

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD SEPTEMBER 18, 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 City Planner Mulcahy

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 Lovering, and the motion carried unanimously.

**AGENDA
APPROVAL**

CONSENT AGENDA:

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

**CONSENT
AGENDA
APPROVAL**

- A. Approval of Claims - \$ 184,122.74 - September 18, 2017
- B. Approval of Payroll Claims - \$ 95,336.58 - September 8, 2017
- C. Approval of Regular Meeting Minutes - September 5, 2017
- D. Approval of Change Order #2, Cutting Edge Excavation, LLC, Riverwood Estates SID and authorize City Manager to sign.
- E. Easement Agreements (2), Grant or Quit Claim Deeds (9) and Termination of Easement between Weyerhaeuser NR Company and City of Columbia Falls.

VISITOR/PUBLIC COMMENT: (Items not on agenda)

Mike Burr, 560 Talbot Road, said he likes the idea of the rock monuments at the entrance of Nucleus Avenue. He also noted that there is a Public Hearing scheduled a week from today for the proposed Detention Center located at the old Cedar Palace. Mr. Burr said he sent remarks to City Manager Nicosia and hopes she shared them with Council. Mr. Burr said he hopes City Council will attend the meeting and study the idea of the proposed building. The County has allocated in their capital improvement plan an estimated 50 million for such a project. The opinion of City Council and the citizens of Columbia Falls are going to be considered.

**VISITOR/PUBLIC
COMMENT**

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Mr. Burr hopes City Council will keep an open mind about the center. Burr is not aware of any city in Montana that has a Detention facility that is not near the Court House, this will be a first. Once the facility is built it is not a multiple use building and not so sure it could be changed out down the road. That is a great piece of property and you can certainly imagine the things that could go there to bring tax dollars in. At this time that particular piece of property pays about \$90,000 a year in taxes, if it was sold to the county it would come off the tax rolls. Mr. Burr hopes Council will join him at the meeting and to do what is best for the citizens of Columbia Falls.

PUBLIC HEARINGS/NOTICES:

A. PUBLIC HEARING - Zone Change Request:

Mayor Barnhart recused himself from this portion of the meeting. Vice Chairman Lovering will conduct the following Public Hearing.

Vice Chairman Lovering read the notice of the Public Hearing:

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) or CB-3 (Limited 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.

Lovering requested the staff report presentation. City Planner Mulcahy said this application is a request to go from CRA-1 zoning to CB-2 or CB-3. The Planning/Zoning Board held a Public Hearing on the zone change request Tuesday, August 15, 2017. At that time the Board adopted the Finding of Facts but struggled with a motion to approve or deny the CB-2 zone change. After a number of motions, the Board tabled discussion to the September 12, 2017 meeting. At the request of the applicant and in consultation with City Staff the zoning was modified to include the CB-3 zoning classification as an option for the Planning Board and City Council to consider. The Planning Board held their second meeting September 12, 2017 with the recommendation to Council as CB-2 zone. Mulcahy preceded with presenting the findings and recommendation in Staff Report CZC#17-02, as revised on September 1, 2017.

**PUBLIC
HEARINGS-Zone
Change Swan Mtn.
Outfitters**

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Lovering asked for the applicant presentation Patrick Tabor, 26356 Soup Creek Road, Swan Lake, MT said he owns property in West Glacier, Hungry Horse, Whitefish and Kalispell. Mr. Tabor asked Council to pass the zoning from a CRA-1 to the CB-2 zone. Mr. Tabor said there appears to be quite a bit of confusion about the purpose of the building. The building is a reservation center, their guests will stop there to register and get gear for their tour. This location is more convenient for the guests. Being located in Columbia Falls will also attract more business along Nucleus Avenue along with potential residents. There will be no tours operated out of the location such as snowmobiles starting up; they will already be loaded on the trailer. The proposed building will be a professional office building. Based on the initial meeting Tabor said they have modified the plans to ensure there will be no services of snowmobiles on the premises. Some concerns were due to the garage sales over the summer that created parking issues. The property will be well landscaped and maintained. Access will be off Railroad Street and not 6th Avenue EN. They were hoping to have rental of paddle boards or moped rentals displayed in the summer months; if zoned CB-3 that would not be allowable. Concerns expressed about the CB-2 zone were what type of businesses could be there. With the CB-3 there are setbacks that will leave very little space for building and will limit other uses. Mr. Tabor said they just signed a new services contract with the forest service and they are not going anywhere. Should they sell the property, the possible uses will be limited by the size and shape of the 4 lots, noting that all the lots will be combined into one. Mr. Tabor said the Planning Board went through the issues relative to CB-2 and CB-3 and unanimously recommended to City Council the CB-2 zoning. Mr. Tabor said he went through all correspondence and tried to address the concerns of neighbors.

