

CITY OF COLUMBIA FALLS
CITY COUNCIL REGULAR MEETING MINUTES
HELD MARCH 20, 2023

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

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

Also Present: City Manager Nicosia, City Clerk Staaland, City Planner Mulcahy, City Attorney Justin Breck, Deputy City Attorney Stephanie Breck and Police Chief Peters.

PLEDGE OF ALLEGIANCE

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

Approval of Claims - March 20, 2023 - \$105,859.01

Approval of Payroll Claims - March 17, 2023 - \$155,360.02

Approval of Regular City Council Meeting Minutes - March 6, 2023

Contract Amendment - General Engineering On-Call Services - Morrison-Maierle and authorize City Manager to Execute

VISITORS/PUBLIC COMMENT (Items not on agenda)

Shirley Folkwein resides at 285 Shooting Star Dr. said she represents The Upper Flathead Neighborhood Association. Ms. Folkwein had concerns with the deadline on public comments and requested Mayor Barnhart to call a recess to read all letters that were presented to council before the meeting. Mayor Barnhart stated all public comments that were received up until 6:00 p.m. this evening were distributed to council prior to the meeting, to which they did have time to read.

Mayre Flowers, Citizens for a Better Flathead located at 35 Main Street, Kalispell. Ms. Flowers said they manage the Waste Not project in the Flathead and have a new guide to recycling and would like the city to include it on their website.

Ms. Flowers said she was not able to attend the February 14, 2023 Planning Board meeting but was able to read articles in the newspaper. She is disappointed that in the articles the citizens of Columbia Falls have been called NIMBY's and anti-growth. The findings and issues the public have brought forward are council duties to look into and address as you make your decisions.

Matthew Padgett resides at 220 Larch Ridge, requested the recusal of Councilor Fisher from the second Public Hearing due to a video that was produced at his place of business where his spouse was speaking on housing needs in the community on the video.

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON MARCH 20, 2023

Mr. Padgett said a question was asked of City Attorney Breck on how much credibility should be given to public comments, where the City Attorney replied the statements of the community are the last and lowest consideration. Mr. Padgett believes in prior meetings city staff has acted unprofessionally. Mayor Barnhart asked Mr. Padgett to remove himself from the podium as he is moving on to personal attacks of city staff as well as inaccuracies in his statements. Mr. Padgett refused to step away from the podium. Mayor Barnhart asked Police Chief Peters to escort Mr. Padgett from the podium.

Susan Wheeler resides at 325 4th St. E.; said it is a double standard to promote community support and not listen to them. Ms. Wheeler believes requiring a citizen to state their physical address before speaking is a safety concern and discriminates against the homeless or people in transition.

NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

Public Hearings - Planning Items Within the 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.**

FIRST HEARING:

Mayor Barnhart read the Public Hearing Notice: 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.

City Planner Mulcahy delivered Staff Report CPUD-23-01 as Findings of Fact. Initially the property was approved as a mixed-use PUD with nine apartment units and three commercial office spaces said Mulcahy. The new owner is requesting to amend the PUD to eliminate the three commercial units and add three residential units. Mulcahy said this proposal went before the Planning Board on February 14, 2023 and the Board unanimously recommended approval of the amended PUD.

Councilor Fisher said after reviewing the staff report it appears that condition number 14-that short term rentals shall not be allowed, is not included. City Planner Mulcahy confirmed it was an oversight on his part and will make the proper correction.

Councilor Piper asked if there will be designated parking on 8th St. W. Mulcahy replied there will be public parking on 8th St. W. and on 4th Ave. W., but the requirement is for off street parking and the developer will provide 24 off street tenant parking spaces, meeting the required 2 spaces per unit in the zoning code.

Mayor Barnhart opened the Public Hearing at 7:16 p.m.

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON MARCH 20, 2023

Shirley Folkwein represents The Upper Flathead Neighborhood Association and they support the PUD.

Evon Heaser, 160 Nucleus Ave., said she is in support of the development.

Terri Hill resides at 340 Badrock Dr., asked what the rental rate for the apartments will be. Mayor Barnhart said council does not have that information; it is up to the property owner.

Clarence Tabor resides at 24 Tabor Lane, said he supports the development.

Mark Reiten resides at 380 Kokanee Bend, said he supports the development and any other development west of the Flathead River.

With no further comments Mayor Barnhart closed the Public Hearing at 7:21 p.m.

Councilor Fisher made motion to adopt Staff Report CPUD-23-01 as Findings of Fact with the correction of adding condition number 14 as requested from the Planning Board, seconded by Councilor Robinson with Council voting as follows. Ayes: Hamilton, Piper, Robinson, Shepard, Fisher and Barnhart.

Councilor Piper motioned to approve PUD with conditions and direct staff to prepare an ordinance for the April 3, 2023 regular council meeting, seconded by Councilor Shepard with Council voting as follows. Ayes: Piper, Robinson, Shepard, Fisher, Hamilton and Barnhart.

