

**CITY OF COLUMBIA FALLS
CITY COUNCIL REGULAR MEETING MINUTES
HELD JUNE 07, 2021**

REGULAR MEETING – 7:00 P.M.

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

ROLL CALL: Present: Barnhart, Fisher, Lovering, Karper, Piper, and Shepard (ZOOM). Also present: City Manager Nicosia, City Clerk Staalnd, Fire Chief Weeks, Detective Denham and Public Works Director Hanley

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Councilor Piper motioned to approve the agenda, seconded by Councilor Robinson 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 Fisher with Council voting as follows. Ayes: Fisher, Karper, Lovering, Piper, Robinson, Shepard and Barnhart.

Approval of Claims - June 6, 2021 - \$255,517.13

Approval of Payroll Claims - May 28, 2021 - \$114,129.72

Approval of May 17, 2021 Regular City Council Meeting Minutes

Approval of Memorandum of Agreement - Columbia Falls Swim Team and authorize City Manager to execute

Approval of Task Order #4 Amendment - Morrison-Maierle and City of Columbia Falls - TA Grant Application and authorize City Manager to execute

Approval of Memorandum of Agreement - Flathead County EMS and Columbia Falls Fire Dept - Non-Transport Agencies and authorize City Manager to execute

Approve Preliminary Engineering Contract - BNSF/Railpros - Quiet Zone Analysis

APPOINTMENTS:

Tree Board - Unexpired Term Ending December 31, 2021 - Mr. Peregrine Frissell

City Manager Nicosia said the City currently has a Tree Board opening for an unexpired term, December 31, 2021. Mr. Frissell has submitted a letter of interest to the City to serve on the Board and staff recommends approval.

Councilor Lovering motioned to appoint Mr. Frissell to the Tree Board, seconded by Councilor Fisher and the motion carried.

Approve Appointment of Probationary Volunteer Firefighter - Michael Dickerson

Fire Chief Weeks said Mr. Dickerson has submitted an application and has attended several trainings as an observer. He has also passed the background check and physical. Fire Chief Weeks and City Manager Nicosia recommend appointment.

Councilor Piper motioned to appoint Mr. Dickerson as Probationary Volunteer Firefighter, seconded by Councilor Karper and the motion carried. City Clerk Staalnd administered the Oath of Office to Mr. Dickerson.

NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

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

The applicant, Twin Peak Farms LLC, 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.

City Manager Nicosia delivered Staff Report CZC-21-03, reviewing each of the Findings of Fact. Nicosia reported that this request is coming forward from the owner of the property, Twin Peak Farms LLC. Staff recommends approval of the zone change.

Mayor Barnhart opened the Public Hearing at 7:18 pm.

Shirley Folkwein, 285 Shooting Star Drive, said she is representing the Upper Flathead Neighborhood Association. The Association opposes the request to rezone the Twin Peaks Farms property from CSAG-10 to CSAG-5. The Association also provided written comments and photos of the property.

Mayor Barnhart closed the Public Hearing at 7:20 pm, noting that the Council had received written comments in the packet.

Councilor Piper motioned to approve Staff Report CZC-21-03 as Findings of Fact, seconded by Councilor Karper with Council voting as follows. Ayes: Fisher, Karper, Lovering, Piper, Robinson, Shepard and Barnhart.

Public Hearing - Tax Exemption or Abatement - Cedar Palace LLC 500 12th Ave West

Mayor Barnhart read the hearing notice: The Columbia Falls City Council will hold a public hearing to consider an application for tax exemption or abatement for Cedar Palace LLC for the extensive remodel at 500 12th Avenue West at the regular Council meeting on Monday June 7, 2021 starting at 7:00 p.m. in the Council Chambers, City Hall, 130 6th Street West, Columbia Falls. The hearing will be held in person and virtually by ZOOM and will be conducted in accordance with the latest CDC health guidelines.

The City Council will consider the application for tax exemption or abatement pursuant to state statute, 15-24-1502, MCA, for the remodeling, reconstruction or expansion of the office building located at 500 12th Avenue West. The application was approved by the Montana Department of Revenue as it complies with the statutory requirements.

