

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD FEBRUARY 5, 2018**

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, Fisher, Lovering, Piper and Robinson
ABSENT: None.

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 Lovering, and the motion carried unanimously.

**AGENDA
APPROVAL**

CONSENT AGENDA:

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

**CONSENT
AGENDA
APPROVAL**

- A. Approval of Claims - \$ 83,169.00 - February 5, 2018
- B. Approval of Payroll Claims - \$ 68,985.01 - January 26, 2018
Approval of Payroll Claims - \$573.57 - February 1, 2018
- C. Approval of Regular Meeting Minutes - January 16, 2018
- D. Approval of MOU with Flathead County EMS and authorize City Manager to sign
- E. Approval of Encroachment Permit, between Whitefish Credit Union Association and City of Columbia Falls, 20' on 4th Ave West, and authorize City Manager to execute.

VISITOR/PUBLIC COMMENT: (Items not on agenda)
None.

**VISITOR/PUBLIC
COMMENT**

EMPLOYEE RECOGNITION:

A. Officer Jared Haddenham - 5 year pin
Mayor Barnhart thanked Officer Haddenham for his 5 years of service with the City and presented him with a 5 year service pin.

**EMPLOYEE
RECOGNITION-
Haddenham**

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PUBLIC HEARINGS/NOTICES:

Conditional Use Permit – Expansion of a Casino: A request by CFalls, LLC and Yikes, Inc. to expand the number of gaming machines from the twelve existing machines to 20 machines total. The building in question is located at 624 Nucleus Avenue and is the former Bandit Bar which is being remodeled into a restaurant, lounge and casino. The property is zoned CB-4 (Central Business) District and the zoning ordinance requires a Conditional Use Permit for a new or expanding casino. The property is described as Lots 8, 9, 12, & 13 of the Columbia Falls Original Townsite and Lot A of the Amended Plat of Lots 10 & 11 of the Columbia Falls Original Townsite. All located in Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County.

**PUBLIC
HEARING-
Conditional Use
Permit, Gaming
Machines**

City Planner Mulcahy said the new owner, CFalls, LLC dba Yikes, Inc. would like to expand the number of gaming machines in the former Bandit Bar. There are currently twelve machines and they are requesting to allow twenty machines pursuant to MT DOR regulations.

With no public comments Mayor Barnhart opened and closed the Public Hearing at 7:05 p.m.

Councilman Fisher made motion to adopt Staff Report CCU-18-01 as findings of fact, second by Councilman Shepard with voting as follows. AYES: Lovering, Piper, Robinson, Shepard, Fisher, Karper and Barnhart. NOES: None. ABSENT: None.

Councilman Piper motioned to Approve the Conditional Use Permit, second by Councilman Robinson with Council voting as follows. AYES: Piper, Robinson, Shepard, Fisher, Karper, Lovering and Barnhart. NOES: None. ABSENT: None.

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 the SAG-5, SAG-10, and SAG-20 zoning classifications to make them more compatible with the Flathead County Zoning Regulations. In addition the text amendment will amend the definition of Guest house to now include a kitchen facility. A third amendment is at the request of the Board of Adjustments for subdivision signage. Lastly the Text amendments will look at creating accessory dwelling provisions with performance standards.

**PUBLIC HEARING
TITLE 18 Zoning
Text Amendments**

City Planner Mulcahy said this is basically housekeeping on zoning regulations as we are looking at a number of changes.

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1. We are looking at SAG zones to bring them more in line with the County. There is confusion when they live in the county and have to abide by city regulations. The Planning Board found a couple other items that needed cleaned up such as our guest house provision that do not allow a kitchen in a guest house, where the county zoning does allow it. Some folks want a guest house that may allow for a vacation rental unit.
2. The Board of Adjustment suggested amending our signage regulations to include subdivision signs.
3. The text amendments also consider accessory dwelling units in our residential zones. The single family zones provide for a one family dwelling. There has been a lot of inquiry about having a second dwelling on their property. We put together an accessory apartment text proposal subject to an administrative conditional use permit. We selected a max size of 600 sq. ft. We also limited it to month to month stays and not nightly rentals. We addressed parking, setbacks and height restrictions. This went to the Planning Board with no comments received. There was one letter received and is included in your packet.

