

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD MARCH 19, 2012**

Regular Meeting - Transact Routine Business

Mayor Barnhart welcomed everyone and asked that before the meeting gets started, we have a moment of silence in honor of the late County Commissioner Jim Dupont, who passed away suddenly on Monday morning.

Mayor Barnhart called the meeting to order at 7:00 p.m. with roll call as follows:

PRESENT: Mayor Barnhart

COUNCIL: Bates, Fisher, Karper, Plevel, and Shepard

ABSENT: Petersen

ROLL CALL

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

Pledge of Allegiance

PLEDGE

APPROVAL OF AGENDA:

Councilman Bates moved to approve the agenda noting the removal of item A under New Business. Second by Councilman Shepard and the motion carried unanimously.

**AGENDA
APPROVAL**

CONSENT AGENDA:

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

**CONSENT
AGENDA
APPROVAL**

- A. Approval of Claims \$1,800 and \$59,169.20 March 19, 2012
- B. Approval of Claim to Process MDT MACI Program Equipment \$28,321
- C. Approval of Payroll Claims \$55,071.80 - March 16, 2012
- D. Approval of Regular Meeting Minutes - March 5, 2012

RECOGNITION: None

APPOINTMENTS

Councilman Bates moved to appoint Volunteer Fireman Jacob Yardy. Motion seconded by Councilman Shepard and the motion carried unanimously. Oath of Office administered by the City Clerk.

VISITORS/PUBLIC COMMENTS: None

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PRESENTATIONS

Flathead County Health Director Joe Russell provided information regarding the air quality control district and mosquito control and provided a brief summary on both.

Mayor Barnhart asked why the air quality control district has not been expanded as there is no drainage in certain areas and large open areas including parking lots. Health Department Director Russell advised that City Council could petition the County Commissioners to expand the air quality control district to cover the areas outside the city limits and he would be glad to look into this on behalf of the City Council. Health Department Director Russell advised that permitting can be difficult as you can not double regulate when there is permitting involved by both the State and the County Health Department.

City Manager Nicosia advised that the truck route also creates a problem with air quality and asked if this could be addressed by the County Health Department. Health Director Russell advised that the Health Department could assist but it would have to apply DEQ standards.

Health Department Director Russell provided a map with information about mosquito control and advised that mosquito control for the City of Columbia Falls is much better now that City Manager Nicosia came and spoke to Mosquito Control Board last year on behalf of City Council. Health Department Director Russell advised that the green areas on the map indicate larvae control and indicated that as soon as the temperature warms up, the County's Mosquito Control Department will be out looking at the green areas. Health Department Director Russell advised that they employ two (2) people that start work in the spring and they hit the ground running.

City Manager Nicosia advised that she has already received calls from residents in the Mosquito Flats area asking about mosquito control this spring and summer. The information has been forwarded to the mosquito control officer. City Manager Nicosia advised that she received a quite a few calls thanking the City for the treatments the county applied last year.

Health Department Director Russell advised Council to contact the Health Department if there are issues and they will do their best to address the concerns. Health Department Director Russell advised that they are trying to teach people about mosquito control and chemicals used, and that drift and dissipation are factors when applying chemicals to eliminate live adult mosquitoes versus larvae control.

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Mayor Barnhart advised that tall grass can be a problem as well. City Manager Nicosia advised that the City would address mosquito control in the Spring Newsletter and will work with Bruce Gunderson at the county.

PUBLIC HEARINGS/NOTICES:

A. Public Hearing - Adopting changes to the Columbia Falls Municipal Code Title 2,3,5,6,8,9,10,12,13 and 15 pursuant to a comprehensive legal analysis of the codes for compliance with state and federal statutes.

**NOTICE OF
PUBLIC HEARING**

City Manager Nicosia advised that this is simply a continuation of previous public hearings to give the community additional opportunities to address City Council. City Manager Nicosia advised that she and City Attorney Breck continue to review codes, and that we now have attorney review on 100% of the codes. City Manager Nicosia asked if Council had any new input or concerns and advised that Department Heads continue to be involved in the process. City Manager Nicosia asked City Attorney Breck for input on how the presentation of ordinances would be handled and City Attorney Breck advised that it would seem appropriate to do a separate ordinance/resolution for each title.

At this time Mayor Barnhart asked if there was anyone else present to provide input and testimony, and if the City Manager or City Clerk had received any written comments. There being no further public comment or written input, the public hearing was closed.

