

CITY OF COLUMBIA FALLS
CITY COUNCIL REGULAR MEETING MINUTES
HELD AUGUST 16, 2021

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

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

Also present: City Manager Nicosia, City Clerk Staaland, City Attorney Breck, Deputy City Attorney Stephanie Breck, Detective Denham and Chief Peters.

PLEDGE OF ALLEGIANCE

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

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

Approval of Claims - August 16, 2021 - \$253,217.54

Approval of Payroll Claims - August 6, 2021 - \$89,325.70

Approval of August 2, 2021 Regular City Council Meeting Minutes

Adoption of Updated Job Description - Public Works Operator

Adoption of Lieutenant Job Description

VISITORS/PUBLIC COMMENT:

Ken Jarboe, 9 Martha Road said he was in attendance to report in his opinion the new road stripes on Martha Road are not working. Mr. Jarboe showed Council a video on his cell phone of a vehicle on Martha Rd. traveling what appeared to be exceeding the legal speed limit. Mr. Jarboe believes the City's estimated price on speed bumps is overpriced and compared them to his researched cost of the speed bumps at the Hungry Horse Reservoir. Jarboe said he and his neighbors remain concerned with traffic violators on Martha Road.

Mark and Inga Cahill, reside at 1745 3rd Ave W. Mr. Cahill reviewed the information he had provided about Kreck Riverside Park to the City Manager which appears in the Council packet under correspondence. Mr. Cahill said the park does not have adequate parking or a public restroom. Mr. Cahill believes the activity at the park has a negative impact on his property. Mr. Cahill requests that council review the file and place this item on the next council agenda.

Mayor Barnhart asked Detective Denham if he had any comment on Martha Road. Detective Denham said he reviewed the traffic data from the city traffic cart that was placed on Martha Road. Detective Denham reported the Police Department has continued extra patrol on Martha Rd., with 57 patrols on Martha Rd. there was not one traffic violation, not one stop and no enforcement action taken. Denham said they are trying everything they can and have factual data from the speed cart. Denham said his plan is to place the speed cart on other streets to gather data from nearby neighborhoods. Nicosia said after gathering data from nearby streets the next step is to continue the evaluation with the additional data.

Mayor Barnhart read the following NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

Notice of Public Hearing: The City of Columbia Falls City Council will hold a public hearing on Tuesday, September 7, 2021 at 7:00 PM during their Regular Council Meeting for the purpose of obtaining public comments regarding a proposed application to the Montana Department of Commerce's Community Development Block Grant Program for a project meeting the newly announced CDBG CARES (CDBG-CV) grant program. On August 11, 2021, the Montana Department of Commerce announced the opening of the grant with applications due September 15th. All towns, cities and counties can apply for the CDBG-CV funding to support public facilities, public service or housing/homelessness projects that prevent, prepare for or respond to the COVID-19 pandemic. At the public hearing, the Council will review possible projects and set priorities for applications. All proposed projects will be explained, including the purpose and proposed area of the project, activities, application process, and estimated budget. Persons wishing to provide public comment regarding proposed application(s), and prioritization of applications, to the Montana Department of Commerce's Community Development Block Grant Program can do so either in person or virtually through ZOOM. All interested persons will be given the opportunity to ask questions and to express their opinions regarding the City applying for CDBG-CV funding.

City Manager Nicosia reported that this is a newly created grant program. Nicosia noted the applications are due September 15th, 2021 and the City Council will host a hearing on September 7th, 2021 to ask the public for priorities. Nicosia noted that eligible grant applications include supporting public facilities such as parks, public service or housing homelessness projects. Nicosia also reported that the Council will have to adopt a Resolution approving any grant applications.

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, September 14, 2021 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 subsequent hearings on September 20, 2021 starting at 7:00 p.m. in the same location.