Councilman Lovering inquired about the 2nd dwelling being in the rear of the property. Nicosia said accessory buildings must be in the rear of the property per city code. Barnhart asked about the garage attached to your home that has mother in law quarters. Mulcahy said if it is attached it would not apply, the reference to rear of the front of the house pertains to detached structures.

Councilman Fisher asked if 600 square feet was the maximum building size. Mulcahy said it could be something we look at. Mulcahy said he would caution it is an accessory unit, we are still trying to preserve the single family neighborhood and do not want to take away from it.

Mayor Barnhart asked if they could get an Administrative Conditional Use Permit to make the building larger. Mulcahy said you could exceed it as a CUP and go through the hearing process. Karper asked where you come up with 600 sq. ft. Mulcahy said 600 fits well on a standard city lot. The larger lots could certainly fit an 800 sq. ft. accessory building. Nicosia said they reviewed several options and with a standard size city lot they would still have to comply with lot coverage and setbacks. Mayor said he is not against Vacation Rentals By Owner (VRBO) and would entertain allowing them.

Mayor Barnhart opened the Public Hearing at 7:24 p.m.

Jessica and Brandon Rice, 1610 Grove Street. Said they were thinking about having a VRBO. They live on 4 acres near the river and want to share it with others. Rice said when they travel they stay in VRBO's instead of motels. Ms.

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Rice said the 600 sq. ft. would not fit her family of five. She would like to see the amendment be open to VRBO's and allow for larger structures according to lot size.

Mayor closed the Public Hearing at 7:31 p.m.

Councilman Lovering said she understands the month to month rental to have affordable housing but also realizes the need for nightly rentals.

Councilman Piper inquired about parking and if off street parking pertains to the city right of way. Nicosia said it is off street parking, they should have parking on their property.

Councilman Fisher believes 600 sq. ft. is a little small and asked would it be worth it to use the floating lot size. Mayor said you cannot have an additional building without getting septic approval from the county. Mayor said he is comfortable going with the 800 sq. ft. as they still have to comply with the setbacks and lot coverage per city code.

Nicosia suggested modifying the amendment on page 15, 18.411.010, A. To not exceed 800 sq. ft. C. Accessory Apartments shall be rented for a period of not less than one month unless the property owner has received an Administrative Conditional Use Permit for vacation rentals. We could also add paragraph E. that an accessory apartment exceeding 800 sq. ft. would be subject to the Conditional Use Permit process.

Councilman Fisher motioned to approve Staff Report CZTA-18-01 as findings of fact, second by Councilman Shepard and the motion passed.

Councilman Fisher made motion to approve the Amendments as proposed: Amending 18.411 Accessory Apartment (A) may not exceed 800 square feet, (C) Accessory apartments shall be rented for a period of not less than one month unless the property owner has received an Administrative Conditional Use Permit for Vacation Rentals pursuant to Chapter 18.445, and (E) An accessory apartment that will exceed 800 sq feet is subject to a Conditional Use Permit, second by Councilman Lovering and the motion passed.

Councilman Karper motioned to approve the Title 18 amended Text Amendments, second by Councilman Lovering with Council voting as follows. AYES: Robinson, Shepard, Fisher, Karper, Lovering, Piper and Barnhart. NOES: None. ABSENT: None.

UNFINISHED BUSINESS:

None.

**UNFINISHED
BUSINESS**

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NEW BUSINESS:

None.

NEW BUSINESS

ORDINANCES/RESOLUTIONS

A. Resolution # 1766 - A Resolution of the City Council of the City of Columbia Falls, Montana, Approving an Application for a Conditional Use Permit By CFalls LLC dba Yikes, Inc. to Expand the Casino at 624 Avenue, more Formerly Known as Lots 8, N5' of Lot 9, S20' of Lot 9, 12 , 13 and Lot A of the Amended Plat of Lots 10 And 11 Of Block 44, Columbia Falls Original Townsite, Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County.

