

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD JUNE 4, 2012**

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: Bates, Fisher, Karper, Petersen, Plevel, and Shepard

ABSENT: None

ROLL CALL

Also present were City Manager Nicosia, City Clerk/Treasurer Watkins, City Attorney Breck, Fire Chief Hagen, and Police Chief Perry.

Pledge of Allegiance

PLEDGE

APPROVAL OF AGENDA:

Mayor Barnhart requested a motion to approve the agenda. Councilman Plevel moved to approve the agenda. Second by Councilman Petersen and the motion carried unanimously.

**AGENDA
APPROVAL**

CONSENT AGENDA:

Councilman Shepard moved to approve the consent agenda as listed, noting the finance committee reviewed claims and found no exceptions, second by Councilman Bates. Motion carried with Council voting as follows: YES: Bates, Fisher, Karper, Petersen, Plevel, Shepard, Barnhart NOES: None. ABSENT: None.

**CONSENT
AGENDA
APPROVAL**

- A. Approval of Claims \$70,612.64 - June 4, 2012
- B. Approval of Payroll Claims \$56,975.95 - May 25, 2012
- C. Approval of Payroll Claim - Severance Pay - \$135.15 - May 30, 2012
- D. Approval of Regular Meeting Minutes - May 21, 2012
- E. Approval of Montana Department of Natural Resources and Conservation Grant (UCF-12-108) Budget Amendment and authorize the City Manager to sign.
- F. Approval of the Safe Routes to School, Non-Infrastructure Contract, CFDA #20.205 and authorize the City Manager to sign.
- G. Approval to issue payment for the Sewer and Water Truck, upon receipt and delivery of the vehicle in the amount of \$324,865.
- H. Approval of agreement between the City of Columbia Falls and Bruce Phillips representing "Montana Bike Ride" for the disposal of waste water and authorize the City Manager to sign.
- I. Approval of Memorandum of Understanding with Flathead County EMS and authorize the City Manager to sign.
- J. Approval of the 2012 Columbia Falls Swim Team facility use agreement and authorize the City Manager to sign.

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VISITORS/PUBLIC COMMENTS

None

RECOGNITIONS:

Mayor and Council recognized Mr. John Gillespie, an employee with the Parks Department, for his 15 years of service. Mr. Gillespie will be given a 15 year service pin and a \$150.00 stipend on the June 8, 2012 payroll. Mayor and Council requested the City Manager to express their gratitude to Mr. Gillespie for his years of service to the City.

PUBLIC HEARINGS/NOTICES:

A. Public Hearing – Conditional Use Permit – Lawrence and Diane Kraft to construct a caretaker’s residence in association with and located east of the existing mini-storage business. The caretaker’s unit will consist of a garage with a one-bedroom unit. The property is located at 342 4th Street WN and is further described as Lot 1 of the Columbia View Industrial Park in Section 8, Township 30 North, Range 20 West, P.M.M, Flathead County. City Contract Planner Eric Mulcahy presented staff report CCU-12-01 noting the only person who spoke on behalf of the permit at the Planning Board hearing was Mr. Kraft. Mr. Mulcahy advised that there were no objections noted, and the Planning Board recommended approval with one amendment to the findings and conditions. Item #14 was removed which requires a vegetative buffer be installed along the shared property line or right of way.

**Public Hearing
CCU-12-01, Findings
of Fact and
Conditional Use
Permit - Kraft**

City Manager Nicosia advised that there was no written testimony. At this time Mayor Barnhart opened the public hearing. Larry Kraft, the requester of the permit was present and spoke to the Council noting the residence would be on the ground floor and not on the second floor. Mr. Kraft advised that he will be able to provide better service and security to his customers.

There being no further public comment Mayor Barnhart closed the public hearing. At this time a motion was made by Councilman Karper to accept and approve staff report CCU-12-01 as findings of fact. The motion was seconded by Councilman Plevel. Motion carried with Council voting as follows: YES: Fisher, Karper, Petersen, Plevel, Shepard, Bates, Barnhart NOES: None. ABSENT: None.

Councilman Bates moved to approve the conditional use permit. The motion was seconded by Councilman Fisher. Motion carried with Council voting as follows: YES: Karper, Petersen, Plevel, Shepard, Bates, Fisher, Barnhart NOES: None. ABSENT: None. Mayor Barnhart requested City

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Staff prepare the necessary Resolution for the next council meeting.

B. Public Hearing - Zoning Regulations Text Amendment - A request by the City of Columbia Falls to amend the text of the Columbia Falls Zoning Regulations (Title 18 of the Columbia Falls Municipal Code).

