

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD November 19, 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, Piper and Robinson  
ABSENT: Lovering

**ROLL CALL**

Also present were City Manager Nicosia, City Clerk Staland, Sergeant Murphy and Public Works Director Bradshaw.

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 Robinson, and the motion carried unanimously.

**AGENDA  
APPROVAL**

**CONSENT AGENDA:**

Councilman Robinson 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: Karper, Shepard, Fisher, Piper, Robinson and Barnhart NOES: None. ABSENT: Lovering.

**CONSENT  
AGENDA  
APPROVAL**

- A. Approval of Claims -\$ 120,636.81 - November 19, 2018  
\$ 26,000 .00 - November 9, 2018
- B. Approval of Payroll Claims - \$ 1,791.12 - November 9, 2018  
\$70,155.16 - November 16, 2018
- C. Approval of Regular Meeting Minutes - November 5, 2018
- D. Approval of One year extension - Swan Mountain Conditional Use Permit - May 2019
- E. Approval of the amended City Manager contract for the 2018-19 Fiscal Year and authorize Mayor and Manager to execute.

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

None.

**VISITOR/PUBLIC  
COMMENT**

**APPOINTMENTS:**

A. Board of Adjustment, Planning Board/Zoning Commission/Tree Board  
City Manager Nicosia said all current Board Members have agreed to serve another term as indicated:

**APPOINTMENTS-  
Boards**

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Planning Board/Zoning Commission: 2 year terms ending 12/31/2020  
Steve Hughes  
Mike Shepard

Columbia Falls Board of Adjustment: 3 year terms ending 12/31/2021  
Roger Newman  
Steve Marquesen  
Alida Wright

Tree Board: 3 year terms expiring 12/31/2021  
Darin Fisher  
Eric Lovering  
Cameron Wohlschlegel

Councilman Fisher made a motion to approve all Board positions to be reappointed, second by Councilman Robinson and the motion carried with all members voting in favor.

B. At-Large Planning Board/Zoning Commission Member  
City Manager Nicosia said at the November 13, 2018 City-County Planning Board meeting the Board voted to appoint Patti Singer to the open At-Large Member position, which expires December 31, 2019. Ms. Singer resides within the Columbia Falls City-County Planning/Zoning Jurisdiction and is eligible for appointment. Nicosia noted that pursuant to state statute, the Planning Board selects with approval by both the Council and Board of County Commissioners.

Councilman Shepard motioned to appoint Patti Singer to the At-Large Planning/Zoning position, second by Councilman Piper and the motion carried.

**PUBLIC HEARINGS/NOTICES:**

**A. Public Hearing - Municipal Code Amendments - Continued until complete:**

The City Council of the City of Columbia Falls, shall conduct public hearings for the purpose of adopting changes to the Columbia Falls Municipal Code Title 1, 2, 3, 5, 6, 8, 9, 10, 12, 13, and 15 pursuant to a comprehensive legal analysis of the codes for compliance with state and federal statutes.

The City Council is proposing completing the suggested text changes as recommended by the legal analysis and to update other outdated or necessary text changes as identified by City staff or Council. This hearing will be continued until the code changes are complete.

**PUBLIC  
HEARINGS-  
Municipal Code  
Changes**

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The proposed changes are available for review at the office of the City Clerk, City of Columbia Falls 130 6<sup>th</sup> Street West, Columbia Falls, MT. Persons may contact the City Clerk or City Manager at 406-892-4391 or 130 6<sup>th</sup> Street West, Columbia Falls, MT for more information about the hearing.

City Manager Nicosia reviewed the proposed changes to Title 15 Buildings and Construction. Nicosia noted that when the City Council adopted Ord. #684 in 2007, the intent was to amend Section 15.08 Building Codes; however in the absence of the proper code reference in the ordinance, the text was added as a new Chapter 15.20. Nicosia noted that Chapter 15.20 provides for the administrative adoption of new building codes after they have been adopted by the State of MT. The end result is that the Chapter 15.08 Building Codes still refers to 2003 codes and is very confusing to anyone relying on the code. Nicosia presented the recommended update to Title 15, noting that Chapter 15.28 was recently updated with Ordinance #755 in 2015 and does not require any amendments at this time.

