



ROOM A | 130 6TH STREET WEST
COLUMBIA FALLS, MT 59912

PHONE (406) 892-4391
FAX (406) 892-4413

**CITY COUNCIL REGULAR MEETING
AGENDA
MONDAY, NOVEMBER 06, 2023
COUNCIL CHAMBERS CITY HALL**

FINANCE COMMITTEE – 6:30 P.M

(Fisher, King, Lovering)

Please contact City Clerk Barb Staland before 6:00 PM the day of the meeting to obtain ZOOM meeting information by phone: (406) 892-4391 or email: staalandb@cityofcolumbiafalls.com

REGULAR MEETING – 7:00 P.M.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

CONSENT AGENDA:

- 1.** Approval of Claims - November 6, 2023 - \$799,788.02
- 2.** Approval of Payroll Claims - October 27, 2023 - \$172,177.53
- 3.** Approval of Special Payroll Claims - November 6, 2023 - \$2,331.91
- 4.** Approval of Regular City Council Meeting Minutes - October 16, 2023
- 5.** Approval of Amendment to Engineering Agreement, HDR Engineering, Wastewater System Improvements Project and Authorize City Manager to execute.

VISITORS/PUBLIC COMMENT (Items not on agenda)

NEW BUSINESS:

- [6.](#) ARPA Wastewater System Improvements - Grant Agreement AC 22-0013 and AM 22-0012 Amendments, Change in Schedule, Amended Budget and Approval of Change Orders #2 and #3
- [7.](#) Proclaiming Small Business Saturday - Saturday, November 25, 2023
- [8.](#) Approval to Proceed with NW Montana Community Land Trust Project

REPORTS / BUSINESS FROM MAYOR & COUNCIL

CITY MANAGER REPORT

Project Updates

CITY ATTORNEY REPORT

MISCELLANEOUS

- [9.](#) Fire Department - October Activity
- [10.](#) Correspondence

ADJOURN

Next Scheduled Meetings:

City Council – Regular Meeting, **Monday, November 20, 2023** – 7:00 PM

Planning Board – TBD - NO November Meeting, Next Regularly Scheduled December 12, 2023

Council Workshop - TBD - Implementing SB 382

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Claim Approval List
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* ... Over spent expenditure

Claim/	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object	Proj	Cash Account
*** Claim from another period (10/23) ****									
45084		3112 406 CLEANING OF COLUMBIA FALLS	3,400.00						
	293	10/25/23 FAC-OCT JANITORIAL SERVICE	3,400.00			1000 411200	399		101000
		Total for Vendor:	3,400.00						
*** Claim from another period (10/23) ****									
45055		3 AMERICAN WATER WORKS ASSOCIATION	358.00						
	S0117493	09/19/23 WTR-MEMBSHP RENEW 1/1-12/31/	179.00			5210 430500	335		101000
	S011749	09/19/23 SWR-MEMBSHP RENEW 1/1-12/31/2	179.00			5310 430600	335		101000
		Total for Vendor:	358.00						
*** Claim from another period (10/23) ****									
45096		3219 ANTHEM SPORTS, LLC	521.73						
	382278	10/25/23 PRKS-VOLLEYBALL POST PADS	521.73			1000 460400	225		101000
		Total for Vendor:	521.73						
*** Claim from another period (10/23) ****									
45087		3028 CENTURYLINK - BUSINESS SERVICES	347.57						
	660746901	10/16/23 COMP- 9/16/23-10/16/23	347.57			1000 410580	345		101000
		Total for Vendor:	347.57						
*** Claim from another period (10/23) ****									
45081		14 CITY OF COLUMBIA FALLS	1,508.75						
	102623	10/26/23 FAC-09/18-10/18/23	124.52			1000 411200	342		101000
	102623	10/26/23 FD-09/18-10/18/23	34.97			1000 420400	342		101000
	102623	10/26/23 PRKS-09/18-10/18/23	1,093.68			1000 460400	342		101000
	102623	10/26/23 STRS-09/18-10/18/23	93.93			2500 430200	342		101000
	102623	10/26/23 WTR-09/18-10/18/23	48.69			5210 430500	342		101000
	102623	10/26/23 SWR-09/18-10/18/23	94.20			5310 430600	342		101000
	102623	10/26/23 POOL-09/18-10/18/23	18.76			1000 460400	342		101000
		Total for Vendor:	1,508.75						
*** Claim from another period (10/23) ****									
45068		1797 DEPARTMENT OF ADMINISTRATION	44.80						
	SITSD51993	10/24/23 PD-ITSD/EMAIL 9/1-9/30/23	44.80			1000 420100	355		101000
		Total for Vendor:	44.80						
*** Claim from another period (10/23) ****									
45088		2501 ENCOMPASS SUPPLY	150.35						
	94173	10/19/23 SWR-WHITE HAND TOWELS/NITRILE	150.35			5310 430600	220		101000
		Total for Vendor:	150.35						

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		*** Claim from another period (10/23) ****							
45075		3104 FIRST CALL COMPUTER SOLUTIONS,	347.17						
	91321 10/17/23	PD-SWIVEL/BRACKETS/ETHERNET	347.17			1000 420100	355		101000
		*** Claim from another period (10/23) ****							
45094		3104 FIRST CALL COMPUTER SOLUTIONS,	725.00						
	91401 10/24/23	COMP-ONPREM SUPPORT	725.00			1000 410580	355		101000
		*** Claim from another period (10/23) ****							
45101		3104 FIRST CALL COMPUTER SOLUTIONS,	1,800.00						
	92042 11/01/23	COMP-OCT IT SERVICES	1,800.00			1000 410580	355		101000
		Total for Vendor:	2,872.17						
		*** Claim from another period (10/23) ****							
45064		1892 FLATHEAD COUNTY	150.00						
	6156 10/05/23	OWNER LIST-HUTCHINSON MICHAEL	75.00			1000 411000	390		101000
	6148 10/05/23	OWNER LIST-REY GIOVANNI	75.00			1000 411000	390		101000
		Total for Vendor:	150.00						
		*** Claim from another period (10/23) ****							
45090		24 FLATHEAD COUNTY TREASURER	8,147.94						
	103023 10/30/23	SPECIAL TAX ASSESSMENT 2023	8,147.94			1000 510100	540		101000
		Total for Vendor:	8,147.94						
		*** Claim from another period (10/23) ****							
45091		2814 FLATHEAD PEST SOLUTIONS	69.00						
	P15847 10/27/23	FD-PEST CONTROL	69.00			1000 420400	399		101000
		Total for Vendor:	69.00						
		*** Claim from another period (10/23) ****							
45080		3194 GARDNER, ADAM	1,528.50						
	092623 09/26/23	REIMBURSE 10 DIANE RD TREES	1,528.50			1000 366000			102015
		Total for Vendor:	1,528.50						
		*** Claim from another period (10/23) ****							
45057		2819 GLACIER MEDICAL ASSOCIATES	237.00						
	KATHLEEN FOLEY PHYSTICAL FOR CDL								
	143178 10/09/23	SWR-K HELTON CDL PHYSCIAL	237.00			5310 430600	399		101000
		Total for Vendor:	237.00						
		*** Claim from another period (10/23) ****							
45095		3113 GLOBAL ARCHIVES INC	166.32						
	2023877 10/25/23	WTR-MONTHLY STORAGE AS BUILTS	83.16			5210 430500	363		101000
	2023877 10/25/23	SWR-MONTHLY STORAGE AS BUILTS	83.16			5310 430600	363		101000
		Total for Vendor:	166.32						

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		*** Claim from another period (10/23) ****							
45085		3010 GOLD COMMUNICATION SERVICES,	5,800.25						
	1419	10/17/23 PD-RADIO & ATENNAS	5,800.25			4020 420100	940		101000
		Total for Vendor:	5,800.25						
		*** Claim from another period (10/23) ****							
45050		2806 HANSON'S HARDWARE	24.46						
	607823	10/11/23 PRKS-ANTIFREEZE 50GAL BLEND	13.96			1000 460400	240		101000
	607862	10/13/23 FD-MISC SCREWS	10.50			1000 420400	220		101000
		Total for Vendor:	24.46						
		*** Claim from another period (10/23) ****							
45069		2845 HEARTWOOD TREE SERVICE	3,200.00						
	060123	06/01/23 URBAN FORESTRY PROJECT	3,200.00			1000 410131	390		101000
		Total for Vendor:	3,200.00						
		*** Claim from another period (10/23) ****							
45049		3062 HIGHGRADE CONSTRUCTION	52,487.15						
	1108	10/10/23 SWR-SEWER BYPASS/MATERIALS/LAB	52,487.15			5310 430600	360		101000
		Total for Vendor:	52,487.15						
		*** Claim from another period (10/23) ****							
45074		3116 IBS, INC	271.02						
	829158-1	10/19/23 PRKS-POWER STRIPPER PAINT GA	271.02			1000 460400	220		101000
		Total for Vendor:	271.02						
		*** Claim from another period (10/23) ****							
45097		2849 J2 BUSINESS PRODUCTS	2,351.11						
	1331086-0	10/20/23 PD-INK HP	90.28			1000 420100	210		101000
	170291	10/23/23 FIN-MXM363N COPIER CONTRACT	552.41			1000 410500	363		101000
	170291	10/23/23 WTR-MXM363N COPIER CONTRACT	552.41			5210 430500	363		101000
	170291	10/23/23 SWR-MXM363N COPIER CONTRACT	552.41			5310 430600	363		101000
	1328602	10/11/23 STR-TISSUE/TOWLES/MARKERS/	555.62			2500 430200	220		101000
	1331543	10/23/23 FIN-SGN HERE FLAGS VALUE PACK	27.14			1000 410500	210		101000
	1331599	10/23/23 FIN-INDEX TABS ASST	8.06			1000 410500	210		101000
	1331681	10/25/23 FIN- 2 THREE RING BINDERS 3"	12.78			1000 420100	210		101000
		Total for Vendor:	2,351.11						
		*** Claim from another period (10/23) ****							
45063		1080 LES SCHWAB TIRE CENTER	1,571.80						
	544746	10/12/23 PD-TIRES/BALANCE/DISPOSAL	1,471.84			1000 420100	361		101000
	546488	10/23/23 FD-WINTER CHANGEOVER	99.96			1000 420400	361		101000
		Total for Vendor:	1,571.80						

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45102		262 LHC, INC.	337,845.54						
	PAY APP 2	09/29/23 STRS-BETH & MARTHA ROAD REC	289,549.36			4040 430200	950		101000
	PAY APP 2	09/29/23 1% STATE W/HOLDING	-2,895.49			4040 430200	950		101000
	PAY APP 3	10/30/23 STRS-BETH & MARTHA ROAD REC	51,708.76			4040 430200	950		101000
	PAY APP 3	10/30/23 1% STATE W/HOLDING	-517.09			4040 430200	950		101000
		Total for Vendor:	337,845.54						
		*** Claim from another period (10/23) ****							
45089		162 LOGAN HEALTH - WHITEFISH	20.00						
	103023	10/30/23 PD-EVID BLOOD COLLECTION	20.00			1000 420100	390		101000
		Total for Vendor:	20.00						
		*** Claim from another period (10/23) ****							
45066		1493 MAHUGH FIRE & SAFETY	225.00						
	109310	10/13/23 FD-SCBA HYDRO TEST	225.00			1000 420400	394		101000
		Total for Vendor:	225.00						
		*** Claim from another period (10/23) ****							
45098		999999 MAKSIM SHESTAK	170.57						
	WATER DEPOSIT REFUND - 2	DIANE RD UNIT 7							
	110223	11/02/23 WTR-DEPOSIT REFUND/SHESTAK	170.57			5210 214010			101000
		Total for Vendor:	170.57						
		*** Claim from another period (10/23) ****							
45099		999999 MICHAEL STEVENS	223.86						
	110223	11/02/23 WTR-WATER DEPOSIT REFUND/STEVE	223.86			5210 214010			101000
		Total for Vendor:	223.86						
45103		707 MONTANA DEPT. OF REVENUE	3,412.58						
	BETH AND MATHA ROAD RECONSTRUCTION PROJECT	PAY APP #2 & #3							
	PAY APP 2	09/29/23 STRS-LHC INC. 1% W/HOLDING	2,895.49			4040 430200	950		101000
	PAY APP 3	10/30/23 STRS-LHC INC. 1% W/HOLDING	517.09			4040 430200	950		101000
45105		707 MONTANA DEPT. OF REVENUE	3,421.56						
	NCC Neumann Pay App #5 - Hilltop Sewer Main Replacment & Lift Station 5 Rehab								
	Pay App 5	10/01/23 NCC Neumann Pay App 5 1% W/	3,421.56			5310 430600	930		101000
		Total for Vendor:	6,834.14						

