



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

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

**CITY COUNCIL REGULAR MEETING
AGENDA
TUESDAY, JANUARY 17, 2023
COUNCIL CHAMBERS CITY HALL**

FINANCE COMMITTEE – 6:30 P.M
(Barnhart, Fisher, Hamilton)

NOTE: Regular Meeting available via ZOOM by contacting City Clerk Barb Staalnd for ZOOM Link before 6:00 PM on the day of the meeting by calling (406) 892-4391 or via 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 - January 17, 2023 - \$148,555.54
- 2.** Approval of Payroll Claims - Quarter Ending Dec 31 2022 - \$19,047.82
- 3.** Approval of Payroll Claims - January 6, 2023 - \$108,608.51
- 4.** Approval of January 3, 2023 Regular City Council Meeting Minutes
- 5.** Adoption of Revised Job Descriptions - Public Works/Teamsters (Wastewater Operator Grade 10, 11, 12 and 13)
- 6.** Approve Change Order # 1, Sandry Construction - 12th Ave West EDA Project - \$27,868 and Authorize City Manager to Execute

VISITORS/PUBLIC COMMENT (Items not on agenda)

NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

7. Notice of Public Hearing - January 30, 2023 - Special City Council:

The Columbia Falls City-County Planning Board held a public hearing for the following items at their regular meeting on Tuesday, January 10, 2023 at 6:30 p.m. at the Cafetorium in the Columbia Falls Junior High School, 1805 Talbot Road, Columbia Falls, Montana. **The Columbia Falls City Council will hold a subsequent hearing at a special meeting on January 30, 2023 starting at 7:00 p.m. in the same location.**

Request for a Planned Unit Development (PUD) for the River Highlands Development:

James Barnett, on behalf of River Highlands LLC, is requesting a Planned Unit Development in the Columbia Falls Zoning Jurisdiction called River Highlands. The property is located at 264, 316, 378, & 494 River Road in Columbia Falls and is described as Lots 1, 2, & 3 of Loeffler Ridge Subdivision and Assessor's Tracts 7 B and 7BB (Tracts 1 and 3 of COS 14045) in Section 16, Township 20 North, Range 20 West, P.M.M., Flathead County. The project consists of 83 detached single family homes; 98 attached single family townhomes, 162 apartment units. The total unit count is 343 units on 49.1 acres gross for a density of 6.9 units per acre. The applicant is proposing 19.55 acres (40%) of the site as park and open space. With the project, the applicant is proposing to move River Road further east on Highway 2 and, if supported by MDOT, the applicant would install a traffic signal at Highway 2 and River Road. The applicant is not requesting any deviations other than the clustering of density and the density bonus provided by the PUD regulations.

Request for Preliminary Plat approval of the River Highlands Subdivision in the Columbia Falls Zoning Jurisdiction:

James Barnett, on behalf of River Highlands LLC, is requesting preliminary plat approval for property located at 264, 316, 378, & 494 River Road in Columbia Falls further described as Lots 1, 2, & 3 of Loeffler Ridge Subdivision and Assessor's Tracts 7 B and 7BB (Tracts 1 and 3 of COS 14045) in Section 16, Township 20 North, Range 20 West, P.M.M., Flathead County. The applicant will subdivide the property to create 21 lots (17 residential and 4 open space lots). The subdivision will extend Municipal water and sewer services along with reconstructing River Road and incorporating a detached pedestrian path. The new roads within the project will be public and privately maintained but all open to the public. The proposed subdivision is part of a PUD application for River Highlands.

UNFINISHED BUSINESS:

- 8.** Council Action Continued from January 3, 2023 - Request for Subdivision - Tamarack Meadows
 - A. Adopt Staff Report CPP-22-03 as Findings of Fact
 - B. Approve Preliminary Plat - Direct Staff to prepare Resolution for next Regular Council Meeting

NEW BUSINESS:

- 9.** Call for Bids - Wastewater Project Phase 1 (Life Station and Sewer Main)
- 10.** Call for Proposals - Residential Backflow Testing

ORDINANCES / RESOLUTIONS:

- 11.** **Resolution # 1888** - Adopting Special Fire Department Inspection Fees
- 12.** **Resolution # 1889** - Adopting Conditional Use Permit - Littlefoot Properties LLC
- 13.** **Resolution # 1890** - Adopting Updated Purchasing Policies and Procedures (Federal, State and Local Compliance)

REPORTS / BUSINESS FROM MAYOR & COUNCIL

CITY MANAGER REPORT

CITY ATTORNEY REPORT

MISCELLANEOUS

- 14.** Fire Department - December Activity
- 15.** Police Department - December Activity
- 16.** Correspondence

ADJOURN

Next Scheduled Meetings:

City Council – Regular Meeting, **February 6, 2023** – 7:00 PM

Planning Board – February 14, 2023

City Council Special Meeting - Monday, January 30, 2023 - 7:00 PM - CF JH Cafetorium

01/13/23
12:52:37

CITY OF COLUMBIA FALLS
Claim Approval List
For the Accounting Period: 1/23

Page: 1 of 13
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
44001		2115 ARMY NAVY KALISPELL	80.99						
	50295	12/28/22 SWR-ICE CLEATES	80.99			5310 430600	226		101000
		Total for Vendor:	80.99						
44027		2863 BATES, SHAWN	688.40						
	010123	01/01/23 FIN-FLIGHTS TO TRAINING IN CA	688.40			1000 410500	380		101000
		Total for Vendor:	688.40						
44034		1700 BRECK LAW OFFICE, PC	12,548.71						
		6.5% CPI Increase for 2023 Adjusted to include new amounts in January and February.							
	011023	01/10/23 LGL-FEES FOR FEB 2023	1,941.84			1000 411100	350		101000
	011023	01/10/23 CITY COURT-FEES FOR FEB 2023	3,958.12			1000 410365	350		101000
	011023	01/10/23 WTR-FEES FOR FEB 2023	638.08			5210 430500	350		101000
	011023	01/10/23 SWR-FEES FOR FEB 2023	638.08			5310 430600	350		101000
	011023	01/10/23 PLG/ZONING-FEES FOR FEB 2023	319.04			1000 411000	350		101000
	011023	01/10/23 PD-FEES FOR FEB 2023	128.97*			1000 420100	399		101000
	011023	01/10/23 WTR-FEES FOR FEB 2023	28.66			5210 430500	357		101000
	011023	01/10/23 SWR-FEES FOR FEB 2023	41.84			5310 430600	357		101000
	011023	01/10/23 STRS-FEES FOR FEB 2023	57.32			2500 430200	399		101000
	011023	01/10/23 LGL-ADD'L FEES FOR FEB 2023	171.96			1000 411100	350		101000
	7-15	01/10/23 LGL-M. CAHILL VS BOARD OF ADJU	4,325.50			1000 411100	351		101000
	7-19	01/10/23 LGL-M.CAHILL CIVIL CLAIM	299.30			1000 411100	351		101000
		Total for Vendor:	12,548.71						
44020		2708 BULLITT COMMUNICATIONS	397.00						
	56584	12/29/22 FD-RADIO ANTENNA & BATTERIES	397.00			1000 420400	220		101000
		Total for Vendor:	397.00						
44010		1260 CARQUEST AUTO PARTS	90.50						
	28615	12/05/22 SWR-6ML THREADLOCKER	7.65			5310 430600	240		101000
	29159	12/20/22 STRS-HEATER FOR LOADER #621	101.21			2500 430200	232		101000
	28382	11/29/22 SWR-RETURN REDLINE GREASE	-18.36			5310 430600	220		101000
		Total for Vendor:	90.50						

01/13/23
12:52:37

CITY OF COLUMBIA FALLS
Claim Approval List
For the Accounting Period: 1/23

Page: 2 of 13
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
44035	E	2852 CHARTER COMMUNICATIONS	267.94						
	010623	12/31/22 PD-INTERNET 01/01/23-01/31/23	129.98			1000 420100	345		101000
	123122	01/06/23 SWR-INTERNET 01/06/23-02/05/23	137.96			5310 430600	345		101000
		Total for Vendor:	267.94						
44006		1145 CITY OF WHITEFISH BUILDING	2,010.45						
		Permits issued for December 2022							
	123122	12/31/22 BUILDING PERMITS 12/22	1,279.20			2394 420500	398		101000
	123122	12/31/22 ELECTRICAL PERMITS 12/22	91.00			2394 420500	398		101000
	123122	12/31/22 MECHANICAL PERMITS 12/22	471.25			2394 420500	398		101000
	123122	12/31/22 PLUMBING PERMITS 12/22	169.00			2394 420500	398		101000
		Total for Vendor:	2,010.45						
44016		1711 COMFORT SYSTEMS USA	1,045.20						
	92011172	12/30/22 SWR-REPLACE LIMIT FAN CONTRO	1,045.20			5310 430600	366		101000
		Total for Vendor:	1,045.20						
44036		2945 CRAPO LTD	3,733.76						
		128.00PER TON							
	29489	11/08/22 STRS-29.17 TON BLUE ICE MELT	3,733.76			2500 430200	221		101000
		Total for Vendor:	3,733.76						
44051		927 CURRIER'S CERTIFIED WELDING,	705.00						
		TRUCK # 201 PARTS							
	7063	12/20/22 STRS-TRUCK #201 PARTS/SPRINGS	705.00			2500 430200	232		101000
		Total for Vendor:	705.00						
44011		3026 DAILY INTER LAKE	418.13						
	3623	12/21/22 FIN-FIRE INSPECT FEE VACA RENT	98.10			1000 410500	331		101000
	3623	12/28/22 FIN-FIRE INSPECT FEE VACA RENT	98.10			1000 410500	331		101000
	3893	12/25/22 PLG-RIVER HIGHLANDS	221.93			1000 411000	331		101000
		Total for Vendor:	418.13						

01/13/23
12:52:37

CITY OF COLUMBIA FALLS
Claim Approval List
For the Accounting Period: 1/23

Page: 3 of 13
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
44037		2889 DAKOTA SUPPLY GROUP	208.99						
	S102363234	12/28/22 PRKS-RIVERS EDGE B-ROOM RE	208.99			1000 460400	240		101000
		Total for Vendor:	208.99						
44050	E	1879 EVERGREEN WASTE CONNECTIONS	567.45						
	010123	01/01/23 FAC-12/1/22-12/31/22	81.00			1000 411200	340		101000
	010123	01/01/23 STRS-12/1/22-12/31/22	201.00			2500 430200	340		101000
	010123	01/01/23 WTR-12/1/22-12/31/22	122.50			5210 430500	340		101000
	010123	01/01/23 SWR-12/1/22-12/31/22	67.45			5310 430600	340		101000
	010123	01/01/23 PRKS-12/1/22-12/31/22	95.50			1000 460400	340		101000
		Total for Vendor:	567.45						
44052		3191 FACILITRON INC	200.00						
	C7RWJGKMWD	01/10/23 JAN10 PLG BD MEETING @ CFJ	200.00			1000 411000	390		101000
		Total for Vendor:	200.00						
43993		2967 FERGUSON ENTERPRISES, INC	319.55						
	0843357	01/03/23 WTR-2" MAIN REPAIR @ BETH RD	319.55			5210 430500	240		101000
		Total for Vendor:	319.55						
43991	E	2961 FIRST BANKCARD-ELECTRONIC PYMT	3,583.71						
	I19310	11/28/22 STRS-LIGHT GLOBE REPLACEMENT	435.00			2500 430200	240		101000
	4924219	11/23/22 BATTERY BACKUPS X2	149.98			1000 410580	212		101000
	8645049	11/29/22 PD-HAND SANITIZER GEL REFILL	20.99			1000 420100	220		101000
	2211003	11/30/22 FIN-GFOA MBRSHIP RNEW TO 11/2	230.00			1000 410500	335		101000
	2211003	11/30/22 ADMIN-GFOA MBRSHIP RNEW 11/23	80.00			1000 410400	335		101000
	720211	12/02/22 PD-INSTANT ID CARDS	50.00			1000 420100	210		101000
	9501848	12/05/22 CRT-TRASH CAN	13.47			1000 410360	210		101000
	2942616	12/05/22 CRT-MAGNETIC FRAMES	36.37			1000 410360	210		101000
	121422	12/14/22 PD-CAR #17 WINDSHIELD REPLACE	659.99			1000 420100	361		101000
	2022110092	11/30/22 WTR-A KIMMET BACKGRND FEE	160.46			5210 430500	399		101000
	2022110092	11/30/22 STRS-A KIMMET BACKGRND FEE	160.46			2500 430200	399		101000
	2022110092	11/30/22 PRKS-A KIMMET BACKGRND FEE	160.45			1000 460400	399		101000
	7234663	11/29/22 PD-COMMAND STRIPS/WHITE BOARD	25.58			1000 420100	210		101000
	4580237	12/05/22 PD-MONITOR STANDS	19.99			1000 420100	210		101000
	8337064	12/14/22 PD-FLASH DRIVES	235.02			1000 420100	220		101000

01/13/23
12:52:37

CITY OF COLUMBIA FALLS
Claim Approval List
For the Accounting Period: 1/23

Page: 4 of 13
Report ID: AP100V

* ... Over spent expenditure

Claim/	Check	Vendor #/Name/	Document \$/	Disc \$						Cash
		Invoice #/Inv Date/Description	Line \$		PO #	Fund Org Acct	Object	Proj	Account	
	8509822	12/16/22 PD-KEY TAGS	32.91			1000 420100	220		101000	
	2906623	12/06/22 FIN-LAMINATING SHEETS	30.28			1000 410500	210		101000	
	1134606	12/05/22 CRT-DESK PHONE CORD	8.99			1000 410360	210		101000	
	2404976505	12/12/22 .ORG SITE DOMAIN RENEWAL	42.34			1000 410580	355		101000	
	8329808	12/05/22 CRT-TONER/ ANTI TANGLE CORD	94.95			1000 410360	210		101000	
	6538632	12/06/22 CNCL-NEW TV STAND AND CABLES	177.06			1000 410100	212		101000	
	120122	12/01/22 PD-W STUFFLEBEEM TRAINING	400.00			1000 420100	380		101000	
	121422	12/14/22 FD-C STUHLER TRAINING	124.00			1000 420730	380		101000	
	3916245	12/12/22 PD-CAMERA NECK STRAP	15.99			1000 420100	220		101000	
	4989056	12/12/22 PD-GRID PAPER	15.96			1000 420100	210		101000	
	121522	12/15/22 FD-T SHANKS TRAINING	124.00			1000 420730	380		101000	
	2333705225	12/15/22 SWR-ADOBE PRO SUBSCRIPT	19.99			5310 430600	355		101000	
	0764223	12/15/22 PD-FLASH DRIVES	37.99			1000 420100	220		101000	
	122022	12/20/22 FD-LAUNDRY DETERGENT	21.49			1000 420400	220		101000	
		Total for Vendor:	3,583.71							
44033		1892 FLATHEAD COUNTY	75.00							
	5917	01/05/23 OWNER LIST-LAROQUE	75.00			1000 411000	390		101000	
		Total for Vendor:	75.00							
44014		663 FLATHEAD COUNTY SOLID WASTE	2,470.96							
	SLUDGE HAULING	12/1-12/31/22								
	8963	12/30/22 SWR-SLUDGE HAUL 12/1-12/31/22	2,470.96			5310 430600	395		101000	
		Total for Vendor:	2,470.96							
44030		24 FLATHEAD COUNTY TREASURER	331.00							
	010123	01/01/23 CRT-TECH SUR 12/22	166.00			1000 212201			101000	
	010123	01/01/23 CRT-LEA/CRIM CONV SURCRG 12/22	165.00			1000 212201			101000	
		Total for Vendor:	331.00							
44044		21 FLATHEAD ELECTRIC COOP INC	13,888.85							
	11/25-12/24/22									
	123122	12/31/22 FAC-11/25-12/24/22	451.93			1000 411200	341		101000	
	123122	12/31/22 PD-11/25-12/24/22	44.66			1000 420100	341		101000	
	123122	12/31/22 FD-11/25-12/24/22	336.43			1000 420400	341		101000	
	123122	12/31/22 PARKS-11/25-12/24/22	420.55			1000 460400	341		101000	
	123122	12/31/22 POOL-11/25-12/24/22	68.30			1000 460445	341		101000	

01/13/23
12:52:37

CITY OF COLUMBIA FALLS
Claim Approval List
For the Accounting Period: 1/23

Page: 5 of 13
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
	123122	12/31/22 LIGHTING-11/25-12/24/22	2,573.39			2400 430200	341		101000
	123122	12/31/22 STRS-11/25-12/24/22	225.43			2500 430200	341		101000
	123122	12/31/22 WTR-11/25-12/24/22	3,325.70			5210 430500	341		101000
	123122	12/31/22 SWR-11/25-12/24/22	6,442.46			5310 430600	341		101000
		Total for Vendor:	13,888.85						
44017		167 HACH COMPANY	2,051.00						
	13384587	12/14/22 SWR-SPECTRO PHOTO METER REPA	2,051.00			5310 430600	360		101000
		Total for Vendor:	2,051.00						
44024		1659 HIGH COUNTRY LINEN SUPPLY	261.70						
	0531814	01/02/23 FAC-CITY HALL, POLC, CRT, FIN	226.61			1000 411200	224		101000
	0531815	01/02/23 FAC-FIRE HALL	35.09			1000 411200	224		101000
		Total for Vendor:	261.70						
44009		3116 IBS, INC	124.11						
	804494-1	12/30/22 STRS-GRINDER/CUTOFF WHEELS	124.11			2500 430200	220		101000
		Total for Vendor:	124.11						
44026		1356 INTERNATIONAL ASSOC.OF CHIEFS OF	315.00						
	0258251	12/19/22 PD-DUES 01/01/23-12/31/23	190.00			1000 420100	335		101000
	0268013	12/19/22 PD-LT. DUES01/23-12/31/23	125.00			1000 420100	335		101000
		Total for Vendor:	315.00						
44047		2849 J2 BUSINESS PRODUCTS	442.11						
	1244178-0	12/29/22 PD-PRINTER TONER	245.96			1000 420100	210		101000
	1244859-0	12/28/22 FIN-COLR PAPER, PENS, SEALER	32.80			1000 410500	210		101000
	1244859-0	12/28/22 SWR-COLR PAPER, PENS, SEALE	32.79			5310 430600	210		101000
	1244859-0	12/28/22 WTR-COLR PAPER, PENS, SEALE	32.79			5210 430500	210		101000
	1241606-1	12/16/22 PD-PRINTER TONER	56.99			1000 420100	210		101000
	1241606-0	12/15/22 PD-PRINTER TONER	40.78			1000 420100	210		101000
		Total for Vendor:	442.11						
44023		3004 JIFFY LUBE	56.23						
	21957107	01/02/23 PD-2017 OIL CHANGE & SRVS	56.23			1000 420100	361		101000
		Total for Vendor:	56.23						

01/13/23
12:52:37

CITY OF COLUMBIA FALLS
Claim Approval List
For the Accounting Period: 1/23

Page: 6 of 13
Report ID: AP100V

* ... Over spent expenditure

Claim/	Check	Vendor #/Name/	Document \$/	Disc \$							Cash
		Invoice #/Inv Date/Description	Line \$		PO #	Fund	Org	Acct	Object	Proj	Account
44007		2590 L.N. CURTIS & SONS	1,040.55								
	INV662929	12/29/22 FD-G1 SCBA WASHING & DECON	1,040.55			1000		420400	220		101000
		Total for Vendor:	1,040.55								
44040		1493 MAHUGH FIRE & SAFETY	19.00								
	104918	01/04/23 FD-STREAMLIGHT STRAPS	19.00			1000		420400	220		101000
		Total for Vendor:	19.00								
43999		735 MASTER TECH REPAIR	12.00								
	7437-38	12/20/22 FAC-CITYHALL SNOW BLOWER BOLT	12.00			1000		411200	240		101000
		Total for Vendor:	12.00								
43997		631 MONTANA DEPT. OF ENVIRONMENTAL	4,394.00								
	5I2303654	09/26/22 WTR - COMM CONNECTION FEE	4,394.00			5210		430500	391		101000
		Total for Vendor:	4,394.00								
43995		43 MONTANA ENVIRONMENTAL LABORATORY	345.00								
		STATEMENT ENDING 12/31/22									
	2212955	12/08/22 WTR-COLIFORM	135.00			5210		430500	394		101000
	2212639	12/05/22 SWR-NITRATE+NITR, TNK	65.00			5310		430600	394		101000
	2212877	12/13/22 SWR-NITRATE+NITRITE, TKN	65.00			5310		430600	394		101000
	2213196	12/21/22 SWR-NITRATE+NITRITE TNK	65.00			5310		430600	394		101000
	2212763	12/07/22 SWR-DISOLVED ALUMINUM	15.00			5310		430600	394		101000
		Total for Vendor:	345.00								
44008		44 MONTANA LEAGUE OF CITIES AND	1,000.00								
	ML00570	12/31/22 SETPOINT COMMUN SUPPT FEES	1,000.00			1000		410100	399		101000
		Total for Vendor:	1,000.00								
44028		194 MONTANA RURAL WATER SYSTEMS,	250.00								
		RURAL WATER CONFERENCE - MARCH 22ND- MARCH 24TH GREAT FALLS MT.									
	010123	01/01/23 WTR-REGISTRATION, C. HANLEY	125.00			5210		430500	380		101000
	010123	01/01/23 SWR-REGISTRATION, C. HANLEY	125.00			5310		430600	380		101000
		Total for Vendor:	250.00								

01/13/23
12:52:37

CITY OF COLUMBIA FALLS
Claim Approval List
For the Accounting Period: 1/23

Page: 7 of 13
Report ID: AP100V

* ... Over spent expenditure

Claim/	Check	Vendor #/Name/	Document \$/	Disc \$						Cash
		Invoice #/Inv Date/Description	Line \$		PO #	Fund Org Acct	Object	Proj		Account
44018		3119 MONTANA TRUCK WORKS, LLC	5,079.15							
	210729	01/02/23 FD-UNIT #482 HEADLIGHTS	557.43			1000 420400	361			101000
	210723	01/02/23 FD-UNIT #431 REPAIRS	4,521.72			1000 420400	361			101000
		Total for Vendor:	5,079.15							
44022		722 MORRISON-MAIERLE, INC.	8,525.24							
		12TH AVE IMPROVEMENTS, 5TH AVE EN WATER MAIN REPLACEMENT, BUSINESS DISTRICT SIDE WALKS AND PARKING IMPROVEMENTS.								
		000230057 01/09/23 12TH AVE W IMPROVEMENTS	1,287.00			2959 470300	930			101000
		000230055 01/09/23 BIZ DISTRICT PARKNG & SIDEW	6,486.19			2310 470300	931			101000
		000230056 01/09/23 5TH AVE EN WATER MAIN PROJE	605.05			5210 430500	930			101000
		000230058 01/09/23 ON CALL SVC - RUIS HOTEL	147.00			5310 430600	354			101000
		Total for Vendor:	8,525.24							
44002		1247 MURDOCH'S RANCH & HOME KALISPELL	54.48							
	9550/34	12/29/22 SWR-PROPANE TORCH/FLINT STRIK	54.48			5310 430600	212			101000
		Total for Vendor:	54.48							
43996		52 NAPA AUTO PARTS	223.39							
	030067	12/20/22 STRS-MAGNETIC HEATER	86.91			2500 430200	212			101000
	030066	12/20/22 STRS-DIESEL EXHAUST FLUID	75.96			2500 430200	231			101000
	032005	01/06/23 FD-LIGHT BULBS	15.67			1000 420400	232			101000
	032005	01/06/23 FD-WASHER FLUID	7.38			1000 420400	220			101000
	032081	01/09/23 SWR-FLOOR DRY	37.47			5310 430600	220			101000
		Total for Vendor:	223.39							
44012		520 NORCO, INC.	130.49							
	366754566	12/31/22 STRS-CYLNR RENT DEC 2022	12.09			2500 430200	220			101000
	36571586	12/16/22 SWR-SAFETY VESTS	67.60			5310 430600	226			101000
	36571566	12/16/22 SWR-SAFETY VESTS	50.80			5310 430600	226			101000
		Total for Vendor:	130.49							
44041		2002 NORTHWEST PARTS & EQUIPMENT &	57,947.00							
		BOBCAT L28 ARTICULATED LOADER WITH SNOW BLOWER ATTACHMENT								
	1102023	01/10/23 BOBCAT L28 ARTICULATED LOADER	50,000.00			2310 470300	940			101000
	1102023	01/10/23 BOBCAT L28 LOADER SNOW BLOWER	7,947.00			4020 430200	940			101000
		Total for Vendor:	57,947.00							

01/13/23
12:52:37

CITY OF COLUMBIA FALLS
Claim Approval List
For the Accounting Period: 1/23

Page: 8 of 13
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
44049		56 NORTHWEST PIPE FITTINGS INC	125.33						
	4862697	01/09/23 STRS-BUSHING, ADAPTERS, PVC	125.33			2500 430200	240		101000
		Total for Vendor:	125.33						
44043		1437 NORTHWESTERN ENERGY	3,709.03						
		NATURAL GAS SERVICE 01/13/23							
	122822	12/28/22 FAC-11/21-12/20/22	840.70			1000 411200	344		101000
	122822	12/28/22 PD-11/21-12/20/22	136.34			1000 420100	344		101000
	122822	12/28/22 FD-11/21-12/20/22	660.85			1000 420400	344		101000
	122822	12/28/22 STRS-11/21-12/20/22	571.58			2500 430200	344		101000
	122822	12/28/22 WTR-11/21-12/20/22	140.12			5210 430500	344		101000
	122822	12/28/22 SWR-11/21-12/20/22	1,359.44			5310 430600	344		101000
		Total for Vendor:	3,709.03						
44046		2816 O'REILLY AUTO PARTS	134.34						
	417839	12/27/22 SWR-CAMERA TRAILER PARTS	28.89			5310 430600	240		101000
	416459	12/16/22 STRS-TRUCK #101 AIR TANK PART	3.83			2500 430200	232		101000
	416839	12/20/22 STRS-AIR COMPRESSOR PART	3.83			2500 430200	240		101000
	416805	12/20/22 STRS-ANTI GEL ADDITIVE	43.85			2500 430200	231		101000
	416792	12/20/22 STRS-ANTENNA FOR #621 LOADER	14.99			2500 430200	232		101000
	416791	12/20/22 STRS-PAD HEATER FOR SM LOADER	38.95			2500 430200	232		101000
		Total for Vendor:	134.34						
44013		3168 PAXXO (USA) INC	440.91						
	F22-296	12/20/22 SWR-COMPATOR SCREENING BAGS	440.91			5310 430600	220		101000
		Total for Vendor:	440.91						
44038		1888 PLETCH ELECTRIC INC	284.65						
	5533	01/04/23 FD-LED LIGHT AT RURAL FIRE	284.65			1000 420400	366		101000
		Total for Vendor:	284.65						
44031		66 POSTMASTER	2,000.00						
	23010301	01/03/23 SWR-BILL CARD POSTAGE	1,000.00			5310 430600	310		101000
	23010301	01/03/23 WTR-BILL CARD POSTAGE	1,000.00			5210 430500	310		101000
		Total for Vendor:	2,000.00						

01/13/23
12:52:37

CITY OF COLUMBIA FALLS
Claim Approval List
For the Accounting Period: 1/23

Page: 9 of 13
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
44019		1042 SANDS SURVEYING, INC.	4,717.50						
	36668	12/30/22 P/Z-ROUTINE SRVS 11/22-12/23	4,717.50			1000 411000	399		101000
		Total for Vendor:	4,717.50						
43998		2890 SPOKANE HOUSE OF HOSE, INC	50.54						
	975483	12/19/22 SWR-AIR HOSE, ASSEMBLY, PLUG	50.54			5310 430600	220		101000
		Total for Vendor:	50.54						
44015		1978 STAALAND, BARB	250.15						
	111022	11/10/22 FIN-MEALS, LODGING - TRAINING	250.15			1000 410500	380		101000
		Total for Vendor:	250.15						
44000		1653 SUPER 1 FOODS	24.23						
	04-2214521	12/28/22 WTR-PHONE CHARGER/ SANITIZ	15.87			5210 430500	220		101000
	07-3095064	01/03/23 WTR-BLEACH FOR BETH RD REP	8.36			5210 430500	220		101000
		Total for Vendor:	24.23						
44021		3068 SUPERIOR LAND & LAWN CARE LLC	875.00						
	27	01/04/23 FD-DECEMBER SNOW REMOVAL	875.00			1000 420400	399		101000
		Total for Vendor:	875.00						
43992		3123 SUREFIRE SEPTIC	600.00						
		2.5 HOURS OF LABOR							
		RIVERS EDGE PARK							
		CLEAR BLOCKAGE IN FORCE MAIN							
	4308	01/05/23 SWR-JET LINE CLEAR MAIN	600.00			1000 460400	360		101000
		Total for Vendor:	600.00						
43994		1644 THE CHEMNET CONSORTIUM	125.00						
	115870	01/05/23 ANNUAL RANDOM DRUG TESTING	125.00			1000 411800	399		101000
		Total for Vendor:	125.00						
44045		2699 THE MAIL ROOM, INC	329.47						
	D113436	12/31/22 PD-MAIL SRVS 12/19-12/30/22	15.21			1000 420100	310		101000
	D113436	12/31/22 FIN-MAIL SRVS 12/19-12/30/22	86.40			1000 410500	310		101000
	D113436	12/31/22 WTR-MAIL SRVS 12/19-12/30/22	52.18			5210 430500	310		101000

01/13/23
12:52:37

CITY OF COLUMBIA FALLS
Claim Approval List
For the Accounting Period: 1/23

Page: 10 of 13
Report ID: AP100V

* ... Over spent expenditure

Claim/	Check	Vendor #/Name/	Document \$/	Disc \$						Cash	
		Invoice #/Inv Date/Description	Line \$		PO #	Fund	Org	Acct	Object	Proj	Account
	D113436	12/31/22 SWR-MAIL SRVS 12/19-12/30/22	52.18			5310		430600	310		101000
	D113436	12/31/22 CRT-MAIL SRVS 12/19-12/30/22	48.53			1000		410360	310		101000
	D113436	12/31/22 PLN-MAIL SRVS 12/19-12/30/22	74.97			1000		411000	310		101000
		Total for Vendor:	329.47								
44025		1623 THE UPS STORE #4515	17.27								
	TRACKING #1ZWA36710368522152										
	2022-9638	01/03/23 PD-EVIDENCE SHIPPING	17.27			1000		420100	310		101000
		Total for Vendor:	17.27								
44042		3196 THOMAS, JADE	15.38								
	781354	12/16/22 FD-PRE EMPLOYMENT SCREENING	15.38*			1000		420400	390		101000
		Total for Vendor:	15.38								
44039		3183 TOTAL GARAGE SOLUTIONS	270.00								
	STREET SHOP GARAGE DOOR OPENERS										
	42095	01/03/23 FAC-STR SHP GARAGE DOOR OPENER	270.00			2500		430200	220		101000
		Total for Vendor:	270.00								
44032		3016 TRANSUNION RISK AND ALTERNATIVE	100.00								
	202212-1	01/01/23 PD-12/01/22-12/31/22	100.00			1000		420100	335		101000
		Total for Vendor:	100.00								
44004		523 USA BLUE BOOK	96.95								
	209341	12/19/22 SWR-PYREX SEROLOGICAL PIPETS	96.95			5310		430600	222		101000
		Total for Vendor:	96.95								
44005		3063 UTILITIES UNDERGROUND LOCATION	7.85								
	MONTH OF SERVICE DECEMBER										
	5 UDIGS										
	2125070	12/31/22 WTR-DECEMBER 2022 UDIGS	2.62			5210		430500	318		101000
	2125070	11/30/22 SWR-DECEMBER 2022 UDIGS	2.62			5310		430600	318		101000
	2125070	11/30/22 STRS-DECEMBER 2022 UDIGS	2.61			2500		430200	318		101000
		Total for Vendor:	7.85								

01/13/23
12:52:37

CITY OF COLUMBIA FALLS
Claim Approval List
For the Accounting Period: 1/23

Page: 11 of 13
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
44029		1134 VICTIM-WITNESS ADVOCATE PROGRAM	250.00						
	010123	01/01/23 CRTS-DECEMBER 22	250.00			2917 410360	356		101000
		Total for Vendor:	250.00						
44003		84 WESTERN BUILDING CENTER	174.93						
	4712632	12/30/22 PRKS-HANG SIGNS IN R.E. BATHR	15.47			1000 460400	240		101000
	4712799	01/03/23 WTR-REPAIR BETH RD MAIN BREAK	34.02			5210 430500	240		101000
	4712811	01/03/23 WTR-REPAIR BETH RD MAIN BREAK	12.49			5210 430500	240		101000
	4712559	12/29/22 FAC-FAN FOR BOILER RM CITY HA	26.99			1000 411200	212		101000
	4711076	12/08/22 STRS-OUTLET/SWITCH/SHOP LIGHT	66.36			2500 430200	220		101000
	4711567	12/14/22 STRS-TRIM FOR SHOP BREAK ROOM	19.60			2500 430200	240		101000
		Total for Vendor:	174.93						
44048	E	2733 WEX Fleet Universal	8,054.97						
		STATEMENT ENDING 12/30/22							
	86041300	12/31/22 PD-DECEMBER FUEL	2,252.00			1000 420100	231		101000
	86041300	12/31/22 FIRE-DECEMBER FUEL	814.88			1000 420400	231		101000
	86041300	12/31/22 WTR-DECEMBER FUEL	296.86			5210 430500	231		101000
	86041300	12/31/22 SWR-DECEMBER FUEL	720.61			5310 430600	231		101000
	86041300	12/31/22 STRS-DECEMBER FUEL	3,970.62			2500 430200	231		101000
		Total for Vendor:	8,054.97						
		# of Claims 62	Total: 148,555.54		# of Vendors	58			
		Total Electronic Claims	12,474.07						
		Total Non-Electronic Claims	136081.47						

01/13/23
12:52:38

CITY OF COLUMBIA FALLS
Fund Summary for Claims
For the Accounting Period: 1/23

Page: 12 of 13
Report ID: AP110

Fund/Account	Amount
1000 GENERAL FUND	
101000 CASH/CASH EQUIVALENTS	\$38,039.90
2310 TAX INCREMENT DISTRICT FUND	
101000 CASH/CASH EQUIVALENTS	\$56,486.19
2394 BUILDING CODE ENFORCEMENT FUND	
101000 CASH/CASH EQUIVALENTS	\$2,010.45
2400 SPECIAL LIGHTING DISTRICT FUND	
101000 CASH/CASH EQUIVALENTS	\$2,573.39
2500 SPECIAL STREET MAINTENANCE DISTRICT FUND	
101000 CASH/CASH EQUIVALENTS	\$11,049.80
2917 CRIME VICTIMS ASSISTANCE FUND	
101000 CASH/CASH EQUIVALENTS	\$250.00
2959 EDA	
101000 CASH/CASH EQUIVALENTS	\$1,287.00
4020 CAPITAL PROJECTS FUND - General	
101000 CASH/CASH EQUIVALENTS	\$7,947.00
5210 WATER ENTERPRISE FUND	
101000 CASH/CASH EQUIVALENTS	\$11,449.31
5310 SEWER ENTERPRISE FUND	
101000 CASH/CASH EQUIVALENTS	\$17,462.50
Total:	\$148,555.54

01/13/23
12:52:38

CITY OF COLUMBIA FALLS
Claim Approval Signature Page
For the Accounting Period: 1 / 23

Page: 13 of 13
Report ID: AP100A

Council Meeting Date: 01/17/2023

Claims Submitted to Council: \$ 148,555.54

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

Prepared By: Shawn Bates, Finance Director

Shawn Bates

Approved by Susan M. Nicosia, City Manager

Susan Nicosia

City Council to Approve by motion on consent agenda

The following claims are significant:

Northwest Parts & Equipment - \$57,947.00 Bobcat L28 small articulated loader with snow blower. (Fund 2310 & 4020)
Morrison-Maierle Inc. - \$8,525.24 Project engineering services. (Fund 2959, 2310, 5210 & 5310)

The remaining claims are routine. Please let me know if you have any questions.
Shawn

01/03/23
07:54:07

CITY OF COLUMBIA FALLS
Payroll Summary For Payrolls from 01/03/23 to 01/03/23

Page: 1 of 1
Report ID: P130

Total for Payroll Checks

	Employee	Employer	Amount
Total			0.00
Total Payroll Expense (Gross Pay + Employer Contributions):			0.00
Total Discounts:	0.38		
Total Payroll Expense (Less Discounts):	-0.38		

Check Summary

Payroll Checks Prev. Out.	\$50,749.02
Payroll Checks Issued	\$16,328.49
Payroll Checks Redeemed	\$0.00
Payroll Checks Outstanding	\$67,077.51
Electronic Checks	\$2,719.33

	Carried Forward From Previous Month	Deduction Checks Issued	Difference	Liab Account
Deductions Accrued				
Total Ded.	0.00	0.00	0.00	0.00

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

1/03/2023
4th Quarterly
Payments
\$19,047.82
Barb Stenberg

01/05/23
16:52:30

CITY OF COLUMBIA FALLS
Payroll Summary For Payrolls from 01/06/23 to 01/06/23

Page: 1 of 3
Report ID: P130

Total for Payroll Checks

	Employee	Employer	Amount
	-----	-----	-----
COMA HOURS (Comp Time Accumulated)	24.38		
COMP HOURS (Comp Time Used)	5.50		126.08
HOL HOURS (Holiday Pay)	257.20		7,737.81
HOLW HOURS (Holiday Worked @ 2.5x)	28.00		2,127.11
J001 HOURS (CLOTH ALLOW)	0.00		3,000.00
J003 HOURS (PD HOL WK)	10.00		371.40
J008 HOURS (PD HOL WK OT)	60.00		2,737.05
OTHE HOURS (Other Time Used)	4.00		89.48
OVER HOURS (Overtime)	75.25		3,958.33
REG HOURS (Regular Time)	2,158.25		65,937.94
SFTO HOURS (Shift Sup/FTO - \$1.5/hour)	140.00		210.00
SHFN HOURS (Shift B)	261.50		523.00
SHFU HOURS (Hol wk B)	40.00		200.00
SICK HOURS (Sick Time)	90.75		2,483.25
SPEC HOURS (Special Shift \$1.00)	46.00		268.00
VACA HOURS (Vacation Time Used)	165.00		4,989.59
GROSS PAY	94,759.04	0.00	
NET PAY	65,609.12	0.00	
AFLAC-POSTTAX	111.67	0.00	
AFLAC-PRETAX	165.04	0.00	
CHILD SUPPORT P	413.07	0.00	
CITY OF COLUMBI	20.00	0.00	
FIT	7,639.17	0.00	
FLEX ALLEGIANCE	1,051.86	32.50	
FLEX DEP CARE	208.41	2.50	
FOP	280.00	0.00	
HEALTHINS/PRE	2,340.39	22,748.15	
MEDICARE	1,360.61	1,360.61	
MT ST FIRE ASSO	31.17	0.00	
NATIONWIDE/CITY	0.00	2,843.12	
NATIONWIDE/EMP	338.33	0.00	
P.E.R.S.	4,078.65	4,631.06	
PERS/FURS	590.28	792.19	
PERS/POLICE	2,535.15	4,059.07	
SIT	4,345.00	0.00	
SOCIAL SECURITY	3,193.32	3,193.32	
TEAMSTERS DUES	343.50	0.00	
UNEMPL. INSUR.	0.00	504.66	
UNUM LIFE INS.	104.30	0.00	
WORKERS' COMP	0.00	3,092.42	
CHARLES SCHWAB	1,578.59	0.00	
FIRST INTERSTAT	2,203.10	0.00	
FREEDOM BANK	4,280.62	0.00	
GLACIER BANK KA	5,715.43	0.00	
GLACIER BANK/CF	16,398.74	0.00	
GLACIER BANK/WF	2,274.85	0.00	
HORIZON CREDIT	1,481.17	0.00	
NAVY FEDERAL CR	1,838.39	0.00	

1/6/2023
Payroll
\$108,408.51
Baud Staaland

01/05/23
16:52:30

CITY OF COLUMBIA FALLS
Payroll Summary For Payrolls from 01/06/23 to 01/06/23

Page: 2 of 3
Report ID: P130

PARKSIDE CR U	12,927.90	0.00
THREE RIVERS	1,145.12	0.00
USAA FEDERAL	1,448.53	0.00
USBANK.	2,678.66	0.00
VERIDIAN CREDIT	400.00	0.00
WELLS FARGO	5,770.91	0.00
WFISH CR UNION	5,467.11	0.00
FIT/SIT BASE	83,659.34	0.00
MEDICARE BASE	93,836.46	0.00
PERS BASE	85,313.51	0.00
SOC SEC BASE	51,505.38	0.00
UN BASE	91,759.04	0.00
WC BASE	89,249.33	0.00

Total 43,259.60
Total Payroll Expense (Gross Pay + Employer Contributions): 138,018.64

Check Summary

Payroll Checks Prev. Out. \$67,077.51
Payroll Checks Issued \$3,645.69
Payroll Checks Redeemed \$0.00
Payroll Checks Outstanding \$70,723.20
Electronic Checks \$104,962.82

Deductions Accrued	Carried Forward From Previous Month	Deduction Checks Issued	Difference	Liab Account
-----	-----	-----	-----	-----
Social Security 6386.64		6386.64		212260
Medicare 2721.22		2721.22		212260
P.E.R.S. 8709.71		8709.71		212270
Unempl. Insur. 504.66	504.66		1009.32	212210
Workers' Comp 3092.42	3092.42		6184.84	212220
FIT 7639.17		7639.17		212260
SIT 4345.00		4345.00		212260
AFLAC-PRETAX 165.04	165.04		330.08	212230
NATIONWIDE/EMP 338.33		338.33		212280
Teamsters dues 343.50	343.50		687.00	212310
PERS/Police 6594.22		6594.22		212240
NATIONWIDE/CITY 2843.12		2843.12		212280
AFLAC-POSTTAX 111.67	111.67		223.34	212230
PERS/FURS 1382.47		1382.47		212275
MT ST FIRE ASSO 31.17		31.17		212315
HEALTHINS/PRE 25088.54	25088.54		50177.08	212400
CITY OF COLUMBI 20.00		20.00		212450
UNUM LIFE INS. 104.30	104.30		208.60	212400
FLEX ALLEGIANCE 1084.36		1084.36		212285
CHILD SUPPORT P 413.07		413.07		212330
FOP 280.00		280.00		212335
FLEX DEP CARE 210.91		210.91		212285
Total Ded. 72409.52	29410.13	42999.39	58820.26	

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

**CITY OF COLUMBIA FALLS
CITY COUNCIL REGULAR MEETING MINUTES
HELD JANUARY 03, 2023**

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

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

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

PLEDGE OF ALLEGIANCE

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

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

Approval of Claims - January 3, 2023 - \$58,838.84

Approval of Payroll Claims - December 23, 2022 - \$145,226.18

Approval of December 19, 2022 Regular City Council Meeting Minutes

Approval of DNRC Grant Agreement UCF-23-107 and Authorize City Manager to Execute

APPOINTMENTS:

Appointment/Oath of Office: Probationary Firefighter/EMT - Brad Peterson

Councilor Fisher motioned to appoint Brad Peterson to Probationary Firefighter/EMT, seconded by Councilor Shepard and the motion carried unanimously. Mayor Barnhart presented Mr. Peterson with his Fire Department Badge. City Clerk Staaland administered Oath of Office to Probationary Firefighter/EMT Brad Peterson.

NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

Public Hearing - Special Fire Department Inspections/Fees

Mayor Barnhart read the hearing notice: The City Council shall conduct a public hearing for the purpose of considering special fire department inspection fees particularly as they are related to short term vacation rental properties.

City Manager Nicosia said Council discussed special fire department inspection fees at the December 19th council meeting, particularly as they relate to short term vacation rentals and staff would also like to discuss including the annual inspection required by the Montana Department of Revenue for marijuana businesses. Nicosia noted that DOR added the requirement for special fire and building inspections for marijuana related businesses without discussing such inspections with the departments/officials providing the inspections. Nicosia reported that in the month of December, the Fire Chief did 15 inspections, with 50% being vacation rentals and some re-inspections. These inspections for vacation rentals and marijuana businesses are above and beyond the normal duties of the Fire Department. City staff recommended special inspection fees of \$75 – first inspection and \$50 re-inspection. These fees were based on actual costs for staff time.

With no public comment Mayor Barnhart opened and closed the Public Hearing at 7:12 p.m.

Councilor Fisher motioned to direct staff to prepare a Resolution for approval at next Regular Council Meeting setting special inspection fees for the fire department as presented, seconded by Councilor Shepard and the motion carried.

Public Hearings - Planning Requests:

Request for a Conditional Use Permit in the Columbia Falls Planning Jurisdiction:

Mayor Barnhart read the notice: Littlefoot Properties LLC is requesting a Conditional Use Permit (CUP) to develop a building greater than 10,000 square feet for a Dollar General Store. The property is zone CB-2 which requires a CUP for building that exceed 10,000 square feet. The CUP reviews compliance for the City's Large Building Standards of the Columbia Falls Zoning Code. The property is located 1800 9th Street West (Highway 2). The property is described as Tract 1 of COS 21160 in Section 18, Township 30 North, Range 20 West, P.M.M., Flathead County.

City Planner Mulcahy delivered Staff Report CCU-22-03 as Findings of Fact. Mulcahy noted the request went before the Planning Board on December 13, 2022 and they recommended approval with the listed 11 conditions. Mulcahy reviewed the Conditional Use Permit for Large Building Standards. The location for the proposed Dollar General Store is 1800 9th Street W. between Logan Health and the former Thrift Store.

Kirk Farrelly, applicant, said he agrees with the staff report and conditions. Mr. Farrelly noted that he submitted revised elevations and a lighting plan yesterday and is happy to answer any questions. Drew Pearson with WWC Engineering in Helena is also working on the project and would also entertain any questions from council.

Councilor Hamilton asked Mulcahy if he was comfortable with the recently received revisions. Mulcahy said yes, he was as they will also submit a very detailed set of building plans during the Building Permit process that staff will thoroughly review before forwarding the plans to the Building Official.

With no public comment Mayor Barnhart opened and closed the Public Hearing at 7:19 p.m.

Councilor Fisher motioned to approve Staff Report CCU-22-03 as Findings of Fact, seconded by Councilor Robinson with Council voting as follows. Ayes: Fisher, Hamilton, Lovering, Robinson, Shepard and Barnhart.

Councilor Shepard motioned to Direct Staff to prepare a resolution for the January 17, 2023 Council Meeting, seconded by Councilor Lovering with council voting as follows. Ayes: Hamilton, Lovering, Robinson, Shepard, Fisher and Barnhart.

Request for a Subdivision in the Columbia Falls Planning Jurisdiction:

Mayor Barnhart read the hearing notice: Schellinger Construction is requesting a Major subdivision called Tamarack Meadows. It consists of 103 lots and open space areas totaling 47 acres. The subdivision will extend the private road network and connect to public sewer and water facilities. Originally part of the Tamarack Heights development, these lots had preliminary plat approval back in 2006 but the plat has since expired. The proposed subdivision follows the same design as the original subdivision. The property is located

along Gleneagles Trail and Turnberry Terrace. The property is described as Tract 1 (The remainder of Tamarack Heights Phase 1) all in Section 6, Township 30 North, Range 20 West, P.M.M., Flathead County.

Mulcahy delivered Staff Report CPP-22-03 as Findings of Fact. The Planning Board reviewed the application at the December 13, 2022 meeting, and heard testimony from several neighbors. The Planning Board voted unanimously to recommend approval, with a number of conditions reviewed and amended. Specifically, there were four conditions amended. Condition 10. Prior to final plat approval the entire length of Meadow Lake Drive and Turnberry Terrace shall be resurfaced to the existing width. Prior to this work the applicant shall secure permits and approval from the Flathead County Road Department. The resurfacing shall meet County standards for thickness, crown, and integrity of the existing driveways. Condition 11. The applicant shall approach the Flathead County Road and Bridge Superintendent to determine if there are alternative speed bump designs or other traffic calming measures that can be implemented on Meadow Lake Drive. If there is a best practices traffic calming measure that is acceptable to the County, such as striping and signage, the applicants shall implement it in the resurfacing of the road. Condition 20. A construction Mitigation Plan shall be developed, in consultation with the applicable representative Homeowner's Associations (Mountain Watch, Meadow Lake and Garnier Estates) and private property owners adjacent to lots 2-15, and submitted to the city prior to the commencement of any construction. Said plan shall include construction hours, ingress, egress and haul routes, staging of materials and job shacks, parking for construction workers, dust abatement, temporary erosion control measures and other best management practices. The neighboring representatives have no veto power over any proposed or approved Construction Mitigation Plan. The Planning Board added Condition 25. Tamarack Meadows shall participate in an equitable Road Maintenance Agreement with the Mountain Watch Subdivision.

