

**CITY OF COLUMBIA FALLS
CITY COUNCIL REGULAR MEETING MINUTES
HELD MAY 16, 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 Robinson, Councilor Shepard and Mayor Barnhart. Absent: Councilor Piper.

Also Present: City Manager Nicosia, City Clerk Staaland, City Attorney Breck, and Police Lieutenant Denham.

PLEDGE OF ALLEGIANCE

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

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

Approval of Claims - May 16, 2022 - \$88,498.85

Approval of Payroll Claims - May 13, 2022 - \$82,284.42

Approval of May 2, 2022 Regular City Council Meeting Minutes

VISITORS/PUBLIC COMMENT (Items not on agenda)

Tony Edmondson with the Columbia Falls Library Branch said he was in attendance to introduce New Library Director Ashley Cummings to Imaginelf Library. Ms. Cummings has brought much needed direction and leadership to the Library said Edmondson. Edmondson announced he has been offered and accepted the Adult Services Librarian position in Kalispell. Edmonson said the last 6.5 years he has buried himself deeply into Columbia Falls, its citizens, its leadership and children. Edmondson was also pleased to announce his replacement Liz Camarillo, who has worked for the Library for many years. Mayor thanked Mr. Edmondson for his dedicated service in Columbia Falls.

Andrea Getts, 336 2nd St. E. said would be cool to have tennis courts at Columbus Park as well as Hoerner Park. If the School District had more courts they could potentially host a divisional tournament. Getts believes the tennis team uses the courts for most of April and May therefore taking up court time in the afternoon and evenings, which does not allow much time for public use. It would be nice to have tennis courts in two locations in town.

Mayor Barnhart read the following - NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

Notice of Public Hearings - City Council June 6th:

The Columbia Falls City-County Planning Board held a public hearing for the following item at their regular meeting on Tuesday, May 10, 2022 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 Monday June 6, 2022 starting at 7:00 p.m. in the same location.

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 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

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 8 of Nucleus Addition in Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County.

UNFINISHED BUSINESS:

Consideration of Noise Ordinance

City Manager Nicosia said the Noise Ordinance Committee met on three different occasions and received significant public input on current code and the proposed noise ordinance. The Committee reviewed other City's' ordinances and reviewed enforcement with the Police Chief and City Attorney. The Committee voted to at their last meeting on May 10th to forward the proposed ordinance to City Council.

Councilor Piper is absent this evening but responded via email that he is in full support of moving forward with the Noise Ordinance. Councilor Robinson said there was good public interaction during the process. Robinson said they reviewed a Noise Ordinance from Beaverton OR along with recommendations from the City Attorney. Councilor Lovering asked how the committee arrived at the hours of 7:00 a.m.-7:00 p.m. Nicosia said it is consistent with construction and other noise. There was council discussion of residents mowing their lawn when it cools down in the evenings well after 7:00 p.m. Lovering said 9:00 p.m. would make more sense to her. City Attorney Breck said Chief Peters reviewed the proposal as well. Breck said it is written as if it goes to court and they are evaluating whether a person is guilty or not; it allows them to look at several standards to verify it is an actual violation. It is enforceable as a detailed ordinance for all parties to look at said Breck. Councilor Fisher asked if there were other businesses that offered input. Nicosia said there was business owner input with some attending all meetings. Nicosia said a special permit would come through with a resolution for special events. After Council discussion Council would like to change section F. to read 10:00 p.m. to 6:00 a.m. Councilor Fisher mentioned a typo correction on D. 1. Hours should read 6:00 p.m. to 6:00 a.m.

Councilor Lovering motioned to have the City Manager move the ordinance forward by giving notice of a public hearing at the next regular council meeting, seconded by Councilor Shepard and the motion carried.

Consideration of Pickleball Court Contract

City Manager Nicosia said the Parks Committee met on May 9, 2022 and reviewed the Columbus Park and Hoerner Park remaining development projects and costs. One of the outstanding items is the completion of

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the pickleball courts at Columbus. The City will not receive notification from AARP on the \$40,000 grant request until mid-May with public announcement on June 29th. Triton Construction LLC updated the quote from \$99,000 to \$92,800 based on the existing costs and soil conditions. The Parks Committee is recommending approval of the \$92,800 contract in order to be scheduled with the contractor. The work will not be complete until the 2022-2023 FY budget. The City will receive the \$25,000 donation as soon as we request the funds, upon completion of the courts noted Nicosia. The Parks Committee is recommending approval of the contract due to the significant public interest a new amenity for our citizens even in the event the City does not receive the \$40,000 AARP grant.

