

CITY OF COLUMBIA FALLS
CITY COUNCIL REGULAR MEETING MINUTES
HELD DECEMBER 19, 2022

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

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

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

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA: Councilor Fisher made motion to approve the Agenda, seconded by Councilor Lovering and the motion carried.

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

Approval of Claims - December 19, 2022 - \$112,125.04

December 5, 2022 - PD Clothing Allowance - \$1,826.10

Approval of Payroll Claims - December 9, 2022 - \$96,550.20

Approval of December 5, 2022 Regular City Council Meeting Minutes

Approval of Developers' Improvement Agreement - Adam Gardner, 10 Diane Rd, and authorize City Manager to sign

Approve Audit Contract, Doyle & Associates, PC for the 22 FY Audit and Authorize City Manager to execute

Approval of CUP Extension - Fowler, 1128 3rd Ave E - February 14, 2024

APPOINTMENTS:

Probationary Police Officers - Jacob Dalimata and Micah Friesen

Police Chief Peters said he is excited to introduce Jacob Dalimata and Micah Friesen as our newest Patrolmen. They have been with us for three weeks now and will be attending the Police Academy on January 9, 2023.

Councilor Lovering motioned to approve the appointment of Jacob Dalimata and Micah Friesen as Probationary Patrolmen, seconded by Councilor Robinson and the motion carried unanimously.

Office of Oath was administered by City Clerk Staaland.

Reappointment - Planning Board Members

City Manager Nicosia said we are fortunate to have Clay Lundgren and Mike Shepard volunteer to serve the City for another two year term on the Planning Board/Zoning Commission.

City Manager Nicosia said the Planning Board recommended reappointment of the member at large, Patti Singer, at their regular Planning Board meeting on December 13, 2022.

Councilor Piper made motion to appoint Lungren, Shepard and Singer to the Planning Board, seconded by Councilor Hamilton.

Councilor Fisher said he had concerns after last week's City Board Workshop with some of the comments Ms. Singer made. Fisher is uncertain if she understands ex parte communication. She indicated in some ways that she was involved in communications and may not be aware of the policy. Fisher wanted to make sure she

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understands ex parte communications and the depth and responsibility of her role on the Planning Board. Councilor Robinson asked if members receive training on their role on the Planning Board. City Attorney Breck said periodically the city will have training such as the recent December 12th training workshop. Robinson asked if they are provided any guidelines on things they should or shouldn't do. City Manager Nicosia said the City provides them with the Planning Board Handbook when we bring on any new member and City staff also meets with each new member and review the Board responsibilities and reinforce requirements as needed. Councilor Piper said in his opinion this instance could be something new for Ms. Singer as it landed in her backyard along with social media which may have spurred things along. Piper said perhaps she did not read the Planning Board Handbook, but with the recent training workshop she will be better informed on her role on the Planning Board.

Councilor Piper rescinded his motion and Hamilton rescinded seconding the motion.

Councilor Fisher motioned to approve Clay Lundgren and Mike Shepard to serve another two year term on the City Planning Board, seconded by Councilor Piper and the motion carried.

Councilor Piper motioned to appoint Patti Singer as the member at large to the Planning Board, seconded by Councilor Hamilton.

Lovering concurred with Councilor Piper and more so as the Planning Board recommended appointing her after the workshop training. Fisher said Piper gave a good explanation on where he thought her heart was. Fisher just wanted to bring attention to the concerns he had.

The motion carried.

Mayor Barnhart read the following - NOTICE OF PUBLIC HEARINGS:

Notice of Public Hearing - January 3, 2023:

The City Council shall conduct a public hearing for the purpose of considering special fire department inspection fees, as related to short term vacation rental properties

Notice of Public Hearings - January 3, 2023 - Planning Requests - Preliminary Plat Tamarack Meadows and Conditional Use Permit Large Building:

The Columbia Falls City-County Planning Board held public hearings for the following items at their regular meeting on Tuesday, December 13, 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 January 3, 2023 starting at 7:00 p.m. in the same location.

Request for a Subdivision in the Columbia Falls Planning Jurisdiction:

Schellinger Construction is requesting a Major subdivision called Tamarack Meadows. It consists of 103 lots and open space areas totaling 47 acres. The subdivision will extend the private road network and connect to public sewer and water facilities. Originally part of the Tamarack Heights development, these lots had preliminary plat approval back in 2006 but has since expired. The proposed subdivision follows the same design as the original subdivision. The property is located along Gleneagles Trail and Turnberry Terrace. The property is described as Tract 1 (The remainder of Tamarack Heights Phase 1) all in Section 6, Township 30 North, Range 20 West, P.M.M., Flathead County.