Conditional Use Permit Request for a Temporary Office/Caretaker Unit: Cedar Creek Industrial Park, LLC, is requesting a Conditional Use Permit to place a pre-fabricated Office/Caretakers unit within the existing industrial park. The property is located in the industrial park at 555 4th Avenue EN in Columbia Falls. The property is zoned CI-2 (Heavy Industrial) in the Columbia Falls Zoning Jurisdiction and the zoning regulations require a conditional use permit for the caretaker's facilities. The property is described as Parcel 3A of COS 21302 (Assessor's Tract 1C), in Section 9, Township 30 North, Range 20 West, P.M.M., Flathead County.

Condition Use Permit Request for a Six-Plex Apartment Building: Adam Gardner is requesting a conditional use permit to construct a six-plex apartment building at 10 Diane Road in Columbia Falls. The property is zoned CRA-1 (Residential Apartment) and the zoning requires a CUP to review parking, street improvements, parkland dedication and the like. A CUP was approved on this site in 2019 but expired before the apartments were developed. The property is described as Lot 178 of Hilltop Homes, Section 18, T30N, R20W, P.M.M., Flathead County.

Public Hearing - 21-22 FY Budget Continued: The City Council is continuing the Public Hearing of the 21-22 Fiscal Year Preliminary Budget until Final Adoption of the Budget. Council is anticipating setting the mill levy at the September 7, 2021 Council Meeting and Adopting the Final Budget on September 20, 2021. Tonight's

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hearing included a power point presentation on the mill levy and anticipated tax impacts by City Manager Nicosia and a continued review of the proposed fund budgets.

Nicosia presented the General Fund budget with spending at \$3,518,147, noting that the budget reflects council priorities and department needs within the available funding. Nicosia presented the proposed Preliminary Tax Levy Schedule, noting that the City will be reducing the total mill levy by 30.429 mills and reducing total tax revenue by \$4,747. Nicosia said the recommendation is to set the mill levy at 191.747 mills which will fund the General Fund (152.514), Fire Relief (5.340), Permissive Medical Levy (25.319) and the Street Construction Bond (8.574). Nicosia noted that the General Fund mill levy was reduced by 6.56 mills as requested by the City Council to offset the county-wide voted 911 Center levy. Nicosia also reported that pursuant to state law and Flathead County requirements, the Council will adopt the mill levy at the September 7th council meeting with full budget adoption at the September 20th Council meeting. Council discussed the proposed mill levy and concurred with the recommendation.

Mayor Barnhart opened the public hearing at 7:54 p.m. and the hearing will remain open until the budget is adopted.

ORDINANCES / RESOLUTIONS:

Resolution # 1856 - A Resolution of the City Council of the City of Columbia Falls, Montana, Levying Assessments upon Property within Special Improvement Districts to Defray the Cost of Said Special Improvement Districts for the Fiscal Year 2021-22

City Manager said this resolution and the next two resolutions are required by State Statute. As discussed during the appropriate public hearing, the City Council is leaving the Special Assessment Lighting District \$30,049 and Street Maintenance District \$316,000 at the same levels as the prior year. Nicosia noted that the City has annexed two properties last year and Council has requested Kreck Riverside Park be added to the Lighting District so these changes are included with the respective resolution.

Councilor Fisher made motion to approve Resolution # 1856, seconded by Councilor Lovering with Council voting as follows. Ayes: Robinson, Shepard, Fisher, Karper, Lovering, Piper and Barnhart.

RESOLUTION # 1857 - A Resolution of the City Council of the City of Columbia Falls, Montana, Redefining the Area Included Within the Columbia Falls Street Maintenance District and Method of Assessment.

Councilor Karper motioned to approve Resolution #1857, seconded by Councilor Shepard with Council voting as follows. Ayes: Shepard, Fisher, Karper, Lovering, Piper, Robinson and Barnhart.

RESOLUTION # 1858 - A Resolution of the City Council of the City of Columbia Falls, Montana, Redefining the Area Included Within the Columbia Falls Lighting District.

Councilor Lovering made motion to approve Resolution #1958, second by Councilor Robinson with Council voting as follows. Ayes: Fisher, Karper, Lovering, Piper, Robinson, Shepard and Barnhart.

