

**CITY OF COLUMBIA FALLS
CITY COUNCIL REGULAR MEETING
HELD APRIL 17, 2023**

Mayor Barnhart called the meeting to order at 7:00 p.m. Meeting was held at the Columbia Falls High School Little Theatre.

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

Also present: City Manager Nicosia, City Clerk Staaland, City Attorney Breck, Contract City Planner Mulcahy and Police Chief Peters.

PLEDGE OF ALLEGIANCE

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

CONSENT AGENDA: Councilor Fisher motioned to approve the Consent Agenda noting all claims appeared to be in order, seconded by Councilor Shepard with Council voting as follows. Ayes: Fisher, Hamilton, Lovering, Piper, Robinson, Shepard and Barnhart.

Approval of April 17, 2023 Claims

Approval of Payroll Claims - Quarter Ending March 31st - April 11, 2023

Approval of Special Payroll Claims - \$12,461.03 - April 13, 2023

Approval of Regular Payroll Claims - \$102,441.55 - April 14, 2023

Approval of Regular City Council Meeting Minutes - April 3, 2023

Approval of Change Order #2 - 12th Ave West EDA Project - Sandry Construction and authorize City Manager to Execute

VISITORS/PUBLIC COMMENT (Items not on agenda)

Kathleen Melee, 612 3rd Ave W., said she would like to see a community collaboration to create a mission and vision for the future of Columbia Falls including public/private partnerships on mixed use, rodeo grounds and Olympic Ice Skating rink.

NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

Mayor Barnhart read the - Notice of Public Hearing - Zone Change Request:

The Columbia Falls City-County Planning Board held a public hearing for the following item at their regular meeting on Tuesday, April 11, 2023 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 May 1, 2023 starting at 7:00 p.m. in the same location.

Zoning Map Amendment – Christianson: A request by Eric S Christianson to amend the zoning map from the current zoning of CSAG-5 (Suburban Agricultural 5 acre minimum lot size) to CSAG-10 (Suburban Agricultural 10 acre minimum lot size). The property is located at 270 Jorgenson Trail, Columbia Falls and is described as Assessor's Tract 1E (Parcel G of COS 10557) located in Section 19, Township 30 North, Range 20 West, P.M.M., Flathead County.

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING

UNFINISHED BUSINESS:

Adopt Staff Report CZC-23-01 as Findings of Fact

Mayor Barnhart stated he would like to hear from staff on the questions presented at the March 20, 2023 meeting.

City Manager Nicosia said the capacity of city water and sewer services has not changed since the February memo and documentation were presented.

Councilor Fisher said his question was if there would be enough water and sewer capacity to take care of multiple developments which City Manager Nicosia has just confirmed.

Councilor Piper made motion to adopt Staff Report CZC-23-01 as Findings of Fact, seconded by Councilor Robinson.

Councilor Piper said in his opinion the short term rentals will decline and housing will become available. Piper believes flooding the housing market is not the answer. The City Growth Policy has protected the property east of the river and if it was up to the county there would already be septic systems and wells on site. Eventually something will develop on the property but he would like to stick to the City Growth Policy. Piper stated personally he cannot support the requested zone change.

Mayor Barnhart said looking at the City Growth Policy Goals it states "Development near environmentally sensitive areas should be accomplished so that these features are left in a relatively undisturbed state". It's a great subdivision design but he is not comfortable with the location, or how public access is set up. The access from River Road is already a crowded area that has caused that intersection to be a serious problem. From what he can see there is nothing stating it will be addressed. Mayor Barnhart believes this is a safety problem as the developer is not saying a stop light will be installed; even if there was installation of a new stop light there are two accesses out of the proposed development. Mayor Barnhart said it will be extremely dangerous with additional construction traffic out of the development, along with regular traffic from River Road. We do not have a plan or assurance that we can get pedestrians or bicyclists to the south side of the highway to the existing path. We need connectivity to the city by getting people safely across the highway said Barnhart.

Councilor Shepard said we have been dealing with the east side of the river for nineteen years and at some point there will be something built there. The problem with going west is Mr. Sapa's property is not for sale. If we land lock the City, it will become stagnate and die. Shepard said from what he heard from the public is feelings and emotions and very short on facts.

Councilor Lovering said she concurs with Mayor Barnhart on concerns about traffic. This design may build out very quickly and currently the area is not ready to handle the amount of traffic it will generate said Lovering.

