

CITY OF COLUMBIA FALLS
CITY COUNCIL REGULAR MEETING MINUTES
HELD OCTOBER 03, 2022

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

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

PLEDGE OF ALLEGIANCE

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

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

Approval of Claims - October 3, 2022 - \$79,952.07

Approval of September 30, 2022 Payroll - \$107,083.53

Approval of September 19, 2022 Regular City Council Meeting Minutes

Approval of September 26, 2022 Special Workshop Meeting Minutes

APPOINTMENTS:

Appointment - Kelly Hamilton, City Council through December 31, 2023

Councilor Shepard motioned to appoint Kelly Hamilton to fill Doug Karper's remaining term as Council Member through December 31, 2023, seconded by Councilor Lovering and the motion carried unanimously. Mayor Barnhart thanked Ms. Hamilton for stepping up to fill the position and believes she will serve the community well.

City Clerk Staaland administered oath of office to Kelly Hamilton and she was seated with the Council.

VISITORS/PUBLIC COMMENT (Items not on agenda)

Trey Rice - Eagle Scout Project - Columbus Park

Trey Rice said he was here for approval of his Eagle Scout project at Columbus Park. Mr. Rice would like to install three new benches at the park as well as move the existing benches now that the tennis courts are gone. On the new benches, the frames will be made of 3x3 steel tubing with trek decking which is maintenance free. Mr. Rice estimates the project will take approximately 144 man hours.

Councilor Lovering motioned to approve the proposed project at Columbus Park, seconded by Councilor Robinson and the motion carried.

Doug Karper congratulated Kelly Hamilton for being appointed to the vacant council position, and thanked her for stepping up to fulfill the responsibilities and challenges of City Council. Karper said he is honored and pleased that Kelly will be filling his position and knows she will do a great job representing the citizens of Columbia Falls.

Dave Peterson, 201 4th Ave. E., wanted to congratulate all the folks that worked on Columbus Park; it looks great with the bathroom, new volleyball and pickleball courts.

PUBLIC HEARINGS:

Public Hearing - Planned Unit Development:

Mayor Barnhart read the hearing notice and asked for the Staff Report:

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

Mick Ruis is requesting a Planned Unit Development on behalf of HC 246 LLC in the Columbia Falls Zoning Jurisdiction. The property is located at 230 Highway 2 East in Columbia Falls and is described as Tract 1 of COS No. 3040 and Certificate of Survey No. 3778 all in Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County. The applicant is proposing to construct a four story 65 unit hotel and is requesting the PUD in order to exceed the 45-foot height limit by five feet and reduce the landscape provisions of the large building and PUD standards.

City Planner Mulcahy delivered Staff Report CPUD-22-03 as Findings of Fact. Mulcahy said the applicant is requesting three deviations to the CB-2 zoning. The height is requested to increase by 5 feet; they are proposing to reduce the landscape buffer on the north, west and east sides of the property boundaries to 3 feet instead of the required 10 feet, and lastly the overall landscaping to be 7.5% instead of the required 15%.

Staff is recommending approval of the 5-foot height increase and side setback deviation but not recommending approval of the landscaping deviation. Mulcahy reported that the Planning Board reviewed the application and forwarded a positive recommendation for the PUD with a 4-2 vote and their recommendation also denied the request to deviate from the overall landscaping requirement. The Planning Board added Condition 12. The owner shall install a tree buffer on the entire length of the west side of the building visible to Marantette Park.

Mayor Barnhart asked Council if they had any questions for staff.

Councilor Shepard asked for clarification on the history of the height restriction. Mulcahy said primarily it is a health and safety issue due to cities not having ladder trucks. Kalispell and Columbia Falls now have ladder trucks to reach the taller buildings. Shepard asked if the additional five feet would be to accommodate the elevator shaft. Mulcahy replied that is correct, it is mechanical space. Sprinkling is required and Fire Chief Weeks is requesting roof access from inside the building.

Mayor Barnhart said on the staff report it states the recommendation was 48 feet in height. Mulcahy said they requested 50 feet but the plans would be fine at 48 feet.

Councilor Lovering asked if there were any plans for roof top access for guests. Mulcahy replied no and they did not request it and if they wanted it in the future it would have to come back through the Planning Board for approval.

Mayor Barnhart asked for the applicant's report.

Shane Jackola with Jackola Engineering & Architecture said Mr. Mulcahy gave a clear presentation on the request and is happy to answer any questions. The applicant is in agreement with the report and the conditions.

Mayor Barnhart opened the Public Hearing at 7:22 p.m.

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Vickie Brown, 385 Badrock Dr. asked that council not approve the Ruis Hotel. Ms. Brown understands the need for the hotel and that the zoning allows for a hotel but asks why there is always a variance request. Brown is sure a hotel can be constructed on the parcel that meets zoning parameters.

Dave Petersen, 201 4th Ave E. said he supports the project, it is where it belongs. The highway is going to change regardless of 3 or 4 stories of the hotel. The Cedar Creek Lodge was developed by Ruis and is a great addition to Columbia Falls. This type of project lends itself to the growth we are going to have in our community.

Richard Thomas, 955 12 St. EN. said he is a friend of Mr. Ruis who he met 30 years ago, stating that Mr. Ruis is a Columbia Falls guy, he loves this town and is not a ruthless big time developer trying to take advantage of our community. Thomas said that Ruis has the wrestling club going, takes care of people and has done some great projects in Columbia Falls; he chooses to spend his money here in Columbia Falls. A project like this is what the gateway to Glacier Park needs. Mr. Thomas is in support of the project.

