

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD DECEMBER 3, 2018**

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, Shepard, Fisher, Lovering, Piper and Robinson
ABSENT: None.

ROLL CALL

Also present were City Manager Nicosia, City Clerk Staland, City Attorney Breck, Police Chief Peters and Public Works Director Bradshaw.

Pledge of Allegiance

PLEDGE

APPROVAL OF AGENDA:

Mayor Barnhart requested a motion to approve the agenda. Councilman Lovering moved to approve the agenda, second by Councilman Robinson, 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 Piper. Motion carried with Council voting as follows: YES: Karper, Shepard, Fisher, Lovering, Piper, Robinson and Barnhart NOES: None. ABSENT: None.

**CONSENT
AGENDA
APPROVAL**

- A. Approval of Claims -\$ 378,310.93 - December 3, 2018
Approval of Claims - \$86,500.00 - November 27, 2018
- B. Approval of Payroll Claims - \$73,930.03 - November 30, 2018
- C. Approval of Regular Meeting Minutes - November 19, 2018
- D. Approval of One Year Extension - Pero Conditional Use Permit - May 2020
- E. Approval of Diamond Plumbing & Heating, Inc. "PM Program" Agreement revised October 2018 and authorize City Manager to sign.
- F. Approval of Change Order #2, (\$3,311.50) - Knife River, Nucleus Ave Pedestrian Safety Improvement Project and authorize City Manager to sign.

VISITOR/PUBLIC COMMENT: (Items not on agenda)

None.

**VISITOR/PUBLIC
COMMENT**

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PUBLIC HEARINGS/NOTICES:

Public Hearing - Municipal Code Amendments - Continued until complete:

**PUBLIC HEARING-
Municipal Code
Amendments**

The City Council of the City of Columbia Falls, shall conduct public hearings for the purpose of adopting changes to the Columbia Falls Municipal Code Title 1, 2, 3, 5, 6, 8, 9, 10, 12, 13, and 15 pursuant to a comprehensive legal analysis of the codes for compliance with state and federal statutes.

The City Council is proposing completing the suggested text changes as recommended by the legal analysis and to update other outdated or necessary text changes as identified by City staff or Council. This hearing will be continued until the code changes are complete.

The proposed changes are available for review at the office of the City Clerk, City of Columbia Falls 130 6th Street West, Columbia Falls, MT. Persons may contact the City Clerk or City Manager at 406-892-4391 or 130 6th Street West, Columbia Falls, MT for more information about the hearing.

City Manager Nicosia said this evening we will be looking at Chapter 2.24 Police. We are not revising the Chief's duties in 2.24.010. We are recommending adding 2.24.020, replacing 1.16.010 Authority of chief and officers. Paragraph A matches 1.16.010; we are recommending adding Paragraph B which grants authority to make arrests of persons charged with a crime within the city boundaries and within 5 miles of the city boundary. Additionally, the 2017 legislature added new requirements on how cities are going to regulate or dispose of unclaimed property so 2.24.030 Sale of Disposal of Unclaimed Property has been added.

Nicosia said the City staff will continue to work through the Municipal Codes and bring forward to council.

Mayor Barnhart asked the public if they had any comments on tonight's revised text amendments at 7:07 p.m. There were none. The Public Hearing will remain open.

UNFINISHED BUSINESS

A. Public Safety Funding/Resort Tax Option Update

City Manager Nicosia said at the November 19th council meeting Council approved a letter be sent to request resort community designation by the Department of Commerce as required in 7-6-1501 (8)(d), MCA. The Department of Commerce indicated their process will take two to three months to determine if the city meets the criteria. In the meantime we will continue with our workshops.

**UNFINISHED
BUSINESS-Public
Safety
Funding/Resort Tax
Option Update**

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Jason Salma, 3380 Trumble Creek Road said he appreciates the need to raise funds for the Fire and Police Departments but his concerns are the initial percentage will go up after time, and the property taxes go up. Mr. Salma asked are we really a resort town, he believes this resort tax will be on the local residents for the majority. Mr. Salma said he stopped doing business in Whitefish for this vary reason and has concerns with the resort tax in Columbia Falls.

Tanna Friske, 2100 Driftwater Way, is also concerned about the resort tax. Ms. Friske asked if there was clarification on how much revenue the resort tax would bring in and how much property taxes will drop.

