

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD OCTOBER 2, 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: Shepard, Fisher, Lovering and Piper  
ABSENT: Petersen. (Karper on 90 separation)

**ROLL CALL**

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

Pledge of Allegiance

**PLEDGE**

**APPROVAL OF AGENDA:**

Mayor Barnhart requested a motion to approve the agenda. Councilman Lovering moved to approve the agenda, second by Councilman Piper, 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 Shepard. Motion carried with Council voting as follows: YES: Lovering, Piper, Shepard, Fisher and Barnhart. NOES: None. ABSENT: Petersen.

**CONSENT  
AGENDA  
APPROVAL**

**VISITOR/PUBLIC COMMENT:** (Items not on the agenda)

Dave Renfrow, 1150 Nucleus Ave, stated he attended three meetings with the County Commissioners on the proposed Detention Center. Renfrow said he asked the Commissioners for clear and objective criteria on how they make their decisions. Commissioner Kruger said he could not guarantee our property values will not go down. They have not ordered any sort of professional evaluation as to the impact on our property values. We have asked them about the impact of our treatment plant and loss of opportunity from water/sewer Plant Investment Fees. Mr. Renfrow believes to remove Light Industrial zoned inventory from our real-estate would be a 50 year loss of tax revenue. The public must have confidence in the governing process.

**VISITOR/PUBLIC  
COMMENTS-  
Proposed Detention  
Center**

Cameron Darby, 20 16<sup>th</sup> Street E. read her letter as submitted to Council. Ms. Darby asks where in the mission statement it includes a Detention Center. Ms. Darby believes no one will want to live or invest in our town should the Detention Center exist. We are known as the Gateway to Glacier Park not the town of the County Detention Center. Ms. Darby is asking the City Council to push for a resolution to say no to the Detention Center.

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Kelly Mull White, 993 2<sup>nd</sup> Street WN, believes the Detention Center in Columbia Falls is a terrible idea. With regards to jobs she does not anticipate that we will gain as many jobs back from the recent losses. Apparently there are security concerns in the Justice Center with people feeling safe. White believes the treatment court has been overlooked and we need to deal with treatment issues. If they move the jail or increase the jail size they will have to increase staff.

Mike Burr, 560 Talbot Road, stated Columbia Falls is limited to where it can grow. There is limited open land available within the City and the surrounding area for expansion of commercial, light industrial and residential opportunities. Mr. Burr questions if a Detention Facility is truly the highest and best use of this valuable piece of real estate. Mr. Burr said at this time the property owners pay about \$90,000 in annual property taxes. Once the land is in County ownership no further taxes will be collected and this could impact the city and school budgets along with individual property taxes. County Administrator Mike Pence has said that Flathead County owns 40 acres off Willow Glen Drive in Kalispell but that site does not have sewer and water. Mr. Burr does not think they have accurate accounting as to why the Willow Glen property would be more expensive to build on over the Weyerhaeuser site. Mr. Burr would like City Council to tell the County that the City is not interested in the proposed Detention Facility.

Jane Renfrow, 1150 Nucleus Ave., said she has attended three Commissioner meetings and does not understand why the County wants to take their responsibilities and put them on a small town such as Columbia Falls. Ms. Renfrow said the population of Columbia Falls is 1/5 the size of Kalispell. When you think of the comparison of 260 beds in Columbia Falls, that is equivalent to 1300 beds Kalispell. In 1894 Kalispell won the right to be the county seat. The Kalispell Chamber of Commerce website reads Kalispell the retail of professional, medical and governmental center of the Flathead Valley. Ms. Renfrow would like Kalispell to keep their county seat, all benefits and the jail.

Barb Riley, 285 Potter Lane, stated as of now she has 9 customers that don't want to purchase property here until the issue of the jail is resolved. Riley said she had conversation with Commission Kruger and Mr. Pence and they believe the project will cost between 75 to 100 million to complete. Riley said she volunteered as a broker to help find an adequate location for the jail. Riley said Commissioner Mitchell said he walked around the brown building site and thought they could remove that building and expand the Justice services. There were 18 people at the meeting representing County services and not one of them was in favor of a separation of Law Enforcement

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away from the Justice Center. Riley believes there are other options for the County. Ms. Riley said she would ask Mayor and City Council to send a message loud and clear to the County before their deadline that you are not interested in their business here and we don't want them to ask to hook into the City's water/sewer system.

