

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD APRIL 17, 2017**

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: Piper, Shepard, Fisher, Karper, Lovering

ABSENT: Petersen

ROLL CALL

Also present were City Manager Nicosia, Finance Director Sandy Carlson, City Attorney Breck, Police Chief Peters and Deputy Clerk Vickie Ott.

Pledge of Allegiance

PLEDGE

APPROVAL OF AGENDA:

Mayor Barnhart requested a motion to approve the agenda. Councilman Lovering moved to approve the agenda, second by Councilman Fisher, and the motion carried unanimously.

**AGENDA
APPROVAL**

CONSENT AGENDA:

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

**CONSENT
AGENDA
APPROVAL**

- A. Approval of Claims - \$58,489.52 - April 17, 2017
- B. Approval of Payroll Claims - \$ 83,821.70 - April 7, 2017 Payroll
Approval of Payroll Claims - \$7,266.23 - April 10, 2017 Termination Payroll
- C. Approval of Regular Meeting Minutes - April 3, 2017
- D. Approval of Memorandum of Understanding - Northwest Montana Drug Task Force for FY 2017-2018 and authorize City Manager and Police Chief to sign.
- E. Approval of Memorandum of Agreement - Columbia Falls Swim Team - 2017 Season and authorize City Manager to sign.
- F. Approval of Right of Way Deed - State of Montana - 15' foot strip through NE4SW4 & Government Lot 5, S18, T 30N, R 20W, PMM, Flathead County, MT and authorize City Manager to sign.
- G. Approval of Master Short Form Agreement for Professional Services - HDR, Engineering, Inc and authorize City Manager to sign.
- H. Approval of Task Order # 1 - HDR Engineering, Inc., \$1,700, and authorize City Manager to sign.

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VISITORS/PUBLIC COMMENT: (Items not on the Agenda)

**VISITOR/PUBLIC
COMMENT**

A. Mayor Barnhart announced that tonight is a Report to Council from EPA RE: CFAC Superfund site. A more interactive meeting for the public will take place in the High School cafeteria on Wednesday, April 19th at 6:00 pm. Mayor announced that limited comments may be taken after the presentation but the purpose of tonight's presentation is to report to the Council.

Mike Cerian, Project Manager for the EPA CFAC Project gave a short overview of the Superfund project. A number of stepping stones are a part of the project. We are currently on the 3rd one which involves information gathering and preparing a Draft Data Summary Report. This will become the basis for Phase 2. The portion of the CFAC Plant study area includes 64 wells (44 new and 20 existing.) Surface water and soil samples have been gathered. The good news is that they have not seen anything that is a surprise. The seeps of cyanide into the Flathead River back flow have not gotten worse. They will continue to monitor this.

Rob Moler, EPA Community Involvement Coordinator spoke about having good community involvement. He thanked the Council on getting the word out on the meeting on Wednesday. He recognized a representative from Senator Steve Daine's office; Ron Catlett was in the audience. Rob indicated that the EPA's Community Involvement Plan, (which highlights community concerns) is available on-line and at the Imagine IF Library. He reported that if anyone would like an emailed copy he had a sign up sheet in the back of the room and he will send one to anyone that signs up.

The Community Involvement Plan highlights community concerns and targets public education strategy around that. The communication strategy is based upon 3 goals: 1) Inform the Public, 2) Engage the Public, 3) Make sure we have continued engagement. Further information is available on the EPA Superfund website under CFAC.

Wednesday night's meeting will have more details about where we are status wise and the next step forward.

Mayor Barnhart asked for any short comments from the public. None

PUBLIC HEARINGS/NOTICES:

A. NOTICE OF HEARING - APRIL 17, 2017: Mayor Barnhart read the notice of hearing: NOTICE IS HEREBY GIVEN to all persons that a request has been filed with the City Council of the City of Columbia Falls, Montana, requesting the abandonment, discontinuance and vacating or trading of certain public way or property in the City of Columbia Falls, Montana, more particularly described as follows:

**PUBLIC HEARING -
Abandonment/vacating/trading public
way or property**

Tracts 7E, TK and TK1, S08, T30 N, R 20 W in NE ¼ SW ¼, P.M.M, Flathead

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County. The abandonment will be subject to the rights of the City or any other public utility to access, operate and maintain any public utilities currently located within the right of way.

Mayor Barnhart asked City Manager Nicosia to present the request to Council. City Manager Nicosia reviewed the request to abandon or trade city owned property and right of way within the Weyerhaeuser property boundaries.

Nicosia reported that she had met with Weyerhaeuser officials to discuss the public right of way in and around their property; specifically Tract 7E owned by the City and obligated by a 99 year lease until 2050 and Tract 7K1 "Truck Route." The City has no utilities through those tracts and has no use for the property as located but Public Works Director Grady Jenkins would like to evaluate the existing roadways to determine if the City public right of way could be improved by widening the roadway adjacent to 5th ST West as well as the corners at 6th Ave West and 3rd ST. West. Mr. Jenkins believes that 4th Ave West, platted at 100' is adequate. Nicosia noted that the 5th St West/6th Ave West intersection has been problematic for many years due to the truck traffic on the existing road width. Nicosia reported that Weyerhaeuser would contract with a surveyor to prepare the necessary surveys and documents to transfer the property and make the necessary boundary line adjustments without cost to the City.