Mayor Barnhart said the reason we are looking into the possibility of the resort local option tax is we need to fund the Police and Fire department future needs and an option would be to use the resort tax. We must meet certain criteria to be called a resort tax community which is determined by the state. Should we qualify it does not mean we are going to require it, it does give us another option. The vote will be up to the citizens of Columbia Falls.

Harry Bagley Jr., 1830 10th Avenue W., said this area has a magnitude of low income housing including the area around Perfect Cuts Meats. How can we have a resort tax with so many low income houses? Businesses are closing down and moving because of low income housing. Mr. Bagley said if there is growth in the city why should there be a resort tax. Bagley said he is in favor of safety but is bothered by the need to have more resources for them. Mr. Bagley said that at the Hamilton football game 5 officers were standing in a group and not mingling amongst the crowd. He also said he went to swim team practice at 6 a.m. and a police officer was sleeping in his car in the parking area. Mr. Bagley does not believe Columbia Falls is a resort town; there are other ways to create revenue.

Mayor Barnhart thanked those for coming forward to voice their concerns. Mayor invited the public to keep informed on the resort tax and welcomed them to attend the workshops.

NEW BUSINESS:

Approval of an extended payment agreement - Highline
The developer of the Highline apartment project has requested a 10 year payment plan on the plant investment fees. The fees are approximately \$98,000 per building. The current city code allows for a 5 year payment plan. City staff is not opposed to a 10 -year agreement.

NEW BUSINESS

Councilman Fisher made motion to approve a 10 year payment plan, second

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by Councilman Robinson with Council voting as follows. AYES: Piper, Robinson, Shepard, Fisher, Karper, Lovering and Barnhart. NOES: None. ABSENT: None.

ORDINANCES/RESOLUTIONS

Second and Final Reading - Ordinance #785 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Section 18.344 CI-2 Heavy Industrial and Section 18.608 Definitions in Title 18 of the Columbia Falls Municipal Zoning Code.

**ORDINANCE
#785-Municipal
Code**

City Manager Nicosia said this was approved at the November 13, 2018 Planning Board meeting and the First Reading was approved at the November 19th, 2018 Council meeting. This adds Cryptocurrency facilities, data centers, server farms, and sever centers as a Conditional Use in the CI-2 Heavy Industrial zone. "Cryptocurrency facility" means any digital mining facility, server farm or data center whose purpose is to support digital mining of bitcoin and other cryptocurrencies (digital value currencies or derivatives). These facilities are typically comprised of high-powered computers running 24 hours per day, 365 days per year; may or may not have on site staffing.

Councilman Piper motioned to approve the Final Reading of Ordinance #785, second by Councilman Robinson with Council voting as follows. AYES: Robinson, Shepard, Fisher, Karper, Lovering, Piper and Barnhart. NOES: None. ABSENT: None.

REPORTS/BUSINESS FROM MAYOR & COUNCIL:

Councilman Shepard said there is false information on the resort tax out there. Mayor Barnhart asked about the tree lights and when they will be turned on Nicosia said the city will turn the tree lights on before the Night of lights parade.

**REPORTS FROM
MAYOR AND
COUNCIL**

Councilman Shepard asked if the city if participating in the Salvation Army Bell Ringing Challenge. Nicosia said they have it scheduled for December 13th.

CITY MANAGER:

December 10th, 2018 we will have our urban transportation committee meeting here at City Hall. We will look at transportation planning.

**CITY MANAGER
REPORT**

Air Quality Bureau of DEQ is holding 30 day public comment that will close on December 17th requesting Columbia Falls Air Quality PM10 Attainment be listed as Maintenance.

Nicosia presented the list of top ten City taxpayers for 2018.

CITY ATTORNEY REPORT:

None.

**REPORT FROM
CITY ATTORNEY**

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INFORMATIONAL CORRESPONDENCE - List available for Review

CORRESPONDENCE

Chief Peters said Patrolman Rice will be graduating from the Police Academy next week.

ADJOURN: Upon motion duly made by Councilman Lovering and seconded by Councilman Shepard, the meeting adjourned at 7:50 p.m.

ADJOURN

Mayor

ATTEST:

City Clerk

APPROVED BY COUNCIL ACTION: December 17, 2018