

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD AUGUST 7, 2017**

Regular Meeting - Transact Routine Business

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

PRESENT: Mayor Barnhart
COUNCIL: Petersen, Shepard, Fisher, Lovering and Piper
ABSENT: None (Karper on 90 day separation)

ROLL CALL

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

Pledge of Allegiance

PLEDGE

APPROVAL OF AGENDA:

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

**AGENDA
APPROVAL**

CONSENT AGENDA:

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

**CONSENT
AGENDA
APPROVAL**

- A. Approval of Claims - \$ 302,868.98 – August 7, 2017
- B. Approval of Payroll Claims - \$ 71,905.81 – July 28, 2017
- Approval of Payroll Claims - \$32.67 – July 31, 2017
- C. Approval of Regular Meeting Minutes – July 17, 2017
- D. Approval of Plant Investment Fee Agreements, Randy Jones Construction, 7 Diane Road, 12 Diane Road, 13 Diane Road, and 15 Diane Road and authorize City Manager to sign.
- E. Approval of Mutual Release of All Claims and Settlement Agreement, City of Columbia Falls and Inge M. Cahill and Mark E. Cahill and authorize City Manager to sign.
- F. Approval of Quitclaim Deed, City of Columbia Falls and Inge M. Cahill (Kreck Trail Easement) and authorize City Manager to sign.

VISITOR/PUBLIC COMMENT: (Items not on agenda)

Matt Hutcheson, 227 7th Street East, said his property was damaged due to flooding after a main break, not happy with contractor insurance response.
Cindy Harris, 131 1st Ave. W. said she is opposed to the new ordinance regarding parking on the grass.

**VISITOR/PUBLIC
COMMENT**

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Dale Barr, 1222 3rd Ave West, said there is a picture of his suburban in the Hungry Horse News with the article regarding no parking unless authorized on the City Right of Way. His concern is that people think he is not in compliance and he would like to know why his vehicle was put in the newspaper. He showed Mayor Barnhart the newspaper. Mayor Barnhart advised Mr. Barr upon looking at the photo, the suburban is parked on the city of right of way, however, the City did not select the photo, and it was the newspapers' decision.

Mayor Barnhart recommended that anyone that had questions on enforcement should speak to Police Chief Clint Peters.

EMPLOYEE RECOGNITION:

A. Gary Stanberry, Police Officer, 10 years

Mayor Barnhart recognized and thanked Officer Gary Stanberry for his 10 years of service with the City of Columbia Falls.

**EMPLOYEE
RECOGNITION-
Officer Stanberry**

A. NOTICE OF HEARINGS - PLANNING BOARD AND COUNCIL:

Mayor Barnhart read the notices: The Columbia Falls City-County Planning Board will hold a public hearing for the following items at their regular meeting on **Tuesday, August 15th** 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 21, 2017** starting at 7:00 p.m. in the same location.

**NOTICE OF
PUBLIC
HEARING-
Weyerhaeuser Zone
Change**

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

Weyerhaeuser NR Company, owners of subject land, request to amend the zoning district map for property in the Columbia Falls Zoning Jurisdiction. The property in question is currently zoned CR-5 (Two-Family Residential), is located just east of the Cedar Palace, and contains one of the parking lots for the now closed Plum Creek Lumber Mill. The applicants propose to change the zoning to I-1 (Light Industrial) which matches much of the adjacent zoning. The property is located on 525 12th Avenue West and is described as Assessor's Tract 11 in Section 8, T30N, R20W, P.M.M. in Columbia Falls. The property is further described as follows.

All that certain lot, piece, or parcel of land, situated, lying and being in the County of Flathead and State of Montana, and particularly described as follows to wit:

All that portion of the southwest quarter of the southwest quarter of Section 8 in township 30 North, Range 20 West, P.M.M., lying northwesterly of the northwesterly boundary line of the Great Northern Railway Company's right-of-way as the same now crosses over said southwest quarter of the southwest

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quarter, said tract being bounded on the north by the County Road, on the west by the County Road and on the southeasterly side by the Great Northern Railway Company's right-of-way.

