CITY COUNCIL MEETING AGENDA

TUESDAY, February 19, 2019, at 7:00 p.m.
City Hall Council Chambers, 201 First Avenue East

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 4, 2019
   2. Award Bid for CCTV Pipeline Inspection Camera
      This item considers awarding a bid to NorMont Equipment in the amount of $104,140 for a CCTV pipeline inspection camera.
F. COMMITTEE REPORT – Kalispell Tourism Business Improvement District Annual Report (Diane Medler)
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.
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. Lot 6 Old School Station Purchase Offer and Acceptance
      This item considers proceeding with a buy/sell agreement with Haig Ermoian for the purchase of Lot 6 of Old School Station located at 135 Schoolhouse Loop.
2. Resolution 5910 - Approval of Amendment to Evergreen Sewer Agreement
   This resolution would approve an amendment to the Sanitary Sewer Treatment
   Agreement with the Flathead County Water and Sewer District No. 1 Evergreen.

3. Resolution of Intent 5911 – Calling for a Public Hearing: Amendments to Standards for Design and Construction
   This resolution calls for a public hearing on March 18, 2019, regarding Council’s intent to amend the City of Kalispell Standards for Design and Construction to incorporate on-street parking language.

4. Ordinance 1821 – First Reading - Amending 2 Hour Parking in Certain Areas of Downtown
   This ordinance would amend the parking code removing the 2-hour parking designation in certain areas of downtown.

5. Ordinance 1822 – First Reading - Amending Code Related to Parking Spaces for Taxicabs, Buses and Delivery Vehicles
   This ordinance would amend the parking code regarding permitting for the permanent use of reserved parking spaces.

6. Ordinance 1823 – First Reading – Encroachment in Public Right-of-Way
   This ordinance would update regulations for permitting private encroachments upon public right-of-way.

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

J. ADJOURNMENT

UPCOMING SCHEDULE / FOR YOUR INFORMATION

City Offices Closed – February 18, 2019 – Presidents’ Day

Next Work Session – February 25, 2019, at 7:00 p.m. – Council Chambers

Next Regular Meeting – March 4, 2019, 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.
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 4, 2019, 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 President - Chad Graham: Present**
**Council Member - Rod Kuntz: Present**
**Council Member - Tim Kluesner: Present**
**Council Member - Phil Guiffrida: Present**
**Council Member - Kyle Waterman: Present**

Staff members present included City Manager Doug Russell, City Attorney Charles Harball, City Clerk Aimee Brunckhorst, Planning Director Tom Jentz, Senior Planner Jarod Nygren, 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 submitted.**
**Council President - Chad Graham: Motion**
**Council Member - Rod Kuntz: 2nd**
**Mayor - Mark Johnson: Approve**
**Council Member - Kari Gabriel: Approve**
**Council Member - Sandy Carlson: Approve**
**Council Member - Wayne Saverud: Approve**
**Council President - Chad Graham: Approve**
**Council Member - Rod Kuntz: Approve**
**Council Member - Tim Kluesner: Approve**
**Council Member - Phil Guiffrida: Approve**
**Council Member - Kyle Waterman: 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 22, 2019

2. **Ordinance 1820 – Second Reading - Creating Downtown Urban Renewal Tax Increment Financing District**
This Ordinance creates a Downtown Urban Renewal Tax Increment Financing District as an overlay to the Downtown Urban Renewal District for the purposes of providing funding to rehabilitate and improve public infrastructure within the District.

3. **Selection of HDR Engineering for a Water and Wastewater Cost of Service and Rate Study**
This item approves the selection of HDR Engineering as the professional consultant for a water and wastewater cost of service and rate study.

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

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.

*Forest Nelson, Public Comment*
Mr. Nelson of 264 El Rancho Road, would like the Council to consider a reduction in impact fees based on actual impacts and provided reasoning as to why he feels they should be reduced.

Public Comment
Seeing no further public comment, he 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 5909 - Eagle Valley Ranch Preliminary Plat Phases 1-3**
Spartan Holdings, LLC is requesting approval to subdivide 64 acres of the 99-acre Eagle Valley Ranch Planned Unit Development into 18 mixed use office/multi-
family lots, and 114 single-family residential sites located along Highway 93 North, south of Ponderosa Residential Subdivision, east of Northern Pines Golf Course and north of the Montana National Guard facilities.

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

Questions for staff.

Public Comment
Mayor Johnson opened public comment. Seeing none, Mayor Johnson closed public comment.

07:25:28 PM (00:25:55)
Motion and Vote to approve Resolution 5909, a resolution conditionally approving the Preliminary Plat of Phases 1-3 of Eagle Valley Ranch, described as Tracts 4, 7, and 8 of certificate of survey 4491 and Tract 2 of certificate of survey 5975, situated in the Southwest quarter of section 19, Township 29 North, Range 21 West, P.M.M., Flathead County, Montana.

07:26:10 PM (00:26:37) Councilor Kuntz began discussion on the motion.

Councilor Graham provided discussion on the motion.

Vote on the motion.
Council Member - Phil Guiffrida: 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 President - Chad Graham: Approve
Council Member - Rod Kuntz: Approve
Council Member - Tim Kluesner: Approve
Council Member - Phil Guiffrida: Approach
Council Member - Kyle Waterman: Approve

The motion passed unanimously on roll call vote.

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

City Manager Doug Russell provided the following report:

- Next Work Session: Waste Water Treatment Plant Update and an Urban Renewal Agency Traffic Study Recommendations
- Next regular Council meeting will occur Tuesday, the 19th as Monday is a holiday.
- The City Manager recommended that staff provide additional information to Council and the gentleman who provided public comment regarding impact fees
related to state laws.

00:31:55 Councilor Kuntz spoke to the public comment provided.

Mayor Mark Johnson provided the following report:

- Mayor Johnson spoke regarding the public comment regarding impact fees.
- MT Legislative bills have been drafted regarding local options sales tax.

J. ADJOURNMENT
Mayor Mark Johnson adjourned the meeting at 7:36 p.m.

UPCOMING SCHEDULE / FOR YOUR INFORMATION

Next Work Session – February 11, 2019 at 7:00 p.m. – Council Chambers

City Offices Closed – February 18, 2019 – Presidents’ Day

Next Regular Meeting – TUESDAY, February 19, 2019, at 7:00 p.m. – Council Chambers

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MEMORANDUM

TO: Doug Russell, City Manager
CC: Susie Turner, PE, Public Works Director
FROM: Joe Schrader, Utility Management Superintendent
SUBJECT: Award Bid – CCTV Pipeline Inspection Camera
MEETING: February 19, 2019

BACKGROUND: Bids for the CCTV Pipeline Inspection Camera were opened on Thursday, February 7, 2019. The CCTV Pipeline Inspection Camera will replace the current camera, which requires frequent maintenance and leads to significant downtime as the repair facilities are out of state. One responsive bid was received.

The bid result is as follows:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Make and Model</th>
<th>Bid Schedule 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>NorMont Equipment</td>
<td>Envirosight</td>
<td>$104,140.00</td>
</tr>
<tr>
<td></td>
<td>Rovver X</td>
<td></td>
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</tbody>
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Staff has reviewed the bid submittals and determined they adequately meet the specifications required in the bid package.

ACTION REQUESTED: At the City Council meeting, motion to award Bid Schedule 1 of the CCTV Pipeline Inspection Camera to NorMont Equipment.

FISCAL EFFECTS: FY 18/19 Stormwater Fund, 5349-453-430249-940 and Sewer Fund, 5310-454-430630-940 include a total of $100,000 for the purchase of a new CCTV Pipeline Inspection Camera. Since the bid amount is slightly over budget, funds from an alternative line item will need to be utilized to cover the difference. As such, Sewer Fund #962 Sewer Main Slip Lining Project has been completed under budget and will supplement the $4,140.00 difference between the bid amount and the budgeted amount.

