

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

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

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

PLEDGE OF ALLEGIANCE

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

CONSENT AGENDA: Councilor Piper 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 - March 6, 2023 - \$47,533.74

Approve Payroll Claims, March 3, 2023 - \$109,716.95

Approval of Regular City Council Meeting Minutes - February 21, 2023

VISITORS/PUBLIC COMMENT (Items not on agenda)

Chris Peterson said he witnessed a bicyclist nearly get hit by a vehicle at 11th St. W. and 4th Ave. W. Mr. Peterson asked if the city would consider extending the bike path for public safety.

Mayor Barnhart mentioned installing pedestrian signs and re-painting the pedestrian crossing.

NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

Mayor Barnhart read the Notice of Public Hearing - City Council March 20, 2023 - Zoning in Columbia Falls Jurisdiction:

The Columbia Falls City-County Planning Board held 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

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

Notice of Public Hearings - Planning Board March 14, 2023 and City Council April 3, 2023:

The Columbia Falls City-County Planning Board will hold a public hearing for the following item at their regular meeting on Tuesday, March 14, 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 April 3, 2023 starting at 7:00 p.m. in the same location.

Conditional Use Permit – Sports Bar and Casino: A request by J & L Golf, Levi LaPrath and Jarred Griffis to open a sports bar with a casino of up to twenty gaming machines. The building in question is located at 605 Nucleus Avenue, Unit B, currently a Hair Salon. The property is zoned CB-4 (Central Business) District and the zoning ordinance requires a Conditional Use Permit for new casinos while bars and restaurants are permitted uses. The property is described as Lots 1 and 2, Block 45 of the Columbia Falls Original Townsite located in Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County.

NEW BUSINESS:

Award Bid - Hilltop Sewer Main Replacement & Lift Station #5 Rehabilitation Bid (Phase 1 Wastewater ARPA Projects) - Neumann Construction Co. - \$798,262

City Manager Nicosia said the engineer and staff recommend approval to award the bid to Neumann Construction Co. for \$798,262.

Councilor Hamilton made motion to award the bid to Neumann Construction Co. in the amount of \$798,262., seconded by Councilor Shepard and the motion carried.

Award Contract - Backflow Testing - Western State Fire Protection Co. and authorize City Manager to execute City Manager Nicosia said the City received 2 quotes for backflow testing. Staff recommends approval of Western States Fire Protection Co. at the rate of \$40 per test and \$52 for a retest for each of the three years, 2023, 2024 and 2025. The other quote was for \$137/test.

Councilor Piper motioned to award the Backflow Testing Contract to Western State Fire Protection Co., seconded by Councilor Fisher and the motion carried.

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Mayor Barnhart asked if repairs are needed who will complete the work. Nicosia replied Western States will do the repairs at the time of the initial test, if possible, and bill the customer directly.

ORDINANCES / RESOLUTIONS:

Resolution # 1893:

A Resolution of the City Council of Columbia Falls, Montana Abandoning, Discontinuing and Vacating a 10' Portion of 1st Ave. West Roadway Adjacent to Lot 10A and 6A, Block 59, Columbia Falls Second Addition, Columbia Falls, Montana

City Manager Nicosia said the City has not received any public comments before or after the Public Hearing held on this item at the February, 21, 2023 Council Meeting. This request will provide improved public safety along 1st Ave. W in that area.

Councilor Shepard motioned to approve Resolution #1893, seconded by Councilor Hamilton with Council voting as follows. Ayes: Shepard, Fisher, Hamilton, Piper and Barnhart.

Mayor Barnhart asked if the sidewalk will connect to the existing sidewalk on 7th St. W. Nicosia replied no it will not, it will end at 8th St. W.

Resolution # 1894:

A Resolution of the City Council of the City of Columbia Falls, Montana Requesting Distribution of Local Government Road Construction and Maintenance Program and Designating Match Funds and Amending the Appropriate 2023 FY Budgets

City Manager Nicosia said this resolution is requesting a distribution of the City's 2023 FY Special Gas Tax Funds also known as the BARSAA act. This will provide available funding in the amount of \$132,230.91 with the City required match in the amount of \$6,611.55 from the Street Maintenance Fund. Nicosia said Council can look at the priority list along with the Beth and Martha area rebuild and potentially have money left over to put toward another street project.

Councilor Piper motioned to approve Resolution #1894, seconded by Councilor Fisher with Council voting as follows. Ayes: Fisher, Hamilton, Piper, Shepard and Barnhart.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

Councilor Shepard said it is interesting to him that the development across the river has been ongoing since 2004. Shepard said he is concerned with people who are against growth.

Councilor Fisher asked how long the process is to get a new stop sign installed. City Manager Nicosia said City Code allows the City Manager, Police Chief and Public Works Director to review an intersection to determine if a traffic sign is warranted. On city streets we can make a decision quickly said Nicosia.

Mayor Barnhart asked if we can get the old jail registered as a historic structure. City Manager Nicosia said we would have to work with the owner of the property to see if there is interest in working with the National Register of Historical Places. Nicosia noted that the designation as a historic structure does not come with funding.

Mayor Barnhart wanted to remind Public Works Department to turn off the tree lights at RR Street and Nucleus Ave.

Mayor Barnhart read two paragraphs out of the Daily Interlake newspaper opinion page by Keegan Siebenaler, "What should we expect from our elected representatives?" "Their mandate must be to improve the lives of everyone in our community. But we tether our built environment to the tyranny of a self-interested but

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unrepresentative minority. We cannot continue to cede the economic vitality of our valley to small groups dedicated to preserving their lifestyles and land values at the expense of the rest of the community. More housing development projects will be proposed. Inevitably, vociferous opposition from the neighbors closest to the development will follow. Placing that hostility in context is crucial. In fact, our ability to see through the outrage of the loud minority is the only way we will chart a more equitable path out of our housing crisis.”

CITY MANAGER REPORT:

Nicosia updated Council on Legislative updates.

On Friday, March 3rd, the City received a letter from Department of Commerce Tourism stating the City now qualifies as a Destination Marketing Management Organization. The City Council must designate a non-profit organization to serve as the designated Convention & Visitor’s Bureau or CVB. The funding comes through the Lodging Facility Use Tax. Nicosia noted that the projected 2024 funds are \$30,780. Nicosia said she will reach out to the President and Director of the Columbia Falls Chamber of Commerce to see if there is interest on their part.

Nicosia would like to schedule a council facility tour and goal setting date sometime in April.

CITY ATTORNEY REPORT

Mayor Barnhart asked City Attorney Breck for input when Council has public comment on land use what does state law say about weight to give to public comment at a planning hearing. City Attorney Breck replied the greatest weight has to be given to a qualified expert testimony. When Council members are listening to public comment it is important in the discussion to address some of the concerns, but you don’t have to make your decision based on those concerns. They are taken into consideration, but it doesn't have to dictate your decision. Mayor Barnhart asked if it has the same weight as a hearing to the Growth Policy. City Attorney Breck said the Growth Policy is an overarching guiding principal, the zoning regulations come from the Growth Policy. It does need to adhere to the zoning and subdivision regulations.

MISCELLANEOUS REPORTS:

Police Chief Peters appreciates the community and school support.

Mayor Barnhart said he would like to hear from the citizens of the City of Columbia Falls for or against the growth of the City. Mayor Barnhart said he looks forward to hearing the comments.

MISCELLANEOUS

Fire Department - February Activity
Correspondence

ADJOURN:

At 7:55 p.m. Councilor Fisher made motion to adjourn, seconded by Hamilton.

Mayor

City Clerk