

**CITY OF COLUMBIA FALLS
CITY COUNCIL REGULAR MEETING MINUTES
HELD MARCH 01, 2021**

REGULAR MEETING – 7:00 P.M.

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

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

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA: Councilor Lovering motioned to approve the Agenda, seconded by Councilor Karper and the motion carried.

CONSENT AGENDA:

Approval of Claims - March 1, 2021 - \$44,334.17

Approval of Payroll Claims - February 19, 2021 - \$121,654.99

Approval of February 16, 2021 Regular City Council Meeting Minutes

Councilor Fisher made motion to approve the Consent Agenda, noting all claims appeared to be in order, seconded by Councilor Robinson and the motion carried.

VISITORS/PUBLIC COMMENT:

Dave Petersen, 201 4th Ave E, wanted to bring up his observation of the new city website. Mr. Petersen feels the website doesn't have enough personality and could use some modifications. Mr. Petersen said he has concerns about the CFAC cleanup plan and believes it should be cleaned up now, nothing left in place. Petersen urged Mayor and Council to once again be the "spear" and write letters to the Governor, Senators, EPA, etc. expressing concern with the proposed clean up plan and request getting the site cleaned up properly. Petersen believes the EPA needs to respond to the community needs.

NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

Mayor Barnhart read the notice of public hearing and requested the Staff Report presentation:

Request for a Conditional Use Permit to construct a House and Accessory Dwelling over 800 Square Feet:

Lori Bjork is requesting a Conditional Use Permit to construct a new house of 2,600 square feet and convert the existing house of 1,700 square feet into an accessory dwelling unit. The Columbia Falls Zoning Code requires a Conditional Use Permit (CUP) for Accessory Dwelling Units that exceed 800 square feet in residential zones. The 0.98 acre property is described as Assessor's Tract 3AC in SE4NW4SE4 of Section 4, Township 30 North, Range 20 West, P.M.M., Flathead County. The property is located 1550 14th Street EN but also has frontage on 13th Street EN.

City Planner Mulcahy delivered Staff Report CCU-21-02, noting the request went before the Planning Board on February 9, 2021. The Planning Board reviewed the application and moved for approval which passed unanimously with the four conditions as listed. There were no public comments received.

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Mayor Barnhart recused himself due to doing work on the property. Councilor Lovering motioned to Adopt Staff Report CCU-21-02 as Findings of Fact, second by Councilor Shepard and the motion carried.

Lori Bjork, applicant, 1550 14th ST EN, said she would be happy to answer any questions from Mayor and Council.

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

Councilor Fisher motioned to approve the Conditional Use Permit with conditions, second by Councilor Piper with Council voting as follows. Ayes: Karper, Lovering, Piper, Robinson, Shepard and Fisher. Recused: Barnhart.

Mayor Barnhart read the notice of public hearing and requested the Staff Report presentation:

Request for a Conditional Use Permit to construct an Accessory Dwelling in the existing house in the CB-2 Zoning District:

Kevin and Cindy Hooker (current owners) and Six Peaks, LLC (prospective owners) are requesting a Conditional Use Permit to convert half of the existing 1,288 square foot house into an accessory apartment. The house is located at 28 6th Street East in Columbia Falls and is zoned CB-2 (General Business). The zoning code allows Single Family Residential use as a permitted use in the CB-2 and it allows an Accessory Apartment within the same building with a Conditional Use Permit (CUP). The 6,250 square feet property is described as Lot 11, Block 45 of the Columbia Falls Townsite in Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County.

City Planner Mulcahy delivered Staff Report CCU-21-03 as Findings of Fact. The applicants are requesting making the existing single family residence into an accessory apartment essentially converting it into a duplex. The applicants wish to use the units for short term rentals which are a permitted use in the CB-2 zone. Mulcahy said there was one letter in opposition received. Staff recommends approval.

Jesse Johnston, one of the applicants said they want to serve the community they love. They recognize the uptown potential and want to provide short term rentals by making two units out of one home. Johnston said they have plans to dress up the exterior building and yard. They will also look at more than just seasonal use due to the short season by renting the units out by the month during the off season. The applicants also indicated that they will be monitoring noise levels at the property.

With no Public comments Mayor Barnhart opened and closed the Public Hearing at 7:25 p.m.

Councilor Robinson motioned to adopt Staff Report CCU-21-03 as Findings of Fact, seconded by Councilor Shepard.

Mayor Barnhart reviewed the letter from the neighbor in opposition, noting she had some valid points. Mayor Barnhart asked if there had been any discussion of a condition requiring a fence. The applicant said they are open to accommodate the neighbor with a fence. Councilor Fisher said the back of the house is to the neighbor side, and it appears to him the noise would be towards the front. Mayor Barnhart said if the owners were to put in a fence it would be on the south side. The applicant said there is no yard in the back and it was

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mostly gravel with an electrical box there. Council concluded that a fence on the rear of the house didn't accomplish anything and did not add a condition.

Ayes: Lovering, Piper, Robinson, Shepard, Karper, Fisher and Barnhart.