ALTERNATIVES: As suggested and approved by the City Council.
Discover Kalispell hosted the 2018 International Roundup (IRU) tradeshow that brought forty international travel buyers to Kalispell. This was a major opportunity to showcase our destination and provide a glimpse into the cultural and outdoor activities that are available year-round in NW Montana.

**MONTANA INDOOR SOCCER CHAMPIONSHIPS (MARCH 2-4, 2018)**

First annual event kicked off with 35 youth teams participating from Alberta, B.C., WA, ID and MT. Games were played at the Fairgrounds on turf fields using Futsal rules.

**MONTANA STATE CUP SOCCER**

Discover Kalispell assisted the Flathead Soccer Association to guarantee hotel rooms as required for the Association’s bid to secure the event in Kalispell. The event hosted 110 teams on June 8-10 and resulted in up to 1,800 room nights.

**NEW AGENCY PARTNER**

After seven years of working with Partners Creative, Discover Kalispell issued an RFP for agency services to include website redesign, creative services and media buy. Flathead Beacon Productions was awarded both contracts through a competitive evaluation process.

**NEW AND EXPANDED AIR SERVICE TO KALISPELL**

Through the work of Glacier AERO, GPIA was awarded the direct winter flight to Chicago on United for the third year in a row. GPIA was thrilled to announce direct service on American Airlines beginning June 2019 to Dallas/Ft. Worth, Los Angeles, and Chicago. Increased flights, a new major airline, and more seat capacity from destinations popular to residents, business travelers and visitors means economic growth and prosperity.

**LAUNCHED THE NEW WEBSITE - DISCOVERKALISPELL.COM**

The redesigned website includes an online booking engine, interactive maps, vibrant videos and photos, and improved lead conversion points and tracking.

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**DISCOVER KALISPELL MARKETS KALISPELL AS:**
- A travel destination
- The destination for meetings and conventions
- A destination for international travelers and group tours
- A destination for domestic group tours

**DISCOVER KALISPELL DEVELOPS AND SUPPORTS DESTINATION ASSETS SUCH AS:**
- Destination events
- Visitor amenities and services

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**Financial Overview**

**TBID COLLECTIONS FY18:**
- **PROJECTED** = $560,000
- **ACTUAL** = $613,881
  - July - September: +2%
  - October - December: +0%
  - January - March: +2%
  - April - June: +7%

**BED TAX COLLECTIONS FOR CITY OF KALISPELL**

**2018 GROSS COLLECTIONS:**
- January - March: $144,501 (+3%)
- April - June: $317,738 (+16%)
- July - September: $624,613 (-5%)

**2017 GROSS COLLECTIONS:**
- $1,225,545 (+6%)
**Travel & Tourism Statistics**

**International Travel to Kalispell**
110 tour operators offer product in Kalispell. Over 5,000 estimated room nights and $1.4 million in spending generated from Intl Travelers in Kalispell. (2017 RMI, T.R.I.P. report)

**Glacier National Park**
2.9M visitations through November 2018
Discover Kalispell promotes visitations to GNP outside of the busy summer season. GNP saw increased visitations in shoulder season months:
- May +9.7%
- October +8.9%
- September +11.7%
- November +32.5%

**Glacier Park International Airport**
288,934 total enplanements through November 2018, 13% increase YTD
Discover Kalispell references various data to understand where our visitors are coming from. Top airports of origin for passengers flying to GPIA as a visitor include: Seattle, Los Angeles, Denver, Las Vegas, Portland, Minneapolis/St. Paul, Dallas/Ft Worth and San Francisco.

**Who is the Kalispell Visitor?**

- 20% all 1st time; 70% all repeat; 20% flew on portion of trip
- 78% plan to return within 2 years

Top sites visited: GNP, YNP, Flathead Lake State Parks, other Montana State Parks

Favorite activities: scenic driving, wildlife watching, day hiking, photography, shopping, visiting historical sites.

- 55% said vacation or recreation was primary reason for trip; 21% were here to visit friends/family or attend event.

Top residency of origin: Alberta, WA, OR, CA, TX, AZ, FL, MN, IL, B.C.

(ITRR – Non-resident visitor that spent at least one night in Kalispell, and the Kalispell VIC)
KALISPELL VISITOR GUIDE
3,270 copies of the guide were requested or downloaded through DiscoverKalispell.com
25,000 copies distributed through visitor information requests, travel shows and media events and at brochure racks located in target markets.

VISITOR SERVICES
In 2018 the Kalispell VIC handled a total of 10,555 inquiries. You’ll find free maps, brochures and friendly advice at the visitor information center.

QUARTERLY NEWSLETTERS:
Leisure travelers: 13,264 subscribers
Meeting & Convention professionals: 1,043 subscribers
International Tour Operators: 138 subscribers (new in 2018)
Avg. open rate = 26.71% (industry avg. 14%)
Avg. CTR = 13.78%

WINTER CAMPAIGN (NOV 27 – FEB 25):
Key Takeaways: 12M impressions, 0.58% CTR, 69K clicks to website, 32K sessions on landing page
Market/Media Used:
San Francisco: Native ads, customized landing page on site, Facebook display and canvas ads, wallscape billboard.
Eastern Washington: Facebook and Instagram display ads promoting winter events

SPRING/SUMMER CAMPAIGN (MAY 21 – JULY 15):
Key Takeaways: 1.1M impressions, 1.8% CTR, 21K clicks to website, 1.9K sessions on landing page
Market: San Francisco
Media Used: Facebook display and canvas ads, Instagram display ads

CAMPAIGN TO BOOST FALL/WINTER VISITATIONS
To offset losses due to wildfire and wildfire smoke in the early fall with the assistance of an emergency marketing grant from MT Dept. of Commerce.
Key Takeaways: 138,160 impressions, 5,940 clicks on ad, 2,044 quiz starts, 60% completion rate
Media Used: Facebook pixel campaign with custom landing page where participants entered a contest to “Choose YOUR Montana Adventure” based on completing a quiz. Winner received a weekend trip for two in Kalispell.
Public Relations

Press trips – Hosting travel media professionals in Kalispell:
- JEFF BARTLETT – Social influencer from British Columbia/Alberta
- HEATHER LARSON – Seattle based travel writer
- MICHAEL LANZA – The Big Outside
- INTERNATIONAL MEDIA FAM – 4 travel writers from France, Germany, and the Netherlands

FIRE CRISIS COMMUNICATION PLAN
Worked cooperatively with MT Office of Tourism Business Dvlmt, Glacier Country and Whitefish CVB to provide talking points as well as regular updates for local businesses to reference when conversing with visitors. Created social media posts for communication updates and redirecting visitors to activities outside of areas affected by wildfire.

KALISPELL IN THE NEWS

“Old West Meets the New
IN THIS UP-AND-COMING WILDERNESS GATEWAY”

- Kalispell, The Old West Meets the New, Sunset Magazine - August 2018
- An August Getaway to GNP is more Chill Than You Think, 7x7.com (SF Bay Area Travel/Leisure website) - July 2018
- Two Days in Kalispell, Montana With Kids, Rave & Review (Seattle area blog) - July, 2018
- Kalispell CVB Case Study, Meetings Today, CVB/DMO Essential Planners Resource
- Outside Perspective, Meetings News Northwest - Oct-Nov 2018
- Kalispell, NW Montana’s Retail Gem, Northwest Travel & Life Magazine - August, 2018
- Go East To Go West, 5 Western Adventures For Families, Parentmap.com (Seattle area) - June, 2018
- Kalispell, Montana, A Getaway for Everyone, The Ranger (Seattle area) - April 2018

Taking Kalispell ON THE ROAD

Spokane Outdoor Show & Bike Expo
FEBRUARY

Calgary Outdoor Travel & Adventure Show
MARCH

Rocky Mountain International Roundup
APRIL

Small Market Meetings
SEPTEMBER

Incentive, Travel Meetings & Events (IMEX)
OCTOBER

2018 BREWERIES, DISTILLERIES, WINERIES AND CIDERIES OF THE FLATHEAD VALLEY MAP
Vacation Making EVENTS

MONTANA POND HOCKEY CLASSIC
JANUARY 19-21, 2018
75 teams registered from Canada, WA, CA, ID, MA, CT, OR, and UT. Event canceled due to warm weather and insufficient ice.