Request for a Conditional Use Permit in the Columbia Falls Planning Jurisdiction:

Littlefoot Properties LLC is requesting a Conditional Use Permit (CUP) to develop a building greater than 10,000 square feet for a Dollar General Store. The property is zone CB-2 which requires a CUP for building that exceed 10,000 square feet. The CUP reviews compliance for the City's Large Building Standards of the Columbia Falls Zoning Code. The property is located 1800 9th Street West (Highway 2). The property is described as Tract 1 of COS 21160 in Section 18, Township 30 North, Range 20 West, P.M.M., Flathead County.

Notice of Public Hearings - Planning Board January 10th and Special City Council January 30th:

The Columbia Falls City-County Planning Board will hold a public hearing for the following items at their regular meeting on Tuesday, January 10, 2023 at 6:30 p.m. at the Cafetorium in the Columbia Falls Junior High School, 1805 Talbot Road, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing at a special meeting on January 30, 2023 starting at 7:00 p.m. in the same location.

Request for a Planned Unit Development (PUD) for the River Highlands Development:

James Barnett, on behalf of River Highlands LLC, is requesting a Planned Unit Development in the Columbia Falls Zoning Jurisdiction called River Highlands. The property is located at 264, 316, 378, & 494 River Road in Columbia Falls and is described as Lots 1, 2, & 3 of Loeffler Ridge 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 83 detached single family homes; 98 attached single family townhomes, 162 apartment units. The total unit count is 343 units on 49.1 acres gross for a density of 6.9 units per acre. The applicant is proposing 19.55 acres (40%) of the site as park and open space. With the project, the applicant is proposing to move River Road further east on Highway 2 and, if supported by MDOT, the applicant would install a traffic signal at Highway 2 and River Road. The applicant is not requesting any deviations other than the clustering of density and the density bonus provided by the PUD regulations.

Request for Preliminary Plat approval of the River Highlands Subdivision in the Columbia Falls Zoning Jurisdiction:

James Barnett, on behalf of River Highlands LLC, is requesting preliminary plat approval for property located at 264, 316, 378, & 494 River Road in Columbia Falls further described as Lots 1, 2, & 3 of Loeffler Ridge 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 applicant will subdivide the property to 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 public and privately maintained but all open to the public. The proposed subdivision is part of a PUD application for River Highlands.

NEW BUSINESS:

Consideration of Support for the MLCT Legislative Resolutions

City Manager Nicosia presented the MLCT Legislative Resolutions for Council consideration. Nicosia noted that these resolutions will guide City officials during the upcoming Legislative Session. The Resolutions are general in nature, protecting local control, protecting local government revenues, etc. Nicosia noted that if Council had any concerns about a particular MLCT Resolution, they could leave it out of their approval.

Councilor Fisher made motion to move forward with the resolution, seconded by Councilor Lovering and the motion carried.

ORDINANCES / RESOLUTIONS:

Second and Final Reading - Ordinance #823 - Amending Chapter 3.20 Resort Tax to Add Late Fees and Penalties

City Manager noted the amendments made by the City Attorney during the first reading have been made to the Final Reading of Ordinance #823.

Councilor Robinson motioned to approve the Final Reading of Ordinance #823, seconded by Councilor Piper. Mayor Barnhart stated the City is starting the penalty at \$100, less than other cities, and if late payments continue to be an issue, Council can revisit the Ordinance for an amendment. Councilor Fisher said he preferred harsher penalties such as Red Lodge, but is interested to see if the \$100 penalty is effective. Council voting as follows. Ayes: Piper, Robinson, Fisher, Hamilton, Lovering and Barnhart.

Resolution #1886 - A Resolution of the City Council of the City of Columbia Falls, Montana, Amending Funds and Budgetary Line-item Appropriations for the Fiscal Year ending June 30, 2023 to Account for the Addition of the Paid Firefighters

City Manager Nicosia said during the public hearings for the 2023 FY budget there was discussion on hiring three paid Firefighters with the only unknown being the final funding source, SAFER Grant or Resort Tax/Rural Fire contribution. As the funding source was unknown, the 2023 FY Budget Appropriations did not include the paid firefighters but noted that the budget would be amended when the funding source was known. The City received a rejection letter from FEMA SAFER grant so we are now moving forward with amending the budget. This Resolution amends the budget to add \$176, 695 in General Fund appropriations, and amending the Resort Tax Fund budgeted transfer out for an additional \$99,834. General Fund Revenues are also increased to account for the additional Transfers In from Resort Tax and the additional Columbia Falls Rural Fire District. City Manager Nicosia recommends adoption of the budget amendment.

Councilor Lovering made motion to approve Resolution #1886, seconded by Councilor Robinson.

