

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD FEBRUARY 17, 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: Petersen, Shepard, Karper, Fisher and Lovering

ABSENT: Plevel

ROLL CALL

Also present were City Manager Nicosia, City Clerk Staland, City Attorney Breck and Police Chief Perry.

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**

VISITORS/PUBLIC COMMENTS

None

**VISITOR/PUBLIC
COMMENTS**

CONSENT AGENDA

Councilman Shepard moved to approve the consent agenda noting that all claims appeared to be in order however a few court claims will need Judge Gordon's signature, second by Councilman Petersen and the motion carried unanimously.

**CONSENT
AGENDA
APPROVAL**

- A. Approval of Claims \$ 93,218.96 - February 17, 2015
- B. Approval of Payroll Claims - \$ 82,677.13 - February 13, 2015
- C. Approval of Regular Meeting Minutes - February 2, 2015

PUBLIC HEARINGS/NOTICES:

A. Public Hearing - Text Amendment Title 6.08 and Title 18.434:

Mayor Barnhart read the notice of public hearing: The City Council is proposing revising Municipal Code Title 6.08 Livestock and Title 18.434 Fowl and livestock to eliminate the confusion and contradiction between the two titles and to provide for allowing certain animals within the Planning/Zoning jurisdiction as a conditional use.

**PUBLIC
HEARINGS
Title 6.08 and Title
18.434**

City Manager Nicosia presented staff report CZTA-15-01 on Title 18.434 change and memo on Title 6.08 change.

Councilman Petersen asked Nicosia if F-#4 meant all structures associated with horses would have to be in the rear or side of the 2 acre parcel and if it would limit where the house can be. Nicosia replied we are saying associated structures are in the rear or side yard, however does not include the horses.

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Petersen noted that they may be too restrictive depending on the lot layout. Nicosia recommended amending F-#4 address Council concerns. Councilman Fisher said he agreed with Petersen but believes Nicosia is saying each request would be addressed through a Conditional Use Permit. Nicosia said yes, that is correct.

Mayor Barnhart opened the public hearing at 7:17 p.m.

Logan Nolan, 20 Diane Road: Spoke in favor of the text amendment, noting that the amendment request was partially due to his interest in a 6 acre parcel of land within the City limits. Stated he would like to address a concern from the Planning Board meeting. Mr. Nolan said some residents were concerned with over grazing of the land. Nolan said you can split up pastures and move the horses from pasture to pasture to minimize overgrazing. Nolan said he would dispose of manure as needed.

Scott Nolan, 1734 Talbot Road: Reported that his property would be the closest neighbor to his son's, Logan Nolan, potential property. Scott Nolan said it would be nice to see a couple horses instead of weeds and believes it would be a nice addition to Columbia Falls.

Barbara Crawford, 1908 Riverwood Lane: Asked if any of the Council has smelled horse manure before, and states the 20 foot setback is not that far off the property line. Ms. Crawford said she lives in town for a reason and believes the place for horses is out of the city limits. Horses were not allowed in City since 1948. Mr. Nolan has 3 horses and is planning to buy 6 acres with one house, therefore they could have 10 horses. Crawford said she believes the flies will be bothersome. Crawford said there is a skunk in the neighborhood now and is concerned it may be drawn to grain for the horses. Crawford said she is concerned that the value may go down on her property and questions who would want to buy a house with horse's right next door. Crawford said she does not understand why we are even discussing this. Crawford said she does not want to live next to horses, pigs or cows.

Mayor Barnhart closed the public hearing at 7:24 p.m.

City Manager Nicosia advised Mayor and Council that the City did receive an email from Linda Thompson and phone calls from Debbie Evans, 1206 2nd Avenue W., and Ed Weekly, 1340 11th Street W., in favor of horses in the City limits.

Councilman Shepard said the way he interprets #4 was that the structures must be in the rear or side yards. Nicosia said she and City Attorney Breck have come up with an amendment for #4 to address council concerns. Nicosia recommended adding at the end of #4: "unless otherwise approved by the

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Planning Board and City Council in the Conditional Use Permit process.”

Mayor Barnhart questioned the valuation of property not being affected and is not certain that is correct. Asked if it would it affect the value of neighboring properties? Councilman Karper said his property would be next to the horses and does not think it would affect the value of his property. Karper added there used to be horses next to his property in the past. Karper said this is an overall policy and he does not have a problem with it as each applicant would have to go through the CUP process. Karper said this is the appropriate way to handle this and does not have a problem with it.

Councilman Shepard said there were places near the Bark Plant that said they could not sell their property due to the proximity of the Plant, concerned with perception of affecting the value of property.

Councilman Fisher said it would be site specific to each property; some people may like the horses out the back door. Fisher said the CUP specifies on waste specific plan and if addressed adequately would not be an issue.

