

**CITY OF COLUMBIA FALLS
CITY COUNCIL REGULAR MEETING MINUTES
HELD AUGUST 15, 2022**

REGULAR MEETING – 7:00 P.M.

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

ROLL CALL:

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

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

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Councilor Robinson motioned to approve the agenda, seconded by Councilor Shepard and the motion carried.

CONSENT AGENDA:

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

Approval of Claims - \$73,471.80

Approval of August 5, 2022 Payroll - \$107,323.08

Approval of August 1, 2022 Regular City Council Meeting Minutes

Approve Engineering Contract - Morrison-Maierle - Sidewalk and Parking Improvements - \$161,400 and authorize City Manager to execute

APPOINTMENT/OATH OF OFFICE – PROBATIONARY PATROLMAN:

Police Chief Peters introduced Dakota Bridwell, the department's newest Patrolman. Bridwell was most recently a police officer with the City of Polson and has successfully finished the Police Academy. Chief Peters said Bridwell will be completing our Field Officer training over the next 6 weeks and the department is looking forward to having him onboard. Staff recommends approval of Probationary Patrolman Bridwell.

Councilor Piper made motion to approve Dakota Bridwell as Probationary Patrolman, seconded by Councilor Shepard and the motion carried.

City Clerk Staaland administered Oath of Office to Probationary Patrolman Bridwell.

NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

Mayor Barnhart read the notice of Special Meeting August 29th:

Notice of Public Hearing - Planning/Zoning Items to Special Council Meeting - August 29, 2022:

The Columbia Falls City Council will hold public hearings for the following items at a special meeting on Monday, August 29, 2022 at 7:00 p.m. at the Cafetorium in the Columbia Falls Junior High School, 1805 Talbot Road, Columbia Falls, Montana.

Request for a Zoning Map Amendment in the Columbia Falls Planning Jurisdiction:

Loretta and Ronald Levang are requesting a zoning map amendment that will rezone a portion of their property from the existing CSAG-10 zoning to a CR-1 Zoning. The property is located at 435 Rogers in Columbia Falls and is described as Assessor's Tracts 2B in Section 21, Township 30 North, Range 20 West, P.M.M., Flathead County (The rezoning only effects that portion of the property zoned CSAG-10 and not the portion that is unzoned or that has the Scenic Overlay).

Request for a Zoning Map Amendment in the Columbia Falls Planning Jurisdiction:

James Barnett on behalf of River Highlands LLC is requesting a zoning map amendment in the Columbia Falls Zoning Jurisdiction. The property is located at 264, 316, 378, 494 River Road in Columbia Falls and is described as Lots 1, 2, & 3 of Loffler Subdivision and Assessor's Tracts 7 B and 7BB (Tracts 1 and 3 of COS 14045) in Section 16, Township 20 North, Range 20 West, P.M.M., Flathead County. The property is currently zoned CR-3 (One Family Residential) and the applicant is proposing CR-4 (Urban Residential).

Request for a Planned Unit Development in the Columbia Falls Zoning Jurisdiction:

James Barnett on behalf of River Highlands LLC is requesting a Planned Unit Development in the Columbia Falls Zoning Jurisdiction; the development is called River Highlands Apartments. The property is located at 264, 316, 378, & 494 River Road in Columbia Falls and is described as Lots 1, 2, & 3 of Loffler Subdivision and Assessor's Tracts 7 B and 7BB (Tracts 1 and 3 of COS 14045) in Section 16, Township 20 North, Range 20 West, P.M.M., Flathead County. The project consists of 65 attached single family row houses, 390 apartment units and 10 row house units dedicated to the Northwest Montana Community Land Trust. The total unit count is 455 units on 49.1 acres gross for a density of 9.2 units per acre. The applicant is proposing 21.5 acres (43%) of the site as park and open space. With the project, the applicants are proposing to move River Road further east on Highway 2 and if supported by the MDOT the applicants would install a traffic signal at Highway 2 and River Road. Two deviations are requested with the PUD; the applicant is requesting to zoning deviations, one would allow an increase in height of ten feet allowing a portion of the apartment buildings to approach 45 feet in height and the second deviation would reduce the parking requirement from 2 spaces per unit down to 1.5 spaces per unit.

Request for a subdivision in the Columbia Falls Zoning Jurisdiction:

James Barnett on behalf of River Highlands LLC is requesting a Subdivision in the Columbia Falls Zoning Jurisdiction. The property is located at 264, 316, 378, & 494 River Road in Columbia Falls and is described as Lots 1, 2, & 3 of Loffler Subdivision and Assessor's Tracts 7 B and 7BB (Tracts 1 and 3 of COS 14045) in Section 16, Township 20 North, Range 20 West, P.M.M., Flathead County. The subdivision will create 21 lots (17 residential and 4 open space lots). The subdivision will extend Municipal water and sewer services along with reconstructing River Road and incorporating a detached pedestrian path. The new roads within the project will be privately maintained but open to the public. The proposed subdivision is part of the zone change and PUD application for River Highlands Apartments.