Nicosia noted that there is some money left over from the bathroom project that could potentially be used to help pay for the pickleball courts. Also for consideration is the addition of a sand volleyball court in the space of the prior tennis courts. The quote was received for \$18,650. This proposal will be considered in the 2022-2023 FY Parks Budget. Councilor Fisher said the Parks Committee wants to move forward with or without the grant.

Councilor Fisher motioned to authorize the City Manager to move forward Triton Construction LLC contract for new pickleball courts, seconded by Councilor Karper with Council voting as follows. Ayes: Fisher, Karper, Lovering, Robinson, Shepard and Barnhart.

Review of Downtown Parking/Infrastructure Improvements

City Manager Nicosia displayed a map and explained each section as the Urban Renewal District, Raise Grant and Street Projects. The red lines indicated no sidewalks or inadequate sidewalks. Nicosia said the cost estimate to repair, replace or install missing infrastructure within the Urban Development District is \$300,000. Staff recommendation is to start with downtown parking defined with curb/gutter and sidewalk. Mayor Barnhart asked how the City moves forward. Nicosia said at the last meeting council authorized the engineer contract and they are working on the map. The City will set priorities and use funds as available. Currently Council sets aside money to pay for alley and sidewalk improvements in the TIF and the Cedar Creek Trust. Councilor Shepard inquired about signage for parking. Nicosia said she is working with the League of Cities and Towns and the Attorney's office on city liability should the city promote parking.

NEW BUSINESS:

2023 FY Health Insurance and Deferred Compensation Contribution Rates

City Manager Nicosia reported city insurance open enrollment starts tomorrow; the premiums have increased 3% this year. Last year the city paid approximately 85% of employee insurance premiums, this year the recommendation is the city pay 90% of health insurance premiums. Nicosia also noted that the City has not changed the deferred compensation amount of \$416 since 2003, and the recommendation is to increase that amount by \$54 per month for a total of \$470.

Councilor Karper motioned to approve 2023 FY City Health Insurance and Deferred Compensation contribution rates as presented, seconded by Councilor Lovering with council voting as follows. Ayes: Shepard, Fisher, Karper, Lovering, Robinson and Barnhart.

Declaration of Intent to Dispose of Surplus Equipment - Fire Department Extrication Equipment

City Manager said the City is required to give notice in the newspaper of our intent to dispose or sell surplus equipment. The Fire Department has purchased new extrication equipment and is requesting approval to surplus the 20-25 year old equipment. Staff requests approval to give notice of intent to surplus

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Councilor Robinson made motion to give notice of intent to dispose of surplus equipment, seconded by Councilor Lovering and the motion carried.

Consideration of Engineering - 6th Ave West Sidewalk/Bike Path

City Manager Nicosia said the City is proposing construction of a sidewalk on 6th Ave. W. connected to a bikepath across the School District property and Mr. Ruis' property connecting with 4th Ave W. The task order is approximately \$49,000 or \$39,000 the difference is if the City completes the bidding documents we save \$10,000. Nicosia recommends approval of \$39,000 for engineering; they could finish the design before our 22-23 budget preparation. Councilor Shepard inquired about easements. Mr. Ruis who was in the audience said he would grant an easement for the path. Nicosia stated that the School has agreed to an easement, the project is similar to the bikepath at the Junior High.

Councilor Shepard made motion to move forward with the engineering for the sidewalk on 6th Ave West and bikepath on the southern edge of SD 6 and Ruis property to 4th Ave. W., seconded by Councilor Robinson, with council voting as follows. Ayes: Fisher, Karper, Lovering, Robinson, Shepard and Barnhart.

Approval of Letter of Support - Flathead Bio Solutions USDA Grant Request

City Manager Nicosia said her recommendation is to submit a letter of support for the USDA Partnerships for Climate-Smart Commodities Grant application for the Flathead Bio Solutions business.

Councilor Karper motioned to approve the letter of support, seconded by Councilor Lovering and the motion carried.

