



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

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

**CITY COUNCIL REGULAR MEETING
AGENDA
MONDAY, AUGUST 01, 2022
COUNCIL CHAMBERS CITY HALL**

FINANCE COMMITTEE – 6:30 P.M

(Barnhart, Shepard, Fisher)

REGULAR MEETING – 7:00 P.M.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

CONSENT AGENDA:

1. Approval of June and July Claims - \$202,862.80
2. Approval of July 22, 2022 Payroll Claims - \$150,304.66
3. Approval of July 18, 2022 Regular City Council Meeting Minutes
4. Approval of ARPA Grant Agreement AC-22-0013 (WWTP) and authorize City Manager to execute all documents

VISITORS/PUBLIC COMMENT (Items not on agenda)

NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

5. Public Hearing:

Request for a Zoning Map Amendment in the Columbia Falls Planning Jurisdiction:

Mick Ruis is requesting a zoning map amendment on behalf of HC 246 LLC in the Columbia Falls Zoning Jurisdiction. The property is located at 230 Highway 2 East in Columbia Falls and is described as Assessor's Tracts 2E, 2EC, 4EA, 4EAA and 4E Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County. The property is currently zoned CB-1 (Neighborhood Business) and the applicant is proposing CB-2 (General Business).

- a. Adopt Staff Report CZC-22-02 as Findings of Fact
- b. Approve Zone Change (See Ordinances)

6. Notice of Public Hearings:

The Columbia Falls City-County Planning Board will hold public hearings for the following items at their regular meeting on Tuesday, **August 9, 2022 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 on **August 22, 2022 starting at 7:00 p.m. in the same location.**

Request for a Zoning Map Amendment in the Columbia Falls Planning Jurisdiction:

Loretta and Ronald Levang are requesting a zoning map amendment that will rezone a portion of their property from the existing CSAG-10 zoning to a CR-1 Zoning. The property is located at 435 Rogers in Columbia Falls and is described as Assessor's Tracts 2B in Section 21, Township 30 North, Range 20 West, P.M.M., Flathead County (The rezoning only effects that portion of the property zoned CSAG-10 and not the portion that is unzoned or that has the Scenic Overlay).

Postponed from July 12, 2022:

Request for a Zoning Map Amendment in the Columbia Falls Planning Jurisdiction:

James Barnett on behalf of River Highlands LLC is requesting a zoning map amendment in the Columbia Falls Zoning Jurisdiction. The property is located at 264,316,378,494 River Road in Columbia Falls and is described as Lots 1, 2, & 3 of Loffler 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 property is currently zoned CR-3 (One Family Residential) and the applicant is proposing CR-4 (Urban Residential).

Request for a Planned Unit Development in the Columbia Falls Zoning Jurisdiction:

James Barnett on behalf of River Highlands LLC is requesting a Planned Unit Development in the Columbia Falls Zoning Jurisdiction; the development is called River Highlands Apartments. The property is located at 264,316,378, & 494 River Road in Columbia Falls and is described as Lots 1, 2, & 3 of Loffler 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 65 attached single family row houses, 390 apartment units and 10 row house units dedicated to the Northwest Montana Community Land Trust. The total unit count is 455 units on 49.1 acres gross for a density of 9.2 units per acre. The applicant is proposing 21.5 acres (43%) of the site as park and open space. With the project, the applicants are proposing to move River Road further east on Highway 2 and if supported by the MDOT the applicants would install a traffic signal at Highway 2 and River Road. Two deviations are requested with the PUD; the applicant is requesting to zoning deviations, one would allow an increase in height of ten feet allowing a portion of the apartment buildings to approach 45 feet in height and the second deviation would reduce the parking requirement from 2 spaces per unit down to 1.5 spaces per unit.

Request for a subdivision in the Columbia Falls Zoning Jurisdiction:

James Barnett on behalf of River Highlands LLC is requesting a Subdivision in the Columbia Falls Zoning Jurisdiction. The property is located at 264,316,378, & 494 River Road in Columbia Falls and is described as Lots 1, 2, & 3 of Loffler 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 subdivision will 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 privately maintained but open to the public. The proposed subdivision is part of the zone change and PUD application for River Highlands Apartments.

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. Submit comments no later than Tuesday, August 2nd to be included in the Planning Board packet. For more information on the proposed Zone Change or Planned Unit Development, please call Eric Mulcahy, Columbia Falls City Planner at 755-6481.

NOTE: These hearings will not be available via ZOOM or any other virtual means.

7. Public Hearings 22-23 Fiscal Year Preliminary Budget - Beginning August 1, 2022 and Continued Until Adopted:

NOTICE IS HEREBY GIVEN, that the City Council of the City of Columbia Falls, Montana, will hold public hearings beginning on August 1, 2022 at 7:00 p.m. in the Columbia Falls City Hall, 130-6th Street West, Columbia Falls, Montana, for the following purposes:

Preliminary Budget

Presentation and consideration of the preliminary budget for fiscal year beginning July 1, 2022 and ending June 30, 2023. This hearing will be continued until final adoption of the budget after receiving the certified taxable valuation.

Special Assessments

Consideration of the adoption of the Street Lighting District and Street Maintenance District assessments for FY2022/2023. Council will hear any objections to the final adoption of the resolution levying special assessments for FY 2022/2023. Special Assessments are estimated as follows:

Street Lighting District	\$ 30,049
Street Maintenance District	\$316,000

Individual property payment schedules are available for inspection ten (10) days from this notice, in the office of the City Clerk, 130 6th Street West, Columbia Falls, Montana, during regular hours Monday through Friday, 7:00 AM to 6:00 PM.

Permissive Medical Levy

Consideration of adoption on the proposed tax levy to fund health insurance premium contributions for group benefits beyond the amount of contributions in effect on June 30, 1999.

The actual mills for consideration will be made available upon receipt of the certified tax valuation for the year.

Taxpayers are encouraged to attend the hearings and give written or oral comments on any or all of the budget-related items. Written comments may be mailed to the City Clerk, 130 6th Street West, Room A, Columbia Falls, Montana, 59912. Questions regarding the proposed items can be made by contacting City Manager Susan Nicosia at 892-4391.

NEW BUSINESS:

- 8.** Approval of Disposition of Surplus Property

ORDINANCES / RESOLUTIONS:

- 9.** **FIRST READING - Ordinance # 819:**

An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending the Columbia Falls Zoning Map from CB-1 Neighborhood/Professional Business To CB-2 General Business on Property Located at 230 US Highway 2 East, Columbia Falls Further Described as Assessor's Tract 2E, 2EC, 4EA, 4EAA And 4E In Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

CITY MANAGER REPORT

CITY ATTORNEY REPORT

ADJOURN

Next Scheduled Meetings:

City Council – Regular Meeting, **Monday August 15th – 7:00 PM**

Planning Board – August 9, 2022 - 6:30 pm - **CF Junior High Cafetorium**

Special Council Meeting - August 22, 2022 - 7 pm - Planning Hearings - CF Junior High Cafetorium

07/29/22
11:20:11

CITY OF COLUMBIA FALLS
Claim Approval List
For the Accounting Period: 7/22

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* ... Over spent expenditure

Claim/	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object	Proj	Cash Account
43420		3112 406 CLEANING OF COLUMBIA FALLS	3,600.00						
	210	07/26/22 FAC-JULY JANITORIAL SERVICE	3,600.00*			1000 411200	399		101000
		Total for Vendor:	3,600.00						
43410		2863 BATES, SHAWN	49.99						
	072022	07/20/22 FIN-WIRLES HEADPHONES FOR BARB	49.99*			1000 410500	212		101000
		Total for Vendor:	49.99						
43442		999999 BOETTLER, RANDY	222.32						
		REFUND WATER DEPOSIT							
	062722	07/27/22 WTR-REFUND DEPOSIT 08165.06	222.32			5210 214010			101000
		Total for Vendor:	222.32						
43407		1260 CARQUEST AUTO PARTS	379.81						
		INVOICE 11592 WAS REPLACED WITH INVOICE 11593 BUT NEVER VOIDED/CREDITED AT CARQUEST. IN RECONCILING OUR ACCOUNT IT WAS FOUND THAT WE PAID BOTH INVOICES							
		WHEN 11592 SHOULD HAVE BEEN VOIDED. STATEMENT DATED 6/30/22 SHOWS THE CREDIT. THIS WILL BE ADJUSTED IN THIS CLAIM.							
	22696	07/19/22 WTR-BATTERY+CORE RTN	387.90*			5210 430500	232		101000
	22531	11/08/21 SWR-STMT CREDIT FROM DUP PMT	-8.09*			5310 430600	240		101000
		Total for Vendor:	379.81						
43441		999999 CARR, TYLER	218.31						
		REFUND WATER DEPOSIT							
	062722	07/27/22 WTR-REFUND DEPOSIT 08168.04	218.31			5210 214010			101000
		Total for Vendor:	218.31						
43431		3028 CENTURYLINK - BUSINESS SERVICES	320.76						
	300851622	07/16/22 COMP-6/15/22-7/15/22	320.76*			1000 410580	345		101000
		Total for Vendor:	320.76						
43434	E	997 CENTURYLINK - ELECTRONIC PAY	795.36						
		JULY 2022							
	071822	07/18/22 CRTS-7/19/22-8/18/22	33.04*			1000 410360	345		101000
	071822	07/18/22 PD-7/19/22-8/18/22	131.09*			1000 420100	345		101000
	071822	07/18/22 FD-7/19/22-8/18/22	65.49			1000 420400	345		101000

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	071822	07/18/22 POOL-7/19/22-8/18/22	65.49*			1000 460445	345		101000
	071822	07/18/22 STRTS-7/19/22-8/18/22	134.77*			2500 430200	345		101000
	071822	07/18/22 WTR-7/19/22-8/18/22	205.92*			5210 430500	345		101000
	071822	07/18/22 SWR-7/19/22-8/18/22	159.56*			5310 430600	345		101000
		Total for Vendor:	795.36						
43433		14 CITY OF COLUMBIA FALLS	4,010.07						
	072522	07/25/22 FAC-6/18-7/17/22	247.66*			1000 411200	342		101000
	072522	07/25/22 FD-6/18-7/17/22	37.81			1000 420400	342		101000
	072522	07/25/22 PRKS-6/18-7/17/22	2,912.93*			1000 460400	342		101000
	072522	07/25/22 POOL-6/18-7/17/22	532.42*			1000 460445	342		101000
	072522	07/25/22 STRS-6/18-7/17/22	97.24*			2500 430200	342		101000
	072522	07/25/22 WTR-6/18-7/17/22	69.56*			5210 430500	342		101000
	072522	07/25/22 SWR-6/18-7/17/22	112.45*			5310 430600	342		101000
		Total for Vendor:	4,010.07						
43397		3120 COLUMBIA FALLS PETERBILT	2,071.16						
		SEWER BLUE DUMP BRAKES							
	2307F	07/19/22 SWR-BLUE DUMP BRAKES	2,071.16*			5310 430600	361		101000
		Total for Vendor:	2,071.16						
43406		1711 COMFORT SYSTEMS USA	237.31						
	92008594	07/20/22 FAC-PLANNED MAINT CITY HALL	237.31*			1000 411200	366		101000
		Total for Vendor:	237.31						
43438		3129 DAD BOD DIESEL & MECHANICAL	984.00						
	1010	07/27/22 STRS-06' FORD GLOW PLUG REPAIR	504.00*			2500 430200	361		101000
	366	07/27/22 SWR-05' FORD CYLINDER REPAIR	480.00*			5310 430600	361		101000
		Total for Vendor:	984.00						
43409		438 FERGUSON WATERWORKS	4,453.57						
	0798144-2	07/12/22 WTR-DUAL METER RADIOS STOCK	3,335.40*			5210 430500	230		101000
	0817999-1	07/12/22 WTR-1924 RAPIDS AVE METER	222.36*			5210 430500	230		101000
	0817340	07/12/22 WTR-545 STARLILLY WAY METER	459.46*			5210 430500	230		101000
	0825277	07/25/22 FD-PARTS FOR 498 VALVE	436.35			1000 420400	232		101000
		Total for Vendor:	4,453.57						

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43419		3104 FIRST CALL COMPUTER SOLUTIONS, AUGUST IT SERVICES	1,700.00						
	81805	08/01/22 COMP-AUGUST IT SERVICES	1,700.00*			1000 410580	355		101000
		Total for Vendor:	1,700.00						
43428		3113 GLOBAL ARCHIVES INC	166.32						
	22032585	07/25/22 WTR-MONTHLY STORAGE AS BUILT	83.16*			5210 430500	363		101000
	22032585	07/25/22 SWR-MONTHLY STORAGE AS BUILT	83.16*			5310 430600	363		101000
		Total for Vendor:	166.32						
43430		1455 GRAINGER	96.98						
	9375150878	07/13/22 SWR-COMPOUND GAUGE	96.98*			5310 430600	240		101000
		Total for Vendor:	96.98						
43404		2806 HANSON'S HARDWARE	472.56						
	602115	07/06/22 PRKS-SPRINKLER HEADS, PIPING	185.40*			1000 460400	240		101000
	602066	07/01/22 STRS-CONCRETE FOR SIGN BASE	174.75*			2500 430200	242		101000
	602170	07/11/22 SWR-SWR LIFT #7 REPAIR	38.96*			5310 430600	240		101000
	602233	07/15/22 WTR-MARKING PAINT	9.49*			5210 430500	220		101000
	602133	07/08/22 FD-SOIL FOR LANDSCAPING	38.97*			1000 411200	220		101000
	602071	07/01/22 POOL-PWR SNAKE	24.99*			1000 460445	240		101000
		Total for Vendor:	472.56						
43398		2845 HEARTWOOD TREE SERVICE	1,950.00						
		COTTON WOOD REMOVAL 3RD AVE E							
	070122	07/01/22 TREE BRD-3RD AVE E COTTON WOOD	1,950.00*			1000 410131	390		101000
		Total for Vendor:	1,950.00						
43400		1659 HIGH COUNTRY LINEN SUPPLY	261.70						
	0510570	07/18/22 FAC-CITY HALL, POLC, CRT, FIN	226.61*			1000 411200	224		101000
	0510571	07/18/22 FAC-FIRE HALL	35.09*			1000 411200	224		101000
		Total for Vendor:	261.70						

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43413		2791 IDEXX DISTRIBUTION, INC.	188.70						
	3110640185	07/19/22 SWR-GAMMA IRRAD COLILERT 2	188.70*			5310 430600	222		101000
		Total for Vendor:	188.70						
43408		2849 J2 BUSINESS PRODUCTS	828.75						
	1189366-0	07/08/22 SWR-TOWELS, BATH TISSUE	242.76*			5310 430600	220		101000
	1187104-1	07/05/22 POOL-PRINTER INK	13.32*			1000 460445	210		101000
	1187404-0	07/01/22 POOL-PRINTER INK	26.64*			1000 460445	210		101000
	1189316-0	07/08/22 WTR-5X8 NOTE PADS	9.66*			5210 430500	210		101000
	1189316-0	07/08/22 SWR-5X8 NOTE PADS	9.66*			5310 430600	210		101000
	1189316-0	07/08/22 FIN-5X8 NOTE PADS	9.67*			1000 410500	210		101000
	1189668-0	07/11/22 WTR-DRYLINE, PAPER, REINFORCE	94.86*			5210 430500	210		101000
	1189668-0	07/11/22 SWR-DRYLINE, PAPER, REINFORCE	94.86*			5310 430600	210		101000
	1189668-0	07/11/22 FIN-DRYLINE, PAPER, REINFORCE	94.87*			1000 410500	210		101000
	1186157-0	07/13/22 POOL-FLOOR CLEANER, SPRAYER	164.98*			1000 460445	220		101000
	1191163-0	07/14/22 WTR-PENS, MECHANICAL PENCIL	5.89*			5210 430500	210		101000
	1191163-0	07/14/22 SWR-PENS, MECHANICAL PENCIL	5.89*			5310 430600	210		101000
	1191163-0	07/14/22 FIN-PENS, MECHANICAL PENCIL	5.90*			1000 410500	210		101000
	1193602-0	07/22/22 PD-STICKY NOTES	6.51*			1000 420100	210		101000
	1194243-0	07/25/22 POOL-REGISTER PAPER	8.18*			1000 460445	210		101000
	1192095-0	07/20/22 BLDG-RULER	0.79*			2394 420500	210		101000
	1192095-0	07/20/22 FIN-RULER	0.80*			1000 410500	210		101000
	1192229-0	07/20/22 BLDG-PROTRACTOR	0.77*			2394 420500	210		101000
	1192229-0	07/20/22 FIN-PROTRACTOR	0.77*			1000 410500	210		101000
	1192456-0	07/21/22 PD-LABLE MAKER TAPE	11.00*			1000 420100	210		101000
	1193364-0	07/21/22 CRT-FOLDERS	20.97*			1000 410360	210		101000
		Total for Vendor:	828.75						
43401		3078 KLJ ENGINEERING LLC	3,189.00						
		CF Quiet Zone Study							
	10172176	07/19/22 QUIET ZN PRO SRVS END 7/9/22	3,189.00*			1000 410100	399		101000
		Total for Vendor:	3,189.00						

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43426		3140 KUBWATER RESOURCES, INC	6,298.41						
	11200 07/20/22	SWR-DEWATERING POLY	6,298.41*			5310 430600	221		101000
		Total for Vendor:	6,298.41						
43440		999999 KUZMIK, DEBRA D	106.69						
		REFUND WATER OVERPAYMENT							
	062722 07/27/22	WTR-REFUND OVERPAYMENT 09050-0	106.69			5210 214010			101000
		Total for Vendor:	106.69						
43403		1671 MCCONNELL, CRAIG	153.00						
		CRIME SCENE INVESTIGATION TRAINING LEWISTON MT AUG 22-AUG 25TH							
	071322 07/13/22	PD-MEALS	153.00*			1000 420100	380		101000
		Total for Vendor:	153.00						
43429		916 MID-AMERICAN RESEARCH CHEMICAL	377.23						
	0767037-IN 07/13/22	STR-THERMO GUARD GREASE	114.00*			2500 430200	221		101000
	0767037-IN 07/13/22	STR-TACKLE III DEGREASER	263.23*			2500 430200	221		101000
		Total for Vendor:	377.23						
43402		3157 MONTANA BOARD OF INVESTMENTS	6,092.13						
		AUGUST 15TH 2022 PAYMENT FOR ROSENBAUER FIRE TRUCK							
	2451-01 08/15/22	ROSENBAUER FIRE TRK PRINCIPAL	6,047.15			1000 490500	610		101000
	2451-01 08/15/22	ROSENBAUER FIRE TRK INTEREST	44.98			1000 490500	620		101000
		Total for Vendor:	6,092.13						
		*** Claim from another period (6/22) ****							
43423		282 MONTANA DEPT. OF LABOR &	146.54						
	072022 07/20/22	BLDG CODE EDUC FUND	146.54			2394 420500	399		101000
		Total for Vendor:	146.54						
43444		3133 MONTANA MUNICIPAL INTERLOCAL	83,686.00						
		LIABILITY PROGRAM							
	070122 07/01/22	22-23 FY PREMIUM	60,853.00*			1000 510330	510		101000
	070122 07/01/22	22-23 FY PREMIUM	1,120.00*			2394 510330	510		101000
	070122 07/01/22	WTR-22-23 FY PREMIUM	9,547.00*			5210 510330	510		101000
	070122 07/01/22	SWR-22-23 FY PREMIUM	12,166.00*			5310 510330	510		101000
		Total for Vendor:	83,686.00						

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43446		1682 MONTANA MUNICIPAL INTERLOCAL	55,270.50						
		PROPERTY PROGRAM							
	PR-025-202	07/01/22 JULY 1 TO JUNE 30, 2023	27,725.25*			1000 510330	510		101000
	PR-025-202	07/01/22 WTR-JULY 1 TO JUNE 30, 202	4,175.81*			5210 510330	510		101000
	PR-025-202	07/01/22 SWR-JULY 1 TO JUNE 30, 202	23,369.44*			5310 510330	510		101000
		Total for Vendor:	55,270.50						
43399		2707 MOUNTAIN ALARM	100.75						
		ALARM MONITORING 8/1-8/30/22							
	2953761	08/01/22 FAC-CITY HALL AUG 2022	47.35*			1000 411200	366		101000
	2952667	08/01/22 FAC-FD AUG 2022	53.40*			1000 411200	366		101000
		Total for Vendor:	100.75						
43432		52 NAPA AUTO PARTS	36.96						
	009523	06/21/22 STRS-RTN ALUM STEPS FOR TRUCK	-104.98			2500 430200	232		101000
	009829	06/23/22 SWR-OIL FILTER	9.39*			5310 430600	231		101000
	009524	06/21/22 STRS-AEROS LUBRICANT	32.98*			2500 430200	240		101000
	013492	07/25/22 WTR-HEX KEY/HYD OIL	80.94*			5210 430500	240		101000
	013497	07/25/22 WTR-EXCHANGE HEX KEY CREDIT	-0.36*			5210 430500	240		101000
	012634	07/18/22 SWR-TRAILER BALL/ MOUNT	94.98*			5310 430600	212		101000
	012695	07/18/22 SWR-RETURN MOUNT	-75.99*			5310 430600	212		101000
		Total for Vendor:	36.96						
43422		520 NORCO, INC.	12.60						
	69975391	07/15/22 STRS-SAFTY GLASSES & GLOVES	12.60*			5210 430500	220		101000
		Total for Vendor:	12.60						
43435		132 NORMONT EQUIPMENT COMPANY	2,948.44						
	27849	07/20/22 SWR-ONSITE PIPE REPAIR	733.44*			5310 430600	360		101000
	27850	07/20/22 STRS-ASPHALT EMULSION	2,215.00*			2500 430200	471		101000
		Total for Vendor:	2,948.44						
43425		3085 ORTHOPEDIC REHAB INC	600.00						
		ACCT#32956							
	97343	07/15/22 PD-PRE-EMPLOYMENT SCREENINGS	400.00*			1000 420100	390		101000
	97343	07/15/22 FD-PRE EMPLOYMENT SCREENING	200.00			1000 420400	390		101000
		Total for Vendor:	600.00						

