

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD FEBRUARY 1, 2016**

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, Fisher, Lovering and Piper

ABSENT: None

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:

Councilman Piper moved to approve the agenda, second by Councilman Shepard, and the motion carried unanimously.

**AGENDA
APPROVAL**

CONSENT AGENDA:

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

**CONSENT
AGENDA
APPROVAL**

- A. Approval of Claims - \$ 120,604.50 - February 1, 2016
- B. Approval of Payroll Claims - \$ 61,139.98 - January 29, 2016
- C. Approval of Regular Meeting Minutes - January 19, 2016
- D. Approval of Plant Investment Fee Agreement, Chelsea Sellers, 1313 4th Ave West, and authorize City Manager to sign.
- E. Approval of Subdivision Improvement Agreement, Chris and Debbie Karlberg, 622 9th St. West and authorize City Manager to sign.
- F. Approval of Request for Records Disposal and authorize City staff to sign and submit pursuant to state statute.
- G. Authorization of City Judge's absence in excess of 10 days from the City.
- H. Approval of Experience Works agreement and authorize City Manager to execute documents.

VISITORS/PUBLIC COMMENTS:

Judge Gordon said she has done a lot of research on the Experience Works program. The person selected to work in the court is not under any impression that they will be hired as a City employee. Judge Gordon said she plans to ask for a budget request for additional clerk hours in the future.

**VISITORS/PUBLIC
COMMENTS**

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Judge Gordon thanked Council for their consideration and City Manager Nicosia and City Attorney Breck for their assistance.

NOTICES OF HEARINGS/HEARINGS:

A. Notice of Hearing – February 16th – Designation of One-Way Street:
Mayor Barnhart read the notice of hearing: The Columbia Falls City Council will hold a public hearing on Tuesday, February 16, 2016 at 7:00 p.m. for the purpose of considering an amendment to Title 10.39.040 Designated One-Way Streets. The hearing will be held in the Council Chambers, City Hall, 130 6th ST. West, Columbia Falls, MT.

**PUBLIC
HEARINGS
NOTICE**

The City Council is proposing revising Municipal Code Title 10.39.040 Designated One-Way Streets by adding the southwest portion of Wildcat Drive. The Council adopted an Emergency Ordinance on February 1st which is effective for 90 days. Council will take public comment to determine if the designation should become permanent.

UNFINISHED BUSINESS

A. CFAC Cleanup Process Update

City Manager Nicosia said at the January 21st 2016 Community Liaison Panel meeting, EPA representative Mike Cirian expressed concern that the CFAC site could be designated as a Superfund site with the March 2016 listing. Additionally, at previous meetings, there was some discussion on having this site follow the “Superfund Alternative Approach.” Nicosia said since last Thursday, the EPA announced the March Superfund sites and CFAC was not listed but potentially could make the November 2016 listing. At that meeting, EPA wanted community input to the EPA on the alternative approach and not designate as a Superfund site, and now is the time to comment. Since then Nicosia said she has spoken with Mike Cirian with EPA and Chad Campbell from Senator Tester’s office. Nicosia noted that the purpose of tonight’s meeting was to discuss the Council’s proposed correspondence to EPA, the congressional delegation as well as the Governor and state legislators.

**UNFINISHED
BUSINESS-CFAC**

Mayor Barnhart expressed concern with the conflicting information provided to us from the EPA. Mayor Barnhart said as soon as it was listed as an NPL after the initial testing was completed, that was the required designation by the EPA. Mayor Barnhart expressed concern with the sudden introduction of the Superfund Alternative approach, noting that the information received earlier regarding the CFAC site and the NPL, would not have allowed the site to qualify for the alternative approach. The Aluminum Plant is in the county and not the City, but the City has significant concerns with the environmental uses and we need to assure that the site gets cleaned up.

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Mayor Barnhart added that he had contacted Chad Campbell from Tester's office and they would like the City to be patient and let Tester's office complete its investigation into the Alternative approach, allowing them to come back with facts before moving forward.

Councilman Petersen said the most important vote was when the Council said clean it up. In terms of the designation, based on what he understood from Mike Cirian, we stay the course and say clean it up now. Councilman Petersen pointed out strong concern with public perception in regards to several articles in the newspapers as well as the letters sent out by the County Commissioners. Petersen does not believe listing it as a Superfund site will be damaging to Columbia Falls or the Flathead. The City should stay with the people that have gotten us to the party, and that is the Governor, Senators Dee Brown and Jon Tester and the EPA. Petersen believes the City should send a letter to the Governor, congressman, state legislators and the EPA stating our position on getting the site cleaned up. Councilman Petersen expressed concern with the makeup and the presentations to the Community Liaison Panel and felt they were geared to be on the side of CFAC.

