

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD NOVEMBER 4, 2019**

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, and Sergeant Murphy.

Pledge of Allegiance

PLEDGE

APPROVAL OF AGENDA:

Mayor Barnhart requested a motion to approve the agenda. Councilor Lovering moved to approve the agenda, second by Councilor Karper, and the motion carried unanimously.

**AGENDA
APPROVAL**

CONSENT AGENDA:

Councilor Robinson moved to approve the consent agenda noting that all claims appeared to be in order, second by Councilor 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 - \$ 25,590.39 - November 4, 2019
- B. Approval of Payroll Claims - \$ 113,213.61 - November 1, 2019
- C. Approval of Regular Meeting Minutes - October 21, 2019
- D. Approval of Utility Services Contract NLC Warranty program

VISITOR/PUBLIC COMMENT: (Items not on agenda)

Dave Petersen resides at 201 4th Ave E. said the garbage can in front of the Gunsight Saloon is often full.

**VISITOR/PUBLIC
COMMENT**

Mr. Petersen said since the new monuments were placed at Nucleus Ave. and 9th Street, businesses have expressed that they've had an increase in business. Petersen said that the Community Foundation Board is in charge of the monument project. Petersen said he was not a Board member but he participated on this project with the Board; he obtained contactors to work on the project; he was able to get Glacier Precast for the concrete work and Countryside Welding for the iron lettering. Petersen reported when the sun is out there is a terrible shadow and the lettering appears to be somewhat fuzzy. The welder didn't know how far to put the letters away from the concrete, but the solution is to move the letters closer to the face of the concrete which will cost an additional \$3,000. Petersen said the funding for the overall project was

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over budget and the Foundation Board is looking at an additional \$13,000 to have the project completely paid for. Mr. Petersen said he would like to see if the project qualifies for Tax Increment Financing, or TIF, as this project does enhance/beautify the community.

Boone Shanks resides at 129 2nd Ave E. said he is with the Boy Scouts and is here to take notes and listen to the council meeting.

ORDINANCES/RESOLUTIONS:

A. SECOND AND FINAL READING - Ordinance # 786 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending the Planned Unit Development (PUD) Overlay at 405 Bills Lane Further Described as Lots 3 and 4 of Williams Estates In Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

**ORDINANCES/
RESOLUTIONS
Ordinance #786
PUD 405 Bills Lane**

Councilor Fisher motioned to approve the Final Reading of Ordinance #786, second by Councilor Lovering with council voting as follows. AYES: Lovering, Piper, Robinson, Shepard, Fisher, Karper and Barnhart. NOES: None. ABSENT: None.

B. SECOND AND FINAL READING - Ordinance # 787 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Changing the Zoning Classification From CI-1 Light Industrial to CB-2 General Business on Property Located at 500 12th Avenue West and Further Described as Assessor's Tract 8, 8B, 8F, 8G, 8HA, 8H and 8E in Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

**Ordinance #787
Zone Change CI-1
to CB-2**

Councilor Robinson motioned to approve the final reading of Ordinance #787, second by Councilor Shepard with council voting as follows. AYES: Piper, Robinson, Shepard, Fisher, Karper, Lovering and Barnhart. NOES: None. ABSENT: None.

C. SECOND AND FINAL READING - Ordinance # 788 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 1 of the Columbia Falls Municipal Code.

**Ordinance #788
Amending Title 1**

City Manager Nicosia said there have been minor changes that didn't get into the first reading draft. On page 2 in the first paragraph we added the last sentence; "Additionally, the City Clerk will update the Code upon amendment or revision by ordinance." City staff also removed the imprisonment verbiage as previously discussed with Council in February.

Councilor Piper made motion to approve Ordinance #788, second by

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Councilor Robinson with council voting as follows. AYES: Robinson, Shepard, Fisher, Karper, Lovering, Piper and Barnhart. NOES: None. ABSENT: None.

D. SECOND AND FINAL READING - Ordinance # 789 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 2 of the Columbia Falls Municipal Code.

**Ordinance #789
Amending Title 2**

City Manager Nicosia said there was a modification from the first reading on chapter 2.24; City staff had moved the police jurisdiction that was previously in Title 1 to Title 2. City staff also added 2.24.030 sale or disposal of unclaimed property that tied into the legislative change. Nicosia noted that these changes were presented to Council last February.

Councilor Karper motioned to approve Ordinance # 789, second by Councilor Piper with council voting as follows. AYES: Robinson, Shepard, Fisher, Karper, Lovering, Piper and Barnhart. NOES: None. ABSENT: None.

E. SECOND AND FINAL READING - Ordinance # 790 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 5 of the Columbia Falls Municipal Code.

**Ordinance #790
Amending Title 5**

Councilor Lovering motioned to approve Ordinance # 790, second by Councilor Robinson with council voting as follows. AYES: Fisher, Karper, Lovering, Piper, Robinson, Shepard and Barnhart. NOES: None. ABSENT: None.

F. FIRST READING - Ordinance # 791 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 3 of the Columbia Falls Municipal Code.

**Ordinance #791
Amending Title 3**

City Manager Nicosia said City staff eliminated most of Title 3 in the update review as it was outdated and no longer necessary; this is the simplified version of revenue and finance.

Councilman Shepard motioned to approve the first reading of ordinance #791, second by Councilman Karper and the motion carried.

G. FIRST READING - Ordinance # 792 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 6 of the Columbia Falls Municipal Code.

