

**CITY OF COLUMBIA FALLS
CITY COUNCIL REGULAR MEETING
JANUARY 21, 2025**

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

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

Also present: Interim City Manager Shrives, City Clerk Staalnd, City Attorney Breck, City Planner Mulcahy, Fire Chief Weeks and Police Chief Stephens, and Public Works Director Shawn Bates.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA: Mayor Barnhart said he would like to amend the agenda by moving the Firefighter appointment before visitor comment and Resolutions and Ordinances after the Public Hearing. Councilor Robinson made motion to approve the amended agenda, seconded by Councilor King and the motion carried.

CONSENT AGENDA: Councilor King motioned to approve the consent agenda noting all claims appeared to be in order, seconded by Councilor Lovering with council voting as follows. Ayes: Price, Robinson, King, Lovering, Piper and Barnhart.

Approval of the January 06, 2025 Council Meeting Minutes

Approval of the Jan. 21, 2025 Claims - \$108,574.98

Approval of Payroll Claims - January 17, 2025 - \$127,146.65

Change Order #1 - WWTP Grit Classifier

Plant Investment Fee Agreement - Bob and Gina Turner

APPOINTMENT: Approval of Probationary Volunteer Firefighter - Craig Weber

Fire Chief Weeks said the membership of the Columbia Falls Fire Department has voted to approve Craig Weber as a probationary member. Craig has attended several trainings and events since submitting his application and has shown great interest. He is self-employed with a flexible schedule and will make a great addition to the department. Staff recommends appointment.

Councilor Piper made motion to appoint Craig Weber to Probationary Volunteer Firefighter, seconded by Councilor Lovering and the motion carried unanimously.

City Clerk Staalnd administered Oath of Office to Craig Weber as Probationary Volunteer Firefighter.

NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

Meadow Lake Blvd Combined Staff Report and Application

City Planner Mulcahy delivered all three staff reports, CA-24-01, CPUD-24-01 and CPP-24-01 under one staff report and Findings of Fact. The property is located at 274 Meadow Lake Boulevard and is currently a vacant wooded parcel. The character of this area is a mix or transitional area between lower density residential and light industrial to the east.

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In 2019, when the city updated the Growth Policy, they essentially looked at this area and that transition and designation in this area as urban residential and multifamily residential. So the proposed CR-5 does comply with the Growth Policy designation that the city applied about five years ago said Mulcahy. The property in question has access to City Sewer, which is currently in Meadow Lake Boulevard. City Water is south of the property near the assisted living facility. The water service or water main would have to be extended to the property, and the applicants have done some work to determine the capacity within the Meadow Lake water main.

Fire protection with annexations would be the city fire department. Police protection would be Columbia Falls Police department. Schools remain the same with School District number six. The initial zoning of the CR-5 in section two goes through the evaluation of the 12 criteria. Essentially, it meets all 12 of those criteria said Mulcahy. The planning and development was evaluated, within that section of the PUD within our subdivision regulations. Again, it complies with the Growth Policy and the Growth Policy map, as well as the residential goals and policies of our Growth Policy. A PUD is a tool to look at a project, and it's kind of unique features, and in this case the shape of the lot, and then request deviations to our zoning criteria. The applicants are proposing a deviation to the setbacks, which would have a 10-foot rear yard setback instead of 20 feet, and then a 15-foot setback in the front. The other deviation that they looked at is the private road cross-section. This being a private road they're proposing a shortened easement which would be approximately 34 feet with a 24 foot paved road surface and 5 foot sidewalks adjacent to the roadway.

One of the conditions the Planning Commission looked at and added was that there would be elevated 6 inches to create a physical separation between the driving lanes and the sidewalk. This application was presented to the city site review committee where Public Works Director Bates and Fire Chief Weeks reviewed it.

The Planning Commission also reviewed this at their last Planning Commission meeting on December 12, 2024 and recommended unanimously all three applications presented this evening. There are 30 conditions that would follow this community and subdivision. The Planning Commission added three conditions, number 28 is the applicant shall include a statement in the CC&R's and on the face of the plat that short-term rentals, less than 30-day duration is prohibited in the subdivision. Condition 29, that sidewalks along each side of the road shall be elevated six inches to create a physical separation between the driving lanes and the sidewalk. And then last condition 30, is a six-foot solid privacy fence installed on the back of each lot along the north and south property boundaries.

Darrin Fisher, President of the Planning Commission, said there was a two hour discussion on setbacks and parking conditions at the December 12, 2024 Planning Commission meeting. The Commission thought this was a good spot for dense housing. Mr. Fisher said they added the three amendments, elevated sidewalks, no nightly rentals and the 6 ft. privacy fencing in addition to the existing 27 conditions. The Commission thought it was a creative proposal for this space said Fisher.

Councilor Price asked if the building will be built 10 feet from the back of the property. Mulcahy said that is correct.

