



130 6<sup>th</sup> STREET WEST  
ROOM A  
COLUMBIA FALLS, MT 59912

PHONE (406) 892-4391  
FAX (406) 892-4413

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**AGENDA**  
**MONDAY, NOVEMBER 2, 2015**  
**COUNCIL CHAMBERS CITY HALL**

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**FINANCE COMMITTEE - 6:30 P.M.**

1. Claims Review (Barnhart, Lovering, Plevel)

**REGULAR MEETING - 7:00 P.M.**

**1. CALL TO ORDER**

- A. Roll Call
- B. Pledge of Allegiance

**2. APPROVAL OF AGENDA    \*\*1 - 3**

**3. CONSENT AGENDA:**

- \*A. Approval of Claims - \$ 92,622.48 - November 2, 2015    \*\*4 - 16
- \*B. Approval of Payroll Claims - \$68,138.03 - October 23, 2015    \*\*17-18
- \*C. Approval of Regular Meeting Minutes - October 19, 2015    \*\*19-28
- \*D. Approval of Contract Amendment #3, Robert Peccia & Associates, Inc., and authorize City Manager to sign.    \*\*29

**4. VISITORS/PUBLIC COMMENT (Items not on agenda)**

**5. NOTICES OF HEARINGS/HEARINGS:**

**\*A. NOTICE OF HEARINGS:    \*\*30**

The Columbia Falls City-County Planning Board will hold a public hearing for the following items at their regular meeting on Tuesday, November 10<sup>th</sup> 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 7<sup>th</sup>, 2015 starting at 7:00 p.m. in the same location.

**Columbia Falls Zoning Regulations - Title 18 (Zoning Text Amendment):** A request by the City of Columbia Falls to amend certain 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.

Persons may testify at the hearings or submit written comments prior to the meetings. Written comment may be sent to Columbia Falls City Hall, Attention: Susan Nicosia, City Manager, 130 6<sup>th</sup> Street West, Room A, Columbia Falls, MT 59912. For more information call Eric Mulcahy, Columbia Falls City Planner at 755-6481.

6. **UNFINISHED BUSINESS:** None

7. **NEW BUSINESS:**

\*A. RPA – 2<sup>nd</sup> Ave West proposal                      \*\*31 – 43

8. **RESOLUTIONS/ORDINANCES:**

\*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.

\*\*44-49

\*B. 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.

\*\*50-105

\*C. 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,

\*106-107

Montana, Described As Parcel A on Certificate Of Survey No. 19988, Records of Flathead County, Montana.

9. REPORTS/BUSINESS FROM MAYOR & COUNCIL

10. CITY ATTORNEY REPORT

11. CITY MANAGER REPORT

\*A. Manager's Update

\*\*108

12. MISCELLANEOUS/REPORTS:

\*A. INFORMATIONAL CORRESPONDENCE - List available for Review

\*\*109

13. ADJOURN

**Next Scheduled Meetings:**

**Planning Board - November 10<sup>th</sup> - 6:30 p.m.**

**Council - November 16<sup>th</sup> - 7:00 p.m.**

\* Attached

10/29/15  
14:28:25

CITY OF COLUMBIA FALLS  
Claim Approval List  
For the Accounting Period: 10/15

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Report ID: AP100V

\* ... Over spent expenditure

Claim/	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
34057		2245 AMOZ Group, Inc.	8,114.90					
	11191	10/06/15 ORDER NEW SERVER	100.00			1000 410580	355	101000
	11199	10/06/15 PD-RTN TO UNIVISION, CALL OUT	20.00			1000 420100	355	101000
	11204	10/14/15 FINANCE SERVER UPGRADE	1,716.00			1000 410580	355	101000
	11209	10/14/15 INTERNET ISSUES ON SCADA	290.00			5210 430500	355	101000
	11209	10/14/15 INTERNET ISSUES ON SCADA	290.00			5310 430600	355	101000
	11211	10/14/15 PD-PROB W/DR CNTRL SFTWARE	140.00			1000 420100	355	101000
	11211	10/14/15 MODIFY BACKUPS FIN SRVER	70.00			1000 410580	355	101000
	11215	10/14/15 RESEARCH SERVER TO SERVER	120.00			1000 410580	355	101000
	11218	10/16/15 SERVER FOR FINANCE	5,208.90			1000 410580	212	101000
	11220	10/20/15 CHECK SERVER	160.00			1000 410580	355	101000
		Total for Vendor:	8,114.90					
34042		2080 ASSOCIATION OF MONTANA TROOPERS	250.00					
	3765	10/16/15 PD-LEGISLATION GUIDE BOOKS	250.00			1000 420100	220	101000
		Total for Vendor:	250.00					
34094		276 B & F EXCAVATING CO., INC.	2,075.00					
	2015-166	10/23/15 HIGHWAY WATER REPAIR	2,075.00			5210 430500	399	101000
		Total for Vendor:	2,075.00					
34078		1700 BRECK LAW OFFICE, PC	5,580.83					
	102315	10/21/15 LEGAL FEES FOR NOV. 2015	1,236.88			1000 411100	350	101000
	102315	10/21/15 LEGAL FEES FOR NOV. 2015	2,773.75			1000 410365	350	101000
	102315	10/21/15 LEGAL FEES FOR NOV. 2015	494.75			5210 430500	350	101000
	102315	10/21/15 LEGAL FEES FOR NOV. 2015	494.75			5310 430600	350	101000
	102315	10/21/15 LEGAL FEES FOR NOV. 2015	247.38			1000 411000	350	101000
	102315	10/21/15 LEGAL FEES FOR NOV. 2015	100.00			1000 420100	399	101000
	102315	10/21/15 LEGAL FEES FOR NOV. 2015	22.22			5210 430500	357	101000
	102315	10/21/15 LEGAL FEES FOR NOV. 2015	33.33			5310 430600	357	101000
	102315	10/21/15 LEGAL FEES FOR NOV. 2015	44.44			2500 430200	399	101000
	102315	10/21/15 LEGAL FEES FOR NOV. 2015	133.33			1000 411100	350	101000
		Total for Vendor:	5,580.83					
34103		2751 CAJUN DESIGN &	19.15					
	15-0671	10/21/15 STR-CITY LOGO SAFETY COAT, BAT	19.15			5210 430500	226	101000
		Total for Vendor:	19.15					

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Claim/	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
34059		1260 CARQUEST AUTO PARTS	64.96					
	229737	10/08/15 SWR-WET OR DRY,LENS RSTR	10.59			5310 430600	220	101000
	229900	10/10/15 SWR-INDUSTRIAL V-BELTS	15.38			5310 430600	240	101000
	230048	10/13/15 SWR-RAGS	38.99			5310 430600	220	101000
		Total for Vendor:	64.96					
34066		999999 CARR, MICHAEL L	12.00					
	102315	10/22/15 PROSPECTIVE JUROR	12.00			1000 410360	390	101000
		Total for Vendor:	12.00					
34080		997 CENTURYLINK	1,685.23					
	102315	10/18/15 COURT-TELEPHONES	111.49			1000 410360	345	101000
	102315	10/18/15 ADMIN/MGR	62.37			1000 410400	345	101000
	102315	10/18/15 FINANCE	149.17			1000 410500	345	101000
	102315	10/18/15 COMP SERV	70.93			1000 410580	345	101000
	102315	10/18/15 POLICE	449.38			1000 420100	345	101000
	102315	10/18/15 FIRE	222.95			1000 460445	345	101000
	102315	10/18/15 STREETS	115.74			2500 430200	345	101000
	102315	10/18/15 WATER	287.62			5210 430500	345	101000
	102315	10/18/15 SEWER	215.58			5310 430600	345	101000
		Total for Vendor:	1,685.23					
34081		14 CITY OF COLUMBIA FALLS	1,376.23					
	102315	10/23/15 FACILITIES-WATER/SEWER	92.47			1000 411200	342	101000
	102315	10/23/15 FIRE	25.95			1000 420400	342	101000
	102315	10/23/15 PARKS	880.90*			1000 460400	342	101000
	102315	10/23/15 POOL	175.30			1000 460445	342	101000
	102315	10/23/15 STREETS	79.55			2500 430200	342	101000
	102315	10/23/15 WATER	28.86			5210 430500	342	101000
	102315	10/23/15 SEWER	93.20			5310 430600	342	101000
		Total for Vendor:	1,376.23					
34095		115 CITY SERVICE VALCON LLC	575.51					
	0087487	10/21/15 SWR-MOBIL SHC,MOBIL DTE	575.51			5310 430600	240	101000
		Total for Vendor:	575.51					

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34043		2713 COMPLETE RESTORATION LLC	1,305.00					
	6831	10/13/15 CARPET CLEANING	1,305.00			1000 411200	399	101000
		Total for Vendor:	1,305.00					
34058		1646 CONSOLIDATED ELECTRICAL	2,567.80					
	3510629394	10/15/15 SWR-CARETAKER LIGHT	191.80			5310 430600	240	101000
	3510628107	09/29/15 SWR-BALLASTS (18)	2,376.00		20532	5310 430600	240	101000
		Total for Vendor:	2,567.80					
34079		1590 CROWN PRODUCTS	317.95					
	62601	10/14/15 PRKS-RPCMNT POOPY BAGS	317.95			1000 460400	220	101000
		Total for Vendor:	317.95					
34097		777 DIAMOND PLUMBING & HEATING, INC.	189.96					
	SRV0915-73	10/12/15 FAC-LAG BOILER REPAIR	189.96			1000 411200	399	101000
		Total for Vendor:	189.96					
34044		2834 ERIC HUMMEL	245.00					
	102015	09/25/15 SUBSTITUTE JUDGE-9/24/15-3 HRS	105.00			1000 410360	399	101000
	102015	10/05/15 SUBSTITUTE JUDGE-10/9/15-4 HRS	140.00			1000 410360	399	101000
		Total for Vendor:	245.00					
34091		1383 FASTENAL COMPANY	18.64					
	KAL143645	10/16/15 STRS-SIGN PARTS	18.64			2500 430200	240	101000
		Total for Vendor:	18.64					
34045		438 FERGUSON ENTERPRISES, INC.	1,773.79					
	1347350	10/12/15 WTR-SUPPLIES (RANDY JONES)	415.63			5210 430500	230	101000
	1347696	10/12/15 WTR-MTR,DU CHK (RANDY JONES)	328.56			5210 430500	230	101000
	1347350-1	10/14/15 WTR-TEE,CAP,ADPT (RANDY JON	972.96			5210 430500	230	101000
	1349938	10/20/15 WTR-TEE (RANDY JONES)	56.64			5210 430500	230	101000
		Total for Vendor:	1,773.79					
34046		1734 FIRE ENGINEERING	21.00					
	102015	10/20/15 FD-1 YR RENEWAL	21.00			1000 420400	330	101000
		Total for Vendor:	21.00					

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34098		1216 FIRST BANKCARD	1,073.42					
	102715	10/26/15 ICM-WEBINAR	199.00			1000 410400	380	101000
	43333	10/02/15 RED LION,HELENA-S.GORDON	380.64			1000 410360	380	101000
	96695	10/01/15 FAIRFIELD INN-K.DARLING	192.46			1000 410360	380	101000
	12951	10/09/15 BEST WSTRN-S.NICOSIA	301.32			1000 410400	380	101000
		Total for Vendor:	1,073.42					
34083		869 FLATHEAD CITY-COUNTY HEALTH	160.00					
	102315	10/13/15 PD-PRE EMPL PHYS,C.SWEIGART	160.00			1000 420100	390	101000
		Total for Vendor:	160.00					
34082		228 FLATHEAD VALLEY UTILITY	175.00					
	102315	10/15/15 WTR-UDIG ANNUAL DUES	58.33			5210 430500	318	101000
	102315	10/15/15 SWR-UDIG ANNUAL DUES	58.33			5310 430600	318	101000
	102315	10/15/15 STRS-UDIG ANNUAL DUES	58.34			2500 430200	318	101000
		Total for Vendor:	175.00					
34084		1378 GLACIER CLEAN CAR WASH	970.60					
		CITY PORTION OF ALLEY BEHIND CAR WASH EXTENSION						
	102315	10/21/15 PAVING ALLEY	970.60			2820 430200	399	101000
		Total for Vendor:	970.60					
34047		1039 GLACIER WALLFLOWER	35.00					
	71407	09/18/15 PLANT-BJ & FAMILY	35.00			1000 410100	220	101000
		Total for Vendor:	35.00					
34104		1824 Government Finance Officers	125.00					
		ANNUAL GOV GAAP UPDATE - DEC. 3, 2015						
	2800737	10/12/15 REGISTRATION-LIVE STREAM	125.00			1000 410500	380	101000
		Total for Vendor:	125.00					
34065		999999 GRILLEY, LESTER VERNON	12.00					
	102315	10/22/15 PROSPECTIVE JUROR	12.00			1000 410360	390	101000
34070		999999 HALL, ROBERT M.	12.00					
	102315	10/22/15 PROSPECTIVE JUROR	12.00			1000 410360	390	101000

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34064		999999 HARTMANN, ELLEN A.	12.00					
	102315	10/22/15 PROSPECTIVE JUROR	12.00			1000 410360	390	101000
		Total for Vendor:	36.00					
34048		1411 HD SUPPLY WATERWORKS LTD	4,126.43					
	E624360	10/12/15 WTR-SUPPLIES (RANDY JONES)	3,063.26			5210 430500	230	101000
	E624395	10/12/15 WTR-SUPPLIES (CIMARRON)	727.96			5210 430500	230	101000
	E658536	10/15/15 WTR-SUPPLIES (RV PARK)	137.21			5210 430500	230	101000
	E676692	10/20/15 WTR-SUPPLIES (DQ REPAIR)	198.00			5210 430500	230	101000
34105		1411 HD SUPPLY WATERWORKS LTD	700.18					
	E666988	10/19/15 WTR-HWY 2 WATER REPAIR	224.30			5210 430500	230	101000
	E669151	10/19/15 STRS-MAG TANK	168.83			2500 430200	240	101000
	E663936	10/16/15 WTR-CURB BOX,ROD	307.05			5210 430500	230	101000
		Total for Vendor:	4,826.61					
34049		1659 HIGH COUNTRY LINEN SUPPLY	175.78					
	0187218	10/19/15 FAC-MATS (CITY HALL)	148.25			1000 411200	224	101000
	0187219	10/19/15 FD-MATS	27.53			1000 411200	224	101000
		Total for Vendor:	175.78					
34073		999999 HOELSCHER, ANTHONY JAMES	12.00					
	102315	10/22/15 PROSPECTIVE JUROR	12.00			1000 410360	390	101000
34068		999999 HOFELDT, HENRY	12.00					
	102315	10/22/15 PROSPECTIVE JUROR	12.00			1000 410360	390	101000
34075		999999 HOLLINGSWORTH, RAE CAROL	12.00					
	102315	10/22/15 PROSPECTIVE JUROR	12.00			1000 410360	390	101000
		Total for Vendor:	36.00					
34100		1702 IWORQ SYSTEMS	900.00					
		SUPPORT NOV. 2015-OCT. 2016						
	7244	10/19/15 INTERNET PAVEMENT MGMT	900.00			2500 430200	355	101000
		Total for Vendor:	900.00					

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34050		2849 J2 BUSINESS PRODUCTS	1,506.51					
	622250	10/08/15 PRKS-CAN LINERS	105.09			1000 460400	224	101000
	622892	10/14/15 PD-COPY PAPER	127.80			1000 420100	210	101000
	623290	10/16/15 CRT-CHAIRMATS,TONER	99.91			1000 410360	210	101000
	623417	10/19/15 PD-INK CRTDGS	130.94			1000 420100	210	101000
	623419	10/19/15 FIN-CORR TAPE,CORR RIBBON,APT	25.76			1000 410500	210	101000
	623419	10/19/15 WTR-CORR TAPE,CORR RIBBON	4.56			5210 430500	210	101000
	623419	10/19/15 SWR-CORR TAPE,CORR RIBBON	4.56			5310 430600	210	101000
	623419	10/19/15 BLDG-CORR TAPE,CORR RIBBON	1.14			2394 420500	210	101000
	623419	10/19/15 PLNG-CORR TAPE,CORR RIBBON	1.15			1000 411000	210	101000
	622248	10/09/15 STRS-TOILET TISSUE	78.33			2500 430200	224	101000
	623485	10/20/15 FIN-CHAIRMAT	111.06			1000 410500	210	101000
	623541	10/20/15 FIN-APPT BOOK	14.35			1000 410500	210	101000
	624245	10/26/15 FD-INK CRTDGS	27.20			1000 420400	210	101000
	624246	10/26/15 PD-INK CRTDG	27.98			1000 420100	210	101000
	C619976	09/22/15 FIN-CREDIT,RISERS	-173.52			1000 410500	210	101000
	77991	10/15/15 CONTRACT-M363N COPIER	306.74			1000 410500	363	101000
	77991	10/15/15 CONTRACT-M363N COPIER	306.73			5210 430500	363	101000
	77991	10/15/15 CONTRACT-M363N COPIER	306.73			5310 430600	363	101000
		Total for Vendor:	1,506.51					
34085		847 JENKINS, GRADY	54.99					
		HWY 2 LINE DIG-CREW DINNER						
	7123	10/21/15 TOWN PUMP-COKES	4.99			5210 430500	220	101000
	824	10/21/15 PIZZA HUT-PIZZAS	25.00			5210 430500	220	101000
	825	10/21/15 PIZZA HUT-PIZZAS	25.00			5210 430500	220	101000
		Total for Vendor:	54.99					
34060		2571 JIFFY LUBE	84.35					
	31499662	10/05/15 PD-'11 CRN VIC SRVCD	40.49			1000 420100	361	101000
	31499735	10/09/15 FD-'14 F150 SRVCD	43.86			1000 420400	361	101000
		Total for Vendor:	84.35					
34077		999999 JONES, BRANDON MICHAEL	12.00					
	102315	10/22/15 PROSPECTIVE JUROR	12.00			1000 410360	390	101000

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34086		999999 KEIBLER, RAY	52.22					
	102315	10/16/15 REFUND	52.22			5210 214010		101000
		Total for Vendor:	64.22					
34115		2707 KENCO SECURITY AND TECHNOLOGY	36.00					
	1256383	11/01/15 FD-MONITORING/TEST 11/1-30/15	36.00			1000 420400	366	101000
		Total for Vendor:	36.00					
34069		999999 KIMBROUGH, RICHARD D	12.00					
	102315	10/22/15 PROSPECTIVE JUROR	12.00			1000 410360	390	101000
		Total for Vendor:	12.00					
34108		2564 KUSTERS ZIMA CORPORATION	335.00					
	59656	10/21/15 SWR-SCREENINGS BAGS	335.00			5310 430600	240	101000
		Total for Vendor:	335.00					
34076		999999 KYGER, CHARLES	12.00					
	102315	10/22/15 PROSPECTIVE JUROR	12.00			1000 410360	390	101000
		Total for Vendor:	12.00					
34087		2047 LAURIE'S DELI	24.00					
	102315	10/22/15 CRT-JURY LUNCH	24.00			1000 410360	390	101000
		Total for Vendor:	24.00					
34088		1493 MAHUGH FIRE & SAFETY	75.50					
	67113	10/16/15 FD-PATCH,LETTERING	75.50			1000 420400	226	101000
		Total for Vendor:	75.50					
34052		147 MILD FENCE COMPANY	35.78					
	31817	10/15/15 SWR-PIPE POST,DOME CAP	35.78			5310 430600	240	101000
		Total for Vendor:	35.78					
34092		370 MIRACLE RECREATION EQUIPMENT CO.	637.36					
	768754	10/21/15 PRKS-WAVE SCTN,HRDWRE,PLUG	637.36			1000 460400	240	101000
		Total for Vendor:	637.36					

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Claim/	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
34096		707 MONTANA DEPT. OF REVENUE	358.26					
	102715	10/23/15 WTR/SWR PRJCTS-WATSON FINAL	288.81*			5210 430500	934	101000
	102715	10/23/15 WTR/SWR PRJCTS-WATSON FINAL	69.45*			5310 430600	930	101000
		Total for Vendor:	358.26					
34093		559 MONTANA ONE CALL CENTER	66.44					
	10232015	10/23/15 STRS-UDIGS 9/25-10/22/15	22.15			2500 430200	318	101000
	10232015	10/23/15 WTR-UDIGS 9/25-10/22/15	22.15			5210 430500	318	101000
	10232015	10/23/15 SWR-UDIGS 9/25-10/22/15	22.14			5310 430600	318	101000
		Total for Vendor:	66.44					
34051		194 MONTANA RURAL WATER SYSTEMS,	250.00					
	0728134	10/15/15 WTR-MEMBERSHIP DUES	250.00			5210 430500	335	101000
		Total for Vendor:	250.00					
34114		1247 MURDOCH'S RANCH & HOME KALISPELL	98.11					
	881245	10/16/15 STRS-PARTS FOR DEICE TRUCK	98.11			2500 430200	232	101000
		Total for Vendor:	98.11					
34072		999999 NELSON, RONALD B	12.00					
	102315	10/22/15 PROSPECTIVE JUROR	12.00			1000 410360	390	101000
		Total for Vendor:	12.00					
34101		1121 NICOSIA, SUSAN	40.50					
		MONTANA LEAGUE OF CITIES - OCT. 7-9, 2015 - BOZEMAN, MT						
	102715	10/26/15 ADMIN-MEALS	40.50			1000 410400	380	101000
		Total for Vendor:	40.50					
34053		378 NORTH VALLEY AG CENTER	500.00					
	218145	10/13/15 PRKS-FERTILIZER	500.00			1000 460400	220	101000
		Total for Vendor:	500.00					
34090		56 NORTHWEST PIPE FITTINGS INC	248.84					
	4547161	10/21/15 WTR-CURB STOP,NIPPLE	248.84			5210 430500	230	101000
		Total for Vendor:	248.84					