Second and Final Reading - Ordinance # 810 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending the Columbia Falls Zoning Map from CR-5 Two-Family Residential to CRA-1 Multi-Family

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Residential for the Property Described as Assessors' Tracts 2BDEA and 2BDAEA of Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

Councilor Shepard motioned to approve the second and final reading of Ordinance # 810, seconded by Councilor Piper with Council voting as follows. Ayes: Karper, Lovering, Piper, Robinson, Shepard, Fisher and Barnhart.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

Councilor Lovering inquired if there was progress on pickleball courts. Nicosia said City staff is getting quotes for demolition of the old tennis courts and the cost of new pickleball courts which may be more costly than originally anticipated as the painting on the tennis courts came in at \$38,000 which was higher than expected. Lovering said there have been several comments made to her that residents feel they are being harassed at Kreck Riverside Park in addition to a lot of comments on social media.

Councilor Fisher thanked staff for the continuation of the evaluation on Martha Road. Fisher asked if we have data on other streets. Chief Peters said the City will be moving the cart to additional streets to collect data. Fisher thanked the City Attorney for their well written letter on Kreck Riverside Park.

Mayor Barnhart said after going through his packet reading the extensive list of contact with our Police Department reminded him of when the park was dedicated by the City for public use. Mayor Barnhart said he knew Mr. Kreck very well and that Mr. Kreck believed in absolute public access for people to enjoy the river. Mr. Cahill is trying to get the park out of public hands and restrict public access to the river which is in direct conflict with Mr. Kreck's philosophy. Mayor Barnhart said he would like the community to know exactly what we saw in our report from Mr. Cahill along with the fact that Cahill's shut down the trail that was donated by Mr. Kreck. Mayor Barnhart said it is difficult to understand where the Cahill's are coming from to demand that the Council shut down the public park and eliminate public access to the river. Mayor Barnhart noted that the City has expended considerable funds to create a park for the public to enjoy out of an abandoned right of way. Mayor Barnhart said the City attorney's letter expresses the desires of the City, to leave the dedicated park, and does not see a need for an agenda item. Council concurred with the Mayor's sentiment.

CITY MANAGER REPORT

Nicosia briefed Council on the traffic data on Martha Rd. Staff will look at putting in a flashing stop sign and continue tracking speed both ways. Chief Peters said there is a spike in traffic in the early morning and early evening. Nicosia said City staff will schedule a property owner meeting to discuss installing a sidewalk, curb and cutter as part of the evaluation.

There was a date change on the Transportation Plan from the last agenda; the Project Advisory committee will meet August 30th, 2021 to go over the draft plan. On September 27th, there will be multiple open houses and informational meetings to discuss. Tentatively, the Council will hold a public hearing on Oct. 18 to get formal public comment. Council will adopt the plan in November.

Nicosia said she will meet with Joe Russell and the three cities to discuss the Department of Health Interlocal Agreement whereby there would be a county wide mill levy and each City will appoint a Council Member to the Health Board.

Nicosia noted that the Quiet Zone is moving forward; August 24, 2021 there will be a coordinating meeting with the engineers and DOT.

DNRC announced the list today and the City's sewer grant is ranked number 22, we are in a good place on the priority list. Nicosia will draft a letter of support of the City's application for the Mayor's signature. The water project application is further down the list and will be unlikely funded.

CITY ATTORNEY REPORT

Deputy City Attorney Stephanie Breck said nothing new has happened with the Cahill vs the Board of Adjustment appeal. There is no change and it remains a waiting game, bottom line, the court hasn't ruled yet. Councilor Fisher asked while it is in process can the owner move forward with building construction. Deputy City Attorney Breck said Mr. Ross signed an agreement to not proceed until there was a court decision. Mayor Barnhart asked when the ruling comes in favor of Mr. Ross can he seek a loss in profit. Breck said Mr. Ross is not a party in the appeal, it is the between Cahill and the City.

Mayor Barnhart asked the Police Chief if he had anything to report. Police Chief Peters said he is proud of his department as they continue working extra hours. Chief said he is excited about the new Lieutenant position and looking forward to filling it.

MISCELLANEOUS

July - Police Activity

Fire Department - Calendar YTD thru July Activity

Correspondence

ADJOURN

Mayor

City Clerk