

**CITY OF COLUMBIA FALLS
CITY COUNCIL REGULAR MEETING MINUTES
HELD OCTOBER 18, 2021**

REGULAR MEETING – 7:00 P.M.

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

ROLL CALL: Councilor Fisher, Councilor Lovering, Councilor Piper, Councilor Robinson, Councilor Shepard, Councilor Karper (via ZOOM) and Mayor Barnhart.

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

PLEDGE OF ALLEGIANCE

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

CONSENT AGENDA: Councilor Fisher made motion to approve the Consent Agenda noting all claims appeared to be in order, seconded by Councilor Lovering with Council voting as follows. Ayes: Fisher, Karper Lovering, Piper, Robinson, Shepard and Barnhart.

Approval of Claims - October 18, 2021 - \$115,220.43

Approval of Regular Payroll Claims - October 15, 2021 - \$88,760.80

Approval of October 4, 2021 Regular City Council Meeting Minutes

Approval of Updated Job Description - October 2021 - Detective

Approval of Morrison-Maierle, Inc. Task Order # 5 - \$3,500 - Horine Park Generator

OATH OF OFFICE:

City Clerk Staaland administered Oath of Office to Lieutenant Gary Denham. Mayor, Council and Staff congratulated Lieutenant Denham on his recent promotion.

NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

Mayor Barnhart read the Notice of Public Hearing - Comprehensive Transportation Plan:

On October 18, 2021, during the 7:00 p.m. regular council meeting, the City Council of the City of Columbia Falls, shall conduct a public hearing for the purpose of taking public comment on the Comprehensive Transportation Plan.

The City is preparing the Columbia Falls Comprehensive Transportation Plan with the MT Department of Transportation (MDOT) and Flathead County for the Columbia Falls Urban Transportation Area. The Transportation Plan must meet specific criteria established by MDOT. The City held open houses and work sessions on Monday, September 27th to provide the public with detailed information and the opportunity to review the draft plan. The draft plan and the work session power point are available at:

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON OCTOBER 18, 2021

columbiafalls.transportationplan.net. The City Council will formally adopt the Columbia Falls Transportation Plan at their regular meeting on Monday, November 1, 2021.

Nicosia introduced the City's engineering consultant, Wade Kline. Wade Kline, KLJ Engineering, said it has been a pleasure working with The City of Columbia Falls on the Comprehensive Urban Area Transportation Plan. Mr. Kline reviewed the draft plan with Council, noting that MDOT has also completed their formal review. Mr. Kline said they had a good turnout at the Monday, September 27th, 2021, public meetings held at City Hall. Kline said three sessions were held and there was a variety of public input with over 400 residents participating either online or at the meetings throughout the process of developing the City's first Comprehensive Urban Area Transportation Plan. Mr. Kline said he was happy to answer any questions from Council. City Manager said all correspondence received thus far has been provided to Council.

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

Ruben Castren, representing Citizens for a Better Flathead, 135 S. Main, Kalispell. Mr. Castren thanked City Staff, Wade Kline and Council for this well-done Transportation Plan. Mr. Castren said his group would like to see some minor adjustments before the plan is adopted. On page 86 where it states when roads are being redone that bike and pedestrian facilities can be redone in junction with them, we would like to see the word "can" replaced with "should." Castren said they would like to see traffic calming techniques on Highway 2 with pedestrian crossing on the east side of the Flathead River, with new residential coming in they would like to see a pedestrian crossing.

Mayor Barnhart closed the Public Hearing at 7:35 p.m. and noted that Council will formally adopt the Transportation Plan at the November 1, 2021 Regular Council Meeting.

Mayor Barnhart read the Notice of Public Hearing - Title 18 Zoning Text Amendments and Map Overlay:

The Columbia Falls City-County Planning Board held their regular meeting on Tuesday, October 12, 2021 at 6:30 p.m. The Planning Board held a public hearing for the following items and forwarded their recommendations to the Columbia Falls City Council. The Columbia Falls City Council will also hold a public hearing on these items at their regular meeting of Monday, October 18, 2021 beginning at 7 p.m. Both meetings will be held in the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana.

ZONING REGULATIONS TEXT AMENDMENTS: The City proposes to incorporate text amendments to the Columbia Falls Area Zoning Ordinance, Municipal Code Title 18 in regards to adding the definitions and statutory provisions applicable to the regulation of recreational marijuana. The Planning Board and City Council may also consider the implementation of a map amendment with an appropriate overlay zone also related to these provisions.

