

**CITY OF COLUMBIA FALLS  
CITY COUNCIL REGULAR MEETING MINUTES  
HELD DECEMBER 04, 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, and Mayor Barnhart.

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

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA:** Councilor Lovering motioned to approve the agenda, seconded by Councilor Shepard and the motion carried.

**CONSENT AGENDA:** Councilor Robinson made motion to approve the consent agenda noting all claims appeared to be in order, seconded by Councilor Shepard and the motion carried unanimously.

Approval of Claims - December 4, 2023 - \$336,497.71

Approval of Payroll Claims - November 22, 2023 - \$152,491.25

Approval of November 20, 2023, Regular City Council Meeting Minutes

**NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:**

**Mayor Barnhart read the Notice of Public Hearing - HB 355 Projects and asked for a staff report from the City Manager:**

On Monday December 4, 2023, 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 accepting public comment on the City's proposed House Bill (HB) 355 Projects.

Whereas the 2023 Montana Legislative Session adopted HB355 that established a statutory appropriation, known as the State Local Infrastructure Partnership Act, to the City of Columbia Falls in the amount of \$359,193 as well as requiring a 25% local cash match.

The MT Department of Commerce rolled out the HB 355 provisions on November 6, 2023, which include establishing a priority list of projects and conducting a public hearing to accept public comment on the proposed projects. The specific provisions of HB 355 will be reviewed during the public hearing.

City Manager Nicosia presented the priority list as discussed at the previous City Council meetings. Nicosia reviewed eligible projects pursuant to the bill including drinking water systems, wastewater treatment systems, fire suppression systems, streets, roads, airports, landfills, streetlights, public grounds, and buildings. Priority must be given to projects that maintain or repair publicly owned drinking water systems, publicly owned wastewater treatment systems and municipal fire suppression systems.

City Staff prepared the list according to the highest priority as requested by the Council. Total funding for projects complying with HB 355 is \$478,924 (State funding - \$359,193, local cash match \$119,731).

Wastewater Treatment/Sewer Distribution - \$380,000 (\$285,000 HB 355, Local cash match \$95,000 Sewer Fund Restricted WWTP) Cash, 5310-102230. This includes the mainline repair between 2<sup>nd</sup> St. West and 3<sup>rd</sup> St.

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West (\$15,000), electrical distribution/switch gear project (\$50,000), steel grit bin replacement (\$190,000), replacing the 1983 scum pump and controls (basement of clarifier) (\$100,000), and replacing Meadow Lake Flow Meter (\$25,000).

Water - \$60,000 (\$45,000 HB 355, Local cash match - \$15,000) – water fund operating cash 5210-101000. Hydrant replacement w/auxiliary valves – 6 hydrants w/valves (includes labor, equipment, materials to replace hydrants).

Bike paths - \$50,000 (\$29,193 HB 355 balance (58%), local cash match \$20,807), Veterans' Drive bike path repaved – 9<sup>th</sup> St. W. to 11<sup>th</sup> St. W.

City Manager Nicosia said these are the priority projects that staff are bringing forward for funding. Staff requests the Council consider and accept the proposed projects to be submitted to the Montana Department of Commerce for the HB 355 funding application.

With no public comment Mayor Barnhart opened and closed the Public Hearing at 7:08 p.m.

Councilor King motioned to accept the priority project list submitted for the HB 355 application, seconded by Councilor Fisher with Council voting as follows. Ayes: Shepard, Fisher, King, Lovering, Piper, Robinson, and Barnhart.

**Mayor Barnhart read the Notice of Public Hearing - Title 5 Business License Amendments and asked for the staff report:**

On Monday December 4, 2023, 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 amending Municipal Code Title 5 Business License Regulations.

The 2023 Montana Legislative Session adopted law changes that now require the City of Columbia Falls to amend the City's Business Licensing Program into a Business Registration Program.

The reviewed Business Registration Program is not intended to require additional licensing when the state is the original issuer of a license but rather is intended to promote public health, safety, and welfare through the provisions of the Business Registration Program.

City Manager Nicosia reported that the 2023 Legislature changed the provisions for the city business licensing program so staff is recommending an update to Title 5 Business Licensing Program to provide a Business Registration Program as documented in Ordinance # 827. The Business Registration program promotes public health, safety, and welfare for the community. Nicosia reviewed the changes from the current Business License regulations to the proposed Business Registration program to comply with state statute.

