

**CITY OF COLUMBIA FALLS
CITY COUNCIL REGULAR MEETING MINUTES
HELD JUNE 21, 2021**

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

ROLL CALL: Councilor Darin Fisher, Councilor Doug Karper, Councilor Paula Robinson, Councilor John Piper, Councilor Mike Shepard and Mayor Barnhart. Councilor Jenny Lovering was absent.

Also present: City Manager Nicosia, Public Works Clerk Vissotzky, City Attorney Breck, Public Works Director Hanley and Police Chief Peters.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

CONSENT AGENDA:

Motion made by Councilor Fisher, noting that all claims appeared to be in order, motion seconded by Councilor Shepard, with council voting as follows:

Ayes: Mayor Barnhart, Councilor Fisher, Councilor Karper, Councilor Robinson, Councilor Piper and Councilor Shepard. Absent: Councilor Lovering.

Approval of Claims - June 21, 2021 - \$163,257.84

Approval of Payroll Claims - June 11, 2021 - \$83,710.25

Approval of June 7, 2021 Regular City Council Meeting Minutes

Approval to Write-off Bad Debt Expense - \$415.27

Approval to Write-Off Outstanding Claims Checks Older than One Year - \$423.85

Approval of General Engineering Services Agreement and Task Order # 1 - Robert Peccia & Associates, Inc and authorize City Manager to execute

Approval of RAISE Grant Consulting Services Agreement - KLJ and authorize City Manager to execute

VISITORS/PUBLIC COMMENT (Items not on agenda): None.

NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

Mayor Barnhart read the hearing notices:

Notice of Public Hearings - July 6, 2021 - Planning/Zoning Issues:

The Columbia Falls City-County Planning Board held a public hearing for each of the following items at their regular meeting on Tuesday June 15, 2021 at 6:30 p.m. in the Council Chambers at City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold subsequent hearings on Tuesday July 6, 2021 starting at 7:00 p.m. in the same location. The hearings will be conducted in person at City Hall as well as virtually via ZOOM.

Request to change zoning from CSAG-5 (Suburban Agricultural) to CR-1 (Suburban Residential) in the Columbia Falls Zoning Jurisdiction: The applicant, Jean Flynn, is requesting a zone change at 221 Rogers

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Road in the Columbia Falls area from the current CSAG-5 (Suburban Agricultural) to a CR-1 (Suburban Residential) designation. The property is approximately five acres with a residence and outbuildings. The property is described as Parcel B of COS 16149 (Assessors' Tract's 9A, 1AA, 1ABAA, and 8A) of Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County.

Request for a Planned Unit Development (PUD) for the Garnier Heights Development: The applicant, RH Joint Holdings, LLC, is requesting a PUD Overlay for property generally located north of Lemburg Lane between North Hilltop Road and Meadow Lake Boulevard. The property is 28 acres in size and is zoned with a combination of CR-1, CR-2, and CR-3 urban residential zoning districts. The PUD will allow the applicant to cluster lots into single family attached and detached units preserving 11.42 acres in park and open space. The overall density of the project is 3.55 units per acre. In addition to the clustering, the applicant is asking for a front yard setback deviation for the alley loaded townhomes. The property is described as Parcel 1 of COS 14679 excepting therefrom the property within the Plat known as Hilltop Meadows in Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County.

Request for Preliminary Plat approval of the Garnier Heights Subdivision – A 102- unit development: The applicant, RH Joint Holdings, LLC, is requesting preliminary plat approval for property generally located north of Lemburg Lane between North Hilltop Road and Meadow Lark Boulevard. The applicant will subdivide the property into 102 units with a combination of single family detached, two unit attached, and four unit attached structures. The subdivision will place 11.42 acres of the 28-acre parcel in park and open space and develop an overall density of the project is 3.55 units per acre. The subdivision has two access points one from Meadow Lake Boulevard on the east and the other on North Hilltop Road to the west. All internal subdivision roads will be developed to City standards with curb, gutter, sidewalks, and boulevard trees. The property is described as Parcel 1 of COS 14679 excepting therefrom the property within the Plat known as Hilltop Meadows in Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County

Notice of Public Hearings - 2021-22 FY Preliminary Budget - Beginning Monday, July 19, 2021

NOTICE IS HEREBY GIVEN, that the City Council of the City of Columbia Falls, Montana, will hold public hearings beginning on July 19, 2021 at 7:00 p.m. in the Council Chambers for the following purposes:

Preliminary Budget

Presentation and consideration of the preliminary budget for fiscal year beginning July 1, 2021 and ending June 30, 2022. 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 FY 2021/2022. Council will hear any objections to the final adoption of the resolution levying special assessments for FY 2021/2022. Special Assessments are estimated as follows:

Street Lighting District	\$ 30,049
Street Maintenance District	\$316,000

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.

