

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD NOVEMBER 16, 2015**

**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, Shepard, Plevel, Lovering  
ABSENT: Fisher

**ROLL CALL**

Also present were City Manager Nicosia, City Clerk Staland, 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 moved to approve the agenda, second by Councilman Lovering and the motion carried unanimously.

**AGENDA  
APPROVAL**

**CONSENT AGENDA:**

Councilman Plevel moved to approve the consent agenda noting that all claims appeared to be in order, second by Councilman Lovering. Motion carried with Council voting as follows: YES: Lovering, Petersen, Karper, Plevel, Shepard and Barnhart NOES: None. ABSENT: Fisher.

**CONSENT  
AGENDA  
APPROVAL**

- A. Approval of Claims - \$ 63,620.39 November 16, 2015
- B. Approval of Payroll Claims - \$ 88,042.82 - November 6, 2015
- C. Approval of Regular Meeting Minutes - November 2, 2015
- D. Approval of 2016 FY Contract Amendment, City Manager Susan Nicosia
- E. Approval of Emergency Action Plan Update and authorize City Manager to sign.

**VISITORS/PUBLIC COMMENT**

A. Cliff Boyd, Calbag, presentation to Council on CFAC site cleanup  
Mr. Boyd spoke about the CFAC cleanup in accordance with MT DEQ permit requirements and explained the intention to remove all above ground debris as well as concrete. The scope of work is behind the fence. Work started in June in which they moved in crews from out of town along with hiring 32 people that reside in Columbia Falls. They have done extensive testing and performed asbestos sampling and have been abating asbestos out there since June building by building. They anticipate the project taking roughly 24 months for demolition and removal, after a 6 month period adjusting the topographical graphical regularity. They have done soil samples and testing

**VISITOR  
COMMENTS**

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ores as well as dust in the rooms. Mr. Boyd said they are not digging any pots until a digging plan is approved by DEQ. He reported that they are working 7 days a week with 70 employees, running two crews the first crew working Monday - Thursday with the second crew working Thursday - Sunday. Mr. Boyd said they had a piece of carbon fall out of a truck and residents called it in. They simply overloaded the truck; they have changed their protocol to contain the material for hauling. There is a water truck onsite and they water the loads to eliminate dust before hauling to the landfill which started in June. Shepard said many of the neighbors said there is too much dust on Railroad Street. Mr. Boyd said they hauled debris in trucks for two and half weeks and it did not work, once they received the complaint they changed their procedures. Councilman Shepard recommended contacting Mr. Wright to get the environmental data sheets on file. Mr. Boyd said they have been in contact with Mr. Wright. Shepard asked if they are providing showers for the workers before they leave the plant site. Mr. Boyd said there are changing rooms for the employees to change out of their coveralls but there is no running water to provide showers. Shepard asked how they are planning on lifting the anodes. Mr. Boyd replied with cranes. Mr. Boyd said he would like to come to the council meetings to give updates of the progress. Mayor Barnhart said once a month would be sufficient.

Clarence Taber, 24 Taber Lane, said he heard the City wants to have a Superfund site on the CFAC land and said he is opposed. Mr. Taber said when you work with people you either work with them, for them or against them. Mr. Taber read in the newspaper about the complaints and would hope if there was a problem it would be addressed with the plant. He would like to see the City work with company in the cleanup. Calbag is bringing in jobs for local residents and that is good for the city.

**PUBLIC HEARINGS/NOTICES**

**A. NOTICE OF HEARINGS:** Mayor Barnhart read the notices of hearings:  
a. The Columbia Falls City-County Planning Board will hold a public hearing for the following items at their regular meeting on Tuesday, November 10<sup>th</sup> at 6:30 p.m. at the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on December 7<sup>th</sup>, 2015 starting at 7:00 p.m. in the same location.

**NOTICE OF  
PUBLIC  
HEARINGS-Title  
18**

**Columbia Falls Zoning Regulations - Title 18 (Zoning Text Amendment):** A request by the City of Columbia Falls to amend certain portions of the text of the Columbia Falls Zoning Regulations (Title 18 of the Columbia Falls Municipal Code). The City proposes changes to 18.410.030.A(G) (Accessory Building Height in the CR zoning) and increase the building height for a detached garage from 15-feet to 22-feet. Amend Chapter 18.324.040(H) -

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Building Height increasing the existing 30-feet to 35-feet height to match all of the other residential zoning districts. Adding a new provision for Clustering in the SAG zones enabling a property owner to use the density provisions of the zone to create smaller lots in exchange for open space or agriculture easements. Explore the possibilities of creating off-premise signage and other sign provisions for the downtown CB-4 (Central Business District). Propose other amendments to the Sign Chapter 18.438 to comply with recent US Supreme Court decisions.