SECOND HEARING:

Mayor Barnhart read the public hearing notices:

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 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.

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON MARCH 20, 2023

City Planner Mulcahy delivered Staff Report CZC-23-01 and Staff Report CPUD-23-02. Mulcahy said he would be combining the hearing on the Staff Reports for the zone change and CPUD at the same time this evening. Mulcahy stated that the applicant wants to construct and build an urban density development as provided for in the City Growth Policy. Mulcahy went through the evaluation based on statutory criteria. This application packet went before the Planning Board at the February 14, 2023 meeting. The Board recommended against changing the zoning and in criteria number three they stated: The Geotechnical Report provided in the application states that static groundwater depth is 2.2 to 2.3 feet. Given the shallow depth of groundwater, the Planning Board was concerned the project could impact neighboring wetlands if the soil was dewatered for construction of infrastructure particularly since the development abuts the wetland areas with little or no setback in some areas. The Planning Board determined that the application did not address these concerns adequately and therefore the applicant does not meet this finding.

The Planning Board essentially disagreed that this project will not overcrowd the land with the reasons that the Montana Fish, Wildlife, and Parks provided in a letter stating a resident elk herd uses this property to access the Bad Rock Canyon WMA to the north and that the proposed development has the potential to block the travel corridor. The Planning Board thinks the zone change will overcrowd the land.

Criteria eight was also amended by the Planning Board with one member believing the City's infrastructure needed to improve prior to more development.

The Planning Board also brought up at present there are no pedestrian connections from the proposed development property and the pedestrian trail along the south side of Highway 2. As a result, residents of the proposed development on the subject property would have to cross the highway to get to the path or walk the shoulder of the highway to get into town by any means other than a vehicle.

The PUD follows the same criteria as the zone change. Mulcahy said given the Planning Board recommended denial of the zone change based on the amended findings of fact; subsequently, the PUD did not meet zoning and therefore was also denied.

Mulcahy said the application was reviewed in conformance of the Large Building regulations, 18.428, and the application meets those standards.

The PUD requires a minimum of two acres and the applicant has 22.5 acres, the maximum density in a CR-4 zoning is 12 units/acre. The applicant is requesting 180 units or 7.98 dwelling units/acre. If the zone change is denied they would not meet the density provisions noted Mulcahy. PUD standards also require that thirty percent of the site be devoted to open space and park, the applicants are proposing 54.2% of the property for park and open space.

With 180 units and a club house the applicants need to provide 379 parking spaces, the applicants are providing 421 parking spaces.

Water and sewer would be provided by the City of Columbia Falls. There are a number of permits required for the applicant to secure in order to have city services cross the Flathead River. Permits include Flathead Conservation Permit, Army Corp of Engineers for impacts to wetlands, and a Flood Plain Development Permit from the City of Columbia Falls per our requirements handed down from FEMA and DRNC.

Fire and Police services would be provided by the City of Columbia upon annexation. Streets will need to comply with the City of Columbia Falls standards.

The staff report recommended approval of the PUD subject to 24 conditions.

Mayor Barnhart asked Council if they had any questions for staff. Seeing none, Mayor Barnhart asked for the applicant's presentation.

Rishi Kapoor; CEO, Location Ventures, said he was here to speak about the real estate project and what that project is, along with talking about growth and having a healthy conversation on community concerns.

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON MARCH 20, 2023

Kapoor said they have grown as a professional organization of which they are very proud. But wherever we go our values are to be respectful, have fun and do good work by putting out an excellent product. Kapoor said they have met with hundreds of people in the Flathead over the last two years. They are here to be helpful and thoughtful about what real estate solutions are in building a balanced community. They would like to address the housing crisis we face here and to be respectful of what makes Montana, Montana. Kapoor wants to show how serious he is with the underlying housing problems here in Columbia Falls. He is willing to work with local government to proffer a dedicated amount of housing for service workers in Columbia Falls.

They believe they have tastefully designed a mostly single-family home community that will give people pride to call home that is mostly green and open space with improved public access to the Flathead River.

Kapoor said the development they are proposing is over one hundred million dollars of investment in Columbia Falls including paying for infrastructure for city services. There will be jobs for locals, close to home. Additionally, we are talking about increased tax base that will help support city staffing and services.

Dr. Patrick Barkey, Economist & Director of U of M BBER, said they recently performed a housing market analysis at the request of Location Ventures. Last year they had data recorded for 2021, they have recorded growth in inflation adjusted earnings of 8.3%. That is the highest in 20 years said Barkey. Our expectation is this part of the state will continue to see above average growth.

According to the IRS records, the income of new arrivals is high compared to local income. In 2017 the median earning household income could afford a median priced home without spending more than 30% on housing. In 2022 the median earning household can only afford half the payment.