**Ordinance #792
Amending Title 6**

Nicosia said Council had previously updated portions of Chapter 6. There was an old section eliminated on housing dogs as it is not the City that houses

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the animals, that function is performed by Flathead County Animal Control. There was also a section on livestock that was removed. Councilman Piper motioned to approve the first reading of ordinance #792, second by Councilor Lovering and the motion carried.

H. FIRST READING - Ordinance # 793 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 8 of the Columbia Falls Municipal Code.

**Ordinance #793
Amending Title 8**

Nicosia said this title has also been updated to comply with state statues and the City's updated Decay provisions. The Council had previously updated Chapter 8.28 Fires and Inflammables.

Councilman Fisher motioned to approve the first reading of ordinance #793, second by Councilman Piper and the motion carried.

I. FIRST READING - Ordinance # 794 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 13 of the Columbia Falls Municipal Code.

**Ordinance #794
Amending Title 13**

Nicosia said Title 13, Public Services, is one of the City's lengthiest codes and encompasses Water and Sewer regulations. The City has made multiple changes since the last codification in 2008 to this Title. Nicosia noted that Chapter 13.24 Cross-Connection Control Plan had been completely rewritten in 2012.

Councilman Shepard motioned to approve the first reading of ordinance #794, second by Councilor Robinson and the motion carried.

MAYOR AND COUNCIL COMMENTS:

Councilman Piper asked if the Resort Tax Committee came up with a new name for the resort tax yet.

Mayor Barnhart said at the last council meeting we mentioned the lights on Nucleus Avenue not working, they are now fixed.

**MAYOR AND
COUNCIL
REPORTS**

CITY MANAGER REPORT:

Nicosia said at the November 18th Council meeting the Titles 9, 10, 12 &15 will be coming forward. Title 17 & 18 will also be coming at a later meeting.

Nicosia said she is continuing working with the League of Cities and Towns and Local Government Interim Committee on local government finance.

This Thursday there is a meeting with Dave Fern and the other Managers to discuss state entitlement.

Nicosia reported that she received a revised FECC Interlocal Agreement via email on Friday afternoon. The proposed FECC Interlocal Agreement will be discussed at the November 14th City Manager's meeting. The County is

**CITY MANAGER
REPORT**

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proposing giving authority to them to manage the department until 6/30/2023 and if a new funding source is not in place, it would revert back to the present agreement. Shepard said he wonders why all the sudden they want to go back when this is what we wanted them to do in the first place. Nicosia said she can ask at the upcoming managers meeting. Mayor Barnhart said we have wanted them to take this over; we can't seem to come up with a plan to raise the money for the center. Nicosia said presently the cities subsidize the rural area, and the cities have asked for a fair and equitable funding method.

Nicosia reported that the FOP negotiations are still continuing; we have meetings scheduled for Nov. 19th and Dec. 3rd.

Nicosia reminded Council that the Tax Resort Advisory Committee will meet on Nov. 13th.

Nicosia said we mentioned having a workshop to discuss extra territorial jurisdiction, and asked if Monday, Dec. 9th would work for council. Council agreed to meet on the suggested date at 6:30 p.m.

Nicosia reported that Police Chief Peters agreed to be the City representative on the Chamber Board. Nicosia has served on the Board for the last 9 years.

Nicosia reported that the 2019 property tax statements were in the mail. With the final tax levies, the amount of funding expected to be received for the Tax Increment Financing District and Targeted Economic Development Districts will be known. Nicosia said the Council will have to schedule hearings to allocate and appropriate funds. Mayor Barnhart suggested holding those hearings in January.

Mayor inquired about the new city website. Nicosia said it will be approximately a 3 month process, and City staff is currently working on it.

Mayor asked about the Fire Chief position. Nicosia said we are receiving applications but not many completed application packets to date. The deadline is November 20th.

Mayor Barnhart asked if the letters have been sent out for the lights on 3rd Ave. E. Nicosia updated Council on the street lights noting that City staff had reached out to Justin Julefs from MDOT on the highway street lights, noting that there are other lights that should be installed and not just the light at 3rd Ave East. The lights have to meet MDOT standards; we would have to pay to run the electrical wiring from the nearest pole. MDOT said they didn't have money for additional street lights and the city would be responsible for putting in the proposed three lights. Nicosia said City staff will continue working on the lights.

Councilman Shepard inquired on the Nucleus monuments, Shepard said he agrees with Petersen, you cannot read it when the sun hits it. Mayor Barnhart said this project was presented to the City as a self-funded project and the City wouldn't pay a dime. Councilman Karper said with any project things can

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happen. Karper said it is a nice upgrade to the city. Councilor Lovering said she supports the project but is not sure about being on the line for a shortage of funds. Nicosia said the Columbia Falls Community Foundation is seeking donations to cover the short fall. Karper inquired on the TIF funds and if they do qualify. Nicosia said it would be up to council but we have also discussed the 2nd phase of the project to include pedestrian lighting. TIF funding could be used to help pay for the street lighting on Hwy. 2 and 3rd Ave E. and the rebuild of 12th Avenue W. Shepard would like to have more information on the monuments, and Robinson would like to know where the monies were spent for a better understanding of the short fall of finances.

ADJOURN: Upon motion duly made by Councilor Lovering and seconded by Councilor Karper and the meeting adjourned at 8:10 p.m.

ADJOURN

Mayor

ATTEST:

City Clerk

APPROVED BY COUNCIL ACTION: November 18, 2019