AGENDA
MONDAY, FEBRUARY 3, 2020
COUNCIL CHAMBERS CITY HALL

FINANCE COMMITTEE – 6:30 P.M.
(Barnhart, Piper, Robinson)

1. Claims Review

REGULAR MEETING – 7:00 P.M.

1. CALL TO ORDER
   A. Roll Call
   B. Pledge of Allegiance

2. APPROVAL OF AGENDA

3. CONSENT AGENDA:
   *A. Approval of Claims -$ 104,650.85 - February 3, 2020
   *B. Approval of Payroll Claims - $ 72,488.71 – January 24, 2020
   *C. Approval of Regular Meeting Minutes – January 21, 2020

4. APPOINTMENTS:
   *A. Tree Board – Paula Robinson

5. VISITORS/PUBLIC COMMENT (Items not on agenda)
6. ORDINANCES/RESOLUTIONS:
*A. RESOLUTION # 1813 - A Resolution of the City Council of the City of Columbia Falls, Montana, Amending The 2019 - 2020 Fiscal Year Budget For The Tax Increment District And Targeted Economic District Funds.

*B. RESOLUTION # 1814 - A Resolution of the City Council of the City of Columbia Falls, Montana, Approving the Petition of Glacier Medical Associates, P.C. for Annexation of Property Described as Assessor’s Tracts 8, 8B, 8F, 8G, 8HA, 8H and 8E, In Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

*C. SECOND AND FINAL READING - Ordinance # 796 – An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 17 of the Columbia Falls Municipal Code.

*D. SECOND AND FINAL READING - Ordinance # 797 – An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 18 of the Columbia Falls Municipal Code.

*E. SECOND AND FINAL READING – Ordinance # 798 – An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 9 of the Columbia Falls Municipal Code.

*F. SECOND AND FINAL READING – Ordinance # 799 – An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 10 of the Columbia Falls Municipal Code.

*G. SECOND AND FINAL READING – Ordinance # 800 – An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 12 of the Columbia Falls Municipal Code.

7. NEW BUSINESS:
*A. Formal consideration of Resort Tax Proposal
*B. Park Use Request – Wildcat Athletic Endowment – Hours Extension

8. REPORTS/BUSINESS FROM MAYOR & COUNCIL

9. CITY MANAGER REPORT
   A. Project Updates

10. CITY ATTORNEY REPORT
11. MISCELLANEOUS
   *A. INFORMATIONAL CORRESPONDENCE – List available for Review

12. ADJOURN

Next Scheduled Meetings:
City Council – Regular Meeting, Tuesday, February 18th
Planning Board – TBD (March)
Council Workshop – Extraterritorial Jurisdiction/Extension of Services Plan - TBD

*Attached
For the Accounting Period: 1/20

* ... Over spent expenditure

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- 413.70
- 5,385.02
* ... Over spent expenditure

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* Over spent expenditure

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**Total:** $104,650.85
Council Meeting Date: 02/03/2020

Claims Submitted to Council: $104,650.85

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

Prepared By: Sandy Carlson, Finance Director

Sandy Carlson

Approved by Susan M. Nicosia, City Manager

Susan Nicosia

City Council to Approve by motion on consent agenda

The following claims are significant:

- Annual contribution to Eagle Transit $5,500.00 (Fund 1000)
- Morrison-Maierle $25,868.50 – Well #3 Engineering (Fund 5210)
- US Bank $27,246.30 – Loan payment on Fire Truck & Street Improv (Fund 3020)

The remaining items are routine. Please let me know if you have questions.

Sandy
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CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD JANUARY 21, 2020

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 Staaland, City Attorney Breck, Police Chief Peters, Fire Chief Hagen and Public Works Director Bradshaw.

Pledge of Allegiance

PLEDGE

APPROVAL OF AGENDA:
Mayor Barnhart requested a motion to approve the agenda. Councilor Robinson moved to approve the agenda, second by Councilman Piper, and the motion carried unanimously.

AGENDA APPROVAL

CONSENT AGENDA:
Councilor Lovering 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: Karper, Shepard, Fisher, Lovering, Piper, Robinson and Barnhart NOES: None. ABSENT: None.

CONSENT AGENDA APPROVAL

A. Approval of Claims - $74,892.53 - January 21, 2020
B. Approval of Payroll Claims - $111,022.95 - January 10, 2020
C. Approval of Regular Meeting Minutes - January 6, 2020
D. Approval of Change Order #1, Downing Underground, Lift Station #2 Improvements and authorize City Manager to sign.
E. Adopt updated Job Description – Deputy Clerk – CashierAccounts Payable

APPOINTMENTS/OATH OF OFFICE

A. Fire Chief - Karl Weeks
City Manager Nicosia said Mr. Weeks was selected for appointment following a rigorous interview process including an extensive background and reference checks. Nicosia noted that Mr. Weeks is currently a Captain with the City of Columbia Falls Fire Department, a position he has held since 2007. Mr. Weeks has been a volunteer with the Fire Department for 19 years. He obtained his Fire Inspector License through the International Code Council in August 2019 and has held an Emergency Medical Technician Basic License for many years. Weeks has recently completed an extensive Leadership Training series

APPOINTMENTS-
Fire Chief: Karl Weeks

January 21, 2020
Page 1
through the International Association of Fire Chiefs and FEMA. City Manager Nicosia recommended Council approval of the appointment of Karl Weeks as Fire Chief.

Councilor Lovering motioned to approve the appointment of Karl Weeks as Columbia Falls Fire Chief, second by Councilor Robinson and the motion passed unanimously. City Clerk Staaland administered the oath of office to Mr. Weeks.

PUBLIC HEARINGS/NOTICE OF PUBLIC HEARINGS:
A. Mayor Barnhart continued the public hearing that began on January 6, 2020 for the purpose of obtaining public comment to determine the greatest community development needs (public facilities, economic development, and housing needs). Mayor Barnhart noted the intent of the needs assessment process is to provide the City with a list of potential projects or actions in the areas of housing, economic development and public infrastructure that could be pursued over a period of years in order to improve the community, particularly as those needs affect low and moderate income persons. Based on the results of the needs assessment, the City may apply for state or federal funding from the Montana Community Development Block Grant (CDBG) Program and other funding sources to deal with local housing, public facilities, or other community needs and would like comments or suggestions from local citizens regarding the City’s needs and types of projects which should be considered.

Mayor Barnhart continued the public hearing at 7:09 p.m.

Kaye Ellis, 47 Crescent Dr. said there is a need for accessible sidewalks by Glacier Gateway School and the adjoining neighborhood.

Kelly Hamilton, 1316 4th Ave W. agreed with Ms. Ellis for the need of sidewalks throughout town.

Mayor Barnhart closed the Public Hearing at 7:11 p.m.

B. Mayor Barnhart read the published notice: Notice Is Hereby Given, that the City Council of the City of Columbia Falls, Montana, will hold a public hearing on Tuesday, January 21, 2020 at 7:00 p.m. in the Columbia Falls City Hall, 130 6th Street West, Columbia Falls, Montana, to receive comments on the proposed resort tax funding option.

Mayor Barnhart asked for City Manager Nicosia to present the staff report on the proposed resort tax.
City Manager Nicosia gave a presentation on the Proposed Resort Tax, beginning with the Council’s discussions in 2018 on funding alternatives to adequately fund increased public safety needs as required by call volume and current staffing. In November 2018, the Council asked the MT Department of Commerce (DOC) to determine if the City was eligible to ask voters to approve a resort tax. In May 2019, the MT DOC designated Columbia Falls as a resort community, making it eligible for a resort tax. Nicosia shared the voted levy and resort tax alternatives and the effect of each alternative on the taxpayers. Nicosia also reviewed how the property tax relief/rebate works for City property tax payers. Nicosia then reviewed the proposed funding formula and draft ordinance language, noting the strict statutory language that governs the resort tax.

Mayor Barnhart advised the audience that he would entertain questions from the audience about the proposal before opening the hearing for public comment. Ms. Ellis asked for clarification on the tax relief/rebate and if there was relief for renters. Mayor Barnhart explained the tax rebate as provided for in statute, noting that the funds directly reduce the City property tax billing which does not provide a direct rebate to renters as they are not property owners; but he noted that they will receive Police and Fire protection along with public infrastructure. Councilor Karper said basically if you pay property tax you will get a tax rebate. Ms. Ellis asked if the 3% is capped for the 20 years. Mayor Barnhart said 3% is the maximum in state law and in order to change it would have to go before the voters.