Mayor Barnhart asked for clarification on the potential boundary line adjustment. Nicosia reported that Public Works Director Jenkins would like to evaluate 5th ST West (east/west) as well as 6th Ave West (north/south) to determine an adequate width of the road way. The City is not requesting moving the entire 60' platted 7K1 to the existing roadway. Nicosia advised Jenkins also would like the ability to look at each of the intersections. Mayor Barnhart said that it makes sense to look at the entire area to ensure adequate public right of way. Mayor Barnhart asked Public Works Director Jenkins if he had anything to add at this time. Jenkins advised not at this time, will be getting more involved at a later time.

Mayor Barnhart opened the public hearing at 7:30 p.m. No one wished to comment on the property abandonment/vacation/trade with Weyerhaeuser as proposed. Mayor Barnhart closed the hearing.

City Manager Nicosia and Public Works Director Jenkins will work with Weyerhaeuser and the City Attorney's office and bring back the necessary documents for Council approval.

B. NOTICE OF PUBLIC HEARING - MAY 1, 2017: Mayor Barnhart read the notice: NOTICE IS HEREBY GIVEN to all persons that the City Council of the City of Columbia Falls, Montana, will hold a public hearing on snow

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removal alternatives on 9th Street West, also known as Highway 2, traveling east/west through the City. The MT Department of Transportation has proposed berming the snow to the middle of the roadway instead of placing the snow on the adjoining sidewalks, making them impassable in the winter. Alternatively, the City Council has discussed a special fee for the adjoining property owners that would provide funding to hire a contractor to clear the sidewalks on both sides of the roadway.

**PUBLIC
HEARINGS - Notice
of Hearing
Snow Removal**

The City Council of Columbia Falls is encouraging public comment on these alternatives and will conduct a public hearing on the snow removal alternatives at the regular meeting of the City Council at 7:00 p.m., on May 1, 2017 in the Council Chambers, 130 6th Street West, Columbia Falls, Montana, at which time and place all persons desiring to be heard on said matter may appear and offer comments on the proposed abandonment. Written comments may be addressed to the City Clerk, 130 6th Street West, Room A, Columbia Falls, Montana 59912 prior to the hearing.

City Manager Nicosia advised this is also posted at the Chamber Commerce, Newspaper, and City website hoping for more comments.

UNFINISHED BUSINESS

None.

**UNFINISHED
BUSINESS**

NEW BUSINESS:

A. City of Columbia Falls MT Pollutant Discharge Elimination Permit (MPDES) - Wastewater Treatment Plant

City Manager Nicosia handed out draft comments from Public Works Director Grady Jenkins. Jenkins reported that the DEQ permit application was applied for in October 2014. DEQ reviewed the first permit for renewal in November 2015. It contained a number of significant errors and the City refused to approve it. A revised permit and fact sheet was sent January 2017 and Jenkins, WWTP staff and engineers from HDR worked with the DEQ permit writer to correct the previous errors. Jenkins reviewed the draft permit information, including the Tables. He reported that Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) lbs. per day limits were lowered due to the design flow of the bioreactor. Jenkins reported that the City will be testing for metals that have been detected in the effluent at the Waste Water Treatment Plant including Cadmium and Copper. Jenkins noted that copper is well below the drinking water standard but above Aquatic life standard. Jenkins reviewed the recommended comment letter to DEQ:

**NEW BUSINESS
Discharge
Elimination Permit -
WWTP**

#1. That a mixing zone to be granted for this permit.

#2. E.coli Units be changed to MPN. We test using that equipment.

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#3. Sample location wording to be changed. To Influent samples for BOD and TSS to be taken at end of grit removal chamber and before influent flow meter.

#4. Sample location to be either NA or Effluent did not see a reason for these locations to be labeled different.

#5. The Aluminum dissolved RRV be changed to 10. In, addition to the comments the City is asking for recognition of the removal of the 24 individual septic systems in Riverwood Subdivision that will be hooked to the City's sewer this summer. DEQ could not put them in the permit, but told us if we put them in the comments, they will put them in the file in the future for nutrient trading on the permits. Mayor Barnhart asked when the permit will expire and Grady reported that it will be good for five years. Jenkins asked the council for approval of the comments, noting that we have until May 2nd to submit them to DEQ.

Councilman Karper, motioned to approve Wastewater Discharge comments, second by Councilman Fisher and the motion passed unanimously.

B. Approval of Mural – 830 1st Ave. West, O'Brien's Liquor and Wine
City Manager Nicosia presented the request for a mural at 830 1st Ave West, noting that under City Municipal code 18.438.070, mural require council approval. Owner/applicant O'Brien Byrd was present. Mayor Barnhart asked if the mural would cover the whole side of the building. O'Brien advised yes, on the North side of building. Mayor Barnhart asked how the mural will be applied and O'Brien advised it will be painted by hand. Mayor Barnhart asked City Manager Nicosia for her recommendation. Nicosia stated she recommends approval of the Mural as it meets the stated criteria and the owner has represented that it will be clean and maintained.

