

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD APRIL 2, 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 Staaland, City Attorney Breck, City Planner Mulcahy and Police Chief Peters.

Pledge of Allegiance

PLEDGE

APPROVAL OF AGENDA:

Mayor Barnhart requested a motion to approve the agenda. Councilman Karper 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: Fisher, Karper, Lovering, Piper, Robinson, Shepard and Barnhart. NOES: None. ABSENT: None.

**CONSENT
AGENDA
APPROVAL**

- A. Approval of Claims - \$ 110,442.11 - April 2, 2018
- B. Approval of Payroll Claims - \$ 63,286.95 - March 23, 2018
Approval of Payroll Claims – \$18,121.88 – March 27, 2018 Quarterly
- C. Approval of Regular Meeting Minutes – March 19, 2018
- D. Approval of Agreement between the City of Columbia Falls and Community Development Services of Montana and authorize City Manager’s signature.

VISITOR/PUBLIC COMMENT: (Items not on agenda)

**VISITOR/PUBLIC
COMMENT**

Jack Rogers, 1801 Riverwood Drive, said his concern is how the city is going to handle the large amount of water loss within the city. Mr. Rogers said it will be interesting to find out where the money comes from to fix it. Rogers said he does not understand how the pumps can handle that type of leakage and he plans to follow this through.

NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

**PUBLIC
HEARINGS**

Mayor Barnhart noted that the Council has four hearings on expired PUD’s. He asked Planner Eric Mulcahy to present the staff reports on the items:

A. Planned Unit Development Expiration – Columbia Range PUD: The City of Columbia Falls has initiated a request to remove an expired PUD Overlay from the project formerly known as Columbia Range from the zoning map and revert it to the underlying zoning of CR-3 and SAG-5. Columbia Range was a 146 lot development on 72 acres which never proceeded to construction or final PUD/Plat approval. The

**Columbia Range
PUD (expired)**

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property is described as Tracts 1, 2, 3, & 4 of COS 20092, in Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County.

City Planner Mulcahy said the following Public Hearings are PUD's that were approved a few years ago and have since expired with no development prepared. Mulcahy said we are going through the PUD's on the zoning maps to get them cleaned up and eliminate confusion. The overlay portion of the PUD's have expired. The Planning Board unanimously approved removing the expired PUD's at their March 13th Planning Board Meeting.

Planner Mulcahy noted that the zoning would revert to CR-3 and SAG-5 zoning. Staff recommends adopting Staff Report CPUD-18-01 as findings of fact.

With no public comment Mayor Barnhart opened and closed the Public Hearing at 7:06 p.m.

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

Councilman Fisher made motion to approve the PUD expiration, restoring zoning to underlying zoning, second by Lovering with Council voting as follows. AYES: Lovering, Piper, Robinson, Shepard, Fisher, Karper and Barnhart. NOES: None. ABSENT: None.

B. Planned Unit Development Expiration – River Highlands PUD: The City of Columbia Falls has initiated a request to remove an expired PUD Overlay from the project formerly known as River Highlands from the zoning map and revert it to the underlying zoning of CR-3. River Highlands was a 151 unit development on 48 acres which never proceeded to construction or final PUD/Plat approval. The property is described as Lots 1, 2, & 3 of Loeffler Ridge Subdivision and Tracts 2 & 3 of COS 14045, in Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County.

**River Highlands
PUD (expired)**

Planner Mulcahy reviewed the staff report details with Council. With no public comment, Mayor Barnhart opened and closed the Public Hearing at 7:08 p.m.

Councilman Robinson motioned to adopt Staff Report CPUD-18-02 as findings of fact, second by Councilman Piper with voting as follows. AYES: Piper, Robinson, Shepard, Fisher, Karper, Lovering and Barnhart. NOES: None. ABSENT: None.

Councilman Robinson made motion to approve the PUD expiration, restoring zoning to underlying zoning, second by Councilman Piper with voting as follows. AYES: Robinson, Shepard, Fisher, Karper, Lovering, Piper and Barnhart. NOES: None. ABSENT: None.

C. Planned Unit Development Expiration – Grace Ann PUD: The City of Columbia Falls has initiated a request to remove an expired PUD Overlay from the

**Grace Ann PUD
(expired)**

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project formerly known as Grace Ann from the zoning map and revert it to the underlying zoning of CR-4 and CRA-1. Grace Ann was a 16 unit condominium development on two acres which never proceeded to construction or final PUD/Plat approval. The property is described as Parcels 1 & 2 of COS 17116, in Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County.