Andrea Gets inquired if the mail ordering or catalog sales would be taxed, such as purchases made from Amazon. Nicosia replied the sale would have to originate here in Columbia Falls. Tim Secord asked who gets to vote on the Resort Tax. Mayor Barnhart said the registered voters of the City of Columbia Falls. An audience member asked about taxing coffee and waterslides. Mayor Barnhart said the waterslides are not in the city limits and coffee stands would be considered for immediate consummation. Clarence Taber asked if the City is giving the city property tax payers some relief, according to the newspaper, what do the out of town residents receive. Mayor Barnhart said you would receive increased public safety services in your area. Karper said the tax relief is for people that pay city taxes.

There was a question from Derek Larson on the bowling alley and concerts. Nicosia said concerts are taxed separately from the bowling alley, noting the intent is not to tax live music at the bowling alley or bars. Tanya Friske asked how the 3% would be reported to the city and how someone would know that the business paid the tax it collected. Mayor Barnhart said the revenues and collections would be reported to the city on a quarterly basis and those reports would be subject to an individual audit. Barnhart noted there is also a penalty for not paying correctly. Friske asked who performs the audit and what
would the cost be to the tax payers. Nicosia said there is a 1% administration
fee which includes software and audits. The city has two CPA’s on staff that
will perform the audits and it can be audited by the City’s external auditor as
part of the City’s annual financial and compliance audit. John Cheff said what
happens if we hit another recession and we have paid staff, how will we pay
for them. Mayor Barnhart said the resort tax collections would be subject to
the available funding and set percentages by activity; he said the council
would have to set budgetary priorities based on available funding. A
gentleman from the audience said he has a business and asked if it will have
to be taxed. Mayor Barnhart said it is based on the type of business and
service provided, noting that most services are exempt. A citizen asked if it is
possible to exclude residents from paying the resort tax. Councilor Fisher said
state statute does not provide for an exemption. The resident asked is it
possible to be in effect only during the tourism season. Fisher said it is
possible to be seasonal but the business owners we spoke with did not want to
turn the tax off and on. A member asked what the maximum population is to
be eligible for the resort tax. Mayor Barnhart said it is 5,500 in the statute.
Brian Domph said the state has repeatedly tried to pass a state sales tax law,
should that happen will the resort tax stay in place. Nicosia said the sales tax
proposal considered by the legislature provided for the continuation of any
existing resort tax, noting that the bill did not make it out of committee. A
member of the audience asked when we become a second class city, does the
state mandate public safety. Nicosia replied that as Columbia Falls’ moves
toward the second class city designation, the City transitions to a part-paid
Fire Department, adding that even more important than the move to a second
class city from a third class city, is the call volume and the lack of volunteer
firemen available during the day due to their jobs. The citizen asked what
keeps the City from coming in later and adding a levy? Mayor Barnhart said it
would be up to the voters. Questions continued on what can be excluded and
what must be taxed.

Mayor Barnhart opened the public hearing 8:11 p.m. reporting that Council
received written testimony from Karen (Davall) Huston in favor of the resort
tax proposal.

Clarence Taber, Columbia Heights resident, said the tax is intended to capture
the tourist through town. He opposes the 25% to the tax payer and believes it
should be set at the 5% minimum in state law. Mr. Taber said he is paying the
same amount of resort tax with no property tax relief and would like to see it
fair for everybody. Mr. Taber opposes the resort tax.

Kaye Ellis 47 Crescent Dr. asked if there has been a study completed on the
tourism dollars. Ms. Ellis feels bad for the renters, doesn’t think it is fair to
single moms and she believes it will hurt tips; it is a sales tax and not a resort
tax. Kaye recommended a toll booth on the road instead.

Seth Hanson, 1384 15th St. EN, outside City limits, said he has a business close to town. Mr. Hanson can’t believe the City would include vehicles as a luxury, he is looking at a $27,000 pickup at Joes’ Auto and he would pay a lot more with the tax, it would cause him to go down the road to purchase a vehicle. Hanson shared his other objections including the 25% is not a good enough rebate. He said there are people from Whitefish that come here because we don’t have a tax. He is not in favor of the tax.

A person who said he is involved in Montanans’ for a Better Government said a sales tax is a hidden tax.

Carla Fisher, 303 3rd Ave East, thanked the Council and the Committee for the time they put into reviewing and preparing the proposal. She supports the tax as a way to use dollars from the tourists to pay for the services they impact.

Andrea Getts, 336 2nd St East, said after looking at what is exempt she is cautiously in favor of the tax. She said there are only four communities that do a seasonal tax. She noted that Columbia Falls is approaching the max population size to qualify for the resort community designation. Getts thought a seasonal tax would be a good middle ground. She said that Polson and Seeley Lake have tried to pass this and it has failed. If the City could beef up the tennis courts this would be a good tax to support.

Kelly Hamilton, 1316 4th Ave W., noted that our businesses support our volunteers and donate to multiple events as a close knit community. Ms. Hamilton said she was disgusted by the comment that people won’t support local businesses that support our community if the tax is in place. She supports the tax proposal.

Judy Territo, owner of commercial property, said she pays $4,300 for property taxes and also has a similar commercial property in Whitefish that she pays $8,400 in property taxes with only a $550 rebate from the resort tax. Ms. Territo said she is not in favor of the resort tax and thinks the City isn’t ready for the resort tax and should find other ways to fund services.

Brian Domph, 22 Diane Rd. is against the tax, noting that he works for the school district and Columbia Falls is the industrial center of the valley and the City should invest in manufacturing industry to provide jobs, tourism brings drugs and garbage to the community. Relying on tourists to fund city emergency personnel is wrong in his opinion.

David Baltz, 1848 Riverwood Dr., appreciates funding emergency services but
he would like to see a 6 month tax.

Cindy Ritter, 615 Nucleus, said initially she was upset in the beginning but through the meetings she attended, she could see the care the committee had to least impact the citizens. She said the tax will impact her business but she also wants the emergency services to help her. She asked people to take a broader perspective and to be open minded. If the community doesn’t approve the resort tax, property taxes will increase as that is the other funding alternative. Ms. Ritter supports the tax.

Laurie Lapan, 1000 Kelley Rd, said she can’t vote but will not change her eating habits because of a resort tax. She believes the tourists should pay but the property tax relief is higher than the statutory minimum, and doesn’t think there should be any special deals on water, sewer or tax rebates for developers.

Dave Petersen, 201 4th Ave E., a volunteer committee member, noted that one of the criticisms he has is that the estimated collection amount is too low, he believes it will be $700,000, or $12 million over the 20 years. If it does not pass and the needs are still there does the City have a smaller fire department that takes twice as long to respond to a call? The Whitefish budget is considerably higher than here. Petersen said as a property tax payer he believes any relief is good and supports the least painful tax.

Mayor Barnhart closed the public hearing at 8:46 p.m. and Council took a short recess.

Mayor Barnhart called the meeting back in session at 8:58 p.m.

UNFINISHED BUSINESS:
Tax Increment and Targeted Economic Development Priorities
City Manager Nicosia presented a recommendation to Council for setting the 2020 FY priorities and budgets, based on public testimony and available resources. Council reviewed the report and Councilman Fisher motioned to approve it as written, second by Councilman Shepard with council voting in favor of the motion. Nicosia noted that the Council will adopt a resolution formally setting the Fund 2310 and 2311 budgets at the next meeting.
Councilor Shepard asked if there was other funding for 12th road reconstruction. Nicosia said there is very limited funding but if the timing is right, the City will pursue EDA grant funds to leverage the available funding.
MAYOR AND COUNCIL COMMENTS:
Councilman Shepard asked if MDOT is going to remove the snow berm from the middle of Nucleus.
Councilor Lovering asked if the pedestrian lighting would be dark skies compliant. She also wanted to know how we encourage people to shovel the entire sidewalk.
Councilman Fisher said he has addressed the shoveling issue with neighboring businesses by just talking to them.
Mayor Barnhart said people were struggling to walk on the Hwy 2 sidewalks; the state had their grader on site but drove it away without clearing the snow. He also reported that he spoke with an elderly lady who uses a walker and she is not able to get to the river at River’s Edge Park. Mayor Barnhart said he would like the city administration to look at the trails. Bradshaw said there will be paved walking paths to the pond per the Park Master Plan; he is proposing that section be done with the current RTP grant application. Mayor Barnhart noted that continuing to fix and replace sidewalks is needed.