Councilman Lovering asked once a CUP is issued, how is it monitored or taken away if the property owner is not in compliance with the conditions. Mayor Barnhart said it is complaint driven. Nicosia said the Decay Ordinance would also come into play.

Mayor Barnhart believes there will be limited property owner’s coming forward with this request. Karper noted that the City may receive more requests if we annex toward North Hilltop. Karper said in 1948 the City lots were small and did not include large acreage tracts; these large tracts have been annexed in the early 2000’s.

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

Mayor Barnhart noted that approval of the text amendment would be considered under Ordinances.

ORDINANCES/RESOLUTIONS:

A. SECOND AND FINAL READING – Ordinance #748 – An Ordinance of the City of Columbia Falls, Montana Amending Chapter 8.28.030 Uniform Fire Code of the Columbia Falls Municipal Code.

**ORDINANCE #748
Fire Code**

City Manager Nicosia said she and Fire Chief Hagen have struck the word Uniform from the title and text to avoid confusion with NFPA 1 Uniform Fire Code, as noted at the first reading.

Councilman Fisher made motion to approve second reading of Ordinance #748, second by Councilman Petersen. Motion carried with Council voting as

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follows. YES: Shepard, Fisher, Karper, Lovering, Petersen and Barnhart.
NOES: None. ABSENT: Plevel.

B. FIRST READING - Ordinance #749 - An Ordinance of the City of Columbia Falls, Montana, Amending Chapter 6.08 of the Columbia Falls Municipal Code.

**ORDINANCE #749
Amending Chapter
6.08**

Councilman Shepard motioned to approve the First Reading of Ordinance #749, second by Councilman Fisher, and the motion carried.

C. FIRST READING - Ordinance #750 - An Ordinance of the City of Columbia Falls, Montana, Amending Chapter 18.434 of the Columbia Falls Municipal Code.

**ORDINANCE #750
Amending Chapter
18.434**

Councilman Shepard made motion to approve the First Reading of Ordinance #750, second by Councilman Fisher, and the motion carried.

UNFINISHED BUSINESS

None.

NEW BUSINESS:

A. Parks Committee recommendations

a. Land Survey

**NEW BUSINESS
Land Survey**

City Attorney Breck said that the Cedar Pointe subdivision was developed a while ago and the 1948 original plat of Lenonville boundaries go to the river. Breck said the City was made aware of a retracement of property that moved the East boundary of Lot 17 out to the river. Breck said he met with Dan Brien with Sands Surveying, Inc. to determine if the survey was incorrect. That survey was done without a supporting deed; Lot 17 did not extend to the river on the original plat. Breck said they came to a decision that in order to be accurate, a survey will need to be done according to determine the high-water mark. There is an easement to the City through Lot 18 which documents the Kreck trail. The previous owner of Cedar Pointe said he would work with the City to determine the proper ownership of the piece of land adjacent to Lot 17. Mayor Barnhart asked who owns Lot 17. Nicosia said Mr. Cahill. Nicosia said the high water mark survey would cost the city \$1,500 to \$3,200 with cooperation of the current land owner. Cedar Pointe owner could give a quit claim deed to the City.

Councilman Petersen asked if the owner of the property was the owner of Cedar Pointe. Nicosia said, No they are two different owners. Marquardt Surveying did the retracement on the Cahill property and had it recorded. The benefit to the City is the trail is an area that people are enjoying that goes along the river from the Lot 18 to the Cedar Pointe Subdivision trail. Nicosia said staff will need approval from Mayor and Council to proceed with the

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land survey. Mayor Barnhart asked where the funds would come from to pay for the survey and Nicosia replied from the General Fund. The consensus of the council is to proceed with the survey.

Temporary Dog Park:

Councilman Fisher said they discussed a temporary Dog Park at the ball field off Railroad Street. The committee discussed installing a homerun fence costing approximately \$6,200; the committee does not think this would give us enough room for a Dog Park. Fisher said the committee agreed that instead of spending money on a temporary Dog Park they would rather put the money into a permanent one.

Nicosia noted that the area behind homerun fence there would be around nine thousand square feet for the Dog Park. Council discussed the pros and cons of establishing a temporary dog park and the consensus was that it was not worth the \$6,200 investment in fencing.

Councilman Petersen noted that using the community garden as an example, we should ask the community members who are interested in having a Dog Park Committee to come up with ideas and raise money.

Mayor Barnhart said at least we are doing something and trying to come up with ideas for the Dog Park. Mayor said he agrees with the Parks Committee on the recommendation to not create the temporary Dog Park.

Councilman Shepard inquired about the Pit to Park, how much longer is Plum Creek going to put stuff there. Nicosia said they were on her list to contact, and noted DEQ will have to approve closure. Councilman Fisher said they discussed the pit to park for the temporary Dog Park but agreed to move forward with a permanent location. Fisher thinks reaching out to citizens about the dog park is a great idea and will do an outreach to the community.