Mayor Barnhart asked Council if they had any questions. Councilor Hamilton said she understands Urban Residential allows for 2-8 units per acre and they are requesting 2.8 per acre. Mulcahy replied the developer is requesting 2.1 units per acre.

Kevin Malloy with Carver Engineering, 1995 3rd Ave E., Kalispell is representing Schellinger Construction. Mr. Malloy said they concur with the Findings of Fact presented by City Planner Mulcahy. They are concerned with Condition 10 and would like to suggest a slight modification to Condition 25. Schellinger Construction offered to overlay Meadow Lake Dr. to help mitigate for wear and tear from construction traffic. However, the Planning Board also listed Turnberry Terrace; Mr. Malloy said they would like to propose to overlay the road that is being used during construction. If there was damage to both roads Schellinger Construction would fix both roads. On Condition 25, Malloy said they agree Tamarack Meadows lot owners should be part of the Mountain Watch maintenance association, however, as it is written the equitable part of the condition is big. The Traffic Impact Study stated approximately 10% of the traffic would use the west approach on Turnberry Terrace, Schellinger is willing to bump it up from to 25% to be safe and more conservative. They believe Tamarack Meadows lot owners would have a 25% responsibility of the road maintenance agreement with the Mountain Watch Association.

Mayor Barnhart opened the public hearing 7:48 p.m.

Barb Riley, business address, 494 St. Andrews Dr., said some refer to these subdivisions as new subdivisions however this is not a new subdivision, this is the final neighborhood of a master planned subdivision. At the Planning Board meeting the applicant was asked if they had reviewed the original covenants and guided documents of the subdivision, and they said they had not. Riley believes the density is out of character of

everything around it. Riley said she is in favor of finishing out the final phase of Meadow Lake but would like it to be a quality neighborhood. Riley pointed out the actual true net density of the proposed subdivision is 4.59 units per acre which is considered high density. Riley suggests council postpone their decision on approving the subdivision until further information from staff is provided.

Larry Alexander resides at 265 Meadow Lake Dr. Mr. Alexander said he is surprised the developer wants to do this to this community. Mr. Alexander has lived at Meadow Lake for 18 years and the traffic on Meadow Lake Dr. has multiplied and the county has not made improvements to it. Mr. Alexander said the residents have a right to some reasonable expectation of the subdivision or some may sell and leave. Alexander suggests council put some thought into their decision on the proposed subdivision.

Ann Halter resides at 315 Meadow Lake Dr. Ms. Halter said she attended the Planning Board meeting and it is hard for her to understand why it keeps coming up that the plat was approved in 2006, considering 2006 was a long time ago. The neighborhood has developed and is not the same as it was in 2006. It seems you have to take a step back and look at the properties that are there now. With the current construction that is going on in Gleneagles Estates, Meadow Lake Dr. sees constant traffic. Ms. Halter believes if you put 103 homes on the top of Meadow Lake Dr. you may have more than two added trips per day. Ms. Halter is also concerned with water and if current resident's water be at stake.

Dan Singer resides at 325 Meadow Lake Dr. and is the president of the Meadow Lake West Estates HOA. Mr. Singer said when the traffic study was done he believes the recently approved developments on Meadow Lake Blvd. were not included. Singer estimates there will be 1000 to 2000 trips per day using Meadow Lake Dr. which is more than the traffic on Nucleus Ave. Singer said the HOA residents would be in favor of steeper driveways for the installation of a sidewalk. Singer also noted the temporary sewer permit has not been updated since 2018. Schellinger Construction put in a well in 2015 and some folks didn't have water for four days. Mr. Singer said subdivision is not right for this area, considering the size of the lots, traffic and safety. Striping and signage are not visible in winter, removable speed bumps would be best said Singer.

Joe Tabler, 161 Oakmont and 34 Turnberry Lane, said they are not opposed to the subdivision however they are opposed to the density of the subdivision. Mr. Tabler suggests taking a second look to see if we can make this plan fit in. There has not been enough community discussion said Tabler.

Kris Smith resides at 268 Meadow Lake Blvd., said his main concern is traffic, Mr. Smith said he has pulled three cars out of the ditch by his property. Smith said he put in a fence due to high speed traffic by his home and installed post lamps to try to slow traffic down. Mr. Smith has kids in school and believes the new school seems small and does not know how much more capacity they have.

Jeremy Pappenfus resides at 256 Turnberry Terrace. Mr. Pappenfus said he moved away Whitefish due to identity they have inflicted on residents. Smith was elected to be the President of the Wood of Mountain Watch HOA. The HOA is responsible for providing and maintaining a safe corridor on Turnberry Terrace. Residents feel undue stress will be place on the community and roads. It is the HOA's stance if approved and Schellinger is responsible for resurfacing the road it should include traffic control measures such as the speed bumps that are in place as Turnberry Terrace is not a county road. Papenfuss believe traffic studies are not factual and may change percentages. The HOA is not opposed of the development of Tamarack Meadows but greater thought should be put into the density of the area.

Rod Shaw, 370 Meadow Lake Dr. said he has grandchildren that visit often and safety on Meadow Lake Dr. is a concern. There is history of heavy equipment using the road and dumping cement next to their homes with no support from the development. For those that live there we are looking at a ten year build out construction traffic. Mr. Shaw asked council to take the opportunity to protect the people that already live here.

Shirley Alexander lives at 265 Meadow Lake Dr., said she too is concerned with the unsafe traffic on Meadow Lake Dr. with no culverts, sidewalk or curbs. Ms. Alexander said for the last couple years there are construction vehicles traveling the road at high rates of speed. Please give this more time to resolve the traffic issues.

Roy Teal resides at 227 Glen Eagle Trail, said the proposed lots are too small and the average lots in the area are twice the size of the proposed project, therefore putting it out of character for the area. Mr. Teal said he is for the area to be developed in lower density. If you approve the current plan you are taking the neighborhood and creating a situation.

Randy Ostman resides on 35 Turnberry Lane, said calculus is mathematical study of continuous change, which is what we are doing now. Mr. Ostman inquired why we haven't abided by the Flathead County subdivision regulations such as fire protection. Mr. Ostman has concern with egress should an evacuation be needed.

Pete Glee, 521 St. Andrews Dr., General Manager of Meadow Lake Country Club Estates HOA, said he would like to speak on Condition 25 that the Planning Board included to the conditions. Mr. Glee said the Master HOA is responsible for the maintenance of all the roads in Meadow Lake. Tamarack Meadow will become part of that. This project will impact the HOA in setting up reserve funds for road maintenance.

Janine Gardner has resided at 355 Meadow Lake Dr. for 42 years and raised her family there. She concurs with the other residents that Meadow Lake Dr. traffic is unsafe.

Mayor Barnhart closed the Public Hearing at 8:45 p.m.

Mayor Barnhart asked Council if they had any questions for the applicant or staff. Councilor Shepard asked if the information that Ms. Riley brought up is legally part of the subdivision now is the same as what was established in 2006. Ms. Riley discussed history of Meadow Lake rules and regulations. Mayor asked the applicant if they were aware of what Ms. Riley had explained. Mr. Malloy said there are many ways to construct a house within the setbacks. City Attorney Breck said it is not an issue between the applicant and the city; it is between the applicant and the Master HOA. These are private agreements that are privately enforceable; it's not the city to say whether or not a development complies with existing CC&R's said Breck. It is up to the developer to look at the CC&R's and know what is recorded and of public record. The city looks at zoning to verify if the proposal meets zoning criteria and subdivision requirements that are public law. Shepard asked if we would be opening the City up to a lawsuit if it moves forward and does not look into the overlays. Breck said in his opinion no, the city is not responsible for enforcing their HOA or CC&R guidelines.

Councilor Fisher said the staff reports states we are not putting sidewalks in but one HOA said they would like to see the sidewalks, would the applicant be willing to put in the sidewalks. Mulcahy believes you would be within the rights of the council to require sidewalks on Meadow Lake Dr. to mitigate pedestrian movement. If the city requires it and Schellinger builds it, fourteen driveways will be steeper and the dilemma is do they

really want that? Mr. Malloy said it was about the steep driveways, you are taking five feet of run out of the driveway to make the sidewalk ADA compliant.

Mayor Barnhart said he was an excavator in that subdivision when the first houses went in on Meadow Lake West; there were no documents showing water or sewer. Mayor Barnhart believes putting in sidewalks is undoable. Mayor Barnhart said if you are going to build roads and infrastructure you would probably want to come in off Tamarack Rd. and Turnberry Terrace in order to get a road in by Garnier Estates. Mayor Barnhart said he does not see putting this on Meadow Lake Dr. For clarification Fisher asked if Meadow Lake Dr. is a county road and Turnberry Terrace is private road maintained by the HOA can we require them to use Turnberry Terrace. Mayor Barnhart said Schellinger Construction will resurface roads that were used during construction. Mayor Barnhart would like to see sideboards on construction hours including heavy truck traffic on either road.

Mayor Barnhart asked the lot size of Gleneagles and Mountain Watch compared to the proposed subdivision. Riley said the lot sizes in Mountain Watch are .25 to .50 acre and Gleneagles Trail .25 - .75 acre.

Councilor Hamilton inquired about public comment on DNRC approval of wells. Mulcahy said the developer is not responsible for the securing the water rights that is the responsibility of the district. Schellinger Construction drilled the well for the district, the water district secures the water rights for their water system and they manage their public water system. Mulcahy said it takes approximately one year to secure water rights for a new well.

Councilor Robinson said it is her understanding that the Master HOA and the developer would have to settle the HOA issue. Mulcahy said there is a draft set of CC&R's that the developer proposed with their subdivision that has a tie to the Master HOA which would address the maintenance of Meadow Lake Dr. and Turnberry Terrace who developed their own HOA with road maintenance. Condition 25 was put in place by the Planning Board to compensate the HOA's for the use of the roads. The developer would be responsible for 25% of Turnberry Terrace annual dues and join the Meadow Lake Master HOA for the remainder of the development.

Councilor Shepard said the city has planned for growth, the sewer plant is covered for growth and the city just put in a new well, plus we now have a paid fire department. Shepard understands the frustration of building, but it is coming and we must abide by law. Shepard asked Fire Chief Weeks if we have addressed fire concerns adequately. Fire Chief Weeks said this development has two means of egress, is serviced by fire hydrants and has the required green space, which meets the requirements. Shepard asked City Planner Mulcahy how many times we have updated the Growth Policy since 2006. Mulcahy said we've updated twice since he has been with the city, the current Growth Policy is 2019 and will be looked at again in the next two years. Mulcahy said all successful cities grow, those that don't are failing. There is never a Growth Plan that goes backwards noted Mulcahy.

Mayor Barnhart said Council can move forward this evening or we can postpone the approval of the proposed development in order to get additional information from the developer and staff if Council has questions that cannot be addressed this evening.

Councilor Fisher would like to see more information on where to direct construction traffic whether it be on Turnberry Rd. or Meadow Lake Dr. Fisher would also like to see more information on conditions 10 and 25 specifically road maintenance.

Councilor Shepard would like to see more information on the overlays. Robinson said she too would like to see more information on the CC& R's and HOA's to see how they interconnect. Hamilton is concerned about the real estate value and is curious if there is a study on if the homes will be saleable to the targeting market. Lovering said it is up to the property owner to build what they want within the guidelines.

It was a unanimous council decision to postpone approval of the staff report findings of fact and the Conditional Use Permit to the January 17, 2023 council meeting.

Mayor Barnhart said we take public testimony seriously and into consideration. Mayor Barnhart asked if staff would look at the process to restrict traffic on Meadow Lake Dr. and how it can be enforced; if we could research time restraints and what this may do to Turnberry Terrace.

Mayor Barnhart suggested a 5 minute recess at 9:30 p.m. The meeting was called back in session at 9:37 p.m.

Mayor Barnhart read the following Notice of Public Hearings - Planning Board January 10th and Special City Council January 30th:

The Columbia Falls City-County Planning Board will hold a public hearing for the following items at their regular meeting on Tuesday, January 10, 2023 at 6:30 p.m. at the Cafetorium in the Columbia Falls Junior High School, 1805 Talbot Road, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing at a special meeting on January 30, 2023 starting at 7:00 p.m. in the same location.

Request for a Planned Unit Development (PUD) for the River Highlands Development:

James Barnett, on behalf of River Highlands LLC, is requesting a Planned Unit Development in the Columbia Falls Zoning Jurisdiction called River Highlands. The property is located at 264, 316, 378, & 494 River Road in Columbia Falls and is described as Lots 1, 2, & 3 of Loeffler Ridge Subdivision and Assessor's Tracts 7 B and 7BB (Tracts 1 and 3 of COS 14045) in Section 16, Township 20 North, Range 20 West, P.M.M., Flathead County. The project consists of 83 detached single family homes; 98 attached single family townhomes, 162 apartment units. The total unit count is 343 units on 49.1 acres gross for a density of 6.9 units per acre. The applicant is proposing 19.55 acres (40%) of the site as park and open space. With the project, the applicant is proposing to move River Road further east on Highway 2 and, if supported by MDOT, the applicant would install a traffic signal at Highway 2 and River Road. The applicant is not requesting any deviations other than the clustering of density and the density bonus provided by the PUD regulations.

Request for Preliminary Plat approval of the River Highlands Subdivision in the Columbia Falls Zoning Jurisdiction:

James Barnett, on behalf of River Highlands LLC, is requesting preliminary plat approval for property located at 264, 316, 378, & 494 River Road in Columbia Falls further described as Lots 1, 2, & 3 of Loeffler Ridge Subdivision and Assessor's Tracts 7 B and 7BB (Tracts 1 and 3 of COS 14045) in Section 16, Township 20 North, Range 20 West, P.M.M., Flathead County. The applicant will subdivide the property to create 21 lots (17 residential and 4 open space lots). The subdivision will extend Municipal water and sewer services along with reconstructing River Road and incorporating a detached pedestrian path. The new roads within the project will be public and privately maintained but all open to the public. The proposed subdivision is part of a PUD application for River Highlands.

ORDINANCES / RESOLUTIONS:

Resolution # 1887 - A Resolution of the City Council of the City of Columbia Falls, Montana, Supporting the 2022 Legislative Resolutions of the Montana League of Cities and Towns

Councilor Shepard motioned to approve Resolution #1887, seconded by Councilor Lovering with council voting as follows. Ayes: Robinson, Shepard, Fisher, Hamilton, Lovering and Barnhart.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

Councilor Hamilton said the new Glacier Elementary School looks amazing.

Councilor Shepard said the state has neglected clearing out the snow in the center lane on Nucleus Ave.

Nicosia said she will make contact with MDOT.

Councilor Lovering said it doesn't do any good to have people clear the sidewalk if they don't do it to the street or the sidewalk is bermed and people have to walk around on the street. Nicosia said City staff will add it to the letter out to business owners.

Councilor Fisher said the book "The Affordable City," is a great book and highly recommends it. Nicosia said the city can order some extra copies if council would like.

Councilor Shepard said Bigfork received a lot of money from the Feds for affordable housing and wondered what the source of funding is. Nicosia said she hadn't read the article but the funding would go through Flathead County or a private or nonprofit developer as Big Fork is not incorporated.

Mayor Barnhart noted that the Fire Department has had multiple calls after bringing on the paid Firefighters, noting that they responded to 5 calls on their first day. The department had 56 calls last month said Fire Chief Weeks.

Mayor Barnhart said the City need to crack down on owners in the downtown and business areas to clean their sidewalks. We have everything in place to enforce it.

CITY MANAGER REPORT

Nicosia reported that on Christmas day, an 8" service line at SmartLam froze and broke; the Public Works Dept. found it and was able to get the valves shut off. Today we had a 2" water line break at Horine and Talbot Rd., city crews were able to get it repaired this afternoon.

Nicosia said that Council will call for bids on phase one of the Waste Water Treatment Plant project, the Lift Station and Sewer Main upgrades.

The special meeting on January 30, 2023 at the Jr. High Cafetorium is the River Highlands PUD and Preliminary Plat.

Lovering inquired about the quiet zone progress. Nicosia said there is not specific funding for quiet zones and the estimate prepared by the City's engineers and BNSF engineers indicate the cost is about \$800-900K. City staff will watch for available funding for the quiet zone, it's still on the City's radar.

CITY ATTORNEY REPORT

City Attorney Breck said he is looking at the Supreme Court matter we are involved with in the Cahill and CMS properties apartment building. The City (Defendant) has submitted their response and it is now in the hands of the Supreme Court.

Fire Chief Weeks said it has been great having paid Firefighters working since December 27th. They are working on inventory, truck maintenance and station maintenance along with jumping on day time calls.

MISCELLANEOUS

Correspondence

Police Department - November 2022 Activity

Finance - November 2022

ADJOURN:

Councilor Lovering motioned to adjourn, seconded by Councilor Shepard and the meeting adjourned at 10:30 p.m.

Mayor

City Clerk

POSITION DESCRIPTION

Class Title: Wastewater Treatment Operator (Entry Level – 5 Years)

Department: Sewer

Grade: 10

Union: Teamsters

Date: January 17, 2023

GENERAL PURPOSE

Performs a variety of semi-skilled and skilled technical and maintenance work in the operation, maintenance and repair of wastewater collection and treatment facilities and systems.

SUPERVISION RECEIVED:

Works under the general supervision of the Wastewater Treatment Plant Lead Operator.

SUPERVISION EXERCISED

None generally.

ESSENTIAL DUTIES AND RESPONSIBILITIES

Completes all work orders generated by the Plant Maintenance Program and keeps program up to date. Notifies Lead Operator or senior plant operator of needed additions to the Maintenance Program in a timely manner.

Monitors the performance of all equipment, sensors, gauges, SCADA trends at the treatment plant and pump stations. Records statistical data concerning plant and pump station operations; Maintains, operates, repairs and replaces equipment as necessary. Records lab test results on daily reports for trend analysis and maintains accurate records of analyses and test results; evaluates data.

Checks email on regular basis to ensure open line of communication.

Operates, maintains and repairs malfunctions at the wastewater treatment plant; repairs piping, valves, disinfection equipment, auto sampling equipment, headworks screening and grit removal equipment, gauges, pumps, controls and other collection and treatment plant equipment.

Performs routine building and grounds maintenance at the wastewater treatment plant and lift station sites.

Collects samples and identifies concentrations of chemical, physical or biological characteristics of wastewater required in accordance with local, state and Federal

requirements; Gathers and tests wastewater samples for plant efficiency reports as required. Learns Discharge Monitoring Report (DMR's) proper completion and NET DMR sign in procedure with training from Lead Operator or senior operator.

Performs quality control tests on lab equipment and lab analyses; evaluates procedures and results for accuracy.

Maintains adequate stock of supplies, materials and parts.

Coordinates with and supports contractors and engineers on wastewater projects as assigned.

Assures that plant operates within required permit limits. Immediately relays to Lead Operator or senior operator any abnormal or out of parameter test results.

Contains and disposes of hazardous wastes generated by the lab and treatment processes.

Calibrates, modifies or repairs instrumentation and control equipment including sensors, flowmeters and other water quality monitoring equipment. Coordinates with Lead Operator or senior operator if unsure that calibration, modifications or repairs are needed.

Operates air valves and pump controls to control flow and optimize treatment plant process.

Maintains sewer collection system through routine cleaning with Jet Vac Truck and inspection with sewer camera.

Properly handles biosolids processing and hauling, including hauling and dumping at approved biosolids disposal site.

PERIPHERAL DUTIES

May serve on various employee or other committees as assigned.

Position is on call for City emergencies and callouts.

Other duties as assigned.

DESIRED MINIMUM QUALIFICATIONS

Education and Experience:

(A) Graduation from high school education or GED equivalent, and, supplemented by two (2) years post secondary college or technical training in biology, environmental science, chemistry, or a closely related field, and

(B) Two (2) years of experience in a wastewater utility, or

(C) Any equivalent combination of education and experience.

Necessary knowledge, Skills and Abilities:

- (A) Working knowledge of equipment, facilities, materials, methods and procedures used in wastewater treatment plant maintenance and operation activities; working knowledge of laboratory procedures and practices;
- (B) Skill in operation of the listed tools and equipment or ability to learn operations.
- (C) Able to perform process control calculations; to work safely; to communicate effectively verbally and in writing; to establish and maintain effective working relationships with employees, other departments and the public; and able to understand and carry out written and oral instructions.
- (D) Able to work independently and productively without direct supervision.

SPECIAL REQUIREMENTS

Valid Montana Commercial Driver's License; Certification as a Montana Wastewater System Operator Class 1C.

TOOLS AND EQUIPMENT USED

Motor vehicle, service truck with crane, loader, forklift, jet vac truck, sewer camera, dump truck, generators, pumps, sensors, gauges, common hand and power tools, shovels, wrenches, computer, printers, detection devices, mobile radio, phone, calculator, and a variety of lab equipment.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to use hands to finger, handle, feel or operate objects, tools, or controls and reach with hands and arms. The employee frequently is required to stand. The employee is required to walk; talk or hear; sit; climb or balance; stoop, kneel, crouch, or crawl; and smell.

The employee must frequently lift and/or move up to 10 pounds and occasionally lift and/or move up to 50 pounds with assistance. Specific vision abilities required by this job include close vision, distance vision, color vision, depth perception, and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable

accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee frequently works in outside weather conditions. The employee frequently works near moving mechanical parts and is occasionally exposed to wet and/or humid conditions, including drowning hazards. The employee occasionally works in high, precarious places and is exposed to fumes or airborne particles, risk of electrical shock, and vibration. The employee is frequently exposed to toxic or caustic chemicals.

The noise level in the work environment is usually moderately loud.

JOB PERFORMANCE STANDARDS

- ◆ Capably operates treatment plant to meet all requirements of permit.
- ◆ Effectively performs maintenance and monitoring of treatment plant and accurately records work orders in the Plant Maintenance Program.
- ◆ Effectively does plant, lift station, building, equipment and grounds maintenance.
- ◆ Maintains accurate records and operational logs.
- ◆ Maintains adequate stock of supplies, materials, and parts.
- ◆ Maintains required certification(s).
- ◆ Cleans and inspects by camera 20% of collection system per year, completing accurate records of inspections, completes required maintenance such as root removal as indicated by inspection.
- ◆ Properly handles biosolids processing and hauling.

SELECTION GUIDELINES

Formal application, rating of education and experience; oral interview, background and reference check; drug and alcohol screening; physical; job related tests may be required.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Approval: _____ Approval: _____
Supervisor Appointing Authority

Effective Date:

Revision History:

POSITION DESCRIPTION

Class Title: Wastewater Treatment Operator (5 – 10 Years' Experience)

Department: Sewer

Grade: 11

Union: Teamsters

Date: January 17, 2023

GENERAL PURPOSE

Performs a variety of semi-skilled and skilled technical and maintenance work in the operation, maintenance and repair of wastewater collection and treatment facilities and systems.

SUPERVISION RECEIVED:

Works under the general supervision of the Wastewater Treatment Plant Lead Operator.

SUPERVISION EXERCISED

None generally. May serve as a lead operator over lower level operators on limited basis. Can cover temporarily for Lead Operator during emergency or planned absences.

ESSENTIAL DUTIES AND RESPONSIBILITIES

Completes all work orders generated by the Plant Maintenance Program and keeps program up to date. Adds Preventative and necessary work orders to Maintenance Program as needed. Notifies Lead Operator or senior plant operator of needed additions or changes to the Maintenance Program in a timely manner.

Monitors the performance of all equipment, sensors, gauges, SCADA trends at the treatment plant and pump stations. Records statistical data concerning plant and pump station operations; Maintains, operates, repairs and replaces equipment as necessary. Records lab test results on daily reports for trend analysis and maintains accurate records of analyses and test results; evaluates data.

Checks email on regular basis to ensure open line of communication.

Ability to perform most operational duties of Lead Operator.

Recognizes upcoming equipment maintenance, replacement, repairs and rebuild projects, planning and organizing these repairs with minimal assistance from the Lead Operator or senior operator. Additionally, capably uses O&M manuals for repairs, rebuild procedures and parts information.

Operates, maintains and repairs malfunctions at the wastewater treatment plant; repairs piping, valves, disinfection equipment, auto sampling equipment, headworks screening and grit removal equipment, gauges, pumps, controls and other collection and treatment plant equipment.

Performs routine building and grounds maintenance at the wastewater treatment plant and lift station sites.

Collects samples and identifies concentrations of chemical, physical or biological characteristics of wastewater required in accordance with local, state and Federal requirements; Gathers and tests wastewater samples for plant efficiency reports as required. Completes Discharge Monitoring Report (DMR's) independently with data check by Lead Operator or senior operator.

Performs quality control tests on lab equipment and lab analyses; evaluates procedures and results for accuracy.

Assures that plant operates within required permit limits. Immediately relays to Lead Operator or senior operator any abnormal or out of parameter test results. Makes necessary Process Control Changes in the absence of the Lead Operator or senior operator.

Trains and maintains entry level operators in acceptable lab methods and sampling techniques and procedures to assure accuracy of test results. Trains entry level operators how to sign into Net DMR and complete DMR's properly.

Contains and disposes of hazardous wastes generated by the lab and treatment processes.

Maintains adequate stock of supplies, materials and parts.

Maintains Treatment Plant as built record drawings.

Monitors and performs daily plant walk through.

Coordinates with and supports contractors and engineers on wastewater projects as assigned.

Calibrates, modifies or repairs instrumentation and control equipment including sensors, flowmeters and other water quality monitoring equipment. Coordinates with Lead Operator or senior operator if unsure that calibration, modifications or repairs are needed.

Operates air valves and pump controls to control flow and optimize treatment plant process.

Maintains sewer collection system through routine cleaning with Jet Vac Truck and inspection with sewer camera.

Completes safety training with new employees and as needed on a routine basis with Wastewater operators.

Properly handles biosolids processing and hauling, including hauling and dumping at approved biosolids disposal site.

PERIPHERAL DUTIES

May serve on various employee or other committees as assigned.

Position is on call for City emergencies and callouts.

Other duties as assigned.

DESIRED MINIMUM QUALIFICATIONS

Education and Experience:

(A) Graduation from high school education or GED equivalent, and, supplemented by two (2) years post secondary college or technical training in biology, environmental science, chemistry, or a closely related field, and

(B) Five (5) years of experience in a wastewater utility, or

(C) Any equivalent combination of education and experience.

Necessary knowledge, Skills and Abilities:

(A) Working knowledge of equipment, facilities, materials, methods and procedures used in wastewater treatment plant maintenance and operation activities; working knowledge of laboratory procedures and practices;

(B) Skill in operation of the listed tools and equipment or ability to learn operations.

(C) Able to perform process control calculations; to work safely; to communicate effectively verbally and in writing; to establish and maintain effective working relationships with employees, other departments and the public; and able to understand and carry out written and oral instructions.

(D) Able to work independently and productively without direct supervision.

SPECIAL REQUIREMENTS

Valid Montana Commercial Driver's License; Certification as a Montana Wastewater System Operator Class 1C.

TOOLS AND EQUIPMENT USED

Motor vehicle, service truck with crane, truck with snow plow, loader, forklift, jet vac truck, sewer camera, dump truck, generators, pumps, sensors, gauges, common hand and

power tools, shovels, wrenches, computer, printers, detection devices, mobile radio, phone, calculator, and a variety of lab equipment.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to use hands to finger, handle, feel or operate objects, tools, or controls and reach with hands and arms. The employee frequently is required to stand. The employee is required to walk; talk or hear; sit; climb or balance; stoop, kneel, crouch, or crawl; and smell.

The employee must frequently lift and/or move up to 10 pounds and occasionally lift and/or move up to 50 pounds with assistance. Specific vision abilities required by this job include close vision, distance vision, color vision, depth perception, and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee frequently works in outside weather conditions. The employee frequently works near moving mechanical parts and is occasionally exposed to wet and/or humid conditions, including drowning hazards. The employee occasionally works in high, precarious places and is exposed to fumes or airborne particles, risk of electrical shock, and vibration. The employee is frequently exposed to toxic or caustic chemicals.

The noise level in the work environment is usually moderately loud.

JOB PERFORMANCE STANDARDS

- ◆ Capably operates treatment plant to meet all requirements of permit.
- ◆ Effectively performs maintenance and monitoring of treatment plant and accurately records work orders in the Plant Maintenance Program.
- ◆ Effectively does plant, lift station, building, equipment and grounds maintenance.
- ◆ Maintains accurate records and operational logs and accurately completes DMR information.

- ◆ Maintains adequate stock of supplies, materials, and parts.
- ◆ Maintains required certification(s).
- ◆ Capably trains and monitors entry level operators in both operations and safety.
- ◆ Cleans and inspects by camera 20% of collection system per year, completing accurate records of inspections, completes required maintenance such as root removal as indicated by inspection.
- ◆ Properly handles biosolids processing and hauling.

SELECTION GUIDELINES

Formal application, rating of education and experience; oral interview, background and reference check; drug and alcohol screening; physical; job related tests may be required.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Approval: _____ Approval: _____
Supervisor Appointing Authority

Effective Date:

Revision History:

POSITION DESCRIPTION

Class Title: Wastewater Treatment Operator (10+ Years' Experience)

Department: Sewer

Grade: 12

Union: Teamsters

Date: January 17, 2023

GENERAL PURPOSE

Performs administrative, supervisory and technical duties in the operation of the treatment plant and collection system.

SUPERVISION RECEIVED:

Works under the general supervision of the Wastewater Treatment Plant Lead Operator.

SUPERVISION EXERCISED

Serves as a lead operator over lower level operators as needed or during emergency or planned absences.

ESSENTIAL DUTIES AND RESPONSIBILITIES

Completes all work orders generated by the Plant Maintenance Program and keeps program up to date. Adds Preventative and necessary work orders to Maintenance Program as needed. Notifies Lead Operator or senior plant operator of needed additions or changes to the Maintenance Program in a timely manner.

Establishes and coordinates work schedules and priorities for self and co-workers.

Monitors the performance of all equipment, sensors, gauges, SCADA trends at the treatment plant and pump stations. Records statistical data concerning plant and pump station operations; Maintains, operates, repairs and replaces equipment as necessary. Records lab test results on daily reports for trend analysis and maintains accurate records of analyses and test results; evaluates data.

Checks email on regular basis to ensure open line of communication.

Ability to perform all duties of Lead Operator as needed.

Recognizes upcoming equipment maintenance, replacement, repairs and rebuild projects, planning and organizing these repairs with minimal assistance from the Lead Operator or senior operator. Additionally, capably uses O&M manuals for repairs, rebuild procedures and parts information. Able to organize projects from start to finish without supervision from Lead Operator.

Operates, maintains and repairs malfunctions at the wastewater treatment plant; repairs piping, valves, disinfection equipment, auto sampling equipment, headworks screening and grit removal equipment, gauges, pumps, controls and other collection and treatment plant equipment.

Knowledgeable in plant and collection system piping, valves and pumping schemes. Able to make necessary adjustments in the system to ensure efficient and accurate operations.

Maintain frequent contact with equipment manufacturers and vendors, DEQ, EPA, and MT Rural Water personnel and Flathead County Solid Waste personnel for Biosolids Disposal as needed for operations.

Performs routine building and grounds maintenance at the wastewater treatment plant and lift station sites.

Collects samples and identifies concentrations of chemical, physical or biological characteristics of wastewater required in accordance with local, state and Federal requirements; Gathers and tests wastewater samples for plant efficiency reports as required. Completes Discharge Monitoring Report (DMR's) independently with data check by Lead Operator or senior operator.

Performs quality control tests on lab equipment and lab analyses; evaluates procedures and results for accuracy.

Assures that plant operates within required permit limits. Immediately relays to Lead Operator or senior operator any abnormal or out of parameter test results. Makes necessary Process Control Changes in the absence of the Lead Operator or senior operator.

Trains and maintains entry level operators in all areas of operation including acceptable lab methods and sampling techniques and procedures to assure accuracy of test results. Trains entry level operators how to sign into Net DMR and complete DMR's properly.

Contains and disposes of hazardous wastes generated by the lab and treatment processes.

Maintains adequate stock of supplies, materials and parts.

Maintains Treatment Plant as built record drawings.

Monitors and performs daily plant walk through.

Monitors electrical system for possible problems and reacts accordingly.

Coordinates with and supports contractors and engineers on wastewater projects as assigned.

Calibrates, modifies or repairs instrumentation and control equipment including sensors, flowmeters and other water quality monitoring equipment. Coordinates with Lead Operator or senior operator if unsure that calibration, modifications or repairs are needed.

Operates air valves and pump controls to control flow and optimize treatment plant process.

Maintains sewer collection system through routine cleaning with Jet Vac Truck and inspection with sewer camera.

Properly supervises and handles biosolids processing and hauling, including hauling and dumping at approved biosolids disposal site.

Provides leadership and training as needed and on a routine basis with lower level Wastewater operators.

PERIPHERAL DUTIES

May serve on various employee or other committees as assigned.

Position is on call for City emergencies and callouts.

Other duties as assigned.

DESIRED MINIMUM QUALIFICATIONS

Education and Experience:

- (A) Graduation from high school education or GED equivalent, and, supplemented by two (2) years post secondary college or technical training in biology, environmental science, chemistry, or a closely related field, and
- (B) Ten (10) years of experience in a wastewater utility, or
- (C) Any equivalent combination of education and experience.

Necessary knowledge, Skills and Abilities:

- (A) Working knowledge of equipment, facilities, materials, methods and procedures used in wastewater treatment plant maintenance and operation activities; working knowledge of laboratory procedures and practices;
- (B) Skill in operation of the listed tools and equipment or ability to learn operations.
- (C) Able to perform process control calculations; to work safely; to communicate effectively verbally and in writing; to establish and maintain effective working relationships with employees, other departments and the public; and able to understand and carry out written and oral instructions.
- (D) Able to work independently and productively without direct supervision.

SPECIAL REQUIREMENTS

Valid Montana Commercial Driver's License; Certification as a Montana Wastewater System Operator Class 1C.

TOOLS AND EQUIPMENT USED

Motor vehicle, service truck with crane, truck with snow plow, loader, forklift, jet vac truck, sewer camera, dump truck, generators, pumps, sensors, gauges, common hand and power tools, shovels, wrenches, computer, printers, detection devices, mobile radio, phone, calculator, and a variety of lab equipment.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to use hands to finger, handle, feel or operate objects, tools, or controls and reach with hands and arms. The employee frequently is required to stand. The employee is required to walk; talk or hear; sit; climb or balance; stoop, kneel, crouch, or crawl; and smell.

The employee must frequently lift and/or move up to 10 pounds and occasionally lift and/or move up to 50 pounds with assistance. Specific vision abilities required by this job include close vision, distance vision, color vision, depth perception, and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee frequently works in outside weather conditions. The employee frequently works near moving mechanical parts and is occasionally exposed to wet and/or humid conditions, including drowning hazards. The employee occasionally works in high, precarious places and is exposed to fumes or airborne particles, risk of electrical shock, and vibration. The employee is frequently exposed to toxic or caustic chemicals.

The noise level in the work environment is usually moderately loud.

JOB PERFORMANCE STANDARDS

- ◆ Capably operates treatment plant to meet all requirements of permit.
- ◆ Effectively performs maintenance and monitoring of treatment plant and accurately records work orders in the Plant Maintenance Program.
- ◆ Effectively does plant, lift station, building, equipment and grounds maintenance.
- ◆ Maintains accurate records and operational logs and accurately completes DMR information.
- ◆ Maintains adequate stock of supplies, materials, and parts.
- ◆ Maintains required certification(s).
- ◆ Capably trains and monitors entry level operators in both operations and safety.
- ◆ Capably performs the duties of the Lead Operator as needed.
- ◆ Cleans and inspects by camera 20% of collection system per year, completing accurate records of inspections, completes required maintenance such as root removal as indicated by inspection.
- ◆ Properly handles biosolids processing and hauling.

SELECTION GUIDELINES

Formal application, rating of education and experience; oral interview, background and reference check; drug and alcohol screening; physical; job related tests may be required.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Approval: _____ Approval: _____
Supervisor Appointing Authority

Effective Date:

Revision History:

POSITION DESCRIPTION

Class Title: Wastewater Treatment Lead Operator

Department: Public Works - Sewer

Grade: 13, Non-Exempt

Union: Teamsters

Date: January 17, 2023

GENERAL PURPOSE:

Performs a variety of routine and complex administrative, supervisory and technical duties in the operation of the treatment plant and collection system.

SUPERVISION RECEIVED:

Supervision received from the Public Works Director.

SUPERVISION EXERCISED:

Supervises the Wastewater Treatment Operators Grade 10,11and 12 and others as assigned by the Public Works Director.

ESSENTIAL DUTIES AND RESPONSIBILITIES:

Reviews all work orders generated by the Plant Maintenance Program and keeps program up to date. Adds Preventative and necessary work orders to Maintenance Program as needed, communicating needs with subordinate operators.

Determines work procedures, prepares work schedules and expedites workflow. Studies and standardizes procedures to improve efficiency and consistency of subordinates' work.

Issues written and oral instructions. Regularly communicates with subordinate operators.

Assigns duties and examines work for exactness, neatness and conformance to policies and procedures as well as state and federal mandates.

Monitors the performance of all equipment, sensors, gauges, SCADA trends at the treatment plant and pump stations. Records statistical data concerning plant and pump station operations; Maintains, operates, repairs and replaces equipment as necessary. Records lab test results on daily reports for trend analysis and maintains accurate records of analyses and test results; evaluates data.

Oversees all projects at the wastewater treatment plant, lift stations and within the collection system including daily operations and capital projects. Coordinates with contractors and engineers on all wastewater system projects.

Provides input to Director of Public Works in formulation of budget, and short and long-range planning for operations. Informs Director of needs and daily and long-term work activities.

Operates, maintains and repairs malfunctions at the wastewater treatment plant; repairs piping, valves, disinfection equipment, auto sampling equipment, headworks screening and grit removal equipment, gauges, pumps, controls and other collection and treatment plant equipment.

Knowledgeable in plant and collection system piping, valves and pumping schemes. Able to make necessary adjustments in the system to ensure efficient and accurate operations.

Maintain frequent contact with contractors, engineers, equipment manufacturers and vendors, DEQ, EPA, and MT Rural Water personnel and Flathead County Solid Waste.

Performs routine building and grounds maintenance at the wastewater treatment plant and lift station sites.

Ensures all required sampling and testing of wastewater required in accordance with local, state and Federal requirements is completed in a timely manner. Completes Discharge Monitoring Report (DMR's) as needed.

Immediately reports all incidents of a significant nature or of non-compliance with federal and/or state mandates to the City Manager and Public Works Director.

Performs quality control tests on lab equipment and lab analyses; evaluates procedures and results for accuracy.

Assures the treatment plant operates within required permit limits and makes necessary Process Control Changes.

Monitors the training of the entry level operators in all areas of operations to assure operators are properly trained.

Maintains Treatment Plant as built record drawings.

Monitors electrical system for possible problems and reacts accordingly

Schedules routine sewer collection cleaning and maintenance to ensure a minimum 20% of the system is cleaned annually, in addition to any known problem areas. Reports the results of the routine cleaning and maintenance of the sewer collection system to the Public Works Director, noting any major areas of concern.

Reviews the processing and hauling of biosolids, ensures biosolids are handled according to state and local requirements and proper disposal is completed at approved site.

Reviews all correspondence and communication regarding biosolids processing and disposal.

Provides leadership and training as needed and on a routine basis for all subordinate Wastewater operators. Reviews training records and ensures that operators are receiving appropriate and necessary training in a timely manner.

Reviews all incident reports, including “near miss” reports to ensure wastewater operators are working safely and appropriately. Assures that all work is accomplished in accordance with sound safety procedures.

Assists in the preparation of plans and specifications for wastewater operations; solicits and negotiates contracts for small works projects.

PERIPHERAL DUTIES:

Assists subordinate staff in the performance of their duties as needed.

May serve on various employee or other committees as assigned.

Position is on call for City emergencies and callouts.

Other duties as assigned.

DESIRED MINIMUM QUALIFICATIONS:

Education and Experience:

- (A) Graduation from high school education or GED equivalent, and, supplemented by two (2) years post secondary college or technical training in biology, environmental science, chemistry, or a closely related field, and
- (B) Ten (10) years of experience in a wastewater utility, or
- (C) Any equivalent combination of education and experience.

Necessary Knowledge, Skills and Abilities:

- (A) Working knowledge of equipment, facilities, materials, methods and procedures used in wastewater treatment plant maintenance and operation activities; working knowledge of laboratory procedures and practices.
- (B) Skilled in operation of listed tools and equipment including troubleshooting.
- (C) Ability to perform process control calculations.
- (D) Able to competently supervise and train subordinate employees.
- (E) Able to work independently and productively without direct supervision.

SPECIAL REQUIREMENTS:

Valid Montana Commercial Driver's License; Certification as a Montana Wastewater System Operator Class 1C.

TOOLS AND EQUIPMENT USED:

Motor vehicle, service truck with crane, truck with snow plow, loader, forklift, jet vac truck, sewer camera, dump truck, generators, pumps, sensors, gauges, common hand and power tools, shovels, wrenches, computer, printers, detection devices, mobile radio, phone, calculator, and a variety of lab equipment.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to use hands to finger, handle, feel or operate objects, tools, or controls and reach with hands and arms. The employee frequently is required to stand. The employee is required to walk; talk or hear; sit; climb or balance; stoop, kneel, crouch, or crawl; and smell.

The employee must frequently lift and/or move up to 10 pounds and occasionally lift and/or move up to 50 pounds with assistance. Specific vision abilities required by this job include close vision, distance vision, color vision, depth perception, and the ability to adjust focus.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee frequently works in outside weather conditions. The employee frequently works near moving mechanical parts and is occasionally exposed to wet and/or humid conditions, including drowning hazards. The employee occasionally works in high, precarious places and is exposed to fumes or airborne particles, risk of electrical shock, and vibration. The employee is frequently exposed to toxic or caustic chemicals.

The noise level in the work environment is usually moderately loud.

JOB PERFORMANCE STANDARDS

- ◆ Capably monitors treatment plant operations and facilities to ensure compliance with permitting requirements while ensuring efficient operations.
- ◆ Effectively monitors Plant Maintenance Program to ensure that work is completed efficiently and correctly.
- ◆ Knows and complies with federal mandates and state laws and regulations regarding wastewater systems.
- ◆ Ensures accurate records and operational logs and maintained and DMR information is submitted accurately and timely.
- ◆ Capably oversees both routine maintenance and capital projects.
- ◆ Maintains required certification(s).
- ◆ Capably trains and monitors operators in both operations and safety.
- ◆ Reviews biosolids handling and disposal for local and state compliance.

SELECTION GUIDELINES

Formal application, rating of education and experience; oral interview, background and reference check; drug and alcohol screening; physical; job related tests may be required.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Approval: _____ Approval: _____
Supervisor Appointing Authority

Effective Date:

Revision History:

Change Order

Item No.6.

No. 1

Date of Issuance: 1/16/2023

Effective Date: 1/16/2023

Project: **12th Ave W Improvements Project**

Owner: **City of Columbia Falls**

Owner's Contract No.: **NA**

Contract: **12th Ave W Improvements Project**

Date of Contract: **November 2, 2022**

Contractor: **Sandry Construction Company, Inc.**

Engineer's Project No.: **0541.030**

The Contract Documents are modified as follows upon execution of this Change Order:

Description: **Install 3 EA 6-inch diameter PVC water line fire services as shown in Revision 1 on DWG W-1 AND W-2. Install the 6-inch fire services per detail 1 on Figure FS-1. Upsize the Cedar Palace pressure sewer service from 1-1/4" diameter to 2" diameter as shown in Revision 1 on DWG SS-1.**

Attachments: (List documents supporting change): **1) Change Order 1 Proposal dated 12/21/2022 from Sandry Construction; 2) Drawing (DWG) W-1 with Revision 1 dated 1/9/2023; 3) Drawing (DWG) W-2 with Revision 1 dated 1/9/2023; 4) Figure FS-1 dated 12/16/2022; 5) Drawing (DWG) SS-1 with Revision 1 dated 1/9/2023**

CHANGE IN CONTRACT PRICE:

Original Contract Price:

\$991,301.00

☐ [Increase] ☐ [Decrease] from previously approved Change Orders No. 0 to No. 0:

\$0

Contract Price prior to this Change Order:

\$991,301.00

☒ [Increase] ☐ [Decrease] of this Change Order:

\$27,858.00

Contract Price incorporating this Change Order:

\$1,019,159.00

CHANGE IN CONTRACT TIMES:

Original Contract Times: ☐ Working days ☒ Calendar days

Substantial completion (days or date): **70**

Ready for final payment (days or date): **84**

☐ [Increase] ☐ [Decrease] from previously approved Change Orders No. 0 to No. 0:

Substantial completion (days): **0**

Ready for final payment (days): **0**

Contract Times prior to this Change Order:

Substantial completion (days or date): **70**

Ready for final payment (days or date): **84**

☒ [Increase] ☐ [Decrease] of this Change Order:

Substantial completion (days or date): **2**

Ready for final payment (days or date): **2**

Contract Times with all approved Change Orders:

Substantial completion (days or date): **72**

Ready for final payment (days or date): **86**

RECOMMENDED:

ACCEPTED:

ACCEPTED:

By: _____
Engineer (Authorized Signature)

By: _____
Owner (Authorized Signature)

By: _____
Contractor (Authorized Signature)

Date: _____

Date: _____

Date: _____

Approved by Funding Agency (if applicable): _____

Date: _____

Change Order – Page 1 of 1

EJCDC C-941

Prepared by the Engineers Joint Contract Documents Committee

12th Ave West Improvements Project-Change Order 1



Sandry Construction

PO Box 507

Bigfork

Contact: Mitchell Hill

Phone: 406.250.2544

Fax:

Quote To:

CR Leisinger

Job Name:

12th Ave West Improvements Project

Date of Plans:

Change Order 1

Phone:

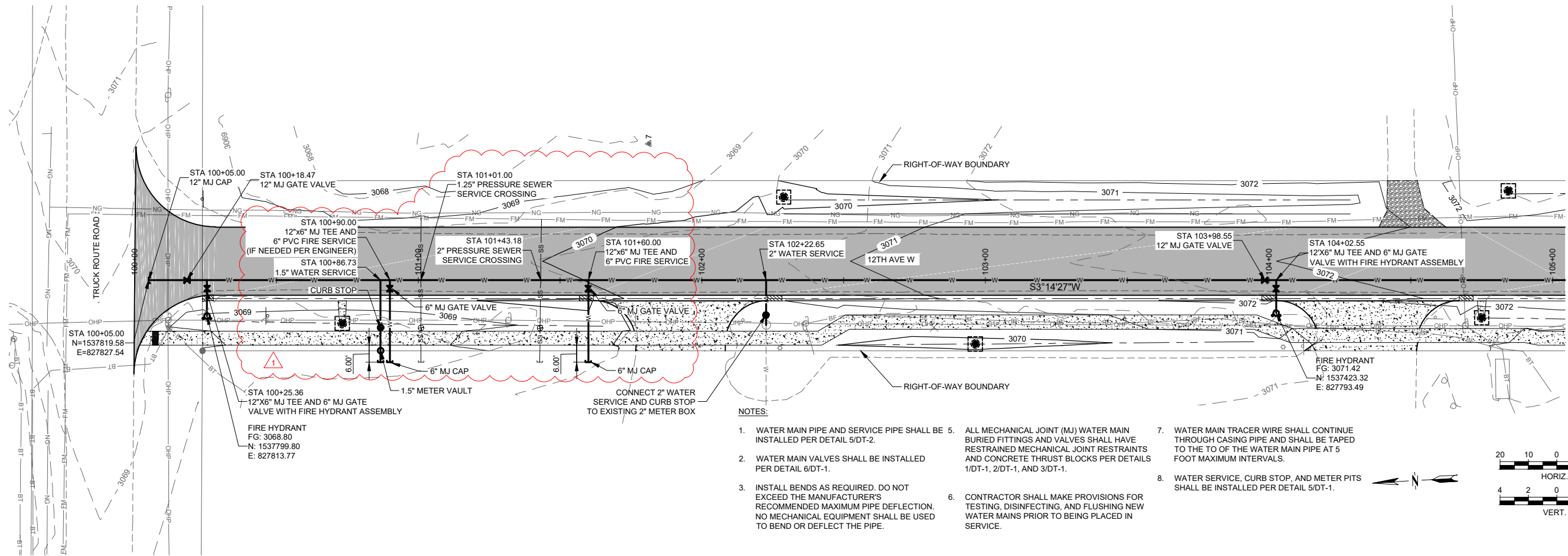
406.751.5864

Revision Date:

12-21-2022

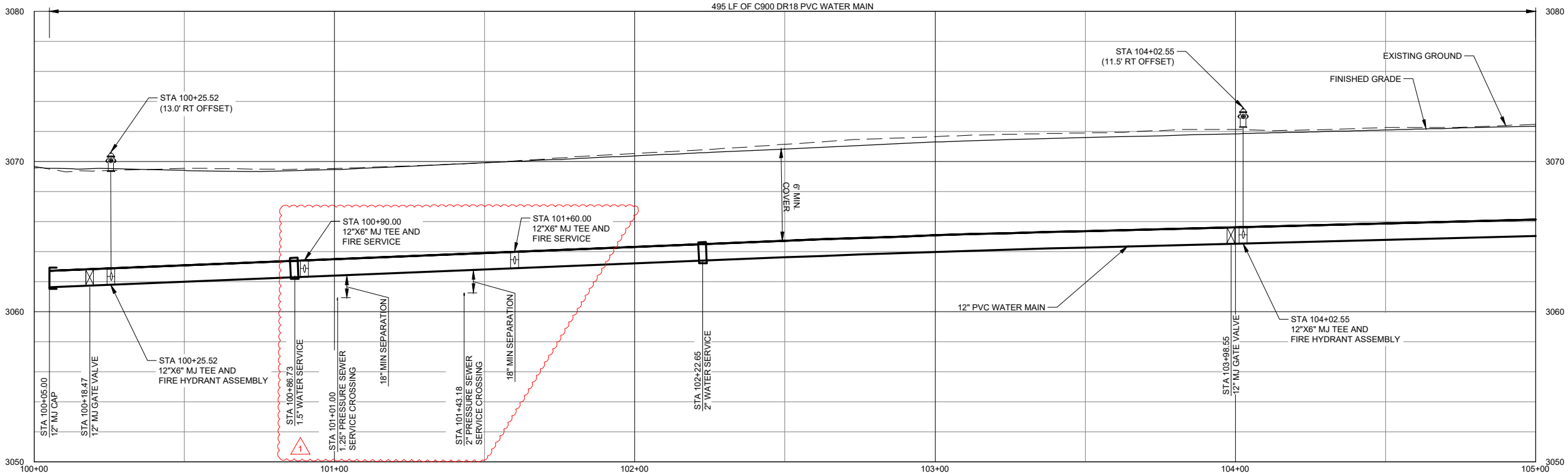
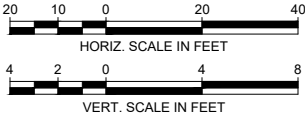
Fax:

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
CHANGE ORDER					
701	6" PVC WATER MAIN	90.00	LF	65.50	5,895.00
702	12" X 6" MJ TEE	3.00	EA	1,845.00	5,535.00
703	6" MJ GATE VALVE	3.00	EA	2,693.00	8,079.00
704	6" MJ CAP	3.00	EA	968.00	2,904.00
720	2" PRESSURE SEWER SERVICE	1.00	EA	5,445.00	5,445.00
SUBTOTAL CHANGE ORDER #1					\$27,858.00
GRAND TOTAL					\$27,858.00



NOTES:

1. WATER MAIN PIPE AND SERVICE PIPE SHALL BE 5. ALL MECHANICAL JOINT (MJ) WATER MAIN INSTALLED PER DETAIL 5/DT-2. BURIED FITTINGS AND VALVES SHALL HAVE RESTRAINED MECHANICAL JOINT RESTRAINTS AND CONCRETE THRUST BLOCKS PER DETAILS 1/DT-1, 2/DT-1, AND 3/DT-1.
2. WATER MAIN VALVES SHALL BE INSTALLED PER DETAIL 6/DT-1.
3. INSTALL BENDS AS REQUIRED. DO NOT EXCEED THE MANUFACTURER'S RECOMMENDED MAXIMUM PIPE DEFLECTION. NO MECHANICAL EQUIPMENT SHALL BE USED TO BEND OR DEFLECT THE PIPE.
4. CONTRACTOR SHALL MAKE PROVISIONS FOR TESTING, DISINFECTING, AND FLUSHING NEW WATER MAINS PRIOR TO BEING PLACED IN SERVICE.
5. WATER MAIN TRACER WIRE SHALL CONTINUE THROUGH CASING PIPE AND SHALL BE TAPED TO THE TO OF THE WATER MAIN PIPE AT 5 FOOT MAXIMUM INTERVALS.
6. WATER SERVICE, CURB STOP, AND METER PITS SHALL BE INSTALLED PER DETAIL 5/DT-1.



