

HEARD AROUND TOWN?

Keeping an open and honest dialogue between our city and the community is very important to us and a necessity to ensure the continued success of the city. The goal of this page is to respond to misconceptions in the community about our city business. If you have heard something about city business that you would like to clarify or need more information about, email tfallsmayor@blackfoot.net or tfl3557@blackfoot.net to submit and an answer will be provided as soon as possible.

1. The Zoning Ordinance was snuck in, and the public was not notified of the proposed Ordinance.
Answer: The Zoning Ordinance process started June 2020 when a group of people came before the city council with a petition dated August 2020 asking for the city to create Zoning. A committee was formed June 10, 2019, to start the Subdivision Ordinance because the Council was told the city needed to pass that first then they can work on the Zoning Ordinance. The Planning Committee was created August 12, 2019, then met many times such as January 20, 2022, February 3, 2022, February 17, 2022, March 14, 2022, April 26, 2022. The Resolution of Intent was passed June 13, 2022, a public hearing was on July 11, 2022 (Published in the Sanders County Ledger June 23, 2022 & June 30, 2022), then the 1st reading of the Zoning Ordinance was on July 11, 2022 and the second reading was August 8, 2022 and then it went into effect 30 days after it was approved by the Council on August 8, 2022. The committee met again on August 10, 2023 to review the ordinance and talk about adding and fixing a few things within the Ordinance. They meet again October 16, 2023.

There was a rumor put on Facebook that Kaniksu Land Trust helped an organization in California with an immigrant housing project and this is what the Forest Service was going to do on their property. There were also rumors that the city was going to purchase it and there were going to be high rises and apartments put on this property. The city has NEVER had a conversation about building or purchasing Forest Service property! The conversations with the Forest Service now have been how to deal with these rumors.

2. The City is moving their City Council meetings to the Rex Theater.
Answer: The offer of using the REX is a hugely generous offer and we appreciate that so much. We have moved the venue three different places from City Hall and each one had flaws, required setup and take down to have the meeting. Imagine moving your office every month for just a regular meeting and then when special meetings are needed...which seems to be not the odd event, moving again. Right now, it may be somewhat inconvenient, but staying here we are always in the same place and that consistency should be appreciated. Our attendance has gradually reduced by attrition. There are no perfect answers to satisfy everyone. We are making every effort to provide transparency and accessibility. Our doors are open Monday-Thursday 9 to 5, Friday until noon and will meet with anyone that wants to have questions answered. Our contact information is on the website www.cityofthompsonfalls.com
3. The City forced an annexation on the forest service property.
Answer: No, the Forest Service asked for their property to be annexed into the city limits so they could hook up to city water for the tree farm. The city passed a Resolution February 1990 Resolution #377.
4. The Mule Pasture and Orchard is city property.
Answer: No, it is USDA Forest Service property.

5. The city is building homes on this property.

Answer: No, the city does not have the tax base to purchase any land or build homes and the city is not in the business of home building.

6. The city was part of the planning for the Forest Service property regarding the Orchard/Mule Pasture and the proposed recreational project/special use permit.

Answer: No, Mark Sheets, former Mayor meet with the Forest Service & County July 2020. He told them the city does not own the Forest Service property, but it is in the city limits since the 90's because they asked for use of city water. He told them the city does not have the money to help with their proposed project nor have the authority to tell the Forest Service what to do with their property and also suggested they might consider creating a Recreational District to create more money to help with their proposed project. The County Commissioners did not seem interested in this.

7. The city zoned this Residential "A" because the city was going to buy and build homes on the Forest Service property in cahoots with Kaniku Land Trust.

Answer: No, there was a Facebook post that said that the city was going to buy the property, put immigrant housing on the property, put high rises/apartments on the property and a petition going around town spreading misinformation. The city NEVER once stated this!

Kaniku Land Trust was hired by the Forest Service NOT the city to create surveys for a possible proposed recreational project/special use permit.

The Zoning Committee looked at the property back in 2022 when creating the Zoning Ordinance and looked at the Forest Service property and how they had sold off 5 acres about 3 years ago and thought they could possibly in the future sell the rest of the 300 acres, and looked at the property and surrounding the city limits and how that is really the only place the city could grow and they did not want someone to buy it and put a factory up there so they Zoned it

In Residential "A" there are parks and the Zoning Committee thought it fitting to zone it this because it is considered a park and if it ever did sell this would be the best zone for the property.

8. The city is doing something wrong as far as Budgets, Annual Financial Reports & Audits.

Answer: No, the city follows all the State Law requirements as far as all of its financial reporting. Everything in Government can be fixed if a mistake is made. That is why the Department of Administration and Local Government Services put in place accounts labeled "prior year adjustments".