CITY MANAGER:
Nicosia reported that the City does not have any surplus property to report for sale or disposal this quarter. Nicosia noted that the city code had been updated for compliance with the statute change and the city now reports quarterly.
The 911 Funding Committee will become the 911 Educational Committee for the proposed funding ballot issue. Nicosia and Shepard agreed to be on the education committee for Columbia Falls.
The City received notice on the Special Gas Tax 2020 allocation - $108,069.80 and we match 5%, up from $73,760.48 last year.
Nicosia reported that Councilman Fisher wishes to withdraw from the Tree Board. Councilor Robinson said she would sit on the Board.

OTHER REPORTS:
Chief Peters reported that the Tip411 rolled out and is going well and has been a successful tool. Chief Peters reported that he is now the City Board representative on the Columbia Falls Chamber of Commerce; Nicosia thanked him for filling that role. Peters said he is on the Events Committee and he believes that will result in smoother planning and coordination with City services.

INFORMATIONAL CORRESPONDENCE - List available for Review
A. REPORTS:
a. Finance - December
b. Police Department – December Activity
ADJOURN: Upon motion duly made by Councilor Lovering and seconded by Councilman Karper, the meeting adjourned at 9:32 p.m.

________________________
Mayor

ATTEST:

________________________
City Clerk

APPROVED BY COUNCIL ACTION: February 3, 2020
January 30, 2020

To: Mayor and Council

From: City Manager Nicosia

RE: Tree Board Appointment – Paula Robinson

As indicated at the last Council meeting, January 6, 2020, Councilor Darin Fisher wishes to withdraw from the Tree Board due to other commitments. Councilor Paula Robinson has been attending Tree Board meetings to acquaint herself with the Board activities and responsibilities. Councilor Robinson indicated that she would accept appointment to the Tree Board for Fisher’s remaining term, December 31, 2021.

Council Action Requested: Please approve the appointment of Paula Robinson to the Tree Board, replacing Darin Fisher, through December 31, 2021
RESOLUTION NO. 1813


WHEREAS, on January 6, 2020 the City Council held a public hearing for the purpose of obtaining comments on the priorities and projects to be considered within the Tax Increment and Targeted Economic Development Districts; and

WHEREAS, on January 21, 2020, the City Council considered the public testimony and reviewed the Urban Renewal District Plan and Statement of Needs and approved appropriating the 2020 FY funds for Funds 2310 and 2311; and

WHEREAS, Tax Increment District Fund #2310 will have an estimated $472,500 in current year taxes available and Targeted Economic Development District Fund # 2311 will have an estimated $1,734 in current year taxes available; and

WHEREAS, the City Council adopted a 2020 FY Fund 2310 budget in the amount of available resources, $194,138 on September 4, 2019 and reserved the available fund balance in the amount of $3,835 for Fund 2311 and now desire to appropriate or reserve amounts in both Fund 2310 and 2311 to include the current year resources; and

WHEREAS, the City of Columbia Falls may adopt appropriations for which working capital is or will be available during the fiscal year by formal resolution.

NOW, THEREFORE, BE IT RESOLVED that:

The City of Columbia Falls hereby amends the original 2020 FY Tax Increment District Fund #2310 Budget and appropriates or reserves the sum of $666,638 and directs the Finance Director to allocate said increased amounts to the following program activities or reserved balance as determined in the public hearing to determine priorities as established within the Urban Renewal District Plan:

- **2310-311010 Real Property Taxes** $472,500
- **2310-470300-930 New Improvements** $440,000
  - (12th Ave West reconstruction, Hwy 2/S. Nucleus beautification/irrigation, Alley/Sidewalk Improvements)
- **2310 – Balance reserved for future projects** $226,638

**Total Appropriations/Reservations** $666,638

The City of Columbia Falls hereby amends the original 2020 FY Targeted Economic Development District Fund #2311 Budget and reserves the sum of $5,569 for future projects until such time as adequate resources are received to fund a public infrastructure project as identified in the Statement of Needs:

- **2311-311010 Real Property Taxes** $1,734
- **2311- Balance reserved for future projects** $5,569

BE IT FURTHER RESOLVED that the above appropriation shall become effective on passage of this Resolution.

PASSED AND ADOPTED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS 3rd DAY OF FEBRUARY, 2020, THE COUNCIL VOTING AS FOLLOWS:

AYES:

NOES:
ABSENT:

City Clerk


Mayor

ATTEST:

City Clerk
RESOLUTION NO. 1814

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, APPROVING THE PETITION OF GLACIER MEDICAL ASSOCIATES, P.C. FOR ANNEXATION OF PROPERTY DESCRIBED AS ASSESSOR’S TRACTS 8, 8B, 8F, 8G, 8HA, 8H AND 8E, IN SECTION 7, TOWNSHIP 30 NORTH, RANGE 20 WEST, P.M.M., FLATHEAD COUNTY, MONTANA.

WHEREAS, a written Petition by Glacier Medical Associates, P.C. has been filed with the City requesting the annexation of the property to the City of Columbia Falls, Montana described on the attached Exhibit “A,” and

WHEREAS, Glacier Medical Associates, P.C. is the purported owner of all of the territory proposed to be annexed; and

WHEREAS, the annexation is requested as the owner wishes to connect to City Water and Sewer services; and

WHEREAS, said proposed annexation was considered by the City Council of the City of Columbia Falls, Montana during the Council’s regularly scheduled meeting on February 3, 2020.

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

Section One: That the annexation of the aforementioned real property is in the best interests of the City of Columbia Falls.

Section Two: That the Petition of Glacier Medical Associates, P.C. for annexation of the aforementioned real property is hereby approved.

Section Three: That the boundaries of the City of Columbia Falls, Montana are hereby extended to include the above-described territory.

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

PASSED AND ADOPTED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS 3rd DAY OF FEBRUARY, 2020, THE COUNCIL VOTING AS FOLLOWS:

AYES:

NOES:

ABSENT:

_______________________________
City Clerk
EXHIBIT A – Legal Description

Parcel 1:

Three tracts of land situated, lying and being in the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana, described as follows to wit:

Tract 3, Tract 4 and Tract 6 of Certificate of Survey No. 5160.

Parcel 2:

Two tracts of land situated, lying and being in the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana, described as follows to wit:

Tract 1 and Tract 2 of correction Certificate of Survey No. 5920.

Parcel 3:

A tract of land situated in the Northwest corner of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 7, Township 30 North, Range 20 West, P.M.M., more particularly described as follows to wit:

Beginning at the Northwest corner of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of said Section 7;

Thence running South on the subdivision line between the SE1/4SE1/4 and the SW1/4SE1/4 of said Section, 40 rods (660 feet);

Thence East 20 rods (330 feet);

Thence North 40 rods (660 feet) to the subdivision line running East and West between the NE1/4SE1/4 and the SE1/4SE1/4 of said Section 7;

Thence West 20 rods (330 feet) on the said subdivision line to the Place of Beginning.

Excepting therefrom that portion conveyed to the County of Flathead for roadway purposes by Quitclaim deed recorded May 24, 1960 in Book 434, Page 312.
CITY OF COLUMBIA FALLS, MONTANA
PETITION TO ANNEX

As the owner of the property(ies) listed below, being a portion of the property to be annexed, herein described, I hereby petition the City Council of the City of Columbia Falls to annex the property to the City of Columbia Falls.

Property owned by the Petitioner:

Assessor Number: 0303400 0420445

Legal Description: (attach legal description if metes and bounds)
Tract 8, Block 8G Lot Block Subdivision

Section-Township-Range 7-30X-20 W M M.