Persons may testify at the hearings or submit written comments prior to the meetings. Written comment may be sent to Columbia Falls City Hall, Attention: Susan Nicosia, City Manager, 130 6<sup>th</sup> Street West, Room A, Columbia Falls, MT 59912. For more information call Eric Mulcahy, Columbia Falls City Planner at 755-6481.

b. On November 2, 2015, the City of Columbia Falls Council approved a Resolution of Intent to Annex certain wholly surrounded lands in accordance with the authority granted in Title 7, Part 45, M.C.A. Resolution 1715 includes Parcel A on Certificate of Survey No. 19988, Records of Flathead County, Montana.

The City of Columbia Falls Council will meet on Monday, December 7, 2015 at 7:00 p.m. in the Council Chambers at City Hall, 130-6<sup>th</sup> Street West, Columbia Falls, Montana. At that time, the Council will hold a public hearing on this annexation and a vote on a resolution to annex Parcel A of Certificate of Survey No. 19988.

Mayor Barnhart asked City Manager Nicosia why we were doing this. Nicosia said it is a wholly surrounded parcel and following state statue we have to hold a Public Hearing.

Written comments approving or disapproving the proposed extensions of the boundary of the City from registered voters residing in the area proposed to be annexed will be accepted for a period of 20 days from the date on which this notice is first published. Persons wishing to submit comments prior to said hearing, may submit them to: City Clerk, 130-6<sup>th</sup> Street West, Columbia Falls, MT. 59912.

Documents regarding the annexation are on file in the Office of the City Clerk, City Hall, 130 Sixth Street West, Room A, Columbia Falls, MT 59912. Questions may be directed to and further information on the action to be taken by the City of Columbia Falls City Council may be obtained from City

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Manager Susan Nicosia at City Hall - 130-6<sup>th</sup> Street West, Columbia Falls, MT. 59912 or by calling 892-4391.

**UNFINISHED BUSINESS**

**A. MT DOC Youth Recreation Grant**

City Manager Nicosia said she has continued working with the Columbia Falls Baseball Association on the MT DOC Youth Recreation Grant; they are a very small nonprofit organization and are not set up to handle a large reimbursement-basis grant. Nicosia is working with the CFBA putting the numbers together for the grant and compiling a list of priorities. The City is set up to help with the administration and auditing of the grant. In order to meet the requirements, the City can be the applicant on the grant and manage it accordingly. Nicosia said she has completed the environmental review assessment and it meets the requirements of an exempt review.

**UNFINISHED  
BUSINESS-MT  
DOC Youth  
Recreation Grant**

Mayor Barnhart asked if there were any comments from Council or the public, seeing none moved on to a vote.

Councilman Plevel motioned to approve the City as being the applicant for the grant application, second by Councilman Shepard and the motion carried.

**NEW BUSINESS:**

**A. CFAC - EPA Cleanup Process**

Mayor Barnhart said he is on the CFAC Liaison committee and has closely followed the negotiations to get a letter of consent signed to allow them to move forward with determining what the extent of the contamination is out there. Originally in order to encourage movement toward a cleanup, the Council determined along with Senator Tester that the City should support a Superfund site cleanup. Mayor Barnhart noted that after much deliberation and consideration, Council concluded at that time that while we did not want a Superfund listing it was the best alternative to get the site cleaned up as soon as possible. As personally witnessed at the CFAC Liaison committee meetings, CFAC is working hand in hand with the EPA to reach an agreement and sign an order of consent before Thanksgiving. EPA has assigned an on site coordinator, Mike Cirian. Mr. Cirian has been meeting with the CFAC representatives and they are very close to getting the letter of consent, as reported by both parties.

**NEW BUSINESS-  
CFAC Cleanup  
Process**

Mayor Barnhart reported that there are two times a year that the EPA designates Superfund sites. The Fall listing did not designate this as a Superfund site. The EPA on site project manager has determined that there is a second way to keep the EPA and CFAC involved in this which is to not go to a Superfund designation. They have an alternative and it looks like they

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are very close to reaching an agreement. The EPA representative is fully aware of the fact that none of the sites in Region 8 have ever gone in this direction; it has either been Superfund or nothing. CFAC has come forward with a \$4 million bond to the EPA to ensure completion of the RIFS process that is anticipated to last 4 years. Mayor Barnhart said he would hope Council would have discussion and move forward with letters to the Senators, Representative and Governor recommending the Superfund designation be put on hold and let the process work itself out.