Dr. Barkey said a housing market that is healthy has inventory and vacancies. The inventory is now in a deficit of 31,000 housing units. A deficit clearly raises prices and reduces inventory. It also does other things; it inhibits the formation of households. Strong demand pushes up prices and restrictive policies pushes up housing prices. Regulation plays an important role in the housing market outcome. Barkey said there is a perception that until developers build housing that lower income households can afford, no improvement will occur in affordability. Growth may bring problems but it also brings resources that can be used to address problems. It's better to have the problem of managing growth than to manage economic decay, which robs your community of resources said Barkey.

Frank Astor; Vice President of Single-Family Homes, Location Ventures, said this is not just another development; these are homes for families already living here. To fill the missing middle means addressing the housing deficit that exists here. Our development will have primarily single family detached homes with 2-4 bedrooms to accommodate people in different points in life with different size families. These homes have front and back yards with a garage. They also have a smaller home which includes apartments with 1-3 bedrooms. Mr. Astor said in both cases we take pride in the architectural design in the development.

This is an appropriate place for housing and for the growth of the city. There are a total of 180 homes, mostly single family homes. There is a resident club house on site for resident use; there is a park for families to enjoy along with a dog park. The river can be accessed by the public through the private community.

We made the decision not to mitigate the wetlands and not to build a manmade pond; they want to keep the space open.

Mark Rohweder; Lead Engineer, KLJ Engineering said the two pieces of property lie within the urban residential area in the City Growth Policy, therefore our zoning request is consistent with the Growth Policy. Rohweder said they are not asking for any variances with the PUD, there will be no short term rental offerings within the development.

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON MARCH 20, 2023

Mr. Rohweder said in 2022 they completed a Traffic Impact Study (TIS), we follow the guidelines of Montana Department of Transportation and used the most recent available traffic data collected that was in July 2021. MDT allows adjustments for the average traffic counts, such as data from the summer or winter month's traffic counts differ. The traffic engineers used the highest traffic count numbers and added an annual increase of 1.5% to capture the increase of traffic counts. The engineers will continue working with MDT as they refine the development and progress along. If MDT requests additional traffic improvements on site or a crosswalk the developer is willing to make those changes to keep the site as safe as possible.

The site exceeds the parking spaces required with 36 extra parking spaces spreading out over project. There are two approaches into the property; one is to the east of the property and the other to the west near River Road. They have rerouted River Road to the east based on input from MDT and others on safety and environmental impact of the current location.

Mr. Rohweder stated they will extend City water and sewer across the Flathead River into the development and extend the main line to the east end of the property. Lighting and fire hydrants are on site per City standards.

Lance Thomas, Pipeline and Utility Engineering Consultant, Gulf Interstate said there are two ways to bring city services across the river, one is directional drilling under the river and the other is to attach the mains to the bridge. Mr. Thomas explained the pros, challenges and solutions on each method. Mr. Thomas said it is his understanding that the City of Columbia Falls strongly prefers the underground directional drilling option. It may be at a higher cost but very low long term maintenance and a high reliability once installed. Location Venture will work with the City to ensure a safe reliable design.

Councilor Shepard asked Mr. Thomas to describe how the welds would be done and the reliability of the welds. Thomas said it is a complete fusion weld; the welding machine itself takes two pieces of pipe at the ends to make a flat surface, then heats up the plastic and pushes the two together. It is a reliable process. Then ultimately you hydrostatically test at the end, which is the ultimate test for the amount of pressure.

Mayor Barnhart asked Mr. Thomas if you would pull a steel sleeve underneath with the lines within the sleeve. Mr. Thomas said that is correct. Mayor Barnhart asked if a bypass line was included in case the City had to replace the main line, it could be switched to the bypass line to accommodate service. Thomas said it could be accommodated if you choose to go that route. Mayor Barnhart asked if they have seen that in the past. Mr. Thomas replied no, the most economical way is to overdesign the initial installation so the pipe is twice as strong as it needs to be.

Mayor Barnhart asked Council if they had any questions for the applicant.

Councilor Fisher said he would like to give two disclosures for council discussion before proceeding. Fisher said his wife was featured in a video of a local focus group that was interviewed regarding housing in the Flathead. This focus group was held at their business, Backslope Brewing; he stated that they were not paid for the use of the space. Fisher believes his wife's participation in discussions pertinent to the community does not disqualify him from participating in this process as a Councilor. For these reasons, Councilor Fisher does not plan on recusing himself, however if the Mayor and Council feel differently he will defer to their decision. On another note, Councilor Fisher said he is a Board member of the Gateway to Glacier Trail Group; this is an unpaid volunteer position. It was recently brought to his attention that the applicant, Location Venture has made a contribution to the 501(c)(3) organization. Fisher does not believe participating in a non-profit

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON MARCH 20, 2023

organization that accepts donations and fund raises disqualifies him in this discussion. Fisher will defer to the wishes of Mayor and Council on participation.

