

CITY OF COLUMBIA FALLS
CITY COUNCIL REGULAR MEETING MINUTES
HELD MAY 15, 2023

Councilor Lovering called the meeting to order at 7:00 p.m.

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

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

PLEDGE OF ALLEGIANCE

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

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

Approval of Claims - May 15, 2022 - \$779,238.91 and May 4, 2023 - \$174,922.79

Approval of Special Payroll - May 5, 2023 - \$2,122.09

Approval of Payroll Claims - May 12, 2023

Approval of Regular City Council Meeting Minutes - May 1, 2023

Approval of Change Order # 1 - NCC Neumann Construction Co - WWTP Ph 1 ARPA Project and authorize City Manager to execute

RAISE Grant Letter of Commitment - \$500,000 - Authorize Mayor's signature

VISITORS/PUBLIC COMMENT (Items not on agenda)

Chris Peterson said on Thursday, May 25th they are having a bear fair at the Community Market. If the city has information on the ordinance he will make it available to citizens.

NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

Public Hearing - Animal Conflict Prevention:

Lovering read the notice of hearing: On Monday May 15, 2023 during the 7:00 p.m. regular council meeting, the City Council of the City of Columbia Falls, shall conduct a public hearing for the purpose of discussing animal control prevention measures.

Last year due to the significant increase in bear activity within the City, the Council enacted an emergency ordinance defining preventative measures that applied to all residences and businesses within the City to reduce animal encounters. The measures included securing or storing garbage and attractants inside, storing bird feeders and domestic animal food inside at night, securing chicken coops and storing other attractants. In addition to the emergency ordinance, the City also helped push out the "Bear Aware" program. Fish, Wildlife and Parks reported a reduction in bear conflicts after these measures were put in place.

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON MAY 15, 2023

City Council is now reviewing the emergency ordinance and evaluating whether a permanent ordinance or policy should be adopted to continue the preventative measures started last year. City Council is encouraging residents and business owners to attend the hearing.

City Manager Nicosia gave a short report to Council on the measures put in place last year and the input received from People and Carnivores and Fish, Wildlife and Parks representatives. Nicosia noted that Justine Vallieres, Fish Wildlife and Ryan Wilbur, People and Carnivores will present information to Council.

Justine Vallieres thanked council for approving the emergency ordinance last fall; she noticed contact calls decreased after the emergency ordinance. Vallieres said she believes the ordinance did its job and she received a lot of positive feedback with people applauding Columbia Falls for taking those measures to help decrease bear and human contacts. Ms. Vallieres presented a power point on collared grizzly bear tracking near Columbia Falls, noting the most problem areas are on the east side of Nucleus Avenue and along the Flathead River. Vallieres said last year there were nine males and seven females that frequented town. It is crucial to get ahead of conflicts, with bear and human population both increasing. Vallieres said 50% of her conflict calls were due to garbage and unsecured pet food, 19% due to livestock, 16% due to property damage, 10% due to fruit trees and 5% due to livestock feed. The number of conflict calls in 2020 and 2021 was 18, and in 2022 it had nearly doubled to 30 conflict calls. Ms. Vallieres is asking Council to ask residents to secure residential and business garbage through an ordinance. Vallieres is interested in being proactive in protecting not only citizens but bears as well.

Ryan Wilbur, Northwest Project Manager for People and Carnivores, noted that they work on mitigating issues and conflict with wolves, mountain lions and bears. Mr. Wilbur echoed Ms. Vallieres in applauding Columbia Falls for taking a very proactive initiative in taking action where a lot of communities are not there yet. We agree with the idea of having an ordinance in place said Wilbur. If an ordinance specific to trash along with a resolution providing a policy to reduce conflict due to garbage, bird feeders, fruit trees, etc. will prevent conflict, they are in agreement. Wilbur noted that they can do an assessment for Columbia Falls identifying attractants said Wilbur. Education and outreach can be a big factor as well, including a specific program for vacation home rental packets for visitors to include securing garbage and how to use bear spray. Wilbur said they are open to all ideas to being innovated in what makes the most sense in what will work for Columbia Falls.

Lovering asked Council if they had any questions for staff or the presenters.

Councilor Hamilton asked if the ordinance covers the trailer court off of the North Fork Road. Nicosia said no it is out of the city limits so the City would have to work with Flathead County Health Department. Nicosia said she spoke with Ryan on cost share programs; there are some discretionary funds in the Council budget to partner with People and Carnivores to help with the assessment and education.

Councilor Lovering asked Police Chief Peters how enforceable pet food would be. Chief Peters said proof would be the biggest issue in determining if it is truly a bear attractant. Garbage cans are visible as they are in front of the residence or business but pet food and barbeques outside in backyards will be more difficult to prove. Nicosia said it would be the responsibility of the Game Warden to cite offenders.

