

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

FINANCE COMMITTEE – 6:30 P.M.

Exit Conference with independent external auditor, Tana Doyle, Doyle & Associates for the City's 2020-21 Fiscal Year Financial and Compliance Audit. Council learned that the City received the highest audit opinion and there were no audit findings.

REGULAR MEETING – 7:00 P.M.

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

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

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 Robinson made motion to approve the agenda, seconded by Councilor Piper and the motion carried.

CONSENT AGENDA:

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

Approval of Claims - September 19, 2022 - \$111,421.61

Approval of September 16, 2022 Payroll - \$136,623.90

Approval of September 6, 2022 Regular City Council Meeting Minutes

Approval of MT DOT STEP Contract for 2023 and Authorize City Manager and Police Chief to Execute

Approve Teamsters' Local 2 Collective Bargaining Agreement, July 1, 2022 - June 30, 2025 and Authorize City Manager to execute

Approval of City Manager 22 - 23 FY Contract and authorize Mayor to sign

VISITORS/PUBLIC COMMENT (Items not on agenda)

Gary Hall, resides at 140 Steppe Lane said he was in attendance to acknowledge Doug Karper and his years of service to the community.

APPOINTMENTS:

Appointment - Volunteer Firefighter Kris Ledbeter

Fire Chief Weeks said Kris Ledbeter has been to several trainings as an observer and has passed the background check as well as a physical examination. Chief Weeks and City Manager Nicosia recommend approval of Kris Ledbeter as a Fire Department probationary member.

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Councilor Piper motioned to appoint Kris Ledbeter as Probationary Volunteer Firefighter, seconded by Councilor Fisher and the motion carried.

City Clerk Staaland administered Oath of Office to Mr. Ledbeter.

NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

Mayor Barnhart read the notice of hearing:

Notice of Public Hearing - October 3, 2022 - Planned Unit Development:

Mick Ruis is requesting a Planned Unit Development on behalf of HC 246 LLC in the Columbia Falls Zoning Jurisdiction. The property is located at 230 Highway 2 East in Columbia Falls and is described as Tract 1 of COS No. 3040 and Certificate of Survey No. 3778 all in Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County. The applicant is proposing to construct a four story 65 unit hotel and is requesting the PUD in order to exceed the 45-foot height limit by five feet and reduce the landscape provisions of the large building and PUD standards.

NEW BUSINESS:

Call for Bids - FEMA Public Assistance Project - River's Edge Park

City Manager Nicosia reported this project generally consists of repairing the flood damage at River's Edge Park including restoration of approximately 400 lf of the gravel access road, repair and restoration of gravel and paved pedestrian paths, repair and re-anchoring of the wooden plank bridge, debris removal and river bank repair. The bid opening will be Tuesday Oct. 11, 2022 and brought forward to council at the Oct. 17th council meeting for award. Staff recommends approval.

Councilor Piper motioned to call for bids for the FEMA Public Assistance Project at River's Edge Park, seconded by Councilor Fisher and the motion passed.

Council Vacancy - Appointment Process

Mayor Barnhart said Council has 30 days to replace Doug Karper's vacant council position. Mayor Barnhart said he was happy to see the amount of interest in the vacant council position. Mayor Barnhart asked City Attorney Breck if the discussion should be an open or closed meeting. City Attorney Breck replied the meeting should be open to the public. Mayor Barnhart asked Council how they want to proceed. Councilor Shepard said he was concerned with some of the letters not actually being a letters; he would have liked to see more information about each applicant. Fisher said he agreed with Shepard with the submitted letters of interest. Council discussed holding a special workshop meeting on the following Monday, August 26th to further review the applicants. After council discussion, it was determined that the City Clerk would email essay questions to each applicant and request them back by Friday to be included into the public meeting packet for the Monday, Sept. 26, 2022 meeting.

ORDINANCES / RESOLUTIONS:

Second and Final Reading Ordinance #819 Amending the Zoning Map:

An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending the Columbia Falls Zoning Map from CSAG-5 Suburban Agricultural to CR-1 Suburban Residential at 435 Rogers Road Further Described as the Zoned Portion of Assessor's Tract 2B (The Area West of the Bluff) in Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

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Councilor Shepard motioned to approve the Final Reading of Ordinance # 819, seconded by Councilor Lovering with council voting as follows. Ayes: Robinson, Shepard, Fisher, Lovering, Piper and Barnhart.

Resolution # 1883: Adopting the Budget for the 2022-23 Fiscal Year:

A Resolution of the City Council of the City of Columbia Falls, Montana, Adopting the Budget for the City for the Fiscal Year Commencing on July 1, 2022 and Ending June 30, 2023, Approving Appropriations for each Fund of the City of Columbia Falls.

Mayor Barnhart thanked staff for their hard work on putting the budget together.

Councilor Shepard made motion to adopt Resolution # 1883, seconded by Councilor Robinson with council voting as follows. Ayes: Shepard, Fisher, Lovering, Piper, Robinson and Barnhart.

Resolution # 1884: Adopting a Fee Schedule and Procedures for Requesting Public Records:

A Resolution of the City Council of the City of Columbia Falls Setting a Fee Schedule For Copies and Research of Public Records and Establishing Procedures For Requesting Public Records from the City of Columbia Falls. City Manager Nicosia said staff put the policy together to more efficiently process the public information requests. City staff is currently handling more requests and more detailed information and in some cases, one person is requesting the same information from more than one employee at the same time. Nicosia noted that having this policy in place will facilitate the requests in a more efficient manner.