Councilor Fisher echoed Councilor Pipers comment that development is inevitable, whether it be million dollar homes or dense housing. Fisher said he struggles with this development and others like it proposed in this area because he is alright with increasing density there. If we can get denser housing one quarter mile from the city services and a mile from the downtown corridor it seems like a good place for it. If we moved forward with the zone change when it comes time for recommendations we could condition to have installation of a

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING

stop light. Fisher asked the planner if the developer does not have permission from MDOT to install a stop light then it would shut down the development. Mulcahy said that is correct. Any sort of dense development on that side of the river needs to have access to the path system that is already in place to walk or bike into the city. A stop light there is absolutely critical said Fisher. He is fine with the increase of density and fine with extending city services across the river.

Mayor Barnhart asked Mulcahy if they need to specifically show items they disagree with on the staff report to not approve it. Mulcahy replied for clarity the staff report you are looking at was amended by the Planning Board. If you strongly disagree with any of the findings in the report you can amend or add to those findings for your decisions. You could do that prior to taking your vote and vote on each finding that you wish to amend said Mulcahy.

Mayor Barnhart said he has concerns with some of the items added by the Planning Board due to not being relevant to the sections they are applied to. When council has to approve or deny something of this magnitude we need to have a clear understanding of why we are approving or denying. Barnhart said in his opinion there are several issues with the reasoning of the City County Planning Board turning the proposal down. Mayor Barnhart does not believe it is in substantial compliance with the City Growth Policy due to the fact it is in an environmentally sensitive area.

Mulcahy said it is appropriate to amend the findings if Council doesn't agree that the project does not comply with the City Growth Policy.

Mayor Barnhart entertained a motion to amend Growth Policy Item One due to the stated goal in the Growth Policy that leaves environmentally sensitive areas in a relatively undisturbed state. Councilor Lovering made the motion to add an amendment to the Findings of Facts item number one, "Does the requested zone comply with the Growth Policy?" adding the statement "The proposed development does not comply with the Growth Policy as development near environmentally sensitive areas should be discouraged." Motion seconded by Councilor Piper with Council voting as follows. Ayes: Piper, Hamilton, Robinson, Lovering and Barnhart. Noes: Shepard and Fisher.

Mayor Barnhart noted item number two, "Is the requested zone designed to lessen congestion in the streets?" Barnhart would entertain a motion to amend because of River Road access on the south side of the highway is not being realigned or redesigned which may cause a congestion issue with traffic flow and safety in the area. Councilor Hamilton made motion to amend item number two noting that a better traffic plan for traffic flow and safety is offered, seconded by Councilor Robinson and the motion carried.

Councilor Fisher motioned to strike the item number three paragraph on page 6 of 9 added by the Planning Board regarding the Geotechnical Report, seconded by Councilor Shepard and the motion carried.

Mayor Barnhart referred to item number nine, "Does the requested zone give reasonable consideration to the peculiar suitability of the property for particular uses?" stating that he thought that density is too great for the property.

Councilor Robinson motioned to adopt the amended Staff Report CZC-23-01 as Findings of Fact, seconded by Councilor Fisher stating we are voting on the staff report which was previously used to deny the zone change

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING

by the City County Planning Board. Ayes: Hamilton, Lovering, Piper, Robinson and Barnhart. Noes: Fisher and Shepard. With 5 in favor and 2 against the vote the motion carries.

Councilor Robinson motioned to Approve Zone Change and Direct Staff to Prepare Ordinance for May 1, 2023 Regular Council Meeting, seconded by Councilor Piper with Council voting as follows. Ayes: Shepard and Fisher. Noes: Lovering, Piper, Robinson, Hamilton and Barnhart. With a vote of 2 in favor of the zone change and 5 against the zone change the motion failed.

Mayor Barnhart asked City Planner Mulcahy if Council moves on the adopting the PUD staff report. Mulcahy said yes you should move forward on the PUD, but you would recommend denial of the PUD because it no longer conforms to the underlying zoning.

Councilor Lovering made motion to deny Staff Report CPUD-23-02 as Findings of Fact as it is not in compliance with underlying zoning, seconded by Councilor Robinson with Council voting as follows. Ayes: Piper, Robinson, Fisher, Hamilton, Lovering and Barnhart. Noes: Shepard.

Mayor Barnhart stated the amount of work and thought that went into this development was great. The subdivision idea is wonderful unfortunately it's in the wrong area. Mayor Barnhart hopes the developer finds an area close to Columbia Falls to connect to city water and sewer to bring rental units to the city.

