

**CITY OF COLUMBIA FALLS
CITY COUNCIL REGULAR MEETING MINUTES
HELD JUNE 06, 2022**

REGULAR MEETING – 7:00 P.M.

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

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

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

PLEDGE OF ALLEGIANCE

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

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

Approval of Claims - June 6, 2022 - \$126,512.50

Approval of Payroll Claims - May 27, 2022 - \$124,970.68

Approval of May 16, 2022 Regular City Council Meeting Minutes

Approval of MOU - Flathead County EMS - June 1, 2022 - May 31, 2023

VISITORS/PUBLIC COMMENT (Items not on agenda)

Patrick "Cletus" Scribner resides at 1134 12th St. W. said he has been in touch with the engineering company that built Lewistown's pool in order to put together a proposal for a new pool facility here in Columbia Falls. Mr. Scribner said he is not asking council for money as he believes he can get it privately funded.

EMPLOYEE RECOGNITION:

Employee Recognition - Angela Burns, Police Department Office Assistant - 5 years

Mayor Barnhart presented Angela Burns with her 5 years of service pin and thanked her for her dedicated service to the Columbia Falls Police Department.

NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

Mayor Barnhart read the notice of hearing and requested the staff report presentation:

Request a Conditional Use Permit to Construct Two Six-Plex Apartments in the Columbia Falls Zoning Jurisdiction:

A request by Big Sky Living, LLC for a Conditional Use Permit (CUP) to build a six-plex condominium/apartment building on each of two lots owned by the applicant. As a result, there will be a total of twelve units proposed. The six-plex's will occupy Lots 166 and 167 of Hilltop Homes Subdivision located on Diane Road in Columbia Falls. The properties are zoned CRA-1 (Multi-Family Residential) which requires a CUP to construct a three-plex or greater within the zoning district. The properties are addressed at 9 and 11 Diane Road and described as Lots 166 and 167 of the Hilltop Homes subdivision in Section 18, Township 30 North, Range 22 West, P.M.M., Flathead County

City Manager Nicosia presented Staff Report CCU-22-02, reviewing each of the Findings of Fact. The City received a permit in 2017 for six plex's and they were never constructed so the permit expired, Nicosia noted, so this application is now being submitted. Nicosia noted that the back of the units will face Diane Rd and they have garages, unlike the original planned units. Nicosia reported that the Planning Board approved the CUP at their May 10, 2022 meeting. Staff recommends approval.

With no public comments or correspondence Mayor Barnhart opened and closed the Public Hearing at 7:12 p.m.

Councilor Fisher motioned to adopt Staff Report CCU-22-02 as Findings of Fact, seconded by Councilor Lovering with council voting as follows. Ayes: Robinson, Shepard, Fisher, Karper, Lovering, Piper and Barnhart.

Mayor Barnhart read the public hearing notice and requested the staff report presentation:

Request to Change the Zoning from CR-5 (Two-Family Residential) to CR-3 (One-Family Residential) in the Columbia Falls Zoning Jurisdiction:

The applicant, Rhonda Hoon, is requesting a zone change at 1115 Nucleus Avenue in the Columbia Falls area from the current CR-5 (Two-Family Residential) to a CR-3 (One-Family Residential) designation. The property currently has a house and a detached garage on the property. The applicant would like to convert the garage to an accessory dwelling. The property is described as Lot 3, Block 10 of Nucleus Addition in Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County.

City Manager presented Staff Report CZC-22-01, reviewing each of the Findings of Fact. Nicosia said the reason for the request is the applicant wants to convert the existing garage into an accessory dwelling which is not allowed in the CR-5 zone. This zone change from CR-5 to a CR-3 allows the Accessory Dwelling while maintaining the two-family limit. Staff recommends approval.

With no public comments or correspondence Mayor Barnhart opened and closed the Public Hearing at 7:15 p.m.

Councilor Shepard motioned to adopt Staff Report CZC-22-01 as Findings of Fact, seconded by Councilor Robinson with council voting as follows. Ayes: Shepard, Fisher, Karper, Lovering, Piper, Robinson and Barnhart.

Mayor Barnhart read the public hearing notice:

Public Hearing - Noise Ordinance, Chapter 9.17:

On June 6, 2022, 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 adopting Chapter 9.17 Noise in the Columbia Falls Municipal Code.

The City Council established a Noise Ordinance Committee that reviewed the current code and recommended adopting an amended code at the Regular Council Meeting held May 16, 2022. The Noise Ordinance is intended to protect, preserve, and promote the health, safety, welfare, peace and quiet of the residents and visitors of Columbia Falls through the reduction, control and prevention of loud and raucous noise or any noise which unreasonably disturbs, injures or endangers their comfort, repose, health, peace or safety, or causes public inconvenience, annoyance, or alarm to reasonable individuals or ordinance sensitivity.