City Attorney Breck said he and Councilor Fisher had a conversation on Fisher's concerns. Breck said the statutory issue in considering if there was a conflict of interest is whether or not the Board Member stands to derive a pecuniary gain or benefit from the decision made one way or the other. Councilor Fisher has disclosed that he has not received any pecuniary gain or benefit from Location Ventures holding a focus group meeting at his business.

City Attorney Breck agrees with Councilor Fisher on the nonprofit concern as it is a 501(c)(3) and he does not receive compensation as a director. A donation to the organization is irrelevant to his ability to make a decision one way or another without a conflict of interest on that decision.

Councilor Shepard and Piper do not have a problem with Fisher voting, Robinson said he is an elected official, elected by your constituents and a valued member of Council and the community and she does not have an issue with Councilor Fisher's involvement. Mayor Barnhart said he is good with Councilor Fisher and City Attorney Breck's explanation. Councilor Hamilton said she understands the legalities and conflict of interest but within our small town Hamilton believes Fisher should recuse himself from further discussion and voting. It was agreed that Councilor Fisher will continue with discussion and voting in the Public Hearing.

Councilor Shepard asked the developer if they have had conversation with Fish, Wildlife and Parks to discuss the wildlife corridor. Mr. Astor replied they have been very clear in wanting to collaborate with Fish, Wildlife and Parks, there are multiple strategies to be considered and we will consider them. We will work to accommodate wildlife migration if it is necessary.

Councilor Fisher inquired on the distance from river corridor to the club house area. Fisher also inquired for discussion on dedicated housing and how that would work. Mr. Astor replied it is over 100 ft. from the river to the club house.

Mr. Kapoor said the concept for them on dedicated housing would involve an annual window for applications that have the right criteria. We offer housing for that demographic throughout that window and if we have remaining vacancies they would be offered to the general public. Fisher asked if there are a certain percentage of units allotted. Mr. Kapoor said it has not been discussed and is still in concept. Fisher asked if you have something like this in other units you work with. Kapoor replied yes, we are working with the exact concept with another city dedicating a percentage there. It was a requirement of what local government wanted to see, but has not been finalized as of yet.

Councilor Robinson asked Mr. Rohweder to elaborate on the wetlands paragraph on the KLJ report. Mr. Rohweder said we submitted the report to the Corps of Engineers and they concur with the boundaries of the wetlands. The Corps of Engineers will have jurisdiction over the wetlands if they are disturbed. Robinson asked if the wetland waters connect to the Flathead River. Rohweder replied they flow through; all that area is connected to the Flathead River. If the developer impacts the wetlands there is a process on what is being disturbed and what the remediation will be. Robinson asked if you will be filling in the wetlands with materials. Rohweder said they may impact it but will fill in with gravel where needed.

Robinson asked about traffic speed. MDT has standards that we must comply with said Rohweder.

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON MARCH 20, 2023

Councilor Shepard asked City Planner Mulcahy how the County was able to fill and build to the west of Murdoch's. Mulcahy replied it is an unzoned area and does not require building permits. Essentially there is no review policy; it is incumbent on the Corp of Engineers to regulate their wetlands if it is a jurisdictional wetland.

Mayor Barnhart noticed a stream that runs to the north of the project and asked if it was on the project site. Mr. Astor replied no it is not.

Councilor Piper asked if the City services were supplied across the river, who is responsible for maintenance. Mulcahy replied the City will maintain it.

Councilor Hamilton asked if there was a plan B if the project was not approved. Mr. Kapoor said right now they are focused on what they are presenting.

Mayor Barnhart requested clarification on pedestrian crossing on Hwy 2. Mr. Kapoor said they will make it a priority and consult with the experts on the best solution. Kapoor said you can count on them for a commitment as a condition of the development.

Councilor Shepard asked where the developers were going to get laborers for construction. Mr. Kapoor said we will hire locally as a priority. This project is years in the making, once we have a site plan we would go into regional hiring and create jobs in the community said Mr. Kapoor.

Mayor Barnhart asked about phasing the project and if there was a guarantee on infrastructure. Mulcahy said when we review phasing we review it as each phase can stand alone. If the applicant wanted to propose phasing down the road they would have to come back with a PUD amendment. Mr. Kapoor stated they intend to develop the project in one phase. They would be happy to commit to include all the infrastructure needs upfront of building the project.

Mayor Barnhart said it has been a concern with the city and citizens that the city has always maintained water lines and there is money put aside for that. Mayor Barnhart said it's on the developer to install city services.

Mayor suggested a short recess at 9:12 p.m. the meeting is back in session at 9:22 p.m.

Mayor Barnhart opened the Public Hearing at 9:22 p.m.

Tom Pullen, 819 12th St. W., said he is looking at what the city has already approved and does not see the rush on any of this. Mr. Pullen believes we are slammed and don't need more sewage. Pullen believes they don't want to be a part of the community, they want to be a private community.