The applicant Toby Gilchrist said City Planner Mulcahy's staff report hits a lot of great points. Mr. Gilchrist said the goal was to match the property with the design and come up with a good solution to maximize density on

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the property, along with the cost of the infrastructure and extension of the waterline while maintaining a small footprint to be attractive for first-time home buyers.

Aaron Wallace with Montana Creative said what they ended up looking at is the idea that these are smaller lots and become more affordable with smaller type units for first-time home buyers. Every time you add or take a lot out, make units a little bit larger it increases the cost for the same amount of infrastructure-based equipment.

The City requested two five-foot sidewalks on each side to make sure that we have an easy public access and then we added the rear set back. The city also requested a 20-foot setback from the sidewalk edge to the front of the garage, to get two cars in front of garage because we don't have on-street parking. We don't want to have just garage-forward design, that's why we've added another five feet to be able to put front entryways past the garage so we can get more character in the space said Wallace. When they took a look at the leftover space between the back setbacks or the back property line, they wanted to make sure the houses and floor spaces had some flexibility in the layout without going three stories high. They wanted to be efficient with these layouts and have the opportunity to possibly have a living space on the first floor.

Councilor Robinson inquired about the emergency 4,000 gallon holding tank. Doug Peppmeir with TD&H Engineering said DEQ requires you to have at least 24 hours of storage. It is an underground holding tank for sewage in the case of a power outage.

Councilor Price asked about the county setback being 5 feet from the property line, but we're changing to city code which is 20 feet. Are you putting the building 10 feet from the property line? Mr. Wallace replied that is correct. Councilor Lovering asked what the habitat homes off of the truck route setbacks from the fence and the building were. City Planner Mulcahy said he wasn't positive but it's close to 10 feet on the back and those were almost butted up to the right of way with no room to park. We didn't want to repeat that with this project, which is why we laid out the front yard setbacks the way we did to ensure that there's going to be parking. They are also providing three guest parking spaces in the open space.

Mayor Barnhart opened the Public Hearing at 7:31 p.m.

Shirley Folkwein, 285 Shooting Star Dr., with The upper Flathead Neighborhood Association said she is basically in support of this development. She acknowledges and appreciates the Planning Commission for stipulating that there could be no short-term rentals. There are 2.2 acres of mature trees on this property and those will basically be cut down for development. Ms. Folkwein suggested to the Planning Commission that the city in some way replace those trees whether it's in our parks or in town. This development could very easily meet that definition of being in the wildland-urban interface as far as fires are concerned. Ms. Folkwein would like to see these developers as well as future developers be required to consider the known ways to mitigate the dangers of water fire in that area.

Kris Smith, 268 Meadow Lake Boulevard, said he lives just north of the proposed development. Mr. Smith said his fence line borders the property and noticed he has a couple very large trees near the property line and would like to see another condition in place if they need to trim the trees by any means, to not butcher them and do a good job of trimming them. Mr. Smith said he is also concerned if the holding tank was going to have drain fill for any emergency purposes and how that was going to work and if it would affect his well.

Mayor Barnhart closed the Public Hearing at 7:39 p.m.

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Mr. Peppmeir said the holding tank would not be connected to a drain field, it just holds sewage during the power outage until the pump starts up again. It's a closed system, so it would not be going into the ground and would have no effect on the nearby well. Mayor Barnhart asked Mr. Peppmeir if they have all gravity sewer lines in the subdivision running to the community. Mr. Peppmeir said the standard gravity system is a four-inch service to each of the houses and that would go into the lift station and that storage tank is literally there in case of an emergency.

Mayor Barnhart asked if you're not sure whether you have to upgrade or upsize the existing pressure main from the city and at what point is that decision going to be made? Mr. Peppmeir said the main was actually constructed back in 1985/1986 when they rebuilt the lift station. When they rebuilt that lift station they actually stripped it out and put in new pumps. They have additional capacity and based on those calculations right now it looks like there's about 275 gallons per minute left of availability in that main.

Councilor Piper asked about the status of the other projects near Meadow Lake. Garnier Heights is on hold at this time and Tamarack Meadows north of Meadow Lake is in construction said Mulcahy.

Councilor Lovering said one thing that was mentioned but she didn't see, was a traffic safety study wasn't required. Lovering said she has concerns there on the curve. City Planner Mulcahy said the applicants have to get an approach permit from the city and when the city goes out to review their approach they will be looking at their vision and the sight distance to make sure it complies, if it doesn't comply, and then it can't move forward. There's also the ability to turn the right-of-way back to create that sight distance which was one of the outcomes for the apartments that were approved to the south said Mulcahy.