City Manager Nicosia reported that the City Council had previously approved the Tax Exemption and Reduction for Remodeling, Reconstruction or Expansion of Existing Commercial Buildings or Structures by Resolution. Subsequently, the City must consider each application received under the tax exemption and reduction provisions. Nicosia reported that the first step is to have the Department of Revenue approve the application, noting that the improvements must exceed five percent of the value of the building. After DOR approval, the City gives notice in the newspaper of a hearing to consider the tax exemption or reduction. Nicosia noted that City Staff recommends approval of the application from Cedar Palace LLC.

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Mayor Barnhart opened the Public Hearing at 7:30 pm and closed the hearing upon no one wishing to testify on the issue.

Mayor Barnhart read the following Notice of Public Hearings:

The Columbia Falls City-County Planning Board will hold a public hearing for each of the following items at their regular meeting on Tuesday **June 15, 2021** at 6:30 p.m. in the Council Chambers at City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold subsequent hearings on **Tuesday July 6, 2021** starting at 7:00 p.m. in the same location. The hearings will be conducted in person at City Hall as well as virtually via ZOOM.

Request to change zoning from CSAG-5 (Suburban Agricultural) to CR-1 (Suburban Residential) in the Columbia Falls Zoning Jurisdiction:

The applicant, Jean Flynn, is requesting a zone change at 221 Rogers Road in the Columbia Falls area from the current CSAG-5 (Suburban Agricultural) to a CR-1 (Suburban Residential) designation. The property is approximately five acres with a residence and outbuildings. The property is described as Parcel B of COS 16149 (Assessors' Tract's 9A, 1AA, 1ABAA, and 8A) of Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County.

Request for a Planned Unit Development (PUD) for the Garnier Heights Development:

The applicant, RH Joint Holdings, LLC, is requesting a PUD Overlay for property generally located north of Lemburg Lane between North Hilltop Road and Meadow Lake Boulevard. The property is 28 acres in size and is zoned with a combination of CR-1, CR-2, and CR-3 urban residential zoning districts. The PUD will allow the applicant to cluster lots into single family attached and detached units preserving 11.42 acres in park and open space. The overall density of the project is 3.55 units per acre. In addition to the clustering, the applicant is asking for a front yard setback deviation for the alley loaded townhomes. The property is described as Parcel 1 of COS 14679 excepting therefrom the property within the Plat known as Hilltop Meadows in Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County.

Request for Preliminary Plat approval of the Garnier Heights Subdivision – A 102- unit development:

The applicant, RH Joint Holdings, LLC, is requesting preliminary plat approval for property generally located north of Lemburg Lane between North Hilltop Road and Meadow Lark Boulevard. The applicant will subdivide the property into 102 units with a combination of single family detached, two unit attached, and four unit attached structures. The subdivision will place 11.42 acres of the 28-acre parcel in park and open space and develop an overall density of the project is 3.55 units per acre. The subdivision has two access points one from Meadow Lake Boulevard on the east and the other on North Hilltop Road to the west. All internal subdivision roads will be developed to City standards with curb, gutter, sidewalks, and boulevard trees. The property is described as Parcel 1 of COS 14679 excepting therefrom the property within the Plat known as Hilltop Meadows in Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County.

Expansion of the Columbia Falls Urban Renewal District:

The City of Columbia Falls is requesting public comment regarding the expansion of the Columbia Falls Urban Renewal District. The expansion is requested for the property formerly known as the Cedar Palace along with the surrounding 23.87 acres on seven parcels. The purpose of the expansion is to allow Tax Increment funds to be spent on public infrastructure within the defined area. The property is located at 500 12th Avenue West and described as Assessor's Tracts 8, 8B, 8F, 8G, 8HA, 8H, and 8E; and more specifically as follows:

ORDINANCES / RESOLUTIONS:

Resolution # 1848 - A Resolution of the City Council of Columbia Falls, Montana Establishing Fees for the Use of the City's Pool for the 2021 Season

City Manager Nicosia said the City staff is recommending continuing the day use pass at \$2 per person with a punch pass for \$20 or \$40 as they were very popular last year and provide efficient cash collections. This resolution includes a recommendation to increase the Lap Pass fees by \$2, which will be in line with the individual pass fees. Nicosia noted that all other fees are the same as last year. City staff is excited to be able to offer swim lessons this season. Nicosia noted that the pool will open for the season on Friday, June 11th.

