

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD SEPTEMBER 21, 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 and Lovering  
ABSENT:

**ROLL CALL**

Also present were City Manager Nicosia, City Clerk Staland, Deputy City Attorney Stephanie Breck, Eric Mulcahy 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 Plevel, 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 Plevel. Motion carried with Council voting as follows: YES: Fisher, Karper, Lovering, Petersen, Plevel, Shepard and Barnhart. NOES: None. ABSENT: None.

**CONSENT  
AGENDA  
APPROVAL**

- A. Approval of Claims - \$ 60,458.00 - September 21, 2015
- B. Approval of Payroll Claims - \$ 85,672.27 - September 11, 2015
- C. Approval of Regular Meeting Minutes - September 8, 2015
- D. Approval of 2015 FY Audit Contract, Doyle & Associates, P.C., and authorize City Manager to sign.

**VISITORS/PUBLIC COMMENTS**

Tanna Friske, 2100 Drift Water Way, asked when the last council meeting was and why the minutes were not available. Mayor Barnhart said the last meeting was on September 8, 2015 and the minutes are updated to the City website after Council approval. City Clerk Staland will verify and get back to Ms. Friske concerning the council minutes on the city website.

**VISITOR/PUBLIC  
COMMENT**

Ms. Friske said she attended the Planning Board meeting last Tuesday concerning horses on Logan Nolan's property. She said there were people she had spoken with under the assumption that it is a done deal after the Planning Board approval of the Conditional Use Permit; that the Council rubberstamps the decision. Mayor Barnhart said the Planning Board reviews items on the agenda the forwards the recommendation to the City Council. Ms. Friske said not everybody on the Planning Board lives in the city. Mayor Barnhart said it is a City County Planning Board.

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD SEPTEMBER 21, 2015**

Councilman Karper said he comes to the Council Meeting with an open mind and listens to what the public has to say. City Planner Mulcahy said after each public hearing Chairman Vukonich explains that the recommendation will now go to the Council for another hearing and final decision. Nicosia added all hearings are noticed in the newspapers and letters are sent to neighbors within 150 feet of the Condition Use Permit property notifying them of both Planning Board and Council hearings.

**PUBLIC HEARINGS/NOTICES:**

**A. Notice of Hearings:**

**A. HEARING - CONDITIONAL USE PERMIT:**

**Conditional Use Permit Application Request:** A request by Logan and Hannah Nolan for a Conditional Use Permit (CUP) to keep five horses on four acres of the applicants six acre parcel. The pasture will be fenced with a three rail wood fence. The applicants/owners live on the property and will care for the animals including removal of waste. The property is addressed as 1736 Talbot Road in Columbia Falls and described as Assessor's Tracts 8CA and 8BCA in Section 18, Township 30 North, Range 20 West, P.M.M., Flathead County.

**PUBLIC  
HEARINGS-CUP  
Horses in the City  
limits-Nolan**

City Planner Eric Mulcahy presented staff report CCU-15-02. Mulcahy said there was extensive discussion about the CUP at the Planning Board meeting. Mulcahy said there was a 5 to 1 vote in favor of the Conditional Use Permit. The recommendation is to approve the Nolan's CUP with conditions as amended by the Planning Board. The first change was to have 6 horses instead of 8 on the 4 acre parcel. The second was better management of manure to include cleaning out stalls and hauling waste off the property at least once every eight weeks and dragging the pasture once a year to break up manure for quicker decomposition.

Mayor Barnhart said it states the owner of the horses must reside on the property is there a house on the said property. Mulcahy said there is a house on the property and the Nolan's reside there. Councilman Karper asked on the area photo on the western property line what the distance was to the fence. Logan Nolan said 25 feet from the property line. Logan said he spoke to the Mueller's and they had no concerns with the horses. Councilman Karper said the Mueller's house is the closest to the fence line.

Mayor Barnhart opened the public hearing at 7:26 p.m.

Tanna Friske, 2100 Drift Water Way, said when she attended the Planning Board meeting last week she thought Logan Nolan's property was directly behind her but it is actually his parent's property. Ms. Friske said she does not have issues with the Nolan's and know they will abide by the conditions. However, her concern is if City passes this CUP how many more horses are

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD SEPTEMBER 21, 2015**

**PUBLIC HEARING-  
Horses in the City  
Continued**

there going to be in the city limits. Nicosia said there are only 5 remaining parcels large enough to apply for the CUP. Ms. Friske said when these Conditional Use Permits pass who ensures they follow all conditions. There are already issues in town that are not correct such as noxious weeds, junk vehicles, and trash that are not taken care of. Ms. Friske believes the City needs to enforce what they have in place instead of adding more to the list.

Logan Nolan, 1736 Talbot Road, explained on the western end of the property the fence is back 25 feet. There is also a 10 foot walk way therefore there distance would actually be 35 feet between the fence and property line.