Proposed land use: Medical Clinics

Current zoning: CB2

Owner’s Legal Name as recorded on deed: Glacier Medical Associates

Mailing Address: 1111 Baker Ave, Whitefish, MT

Phone Number: 406-863-4116

Owner’s signature: [Signature] Date 11/27/2020

Owner’s signature: [Signature] Date

Owner’s signature: [Signature] Date

Attach:

1.) Deed
2.) Map
3.) Completed Waiver of Protest to Creation of Special Improvement District

0303 400 - 8.6 acres
0420 445 - 3.63
1/23
Filed for record at the request of
and after recording, return to:
Stewart Title Guaranty Company
1420 Fifth Avenue, Suite 440
Seattle, WA 98101
Attention: Andrew Phan
T2017-606
ATEC429159

GRANT DEED

WEYERHAEUSER NR COMPANY, a Washington corporation, successor by merger to
Plum Creek Northwest Lumber, Inc., with its principal place of business located at 220 Occidental
Avenue South, Seattle, Washington 98104, hereinafter called "Grantor," for and in consideration
of Ten and 00/100 Dollars ($10.00), and other good and valuable consideration, the receipt and
sufficiency of which are hereby acknowledged, does hereby grant, bargain, sell and convey unto
GLACIER MEDICAL ASSOCIATES, P.C., a Montana professional corporation, whose
address is 1111 Baker Avenue, Whitefish, Montana 59937, hereinafter called "Grantee," and unto
its successors and assigns forever, that certain real property situated in the County of Flathead,
State of Montana described on Exhibit "A" attached hereto and incorporated herein by this
reference (the "Property").

TOGETHER WITH, but without any warranty whatsoever, Grantor's right, title and
interest in and to mineral rights appurtenant to the Property and all rights to explore for and extract
such minerals not previously reserved or conveyed by Grantor's predecessors in title.

The Property is conveyed subject to an easement in the public for any public roads
heretofore laid out or established and now existing over, along or across any portion of the real
estate; and to all additional easements, reservations, restrictions, rights-of-way, encumbrances and
water rights, if any, apparent or of record; and further:

GRANTEE IS PURCHASING THE PROPERTY IN ITS "AS-IS", "WHERE-IS"
CONDITION AND ACKNOWLEDGES GRANTOR HAS MADE NO
REPRESENTATIONS WITH RESPECT TO THE CONDITION THEREOF, OR THE
SUITABILITY OF THE PROPERTY FOR ANY PURPOSE. GRANTEE OR ANYONE
CLAIMING BY, THROUGH OR UNDER GRANTEE, HEREBY FULLY AND
IRREVOCABLY RELEASES GRANTOR, GRANTOR'S PARENT COMPANY, AND
ANY OF THE PARENT COMPANY SUBSIDIARIES, INCLUDING THEIR AGENTS
AND REPRESENTATIVES (COLLECTIVELY THE "RELEASED PARTIES") FROM
ANY AND ALL CLAIMS THAT IT MAY NOW HAVE OR HEREAFTER ACQUIRE
AGAINST THE RELEASED PARTIES FOR ANY COST, LOSS, LIABILITY, DAMAGE,
EXPENSE, ACTION OR CAUSE OF ACTION, WHETHER FORESEEN OR
UNFORESEEN, ARISING FROM OR RELATED TO ANY DEFECTS, ERRORS OR
OMISSIONS ON OR IN THE PROPERTY, THE PRESENCE OF ENVIRONMENTALLY
HAZARDOUS, TOXIC OR DANGEROUS SUBSTANCES OR ANY OTHER CONDITIONS (WHETHER PATENT, LATENT OR OTHERWISE) AFFECTING THE PROPERTY.

THE ABOVE PROVISIONS ARE SPECIFICALLY BARGAINED FOR. GRANTEE HEREBY ACKNOWLEDGES THAT GRANTOR HAS RELIED UPON THESE PROVISIONS IN AGREEING TO MAKE THIS CONVEYANCE, AND ALSO ACKNOWLEDGES THAT THESE PROVISIONS REPRESENT A MATERIAL PART OF GRANTOR’S CONSIDERATION FOR THIS CONVEYANCE.

SUBJECT TO the following Exceptions:

1. All land use (including environmental and wetlands), building and zoning laws, regulations, codes and ordinances affecting the Property;

2. Any rights of the United States of America, the State in which the Property is located or others in the use and continuous flow of any brooks, streams or other natural water courses or water bodies within, crossing or abutting the Property, including, without limitation, riparian rights and navigational servitudes;

3. All existing public and private roads and streets and all railroad and utility lines, pipelines, service lines and facilities;

4. Any loss or claim due to lack of access to any portion of the Property;

5. Title to that portion of the Property, if any, lying below the mean high-water mark of abutting tidal waters, navigable rivers and/or great ponds;

6. All easements, rights-of-way, water rights, licenses and other such similar encumbrances apparent or of record;

7. All encroachments, overlaps, boundary line disputes, shortages in area, parties in possession, cemeteries and burial grounds and other matters not of record which would be disclosed by an accurate survey or inspection of the Property;

8. Prior reservations or conveyances of mineral rights or mineral leases of every kind and character;

9. Any loss or claim due to any indefiniteness or uncertainty in the legal description of the Property.

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

2. Any facts, rights, interests, or claims which are not shown by the public records, but which
could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.

3. Any facts, rights, interests, or claims which are not shown by the public records, but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.

4. Discrepancies, conflicts in boundary lines, shortages in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.

5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water;

6. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records;

7. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed in Schedule B. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed;

8. County road rights-of-way not shown by the Public Records, including, but not limited to any right of the Public and the County of Flathead to use and occupy those certain roads and trails as depicted on County Surveyor’s maps on file in the office of the County Surveyor of Flathead County;

9. Taxes, including any assessments collected therewith, for the year 2019 which are a lien not yet due and payable;

10. The provisions contained in Notice of Purchasers' Interest,
    Recorded: January 30, 1979,
    Instrument No.: 1451.
    Book: 661, Page: 817
    As follows: Reserving unto the grantors their heirs and assigns, all mineral and oil rights on the subject property.
    Affects: Parcels 1 and 2;

11. Easements, reservations, restrictions, notes and/or dedications as shown on Certificate of Survey No. 5034 recorded July 29, 1979 Instrument No. 11217;

12. Rights, interests, or claims which may exist or arise by reason of the following fact(s) shown on a survey plat entitled Certificate of Survey No. 5160.
    Prepared by: Doyle Enterprises
    Recorded: September 17, 1979
    Instrument No.: 14015
    Fact(s): Location of Truck Route; 60-foot and 40-foot private road and utility easements
Affects: Parcels 1 and 2;

13. Rights, interests, or claims which may exist or arise by reason of the following fact(s) shown on a survey plat entitled Corrected Certificate of Survey No. 5920.
Dated: November 7, 1980
Prepared by: Doyle Enterprises
Recorded: December 4, 1980
Instrument No.: 15973
Fact(s): 60-foot private road and utility easement
Affects: Parcels 1 and 2;

14. Easements, reservations, restrictions, notes and/or dedications as shown on Certificate of Survey No. 9577 Instrument No. 8921611590;

15. Terms, provisions, covenants, conditions, definitions, options, obligations and restrictions, contained in a document.
Purpose: Resolution No. 1424 of the City of Columbia Falls, Montana adopting a growth policy
Recorded: February 14, 2006
Instrument No.: 200604511300;

16. Easement for pole lines along the northerly and easterly boundaries as disclosed by an inspection of the land completed January 10, 2017; and

17. Easement for fiber optic cables. Location of fiber optic cables runs north/south on eastern edge of property parallel with 12th Ave West from junction box to Truck Route as depicted on Weyerhaeuser Plat as “data to/from mills”.

TO HAVE AND TO HOLD the same unto the said Grantee and unto its successors and assigns forever, with all appurtenances thereunto belonging.

Grantor covenants with Grantee that it will forever warrant and defend said title to said lands against all lawful claims and encumbrances done or suffered by it, but against none other.

[SIGNATURES ON FOLLOWING TWO PAGES]
IN WITNESS WHEREOF, said Grantor has caused this instrument to be executed by its proper officers this 12th day of November, 2019.