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Notice of Public Hearing - Urban Renewal District Expansion - July 19, 2021. The Columbia Falls City Council will hold a public hearing at its regular meeting on Monday, July 19, 2021, beginning at 7:00 PM in the City Hall Council Chambers, 130 6th Street West, Columbia Falls, MT, to consider the First Reading and Provisional Adoption of the Ordinance establishing the Columbia Falls Urban Renewal District (URD) – 2021 Expansion and adoption of the 2021 Columbia Falls URD Plan. Columbia Falls intends to use tax increment financing in support of making infrastructure improvements as revenues permit and may issue tax increment financing bonds.

And, at the Columbia Falls City Council regular meeting on Monday, August 2, 2021, beginning at 7:00 PM in the City Hall Council Chambers, 130 6th Street West, Columbia Falls, MT, the Council will consider the Second Reading and Final Adoption of the Ordinance establishing the Columbia Falls Urban Renewal District (URD) – 2021 Expansion and adoption of the 2021 Columbia Falls URD Plan.

The Columbia Falls URD – 2021 Expansion encompasses approximately 23.87 acres locally known as the Cedar Palace Property and consists of seven parcels addressed as 500 12th Avenue West in Columbia Falls. These seven parcels are described as Assessor's Tracts 8, 8B, 8F, 8G, 8HA, 8H and 8E, in Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

UNFINISHED BUSINESS:

Vacation Rental Review – City Attorney:

City Attorney Breck gave a detailed report on vacation rentals also known as short term rentals (STR). His report was a summary of a study performed by the University of Montana in 2020 as well as an analysis of case law and federal and state regulations. In Montana, there are around 12,000 STR currently, with Flathead County having the highest amount at 2,814 per the UM report. People operate STR's for three reasons: make money, help pay insurance, taxes, and utilities, and to use the home as an investment. Overall, STR's do not affect the housing market; there is a housing shortage regardless of them. Some owners build a second, smaller unit to rent. Owners tend to take better care of an STR than a long-term rental because they can be publicly reviewed just like the renter can. There have only eight court cases dealing with STR's in the US so far. One in Santa Monica California found that a city's regulation of them did not interfere with interstate commerce and that the regulations can be very restrictive. Another one found that the regulations must be very specific. Some cities have ordinances that require the STR companies to disable accounts of owners if they are not in compliance with the local regulations. Columbia Falls was found to have well thought out regulations and an easy application process.

Mayor Barnhart said it seems the City is on the right track. Attorney Breck said the STR's are somewhat self-regulating because of the public reviews.

ARPA Funds – Water and Sewer Infrastructure:

City Manager Nicosia reported to Council on the City's ARPA Funds for water and sewer infrastructure. The City is getting \$1.5 million in two installments. Nicosia reported that City staff is recommending using the majority of the funds for the planned wastewater treatment plant improvements, including the bioreactor addition as well as utilizing approximately \$500,000 to detect and/or repair water leaks and risk mitigation. A mobile generator is needed to run the wells in case of an extended power outage. Nicosia reported that utilizing the funds for the wastewater treatment plant project will allow the City to fund the project without borrowing from SRF, a significant savings to all sewer customers, residential, commercial, industrial and governmental. Nicosia also reported that the City needs to upsize the sewer main at 13th to handle the existing flow from the north. The engineers have indicated that this could also be included in the application. The application deadline is July 15th although the final application and criteria are not yet determined by the state.

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Mayor Barnhart asked if this would affect the 12th Ave W project. Nicosia said these water and sewer applications do not directly impact the 12th Ave W project; but if funds were available to complete the proposed future work, city staff could look at adding to the application. Councilor Robinson asked about the funding timeline. Nicosia stated it has to be obligated by December 2024 and spent by December 2026. Council concurred with City staff recommendation.