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON JUNE 06, 2022

The proposed Chapter 9.17 Noise is available for review at the office of the City Clerk, City of Columbia Falls 130 6th Street West, Columbia Falls, MT. Persons may contact the City Clerk or City Manager at 406-892-4391 or 130 6th Street West, Columbia Falls, MT for more information about the hearing.

Nicosia presented the proposed ordinance language, as reviewed at the previous council meeting. Councilor Shepard asked if the local businesses were adequately vetted. Nicosia said the businesses participated in the Noise Committee meetings with representatives from the Coop, Gunsight and Glacier Lanes Bowling Alley came to the meetings as well as residents that had complaints. Councilor Piper added that the Committee had a good representation of businesses with round table discussions and all seem to agree to what we have in place. City Attorney Breck said all viewpoints were taken into account. Breck said the code is to be utilized as a tool in court with lots of factors to be fair. Mayor Barnhart asked if someone had an issue would they call 911. Chief Peters said that is correct. Lovering wanted to clarify the hours 10pm -7am are prohibited. Nicosia said that is correct. Fisher inquired about construction activity being done by 6:00 p.m. but other activity is 10:00 p.m. Mayor said that is correct construction hours are 6:00 a.m. to 6:00 p.m. Nicosia said construction companies can put in a special request to extend hours if needed as done with Hwy 2 mill and fill project for example.

Councilor Shepard motioned to extend construction working hours from 6:00 a.m. to 7:00 p.m., seconded by Councilor Fisher and the motion passed.

Chris Petersen said he hasn't had a problem in a long time but what if the neighbor lives in the county and is making the noise that bothers a person that lives in the city limits. Chief Peters said it is not enforceable.

With no further comments Mayor Barnhart closed the Public Hearing at 7:31 p.m.

NEW BUSINESS:

Authorize Call for Bids - 12th Ave West EDA Project

Nicosia said the City is hoping to receive approval from EDA to call for bids on this project early next week. DEQ hasn't assigned our water main extension to a reviewer yet and EDA usually requires their approval before calling for bids. City staff is asking for council approval to call for bids upon EDA approval.

Councilor Shepard made motion to approve the call for bids on the 12th Ave West project upon EDA authorization, seconded by Councilor Karper.

Councilor Fisher asked if this project stops at the railroad crossing. Nicosia said under the call for bids it will end before the railroad crossing, the City will still need to update the crossing.
Motion carried.

Movie Night Park Hours Request:

Nicosia presented the letter of request from The Chamber of Commerce to have movie night at Marantette Park on Friday, June 24th, extending the park hours to 11:30 p.m. Nicosia noted that the Council must approve the request as the hours are established in City Code.

Councilor Lovering motioned to approve Movie Night at Marantette Park, seconded by Councilor Shepard and the motion passed. Councilor Fisher abstained from the vote.

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON JUNE 06, 2022

Mayoral Proclamation - June 25, 2022 Lemonade Day in Columbia Falls:

Mayor Barnhart proclaimed June 25, 2022 Lemonade Day as submitted from the Boys and Girls Club of Glacier Country.

Approval - CDBG Planning Grant Application - Housing Study:

City Manager Nicosia reported the MT DOC recently announced another round of CDBG Planning Grants; one of the uses is a Housing Study. Based on previous comments and the current turbulence surrounding short-term vacation rentals, Nicosia is requesting Council permission to pursue a CDGB Planning grant application to study housing issues including the impact of short-term vacation rentals. The City can request up to \$50,000 and the required matching funds are 25%. Mayor Barnhart asked how this study affects the City of Columbia Falls. Nicosia said it could be beneficial to our community to look at housing inventory and needs as well as short-term rentals. Robinson asked who is spearheading this project and how many hours will staff have into it. Nicosia said she is working with NW MT Community Land Trust, Realtors Association, and U of M Economic Bureau, but the City would spearhead the project. Piper said he is not interested in the study. Karper inquired if the cost to the City was \$50,000. Nicosia said she was not anticipating spending that amount due to the 25% match. Karper said if we could cap it at a specific amount, it may be of use. Shepard said he is not interested. Lovering asked if a study like this would be useful when applying for other grants. Nicosia said if the outcome of the study was something we needed for a particular type of housing, it may be of use. After council discussion, Council decided to wait until August to gather more information.

ORDINANCES / RESOLUTIONS:

Resolution # 1875:

A Resolution of the City Council of the City of Columbia Falls, Montana, Approving an Application for a Conditional Use Permit by Big Sky Living, LLC to Construct One Six-Plex Condominium to be placed on Each of Lots 166 and 167, Hilltop Homes Subdivision, Section 18, Township 30 North, Range 20 West, P.M.M., Flathead County.

Councilor Shepard made motion to approving Resolution # 1875, seconded by Councilor Piper with council voting as follows. Ayes: Fisher, Karper, Lovering, Piper, Robinson, Shepard and Barnhart.

