

CITY OF COLUMBIA FALLS
CITY COUNCIL REGULAR MEETING MINUTES
HELD APRIL 03, 2023

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

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, Police Chief Peters and Contract Planner Donna Valade.

PLEDGE OF ALLEGIANCE

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

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

Approval of Claims - April 3, 2023 - \$100,461.80

Approval of Payroll Claims - March 31, 2023 - \$102,738.90

Approval of Regular Meeting Minutes - March 20, 2023

Approval of Pool Use Agreement - Columbia Falls Swim Team - 2023 Season and authorize City Manager to execute

Approval of Hoerner Park Tennis Courts Use Agreement - School District #6 - 2023 Season

Approve Memorandum of Agreement, Northwest Montana Drug Taskforce, 2023 - 2024 Fiscal Year and authorize City Officials to Execute

APPOINTMENTS:

Approve Appointment of Probationary Volunteer Firefighter Sean Kehl/City Clerk will administer Oath of Office

City Manager Nicosia said Sean Kehl is currently a career firefighter with Bigfork Fire Department and has several current certifications. He has passed a background check and a physical examination. Since submitting his application Mr. Kehl has attended several trainings as an observer. Fire Chief Weeks and Nicosia recommend approval of Sean Kehl as a Probationary Volunteer Firefighter.

Councilor Lovering motion to approve Sean Kehl as a Probationary Volunteer Firefighter, seconded by Councilor Shepard.

Mayor Barnhart asked Mr. Kehl if he will remain working in Bigfork. Mr. Kehl replied yes he will; his schedule allows him to be off work for four days which will allow him time to serve in the community he lives. Mayor Barnhart inquired if Mr. Kehl can volunteer for a position he holds in another town. Nicosia replied it is not an issue as he is not our employee. The motion carried unanimously.

City Clerk Staaland administered Oath of Office to Sean Kehl as Probationary Volunteer Firefighter.

NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

Mayor Barnhart read the Public Hearing - Conditional Use Permit:

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.

Donna Valade, Contract Planner presented Staff Report CCU-23-01 as Findings of Fact. Ms. Valade said the State of Montana ties Casinos and Liquor Licenses together by only allowing gaming machines if one purchases a liquor license. The maximum number of gaming machines in any establishment is 20 machines as set by State Statute. This proposal went before the Planning Board on March 14th and the Planning Board unanimously recommend approval of the CUP. Staff recommends approval of the CUP.

With no visitor or written comments Mayor Barnhart opened and closed the public hearing at 7:08 p.m.

Councilor Fisher motioned to adopt Staff Report CCU-23-01 as Findings of Fact, seconded by Councilor Shepard with Council voting as follows. Ayes: Piper, Robinson, Shepard, Fisher, Hamilton, Lovering and Barnhart.

Mayor Barnhart read the Notice of Public Hearing - Zoning Map Amendment:

The Columbia Falls City-County Planning Board will hold a public hearing for the following item at their regular meeting on Tuesday, April 11, 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 May 1, 2023 starting at 7:00 p.m. in the same location.

Zoning Map Amendment – Christianson: A request by Eric S Christianson to amend the zoning map from the current zoning of CSAG-5 (Suburban Agricultural 5 acre minimum lot size) to CSAG-10 (Suburban Agricultural 10 acre minimum lot size). The property is located at 270 Jorgenson Trail, Columbia Falls and is described as Assessor's Tract 1E (Parcel G of COS 10557) located in Section 19, Township 30 North, Range 20 West, P.M.M., Flathead County.

ORDINANCES / RESOLUTIONS:

FIRST READING - ORDINANCE # 824:

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 FOR THE PROPERTY LOCATED AT 812 4TH AVENUE WEST, FURTHER DESCRIBED AS THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 30 NORTH, RANGE 20 WEST, P.M.M., FLATHEAD COUNTY, MONTANA, DESCRIBED AS FOLLOWS, TO WIT: PARCEL B OF CERTIFICATE OF SURVEY NO. 12484.

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON APRIL 03, 2023

City Manager Nicosia said at the March 20, 2023 council meeting Council approved the findings of fact with 14 conditions. This First Reading of Ordinance #824 reflects the change that was already approved as 9 residential units and 3 commercial units. This PUD amendment allows for 12 residential units. Staff recommends approval of the First Reading of Ordinance #824.