Planner Mulcahy reviewed the staff report details. With no public comment Mayor Barnhart opened and closed the Public Hearing at 7:10 p.m.

Councilman Shepard motioned to adopt Staff Report CPUD-18-03 as findings of fact, second by Councilman Lovering with Council voting as follows. AYES: Shepard, Fisher, Karper, Lovering, Piper, Robinson and Barnhart. NOES: None. ABSENT: None.

Councilman Robinson made motion to approve the PUD expiration, restoring zoning to underlying zoning, second by Councilman Piper with Council voting as follows. AYES: Fisher, Karper, Lovering, Piper, Robinson, Shepard, and Barnhart. NOES: None. ABSENT: None.

D. Planned Unit Development Expiration – Glacier Estates PUD: The City of Columbia Falls has initiated a request to remove an expired PUD Overlay from the project formerly known as Glacier Estates from the zoning map and revert it to the underlying zoning of CR-3. Glacier was a 122 unit development on 14 acres which never proceeded to construction or final PUD/Plat approval. The property is described as Lots 3 & 4 of Williams Estate Subdivision in Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County.

**Glacier Estates PUD
(expired)**

Planner Mulcahy reviewed the staff report details. With no public comment Mayor Barnhart opened and closed the Public Hearing at 7:12 p.m.

Councilman Shepard made motion to adopt Staff Report CPUD-18-04 as findings of fact, second by Councilman Piper with voting as follows. AYES: Karper, Lovering, Piper, Robinson, Shepard, Fisher and Barnhart. NOES: None. ABSENT: None.

Motion was made by Shepard and seconded by Piper to approve the PUD expiration, restoring zoning to underlying zoning. AYES: Piper, Robinson, Shepard, Fisher, Karper, Lovering and Barnhart. NOES: None. ABSENT: None.

E. Columbia Falls Subdivision Regulations – Title 17 (Subdivision Text Amendment): A request by the City of Columbia Falls to amend certain portions of the text of the Columbia Falls Subdivision Regulations (Title 17 of the Columbia Falls Municipal Code). The City proposes to amend Sections 17.12.020 Phasing of plats; 17.12.050(I)(c) and 17.12.060(J)(3) approval periods and extension process for major and minor subdivisions.

**Columbia Falls
Subdivision
Regulations-Title 17
Text Amendment**

City Planner Mulcahy said this staff report is to amend subdivision regulations regarding phasing of plats. It was recommended that the City amend current code by

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Kelly Lynch, Legal Counsel for the MT League of Cities and towns due to recent legislation as well as a lawsuit out of Ravalli County. The changes and additions are highlighted in the staff report. At the March 13, 2018 Planning Board meeting, the Board revised the text as noted in the staff report. Staff is recommending approval of the staff report as findings of fact.

With no public comments Mayor Barnhart opened and closed the Public Hearing at 7:15 p.m.

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

Councilman Shepard motioned to approve the text amendment, second by Councilman Robinson with voting as follows. AYES: Robinson, Shepard, Fisher, Karper, Lovering, Piper and Barnhart. NOES: None. ABSENT: None.

F. Selling of parkland – Riverwood Estates: The Riverwood Estates Homeowners Association owns a small strip of land 30-feet wide by 286-feet long located in Riverwood Estates Subdivision on Riverwood Drive. The strip of land was required as part of the subdivision approval by the Flathead County Commissioners in 1981. The strip of land was never formally developed as river access for the subdivision since the plat was recorded. Riverwood Estates has been annexed into the City and the City has taken ownership and maintenance duties of Riverwood Drive. Recently, City sewer and water mains have been extended into the subdivision. As a result, the HOA is no longer necessary and is dissolving. The HOA plans to sell the parkland strip as there will no longer be an entity to provide maintenance. The property is described as 30’ access strip to River on the Plat of Riverwood Estates, in Section 18, Township 30 North, Range 20 West, P.M.M., Flathead County.

**Selling of Parkland-
Riverwood Estates**

City Manager Nicosia said the city is required to hold a Public Hearing for ownership/maintenance on the strip of land located in Riverwood Estates Subdivision. City staff recommends approval to dispose of the property. Nicosia noted that the City had received one written comment from Roy Whitworth.

With no public comment Mayor Barnhart opened and closed the Public Hearing at 7:20 p.m.

Councilman Piper motioned to approve to dispose of the said property and have City Manager bring a plan forward to the April 16th council meeting, second by Councilman Karper and the motion carried unanimously.