Councilor Fisher motioned to approve Resolution # 1848, seconded by Councilor Lovering with Council voting as follows. Ayes: Karper, Lovering, Piper, Robinson, Shepard, Fisher and Barnhart.

Resolution # 1849 - A Resolution of the City Council of the City of Columbia Falls, Montana, Approving the Application of Cedar Palace LLC for Tax Benefits for the Remodeling, Reconstruction or Expansion of an Existing Building or Structure Located at 500 12th Ave West, Columbia Falls, Montana.

Councilor Lovering motioned to approve Resolution #1849, seconded by Councilor Karper with Council voting as follows. Ayes: Lovering, Piper, Robinson, Shepard, Fisher, Karper and Barnhart.

First Reading - Ordinance # 806 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending the Columbia Falls Zoning Map from CSAG-10 Suburban Agriculture to CSAG-5 Suburban Agriculture for the Property Located at 7030 Highway 2 East, Further Described as Parcel 1 of COS 16981 of Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana

Councilor Karper motioned to approve the First Reading of Ordinance #806, seconded by Councilor Shepard and the motion carried.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

Councilor Fisher reported that visitors are here and his business is at peak capacity, similar to July and August. Fisher inquired on the vacation rental report and City Attorney Breck noted that it will be at the next council meeting.

Mayor Barnhart said the paving of Railroad Street by MDOT went well. Mayor Barnhart asked if they are they going to work on Nucleus as well. Nicosia said they are going to chip seal Nucleus before June 30th.

Councilor Shepard said Glacier Medical is thrilled that the City is getting the grant for road repair and will be starting the engineering soon.

CITY MANAGER REPORT

City Manager Nicosia introduced Chris Hanley as the Public Works Director. Mr. Hanley said he has lived in the valley since 2002, and had attended school here as well. Mr. Hanley said he is thrilled and excited to serve the town he and his family care about, live in and attend school.

Nicosia said the Transportation Alternatives Grant was submitted on Friday for the sidewalk on Railroad Street. There were 6 applicants out of Flathead County.

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Nicosia said we have been unsuccessful on the Build Grant last year; it is now called the Raise Grant. We would have to pay approximately \$12k to dust off the prior application and submit again. We will compete with all cities in Montana as we are all deemed small cities; each state will get up to \$36 million. Nicosia feels we should go after the grant this year as we have the support of the MT Department of Transportation and the project is supported by our draft Transportation Plan. Additionally, the federal government has increased the funding in the Raise Grant.

Nicosia reported that the assigned Engineer Veronica at EDA is reviewing our draft RFQ and as soon as we get the green light we will advertise for Engineers for the 12th Ave W. project. We will then advertise for three weeks.

Nicosia reported that the City has had some vandalism in our City Parks, particularly at Horine Park. The Police Department has increased patrol and we are asking the public to keep an eye out and report anything suspicious. Nicosia also noted that there has been complaints of speeding on Martha Road, staff has put out the speed cart and have added more patrol.

Nicosia reported that city staff has discussed the possible ARPA COVID funding uses. The City is going to receive approximately \$1.5 million, direct and HB 632 funding, which we need to address the water leaks within the water system in addition to the required WWTP improvements.

City staff is launching the Resort Tax information; businesses have been reaching out to us for instructions for the tax will go into effect October 1, 2021.

Nicosia also noted that the City is advertising for a Police Commissioner as Mr. Loveall did not wish to be reappointed to another three-year term.

CITY ATTORNEY REPORT

City Attorney Breck said he will follow up on the Vacation Rentals at the next council meeting. Breck said there is a huge study out of U of M that gives a summary of what county and cities are doing. There is more revenue generated in nightly rentals than motels. Breck said there is very little case law on the nightly rentals.

Detective Gary Denham said Officer Stufflebeem is at the Police Academy and will graduate the end June. Denham said all indications from staff are he is doing very well. The department looks forward to his return.

MISCELLANEOUS

Fire Department Activity YTD

ADJOURN

Next Scheduled Meetings:

City Council – Regular Meeting – Monday, June 21, 2021 - 7:00 PM

Planning Board – Tuesday, June 15, 2021 - 6:30 PM

Councilor Lovering motioned to adjourn, seconded by Councilor Karper and the meeting adjourned at 8:59 p.m.

Mayor

City Clerk