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\* ... Over spent expenditure

Claim/	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
34056		2816 O'REILLY AUTO PARTS	79.90					
	4774138382	10/16/15 PRKS-GAS STABILIZER	79.90			1000 460400	240	101000
		Total for Vendor:	79.90					
34102		63 PETTY CASH	82.39					
	102715	08/06/15 PD-PHONE ACCESSORY, STANBERRY	29.90			1000 420100	220	101000
	102715	08/25/15 PD-LIC PLATES CAR #16, PERRY	20.00			1000 420100	220	101000
	102715	09/01/15 FAC-CLOROX WIPES, N. BOYD	12.99			1000 411200	224	101000
	102715	09/25/15 SWR-TRK & PUMP, LUNCH-R. LAWRENC	6.50			5310 430600	380	101000
	102715	10/27/15 FIN-TRNG, STAALAND&OTT LUNCH	13.00			1000 410500	380	101000
		Total for Vendor:	82.39					
34067		999999 RANSIER-ROSS, MARCUS WILLIAM	12.00					
	102315	10/22/15 PROSPECTIVE JUROR	12.00			1000 410360	390	101000
		Total for Vendor:	12.00					
34106		2620 ROBERT PECCIA AND ASSOCIATES	1,555.26					
	0000007	10/20/15 SWR RVW 2ND AVE W	376.97			5310 430600	354	101000
	0000007	10/20/15 RED BRIDGE PRKG/ACCESS	1,178.29*			1000 460400	354	101000
		Total for Vendor:	1,555.26					
34109		199 SCHELLINGER CONSTRUCTION	1,380.00					
	71444	10/14/15 WTR-HIGHWAY WTR REPAIR	1,380.00			5210 430500	240	101000
		Total for Vendor:	1,380.00					
34074		999999 SKARE, KELLY J.	12.00					
	102315	10/22/15 PROSPECTIVE JUROR	12.00			1000 410360	390	101000
		Total for Vendor:	12.00					
34055		2858 SMITH'S PHARMACY #168	400.00					
	100115-168	10/14/15 FD-ON SITE FLU SHOTS (15)	375.00			1000 420400	390	101000
	100115-168	10/14/15 on-site flu shot - Nicosia	25.00			1000 410400	390	101000
		Total for Vendor:	400.00					
34071		999999 SMITH, MARY L.	12.00					
	102315	10/22/15 PROSPECTIVE JUROR	12.00			1000 410360	390	101000
		Total for Vendor:	12.00					

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\* ... Over spent expenditure

Claim/	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
34054		862 SUCCESSFUL SIGNS AND AWARDS	37.00					
	63847	10/20/15 FIN-NOTARY SEAL,N.BOYD	37.00			1000 410500	210	101000
		Total for Vendor:	37.00					
34110		402 T-BEND CONSTRUCTION,INC	550.00					
	15S722	10/17/15 WTR-HIGHWAY WTR REPAIR	68.75			5210 430500	240	101000
	15S741	10/24/15 WTR-HIGHWAY WTR REPAIR	481.25			5210 430500	240	101000
		Total for Vendor:	550.00					
34061		1621 TASER INTERNATIONAL	1,213.76					
	S11415155	10/15/15 PD-CAMERA SYSTEMS (3)	1,213.76			1000 420100	212	101000
		Total for Vendor:	1,213.76					
34111		246 URECO INC.	5,348.29					
	11216	10/20/15 STRS-DEICER	5,348.29			2500 430200	221	101000
		Total for Vendor:	5,348.29					
34107		2666 UV DOCTOR LAMPS LLC	7,397.48					
	9275	10/12/15 SWR-LAMPS,QRTZ SLEEVES	7,397.48		20531	5310 430600	240	101000
		Total for Vendor:	7,397.48					
34089		1218 VERIZON WIRELESS	976.35					
	9753900483	10/12/15 ADMIN-CELL PHONES	10.00			1000 410400	345	101000
	9753900483	10/12/15 FINANCE	10.01			1000 410500	345	101000
	9753900483	10/12/15 FIRE	103.08			1000 420400	345	101000
	9753900483	10/12/15 FACILITIES	25.50			1000 411200	345	101000
	9753900483	10/12/15 STREETS	50.99			2500 430200	345	101000
	9753900483	10/12/15 POLICE	629.27			1000 420100	345	101000
	9753900483	10/12/15 PARKS	25.50			1000 460400	345	101000
	9753900483	10/12/15 WATER	61.00			5210 430500	345	101000
	9753900483	10/12/15 SEWER	61.00			5310 430600	345	101000
		Total for Vendor:	976.35					
34112		2837 WATSON EXCAVATING, INC	34,038.63					
	6	10/23/15 2015 WTR/SWR PRJCT-FINAL	27,162.81*			5210 430500	934	101000
	6	10/23/15 2015 WTR/SWR PRJCT-FINAL	6,875.82*			5310 430600	930	101000
		Total for Vendor:	34,038.63					

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\* ... Over spent expenditure

Claim/	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
34062		84 WESTERN BUILDING CENTER	107.41					
	4415271	10/06/15 WTR-HEX NUT,HEX BOLT	16.26			5210 430500	230	101000
	4415505	10/08/15 SWR-END CAP,ADPTR	15.48			5310 430600	240	101000
	4415506	10/08/15 SWR-EXTENTION POLE	35.99			5310 430600	220	101000
	4416171	10/13/15 PRKS-ANTIFREEZE,CONCRETE	26.41			1000 460400	220	101000
	4416549	10/15/15 PRKS-ASSTD FASTENERS	0.70*			1000 460400	930	101000
	4416523	10/15/15 PRKS-ASSTD FASTENERS	3.98*			1000 460400	930	101000
	4417140	10/20/15 PRKS-CONCRETE MIX	8.59			1000 460400	240	101000
		Total for Vendor:	107.41					
34063		2828 WHITEFISH FORD	261.79					
	407273	10/19/15 PD-'13 INTERCEPTOR RPLCD BCKLE	261.79			1000 420100	361	101000
		Total for Vendor:	261.79					
		# of Claims	72	Total:				92,622.48



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CITY OF COLUMBIA FALLS  
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Council Meeting Date: ~~Nov 2, 2015~~

Claims Submitted to Council: \$ 92,622.48

Claims Denied/Withheld by Council Finance Committee: \$ \_\_\_\_\_ Claim #'s: \_\_\_\_\_

Prepared By: Todd Watkins, City Treasurer

\_\_\_\_\_

Approved by Susan M. Nicosia, City Manager

*Susan M. Nicosia*

City Council to Approve by motion on consent agenda

These claims include the final payment to Watson Excavating for the 2015 water/sewer projects, \$34,038.63. They also include \$7,397.48 to UV Doctor Lamps for the UV lamps and bulbs at the WWTP. This was a budgeted expense. Public Works is gearing up for winter and purchased \$5,348.29 in deicer. The claims are routine in nature and budgeted.

Total for Payroll Checks

	Employee	Employer	Amount
ADDL HOURS (Additional)	0.00		107.60
COMA HOURS (Comp Time Accumulated)	14.25		0.00
COMP HOURS (Comp Time Used)	11.51		190.84
HOL HOURS (Holiday Pay)	180.73		3,851.43
HOLW HOURS (Holiday Worked @ 2.5x)	49.25		2,353.59
OVER HOURS (Overtime)	21.00		627.22
OVT2 HOURS (STEP SHIFT B)	4.00		2.10
OVTD HOURS (STEP overtime)	4.00		142.26
REG HOURS (Regular Time)	2,008.50		43,657.21
SFTO HOURS (Shift Sup/FTO - \$1/hour)	83.25		489.97
SHF1 HOURS (Shift Diff B)	232.75		81.48
SHF2 HOURS (Shift diff C)	207.25		145.09
SHFB HOURS (OVT "B" Shift Diff @ 1.5x)	8.00		4.20
SHFC HOURS (OVT "C" Shift Diff @ 1.5x)	0.25		0.26
SHFG HOURS (B HolW Shift Diff)	19.00		16.63
SHFH HOURS (C HolW Shift Diff)	16.25		28.44
SICK HOURS (Sick Time)	26.50		484.00
VACA HOURS (Vacation Time Used)	290.88		6,128.86
GROSS PAY	58,311.18	0.00	
NET PAY	39,218.27	0.00	
NET PAY (CHECKS)	3,138.58		
NET PAY (DIRECT DEPOSIT)	36,079.69		
AFLAC-POSTTAX	92.72	0.00	
AFLAC-PRETAX	163.59	0.00	
CHILD SUPPORT	107.57	0.00	
CITY OF COLUMBI	25.00	0.00	
FIT	5,125.07	0.00	
FLEX ALLEGIANCE	676.50	24.75	
HEALTHINS/PRE	1,988.68	10,793.37	
MEDICARE	818.11	818.11	
MPEA DUES	90.50	0.00	
MT ST FIRE ASSO	24.24	0.00	
NATIONWIDE/CITY	0.00	939.37	
NATIONWIDE/EMP	760.00	0.00	
P.E.R.S.	2,783.89	2,914.29	
PERS/FURS	259.36	348.07	
PERS/POLICE	1,393.42	2,231.03	
SIT	2,333.00	0.00	
SOCIAL SECURITY	2,159.87	2,159.87	
TEAMSTERS DUES	178.00	0.00	
UNEMPL. INSUR.	0.00	255.19	
UNUM LIFE INS.	88.39	0.00	
VEBA	0.00	1,893.60	
WHITEFISH CREDI	25.00	0.00	
WORKERS' COMP	0.00	2,337.64	
FIRST CITIZENS	794.62	0.00	
FREEDOM BANK	1,107.36	0.00	
GLACIER BANK/CF	11,721.11	0.00	

10/23/15  
Payroll  
\$68,138.03  
Boris Staland

GLACIER BANK/WF	4,009.17	0.00
PARKSIDE CR U	10,723.10	0.00
US BANK-	1,476.17	0.00
WELLS FARGO	2,352.59	0.00
WFISH CR UNION	3,895.57	0.00
FIT/SIT BASE	50,285.74	0.00
MEDICARE BASE	56,421.78	0.00
PERS BASE	53,145.68	0.00
SOC SEC BASE	34,836.56	0.00
WC BASE	56,938.71	0.00

Total 24,715.29  
Total Payroll Expense (Gross Pay + Employer Contributions): 83,026.47

Check Summary

Payroll Checks Prev. Out.	\$54,511.24
Payroll Checks Issued	\$8,013.00
Payroll Checks Redeemed	\$54,511.24
Payroll Checks Outstanding	\$8,013.00
Electronic Checks	\$60,125.03

Deductions Accrued	Carried Forward From Previous Month	Deduction Checks Issued	Difference	Liab Account
Social Security		4319.74		212260
Medicare		1636.22		212260
P.E.R.S.		5698.18		212270
Unempl. Insur.	485.41		740.60	212210
Workers' Comp	4573.26		6910.90	212220
FIT		5125.07		212260
SIT		2333.00		212260
AFLAC-PRETAX	163.60	327.19		212230
NATIONWIDE/EMP		760.00		212280
Teamsters dues	178.00	356.00		212310
MPEA Dues	90.50	181.00		212320
Whitefish credi		25.00		212350
PERS/Police		3624.45		212240
TEAMSTERS INIT	50.00	50.00		212310
NATIONWIDE/CITY		939.37		212280
AFLAC-POSTTAX	92.73	185.45		212230
PERS/FURS		607.43		212275
MT ST FIRE ASSO		24.24		212315
HEALTHINS/PRE	12782.05		25564.10	212400
VEBA		1893.60		212286
CITY OF COLUMBI		25.00		212450
UNUM LIFE INS.	88.39		176.78	212400
FLEX ALLEGIANCE		701.25		212285
CHILD SUPPORT		107.57		212330
Total Ded.	43808.20	18503.94	28919.76	33392.38

\*\*\*\* Carried Forward column only correct if report run for current period.

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD OCTOBER 19, 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, Shepard, Plevel, Fisher and Lovering  
ABSENT: Petersen.

**ROLL CALL**

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

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 Lovering, and the motion carried unanimously.

**AGENDA  
APPROVAL**

**CONSENT AGENDA:**

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

**CONSENT  
AGENDA  
APPROVAL**

- A. Approval of Claims - \$ 102,038.46 - October 19, 2015
- B. Approval of Payroll Claims - \$19,188.44 - September 30, 2015  
Quarterlies
- Approval of Payroll Claims - \$87,096.00 = October 9, 2015
- C. Approval of Regular Meeting Minutes - October 5, 2015
- D. Approval of Plant Investment Fee Agreement - Randy Jones  
Construction, Inc., 2 Diane Road and authorize City Manager to sign.
- E. Approval of Plant Investment Fee Agreement - Randy Jones  
Construction, Inc., 4 Diane Road and authorize City Manager to sign.
- F. Approval of Memorandum of Agreement between Columbia Falls  
Chamber of Commerce and the City of Columbia Falls and authorize City  
Manager to sign.

**VISITORS/PUBLIC COMMENTS**

None.

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD OCTOBER 19, 2015**

**PUBLIC HEARINGS/NOTICES:**

**A. CONTINUED HEARING - COMMUNITY NEEDS ASSESSMENT:**

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.

**PUBLIC  
HEARINGS-  
Community Needs  
Assessment**

Mayor Barnhart continued the Public Hearing from the October 5, 2015 Council meeting at 7:02 p.m.

Don Bennett, 1000 Columbia Drive, said he has been involved in the city for several years. Mr. Bennett believes this is a great opportunity for Columbia Falls and personally knows 5-6 businesses that have benefited from the CDBG program. Mr. Bennett said he could not say enough about the opportunities available in Columbia Falls and encouraged the Council to continue with the Economic Development grants.

With no further comments Mayor Barnhart closed the Public Hearing at 7:04 p.m.

**B. HEARINGS:**

**a. Request for a Planned Unit Development in the Columbia Falls Zoning Jurisdiction:**

Ruis Holdings LLC is requesting a Planned Unit Development (PUD) to place an 82 room three story hotel (64 rooms first phase) on property located at the southwest corner of Highway 2 and Second Avenue West. This is the vacant parcel just east of the City Park and Pool. The PUD will review the large building standards as well as deviations to height, landscape buffer and parking counts. The property is Zoned CB-2 and hotels are a permitted use in this zone.

**PUD-Ruis Holding  
LLC-Motel**

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD OCTOBER 19, 2015**

City Planner Mulcahy presented staff report CPUD-15-01. Mulcahy discussed the zoning deviations requested with the PUD: Height, landscaping encroachment and parking provisions. Mulcahy reported that the Planning Board approved the PUD unanimously and sent to Council. Staff is recommending approval of the project with the listed 12 conditions.

Mayor Barnhart asked Council if they had any questions for staff.

Councilman Plevel asked if the PUD request was for the entire property or just the hotel area. Mulcahy said it is the northern 2/3 of blocks 67 & 70. The Southern lots remain undeveloped at this time. Councilman Plevel asked if the applicants will be removing the old buildings. Mulcahy said the owners can best answer that question.

Mayor Barnhart asked where phase II was situated on the building and if that phase will come back to Council separately. Mulcahy said the PUD is for the entire project and the additional 18 rooms will be located on north side of the building.

Mayor Barnhart opened Public Hearing at 7:31 p.m.

Michelle Moore, 1107 2<sup>nd</sup> Ave West, said she lives on 2<sup>nd</sup> Ave and has concerns with the lighting. Ms. Moore said she would like the owners to be mindful of the lighting for the residents in the area.

Rod Shaw, 370 Meadow Lake Road, said the buildings to the south of the property will go away. Mr. Shaw said he has been in the hospitality business for 30 years and wants to have a clean, quiet facility with appropriate lighting as possible for guests. There will not be bright lights as this will also be bothersome to the guests. Mr. Shaw said he assures they will park the property out and it will probably increase the value of the Moore's property. We are building the motel with 64 units and hope to add on the additional 18 rooms in the next few years pending on demand. Mr. Shaw said there remains to be parking concerns and payment of street parking. If it is such that other businesses pay for public parking, and we pay for additional street parking will it be for our private parking or will the public have access to it at our expense. We plan to provide a shuttle service from the airport to the motel to reduce parking. We could have reduced the conference center but decided to keep it at a capacity for 200 to meet community needs. We are conflicted when paying for pavement when others are able to use it and we just ask council to reconsider pavement responsibilities.

Mr. Bennett, 1000 Columbia Drive, said he would like to echo that statement on parking. Mr. Bennett states he knows the parties involved with the development of the motel and they are awesome people. They are getting

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD OCTOBER 19, 2015**

Columbia Falls to the next phase. As far as the cost of the project with the conference center Mr. Bennett said he suggested keeping it at the two hundred capacity. As far as the parking goes he does not think that the owners should be asked to pay for the additional paving of the city roadway.

Barnhart asked if there are any written comments. Nicosia said she received an email on October 13, 2015 from Jill Jacobson with concerns on the motel which was included in the Council packets.

With no further comments Mayor Barnhart closed the Public Hearing at 7:42 p.m.

Councilman Fisher asked if there are other businesses that pay for parking. City Manager Nicosia said pursuant to the Planning/Zoning Code the motel/conference center was short 36 parking spots, thus their request to have on street parking. Nicosia said the estimated cost to do an overlay on the existing road on 2<sup>nd</sup> Ave W. was approximately \$30,000. To provide a wider road plus a sidewalk will be around \$200,000. Nicosia said there was discussion with the owners on cost sharing as they were using the on street parking to meet their parking requirement. Nicosia noted that the condition allowed for negotiation on the amount. The Xanterra and Coffee Traders parking and curb were a cost share project. Nicosia said we have not asked the Farmers Market to pay for additional parking off site of their facility. Nicosia noted that the only reason it is raised in the conditions is because the developer is relying on the street parking to meet their parking requirement.

Councilman Plevel said that is a big price difference on pavement. Nicosia said the \$4.30 per square foot figure came from the engineers, noting that without the hotel/conference city development, the street would not be widened.

Councilman Shepard said he too is concerned about the parking price. Shepard said his wish was to have a motel in Columbia Falls and would like to provide a better deal for them. Nicosia said the city didn't ask them to pay the difference, but to share in the costs; noting that the City would not pave the additional width, only overlay existing pavement without the development.

Councilman Lovering asked if the motel will fall into the TIF district. Nicosia replied that it is within the boundary of the URD/TIF.

Mayor Barnhart stated that he believes the City needs to buy into the motel/conference center. Mayor would like the City to do it right with sidewalks that will provide parking for the motel and Farmers Markets. Mayor Barnhart stated that he believes condition 6 should be removed and the City proceeds with widening the street and installing the sidewalk.

Councilman Plevel asked who will maintain that section of 2<sup>nd</sup> Ave W. Nicosia said it is a public street and the City will maintain it.

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD OCTOBER 19, 2015**

Councilman Shepard motioned to approve Staff Report CPUD-15-01 as findings of fact, second by Councilman Fisher with Council voting as follows. YES: Karper, Lovering, Plevel, Shepard, Fisher and Barnhart. NOES: None. ABSENT: Petersen.

Councilman Shepard made motion to approve the PUD with the removal of condition #6 of Staff Report CPUD-15-01, second by Councilman Fisher with Council voting as follows. YES: Lovering, Plevel, Shepard, Fisher, Karper and Barnhart. NOES: None. ABSENT: Petersen.

Mayor Barnhart suggested a 10 minute recess at 7:55 p.m. Meeting was back in session at 8:05 p.m.

**b. Request by the City of Columbia Falls to adopt new Floodplain Regulations:**

**FLOODPLAIN  
REGULATIONS**

The City of Columbia Falls is a participant in the National Flood Insurance Program (NFIP) which is administered through the Federal Emergency Management Agency (FEMA). The City participates in this program so that citizens within its jurisdiction can secure federally backed flood insurance and in cases of flooding, the City and its citizens can be eligible for Federal Disaster Assistance through FEMA. As a condition of participation in the NFIP, FEMA requires that enrolled communities adopt Floodplain Regulations compliant with the State and Federal Floodplain Regulation Model. The proposed Floodplain Regulations will replace the existing Floodplain Regulations which were last updated in 2007.

City Planner Mulcahy presented Staff Report CFREGS-15-01.

Councilman Shepard asked if we have heard from people in the floodplain area. Mulcahy said most of the changes in the map are in the Evergreen area. Mulcahy said the City of Columbia Falls maps were improved with changes in the Trumbull and Garnier Creek areas.

Councilman Fisher motioned to adopt Staff Report CFREGS-15-01 as findings of fact, second by Councilman Shepard with Council voting as follows. YES: Plevel, Shepard, Fisher, Karper, Lovering and Barnhart. NOES: None. ABSENT: Petersen.

Councilman Lovering motioned to approve the Floodplain Regulations as presented, second by Councilman Karper with Council voting as follows. YES: Shepard, Fisher, Karper, Lovering, Plevel and Barnhart. NOES: None. ABSENT: Petersen.

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD OCTOBER 19, 2015**

**C. 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 10<sup>th</sup> at 6:30 p.m. at the Council Chambers of City Hall, 130 6<sup>th</sup> Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on December 7<sup>th</sup>, 2015 starting at 7:00 p.m. in the same location.

**NOTICE OF  
PUBLIC  
HEARINGS**

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

A request by the City of Columbia Falls to amend certain 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.

**Columbia Falls  
Zoning Regulations-  
Title 18**

Persons may testify at the hearings or submit written comments prior to the meetings. Written comment may be sent to Columbia Falls City Hall, Attention: Susan Nicosia, City Manager, 130 6<sup>th</sup> Street West, Room A, Columbia Falls, MT 59912. For more information call Eric Mulcahy, Columbia Falls City Planner at 755-6481.

