

**CITY OF COLUMBIA FALLS
CITY COUNCIL REGULAR MEETING MINUTES
HELD DECEMBER 05, 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, Councilor Shepard-via Zoom Meeting 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 Lovering made motion to approve the agenda, seconded by Councilor Fisher and the motion passed.

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

Approval of Claims - December 5, 2022 - \$146,289.27

Approval of November 25, 2022 Payroll - \$141,582.34

Approval of November 21, 2022 Regular City Council Meeting Minutes

Approval of Developers' Improvement Agreement - Ruis Holdings 540 Nucleus LLC and authorize City Manager to sign

NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

Mayor Barnhart read the following - Notice of Public Hearings:

The Columbia Falls City-County Planning Board will hold 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 have 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

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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.

NEW BUSINESS:

Consideration of Fees for Special Fire Department Inspections - Short Term Vacation Rentals

City Manager said the Fire Department is receiving multiple requests for vacation rental inspections that often result in having to return for re-inspection which is time consuming. After reviewing time requirements and fees charged by other municipalities, staff was considering charging a \$75 fee for a vacation rental fire inspection and a \$50 for re-inspection. Fire Chief Weeks said there is a Rental Property Inspection Checklist on the city website that the owner can view and use before their initial inspection, but he continues to return to properties for re-inspection due to noncompliance of the initial inspection. Weeks said he has to return to make sure the property is in compliance. Mayor Barnhart asked if staff knew the percentage of nightly rentals in the city compared to the rural area. Chief Weeks said he would estimate 90% are in the City. City Manager Nicosia said the city could invoice for both in city and rural inspections and re-inspections. Nicosia noted that if council wants to move forward with adding the fees, the city is required to give notice of a public hearing. Councilor Lovering asked if adding a fee has been beneficial for other cities. Fire Chief Weeks said he has not researched the effect of the fees in other cities. Councilor Piper said he would be in favor of an annual fire inspection fee, and is in favor of the Fire Department charging a fee for inspection; it is time consuming as well as a safety issue. Fisher asked if the fees imposed would cover our cost. Chief Weeks said it takes approximately an hour for an initial inspection. Mayor Barnhart asked if it would benefit the businesses to have an annual inspection. Weeks said he believes it is beneficial and will look into it further. Councilor Hamilton inquired on what happens if there is no inspection and there is an incident, Weeks said there is no liability to the city.

Councilor Fisher motioned to call for a public hearing to impose an initial Fire Inspection fee of \$75 and a re-inspection fee of \$50, seconded by Councilor Lovering and the motion carried. City Manager Nicosia said she will give notice for the January 3, 2023 council meeting.

ORDINANCES / RESOLUTIONS:

First Reading - Ordinance 823 - Amend Chapter 3.20 Resort Tax to Add Late Fees and Penalties

City Attorney Breck recommended some changes to the ordinance in section A, B and C for clarity and civil penalties.

Councilor Lovering motioned to approve the modifications made by City Attorney Breck in sections A-C, seconded by Councilor Fisher and the motion carried.

Councilor Fisher motioned to approve the amended First Reading of Ordinance #823, seconded by Councilor Robinson.

Councilor Fisher said he missed the November 21, 2022 meeting and was wondering what the discussion was as he was an advocate for a stronger penalty. Mayor Barnhart said he believed it was a fair amount and Councilor Piper said he believed it was due to being the kinder city. Lovering asked if it doesn't work can we bring it back to be amended. Mayor Barnhart said yes, we can bring it back to amend penalties.

The motion passed.

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Resolution 1885 - Update to City's Personnel Policy Manual

City Manager Nicosia said there were some needed changes made to the City Policy and Procedures manual, to include e-cigarettes in the smoking section, and an update the City's personnel policy to accommodate provisions related specifically to the paid Firefighter EMT positions. As previously reviewed by the Public Safety Committee and City Council, the Firefighter EMT positions will be paid overtime after 90 hours of regular pay. Nicosia noted that the FLSA allows for 106 hours for firefighters and the City's Police Department contract reads anything over 84 regular hours is considered overtime. The 90 hours of regular pay in the Fire Department will allow them to respond to other calls and participate in weekly training on Wednesday evenings. Nicosia said there is also an added uniform allowance of \$1,000 per year. Also included for the Firefighters is call outs when they are called back to work except when it extends their regular work day. Mayor Barnhart inquired about call out hours. Nicosia said if they are called back to work and it is not extending their regular work day they will receive a minimum of 3 hours at the overtime rate, consistent with other city employees.

Councilor Hamilton motioned to adopt Resolution #1885, seconded by Councilor Lovering with council voting as follows. Ayes: Hamilton, Lovering, Piper, Robinson, Shepard, Fisher and Barnhart.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

Councilor Fisher asked the City Manager about scheduling a meeting our representatives in Helena before the session starts. Nicosia said she will reach out to them to see if they can make a meeting next week.

Mayor Barnhart said the Night of Lights Parade was great this year.

Councilor Shepard said City Manager Nicosia sent a reminder out about the Governor's task force on housing, you need send comments out by Wednesday night. There are lots of items out there for small cities, if this passes in total with the Legislation coming up.

CITY MANAGER REPORT

Nicosia said she listened to the webinar on the Governor's Housing Task Force and the committees moved through their recommendations. It will be a good topic to bring up with our legislative representatives. There was a good article on addressing the housing shortage.

Nicosia said she had added draft agendas a week in advance for Council and Planning and Zoning Board meetings. There is a workshop with City Planner Eric Mulcahy, City Attorney Breck and Kelly Lynch Director of Montana League of Cities and Towns next Monday at 6:30 in the council chambers for all Board of Adjustment, Planning Board Members and Council. It is a review of how the pieces of Planning and Zoning work together as well as the statutory requirements.

MISC. REPORT

Fire Chief Weeks said the City is still waiting for the SAFER grant award notice; all candidates have passed all testing and are ready to move forward.

ADJOURN

Councilor Lovering motioned to adjourn, seconded by Councilor Piper and the meeting adjourned at 7:50 p.m.

Mayor

City Clerk