Mayor Barnhart asked Planner Mulcahy to present the staff report. City Planner Mulcahy presented Staff Report CZTA-21-01 noting that these amendments are necessary with the recent State Legislature Adult Use Marijuana provisions. Mulcahy said the request is to add Marijuana Dispensary as a permitted use in the CB-2 General Business zoning district with a Marijuana Business Zoning overlay, add Marijuana cultivation and manufacturing to the CI-1 and CI-2 zones, add Marijuana cultivation to the CSAG-10 zoning districts and add definitions for Marijuana cultivation, Marijuana dispensary and Marijuana manufacturing within the Columbia Falls Zoning Code (Chapter 18 of the Columbia Falls Municipal Code). The overlay area will be located with

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON OCTOBER 18, 2021

Meadow Lake Boulevard on the west, O'Neil Way on the south, the Burlington Northern Sante Fe railway tracks on the east and a distance of between approximately 455 feet to approximately 270 feet from Highway 2 on the North. The total acreage proposed for the overlay is approximately 45 acres.

With no public comments Mayor Barnhart opened and closed the Public Hearing at 7:42 p.m.

Councilor Fisher asked if the two shops on Nucleus Ave. would be a grandfathered use. Mulcahy said that is correct but they will still be subject to state law with distances from schools and churches.

Mayor Barnhart stated that the text amendments and overlay zone map are well thought out and thanked the Planning Staff for the thoroughness of the report.

Council Fisher motioned to adopt Staff Report CZTA-21-01 as Findings of Fact as amended by the Planning Board, seconded by Councilor Shepard with Council voting as follows. Ayes: Fisher, Karper, Lovering, Piper, Robinson, Shepard and Barnhart.

Mayor Barnhart read the Public Hearing - Alley Abandonment:

NOTICE IS HEREBY GIVEN to all persons that a petition has been filed with the City Council of the City of Columbia Falls, Montana, requesting the abandonment, discontinuance and vacating of a certain public way in the City of Columbia Falls, Montana, more particularly described as follows:

The 12' undeveloped alleyway in Block 4 of the Hoerner Addition Subdivision. Abandonment of this alleyway will allow the property owner who owns all of the adjacent lots to develop the property without the alleyway encumbrance and will place the property on the tax role.

The benefiting property owner will pay all surveying and recording costs. The abandonment request was reviewed and the existing public utilities, a sewer service line and electrical poles, will be relocated at the expense of the property owner.

City Manager Nicosia reported the City received a request to abandon the alley in Block 4 of the Hoerner Addition Subdivision from Fellowship Church, the owner of the entire Block 4. Fellowship Church Pastor Joe Fisher met with city staff on site and staff reviewed utilities. Nicosia said there is a sewer main that only serves the church and the Church has agreed to move it back to the edge of the property. Nicosia said the only other utility is a power pole which only serves the Fellowship property and it too will be moved. Pursuant to the resolution, Nicosia noted that the benefiting property owner will pay all surveying and recording costs. Nicosia reported that there were no public comments received prior to the meeting and Staff recommends approval of the abandonment.

Mayor Barnhart opened the Public Hearing at 7:47 p.m. Pastor Joe Fisher was present to support the requested abandonment. Mayor Barnhart closed the Public Hearing at 7:48 p.m.

Mayor Barnhart read the Notice of Public Hearing - Parking and Park Text Amendments:

On October 18, 2021, during the 7:00 p.m. regular council meeting, the City Council of the City of Columbia Falls, shall conduct a public hearing for purpose of adopting changes to the Columbia Falls Municipal Code Title 10 Vehicles and Traffic and Title 12 Streets, Sidewalks and Public Places.

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON OCTOBER 18, 2021

City Council will consider text amendments to Title 12 Streets, Sidewalks and Public Places addressing right of way maintenance and encroachments, and an amendment to the City park rules and Title 10 Vehicles and Traffic to address parking issues.

City Manager Nicosia said as previously discussed, staff is requesting repealing Chapter 12.40 City Parks 12.40.020 closing hours at Hoerner Park. This text amendment will make Hoerner Park open for public use for the same hours as all other City parks as set in 12.40.010. Nicosia reviewed Ordinance 811 with Council.

Nicosia reported that the Police Department has reviewed Chapter 10.57 Stopping, Standing and Parking and proposed modifications, as attached to Ordinance 813, for clarification and consistency. Nicosia reminded Council that the code was updated two years ago, removing outdated and antiquated language. Nicosia noted that staff supports the text amendments.