G. NOTICE OF HEARING Mayor Barnhart read the Notice of Public Hearing– April 10th Planning Board/April 16th Council:
The Columbia Falls City-County Planning Board will hold a public hearing for the following item at their regular meeting on Tuesday, April 10, 2018 at 6:30 p.m. at the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The

**NOTICE OF
PUBLIC HEARING-
Conditional Use
Permit, Drive
through Coffee Shop**

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Columbia Falls City Council will hold a subsequent hearing on April 16, 2018 starting at 7:00 p.m. in the same location.

Conditional Use Permit – Drive-through Coffee Shop: A request by Three Byrd’s Properties, LLC (O’Brien and Melanie Byrd) to add a small drive through coffee shop to the existing O’Brien Liquor and Wine Shop. The property is zoned CB-2 General Business which allows restaurants as a permitted use but requires a Conditional Use Permit for drive-ups or drive-throughs. The property is described as Lots 4 & 5 and a portion of the abandoned alley, Block 59 of the Columbia Falls Townsite. All located in Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County.

Persons may testify at the hearing or submit written comments prior to the meetings. Written comment may be sent to Columbia Falls City Hall, Attention: City Clerk, 130 6th Street West, Room A, Columbia Falls, MT 59912 or email: staalandb@cityofcolumbiafalls.com. For more information call Eric Mulcahy, Columbia Falls City Planner at 755-6481.

UNFINISHED BUSINESS

A. Approve letter to MDOT – Support of Monument Text
City Manager Nicosia said this is the letter of support to MDOT, proposing an amendment to their welcome signs that would allow the city to proceed with the Nucleus Avenue entrance welcome signs encroachment permit.

**UNFINISHED
BUSINESS**

Councilman Lovering motioned to approve Mayor Barnhart signing and sending the letter of support to MDOT, second by Councilman Robinson and the motion carried unanimously.

NEW BUSINESS:

A. Water PER Review – Robert Peccia & Associates
Ryan Mitchell, RPA, presented the Water Preliminary Engineering Report (PER) noting that Cities typically have this done every 10 to 20 years to review the water or sewer systems.
Mitchell noted that the PERS reviews the water supply, storage and water usage. The goal is to look at the whole system on where it has been and where we want to be in 20 years. Mitchell said the report contains recommendations for improvements and potential funding sources. The city currently has two wells in the City (LP and Claire Park) and one water storage tank located at Cedar Creek Reservoir. Currently there are approximately 1,980 water services; and approximately 42 miles of water pipe in the ground. Mitchell said there is an approximate 45% loss of water at this time; large cities lose 10%, smaller communities 25%, our goal is to get the leakage down to 25%. Mitchell noted that it is a difficult task with 42 miles of pipe to detect the leaks. Mitchell reviewed the alternatives for improvements which include 1. Do nothing, 2. Add two new 1200 gallon wells, 3. One 1800 gallon well, 4. Upgrade the existing wells to pump at maximum capacity 5. Install 18 new wells, 6. Build a water treatment plant. Mitchell explained the alternative graphs he presented to staff and council. Councilman Shepard asked if they are still looking for water loss. Mitchell said the city has done numerous leak detection studies and the plan adds more aggressive leak

**NEW BUSINESS-
RPA update on
Water PER**

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detection methods, including installing temporary flow meters to detect leaks in multiple locations.

Mayor Barnhart asked if we accept the PER what is the time frame on installation and narrowing the leaks down. Mitchell said the city has budgeted money to start this year and we may get started sooner than later. Mayor Barnhart asked Nicosia if the FY 17-18 budget includes funds set aside for this particular project. Nicosia replied yes we do. Mayor asked will we be putting aside additional city funding in the coming FY 18-19. Nicosia replied that is correct. Mayor asked when we will aggressively start using the new plan. Public Works Director Jenkins said the flow meters will get us to a certain area, and then we will go to the sounding devices. Councilman Robinson asked how we determine where to start. Jenkins said we have to look at the map for areas we know can be isolated. Nicosia said RPA walked the transmission line and there were no visual sign of leakage although we suspect the main as it is located in a remote area. Nicosia also noted that the City has some known areas and those will be isolated first. Mayor asked if we increase the water base rate, when we will need the required money. Mitchell said the City's next step is to complete the PER and fill out funding applications. The City will need the increase in place by 2020 based on the plan to add a 3rd well in 19-20. Chris Petersen from the Hungry Horse News asked where the leaking water is going. Mr. Mitchell said the water leaks in to the ground and due to the Columbia Falls soil, rarely rises above ground where it would be visible.