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			*** Claim from another period (10/23) ****						
45056		3152 MONTANA ELITE LLC	819.00						
	2331	10/12/23 WTR-CLAIRE PRK WELL MOTOR REPL	819.00*			5210 430500	942		101000
		Total for Vendor:	819.00						
			*** Claim from another period (10/23) ****						
45073		44 MONTANA LEAGUE OF CITIES AND	200.00						
	ML01086	10/15/23 MANGAN & BENNION SUPRT EXPENS	200.00			1000 410100	399		101000
		Total for Vendor:	200.00						
			*** Claim from another period (10/23) ****						
45076		3119 MONTANA TRUCK WORKS, LLC	697.75						
	211360	10/19/23 FD-VALVE REBUILD	387.75			1000 420400	361		101000
	211355	10/20/23 FD-TRUCK REPAIRS	310.00			1000 420400	361		101000
		Total for Vendor:	697.75						
			*** Claim from another period (10/23) ****						
45062		2707 MOUNTAIN ALARM	100.75						
		ALARM MONITORING SERVICES 11/01/2023-11/30/2023							
	3998042	11/01/23 FAC-CITY HALL NOV 2023	47.35			1000 411200	366		101000
	3997070	11/01/23 FAC-FD NOV 2023	53.40			1000 411200	366		101000
		Total for Vendor:	100.75						
			*** Claim from another period (10/23) ****						
45093		1540 MWC/VIKING PUMP INC.	15,342.00						
	2210	10/23/23 WTR-NEW WELL PUMP MOTOR CLARE	15,342.00*			5210 430500	942		101000
		Total for Vendor:	15,342.00						
			*** Claim from another period (10/23) ****						
45061		52 NAPA AUTO PARTS	125.47						
	061129	10/11/23 PRKS-PWR STEERING FLUID	6.99			1000 460400	220		101000
	061662	10/17/23 FD-PARTS FOR 481 ELECTRIC CONN	46.54			1000 420400	232		101000
	061157	10/11/23 FD-2.5 DEF 205G12	29.98			1000 420400	231		101000
	062559	10/25/23 WTR-POWER SERVICE	41.96			5210 430500	220		101000
		Total for Vendor:	125.47						
			*** Claim from another period (10/23) ****						
45072		90 NATIONAL FIRE PROTECTION	175.00						
	ID # 3512113								
	8591565X	10/03/23 FD-MBRSHIP RENEWAL TO 11/22/	175.00			1000 420400	335		101000
		Total for Vendor:	175.00						

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45104		3207 NCC NEUMANN CONSTRUCTION CO	338,734.43						
	Pay App # 5	Hilltop Sewer Main Replacement & Lift Station # 5 Rehab							
	Pay App #5	10/01/23 St Construction - Road reb	101,815.20			4040 430200	950		101000
	Pay App #5	10/01/23 Sewer - ARPA project pay a	240,340.79			5310 430600	930		101000
	Pay App #5	10/01/23 Sewer - ARPA 1% W/H	-3,421.56			5310 430600	930		101000
		Total for Vendor:	338,734.43						
		*** Claim from another period (10/23) ****							
45058		908 NEWMAN SIGNS, INC.	74.50						
	TRFIN05013	10/16/23 WTR-TRAFFIC CONES FREIGHT	24.84			5210 430500	220		101000
	TRFIN050	10/16/23 SWR-TRAFFIC CONES FREIGHT CH	24.83			5310 430600	220		101000
	TRFIN050	10/16/23 STR-TRAFFIC CONES FREIGHT CH	24.83			2500 430200	220		101000
		Total for Vendor:	74.50						
		*** Claim from another period (10/23) ****							
45053		2002 NORTHWEST PARTS & EQUIPMENT &	147.15						
	C725532-01	10/05/23 SWR-ANOX MIXER CABLE REPAI	147.15			5310 430600	220		101000
		Total for Vendor:	147.15						
		*** Claim from another period (10/23) ****							
45065		2816 O'REILLY AUTO PARTS	7.09						
	450988	10/03/23 STR-PAINT MARKER	7.09			2500 430200	220		101000
		Total for Vendor:	7.09						
		*** Claim from another period (10/23) ****							
45052		1495 PLATT ELECTRIC SUPPLY	150.57						
	4M12489	10/05/23 STRS-WIRE NEW MAG SWITCH	150.57			2500 430200	240		101000
		Total for Vendor:	150.57						
		*** Claim from another period (10/23) ****							
45077		3193 POMP'S TIRE SERVICE INC	166.98						
	2090004751	10/18/23 STR- TRAIL HD	166.98			2500 430200	361		101000
		Total for Vendor:	166.98						
		*** Claim from another period (10/23) ****							
45083		3192 POP A SQUAT PORTABLES	1,045.00						
	14485	10/24/23 PRKS-11 PORTA POTTIES	1,045.00			1000 460400	399		101000
		Total for Vendor:	1,045.00						

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*** Claim from another period (10/23) ****									
45071		2769 RESPONSE EQUIPMENT SPECIALISTS,	2,455.29						
	5969	10/17/23 PD-DURANGO REPAIR ALTERNATOR	2,455.29			1000 420100	361		101000
		Total for Vendor:	2,455.29						
*** Claim from another period (10/23) ****									
45092		1042 SANDS SURVEYING, INC.	2,756.25						
	37797	10/24/23 P/Z-ROUTINE SRVS 9/18-10/19	2,756.25			1000 411000	399		101000
		Total for Vendor:	2,756.25						
*** Claim from another period (10/23) ****									
45060		2755 SHERWIN-WILLIAMS CO	199.95						
	17592	10/17/23 PRKS-MARANTETTE BATHS/GAZEBOS	199.95			1000 460400	240		101000
		Total for Vendor:	199.95						
*** Claim from another period (10/23) ****									
45082		999999 SROA PROPERTY MANAGMENT LLC	40.00						
	103123	10/31/23 GEN BIZ LIC REFUND	40.00			1000 322030			101000
		Total for Vendor:	40.00						
*** Claim from another period (10/23) ****									
45054		1653 SUPER 1 FOODS	49.01						
	3342214	10/06/23 SWR-WATER	26.52			5310 430600	222		101000
	2477963	10/23/23 SWR-WATER	22.49			5310 430600	222		101000
		Total for Vendor:	49.01						
*** Claim from another period (10/23) ****									
45067		2699 THE MAIL ROOM, INC	366.59						
INVOICE #D117393									
	D117393	10/09/23 PD-MAIL SRVS 9/25/23-10/06/23	19.78			1000 420100	310		101000
	D117393	10/09/23 FIN-MAIL SRVS 9/25/23-10/06/2	17.76			1000 410500	310		101000
	D117393	10/09/23 WTR-MAIL SRVS 9/25/23-10/06/2	91.32			5210 430500	310		101000
	D117393	10/09/23 SWR-MAIL SRVS 9/25/23-10/06/2	91.32			5310 430600	310		101000
	D117393	10/09/23 CRT-MAIL SRVS 9/25/23-10/06/2	77.63			1000 410360	310		101000
	D117393	10/09/23 PLN-MAIL SRV 9/25/23-10/06/23	68.78			1000 411000	310		101000
		Total for Vendor:	366.59						
*** Claim from another period (10/23) ****									
45048		1623 THE UPS STORE #4515	19.57						
	101223	10/12/23 PD-EVIDENCE SHIPPING	6.29			1000 420100	310		101000
	101123	10/11/23 PD-EVIDENCE SHIPPING	6.29			1000 420100	310		101000
	017092	10/26/23 PD-EVIDENCE SHIPPING	6.99			1000 420100	310		101000
		Total for Vendor:	19.57						

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*** Claim from another period (10/23) ****									
45100		2706 TRAINNOW.NET	1,197.00						
	3194	07/01/23 FIN-eTIME ANNUAL SUBS 22/23	945.00			1000 410500	363		101000
	3194	07/01/23 WTR-eTIME ANNUAL SUBS 22/23	70.00			5210 430500	363		101000
	3194	07/01/23 SWR-eTIME ANNUAL SUBS 22/23	112.00			5310 430600	363		101000
	3194	07/01/23 STRS-eTIME ANNUAL SUBS 22/23	70.00			2500 430200	363		101000
		Total for Vendor:	1,197.00						
*** Claim from another period (10/23) ****									
45078		3200 USABLUEBOOK	451.31						
	INV0015520	10/05/23 SWR-REPLACEMENT CAP	213.81			5310 430600	240		101000
	INV0016350	10/24/23 SWR-BARBITURIC ACID	237.50			5310 430600	220		101000
		Total for Vendor:	451.31						
*** Claim from another period (10/23) ****									
45070	E	1218 VERIZON WIRELESS	1,396.80						
	9946762300	10/12/23 ADMIN-10/13-11/12/23	19.93			1000 410400	345		101000
	9946762300	10/12/23 FIN-10/13-11/12/23	19.94			1000 410500	345		101000
	9946762300	10/12/23 FIRE-10/13-11/12/23	120.42			1000 420400	345		101000
	9946762300	10/12/23 FAC-10/13-11/12/23	12.44			1000 411200	345		101000
	9946762300	10/12/23 STRS-10/13-11/12/23	95.34			2500 430200	345		101000
	9946762300	10/12/23 PD-10/13-11/12/23	871.06			1000 420100	345		101000
	9946762300	10/12/23 WTR-10/13-11/12/23	92.66			5210 430500	345		101000
	9946762300	10/12/23 SWR-10/13-11/12/23	115.27			5310 430600	345		101000
	9946762300	10/12/23 CRT-10/13-11/12/23	49.74			1000 410360	345		101000
		Total for Vendor:	1,396.80						
*** Claim from another period (10/23) ****									
45059		84 WESTERN BUILDING CENTER	1,212.27						
	4I509821	10/10/23 PRKS-NITRIL DISP GLOVES	22.99			1000 460400	220		101000
	4I514536	10/12/23 PRKS-COUPPLINGS/NIPPLE	12.47			1000 460400	240		101000
	4I526814	10/18/23 FD-MAKITA DEMO GLOVES	131.40			1000 420400	220		101000
	4I471316	09/19/23 SWR-SHARK ELBOWS	19.98			5310 430600	220		101000
	11510882	10/10/23 STR-ROTARY HAMMER KIT	765.70			2500 430200	212		101000
	103123	10/25/23 FIN- CHARGE	0.50			1000 410500	390		101000
	4I539161	10/25/23 FD-BALLAST	27.99			1000 411200	240		101000
	4I522886	10/17/23 SWR-FASTNERS/SCREWDRIVERS	22.28			5310 430600	220		101000
	4I533009	10/23/23 SWR-DUCT TAPE/WASHERS	29.83			5310 430600	240		101000
	4I533075	10/23/23 SWR-PRE MIX CON TIE WIRE	49.10			5310 430600	240		101000
	4I523109	10/17/23 SWR-HEAT THERMOSTAT	26.99			5310 430600	240		101000

11/03/23
12:19:03

CITY OF COLUMBIA FALLS
Claim Approval List
For the Accounting Period: 11/23

Page: 9 of 11
Report ID: AP100V

* ... Over spent expenditure

Claim/	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object	Proj	Cash Account
	4I521795	10/16/23 PRKS-2X6-8 TREAT #2 CAC .15	10.81			1000 460400	240		101000
	4I539209	10/25/23 PRKS-RV ANTI FREEZE	6.98			1000 460400	240		101000
	4I536999	10/24/23 POOL-PVC SLIP CAP DUCT TAPE	42.77			1000 460445	240		101000
	4I533952	10/23/23 STR-N221903 TRNBK 2X17 ZNC	17.49			2500 430200	232		101000
	4I530295	10/20/23 STR- FOAM BRUSH SET HYDRO CE	24.99			2500 430200	240		101000
		Total for Vendor:	1,212.27						
		*** Claim from another period (10/23) ****							
45079		3218 YELLOWSTONE WATERWORKS	1,331.26						
	81-1259	09/25/23 SWR-AMPLIFIER FOR EQ FLOWMETER	1,331.26			5310 430600	240		101000
		Total for Vendor:	1,331.26						
		# of Claims	56	Total:	799,788.02	# of Vendors	52		
		Total Electronic Claims			1,396.80				
		Total Non-Electronic Claims			798391.22				

11/03/23
12:19:04

CITY OF COLUMBIA FALLS
Claim Approval Signature Page
For the Accounting Period: 11 / 23

Page: 11 of 11
Report ID: AP100A

Council Meeting Date: November 6, 2023

Claims Submitted to Council: \$ 799,788.02

Claims Denied/Withheld by Council Finance Committee: \$ _____ Claim #'s: _____

Prepared By: Shawn Bates, Finance Director

SBates

Approved by Susan M. Nicosia, City Manager

Susan Nicosia

City Council to Approve by motion on consent agenda

Mayor and Council -

The attached claims are routine in nature. Large claims include:

Street Construction - LHC - Beth and Martha Rebuild - \$337,845.54 and NCC Neumann - \$101,815.20 Rebuild due to Sewer Main install.

Sewer ARPA Project - NCC Neumann - \$240,340.78

MMC/Viking Pump - Claire Park Well - \$15,342

Please contact Finance Director Shawn Bates should you have any questions or concerns on these claims.

