterns over time and how development patterns matter. He provided further details about the shift in development patterns over time.

02:05:22 Development Services Director Jarod Nygren spoke to 2200 multi-family housing units and 800 of single family that have been approved in 2021 and pending in 2022 so far by City Council noting the development patterns in Kalispell are changing.

02:05:58 Manager Russell spoke regarding the affordable housing units that will be created with Fortify Holdings renovation and the deed restrictions that will be put in place by the Junegrass Development.

Staff reported that the Junegrass Development has pulled building permits for the entire project. He spoke further about construction hurdles that make completion dates hard to determine.

02:07:29 Councilor Graham spoke regarding the current immense hurdles the building development community is dealing with.

02:09:53 Councilor Daoud spoke regarding how much the community cares about each other and how Council was able to feel the outrage of the community about what was going on (with evictions at the Outlaw Inn). He asked the nonprofits working on these issues to let the council members know how they can help and voiced his appreciation.

02:11:39 Mayor Johnson asked for a work session with Mr. Campbell from Senator Tester's office and Mr. Catlett from Senator Daines' office and representatives from local social service nonprofits related to funding possibilities.

J. ADJOURNMENT

Mayor Johnson adjourned the meeting at 9:11 p.m.

Aimee Brunckhorst, CMC
City Clerk

Minutes approved on, 2022

UPCOMING SCHEDULE / FOR YOUR INFORMATION

City Offices Closed – February 21, 2022 – Presidents’ Day Holiday

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