**UNFINISHED BUSINESS**

None.

**UNFINISHED  
BUSINESS**

**NEW BUSINESS:**

None.

**NEW BUSINESS**

**ORDINANCES:**

A. Second and Final Reading - Ordinance 753 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Designating the Columbia Falls Industrial Park Targeted Economic Development Area, Creating the Columbia Falls Industrial Park Targeted Economic Development District (TEDD) and Adopting the Columbia Falls Industrial Park Targeted Economic Development District Comprehensive Development Plan with a Tax Increment Financing Program Pursuant to Title 7, Chapter 15, Part 42 and 43

**ORDINANCE #753  
Second and Final  
Reading - TEDD**

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD OCTOBER 19, 2015**

of the Montana Codes Annotated

Councilman Plevel motioned to approve second and final reading of Ordinance #753, second by Councilman Shepard with Council voting as follows. YES: Fisher, Karper, Lovering, Plevel, Shepard, Fisher and Barnhart. NOES: None. ABSENT: Petersen.

B. First 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  
FIRST READING  
PUD-Motel**

City Manager Nicosia said based on the unanimous Planning Board approval and thoroughness of the application and comments in the hearing, staff brought forth the 1<sup>st</sup> reading of the PUD Ordinance in order to move forward with the Building Permit at this time.

Councilman Plevel made motion to approve the First Reading of Ordinance #754, second by Councilman Lovering and the motion passed with all members voting in favor.

C. First 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  
First Reading-  
Floodplain**

Councilman Shepard motioned to approve the First Reading of Ordinance #755, second by Councilman Fisher and the motion carried with all members voting in favor.

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD OCTOBER 19, 2015**

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

Councilman Plevel thanked Nicosia for addressing a complaint on 2<sup>nd</sup> Ave W with yard improvements, but there is an area that was not repaired.

Mayor Barnhart passed around a Sympathy card for the Schellinger family on the loss of Mrs. Faithe Schellinger who served on City Council for 2 terms.

Mayor reported that Randy Jones is moving forward with 6 and 8 plex homes, improving rental needs in Columbia Falls.

Mayor reported there is one light in Diane that needs to be installed. Nicosia said that was Mr. Jones responsibility to install per his CUP. Mayor also noted the parking on Diane narrows the driving surface. He noted that it is signed visitor parking on street only but it appears that tenants are parking there. Nicosia said some tenants said it was because Mr. Jones charged them if they got oil on the pavement in the parking spots. The snow plow trucks have a hard time getting through the street and cars may be plowed in. Nicosia said the City can send out letters to the owners advising them of clearing the on street parking.

Mayor asked if we can get sidewalks down 13<sup>th</sup> street to Hilltop. I see people trying to walk with no sidewalks. Nicosia said it could be a part of our transportation study.

**REPORTS/BUSINESS FROM CITY ATTORNEY:**

None.

**CITY MANAGER REPORT:**

The MT League of Cities and Towns annual conference held last week was very good and informative. There was a lot of good information, particularly from DT DOC Community Development and MT DOT Director Mike Tooley. Now may be the time for the City of Columbia Falls to become a Main Street affiliate City. Additionally, Nicosia noted that the MLCT will be holding regional meetings in the near future to discuss legislative strategy, collaboration with other entities/agencies and the general needs and issues of cities and towns. We have decided to make these meetings more formal and include training. The sessions will include representatives from the MLCT, the Local Government Center and MMAI as well as inviting our local legislators and congressman.

Based on comments during the PUD hearing, Nicosia noted that crosswalks on Hwy 2 and 1<sup>st</sup> Ave West were looked into by MT DOT and they decided that the intersection crosswalks on 4<sup>th</sup> Avenue and Hwy 2 and Nucleus were sufficient. Nicosia noted that the Transportation Study can also address such issues.

The Columbia Falls Library Association donated a 1916 photo to the City for display in City Hall.

Nicosia is working on updating the agreement with Glacier Bank on the Falls Park to define each party's responsibilities.

**REPORTS FROM  
MAYOR AND  
COUNCIL**

**REPORT FROM  
CITY ATTORNEY**

**CITY MANAGER  
REPORT**

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD OCTOBER 19, 2015**

Nicosia, Hagen and the Attorney's office is also working on an agreement with Three Rivers Ambulance. Three Rivers has asked on occasion our Fire Department and Police Department to drive an ambulance. Based on our insurance requirements, the City needs to have an agreement and insurance in place that would cover our volunteers and employees.

The Flathead County Commissioners set the schedule to complete the 911 Special Purpose District and Assessment process before the Jan. 1<sup>st</sup> deadline. The Commissioners will hold a public hearing on October 28<sup>th</sup> and the notices will be mailed to each affected taxpayer. There is a 60 day protest period. The 911 election failed within the City of Columbia Falls last year despite the fact that the proposed funding method would have saved our citizens tax dollars. Council discussed how we want to get the word out to our community and ensure the success of the 911 center funding. Councilman Shepard suggested getting the Hungry Horse News to write an editorial.

At the last council meeting, October 5, 2015 Mr. Duffy raised the vision issue at the intersection of S. Hilltop and Talbot Road. The stop sign has been moved to provide for a more appropriate stopping distance allowing for a better sight of vision of traffic. Chief Perry investigated the traffic complaint on 4<sup>th</sup> Ave West and reported that there is no evidence of vehicles traveling through the school zone at 45 mph. They have added extra patrols over the last two weeks for speed enforcement. Perry noted that the crossing guard was not properly manning the crosswalk and that issue has been addressed with the school principal. Nicosia noted that the Public Works crew is also looking at other intersections to determine the proper placement of the signage.

The City Crew repaired a leak in the Dairy Queen water service line. The leak was about 40 feet into the highway. Based on the size of the leak, Public Works Director Jenkins determined that it would have leaked approximately 1.5-2 million gallons per month.

City administration has carefully reviewed the level of service provided by the Police Department. The review determined that the City could provide a more appropriate and needed level of public service by eliminating the Police Department Office Assistant position and adding one Police Officer positions, maintaining the current level of staffing but providing a higher level of service. The PD Office Assistant position was filled when the City consolidated the dispatch services with the 911 Center. With the recent technological upgrades, the clerical duties, such as entering tickets into the system, have been greatly reduced and will be further reduced with upcoming New World updates. A sworn officer will work during the day, providing direct service to the window traffic, backing up the daytime officer as needed, completing the warrant and CJIN duties and providing community policing and other duties as required. Mayor Barnhart stated that he is pleased that the review was completed and that having a sworn officer

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD OCTOBER 19, 2015**

on duty will eliminate the complaints and concerns expressed by the citizens since the 911 consolidation.

Councilman Fisher said there is a Tree Board meeting October 20, 2015.

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

**CORRESPONDEN  
CE/REPORTS**

**B. Reports:**

1. Finance - September
2. Police - September activity
3. Court - Quarter ending 9/30<sup>th</sup> activity

**ADJOURN:** Upon motion duly made by Councilman Shepard and seconded by Councilman Fisher, the meeting adjourned at 9:13 p.m. **ADJOURN**

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED BY COUNCIL ACTION: November 2, 2015

**CONTRACT AMENDMENT #3**  
**to**  
**TASK ORDER NUMBER FOUR**  
**AGREEMENT TO FURNISH ENGINEERING SERVICES**  
**to**  
**CITY OF COLUMBIA FALLS**  
**for**  
**2015 SEWER & WATER PROJECTS**

The Task Order Number Four dated the 17<sup>th</sup> day of **June, 2014** by and between the CITY OF COLUMBIA FALLS, and the engineering firm of Robert Peccia & Associates, Inc., is hereby amended as follows:

**ARTICLE 1. SCOPE OF SERVICES**

This Contract Amendment #3 is for Contractor Reimbursed Engineering. The Contractor has had the amount of this Contract Amendment deducted from his Pay Request # 6. This amount was for additional inspection as a result of unacceptable work for the Vans Avenue Sewer, according to Supplementary Condition #10. RPA was required to provide additional construction administration and observation as a result of unacceptable work. This Contract Amendment is for additional compensation for this work, which the Contractor is paying as liquidated damages.

**ARTICLE 2. SCOPE OF SERVICES**

The work listed above under Article 1, Scope of Services, was completed in September and October of 2015.

**ARTICLE 3. COMPENSATION**

The budget for the additional services described above under Article 1, Scope of Services, shall be paid on a cost plus fixed fee basis not to exceed a ceiling amount of \$1,429.30, without prior approval from the Owner. This will bring the total budget for Task Order Number Four to \$102,189.30.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2015.

**ROBERT PECCIA & ASSOCIATES**

**CITY OF COLUMBIA FALLS**

  
\_\_\_\_\_  
Keith A. Jensen, President

\_\_\_\_\_  
Susan Nicosia, City Manager



130 6<sup>th</sup> STREET WEST  
ROOM A  
COLUMBIA FALLS, MT 59912

PHONE (406) 892-4391  
FAX (406) 892-4413

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## CITY OF COLUMBIA FALLS

### NOTICE OF PUBLIC HEARINGS

The Columbia Falls City-County Planning Board will hold a public hearing for the following items at their regular meeting on Tuesday, November 10<sup>th</sup> 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 7<sup>th</sup>, 2015 starting at 7:00 p.m. in the same location.

**Columbia Falls Zoning Regulations – Title 18 (Zoning Text Amendment):** A request by the City of Columbia Falls to amend certain 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.

Persons may testify at the hearings or submit written comments prior to the meetings. Written comment may be sent to Columbia Falls City Hall, Attention: Susan Nicosia, City Manager, 130 6<sup>th</sup> Street West, Room A, Columbia Falls, MT 59912. For more information call Eric Mulcahy, Columbia Falls City Planner at 755-6481.

DATED this 13 day of October, 2015.

*Susan Nicosia*

Susan Nicosia, CPA, MPA, City Manager  
COLUMBIA FALLS CITY-COUNTY PLANNING BOARD

Publish: Daily Interlake:     October 25, 2015

**TASK ORDER NUMBER SEVEN**  
**AGREEMENT TO FURNISH ENGINEERING SERVICES**  
**to**  
**CITY OF COLUMBIA FALLS**  
**for**  
**2<sup>nd</sup> AVE WEST RECONSTRUCTION PROJECT**

This Task Order provides for professional engineering services to be performed by ROBERT PECCIA & ASSOCIATES, INC. (hereinafter the Engineer), for the CITY OF COLUMBIA FALLS (hereinafter the Owner), in accordance with Article 1 of the Agreement to Furnish Engineering Services to the CITY OF COLUMBIA FALLS, dated April 24<sup>th</sup>, 2014 (hereinafter the Agreement). All provisions of the Agreement are incorporated by reference. This Task Order represents an authorization to proceed with the scope of services, schedule, and compensation described herein. This Task Order, when executed by both parties, shall become a supplement to and part of the basic Agreement.

**ARTICLE 1. SCOPE OF SERVICES**

The Engineer agrees to furnish the following professional engineering services in connection with the 2<sup>nd</sup> AVE WEST RECONSTRUCTION PROJECT, hereinafter referred to as the Project. Below is a brief description of the project:

The 2<sup>nd</sup> Ave West Reconstruction project, the "Project", consists of reconstructing 2<sup>nd</sup> Ave West from 11<sup>th</sup> Street West to US Highway 2 (9<sup>th</sup> Street West). The total length of the project is approximately 560 feet in length. The project includes a full reconstruction of the street. There will be angled, on-street parking and a 6'0" wide sidewalk along the west side of 2<sup>nd</sup> Ave West.

The project will include replacement of the water main and water services. No sewer main work will be included. The project will include storm water collection and disposal. It is anticipated that storm water will be collected by the curb and gutter and disposed of through slotted drain inlets.

Any work required to relocate or move existing power, phone, gas and cable is not included at this time. If it is found that any existing utilities need to be relocated, a subsequent task order will be prepared and submitted.

It is anticipated that this project would be surveyed in the fall of 2015, designed in the early winter of 2015/2016, advertised for bids in March 2016 and construction will start in the spring of 2016.

## **A. DESIGN PHASE**

### Review As-Built Drawings

The Engineer will obtain available As-Built drawings for the existing project sites and review them. As-built information will be incorporated into the design.

### Field Surveys

The Engineer will establish a control network and conduct a topographic field survey for each project area so preliminary design work can be accomplished. The survey will include the area needed to match existing facilities and to obtain data not currently available regarding underground and surface improvements. Utility mapping will be based upon information provided by others. Additional surveying may be necessary if the scope of services changes, and will be included in subsequent Task Orders.

### Prepare Base Maps

Using the field survey and existing as-built drawings, the Engineer will prepare base maps as required at a suitable scale showing the physical features of the project. These maps will provide the basis for plans and details.

### Prepare Preliminary Plans

The Engineer will prepare preliminary construction plans. It is anticipated that these plans will be developed to 50% completion.

The plan sheets will be developed on 11" x 17" pages and the plan set is anticipated to include the following:

- G-1 – Sheet Index & Abbreviations
- G-2 – Legend & General Notes
- G-3 – Project Overview & Survey Control
- G-4 – G-6 – Typical Details
- C-1 – C-2 – Plan & Profile Sheets
- C-3 – C-5 - Details

### Prepare Contract Documents and Specifications

The Engineer will prepare the Contract Documents and Specifications for the Owner's project. If the Owner does not have their own standard contract documents, the Engineer will use their standards. The contract documents include the advertisement for bid, instructions to bidders, proposal, general conditions, supplementary conditions, special provisions, and standard forms.

The Engineer will also incorporate the most current version of the prevailing wage rates that they believe are appropriate for this project. The Owner shall review the prevailing wage rates that are selected for publication in the Contract Documents to determine if they agree that they are the

appropriate rates for the project. Unless specifically directed by the Owner to replace the wage rates selected, the Engineer will assume that the Owner concurs in the rates chosen.

For the specifications, the Engineer will incorporate the most current version of the Montana Public Works Standard Specifications (MPWSS) to the extent possible. The Engineer will supplement the MPWSS specifications with additional technical specifications for work items that are not specifically addressed in the MPWSS.

#### Opinion of Probable Cost

The Engineer shall calculate the project bid quantities from the preliminary plans for incorporation into the specifications. After the bid quantities have been computed the Engineer will prepare an Opinion of Probable Cost based on the calculated preliminary bid quantities.

#### Preliminary Plan in Hand with Client

The Engineer will arrange a Preliminary Plan-in-Hand (PPIH) meeting with the Owner. The purpose of this meeting is to review the plans, specifications, and opinion of probable construction cost and allow the Owner to comment on them. This meeting gives the Owner another opportunity to modify the design, and/or delete work items, or adjust their budget if necessary.

Pertinent Owner comments shall be noted in the written meeting notes which will serve as a record of the items discussed at the PPIH and the directives given to the Engineer by the Owner.

#### Final Design Changes

After receiving all Owner review comments the Engineer shall make the appropriate design modifications. Modifications typically include revising the contract documents, specifications and plans.

#### Final In-House Review and QA/QC Approval

The Engineer will coordinate an in-house Quality Assurance/Quality Control (QA/QC) review of the contract documents, specifications and plans to gain approval to advertise for bids.

#### Final Plan-in-Hand Meeting

After the QA/QC approval has been received the Engineer will schedule and attend a Final Plan-in-Hand (FPIH) meeting with the Owner. The main purpose of this meeting is to solicit final design comments and receive authorization from the Owner to advertise for bids.

#### Prepare Bid Sets

After the Final Plan-in-Hand (FPIH) meeting with the Owner, the Engineer will make the appropriate final design modifications requested by the Owner and prepare the bid sets for the project.

## **B. BID TO AWARD PHASE**

### Advertise for Bids

The Owner will coordinate the advertisement for bids and pay all advertising fees. The Engineer will post the Contract Documents and Specifications and Plans to the Engineer's website for potential bidders to review and download for bidding.

### Pre-Bid Conference

The Engineer shall schedule and conduct a Pre-Bid Conference for the project. The intent of this conference is to make the Contractors fully aware of the project requirements.

The Engineer is responsible for conducting the meeting and taking meeting notes and answering any technical design related questions. A *Pre-Bid Conference Sign-In Sheet* shall be circulated amongst the attendees for a record of those persons present.

### Planholder's List

The Engineer will distribute "Official Bid Forms" to those Contractors who request them. No plans and specifications or "Official Bid Form" shall be sent to any Contractor who has not supplied the proper deposit. The Engineer will maintain a record of the "Official Bid Forms" that have been sent to Contractors. This record shall include writing down the Contractor's name and address, set number, and deposit received in the *Planholder's List Book*.

### Issuing Addenda

On some projects it becomes necessary to send out a written addenda to the plans and/or specifications. The addenda serves to make clarifications or changes in the *Contract Documents* prior to the bid opening. All written addenda issued will become part of the *Contract Documents* and all bidders shall be bound by such addenda, therefore, a copy of the addenda shall be sent to all planholders on our list. The issuance of any addenda is the responsibility of the Engineer.

### Bid Opening

The Engineer shall attend the Bid Opening. The Owner will open and read the bids aloud.

The Engineer will review all bids received for bid irregularities. Items to be reviewed include the Bid Bond, math errors in the bid, acknowledgment of receipt of any and all addenda, Contractor's registration number and proper completion of all bid document forms. If irregularities are discovered in the low bidder's package, the Engineer shall bring it to the attention of the Owner and encourage them to consult the City Attorney.

### Bid Tabulations

The Engineer shall return from the Bid Opening with all the Contractor's bid packages and prepare the bid tabulations. The Engineer is responsible for transferring the unit bid prices and total bid

prices shown in the Contractor's bid onto a *Bid Tabulation Sheet*. Any math errors in the Contractor's bid will be noted on the bid tabulations and the correct figure shown.

#### Award Recommendation

After the *Bid Tabulations* have been prepared and approved, the Engineer shall write a *Recommendation of Award* letter to the Client. A copy of the *Bid Tabulations* shall be attached to this letter.

The *Recommendation of Award* letter shall be based on the lowest responsive bid, the absence of any bid irregularities (or in accordance with an Attorney's opinion in the case of bid irregularities), and the ability of the Contractor to perform the work. If the Contractor's qualifications are not known, a Pre-Award Conference may be required prior to the *Recommendation of Award*.

#### Notice of Award and Contract Documents

Once a Contractor has been approved by the Owner, the Engineer shall complete and transmit three copies of a *Notice of Award* to the Owner for their signature. The Engineer will transmit all of them to the Contractor for their signature.

After the Contractor signs the *Notice of Award*, the Engineer shall transmit three copies of the *Agreement Between Owner and Contractor* to the Contractor. The Contractor should be asked to sign all three copies and return them to the Engineer's office, along with the required *Performance and Payment Bonds*, *Certificates of Insurance*, and *Power of Attorney*. This set of documents constitutes the Contract Documents.

#### Contract Document Review

Upon receipt of the *Contract Documents* from the Contractor, the Engineer shall review the *Agreement*, *Performance Bond*, *Payment Bond*, *Certificates of Insurance*, *Power of Attorney*, and *Workers' Compensation Certificate* for conformance with the project requirements.

#### Recommendation to Client to Review Contracts

The Engineer shall send the *Contract Documents* to the Owner with a Letter of Recommendation for them to review and sign the *Agreement*, if approved by their attorney. The Client should be asked to return two fully executed copies of the *Contract Documents* to the Engineer.

## C. CONSTRUCTION PHASE

### Preconstruction Conference

The Engineer shall schedule a Preconstruction Conference (Pre-Con) with the Owner, Contractor, subcontractors, and any other applicable representatives. Both the Engineer's Project Manager and the Engineer's On-Site Representative shall attend the Pre-Con. The Project Manager is responsible for conducting the Pre-Con, while the Engineer's On-Site Representative records accurate minutes of the items discussed.

### Send Minutes of Pre-Con to All Conference Participants

Minutes of the Preconstruction Conference shall be sent to all conference participants. In addition, the Project Manager shall transmit a copy of the *Preconstruction Conference Agenda* and the *Persons Attending* form to all attendees.

### Send Notice to Proceed to Client

Once the project start-up date has been determined, the Project Manager shall send 3 copies of the *Notice to Proceed* to the Client and Contractor for their signatures.

### Submittal Review Process

The Engineer's Project Manager and the Engineer's On-Site Representative shall work cooperatively on the Submittal Reviews.

The Engineer's Project Manager is responsible for ensuring the submittals received from the Contractor are reviewed and returned well within the time frame allowed in the Specifications. A *Submittal Log*, shall be maintained and kept current during the course of the Submittal Review process.

Each individual submittal received from the Contractor shall be reviewed and recorded on a *Submittal Checklist*. The Checklist will be returned to the Contractor with the appropriate number of reviewed submittals attached. If additional comments are required for a particular submittal they should be written down on a *Submittal Comment Sheet*.

### Construction Administration and Observation

The Engineer will assign an On-site Representative (OSR) to act as the construction observer and project administrator for the project. This Representative will be on-site periodically during construction activities and will observe the Contractor's performance in comparison to plans and specifications.

The construction is not anticipated to exceed **six (6) weeks**. **OSR time is anticipated not to exceed two trips per week and not more than 8 hours per week**. Project Specifications will stipulate that the OSR has been budgeted to work two (2) hours per site visit throughout the contract period. Should the Contractor decide to do work requiring observation beyond those

hours, he could be assessed for reimbursed engineering fees to compensate for the additional time. Additionally, if the scope of work changes significantly enough to warrant an extension of time for the Contractor, the Consultant will negotiate for compensation for additional time and expenses as well.

### Change Orders

During the course of construction it may become necessary to add, modify, or delete work items and/or contract time. These changes are normally initiated by the Owner or Engineer, or requested by the Contractor. Any changes in the original Scope of Work shall be handled through the issuance of a *Change Order*.