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11:20:11

CITY OF COLUMBIA FALLS
Claim Approval List
For the Accounting Period: 7/22

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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
43421		3100 PEDROS PROPERTIES	1,975.00						
		CITY'S SHARE FOR KENDRA COMPTON WATERLINE REPLACEMENT							
		556 6TH AVE EN							
	2022-080	07/20/22 WTR-30% SHARE WATERLINE REPL	600.00*			5210 430500	360		101000
	2022-080	07/20/22 WTR-50% SHARE MAIN TO CURBST	1,375.00*			5210 430500	360		101000
		Total for Vendor:	1,975.00						
43439		2932 PIONEER CHEMICAL SUPPLY LLC	6,193.80						
	11841	07/20/22 POOL-CHLORINE TABLETS	6,193.80*			1000 460445	221		101000
		Total for Vendor:	6,193.80						
43436		3136 RICE, BRANDON	354.34						
		SRO TRAINING IN BOZEMAN 8/14-8/19/22							
	072722	07/27/22 PD-FUEL & MEALS	354.34*			1000 420100	380		101000
		Total for Vendor:	354.34						
43443		999999 ROBINSON, DORTHA	23.07						
		REFUND WATER OVERPAYMENT							
	062722	07/27/22 WTR-REFUND OVERPMT 08121-10	23.07			5210 214010			101000
		Total for Vendor:	23.07						
		*** Claim from another period (6/22) ****							
43416		1042 SANDS SURVEYING, INC.	2,862.00						
	35987	07/30/22 P/Z-ROUTINE SRVS 6/21-6/30/22	2,862.00*			1000 411000	399		101000
43417		1042 SANDS SURVEYING, INC.	2,897.75						
	35987	07/30/22 P/Z-ROUTINE SRVS 7/5-7/19/22	2,897.75*			1000 411000	399		101000
		Total for Vendor:	5,759.75						
43396		2600 SENSIT TECHNOLOGIES	2,891.30						
	0330460-IN	07/18/22 FD-SENSIT G2 EX/CO/02/TOX	2,891.30*			1000 420400	212		101000
		Total for Vendor:	2,891.30						
43418		2755 SHERWIN-WILLIAMS CO	104.18						
	3963-6	07/21/22 STRS-POLYESTER ROLLER COVER	9.16*			2500 430200	220		101000
	8573-5	07/25/22 STRS-PARKING LOT PAINT	95.02*			2500 430200	220		101000
		Total for Vendor:	104.18						

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CITY OF COLUMBIA FALLS
Claim Approval List
For the Accounting Period: 7/22

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* ... Over spent expenditure

Claim/	Check	Vendor #/Name/	Document \$/	Disc \$						Cash
		Invoice #/Inv Date/Description	Line \$		PO #	Fund Org Acct	Object	Proj		Account
43414		1653 SUPER 1 FOODS	31.88							
	04-2065811	07/04/22 POOL-WATER, GATORADE,DONUT	31.88*			1000 460445	220			101000
		*** Claim from another period (6/22) ****								
43415		1653 SUPER 1 FOODS	3.79							
	08-1547865	06/03/22 SWR- 70% ALCOHOL	3.79*			5310 430600	220			101000
		Total for Vendor:	35.67							
43395		3099 SWEETGRASS PSYCHOLOGICAL	1,600.00							
	10993	07/19/22 PD-CANIDATE EVALUATION	800.00*			1000 420100	399			101000
	11054	07/26/22 PD-CANIDATE EVALUATION	800.00*			1000 420100	399			101000
		Total for Vendor:	1,600.00							
		*** Claim from another period (6/22) ****								
43445		3086 SWS EQUIPMENT	154.29							
	0146054-IN	07/28/22 STRS-SWEEPER FAN	154.29			2500 430200	232			101000
		Total for Vendor:	154.29							
43411		2699 THE MAIL ROOM, INC	130.62							
	D110561	07/25/22 PD-MAIL SRVS 7/11-7/22/22	17.00*			1000 420100	310			101000
	D110561	07/25/22 FIN-MAIL SRVS 7/11-7/22/22	14.29*			1000 410500	310			101000
	D110561	07/25/22 WTR-MAIL SRVS 7/11-7/22/22	16.33*			5210 430500	310			101000
	D110561	07/25/22 SWR-MAIL SRVS 7/11-7/22/22	16.33*			5310 430600	310			101000
	D110561	07/25/22 CRT-MAIL SRVS 7/11-7/22/22	58.08*			1000 410360	310			101000
	D110561	07/25/22 PLN-MAIL SRVS 7/11-7/22/22	8.59*			1000 411000	310			101000
		Total for Vendor:	130.62							
43412		1623 THE UPS STORE #4515	32.56							
	TRACKING #1ZWA36710387156647									
	2022	07/16/22 PD-EVIDENCE SHIPPING	32.56*			1000 420100	310			101000
		Total for Vendor:	32.56							
43427		523 USA BLUE BOOK	214.45							
	039409	07/11/22 SWR-HACH TOTAL PHOSPHATE	214.45*			5310 430600	222			101000
		Total for Vendor:	214.45							

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CITY OF COLUMBIA FALLS
Claim Approval List
For the Accounting Period: 7/22

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* ... Over spent expenditure

Claim/	Check	Vendor #/Name/	Document \$/	Disc \$						Cash
		Invoice #/Inv Date/Description	Line \$		PO #	Fund Org Acct	Object	Proj		Account
43424	E	1218 VERIZON WIRELESS	1,246.97							
	9911063616	07/12/22 ADMIN-6/13-7/12/22	22.44*			1000 410400	345			101000
	9911063616	07/12/22 FIN-6/13-7/12/22	22.45*			1000 410500	345			101000
	9911063616	07/12/22 FIRE-6/13-7/12/22	60.48			1000 420400	345			101000
	9911063616	07/12/22 FAC-6/13-7/12/22	12.45*			1000 411200	345			101000
	9911063616	07/12/22 STRT-6/13-7/12/22	78.85*			2500 430200	345			101000
	9911063616	07/12/22 PD-6/13-7/12/22	748.07*			1000 420100	345			101000
	9911063616	07/12/22 WTR-6/13-7/12/22	151.11*			5210 430500	345			101000
	9911063616	07/12/22 SWR-6/13-7/12/22	101.31*			5310 430600	345			101000
	9911063616	07/12/22 CRT-6/13-7/12/22	49.81*			1000 410360	345			101000
		Total for Vendor:	1,246.97							
43405		84 WESTERN BUILDING CENTER	120.88							
	4694697	07/05/22 SWR-DAFT RECYCLE REPAIR	102.63*			5310 430600	240			101000
	4695484	07/12/22 POOL- ANT KILLER/TRAPS	11.98*			1000 460445	220			101000
	4694537	07/01/22 FAC-BENCH IN ALLEY CHAIN	6.27*			1000 411200	240			101000
		Total for Vendor:	120.88							
		# of Claims	51	Total:	202,862.80	# of Vendors	47			
		Total Electronic Claims			2,042.33					
		Total Non-Electronic Claims			200820.47					

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CITY OF COLUMBIA FALLS
Fund Summary for Claims
For the Accounting Period: 7/22

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Fund/Account	Amount
1000 GENERAL FUND	
101000 CASH/CASH EQUIVALENTS	\$129,803.68
2394 BUILDING CODE ENFORCEMENT FUND	
101000 CASH/CASH EQUIVALENTS	\$1,268.10
2500 SPECIAL STREET MAINTENANCE DISTRICT FUND	
101000 CASH/CASH EQUIVALENTS	\$3,768.31
5210 WATER ENTERPRISE FUND	
101000 CASH/CASH EQUIVALENTS	\$21,412.48
5310 SEWER ENTERPRISE FUND	
101000 CASH/CASH EQUIVALENTS	\$46,610.23
Total:	\$202,862.80

07/29/22
11:20:11

CITY OF COLUMBIA FALLS
Claim Approval Signature Page
For the Accounting Period: 7 / 22

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Report ID: AP100A

Council Meeting Date: August 1, 2022

Claims Submitted to Council: \$ 202,862.80

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

Prepared By: Shawn Bates, Finance Director

S. Bates

Approved by Susan M. Nicosia, City Manager

S. Nicosia

City Council to Approve by motion on consent agenda

June - \$3,166.62
July - \$199,696.18

Large claims include the annual Property and Liability Premium payments to MMIA:
Liability - \$83,686
Property - \$55,270.50

Other claims are routine in nature. Capital items will not be purchased until the 22-23FY budget is adopted by City Council.
Please contact Finance Director Bates with any questions.

07/21/22
18:25:35

CITY OF COLUMBIA FALLS
Payroll Summary For Payrolls from 07/22/22 to 07/22/22

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Total for Payroll Checks

	Employee	Employer	Amount
ADDL HOURS (Additional)	0.00		677.65
COMA HOURS (Comp Time Accumulated)	3.38		
COMP HOURS (Comp Time Used)	21.50		472.09
HOL HOURS (Holiday Pay)	295.51		7,601.44
HOLW HOURS (Holiday Worked @ 2.5x)	69.75		1,729.32
J003 HOURS (PD HOL WK)	10.00		645.15
J008 HOURS (PD HOL WK OT)	10.00		435.00
OVER HOURS (Overtime)	45.25		1,787.19
OVRTA HOURS (Stone Garden)	3.00		148.77
OVRTD HOURS (STEP overtime)	17.00		757.08
PERS HOURS (Personal Time Used)	24.00		1,150.76
REG HOURS (Regular Time)	2,449.75		65,682.21
REG2 HOURS (Addition to Salary)	1.00		611.62
RETR HOURS (RETRO PAY)	5.00		736.70
SHFD HOURS (Stone Garden Shift B)	3.00		9.00
SHFI HOURS (Step B)	10.00		30.00
SHFN HOURS (Shift B)	247.00		494.00
SHFQ HOURS (OVT B)	17.00		51.00
SHFU HOURS (Hol wk B)	10.00		50.00
SICK HOURS (Sick Time)	72.19		1,606.70
VACA HOURS (Vacation Time Used)	335.81		10,239.63
VOLN HOURS (Not in use)	30.00		1,500.00
GROSS PAY	94,915.31	0.00	
NET PAY	65,917.39	0.00	
NET PAY (CHECKS)	7,287.52		
NET PAY (DIRECT DEPOSIT)	58,629.87		
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	8,140.97	0.00	
FLEX ALLEGIANCE	1,017.16	27.50	
FLEX DEP CARE	208.33	2.50	
FOP	280.00	0.00	
HEALTHINS/PRE	1,904.82	17,494.00	
MEDICARE	1,364.61	1,364.61	
MT ST FIRE ASSO	32.65	0.00	
NATIONWIDE/CITY	0.00	2,491.00	
NATIONWIDE/EMP	337.50	0.00	
P.E.R.S.	3,855.21	4,377.35	
PERS/FURS	333.48	447.55	
PERS/POLICE	2,423.47	3,880.24	
SIT	4,224.00	0.00	
SOCIAL SECURITY	3,753.64	3,753.64	
TEAMSTERS DUES	308.00	0.00	
UNEMPL. INSUR.	0.00	513.25	
UNUM LIFE INS.	104.30	0.00	
WORKERS' COMP	0.00	2,870.12	

7/22/22
Payroll
\$150,304.04
Bob Starkland

07/21/22
18:25:35

CITY OF COLUMBIA FALLS
Payroll Summary For Payrolls from 07/22/22 to 07/22/22

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CHARLES SCHWAB	1,662.19	0.00
FIRST INTERSTAT	2,906.49	0.00
FREEDOM BANK	1,578.76	0.00
GLACIER BANK KA	6,180.67	0.00
GLACIER BANK/CF	20,306.01	0.00
GLACIER BANK/WF	1,673.66	0.00
PARKSIDE CR U	13,018.99	0.00
THREE RIVERS	1,107.89	0.00
USAA FEDERAL	1,365.81	0.00
USBANK.	3,148.37	0.00
VALLEY BANK KAL	100.00	0.00
VERIDIAN CREDIT	400.00	0.00
WELLS FARGO	1,855.56	0.00
WFISH CR UNION	3,325.47	0.00
FIT/SIT BASE	84,878.63	0.00
MEDICARE BASE	94,110.96	0.00
PERS BASE	78,843.78	0.00
SOC SEC BASE	60,542.54	0.00
UN BASE	93,315.31	0.00
WC BASE	95,157.58	0.00

Total 37,221.76
Total Payroll Expense (Gross Pay + Employer Contributions): 132,137.07
*** PAYROLL REGISTER + VOLUNTEER PAYROLL REGISTER = PAYROLL SUMMARY ***

Check Summary

Payroll Checks Prev. Out. \$67,734.46
Payroll Checks Issued \$52,237.79
Payroll Checks Redeemed \$0.00
Payroll Checks Outstanding \$119,972.25
Electronic Checks \$98,066.87

Deductions Accrued	Carried Forward From Previous Month	Deduction Checks Issued	Difference	Liab Account
-----	-----	-----	-----	-----
Social Security	7507.28	7494.92	12.36	212260
Medicare	2729.22	2726.32	2.90	212260
P.E.R.S.	8232.56	8232.56		212270
Unempl. Insur.	513.25	974.95	1488.20	212210
Workers' Comp	2870.12	5356.14	8226.26	212220
FIT	8140.97	8140.97		212260
SIT	4224.00	4222.00	2.00	212260
AFLAC-PRETAX	165.04	330.56		212230
NATIONWIDE/EMP	337.50	337.50		212280
Teamsters dues	308.00	616.00		212310
PERS/Police	6303.71	6303.71		212240
NATIONWIDE/CITY	2491.00	2491.00		212280
AFLAC-POSTTAX	111.67	223.34		212230
PERS/FURS	781.03	781.03		212275
MT ST FIRE ASSO	32.65	32.65		212315
HEALTHINS/PRE	19398.82	40277.55	-1479.91	212400
CITY OF COLUMBI	20.00	20.00		212450
UNUM LIFE INS.	104.30	208.60		212400

07/21/22
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CITY OF COLUMBIA FALLS
Payroll Summary For Payrolls from 07/22/22 to 07/22/22

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FLEX ALLEGIANCE	1044.66		1044.66	212285
CHILD SUPPORT	0.00			212330
CHILD SUPPORT P	413.07		413.07	212330
WA CHILD SUPPOR	0.00			212330
FOP	280.00		280.00	212335
FLEX DEP CARE	210.83		210.83	212285
Total Ded.	66219.68	26419.40	84387.27	8251.81

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

CITY OF COLUMBIA FALLS
CITY COUNCIL REGULAR MEETING MINUTES
HELD JULY 18, 2022

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

ROLL CALL:

Councilor Karper, Councilor Lovering, Councilor Piper, Councilor Robinson, Councilor Shepard and Mayor Barnhart. Absent: Councilor Fisher. Also present: City Manager Nicosia, City Clerk Staaland, City Attorney Breck, Fire Chief Weeks and Sergeant Murphy.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA:

Councilor Robinson motioned to approve the agenda, seconded by Councilor Piper and the motion carried.

CONSENT AGENDA:

Councilor Karper motioned to approve the consent agenda noting all claims appeared to be in order, seconded by Councilor Shepard with Council voting as follows. Ayes: Karper, Lovering, Piper, Robinson, Shepard and Barnhart.

Approval of June and July Claims - \$165,931.17

Approval of July 8, 2022 Payroll Claims

Approval of July 5, 2022 Regular City Council Meeting Minutes

Approval of Engineering Agreement - 5th Ave EN Water Main (ARPA) Project and authorize City Manager to execute.

Adoption of Updated Job Description - Firefighter/EMT

Adoption of Updated Job Description - Public Works/GIS Technician

Approve Voiding Checks Outstanding Longer Than One Year

VISITORS/PUBLIC COMMENT (Items not on agenda)

Andrea Getts, resides at 336 7th St. E. said she is concerned with the intersection at 6th St. E. and 1st. Ave E. and believes it would be a good place for a 4-way stop.

APPOINTMENTS:

Approval of Appointment - Volunteer Firefighter Dale Pinneke/Administration of Oath of Office

Fire Chief Weeks said the department has voted to approve Dale Pinneke as a Probationary Volunteer

Firefighter. Weeks said since submitting his application he has attended several trainings as an observer and believes he will be a great addition to the department. Nicosia and Weeks recommend approval.

Councilor Lovering motioned to approve Mr. Pinneke as Probationary Volunteer Firefighter, seconded by Councilor Piper and the motion carried.

City Clerk Staaland administered Oath of Office to Mr. Pinneke.

NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

Mayor Barnhart read the following revised notice:

REVISED NOTICE OF PUBLIC HEARINGS - PLANNING/ZONING ITEMS:

The Columbia Falls City-County Planning Board held a public hearing for the following item at their regular meeting on Tuesday, July 12, 2022 at 6:30 p.m. at the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on August 1, 2022 starting at 7:00 p.m. in the same location.

Request for a Zoning Map Amendment in the Columbia Falls Planning Jurisdiction:

Mick Ruis is requesting a zoning map amendment on behalf of HC 246 LLC in the Columbia Falls Zoning Jurisdiction. The property is located at 230 Highway 2 East in Columbia Falls and is described as Assessor's Tracts 2E, 2EC, 4EA, 4EAA and 4E Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County (See Exhibit A for Metes and Bounds Description). The property is currently zoned CB-1 (Neighborhood Business) and the applicant is proposing CB-2 (General Business).

The Planning Board postponed the public hearing on the following three items until August 9, 2022 – 6:30 P.M., the date and time of the next regular Planning Board Meeting. The location of the hearing will be at the Columbia Falls Junior High in the Cafetorium, Legal Notice in the Newspaper, Letters to the adjacent property owners, and at City Hall on the City's Planning/Council Bulletin Board.

Request for a Zoning Map Amendment in the Columbia Falls Planning Jurisdiction:

James Barnett on behalf of Flathead Mountain River LLC is requesting a zoning map amendment in the Columbia Falls Zoning Jurisdiction. The property is located at 264, 316, 378, 494 River Road in Columbia Falls and is described as Lots 1, 2, & 3 of Loffler 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 property is currently zoned CR-3 (One Family Residential) and the applicant is proposing CR-4 (Urban Residential).

Request for a Planned Unit Development in the Columbia Falls Zoning Jurisdiction:

James Barnett on behalf of Flathead Mountain River LLC is requesting a Planned Unit Development in the Columbia Falls Zoning Jurisdiction; the development is called River Highlands Apartments. The property is located at 264, 316, 378, & 494 River Road in Columbia Falls and is described as Lots 1, 2, & 3 of Loffler 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 65 attached single family row houses, 390 apartment units and 10 row house units dedicated to the Northwest Montana Community Land Trust. The total unit count is 455 units on 49.1 acres gross for a density of 9.2 units per acre. The applicant is proposing 21.5 acres (43%) of the site as park and open space. With the project, the applicants are proposing to move River Road further east on Highway 2 and if supported by the MDOT the applicants would install a traffic signal at Highway 2 and River Road. Two deviations are requested with the PUD; the applicant is requesting to zoning deviations, one would allow an increase in height of ten feet allowing a portion of the apartment buildings to approach 45 feet in height and the second deviation would reduce the parking requirement from 2 spaces per unit down to 1.5 spaces per unit.

Request for a subdivision in the Columbia Falls Zoning Jurisdiction:

James Barnett on behalf of Flathead Mountain River LLC is requesting a Subdivision in the Columbia Falls Zoning Jurisdiction. The property is located at 264,316,378, & 494 River Road in Columbia Falls and is described as Lots 1, 2, & 3 of Loffler 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 subdivision will 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 privately maintained but open to the public. The proposed subdivision is part of the zone change and PUD application for River Highlands Apartments

Mayor Barnhart read the following notice of hearing:

Notice of 22-23 Fiscal Year Preliminary Budget Hearings - Beginning August 1, 2022:

NOTICE IS HEREBY GIVEN, that the City Council of the City of Columbia Falls, Montana, will hold public hearings beginning on August 1, 2022 at 7:00 p.m. in the Columbia Falls City Hall, 130 6th St West, Columbia Falls, Montana, for the following purposes:

Preliminary Budget

Presentation and consideration of the preliminary budget for fiscal year beginning July 1, 2022 and ending June 30, 2023. This hearing will be continued until final adoption of the budget after receiving the certified taxable valuation.

Special Assessments

Consideration of the adoption of the Street Lighting District and Street Maintenance District assessments for FY2022/2023. Council will hear any objections to the final adoption of the resolution levying special assessments for FY 2022/2023. Special Assessments are estimated as follows:

Street Lighting District	\$ 30,049
Street Maintenance District	\$316,000

Individual property payment schedules are available for inspection ten (10) days from this notice, in the office of the City Clerk, 130 6th Street West, Columbia Falls, Montana, during regular hours Monday through Friday, 7:00 AM to 6:00 PM.

