

A REGULAR MEETING OF THE KALISPELL CITY COUNCIL WAS HELD AT 7:00 P.M., TUESDAY, JULY 6, 2010, IN THE COUNCIL CHAMBERS AT CITY HALL IN KALISPELL, MONTANA. MAYOR TAMMI FISHER PRESIDED. COUNCIL MEMBERS JIM ATKINSON, KARI GABRIEL, BOB HAFFERMAN, RANDY KENYON, TIM KLUESNER, DUANE LARSON, WAYNE SAVERUD, AND JEFF ZAUNER WERE PRESENT.

Also present: City Manager Jane Howington, City Attorney Charles Harball, City Clerk Theresa White, Police Chief Roger Nasset, Planning Director Tom Jentz, Senior Planner Sean Conrad, Parks Director Mike Baker, Assistant City Engineer Paul Burnham, Revolving Loan Fund Manager Wade Elder, and Deputy City Clerk Judi Funk.

Mayor Fisher called the meeting to order and led the Pledge of Allegiance.

A. AGENDA APPROVAL

Gabriel moved to approve the Agenda. The motion was seconded.

There was no discussion.

The motion carried unanimously upon vote.

B. CONSENT AGENDA APPROVAL

1. Council Minutes – Regular Meeting – June 21, 2010
2. Council Minutes – Special Meeting – June 28, 2010

Atkinson moved to approve the Consent Agenda. The motion was seconded.

There was no discussion.

The motion carried unanimously upon vote.

C. PUBLIC COMMENT

Chris Hall, 115 West Evergreen Drive, remarked that with Super Wal-Mart now open, traffic is bad and there is danger of a “malfunction junction”, especially with the bypass tie in. He suggested council look at opening Four Mile Drive as an alternative route and that a road be built off of Reserve to run behind Home Depot and Wal-Mart.

Lad Barney, 745 4th Street West, representing USDA Rural Development, presented some numbers on Rural Development’s involvement in government-backed home loans, stating they have helped with 323 home loans in their four-county area in the first 7 months of this fiscal year, or \$52 million in financial assistance.

D. REPORTS/RECOMMENDATIONS AND SUBSEQUENT COUNCIL ACTION

D/1. CONDITIONAL USE PERMIT – BUFFALO HILL TERRACE/IMMANUEL LUTHERAN HOME

This is a request from the Immanuel Lutheran Corporation for a conditional use permit to expand both the Buffalo Hill Terrace senior living community and the Immanuel Lutheran Home.

Conrad gave a staff report and answered questions.

Public Comment

Jeff Evans, 110 Crestline, CEO of Immanuel Lutheran Community, explained they would like to expand due to the evolution of senior living facilities. He detailed the changes they would like to make, noting they want to grow to remain viable in the business.

Margaret Davis, Lakeside, noted she owns a home at 160 Charlotte Avenue and said she is concerned about inadequate transportation infrastructure in the area. She said pedestrians and bicyclists are in danger because there are no sidewalks, and now is time to solve old infrastructure problems. She concluded her remarks by suggesting conditions regarding sidewalks.

Saverud moved council approve the conditional use permit for Buffalo Hill Terrace and Immanuel Lutheran Home with the eight conditions listed. The motion was seconded.

Council Discussion

Conrad answered questions regarding sidewalks.

Atkinson remarked he would like to include language stating Immanuel Lutheran will not protest a future sidewalk.

There was discussion regarding parking availability.

Saverud spoke in favor of the permit, but noted he will abstain because he is an employee and a member of the Board of Directors at Immanuel Lutheran.

The motion carried unanimously upon roll call vote with Saverud abstaining.

D/2. RESOLUTION 5438 – AMENDMENT – WILLOW CREEK PRELIMINARY PLAT

Trigon, Inc. has requested several conditions be modified for the Willow Creek subdivision located on the north side of Foy's Lake Road between Valley View Drive and Learn Lane.

Conrad gave a staff report and answered questions.

Harball, Jentz, Baker, and Burnham answered questions about various conditions, including water rights, park land, and road access.

Public Comment

Francis Flannigan, 849 Foys Lake Road, stated this development will decrease the traffic on Meridian because there will be two accesses to the bypass.

Richard Siderius, 395 Auction Road, president of Rails to Trails, remarked that they accept the planning board's recommendations on the trail issue.

Chris Hall, 115 West Evergreen Drive, stated the real estate market is slowly recovering and affordable housing is selling, but this developer is trying to squeeze more money out of his lots. He asked that more thought be put into the houses and to hold this developer to a higher bar.

Hubert Turner, president of Trigon Inc, 1053 Stillwater Road, gave a brief description of the deviations requested from the 2007 plat, and answered council questions.

Kenyon moved Resolution 5438, a resolution approving certain revisions to the preliminary plat of Willow Creek Subdivision, located within the north half of the north half of the south half of Section 13, Township 28 North, Range 22 West, P.M.M., Flathead County, Montana and described as certain tracts within Certificate of Survey No. 18086. The motion was seconded.

Council Discussion

There was discussion on various conditions, particularly #'s 5, 19, and 62 concerning corner lots, water rights, and park land.

Hafferman moved to have condition 62 reviewed before final plat of Phase III. (Condition 62 reads as follows: "The water rights allocated to the developer, both surface and ground for the entire 140 acre subdivision site, shall be transferred to the city with the filing of the third phase of the subdivision to insure the orderly accounting of water rights and to protect the future water needs of the city of Kalispell for its users.") The motion was seconded.

