

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD OCTOBER 21, 2019**

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, Piper and Robinson

ABSENT: Karper

ROLL CALL

Also present were City Manager Nicosia, City Clerk Staaland, City Attorney Breck, Police Chief Peters, City Planner Mulcahy and Fire Chief Hagen.

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 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, Robinson and Barnhart NOES: None. ABSENT: Karper.

**CONSENT
AGENDA
APPROVAL**

A. Approval of Claims - \$186,577.81- October 21, 2019

B. Approval of Payroll Claims - \$ 77,920.11 - October 18, 2019

Approval of Payroll Claims - \$18,853.36 - October 17, 2019

C. Approval of Regular Meeting Minutes - October 7, 2019

D. Approval of Morrison-Maierle Engineering Contract, Water Supply Well #3, and authorize City Manager signature upon approval by City Attorney

VISITOR/PUBLIC COMMENT: (Items not on agenda)

Megan Glidden, Senior Librarian for Imagine If Library stated there is a Library Board meeting on Oct. 23, 2019 in the council chambers for anyone wishing to attend.

**VISITOR/PUBLIC
COMMENT**

PUBLIC HEARINGS/NOTICES:

A. The Columbia Falls City-County Planning Board held a public hearing for the following items at their regular meeting on Tuesday, October 15, 2019 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 October 21, 2019 starting at 7:00 p.m. in the same

**PUBLIC
HEARINGS**

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD OCTOBER 21, 2019**

location.

Mayor Barnhart requested the Staff Report for the Conditional Use Permit Application Request: A request by Randy and Debbie Jones for a Conditional Use Permit (CUP) to build a 12-unit condominium complex on Lot 170 in the Hilltop Homes Subdivision. The subject lot is zoned CRA-1 (Multi-Family Residential) by the Columbia Falls Zoning Code. The CRA-1 zoning designation requires a CUP to construct a three-plex or greater within the zoning district. The applicants previously received a CUP for multi-family condos on neighboring lots within the subdivision and the proposed structure will resemble the existing structures. The property is addressed as 3 Diane Road and described as Lot 170 of the Hilltop Homes subdivision in Section 18, Township 30 North, Range 22 West, P.M.M., Flathead County.

**CONDITIONAL
USE PERMIT-Jones**

City Planner Mulcahy presented Staff Report CCU-19-03 as findings of facts and reviewed each of the conditions.

Randy Jones said the reason for the increase in building size is the lot is twice as big as the other lots and he would like to utilize the lot appropriately.

Mayor Barnhart opened the public hearing at 7:09 p.m.

Samantha Domphe, 22 Diane Rd. Apt. E., said she attended the Planning Board meeting on October 15th and is concerned that the road by this lot is at a 90 degree angle which in her opinion could cause traffic issues. Ms. Domphe said the city should make a no parking zone on west side of the road to make it easier for two cars getting around the corner.

Mayor Barnhart closed the public hearing at 7:11 p.m.

Councilman Fisher motioned to adopt Staff Report CPUD-19-02 as findings of fact, second by Councilman Shepard.

Mayor Barnhart recused himself from any discussion pertaining to the CUP, due to having done work for Mr. Jones in the past.

Councilman Shepard asked City Planner Mulcahy if he had concerns on the Diane Road corner. Mulcahy said he was conversing with Chief Peters about it and believes it could be addressed with proper signage upon approval from the city.

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

Councilman Robinson made motion to approve the Conditional Use Permit, second by Councilman Piper with council voting as follows. AYES: Piper, Robinson, Shepard, Fisher and Lovering. NOES: None. ABSENT: Karper.

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD OCTOBER 21, 2019**

RECUSED: Barnhart.

Request to Amend the Highline Planned Unit Development in the Columbia Falls Zoning Jurisdiction:

**PUD-Highline
Apartments**

The Highline Apartments LLC is requesting an amendment to the approved Planned Unit Development overlay that permitted the 207 unit apartment project located at 405 Bills Lane in Columbia Falls. The property is described as Lots 3 and 4 of Williams Estates in Section 16, Township 20 North, Range 20 West, P.M.M., Flathead County. The amendments include moving building E into Phase 2 and increasing the size of the wall sign for the project.

City Planner Mulcahy said the first amendment would be to move Building E into Phase 2, meaning Phase 2 will consist of three buildings rather than two buildings originally proposed. A consequence of this requested amendment is in compliance with Condition #21 which required a new traffic study prior to issuance of building permits for Phase 3 and a determination by the City Council whether or not a secondary emergency egress would be required with the development of Phase 3.