MONTANA INDOOR SOCCER CHAMPIONSHIP
MARCH 2-4, 2018
Boys & Girls division tournament played with Futsal rules on 4 indoor turf fields. 35 teams from Canada, Washington, Idaho and Montana competed in the two-day event.

MONTANA SPARTAN RACE
MAY 5-6, 2018
Over 7,946 registered racers, 2,150 spectators. 46 states and 5 provinces represented. 3,882 racers traveled over 200 miles; 2,000+ traveled over 500 miles to attend the event. $4,280,640 of economic impact created and spent in the Flathead Valley from this event.

MONTANA DRAGON BOAT FESTIVAL
SEPTEMBER 8-9, 2018
43 teams (1,075 paddlers) from MT, WA, NV, Alberta, B.C., CA, OR, AZ, PA
$836,353 of economic impact created and spent in the Flathead Valley from this event.

KCVB EVENT GRANTS
KCVB PROVIDED $14,500 IN CASH AND IN-KIND SPONSORSHIPS DURING FY18 FOR NEW OR EXPANDING EVENTS THAT GENERATED ROOM NIGHT STAYS IN KALISPELL:

- Flathead Celtic Festival
- Elite Professional Bull Riders Finals
- Skijoring at Rebecca Farm
- AMA National Snow Bike Series
- Glacier Half Marathon
- Event at Rebecca Farm
GROUP BUSINESS
- 19 RFPs sent to Kalispell hotels
- 5 resulted in group business
- 4 of those booked were Bring It Home leads

12% TOTAL OCCUPANCY IS GROUP BUSINESS
(Based on reporting hotels)

LEAD SOURCE
- 35% Locals (those not eligible for Bring It Home program)
- 23% Bring it Home Leads
- 23% CVENT
- 11% Call-in

HOTEL OCCUPANCY
54.9% AVG. ANNUAL OCCUPANCY
- $109.73 Avg. annual ADR
- +5% Rooms sold from 2017 to 2018
(STR-Smith Travel Report)

GROUP ASSISTANCE SERVICES
(Welcome bags, meeting, activities and area consultation)
- Provided 913 Welcome bags to conference attendees
- Assisted 29 groups with hotel, venue information or on-site support

FUTURE ROOMS KCVB BOOKED AND/OR ASSISTED

2019 CONFERENCES
- Northwest Regional App Challenge (May)
- Plein Air Paint Out (May)
- MT Area Young Professionals (June)
- Beer Now (June)
- HTEC Educators Conference (July)
- Purpose Driven Tours (August)
- 12th International Conference on Low Volume Roads (Sept)
- Board of Trustees Meeting for NW Public Power Association (Sept)

2020 CONFERENCES
- USS St. Paul Association (Sept)
- International Bear Association (Sept)

For more information on meeting in Kalispell, contact Dawn Jackson.
dawn@discoverkalispell.com | 406-758-2820 | www.discoverkalispell.com

Discovery in Every Direction (STR-Smith Travel Report)
BRING IT HOME
An incentive program to encourage our local professionals to bring group events to Kalispell. Meetings, conventions, sporting events, tradeshows or reunions are all considered group events and certainly an opportunity to make a difference in Kalispell’s economy. Discover Kalispell offers incentives for referring a potential group. In 2018, the KCVB received 17 referrals with 4 of those resulting in booked business.

MEETING PLANNER FAM TRIP
FAM is short for a familiarization trip to travel professionals that book and plan meetings or travel. The purpose is to showcase our area and products first-hand. We hosted 10 qualified meeting planners who offer strong potential for group business in Kalispell.

INTERNATIONAL ROUNDPUP (IRU)
Discover Kalispell successfully bid to host the 2018 International Roundup that brought 40 international buyers from 7 countries, and 100+ destination and attraction suppliers from near-by states. Our goal was to show the international buyers as much of this area as we could and cover the variety of attractions and things to do in 3 days. Our work was cut out for us.

Our limited time gave us the opportunity to be creative. We partnered with Brash Rodeo to give IRU attendees a custom rodeo with one or two riders in each classic rodeo event. We added stick horse racing, authentic barbeque and line dancing for a fun evening. We brought venues and attractions to them through “Activity Showcases.” One showcase featured Glacier National Park experiences and the other featured a mini-trade show of unique local vendors from flyboarding to our region’s cultural attractions such as the symphony and museums.

We believe that IRU was a success on all fronts. The international travel buyers walked away with a full perspective of this scenic and culturally rich region that is welcoming to all travelers. Our local business community had a rare opportunity to network with the international tour and travel market and learn more about the significance of international travel.

DOMESTIC TOUR GROUPS
We partnered with Spokane’s KXLY Radio in a media campaign that brought three bus tours to Kalispell. Each trip had over forty people that spent one night and they shopped, ate and drank their way to and through Kalispell on two Vintage Shopping trips and one Drink Kalispell trip.

ADVERTISING CAMPAIGN = FAM TRIP
Discover Kalispell did a co-op with Smart Meetings Magazine that included a print ad, banner ad and a survey. The campaign provided us with 120 meeting planners we added to our database. Those that responded were eligible for an all-inclusive trip for two to Kalispell and Missoula in the fall of 2018.

GROUP GRANTS
Discover Kalispell offers grants for meetings, groups and conventions staying in our Kalispell hotels. Completed applications and some criteria are required. We received three applications in 2018 and granted a total of $4,750 to be distributed in 2019.
Report To: Doug Russell, City Manager
From: Katharine King, Assistant Director Community Development
Subject: Old School Station, Lot 6 Offer to Purchase
Meeting Date: February 19, 2019

BACKGROUND: On April 5, 2015, by means of Resolution 5710, the City Council elected to take assignment from Flathead County of its tax lien on six parcels of Old School Station by paying the past due taxes and assessments. On April 20, 2015, City Council passed Resolution 5712 in which Council stated its intention to retain and sell the properties and to set the concluding date and time of the period of redemption for May 4, 2015, at 7 pm. By Resolution 5717 on May 4, 2015, Council determined to retain and sell all interests in the Old School Station lots under its ownership.

The properties were appraised by Clark Real Estate Appraisal in 2015 to establish listing prices for each lot. In April 2017 the City of Kalispell listed the properties for sale through Flathead Valley Brokers at the appraised values with the potential off-set of reduced Special Improvement District bond payments as calculated for each individual lot.

Lot 6 of Old School Station located at 135 Schoolhouse Loop, Kalispell was appraised and then listed for sale at $166,212. Lot 6, along with the other five City-owned lots in Old School Station, has been continuously listed for sale since April 2017. Lot 6 is located in the Technology Tax Increment Finance (TIF) District at Old School Station.

On January 30, 2019, the City received an offer for the purchase of Lot 6 and has worked with the purchaser to establish the proposed terms of sale as attached and explained below.

RECOMMENDATION: Proceed with Counter Offer as presented.

FISCAL EFFECTS: The City will receive the purchase price of $166,212 as follows: $75,000 at closing, including the $5,000 earnest money. The remaining $91,212 will be paid on a note and contract for deed to the City over a three-year term with balloon payment due at the end of the term, 5% annual rate simple interest calculated per terms of the agreement. Pursuant to the terms of a Developers Agreement, tax increment will be applied to reimbursement of SID payments and if the purchaser completes planned capital improvements to the property within 18 months of closing, the note will be reduced to $75,000.

ALTERNATIVES: Identify different terms for buy-sell agreement.