Mayor Barnhart asked if the funds set aside for the Fire Department in the Resort Tax reserve will carry over into the next FY budget and if there were any requests for fire department capital improvements that will go towards this year. Nicosia said yes, it will carry over and there aren't any current unfunded capital needs requested for this year. The City will be updating the five year capital plan as there are equipment needs. Robinson asked if the money carries over. Nicosia said that is correct, for that department. Council voting as follows. Ayes: Robinson, Fisher, Hamilton, Lovering, Piper and Barnhart.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

Councilor Fisher said so far this winter the city street crew is doing a good job in snow plowing. Fisher noticed the sidewalks along the highway were cleared very well and wondered if it was the state or the city that cleared them. Nicosia said the state cleared the sidewalks as promised.

Councilor Fisher said on December 15th he attended a presentation at the Warming Center in Kalispell. Fisher said finding out that Kalispell is the 2nd largest homeless population density in the state of Montana was alarming and an eye opening experience. They are at capacity and have turned away 146 individuals. Mayor Barnhart asked if they can be under the influence of alcohol or drugs and still get in or are they turned away. Hamilton said from her experience, if they can maintain themselves they can be there. Mayor Barnhart asked if the Warming Center makes referrals to other groups in the area. Fisher said he believed they do make referrals. Hamilton said the Samaritan house will take individuals up to standing room only.

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Councilor Lovering concurs with Fisher on the city crew doing a good job on snow plowing. Lovering would like to remind businesses to shovel the sidewalk to the street to make it safe for pedestrians.

Councilor Lovering said she was pleased to see the stop sign installed behind Smith's grocery store.

Councilor Hamilton said she was in Kalispell and the sidewalks were not plowed and people were walking on the highway.

Mayor Barnhart said he read a newspaper article about the Rimrock Foundation in Billings doing a \$29 million dollar expansion and is surprised Missoula isn't doing the same. There is a Flathead County Health Board meeting coming up and there may be discussion on the Warming Center.

CITY MANAGER REPORT

Nicosia said she sent out the Governor's Housing Task Force Final Recommendations and that discussion segues into the council comments about housing, homelessness and funding. One of the final recommendations is that a community that embraces the recommendations may qualify for state funding. There is legislation being drafted in support of maintaining local control for zoning parameters.

Nicosia said that Councilman Shepard had asked for clarification on the adjoining neighbor letters at the December 13th Planning Board Hearing as residents were complaining that they did not receive a letter from the Planning Department. Nicosia presented a map of the 150' buffer and noting individuals that indicated that they did not receive a letter. This map will be included in the council packet on January 3rd. Nicosia said the City follows State statute when providing notice to neighbors, if your property is within 150 feet of the proposed project you are sent a letter. The list of addresses is generated through the county and city staff sent out 99 letters. Staff researched individuals that said they did not receive a letter and many were not within the 150 feet of the proposed project. Three individuals noted that they had not received a letter but the City mailed them and they were not returned by the USPS. The list is not a public record pursuant to Title 2 noted Nicosia.

Mayor Barnhart requested a 5 minute recess to allow time for the Firefighters to join the meeting. Mayor Barnhart noted that they were scheduled at the beginning of the agenda but as they were out on a call, their attendance was delayed.

Mayor Barnhart called the meeting back to order at 7:41 p.m.

Fire Chief Weeks reported that Ron Ross is recommended for appointment to Assistant Fire Chief as the current volunteer Assistant Fire Chief Brad Peterson is recommended for a full time paid Firefighter position. Weeks noted that Ron Ross has been with the Fire Department for approximately 20 years. Staff recommends appointment of Ron Ross as Assistant Fire Chief.

Councilor Piper motioned to approve Ron Ross as the Assistant Fire Chief, seconded by Fisher and the motion carried unanimously.

City Clerk Staaland administered Oath of Office to Assistant Fire Chief Ron Ross.

Mayor Barnhart stated that he spent 34 years with the Columbia Falls Fire Department and hiring the first full time firefighters is fulfilling a dream. Barnhart noted that the Fire Department had backing from Council to figure out how to finance these paid positions and they were able to fill this need with the implementation of the Resort Tax. Mayor Barnhart noted that this is a historic moment for the City of Columbia Falls Fire Department.

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Fire Chief Weeks said the selected candidates have completed an extensive hiring process including background check, psychological testing, physical and fitness testing. Weeks said two of the three candidates are here this evening, Ryan Smith and Jade Thomas. Brad Peterson will attend the next Council meeting.

Councilor Robinson made motion to appoint Ryan Smith and Jade Thomas as Probationary Firefighter/EMT's, second by Councilor Hamilton and the motion carried unanimously.

City Clerk Staalnd Administered Oath of Office to Firefighter/EMT's Ryan Smith and Jade Thomas.

ADJOURN:

Councilor Lovering motioned to adjourn, seconded by Hamilton and the meeting adjourned at 7:51 p.m.

Mayor

City Clerk