

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD JUNE 15, 2015**

Regular Meeting - Transact Routine Business

Mayor Barnhart called the meeting to order at 7:00 p.m. with roll call as follows:

PRESENT: Mayor Barnhart

COUNCIL: Karper, Petersen, Shepard, Plevel, Fisher

ABSENT: Lovering

ROLL CALL

Also present were City Manager Nicosia, City Clerk Staaland, City Attorney Breck, City Planner Mulcahy and Police Sergeant Murphy.

Pledge of Allegiance

PLEDGE

APPROVAL OF AGENDA:

Mayor Barnhart requested a motion to approve the agenda. Councilman Shepard moved to approve the agenda, second by Councilman Fisher, and the motion carried unanimously.

**AGENDA
APPROVAL**

CONSENT AGENDA:

Councilman Shepard moved to approve the consent agenda noting that all claims appeared to be in order, second by Councilman Fisher. Motion carried with Council voting as follows: YES: Plevel, Shepard, Fisher, Karper, Petersen and Barnhart NOES: None. ABSENT: Lovering.

**CONSENT
AGENDA
APPROVAL**

A. Approval of Claims - \$ 198,007.68 - June 15, 2015

B. Approval of Payroll Claims - \$ 87,798.87 - June 5, 2015

C. Approval of Regular Meeting Minutes - June 1, 2015

D. Approval of Park Lot Lease renewal with IBC, LLC and authorize City Manager to sign.

PUBLIC HEARINGS/NOTICES:

A. HEARING - Proposed Zone Change:

Request for a Zone Change in the Columbia Falls Zoning Jurisdiction:

BID Group Properties (US) Inc. is requesting to amend the zoning district map on a portion of property in the Columbia Falls Industrial Park. The Columbia Falls Industrial Park is made up of two zoning classifications currently, CI-1(Light Industrial) and CI-2 (Heavy Industrial). The applicant requests the amendment to expand the CI-2 (Heavy Industrial) zoning by 26 acres replacing a portion of the Light Industrial Zoning. The expansion would occur north of the existing Heavy Industrial zoning designation. The property is located at 555 4th Avenue EN.

**PUBLIC
HEARINGS -
Request for a Zone
Change at the
Industrial Park**

City Planner Eric Mulcahy presented Staff Report CZC-15-01 regarding a request to amend the zoning classification from CI-1 Light Industrial to CI-2

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Heavy industrial within the Columbia Falls Zoning Jurisdiction known as the Columbia Falls Industrial Park. The request encompasses approximately 26 acres that would change from light industrial to heavy industrial. Mulcahy reviewed the request pursuant to the criteria set forth in Section 76-2-304, M.C.A. Mulcahy said the Planning Board passed the request with a 5-2 vote at the June 9, 2015 meeting.

**Public Hearing-
Request for a Zone
Change
Continued**

Councilman Fisher inquired about the updated Growth Policy in 2013, asking if this area was to be Heavy Industrial from the 2008 Growth Policy. Mulcahy said that is correct the Growth Policy went through about 6 months of review; noting there were no proposed map amendments during the last review. The entire Industrial Park is marked as heavy industrial in the Growth Policy.

Mayor Barnhart recused himself from the hearing process due to being a tenant in the Columbia Falls Industrial Park. Mayor Barnhart said he would not comment or vote on the hearing but would still conduct the hearing. Mayor Barnhart asked the applicant's representative to present to the Council.

Ryan Mitchell, with RPA, said when they look at a project for a client, they look at the Growth Policy then the zoning. In this case the area is Zoned Heavy Industrial and Light Industrial and the Growth Policy designates the entire area as Heavy Industrial. They also look at access and this property has good access. After the layout of the road we look at what could be there and that is how they determine the master plan for the usage of the property.

Mayor Barnhart opened the public hearing at 7:20 p.m.

