

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD MAY 21, 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, Karper, Petersen, Plevel, and Shepard

ABSENT: Fisher

ROLL CALL

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

Pledge of Allegiance

PLEDGE

APPROVAL OF AGENDA:

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

**AGENDA
APPROVAL**

CONSENT AGENDA:

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

**CONSENT
AGENDA
APPROVAL**

A. Approval of Claims \$184,193.45 - May 21, 2012

B. Approval of Payroll Claims \$77,555.49 - May 11, 2012

C. Approval of Regular Meeting Minutes - May 7, 2012

VISITORS/PUBLIC COMMENTS

There were no visitor or public comments.

PUBLIC HEARINGS/NOTICES:

A. Notice of Public Hearing - Mayor Barnhart read the notice of hearing: June 4, 2012 - Conditional Use Permit - Lawrence and Diane Kraft to construct a caretakers residence in association with and located east of the existing mini-storage business. The caretakers unit will consist of a garage with a one-bedroom unit; and Text Amendment - Vacation Rentals. 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.

**Notice of Hearing -
June 4, 2012 CUP -
Kraft and Text
Amendment -
Vacation Rentals**

B. Notice of Public Hearing - Mayor Barnhart read the notice of hearing:

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June 4, 2012 - 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). This is a continuation of certain items presented at the March Planning Board meeting. Specifically the amendment addresses the absence of provision regarding vacation rentals in the residential, suburban agricultural and agricultural zoning categories. The Planning Board will consider making vacation rentals and Administrative Conditional Use within the residential, suburban residential, and agricultural zones and establish some performance standards for the use.

**Notice of Hearing
June 4, 2012
Text amendment
Title 18.438.040**

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. First Reading.

**ORDINANCES
RESOLUTIONS**

City Manager Nicosia presented the first reading of Ordinance 731 for approval and advised that the amended text language was approved by the Planning Board on April 10th and the City Council on May 7th.

**Ordinance 731 -
18.438.040 Signage
Square Footage**

Councilman Bates moved to approve the first reading of Ordinance 731 as presented and recommended by the City Manager. The motion was seconded by Councilman Shepard and the motion carried unanimously.

B. Resolution 1627 - Resolution Designating City Court as a Court of Record.

**Resolution 1627 City
Court/Court of
Record**

Mayor Barnhart asked if anyone wished to address council on this matter. At this time City Judge Tina Gordon presented information for Council.

At this time Mayor Barnhart asked if there were any questions from council. Councilman Shepard asked if the six month court response time applied to both courts of record and courts of limited jurisdiction. City Manager Nicosia responded that the six month rule applies to both courts of record and courts of limited jurisdiction.

Mayor Barnhart advised that changing to a court of record makes sense as it eliminates redundancy as there are some attorneys who appeal all cases.

City Manager Nicosia advised that it also pertains to bench trials as well as jury trials. Judge Gordon advised that some attorneys ask for bench trials as they already have their appeals ready.

Councilman Plevel for clarification purposes asked what the reason was

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for changing to a court of record. City Judge Gordon advised that the reason for a court of record is the recording of the trial is passed on to the next level with only the points of law and how the Judge addressed the points of law being subject to review. Judge Gordon advised that under the current system, someone can get a whole new trial and a whole new jury, as though the first trial did not happen.

City Manager Nicosia advised that Senate Bill 41 authorizing a court of record by resolution passed in both the House and Senate by a margin of 91-8 and 49-0, respectively. City Manager Nicosia advised that she and City Attorney Breck have reviewed the system as well as the League of Cities and Towns with unanimous support. City Manager Nicosia advised that this simply reduces the number of appeals. With regard to budgetary considerations and any potential cost impact from the court of record system, City Manager Nicosia advised that the City Court will go through the same budgetary process as all other departments.

There being no further discussion, Councilman Karper moved to approve Resolution 1627 as presented and recommended by the City Manager. The motion was seconded by Councilman Plevel with Council voting as follows: YES: Bates, Karper, Petersen, Plevel, Shepard, Barnhart NOES: None. ABSENT: Fisher.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

REPORTS/BUSINESS FROM MAYOR & COUNCIL:

Councilman Shepard advised that the 911 board was re-organized and Councilman Shepard will be co-chair. Councilman Shepard advised that there are reportedly 6,000 illegal septic systems in the county that do not have permits based on the final Wastewater Study report.

**MAYOR AND
COUNCIL**

Councilman Plevel advised that she may be absent on June 4th, and would like to submit her testimony pertaining to vacation rentals from the Planning Board hearing to Council for their consideration.

Mayor Barnhart advised that the National Fire Academy class was well attended and included 20 hours of training at our facility. Mayor Barnhart advised that it was a great program and an excellent learning experience.

Mayor Barnhart asked if the City has considered cell phone usage while operating a motor vehicle in the city limits. City Manager Nicosia advised

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that it has been considered by City Staff and that enforcement becomes a problem. Police Chief Perry advised that he believes it may be considered state wide during the 2013 legislature. Councilman Bates asked if an ordinance would help the legal position of the City and that maybe the City should not wait for the legislature to act on this.

City Manager Nicosia advised that she would bring it forward for discussion as there is general consensus that it is a public safety issue.

Councilman Plevel asked if the City has heard anything from the Montana Department of Transportation about the Nucleus Avenue crosswalk. City Manager Nicosia advised that the City is pursuing the safe routes to schools money but did not receive infrastructure funding from the State. City Manager Nicosia advised that the City can make Nucleus safe for crossing.

REPORTS/BUSINESS FROM CITY ATTORNEY:

There was no report from the City Attorney.

PROJECT UPDATE

REPORTS/BUSINESS FROM CITY MANAGER:

City Manager Nicosia advised that the police department remodel is just about complete and that the City is waiting for hardware for the doors. A public walk through has been schedule for Tuesday May 29th from 10:00 a.m. to 2:00 p.m.

PROJECT UPDATE

City Manager Nicosia also advised that the 3rd Avenue East bike path is complete and being used.

In addition to the above City Manager Nicosia advised that she will be bringing an Ordinance change to the fence height as the current as there are a number of fences in the city limits that are above 3' and the standard minimum height for a fence is 4'. City Manager Nicosia advised that there are a few issues right now with fences in the right of way and in one case by 13 feet and suggested that the City may want to institute a fence permit so home owners have to check with us.

City Manager Nicosia advised that she is still working on the abandonment of the alley and upgrade of the parking lot, and configuration of parking spaces. She hopes to have more information to council within the next month.

City Manager Nicosia also briefly addressed a fence problem near Hilltop and noted that a variance may have to be granted and some additional trees planted.

Mayor Barnhart complimented the City Manager on the newsletter and

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website improvements.

MISCELLANEOUS:

- A. INFORMATIONAL CORRESPONDENCE is available for review for thirty days in the City Clerk/Treasurer's office.
- B. Staff Reports:
 - a. Public Works – Annual Drinking Water Report

**MISC
CORRESPON-
DENCE**

ADJOURN:

Upon motion duly made and seconded the meeting adjourned at 7:55 p.m. p.m.

ADJOURN

Mayor

ATTEST:

City Clerk

APPROVED BY COUNCIL ACTION: June 4, 2012