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

Swan Mountain Real Estate Holdings, LLC, applicant, and Lester Elletson, land owner, request to amend the zoning district map for property in the Columbia Falls Zoning Jurisdiction. The applicants have a contract to purchase 0.42 acres of land that is currently zoned CRA-1 (Residential Apartment). The applicants propose to change the zoning to CB-2 (General Business) which would allow them to operate their snowmobile guide and rental business and a full time reservation office. The property is located at the corner of Railroad Street and 6th Avenue East North and is described as Lots 1, 2, 3, & 4 of Lot 24 Van's Acre Tracts in Section 9, T30N, R20W, P.M.M. in Columbia Falls.

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

**NOTICE OF
PUBLIC
HEARING-Swan
Mountain Zone
Change**

B. PUBLIC HEARING: August 7, 2017: Request for a Planned Unit Development in the Columbia Falls Zoning Jurisdiction

Mayor Barnhart read the hearing notice and requested staff present the report: Ruis Holdings 35 5th Street West LLC is requesting a Planned Unit Development (PUD) to construct an 18 unit apartment building that will be three stories in height. The property is located at the corner of 5th Street West and 1st Ave West on what was the old Davall Building site in Columbia Falls. The property is zoned CB-4 (Central Business) which allows mixed use buildings including multi-family apartment uses provided the residential use is on second and third floors. The proposed PUD would allow apartments on the first floor rather than commercial use. The applicants are also requesting with the PUD that the maximum height be allowed up to 40-feet as opposed to the 35-feet standard. The property is described as Lots 3, 4, & 5 of Block 28, Columbia Falls Townsite, Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County, MT.

City Planner Mulcahy presented Staff Report CPUD-17-01, noting that the City Council must specifically approve a PUD of less than 2 acres. Mulcahy noted the change in units to 12 2-bedroom and 6 3-bedroom units, originally 6 of each including one bedroom units. The applicant presented the amendment at the Planning Board hearing. Mulcahy reviewed each of the variances requested with the PUD: first floor commercial to apartments, and height from 35 feet to 40.5 feet. The PUD request was evaluated for compliance with

**PUBLIC
HEARING-Ruis 5th
Street W.**

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Chapter 18.348 PUD and Chapter 18.428 Large Buildings as well as the Growth Policy. Mulcahy noted that Fire Chief Hagen approved the height variation with the conditions of ladder access and sprinkling. Mulcahy reviewed each of the 13 findings of fact. Staff recommended approval with 15 conditions.

Mayor Barnhart asked if Council had any questions for staff.

Councilman Shepard said at the July 11, Planning/Zoning meeting, angle parking on 1st Avenue was discussed and he would like to know if that was addressed. Mulcahy said he has not had a chance to talk with Public Works Director Jenkins. City Manager Nicosia said that is a City street and City staff will determine if the area is suitable for angle parking based on Public Works Standards and city code.

Mayor Barnhart asked the applicant if they wished to make a presentation.

Aaron Wallace, Montana Creative Architectural, Whitefish, reported the owner is proposing to put in a new apartment building with a parking lot in the back and parking on the side streets. The new project is 18 units with a courtyard in the back for residents. Wallace noted that the request for all residential was based on the demand in residential needs and not so much in commercial. Basically, the project does not pencil out if they were to put commercial space on the first floor, residential units are more in demand at this time. The building has 9 foot ceilings and will be fully sprinkled. They have added gables off the ends and towards the middle of the building. Mr. Wallace presented the renderings and floor plans.

Matt Hutcheson asked if they have done a survey on the land underneath. Mr. Wallace said we have done a full survey on the site and nothing of concern was discovered.

Mayor Barnhart opened the Public Hearing at 7:27 p.m.

Karen Davall Huston, 250 South Hilltop, spoke in favor of the project even though it is not going to have commercial space on the first floor. Huston believes with people around the area it will keep the downtown area vibrant. People can walk to the store and other areas in Columbia Falls. Huston said she believes there are adequate locations in town for commercial buildings.

