

**CITY OF COLUMBIA FALLS
CITY COUNCIL REGULAR MEETING MINUTES
HELD DECEMBER 18, 2023**

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

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

Also present: City Manager Nicosia, City Clerk Staaland, City Attorney Breck and Police Sergeant Rice.

PLEDGE OF ALLEGIANCE

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

CONSENT AGENDA: Councilor Robinson made motion to approve the consent agenda noting all claims appeared to be in order with the additional claims totaling \$282.32, seconded by Councilor Lovering with Council voting as follows. Ayes: Lovering, Piper, Robinson, Shepard, Fisher, King and Barnhart.

Approval of Claims - December 18, 2023 - \$149,120.50 + \$282.32 = \$149,402.82

Approval of Payroll Claims, December 8, 2023 - \$109,976.79

Approval of Regular City Council Meeting Minutes - December 4, 2023

Approval of Change Order No 2 - LHC, Inc. Overlay and Reconstruction Project and Authorize City Manager to Execute

VISITORS/PUBLIC COMMENT (Items not on agenda)

Tanna Friske, 2100 Drift Water Way said she is opposed of the city developing the baseball fields on Railroad St. for housing. The open space of the park should be retained.

Shirley Folkwein, 285 Shooting Star Drive is representing the Upper Flathead Neighborhood Association. Ms. Folkwein spoke on the cleanup at the CFAC site. The EPA has submitted their proposal to keep the toxic waste in place said Folkwein. The City expressed their desire to see the site cleaned up with the contaminants removed and not covered up. The current proposal does not include a price for the removal of waste. Ms. Folkwein would like to work together in a community effort and take a time out on the EPA process.

Peter Metcalf, 234 1st Ave E. Columbia Falls, said he did research on the Bonner cleanup in Missoula. The contamination was removed, and it was incredible to see the revitalization of the site. There is an opportunity to make the CFAC site a vital part of the community. Mr. Metcalf encourages the Council to not give up in getting a better cleanup for the future.

Phil Matson, 1125 Raven Lane, said he concurs with Shirley and Peter on the CFAC site cleanup as the plan is inadequate and is not what the citizens want. We should have legislators, City Council and County Commissioners involved in coming up with a land use plan and taking it to the EPA and they may remove the contaminants. They want to leave it in place and surround it with a concrete wall. There is a federal site dedicated to contaminants in Arlington, Oregon which they have already shipped contaminants to from CFAC. They can apply to get funding to supplement what the EPA is going to do to make the land safe for future use.

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The Superfund Redevelopment Initiatives have planned for reuse on sites across the country creating 30,000 jobs and 1.3 billion dollars in economic benefits to the various communities, he stated.

Morgan Isles, 85 9th St., Hungry Horse said she was here to inquire about a county case to speed up the process and investigation. City Attorney Breck replied she may speak with the County Commissioners in Kalispell as it is a county case. The County Attorney's office has a victim witness advocate said Nicosia.

NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

Mayor Barnhart read the Notice of Public Hearing:

The Columbia Falls City-County Planning Board held a public hearing for the following item at their regular meeting on Tuesday, December 12, 2023, at 6:30 p.m. in the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on **Tuesday, January 2, 2024**, starting at 7:00 p.m. in the same location.

Request change the zoning from CR-3 (One-Family Residential) to CB-2 (General Business) in the Columbia Falls Zoning Jurisdiction:

The owner/applicant, Boys and Girls Club of Glacier Country, Inc., is requesting a zone change at 165 Veterans Drive in the Columbia Falls area from the current CR-3 (One-Family Residential) to a CB-2 (General Business) designation. The property has a Commercial designation in the Columbia Falls Growth Policy and will be the future home of the Boys and Girls Club in Columbia Falls. The property is described as Lot 2, of Saint Richards Subdivision in Section 18, Township 30 North, Range 20 West, P.M.M., Flathead County.

NEW BUSINESS:

Arbor Day 2024:

Mayor Barnhart read the Columbia Falls Arbor Day Proclamation and declared May 3, 2024, Columbia Falls Arbor Day.

Board Member Appointments:

Nicosia reported that the Columbia Falls Board of Adjustment and Columbia Falls City-County Planning Board will continue until SB 382 is enacted. There is one opening on the BOA as one incumbent did not wish to be reappointed. All other Board incumbents have asked to be reappointed. Nicosia noted that the City Clerk did not receive any letters of interest from anyone else. Staff recommends approval of the following Board reappointments:

Board of Adjustment: Barb Riley and Mark Johnson – 3-year terms ending December 31, 2026

Columbia Falls City-County Planning Board: Steve Duffy and Sam Kavanagh – 2-year terms ending December 31, 2025

Columbia Falls Tree Board: Kelly King and Matt Bishop – 3-year terms ending December 31, 2026

Councilor Lovering made a motion to approve the Board appointments as listed, seconded by Councilor Piper and the motion carried.

Re-Appointment City Attorney/Deputy City Attorney January 1, 2024 - December 31, 2025, and Authorize City Manager to Execute Contract for Services effective January 1, 2024, through June 30, 2026.

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Nicosia noted that she met with the City Attorney's office and reviewed the current contract language and the increased court activity, thanks to the pro-active police department, and recommended the contract update as well as amending the contract to coincide with the fiscal year instead of the calendar year for more accurate budgeting purposes.