GRANTOR:

WEYERHAEUSER NR COMPANY
a Washington corporation

By: Kristy T. Harlan
Name: Kristy T. Harlan
Title: Senior Vice President

ACKNOWLEDGMENTS

STATE OF WASHINGTON )
COUNTY OF KING )ss

On this 12th day of November, 2019, I certify that I know or have satisfactory evidence that Kristy T. Harlan is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the Senior Vice President of Weyerhaeuser NR Company, a Washington corporation to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

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

Paul A. Hill II
Notary Public in and for the State of Washington
Residing in Seattle
My Commission Expires: 10/29/2022
Printed Name: Paul A. Hill II
IN WITNESS WHEREOF, said Grantee hereby acknowledges that Grantor has relied upon these provisions in agreeing to make this conveyance, and also acknowledges that these provisions represent a material part of Grantor’s consideration for this conveyance.

GRANTEE:

GLACIER MEDICAL ASSOCIATES, P.C.
a Montana professional corporation

By: 

Name: Jay S. Erickson

Title: President

STATE OF MONTANA
COUNTY OF FLATHEAD

On this 18th day of November, 2019, I certify that I know or have satisfactory evidence that Jay S. Erickson is the person who appeared before me, and said person acknowledged that he or she signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the President of Glacier Medical Associates, P.C., a Montana professional corporation, to be the free and voluntary act of such corporation for the uses and purposes mentioned in the instrument.

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

Notary Public in and for the
State of Montana
Residing in Whitefish, MT 59937
My Commission Expires: 10/01/2021
Printed Name:
EXHIBIT A
LEGAL DESCRIPTION

The land referred to in this Agreement is situated in the County of Flathead, State of Montana and described as follows:

Parcel 1:

Three tracts of land situated, lying and being in the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana, described as follows to wit:

Tract 3, Tract 4 and Tract 6 of Certificate of Survey No. 5160.

Parcel 2:

Two tracts of land situated, lying and being in the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana, described as follows to wit:

Tract 1 and Tract 2 of correction Certificate of Survey No. 5920.

Parcel 3:

A tract of land situated in the Northwest corner of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 7, Township 30 North, Range 20 West, P.M.M., more particularly described as follows to wit:

Beginning at the Northwest corner of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of said Section 7;

Thence running South on the subdivision line between the SE1/4SE1/4 and the SW1/4SE1/4 of said Section, 40 rods (660 feet);

Thence East 20 rods (330 feet);

Thence North 40 rods (660 feet) to the subdivision line running East and West between the NE1/4SE1/4 and the SE1/4SE1/4 of said Section 7;

Thence West 20 rods (330 feet) on the said subdivision line to the Place of Beginning.

Excepting therefrom that portion conveyed to the County of Flathead for roadway purposes by Quitclaim deed recorded May 24, 1960 in Book 434, Page 312.
WAIVER OF PROTEST TO CREATION OF SPECIAL IMPROVEMENT DISTRICTS
(Supplement to Petition for annexation)

We, the undersigned, John N. Kaelbleisch, MD,
For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do hereby supplement our Petition for annexation dated 1/31/2020
in connection with our property, owned by us and situated near Columbia Falls, Flathead County, Montana, and described to-wit:

LEGAL DESCRIPTION

Tract 8, 8B, 8F, 8G, 8H, 8A, 8H and 8F in
Section 7, Township 30 North Range 20 West
P.M.M.

in that in consideration for our being connected to the city water and/or sewer systems, we do also hereby waive any and all right we may have, by law or otherwise, including under the provisions of Title 7, Chapter 12, M.C.A., to protest, disapprove or object to the extent or creation of any special improvement district (SID) for sewerage or water system construction, reconstruction or improvements, or to any work proposed to be performed within any such SID.

We do further agree that this Waiver shall be a covenant to run with, to and be binding upon the title of the real property and shall be binding upon ourselves, our heirs, assigns, or successors in interest, and to any and all subsequent purchasers, holders or owners of the above described real property.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of
January.

[Signature]

Legal owner(s) of record

[Signature]

Legal owner(s) of record

STATE OF MONTANA

) ss

County of Flathead

On this 28th day of January, 2020,
before me, the undersigned, a Notary Public for the State of Montana, personally appeared
John N. Kaelbleisch
and
known to me to be the person(s) whose names are subscribed to the foregoing 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 in this certificate above written.

[Signature]

Notary Public for the State of MT
Residing at: Columbia Falls, MT
My Commission Expires May 13, 2020
ORDINANCE NO. 796

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING TITLE 17 OF THE COLUMBIA FALLS MUNICIPAL CODE.

WHEREAS, the City Council desires to amend and update municipal code in preparation of recodifying the City Municipal Code; and

WHEREAS, the last complete codification of the Columbia Falls Municipal Code was completed in 2008; and

WHEREAS, the City Council has adopted multiple Ordinances updating Title 17 since the 2008 codification and the Council now desires to complete a new codification of the Columbia Falls Municipal Code in the best interests of the City.

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

Section One. Title Amended: Title 17 Subdivision Regulations of the Columbia Falls Municipal Code is hereby amended as more particularly set forth on Exhibit “A” attached hereto.

Section Two. Remaining Provisions Intact: The remaining provisions of the Columbia Falls Municipal Code, not specifically amended hereby, are continued in full force and effect.

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

Section Four. 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 Five. 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 3rd DAY OF FEBRUARY, 2020, THE COUNCIL VOTING AS FOLLOWS:

AYES:

NOES:

ABSENT:

______________________________
City Clerk
Second and Final Reading


_________________________________
Mayor

ATTEST:

_________________________________
City Clerk
Second and Final Reading

EXHIBIT A
Title 17

SUBDIVISION REGULATIONS

To be presented Monday – amendments to existing text include all Ordinances adopted since 2008 codification and any typographical error corrections. No text amendments other than those that have already gone through the public hearing process with the Planning Board and City Council.
ORDINANCE NO. 797

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING TITLE 18 OF THE COLUMBIA FALLS MUNICIPAL CODE.

WHEREAS, the City Council desires to amend and update municipal code in preparation of recodifying the City Municipal Code; and

WHEREAS, the last complete codification of the Columbia Falls Municipal Code was completed in 2008; and

WHEREAS, the City Council has adopted multiple Ordinances updating Title 18 since the 2008 codification and the Council now desires to complete a new codification of the Columbia Falls Municipal Code in the best interests of the City.

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

Section One. Title Amended: Title 18 Zoning Regulations of the Columbia Falls Municipal Code is hereby amended as more particularly set forth on Exhibit “A” attached hereto.

Section Two. Remaining Provisions Intact: The remaining provisions of the Columbia Falls Municipal Code, not specifically amended hereby, are continued in full force and effect.

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

Section Four. 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 Five. 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 3rd DAY OF FEBRUARY, 2020, THE COUNCIL VOTING AS FOLLOWS:

AYES:

NOES:

ABSENT:

______________________________
City Clerk
Second and Final Reading


_________________________________
Mayor

ATTEST:

___________________________________
City Clerk
EXHIBIT A

Title 18

ZONING REGULATIONS

To be presented Monday – amendments to existing text include all Ordinances adopted since 2008 codification and any typographical error corrections. No text amendments other than those that have already gone through the public hearing process with the Planning Board and City Council.
ORDINANCE NO. 798

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING TITLE 9 OF THE COLUMBIA FALLS MUNICIPAL CODE.

WHEREAS, the City Council desires to amend and update municipal code pursuant to a thorough legal analysis and review of outdated text in preparation of recodifying the City Municipal Code; and

WHEREAS, hearings on said text amendments were held by the City Council of the City of Columbia Falls, Montana, at its regular meetings held between November 5, 2018 and July 1, 2019, after said hearings were advertised according to law; and at each hearing on said dates, the City Council considered any and all comments filed or voiced with respect to said changes; and

WHEREAS, the City Council has determined that said amendments to the Columbia Falls Municipal Code are in the best interests of the City.

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

Section One. Title Amended: Title 9 Public Peace, Morals and Welfare of the Columbia Falls Municipal Code is hereby amended as more particularly set forth on Exhibit “A” attached hereto.

Section Two. Remaining Provisions Intact: The remaining provisions of the Columbia Falls Municipal Code, not specifically amended hereby, are continued in full force and effect.