CONSTRUCTION SET
9/9/2022

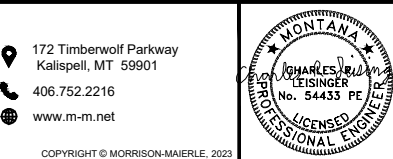
U:\0541-COLUMBIA FALLS\030 12TH AVE W IMPROVEMENTS\PROJECT\ACAD\SHEETS\05_Water Plan and Profile.dwg
PLOTED BY: CR LEISINGER ON Jan/09/2023

REVISIONS			
NO.	DESCRIPTION	BY	DATE
1	CHANGE ORDER 1 - FIRE SERVICES AND 2" SEWER SERVICE	CRL	1/9/2023

VERIFY SCALE!

THESE PRINTS MAY BE REDUCED.
LINE BELOW MEASURES ONE INCH
ON ORIGINAL DRAWING.

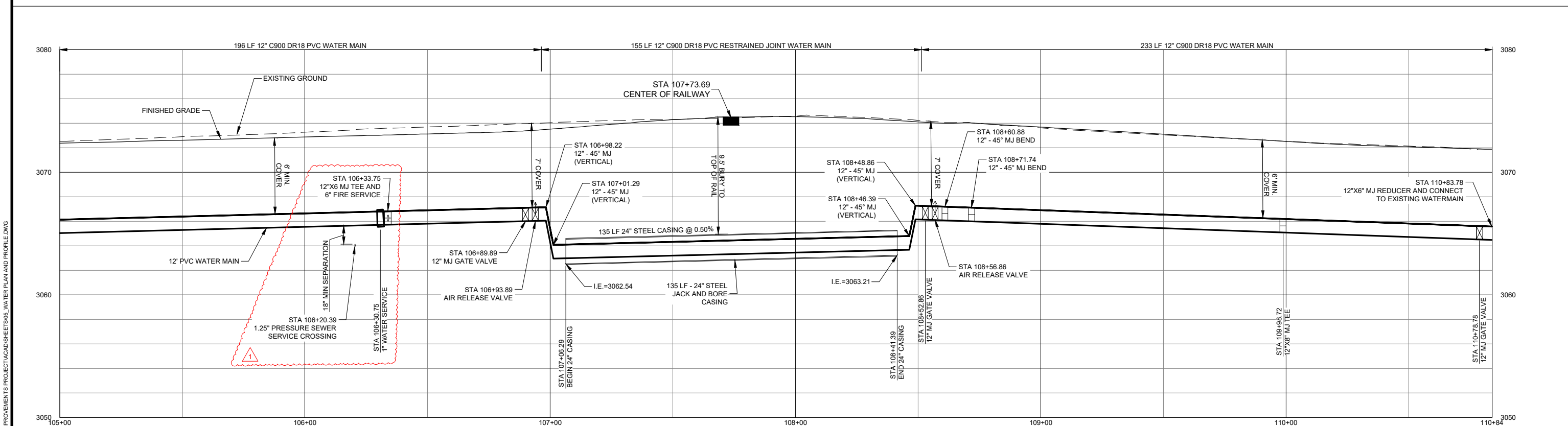
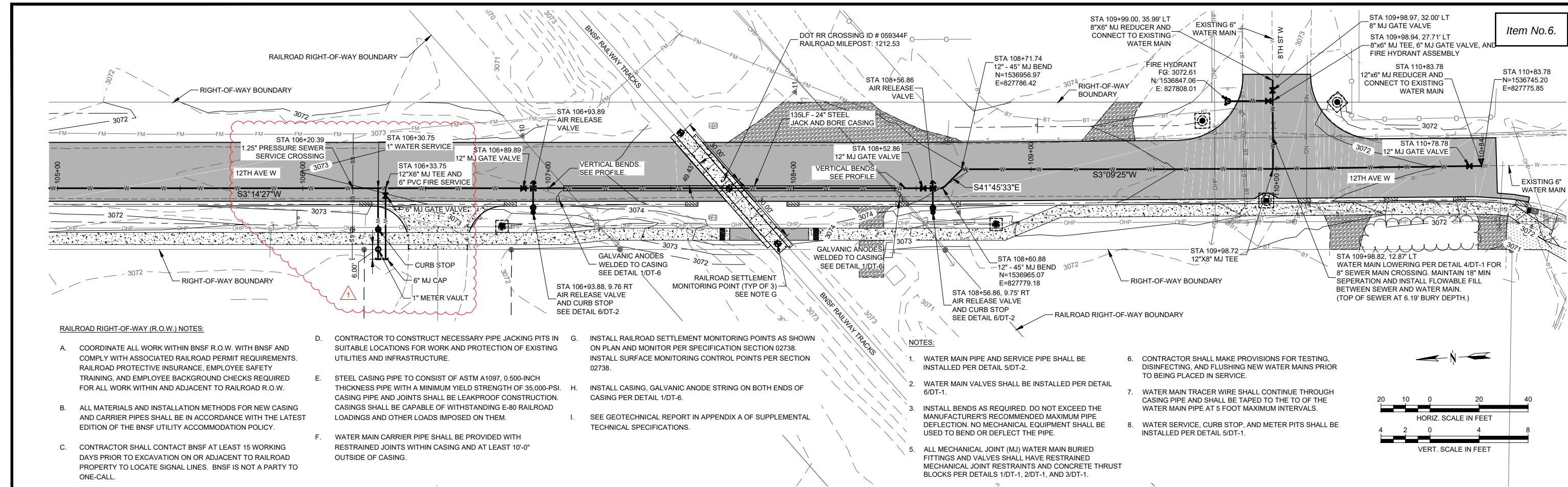
MODIFY SCALE ACCORDINGLY!



DRAWN BY: LRJ
DSGN. BY: CRL
APPR. BY: CRL
DATE: 5/3/2022
Q.C. REVIEW BY: JJC
DATE: 4/29/2022

CITY OF COLUMBIA FALLS
12TH AVE WEST IMPROVEMENTS PROJECT
COLUMBIA FALLS MONTANA
WATER MAIN EXTENSION PLAN AND PROFILE 100+00 - 105+00

PROJECT NUMBER 0541.030
SHEET NUMBER 10
DRAWN W - 50 -



CONSTRUCTION SET
9/9/2022

REVISIONS			
NO.	DESCRIPTION	BY	DATE
1	CHANGE ORDER 1 - FIRE SERVICES AND 2" SEWER SERVICE	CRL	1/9/2023

VERIFY SCALE!

THESE PRINTS MAY BE REDUCED. LINE BELOW MEASURES ONE INCH ON ORIGINAL DRAWING.

MODIFY SCALE ACCORDINGLY!

Morrison Maierle

engineers • surveyors • planners • scientists

172 Timberwolf Parkway
Kalispell, MT 59901
406.752.2216
www.m-m.net

172 Timberwolf Parkway
Kalispell, MT 59901
406.752.2216
www.m-m.net

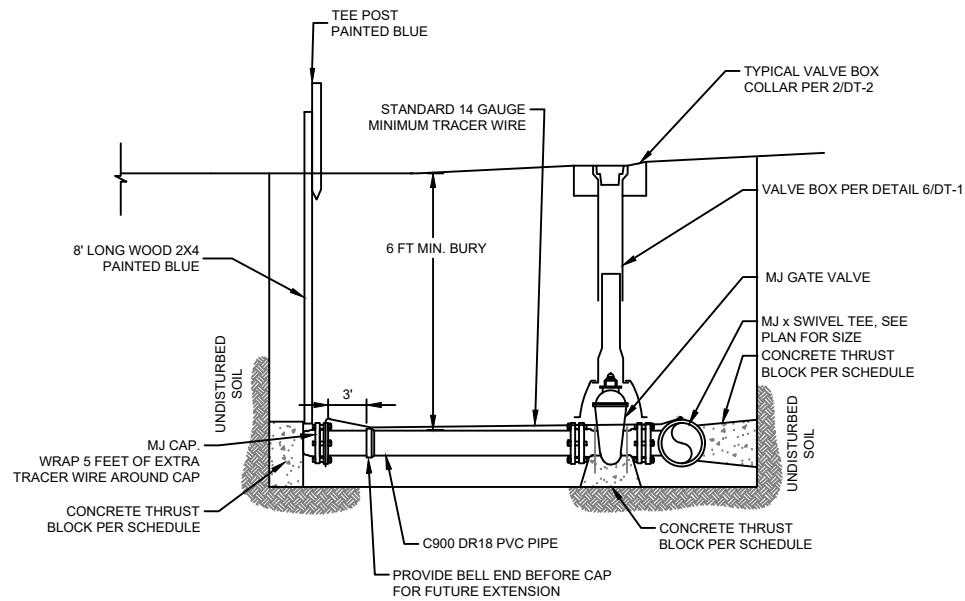
DRAWN BY: LRJ
DSGN. BY: CRL
APPR. BY: CRL
DATE: 5/3/2022
Q.C. REVIEW BY: JJC
DATE: 4/29/2022

CITY OF COLUMBIA FALLS
12TH AVE WEST IMPROVEMENTS PROJECT
COLUMBIA FALLS MONTANA

WATER MAIN EXTENSION PLAN AND PROFILE 105+00 - 110+84

PROJECT NUMBER 0541.030
SHEET NUMBER 11
DRAWING - 51 -

U:\0541-COLUMBIA FALLS\030 12TH AVE W IMPROVEMENTS\PROJECT\ACAD\SHEETS\05 - WATER PLAN AND PROFILE.DWG
PLOTTED BY: CR LEISINGER ON Jan/09/2023



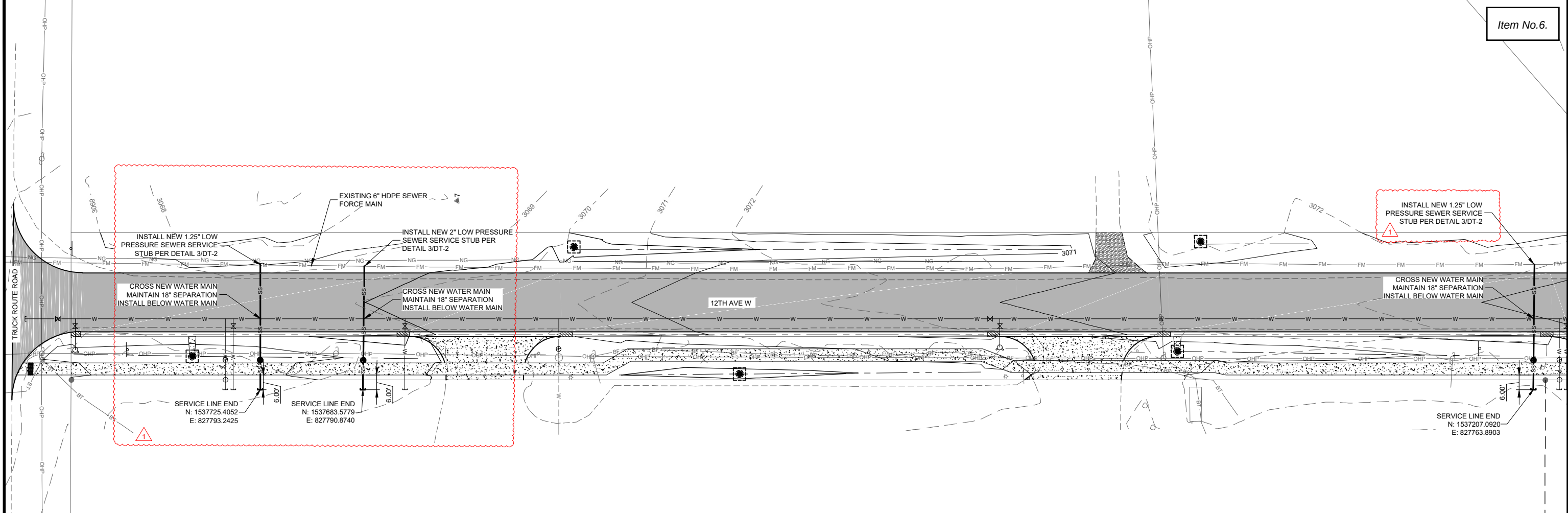
NOTES

1. PROVISIONS SHALL BE MADE TO CHLORINATE, FLUSH, AND PRESSURE TEST FIRE SERVICES PER SECTION 02660 - WATER DISTRIBUTION SYSTEMS.

1 TYPICAL FIRE SERVICE DETAIL

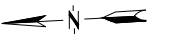
SCALE: NTS

Item No.6.



NOTES

1. CONTRACTOR SHALL COORDINATE WITH CITY FOR TIE-INS TO EXISTING FORCE MAIN TO ENSURE TIE-INS ARE COMPLETED OUTSIDE CITY LIFT STATION PUMPING TIMES.

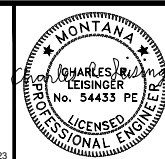


CONSTRUCTION SET
9/9/2022

VERIFY SCALE! THESE PRINTS MAY BE REDUCED. LINE LENGTHS ARE ONE INCH ON ORIGINAL DRAWING. MODIFY SCALE ACCORDINGLY!	REVISIONS			
	NO.	DESCRIPTION	BY	DATE
	1	CHANGE ORDER 1 - FIRE SERVICES AND 2" SEWER SERVICE	CRL	1/9/2023
PLOTTED BY: CR LEISINGER ON Jan/09/2023				



172 Timberwolf Parkway
Kalispell, MT 59901
406.752.2216
www.m-m.net



DRAWN BY: LRJ
 DSGN. BY: CRL
 APPR. BY: CRL
 DATE: 5/3/2022

Q.C. REVIEW
 BY: JJC
 DATE: 4/29/2022

CITY OF COLUMBIA FALLS		
12TH AVE WEST IMPROVEMENTS PROJECT		
COLUMBIA FALLS		MONTANA
PRESSURE SEWER SERVICE CONNECTIONS		

PROJECT NUMBER	0541.030
SHEET NUMBER	12
DRAWING	- 53 -

CITY OF COLUMBIA FALLS
NOTICE OF PUBLIC HEARING

Item No.7.

The Columbia Falls City-County Planning Board will hold a public hearing for the following items at their regular meeting on Tuesday, January 10, 2023 at 6:30 p.m. at the Cafetorium in the Columbia Falls Junior High School, 1805 Talbot Road, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing at a special meeting on January 30, 2023 starting at 7:00 p.m. in the same location.

Request for a Planned Unit Development (PUD) for the River Highlands Development:

James Barnett, on behalf of River Highlands LLC, is requesting a Planned Unit Development in the Columbia Falls Zoning Jurisdiction called River Highlands. The property is located at 264, 316, 378, & 494 River Road in Columbia Falls and is described as Lots 1, 2, & 3 of Loeffler Ridge Subdivision and Assessor's Tracts 7 B and 7BB (Tracts 1 and 3 of COS 14045) in Section 16, Township 20 North, Range 20 West, P.M.M., Flathead County. The project consists of 83 detached single family homes; 98 attached single family townhomes, 162 apartment units. The total unit count is 343 units on 49.1 acres gross for a density of 6.9 units per acre. The applicant is proposing 19.55 acres (40%) of the site as park and open space. With the project, the applicant is proposing to move River Road further east on Highway 2 and, if supported by MDOT, the applicant would install a traffic signal at Highway 2 and River Road. The applicant is not requesting any deviations other than the clustering of density and the density bonus provided by the PUD regulations.

Request for Preliminary Plat approval of the River Highlands Subdivision in the Columbia Falls Zoning Jurisdiction:

James Barnett, on behalf of River Highlands LLC, is requesting preliminary plat approval for property located at 264, 316, 378, & 494 River Road in Columbia Falls further described as Lots 1, 2, & 3 of Loeffler Ridge Subdivision and Assessor's Tracts 7 B and 7BB (Tracts 1 and 3 of COS 14045) in Section 16, Township 20 North, Range 20 West, P.M.M., Flathead County. The applicant will subdivide the property to create 21 lots (17 residential and 4 open space lots). The subdivision will extend Municipal water and sewer services along with reconstructing River Road and incorporating a detached pedestrian path. The new roads within the project will be public and privately maintained but all open to the public. The proposed subdivision is part of a PUD application for River Highlands.

Persons are encouraged to submit written comments prior to the meeting. Written comments carry the same weight as public testimony given during the hearing. Written comments may be sent to Columbia Falls City Hall, Attention: Barb Staaland, City Clerk, 130 6th Street West, Room A, Columbia Falls, MT 59912 or via email: staalandb@cityofcolumbiafalls.com. For more information on the proposed River Highlands Development, please call Eric Mulcahy, Columbia Falls City Planner at 755-6481.

DATED this 15th day of December, 2022

Susan Nicosia

Susan Nicosia, City Manager/Planning & Zoning Administrator
COLUMBIA FALLS CITY-COUNTY PLANNING BOARD

Publish: Daily Interlake Sunday December 25, 2022



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

PHONE (406) 892-4391

FAX (406) 892-4413

January 13, 2023

Sent Via Email

Columbia Falls City Council
130 6th St W
Columbia Falls, MT 59912

RE: Information for Tamarack Meadows Development

Dear Mayor and City Council:

At your City Council meeting on January 3, 2023, you directed staff to research questions that arose during the public hearing for the Tamarack Meadows Subdivision. The questions were as follows:

- What CC&R's are applicable to the Tamarack Meadows project.
- Can the lots meet the Architectural Elements of the Meadow Lake CC&R's
- Can the Council direct a haul route for construction of the subdivision.
- Can the Council direct traffic routes for home construction

CC&Rs Applicable to Tamarack Meadows

To address the question regarding CC&Rs applicable to the Tamarack Meadows project Schellinger Construction's attorney Paul Sandry, prepared an opinion letter based on his research of the Title Report and associated title history of the Subject property. According to Mr. Sandry's letter, the Tamarack Meadows subdivision is subject to the Meadow Lake Country Club Estates CC&R's from 1985 recorded as Doc. No. 8530313430 with the Flathead County Clerk and Recorder, as well as an Amendment to such CC&Rs from 1995 recorded as Doc. No. 9525014170 (collectively the "Meadow Lake CC&Rs"), and as such is subject to the Architectural requirements, setbacks and road maintenance provisions contained therein.

The draft set of CC&R's submitted with the application ties and subjects the Tamarack Meadows Development to the Meadow Lake Country Club Estates CC&R's, similar to other phases of Meadow Lake, as further addressed in Mr. Sandry's letter.

Future Expansion

To address concerns from the public regarding additional phases or expansion, Schellinger Construction has now provided a new draft of the Tamarack Meadows

CC&Rs, striking out any reference to expansion of the development as none is proposed. This should address any concerns about future expansion of the development.

Meeting the Architectural Elements of the Meadow Lake CC&R's

To address the question as to whether or not the proposed lots reflected in the Tamarack Meadows proposed subdivision can meet the building setback and architectural standards of the Meadow Lake CC&R's, Carver Engineering drafted the building envelopes for some of the smallest lots, thereby demonstrating how they could meet the Meadow Lake Standards for setbacks. In all cases the building envelopes for the lots within the Tamarack Meadows project meet the minimum square footage requirements, meaning that future lot owners should be able to develop a home on the property while meeting the standards of the Meadow Lake CC&Rs. According to the Meadow Lake Country Club Estates CC&R's the setbacks for single family homes are 20-feet from the front and rear lots lines and 15-feet from the side lot lines.

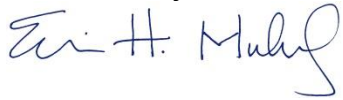
Ability to Restrict Construction Traffic to Certain Routes

The Tamarack Meadows Subdivision is within the Extra-Territorial Planning Jurisdiction of Columbia Falls. This interlocal agreement between the City and Flathead County gives all planning, zoning and subdivision authority over the extra-territorial area, which includes Meadow Lake and its various subdivisions, to the City of Columbia Falls as provided in State Statute. As part of the applicable Subdivision Regulations, the governing body (i.e. – the Columbia Falls City Council) reviews proposed development for health and safety concerns, which includes transportation elements and mitigation of transportation issues. In this case, issues were identified during the January 3, 2023 Council meeting regarding heavy truck traffic during the construction of the proposed Tamarack Meadows development. Distance and speed can be a factor in mitigating traffic or haul routes for development. It is within the City Council's authority to choose and require a designated route for such activity and to enforce adherence to such designation by the developer during the construction of the subdivision.

A follow up to the construction traffic discussion concerned construction traffic during future home construction. This is different from subdivision construction as the traffic is dispersed over many years as opposed to months. This issue is most appropriately addressed in the subdivision's CC&R's, which means that enforcement would fall to the subdivision's Homeowners Association for individual home construction. It should be pointed out that there are vacant parcels throughout Meadow Lake where home construction will, at some point, take place, and that current residents are continuing and will continue to engage in remodeling and routine maintenance projects on their existing homes, which does and will, necessarily result in construction traffic over existing subdivision roads. Therefore, this type of activity is always present to some degree within any development.

Staff believes that this addresses the questions posed by the Mayor and Council.

Professionally;



Eric H. Mulcahy, AICP
Columbia Falls Planner

Attachments: Letter – Paul Sandry 1/12/23
Recorded Meadow Lake CC&R's 1985
Draft CC&R's Tamarack Meadows
Developable area study, Carver Engineering

DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS OF
MEADOW LAKE COUNTRY CLUB ESTATES

THIS DECLARATION, made this 30th day of October, 1985, by
PETER E. TRACY, hereinafter referred to as "DECLARANT".

W I T N E S S E T H :

WHEREAS, the Declarant is the owner of that certain real property
in Flathead County, Montana, described in EXHIBIT "A" attached hereto;
and,

WHEREAS, the Declarant is the owner of said real property and
desires to impose covenants, conditions and restrictions upon said
real property for the use and benefit of present and future owners
thereof.

NOW, THEREFORE, Declarant hereby declares that all of the real
property described above shall be held, sold and conveyed subject to
the following easements, restrictions, covenants and conditions, all
of which are for the purpose of enhancing and protecting the value,
desirability and attractiveness of said real property. These easements,
covenants, restrictions and conditions shall run with the real property
and shall be binding on all Parties having or acquiring any right,
title or interest in the property or any part thereof and shall inure
to the benefit of each owner thereof.

ARTICLE I
DEFINITIONS

SECTION 1: "Properties" shall mean and refer to that certain
real property described on EXHIBIT "A" attached hereto, which is, by
this reference, incorporated herein. "Properties" may also mean and
refer to additions of real property which may hereafter be acquired,
excepting that such reference shall in no way subject such additions
to the Protective covenants herein set forth unless a declaration
shall specifically make such additions subject to these Protective
Covenants.

SECTION 2: "Association" shall mean the Meadow Lake Homeowners
Association, its successors and assigns.

SECTION 3: "Owner" shall mean the record owner or contract
purchaser in possession of any lot or of a platted residential lot or
an owner or contract purchaser of a unit located on a designated
multi-family residential lot which is part of the properties.

SECTION 4: "The Property" shall mean the real property described
in Article I, Paragraph 1 above.

SECTION 5: "Common Areas" shall mean all real property owned by
the Association and designated herein to be for the common use and
enjoyment of the residents of Meadow Lake and their guests.

SECTION 6: "Condominium Lot Open Space" shall mean the portion
of a condominium lot not occupied by a structure.

SECTION 7: "Condominium Unit" shall mean a unit subject to
individual fee ownership in a multi-unit structure, combined with
common ownership of common areas of the structure and land.

SECTION 8: "Zero Lot Line Development" shall mean a residential
development with no side yards required.

ARTICLE II

PURPOSE: The property is subject to covenants, conditions and
restrictions hereby declared to insure, protect and preserve the
character and quality of the property as developed; to promote the
appreciation of the value of the property; to preserve so far as is

practicable the natural and improved beauty of said property; to guard against the erection thereon of structures built of improper or unsuitable material; to insure the continued highest and best development of said property; to encourage and secure the erection of attractive improvements thereon; to adequately provide for a high quality of improvements on said property.

ARTICLE III

PROTECTIVE COVENANTS

SECTION 1: Construction. All proposed construction shall first be reviewed and approved pursuant to the provisions of Article V as set forth below.

SECTION 2: Maintenance. Each structure and the grounds surrounding it shall be maintained in accordance with the design and plans approved as provided in Article V and in such a manner as to present an attractive, well kept appearance. The Association shall have the right to perform maintenance neglected by an owner at the expense of the owner after reasonable notice.

SECTION 3: Vehicles. Recreational vehicles, heavy trucks, utility trailers, boats and boat trailers, and unlicensed or inoperable vehicles shall not be stored outside or allowed to remain along roadways on the property, but may be kept on the property if placed in a garage or other structure where they are screened from view.

SECTION 4: Animals. No animals of any kind shall be raised, bred or kept on the property excepting that dogs, cats and other domestic animals not in excess of two (2) may be kept and raised, but not for commercial purposes. Permitted animals must be confined to a leasn by their owner and not permitted to run at large.

SECTION 5: Garbage. No common property shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall be kept in covered, reasonably airtight containers in a garage or other screened area.

SECTION 6: Trees. Trees may be removed only with approval of the Architectural Review Board. [See Article V]

SECTION 7: Common Area. The Common Area shall be controlled and maintained by the Association, provided that all or any part of said areas may be dedicated or transferred to an appropriate public authority.

SECTION 8: Signs. Except for the Declarant and its agent, no signs shall be placed on any common area or any lot except name plates.

SECTION 9: Nuisances. No noxious or offensive activity shall be carried on or permitted on the property, nor shall anything be done thereof which is or may become a nuisance to the neighborhood. By way of illustration and not of limitation, the discharge of firearms and driving of motorcycles or snowmobiles on the Common Area shall be a nuisance within the meaning hereof.

SECTION 10: Burning. Open fires are prohibited on the property. Outdoor barbeques are not an open fire within the meaning hereof.

SECTION 11: Earth Station Dish Antennas. No ground-mounted and/or building-mounted earth station dish antennas [T.V. dish antennas] shall be allowed, except one now in existence for use at the Meadow Lake Country Club Lounge and one which may be installed by Developer or his agent to provide a commercial service to the subdivision as a whole.

ARTICLE IV

SECTION 1: Association. The Meadow Lake Homeowners Association will be organized as a non-profit corporation for the entire subdivision and shall have as members the owners as defined herein. Membership

shall be appurtenant to and shall not be separated from ownership as defined herein. Members shall participate in the manner prescribed by the Articles and By-Laws of the Association, and resolutions of the Association's Board of Directors. The Association's purpose is to own, control, maintain and improve the common area and provide services and facilities to the owners as it may determine. It is anticipated that there will be other homeowner associations formed to deal with multiple family units and ownerships on single lots and which homeowner associations will adopt further covenants and conditions in relationship to such multiple family complexes.

SECTION 2: Property Rights. Every owner shall have a right and easement of enjoyment in and to the Common Area, which shall be appurtenant to and shall pass along with title to every unit subject to the following provisions:

- (a) The right of the Association to charge reasonable admission, service and other fees for the use, care, maintenance and improvement of the common area and the furnishing or providing of water or other facilities and services to the property. This shall include the right of the Association to charge fees to certain unit owners which are for the provision of service not provided to all unit owners so long as the fees charge are uniform as to all units or owners who receive the service or the benefit of the improvement for which the charge is imposed.
- (b) The right of the Association to suspend the use and enjoyment of the common area or facilities and services provided directly or indirectly by it for any period during which any fee or assessment against an owner's unit remains unpaid, or for the continued violation of the Articles and By-Laws of the Association or the resolutions of the Association's Board of Directors.
- (c) The right of the Association to dedicate or transfer all or part of the common area to any public agency, authority or utility for such purpose and subject to such conditions as may be agreed to by the Association and such entity.
- (d) Any owner may delegate his right of enjoyment to the Common Area to members of his family, his tenants or contract purchasers who reside in the Owner's unit.

ARTICLE V

SECTION 1: Architectural Review Board. The Architectural Review Board shall consist of the Declarant, or its nominee(s), 100% until such time as 100% of the lots have sold, at which time the duties and responsibility of said Board shall be assigned to the Association. However, the Declarant may assign the duties and responsibility of said Board to the Association in writing at any time prior thereto.

SECTION 2: Building Regulations For The Architectural Review Board.

A. Purpose Of the Board:

No building construction on either condominium or residential lots at Meadow Lake Country Club Estates is permitted without written approval by the Architectural Review Board. It is the objective of this Board to insure that homes and other buildings constructed at Meadow Lakes Country Club Estates are aesthetically compatible with the landscape and the Master Plan Concept. There is a further objective to insure that all construction is of high quality and meets the existing standards and codes issued by the State of Montana and the City of Columbia Falls. It is a further objective of the Architectural Review Board to carry out the intents and purposes of the Protective Covenants which guide the growth and development of Meadow Lake.

B. Operating Regulations - Architectural Review Board:

1. All applications for construction will be submitted to the Architectural Review Board.

2. All applications must be complete before they can be accepted.

3. All applications must include a blueprint depicting the layout and design of the proposed structure and a site plan showing the location of the structure on the proposed lot.

Blueprints must be 1/8" or 1/4" scale showing complete floor plans and building elevations and submitted in duplicate. Upon approval, the Board will return one set of prints with a signed and dated stamp of approval. These prints are the usual reference of design and dimension where architect, builder and prospective owner are concerned. Therefore, they are the appropriate documents to convey this information to the Architectural Review Board for written approval.

Should there be question in an owner's mind about the acceptability of a house plan he is formulating, the Board will give verbal, informal and qualifying observations and recommendations. The Board encourages all Meadow Lake landowners considering home building to carefully read the building regulations and specifications required by the Architectural Review Board prior to making any design or construction commitment. This should enable the owner to decide whether or not to proceed with preparation of the required scale drawings and specification.

A site plan is required and the same procedure will be followed as in the case of blueprints. The drawing must be at a scale not greater than 1" = 20'0". On this plan the exact location of house, driveway and parking area, water, sewer and electrical service must be shown. In addition, it should indicate the grade elevation of the top of the foundation in respect to the proposed finish grades and/or existing grades adjacent to that foundation. The plan should also indicate any trees to be cut over 4" in diameter, other than those necessary for house and driveway construction.

4. The overriding consideration to be made by the Architectural Review Board is whether or not the proposed structure, its landscape and any out-buildings are aesthetically compatible to the landscape and the overall attractiveness of the Meadow Lake community.

5. It is mandatory that all construction work undertaken at Meadow Lake Country Club Estates be in compliance with all existing state and local building codes, plumbing codes and electrical codes.

6. Certain house designs are not aesthetically compatible with the Meadow Lake Master Plan, and therefore the Board will not approve the construction of certain structures at Meadow Lake. In approving applications for home construction at Meadow Lake, the Architectural Review Board must find the following:

(a) That the proposed structure for single family residential lots is located at least 20 feet back from the front line of the lot; 20 feet from the back line of the lot and 15 feet from the side line of the lot;

That the proposed structure for multi-unit lots is located at least 35 feet from the front line of the lot; 10 feet from the back line of the lot and 15 feet from the side line of the lot; and,

That the proposed structure for zero lot line zoned lots is located at least 20 feet from the front line of the lot; 10 feet from the back line of the lot, no setback from the designated zero lot-line boundary and 10 feet from the other or remaining side line of the lot; PROVIDED, HOWEVER, variances may be granted therefrom upon cause shown or given to the satisfaction of the Board.

- (b) That building materials used in the outside construction are not of reflective material.
- (c) That all chimneys be properly enclosed in wood, stone masonry or other suitable material approved by the Board.
- (d) That driveways, walks and other approaches to the building are aesthetically acceptable to the Board.
- (e) That no driveway grade should exceed 15%. In extreme hardship cases, the Board will be willing to consider applications with driveway grades in excess of 15%.
- (f) That no clearing shall be undertaken on the lot until the structure and driveway have been approved by the Architectural Review Board.
- (g) That tree cutting and clearing on the lot is restricted to an area of 20 feet from the foundation line of the structure. No further tree cutting of any trees of 4 inches or more in diameter may be undertaken without the written authorization of the Architectural Review Board. All applications for tree cutting are submitted to the Architectural Review Board.
- (h) That any trees removed to construct ditches for sewer or water lines must be replaced at the landowner's expense. If the landowner desires, the work will be done by the Association at a cost agreed upon in advance by the landowner and the Association.
- (i) That the materials and colors to be used on the roof, siding and trim are acceptable to the Board.
- (j) That all exterior lighting is installed in aesthetically acceptable locations and there is no exterior lighting in excess of 175 watts per lamp.
- (k) That an approval for construction of a home is given on the condition that the exterior of the home shall be completed within a twelve (12) month period from start of construction. The lot shall be graded as indicated on the plans and specifications and all construction debris and landscape scars caused by construction be removed or regraded two (2) months after completion of the home. If the home is completed during the winter season, thus precluding immediate exterior landscaping and cleaning, the time may be extended to June 1 following. All exterior work must be complete by that date.
- (l) That natural ground areas disturbed during the course of home or driveway construction resulting in a slope condition greater than 1 to 5 ratio, but in no event greater than 1 to 2, shall be sodded, seeded and mulched, paved or otherwise stabilized to prevent erosion within 30 days after occupancy, provided that such occupancy takes place during the period from May 1st through September 1st, otherwise prior to June 1st of the next subsequent year.
- (m) That the Architectural Review Board has considered the question of grade height of the foundation and finds this acceptable.
- (n) That the landowner must aesthetically landscape the grounds surrounding his house to an extent found acceptable by the Board. Special conditions or individual homesites will require appropriate

85303 13430

recommendations by the Board to arrive at a mutually satisfactory arrangement for the owner.

- (o) That the landowner and builder do agree to comply with all rules, regulations and recommendations made in advance by the Architectural Review Board.

7. That any fence to be constructed on any lot or portion thereof shall be split-rail fence unless otherwise approved by the Architectural Review Board.

8. That all mail boxes shall be clustered at the various sites as shown and designated on the final plat of said subdivision.

9. All site plans submitted for review shall include installation of culverts at each driveway or access crossing roadside ditches and should comply with the Flathead County Road Department requirements. Culverts should be a minimum of twelve inches (12") in diameter and be of corrugated metal pipe (CMP). Grades for culvert installation should be sufficient to maintain proper flow in the drainage ditches.

10. The landowners shall not dump grass clippings or in any way disrupt the drainage ditches on or adjacent to their property that would result in inhibiting or impeding storm water flow in said drainage ditch. All drainage ditches located within the established road right-of-ways or easements under the control of the Homeowners' Association shall be maintained by the Homeowners' Association and all costs and expenses incurred by the Homeowners' Association in maintaining said drainage ditches shall be assessed against the owners on a prorata basis.

11. The landowner shall, before any construction is commenced on any lot, deposit with the Architectural Review Board a cash bond in the amount of at least \$500.00 to a maximum of \$1,000.00 as determined by the Architectural Review Board in each individual case, for the purpose of insuring the proper restoration of any road within the subdivision that may be damaged, destroyed or partially destroyed by the use of heavy equipment or trucks in the construction of any improvements to landowner's lot. Said restorations and repairs shall restore and place in good and safe condition each street or road in the subdivision so used as near as can be to its original condition and to the full satisfaction of the Architectural Review Board. Failure to so do within the time specified by said Board shall cause immediate forfeiture of said bond and the said Board shall be free to thence use said bond to make said restoration and repairs without any accounting to the landowner.

C. Procedures:

If all of the above standards are met, then the Architectural Review Board is empowered to issue a conditional approval for the construction of the proposed structure on the lot as indicated on the plot plan. A final certificate of occupancy will not be issued until the construction work is completed and the final inspection has been made by the Architectural Review Board to determine if the completed construction work is in compliance with the original plans and specifications.

ARTICLE VI

SECTION 1: Term. The covenants and restrictions of this Declaration shall run with and bind the property for a term of twenty (20) years from the date this Declaration is recorded, after which time they shall be automatically extended for two successive periods of ten (10) years each unless the owners of a majority of the residential units execute and record a declaration vetoing any such automatic extension prior to the date on which it would occur.

85303/3430

This Declaration may be amended at any time by a recorded instrument signed by owners of not less than 75% of the units and upon the written consent of the Board of Flathead County Commissioners.

SECTION 2: Enforcement. The Association, the Architectural Review Board or any owner shall have the right to enforce, by any proceeding at law or in equity, all covenants, conditions and restrictions now or hereafter imposed by the provisions of this Declaration. The method of enforcement may include proceedings to enjoin the violation, to recover damages or both. Failure of the Association, Architectural Review Board or by any owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

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

IN WITNESS WHEREOF, the Declarant has executed this Declaration the day and year first above written.

Peter E. Tracy

STATE OF MONTANA)
 : ss
County of Flathead)

On this 29th day of October, 1985, before me, a Notary Public for said State, personally appeared PETER E. TRACY, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.



Edith L. Lawrence
Notary Public for the State of Montana
Residing at Whitefish, Montana
My Commission expires: May 25, 1986

November 25, 1987

EXHIBIT "A"

The following tracts of land situated, lying and being in Section Six (6), Township Thirty (30) North, Range Twenty (20) West, P.M.M., Flathead County, and more particularly described as follows, to-wit: All of Government Lot 2, Section 6, Township 30 North, Range 20 West, all of Government Lot 3, Section 6, Township 30 North, Range 20 West, the North half North half ($N\frac{1}{2}N\frac{1}{2}$) of Government Lot 4, Section 6, Township 30 North, Range 20 West as shown on Certificate of Survey No. 2922 (records of Flathead County, Montana) all of the Southeast Quarter Northwest Quarter ($SE\frac{1}{4}NW\frac{1}{4}$) of Section 6, Township 30 North, Range 20 West, all of the Southwest Quarter Northeast Quarter ($SW\frac{1}{4}NE\frac{1}{4}$) of Section 6, Township 30 North, Range 20 West, all of the West Half Southeast Quarter ($W\frac{1}{2}SE\frac{1}{4}$) of Section 6, Township 30 North, Range 20 West, all of the East Half Southwest Quarter ($E\frac{1}{2}SW\frac{1}{4}$) of Section 6, Township 30 North, Range 20 West, EXCEPTING THEREFROM all that portion known as Meadow Lake Estates, a plat or map of which is on file and of record in the Clerk and Recorder's Office of Flathead County, Montana, AND EXCEPTING THEREFROM the following described Tracts of land:

TRACT ONE:

Commencing at the South Quarter ($S\frac{1}{4}$) corner of Section Six (6), Township Thirty (30) North, Range Twenty (20) West, P.M.M., Flathead County which is a found iron pin; thence S $89^{\circ}52'04''$ W and along the South boundary of said Section 6 a distance of 1199.90 feet; thence N $00^{\circ}07'55''$ W 60.01 feet to a found iron pin and the true point of beginning of the tract of land herein described; thence N $00^{\circ}07'55''$ W 281.14 feet to a found iron pin; thence N $01^{\circ}34'53''$ E 263.85 feet to a found iron pin which is the P.C. of a 263.29 feet radius curve concave Southeasterly (radial bearing S $88^{\circ}20'39''$ E) thence Northeasterly along said curve thru a central angle of $08^{\circ}53'35''$ an arc length of 40.86 feet to a found iron pin; thence N $10^{\circ}28'06''$ E 144.25 feet to a found iron pin which is the P.C. of a 324.68 foot radius curve concave Northwesterly (radial bearing N $79^{\circ}29'34''$ W) thence Northeasterly along said curve thru a central angle of $09^{\circ}55'56''$ an arc length of 56.28 ft. to a found iron pin; thence N $00^{\circ}32'26''$ E 381.36 feet to a found iron pin; thence S $89^{\circ}16'38''$ E 79.92 feet to a found iron pin; thence N $02^{\circ}02'20''$ W 138.41 feet to a set iron pin; thence N $15^{\circ}05'47''$ E 108.04 feet to a found iron pin; thence N $22^{\circ}39'06''$ E 194.89 feet to a found iron pin; thence N $17^{\circ}04'26''$ E 362.78 feet to a found iron pin; thence N $15^{\circ}20'10''$ E 305.60 feet to a set iron pin; thence N $19^{\circ}45'14''$ E 120.12 feet to a found iron pin; thence N $45^{\circ}14'46''$ W 75.00 feet to a set iron pin; thence N $17^{\circ}53'24''$ E 65.28 feet to a set iron pin; thence N $00^{\circ}09'35''$ E 137.05 feet to a set iron pin; thence N $10^{\circ}33'28''$ W 201.80 feet to a set iron pin; thence N $31^{\circ}00'00''$ E 394.95 feet to a set iron pin; thence N $53^{\circ}24'49''$ E 63.63 feet to a set iron pin; thence N $19^{\circ}00'00''$ E 124.23 feet to a set iron pin; thence N $07^{\circ}30'00''$ E 460.00 feet to a set iron pin; thence N $22^{\circ}06'00''$ E 712.34 feet to a set iron pin; thence N $74^{\circ}23'57''$ E 159.89 feet to a set iron pin; thence N $15^{\circ}22'34''$ E 248.91 feet to a set iron pin; thence N $59^{\circ}00'00''$ W 282.95 feet to a set iron pin, which is on a 170.00 radius curve concave Southwesterly (radial bearing S $80^{\circ}51'48''$ W) thence Northwesterly along said curve thru a central angle of $21^{\circ}30'06''$ an arc length of 63.80 feet to a set iron pin; thence N $15^{\circ}45'00''$ E 333.92 feet to a set iron pin; thence N $89^{\circ}47'38''$ E 214.98 feet to a set iron pin thence N $89^{\circ}45'34''$ E

dius curve concave Southwesterly having a central angle of 95°00'00"; thence along said curve an arc length of 198.97 feet to a set iron pin; thence S 18°00'00" E 64.64 feet to a set iron pin on the Northerly R/W of Tamarack Road; thence N 89°32'54" W and along said R/W a distance of 977.46 feet to the point of beginning and containing 92.812 acres. Subject to and together with all easements of record and as shown here-on.

Tract Two:

Commencing at the South Quarter (S $\frac{1}{4}$) corner of Section 6, Township 30 North, Range 20 West, P.M.M., Flathead County which is a found iron pin; thence N 89°52'04" E and along the South boundary of said Section 6 a distance of 1345.42 feet to the Southeast corner of the Southwest Quarter Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section 6; thence N 00°42'52" E and along the East boundary of the said Southwest Quarter Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) a distance of 1428.19 feet; thence West 472.03 feet to a set iron pin and the true point of beginning of the tract of land herein described; thence continuing West 466.70 feet to a set iron pin; thence N 05°33'33" W 358.08 feet to a set iron pin; thence N 74°00'00" W 100.00 feet to a set iron pin; thence North 330.00 feet to a set iron pin; thence N 28°00'00" E 421.19 feet to a set iron pin; thence N 36°00'00" E 212.06 feet to a set iron pin; thence N 25°10'00" E 215.00 feet to a set iron pin; thence North 259.06 feet to a set iron pin; thence N 35°50'19" W 50.90 feet to a set iron pin; thence N 45°00'00" E 163.06 feet to a set iron pin; thence S 70°48'48" E 338.39 feet to a set iron pin; thence N 34°50'32" E 147.36 feet to a set iron pin; thence S 74°00'00" E 30.00 feet to a set iron pin which is on a 670.00 ft. radius curve concave Southwesterly (radial bearing S 75°12'23" W) thence Southeasterly along said curve thru a central angle of 15°34'56" an arc length of 182.21 feet to a set iron pin; thence N 87°38'22" W 77.96 feet to a set iron pin; thence S 17°46'00" W 918.63 feet to a set iron pin; thence S 27°43'00" W 220.00 feet to a set iron pin; thence S 32°44'00" E 228.63 feet to a set iron pin; thence S 17°00'00" W 99.18 feet to a set iron pin which is the P.C. of a 500.00 ft. radius curve concave Southeasterly having a central angle of 30°30'00"; thence along an arc length of 266.16 feet to a set iron pin; thence S 13°30'00" E 74.40 feet to the point of beginning and containing 20.254 acres. Subject to and together with all easements of record and as shown here-on.