Permissive Medical Levy

Consideration of adoption on the proposed tax levy to fund health insurance premium contributions for group benefits beyond the amount of contributions in effect on the actual mills for consideration will be made available upon receipt of the certified tax valuation for the year.

Taxpayers are encouraged to attend the hearings and give written or oral comments on any or all of the budget-related items. Written comments may be mailed to the City Clerk, Barb Staaland, 130 6th St West, Columbia Falls, MT, 59912. Questions regarding the proposed items can be made by contacting City Manager Susan Nicosia at 892-4391.

NEW BUSINESS:

Authorize Call for Bids - 2022 Street Construction Projects

City Manager Nicosia said staff recommends Council authorizing the Call for Bids for the 2022 Street Construction projects. Advertising for bids will begin on Sunday, July 24th and July 31st, with the bid opening on Wednesday, Aug 10th. There is a pre bid meeting scheduled for July 27th.

Councilor Shepard motioned to approve the call for bids, seconded by Councilor Lovering and the motion carried.

2022-23 FY Budget Overview Presentation

City Manager Nicosia presented council with Fiscal Year 22-23 Budget highlights:

- No increase in Special Assessments (Lighting or Street Maintenance)
- No increase in Water or Sewer Rates (no new debt due to ARPA \$\$ for Sewer) – evaluate future increases with PER projects
- First Year for Resort Tax Property Tax Revenue offset
- Not a revaluation year for property taxes – 1.77% Inflation Adjustment - \$24,842 plus newly taxable (First Monday in August)

Public Works Projects:

WWTP Upgrade as planned in 2018/19 PER:

\$5.5 m – includes Lift Station #2 upgrade and 13th/Hilltop Area Sewer Main Upgrade

Funding: \$2 m competitive grant

\$1.4 m ARPA Direct Allocation

\$877k HB 632 grant

\$1.267 m City \$\$ - Expansion

Water: 5th Ave EN Water Main Upgrade \$290k

\$143k Competitive Grant (letter)

\$100k ARPA Direct Allocation

\$ 47k City \$\$ - Expansion

Water: Generator - \$182k

TA Grant – RR Street Sidewalk – City share 13.42% - \$126k 22-23 FY

12th Ave West EDA/TIF - \$1.2 m engineering started, calling for bids

Downtown parking/sidewalk/curb and gutter – preparing for calling for bids – TIF - \$500k

Street Projects – Calling for bids – engineers' estimate - \$900k – includes 1st Ave W angled parking (Construction Fund, Special Gas Tax and TIF)

Parks:

Columbus Park:

Pickleball Courts - \$93k with \$25k donation

Sand Volleyball - \$10k w/donation

Complete restroom and expand playground

Pinewood Park:

Add Bathroom - \$20k

Nicosia reported on other projects that the City is or will be seeking funding include the Quiet Zone \$633,400 2nd Ave WN improvements, 4th Ave EN Closure \$83,000 plus required 25% contingency along with additional engineering; 6th Ave W sidewalk/bikepath - \$226k; River's Edge Park path repairs/bank stabilization (FEMA).

Mayor Barnhart inquired about funds from the resort tax for parks and other infrastructure. Nicosia said infrastructure includes parks, paths, water and sewer. 14% of the resort tax goes into infrastructure or approximately \$74,000 for the 22-23 Fiscal year. Councilor Shepard asked if the City has the funds to repair River's Edge Park path. Nicosia said the Council can make it a priority; seeking FEMA Public Assistance Funds and will know soon if eligible. Lovering said the parks crew did a good job on making the path useable.

ORDINANCES / RESOLUTIONS:

Resolution # 1879 - A Resolution of the City Council of the City of Columbia Falls, Montana, Setting the Salary and Compensation of Certain City Officials and Employees Pursuant to Title 7, Chapter 4, Part 42, M.C.A for the 2022-2023 Fiscal Year

Councilor Piper motioned to approve Resolution 1879, seconded by Councilor Shepard with council voting as follows. Ayes: Piper, Robinson, Shepard, Karper, Lovering and Barnhart.

REPORTS / BUSINESS FROM MAYOR & COUNCIL:

Councilor Piper inquired about the plumbed bathroom at Columbus Park. Nicosia said the plumber was scheduled to be there last week. Piper said he noticed 1st Ave E. is becoming a racetrack as vehicles are speeding down it. Lovering said parking at Vaqueros along the street is becoming problematic to see traffic and believes stop signs would be beneficial. Nicosia said City staff will complete a warrant study.

Councilor Shepard said it's nice to have Sergeant Murphy back with the department. Shepard congratulated Fire Chief Weeks on a good job getting 29 volunteers in the Fire Department when it is difficult getting employees.

Mayor Barnhart said he does not know how to inform folks of the facts on the proposed River Highland project and not believe the non-facts posted on social media. He noted that the meetings were treated differently years ago with respect of public officials, it is sad this is no longer the case. The people of Columbia Falls need to act like people of Columbia Falls he commented. Shepard added if residents want to speak at the meeting it is important for them to state their name and physical address.

Mayor Barnhart said there is concern that the City does not have the capacity for the new subdivision, after visiting with the City Manager and reviewing the Water and Sewer PER's, the City certainly does have capacity to serve the homes because the City has planned for growth.

Mayor Barnhart inquired on if the leak detection company came back for a second round. Nicosia said they are due to come back soon and noting that the known leaks that have been repaired have resulted in 6-8 million gallons of savings each month.

CITY MANAGER REPORT:

Nicosia confirmed the next Planning/Zoning Board meeting is Tuesday, Aug 9th at the Jr. High at 6:30. The Council will hold a Special meeting on Monday, Aug 22, at 7:00 p.m. at the Jr. High to hear the August 9th Planning Board items. There will be regular Council meetings on August 1st and August 15th.

Nicosia said staff revised the CDL requirement for the new firefighter job description and replaced it with Driver/ Operator Apparatus Equipped with Fire Pump certification through the State of Montana. Mayor

Barnhart asked if we are giving candidates one year to acquire the certification. Nicosia said that is correct. Nicosia noted that the City will begin advertising the firefighter positions this week as Council formally established the wage schedule with Resolution 1879 and updated the job description. Nicosia noted that the Personnel Policy will be updated to reflect the non-union firefighter items previously discussed: FLSA work schedule, call-out and uniform allowance.

MISCELLANEOUS

Finance - May 2022 Report

Police Activity - April, May and June 2022

Fire Department - May and June Activity

ADJOURN:

Councilor Lovering made motion to adjourn, seconded by Councilor Shepard and the meeting was adjourned at 7:43 p.m.

Mayor

City Clerk

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

Conservation and Resource Development Division



GREG GIANFORTE, GOVERNOR

1539 ELEVENTH AVENUE

STATE OF MONTANA

DIRECTOR'S OFFICE: (406) 444-2074
FAX: (406) 444-2684

PO BOX 201601
HELENA, MONTANA 59620-1601

July 26, 2022

Susan Nicosia
Columbia Falls, City of
130 6th Street West
Columbia Falls, MT 59912

Re: Columbia Falls Wastewater Treatment System Upgrades

Dear Susan Nicosia:

Please find enclosed American Rescue Plan Act (ARPA) Water & Sewer sub-award through House Bill 632 for the Columbia Falls Wastewater Treatment System Upgrades project. These funds are a sub-award of the ARPA funding provided to the State of Montana under Assistance Listing Number (ALN) (formerly known as CFDA) 21.027 and are contingent upon activities within the project meeting ARPA eligibility and all applicable guidance as well as conditional on funding availability from the federal Department of Treasury.

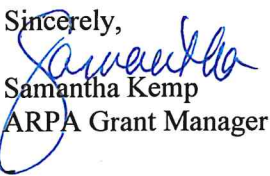
Projects such as yours provide the necessary investments in water and sewer infrastructure Montanans need as part of our state's economic recovery.

This award will be subject to the federal Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by Treasury. The Audit Requirements of the Uniform Guidance, including implementing the Single Audit Act, shall apply to this award. Please see Treasury's guidance [<https://home.treasury.gov/system/files/136/SLFRF-Compliance-and-Reporting-Guidance.pdf>] for more detailed information on reporting and auditing requirements. Please note that cost overruns beyond the award will be the responsibility of the subrecipient.

Please sign both copies of the sub-award and return. Following signature from DNRC, we will return an executed copy for your records. If you have any questions, please contact Samantha Kemp, Grant Manager at the Department of Natural Resources and Conservation, at 406-444-6477 or samantha.kemp@mt.gov.

Again, congratulations and good luck on the successful completion of your project.

Sincerely,


Samantha Kemp
ARPA Grant Manager

AMERICAN RESCUE PLAN ACT (ARPA)
GRANT AGREEMENT
CONSERVATION AND RESOURCE DEVELOPMENT DIVISION
MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

Recipient: Columbia Falls, City of

Project Name: Columbia Falls Wastewater Treatment System Upgrades

Grant Number: AC-22-0013

Submission ID: 20771109

Declarations

- Section 1. Purpose
- Section 2. Term
- Section 3. DNRC's Role
- Section 4. Project Scope
- Section 5. Project Budget
- Section 6. Availability of Funds
- Section 7. Disbursement
- Section 8. Reports
- Section 9. Records and Audits
- Section 10. Project Monitoring and Access for Inspection and Monitoring
- Section 11. Employment Status and Workers' Compensation
- Section 12. Equal Employment
- Section 13. Indemnity and Liability
- Section 14. Compliance with Applicable Laws
- Section 15. Copyright - Government Right to Use
- Section 16. Acknowledgement of Support
- Section 17. Conflicts of Interest.
- Section 18. Remedial Actions
- Section 19. Hatch Act
- Section 20. False Statements
- Section 21. Debts Owed to the Federal Government
- Section 22. Disclaimer
- Section 23. Protections for Whistleblowers
- Section 24. Increasing Seat Belt Use in the United States

In Process

- Section 25. Reducing Text Messaging While Driving
- Section 26. Failure to Comply
- Section 27. Assignment and Amendment
- Section 28. Montana Law and Venue
- Section 29. Waiver
- Section 30. Entire Agreement
- Attachment A – Scope of Work
- Attachment B – Budget
- Attachment C – Reporting Requirements
- Attachment D – Assurance of Compliance with Civil Rights Requirements

In Process

FOR DNRC USE ONLY

Maximum Amount under this Grant: \$2,000,000.00

Source of Funds

Fund Name	Fund No.
ARPA State Recovery Section 602	03920
 ALN#	 FAIN #
21.027	SLFRP1747
 Subclass	 Org. No.
54040	34223012C
	Amount
	\$2,000,000.00

Appropriation Authority: 67th Legislature 2021 HB632

Approved

No. AC-22-0013

Division

F.S.O.

Legal.



GRANT AGREEMENT BETWEEN THE MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND COLUMBIA FALLS, CITY OF

THIS SUBAWARD (also referenced as "Grant Agreement" or "Agreement"), is administered by the Montana Department of Natural Resources and Conservation (DNRC) by the Resource Development Bureau (Program) and is accepted by **Columbia Falls, City of**, hereinafter referred to as the Subrecipient and represented by **Susan Nicosia**, and successors, **City Manager, 130 6th Street West, Columbia Falls, MT 59912, nicosias@cityofcolumbiafalls.com, (406) 892 - 4384**. Both parties agree to the following terms and conditions:

SECTION 1. PURPOSE. Title VI of the Social Security Act (42 § U.S.C. 801 et seq.) (the Act) was amended by section 9901 of the American Rescue Plan Act (ARPA), Pub. L. No. 117-2 (March 11, 2021), to add section 602, which authorizes the United States Department of Treasury ("Treasury") to make payments to certain subrecipients from the Coronavirus State Fiscal Recovery Fund ("ARPA funds"). House Bill 632 governs the State's appropriation. The State of Montana received the funds on May 24, 2021. The purpose of this Grant Agreement ("Agreement") is to establish mutually agreeable terms and conditions, specifications, and requirements to grant ARPA funds to the Subrecipient for **Columbia Falls Wastewater Treatment System Upgrades**.

SECTION 2. TERM. The effective date of this Agreement is the date of last signing and ends **December 30, 2024**. As set forth in the Treasury's Federal Coronavirus State and Local Fiscal Recovery Funds (SLFRF) Interim Final Rule 86 Fed. Reg. 26786 ("Rule") and associated guidance issued on May 10, 2021, Subrecipient may use award funds to cover eligible costs incurred during the period that began on March 3, 2021, and ends on December 31, 2026. This agreement remains in effect until all reporting requirements as described in **SECTION 8. REPORTS** have been received by DNRC.

SECTION 3. DNRC's ROLE. DNRC is administering funds awarded by the Legislature to ensure that the funds are used according to the intent of the Legislature and the purposes, objectives, and procedures of the Program. DNRC will monitor project expenditures to assure payment eligibility. DNRC assumes no responsibility for the Subrecipient's obligation to faithfully perform the tasks and activities necessary to implement and complete a project. The DNRC liaison for this Agreement is Samantha Kemp at 406-444-6477, samantha.kemp@mt.gov,

DNRC/CARDD, PO BOX 201601, Helena, MT 59620-1601 All requests for information and assistance, claims for grant funds, and reports shall be submitted to the DNRC liaison.

SECTION 4. PROJECT SCOPE. The scope of work for this project is described in Attachment A and incorporated herein by this reference. Supporting documents and attachments from the **American Rescue Plan Act** Program Application dated **July 2021** are also incorporated herein by this reference. In the event content in the application differs from or conflicts with terms presented elsewhere in this Agreement, this Agreement text takes precedence.

4.1 Plans and specifications for this project shall be prepared by a registered professional engineer licensed to practice in his or her areas of competence in the State of Montana. Plans and specifications shall be submitted to the Montana Department of Environmental Quality (DEQ) for review and approval prior to construction. Construction shall be in strict accordance with DEQ approved plans and specifications.

4.2 N/A

SECTION 5. PROJECT BUDGET. A project budget showing anticipated expenditures is provided in Attachment B and incorporated herein by this reference. All transfers of funds between budget categories require written notification and approval from the DNRC liaison.

SECTION 6. AVAILABILITY OF FUNDS. Subrecipient understands and agrees that the funds disbursed under this award may only be used in compliance with section 602 of the Act, as amended by ARPA, and Treasury's regulations implementing that section and guidance. Subrecipient will determine prior to engaging in any project using this assistance that it has the institutional, managerial, and financial capability to ensure proper planning, management, and completion of such project. Pre-award costs, as defined in 2 C.F.R. § 200.458, may not be paid with funding from this award. Subrecipient may use funds provided under this award to cover direct administrative costs. Direct costs are those that are identified specifically as costs of implementing the SLFRF program objectives, such as contract support, materials, and supplies for a project. Subrecipient may not use funds to cover indirect administrative costs. Indirect costs are general overhead costs of an organization where a portion of such costs are allocable to the SLFRF award such as the cost of facilities or administrative functions like a director's office.

Subrecipient may not use funds for pensions or to offset revenue resulting from a tax cut enacted since March 3, 2021. This award shall be subject to recoupment as may be required by applicable laws or if any of the expenses incurred through this agreement are found to be ineligible. If a project is unable to secure necessary match funding as required by HB 632, DNRC may recoup ARPA funding. This section shall survive termination of this Agreement.

6.1 A final Montana Environmental Policy Act (MEPA) (§75-1-101 et seq., MCA; 36.2.503 ARM) decision notice must be approved by the DNRC before going to bid or proceeding with activities that have environmental impacts. Reimbursement will be declined for activities not approved under the MEPA decision notice.

6.2 The DNRC must by law terminate this Agreement if funds are not appropriated or otherwise made available to support the DNRC's continuation of performance of this Agreement in a subsequent fiscal period (§18-4-313(4), MCA). If state or federal government funds are not appropriated or otherwise made available through the state budgeting process to support continued performance of this Agreement (whether at an initial payment level or any increases to that initial level) in subsequent fiscal periods, the DNRC shall terminate this Agreement as required by law. The DNRC shall provide the Subrecipient with the date the State's termination shall take effect. The DNRC shall not be liable to the Subrecipient for any payment that would have been payable had the Agreement not been terminated under this provision. The DNRC shall be liable to the Subrecipient only for the payment, or prorated portion of that payment, owed to the Subrecipient up to the date the DNRC's termination takes effect. This is the Subrecipient's sole remedy. The DNRC shall not be liable to the Subrecipient for any other payments or damages arising from termination under this section, including but not limited to general, special, or consequential damages such as lost profits or revenues.

SECTION 7. DISBURSEMENTS. The Subrecipient must submit claims for funds to DNRC. Funds can only be expended for work described in SECTION 4. SCOPE OF WORK. In order to receive payment, the Subrecipient shall submit a project progress report described in SECTION 8. REPORTS, along with an itemized accounting of grant expenses incurred. Receipts, vendor invoices, inspection certificates, in-kind labor, and other documentation of costs incurred shall be submitted with the claims. DNRC will verify the claims and check them against the reports required in SECTION 8. REPORTS and the budget provided in SECTION 5. PROJECT BUDGET. DNRC will disburse grant funds to the Subrecipient upon approval and to the extent available. Reimbursement of Subrecipient expenditures will only be made for expenses included in the budget provided in SECTION 5. PROJECT BUDGET and that are clearly and accurately supported by the Subrecipient's reports to DNRC. Total payment for all purposes under this Agreement shall not exceed **\$2,000,000.00**.

7.1 Reimbursement requests for work performed during the term of this Agreement must be submitted to the DNRC liaison within 90 calendar days after the expiration of this Agreement to receive payment.

7.2 DNRC may withhold 10 percent of the total authorized grant amount until all the tasks outlined in SECTION 4. PROJECT SCOPE and the final report required by SECTION 8. REPORTS are completed and approved by DNRC.

SECTION 8. REPORTS. The Subrecipient is responsible for submitting project updates, a final report and a signed Certificate of Compliance to DNRC at project completion in accordance with all requirements stated in Attachment C. Pictures of the project site before, during, and after construction will be provided to the DNRC liaison with reports or upon request. Because images may be used for publicity as well as project documentation, the Subrecipient must acquire any release(s) necessary for the government's right to use as provided in SECTION 15. COPYRIGHT – GOVERNMENT RIGHT TO USE.

8.1 Quarterly progress reports for the periods ending each March, June, September, and December shall be submitted to the DNRC liaison during the term of this Agreement. The Subrecipient must submit a project progress report with each reimbursement request at a minimum on a quarterly basis. Reports must include the information included in Attachment C. Quarterly reports must be submitted to the DNRC liaison within 15 calendar days following the close of the quarterly period. No claims for disbursements will be honored if the quarterly report has not been approved or if there is a delinquent report.

8.2 The Subrecipient is required to submit a final report upon project completion. Reports must include the information included in Attachment C. Failure to provide the reports as required is cause for termination of this Agreement or withholding of future grant payments. Final disbursement of grant funds is contingent upon DNRC receipt and approval of a report that meets requirements described in Attachment C and signed statements of completion (if applicable) and statement of compliance. Final reports must be submitted to DNRC within 90 days after the Agreement termination date.

8.3 N/A

8.4 N/A

8.5 Recipient agrees to comply with any additional reporting obligations established by Treasury, as it relates to this award.

SECTION 9. RECORDS AND AUDITS. Subrecipient shall maintain records and financial documents sufficient to evidence compliance with section 602(c) of the Act and Treasury's regulations implementing that section and guidance regarding the eligible uses of funds. The DNRC, the Montana legislative auditor, the Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, shall have the right of access to records (electronic and otherwise) of the Subrecipient in order to conduct audits or other investigations. Records shall be maintained by the Subrecipient for a period of five years after all funds have been expended or returned to Treasury, whichever is later. Recipients and subrecipients that expend more than \$750,000.00 in Federal awards during their fiscal year will be subject to an audit under the Single Audit Act and its implementing

regulation at 2 C.F.R. Part 200, Subpart F regarding audit requirements and the Montana Single Audit Act (Title 2, chapter 7, MCA).

The Subrecipient shall maintain for the purposes of this Agreement an accounting system of procedures and practices that conforms to Generally Accepted Accounting Principles ("GAAP"). As defined by 2 C.F.R. § 200.49, GAAP "has the meaning specified in accounting standards issued by the Government Accounting Standards Board and the Financial Accounting Standards Board."

SECTION 10. PROJECT MONITORING AND ACCESS FOR INSPECTION AND MONITORING. DNRC, or its agents, may monitor and inspect all phases and aspects of the Subrecipient's performance to determine compliance with this Agreement, including the adequacy of records and accounts. This grant is publicly funded and requires the Subrecipient to accommodate all requests for public access to the site and the project records with due consideration for safety, private property rights, and convenience for all parties.

SECTION 11. EMPLOYMENT STATUS AND WORKER'S COMPENSATION.

The project is for the benefit of the Subrecipient. DNRC is not an owner or general contractor for the project and DNRC does not control the work activities, worksite of the Subrecipient, or any contractors that might be engaged in the completion of the project.

The Subrecipient is independent from and is not an employee, officer, or agent of the State of Montana or DNRC. The Subrecipient, its employees, and contractors are not covered by the Workers' Compensation laws applicable to DNRC as an employer. The Subrecipient is responsible for providing employees Workers' Compensation Insurance and that its contractors are following the coverage provisions of the Workers' Compensation Act.