ATTACHMENTS: Map of Lot 6 at Old School Station
Counter Offer for Lot 6 at Old School Station
COUNTER OFFER

This Counter Offer pertains to a Buy/Sell Agreement (hereafter The "Agreement") dated 1/29/2015, by and between City of Kalispell (Seller) and Haig J Ermoian (Buyer) concerning the property described as: 135 Schoolhouse Loop Kalispell MT 59901 OLD SCHOOL STATION, S33, T28 N, R21 W, Lot 6

All the terms and conditions of the Agreement, except the Buyer's Commitment provision, are hereby incorporated by reference except as modified by the following terms and provisions:

Line 24 - Purchase price $166,212.00 (One hundred Sixty six thousand, two hundred, twelve US dollars).

strike lines 155-164 and replace with:

The balance of the purchase price $91,212.00 to be secured by a Contract for Deed and Developers Agreement. Terms to be: 3 year term with balloon payment due and payable at the end of the term, 5% annual rate simple interest calculated on the principle balance at the end of the month, payments to be interest only for the three year term. Buyer reserves the right to pay additional principle payment without penalty and have any additional principle payments credited toward the final balloon payment.

Seller agrees to open an account with Escrow Services, buyer agrees to pay opening and monthly maintenance of the escrow services account.

Seller agrees to subordinate his interest in the mortgage to a construction lender if required.

In the event the Purchaser completes its planned capital improvements to the property within 18 months of closing, the amount owing on the Contract for Deed shall be reduced to the equivalent of $150,000. Purchase price.

During the term of the Contract for Deed the Purchaser shall be responsible to pay to the Montana State Department of Revenue any beneficial use taxes that accrue due to the capital improvements.

Any Special Improvement District reimbursement shall be pursuant to a Developers Agreement written within the due diligence period and mutually approved by buyer and seller with the intent to reimburse the purchaser for its payments of the special that come due annually.

This offer and acceptance is subject to the approval of the authority of the City council. If seller accepts this counter offer, the offer will be submitted for approval when the City Council meets Tuesday, February 19, 2019. If the Council approves the structured offer and acceptance, the City Manager can finalized Wednesday February 20, 2019 to place lot 6 Old School Station Under Contract.

Buyer Initials

Seller Initials

©2017 Montana Association of REALTORS®
Counter Offer, October 2017
The dates for performance contained in the Agreement shall be extended the same number of days that have elapsed between the Agreement and the date of final Acceptance of this Counter Offer except for the closing date which shall remain as set forth in the Agreement; OR

All performance dates contained in the Agreement shall remain the same, except as otherwise stated herein.

Acceptance of this Counter Offer may be made by providing a signed copy to the offering party or their Broker/Salesperson prior to 02/08/19 5:00PM (Date/Time), whether or not that deadline falls on a Saturday, Sunday or holiday. Offering party may withdraw this counter offer any time prior to receiving written acceptance. If acceptance is not given to the offering party or their Broker/Salesperson by expiration of the time for acceptance, this offer is then null and void.

The parties hereto, all agree that the transaction contemplated by this document may be conducted by electronic means in accordance with the Montana Uniform Electronic Transaction Act.

Sellers: Date 2-8-19

Buyers: Date 02/08/2019

NOTE: Unless otherwise expressly stated the term “Days” means calendar days and not business days. Business days are defined as all days as except Sundays and holidays, Any performance which is required to be completed on a Saturday, Sunday or a holiday can be performed on the next business day.

©2017 Montana Association of REALTORS®
Counter Offer, October 2017
TO:                      Doug Russell, City Manager; Charlie Harball, City Attorney  
FROM:                    Susie Turner, PE, Public Works Director  
SUBJECT:                  Kalispell and Evergreen Sewer Treatment Agreement Amendment  
MEETING DATE:            February 19, 2019  

BACKGROUND: Trumbull Creek Subdivision Phase One through Five were preliminary  
platted in 2004 (Phase 1) and 2013 (Phase 2-5). The Subdivision is located at the northern  
boundary of the defined service area per the City and Evergreen Sewer Treatment Agreement.  
Phase Two and Three have been final platted and the Developer is currently working toward  
constructing and final platting Phases Four and Five. In 2015, with the updated Agreement,  
Phase One was incorporated within the service area. Phase Two and Three have been final  
platted, however they receive City treatment service as customers outside of the Agreement  
service area. Areas outside of the service area are required to participate in a Developers  
Agreement, where the development has to:  
  • Meet City Design and Construction Standards,  
  • Waive the right to protest annexation, and  
  • In the event that the City of Kalispell ever serves the property with a separate sewer  
    conveyance system, thereby severing from the Evergreen Sewer conveyance system, the  
    ownership of the sewer lines within the subdivision shall be conveyed to the City.  

To allow the City to treat all development outside of the service area equally and adhere to past  
service expectations for Trumbull Creek, proposed changes to the existing Agreement are  
required. Meetings were held with the Trumbull Creek Developer and Evergreen District  
Representatives to create amendment language to the Agreement that meets the needs of all  
parties. The outcome of the collaboration changes the current Agreement in two sections:  

1. The service boundary of the Agreement is proposed to be amended to include Phases 2  
through 5 of Trumbull Creek Crossing, as final platted. The land to be included is located  
in the southeast quarter of the northeast quarter and the northeast quarter of the southeast  
quarter of Section 28, Township 29N, Range 21W, Principal Meridian, Montana, in  
Flathead County, contains a total of 113 single family residential lots and 36.330 acres, as  
shown on the Preliminary Plat of Trumbull Creek Crossing, Phases 2 through 5, see  
Figure 1.
2. The flows generated from the increased service area is added to the volume rate not to exceed increasing the average daily flow from 782,000 gpd to 805,000 gpd.

The City Attorney drafted an amendment to the Agreement and an amended Exhibit A was prepared. Evergreen’s Board of Directors approved the proposed amendments at their January 16, 2019 meeting.

**STAFF RECOMMENDATION:** Approve Resolution 5910, which amends the Sanitary Sewer Treatment Agreement between the City of Kalispell and Flathead County Water & Sewer District No. 1 Evergreen.

**ALTERNATIVES:** As suggested and approved by the City Council.

**ATTACHMENTS:** Resolution 5910
Second Amendment to the Sanitary Sewer Treatment Agreement (Amendment February 2019 to Exhibit A and Section 3 Service Area)
RESOLUTION NO. 5910

A RESOLUTION APPROVING AN AMENDMENT TO THE JULY 1, 2005 INTERLOCAL AGREEMENT BETWEEN CITY OF KALISPELL AND THE FLATHEAD COUNTY WATER & SEWER DISTRICT NO. 1, EVERGREEN, BY AMENDING EXHIBIT “A” TO INCLUDE ADDITIONAL PARCELS AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE SAME.

WHEREAS, on the 1st day of July, 2015, pursuant to Title 7, Chapter 11, Part 1, M.C.A., the City of Kalispell [the City] and the Evergreen Water and Sewer District No.1 [the District] entered into an Interlocal Agreement regarding the terms and conditions of the cooperative effort to provide sanitary sewer conveyance and treatment for landowners within the certain defined boundaries described within the agreement; and

WHEREAS, Section 3 of the Agreement regulates the event in which a property owner or user outside of the existing service area of the District as defined in the Agreement desires to connect mains or services to the collection system operated by the District; and

WHEREAS, pursuant to Section 3 of the Agreement, application was made to the District and the City by property owner Michael Anders to expand the Service Area in the Agreement and approval by the City for Evergreen to serve Phases 2 through 5 of the Trumbull Creek Crossing development; and

WHEREAS, the District and the City have fully considered the request and have determined that it is in the best interests of the applicant and the parties to approve the application.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KALISPELL AS FOLLOWS:

SECTION 1. Pursuant to the terms of Section 3.03 and Section 3.04 of the Agreement, Exhibit “A” of the Agreement shall be and is hereby amended to extend the service boundaries of the Agreement to provide service to Phases 2 through 5 of Trumbull Creek Crossing development, located in the southeast quarter of the northeast quarter and the northeast quarter of the southeast quarter of Section 28, Township 29 North, Range 21 West, P.P.M., Flathead County, Montana, consisting of 113 single family residential lots and approximately 36.330 acres. The amended Exhibit A is attached hereto and fully incorporated herein by this reference.