Councilman Shepard said the material that is under ground is going to continue to deteriorate the water quality. Shepard said he agrees with Councilman Petersen, it has been listed on the NPL and all Council needs to do is send letters that state we are in favor of a Superfund designation. Shepard voiced concerns with potential well contamination in the area in the future and noted that the former employees he has spoken to are in favor of a superfund cleanup.

Councilman Lovering said she is in agreement with Councilman Petersen and Councilman Shepard; it should be a Superfund site and it needs to get cleaned up. She noted that having the site cleaned has a positive impact on economic issues.

Councilman Piper believes the community can overcome any stigma of a superfund listing and reinforced the need to get it cleaned up.

Councilman Karper stated he would like to stay the course as a Superfund Site. Councilman Fisher concurred with Council.

Mayor Barnhart said he has attended every Community Liaison Panel meeting, noting they were open to the public. Barnhart reported that at no time in any panel discussion did the panel indicate they did not want the site cleaned up. Barnhart reported that the panel discussed having it done as quickly as possible. Barnhart reported that Mr. Cirian, EPA, recently brought up the idea that the CFAC site could qualify for the Superfund Alternative approach which could cut years off the cleanup. Barnhart noted that if having a Superfund Alternative is a way of getting it cleaned up faster than he is for it 100%. The letter sent out by the County Commissioners was not sent to Council for our approval or signature but to show us what the County

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is interested in doing. Mayor Barnhart noted that Senator Tester's staff is looking into the alternative approach but does not have all the answers as of tonight. Mayor suggested Council make a motion on the direction they would like to take this evening, stating he would prefer to have more information to clarify the alternative approach.

Councilman Petersen made motion to send a letter from Council reaffirming the Council's continued commitment to clean it up. Petersen stated that Council needs to be on record and let politicians know we want it listed as soon as possible. Second by Councilman Fisher. Fisher asked if Senator Tester's office was going to look into the alternative approach further. Mayor Barnhart said he believes this motion is not concerned with the alternative approach.

Mayor suggested the letter be available for the next council meeting, council discussion ensued with Nicosia stating she would draft the letter and email it for council review so letters could be mailed before the next meeting.

Motion passed unanimously.

City Manager Nicosia reported on the Parks Committee meeting on January 25, 2016 with Mark Deleray from Fish, Wildlife and Parks in attendance. The committee agreed to recommend authorization of a preliminary investigation of soil type and water depth in the area of River's Edge Park being considered for a Fishing Pond. Councilman Fisher said he would like to further investigate and see what the budget for the pond will be. Councilman Petersen said it seems like a good first step, confirming that the depth of the pond would be approximately 20 feet based on the rough draft. Petersen also felt that Fish, Wildlife and Parks would be a good partner and this would be a good project. Councilman Lovering said her husband would volunteer to do the soil survey. Councilman Lovering said there were concerns about flooding but Mr. Deleray reported that the location in the flood plain may be beneficial for the fish.

**FISHING POND-at
River's Edge Park**

Councilman Petersen motioned to approve Phase I Preliminary Investigation of the Fishing Pond at Rivers Edge Park, second by Councilman Shepard and the motion carried unanimously.

NEW BUSINESS:

A. Parks Committee Report

Nicosia reported at the January 25, 2016 Parks Committee meeting, the Parks Committee selected playground and park equipment for Horine Park to take advantage of spring sales/free shipping opportunities. The 2016 FY Parks Capital Budget included \$50,000 for park improvements at Horine Park. The old playground equipment must be removed and replaced. The Parks Committee selected a play structure and a swing set that will improve and expand the park as well as 2 benches and a table. In reviewing the parks plan

**NEW BUSINESS-
Capital Park
Improvements**

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with the Public Works Director after the meeting, Pinewood Park also has a 1992 play structure that is unsafe and should be replaced. Staff is asking Council approval to amend the Parks plan to allocate \$7,500 to Pinewood Park, leaving \$42,500 for Horine Park. The new Horine equipment will be approximately \$16,000 leaving \$26,500 for parking, irrigation and general park improvements. The savings for the equipment, without factoring in free shipping, is \$10,400.

Councilman Fisher motioned to authorize City Manager to proceed with the planned purchases as noted in the Manager's report, allowing for the adjustment for the Pinewood Park update, second by Councilman Karper. Councilman Fisher noted there was no discussion on replacing the Pinewood Park equipment at the Parks Committee meeting but agrees it needs to be replaced. Motion passed unanimously.

ORDINANCES/RESOLUTIONS:

EMERGENCY ORDINANCE #759 -One Way Designation on SW Wildcat Drive.

Nicosia said SD #6 reported a bus/car accident at the intersection of Talbot Road and Wildcat Drive as well as multiple near misses. Mr. Fish requested the City evaluate designating the SW portion of Wildcat Drive as a one way street. After review, the Police Chief and Public Works Director recommended designating that portion of Wildcat Drive as one way. Pursuant to City Code, one way streets are designated through the Ordinance process. Nicosia reported that adoption of the emergency ordinance would implement the one way designation as soon as the one way signs are installed, approximately one week. Council would then go through the process of adopting the designation permanently, holding a public hearing on February 16th and completing two readings of an Ordinance.

