

**CITY OF COLUMBIA FALLS
CITY COUNCIL REGULAR MEETING MINUTES
HELD JUNE 05, 2023**

**WORKSHOP: URBAN DEVELOPMENT 6:00 - 7:00 PM
(Full Council)**

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

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

PLEDGE OF ALLEGIANCE

Urban Development Workshop:

Mayor Barnhart opened the Workshop portion of the meeting and asked if anyone wished to address the Council regarding this specific topic. Mayor Barnhart noted that this is not a public hearing nor is the workshop specific to any project; he also noted that he wanted to keep comments brief so that Council has adequate time to conduct the workshop.

James Barnett with River Highlands said their property is zoned CR-3 Urban Residential and the process for development is challenging and extensive for him. Mr. Barnett said they are still interested in a design that concentrates on density with open space as provided with a PUD and are open to discussion.

Mayor Barnhart reminded everyone that Council will not be addressing one specific project this evening.

Shirley Folkwein, representing The Upper Flathead Neighborhood Association, inquired about the Extension of Services plan, and if it has been updated and completed. Ms. Folkwein said she heard Columbia Falls was considering housing the county wastewater treatment plant that was initially planned near Bigfork. Mayor Barnhart said that information would come from the County but he believes they are currently seeking an alternate location.

Luci Yeats, 315 Shooting Star Drive, stated at prior meetings there was discussion about the new Growth Policy and wonders at what point council can tell them when that will take place.

Seeing no other Public Comment, Mayor Barnhart asked for staff report/information regarding Urban Development.

City Planner Mulcahy started with reporting on SB 382 that was approved by the legislature and the Governor. Mulcahy noted that it completely rewrites the Growth Policy section of state law and with that it also has impacts on our zoning regulations and significant impacts to the subdivision regulations. SB 382 affects all counties with populations of 70,000 or greater and class one and two cities. Any cities in a county with less than 70,000 people are not subject to SB 382 nor are counties are subject to 382. The big cities along with Laurel, Whitefish and Columbia Falls are affected by this bill. It is a significant change from the current Growth Policy regulations. It is heavy on public involvement and a housing needs assessment has to be part of the

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Growth Policy and coordination of the capital improvements program with the potential some comprehensive transportation plans. This will be a complete rewrite of the Growth Policy said Mulcahy. Mulcahy noted that the City will need to see what the League of Cities and Towns makes of this legislation and how they come up with a model to utilize it. Mulcahy noted that there are a number of land use bills that affect zoning and subdivision regulations that we also have to look at in the near future and update our regulations accordingly.

Mayor Barnhart asked if this puts the City back 3 years from working on the new Growth Policy. Mulcahy said we need direction and typically the League of Cities and Towns provides direction as does the Department of Commerce. Mayor Barnhart asked if the City would continue to follow our current Growth Policy. Nicosia said the DOC and MLCT are defining the elements for the new policy. The requirement in the bill is to follow the current Growth Policy. The City's Growth Policy has been updated within the last 5 years, so we are in compliance with SB 362. We will be working on preliminary engineering reports on water and sewer services in conjunction with the Growth Policy starting in 2025. By that time, DOC and MLCT should have provided very clear direction by that time.

Mayor Barnhart asked Nicosia to answer the earlier question on the Extension of Services Plan. Nicosia replied Council reviewed the Extension of Services Plan in 2018 as well as in 2021 and did not change any definitions, criteria or annexation criteria. City staff will update the Extension of Service census data and any statutory changes and bring the complete updated draft forward for approval by Council.

Fisher said it seems like the legislative intention is to have a more robust Growth Policy and development discussion on the front end and no public hearings on the back end for a particular project. Is there any room for public input on a project asked Fisher? Mulcahy said there is a provision for a notification, but it is not a public hearing. People will be able to provide input. The intent is the Land Use Policy is crafted in the Growth Policy and if we comply with the Growth Policy then growth is anticipated. Nicosia said the application has to come forward with all of the required elements.

Mulcahy noted that another legislative impact on Urban Development is that all single-family zoning districts are no longer single family, they can have two units on every lot in the city. Any commercial zone in our zoning jurisdiction now allows mix-used including multifamily development and the City can only address height, setbacks, and lot coverage.