John Rallis, 810 5th Street W. #7, asked if anybody had considered the underground garage. Rallis believes they could have had parking underneath the building for the tenants.

Cindy Harris, 131 1st Ave W. questioned who would be paying for the diagonal parking.

Steve Harris, 131 1st Ave W. said they have had issues with parking in the area and wanted to commend the developers for adding additional parking.

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Mayor Barnhart closed the Public Hearing at 7:35 p.m.

Mayor Barnhart asked who would pay for the diagonal parking along with sidewalk upgrades.

Bill Goldberg, Compass Construction, 3977 Star Meadows Road, said the plan is to address the sidewalk on both streets as required in the PUD. The owner did not plan to pay for the diagonal parking as it just came up at the July 11th Planning Board meeting.

Goldberg also noted that he believes they are putting in adequate parking, along with landscaping, snow storage and garbage space. Goldberg noted that he is aware that they will be responsible for paving their portion of the alley but had not planned on paving any of the existing streets. Mayor Barnhart asked if they were paving the full length of the alley. Goldberg said we will take it from 5th to the end of the property owned by Ruis, as their experience is to build on their property. City Manager Nicosia said per code we have not required developers to pave beyond their property boundary and that the City has paid to have any adjacent portion paved. Mayor Barnhart said that the City should make sure it is complete with paving the alley and sidewalks.

Councilman Petersen said he is all for the project, as far as parking it would improve your project if the alley was paved the entire length. Angled parking on the west side will be an inexpensive solution. Petersen asked if there were any one bedroom units. Mr. Wallace said there is a larger demand for two bedroom units. Petersen said when you do 2-3 bedrooms they may require more than one parking space, plus storage space could also be an issue. Goldberg said there will be significant by-laws in place for storage and parking.

Councilman Piper asked if 5th street could also be used for angled parking. Nicosia said it would depend on use and could be addressed at a later date.

Councilman Shepard said his concerns are noted in Conditions #6 & #8. If the owner is required to pave their property perhaps you can get with the city to share the cost. Nicosia said we typically do that, Goldberg said we can coordinate with the city.

Karen Duvall Huston commented that the new building would increase the tax base for the city to offset some of the cost of paving.

Matt Hutcheson asked if the rentals are really going to be \$1,000-1,300 per month. His concern is Columbia Falls residents can't afford that.

Councilman Fisher motioned to approve Staff Report CPUD-17-01 as findings of fact, second by Councilman Shepard with Council voting as follows. AYES:

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

Councilman Shepard made motion to approve the Planned Unit Development with the 15 conditions, second by Councilman Fisher with Council voting as follows. AYES: Petersen, Piper, Shepard, Fisher, Lovering and Barnhart. NOES: None. ABSENT: None.

Mayor Barnhart suggested a 5 minute break - 8:10 p.m. - the meeting was back in session at 8:15 p.m.

C. PUBLIC HEARING - SID #38 LEVY AND ASSESSMENT:

Mayor Barnhart read the notice and requested a staff report:

The Columbia Falls City Council adopted Resolution # 1752 on July 17, 2017 giving notice of their Intention to levy and assess a tax upon all lots or parcels of land in Special Improvement District #38. The City Council shall meet on August 7, 2017 at 7 pm in the City Council Chambers, City Hall, 130 6th St West, Columbia Falls, for the purpose of conducting a public hearing on the levying and assessment of the special assessments in SID #38 and will consider objections, if any of the property owners at that time.

**PUBLIC
HEARINGS-SID
#38 Levy and
Assessment**

Special Improvement District (SID) #38 was created to install the necessary water and sewer mains and service lines to connect all of the properties to City water and sewer services, install water hydrants, and rebuild the street surface as engineered and pay the appropriate water and sewer plant investment fees.

The estimated costs of these improvements and plant investment fees are \$1.2 million with the SID 38 properties contributing a total of approximately \$340,000 or an equal per lot assessment of \$12,593/lot.