Fire Chief Hagen looked at International Fire Code 2012 in requiring a secondary access and the threshold is 200 units or less to eliminate the required secondary access. The applicant said they would limit the number of units to 200 in order to comply with the International Fire Code.

The second amendment would allow a building mounted identification sign measuring 8.5 feet tall by 12 feet wide for 102 square feet. The zoning code for residential zoning districts only allows 16 feet for residential identification signs.

Staff recommends Amendment 1- The applicant may alter Phase 2 to include Building E for a total of three buildings.

Amendment 2 - The applicant may construct a building mounted sign up to a maximum of 102 square feet as shown on the drawings submitted with the PUD amendment application.

Alter Condition #21 to read as follows: Before the issuance of building permits for Phase 3, the applicant will complete a new traffic impact study and return to City Council to address the issue of traffic. The Highline Apartment project is limited to a maximum 200 units.

Mayor Barnhart asked if there have been any complaints received due to street lighting. City Manager Nicosia said the City has not received any complaints but did have a discussion with the Mayor regarding the lighting. Nicosia said the City will send out letters to property owners to gauge interest in a street light on 3rd Ave E. Mayor said he would like to have a street light installed for residents due to the increase in traffic.

Aaron Wallace with Montana Creative presented the sign proposal and noted

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD OCTOBER 21, 2019**

that the goal was to be visible from the highway. Mr. Wallace said they

thought this size would be more appropriate and visible from the highway without being intrusive.

Mr. Wallace said the request for the additional building is they have had great success with the first two apartment buildings being completely occupied, and the next phase being almost half full already. Mr. Wallace said they don't have an issue reducing the project size down to 200 units instead of 216. Mr. Wallace said they do not have a way to get a secondary exit as they are surrounded by other properties. They are including a left hand turning lane onto the highway as part of the second phase. Wallace said they have not received any complaints as far as traffic goes.

With no public comments Mayor Barnhart opened and closed the Public Hearing at 7:24 p.m.

Councilor Lovering made motion to adopt Staff Report CPUD-19-02 as findings of fact, second by Councilman Shepard with council voting as follows. AYES: Robinson, Shepard, Fisher, Lovering, Piper and Barnhart. NOES: None. ABSENT: Karper.

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

Request for a Zone Change in the Columbia Falls Zoning Jurisdiction:

Weyerhaeuser NR Company, owners of the subject land, request to amend the zoning district map for property in the Columbia Falls Zoning Jurisdiction. The property in question is currently zoned CI-1 (Light Industrial) and is the location of the former Plum Creek/Weyerhaeuser corporate office, more commonly known as "the Cedar Palace," and data center along with adjacent parcels. The applicants propose to change the zoning to CB-2 (General Business) to allow the use of the former Corporate Offices to be used for a Medical Office facility. The 23.8 acre property is addressed as 500 12th Avenue West in Columbia Falls and is described in detail on the published legal notice (included in Council packet).

**REQUEST FOR
ZONE CHANGE-
Weyerhaeuser**

City Planner Mulcahy said the request would be to amend the zoning on the property from CR-1 (Light Industrial) to CB-2 (General Business). The potential buyer of the property would like to use the existing building for medical offices. As a new medical office, there would be no accessory use to manufacturing and therefore necessitate the zone change to commercial where professional offices are a permitted use. Mulcahy said at the Planning Board meeting one person had traffic concerns on the location and others

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD OCTOBER 21, 2019**

spoke in favor of the requested zone change. The Planning Board unanimously passed

the requested zone change.

Mayor Barnhart asked if this property could be annexed into the city and extend city services. Mulcahy said they would have to request annexation. Mayor asked if 12th Ave W. is maintained by the city. Mulcahy said yes it is, but the truck route is a county road. City Manager Nicosia said the county adopted a policy if any side of the county roadway was annexed into the city the adjacent road becomes the city's. Nicosia noted that 12th Ave West was in really bad shape when it became the responsibility of the City's. The adjacent property is within the Tax increment district as adopted in the Urban Renewal plan. Should this property be annexed, the City could amend the Tax increment district to include this property.