Mulcahy reviewed the pros and cons on where growth can happen in the city limits. If the city is going to grow it will have to expand their boundaries. Vetville, Northfork Road, East of the river, and West of town are areas to look at for expansion. Mulcahy asked for Council's thoughts on expansion of the city with higher density mixed use using the PUD or to tell developers to stay away from PUD's. Whichever direction the City grows it is going to change a rural area to urban and will be a change. The area east of the river is already zoned CR-3 Urban Residential, whereas the areas to the north and west only have the Growth Policy designation. Mayor Barnhart asked if they have to be annexed into the City. Mulcahy said you have the ability to serve an area and not annex them noting that the City can require waivers of annexation or a petition to annex.

Councilor Fisher said he generally likes PUD's and would prefer to see dense clusters with open space around it.

Councilor Shepard said it will be interesting to see what the League has to say on SB 382. Shepard said he voted to go east, due to difficulty going north or west. There are a lot of folks that live outside of the City that do not want growth.

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Councilor Robinson asked what the chances SB 382 will change with the next legislative session. Mulcahy said we have no way of knowing that for sure. As the cities start to work with it we are going to find things that are not workable, then they will try to fix it said Mulcahy.

Mayor Barnhart said he agrees with density and open space. We have talked so many times on the need of housing for local employees, he noted.

Councilor Lovering said her concern is the developers coming in are so big near areas that could be sensitive. Her fear is once you approve it you can't go back.

Fisher said he has heard the developer is coming in thinking they are meeting the Growth Policy requirements. Council Piper said he is trying to find housing for employees at the Veterans home.

Gary Hall, 140 Steppe Lane, said the developers that have come forward don't have affordable or attainable housing. Hall said he heard some of the nightly rentals may become available due to the nightly rental business slowing down. Mr. Hall asked staff about the city limits, annexation and development. Mulcahy explained there are several annexation statutes that apply to the City.

Dave Petersen, 201 4th Ave E. said there is another way to look at this with all the open land outside the city limits. When talking about people and housing can we look at height restrictions to potentially build up instead of out.

Shirley Folkwein, 285 Shooting Star Dr., said she commends the new law that requires a housing assessment. Folkwein said she would like to have a synopsis on SB 382. With the new process of the Growth Policy will it be the same. Mulcahy said yes, the current Growth Policy is a policy document and not a regulatory document and SB 382 does not change that designation. Ms. Folkwein said it sounds like there is public input. Mulcahy said the intent of the new Growth Policy Legislation is to have robust public input through the process and adoption of the Growth Policy and then approval for a subdivision will be more administrative.

The work shop adjourned at 6:53 p.m.

REGULAR MEETING – 7:00 P.M.

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

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

CONSENT AGENDA: Councilor Robinson made motion to approve the consent agenda, seconded by Councilor Piper with council voting as follows. Ayes: Hamilton, Lovering, Piper, Robinson, Shepard, Fisher and Barnhart.

Approval of Claims - June 5, 2023 - \$351,348.11

Approval of Payroll Claims - May 26, 2023 - \$156,385.68

Approval of Regular City Council Meeting Minutes - May 15, 2023

Approval of Sewer Plant Investment Fee Agreement - Owen/Snelson, 915 Vans Avenue, and authorize City Manager to execute

Approval of Cedar Palace LLC Plant Investment Fee Agreement, 500 12th Ave West, and authorize City Manager to Execute

Ratification of FOP Collective Bargaining Agreement (23-24 FY Wage Opener) and authorize City Manager to Execute

VISITORS/PUBLIC COMMENT (Items not on agenda)

Mayre Flowers, 135 Main Street, Kalispell, would like to see more public notice in the newspaper on council workshops. Ms. Flowers agrees that density and clustering is a tool and needs to be balanced out. Ms. Flowers stated the Council must hold public hearings on the Extension of Services Plan. It is her understanding that the city is considering taking some county septic, it is important to know how many households you currently serve. Ms. Flowers suggested using some of the city owned property for affordable housing.

Clint Peters said the odor from the MDF Plant on Meadow Lake Dr. is less than desirable all hours of the day. He is not sure what it is but there is a real smell there and it is worth having a conversation about.

Melissa Ellis with the Community Market said the market has encountered an unfortunate circumstance that has them seeking a new location. It is their goal to find space for all vendors, nonprofits, sponsors and Market partners. She has identified a potential new location and submitted the application to the city last week and would like to get an expedited application process if possible. Mayor Barnhart asked where the new requested location is. Ms. Ellis replied it is on 1st Ave. W. between Montana Coffee Trades and Xanterra's parking lot. Council Hamilton said she serves on the Community Market Board and recuses herself from and any discussion concerning the Community Market. City Manager Nicosia said the City has a Street Use Application and review process to use city streets. The application is at present making its way through the process. Mayor Barnhart asked if staff could expedite the process.