10/26/23
14:57:14

CITY OF COLUMBIA FALLS
Payroll Summary For Payrolls from 10/27/23 to 10/27/23

Page: 1 of 3
Report ID: P130

Total for Payroll Checks

	Employee	Employer	Amount
ADDL HOURS (Additional)	0.00		10,132.00
COMA HOURS (Comp Time Accumulated)	0.75		
COMP HOURS (Comp Time Used)	4.50		118.70
HOL HOURS (Holiday Pay)	272.10		8,060.77
HOLW HOURS (Holiday Worked @ 2.5x)	8.00		278.64
J003 HOURS (PD HOL WK)	12.00		657.90
J008 HOURS (PD HOL WK OT)	36.00		1,399.68
OTHE HOURS (Other Time Used)	80.00		3,329.60
OVER HOURS (Overtime)	18.25		727.85
PERS HOURS (Personal Time Used)	24.00		695.76
REG HOURS (Regular Time)	2,212.50		67,230.53
SHFN HOURS (Shift B)	345.00		690.00
SHFQ HOURS (OVT B)	14.00		42.00
SHFU HOURS (Hol wk B)	24.00		120.00
SICK HOURS (Sick Time)	146.50		4,719.25
VACA HOURS (Vacation Time Used)	103.00		3,464.26
VOLN HOURS (Not in use)	25.00		1,250.00
GROSS PAY	101,666.94	0.00	
NET PAY	69,537.86	0.00	
NET PAY (CHECKS)	497.49		
NET PAY (DIRECT DEPOSIT)	69,040.37		
AFLAC-POSTTAX	86.97	0.00	
AFLAC-PRETAX	165.04	0.00	
CHILD SUPPORT P	206.76	0.00	
CITY OF COLUMBI	20.00	0.00	
FIT	9,006.63	0.00	
FLEX ALLEGIANCE	861.72	27.50	
FOP	360.00	0.00	
HEALTHINS/PRE	2,591.97	22,732.00	
MEDICARE	1,455.97	1,455.97	
MT ST FIRE ASSO	99.89	0.00	
NATIONWIDE/CITY	0.00	2,363.13	
NATIONWIDE/EMF	238.33	0.00	
P.E.R.S.	4,671.72	5,363.59	
PERS/FURS	1,068.66	1,434.23	
PERS/POLICE	2,544.09	4,073.38	
SIT	4,620.00	0.00	
SOCIAL SECURITY	3,695.78	3,695.78	
TEAMSTERS DUES	292.50	0.00	
UNEMPL. INSUR.	0.00	450.29	
UNUM LIFE INS.	143.05	0.00	
WORKERS' COMP	0.00	3,187.82	
CHARLES SCHWAB	1,647.80	0.00	
FIRST INTERSTAT	1,058.37	0.00	
FREEDOM BANK	5,571.60	0.00	
GLACIER BANK KA	9,071.68	0.00	
GLACIER BANK/CF	17,854.25	0.00	
GLACIER BANK/WF	2,913.00	0.00	

Oct. 27, 2023
Payroll
\$ 172,177.53
Paul Steadland

10/26/23
14:57:14

CITY OF COLUMBIA FALLS
Payroll Summary For Payrolls from 10/27/23 to 10/27/23

Page: 2 of 3
Report ID: P130

NAVY FEDERAL CR	2,012.86	0.00
PARKSIDE CR U	8,249.06	0.00
STRIDE BANK	1,147.64	0.00
USAA FEDERAL	1,855.92	0.00
USBANK.	2,423.18	0.00
WELLS FARGO	2,223.31	0.00
WELLS FARGO, TX	2,311.97	0.00
WFISH CR UNION	10,699.73	0.00
FIT/SIT BASE	89,525.41	0.00
MEDICARE BASE	100,411.34	0.00
PERS BASE	97,390.78	0.00
SOC SEC BASE	59,609.06	0.00
UN BASE	100,066.94	0.00
WC BASE	101,988.46	0.00

Total 44,783.69
Total Payroll Expense (Gross Pay + Employer Contributions): 146,450.63
*** PAYROLL REGISTER + VOLUNTEER PAYROLL REGISTER = PAYROLL SUMMARY ***

Check Summary

Payroll Checks Prev. Out.	\$26,428.33
Payroll Checks Issued	\$58,802.14
Payroll Checks Redeemed	\$1,288.78
Payroll Checks Outstanding	\$83,941.69
Electronic Checks	\$113,375.39

Deductions Accrued	Carried Forward From Previous Month	Deduction Checks Issued	Difference	Liab Account
Social Security	7391.56	7391.56		212260
Medicare	2911.94	2911.94		212260
P.E.R.S.	10035.31	10035.31		212270
Unempl. Insur.	450.29	855.70	1305.99	212210
Workers' Comp	3187.82	5768.83	8956.65	212220
FIT	9006.63	9006.63		212260
SIT	4620.00	4620.00		212260
AFLAC-PRETAX	165.04	180.51	345.55	212230
NATIONWIDE/EMP	238.33	238.33		212280
Teamsters dues	292.50	292.50	585.00	212310
PERS/Police	6617.47	6617.47		212240
TEAMSTERS INIT	0.00			212310
NATIONWIDE/CITY	2363.13	2363.13		212280
AFLAC-POSTTAX	86.97	86.97	173.94	212230
PERS/FURS	2502.89	2502.89		212275
MT ST FIRE ASSO	99.89	99.89		212315
HEALTHINS/PRE	25323.97	25761.47	53985.95	-2900.51
CITY OF COLUMBI	20.00	20.00		212450
UNUM LIFE INS.	143.05	143.05	286.10	212400
FLEX ALLEGIANCE	889.22	889.22		212285
CHILD SUPPORT P	206.76	206.76		212330
FOP	360.00	360.00		212335
Total Ded.	76912.77	33089.03	102639.67	7362.13

**** Carried Forward column only correct if report run for current period.

Total for Payroll Checks

	Employee	Employer	Amount
COMP HOURS (Comp Time Used)	3.00		64.35
REG HOURS (Regular Time)	40.00		776.80
SICK HOURS (Sick Time)	13.72		272.37
VACA HOURS (Vacation Time Used)	53.30		1,143.29
GROSS PAY	2,256.81	0.00	
NET PAY	1,868.15	0.00	
FIT	27.98	0.00	
HEALTHINS/PRE	-75.00	-670.50	
MEDICARE	33.81	33.81	
P.E.R.S.	178.29	204.69	
SIT	79.00	0.00	
SOCIAL SECURITY	144.58	144.58	
UNEMPL. INSUR.	0.00	10.16	
WORKERS' COMP	0.00	32.12	
FREEDOM BANK	380.66	0.00	
GLACIER BANK/CF	691.36	0.00	
WFISH CR UNION	796.13	0.00	
FIT/SIT BASE	2,153.52	0.00	
MEDICARE BASE	2,331.81	0.00	
PERS BASE	2,256.81	0.00	
SOC SEC BASE	2,331.81	0.00	
UN BASE	2,256.81	0.00	
WC BASE	2,256.81	0.00	
Total		-245.14	
Total Payroll Expense (Gross Pay + Employer Contributions):			2,011.67

Term pay
Nov. 6, 2023
\$ 2,331.91
Barb Staaland

Check Summary

Payroll Checks Prev. Out.	\$83,941.69
Payroll Checks Issued	\$0.00
Payroll Checks Redeemed	\$0.00
Payroll Checks Outstanding	\$83,941.69
Electronic Checks	\$2,331.91

Deductions Accrued	Carried Forward From Previous Month	Deduction Checks Issued	Difference	Liab Account
Social Security		289.16		212260
Medicare		67.62		212260
P.E.R.S.	382.98		765.96	212270
Unempl. Insur.	10.16	865.86	876.02	212210
Workers' Comp	32.12	5800.95	5833.07	212220
FIT	27.98		27.98	212260
SIT	79.00		79.00	212260
Teamsters dues	0.00			212310
HEALTHINS/PRE	-745.50	-745.50	-1491.00	212400
FLEX ALLEGIANCE	0.00			212285

11/03/23
09:55:50

CITY OF COLUMBIA FALLS
Payroll Summary For Payrolls from 11/06/23 to 11/06/23

Page: 2 of 2
Report ID: P130

Total Ded.	143.52	6304.29	463.76	5984.05
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**** Carried Forward column only correct if report run for current period.

**CITY OF COLUMBIA FALLS
CITY COUNCIL REGULAR MEETING MINUTES
HELD OCTOBER 16, 2023**

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

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

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

PLEDGE OF ALLEGIANCE

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

CONSENT AGENDA: Councilor Fisher motioned to approve the consent agenda noting all claims appeared to be in order, seconded by Councilor King and the motion carried unanimously.

Approval of Claims - October 2023

Approval of Payroll Claims - October 13, 2023 - \$103,641.29

Approval of 3rd Quarterly Report Claim - \$23,808.51

Approval of Regular City Council Meeting Minutes - October 2, 2023

APPOINTMENTS:

Brandon Rice - Promotion to Sergeant/Oath of Office

Police Chief Peters said it was a pleasure to promote Brandon Rice to Police Sergeant. We are excited to watch him grow within the department.

Councilor King made a motion to recognize the promotion of Brandon Rice to the Sergeant position, seconded by Councilor Lovering and the motion carried unanimously.

City Clerk Staaland administered Oath of Office to Sergeant Rice.

NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

Public Hearing: Rocky Top Cabins, a Two-Lot Subdivision:

Mayor Barnhart read the notice of the public hearing and asked for the staff report presentation.

The Columbia Falls City-County Planning Board held a public hearing for the following item at their regular meeting on Tuesday, September 12, 2023, at 6:30 p.m. in the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on October 16, 2023, starting at 7:00 p.m. in the same location.

Rocky Top Cabins Subdivision – A Two Lot Subdivision: A request by Herbert Enterprises LLC to create a two-lot subdivision. The property is 8.11 acres in size and the property is zoned CR-1 which allows a minimum lot size of one acre. The property is located at 269 Rocky Lane, Columbia Falls, and is described as Assessor's Tract 1 (Parcel A of COS 21669) located in Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County.

City Manager Nicosia presented Staff Report CPP-23-02 as Findings of Fact, reviewing each of the findings and the conditions of approval. Nicosia reported that the applicant was requesting a variance to the road dividing Lot 2. The Planning Board held a Public Hearing on September 12, 2023, and recommended approval to the City Council. Nicosia reported no public comments have been received on the request. Staff recommends approval.

With no one wishing to speak to the council on the application, Mayor Barnhart opened and closed the public hearing at 7:13 p.m.

Councilor Fisher motioned to approve Staff Report CPP-23-02 as Findings of Fact, seconded by Councilor King with council voting as follows. Ayes: Shepard, Fisher, King, Lovering, Piper, and Barnhart.

NEW BUSINESS:

Call for Bids - Sidewalk and Parking Improvements Project

City Manager Nicosia said the City is ready to call for bids on the Sidewalk and Parking Improvements Project. There will be a pre-bid meeting for contractors on October 25, 2023. The bid opening will be scheduled for November 16, 2023, then award the bid at the December 4, 2023, council meeting. Work is expected to begin in the spring of 2024. Staff recommends approval of the call for bids.

Councilor Lovering motioned to approve the call for bids for the Sidewalk and Parking Improvements Project, seconded by Councilor Piper and the motion carried.

Mayor Barnhart asked if the money that was not used last year will carry forward. Nicosia replied yes, that is correct, the 24 FY budget includes the roll over. Mayor Barnhart asked if the angled parking would be in place at that time. Nicosia said yes, it will.

Approval of Teamsters Local No 2 Memorandum of Agreement and 23-24 Wage Opener

City Manager Nicosia said City Administration met with the Teamsters representatives and negotiated the 23-24 FY wage opener along with the Memorandum of Agreement. Nicosia reported that the Memorandum of Agreement allows the city to place new employees on the step that corresponds with their education and experience instead of waiting for the end of their first year as well as amending the step placement when there is a promotion. This will allow the City to be competitive in hiring open positions in order to meet the collective goals of attracting good candidates and retaining employees. Teamsters have ratified this memorandum of agreement along with the 5% increase on the wage scale. City Administration recommends Council approve the Agreement and Wage Opener and authorize City Manager to Execute.

Councilor Fisher motioned to authorize the City Manager to execute the Memorandum of Agreement and the 23-24 FY wage opener.

Councilor King asked which City employees are in the Teamsters Union. Nicosia replied all of the public works operators (Water, Streets, Sewer, Floaters).

Motion carried with voting as follows: Ayes: Fisher, King, Lovering, Piper, Shepard and Barnhart.

Capital Outlay Review - Police Department

Nicosia reported that the funding for Capital Outlay for the Police Department comes out of the General Fund and may include funding from the resort tax. Nicosia and Peters gave an overview of police vehicles, noting that currently there are five on the road. Chief Peters explained the upgraded mobile camera system. Mayor Barnhart asked if the City could expect more mileage out of the new vehicles. Chief Peters said he believes so as they pay close attention to maintenance and do a lot of research before purchasing. Councilor Piper asked if the body and vehicle cameras are activated manually. Chief Peters said the cameras are activated when the emergency lights or siren are on, if there is a crash, or the vehicle is traveling up to 75 mph it starts recording. Peters noted that the officer can also manually record, and it will go back two minutes in time.

City Manager Nicosia said it's already been 12 years since the Police Department underwent a significant remodel in 2011 for approximately \$250k. The carpet is in rough shape and will be replaced with laminate flooring as discussed during the budget review. The squad table will be replaced with a more suitable workspace. The Police Chief would like to put a wall between the booking room and squad room to separate the two. The projected cost is approximately \$30,000 and is included in this year's budget.

