

**CITY OF COLUMBIA FALLS
CITY COUNCIL REGULAR MEETING MINUTES
HELD JULY 06, 2020**

FINANCE COMMITTEE – 6:30 P.M

(Barnhart, Karper, Lovering)

REGULAR MEETING – 7:00 P.M.

CALL TO ORDER

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

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

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Council Piper motioned to approve the agenda, second by Councilor Robinson and the motion carried.

CONSENT AGENDA:

Councilor Lovering motioned to approve the consent agenda noting all claims appeared to be in order, second by Councilor Karper with council voting as follows. Ayes: Shepard, Fisher, Karper, Lovering, Piper, Robinson and Barnhart.

Approval of Claims - June 30, 2020 - \$132,251.88

Approval of Claims July 6, 2020 - \$19,672.50

Approval of Payroll Claims - June 26, 2020 - \$81,404.88

June 30, 2020 - Payroll Quarterly - \$23,131.11

Approval of Council Meeting Minutes - June 15, 2020

Approval of 2020-21 FY City Manager Employment Agreement

Approval of Contract for Professional Services - HDR Engineering, Inc. - \$8,146 - Dam Inspection and authorize City Manager to sign.

VISITORS/PUBLIC COMMENT (Items not on agenda)

None

NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

Public Hearing - July 6, 2020: PUD – Eckert:

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

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

Erik Eckert is requesting a Planned Unit Development overlay for the property located on 7th Street East between 1st and 2nd Avenues East. The PUD takes three existing city lots all zoned CR-5 and reorients them creating four townhouse units. The overall effect is a reduction in units from six to four. No other deviations

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are requested through the PUD. The property is described as Lots 8, 9, & 10, Block 46, Columbia Falls Townsite in Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County.

City Planner Mulcahy reviewed staff report CPUD-20-02. Mulcahy said with this PUD the applicant would be clustering the units in a more accessible and buildable section of the property thereby avoiding more sensitive portions of the site, leaving 76% of the site untouched. Mulcahy said he reviewed this proposal with City staff as indicated in the report. Due to the slope of the roadway, the applicant will pay cash in lieu for a sidewalk as determined by the Public Works Director. Mulcahy said he received the Geotechnical report governing the requirements to construct the foundations, walkways and retaining walls on this property, noting that the building plans will consider the sensitive areas. Mulcahy noted that approximately 20-25 years ago, the Mosquito Flats neighborhood was changed from CR-5 to CR-3 zoning, essentially from duplexes to single family homes, but that change did not include property uphill from the flats. Mulcahy noted that it is most common to have zoning transitions from commercial to multifamily to single family as shown with the existing zoning. Mulcahy reported that at the June 9, 2020 Planning Board meeting the Board approved the PUD with the nine listed recommendations, which also include amendments made by the Board. Staff is recommending approval of the PUD.

Mayor Barnhart asked the application for his presentation. Erik Eckert, the applicant showed the renderings of his proposed PUD for the property. Mr. Eckert said the property will be for sale and he does not favor nightly rentals. The units will be in the \$300,000 range similar to the Columbia Crest units. Mr. Eckert said he wants to work with the neighbors and has spoken with some of them regarding the proposal. He intends on living in one of the units and it will be a quality project.

Mayor Barnhart opened the Public Hearing at 7:17 p.m.

Joe Sullivan, resides at 211 7th Street East, said he is concerned with construction and flooding in the area along with drainage. Mr. Sullivan said he deals with constant flooding from the springs on the hillside. Mr. Sullivan said he is also concerned with the Geotechnical report stating it was dry as it is not dry.

Mayor Barnhart closed the Public Hearing at 7:20 p.m.

City Clerk Staalnd noted there was no further correspondence received. All written comments were included in the Council packet.

City Planner Mulcahy wanted to clarify the geotechnical report did find water on the property but it is not considered jurisdictional wet lands. Mulcahy said the applicant had a wet land expert come in to test the property. They typically look for three factors: Hydrant soils, wetlands indicator plants and the presence of water over a specific period of the growing season. You must have all three factors to determine that it is jurisdictional wetlands. She did not find all three factors on the applicant's property.

Motion made by Councilor Piper to adopt Staff Report CPUD-20-02 as Findings of Fact, seconded by Councilor Lovering, with voting as follows. Ayes: Mayor Barnhart, Councilor Fisher, Councilor Karper, Councilor Robinson, Councilor Lovering, Councilor Piper, Councilor Shepard.

Mayor Barnhart noted that further action will be taken under Ordinances/Resolutions.