In the event a *Change Order* is required, the Engineer's On-Site Representative shall promptly notify the Project Manager so together they may process the *Change Order*. The Project Manager shall notify the Owner of the potential *Change Order* prior to negotiating the change with the Contractor so as to obtain the Owner's approval of the need for the change.

The Project Manager and/or the Engineer's On-Site Representative will negotiate with the Contractor to derive a reasonable change in cost for the work changes requested. A detailed cost breakdown like the one shown on the *Change Order* form must be provided by the Contractor so we may review it for reasonableness.

The Project Manager is responsible for executing the *Change Order* and providing it to the Contractor for their acceptance signature. Three signed copies should be returned to the Project Manager. The Project Manager shall transmit all three signed copies to the Owner for their review, approval and signature.

The Project Manager shall transmit a signed copy of the *Change Order* to the Contractor which will serve as their notice to proceed with the changes.

### Project Punchlist

When the Contractor has substantially completed the construction project, it shall be the Engineer's On-Site Representative's responsibility to issue the Contractor a Project Punchlist. The Punchlist should detail the remaining work items and site cleanup the Contractor has to complete prior to the Final Project Inspection. The Punchlist should be signed by the Engineer's On-Site Representative and copies should be given to the Contractor, the Owner, and the Project Manager. The Contractor's satisfactory completion of the Punchlist items does not constitute final acceptance of the project, it merely means that the Contractor is ready for Final Inspection with the Owner.

### Final Project Inspection

Representatives of the Owner, the Contractor, the Project Manager, and the Engineer's On-Site Representative shall visit the project site for a Final Project Inspection. A thorough walk-through inspection shall be conducted to provide the Owner the opportunity to comment on the quality of the finished project, to point out work items or cleanup which require additional work, or accept the project as complete.

If the Owner requires the Contractor to perform additional work, the Engineer's On-Site Representative shall document the work items in a Final Project Punchlist.

The Contractor's satisfactory completion of the Final Project Punchlist items shall constitute "substantial completion" which triggers the one-year warranty period.

#### Contractor's Pay Request

The Contractor is responsible for submitting *Pay Request* to the Engineer for processing. These pay requests will be reviewed by the Engineer's OSR and forwarded to the Owner to be processed.

#### Record Drawings

The Engineer's On-Site Representative will produce the *Record Drawings* at the conclusion of the Project. He/She shall maintain a set of record construction plans during the course of construction, carefully noting all design changes, underground utilities, etc.

#### Record Drawings to Client

The Project Manager shall closely review the record drawings prior to submitting copies to the Owner and MDEQ. The Engineer will prepare four (4) sets of Record Drawings for the Owner and will also provide an AutoCAD file of the record drawings for the Owner's use.

**ARTICLE 2. SCHEDULE**

It is anticipated that those services listed above under Article 1, Scope of Services, are to be completed during the time period from October 2015 to June 2016.

**ARTICLE 3. COMPENSATION**

**A. BUDGET**

The budget for those services described above under Article 1, Scope of Services, shall be paid on a cost plus fixed fee basis not to exceed a ceiling amount of \$36,380.00, without prior approval from the Owner. The fixed fee amount is \$4,556.79, as shown on the attached "Schedule of Estimated Costs."

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**CITY OF COLUMBIA FALLS**

By: \_\_\_\_\_

Title: \_\_\_\_\_

**ROBERT PECCIA & ASSOCIATES, INC.**

By: \_\_\_\_\_

President

# ROBERT PECCIA & ASSOCIATES

## Project Schedule

RPA Project No. 14104.007  
 Date: October 21, 2015

City of Columbia Falls  
 2nd Avenue West Reconstruction Project  
 Columbia Falls, MT

Work Item/Task	Date	Duration (calendar days)	Notes
<b>ENGINEERING CONTRACTS</b>			
RPA & City Negotiates Fees	Monday, November 02, 2015		
City Council Award of Contract	Monday, November 02, 2015		
Contract Signed by RPA & City	Thursday, November 05, 2015		Council Meets 1st and 3rd Mondays
<b>SURVEY &amp; DESIGN ENGINEERING</b>			
Survey Project Sites	Monday, November 09, 2015	7	
Prepare Preliminary Plans & Specifications	Monday, November 16, 2015	14	
90% Submittal for Review & Approval	Monday, November 30, 2015	14	
Receive City and RPA QA/QC Review Comments	Monday, December 14, 2015	7	
100% Contract Documents & Construction Drawings	Monday, December 28, 2015		
Submit to DEQ for Approval	Monday, January 04, 2016		
Obtain DEQ Approval	Monday, January 18, 2016	14	Two weeks for review
Produce Bid Sets	Friday, January 22, 2016		
<b>ADVERTISING AND BID OPENING</b>			
1st Advertisement	Sunday, January 24, 2016	6	Daily Interlake
2nd Advertisement	Sunday, January 31, 2016	7	Daily Interlake
Pre-Bid Meeting	Friday, January 29, 2016	5	At 11:00 am
Bid Opening	Friday, February 05, 2016 (@ 3:00 PM)	5	Must be 5 day after and no later than 12 days after last bid. City can hold bids for 60 days
<b>NOTICE OF AWARD AND CONTRACT EXECUTION</b>			
Council Award	Monday, February 15, 2016	1	Sign NOA day after Council Meeting
Issue Notice of Award	Tuesday, February 16, 2016	13	Two weeks for Insurance, Bonding, etc.
Sign Construction Contract	Monday, February 29, 2016	7	One week for submittals, schedule, traffic and haul route plans, etc.
Preconstruction Meeting	Monday, March 07, 2016		
<b>CONSTRUCTION</b>			
Start Construction (Earliest Start Date)	Monday, March 07, 2016	45	45 Calendar Days
End Construction (Earliest End Date)	Thursday, April 21, 2016		

**Civil Engineers Opinion of Probable Civil Infrastructure Costs**  
**2nd Ave West Reconstruction Project, Columbia Falls, MT**  
 Revised 10/08/15 by REM



Robert Peccia & Associates, Inc.  
 825 Custer Avenue \* Helena \* Montana \* (406) 447-5000  
 102 Cooperative Way, Suite 300 \* Kalispell \* Montana \* (406) 752-5025

Item No.	Quantity	Unit	Unit Description	Engineer's Estimate	
				Unit Price (Figures)	Total Price (Figures)
<b>Estimated Civil Infrastructure Construction Costs</b>					
1	39,200	SF	Site Preparation	\$0.20	\$7,840.00
2	28,560	SF	New Asphalt Roadway with Curb & Gutter & Parking	\$4.40	\$125,664.00
3	3,360	SF	Concrete Sidewalks	\$5.70	\$19,152.00
4	4	EA	Slotted Drain Inlets	\$4,000.00	\$16,000.00
5	600	LF	Water Main (8" PVC)	\$55.00	\$33,000.00
6	2	EA	Existing Water Main Connection	\$2,500.00	\$5,000.00
7	2	EA	Water Service - Domestic	\$1,300.00	\$2,600.00
8	100	LF	Water Service - Fire	\$40.00	\$4,000.00
			Subtotal =		\$213,256.00
<b>Estimated Civil Engineering Fees</b>					
1	1	LS	Design Phase	\$19,300.00	\$19,300.00
2	1	LS	Bid to Award Phase	\$3,630.00	\$3,630.00
3	1	LS	Construction Phase	\$13,450.00	\$13,450.00
			Subtotal =		\$36,380.00
<b>TOTAL PROJECT COSTS:</b>					<b>\$249,636.00</b>

**ROBERT PECCIA & ASSOCIATES**  
**CIVIL ENGINEERING SERVICES CONTRACT**  
**SCHEDULE OF ESTIMATED COSTS**



**2nd AVE WEST RECONSTRUCTION PROJECT**  
**Columbia Falls, MT**

**CITY OF COLUMBIA FALLS**

**TASK ORDER NO. 7**  
**2nd AVE WEST RECONSTRUCTION PROJECT**

RPA Project No. 14104.000  
 Date: October 5, 2015

Work Item/Subtask	Person Hours						Total Person Hours
	Project Manager	Project Engineer	Surveyor	Survey Tech.	CADD Tech.	Admin. Assistant	
	\$54.33	\$34.14	\$36.11	\$16.48	\$24.86	\$19.43	
<b>A. DESIGN PHASE</b>							
Review As-Built Drawings		2.0					2.0
Field Surveys			2.0	8.0			10.0
Prepare Base Maps			8.0				8.0
Prepare Preliminary Plans	2.0	16.0			24.0		42.0
Prepare Contract Documents and Specifications	1.0	8.0					9.0
Opinion of Probable Cost	0.5	2.0					2.5
Preliminary Plan in Hand with Client	1.5	1.5					3.0
Final Design Changes	0.5	8.0			16.0		24.5
Final In-House Review and QA/QC Approval	3.0						3.0
Final Plan in Hand Meeting	1.5	1.5					3.0
Prepare Bid Sets		1.0			2.0	2.0	5.0
					<b>Design Phase Subtotal =</b>		<b>112.0</b>
<b>B. BID TO AWARD PHASE</b>							
Advertise for Bids	0.5					1.0	1.5
Pre-Bid Conference	1.5	1.5					3.0
Planholders List						2.0	2.0
Issuing Addenda		1.0				1.0	2.0
Bid Opening		1.0					1.0
Bid Tabulations		1.0					1.0
Award Recommendation		0.5					0.5
Notice of Award and Contract Documents	0.5	2.0				2.0	4.5
Contract Document Review	0.5	4.0					4.5
Recommendation to Client to Review Contracts	0.5					0.5	1.0
					<b>Bid to Award Phase Subtotal =</b>		<b>21.0</b>
<b>C. CONSTRUCTION PHASE</b>							
Preconstruction Conference	1.5	1.5					3.0
Send Minutes of Pre-Con to all Conference Participants		1.0				0.5	1.5
Send Notice to Proceed to Client		0.5					0.5
Submittal Review Process		4.0					4.0
Construction Administration and Observation (6 weeks @ 8 hours per week)		48.0					48.0
Change Orders	0.5	1.5					2.0
Project Punchlist		1.5					1.5
Final Project Inspection		1.5					1.5
Contractors Pay Requests		1.0					1.0
Record Drawings		4.0			8.0		12.0
Record Drawings to Client		1.0				2.0	3.0
					<b>Construction Phase Subtotal =</b>		<b>78.0</b>
<b>TOTAL PERSON-HOURS:</b>	<b>15.5</b>	<b>116.5</b>	<b>10.0</b>	<b>8.0</b>	<b>50.0</b>	<b>11.0</b>	<b>211.0</b>
<b>LABOR COST PER EMPLOYEE:</b>	<b>\$842.12</b>	<b>\$3,977.31</b>	<b>\$361.10</b>	<b>\$131.84</b>	<b>\$1,243.00</b>	<b>\$213.73</b>	<b>\$11,463.63</b>

**DIRECT EXPENSES**

**Assumptions / Exclusions:**

Subcontracted Services (None)	
Equipment (Survey GPS \$400/day)	\$400.00
Equipment (Computers)	\$561.25
Equipment (Survey Robotic \$200/day)	
Per Diem - Day	
Per Diem - Overnight	
Mileage - 15 trips	\$228.75
Telephone and Fax	
Printing	\$200.00
Misc. Supplies	\$50.00
<b>Total:</b>	<b>\$1,440.00</b>

- Owner will pay for all required fees for permitting, advertising, etc.

**SUMMARY OF ENGINEERING SERVICES**

Direct Labor	\$11,463.63
Overhead (Current FAR OH Rate X Direct Labor)	\$18,914.99
<b>Subtotal Labor Cost:</b>	<b>\$30,378.62</b>
Direct Expenses	\$1,440.00
<b>Subtotal Project Costs:</b>	<b>\$31,818.62</b>
Fixed Fee	\$4,556.79
<b>Total Engineering Fee (rounded):</b>	<b>\$36,380.00</b>



130 6<sup>th</sup> STREET WEST  
ROOM A  
COLUMBIA FALLS, MT 59912

PHONE (406) 892-4391  
FAX (406) 892-4413

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10/28/2015

To: Susan Nicosia

Re: 2<sup>nd</sup> Ave Water Line Upgrade

Susan,

After reviewing old water system plans the 6" steel water main on 2<sup>nd</sup> Ave located between 9<sup>th</sup> St. West and 11<sup>th</sup> St. West, seems to have been installed in 1953. I do not find the actual plans for this job only notations on later plans noting 6" steel 1953, that would put the age of this line at 62 years old. That being said it would be in the best interest of the City to upgrade the water line during the reconstruction of 2<sup>nd</sup> Ave West. It would be unfortunate to tear up a new street for repairs on an aging waterline.

Sincerely,

Grady W. Jenkins  
City of Columbia Falls  
Public Works Director  
130 6<sup>th</sup> Street West  
Columbia Falls, Mt 59912  
(406) 892-4430

ORDINANCE NO. 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.

WHEREAS, Ruis Holdings, LLC, the purported owner of the property, has requested an amendment to the Columbia Falls zoning map to allow the development of a Planned Unit Development (PUD) overlay on property zoned CB-2;

WHEREAS, the Columbia Falls Planning Department, on October 2, 2015, in Staff Report #CPUD-15-01, recommended approval of the requested Planned Unit Development (PUD) subject to certain conditions;

WHEREAS, said request was considered by the Columbia Falls City-County Planning Board in a public hearing at its regularly scheduled meeting on October 13, 2015, and the Planning Board recommended approval of said Planned Unit Development subject to certain conditions;

WHEREAS, the Columbia Falls Planning Department adopted Staff Report #CPUD-15-01, without revision and recommended approval of the request to the City Council; and

WHEREAS, a hearing on the Planned Unit Development was held by the City Council of the City of Columbia Falls, Montana, at its regular meeting on Monday, October 19, 2015, after said hearing was advertised according to law; and at said hearing on said date, the City Council considered the recommendation of the Columbia Falls City-County Planning Board, the report of the Columbia Falls Planning Department, together with any and all comments filed or voiced with respect to said change; and

SECOND AND FINAL READING

WHEREAS, the City Council has determined that the PUD request, subject to certain conditions, is in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section One. Findings of Fact: That the Columbia Falls Planning Department Report #CPUD-15-01, dated October 2, 2015, as approved by the Columbia Falls City-County Planning Board and City Council, is hereby adopted by the Council as findings of fact with respect to said PUD request.

Section Two. Change in Zoning Classification: That the requested Planned Unit Development (PUD) overlay on property presently zoned CB-2 will allow the development of an 82 room Hotel and Conference Center subject to the "Large Building Standards" with three deviations for height, perimeter landscape buffering and parking, subject to the conditions as set forth on Exhibit "A" attached hereto. Said property is more particularly described on Exhibit "B," an attached legal description.

Section Three. All documents included in the site plan and the recommendation of the Columbia Falls Planning Department are hereby incorporated by reference.

Section Four. The Council finds that the proposal complies with Chapter 18.428 and 18.348 of the Columbia Falls Area Zoning Regulations, and that the proposal results in a more efficient use of the land than is otherwise permissible.

Section Five. Inconsistent Provisions: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section Six. Severability: The provisions of this Ordinance are severable. If any provision of this Ordinance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision.

Section Seven. Effective Date: This Ordinance shall become effective thirty (30) days after its final passage and approval by the City Council of the City of Columbia Falls, Montana.

PASSED AND APPROVED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015. THE COUNCIL VOTING AS FOLLOWS:

AYES:

NOES:

ABSENT:

SECOND AND FINAL READING

City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS \_\_\_\_ DAY  
OF \_\_\_\_\_ 2015.

\_\_\_\_\_  
Mayor

ATTEST:

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

**EXHIBIT "A"**

1. The Ruis Holding PUD will allow the following deviations:
  - a. Building Height – The maximum building height is 48-feet at the top of the gable.
  - b. Landscape Buffer - The projection on the west side of the building (approximately 35-feet) may encroach within five feet of the western property boundary.
  - c. Parking – The applicant will have a minimum of 126 off street parking stalls for the hotel and conference facility.
2. The project shall be built in substantial compliance with the submitted “Columbia Falls Hotel” application and all accompanying drawings, as prepared by Jackola Engineering and Architecture.
3. The fire department specifies that the clearance under the porte-cochere be a minimum of 13’ – 6”.
4. Public Works requires the sewer main manhole be moved south so that it is not under the structure and is accessible for maintenance.
5. Landscaping and landscaping features will generally follow the PUD plan with the understanding that the PUD plan is not a detailed Landscaping Plan. The applicants shall provide the City Manager a detailed Landscape plan, in compliance with the landscape provisions of the “Large Building Standards”. The landscape plan shall be approved and the landscaping installed prior to the issuance of an occupancy permit. If, due to weather, the landscaping cannot be completed prior to occupancy, the applicant may enter into a developer’s agreement with the City of Columbia Falls and provide a security (bond or letter of credit) in the amount of 125% of the landscape improvements. The security amount will be determined by actual bid or licensed engineer. The developer’s agreement will not be for longer than six months.
6. The developer will cost share in the construction of the sidewalk along Second Avenue West. The cost share will be determined by the City Manager and Public Works Director.
7. The City staff will review the sign permit application for compliance with the standards of the Columbia Falls Zoning Regulations prior to issuing a sign permit.
8. Where the eight foot walkway crosses the driveway in front of the hotel, the developer shall install stamped asphalt or pavers to delineate and differentiate the pedestrian crossing from the driveway asphalt.
9. Any RTU will be screened by the parapet or similar screening so that it is not visible from the public.

SECOND AND FINAL READING

10. The light details will be reviewed at the building permit stage to insure that they comply with the 18-foot height standards and that all lighting has full cut off and/or opaque shields.
12. All conditions of the PUD shall be complied with prior to the issuance of the occupancy permit or otherwise addressed as provided for in this PUD.

**EXHIBIT "B"**

**Legal Description**

A TRACT OF LAND IN THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 17, TOWNSHIP 30 NORTH, RANGE 20 WEST, PRINCIPAL MERIDIAN, FLATHEAD COUNTY, MONTANA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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 NO. 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.

WHEREAS, the flood hazard areas of the City of Columbia Falls planning jurisdiction are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare; and

WHEREAS, these flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage; and

WHEREAS, it is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business and public service interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood disruptions; and to
7. Ensure compliance with the minimum standards for the continued participation in the National Flood Insurance Program for the benefit of the residents.

WHEREAS, in order to accomplish its purposes, this ordinance uses the

## SECOND AND FINAL READING

following methods in accordance with 76-5-102, MCA:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flooding or that may cause excessive increases in flood heights or velocities;
2. Require that uses of land vulnerable to floods, including public facilities, be developed or constructed to at least minimum standards or to otherwise minimize flood damage;
3. Regulate the alteration of natural floodplains, stream channels, and natural protective barriers, which are needed to accommodate floodwaters;
4. Regulate filling, grading, dredging and other development which may increase flood damage;
5. Prevent or regulate the construction of flood barriers which will impact other land, flood water depth or velocity of floodwaters;
6. Distinguish between the land use regulations applied to the floodway within the Regulated Flood Hazard Area and those applied to that portion of the Regulated Flood Hazard Area not contained in the floodway;
7. Apply more restrictive land use regulations within the floodway of the Regulated Flood Hazard Area; and
8. Ensure that regulations and minimum standards balance the greatest public good with the least private injury.

WHEREAS, this Ordinance should be enacted in order to comply with the Montana Floodplain and Floodway Management Act (Title 76, Chapter 5 MCA) and to ensure compliance with the requirements for the continued participation by the City of Columbia Falls in the National Flood Insurance Program. Land-use regulations which are hereby adopted are to be applied to all identified 100-year floodplains within the local jurisdiction; and

WHEREAS, municipalities have authority to adopt ordinances as provided for in Section 7-1-4123, MCA to promote the general public health and welfare. Other authority for municipalities and counties to adopt floodplain management regulations appears in Section 76-5-301, MCA.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section Amended: Chapter 15.28 of the Columbia Falls Municipal Code is hereby repealed and is replaced with a floodplain ordinance as more particularly set forth on Exhibit "A" attached hereto.

Section Two. Inconsistent Provisions: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECOND AND FINAL READING

Section Three. Severability: The provisions of this Ordinance are severable. If any provision of this Ordinance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision.

Section Four. Effective Date: This Ordinance shall become effective thirty (30) days after its final passage and approval by the City Council of the City of Columbia Falls, Montana.

PASSED AND APPROVED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS \_\_\_\_ DAY OF November, 2015, THE COUNCIL VOTING AS FOLLOWS:

AYES:

NOES:

ABSENT:

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

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS \_\_\_\_ DAY OF NOVEMBER, 2015.

\_\_\_\_\_  
Mayor

ATTEST:

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

**Planning Department**



Adopted by Ordinance# 755  
Chapter 15.28 Columbia Falls Municipal Code

# **FLOODPLAIN HAZARD MANAGEMENT REGULATIONS**

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## **SECTION 1. TITLE, PURPOSE, AUTHORITY AND GENERAL PROVISIONS**

### **1.1 FLOODPLAIN HAZARD MANAGEMENT REGULATIONS**

These regulations are known and may be cited as the “Floodplain Hazard Management Regulations;” hereinafter referred to as “these regulations.”

### **1.2 STATUTORY AUTHORITY**

1. Floodplain and Floodway Management is incorporated in Montana Code Annotated (MCA) Title 76, Chapter 5 and describes the authority, procedures and minimum standards for local regulations and is further described in Montana Administrative Rule (ARM) 36, Chapter 15.
2. The authority to regulate development in specifically identified flood hazard areas has been accepted pursuant to 76-5-301, MCA.