Mark Reiten, 380 Kokanee Bend Dr., said he spoke with Franz a biologist at FWP about the elk and other wildlife in the area. This development will corks off wildlife said Reiten. There will be lots of traffic on Columbia Falls Stage Rd. if this development and the Highlands go through. Mr. Reiten said we need to approach with caution and keep development west of the Flathead River.

Wes Martin, 70 Jackson Hill Lane, said the traffic at River Rd. was terrible now and will be worse with construction vehicles entering at the intersection. The wages of Columbia Falls residents is closer to 50k and

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON MARCH 20, 2023

believes the rent is not for local residents. When you have a catch basin with curb and gutter it cannot go in the wetlands. Mr. Martin believes development belongs on the west side of the Flathead River.

Dawn Lorenzen, 2730 Middle Rd., stated she objects to the development. Ms. Lorenzen said she thinks the development is attractive but it should be built somewhere else.

Rachel Schmidt, 675 Woodside Lane, Whitefish, said she is a 4th generation Flathead resident. Ms. Schmidt said she has worked in and with the states of Colorado, Utah, Wyoming on their countless problems associated with growth over the last 20-30 years. Schmidt encourages council to oppose the requested zone change as presented. Please find a suitable place for this development.

Jesse Johnston, 7210 Hwy. 2 E.; said he has managed the property next to the proposed development for the last 15 years and knows the area well. Mr. Johnston said the wetlands drain into the river and there is a lot of standing water as well. Johnston is also concerned with wildlife and the elk herd. Mr. Johnson said the property is zoned agriculture and does know why you would want to change that. It is a great spot and would hate to see it change.

Cassidy Kipp is the Deputy Director of Community Action Partnership, 214 main St. Kalispell. They provide help for those who may be under employed. Ms. Kipp said they serve 14% of households within Columbia Falls. They have 80 deed restricted units in Columbia Falls and own 44 different units in Columbia Falls that they have developed and operated over 20 years. Ms. Kipp encourages council to do a housing needs assessment.

Teri Daniels, 524 US Hwy. 2 E., stated September 17, 2021 the federal tribes were awarded the water right access to the Flathead River. This development sits in a watershed area beyond what is called a wetland or flood zone. Ms. Daniels read a letter from the conservation on what is recommended for the watershed statement.

Kristi Sell, 2995 Columbia Falls Stage Rd., served in Law Enforcement in Alaska. She spoke about the traffic struggles and potential problems. Ms. Sell requested council to please consider other places more suitable for this development.

Kate Keirdall, 2730 Columbia Falls Stage Rd.; said she shares the concerns other have spoken on this evening, especially on wildlife being displaced. This is not the place for this type of development.

Gerard Byrd, 645 Spotted Bear Rd., Martin City, said he has been a School bus driver for 39 years and never tires of his commute. Mr. Byrd spoke with the local FWP bear specialist; she verified the stretch between Columbia Falls and Badrock Canyon is a huge wildlife corridor and said it's the densest black bear and grizzly population in the lower 48. Per Mr. Byrd, she advised him that housing developments would defiantly cause displacement and increase bear and human conflict. Mr. Byrd asks the City Council to deny the request for a zone change.

Shelly Handlin, 181 Dawn Dr., said we need work force housing that is affordable not attainable. Ms. Handlin said she is opposed to the location of this development.

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON MARCH 20, 2023

Clarence Taber, 24 Taber Lane; said the issue not that they want to build; it's where they want to build. It's not that they are against development they are against building on the east side of the Flathead River. We object to the Growth Policy said Taber.

DJ Zor, 372 Badrock Dr., said he would like to talk about flooding as it hasn't been addressed yet. In 2022 the Flathead River crested at 52,000 CFS, in 1964 the river crested at 175,000 CFS which put property under water. Mr. Zor said we need development as Columbia Falls is growing, but we need to be cautious and considerate on where that development needs to happen. Zor shares the same concern for wildlife.

Fred Flint, 125 Lewis Lane, said from the time the three forks of the Flathead River were designated in 1976 and it was designated as a wild and scenic river. Mr. Flint said he was one of the primary managers of 219 miles of the rivers. Mr. Flint is very familiar with the sudden changes of the river and is concerned with the impact of quality of the Flathead River. Mr. Flint believes city services under the river is a bad idea and encourages council to reject this proposal and further recommends a resolution rejecting any city service under the river bed.

Aaron Gusto, 221 Belterra Lane, Bigfork, said he is with the Montana Chapter of Back Country Hunters and Anglers as a Regional Board Member. Their group represents over 3,000 hunters and anglers across the state of Montana. Mr. Gusto said he is concerned with what the development will do to the existing wildlife as well as concerns of potential sewage spilling into the Flathead River. He understands the need for housing but not at the cost of jeopardizing our rivers and wildlife in this area.