Public Hearing - Resort Tax Adoption:

Mayor Barnhart read the public hearing notice: On July 6, 2020, 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 3.20 Resort Tax in the Columbia Falls Municipal Code.

The City Council will now complete the formal code adoption for the Columbia Falls Resort Tax as approved with the June 2, 2020 election.

The proposed Chapter 3.20 Resort Tax 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.

City Manager Nicosia noted that the hearing will be continued on July 20, 2020 to allow for public participation due to the error on the publishing dates (July 5th and 12th). The publication on the 12th has been revised to reflect that the hearing will be continued on the 20th. City Manager Nicosia said this evening we will be reviewing the proposed code, Chapter 3.20, as drafted earlier by Council before calling for the election. At this point, the ballot language established the 3% Resort Tax and how it will be used over the duration of 20 years. Council agreed in April 2020 to not collect the tax monies until October 2021 if the resort tax passed on June 2nd. Nicosia noted that 3.20.510 A (4) codifies the council intent to not collect the taxes until October 1, 2021. City Manager Nicosia also noted that the council and city staff had previously discussed collecting the tax on a quarterly basis instead of monthly but that change was not made previously in the draft ordinance. Nicosia recommended Council consider the amended language in 3.20.510 changing to quarterly collections.

Mayor Barnhart opened the Public Hearing at 7:36 pm. Mayor Barnhart noted that the hearing is open until July 20, 2020.

Notice of Public Hearings – July 20, 2020:

Mayor Barnhart read the public hearing notice that the City Council of the City of Columbia Falls, Montana, will hold public hearings beginning on July 20, 2020 at 7:00 p.m. in the Columbia Falls City Hall, 130 6th Street West, Columbia Falls, for the following purposes:

Preliminary Budget

Presentation and consideration of the preliminary budget for fiscal year beginning July 1, 2020 and ending June 30, 2021. 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 FY2020/2021. Council will hear any objections to the final adoption of the resolution levying special assessments for FY 2020/2021. Special Assessments are estimated as follows:

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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. 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. Questions regarding the proposed items can be made by contacting City Manager Susan Nicosia at 892-4391.

ORDINANCES / RESOLUTIONS:

Resolution # 1823 - A Resolution of the City Council of the City of Columbia Falls, Montana, Amending Fund 3536 SID 36 Fund Budget Revenues and Appropriations for the Fiscal Year Ending June 30, 2020

City Manager Nicosia said the city received a payoff from a taxpayer for SID 36 and the payoff amount was properly remitted to the Water Fund, thereby over spending the original budget authority for SID 36; by statute the City can adjust the budget for appropriations for unbudgeted revenue. Nicosia recommends increasing Fund 3536 SID 36 revenues in the amount of the prepayment as well as the expenditures.

Councilor Shepard made motion to approve Resolution # 1823, second by Councilor Fisher with council voting as follows. Ayes: Lovering, Piper, Robinson, Shepard, Fisher, Karper and Barnhart.

Resolution # 1824 - A Resolution of the City Council of the City of Columbia Falls, Montana Fixing the Limits of the Salary and Compensation of Certain City Officials and Employees Pursuant to Title 7, Chapter 4, Part 42, M.C.A., for the Fiscal Year 2020/2021

City Manager Nicosia reported that this is an annual resolution setting the salaries and pay for the department heads and non-union employees. Nicosia noted that the Salary Committee met and reviewed the proposed compensation as presented. Councilor Lovering motioned to approve Resolution # 1824, second by Councilor Robinson with council voting as follows. Ayes: Piper, Robinson, Shepard, Fisher, Karper, Lovering and Barnhart.

Resolution # 1825 - A Resolution of the City Council of the City of Columbia Falls, Montana Establishing Fees for Excavation and Encroachment Permits

City Manager Nicosia said when the City updated the Municipal Code all dollar amounts were removed from the Code and replaced with the language that all fees and permit amounts would be set by resolution. This resolution establishes the Excavation permit fee at \$50, as originally referenced in the municipal code and also adds a fee of \$50 for Encroachment permits.

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Councilor Piper made motion to approve Resolution #1825, second by Councilor Lovering with council voting as follows. Ayes: Robinson, Shepard, Fisher, Karper, Lovering, Piper and Barnhart.

Resolution # 1826 - A Resolution of the City Council of the City of Columbia Falls Expressing Their Continued Support of the City's Police Department

Mayor Barnhart read Resolution # 1826. Councilor Fisher motioned to approve Resolution #1826, second by Councilor Shepard with council voting as follows. Ayes: Shepard, Fisher, Karper, Lovering, Piper, Robinson and Barnhart.

