

**CITY OF COLUMBIA FALLS
CITY COUNCIL REGULAR MEETING MINUTES
HELD AUGUST 07, 2023**

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

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

Also present: City Manager Nicosia, City Clerk Staaland, City Attorney Breck and Sergeant Rice.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA: Councilor Robinson motioned to approve the agenda, seconded by Councilor King and the motion carried.

CONSENT AGENDA: Councilor Fisher made motion to approve the consent agenda, noting all claims appeared to be in order, seconded by Councilor King with council voting as follows. Ayes: Fisher, King, Robinson and Barnhart.

Approval of Claims - August 7, 2023 - \$122,876.54

Approval of Payroll Claims - July 21, 2023 - \$170,520.26

Approval of Payroll Claims - August 4, 2023 - \$116,287.63

Approval of July 17, 2023 Regular City Council Meeting Minutes

Approval of Memorandum of Agreement - Non-Transport Agencies - Flathead County EMS June 1, 2023 - May 31, 2024 and authorize City Manager to Execute

Accept Infrastructure - Urban Woods Subdivision

Approval of CJIN Agency Agreement between MT Dept. of Justice and Columbia Falls Police Department and Authorize Chief Peters to execute.

PRESENTATIONS:

EPA Presentation - Proposed Cleanup Plan for the CFAC Site by Matthew Dorrington, Remedial Project Manager

Matt Dorrington said the presentation he is sharing tonight was the same presentation that was presented to the public on June 28, 2023. Mr. Dorrington said his plan this evening is to cover site history, superfund process, summary of alternatives, EPA's preferred alternative and public comment period. The goal is to get remedial action done by 2026-2027. The plan is subject to change with review of public comments.

Mayor Barnhart asked about the monitoring every 5 years. Mr. Dorrington replied it is a formal review process and monitoring for a minimal of 30 years. Glencore will do the monitoring and submit findings to EPA. The independent contractor is hired by the state or EPA said Dorrington.

Shirley Folkwein asked how Carmen King is part of the process. Missy Haniewicz replied she is a consultant to review the plan and provide questions and is an unbiased third party.

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Mayre Flowers, Citizens for A Better Flathead, Kalispell, MT, asked after the close of public comments on Aug. 31, 2023 if questions were raised if there would be an extended public comment period. Kayleen Castelli replied she does not think there was another comment period, but they might put the new proposed plan out for public comment.

Chris Peterson asked under the proposed action how many acres will remain industrial. Mr. Dorrington replied it is a bit premature to speculate. Mr. Sloan, DEQ, said the site is 800-900 acres and his guestimate is there may be 500-600 acres for redevelopment.

VISITORS/PUBLIC COMMENT (Items not on agenda)

Shirley Folkwein, 285 Shooting Star Dr. asked if the budget is a public hearing. Mayor Barnhart replied yes, the public hearing is open at this time.

Ms. Folkwein asked if the public will be able to participate on the housing discussion. City Manager Nicosia said there is a letter from Councilor Fisher in the council packet which is a continuation from the July 17th council meeting and will be discussed this evening.

Ms. Folkwein said at the Urban Development Workshop Councilor Fisher asked if City Planner Mulcahy would make a summary on SB 382, and asked if that has happened yet. Nicosia said the League of Cities and Towns and Montana Department of Commerce are working on creating a road map of SB 382, when they have that in place it will come forward to council.

Mayre Flowers with Citizens for a Better Flathead said she understands council submitted a letter to the EPA in the past, she suggests looking at Carmen King's report and weighing in again on the cleanup proposal.

Ms. Flowers said on council discussion on housing she hopes there will be a more public discussion other than just what you will cover today.

NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

2023-24 Fiscal Year Budget Hearings continued

City Manager Nicosia reported that the Preliminary budget hearing this evening focuses on the critical mill levy piece of the budget Nicosia said she received the 2023 Certified Taxable Valuation information from MT DOR today. Nicosia compared last year's figures to the current information provided. Nicosia said we will carry forward 70.49 mills. Nicosia said she will present a preliminary budget and council will have their first look at the entire budget with a usual presentation at the August 21st council meeting. Mayor Barnhart asked about the projected 2024 FY Resort Tax revenue. Nicosia said she is estimating the revenue at approximately 1.5 million. Mayor asked with the reduction of taxes will our taxes be lower than a similar property in the county. Nicosia said it depends on the county levy for road and planning. Councilor Fisher asked if each home owner gets the same amount. Nicosia replied it is based on mills and property value.

