

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD JULY 17, 2017**

Regular Meeting - Transact Routine Business

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

PRESENT: Mayor Barnhart
COUNCIL: Karper, Petersen, Shepard and Fisher
ABSENT: Lovering and Piper

ROLL CALL

Also present were City Manager Nicosia, City Clerk Staal and Police Chief Peters.

Pledge of Allegiance

PLEDGE

APPROVAL OF AGENDA:

Mayor Barnhart requested a motion to approve the agenda. Councilman Fisher moved to approve the agenda, second by Councilman Shepard, and the motion carried unanimously.

**AGENDA
APPROVAL**

CONSENT AGENDA:

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

**CONSENT
AGENDA
APPROVAL**

- A. Approval of Claims - \$ 73,891.67 - July 17, 2017
- B. Approval of Payroll Claims - \$ 101,623.73 - July 14, 2017
 - Approval of Payroll Claims - \$17,116.42 - July 3, 2017
 - Approval of Payroll Claims - \$81,254.63 - June 30, 2017
- C. Approval of Regular Meeting Minutes - June 19, 2017
- D. Adoption of Job Description - Public Works Operator

VISITOR/PUBLIC COMMENT: (Items not on agenda)

None.

**VISITOR/PUBLIC
COMMENT**

PUBLIC HEARINGS/NOTICES:

A. NOTICE OF PUBLIC HEARING: August 7, 2017: Request for a Planned Unit Development in the Columbia Falls Zoning Jurisdiction

**PUBLIC
HEARINGS- RUIS
PUD**

Mayor Barnhart read the notice of hearing: The Columbia Falls City-County Planning Board will hold a public hearing for the following item at their regular meeting on Tuesday, July 11, 2017 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 7, 2017 starting at 7:00 p.m. in the same location.

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Ruis Holdings 35 5th Street West LLC. is requesting a Planned Unit Development (PUD) to construct an 18 unit apartment building that will be three stories in height. The property is located at the corner of 5th Street West and 1st Ave West on what was the old Davall Building site in Columbia Falls. The property is zoned CB-4 (Central Business) which allows mixed use buildings including multi-family apartment uses provided the residential use is on second and third floors. The proposed PUD would allow apartments on the first floor rather than commercial use. The applicants are also requesting with the PUD that the maximum height be allowed up to 40-feet as opposed to the 35-feet standard. The property is described as Lots 3, 4, & 5 of Block 28, Columbia Falls Townsite, Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County, MT.

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

B. PUBLIC HEARINGS:

Mayor Barnhart read the notice of hearing: The City Council of the City of Columbia Falls, Montana, will hold public hearings beginning on July 17, 2017 at 7:00 p.m. in the Columbia Falls City Hall, 130-6th Street West, Columbia Falls, Montana, for the following purposes:

**PUBLIC
HEARING-
Preliminary Budget
2017-18 FY**

Preliminary Budget

Presentation and consideration of the preliminary budget for fiscal year beginning July 1, 2017 and ending June 30, 2018. This hearing will be continued until final adoption of the budget.

Special Assessments

Consideration of the adoption of the Street Lighting District and Street Maintenance District assessments for FY2017/2018. Council will hear any objections to the final adoption of the resolution levying special assessments for FY 2017/2018. Special Assessments are estimated as follows:

Street Lighting District	\$ 33,928
Street Maintenance District	\$301,000

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, 8:00 AM to 5:00 PM.

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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.

Mayor Barnhart asked City Manager Nicosia for a staff report. Nicosia noted that it is early in the budget process and the City does not receive the certified tax values until August 7th. Based on a review of the current reappraisal assessments for mayor, council and manager, the assessed values increased an average of 15% but some values increased over 25%. In multiple cases, land values were decreased and building values increased. Nicosia noted that she prepared the General Fund budget based on the statutory maximum mill levy calculation using the same growth factor as the prior year. The General Fund appropriation is about \$3 million although it is not balanced, short about \$160,000. Once the final resources and tax values are known, the General Fund budget will be balanced. Council will see the full budget at the August 7th council meeting. Nicosia provided the council with the detailed General Fund budget with notes, pointing out the Court request for an additional clerk, currently unfunded, plus looking at staffing 1.0 FTE of the 2.5 FTE that were cut in 2008-2009. The City eliminated the GIS/PW assistant as well as the Planning Clerk and did not replace the .50 fte building permit clerk. Those duties were shifted to existing staff but with the increase in planning and building activity, current staffing does not provide adequate coverage. The City's ArcView/GIS program has not been updated for new infrastructure since 2011 for example. Staff is looking at creating a Public Works/Planning/Building Clerk position at 1.0 FTE to fill the basic needs and provide adequate services.