ORDINANCES / RESOLUTIONS:

Second and Final Reading - Ordinance # 806 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending the Columbia Falls Zoning Map from CSAG-10 Suburban Agriculture to CSAG-5 Suburban Agriculture for the Property Located at 7030 Highway 2 East, Further Described as Parcel 1 of COS 16981 of Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana

Motion made by Councilor Shepard to approve Ordinance 806, seconded by Councilor Karper, with council voting as follows. Ayes: Mayor Barnhart, Councilor Fisher, Councilor Karper, Councilor Robinson, Councilor Piper and Councilor Shepard. Absent: Councilor Lovering.

Resolution # 1850 - A Resolution of the City Council of the City of Columbia Falls, Montana, Designating Heritage Days 2021 as an Official Community Activity of the City of Columbia Falls and Designating Persons Responsible for Planning the Events of Heritage Days 2021.

Nicosia reported that Heritage Days has changed over the years and city staff and the attorney need to review this resolution in the future to ensure that it is current and relevant. Nicosia noted that this resolution is similar to the historical resolution designating Heritage Days as a community event.

Motion made by Councilor Shepard to approve Resolution 1850, seconded by Councilor Karper, with council voting as follows. Ayes: Mayor Barnhart, Councilor Fisher, Councilor Karper, Councilor Robinson, Councilor Piper and Councilor Shepard. Absent: Councilor Lovering.

CITY MANAGER REPORT:

Manager Nicosia reported that the City received EDA authority to proceed with the Request for Engineers Proposals for the 12th Ave West project. The proposals are due July 19th. Nicosia noted that she will request a volunteer(s) from the Public Works Committee to review them with City staff. Upon selection of the engineer, the City can proceed, with EDA blessing. Tentatively the City will approve the Call for Bids in January 2022.

Nicosia noted that the pool opened successfully on June 11th and has taken in \$12,000 in revenues in June, partly due to the large swim team numbers. The pool is busy each day and is open 7 days a week. The City is offering swim lessons this year and the locker rooms are open.

Flathead County Health Board supported planning for a regional bio-solids plan, in a large part due to the ARPA funds available at the County level.

Nicosia noted that the Budget hearings start July 19th so she requested the following committee meetings to include a deep-dive before the preliminary budget sessions begin: Salary and Parks will meet on Tuesday, June 29th, Public Safety will meet on 6/30 and Public Works will meet on July 1st.

Nicosia reported that there has been a request to move the community market to Marantette Park next year. There was a discussion on logistics and use of the park. Mayor Barnhart was concerned about the park grounds being able to support that type of use as it is an all-grass park. The Parks Committee will review the request.

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Nicosia also noted that this year is a tax revaluation year and taxpayers have received notices. Nicosia reminded everyone to look them over and request an informal review if they do not appear to be correct. Nicosia noted that the valuation of Fenholt Park increased over 200% while her residential property had increased 16%.

Nicosia reminded Council that a June 30th Claims batch will be ran due to Fiscal year end. Council will receive an email with the claims listing

Nicosia all reported that all additional costs of the 12th Ave W project will be paid by the City as EDA does not increase their grant share. The City can use the URD Tax increment funds to pay for any increase as not all funds have been designated; Council has already designated \$350K from the TIF for the project.

MDOT recommended that the 5th Ave W and Nucleus Ave intersection be fixed and aligned on the east side when Ruis Construction completes the bulb out on the west side. The City would include the work in the Ruis project and reimburse the contractor that is doing the work on the western side of the intersection.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

Councilor Piper stated that bulb-outs are good but no parking on the yellow lines needs to be enforced. Chief Peters said the police had 4 tickets there last week alone.

Councilor Shepard said he is meeting with Senator Tester's office on Wednesday am.

Fisher said the TIF District is working as intended and provides a nest egg for City needs as they arise, such as the bulb outs.

Mayor Barnhart said he reviewed the City's open burning code, 8.28.020, and the contents of the fires need to be verified and residents need to be reminded of what is allowed in campfires. He asked Chief Peters if there has been headway on the recent park vandalism. Chief Peters replied there has been some headway and the department is still working on it but it takes community effort. Barnhart stated that the volume of the fountain at Falls Park seems low. He also asked if a sign could be placed at Columbus Park showing the history of Columbus School that once stood in that location.

MISCELLANEOUS

Police Activity - May 2021

Finance Report – May 2021

Correspondence

ADJOURN

Councilor Fisher motioned to adjourn at 9:04 p.m., seconded by Councilor Shepard and the motion carried.

Mayor

Attest:

City Clerk

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