Alison Chopp, 120 Harrison Court, said she is not in favor of the zone change. Ms. Chopp said there is no date or speculation of numbers on how many jobs will be available or information of pay or skills required. Ms. Chopp feels the language in the Growth Policy is poorly written, there are too many should have's, should be's or maybe's throughout. There is no backbone in the Growth Policy. Ms. Chopp said she went door to door to see if her neighbors knew about the zone change and they did not know. Ms. Chopp believes the letters only sent out to those living 150 feet away is ridiculously close and thinks letters should have reached more property owners in the area. This is happening too fast, and Ms. Chopp asks the Council to let the public have more time. Ms. Chopp said her home is worth more than fair market value and fears that the value will drop with a zone change. Ms. Chopp said this is shocking to her with the media and public not knowing what is going on, and does not agree with it.

Shawn Bartholomew, 110 Harrison Court, said he just found out yesterday what was going on with the zone change. Mr. Bartholomew said his focus would be on the EPA designated wetlands with the new zone change along

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with concern of possible water contamination. There is endangered species in the area. Why do they need all of it Heavy Industrial? Mr. Bartholomew said fracking comes to mind. Mr. Bartholomew believes the property value will decrease in Heavy Industrial area and there may also be annexation possibilities. This could have a negative effect on residents in the area. Mr. Bartholomew said the timeline and the lack of people knowing of the zone change were happening too soon.

Melisa Sladek, 107 Connie Lou Lane, said she went around the neighborhood to notify people about the zone change. She said they feel that an extension is needed for the Public Hearing. There have been statements from the City referring to it as just a zone change. Ms. Sladek believes this is just step 1 and step 2 is to rezone the entire area. The definition of Light Industrial and Heavy Industrial is this really necessary. The Light Industry is fine; the question is if the City wants the taxes why they can't get businesses to come in under Light Industry. Why was professional development not considered in the growth plan? What percentage of Heavy Industrial do we have in the City now? This is the historic part of Columbia Falls that they want to make Heavy Industrial. On the home page of the Chamber of Commerce reads "Not only is Columbia Falls The Gateway to Glacier National Park, it is the pathway to a rustic and scenic alternative route to Glacier National Park at Camas Creek Park Entrance. County Road 486, also called the North Fork Road, follows along the North Fork of the Flathead River." Ms. Sladek believes this is not just a zone change this is the future of Columbia Falls.

Scott Bye, owner of Columbia Construction, Inc. Mr. Bye said he runs his Construction business out of the Industrial Park. Mr. Bye said he has over 27 employees and they make more than \$9.00 per hour. His business is competitive with businesses across the U.S. They are proud to located be in a City that supports the Heavy Industry. Mr. Bye said he lives in an apartment in the area as well. Mr. Bye said he is in support the zone change from Light Industry to Heavy Industry for the Industrial Park.

Casey Malmquist, SmartLam, said they are not trying to pull anything here and the first step is a zone change. There were notices in the paper and as far as he knew all the requirements had been met thus far. Mr. Malmquist said nothing is going to happen that the public is not aware of. Mr. Malmquist said on the SmartLam side there are two things that create noise the chain on the dust collector and the beeping of the forklifts and these issues will be addressed. Malmquist said they are creating 250 indirect jobs for engineers, designers and laborers. There will be a complete well developed plan, as well as buffering and landscaping. Malmquist said they want to work with the community for a positive for the City of Columbia Falls.

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Mike Sands, Columbia Heights, said he has been through this process a few times. The people are concerned about dirt roads, these people are not stupid they are trying to make something nice and have good jobs for locals. Mr. Sands said he has had to work out of town because there were no jobs available in the area, and his kids live away because of the lack of jobs. Mr. Sands said if you think living next to a saw mill is a pleasure it is not, but it has employed a lot of people in Columbia Falls along with CFAC. Mr. Sands said he hopes the zone change is approved and that new companies come in. This community has done a pretty good job so far and believes we should give the Council a chance to make the right decision.

Craig Grace, Kalispell, said he works in the heavy industry and has made his living in Columbia Falls. The new owners of the Industrial Park will have to comply with all of the City Zoning, DEQ and EPA regulations. Mr. Grace believes this is a time to make a change and is in favor of the zone change.