### **1.3 FINDINGS OF FACT**

1. Flood hazard areas specifically adopted herein as Regulated Flood Hazard Areas have been delineated and designated by order or determination of the Department of Natural Resources and Conservation (DNRC) pursuant to MCA 76-5-201 et.seq.
2. These regulations have been reviewed by Montana Department of Natural Resources and Conservation and the Federal Emergency Management Agency. The Montana Department of Natural Resources and Conservation has found the regulations acceptable in meeting the Department minimum standards. The Federal Emergency Management Agency finds that these regulations are adequate and consistent with the comprehensive criteria for land management and use pursuant to the standards established in 44 CFR 60.3. (76-5-302, MCA, ARM 36.15.202, 44 CFR60.1(b), 42USC 4022)

### **1.4 PURPOSE**

The purpose of these regulations is to promote public health, safety and general welfare of the residents and minimize public and private losses due to flood conditions in Regulated Flood Hazard Areas. These Regulations are intended to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business and public service interruptions;

5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood disruptions; and to
7. Ensure compliance with the minimum standards for the continued participation in the National Flood Insurance Program for the benefit of the residents.

### **1.5 METHODS TO REDUCE LOSSES**

In accordance with 76-5-102, MCA, these regulations are intended to reduce flood losses through the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flooding or that may cause excessive increases in flood heights or velocities;
2. Require that uses of land vulnerable to floods, including public facilities, be developed or constructed to at least minimum standards or to otherwise minimize flood damage;
3. Regulate the alteration of natural floodplains, stream channels, and natural protective barriers which are needed to accommodate floodwaters;
4. Regulate filling, grading, dredging and other development which may increase flood damage;
5. Prevent or regulate the construction of flood barriers which will impact other land, flood water depth or velocity of floodwaters;
6. Distinguish between the land use regulations applied to the floodway within the Regulated Flood Hazard Area and those applied to that portion of the Regulated Flood Hazard Area not contained in the floodway;
7. Apply more restrictive land use regulations within the floodway of the Regulated Flood Hazard Area; and
8. Ensure that regulations and minimum standards balance the greatest public good with the least private injury.

### **1.6 REGULATED AREA**

These regulations apply only to the flood hazard areas specifically adopted herein as Regulated Flood Hazard Areas which are more fully and specifically described in Section 4. Requirements and approvals for alterations to the Regulated Flood Hazard Area are specified in Section 4. The Regulated Flood Hazard Area includes areas specifically identified, labeled and illustrated on maps such as Floodplain, Floodway, or Flood Fringe that have differing uses allowed and minimum building standards that apply. The Regulated Flood Hazard Area is the geographic area inundated by the Flood of 100-year Frequency illustrated and depicted in the referenced studies and maps.

The Regulated Flood Hazard Area supporting study and maps illustrating the regulatory area are based on studies and maps that have been specifically adopted pursuant to 76-5-201et.seq. The maps and accompanying study become the Regulated Flood

Hazard Area only when formally adopted by DNRC and subsequently by the political subdivision by these regulations. The original source of studies and data may be from a Flood Insurance Study by FEMA, or other studies by Corps of Engineers, Soil Conservation, United States Geological Service or other federal or state agency.

### **1.7 FLOODPLAIN ADMINISTRATOR**

A Floodplain Administrator is hereby officially appointed and is the responsibility of the office of Columbia Falls City Manager and/or Designee. The Floodplain Administrator's duty is to administer and implement the provisions of these regulations. The Floodplain Administrator must serve to meet and maintain the commitments pursuant to 44 CFR 59.22(a) to FEMA to remain eligible for National Flood Insurance for individuals and business within the political subdivision. ((44 CFR 59.22(b)(1)) (ARM 36.15.204(2)(h))

**1.8 COMPLIANCE** Development, New Construction, Alteration or Substantial Improvement may not commence without full compliance with the provisions of these regulations.

### **1.9 ABROGATION AND GREATER RESPONSIBILITY**

It is not intended by these regulations to repeal, abrogate, or impair any existing easements, covenants, deed restrictions, zoning or other regulations in effect. However, where these regulations impose greater restrictions, the provision of these regulations must prevail. (44 CFR 60.1(d))

### **1.10 REGULATION INTERPRETATION**

In the interpretation and application of these regulations, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under state statutes. (44 CFR 60.1)

### **1.11 WARNING AND DISCLAIMER OF LIABILITY**

These regulations do not imply that land outside the Regulated Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made hereunder.

### **1.12 SEVERABILITY**

If any section, clause, sentence, or phrase of these regulations is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding will in no way affect the validity of the remaining portions of these regulations.

### **1.13 DISCLOSURE PROVISION**

All property owners or their agents in the Regulated Flood Hazard Areas shall notify potential buyers or their agents that such property, including any permitted uses transferred, is located within the Regulated Flood Hazard Area and is subject to

regulation and any permitted uses that are transferred. Information regarding Regulated Flood Hazard Area and the repository for Floodplain maps is available in the Floodplain Administrator's office.

(ARM 36.15.204(2)(g))

#### **1.14 AMENDMENT OF REGULATIONS**

These regulations may be amended after notice and public hearing in regard to the amendments to these regulations. The amendments must be found adequate and acceptable by DNRC and FEMA to be effective and must be submitted for review at least 30 days prior to official adoption.

#### **1.15 PUBLIC RECORDS**

Records, including permits and applications, elevation and flood proofing certificates, certificates of compliance, fee receipts, and other matters relating to these regulations must be maintained by the Floodplain Administrator and are public records and must be made available for inspection and for copies upon reasonable request. A reasonable copying cost for copying documents for members of the public may be charged and may require payments of the costs before providing the copies. (44 CFR 60.3(b)(5)(iii) & 44 CFR 59.22 (a)(9)(iii))

#### **1.16 SUBDIVISION REVIEW**

Within the Regulated Flood Hazard Area, subdivisions including new or expansion of existing manufactured home parks, must be designed to meet the following criteria:

1. The Base Flood Elevations and boundary of the Regulated Flood Hazard area must be determined and considered during lot layout and building location design;
2. Locations for future structures and development must be reasonably safe from flooding; (44CFR 60.3(a)(4))
3. Adequate surface water drainage must be provided to reduce exposure to flood hazards; (44 CFR 60.3 (a)(4)(iii))
4. Public utilities and facilities such as sewer, gas, electrical and water systems must be located and constructed to minimize or eliminate flood damage; and (44 CFR 60.3(a)(4)(ii))
5. Floodplain permits must be obtained according to these regulations before development occurs that is within the Regulated Flood Hazard Area. (44 CFR 60.3(b))

### **1.17 DISASTER RECOVERY**

In the event of a natural or man-made disaster, the Floodplain Administrator should participate in the coordination of assistance and provide information to structure owners concerning Hazard Mitigation and Recovery measures with the Federal Emergency Management Agency, Montana Disaster Emergency Services, Montana Department of Natural Resources and Conservation, and other state, local and private emergency service organizations.

Upon completion of cursory street view structure condition survey within the Regulated Flood Hazard Area, the Floodplain Administrator shall notify owners that a permit may be necessary for an alteration or substantial improvement before repair or reconstruction commences on damaged structures because of damages caused by natural or man-made disasters such as floods, fires or winds.

Owners should be advised that structures that have suffered substantial damage and will undergo substantial improvements require a floodplain application and permit and must be upgraded to meet the minimum building standards herein during repair or reconstruction.((MCA 76-5-404(3)(b) (ARM 36.15.702) (44 CFR 60.3(c)(2 and 3))

## SECTION 2. DEFINITIONS

### FOR INFORMATIONAL PURPOSES ONLY

There is a large list of definitions of terms and nomenclature normally used in floodplain hazard management guidelines and explanations. Be aware the same word may mean something different when applied to flood insurance, minimum standards, or a regulatory requirement.

The definitions in 76-5-103, MCA and ARM 36.15.101 where applicable may be considered however several of those definitions are specifically for describing the role and responsibility of the DNRC in regard to development and adoption of flood hazard studies and map and other responsibilities.

FEMA definitions 44 CFR 59.1 may be considered. Definitions are used to describe the FEMA minimum standards for floodplain management if communities want to join the National Flood Insurance Program so individuals and businesses are eligible for flood insurance in that community. However, some definitions are specifically for insurance purposes under the National Flood Insurance Program.

Another source of information including definitions is the FEMA National Flood Insurance Manual.

Unless specifically defined below, words or phrases used in these regulations shall be interpreted as to give them the meaning they have in common usage and the most reasonable application. For the purpose of these regulations, the following definitions are adopted:

**100-year Flood** – One percent (1%) annual chance flood. See Base Flood

**Alteration** – Any change or addition to an artificial obstruction that either increases its external dimensions or increases its potential flood hazard. (ARM 36.15.101(2))

**Appurtenant Structure** – A structure in which the use is incidental or accessory to the use of a principal structure. (44 CFR 59.1)

**Artificial Obstruction** – Any obstruction which is not natural and includes any development, dam, diversion, wall, riprap, embankment, levee, dike, pile, abutment, projection, revetment, excavation, channel rectification, road, bridge, conduit, culvert, building, refuse, automobile body, fill or other analogous structure or matter in, along, across, or projecting into any Regulated Flood Hazard Area that may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by the water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property. See also Development. (ARM 36.15.101(3) & MCA 76-5-103(1))

**Base Flood (Flood of 100 Year Frequency)** – A flood having a one percent (1%) chance of being equaled or exceeded in any given year (ARM 36.15.101(4) & (44 CFR 59.1)

**Base Flood Elevation (BFE)** – The elevation above sea level of the Base Flood in relation to the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988 or unless otherwise specified. (ARM 36.15.101(5))

**Basement** – Any area of a building, except a crawl space, as having its Lowest floor below ground level on all sides. (44 CFR 59.1) (NFIP Insurance Manual, Rev. May 2013)

**Building** – A walled and roofed structure, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. (44 CFR 59.1)

**Channel** – The geographical area within either the natural or artificial banks of a watercourse or drain way. (MCA 76-5-103(2))

**Crawl Space** – An enclosure that has its interior floor area no more than 5 feet below the top of the next highest floor. See Enclosure and Sub grade Crawlspace. (NFIP Insurance Manual, Rev. May 2013)

**DNRC** – Montana Department of Natural Resources and Conservation

**Development** – Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. See also Artificial Obstruction. (44 CFR 59.1)

**Elevated Building** – A building that has no Basement and that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns. A building on a crawlspace is considered an elevated building. (NFIP Insurance Manual, Rev. May 2013)

**Enclosure** – That portion below the lowest elevated floor of an elevated building that is either partially or fully shut in by rigid walls including a crawlspace, sub grade crawlspace, stairwell, elevator or a garage below or attached.

**Encroachment** – Activities or construction within the Regulated Flood Hazard Area including fill, new construction, substantial improvements, and other development.

**Encroachment Analysis** – A hydrologic and hydraulic analysis performed by an engineer to assess the effects of the proposed artificial obstruction or nonconforming use on Base Flood Elevation, flood flows and flood velocities.

**Establish** – To construct, place, insert, or excavate. (MCA 76-5-103(7) (ARM 36.15.101(9))

**Existing Artificial Obstruction or Nonconforming Use** – An artificial obstruction or nonconforming use that was established before land use regulations were adopted pursuant to Section 76-5-301(1), MCA. (MCA 76-5-404(3))

**FEMA** – Federal Emergency Management Agency

**Flood Fringe** – The identified portion of the Floodplain of the Regulated Flood Hazard Area outside the limits of the Floodway. (ARM 36.15.101(10))

**Flood of 100 Year Frequency (Base Flood)** – A flood magnitude expected to recur on the average of once every 100-years or a flood magnitude that has a 1% chance of occurring in any given year. (MCA 76-5-103(9)) (44 CFR 59.1)

**Floodplain** – The area of the Regulated Flood Hazard Area including and adjoining the watercourse or drainway that would be covered by the floodwater of a Base Flood. The area is partitioned into a Flood Fringe and Floodway where specifically designated. See Regulated Flood Hazard Area.

**Floodway** – The identified portion of the Floodplain of the Regulated Flood Hazard Area that is the channel and the area adjoining the channel that is reasonably required to carry the discharge of the Base Flood without cumulatively increasing the water surface by more than one half foot. (MCA 76-5-103(11)) (MCA 76-5-103(5))

**Floodplain Administrator** – Community official or representative appointed to administer and implement the provisions of this ordinance.

**Flood Proofing** – Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, electrical, plumbing, HVAC systems, structures and their contents. The term includes wet flood proofing, dry flood proofing and elevation of structures. ((44 CFR 59.1)

**Letter of Map Change (LOMC)** – An official response from FEMA that amends or revises the FEMA Special Flood Hazard Area and FEMA Flood Insurance Study for flood insurance purposes and/or flood risk hazard. FEMA Letters of Map Change specific to an amendment or revision include:

**Letter of Map Amendment (LOMA)** – A letter of determination from FEMA issued in response to a request that a property or structure is not subject to the mandatory flood insurance requirement because it was inadvertently located in the effective FEMA Special Flood Hazard Area. The material submitted and response from FEMA may be considered by the Floodplain Administrator for

determining if a property or structure is within the Regulated Flood Hazard area and subject to these regulations.

**Letter of Map Revision Based on Fill (LOMR-F)** – A letter of approval from FEMA removing the mandatory requirement for flood insurance on property based on placement of fill or an addition. Placement of fill or an addition must be preceded by a permit pursuant to these regulations. Placement of fill does not remove the development from the Regulated Flood Hazard Area or these regulations.

**Letter of Map Revision (LOMR)** – An official FEMA amendment to the currently effective FEMA Flood Insurance Rate Map or FEMA Flood Boundary Map based on a physical change to the floodplain of the Special Flood Hazard Area. It is issued by FEMA and changes flood zones, delineations, and elevations on the FEMA Flood Insurance Rate Map or FEMA Flood Boundary Map and may amend the FEMA Flood Insurance Study. It must be preceded by an approved alteration of the designated floodplain from DNRC and subsequently an amendment to the Regulated Flood Hazard Area.

**Conditional Letter of Map Revision (CLOMR)** – A FEMA letter of approval for a proposed physical change that when completed would propose to change the flood zones, delineation or elevations on the FEMA Flood Insurance Rate Map or FEMA Flood Boundary Map and may amend the FEMA Flood Insurance Study through a subsequent LOMR,. The CLOMR may be considered in an evaluation by DNRC and the Floodplain Administrator during consideration of a proposed alteration to the Regulated Flood Hazard Area.

**Lowest Floor** – Any floor of a building including a basement used for living purposes, storage, or recreation. This includes any floor that could be converted to such a use. ((ARM 36.15.101(14)) (44 CFR 59.1))

**Manufactured Home Park or Subdivision** – Includes the construction of facilities for servicing the manufactured home lots and at a minimum includes the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads. (44 CFR 59.1)

**Manufactured or Mobile Home** – A building that may be residential or non-residential, is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities and includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. (ARM 36.15.101(15))

**New Construction** – Structures for which the commencement of clearing, grading, filling, or excavating to prepare a site for construction occurs on or after the effective date of these regulations and includes any subsequent improvements to such structures. (ARM 36.15.101(20)) (44 CFR 59.1)

**New Manufactured Home Park Or Subdivision** – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the

manufactured homes are to be affixed includes at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads and is completed on or after the effective date of floodplain management regulations adopted by a community. (44 CFR 59.1)

**Non-Residential**– Buildings including manufactured homes that are not residential including commercial, agricultural, industrial buildings and accessory buildings. See Residential.

**Owner** – Any person who has dominion over, control of, or title to an artificial obstruction. (MCA 76-5-103(13))

**Person** – Includes any individual, or group of individuals, corporation, partnership, association or any other entity, including State and local governments and agencies. (44 CFR 59.1)

**Recreational Vehicle** – A park trailer, travel trailer, or other similar vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a motorized vehicle; and (d) designed primarily for use as temporary living quarters for recreation, camping, travel, or seasonal use, not for use as a permanent dwelling. (44 CFR 59.1)

**Regulated Flood Hazard Area** – A Floodplain whose limits have been designated pursuant to Part 2, Chapter 5 of Title 76, MCA, and is determined to be the area adjoining the watercourse that would be covered by the floodwater of a Base Flood. The Regulated Flood Hazard Area consists of the Floodway and Flood Fringe where specifically designated. (MCA 76-5-103(4)), (MCA 76-5-103(10)), (ARM 36-15-101(11))

**Residential Building** – A dwelling or building for living purposes or place of assembly or permanent use by human beings and including any mixed use of residential and non-residential use. All other buildings are **non-residential**.

**Riprap** – Stone, rocks, concrete blocks, or analogous materials that are placed along the bed or banks of a watercourse or drainway for the purpose of preventing or alleviating erosion. (ARM 36.15.101(18))

**Scour Depth** – The maximum depth of streambed scour caused by erosive forces of the Base Flood.

**Special Flood Hazard Area** – Land area which has been specifically identified by the Federal Emergency Management Agency as the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is useful for the purposes of identifying flood hazards by local subdivisions of government for regulatory purposes as well as use by the National Flood Insurance Program for establishing risk zones and flood insurance premium rates. The FEMA flood hazard area zone

designation or flood risk potential is as illustrated on FEMA's Flood Hazard Boundary Map or Flood Insurance Rate Map.

**Structure** – Any Artificial Obstruction.

**Sub grade Crawlspace** – A Crawlspace foundation enclosure that has its interior floor no more than 5 feet below the top of the next higher floor and no more than 2 feet below the lowest adjacent grade on all sides. A foundation exceeding either dimension is a Basement. (NFIP Insurance Manual, Rev. May 2013)

**Substantial Damage** – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would exceed 50 percent of the market value of the structure before the damage occurred. (44 CFR 59.1)

**Substantial Improvement** – Any repair, reconstruction or improvement of a structure where the cost equals or exceeds fifty percent (50) of the market value of the structure either before the improvement or repair is started or if the structure has been damaged, and is being restored, before the damage occurred;

1. Substantial improvement is considered to occur when the first construction of any wall, ceiling, floor or other structural part of the building commences;
2. The term does not include:
  1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
  2. Any alteration of a structure listed on the national register of historic places or state inventory of historic places. (ARM 36.15.101(21)) (44 CFR 59.1))

**Suitable Fill** – Fill material which is stable, compacted, well graded, and pervious, not adversely affected by water and frost, devoid of trash or similar foreign matter, tree stumps or other organic material; and is fitting for the purpose of supporting the intended use and/or permanent structure. (ARM 36.15.101(22))

**Variance** – Means a grant or relief from the development requirements of these regulations which would permit construction in a manner that would be otherwise prohibited by these regulations by an approval pursuant Section 12. (ARM 36.15.101(23))

**Violation** – A finding and order pursuant to the regulations against the owner or responsible party of the failure of a structure or other development to be fully compliant with these regulations. (44 CFR 59.1)

## SECTION 3. FORMS AND FEES

**3.1 Forms** The following forms may be required by the Floodplain Administrator:

- 1. Floodplain Permit Application Form** –The “Joint Application for Proposed Work in Montana’s Steams, Wetlands, Regulated Flood Hazard Areas, and Other Water Bodies”, or other designated application form. A completed FEMA MT-1 form may be required to accompany the application when required by the Floodplain Administrator.
- 2. Floodplain Permit Compliance Report** – A report required to be submitted by the Applicant to the Floodplain Administrator once the permitted project in the Regulated Flood Hazard Area is completed or within the designated time stipulated on the Floodplain permit. A compliance report including an elevation and or flood proofing certificate may be required where specified for the purpose of documenting compliance with the requirements of the permit.
- 3. Floodplain Variance Application Form** – An application submitted by the Applicant to the Floodplain Administrator to initiate a proposed variance from the requirements of these regulations as described in Section 12.
- 4. Floodplain Appeal Notice Form**– A form submitted by the Applicant or an aggrieved party to initiate the appeal process described in Section 13.
- 5. Floodplain Emergency Notification Form**– A written notification form required pursuant to Section 11 of these regulations.
- 6. Official Complaint Form** – A form that may be used by any person to notify the Floodplain Administrator of an activity taking place that appears to be noncompliant with the requirements of these regulations.

### **3.2 Fees**

See Columbia Falls Fee Schedule for applicable fees for various Floodplain Permit Reviews

## **SECTION 4. REGULATED FLOOD HAZARD AREA**

### **4.1 REGULATED FLOOD HAZARD AREAS**

1. The Regulated Flood Hazard Areas are the 100-year floodplains illustrated and referenced in the following specific studies and reports described as follows:

November 4, 2015 FEMA Flood Insurance Study (FIS) and Flood Insurance Rate Maps (Firms) for the City Columbia Falls and unincorporated areas within one mile of the City Limits as determined by the City of Columbia Falls and Flathead County's Interlocal Agreement.

FIRM Panels include all or portions of following Maps:

30029C1115J	Effective Date: November 4, 2015
30029C1120G	Effective Date: September 28, 2007
30029C1410J	Effective Date: November 4, 2015
30029C1430J	Effective Date: November 4, 2015
30029C1435J	Effective Date: November 4, 2015

2. The Regulated Flood Hazard Areas specifically described or illustrated in the above referenced studies and maps of the 100-year floodplain have been delineated, designated and established by order or determination by the DNRC pursuant to 76-5-201et.seq., MCA.
3. Use allowances, design and construction requirements specifically in Sections 5, 6, 9, and 10 in these regulations vary by the specific Floodplain areas including areas identified as Floodway and Flood Fringe within the Regulated Flood Hazard Area.