Becky Williams, 62 Crescent Dr., said she believes by building around the area it can be compromised. Ms. Williams said we are blessed with what we have and need to maintain it for future generations.

Ruth Clawson, 355 Rogers Rd., said she is speaking in opposition of the proposed development. Ms. Clawson shares the same concern as those before her on wildlife. Clawson is also concerned with affordability of the homes for citizens of Columbia Falls. If we fill up our vacant lands the beauty of our land will be gone forever said Clawson.

Hillary Lange, 4176 Columbia Falls Stage Rd., said she serves on the Boards of The American Fly Fishing Trade Association, The American Fly Fishing Trade Association Fisheries Fund, The American Rivers Northern Rocky's River Council, The Fishing Outfitters Association of Montana Guiding for the Future and the Advisory Board for Flathead Rivers. Ms. Lange asks the Council to fully consider the Flathead River Channel migration zone mapping sponsored by Montana DEQ, FWP and the Flathead Lakers. The zone mapping is a 24 mile section of the main stem and an excellent reflection of how dynamic the river is. Ms. Lange said the development is not suitable for this area.

Evan Robinson, 4176 Columbia Falls Stage Rd., agrees we need more housing but this is not the right place for it. Robinson has concerns with city service lines going under or over the river. We are one of the world's last remaining intact eco systems supporting wild native cut throat and wild native bull trout. A sewage leak of any type would dramatically devastate our fishery.

Ryan _____, 6505 1/2 Farm to Mkt. Rd., Whitefish, said he is aware of housing in the area however does not agree with running city service lines under the Flathead River. Ryan suggested building somewhere else.

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON MARCH 20, 2023

Terry Hill, 340 Badrock Dr.; said they chose to live in Columbia Falls and not Whitefish because of the quality of life here. Ms. Hill disagrees with the presented wages for the Flathead Valley. Hill believes we don't have all the facts on affordable housing. Hill is opposed to this development at this location.

Holly Ford, 795 Trap Rd., is absolutely opposed to the zone change and the proposed development. The zone change will open the door for development to destroy our area. This is not affordable housing for Columbia Falls residents.

Andy Bently, 62 Wood Ridge Dr., said he has a background in wastewater management and believes things were not completely addressed. Mr. Bently is opposed to the zone change and development east of the river.

Susan Wheeler, 325 4th St. E. read a newspaper article on Mr. Kapoor. Ms. Wheeler is opposed to the development as it is not affordable housing for Columbia falls.

Alison Smeltz, 1406 3rd Ave W.; asked council to deny the proposed development. Ms. Smeltz read a poem.

Robin Robinson, 1313 4th Ave. W.; said she realizes the need for housing but east of the river is not the answer.

Gary Hall, 140 Steppe Lane; believes we should not base our development, procedures and processes in migration. Mr. Hall is concerned with traffic as it is already busy. Hall said in the staff report there are 35 criteria's they must meet and in his opinion they did not meet 18 of them. Mr. Hall is concerned with the wildlife in the area. Hall said according to MCA 7-2-4734 it requires that property to be annexed is contiguous. This is development is not in the best interest of our area.

Vin D'Angelo, 185 Badrock Dr., said he is a Fishery Biologist for the Flathead for the last 15 years. Mr. D'Angelo said research has shown the Flathead River is a statewide regional strong hold for native species. This water shed is also internationally recognized, referring to the North Fork Protection Act. D'Angelo hopes this place does not turn into other places.

Philip Matson, 1125 Raven Lane, said he has been a researcher at the Flathead Lake Biological Station conducting research for the past 22 years. The jurisdiction wetland number three will definitely be impacted by this proposal. This developer stated the site can be developed by the removal of the top layer of material; this is misleading as this material is made up of organic soils that have high capacity of holding water. It is generally policy of the State of Montana that natural water bodies and the lands immediately adjacent to them are to be protected and preserved to their natural state. Mr. Matson stated building in the wetlands is not the place for this development.

John Sheridan, 2405 Hwy 206, stated if you're going to build something don't build apartments, build houses. Think about the people that live there and their quality of life.

James Dryviston, 4196 Columbia Falls Stage Rd., stated he is not opposed to growth but is for sensible planned growth. This zone change does not allow for sensible growth. Let's not ruin what we have and work together

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON MARCH 20, 2023

on sensible growth and planning. The wetland should be preserved and not developed. The city needs to maintain what they have.

Jeannie DeCarlo, 9 Cedar Pointe Loop, said we are fortunate to live here in Montana. As a resident of Columbia Falls Ms. Decarlo is concerned about the city's future as we face a housing crisis. The voices you hear tonight do not represent the community in its entirety. Decarlo asks council to remember those who are not here, those that are counting on you to say yes for a well-planned out project such as this one. Make sure our people have a place to live said Decarlo.