Councilor Fisher motioned to re-appoint City Attorney and Deputy City Attorney and authorize City Manager Nicosia to execute the contract, seconded by Councilor Robinson with council voting as follows. Ayes: Piper, Robinson, Shepard, Fisher, King, Lovering and Barnhart.

ORDINANCES / RESOLUTIONS:

Second and Final Reading - Ordinance #827

An Ordinance of the City Council of the City of Columbia Falls, Montana Amending the Title 5 Business License Regulations to Reflect the New Business Registration Program

City Manager Nicosia reported that city staff is recommending minor wording changes to the Ordinance to clarify the application and intent of the business registration program. Nicosia reviewed the final terminology. Mayor Barnhart noted that the updated language is clearer to understand.

Councilor Piper motioned to approve the second and final reading of Ordinance # 827 as presented, seconded by Councilor Lovering with council voting as follows. Ayes: Robinson, Shepard, Fisher, King, Lovering, Piper, and Barnhart.

Resolution # 1912 - Establishing the City Business and Registration Fees for the 2024 Calendar Year

A Resolution of the City Council of City of Columbia Falls, Montana establishing the City Business and Entity Registration fees for the 2024 calendar year.

City Manager Nicosia said the City is bringing forward this resolution in concert with the updated Business Registration Ordinance #827. City staff is recommending simplifying the registration fees to an annual fee of \$40 and after July 1st to \$20, the city will no longer offer quarterly payments or pro-rated quarters.

Councilor Robinson motioned to approve Resolution # 1912, seconded by Councilor King with Council voting as follows. Ayes: Shepard, Fisher, King, Lovering, Piper, Robinson and Barnhart.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

Councilor King asked if a resident could call City Hall and make a water account payment instead of coming in to City Hall. City Manager Nicosia said the city accepts Paygov, ACH (EFT), cash or check along with a drop box near the Police Department. Nicosia said City staff do not take bank account or credit card numbers over the phone due to federal regulation and security reasons. Residents can readily utilize the credit card payment option on the city website.

Councilor Lovering thanked Councilor Darin Fisher for his service.

Councilor Fisher said he has enjoyed working with this Council and staff for the last 12 years. Fisher said when he joined the Council, he was the youngest Councilor and leaving is still the youngest. Fisher thanked the city

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staff and council for their work. Fisher said the city has done some great things such as parks, community garden, Skatepark, pickleball courts and he is most proud of the resort tax that was passed. Fisher believes Council and staff did a good job on explaining it to the community. It provides funding for emergency services and infrastructure long term.

Mayor Barnhart presented Councilor Fisher with an engraved gift to remind him of his service and thanked him for his 12 years of service. Mayor said he appreciates all the work Fisher has done for the city and he has enjoyed working with him.

Councilor Shepard said he enjoyed serving with Councilor Fisher as well and wished him the best.

Mayor Barnhart said the Council needs to put together a City Planning Commission separate from the Columbia Falls City-County Planning Board as part of the SB 382 implementation. Mayor Barnhart would like to see letters of interest to the Council.

Councilor Shepard asked Breck about the lawsuit out of Bozeman challenging SB 382 along with other planning bills passed in the last session. Breck said he is not familiar with the case as he has not read the court brief. Breck said his advice is to precede as normal in our course of accepting letters of interest and getting our Commission up and going.

Councilor Lovering feels the Commission has a big job and would like to see a commission of 5 or 7 members. Councilor Fisher believes 5 members would be ideal. After Council discussion, a 5-member commission would be adequate.

Councilor Lovering motioned to appoint 5 members to the Planning Commission, seconded by Councilor Robinson and the motion carried.

Councilor Fisher asked what is the length of term for the Planning Commission members. City Manager Nicosia said the implementation period is through May of 2026.

Mayor Barnhart said he attended multiple meetings for the cleanup held at CFAC and the County Commission wanted nothing to do with the cleanup process. The City Council went to Senator Tester to get help; it is obvious where the city stands on the project. Mayor Barnhart understands the angst people have on this waiting for it to be done. As it turns out, the city took the bull by the horns and played a major role in getting things done. Mayor Barnhart suggested the new group should contact the County Commissioners.

CITY MANAGER REPORT

City Manager Nicosia would like to schedule the workshop to look at short-term rental regulations. Council agreed on January 22, 2024, at 6:30 p.m.

CITY ATTORNEY REPORT

City Attorney Breck thanked Councilor Fisher for his years of service.

MISCELLANEOUS REPORT

Police Sergeant Rice said he wanted to take a moment to recognize the efforts of the City Police Officers. Rice said the department is young and less experienced but the 5-year statistic averages are significantly higher in positive categories. He noted the department staff is being proactive and doing a great job.

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Sergeant Rice said the City received a good pool of applicants and will be following through with getting another Patrolman on board in the near future.

MISCELLANEOUS

Police Dept. Activity Report - November 2023

Fire Dept. Activity November 2023

Correspondence

ADJOURN

Councilor Fisher motioned to adjourn, seconded by Councilor Robinson and the meeting adjourned at 8:04 p.m.

Mayor

City Clerk