First Reading - Ordinance # 817:

An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending the Columbia Falls Zoning Map from CR-5 Two Family Residential to CR-3 One-Family Residential at 1115 Nucleus Avenue Further Described as Lot 3, Block 10 Of Nucleus Addition in Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

Councilor Lovering motioned to approve the First Reading of Ordinance # 817, seconded by Councilor Karper and the motion carried unanimously.

First Reading - Ordinance # 818 - Adopting Chapter 9.17 Noise

An Ordinance of the City Council of the City of Columbia Falls, Montana Adding Chapter 9.17 Noise

Councilor Karper motioned to adopt the First Reading of Ordinance # 818, seconded by Councilor Piper and the motion carried.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

Councilor Shepard said children are using the Memorial Wall at Marantette wall as a chalk board. Can we get a sign put up? Nicosia will work with Public Works on the issue. Shepard also asked if using marijuana in a public park was legal. Chief Peters said no, call the Police Department if you witness it. Shepard discussed mixed use neighborhoods such as the downtown neighborhood and the Best Way development. Shepard has 165 pages on the Aluminum Plant from Rick Hanners. Shepard recognized the anniversary of D Day.

Councilor Lovering said when turning on 13th St. off of 4th Ave, W, the sign is not visible enough, Nicosia said it will be moved half a block. Chief Peters said the sign location should pick up speed and provide time to slow down. Lovering said after the rain the temporary repair on Nucleus Ave. has deteriorated. Nicosia said it was supposed to be paved on June 1st. Mayor Barnhart said the City needs to contact MDOT. Lovering mentioned having a look at the clear vision corners.

Councilor Fisher said excavation has started at Columbus Park. Fisher said he made purchases at Smith's and Super One on items that should have been taxed and they were not.

Mayor Barnhart said the lettering on City Hall needs to be polished or buffed.

Mayor Barnhart reported that the EPA regional Director is going to be here June 30th can we get the date and time confirmed. Mayor Barnhart said he heard good feedback on the signs near Glacier Gateway School.

Mayor Barnhart attended his grandson's school graduation program and it was nice to see the police presence there. Barnhart also noted that the Police Department dealt with the recent school incident very well.

Councilor Karper said Fish Wildlife and Parks along with the City will be hosting a family fishing day at River's Edge Park on June 18th. The Rotary Club wants to be involved in helping in getting a fishing pier and fishing platform.

CITY MANAGER REPORT

Project Updates:

Nicosia noted that the City is keeping all of the engineer firms busy: Street Construction, EDA project, sidewalk/bikepath on 6th/School property, Water Model, and downtown sidewalks. Nicosia noted that CR Leisinger from Morrison-Maierle is in the audience. CR Leisinger said the top priority for the street projects is on Martha and Beth replacing the asphalt and drywells to address drainage. Other areas being addressed are 13th St. and 12th Ave., Vans Ave and 1st Ave. E.; all areas have been surveyed.

Nicosia said the contractor needs four good weather days to finish the tennis court surfacing. The pickleball courts will follow.

Nicosia noted that the 1st Ave. W. angled parking has been rolled into the street projects.

The 5th Ave West water main project should be moving forward as soon as the Infrastructure Committee gives it the final approval.

Nicosia also noted that the Police Department is currently down four police officers and we are in the process of getting officers hired for the two openings.

Resort Tax Update thru May 31, 2022:

Nicosia reported on the Resort Tax collections through May 21st: \$515,568. less 5% for businesses that remit which was \$25,778., Tax Relief is 25% 128,892 (about \$39/\$200,000 house), Public Safety is 55%, \$283,562., 14% Infrastructure \$72,178., Administration Fee 1%, \$5,156. Nicosia noted that on June 30th, the City will know exactly how much money has been received from the Resort Tax for the 22-23 FY budget.

Short-term Vacation Rental Discussion and Review

Nicosia said in 2012 the City adopted the Short-Term Vacation Rental requirements and based on current public comment and sentiment, it may be time to revisit the code. Nicosia reported that during the course of reviewing one application, it was discovered that the 2019 Legislature adopted a bill that states a property owner can't be held to an amended CCR that was more restrictive if the property owner didn't vote in favor of the amendment. Nicosia noted that there is also considerable comment about the "commercial" use because the City requires a business license. The license is intended to monitor the use. Nicosia noted that if/when the code is changed, she recommends requiring a permit and not a business license. If there is a violation or noise complaint the City can revoke a permit, Nicosia said the City has not had to do that as of yet.

Breck said if a neighborhood wants to restrict vacation rentals, they have the power to do that within the HOA. Every HOA has the ability to restrict short-term rentals, pursuant to state law. There was extended council discussion with the outcome being to look further into a permit rather than a Business License but no change to the short-term vacation rental process at this time.

MISCELLANEOUS

Correspondence

Fire Department Activity - April and May, 2022

Financial Report - April 2022

ADJOURN: Councilor Lovering made motion to adjourn, seconded by Councilor Karper and the meeting was adjourned at 8:53 p.m.

Mayor

City Clerk