Scott Nolan, 1730 Talbot, said Logan is his son and they have the neighboring property. Mr. Nolan said he and his wife have about a half a million dollars into their property and would not support this if he thought it was going to be a mess or impact his property value. He stated he wants to see people move into the City and not move out. A lot of people said they like the open space but if we can't do what we want we could subdivide and make tract housing.

With no further comments Mayor Barnhart closed the public hearing at 7:35 p.m.

Councilman Shepard said he went to Whitefish where there are horses in the City limits on 7<sup>th</sup> Street and Karrow Avenue. Shepard said he visited with some of the neighboring property owners and they said they had more concerns with the deer than they did with horses. They share manure from the horses for fertilizer. Mayor Barnhart said that property was annexed in by the City with the horses already existing.

Councilman Fisher motioned to approve staff report CCU-15-02 as finding of fact, second by Councilman Plevel with Council voting as follows. YES: Karper, Lovering, Petersen, Plevel, Shepard, Fisher and Barnhart. NOES: None ABSENT: None.

Councilman Karper said his property borders Logan Nolan's property and does not see a problem with the horses; he would rather see horses than a large lot with Knap weeds.

Councilman Plevel said she believes horses are good neighbors. Mayor Barnhart asked Nicosia who enforces the conditions of the CUP. Nicosia replied that it is either a zoning issue or a police issue depending on the violation. Councilman Plevel asked what if a holder of a CUP had three violations, would the CUP be revoked. Nicosia said if they are not meeting the requirements it would be a zoning violation. Mayor Barnhart said Council has thought this through and had much discussion on the topic during the adopting of the text amendment. Having horses in the City limits

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD SEPTEMBER 21, 2015**

requires a CUP and we can take each application and make it apply conditions appropriate to each application.

Councilman Karper motioned to Approve the Conditional Use Permit and direct the City Manager and City Attorney to prepare the final documents for approval at the next council meeting as appropriate, second by Councilman Lovering with Council voting as follows. YES: Lovering, Petersen, Plevel, Shepard, Fisher, Karper and Barnhart. NOES: None. ABSENT: None.

**B. NOTICE OF HEARING - TEDD - OCTOBER 5, 2015:**

Mayor Barnhart read the notice of hearing: The Columbia Falls City Council will hold a public hearing at its regular meeting on Monday, October 5, 2015 beginning at 7:00 PM in the City Hall Council Chambers, 130 6<sup>th</sup> Street West, Columbia Falls, MT, to consider the First Reading and Provisional Adoption of the Ordinance establishing the Columbia Falls Industrial Park Targeted Economic Development District (TEDD) and adoption of the Columbia Falls Industrial Park TEDD Plan. Columbia Falls intends to use tax increment financing in support of making infrastructure improvements as revenues permit and may issue tax increment financing bonds.

**NOTICE OF  
PUBLIC HEARING-  
TEDD**

And, at the Columbia Falls City Council regular meeting on Monday, October 19, 2015 beginning at 7:00 PM in the City Hall Council Chambers, 130 6<sup>th</sup> Street West, Columbia Falls, MT, the Council will consider the Second Reading and Final Adoption of the Ordinance establishing the Columbia Falls Industrial Park Targeted Economic Development District (TEDD) and adoption of the Columbia Falls Industrial Park TEDD Plan.

The Columbia Falls Industrial Park TEDD is located in an area formerly occupied by the Superior Building Company Lumber Mill. It is comprised of approximately 110 acres of recently annexed land, on the north end of downtown Columbia Falls, at the northerly extension of 4<sup>th</sup> Avenue EN. It is located on the north side of the Burlington Northern Rail Road and Railroad Street, and northwest of Highway 486.

All interested parties are encouraged to attend. Written comments on establishing the Columbia Falls Industrial Park Targeted Economic Development District (TEDD) and adoption of the Columbia Falls Industrial Park TEDD Plan may be submitted to Susan Nicosia, City Manager, City of Columbia Falls, 130 6<sup>th</sup> Street West, Columbia Falls, MT 59912 or [nicosias@cityofcolumbiafalls.com](mailto:nicosias@cityofcolumbiafalls.com). For further information call the City at 406-892-4391.

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD SEPTEMBER 21, 2015**

**C. NOTICE OF HEARING - COMMUNITY NEEDS ASSESSMENT - OCTOBER 5, 2015:**

Mayor Barnhart read the notice of hearing: Beginning on October 5, 2015 during the 7:00 p.m. regular council meeting, the City Council of the City of Columbia Falls, shall conduct a series of public hearings and meetings for the purpose of obtaining public comment to determine the greatest community development needs (public facilities, economic development, and housing needs). The City will take public comment during the month of October in order to obtain the greatest public input. The intent of the needs assessment process is to provide the City with a list of potential projects or actions in the areas of housing, economic development and public infrastructure that could be pursued over a period of years in order to improve the community, particularly as those needs affect low and moderate income persons. Based on the results of the needs assessment, the City may apply for state or federal funding from the Montana Community Development Block Grant (CDBG) Program and other funding sources to deal with local housing, public facilities, or other community needs and would like comments or suggestions from local citizens regarding the City's needs and types of projects which should be considered.