Nicosia noted that city staff is requesting the Council to amend Chapter 5.01 to Business Registration replacing the current Business License program.

Mayor Barnhart asked what was the driving force behind the legislation. Nicosia replied that the Senator that carried the bill was out of Billings and during the testimony on the bill, the Whitefish fees (\$400) were cited, which are much more than the City of Columbia Falls \$40 fees.

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Mayor Barnhart opened and closed the Public Hearing at 7:20 p.m. as no public comments were received.

**Mayor Barnhart read the Notice of Public Hearing - Zone Change within Columbia Falls Jurisdiction - Planning Board December 12, 2023 & City Council January 2, 2024:**

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

The owner/applicant, Boys and Girls Club of Glacier Country, Inc., is requesting a zone change at 165 Veterans Drive in 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:**

Award Bid - Sidewalk and Parking Improvements Project - Knife River - \$723,000.00

City Manager Nicosia referred to the Recommendation to Award report from Morrison & Maierle. The City staff were pleased that the bids came in lower than the engineer's estimate. The staff is recommending the Council award the bid to the low bidder Knife River at \$723,000. Mayor Barnhart said it is refreshing to have a bid come in less than anticipated.

Councilor Piper motioned to award the bid to low bidder Knife River, seconded by Councilor Shepard and the motion carried.

**Columbia Falls Appointment - Flathead Emergency Communications Center Operations Board - Chief Clint Peters**

City Manager Nicosia reported that the Flathead County Commissioners' have requested that the Council designated a Columbia Falls representative for the Flathead Emergency Communications Center Operations Board.

Councilor Shepard motioned to appoint Chief Peters to the FECC Operations Board, seconded by Councilor Lovering and the motion carried unanimously.

**ORDINANCES / RESOLUTIONS:**

**First Reading - Ordinance # 827 Amend Title 5 Business License Regulations:**

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

Councilor King motioned to adopt the First Reading of Ordinance # 827, seconded by Councilor Robinson and the motion carried.

**REPORTS / BUSINESS FROM MAYOR & COUNCIL**

Councilor King said the Night of Lights parade was wonderful.  
Mayor Barnhart recognized council person elect Kathy Price.

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**CITY MANAGER REPORT:**

Resort Tax Update-Nicosia said the City has received 3% more in collections for this time period from last year and funds are coming in as anticipated.

Nicosia reported that the City is still waiting for the final signature on the Raise Grant.

The City staff has submitted 27 pages of comments back to HDR on the WWTP project design.

Nicosia said the appraisal of the property the Northwest Community Land Trust confirmed the purchase price was appropriate. Nicosia said she is finishing up the final environmental assessment to proceed with the HOME grant reimbursement.

Nicosia met with Commissioner Abell and Dave Prunty concerning the speed studies on Hwy 2 and the North Fork Rd. The county will support the City request for a speed study, noting it will take approximately one year to have it completed.

Nicosia reported that the legislative changes that have gone into effect since adopted, some with immediate effective dates, some with October 1<sup>st</sup> effective dates and some with January 1 effective dates, supersede the City code. The City must enforce all new statutory provisions regardless of language in the City code. Nicosia noted the City will enforce the statutes and update city code in the future, there is no need to amend city code immediately.

Nicosia said Council looked at tract 3D off Railroad St. for potential housing. In order for a dedicated city park to be sold, it must go to a vote of the citizens. Nicosia noted that the council approves every sale or abandonment of property by resolution. Habitat for Humanity and Northwest Community Land Trust got together and thought they may be able to work on a project together. Nicosia asked if the Council wanted to pursue this and appoint a council committee. Councilor Fisher asked if this property was ever a platted city park. Nicosia said it was not dedicated as parkland. It was owned by DOT, and they deeded it to the City. Councilor Robinson asked if the City has developed the property. Nicosia replied the City has installed a sprinkler system. Councilor Lovering asked what the zoning is on the property and can it be used for multi-family housing. Nicosia replied yes, it could be used for multi-family housing, it is zoned CB-2. Mayor Barnhart said his only concern is where the younger children are going to play ball. Councilor Shepard suggested having the City Manager look further into the project. Councilor Piper said the baseball association may restructure to use fields that are not being used; noting there is significant green space in the community.

**MISCELLANEOUS**

Correspondence

Finance - Thru November 2023

**ADJOURN**

Councilor Lovering motioned to adjourn at 7:49 p.m., seconded by Councilor King.

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Mayor

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City Clerk