Mayor suggested a short recess at 7:25 p.m. Mayor called the meeting back to order at 7:33 p.m.

NEW BUSINESS:

Approval to Declare 2013 Ford Police Interceptor Obsolete

City Manager Nicosia said this is a Police vehicle with approximately 112k miles on it and staff is requesting it to be declared obsolete.

Councilor Fisher motioned to declare the 2013 Ford Police Interceptor obsolete, seconded by Councilor Shepard and the motion carried.

ORDINANCES / RESOLUTIONS:

Second and Final Reading - Ordinance # 824:

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 for the Property Located at 812 4th Avenue West, Further Described as that Portion of the Southwest Quarter of Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana, Described as Follows, To Wit: Parcel B of Certificate of Survey No. 12484.

Councilor Lovering motioned to approve the Final Reading of Ordinance #824, seconded by Councilor Hamilton with voting as follows. Ayes: Robinson, Shepard, Fisher, Hamilton, Lovering, Piper and Barnhart.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

Councilor Lovering thanked city crews for trimming the tree on 1st Ave. E. that was near the road.

Councilor Shepard asked if the City can send a reminder on fire pits within the City limits.

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING

Councilor Robinson said the Arbor Day celebration is May 5th at 11:30 a.m. in Hoerner Park. Our partners DNRC and US Forest Service will be there along with Mayor Barnhart. The Glacier Gateway 5th grade class will be planting trees and the public is welcome.

Councilor Hamilton said Clean the Falls is next Saturday, April 22nd, please come out and help clean our town. Mayor Barnhart noticed the graffiti on the old river bridge and he wondered who is responsible for cleaning it off. Nicosia said it is the county bridge and they have been notified.

Mayor Barnhart said the decision made earlier this evening is due to the diligence of this council, by taking extra time to digest all information along with comments from citizens. Because of that, council made the decision tonight based on facts and information requested.

CITY MANAGER REPORT

Project Updates: Railroad St. TA - City Contribution add'l \$5,917 for surveying

City Manager Nicosia said the Railroad Street sidewalk is the Transportation Alternative Grant that is managed by the state. There was an extensive review meeting and they have requested an additional \$5,917 to survey the right of way. The contract amendment will be coming forward. They are planning engineering throughout 2023 and construction will start 2024. This project consists of a sidewalk and 3 blocks of bike path on 4th Ave W.

The City is working on the Raise Grant final contract and it will be engineered throughout 2023 with construction starting in 2024-2025.

The EDA Grant 12th Ave. W. is progressing and is under construction. There was a change order on the consent agenda due to black dirt under the asphalt instead of gravel.

Council has talked about the Resort Tax and as a reminder tattoo parlors were deemed a luxury item, not all luxury items are listed in the code. Barbers and hair salons were deemed exempt as a necessity of life, what city staff missed were the lashes and nail salons should have listed as a luxury item and are subject to the resort tax.

Nicosia did an audit on the City resort tax and there are 207 active businesses.

Nicosia said the City became an Urban Transportation Community in 2013. The City's Urban Transportation Coordinating Committee met last week and reviewed the TA Grant and the Raise Grant. Despite not putting in any money on the RAISE project, the State of Montana Transportation Commission has to approve our project. Nicosia reported that the committee discussed whether or not to call for a priority project because the Raise Grant starts at 3rd St. W. South to 13th St. W. the TA Grant is the sidewalk and bike path. There was concern with aligning pavement, the Transportation Coordinating Committee voted to call for a project on the three blocks 1st thru 3rd to the corner to Nucleus Ave. The City has \$1.7 million in Urban Funds, managed by the state. The City will have to look at replacing the water main from Railroad St. to 3rd Ave. Additionally, MDOT wants preliminary engineering scope and estimated project costs with the City's formal call for a project.

The 5th Ave. EN. Water ARPA project construction starts on April 25th and the Sewer Main and Lift Station ARPA project begins on May 2nd.

Mayor Barnhart asked if the engineers are currently working on the Raise Grant design. City Manager Nicosia said the city has to get the agreement with the Federal Highway Administration before doing the request for proposal to select the engineers.

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING

MISCELLANEOUS

Finance - March 2023 Reports

Fire - March Activity Reports

Correspondence

ADJOURN

At 8:02 p.m. Councilor Lovering made the motion to adjourn, seconded by Councilor Hamilton.

Mayor

City Clerk