Councilor Shepard motioned to approve the First Reading of Ordinance #824, seconded by Councilor Piper and the motion carried.

Resolution # 1896:

A RESOLUTION OF THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA ESTABLISHING FEES FOR THE USE OF THE CITY'S PARKS AND POOL FOR THE 2023 SEASON

City Manager Nicosia said the Parks Committee met and reviewed Park and Pool fees. The only change to pool fees is pool parties from \$200 to \$250 and \$75 for each additional required employee; all other pool fees remain the same at this time. Nicosia said the recommendation is to increase Park Use Fees from \$25 to \$35 for in city residents and \$44 for out of city residents for up to 50 people. For 50-75 people \$60 in city and \$75 out of city, 76-100 people would be \$85 in city and \$106 for out of city. Nicosia said the fees for park courts and fields will go to \$50 per week. The Don Lawrence Amphitheater use fee up to 4 hours will be \$50, over 4 hours will be \$100 and additional fees may apply if risers and/or PA system are used. Staff and Parks Committee recommend approval.

Councilor Piper made the motion to adopt Resolution #1896, seconded by Councilor Hamilton with council voting as follows. Ayes: Robinson, Shepard, Fisher, Hamilton, Lovering, Piper and Barnhart.

Resolution # 1897:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT BY J AND L GOLF, LLC TO ADD A CASINO TO A NEW SPORTS BAR AT 605 NUCLEUS AVE, UNIT 2, COLUMBIA FALLS, MORE PARTICULARLY DESCRIBED AS LOTS 1 AND 2, BLOCK 45, COLUMBIA FALLS ORIGINAL IN SECTION 8, TOWNSHIP 30 NORTH, RANGE 20 WEST, P.M.M., FLATHEAD COUNTY.

City Manager Nicosia said this resolution reflects the conditions as listed in the staff report as Exhibit A. Staff recommends approval.

Councilor Shepard motioned to approve Resolution #1897, seconded by Councilor Robinson with council voting as follows. Ayes: Fisher, Hamilton, Lovering, Piper, Robinson, Shepard and Barnhart.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

Councilor Fisher said thinking ahead to the next council meeting, it is his understanding that if one or the other development is approved would there be city service capacity for the other development. It would be nice to have a statement of capacity from staff. Mayor Barnhart said if council has questions for staff before the meeting we can give them to staff to answer at the April 17, 2023 council meeting.

Councilor Lovering said her students use all the government websites and for the longest time Columbia Falls was the hardest one. They love the new version of the Columbia Falls website as it is now searchable.

Councilor Shepard said he had the same question as Fisher on capacity.

Shepard said the pot hole on the Truck Route and Hwy 2 is very large.

Councilor Hamilton asked if the Cahill case is going to ever end. Nicosia said we tentatively have a trial order for January 2024. Hamilton said she noticed the \$800 claim to repair the slide at Marantette Park and asked if

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON APRIL 03, 2023

we have found out who was responsible for the damage. Nicosia said we have not found the responsible party.

Mayor Barnhart said he had a nice time on the radio at KGEZ, John and Robin were excited to hear what was going on in Columbia falls. Mayor Barnhart said it will be exciting to get people out to Columbus Park on the pickleball and basketball courts. We are making serious headway on city parks.

CITY MANAGER REPORT

City Manager Nicosia updated Council on Legislation.

The Municipal Summit is scheduled for June 21, 2023 in Whitefish from 9:00 a.m. to 4:00 p.m. If you are interested in attending get with City Clerk Staland and she will get you registered.

Chief Peters said he will be in Helena tomorrow to attend the Police Academy graduation of two City Patrolmen. They will be on patrol by Saturday.

Chief Peters said the city is testing tomorrow for two Patrolmen positions.

Chief said we have a new patrol car on order. Currently there is a shortage on Police Department cars. Mayor Barnhart asked how much it costs to put in the extras. Chief replied around \$20,000 to \$25,000. The Charger should be here within a month.

Councilor Shepard said he is being asked when the city will receive marijuana money from the state. Nicosia replied the City doesn't receive marijuana funds from the state; the County tax went into effect on March 1, 2023 and the City will receive a distribution from that collection.

MISCELLANEOUS

Police Activity - February 2023

Correspondence

ADJOURN:

Councilor Lovering motioned to adjourn seconded by Councilor Hamilton and the meeting adjourned at 7:33 p.m.

Mayor

City Clerk