Councilor Robinson said she would rather partner and spend money for education. Robinson believes enforcing the ordinance will be the issue. Robinson suggested educating school children as well.

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON MAY 15, 2023

Councilor Fisher said the ordinance will need to be enforceable. Some businesses will need to upgrade their garage containers or pick up times. Ms. Vallieres said Evergreen Disposal has bear proof dumpsters available for businesses. Ryan said they also have educational information for businesses.

Councilor Lovering asked if we can add this to our decay ordinance. Nicosia said decay is very specific but she will work with the City Attorney in crafting appropriate language.

Councilor Piper said he could support an ordinance for garbage along with education for the health and safety of citizens. Fisher said he agrees with Piper and asked Chief Peters if a bear got into the backyard grill and bird feeders can we cite them after the fact or would that be the Game Warden. Chief Peters said from his perspective do we really want to cite a resident for having a barbeque in the back yard or a dog that they feed outside and can we prove that it was the specific cause for the bear conflict. Chief Peters said it sounds to him that 50% if the problem is garbage and if we can eliminate that attractant, it would be beneficial. City Attorney Breck added garbage containers are readily visible from the street and you do not have to enter private property to see whether it is unsecured or not. You cannot see a backyard barbeque from the street and we would have to access private property and what cause do we have to do so.

Nicosia said Lisa Upson, Executive Director, People and Carnivores strongly suggested an ordinance for securing garbage and a resolution to mitigate bear conflict in our community.

With no public comments Councilor Lovering opened and closed the public hearing at 7:39 p.m.

Councilor Fisher motioned to direct the City Manager to draft an ordinance and resolution regarding animal conflict prevention measures and education outreach, seconded by Councilor Hamilton and the motion carried.

NEW BUSINESS:

Approval of Indemnification Agreement - Flathead Emergency Communication Center and City of Columbia Falls

City Manager stated the 911 center is erecting a tower to improve radio communications on City property at the Street Shop. The indemnification agreement, drafted by the City Attorney, is for indemnifying and providing insurance for the work they are conducting and the tower on city property. Staff recommends approval.

Councilor Piper motioned to approve the indemnification agreement, seconded by Councilor Hamilton and the motion carried.

ORDINANCES / RESOLUTIONS:

Second and Final Reading - Ordinance # 825:

An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending the Columbia Falls Zoning Map from CSAG-5 Suburban Agricultural to CSAG-10 Suburban Agricultural at 270 Jorgensen Trail, Further Described as Parcel G of COS 10557, Assessor's Tract 1E, in Section 19, T30N, R20W, P.M.M., Flathead County

Councilor Robinson motioned to approve the second and final reading of Ordinance #825, seconded by Councilor Piper with council voting as follows. Ayes: Fisher, Hamilton, Piper, Robinson and Lovering.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

Council Workshop June 5th 6 pm – 7pm for Urban Development Discussion

City Manager Nicosia asked if there was a desire by Council to have a discussion on Urban Development. This discussion is not to discuss a specific project. It was decided the workshop will be June 5th from 6 pm -7 pm followed by the regular council meeting.

Councilor Piper said Columbus Park is looking great with the addition of the sod.

Councilor Hamilton thanked Chief Peters for the extra patrol along 4th Avenue W.

Councilor Robinson said Arbor Day was a great success this year.

Councilor Fisher also noted that the sod at Columbus Park looks wonderful. The contractor doing the irrigation did a great job and was working on the weekends to get the job done.

Fisher said at the May 1st Council meeting we discussed the skate park and he would like to request the City Manager to talk to other cities in Montana that have a skate park to see if they have had any issues.

Fisher said the sidewalk on 12th Ave. W. by Cedar Palace looks nice but would like to have City Manager give a brief explanation as to why the sidewalk ends short of the railroad tracks. Nicosia said we are waiting for BNSF to approve our sidewalk easement. We will reach out to our congressional delegation who said to let them know we are held up by BNSF. It is a beautiful new road except the contractor could not touch the 100' railroad right of way.

Councilor Lovering said the Community Garden has opened for the season with 33 family plot holders.

CITY MANAGER REPORT

The Chamber of Commerce movie night moved from August 5th to September 9th.

Nicosia reminded council of the facility tour on May 22nd from 5 pm to 8 pm.

CITY ATTORNEY REPORT

City Attorney Breck said Deputy City Attorney Stephanie Breck worked on the Cahill case and would like to give her the opportunity to present and answer any questions you may have on the case. It is not a published opinion and won't be cited in further cases; it was decided by a panel and in favor of the BOA decision making authority.

MISCELLANEOUS

Police Department - April 2023 Activity

Fire Department - April 2023 Activity

ADJOURN

Councilor Hamilton motioned to adjourn at 7:51, seconded by Councilor Fisher.

Mayor

City Clerk