Rich Sorenson, 520 2nd Ave West, Columbia Falls, is opposed of the zone change as there are many concerns that need to be addressed. Mr. Sorenson said there are people that live in the area and there are established properties. Mr. Sorenson said he understands the potential for jobs, but also recognizes the concerns of the residents.

Mayor Barnhart closed public hearing at 8:14 p.m.

Councilman Plevel said it appears to her that the rezone would be good for the job industry and the location was already zoned Light and Heavy Industrial. They are not changing the zoning next to Connie Lou Lane as it is already zoned Light Industrial.

Councilman Karper asked about the possibility of access. Mulcahy said there is access just across the viaduct and 4th Ave NW and would be reviewed when they propose to subdivide the property.

City Planner Mulcahy said the Growth Policy is a goal and policy; a document of where we want to go for the City. For example in 2005 the city went through a text amendment on the industrial buffer requirements. The zoning is full of regulations and the designated wetlands cannot be filled or crossed.

Councilman Shepard made motion to approve staff report CZC-15-01 as findings of fact, second by Councilman Plevel with Council voting as follows. YES: Shepard, Fisher, Karper, Petersen and Plevel. NOES: None ABSENT: Lovering. ABSTAINED: Mayor Barnhart.

Councilman Shepard motioned to approve the request to amend the zoning district map on a portion of property in the Columbia Falls Industrial Park from Light Industry to Heavy Industry and direct City Manager and City

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Attorney to draft documents for next regular council meeting as needed, second by Councilman Fisher with Council voting as follows. YES: Fisher, Karper, Petersen, Plevel and Shepard. NOES: None. ABSENT: Lovering ABSTAINED: Mayor Barnhart.

Mayor Barnhart suggested a 10 minute recess.

B. NOTICE OF HEARING - July 6, 2015 Alley Abandonment:

NOTICE IS HEREBY GIVEN to all persons that a petition has been filed with the City Council of the City of Columbia Falls, Montana, requesting the abandonment, discontinuance and vacating of certain public way in the City of Columbia Falls, Montana, more particularly described as follows:

The alley in Block 65 between 9th ST West and the abandoned 10 ST West and the alley in Block 72 between the abandoned 10 ST West and 11th ST West roadway. Abandonment of the alley will enhance public safety and will eliminate any potential property disputes. The abandonment will be subject to the rights of the City or any other public utility to access, operate and maintain any public utilities currently located within the alley.

The City Council of Columbia Falls is scheduled to act on said petition at the regular meeting of the City Council at 7:00 p.m., on July 6, 2015 in the Council Chambers, 130 6th Street West, Columbia Falls, Montana, at which time and place all persons desiring to be heard on said matter may appear and offer comments on the proposed abandonment. Written comments may be addressed to the City Clerk, 130 6th Street West, Room A, Columbia Falls, Montana 59912 prior to the July 6, 2015 hearing.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

None.

ORDINANCES/RESOLUTIONS:

A. Resolution # 1698 - A Resolution of the City Council of the City of Columbia Falls, Montana, Designating Heritage Days 2015 as an Official Activity of the City of Columbia Falls and Designating Persons Responsible for Planning the Events of Heritage Days 2015.

City Manager Nicosia recognized the volunteers of the Heritage Day's

**NOTICE OF
PUBLIC HEARING-
Alley Abandonment**

**UNFINISHED
BUSINES**

NEW BUSINESS

**RESOLUTION
#1698 Heritage Days
2015**

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Committee. Shirley Reynolds, Anna Stene, Chandra Reynolds, Carol Pike, Julie Weber and Vickie Ott.

Councilman Shepard motioned to approve Resolution #1698, second by Councilman Karper with council voting as follows: YES: Karper, Petersen, Plevel, Shepard, Fisher and Barnhart. NOES: None. ABSENT: Lovering.