Shirley Folkwein asked with SB 382 the city will be required to do a housing assessment, is it included the budget. City Manager Nicosia said an estimate to complete a housing assessment is not included in the FY 23/24 budget because it will not be completed in this FY. The housing assessment does not have to be immediate said Nicosia and the MLCT and DOC are currently putting together the technical resources and information for cities to comply with SB 382 including the housing assessment.

Folkwein said it is her understanding that the proposed budget is created and presented to the public. Nicosia said council opens the preliminary budget, holds hearings with discussion on different components of the budgets, giving input on what they would like to see. At the August 21st meeting there will be a full preliminary budget and it will be included in the council packet.

NEW BUSINESS:

Award Chip Seal Bid - Pavement Maintenance Solutions Inc - \$4.09/SY

City Manager Nicosia said the city received a bid from Pavement Maintenance Solutions for \$4.09 per square yard. With road material cost up the bid was higher than anticipated at \$212,770. Staff recommends approval of chip seal only to Pavement Maintenance Solutions, Inc.

Councilor Fisher motioned to approve the chip seal bid to Pavement Maintenance Solutions, Inc., seconded by Councilor Robinson with council voting as follows. Ayes: Robinson, Fisher, King and Barnhart.

Approval of MT DOC HOME Investments Partnerships Program Contract # MT-HOME-HBA-23-01 and authorize City Manager to execute

City Manager Nicosia said the city has had to recapture some of our housing funds from the federal HOME grant. When the City recaptured funds, the City is required to spend the approximate \$148,000 on affordable housing. The Land Trust is requesting the city to reimburse them for the cost of the lot near Columbus Park, and this agreement would allow us to partner with them to purchase the lot to be used for affordable housing. Mayor Barnhart asked if there is assistance for the homeowner. Nicosia said yes, the NWMT Land Trust provides assistance and families are required to submit an application for approval based on HUD income criteria. Nicosia said the City is required to spend the money on hand, which will allow us to apply for a new grant if the opportunity arises in the future.

Councilor King motioned to approve the MT DOC HOME Investments Partnerships Program Contract # MT-HOME-HBA-23-01 and authorize City Manager to execute, seconded by Councilor Robinson with council voting as follows. Ayes: King, Robinson, Fisher and Barnhart.

Approval of Mutual Release of All Claims and Settlement Agreement - Civil Cause No. DV-15-2022-939D and Authorize City Manager to Execute

City Attorney Breck said this is the mutual release settlement agreement that came of the settlement conference. The settlement agreement as written is recommended for approval by retained council Todd Hammer and Marcel Quinn and staff.

Nicosia added the City received a fencing quote from Buffum fence to install a 6 foot fence for \$14,000. We agreed to provide a sign with park hours and private property beyond the fence on the North and South sides of the park. Mayor Barnhart asked why we have a claim for \$1200 in the claims report. Nicosia said MMIA pays their share and the city pays for the counter suit. This price would be far less than going to trial said Nicosia. Councilor Robinson asked if the money for the fence and signs will come out of the parks budget. Nicosia replied that is correct. Robinson asked why the city needed to install the fence. City Attorney Breck said it is what we negotiated for a settlement. Breck said the attorney's hired by MMIA were extremely persistent and stern in keeping with what the city would and wouldn't do to settle this case. There were a lot of things demanded and in his mind this is the best for the city. Nicosia said the fence will be installed on the city property boundary. Mayor asked where the fence will go toward the river. Nicosia said on the top portion of the park as feasible. Nicosia said there was a request to fence the east side as well. Loren Fitzpatrick Attorney for Mr. Cahill said for confidentiality he would like to keep remaining arguments discussed in the settlement confidential as the purpose of the conference was to be confidential. Attorney Breck stated that he understood.