The motion carried unanimously upon roll call vote.

Hafferman moved to amend condition 19 as follows: "~~Lots 413 and 414 shall be removed and~~ The corner of Park E surrounded by lots 422-430 shall be modified to incorporate the land in the surrounding lots. The southern access trail to Duxbury Loop shall be moved east between lots 429 and 430. The revised park design shall be reviewed and approved by the Parks and Recreation Department prior to the final plat of phase 2." The motion was seconded.

The motion failed upon roll call vote with Hafferman, Kluesner, and Mayor Fisher voting in favor, and Atkinson, Gabriel, Kenyon, Larson, and Saverud voting against.

Kluesner moved to remove condition #5 (Corner lots under 6,000 square feet in size shall have a minimum lot width at the front lot line of 45 feet for detached single family lots and 35 feet for townhouse lots). The motion was seconded.

The motion carried upon roll call vote with Gabriel, Hafferman, Kluesner, Larson, Saverud, Zauner, and Mayor Fisher voting in favor, and Atkinson and Kenyon voting against.

There was no further discussion.

The main motion, as amended twice, carried upon roll call vote with Gabriel, Hafferman, Kluesner, Larson, Saverud, Zauner, and Mayor Fisher voting in favor, and Atkinson and Kenyon voting against.

D/3. ORDINANCE 1678 – AMENDMENT – WILLOW CREEK PLANNED UNIT DEVELOPMENT – 1ST READING

Trigon, Inc. also requested that council approve an amended planned unit development for the subdivision which encompasses approximately 140 acres.

Public Comment

None.

Saverud moved first reading of Ordinance 1678, an ordinance to amend Ordinance 1625, which amended section 27.02.010, official zoning map, City of Kalispell Zoning Ordinance, (Ordinance No. 1460), by zoning certain real property located within the north half of the north half of the south half of Section 13, Township 28 north, Range 22 West, Flathead County, Montana and described as certain tracts within Certificate of Survey No. 18086 and more particularly described in Exhibit “A” attached hereto (previously zoned County R-1, Suburban Residential, and I-2, Heavy Industrial) to City R-3 (Urban Single Family Residential), with a planned unit development overlay in accordance with the Kalispell Growth Policy 2020, and to provide an effective date. The motion was seconded.

Council Discussion

None.

Hafferman moved to remove condition #5 (Corner lots under 6,000 square feet in size shall have a minimum lot width at the front lot line of 45 feet for detached single family lots and 35 feet for townhouse lots). The motion was seconded.

The motion carried unanimously upon roll call vote.

There was no discussion.

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

D/4. CTEP ALLOCATION PARTNERSHIP WITH FLATHEAD COUNTY

This agreement between the city and county approves the use of county CTEP appropriations to complete the city's Woodland Connector Trail. In exchange, the city agrees to dedicate future CTEP appropriations for the county's Conrad Drive Connector.

Baker gave a staff report and answered questions.

Public Comment

None.

Kenyon moved council authorize the city manager to sign the agreement with Flathead County dedicating \$118,000 of CTEP allocation to the Woodland Connector Trail Phase III. The motion was seconded.

Council Discussion

Atkinson commented that this is a good cooperative agreement with the county and everyone is going to win.

The motion carried unanimously upon vote.

D/5. APPOINTMENTS – URBAN RENEWAL AGENCY BOARD OF COMMISSIONERS

The city council, on June 7, tabled the appointments for the newly created Urban Renewal Agency Board of Commissioners with a call for more applicants. Those applying for the board are: Rebecca Bodnar, Suzanne Faubert, Bill Goodman, Phil Harris, Terry Kramer, Richard Kuhl, Tom Lund, Scott Mizner, Shannon Nalty, Karlene Osorio-Khor, Marc Rold, and Denise Smith.

Public Comment

Denise Smith, Flathead Business and Industry Association, 118 Main Street, stated many well qualified people have applied for the board and indicated she is willing to step down from consideration.

Gabriel moved to remove the Urban Renewal Agency Board of Commissioners appointments from the table. The motion was seconded.

The motion carried unanimously upon vote.

Mayor Fisher recommended that Suzanne Faubert, Richard Kuhl, Tom Lund, Shannon Nalty, and Marc Rold be appointed to the Urban Renewal Agency Board of Commissioners.

Saverud moved council accept the Mayor's recommendation and appoint Suzanne Faubert, Richard Kuhl, Tom Lund, Shannon Nalty and Marc Rold to the Urban Renewal Agency Board of Commissioners. The motion was seconded.

The motion carried unanimously upon vote.

E. MAYOR/COUNCIL/CITY MANAGER/REPORTS (No Action)

Howington acknowledged the cooperation between the county and the city in oiling West Spring Creek Road by Rebecca's Farm.

Howington announced the work session on July 12 will be a general discussion on the noise ordinance and vicious animal ordinance.

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Mayor Fisher complimented Public Works and Howington for getting West Spring Creek Road oiled, adding Rebecca's Farm is very grateful.

Mayor Fisher offered her sincere condolences to the Daily Inter Lake and the families of the plane crash victims.

F. ADJOURN

The meeting was adjourned at 10:13 p.m.



Theresa White
City Clerk