Dr. John Kalbfleisch, Manager of Glacier Medical Associates said they are super excited about this project as a significant amount of their patients come from the Columbia Falls and Hungry Horse area. Dr. Kalbfleisch said 40-50% of their employees live in Columbia Falls. Dr. Kalbfleisch said they have outgrown their clinic in Whitefish and feel Columbia Falls would be a great place to continue working with their patients. He noted that this is a joint venture with Glacier Medical Associates and Orthopedic Rehab. Kalbfleisch said there have been several conversations with others including Dentists, Orthodontists, Opticians, Pediatrics, Pharmacy's, Counseling and Mental Health to expand over here. Columbia Falls is growing and there is a need here. Kalbfleisch said they have a good relationship with other clinics in town and are not in competition but feel there is a need in a volume standpoint. Mayor Barnhart asked if this group is affiliated with the Hospital. Dr. Kalbfleisch said no they are not at this point; we have been successful by not being with the hospital.

Mayor Barnhart opened the Public Hearing at 7:41 p.m.

Brian Domphe resides at 22 Diane Road, Apt. E., said being a bus driver for the School District and every day they have to cross the railroad tracks which can back up traffic. Mr. Domphe feels with construction, general traffic, and school buses along with train traffic there may be a major traffic issue at the intersection of 12th Ave W. and 9th Street.

Danielle Perry resides at 603 Red Hawk Lane, said the building has previously been used as a commercial business and did not have traffic issues. Ms. Perry said she is in favor of the project rezone to Commercial Business and hopes the medical facility will bring in entry to professional

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD OCTOBER 21, 2019**

level job opportunities.

Samantha Domphe lives at 22 Diane Road Apt. E., said we have several doctors

and therapists here in town and expressed concern that this facility may take away from existing professionals. Ms. Domphe inquired on the increase of traffic on 12th Ave. W., and if it will need to be rebuilt. Domphe said she is for having a new businesses coming to town which may provide new jobs but her concern is taking business from existing businesses.

Ben Kingan resides at 4579 Trumble Creek Road said he is part of Ortho Rehab. Mr. Kingan said many of the potential tenants are already working in Columbia Falls. Their hope is to create a campus centrally located. Kingan said he works in Kalispell and the Columbia Falls office has been here since 1999. Kingan said to get an appointment can take weeks and it pains him to make appointments that far out. Kingan believes with this location it will service the community long term.

Laurie Gilley resides at 57 Thunder Road said she is excited that Glacier Medical Associates wants to come to our town. Ms. Gilley said Columbia Falls has grown so much and does not feel our medical access has expanded. Gilley said she is a hospital employee and Glacier Medical Associates has a very good relationship with the hospital.

Mayor Barnhart closed the Public Hearing at 7:51 p.m.

Councilor Robinson motioned to adopt Staff Report CZC-19-01 as findings of fact, second by Councilor Shepard with council voting as follows. AYES: Fisher, Lovering, Piper, Robinson, Shepard and Barnhart. NOES: None. ABSENT: Karper.

Councilor Lovering motioned to approve the zone change, second by Councilor Shepard with council voting as follows. AYES: Lovering, Piper, Robinson, Shepard, Fisher and Barnhart. NOES: None. ABSENT: Karper.

NEW BUSINESS:

A. Approval of NLC Service Line Warranty Program

City Manager Nicosia said at the recent MLCT meeting in Billings, she and Public Works Director Bradshaw reviewed the Service Line Warranty Program that became available to our community when the MLCT joined the NLC representing all of the small cities in Montana. With our new membership to the NLC, our community became eligible to participate in NLC benefits such as the Service Line Warranty Program. This will allow our

**NEW BUSINESS-
NLC Service Line
Warranty Program**

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD OCTOBER 21, 2019**

citizens to participate in purchasing warranty coverage for city water and sewer lines.

Councilor Shepard motioned to approve the NLC Service Line Warranty Program, second by Councilor Robinson and the motion carried.

ORDINANCES/RESOLUTIONS

A. Resolution #1808 - A Resolution of the City Council of Columbia Falls, Montana Conditionally Approving the Preliminary Plat for The Benches Subdivision, described as Parcel 3, COS 20092, Tract 2 In SW1/4 NE 1/4 & W1/2 SE 1/4 Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

**RESOLUTIONS/
ORDINANCES**

Councilman Shepard motioned to approve Resolution #1808, second by Councilor Robinson with council voting as follows. AYES: Piper, Robinson, Shepard, Fisher, Lovering and Barnhart. NOES: None. ABSENT: Karper.

B. Resolution # 1809 - A Resolution of the City Council of the City of Columbia Falls, Montana, Approving an Application for a Conditional Use Permit by Randy and Debbie Jones to Allow for One Twelve-Plex Condominium to be placed on Lot 170, Hilltop Homes Subdivision, Section 18, Township 30 North, Range 20 West, P.M.M., Flathead County.