Nicosia reported that staff is recommending leaving the Street Maintenance and Street Lighting assessments at the current levels, \$301,000 for street maintenance and \$ 33,928 for street lighting. The street maintenance assessment is city-wide and is based on square footage of land and the lighting assessment is assessed in locations with lights and is based on front footage. Nicosia noted that the City Clerk is updating the land records for all changes recorded by Flathead County and MT DOR and the assessment rolls

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will be completed for the August 21st final adoption. The City must certify the rolls to Flathead County by August 25th. Nicosia presented the statutory provisions of these assessment districts and reviewed the proposed preliminary budgets.

Nicosia then reported on the Permissive Medical Levy (PML) as required by state statute. Based on the statutory calculation, the City would see an increase in the PML by \$3,658. Until the City receives the certified taxable valuation, the increase or decrease in mills cannot be determined. Nicosia noted that as a small city, the addition or deletion of just one employee affects the calculation.

Nicosia asked Council if they had any questions/comments. Mayor Barnhart asked when the City will see the increase in the Gas Tax. Nicosia said the City will get \$34,000 this year from the new legislation; the City has to set it up in a separate fund and adopt a resolution that specifies the project to spend the special gas tax funds. There is also a 5% matching requirement that will come from the Street Maintenance Fund. Councilman Petersen asked if the lighting district was for the entire town. Nicosia said the lighting district is only the areas of the City where there are street lights.

Mayor Barnhart asked how many projects that were planned for last year did not get completed. Nicosia noted that several of the parks projects did not get completed and they would be carried over to the next fiscal year. Nicosia mentioned the Columbus Park BB court paving and the Horine Park landscaping as examples.

Mayor Barnhart opened the Public Hearing at 7:38 p.m. Council received no comments. Mayor Barnhart noted that the preliminary budget hearings are continued.

UNFINISHED BUSINESS

A. Kreck Trail Negotiations

City Manager Nicosia said she and the City Attorney have negotiated with the Cahill's attorney and came to the agreement that the Cahills would purchase the trail easement for \$4,624.90 pursuant to a settlement agreement.

**UNFINISHED
BUSINESS-Kreck-
Trail**

Councilman Fisher motioned to accept the offer, second by Shepard and the motion carried.

NEW BUSINESS:

Hogs/Swine City Code

City Manager Nicosia said there is a resident that lives in the city who owns a pig. The owners of the pig want Council to look at the City Code to perhaps

**NEW BUSINESS-
Pigs in the City
Limits**

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change it to allow pigs within the City limits. Councilman Karper said he is not interest in changing our position on pigs within the City limits. Petersen, Shepard and Fisher all indicated that they are in agreement with Karper and do not wish to pursue a change in the code.

Acceptance of Glacier Bank Loan Proposal – SID 38

City Manager Nicosia said the City solicited proposals for \$340,000 for the Riverwood Subdivision SID 38 funding. The only bid received was from Glacier Bank with a 4.16% fixed rate for the 20 year term. Nicosia said the staff recommendation is to accept the 4.16% offer from Glacier Bank and to counter propose that we establish a 5% reserve, \$17,000, in the Sewer Fund for the 20-year term of the bonds or upon final payment, whichever is longer. Nicosia recommended council approve the Glacier Bank Loan Proposal as outlined and authorize the City Attorney and City Manager to complete the necessary documents to lock in the 4.16% rate.

**Glacier Bank Loan
Proposal-SID38**

Councilman Shepard motioned to authorize the City Attorney and City Manager to complete the necessary documents with Glacier Bank to lock in the 4.16% rate for SID 38, second by Councilman Fisher. AYES: Karper, Petersen, Shepard, Fisher and Barnhart. NOES: None. ABSENT: Lovering and Piper.

Accept Judge Gordon’s Retirement – December 28, 2017

Councilman Fisher made motion to accept Judge Gordon’s retirement effective December 31, 2017, second by Councilman Shepard and the motion passed.

**Judge Gordon’s
Retirement**

ORDINANCE/RESOLUTIONS:

A. Resolution 1751 – A Resolution of the City Council of Columbia Falls, Montana Relating to Financing of Certain Proposed Project; Establishing Compliance with Reimbursement Bond Regulations under the Internal Revenue Code. City Manager Nicosia said this resolution allows the City to use the financing to fund Riverwood project expenditures.

**RESOLUTION
#1751-
Reimbursement
Bond Regulations.**

Councilman Petersen motioned to approve Resolution #1751, second by Councilman Karper with Council voting as follows. AYES: Petersen, Shepard, Fisher, Karper and Barnhart. NOES: None. ABSENT: Lovering and Piper.

B. Resolution 1752 – A Resolution of the City Council of Columbia Falls, Montana, Proposing to Levy and Assess a Tax Upon All Lots or Parcels of Land in Special Improvement District No. 38, for the Purpose of Financing the Construction of Water System Improvements and Sewer Main and System Improvements and to Construct Water And Sewer Service Line Connections

**RESOLUTION
#1752-SID 38**

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and Corresponding Plant Investment Fees.