Mayor Barnhart said the one thing he does not like is we do not have a plan to convey people walking to get them to the beginning of the sidewalk which is in front of Timber Creek Assisted Living. At some point, he would like to see a primitive path installed. Mulcahy said when they extend the water they would regrade back to the water main to create a primitive path. We also have the ability in Condition 8 to take what would be the cash and lieu for building a sidewalk that they're required to build on their frontage and putting that towards that primitive path.

Mr. Peppmeir said without us adding any more money, there is sidewalk money. The way it's written they would take the money and try to do what they could.

Councilor Robinson asked if there is a better word for the primitive path. Mr. Fisher added a path can be primitive and is compliant.

Councilor Price asked if the path is on the east and the project is on the west, how are they crossing the road. Councilor King said if the subdivision is on the West side then the sidewalk does not make sense to be on the east side of the road.

Mr. Mulcahy said the city needs to be cognizant that our subdivision regulations don't address off-site improvements like this. I think this was kind of a compromise to try to get an off-site improvement while they're putting in infrastructure for water. If we require \$200,000 of asphalt path off the site I don't think we would be able to justify that. City Attorney Breck said he concurs with Mulcahy and strongly feels we would not be able to defend that.

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After council discussion on the path and road crossing the city could ask the county for additional signage and keep condition 8 as is.

Councilor Price inquired about fire truck turnaround. Fire Chief Weeks said he reviewed the site and the fire trucks would be able to maneuver the proposed turnaround.

Price said in regards to the City Growth Policy it says not to undermine the neighborhood's residential character. Price said she really wants more multifamily housing but believes it needs to be done responsibly. The city code has been clear with the setbacks, why is this specific project making so many changes to allow them to put in 20 more homes. City Planner Mulcahy said the Growth Policy was changed for multifamily. Councilor Price said we're impacting that neighborhood and it would be different if the subdivision to the south was already built, but it's not. Is this project benefiting the residents of our community? City Attorney Breck said there's no legal theory that lets you defend a decision based on who benefits on a project.

Councilor Lovering motioned to approve all three staff reports, CA-24-01, CPUD-24-01 and CPP-24-01 under one staff report and Findings of Fact, seconded by Councilor Piper with council voting as follows. Ayes: Lovering, Piper, Robinson and Barnhart. Noes: King and Price.

ORDINANCES / RESOLUTIONS:

Ordinance # 831 - Approving the Petition for Annexation

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, APPROVING THE PETITION OF TOBY AND MINDY GILCHRIST FOR ANNEXATION AND INITIAL ZONING OF 274 MEADOWLAKE BLVD, DESCRIBED AS PARCEL B OF COS NO. 225 IN THE NE1/4 SW1/4 IN SECTION 7, TOWNSHIP 30 NORTH, RANGE 20 WEST, P.M.M., FLATHEAD COUNTY, MONTANA.

Councilor Lovering motioned to approve Ordinance # 831, seconded by Councilor Robinson with council voting as follows. Ayes: Robinson, Lovering, Piper, Price and Barnhart. Noes: King.

Ordinance # 832 PUD at 274 Meadow Lake Blvd.

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 274 MEADOWLAKE BLVD DESCRIBED AS PARCEL B OF COS NO. 22075 IN THE NE1/4 SW1/4 IN SECTION 7, TOWNSHIP 30 NORTH, RANGE 20 WEST, P.M.M., FLATHEAD COUNTY, MONTANA.

Councilor Piper motioned to approve Ordinance # 832, seconded by Councilor Lovering with council voting as follows. Ayes: Lovering, Piper, Robinson and Barnhart. Noes: King and Price.

Resolution # 1935-Preliminary Plat of Meadow Lake Blvd. Subdivision

A RESOLUTION OF THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA CONDITIONALLY APPROVING THE PRELIMINARY PLAT OF 274 MEADOWLAKE BLVD SUBDIVISION A TEN PARENT LOT AND 20 SUBLOT RESIDENTIAL SUBDIVISION LOCATED AT 274 MEADOWLAKE BLVD, FURTHER DESCRIBED AS PARCEL B, COS 22075 IN THE NE1/4 SW1/4 IN SECTION 7, TOWNSHIP 30 NORTH, RANGE 20 WEST, P.M.M., FLATHEAD COUNTY, MONTANA.

Councilor Lovering made motion to approve Resolution # 1935, seconded by Councilor Robinson with council voting as follows. Ayes: Lovering, Piper, Robinson and Barnhart. Noes: Price and King.

NEW BUSINESS:

Request to hire a 4th FTE hourly Firefighter in FY 25/26

NFPA 1710 and 1720 define response and staffing standards for all fire departments. One of the requirements in this code is having an engine staffed with a minimum of 4 firefighters. Adding a 4th career firefighter will address this issue and will also help to cover vacation and sick days for staff. NFPA 1710 and 1720 is one of the main factors that is considered when ISO reviews are conducted so adding this firefighter will help us to maintain or improve our ISO rating, which is currently a 5.