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

Section Four. 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 Five. 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 3rd DAY OF FEBRUARY, 2020, THE COUNCIL VOTING AS FOLLOWS:

AYES:

NOES:

ABSENT:
Second and Final Reading

_________________________________
City Clerk


_________________________________
Mayor

ATTEST:

_________________________________
City Clerk
9.16.010 Definitions.

As used in this chapter:

A. "Incite a riot" means, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written (1) advocacy of ideas or (2) expression of belief, not involving advocacy of any act or acts of violence or assertion of rightness of, or the right to commit any such act or acts.

B. "Public place" means any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern, or other place of business and also public grounds, areas, or parks.

C. "Riot" means a public disturbance involving an act or acts of violence by one or more persons part of an assemblage of three or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any other individual. (Ord. 337 § 1, 1977)
9.16.020 Disorderly conduct prohibited.

A person shall be guilty of disorderly conduct if, with the purpose of causing public danger, alarm, disorder, nuisance, or if his conduct is likely to cause public danger, alarm, disorder or nuisance, he willfully does any of the following acts in a public place:

A. Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of his life, limb or health;

B. Commits an act in a violent and tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;

C. Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health, or property of another;

D. Interferes with another's pursuit of a lawful occupation by acts of violence;

E. Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by the city police or other lawful authority known to such;

F. Resists or obstructs the performance of duties by city police or any other authorized officials of the city, when known to be such an official;

G. Incites, attempts to incite, or is involved in attempting to incite to riot;

H. Addresses abusive language or threats to any member of the city police department, any other authorized official of the city who is engaged in the lawful performance of his duties, or any other person when such words have a direct tendency to cause acts of violence. Words merely causing displeasure, annoyance or resentment are not prohibited;

I. Damages, befouls, or disturbs public property or the property of another so as to create a hazardous, unhealthy, or physically offensive condition;

J. Makes or causes to be made unreasonably loud uncustomary noise for
that place and time;

K. Fails to obey a lawful order to disperse by a police officer, when known to be such an official, where one or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is imminently threatened.

Chapter 9.20

OFFENSES AGAINST PUBLIC DECENCY

9.20.010 Consumption of alcoholic beverage in public.

No person shall use, drink, or consume beer, wine, or other intoxicating liquor while such person is on any public street, sidewalk, alley, or highway, or in any public place of the public area within the city, or in an automobile or other vehicle while the same is parked or operated on any public street, public alley, highway, or public place or area in the city; provided, however, that any beer, wine, or intoxicating liquor purchased in the city from a person selling the same lawfully at such place, in accord with a license therefor, may be consumed at such place.

9.20.020 Possession of alcoholic beverage in open container.

Possession of beer, wine, or other intoxicating liquor in an open container in such prohibited places or areas shall give rise to the presumption that such beverage is being used or consumed by such person.

Chapter 9.26

CURFEW


Purpose. This minor curfew ordinance codified in this chapter has as its purpose the regulation and prohibition of minors remaining in public places, as defined herein, during certain hours of the night for the good of minors in order to protect youth, to reduce nocturnal juvenile crime and juvenile delinquency, and for the furtherance of family responsibility by promoting parental control over their children all in the interests of the public preservation of the peace, health, safety and welfare of the community.
Second and Final Reading

Generally. No minor as specified in section 9.26.020 shall be upon any public streets, highways, alleys, parks or other public places of the city during the hours provided in section 9.26.010 unless such child is:

1. accompanied by his or her guardian or other person having the legal care and custody of such minor;

2. accompanied by an adult acting with or by the express authority of the parent or legal guardian;

3. in the performance of an errand or duty directed by his or her parent, guardian or legal custodian;

4. in or upon such public streets, highways, alleys, parks or other public places, at such times provided in section 9.26.020 due to their legally recognized employment;

5. attending religious or school activities, meetings or events;

**9.26.020 Minors under eighteen years of age.** Minors who have not reached their eighteenth birthday shall not be in public places between the hours of 11:00 p.m. and 6:00 a.m.

**9.26.030 Definition.** For purposes of this Ordinance, "public place" is intended to mean publicly owned or controlled properties, including buildings, streets, alleys, sidewalks, boulevards, parks, parking lots and private property generally open to the general public, including buildings abutting lands and parking lots as well as vacant lots and other unsupervised areas within the city limits. Sidewalks and boulevards immediately abutting a person's residence or place of rest and repose for the evening are excluded from this definition.

**9.26.040 Duty of parent or guardian.** No parent, guardian or other person having the legal care and custody of any minor under the age of eighteen (18) shall allow or permit any such minor to go or be in or upon any of the public streets, highways, alleys, parks or other public places in the city after the hours prescribed in section 9.26.020 unless reasonable necessity can be shown therefore or unless one of the exceptions specified in section 9.26.010 is met.
Chapter 9.28

WEAPONS

9.28.010 Definition.

As used in this chapter, the term "weapon" includes any pistol, rifle, or shotgun of any sort which shall operate by the propulsion of one or more bullets, shot, pellets, BB's or other metal objects, whether by burning powder, compressed air, or metal spring.

9.28.020 Unlawful to discharge within city limits.

It is declared unlawful for any person willfully to fire, discharge, or shoot within the city limits of the city any weapon, except in the necessary defense of person or property.

9.28.030 Unlawful to permit use by minor.

It is declared unlawful for any parent, guardian, or other person having the charge or custody of any minor child under the age of fourteen years to permit such minor child to use any weapon within the city limits of the city. Use by any minor child of a weapon within the city shall be presumed to be with the permission and consent of such parent, guardian, or other person having the charge or custody of such minor child.

Chapter 9.36

MISCELLANEOUS OFFENSES

9.36.010 Neglect of subterraneous opening.

No person shall leave or keep open any cellar door, pit or vault, private drain, pool, privy, sewer or any other subterraneous opening upon any premises belonging to or occupied by him or her to become foul, offensive or injurious to public health or offensive or injurious to any person.

9.36.020 Penalty for false alarm fire or police call.

An occupant of a building or other site where more than two false alarms are generated in any ninety-day period shall be guilty of a misdemeanor, and shall pay to the city the amount of two hundred fifty dollars for each false alarm to which
Second and Final Reading

the city's fire or police department respond or substantially prepare to respond.

It is required that a business or individual wishing to install alarm equipment must first obtain the approval from the respective fire department or police department in order to set forth the terms, conditions and operation of the alarm equipment and its installation and communication with dispatch.
Second and Final Reading

ORDINANCE NO. 799

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING TITLE 10 OF THE COLUMBIA FALLS MUNICIPAL CODE.

WHEREAS, the City Council desires to amend and update municipal code pursuant to a thorough legal analysis and review of outdated text in preparation of recodifying the City Municipal Code; and

WHEREAS, hearings on said text amendments were held by the City Council of the City of Columbia Falls, Montana, at its regular meetings held between November 5, 2018 and July 1, 2019, after said hearings were advertised according to law; and at each hearing on said dates, the City Council considered any and all comments filed or voiced with respect to said changes; and

WHEREAS, the City Council has determined that said amendments to the Columbia Falls Municipal Code are in the best interests of the City.

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

Section One. Title Amended: Title 10 Vehicles and Traffic of the Columbia Falls Municipal Code is hereby amended as more particularly set forth on Exhibit “A” attached hereto.

Section Two. Remaining Provisions Intact: The remaining provisions of the Columbia Falls Municipal Code, not specifically amended hereby, are continued in full force and effect.

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

Section Four. 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 Five. 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 3rd DAY OF FEBRUARY, 2020, THE COUNCIL VOTING AS FOLLOWS:

AYES:

NOES:

ABSENT:
Second and Final Reading

__________________________________________
City Clerk


__________________________________________
Mayor

ATTEST:

__________________________________________
City Clerk
Second and Final Reading

EXHIBIT A

Title 10

VEHICLES AND TRAFFIC

To be presented Monday – amendments to text include all Ordinances adopted since 2008 codification, any typographical error corrections and amendments made during the hearing process.
ORDINANCE NO. 800

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING TITLE 12 OF THE COLUMBIA FALLS MUNICIPAL CODE.

WHEREAS, the City Council desires to amend and update municipal code pursuant to a thorough legal analysis and review of outdated text in preparation of recodifying the City Municipal Code; and

WHEREAS, hearings on said text amendments were held by the City Council of the City of Columbia Falls, Montana, at its regular meetings held between November 5, 2018 and July 1, 2019, after said hearings were advertised according to law; and at each hearing on said dates, the City Council considered any and all comments filed or voiced with respect to said changes; and

WHEREAS, the City Council has determined that said amendments to the Columbia Falls Municipal Code are in the best interests of the City.

