

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD JULY 16, 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: Karper, Petersen, Plevel, and Shepard
ABSENT: Bates and Fisher

ROLL CALL

Also present were City Manager Nicosia, City Clerk/Treasurer Watkins, City Attorney Breck, Fire Chief Hagen, City Contract Planner Eric Mulcahy, and Police Chief Perry.

Pledge of Allegiance

PLEDGE

APPROVAL OF AGENDA:

Mayor Barnhart requested a motion to approve the agenda. Councilman Petersen moved to approve the agenda. Second by Councilman Plevel and the motion carried unanimously.

**AGENDA
APPROVAL**

RECESS - View New Fire Truck

At 7:10 p.m., Mayor Barnhart announced that a 15 minute recess would be held to visit the Fire Hall and see the new fire truck.

At 7:25 p.m, the meeting reconvened.

CONSENT AGENDA:

Councilman Petersen moved to approve the consent agenda with the exception of Item G and Item H. Both items were moved to Unfinished Business for further discussion. It was noted that finance committee reviewed claims and found no exceptions, second by Councilman Plevel. Motion carried with Council voting as follows: YES: Karper, Petersen, Plevel, Shepard, Barnhart NOES: None. ABSENT: Bates and Fisher

**CONSENT
AGENDA
APPROVAL**

A1. Approval of Claims \$60,099.57 - July 2, 2012 by Email and Consent

A2 Approval of Claims/Check to Bison Ford - \$30,476.27 - July 10, 2012

B. Approval of Claims \$174,438.82 - July 16, 2012

C. Approval of Payroll Claims \$60,969.96 - June 22, 2012

D. Approval of Payroll Claims and Quarterlies \$93,981.71 - July 5, 2012

E. Approval of Regular Meeting Minutes - June 18, 2012

F. Approval of Surplus Property List - 1984 Sewer Truck, 1998 & 2004 Tennant Sweeper, 1983 Ford Van

I. Approval of eTimeTool Subscription Agreement \$480 and authorize the City Manager to sign.

J. Approval of Change Order #3 - Police Department Remodel - Davidson Construction Inc, in the amount of \$1,813.92 and authorize the City Manager to sign.

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- K. Approval of Intercap Loan Application - Fire Truck - \$115,365 and authorize the City Manager to sign.
- L. Approval of Agreement between City of Columbia Falls and Flathead County for Remote Access to Digital Images of Archived County Land Documents and authorize the City Manager to sign.

VISITORS/PUBLIC COMMENTS

None

PUBLIC HEARINGS/NOTICES:

A. Public Hearing - Columbia Falls Zoning Regulations - Title 18 (Zoning Text Amendment) 18.424 Fences and related provisions to increase the height of fences in the front yard from three feet to four feet. In addition, the City will implement a fence permit to help the public understand the fence provisions of the zoning ordinance and reduce future conflict when fences are inadvertently place in public right-of-ways.

**Public Hearing
18.424 Height of
Fences**

City Manager Nicosia advised that City Contract Planner Eric Mulcahy was in attendance to present information from the June Planning Board meeting. Mr. Mulcahy presented the findings of fact and reviewed the zoning text for council. Mr. Mulcahy advised council that the Planning Board discussed the permitting process at great length and is recommending the removal of the fence permitting process within the text amendment. Mr. Mulcahy advised that the free permit was intended to encourage residents to look for property pins and to review the fence requirements before installation. Mr. Mulcahy advised that the Planning Board felt that just because the Planning/Zoning office has had multiple problems this year with non-compliant fence installations, it did not constitute a trend and that the Planning Board did not want to cause conflict with residents. Mr. Mulcahy advised that the Planning Board felt that if it becomes a problem in the future, then it can be addressed again. Mr. Mulcahy advised that the other portion of the findings of fact pertained to fence heights in the front yard being changed from 3' to 4'. Mr. Mulcahy advised that fence material comes standard starting at 4' height and that 3' height is costly and special order. Mr. Mulcahy advised that as he and City Manager Nicosia drove around town, they noted many 4' fences already in place and that clearly the 3' standard has never been enforced.

Mayor Barnhart asked if there were any questions for Mr. Mulcahy from Council.

Councilman Plevel asked if the Planning Board had any discussion about the type of material being used for fences. Mr. Mulcahy advised that they did not but suggested that Council could add a provision that might include slat or picket to avoid solid fencing. City Manager Nicosia advised that enforcement on the use of materials would be difficult without a permitting process.

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Councilman Petersen asked if the permit process was put in place to help identify property boundaries. City Manager Nicosia advised that three fences were recently installed that were in the right of way or on the neighbor's property. City Manager Nicosia advised that fencing companies take the approach that they install the fence where they are told to do so.