Nicosia and Peters also reviewed the brown shed that houses records and serves as storage primarily for the Police Department. The City has talked about tearing down the brown shed but it serves a useful purpose and will have to be rebuilt or replaced in the future.

City Manager Nicosia and Police Chief Peters reviewed the current cost of outfitting a Police Officer. Councilor Piper asked if it was really \$30,000 to build the small wall. Nicosia replied that is the estimate from the contractor. It will include a door and potentially two observation windows.

ORDINANCES / RESOLUTIONS:

Resolution # 1911:

A RESOLUTION OF THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA CONDITIONALLY APPROVING THE PRELIMINARY PLAT OF ROCKY TOP CABINS SUBDIVISION A TWO LOT RESIDENTIAL SUBSEQUENT MINOR SUBDIVISION LOCATED AT 269 ROCKY LANE, FURTHER DESCRIBED AS PARCEL A, COS 21669 IN THE NE1/4 NE1/4 IN SECTION 7, TOWNSHIP 30 NORTH, RANGE 20 WEST, P.M.M., FLATHEAD COUNTY, MONTANA.

Councilor Piper Motioned to approve Resolution # 1911, seconded by Councilor Lovering with council voting as follows. Ayes: King, Lovering, Piper, Shepard, Fisher and Barnhart.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

Councilor King said when DOT attended the Council meeting, they asked the City to submit letters formally asking them to study the traffic issues raised by council; King inquired where we are on the letters. Nicosia said she is currently drafting letters the letters as she has talked with MDOT officials and still needs to reach out to the County Commissioners.

Councilor King asked where we are with Northwest Mutual Land Trust. Nicosia said they have purchased a lot, but it may not work for the donated house. Nicosia said she met with Kim Morisaki for further discussion and the City will continue to work with her.

Mayor Barnhart said Glacier Gateway School is having an open house on October 24, 2023, from 5:00 p.m. to 7:00 p.m. to tour the new school.

Mayor Barnhart reported that he attended the MT League of Cities and Towns Conference and the head of MDOT said they are looking at ways to work with communities. Mayor Barnhart would like the city to clear snow from intersections on Nucleus Ave. near the post office, Smith's, 6th St. and 7th St.

CITY MANAGER REPORT

Nicosia said the City's Land Water Conservation fund grant application for the bathroom and the skate park has made it through the phase 2 review. Fish, Wildlife & Parks staff will recommend that our project move forwards and by the end of next week we should get a formal letter letting us know if our project has been accepted. At that point we put together the formal application.

Nicosia reported that the RAISE grant is one step closer to having all of the final signatures needed to proceed.

On 12th Ave. W., the City had a positive meeting with BNSF. They sent back engineering comments and as soon as Morrison-Maierle respond to their comments, BNSF will finalize the project and the City will be able to proceed. Nicosia said she talked to the EDA representative and until the City has the easement for the sidewalk their attorney won't sign off on the title, which means the City will not receive reimbursement until the site title is final.

City Manager Nicosia reviewed the 2023-24 Fiscal Year budget book with Council. She noted that City staff would like to put together a one-page budget sheet for council and public.

Nicosia reported on the City's Water loss. While it is still 10.5 million gallons per month, the City has improved water loss by approximately 50%. The city will replace meters as needed but we do not have plans for a large-scale meter replacement project. The City will continue to have service lines replaced when leaks develop, said Nicosia.

MDOT came back with an updated Urban Boundary Map. They concurred with the City's request to take out the Roger's Road area but did not make all the adjustments requested by the City. Nicosia noted that the map is tied to urban funding and not the City's urban planning area.

A major topic at the League of Cities and Towns was the implementation of SB 382 with significant changes to how the City does planning and zoning. The city will schedule a workshop in November or December to discuss the changes. Mayor Barnhart said Belgrade is moving forward with a new growth policy, housing study, transportation and utility PERS at a cost of \$600,000.

Mayor Barnhart inquired about the status of the Boys and Girls Club facility. Nicosia said they have to submit a Conditional Use Permit and they are in the process of doing so.

Mayor Barnhart said he visited with the Fire Department on getting a fourth firefighter and hopes to have one in place for the next fiscal year. Mayor Barnhart said he would like to make it a priority.

CITY ATTORNEY REPORT

City Attorney Breck concurred with Nicosia and Barnhart on the League of Cities and Towns Conference, there was good information provided. There were great presentations on marijuana DUI's, the role AI can play and creating amazing efficiencies. A huge portion was dedicated to land use and social media use for elected officials.

MISCELLANEOUS

September - Fire Department Activity
Police Department - September Activity Report

ADJOURN

Councilor Lovering motioned to adjourn, seconded by Councilor Fisher and the meeting was adjourned at 8:32 p.m.

Mayor

City Clerk

AMENDMENT TO AGREEMENT
FOR
ENGINEERING SERVICES

WHEREAS:

HDR ENGINEERING, INC. (“HDR”) entered into an Agreement on June 19, 2017, to perform engineering services for the Columbia Falls Wastewater Facility Plan Update and Preliminary Engineering Report (“Project”).

The City of Columbia Falls (“City”) approved an amendment to the original agreement for HDR to perform services beyond those previously authorized as a result of an extensive Request for Qualification process to obtain engineering services to complete the planned improvements using local, state and federal grant funds.

HDR and City wish to clarify the terms of the amended agreement approved in February 2022 for the Wastewater System Improvements Project.

NOW, THEREFORE, HDR and City do hereby agree:

The Agreement and the terms and conditions were updated for the following:

Section 1. Scope of Services.

HDR will provide Services for the Wastewater System Improvements Project beginning with assisting the City in the ARPA Grant Application Process in the Fall of 2021 through the completion of the project as outlined in detail in the Scope of Services attached as Exhibit A.

Section IV. Compensation.

Compensation for HDR’s services under this Agreement for the Scope of Services and work described in Exhibit A shall be on the basis of Direct Labor Costs times a factor of 3.20 for the services of HDR’s personnel engaged on the Project, plus Reimbursable Direct Costs (Subcontractor and Expenses) as documented and described in the attached Exhibit C totaling \$895,072.00.

HDR and the City agree that the term of this amended agreement began in Fall 2021 and will continue until the Wastewater System Improvements Project is deemed final and complete by the MT DNRC on or before December 31, 2025.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment, clarifying the terms of the February 2022 Agreement:

HDR Engineering, Inc. (“HDR”)

City of Columbia Falls (“City”)

By: _____

By _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____



130 6TH STREET WEST
ROOM A
COLUMBIA FALLS, MT 59912

Item No.6.

PHONE (406) 892-4391

FAX (406) 892-4413

October 31, 2023

To: Samantha Kemp, Project Manager
And Mayor and Council

From: Susan Nicosia, City Manager

Re: ARPA Wastewater System Improvements – Grant Agreement AC 22-0013 and AM 22-0012
Amendments, Change in Schedule, and Amended Budget

This memo documents the City of Columbia Falls' formal request to extend the grant deadlines for the awards noted above from December 31, 2024, to September 30, 2025. As noted previously, the City's engineering firm, HDR, is approximately 9 months behind schedule for final design and call for bids for Phase 2 of the City's Wastewater Systems Improvements Project. Therefore, the City is requesting DNRC approval for the amended schedule for Phase 2 (attached). The Phase 1 schedule, also attached, was updated for actual dates. Phase 1 is 95% complete as of October 31, 2023. Final paperwork should be submitted, and the project will be closed out by December 31, 2023.

Additionally, during the Hilltop Sewer Main replacement, asphalt replacement went from the original engineered 6' wide ditch/asphalt replacement to an actual 18' wide ditch/asphalt replacement; essentially replacing just over 50% of the driving surface from the curb to the middle of the roadway. The original anticipated paving replacement was budgeted at 250 tons of asphalt @\$316/ton or \$79,000. The final actual quantity, as verified by HDR Engineering and NCC Neumann, the contractor, was 572.2 tons for a total cost of \$180,815.20. Change Order #3 is attached for DNRC and City approval in the amount of \$101,815.20. I am proposing amending the project budget for this change order and using local Street Construction Funds to pay for the additional paving. The project budget has been amended to reflect this additional local contribution.

I am attaching the Amended Budget, Change Order #2, Change Order #3, Amended Project Budget, and Amended Project Scope for DNRC and City Council approval.

The City Administration is working very closely with DNRC and HDR Engineering to ensure that this project is completed in a timely manner in accordance with all local, state, and federal requirements.

Attachment A - Scope of Work
Columbia Falls Wastewater System Upgrades

Background:

City of Columbia Falls (City) developed a Wastewater Facilities Plan (Facilities Plan) in September 2018, and a subsequent Preliminary Engineering Report (PER), which recommended renewal and replacement infrastructure projects for the wastewater system. The City had several permit violations for exceeding the total nitrogen discharge limits per our MPDES Discharge Permit. The 2018 Facilities Plan and PER recommended projects that would allow the City to meet its discharge limits, provide redundancy for critical treatment process equipment, properly protect public health and safety, and meet treatment goals for discharge to the Flathead River for existing and future customers.

Scope of Work:

The Columbia Falls Wastewater System Upgrades address the deficiencies of the wastewater system and provide for redundancy for critical treatment process equipment and meet treatment goals for discharge to the Flathead River. The following scope of work will help address the deficiencies of the wastewater system. This scope of work is the object of this grant and will use ARPA Competitive Grant funds on Construction associated with the following activities. Activities include:

Phase 1

- Rehabilitate lift station #5
- Install 1,700 lineal feet of 12" sewer main in Hilltop Neighborhood
 - Asphalt replacement – approx. 1,200 LF, 18' wide
 - Curb/gutter replacement
 - Landscaping – Horine Park construction area

Phase 2

- Addition of bioreactor No. 1
- Install supplemental carbon system
- Improve mixed liquor return pipeline (MLR) in the bioreactor
 - Add isolation valve to discharge in each anoxic zone
 - Add flow measurement on header pipe to quantify flow
- Install redundant turbo blower
- Improvements to solids storage
- Install redundant influent screen
- Install vac truck/dewater site if needed for biosolids facility

Facilities will be designed and constructed in accordance with sound engineering practices and must meet the requirements of Federal, State, and local agencies.

This award implements the ARPA Competitive Grant funding as identified in Attachment B.

Schedule: See attached amended schedules

ATTACHMENT B

SUBRECIPIENT: City of Columbia Falls
PROJECT TITLE: Wastewater System Improvements

ADMINISTRATION	ARPA Minimum Allocation	ARPA Competitive Grant	ARPA Local Fiscal Recovery Funds	Local Contribution	TOTAL
Personnel Cost					\$0.00
Office Cost				\$536.60	\$536.60
Professional Services					\$0.00
Legal Costs					\$0.00
Audit Fees				\$4,463.40	\$4,463.40
					\$0.00
TOTAL ADMINISTRATION	\$0.00	\$0.00	\$0.00	\$5,000.00	\$5,000.00
CONSTRUCTION RELATED ACTIVITIES					
Project Management (Engineering)	\$50,000.00			\$29,578.00	\$79,578.00
Preliminary Engineering Design				\$41,522.00	\$41,522.00
Final Engineering Design	\$320,200.00		\$133,339.00	\$20,753.00	\$474,292.00
Construction Inspection Eng.		\$210,000.00	\$89,880.00		\$299,880.00
Construction	\$506,986.00	\$1,790,000.00	\$1,177,742.00	\$472,015.20	\$3,946,743.20
Contingency				\$760,000.00	\$760,000.00
					\$0.00
TOTAL ACTIVITY	\$877,186.00	\$2,000,000.00	\$1,400,961.00	\$1,323,868.20	\$5,602,015.20
TOTAL PROJECT BUDGET	\$877,186.00	\$2,000,000.00	\$1,400,961.00	\$1,323,868.20	\$5,602,015.20

SUMMARY OF MATCHING FUNDS

FUNDING SOURCE	AMOUNT
ARPA Minimum Allocation	\$877,186.00
ARPA Competitive Grant	\$2,000,000.00
ARPA Local Fiscal Recovery Funds	\$1,400,961.00
Local Contribution	\$1,323,868.20
TOTAL	\$5,602,015.20

