

**CITY OF COLUMBIA FALLS
CITY COUNCIL REGULAR MEETING MINUTES
HELD JANUARY 16, 2024**

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

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

Also present: City Manager Nicosia, City Clerk Staland, City Attorney Breck, Fire Chief Weeks 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 Lovering 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: Lovering, Piper, Price, Robinson, King, and Barnhart.

Approval of Claims - January 16, 2024 - \$98,244.48

Approval of Payroll Claims - January 5, 2024 - \$109,326.82

Approval of Payroll Quarterlies - December 31, 2023 - \$19,439.13

Approval of Regular Meeting Minutes - January 2, 2024

Authorization of the 2023 Communication 2023 AFG Grant Application MOU and Authorize City Manager to Execute

PUBLIC COMMENT: None

NEW BUSINESS:

Pumper Rescue Apparatus Purchase

City Manager Nicosia said the Public Safety Committee met with the Columbia Falls Rural Fire District Board on Monday, January 8, 2024, to discuss the purchase of the pumper/rescue apparatus purchase. Fire Chief Weeks researched current available apparatus meeting the department's specifications and price range. The City and Rural Fire District can take advantage of a Sourcewell contract providing for a 19% cost savings in addition to a "cash price" savings offered by the vendor. The Rural Board voted in favor of taking advantage of the apparatus as specified and, in the amount not to exceed the quoted \$785,000 said Nicosia.

The City and the Rural District have an inter-local agreement whereby they share in the cost of the purchase of any joint-use apparatus; the Rural District share is 62% at \$487,529.66 and the City share is 38% for \$297,470.34 totaling \$785,000.00.

The City Council has reserved \$155,684 in the Resort Tax Fund for public safety. Additionally, the council may approve an internal loan from the Cedar Creek Trust for the remaining balance, \$141,786. However, the City

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON JANUARY 16, 2024

can surplus the vehicles being replaced and use those funds to pay off or offset any loan. The loan meets the allowable statutory limits for incurring debt without a vote, said Nicosia.

Fire Chief Weeks and City Manager Nicosia recommend the cash price with a performance bond. It was expressed by the vendor that the City may have to pay for such a bond.

Councilor King motioned to approve the purchase of the Pumper Rescue Apparatus as recommended, seconded by Councilor Piper.

Councilor Lovering inquired about using the Resort Tax funds for one purchase. City Manager Nicosia said it is within the budget and the city is making the last payment on the ladder truck, having committed the funds to pay the loan off early. Nicosia noted that the Council has appropriated funds from the resort tax to specifically be used for public safety; and it will reduce the loan. Fire Chief Weeks said the new apparatus is replacing 431 which is 30 years old.

Councilor King asked where the money comes from to pay the bond. City Manager Nicosia said we will use the proceeds from the sale of equipment, resort tax funds or loan funds. The City will use the \$155,684 in resort tax plus an internal loan from Cedar Creek Trust for \$141,786 plus the bond.

Mayor Barnhart asked what the current interest rate was on loans from the trust. Nicosia said interest on the loans from the trust are set at the average rate of earnings from the last fiscal year which was 4.0%, up from 0.32% the year before due to the ever-increasing interest earnings rate responded Nicosia. Nicosia said the loan would be a maximum of ten years and the Council could make the payment out of the General Fund and not out of resort tax if council so chooses. Mayor Barnhart asked how much money was added to the public safety reserve last year. Nicosia said the council added approximately \$88k during the budget process.

Motion carried with voting as follows: Ayes: Piper, Price, Robinson, King, Lovering and Barnhart.

ORDINANCES / RESOLUTIONS:

Second and Final Reading - Ordinance #828 - Zone Change from CR-3 to CB-2:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING THE COLUMBIA FALLS ZONING MAP FROM CR-3 ONE FAMILY RESIDENTIAL TO CB-2 GENERAL BUSINESS AT 165 VETERANS DRIVE, FURTHER DESCRIBED AS LOT 2 OF THE ST. RICHARDS SUBDIVISION IN SECTION 18, T30N, R20W, P.M.M., FLATHEAD COUNTY

Councilor Lovering motioned to approve the final reading of Ordinance # 828, seconded by Councilor King with Council voting as follows. Ayes: Price, Robinson, King, Lovering, Piper and Barnhart.