Councilor Shepard motioned to approve Resolution # 1884, seconded by Councilor Lovering.

Councilor Fisher inquired about the 25/50 cents per copy pricing and the reference to blank employee on the form. Nicosia replied the hourly rate will be for the employee doing the research and the per page rate is for routine or non-routine rates. Nicosia noted that the form prepared by the City Clerk follows the language in the policy.

Motion passed with Council voting as follows: Ayes: Fisher, Lovering, Piper, Robinson, Shepard and Barnhart.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

Councilor Robinson inquired about the corner on 4th Ave. W and Talbot Road; people are using the path as a road. Nicosia responded the City has removed trees and painted bicycles on the path, along with police enforcement on the issue; the path is in the transportation plan to potentially square the road.

Councilor Lovering noticed a water leak on 7th St. E. and 1st Ave. E. on Sunday. Nicosia responded it was a service line at the house on the corner. Public Works staff identified it Sunday as an old galvanized service line that is now repaired. Mayor Barnhart asked if the city crew replaced the entire service from the house to the main or just a section. Nicosia said she is uncertain of how the repair was completed and she will follow up with the Public Works Director.

Councilor Lovering inquired about Emergency Ordinance # 820 adopted at the last meeting and asked if the City was in compliance. Nicosia replied in the area of the bear activity, the City has bear proof containers. Nicosia noted that Evergreen picks up downtown garbage on Mondays and the City Park staff is picking up garbage every day. Mayor Barnhart asked if the businesses are in compliance with the ordinance. Nicosia said

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the City has received a couple complaints that have been accelerated to the Police Department. Mayor Barnhart said he has a neighbor that has a dumpster that nothing has been done with and would like to see them notified of the Emergency Ordinance. Nicosia said Public Works Director Hanley was going to inquire with Evergreen Disposal to see if they can swap routes due to bear activity. Chief Peters said they have talked to approximately six residents and they have been very responsive. Lovering said there is a video at the Highline apartments showing bear activity. Nicosia said the apartment building owners have installed an alarm system and an electric fence around the dumpsters and are looking into bear proof containers. The City has put up cameras at River's Edge Park and Kreck Park. Shepard asked if the compost company has been contacted, the smell coming from the compost area is unbelievable. Mayor Barnhart said they are in the process of building covered areas. Nicosia said they are working directly with DEQ and Fish Wildlife and Parks. Piper said Smiths dumpster site is terrible and they have not changed anything since the Ordinance went into effect.

Mayor Barnhart said the budget section in the minutes was an excellent explanation and would like to see it out to the public. Mayor Barnhart also said the mowing of tall grass is looking good around town.

CITY MANAGER REPORT

Nicosia reported on the EPA update for the CFAC site. EPA has revised the schedule to delay the release of the clean up proposal to spring of 2023. They will have the record of decision in 2023 after that they will start negotiating with all parties. In 2025 and 2026 they will do the remedial design with remedial action in 2027-2028.

Nicosia reported that both ARPA Contracts for water and wastewater have been signed.

Nicosia reported that the City is reviewing the 1st Ave West ROW between 9th and 8th Street West. O'Brien Byrd has approached the city about revising the right of way on 1st Ave. W. to make the area safer. Nicosia noted that this street is also a sea of asphalt as a portion of Glacier Bank parking area is actually in the right of way as well as O'Brien's parking. The City received a formal request to give up about 10 feet of right of way adjacent to the Coop building to make that area safer. The owners are willing to pay for half of curb, cutter and sidewalk installation from O'Brien's up to 8th Street W. The City is in the process of looking to see what is under the requested 10 feet of right of way. If public utilities such as water main, gas or other utility lines are present in the 10', the ROW will have to remain as is currently.

Nicosia reported that there was a Raise Grant kickoff meeting and they informed us it would be 3-6 months before the City receives a final contract. The FHWA personnel inquired if the City wanted to pass our \$10 m through MDOT and we indicated we would not as the State would add a 13.42% (\$1.3m) indirect overhead rate.

Project Updates continued –The pickleball court was delayed while waiting for materials. Sand volleyball is coming along and the City thanks Pedro's for donating their equipment and labor. The street crew is out working on patching and painting streets. Mayor Barnhart added Nathan Riley was very helpful with the sand volleyball court; he cared about the project and made sure it was done correctly.

Chief Peters said the formal review of traffic signage on 1st Ave E has been completed and the report submitted to the Street Crew for installation. The City will need to put some no parking signs on the shoulder of the hill as well. Chief Peters added that the Police Department has been enforcing the bear ordinance and

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residents have been active with compliance. We are starting to see a slowdown in traffic as tourists vacate. The flashing signs in the school zones have made a huge difference.

MISCELLANEOUS

August Police Department Activity Report

August Fire Department Activity

Financial Report - June 2022

Correspondence

ADJOURN:

Councilor Lovering motioned to adjourn, seconded by Councilor Robinson. The meeting adjourned at 7:58 p.m.

Mayor Barnhart

City Clerk