__________________________________
Mark Johnson
Mayor

ATTEST:

______________________________
Aimee Brunckhorst, CMC
City Clerk
SECOND AMENDMENT TO THE SANITARY SEWER TREATMENT AGREEMENT

CITY OF KALISPELL

And

FLATHEAD COUNTY WATER & SEWER DISTRICT NO. 1

EVERGREEN

[Amendment February, 2019 to Exhibit A – Section 3 Boundary]

WHEREAS, on the 1st day of July, 2015, pursuant to Title 7, Chapter 11, Part 1, M.C.A., the City of Kalispell ["Kalispell"] and the Flathead County Water and Sewer District No.1- Evergreen ["Evergreen"] entered into a Sanitary Sewer Treatment Agreement[hereinafter "Agreement"] regarding the terms and conditions of the cooperative effort to provide sanitary sewer conveyance and treatment for landowners within the certain defined boundaries described within the agreement; and

WHEREAS, Section 3 of the Agreement regulates the event in which a property owner or user outside of the Service Area as defined in Exhibit “A” of the Agreement desires to connect mains or services to the collection and conveyance facilities such that the property may be served by Evergreen; and

WHEREAS, pursuant to Section 3 of the Agreement, application was made to Evergreen and Kalispell by property owner, Michael Anders, to expand the Service Area in the Agreement and approval by the City for Evergreen to serve Phases 2 through 5 of the Trumbull Creek Crossing development; and

WHEREAS, Evergreen and Kalispell have fully considered the request and have determined that it is in the best interests of the applicant and the parties to approve the application.

NOW THEREFORE, IT IS AGREED by and between the City and the District that it is to their mutual benefit to amend Paragraph 3.03 of the Agreement to state as follows:

3.03 Service Area: It is understood between the parties hereto that this Agreement obligates Kalispell to accept normal municipal sewage from Evergreen for that area comprising the Service Area as shown in Exhibit A. The volume rate will not exceed 0.805 million-gallon average daily flow for the area within the Evergreen boundary as shown in Exhibit A. Volume rate outside of the Evergreen boundary is not applied against the

February 2019 SECOND AMENDMENT TO SANITARY SEWER TREATMENT AGREEMENT
0.805 million gallons per day. For the purpose of this volume rate, the number of days of flow measurement will be 75 days. If the volume rate is fully utilized Evergreen may request an approval of a volume rate increase from the Kalispell City Council.

Pursuant to the terms of Section 3.03 and Section 3.04 of the Agreement, Exhibit ‘A’ of the Agreement shall be and is hereby amended to extend the service boundaries of the Agreement to include Phases 2 through 5 Trumbull Creek Crossing, as finally platted. The land to be included is located in the southeast quarter of the northeast quarter and the northeast quarter of the southeast quarter of Section 28, Township 29N, Range 21W, Principal Meridian, Montana, in Flathead County, contains a total of 113 single family residential lots and no more than 36.330 acres, as shown on the Preliminary Plat of Trumbull Creek Crossing, Phases 2 through 5. The amended Exhibit A is attached hereto and fully incorporated herein by this reference.

Nothing in this Agreement, as amended, shall prohibit Evergreen from adopting or amending whatever policies, guidelines, regulations, rules and rates that Evergreen in its sole discretion deems appropriate with respect to the extension or provision of sewer or water services applicable within or without the boundaries of the Service Area, as revised herein, provided only that any such action by Evergreen does not otherwise violate the terms of this Agreement, as amended. All other terms of the Agreement between the parties shall remain in full force and effect.

IN WITNESS WHEREOF, the local governments have caused this instrument to be duly executed by their proper officers as follows:

CITY OF KALISPELL

APPROVED BY THE CITY MANAGER OF THE CITY OF KALISPELL on the ____ day of February, 2019, as authorized the City Council to execute the Amendment to the Sanitary Sewer Treatment Agreement.

ATTEST: ___________________________ BY: ___________________________

Aimee Brunckhorst, CMC            Doug Russell
City Clerk                        City Manager
FLATHEAD COUNTY WATER & SEWER DISTRICT NO. 1 - EVERGREEN

APPROVED BY THE BOARD OF DIRECTORS OF THE FLATHEAD COUNTY WATER & SEWER DISTRICT NO. 1 - EVERGREEN on the ___ day of February 2019.

By:

[Signature]

President

ATTEST:

[Signature]

Secretary
MEMORANDUM

To: Doug Russell, City Manager
From: Susie Turner, Public Works Director
Re: Resolution of Intent and Call for Public Hearing Regarding Amendment of the Kalispell Design and Construction Standards for the On-Street Parking Designations
Meeting Date: February 19, 2019

Background: Public Works Staff has participated with Council during several work sessions, since November of 2017, to develop standard language for on-street parking. Areas of concern needing “No Parking” designation were brought forward for Council’s attention, and Council requested staff to develop standard language that could be applied to all streets. In consideration of Council’s request, on-street parking language was developed that includes consideration for street classification (principle arterial, minor arterial, collectors, and local), street and intersection width and geometrics, and implementation procedures.

The proposed resolution, updates the City’s Design and Construction Standards to incorporate on-street parking language that will be applied to existing and new street’s alike. The table below summarizes the resolution language:

<table>
<thead>
<tr>
<th>Classification</th>
<th>Min. Design Speed</th>
<th>Minimum Street Width</th>
<th>Clear Vision Triangle</th>
<th>Min. Sight Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Parking Both Sides</td>
<td>Parking One Side</td>
<td>No Parking Allowed</td>
</tr>
<tr>
<td>Urban Principal Arterial</td>
<td>Per MDT 1</td>
<td>Per MDT 1</td>
<td>Per MDT 1</td>
<td>Per MDT 1</td>
</tr>
<tr>
<td>Urban Minor Arterial</td>
<td>TBD</td>
<td>NA</td>
<td>NA</td>
<td>X 1</td>
</tr>
<tr>
<td>Rural Principal and Minor Arterial</td>
<td>TBD</td>
<td>NA</td>
<td>NA</td>
<td>Per AASHTO</td>
</tr>
<tr>
<td>Urban Collector</td>
<td>35 mph</td>
<td>≥ 42” 1, 4</td>
<td>33” - 42” 1, 4</td>
<td>&lt;33” 1</td>
</tr>
<tr>
<td>Rural Collector</td>
<td>35 mph</td>
<td>X</td>
<td>Per AASHTO</td>
<td></td>
</tr>
<tr>
<td>Urban Local</td>
<td>25 mph</td>
<td>≥ 28” 3</td>
<td>24” - 28 3, 6</td>
<td>&lt;24” 1</td>
</tr>
<tr>
<td>Rural Local</td>
<td>25 mph</td>
<td>≥ 28” 3</td>
<td>24” - 28 3, 5</td>
<td>&lt;24” 1</td>
</tr>
</tbody>
</table>

1. Currently not designated in City Standards.
2. TBD = As determined by City Engineer or approved engineering study.
3. Parking not allowed unless an on-street parking analysis is completed, specifically recommended by the City Engineer, and approved by the Police Chief, Fire Chief, Public Works Director, and City Manager.
4. Requires additional right-of-way.
5. City Engineer to review the street geometries.
6. City Engineer reserves the right to perform an engineering analysis and establish an alternative Intersection sight triangle on a case by case basis.
7. The above minimum widths do not consider bike lanes or other appurtenances within the road section.
As part of the consideration of the standards amendment, notification and public hearing processes are applicable and will begin with the passage of the proposed resolution that establishes a date for the public hearing. The proposed draft Standards update will be circulated throughout the local engineering, construction and development community.

**RECOMMENDATION:** It is recommended that Council adopt the resolution calling for a public hearing on March 18, 2019, for the proposed amendment of the City of Kalispell Standards for Design and Construction.

**ALTERNATIVES:** Council can elect to not pass the resolution of intent, or propose modifications as Council may desire.