UNIFORM STATUS OF FUNDS SPREADSHEET FOR: City of Columbia Falls															
DATE: As of October 31, 2023 Wastewater System Improvements															
ADMINISTRATIVE/ FINANCIAL COSTS:	ARPA Minimum Allocation			ARPA Competitive Grant			ARPA Local Fiscal Recovery Funds			Local Contribution			Total Budget		
	Budgeted	Previously Expended	Amount of Draw	Balance Remaining	Budgeted	Previously Expended	Amount of Draw	Balance Remaining	Budgeted	Previously Expended	Amount of Draw	Balance Remaining	Budgeted	Expended	Balance
Personnel Cost	\$0.00			\$0.00	\$0.00			\$0.00	\$0.00			\$0.00	\$0.00	\$0.00	\$0.00
Office Cost	\$0.00			\$0.00	\$0.00			\$0.00	\$0.00	\$536.60		\$0.00	\$536.60	\$536.60	\$0.00
Professional Services	\$0.00			\$0.00	\$0.00			\$0.00	\$0.00			\$0.00	\$0.00	\$0.00	\$0.00
Legal Costs	\$0.00			\$0.00	\$0.00			\$0.00	\$0.00			\$0.00	\$0.00	\$0.00	\$0.00
Audit Fees	\$0.00			\$0.00	\$0.00			\$0.00	\$0.00			\$4,463.40	\$4,463.40	\$0.00	\$4,463.40
				\$0.00	\$0.00			\$0.00	\$0.00			\$0.00	\$0.00	\$0.00	\$0.00
Total Administrative Costs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$536.60	\$0.00	\$4,463.40	\$5,000.00	\$5,000.00	\$4,463.40
ACTIVITY COSTS:															
Project Management (Engineering)	\$50,000.00			\$50,000.00	\$0.00			\$0.00	\$0.00		\$21,047.50	\$357.24	\$29,578.00	\$21,404.74	\$58,173.28
Preliminary Engineering Design	\$0.00			\$0.00	\$0.00			\$0.00	\$0.00		\$52,713.75		\$41,522.00	\$52,713.75	\$11,191.75
Final Engineering Design	\$320,200.00			\$320,200.00	\$0.00			\$0.00	\$13,949.48	\$104,616.44	\$110,563.68		\$20,753.00	\$29,129.60	\$245,162.40
Construction Inspection Eng.	\$0.00			\$0.00	\$210,000.00			\$210,000.00	\$40,586.12	\$47,617.15			\$0.00	\$88,213.27	\$211,666.73
Construction	\$506,986.00			\$506,986.00	\$1,790,000.00			\$1,790,000.00	\$442,367.97	\$42,282.13			\$472,015.20	\$484,650.10	\$3,462,093.10
Contingency	\$0.00			\$0.00	\$0.00			\$0.00	\$0.00				\$760,000.00	\$0.00	\$760,000.00
				\$0.00	\$0.00			\$0.00	\$0.00				\$0.00	\$0.00	\$0.00
Total Activity Costs	\$877,186.00	\$0.00	\$0.00	\$877,186.00	\$2,000,000.00	\$0.00	\$0.00	\$2,000,000.00	\$496,913.57	\$194,515.72	\$184,324.93	\$1,139,186.03	\$1,323,868.20	\$876,111.46	\$4,725,903.74
TOTAL PROJECT COSTS	\$877,186.00	\$0.00	\$0.00	\$877,186.00	\$2,000,000.00	\$0.00	\$0.00	\$2,000,000.00	\$496,913.57	\$194,515.72	\$184,324.93	\$1,143,649.43	\$1,328,868.20	\$876,648.06	\$4,730,367.14

Copy and submit to the applicable funding agency with each drawdown request.

umblank2.xls

Item No.6.

ARPA Water & Sewer Infrastructure Grant Program
Project Schedule

Use this document throughout the application and grant period to track the status of project milestones. Documentation associated with each milestone should be included in the ARPA application and/or submitted to the ARPA Grant Manager throughout the project.

Applicant/Subrecipient Entity Name: City of Columbia Falls

Project Title: Wastewater System Upgrades - Phase 1 (Lift Station 5 Rehab and Hilltop Homes Sewer Main Upgrade)

	Applicable to Project? (Yes/No)	ESTIMATED Completion Date	ACTUAL Completion Date	Comments
ENGINEERING PROCUREMENT*				
Project Engineer procured and engineering contract executed.	Yes <input checked="" type="checkbox"/>	Spring 2022	April 2022	
Other:				

PLANNING & DESIGN *

Preliminary design document completed (PER or Tech Memo).	Yes <input checked="" type="checkbox"/>	12/21/22		
DEQ Review: Plans and Specifications SUBMITTED to DEQ.**	Yes <input checked="" type="checkbox"/>	12/27/22		Sent via email Tuesday Dec 27th
DEQ Review: Plans and Specifications APPROVED by DEQ.		1/31/2023		
Permit and/or other Agency Review: SUBMITTED for review.	Yes <input checked="" type="checkbox"/>	12/27/22		Sent to DNRC via email
Permit and/or other Agency Approval: APPROVAL received.		1/31/2023		
Water Rights finalized.	No <input type="checkbox"/>			N/A
Site Title Opinion, Right-Of Way, Land Purchases finalized.	No <input type="checkbox"/>			N/A
MEPA/NEPA complete or MEPA checklist submitted to DNRC.	Yes <input checked="" type="checkbox"/>			With application - Cat Exclusion applies
Other:				

PROJECT BIDDING

Bid document advertised.	Yes <input checked="" type="checkbox"/>	2/14/2023		City Council to call for bids January 17, 2023
Bid complete and construction contract executed.	Yes <input checked="" type="checkbox"/>	2/21/2023		Open bids Feb 14th - recommend award to council
Other:				Council to award at Feb 21, 2023 meeting

PROJECT CONSTRUCTION

Construction start.	Yes <input checked="" type="checkbox"/>	May 2, 2023		Weather dependent
Construction complete.	Yes <input checked="" type="checkbox"/>	Sept 30, 2023		150 day contract
Project closeout.	Yes <input checked="" type="checkbox"/>	December 1, 2023		
Other:				

*Engineering Procurement and Design Phase tasks must be completed before Project Bidding and Construction Phase tasks.

**DEQ Plans and Specifications Review Fee is waived for ARPA-Funded project. Indicate your project is ARPA funded on your DEQ submittal cover sheet to have the fee waived.

ARPA Water & Sewer Infrastructure Grant Program
Project Schedule

Use this document throughout the application and grant period to track the status of project milestones. Documentation associated with each milestone should be included in the ARPA application and/or submitted to the ARPA Grant Manager throughout the project.

Applicant/Subrecipient Entity Name: City of Columbia Falls

Project Title: Wastewater System Upgrades - Phase 2 (All Wastewater Treatment Plant work listed in scope)

	Applicable to Project? (Yes/No)	ESTIMATED Completion Date	ACTUAL Completion Date	Comments
ENGINEERING PROCUREMENT*				
Project Engineer procured and engineering contract executed.	Yes <input type="checkbox"/>	Spring 2022	April 2022	
Other:				

PLANNING & DESIGN *

Preliminary design document completed (PER or Tech Memo).	Yes <input type="checkbox"/>	Nov 10 2023		90% design memo to be delivered of the City
DEQ Review: Plans and Specifications SUBMITTED to DEQ.**	Yes <input type="checkbox"/>	Dec 1, 2023		
DEQ Review: Plans and Specifications APPROVED by DEQ.		Jan 2024		
Permit and/or other Agency Review: SUBMITTED for review.	Yes <input type="checkbox"/>	Jan 2024		
Permit and/or other Agency Approval: APPROVAL received.		Feb 2024		
Water Rights finalized.	No <input type="checkbox"/>			N/A
Site Title Opinion, Right-Of Way, Land Purchases finalized.	No <input type="checkbox"/>			N/A
MEPA/NEPA complete or MEPA checklist submitted to DNRC.	Yes <input type="checkbox"/>			With application - Cat Exclusion applies
Other:				

PROJECT BIDDING

Bid document advertised.	Yes <input type="checkbox"/>	Jan 2024		City Council to call for bids Jan 15
Bid complete and construction contract executed.	Yes <input type="checkbox"/>	March 2024		Council to award bids March 4 2024
Other:				

PROJECT CONSTRUCTION

Construction start.	Yes <input type="checkbox"/>	April 2024		
Construction complete.	Yes <input type="checkbox"/>	August 2025		
Project closeout.	Yes <input type="checkbox"/>	Sept 2025		Project close out by City, requesting formal contract amendments
Other: Final Documentation files		Sept 2025		

*Engineering Procurement and Design Phase tasks must be completed before Project Bidding and Construction Phase tasks.

**DEQ Plans and Specifications Review Fee is waived for ARPA-Funded project. Indicate your project is ARPA funded on your DEQ submittal cover sheet to have the fee waived.

Date: _____

	<u>Authorized by Owner</u>	<u>Approved by Funding Agency (if applicable)</u>
By:	_____	_____
Title:	_____	_____
Date:	_____	_____



130 6th Street West
Columbia Falls, MT 59912
Phone: (406) 892-4391
Fax: (406) 892-4413

Whereas, the government of Columbia Falls, Montana, celebrates our local small businesses and the contributions they make to our local economy and community; and

Whereas, according to the U.S. Small Business Administration, there are 33.2 million small businesses in the United States: small businesses represent 99.7% of firms with paid employees, small businesses are responsible for 62.7% of net new jobs created since 1995, and small businesses employ 46.4% of the employees in the private sector in the United States; and

Whereas sixty-eight cents of every dollar spent at a small business in the United States stays in the local community and every dollar spent at small businesses creates an additional forty-eight cents in local business activity as a result of employees and local businesses purchasing local goods and services; and

Whereas 72% of consumers reported that Small Business Saturday 2022 made them want to shop and dine at small, independently owned retailers and restaurants all year long; and

Whereas, Columbia Falls, Montana, supports our local businesses that create jobs, boost our local economy, and preserve our communities; and

Whereas, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday.

Now, Therefore, I, Mayor Pro Tem, Jenny Lovering of Columbia Falls, Montana, do hereby proclaim, Saturday, November 25, 2023, as

SMALL BUSINESS SATURDAY

And urge the residents of our community, and communities across the country, to support small businesses and merchants on Small Business Saturday and to Shop Small throughout the year.

Mayor Pro Tem, Jenny Lovering

Attest:

City Clerk

November 3, 2023

To: Mayor & Council

From: City Manager Susan Nicosia

RE: Approval to Proceed with NW Montana Community Land Trust Project

The City has worked closely with NW Community Land Trust to provide affordable housing in Columbia Falls. Pursuant to the City's amended CDBG HOME Grant with MT Department of Commerce, the City can use the program income and recaptured funds from previous CDBG HOME Grants for affordable housing with the NW MT Community Land Trust (Contract MT-HOME-HBA-23-01).

The NW Montana Community Land Trust has purchased a standard city residential lot (50 X 125) at 209 3rd Ave. East, also described as Lot 2, Block 16, Columbia Falls Original. The property is zoned CR-3 Single Family Residential.

Fund 2940 CDBG HOME Special Revenue Fund has budget authority of \$158,643 and a current cash balance of \$151,016.00. Transactions are limited to budget authority as well as cash balances.

Mayor Barnhart had requested that the City and NW MT Community Land Trust determine if a duplex could be provided on the lot to aid more than one family. The duplex units would have to be titled pursuant to the Declaration of Unit Ownership in state statute. The lot and site plan will have to be evaluated to determine if two units are possible. The alley has been abandoned so there is no public access at the rear of the lot.

Council approval requested: Authorize City Manager Nicosia to proceed with documents for NW Montana Community Land Trust Project in Columbia Falls, subject to available resources and state and federal grant requirements.

Columbia Falls Fire Department
2023 Runs

Item No.9.

	Jan	Feb	March	April	May	June	July	August	Sept.	Oct.	Nov.	Dec.	Calls YTD 2023	
calls	31	30	32	39	22	27	47	38	36	34			336	
Weeks	18	9	22	14	12	12	32	16	21	13			169	50.30%
Peterson	16	7	14	23	9	14	22	10	16	11			142	42.26%
Smith, R.	8	6	11	23	9	14	24	11	13	11			130	38.69%
Thomas	16	7	9	22	3	9	18	10	14	7			115	34.23%
Ross	7	0	2	1	0	1	1	6	7	5			30	8.93%
Kemppainen	0	1	4	1	2	4	0	1	2	1			16	4.76%
Loughery	3	6	3	3	1	6	13	9	4	3			51	15.18%
Shanks	3	2	4	3	1	4	2	8	4	1			32	9.52%
Perkins	7	2	4	3	3	2	3	1	2	2			29	8.63%
Smith, K.	10	2	6	6	1	3	18	10	4	12			72	21.43%
Arnold	5	3	1	2	2	7	2	5	4	7			38	11.31%
Vanhaverbeke	6	1	4	5	8	4	8	12	7	4			59	17.56%
Bates	1	2	2	4	2	1	6	4	2	1			25	7.44%
Stuhler	2	4	9	12	1	3	18	15	4	11			79	23.51%
Schrader	3	2	6	6	2	0	3	6	3	0			31	9.23%
Willcut	4	11	10	5	1	4	14	10	9	7			75	22.32%
Grogan	28	21	19	25	12	21	40	29	28	23			246	73.21%
O'Brien	22	18	12	13	2	0	0	0	0	8			75	22.32%
Woodruff	1	4	0	13	2	7	15	7	3	14			66	19.64%
Dickerson	0	1	4	4	0	3	7	1	4	4			28	8.33%
Butts	0	1	2	3	1	6	5	3	6	1			28	8.33%
Hogan	8	17	11	20	9	15	31	23	22	15			171	50.89%
Dolph	14	8	16	8	2	1	3	1	3	1			57	16.96%
Ledbeter	10	13	10	13	4	4	4	11	6	2			77	22.92%
Kehl, S	0	0	0	2	3	5	10	5	6	14			45	13.39%
Kehl, M	0	0	0	0	0	0	0	0	8	7			15	
Ryan	0	0	0	0	0	0	0	0	12	3			12	
Vessels	0	0	0	0	0	0	0	0	0	19				
Davis	2	0	0											
Hanley	0	1	3											
Best	0	0	1	0	0	0								
Pinneke	8	16	9	5	2	6	14	17						
			#1 month		#2 month		2023 #1						Department Average:	80.32 23.91%

	Jan	Feb	March	April	May	June	July	August	Sept.	Oct.	Nov.	Dec.	Calls YTD 2023	
Total calls	31	30	32	39	22	27	47	38	36	34			336	
Rural	13	16	19	24	5	11	38	23	24	23			196	58.33%
City	18	14	13	15	17	16	9	15	12	11			140	41.67%
Mutual Aid Received	1	0	2	0	1	1	1	1	0	0			7	2.08%
Mutual Aid Given	0	2	0	4	3	2	3	2	2	1			19	5.65%
Medical & MVA	13	7	14	9	9	10	11	12	13	11			109	32.44%

Columbia Falls Fire Department Incident Breakdown

Item No.9.