### **4.2 INTERPRETATION OF REGULATED FLOOD HAZARD AREA BOUNDARIES**

1. The mapped boundaries of the Floodplain illustrated in the referenced studies and maps in this Section are a guide for determining whether property is within the Regulated Flood Hazard Area.
2. A determination of the outer limits and boundaries of the Regulated Flood Hazard Area or the Flood Fringe and Floodway within the Regulated Flood Hazard Area includes an evaluation of the maps as well as the particular study data referenced in this Section. Supporting study material for Base Flood Elevations takes precedence over any map illustrations if it exists.
3. The Regulated Flood Hazard Area boundary is delineated by the Base Flood Elevation. The physical field regulatory boundary of the Regulated Flood Hazard

Area is the actual intersection of the applicable study Base Flood Elevation with the existing adjacent terrain of the watercourse or drainway. (ARM 36.15.501(6))

4. The Floodway boundary where identified within the Floodplain is as illustrated on the referenced maps and studies. Since the Floodway boundary is a study feature, the location of the boundary may be physically located by referencing the study data to a ground feature. The Floodplain Administrator's interpretation of the boundary and decision may be appealed as set forth in Section 13.
5. The Floodplain Administrator may request additional information described below to determine whether or not the proposed development is within the Regulated Flood Hazard Area:
  1. Where Base Flood Elevations exist, the property owner may provide additional information which may include elevation information provided by an engineer or land surveyor in order to determine if the proposed development is subject to these regulations. (ARM 36.15.501(6))
  2. Where Base Flood Elevations do not exist, the property owner may provide additional information to be considered to determine the location of the regulatory boundary or alternatively provide a computed Base Flood Elevation provided by an engineer.
  3. The Floodplain Administrator's interpretation of the boundaries and decision may be appealed as set forth in Section 13.
6. Any owner or lessee of property who believes his property has been inadvertently included in the Regulated Flood Hazard Area including the Floodway or Flood Fringe may submit scientific and/or technical information to the Floodplain Administrator for a determination if the property is appropriately located. Scientific or technical information submitted to FEMA by an owner to affect the insurance rating for insurance purposes may be considered by the Floodplain Administrator. A determination by the Floodplain Administrator is independent of any determination by FEMA for insurance purposes.

#### **4.3 ALTERATION OF REGULATED FLOOD HAZARD AREA**

1. Revisions or updates to the specific maps and data that alter the established Floodplains or Floodway of the Regulated Flood Hazard Area require DNRC approval pursuant to 75-5-203, MCA. An alteration of the Regulated Flood Hazard Area is a DNRC approved amendment to the DNRC order that originally delineated and designated the 100-year floodplain and is the basis of the Regulated Flood Hazard Area referenced in Section 4.1.2. A DNRC approved alteration consists of revisions or updates to the specific maps and data of the referenced studies in this Section and forms the basis for an

- amendment to the Regulated Flood Hazard Area in these regulations; (ARM 36.15.505)
2. Any change to the Regulated Flood Hazard Area as a result of a DNRC alteration is effective upon amendment to the Regulated Flood Hazard Area described in Section 4.1.1;
  3. Substantial natural physical change or new technical or scientific flood data showing that the Base Flood Elevation has or may be changed or was erroneously established shall be brought to the attention of DNRC and FEMA; (ARM 36.15.505(1)(a)) (44 CFR 65.3)
  4. Any Floodplain permit application for a proposed development or artificial obstruction must be denied until a DNRC alteration pursuant to 76-5-203, MCA is approved if it causes an increase of 0.5 feet or more to the Base Flood Elevation of a Regulated Flood Hazard Area without a Floodway or an increase of more than 0.00 feet to the Base Flood Elevation of a Floodway.
  5. To propose an alteration a petition must be submitted to DNRC and must include the following information:
    1. Certification that no buildings are located in the areas which would be impacted by the increased Base Flood Elevation; (44 CFR 65.12(a)(5))
    2. Evidence of notice to all property and land owners of the proposed impacts to their properties explaining the proposed impact on their property; (44 CFR 65.12(a)(3))
    3. Information that demonstrates that alternatives are not feasible; (44 CFR 65.12(2))
    4. Information that demonstrates that development is for a public use or benefit; and
    5. Any other supporting information and data as needed for approvals. ((ARM 36.15.505) (44 CFR 60.3(c)(10)) (44 CFR 60.3(d)(3)) (44 CFR 65.7(3)) (44 CFR 65.12))
  6. The Floodplain Administrator may represent the permit authority for any necessary applications, approvals or endorsements such as the FEMA Community Acknowledgement Form to FEMA where affecting the FEMA Special Flood Hazard Area;
  7. A determination by the Floodplain Administrator that land areas located within the Regulated Flood Hazard Area are above the Base Flood Elevation as proven by a certified elevation survey does not constitute or require an

alteration or an amendment of the Regulated Flood Hazard Area and may be maintained as a public record that more explicitly defines the Regulated Flood Hazard Area boundary; and

- 8.** Elevating with suitable fill as permitted does not alter the Regulated Flood Hazard Area or remove the elevated area from the Regulated Flood Hazard Area. (ARM 36.15.505(2))
- 9.** A floodplain permit implementing the physical change cannot be approved until a CLOMR has been issued by FEMA.

## **SECTION 5. USES ALLOWED WITHOUT A PERMIT WITHIN THE REGULATED FLOOD HAZARD AREA**

**5.1 - GENERAL** Existing artificial obstructions or nonconforming uses established before land use regulations pursuant to Section 76-5-301, MCA were effective, are allowed without a permit. However, alteration or substantial improvement of an existing artificial obstruction or nonconforming use requires a floodplain permit. Maintenance of an existing artificial obstruction or nonconforming use does not require a floodplain permit if it does not cause an alteration or substantial improvement. (MCA 76-5-404(3))

**5.2 OPEN SPACE USES** The following open space uses shall be allowed without a permit in the Regulated Flood Hazard Area, provided that such uses are not prohibited by any other regulation or statute, do not require structures, and do not require fill, grading, excavation or storage of materials or equipment: ((ARM 36.15.601) (ARM 36.15.701)(1) (MCA 76-5-401) (MCA 76-5-404(3)))

1. Agricultural uses, not including related structures, such as tilling, farming, irrigation, ranching, harvesting, grazing, etc; ((ARM 36.15.601(1)(a)) (MCA 76-5-401(1)))
2. Accessory uses, not including structures, such as loading and parking areas, or emergency landing strips associated with industrial or commercial facilities; ((ARM 36.15.601(1)(b)) (MCA 76-5-401(2),))
3. Forestry, including processing of forest products with portable equipment; ((ARM 36.15.601(1)(d)) (MCA 76-5-401(4)))
4. Recreational vehicle use provided that the vehicle is on the site for fewer than 180 consecutive days and the vehicle is fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system with wheels intact, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; (44 CFR 60.3(c)(14))
5. Residential uses such as lawns, gardens, parking areas, and play areas; ((ARM 36.15.601(1)(e)) (MCA 76-5-401(5)))
6. Maintenance of the existing state of an existing open space uses including preventive maintenance activities such as bridge deck rehabilitation and roadway pavement preservation activities. Maintenance cannot increase the external size or increase the hazard potential of the existing open space use; (MCA 76-5-404(3)(b))
7. Public or private recreational uses not requiring structures such as picnic grounds, swimming areas, boat ramps, parks, campgrounds, golf courses,

driving ranges, archery ranges, wildlife management and natural areas, alternative livestock ranches (game farms), fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and hiking and horseback riding trails; (ARM 36.15.601(a)(c)) (MCA 76-5-401,))

- 8.** Fences that have a low impact to the flow of water such as barbed wire fences and wood rail fences, and not including permanent fences crossing channels. Fences that have the potential to stop or impede flow or debris such as a chain link or privacy fence requires a floodplain permit and meet the requirements of Section 9.11; (ARM 36.15.601(2)(b)) (MCA 76-5-401))
- 9.** Addition of highway guard rail, signing and utility poles that have a low impact to the flow of water along an existing roadway.
- 10.** Irrigation and livestock supply wells, provided that they are located at least 500 feet from domestic water supply wells and with the top of casing 18" above the Base Flood Elevation. ((ARM 36.15.601(2)(a)) (MCA 76-5-401) (ARM 36.21.647))

## **SECTION 6. PROHIBITED USES, ACTIVITIES AND STRUCTURES WITHIN THE REGULATED FLOOD HAZARD AREA**

**6.1 FLOODWAY** The following artificial obstructions and nonconforming uses are prohibited in the Floodway of the Regulated Flood Hazard Area, except for those established before land use regulations pursuant to Section 76-5-301, MCA have been adopted: (MCA 76-5-404(3))

1. A building for residential or non-residential purposes; (MCA 76-5-403(1), (ARM 36.15.605)(1a)), (ARM 36.15.605(2b)), (ARM 36.15.605(2)(a)).
2. A structure, fill, or excavation that would cause water to be diverted from the Floodway, cause erosion, obstruct the natural flow of waters or reduce the carrying capacity of the Floodway. Notwithstanding these requirements, excavation or fill may be allowed when it is a component to a permitted use allowed in these regulations; (MCA 76-5-403(2)).
3. The construction or storage of an object (artificial obstruction) subject to flotation or movement during flood level periods; (MCA 76-5-403(3) and ARM 36.15.605(1)(c))
4. Solid and hazardous waste disposal and individual and multiple family sewage disposal systems unless the systems meet the local health and sanitation regulations and when permitted pursuant to these regulations and are designed to minimize or eliminate infiltration of flood waters and avoid impairment or contamination; ((ARM 36-15-605(2c)) (44 CFR 60.3(a)(3))). Note: The Flathead City County Health Department prohibits new on-site sewage disposal systems (septic tanks and drainfields) within the Regulated Flood Hazard Area (100-year Floodplain).
5. Storage of toxic, flammable, hazardous or explosive materials; and (ARM 36.15.605(2d))
6. Cemeteries, mausoleums, or any other burial grounds.

**6.2 FLOOD FRINGE OR REGULATED FLOOD HAZARD AREA WITHOUT A FLOODWAY** The following artificial obstructions and nonconforming uses are prohibited in the Flood Fringe or Regulated Flood Hazard Area without a Floodway, except for those established before land use regulations have been adopted: (MCA 76-5-404(3))

1. Solid and hazardous waste disposal and individual and multiple family sewage disposal systems unless the systems meet the local health and sanitation regulations and when permitted pursuant to these regulations and are designed

to minimize or eliminate infiltration of flood waters and avoid impairment or contamination; ((ARM 36-15-703(1)) (44 CFR 60.3(a)(3))). Note: The Flathead City County Health Department prohibits new on-site sewage disposal systems (septic tanks and drainfields) within the Flood Fringe (100-year Floodplain).

2. Storage of toxic, flammable, hazardous or explosive materials; (ARM 36-15-703(2))
3. The construction or storage of an artificial obstruction subject to flotation or movement during flood level periods;
4. Cemeteries, mausoleums, or any other burial grounds; and
5. Critical facilities, including buildings and associated structures that provide essential community care and emergency operation functions such as schools, hospitals, nursing home facilities, fire stations and police stations. (44CFR 60.22(a)(2))

## **SECTION 7. FLOODPLAIN PERMIT APPLICATION REQUIREMENTS**

### **7.1 GENERAL**

1. A Floodplain permit is required for a person to establish, alter or substantially improve an artificial obstruction, nonconforming use or development within the Regulated Flood Hazard Area; ((44 CFR 60.1) (MCA 76-5-404) (ARM 36.15.204(2)(a)))
2. A Floodplain permit is required for artificial obstructions, developments and uses not specifically listed in Sections 9 and 10, except as allowed without a Floodplain permit in Section 5, or as prohibited as specified in Section 6, within the Regulated Flood Hazard Area;
3. Artificial obstructions and nonconforming uses in a Regulated Flood Hazard Area not exempt under Section 5 are public nuisances unless a Floodplain permit has been obtained; (MCA 76-5-404(1))
4. A Floodplain permit is required for an alteration of an existing artificial obstruction or nonconforming use that increases the external size or increases its potential flood hazard and not exempt under Section 5; ((MCA 76-5-404(3)(b)) (ARM 36.15.204(2)(a)))
5. A Floodplain permit is required to reconstruct or repair an existing artificial obstruction that has experienced substantial damage and will undergo substantial improvement; and
6. Maintenance of an existing artificial obstruction or use that is a substantial improvement or an alteration requires a Floodplain permit. (MCA 76-5-404(3)(b))

### **7.2 REQUIRED FLOODPLAIN PERMIT APPLICATION INFORMATION**

1. A Floodplain permit application shall include, but is not limited to the following:
  1. A completed and signed Floodplain Permit Application;
  2. The required review fee;
  3. Plans in duplicate drawn to scale showing the location, dimensions, and elevation of the proposed project including landscape alterations, existing and proposed structures, and the location of the foregoing in relation to the

Regulated Flood Hazard Areas and if applicable the Floodway boundary;  
((MCA 76-5-405) (ARM 36.15.216))

4. A copy of other applicable permits or pending applications required by Federal or State law as submitted which may include but are not limited to a 310 permit, SPA 124 permit, Section 404 Permit, 318 Authorization, 401 Certification or a Navigable Rivers Land Use License or Easement for the proposed project; and the applicant must show that the Floodplain permit application is not in conflict with the relevant and applicable permits; and (44 CFR 60.3(a)(2))
5. Additional information related to the specific use or activity that demonstrates the design criteria and construction standards are met or exceeded as specified in Sections 9 and 10. ((MCA 76-5-405) (ARM 36.15.216))

## **SECTION 8. FLOODPLAIN PERMIT APPLICATION EVALUATION**

### **8.1 FLOODPLAIN PERMIT APPLICATION REVIEW**

1. The Floodplain Administrator shall review and evaluate the Floodplain permit application and shall approve, approve with conditions, or deny the application within (60 days) of receipt of a correct and complete application. (MCA 76-5-405(2))
2. The Floodplain Administrator shall determine whether the Floodplain permit application contains the applicable elements required in these regulations and shall notify the applicant of the Floodplain Administrator's determination.
3. If the Floodplain permit application is found to be missing the required elements and if the applicant corrects the identified deficiencies and resubmits the Floodplain application, the Floodplain Administrator shall notify the applicant whether the resubmitted Floodplain application contains all the elements required by these regulations, as applicable.
4. This process shall be repeated until the applicant submits a completed Floodplain permit application containing all the elements required by these regulations, or the application is withdrawn.
5. If after a reasonable effort the Floodplain Administrator determines that the Floodplain application remains incomplete, the Floodplain Administrator shall deny the Floodplain permit application and notify the applicant of missing elements. No further action shall be taken on the Floodplain permit application by the Floodplain Administrator until the Floodplain permit application is resubmitted.
6. A determination that a Floodplain permit application is correct and complete for review does not ensure that the Floodplain permit application will be approved or conditionally approved and does not limit the ability of the Floodplain Administrator to request additional information during the review process.

### **8.2. NOTICE REQUIREMENTS FOR FLOODPLAIN PERMIT APPLICATIONS:**

1. Upon receipt of a complete application for a Floodplain permit, the Floodplain Administrator shall prepare a notice containing the facts pertinent to the Floodplain permit application and shall:
  1. Publish the notice at least once in a newspaper of general circulation in the area; (ARM 36.15.204(2)(c))

2. Serve notice by first-class mail upon adjacent property owners; (ARM 36.15.204(2)(c))
  3. Serve notice to the State National Flood Insurance Program Coordinator located in DNRC by the most efficient method. Notice to other permitting agencies or other impacted property owners may be provided; and
  4. Prior to any alteration or relocation of a watercourse in the Regulated Flood Hazard Area, additionally provide notice to FEMA and adjacent communities. (44 CFR 60.3 (b)(6))
2. The notice shall provide a reasonable period of time, not less than 15 days, for interested parties to submit comments on the proposed activity. (ARM 36.15.204(2)(c))

### **8.3 FLOODPLAIN PERMIT CRITERIA**

1. Floodplain permit applications shall be approved provided the proposed new construction, substantial improvement, or alteration of an artificial obstruction meets the requirements of the minimum standards and criteria in Sections 9 and 10 and other requirements of these regulations. ((MCA 76-5-406) (44 CFR 60.3))
2. A Flood Plain permit application for a development that will cause an increase of more than 0.00 feet to the Base Flood Elevation of the Floodway or more than 0.50 feet to the Base Flood Elevation of the Regulated Flood Hazard Area without a Floodway shall not be approved until approval for an Alteration pursuant to Section 4.3 has been approved, the Regulated Flood Hazard Area is amended and a FEMA CLOMR where required is issued.
3. The Floodplain Administrator shall determine that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendment of 1972, 36 U.S.C. 1334.(44 CFR 60.3(a)(2))

### **8.4 DECISION**

1. The Floodplain Administrator shall approve, conditionally approve, or deny the proposed Floodplain permit application. The Floodplain Administrator shall notify the applicant of his action and the reasons thereof within (60 days) of receipt of a correct and complete Floodplain permit application unless otherwise specified. A copy of the approved Floodplain permit must be provided to DNRC. ((MCA 76-5-405(2)) (ARM 36.15.204(2)(e))

2. The approval of a Floodplain permit application does not affect any other type of approval required by any other statute or ordinance of the state or any political subdivision or the United States, but is an added requirement. (MCA 76-5-108)

## **8.5 FLOODPLAIN PERMIT CONDITIONS AND REQUIREMENTS**

1. Upon approval or conditional approval of the Floodplain permit application, the Floodplain Administrator shall provide the applicant with a Floodplain permit with applicable specific requirements and conditions including but not limited to the following:
  1. The Floodplain permit will become valid when all other necessary permits required by Federal or State law are in place;(44 CFR 60.3(a)(2))
  2. Completion of the development pursuant to the Floodplain permit shall be completed within one year from the date of Floodplain permit issuance or a time limit commensurate with the project construction time line for completion of the project or development. The applicant may request an extension for up to an additional year. The request must be made at least 30 days prior to the permitted completion deadline;
  3. The applicant shall notify subsequent property owners and their agents and potential buyers of the Floodplain development permit issued on the property and that such property is located within a Regulated Flood Hazard Area and shall record the notice with the Floodplain Administrator; (ARM 36.15.204(2)(g))
  4. The applicant shall maintain the artificial obstruction or use to comply with the conditions and specifications of the permit;
  5. The applicant shall allow the Floodplain Administrator to perform on site inspections at select intervals during construction or completion;
  6. The applicant shall provide periodic engineering oversight and/or interim reports during the construction period to be submitted to the Floodplain Administrator to confirm constructed elevations and other project elements;
  7. The applicant shall submit a compliance report including certifications where required and applicable including flood proofing, elevation, surface drainage, proper enclosure openings and materials to the Floodplain Administrator within 30 days of completion or other time as specified;
  8. The applicant shall submit an annual performance and maintenance report on bank stabilization or other projects utilizing maturing vegetative components to the Floodplain Administrator for a period of 5 years or a time specified in the permit; or

9. The applicant shall submit evidence of a submittal of a FEMA Letter of Map Revision (LOMR) to FEMA and applicable fees within 6 months of project completion and proceed with due diligence for acceptance of the document and necessary supporting materials by FEMA. (44 CFR 65.3)

## SECTION 9. DEVELOPMENT REQUIREMENTS IN THE FLOODWAY

**9.1 USES REQUIRING PERMITS** Artificial obstructions including alterations and substantial improvements\_ specifically listed in Sections 9.3 to 9.15 may be allowed by permit within the Floodway, provided the General Requirements in Section 9.2 and the applicable requirements in Sections 9.3 to 9.15 are met.

**9.2 GENERAL REQUIREMENTS** An application for a permit shall meet the following requirements:

1. All projects shall be designed and constructed to ensure that they do not adversely affect the flood hazard on other properties and are reasonably safe from flooding;
2. All projects shall assure that the carrying capacity of the Floodway is not reduced. All projects in the Floodway shall meet the following:
  1. Demonstrate that the project does not increase the Base Flood Elevation by conducting an encroachment analysis certified by an engineer. A minimal or qualitative encroachment analysis may be accepted when the project or development does not require a structure, alteration of the Floodway, involve fill, grading, excavation or storage of materials or equipment but is also certified by an engineer to not exceed the allowable encroachment to the Base Flood Elevation; and
  2. The allowable encroachment to the Base Flood Elevation is 0.00 feet, and no significant increase to the velocity or flow of the stream or water course unless approval of an alteration of the Regulated Flood Hazard Area pursuant to Section 4.3 and an approved FEMA Conditional Letter of Map Revision occurs before permit issuance; and  
(ARM 36.15.604) (ARM 36.15.505) (ARM 36.15.605(b)) (44 CFR 60.3(a)(3 and 4)) (44CFR 65.12(a))
3. An application for a Floodplain permit must also demonstrate the following factors are considered and incorporated into the design of the use or artificial obstruction in the Floodway:
  1. The danger to life and property due to backwater or diverted flow caused by the obstruction or use; ((MCA 76-5-406(1)) (ARM 36.15.216(2)(a)))
  2. The danger that the obstruction or use may be swept downstream to the injury of others; ((MCA 76-5-406(2)) (ARM 36.15.216(2)(b)))
  3. The availability of alternative locations; ((MCA 76-5-406(3)) (ARM 36.15.216(2)(c)))

4. Construct or alter the obstruction or use in such manner as to lessen the flooding danger; ((MCA 76-5-406(4)) (ARM 36.15.216(2)(d)))
5. The permanence of the obstruction or use and is reasonably safe from flooding; ((MCA 76-5-406(5)) (ARM 36.15.216(2e)))
6. The anticipated development in the foreseeable future of the area which may be affected by the obstruction or use; ((MCA 76-5-406(6)) (ARM 36.15.216(2f)))
7. Relevant and related permits for the project have been obtained; (44 CFR 60.3(a)(2))
8. Such other factors as are in harmony with the purposes of these regulations, the Montana Floodplain and Floodway Management Act, and the accompanying Administrative Rules of Montana; and ((MCA 76-5-406(7)) (ARM 36.15.216(2)(g)))
9. The safety of access to property in times of flooding for ordinary and emergency services. (44CFR 60.22 (c)(7))

### **9.3 MINING OF MATERIAL REQUIRING EXCAVATION FROM PITS OR POOLS**

provided, in addition to the requirements of Section 9.2, that:

1. A buffer strip of undisturbed land of sufficient width as determined by an engineer to prevent flood flows from channeling into the excavation is left between the edge of the channel and the edge of the excavation; (ARM 36.15.602(1)(a))
2. The excavation meets all applicable laws and regulations of other local and state agencies; and (ARM 36.15.602(1)(b))
3. Excavated material may be processed on site but is stockpiled outside the Floodway.(ARM 36.15.602(1)(c))

**9.4 RAILROAD, HIGHWAY AND STREET STREAM CROSSINGS,** including other transportation related crossings provided, in addition to the requirements of Section 9.2, that:

1. Crossings are designed to offer minimal obstructions to the flood flow; (ARM 36.15.602(2))
2. Where failure or interruption of public transportation facilities would result in danger to public health or safety and where practicable and in consideration of FHWA Federal-Aid Policy Guide 23CFR650A:

1. Bridge lower chords shall have freeboard to at least two (2) feet above the Base Flood Elevation to help pass ice flows, the base flood discharge and any debris associated with the discharge; and
2. Culverts shall be designed to pass the Base Flood discharge and maintain at least two (2) feet freeboard on the crossing surface;
3. Normal overflow channels, if possible are preserved to allow passage of sediments to prevent aggradations; and
4. Mid stream supports for bridges, if necessary, have footings buried below the maximum scour depth.