Tract Three:

Commencing at the South Quarter (S $\frac{1}{4}$) corner of Section 6, Township 30 North, Range 20 West, P.M.M., Flathead County which is a found iron pin; thence N 89°52'04" E and along the South boundary of the Southwest Quarter Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) a distance of 1285.41 feet; thence N 00°42'52" W 44.58 feet to a set iron pin in the Northerly R/W of Tamarack Road and the true point of beginning of the tract of land herein described; thence N 89°32'54" W and along said R/W a distance of 1445.39 feet to a set iron pin; thence N 18°00'00" W 84.66 feet to a set iron pin which is the P.C. of a 60.00 ft. radius curve concave Southeasterly having a central angle of 95°00'00"; thence along an arc length of 99.48 feet to a set iron pin; thence N 77°00'00" E 70.25 feet to a set iron pin which is the P.C. of a 120.00 foot radius curve concave Northwesterly having a central angle of 77°00'00"; thence along an arc length of 161.27 feet to a set iron pin; thence North 65.40 feet to a set iron pin which is the P.C. of a 700.00 ft. radius curve concave Southwesterly having a central angle of 16°35'00"; thence along an arc length of 202.60 feet to a set iron pin; thence N 16°35'00" W 80.19 feet to a set iron pin; thence N 73°25'00" E 126.48 feet to a set iron pin; thence North 118.41 feet to a set iron pin; thence N 22°30'00" E 401.44 feet to a set iron pin; thence N 61°00'00" E 208.27 feet to a set iron pin; thence North 53.60 feet to a set iron pin; thence East 250.00 feet to a set iron pin; thence South 50.00 feet to a set iron

500.00 ft. to a set iron pin; thence South 85.58 feet to a set iron pin which is the P.C. of a 70.00 radius curve concave Northwesterly having a central angle of $52^{\circ}52'00''$; thence along an arc length of 64.59 feet to a set iron pin; thence S $52^{\circ}52'00''$ W 66.52 feet to a set iron pin which is on a 50.00 foot radius curve concave Southeasterly (radial bearing S $15^{\circ}59'48''$ W) thence Southwesterly along said curve thru a central angle of $8^{\circ}12'37''$ an arc length of 72.61 feet to a set iron pin; thence N $75^{\circ}00'00''$ W 211.04 feet to a set iron pin; thence S $29^{\circ}47'08''$ W 175.14 feet to a set iron pin; thence S $29^{\circ}55'53''$ E 228.47 feet to a set iron pin; thence S $75^{\circ}50'16''$ E 265.92 feet to a set iron pin; thence N $10^{\circ}07'43''$ E 387.50 feet to a set iron pin on a 130.00 ft. radius curve concave Northwesterly (radial bearing N $37^{\circ}08'00''$) thence Northeasterly along said curve thru a central angle of $23^{\circ}51'27''$ an arc length of 54.13 feet to a set iron pin; thence East 134.80 feet to a set iron pin; thence S $02^{\circ}37'36''$ W 570.57 feet to a set iron pin; thence S $20^{\circ}15'00''$ W 175.00 feet to a set iron pin; thence S $49^{\circ}19'05''$ E 229.69 feet to a set iron pin; thence S $42^{\circ}08'14''$ E 291.00 feet to a set iron pin; thence S $17^{\circ}53'08''$ W 162.12 feet to a set iron pin; thence West 115.00 feet to a set iron pin; thence S $45^{\circ}22'00''$ W 34.15 feet to a set iron pin on a 290.00 foot radius curve concave Southwesterly (radial bearing S $55^{\circ}04'05''$ W) thence Northwesterly along said curve thru a central angle of $24^{\circ}51'52''$ an arc length of 125.85 feet to a set iron pin; thence N $23^{\circ}26'00''$ E 116.59 feet to a set iron pin; thence N $51^{\circ}17'00''$ W 410.56 feet to a set iron pin; thence N $40^{\circ}34'20''$ W 136.57 feet to a set iron pin; thence N $00^{\circ}19'48''$ E 238.01 feet to a set iron pin; thence N $75^{\circ}50'16''$ W 145.00 feet to a set iron pin; thence S $20^{\circ}24'27''$ W 603.17 feet to a set iron pin; thence West 180.00 feet to a set iron pin; thence S $67^{\circ}30'00''$ W 140.00 feet to a set iron pin; thence S $13^{\circ}48'00''$ W 1130.00 feet to a set iron pin; thence S $31^{\circ}00'00''$ E 120.00 feet to a set iron pin; thence N $55^{\circ}32'32''$ E 274.60 feet to a set iron pin; thence N $14^{\circ}18'45''$ E 219.35 feet to a set iron pin which is on a 50.00 ft. radius curve concave Southwesterly (radial bearing N $46^{\circ}13'25''$ W) thence Northeasterly and Northwesterly along said curve thru a central angle of $95^{\circ}15'01''$ an arc length of 83.12 feet to a set iron pin; thence N $04^{\circ}30'00''$ E 10.92 feet to a set iron pin; thence East 110.00 feet to a set iron pin; thence N $30^{\circ}00'00''$ E 210.00 feet to a set iron pin; thence N $65^{\circ}47'00''$ E 743.04 feet to a set iron pin; thence N $23^{\circ}26'00''$ E 90.94 feet to a set iron pin on a 230.00 ft. radius curve concave Southwesterly (radial bearing S $31^{\circ}58'53''$ W) thence Southeasterly along said curve thru a central angle of $25^{\circ}39'09''$ an arc length of 102.98 feet to a set iron pin; thence S $45^{\circ}22'00''$ W 122.61 feet to a set iron pin; thence S $09^{\circ}20'00''$ W 135.00 ft. to a set iron pin; thence S $75^{\circ}50'00''$ W 190.00 feet to a set iron pin; thence S $61^{\circ}10'00''$ W 295.00 feet to a set iron pin; thence S $51^{\circ}40'00''$ W 230.00 ft. to a set iron pin; thence South 120.00 feet to a set iron pin; thence West 75.00 feet to a set iron pin; thence S $15^{\circ}15'46''$ W 406.69 feet to a set iron pin; thence S $74^{\circ}43'00''$ W 370.00 feet to a set iron pin; thence S $15^{\circ}00'00''$ W 290.00 feet to a set iron pin; thence S $66^{\circ}52'12''$ E 353.55 feet to a set iron pin; thence N $15^{\circ}00'00''$ E 340.00 ft. to a set iron pin; thence N $60^{\circ}00'00''$ W 163.94 feet to a set iron pin; thence N $74^{\circ}43'00''$ E 255.00 feet to a set iron pin; thence South 1115.00 feet to a set iron pin; thence S $21^{\circ}48'53''$ W 315.39 feet to a set iron pin; thence S $30^{\circ}54'00''$ W 195.04 feet to a set iron pin; thence S $20^{\circ}25'00''$ W 206.28 feet to a set iron pin; thence S $07^{\circ}00'00''$ W 219.31 feet to a set iron pin; thence S $70^{\circ}30'11''$ E 146.80 feet to a set iron pin; thence S $16^{\circ}35'00''$ E 80.19 feet to a set iron pin which is the P.C. of a 640.00 foot radius curve concave Southwesterly having a central angle of $16^{\circ}35'00''$; thence along an arc length of 185.24 feet to a set iron pin; thence South 65.40 feet to a set iron pin which is the P.C. of a 60.00 ft. radius curve concave Northwesterly having a central angle of $77^{\circ}00'00''$; thence along an arc length of 80.63 feet to a set iron pin; thence S $77^{\circ}00'00''$ W 70.25 feet to a set iron pin which is the P.C. of a 120.00 foot ra-

pin which is the P.C. of a 280.00 ft. radius curve concave Northwesterly having a central angle of $36^{\circ}28'17''$; thence along an arc length of 177.42 feet to a set iron pin; thence N $63^{\circ}52'14''$ W 83.49 feet to a set iron pin; thence S $51^{\circ}08'53''$ W 128.32 feet to a set iron pin; thence S $26^{\circ}59'53''$ W 320.19 feet to a set iron pin; thence S $14^{\circ}50'00''$ W 120.00 feet to a set iron pin; thence S $26^{\circ}11'46''$ E 144.98 feet to a set iron pin; thence S $60^{\circ}20'00''$ E 180.39 feet to a set iron pin; thence N $76^{\circ}05'00''$ E 174.26 feet to a set iron pin; thence North 326.96 feet to a set iron pin; thence N $21^{\circ}40'00''$ E 194.23 feet to a set iron pin; thence N $50^{\circ}08'18''$ W 98.11 feet to a set iron pin which is on a 340.00 ft. radius curve concave Northwesterly (radial bearing N $50^{\circ}08'18''$ W); thence Northeasterly along said curve thru a central angle of $39^{\circ}51'42''$ an arc length of 236.54 feet to a set iron pin; thence North 50.00 feet to a set iron pin; thence East 50.00 feet to a set iron pin; thence South 80.00 feet to a set iron pin; thence S $45^{\circ}00'00''$ E 140.00 feet to a set iron pin; thence South 505.82 feet to a set iron pin; thence S $35^{\circ}45'00''$ E 479.12 feet to a set iron pin; thence East 125.67 feet to a set iron pin; thence S $00^{\circ}42'52''$ W 250.00 feet to the point of beginning and containing 22.519 acres. Subject to and together with all easements of record and as shown hereon.

Evidenced by Certificate of Survey No. 7608.

TRACT FOUR:

All that portion lying within Lot 26 of the Amended Plat of Lot 26 of Meadow Lake 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.

Return TO:

Peter E. Tracy
1930 E. Lakeshore Drive
Whitefish, Mt. 59937

E X H I B I T "A"

STATE OF MONTANA
County of Flathead
Filed for record at the request of C. W. C.
this 30 day of Oct, 1975 at 1:30 o'clock P. M. and
Recorded in Vol. 13430 Records of Flathead County, State of
Montana, on page 1
By Donna Peterson Deputy
Fees 8.53
Return to 55

LAW OFFICES OF

JOHNSON, BERG & SAXBY, PLLP

221 First Avenue East

PO Box 3038

Kalispell, Montana 59903-3038

Established 1891

PAUL A. SANDRY
THANE JOHNSON
SARAH D. SIMKINS
SHANE ST. ONGE
KEVIN H. NESS

FIRM'S GENERAL EMAIL ADDRESS: jbslaw@jbsattorneys.com
TELEPHONE: (406) 755-5535 FACSIMILE: (406) 756-9436

Of Counsel or Retired:

KENT P. SAXBY
STEPHEN C. BERG
BRUCE MCEVOY

January 12, 2023

4140.011

Via Email Only

Schellinger Construction Co., Inc.
Attn: Kyle Schellinger
PO Box 39
Columbia Falls, Montana 59912
kyles20gauge@yahoo.com

Breck Law Office
Attn: Justin Breck
PO Box 2071
Columbia Falls, Montana 59912
justin@brecklawoffice.com

Sands Surveying, Inc.
Attn: Eric H. Mulcahy, AICP
2 Village Loop
Kalispell, Montana 59901
eric@sandssurveying.com

Re: Tamarack Meadows Subdivision
Columbia Falls Real Property / Title Review

Dear Gentlemen:

At Mr. Schellinger's request, my office conducted a title review of that certain real property located in Flathead County, Montana in or near Columbia Falls, Montana owned by Schellinger Construction and legally described as follows:

Tract 2 of Certificate of Survey No. 13198 located and being in Government Lots 3, 4, and 5 and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, Township 30 North, Range 20 West P.M.M., Flathead County, Montana.

EXCEPTION THEREFROM that plat of Garnier Creek 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.

ALSO EXCEPTING THEREFROM the plat of Tamarack Heights Phase 1 Subdivision, according to the map or plat thereof on file and of record in the office of the Clerk and Recorder of Flathead County, Montana (sometimes "Subject Property").

Said real property is the subject of subdivision review approval by the Columbia Falls County-City Planning Board and currently before the Columbia Falls City Council. The matter was before the City Council on January 3, 2023, but was apparently tabled for the purpose of obtaining information regarding the interplay of covenants or restrictions associated with the greater Meadow Lake development and the Tamarack Meadows property.

In conducting our research, we reviewed the Fidelity National Title Policy issued to Schellinger in calendar year 2021 (FNT File No. FT1585-210051) when Schellinger acquired the property, and reviewed all documents associated with said real property filed with the office of the Flathead County Clerk and Recorder from 1984 when Peter E. Tracy took title to the Subject Property through the present.

The Schellinger property is subject to the Declaration of Covenants, Conditions, and Restrictions of Meadow Lake Country Club Estates dated October 30, 1985 and recorded in the office of the Flathead County Clerk and Recorder as Document No. 8530313430, which was amended by that Amendment to the Declaration of Covenants, Conditions and Restrictions of Meadow Lake Country Club Estates dated August 18, 1995 and recorded in the office of the Flathead County Clerk and Recorder as Document No. 9525014170. The Amendment is of little significance in that it simply prohibited satellite dish antennas.

The Declaration recorded as Document No. 8530313430 is attached hereto. It consists of seven pages together with Exhibit A which consists of four pages describing the affected real property, which includes the Schellinger property and all other "Meadow Lake" properties. The stated purpose of the Declaration was to subject the Schellinger property and much of the surrounding real property to certain Covenants, Conditions and Restrictions to protect and preserve the character and quality of the property as developed, which clearly was the intention of Peter E. Tracy who developed much of the broader Meadow Lake properties. The Declaration provides for a homeowners' association (Meadow Lake Homeowners' Association) and imposes various protective Covenants, provides for an Architectural Review Board, and sets forth various building standards including front, back and side lot building setbacks.

The Declaration contemplates further subdivision of properties encumbered or covered by said Declaration. It also specifically anticipated that future subdivisions would be created and with them Covenants, Conditions and Restrictions and homeowner associations specific to those subdivisions would be provided for. In Article IV, Section 1, the Declaration states:

Section 1: Association. The Meadow Lake Homeowners Association will be organized as a non-profit corporation for the entire subdivision and shall have as members the owners as defined herein. Membership shall be appurtenant to and shall not be separate from ownership as defined herein. Members shall participate in the manner prescribed by the Articles and By-Laws of the Association, and resolutions of the Association's Board of Directors. The Association's purpose is to own, control, maintain and improve the common area and provided (sic) services and facilities to the owners as it may determine. **It is anticipated that there will be other homeowner associations formed to deal with multiple family units and ownerships on single lots and which homeowner associations will adopt further covenants and conditions in relationship to such multiple family complexes.** (emphasis supplied)

For example, in the Declaration of Restrictive Covenants, Conditions and Restrictions for Tamarack Heights dated October 2, 2007 and filed with the Flathead County Clerk and Recorder as Document No. 20080000296, at Article II, the developer (Aspen Columbia Falls East and Aspen Columbia Falls West) noted that in addition to the Tamarack Heights CC&Rs, the Declaration of Covenants, Conditions and Restrictions of Meadow Lake Country Club Estates (Document No. 8530313430) applied. In addition, the Tamarack Heights Declaration created the Tamarack Heights at Meadow Lake Homeowners Association, Inc., but recognized that all Tamarack Heights' homeowners were members of the Meadow Lake Homeowners Association.

The Declaration of Covenants, Conditions and Restrictions of Meadow Lake North (Document No. 200519413100) also incorporated the Declaration of Covenants, Conditions and Restrictions of Meadow Lake Country Club Estates (Document No. 8530313430) while at the same time creating its own homeowners' association, Meadow Lake North Homeowners Association.

There are Declarations of Covenants, Conditions and Restrictions filed for the various Meadow Lake Country Club Estates Phases, virtually all of which incorporate by reference the 1985 Declaration of Covenants, Conditions and Restrictions of Meadow Lake Country Club Estates.

We conclude that while the Declaration of Covenants, Conditions and Restrictions of Meadow Lake Country Club Estates (Document No. 8530313430) applies to the Schellinger property, none of the other CC&Rs drafted specifically for individual subdivisions within the greater Meadow Lake development apply to the Schellinger property.

In Section 2 of the Declaration, it is indicated that "every owner shall have a right and easement of enjoyment in and to the Common Area, which shall be appurtenant to and shall pass along with title to every unit." The right to the use of the Common Areas for owners of property within the purview of the Declaration is subject to the right of Meadow Lake Homeowners' Association to charge reasonable fees for the use of the Common Area, which we believe includes private roadways within the greater Meadow Lake development.

It is our hope that the foregoing resolves any questions the City Council may have regarding the applicability of Meadow Lake CC&Rs to the Schellinger property. However, should any of you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

/s/ Paul A. Sandry

Paul A. Sandry
psandry@jbsattorneys.com

PAS/kjs
transmittal

**“Preliminary”
DECLARATION OF RESTRICTIVE COVENANTS, CONDITIONS
AND RESTRICTIONS FOR TAMARACK MEADOWS AT MEADOW LAKE**

DECLARATION OF RESTRICTIVE COVENANTS, CONDITIONS AND RESTRICTIONS ("DECLARATION") is made this 30th day of September, 2022, by **SCHELLINGER CONSTRUCTION CO., INC.** a Montana corporation residing at PO Box 39 / 250 Truck Route, Columbia Falls, MT 59912.

RECITALS

- A. Declarant (see definition below) is the developer and owner of a residential subdivision known as Tamarack Meadows, Phase I, Subdivision ("Tamarack Meadows"), according to the plat thereof filed and of record in the office of the Clerk and Recorder, Flathead County, Montana.
- B. Declarant intends to develop, sell and convey platted lots within Tamarack Meadows.
- C. Declarant desires to create and maintain stable values, character, uses and development within Tamarack Meadows.
- D. Declarant desires to subject Tamarack Meadows, including real property that may be annexed thereto, to the restrictive covenants set forth below.
- E. The covenants set forth in this Declaration shall be appurtenant to Tamarack Meadows and shall inure to and pass with title to all property included therein and annexed thereto.

NOW, THEREFORE, Declarant does hereby adopt the following Declaration:

ARTICLE I: DEFINITIONS

Section 1. Association. "Association" shall mean and refer to Tamarack Meadows at Meadow Lake Homeowners Association, Inc., a Montana not-for-profit corporation, as the same may exist from time to time of record with the office of the Secretary of State, Helena, Montana, and its successors or assigns.

Section 2. Common Area. "Common Area" shall mean those areas labeled as open or Common Area, as shown on the plats for Tamarack Meadows Subdivision, ~~and the future plats for the subdivisions within any additional property or on any other property coming within the jurisdiction of this Declaration.~~

Section 3. Declarant. "Declarant" shall mean and refer to Schellinger Construction Co., Inc., a Montana Corporation, their successors and assigns if such successors or assigns should expressly acquire either or both of their rights as Declarant.

Section 4. Expansion Property. ~~"Expansion Property" means such additional real property~~

~~now owned or owned in the future by Declarant (including any Successor Declarant) that Declarant may make subject to the provisions of this Declaration by a duly recorded Declaration of Annexation.~~

Section 5. Home Site. "Home Site" shall mean any parcel of land shown upon the recorded plat of the Real Property subject to this Declaration with the exception of the Common Area and streets; Notwithstanding the foregoing, Declarant may designate one or more areas, other than Home Sites, for construction of municipal facilities for use by fire departments, police departments, schools, and other such governmental agencies and such areas will not be considered a Home Site.

Section 6. Member. "Member" shall mean and refer to every person or entity that is a Member of the Association as described in Article IV.

Section 7. Owner. "Owner" shall mean and refer to the record Owner, whether one or more persons or entities, of any Home Site, including buyers under a contract for deed, but such term does not include those having an interest in a Home Site merely as security for the performance of an obligation.

Section 8. Real Property. "Real Property" shall mean and refer to that subdivision known as Tamarack Meadows at Meadow Lake, and such other real property that may hereafter be brought within the jurisdiction of this Declaration and the Association, including all Common Areas relating thereto.

ARTICLE II: MEADOW LAKE COUNTRY CLUB ESTATES

Section 1. Meadow Lake Covenants. In addition to this Declaration, the Real Property shall be subject to the Declaration of Covenants, Conditions and Restrictions of Meadow Lake Country Club Estates, dated October 30, 1985, and recorded in the Office of the Clerk and Recorder, Flathead County, Montana, as Document No. 8530313430, and any amendments thereto, including but not limited to the Amendment to the Declaration of Covenants, Conditions and Restrictions of Meadow Lake Country Club Estates, dated August 18, 1995, and recorded in the Office of the Clerk and Recorder, Flathead County, Montana, as Document No. 9525014170, and Agreement recorded November 1, 2002, in the Office of the Clerk and Recorder, Flathead County, Montana, as Document No. 200230516320 ("Meadow Lake Covenants").

Section 2. Meadow Lake Homeowners Association. In addition to being members of the Association described in this Declaration, Owners shall be members of the Meadow Lake Country Club Estates Homeowners' Association, a Montana not-for-profit corporation ("Meadow Lake HOA") as set forth in the Meadow Lake Covenants and the Articles of Incorporation and Bylaws of the Meadow Lake HOA, and they shall be subject to the rights and obligations provided in the Meadow Lake Covenants and the Articles of Incorporation and Bylaws of the Meadow Lake HOA, as they exist from time to time.

Section 3. Non-limiting Effect. This Declaration does not alter, limit or otherwise affect the obligations of any Owner under any of the Meadow Lake instruments mentioned in this Article II, but it establishes additional rights and obligations among Owners of Home Sites.

ARTICLE III: HOMEOWNERS ASSOCIATION

Declarant has or will incorporate the Association as a Montana not-for-profit corporation to act as the homeowner's association in conjunction with the administration of this Declaration. The Association shall administer the terms and provisions of this Declaration, its Articles of Incorporation and Bylaws and take such action as may be reasonable or necessary to carry out the functions of a homeowner's association.

ARTICLE IV: MEMBERSHIP, VOTING RIGHTS AND EXPANSION

Section 1. Membership and Voting Rights. Every person or entity who is an Owner of any Home Site, which includes Declarant, shall be a Member of the Association. The foregoing is not intended to include persons or entities that hold an interest merely as security for the performance of an obligation. Acceptance of title to any Home Site, whether by deed or other form of conveyance, shall be deemed consent to membership in the Association. Membership shall be appurtenant to and may not be separated from ownership of the Home Site. Ownership of a Home Site shall be the sole qualification for membership. The Association, if it acquires an interest in a Home Site, which would otherwise qualify it for membership, shall not be considered a Member either for voting or assessment purposes. As to this Declaration, Members shall be entitled to one vote for each Home Site in which they hold an ownership interest. When more than one person or entity owns an interest in any Home Site, the vote for such Home Site shall be exercised as such persons or entities determine, but in no event may more than one vote per home site be cast.

Notwithstanding any provision to the contrary herein, from date of formation of the Association until the termination of Declarant's control as provided below, Declarant shall have the right to appoint and remove members of the Board of Directors and officers of the Association. The period of Declarant's control of the Association shall terminate upon the date sixty (60) days after conveyance of 100% of the Home Sites in all platted and planned phases of the Real Property to Owners other than Declarant. Declarant may voluntarily surrender the right to appoint and remove officers of the Association and members of the Board of Directors before termination of the period of Declarant's control, but in that event Declarant may require, for the duration of the period of Declarant's control, that specified actions of the Association or its Board of Directors, as described in a recorded instrument executed by Declarant, be approved by Declarant before they become effective.

Section 2. Right to Expand. ~~The Declarant also now owns or may in the future own additional real estate in Flathead County, Montana, which it may desire to incorporate into Tamarack Meadows at Meadow Lake (the "Expansion Property"), and the Declarant has reserved the right, but will not be obligated, to incorporate the Expansion Property in whole or in part in the regime established under this Declaration, all as provided in Article IX below, so that the Expansion Property, if and when developed, will be treated as an integral part of Tamarack Meadows at Meadow Lake.~~

ARTICLE V: PROPERTY RIGHTS

Section 1. Members' Easements of Enjoyment. Every Member shall have a right and easement of enjoyment in and to the Common Area, and such easement shall be appurtenant to and shall pass with the title to every Home Site, subject to the following provisions:

- a. The right of the Association to provide reasonable restrictions on use of the Common Area;
- b. The right of the Association to charge reasonable fees for improvement, maintenance, repair, replacement and use of the Common Area. The Common Area shall not be maintained or altered by Members;
- c. The right of the Association, in accordance with its Articles and Bylaws, to borrow money for purposes related to the Common Area;
- d. To the extent permitted or authorized by the public governing body, the right of the Association or Declarant to dedicate or transfer all or any part of the Common Area to any public agency, authority, or utility for such purposes and subject to such conditions as may be agreed upon under the Bylaws of the Association;
- e. The right of the Association or Declarant to grant easements under any Common Area to any public agency, authority, or utility without charge;
- f. The right of the Association or Declarant to run utility service lines that serve any portion of the Real Property under or through any Common Area; and
- g. No Home Site shall be developed or landscaped in such a manner as to interfere with restrictions shown on the plat of the Real Property or imposed by a governing authority as a condition of plat approval.

Section 2. Assignment of Use. Any Member may assign, in accordance with this Declaration, his right of enjoyment to the Common Area to the Member's family, or others who reside on the Home Site under the Member's ownership. The guest and members of the family of a Member, as well as a lessee or occupant of a Home Site are entitled to use the Common Area. The Association shall have the right to limit the number of guests who may use the Common Area at any one time and may restrict the use of the Common Area by guests to certain specified times. The Member shall be liable for any violation of this Declaration by any lessees or other persons residing at the Home Site and their guests or invitees and, in the event of any such violation, the Member, upon demand of the Association, shall immediately take all necessary actions to correct any such violations. Each Member shall be responsible for compliance by the Member's agents, tenants, guests, invitees, licensees and their respective servants, agents and employees with the provisions of this Declaration. A Member's failure to insure compliance by such persons shall be grounds for the same action available to the Association or any other Member by reason of such Member's noncompliance.

ARTICLE VI: SERVICES PROVIDED BY ASSOCIATION

Section 1. Common Area. The Association will own the Common Area subject to the conditions set forth on the plat of Tamarack Meadows Subdivision and this Declaration. The Association may convey ownership of the Common Area to the Meadow Lake HOA after the period of Declarant's control has terminated (See Article IV) and only upon a concurrence of Owners of seventy-five percent (75%) of the Home Sites.. At time of any conveyance of Common Area to the Meadow Lake HOA, the Association and Meadow Lake HOA must agree in writing those responsibilities of the Association described in this Declaration that are being assumed by the Meadow Lake HOA, if any. This writing must be approved by Owners of seventy-five percent (75%) of the Home Sites in the manner provided in Article XI for amendments to this Declaration.

Section 2. Services Provided. The Association may provide services related to the Common Area and streets as it sees fit, including without limitation their improvement, maintenance, repair, replacement, reconstruction and / or regulation. The Association may contract all or any portion of these services to the Meadow Lake HOA, provided the Meadow Lake HOA may enter the Common Area and perform services absent such a contract if necessary to maintain the Common Area consistent with the level of maintenance the Meadow Lake HOA provides the common areas within Meadow Lake Country Club Estates. Services provided by the Association may be in addition to or in lieu of those provided by the Meadow Lake HOA.

Section 3. Fees. The Association may establish a fee schedule for use of the Common Area, which fees shall be considered assessments under Article VIII. The fee schedule may include, but is not limited to the following:

- a. Charges for availability of a service even though the Owner of a Home Site does not use it.
- b. Charges for use based on a flat rate.
- c. Additional charges for excess use.
- d. Such other charges as may be appropriate to provide additional services approved by the Association.

ARTICLE VII: RULES AND REGULATIONS

Section 1. Association to Establish Rules. The Association may promulgate rules and regulations it deems reasonable and appropriate for the Common Area. Rules and regulations promulgated by the Association shall only be effective upon the Association's receipt of Declarant's approval during the period of Declarant's control. The Association may provide that use of the Common Area is also subject to rules and regulations promulgated by the Meadow Lake HOA. The Common Area shall be available to the public and members of the Meadow Lake HOA on the same terms and conditions as the Members, provided that use of the Common Area shall be subject to all applicable rules and regulations.

Section 2. Rules for Maintenance and Repairs. The Association may also promulgate reasonable rules and regulations for the maintenance, repair, or improvement of the Real Property, provided such rules must be uniformly and evenly applied, but may differ between different phases of development of the Real Property.

ARTICLE VIII: ASSESSMENTS

Section 1. Assessments. General assessments may be levied by the Association for those purposes it deems appropriate, including but not limited to expenditures for (a) construction, reconstruction, repair or replacement of capital improvements; (b) maintenance, upkeep, real property taxes, hazard and liability insurance, and expenses related to any Common Area and streets; (c) administrative costs of the Association incurred in its day to day activities; and (d) any costs or expenses, including attorneys fees, incurred in enforcing this Declaration.

Home Sites are also subject to assessments levied pursuant to the Meadow Lake Covenants.

Section 2. Rate of Assessments. Assessments shall be levied equitably. They may be levied as a flat rate, may be based on usage, may be charged to the Owners who benefit directly from the services that are the basis of the assessment, or may be levied in some other equitable manner.

Section 3. Special Assessments. The Association may levy assessments for special or particular purposes. Such assessments may include related administration costs and such other costs or charges as are reasonable. The assessments shall be fixed, established, and collected in the amount and manner as the Association determines. Funds utilized for special assessments shall be accounted for separately.

Section 4. Commencement of Assessments. The Association may commence levying assessments at such time *as* it determines appropriate. Written notice of assessments shall be sent to every Owner. The Association shall establish the dates when assessments are due. If Assessments are not paid by such due date, interest shall begin to accrue on the due date at a rate determined by the Association.

Section 5. Certificate of Payment. The Secretary of the Association shall, upon request, furnish a written statement signed by an officer of the Association setting forth the status of any assessments relative to a specific Owner. The statement shall, *as* applicable, identify any delinquent assessments, the amount owed, and the amount of any current or accruing assessments or indicate that all assessments are current and paid. The Association may make a reasonable charge for issuing the statement.

Section 6. Nonpayment of Assessments. Any assessments that are not paid when due shall be delinquent. The Association may bring legal action against an Owner to collect the amount of any delinquent assessment together with all interest, costs, and reasonable attorney's fees incurred in such action, or may file a lien and thereafter foreclose the lien as provided below. Rights and obligations concerning the nonpayment of assessments levied pursuant to the Meadow Lake Covenants shall be handled *as* provided in said Covenants.

Section 7. Obligation of Payment. All Home Sites are subject to the assessments levied pursuant to this Declaration and the Meadow Lake Covenants. As a condition to accepting record title to a Home Site, each Owner covenants and agrees to pay to the Association the full amount of all assessments. The Association shall bill the Owner for the amount of any assessment levied pursuant to this Declaration and that Owner shall be responsible for any accruing assessments until and unless such Owner has provided to the Association's secretary a true and correct copy of a recorded deed or other document of conveyance transferring title of a Home Site to another Owner.

Section 8. Creation of Liens. All assessments levied pursuant to this Declaration, both current and delinquent, together with interest and cost of collection *as* herein provided for, shall be a charge upon the land, and shall constitute a lien upon the Home Site against which assessments are made. Such lien shall be deemed perfected upon filing with the Clerk and Recorder of Flathead County an account of the assessments due together with a correct description of the Home Site(s) to be charged with such lien and shall continue until all unpaid assessments, interest and costs of collection have been fully paid. A copy of the recorded lien shall be mailed by the Association to the Owner. The priority of a lien shall be determined as of the time of filing with the Clerk and Recorder, and it shall be deemed subordinate to all previously recorded or filed security interests. Conveyance of title to any Home Site shall not be effective to avoid the obligation for payment of any sums then due and owing whether or not reduced to the status of a lien. The Association may establish procedures for collecting assessments and other obligations owed to it, and for recording liens.

Section 9. Property Subject to Assessment. All Home Sites, except those owned by Declarant or the Association, shall be subject to assessments.

ARTICLE IX: PROTECTIVE COVENANTS

The following protective covenants are designed to provide a uniform plan for development of the Real Property. They shall constitute a covenant running with the Real Property. Before improvements can be constructed on any Home Site, or existing improvements can be modified, plans must be submitted to and approved by the Declarant, or its nominee, and the Architectural Review Board ("ARB") described in the Meadow Lake Covenants. Approval by the Declarant and ARB must be obtained by an Owner before work begins on a Home Site. Declarant may assign to the ARB the responsibility of reviewing planned improvements on the Real Property according to its guidelines.

Section 1. Architectural Review. The ARB administers criteria governing improvements on the Real Property that are set forth in the Meadow Lake Covenants and other guidelines within its jurisdiction. Declarant has also developed Community Standards, Design Standards & Construction Regulations specific to the Real Property that are in addition to those administered by the ARB. Each Owner must obtain written approval from the ARB and Declarant that all improvements on a Home Site comply with their criteria. The Declarant may modify its criteria at any time, and may adopt separate criteria for different phases of development of the Real Property.

The criteria by which the Declarant will review any proposed plans for the construction of improvements on any Home Site shall be made available to each Owner. It is the obligation of the Owner to obtain current versions of the criteria (including those administered by the ARB) prior to preparing plans the Owner intends to submit for approval. The Declarant will evaluate the Owner's proposed plans based upon the most recent criteria in effect at the time the plans are submitted for review.

The Declarant may require payment of fees for reviewing proposed plans, inspections, and processing complaints or protests alleging violation of this Declaration or its design guidelines. The Declarant may require payment of fees in advance as a condition of making its review or determination. Failure to pay any fee shall be interpreted as though the matter was not presented for review, and no action by the Declarant is required. The fees described in this section are separate from any fees that may be charged by the ARB.

Section 2. Land Use and Building Time. A Home Site shall not be subdivided and shall only be used for residential purposes, except as provided in Article IX, Section 4. Declarant shall not be restricted from manufacturing or assembling components of structures on a parcel of land other than the Home Site on which the building is to be located.

Section 3. Remodeling or Alteration. No remodeling or other alteration of any existing structure, which alteration or remodeling or the results thereof will be visible from the exterior of the structure, shall be undertaken, commenced or completed without the plans for such remodeling or alteration having first been approved in writing by the Declarant and the ARB.

Section 4. Commercial Usage Prohibited. No commercial activity shall be conducted on a Home Site without the approval of the Association or that violates any zoning regulation. Notwithstanding the foregoing, Declarant or its designee shall be permitted to maintain a sales office in either a model home or a specially constructed building to be utilized to promote the Real Property and facilitate sales of Home Sites.

Section 5. Exterior Maintenance. The Owner of each Home Site shall provide exterior maintenance to the Home Site and each structure located thereon, including without limitation painting and repairing structures; maintaining lawns and grounds, limiting the height of grass, precluding weeds (especially the spread of noxious weeds which must be controlled and not allowed to set viable seed), underbrush, and other unsightly growths, and not permitting refuse piles or other unsightly objects to accumulate. In providing exterior maintenance, the Owner shall maintain the exterior color, design and appearance, including landscaping, as originally approved by the Declarant and ARB. In the event an Owner fails or neglects to provide such exterior maintenance, the Association shall notify such Owner in writing describing the failure or neglect and demanding that it be remedied within thirty (30) days following the date of the notice. If the Owner fails or refuses to provide such exterior maintenance within the thirty (30) day period, the Association may then enter such Home Site and provide required maintenance at the expense of the Owner. The full amount paid by the Association for exterior maintenance and repairs plus fifty percent (50%) as a surcharge, shall be due and payable within thirty (30) days after the Owner is billed by the Association, and said amount shall be a special assessment for that Home Site. The Association may exercise all rights to collect that assessment. Such entry on the Home Site by the Association shall not be deemed a trespass.

Section 6. Utilities. All utility lines shall be underground. The Owner of each Home Site shall pay for all utilities and utility connection costs, including but not limited to those for television cable, power, natural gas, telephone, sewer and water.

Section 7. Easements. Easements for installation and maintenance of utilities are reserved as shown on the recorded plat or added by the recording of specific easements on a Home Site. No permanent building of any kind shall be erected, placed, or permitted to remain on such easements.

Section 8. Boundary Control Monuments. Declarant has caused survey monuments to be placed on the corners of each Home Site. It shall be the responsibility of the Owner of each Home Site to provide for immediate professional replacement of any survey monuments that are removed or become lost or obliterated from Owner's Home Site.

Section 9. Vehicles. There shall be no repairing of vehicles in the street. Snowmobiles, trail bikes, chain saws and other noisy vehicles and equipment may not be used on any of the Real Property without permission of the Association. This provision is not intended to preclude the entry of construction, maintenance, delivery, moving, or other such service vehicles while they are being utilized in connection with services for the Real Property.

Section 10. Damaged Property. Any improvement on a Home Site that is damaged beyond repair by fire or other casualty must be removed from the premises, and repairs or reconstruction must commence within one hundred twenty (120) days unless an extension of time for such removal, repair and reconstruction is granted by the Association. Any damaged improvements not so removed, repaired or reconstructed may be removed by the Association at the Owner's expense and the Association may pursue any and all legal and equitable remedies to enforce compliance and to recover any expenses incurred in connection herewith. Any cost incurred by the Association under this section shall become a special assessment upon the Home Site. The Association may exercise all rights to collect the assessment.

Section 11. Access and Roadways. Except for Declarant, no Owner shall use part of any Home Site to provide pedestrian or roadway access from any adjacent land not part of the Real Property. No roadway shall be used or constructed on any Home Site for any purpose except one driveway for access to the dwelling.

Section 12. Construction Liens. No labor performed or materials furnished with the consent of or at the request of an Owner, his agent, contractor or subcontractor shall create any right to file a construction lien against any part of the Real Property other than the Owner's Home Site. Each contracting or consenting Owner shall indemnify, defend and hold harmless the Association, each of the other Owners and Declarant from and against liability arising from the claim of any lien holder for labor performed or materials furnished at the request of the contracting or consenting Owner. The Association shall have the authority to enforce such indemnity by collecting from the contracting or consenting Owner the amount necessary to discharge any such lien and all costs incidental thereto, including attorney's fees and expenses. Said expenses may be added to such Owner's regular assessments.

Section 13. Rentals. No residence, or any portion thereof may be rented for fewer than thirty (30) consecutive days. This restriction is intended to prohibit overnight, daily and weekly rentals.

Section 14. Firearms. The discharge of firearms shall not be permitted within the Real Property except in an emergency situation for the preservation of life or property.

Section 15. Mining and Wells. No mining, quarrying, excavation (except in connection with the construction of dwelling unit(s) as required), oil or water well drilling of any kind shall be allowed on any Home Site.

Section 16. Ingress and Egress. Declarant retains rights of ingress and egress to, upon, and from the Home Sites for purposes of locating, installing, erecting, constructing, maintaining, expanding, or using waterlines, drains, sewer lines, electric lines, telephone lines and other utilities.

Section 17. Agricultural Activity. In consideration of existing, nearby agricultural activities and farmsteads, all Owners acknowledge and covenant that said agricultural activities may be continued and maintained in perpetuity, subject only to lawfully adopted rules, regulations and ordinances of city, county and state governments.

ARTICLE X: EXPANSION AND WITHDRAWAL

Section 1. Reservation of Right to Expand. Declarant reserves the right, but will not be obligated, to expand the effect of this Declaration to include all or part of the Expansion Property. The consent of the existing Owners and Mortgagees will not be required for any such expansion, and Declarant may proceed with such expansion without limitation at its sole option. Declarant will have the unilateral right to transfer to any other person this right to expand by an instrument duly recorded. Declarant will pay all truces and other governmental assessments relating to the Expansion Property as long as the Declarant is the owner of such property.

Section 2. Completion of Expansion. When Declarant has determined that no additional property shall be added to the Real Property, Declarant shall notify the Association in writing. Until such notice is given, Declarant retains the right to designate additional property as Expansion Property.

Section 3. Declaration of Annexation. Any expansion of the Property may be accomplished by recording in the Declaration of Annexation and one or more supplemental Plats in the records of the Clerk and Recorder of Flathead County, Montana, before expiration of the period of Declarant's control. The Declaration of Annexation will describe the real property to be expanded, submitting it to this Declaration and provide for voting rights and Assessment allocations as provided in this Declaration. A Declaration of Annexation will not require the consent of Owners, Members, or the Association's Board of Directors. Any such expansion will be effective upon filing for record of such Declaration of Annexation, unless otherwise provided therein. The expansion may be accomplished in stages by successive supplements or in one supplemental expansion. Upon recording any Declaration of Annexation, the definitions used in this Declaration will be expanded automatically to encompass and refer to the Real Property as expanded. Such Declaration of Annexation may add supplemental covenants peculiar to the Expansion Property in question, or delete or modify provisions of this Declaration as it applies to the Expansion Property. However, the Declaration may not be modified with respect to the Real Property already subject to this Declaration, except as provided herein for amendment.

Section 4. Withdrawal of Property. Declarant reserves the right to withdraw from the jurisdiction of this Declaration all or any portion of the Expansion Property that has not been conveyed to a purchaser.

ARTICLE XI: GENERAL PROVISIONS

Section 1. Duration. The covenants, conditions, charges and restrictions of this Declaration shall run with and bind the land and shall inure to the benefit of and be enforceable by the Association, Declarant, and the Owner of any Home Site subject to this Declaration, their respective legal representatives, heirs, successors, or assigns in perpetuity.

Section 2. Enforcement. Any Owner, Declarant or the Association shall have the option and right to enforce by any proceeding at law or in equity all restrictions, conditions, covenants, reservations, and charges now or hereafter imposed by the provisions of this Declaration, including without limitation design and construction guidelines administered by the ARB and/or Declarant. Each Owner may submit to the Association any complaint regarding alleged violation of this Declaration by any other Owner. Upon receipt of such complaint, the Association shall conduct a reasonable investigation of the alleged violation. If the Association, in its sole discretion, deems that the complaint has merit it may elect to seek enforcement of this Declaration pursuant to this section. In any event the decision of the Association as to the merit of the complaint or its decision to pursue or not pursue enforcement of this Declaration, shall not limit or restrict in any way any individual Owner's pursuit of enforcement of this Declaration. The method of enforcement may include legal action seeking an injunction or prohibit any violation, to recover damages, or both. Failure by any Owner, or by Declarant, to enforce any such provisions shall in no event be deemed a waiver of the right to do so thereafter. Should any lawsuit or other legal proceeding be instituted against an Owner who is alleged to have violated one or more of the provisions of this Declaration, the prevailing party in such proceeding shall be entitled to reimbursement for the costs of such proceeding, including reasonable attorney's fees.

Section 3. Severability. Invalidation of any of the terms, covenants, conditions or restrictions as established by this Declaration or restrictions by judgment or court order shall in no way affect any other provisions that shall remain in full force and effect.

Section 4. Amendment. Declarant reserves the sole right to amend, modify, make additions to or deletions from this Declaration that it alone deems appropriate. This right of Declarant to make such amendments shall continue during the period of Declarant's control (See Article IV). After cessation of Declarant's control the right to amend this Declaration shall pass to the Association to be exercised only upon a concurrence of Owners of seventy-five percent (75%) of the Home Sites. Provisions of this Declaration that were required as a condition of plat approval by the City of Columbia Falls, Montana, or other governing agency, shall not be amended or deleted except with the express written consent of the City of Columbia Falls, Montana, applicable governing agency, their successors or assigns.

Section 5. Limited Liability of Declarant. Declarant shall have no liability for any violation of this Declaration, whether arising as the result of its actions or failure to act, the actions or failure to act of the Association, or the actions or failure to act of any Owner, members of an Owner's family, or an Owner's contractors, agents, guests or invitees.

Section 6. Waiver. A party entitled to enforce this Declaration shall not be deemed to have made a waiver under this Declaration as to any right, privilege, obligation, condition, default, or breach unless it does so in writing. The failure of such party to take action under this

declaration shall not be considered a waiver and shall not prevent that party from forcing any provision of this Declaration in the future. The enforcement or failure to enforce this Declaration shall not effect enforcement of the Meadow Lake Covenants.

IN **WITNESS WHEREOF**, Declarant has executed the foregoing Declaration on the day and year first above written.

By: **Schellinger Construction Co., Inc.**,
A Montana Corporation
Its Vice President

By _____
Kyle Schellinger, VP

STATE OF MONTANA)
)ss.
County of Flathead)

On this 30th day of September, 2022, before me, the undersigned, a Notary Public of the State of Montana, personally appeared Kyle Schellinger, known to me to be the person that executed the within instrument and acknowledged to me he executed the same in his capacity as the Vice President of Schellinger Construction Co., Inc., a Montana corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal as of the day and year first above written.