Councilman Shepard reminded everyone that if approved, this applies to our county residents as well.

There being no further council discussion, Mayor Barnhart announced that the public hearing on the matter would now be held.

Bill Dakin a resident at 303 3rd Avenue East, advised that a lack of fences means residents are getting along. Mr. Dakin advised that he had no idea there were so many 4' fences in town. Mr. Dakin advised that there is a friendly 4' fence and an unfriendly 4' fence and noted that the north half of town has some badly maintained fences. Mr. Dakin advised that he thinks there is a loss of friendliness going to 4' fence and encouraged low maintenance fences such as vinyl or wire. Mr. Dakin advised that the city needs to enforce the 4' fence height and if a permit is required then the city should obtain a letter from the various homeowners associations about covenants.

Jerry O'Neil, House District 3 Representative advised that he likes how the city is handling public requests.

There being no further comments, and no written testimony, Mayor Barnhart closed the public hearing and requested a motion on the matter.

Councilman Karper moved to accept staff report CZTA-12-03. The motion was seconded by Councilman Shepard. Motion carried with Council voting as follows: YES: Petersen, Plevel, Shepard, Karper, Barnhart NOES: None. ABSENT: Bates and Fisher. Mayor Barnhart directed the City Attorney and City Manager to prepare an Ordinance for first reading at the next regular council meeting.

B. Public Hearing - Notice of Abandonment of Public Way. The City of Columbia Falls will hold a Public Hearing to consider a petition filed with the City of Columbia Falls requesting abandonment, discontinuance and vacating of certain public way in the City of Columbia Falls, Montana more particularly described as the alley in Block 43 between 6th Avenue West and 7th Avenue West. Lots 1-5 and 8-10 owned by the City of Columbia Falls and Lots 6-7 owned by Buffington Enterprises. The plan provides for increased public and employee safety; and also provides for improved public parking and police/prisoner access.

**Public Hearing
Vacating Public
Right of Way**

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City Manager Nicosia advised that pursuant to action take at the June 18th Council meeting to abandon the alleyway there was no testimony for or against the proposal.

City Manager Nicosia advised that the planned abandonment includes the transfer of the entire property to the city as the city's intent is to not cause increased street maintenance fees to Dr. Buffington.

At this time Mayor Barnhart announced that the public hearing would now be held.

There was no verbal or written testimony submitted on the matter. Councilman Plevel moved to direct the City Attorney and City Manager to draft a resolution for Council consideration at the August 6, 2012 meeting. The motion was seconded by Councilman Shepard and the motion carried unanimously.

**ORDINANCE 732
Vacation Rentals**

ORDINANCES/RESOLUTIONS

A. Ordinance 732 - Title 18 Zoning Text Amendment addressing vacation rentals - Second and Final Reading.

Councilman Shepard moved to approve the second and final reading of Ordinance 732, second by Councilman Karper. Motion carried with Council voting as follows: YES: Plevel, Shepard, Karper, Petersen, Barnhart NOES: None. ABSENT: Bates and Fisher.

**ORDINANCE 733
Electronic
Communication
Devices**

B. Ordinance 733 - Title 10 Vehicles and Traffic, pertaining to the use of handheld electronic communication devices while operating a motor vehicle - First Reading.

City Manager Nicosia noted the penalty is a civil offense and does not add points to an individual's driving record. City Manager Nicosia also advised that upon adoption of the final reading of the Ordinance, there will be a 30 day grace period for implementation, notices, and signage.

Jerry O'Neil, House District 3 Representative advised that he is not against individuals talking on their phones while driving. He went on to describe using his own blackberry for directions; noting that it is sometimes difficult to see the screen while driving.

There being no further discussion, Councilman Shepard moved to approve the first reading of Ordinance 733, second by Councilman Plevel, and the motion carried unanimously.

**RESOLUTION 1633
Flexible Spending
Account Plan Admin
Change**

C. Resolution 1633 - Adopting a Cafeteria Plan Including a Dependent Care Flexible Spending Account and Health Flexible Spending Account Effective July 1, 2012 with Allegiance Benefit Plan Management, Inc. and Revoking the Prior Resolutions Authorizing a Flexible Spending Account.

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City Manager Nicosia advised council that the city was notified by Insurance Coordinators of Montana that the flex plan portion of their business had been sold to another company. Upon being advised of all the new changes required with the new carrier, the city obtained quotes for the service and has selected Allegiance Benefit Plan Management, Inc in Missoula.