Resolution # 1913:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA CREATING A PLANNING COMMISSION

Councilor Price inquired if a resident within School District 6 boundaries with experience expressed interest in the City Planning Commission would council consider them. Mayor Barnhart said no, they would not as it is a City Planning Commission.

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON JANUARY 16, 2024

Councilor Piper motioned to approve Resolution # 1913, seconded by Councilor King with council voting as follows. Ayes: Robinson, King, Lovering, Piper, Price, and Barnhart.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

Councilor Piper said with the recent accumulation of snow he would like to see the fire hydrants dug out. Fire Chief Weeks said they will address them right away.

Councilor Lovering commended the city street crew for clearing the intersections on Nucleus Ave.

Mayor Barnhart said it looks like they assisted property owners with the sidewalks along the highway.

Mayor Barnhart said now that we have an outline of the City Manager job position, what is the timeline? Nicosia said we will send it to ICMA, State and other local entities. We will have a complete brochure and mail it out in February and start vetting candidates in March. City Attorney Breck said council will have a closed session to go over the applicants.

Councilor Price said she made a couple phone calls regarding the CFAC cleanup. Price said the number one purpose of the EPA is to issue regulations to implement federal pollution control laws to protect human health and to insure clean land. Price believes MT DEQ should be fighting for the members of our community and state. By leaving the contaminant buried they are failing on the main focus. Price asked if the council could write a letter to the County Commissioners for support.

Councilor Piper said it has been a 10-year process and the city has been on board from the start. As a city and a council, we have done a great job in being active in the 10-year process.

Councilor Lovering said we have already written letters to the Commissioners. Mayor Barnhart said it is county property and not city property, we cannot tell them what to do on their property. Price asked if she could make phone calls as an individual and not as a council person. City Attorney Breck said in theory you can but it becomes difficult because it's not just you controlling it. People associate you as a member of the City Council by name and can misconstrue that you are acting on behalf of the City as a council person, and then you have to go back and make corrections. It can become burdensome for the council to explain that you were speaking in an individual capacity.

After council discussion, council voted on sending another letter to the County Commissioners. There were two in favor of sending a letter and three not in favor of sending a letter.

City Attorney Breck added whoever becomes the owner of the property has absolute liability.

CITY MANAGER REPORT

Project Updates

Nicosia reported that City staff is asking for council to review the Water/Sewer Billing - Owner's Name on Account. The last review was in 2014 and we did not proceed with the code change at that time due to the limited public participation from the property owners. However, since that time, the number of landlords has grown and rental time limits have changed so there has been a dramatic increase in "move-in/move-outs" creating extraordinary work for both Finance/Utility Billing and the Water Department. Ten years ago the city identified 290 rental units and now has 370 rental units identified in the system. Nicosia noted that she concurs with the request and the next council agenda will include a notice of public hearing.

CITY OF COLUMBIA FALLS CITY COUNCIL REGULAR MEETING MINUTES HELD ON JANUARY 16, 2024

Nicosia reported that the City Public Works Department is working on the HB 355 projects including prepping request for proposals and call for bids for the priority projects identified by Council. Once numbers are in place, the city will submit grant applications for each project to the state.

On the Treatment Plant ARPA Project, city staff has vetted the 90% design with HDR. It should be ready to call for bids by the February 5, 2024, council meeting.

CITY ATTORNEY REPORT

City Attorney Breck said on the case that was brought before the Gallatin County Court in early December against the implementation of numerous land use bills; there have been no hearings or contested hearings.

Fire Chief Weeks said the Fire Department had a busy weekend with 19 calls and we were able to attend to all calls in a timely manner.

Police Chief Peters said it was busy but there were no fatalities in the cold weather, for which he was grateful.

MISCELLANEOUS

Council Correspondence

Fire Department - December Activity

ADJOURN

Councilor Lovering motioned to adjourn, seconded by Councilor King and the meeting was adjourned at 8:18 p.m.

Mayor

City Clerk