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

Section One. Title Amended: Title 12 Streets, Sidewalks and Public Places of the Columbia Falls Municipal Code is hereby amended as more particularly set forth on Exhibit “A” attached hereto.

Section Two. Remaining Provisions Intact: The remaining provisions of the Columbia Falls Municipal Code, not specifically amended hereby, are continued in full force and effect.

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

Section Four. 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 Five. 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 3rd DAY OF FEBRUARY, 2020, THE COUNCIL VOTING AS Follows:

AYES:

NOES:

ABSENT:
Second and Final Reading

______________________________
City Clerk


___________________________________
Mayor

ATTEST:

______________________________
City Clerk
Second and Final Reading

EXHIBIT A
Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

To be presented Monday – amendments to text include all Ordinances adopted since 2008 codification, any typographical error corrections and amendments made during the hearing process.
February 3, 2020

To: Mayor and Council

From: City Manager Nicosia

Re: Formal Consideration of Resort Tax

As noted in the minutes, there was a healthy Q & A session prior to opening the public comment portion of the meeting on January 21st. 13 people commented during public comment with 7 supporting the tax and 6 against the tax and one written comment supporting the tax.

I have confirmed with the Flathead County Election Department that state law will require the City Council to hold this election with the June 2nd primary. No later than March 9th, the Council must adopt a resolution calling for the election. Council can easily meet this deadline at the regular February 18th or March 2nd Council meetings.

I recommend that Council fine-tune the attached proposed language, addressing questions/comments that arose during the public hearing before calling for the election.
PROPOSED ORDINANCE LANGUAGE

CHAPTER 3.20

RESORT TAX

3.20.110: DEFINITIONS:

LUXURIES, MEDICAL SUPPLIES AND MEDICINE: Defined as set forth in Montana code 7-6-1501, and further in section 3.20.310 of this chapter.

RESORT TAX AND TAX: The resort tax passed by the electorate of the city and as enacted by this chapter.

3.20.210: RESORT TAX IMPOSED:

A. Tax Imposed: Pursuant to the election held on ____________ 2020, there is imposed a resort tax on the retail value of all goods and services sold, except for goods and services sold for resale, within the city by the following establishments:

1. Hotels, motels and other lodging or camping facilities;

2. Restaurants, fast food stores and other food service establishments;

3. Taverns, bars, nightclubs, lounges and other public establishments that serve beer, wine, liquor or other alcoholic beverages by the drink;

4. Destination ski resorts and other destination recreational facilities;

5. Establishments that sell luxuries shall collect a tax on such luxuries.

B. Rate Of Tax:

1. The exact rate of the resort tax is three percent (3%).

2. The duration of the resort tax is twenty (20) years from its effective date, said effective date being _________________, and will expire _________________.

(NOTE: Effective date cannot be earlier than 35 days after the election – July 7th with June 2 Primary)

C. Duty To Collect: It is the duty of each operator of any of the establishments mentioned in this chapter to collect, upon sale, the tax herein imposed.

3.20.310: LUXURIES TAX:

Each business subject to the tax shall collect the same on the retail value of all goods and services sold, except goods and services sold for resale, within the city by the establishments set forth in
subsection 3.20.210 A of this chapter. All luxuries shall be taxed, and "luxuries" shall mean any gift item, luxury item or other item normally sold to the public or to transient visitors or tourists, but the term does not include food purchased unprepared or unserved, medicine, medical supplies and services, appliances, hardware supplies and tools or any necessities of life. The term luxuries shall be defined to include, but shall not be limited to:

Hotels, Motels and Other Lodging or Camping Facilities:

- All goods and services sold
- Conference, convention or event room or space rentals
- Lodging based on rental periods of less than thirty (30) days
- Lodging for which the state bed tax is payable:
  - Bed and breakfasts
  - Campgrounds and RV parks
  - Condominium rentals
  - Hotels and motels

Luxuries:

Attractions:

- Bowling alleys – limited to liquor/food
- Concerts
- Golf courses:
  - Cart rentals
  - Green fees
  - Memberships
  - Merchandise sales
- Movie and live theaters
- Rodeos

Rentals:

- Automobiles, trucks, trailers, RVs, jeeps, etc.
- Conference, convention or event room or space rentals
- Golf, ski and sports equipment
- Motorcycles, bicycles, ATVs, etc.
- Snowmobiles, boats, jet skis, etc.

Retail sales of goods (excluding sales for resale) of:

- New and Used Books of local interest
- Cameras and supplies
- Candles
- Clothing limited to logo wear, recreational clothing, gear and accessories that have been screen printed, embroidered, or otherwise imprinted with designs depicting or containing words such as Montana, Columbia Falls, Flathead County/Valley, Glacier Park or any combination thereof
- Finished craft items, including those sold at arts and crafts fairs, other than those that are household furnishings
Jewelry and art including decorative dishes and dishwears not used for meals
Mail order and catalog sales of retail goods originating in Columbia Falls
Motorcycles, snowmobiles, jet skis, etc.
Pictures and picture frames, posters, prints, handcrafted cards
Secondhand stores and antiques
Souvenir, imprinted and gift items with logos

Sporting goods including sold as used or on consignment, except when sold at a garage sale:

Bicycles except stationary fitness or exercise bicycles

Supermarket nonfood items:

Tobacco and tobacco products and nicotine delivery systems (aka vaping)

Services:

Guides and outfitters:
Hunting, fishing, rafting, horseback rides, etc.
Recreational services and labor

Restaurants, Fast Food And Other Food Service Establishments:

All goods and services sold, including delivery charges, but not tips
Foodstuffs intended for immediate human consumption
Fraternal organizations which provide food and beverages or rent their facilities to the public
and nonmembers
Soda pop, gum and candy, including individual, bulk, and packaged candy quantities
Vending machines

Taverns, Bars, Nightclubs, Lounges And Other Public Establishments Serving Beer, Wine, Liquor Or
Other Alcoholic Beverages By The Drink:

All alcoholic beverages, including beer and wine, sold by the drink or at retail
All goods and services sold
Private liquor stores

3.20.410: EXEMPTIONS TO TAX:

Notwithstanding section 3.20.310 of this chapter, sale or rental of the following goods and services
shall be exempt from the tax:

Appliances:

Computers and computer supplies including webcams
Electronic communication and entertainment devices
Kitchen counter devices (mixers, toasters, etc.)
Stoves, refrigerators, freezers, washers, dryers, dishwashers, trash compactors
Telephone equipment
Vacuum cleaners
Food Purchased Unprepared Or Unserved:

Food items eligible for purchase with food stamps (except soda pop or candy)
Food items not purchased for immediate consumption; including a loaf of bread, noncarbonated drinks, fitness drinks for later consumption

Hardware Supplies And Tools:

Implements and supplies used in the construction, improvement, maintenance or repair of buildings and their furnishings
Lawn and garden equipment and supplies

Medicine, Medical Supplies And Services:

Doctors, dentists, chiropractors, opticians
Medical supplies, items sold to be used for curative, prosthetic or medical maintenance purposes including exercise or fitness bicycles, fitness balls
Medicine, substances sold for curative or remedial properties, including nonprescription drugs
Psychologists, counselors, social workers
Therapeutic massage

Necessities Of Life:

Funeral directors
Supermarket nonfood items:
  Baby and child care products:
  Disposable diapers, powder, lotion, etc.
  Cleaning supplies
  Deodorant
  Laundry detergent and bleach
  Paper products
  Personal hygiene:
    Combs, brushes, sunblock, lip balm
    Dietary supplements
    Feminine hygiene: Kotex, tampax, douche
    Soap and shampoo, lotions
    Toilet paper
    Toothpaste and mouthwash
    Vitamins

Utilities:
  Public and private including propane, heating oil, garbage, power, telephone, internet and cell phones