2023	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD	2023
Dispatches	31	30	32	39	22	27	47	38	36	34			336	Dispatches
ALS Medical Total	2	0	1	0	2	0	0	2	0	1			8	ALS Medical Total
BLS Medical Total	10	7	8	1	7	3	1	2	13	2			54	BLS Medical Total
Medical CPR	1	0	0	1	2	0	0	1	0	0			5	Medical CPR
Medical ALS	2	0	1	0	0	0	0	1	0	1			5	Medical ALS
Medical BLS	1	0	2	1	1	3	0	2	3	1			14	Medical BLS
Medical Lift Assist	4	3	6	3	4	1	1	4	4	1			31	Medical Lift Assist
MVA with injury	1	1	4	2	0	4	4	3	4	2			25	MVA with injury
Extrication	0	1	0	1	0	0	2	0	0	0			4	Extrication
Ambulance Driver	0	0	0	0	0	0	0	0	0	0			0	Ambulance Driver
MVA non injury	4	2	1	1	2	2	4	1	2	6			25	MVA non injury
Airport Emergency	0	0	0	1	0	0	0	0	0	0			1	Airport Emergency
Traffic Control	0	0	0	0	0	0	0	0	0	0			0	Traffic Control
HazMat	5	7	0	8	1	2	0	0	6	0			29	HazMat
Hazardous Conditions	5	7	0	8	2	2	0	0	6	1			31	Hazardous Conditions
CO	2	0	0	2	0	0	0	0	1	0			5	CO
Gas Leak/Odor inside	2	3	0	5	0	1	0	0	3	0			14	Gas Leak/Odor inside
Gas Leak/Odor outside	1	4	0	2	1	1	0	0	1	0			10	Gas Leak/Odor outside
Powerline	0	0	0	0	2	0	0	0	0	0			2	Powerline
Other	0	0	0	0	0	0	0	0	0	1			1	Other
Service	0	1	3	2	0	0	1	2	0	0			9	Service
Good Intent	0	0	2	1	1	2	5	5	1	7			24	Good Intent
Fire Alarm	1	2	1	1	0	2	0	2	1	2			12	Fire Alarm
False Alarm	1	1	1	1	0	0	0	2	2	0			8	False Alarm
Illegal burn	0	0	0	0	0	0	2	4	2	0			8	Illegal burn
Smoke Investigation, outside	0	1	1	0	2	0	0	0	0	1			5	Smoke Investigation, outside
Smoke Investigation, inside	1	0	0	1	0	0	0	0	1	0			3	Smoke Investigation, inside
Cancelled enroute	7	5	7	10	5	6	16	6	4	9			75	Cancelled enroute
Fire, residential	2	3	2	2	2	1	2	1	1	1			17	Fire, residential
Fire, chimney	0	1	0	0	0	0	0	0	0	0			1	Fire, chimney
Fire, commercial	0	1	0	0	0	2	0	0	2	1			6	Fire, commercial
Fire, vehicle	1	1	0	0	0	2	1	1	1	1			8	Fire, vehicle
Fire, vegetation, grass	0	0	0	2	0	0	7	2	0	0			11	Fire, vegetation, grass
Fire, vegetation, wildland	0	0	0	1	0	0	1	1	2	0			5	Fire, vegetation, wildland
Dispatch Totals	31	30	32	39	22	27	47	38	36				336	Dispatch Totals
Structure fires (In District)	2	3	2	0	1	2	1	0	1	1			13	Structure fires
Structure fires (Mutual aid)	0	1	1	2	1	1	1	1	2	1			11	
Acres burned	0	0	0	1.3	0	0	0.14	0.02	0	0			1.46	Acres burned

**CITY OF COLUMBIA FALLS
CORRESPONDENCE LIST
COUNCIL MEETING
NOVEMBER 6, 2023**

10/18/23 - Email from Penny Schuh – short term rentals

10/19/23 - Email from Miranda Detore – 44 Hidden Cedar Loop short term rental

10/24/23 – Letter from Adam Brooks, Montana Fish, Wildlife and Parks – Fenholt Park Skatepark and restroom grant application

10/30/23 – Bright – A publication of Northwestern Energy

Staaland

From: Penny Schuh <pennyschuh@gmail.com>
Sent: Wednesday, October 18, 2023 5:35 PM
To: Susan Nicosia; eric@sandssurveying.com; B Staaland
Subject: Response Letter for Vacation Rental Permit
Attachments: Short Term Rental Letter 2023.pdf

Barb,

Would you please forward this letter onto the city Council Members for me. If you have any problems with my format please let me know.

Thank You,

Penny Schuh

Susan M. Nicosia
City Manager/Zoning Administrator
130 6th Street West
Room A
Columbia Falls, Mt 59912

October 16, 2023

Eric Mulcahy
Contract Planner

City Council Members

We reside at 38 Hidden Cedar Loop, Columbia Falls, Montana, 59912. We have received yet another letter stating that you are considering a short term rental permit for 44 Hidden Cedar Loop. As we stated in our previous letter concerning 41 Hidden Cedar Loop short term permit, we are very much opposed! It is our understanding that there are currently three such permits in our neighborhood and this would be the fourth. As we are a small neighborhood of approximately 40 homes, this new permit would put us at 10% of our homes as short term rentals. That's only what we know of. In a climate of gross affordable housing shortages, severely influenced by investors of short term rentals, many whom live in different states and have no vested interest in what is beneficial for Columbia Falls, but only to profit at our neighborhoods' expense. Do you really believe another permit is in the best interest of Columbia Falls? Not to mention, my street, which was very quiet with very little traffic has become busy, noisy and not the quiet relaxing atmosphere of living here that it was when we first moved in. To date we have had to put up with trash cans left out for weeks at a time, loud music, and a major increase in traffic and people coming onto our property thinking they can access the river. We believe these instances would not be happening if it weren't for the transient nature of short term rentals. Our Riverbend Estates Declaration of Conditions, Covenants and Restrictions Article IV - Protective Covenants section 2, states that no manufacturing or commercial activity, ("commercial"-making or intended to make a profit, profit oriented, money oriented) ("activity" - the condition in which things are happening or being done) excepting a "home Occupation" as defined by the Columbia Falls Area Zoning Ordinance, which does not create or promote additional vehicular traffic, shall at any

time be carried on or conducted on any lot or from any residence. As per the Columbia Falls Planning Department Conditional Use Permit form, a short term rental must obtain a business license as well as the State of Montana Public Accommodation License for Tourist Home. We believe this would be considered a commercial activity, which is not allowed in our sub division. We hope that this letter is considered as a hard NO for an additional short term rental permit. Please, do not just file this letter in a folder to fulfill a requirement of the City before granting yet another permit.

Sincerely,

Terry and Penny Schuh

38 Hidden Cedar Loop
Columbia Falls, MT 59912

Emails:

Terry - terryschuh48@gmail.com
Penny - pennyschuh@gmail.com

Susan Nicosia

From: Miranda Detore <tutuyepa@gmail.com>
Sent: Thursday, October 19, 2023 5:00 PM
To: Susan Nicosia
Cc: jessicanaplan; mtreynolds@aol.com; pennyschuh@gmail.com; ptg@rkymtnhi.com; B Staaland
Subject: Opposition to proposed permit at 44 Hidden Cedar Loop
Attachments: Docs2.pdf

Ms Nocosia,

I'm writing to adamantly oppose the permitting of **44 Hidden Cedar Loop** as a short-term vacation rental. Granting this permit would drastically impact our quality of life, taking away our sense of security, peace and happiness.

When I moved to my home at 46 Hidden Cedar Loop 10 years ago, the former residence of Julie and Patrick Plevel, there were a few homes in the neighborhood with ample space between them and a set of RiverBend Estate covenants that were designed to maintain the community feel of our beloved neighborhood. In just the last few years many new houses have been built around my home, causing a great deal of noise and disruption and obscuring views of the mountains and river.

While I don't have a problem with neighbors renting their home out long-term, or renting a room or garage space— we each have to do what we can to keep up with rising cost of living and property taxes— owning a home in this small neighborhood expressly for the purpose of short-term rental while not living anywhere near the community is a much different matter. It goes against our neighborhood covenants, destroys the character of the neighborhood, means we no longer can get to know our neighbors, and removes our sense of community, safety, security. I practice emergency medicine and work long hours. Coming home to a sense of security and peace means everything to me and my family. We have three young children under the age of ten, and we plan to live here for decades, contribute to this community and thrive.

Please do not grant this permit for short-term vacation rental at **44 Hidden Cedar Loop**. The property is directly next door to our home, with a wrap-around deck that has a clear view into our living spaces and bedrooms, so having this as a short-term vacation rental would impact our sense of peace and security on a regular basis. The owners of this property have personally expressed to me, no intention of ever occupying the property and have no connection or personal stake in the community. Finally and most important, owning a home as a short-term vacation rental goes expressly against the covenants of our neighborhood, the premise under which this and every other property in Riverbend Estates, was purchased. The owners of every lot knew the

CC&Rs before opting to purchase real estate here. If I had even thought this type of land be permitted, I would have bought the land myself to prevent such use.

Item No. 10.

Furthermore I ask that this email be read by Members of City Council and that confirmation of its receipt be sent to me today. Our neighborhood covenants are attached for everyone's convenience and consideration.

Thank you.

Sincerely,

Miranda Detore

46 Hidden Cedar Loop

Columbia Falls, MT 59912

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RETURN TO: PATRICK AND JULIE PLEVEL
PO BOX 2050
COLUMBIA FALLS, MT 59912



Paula Robinson, Flathead County MT by HC

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AMENDED
DECLARATION OF CONDITIONS, COVENANTS AND RESTRICTIONS
OF RIVERBEND ESTATES

THIS AMENDED DECLARATION is made this 17 day of March, 2010, by Centennial Contracting and Development LLC, Patrick Plevel, Julie Plevel, Leonard Investments LLC, Donald A. Newton and Bernadette M. Newton, also known as Bernadette M. Windauer Newton of Flathead County, Mt. 59912.

RECITALS

1. The Declarants have filed a plat of certain lands in the Northeast Quarter of the Southwest Quarter of Section 17, Township 30N, Range 20W M.P.M, Flathead County Montana. The plat is entitled "RIVERBEND ESTATES" and was filed in the office of the Clerk and Recorder of Flathead County, on the 8TH day of January, 2008 as Document Number 200800000582 and 200800000580. The plat consists of 61 lots numbered 1-61, and also depicts and describes roadways named Hidden Cedar Loop, Zephyr Court, Evening Star Lane and Star Lily Way. The original Declaration of Conditions, Covenants and Restrictions of Riverbend Estates were filed in the office of the Clerk and Recorder of Flathead County, Montana on the 8th day of January, 2008, as Document Number 200800000583.
2. The Declarants own 51 of the 61 lots in said Riverbend Estates and are desirous of subjecting said real property to the amended conditions, covenants and restrictions hereinafter set forth, each and all of which are for the benefit of said property and for each owner and contract purchaser thereof, and which shall inure to the benefit of and pass with said property and each and every Lot therein and shall apply to and bind the successors in interest of any owner or contract purchaser thereof.

NOW THEREFORE, the Declarants, having established a general plan for the improvement and development of said property, do hereby establish the amended conditions, covenants and restrictions upon which and subject to which all the Lots in Riverbend Estates shall be improved or sold and conveyed by them as owners and hereby declare that said Lots are and shall be hereafter held, transferred, sold and conveyed subject to the conditions, covenants and restrictions hereinafter set forth which are to run with the land and shall be binding upon all successors in interest of the Declarants.

ARTICLE I - PROPERTY SUBJECT TO COVENANTS

The real property which is and shall be held, transferred, sold and conveyed subject to the covenants, conditions, and restrictions hereinafter set forth, is located in Flathead County, Montana, and is more particularly described as follows to wit;

Lots 1 through 61 of RIVERBEND ESTATES, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana.

0504602, 0504603, 0504601★
0504544 thru 0504549, 0504551 thru 0504577, E001181,
E001182, 0971354, 0504579, 0504594, 0504578, 0974125,
0504580 thru 0504593, 0971354, 0504595 thru 0504599,

ARTICLE II – DEFINITIONS

Item No. 10.

Section 1: "Lot" shall mean any one of the Lots of RIVERBEND ESTATES but shall not include the roadway.