SECTION 12. EQUAL EMPLOYMENT. In accordance with § 49-3-207, MCA, and Executive Order No. 04-2016, Grantee agrees that the hiring of persons to perform this Agreement will be made on the basis of merit and qualifications and there will be no discrimination based on race, color, sex, pregnancy, childbirth or medical conditions related to pregnancy or childbirth, political or religious affiliation or ideas, culture, creed, social origin or condition, genetic information, sexual orientation, gender identity or expression, national origin, ancestry, age, disability, military service or veteran status, or marital status by the persons performing this Agreement.

SECTION 13. DEFENSE, INDEMNITY, AND LIABILITY. Subrecipient shall protect, defend, indemnify, and save harmless the State of Montana, its elected and appointed officials, agents, and employees, while acting within the scope of their duties as such, from and against all claims, liabilities, demands, causes of action, judgments, penalties, fines, and losses, including all costs of defense and reasonable attorney fees, arising in favor of or asserted by Subrecipient's employees and agents, its subrecipients, its subrecipient's employees and agents, or third parties on account of property damage, personal injury, bodily injury, death, violation of or non-compliance with any laws, regulations, or rules, or financial or other loss of any kind that in any way, directly or indirectly, arise or allegedly arise out of, in connection with, or on account of this Agreement, any act or omission of Subrecipient, or any act or omission of Subrecipient's officers, agents, employees, or subrecipients. The Subrecipient obligations under this Section 13 survive termination or expiration of this Agreement.

SECTION 14. COMPLIANCE WITH APPLICABLE LAWS. All work must be in accordance with all federal, state and local law, statutes, rules, and ordinances.

14.1 It shall be the Subrecipient's responsibility to obtain all permits, licenses, or authorizations required from government authorities prior to initiation of the project or required to be obtained by the time of completion of the project to be eligible for reimbursement funds under this Agreement. Permits or authorizations may include but are not limited to: Beneficial Water Use Permits (§ 85-2-302(1), MCA), Change in Appropriation Right Authorization (§ 85-2-402(1)(a), MCA) or other requirement under the Montana Water Use Act that may apply; Sage Grouse Habitat (Executive Order 21-2015), 310 permitting requirements, or other permits or authorizations that may be required by state, local, or federal agencies prior to beginning work on the project or prior to completion of the project.

14.2 Procurement of labor, services, supplies, materials, and equipment shall be conducted according to applicable federal, state, and local statutes. The award of an agreement, or by Subrecipient entering into this Agreement, shall not be taken to imply that any required permits or authorizations issued by DNRC or other state, federal, or local agency will be approved. The DNRC may review any procurement solicitations that Subrecipient issues. The DNRC's review and comments will not constitute an approval of the solicitation. Regardless of the DNRC's review, the Subrecipient remains bound by all applicable laws, regulations, and Contract terms. If during its review, the DNRC identifies any deficiencies, then the Department shall communicate those deficiencies to the Subrecipient within seven business days.

Subrecipient shall comply with applicable state prevailing wage laws (§§ 18-2-401 to -432, MCA).

14.3 It shall be the Subrecipient's responsibility to comply with MEPA (Title 75, chapter 1, MCA; 36.2.503 ARM); and provide all required information requested by the DNRC related to any required MEPA decision.

14.4 Compliance with Applicable Federal Law and Regulations

Subrecipient agrees to comply with the requirements of section 602 of the Act, regulations adopted by Treasury pursuant to section 602(f) of the Act, and guidance issued by Treasury regarding the foregoing. Subrecipient also agrees to comply with all other applicable federal statutes, regulations, and executive orders, and Subrecipient shall provide for such compliance by other parties in any agreements it enters into with other parties relating to this award. Subrecipient must comply with Treasury compliance and reporting guidance: <https://home.treasury.gov/system/files/136/SLFRF-Compliance-and-Reporting-Guidance.pdf>.

Federal regulations applicable to this award include, without limitation, the following:

- i. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by Treasury. Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award.
- ii. Universal Identifier and System for Award Management (SAM), 2 C.F.R. part 25, pursuant to which the award term set forth in Appendix A to 2 C.F.R. part 25 is hereby incorporated by reference.
- iii. Reporting Subaward and Executive Compensation Information, 2 C.F.R. part 170, pursuant to which the award term set forth in Appendix A to 2 C.F.R. part 170 is hereby incorporated by reference.
- iv. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement), 2 C.F.R. Part 180, including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. part 180 and Treasury's implementing regulation at 31 C.F.R. part 19.
- v. Subrecipient Integrity and Performance Matters, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to part 200 is hereby incorporated by reference.
- vi. Governmentwide Requirements for Drug-Free Workplace, 31 C.F.R. part 20.
- vii. New Restrictions on Lobbying, 31 C.F.R. part 21.
- viii. Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655) and implementing regulations.
- ix. Generally applicable federal environmental laws and regulations.

- a. Statutes and regulations prohibiting discrimination applicable to this award, include, without limitation, the following:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;
 - ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
 - iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
 - iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
 - v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.
 - vi. the Architectural Barriers Act of 1968, as amended (42 U.S.C. § 4151 et seq.);
 - vii. the Uniform Federal Accessibility Standards (UFAS), as published by the United States Access Board;
 - viii. the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA and certain related federal environmental laws, statutes, regulations, and Executive Orders found in 7 C.F.R. 1970;
 - ix. the Native American Graves Protection and Repatriation Act (25 USC 3001 et seq., 43 CFR § 10.4);
 - x. the Communications Act of 1934, as amended, (47 U.S.C. § 151 et seq.);
 - xi. the Telecommunications Act of 1996, as amended (Pub. L. 104-104, 110 Stat. 56 (1996)); and
 - xii. the Communications Assistance for Law Enforcement Act (47 U.S.C. § 1001 et seq.).
- b. The Subrecipient, sub-grantee, contractor, subcontractor, successor, transferee, and assignee shall comply with Title VI of the Civil Rights Act of 1964, which prohibits recipients and subrecipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury's Title VI regulations, 31 C.F.R. part 22, which are herein incorporated by reference and made a part of this agreement. Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations, 31 C.F.R. part 22, and herein incorporated by reference and made a part of this agreement.

SECTION 15. COPYRIGHT - GOVERNMENT RIGHT TO USE. Any graphic, photographic, or other material developed under this Agreement may be copyrighted with the proviso that the State of Montana will have a royalty-free, nonexclusive, and irrevocable right to produce, publish or otherwise use, and authorize others to use the work for state government purposes.

SECTION 16. ACKNOWLEDGMENT OF SUPPORT. Any publications produced with funds from this award must display the following language: "This project [is being] [was] supported, in whole or in part, by federal award number SLFRP1747 awarded to State of Montana by the U.S. Department of the Treasury."

SECTION 17. CONFLICTS OF INTEREST. Recipient and subrecipient understand and agree they must maintain a conflict of interest policy consistent with 2 C.F.R. §200.318(c) and that such conflict of interest policy is applicable to each activity funded under this award. Recipient and subrecipients must disclose in writing to Treasury or the pass-through entity, as appropriate, any potential conflict of interest affecting the awarded funds in accordance with 2 C.F.R. § 200.112.

SECTION 18. REMEDIAL ACTIONS. In the event of Subrecipient's noncompliance with section 602 of the Act, other applicable laws, Treasury's implementing regulations, guidance, or any reporting or other program requirements, Treasury may impose additional conditions on the receipt of a subsequent tranche of future award funds, if any, or take other available remedies as set forth in 2 C.F.R. § 200.339. In the case of a violation of section 602(c) of the Act regarding the use of funds, previous payments shall be subject to recoupment as provided in section 602(e) of the Act and any additional payments may be subject to withholding as provided in sections 602(b)(6)(A)(ii)(III) of the Act.

SECTION 19. HATCH ACT. Subrecipient agrees to comply, as applicable, with requirements of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.

SECTION 20. FALSE STATEMENTS. Subrecipient understands that making false statements or claims in connection with this award is a violation of federal law and may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment from participating in federal awards or contracts, and/or any other remedy available by law.

SECTION 21. DEBTS OWED TO THE FEDERAL GOVERNMENT.

21.1 Any funds paid to Subrecipient: (1) in excess of the amount to which Subrecipient is finally determined to be authorized to retain under the terms of this award; (2) that are determined by the Treasury Office of Inspector General to have been misused; or (3) that are determined by Treasury to be subject to a repayment obligation pursuant to sections 602(e) and 603(b)(2)(D) of the Act and have not been repaid by Subrecipient, shall constitute a debt to the federal government.

21.2 Any debts determined to be owed the federal government must be paid promptly by Subrecipient. A debt is delinquent if it has not been paid by the date specified in Treasury's initial written demand for payment, unless other satisfactory arrangements have been made or if the Subrecipient knowingly or improperly retains funds that are a debt as defined in paragraph 14(a). Treasury will take any actions available to it to collect such a debt.

SECTION 22. DISCLAIMER.

22.1 The United States expressly disclaims any and all responsibility or liability to Subrecipient or third persons for the actions of Subrecipient or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any other losses resulting in any way from the performance of this award or any contract, or subcontract under this award.

22.2 The acceptance of this award by Subrecipient does not in any way establish an agency relationship between the United States and Subrecipient.

SECTION 23. PROTECTIONS FOR WHISTLEBLOWERS.

23.1 In accordance with 41 U.S.C. § 4712, Subrecipient may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant,

a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.

23.2 The list of persons and entities referenced in the paragraph above includes the following:

- i. A member of Congress or a representative of a committee of Congress;
- ii. An Inspector General;
- iii. The Government Accountability Office;
- iv. A Treasury employee responsible for contract or grant oversight or management;
- v. An authorized official of the Department of Justice or other law enforcement agency;
- vi. A court or grand jury; or
- vii. A management official or other employee of Subrecipient, contractor, or subcontractor, who has the responsibility to investigate, discover, or address misconduct.

23.3 Subrecipient shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce. DNRC may request from Subrecipient copies of the information it provides its employees.

SECTION 24. INCREASING SEAT BELT USE IN THE UNITED STATES. Pursuant to Executive Order 13043, 62 FR 19217 (Apr. 18, 1997), Recipient should encourage its contractors to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles.

SECTION 25. REDUCING TEXT MESSAGING WHILE DRIVING. Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 6, 2009), Recipient and subrecipient should encourage its employees, sub-subrecipients, and contractors to adopt and enforce policies that ban text messaging while driving, and Recipient and subrecipients should establish workplace safety policies to decrease accidents caused by distracted drivers.

SECTION 26. FAILURE TO COMPLY, BREACH, DEFAULT, REMEDIES.

26.1 If the Subrecipient fails to comply with the terms and conditions of this Agreement or reasonable directives or orders from DNRC, DNRC may terminate this Agreement and refuse disbursement of any additional funds from this grant. Further, in the event of such termination, the Subrecipient shall immediately pay over to the DNRC all unexpected funds together with all interest earned on the monies provided or herein remaining unexpended at such time. Such termination will become a consideration in any future application for funds from the DNRC Conservation and Resource Development Division.

26.2 The occurrence of any of the following events is a Subrecipient breach under this Agreement:

- i. failure of the Subrecipient or its contractors, subcontractors, or subrecipient entities to follow an Agreement term or condition; or
- ii. the Subrecipient makes an intentionally untrue statement or materially misleading certification in this Agreement or the Application; or any Subrecipient breach/default specified in another section of this Agreement.

26.3 Upon the occurrence of a breach, the DNRC shall issue a written notice of breach, identifying the nature of the breach, and providing 30 calendar days (or a lesser or additional time as may be agreed to by the parties) in which the Subrecipient shall have an opportunity to cure the breach. The parties will attempt in good faith to resolve all disputes, disagreements or claims relating to this Agreement.

However, if the DNRC determines that a public safety issue or an immediate public crisis exists, the DNRC will not be required to provide advance written notice or a cure period and may immediately terminate this Agreement in whole or in part if the DNRC, in its sole discretion reasonably exercised, determines that it is

reasonably necessary to preserve public safety or prevent an immediate public crisis. Time allowed for cure does not diminish or eliminate Subrecipient's liability for damages.

26.4 If Subrecipient fails to cure the breach within the period specified in the written notice, Subrecipient is in default of its obligations, and the DNRC may exercise any or all the following remedies:

- i. pursue any remedy provided by law or this Agreement, including requesting repayment of funds; and
- ii. terminate the Agreement or applicable portions that are the subject of the breach in the Agreement; and
- iii. suspend Subrecipient's performance; and
- iv. withhold applicable payment until the default is remedied.

26.5 If termination occurs under this Section, any costs incurred will be the Subrecipient's responsibility.

SECTION 27. ASSIGNMENT AND AMENDMENT. This Agreement is not assignable. Amendment may be accomplished only by express written agreement of the parties. Amendments will be attached as an integral component of this Agreement.

SECTION 28. MONTANA LAW AND VENUE. Any action or judicial proceeding for enforcement of the terms of this Agreement shall be instituted only in the courts of Montana and shall be governed by the laws of Montana. Venue shall be in the First Judicial District, Lewis and Clark County, Montana. Each party will bear their own costs and attorney's fees.

SECTION 29. WAIVER. A waiver of any particular provision of this Agreement by the DNRC shall not be construed as a waiver of any other provision, nor shall any such waiver otherwise preclude the DNRC from insisting on strict compliance with this Agreement in other circumstances.

SECTION 30. ENTIRE AGREEMENT. These documents are the entire agreement of the parties. They supersede all prior agreements, representations, and understandings.

The Subrecipient, **Columbia Falls, City of**, hereby accepts this grant (**AC-22-0013**) according to the above terms and conditions. I hereby certify that I represent a legal entity with authority to enter into this Agreement.

I further certify that the project or activity complies with all applicable state, local, and federal laws and regulations.

I further certify that I am authorized to enter into and sign a binding Agreement with the Department of Natural Resources and Conservation.

A facsimile, photocopy or electronic copy of the signature below shall have the same force and effect as an original signature and an electronic signature shall be regarded as an original signature.

Recipient:

DocuSigned by:
By: Susan Nicosia
7A8E71DD6ECE439...
Subrecipient Signature

Susan Nicosia City Manager

Subrecipient Print Name and Title

For: Columbia Falls, City of
Entity Name

81-6001247

Entity Tax ID #

CWH8E9BX81F9

Unique Entity Identifier # (UEI)

7/28/2022 | 10:37:56 AM PDT

Date

Department of Natural Resources and Conservation:

By: _____
DNRC Signature

Print Name and Title

For: The Montana Department of Natural Resources and Conservation

Date

Attachment A - Scope of Work Columbia Falls Wastewater Treatment System Upgrades

Background:

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

Scope of Work:

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

- Addition of bioreactor No. 1
- Install supplemental carbon system
- Improve mixed liquor return pipeline (MLR) in the bioreactor
 - Add isolation valve to discharge in each anoxic zone
 - Add flow measurement on header pipe to quantify flow
- Install redundant turbo blower
- Improvements to solids storage
- Install redundant influent screen
- Install vac truck/dewater site
- Rehabilitate lift station #5
- Install 1,700 lineal feet of 12" sewer main in Hilltop Neighborhood

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

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

Schedule:

PROJECT DESIGN DATES			
Preliminary Design	Final Design	DEQ Plan Review	DEQ Plan Approval
Feb 15, 2022-Jun 15, 2022	Jun 15, 2022-Dec 15, 2022	Dec 15, 2022-Feb 15, 2023	Feb 2023

PROJECT BID DATES			
Bid Document Advertised	Selection	Award Notice	Notice to Proceed
Mar 1, 2023	May 15, 2023	Jun 5, 2023	Jun 9, 2023

PROJECT CONSTRUCTION DATES			
Construction Start	Construction Completion	Closeout	Final Documentation
Jun 9, 2023	Nov 30, 2024	Dec 30, 2024	Jan 15, 2025

**Attachment B – Budget
Columbia Falls Wastewater Treatment System Upgrades**

Tasks	ARPA Competitive Grant Funds	Match Funds	Total
Administration	\$0.00	\$5,000.00	\$5,000.00
Professional/Technical	\$0.00	\$0.00	\$0.00
Construction			
Engineering Project Management	\$0.00	\$79,578.00	\$79,578.00
Preliminary Engineering Design	\$0.00	\$41,522.00	\$41,522.00
Final Engineering Design	\$0.00	\$474,092.00	\$474,092.00
Construction Inspection Engineering	\$0.00	\$299,880.00	\$299,880.00
Construction	\$2,000,000.00	\$1,844,928.00	\$3,844,928.00
Contingency	\$0.00	\$760,000.00	\$760,000.00
Total	\$2,000,000.00	\$3,505,000.00	\$5,505,000.00

Summary of Match Funding	
Funding Source	Amount
ARPA Minimum Allocation Grant	\$877,186.00
ARPA Local Fiscal Recovery Funds	\$1,400,961.00
Columbia Falls Local Contribution	\$1,226,853.00
Total	\$3,505,000.00

Attachment C

Reporting and Reimbursement Requirements

Progress Reports The Subrecipient will provide progress reports to DNRC during the term of this Agreement. Reports will provide status information for each project implementation task and identify the reporting period. Status information will include, at a minimum:

- Project activities during the reporting period;
- Costs incurred;
- Funds remaining;
- Anticipated activities during the next reporting period, and
- Expected changes in scope, schedule or budget.

The Subrecipient shall report on total project costs including those funded by the Subrecipient and other matching funds. Significant problems encountered shall be noted and necessary scope and time-line modifications requested.

The Subrecipient must submit a project progress report with each reimbursement request at a minimum on a quarterly basis. DNRC will not honor claims for reimbursement if DNRC has not approved the progress report or if there is a delinquent report. Reimbursement requests must:

- Include a State of Montana vendor invoice signed by an authorized agent.
- Be billed by the tasks identified in the project scope of work and budget.
- Be supported by backup documentation of contractor invoices, receipts, cancelled checks, or other documentation of costs.

Subrecipient invoices need to relate clearly to the scope of work and budget in this Agreement.

Projects with multiple funding sources need to submit a uniform status of funds spreadsheet (provided by DNRC) or other means of tracking and documenting match and the project budget.

Final Report

The Subrecipient must submit one hard copy and one electronic copy (pdf) of the final report that meets the requirements of this Attachment C to DNRC upon project completion. Final disbursement of funds is contingent upon DNRC receipt and approval of a final report that meets these requirements. Final reports must be submitted to DNRC within 90 days of the Agreement termination date.

Final reports must include a signed Certificate of Compliance (included in this attachment) to DNRC upon project completion.

Projects that included construction must also submit a signed Engineer's Statement of Completion. DNRC may also request as-built drawings for construction projects, IF APPLICABLE TO PROJECT.

The Subrecipient is not required to use the suggested format in this Attachment but must include the information listed below. At a minimum, the final report must describe the purpose and location of the project, project tasks, changes to the scope, schedule or budget, how the project met stated goals and objectives, how the project benefited resources, and the current project status. Final reports will be made available to the public on the DNRC website.

Final Report Requirements

1. Title Page:

- A. Subrecipient's name, address, and telephone numbers.
- B. DNRC Grant Agreement Number
- B. Name, address, and telephone of other contacts if primary contacts are not available.
- C. Funding: total project cost and amount of agreement
- D. State where copies of the report may be obtained (Subrecipient contact person name, address, phone number. An email address or website is acceptable).
- E. A list of supporting documents (for example, construction completion reports or other project deliverables, if applicable)

2. Introduction: Describe the project history, location and purpose. Provide a project location map.

3. Discussion and Results:

- A. Describe how project goals and tasks identified in the Agreement were completed:
 - Describe the planning process (for example: discuss project design, independent review, coordination with agencies, permits required and other activities).
 - Describe how each task listed in the scope of work was accomplished. Provide details on each task (for example: if trees were planted as an erosion control measure, state how many, the tree species, the age or size of the trees, and location of the plantings).
 - List the goals and/or objectives of the project as stated in the scope of work and briefly describe how they were met by the activities described in the tasks above. Discuss any differences between project goals and objectives and actual project results.
 - Provide an explanation for tasks that were not completed or any out-of-scope work.
 - Include a project map, data, and/or photos that document the project.
- B. Summarize any problems encountered and solutions adopted. What would you do differently?

4. Natural Resource and Public Benefits:

Describe the project's overall benefits. What are the anticipated and realized benefits to resources and to the local and regional area of the completed project? Were these benefits realized? If not, explain why.

5. Grant Agreement Administration & Project Costs:

- A. Work schedule: Compare the time allotted for project completion with actual schedule. Identify delays and discuss the reasons for delays.
- B. Budget: Include a table that summarizes how the monies were spent by budget category or task as described in Attachment B and funding source (i.e. DNRC, Sponsor, other State or federal agencies). Explain cost overruns or savings. Discuss unbudgeted expenses that arose over the course of the project.
- C. Match Funds: Identify all funds from other sources or in-kind services that were used to fund the project. If not all matching funds were spent provide a justification.

6. Project Completion and Certification

- A. Subrecipient's Certificate of Compliance (must be signed for all projects).
- B. As Built Drawings, if requested by the DNRC (construction projects only).
- C. Engineer's Statement of Final Completion (if applicable).

7. Final Report submitted electronically (PDF)

FINAL REPORT
CERTIFICATE OF COMPLIANCE

Subrecipient: _____

Project Name: _____

Grant Number: _____

Grant Amount: _____

I, the undersigned, being duly qualified, respectfully, of the _____ (Subrecipient Name), in _____ County, State of Montana, do hereby certify that the above-named project is in full compliance with all of the covenants and conditions set forth in the Agreement identified above between the _____ (Subrecipient Name) and the State of Montana, Department of Natural Resources and Conservation. I understand that any money remaining after the final payment will be returned to the appropriate accounts at DNRC.