Mayor Barnhart closed the Public Hearing at 7:32 p.m. noting that Council had received all of the written comments and taken them under consideration.

Councilor Piper asked if the height deviation was not approved what it would do to the project. Mr. Ruis said it would bring down the number of units. The height is crucial for the amount of rooms to make the business support itself. Mr. Ruis noted that they want to keep the hotel open year round.

Councilor Robinson asked under the narrative that Jackola prepared it states the building height would be 50 plus or minus feet in height, does that mean it can go higher. Mr. Jackola replied it was for conceptual design as the top of the building is give or take 50 feet, it will not be higher than the proposed request.

Councilor Lovering motioned to amend Staff Report Section 1A to 50 feet in place of 48 feet as stated, seconded by Councilor Shepard and the motion carried.

Councilor Piper motioned to approve the amended Staff Report CPUD-22-03 as Findings of Fact, seconded by Councilor Robinson with Council voting as follows. Ayes: Robinson, Shepard, Hamilton, Lovering, Piper and Barnhart.

NEW BUSINESS:

Request for Water Service/Main Extension - Mr. Dobson has submitted a Request for Water Service for Lot 6, Block 9, Traceys Aluminum City Subdivision in Section 4, Township 30 N, Range 20 West, P.M.M. Flathead County, more commonly known as 1281 14th Street EN

City Manager Nicosia said Mr. Dobson has submitted a request for water service at his property at 1281 14th St. EN outside of the city limits therefore he must submit the request to City Council. He is proposing extending approximately 280 lf of six inch water main to serve his property. The extension plans have been review and approved by the Public Works Director and the City's Contract Engineer as well as Mr. Dobson's Engineer. The plans have been submitted to DEQ for approval. We have a signed document from Mr. Dobson and he will complete as required the waiver of protest to annexation and waiver of protest to creation of special improvement districts.

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Mayor said this water main extension will provide another fire hydrant in the area of Aluminum City.

Councilor Lovering motioned to approve the water service/main extension request, seconded by Councilor Shepard and the motion carried unanimously.

ORDINANCES / RESOLUTIONS:

First Reading - Ordinance # 821 - Approving a PUD in the Columbia Falls Zoning Area

An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending the Columbia Falls Zoning Map to Allow the Development of a Planned Unit Development (PUD) Overlay at 230 Highway 2 East described as Tract 1 of COS No. 3040 and COS No. 3778 in Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana

Councilor Shepard motioned to approve the First reading of Ordinance #821 as amended, seconded by Councilor Lovering and the motion carried unanimously.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

Councilor Piper said he went to Marantette Park to look at the damage to the slide.

Councilor Hamilton thanked Mayor and Council for the opportunity to be on Council.

Councilor Shepard said he provided Council with some EPA information and encouraged them to read it.

Councilor Lovering said she is distraught over the vandalism in our parks and is hoping the City can be more aggressive with cameras, lighting or something to detour vandalism. It is costing the City a lot of money and it is ruining our parks for the users.

Mayor Barnhart said he agrees with Lovering we need better security and additional lighting. If we can catch these guys doing this we need to be tough on them so they will not want to do it again. He urged City Manager to update security in our parks. Citizens don't realize this is costing the city thousands of dollars to replace and repair Playground equipment, signs and other park amenities.

Mayor Barnhart said there are a lot of Potholes popping up and we need to get them filled before winter. Lovering said there is one on the corner of 1st Ave. E. and 6th St. E. in the middle of the road. Nicosia said the Street Crew is finishing painting and dura patching will be next.

CITY MANAGER REPORT

City Manager Nicosia said we have additional cameras and are moving them around in the parks and downloading the videos. We will look at solar lighting along with the current patrolling by the police department. The slide damage was very recent and purposeful. We are hoping the community will help out with reporting misconduct.

FEMA had their onsite meeting for damage assessment at River's Edge Park; bids are due on October 11, 2022.

The grant should repair all the damage in River's Edge Park. Lovering asked if the benches will be replaced.

Nicosia said we are working with the engineer to provide other sources for benches. Mayor asked if we could pour a slab and put the bench in the cement. Nicosia noted that all options will be reviewed.

Pickleball surfacing will be done this week along with the basketball court repair.

We will be scheduling a Planning Board/Council/Board of Adjustment Planning/Zoning Training workshop in November to review Planning/Zoning documents and requirements.

Council discussed committee appointments with the newly appointed Council member. Hamilton will replace Karper on committee and Lovering switched from Public Safety to Land Use.

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Mayor Barnhart reported that Council should formally approve Councilman Fisher's October absence as a housekeeping item.

Councilor Lovering motioned to approve Councilor Fisher's leave of absence in October, seconded by Councilor Shepard and the motion carried.

City Attorney Report:

Attorney Breck reported on the status of the Cahill Lawsuit recently filed in District Court and noted that Cahill is appealing the District Court decision on the BOA Decision to the Supreme Court.

MISCELLANEOUS

Correspondence

ADJOURN:

Councilor Lovering motioned to adjourn, seconded by Hamilton and the meeting adjourned at 8:09 p.m.

Mayor Barnhart

City Clerk