City Manager Nicosia said this is the final required action in the creation of SID #38 - Riverwood. The hearing was a chance for residents to object to having the SID placed on their taxes. The City did not receive any written or verbal comments.

With no one wishing to comment, Mayor Barnhart opened and closed the Public Hearing at 8:17 p.m.

D. PUBLIC HEARINGS - PRELIMINARY BUDGET - continued:

NOTICE IS HEREBY GIVEN, that the City Council of the City of Columbia Falls, Montana, will hold public hearings beginning on July 17, 2017 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**

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Preliminary Budget

Presentation and consideration of the preliminary budget for fiscal year beginning July 1, 2017 and ending June 30, 2018. 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 FY2017/2018. Council will hear any objections to the final adoption of the resolution levying special assessments for FY 2017/2018. Special Assessments are estimated as follows:

Street Lighting District	\$ 33,928
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 report to Mayor and Council. Nicosia noted that staff is not recommending a change to the proposed street maintenance or lighting district assessments for the 2018 FY. Nicosia also reported that with the current assessed values, the Permissive Levy mills are decreasing by 0.972 mills. Nicosia reported that the current proposed budget is \$8.3 million, noting that Water and Sewer Funds still require adjustments to meet the required debt coverage ratio. Nicosia noted that the budget requires the maximum levy permitted by the statutory provisions. Due to the 10% increase in taxable value, at the maximum levy, city tax revenue increases \$60,216 but levies will decrease by 8.65 mills. Mayor Barnhart asked Nicosia if she could put a number on the residential tax increase. Nicosia said it depends on the individual properties change in assessed value. Mayor asked how much we have increased the General Fund expenditures from last year. Nicosia said the General Fund has decreased close to \$200,000 based on available resources for the 2018 FY.

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Mayor asked for any comments concerning budget year 17-18. With no comments, Mayor Barnhart noted that the hearing is continued to the August 21, Council meeting.

UNFINISHED BUSINESS:

A. Technical Grant Program (TAG)

City Manager Nicosia reported that Matt Vincent provided a letter for council regarding follow-up from the July 31st workshop. Nicosia reported that the Council is not eligible to apply for the grant as it has to be a non-profit organization. The purpose of council discussion is to determine interest in encouraging a non-profit to pursue the program. Mayor Barnhart asked Council if they wish to give encouragement to a non-profit to apply for the grant. Councilman Petersen said the CLP group is already in place and does not see it as a negative. Petersen thought it would be good to have a source to check technical data on occasion. Mayor Barnhart does not see an advantage to the community to add another process. Councilman Fisher believes if there is a non-profit group in our community that wants to go after the TAG he is in support of it. Lovering was unsure of the role of the City Council in the TAG. Piper added that it comes down to transparency on both sides and the TAG may be necessary to establish trust in the process, thus he concurs with Councilman Fisher. Shepard said we are getting into a technical stage with breakdown in the soil and are we missing out if we don't bring in help for the technical questions. The consensus of the Council is to support the TAG if a community non-profit wishes to pursue.

**UNFINISHED
BUSINESS-
Technical Grant
Program**

NEW BUSINESS:

None.

NEW BUSINESS

ORDINANCE/RESOLUTIONS:

A. Resolution 1753 - A Resolution by the City Council of Columbia Falls, Montana, for a Final Levy of a Special Assessment Upon All Lots or Parcels of Land In Special Improvement District No. 38, for the Purpose of Financing the Construction of Water System Improvements and Sewer Main and System Improvements and to Construct Water and Sewer Service Line Connections and Corresponding Plant Investment Fees.

