

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD AUGUST 1, 2016**

Regular Meeting - Transact Routine Business

Mayor Barnhart called the meeting to order at 7:00 p.m. with roll call as follows:

PRESENT: Mayor Barnhart

COUNCIL: Karper, Petersen, Shepard, Fisher, Lovering and Piper

ABSENT: None

ROLL CALL

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

Pledge of Allegiance

PLEDGE

APPROVAL OF AGENDA:

Mayor Barnhart requested a motion to approve the agenda. Councilman Fisher moved to approve the agenda, second by Councilman Piper, and the motion carried unanimously.

**AGENDA
APPROVAL**

CONSENT AGENDA:

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

**CONSENT
AGENDA
APPROVAL**

A. Approval of Claims - \$ 119,469.72 - August 1, 2016

B. Approval of Payroll Claims - \$ 63,622.19 - July 29, 2016

C. Approval of Regular Meeting Minutes - July 18, 2016

D. Approval of Interlocal Agreement between City of Columbia Falls and the City of Whitefish for Police Administrative Services and authorize City Manager to sign.

City Manager Nicosia introduced Whitefish Assistant Police Chief Mike Ferda. Mr. Ferda said he is excited and appreciates the consideration of coming to the City of Columbia Falls to help out Mr. Ferda said he would like to build up the Columbia Falls Officers/department and implement case management along with team building instead of individuality.

VISITOR/PUBLIC COMMENT- (Items not on agenda)

Steve Duffy, 1503 Eddy Court, said he is concerned with the lack of lighting at 4th Ave West and Talbot Road on the south corner. Mr. Duffy said recently there was a traffic stop incident out of state where a couple was confronted by an officer to which the gentleman had a concealed weapon and the situation worsened. Mr. Duffy asked Council if citizens could get some direction from our Police Department on a concealed weapon procedure.

**VISITOR/PUBLIC
COMMENT**

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PUBLIC HEARINGS/NOTICES: Mayor Barnhart read the notices of hearing:

A. Public Hearing: The Columbia Falls City-County Planning Board will hold a public hearing for the following item at their regular meeting on Tuesday, July 12th 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 August 1, 2016 starting at 7:00 p.m. in the same location.

**PUBLIC
HEARINGS-Rose &
Maldonado Zone
Change**

Request for a Zone Change in the Columbia Falls Zoning Jurisdiction:

Patrick W. Rose and Salvador Maldonado are requesting to amend the zoning district map for three properties in the Columbia Falls Zoning Jurisdiction. The applicants in total own approximately 1.7 acres of property that is currently zoned CB-2 and R-4. The Rose property is the former location of convenience store and gas station located at the corner of 8th Avenue E.N. and Railroad Street. The Maldonado property is adjacent to the Rose property and located directly east. The applicants are requesting a zone change to CRA-1 (Multi-Family) so that they may construct multi-family rental apartments. Multi-family structures in excess of two units require a conditional use permit from the City. The properties are described as Tract B of the Crescent Amended Plat excluding MDOT right-of-way along with Assessors Tracts 1A and 1AD all in Section 9, T30N, R20W, P.M.M, Flathead County.

City Planner Mulcahy presented Staff Report CZC-16-02. The Planning Board met in July and the Zone Change was passed unanimously. City staff recommends the zone change for the said properties.

Councilman Shepard asked if there was additional correspondence. Mulcahy said no there was not.

Mayor Barnhart opened the public hearing at 7:12 p.m.

Pat Rose offered to answer any questions Council had for him as the owner of the property. Mr. Rose said he was in favor of the zone change.

Mayor Barnhart closed the Public Hearing at 7:13 p.m.

Councilman Shepard motioned to adopt Staff Report CZC-16-02 as findings of fact, second by Councilman Lovering with Council voting as follows. AYES: Lovering, Petersen, Piper, Shepard, Fisher, Karper and Barnhart. NOES: None. ABSENT: None.