In Process

Authorized Subrecipient Signature

Date

This form is available on the DNRC website:
<http://dnrc.mt.gov/divisions/cadd/docs/resource-development/final-report-certificates.pdf>.

STATEMENT OF COMPLETION

Subrecipient: _____

Project Name: _____

Grant Number: _____

Grant Amount: _____

I, _____, (Project Engineer) a Registered Professional Engineer in the State of Montana, license number _____, do hereby state that the above-named project was completed according to the approved plans and specifications. I further state that the record ("as-built") drawings for this project are a true and accurate representation of the completed construction.

Name_____
P.E. Number_____
Signature_____
Date_____
Name of Firm_____
Address of Firm_____
City, State Zip of Firm

Please consult the DNRC Liaison to verify if this form is required for your project.

This form is available on the DNRC website:
<http://dnrc.mt.gov/divisions/cadd/docs/resource-development/final-report-certificates.pdf>

Attachment D**ASSURANCE OF COMPLIANCE WITH CIVIL RIGHTS REQUIREMENTS**

OMB Approved No. 1505-
0271 Expiration Date:
11/30/2021

**ASSURANCE OF COMPLIANCE WITH TITLE
VI OF THE CIVIL RIGHTS ACT OF 1964**

As a condition of receipt of federal financial assistance from the Department of the Treasury, the Subrecipient provides the assurances stated herein. The federal financial assistance may include federal grants, loans and contracts to provide assistance to the Subrecipient's beneficiaries, the use or rent of Federal land or property at below market value, Federal training, a loan of Federal personnel, subsidies, and other arrangements with the intention of providing assistance. Federal financial assistance does not encompass contracts of guarantee or insurance, regulated programs, licenses, procurement contracts by the Federal government at market value, or programs that provide direct benefits. This assurance applies to all federal financial assistance from or funds made available through the Department of the Treasury, including any assistance that the Subrecipient may request in the future.

The Civil Rights Restoration Act of 1987 provides that the provisions of this assurance apply to all of the Subrecipient's programs, services and activities, so long as any portion of the Subrecipient's program(s) is federally assisted in the manner proscribed above.

1. Subrecipient ensures its current and future compliance with Title VI of the Civil Rights Act of 1964, as amended, which prohibits exclusion from participation, denial of the benefits of, or subjection to discrimination under programs and activities receiving federal funds, of any person in the United States on the ground of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury Title VI regulations at 31 CFR Part 22 and other pertinent executive orders such as Executive Order 13166; directives; circulars; policies; memoranda and/or guidance documents.
2. Subrecipient acknowledges that Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," seeks to improve access to federally assisted programs and activities for individuals who, because of national origin, have Limited English proficiency (LEP). Subrecipient understands that denying a person access to its programs, services, and activities because of LEP is a form of national origin discrimination prohibited under Title VI of the Civil Rights Act of 1964 and the Department of the Treasury's implementing regulations. Accordingly, Subrecipient shall initiate reasonable steps, or comply with the Department of the Treasury's directives, to ensure that LEP persons have meaningful access to its programs, services, and activities. Subrecipient understands and agrees that meaningful access may entail providing language assistance services, including oral interpretation and written translation where necessary, to ensure effective communication in the Subrecipient's programs, services, and activities.
3. Subrecipient agrees to consider the need for language services for LEP persons during development of applicable budgets and when conducting programs, services and activities. As a resource, the Department of the Treasury has published its LEP guidance at 70 FR 6067. For more information on LEP, please visit <http://www.lep.gov>.
4. Subrecipient acknowledges and agrees that compliance with this assurance constitutes a condition of continued receipt of federal financial assistance and is binding upon Subrecipient and Subrecipient's successors, transferees and assignees for the period in which such assistance is provided.
5. Subrecipient acknowledges and agrees that it must require any sub-grantees, contractors, subcontractors, successors, transferees, and assignees to comply with assurances 1-4 above, and

agrees to incorporate the following language in every contract or agreement subject to Title VI and its regulations between the Subrecipient and the Subrecipient's sub-grantees, contractors, subcontractors, successors, transferees, and assignees:

The sub-grantee, contractor, subcontractor, successor, transferee, and assignee shall comply with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this contract (or agreement). Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this contract or agreement.

6. Subrecipient understands and agrees that if any real property or structure is provided or improved with the aid of federal financial assistance by the Department of the Treasury, this assurance obligates the Subrecipient, or in the case of a subsequent transfer, the transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is provided, this assurance obligates the Subrecipient for the period during which it retains ownership or possession of the property;
7. Subrecipient shall cooperate in any enforcement or compliance review activities by the Department of the Treasury of the aforementioned obligations. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. That is, the Subrecipient shall comply with information requests, on-site compliance reviews, and reporting requirements.
8. Subrecipient shall maintain a complaint log and inform the Department of the Treasury of any complaints of discrimination on the grounds of race, color, or national origin, and limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, pending or completed, including outcome. Subrecipient also must inform the Department of the Treasury if Subrecipient has received no complaints under Title VI.
9. Subrecipient must provide documentation of an administrative agency's or court's findings of non-compliance of Title VI and efforts to address the non-compliance, including any voluntary compliance or other agreements between the Subrecipient and the administrative agency that made the finding. If the Subrecipient settles a case or matter alleging such discrimination, the Subrecipient must provide documentation of the settlement. If the Subrecipient has not been the subject of any court or administrative agency finding of discrimination, please so state.
10. If the Subrecipient makes sub-awards to other agencies or other entities, the Subrecipient is responsible for ensuring that sub-subrecipients also comply with Title VI and other applicable authorities covered in this document. State agencies that make sub-awards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of sub-subrecipients.

The United States of America has the right to seek judicial enforcement of the terms of this assurance document and nothing in this document alters or limits the federal enforcement measures that the United States may take in order to address violations of this document or applicable federal law.

Under penalty of perjury, the undersigned official(s) certifies that he/she has read and understood its obligations as herein described, that any information submitted in conjunction with this assurance document is accurate and complete, and that the Subrecipient is in compliance with the aforementioned nondiscrimination requirements.

8001014

7/28/2022 | 10:37:56 AM PDT

Subrecipient

Date

DocuSigned by:

Susan Meosia

Signature of Authorized Official

PAPERWORK REDUCTION ACT NOTICE

The information collected will be used for the U.S. Government to process requests for support. The estimated burden associated with this collection of information is 15 minutes per response. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send the form to this address. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

In Process

Certificate Of Completion

Envelope Id: EDBD8C2A8F2F411CB68C60B2F8B73CB3	Status: Sent
Subject: Please DocuSign: Columbia Falls, City of _AC-22-0013.pdf	
Source Envelope:	
Document Pages: 22	Signatures: 2
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelope Stamping: Enabled	Amy Personette
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	1539 11th Avenue
	Helena, MT 59601
	apersonette@mt.gov
	IP Address: 161.7.111.115

Record Tracking

Status: Original	Holder: Amy Personette	Location: DocuSign
7/28/2022 8:05:05 AM	apersonette@mt.gov	
Security Appliance Status: Connected	Pool: StateLocal	
Storage Appliance Status: Connected	Pool: Montana Dept of Natural Resources & Conservation	Location: DocuSign

Signer Events	Signature	Timestamp
Susan Nicosia	DocuSigned by: Susan Nicosia 7A8E71DD6ECE439...	Sent: 7/28/2022 8:21:03 AM
nicosias@cityofcolumbiafalls.com		Viewed: 7/28/2022 10:37:12 AM
City Manager		Signed: 7/28/2022 10:37:56 AM
8001014		
Security Level: Email, Account Authentication (None)	Signature Adoption: Pre-selected Style	
	Using IP Address: 198.233.178.226	

Electronic Record and Signature Disclosure:

Accepted: 7/28/2022 10:37:12 AM

ID: c0b957fb-9b0e-48bd-8600-04f0e71d492d

Kerry Davant	Sent: 7/28/2022 10:37:58 AM
kdavant@mt.gov	
Montana Department of Natural Resources and Conservation	
Security Level: Email, Account Authentication (None)	
Electronic Record and Signature Disclosure:	
Not Offered via DocuSign	

In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp

Susan Nicosia
nicosias@cityofcolumbiafalls.com
Security Level: Email, Account Authentication (None)
Electronic Record and Signature Disclosure:
Accepted: 7/28/2022 10:37:12 AM
ID: c0b957fb-9b0e-48bd-8600-04f0e71d492d

Carbon Copy Events**Status****Timestamp***Item No.4.*

Dena Bennett

DBennett@mt.gov

Security Level: Email, Account Authentication
(None)**Electronic Record and Signature Disclosure:**

Accepted: 5/24/2022 7:39:39 AM

ID: 9953ef17-cb17-4edf-8c6c-e3150e8229fe

Witness Events**Signature****Timestamp****Notary Events****Signature****Timestamp****Envelope Summary Events****Status****Timestamps**

Envelope Sent

Hashed/Encrypted

7/28/2022 8:21:03 AM

Payment Events**Status****Timestamps****Electronic Record and Signature Disclosure**

In Process

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, Montana Dept of Natural Resources & Conservation (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact Montana Dept of Natural Resources & Conservation:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: kgermaine@mt.gov

To advise Montana Dept of Natural Resources & Conservation of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at kgermaine@mt.gov and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from Montana Dept of Natural Resources & Conservation

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to kgermaine@mt.gov and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Montana Dept of Natural Resources & Conservation

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to kgermaine@mt.gov and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify Montana Dept of Natural Resources & Conservation as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Montana Dept of Natural Resources & Conservation during the course of your relationship with Montana Dept of Natural Resources & Conservation.

NOTICE OF PUBLIC HEARING

The Columbia Falls City-County Planning Board will hold public hearings for the following items at their regular meeting on Tuesday, July 12, 2022 at 6:30 p.m. at the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on August 1, 2022 starting at 7:00 p.m. in the same location.

Request for a Zoning Map Amendment in the Columbia Falls Planning Jurisdiction:

Mick Ruis is requesting a zoning map amendment on behalf of HC 246 LLC in the Columbia Falls Zoning Jurisdiction. The property is located at 230 Highway 2 East in Columbia Falls and is described as Assessor's Tracts 2E, 2EC, 4EA, 4EAA and 4E Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County (See Exhibit A for Metes and Bounds Description). The property is currently zoned CB-1 (Neighborhood Business) and the applicant is proposing CB-2 (General Business).

Request for a Zoning Map Amendment in the Columbia Falls Planning Jurisdiction:

James Barnett on behalf of Flathead Mountain River LLC is requesting a zoning map amendment in the Columbia Falls Zoning Jurisdiction. The property is located at 264,316,378,494 River Road in Columbia Falls and is described as Lots 1, 2, & 3 of Loffler 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 property is currently zoned CR-3 (One Family Residential) and the applicant is proposing CR-4 (Urban Residential).

Request for a Planned Unit Development in the Columbia Falls Zoning Jurisdiction:

James Barnett on behalf of Flathead Mountain River LLC is requesting a Planned Unit Development in the Columbia Falls Zoning Jurisdiction, the development is called River Highlands Apartments. The property is located at 264,316,378, & 494 River Road in Columbia Falls and is described as Lots 1, 2, & 3 of Loffler 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 65 attached single family row houses, 390 apartment units and 10 row house units dedicated to the Northwest Montana Community Land Trust. The total unit count is 455 units on 49.1 acres gross for a density of 9.2 units per acre. The applicant is proposing 21.5 acres (43%) of the site as park and open space. With the project, the applicants are proposing to move River Road further east on Highway 2 and if supported by the MDOT the applicants would install a traffic signal at Highway 2 and River Road. Two deviations are requested with the PUD, the applicant is requesting to zoning deviations, one would allow an increase in height of ten feet allowing a portion of the apartment buildings to approach 45 feet in height and the second deviation would reduce the parking requirement from 2 spaces per unit down to 1.5 spaces per unit.

Request for a subdivision in the Columbia Falls Zoning Jurisdiction:

James Barnett on behalf of Flathead Mountain River LLC is requesting a Subdivision in the Columbia Falls Zoning Jurisdiction. The property is located at 264,316,378, & 494

River Road in Columbia Falls and is described as Lots 1, 2, & 3 of Loffler 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 subdivision will 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 privately maintained but open to the public. The proposed subdivision is part of the zone change and PUD application for River Highlands Apartments

Interested persons are allowed to attend the hearing(s) in person or via ZOOM. 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 Planned Unit Development, please call Eric Mulcahy, Columbia Falls City Planner at 755-6481. To obtain the ZOOM meeting registration, contact City Clerk Barb Staaland via email or by calling (406) 892-4391 no later than 5:30 p.m. the day of the meeting.

DATED this 13th day of June, 2022

Susan Nicosia

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

Publish: Daily Interlake Sunday June 26, 2022

Exhibit A

Parcel A

Tract 2 of COS No. 3040, a tract of land in the Northeast Quarter (NE1/4) of Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County

And

Certificate of Survey No. 3778, a tract of land in the Northeast Quarter (NE1/4) of Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County

Parcel B

A tract of land in the Northeast Quarter (NE1/4) of Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County Montana and more particularly described as follows:

Commencing at the Northeast corner of Block 2 of Nucleus Addition (in said Section 17); thence East a distance of 60.00 feet' thence

North a distance of 395.95 feet to the true point of beginning of the tract herein described;

Item No.5.

Thence

South 89°59'51" East a distance of 215.63 feet; thence

North 00°45'00" East a distance of 178.25 feet to the Southerly Right of Way of US Highway No. 40; thence along said right of way on a 5° curve to the right with a radius of 1195.92 feet and a delta angle of 11°34'48" and a radial bearing of North 19°56'51" East a distance of 241.71 feet; thence South a distance of 281.74 feet to the point of beginning.

EXCEPTING THEREFROM:

A tract of land in the Northeast Quarter (NE1/4) of Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana and more particularly described as follows:

Commencing as the Northwest corner of Tract 2, as shown on Certificate of Survey No 3040 (recorded June 30, 1977, as Reception No. 8645, Flathead County, Montana Reception Records), said point being the True Point of Beginning of the tract herein described; thence North 130.0 feet and along the East Right of Way of 2nd Avenue East, Columbia Falls;

Thence

South 89°59'51" East 57.00 feet; thence

South 92.64 feet; thence

South 87°20'47" East 159.19; thence

South 00°45' West 30.00 feet; thence

North 89°59'51" West 215.63 feet to the true point of Beginning.

**ZONE CHANGE REQUEST
COLUMBIA FALLS AREA ZONING JURISDICTION
MICK RUIS
COLUMBIA FALLS PLANNING OFFICE STAFF REPORT CZC#22-02
June 29, 2022**

A report to the Columbia Falls City-County Planning Board and Zoning Commission and the Columbia Falls City Council regarding a request to amend the zoning classification from CB-1 (Neighborhood/Professional Business) to CB-2 (General Business) within the Columbia Falls Zoning Jurisdiction. The zone change request is scheduled for a public hearing before the Planning Board on Tuesday, July 12, 2022, at 6:30 P.M. A subsequent hearing will be held by the Columbia Falls City Council August 1, 2022 at 7:00 P.M.

BACKGROUND INFORMATION

A. PETITIONERS

Mick Ruis
P.O. Box 1928
Columbia Falls, MT 59912

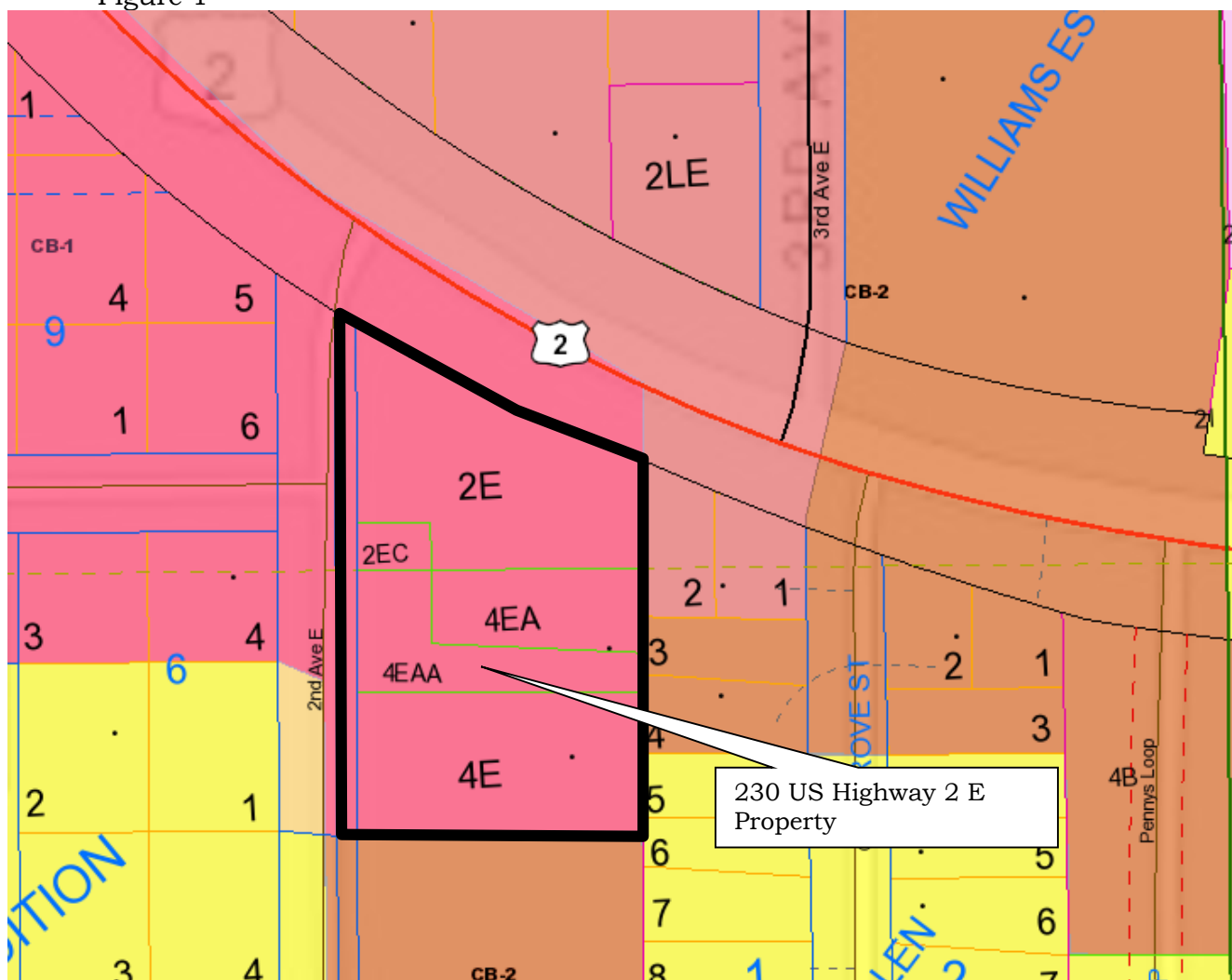
B. LOCATION/DESCRIPTION

The properties are located at 230 US Highway 2 East in Columbia Falls and is the location of the Glacier Inn Motel. In total, the property amounts to 1.67 acres. The properties are described as Assessor's Tract 2E, 2EC, 4EA, 4EAA and 4E in Section 17, T30N, R20W, P.M.M, Flathead County (See Exhibit A for Legal Description).

C. REQUEST

The request would amend the zoning on the property from CB-1 (Neighborhood/Professional Business) to CB-2 (General Business). See figure 1 for current zoning. The site is currently the site of the Glacier Inn Motel and at one time had a restaurant in the northwest corner of the property. The new owner wants to add a new hotel to the site and convert the existing motel into multi-family housing. The B-1 does not allow hotel or motel as a permitted or conditionally permitted use. The conversion of the existing motel to residential use will require a PUD or CUP.

Figure 1



Columbia Falls Zoning District Map (Current Zoning Designation, Flathead County GIS)

D. EXISTING LAND USE

The property is the site of the Glacier Inn Motel. (See Figure 2)
Figure 2



Source: Flathead county Maps

E. ADJACENT ZONING AND LAND USE:

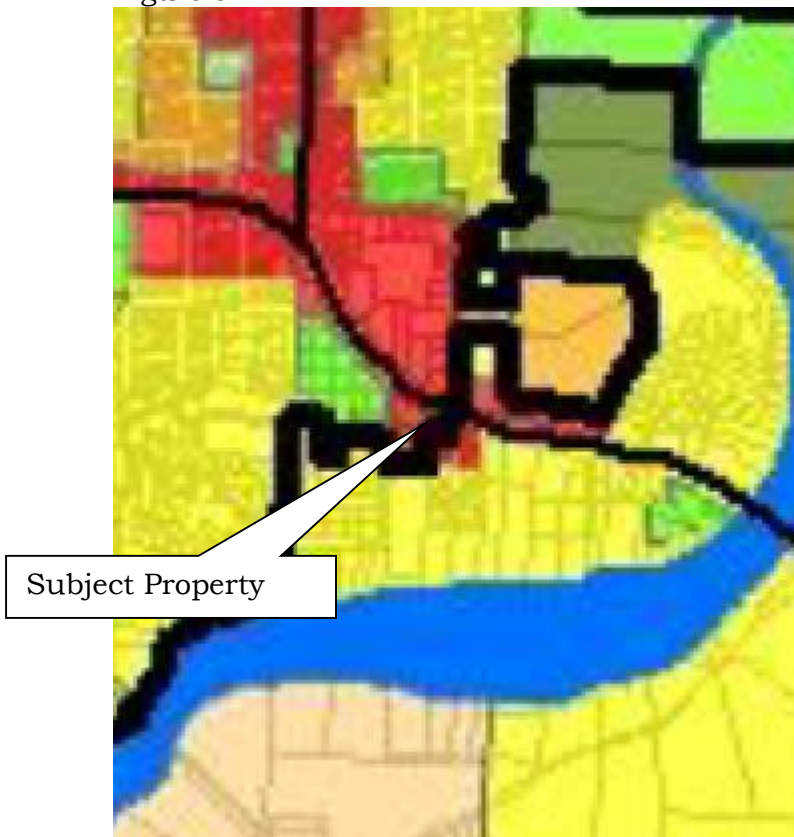
Figures 1 and 2 show the existing zoning and use.

