

**CITY OF COLUMBIA FALLS
REGULAR CITY COUNCIL MEETING MINUTES
HELD FEBRUARY 06, 2023**

Mayor Barnhart called the meeting to order at 7:00 p.m.

ROLL CALL: Councilor Fisher, Councilor Hamilton, Councilor Lovering, Councilor Piper, Councilor Robinson and Mayor Barnhart. Absent: Councilor Shepard.

Also present: City Manager Nicosia, City Clerk Staaland, City Attorney Breck, Fire Chief Weeks and Police Chief Peters.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA: Councilor Piper motioned to approve the agenda, seconded by Councilor Hamilton and the motion carried.

CONSENT AGENDA: Councilor Lovering made motion to approve the consent agenda noting all claims appeared to be in order, seconded by Councilor Hamilton and the motion carried.

Approval of Claims - February 6, 2023 - \$71,298.50

Approval of Payroll Claims - February 3, 2023 - \$108,062.57

Approval of Payroll Claims - January 20, 2023 - \$159,629.73

Approval of Regular City Council Meeting Minutes - January 17, 2023

VISITORS/PUBLIC COMMENT (Items not on agenda)

Susan Wheeler resides at 325 4th St. E. said with the recent applicant withdraw from the River Highlands proposal; the developer indicated he would like to work with the city and community for a viable development proposal of the property. Ms. Wheeler wanted to point out Title 18 chapter 18.212.20, J. In the event that an application to amend this title is denied by the city council or that the application for amendment is withdrawn after the hearing of the planning board, the zoning administrator shall have the authority to refuse to accept another application for any similar amendment for one year from the date of hearing of the previous application by the board. Ms. Wheeler would like to recommend the Planning/Zoning Administer refuse acceptance of another application for one year.

Shirley Folkwein resides at 285 Shooting Star Dr., represents the Upper Flathead Neighborhood Association. Ms. Folkwein read the cancellation notice the city posted on the city website concerning the cancellation of the special January 30, 2023 council meeting. Folkwein said based on the notice the Association requests Mayor and Council members be barred from participation of such meetings. Folkwein believes all such meetings concerning the proposal with City Staff should be a public meeting.

Mayor Barnhart asked City Attorney Breck due to public record can Council be legally barred from public meetings. City Attorney Breck replied no.

An attendee Justin, from 9th ST E, asked if city staff could clean up after dogs at River's Edge Park.

Justin also mentioned when the snow plow goes by and the snow is pushed up against the mailboxes and the mailboxes are not accessible he does not receive his mail.

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Kathleen Melee resides at 612 3rd Ave W. said she would like to see a meeting addressing annexation. Ms. Melee said she is not against annexation or growth but has concerns about MCA Title 76 on Land Resources and Use. Mayor Barnhart said if a request for annexation is received, the request is published in the newspaper, discussed at a council meeting, and is brought forward again as a resolution. Mayor Barnhart said the City follows State Statute on annexation.

NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

Mayor Barnhart read the following Notice of Public Hearings:

Notice of Public Hearings - RH2 LLC PUD and Twin Peaks et al Zone Change and PUD in Columbia Falls Planning/Zoning Jurisdiction: **(See February 14th Draft Planning Agenda and Packet for Application Materials)**

The Columbia Falls City-County Planning Board will hold public hearings for the following items at their regular meeting on Tuesday, February 14, 2023 at 6:30 p.m. at the Cafetorium in the Columbia Falls Junior High School, 1805 Talbot Road, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on March 20, 2023 starting at 7:00 p.m. in the same location.

Request to amend an approved Planned Unit Development in the Columbia Falls Zoning Jurisdiction:

The RH2 LLC is requesting an amendment to a previously approved Planned Unit Development overlay for the property located at 812 4th Ave West which is at the corner of 8th Street West and 4th Ave West. The original PUD allows nine residential units and three commercial spaces in two buildings on the half acre parcel. The amendment would replace the three commercial units with three residential units for a total of twelve residential units. The three story buildings will meet the setback and height standards of the CB-2 (General Business) zoning district as well as providing 24 off-street parking spaces. The property is described as Assessors' Tract 8AA (Parcel B of COS 12484) in the SW1/4 of Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County.

A Zone Change Request from CSAG-5 and CSAG-10 to CR-4 in the Columbia Falls Zoning Jurisdiction:

The applicants, Twin Peaks Farms, LLC, High Country Land and Cattle (MT) LLC and 500 River Partners LLC are requesting a zone change for property located at 7030 Highway 2 East and 500 River Road in Columbia Falls. The properties are currently zoned CSAG-5 and CSAG-10 (Suburban Agricultural) with a 5 and 10 acre minimum lot size. The proposed zoning is a CR-4 (Urban Residential) zoning. The two properties total approximately 22.5 acres and are located just east of the bridge over the Flathead River. The properties are described as Parcel 1 of COS 16981 (Assessor's Tract 3FB) and Tract 1 of COS 16958 (Assessor's Tract 3F) of Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County.