**Mural – 830 1st Ave.
West**

Councilman Lovering made a motion to approve the Mural on 830 1st Ave. West, second by Councilman Fisher and the motion passed unanimously.

C. Approval of Columbia Falls Farmers' Market Park Use Request
City Manager Nicosia presented the Columbia Falls Farmers' Market (CFFM) Parks Use Request as recommended by the Parks Committee. The committee met on April 4th and reviewed the request to use Marantette Park for 19 weeks on Monday nights starting May 15th through September 18th. The CFFM requested a waiver of all fees for the use of the Marantette Park grassy event area and the band shell. Pursuant to the City fee schedule, regular user fee and deposit would be \$4,602.50. The Parks Committee recommended that the City charge \$25 a week for both of the park and band shell. The \$475 will be payable in three installments, along with a refundable deposit of \$200, and, in compliance with the use application, CFFM would provide portapotties, garbage receptacles and follow park rules and enforce the no-staking

**CF's Farmer's
Market – Park Use
Request**

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rule to avoid irrigation system damage. Mayor Barnhart stated this was a wise move to Monday, asking who enforces the use permit requirements. City Manager Nicosia noted that the Parks employees enforce the use permits.

Councilman Karper, motioned to approve the Columbia Falls Farmers' Market Park Use request and partial fee waiver as recommended by the Parks Committee, second by Councilman Piper. Motion passed unanimously.

ORDINANCES/RESOLUTIONS:

A. Resolution # 1747 - A Resolution of the City Council of Columbia Falls, Montana Amending Fund 5210 Water Fund, Fund 5211 Water Capital Expansion, Fund 5310 Sewer Fund, and Fund 5311 Sewer Capital Expansion Appropriations for the Fiscal Year 2016-2017

**RESOLUTION
#1747 -
AMENDING
2017 FY BUDGETS**

Nicosia reported that the Riverwood SID project began after the 2016-17 FY budget was adopted. As the City has approved the engineering contract and awarded bids, the Council may now approve the budget amendments to properly reflect the anticipated expenses during the 2017 FY. Nicosia reviewed Exhibit A, the budget amendment detail with Council and recommended approval of the Resolution. City Manager Nicosia reported that restricted cash from the capital expansion funds will be used for the portion of the project that expands water and sewer service, the SID portion is \$340,000 for Plant investment fees and sewer costs and the remaining costs will be paid from Water and Sewer operating, replacement and depreciation funds and restricted project cash.

Councilman Piper motioned to approve Resolution #1747, authorizing the City Finance Director to make the necessary amendments to the budgets, second by Councilman Shepard with Council voting as follows. AYES: Fisher, Karper, Lovering, Piper, Shepard and Barnhart. NOES: None. ABSENT: Petersen.

REPORTS/BUSINESS FROM MAYOR & COUNCIL:

None

**REPORTS FROM
MAYOR AND
COUNCIL
REPORTS FROM
CITY ATTORNEY**

REPORTS/BUSINESS FROM CITY ATTORNEY: none

REPORT FROM CITY MANAGER:

City Manager Nicosia requested a volunteer from the Public Works Committee to evaluate water and wastewater PER proposals. Councilman Shepard volunteered.

**CITY MANAGER
REPORT**

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Nicosia updated Council on approved project start dates: Timber Creek project starting tomorrow April 18th and 8th Street East paving started today. Riverwood project will begin in May.

Job postings are open until April 21st: Wastewater Operator, Police Assistant, and the Pool cashier/lifeguard.

Parks Committee also reviewed along with the Farmers Market request to from the adjacent property owner, Lot 56, to use a portion of the Dallas Subdivision Park, given to the City by the County via tax deed, for garden use. The owner will meet with Grady Jenkins to work out the details and council will approve an encroachment permit at a later date.

Parks Committee is also continuing to investigate the offer from Ken and Carole Bell to purchase additional acreage adjacent to River's Edge Park. The next step is to have an appraisal completed.

Nicosia has continued working with Jed Fisher on the Weed management agreement. They met and completed a draft agreement that has gone to the City attorney and county attorney for review. Within the agreement, the City and county would collaborate on noxious weed control and the Weed District would provide chemicals and training for noxious weeds.

Nicosia reported that she is working with Chief Peters on text amendment for Parking Regulations to provide enforcement for people essentially storing vehicles, trailers, campers, and etc. on the right of way as well as parking on landscaped lawns.

Nicosia reviewed the status of legislative bills being watched and supported by the City.

INFORMATIONAL CORRESPONDENCE - List available for Review

CORRESPONDENCE

REPORTS:

REPORTS

- a. Finance - March
- b. Police - March
- c. Court - quarter ending March 2017

ADJOURN: Upon motion duly made by Councilman Shepard and seconded by Councilman Lovering, the meeting adjourned at 8:14 p.m.

ADJOURN

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Mayor

ATTEST:

Deputy City Clerk

APPROVED BY COUNCIL ACTION: May 1st, 2017