Direction from Site	Current Zoning	Current Use
North	CB-2 (General Commercial)	Fitness Center and RV Parks
South	CB-2 (General Commercial)	Residential
West	CB-1 Neighborhood/Professional Business	Marantette Park, Chamber office, overflow parking for park and residential
East	CB-2 (General Commercial)	Insurance Office and Auto Body Shop.

F. GROWTH POLICY DESIGNATION

The Columbia Falls Growth Policy designates the subject parcel as commercial. The Growth Policy Map does not distinguish between CB-1 and CB-2. Generally, CB-1 is more oriented to neighborhood services while much of the Highway 2 corridor is zoned CB-2 as one would expect along a high volume highway. In addition, the applicants want to construct a new hotel on the front of the property and the CB-1 would prohibit this use however this site has had a motel since 1974 and previously was home to a restaurant as well.

Figure 3



Excerpt from the 2019 Columbia Falls Growth Policy Map

Land Use Map Legend

	Commercial	<i>General, highway and neighborhood retail sales, services or mixed office use.</i>
	ResortRes Com	<i>Within the confines of an overall development plan, provides recreation opportunities (principally to residents and quests), commercial uses (associated directly with recreation), and a mixture of housing types and densities.</i>
	Heavy Industrial	<i>Manufacturing, processing, storage and assembly of goods, where noise, odor, dust and associated impacts extend beyond the confines of a building or screened area.</i>
	Light Industrial	<i>Wholesale and industrial uses where noise, odor, dust and associated impacts are confined to a building or screened area.</i>

G. UTILITIES/SERVICES

The property is in the City limits of Columbia Falls.

Water

The property is served by City water.

Sewer

The property is served by City Sewer

Fire Protection

Columbia Falls Fire Department

Police Protection

Columbia Falls Police Department

Electricity

Flathead Electric Co-op.

EVALUATION BASED ON STATUTORY CRITERIA

This request is reviewed pursuant to the criteria set forth in Section 76-2-304, M.C.A., and as stated by the Montana Supreme Court. The following findings are made:

1. **Does the requested zone comply with the Growth Policy?**
The Columbia Falls Growth Policy Map designates the subject property for General Commercial Use. The zone change to CB-2 General Business complies with the long range planning document. (Figure 3)
2. **Is the requested zone designed to lessen congestion in the streets?**
The subject property is located along an arterial street (Highway 2 E). This is an area that anticipates intense commercial use as well as one that is visitor oriented such as a hotel use. Highway 2 and Second Ave East should be able to accommodate the trips.
3. **Will the requested zone secure safety from fire, panic, and other dangers?**
The property is located within the City Limits of Columbia Falls and is currently connected to the City sewer and water services. The Columbia Falls Police and Fire departments provide service to the property. According to the Flathead GIS Website, the property is not mapped within the Wildland Urban Interface. The property is not located or mapped within the 100-year floodplain of the Flathead River (FIRM Panel 1435J). The property is adjacent to an arterial street. This is an ideal location for general business use.
4. **Will the requested change promote the health and general welfare?**
The property is surrounded by commercial zoning even if some of the property zoned commercial currently have residential uses. The proposed zone change is compatible with the neighboring uses and will promote health and general welfare.
5. **Will the requested zone provide for adequate light and air?**
The existing CB-1 setbacks are 20 feet in the front, 5-feet on the side, 15 feet on the side corner and 15 feet in the rear yards. The proposed CB-2 setbacks are zero except when abutting residential District. As the subject property abuts Commercial zoning along the entire Northern and southern boundary along with the majority of the east and west boundaries, the setbacks are not out of character and will provide light and air.
6. **Will the requested zone prevent the overcrowding of land?**
The proposed zone change closely complies with the Community's long range planning document, the Columbia Falls Growth Policy, 2019 Edition. The proposed zoning matches the zoning designation for the property located directly north south and east of the property. The subject site is suitable for commercial use and the intensities associated with these uses are anticipated so there should not be any perceived overcrowding of the land.
7. **Will the requested zone avoid undue concentration of people?**
The proposed commercial zoning will have similar concentrations of people as the CB-2 zoning located along much the Highway 2 corridor. The proposed zoning is compatible to neighboring zoning and will not create an undue concentration of people.

The Growth Policy Map prescribes commercial use for this area (Figure 3) so a high concentration of people was anticipated in the long range planning document.

8. Will the requested zone facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?

The proposed zone change does not by itself provide or require the adequate provisions of infrastructure. However, when the applicants go through Building Permit and possibly PUD review, the project will be reviewed for access, parking, sewer, water, etc.

9. Does the requested zone give reasonable consideration to the peculiar suitability of the property for particular uses?

The subject property is sandwiched between Marantette Park and commercial uses. The proposed zone change will allow the applicants to construct a new hotel on the front of the property where the current CB-1 zone would not allow the use even though the property has been used for a Motel for many years, since 1974, and was also home to a restaurant. Directly north of the property is the existing Columbia Falls RV Park and the recently approved Urban Woods RV Park. The site appears to be appropriate for general commercial and tourist related business

10. Does the requested zone give reasonable consideration to the character of the district?

The character of highway frontage is commercial. The previous use of the property was a motel and restaurant although the restaurant was removed approximately 20 years ago. The Motel has recently been used for long term stays. In addition, the conversion from a neighborhood commercial to a general commercial designation is minor in the scope of land use intensity.

11. Will the new zoning affect property values?

As the property has always been used for a motel and the property is currently zoned commercial, the conversion to the CB-2 General commercial would appear minor and should not negatively impact property values. Should the owner move forward with a new hotel use, it would be anticipated that property values will actually increase in the area.

12. Will the requested zone encourage the most appropriate use of the land throughout the municipality?

The subject property is designated in the Columbia Falls Growth Policy as Commercial. The text of the Growth Policy supports this location. The zoning to the North, south, east and west is already zoned commercial. It would appear that this is an appropriate location for the requested use.

SUMMARY

The property is designated "Commercial" by the Columbia Falls Growth Policy. The property is located adjacent to lands already zoned CB-1 and CB-2. The proposed intensities are supported by the urban services and utilities of the City of Columbia Falls.

RECOMMENDATION

Staff finds that the subject sufficiently meets the adopted review criteria and supports the property rezoning from CB-1 to CB-2. Staff recommends that the Columbia Falls Planning Board adopt staff report CZC-22-02 as findings of fact and recommend approval of the zone change to the Columbia Falls City Council.

Exhibit A – Legal Description

Parcel A

Tract 2 of COS No. 3040, a tract of land in the Northeast Quarter (NE1/4) of Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County

And

Certificate of Survey No. 3778, a tract of land in the Northeast Quarter (NE1/4) of Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County

Parcel B

A tract of land in the Northeast Quarter (NE1/4) of Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County Montana and more particularly described as follows:

Commencing at the Northeast corner of Block 2 of Nucleus Addition (in said Section 17); thence

East a distance of 60.00 feet' thence

North a distance of 395.95 feet to the true point of beginning of the tract herein described;

Thence

South 89°59'51" East a distance of 215.63 feet; thence

North 00°45'00" East a distance of 178.25 feet to the Southerly Right of Way of US Highway No. 40; thence along said right of way on a 5° curve to the right with a radius of 1195.92 feet and a delta angle of 11°34'48" and a radial bearing of North 19°56'51" East a distance of 241.71 feet; thence South a distance of 281.74 feet to the point of beginning.

EXCEPTING THEREFROM:

A tract of land in the Northeast Quarter (NE1/4) of Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana and more particularly described as follows:

Commencing as the Northwest corner of Tract 2, as shown on Certificate of Survey No 3040 (recorded June 30, 1977, as Reception No. 8645, Flathead County, Montana Reception Records), said point being the True Point of Beginning of the tract herein described; thence North 130.0 feet and along the East Right of Way of 2nd Avenue East, Columbia Falls;

Thence

South 89°59'51" East 57.00 feet; thence

South 92.64 feet; thence

South 87°20'47" East 159.19; thence

South 00°45' West 30.00 feet; thence

North 89°59'51" West 215.63 feet to the true point of Beginning.



Planning Department

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

PHONE (406) 892-4391

FAX (406) 892-4413

Item No.5.

PETITION FOR ZONING MAP AMENDMENT

FILING FEE ATTACHED \$ 1,275.00

Zone Change Base Fee SEE FEE SHEET

NAME OF APPLICANT: Mick Ruis

MAIL ADDRESS: PO Box 1928

CITY/STATE/ZIP: Columbia Falls, MT 59912

PHONE: 619.889.7749 INTEREST IN PROPERTY: Owner

PLEASE COMPLETE THE FOLLOWING:

- A. Address of the property: 230 Highway 2 East
- B. Legal Description: (Subdivision Name, Lot & Block and/or Tract Number (Section, Township, Range) _____
County Tracts 2E, 2EC, 4EA, 4EAA and 4E, S.17, T30N, R20W
(Attach sheet for metes and bounds)
- C. Land in zone change (ac)
1.67
- D. The present zoning of the above property is:
CB-1 Neighborhood/Professional Business
- E. The proposed zoning of the above property is:
CB-2 General Business
- F. State the changed or changing conditions that make the proposed amendment necessary: The property contains the former Glacier Inn Motel, which is a non-conforming use in the existing CB-1 zone. The intent is to convert the motel into multi-family housing units and to construct a new hotel on the property. The existing and proposed uses require a zoning designation of CB-2.

HOW WILL THE PROPOSED CHANGE ACCOMPLISH THE INTENT AND PURPOSE OF:

- A. Promoting the Growth Policy

See attachment

B. Lessening congestion in the streets and providing safe access

See attachment.

C. Promoting safety from fire, panic and other dangers

See attachment.

D. Promoting the public interest, health, comfort, convenience, safety and general welfare.

See attachment.

E. Preventing the overcrowding of land

See attachment.

F. Avoiding undue concentration of population

See attachment.

G. Facilitating the adequate provision of transportation, water, sewage, schools, parks and other public facilities

See attachment.

H. Giving reasonable consideration to the character of the district

See attachment.

I. Giving consideration to the peculiar suitability of the property for particular uses

See attachment.

J. Protecting and conserving the value of buildings

See attachment.

K. Encouraging the most appropriate use of land by assuring orderly growth

See attachment.

The signing of this application signifies approval for Columbia Falls Planning staff to be present on the property for routine monitoring and inspection during approval process.


(Applicant Signature)

5/25/2022
(Date)

APPLICABLE TO ALL ZONING APPLICATIONS:

A. Pre-Application Meeting:

A discussion with the planning director or designated member of staff must precede filing of this application. Among topics to be discussed are: Growth Policy compatibility with the application, compatibility of the proposed zone change with surrounding zoning classifications, and the application procedure.

B. Completed application form.

C. The application must be accepted as complete by the Columbia Falls Planning staff **thirty-five (35) days prior** to the date of the planning board meeting at which it will be heard in order that requirements of state statutes and the zoning regulations may be fulfilled.

E. Application Contents:

1. Petition for zone change signed by the real property owners representing at least 65% of the land area for which the change in zoning classification is sought.
2. A map showing the location and boundaries of the property.
3. A title report of the subject property.

HOW WILL THE PROPOSED CHANGE ACCOMPLISH THE INTENT AND PURPOSE OF:

A. Promoting the Growth Policy

The existing use is non-conforming within a CB-1 zoning district.

The proposed change would ensure the continued use is in conformance with the City Zoning Ordinance. Additionally, the proposed change would allow new development on vacant land within City limits in the form of a new hotel building on the subject property. The proposed change and development promote the growth policy by addressing the following identified weaknesses and meeting the goals of civic organizations to provide development and growth within the community. The new hotel would provide additional in-town lodging accommodations, which would result in an increase to the tax base. Further, the new hotel would provide additional job opportunities.

The existing motel would remain.

B. Lessening congestion in the streets and providing safe access

The subject property is located near the east entrance to the City at the intersection of U.S. Highway 2 East and 2nd Avenue East with existing access to each road. Access to Hwy 2 is limited to a single approach while there are three existing approaches onto 2nd Avenue East. Hwy 2 contains a center turn lane along the length of the property. The limited approaches to Hwy 2 and the center turn lane provide safe access to the property. The location of the property on the east side of the City and its proximity to Hwy 2 will help reduce congestion on central City streets while being close enough to promote pedestrian access to the central core.

C. Promoting safety from fire, panic and other dangers

The subject property is located approximately 0.5 miles and within 10 minutes of the Columbia Falls Fire Department main fire station located downtown. The proposed hotel building would be required to meet requirements of the International Fire Code. The property is not located within a high hazard fire area.

D. Promoting the public interest, health, comfort, convenience, safety and general welfare

As previously mentioned, the existing motel use is not in conformance with the current CB-1 zone. The proposed change to CB-2 would result in a conforming use that is compatible with the surrounding zoning. Properties to the north, east and south are currently zoned CB-2. Properties to the east are zoned CB-1. Properties to the southwest and southeast are zoned CR-3. The proposed change would help enhance the entrance to the City by developing a vacant property adjacent to Hwy 2 and will expand lodging options in a convenient location for tourists visiting Glacier National Park and the surrounding area that is within walking distance to downtown. Existing sidewalks and crosswalks at street intersections provide safe access connecting the subject property to the downtown area.

E. Preventing the overcrowding of land

The proposed change would help prevent the overcrowding of land by encouraging development of vacant land currently zoned for commercial development.

F. Avoiding undue concentration of population

The proposed change consists of existing tracts containing less than 2 acres that are currently zoned and used for commercial. As the use is not residential, there would not be undue concentration of population.

G. Facilitating the adequate provision of transportation, water, sewage, schools, parks and other public facilities

The subject properties are accessed by existing roads and are currently served by City water and sewer systems. As the existing and proposed use is motel/hotel, there would be no impact to schools. The properties are adjacent to Marantette Park, a neighborhood park, located west of 2nd Avenue E.

H. Giving reasonable consideration to the character of the district

The location of the property and the proposed new hotel building will help further characterize the CB-2 zoning district by enhancing a vacant property at the east entrance to the City. It is anticipated the new hotel building will attract tourists to the downtown area and provide additional jobs for City residents.

I. Giving consideration to the peculiar suitability of the property for particular uses

The subject property is currently used as a motel and would continue to be used as such and is therefore suitable for this particular use.

J. Protecting and conserving the value of buildings

As previously mentioned, a new hotel building is proposed on the subject property. Building values would be protected and may increase as a result of revitalizing a vacant lot in a commercial district.

K. Encouraging the most appropriate use of land by assuring orderly growth

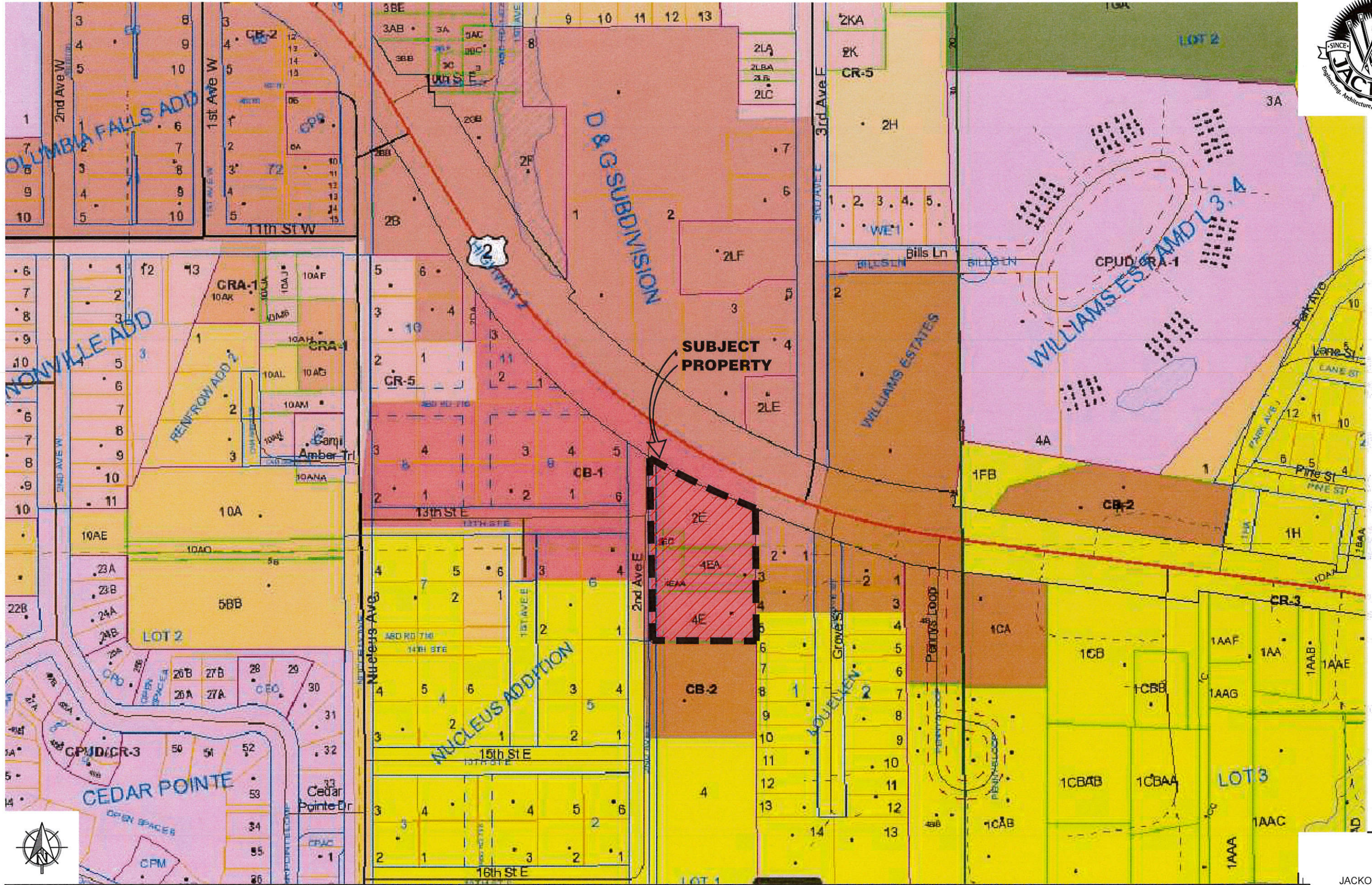
The proposed change would continue an existing use and is an appropriate use.

Description

A tract of land in the Northeast Quarter of Section 17, Township 30 North, Range 20 West, P.M.,M., City of Columbia Falls, Flathead County, Montana and more particularly described as follows:

Commencing at the northeast corner of Block 2 of Nucleus Addition; Thence East, a distance of 60.00 feet; Thence North, a distance of 284.45 feet to the True Point of Beginning of the tract herein described;

Thence East, a distance of 214.17 feet; Thence $N00^{\circ}45'00''E$, a distance of 289.75 feet to the Southerly right-of-way of U.S. Highway No. 2 East; Thence along said right-of-way on a 5° curve to the right with a radius of 1195.92 and a delta angle of $11^{\circ}34'48''$ and radial bearing of $N19^{\circ}69'51''E$, an arc distance of 241.71 feet; Thence South, a distance of 393.24 feet to the Point of Beginning.