VISITOR/PUBLIC COMMENT

Gordon Barthel, 315 6th Street W, said he was here to make a complaint on Police Chief Perry as a liability risk to the City. He has brought it to City Manager Nicosia's attention as well. Mr. Barthel said he wants a Chief that is able to lead his officers; Chief Perry is unfit and unqualified. Mr. Barthel said he took one week to visit with citizens about complaints on Chief Perry. A woman told me she complained to Perry and it was handled by the Sheriff's Department. Chief is appeasing the City Manager and not the City Council. The public also brought to his attention that a complaint had been made and understands there was an investigation by a man from Missoula to which the Chief was suspended for 3 days. This should have been public information, there was a complaint made on the Chief of Police and the public has a right to know. Barthel said he asked Nicosia about it and she said she could not release records from an employee personnel file. Mr. Barthel said he is asking the council to relieve Chief Perry from his duties and remove his badge. The City has always had a working Chief.

**VISITOR/PUBLIC
COMMENT**

Karl Sorenson, 210 3rd Ave West, said he read the letter to the editor about Chief Perry and took it upon himself to talk to people in town to get their thoughts. Out of 55 people he talked to, 52 people signed the paper in support of Chief Perry and thought he does a good job for the City. Mr. Sorenson said Chief Perry is friendly and will bring you into his office to discuss concerns; Chief Perry doesn't act like a big shot. Before our current Chief, the City had a revolving door of Police Chiefs. The City of Columbia Falls was recently voted the 3rd safest city in the state that has to count for something.

REPORTS/BUSINESS FROM MAYOR & COUNCIL:

Councilman Plevel said there is a Parks Committee meeting tomorrow at 5:00 p.m.

Councilman Shepard said he wanted City Manager Nicosia to have a look at the equipment sitting on the railroad tracks.

Councilman Petersen said he attended the Community Market and it is a nice social event, it is nice to see the younger crowd. Councilman Karper said he also attended the Farmer's Market and agrees with Councilman Petersen.

Mayor Barnhart said he liked the statement made on the Chamber of Commerce website. Mayor Barnhart said the CFAC Liaison meeting was well

**REPORTS FROM
MAYOR AND
COUNCIL**

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attended last week and was overall a good meeting. Roux Associates was hired by the plant to put a plan together, the next piece is to get a consent order in place. Mayor reported 39 people are working at the plant now and there is talk about an auction in July. Fire Chief Hagen said he received about \$20,000 worth of tools and misc. items. July 9th is the next CFAC Liaison meeting and visitors are welcome to attend and make comments. Mayor said there are two new members, one from the EPA and the other from Fish, Wildlife and Parks.

REPORTS/BUSINESS FROM CITY ATTORNEY:

None.

**REPORT FROM
CITY ATTORNEY**

CITY MANAGER:

Nicosia reported the Pool opening today.

There was an Innovation award from the Mountain Plains NAHRO for the Habitat for Humanity 5th Street homes subdivision.

CFAC has donated an oar truck and tapping crucible to the City along with some photographs of the plant.

We are moving along with our lighting projects. The estimated cost to install lighting at the intersection of Hwy 2 and 3rd Ave East is \$1010. Nicosia said she has written to the three owners to see if they are favorable to being part of the lighting district. When you drive through Scenic View there is not one street light, the cost to install them would be \$26,683 plus the cost of the light bases. We will hold a public meeting with that neighborhood, about 40 houses, to gauge their interest. Nicosia reported we are about two and a half weeks behind on the water projects.

Nicosia said we sent out the easements and the owners of 1312 3rd Ave West said they will sign if the city waives the hookup fees and pays for the cost of their connection.

**CITY MANAGER
REPORT**

A. INFORMATIONAL CORRESPONDENCE - List available for Review

ADJOURN: Upon motion duly made by Councilman Plevel and seconded by Councilman Fisher the meeting adjourned at 9:03 p.m.

ADJOURN

Mayor

ATTEST:

City Clerk

APPROVED BY COUNCIL ACTION: July 6, 2015