

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD SEPTEMBER 8, 2015**

Regular Meeting - Transact Routine Business

Councilman Plevel called the meeting to order at 7:00 p.m. with roll call as follows:

PRESENT: Vice Chairman Plevel
COUNCIL: Karper, Petersen, Shepard and Lovering
ABSENT: Barnhart and Fisher

ROLL CALL

Also present were City Manager Nicosia, City Clerk Staland, City Attorney Breck and Police Chief Perry.

Pledge of Allegiance

PLEDGE

APPROVAL OF AGENDA:

Vice Chairman Plevel requested a motion to approve the agenda. Councilman Lovering moved to approve the agenda, second by Councilman Petersen, and the motion carried unanimously.

**AGENDA
APPROVAL**

CONSENT AGENDA:

Councilman Petersen moved to approve the consent agenda noting that all claims appeared to be in order, second by Councilman Shepard. Motion carried with Council voting as follows: YES: Lovering, Petersen, Shepard, Karper and Plevel. NOES: None. ABSENT: Barnhart and Fisher.

**CONSENT
AGENDA
APPROVAL**

- A. Approval of Claims - \$ 84,684.20 - September 8, 2015
- B. Approval of Payroll Claims - \$ 11,666.20 - August 27, 2015 Clothing Allowance
Approval of Payroll Claims - \$63,410.72 - August 28, 2015
- C. Approval of Regular Meeting Minutes - August 17, 2015
- D. Approval of State Highway Traffic Safety Section STEP Contract in the amount of \$16,000 and authorize City Manager and Police Chief to sign.
- E. Amend Resolution #1699 Legal Description for Flathead County recording

VISITORS/PUBLIC COMMENT (Items not on the agenda)

None.

EMPLOYEE RECOGNITION:

Vice Chairman Plevel presented Tanya Edstrom her 5 years of service pin for service as the Police Department Office Assistant.

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PUBLIC HEARINGS/NOTICES:

Notice of Hearings:

A. Notice of Hearing - Planning Board and City Council:

Vice-Chairman Plevel read the hearing notice: The Columbia Falls City-County Planning Board will hold a public hearing for the following item at their regular meeting on Tuesday September 15th 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 public hearing on the CUP at their regular meeting of September 21, 2015, beginning at 7:00 p.m. in the Council Chambers of City Hall.

**NOTICE OF
PUBLIC
HEARING-CUP
horses in the City**

Conditional Use Permit Application Request: A request by Logan and Hannah Nolan for a Conditional Use Permit (CUP) to keep five horses on four acres of the applicants six acre parcel. The pasture will be fenced with a three rail wood fence. The applicants/owners live on the property and will care for the animals including removal of waste. The property is addressed as 1736 Talbot Road in Columbia Falls and described as Assessor's Tracts 8CA and 8BCA in Section 18, Township 30 North, Range 20 West, P.M.M., Flathead County.

Persons may testify at the hearings or submit written comments prior to the meetings. Written comment may be sent to Columbia Falls City Hall, Attention: Susan Nicosia, City Manager, 130 6th Street West, Room A, Columbia Falls, MT 59912. For more information call Eric Mulcahy, Columbia Falls City Planner at 755-6481.

B. HEARING - Notice of Abandonment of Public Way: Vice-Chairman Plevel read the notice: Notice is hereby given to all persons that a petition has been filed with the City Council of the City of Columbia Falls, Montana, requesting the abandonment, discontinuance and vacating of certain public way in the City of Columbia Falls, Montana, more particularly described as follows:

**PUBLIC
HEARING-Alley
Abandonment**

The portion of the alleyway in Block 34 adjacent to Lots 4 and 5 and the 10' strip retained with the abandonment of Sixth Street East between Block 34 and 47. Abandonment of the alley and 10' street remainder will eliminate unmaintained areas of public right of way. The abandonment will be subject to the rights of the City or any other public utility to access, operate and maintain any public utilities currently located within the alley.