Councilor Lovering made motion to approve the Conditional Use Permit with conditions, seconded by Councilor Fisher with council voting as follows. Ayes: Lovering, Piper, Robinson, Shepard, Karper, Fisher and Barnhart.

Mayor Barnhart read the Notice of Public Hearings: The Columbia Falls City-County Planning Board will hold a public hearing for the following item at their regular meeting on Tuesday, March 9, 2021 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 Monday April 5, 2021 starting at 7:00 p.m. in the same location. Both hearings will be conducted in accordance with the most current recommended and/or required public health and safety protocols in place at the time of the hearing. The City website, <https://cityofcolumbiafalls.org>, will contain updated information if there is any change to the planned hearings.

Request change the zoning from CSAG-10 (Suburban Agricultural) to CSAG-5 (Suburban Agricultural) in the Columbia Falls Zoning Jurisdiction:

The applicant, Wayne Hull, is requesting a zone change for property at 7030 Highway 2 East, Columbia Falls from the current CSAG-10 (Suburban Agricultural) with a 10 acre minimum lot size to a CSAG-5 (Suburban Agricultural) with a five acre minimum lot size. Permitted and Conditionally permitted uses are almost identical in the two zoning designations. The vacant property is approximately 10 acres in size and is located approximately ¼ mile east of the bridge over the Flathead River. The property is described as Parcel 1 of COS 16981 of Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County.

Mayor Barnhart read the Notice of Public Hearings - April 5, 2021:

The Columbia Falls City Council will hold public hearings for the purpose of allocating HB 473 Bridge and Road Safety and Accountability Program Funds and amending the 2021 FY Budget to account for the CARES Act Funding on Monday, April 5, 2021 at 7:00 p.m. The hearings will be held in the Council Chambers, City Hall, 130 6th ST. West, Columbia Falls, MT.

The City Council is proposing to request distribution of the 2021 HB 473 funds, in the amount of \$111,893.96, to overlay/repair 6th Avenue West from 9th St West to 13th St West.

The City Council will also hold a hearing to amend the 2020-21 Fiscal Year Budget to account for the CARES Act funds received during the 2021 FY.

Citizens are encouraged to attend the hearing or to provide written comments to the City Clerk at 130 6th Street West, Columbia Falls, MT 59912.

Manager Nicosia reported to Council that the hearing on the special gas tax funds is an annual requirement. Nicosia also noted that as the City received CARES Act funds and incurred unanticipated expenditures that

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were not previously budgeted, the City administration is requesting Council hold a public hearing and amend the 2021 FY budget to property account for the funds.

NEW BUSINESS:

Award Bid - 6th Avenue West Overlay Project

City Manager said Pinnacle Paving from Bigfork was the apparent low bidder at \$191,432.82. Public Works Director Bradshaw reviewed all bids noting there were no irregularities and reviewed Pinnacle's experience, noting that they had the proper equipment to complete this job.

Councilor Piper made motion to award the 6th Ave. W. overlay project to Pinnacle Paving, second by Councilor Robinson.

Mayor Barnhart asked Manager Nicosia why the bid was so much less than what the City projected. Nicosia replied Public Works Director Bradshaw estimated the project at the same cost as for the River's Edge Park paving project completed in the fall. All three bids were very close and city staff is confident they are correct. Motion carried with voting as follows - Ayes: Piper, Robinson, Shepard, Fisher, Karper, Lovering and Barnhart.

Approve Engineer's Agreement - Columbia Falls Railroad Quiet Zone Study

City Manager Nicosia reviewed the proposal for the Quiet Zone Study for \$30,000 from KLJ Engineers. This study would get the City to the draft plan stage to be submitted for approval to the National Railroad Association. Nicosia and Bradshaw had a virtual meeting with KLJ Engineers and Anna Delheimer from BNSF to discuss the necessary process. This study will get the process started. Nicosia noted that Quiet Zone study was a Council priority. Nicosia recommends using Cares Act Funds for this study and will bring it forward to the hearing on April 5th.

Councilor Shepard motioned to approve the Engineer's Agreement for the Quiet Zone Study, second by Councilor Lovering.

Mayor Barnhart said it sounds like we have a good handle on starting the Quiet Zone process. Mayor Barnhart asked for clarification on where the money will come from to pay for the study. Nicosia replied that her recommendation is to pay for the study from the federal Cares Act Funds received this year.

Motion carried with voting as follows - Ayes: Robinson, Shepard, Fisher, Karper, Lovering, Piper and Barnhart.

Consideration for URD Expansion/Community Development Services of MT Contract

City Manager Nicosia said she met with representatives from the Glacier Medical Center, formally known as Cedar Palace LLC on Feb 17th and they are interested in developing the adjoining 23 acres. The property was not annexed at the time so it was not considered in the Urban Renewal District (URD). The developer asked if they could use the URD tool to develop the property. Nicosia said the City would have to expand the district to include the 23 acres. The proposal from Community Development Services to expand the district would not exceed \$20,000 plus \$5,500 for any on site visits. Nicosia recommends approval of the URD boundary expansion and authorization to enter into the contract with CDS. Nicosia asked Council if they wanted the developer to pay a percentage of the contract, thereby ensuring that they have a vested interest in moving forward with developing the property.