**ATTACHMENTS:**
1. Resolution 5911, Resolution of Intent
2. Proposed draft Resolution to set minimum standards for on-street parking for the City of Kalispell, Montana and setting an effective date.
3. City map with street designations
RESOLUTION NO. 5911

A RESOLUTION OF INTENT TO AMEND THE CITY OF KALISPELL’S STANDARDS FOR DESIGN AND CONSTRUCTION FOR ON-STREET PARKING DESIGNATIONS, CALLING FOR A PUBLIC HEARING AND DIRECTING THE CITY CLERK TO PROVIDE NOTICE THEREFORE.

WHEREAS, the City of Kalispell currently has written Standards for Design and Construction in place for the purpose of maintaining compliance with state and federal laws as well as to maintain best practices and consistency for public construction projects; and

WHEREAS, the Kalispell City Council has requested updates to the City’s Design and Construction Standards to incorporate on-street parking language that will be applied to existing streets and new streets; and

WHEREAS, the City of Kalispell Standards for Design and Construction must be amended from time to time to reflect changes in state law as well as to reflect changes in policy as directed by the Kalispell City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KALISPELL AS FOLLOWS:

SECTION 1. A public hearing is hereby called and shall be held on Monday, March 18, 2019, at 7:00 p.m. in the council chambers at City Hall, 201 First Avenue East, on the proposed amendments to the On-Street Parking Designations of the City of Kalispell Standards for Design and Construction.


SECTION 3. The City Clerk shall immediately make the proposed standards available on the City’s internet home page as well as keep a printed copy in the City Offices to be made available to the public for inspection and reproduction.


__________________________________
Mark Johnson
Mayor

ATTEST:

____________________________
Aimee Brunckhorst, CMC
City Clerk
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that on the 18th day of March, 2019, at 7:00 o’clock P.M., in the Council Chambers, City Hall, 201 1st Avenue East, Kalispell, Montana, the City Council of the City of Kalispell shall hold a Public Hearing on proposed amendments to the On-Street Parking Designation of the City of Kalispell Standards for Design and Construction.

The amendments are being presented to the Kalispell City Council for their consideration. The City Council, on February 19, 2019, passed a Resolution of Intention to Amend the On-Street Parking Designations of the City of Kalispell Standards for Design and Construction.

Any person wishing to address the proposed amendments may appear at this hearing and make oral statements or present same in writing. Written comments may also be submitted for council consideration by delivering the same to the City Clerk at 201 First Avenue East, Kalispell, MT, 59901, or to PO Box 1997, Kalispell, MT, 59903, or by email to citycouncil@kalispell.com prior to the hearing.

The proposed amendments can be viewed on the city’s website at www.kalispell.com/mayor/agenda.cfm or in the office of the City Clerk at 201 First Avenue East, Kalispell. For further information contact: Public Works, P.O. Box 1997, Kalispell, MT, telephone: 758-7720.

____________________________
Aimee Brunckhorst, CMC
City Clerk

Publish: February 24, 2019
March 10, 2019
RESOLUTION NO. ####

A RESOLUTION TO SET MINIMUM STANDARDS FOR ON-STREET PARKING FOR THE CITY OF KALISPELL, MONTANA, AND SETTING AN EFFECTIVE DATE.

WHEREAS, on February 5, 2018, the Kalispell City Council adopted Resolution No. 5851, the “Standards for Design and Construction” for the City of Kalispell, Montana, which includes minimum standards for on-street parking for newly constructed streets; and

WHEREAS, no minimum standards for on-street parking have been previously set for existing streets within the City of Kalispell; and

WHEREAS, on October 30, 2017, the Kalispell City Council directed public works staff to develop minimum standards to be applied to all city streets based on classification, width, and geometry; and

WHEREAS, unregulated on-street parking results in areas of congestion, which inhibit the flow of traffic, the safety of the traveling public, and access through the streets for emergency vehicles.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KALISPELL AS FOLLOWS:

SECTION 1. Road classifications shall be defined as Principal Arterial, Minor Arterial, Collector Street, and Local Street as determined by the following:

a) The most recent Transportation Plan as adopted by City Council of the City of Kalispell; and

b) Transportation Impact Studies completed by a PTOE licensed in the State of Montana, reviewed and approved by the City Engineer; and

c) Transportation analyses performed by Public Works Professional Engineering Staff, reviewed, and approved by the City Engineer.

SECTION 2. On-street parking analyses shall be performed by Public Works Professional Engineering staff or a PTOE licensed in the State of Montana, and shall be approved by the City Engineer. Parking restrictions considered in an on-street parking analysis may include:

a) No parking any time;

b) No parking during specified times; and/or

c) No parking on one side of the street.

SECTION 3. On-street parking minimum standards shall be based on street classification, road width, and geometry as hereby described:

a) Principal Arterials:
1. For streets outside of the jurisdiction of the City of Kalispell, on-street parking shall be allowed as determined by the appropriate jurisdiction; and

2. For City of Kalispell streets, on-street parking standards shall be the same as Minor Arterials.

b) Minor Arterials:

1. On-street parking shall not be allowed unless an on-street parking analysis is completed, recommended by the City Engineer, and approved by the Police Chief, Fire Chief, Public Works Director, and City Manager.

c) Collector Streets:

1. On-street parking shall not be approved on collector streets with any of the following findings:
   i. Cross section:
      a. Is a rural street (no curbing); or
      b. A face of curb to face of curb width less than thirty-three feet; or
   ii. Geometry:
      a. Sight distances below those required by the current version of the City of Kalispell Design and Construction Standards.

2. On-street parking may be approved on one side of the street when an on-street parking analysis determines the findings of part 1 above are not met, and:
   i. Cross section:
      a. The face of curb to face of curb width is less than forty-two feet; and
      b. Parking would not encroach into a travel lane.

3. On-street parking may be approved on both sides of the street when an on-street parking analysis determines the findings of parts 1 and 2 above are not met, and:
   i. Cross section:
      a. The face of curb to face of curb width is greater than or equal to forty-two feet.
d) Local Streets:

1. On-street parking shall not be approved on local streets with any of the following findings:
   
   i. Cross section:
      
      a. The pavement width is less than twenty-four feet; or
   
   ii. Geometry:
      
      a. Sight distances below those required by the current version of the City of Kalispell Design and Construction Standards.

2. On-street parking may be approved on one side of the street when an on-street parking analysis determines the findings of part 1 above are not met, and:
   
   i. Cross section:
      
      a. The pavement width is less than twenty-eight feet.

3. On-street parking may be approved on both sides of the street when an on-street parking analysis determines the findings of parts 1 and 2 above are not met, and:
   
   i. Cross section:
      
      a. The pavement width is greater than or equal to twenty-eight feet.

e) Intersections:

1. On-street parking shall not be approved:
   
   i. Within the eighty-foot clear vision triangle for speeds at or below 25 miles per hour unless otherwise indicated by an engineering analysis approved by the City Engineer; or
   
   ii. Within the clear sight triangle for speeds above 25 miles per hour as defined by the most current version of AASHTO – A Policy on the Geometric Design of Highways and Streets, unless otherwise indicated by an engineering analysis approved by the City Engineer.
SECTION 4. Existing on-street parking conditions shall remain as currently signed, until an on-street parking analysis has been completed and approved in accordance with Section 2.

SECTION 5. Thirty days of notice shall be provided prior to the installation of permanent parking restriction signage. Notices may include:
   a) Informational handouts delivered to adjacent residents and/or businesses; and/or
   b) Temporary informational signage; and/or
   c) Other means approved by the Director of Public Works.

SECTION 6. This Resolution shall become effective immediately following its passage by the City Council and approval by the Mayor.