Fire Chief Weeks said we qualify as high priority for the SAFER grant for this position, and we will be applying for that if council gives us authorization to proceed with this request. Mayor Barnhart asked how much the SAFER grant will cover. Weeks said the first year they cover 75% of wages and benefits, the second year it's 50%, the third year is 25% and then the last two years the city has to say that they will keep them on. We met with the Rural Fire Board and discussed the fact that the cost is \$109,000 for a firefighter. The Rural Fire Board agreed to pay half the cost of this firefighter. City Manager Shrives said to remember once the city and rural department makes this commitment, we are committed; if we get the safer grant or not, we're committed. Councilor Lovering inquired if the city portion would come out of the resort tax funding. Shrives said that is correct. Councilor Robinson asked how much more it would cost to bring on the fourth firefighter. Fire Chief Weeks said it's included in the \$109,000.

Councilor Piper motioned to approve the 4th FTE hourly Firefighter in FY 25/26, seconded by Councilor King and the motion passed unanimously.

DEQ Compliance Inspection Report

Shrives said he wasn't too concerned with the report based on errors he saw. A lot of those were operator errors. The city is required to respond back with our plan, which Grady Jenkins has put together. Mr. Shrives wanted council to see it before we sent our response out.

24/25 Budget Amendments

The City is proposing amending the following funds budgeted revenue and/or expenditures: Fund 2100 Resort Tax, Fund 2310 Tax Increment District, Fund 2311 TEDD Industrial Park, Fund 2312 TEDD – Columbia Rising Industrial Park, Fund 2392 Building Code Enforcement Fund and Fund 2991 ARPA of 2021. These amendments are proposed to account for revenues not known when the original budget was adopted in September 2024 and for additional unanticipated activity that has occurred during the first half of the year.

City Manager Shrives said we need to set a public hearing for the next meeting, and then we'll provide additional information at that public hearing. We want to amend that budget to show those additional revenues similar to some other funds that Ms. Nicosia identified. The same type of thing where we want to make sure we account for all the revenues before we move forward with the budget and any expenditures because you've got to have the revenue showing before you can spend the money.

Councilor Lovering motioned to have a Public Hearing on February 3, 2025 for Budget Amendments, seconded by Councilor King and the motion carried.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

Councilor Piper said the Study commission has met once and meets the 2nd Wednesday of each month. If you have item for the commission let him know and he'll get it on the agenda.

Councilor Piper said he will not be present at the Feb. 3rd council meeting.

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Councilor Price asked if the city has made progress with the delinquent resort tax payments. City Manager Shrives said the City Attorney is still working out the details on the process.

Councilor Lovering gave a quick summary of the parks committee meeting last week; overall what they're thinking about is putting some new playground equipment in Columbus Park and potentially adding covered picnic tables in both Columbus and Pinewood Parks. Mayor Barnhart asked approximately how much money you'd be able to put towards playground equipment. Lovering said \$50,000. was donated by the ladies at the church.

CITY MANAGER REPORT

February 3rd could be a really good night if all goes well, we will have the new speakers and new microphones in place.

City Manager Shrives said he has been in constant contact with Michael (the City Manager recruiter); he shared the first round of resumes that he had received. The position announcement closes January 24th and then the video interviews are going to be conducted on January 31st, 1st, or 2nd we are still working on a date. Shrives said he will be involved with Michael during the interviews, along with another member from their company. There will be approximately 10 candidates that will be interviewed. That's essentially the semifinalists. The next step will happen around February 4th, he will send the link to those interviews to share with council in a link format, and then council can watch the interviews and send me back your top five candidates. So that's going to bring us from the ten down to five said Shrives. February 10th at 7:00 p.m. we can hold a special meeting to discuss the five candidates. I'll give him that list and that's when they do the background check, reference check and social media check. They do it for all five of the candidates. On approximately February 19th, he will provide us a report back that gives us the results of those background checks.

This is an update on legislation and the bills that the league is monitoring. Things are getting started with hearings. Mr. Shrives said he is on the league's list if any issues come up. Between Ms. Nicosia and I, we'll probably try to deal with those as needed. The other thing that was in there, particularly if you go to the back page of this housing grant, the state of Montana did get a \$7 million grant and this is really related right to Senate Bill 382. The state is keeping \$2 million for state housing that leaves \$5 million; if we do the math potentially the city could be seeing about \$500,000.

CITY ATTORNEY REPORT

City Attorney Breck said he is working with Fire Chief Weeks to get the fire truck sold.

Chief Weeks said there were three people out the week before last looking at the truck. We were asking \$75,000, and that's what they offered.

MISCELLANEOUS

Fire Department Reports
Police Department Reports

ADJOURN

Councilor Lovering motioned to adjourn, seconded by Councilor King and the meeting adjourned at 8:45 p.m.

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Mayor

City Clerk