The quote provided includes a lower fee, improved coordination of benefits and is fully administered by Allegiance.

Councilman Plevel moved to approve Resolution 1633 as presented and recommended by the City Manager, second by Councilman Karper. Motion carried with Council voting as follows: YES: Shepard, Karper, Petersen, Plevel, Barnhart NOES: None. ABSENT: Bates and Fisher.

**RESOLUTION 1634
Budget
Amendments FY
2011-12**

D. Resolution 1634 - Amending Budgeted Revenues and Appropriations for the Fiscal Year 2011-12 for Fund 2956 CTEP/ISTEA - 3rd Avenue East Bike Path Project reflecting additional CTEP Grant Funds and Revised Appropriations in the amount of \$15,731 consisting of \$13,620 Federal Grant Revenue and \$2,111 City Share.

City Manager Nicosia advised that one operating fund of the city requires a budget amendment due to increased revenues and expenditures. The budget amendment pertains to the CTEP Sidewalk and Curb project in the amount of \$15,731 which includes grant revenue of \$13,620 and the city share of the project in the amount of \$2,111.

Councilman Shepard moved to approve Resolution 1634 as presented and recommended by the City Manager, second by Councilman Petersen. Motion carried with Council voting as follows: YES: Karper, Petersen, Plevel, Shepard, Barnhart NOES: None. ABSENT: Bates and Fisher.

UNFINISHED BUSINESS

Mayor Barnhart announced that items from the Consent Agenda would now be considered and discussed further.

**Consent Items
moved for
discussion:**

G. Approval of PM Program with Diamond Plumbing and Heating for City Hall Buildings and Waste Water Treatment Plant - \$5,100 and authorize the City Manager to sign.

**Diamond Plumbing
and Heating
Maintenance**

City Manager Nicosia advised that the city has not been pro-active in its maintenance of heating and cooling systems. City Manager Nicosia advised that the concern was discussed with the Public Works Director and the recommendation is to contract for specific preventative maintenance services with Diamond Plumbing and Heating.

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Councilman Petersen questioned if this is a new program the city is recommending. City Manager Nicosia advised that the city has had this service in the past but only on a reactionary basis and in some cases at a much more costly basis. Councilman Petersen asked if the city has staff that can provide this service.

City Manager Nicosia advised that there are minor things our employees can do, however the major items must be performed by a licensed contractor. City Manager Nicosia advised that over the course of the last two years the city has had some major issues because boilers and heating systems are not preventatively maintained with it ultimately costing the city more money. City Manager Nicosia advised that she sees the program as a cost savings program.

After further discussion regarding the proposed cost of servicing the smaller gas fired heating units, council directed the City Manager to contact Diamond Plumbing and Heating and review these cost more closely and to come back with additional information about the program.

**KENCO agreement
- Fire Hall**

H. Approval of KENCO Security and Technology Agreement \$1,992.04
Installation and Tested Purchase Price and authorize the City Manager to sign.

City Manager Nicosia advised that the KENCO contract request was made by Fire Chief Hagen to monitor the alarm system in Fire Hall. Chief Hagen advised that the Fire Department needs to know if the fire station has a problem. Chief Hagen advised that the smoke sensors are outdated along with the panel. The contract would include a monthly monitoring fee of \$34 and that all calls would go through KENCO and they call 911. Chief Hagen advised that the monitoring office is in State of Montana. City Manager Nicosia reminded Council that the city has several million dollars worth of assets to protect in the fire hall.

At this time Councilman Plevel moved to approve the contract with KENCO as recommended and presented. The motion was seconded by Councilman Shepard and the motion carrier unanimously.

NEW BUSINESS

A. Fee Waiver Request - Hohman Variance

**Hohman Fee
Waiver**

City Manager Nicosia reported to Council pertaining to the request from Peter and Cheryl Hohman to add a 4' extension to their fence. City Manager Nicosia reminded Council that through a conditional use permit a neighboring greenhouse was provided and subsequently the Hohman's added 4' to their fence. City Manager Nicosia advised that the Hohmans were not pleased when the city told them they needed to apply for a variance. City Manager Nicosia advised that she concurs with the waiver of the variance fee of \$250, thereby allowing it to go to the Board of

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Adjustments for review.

At this time Councilman Shepard moved to waive the variance fee of \$250. The motion was seconded by Councilman Plevel and the motion carried unanimously.

B. City Manager Contract 2013 FY

**City Manager
2013 FY Contract**

Mayor Barnhart advised that as a matter of public record, a committee consisting of Council and Mayor met with City Manager Nicosia regarding compensation and benefits for the coming year. Mayor Barnhart advised that as a result of the meeting, a recommendation is being made to compensate the City Manager at the rate of \$69,500 plus a \$500 per pay period stipend for service as the Director of Finance and Administration as well.