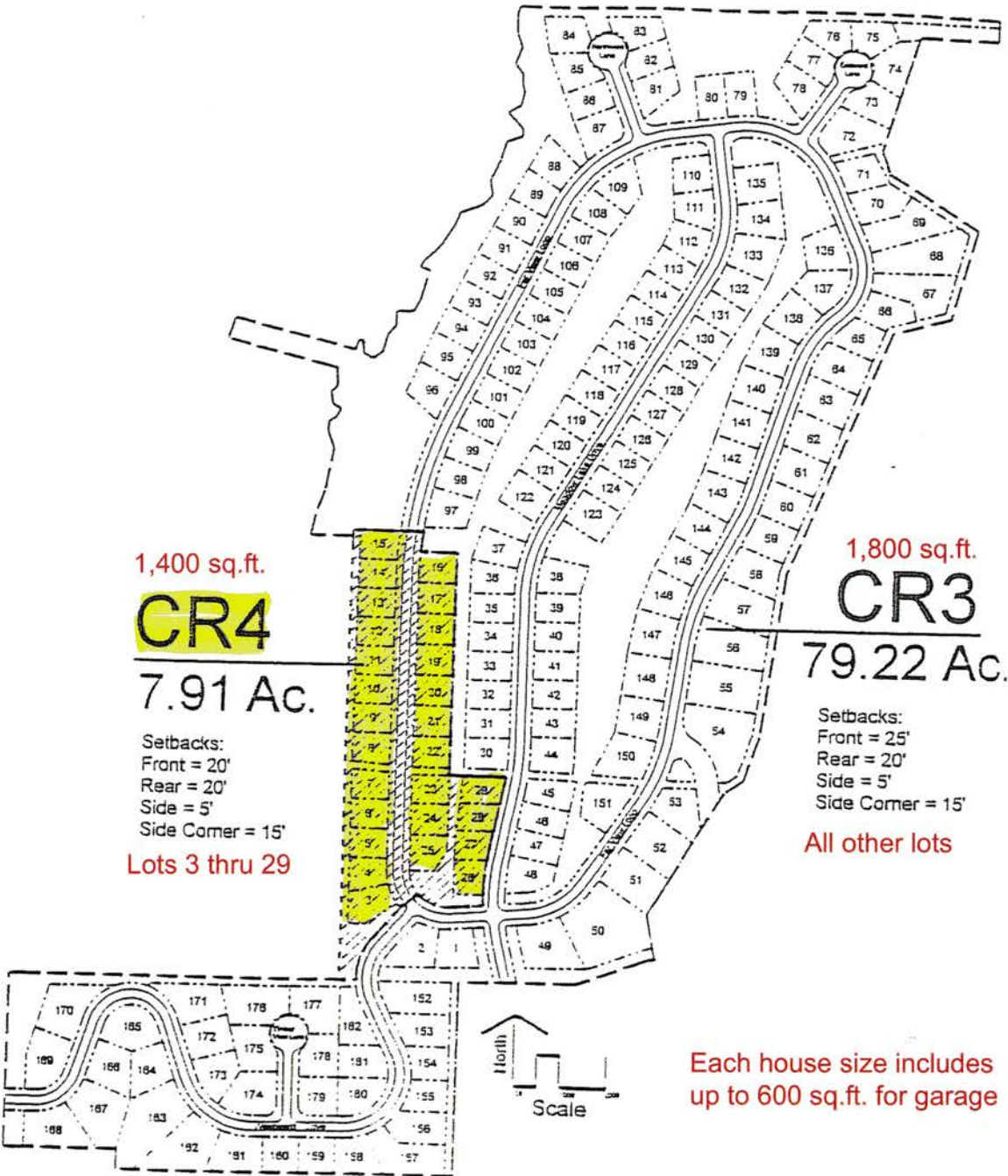
(SEAL)

Printed Name:_____

NOTARY PUBLIC for the State of Montana

Residing at _____
My Commission expires _____

2007031 16180



Proposed Zoning

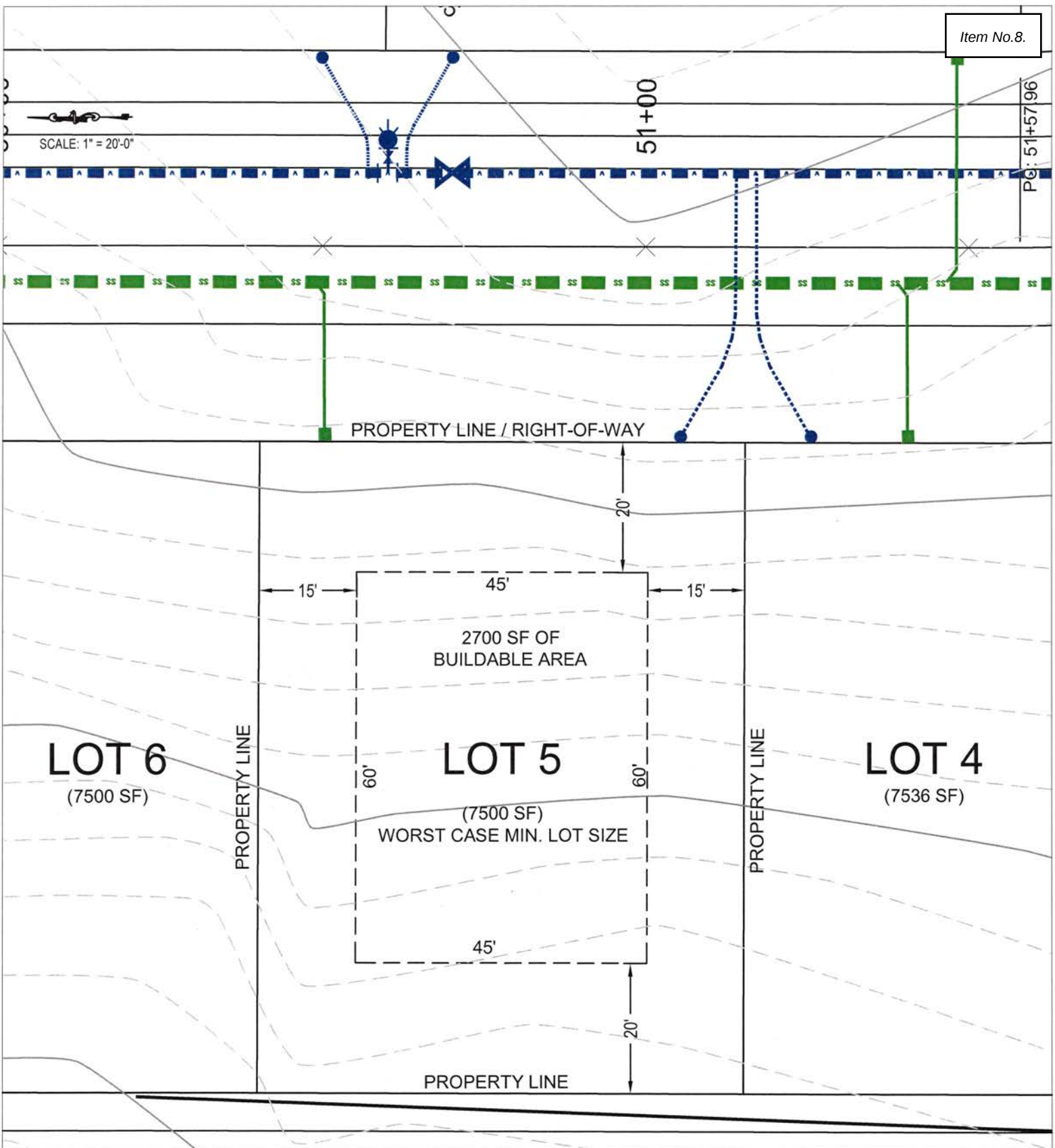
From Ordinance 678

Lots	Area (Square Ft)	Area (Acres)
1	11,289	0.26
2	12,729	0.29
3	11,208	0.26
4	7,536	0.17
5	7,500	0.17
6	7,500	0.17
7	7,951	0.18
8	8,358	0.19
9	8,000	0.18
10	8,000	0.18
11	8,000	0.18
12	8,000	0.18
13	8,000	0.18
14	8,011	0.18
15	8,274	0.19
16	8,453	0.19
17	8,500	0.20
18	8,500	0.20
19	8,500	0.20
20	8,500	0.20
21	8,500	0.20
22	8,500	0.20
23	8,000	0.18
24	8,500	0.20
25	8,932	0.21
26	7,904	0.18
27	7,722	0.18
28	7,649	0.18
29	8,219	0.19
30	10,096	0.23
31	9,600	0.22
32	9,600	0.22
33	9,600	0.22
34	9,600	0.22
35	9,600	0.22
36	10,104	0.23
37	10,822	0.25
38	11,248	0.26
39	9,537	0.22

Lots	Area (Square Ft)	Area (Acres)
40	9,600	0.22
41	9,600	0.22
42	9,600	0.22
43	9,600	0.22
44	11,536	0.26
45	9,962	0.23
46	9,750	0.22
47	9,750	0.22
48	10,981	0.25
49	10,421	0.24
50	9,344	0.21
51	9,600	0.22
52	9,600	0.22
53	9,600	0.22
54	9,333	0.21
55	8,800	0.20
56	8,286	0.19
57	8,768	0.20
58	9,909	0.23
59	8,117	0.19
60	8,000	0.18
61	8,000	0.18
62	8,000	0.18
63	8,000	0.18
64	8,000	0.18
65	8,000	0.18
66	8,000	0.18
67	8,126	0.19
68	8,398	0.19
69	8,443	0.19
70	9,547	0.22
71	12,000	0.28
72	9,600	0.22
73	9,600	0.22
74	9,600	0.22
75	9,600	0.22
76	9,600	0.22
77	9,600	0.22
78	9,600	0.22

Lots	Area (Square Ft)	Area (Acres)
79	9,600	0.22
80	9,600	0.22
81	10,917	0.25
82	10,229	0.23
83	8,979	0.21
84	12,001	0.28
85	11,588	0.27
86	13,428	0.31
87	10,773	0.25
88	9,600	0.22
89	9,600	0.22
90	9,600	0.22
91	9,600	0.22
92	9,600	0.22
93	9,600	0.22
94	9,600	0.22
95	9,600	0.22
96	12,000	0.28
97	11,668	0.27
98	9,623	0.22
99	10,598	0.24
100	11,239	0.26
101	10,259	0.24
102	10,058	0.23
103	11,019	0.25

SUMMARY	ACRES
Open Space	17.52
Roads	7.14
RV/Boat Storage	0.53
Lots	22.24
Subdivision	47.43



MEADOWLAKE HOA STANDARDS

FRONT - 20' SETBACK

BACK - 20' SETBACK

SIDE - 15' SETBACK

CR-3 - 1400 SF MIN. FOOTPRINT

CR-4 - 1800 SF MIN. FOOTPRINT

MAX. BLDG FOOT PRINT 45%

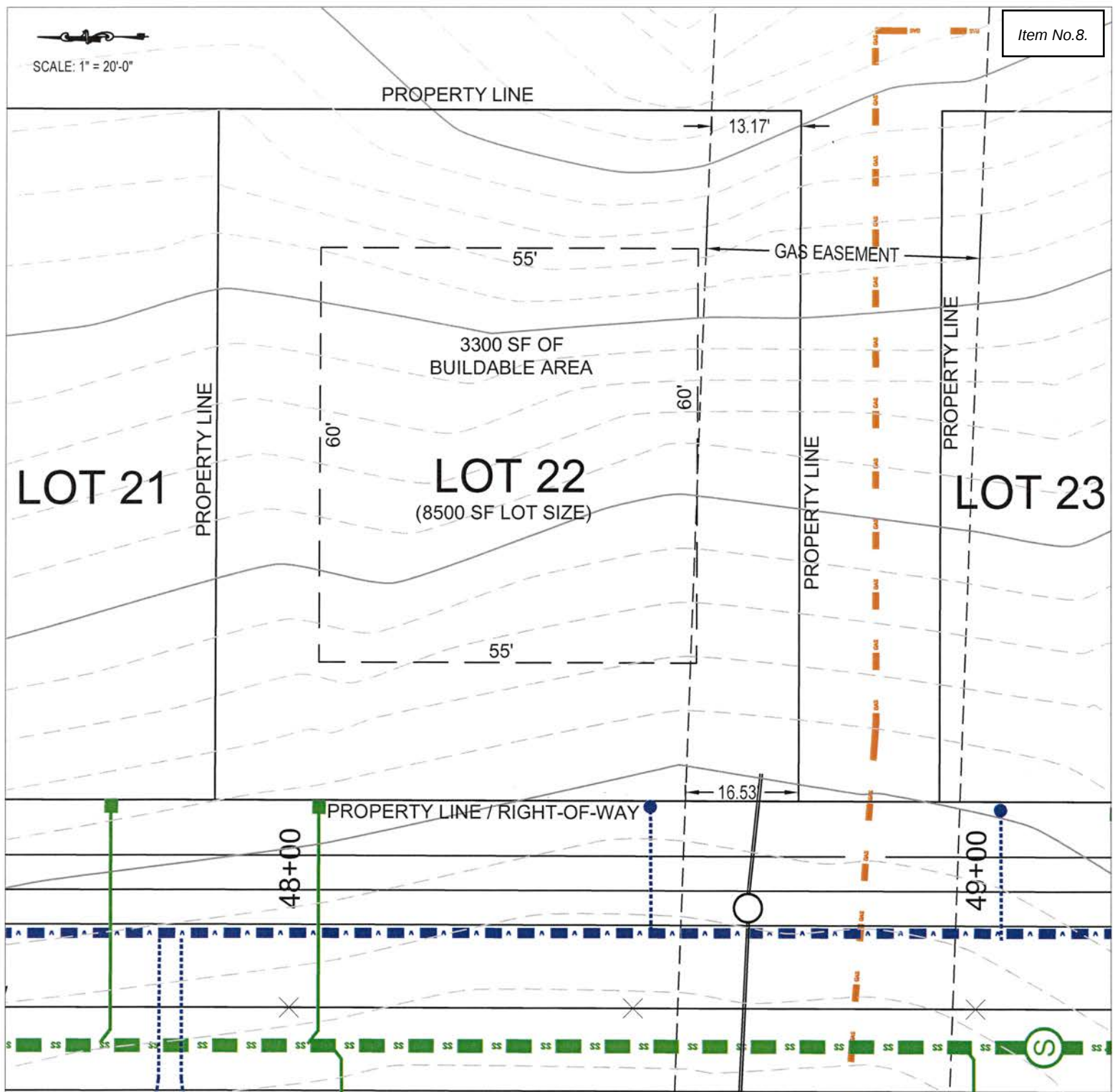
MAX HARD SURFACES 65%

MIN. BLDG FOOTPRINT 2700 SF > 1400 SF MIN. - **OK**

MAX BLDG FOOTPRINT ON 7500 SF = $\frac{2700}{7500} = 36\% < 45\%$ - **OK**

ASSUME 20'x25' DRIVEWAYS & 10'x15' PATIO OR

$650 + 2700 = \frac{3350}{7500} = 45\% < 65\%$ IMPERVIOUS MAX.



MEADOWLAKE HOA STANDARDS

FRONT - 20' SETBACK

BACK - 20' SETBACK

SIDE - 15' SETBACK

CR-3 - 1400 SF MIN.

CR-4 - 1800 SF MIN.

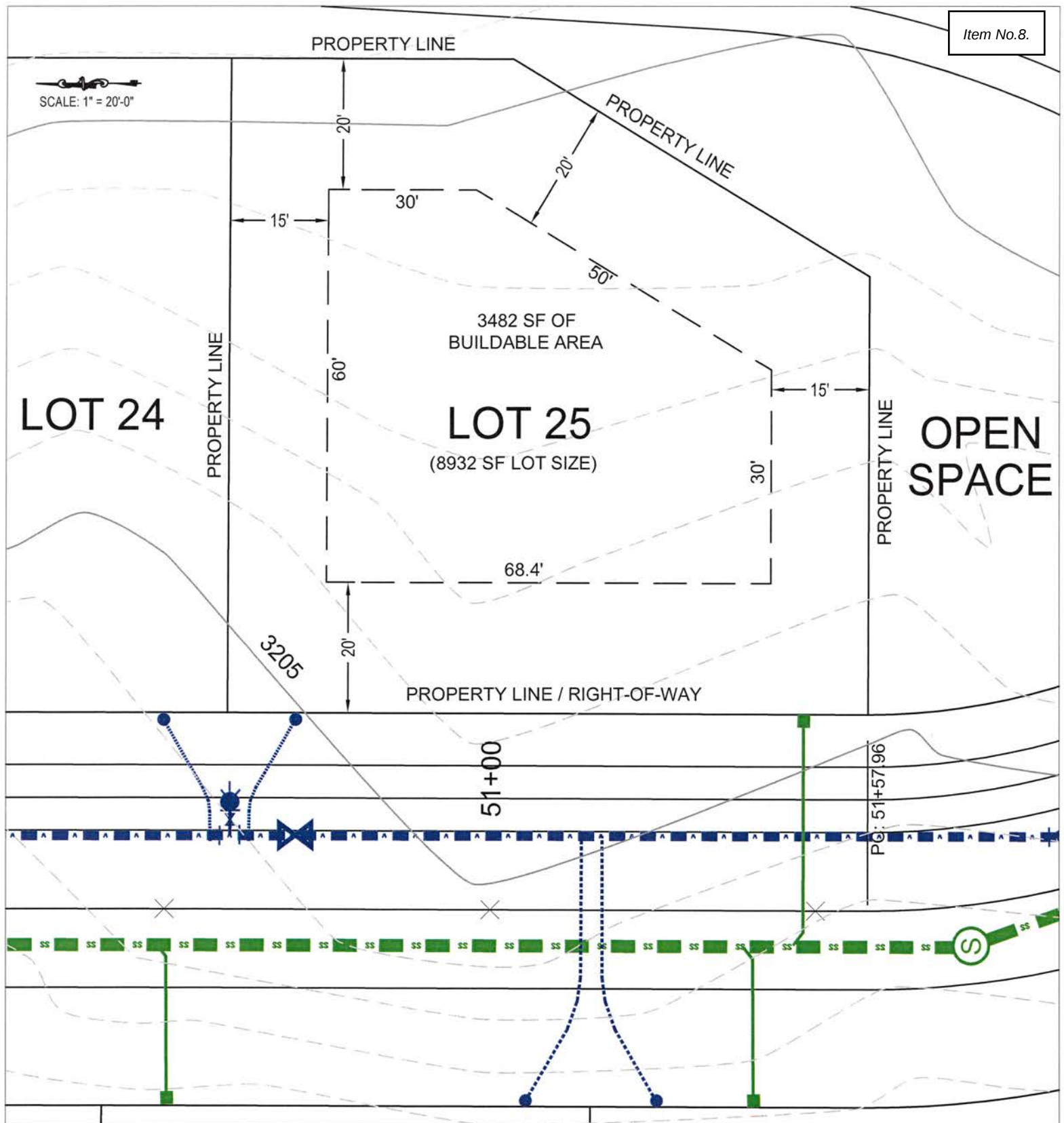
MAX. BLDG FOOT PRINT 45%
MAX HARD SURFACES 65%

MIN. BLDG FOOTPRINT 3300 SF >1400 SF MIN. - **OK**

MAX BLDG FOOTPRINT ON 8500 SF = $\frac{3300}{8500} = 39\% < 45\%$ - **OK**

ASSUME 20'x25' DRIVEWAYS & 10'x15' PATIO OR DECK

$650 + 3300 = \frac{3950}{8500} = 47\% < 65\%$ IMPERVIOUS MAX. - **OK**



MEADOWLAKE HOA STANDARDS

FRONT - 20' SETBACK

BACK - 20' SETBACK

SIDE - 15' SETBACK

CR-3 - 1400 SF MIN. FOOTPRINT

CR-4 - 1800 SF MIN. FOOTPRINT

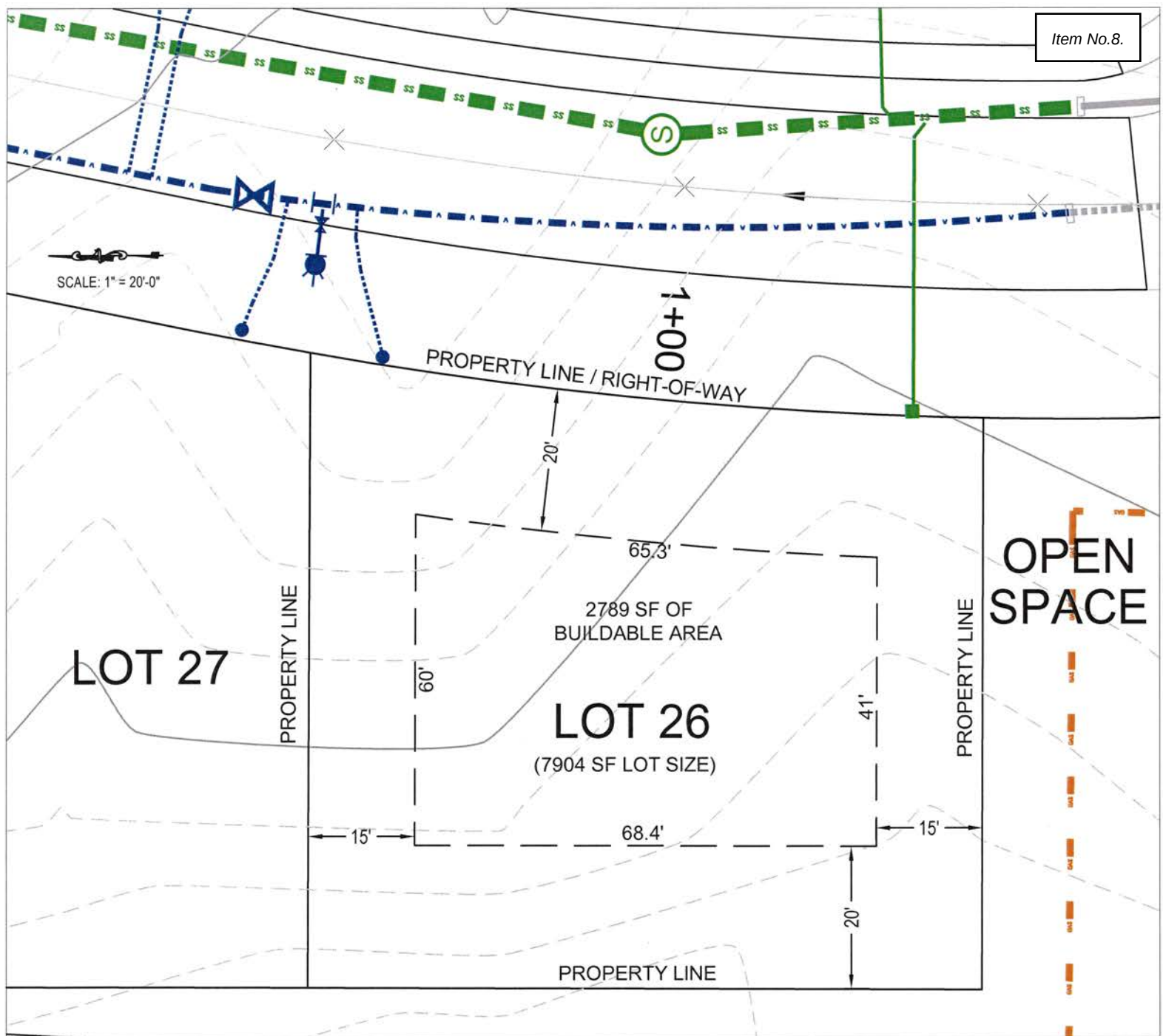
MAX. BLDG FOOT PRINT 45%

MAX HARD SURFACES 65%

MIN. BLDG FOOTPRINT 3482 SF > 1400 SF MIN. - **OK**MAX BLDG FOOTPRINT ON 8932 SF = $\frac{3482}{8932} = 39\% < 45\%$ - **OK**

ASSUME 20'x25' DRIVEWAYS & 10'x15' PATIO OR D

 $650 + 3482 = \frac{4132}{8932} = 46\% < 65\%$ IMPERVIOUS MAX. -



MEADOWLAKE HOA STANDARDS

FRONT - 20' SETBACK

CR-3 - 1400 SF MIN. FOOTPRINT

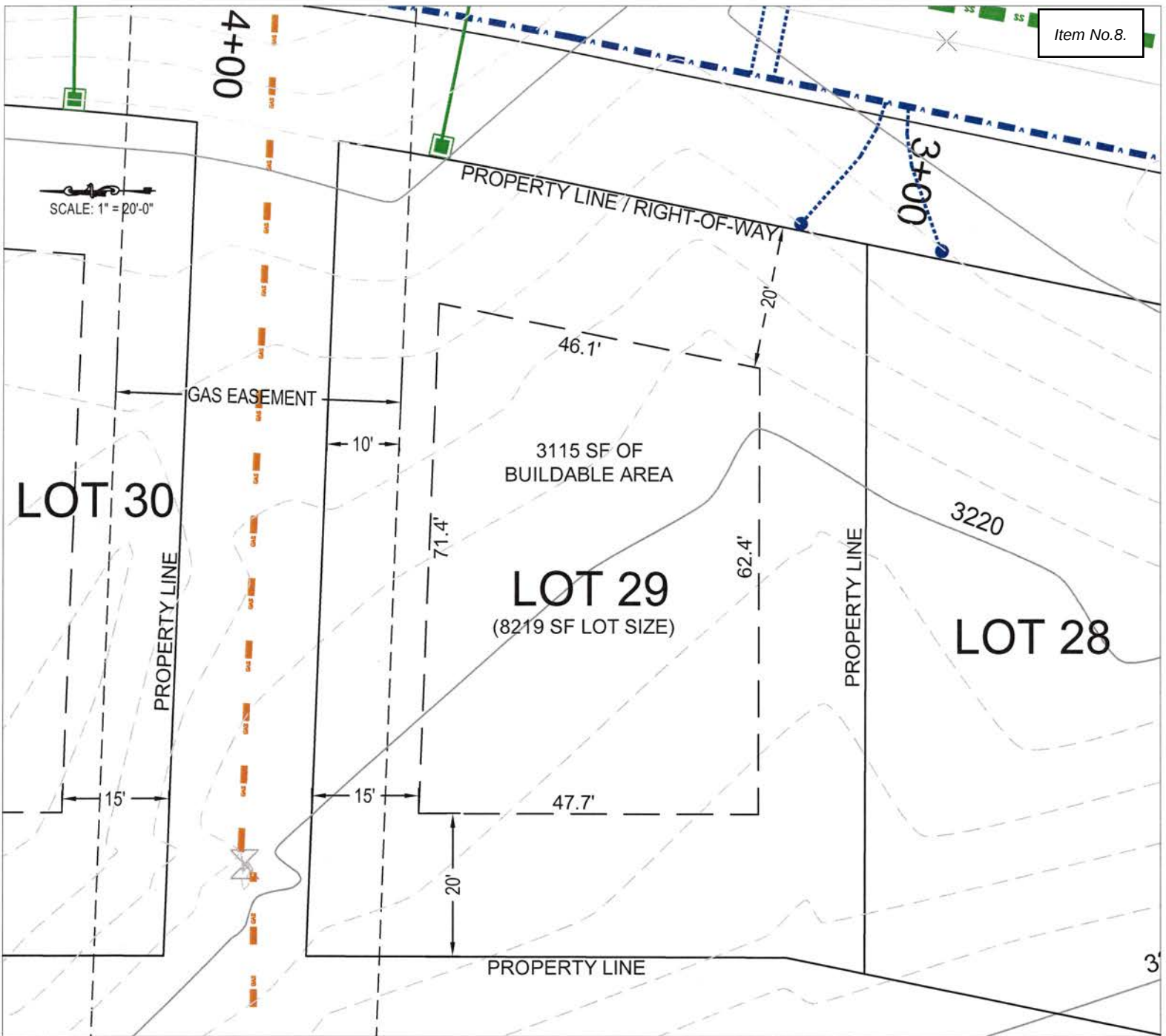
MIN. BLDG FOOTPRINT 2789 SF > 1400 SF MIN. - **OK**BACK - 20' SETBACK
OK

CR-4 - 1800 SF MIN. FOOTPRINT

MAX BLDG FOOTPRINT ON 7904 SF = $\frac{2789}{7904} = 35\% < 45\%$ -

SIDE - 15' SETBACK

MAX. BLDG FOOT PRINT 45%
MAX HARD SURFACES 65%ASSUME 20'x25' DRIVEWAYS & 10'x15' PATIO OR D
 $\frac{650+2789}{7904} = 44\% < 65\%$ IMPERVIOUS MAX. - **OK**



MEADOWLAKE HOA STANDARDS

FRONT - 20' SETBACK

CR-3 - 1400 SF MIN. FOOTPRINT

MIN. BLDG FOOTPRINT 3115 SF >1400 SF MIN. - **OK**

BACK - 20' SETBACK
OK

CR-4 - 1800 SF MIN. FOOT PRINT

MAX BLDG FOOTPRINT ON 8219 SF = $\frac{3115}{8219} = 38\% < 45\%$ -

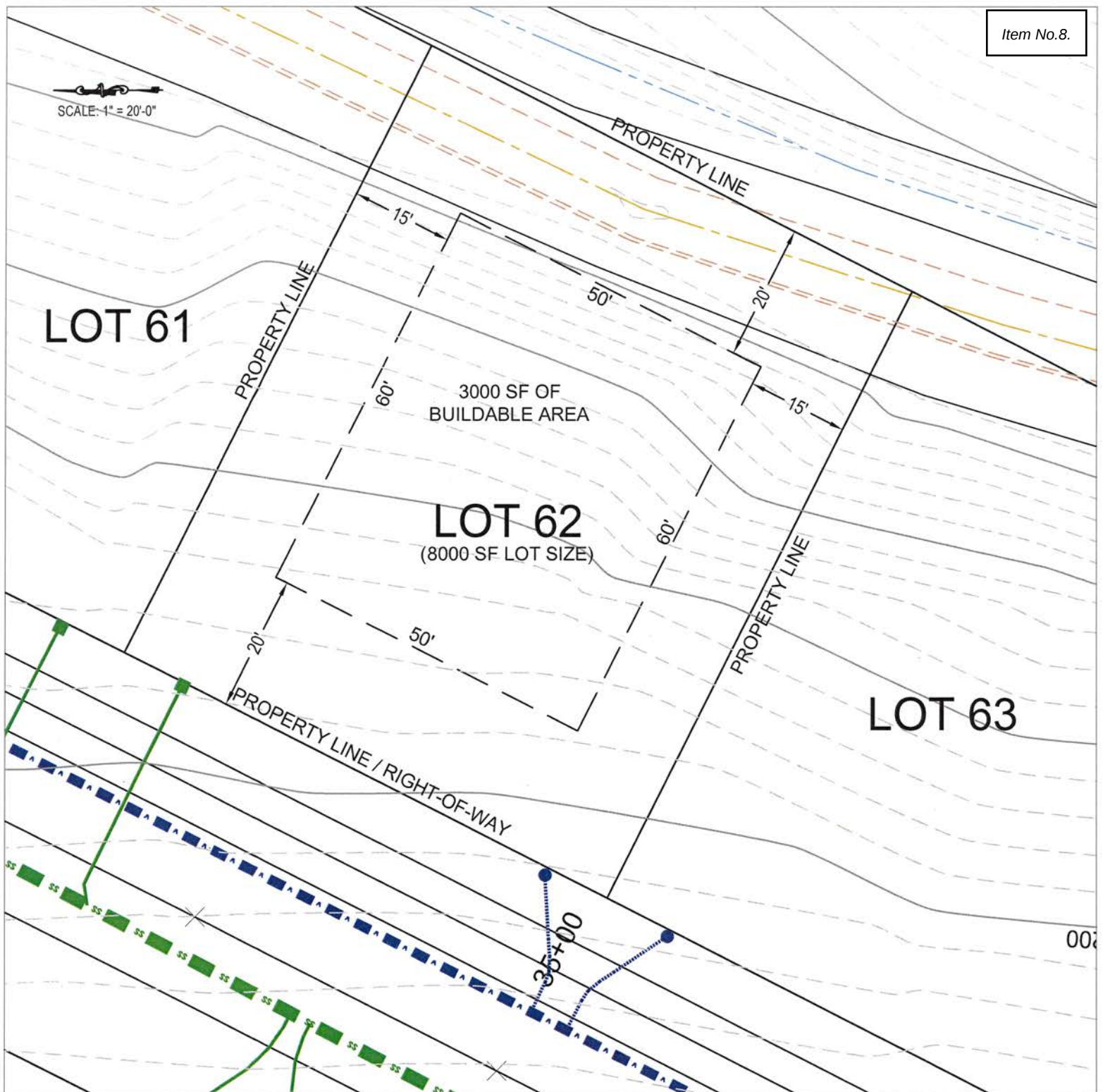
SIDE - 15' SETBACK

MAX. BLDG FOOT PRINT 45%
MAX HARD SURFACES 65%

ASSUME 20'x25' DRIVEWAYS & 10'x15' PATIO OR D

$650 + 3115 = \frac{3765}{8219} = 46\% < 65\%$ IMPERVIOUS MAX. - **OK**

SCALE: 1" = 20'-0"



MEADOWLAKE HOA STANDARDS

FRONT - 20' SETBACK

CR-3 - 1400 SF MIN.

MIN. BLDG FOOTPRINT 3000 SF >1800 SF MIN. - **OK**

BACK - 20' SETBACK

CR-4 - 1800 SF MIN.

MAX BLDG FOOTPRINT ON 8000 SF = $\frac{3000}{8000} = 38\% < 45\%$ - **OK**

SIDE - 15' SETBACK

 MAX. BLDG FOOT PRINT 45%
 MAX HARD SURFACES 65%

ASSUME 20'x25' DRIVEWAYS & 10'x15' PATIO OR DECK

 $650+3000 = \frac{3650}{8000} = 46\% < 65\%$ IMPERVIOUS MAX. - **OK**

**TAMARACK MEADOWS PRELIMINARY PLAT
SUBDIVISION REPORT #CPP-22-03
COLUMBIA FALLS PLANNING OFFICE
NOVEMBER 28, 2022**

AS AMENDED BY THE PLANNING BOARD ON DECEMBER 13, 2022

A report to the Columbia Falls Planning Board regarding a request for preliminary plat approval of the preliminary plat of Tamarack Meadows, a 103-lot subdivision. A public hearing is set for December 13, 2022 before the Columbia Falls Planning Board. The Columbia Falls City Council will hold a subsequent public hearing at their regular meeting of January 3, 2023, beginning at 7:00 p.m. in the Council Chambers of City Hall.

I. BACKGROUND INFORMATION

- a. Owner/Applicant: Schellinger Construction (Attn: Kyle Schellinger)
P.O. Box 39
Columbia Falls, MT 59912
- b. Technical Assistance: Carver Engineering
1995 3rd Avenue East
Kalispell, MT 59901
- c. Location: The property is located to the northwest of the existing Meadow Lake Golf Course Resort.
- d. Background: The majority of the subject property was part of the original 1979 and 1983 Meadow Lake Master Plans. The original Master Plan covered 320 acres. At that time, 52 acres of the currently subject property was planned to contain 164 residential units, some of which were multifamily units. Tract 8 (approx. 32 acres, referred to as the Crosswhite property) was added to the development proposal to allow the property to have a second access on to Tamarack Lane.

In 2006 the City of Columbia Falls approved the preliminary plat of Meadow Lakes Northwest, aka Tamarack Heights which was a preliminary plat for 182 lots. In January of 2008, the original developers were granted final plat for Phase 1 of Tamarack Heights which consisted of 46 Lots and with the recession of 2008 the remaining phases expired.

In 2015 a subsequent owner preliminary platted, developed, and final platted 29 lots known as Mountain Watch. This was originally part of the 182 lots development. At present there are 75 lots platted out of the original 182 (46 in Phase 1 of Tamarack Heights and 29 in Mountain Watch).

The current proposal picks up the remaining undeveloped phases and proposes a new preliminary plat utilizing the original design. The project consists of 103 lots on 47 acres with 22 acres in lots, 7 acres in streets, and 17.5 acres in open space.

- e. Size: The proposed subdivision contains 47.04 acres with 22.14 acres in lots, 7.14 acres in streets, and 17.52 acres in open space. The 103 lot subdivision proposes the following breakdown in lot sizes:

Lots ranging from 7,500 to 13,428 square feet

Average lot size: 9,363 Square feet

Overall density: 2.1 dwelling units per acre or one unit per 19,893.8 square feet.

- f. Existing Land Use: The property is currently undeveloped vacant land, primarily timbered with some open meadow areas.
- g. Adjacent Land Uses: The site lies adjacent to developed and undeveloped single family uses on all sides:

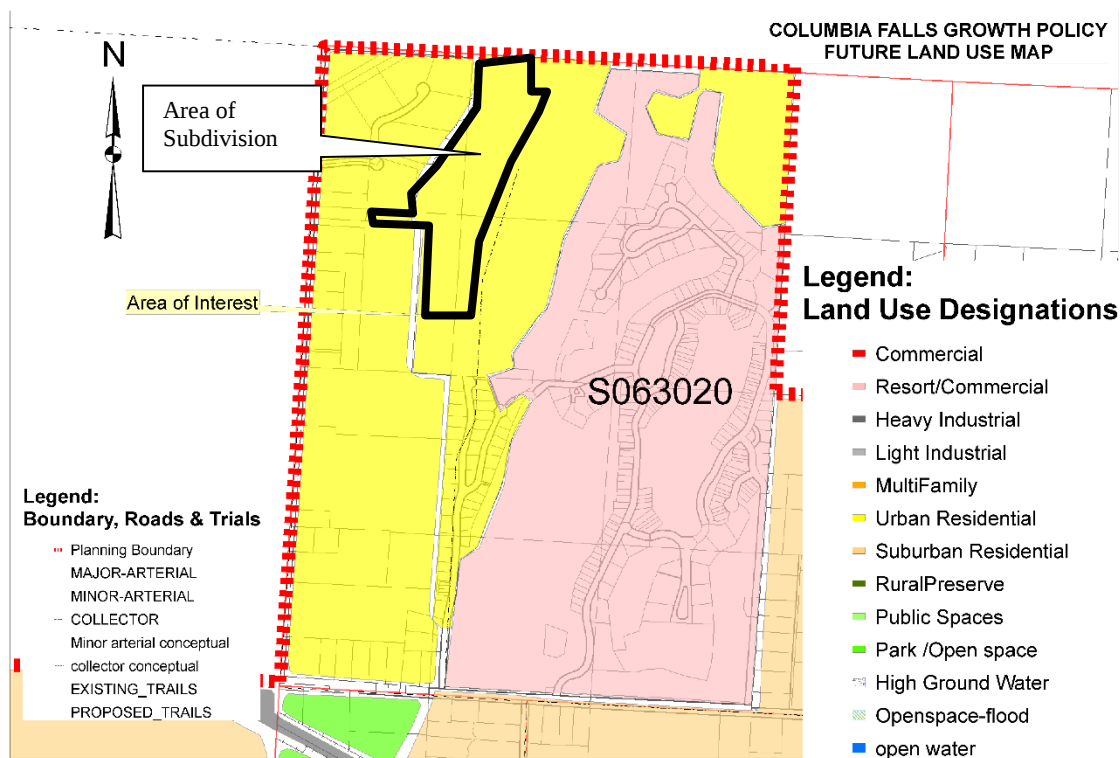
North: Large lot single family property

South: Existing Meadow Lake Resort subdivision and large lot single family

East: Tamarack Heights, Phase 1 and Meadow Lake Resort subdivision

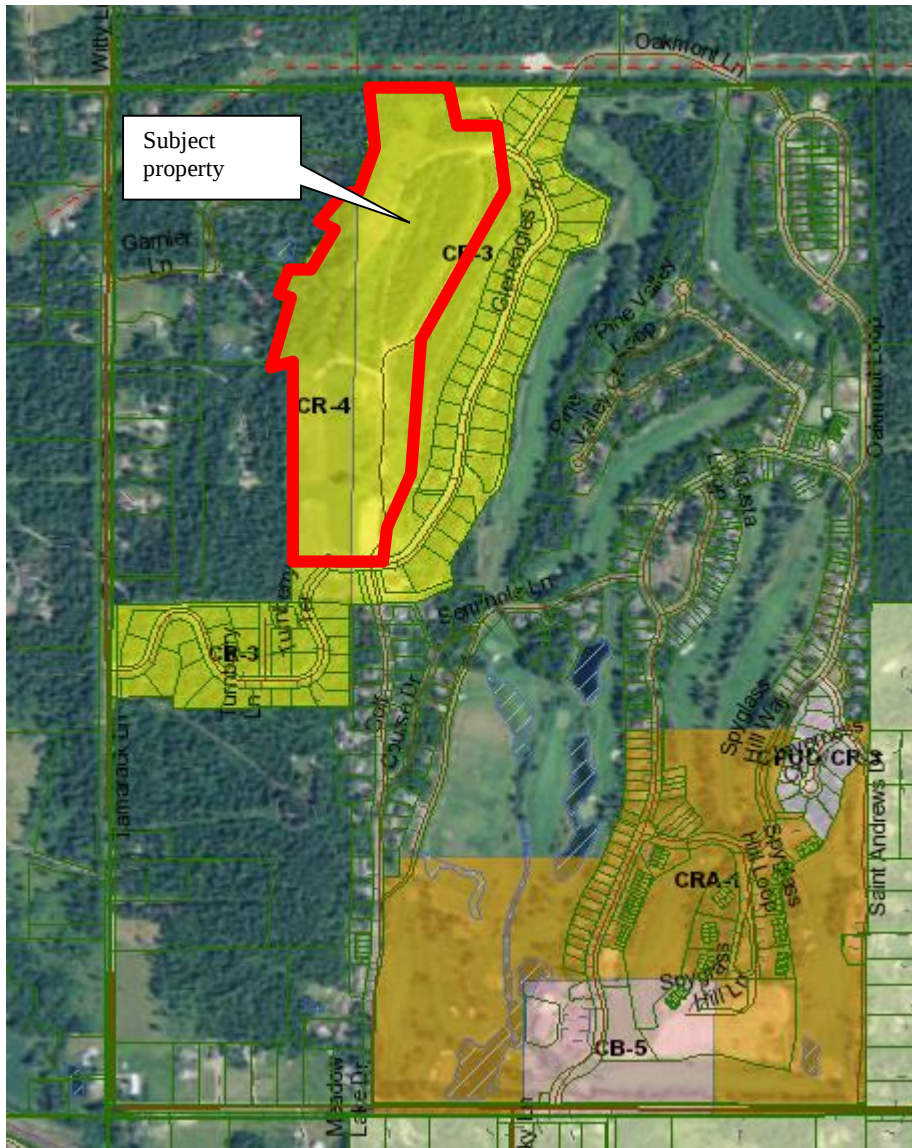
West: Mountain Watch and large lot single family

- h. Relation to Growth Policy: The City-County Growth Policy designates this area as Urban Residential, a residential designation with a range of 2-8 homes per acre. This Urban Residential area is adjacent to Resort Business/Residential, a resort area providing mixed commercial services, recreational opportunities, and a mixture of housing types and densities within the confines of an overall development plan. (Note that the commercial uses in the Growth Policy were intended to recognize the existing commercial uses at Meadow Lake Resort, and the short term nature of some of the lodging there.) The proposal contains a gross density of 2.1 homes per acre and a net density of 4.59 units per acre.¹ The proposal complies with the Growth Policy designation.



¹ Gross density is calculated on the entire acreage within the project. Net density is calculated only on the area proposed for lots: it does not include rights of way, other areas set aside for infrastructure and common open space.

- i. Zoning: The subject property is currently zoned CR-3 and CR-4. The zoning was approved with the 2006 preliminary plat and the zoning specifically tied the lot sizes to the plat through Ordinance 678.



- j. Utilities & Services: The property is not within City limits. Following is a list of services that are available for this site:

Sewer: the project will be served by the Meadow Lake County Water and Sewer District

Water: the project will be served by the Meadow Lake County Water and Sewer District

Refuse: Private Hauler Home Pick-up

Police: Flathead County Sheriff Department

Fire Suppression and Protective Services: Columbia Falls Rural Fire Protection District

Street Maintenance: Privately maintained

Electric: Flathead Electric

II. REVIEW AND FINDINGS OF FACT

This application is reviewed as a major subdivision under the City's Subdivision regulations. As the subdivision will be waiving the right to protest annexation as required by the Meadow Lake Water and Sewer District's agreement with the City of Columbia Falls, the project is analyzed under Section 17.16 Subdivision Design Standards For Areas Annexed or Waiving Protest of Annexation; although the City has no immediate plans for annexation and the property is not adjacent to the City.

A. Effects on Public Health and Safety:

The property is located within the Columbia Falls Rural Fire District. Fire Chief Karl Weeks reviewed the Subdivision Plat and is comfortable with the road layout and circulation. Chief Weeks will review and approve plans for fire hydrant location prior to construction.

The Flathead County Sheriff's Department will patrol and respond to emergencies within the subdivision. Three Rivers Ambulance and ALERT Helicopter provides emergency service and medical support is available in Whitefish and Kalispell.

The site is not located within any Flood Zones.

In the original 2006 public hearing on this subdivision public comment raised the issue of 32 wells that had insufficient water in the late 1980's. The owner of Meadow Lake Resort at that time, Peter Tracy, added information regarding the depth of the two existing Meadow Lake Resort wells at over 700 feet. The wells that had insufficient water were at a depth in the 240 foot range. Officials from the State DNRC had commented that they did not believe the deeper Meadow Lake wells had any impact on the shallower wells. A new third well was drilled and tested by this developer in order to support the proposed density. The new well was drilled to a depth of 765 feet.

B. Effects on Wildlife and Wildlife Habitat:

The undeveloped and open meadow property is home to whitetail deer, elk and the occasional moose and black bear. Deer and elk are also known to congregate on the Meadow Lake golf course to the east of the subject property as they move through the area. Wildlife also uses Garnier Creek, which forms the northwest boundary to the subdivision.

The applicant has stated that the open space plan has been designed in part to allow for wildlife corridors through the property. These corridors run primarily north-south through the site. Garnier Creek remains in a common open space area, with no individual lots directly abutting the creek.

C. Effects on the Natural Environment:

1. Groundwater: The property is not within the Columbia Falls groundwater protection zone. The site will be served by public sewer.

2. Natural Vegetation: The site is currently a mixture of open meadows, and forested areas consisting of Douglas fir, lodgepole pine, larch, paper birch

alder, hawthorn and rocky mountain maple. The applicant has stated that all of the existing vegetation will remain in the common areas, and that vegetation removal for roads, grading and homesite development will be carefully monitored.

3. Surface Water: Garnier Creek runs for a length of approx. 1,800 feet on the northwest property boundary. A buffer of between 50 and 170 feet is shown on the site plan. Thirteen (13) lots drain towards the creek in this area. An additional 13 lots drain towards the creek on the portion of the site where the creek runs on an adjacent property. Best management practices will be required to protect the creek from any construction runoff.

The applicant has prepared a Drainage Plan, and has described their storm water proposal in the Environmental Assessment attached to the application. The stormwater system proposed consists of open swales and culverts, which will convey water to the common areas, buffer strips and new swales.

4. Topographical Features: The site contains a variety of topographic features, but the site is mostly gentle slopes with areas interspersed with relatively flat benches.

5. Soils Types: The soils within this subdivision are characterized as silty clay, gravel with sand. A Geotech investigation was provided with the application. Generally, the report states that common construction techniques will work for the subdivision however the report does call for following the recommendations of the Geotech Report. To establish these recommendations, the engineer recommends a final Geotech report. This will be a condition of approval

D. Effects on Local Services:

1. Police: the Flathead County Sheriff Department is responsible for patrolling and responding to this neighborhood and the proposed subdivision.

2. Fire: the Columbia Falls Rural Fire Protection District is responsible for fire protection in the proposed subdivision. The Columbia Falls Fire Chief has indicated that the proposed subdivision meets the standards for access. The Fire Chief will review and approve the locations of Fire Hydrants and approve Fire Flow.

3. Sewer: The project will utilize the Meadow Lake Water and Sewer System. The sewer system is essentially a collection system that transports effluent to the Columbia Falls Wastewater Treatment Facility. The Sewer District has provided a "will serve" letter that is in the application materials and the Columbia Falls Public Works Director has reviewed the preliminary plans and has stated that the Wastewater Treatment Facility has capacity and that this development has been accounted for in its capacity studies since it was previously approved in 2006. When the project was initially reviewed there was a requirement to increase capacity of the main lift station in Meadow Lake. That work was completed with the development of the Mountain Watch project which was previously known as Tamarack Heights Phase 2.

4. Water: As with sewer, the applicants will connect to the water system of the Meadow Lake Water and Sewer District. A “will serve” letter is provided in the application for connection to the District facilities. The Meadow Lake Water and Sewer District manages the water system. A 200,000 gallon tank and booster pump station were installed with Phase 1 of Tamarack Heights which supports Phase 1, Mountain Watch, and the proposed Tamarack Meadows development. In addition to the water tank, the developer of Tamarack Heights drilled and tested the third well for the Meadow Lake Water system this past year. This new well was needed for the proposed project.

5. Schools: School District 6 operates K-12th grade within the City of Columbia Falls. The High School is about a mile west of the proposed subdivision and the middle school is approximately two miles from the project. The school district has seen approximately 4% growth over the past ten years or 0.4% per year. Using County wide average of 0.31 school aged children per residence. (There were 14,753 students recorded with the Flathead County Superintendent of Schools Office including public, private and home schooled children at the beginning of the 2011 school year. The US Census Bureau 2010 counted 46,963 housing units in Flathead County – 14,753 students / 46,963 housing units = 0.31 students per unit), the 103 dwellings would generate 31 students to the school system at full build out. It is important to also realize that it takes many years for subdivisions to build out. Phase 1 of Tamarack Heights still has vacant lots and its 46 lots were platted in 2008, more than fourteen years ago. A \$37 million bond was approved in 2019, which was used to expand and remodel Ruder Elementary School and completely rebuild Glacier Gateway Elementary School greatly increasing K-6 capacity. Both the Columbia Falls Jr. High and High School are not at full capacity.

6. Recreation/Parkland: The City subdivision standards require park land dedication equal to 11% of the combined area of all land when the lots are ½ acre or less. In this case there are 22 acres in lots, therefore the required 11% of that is 2.42 acres for park and open space. The applicant is providing 17.52 acres (37% of the gross acreage) of open space with the Tamarack Meadows development which greatly exceeds the required dedication.

The open space plan for the subdivision consists of undeveloped open space corridors with a 6 foot wide gravel trail pedestrian system. The pedestrian system and the common open space will be open to the public. No vegetation removal is planned for the open space areas, except what is needed to create the walking paths. The applicant has stated that this open space will be managed by the Tamarack Meadows Homeowners Association. The land will remain private open space, and will not be dedicated to the County.

7. Transportation and Circulation: The applicant prepared a Traffic Impact Study (TIS). The study describes existing conditions of the surrounding roadways, traffic volumes anticipated by the proposed development, and suggested mitigation. Recent traffic counts and Level of Service analysis was also performed. The primary roads serving the project are Meadow Lake Boulevard, Meadow Lake Drive and Tamarack Lane.

The Traffic Engineer completed his counts in August of 2022 which was 166% of the Average Annual Daily Traffic. In order to be conservative in his analysis he did not seasonally adjust the numbers down. In all of the studied

intersections, there is no reduction in the level of service with the proposed project and a one to two second delay per vehicle at the intersections at build out.

The traffic impact report provided two recommendations in the Study. The first being the intersection of Meadow Lake Boulevard and US Highway 2 which experiences delays at peak hour during both AM and PM hours. The TIS suggests that an alignment and dedicated turn lanes would solve the problem. As this is an existing condition, the TIS did not attribute or recommend that the developer solve this problem. The TIS indicated that this was a City and MDOT issue.

The second recommendation is to make improvements to Meadow Lake Drive to address the additional traffic. The applicant is proposing resurfacing Meadow Lake Drive and installing traffic calming measures such as speed bumps in lieu of constructing a pedestrian path along its length as originally required. The reason for not wanting to construct the sidewalk is that the walk would interfere with existing driveways which are already steep. In addition, the sidewalk would create the need for a number of retaining walls along its length to make it align with the roadway and driveways.

