

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD NOVEMBER 2, 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, Plevel, Fisher and Lovering

ABSENT: Karper

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 Plevel moved to approve the agenda, second by Councilman Fisher, and the motion carried unanimously.

**AGENDA
APPROVAL**

CONSENT AGENDA:

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

**CONSENT
AGENDA
APPROVAL**

- A. Approval of Claims - \$ 92,622.48 - November 2, 2015
- B. Approval of Payroll Claims - \$68,138.03 - October 23, 2015
- C. Approval of Regular Meeting Minutes - October 19, 2015
- D. Approval of Contract Amendment #3, Robert Peccia & Associates, Inc., and authorize City Manager to sign.

VISITORS/PUBLIC COMMENTS

None.

**VISITOR/PUBLIC
COMMENTS**

PUBLIC HEARINGS/NOTICES:

A. NOTICE OF HEARINGS:

The Columbia Falls City-County Planning Board will hold a public hearing for the following items at their regular meeting on Tuesday, November 10th at 6:30 p.m. at the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on December 7th, 2015 starting at 7:00 p.m. in the same location.

**PUBLIC
HEARINGS**

Columbia Falls Zoning Regulations - Title 18 (Zoning Text Amendment):

A request by the City of Columbia Falls to amend certain

**TITLE 18-Zoning
Text Amendment**

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portions of the text of the Columbia Falls Zoning Regulations (Title 18 of the Columbia Falls Municipal Code). The City proposes changes to 18.410.030.A (G) (Accessory Building Height in the CR zoning) and increase the building height for a detached garage from 15-feet to 22-feet. Amend Chapter 18.324.040(H) - Building Height increasing the existing 30-feet to 35-feet height to match all of the other residential zoning districts. Adding a new provision for Clustering in the SAG zones enabling a property owner to use the density provisions of the zone to create smaller lots in exchange for open space or agriculture easements. Explore the possibilities of creating off-premise signage and other sign provisions for the downtown CB-4 (Central Business District). Propose other amendments to the Sign Chapter 18.438 to comply with recent US Supreme Court decisions.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

A. RPA - 2nd Ave West proposal

City Manager Nicosia said Task Order #7 consists of reconstructing 2nd Ave West from 11th Street West to US Highway 2 (9th Street West). The total length of the project is approximately 560 feet. The project includes a full reconstruction of the street. There will be angled, on-street parking and a 6' wide sidewalk along the west side of 2nd Ave West as approved with the hotel PUD at that last meeting.

City staff recommends updating the water main for \$33,000, and to call for bids by the end of January. The time frame is an estimated 45 days of construction from beginning to end, and starting March 7th thru April 1st.

Mayor Barnhart asked if the motel was going to use the new line or come off 11th street. Nicosia said they will come off of 11th street. Councilman Petersen asked if the \$33,000 for the water main was for city use and not a cost for the hotel. Nicosia said that city staff recommends updating the water main at the same time that the street is reconstructed as the steel main was installed in 1953 and is nearing its useful life. Councilman Petersen asked about the \$200,000 for the construction of the street, and if the cost come in higher because of the water line? Nicosia replied no, the cost of the paving is as discussed at the previous meeting during the PUD approval. Nicosia explained if the City was just overlaying the street it would be only the existing pavement and this amount is to widen the street to allow for on-street parking plus the sidewalk. Petersen asked if 24 parking spaces give them enough parking. Nicosia noted that these additional on street parking spaces will provide overflow parking but the PUD approval allowed them to decrease their parking requirement from 162 spaces to 126. Petersen asked if council would have to address future parking after the additional 18 units are

**UNFINISHED
BUSINESS**

**NEW BUSINESS-
RPA 2nd Ave W.
Proposal**

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built. Nicosia said once the applicant has complied with the 11 conditions, the City cannot amend the parking requirements. Petersen asked if the parking provisions are final. Nicosia said the second reading of the Ordinance is later on the agenda this evening. Petersen said he would like to discuss the opportunity for parking after the first 64 units were complete with additional units addressed as well. Petersen said his question is does council have an opportunity to address parking for the additional 18 units.

Mayor Barnhart said the parking questions were addressed with answers received from City Planner Mulcahy and property owners at the October 19, 2015 Council meeting.

Councilman Petersen asked if the water main work will come out the water fund. Nicosia said yes.

Councilman Plevel motioned to approve the RPA - 2nd Ave West proposal, authorizing City Manager Nicosia to sign, second by Councilman Fisher with Council voting as follows. YES: Plevel, Shepard, Fisher, Lovering, Petersen and Barnhart. NOES: None. ABSENT: Karper.