**Public Hearing
Text amendment
Title 18**

City Contract Planner Eric Mulcahy presented staff report CZTA-12-01 - Vacation Rentals. Mr. Mulcahy provided a short recap on the reasons for the review. After considering input from the public, the Planning Board is recommending an "Administrative Conditional Use Permit" which will consist of an administrative process with an established set of performance criteria. If the criteria are met then the City Manager or City Contract Planner will issue a permit. The administrative process would include notifying neighbors and allowing written or verbal comments before a permit is approved and issued. If the request is denied then the request could be submitted to the City Council for review. Mr. Mulcahy advised that this item was taken to the Planning Board last month and there was a lot of discussion with the Planning Board recommending it to Council on a 5 to 1 vote.

Councilman Petersen advised that he believes this is a reasonable way to go and it can be readdressed if it gets out of hand.

Councilman Shepard advised that he was surprised at the detail of the Health Department regulations required if you want to rent your house.

Mayor Barnhart questioned if this applies to VRBO's that are already established. Mr. Mulcahy advised that if they were established prior to this action then they are okay unless council decides to make this retroactive. Mayor Barnhart asked how we will monitor Health Department permitting. City Manager Nicosia advised that in most cases it will be complaint driven.

Councilman Plevel asked for clarification regarding whether or not it would be retroactively applied. Mr. Mulcahy and City Manager Nicosia advised that it would not be retroactive, however if something pertaining to the rental property changed then a review would be necessary.

City Manager Nicosia advised that this is the first hearing then Council would have two readings of ordinance before approved, which would likely not be until mid-summer.

Mayor Barnhart announced the public hearing was now open and asked if there were any public comments. There were none. City Manager Nicosia advised that the written testimony received was attached to the staff report.

At this time Councilman Bates moved to accept and approve staff report, CCZT-12-01 - Vacation Rentals as findings of fact. The motion was seconded by Councilman Shepard. Motion carried with Council voting as follows: Petersen, Plevel, Shepard, Bates, Fisher, Karper, Barnhart NOES: None. ABSENT: None.

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Councilman Fisher moved to approve the text amendments. The motion was seconded by Councilman Plevel. Motion carried with Council voting as follows: Plevel, Shepard, Bates, Fisher, Karper, Petersen, Barnhart NOES: None. ABSENT: None. Mayor Barnhart directed City staff to prepare the necessary Ordinance for reading at the next Council meeting.

C. Notice of Public Hearing - July 2, 2012 - Columbia Falls Zoning Regulations - Title 18 (Zoning Text Amendment) 18.424 Fences and related provisions to increase the height of fences in the front yard from three feet to four feet. In addition, the City will implement a fence permit to help the public understand the fence provisions of the zoning ordinance and reduce future conflict when fences are inadvertently place in public right-of-ways.

Notice of Public Hearing -18.424 Fences

At this time Mayor Barnhart provided notice of the public hearing date, time and location.

D. Notice of Public Hearing - June 18, 2012 - The City of Columbia Falls, shall conduct the public hearing for the purpose of adopting changes to the Columbia Falls Municipal Code, Title 10 Vehicles and Traffic, pertaining to the use of handheld electronic communication devices while operating a motor vehicle, including wireless or cellular phones, personal digital assistances (PDA's), blackberries, smartphones, laptop and notebook computers utilizing VOIP (voice over internet protocol) technology, wireless and cellular phones utilizing push to talk technology, GPS systems, navigational systems, and any other mobile communication devices and transmittals to permit wireless communication to and from the user of the device. City Council is proposing to add text changes to Title 10, specifically 10.80 Handheld Electronic Communication Device to Municipal Code as identified by City staff or Council

Notice of Public Hearing - Handheld Communication Devices

At this time Mayor Barnhart provided notice of the public hearing date, time and location.

City Manager Nicosia advised that City staff has been researching and considering this item for quite some time. Based upon information gathered over the past few months both across the State and the Nation, City Manager Nicosia advised that it is now time to hold a public hearing on the matter.

ORDINANCE AND RESOLUTIONS

A. Ordinance 731 - Title 18 Zoning Text Amendment addressing the calculation of allowed square footage of signage in Title 18.438.040. Second Reading.

**ORDINANCES
RESOLUTIONS**

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City Manager Nicosia recommended Council approve the second reading of Ordinance 731. At this time, Mayor Barnhart asked if there was any council discussion on the item. There being no discussion, Councilman Bates moved to approve the second reading of Ordinance 731. The motion was seconded by Councilman Karper. Motion carried with Council voting as follows: Shepard, Bates, Fisher, Karper, Petersen, Plevel, Barnhart
NOES: None. ABSENT: None.