Other Items And Services:
  Auto mechanical parts
  Automotive accessories
  Building contractors and tradesmen:
  Plumbers, electricians, carpenters, roofers, drywallers, painters, masons, pest control, paving, excavating, HVAC, well drillers
  Charcoal
  Computer services
  Contractor and homeowner equipment including vacuums and floor cleaners
  Craft items and supplies including posterboard
Dishes and dishwares used for meals or cooking
Furniture and home furnishings including lawn and patio furniture and used furniture
Gambling revenues
Gasoline
Housewares and sundries
Lawn, garden, landscaping supplies and compost
Light bulbs
Motor oil
New and used car and truck sales
Newspapers

Nonprofit and charitable events:
Fraternal organizations which provide food and services only to members
Nonprofit fundraisers
School sports events

Other business and professional services:
Appliance repair
Auto repair and related services
Bank charges and interest
Car wash, towing
Hair salons and barbers
Health clubs
House cleaning and janitorial services
Insurance agents:
  Health, life, auto, bonds
Interior decorators
Landscaping, snow removal and lawn care
Laundry, drycleaning and laundromats
Movers and ministorage units
Photo developing
Preschools and childcare
Printers and publishers
Professional services:
  Lawyers, architects, accountants, appraisers, engineers, tax services, surveyors
  Real estate commissions
School bus services
Security brokers and financial managers
Shipping agents (UPS)
Taxidermist
Taxis & Ride Sharing Services
Travel agent fees
Upholstery shops
Veterinarians
Safe deposit boxes
School supplies
Stationery and office supplies
Street legal motorcycles
Tires
Wholesale merchandise purchased for resale at retail
3.20.510: PAYMENT OF TAX:

A. Remittance:

1. The taxes collected by businesses in any month are to be remitted to the city on or before the twentieth day of the following month, or if such day falls on a Saturday, Sunday or holiday, then on the next business day.

2. For good cause shown in a written request of a taxpayer who would pay less than five dollars ($5.00) a month, the city manager may extend the time for making returns and paying tax due.

B. Collection Duties And Responsibilities:

1. The officers responsible for receiving and accounting for the resort tax receipts are the city clerk and finance director.

2. The city manager and his agents shall be responsible for enforcing the collection of the resort tax and shall be responsible for overseeing the methods and procedures to be used in enforcing the collection of the resort tax. The city manager shall be entitled to use all lawful methods and procedures in enforcing the collection of resort taxes, including, but not limited to, random audits, correspondence demanding prompt payment, civil suits, initiating criminal prosecution and revocation of city business licenses.

C. Administrative Fee: Each collecting merchant shall be entitled to withhold five percent (5%) of the resort tax collected to defray its cost for the administration of the tax collection. The administration fee may be withheld by the business at the time of remitting the tax to the city. Failure to withhold the fee shall constitute the waiver and forfeiture of the same.

3.20.610: RECORDS AND TAX FORMS:

A. Forms; Confidentiality: The city shall provide each business in the city responsible for tax collection with the proper forms for reporting and remittance to the city. Remittance to the city of the resort tax shall be tabulated and accounted for on forms prescribed and furnished to the business by the city. The records and forms held by the city shall be confidential, and shall not be open to inspection by the public unless so ordered by the city council or a court of competent jurisdiction.

B. Preservation Of Records: Every business required to collect and remit the resort tax shall keep and preserve for a period of not less than three (3) years all records necessary to determine the verity of the taxes remitted and shall make the same available for audit or inspection at all reasonable times.

3.20.710: AUDITS:

Periodic random audits shall be conducted under the direction of the city manager or his designated representative and all business operators shall cooperate in all respects in the conduct of the audits. Failure to cooperate shall constitute a violation of the provisions of this chapter. There is nothing in this chapter that prevents routine analysis of the reported information to be verified by the Finance Director or City Clerk.
3.20.810: USE OF TAX MONIES:

The tax monies derived from the resort tax may be appropriated by the city council only for those activities, in those proportions, set forth below:

A. Property tax reduction for taxpayers residing in the city in an amount equal to twenty five percent (25%) of the three percent (3%) resort tax revenues derived during the preceding fiscal year;

B. Provision for the operational and capital funding of the City’s Public Safety programs, in an amount equal to fifty five percent (55%) of the resort tax revenues derived during the preceding fiscal year;

C. Infrastructure capital improvements, such as parks, streets, water and sewer, in an amount equal to fourteen percent (14%) of the resort tax revenues derived during the preceding fiscal year;

D. Provision for an amount equal to one percent (1%) of the resort tax revenues derived during the preceding fiscal year to be used for direct city administrative costs such as software and audit.

E. Cost of administering the resort tax in an amount equal to five percent (5%) of the three percent (3%) resort tax per year (as provided in subsection 3.210.510 C of this chapter).

3.20.910: PROPERTY TAX RELIEF FUND:

In the event the city receives more resort tax revenues than had been included in the annual municipal budget, it shall establish a municipal property tax relief fund, and all resort tax revenues received in excess of the budget amount must be placed in the fund. The entire fund must be used to replace municipal property taxes in the ensuing fiscal year.

3.20.1010: QUESTIONS AND INTERPRETATION:

The city manager and his agents shall be responsible for answering questions regarding those goods and services that are subject to the resort tax, and for interpreting the terms of this chapter. In order to provide consistency, the city manager and his agents shall maintain a written file of all answers provided and interpretations rendered. The city manager, in his discretion, may seek advice and/or guidance from the city attorney or the city council.

3.20.1110: APPEALS:

Any business may appeal to the city council any assessment of penalty or interest; provided that notice of appeal in writing is filed with the city clerk within thirty (30) days of the serving or mailing of the determination of the amount of penalty and interest due. The city council shall, at the next regular city council meeting, fix the time and place for hearing the appeal and the city clerk shall cause notice in writing to be personally served by a peace officer upon the operator. The findings and decision of the city council shall be final and conclusive and shall be served upon the appellant in the manner prescribed for service of notice of hearing or by certified mail directed to the business operator’s last known address. Any amount found to be due shall be immediately payable upon service of the findings and decision.
7-5-132. Procedure for initiative or referendum election. (1) The electors of a local government may, by petition, request an election on whether to enact, repeal, or amend an ordinance. The form of the petition must be approved by the county election administrator. A petition signed by at least 15% of the local government's qualified electors is sufficient to require an election.

(2) (a) If an approved petition containing sufficient signatures is filed prior to the ordinance's effective date or within 60 days after the passage of the ordinance, whichever is later, a petition requesting an election on whether to amend or repeal the ordinance delays the ordinance's effective date until the ordinance is ratified by the electors.

(b) If an approved petition containing sufficient signatures is filed within 60 days after the effective date of an emergency ordinance, the emergency ordinance is suspended until it is ratified by the electors.

(3) The governing body may refer an existing or proposed ordinance to a vote of the people by resolution.

(4) A petition or resolution for an election must:

(a) embrace only a single comprehensive subject;

(b) set out fully the ordinance sought, the ordinance to be amended and the proposed amendment, or the ordinance to be repealed;

(c) be in the form prescribed in Title 13, chapter 27, except as specifically provided in this part; and

(d) contain transition provisions if the measure changes terms of office or forms of government.

(5) An election held pursuant to this section must be conducted in conjunction with the next local government election held in accordance with Title 13, chapter 1, part 4, except that if the petition asks for a special election, specifies an election date that complies with 13-1-405, and is signed by at least 25% of the qualified electors, a special election must be held on the date specified in the petition.

(6) If a majority of those voting on the question approve the proposal, it becomes effective when the election results are officially declared, unless otherwise stated in the proposal.
January 31, 2020

To: Mayor & Council

From: City Manager Susan Nicosia

RE: Park Use – Change in Hours of Use – 11 pm/cleanup

Mayor and Council:

The Wildcat Athletic Endowment Association (WAEA) has submitted a special use permit for their annual Auction and BBQ event at Marantette Park on Friday of Heritage Days, July 24, 2020. The event will be held from 5 pm – 11pm, plus set up and cleanup. WAEA is completing all of the necessary park use forms and the City is completing the formal review for compliance and safety. The volunteers of the WAEA have been successfully holding this event for many years. The Marantette Park band shell area will provide a venue space large enough to accommodate this well attended community event.

City code, 12.40.030 states that the city council may grant permits for use to responsible applicants during hours otherwise closed.

Council Action: Approve WAEA Marantette Park use past 10 pm close time, with planned event ending at 11 pm