**NOTICE OF  
PUBLIC HEARING-  
Community Needs  
Assessment**

Interested persons may contact the City Manager at 406-892-4391 or 130 6<sup>th</sup> Street West, Columbia Falls, MT for more information about the hearing or to submit community needs suggestions. Comments may be given orally at the hearing or submitted in writing before 5 pm, Thursday, October 1, 2015.

The City of Columbia Falls makes reasonable accommodation for any known disability that may interfere with a person's ability to participate in this hearing. Persons needing an accommodation need to contact Barb Torres, City Clerk no later than Friday, October 2, 2015 to allow adequate time to make needed arrangements. Please contact Barb Staland at 892-4391 or write to 130 6<sup>th</sup> ST West, Room A, Columbia Falls, MT 59912 to make your request known.

**UNFINISHED BUSINESS**

None.

**UNFINISHED  
BUSINESS**

**NEW BUSINESS**

None.

**NEW BUSINESS**

**REPORTS/BUSINESS FROM MAYOR & COUNCIL:**

Councilman Fisher said he had a chance to visit the Welcome Park and said it looked very nice.

**REPORTS FROM  
MAYOR AND  
COUNCIL**

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD SEPTEMBER 21, 2015**

Councilman Plevel said she wanted to touch base on the inaccurate assumption of the Council rubber stamping planning items. Plevel said every time there is a hearing, she takes it very seriously and there is no rubber stamping of a decision. She noted that the Council takes pride in the community and treats everybody fairly.

Shepard said he recently attended a meeting about a fishing pond at Rivers Edge Park; this would be great for the kids and the community.

Councilman Petersen said he is moving forward with the mural on the south side of his building.

Councilman Lovering said she heard that people are using the City website report a violation and it works very fast. Lovering said she has had complaints about the smokers standing outside of local bars. Lovering asked Nicosia if she had heard any more on the large hornets' nest at Rivers Edge Park. Nicosia said she has turned it over to the Public Works Department. Lovering reported it was still there.

Mayor Barnhart inquired about the possible access at the Red Bridge and are we moving along with that. Mayor said he heard the lady to the south of Teakettle Boat launch had passed and wondered if anyone has inquired about acquiring the land for an extension of the existing boat launch.

Tanna Friske asked if the City has gotten ahold of Tom Delray at Plum Creek for grants. Nicosia said Plum Creek is on our list for community support.

**REPORTS/BUSINESS FROM CITY ATTORNEY:**

Deputy City Attorney Stephanie Breck said the Kent case is going to trial in the spring and MMIA has assigned the defense to the Hammer law firm.

**REPORT FROM  
CITY ATTORNEY**

**CITY MANAGER:**

The City has filled the police officer position with Mr. Tyler English a former flathead valley resident with family ties to Columbia Falls. The Water Operator position has been filled with Mr. Shawn Bates who also resides in Columbia Falls. Shawn will be removing himself from the upcoming Council member race.

**CITY MANAGER  
REPORT**

There was a formal site review with the owners of the motel/conference center on 2<sup>nd</sup> Ave. West. They would like to start building by November 1, 2015. They will be doing a PUD and starting with a foundation permit first.

The Public Works Foreman job description will be available for the next council meeting.

There was traffic study of the 2<sup>nd</sup> Ave. W. and 3<sup>rd</sup> Street West intersection following another traffic accident. The City is considering the city's first 4-way stop to prevent the creation of a "through street." There are yield signs on 4<sup>th</sup> Ave and 3<sup>rd</sup> Street West and stop signs on 1<sup>st</sup> Ave and 3<sup>rd</sup> Street W. therefore placing stop signs would essentially result in a "through" street,

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD SEPTEMBER 21, 2015**

causing speeding concerns without the 4-way stops. Council concurred with the recommendation.

Planning activity is still up as well as building permits. For the 2015 FY, the City issued 57 building permits resulting in \$6.8 million of residential growth and \$3.4 million of commercial growth. Permit values for FY 2015 were close to our 2008 FY value of \$11.5 million and considerable higher than the \$2.8 million in the 2013 FY.

The city closed on the Cedar Creek North lot sale and the City will carry the note on the balance at 5%.

City staff will be gathering information on the fishing pond at Rivers Edge Park. The City would not pay for the pond but there would have to be a path built to the pond to provide accessibility.

October 5, 2015 will be the community needs assessment hearing, no current grant applications.

Councilman Petersen said with the businesses coming to Nucleus Avenue the timing might be good to look at the highway intersection improvements. Nicosia said we are still waiting for DOT written agreement.

**A. INFORMATIONAL CORRESPONDENCE - List available for Review** **CORRESPONDENCE**

B. Reports:

- a. Finance - year to date through August 2015
- b. Police - August activity

**ADJOURN:** Upon motion duly made by Councilman Lovering and seconded **ADJOURN**  
by Councilman Plevel, meeting adjourned at 8:33 p.m.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED BY COUNCIL ACTION: October 5, 2015