Yvonne Heaser owns a Dentist Office at 116 Nucleus Ave., said she is opposed to the proposed project. Ms. Heaser is concerned with the quality of care she can provide with expedient growth. Heaser said she is not only a Dentist but a community member that loves this city. Heaser suggests slowing down as you make a decision tonight as this decision will affect us for the rest of our lives.

Trish Hogan, 1056 Sawtooth Trail, said housing costs depend on the economy. Ms. Hogan said just because we can go under the river doesn't mean we should. Columbia Falls cannot keep up with the residents we have. You are the voice of the people and the people have spoken.

Jennifer Ashe, 21 Blue Jay Way, stated she is opposed to the housing project. Ms. Ashe said we are the community and we love this area.

Tabitha Graves, 1105 Columbia Dr., believes this development is a poor fit for the area. The Planning Board did a good job reviewing the proposal. Ms. Graves shares concerns as others before her on wildlife, wetlands, traffic and the river. This proposal is not going to provide Columbia Falls the housing it needs said Graves. Please deny the zoning change and this development.

Jackie Demongin, 4250 Columbia Falls Stage Rd., said her background is in budgeting and discussed rental prices as presented. Ms. Demongin said they support housing but not at this location. It's time the people, the businesses and city officials go back to the drawing board for real solutions. This zone change will destroy the character, overcrowd the land and risk health and welfare for our river and wildlife. Demongin asked council to deny this development.

Shirley Folkwein, 255 Shooting Star Lane, is representing the Upper Flathead Neighborhood Association; stated they are in opposition of the proposal. This proposal does not promote the health and welfare of Columbia Falls. Folkwein said she did not see Columbia Falls data in the developer's presentation, it was for the Flathead. It is important to have a housing development study for Columbia Falls to be done.

Luci Yeats, 315 Shooting Star Dr., said there were ten issues raised by the Planning Board; those issues were the reason for the recommendation to deny the project. Ms. Yeats said she counted only six issues addressed in the staff report. Yeats asked council how they will review an incomplete plan. Yeats hopes the letters you have received and public testimony this evening will encourage you to pause and consider what the people of Columbia Falls have said and deny the project.

Connie Riley, 10 Crescent Circle, and hopes the city council will not allow the zone change as it would be a detriment to our community. Ms. Riley understands the need of housing but why do we have to supply the

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON MARCH 20, 2023

people from out of state with homes. Some homes are being bought up only to be used for nightly rentals. Riley is concerned with city services placed under the river. Riley asks council to please deny the zone change.

Vickie Brown, 385 Badrock Dr.; said growth is inevitable but is not here for the purpose of not preventing it. This development of 180 units could add near 468 to the community which she believes is 8.8% growth. Brown is concerned with traffic, affordability, wetlands and wildlife. Ms. Brown is not in favor of the development.

Fred Haas, 4188 Columbia Falls Stage Rd.; does not see the reason that Columbia Falls needs to solve Flathead County's housing shortage problem. The development does not fit the characteristics of the neighborhood. Mr. Haas does not want to see this development come to be.

Paul Nelson, 620 Valley View, said he heard about the evil developers coming in but he does not believe that is the case here. Mr. Nelson said the Army Corps of Engineers will deal with the wetlands and if it doesn't comply then it will be done. Affordable housing is an issue here in Columbia Falls as his son has been looking for a house and could afford these homes. Mr. Nelson said you have a terrific opportunity to work with people that will make public access to the river. Nelson said to use a good thing while you got it or the state will take it over.

Callie Huslander-Cooper, 1160 Mooring Rd., said her children fish the area and it breaks her heart to think it can all be destroyed if it gets developed. Please deny this development to the east side of the river.

Mayre Flowers represents Citizens for a Better Flathead, 35 Main Street, Kalispell, Ms. Flowers said the City Growth Policy needs to be updated and changed. This development represents potential evasion of the subdivision act given the developer stated he might be able to sell units in the future. Mayor Barnhart said we have received your documents and they are in the public record. Ms. Flowers asked that council takes the time to review all documents received.

With no further comments, Mayor Barnhart closed the Public Hearing at 11:44 p.m.

Mayor Barnhart said we have heard a lot of testimony this evening and he would like to make a suggestion for Council to take time to absorb what was brought before Council this evening.

Councilor Fisher agreed there was a lot of information provided and is fine waiting if that is what council suggests, or he would stay to make a decision. Councilor Robinson said she would like more time to review what was presented this evening. Councilor Shepard said he was prepared to stay as late as needed but will wait if it's the decision of the council. Councilor Hamilton said she can go either way. Councilor Piper said he would like additional time to absorb what has been received. Councilor Fisher asked if the applicants will be available for another meeting. Mr. Kapoor said they would be available.