The city was told in a public meeting not during regular business hours that this person has questions regarding the budget. The city made an appointment and met with this person and another person to answer questions regarding the FY24 budget. There was a question about an account for the water project in the water fund that had a negative amount. After pulling the budget again for the meeting the negative was gone due to an adjustment made during the Annual Financial reporting period. There are many entries made during the year and the end of the year closings entries and the AFR entries clean up anything that is not in the correct account line in the financial reports.

9. The city forced annexation on a residence.

Answer: The city did annex in properties that were using city services such as water and potential sewer. The city did annex in a very small portion .02 acres of a property that was wholly surrounded. This property was on the sewer project SID #1 list to be assessed on Preston Avenue. The city hired Hagedorn Surveying to research and found that the property 2.016 acres was already

in the city limits according to Resolution #140 dated September 7, 1948 except a small portion of that property .02 acres was not and according to the MCA 7-2-4501 the city created a Resolution of Intent to Commence Annexation of Wholly Surrounded Land #828 that was approved and passed May 8, 2023, and the Resolution #829 to Annex and Incorporate within the Boundaries of the City of Thompson Falls, Montana, certain tracts and parcels of land was approved and passed, June 12, 2023. This property should have been paying city taxes for years and was included in Phase 1 SID #1 of the sewer project.

10. The city is annexing more property.

Answer: No, the city is not looking at annexing any properties at this time. The city cannot annex any more properties per our fire flow regulations until after the upcoming water project.

11. The city has a hidden agenda.

Answer: All meetings and business go through the same process, posting 48 hours in advance for meetings and council approval happens at that time.

12. The city has a hidden bigger picture.

Answer: All city business and decisions HAVE to go through the Council for approval. There has NEVER been any City Business decision made without Council approval and without following the proper posting laws.

13. The city created a Growth Policy without asking the city residence opinion.

Answer: The Growth Policy was passed and approved January 13, 2020. The City Council and Planning Committee had 5 work sessions August 21, 2019, September 17, 2019, October 24, 2019, November 14, 2019, and December 4, 2019. The City Council held a Public Hearing on December 30, 2019. The Board discussed the draft goals and action plan and ultimately recommended that the draft Growth Policy be adopted by the City Council contingent upon the edits and changes that they recommended at the meeting. The hearing was noticed in the Sanders County Ledger. **Any action regarding the Growth Policy MUST go through the City Council for approval.**

14. Members of the City Council are on other boards to use their power to sway the other Council members to move forward with their own personal agenda.

Answer: One City Council member cannot make decisions for the other 5 City Council members.

15. People keep saying that their voices are not heard.... How can we help with this?

Answer: The Council has heard the same questions and concerns since October 2023. But with the new laws pending zoning ordinance cannot be changed at this time. They can have meetings to go over what else needs to be done but finalizing it will take a few more months. There have been two community needs surveys done in the past 3 years. the city will work on putting another one on the website/Facebook soon.

16. The city is not moving fast enough regarding the zoning ordinance.

Answer: The zoning ordinance needs to be updated but with the new laws still out it is best to wait until the legislature figures out what they are doing. Also, we were told to NEVER move quickly on any Ordinance or city business.

Please find information regarding the status of zoning laws SB 323, SB 528, SB 245, and SB 382 below:

In early December, a complaint was filed against the State regarding the constitutionality of SB 323 (Treas), SB 528 (Hertz), SB 245 (Zolnikov) and SB 382 (Mandeville). The League opposed the first three of these bills but helped draft and lobby for passage of the latter.

On December 29, Judge Salvagni in the Eighteenth Judicial District (Gallatin County) issued a **preliminary injunction against the implementation of SB 323 and SB 528**. SB 323 required municipalities with a population of 5,000 or more to allow a duplex as a permitted right in all zones where single-family residential is a permitted use. SB 528 required every municipality in Montana to allow an accessory dwelling unit of a certain size as a permitted right on every lot with a single-family home.

If a municipality has not already enacted any changes to their zoning ordinance to comply with these laws, they are now held in abeyance, and you do not need to do anything at this time.

- If a municipality has already codified these required changes into its zoning ordinance and this reflects the desired policy of the city or town, then you do not need to do anything at this time.
- If a municipality has already codified these changes into its zoning ordinance but would not have otherwise made these changes absent the passage of SB 323 or SB 528, and the city does not agree with the policies required therein, the city may take steps to repeal or hold such ordinance in abeyance until the lawsuit is resolved.

As to SB 245 and SB 382, both laws remain effective at this time and those municipalities to which they apply must take steps to come into compliance with these laws as set forth therein.