HC 246, LLC
ZONING MAP AMENDMENT
230 HWY 2 E, COLUMBIA FALLS, MT

5/24/2022

KALISPELL
406-755-3208

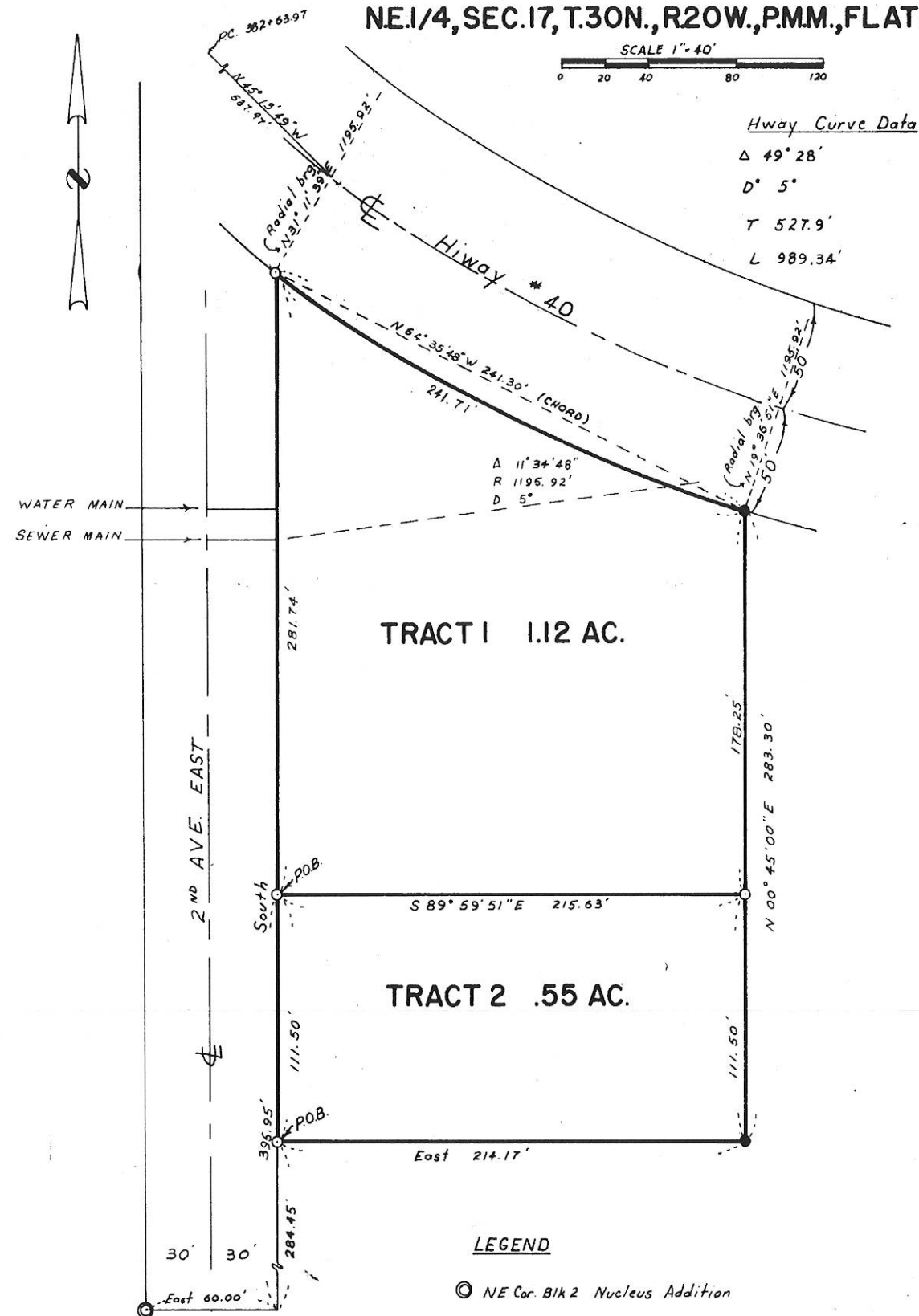
JACKOLA.COM

VANCOUVER
360-852-8746

BOZEMAN
406-586-0000

VICINITY MAP
1" = 200'

CERTIFICATE OF SURVEY
NE.1/4, SEC.17, T.30N., R.20W., P.M.M., FLATHEAD CO., MONTANA



Hwy Curve Data

 $\Delta 49^{\circ} 28'$

$D^{\circ} \quad 5^{\circ}$

$T \ 527.9'$

L 989.34

CLIENT: Anderson

OWNER CERTIFICATION:

I hereby certify that the purpose for this division of property is to transfer ownership as "to obtain loan" pursuant to Section 11-3862 R.C.M. (revised) and is therefore exempt from review as a subdivision.

Dated: 6-27-77 Glacier Inn, Inc

Owner: Dr. Philo D. Jones, Pres.
Gen. Sec. C. C. Jones SEC. TREAS.

DESCRIPTION:

Tract 1- Subject parcel

A tract of land in the NE $\frac{1}{4}$, Sec. 17, T30N, R20W, P.M.M., and more particularly described as follows: Commencing at the NE Cor. of Block 2 of Nucleus Addition; thence East 66.00 feet; thence North 395.95 feet to the True Point of Beginning of the tract herein described; thence S89°59'51"E 215.63 feet; thence N00°04'50"E 178.25 feet to the Southerly R/W of U.S. Hiway #4; thence along said R/W on a 5° curve to the right with a radius of 1195.92 feet and a Delta angle of 11°34'46" and Naial Brg. of W19°36'51"E 241.71 feet; thence South 281.74 feet to the True P.O.B. containing 1.12 acres of land. Tract 2- Remainder

A tract of land in the NE₄, Sec. 17, T₃N, R₂W, P.M.M., and more particularly described as follows: Commencing at the NE Cor. of Block 2 of Nucleus addition; thence East 60.00 feet; thence North 284.45 feet to the True Point of Beginning of the tract herein described; thence East 214.17 feet; thence N00°45'00"E 111.50 feet; thence N69°59'51"W 215.63 feet; thence South 111.50 feet to the True Point of Beginning containing .55 acres of land.

CERTIFICATE OF SURVEYOR:

I, Albert F. Putnam, a registered Land Surveyor, certify the attached plat represents a survey made by me, or under my supervision, and said survey is true and complete as shown, and that the monuments found and set are of the character and occupy the position shown thereon.

Albert P. Putnam
Albert P. Putnam Registration No. 4375-S

APPROVED:

June 27 1977

C. W. Doyle
Examining Land Surveyor

Registration No. 25/6-3

STATE OF MONTANA)
COUNTY OF FLATHEAD) SS

Filed on the 30th day of June 1977

at 925 o'clock A / M

Ethel J. Smith
County Clerk and Recorder

James Peterson
Deputy, County Clerk and Recorder

Seed Book 619 Page 502

Instrument Rec. No. *8645*

LEGEND

© NE Cor. Blk 2 Nucleus Addition

● Fnd 5/8" Rebar by Wheeler

○ Set $\frac{5}{8}$ " Rebar w/cap marked 4375-S

CERTIFICATE OF SURVEY N^o 3040

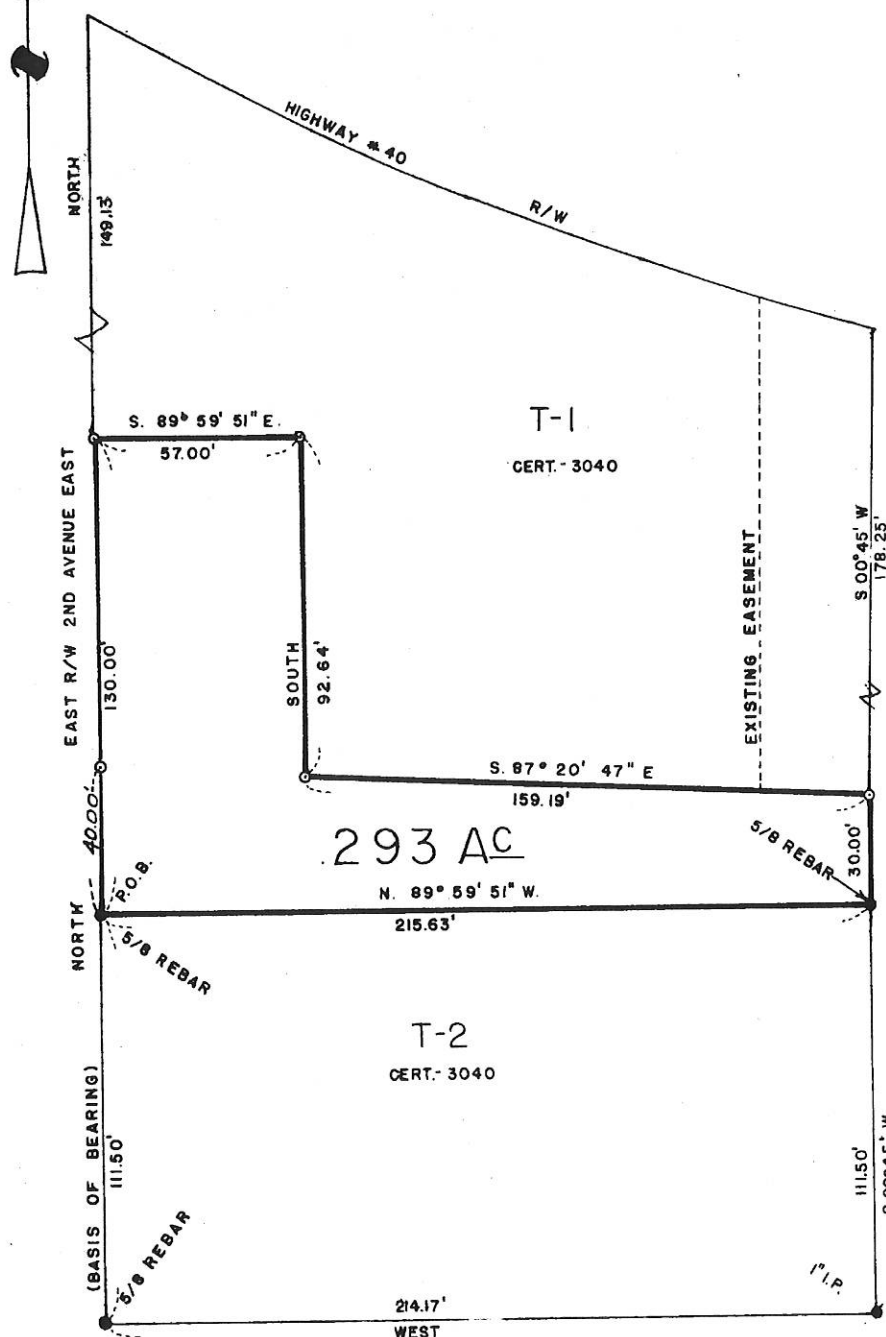
FOR: NOBLE DEAN
DATE: 4/27/78

CERTIFICATE OF SURVEY

N.E. 1/4, SEC. 17, T. 30 N., R. 20 W., P.M.M. FLATHEAD CO.

SCALE 1"=30'

15 30 60 120



OWNER CERTIFICATION:

I hereby certify that the purpose for this division of property is for the purpose of acquiring additional land to become part of a parcel that does not have sanitary restrictions imposed provided that no dwelling or structure requiring water or sewage be erected on the additional acquired parcel.

Dated: May 12, 1978

Owner: C. E. Farrell

Donell J. Farrell

On this 12th day of May, 1978, before me, the undersigned, a Notary Public for the State of Montana, personally appeared: Known to be to be the persons whose names subscribe to the within instrument, and acknowledged to me that they executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Donell J. Farrell
Notary Public for the State of Montana

Residing at Helena, Montana

My Commission expires Feb. 5, 1980

DESCRIPTION:

A tract of land in the NE 1/4 of Sec. 17, T30N R20W P.M.M., and more particularly described as follows: Commencing at the NW corner of tract 2, as shown in certificate of Survey No. 3040, Flathead County, Records, said point being the True Point of Beginning of the tract herein described; thence North 130.00 Feet; and along the East R/W of 2nd Ave West Columbia Falls; thence S89°59'51" E 57.00 Feet; thence South 92.64 Feet; thence S87°20'47" E 159.19 Feet; thence S00°45' W 30.00 Feet; thence S89°59'51" W 215.63 Feet, to the True Point of Beginning, containing .293 Acres of land.

APPROVED:

May 15 1978

C. E. Farrell
Examining Land Surveyor

Registration No. 2516-S

State of Montana, 1978

Filed on the 16 day of May, 1978

at Helena, Montana

Ethyl L. Smith
County Clerk

James E. Wase
County Clerk

Book 6858 Page 3778

Instrument Rec. No. 6858

LEGEND

● PROP. COR. FND. AS NOTED (REBAR'S HAVE 4375-S CAP'S)

○ SET 5/8 REBAR W/CAP 4375-S

CERTIFICATE OF SURVEY NO. 3040

3778

CERTIFICATE OF SURVEY No: 3778

CITY OF COLUMBIA FALLS
NOTICE OF PUBLIC HEARING
The Columbia Falls City-County Planning Board will hold public hearings for the following items at their regular meeting on Tuesday, July 12, 2022 at 6:30 p.m. at the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on August 1, 2022 starting at 7:00 p.m. in the same location.

Request for a Zoning Map Amendment in the Columbia Falls Planning Jurisdiction:

Mick Ruis is requesting a zoning map amendment on behalf of HC 246 LLC in the Columbia Falls Zoning Jurisdiction. The property is located at 230 Highway 2 East in Columbia Falls and is described as Assessor's Tracts 2E, 2EC, 4EA, 4EAA and 4E Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County (See Exhibit A for Metes and Bounds Description). The property is currently zoned CB-1 (Neighborhood Business) and the applicant is proposing CB-2 (General Business).

Request for a Zoning Map Amendment in the Columbia Falls Planning Jurisdiction:

James Barnett on behalf of Flathead Mountain River LLC is requesting a zoning map amendment in the Columbia Falls Zoning Jurisdiction. The property is located at 264,316,378,494 River Road in Columbia Falls and is described as Lots 1, 2, & 3 of Loffler 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 property is currently zoned CR-3 (One Family Residential) and the applicant is proposing CR-4 (Urban Residential).

Request for a Planned Unit Development in the Columbia Falls Zoning Jurisdiction:

James Barnett on behalf of Flathead Mountain River LLC is requesting a Planned Unit Development in the Columbia Falls Zoning Jurisdiction, the development is called River Highlands Apartments. The property is located at 264,316,378, & 494 River Road in Columbia Falls and is described as Lots 1, 2, & 3 of Loffler 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 65 attached single family row houses, 390 apartment units and 10 row house units dedicated to the Northwest Montana Community Land Trust. The total unit count is 455 units on 49.1 acres gross for a density of 9.2 units per acre. The applicant is proposing 21.5 acres (43%) of the site as park and open space. With the project, the applicants are proposing to move River Road further east on Highway 2 and if supported by the MDOT the applicants would install a traffic signal at Highway 2 and River Road. Two deviations are requested with the PUD, the applicant is requesting to zoning deviations, one would allow an increase in height of ten feet at

STATE OF MONTANA

FLATHEAD COUNTY

AFFIDAVIT OF PUBLICATION

MARY BOOTH BEING DULY

SWORN, DEPOSES AND SAYS: THAT SHE IS THE LEGAL CLERK OF THE **DAILY INTER LAKE** A DAILY NEWSPAPER OF GENERAL CIRCULATION, PRINTED AND PUBLISHED IN THE CITY OF KALISPELL, IN THE COUNTY OF FLATHEAD, STATE OF MONTANA, AND THAT **NO. 28706**

LEGAL ADVERTISEMENT WAS PRINTED AND PUBLISHED IN THE REGULAR AND ENTIRE ISSUE OF SAID PAPER, AND IN EACH AND EVERY COPY THEREOF ON THE DATES OF JUNE 26, 2022

AND THE RATE CHARGED FOR THE ABOVE PRINTING DOES NOT EXCEED THE MINIMUM GOING RATE CHARGED TO ANY OTHER ADVERTISER FOR THE SAME PUBLICATION, SET IN THE SAME SIZE TYPE AND PUBLISHED FOR THE SAME NUMBER OF INSERTIONS.

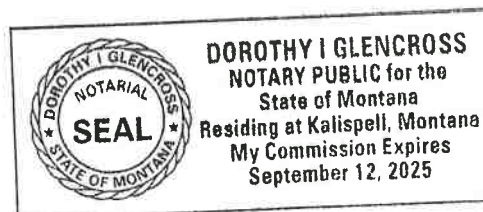
Mary Booth

Subscribed and sworn to
Before me this, June 26, 2022

Dorothy I. Glencross

Dorothy I. Glencross

Notary Public for the State of Montana
Residing in Kalispell
My commission expires 9/12/2025



requested with the PUD, the applicant is requesting to zoning deviations, one would allow an increase in height of ten feet allowing a portion of the apartment buildings to approach 45 feet in height and the second deviation would reduce the parking requirement from 2 spaces per unit down to 1.5 spaces per unit. Request for a subdivision in the Columbia Falls Zoning Jurisdiction:

James Barnett on behalf of Flathead Mountain River LLC is requesting a Subdivision in the Columbia Falls Zoning Jurisdiction. The property is located at 264,316,378, & 494 River Road in Columbia Falls and is described as Lots 1, 2, & 3 of Loffler 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 subdivision will 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 privately maintained but open to the public. The proposed subdivision is part of the zone change and PUD application for River Highlands Apartments.

Interested persons are allowed to attend the hearing(s) in person or via ZOOM. 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 Planned Unit Development, please call Eric Mulcahy, Columbia Falls City Planner at 755-6481. To obtain the ZOOM meeting registration, contact City Clerk Barb Staaland via email or by calling (406) 892-4391 no later than 5:30 p.m. the day of the meeting.
DATED this 13th day of June, 2022

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

Exhibit A
Parcel A

Tract 2 of COS No. 3040, a tract of land in the Northeast Quarter (NE1/4) of Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County.

And

Certificate of Survey No. 3778, a tract of land in the Northeast Quarter (NE1/4) of Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County.

Parcel B

A tract of land in the Northeast Quarter (NE1/4) of Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County Montana and more particularly described as follows:

Commencing at the Northeast corner of Block 2 of Nucleus Addition (in said Section 17); thence

East a distance of 60.00 feet
thence

usan Nicosia, City
anager/Planning & Zoning Ad-
nistrator
OLUMBIA FALLS CITY-
OUNTY PLANNING BOARD

Item No.5.

hibit A
arcel A
act 2 of COS No. 3040, a tract
land in the Northeast Quarter
E1/4) of Section 17, Township
North, Range 20 West,
M.M., Flathead County.

ertificate of Survey No. 3778, a
ct of land in the Northeast
arter (NE1/4) of Section 17,
wnship 30 North, Range 20
st, P.M.M., Flathead County
rce B

tract of land in the Northeast
arter (NE1/4) of Section 17,
wnship 30 North, Range 20
st, P.M.M., Flathead County
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cribed as follows:

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on (in said Section 17);
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it a distance of 60.00 feet
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he true point of beginning of
tract herein described;

nce
th 89°59'51" East a distance
15.63 feet; thence

h 00°45'00" East a distance
78.25 feet to the Southerly
it of Way of US Highway No.

thence along said right of
on a 5° curve to the right
a radius of 1195.92 feet and
lta angle of 11°34'48" and a

il bearing of North 19°56'51"
a distance of 241.71 feet;
ce. South a distance of

74 feet to the point of begin-

CEPTING THEREFROM:

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, P.M.M., Flathead County
aria and more particularly
ibed as follows:

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r of Tract 2, as shown on
icate of Survey No. 3040

ded June 30, 1977, as Re-
n No. 8645, Flathead
ty, Montana Reception Re-

), said point being the True
of Beginning of the tract
described; thence North

feet and along the East
of Way of 2nd Avenue
Columbia Falls;

ce
89°59'51" East 57.00 feet;

92.64 feet; thence

Planning Department

Item No.5.



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

PHONE (406) 892-4391

FAX (406) 892-4413

June 15, 2022

Re: Public hearing notice for a Zone Change for 230 Highway 2 East.

Dear Adjacent Property Owner:

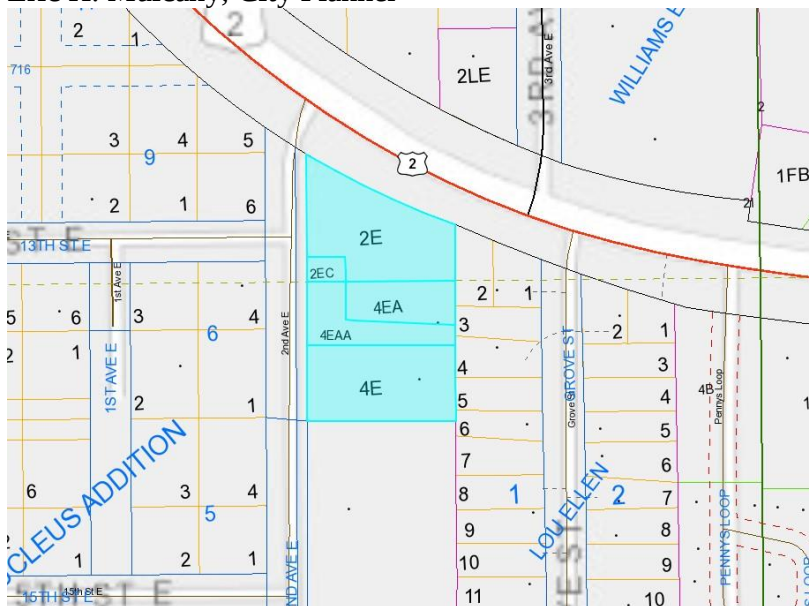
Our records indicate that you are the owner of property within 150-feet of the proposed project.

As the Planning Staff for the Columbia Falls Planning Jurisdiction, I am writing to provide you with notice of public hearings for a Zoning Map Amendment. The request will change the zoning from CB-1 to CB-2 allowing for construction of a new hotel on the site.

If you have questions or comments concerning this matter, please call, visit or write me at City Hall. For written comment to be included in the Planning Board packet, it needs to be submitted to the City Clerk, 130 6th Street West, Columbia Falls, MT 59912 no later than Thursday July 7th, 2022 or by email: staalandb@cityofcolumbiainfalls.com. Written or emailed comments may be provided up to 5:00 pm on the day of the hearing; it will just be emailed and/or passed out at the hearing.