ORDINANCES/RESOLUTIONS:

A. Second and Final Reading - Ordinance 754: An Ordinance Of The City Council of the City of Columbia Falls, Montana, Amending the Columbia Falls Zoning Map to Allow the Development of a Planned Unit Development (PUD) Overlay at 930 Second Ave West, a Tract of Land in the Northwest One-Quarter of the Northeast One-Quarter of Section 17, Township 30 North, Range 20 West, P.M.M, Flathead County, More Particularly Described as all of Block 67 of First Addition to Columbia Falls According to the Plat Thereof on File and of Record in Flathead County, State of Montana Together with the Abandoned Portions of Third Avenue West and Tenth Street Immediately Adjacent to the Above Described Parcels and Lot 1, Lot 6, the North 15-Feet of Lot 2, and the North 15-Feet of Lot 7 of Block 70 of First Addition to Columbia Falls According to the Plat Thereof on File and of Record in Flathead County, State of Montana Together with the Abandoned Portions of Third Avenue West and Tenth Street Immediately Adjacent to the Above Described Parcels. Together with and Subject to All Appurtenant Servitudes Existing or of Record. Containing 2.55 Acres More-or-Less.

**ORDINANCE #754
PUD-MOTEL**

City Manager Nicosia reported that this is the second reading of the PUD approval for the hotel/conference center; noting that the PUD requirements are as approved at the previous Council meeting. Nicosia said the developers made use of the shared parking provisions per Columbia Falls Zoning Code. Within the code, the hotel parking requirement is 1 parking spot for each room and 1 parking spot for every 2 employees for the hotel. The conference parking requirements are determined based on square footage. The parking

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variance requested was based on the shared parking and shuttle service from the airport.

Councilman Petersen said the point he was trying to make is if a future Council will have to address parking concerns when the 18 additional units are built.

Councilman Fisher said he can see where Petersen is coming from but believes Council has thought this through and made the appropriate decision with plenty of discussion at the last meeting. Councilman Shepard asked if 3 years from now there is a parking complaint driven by the PUD can we revisit parking. Nicosia said there is no look back period on a PUD.

City Attorney Breck said this is the second reading and is the only time to ask the property owner for changes. The property owner is relying on this determination as a recorded document. If Council is going to make any changes, make sure there is adequate discussion. Mayor Barnhart said the process would be to make a recommendation to review parking. Breck said he believes due process gives opportunity. Nicosia said you could table the 2nd reading and give the owners proper notification and then give 15 day notice for an additional Public Hearing and letters to be sent to the neighbors.

Councilman Plevel believes this is not the way to do business. Council checked the parking in detail with plenty of discussion at the last meeting. Plevel said she would dislike for the development to think that the City will pass the first reading and then make changes at the second reading. City Attorney Breck said from the legal standpoint, if it became true and they needed additional parking the City would be responsible for addressing parking concerns. Mayor Barnhart said the questions at the first reading and our questions this evening have been answered to his satisfaction and follow the zoning code requirements.

Councilman Shepard motioned to approve the 2nd reading of Ordinance 754, second by Councilman Fisher with council voting as follows. YES: Shepard, Fisher, Lovering, Petersen, Plevel and Barnhart. NOES: None ABSENT: Karper.

A. Second and Final Reading - Ordinance 755: An Ordinance Repealing Ordinance No. 453, 526, 576, 598 and 693 Codified as Chapter 15.28 City of Columbia Falls Code, and Replacing Said Ordinance with the City of Columbia Falls Floodplain Ordinance in Compliance with M.C.A. 76-5-101 through 76-5-406 and Declaring an Effective Date.

**ORDINANCE #755
SECOND AND
FINAL READING-
Floodplain**

Nicosia said this Ordinance remains the same as the first reading, staff is recommending approval.

Councilman Shepard made motion to approve the final reading of Ordinance

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755, second by Councilman Lovering with Council voting as follows. YES: Fisher, Lovering, Petersen, Plevel, Shepard and Barnhart. NOES: None. ABSENT: Karper.

B. Resolution 1715 - A Resolution of the City Council of the City of Columbia Falls, Montana, Declaring Its Intention to Annex Certain Real Property Located in the East Half of Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana, Described As Parcel A on Certificate Of Survey No. 19988, Records of Flathead County, Montana.