ORDINANCES / RESOLUTIONS:

Second and Final Reading - Ordinance # 816: - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending the Columbia Falls Zoning Map to Allow the Development of an Amended Planned Unit Development (PUD) Overlay at 540 Nucleus Avenue

City Manager Nicosia reported the developer has submitted a small change in the PUD to add a golf simulator which will reduce one parking space and change some landscaping. It is a minor change and does not require coming back to council nor does it change any of the PUD conditions. Staff recommends approval.

Councilor Shepard made motion to approve the Second and Final Reading of Ordinance # 816, seconded by Councilor Robinson with council voting as follows. Ayes: Karper, Lovering, Robinson, Shepard, Fisher and Barnhart.

Resolution # 1874 - A Resolution of the City Council of Columbia Falls, Montana Establishing Fees for the Use of the City's Pool for the 2022 Season

City Manager said we reviewed the recommended fees at the last meeting, there have been no changes. Staff recommends approval.

Councilor Fisher motioned to approve Resolution #1874, seconded by Councilor Shepard with council voting as follows. Ayes: Lovering, Robinson, Shepard, Fisher, Karper and Barnhart.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

Councilor Shepard said he had issues hearing portions of the May 2, 2022 council meeting via zoom and wanted to clarify that he has changed his vote on the Gilchrist project. Shepard said he voted against the project during the meeting but intended to vote in support of the project.

Councilor Karper said he too had a trouble hearing the meetings via zoom and suggested having a microphone at each station.

Councilor Shepard reported he is in charge of the memorial wall for veterans at Marantette Park. Shepard said the memorial walk starts at 10:00 a.m. on Memorial Day.

Councilor Lovering said the community garden is open for a 12th season and is full with a waiting list. Lovering thanked the city for approving the garden 12 years ago.

Councilor Fisher requested an update on the tennis courts being used by students outside of practice times.

Nicosia said she contacted Mr. Bowman to inquire about the courts being used outside of the agreement. The Tennis Coach was leaving the courts unlocked for some people to use. Their last practice is May 25th and staff will get it cleaned up in order to get surfacing down when weather allows. Mayor Barnhart asked if we are planning to seed around the courts. Nicosia said the area had been seeded but some areas had been trampled and will have to be planted again. Public Works Director Hanley said there is so much foot traffic there that he would like to put in a path to the courts.

Mayor Barnhart inquired about the patch on Nucleus Ave. Hanley said from what he understood they will fix the patch on June 1st.

Mayor Barnhart said the Health Department is very busy inspecting the nightly rentals. He said they discussed that it would be nice to have the approved VRBO's posted somewhere.

Mayor Barnhart inquired on how many people have been zooming into our meetings. Nicosia said it varies on the meetings and what is on the agendas.

Karper thanked all involved with the Arbor Day celebration; it was a great event that was very successful.

CITY MANAGER REPORT

Nicosia reported that the City has submitted the 100% Engineer design for the 12th Ave West EDA project. There was a call last week from BNSF where they expressed that the City has to rebuild the crossing with concrete panels for \$72,000 and they may contribute 30%, this was not anticipated in the project planning. BNSF also stated that it could take a year for construction approval of the crossing. Nicosia said she hopes to bring the Call for Bids to Council at the June 6th meeting.

Mayor asked about the Railroad St. path project. Nicosia said the Engineer was selected by DOT and they are starting to stake it out. They will be holding public meetings and host a work shop soon.

Mayor Barnhart inquired about the status of the Raise Grant. Nicosia said we have not heard anything just yet. The target date for the Safer Grant for the Firemen is August. City staff will be meeting with the Rural Fire Board on their contribution to new staff. We will start the process in getting candidates into a pool for selection.

Nicosia noted that Amanda Bartley, CFAC Project coordinator from EPA will be at City Hall tomorrow at 2:00 p.m.

Kyle Waterman is helping with the Mountain Climber Board. They are putting final touches on their Grant to expand their community services and he reached out this afternoon as they had not received a letter of support from Columbia Falls. Nicosia noted that the City had not received an email request for a letter but asked for council approval to submit one, as done in the past. Council concurred.

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Nicosia said the Solid Waste budget includes paving at the Columbia Falls green box site.

MISCELLANEOUS

Correspondence

ADJOURN

Councilor Lovering motioned to adjourn, seconded by Councilor Shepard and the meeting adjourned at 8:51 p.m.

Mayor

City Clerk