Mayor Barnhart opened and closed the public hearing at 7:58 p.m.

NEW BUSINESS:

FECC OPS Board Reappointment - Police Chief Clint Peters

City Manager Nicosia said the Police Chief has received a letter from the Flathead County Board Commissioners asking for his letter of interest for consideration of re-appointment to the Board of County Commissioners by Friday Nov. 12, 2021. Staff recommends Council approval for City appointment to the OPS Board.

Councilor Lovering motioned to recommend re-appointment of Police Chief Peters to the Flathead Emergency Communications Center Operations Board as the Columbia Falls representative, second by Councilor Shepard and the motion carried.

ORDINANCES / RESOLUTIONS:

First Reading - Ordinance # 811 - An Ordinance of the City Council of the City of Columbia Falls, Montana Repealing 12.40.020 Closing Hours - Hoerner Park

Councilor Shepard motioned to approve the First Reading of Ordinance #811, seconded by Councilor Robinson and the motion carried.

First Reading - Ordinance # 812 -An Ordinance of the City Council of the City of Columbia Falls, Montana Amending Title 18 Zoning Text for Provisions Related to Adult Use Marijuana Business and Amending the Columbia Falls Zoning Map for the Addition of an Adult Use Marijuana Business Overlay Zone

Councilor Fisher made motion to approve the First Reading of Ordinance # 812, seconded by Councilor Shepard and the motion carried.

First Reading - Ordinance # 813 - An Ordinance of the City Council of the City of Columbia Falls, Montana Amending Chapter 10.57 Stopping, Standing and Parking

Councilor Shepard motioned to approve the First Reading of Ordinance # 813, seconded by Councilor Lovering and the motion carried.

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON OCTOBER 18, 2021

Resolution # 1865 - A Resolution of the City Council of Columbia Falls, Montana Abandoning, Discontinuing and Vacating the Alleyway in Block 4, Hoerner Addition Subdivision, Columbia Falls, Montana

Councilor Fisher motioned to approve Resolution # 1865, seconded by Councilor Lovering with Council voting as follows. Ayes: Fisher, Karper, Lovering, Piper, Robinson, Shepard and Barnhart.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

Councilor Fisher commented on all the bear activity around town. There is bear scat around his home and on City trails. Fisher said he ran into Tim Manley with FWP and he confirmed grizzly presence, he informed Fisher they have trapped four grizzlies just outside of city limits and have camera footage of five other siting's across the railroad tracks.

Mayor Barnhart said the Fire Hall is looking really good with the new cement pad and fresh paint on the building.

Mayor said the Ruis building is starting to take shape on Nucleus Ave. Mayor asked City Manager Nicosia if there were other commercial projects coming up. Nicosia said there will be something coming forward on the lot next door to the current Ruis project on Nucleus Ave. Nicosia also noted that Uptown Hearth is putting the finishing touches on their plan with construction potentially starting in the spring.

CITY MANAGER REPORT

The Building Department has slowed down this month. We do have building permits ready to pick up and are just waiting for contractors to get them.

Mayor Barnhart inquired about the water leak detection survey. Nicosia said the City has a contractor completing a thorough leak detection survey, including service lines. Nicosia noted that the City was not awarded a competitive grant for the water system as we didn't receive as many preparedness points. The next round of grant applications are due in January so the City will be preparing a new grant request for water service line repairs using the leak detection survey.

Nicosia noted that Council approved the task order with Morrison & Maierle to prepare the call for bids for the backup generator for the Horine Well.

Mayor Barnhart asked if the City has continued to work on the low income and workforce housing issue, a noted priority of the Council. Nicosia said she has been working with Kim Morisaki with Northwest Montana Land Trust looking for land and potential projects. Nicosia said she attended the Habitat for Humanity ribbon cutting for two new qualifying families and the Habitat Director expressed interest in following the National Habitat for Humanity program where they update older houses and multi-family units and rehab them to HUD standards.

The City has continued working with the Quiet Zone officials and we are getting close to scheduling the required on-site meeting with BNSF, City, State and County officials.

Police Chief thanked the Council and Public Safety Committee for implementing the Lieutenant position.

Mayor Barnhart asked if the City is getting any response on the advertised Detective position. Chief Peters said no applications have been received yet.

MISCELLANEOUS

Police Activity - September 2021

Finance - September 2021

Correspondence

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON OCTOBER 18, 2021

ADJOURN: Motion made by Councilor Lovering to adjourn at 8:18 p.m. seconded by Councilor Shepard.

Mayor

Attest:

City Clerk