**9.5 LIMITED FILLING FOR ROAD AND RAILROAD EMBANKMENTS**, including other transportation related embankments not associated with stream crossings and bridges provided, in addition to the requirements of Section 9.2, that:

1. The fill is suitable fill;
2. Reasonable alternate transportation routes outside the floodway are not available; and (ARM 36.15.602(3))
3. The encroachment is located as far from the stream channel as possible. (ARM 36.15.602(3))

**9.6 BURIED OR SUSPENDED UTILITY TRANSMISSION LINES** provided, in addition to the requirements of Section 9.2, that:

1. Suspended utility transmission lines are designed such that the lowest point of the suspended line is at least six (6) feet higher than the Base Flood Elevation; (ARM 36.15.602(4))
2. Towers and other appurtenant structures are designed and placed to withstand and offer minimal obstruction to flood flows; (ARM 36.15.602(4))
3. Alternatives such as alternative routes, directional drilling, and aerial crossings are considered when technically feasible; and
4. Utility transmission lines carrying toxic or flammable materials are buried to a depth of at least twice the calculated maximum scour depth determined by an engineer for the Base Flood. (ARM 36.15.602(4))

**9.7 STORAGE OF MATERIALS AND EQUIPMENT** provided, in addition to the requirements of Section 9.2, that:

1. The material or equipment is not subject to major damage by flooding and is properly anchored to prevent flotation or downstream movement; or (ARM 36.15.602(5)(a))
2. The material or equipment is readily removable within the limited time available after flood warning. Storage of flammable, toxic or explosive materials shall not be permitted.(ARM 36.15.602(5)(b))

**9.8 DOMESTIC WATER SUPPLY WELLS** provided, in addition to the requirements of Section 9.2, that:

1. They are driven or drilled wells located on ground higher than surrounding ground to assure positive drainage from the well; (ARM 36.15.602(6))
2. They require no other structures (e.g. a well house); (ARM 36.15.602(6))
3. Well casings are water tight to a distance of at least twenty five (25) feet below the ground surface and the well casing height is a minimum of two (2) feet above the Base Flood Elevation or capped with a watertight seal and vented two (2) feet above the Base Flood Elevation; ((ARM 36.15.602(6)) )
4. Water supply lines have a watertight seal where the lines enter the casing; (ARM 36.15.602(6))
5. All pumps and electrical lines and equipment are either of the submersible type or are adequately flood proofed; and (ARM 36.15.602(6))
6. Check valves are installed on main water lines at wells and at all building entry locations. ((44 CFR 60.3 (a)(5)) (ARM 36.15.602(6)))

**9.9 BURIED AND SEALED VAULTS FOR SEWAGE DISPOSAL IN CAMPGROUNDS AND RECREATIONAL AREAS** provided, in addition to the requirements of Section 9.2, demonstrate approval by Montana Department of Environmental Quality and local health and sanitation permits or approvals. ((44 CFR 60.3(a)(6)) (ARM 36.15.602(7)))

**9.10 PUBLIC AND PRIVATE CAMPGROUNDS** provided, in addition to the requirements of Section 9.2, that:

1. Access roads require only limited fill and do not obstruct or divert flood waters; (ARM 36.15.602(8))
2. The project meets the accessory structures requirements in this Section;
3. No dwellings or permanent mobile homes are allowed; (ARM 36.15.602(8))

4. Recreational vehicles and travel trailers are ready for highway use with wheels intact, with only quick disconnect type utilities and securing devices, and have no permanently attached additions; and (44 CFR 60.3(c)(14))
5. There is no large-scale clearing of riparian vegetation within 50 feet of the mean annual high water mark where possible, except for boat ramps and fire mitigation.

**9.11 STRUCTURES ACCESSORY OR APPURTENANT** to permitted uses such as boat docks, loading and parking areas, marinas, sheds, emergency airstrips, permanent fences crossing channels that may impede or stop flows or debris, picnic shelters and tables and lavatories, that are incidental to a principal structure or use, provided in addition to the requirements of Section 9.2, that:

1. The structures are not intended for human habitation or supportive of human habitation; (ARM 36.15.602(9))
2. The structures will have low flood damage potential; (ARM 36.15.602(9))
3. The structures will, insofar as possible, be located on ground higher than the surrounding ground and as far from the channel as possible; (ARM 36.15.602(9))
4. The structures will be constructed and placed so as to offer a minimal obstruction to flood flows; (ARM 36.15.602(9))
5. Only those wastewater disposal systems that are approved under health and sanitation regulations are allowed;
6. Service facilities within these structures such as electrical, heating and plumbing are flood proofed according to the requirements in Section 10; (ARM 36.15.602(9))
7. The structures are firmly anchored to prevent flotation; (ARM 36.15.602(9))
8. The structures do not require fill and/or substantial excavation;
9. The structures or use cannot be changed or altered without permit approval; and
10. There is no clearing of riparian vegetation within 50 feet of the mean annual high water mark, except for boat ramps and fire mitigation.

**9.12 CONSTRUCTION OF OR MODIFICATIONS TO SURFACE WATER**

**DIVERSIONS** provided, in addition to the requirements of Section 9.2, that the design is reviewed and approved by an engineer and includes:

1. Measures to minimize potential erosion from a Base Flood; and (ARM 36.15.603(3)(b))

2. Designs and plans that demonstrate any permanent structure in the stream is designed to safely withstand up to the Base Flood considering the forces associated with hydrodynamic and hydrostatic pressures including flood depths, velocities, impact, ice buoyancy, and uplift forces associated with the Base Flood. ((ARM 36.15.603(3)(c) ((CFR 60.3(a)(3) (CFR 60.3(d)(3)))

### **9.13 FLOOD CONTROL AND STREAM BANK STABILIZATION MEASURES**

provided, in addition to the requirements of Section 9.2, that the design is reviewed and approved by an engineer and constructed to substantially resist or withstand the forces associated with hydrodynamic and hydrostatic pressures, including flood depths, velocities, impact, ice, buoyancy, and uplift associated with the Base Flood. The design must also show compliance with the following applicable criteria: ((CFR 60.3(a)(3) (CFR 60.3(d)(3)) (ARM 36.15.606))

#### **1. LEVEE AND FLOODWALL** construction or alteration:

1. Must be designed and constructed with suitable fill and be designed to safely convey a Base Flood; (ARM 36.15.606(1)(a))
2. Must be constructed at least 3 feet higher than the elevation of the Base Flood unless the levee or floodwall protects agricultural land only; (ARM 36.15.606(2)(a))
3. Must meet state and federal levee engineering and construction standards and be publically owned and maintained if it protects structures of more than one landowner; and (ARM 36.15.505(1)(c)(ii)and (iii))
4. For any increase in the elevation of the Base Flood, an alteration of the Regulated Flood Hazard Area requires approvals pursuant to Section 4.3.

#### **2. STREAM BANK STABILIZATION, PIER AND ABUTMENT PROTECTION** projects:

1. Must be designed and constructed using methods and materials that are the least environmentally damaging yet practicable, and should be designed to withstand a Base Flood once the project's vegetative components are mature within a period of up to 5 years or other time as required by the Floodplain Administrator. Once vegetation is mature and established it should not require substantial yearly maintenance after the initial period;
2. Materials for the project may be designed to erode over time but not fail catastrophically and impact others. Erosion, sedimentation, and transport of the materials may be designed to be at least similar in amount and rate of existing stable natural stream banks during the Base Flood;

3. Must not increase erosion upstream, downstream, across from or adjacent to the site in excess of the existing stable natural stream bank during the Base Flood; and (ARM 36.15.606(1)(b))
4. Materials for the project may include but are not limited to riprap, root wads, brush mattresses, willow wattles, natural woody debris or combinations of analogous materials.

**3. CHANNELIZATION PROJECTS** where the excavation and/or construction of a channel is for the purpose of diverting the entire or a portion of the flow of a stream from its established course, the project must:

1. Not increase the magnitude, velocity, or elevation of the Base Flood; and
2. Meet the requirements of Section 9.13.2.  
(ARM 36.15.101(7)) (ARM 36.15.606(1)(c))

**4. DAMS:**

1. The design and construction shall be in accordance with the Montana Dam Safety Act and applicable safety standards; and
2. The project shall not increase flood hazards downstream either through operational procedures or improper hydrologic/hydraulic design. (ARM 36.15.606(1)(d))

**9.14 STREAM AND BANK RESTORATION** projects intended to reestablish the terrestrial and aquatic attributes of a natural stream and not for protection of a structure or development provided, in addition to the requirements of Section 9.2, that:

1. The project will not increase velocity or erosion upstream, downstream, across from or adjacent to the site; (ARM 36.15.606(1)(b))
2. Materials may include but are not limited to boulders, rock cobble, gravel, native stream bed materials, root wads, brush mattresses, willow wattles, natural woody debris or combinations of analogous materials and that reasonably replicates the bed and bank of the natural stream;
3. Erosion, sedimentation, and transport of the materials are not more than the amount and rate of existing natural stream banks during the Base Flood; and
4. The project may be designed to allow vegetative materials to mature within a period up to 5 years or other time as required by the Floodplain Administrator. Once vegetation is mature and established it should not require substantial yearly maintenance after the initial period.

**9.15 EXISTING RESIDENTIAL AND NON-RESIDENTIAL BUILDINGS IN THE FLOODWAY** any alteration or substantial improvement to an existing building must meet the requirements of Section 9.2 and the applicable requirements in Section 10 for residential or non-residential buildings. (MCA76-5-404(3)(b))

## **SECTION 10. DEVELOPMENT REQUIREMENTS IN THE FLOOD FRINGE OR REGULATED FLOOD HAZARD AREA WITH NO FLOODWAY**

**10.1 USES REQUIRING PERMITS** – All uses allowed by permit in the Floodway shall also be allowed by permit within the Flood Fringe or Regulated Flood Hazard Area with no Floodway. Such uses are subject to the requirements in Section 9, with the exception of the encroachment limit of Section 9.2.2. Instead, such uses are subject to the encroachment limits of this Section 10.2.9.

Except for prohibited artificial obstructions in Section 6.2, all other artificial obstructions including new construction, substantial improvements, alterations to residential, and nonresidential structures including manufactured homes, and related suitable fill or excavation shall be allowed by permit and are subject to the requirements in this Section and General Requirements of Section 9.2, with the exception of the encroachment limit of Section 9.2.2.

(ARM 36.15.701(2))

**10.2 GENERAL REQUIREMENTS** An application for a Floodplain permit must demonstrate or meet the following applicable requirements:

1. **Base Flood Elevation** Where necessary to meet the appropriate elevation requirement in these regulations, the Base Flood Elevation(s) must be determined by an engineer and utilized in the design and layout of the project demonstrating the design and construction criteria herein are met. For Regulated Flood Hazard Areas that do not have computed and published Base Flood Elevations in the adopted flood hazard study referenced in Section 4, a Base Flood Elevation must be determined or obtained from a reliable source, utilizing appropriate engineering methods and analyses;
2. **Flood Damage** Structures must be constructed by methods and practices that minimize flood damage and structures must be reasonably safe from flooding; ((44 CFR 60.3(a)) (44 CFR 60.3(a)(3)(iii)))
3. **Surface Drainage** Adequate surface drainage must be provided around structures;
4. **Materials** Structures must be constructed with materials resistant to flood damage; ((44 CFR 60.3(a)) (44 CFR 60.3(a)(3)(ii)))
5. **Artificial Obstructions** Structures, excavation or fill must not be prohibited by any other statute, regulation, ordinance, or resolution; and must be compatible with subdivision, zoning and any other land use regulations, if any; (ARM 36.15.701(3)(a)) ((ARM 36.15.701(3)(b)))

- 6. Anchoring** All construction and substantial improvements must be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;(44CFR 60.3(a)(3))
- 7. Certification** Certification by an engineer, architect, land surveyor, or other qualified person must accompany the application where required including for an encroachment analysis, adequacy of structural elevations, Base Flood Elevation determinations, flood-proofing, enclosure flood openings and design and construction to withstand the hydrodynamic forces and hydrostatic pressures of flood depths, velocities, impact, buoyancy, uplift forces associated with the Base Flood and surface drainage. A certification is not intended to constitute a warranty or guarantee of performance, expressed or implied; ((ARM 36.15.606(1) (ARM 36.15.702(2)(c)) (ARM 36.15.801(3)(b)) (44 CFR 60.3(c)(3 &4)) (44 CFR 60.3 (d)(3)))
- 8. Access** Structures may be required to have safe access during times of flooding up to the Base Flood for ordinary and emergency services provided there are no reasonable alternate locations for structures;

**9. Encroachment Analysis**

1. All applications in the Regulated Flood Hazard Area without a Floodway must be supported by an encroachment analysis of the proposed use, a thorough hydrologic and hydraulic analysis except as provided in following paragraph 4, Section 10.2.9.4, prepared by an engineer to demonstrate the effect of the structure on flood flows, velocities and the Base Flood Elevation; ((ARM 36.15.604) (44 CFR 60.3(a)(3))
2. The maximum allowable encroachment is certified to be at or less than 0.5 feet increase to the Base Flood Elevation unless approval of an alteration of the Regulated Flood Hazard Area pursuant to Section 4 and an approved FEMA Conditional Letter of Map Revision occurs before permit issuance; ((ARM 36.15.604) (ARM 36.15.505) (44 CFR 60.3(c)(13)))
3. An encroachment analysis is not required for any development in the Flood Fringe where an accompanying Floodway has been designated within the Regulated Flood Hazard Area; and
4. Although all other development standards herein apply, a minimal or qualitative encroachment analysis may be accepted when the project or development does not require a structure, alteration of the Floodplain, involve fill, grading, excavation or storage of materials or equipment and also is certified by an engineer to not exceed the allowable encroachment.

**10. Electrical Systems Flood Proofing** All electrical service materials, equipment and installation for uses in a Regulated Flood Hazard Area must be certified to meet the following requirements:

1. All incoming power service equipment including all metering equipment, control centers, transformers, distribution and lighting panels and all other stationary equipment must be located at least two feet above the Base Flood Elevation; (ARM 36.15.901(1)(a))
2. Portable and movable electrical equipment may be placed below the Base Flood Elevation, provided that the equipment can be disconnected by a single plug and socket assembly of the submersible type; (ARM 36.15.901(1)(b))
3. The main power service lines must have automatically operated electrical disconnect equipment or manually operated electrical disconnect equipment located at an accessible remote location outside the Regulated Flood Hazard Area or two feet above the Base Flood Elevation; and (ARM 36.15.901(1)(c))
4. All electrical wiring systems installed below the Base Flood Elevation must be suitable for continuous submergence and may not contain fibrous components. (ARM 36.15.901(1)(d))

**11. Heating and Cooling Systems Flood Proofing** Heating and cooling systems for uses in a Regulated Flood Hazard Area must be certified to meet the following requirements:

1. Float operated automatic control valves must be installed so that fuel supply is automatically shut off when flood waters reach the floor level where the heating and cooling systems are located; (ARM36.15.902(1)(a))
2. Manually operated gate valves must be installed in gas supply lines. The gate valves must be operable from a location above the Base Flood Elevation; (ARM36.15.902(1)(b))
3. Electrical Systems flood proofing must be met; and (ARM36.15.902(1)(c))
4. Furnaces and cooling units must be installed at least two (2) feet above the Base Flood Elevation and the ductwork installed above the Base Flood Elevation.

**12. Plumbing Systems Flood Proofing** Plumbing systems for uses in the Regulated Flood Hazard Area must be certified to meet the following requirements:

1. Sewer lines, except those to a buried and sealed vault, must have check valves installed to prevent sewage backup into permitted structures; and (ARM 36.15.903(1)(a))
2. All toilets, stools, sinks, urinals, vaults, and drains must be located so the lowest point of possible flood water entry is at least two (2) feet above the Base Flood Elevation. (ARM 36.15.903(1)(b))

**13. Structural Fill Flood Proofing** Fill used to elevate structures, including but not limited to residential and non-residential buildings must be certified to meet the following requirements:

1. The filled area must be at or above the Base Flood Elevation and extend at least fifteen (15) feet beyond the structure in all directions;
2. Fill material must be suitable fill, that is stable, compacted, well graded, and pervious, not adversely affected by water and frost, devoid of trash or similar foreign matter, tree stumps or other organic material; and is fitting for the purpose of supporting the intended use and/or permanent structure. (ARM 36.15.101(22))
3. The fill must be compacted to minimize settlement and compacted to 95 percent of the maximum density. Compaction of earthen fill must be certified by an engineer;
4. No portion of the fill is allowed within the floodway;
5. The fill slope must not be steeper than 1 ½ horizontal to 1 vertical unless substantiating data justifying a steeper slope is provided and adequate erosion protection is provided for fill slopes exposed to floodwaters; and

**14. Wet Flood Proofing** Building designs with an enclosure below the lowest floor must be certified to meet the following:

1. Materials used for walls and floors are resistant to flooding to an elevation two (2) feet or more above the Base Flood Elevation; (ARM 36.15.702(2)(a))
2. The enclosure must be designed to equalize hydrostatic forces on walls by allowing for entry and exit of floodwaters. Opening designs must either be certified by an engineer or architect or meet or exceed the following:
  1. Automatically allow entry and exit of floodwaters through screens, louvers, valves, and other coverings or devices;
  2. Have two (2) or more openings with a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area below the

Lowest Floor, except if the enclosure is partially subgrade, a minimum of 2 openings may be provided on a single wall; and

3. Have the bottom of all openings no higher than one (1) foot above the higher of the exterior or interior adjacent grade or floor immediately below the openings.

((44 CFR 60.3(c)(5)) (NFIP Insurance Manual, Rev. May 2013)

**15. Dry Flood Proofing** Building designs that do not allow internal flooding must be certified according to these regulations to meet the following:

1. Building use must be for non-residential use only and does not include mixed residential and non-residential use;
2. Be Flood Proofed to an elevation no lower than two (2) feet above the Base Flood Elevation;
3. Be constructed of impermeable membranes or materials for floors and walls and have water tight enclosures for all windows, doors and other openings; and
4. Be designed to withstand the hydrostatic pressures and hydrodynamic forces resulting from the Base Flood and the effects of buoyancy.

((ARM 36.15.702(2)(b)) (44 CFR 60.3(c)(3))

**16. Elevation of the Lowest Floor** Elevating the lowest floor may be by either suitable fill, foundation wall enclosure, stem walls, pilings, posts, piers, columns or other acceptable means; ((MCA 76-5-402(2)(b)) (44 CFR 60.3(b)(8)) (44 CFR 60.3(c)(6)))

**17. Crawl Spaces** Crawl space foundation enclosures including sub grade crawlspace enclosures below the lowest floor must meet the wet flood proofing requirements and be designed so that the crawl space floor is at or above the Base Flood Elevation. Crawl space foundations must have an inside dimension of not more than five (5) feet from the ground to the top of the living floor level and a sub grade crawlspace must also have the interior ground surface no more than two (2) feet below the exterior lowest adjacent ground surface on all sides. A sub grade foundation exceeding either dimension is a basement;

**18. Manufactured Home Anchors** For new placement, substantial improvement or replacement of manufactured homes for residential or nonresidential use including additions, the chassis must be secure and must resist flotation, collapse or lateral movement by anchoring with anchoring components capable of carrying a force of 4,800 pounds and as follows:

1. For manufactured homes less than fifty (50) feet long, over-the-top ties to ground anchors are required at each of the four (4) corners of the home, with two additional ties per side at intermediate locations; or
2. For manufactured homes more than fifty (50) feet long, frame ties to ground anchors are required at each corner of the home with five (5) additional ties per side at intermediate points; and ((CFR 60.3(b)(8)) CFR 60.3(c)(6)))

**19. Access** Access for emergency vehicles may be required.

### **10.3 RESIDENTIAL BUILDING, EXCEPTIONS OR ADDITIONAL REQUIREMENTS**

New construction, alterations, and substantial improvements of residential dwellings, manufactured homes, including replacement of manufactured homes, must be constructed such that:

1. **Elevation of the Lowest Floor** The Lowest Floor of the building including an attached garage or basement must be two (2) feet or more above the Base Flood Elevation; (ARM 36.15.701(3))
2. **Enclosure** Enclosures of elevated buildings cannot be dry flood proofed. Use for an enclosure is limited to facilitating building component access. The enclosure including a crawlspace must be wet flood proofed and the enclosure floor must be at or above the Base Flood Elevation. An attached garage floor must be two (2) or more feet above the Base Flood Elevation; and
3. **Recreation Vehicles** Recreational vehicles on site for more than 180 days or not ready for highway use must meet the requirements for manufactured homes for residential use.