Vice-Chairman Plevel asked for a staff report. City Manager Nicosia reported that the City Council approved proceeding with the abandonment request at the August 17, 2015 Council meeting. In 1981, the City abandoned all but a 10' X 60' section. Additionally, there has been considerable discussion over the

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years as to the responsibilities of the City for maintaining the alleyway between Lots 4 and 5 in Block 34. The alleyway has not been maintained or plowed by the City. The alleyway serves as a private drive to a house built on Lots 2-4 in 1978. The driving surface departs from the platted alleyway adjacent to Lot 4 onto private property; thus the debate over the years on whether or not the City should maintain the alleyway. City staff recommends approving the abandonment. There are no utilities located within either area and the Public Works and Fire Departments have reviewed and approved. Vice Chairman Plevel opened the public hearing at 7:08 p.m., no one wished to speak to Council on the abandonment so the hearing was closed.

C. BUDGET HEARINGS - Continued:

Vice-Chairman Plevel noted that the budget hearing has been continued. Plevel asked for a staff report from City Manager Nicosia.

**BUDGET
HEARING CONT.**

City Manager Nicosia said one of the main decisions tonight is what mill levy to use. The City can levy the full amount authorized by state statute or, as suggested by Mayor and Council during the last hearing, not levy the mills from growth. The difference is 4.184 mills, saving approximately \$11 on a \$200,000 house. Nicosia noted that the budget has both options. If council sets the mill levy at the reduced amount, the transfer to the Street Construction Capital Fund will be reduced by the same amount, \$25,231. The total 2016 FY budget appropriations are \$7,568,296. Nicosia noted that the General Fund budget is in compliance with the 20% reserve set by City Policy. The budget includes a 3.5% pay increase for the non-union employees, including department heads. Nicosia noted that the budget includes the following personnel items: court staffing has been reduced by .40 FTE, the street position added last year has been restructured for the Public Works Foreman Position and now that it has been 5 years since the change in dispatch services, the City administration is completing an evaluation on improving public service in the police department by changing the non-sworn position to a sworn position.

Councilman Petersen asked about the reserve funds and investment earnings. Nicosia said the investment earnings were up with the newest investments earning between 1.6 and 2.0%.

Vice Chairman Plevel closed the public hearing at 7:44 p.m. with no public comments.

UNFINISHED BUSINESS

None.

**UNFINISHED
BUSINESS**

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NEW BUSINESS:

City Manager said Councilman Petersen has requested a 16' x 12' mural be placed on the south side of his building located at 606 Nucleus Avenue. Based on Title 18.438.070 part D, all mural exhibits shall be required to submit a graphic presentation of the proposed mural to the City Council. It is the intent of the city to provide opportunities for noncommercial mural exhibits of a social, cultural or historical event that beautifies and appeals to all segments of the community.

Councilman Plevel asked if the mural will be on the side of the building. Councilman Petersen replied it would be on the south side of the building, and would contain 6 photo panels. Councilman Shepard said keep in mind possible development to the south which may cover up the mural. Councilman Petersen said he was aware of possible new development.

Councilman Shepard made motion to approve the mural at 606 Nucleus Ave, second by Councilman Lovering and the motion carried. Councilman Petersen recused himself from voting.

ORDINANCES/RESOLUTIONS:

A. SECOND AND FINAL READING - ORDINANCE 752: An Ordinance of the City Council of the City of Columbia Falls, Montana, Establishing the Columbia Falls Urban Renewal Area, Creating the Columbia Falls Urban Renewal District and Adopting the Columbia Falls Urban Renewal District Plan with a Tax Increment Financing Program Pursuant to Title 7, Chapter 15, Part 42 and 43 of the Montana Codes Annotated

City Manager Nicosia said the First Reading of Ordinance 752 was approved at the August 17, 2015 Council meeting. During that hearing, County Commissioner Phil Mitchell recommended that Council retain control of the District and not appoint a separate five member board. Council had concurred with that recommendation and Nicosia noted that the plan attached to the Ordinance has been updated and reflects that change. With the 2015 base year, Nicosia noted that the City will not receive any tax funds into the TIF District until Nov 2016.