Mayor Barnhart asked if there was any Council discussion before moving forward with approval. Councilman Petersen asked if there was any cost savings with the City Clerk/Treasurer position and a stipend for the City Manager to serve as the Director of Finance and Administration. City Manager Nicosia advised that there is a savings for the City between the stipend and the City Clerk position as structured, in the amount of approximately \$5,000 per year in salary.

There being no further discussion, Councilman Shepard moved to approve the contract as presented. The motion was seconded by Councilman Plevel and the motion carried unanimously.

REPORTS/BUSINESS FROM MAYOR & COUNCIL:

**MAYOR AND
COUNCIL**

Councilman Shepard advised that there are 23 applicants for the 911 Director, which have been screened to 19. Councilman Shepard advised that it appears that 10 applicants have very good credentials, however he was not sure they would come if offered since the pay was not published.

Councilman Plevel advised that mosquitoes are a problem. City Manager Nicosia advised that she has contacted the Health Department and they indicated they are working hard to address concerns. Another letter will be drafted and sent to the Health Department.

Mayor Barnhart reported on the following items:

1. He observed buckling on the tennis courts. City Manager Nicosia advised that the condition is normal until the weather remains warmer. The buckling subsides as soon as it warms up during the day.
2. Weeds and tall grass are coming on strong. Is the city addressing?
3. How do we encourage public participation at Council meetings?
4. Concerned about the quality of life with train whistles being administered in town and asked if we can move forward and see if we

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can do something about this.

City Manager Nicosia advised that weeds and decay are currently being addressed as the city has mowed 9 lots and is taking further action on additional lots. The consensus of Council was to move forward with a process to address train whistles in town.

REPORTS/BUSINESS FROM CITY ATTORNEY

None

REPORTS/BUSINESS FROM CITY MANAGER:

A. Project Update

PROJECT UPDATE

City Manager Nicosia advised that the final walkthrough of the Police Department was held on July 14th with just a few minor details remaining to be addressed. City Manager Nicosia advised that the U-Dig behind City Hall is for the improved landscaping project that the City parks crew will be completing in the near future. The Mayor and Council had requested that the area be cleaned up upon the completion of the remodel as it serves as the main entrance to City Hall for most visitors.

City Manager Nicosia advised that she has been working with HDR on sewer high demand fees and high strength loading with plans of bringing forward a resolution so Council can adopt. City Manager Nicosia advised that two potential clients have operations that would both require high demand and strength loading charges. They would also be expected to have any appropriate and necessary pre-treatment in place.

City Manager Nicosia advised that River's Edge Trail progress has been hindered by bad weather and that the culverts are to be done tomorrow and the trail should be completed before Heritage Days.

City Manager Nicosia advised that the Police Department has received the new 2013 Ford Utility Police Interceptor, AWD, which is the first SUV for the department, due to the Ford Company's decision to no longer manufacture the Police Crown Victoria. City Manager Nicosia also advised that Sergeant Wicks has announced his retirement effective the end of October and the city is starting the replacement process.

At this time City Manager Nicosia advised council of the "Today in America" production and the program associated with the production. Production cost will be \$19,800 and would appear on national television once and regional airings 19 times. Councilman Karper advised that the production would provide a lot of different video and should have a long shelf life.

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City Manager Nicosia and Council viewed the Cities and Towns presentation of the Today in America online video.

At the conclusion of the video City Manager Nicosia advised that the associate producer who spoke with the city saw something he liked about Columbia Falls. City Manager Nicosia advised that MWED has been contacted about helping the city pay for this production as well as SmartLam (WBC) and Stoltze Lumber. City Manager Nicosia requested feedback from Council. The consensus of Council and Mayor was to move forward with the project and production.

MISCELLANEOUS:

- A. INFORMATIONAL CORRESPONDENCE is available for review for thirty days in the City Clerk/Treasurer's office.
- B. Staff Reports:
 - a. Police Department Activity Reports - April and May
 - b. City Court Quarterly Status Report.
 - c. Finance - Year End Cash Reconciliation Report and Financial Reports.

**MISC
CORRESPON-
DENCE**

ADJOURN:

Upon motion duly made by Councilman Karper and seconded by Plevel, the meeting adjourned at 9:47 p.m.

ADJOURN

Donald Barnhart
Mayor

ATTEST:

Todd Watkins
City Clerk

APPROVED BY COUNCIL ACTION: August 6, 2012