Preliminary Budget Public Hearing Continued:

Mayor Barnhart asked City Manager Nicosia to continue the preliminary budget hearing pursuant to the public hearing notice, noting that the hearing has been left open since August 1st, 2022:

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON AUGUST 15, 2022

NOTICE IS HEREBY GIVEN, that the City Council of the City of Columbia Falls, Montana, will hold public hearings beginning on August 1, 2022 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, 2022 and ending June 30, 2023. This hearing will be continued until final adoption of the budget after receiving the certified taxable valuation.

Special Assessments

Consideration of the adoption of the Street Lighting District and Street Maintenance District assessments for FY2022/2023. Council will hear any objections to the final adoption of the resolution levying special assessments for FY 2022/2023. Special Assessments are estimated as follows:

Street Lighting District	\$ 30,049
--------------------------	-----------

Street Maintenance District	\$316,000
-----------------------------	-----------

Individual property payment schedules are 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 presented the Council with 22- 23 Fiscal year Mill Levy calculations for discussion and approval, noting that the Council will set the levy at the September 6, 2022 Regular Council Meeting. Nicosia separately reviewed the Permissive Medical Levy, subject to state statute. Nicosia noted that the maximum revenue allowed for the 22-23 FY is \$275,924.14. Nicosia noted that the City is using only 27.880 mills generating \$250,036. This tax levy revenue is an increase of \$24,918 over the prior year.

Nicosia then reviewed the City's Determination of Tax Revenue and Mill Levy Limitations pursuant to 15-10-420, MCA. Nicosia noted that this is the first year with Resort Tax Rebate in the amount of \$136,435, the equivalent of 15.210 mills. On the mill determination sheet, the City is carrying forward 15.17 mills, in other words, not levying the max levy due to the Resort Tax rebate.

Nicosia noted that the City is not levying for the voted 3020 Street Construction General Obligation Debt this year as the final payments will be made from the required reserve and receivables during the 22-23 Fiscal year. Nicosia noted that the City is paying the debt off early, in part as the bulk of the loan was from the City's

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON AUGUST 15, 2022

Cedar Creek Trust and interest charged was based on the City's interest earnings. The intercap portion, \$364,449, was paid off in August 2021.

Nicosia reviewed the Tax Analysis breakdown, noting that 2022 was not a revaluation year so the taxable valuation changed by only 1.94%, 74% of the change was from newly taxable property, 142,759 and 26%, 50,768, was from change in value. Nicosia reported that Class 4 property, residential and commercial, make up 86% of the City's taxable valuation. Class 4 increased 2.34% from the 2021 valuation. Nicosia also noted that the largest decrease, 21.36% was in Railroad/telecommunications, which contribute 2.38% of the City's taxable valuation.

Nicosia then reviewed the 22-23 FY Preliminary General Fund appropriations by department noting that the recommended General Fund budget is \$3,661,600 or 4% higher than the 22 Fiscal year budget. The police department budget increased by \$189,215 or 12.8% and the Transfers Out, the budget balancing line item, decreased by 31.1% or \$118,528.

Nicosia recommended Fund 2500 Street Maintenance Budget be set at \$499,437, 4.8% higher than the proper year primarily due to the addition of a 2nd Public Works Position, split Streets (2500), Parks (1000) and Water (5210). The special assessment is set at \$316,000, same as the prior year. The current Fund 2500 budget is utilizing \$57k in reserves.

Nicosia also recommended Fund 2400 budget remain the same as the prior year, \$51,466 and the assessment remains the same at \$30,049.

Mayor Barnhart asked if the Fund 2400 Street Lighting budget included the 3rd Ave. E. street light project. Nicosia replied yes, it is included.

Mayor Barnhart opened the Public Hearing at 7:25 p.m. No one from the public commented on the preliminary budget. Mayor Barnhart said the Public Hearing will remain open until the Sept. 6th, 2022 Council Meeting.

ORDINANCES / RESOLUTIONS:

Second and Final Reading - Ordinance # 819:

An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending the Columbia Falls Zoning Map From CB-1 Neighborhood/Professional Business To CB-2 General Business on Property Located at 230 US Highway 2 East, Columbia Falls Further Described as Assessor's Tract 2E, 2EC, 4EA, 4EAA and 4E In Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

City Manager Nicosia reported no written comments have been received since the August 1, 2022 Council meeting.

Councilor Shepard made motion to approve the Final Reading of Ordinance #819, seconded by Councilor Karper with Council voting as follows. Ayes: Fisher, Karper, Piper, Robinson, Shepard and Barnhart.