ORDINANCES/RESOLUTIONS

A. First Reading – Ordinance #772 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending the Columbia Falls Zoning Map by Removing the Expired Planned Unit Development (PUD) Known As Columbia Range over the Underlying CR-3 One Family Residential and CSAG-5 Suburban Agriculture on Property Described as Tracts 1, 2, 3, & 4 of COS 20092 Located in Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana

Councilman Shepard motioned to approve the first reading of Ordinance #772, second by Councilman Lovering and the motion carried.

B. First Reading – Ordinance #773 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending the Columbia Falls Zoning Map by Removing the Expired Planned Unit Development (PUD) Known as River Highlands Development over the Underlying CR-3 One Family Residential on Property Described as Lots 1, 2, & 3 of Loeffler Ridge Subdivision and Tracts 2 & 3 of COS 14045, in Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana

Councilman Shepard motioned to approve the first reading of Ordinance #773, second by Councilman Robinson and the motion carried.

C. First Reading – Ordinance #774 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending the Columbia Falls Zoning Map by Removing

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the Expired Planned Unit Development (PUD) Known as Grace Ann over the Underlying CR-4 Urban Residential and CRA-1 Residential Apartment on Property Described as Parcels 1 & 2 of COS 17116, in Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana

Councilman Shepard motioned to approve the first reading of Ordinance #774, second by Councilman Robinson and the motion carried.

D. First Reading – Ordinance #775 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending the Columbia Falls Zoning Map by Removing the Expired Planned Unit Development (PUD) Known As Glacier Estates over the Underlying CR-3 One Family Residential on Property Described as Lots 3 & 4 of Williams Estate Subdivision in Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana

Councilman Shepard motioned to approve the first reading of Ordinance #775, second by Councilman Robinson and the motion carried.

E. First Reading – Ordinance #776 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Chapter 17.12 Subdivision Application Procedure of the Columbia Falls Municipal Code

Councilman Shepard motioned to approve the first reading of Ordinance #776, second by Councilman Robinson and the motion carried.

REPORTS/BUSINESS FROM MAYOR & COUNCIL:

Councilman Fisher said if the weather holds construction on the trail from Columbus Park to River’s Edge Park will be started on April 9th. We will be working on the trail 5 days a week, we should have about 12-14 crew leaders. The plan is in one week have the trail built and retaining walls in place.

Councilman Lovering asked about better lighting at Claire Park. City Manager Nicosia said we have Pletch Electric looking into it. Lovering asked if we could get the trash cans and doggy bags put out in the parks.

Councilman Shepard said he had two meetings with Tester’s group on tower funding. Within the next couple weeks they want a tour of the 911 center. We should have a tower in Columbia Falls fairly quickly.

Councilman Piper asked if we can get a county road grader out at the dumpster site. Mayor Barnhart said he would like to get the Public Works Committee together, April 25th.

Mayor Barnhart said there are some serious considerations that need to be made before moving forward on the fishing pond such as the real cost for excavation and removal of said material. There is need to have an absolute solid plan before moving forward. Nicosia said FWP provides the engineering and they have done ponds state wide. There will be a contractor under contract that will be responsible for the project. Mayor Barnhart said he would like to be involved in the process.

**REPORTS FROM
MAYOR AND
COUNCIL**

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CITY MANAGER:

City Manager Nicosia said the upcoming months will be busy for the city and council. Meeting dates were discussed.

The MACI grants are being held up because they can't prove there is \$2500 or less in parts for the Made In America Requirement. Nicosia said she has reached out for assistance with the state and federal legislators.

We received the final FY 2018-19 Health Insurance Rates from MMIA. The final rate increase was 3.7% increased on medical with no increase on vision or dental. We will review the rates with annual pay rate increases and bring a recommendation to Council.

**CITY MANAGER
REPORT**

CITY ATTORNEY REPORT:

None.

**REPORT FROM
CITY ATTORNEY**

Police Chief Peters said there was a good pool of applicants for the Patrolman vacancy and he will start testing on approximately 10 applicants. After testing job interviews will be scheduled.

INFORMATIONAL CORRESPONDENCE - List available for Review

CORRESPONDENCE

ADJOURN: Upon motion duly made by Councilman Lovering and seconded by Councilman Fisher and the meeting adjourned at 8:56 p.m.

ADJOURN

Mayor

ATTEST:

City Clerk

APPROVED BY COUNCIL ACTION: April 16, 2018