____________________________________
Mark Johnson
Mayor

ATTEST:

____________________________________
Aimee Brunckhorst, CMC
City Clerk
MEMORANDUM

To: Doug Russell, City Manager
From: Susie Turner, Public Works Director
Re: Ordinance 1821 - Amending Two Hour Parking in Certain Areas of Downtown
Meeting Date: February 19, 2019

Background: As a result of a meeting with the Parking Commission, Downtown Business Association, and a September 2018 Work Session with Council, Public Works will be moving forward with the installation of diagonal parking in the Spring of 2019 in the following areas:

- 5th Street West (1st Avenue West to Main Street)
- 3rd Street East (2nd Avenue East to 3rd Avenue East)

Along with the recommendation for diagonal parking, removal of the 2-hour parking designation was also recommended in the following areas:

- 5th Street West (2nd Avenue West to Main Street)
- 3rd Street East (2nd Avenue East to 3rd Avenue East)
- 3rd Street West (2nd Avenue West to 1st Avenue West)
- 1st Street West (2nd Avenue West to 1st Avenue West)

City staff met with the Kalispell Parking Commission and adjacent local businesses and there were no objections to the proposed removal of 2-hour parking in the areas listed above.

RECOMMENDATION: It is recommended that Council approve the first reading of Ordinance 1821, an Ordinance amending Chapter 17-90 Overtime Parking Prohibited; Two Hour Parking on Certain Streets.

FISCAL EFFECTS: There are no anticipated fiscal impact at this time.

ALTERNATIVES: Deny the request.

ATTACHMENTS: Ordinance No. 1821
ORDINANCE NO. 1821

AN ORDINANCE AMENDING ORDINANCE NO. 1801 CODIFIED AT CHAPTER 17 OF THE KALISPELL MUNICIPAL CODES ENTITLED MOTOR VEHICLES AND TRAFFIC REGARDING TWO HOUR PARKING ON CERTAIN STREETS IN THE CITY OF KALISPELL, DECLARING AN EFFECTIVE DATE AND AUTHORIZING THE CITY ATTORNEY TO CODIFY THE SAME.

WHEREAS, it is in the best interests of the City and its residents and visitors that its ordinances which regulate the parking of motor vehicles on the public streets within the City of Kalispell be reassessed and updated from time to time to ensure that the purposes of the regulation and the interests of the public are being properly served; and

WHEREAS, pursuant to Kalispell Municipal Code Chapter 17, entitled Motor Vehicles and Traffic, the City of Kalispell regulates the parking of motor vehicles on public streets for the purpose of ensuring that the public safety and welfare in the public right-of-ways of the City are not compromised by such use; and

WHEREAS, the Kalispell City Council finds that the amendments to KMC Chapter 17 set forth in Exhibit “A”, attached hereto, are necessary and proper to protect the safety and welfare of the public using the public right-of-ways in the City of Kalispell.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KALISPELL AS FOLLOWS:

SECTION 1. The City of Kalispell Municipal Code is hereby amended as set forth in Exhibit “A”, attached hereto and incorporated fully herein by this reference.

SECTION 2. The City Attorney is hereby authorized and directed to recodify this Ordinance.

SECTION 3. This Ordinance shall take effect thirty (30) days after its final passage.


Mark Johnson
Mayor

ATTEST:

_____________________________
Aimee Brunckhorst, CMC
City Clerk
EXHIBIT “A”

17-90  Overtime Parking Prohibited; Two Hour Parking on Certain Streets.
A.  Overtime Parking Prohibited: It shall be unlawful and a violation of the provisions of this article for any person to cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for any parking meter zone as herein described.
B.  Remaining Beyond Prescribed Period: It shall be unlawful and a violation of the provisions of this article for any person to permit a vehicle to remain or be placed in any parking space adjacent to any parking meter while such meter is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the period prescribed for such parking space.
C.  Two Hour Parking: It is unlawful and a violation of this article for any person to permit a vehicle to remain parked continuously in any individual parking space for more than two (2) hours between 8:00 a.m. and 6:00 p.m. on any day except Sunday or a legal holiday on the following streets:
1.  On Main Street between Center Street and Fifth Street;
2.  On First Avenue East between Center Street and Fifth Street East;
3.  On Second Avenue East between Second Street East and Third Street East;
4.  On First Avenue West between Center Street and Fifth Street West;
5.  On Second Street from Second Avenue East to Second Avenue West;
6.  On First Street between First Avenue East and Second First Avenue West;
7.  On Third Street between Third Second Avenue East and Second First Avenue West;
8.  On Fourth Street between Second Alley East and Second Avenue West;
9.  On Fifth Street between Second Avenue West Main Street and Second Avenue East;
10.  On the west side of Third Avenue East bounding Lions Park.
D.  One Hour Parking: It is unlawful and a violation of this article for any person to permit a vehicle to remain parked continuously in any individual parking space for more than one hour between 8:00 a.m. and 6:00 p.m. on any day except Saturday or Sunday or a legal holiday on the following street:
1.  The east side of Fourth Avenue East between Ninth Street East and Eighth Street East.
MEMORANDUM

To: Doug Russell, City Manager
From: Susie Turner, Public Works Director
Re: Ordinance 1822, Amending City Code Regarding Permitting for the Permanent Use of Reserved Parking Spaces
Meeting Date: February 19, 2019

Background: The City Code language for 17-82 Parking Spaces for Taxicabs, Buses and Delivery Vehicles; Permits for; Unlawful Use Prohibited, was reviewed with Council at the January 28, 2019 Work Session. Two topics were discussed and Council provided direction to staff on both topics. The first included removal of the $15 per month charge for each parking space covered under a permit. The second involved allowing the Public Works Department to administer and grant permits as long as there was new language ensuring a process for public notice, comment, and appeal.

Proposed Ordinance 1822, attached, provides revisions to Code 17-82 that take into account Council’s comments and direction as stated above.

RECOMMENDATION: It is recommended that Council approve the first reading of Ordinance 1822, an Ordinance amending 17-82 Parking Spaces for Taxicabs, buses and delivery Vehicles; Permits for; Unlawful Use Prohibited.

FISCAL EFFECTS: There are no anticipated fiscal impacts at this time.

ALTERNATIVES: Deny the request.

ATTACHMENTS: Ordinance No. 1822
ORDINANCE NO. 1822

AN ORDINANCE AMENDING ORDINANCE NO. 989 § 1 CODIFIED AT CHAPTER 17 OF THE KALISPELL MUNICIPAL CODES ENTITLED MOTOR VEHICLES AND TRAFFIC REGARDING THE REGULATION OF PARKING SPACES AND LOADING ZONES FOR TAXICABS, BUSES AND DELIVERY VEHICLES UPON THE PUBLIC RIGHT-OF-WAY WITHIN THE CITY OF KALISPELL, DECLARING AN EFFECTIVE DATE AND AUTHORIZING THE CITY ATTORNEY TO CODIFY THE SAME.

WHEREAS, it is in the best interests of the City and its residents and visitors that its ordinances which regulate parking spaces and loading zones for taxicabs, buses and delivery vehicles upon the public right-of-way within the City of Kalispell be reassessed and updated from time to time to ensure that the purposes of the regulation and the interests of the public are being properly served; and

WHEREAS, pursuant to Kalispell Municipal Code Chapter 17, entitled Motor Vehicles and Traffic, the City of Kalispell regulates parking spaces and loading zones for taxicabs, buses and delivery vehicles upon the public right-of-way for the purpose of ensuring that the public safety and welfare in the public right-of-ways of the City are not compromised by such use; and

WHEREAS, the Kalispell City Council finds that the amendments to KMC Chapter 17 set forth in Exhibit “A”, attached hereto, are necessary and proper to protect the safety and welfare of the public using the public right-of-ways in the City of Kalispell.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KALISPELL AS FOLLOWS:

SECTION 1. The City of Kalispell Municipal Code is hereby amended as set forth in Exhibit “A”, attached hereto and incorporated fully herein by this reference.

SECTION 2. The City Attorney is hereby authorized and directed to recodify this Ordinance.

SECTION 3. This Ordinance shall take effect thirty (30) days after its final passage.


____________________________________
Mark Johnson
Mayor

ATTEST:

_______________________________
Aimee Brunckhorst, CMC
City Clerk
EXHIBIT “A”

17-82 Parking Spaces for Taxicabs, Buses and Delivery Vehicles; Permits for; Unlawful Use Prohibited.