Brian McKeon, 1504 Columbia Dr. believes Columbia Falls is moving towards a recreation base. Recreation is now the biggest economic driver in the state. Having the jail in Columbia Falls means a loss of tax revenue. A jail is a stigmatizing word and you don't think of a family or tourist friendly place. Columbia Falls can do better and the City Council should speak for the citizens and formally oppose of the jail.

Olivia Stark, 220 1<sup>st</sup> Ave. E., said she moved from Whitefish and needless to say they wouldn't have purchased here knowing there could be a County Jail in town. Ms. Stark said she has noticed all the blue flags around town and thinks it is great, she feels there is a lot of pride in family and the kids. The stigma of having a jail here may detour kids from returning to their hometown to start their business. Ms. Stark stated a jail in Columbia Falls is just not a cool idea.

Jenny Jarvis, 33 Lone Juniper Lane, believes a jail here would just pile something else on top of us. There are other uses for this land and there are huge financial impacts. Jarvis agrees that something needs to improve with the County Jail but does not believe it needs to be here. We may not have a direct vote however; we can raise our voices and publicly oppose it. Columbia Falls is a working class town, not a second class town.

Jessica Sorenson, 323 5<sup>th</sup> Street W. said there is already an existing location that she believes to be a better location for the jail south of Kalispell. Columbia Falls will not benefit from having a jail here. Ms. Sorenson said as a parent we are already put down by neighboring towns and wants her daughter to be proud of where she comes from.

Jennifer Golan, 211 1<sup>st</sup> Ave W., said she agrees with what people have said so far. There hasn't been a process of review and public comment and believes the County came in and dropped this in our lap. We need to focus on people coming through Columbia Falls. Ms. Golan would ask City Council to request a study or outright reject the jail.

Terry Feury, Pac Rack Lane, Whitefish, owns the Uptown Hearth on Nucleus Ave. Ms. Feury said all these fine people come to her store and she is happy to be a part of this town. To ignore the process is not thoughtful and has

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moved forward way too fast. Ms. Feury believes this is not appropriate for Columbia Falls.

Eric Hanson, 58 Crescent Drive, said he is opposed of the jail. A lot of People have no idea what is happening or have the understanding of the issues on the table. He would like the city to listen to citizens and oppose of the jail.

Tanna Friske, 2100 Driftwater Way. Realizes we need a jail in Flathead County but not in Columbia Falls. Her concern is property tax base in town. Ms. Friske asked Council to do what they can to not allow Weyerhaeuser to sell the property to Flathead County.

Nina Stefani, 521 Evening Star Lane, believes that Columbia Falls is being taken advantage of and agrees with what others have said this evening.

Anastasia Allen, 314 Lynnwood Drive, would like to know more about the process and criteria. Ms. Allen feels this is a poor location for a jail.

Johnny Alamilla, 2180 Tamarack Lane, said he and his wife purchased property here because they could see what a great community this was going to be and to put a jail here is absolutely a terrible idea. This is a great time to be a part of Columbia Falls with the new businesses coming in. Mr. Alamilla asked Council to please state your opinion that we don't want the jail here.

Judy Lust, 1618 Fran Lou Lane, stated she moved here in April and this is an amazing place with amazing people. Ms. Lust feels this is no place for a jail.

Tom Sluiter, 969 Vans Ave. asked if there is still a hazardous waste site to clean up at the former Plum Creek Plant?

Gwen Jarvis, 33 Lone Juniper Lane, attends Jr. High in Columbia Falls and does not want a jail in our town.

Brandon Squires said he is not from Columbia Falls but his wife works at the Columbia Falls school. Mr. Squires said he would like to see the City Council to speak about the process. If Council can help us understand what is really going on it would help us understand what we can do before the deadline.

Matthew Bussard, resides in Whitefish and owns Azul Coffee Bar inside Uptown Hearth. He choose to start a business here because of where Columbia Falls is headed. Bussard said he drove out to see the site and understands why the county is interested in it. It is also a great site for future development. Mr. Bussard said he is opposed of the county jail being on this

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particular site.

Alice Beal, 2135 Driftwater Way, said she and her husband purchased property in Columbia Falls four years ago and have seen a lot happen over those years. Ms. Beal said if the jail was here when they were looking for property they would not have invested in Columbia Falls. The county has not done its due diligence in this process.

