

CITY OF COLUMBIA FALLS
CITY COUNCIL REGULAR MEETING MINUTES
HELD MAY 01, 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, Contract City Planner Mulcahy and Sergeant Murphy.

PLEDGE OF ALLEGIANCE

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

CONSENT AGENDA: Councilor Lovering motioned to approve the Consent Agenda, noting all claims appeared to be in order, seconded by Councilor Hamilton and the motion carried.

Approval of Claims - May 1, 2023 - \$107,354.47

Approval of Payroll Claims - April 28, 2023 - \$155,153.38

Approval of Regular City Council Meeting Minutes - April 17, 2023

VISITORS/PUBLIC COMMENT (Items not on agenda)

Vicki Byrd Rinck, 167 6th Ave. EN, thanked council for denying the development east of the Flathead River and preserving it for children, grandchildren and their children with a May Day bouquet of wildflowers.

Loretta Byrd, 645 Spotted Bear Road, Martin City, thanked City Council for listening to all the public comments and reading the letters of concern and voting against the zone change across the river. Ms. Byrd said she appreciates the hours spent by staff and council reviewing the project. Ms. Byrd brought apple turnovers for council and staff.

Elizabeth Wood, 250 Short Pine Dr., Kalispell is the Director for Mountain Climber Transportation for Flathead County, stopped in to get to know everyone. Ms. Wood said she has talked to City Manager Nicosia and will be on a council agenda to update council on what they are doing in transportation in Columbia Falls. She looks forward to building a relationship with staff and council.

NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

Mayor Barnhart read the Notice of Public Hearing - Zone Change in the Columbia Falls Jurisdiction and asked for the Staff Report Presentation:

The Columbia Falls City-County Planning Board held 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

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON MAY 01, 2023

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.

City Planner Mulcahy delivered Staff Report CZC-23-02 as Findings of Fact. Mulcahy said the request went before the Planning/Zoning Board on April 11, 2023, with significant discussion about access to the property and potential use. For the record the property has two accesses, one from the South West and one from the North East. The one from the North East is the access that shows up on the Certificate of Survey as their legal access. The access to the South West goes through a neighbor's property that a previous owner granted easement. Mulcahy said access is not applicable to the application for the zone change particularly as this property has legal access through the North East. The applicant is requesting a zone change from SAG-5 to a SAG-10 for equestrian work, boarding horses, and working with youth rodeo. The applicant would like to have a commercial stable on the property. SAG-5 allows for commercial use of raising livestock, the only thing it does not allow that the SAG-10 allows is commercial use as a stable. Mulcahy noted that this is a down zoning change and would result in less development. The Planning/Zoning Board recommended approval unanimously said Mulcahy.

Mayor Barnhart asked the applicant to address the Council:

Olaf Ervin, 132 North Fork Trail, is helping Eric Christianson with the application and agrees with the staff report as well as the recommendation from the Planning/Zoning Board.

With no further public comment, Mayor Barnhart opened and closed the public hearing at 7:11 p.m.

Councilor Fisher motioned to adopt Staff Report CZC-23-02 as Findings of Fact, seconded by Councilor Shepard with council voting as follows. Ayes: Fisher, Hamilton, Lovering, Piper, Robinson, Shepard and Barnhart

NEW BUSINESS:

Animal Conflict Prevention Ordinance Consideration

City Manager Nicosia said last summer council adopted emergency Ordinance #820 in response to the bear activity in the area. Recently staff met with Justine Vallieres with Montana Fish Wildlife and Parks and they would like us to entertain adopting an ordinance that is permanently in place through bear season, May through November for example. The city invested over \$9k in bear proof containers for the City parks and residents became more bear aware through the efforts of F, W & P program and the City. Nicosia went through last year's ordinance for any modifications or additions to a new ordinance. If council wants to pursue a permanent ordinance, the City would give notice of the intent of the public hearing; and then Ordinance would be drafted and there would be two readings that would be effective thirty days after final reading.

Councilor Lovering asked if there was opportunity to revise the ordinance and get comments. Nicosia said yes, you would then hold your public hearing, the first reading of the ordinance, then the second reading of the ordinance. Once it was codified in order to change it again you would go through the same procedure. Hamilton asked who enforces the ordinance. Nicosia replied enforcement is with the Police Department who would work with City administration, similar to zoning and decay issues.

Mayor Barnhart asked if we had the ability to do this as an emergency ordinance in the fall. City Attorney Breck replied yes, you can base it on circumstances.

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON MAY 01, 2023

Shepard said the bears are roaming around town now.