**Ordinance 731 -
18.438.040 Signage
Square Footage**

B. Resolution 1628 - Resolution Designating Heritage Days as an official activity of the City of Columbia Falls and designating persons responsible for planning the events of Heritage Days 2012.

**Resolution 1628
Heritage Days**

City Manager Nicosia recommended approval of the annual Heritage Days resolution. Councilman Karper moved to approve Resolution 1628 as presented and recommended by the City Manager. The motion was seconded by Councilman Bates. Motion carried with Council voting as follows: Bates, Fisher, Karper, Petersen, Plevel, Shepard, Barnhart
NOES: None. ABSENT: None.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

REPORTS/BUSINESS FROM MAYOR & COUNCIL:

Councilman Shepard advised that the job description/advertisement for the 911 Center Director is being sent out to various professional journals.

**MAYOR AND
COUNCIL**

Mayor Barnhart asked if the City was working on procuring roof repairs for the Fire Hall as there is a pretty significant roof leak that has left quite a bit of water at various times in the hallway. City Manager Nicosia advised that she will check with the Public Works Director and see what the status is. Mayor Barnhart noted that he was hoping Council would have citizens attend the meeting this evening and provide input on vacation rentals.

Mayor Barnhart asked that each Council member consider the following statement and provide input at the next Council meeting. "Please share one thing that can or could be done to make Columbia Falls a better town".

REPORTS/BUSINESS FROM CITY ATTORNEY:

There was no report from the City Attorney.

PROJECT UPDATE

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REPORTS/BUSINESS FROM CITY MANAGER:

City Manager Nicosia advised that the Police Department will move in the newly remodeled area on June 5th. **PROJECT UPDATE**

City Manager Nicosia also advised that she and the Public Works Director will meet with Dr. Buffington on Wednesday to review parking lot and alley options and will present information concerning the same on June 18th. City Manager Nicosia advised that a request to abandon the alley as a public right of way will be coming from Dr. Buffington and the City. City Manager Nicosia advised that the City hopes to obtain more improve and gain more public parking area.

City Manager Nicosia also advised that the finance staff will be working an alternative schedule from June 11th until August 17th with the office hours being 7:30 a.m. to 5:30 p.m. Two deputies will work ten hour days, one Monday through Thursday and the other Tuesday through Friday. This will provide better service to those seeking building permits and also help with swimming pool cash receipting. City Manager Nicosia advised that no overtime will occur and the City will advertise the new business hours on the website.

City Manager Nicosia advised that the City has received a request to host a prescription drug drop off box similar to that of the Flathead County Justice Center. City Manager Nicosia advised that the City could put a mail type box on the store room door along with signage within the visible line of the security cameras. City Manager Nicosia advised that the Drug Task Force picks up the contents on a periodic basis and that a grant would pay for the system and signage. City Manager Nicosia advised that the City of Columbia Falls is the last to implement this as both Whitefish and Kalispell offer this service.

City Manager Nicosia asked council is they would like to change the July 2nd meeting to another time given the timing of the 4th of July holiday. City Manager Nicosia proposed that Council add a June 25th preliminary budget workshop. City Manager Nicosia advised that the City does not receive the certified tax value until the first Friday in August and during the month of July public hearings can be held until adoption in August and/or no later than 45 days from receiving the taxable value certification. In recent years it has been September before the final budget is approved. City Manager Nicosia advised that the budget meeting on the 25th of June would include discussion on priorities, community services, streets, and parks. At this time the consensus of Council was to cancel the July 2, 2012 meeting, to re-advertise the hearing that was schedule for this day and to hold a June 25, 2012 preliminary budget meeting.

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City Manager Nicosia reminded Council of the High Water Mark Ceremony on Thursday, June 7th at 1:00 p.m., at the end of Nucleus and also advised that the new bike path is being used extensively.

MISCELLANEOUS:

- A. INFORMATIONAL CORRESPONDENCE is available for review for thirty days in the City Clerk/Treasurer's office.
- B. Staff Reports:
 - a. Monthly Financial Report - May

**MISC
CORRESPON-
DENCE**

ADJOURN:

Upon motion duly made by Councilman Karper and seconded by Councilman Bates, the meeting adjourned at 8:21 p.m.

ADJOURN

Mayor

ATTEST:

City Clerk

APPROVED BY COUNCIL ACTION: June 18, 2012