Planning Staff contacted Dave Prunty, Flathead County Road Superintendent, regarding the improvements to Meadow Lake Drive. Mr. Prunty supported the overlay provided it meets the County standards for overlay thickness and crown. Mr. Prunty also thought developing a sidewalk on Meadow Lake Drive would create conflicts with existing driveways. Mr. Prunty was not in favor of speed bumps but the applicant can consult with the County to see if there is a design solution.

With the construction of Tamarack Heights Phase 1 and Mountain Watch, slip lanes were constructed on Tamarack Lane at the Meadow Lake Drive intersection and the Turnberry intersection.

Pedestrian movement within the subdivision will be consistent with previous phases. The applicant will construct a sidewalk on one side of the streets within the subdivision. In addition, the applicant is providing gravel trails within the open space which connects to the broader trail system within the Meadow Lake Resort.

E. Effects on Agriculture:

The property in question may have once been used for grazing in the open meadows at some time in the past but this has not been a practice for many years. No current agricultural activities exist. The subdivision will have no impact on agricultural practice.

F. Compliance with Subdivision Design Standards:

The proposed subdivision design works with the natural terrain, and sets aside lands unsuitable for subdivision in areas of slope over 25% and in a buffer zone along Garnier Creek. Lot requirements have been met.

Access, Streets and Roads: The proposed subdivision complies with the City requirements for two access points. Within the subdivision, all new roads are planned to meet the City design standards of 24 feet in width.

The applicant is proposing to resurface Meadow Lake Drive (off of the subject property) once the infrastructure is developed. This would repair any wear and tear from heavy truck traffic during the construction phase of the subdivision.

Sidewalks and Bikeways: Sidewalks are required on all streets, unless the City Council waives this requirement. The applicant is requesting that this requirement be waived and that they construct five foot concrete detached sidewalk on one side of the street and construct six foot gravel walkways within the common areas as shown on the preliminary plat. See the variance/waiver section of this report for staff's recommended approval to the waiver request on the pedestrian access.

Lighting: The subdivision standards require that street lights be provided at all intersections and at intermediate locations for blocks longer than 500 feet. The applicant is requesting a variance to this standard based on the rural nature of the subdivision.

Grading and Drainage: A preliminary drainage plan has been submitted. The drainage plan will be reviewed by the MDEQ prior to issuance of subdivision approval and construction of infrastructure.

Utilities: All utilities are planned to be underground.

Easements: The subject property contains a number of easements, summarized here:

- A 40 foot wide gas line transmission easement traversing the property from east to west.
- A portion of the power transmission easement on the north side of the property.
- A grant of perpetual right of way easement that may allow for future subdivision to the benefit of the Browns.
- Various utility and access easements between the previous owner (Peter Tracy) and Meadow Lake Resort for access and utility purposes.

Parkland: The applicant is providing 37% of the gross acreage as permanent open space. This open space will not be dedicated to the County, but will be privately maintained by the Homeowners Association.

G. Compliance with Subdivision Regulations

The applicant is requesting two variances: One to the requirement for sidewalks, curb and gutter and the other one to the lighting requirements. Each one is analyzed below. The subdivision standards allow the City to grant variances to the subdivision standards when the Council finds "that extraordinary hardships or practical difficulties may result from strict compliance with this title may be served to a greater extent by an alternative proposal...." (Section 17.36.020).

Variance request to Standard 17.14.130: This standard requires that street lights be provided at all intersections and at intermediate locations for blocks longer than 500 feet. The applicant states that the area is rural in nature, and street lights mid-block and at intersections will be detrimental to adjacent property owners.

Waiver request to Standard 17.16.110: This standard requires sidewalks on all streets, unless the Council waives this requirement. The applicant is requesting a waiver to construct concrete sidewalks on one side of the street and also develop gravel walking paths within the open space. This approach was used in the previous phases of Tamarack Heights and Mountain Watch and much of Meadow Lake has no sidewalk.

Variance to Standard 17.16.140: This section requires curb and gutter. The standard of collecting and treating stormwater can still occur without curb and gutter and in areas with a significant amount of open space treatment through vegetative swales may be just as good or better than mechanical treatment. The variance to curb and gutter has been provided in the Meadow Lake development which has an intentional rural road cross section and grass lined road swales as opposed to curb and gutter.

1) The granting of such variance(s) will not be detrimental to the public health, safety or general welfare or injurious to other adjoining properties;

Lighting: The rural nature of the area would make the provision of street lights a detriment to the neighbors. This variance has been granted to Meadow Lake since the 1990's in numerous phases of the resort in order to perpetuate its rural character.

Sidewalks: Providing a sidewalk on one side of the street and walking paths within the open space area will provide the residents of Tamarack Meadows a safe place to walk within the development. As the Meadow Lake resort consists or primarily local streets, pedestrians use the street system in the previous phases for circulation.

Curb and Gutter: The use of Low Impact Design Standards for stormwater will ensure that stormwater is treated before it reaches surface or groundwater. A standard condition of any subdivision is that stormwater detention, treatment, and conveyance are all reviewed by the Montana Department of Environmental Quality. This approval is required before the applicant can construct the project and receive final plat.

2) The conditions on which the request for a variance(s) is based are unique to the property on which the variance is sought and are not applicable generally to other property;

Lighting: The property is in a rural location and does not seem like an area suited to urban light standards.

Sidewalks: Few sidewalks exist in the adjoining Meadow Lake subdivisions. The proposed sidewalk and path system is consistent with what was built in the previous phases of Tamarack Heights Phase 1 and Mountain Watch.

Curb and Gutter: The use of Low Impact Design Standards for stormwater will ensure that stormwater is treated before it reaches surface or groundwater. There are no curbs and gutter constructed within the Meadow Lake Resort area.

3) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this title is enforced;

Lighting: The physical surroundings are rural in nature and would be impacted by the provision of street lights. The hardship would not be that of the developer but would be a hardship on neighboring lands which do not have street lights.

Sidewalks, curb and gutter: The applicant has stated that the site drainage would be dramatically altered by the requirement for curb, gutter and sidewalk, as currently all drainage sheet flows with no point source collection points.

4) The variance(s) will not cause a substantial increase in public costs; and

Lighting: Granting the variance will not affect any public expenditures.

Sidewalks: The Council does not need to grant a variance on this issue. Per the subdivision code, a waiver is required. The waiver appears justified as the proposed alternative will provide safe pedestrian movement.

Curb and Gutter: The use of Low Impact Design Standards for stormwater will be treated before it reaches surface or groundwater. There would be no need for the public to expend money on a different stormwater treatment system.

5) The variance(s) will not, in any manner, vary the provisions of any adopted zoning regulations, or the Growth Policy (formerly Master Plan).

Lighting: The Growth Policy does not address this very specific subdivision standard.

Sidewalks: The Council does not need to grant a variance on this issue. Per the subdivision code, a waiver is required. However, sidewalks are typically required in most City subdivisions.

Curb and Gutter: The Growth Policy does not address this very specific subdivision standard.

H. Compliance with Montana Subdivision and Platting Act

The proposed subdivision complies with all of the requirements of the Subdivision and Platting Act.

I. Phasing

The project will be constructed in a single phase.

III. SUMMARY COMMENTS

The application for preliminary plat approval is in conformance with the Growth Policy and Subdivision Standards. Variances requested are supported by staff as meeting the City's variance criteria. Staff recommends the following conditions of approval.

VI. RECOMMENDATION

After reviewing the findings of fact, staff recommends that the Columbia Falls City Council adopt Staff Report #CPP-22-03 as Findings-of-Fact for the preliminary plat of Tamarack Meadows, and grant conditional preliminary plat approval. Recommended conditions of approval are as follows:

1. The final plat of Tamarack Meadows shall conform to the approved preliminary plat design.
2. A five foot detached concrete sidewalk shall be provided along one side of all interior roads within the subdivision. A six foot gravel trail shall be provided within the open space areas. All sidewalk and trails shall closely follow the locations shown on the preliminary plat. A waiver is hereby granted to Subdivision Standard 17.16.110.
3. A variance is granted to Subdivision Standard 17.16.140 which requires curbs, gutters and sidewalks based on the findings herein, except as noted herein.
4. A variance to Subdivision Standard 17.16.130, outdoor street lighting requirements is hereby granted based in the findings. Any outdoor lighting installed by the developer or future homeowners shall be downcast and fully shielded and otherwise dark-sky compliant.
5. All utilities to the lots shall be installed in conformance with the requirements of the utility owner. Utilities shall be buried and extended to the front property line of each lot.
6. The applicant shall secure approval from the Meadow Lake Water and Sewer District for the water and sewer design prior to any construction. The applicant shall also secure approval of the water and sewer infrastructure from the Montana Department of Environmental Quality.
7. The applicant shall secure approval from the Montana Department of Environmental Quality for the stormwater management including detention, treatment and conveyance.
8. All pavement sections within the subdivision shall be built in accordance with City standards. Street signs shall be provided. Road construction shall be inspected and certified by a registered engineer.
9. Prior to final plat, the applicant shall provide a final Geotechnical plan and the applicant shall follow the recommendation in the construction of the infrastructure.
10. Prior to final plat approval the entire length of Meadow Lake Drive and Turnberry Terrace shall be resurfaced to the existing width. Prior to this work the applicant shall secure permits and approval from the Flathead County Road Department. The

resurfacing shall meet County standards for thickness, crown, and integrity of the existing driveways.

11. The applicant shall approach the Flathead County Road and Bridge Superintendent to determine if there are alternative speed bump designs or other traffic calming measure that can be implemented in Meadow Lake Drive. If there is a best practices traffic calming measure that is acceptable to the County, such as striping and signage, the applicants shall implement it in the resurfacing of the road.
12. The proposed subdivision shall waive the right to protest annexation as required by the Meadow Lake Water and Sewer District agreement with the City of Columbia Falls.
13. All dwellings shall have house numbers, which conform to the requirements of the Rural Fire District. This condition shall be placed on the face of the plat.
14. The applicants shall provide Columbia Falls Public Works Department and Meadow Lake Water and Sewer District copies of the final plat drawings and as-built construction drawings for all public infrastructure improvements constructed in street rights of way or easements within the plat. Drawings shall be paper and digital. Digital copies shall be in a format prescribed by the City and the District. The Developer shall provide a GPS location of the center of each water valve cover, sewer manhole cover, and the location every 20 feet of any buried piping that varies more than 6% from a straight line between main line appurtenances that possess surface components.
15. The parkland dedication requirement has been met by the common open space area as shown on the plat, in conjunction with the plat notes outlined herein.
16. The Flathead County Weed Department shall approve a Weed Management Plan for the Development prior to Final Plat. A note shall be placed on the face of the final plat stating: "Lot owners are subject to the Weed Management Plan approved by the Flathead County Weed Department."
17. The applicant shall provide a letter from the applicable Solid Waste Contractor stating that Solid Waste Service is available to the Subdivision. The CC&R's will encourage use of a Solid Waste contractor for residences in the subdivision.
18. Plat notes shall be added to the face of the plat delineating that the open space is dedicated in perpetuity; that the open space is available for use by the general public, and that said open space will be owned and maintained by the Homeowners Association. No vegetation can be removed in open space areas without approval by the Homeowners Association; and the buffer area adjacent Garnier Creek shall remain undeveloped and in a natural state. Changes to the use and/or management of the common open space shall be approved by the Homeowners Association.
19. The applicant shall provide a Set of CC&R's to be filed with the Final Plat. Said CC&R's shall address the maintenance of all common features within the subdivision including roads, common areas, and paths within common areas.
20. A Construction Mitigation Plan shall be developed, in consultation with the applicable representative Homeowner's Associations (Mountain Watch, Meadow Lake and Garnier Estates) and private property owner adjacent to Lots 2-15, and submitted to the City prior to the commencement of any construction. Said plan shall include construction hours, ingress, egress and haul routes, staging of materials and job shacks, parking for construction workers, dust abatement, temporary erosion control measures and other

best management practices. The neighboring representatives have no veto power over any proposed or approved Construction Mitigation Plan. All ingress and egress for construction purposes shall occur from the west entrance, unless otherwise permitted by the City.

21. Tamarack Heights is approved as a single phase.
22. The responsible postmaster shall approve a common mailbox facility at an approved location. The facility shall meet the requirements of 17.18.250.
23. All improvements including road, water, sewer, stormwater, dry utilities, sidewalks and paths shall be installed prior to Final Plat or the applicant shall provide the City with a Subdivision Improvements Agreement with required collateral as provided for Chapter 17.32 of the Columbia Falls Subdivision Regulations.
24. The preliminary plat shall expire three (3) years after the approved effective date stipulated by the City Council. Extensions may be granted by the City Council if the applicant requests extension 30-days prior to the expiration of the plat or any remaining phase.
25. Tamarack Meadows shall participate in an equitable Road Maintenance Agreement with the Mountain Watch Subdivision.

INVITATION TO BID

City of Columbia Falls, Columbia Falls, Montana
Hilltop Sewer Main Replacement and Lift Station 5 Rehabilitation

Sealed Bids for construction of the **Hilltop Sewer Main Replacement and Lift Station 5 Rehabilitation Project** will be received at the City of Columbia Falls City Hall, 130 6th St W, Columbia Falls, MT 59912, until **2:00 PM** local time **on Tuesday, February 14, 2023**, and then publicly opened and read aloud.

The Project includes the following Work:

Hilltop Sewer Main Replacement

Installation of approximately 1,644 lineal feet of 12-inch diameter gravity sewer main, re-paving Grace and Beth Road (from south of intersection of 13th Street West with Grace Road to south intersection of Beth Road and Martha Road), placement of crushed base from intersection of Beth Road and Martha Road to intersection of Beth Road and Bethany Road, and replacement of disturbed landscape from the end of Beth Road to Talbot Road (through Horine Park) following installation of the sanitary sewer gravity main and service line connections.

Lift Station 5 Rehabilitation

Replacement of the Lift Station 5 submersible pumps with new submersible pumps, replacement of force main piping, new valve vault with associated valves and piping, and appurtenances necessary for a complete system.

The Issuing Office for the Bidding Documents is:

HDR Engineering, Inc.
700 SW Higgins Ave., Suite 200
Missoula, MT 59803

Pre-bid inquiries should be directed to Rickey Schultz of HDR, Engineering, Inc.
Telephone 406- 532-2238 or email: Rickey.Schultz@hdrinc.com

Prospective Bidders may obtain or examine the Bidding Documents by contacting the Issuing Office on Monday through Friday between the hours of 8 AM and 5 PM, local time and may obtain copies of the Bidding Documents from the Issuing Office. Partial sets of Bidding Documents will not be available from the Issuing Office. Neither Owner nor Engineer will be responsible for full or partial sets of Bidding Documents, including Addenda, if any, obtained from sources other than the Issuing Office.

Original bid copies must be submitted; no faxed or electronic bids will be accepted.

CONTRACTOR(s) and any of the CONTRACTOR's subcontractors bidding on this project will be required to obtain registration with the Montana Department of Labor and

Industry (DLI). CONTRACTOR's are required to have registered with the DLI prior to bidding on this project.

All laborers and mechanics employed by CONTRACTOR(s) or subcontractors in performance of the construction work shall be paid wages at rates as may be required by the laws of the State of Montana in accordance with the schedule of Montana Prevailing Wage Rates established by the Montana Department of Labor and Industry included in the Project Manual.

Each bid or proposal must be accompanied by a Certified Check, Cashier's Check, or Bid Bond payable to **City of Columbia Falls**, in an amount not less than ten percent (10%) of the total amount of the bid. Successful BIDDERS shall furnish an approved Construction Performance Bond and a Construction (Labor and Materials) Payment Bond, each in the amount of one hundred percent (100%) of the contract amount. Insurance as required shall be provided by the successful BIDDER(s) and a certificate(s) of that insurance shall be provided.

No bid may be withdrawn after the scheduled time for the public opening of the Bids specified above.

The right is reserved to reject any or all Proposals received, to waive informalities, to postpone the award of the contract for a period of not to exceed sixty (60), and to accept the lowest responsive and responsible bid which is in the best interest of the City of Columbia Falls.

The CONTRACTOR(s) is required to be an Equal Opportunity Employer.

Owner: City of Columbia Falls

By: Barb Staaland

Title: City Clerk

Publication Dates:

January 25, 2023 and

February 1, 2023

January 13, 2023

To: Mayor & Council

From: City Manager Nicosia

RE: New Business – Call for Proposals – Backflow Testing

Beginning in 2014, the City of Columbia Falls has contracted with an independent licensed contractor to complete the residential backflow tests. Chapter 13.24 Cross Connection Control Plan was updated in 2014. The City began the residential testing contract to obtain a better price for the City's residential water customers requiring a backflow device on their system and to facilitate timely completion of the testing.

There are approximately 450 residential water customers that require a backflow device and the annual testing. The contracting has been relatively successful, particularly when the City began entering into a three-year contract.

The City must now solicit proposals again for another three-year term. The last contract was for \$34/test, for 2020 – 2022, compared to the previous 2019 rate of \$49 (30% reduction). The City Public Works Director vetted the contractor for the 2020-2022 terms to ensure that he could complete the task for that rate. We fully anticipate seeing significantly higher rates when we solicit proposals at this time.

The purpose of this agenda item is to review the backflow testing provisions and contract. City staff is recommending that Council approve the Call for Proposals. We will review the results with Council upon receipt, approximately one month from now.

RESOLUTION NO. 1888

A RESOLUTION OF THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA
ESTABLISHING SPECIAL FIRE DEPARTMENT INSPECTION FEES

WHEREAS, the City of Columbia Falls Fire Department is required by state and local requirements to perform special inspections related to specific property use; specifically short term vacation rentals and marijuana businesses; and

WHEREAS, the City of Columbia Falls City Council considered the request for special inspection fees on December 19 2022 and called for a public hearing on January 3, 2023; and

WHEREAS, the City Council held a public hearing on January 3, 2023 to consider the special Fire Department Inspection Fees and heard no opposition for the inspection fees; and

WHEREAS, the special Fire Department Inspections required for short term vacation rentals and marijuana businesses are above and beyond the routine Fire Department Inspections; and

WHEREAS, the City of Columbia Falls deems it to be in the best interest of the City and residents to establish Special Fire Department Inspection Fees for Short Term Vacation Rental Properties and Marijuana Businesses.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section One. The City Council hereby adopts the Special Fire Department Inspection Fees for Short Term Vacation Rental Properties and Marijuana Businesses as: \$75.00 – First Inspection, \$50.00 – Re-inspection

Section Two. This Resolution shall become effective immediately upon its final passage and adoption by the City Council.

PASSED AND APPROVED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS 17TH DAY OF JANUARY, 2023, THE COUNCIL VOTING AS FOLLOWS:

AYES:

NOES:

ABSENT:

City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 17TH DAY OF JANUARY, 2023.

Mayor

ATTEST:

City Clerk

Return to:
 City of Columbia Falls
 130 6th Street West
 Columbia Falls, MT 59912

RESOLUTION NO. 1889

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT BY LITTLEFOOT PROPERTIES LLC TO DEVELOP A BUILDING GREATER THAN 10,000 SQUARE FEET AT 1800 9TH STREET WEST, COLUMBIA FALLS, MORE PARTICULARLY DESCRIBED AS TRACT 1 OF COS 21160 IN NW 1/4 NE 1/4 OF SECTION 18, TOWNSHIP 30 NORTH, RANGE 20 WEST, P.M.M., FLATHEAD COUNTY.

WHEREAS, an Application been filed with the City by Littlefoot Properties, LLC to construct a building greater than 10,000 square feet at 1800 9th Street West, more particularly described as Tract 1 of COS 21160 in NW 1/4 NE 1/4 of Section 18, Township 30 North, Range 20 West, P.M.M., Flathead County.

WHEREAS, the property is currently zoned CB-2 General Business which allows, with conditional use pursuant to 18.428 Large Building Standards in the Columbia Falls Municipal Code, the proposed 10,640 square foot building;

WHEREAS, said requested conditional use permit was considered by the Columbia Falls City-County Planning Board at its regular meeting on Tuesday, December 13, 2022, and said Board recommended granting the proposed conditional use permit, with certain conditions; and

WHEREAS, said conditional use permit was considered by the City Council of the City of Columbia Falls, Montana, at a public hearing held during the Council's regularly scheduled meeting on Tuesday, January 3, 2023, pursuant to public notice as required by law, and all comments filed or voiced concerning said requested conditional use permit having been considered by the City Council, along with the recommendation of the Planning Board.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section One. Findings of Fact. That the City Council specifically finds that the conditions set forth in Section 18.428 of the Columbia Falls Municipal Code are accurately evaluated as set forth in Conditional Use Report #CCU-22-03 of the Columbia Falls Planning Office, and the City Council hereby adopts said report as findings of fact in support of the requested conditional use permit.

Section Two. Permit Approved. That based upon the findings of Section One of this Resolution, the Application by Littlefoot Properties, LLC to construct a 10,640 square foot building at 1800 9th Street West, Columbia Falls, more particularly known as Tract 1 of COS 21160 in NW 1/4 NE 1/4 of Section 18, Township 30 North, Range 20 West, P.M.M., Flathead County, is hereby approved.

Section Three. Conditional Use Permit. That the conditional use permit is approved, specifically contingent upon the conditions set forth on Exhibit "A" attached hereto and incorporated herein by reference.

Section Four. Effective Date. That this Resolution shall become effective immediately upon its passage and approval by the City Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS 17th DAY OF JANUARY, 2023, THE COUNCIL VOTING AS FOLLOWS:

AYES:

NOES:

ABSENT:

CITY CLERK

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 17TH DAY OF
JANUARY, 2023.

MAYOR

ATTEST:

CITY CLERK

EXHIBIT "A"

1. Except as modified by the CUP. The proposed building shall comply with this submitted application dated 11/4/22.
2. Verify there is a three dimensional cornice at the time of building permit when we have a detailed set of plans.
3. The application appears deficient in the following areas:
 - 18.428.040(4). There are no eaves proposed with the building. The applicant will need to provide a three foot eave on the west side of the building where there is no parapet
 - 18.428.040(5) The roof slope does not appear to meet the slope requirements. To address this, the applicant shall articulate the parapet on the east side of the building to give the appearance of articulated roof structure.
 - 18.428.050(1) Need one additional entrance element. The applicants will need to demonstrate that they meet these three standards prior to issuance of a building permit.
4. Landscaping and landscaping features will generally follow the CUP plan with the understanding that the CUP plan is not a detailed Landscaping Plan. The applicants shall provide the City Manager a detailed Landscape plan, in compliance with the landscape provisions of the "Large Building Standards". The landscape plan shall be approved and the landscaping installed prior to the issuance of an occupancy permit. If, due to weather, the landscaping cannot be completed prior to occupancy, the applicant may enter into a developer's agreement with the City of Columbia Falls and provide a security (bond or letter of credit) in the amount of 125% of the landscape improvements. The security amount will be determined by actual bid or licensed engineer. The developer's agreement will not be for longer than six months.
5. The City staff will review the sign permit application for compliance with the standards of the Columbia Falls Zoning Regulations prior to issuing a sign permit.
6. Where the walkway crosses the parking lot in front of the building, the developer shall install stamped asphalt or pavers to delineate and differentiate the pedestrian crossing from the driveway asphalt.
7. Prior to issuance of the Building Permit, the City shall verify the widths of the walkways and landscape bed in front of the building for conformance with Section 18.428.110(2) and (3).
8. Any RTU will be screened by the parapet or similar screening so that it is not visible from the public.
9. The light details will be reviewed at the building permit stage to ensure that they comply with the 18-foot height standards and that all lighting has full cut off and/or opaque shields.
10. The applicant shall install a bike rack near the front entrance of the building
11. All conditions of the CUP shall be complied with prior to the issuance of the occupancy permit or otherwise addressed as provided for in this PUD.

RESOLUTION NO. 1890

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, ADOPTING AN UPDATED PURCHASING POLICY AND PROCEDURES FOR COMPLIANCE WITH FEDERAL, STATE AND LOCAL PROCUREMENT REQUIREMENTS

WHEREAS, the City of Columbia Falls' current Purchasing Policy and Procedures are outdated and incomplete; and

WHEREAS, the City must periodically review the City's procurement policies and procedures to comply with federal, state and local requirements; and

WHEREAS, the City has been awarded significant federal funds and must have a formal adopted policy demonstrating compliance with federal purchasing and procurement provisions.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section One. That the City Purchasing Policy and Procedures attached as Exhibit A is hereby adopted by the City Council.

Section Two. Effective Date. That this Resolution shall become effective immediately upon its passage and approval by the City Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS 17TH DAY OF JANUARY, 2023, THE COUNCIL VOTING AS FOLLOWS:

AYES:

NOES:

ABSENT:

City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 17TH DAY OF JANUARY, 2023.

Mayor

ATTEST:

City Clerk

Procurement Procedures with Federal, State and Local Funds

Purpose:

The purpose of this policy is to define the process and procedures used to consistently and equitably apply the procurement laws applicable to municipalities within the State of Montana and to establish guidelines that meet or exceed the procurement requirements for the purchase of goods (apparatus, supplies, materials and equipment), services and construction or repair projects when Federal funds are being used in whole or in part to pay for the cost of the contract.

These procurement policies are designed to maximize the purchasing value of public funds with a fair, open and competitive process serving the community. This policy strives to comply with; MCA Title 7, Chapter 5, Part 43, applicable parts of MCA Title 18, "Public Contracts," and Rule 2.5 of the Administrative Rules of the State of Montana, "State Procurement," as advantageous and applicable to the City of Columbia Falls.

The City of Columbia Falls takes care to ensure compliance with Federal and State laws and City ordinances and policies for all procured expenditures. Vendors and contractors interested in, and capable of, providing supplies, materials, services, vehicles, machinery, equipment appliances, apparatus, construction, repair, and maintenance to the City for its purchase and/or use are to be given a fair opportunity within the parameters of this policy.

Application of Policy:

This policy is applicable to all City departments and entities under the authority of City Council, for all acquisitions of goods and/or services. Departments may impose additional requirements provided they are equal to or more restrictive than the procedures and standards established in this policy and consistent with the purposes of this policy.

Contract Authority:

The authority to enter into contracts for the benefit of City of Columbia Falls, its departments, and its entities is exercised by the City Manager unless otherwise specifically authorized. When authorization is granted, employees must be knowledgeable and follow these policies when agreeing to contracts, provisions and terms and conditions. The City Manager must sign all contracts on behalf of the City.

Administration:

1. The City Manager and Department Directors are responsible for the implementation of this policy within the City and in departments and for establishing procedures that demonstrate and document compliance.
2. The Finance Department shall provide general oversight and assistance to other City departments in the administration of this policy and should be considered a resource for questions and information regarding purchasing and contracting. Legal questions should be referred to the City Attorney's Office.

Federally Funded Projects:

All Federally funded projects, loans, grants, and sub-grants, whether funded in part or wholly, are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal awards (Uniform Guidance) codified at 2 C.F.R. Part 200 unless otherwise directed in writing by the Federal agency or state pass-through agency that awarded the funds.

This policy applies to contracts for purchases, services, and construction or repair work funded with Federal financial assistance (direct or reimbursed) which includes, but is not limited to, direct grants, USDA grants and loans, CDBG funds, FEMA disaster assistance grants, and the Highway Planning, Research, and Construction Program. The requirements of this Policy also

apply to any sub-recipient of the funds.

Compliance with Federal Law:

All procurement activities involving the expenditure of Federal funds must be conducted in compliance with the Procurement Standards codified in 2 C.F.R. §200.317 through §200-326 unless otherwise directed in writing by the Federal agency or state pass-through agency that awarded the funds. The City of Columbia Falls will follow all applicable local, state, and Federal procurement requirements when expending Federal funds. Should the City of Columbia Falls have more stringent requirements, the most restrictive requirement shall apply so long as it is consistent with state and Federal law.

Sherman Anti-Trust Act:

The City of Columbia Falls and its elected City Council shall be governed by the Sherman Anti-Trust Act in their purchasing practices, except in that the Sherman Anti-Trust Act shall not be applicable if the project is under the direction of the State of Montana.

Contract Award:

When bids are required by law, or otherwise solicited by the City of Columbia Falls, all contracts shall be awarded only to the lowest responsive responsible bidder possessing the ability to perform successfully under the terms and conditions of the contract. Consideration shall be given to contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

No Evasion:

No contract may be divided to bring the cost under bid thresholds or to evade any requirements under this policy or state and Federal law.

Contract Requirements:

All contracts paid for in whole or in part with Federal funds shall be in writing. The written contract must include or incorporate by reference the provisions required under 2 C.F.R Section § 200.326 and as provided for under 2 C.F.R. Part 200, Appendix II.

Contractor's Conflict of Interest:

Designers, suppliers, and contractors that assist in the development or drafting of specifications, requirements, statements of work, invitation for bids or requests for proposals shall be excluded from competing for such requirements.

Approval and Modification:

The Administrative Procedures contained in the Policy are administrative and may be changed as necessary at the staff level to comply with state and Federal law.

General Procedures:

The Administrative Procedures contained within this policy are administrative and may be changed as necessary at staff level to comply with the Federal Procurement Standards within this Policy. However, any policy changes must be approved by the City Council prior to becoming effective.

Either the Finance Department or the requesting department shall procure all contracts in accordance with the requirements of this Section of the Policy.

General Policy Guidelines:

1. Purchases or contracts shall not be divided into separate projects or expenditures to circumvent the dollar threshold requirements of a more formal purchasing process. The purchase price of an item includes all ancillary charges such as shipping/handling & taxes and may include other items such as installation.

2. Long-term service contracts (lasting 12 months or more) and meeting the dollar threshold requirements shall be subject to a competitive procurement process at least every 5 years unless they qualify for sole sourcing.
3. Maintenance and service contracts related to underlying assets (e.g. software, road maintenance equipment) shall be subject to a competitive procurement process prior to the expiration of the expected useful life of the asset so as to be in place at that time.
4. Awards shall be made to responsive and responsible vendors possessing the ability to perform and/or successfully deliver goods and services under the contract or the terms and conditions of a proposed procurement. Consideration for items that are not determined solely on price shall be given to such characteristics as quality, integrity, compliance with public policy, record of past performance, sustainability financial and technical resources. No awards shall be given to any vendor currently in litigation with the City or debarred by the Federal Government when providing service for a project or service funded by Federal grants or sources. Procurements from vendors using Federal Funds shall be subject to a review of System for Award Management (SAM) to ensure the vendor is not debarred, a record of which shall be documented.
5. No employee shall participate in the award and/or administration of a contract if conflict of interest exists, whether real or perceived. Such a conflict arises when the employee has a special relationship as a related party to a vendor or potential vendor.
6. No employee may solicit or accept gifts in excess of \$25 for each calendar year, or of a substantial economic benefit tantamount to a gift, from a vendor or potential vendors.
7. Detailed receipts and invoices are required for all purchases. Such details ensure that the City and the public can determine EXACTLY what is being paid for, including quantities purchased and/or hours of work provided including any associated rates.
8. Transactions between the City, elected officials, employees and related parties:
 - a. The City of Columbia Falls shall not contract with, or purchase goods or services from employees or employee-owned businesses.
 - b. The City of Columbia Falls shall not contract with, or purchase goods or services from elected officials or elected official-owned businesses.
 - c. The City shall not contract with, or purchase goods or services from an employee's spouse, mother, father, sister, brother, child, step-child, grandparent, adopted child, mother-in-law, father-in-law or one of their owned businesses.
 - d. Exceptions to provisions 8. (a), (b), and (c) as written above, may be approved for special circumstances as deemed appropriate by the City Council **BEFORE** making such a purchase or entering into a contract. Such waivers require a publicly advertised hearing for that specific purpose, along with consideration of the circumstances and factors outlined in MCA § 7-5-4109 (2).
 - e. Provisions for annual review and disclosure of employee-vendor relationships shall be developed by the Finance Department, with disclosures to be documented in a City Clerk's Office file.
9. Use of vendor charge accounts, procurement cards, purchasing cards or credit cards for transactions and accounts may occur when advantageous to the City, especially for small dollar purchases. The City seeks to take advantage of the convenience of using these tools to lower the cost of administering purchases while minimizing finance and transaction costs. Such accounts and cards are issued to minimize employee reimbursements previously made for their out-of-pocket purchases.
 - a. Items charged are subject to all existing purchasing and approval requirements.

- b. Cash advances, purchases of liquor, gambling, adult entertainment and other certain questionable transactions are prohibited. Gift card and/or certain gift purchases for employees are taxable income and are prohibited, except for employee recognition programs coordinated with the City Manager. However, gift cards may be purchased for external (non-employee) individuals or entities as a provision of an established program approved by the City Manager but must be inventoried and their distribution documented noting who received them, when, why and how much.
 - c. Departments making card purchases shall submit properly approved receipts to the Finance Department timely to document the purchases and to avoid finance charges on the card.
 - d. Failure to submit approved receipts timely may result in the revocation of card privileges.
 - e. The City's cards shall be carefully stored until checked out from the Finance Director. Lost or stolen credit cards must be reported to a manager, supervisor and the Finance Department immediately.
 - f. The City's cards shall not be used for an employee's personal purchases. Abuse of card privileges may result in appropriate disciplinary action up to and including termination. When discovered, personal or undocumented transactions failing to justify the business purpose of a transaction will result in a request to provide such documentation from the person responsible for the transaction. If the proper documentation is not provided when requested, a request for reimbursement from the card user to the City will be made. If a reimbursement is not received by the City, the Finance Department will follow Federal Internal Revenue Service guidelines requiring the transaction to become taxable compensation to the card user making the purchase and the value of that purchase will be includable as wages on their W-2.
 - g. The Finance Director is responsible to authorize, to increase or decrease credit limits, block certain purchases and merchants by transaction codes, and issue cards for use by City employees.
10. All technology-related purchases; including, but not limited to, the purchase of computers, servers, telephones, cell phones, personal data devices, printers, both hardware and software, must be approved by the Finance Director PRIOR to purchase. This includes the purchase of technology-related services, such as application hosting or web-site editing.
11. Departments are encouraged to work with all local City of Columbia Falls and Flathead County businesses when competitive.

APPROVAL AUTHORIZATION LEVELS FOR PURCHASING TRANSACTIONS:

<\$10,000

For purchases of goods and services up to \$10,000 any purchasing technique may be used that best meets the needs of a department. It is recommended that departments use prudent purchasing practices and obtain competitive prices when practical. Authority for approval of claims is defined in the "authority to contract" section on page one of this policy.

\$10,001-\$25,000

The department must obtain and document an oral or written quote from a minimum of two vendors if possible to offer a price comparison on the desired item or service according to the specifications established for the purchase (i.e. catalog price lists, online price listings, etc.).

For Federally funded purchases: Up to Micro-purchase threshold as defined in 2 C.F.R. 200.67 (\$10,000 as of 6/21/2018): Shall be procured using the Uniform Guidance “micro-purchase” procedure (2 C.F.R. §200.320(a))

\$25,001-\$80,000

The department must obtain and document a written quote from a minimum of three vendors if possible to offer a price comparison on the desired item or service according to the specifications established for the purchase. See special requirements for thresholds for Public Works Contracts and contracts for engineering, architectural, and land surveying services.

Service Contracts (except for A/E Professional Services) – Federally Funded:

\$10,000 up to \$80,000 (note City of Columbia Falls using more restrictive \$80,000 than the \$90,000 provided for in the Uniform Guidance):

Shall be procured using the Uniform Guidance “small-purchase” procedure (2 C.F.R. §200.320(b))

Procedures are as follows:

- Cost or price analysis is NOT required prior to soliciting bids.
- Obtain **written** price quotes from an adequate number of suppliers or sources (which shall not be less than two (2) quotes).
- Check specific grant as some agencies may require more than two (2) quotes.
- Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. §200.321 by posting on the State’s IPS site and the HUB Site
- Award contract as a Fixed Price. A Not to Exceed basis is permissible for service contracts only where obtaining a fixed price is not feasible.
- Award to lowest responsive, responsible bidder.
- Contract must be in writing (purchase contracts may be in the form of a purchase order; service contracts and construction repair require use of contract template).

Cannot use a cooperative purchasing program as an exception to the bidding

\$80,001+

A contract for the purchase of any automobile, truck, other vehicle, road machinery, other machinery, apparatus, appliances, equipment, or materials or supplies or for construction, repair or maintenance must be awarded to the lowest responsible bidder as determined through the invitation for bid (IFB) process. An IFB is also used for multiple purchases of the same item when it is reasonably expected that the annual amount of such purchases will be greater than \$80,000. A contract for services must be awarded through a request for proposal (RFP) process.

Service Contracts (\$80,000 up to \$250,000) Purchase Contracts (Note: City of Columbia Falls using more restrictive \$80,000 and above) – Federally Funded:

Shall be procured using a combination of the most restrictive requirements of the Uniform Guidance “Sealed Bid” procedure (2 C.F.R. §200.320(c)) and state formal bidding procedures (G.S. 143- 129).

Procedures are as follows:

- Cost or price analysis is required prior to soliciting bids.
 - Complete specifications or purchase description must be available to all bidders.
 - Public Advertisement: (Electronic Advertising is authorized).
 - Legal notice must reserve to the governing board the right to reject any or all bids only for “sound documented reasons.”
 - Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321 by posting on the State’s IPS site and the HUB site.
 - Solicit from adequate number of known suppliers.
 - Bids must be submitted sealed.
 - Public Bid Opening.
 - Must have two (2) sealed bids submitted.
 - Bids may only be rejected for “sound *documented* reasons”.
- Award contract as a fixed price. A Not to Exceed basis is permissible for *service contracts only* where obtaining a fixed price is not feasible.
- Award to lowest, responsive, responsible bidder.
 - Contract must be in writing (purchase contracts may be in the form of a purchase order; service contracts and construction repair require use of contract template).

Cannot use a cooperative purchasing program as an exception to the bidding requirements.

Quote Requirements: For Purchases up to \$80,000 in addition to the description of the goods or services desired, vendors should be provided with other relevant information, including but not limited to: compatibility with other City equipment; date the supplies, services, materials and/or, equipment must be delivered or be available for City use; anticipated duration of the need for the services requested; and any selection criteria, including relative importance, to be used in addition to price. The vendor is selected using the criteria stated in these limited solicitations.

The dollar range for use of a limited solicitation applies to the initial contract term and any possible renewal periods. It also includes all ancillary charges such as shipping/handling & taxes.

Procurements shall not be artificially divided or sequenced to avoid using the other methods.

A City department should document the solicitation process by maintaining a file which should include: the oral or written solicitation, a summary listing of the vendor responses, and a complete copy of the vendor response selected. Responses shall be available for public inspection or telephone inquiry. If the required numbers of vendors are not available, an explanation must be provided. Any solicitation received from a related party must be documented and disclosed.

Except for new or used vehicles, departments may participate in electronic online auctions for limited solicitations under the following conditions: (Per ARM 2.5.603)

1. Two quotes must first be obtained from viable sources and the lowest of the two quotes must be the amount that the auction price may not exceed; and
2. Terms of the participation in the auction must comply with state law; and
3. The auction price must include all fees associated with participating in the auction including shipping and handling; and
4. The terms of the purchase must include a right to return.

Requirements for a Sealed Bid:

The requesting department develops a “sealed” invitation to bid package.

1. An invitation for bid shall include the following:
2. Instructions and information to bidders concerning the bid submission requirements, including the time and date established for bid opening, the address of the office to which bids are to be delivered, and any other special information; and
3. The purchase description including required specifications, delivery or performance schedule, and any inspection and acceptance requirements not included in the purchase description; and
4. The contract terms and conditions, including warranty and bonding or other security requirements, as applicable.
5. The invitation for bid may incorporate documents by reference if the invitation for bid specifies where such documents can be obtained.
6. The City Clerk must cause the advertisement to bid to be published as provided in § 7-1-4127, MCA. The second publication must be made not less than 5 days or more than 12 days before consideration of the bids. The advertisement to bid must include, at a minimum, a description of the procurement sought, the date/time/place of the opening of bids, and contact information for the City employee or professional consultant who can provide further information. If bid security is required, the advertisement must include the information set forth in § 18-1-202, MCA.
7. Where a brand name specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired, and are not intended to limit or restrict competition. (When bidding an “or equal” product, the burden of persuasion is on the bidder.) The department head is given the responsibility and judgment for making a final determination on whether a proposed substitution is equal to the brand name specified. All specifications shall promote overall economy for the purposes intended and encourage competition in satisfying the City’s needs and may not be unduly restrictive.
8. All bids will be time-stamped and stored in a secure place until the time and date set for bid opening. In order to be considered timely, a complete bid response must be delivered according to the specified submittal method, to the specified destination and by the specified time.
9. Bids must be opened publicly by the official appointed by the City, usually the City Clerk, at the date and time designated in the invitation for bid. The amount of each bid together with the name of each bidder must be recorded and entered into the record. Each bidder and any member of the public has the right to be present, either in person, or remotely if appropriate, or by an agent, when the bids are opened and has the right to examine and inspect all bids after they are opened and reviewed by the designated person for release, subject to the same limitations specified in Montana Code Annotated in §18-4-304 (4) for competitive sealed proposals.
10. The bid is awarded to the lowest responsive and responsible bidder in accordance with the specifications set forth in the invitation to bid.
11. Nothing in this policy shall be deemed to permit contract award to a bidder submitting a higher quality item than that designated in the invitation for bid if such bidder is not also the lowest bidder.
12. Multiple award contracts are allowable if determined to be in the best interest of the City.

Bid awards will be made by the City Council pursuant to a recommendation by City personnel and, as applicable, the professional project consultant. After the bid has been opened, all bids and bid documents must be open to public inspection. The amount of each bid, name of each bidder and any other relevant information will be included in the City’s minutes of the bid opening which is also open to public inspection.

Request For Proposal (RFP)

An RFP is used for procurement of goods (other than those for which an IFB is required) and services greater than \$80,000. It may be required that a selection committee be used to consider

complex or high dollar RFPs. When not required, a selection committee is recommended. The award is made to the responsive and responsible responder or responders whose proposal obtains the highest score according to the stated evaluation criteria. No other criteria may be used.

Request for Qualifications (RFQ):

A request for qualifications process is used to acquire certain **professional services** greater than \$80,000. A lower threshold of \$50,000 applies to architectural, engineering, or land surveying services (MCA 18-8-Part 212). A provider of professional services is selected based on demonstrated competence and qualifications for the type of services desired at a fair and reasonable price.

Bid and contract performance security:

For City contracts for the procurement of services, goods, property or supplies, the City may at its discretion require a bid security, performance security or both. Requirements should be discussed with the City Attorney's Office prior to the invitation for bid.

Bid Security: If bid security is required in response to an invitation for bid, it must be advertised and provided in accordance with MCA 18-1-201 through 206. Specifically:

1. Each bidder must provide a bid bond or other security in the amount of 10% of the bid price to protect and indemnify the City against the failure or refusal of the bidder to enter into the contract, if awarded.
2. The bond or other security is subject to forfeit if the bidder fails to enter into a contract within 30 days of bid acceptance by the City Council.
3. The bid bond or other security must be in the form specified in MCA 18-1-203 and payable to the City. Although other forms of security are allowed, the most common forms are cashier's check or bond executed by a surety corporation.
4. Bid security is returned to bidders whose bids are not accepted.

Performance Security:

In accordance with MCA 18-2-201 all construction contractors shall execute a bond to secure performance of the contract and payment of workers, subcontractors, and suppliers. MCA 18-2-201(4) allows the bond requirement to be waived for contracts less than \$50,000. Requirements for contract performance security are determined on a case-by-case basis in conjunction with the City Attorney's Office where allowable.

Public Works Contracts: In addition to the requirements listed above, all public works bid specifications and contracts for construction and non-construction services greater than \$25,000 are subject to prevailing wage requirements set forth in Title 18, Part 4. MCA.

RFP Evaluations and Best and Final Offers: RFP evaluation committee members will be selected by the City Council, Department Director and City Manager.

1. Committee members shall score each proposal individually and independently. However, non-biased group discussions are encouraged to discuss technical views to arrive at a better understanding of technical proposals during the evaluation process. The results of the scoring by the Evaluation Committee shall be totaled to determine the overall highest rated proposal. Any and all proposal owners determined to be within the competitive range may be given an opportunity to interview.
2. The Evaluation Committee shall determine which proposals' scores are in the competitive range for the purpose of conducting written or oral discussions/interviews. The competitive range shall be determined on the basis of criteria stated in the RFP.

3. The determination shall include all proposals that have a reasonable chance of being selected for award. When there is doubt as to whether a proposal is in fact within the competitive range, the proposal shall be included.
4. If a contract award cannot be made on initial offers as submitted, the evaluation committee may request written clarifications or interviews with all responsible proposal owners within the competitive range. The following guidelines may be used:
 - a. Attempt to resolve or clarify any uncertainties concerning their proposal.
 - b. Resolve any suspected mistakes
 - c. Provide the offeror a reasonable opportunity to discuss past performance information obtained from references. Names of individuals providing references shall not be disclosed.
 - d. The purpose of discussions is not to help an offeror owner to bring a proposal up to the level of others.
5. Auction techniques shall not be used. It is permissible to inform an offeror that the proposed prices exceed the budget for the project.
6. Upon completion of discussions, the Evaluation Committee may issue to all offerors still within the competitive range a request for Best and Final Offers. Best and Final offers shall be requested in writing. The request shall include:
 - a. Notice that discussions are concluded.
 - b. Notice that this is an opportunity to submit a best and final offer.
 - c. A due date for submission of the Best and Final Offer.
7. After receipt and analysis of Best and Final Offers, the Evaluation Committee shall recommend to the City Manager which offeror is most advantageous to the City, considering price and the other factors included in the RFP.
 Note: Proposal owners should be reminded that Best and Final Offers are not mandatory. They are only an opportunity to clarify, if necessary. The City will assume that Offerors who do not submit a Best and Final Offer have proposed their Best and Final Offer in their original submittal.
8. If the decision by the City Manager is in agreement with the Evaluation Committee then the City will proceed within the purchasing threshold requirements.
9. When the decision of the City Manager deviates from that of the evaluation committee's recommendation the reasoning for such deviation shall be formally documented by the City Manager and included in the purchasing file. When the deviation involves contracts greater than \$80,000 the documentation shall be forwarded to City the City Council for final review and approval.

Purchase of Used Equipment:

Purchase of used equipment is allowable if in the best interest of the City. The contract will be made by identifying the requirements and proceeding with the competitive bidding or proposal process as may be applicable. (ARM 2.5.601) Criteria to consider in making this determination include:

1. Consideration of the type, use, and life expectancy of new versus used equipment;
2. Comparing the purchase price of new and used equipment;
3. Comparing the price and general condition of used equipment among several vendors;
4. Consideration of the freight charges and FOB point;
5. Investigation of manufacturer or brand and availability of warranty, maintenance, and parts; and
6. Clarification of payment terms.

Criteria Specific to Federally Funded Projects:

Service Contracts (except for A/E Professional Services)

\$250,000 and above

Shall be procured using the Uniform Guidance “competitive proposal” procedure (2 C.F.R. § 200.320(d)) when the “sealed bid” procedure is not appropriate for the particular type of service being sought.

Note: RFP's (Competitive Proposals) can only be used when conditions are not appropriate for the use of sealed bids such as service contracts. This can be used for all types of contracts \$150,000 and over.

Procedures are as follows for *competitive proposal* method:

- Publicly advertised.
- Formal advertisement in a newspaper is not required so long as the method of advertisement will solicit proposals from an “adequate number” of qualified firms.
- Solicit from adequate number of qualified firms.
- Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321 by posting on the State’s IPS site and the HUB site.
- Identify evaluation criteria and relative importance of each criterion (criteria weight) in the RFP.
- All responses must be considered to the maximum extent practical.
- Must have a written method for conducting technical evaluations of proposals and selecting the winning firm.
- Award the contract to the responsible firm with most advantageous proposal considering price and other factors identified in the RFP.
- Governing board approval is required per local policy.
- Award the contract on a fixed-price or cost-reimbursement basis
- Must have written contract with Federal contract provisions included.

Cannot use a cooperative purchasing program as an exception to the bidding
Do NOT have to re-advertise if only one response is received.

Construction/Repair/Facility Improvement/Renovation**\$10,000 up to \$250,000:**

Shall be procured using the Uniform Guidance “small purchase” procedure (2 C.F.R. § 200.320(b))

Procedures are as follows:

- Cost or price analysis is not required prior to soliciting bids, although price estimates may be provided by the project designer.
- Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321 by posting on the State’s IPS site and HUB.
- Obtain written price quotes from an adequate number of suppliers or sources (typically means two (2) however, verify with granting agency).
- Award Contract on a fixed-price or not to exceed basis.
- Award to lowest responsive, responsible bidder.
- Governing Board approval is required.
- Must have written contract with Federal contract provisions included.