C. Notice of Public Hearing - April 2nd - Columbia Falls Subdivision Regulations Title 17 (Text Amendment - Columbia Falls Zoning Regulations - Title 18 (Zoning Text Amendment) - Growth Policy Workshop - For the purpose of obtaining public comments.

City Manager Nicosia advised that the Planning Board has and will continue to review title 17 and 18.

Councilman Plevel asked if the vacation rental section would be reviewed at the next planning meeting, and City Manager Nicosia confirmed that the section would be reviewed as well.

ORDINANCES & RESOLUTIONS

City Manager Nicosia advised that council would hold the second readings of Ordinance #724, #725, #726, #727.

ORDINANCES

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A. Second Reading Ordinance #724 - Amending Section 6.04.080 Vicious Dogs. **#724 VICIOUS DOGS**

After presentation by the City Manager and review by Council, Councilman Shepard moved to approve the second reading of Ordinance #724. Second by Councilman Bates and the motion carried with Council voting as follows; YES: Fisher, Karper, Plevel, Shepard, Bates, Barnhart NOES: None. ABSENT: Petersen.

B. Second Reading Ordinance #725 - Amending Section 8.28.020 Open Burning. **#725 OPEN BURNING**

After presentation by the City Manager and review by Council, Councilman Bates moved to approve the second reading of Ordinance #725. Second by Councilman Fisher and the motion carried with Council voting as follows: YES: Karper, Plevel, Shepard, Bates, Fisher, Barnhart NOES: None. ABSENT: Petersen.

C. Second Reading Ordinance #726 - Amending Section 13.24.040 Backflow Prevention Assemblies Part D. Backflow Prevention Assembly Testing and Maintenance. **#726 BACKFLOW PREVENTION**

City Manager Nicosia advised of changes to paragraph D2 on page 2 deleting the last sentence, "including but not limited to newsletters, newspapers, radio announcements and city website".

After presentation by the City Manager and review by Council, Councilman Shepard moved to approve the second reading of Ordinance #726. Second by Councilman Bates and the motion carried with Council voting as follows; YES: Plevel, Shepard, Bates, Fisher, Karper, Barnhart NOES: None. ABSENT: Petersen.

D. Second Reading Ordinance #727 - Amending Section 13.080.020 Definitions, Section 13.080.350 Green Space Allowance and deleting Section 13.12.120. **#727 GREEN SPACE**

After presentation by the City Manager and review by Council, Councilman Shepard moved to approve the first reading of Ordinance #727. Second by Councilman Bates and the motion carried with Council voting as follows; YES: Shepard, Bates, Fisher, Karper, Plevel, Barnhart NOES: None. ABSENT: Petersen.

UNFINISHED BUSINESS

A. Award Bid - 8 New Trees and Planting.

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City Manager Nicosia advised that the City received four (4) bids, for eight (8) new trees as part of the 2012 Urban and Community Forestry grant agreement.

City Manager Nicosia advised that the lowest responsible bid received was from Whitefish Landscaping in the amount of \$3,000. City Manager Nicosia recommended Council award the bid to Whitefish Landscaping. Councilman Bates moved to award the bid to Whitefish Landscaping, the lowest responsible bidder, in the amount of \$3,000. Second by Councilman Fisher and the motion carried with Council voting as follows; YES: Bates, Fisher, Karper, Plevel, Shepard, Barnhart NOES: None. ABSENT: Petersen.

NEW BUSINESS

A. Amendment to Columbia Falls & Flathead County Inter-local Agreement.

As noted earlier in the meeting this item was tabled until a later date when full consideration can be given by the City and the County.

B. Approval of Growth Policy Work Program

City Manager Nicosia advised that Eric Mulcahy is in attendance to answer any questions pertaining to the Growth Policy. City Manager Nicosia advised that there are no major changes to the growth policy and that the City must review the policy every five years. City Manager Nicosia advised that she is recommending approval of the work plan and to take public comment regarding the same. City Manager Nicosia advised that each section is lengthy and recommended Council review smaller sections at each meeting. City Manager Nicosia advised that there is a \$3,770 cost associated with this process and that we have only collected \$2,500 in related fees so far this year. City Manager Nicosia advised that Council needs to approve the contract with Sands Surveying and authorize the \$3,770 to allow for the additional scope of work. City Manager Nicosia advised that the cost can be spread out over two fiscal years and that funding is available over this time period.