**RESOLUTION
#1753-Final SID #38**

Councilman Fisher motioned to approve Resolution 1753, second by Lovering with Council voting as follows. AYES: Piper, Shepard, Fisher, Lovering, Petersen and Barnhart. NOES: None. ABSENT: None

B. Resolution 1754 - A Resolution by the City Council of Columbia Falls, Montana, Awarding Financing to Glacier Bank for the Funding of Special Improvement District No. 38, Riverwood Subdivision in Principal Amount of

**RESOLUTION
#1754-Financing for
SID #38 to Glacier
Bank**

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\$340,000 at Fixed Rate of 4.16% for a 20 Year Term

City Manager Nicosia said this resolution formalizes the principal amount of \$340,000 at a fixed rate of 4.16%.

Councilman Lovering motioned to approve Resolution 1754, second by Councilman Piper with Council voting as follows. AYES: Shepard, Fisher, Lovering, Petersen, Piper and Barnhart. NOES: None. ABSENT: None.

B. SECOND AND FINAL READING - Ordinance 767 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Chapter 10.57 Stopping, Standing And Parking of the Columbia Falls Municipal Code.

**ORDINANCE
#767-Stopping,
Standing And
Parking**

Councilman Shepard motioned to approve Ordinance 767, second by Councilman Petersen with Council voting as follows. AYES: Fisher, Lovering, Petersen, Piper, Shepard and Barnhart. NOES: None. ABSENT: None.

D. FIRST READING - Ordinance 768 - 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 35 5th Street West, More Particularly Described as Lots Three (3), Four (4) and Five (5) of Block 28 of the Original Townsite Of Columbia Falls, Montana, According to the Plat Thereof on File and of Record in the Office of the Clerk and Recorder of Flathead County, State of Montana

**ORDINANCE
#768-PUD-Ruis 5th
Street W.**

City Manager Nicosia said the conditions match the staff report, CPUD-17-01.

Councilman Shepard motioned to approve the First Reading of Ordinance 768, second by Councilman Lovering and the motion carried.

REPORTS/BUSINESS FROM MAYOR & COUNCIL

Mayor Barnhart wanted to recognize the passing of past Mayor Roger Elliott who had done a lot of good things for the City.

Councilman Fisher said last week he went down to Red Bridge Park and would like the Parks Committee to look at a way to include river access.

Councilman Lovering had a community member ask about a bike rack in the downtown area. Would it be possible to put a bike rack at the Pocket Park? Nicosia said it is included in the bike share project, a city, school, chamber project that will start this fall with the high school shop making 5-6 bike racks. Councilman Shepard remarked there is rumor in town that council members get water for free. For the record Shepard said we pay for our water just like every other tax payer in the City.

Councilman Petersen reported vandalism on the boardwalk railing at Rivers

**REPORTS FROM
MAYOR AND
COUNCIL
REPORT FROM
CITY ATTORNEY**

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Edge Park.

Councilman Piper said he missed the last meeting and was happy to hear we are not allowing pigs in the city limits.

Mayor Barnhart asked who painted the Shay engine. Nicosia said Kyle with the Gateway Church group, which has been very active in the community. Mayor Barnhart said they did a really nice job and thanked them for all of their volunteer work.

Mayor Barnhart would like to go to Marantette Park and pick a site for the welcome sign. Barnhart, Shepard and Piper will be involved in moving the sign.

CITY MANAGER:

City Manager Nicosia said she and Chief Peters would like to meet for a Public Safety meeting next Thursday. The Committee is Lovering, Barnhart and Piper. There will be a Parks Committee meeting on Monday, August 14th.

**CITY MANAGER
REPORT**

REPORTS/BUSINESS FROM CITY ATTORNEY:

None.

Chief Peters presented Council with a new idea for the Police Department patch. Chief said he wanted to update the current patch with something that more reflects Columbia Falls.

INFORMATIONAL CORRESPONDENCE - List available for Review

**CORRESPON-
DENCE/REPORTS**

A. REPORTS:

- a. Police - July 2017

ADJOURN: Upon motion duly made by Councilman Fisher and seconded by Councilman Lovering the meeting adjourned at 9:24 p.m.

ADJOURN

Mayor

ATTEST:

City Clerk

APPROVED BY COUNCIL ACTION: August 21, 2017