Allen Carey, 381 7<sup>th</sup> Ave., said contrary to the majority of the comments tonight he is in favor of the jail. Mr. Carey said he has lived here over 50 years and has seen a lot of change. Some of us grew up in communities that had jails and does not believe it affected us. We elected the officials at the city and the county to do a job and it is there job to do.

Mark Beal, 2135 Driftwater Way, said he is against the jail in town. Mr. Beal stated he grew up in a blue collar town and that is why he likes Columbia Falls so much. Building a jail here is not going to build the community; it will take tax funds from the community. That land can be used as something else that may have a tax base.

Anna Stene, 222 Rogers Road, said she loves where she lives and lives here on purpose. Ms. Stene would like to ask the Council what the benefit is of having a jail in Columbia Falls. Is the city considering this for improvements to our mains? There are only three County Commissioners elected for a very large area. Stene believes the County Commissioner that represents our area has lost the trust with the law, justice and community with recent activities. With the short notice it is important that we put honors back on the county to clearly define what the long term plan is. Stene doesn't know that a jail this close is appropriate for Columbia Falls.

Kelly Mull White wanted to add when she went to the Commissioners meeting she realized the county owns two 40 acre parcels south of Kalispell along with multiple other pieces of property that may be more suitable for the jail.

Jared Moore, 995 Vans Ave., said he is unsure where we are in the process and has lots of questions. He can't help but think regarding water/wastewater they think they can connect. Moore said he worked for DEQ and is knowledgeable on the process. Moore hopes that this is looked at strongly and does not want to see it rushed. What does Columbia Falls get from this monetarily speaking and how will the money be spent. Moore is opposed the jail in Columbia Falls.

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Mayor Barnhart thanked everyone for attending the meeting and showing their support.

**PUBLIC HEARINGS/NOTICES:** Mayor Barnhart read the notice of hearing: The Columbia Falls City-County Planning Board will hold a public hearing for the following item at their regular meeting on Tuesday, October 10, 2017 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 November 6, 2017 starting at 7:00 p.m. in the same location.

**NOTICE OF  
PUBLIC HEARING-  
PERO CUP**

**Request for a Conditional Use Permit in the Columbia Falls Zoning Jurisdiction:**

A request by Robert W. Pero for a Conditional Use Permit (CUP) to build a six-plex condominium/apartment building on each of two lots owned by the applicant. As a result there will be a total of twelve units proposed. The six-plex's will occupy Lots 166 and 167 of Hilltop Homes Subdivision located on Diane Road in Columbia Falls. The properties are zoned CRA-1 (Multi-Family Residential) which requires a CUP to construct a three-plex or greater within the zoning district. The properties are addressed as 9 and 11 Diane Road and described as Lots 166 and 167 of the Hilltop Homes subdivision in Section 18, Township 30 North, Range 22 West, P.M.M., Flathead County

**UNFINISHED BUSINESS**

None.

**UNFINISHED  
BUSINESS**

**NEW BUSINESS:**

None.

**NEW BUSINESS**

**ORDINANCE/RESOLUTIONS:**

First Reading - Ordinance #770 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Changing the Zoning Classification from CRA-1 Residential Apartment to CB-3 Limited Business for Certain Property in the Columbia Falls Zoning District, Described as Lots 1, 2, 3, & 4 Lot 24 Van's Acre Tracts in Section 9, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana

**ORDINANCE #770-  
Zone Change  
Request**

Mayor Barnhart reported that this ordinance was prepared according to the hearing held at the September 18, 2017 meeting.

Councilman Shepard motioned to approve the First Reading of Ordinance #770, second by Councilman Piper and the motion passed.

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Resolution #1761 – A Resolution of the City Council of the City of Columbia Falls Supporting Dedicated Funding for the National Park System

**RESOLUTION  
#1761 – Supporting  
Funding for the  
National Park  
System**

City Manager Nicosia reported that she included information on the Restoring Americas National Parks initiative and would entertain any questions.

Councilman Fisher made motion to approve Resolution #1761, second by Councilman Shepard with Council voting as follows. AYES: Shepard, Fisher, Lovering, Piper and Barnhart. NOES: None. ABSENT: Petersen.

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

Mayor Barnhart said council can make the detention center item a business item at the next council meeting and send a letter to the commissioners expressing our wishes as a majority of the Council.

**REPORTS FROM  
MAYOR AND  
COUNCIL**

Councilman Shepard asked City Attorney Breck if we can selectively offer utilities and what the legalities of turning them down may be. Breck said the County can sue you for not having a rational basis for denial.