**RESOLUTION
#1715-Intention to
Annex Parcel A,
COS 19988**

City Manager Nicosia said this is a wholly surrounded parcel and staff is recommending annexation, noting that the City frequently reviews the City boundaries noting any wholly surrounded parcels that should be annexed. Nicosia noted that there should not be any "islands" within the City boundaries, particularly to meet emergency services response. Councilman Plevel asked how access would be created for this parcel. City Attorney Breck replied it would require an easement through Cahill's property to the west.

Councilman Plevel motioned to approve Resolution #1715, second by Councilman Shepard with Council voting as follows. YES: Lovering, Petersen, Plevel, Shepard, Fisher and Barnhart. NOES: None. ABSENT: Karper.

REPORTS/BUSINESS FROM MAYOR & COUNCIL:

Councilman Fisher said he will be absent the November 16th meeting. There was an interesting article in the Beacon on the election but they clearly missed the point on the city election but this week they made the appropriate corrections.

**REPORTS FROM
MAYOR AND
COUNCIL**

Councilman Plevel said she thinks changing the building height in Title 18 was a great idea. Plevel said she will be out of the area for the month of December and the next meeting will be her last meeting.

Shepard reported a problem in his neighborhood with feral cats coming up from the River's Edge Park. Councilman Lovering said there was a sign on the garden fence about the cats. Police Chief Perry said the last time we had a problem with cats the Humane Society took care of it. Chief Perry will contact them again.

Councilman Lovering said she often has students come to the Council Meetings and they ask questions in class the following day and they enjoy coming to the meetings to learn about city government.

Mayor Barnhart asked about the proposal on the fishing pond. Councilman Shepard said MT FWP is looking at doing this but need to gather more information. Mayor asked how much the city will have to say about it. Nicosia said the City Council will have to give approval for the pond to be placed in River's Edge Park once the information is gathered. Councilman Fisher said

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he is looking forward to having a fishing pond at the park. Mayor Barnhart asked if two other members of the Council would like to meet this evening with the City Manager Nicosia to discuss her pay increase. Councilman Petersen and Councilman Lovering agreed to attend the meeting.

REPORTS/BUSINESS FROM CITY ATTORNEY:

None

**REPORT FROM
CITY ATTORNEY**

CITY MANAGER:

The Salvation Army Battle of the Bells signup sheet is in the office. The Commissioners held a public hearing on October 28th to declare their intent to create the special district for 911. Nicosia attended and spoke in favor of the Special District creation. The notices will be mailed to each affected taxpayer this week. With the hearing, the 60 day protest period began. It will make more sense to the citizens when they receive their notice in the mail with the proposed assessment. There is an opportunity for a taxpayer to appeal or question the amount. Anyone with questions will be instructed to contact Mike Pence, County Administrator.

**CITY MANAGER
REPORT**

HB 2, the Legislative Budget included \$1.5 million in funding for "Youth Recreation Grants" for facilities on Montana State Trust Lands. Nicosia is presently working with the Columbia Falls Baseball Association to complete the grant application. As the designated Environmental Certification officer for the City, Nicosia will complete the portions of the grant application. This is an excellent opportunity for the non-profit baseball association to receive funding to pave the parking lot, improve accessibility, make improvements to their fields, etc. The applications are competitive and one component is community support.

This year's Night of Lights celebration marks the 30th anniversary of the event. It will be held December 4th. Nicosia has joined the planning committee. Mr. Byrd has already talked with Fire Chief Hagen and will have burners or fires that meet City code.

Nicosia met with a Glacier Bank representative as the city and the bank are re-working the Falls Park agreement. The bank has proposed eliminating the agreement and they would provide an in-lieu payment to have the City maintain the park area. In the old agreement, there were shared responsibilities but it needed updating as it did not work as written.

Officer Chad Sweigart has joined our Police Department beginning November 2nd. Chad has seven years of previous experience. Street Operator Jeff Covell is moving out of state and his last day with the City is October 30th. The City is currently advertising for the Public Works Foreman position and a Street Operator position.

The City will be distributing letters to the downtown (CB 4) businesses and send out information through the Chamber and the City website to gather

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input on the downtown sign regulations.

Councilman Shepard said there was dust coming from the trucks carrying debris from CFAC on Railroad Street. Shepard said MT DEQ has been notified.

MISCELLANEOUS/REPORTS: -

CORRESPONDENCE

A. INFORMATIONAL CORRESPONDENCE-List available for Review

ADJOURN: Upon motion duly made by Councilman Plevel and seconded by Councilman Lovering the meeting adjourned at 8:26 p.m.

ADJOURN

Mayor

ATTEST:

City Clerk

APPROVED BY COUNCIL ACTION: NOVEMBER 16, 2015