Councilman Fisher made motion to approve the zone change, second by Councilman Lovering with Council voting as follows. AYES: Piper, Shepard, Fisher, Karper, Lovering, Petersen and Barnhart. NOES: None

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ABSENT: None.

Request for Conditional Use Permit:

A request by Patrick W. Rose for a Conditional Use Permit (CUP) to convert the old convenience store and gas station located at 673 8th Avenue E.N to a three plex apartment building with garages and preserve the existing mangers living quarters on the property. The applicant is also requesting a zone change to CRA-1 (Multi-Family Residential). The CRA-1 zoning designation requires a CUP to construct a three-plex or greater within the zoning district. The properties are described as Tract B of the Crescent Amended Plat excluding MDOT right-of-way in Section 9, T30N, R20W, P.M.M, Flathead County.

**CONDITIONAL
USE PERMIT-Rose**

City Planner Mulcahy presented staff report CCU-16-01. Mr. Rose would like to convert the convenience store into a three plex unit. The gas station area will be a garage for the tenants and there is a landscape plan that has been reviewed by Mr. Mulcahy. At the July Planning Board meeting the Board discussed several topics about the property but approved the Conditional Use Permit. Mr. Mulcahy said there are 11 conditions that must be met including a cash in lieu agreement to the City for park improvements.

Councilman Piper asked if the new structure was going to be attached to the existing garage. Mulcahy replied no it is not. Councilman Karper asked if the fuel tanks are still on the property. Mulcahy said he confirmed with MT DEQ that the fuel tanks were removed and there is a clean bill of health.

Mayor Barnhart opened the Public Hearing at 7:23 p.m.

Patrick Rose said he was for the Conditional Use Permit.

With no further public comments and no written testimony Mayor Barnhart closed the Public Hearing at 7:24 p.m.

Councilman Petersen asked Mr. Mulcahy what the Maldonado building was going to be. Mulcahy said he has not seen the plans for building as of yet, but understands Mr. Maldonado is working with his architect on the design.

Councilman Piper motioned to adopt staff report CCU-16-01 as findings of fact, second by Councilman Shepard with Council voting as follows. AYES: Shepard, Fisher, Karper, Lovering, Petersen, Piper and Barnhart. NOES: None. ABSENT: None.

Councilman Fisher moved to approve the Conditional Use Permit, second by Councilman Lovering with Council voting as follows. AYES: Fisher, Karper,

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Lovering, Petersen, Piper, Shepard and Barnhart. NOES: None. ABSENT: None.

B. Public Hearing: Mayor Barnhart read the notice of hearing: Notice is hereby given, that the City Council of the City of Columbia Falls, Montana, will hold public hearings beginning on August 1, 2016 at 7:00 p.m. in the Columbia Falls City Hall, 130-6th Street West, Columbia Falls, Montana, for the following purposes:

**PUBLIC HEARING
Preliminary Budget,
Assessments,
Permissive Medical
Levy**

Preliminary Budget

Presentation and consideration of the preliminary budget for fiscal year beginning July 1, 2016 and ending June 30, 2017. This hearing will be continued until final adoption of the budget.

Special Assessments

Consideration of the adoption of the Street Lighting District and Street Maintenance District assessments for FY2016/2017. Council will hear any objections to the final adoption of the resolution levying special assessments for FY 2016/2017. Special Assessments are estimated as follows:

Street Lighting District	\$ 40,000
Street Maintenance District	\$301,000

Individual property payment schedules are available for inspection ten (10) days from this notice, in the office of the City Clerk, 130 6th Street West, Columbia Falls, Montana, during regular hours Monday through Friday, 8:00 AM to 5:00 PM.

Permissive Medical Levy

Consideration of adoption on the proposed tax levy to fund health insurance premium contributions for group benefits beyond the amount of contributions in effect on June 30, 1999. The actual mills for consideration will be made available upon receipt of the certified tax valuation for the year.