Request for a Planned Unit Development in the Columbia Falls Zoning Jurisdiction:

The applicants, Twin Peaks Farms, LLC, High Country Land and Cattle (MT) LLC and River Partners LLC are requesting a Planned Unit Development in the Columbia Falls Zoning Jurisdiction, the urban scale development is located at 7030 Highway 2 East and 500 River Road in Columbia Falls and is described as Parcel 1 of COS 16981 (Assessor's Tract 3FB) and Tract 1 of COS 16958 (Assessor's Tract 3F) of Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County. The project consists of 180 residential units (99 single family attached units and 81 apartment units. The gross density of project is 7.9 units per acre. The applicant is proposing 12.21 acres (55%) of the site as park and open space. With the project, the applicants are proposing to extend Columbia Falls Water and Sewer service to the site. Other than the

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clustering of density and the density bonus provided by the PUD regulations, the applicant is not requesting any deviations.

NEW BUSINESS:

City Manager Nicosia said the City received a petition from the property owners of Lots 10A and 6A, Block 59 to abandon 10 feet of the 70 foot platted Right of Way to increase public safety. The owners wish to work with the City to install curb, gutter and sidewalk adjacent to their property including their property on 8th St. W. The request was reviewed and agreed upon by Public Works Director Hanley. City Staff requests Council approval to call for a Public Hearing.

Councilor Fisher motioned to call for a Public Hearing for the Right of Way abandonment, seconded by Councilor Lovering.

Mayor asked if there will be additional asphalt needed on Lot 6A. Nicosia said yes, additional paving will be required and will be included in city patch projects.

The motion carried.

Call for Bids - 5th Ave EN Water Main Project

The project consists of the replacement of the existing 2' galvanized water main on 5th Avenue EN and replacing it with an 8" PVC water main, adding a fire hydrant, replacing 8 water service lines and resurfacing the roadway.

There is a pre-bid meeting on February 16, 2023 and bid opening on Thursday, March 9, 2023. Council would award the bid at the March 20, 2023 Council Meeting.

Councilor Piper made motion to call for bids on the 5th Ave. EN Water Main Project, seconded by Councilor Lovering.

Mayor Barnhart asked if this is one we previously bid out. Nicosia said yes, approximately 10 years ago. Mayor Barnhart asked what the expected cost to the city would be. Nicosia said it will cost approximately \$290,000.; \$143,000 is a competitive grant, \$100,000 of the City's dedicated ARPA funds, and \$43,000 out of our expansion.

Motion carried unanimously.

ORDINANCES / RESOLUTIONS:

Resolution # 1891 - Approving Preliminary Plat Tamarack Meadows

City Manager Nicosia clarified condition changes/additions made by Council at the January 20, 2023 meeting, particularly Condition 26. The applicant must install a sidewalk where ever possible on one side of Meadow Lake Dr. unless the applicant can affirmatively demonstrate to the City that: the governing HOA does not approve of such sidewalk: that any such sidewalk portion or portions cannot be constructed in compliance with the American with Disabilities Act: or, that Flathead County does not approve of any one or more such sidewalk portions.

Councilor Fisher motioned to approve Resolution #1891 as amended by staff, seconded by Councilor Robinson with Council voting as follows. Ayes: Hamilton, Lovering, Piper, Robinson, Fisher and Barnhart.

Resolution # 1892 - A Resolution of the City Council of the City of Columbia Falls, Montana, Amending Funds and Budgetary Line-item Appropriations for the Fiscal Year Ending June 30, 2023 to Account for Unanticipated and Additional Expenses

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Nicosia said Fire Engine 431 has developed a pump issue and the quotes for repair were just under \$18,000 to rebuild, or \$35,000 for a new pump. Nicosia said the additional part of this request is to add additional funding for Firefighter 1 Training. The request is to use \$25,000, for the pump repair and additional training. Mayor Barnhart asked if the money is coming from the resort tax. Nicosia said that is correct. Fire Chief Weeks said this came up two years ago that the 431 pump started to leak. It is a primary engine for the rural station and secondary for the city, it's an important piece of equipment for both stations. Councilor Hamilton motioned to approve Resolution #1892, seconded by Councilor Piper with council voting as follows. Ayes: Lovering, Piper, Robinson, Fisher, Hamilton and Barnhart.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

Councilor Piper said with such a great facility at the Rural Fire Station, it's good to get more Firefighters through the training offered.

Councilor Hamilton asked if the old upholstery building at 1427 9th St. W. was in city limits, and if something was going to be done with it. City Manager said the property is not in the city limits but is within our Planning and Zoning jurisdiction. The owner has secured the building and will be demolished when a contractor is available.