Councilor Lovering motioned to approve Resolution #1809 second by Councilor Shepard with council voting as follows. AYES: Robinson, Shepard, Fisher, Lovering, Piper and Barnhart. NOES: None. ABSENT: Karper.

City Manager Nicosia noted a correction on condition #12, stating it should read \$1,500.

C. FIRST READING - Ordinance # 786 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending the Planned Unit Development (PUD) Overlay at 405 Bills Lane Further Described as Lots 3 and 4 of Williams Estates In Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

Councilman Piper made motion to approve the First Reading of Ordinance #786, second by Councilman Shepard and the motion carried.

D. FIRST READING - Ordinance # 787 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Changing the Zoning Classification From CI-1 Light Industrial to CB-2 General Business on Property Located at 500 12th Avenue West and Further Described as Assessor's Tract 8, 8B, 8F, 8G, 8HA, 8H and 8E in Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

Councilman Shepard motioned to approve the First Reading of Ordinance #787, second by Councilman Piper and the motion carried.

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD OCTOBER 21, 2019**

E. FIRST READING – Ordinance # 788 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 1 of the Columbia Falls Municipal Code.

City Manager Nicosia said the next three Ordinances are the first of several ordinances coming forward. Council and staff have been working on updating the Municipal Code since November 2018. There will be an ordinance for each Title change; the next batch of ordinances will come forward at the November 4th, 2019 council meeting.

Councilman Shepard motioned to approve the First Reading of Ordinance #788, second by Councilman Fisher and the motion carried.

F. FIRST READING – Ordinance # 789 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 2 of the Columbia Falls Municipal Code.

Councilor Lovering motioned to approve the First Reading of Ordinance #789, second by Councilman Shepard and the motion carried.

G. FIRST READING – Ordinance # 790 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 5 of the Columbia Falls Municipal Code.

Councilman Shepard motioned to approve the First Reading of Ordinance #790, second by Councilor Robinson and the motion carried.

MAYOR AND COUNCIL REPORTS:

Councilman Shepard reported the black bear hit the garbage cans in the Crescent neighborhood.

Councilman Fisher inquired about the Fire Chief position posting. City Manager said the packet is being put together and will be in the newspaper next week.

Mayor Barnhart requested an update on the 3rd Ave E. street lighting. Nicosia said we hope to have permission from the property owners to install the light soon. Mayor asked if the street lights on Nucleus have been fixed. Nicosia said they have been reported to the state and we are on the list.

Mayor inquired on the Shay Engine and the Kreck Park signs; he would like to see them installed by spring.

Mayor asked how we doing on the bathroom in River's Edge Park. Nicosia said the grant information was submitted by the deadline of September 30th and we should hear in December if we were successful in obtaining the grant. Mayor said the concrete on the new Nucleus District sign looks like it is crinkling.

**MAYOR AND
COUNCIL
REPORTS**

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD OCTOBER 21, 2019**

Mayor Barnhart noted that he agreed with Councilman Piper, the Resort Tax Committee needs a new name, and asked Council and Manager to put some thought into a new name. Nicosia said she work on it.
Councilman Shepard reminded Mayor and Council of the South Fork Bridge Dedication will be on 11-11-19 at 2:00 p.m.

CITY MANAGER:

Nicosia said we are working on our new city website and are expecting a three month completion date. Mayor said he would like to see some city zoning maps included on the new website.
The County is printing tax statements and they should be in the mail in the next week or so.

**CITY MANAGER
REPORT**

CITY ATTORNEY REPORT:

None.

**CITY ATTORNEY
REPORT**

POLICE CHIEF REPORT:

Chief Peters said he is in the process of getting the TIP 411 program up and running, hopefully by December 1st.
Chief said the Police Department is selling unclaimed items that have been in storage for some time.
Chief said he is proud of his staff working together on solving multiple break in cases.

OTHER REPORTS

INFORMATIONAL CORRESPONDENCE - List available for Review

- A. REPORTS:
 - a. Finance - September
 - b. Police - September Activity

**CORRESPONDENCE/
REPORTS**

ADJOURN: Upon motion duly made by Councilor Lovering and seconded by Councilor Shepard, the meeting adjourned at 8:22 p.m.

ADJOURN

Mayor

ATTEST:

City Clerk

APPROVED BY COUNCIL ACTION: November 4, 2019

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD OCTOBER 21, 2019**