### **10.4 NON-RESIDENTIAL BUILDING, EXCEPTIONS OR ADDITIONAL REQUIREMENTS**

New construction, alterations, and substantial improvements of non-residential including agricultural, commercial and industrial buildings and residential and non-residential accessory buildings must be constructed such that:

1. **Elevation of the Lowest Floor** The Lowest Floor of the building must be elevated two (2) feet above the Base Flood Elevation or adequately dry flood proofed according to this Section. The Lowest Floor may be wet proofed provided the use is limited to only parking, loading and storage of equipment or materials not appreciably affected by floodwater; ((ARM 36.15.702(2) (44 CFR 60.3(c)(3)(ii) (44 CFR 60.3(c)(3) & (4)))
2. **Enclosure** Enclosures below the Lowest Floor on elevated buildings must be wet flood proofed and the use must be limited to parking, access or storage or must be adequately dry flood proofed according to this Section;

**3. Manufactured homes** Manufactured homes proposed for use as non-residential buildings cannot be dry flood proofed; and

**4. Agricultural structures** Agricultural structures not intended to be insurable, used solely for agricultural purposes, having low flood damage potential, used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities including raising of livestock, and not intended for human habitation are exempt from the elevation requirement, dry or wet flood proofing, but shall:

1. Be located on higher ground and as far from the channel as possible;
2. Offer minimal obstruction to flood flows;
3. Be adequately anchored to prevent flotation or collapse;
4. Where electrical, heating and plumbing systems are installed, meet the flood proofing requirements in Sections 10.2.10, 10.2.11, and 10.2.12; and
5. Meet the elevation or dry flood proofing requirements if the structure is an animal confinement facility.

((ARM 36.15.602(9) (ARM 36.15.701(3)(e)) (ARM 36.15.702(2))

## **SECTION 11. EMERGENCIES**

### **11.1 General**

1. Emergency repair and replacement of severely damaged artificial obstructions and development in the Regulated Flood Hazard Area, including public transportation facilities, public water and sewer facilities, flood control works, and private projects are subject to the permitting requirements of these regulations.(ARM 36.15.217)
2. The provisions of these regulations are not intended to affect other actions that are necessary to safeguard life or structures during periods of emergency.

### **11.2 Emergency Notification and Application Requirements**

1. The property owner and or the person responsible for taking emergency action must notify the Floodplain Administrator prior to initiating any emergency action in a Regulated Flood Hazard Area normally requiring a Floodplain permit. An Emergency Notification Form must be submitted to the Floodplain Administrator within five (5) days of the action taken as a result of an emergency.
2. Unless otherwise specified by the Floodplain Administrator, within 30 days of initiating the emergency action, a person who has undertaken an emergency action must submit a Floodplain Permit Application that describes what action has taken place during the emergency and describe any additional work that may be required to bring the project in compliance with these regulations.
3. A person who has undertaken an emergency action may be required to modify or remove the project in order to meet the permit requirements.

## **SECTION 12. VARIANCES**

**12.1 GENERAL** - A variance from the minimum development standards of these regulations may be allowed. An approved variance would permit construction in a manner otherwise as required or prohibited by these regulations. ((44 CFR 59.1) (ARM 36.15.218))

### **12.2 VARIANCE APPLICATION REQUIREMENTS:**

1. Prior to any consideration of a variance from any development standard in these regulations, a completed Floodplain Permit application and required supporting material must be submitted.
2. Additionally, supporting materials in a Variance application specific to the variance request including facts and information addressing the criteria in this Section must be submitted.
3. If the Floodplain permit application and Variance application is deemed not correct and complete, the Floodplain Administrator shall notify the applicant of deficiencies within a reasonable time not to exceed 30 days. Under no circumstances should it be assumed that the variance is automatically granted.

### **12.3 NOTICE REQUIREMENTS FOR FLOODPLAIN VARIANCE APPLICATION**

Public Notice of the Floodplain permit application and Variance application shall be given pursuant to Section 8.2.

### **12.4 EVALUATION OF VARIANCE APPLICATION**

1. A Floodplain permit and Variance shall only be issued upon a determination that the variance is the minimum allowance necessary, considering the flood hazard, to afford relief from these regulations and provided all of the following criteria are met:
  1. There is a good and sufficient cause. Financial hardship is not a good and sufficient cause; (44 CFR 60.6(a)(3))
  2. Failure to grant the variance would result in exceptional hardship to the applicant; (44 CFR 60.3(a)(3)) & ARM 36.15.218(b))
  3. Residential and nonresidential buildings are not in the Floodway except for alterations or substantial improvement to existing buildings, Residential dwellings including basements and attached garages do not have the lowest floor elevation below the Base Flood Elevation;

4. Any enclosure including a crawl space must meet the requirements of Section 10.2.14, Wet Flood Proofing if the enclosure interior grade is at or below the Base Flood Elevation;
  5. Granting of a variance will not result in increased flood heights to existing buildings, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances; (44 CFR 60.6 (a)(3) & (ARM 36.15.218(a))
  6. The proposed use is adequately flood proofed; (ARM 36.15.218(c))
  7. The variance is the minimum necessary, considering the flood hazard, to afford relief; (44 CFR 60.6(a)(4))
  8. Reasonable alternative locations are not available; (MCA 76-5-406(3) & ARM 36.15.218(d))
  9. An encroachment does not cause an increase to the Base Flood Elevation that is beyond that allowed in these regulations; and (44 CFR 60.6(a)(1))
  10. All other criteria for a Floodplain permit besides the specific development standard requested by variance are met.
2. An exception to the variance criteria may be allowed as follows:
1. For either new construction of a structure outside of the Floodway only or for substantial improvements or an alteration of a structure, on a lot of one-half acres or less that is contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation; or (44 CFR 60.6(a).
  2. For Historic Structures – variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum relief necessary to preserve the historic character and design of the structure. The historic nature of the building must be designated as a preliminary or historic structure by U.S. Secretary of Interior or an approved state or local government historic preservation program. (44 CFR 60.6(a))

## **12.5 DECISION**

1. The Board of Adjustment, shall:
  1. Evaluate the Floodplain permit application and Variance application using

the criteria in Section 12.4, and the application requirements and minimum development standards in Section 9 and 10;

2. Make findings, and approve, conditionally approve or deny a Floodplain permit and variance within 60 days of a complete application.
3. If approved, attach conditions to the approval of Floodplain permit and Variance including a project completion date and inspections during and after construction.
4. Notify the applicant that the issuance of a Floodplain permit and Variance to construct a structure not meeting the minimum building requirements in these regulations may result in increased premium rates for flood insurance and that flood insurance premiums are determined by actuarial risk and will not be modified by the granting of a variance. (44CFR 60.6(a))
5. Submit to the Floodplain Administrator a record of all actions involving a Floodplain permit and variance, including the findings and decision and send a copy of each variance granted to DNRC.(44 CFR 60.6(a)(6) & MCA 76-5-405)

## **12.6 JUDICIAL REVIEW**

Any person or persons aggrieved by the Floodplain permit and variance decision may appeal such decision in a court of competent jurisdiction.

## **SECTION 13. ADMINISTRATIVE APPEALS**

**13.1 GENERAL** An administrative appeal may be brought before the Board of Adjustment for review of the Floodplain Administrator's order, decision to grant, condition or deny a floodplain permit or interpretation of the Regulated Flood Hazard Area boundary.

**13.2 APPEALS REQUIREMENTS** The following provisions apply to administrative appeals:

1. An appeal shall include the basis of the appeal and supporting information including specific findings and conclusions of the Floodplain Administrator's decision being appealed;
2. An appeal may be submitted by an applicant and/or anyone who may be aggrieved by the Floodplain Administrator's decision or order;
3. Appeals must be received within 30 days of the date of the decision or order of the Floodplain Administrator; and
4. Additional information specific to the appeal request may be requested by the review panel.

### **13.3 NOTICE AND HEARING**

1. Notice of the pending appeal and hearing shall be provided pursuant to Section 8.2. The Floodplain Administrator may notify DNRC and FEMA of pending appeals.
2. A public hearing on the appeal must be held within 30 days of the Notice unless set otherwise.

### **13.4 DECISION**

A judgment on an appeal shall be made within 30 days of the hearing unless set otherwise. The decision may affirm, modify, or overturn the Floodplain Administrator's decision. A decision on an appeal of a permit cannot grant or issue a variance. A decision may support, reverse or remand an order or determination of a boundary of the Regulated Flood Hazard Area by the Floodplain Administrator.

### **13.5 JUDICIAL REVIEW**

Any person or persons aggrieved by the decision on an administrative appeal may appeal such decision in a court of competent jurisdiction.

## **SECTION 14. ENFORCEMENT**

**14.1 INVESTIGATION REQUEST** An investigation to determine compliance with these regulations for an artificial obstruction or nonconforming use within the Regulated Flood Hazard Area may be made either on the initiative of the Floodplain Administrator or on the written request of three titleholders of land which may be affected by the activity. The names and addresses of the persons requesting the investigation shall be released if requested. (MCA 76-5-105)(2)

**14.2 NOTICE TO ENTER AND INVESTIGATE LANDS OR WATERS** The Floodplain Administrator may make reasonable entry upon any lands and waters for the purpose of making an investigation, inspection or survey to verify compliance with these regulations. (MCA 76-5-105(1))

1. The Floodplain Administrator shall provide notice of entry by mail, electronic mail, phone call, or personal delivery to the owner, owner's agent, lessee, or lessee's agent whose lands will be entered.
2. If none of these persons can be found, the Floodplain Administrator shall affix a copy of the notice to one or more conspicuous places on the property.
3. If the owners do not respond, cannot be located or refuse entry to the Floodplain Administrator, the Floodplain Administrator may initiate a Search Warrant.

**14.3 NOTICE TO RESPOND AND ORDER TO TAKE CORRECTIVE ACTION** When the Floodplain Administrator determines that a violation may have occurred, the Floodplain Administrator may issue written notice to the owner or an agent of the owner, either personally or by certified mail. Such notice shall cite the regulatory offense and include an order to take corrective action within a reasonable time or to respond by requesting an administrative review by the Floodplain Administrator.

**14.4 ADMINISTRATIVE REVIEW** The order to take corrective action is final, unless within five (5) working days or any granted extension, after the order is received, the owner submits a written request for an administrative review by the Floodplain Administrator. A request for an administrative review does not stay the order.

**14.5 APPEAL OF ADMINISTRATIVE DECISION** Within ten (10) working days or any granted extension of receipt of the Floodplain Administrator's decision concluding the administrative review, the property owner or owner's agent may appeal the decision pursuant to Section 13.

**14.6 FAILURE TO COMPLY WITH ORDER TO TAKE CORRECTIVE ACTION** If the owner fails to comply with the order for corrective action, remedies may include administrative or legal actions, or penalties through court.

**14.7 OTHER REMEDIES** This section does not prevent efforts to obtain voluntary compliance through warning, conference, or any other appropriate means. Action under this part shall not bar enforcement of these regulations by injunction or other appropriate remedy.

## **SECTION 15. PENALTIES**

**15.1 MISDEMEANOR** Violation of the provisions of these regulations or failure to comply with any of the requirements, including failure to obtain permit approval prior to development in the Regulated Flood Hazard Area except for an emergency, shall constitute a misdemeanor and may be treated as a public nuisance.

Any person who violates these regulations or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100 or imprisoned for not more than 10 days or both. Each day's continuance of a violation shall be deemed a separate and distinct offense. (MCA 76-5-110)

### **15.2 DECLARATION TO THE FEDERAL FLOOD INSURANCE ADMINISTRATOR**

Upon finding of a violation and failure of the owner to take corrective action as ordered, the Floodplain Administrator may submit notice and request a 1316 Violation Declaration to the Federal Insurance Administrator. The Federal Insurance Administrator has the authority to deny new and renewal flood insurance for a structure upon finding a valid violation declaration. (44 CFR 73.3)

The Floodplain Administrator shall provide the Federal Insurance Administrator the following:

1. The name(s) of the property owner(s) and address or legal description of the property sufficient to confirm its identity and location;
2. A clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation or ordinance;
3. A clear statement that the public body making the declaration has authority to do so and a citation to that authority;
4. Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and
5. A clear statement that the declaration is being submitted pursuant to section 1316 of the National Flood Insurance Act of 1968, as amended.

RESOLUTION NO. 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.

WHEREAS, the City is authorized by Title 7, Chapter 2, Part 45, M.C.A., to annex certain wholly surrounded land;

WHEREAS, the property more particularly described below is wholly surrounded by the City as defined by state law;

WHEREAS, the City Council believes it to be in the best interests of the City and its residents, as well as the inhabitants of the property to be annexed, to annex said wholly surrounded land;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section One: The City hereby gives notice of its intention to annex all of the property identified as follows:

A tract of land in the the East Half (E½) of Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana, more particularly described as Parcel A on Certificate of Survey No. 19988, records of Flathead County, Montana.

Section Two: The City Manager and/or her designees shall provide all notice required by law.

Section Three: That this Resolution shall become effective immediately upon its passage and approval by the City Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, THE COUNCIL VOTING AS FOLLOWS:

AYES:

NOES:

ABSENT:

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

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor

ATTEST:

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

Field Crew: BP DM	Revision Date: N/A	Project Name: Cahill	Drawn By: A
	Revision Number: 13-036	Client Name: Cahill	
		Project No: 201500009096	

Filed on the 12<sup>th</sup> day of May, 2015 A.D. at 9:30 o'clock A.M.  
 County of Flathead  
 State of Montana  
 County Clerk and Recorder  
 Debbie Pleson, Flathead County Montana  
 Deputy  
 By: *Mark Cahill*  
 Instrument Record No. 201500009096  
 CERTIFICATE OF SURVEY NO. 19988

201500009096 Fees: \$25.50 by: NC  
 By: MARQUARDT ENG/SURV  
 Date 5/12/2015 Time 9:30 AM  
 Debbie Pleson, Flathead County Montana  
 COS # 19988

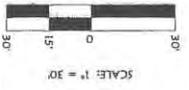
NOTE:  
 THIS SURVEY HAS BEEN MADE FOR EASEMENTS AFFECTING THIS PROPERTY AND NO SEARCH HAS BEEN MADE FOR EASEMENTS AFFECTING THIS PROPERTY AND THIS SURVEY DOES NOT PURPORT TO SHOW ALL APPURTENANT EASEMENTS.

2013 Ave West (406) 755-2285  
 info@msurveying.net  
 Kalispell, MT 59901

**W arquardt**  
 Surveying

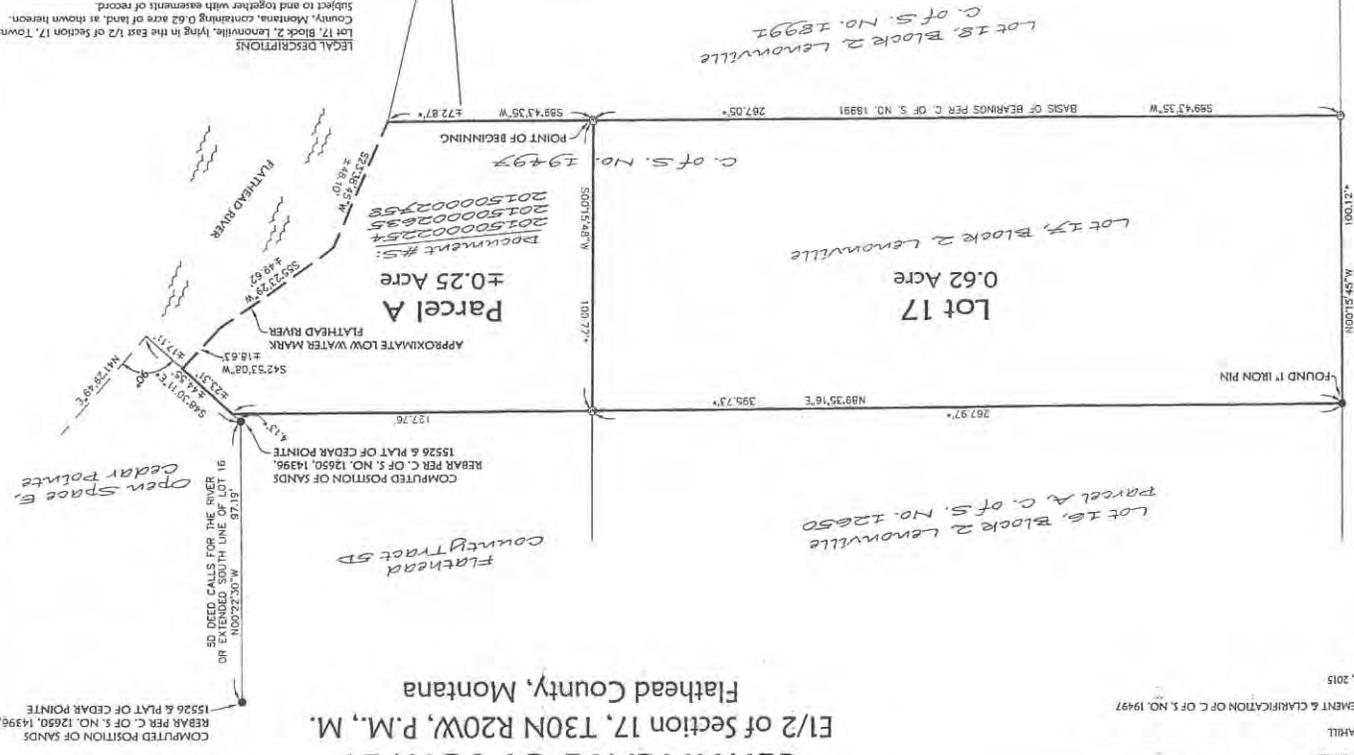


CERTIFICATE OF SURVEYOR  
 Registration No. 73285  
 Date 5/6/2015  
 Examining Land Surveyor  
 Registration No. 54285  
 Approved: 5/9/2015



- LEGEND
- FOUND 5/8" REBAR WITH 7" DIAM. ALUMINUM CAP TRKW 1310LS
  - FOUND 5/8" REBAR WITH PLASTIC CAP MARKED 'MARQUARDT 73285'
  - MONUMENT AS NOTED
  - RECORD AND FOUND DIMENSIONS PER C. OF S. NO. 19497

LEGAL DESCRIPTIONS  
 Lot 17, Block 2, Lenoirville, lying in the East 1/2 of Section 17, Township 30 North, Range 20 West, P.M., M., Flathead County, Montana, containing 0.62 acre, as shown hereon.  
 Subject to and together with easements of record.  
 Parcel A  
 That portion of the East 1/2 of Section 17, Township 30 North, Range 20 West, P.M., M., Flathead County, Montana, described as follows:  
 Beginning at the southeast corner of Lot 17, Block 2, Lenoirville;  
 Thence along East line of said Lot 17, North 00°15'48" East 100.77 feet to the Northeast corner of Lot 17;  
 Thence along the Easery extension of the North line of said Lot 17, North 89°35'16" East 127.76 feet;  
 Thence Southwesterly along said Low Water Mark of the Flathead River, more or less, to the Low Water Mark of the Flathead River;  
 The Point of Beginning;  
 Thence South 89°43'35" West 73 feet, more or less, to the Point of Beginning;  
 containing 0.25 acre, more or less, of land, as shown hereon.  
 Subject to and together with easements of record.



**CERTIFICATE OF SURVEY**  
 E1/2 of Section 17, T30N R20W, P.M., M.,  
 Flathead County, Montana

OWNERS: INCE M. CAHILL TR. PRO HOME MATTERS PRP AND TRUST  
 MARK E. CAHILL  
 FOR: MARK CAHILL  
 PURPOSE: RETRACTION & CLARIFICATION OF C. OF S. NO. 19497  
 DATE: APRIL 15, 2015

L 17-0690151 TR 5-0014749 W 5/12/15

October 29, 2015

To: Mayor & Council

From: City Manager Nicosia

Re: Manager's Update

1. Salvation Army City/community Bell Ringing Competition – Thursday, December 17<sup>th</sup> – mark your calendars and sign up with City Clerk Barb Staaland.
2. The Commissioners held a public hearing on October 28<sup>th</sup> to declare their intent to create the special district for 911. I 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. I was surprised by former Commissioner Brenneman's remarks to disband the consolidated center. The final "Seconds Matter" handout is available for council to use as talking points with the public.
3. HB 2, the Legislative Budget included \$1.5 million in funding for "Youth Recreation Grants" for facilities on Montana State Trust Lands. I am presently working with the Columbia Falls Baseball Association to complete their grant application. As the designated Environmental Certification officer for the City, I will complete that portion 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.
4. This year's Night of Lights celebration marks the 30<sup>th</sup> anniversary of the event. It will be held December 4<sup>th</sup>. I have joined the planning committee. Mr. Byrd has already talked with Fire Chief Hagen and will have burners or fires that meet City code. Is there interest in having a City Council float?
5. I met with the Glacier Bank representative as we 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.
6. Officer Chad Sweigart has joined our Police Department beginning Nov. 2<sup>nd</sup>. 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 30<sup>th</sup>. We wish him well. The City is currently advertising for the Public Works Foreman position and the open Street Operator position. Info is available on the City website.
7. We will be sending letters to the downtown businesses and send out info through the Chamber and the City website to gather input on the downtown sign regulations. Hopefully we can have good discussions and come up with practical regulations.

**CITY OF COLUMBIA FALLS  
CORRESPONDENCE LIST  
COUNCIL MEETING  
November 2, 2015**

**Regular Correspondence:**

10/23/15 Flathead County Solid Waste District Board Agenda

10/26/15 Crowley/Fleck Attorneys Lien on Watson Excavating, Inc.