Vice Chairman Lovering opened the Public Hearing at 7:26 p.m.

Dick Markham, 566 6th Ave. EN, said we have all heard how wonderful this business is going to be but his concern is do we want a business there at all. Once you re-zone it we can't go back. Mr. Markham said he has lived there for 22 years. There are two ways to look at this neighborhood as a business or a residential neighborhood. His property is zoned business as well as the neighbors and they have a house like other neighbors and not a business. GPI is the only business, then you have Head Start and Stop and Shop which was a business but is now residential. This is not a business neighborhood it is a residential neighborhood he would like to keep it that way.

Erin Quinta, 377 3rd Ave. EN, lives in the area of the proposed site and is excited to have a business in the area. She believes the presentation of the business is important and they will have their area nice for customers plus it

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will be a step up from what is there now. There are two sides and some residents are excited to have the potential of a business there.

Charlene Markham, 566 6th Ave. EN, said she has heard Swan Mtn. talk about a small reservation business and then we hear about expanding the business to make it larger. Ms. Markham said she does want this in the neighborhood; this is a residential neighborhood and not a business area.

Aubrie Lorona, 355 Gladys Glen Road, Coram, MT. said she is the Vice President of Finance Administration for Swan Mtn. Outfitters. She and her husband run the park business in the summer time. Ms. Lorona said the intent for the property on 6th Ave. EN is to use it as a check in location and a place to get gear. As owners they take great pride in what we do and will keep the property landscaped and well maintained. Clients will be driving up Nucleus Avenue which will create opportunity for local businesses. As evidence by the letters of support sent in from the community and members of the Chamber of Commerce Ms. Lorona believes the vast majority of the community supports the growth of small businesses in Columbia Falls. Lorona reported that this zone change is in line with the City's documented intent for growth and the type of expansion envisioned when the growth policy was developed. Lorona said she and her family have entered into a 10 year contract with the Forest Service and they plan to be here for a long time.

Connie Cohen, 590 7th Ave EN, owns the 6 plex units at the property on the backside of the said property. Ms. Cohen said she believes there needs to be setbacks in place. The said property is residential on both sides. Cohen was curious about drawings of the building. Ms. Cohen said she is in support small businesses in Columbia Falls but not in residential areas.

Victoria Lee, 11570 Belton Point Road, West Glacier, MT. said she is in support of the zone change to CB2. It is her understanding that the Growth Plan had already looked at the area for expanding commerce since it is across from the industrial park. Ms. Lee said from what she understands the office building will consist of a check in office and light snowmobile repairs. The office will be closed at night when it is most important to the neighbors. Ms. Lee said she is not a resident of Columbia Falls but for the past 3 years has been a member of the Chamber of Commerce and wants to be involved with Columbia Falls. Columbia Falls needs to support small businesses.

Richard Turbiak with Citizens For A Better Flathead, 35 4th Street W. Kalispell. Citizens For a Better Flathead would encourage the City to work with the more appropriate zone which could include a PUD. The Columbia Falls zoning code states in 18.348.040 section A. There shall be no area designated as PUD district of less than two acres of contiguous land unless

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the City Council determines that a parcel, due to its unique character, is best developed as a PUD even though it does not meet the two area requirement. Mr. Turbiak said they are aware there is a neighboring park along Railroad Street zoned CB-2. They also recognize the corridor is zoned CB-2 that is residential. Changing to the CB-3 zone would offer a compromise of possible future uses of the property. We fall back on our original objection and ask council to consider the PUD suggestion.

Vice Chairman Lovering closed the Public Hearing at 7:40 p.m.

Councilman Shepard asked for clarification on spot zoning. If the City changes this zoning to CB-3 does this set precedence for other areas? Mulcahy said in MT we have a Supreme Court case that sets up a three prong approach to be considered in determining spot zoning. The major prong: is the zone significantly different from the neighboring properties. Mulcahy said personally he does not believe CB-3 would be spot zoning. The other two prongs include the size of the area and is it a benefit of the applicant at the expense of the neighboring properties.