City Manager Nicosia said this resolution gives notice to the 27 homeowners of the intent to levy their taxes over a 20 year period at 4.16% interest rate and allows them to object pursuant to state statutes. On Aug 7, 2017, Council will hold a hearing to hear any objections to the assessment and will then adopt another resolution to establish SID 38.

Councilman Shepard motioned to approve Resolution #1752, second by Councilman Fisher with Council voting as follows. AYES: Shepard, Fisher, Karper, Petersen and Barnhart. NOES: None. ABSENT: Lovering and Piper.

C. FIRST READING - Ordinance 767 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Chapter 10.57 Stopping, Standing And Parking of the Columbia Falls Municipal Code.

**ORDINANCE
#767 - Stopping,
Standing and
Parking**

City Manager Nicosia reviewed the proposed code changes that have been clarified and updated based on the public comments and discussions received during the public hearings. The proposed text amendment only modifies Chapter 10.57.

Councilman Fisher motioned to approve the First Reading of Ordinance #767, second by Councilman Shepard.

Councilman Petersen asked what happens if you have family member that shows up in a camper and want to stay for a week. Chief Peters said there is an existing ordinance in place that does not allow camping on city streets.

Councilman Shepard asked if the Police Department has received any other comments on the proposed amendments. Chief Peters said he has been asked when it will go in effect.

Motion carried.

REPORTS/BUSINESS FROM MAYOR & COUNCIL:

Councilman Petersen asked if the Parks Committee meeting was held. Nicosia said we did not schedule one as the Bells did not approve the appraised value of the 8 acres and are not interested in selling to the City at the appraised value. Nicosia recommended the Parks Committee meeting in August or September.

**REPORTS FROM
MAYOR AND
COUNCIL**

Councilman Petersen said he was thinking of the basketball court and does not think it is big enough. Nicosia said it will be a full court basketball court

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instead of the current half-court. Petersen indicated he was not aware that we were enlarging the court size. Petersen asked about the timing of the wayfinding signs and when they would be installed. Nicosia said the City will process an encroachment permit with MT DOT after the highway construction is complete.

Councilman Karper expressed thanks for allowing him to continue after his 90 day leave of absence.

Mayor Barnhart said the Shay Engine needs painting again. Mayor said he was friends with the Dr. and Mrs. Kreck and said the trail easement was a good idea that went sideways. The Krecks wanted people to have access to the river. Mayor would like to see the Red Bridge Park be named the Kreck Memorial Park with a plaque in place. Mayor believes the money from the Cahill's could be used to make improvements to the park. Mayor said he was over by the tennis courts and could see weeds growing up through the surface; and suggested addressing it right away. Mayor Barnhart also expressed his dismay with the MT DOT and their lack of movement to enhance the safety of our citizens on Nucleus, in reference to the 6th St West encroachment permit delay. Nicosia said MT DOT officials (Dennis and James) met with Grady and herself last week to specifically address that intersection. The engineer came back with a quote of \$151,000 to put in the recommended bulb outs and flashing lights. Nicosia noted that MT DOT officials thought the cost was excessive and City staff is looking at alternatives. The improvements would be the City's responsibility. We can wait and put it in our transportation alternatives grant request or use TIF money. Mayor asked if we can put the flashers on 7th and Nucleus. Nicosia said yes we could proceed with that request. Petersen said he would like to see a one way at the 6th and Nucleus. Nicosia said 6th is a City street and that would be within the City's authority to review.

Councilman Shepard said the lid for the tender is missing on the Shay Engine and wishes to get it replaced.

REPORTS/BUSINESS FROM CITY ATTORNEY:

None

CITY MANAGER:

The building activity for the fiscal year was not as strong as the last 3 years but remained stable and residential lots are filling in throughout the City.

There is a workshop on the Technical Advisory Grant process for Superfund site communities on Monday, July 31st at 6 p.m. EPA, CFAC/Glencore, and

**REPORT FROM
CITY ATTORNEY
CITY MANAGER
REPORT**

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consultants have all been invited.

The Riverwood Subdivision project is about 50% complete. The ending projection date is Sept. 21, 2017. 10 out of 27 homes have been hooked into City water.

Paul the Plumber, the backflow testing contractor, has all residential homes complete. There is still a lot of commercial testing that needs to be complete by the August 1, 2017 deadline.

The fire department has been watering the plants at Red Bridge Park with the water tender.

There is a meeting on Thursday with the Nucleus Avenue entrance committee.

A. INFORMATIONAL CORRESPONDENCE - List available for Review

B. REPORTS:

- a. Finance - Preliminary June 2017
- b. Police - June 2017
- c. Court - Quarter ending June 30, 2017

**CORRESPONDENCE
and REPORTS**

ADJOURN: Upon motion duly made by Councilman Fisher and seconded by Councilman Shepard the meeting adjourned at 8:32 p.m.

ADJOURN

Mayor

ATTEST:

City Clerk

APPROVED BY COUNCIL ACTION: August 7, 2017