B. RESOLUTION #1708 - A Resolution of the City Council of the City of Columbia Falls, Montana Establishing Certain Administrative Fees and Charges Relating to All of the City's Departments.

Nicosia recommended updating the fee schedule to reflect the addition of two court fees, \$10.00 for court of record audio recording copy and \$5.00 records check and removing the finance and police department references as the fees are city-wide, for example the \$ 0.25 copy fee is applicable no matter which

**NEW BUSINESS-
Mural on the Nord
Building**

**SECOND
READING OF
ORDINANCE #752
Urban Renewal
Area**

**RESOLUTION
#1708 - Admin Fees**

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department provides the copy.

Councilman Shepard motioned to approve Resolution #1708, second by Councilman Lovering with Council voting as follows. YES: Karper, Lovering Petersen, Shepard and Plevel. NOES: None. ABSENT: Barnhart and Fisher.

C. RESOLUTION #1709 - A Resolution of the City Council of the City of Columbia Falls, Montana, Approving the Sale of Lot One of Cedar Creek North Subdivision, Flathead County, Montana.

**RESOLUTION
#1709 - Sale of Lot
1 in Cedar Creek N.**

Nicosia reported the City has accepted a buy sell agreement on Lot 1 in the Cedar Creek North Subdivision that provides for a 20% down payment and the city will carry the balance at 5% interest. The \$100,000 offer and favorable terms provides the City with acceptable equity on this lot.

Councilman Karper motioned to approve Resolution #1709 to approve the sale of Lot 1 CCN, second by Shepard with Council voting as follows. YES: Lovering, Petersen, Shepard, Karper and Plevel. NOES: None. ABSENT: Barnhart and Fisher.

D. RESOLUTION #1710 - A Resolution of the City Council of Columbia Falls, Montana Abandoning, Discontinuing and Vacating a Portion of the Alleyway in Block 34 Adjacent to Lots 4 and 5 and the 10' strip retained with the Abandonment of Sixth Street East Between Block 34 And 47, Columbia Falls Original, Columbia Falls, Montana.

**RESOLUTION
#1710 - Alleyway
abandonment**

Councilman Shepard motioned to approve Resolution #1710 abandoning the remaining 10' strip of Sixth Street East and the alleyway adjacent to Lots 4 and 5, Block 34, second by Karper with Council voting as follows. YES: Petersen, Shepard, Karper, Lovering and Plevel. NOES: None. ABSENT: Barnhart and Fisher.

E. RESOLUTION #1711 - A Resolution of the City Council of the City of Columbia Falls, Montana, Adopting the Budget for the City for the Fiscal Year Commencing on July 1, 2015 and Ending June 30, 2016, Making Appropriations from Each Fund of the City of Columbia Falls of Expenditures to Meet City Expenses.

**RESOLUTION
#1711 - Adopting
the Budget for FY
15-16**

Councilman Shepard motioned to approve Resolution #1711 adopting the budget for the City for FY 15-16, second by Councilman Petersen with Council voting as follows. YES: Karper, Lovering, Petersen, Shepard and Plevel. NOES: None. ABSENT: Barnhart and Fisher.

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F. RESOLUTION #1712 - A Resolution of the City Council of the City of Columbia Falls, Montana, Setting and Adopting the Mill Levies on All Real And Personal Property within the City of Columbia Falls; Approving Special Levies for Special Purposes on Property within the City of Columbia Falls for the 2015-16 Fiscal Year.

**RESOLUTION
#1712 - Adopting
Mill Levies**

Nicosia explained the two available options, first option being to use the full 15-10-420 statutory mills available, 179.588, or option two subtracting growth of 175.403, total mills of 225.701 compared to 221.516.

Councilman Shepard said the request for not using the full amount of available mills came from last meeting, with thought of the commercial and residential taxpayers. Councilman Karper said if we have the option to run the city with the lower mills per the City Manager than we should as we have pride in being fiscally conservative. Councilman Petersen said he would vote for option two if Council agrees. Councilman Plevel added she understands the city can operate with the lower mills but with all the good things coming to town can we make it better with added monies.