**RESOLUTION
#1776-Gaming
Machines**

City Manager Nicosia said this resolution adopts the Conditional Use Permit for expansion of gaming machines to twenty machines subject to the 5 conditions.

Councilman Lovering motioned to approve Resolution #1776, second by Councilman Shepard with Council voting as follows. AYES: Shepard, Fisher, Karper, Lovering, Piper, Robinson and Barnhart. NOES: None. ABSENT: None.

B. FIRST READING - Ordinance # 771 An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Chapters 18.317 (CSAG-20), 18.318 (CSAG-10), 18.320 (CSAG-5), and 18.616.060 Guest House Definition, Chapter 18.438.020 Signs and Adding Chapter 18.411 Accessory Apartment, of the Columbia Falls Municipal Code.

**FIRST READING
of ORDINANCE
#771**

Councilman Fisher motioned to approve the First Reading of Ordinance #771 as amended by Council, second by Councilman Robinson and the motion passed.

REPORTS/BUSINESS FROM MAYOR & COUNCIL:

Councilman Fisher said he has had interesting conversations concerning all the new construction around town and we are going to have to keep in mind parking.

**REPORTS FROM
MAYOR AND
COUNCIL**

Councilman Shepard said he attended a meeting for 911 funding, the meeting was conducted without Kalispell in attendance.

Mayor Barnhart said looking at the way our town is developing we have worked hard as well as paid a lot of money with pedestrian crossings and believes we may have overlooked the bump outs. Mayor would like to move forward on the bump outs. Mayor asked City Manager to research 5th and 4th streets for possible bump outs. Mayor asked if we have been looking at paving the alley between 5th and 4th and working with the property owners to get it

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cleaned up. Nicosia said the developer will pave their portion and the city will pave the remainder.

CITY MANAGER:

Nicosia reviewed the list of Council Committees.

The City, Flathead Land trust and Fish, Wildlife and Parks are currently coordinating with local contractors to determine if the project is feasible in timing and monetary terms. We met with government agencies and CFAC a while ago and determined that it did not work to haul the fill to CFAC due to the EPA/DEQ testing requirements. We are still trying to use FVCC labor and equipment to help with the cost of the project. The City submitted the Floodplain development permit for public comment as it is necessary if we are starting the project in the near future. The neighbors were sent a letter and the notice was published in the Daily Interlake on Feb. 1st.

Mayor believes there will need to be a road built in order to haul that amount of fill out of the area. Sam Kavanagh said his thought would be to do landscape sculpting to utilize the excess fill or to perhaps fill in some low spots within the park. Mayor said there are a lot of things to consider when moving that amount of fill perhaps we should have a real design. Cavanaugh added with a 30 minute turnaround for hauling he estimated 56 days of hauling around the clock.

The Water/Sewer engineering reports are nearing draft completion for review, public hearing and adoption by City Council.

Nicosia reported that the Police Department is currently down 2 officers for medical reasons and our recently hired officer resigned. Chief Peters and Nicosia are vetting a temporary employee to fill the now open full-time position. We have used all of the budgeted offer overtime due in part to the threat earlier in the year and now due to the officer shortage. We will recruit more temp officers.

Police Chief Peters said we are still low on staff but are working towards being fully staffed. We have a new system that will work great in the line of being able to produce reports more in depth of what we do, where our time is spent and will also let me know where we need training within the department. We are currently working on grants.

CITY ATTORNEY REPORT:

None.

INFORMATIONAL CORRESPONDENCE - List available for Review

**CITY MANAGER
REPORT**

**REPORT FROM
CITY ATTORNEY
CORRESPONDENCE**

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ADJOURN: Upon motion duly made by Councilman Lovering and seconded by Councilman Shepard the meeting adjourned at 8:39 p.m.

ADJOURN

Mayor

ATTEST:

City Clerk

APPROVED BY COUNCIL ACTION: February 20, 2018