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Councilor Fisher motioned to approve the Mutual Release of All Claims and Settlement Agreement - Civil Cause No. DV-15-2022-939D and Authorize City Manager to Execute, seconded by Councilor Robinson with council voting as follows. Ayes: Fisher, Robinson, King and Barnhart.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

Housing Discussion Continued

Councilor Fisher said he has been approached by the public who wanted to talk about housing issues. Fisher said he chose to share the letter he submitted to the Flathead Beacon back in February. Fisher said it is important for him to have these conversations without an application on the table. Fisher said he put the letter out to state his piece and get input from council. Mayor Barnhart asked if we should have this conversation. City Attorney Breck said Council is not approving something; you are having a council discussion on housing. In an open meeting if you choose to put a statement together is coherent. You are free to comment to the press on what you think about housing. Mayor Barnhart stated that he does not think a letter is needed but to have a council discussion makes sense to him. Councilor Robinson said she is more guarded about her opinions and is more comfortable with an outline. Breck said expressing your opinions about housing is allowed. Fisher said he brought this up because he was approached by the public and had already submitted the same letter to the Beacon and wanted to have a conversation publicly. Councilor King said she appreciates how Fisher went into the process and how it works. Mayor Barnhart said when we had the workshop on how the Growth Policy works was great information for the public.

Shirley Folkwein, Upper Flathead Neighborhood Association, appreciates Councilor Fisher bringing this forthright. She would like to have a conversation on housing needs.

Councilor King asked if there was any way to speed up the housing needs assessment. Nicosia said a formal housing assessment is not immediately required under SB 382 and it is best to wait for DOC's technical assistance and requirements before we launch in to the process; Nicosia noted that the City gets official updated housing information from multiple sources including the Census, Headwaters Economics and others that has been independently verified. Nicosia said that the City also tracks housing through issued building permits and the City's Utility Billing said Nicosia. Nicosia reported that the City added just 15 water accounts from July 2022 to July 2023: 8 Single Family, 1 Multifamily and 6 Commercial.

Councilor Fisher thanked Public Works and the Police Department for adding the stop signs in the Columbus Park neighborhood, with the park being well used the street signs were necessary.

Mayor Barnhart asked if the fence around the basketball court is in the works. Nicosia said that is correct.

Mayor Barnhart asked if the City was going to pave additional parking near the pickleball courts. Nicosia noted that the addition of paved parking competes with other council goals and is limited by funding.

Mayor inquired about the flashing pedestrian crossing sign on 5th Street. Nicosia said she would contact the Public Works Department for information on it.

Mayor Barnhart asked if park reservations are available in all city parks. Nicosia said we will take them but the primary reservations are for River's Edge Park and Marantette Park. Can you ask for additional hours to stay open later than 10:00 p.m. Nicosia said yes, it would come to council for approval?

Mayor Barnhart asked why the COOP can play music until 2:00 a.m. Nicosia said they are zoned CB-2 and have a permitted business use, like bars/restaurants. However, Nicosia said they must follow the City's Noise Ordinance. Mayor Barnhart inquired about the Gunsight having music until 2:00 a.m. Nicosia said outside events are until 10:00 p.m. unless they have an approved permit from the city.

CITY MANAGER REPORT

Nicosia reported that Rebecca Powell with the Skatepark group is asking the city to let them use a city sponsored LWCF grant application to match the funds that they have raised. Nicosia said she was planning to use the grant funds to install a bathroom at Pinewood Park this year. Her recommendation is to partner with the Skatepark group on the application if the project and application include the addition of a permanent bathroom. Council concurred.

Nicosia noted that she has gotten two communications on not wanting a Skatepark in the neighborhood. In terms of additional traffic, the City would look at traffic patterns and can review street signage as commonly performed, such as Columbus Park area.

The city received a question on fees from the golf simulator and if it would be required to pay the city Resort Tax. Nicosia believes it is like bowling and would not be required to pay the resort tax, noting the Resort Tax discussions when the tax was created. Mayor and Council felt the same that they would not be required to pay the city resort tax.

Nicosia reported that city officials have a meeting on Wednesday, August 9, 2023 with the Department of Transportation Urban folks to review the new Urban Boundary. The boundaries changed significantly and appear skewed to the east.

MISCELLANEOUS

Fire Dept. - July 2023 Activity
Correspondence

ADJOURN

Councilor King motioned to adjourn at 9:05 p.m., second by Councilor Robinson.

Mayor

City Clerk