

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD AUGUST 6, 2012**

**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: Bates, Fisher, Petersen, Plevel, and Shepard

ABSENT: Karper

**ROLL CALL**

Also present were City Manager Nicosia, City Clerk/Treasurer Watkins, City Attorney Breck, and Police Chief Perry.

Pledge of Allegiance

**PLEDGE**

**APPROVAL OF AGENDA:**

Mayor Barnhart requested a motion to approve the agenda. Councilman Plevel requested item 6 (E) be heard prior to 6 (A). There being no objections, Councilman Plevel moved to approve the agenda as amended. Second by Councilman Shepard and the motion carried unanimously.

**AGENDA  
APPROVAL**

**CONSENT AGENDA:**

Councilman Shepard moved to approve the consent agenda. It was noted that finance committee reviewed claims and found no exceptions, second by Councilman Bates. Motion carried with Council voting as follows: YES: Bates, Fisher, Petersen, Plevel, Shepard, Barnhart NOES: None. ABSENT: Karper

**CONSENT  
AGENDA  
APPROVAL**

- A. Approval of Claims \$187,045.97 - August 6, 2012
- B. Approval of Payroll Claims \$67,757.13 - July 20, 2012
- C. Approval of Payroll Claims \$89,093.64 - August 3, 2012
- D. Approval of Regular Meeting Minutes - July 16, 2012
- E. Approval of Auction Agreement with Robison Auctioneer Services for Surplus Property and authorize the City Manager to Sign.

**VISITORS/PUBLIC COMMENTS**

None

**PUBLIC HEARINGS/NOTICES:**

A. Notice of Public Hearings- August 20, 2012- Preliminary 2012-13 Budget - Consideration of the adoption of the Street Lighting and Street Maintenance District Assessments for the 2012-13 Fiscal Year - Consideration of adoption on the proposed tax levy to fund health insurance premium contributions for group benefits beyond the amount of contributions in effect on June 30, 1999

**Notice of Public  
Hearing  
2012-13 Budget**

At this time Mayor Barnhart officially announced the date of the public hearing.

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**ORDINANCES/RESOLUTIONS**

E. Resolution 1636 – Approving the Sale of Lot Two of Cedar Creek North Subdivision, Flathead County, Montana

**RESOLUTION 1636  
Sale of Lot Two  
Cedar Creek North**

City Manager Nicosia presented for approval the sale of lot two in Cedar Creek North in the amount of \$89,500.

Mayor Barnhart asked for Council input. Councilman Petersen asked the City’s Contract Realtor Bill Dakin for a summary of the sale. Mr. Dakin advised that the value received for the 4 acres appears to be a good sale based upon comparable sales reviewed within the SD 6 area and to those of similar size. Mr. Dakin advised that the sale is subject to an appraisal which Mr. Dakin felt should come in fine. Mr. Dakin advised that he is pleased with this sale.

There being no further discussion, Councilman Shepard moved to approve resolution #1636 as presented and recommended by the City Manager. The motion was seconded by Councilman Fisher and the motion carried with Council voting as follows YES: Fisher, Petersen, Plevel, Shepard, Bates, Barnhart NOES: None. ABSENT: Karper

A. Ordinance 733 – Title 10 Vehicles and Traffic, pertaining to the use of handheld electronic communication devices while operating a motor vehicle – Second and Final Reading.

**ORDINANCE 733  
Electronic  
Communication  
Devices**

City Manager Nicosia presented for approval the second and final reading of ordinance 733 noting no changes throughout the hearing process and positive feedback from the residents of the community.

City Manager Nicosia advised that signs will go up soon and the effective date of the ordinance will be September 6<sup>th</sup> , and there will be a 30 day grace period.

Councilman Shepard moved to approve ordinance 733 as presented and recommended by the City Manager. The motion was seconded by Councilman Bates and the motion carried with Council voting as follows YES: Petersen, Plevel, Shepard, Bates, Fisher, Barnhart NOES: None. ABSENT: Karper

B. Ordinance 734 – Amending Various Sections of Chapter 18 allowing for Increased Height of Fences – First Reading

**ORDINANCE 734  
Increasing Height of  
Fences**

City Manager Nicosia advised that the public hearing process has been followed as well as planning board review and recommendation. City Manager Nicosia recommended Council approve the first reading of the proposed ordinance as written.

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Councilman Bates moved to approve the first reading of Ordinance 734 as presented. The motion was seconded by Councilman Shepard and the motion carried unanimously.

**ORDINANCE 735  
Northwest Energy  
Franchise  
Agreement**

C. Ordinance 735 - Northwest Energy Franchise Agreement - First Reading.

City Manager Nicosia advised that representatives with Northwest Energy are in attendance. Vicki Judd, Manager of Community Relations with Northwest Energy advised that the company is looking to renew the franchise agreement for a 15 year period with one automatic renewal of 5 additional years.