To the Zoning Committee-

I know you have some questions regarding recent land use legislation impact on our zoning ordinance. Here are some of the changes:

Bill 323 prohibits cities of 5000 or more from excluding duplexes in single-family zones. Since we are less than 5000 it does not affect us. This was passed to help ease the housing crunch.

SB 528 prohibits every municipality from prohibiting Auxiliary Dwelling Units (ADU) (also known as mother-in-law houses). The ADU must meet setback and services requirements. A district court judge in Gallatin County issued an injunction against implementation of Senate bills 323 and 528. If no ordinance was enacted the new change is held in abeyance and the city can still prohibit. Or, the city can codify these changes, and this reflects the new policy of the city.

SB 245- Cities of 5000 or more may not require more than 1 parking spot per dwelling unit.

SB 382-Provides that any combination of legally authorized planning boards, zoning commissions, planning and

zoning commissions, or boards of adjustment existing prior to [the effective date of this act] may be considered duly constituted as a planning commission by agreement of the governing bodies of each jurisdiction represented on the planning commission. In other words, the council can vote to consolidate these various boards into one Planning Commission. In doing so, the council can consolidate or authorize one of the current boards as the planning commission or create a whole new planning commission and disband the existing boards and commissions. It's required for cities of 5000 or more, and optional for all other cities.

I would also like to see the zoning ordinance clarify the penalties for violation. The MCA provides that:

A local government may, by ordinance, may establish civil penalties for violations of any of the provisions for of any ordinances .

(2) Prior to seeking civil penalties against a property owner, a local government shall provide:

(a) written notice, by mail or hand delivery, of each ordinance violation to the address of the owner of record on file in the office of the county recorder;

(b) a reasonable opportunity to cure a noticed violation; and

(c) a schedule of the civil penalties that may be imposed on the owner for failure to cure the violation before expiration of a time certain.

(3) A local government may, in addition to other remedies provided by law, seek:

(a) an injunction, mandamus, abatement, or any other appropriate action provided for in law;

(b) proceedings to prevent, enjoin, abate, or remove an unlawful building, use, occupancy, or act;
or

(c) criminal prosecution for violation of any of the provisions of any ordinances adopted as a misdemeanor punishable by a fine not to exceed \$500 per day for each violation.

(4) In any enforcement action taken under this section or remedy sought thereunder, the parties shall pay their own costs and attorney fees.

17. The city employees dictate what the City Council does.

Answer: The City Clerk has worked for the city for 18 years, the Assistant Clerk has worked for the city for 8 years, the Public Works Director has worked for the City for 26 years, a City Crew member has worked for the City for 31 years. The employees do not dictate the city or the Council but do bring numerous years of knowledge and experience pertaining to the city running smoothly.

18. The city is not hearing/listening to the public.

Answer: The city sent out a survey 1/20/2021. The city added a survey on the city website and announced it in a public city council meeting to participate 12/2023. The council has been listening to the public for months about many different topics. If the council thinks something needs to be done that will benefit all of the city residents, they will put it on the agenda for discussion and approval.

19. Grants are bad.

Answer: Grants are taxpayers' money. The source of funding for grants differs from grant to grant. There are foundation grants where the funding comes from private donations. There are corporate grants where the corporation is donating the funds. There are state grants that come from various sources such as the bed tax (a tax on hotel rooms paid by individuals staying in MT hotels). There are federal grants where federal tax dollars fund grants for specific types of projects (DOT for transportation, USDA for rural projects, etc). When the government places tax dollars into grant

programs, this is the chance for communities to get their tax dollars back. We can apply for these grants to use our tax money in our community, or our taxes will be spent in other places around the country.

20. The city is spending city taxpayers' dollars towards the Downtown Thompson Falls Master Plan, Wayfinding Sign Plan.

Answer: Not for this project. The Chamber of Commerce and Main Street Committee put forth the match on this project. Kayla Mosher, Recreation & Outreach Coordinator for Kaniksu Land Trust is the administrator for this project. Mayor Sheets advised the Council and Kayla that she will be administrating this project as the clerk is way too busy to administer the project. The city pays for the professional and technical services associated with preparation of a Wayfinding Sign Plan. The funds come from the Montana Department of Commerce, Montana Main Street Grant Program. The grand used for this project was bed tax (a tax on hotel rooms paid by individuals staying in MT hotels).

This project was on the agenda numerous times, the Request for Proposals were published in the paper March 16th and 23rd, 2023.

Previous planning processes in the City of Thompson Falls have highlighted the importance of wayfinding signage. The Downtown Master Plan was created in 2015, Branding and Market Plan was created in 2016 and the RERC Community Action Plan was created in 2020 all support creating a Wayfinding Sign Plan for Thompson Falls. It is our desire to use the Thompson Falls branding, "Genuine in Nature" within the design of the signs.