Sincerely,

Eric H. Mulcahy, City Planner



CITY OF COLUMBIA FALLS

NOTICE OF PUBLIC HEARING

The Columbia Falls City-County Planning Board will hold public hearings for the following items at their regular meeting on Tuesday, July 12, 2022 at 6:30 p.m. at the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on August 1, 2022 starting at 7:00 p.m. in the same location.

Request for a Zoning Map Amendment in the Columbia Falls Planning Jurisdiction:

Mick Ruis is requesting a zoning map amendment on behalf of HC 246 LLC in the Columbia Falls Zoning Jurisdiction. The property is located at 230 Highway 2 East in Columbia Falls and is described as Assessor's Tracts 2E, 2EC, 4EA, 4EAA and 4E Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County (See Exhibit A for Metes and Bounds Description). The property is currently zoned CB-1 (Neighborhood Business) and the applicant is proposing CB-2 (General Business).

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James Barnett on behalf of Flathead Mountain River LLC is requesting a zoning map amendment in the Columbia Falls Zoning Jurisdiction. The property is located at 264,316,378,494 River Road in Columbia Falls and is described as Lots 1, 2, & 3 of Loffler 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 property is currently zoned CR-3 (One Family Residential) and the applicant is proposing CR-4 (Urban Residential).

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portion of the apartment buildings to approach 45 feet in height and the second deviation would reduce the parking requirement from 2 spaces per unit down to 1.5 spaces per unit.

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Interested persons are allowed to attend the hearing(s) in person or via ZOOM. 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 Planned Unit Development, please call Eric Mulcahy, Columbia Falls City Planner at 755-6481. To obtain the ZOOM meeting registration, contact City Clerk Barb Staaland via email or by calling (406) 892-4391 no later than 5:30 p.m. the day of the meeting.

Barb Staaland

From: Judy Territo <judyterrito@gmail.com>
Sent: Friday, July 1, 2022 3:16 AM
To: staalandb@cityofcolumbiafalls.com
Subject: Mick Ruis' Request

I strongly oppose Mr. Ruis' request for a zoning map amendment for the property located at 230 Hwy 2 East from a CB-1 to a CB-2.

The property is near a family friendly park and neighborhood and should be left as is.

--
Judy Territo
(406)212-0098

Barb Staalnd

From: chuck territo <chuckterrito@gmail.com>
Sent: Monday, July 4, 2022 8:08 AM
To: staalandb@cityofcolumbiafalls.com
Subject: Mick Ruis Zoning Map Amendment

Mr Ruis's request would take a current residential area and make it commercial . I do not think that would benefit our community. That area is a neighborhood with a neighborhood park right there. Let's put our community first .

I strongly Oppose this request.

--

Chuck Territo

Barb Staaland

From: Joel Territo <verte178@gmail.com>
Sent: Tuesday, July 5, 2022 1:19 PM
To: staalandb@cityofcolumbiafalls.com
Subject: Mick Ruis' Request

I strongly oppose Mr. Ruis' request for a zone change at 230 Hwy 2 E from CB-1 to CB-2 Zoning Jurisdiction. The planning department in the past had it right when zoning the property CB-1. It is a quiet community with a family friendly park in close proximity to his request. Please leave zoning "As Is."

Thank you.

**CITY OF COLUMBIA FALLS
PLANNING BOARD REGULAR MEETING MINUTES
HELD JULY 12TH, 2022**

REGULAR MEETING – 6:30 PM.

CALL TO ORDER AND ROLL CALL:

Chairman Vukonich called Meeting to order at 6:31 PM

PRESENT: Vukonich, Nelson, Smith, Byrd-Rinck, Lundgren, Shepard, Duffy, Kavanagh, Singer

ABSENT: None

Also present: City Manager Susan Nicosia, Contract Planner Eric Mulcahy, Fire Chief Karl Weeks, Sergeant Sean Murphy and Public Works/GIS Technician Caleb Sobczak, City Attorney Justin Breck (ZOOM).

APPROVAL OF MINUTES:

Duffy noted a correction to the second paragraph of the CUP Permit hearing on page 1; Duffy was referenced as the Chairman. Nicosia said the correction is noted.

Motion made by Shepard to approve the May 10th, 2022 minutes as corrected, seconded by Duffy and the motion carried with all present voting Aye.

VISITOR OR PUBLIC COMMENT: (An opportunity for the Public to comment on any items not on tonight's agenda)

Chris Hartzell, PO Box 2354, Kalispell MT 59903, said the following comments are not specific to tonight's agenda items. He said would be affected by any development. Mr. Hartzell believes approving as much development as possible leads to problems in budgeting and a reduction in the quality of life of residents. He said he has seen this in Whitefish where they had to implement water rationing and Kalispell is in a similar situation. Planning should include water usage, healthcare employee numbers, internet bandwidth, school space, a capable electric grid, a capable distribution system, and road quality to handle every possible resident if every property was developed under the current planned development. Approving development beyond capacity looks to cost 3-5 dollars for every 1 dollar collected. Hartzell said it is his opinion that the City of Columbia Falls approved the Resort Tax based on call volume and with zoning changes will take the city backwards.

Cathy Arvidson, 7123 Highway 2 E Columbia Falls, referred to the 2009 Planning Board Handbook page 36 item number 4, questioning the validity or legality of this meeting referencing "The public hearing should be carefully planned by the board and staff. Rooms should be reserved in an appropriate building that provides handicap accessibility, adequate seating, and audio/visual equipment." A recording should be viewable by the Board and the audience and she is sure the people in the hallway cannot hear the meeting.

Mayre Flowers representing Citizens for a Better Flathead via Zoom, agreed with Ms. Arvidson regarding the Planning Handbook. Ms. Flowers recommends postponing the meeting to a future date. Flowers suggested considering the guidelines and keep the hearing open for an additional meeting and comments.

Dave Renfrow, 1150 Nucleus Ave., said this is the public process; the Growth Policy has been there for over 20 years. He wants to keep the meeting civil; this is a kind town and you will be heard. He stated that there are a couple things he is disappointed in and a couple things he is happy with. He said a community has to use clever planning to create

affordable homes. Mr. Renfrow said affordable homes seem to be the common theme among the social media posts. He loathes the social media posts that say that the local government is corrupt and is taking money from the developers.

Chairman Vukonich asked staff about the comments received about postponing the meeting. Contract Planner Eric Mulcahy responded saying that the Board can postpone the meeting until the next Planning Board meeting to republish the Public Hearing and find a larger venue. He also reminded the Board that there is another agenda item that is not controversial and is scheduled before the River Highlands Hearing. Chairman Vukonich called a brief recess to establish order.

Chairman Vukonich called the meeting back to order. He entertained a motion from the Board to postpone the River Highlands project to the next Planning Board meeting to accommodate the unanticipated attendance.

Motion was made by Shepard and seconded by Kavanagh and the motion carried with all present voting in favor of the motion. Chairman Vukonich noted that the River Highlands Public Hearings will be postponed until August 9th, 2022, location to be determined.

Chairman Vukonich called for another short recess to give the public time to clear the room before proceeding.

PUBLIC HEARINGS AND ACTION:

Chairman Vukonich read the notice:

Request for a Zoning Map Amendment in the Columbia Falls Planning Jurisdiction:

Mick Ruis is requesting a zoning map amendment on behalf of HC 246 LLC in the Columbia Falls Zoning Jurisdiction. The property is located at 230 Highway 2 East in Columbia Falls and is described as Assessor's Tracts 2E, 2EC, 4EA, 4EAA and 4E Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County. The property is currently zoned CB-1 (Neighborhood Business) and the applicant is proposing CB-2 (General Business).

Contract Planner Eric Mulcahy presented Staff Report CZC-22-02. The property is currently zoned CB-1 which does not allow for hotels or motels. The site has been a hotel and restaurant since the 1970's. The applicant is looking to construct a new hotel on the site. The proposed change from a Neighborhood Business zone to a General Business zone complies with all the 12 statutory criteria. There should be no negative impact associated with the change and Staff recommends approval for the Zone Change.

Lundgren notified the Board that he will be abstaining from voting on this agenda item.

Shepard asked if the previous use as a hotel was illegal the whole time. Mulcahy stated that it was a grandfathered use. Kavanagh wanted clarification on the rezoning and what is the right of way of the avenue. City Manager Susan Nicosia replied it is 70 feet (Correction: right of way is 60 feet to the south of Highway 2 E and 70 feet to the north of Highway 2 E). Duffy stated that he has no idea of the scope of this hotel project and would like to know more before he makes a decision on the zone change. Mulcahy answered there is a PUD application submitted that will be considered by the Board in the future but reminded the Board that they are deciding tonight if this area is appropriate for CB-2 (General Business).

Chairman Vukonich asked the applicants or representatives to speak to the Board at 7:02 PM.

Bob Erikson, 2250 Highway 93 S, with Jackola Engineering reported he does not have a presentation and stated that staff did a good job with their report but he is available to answer any questions the Board may have. Singer asked if the hotel is going out and housing going in. Bob answered that the existing hotel would be used as housing.

Mick Ruis, 1500 North Fork Road, stated that they bought the existing motel to use as housing for workers and is hoping to build a new hotel closer to Highway 2. The new hotel will not be used as housing.

No further questions were presented to the applicant.

Chairman Vukonich opened the Public Hearing for this agenda item at 7:06 PM

Andrea Getts, 336 2nd St E. Airbnb's have become an issue in Columbia Falls because there are no hotels. She does not see an issue with adding another hotel. It is something that we need to consider to discourage Airbnb's.

Laurie Gay, 65 1st St., Columbia Falls. Said she is concerned about the height and other design of the hotel. Ms. Gay believes the community is unhappy with the tall buildings that are currently going up. She is not necessarily opposed to the hotel but believes community input needs to be taken in to consideration. She is also concerned about what will happen to the temporary housing when the new building is finished.

Tony Corpron, 89 Great Bear Ln. said he has seen a lot of sprawl recently. He wants to see building within city limits and does not want to see farmland taken away. He does not have a problem with the hotel going in along highway 2, nor does he have a problem with the apartments being built in town.

Chairman Vukonich closed the Public Hearing at 7:12 PM, noting that the Board had received 3 written comments in the packet on this item.

Motion made by Duffy to Adopt Staff Report CZC-22-02 as Findings of Fact. Seconded by Shepard.

Duffy commented that repurposing of the old hotel and gaining a new hotel doesn't seem to have any interference with Highway 2 or any other problems with amenities. He does not see a negative side of it. Shepard agrees with Duffy, we have to maximize what we do within the City.

Roll call vote to Adopt Staff Report CZC-22-02 as Findings of Fact:

AYES: Vukonich, Nelson, Smith, Byrd-Rinck, Shepard, Duffy, Kavanagh, Singer. NOES: None. ABSENT: None. ABSTAINED: Lundgren.

Motion made by Shepard to recommend approval the Zone Change to City Council, seconded by Singer.

Roll call vote on the motion to recommend approval:

AYES: Vukonich, Nelson, Smith, Byrd-Rinck, Shepard, Duffy, Kavanagh, Singer. NOES: None. ABSENT: None. ABSTAINED: Lundgren.

ADJOURNMENT – Meeting duly adjourned at 7:18 PM

Chairman

Attest:

Public Works/GIS Technician

July 12th, 2022

CITY OF COLUMBIA FALLS
NOTICE OF PUBLIC HEARINGS

Item No.6.

The Columbia Falls City-County Planning Board will hold public hearings for the following items at their regular meeting on Tuesday, August 9, 2022 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 on August 22, 2022 starting at 7:00 p.m. in the same location.

Request for a Zoning Map Amendment in the Columbia Falls Planning Jurisdiction:

Loretta and Ronald Levang are requesting a zoning map amendment that will rezone a portion of their property from the existing CSAG-10 zoning to a CR-1 Zoning. The property is located at 435 Rogers in Columbia Falls and is described as Assessor's Tracts 2B in Section 21, Township 30 North, Range 20 West, P.M.M., Flathead County (The rezoning only effects that portion of the property zoned CSAG-10 and not the portion that is unzoned or that has the Scenic Overlay).

Postponed from July 12, 2022:

Request for a Zoning Map Amendment in the Columbia Falls Planning Jurisdiction:

James Barnett on behalf of River Highlands LLC is requesting a zoning map amendment in the Columbia Falls Zoning Jurisdiction. The property is located at 264,316,378,494 River Road in Columbia Falls and is described as Lots 1, 2, & 3 of Loffler 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 property is currently zoned CR-3 (One Family Residential) and the applicant is proposing CR-4 (Urban Residential).

Request for a Planned Unit Development in the Columbia Falls Zoning Jurisdiction:

James Barnett on behalf of River Highlands LLC is requesting a Planned Unit Development in the Columbia Falls Zoning Jurisdiction; the development is called River Highlands Apartments. The property is located at 264,316,378, & 494 River Road in Columbia Falls and is described as Lots 1, 2, & 3 of Loffler 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 65 attached single family row houses, 390 apartment units and 10 row house units dedicated to the Northwest Montana Community Land Trust. The total unit count is 455 units on 49.1 acres gross for a density of 9.2 units per acre. The applicant is proposing 21.5 acres (43%) of the site as park and open space. With the project, the applicants are proposing to move River Road further east on Highway 2 and if supported by the MDOT the applicants would install a traffic signal at Highway 2 and River Road. Two deviations are requested with the PUD; the applicant is requesting to zoning deviations, one would allow an increase in height of ten feet allowing a portion of the apartment buildings to approach 45 feet in height and the second deviation would reduce the parking requirement from 2 spaces per unit down to 1.5 spaces per unit.

Request for a subdivision in the Columbia Falls Zoning Jurisdiction:

Item No.6.

James Barnett on behalf of River Highlands LLC is requesting a Subdivision in the Columbia Falls Zoning Jurisdiction. The property is located at 264,316,378, & 494 River Road in Columbia Falls and is described as Lots 1, 2, & 3 of Loffler 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 subdivision will 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 privately maintained but open to the public. The proposed subdivision is part of the zone change and PUD application for River Highlands Apartments.

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. Submit comments no later than Tuesday, August 2nd to be included in the Planning Board packet. For more information on the proposed Zone Change or Planned Unit Development, please call Eric Mulcahy, Columbia Falls City Planner at 755-6481.

NOTE: These hearings will not be available via ZOOM or any other virtual means.

DATED this 20th day of July, 2022

Susan Nicosia

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

Publish: Daily Interlake Sunday July 24, 2022

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN, that the City Council of the City of Columbia Falls, Montana, will hold public hearings beginning on August 1, 2022 at 7:00 p.m. in the Columbia Falls City Hall, 130-6th Street West, Columbia Falls, Montana, for the following purposes:

Preliminary Budget

Presentation and consideration of the preliminary budget for fiscal year beginning July 1, 2022 and ending June 30, 2023. This hearing will be continued until final adoption of the budget after receiving the certified taxable valuation.

Special Assessments

Consideration of the adoption of the Street Lighting District and Street Maintenance District assessments for FY2022/2023. Council will hear any objections to the final adoption of the resolution levying special assessments for FY 2022/2023. Special Assessments are estimated as follows:

Street Lighting District	\$ 30,049
Street Maintenance District	\$316,000

Individual property payment schedules are available for inspection ten (10) days from this notice, in the office of the City Clerk, 130 6th Street West, Columbia Falls, Montana, during regular hours Monday through Friday, 7:00 AM to 6:00 PM.

Permissive Medical Levy

Consideration of adoption on the proposed tax levy to fund health insurance premium contributions for group benefits beyond the amount of contributions in effect on June 30, 1999. The actual mills for consideration will be made available upon receipt of the certified tax valuation for the year.

Taxpayers are encouraged to attend the hearings and give written or oral comments on any or all of the budget-related items. Written comments may be mailed to the City Clerk, 130 6th Street West, Room A, Columbia Falls, Montana, 59912. Questions regarding the proposed items can be made by contacting City Manager Susan Nicosia at 892-4391.

DATED THIS 5th DAY OF JULY, 2022

s/Barb Staaland, City Clerk

Publish: Sunday July 17th and Sunday July 24th

City of Columbia Falls
Public Notice
Disposition of Surplus Property

The Columbia Falls City Council has declared the following equipment surplus, obsolete, and no longer suitable for City purposes at a regular meeting held August 1, 2022:

2006 Ford F350 Super Duty 1 Ton – 6.0 L 363 CID V8 Diesel

2005 Ford F250 Super Duty ¾ Ton – 5.4 L 330 CID V8 SOHC 24 Valve

The City Council also declared their intent to sell or dispose of the surplus asset in the most efficient, cost effective manner, including public auction or sealed bids or to any political subdivision of the State of Montana.

Any taxpayer wishing to comment on this action may do so by contacting Susan Nicosia, City Manager, City Hall, 130 6th Street West, Room A, Columbia Falls, MT 59912 or by calling 406-892-4391 within 15 days of the publication of this notice, August 22, 2022.

Barb Staaland, City Clerk

Publication Date: Sunday August 7, 2022

FIRST READING

ORDINANCE NO.819

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING THE COLUMBIA FALLS ZONING MAP FROM CB-1 NEIGHBORHOOD/PROFESSIONAL BUSINESS TO CB-2 GENERAL BUSINESS ON PROPERTY LOCATED AT 230 US HIGHWAY 2 EAST, COLUMBIA FALLS FURTHER DESCRIBED AS ASSESSOR'S TRACT 2E, 2EC, 4EA, 4EAA AND 4E IN SECTION 17, TOWNSHIP 30 NORTH, RANGE 20 WEST, P.M.M., FLATHEAD COUNTY, MONTANA.

WHEREAS, Mick Ruis, owner of the real property, has requested an amendment to the Columbia Falls zoning map to change the zoning from the current CB-1 Neighborhood/Professional Business to CB-2 General Business on property located at 230 US Highway 2 East, Columbia Falls further described as Assessor's Tract 2E, 2EC, 4EA, 4EAA and 4E in Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana (See full legal description on Exhibit A); and

WHEREAS, the Columbia Falls Planning Department, on June 29, 2022, in Staff Report CZC-22-02, recommended approval of the requested zoning amendment; and

WHEREAS, said request was considered by the Columbia Falls City-County Planning Board in a public hearing at its regularly scheduled meeting on July 12, 2022, at which the Board adopted Staff Report CZC-22-02 as Findings of Fact and recommended approval of the requested zoning map amendment; and

WHEREAS, a hearing on the Zoning Map Amendment was held by the City Council of the City of Columbia Falls, Montana, at its regular meeting on Monday, August 1, 2022, after said hearing was advertised according to law; and at said hearing on said date, the City Council considered the recommendation of the Planning Board, the report of the Columbia Falls Planning Office, together with any and all comments filed or voiced with respect to said change; and

WHEREAS, the City Council has determined that the zoning map amendment request is in the best interest of the City.

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

Section One. Findings of Fact: That the Columbia Falls Planning Office Report #CZC-22-02, dated June 29, 2022 is hereby adopted by the Council as findings of fact with respect to said zoning map amendment request.

Section Two. Change in Zoning Classification: That the requested zoning map amendment on property presently zoned CB-1 Neighborhood/Professional Business be changed to CB-2 General Business on property located at 230 US Highway 2 East, Columbia Falls further described as Assessor's Tract 2E, 2EC, 4EA, 4EAA and 4E in Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana (See full legal description on Exhibit A);

Section Three. The Council finds that the proposal complies with the Columbia Falls City Growth Policy.

Section Four. Inconsistent Provisions: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section Five. Severability: The provisions of this Ordinance are severable. If any provision of this Ordinance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision.

Section Six. Effective Date: This Ordinance shall become effective thirty (30) days after its final passage and approval by the City Council of the City of Columbia Falls, Montana.

PASSED AND APPROVED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS ____ DAY OF AUGUST, 2022, THE COUNCIL VOTING AS FOLLOWS:

AYES:

NOES:

ABSENT:

City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS ____ DAY OF AUGUST, 2022.

Mayor

ATTEST:

City Clerk

Exhibit A – Legal Description

Parcel A

Tract 2 of COS No. 3040, a tract of land in the Northeast Quarter (NE1/4) of Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County

And

Certificate of Survey No. 3778, a tract of land in the Northeast Quarter (NE1/4) of Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County

Parcel B

A tract of land in the Northeast Quarter (NE1/4) of Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County Montana and more particularly described as follows:

Commencing at the Northeast corner of Block 2 of Nucleus Addition (in said Section 17); thence East a distance of 60.00 feet' thence

North a distance of 395.95 feet to the true point of beginning of the tract herein described;

Thence

South 89°59'51" East a distance of 215.63 feet; thence

North 00°45'00" East a distance of 178.25 feet to the Southerly Right of Way of US Highway No. 40; thence along said right of way on a 5° curve to the right with a radius of 1195.92 feet and a delta angle of 11°34'48" and a radial bearing of North 19°56'51" East a distance of 241.71 feet; thence South a distance of 281.74 feet to the point of beginning.

EXCEPTING THEREFROM:

A tract of land in the Northeast Quarter (NE1/4) of Section 17, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana and more particularly described as follows:

Commencing as the Northwest corner of Tract 2, as shown on Certificate of Survey No 3040 (recorded June 30, 1977, as Reception No. 8645, Flathead County, Montana Reception Records), said point being the True Point of Beginning of the tract herein described; thence North 130.0 feet and along the East Right of Way of 2nd Avenue East, Columbia Falls;

Thence

South 89°59'51" East 57.00 feet; thence

South 92.64 feet; thence

South 87°20'47" East 159.19; thence

South 00°45' West 30.00 feet; thence

North 89°59'51" West 215.63 feet to the true point of Beginning.