Councilman Piper asked if Council entertains the CB-3 zone, can we reduce the setbacks. Mulcahy said the applicant could go through a variance through the Board of Adjustment.

Councilman Fisher moved to approve Staff Report CZC-17-02 as revised September 1, 2017, as findings of fact, second by Councilman Piper with Council voting as follows. AYES: Piper, Shepard, Fisher, Lovering. NOES: None. ABSENT: Petersen. RECUSED: Barnhart. Motion passed.

Councilman Fisher motioned to approve the zone change to CB-2, second by Piper with Council voting as follows. AYES: Fisher and Lovering. NOES: Shepard and Piper. ABSENT: Petersen. RECUSED: Barnhart.

Councilman Shepard made motion to approve the zone change to CB-3, second by Councilman Piper. Councilman Piper believes the CB-3 protects the neighborhood. Councilman Shepard said if residents in the area from Nucleus Avenue to 8th Ave. want to change the zoning from a CB-2 to CB-3 they would need to get a petition to change the zone. Otherwise other businesses will be allowed to run a business in the neighborhood.

Councilman Fisher appreciates the discussion that everyone has brought forward. Fisher said in his opinion it feels like spot zoning with CB-2 zoning already in place in the corridor. With respect to what people want, if CB-3 is something the neighborhood is satisfied with then that is appropriate.

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Motion carried with voting as follows: AYES: Fisher, Lovering, Piper and Shepard. NOES: None. ABSENT: Petersen. ABSTAINED: Barnhart.

NEW BUSINESS:

A. Naming of Kreck Riverside Park

City Manager Nicosia said at the last Council meeting on September 5, 2017 Mayor Barnhart recommended formally naming the park currently referred as "Red Bridge Park" to "Kreck Riverside Park." The City has yet to install a formal park sign so the timing is perfect to formally name the park. Mayor Barnhart wished to acknowledge and honor Dr. Kreck's intent to provide access to the river for the community with the Kreck trail easement.

**NEW BUSINESS-
Kreck Riverside
Park**

Councilman Lovering made a motion to name the Red Bridge Park to Kreck Riverside Park, second by Councilman Shepard.

Steve Duffy, 1503 Eddy Court. Doesn't like river associated with the Kreck park, believes that will be confusing for people

Mayor Barnhart said he wishes to have Dr. Kreck's name on the park and personally does not care what the name of the park is as long as it has Dr. Kreck's name on it. Councilman Fisher likes the name and noted that the name could be changed when council meets again. Lovering and Shepard both liked the proposed name. Motion carried with all members voting in favor of the motion.

ORDINANCE/RESOLUTIONS:

None.

REPORTS/BUSINESS FROM MAYOR & COUNCIL:

Councilman Shepard said 17 of our local veterans helped at the Vietnam Veteran's traveling wall in Kalispell. There were over 13,000 people that showed up to visit the wall; representing more visitors than Seattle.

**REPORTS FROM
MAYOR AND
COUNCIL**

Councilman Lovering commended Police Chief Peters on his handling of the situation at the schools and has heard only positive comments from the public.

Mayor Barnhart echoed Councilman Lovering's statements on the City's Police Department and thanked Police Chief Peters, the entire police department and all involved in the investigation and handling of this event. Mayor Barnhart said it feels like the City Police Department has gained respect from local law enforcement.

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REPORTS/BUSINESS FROM CITY ATTORNEY:

None

**REPORT FROM
CITY ATTORNEY**

CITY MANAGER:

Nicosia reported that the Riverwood subdivision work was approximately 68% complete as of September 9th; it is projected to be finished by Saturday September 28th.

**CITY MANAGER
REPORT**

Nicosia also reported that the Glacier Glow Run has moved their date to Saturday October 14, 2017 due to air conditions on the original date.

Nicosia reminded Council that the next Monday will be the County Commissioners Detention Center public comment meeting at the Jr. High.

Nicosia reported that the GIS intern has completed the mapping of the vacant lots and gaps in the sidewalks and the map is on the wall for Council review.

A. INFORMATIONAL CORRESPONDENCE - List available for Review

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B. REPORTS:

a. Police - August 2017

**CORRESPONDENCE
and REPORTS**

ADJOURN: Upon motion duly made by Councilman Shepard and seconded by Councilman Piper the meeting adjourned at 8:09 p.m.

ADJOURN

Mayor

ATTEST:

City Clerk

APPROVED BY COUNCIL ACTION: October 2, 2017