Mayor and Council had the opportunity to acknowledge and thank Police Officers Herman and Rice who were attendance along with the Police Chief.

First Reading - Ordinance # 802 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending the Columbia Falls Zoning Map to Allow the Development of a Planned Unit Development (PUD) Overlay on Property Described as Lots 8, 9 and 10 of Block 46 of Columbia Falls Townsite in Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

Councilor Shepard made motion to approve the First Reading of Ordinance #802, second by Councilor Piper and the motion carried.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

Councilor Piper said there are weeds on top of the hill next to the old ice skating rink that need mowed.

Councilor Robinson said the weeds by the green box site are also high. City Manager said that is a county property and they will need to address it.

Councilor Shepard said on July 5th fireworks were going off until 2:30 am within the city limits. Shepard said he would like clarification on the barking dog ordinance as he and his neighbors are tired of dogs barking. City Manager said City Planner Mulcahy will do a site visit to confirm zoning compliance. Shepard thanked the Police Department and Chief Peters for doing a good job for the City.

Councilor Lovering said the weeds need to be cut coming around the corner on 6th St. E. and 2nd Ave E. Lovering also inquired on where the County is on mosquito control at River's Edge Park. City Manager said the County reported that they had success treating larvae and then flooding started. Nicosia said she called today to inquire about an updated status. Nicosia said the parks crew will be working on cutting weeds on city property/right of ways.

Councilor Fisher said he will wear his mask to council meetings throughout tourist season due to the tourists coming into his establishment. He wishes to keep everyone safe by doing his part.

Mayor Barnhart said he appreciates the gentleman who is going to build the townhouses; this project will really clean up that particular property. Mayor Barnhart would like to revisit the train whistle and closing the crossing on 4th Ave EN.

CITY MANAGER REPORT

Manager's Report/Project Update

The Parks Committee met on June 22nd to review the 2021 FY planned projects, review current project and Council Goals. The Committee had opportunity to review the current grant projects: Community Pond Grant/NWMR Grant – kiosk project that is nearing completion at River's Edge Park. PWD Bradshaw reviewed the DOC Tourism Grant project – bathroom at River's Edge Park. The City is in the process of obtaining necessary building and floodplain permitting. Tyler will also be sending out RFQ for the utility work. The bathroom site had to be modified due to floodplain elevations which slowed the project. The RTP Grant contract has not yet been sent to the City but they sent an email saying the contract shall be out soon. During the committee meeting, Tyler reviewed the approved trails project.

The Salary Committee also met on June 22nd and reviewed the department head and manager salary and compensation for the 20-21 FY. The salary resolution and manager's contract reflect the committee's approval. The City had completed a salary survey prior to negotiating with Teamsters and FOP and the City made changes to the pay scales to remain competitive with similar cities and to meet the City's goals: attract good candidates, retain employees and motivate employees. The Salary Committee reviewed the City's policies on establishing pay and did not recommend changing the current policy.

The City Pool was down all last week as the storm on Saturday 27th caused a power outage. The motor in the circulation pump malfunctioned. We plan on opening on Tuesday; July 7th. The City can increase pool participation from the current 50. We will go up to 75 and if distancing is possible, we can go up to 100.

Nicosia reported that Building and planning activities have remained busy. The City issued \$16,698 in permits in June. 2020 YTD was \$179,070 compared to 2019 at \$113,858. Based on applications, the Planning Board will be meeting each month at least through September. Planning Fees totaled \$23,000 in the 2020 FY compared to \$11,481 in the prior year.

The City worked with the Flathead County Health Clinic to provide a Columbia Falls location for the COVID-19 asymptomatic individuals to be tested. They will utilize the location behind the Chamber of Commerce building beginning Wednesday, July 8th from 1 pm – 6 pm.

The City just completed another successful health challenge with 25 individuals actively participating.

There is a call out for individuals interested in serving on the Transportation Plan Project Advisory Committee. The City would like to add 4-5 citizens in addition to city staff, Council rep and Planning Board rep. The committee will meet 6-7 times in the process, beginning in August.

Nicosia also reported that the City is advertising for an opening on the Board of Adjustment as long-time member Jon Ludviksen moved out of the area. The position can be filled either in city or planning area and the term expires Dec. 2020.

MISCELLANEOUS

Correspondence to City Council

Fire Chief Report - June 29, 2020 – YTD activity

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ADJOURN

Councilor Lovering motioned to adjourn, second by Councilor Robinson and the meeting was adjourned at 8:32 p.m.

Mayor

City Clerk