21. Say no to a City Fee Schedule

Answer: City Fees help with lowering taxes. They offset the taxes by the city offering certain services and then only the people that want these services pay rather than all taxpayers paying. This revenue helps offset the levied taxes.

22. The \$25,000 budgeted for the MT Voter Review Board will be levied over 10 years.

Answer: No, the \$25,000 levied over and above the regular levied taxes for Fiscal Year 2025 will be the whole amount and spent over 2 years.

MT Voter Review –short overview – Currently, Thompson Falls operates with general governing powers, which means the city can only exercise those powers specifically granted by the legislature. As set forth in Section 6, Article XI of the 1972 Montana Constitution, "a local government unit adopting a self-government charter may exercise any power not prohibited by this constitution, law, or charter." With self-governing powers, you can exercise any power not prohibited by the constitution or law (7-1-101 through 7-1-121 MCA). So, the city would have all the powers it currently has and in addition, all powers not prohibited by the law or constitution.

Here is a short list of how cities have exercised their self-governing powers:

- Adopting No-Smoking Ordinances Affecting Gambling Establishments
- Local Development Code Regulating Sale of Alcoholic Beverages
- Require All Residents to Connect to City Water Supply
- Regulation of Nude Dancing by Municipality

- System Development Fees Allowable Form of Financing Future Expansion of City Water and Sewer System
- City Ordinance Requiring Developer Surcharge
- Authority of City-County Government to Acquire and Operate Electric and Natural Gas Utilities
- Power to Prohibit Door-to-Door Solicitation
- Mandatory Seatbelt Ordinance

As far as the Local Government Center is concerned, there is no downside for those local governments who have adopted self-governing powers.

The Local Government Center is planning to offer a webinar discussing the upcoming voter review process and describing the differences and benefits of general vs. self-governing powers.

<https://www.montana.edu/extension/localgov/mtvoterreview/index.html>

23. Taxes were largely increased due to the city.

Answer: The Department of Revenue increased the value of homes/properties which increased everyone's taxes because the value of their homes/properties increased. On your tax bill the city taxes are around 30% of your whole tax bill. The rest of your bill is County assessments. The city cannot tax more than what the Department of Revenue allows for cities and counties. The city increased taxes as stated below:

City of Thompson Falls
Taxable Valuation/Mill Levy
Ten-Year History and Analysis

NOTE: The analysis below includes only entity-wide levies subject to the limitations of Section

FISCAL YEAR	ENTITY-WIDE TAXABLE VALUATION	%INCREASE (DECREASE) FROM PREVIOUS YEAR	TOTAL CURRENT YEAR AUTHORIZED MILL LEVY (Includes Prior Year Carry Forward Mills)	CURRENT YEAR ACTUAL MILL LEVY	CARRY FORWARD AVAILABLE (May be levied in a subsequent year)	TOTAL LEVIED	DIFFERENCE FROM PRIOR YEAR
			FY's 2012-2013 through 2016-2017 enter number of mills from prior year budget-page 9.	FY's 2012-2016-2017 enter number of mills from prior year budget - page 9.	The Carry Forward in this column is <u>not</u> cumulative - the current fiscal year carry forward mills available are the full amount that may be levied in a subsequent year. These mills will be included in the next year's		
2014 - 2015	1,291,476		262.53	245.64		\$ 317,118.00	
2015 - 2016	1,176,886	-8.87%	294.89	263.74		\$ 310,424.00	\$ (6,694.00)
2016 - 2017	1,190,120	1.12%	293.11	274.56		\$ 326,729.00	\$ 16,305.00
2017 - 2018	1,424,459	19.69%	268.26	265.75	2.51	\$ 378,427.00	\$ 51,698.00
2018 - 2019	1,434,718	0.72%	274.38	271.61	2.77	\$ 389,763.00	\$ 11,336.00
2019 - 2020	1,530,615	6.68%	263.56	261.51	2.05	\$ 400,366.00	\$ 10,603.00
2020 - 2021	1,491,560	-2.55%	278.63	276.42	2.21	\$ 412,419.00	\$ 12,053.00
2021 - 2022	1,561,142	4.67%	274.49	272.85	1.64	\$ 425,917.00	\$ 13,498.00
2022 - 2023	1,650,035	5.69%	277.96	277.12	0.84	\$ 457,249.00	\$ 31,332.00
2023 - 2024	1,313,597	-20.39%	212.56	212.10	0.46	\$ 481,891.00	\$ 24,642.00