A. Permit: The City may grant to any person, agency or business a permit for the permanent use of a reserved parking space on a public street or City owned or operated off-street parking lot for use of a taxicab, bus, delivery vehicle or similar commercial vehicle or device used for the transportation of persons or property.

B. Application: A person desiring such a permit shall make a complete application therefor to the City Council Public Works Department, setting out the name and address of the applicant, the business or other purpose for which the parking space will be utilized, the number and location of the parking spaces desired, certified list of property owners within 150 feet, and any other information deemed pertinent to the application. A permit will be granted only if it serves a public purpose.

C. The Public Works Administrator shall:

   (a) Accept the completed application:

      I. Mail written notice to all property owners within 150 feet of the subject location providing at least 15 days for formal comment (where the subject property abuts a public right-of-way, the 150 foot measurement shall be in addition to the right-of-way along the abutting side)

      II. Review the application pursuant to the review criteria contained in the permit requirements; and

      III. The applicant shall be responsible for paying a fee for the cost to mail the public notices, if public notices is applicable, as part of the permit process.

   (b) If no public comment is received, the Permit Administrator shall approve, conditionally approve, or deny the application as appropriate.

   (c) If public comment is received, the Permit Administrator shall contact the applicant.

      I. If the comment can be satisfactorily resolved by additional information or appropriate conditions, the Permit Administrator shall approve, conditionally approve, or deny the application as appropriate.

      II. If the comment is of substance and cannot be mitigated, the Permit Administrator shall approve, conditionally approve, or deny the application as appropriate.

   (d) If the applicant wishes to appeal the Permit Administrator’s decision regarding the application, the application shall be forwarded to the Public Works Director for consideration. If the comment is of substance and cannot be mitigated, the Public Works Director’s recommendation shall be forwarded to the City Council for a determination as to whether the permit should be approved, conditionally approved, or denied. Any appeal by the applicant must be submitted in writing to the Public Works within 30 days.
from the date the permit was issued or denied.

C.D. Grant of Permit; Revocation: If the City Council Public Works Permit Administrator finds that a public benefit will be served thereby, it may grant such a permit, designating the parking spaces to which applicable and such other conditions as may be deemed reasonable to the use thereof. Unless stated otherwise in the grant of the permit, same shall be permanent until revoked by the City Council. The City Council may revoke any such permit at any time upon thirty (30) days’ written notice to the permittee. Nonpayment of any permit as required hereby for a period of sixty (60) days shall be grounds for revocation of a permit without notice. A permittee may surrender and terminate a permit at any time by written notice thereof to the Public Works Permit Administrator.

D. Fee: Any person granted a permit hereunder shall pay therefor a fee of fifteen dollars ($15.00) per month for each parking space covered by said permit. Such fee shall be paid in full in advance to the City Clerk on or before the first day of the month for each month, or fraction thereof, during which such permit shall be in force.

E. Parking Space Defined: For the purpose of this section, “parking space” is defined to be a space or stall of twenty-two (22) feet in length, measured along the curb line of the street or avenue where parallel parking is used or permitted, and a space or stall of twelve and one-half (12 1/2) feet in length measured along the curb line of the street or avenue where forty-five (45) degree angle or other angle parking is used or permitted.

F. Installation of Signs: The street superintendent shall install in parking spaces covered by any permit granted hereunder, appropriate and uniform signs clearly designating the existence and boundary of the area covered thereby and the identity of the permittee. The permittee shall reimburse the City for the actual expenses incurred in the installation of the signs, etc.; all such signs, etc., shall be removed by the City promptly whenever any permit is revoked or terminated.

G. Use by Permittee: Any parking space covered by a permit granted hereunder may be used by the permittee, his or her employees or agents only; any other person using such parking space at any time shall be guilty of a misdemeanor. The provisions of Section 17-79 of this article apply to all violations of this section. The vehicles of a permittee, his or her employees or agents shall be clearly identifiable as such while using any parking space covered by such permit.
MEMORANDUM

To: Doug Russell, City Manager
From: Susie Turner, Public Works Director
Re: Ordinance 1823, Amending City Code Regarding Permitting Private
Encroachments in Public Right of Ways
Meeting Date: February 19, 2019

**Background:** A business in the east downtown area is in the process of remodeling their building. During the engineering phase of the remodel, it was discovered that several groundwater sump pumps were connected directly to the City’s sanitary sewer system. The business was made aware of the regulation against discharge of groundwater to the sanitary sewer system and they are actively trying to meet City Code as part of the remodel. As conditions have it, the nearest stormwater system is one block to the east of the business location. Due to several circumstances including location and the amount of ground water, it is not conducive to pump the water to the curb and gutter. As such, the only other alternative for the business, at this time, is to install a small private utility pipe in City right-of-way (ROW) and pump the groundwater to the nearest stormwater catch basin.

After reviewing City Code related to encroachment for private utilities, City staff is recommending an update to Kalispell Municipal Code Chapter 24, entitled Streets and Sidewalks, to ensure that the purposes of the regulation and the interests of the public are being properly served.

The Code language for allowance of private encroachments in the ROW did not speak to conduits or piping, and was vague on the authority to approve any encroachment within the ROW. The proposed code language updates the list of potentially allowed encroachment devices, along with establishing a permitting process through the Public Works Department.

**RECOMMENDATION:** It is recommended that Council approve the first reading of Ordinance 1823, an Ordinance amending Section 24-64 Regulations Generally, to update the regulations for permitting private encroachments upon public right-of-way.

**FISCAL EFFECTS:** There are no anticipated fiscal impacts at this time.

**ALTERNATIVES:** Deny the request.

**ATTACHMENTS:** Ordinance No. 1823
ORDINANCE NO. 1823

AN ORDINANCE AMENDING ORDINANCE NO. 779 § 4 CODIFIED AT CHAPTER 24 OF THE KALISPEL MUNICIPAL CODES ENTITLED STREETS AND SIDEWALKS REGARDING THE PERMITTING REQUIREMENT FOR PRIVATE ENCROACHMENT UPON THE PUBLIC RIGHT-OF-WAYS IN THE CITY OF KALISPELL, DECLARING AN EFFECTIVE DATE AND AUTHORIZING THE CITY ATTORNEY TO CODIFY THE SAME.

WHEREAS, it is in the best interests of the City and its residents and visitors that its ordinances which regulate private encroachment upon the public right-of-way within the City of Kalispell be reassessed and updated from time to time to ensure that the purposes of the regulation and the interests of the public are being properly served; and

WHEREAS, pursuant to Kalispell Municipal Code Chapter 24, entitled Streets and Sidewalks, the City of Kalispell regulates the private use encroachments upon the public right-of-ways for the purpose of ensuring that the public safety and welfare in the public right-of-ways of the City are not compromised by such private use; and

WHEREAS, the Kalispell City Council finds that the amendments to KMC Chapter 24 set forth in Exhibit “A”, attached hereto, are necessary and proper to protect the safety and welfare of the public using the public right-of-ways in the City of Kalispell.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KALISPELL AS FOLLOWS:

SECTION 1. The City of Kalispell Municipal Code is hereby amended as set forth in Exhibit “A”, attached hereto and incorporated fully herein by this reference.

SECTION 2. The City Attorney is hereby authorized and directed to recodify this Ordinance.

SECTION 3. This Ordinance shall take effect thirty (30) days after its final passage.


Mark Johnson
Mayor

ATTEST:

Aimee Brunckhorst, CMC
City Clerk
24-64 Regulations Generally.

No private signs, eaves, marquees, transmission lines, within or without a conduit or pipe, or similar devices will be allowed to encroach on the private public rights-of-way of this City within the incorporated limits, except as provided herein and then only by agreement permit issued by the City of Kalispell Public Works Department, proper authorities and revocable on thirty (30) days’ written notice to the applicant. No gainful private or commercial use of the public right-of-way will be allowed except by permit issued by the City of Kalispell Public Works Department and as allowed by the Kalispell Municipal Code, for example, nonemergency servicing of vehicles, parking or placing of portable advertising devices on the public right-of-way.