Mayor Barnhart opened the Public Hearing at 7:10 p.m. and will remain open until the text amendments are complete.

**B. Public Hearing - Zoning Text Amendment:**

The Columbia Falls City-County Planning Board held a public hearing for the following item at their regular meeting on Tuesday, November 13, 2018 and recommended approval, as amended, to the City Council. The Columbia Falls City Council will hold a subsequent hearing on Monday, November 19, 2018 starting at 7:00 p.m. in the same location.

**Zoning Text  
Amendment Title 18**

**Columbia Falls Zoning Regulations - Title 18 (Zoning Text Amendment):**

A request by the City of Columbia Falls to add the following text to the Columbia Falls Zoning Regulations (Title 18 of the Columbia Falls Municipal Code). The City proposes adding a definition and Conditional Use in Chapter 18.344 CI-2 Heavy Industrial Zone for Cryptocurrency facilities.

City Manager Nicosia presented Staff Report CZTA-18-03 to Mayor and Council. Nicosia said the text amendment adds cryptocurrency facilities as a conditional use in the CI-2 Heavy Industrial zone. The text amendment also added a definition. Nicosia noted that the Planning Board approved an expanded definition to include server farms and data centers. The proposed definition reads: Definition-C 18.608.170 Cryptocurrency facility. "Cryptocurrency facility" means any digital mining facility, server farm or data center whose purpose is to support digital mining of bitcoin and other cryptocurrencies (digital value currencies or derivatives). These facilities are typically comprised of high-powered computers running 24 hours per day,

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365 days per year: may or may not have on site staffing. Nicosia noted that staff and Planning Board recommend approval.

With no public comment Mayor Barnhart opened and closed the Public Hearing at 7:16 p.m.

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

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

**UNFINISHED BUSINESS**

None.

**UNFINISHED  
BUSINESS**

**NEW BUSINESS:**

**A. Adopt Growth Policy Work Plan and Budget**

The State of Montana recommends that Cities and counties adopt a Growth Policy if they intend to use zoning and subdivision regulations as a land use tool in their jurisdiction. The Montana Code Annotated 76-1-601(3) (f) (iii) requires "a timetable for reviewing the growth policy at least once every five years and revising the policy if necessary;" Nicosia reported that the Planning Board approved the scope and projected meeting timeline for the Growth Policy Work Plan. At this time, Council must approve the time line and the budget. Nicosia reported that the City's contract planner, Eric Mulcahy, has estimated a contract cost of \$6,065.00. Nicosia reported that this cost is just for the contract planner and does not include city staff or direct costs, such as hearing notices. Nicosia asked Council to approve the Growth Policy Work Plan and Budget.

**NEW BUSINESS**

Councilman Shepard made motion to adopt the Growth Policy Work Plan and Budget, second by Councilman Piper and the motion carried.

**B. Authorization to request resort community designation**

City Manager Nicosia reported that if the City Council would like to know if Columbia Falls meets the statutory requirements as a resort community, the next step is requesting resort community designation by the Department of Commerce (DOC). Nicosia reported that DOC will evaluate economic data to make the determination. Nicosia drafted a letter requesting designation to be

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sent to MT Dept. of Commerce with the Mayors signature.

Councilman Karper motioned to approve the letter with the Mayor's signature be sent to MT Department of Commerce, second by Councilman Fisher and the motion carried.

**ORDINANCES/RESOLUTIONS**

A. Second and Final Reading - Ordinance #782 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Chapter 13.04 Water Regulations of the Columbia Falls Municipal Code.

**ORDINANCE  
#782-Water  
regulations**

Nicosia noted that there were no changes in the language since the first reading. Councilman Shepard motioned to approve the Final Reading of Ordinance #782, second by Councilman Robinson with Council voting as follows. AYES: Shepard, Fisher, Karper, Piper, Robinson and Barnhart. NOES: None. ABSENT: Lovering.