**NEW BUSINESS
Dog Park**

REPORTS/BUSINESS FROM MAYOR & COUNCIL:

Public Works Committee report:

Mayor Barnhart reported that we had Kate Cassidy from the Flathead County Health Department attend the meeting to discuss the septic systems within the city limits. Barnhart noted that the Committee was looking at a way to get residents to utilize the available sewer system. We are showing 9 residences that have been paying for sewer services but have not connected. These residences are not subject to the plant investment fees. City Municipal Code specifies when connections to the sewer system are necessary. The Public Works Committee reviewed the city code and discussed working with the Health Department to ensure that properties with septic systems follow the hook up requirements. Mayor Barnhart proposed using funds from the Cedar Creek Fund and offer \$2,000 as a loan to hook up and the home owner can make payments to the City. Councilman Shepard asked how many houses have sewer available and not hooked up. Mayor Barnhart replied at least 39. Nicosia said we could add a text amendment requiring connection to sewer when the property ownership changes and have it recorded with the

**REPORTS FROM
MAYOR AND
COUNCIL**

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property. Karper asked what the penalty is for not connecting to the sewer system if the septic system is not functioning properly. Nicosia said once we identify a failing drain field or a septic operating outside their permit, there could be a \$500 fine per day once given notice. Mayor Barnhart said we have a municipal code that says they cannot pump, repair or replace their septic system and should it come to that point they are required to hook up to City services. Councilman Fisher wants to know if there is an educational component. Nicosia replied, yes. Fisher questioned the total cost to hook into City sewer. Nicosia said the Plant Investment Fee is approximately \$2,500 and about \$2,000 to close the septic system and connect to sewer; there is an additional cost if the line crosses a paved street.

Mr. Duffy said Council passed some pretty aggressive language with Backflow Prevention and believes if you are using the city water then you should be using the sewer.

Chief Perry asked how long a septic tank was good for. Mayor Barnhart said it could be 30 years or longer. Mayor Barnhart asked if we can have the City staff prepare a text amendment for Council consideration that would add to the requirements the change in ownership. Council concurred to have City staff prepare a text amendment for Council consideration.

Councilman Lovering said she had a citizen mention to her that he loved the sign at Rivers Edge Park and would like to see them as uniform signs throughout the City parks.

Councilman Shepard attended the 911 meeting and has had a number of people say to him, that they hope everybody involved has the proper knowledge of radio usage. Shepard said it is critical to get the training done. Nicosia reported that Chuck Curry gave the City 4 Motorola radios and if we were to buy them it would have been approximately \$20,000.

Councilman Fisher attended the after-hours party at Xanterra, and said the office building is great and they did a good job remodeling it. Fisher added they have a glass recycling program starting and a container for glass is on site.

Mayor Barnhart said he read in the newspaper that Whitefish is looking at another Quiet Zone with a cost of \$800,000 SID. Nicosia said she has the full report if anyone would like to see it.

REPORTS/BUSINESS FROM CITY ATTORNEY:

None

**REPORT FROM
CITY ATTORNEY**

CITY MANAGER:

Nicosia updated Council on the most recent legislative actions. The City's proposed HB 224, our building code bill has passed out of the House and is

**MANAGER'S
REPORT**

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now in the Senate Local Government Committee. The TSEP bill, providing funding for Quiet Zones was tabled in committee and doesn't look like it will move from there. Senator Dee Brown carried SB 251 adjusting prevailing wages to the bid limit of \$80,000. The bill is being opposed by both the unions and the MT Contractors' Association. Council discussed the local option impact tax and decided not to write a letter supporting the bill.

Nicosia reported that she has excess vacation leave as measured by state statute. She will not be able to use the leave before March 31st but will use the leave over the course of the year. She noted that Chief Perry and Judge Gordon also have excess leave and have planned vacations that will use the leave as allowed by state law.

The City's letter outlining concerns with the radio communications was an action item on the FECC Board agenda on Wed. Feb. 11th. The center director and board took the City's concerns seriously and a plan to work on solutions was presented. Mayor Barnhart, Councilman Shepard, Chief Perry and Chief Hagen all attended the meeting.

Nicosia noted that pool boiler information would be coming to council at the next meeting.

A. INFORMATIONAL CORRESPONDENCE - List available for Review

B. Reports:

- a. Finance - January 2015
- b. Police - January 2015 Activity Report

MISC
CORRESPON-
DENCE

ADJOURN: Upon motion duly made by Councilman Fisher and seconded by Councilman Lovering the meeting adjourned at 9:12 p.m.

ADJOURN

Mayor

ATTEST:

City Clerk

APPROVED BY COUNCIL ACTION: March 2, 2015