Councilor Lovering moved to hold a hearing to consider an animal conflict prevention ordinance, second by Shepard. Hamilton inquired if it means we are putting an emergency ordinance in place while we are discussing doing it permanently. Robinson said it is better to be consistent with the time frame. Piper believes bears become habitual and will come around, if folks do the right thing now we can train ourselves to be in compliance with the ordinance. Nicosia said to answer Councilor Hamilton's question we could have an emergency ordinance while we are working on the permanent ordinance.

The motion carried with Fisher, Lovering, Shepard, Hamilton, Robinson, Piper voted aye, and Mayor Barnhart voted no.

Park Use - Change in Hours of Use for Chamber of Commerce Outdoor Movie Nights - July 8th and August 5th
City Manager Nicosia said the Chamber of Commerce would like to extend the Marantette Park hours to midnight to have two outdoor movie nights this summer, July 8th and August 5th. Nicosia noted that the City does not charge the Chamber a fee for hosting this community event in the park.

Councilor Hamilton made motion to approve the request by the Columbia Falls Chamber of Commerce for the extension of park hours for the specific dates, seconded by Councilor Lovering and the motion carried.

Adopt 2024 FY City Contribution Rates - Health Insurance

City Manager Nicosia said the City received notice from MMIA that there is a 9% health insurance increase this year. The vision and dental premiums will remain the same. Nicosia noted that the 22-25 Collective Bargaining Agreements established a requirement for an Insurance Committee to make any recommendations for changes to the City Council, Nicosia noted in the past that she would bring the recommendation to Council. Nicosia said the Insurance Committee met and reviewed the rates and recommend the City continues to pay 90% of health insurance premiums. Nicosia noted that the increase across all of the applicable budgets is approximately \$42k.

Councilor Fisher motioned to adopt the 2024 FY City contribution rates as recommended by the City Insurance Committee, seconded by Councilor Lovering and the motion carried.

ORDINANCES / RESOLUTIONS:

Resolution # 1898:

A Resolution of the City Council of Columbia Falls, Montana Conditionally Approving the Preliminary Plat for the Wolfe Meadows Subdivision, a 2- Lot Residential First Minor Subdivision, Located at 150 Kokanee Bend Drive, Described as Lot 1 of Prier Subdivision In NE1/4 Section 19, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

City Planner Mulcahy said a minor subdivision is defined as five or fewer lots out of the original tract of record since 1973. This parcel is old and there has been a couple properties taken out of it but it hasn't exceeded five. This property is 10 acres in size and zoned as SAG-5 said Mulcahy. The two lot subdivision will be five acres in size. Each lot will have access onto Kokanee Bend Dr. They are proposing individual septic and wells and have provided preliminary information indicating they can comply with DEQ and Flathead County standards for onsite sewer and water. The applicants are requesting a variance to not pave the driveway ¼ mile to Kokanee Bend Dr. The variance is the reason that the City Council must approve this minor subdivision noted Mulcahy.

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON MAY 01, 2023

Staff recommends approval of Resolution #1898 granting preliminary plat of the 2 Lot Minor Subdivision with 13 Conditions and adopting the Staff Report CPP-23-01 as Findings of Fact.

Councilor Piper motioned to approve Resolution #1898, seconded by Councilor Shepard with council voting as follows. Ayes: Lovering, Piper, Robinson, Shepard, Fisher, Hamilton and Barnhart

First Reading - Ordinance # 825:

An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending the Columbia Falls Zoning Map from CSAG-5 Suburban Agricultural To CSAG-10 Suburban Agricultural at 270 Jorgensen Trail, Further Described as Parcel G of COS 10557, Assessors' Tract 1E, in Section 19, T30N, R20W, P.M.M., Flathead County

Councilor Shepard made motion to approve the first reading of Ordinance # 825, seconded by Councilor Robinson and the motion carried.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

Councilor Shepard asked Planner Mulcahy how the City is going to grow, what is the next step. Mulcahy said in the next year and a half we will be reviewing our Growth Policy. In 2018 we looked at the community and where we were going to expand. We have three directions to grow, it can be north of the railroad tracks, west off of Hilltop or east across the river, but all options require significant investment from the developer. Whether you go under the Flathead River or under the railroad tracks, it is difficult to get under the tracks. West we have larger tracts but have flood plain issues with Trumble Creek. We are 1/3 of a mile to get to the first developable parcels going west. That is why going east was a proposal to expand the city. The piece you reviewed at the last meeting had significant wetlands and potential issues with traffic; the area south of the highway does not have wetland issues and looked at fixing traffic issues on River Road. If we don't grow and increase supply then our prices will continue to go up. The property west of town is not for sale and not developable said Mulcahy.