City Manager Nicosia presented the preliminary budget for the 2016-17 FY. Nicosia reported that the City has not yet received the certified tax valuations so the taxing authority limits and permissive medical levy cannot be addressed this evening. Nicosia presented the Street Lighting and Street Maintenance District assessments. Nicosia reported that the projected lighting assessment will be less than \$40,000 and street maintenance will remain at \$301,000.

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Mayor Barnhart asked about capital expenditure funding and if we are able to maintain the 5 year plan. Nicosia said that the City has to set annual priorities as capital funding is approximately \$200,000 each year, with the last two years funding Street Construction in Fund 4040.

Councilman Petersen asked what interest rate we are paying on our debt. Nicosia said we refinanced the Water and Sewer Revenue bonds with one Sewer bond at 3%; one at 2% and one at .75%. The Water Revenue bond is rate is 2.25%. Councilman Petersen asked if we want to get things paid off as quickly as possible or with low interest rates that may not be the case at those rates. Petersen asked if street lighting and maintenance are staying the same. Nicosia noted that the assessments are projected to be the same as last year.

Councilman Shepard asked what the fines and forfeitures were over the last 10 years. Nicosia said the collections are \$100,000 below what they were 8-10 years ago.

Mayor Barnhart opened the Public Hearing at 8:02 p.m.

Mr. Duffy, 1503 Eddy Court, is a member of the St. Richards Church Financial Advisory Committee. Mr. Duffy handed out to Council a letter addressed to the City Manager. Mr. Duffy said this is a plea for exemption on the street assessment against the Church. The Committee has not received an official response from the City on the letter. Mr. Duffy said he understands the non-profit organizations are still responsible for assessments however; the church does not have other monies than tithing to pull from, unlike schools and the city that can raise taxes to pay their assessments.

Mayor said the Public Hearing will remain open until the August 15, 2016 meeting.

UNFINISHED BUSINESS

None.

**UNFINISHED
BUSINESS**

NEW BUSINESS:

None.

NEW BUSINESS

ORDINANCE/RESOLUTIONS:

A. RESOLUTION # 1728 - A Resolution of the City Council of the City of Columbia Falls, Montana, Approving the Sale of Lot Four of Cedar Creek North Subdivision, Flathead County, Montana

**RESOLUTION
#1728-Sale of Lot 4
Cedar Creek North**

City Manager Nicosia said there was an offer of \$102,250 with \$30,000 cash down and 5.5% interest over a 25 year period with the option of paying it off

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in 3 years.

Councilman Shepard made motion to approve the sale of Lot 4 of Cedar Creek North, second by Councilman Lovering with Council voting as follows. AYES: Fisher, Karper, Lovering, Petersen, Piper, Shepard and Barnhart. NOES: None. ABSENT: None.

B. SECOND AND FINAL READING - ORDINANCE #764 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Changing The Zoning Classification From CSAG-10 Suburban Agricultural To CR-1 Suburban Residential For Certain Property in the Columbia Falls Zoning District, Described as Lot 1 of Subdivision #193 Located in Section 20, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana, More Particularly Described as 3985 Columbia Falls Stage Road.

**ORDINANCE
#764-Zone Change
Giddeon**

Councilman Shepard motioned to approve Ordinance 764, second by Councilman Petersen with voting as follows. AYES: Fisher, Karper, Lovering, Petersen, Shepard and Barnhart. NOES: None. RECUSED: Piper. ABSENT: None.

C. FIRST READING - ORDINANCE # 765 - An Ordinance of the City Council of The City Of Columbia Falls, Montana, Changing The Zoning Classification From CB-2 (General Business) and CR-4 (Urban Residential) To CRA-1 Residential Apartment for Certain Property in the Columbia Falls Zoning District, Described as Tract B of the Crescent Amended Plat Excluding MDOT Right-Of-Way and Assessors Tracts 1A and 1AD all Located in Section 9, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana, More Particularly Described as 673 8th Avenue E.N. and 810 Railroad Street, Columbia Falls.

**ORDINANCE
#765-
Rose/Maldonado
Zone Change**

Councilman Lovering motioned to approve the First Reading of Ordinance #765, second by Councilman Shepard and the motion carried.