Resolution # 1880 - A Resolution of the City of Columbia Falls, Montana, Levying Assessments upon Property within Special Improvement Districts to Defray the cost of Said Special Improvement Districts for The Fiscal Year 2022-23

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON AUGUST 15, 2022

Councilor Fisher made motion to approve Resolution #1880, seconded by Councilor Robinson with Council voting as follows. Ayes: Robinson, Shepard, Fisher, Karper, Piper and Barnhart.

Resolution # 1881 - A Resolution of the City Council of the City of Columbia Falls, Montana Redefining the Area Included within the Columbia Falls Street Maintenance District and Method of Assessment

Councilor Piper motioned to approve Resolution #1881, seconded by Councilor Shepard with Council voting as follows. Ayes: Shepard, Fisher, Karper, Piper, Robinson and Barnhart.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

Councilor Shepard asked City Manager Nicosia if she has heard anything on the Biosolids Task Force. Nicosia said yes, she has heard from the engineers that they are working on the plan and will be presenting to the Health Board and County Commissioners.

Councilor Fisher said he attended the Planning/Zoning Board meeting on August 9, 2022 which went until midnight.

Mayor Barnhart said he too attended the Planning/Zoning Board meeting but did not stay for the entire meeting. Mayor Barnhart said he was concerned with some of the comments made by residents on how the City can make decisions in the county when county residents don't get to vote for council members. Mayor said he explained to community members that Columbia Falls keeps our planning and zoning here within Columbia Falls where all 9 members are from Columbia Falls and not at the County Planning Board where members are from all over.

Mayor Barnhart also noted that he likes the speed sign on Railroad St. it seems to be working great.

Mayor Barnhart inquired about the status on updating the sound system in the Council Chambers. Nicosia said there is funding in the council budget for an updated sound system and City staff is looking into the Owl system utilized by MMIA.

CITY MANAGER REPORT

City Manager Nicosia requested a moment of silence for Missoula Mayor Engen that passed away on the morning of August 15, 2022.

Nicosia reported the city received our RAISE grant for \$10 million. Nicosia thanked Council for trusting her for recommending submitting the grant application this year.

Nicosia reported that the city put out a PSA on the city website as well as local newspapers, television and radio stations that the power went down at the Treatment Plant due to a power shortage. We have the parts in route to repair it in the morning Nicosia said. FEC did an outstanding job in responding to the power outage. The City had a bacteria hit on a recent water test, but the second test was fine. We have not had sample failures since 2017 so the repeated sample failures have concerned City staff. The City recently replaced all of our sampling stations.

Staff opened bids for the 12th Ave W. improvement project on August 9, 2022. The Engineers estimate was \$928,048 with bids received as follows: Sandry Construction \$991,301., LHC, Inc., \$1,012,483.84, and Cutting Edge, LLC \$1,260,260. Each bidder left out minor requests in the bid packet, which is an informality that Council can still move forward. Mayor Barnhart asked Engineer CR with Morrison Maierle about the projected time line. CR said we are looking at doing the sewer service first as the parts will take some time to get here. Nicosia noted that EDA must approve the bid award before it comes to City Council.

Nicosia said at the Planning/Zoning Board Hearing some folks that were testifying live out of city zoning.

Nicosia pointed out, on the GIS map, family transfers and minor subdivisions that have been developed out of the Columbia Falls zoning area that did not go through our review process but have definitely contributed to

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON AUGUST 15, 2022

additional traffic on both Columbia Falls Stage and Middle Road, the addresses for most of the Planning Board public comments. Nicosia suggested Council meet with the Flathead County Commissioners to discuss in the future.

Justine Vallieres with Fish Wildlife and Parks would like to meet with the Public Safety committee. She is concerned with bear activity in the fall. Bear proof garbage containers are an option but they are not available at the time.

Nicosia reported that Cletus Scribner attended a council meeting a few months ago stating the swim team wanted to research a new indoor pool at no charge to the city. He emailed an engineer proposal for \$80,000 to the City for signature. Mayor Barnhart asked if this was the same person that said it would be no cost to the city. Nicosia replied yes, that is correct.

Mayor Barnhart asked if the city will be fined for the issue at the Treatment Plant. Nicosia said the City should not be fined as we self-reported and did everything DEQ asked us to do.

Shepard asked how the Marijuana vote went, Nicosia said the County Commissioners decided not to bring the opt out question forward and the tax question will be on the November ballot.

Nicosia said staff is finishing up our warrant study on 1st Ave. E.

ADJOURN

Councilor Karper motioned to adjourn, seconded by Councilor Shepard and the meeting was adjourned at 8:09 p.m.

Mayor

City Clerk