Councilman Plevel asked if the City anticipated anyone from the outlying area coming forward requesting information. City Manager Nicosia advised that she did not anticipate this happening as the City has not seen any applications and that PUD and subdivision applications have been right on with growth policy.

There being no further discussion, Councilman Shepard moved to approve the Growth Policy Work Program as presented and recommended by the City Manager. The motion was seconded by

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Councilman Bates and the motion carried unanimously.

REPORTS/BUSINESS FROM MAYOR & COUNCIL:

Councilman Karper advised that the annual Arbor Day celebration will be held on the first Friday in May, which is May 4th from 12:00 noon to 2:00 p.m. with Ruder Elementary students, grades 3rd-5th participating.

**MAYOR AND
COUNCIL**

Councilman Karper also advised that the next Tree Board planning meeting will be on Tuesday, April 3, 2012 at 6:00 p.m.

Councilman Shepard advised that pot holes are starting to show up and to make the public works department aware of holes that need repair.

Councilman Shepard also advised of concerns with the State Highway Department's use of salt on the highways and that with passing of Commissioner Dupont he may end up being Chairman of the 911 board.

Councilman Plevel reported on Tree Board activity and advised that everyone is doing a good job of getting organized and delegating items and it was great to have Laura Bell assisting the Board with the planning.

Councilman Fisher advised that the Tree Board has been busy and that Laura Bell's participation is a huge asset.

Mayor Barnhart recommended the City update the Council picture board in City Hall and that the City find an individual who will work with the City to provide professional photographs of Council, Mayor and Manager. Mayor Barnhart also advised that he had an informational meeting with Hilary Hutchinson with First Best Place and encouraged the City to keep communications open and have further discussions with the organization. Mayor Barnhart expressed his concern with the recent publication of a legal matter in the local newspaper. City Attorney Breck and City Manager Nicosia both shared the same concern, as neither were aware that the article would appear in the local paper, and advised that had they known, Council and Mayor would have been notified.

REPORTS/BUSINESS FROM CITY ATTORNEY - none

REPORTS/BUSINESS FROM CITY MANAGER:

City Manager Nicosia provided an update on the police department remodel **PROJECT UPDATE**

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and advised that Council still needs to have a discussion about the alley, traffic flow and parking.

City Manager Nicosia also advised that she had received several calls regarding chickens and has advised that if residents have less than one acre they cannot have chickens.

City Manager Nicosia advised that the Flathead County Library Inter-local agreement comes due July 1st and that she has met with the County Library Director Kim Crowley and they have made minor adjustments to the agreement. The agreement will be reviewed by City Attorney and the Library Director would like to attend the April 2nd Council meeting and address Council.

City Manager Nicosia also advised Council that the Building Inspection Services Agreement with Whitefish will cost the City approximately \$26,000 this year but has already had three months with less than \$2,000 being forwarded to Whitefish. City Manager Nicosia had advised the City of Whitefish that Columbia Falls has no projects in the near future and does not anticipate any in the next two years. City Manager Nicosia explained that the City of Whitefish wants to maintain the relationship but they are concerned about subsidizing the function on behalf of the City of Columbia Falls. City Manager Nicosia advised that the City may need to modify the agreement and add a provision that includes the 65% split but will not be less than \$2,000 per month. City Manager Nicosia advised that the City of Whitefish appears to be comfortable with this number in order to retain the services.

City Manager Nicosia advised that the Smart Lam Project, which is pursuing the Economic Development grant had to sign an agreement today to provide three years of financial data. City Manager Nicosia advised that the group is going to request the City's allocation of \$400,000 and Flathead County's allocation of \$400,000 as well. The County's public hearings regarding the Economic Development grant will be held on March 29th, April 1st and April 2nd. City Manager Nicosia advised that the group will attend the Chamber meeting on Tuesday, March 20th and will ask the Chamber for their support.

City Manager Nicosia advised that the Bike Path project will be starting on March 26th and is on a fast track to be completed within 21 days. The City and the Contractor have agreed to post notices on everyone's doors about the work and time of operation.

City Manager Nicosia also advised that the City has received notification from

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TSEP that they have accepted the final paperwork the City submitted on the sewer project and the City is now waiting to hear from SRF regarding the forgiveness of loan A in the amount of \$390,700 of which will have to be reported as Federal revenue in the form of contributed capital.

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 and seconded the meeting adjourned at 9:16 p.m.

ADJOURN

Mayor

ATTEST:

City Clerk

APPROVED BY COUNCIL ACTION: April 2, 2012