D. RESOLUTION # 1729 - A Resolution of the City Council of the City of Columbia Falls, Montana, Approving an Application for a Conditional Use Permit by Patrick W. Rose to Convert the Former Convenience Store and Gas Station into a Three Plex Apartment and Maintain the Existing Managers Unit on Tract B of the Crescent Amended Plat Excluding MDOT Right-Of-Way in Section 9, Township 20 North, Range 20 West, P.M.M., Flathead County.

**RESOLUTION
#1729-Rose CUP**

Councilman Shepard made motion to approve Resolution #1729, second by Councilman Piper with Council voting as follows. AYES: Karper, Lovering, Petersen, Piper, Shepard, Fisher and Barnhart. NOES: None. ABSENT: None.

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REPORTS/BUSINESS FROM MAYOR & COUNCIL:

Councilman Lovering noticed that Kalispell put in the way finding signs and thought they look very nice.

Councilman Shepard said some neighbors are complaining about spotted knapweed in the city. Shepard asked if the county will come and spray the weeds. Nicosia said she would check with Jed Fisher.

Shepard said he was disappointed that the commissioners could not attend the meeting with Tester. Shepard said he spoke with some of the young people about Plum Creek closing. The other complaint he received was on traffic speeding on highway 2.

Councilman Petersen inquired where the city was on the Nucleus Avenue and highway 2 intersection, is MDT moving forward. Nicosia said they are still working on it with MT DOT.

Councilman Piper talked to baseball folks and Weyhauser has not decided what their contribution was going to be. Shepard noted that the American Legion Post donated monies from the car show dinner.

Mayor Barnhart asked council to review the manner of government and how each of our positions and roles are including the role of City Manager. That will explain what we can and cannot do. Mayor said the new location of the welcome sign at the Welcome Park was a great improvement. However the welcome sign at the other end of town is lost in the hayfield. Mayor would like to see it repositioned closer to town. Mayor Barnhart asked if the City was taking care of the fill on the city lots off of 3rd Ave East. Nicosia noted that the Public Works Director is working on that.

**REPORTS FROM
MAYOR AND
COUNCIL**

REPORTS/BUSINESS FROM CITY ATTORNEY:

None

**REPORT FROM
CITY ATTORNEY**

CITY MANAGER:

The City recently applied for and received a floodplain development permit to allow 500 cubic yards of clean fill but it should've been 5,000 cubic yards. New letters are going to the adjacent landowners.

The playground equipment at Horine Park looks great. The Pinewood play structure will be installed soon. The new merry go round was installed at Marantette Park and getting considerable use. The water fountain was recently vandalized at Claire Park and the City is replacing it with a fountain for people and dogs as well as the fountain at Horine Park.

During Heritage Days we worked with MDOT to slow traffic down on Highway 2.

Aug 8, 2016 at 2 p.m. in the Council Chambers the Economic Development will meet. There is an EDA grant for \$1m that the city could get for public infrastructure related to economic development.

The Finance office will be closed on Friday August 5, 2016 for Active Shooter

**CITY MANAGER
REPORT**

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Training in Kalispell.

Mayor Barnhart asked about the special assessment abatement request from the Catholic Church. City Attorney Breck said he was in full agreement with the City Manager on giving one organization preference over another. If we give one preference then we must give the same to all. Mayor said he would like to see a formal letter sent to the St. Richards Church Finance Committee.

Nicosia asked Mr. Ferda to address Mr. Duffy's question on concealed weapons and vehicle stops. Mike Ferda said you could ask the 3 departments in the valley and get 3 different answers. Ferda said it is centered on being safe and using common sense.

A. INFORMATIONAL CORRESPONDENCE - List available for Review

CORRESPONDENCE

ADJOURN: Upon motion duly made by Councilman Lovering and seconded by Councilman Fisher the meeting adjourned at 8:46 p.m.

ADJOURN

Mayor

ATTEST:

City Clerk

APPROVED BY COUNCIL ACTION: August 15, 2016