Councilman Shepard made motion to approve Resolution #1712 option two with the lower millage, 221.516, second by Councilman Petersen with Council voting as follows. YES: Lovering, Petersen, Shepard and Karper. NOES: Plevel. ABSENT: Barnhart and Fisher.

G. Resolution #1713 - A Resolution of the City Council of the City Of Columbia Falls, Montana, Fixing the Limits of the Salary and Compensation of Certain City Officials and Employees Pursuant to Title 7, Chapter 4, Part 42, M.C.A., for the Fiscal Year 2015/2016 and Repealing All Other Ordinances and Resolutions in Conflict Herewith.

**RESOLUTION
#1713 - Employee
Salaries**

Councilman Shepard motioned to approve Resolution #1713 salary and compensation of city employees, second by Councilman Karper with voting as follows. YES: Petersen, Shepard, Karper, Lovering and Plevel. NOES: None. ABSENT: Barnhart and Fisher.

REPORTS/BUSINESS FROM MAYOR & COUNCIL:

Councilman Karper said he has gotten several compliments on the new Welcome Park. Councilman Petersen said he would like to add "Real Montana" to the bottom of the Welcome sign. Council discussed signage in the Welcome Park and Nicosia reminded them that Mr. O'Neil retained the ability to put up a sign on the land with the City agreeing on the location. She also indicated that SmartLam is donating a picnic table to the Welcome Park. Councilman Shepard reported vandalism on the veteran wall at Marantette Park; someone had taken a rock or other object and scratched up several

**REPORTS FROM
MAYOR AND
COUNCIL**

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panels. Shepard said the American Legion installed new lighting at the wall. Nicosia noted that City staff was able to buff out the scratches on the wall. Councilman Plevel said she enjoyed seeing a couple horseback riders at the Cimarron Café.

REPORTS/BUSINESS FROM CITY ATTORNEY:

City Attorney Breck said he would like to update Council on the Kreck Trail. On August 30, 2015 he received documents from Mr. Cahill wanting changes to the easement document. The most notable was the change to revocable easements, with no use power tools on the trail, a 3 foot wide trail not to step off the trail or be charged with trespassing. City Attorney Breck said only the police can charge with trespassing from there it is up to the judge or jury to find a person guilty, the City cannot decide that.

Councilman Lovering asked was this at the low or high water mark. Breck replied it is along the high water mark. Lovering asked if people can bring their water devices on shore from the river. Councilman Shepard said they have to enter from a public access. Breck said they could not bring a water craft on the Cahills property above the high water mark.

**REPORT FROM
CITY ATTORNEY**

CITY MANAGER:

Nicosia noted that the City has received citizen correspondence recently regarding Quiet Zones. Nicosia said she has talked with MT DOT rail contact John Althof and Jason Sanchez, BNSF Railway. The railroad has not repaired the 4th Ave E crossing. Council discussed cost and financing of Quiet Zones.

Nicosia reported that the crossing also came up today while meeting with the Industrial Park owner and TEDD consultants today. The City will have to obtain an easement to get the sewer line across the road and under the railroad tracks. It was discussed at the meeting that TIF financing might be available for crossing repairs or Quiet Zone implementation.

Nicosia said the Planning Board will meet tomorrow on the TEDD and Thursday night is the CFAC Liaison Panel meeting.

Nicosia said Rivers Edge Park was closed due to the bear siting.

**CITY MANAGER
REPORT**

A. INFORMATIONAL CORRESPONDENCE/REPORTS

Correspondence - List available for Review

Reports:

a. Policy - July Activity

CORRES/RPRTS

ADJOURN: Upon motion duly made by Councilman Karper and seconded by Councilman Shepard the meeting adjourned at 8:33 p.m.

ADJOURN

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Vice Chairman

ATTEST:

City Clerk

APPROVED BY COUNCIL ACTION: September 21, 2015