Councilman Lovering asked if we anticipate the Wildcat residents having an issue with the change. Nicosia said believes the residents are utilizing the southeast drive to avoid the bus traffic.

Councilman Fisher motioned to approve Emergency Ordinance 759, second by Councilman Lovering. Mayor Barnhart noted that we will need to install large, very visible signs. Chief Perry said there will be signs on both sides of the road. Mayor Barnhart said he would like to see a better marked entrance into the medical clinic. Motion carried.

REPORTS FROM MAYOR AND COUNCIL

The Parks Committee reported on the remaining January 25th agenda items. The Committee agreed with the Red Bridge Park proposed site plan prepared by RPA and request that staff proceed with final plans and estimates. FVCC

**EMERGENCY
ORDINANCE
#759-One Way
Street**

**RED BRIDGE
PARK**

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may not be available to provide the excavation work; however, the City did receive a quote of \$15,000 from a local contractor to complete the work. Nicosia said Mark Deleray notified her today that this project could qualify for Recreational Trail Grant funding with proposals due mid-March.

Mayor Barnhart asked if this park will have the availability to put in and take out a boat/raft. Fisher said we did not talk about access to the water but you could take a boat to the river. Councilman Karper confirmed with the Committee that this park will essentially be a walkway to the water. Lovering reported that it is unsafe as it is and must be improved. Petersen said it could be a launch site for a boat. Nicosia said Fish, Wildlife and Parks said they will work with the City on this site.

The committee had also met with Chief Perry on the Special Permit Process-allowing alcohol in the parks for events. The consensus of the committee was to pursue amending city code, if applicable, and have staff develop a permit process and bring back to council for review. The committee recommended restricting special event permits allowing alcohol to Marantette and River's Edge parks. City staff will work with the attorney to update the permit process and determine if any portions of the city code need to be amended or if only the park use permit requires amendment.

**SPECIAL PERMITS
ALLOWING
ALCOHOL IN
TWO CITY PARKS**

Councilman Lovering reported the Community Garden has raised about \$3,000 for the new fence.

Councilman Shepard reported that the Legion Post would like to add benches at the Veteran's Wall now that names have been added to the south side. Councilman Shepard noted that the decisions the Council makes on CFAC are not going to make everyone happy, but the faster we get started the better as water quality is a long-term issue.

Councilman Petersen said he attended the meeting in Whitefish for the Climate Smart Solutions program. He reported that there are 4 towns in Montana that participate in the program. There are a number of people out there interested in Climate Smart Solutions. He learned that Red Lodge High School received a \$12,500 grant for a growth project. He felt that this was not an interest of Columbia Falls at this time.

Councilman Piper congratulated the Speech and Debate team on their 11th State Championship title.

Mayor Barnhart reported on the meeting he attended last Thursday with Manager Nicosia, Senator Brown, Commissioner Mitchell and the county road dept. He felt that getting together to discuss the road condition and review the traffic data was a good first step. Mayor Barnhart said there was a significant crowd, and Senator Brown explained to the crowd they were there to listen and not talk.

**MAYOR AND
COUNCIL
REPORTS**

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REPORTS/BUSINESS FROM CITY ATTORNEY:

None.

**REPORT FROM
CITY ATTORNEY**

CITY MANAGER:

Nicosia noted that they will hold another meeting after Senator Brown has obtained additional information on the 2017 bridge project and on the North Fork Road. Nicosia felt it was a good meeting and reported that the traffic data shows current traffic is well above the LTAP recommended of paving at 250 cars per day.

City Manager Nicosia discussed the agreement with the City of Whitefish for building inspections was continuing despite the loss of long-time inspector Virgil Bench. Mr. Bench was certified in all areas of inspection and until his death, the inspectors working under him could provide the services. The City of Whitefish has contracted with an electrical inspector to provide inspections on Fridays. There is no change in our process at this time.

Nicosia said before she starts the budget process with the departments, she would like have the council committees look more in depth at what each department does and discuss priorities and expectations. Mayor Barnhart said the committees could meet in March on the off-Mondays. Nicosia will set up a schedule.

Councilman Shepard recommended the 911 Center Board look at bringing in an expert to perform a program audit.

**CITY MANAGER
REPORT**

A. INFORMATIONAL CORRESPONDENCE - List available for Review

**CORRESPON-
DENCE**

ADJOURN: Upon motion duly made by Councilman Fisher and seconded by Councilman Lovering, the meeting adjourned at 9:16 p.m.

ADJOURN

Mayor

ATTEST:

City Clerk

APPROVED BY COUNCIL ACTION: February 16, 2016