Councilor Fisher said he would like to speak on the recent development issues. He stated that Shepard said something at the last meeting that really caught his attention, stating this property was sold to developers and it was going to be developed one way or another. There is a lot of negativity with dense housing but there are also positives said Fisher. If we don't run city services across the river it will come down to wells and septic systems on the properties. With the current proposal by the Highlands there was a dedicated 5 acre city park, if it goes the other way with larger lots and fewer homes there will be no public park land. When dense developments get shot down, something will still be built there. Should these developments come to council we can put stipulations within the conditions said Fisher. If we turn down all dense housing developments we need to think about the consequences of having no workforce housing.

Mayor Barnhart said he concurs with Councilor Fisher. Mayor Barnhart asked what kind of growth we want in Columbia Falls, do we want million dollar homes or do we want to find housing that fits here. Density is the secret to keeping the price down. The more we put restrictions on density the higher cost of development and building will become. It goes against the grain for folks that have been here for a long time, but growth is inevitable. Mayor Barnhart said we have to look at affordability of development.

A citizen expressed concern of debt to income ratio of local residents.

Councilor Fisher said it was brought up before that these houses will not be affordable but the solution is not to not build. A lot folks want to see building on the west side of town, city services are 3 miles away and will be a significant cost to the developer. Financially it makes more sense to build to the east as utilities are 1/4 mile away.

A resident said he believes high density belongs within the city.

Jackie Demongin, resides at 4250 Columba Falls Stage Rd., said she agrees there needs to be affordable housing. Demongin believes the city and residents need to be on the same team. Most of us are concerned about protecting the river said Demongin.

Debbie Evans, resides at 1206 2nd Ave. W. asked if there was a way to cap nightly rentals in order for locals to afford housing. Senior residents have sold their homes and are living in their 5th wheel campers said Evans.

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City Attorney Breck said the City is limited by state and federal regulations to prohibit or cap vacation rentals. Nicosia said based on current legislative action, if the City allows short term rentals anywhere in the City, we cannot exclude another.

Kelson Colbo, resides at 1889 Tamarack Lane said as he listens to folks speak on development going to the west of the river, he inquired if there are external funds to use towards extension of city services in that direction. Nicosia said there are no city funds available. Mayor Barnhart stated the city does not pay for extension of services to a new development; it is the responsibility of the developer.

Shirley Folkwein resides at 285 Shooting Dr. said she did not hear what Mayor Barnhart said to City Attorney Breck earlier. Mayor Barnhart said he asked City Attorney Breck if council could by law be excluded from attending a public meeting with City Attorney Breck stating absolutely not. Ms. Folkwein asked if there have been steps made to converse with Highlands Developer Mr. Barnett. Mayor Barnhart said no and explained if the developer wanted to meet with citizens it would be up to them, but if he requested to meet with council it would be considered a public meeting.

CITY MANAGER REPORT:

Water/Sewer System Capacity Discussion- Nicosia presented information on the City's water and sewer capacity from engineering reports, HDR and Morrison-Maierle. Nicosia reported that the City's Preliminary Engineering Reports plan for growth over 20 years and the plans are updated every 5 years in concert with the Growth Policy. The plans will be updated beginning in 2024.

History of Planning: Growth Policy/Maps and River Road Area

In response to the Council, Nicosia provided Council with the Growth Policy maps from the 1980's through the current as well as the River Road Neighborhood Plan that was not adopted after two years of working on it, 2006-2008. Mayor Barnhart suggested a public meeting on the history of the Growth Policy/maps on Monday, February 27th, 2023. Nicosia said she would make packets available at City Hall and post the meeting on the city website.

11th Police Officer (added FTE for 23-24 FY)

City Manager Nicosia said it takes months to hire an officer as they progress through extensive testing. Nicosia advised Council that the City is advertising now to draw a pool of applicants. This is not a vacancy but a new position in the Police Department to cover sick leave, vacations etc. The job advertisement is posted and the recommendation is to include an additional position in the 23-24 FY budget.

Nicosia reported that the City recently filed the 2022 Fiscal year report. Nicosia reviewed the Management Discussion memo which summarized the City's change in assets and financial position; Nicosia noted the effect of one time grants and capital projects on the City's net position.

MISCELLANEOUS REPORT

Chief Peters said with the addition of the 11th officer it helps with not making our current officers work excessive overtime. Chief Peters said we are hopeful to bring the new Patrolman on by June. With growth coming and population growing this is the time to plan for new Officers.

Fire Chief Weeks was elated to report with the new 3 full time employee we had a 4 minute response time instead of 12 minutes in a recent structure fire. Chief said if they didn't get there in 4 minutes the house next door would have been on fire. Chief Weeks again thanked council for the career staff.

MISCELLANEOUS

Fire Department - January Activity
Finance - YTD thru December 2022
Correspondence

ADJOURN

Mayor

City Clerk