PRESENTATIONS:

Mountain Climber Update - Elizabeth Wood, Director, Flathead County Public Transportation
Ms. Wood handed out Transportation packets and reviewed the Mountain Climber rider information and current and future services in Columbia Falls.

APPOINTMENTS:

Police Commission Appointment - Larry Wilson, 3-year term ending May 2026
City Manager Nicosia said Mr. Wilson has served for approximately 35 years and wishes to serve another 3 year term.
Councilor Shepard made motion to appoint Larry Wilson to another 3-year term as Police Commissioner, seconded by Councilor Piper and the motion carried.

Oath of Office – Probationary Patrolman - Todd Hall and Aaron Luna
City Manager Nicosia said she is pleased to present our newest Police Officers Mr. Hall and Mr. Luna. Chief Peters said he is excited to have them on board as they are a welcome addition to the Police Department. Mr. Hall comes from a Law Enforcement family and Mr. Luna is coming out of Highway Patrol and is POST certified. Mr. Hall will hopefully be attending the Police Academy this fall, said Peters.
The Oath of Office was administered to Officer Hall and Luna by City Clerk Staaland.

EMPLOYEE RECOGNITION:

Employee Recognition - 5-year pins: Judge Curtis, Dep. Court Clerk Pederson, and Police Officer Rice

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Mayor Barnhart thanked and presented Patrolman/SRO Brandon Rice his 5 years of service pin. City Clerk Staaland will deliver 5-year pins to Judge Curtis and Deputy Court Clerk Pederson who were unable to attend this evening.

NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

Notice of Public Hearings: Mayor Barnhart read the notice of public hearings:

NOTICE IS HEREBY GIVEN, that the City Council of the City of Columbia Falls, Montana, will hold public hearings beginning on June 19, 2023 at 7:00 p.m. in the Columbia Falls City Hall, 130-6th Street West, Columbia Falls, Montana, for the following purposes:

Preliminary Budget

Presentation and consideration of the preliminary budget for fiscal year beginning July 1, 2023 and ending June 30, 2024 will begin on June 19, 2023 and will be continued until final adoption of the budget after receiving the certified taxable valuation in August. City Council will review various departments and funds at each hearing until the budget has been presented in its entirety.

Special Assessments

Consideration of the adoption of the proposed Street Lighting District and Street Maintenance District assessments for FY2023/2024. Council will hear any objections to the final adoption of the resolution levying special assessments for FY 2023/2024. Special Assessments are estimated as follows:

Street Lighting District	\$ 30,049 (no change)
Street Maintenance District	\$330,000 (4.4% increase)

Individual property payment schedules will be available for inspection ten (10) days from this notice, in the office of the City Clerk, 130 6th Street West, Columbia Falls, Montana, during regular hours Monday through Friday, 7:00 AM to 6:00 PM.

Permissive Medical Levy

Consideration of adoption on the proposed tax levy to fund health insurance premium contributions for group benefits beyond the amount of contributions in effect on June 30, 1999. The actual mills for consideration will be made available upon receipt of the certified tax valuation for the year.

Taxpayers are encouraged to attend the hearings and give written or oral comments on any or all of the budget-related items. Written comments may be mailed to the City Clerk, 130 6th Street West, Room A, Columbia Falls, Montana, 59912. Questions regarding the proposed items can be made by contacting City Manager Susan Nicosia at 892-4391.

City Manager Nicosia noted Council will start the review of the Preliminary 2023-24 Fiscal Year Budget on June 19th with various departments and funds. Council review will start with special lighting and street maintenance assessments. Nicosia noted that City staff are proposing no change in the Street Lighting District and a 4.4 percent increase in the Street Maintenance District.

NEW BUSINESS:

Call for Bids - 2023 Chip Seal/Crack Filling Project

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City Manager Nicosia asked Council to approve calling for bids for the 2023 Chip Seal/Crack Filling project as the estimated costs exceed the \$80,000 threshold requirement. The City is using the carryover from regular gas tax funds, approximately \$50,000. There are some streets showing cracks and the recommendation is to use the 2023 Special Gas Tax money for crack filling and chip sealing maintenance. Bids will be opened on June 26, 2023 and council will award the bid at the July 3rd council meeting.

Councilor Fisher motioned to Call for Bids on the 2023 chip seal/crack filling project, seconded by Councilor Hamilton and the motion carried.

ORDINANCES / RESOLUTIONS:

Resolution # 1899: A Resolution of the City Council of the City of Columbia Falls, Montana Adopting an Animal Conflict Prevention and Reduction Policy

City Manager Nicosia said the City received input from Montana, Fish Wildlife and Parks and the People and Carnivores organization in preparing the resolution as reviewed and approved by City Attorney Breck.