Councilor Fisher motioned to approve the URD Expansion/Community Development Services of MT Contract, second by Councilor Shepard.

Councilor Shepard said if they are willing to join us and put some money down then we should take it.

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Mayor Barnhart asked what the advantage is of the City of spending \$20,000 plus. Nicosia said it makes this economic development tool available and helps keep development affordable. The owners will design a business park which will include water, sewer and streets. Mr. Lapp, representing Cedar Palace, LLC said he is involved in the plan moving forward but could not speculate on if the group wanted to pay a percentage of the URD expansion.

Councilor Fisher said he is comfortable with the City paying the full amount in as it benefits the community. Mayor and Council concurred with Fisher.

Motion carried with voting as follows - Ayes: Shepard, Fisher, Karper, Lovering, Piper, Robinson and Barnhart.

ORDINANCES / RESOLUTIONS:

Resolution # 1842 - A Resolution of the City Council of the City of Columbia Falls, Montana Approving an Application for a Conditional Use Permit by Lori Bjork to allow the Construction of an Accessory Dwelling Unit Greater Than 800 Square Feet. The Property is described as Tract 3AC, Section 4, Township 30N, Range 20W, also Referred to as Tract 4 Book 507 Page 15, Flathead County, Montana.

Councilor Shepard motioned to approve Resolution #1842, second by Councilor Robinson with Council voting as follows. Ayes: Fisher, Karper, Lovering, Piper, Robinson, Shepard and Barnhart. Nicosia noted that the legal description will be verified, and if necessary, corrected, before recording the resolution with the Flathead County Clerk and Recorder's office.

Resolution # 1843 - A Resolution of the City Council of the City of Columbia Falls, Montana Approving an Application for a Conditional Use Permit by Kevin and Cindy Hooker and Six Peaks, LLC to Allow the construction of an Accessory Dwelling Unit in the CB-2 General Business District. The property is located at 28 6th Street East and is Further Described as Lot 11, Block 45 of the Columbia Falls Townsite, in Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

Councilor Fisher made motion to approve Resolution #1843, seconded by Councilor Shepard with Council voting as follows. Ayes: Karper, Lovering, Piper, Robinson, Shepard, Fisher and Barnhart.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

Councilor Shepard said he would like to address the remarks on Glencore from Dave Petersen. Shepard said there will be opportunity for public input after the draft plan is prepared by the EPA. Shepard said he concurs with Dave Petersen on proper clean up at CFAC. Mayor Barnhart said he agrees with Mr. Petersen as well. Mayor Barnhart asked if it's time for council to write a letter. After council discussion it was decided to wait to write a letter until Councilor Shepard contacts Senator Tester's office.

Councilor Lovering said the new website is so much better but would like to see it with more personality. Are we moving forward with the city video? Nicosia said Chris Petersen has agreed to complete the video after COVID restrictions and the community has returned to a normal routine.

Lovering asked about the pot hole by Super 1 Foods. Nicosia said the Street Crew filled it this afternoon.

Shepard asked about the North side of Hwy 2. Nicosia said they have a list they are working on.

Lovering said she is concerned about the cost of living in the area and what we can do as a council to mitigate.

Councilor Fisher said he was at River's Edge Park and the restrooms are open, clean and warm.

Mayor Barnhart inquired about the speed bump in the middle of Nucleus Ave. it needs to be addressed as it is getting worse every day. Mayor Barnhart would like to see the construction company that is doing the work

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for Vaqueros to clean up the sidewalk area; they should not block the entire sidewalk for such a long period of time.

CITY MANAGER REPORT

On the 12th Ave West EDA project, Nicosia reported that City staff has submitted all of the environmental assessment information along with additional engineering information and are waiting for the formal award announcement which can take 90 days after initial notice per the EDA.

The City did not generate a large pool of applicants for the Public Works Director position; Nicosia reported that she will extend the application date to draw additional applicants.

Nicosia reminded Council that we have scheduled a fifth Monday workshop on March 29th to discuss zoning/planning issues. Nicosia also reported that the City is sending out letters to the non-compliant Nightly Rental owners. City staff has identified about 20 out of compliance properties that have not obtained the appropriate licensing, permits or inspections.

Nicosia noted that the Department of Commerce is hosting their housing conference virtually on May 18-19 and any interested council members should attend, affordable housing as a main topic. Nicosia noted that the City has partnered with the NW MT Community Land Trust to work on affordable housing.

Nicosia reminded the parks committee of their meeting on Monday, March 8th.

Police Chief Peters reported that the new patrol vehicle, a pickup, has arrived and will be ready to roll as soon as the computer is installed.

ADJOURN

Councilor Shepard motioned to adjourn, seconded by Councilor Lovering and the meeting adjourned at 8:27 p.m.

Mayor Barnhart

City Clerk Staaland