Mayor Barnhart said we have an ordinance already in place to have sewer/water. City Manager Nicosia said we charge 25% higher outside of the city limits. The City has wastewater and water public utility permits from the State of Montana with rights and responsibilities. Councilman Fisher inquired about the zoning. Nicosia said it is zoned Light Industrial, the county is exempt and can declare their agency exemption or they could request a zone change. Councilman Shepard said he learned about this through the newspaper and is uncertain about the jail here but would love to have the sheriff's office here. Would relocating the detention benefit the City and local businesses? Based on rumors Kalispell has not spoken up. They are looking at the property here because it is close to water/sewer connection. If the County wants to purchase the property they can. This is a difficult decision for the County Commissioners.

Councilman Lovering said she understands the legal aspect of the project but also understands that the council represents the citizens. Lovering said we are jaded in terms the way we have been treated by the county. We have asked for a library, the red bridge, quiet zones, and the North Fork Road and the County was not interested. Now they want to set up shop right next to us and we are supposed to be grateful. Council should write a letter advising the County as to what the majority of Council feels.

Councilman Fisher is interested as council and would like to say no to the jail. As representatives of this community we need to pass along what we know to the residents. Fisher said when weighing out the pros and cons he sees more cons. Fisher said to pass a bond on this issue when people are so against it may be difficult.

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Police Chief Peters said he is split two ways as he sees the potential benefits of the facility, but realizes there is no plan in place. The reason this property is so attractive is the 35,000 square foot building on it. Chief Peters believes having the Sherriff's department here would be a benefit to the city with employees moving to the area and kids going to our school.

Councilman Fisher went to the Commissioners meeting today where the commissioners were speaking to the Sheriff, Judges and County Attorneys and as Fisher understood, it was their first opportunity to react to this idea and they were not excited about it.

Mayor Barnhart stated the property is in the county. The County saw an opportunity to buy something at a really good price. The legality of water/wastewater hookup denial is not a good idea. Mayor Barnhart said we need two weeks to have discussion, a motion and a letter in favor or against or no letter at all. Mayor Barnhart said he does believe it will impact Columbia Falls. Councilman Piper said citizens need to contact the Commissioners and it doesn't have to be in public forum, write letters and make phone calls. Mayor Barnhart likes the idea of the property staying in the tax base. He also noted that the county does not have to comply with zoning. Mayor said the Plant Investment Fees are used to build a fund to upgrade and upkeep our future system, the money does not go to sidewalks or other city needs.

Jared Moore said he disagreed with the wastewater/water connections denial. City Attorney Breck said it has to be a rational basis; it is in City Code and State Law. Nicosia said the County would be required to sign the waiver of protest to annexation if connected to city water and sewer. Mayor Barnhart asked Nicosia to draft two letters one in support and one of nonsupport.

Councilman Shepard wanted everybody to pay attention to the Managers report about the fishing pond.

Mayor Barnhart wanted to pass on our thoughts to the Las Vegas community.

**REPORTS/BUSINESS FROM CITY ATTORNEY:**

None.

**REPORT FROM  
CITY ATTORNEY**

**CITY MANAGER:**

The Contractor at Riverwood project has asked for an extension date to October 10<sup>th</sup>.

The land owner at 1026 1<sup>st</sup> Ave W. is interested in selling her property, zoned CB-2, and thought the City might be interested for city use. Zoning and location do not make the property suitable for additional public parking or

**CITY MANAGER  
REPORT**

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park use.

Based on soil and water samples, the pond depth increased by 6 feet and still kept the side slopes shallower than the original footprint. There are a couple of areas that need some refinement to get appropriate depths but it would take a bit more work right now. There would be more material excavated than depicted on the drawing. Mayor Barnhart asked if the city was paying for this. Nicosia said F,W & P has about \$40,000 in funds available and we have grant monies available for the path and the pond from the LOR Foundation.

Nicosia said staff attended the Montana League of Cities and Towns and there was lots of good information.

Mayor Barnhart asked if an update on the code book is scheduled, Nicosia replied yes it is in our plan for 2018.

**INFORMATIONAL CORRESPONDENCE** - List available for Review

**CORRESPONDEN  
CE  
ADJOURN**

**ADJOURN:** Upon motion duly made by Councilman Fisher and seconded by Councilman Shepard and the meeting adjourned at 9:15 p.m.

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED BY COUNCIL ACTION: October 16, 2017