City Manager Nicosia advised that she and City Attorney Breck have reviewed the agreement and have added language pertaining to the acquisition of an excavation permit and insurance language that requires the City be named as an additional insured.

There being no further input, Councilman Shepard moved to approve the first reading of ordinance 735 as presented and amended. The motion was seconded by Councilman Plevel and the motion carried unanimously.

**RESOLUTION 1635  
Abandonment of  
Alley In Block 43**

D. Resolution 1635 - Abandoning and Vacating Public Alley in Block 43 Between 6<sup>th</sup> Avenue West and 7<sup>th</sup> Avenue West, Columbia Falls, Montana.

City Manager Nicosia recommended for approval resolution 1635. City Manager Nicosia advised that she has not received any written or verbal testimony for or against the resolution.

Councilman Shepard moved to approve resolution 1635 as presented and recommended by the City Manager. The motion was seconded by Councilman Plevel and the motion carried with Council voting as follows YES: Plevel, Shepard, Bates, Fisher, Petersen, Barnhart NOES: None. ABSENT: Karper.

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

None

**REPORTS/BUSINESS FROM MAYOR & COUNCIL:**

Councilman Petersen asked that the City continue to proceed with focus and energy with the train whistle concerns raised at prior meetings.

Councilman Shepard advised that the selection process for a new 911 Director is going well with four remaining applicants, with two being local applicants.

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Councilman Shepard advised that the process is working well

Councilman Plevel advised that the mosquito situation is better.

Mayor Barnhart requested the City look at signage at River's Edge Park to provide better information to users. Mayor Barnhart also requested quiet zone information be presented in the near future.

**REPORTS/BUSINESS FROM CITY ATTORNEY**

None

**REPORTS/BUSINESS FROM CITY MANAGER:**

**A. Manager's Update**

City Manager Nicosia provided the following information to Council:

1. The sidewalk project is proceeding much faster than originally thought.
2. The City is working through the safe routes to schools non-infrastructure program and will proceed when the school administrators return in the fall. Two of the four principals are new to the program.
3. Water line leak detection efforts were very successful this go around with the identification of two water main leaks, one valve and five service connections being detected and subsequently repaired.
4. The City may want to consider the use of meter pits to assist with water leaks.
5. Met with Habitat Board Chairman Dave Williams and we are looking at switching the program to Home Neighborworks to handle closing costs without having to change Habitat's qualification and building construction processes to meet HUD requirements.
6. SmartLam Project funding was not approved by the Department of Commerce.
7. Today in America program was reviewed more closely after the Hungry Horse News report. The City Manager talked to 5 cities and found that they were very pleased with the results from the program. The City Manager has not pursued funding until direction is provided by Council.

**MANAGER'S  
REPORT**

Councilman Fisher expressed his concerns with the program and asked if the program could be locally produced. Councilman Plevel advised that this product puts us front and center and the Today in America package gets us on television right away. City Manager Nicosia advised that the City wants the distribution of information to be accurate and correct but also promote the marketing of regional projects such as SmartLam etc for exposure outside the valley. Councilman Petersen advised that it would cost the City an additional \$750 to obtain the remaining video that was not used in the production which could be accessed after the package presentation. Councilman Petersen advised that we still need to have further discussion with the committee in

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place, Shepard, Petersen, and Fisher. Mayor Barnhart asked if we received any feedback from MWED regarding the funding of the production. City Manager Nicosia advised that MWED suggested we put in a formal request for funding.

City Manager Nicosia asked Council if they would like the Committee to keep pursuing this project. The consensus of Council was to keep working on the project.

Rick Hanners with the Hungry Horse News suggested someone contact Adam Pitman in Whitefish and see if he could provide any input on the project as he has produced several movies and local documentaries.

City Manger Nicosia provided an update on vacation rentals and advised that there was a Realtors Association meeting on July 26th which City Contract Planner Eric Mulcahy attended and provided talking points that he prepared ahead of time. A representative with the Montana Realtors Association prepared a guide to "What realtors need to know about Ordinance 732 Vacation Rentals" with a very good summary. It was viewed as a positive guide and very informative to the realtors and local residents as well. City Manager Nicosia advised that she would report this to the planning board next Tuesday.

**MISCELLANEOUS:**

A. INFORMATIONAL CORRESPONDENCE is available for review for thirty days in the City Clerk/Treasurer's office.

**MISC  
CORRESPON-  
DENCE**

**ADJOURN:**

Upon motion duly made by Councilman Plevel and seconded by Councilman Bates, the meeting adjourned at 8:30 p.m.

**ADJOURN**

*Donald Barnhart*  
Mayor

ATTEST:

*Todd Watkins*  
City Clerk

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APPROVED BY COUNCIL ACTION: August 20, 2012