B. Second and Final Reading - Ordinance #783 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Chapter 13.08 Sewer Use Regulations of the Columbia Falls Municipal Code.

**ORDINANCE  
#783-Amend  
Chapter 13.08  
Sewer regulations**

Nicosia noted that there were no changes in the language since the first reading. Councilman Fisher made motion to approve the Final Reading of Ordinance #783, second by Councilman Shepard with Council voting as follows. AYES: Fisher, Karper, Piper, Robinson, Shepard and Barnhart. NOES: None. ABSENT: Lovering.

C. Second and Final Reading - Ordinance #784 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Chapter 12.12 Street and Sidewalk Width and Locations Section of the Columbia Falls Municipal Code.

**ORDINANCE  
#784-Amending  
Chapter 12.12**

City Manager Nicosia said the second reading includes amended language in paragraphs C and D to clarify distances and back of curb language. On Chapter 12.12 Street and Sidewalk Width and Locations section D. the recommended language is, "at the discretion of the City's Public Works Director but the features may include five-foot minimum sidewalks adjacent to property lines both sides of street and two foot curb and gutter and roadway. Curb lines or top back of curb shall be determined by the Public Works Director. Nicosia said after further review, the original proposed language was still confusing and was not mathematically correct. Nicosia also noted that the 18" curb and gutter was changed to a standard 2' curb and gutter as recommended by the Public Works Director.

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Mayor Barnhart asked if the proposed language in paragraphs C and D are definitive enough for a potential developer. Nicosia said she believes it to be enough, noting that there are further details in the Public Works Standards and the Subdivision Title 17.

Councilman Karper motioned to approve the Final Reading of Ordinance #784, second by Councilman Robinson with Council voting as follows. AYES: Karper, Piper, Robinson, Shepard, Fisher and Barnhart. NOES: None. ABSENT: Lovering.

D. First Reading - Ordinance #785 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Section 18.344 CI-2 Heavy Industrial and Section 18.608 Definitions in Title 18 of the Columbia Falls Municipal Zoning Code.

**FIRST READING  
ORDINANCE  
#785-Amending  
Section 18.344**

Councilman Piper motioned to approve the First Reading of Ordinance #785, second by Councilman Shepard and the motion passed.

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

Councilman Shepard said when Mr. Juelfs with MDOT was at a prior meeting we discussed over spraying with brine, on our first snow they over sprayed Nucleus and Railroad Street for the small amount of snow we had.

**REPORTS FROM  
MAYOR AND  
COUNCIL**

**CITY MANAGER:**

Nicosia reported that the City has received notice that we are ranked and accepted for the RRGL grant in the amount of \$125,000. This is the application for our water improvement project which includes our water well and leak detection. We are ranked project #32 in HB 6 and it is also included in the Governor's Budget.

**CITY MANAGER  
REPORT**

The leak detection company released their report on their recent leak audit; they listed several leaks that the city is still looking at in terms of noise and size. Public Works Director Bradshaw will put together a work plan to address them.

Nicosia reported that the City received two bids on the Lift Station #2 improvement project and the low bid was \$40,000 more than what the engineer estimated. Public Works Director Bradshaw will review the bids with HDR to determine the City's options.

The 6<sup>th</sup> Street and Nucleus sidewalk project is complete, except for a short punch list.

Mayor Barnhart asked Public Works Director Bradshaw how the pond was going at Rivers Edge Park due to weather conditions. Bradshaw said they will be done by next Tuesday. There were a few complaints that trucks were speeding on 3<sup>rd</sup> Ave E but Public Works and Police Department worked

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together to address the complaints.

**INFORMATIONAL CORRESPONDENCE** - List available for Review

- A. INFORMATIONAL CORRESPONDENCE - List available for Review
- B. REPORTS:
  - a. Finance - October 2018
  - b. Police - October activity

**CORRESPONDENCE/  
REPORTS**

**ADJOURN**: Upon motion duly made by Councilman Shepard and seconded by Councilman Fisher the meeting adjourned at 7:50 p.m.

**ADJOURN**

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED BY COUNCIL ACTION: December 3, 2018