Shepard said if we can't grow geographically and add to the population our taxes will continue to go up. Mayor asked about Grainier heights and how many lots were approved. Mulcahy said he believed it to be in the 90's, and 102 in the Meadow Lake development. Mayor Barnhart inquired about the property across Best Way. Mulcahy said the property sold and the new developer is deciding what to do with it. Mulcahy said we don't have to annex prior to reviewing a project.

Hamilton inquired if anything has happened on the road going in on private property. Mulcahy said he believed there were verbal commitments between the two parties.

Councilor Fisher said the bathroom at Columbus Park is locked, but his daughter knows the combination and suggested using a stronger combination. Nicosia said the default combination has been changed and it will be on a timer similar to River's Edge Park. Fisher also reported Columbus Park is getting great use.

Councilor Shepard said he is surprised by the amount of people still running studded tires on the streets. Nicosia said they can until May 31st.

Mayor Barnhart said it was brought up at the last consideration of a subdivision about a home inventory study, that if we had that we would be able to ask for federal help for low income housing. Nicosia said we have our housing statistics available from the Department of Revenue. The Northwest Community Land Trust is working on a home study with the City. Mayor Barnhart wants to make sure we are doing everything we can to help facilitate being able to receive grant funding. Nicosia said because of our community income level we don't automatically qualify for funding.

CITY MANAGER REPORT

Nicosia reported all city parks and courts are open. We have pickleball paddles and tennis rackets available at City Hall at no cost to residents. The irrigation and sod will be added soon to Columbus Park and shortly after the sand volleyball pit will be opened.

The Bad Rock Skatepark Group has been actively working on a Skatepark for Columbia Falls. They came to the last Parks Committee meeting. The Parks Committee gave tentative approval for the Skatepark to be located in Fenholt Park. They would like to proceed with vetting the location but do not want to expend funds on a surveyor if the location is not acceptable. The Parks Committee reviewed all of the other City owned parks and did not find an acceptable location. Fisher added we met with the group a year ago and encouraged them to look at private land to be purchase or donated and did not have a good site for it. Nicosia said the goal is to build a Skatepark and the City will maintain it. We did not want to impede on the sledding hill or the baseball field. Councilor Shepard asked what is the City's liability if children get hurt. Nicosia said it's just like a swinging in a park. Mayor Barnhart said it seems like we hear about problems at the Kalispell Skatepark, is this going to be something that we build and in 10 years is not going to be used. Councilor Lovering said there are a lot of students that skateboard and would love to skateboard somewhere they could walk to. This area is surrounded by homes and is visible by driving by that may detour problems. It's better to have the kids in a Skatepark rather than being in parking lots or rails in town. Councilor Fisher said he hears positive things about the Whitefish Skatepark, they clean up after themselves and there has been no graffiti. Fisher said the group has fund raised a lot of money to build the Skatepark. There is nothing happening in this section on the park said Fisher. Mayor Barnhart stated if it does go through he would like to see the City get a permanent bathroom with City water and sewer on site. Fisher said the Parks Committee discussed a restroom, parking, gazebo and picnic tables to make it not just a Skatepark.

Nicosia said we have a council tour of the city facilities scheduled for 3 hours, and we tentatively have May 22nd scheduled from 5:00 p.m. to 8:00 p.m. It was decided that May 22nd will work best for all.

Nicosia said city staff is processing collection for the quarter ending March 31st. Year to date collections are \$1,364,090.54. Lodging \$165,030.39 (12%), Bars and Restaurants \$620,915.53 (46%), and Retail \$578,144.62 (42%).

The collections are \$566,225.54 higher than the budgeted \$797,865. The funding breakdown, based on current collection and budgeted funds is as follows. 55% - Public Safety \$460,764. (Fire\$294,889, Police \$165,875), 14% - other infrastructure \$117,285, 1% - administration fees \$8,378, 25% - tax relief \$209,438. Total Tax Relief \$775,663 (equivalent of 86.48 mills).

CR Leisinger with Morrison and Maierle said the 12th Ave. W. road construction and water main project, they are doing concrete this week and paving on Thursday. The road is closed this week but should be open in the next couple weeks.

The 5th Ave EN water main is half way complete. Mayor asked if they are putting new service in the existing homes as they go along. CR said yes that is correct. They install the main then go back and hook homes up; the old main is in service until pressure tested then swaps them over.

We are getting close to getting the sidewalk on Nucleus Ave.

Arbor Day at is Friday, May 5, 2023 at 11:30 in Hoerner Park.

MISCELLANEOUS

Police Activity - March 2023

Correspondence

ADJOURN: Councilor Lovering motioned to adjourn at 8:23 p.m., seconded by Councilor Shepard.

Mayor

City Clerk