Mayor Barnhart said more than 25% of the adjacent land owners have filed a protest against the zone change; pursuant to state statute, the zone change would need a two thirds vote from the Council to approve. In response to a question from someone in the audience, Mayor Barnhart said the Public Hearing has been closed and the Council will take no more public input and the continuance of the meeting will be open to the public.

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON MARCH 20, 2023

Mr. Padgett asked if there was a guarantee that there will no discussion between council and the developers. Mayor Barnhart replied there will be no ex parte communications before the meeting; City Council follows the state statutes in their proceedings. Also in response to a question from the audience, Mayor Barnhart noted that Councilor Lovering will be able to view the meeting via YouTube and she has the same documents, comments and reports provided to Council and she can make a determination if she is comfortable participating in the next meeting.

City Planner Mulcahy said if Council wants him to attend it would have to be on April 17th as he has another Council meeting on April 3rd. City staff will announce the date as soon as possible.

Mayor Barnhart suggested a recess at 11:57 p.m. Mayor Barnhart called the meeting back to order at 12:02 a.m.

Mayor Barnhart read the Notice of Public Hearing - Conditional Use Permit - City Council April 3, 2023

The Columbia Falls City-County Planning Board held 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 Bids - 5th Ave EN Water Main ARPA Project to Sandry Construction Company Inc. in the amount of \$253,350 and authorize City Manager to Execute

City Manager Nicosia said the recommendation is to award the bid to low bidder Sandry Construction Company Inc. in the amount of \$253,350. She noted that this is the City's Water ARPA project.

Councilor Fisher made motion to award the bid for the 5th Ave EN Water Main ARPA Project to Sandry Construction Company Inc. in the amount of \$253,350 and authorizes City Manager to execute the contract documents, seconded by Councilor Shepard with council voting as follows. Ayes: Fisher, Hamilton, Piper, Robinson, Shepard and Barnhart, Lovering absent.

Approval of Request from Baiair Holdings Industrial Park, 290 Truck Route, Outside City Limits, to Connect to City Sewer

City Manager Nicosia said Baiair Holding Industrial Park is requesting to connect the existing shop to the City sewer main. City staff recommends approval.

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON MARCH 20, 2023

Councilor Hamilton motioned to approve the request from Baier Holdings Industrial Park, 290 Truck Route to connect to City sewer, seconded by Piper with council voting as follows. Ayes: Hamilton, Piper, Robinson, Shepard, Fisher and Barnhart, Lovering absent.

Approve Letter of Support - Drug Task Force MBCC 23-24 FY Grant Request

Councilor Shepard motioned to approve the letter of support for Drug Task Force MBCC 23-24 FY grant request, seconded by Councilor Robinson and the motion carried.

Approve Letter of Support - Flathead County 2023 FLAP Grant Application - North Fork Road

Councilor Shepard made motion to Approve Letter of Support - Flathead County 2023 FLAP Grant Application - North Fork Road, seconded by Councilor Piper and the motion carried.

RESOLUTIONS:

Resolution # 1895 - A Resolution of the City Council of the City of Columbia Falls, Montana, Designating the Columbia Falls Chamber of Commerce as the Nonprofit Organization that Will Oversee the Lodging Facility Use Tax Revenue Collected Within the City to Promote Columbia Falls as a Tourism Destination

City Manager Nicosia said the City received word that Columbia Falls finally qualified as a tax funded conventional visitor bureau. The City's only role is to designate a non-profit organization to manage the funding. Nicosia said she met with the Columbia Falls Chamber of Commerce President, Vice President and Executive Director and they are willing to manage these funds. The funding is estimated at \$30,780 for the 2024 year. Upon designation the Chamber has to submit a marketing plan that has to be approved by the State Tourism Advisory Council. Nicosia noted that 90% of CVB's in the state are managed by local Chambers. Nicosia recommends approval.

Councilor Fisher wanted to bring to Council's attention that his wife is the President of the Columbia Falls Chamber of Commerce which is a nonpaying position. City Attorney Breck said Fisher would not have to recuse himself from voting.

Councilor Piper motioned to adopt Resolution # 1895, seconded by Councilor Hamilton with council voting as follows. Ayes: Piper, Robinson, Shepard, Fisher, Hamilton and Barnhart, Lovering absent.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

Councilor Fisher said he appreciates community involvement.

Mayor Barnhart is proud to know that the citizens of Columbia Falls came to the public hearing. Mayor Barnhart said he took a lot of notes and would like to take some time to review the information provided this evening.

CITY MANAGER REPORT

Nicosia said she has been working with Federal Highway Administration on the RAISE Grant and hopes to have an agreement with them in order to move forward shortly.

Nicosia updated Mayor and Council on recently introduced bills at the legislature.

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON MARCH 20, 2023

MISCELLANEOUS

Correspondence

February 2023 - Financial Reports

ADJOURN:

Councilor Hamilton motioned to adjourn, seconded by Councilor Shepard and the meeting adjourned at 12:18 a.m.

Mayor

City Clerk