Construction/Repair/Facility Improvement/Renovation**\$250,000 up to \$500,000:**

Shall be procured using the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c))

Procedures are as follows:

- Cost or price analysis is required prior to soliciting bids (this cost estimate may be provided by the project designer).
- Complete specifications must be made available to all bidders.
- Public Advertisement: Advertise the bid solicitation for a period of time sufficient to give bidders notice of opportunity to submit bids (formal advertisement in a newspaper is not required so long as other means of advertising will provide sufficient notice of the opportunity to bid). The advertisement must state the date, time, and location of the public bid opening, and indicate where specifications may be obtained.
- Solicit from adequate number of known suppliers.
- Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321 by posting on the State's IPS site and the HUB site.
- Bids must be submitted sealed.

Public Bid Opening

- Must have two (2) sealed bids submitted prior to opening.
- 5% Bid Bond (a bid that does not contain a bid bond cannot be counted toward the two (2) bid requirement).
- Performance and Payment Bonds for 100% of contract price.
- Bids may only be rejected for "sound *documented* reasons".
- Contract awarded on firm-fixed price basis.
- Award to lowest responsive, responsible bidder.
- Must have written contract with Federal contract provisions included.
- Governing Board approval is required.
- If less than two bids are received, re-advertisement is necessary. If upon re-advertisement only one bid is received, the bid can be accepted and opened.

*** Building Projects over \$300,000**

Note: Construction or repair contracts involving a building \$300,000 and above must also include:

Formal HUB (historically underutilized business) participation required under G.S. 143-128.2, including local government outreach efforts and bidder good faith efforts shall apply.

Separate specifications shall be drawn for the HVAC, electrical, plumbing, and general construction work as required under G.S. 143-128(a).

The project shall be bid using a statutorily authorized bidding method (separate-prime, single-prime, or dual bidding) as required under G.S. 143-129(a1).

Specific Procurement Procedures - Continued Construction/Repair/Facility Improvement/Renovation

\$500,000 and above:

Shall be procured using a combination of the most restrictive requirements of the Uniform Guidance

"Sealed bid" procedure (2 C.F.R. § 200.320(c)) and state formal bidding procedures (G.S. 143-129)

Procedures are as follows:

- Cost or price analysis is required prior to soliciting bids (this cost estimate may be provided by the project designer).
- Complete specifications must be made available to all bidders.
- Separate specifications shall be drawn for the HVAC, electrical, plumbing, and general construction work as required under G.S. 143-128(a).
- The project shall be bid using a statutorily authorized bidding method (separate- prime, single-prime, or dual bidding) as required under G.S. 143-129(a1).

- Public Advertisement: (Electronic Advertising is authorized).
- Legal notice must reserve to the governing board the right to reject any or all bids only for “sound documented reasons.”
- Solicit from adequate number of known suppliers.
- Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321 by posting on the State’s IPS site and HUB.
- Good Faith MBE Requirements/Affidavits must be submitted.
- Bids must be submitted sealed and in paper form.

Public Bid Opening

- Must have three (3) sealed bids submitted before opening.
- 5% Bid Bond (a bid that does not contain a bid bond cannot be counted toward the three (3) bid requirement).
- Performance and Payment Bonds for 100% of contract price.
- Bids can only be rejected for “sound *documented* reasons”.
- Contract awarded on firm-fixed Price basis.
- Award to lowest, responsive, responsible bidder.
- Must have written contract with Federal contract provisions included.
- Governing Board approval is required (cannot be delegated).
- Governing board may reject and all bids only for “sound documented reasons.”

If less than three bids are received, re-advertisement is necessary. If upon re- advertisement less than three bids are received, bid(s) can be accepted and opened.

Only Professional Services with fees under \$10,000 may be exempt using the exemption process as authorized under 143-64.32.

Under \$250,000

Shall be procured using the state “Mini-Brooks Act” requirements (G.S. 143-64.31)

Procedures are as follows:

- Issue a Request for Qualifications (RFQ) to solicit qualifications from qualified firms.
- Advertisement: Solicit only - Newspaper is not required.
- Price (other than unit cost) shall not be solicited in the RFQ.
- Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided for under 2 C.F.R. § 200.321 by posting on the State’s IPS site and HUB.
- Evaluate the qualifications of respondents based on the evaluation criteria developed by the Finance Department and/or requesting department. State licensure requirements apply
- Rank respondents based on qualifications and select the best qualified firm.
- Price cannot be a factor in the evaluation.
- Preference may be given to in-state (but not local) firms.
- Negotiate fair and reasonable compensation with the best qualified firm. If negotiations are not successfully, repeat negotiations with the second-best qualified firm.
- Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated.
- Must be a fixed price or not to exceed contract type for services
- Governing board approval is required.
- Must have written contract with Federal contract provisions included

Do NOT have to re-advertise if only one response is received.

\$250,000 and over

Shall be procured using the Uniform Guidance “**competitive proposal**” procedure (2 C.F.R. § 200.320(d)(5))

Procedures are as follows:

- Issue a Request for Qualifications (RFQ) to solicit qualifications from qualified firms
- Advertisement: Solicit only - Newspaper is not required).
- Price (other than unit cost) shall not be solicited in the RFQ.
- Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided for under 2 C.F.R. § 200.321 by posting on the State's IPS site and HUB site.
- Identify the evaluation criteria and relative importance of each criteria (the criteria weight) in the RFQ.
- Proposals must be solicited from an "adequate number of qualified sources" (an individual Federal grantor agency may issue guidance interpreting "adequate number").
- Must have a written method for conducting technical evaluations of proposals and selecting the best qualified firm.
- Consider all responses to the publicized RFQ to the maximum extent practical.
- Evaluate qualifications of respondents based on the evaluation criteria developed by the Finance Department and/or requesting department.
- Rank respondents based on qualifications and select the most qualified firm.
- Preference may be given to in-state (but not local) firms provided that granting the preference leaves an appropriate number of qualified firms to compete for the contract given the nature and size of the project.
- Price cannot be a factor in the initial selection of the most qualified firm.
- Negotiate fair and reasonable compensation with the best qualified firm. If negotiations are not successful, repeat negotiations with the second-best qualified firm.
- Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated.
- State licensure requirements apply
- Must be a fixed price or not to exceed contract type for services
- Governing board approval is required.
- Must have written contract with Federal contract provisions included

Note 1: Geographic preference can be given (in-state) as long as there is an appropriate number of qualified firms given the size of the project.

Note 2: RFQ process cannot be used for general consulting services or other services not defined by state law or PDAT Supplement, Section V-15 even if those services can be performed by an architectural or engineering firm.

Exceptions

Non-competitive contracts are allowed ***only*** under the following conditions and with the written approval of the Federal agency or state pass-through agency that awarded the Federal funds:

Sole Source. A contract may be awarded without competitive bidding when the item is available from only one source. The Finance Department and/or requesting department shall document the justification for and lack of available competition for the item. A sole source contract must be approved by the governing board.

Public Exigency. A contract may be awarded without competitive bidding when there is a public exigency. A public exigency exists when there is an imminent or actual threat to public health, safety, and welfare, and the need for the item will not permit the delay resulting from a competitive bidding. **A cost analysis is still required.**

Inadequate Competition. A contract may be awarded without competitive bidding when competition is determined to be inadequate after attempts to solicit bids from a number of

sources as required under this Policy does not result in a qualified winning bidder.

Federal Contract. A contract may be awarded without competitive bidding when the purchase is made from a federal contract available on the U.S. General Services Administration schedules of contracts.

Awarding Agency Approval. A contract may be awarded without competitive bidding with the express written authorization of the Federal agency or state pass-through agency that awarded the Federal funds so long as awarding the contract without competition is consistent with state law.

Conflict of Interest: Use of Federal Funds

Purpose

The purpose of this policy is to establish conflicts of interest guidelines that meet or exceed the requirements under state law and local policy when procuring goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects paid for in part or whole by Federal funds and required under 2 C.F.R. § 200.318(c)(1).

Policy

This policy applies when procuring goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects funded in part or whole with Federal financial assistance (direct or reimbursed). This policy also applies to any sub-recipient of the funds.

The employee responsible for managing the Federal financial assistance award shall review the notice of award to identify any additional conflicts of interest prohibitions or requirements associated with the award, and shall notify all employees, officers, and agents, including sub-recipients, of the requirements of this policy and any additional prohibitions or requirements.

Conflicts of Interest. In addition to the prohibition against self-benefiting from a public contract under G.S. 14-234, no officer, employee, or agent of the City of Columbia Falls may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. A real or apparent conflict exists when any of the following parties has a financial or other interest in or receives a tangible personal benefit from a firm considered for award of a contract:

- The employee, officer, or agent,
- Any member of his or her immediate family,
- His or her partner, or
- An organization which employs or is about to employ any of these parties.

Any officer, employee, or agent with an actual, apparent, or potential conflict of interest as defined in this policy shall report the conflict to his or her immediate supervisor. Any such conflict shall be disclosed in writing to the Federal award agency or pass-through entity in accordance with applicable Federal awarding agency policy.

Gifts. In addition to the prohibition against accepting gifts and favors from vendors and contractors under G.S. 133-32, officers, employees, and agents of the City of Columbia Falls are prohibited from accepting or soliciting gifts, gratuities, favors, or anything of monetary value from contractors, suppliers, or parties to subcontracts. Items of nominal value such as promotional items, honorariums for participation in meetings, and meals furnished at banquets may be accepted. Any officer, employee or agent who knowingly accepts an item of nominal

value shall report the item to his or her immediate supervisor.

Provisions Included in all Contracts for Federally Funded Projects:

It is the policy of the City of Columbia Falls to include all of the following provisions, as applicable, in all contracts with vendors and sub-grants to grantees.

1. **Equal Employment Opportunity:** All contracts shall contain a provision requiring compliance with E.O. 11246, "Equal Employment Opportunity," as amended by E.O. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and as supplemented by regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."
2. **Copeland "Anti-Kickback" Act (18 U.S.C. 874 and 40 U.S.C. 276c):** All contracts and sub-grants in excess of \$2,000 for construction or repair awarded by the City of Columbia Falls and its sub recipients shall contain a provision for compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874), as supplemented by Department of Labor regulations 29 CFR part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States." This Act provides that each contractor or sub-recipient shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. It is the policy of the City of Columbia Falls to report all suspected or reported violations to the Federal -awarding agency.
3. **Davis-Bacon Act, as amended (40 U.S.C. 276a to a-7):** If included in the Federal agency's grant program legislation, all construction contracts of more than \$2,000 awarded by the City of Columbia Falls and its sub-recipients shall include a provision for compliance with the Davis- Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR part 5, "Labor Standards Provisions Applicable to Contracts Governing Federal Financed and Assisted Construction"). Under this Act, contractors are required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. It is the policy of the City of Columbia Falls to place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The City of Columbia Falls shall also obtain reports from contractors on a weekly basis in order to monitor compliance with the Davis-Bacon Act. The City of Columbia Falls shall report all suspected or reported violations to the Federal -awarding agency.
4. **Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333):** [Where applicable] All contracts awarded by the City of Columbia Falls in excess of \$2,000 for construction contracts and in excess of \$2,500 for other contracts that involve the employment of mechanics or laborers shall include a provision for compliance with Sections 102 and 107 of the Contract Works Hours and Safety Standards Act (40 U.S.C. 327-333), as supplemented by Department of Labor regulations (29 CFR part 5). Under Section 102 of the Act, each contractor is required to compute wages of every mechanic and laborer on the basis of a standard workweek of 40 hours. Work in excess of the standard workweek is permissible provided that the worker is compensated at a rate of not less than 1-1/2 times the basic rate of pay for all hours worked in excess of 40 hours in the workweek. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions that are unsanitary, hazardous, or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.
5. **Rights to Inventions Made Under a Contract or Agreement:** Contracts or agreements for the performance of experimental, developmental, or research work shall provide for the rights of the Federal Government and the City of Columbia Falls in any resulting invention in accordance with 37 CFR part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

6. **Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), as amended:** Contracts and sub grants of amounts in excess of \$100,000 shall contain a provision that requires the recipient to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.). Violations shall be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

7. **Byrd Anti-Lobbying Amendment (31 U.S.C. 1352):** For all contracts or sub- grants of \$100,000 or more, the City of Columbia Falls shall obtain from the contractor or sub-grantee a certification that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Likewise, since each tier provides such certifications to the tier above it, the City of Columbia Falls shall provide such certifications in all situations in which it acts as a sub-recipient of a sub-grant of \$100,000 or more.

8. **Debarment and Suspension (E.O.s 12549 and 12689):** For all contracts in excess of the small purchase threshold fixed at 41 U.S.C. 403(11) (currently \$100,000), the City of Columbia Falls shall obtain from the contractor a certification that neither the contractor nor any of its principal employees are listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Non-procurement Programs.

9. **Remedies:** All contracts in excess of the small purchase threshold fixed at 41 U.S.C. 403(11) (currently \$100,000) shall contain contractual provisions or conditions that allow for administrative, contractual, or legal remedies in instances where a contractor violates/ breaches the contract terms.

10. **Termination:** All contracts in excess of the small purchase threshold fixed at 41 U.S.C. 403(11) (currently \$100,000) shall contain suitable provisions for termination by the City of Columbia Falls, including the manner by which termination shall be affected and the basis for settlement. In addition, such contracts shall describe the conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated due to circumstances beyond the control of the contractor.

Close Out of Federal Awards

The City of Columbia Falls shall follow the close out procedures described in OMB Circular A-110 and in the grant agreements as specified by the granting agency. The City of Columbia Falls and all sub-recipients shall liquidate all obligations incurred under the grant or contract within 90 days of the end of the grant or contract agreement.

Making of Sub awards

From time to time, the City of Columbia Falls may find it practical to make sub-awards of Federal funds to other organizations. All sub-awards in excess of \$5,000 shall be subject to the same procurement policies described in the preceding section. In addition, all sub-recipients must be approved in writing by the Federal awarding agency and agree to the sub-recipient monitoring provisions described in the next section.

Prior to entering into such sub-award agreement, the City Manager, or designee, shall perform the due-diligence necessary to gain assurance that the potential sub-recipient has adequate policies and procedures in place to provide reasonable assurance that it is capable complying with all applicable laws, regulations, and award provisions. In addition, the City of Columbia Falls shall obtain the following documents from all its sub-recipients, as applicable and available:

1. Articles of incorporation
2. By-laws or other governing documents
3. Determination letter from the IRS (recognizing the sub-recipient as exempt from income taxes under IRC section 501(c)(3))
4. Last 3 years' Forms 990 or 990-EZ, including all supporting schedules and attachments (also Form 990-T, if applicable)

5. Copies of the last 3 years' audit reports and management letters received from sub-recipient's independent auditor (including all reports associated with audits performed in accordance with OMB Circular A-133, if applicable)
6. Copy of the most recent internally prepared financial statement and current budget
7. Copies of any reports of government agencies (Inspector General, state, or local government auditors, etc.) resulting from audits, examinations or monitoring procedures.

Monitoring of Sub recipients

When the City of Columbia Falls utilizes Federal funds to make sub-awards to sub-recipients, the City of Columbia Falls is subject to a requirement to monitor each sub-recipient in order to provide reasonable assurance that sub-recipients are complying, in all material respects, with laws, regulations, and award provisions applicable to the program. In fulfillment of its obligation to monitor sub-recipients, the following policies apply to all sub-awards of Federal funds made by the City of Columbia Falls to sub-recipients:

1. Sub-award agreements shall include all information necessary to identify the funds as Federal funding. This information shall include:
 - a. The applicable Catalog of Federal Domestic Assistance (CFDA) title and number
 - b. Award name
 - c. Name of Federal agency
 - d. Amount of award
2. Sub-award agreements shall identify scope of work to be completed and budget
3. Sub-awards shall include a listing of all applicable Federal requirements that each sub-recipient must follow, including all applicable audit requirements (including the requirement to obtain an audit in accordance with OMB Circular A-133) if the sub-recipient meets the criteria for having to undergo such an audit.
4. Sub-awards shall require that sub-recipient employees responsible for program compliance obtain appropriate training in current grant administrative and program compliance requirements.
5. Sub-awards shall require that sub-recipients submit financial and program reports to the City of Columbia Falls on a basis no less frequently than quarterly or as otherwise required by the grant stipulations.
6. The City of Columbia Falls will follow up with all sub-recipients to determine whether all required audits have been completed. The City of Columbia Falls will cease all funding of sub-recipients failing to meet the appropriate audit requirements. The City of Columbia Falls shall obtain and review the resulting audit reports for possible effects on the City of Columbia Falls accounting records or audit.
7. The City Manager, or designee, shall be responsible for monitoring each sub-recipient on an ongoing basis, during the period of performance. The City Manager will establish and document, based on her/his understanding of the requirements that have been delegated to the sub-recipient, a system for the ongoing monitoring of the sub-recipient.
8. Ongoing monitoring of sub-recipients by the City of Columbia Falls will inherently vary from sub-recipient to sub-recipient, based on the nature of work assigned to each sub-recipient. However, ongoing monitoring activities may involve any or all of the following:
 - a. Regular contacts with sub-recipients and appropriate inquiries regarding the program.
 - b. Reviewing programmatic and financial reports prepared and submitted by the sub-recipient and following up on areas of concern.
 - c. Monitoring sub-recipient budgets.
 - d. Performing site visits to the sub-recipient to review financial and programmatic records and assess compliance with applicable laws, regulations, and provisions of the sub-award.
 - e. Offering sub-recipients technical assistance where needed.
 - f. Maintaining a system to track and follow up on deficiencies noted at the sub-recipient in order to assure that appropriate corrective action is taken.
 - g. Establishing and maintaining a tracking system to assure timely submission of all reports required of the sub-recipient.

9. Documentation shall be maintained in support of all efforts associated with the City of Columbia Falls' monitoring of sub-recipients.

Equipment and Furniture Purchased with Federal Funds

The City of Columbia Falls may occasionally purchase equipment and furniture that will be used exclusively on a program funded by a federal agency. In addition to those policies on Asset Management described earlier, equipment and furniture charged to Federal awards will be subject to certain additional policies as described below.

For purposes of Federal award accounting and administration, "equipment" shall include all assets with a unit cost equal to \$5,000 or more. Purchases of "equipment" with Federal funds shall be approved in advance in writing by the Federal awarding agency, if so, required under the terms of the award. In addition, the following policies shall apply regarding equipment purchased and charged to Federal awards:

1. Any equipment that is owned by the Federal government and given to the City of Columbia Falls for use in a program shall be marked as such.
2. Adequate insurance coverage will be maintained with respect to equipment and furniture charged to Federal awards.
3. For equipment (or residual inventories of supplies) with a remaining per unit fair market value of \$5,000 or less at the conclusion of the award, the City of Columbia Falls shall retain the equipment or supplies without any requirement for notifying the Federal agency. If the remaining per unit fair market value is \$5,000 or more, the City of Columbia Falls shall gain a written understanding with the Federal agency regarding disposition of the equipment. This understanding may involve returning the equipment to the Federal agency, keeping the equipment, and compensating the Federal agency, or selling the equipment and remitting the proceeds, less allowable selling costs, to the Federal agency.
4. The City Manager shall determine whether a specific award with a Federal agency includes additional equipment requirements or thresholds and requirements that differ from those described above.
5. A physical inventory of all equipment purchased with Federal funds shall be performed at least once every two years. The results of the physical inventory shall be reconciled to the accounting records of, and Federal reports filed as required by the grant agreement by the City of Columbia Falls.

Standards for Financial Management Systems

In accordance with OMB Circular A-110, it is the policy of the City of Columbia Falls to maintain a financial management system that provides for the following:

1. Accurate, current, and complete disclosure of the financial results of each Federally-sponsored project or program in accordance with the reporting requirements of Circular A-110 and/or the award.
2. Records that identify adequately the source and application of funds for Federally sponsored activities. These records shall contain information pertaining to Federal awards, authorizations, obligations, un-obligated balances, assets, outlays, income, and interest.
3. Effective control over and accountability for all funds, property, and other assets. The City of Columbia Falls shall adequately safeguard all such assets and assure they are used solely for authorized purposes.
4. Comparison of outlays with budget amounts for each award. Whenever possible, financial information shall be related to performance and unit cost data.
5. Written procedures to minimize the time elapsing between the transfer of funds to the City of Columbia Falls from the U.S. Treasury and the issuance or redemption of checks, warrants or payments by other means for program purposes by the recipient.
6. Written procedures for determining the reasonableness, allocability and allowability of costs in accordance with the provisions of the applicable Federal cost principles and the terms and conditions of the award.
7. Accounting records including cost accounting records that are supported by source documentation.

Budget and Program Revisions

It is the policy of the City of Columbia Falls to request prior approval from Federal awarding agencies for any program or budget revisions as may be outlined in the agreement with the awarding agency.

Such revisions requiring such prior approval include:

1. Change in the scope or objective of the project or program, even if there is no associated budget revision requiring prior written approval.
2. Change in a key person (project director, etc.) specified in the application or award document.
3. The need for additional Federal funding.
4. The inclusion, unless waived by the Federal awarding agency, of costs that require prior approval in accordance with OMB Circular A-122.
5. The transfer of funds allotted for training allowances (direct payment to trainees) to other categories of expense.
6. Unless described in the application and funded in the approved awards, the sub-award, transfer or contracting out of any work under an award (However, this provision does not apply to purchases of supplies, materials, equipment, or general support services).

CHARGING OF COSTS TO FEDERAL AWARDS:

Overview: It is the policy of the City of Columbia Falls that only costs that are reasonable, allowable, and allocable to a Federal award shall be charged to that award directly or indirectly. All unallowable costs shall be appropriately segregated from allowable costs in the general ledger in order to assure that unallowable costs are not charged to Federal awards.

Segregating Unallowable from Allowable Costs

The following steps shall be taken to identify and segregate costs that are allowable and unallowable with respect to each Federal award:

1. The budget and grant or contract for each award shall be reviewed for costs specifically allowable or unallowable.
2. The City Manager and accounting personnel shall be familiar with the allowability of costs provisions of OMB Circular A-122, "Cost Principles for Non-Profit Organizations", particularly:
 - a. The list of specifically unallowable costs found in Attachment B of the Circular (Selected Items of Cost), such as alcoholic beverages, bad debts, contributions, fines, and penalties, lobbying, etc.
 - b. Those costs requiring advance approval from Federal agencies in order to be allowable in accordance with Attachment B, such as foreign travel, equipment purchases, etc.
3. No costs shall be charged directly to any Federal award until the cost has been determined to be allowable under the terms of the award and/or OMB Circular A-122.
4. For each Federal award, an appropriate set of general ledger accounts shall be established in the chart of accounts of the City of Columbia Falls to reflect the categories of allowable costs identified in the award or the award budget.
5. All items of miscellaneous income or credits, including the subsequent write-offs of uncashed checks, rebates, refunds, and similar items, shall be reflected for grant accounting purposes as reductions in allowable expenditures if the credit relates to charges that were originally charged to a Federal award or to activity associated with a Federal award. The reduction in expenditures shall be reflected in the year in which the credit is received (i.e. if the purchase that results in the credit took place in a prior period, the prior period shall not be amended for the credit.)

Criteria for Allowability

It is the policy of the City of Columbia Falls that all costs must meet the following criteria in order to be treated as allowable direct or indirect costs under a federal award:

1. The cost must be "reasonable" for the performance of the award, considering the following

factors:

- a. Whether the cost is of a type that is generally considered as being necessary for the operation of the organization or the performance of the award.
 - b. Restraints imposed by such factors as generally accepted sound business practices, arm's length bargaining, Federal and state laws and regulations, and the terms and conditions of the award.
 - c. Whether the individuals concerned acted with prudence in the circumstances.
 - d. Consistency with established policies and procedures of the City, deviations from which could unjustifiably increase the costs of the award.
2. The cost must be "allocable" to an award by meeting one of the following criteria:
 - a. The cost is incurred specifically for a federal award.
 - b. The cost benefits both the Federal award and other work, and can be distributed in reasonable proportion to the benefits received; or
 - c. The cost is necessary to the overall operation of the City of Columbia Falls, but, where a direct relationship to any particular program or group of programs cannot be demonstrated.
 3. The cost must conform to any limitations or exclusions of OMB Circular A-122 or the Federal award itself.
 4. Treatment of costs must be consistent with policies and procedures that apply to both federally financed activities and other activities of the City of Columbia Falls.
 5. Costs must be consistently treated over time.
 6. The cost must be determined in accordance with generally accepted accounting principles.
 7. Costs may not be included as a cost of any other federally financed program in the current or prior periods.
 8. The cost must be adequately documented.

Direct Costs

Direct costs include those costs that are incurred specifically for one award or non-Federal function. The City of Columbia Falls identifies and charges these costs exclusively to each award or program.

Each invoice shall be coded with the appropriate account number reflecting which program received direct benefit from the expenditure. Invoices are approved by the appropriate project director and reviewed by the Finance Director. Time sheets or personnel activity reports are also submitted on a regular basis reflecting employees' work and which programs directly benefited from their effort. Time sheets or personnel activity reports shall serve as the basis for charging salaries directly to Federal awards and non-Federal functions. Equipment purchased for exclusive use on a Federal award and reimbursed by a Federal agency shall be accounted for as a direct cost of that award (i.e. such equipment shall not be capitalized and depreciated except as stated in policies pertaining to asset capitalization).

Indirect Costs

Indirect costs are those costs that either benefit more than one award (overhead costs) or non-Federal function or that are necessary for the overall operation of the City of Columbia Falls (management and general costs). The City of Columbia Falls has elected to forego charging any local, state or federal program for Indirect Costs and as such, does not charge any program for Indirect Costs. Accordingly, the City does not calculate an Indirect Cost rate.

Columbia Falls Fire Department
2022 Runs

Item No.14.

	Jan	Feb	March	April	May	June	July	August	Sept.	Oct.	Nov.	Dec.	Calls YTD 2022	
calls	20	18	23	28	27	22	35	31	35	34	28	56	357	
Weeks	13	12	10	20	22	14	20	21	24	15	18	34	223	62.46%
Peterson	8	6	8	15	9	5	7	10	9	4	1	20	102	28.57%
Ross	1	0	1	1	2	0	3	5	3	3	3	13	35	9.80%
Kemppainen	1	0	2	3	2	3	2	3	1	1	4	3	25	7.00%
Loughery	5	1	5	5	3	2	6	3	3	3	5	6	47	13.17%
Perkins, E.	6	6	3	4	7	2	3	3	5	3	5	5	52	14.57%
Smith, R.	6	2	2	3	5	1	1	6	1	2	8	10	47	13.17%
Best	0	0	4	0	0	0	0	2	0	0	0	0	6	1.68%
Arnold	2	5	4	5	3	3	5	4	4	2	3	7	47	13.17%
Vanhaverbeke	1	6	7	4	20	9	4	6	6	11	2	13	89	24.93%
Shanks	2	2	3	3	3	2	5	4	3	2	3	2	34	9.52%
Bates	5	1	2	4	1	1	3	2	2	2	3	2	28	7.84%
Stuhler	4	1	5	9	4	8	8	7	4	1	2	2	55	15.41%
Schrader	4	1	6	5	2	0	3	4	0	3	5	3	36	10.08%
Willcut	2	3	4	5	5	8	5	3	1	4	8	10	58	16.25%
Grogan	20	17	20	16	17	20	23	24	26	33	26	52	294	82.35%
Davis	5	0	4	1	2	1	4	3	0	1	2	6	29	8.12%
O'Brien	20	7	8	7	7	8	10	8	11	13	10	1	110	30.81%
Woodruff	4	6	8	10	9	7	10	12	3	7	3	6	85	23.81%
K. Smith	8	7	6	6	13	5	7	13	5	11	6	24	111	31.09%
Thomas	2	4	8	7	10	5	15	8	13	4	3	8	87	24.37%
Hanley	1	3	0	4	3	2	1	3	1	5	4	5	32	8.96%
Dickerson	6	3	4	13	2	6	8	1	0	3	7	4	57	15.97%
Butts	5	0	6	7	5	12	17	13	6	0	6	14	91	25.49%
Hogan	15	9	18	19	16	12	23	26	15	19	15	37	224	62.75%
Dolph	0	0	0	24	9	5	4	2	6	14	12	8	84	23.53%
Pinneke	0	0	0	0	0	0	0	10	18	16	12	26	82	22.97%
Ledbeter	0	0	0	0	0	0	0	0	2	8	9	21	40	11.20%
Brite	0	0	1	2	1	3	2	1	1	0	3			
J Smith	5	3												
Thorsteinson	3	4	14	11	5									
Lawrence	0	0	0	0	0	0	4	1	0					
			#1 month		#2 month		2022 #1				Department Average:		88.52	24.79%

	Jan	Feb	March	April	May	June	July	August	Sept.	Oct.	Nov.	Dec.	Calls YTD 2022	
Total calls	20	18	23	28	27	22	35	31	35	34	28	56	357	
Rural	9	10	15	19	14	8	24	18	16	16	18	27	194	54.34%
City	11	8	8	9	13	14	11	13	19	18	10	29	163	45.66%
Mutual Aid Received	1	0	1	1	0	0	0	1	0	0	0	0	4	1.12%
Mutual Aid Given	0	0	2	2	1	1	1	2	5	2	1	4	21	5.88%
Medical & MVA	5	6	7	7	9	6	12	12	19	12	9	21	125	35.01%

Columbia Falls Police Department
Monthly Activity Report
December 2022

Police	December					5 Year Average
	2022	2021	2020	2019	2018	
Arrests (Total)	21	29	21	27	35	27
Adult	20	23	16	25	31	23
Juvenile	1	6	5	2	4	4
Accidents Investigated	13	14	12	13	21	15
Stolen Property (Value)	26722	44600	1667	20374	8819	20436
Stolen Property (Recovered)	2578	0	2100	0	8000	2536
Criminal Mischief (Incidents)	2	3	5	2	3	3
Damage Amount	100	1500	3550	100	1901	1430
Misdemeanor Citations Issued	52	87	68	138	97	88
Traffic Offenses	40	73	55	130	81	76
Cell Phone Viol.	0	2	7	20	4	7
DUI Offenses	3	5	1	9	3	4
Drug Offenses	2	1	3	4	4	3
Traffic Stops	95	127	101	282	273	176
Court Fines and Forfeitures	7692	13811	13584	18862	10434	12877
Miles patrolled	N/A	6795	5586	8113	7488	6996
911 Phone Calls	141	123	133	105	113	123
Incident Reports	714	766	670	905	849	781
Domestic Abuse/Assaults	36	28	29	16	22	26
Felony Investigations/Arrest	9	10	3	7	11	8
Business Checks	63	62	59	61	68	63
Welfare Checks	19	17	5	7	10	12
Citizen Assist	59	51	37	53	55	51
Agency Assist	29	32	28	41	35	33

**CITY OF COLUMBIA FALLS
CORRESPONDENCE LIST
COUNCIL MEETING
January 17, 2023**

- 01/03/23 - Letter from Gary Hall, providing contact information for entities in process of developing Flathead properties for large scale subdivisions
- 01/04/23 – Letters from Cole Mizak, Tamarack Meadows vs River Highland and other issues
- 01/05/23 – Letters from Jessie Pappenfus, Tamarack Meadows Subdivision
- 01/09/23 – Letter from DEQ, Hilltop Main Sewer and Lift Station 5 Rehabilitation
- 01/10/23 – Letter from Loree Smith, future Tamarack Meadows Development
- 01/10/23 – Letter from Carol Peterson to delay Tamarack Meadows Subdivision
- 01/10/23 – Letter from Cynthia Smith to delay Tamarack Meadows Subdivision
- 01/10/23 – Letter from Grant and Alexis Ordelheide, Tamarack Meadows
- 01/10/23 – Comments from Ellyn (Rosie) Apple-Skeahan, comments for the January 17th Council meeting regarding Tamarack Meadows.
- 01/11/23 – Letter from Rachel Erickson, the proposed Tamarack Meadows subdivision
- 01/12/23 – Letter from Shane Erickson, the proposed Tamarack Meadows subdivision
- 01/12/23 – Letter from Randy Ostman, Tamarack Meadows Subdivision
- 01/12/23 – Letter from Dan Singer, Tamarack Meadows and traffic study
- 01/12/23 – Letter from Marcia Ostman, Tamarack Meadows proposal
- 01/13/23 – Letter to Mayor and Council from Carl Jospeh and Kathy R. Tabler, the proposed Tamarack Meadows Subdivision
- 01/13/23 – Email from Douglas Cook, regarding runoff at Tamarack Meadows
- 01/13/23 – Letter from Kelson Colbo, Tamarack Meadows Subdivision
- 01/13/23 Letter from Jeremy Pappenfus, Tamarack Meadows Subdivision

From: Cole Mizak REALTOR <colemizak@gmail.com>
Sent: Wednesday, January 4, 2023 10:19 AM
To: Susan Nicosia; eric@sandssurveying.com
Cc: staalandb@cityofcolumbiafalls.com
Subject: ATTENTION: Tamarack Meadows vs River Highlands and Other Issues

Hi Eric, Susan and Barb,

We do not know each other personally, but I attended the council meeting last night via Zoom and I am a property owner at 136 Turnberry Terrace.

I thank you both for your time and your expertise in the area of planning and zoning.

As I know you're working on several items for the council before the next meeting in 2 weeks in regards to Tamarack Meadows, and I'd like to bring additional items to your attention for presentation to the council:

The planning board rejected the River Highlands development just less than 6 months ago. The recurring themes for denial were "the character of the neighborhood", "the impact on the Flathead River", and what seemed to be the biggest of all, "safety and traffic."

I think we can all agree after last night's meeting that this development poses two of those same issues - the character of the neighborhood and safety and traffic. As the Mayor stated, last night's meeting was a legal hearing and I believe the legal representation for the council and the city should take that into account that the planning board just rejected a subdivision with 2/3 of the reasons being the exact same in this case...

As Barb Riley mentioned, this subdivision in no way, shape or form emulates the quality of life and the quality of homes throughout the surrounding parts of the greater Meadow Lake community and Mountain Watch. Now that the planning board and council have the additional information that the proposed subdivision conflicts with Meadow Lake CC&Rs (which it would fall into), it seems hasty to approve something that can't even then be built. I understand this is "typically" outside of the council's job, however when was this ever brought up in a prior subdivision plan?

As many residents including the homeowners at 315 Meadow Lake Drive mentioned, the traffic impact study does not account for the vast majority of homeowners to be retirees / empty nesters taking many more than 2 trips per day... The traffic impact study conducted is very inaccurate and I wouldn't be surprised if it's realistic to multiply it by 2 or 3 times.

That then goes on to say, the Mayor stated he'd like to attempt to take construction traffic off of Meadow Lake Drive and push it onto Turnberry Terrace. There are many families on Turnberry Terrace with children - many snow days the kids sled down the street. Not to mention, Turnberry Terrace is a "private" road. I do not see how this is possible for the council to propose and I will be advocating for our Mountain Watch HOA to explore our rights on the matter.

It's my understanding that the mission statement for the City of Columbia Falls is to foster a community that appeals to individuals, families, businesses and investors. Columbia Falls is a city that encourages individual rights and responsibilities, promotes aesthetics and recreation, and

provides safety and security. By listening to its citizens and responding to their needs, by respecting diversity and differences of opinion, and by evaluating the status quo and practicing thoughtful planning, the City provides excellent value at reasonable cost.

Item No.16.

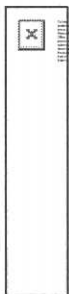
All-in-all, quite a few things have changed since 2006 and this is not the same time period and I would urge the planning board and the council to look back at their mission and really see which citizens this proposed development is benefitting, because the only ones it seems to be benefiting are the developers by way of profit. No nearby residents are in favor of the current plan.

Based on the River Highlands project being rejected nearly on the same grounds (a good case for legal precedent), Turnberry Terrace being a "private road" (in which there's no reason for construction traffic to be redirected to versus Meadow Lake Drive - a county road), serious safety and traffic concerns (as it was also mentioned, a child was killed last year), and the subdivision being out of character for the area; I truly believe the planning board and the council are opening the city up to some serious legal liability should they vote the project through as proposed.

I have been involved in several developments and several large scale subdivision meetings in the past throughout various parts of the country and I strongly urge the planning board and the council to make great amends to this plan or reject it.

Please forward this email to council members and anyone else you feel would benefit from it.

Thank you for your time,



Luxury Realtor®
Brokered by Compass
NV: S.179606 | CA: 0212688

775-225-2549
 Cole@MTNLuxuryLiving.com
 MTNLuxuryLiving.com



Top 1.5% of All Realtors Nationwide (Real Trends)	Certified Residential Specialist (CRS)	Luxury Home Marketing Specialist (CLHMS, Guild)
---	--	---

City Council
City of Columbia Falls
130 6th Street West
Columbia Falls, MT 59912

January 13, 2023

RE: Proposed Major Subdivision – Tamarack Meadows

Honorable Council Members:

Darin Fisher, Councilor
Kelly Hamilton, Councilor
Jenny Lovering, Councilor
John Piper, Councilor
Paula Robinson, Councilor
Mike Shepard, Councilor

RECEIVED
JAN 13 2023
CITY OF COLUMBIA FALLS

I thank you both for your time and your expertise in leading our city of Columbia Falls.

I'd like to bring additional items to your attention in the consideration of the major subdivision of Tamarack Meadows.

The planning board rejected the River Highlands development just less than 6 months ago. The recurring themes for denial were "the character of the neighborhood", "the impact on the Flathead River", and what seemed to be the biggest of all, "safety and traffic."

I think we can all agree after the prior meeting, that this development poses two of those same issues - the character of the neighborhood and safety and traffic. As the Mayor stated, last night's meeting was a legal hearing and I believe the legal representation for the council and the city should take that into account that the planning board just rejected a subdivision with 2/3 of the reasons being the exact same in this case...

As Barb Riley mentioned, this subdivision in no way, shape or form emulates the quality of life and the quality of homes throughout the surrounding parts of the greater Meadow Lake community and Mountain Watch. Now that the planning board and council have the additional information that the proposed subdivision conflicts with Meadow Lake CC&Rs (which it would fall into), it seems haste to approve something that can't even then be built. I understand this is "typically" outside of the council's job, however when was this ever brought up in a prior subdivision plan?

As many residents including the homeowners at 315 Meadow Lake Drive mentioned, the traffic impact study does not account for the vast majority of homeowners to be retirees / empty nesters taking many more than 2 trips per day... The traffic impact study conducted is very inaccurate and I wouldn't be surprised if it's realistic to multiply it by 2 or 3 times.

That then goes on to say, the Mayor stated he'd like to attempt to take construction traffic off of Meadow Lake Drive and push it onto Turnberry Terrace. There are many families on Turnberry

Terrace with children - many snow days the kids sled down the street. Not to mention, Turnberry Terrace is a "private" road. I do not see how this is possible for the council to propose.

It's my understanding that the mission statement for the City of Columbia Falls is to foster a community that appeals to individuals, families, businesses and investors. Columbia Falls is a city that encourages individual rights and responsibilities, promotes aesthetics and recreation, and provides safety and security. By listening to its citizens and responding to their needs, by respecting diversity and differences of opinion, and by evaluating the status quo and practicing thoughtful planning, the City provides excellent value at reasonable cost.

All-in-all, quite a few things have changed since 2006 and this is not the same time period and I would urge the planning board and the council to look back at their mission and really see which citizens this proposed development is benefitting, because the only ones it seems to be benefitting are the developers by way of profit. No nearby residents are in favor of the current plan.

Based on the River Highlands project being rejected nearly on the same grounds (a good case for legal precedent), Turnberry Terrace being a "private road" (in which there's no reason for construction traffic to be redirected to versus Meadow Lake Drive - a county road), serious safety and traffic concerns (as it was also mentioned, a child was killed last year), and the subdivision being out of character for the area; I truly believe the planning board and the council are opening the city up to some serious legal liability should they vote the project through as proposed.

I have been involved in several developments and several large-scale subdivision meetings in the past throughout various parts of the country and I strongly urge the planning board and the council to make great amends to this plan or reject it.

Public comment should most definitely be open at the next upcoming city council meeting.

Sincerely,

Cole Mizak
136 Turnberry Terrace
Columbia Falls, MT 59912

To whom it may concern,

I attended the January 3, 2023 Columbia Falls City Council meeting via Zoom, when the proposed development called Tamarack Meadows was discussed. The level of density of this project poses a significant impact to the surrounding neighborhoods and streets. All public comment regarding this proposal was against the density, mainly because of the lack of appropriate roads to handle the increased traffic. Meadow Lake Drive and Turnberry Terrace are the roads indicated for use for the subdivision. While discussion was focused around the infrastructure development phase of Tamarack Meadows, the very real long term consequences of over 100 new homes and their related traffic on these two small roads cannot be overlooked.

In the documents provided by the city, the Planning Board amended Condition #20 (pg 115-116) regarding Construction Mitigation, striking the sentence 'All ingress and egress for construction purposes shall occur from the west entrance, unless otherwise permitted by the City.' The west entrance in reference is Turnberry Terrace, and the Planning Board rightfully recognized the absurdity of directing all construction traffic onto this private road. After public comment was closed, Mayor Don Barnhardt disregarded this, proposing that all construction traffic be directed away from Meadow Lake Drive and onto Turnberry Terrace. Meadow Lake Drive is a county road, with maintenance and repair paid for by the taxpayers of Flathead County. Turnberry Terrace is a private road, paid for and maintained by 30 property owners. Also per the Planning Board, Condition #25 (pg 116) was added stating that Tamarack Meadows shall participate in an equitable Road Maintenance Agreement with the Mountain Watch Subdivision, for the use and maintenance of Turnberry Terrace. The Council indicated that such an agreement is not under city jurisdiction, but would need to be worked out between the homeowners associations, basically washing their hands of this condition. However, there is a city document already in place regarding the responsibility of new subdivisions using existing roads. In the City of Columbia Falls Planning Department Title 17 Subdivision Regulations from February 2020, on page 89:

XI. ROADS

A. Estimate how much daily traffic the development, when fully developed, will generate on existing or proposed roads providing access to the development.

1. Discuss the capability of existing and proposed roads to safely accommodate this increased traffic (e.g., conditions of the road, surface and right-of-way widths, current traffic flows, etc.).
2. Describe any increased maintenance problems and costs that will be caused by this increase in volume.

B. Indicate who will pay the cost of installing and maintaining dedicated and/or private roadway.

D. Explain why access was not provided by means of a road within the subdivision if access to any of the individual lots is directly from City, County, State or Federal roads or highways.

Items A1&2, B, and D indicate that the City of Columbia Falls is indeed responsible for making sure that Turnberry Terrace as a private road does not independently shoulder the financial responsibility of construction traffic and increased residential traffic. There should be a plan in place before approval of this project to ensure that the residents of this street are not neglected. Additionally, item D indicates that it is unreasonable not to use Meadow Lake Drive for construction traffic as it is a county road.

I am aware that growth is inevitable, and I am not suggesting this land remain undeveloped. I am asking the City of Columbia Falls to take the time to properly address road usage and maintenance, as well as safety issues for the surrounding areas before approving this high density development.

Thank you.

Jessie Pappenfus
256 Turnberry Terrace
Columbia Falls, MT 59912

City Council
City of Columbia Falls
130 6th Street West
Columbia Falls, MT 59912

RE: Proposed Major Subdivision – Tamarack Meadows

Honorable Council Members:

Donald Barnhart, Mayor
Darin Fisher, Councilor
Kelly Hamilton, Councilor
Jenny Lovering, Councilor
John Piper, Councilor
Paula Robinson, Councilor
Mike Shepard, Councilor

RECEIVED
JAN 13 2023
CITY OF COLUMBIA FALLS

Dear Councilors,

I have concerns regarding the proposed Tamarack Meadows Subdivision. Please consider the following items before you make your decision on how to vote on Tuesday January 17, 2023.

Your 2019 City Growth Policy names as a weakness a lack of community participation in Planning/Zoning. In the years since 2019, we have seen significant growth of population in the Flathead Valley, and I would be hesitant to still highlight lack of community involvement as a weakness in Columbia Falls. Recently there has been enormous participation in Planning Board and City Council meetings regarding proposed developments. With increased participation comes the responsibility to actually listen to the concerns of the public. Mayor Barnhart announced there would be no public comment regarding Tamarack Meadows at the 1/17/23 meeting, and then proposed that all construction traffic be diverted to Turnberry Terrace, a privately owned and maintained road. It is absurd that the owners of that road are unable to respond to this statement at the coming meeting, so I am asking for the Council to change their stance and allow for public comment regarding Tamarack Meadows.

Your 2020 Subdivision Regulations state that you will discuss the capability of existing roads to safely accommodate increased traffic. This has not been done for Turnberry Terrace or Meadow Lake Drive. Before approving the development, you have the responsibility of conducting a thorough road analysis, including core samples, to determine if the roads can handle the loads that would be involved with the development. Additionally, your regulations say you will indicate increased maintenance problems and costs that will be caused by increased use. This has not happened. I am asking for a complete independent analysis of the roads before you approve Tamarack Meadows.

Thank you for taking the time to read this letter. I hope you will allow public comment regarding Tamarack Meadows on January 17, 2023, as well as postpone your decision until a proper and thorough road analysis of Turnberry Terrace and Meadow Lake Drive can be completed.

Jessie Pappenfus
256 Turnberry Terrace
Columbia Falls, MT 59912



RECEIVED

JAN 09 2023

Item No.16.

CITY OF COLUMBIA FALLS

January 5, 2023

Rickey Schultz, PE
HDR
700 SW Higgins Ave., Suite 200
Missoula, MT 59803

Re: Hilltop Main Sewer and Lift Station 5 Rehabilitation

Columbia Falls

EQ# 23-1862

Dear Consultant:

The information for the subject project was received by the Department on December 27, 2022; the information was reviewed in accordance with ARM Title 17, Chapter 38. This is to inform you that the project cannot be approved at this time. The Department is requesting additional information to demonstrate compliance with the Public Water Supply Laws (Montana Code Annotated Title 75, Chapter 6) and regulations (Administrative Rules of Montana Title 17, Chapter 38). The deficiencies of the application, which were identified during performance of the review, are listed by administrative rule or design standard section on the pages following this letter.

Further review of this application can proceed when written responses, revised plans and specifications, or other necessary document changes are submitted for the Department's consideration. Until the information required by law and regulation as specified in this letter is submitted to this office and found to be adequate, we cannot approve the proposed improvements to the system. Because the Department must make a decision to deny or approve your application within statutory deadlines, the Department hereby denies the submittal until the required information is submitted for review.

Please be aware the Montana Public Water Supplies, Distribution and Treatment Act (MCA 75-6-101 through 75-6-121) requires that an applicant gain the department's approval prior to proceeding with construction with respect to this application. Failure to gain prior approval before beginning construction is a violation of the Act and could lead to department enforcement action. Further review of this application can proceed when written responses, revised plans or other necessary planning document changes are submitted for the department's consideration.

When you submit the additional information for our review, please use the submittal title and EQ number noted above to ensure that the information is placed with your particular proposal.

Thank you for your efforts to meet our requirements. If there is anything I can do to answer questions or assist, please do not hesitate to contact me at 247-4455 or mwaite@mt.gov.

Sincerely,

Matthew Waite, PE
Water Quality Division
Billings Regional Office

cc: Owner
File

ang. CM
dc. PWD
corr.

Administrative Rules (ARM Title 17, Chapter 38):

1. Provide documentation from the owner indicating their commitment to retain a professional engineer to certify to the Department that the improvements were completed in accordance with the approved plans and specifications.