Section 2: "Owner" shall mean and refer to every person or entity who is a record owner of a fee, or undivided fee, interest in any Lot. Record owners who have sold any Lot under a contract for deed shall not be considered owners but the purchasers of any Lot who are purchasing any Lot under a contract for deed shall be considered the owner for all purposes herein.

Section 3: "Property" shall mean the real property described on the plat of Riverbend Estates.

Section 4: "Declarants" shall mean and refer to Centennial Contracting and Development LLC, Patrick Plevel, Julie Plevel, Leonard Investments LLC, Donald Newton and Bernadette Newton.

Section 5: "Committee" shall mean the Architectural Review Committee, which shall become an agency of the Association subsequent to the sale of a certain number of Lots.

Section 6: "Association" shall mean the association of owners of Lots in Riverbend Estates.

ARTICLE III. ARCHITECTURAL REVIEW AND HOMEOWNERS' ASSOCIATION

Section 1: Architectural Review Committee: The Architectural Review Committee (hereinafter referred to as "Committee") shall consist initially of Julie Plevel, Bernadette Newton, and Randy Toavs and any Lot Owners they may appoint from time to time. At such time as 46 lots (75%) have occupied structures, the duties and responsibilities of the Committee shall be transferred to the Association. Provided, however, the Declarant may assign the duties and responsibilities of the Committee to the Association by written assignment at any time prior thereto. Once the duties of the Committee are assumed by the Association, the composition of the Committee shall be as provided in the Association's By-laws.

Section 2: Architectural Control: No site alterations, including driveway construction, utility installation, earth moving, the erection of any structure, or the removal of trees, shall be made until the site plans, home design, and proposed construction schedule have been submitted to and approved in writing by the Committee. The plans and specifications shall be submitted with an application form packet provided by the Declarants, and reviewed in accordance with Sections 3 and 4 below, and shall show the location and design of all intended improvements, shall specify exterior building materials, and shall include proposed landscaping and exterior lighting. All plans must be reviewed and approved with due consideration given to the harmony of external design and to locations in relation to surrounding structures, native trees, the potential obstruction of views from adjacent lots, and for overall compatibility with the surroundings and development as a whole.

Section 3: Plan Review Process: In order to insure that the design standards for Riverbend Estates contained in these Covenants are achieved, certain plan submissions will be required. Plan submissions will also be required for significant revisions, alterations, or additions to approved or existing improvements. Each submission will require two (2) sets of plans for the specific information required below.



Paula Robinson, Flathead County MT by NC

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All submitted plans will be reviewed by the Committee and upon completion of such review one set of plans will be returned to the applicant along with a letter summarizing comments, recommendations, requirements, and findings. The returned plans will be marked "APPROVED", "APPROVED SUBJECT TO CONDITIONS", or "NOT APPROVED". Approvals are valid for three (3) years from the date of the written notice of approval. If construction is not commenced within said three (3) year period, the plans must be resubmitted, and a new approval secured.

Section 4: Required Plans: Along with the application form, the following plans must be submitted to the Committee:

- a) A site plan to an appropriate scale depicting the entire lot and the relative location of all proposed development within the lot, including existing trees, proposed landscaping and fencing.
- b) Construction plans to a scale of 1/8 inch = 1 ft. (or larger) for all structures which depict all profiles and elevations of all proposed structures, and illustrate the finished appearance of said improvements, and which state the intended exterior building materials and colors to be utilized.

Section 5: Committee Response: The Committee shall have fourteen (14) days from the time the full package of plans, accompanied by the requisite fee, are received by it, in which to complete its review and make written response. If the Committee fails to respond to said submittal within such fourteen (14) day period, an additional seven (7) day period shall be allowed. If the Committee still has made no written response, the Owner shall be permitted to commence construction in strict accord with the submitted, but unapproved, plans. However, any deviation from such plans which in the judgement of the Committee is a substantial detriment to the intent of the Riverbend Estates covenants, or to an adjacent Owner, or to the quality of the development as a whole, shall be, at the direction of the Committee, corrected to conform with the plans and elevations as submitted.

Section 6: Continuing Responsibility: The Committee shall have a continuing role in the approval or disapproval of proposed changes from the original design and construction. No such changes or additions will be permitted unless approved by the Committee, which may, at its discretion, waive the requirement that plans and specifications be submitted for such changes.

Section 7: Committee (and Association) enforcement: If the Committee, upon its own inspection or upon receiving a complaint, determines that any owner is in violation of the Committee's standards or guidelines, or has failed to properly maintain his property or any permanent improvement thereon, including necessary repairs, or has constructed or made any change to any improvement not in conformance with an approved plan, or is otherwise in violation of these Covenants, it shall notify the owner in writing.

Such notice shall contain a statement of the nonconformity or violation and the steps required to remedy it. If such remedial steps are not taken within a reasonable time, the Committee shall notify the Association which may itself, after written notice to the Owner and failure of the Owner to comply, undertake remedial measures and charge the Owner an assessment for any sums expended by it in doing so. In the event the Association does not undertake such remedial action, the Committee may do so.

Any such assessment shall become a lien against the property so assessed and the personal obligation of the Owner to the same extent as those described in Article VI, Section 2 herein. The Committee or any of its members shall have the right, upon reasonable advance notices to the Owner, to enter any property to determine if there has been compliance with these Covenants or any approved plans.



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ARTICLE IV - PROTECTIVE COVENANTS

Item No. 10.

Section 1 Purpose of Covenants: The real property described above is subjected to these conditions, covenants and restrictions for the purpose of insuring the best use and the most appropriate development and improvement of each Lot; to protect owners and contract purchasers of Lots in the subdivision against improper use of surrounding Lots as will depreciate the value of their property; to preserve so far as is practicable, the natural beauty of said property; to guard against the construction of buildings of unsightly or unsuitable material; to provide minimum standards for buildings proposed to be constructed on a Lot; to insure the highest and best development of said property; to encourage and secure the construction of attractive homes, and to provide for high quality improvements on said property and thereby to enhance the values of improvements made by owners of Lots.

Section 2. Land use: Single family private residences are permitted and must comply with standards in Sections 3 and 4 below.

The enjoyments of ownership in Riverbend Estates shall be under the jurisdiction of the zoning ordinances of the City of Columbia Falls. Where these covenants are more restrictive than said ordinance(s), these covenants shall prevail.

No mining, oil drilling, gravel, sand or soil extraction operation of any kind shall be permitted on any Lot.

No manufacturing or commercial activity, excepting a "home occupation" as defined by the Columbia Falls Area Zoning Ordinance, which does not create or promote additional vehicular traffic, shall at any time be carried on or conducted on any lot or from any residence. The Declarants shall be allowed to carry out sales activity necessary to promote the development of said premises.

No equipment or process shall be used which creates visual or audible interference with any radio, television, or telephone receivers off the premises or which causes fluctuation in electrical line voltage off the premises.

Section 3. Building Site: No lot shall have more than one principal dwelling.

- a. *Setback Lines:* All structures, and the roof eaves thereof, shall be setback a minimum of five (5) feet from the side of any Lot. No building or building appurtenance shall be located on any Lot nearer than twenty (20) feet to any front property line, unless a deviation from this standard, for cause, is approved by the Committee.
- b. *Tree and Riverbank Conservation:* Recognizing that Riverbend Estates is distinctive and beautiful for its river frontage and vegetation cover, and that a condition of subdivision approval requires preservation thereof, no structures may be placed within fifty feet of the Flathead River high water mark (hundred year flood plain). Soil structure and vegetation cover shall be maintained in an undisturbed condition within the area and on any part of the river bank with a slope greater than or equal to 25%. Strict adherence to the plat drawings shall guide property owners as to the "no structure zone" and riverbank setback.

Section 4. Building Standards: The following construction standards shall apply to all buildings placed on the Lots:

- a. All home plans and site development plans shall be submitted to the Declarants, together with completed application forms provided by the Declarants, for review and approval prior to construction. As a general guide, homes shall be designed with compound gable roofs of not



Paula Robinson, Flathead County MT by NC

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less than a 5/12 pitch. Garages are encouraged to be offset a minimum of two (2) feet from the front of the house, but exceptions may be made on a case by case basis for proper building placement, or if architectural elements such as carriage doors are utilized. Architectural forms shall be softened by the inclusion of chimneys, balconies, bay windows, porches or other ornamental entrance treatments; the use of masonry for aesthetic enhancement is encouraged; and all driveways shall be of concrete or asphalt pavement.

b. All one-level principal dwellings shall have a main-floor living area of no less than the following: Lots 1 through 11, 14 through 37 and 53 and 54 shall be 1,400 square feet; Lots 13, 38 through 46 and 55 through 61 shall be 1,600 square feet. Lots 47 through 52, which front on the Flathead River shall be a minimum of 1,600 square feet with height not to exceed 28 feet measured from the established grade elevation. Lots 13 and 57 through 60 are excluded from this height maximum, but must conform to Paragraph "e" of this section. Dwellings of two-story or multi-level construction shall have a main-level (entry) living area of no less than 1200 sq.ft. For purposes of this paragraph, porches, balconies and garages shall not be considered part of the living area.

Care must be taken to avoid home plans that are a straight rectangle in the case of a single story home, and to avoid a "stacked box" for a two story home. Garages must be a minimum of two car capacity.

Due to the unique physical characteristics of Lot 58, design and square footage requirements may be relaxed by the committee so long as the structure is in keeping with Article IV.

c. All buildings shall be permanent in nature. Only new materials may be used, except that used brick, beams, etc. for architectural effect, may be used. No building on any lot shall have a roof or exterior siding which is metallic, shiny, or reflective. All accessory buildings on a Lot shall be constructed in keeping with the architecture of the principal dwelling, the terrain, and environment of the premises so as not to be unsightly. In the event two adjoining lots are owned by the same party, secondary garages with bonus rooms may be permitted, however, all accessory structures and improvements must conform to Columbia Falls City Zoning Regulations.

d. No structure of any kind of that is commonly known as "mobile home", "trailer", "boxed" "sheet metal", "manufactured home", "double or triple-wide", "cargo container", or "A-frame" shall be built or moved onto any Lot for any purpose except that recreation vehicles and travel trailers may be kept and used subject to Section 7 of this Article.

e. No portion of a building shall exceed 35 feet in height measured from the established grade of the site. The exception to this section is the height maximum of 28 feet on Lots 47 through 52.

f. All construction once begun shall be completed as to exterior finish including siding and/or masonry, paint and roof, ground rough graded and building debris removed within nine (9) months after start of construction. No temporary building, or partly finished building or structure shall be erected or placed upon the property. Portable construction trailers utilized for tool and material storage may be placed on the Lot during the construction project. Roadways are to be kept clear and free of hazards.

g. Each structure once constructed on a lot shall be kept in the same condition as at the time of its initial construction, excepting normal wear and tear. All structures shall be preserved and of pleasant appearance by maintaining paint, stain or sealer as needed.

h. If any structure is damaged in any way, the owner shall with due diligence raze the remains and restore the site, or rebuild, repair and restore the structure to its appearance and condition prior to the casualty. Reconstruction shall be completed within nine (9) months of the casualty.



i. Due to the possible seasonal presence of shallow groundwater in Riverbend Estates, basements are discouraged by the Declarants. In the event that a basement is constructed, the Owners are advised by the Declarants that elaborate and/or extraordinary engineering may be required to preclude the occurrence of below-grade damage from groundwater. A Lot owner who elects to construct a home on a basement, if such plans are approved under 4(a) above, in accepting these covenants of ownership, shall hold the Declarants harmless from any claims relating to groundwater-related damage.

j. All dwellings shall have house numbers which shall be visible from the subdivision road serving the lots in the subdivision either at the driveway entrance or on the house.

k. Natural gas being available to all Owners, no propane tanks shall be placed or kept in Riverbend Estates. Satellite television receivers are permitted so long as they are less than 30" in diameter and are mounted on the home so as to minimize visibility from the street. No short-wave radio towers or similar structures are permitted.

Section 5 . Signs: No signs shall be placed on any lot except name plates, signs identifying or numbering buildings, and one unlighted sign not exceeding ten (10) square feet in surface area advertising the sale or lease of a Lot. No signs are permitted outside the lot boundaries.

Section 6. Pets: All animals, birds and pets kept on any Lot shall not create or cause a violation of any of the other covenants contained herein such as an annoyance, nuisance or disturbance to the neighborhood or to the residents of any of the other parcels, and shall be confined to the owner's property in an enclosure which is not unsightly and which has been constructed in conformity to the provisions hereof relating to accessory buildings and fencing.

Section 7. Recreational Vehicles: No trucks exceeding one-and-one-half ton capacity, tractor-trailers, or inoperable vehicles or parts thereof shall at any time be allowed to remain upon or park on any road or lot within the subdivision except those vehicles or equipment that are stored within the confines of a Lot owner's garage or outbuildings. Commercial or construction equipment may be stored on a Lot or street only during periods of construction. The keeping/storage of recreational vehicles, camping trailers, pickup campers, boats or personal utility trailers is permitted. Such vehicles and implements are to be kept within the confines of each lot owner's property, and may not be stored in the front yard or driveway portion of any lot. Fencing is required to minimize visibility of these items from the street and adjoining properties. Temporary parking and the use of RV's, such as provided in Municipal Zoning will be allowed for stays no more than two weeks in duration.