Jennifer Renosk, Office Manager, Evergreen Disposal, 55 West Valley Rd., Kalispell, read her letter in support of passing the resolution and ordinance and promoting the bear aware program in Columbia Falls. Evergreen Disposal is going to order more bear resistant containers. Mayor Barnhart asked if commercial accounts will have access to bear resistant containers, Jennifer replied yes they will have access. Mayor Barnhart asked what the cost of getting containers was. Jennifer replied bear resistant residential container cost is \$60-\$90; the bear resistant commercial cans are between \$250-\$300.

Ryan Wilbur, Northwest Field Project Manager for People and Carnivores stated the organization is willing to work and help the community and citizens with assessment of animal conflict risk and education to reduce risk.

Councilor Lovering motioned to adopt Resolution # 1899, seconded by Councilor Robinson with council voting as follows. Ayes: Lovering, Piper, Robinson, Shepard, Fisher, Hamilton and Barnhart.

First Reading - Ordinance # 826 - Amending 8.16 Refuse and Litter:

Adding 8.16.040 Unlawful to Accumulate Refuse and Litter Resulting in Animal Conflict

City Manager Nicosia read Section 1: It is unlawful for a resident, association of residents, or a business to act or fail to act in such a way that results in the accumulation of uncollected refuse, garbage, or rubbish in or on areas of the owned or leased property such that it is readily accessible to undomesticated large predator animals, including but not limited to black bears or grizzly bears.

Councilor Hamilton motioned to approve the First Reading of Ordinance # 826, seconded by Councilor Piper and the motion carried.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

Councilor Piper said some folks are receiving the service line insurance notices and he is hearing a lot of negative feedback. Piper mentioned typographical errors on the notifications that were sent out. Nicosia said the program does not have the proper address and the city cannot provide an address list of customers; the Finance Director has a direct contact with the company for concerns or complaints.

Councilor Shepard believes the weeds in town are too high and some yards are not kept up. Nicosia said when the weeds are friable, the City sends notices out.

Shepard asked when Smartlam is going to fix their fence. Nicosia replied it is up to the owner to repair their fence on private property.

Council Lovering said people are parking at the top 1st Ave. E and 6th St. E., when you come up the hill you can't see them and the road narrows and it could be dangerous.

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Councilor Fisher said the city parks are getting so much use, he cannot believe how much use the pickleball courts are getting. Fisher said he was talking with Ray Negron and they have ideas for changes and improvements to the pickleball area and they are willing to help with expenses.

Fisher said it was sad that the Nature Day Care had to shut down on such short notice.

Mayor Barnhart asked about council elections. Nicosia said per state statute, the County Election office handles elections and she will check their website for updated information.

Mayor Barnhart said he is on the Environmental Health Committee and it is true that the County is looking at a different site other than the previous site near Lakeside. They looked at the industrial park and he would like to know how council feels about it. Fisher said he is not excited about it, but is willing to explore options.

Lovering believes it's a terrible idea. Shepard said absolutely not. Robinson stated it is not a good idea due to heavy traffic coming through town. Hamilton said she is against it. Piper concurs with council members. Mayor suggested the City Manager drafting a letter of disapproval of the site.

Mayor asked if we have received any calls from the order from the MDF plant. Nicosia said we have not. Hamilton said she believes it could be from the bug farms.

CITY MANAGER REPORT

The 12th Ave. W. street project is complete except for the railroad tracks. We have the sidewalk and crossing to finish up but are waiting on approval from BNSF.

The active pickleball group is going to do a celebration soon. The city has 8 pickleball paddles and balls to loan out to folks. Mayor asked what we are hearing about the new tennis courts. Nicosia said they are getting used by the tennis team and community members. Last week the new sand volleyball court opened. We do need to evaluate if we need to fence the basketball courts to prevent driving on the courts.

Lovering asked if mosquitos have been treated at River's Edge Park. Mayor Barnhart said the County has treated more areas and more acres than they have ever done.

CITY ATTORNEY REPORT

Deputy City Attorney Stephanie Breck said the Supreme Court upheld the District Court Decision in the Cahill case against the Board of Adjustment. Breck reviewed the decision. The decision was well written and thought out.

MISCELLANEOUS

May Fire Department Activity Report

Correspondence

ADJOURN

Councilor Lovering motioned to adjourn at 8:22 p.m., seconded by Councilor Robinson.

Mayor

City Clerk