

**CITY OF COLUMBIA FALLS
CITY COUNCIL REGULAR MEETING MINUTES
HELD NOVEMBER 21, 2022**

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

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

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

PLEDGE OF ALLEGIANCE

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

CONSENT AGENDA:

Councilor Piper made motion to approve the consent agenda noting all claims appeared to be in order, seconded by Councilor Hamilton with Council voting as follows. Ayes: Hamilton, Piper, Robinson, Shepard and Barnhart.

Approval of Claims - November 21, 2022 - \$126,147.28

Approval of November 10, 2022 Payroll - \$91,115.48

Approval of November 7, 2022 Regular City Council Meeting Minutes

NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

Public Hearing - Resort Tax Penalties for Late Payment/Filing:

The City Council adopted the Resort Tax provisions in August 2020. At the time the Resort Tax was implemented, the Council did not add late fees or penalties for late filing and/or late payment. Due to the volume of missed reports and payments, the City Council will hold a public hearing for the purpose of considering adding penalties for late filing and late payments.

City Manager Nicosia reviewed Red Lodge and Whitefish's late payment penalty processes. Nicosia said not having a penalty/late fees in place does not encourage prompt payment and the City has had significant late payments. Councilor Shepard asked what the delinquent businesses said about being late on their payment, wondered if they were protesting payment. Nicosia said the City has not had any direct protests, it was a variety of reasons such as they thought they paid it, some could not pay at the time and some forgot about it. Mayor Barnhart asked if the VRBO owners are in compliance with business licenses and the Resort Tax. Nicosia said they are in compliance; staff includes Resort Tax information to all new businesses.

With no public comments Mayor Barnhart open and closed the Public Hearing at 7:16 p.m.

After Council discussion, Councilor Shepard made motion to authorize the City Manager and City Attorney to move forward on the gentler side of the penalties and fees with 10% per annum on all late payments after 20th due date, \$100 penalty after 30 day grace period and \$200 after 60 days, and civil charges as may be required. Motion was seconded by Councilor Robinson and the motion carried with all voting in favor of the motion.

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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 the plat has 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 zoned CB-2 which requires a CUP for building that exceeds 10,000 square feet. The CUP reviews compliance for the City's Large Building Standards of the 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:

Proclamation - Arbor Day May 5, 2023

Mayor Barnhart read the Arbor Day proclamation and declared May 5, 2023 as Arbor Day.

Consideration of Letter of Support - County Biosolids Septage Regional Facility

City Manager said there will be a Public Hearing on the County Biosolids Septage Regional Facility on December 1st, 2022. The County has narrowed down a location on un-zoned property adjacent to the Lakeside Wastewater Treatment Facility. This will be an indoor facility, fully engineered. Nicosia asked Council if they wish to send a letter of support to the County in support of the facility.

Councilor Shepard made motion to submit a letter of support of the County Biosolids Septage Regional Facility, seconded by Councilor Robinson and the motion carried with all voting in favor.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

Mayor Barnhart reported at the last County Health Board meeting there was concern about the new regional biosolids facility from neighbors, noting concerns were a result of misinformation that was corrected at the meeting. Mayor Barnhart said the purchase of the property is not final; and mentioned the property has to be close to a treatment facility. The project is moving forward but it is in the early stages of development. Mayor Barnhart also reported that the Flathead County Health Department accepted the application for the permanent Health Officer position from Jen Rankosky, and she is doing a great job.

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Councilor Shepard said he understood that new EPA personnel are assigned to the CFAC remediation review. Shepard read an article from the Frontier Institute that he came across on City Planning and Zoning issues coming up in Legislation.

Councilor Piper said taking away local input on Planning and Zoning from cities would be alarming.

Mayor Barnhart asked if community members are safe on putting garbage cans out as normal. Nicosia said there have been no bear sightings lately and the emergency ordinance was good for 90 days after passage. Mayor Barnhart said it was interesting reading the comments on social media on 5th St. W. the street is now open and folks are still complaining. Can the city implement angled parking on one side of the street? Nicosia said City staff had already discussed angle parking striping for that block.

CITY MANAGER REPORT

Nicosia said the City requested an extension on debris removal as it will be done by December 16th due to weather.

Nicosia reported that she and Shirley Folkwein collaborated on an article for the upcoming newsletter for Upper Flathead Neighborhood Association on the Planning/Zoning process.

Nicosia noted that there is a Council, Planning and Zoning Board, and Board of Adjustment workshop on December 12, 2022 at 6:30 p.m. in the Council Chambers. Kelly Lynch, Executive Director of MT League of Cities and Towns, and will be presenting at the meeting. Ms. Lynch is a certified planner and attorney with significant experience in community development. Nicosia encouraged all committee members attend.

MISCELLANEOUS

Police Activity - October 2022

Finance Reports - October 2022

Correspondence

ADJOURN

Councilor Shepard motioned to adjourn, seconded by Councilor Piper and the meeting adjourned at 7:45 p.m.

Mayor

City Clerk