Section 8. Lot Appearance and Garbage: No part of any lot shall be used as a dumping ground or used to store or place rubbish, trash, garbage, building materials, inoperable or unlicensed cars or other unsightly objects. Each lot owner shall avoid accumulation of such refuse or other material prohibited by these covenants. All garbage containers shall be screened from view except on collection days. Owners are encouraged to subscribe to private refuse collection services.

Section 9. Nuisances: No noxious or offensive activity shall be carried on or permitted upon any of the Lots. Nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood; nor shall a lot be used in any way or for any purpose which may endanger the health or safety of or unreasonably disturb the residents of any lot. By way of illustration and not of limitation, the discharge of firearms, driving of loud vehicles or off-road vehicles shall constitute a nuisance within the meaning hereof.



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Section 10. Burning: Open fires are to be made only in accordance with local burning ordinances.

Section 11. Fences: The spirit of this section is to promote uniformity of style and appearance. Any yard fences shall be constructed of post & rail, iron, masonry, or other comparable material and must blend with the surrounding, and shall be kept in good condition. Front yard fences shall not exceed three (3) feet in height. Side and rear fences shall not exceed five (5) feet in height and shall be constructed no farther forward on the lot than the middle of the side wall of the dwelling. Additional privacy may be achieved through the planting of landscape screens such as trees, shrubs, and ornamental grasses. Fencing plans shall be submitted to the Committee in accordance with Article III, Section 2. Privacy fencing installed by the Declarants along Talbott Road and the easterly boundary of the subdivision may exceed these height maximums.

Section 12. Boundary Control Monuments: The Declarant has caused survey monuments to be placed at the corners of each lot. It shall be the responsibility of the owner of each Lot to immediately provide for professional replacement of any survey monuments that are removed, lost or obliterated from his/her Lot.

Section 13. Landscaping. A landscaping plan shall be submitted to the architectural control committee in accordance with Article III, Section 2. The primary goal is to protect and maximize individual property values through the implementation of a generous landscape design. Courtyards, aggregate walkways, ornamental grasses and shrubs, shade trees, as well as turf are encouraged. Continued maintenance, adequate watering of plants and grasses, and weed abatement is required.

Section 14. Exclusions. Structures within Riverbend Estates whose construction predates the execution of this declaration are not subject to the terms of the architectural review committee, and are also exempt from any and all design standards contained herein or made a part hereof either by action of the committee or through process of amendment.

ARTICLE V - UTILITIES

Section 1 Reservation of Utility Easements: Rights of ingress and egress over, under, across, to, and from the Lots for purposes of locating, installing, constructing, maintaining or using electric lines, telephone lines, gas pipes, and other utilities are hereby reserved by the Declarants, and shall be transferred as required to the appropriate commercial service providers.

All costs for extension of utilities and telephone lines from the individual service boxes will be borne by Lot owners and all such utilities shall be underground. Any lot owner who shall place any building, improvement, shrub, hedge or tree on any easement shall be required without notice at the request of any other affected lot owner or utility company to remove such structure, improvement or vegetation if such removal shall facilitate installation, repair or maintenance of utilities within said easement area.



ARTICLE VI - HOMEOWNERS' ASSOCIATION

Section 1. Membership: The Riverbend Estates Homeowners' Association, to be formed by the Declarants, shall have as its members the owner of each property in the development. Each person or entity which is the record owner of a fee or undivided fee interest, or is the purchaser under a contract for deed, of a Lot which is subject to assessment by the Association shall be a member of the Association; excepting however that any person or entity who has sold or is selling such a Lot under a contract for



deed shall not qualify as a member of the Association. The business of the Association shall be under the control of the Association's Board of Directors and its members as set forth in the Association's By-laws.

The Declarants shall be considered as a property owner for purposes of Association membership, and shall therefore be a member so long as the Declarants own one or more Lots.



Section 2. Purpose: Members shall participate in the Association in the manner prescribed by the Articles and By-laws of the Association, and the resolutions of the Association's Board of Directors. The primary purpose of the Association shall be (1) to administer and enforce these Covenants; and (2) to advocate for and to represent the Owners in any matters that arise between the Association and the City of Columbia Falls.

Section 3. Association Property: In the event any real or personal property is conveyed to or acquired by the Association, then every Owner shall have a right and easement of enjoyment in and to the Association property which shall be appurtenant to and shall pass with the title to every Lot subject to:

- a. The right of the Association to charge reasonable fees for, and to impose reasonable restrictions on the use, care, maintenance, and improvement of said property.
- b. The right of the Association to dedicate or transfer all or part of said property for such purposes and subject to such conditions as the Association may provide.

ARTICLE VII - ASSESSMENT/COLLECTION

Section 1. Assessment/Creation of a Lien: Each Owner, by accepting a deed to, or a land contract for the purchase of a Lot in Riverbend Estates, whether or not specifically so expressed in said conveying instrument, shall be deemed to agree and shall be bound to pay assessments established pursuant to the provisions of these Covenants. Assessments, whether special or regular, may be collected as determined by the Board of Directors, together with interest, costs, and reasonable attorney's fees incurred in the enforcement of the provisions of this article.

Assessments, as provided herein, together with any interest, costs, and reasonable attorney's fees in collecting same, shall be a charge on each Owner's property, and shall be a continuing lien against said property as of the date the assessment becomes delinquent. Said amount shall also be a personal obligation of the Owner of the property at the time when said assessment becomes due. Any assessment not paid within thirty (30) days after the due date shall bear interest from the due date at 10% per annum.

Section 2. Purpose: Assessments herein shall be used for the general purpose of acquiring and maintaining any property of the Association, including its drainage features, and of administering and enforcing the Covenants.

Section 3. Assessments: The Board of Directors shall levy assessments, if any, authorized by a majority of the Association to cover the annual association operating budget, and to establish any reserves as agreed to by a majority of the Owners. Any Lot owned by the Declarants shall not be subject to assessment until such time as it is sold by the Declarants. Regular assessments (if any) shall be at a uniform rate for all properties.



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ARTICLE VIII - AMENDMENTS

Item No. 10.

This Declaration may be amended from time to time by recording a written instrument stating said Amendment, signed by the owners of at least forty six (46) of the lots in Riverbend Estates. Amendments to be effective must be recorded in the office of the Clerk and Recorder of Flathead County, Montana.

ARTICLE IX- ENFORCEMENT AND TERM

Section 1. Who May Enforce Covenants: The Declarant or any Lot owner shall have the right to enforce by any proceeding at law or in equity all restrictions, conditions, covenants and amendments now or hereafter imposed pursuant to the provisions of this Declaration. The failure of the Declarants or any owner to enforce any covenant or restriction herein contained shall not be deemed to be a waiver of the right to do so thereafter. The Declarants shall not have the duty to take any affirmative action to enforce any restrictive covenants nor shall they be subject to any liability for their failure to so act.

Section 2. Attorneys Fees and Costs: If any person or entity in Section 1 above commences legal proceedings in court to enforce any provisions of these covenants, the prevailing party in such action shall be entitled to recover from the other party reasonable attorneys' fees and costs of said action.

Section 3. Severability: Invalidation of any one of these covenants or restriction by judgment or court order shall in no way affect the remaining provisions which shall remain in force and effect.

Section 4. Construction and Binding Effect: These covenants shall be construed pursuant to the laws of the State of Montana and shall be binding upon the heirs, successors and assigns of the parties hereto and time is of the essence in complying with these covenants.

Section 5. Term: These covenants are to run with the land and shall be binding on all parties and all persons claiming under them, for a period of fifteen (15) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years, unless an instrument signed by a 3/4 majority of the owners (46 owners) of the Lots has been recorded, agreeing to change said covenants in whole or in part.

IN WITNESS THEREOF to this Declaration, the undersigned hereunto sets his hand this date first above written.

Julie Plevel, Declarant

Patrick Plevel, Declarant



FWP.MT.GOV

THE **OUTSIDE** IS IN US ALL.

1420 East 6th Avenue
PO Box 200701
Helena, MT 59601

October 24, 2023

Susan Nicosia
City Manager
130 6th St West
Columbia Falls, MT 59912

RE: Notice to Apply
LWCF Grant Application - Fenholt Park Skatepark and Restroom
City of Columbia Falls

Susan,

Congratulations! This letter is to inform you that your Land and Water Conservation Fund (LWCF) pre-award grant application has been chosen to move forward to the official grant application process with a preliminary approval at the full \$330,000 amount. The LWCF grant application guidelines and application can be found on the MTFWP LWCF web page.

There are several additional requirements for documentation before your project becomes an approved grant. Additionally, we have several steps internally related to the grant obligation documentation we must complete with the National Park Service, the federal agency providing these funds for Montana's Community LWCF Program. **Please do not start any work related to your project until it is approved by NPS and a signed contract agreement is in place.**

The steps ahead typically take a few months to complete. Additional information will be provided as we progress through the process requirements on our end. If there any questions, please feel free to contact Sandy Crawford, LWCF Program Manager at sacrawford@mt.gov or 406-444-3791.

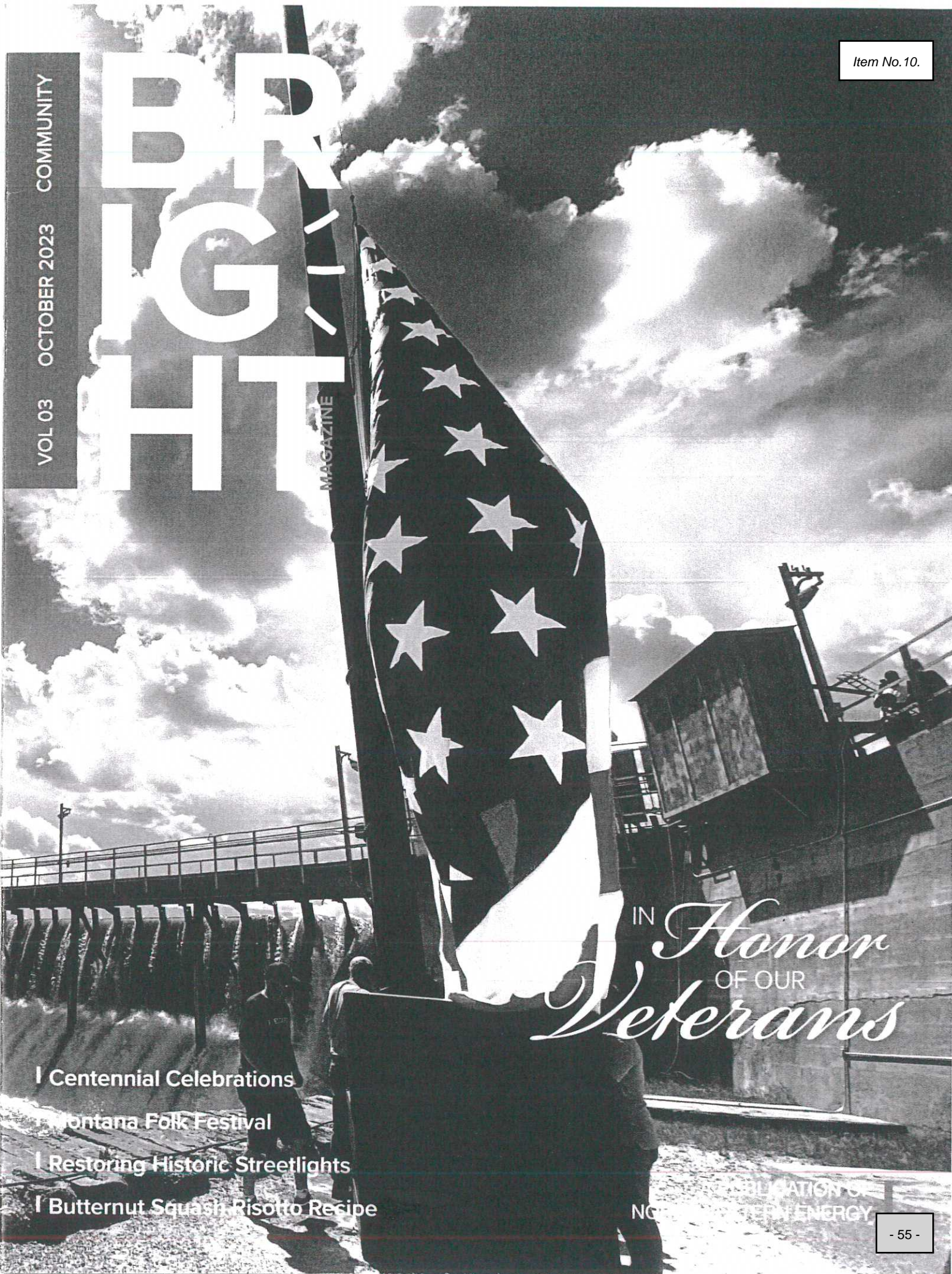
Again, congratulations on your successful LWCF pre-application.

Sincerely,

Adam Brooks, Chief
Financial Assistance and Compliance Bureau
Montana Fish, Wildlife and Parks

VOL 03 OCTOBER 2023 COMMUNITY

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