Councilman Plevel recommended Mayor Barnhart start the process as he has attended the meetings. Mayor Barnhart said they are looking to get this done as quickly as possible. Councilman Shepard asked Steve Wright how often Mike Cirian, EPA, had been out at the site. Steve Wright said Mike has been out two or three times. Steve Wright said the Superfund alternative follows the same steps as a Superfund listing. Councilman Petersen asked if the opportunity was to have an agreement in place. Mayor said the process to move forward is the same oversight with EPA in the lead. Mayor Barnhart suggested putting this on the next agenda bringing forth a letter for our Governor, Senators and Representative.

**B. Petition to abandon 10' strip – 8<sup>th</sup> St East**

City Manager Nicosia said City staff has been working on the abandonment request with the new owners; the new owners are looking to build a retaining wall, as their entrance will be off 8<sup>th</sup> street E. The water main is in the middle of the street and it not an issue with the abandonment request. Public Works concurred with abandoning the 10'.

Councilman Shepard motioned to approve proceeding with the abandonment request of 10' of 8<sup>th</sup> Street East, second by Councilman Plevel and the motion carried. Nicosia noted that the City will give public notice of the proposed abandonment and hold a hearing at the next regular council meeting.

**ORDINANCES/RESOLUTIONS:**

A. Resolution 1716 - A Resolution of the City Council of the City of Columbia Falls, Montana, Designating The Planners of the Night Of Lights 2015 and Designating Night of Lights 2015 Parade as an Official Activity of the City of Columbia Falls.

**RESOLUTION  
#1716-Night of  
Lights Parade**

Councilman Karper made motion to approve Resolution #1716 as written, second by Councilman Petersen with Council voting as follows. YES: Lovering, Petersen, Plevel, Shepard, Karper and Barnhart. NOES: None. ABSENT: Fisher

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

Councilman Lovering inquired about Pit to Park progress. City Manager Nicosia said DEQ has not come for their site visit yet but she will follow up with them.

Councilman Petersen said the building on Nucleus Avenue and 6<sup>th</sup> Street will have a mural on the building in the few days.

Councilman Shepard talked about the truck loads from CFAC on Railroad Street, noting health problems are a concern with debris blowing out of the trucks.

Councilman Plevel said she wanted Mayor and Council to know that she has enjoyed being on the City Council for the last 10 years. Plevel said she will be out of the area the month of December, so this would be her final meeting.

Mayor Barnhart thanked Councilman Plevel for her years of service to the City noting that it was appreciated. Shepard said there were times that Plevel was the calming voice when he was not. Council recognized Plevel and her years of service to the City.

Mayor Barnhart congratulated the winners of the election, Councilman Karper, Councilman Fisher and Councilman-elect John Piper. Barnhart noted there was a good turnout for voting. Mayor Barnhart also congratulated the Girls Volleyball team for bringing home the State Championship.

**REPORTS FROM  
MAYOR AND  
COUNCIL**

**REPORTS/BUSINESS FROM CITY ATTORNEY:**

None

**REPORT FROM  
CITY ATTORNEY**

**CITY MANAGER:**

Nicosia discussed the 911 Special District process and asked if there were any comments from council. Mayor Barnhart noted there was ample opportunity to protest but had also hoped that the concerns could be addressed regarding questions on the commercial schedule. Petersen asked how the assessment would be adjusted if the rental space changes business use. Nicosia said they have determined it would need to be updated each year. Shepard said he knows of people from the Middle Road area that did not get the letter to protest.

Nicosia noted that all of the current city board members have indicated a desire to continue serving the city except for one Tree Board opening and one City Planning/Zoning Board opening. The City Board vacancies will be advertised in the newspapers. Nicosia also noted that in addition to the various Board positions, the City attorney contract is up for renewal.

Nicosia reported receiving a letter, this evening, from the St. Richards Financial Advisory committee asking to be exempt from the street assessment. Nicosia will get with the City Attorney to review the request.

**CITY MANAGER  
REPORT**

**A. INFORMATIONAL CORRESPONDENCE - List available for Review**

**CORRESPONDANCE/  
REPORTS**

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B. Reports:

- a. Finance - October
- b. Police - October activity

**ADJOURN**: Upon motion duly made by Councilman Plevel, second by Councilman Shepard the meeting adjourned at 8:47 p.m.

**ADJOURN**

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED BY COUNCIL ACTION: December 7<sup>th</sup>, 2015