Design Standards for Wastewater Facilities (Circular DEQ-2):

1. Please provide a design report, specific to this project, in accordance with Chapter 10. The provided PER was helpful in answering basic questions about the community and system but did not appear to include these specific improvements.
2. Please discuss the expected peak hour flow to be conveyed and the capacity of the proposed replacement sewer main. Standard 32.
3. Please provide a specification for watertightness testing of the proposed manholes or discuss where such testing is required in the submitted specifications. Standard 34.7.
4. Please provide additional information regarding the proposed wet well and valve vault access hatches (Standard 41.2):
 - a. Verify that the hatches are locking.
 - b. The specification appears to require that the access hatches are rated for a load of 200 psi; is this load rating sufficient if the hatches will be located within traffic areas as it appears on the plans?
5. Please briefly discuss the confined space entry equipment (Standard 41.4) and ventilation equipment (42.7) available to the City for use at this lift station.
6. Please discuss the proposed pump capacity. The submitted PER indicates that the capacity of the existing lift station pumps is 525 gpm but the proposed units have a specified capacity of 210 gpm. Standard 42.31.
7. Verify that the proposed pumps are capable of passing a 3-inch solid (this requirement does not appear to be included in the specification). Standard 42.33.
8. Verify that the control panel will have a 110-volt convenience outlet and will be located inside a NEMA 3R or 4 enclosure. Standard 42.35; refer also to Standard 44.32.
9. Verify that the control system will alternate pumps between starts and provide initial float settings (elevation or distance from the bottom of the lift station). Standard 42.4.
10. Please discuss the operational volume of the wet well and the expected starting frequency of the pumps. What is the diameter of the wet well and what is the distance between pump on and off floats? What is the minimum time between starts for the proposed motors? Standard 42.62.
11. Verify that the pump control panel will include run time meters. Standard 42.8.
12. Please discuss the location of the duckbill check valve on the drain line relative to the high and low water levels in the wet well. If the valve is submerged, will there be sufficient head for the pipe to drain? Standard 44.4.
13. Please provide flow and head calculations for the proposed pumps and force main. Standard 49.7.

From: Karl Weeks <cffire@cityofcolumbiafalls.com>
Sent: Monday, January 9, 2023 3:08 PM
To: Barb Staaland
Subject: FW: Future Tamarack Meadows Development

RECEIVED**JAN 10 2023****CITY OF COLUMBIA FALLS**

Karl Weeks
Fire Chief/Marshal

Office: 406-892-3911 Cell: 406-270-3536 Columbia Falls Fire Department
130 Sixth Street West | Columbia Falls, MT 59912

Cffire@cityofcolumbiafalls.com | www.cityofcolumbiafalls.org

-----Original Message-----

From: Loree Smith [<mailto:1sunsetgirl@gmail.com>]
Sent: Monday, January 09, 2023 2:21 PM
To: staalandb@cityofcolumbiafalls.com; cffire@cityofcolumbiafalls.com; eric@sandsurveying.com; nicosias@cityofcolumbiafalls.com
Subject: Future Tamarack Meadows Development

To whom it may concern:

I would have loved to send a copy of this letter to the City Council Members as well as the Mayor, however their e-mails are not on the County Site, so I am respectfully asking if this could please be forwarded to them:

We are property owners who reside on Turnberry Terrace.

We are respectfully requesting a delay in your decision to approve the plans of Tamarack Meadows, until there can be an Independent Road Study completed to be able to assure the Homeowners (who use the street daily and who actually bear the burden of the cost to maintain the street) the City and the Developer that the street actually has the integrity to withstand the additional burden of the multiple heavy equipment vehicles, as well as the future traffic that will obviously come with the development.

As of now, there has been no communication between the City, the Developer and the People of the Community who live there, and how this will impact them.

There are numerous safety concerns not just with influx of traffic, but the very real danger of a Forest Fire. If there was a fire, how would so many people be able to evacuate? Currently, with no future planned road specifically for the new development could be a real safety issue for the future & current residents of the surrounding areas in the event of a Fire. This seems like it should be the first of many concerns of the City Officials as well as the Developer, as in living in a Forest this is a very real concern.

We by all means are not objecting to the growth and development in the Community, we are simply asking for the City Council Members and Mayor to take a pause on approving the Development as it is now, we as residents need more communication with the Developer and City so there can be a fair compromise. I am asking the Counsel Members to

vote as if you lived on Turnberry Terrace and how would this would impact you and the safety of your children and grandchildren.

Item No.16.

Respectfully,
Scott and Loree Smith
185 Turnberry Terrace

Sent from my iPad=

From: carol peterson <whtfsh11@gmail.com>
Sent: Monday, January 9, 2023 4:09 PM
To: staalandb@cityofcolumbiafalls.com
Subject: Delay of Tamarack Meadows Subdivision

RECEIVED**JAN 10 2023****CITY OF COLUMBIA FALLS**

In response to the City Council meeting, 1/3/23, we have serious concerns the planning board did not adequately research the overlay and set backs of the original Meadow Lake guidelines.

This has to be totally researched before there can be an approval of this development. Schellinger Construction was never given the the original information on setbacks and overlays. The Planning Board did not research these before approving the subdivision and passing it on to the City Council. It is illegal to proceed with out further discussion and approval. These are our concerns: 1) Research ,discussion with public input. The public and all concerned parties have a right to speak until all issues have been addressed. 2) Ingress and egress of county road use. Please refer to this website. City of Columbia Falls, Title 17 regulations. https://www.cityofcolumbiafalls.org/sites/default/files/file_attachments/planning_amp_zoning/page/5701/title_17_final_feb_2020.pdf#page94

Columbia falls.org/sites/default/files/ file attachments

/planning_amp_zoning/page/5701/title_17_final_feb_2020.pdf#page94

The mayor did not have a legal right

to recommend using Turnberry Terrace road (private) in favor of Meadow Lake Drive (county).

3) More communication with all HOAs in Meadow Lake, The Woods , Gardiner and Schellinger Construction is necessary with the county.

4) Time must be given to initiate having an engineering analysis done on Turnberry to determine load/traffic limits as well as updated potential replacement costs. Findings and documentation must be provided to all parties prior to an approval vote by the City Council.

We need to emphasize that an extension of this proposal must happen for the above items to be resolved. Much of this discussion happened after the public was silenced.

Thank you for your time and consideration of this extremely important matter that affects several neighborhood communities.

It's important that Schellinger Construction has the complete and legal information to move forward.

Please distribute this email to all City Council members, Eric Mulcahy, Susan Nicosia and Justin Breck.

Carol and Dan Peterson.

196 Turnberry Terrace

From: Cindy and Jim Smith <cinnjim@centurytel.net>
Sent: Tuesday, January 10, 2023 1:46 PM
To: staalandb@cityofcolumbiafalls.com

RECEIVED
JAN 10 2023
CITY OF COLUMBIA FALLS

To: Columbia Falls Mayor, Donald Barnhard; City Council members Darin Fisher, Kelly Hamilton, Jenny Lovering, John Piper, Paula Robinson, Mike Shepard, City Manager, Susan Nicosia

Subject: Delay of Tamarack Meadows Subdivision

In response to the last City Council meet, 1/3/23, I have serious concerns that the planning board did not research adequately the overlay and set backs of the original Meadow Lake guidelines.

This need to be totally researched before there is an approval of this development. Schellinger Construction was never given the original information on the set backs and lay overs. The Planning Board did not check into these before passing it to the City Council. It is illegal to proceed without further discussion and approval of the subdivision. These are my concerns:

1. Research, discussion with public input. The public and all concern parties have a right to speak until all issues have been addressed.
2. Ingress and Egress of county road use – refer to this website, City of Columbia Falls, Title 17, regulations.
https://www.cityofcolumbiafalls.org/sites/default/files/fileattachments/planning_amp_zoning/page/5701/title_17_final_feb_2020.pdf#page94

The mayor had no legal right to deny access to the county road Meadow Lake Drive in favor of using Turnberry Terrace which is a private road.

3. More communications with all HOAs in Meadow Lake, The Woods at Mountain Watch, and Gardnier with Schellinger Construction and the county.

4. Time must be given to initiate having an engineering analysis done on Turnberry Terrace to determine load/traffic limits as well as updated potential replacement costs. Findings and documentation must be provided to all parties prior to an approval vote by the City Council.

We need to emphasize that a extension of this process must happen for the above items to be addressed and legally clarified for all parties. Several legal and important key items that need to be resolved came up after the public was silenced.

Cynthia Smith
184 Turnberry Terrace

Thank for your time and consideration of this extremely important matter that affects several neighborhood communities. It's important that Schellinger Construction has the complete and legal information to move forward.

Barb Staaland

From: Alexis Ordelheide <amordelheide@gmail.com>
Sent: Tuesday, January 10, 2023 2:20 PM
To: eric@sandssurveying.com; nicosias@cityofcolumbiafalls.com; staalandb@cityofcolumbiafalls.com
Subject: Tamarack Meadows

RECEIVED
 JAN 10 2023
 CITY OF COLUMBIA FALLS

Grant and Alexis Ordelheide
 115 Turnberry Terrace
 Columbia Falls, MT 59912

January 10, 2023

Columbia Falls City Hall
 Attention: Barb Staaland, City Clerk
 130 6th Street West, Room A
 Columbia Falls, MT 59912

To Barb Staaland, Eric Mulcahy, Susan Nicosia, Donald W. Barnyard, Darin Fisher, Kelly Hamilton, Jenny Lovering, John Piper, Paula Robinson, and Mike Shepard,

Thank you for the opportunity to comment on the plan for Tamarack Meadows. We are writing to convey our opposition of the current plan for Tamarack Meadows. We are asking that the Columbia Falls City Council vote "**no**" in adopting the current plan.

We are aware that our town is growing but are asking to delay the approval for Tamarack Meadows for these reasons.

1. We believe the decision to direct all construction traffic from a county road to a private road is not one that should be made lightly.
2. There has not been adequate time for comment from the various HOAs that are impacted by these decisions. As well as communication between our communities and Schellinger.
3. The vote on this plan needs to be delayed until we have had time to have an *independent* civil engineer assess our road and its ability to sustain heavy vehicles and traffic. Please refer to the city document "City of Columbia Falls Planning Department Title 17 Subdivision Regulations from February 2020, page 89" which states that existing roads for new subdivisions must be properly inspected for increased traffic and safety.

Thank you for your consideration to delay the approval until these items can be addressed. These are important issues that will have long lasting effects for our community.

Thank you,
 Grant and Alexis Ordelheide

From: Ellyn Apple <rosieapple1@yahoo.com>
Sent: Tuesday, January 10, 2023 4:59 PM
To: staalandb@cityofcolumbiafalls.com; eric@sandssurveying.com
Subject: Comments for the January 17, 2023 City Council Meeting regarding Tamarack Meadows

Dear Mayor Donald Barnhart, and City Councilors Darin Fisher, Kelly Hamilton, Jenny Lovering, John Piper, Paula Robinson, Mike Shepard and Eric Mulcahy, City Planner,

Please delay approval of Tamarack Meadows beyond the January 17th meeting. Please do not approve the Tamarack Meadows current plan as it is now. We encourage the City Council to kick the plan back to the Planning Department. The existing residents, as well as the City Council, are still in process of obtaining pertinent and critical information of the current proposed plan. It is prudent and wise to first obtain critical analysis of the roads that are already comprised. Now in the January 3, 2023 meeting the mayor is directing major traffic of heavy construction vehicles for a number of years on these already compromised roads. Therefore, we are requesting that the City of Columbia Falls pay for a comprehensive engineering road review to analyze Turnberry Terrace, a private road, prior to the approval of Tamarack Meadows current plan. We are not trying to put a stop to the development; however, we are requesting to delay approval to gather needed facts. Just as the City Council was prudent to delay their decision on Tamarack Meadows at the January 3rd meeting so that the City Council could gather more facts, we are asking for the same courtesy. Please delay approval so our important facts can be answered and determined too.

It is wise planning for all parties to be aware of their financial obligations on maintaining Turnberry Terrace from a current road analysis prior to approval of this major subdivision. Please do not rush past this critical first step of doing a engineering analysis on the road to determine the load/traffic and potential replacement costs. This will give us hard numbers and what the road is capable of currently. Without these numbers and information how can any percentage number be fairly negotiated from Schellinger? Please do not further penalized residents of Mountain Watch HOA. Our home values and quality of life and ability to resale is already being diminished. Please allow enough time to allocate fair costs to Schellinger. Please do not allow Schellinger to unfairly profit on our backs. Please allow for our financial protection to be in balance with pressure for growth. What type of leverage will our HOA have with Schellinger after they get all the approvals. The City Council is putting Mountain Watch HOA at a major disadvantage with Schellinger without knowing the analysis of our road first. Schellinger has not had contact with us. We have a compromised private road that we are financially responsible for. Than the mayor is directing years of heavy use of construction vehicles over this road with unknown repair or reconstruction costs. Slow down your horses, please! So we can get a fair share of cost with Schellinger.

Mayor Don Barnhart stated that the City Council takes the public comments seriously. We, the existing neighborhoods, are being directly impacted and penalized the most for the fact that Tamarack Meadows does not have its own main access road to their major subdivision. We, the taxpayers and citizens, should continue to have a right to voice our unresolved concerns. We have not been adequately heard! Problems arise without open communication. Let's get in front of problems before they occur. Than we can make informed decisions in the January 17th meeting on beyond. We request to be allowed to be heard at January 17th meeting. Public comment should be allowed within the next meeting on January 17, 2023.

Please allow some time for open communication to take place between the HOAs and Schellinger prior to approval. Barb Riley's comment on whether the HOA's CC&Rs had been included within the Planning Department on Schellinger's current plan revealed this omission is an oversight. This oversight leaves the existing neighbors and HOA members at a time disadvantage and virtually having our hands tied to successfully negotiate with Schellinger after approval. What leverage will the HOAs have after the City Council's approval? Please do not give Schellinger the upper hand. Again we are asking for the approval process to be delayed so that all parties can have time to develop a workable and viable plan between Schellinger and the HOAs. Please protect the existing taxpayers and citizens rights too. Just because you can rush approval for Schellinger, does that mean you should?

Also public, construction and commerce traffic cannot be denied access on a county road. Meadow Lake Drive is a county road. Therefore, the mayor during the January 3rd. meeting gave the residents of Meadow Lake Drive false hopes of being able to limit construction traffic on their county road. Therefore, at the end of the January 3, 2023 meeting, the residents of Meadow Lake Drive shouted with joy when the mayor said he would limit construction traffic from Meadow Lake Drive and put all construction traffic on Turnberry Terrace, a private road! But that blessing evaporated up in smoke

because the county states that traffic cannot be denied access on a county road. So the people of Meadow Lake are believing that they have benefits of less traffic and more safety protection when in reality they do not. Please do not approve this current plan with these ongoing unresolved problems.

Since this major subdivision does not have its own main access road, it is of primary importance to know the true condition of the two compromised roads on Turnberry Terrace and Meadow Lake Drive. Therefore, more time is needed: to gather more financial numbers and information, to negotiate and develop a cohesive plan between HOAs and Schellinger, to continue having open communication with the City Council, and for all of us to receive correct information to develop a workable and reliable plan going forward.

Thank you for reading and considering my thoughts and concerns.

Sincerely,

Ellyn (Rosie) Apple-Skeahan
147 Turnberry Terrace, Columbia Falls, MT 59912

City Council
City of Columbia Falls
130 6th Street West
Columbia Falls, MT 59912

RECEIVED
JAN 11 2023
CITY OF COLUMBIA FALLS

RE: Proposed Major Subdivision – Tamarack Meadows

Honorable Council Members:

Darin Fisher, Councilor
Kelly Hamilton, Councilor
Jenny Lovering, Councilor
John Piper, Councilor
Paula Robinson, Councilor
Mike Shepard, Councilor

I write to you as a member of the community and currently reside at 35 Turnberry Lane. I was present at the Planning Board's meeting on December 13, 2022 regarding Schellinger Construction's Major Subdivision development proposal – Tamarack Meadows. I was also at the January 3rd, 2023 city council meeting at which time the council voted to delay action until January 17th of this month.

As a very poor public outreach for comments became apparent and the need for additional time to understand impacts to our community, the decision on the 3rd was appropriate. What was not appropriate is the mayor's comment that no further public comment will be available on the 17th. I ask all council members to read any and all letters and emails that have come in since the December planning meeting and up until January 17th. It is necessary to continue listening to YOUR community's concerns. Further analysis is needed for this project before the Council can appropriately make their decision. I would hope that the portion of the Council's meeting dealing with Tamarack Meadow be postponed until additional history of the 2006 process of planning coincides so closely with what looks like a carbon copy heading into 2023. New EA's should take into account the many changes we have seen in demographics, environmental concerns, and the myriad of economic and political considerations.

Please read all letters and seek out information from the HOA's directly impacted.

Very Truly Yours,

Randy Ostman/s/

Randy Ostman
35 Turnberry Lane
Columbia Falls, MT 59912

January 10, 2023

JAN 11 2023

CITY OF COLUMBIA FALLS

City Council Members,

I am writing in response to the January 3rd City Council meeting and proposed subdivision known as Tamarack Meadows. My intent with this letter is not to strike down the inevitable development of that area, but to express my factually based concerns with the timeline of the project as it relates to gathering of information, communication with Schellinger Construction, and the inadequate communication that we, as residents of Mountain Watch and Meadow Lake, have received.

- The development of the Tamarack Meadows subdivision, comprised of 103 lots, was first communicated to surrounding residents in mid-December via a letter in the mail. Recipients of that letter were encouraged to attend the City Council meeting, which took place on January 3rd. During that meeting, there were many questions regarding the logistics of the process that were unable to be answered accurately because of a lack of information. Because surveys on traffic flow, road maintenance, water and sewer, etc.. have not been done, it is impossible for the City Council to make a wise and informed decision on the proposed development. It is requested that the planning period be extended to provide an adequate amount of time for the gathering of this critical planning information.
- The HOA boards of Meadow Lake and Mountain Watch have not had any opportunity to communicate with Schellinger Construction. Since this project directly impacts both subdivisions, it would only be appropriate to delay the planning period to allow adequate time for the HOAs to discuss with Schellinger.
- During the January 3rd meeting, it was communicated that there would be no additional public comment allowed regarding the proposed subdivision. Considering the scale of this project, the lack of information provided, and the number of families who are directly impacted, shutting off the ability to comment from this point forward is negligent on the part of the City of Columbia Falls.

These three points focus specifically on the lack of communication. There is; however, another point that needs to be addressed, which refers to the precedent that was set with the Council's unanimous rejection of the River Highlands subdivision. It was stated in an August 10th article in the Daily Interlake that the project was rejected for the following 3 concerns: Neighborhood character, impact on the Flathead River, and safety and traffic. Ironically, the Meadow Lake HOAs share the same 2 out of 3 concerns-with impact on the Flathead River being irrelevant in this case.

- Developing 103 lots on a 47 acre parcel does not align with the character of the current subdivisions. Scaling down the number of lots would allow for somewhat larger, high-end homes that would better fit the aesthetic of Meadow Lake and Mountain Watch. This is where a timely conversation with Schellinger would be helpful.
- Turnberry Terrace, Meadow Lake Drive, and Gleneagles are all small communities where children play in yards and ride their bikes in the streets. The increased traffic, which is projected to be about 971 more vehicle trips per day, as well as large trucks and construction vehicles for a subdivision of this size is a huge safety and maintenance concern. The Mayor of Columbia Falls flippantly and irresponsibly stated that all construction traffic could be routed through Turnberry Terrace. This brings up the question of not only safety, but also the increased need for road maintenance and repair. A plan for mitigating these concerns has not yet been communicated.

It is because of these points, that we respectfully request more time in the planning phase to better address some of these legitimate concerns. As residents of the affected areas, we should have our voices heard and should be able obtain additional, factual information as it relates to the issues at hand.

Sincerely,
Rachel Erickson
r_a_erickson@hotmail.com

RECEIVED
JAN 12 2023
CITY OF COLUMBIA FALLS

City Council Members,

I am writing in response to the January 3rd City Council meeting and proposed subdivision known as Tamarack Meadows. My intent with this letter is not to strike down the inevitable development of that area, but to express my factually based concerns with the timeline of the project as it relates to gathering of information, communication with Schellinger Construction, and the inadequate communication that we, as residents of Mountain Watch and Meadow Lake, have received.

- The development of the Tamarack Meadows subdivision, comprised of 103 lots, was first communicated to surrounding residents in mid-December via a letter in the mail. Recipients of that letter were encouraged to attend the City Council meeting, which took place on January 3rd. During that meeting, there were many questions regarding the logistics of the process that were unable to be answered accurately because of a lack of information. Because surveys on traffic flow, road maintenance, water and sewer, etc.. have not been done, it is impossible for the City Council to make a wise and informed decision on the proposed development. It is requested that the planning period be extended to provide an adequate amount of time for the gathering of this critical planning information.
- The HOA boards of Meadow Lake and Mountain Watch have not had any opportunity to communicate with Schellinger Construction. Since this project directly impacts both subdivisions, it would only be appropriate to delay the planning period to allow adequate time for the HOAs to discuss with Schellinger.
- During the January 3rd meeting, it was communicated that there would be no additional public comment allowed regarding the proposed subdivision. Considering the scale of this project, the lack of information provided, and the number of families who are directly impacted, shutting off the ability to comment from this point forward is negligent on the part of the City of Columbia Falls and a dereliction of duty.

These three points focus specifically on the lack of communication. There is; however, another point that needs to be addressed, which refers to the precedent that was set with the Council's unanimous rejection of the River Highlands subdivision. It was stated in an August 10th article in the Daily Interlake that the project was rejected for the following 3 concerns: Neighborhood character, impact on the Flathead River, and safety and traffic. Ironically, the Meadow Lake HOAs share the same 2 out of 3 concerns-with impact on the Flathead River being irrelevant in this case.

- Developing 103 lots on a 47 acre parcel does not align with the character of the current subdivisions. Scaling down the number of lots would allow for somewhat larger, high-end homes that would better fit the aesthetic of Meadow Lake and Mountain Watch. This is where a timely conversation with Schellinger would be helpful.
- Turnberry Terrace, Meadow Lake Drive, and Gleneagles are all small communities where children play in yards and ride their bikes in the streets. The increased traffic, which is projected to be about 971 more vehicle trips per day, as well as large trucks and construction vehicles for a subdivision of this size is a huge safety and maintenance concern. The Mayor of Columbia Falls flippantly and irresponsibly stated that all construction traffic could be routed through Turnberry Terrace. This brings up the question of not only safety, but also the increased need for road maintenance and repair. A plan for mitigating these concerns has not yet been communicated.

-

It is because of these points, that we respectfully request more time in the planning phase to better address some of these legitimate concerns. As residents of the affected areas, we should have our voices heard and should be able obtain additional, factual information as it relates to the issues at hand.

Sincerely,
Shane Erickson
Ericksonshane26@gmail.com

City Council
 City of Columbia Falls
 130 6th Street West
 Columbia Falls, MT 59912

January 12, 2023

RECEIVED
 JAN 12 2023
 CITY OF COLUMBIA FALLS

RE: Proposed Major Subdivision – Tamarack Meadows

Honorable Council Members:

Darin Fisher, Councilor
 Kelly Hamilton, Councilor
 Jenny Lovering, Councilor
 John Piper, Councilor
 Paula Robinson, Councilor
 Mike Shepard, Councilor

A quote from Mayor Barnhart: "The feedback we get from the public, we take it seriously and we take into consideration." This is after closing public comment on this development at the end of this meeting and will not be open on January 17th. Even with several councilors expressing a desire to have the nearby residents on the same page as the developers before the subdivision goes forward. Interesting.

We need to keep public comment as part of the decision making process. I would refer you to read a letter to the Council from Patrick Halter, dated December 23, 2022. Filled with some legalize, but the important point here is that further information and analysis needs to be made before the Council can make a calculated decision.

Having the Mayor suggest that all the construction traffic go down Turnberry Terrace rather than down a County Road implies more thought needs to go into these decisions. I would suggest that with Garnier Lane tied into this proposed development with an easement for a road that in 2006 was to be required and now dropped, maybe it needs to be fleshed out further. Even if it was to be used for emergency or fire purposes, what if construction traffic could use that road during buildout to help mitigate traffic on Meadow Lake Drive and Turnberry Terrace. We somehow need to deal with this issue.

Tamarack Meadows is a decent proposal with larger lots and possibly 40-50% of the initial 103 lots. Economic analysis might show decent Profitability and create a neighborhood that could be the Gem of Columbia Falls and Meadowlake. Let's do the calculus and turn this development into a win/win between Schellinger Construction and the City of Columbia Falls.

Very Truly Yours,
 Randy Ostman /s/

Randy Ostman
 35 Turnberry Lane
 Columbia Falls, MT 59912

Barb Staaland

RECEIVED

JAN 12 2023

CITY OF COLUMBIA FALLS

From: dansinger2005@yahoo.com
Sent: Thursday, January 12, 2023 3:04 PM
To: staalandb@cityofcolumbiafalls.com
Subject: Tamarack Meadows New Development
Attachments: _Traffic Study pages 147, 152 for the Tamarack Meadows Subdivision- Highlighted.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Hello Barbara,

My name is Dan Singer and I'm representing the Meadow Lake West Estates HOA as president for the last 3 years. I appreciate your time and efforts to share my email with the city council regarding traffic VPD's on Meadow Lake Drive.

Meadow Lake Drive is ½ a mile long with a 400 foot incline. I have two street entrances (Golf Course Dr North & Golf Course Dr South) they both merge on to MLD with dangerous blind entrances.

Both these intersections have no signage or stop signs to calm the traffic.

We have 28 private driveways on MLD and 11 of these are blind driveways.

You can see the attached yellow highlighted traffic study survey results.

Traffic Study Page 147 & 152 are my HOA's main safety concerns.

MLD is paved 22 ft to 24ft in width. We have extra room on the west side as MLD that measures 60ft ROW (Right of way).

The 60 ft ROW is the standard minimum width for all country roads.

I took a poll of my residents that live on MLD and all are in favor of building pedestrian facilities as recommended in the attached survey.

The addition of a sidewalk on the west side of MLD would be the answer. With our current street setbacks this will solve the problem with most blind driveways and allow pedestrians to safely walk on MLD. The pitch of these steep driveways will not effect the residents to enter or exit their homes.

We have dramatically increased the current daily traffic now of 140 VPD's (Page 160), to a new level of 1,500 to 2,000 VPD's on MLD that was designed as rural road.

This rural road has now been upgraded in the study to classify as a major collector road status. The recommendations from the study calls for road improvements to include pedestrian facilities.

- My HOA residents and the traffic survey are both highly recommending and suggesting that a traffic calming measure should be installed to control excess speed. We agree with the recommendation of pedestrian facilities (Sidewalks). This road has a posted speed limit of 25 MPH. I would say the average speed to 35 MPH to 50 MPH. We would also like to see MLD have a painted center line added to help with control speed.
- My HOA would also like to suggest a yearly county supervisor road inspection of MLD do to the (Beyond Normal Wear & Tear Policy).
- My HOA members all agree with the study findings that a 3 way stop sign should be introduced at the corner of Meadow Lake Blvd (Rocky Rd) & Tamarack Lane. We also suggest adding cross walks at this intersection.
- Brooke Lynn Hansen 15 years old- Killed May 2021 - Brooke Trout was her nickname and was hit and killed by a car traveling eastbound on Tamarack Lane walking home from fishing with rod in hand. My neighborhood is very sensitive to this terrible tragedy and will never get over it. The Hansen family lives on the corner of Meadow Lake Drive and Tamarack Lane.
- We must make sure this never happens again!!!

In closing, as president of MLWE my members elected me to help make our neighborhood safe, organized and beautiful. We all agree that growth is happening at a rapid pace here in Columbia Falls and we just want to safely plan for the near future and next 40 years.

All the best,

Dan Singer | President Meadow Lake West Estates
c 949.275-5969



Virus-free. www.avast.com

and continues east past Meadow Lake Boulevard, ending east of a 4-way intersection with 4th Avenue West North. East of the "T"-intersection with Meadow Lake Boulevard the roadway is designated a major collector route and provides a connection back into Columbia Falls. Tamarack Lane has a rural 24-foot cross-section and a posted speed limit of 35 MPH. Advisory warning signs are in place for changes in the roadway alignment. The roadway carries 1,620 VPD west of the "T"-intersection with Meadow Lake Boulevard and 1,865 VPD east of the said intersection.

Meadow Lake Drive extends north from Tamarack Lane to provide access to the residential developments on the west side of Meadow Lake Resort. The roadway has a paved width of 22 to 24 feet on 60 feet of ROW. The posted speed limit is 25 MPH.

Turnberry Terrace connects Meadow Lake Drive to Tamarack Lane to the west. The road curves through a forested area with adjacent single family residential homes and has a paved width of 24 feet on 60 feet of ROW with a separated sidewalk along the southern side of the road.

Traffic Counts

In August 2022 Abelin Traffic Services (ATS) collected traffic data at predetermined locations to evaluate current operational characteristics. These counts included peak-hour turning movement counts at essential intersections. The peak-hour turning movement counts were performed at the intersections of US Highway 2 with Meadow Lake Boulevard, Meadow Lake Boulevard with Tamarack Lane, Tamarack Lane with Turnberry Terrace and Tamarack Lane with 4th Avenue West North. ATS also performed 24-hour hose counts at two locations along Tamarack Lane and on Meadow Lake Boulevard.

The raw data collected for this project was adjusted for seasonal variation in accordance with the data collected from MDT's annual count station located on US Highway 2, 3.1-miles north of Columbia Falls (Station A-60). This count station data indicated that data collected in August 2022 is approximately 166% of the AADT (Average Annual Daily Traffic) in this area. For this study the raw traffic counts were not factored for seasonal variations to provide a more conservative estimate of traffic volumes and operations. The raw traffic data is included in **Appendix A** of this report.

Abelin Traffic Services also gathered historic Average Daily Traffic (ADT) volume data for U.S. Highway 2, Meadow Lake Boulevard and Tamarack Lane from the Montana Department of Transportation (MDT). This data is presented in **Table 1**. The data indicates an annual average traffic growth rate on Meadow Lake Boulevard is 3.7%, US Highway 2 is 1.7%, and Tamarack Lane was unchanged.

**Table 4 –Level of Service Summary
With Proposed Developments**

Intersection	AM Peak Hour		PM Peak Hour	
	Delay (Sec.)	LOS	Delay (Sec.)	LOS
US Highway 2 & Meadow Lake Blvd	12.7	B	16.9	B
Meadow Lake Blvd & Tamarack Ln	11.3	B	11.8	B
Meadow Lake Dr & Tamarack Ln	9.6	A	9.9	A
Tamarack Ln & Turnberry Terrace*	8.5/8.9	A/A	8.7/9.2	A/A
Tamarack Ln & 4 th Ave*	9.2/8.7	A/A	10.4/9.0	B/A

*Eastbound/Westbound LOS & Delay

While the lane configuration at the traffic signal on Meadow Lake Boulevard at US Highway 2 is not ideal, it is technically operating at an acceptable LOS for the overall intersection, even though the north and south lanes are experiencing LOS D conditions. The City of Columbia Falls should develop a plan to correct the lane configuration at this location regardless of the development of Tamarack Meadows, which will have a minimal impact on the traffic operations at the intersection.

Traffic volumes along Turnberry Terrace will likely increase to approximately 200 VPD with the additional traffic from the Tamarack Meadows Development which is well within the capacity of this local roadway. A noticeable impact from the Tamarack Meadows Development will be along Meadow Lake Drive which will experience a traffic volume increase of approximately 900 VPD. Most of Meadow Lake Drive is currently built to rural road standards with no pedestrian facilities. Total traffic volumes along Meadow Lake Drive could reach 1,500 to 2,000 VPD, which is more consistent with a collector roadway. It may be desirable to make improvements to Meadow Lake Drive to include pedestrian facilities and to address the projected traffic loads in this area. Traffic calming measures should also be considered.

H. IMPACT SUMMARY & RECOMMENDATIONS

As proposed, the traffic impacts from the Tamarack Meadows Development at the area intersections will be minimal. Total intersection delays will increase by 1-2 seconds per vehicle at the study intersection. As identified in previous planning efforts for this area, the intersection of Meadow Lake Boulevard and US Highway 2 currently has geometric and operational deficiencies that should be addressed regardless of any development of Tamarack Meadows. It may also be necessary to improve Meadow Lake Drive to mitigate projected traffic volumes along this route and to enhance roadway conditions after development of infrastructure improvements for Tamarack Meadows.

Barb Staaland

From: Marcia Ostman <ostmans4u@gmail.com>
Sent: Thursday, January 12, 2023 8:37 PM
To: staalandb@cityofcolumbiafalls.com
Subject: Re: Tamarack Meadows Proposal
Attachments: City Council letter Jan 10, 2023.docx

RECEIVED
JAN 13 2023
CITY OF COLUMBIA FALLS

Dear Ms. Staaland:

Please see that this attached letter, and others sent from this part of the community in association with and affected by this proposal, go to each of the members of the city council individually as we are not certain the letters from the prior meeting were attended to or read. Individually sent gives ample coverage for familiarizing with the public letter input.

Thank you so very much.

Marcia Ostman

City Council
City of Columbia Falls
130 6th Street West
Columbia Falls, MT 59912

January 10, 2003

RE: Proposed Major Subdivision – Tamarack Meadows

Honorable Council Members:

Darin Fisher, Councilor
Kelly Hamilton, Councilor
Jenny Lovering, Councilor
John Piper, Councilor
Paula Robinson, Councilor
Mike Shepard, Councilor

I am writing as a homeowner within the community of the Woods at Mountain Watch/Turnberry Terrace to convey concerns regarding the proposed Tamarack Meadows Development. I will refrain from the specifics at this time because it is within these that so many questions lie and require answers.

I urge you, as a council member, to delay your decisions and approvals until a later date until all the facts are brought forth concerning this development. It is not my intent to stop progress. However until sufficient information regarding this project can be secured I believe this requested delay is prudent.

As individuals, who are called upon to act in the best interest of the people you represent, I know you will insure, as a council member, that adequate communication and input is preliminary to decisions being made. Since your position is to work for the community as public servants there needs to be sufficient opportunity to be heard.

We will look forward to further public comment regarding these specifics from our affected communities following adequate time to prepare knowledgeable objective thoughts. This unexpectedly came upon everyone here with no prior adequate discourse and little knowledge. There has been much conjecture since this property was purchased from the prior owner two years ago, but no timely explanation regarding this proposal before the prior meeting.

We respectfully request that you will read and act upon the letters submitted to you concerning this issue.

Thank you.

Marcia Ostman
The Woods at Mountain Watch/Turnberry Terrace

1/13/23

Re: Proposed Tamarack Meadows Subdivision

Mayor Don Barnhart:

We would like to draw your attention to three areas that merit discussion before consideration is given to any new subdivision or revision of the present use of our lands in this area.

Firstly, we do not recall that a public consultation has been held in recent months prior to the application being sent to the Planning Board for approval. A forum to pitch the idea and ask for public input would have been helpful to anyone who wanted to ask questions and seek information. This important first step would have set the stage in building a culture of transparency in the planning process. We are fully aware that changes will be made into land use to meet the needs of a growing and migrating population, but the importance of public input cannot be understated. Several focus groups could have been held to allow the residents the opportunity to consider viable options in the planning their community and the opportunity to give input would have created a greater chance for acceptance of proposals to new development. Many other jurisdictions in the state (eg Bozeman) require public consultation before major changes are made to land use. With the booming interest in real estate surrounding Columbia Falls we ask you to seriously consider the validity of public consultations.

Secondly, the results of the study of the traffic in Meadow Lake conducted by the applicant (last August) could have been made available to the public. We do not recall seeing counters along the roadside during that time even though we walk daily throughout Meadow Lake and Mountain Watch. At which locations were the counters? An accurate count taken in late spring/early summer 2023 would give an up-to-date count of the traffic in the area and the results must be shared with the public at large.

Thirdly, along the same thought as in the above paragraph, if construction vehicles will be accessing the site through the Mountain Watch Subdivision, a thorough examination of the current state of the private road, Turnberry Terrace, will need to be completed so that estimations can be made of the amount of wear and tear that will occur during construction of the new subdivision and after it is complete. Since this is a private road that may be used to complete a commercial construction project, a study of the road will need to be conducted by an independent civil engineer with no ties to the applicant but paid for by the City of Columbia Falls. Furthermore, the heavy construction vehicles will cause excess wear and tear to the road so the costs of repair and initial maintenance should be borne by the applicant, not by the twenty some residential units affected. Unfair and burdensome financial obligations will cause serious erosion of the goodwill that now exists between the two communities affected by the proposed subdivision.

We request a delay in the approval of the application so that every attempt can be made to satisfy the above three items. We suggest the application be returned to the Planning Board with the recommendation that a public consultation be held prior to a brand-new application being made. While we fully understand that the community will change as the population settles in the area it is important that the public be allowed input so that a plan can be developed that will be a good fit for the current and future residents. The planning process needs to be revisited and tweaked to accommodate the values and views of the people who currently live in the neighborhood. As it presently stands, the planning process itself appears outdated and will only cause more tension and concern throughout the area in the years to come.

As our elected official, we trust you will give our letter serious thought in the forthcoming deliberations regarding the future of the Tamarack Meadows subdivision.

Thank you.

Sincerely and without prejudice,

A handwritten signature in cursive script that reads "K R Tabler for".

Carl Jospeh and Kathy R. Tabler
34 Turnberry Lane
Columbia Falls, MT 59912

From: City of Columbia Falls Montana <columbiafalls-mt@municodeweb.com>
Sent: Friday, January 13, 2023 10:13 AM
To: staalandb@cityofcolumbiafalls.com
Subject: Form submission from: Contact Us

Submitted on Friday, January 13, 2023 - 10:13am

Submitted by anonymous user: 184.166.49.236

Submitted values are:

First Name Douglas

Last Name Cook

Email doug@chiefmountain.net

Question/Comment

Regarding the approval of the developers plan to build 103 homes in Meadow Lake- question: has anyone addressed how the runoff water will be handled?

Thanks

The results of this submission may be viewed at:

<https://www.cityofcolumbiafalls.org/node/7/submission/1797>

RECEIVED
JAN 13 2023
CITY OF COLUMBIA FALLS

From: Kelson Colbo <klcolbo@gmail.com>
Sent: Friday, January 13, 2023 10:43 AM
To: staaldb@cityofcolumbiafalls.com
Subject: Tamarack Meadows Subdivision

RECEIVED
JAN 13 2023
CITY OF COLUMBIA FALLS

Good morning,

I have been attending the meetings regarding the Tamarack Meadows subdivision application, and I agree that the density is far too great, and agree that the traffic and safety issues created at full build out really should be addressed. I also recognize that the property in fact will be developed at some point in the near future. At the meetings there continues to be a lot of concern raised around the construction traffic, and the emergency egress/ingress for the property. In addition, both planning committee and council members have lamented the lack of access to the property above Mountain Watch/Turnberry Terrace. My property located at 1889 Tamarack Ln, does in fact have such access, and at a minimum we would be willing to have a conversation with any interested party regarding emergency egress/ingress and or temporary access for Schellinger Construction. As I stated previously, this does not negate or reduce the concerns around the level of density, and traffic issues that will result if the currently proposed density is not addressed. However, addressing the construction traffic in this way may eliminate the safety concerns, disruption, and wear and tear issues as a function of the construction traffic if Meadowlake Ln., and/or Turnberry Terrace are utilized. There also may be an opportunity for emergency ingress/egress if it is felt that this is of value.

Respectfully submitted,

Kelson Colbo
1889 Tamarack Lane=

City Council
City of Columbia Falls
130 6th Street West
Columbia Falls, MT 59912

RECEIVED
JAN 13 2023
CITY OF COLUMBIA FALLS

RE: Proposed Major Subdivision – Tamarack Meadows

Honorable Council Members:

Darin Fisher, Councilor
Kelly Hamilton, Councilor
Jenny Lovering, Councilor
John Piper, Councilor
Paula Robinson, Councilor
Mike Shepard, Councilor

Jeremy Pappenfus
256 Turnberry Terrace
Columbia Falls, MT 59912

I am writing this letter as the Representative of the Woods at Mountain Watch Home Owners Association (WMWHOA). It is our feeling that the speed and timing of the application for approval for Tamarack Meadows to the surrounding communities has been inappropriate. We recognize that this subdivision has been on the horizon for many years, but the fact is that it has a very complex and complicated history. Realize that since the 2006 approval, the surrounding communities were presented with a design that is far different from that being proposed by Schellinger. We believe time is needed to further investigate those differences and work with the applicant to address those elements.

We believe that it is the responsibility of this Council to enable citizens of Columbia Falls the opportunity to engage in public planning and development of our communities. This Council's announcement that public comments would no longer be heard is setting a precedence that the City is NOT interested in hearing the concerns of its residents. We request that you allow public comment on January 17th, or at least permit the representatives of each HOA to address the council.

The Council's ill advised statement that construction traffic would be diverted from a "Public Tax Payer funded Road" to a "Privately Funded Road" displayed the Council's ignorance of past agreements between the county and the residents of Turnberry Terrace. You in no way have the legal or ethical ground to make that statement. Public safety has been the #1 concern voiced by residents on both Meadow Lake Drive and Turnberry Terrace since the first meeting on December 13th. The Planning Board and City Council have NOT addressed that concern, only deflected it. Is it not in the public's best interest to take the time to hash out those details? There are requirements set forth by your own Growth Policy that you have decided to ignore out of laziness, not evidence. Meadow Lake Drive needs a sidewalk, and if the City and County cannot come up with a solution then you are NOT fulfilling your own Policy for Growth and Development.

The conditions of both Meadow Lake Drive and Turnberry Terrace would point to the fact that neither road is ready or capable of allowing access for large vehicles related to the infrastructure work required in Tamarack Meadows. We request the Council to take the time to discuss the following options:

1- The City and County work together to pay for a comprehensive survey and study to be done on both roads. If you want to direct traffic on either road it is your responsibility to make sure both roads are capable. I would strongly urge the use of an independent engineering firm NOT attached to the project.

2- The easement that abuts Garnier Estates was originally placed there to serve as the "West Entrance". Turnberry Terrace was added as a "Secondary access for Phase 1 of Tamarack Heights" as a solution to help elevate traffic on Meadow Lake Drive. In the 2006 approval the easement to Garnier was required by the county Fire Marshall to provide emergency access for BOTH Tamarack Meadows and Garnier Estates. If a wild fire compromised Tamarack Lane, the folks on Garnier would be trapped without an exit. That easement should be a part of this plan for safety reasons, and could potentially be utilized to alleviate construction traffic on Meadow Lake Drive and Turnberry Terrace.

3- Would a third ingress/egress along the transmission lines north of Tamarack Meadows be an option? Meadow Lake has in the past negotiated with private land owners for an easement along Oakmont Lane to "close the loop" in answer to safety concerns raised by the Fire Marshall. That would provide year round access for Tamarack Meadows via Tamarack Lane as well as provide an access 100% dedicated to immediate AND future construction traffic.

The fact that questions like this are still coming to the surface supports the argument for delaying this project further so vital research concerning safety can be addressed. I trust you will take this letter seriously and address these items at the meeting on January 17th.

Thank you,

Jeremy Pappenfus

President ~ The Woods at Mountain Watch HOA.

RECEIVED
JAN 13 2023
CITY OF COLUMBIA FALLS

City Council

January 12, 2023

RE; Proposed Subdivision-Tamarack Meadows

Honorable Council Members:

Darin Fisher, Councilor
Jenny Lovering, Councilor
John Piper, Councilor
Paula Robinson, Councilor
Mike Shepard, Councilor

We are writing to you to convey a serious concern we have regarding the proposed Tamarack Meadows Development. As residents in the Mountain Watch Subdivision we question the process used to determine an outcome that not only impacts our immediate neighborhood, but the community at large.

The lack of transparency as well as meaningful discourse between all parties is disturbing. The job of all Public Servants is to act and make decisions in the public's best interest rather than one certain group or individual.

It is with this one very important point that we respectfully request that you delay your approval until all the relevant facts and key stakeholders have been brought forth concerning Tamarack Meadows.

Transparency is key in any conversation, and we, as stakeholders need to be heard with the same opportunity as the special interest applicant.

Thank You,

Harold and Pam Griffiths
232 Turnberry Terrace
Columbia Falls, MT 59912

RECEIVED
JAN 13 2023
CITY OF COLUMBIA FALLS

Mayor and Council
City of Columbia Falls
130 6th Street West
Columbia Falls, MT 59912

RE: Proposed Major Subdivision - Tamarack Meadows
Staff Report CPP-22-03

Honorable Mayor and Council:

Donald W. Barnhart
Darin Fisher, Councilor
Kelly Hamilton, Councilor
Jenny Lovering, Councilor
John Piper, Councilor
Paula Robinson, Councilor
Mike Shepard, Councilor

I write to you as a member of the community, and those similarly situated, who will be subjected to irreparable harm in property value and safety by the proposed major subdivision development. The Planning Board's approval of the application is an abuse of its discretion rendering the Board's decision arbitrary and capricious. A request to delay the decision-making process was never addressed by the Board. There is no statutory, regulatory or exigent circumstances necessitating this rapid response approval sought by the applicant. The Montana Constitution guarantees the right to be heard and the community members affected by this application and process have not been heard. Questions posed by the three HOAs remain unanswered. The only entity served by moving forward now is the special interest represented by the applicant seeking to maximize its advantage over the affected community. A delay would be insignificant to Schellinger Corporation (the "applicant").

The Board acted without regard to, or knowledge of, its obligations set forth in the Montana Planning Board Member's Handbook issued by the Montana Department of Commerce. The Handbook is on the City's website as a resource and clearly directs planning board fundamentals:

1. Act in the Public Interest

Planning board members must act and make decisions in the "public interest." The public interest represents the benefits to society rather than to a certain group or an individual. For the planning board, the society is the community that you serve in your jurisdictional area.

The actions of the planning board should be transparent to the public. *Part of acting in the public interest is ensuring that the public has the right to know about proposed actions and is provided an opportunity to review documents and submit comments prior to a decision. Public right to know and participate are embedded in the Montana Constitution.*

*

*

*

*

5. Involve the Public and Build Awareness

Encouraging public involvement, communicating the value of planning, and consensus building are important for planning board members. Planning board members learn what is important to everyone in the community by listening to citizens' concerns, especially those concerns of differing views. A planning effort should involve as broad a segment of the community as possible to assure that the community's opinions are heard. Consensus on issues can be difficult to achieve, and when it is not possible, demonstrate leadership in working toward compromise.

No Board member discussed or inquired about the public interest and the applicant's proposal does not address it. The staff report is empty of an discussion as to its effort to "involve as broad a segment of the community as possible to assure that the community's opinions are heard."

Ethics for Planning Board members are addressed in the Handbook.

Planning board members have to determine what constitutes the "public interest." *Unlike a special interest where a limited number of people would stand to benefit or profit, the public interest represents the benefits to society.*

Planning board members have to determine what constitutes the public interest as decisions are made on subdivision applications and other matters. The following pointers may help to keep the public interest foremost in the decision-making process.

1. Remember you serve the public.

It can be easy to think that an applicant is the "client," but when you serve the public interest, *the client is everyone in the community.*

2. Who benefits?

Does the applicant benefit at the expense of the public? Does the public benefit? Both? Work to ensure that the public at large benefits and not just certain individuals or groups.

3. Consider the future.

Decisions made in the public interest should consider, to the extent possible, future as well as current generations.

The Board, in word and action, viewed the applicant as the client and failed to identify benefits for the attendees and community. The applicant is a special interest benefiting from its proposed high density development that will destroy private and public roads leading into the development and property values for those residing on those roads. In other words, irreparable harm for the community to accommodate expediting a special interest that refused to acknowledge and ignored attendees' concerns. Although a Board member stated there is a need for housing in the valley, the proposed development with high density, postage-stamp sized lots is typical of an Airbnb rental community with its constant flow and turnover of visitors, not residents. The traffic consultant project is flawed because it fails to address the increased traffic posed by transient community visitors as opposed to those living and residing in that community.

The Handbook speaks to consensus in decision-making with stakeholders. Involving the stakeholders and reflecting the public interest must be initiated through contacts with homeowner associations and those members. Meadow Lake Drive was vigorously argued during the hearing yet no resident on that road received notice of the hearing. Properties on Gleneagles Drive that adjoin the proposed development did not receive notice by certified or registered mail as required by City Regulation 17.12.050.B.2. They received a flyer in the general mail. The form of notice is not inconsequential but substantive because certified or registered mail screams "pay attention" whereas a general flyer in the mail may not be detected as anything other than "junk" mail.

The City must return the application to the Planning Board and require it to articulate how the public interest was served and achieved by the application. In short, involve the stakeholders and build awareness with a meaningful opportunity to be heard. Stand up for objective decision-making based on consensus that includes the public interest. Do not approve the proposed development because citizens have not been heard as called for under the Montana Constitution with the same opportunity as the special interest applicant.

Very truly yours,

Patrick Halter /s/

Patrick Halter
315 Meadow Lake Drive
Columbia Falls, MT 59912

January 13, 2023