

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD FEBRUARY 16, 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, Shepard, Fisher, Lovering and Piper

ABSENT: Petersen

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 Fisher 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: AYES: Lovering, Karper, Shepard, Fisher, Piper and Barnhart NOES: None. ABSENT: Petersen

**CONSENT
AGENDA
APPROVAL**

- A. Approval of Claims - \$73,948.65 - February 16, 2016
- B. Approval of Payroll Claims - \$ 84,375.80 - February 12, 2016
- C. Approval of Regular Meeting Minutes - February 1, 2016

VISITORS/PUBLIC COMMENTS:

A. Cliff Boyd, Calbag, CFAC Demolition Update

Cliff Boyd updated Council on the CFAC cleanup and presented current photos of the site. Mr. Boyd reported carbon steel is being moved out by rail. Mayor Barnhart asked if that was considered hazardous waste. Mr. Boyd said no it is not. Last month we hauled 52 truckloads of aluminum and almost 4,000 pounds of steel. They continue to work 7 days a week running two crews.

Mike Cirian, EPA Site Manager, said he is available to answer any questions from Council or the public. City Manager Nicosia said John Stroiazzo, CFAC, provided their answers to the questions posed by the City and asked Mr. Cirian if he could address some of the questions, from the EPA standpoint. Mr. Cirian said they have an AOC (administrative order of consent) for the investigation of the project. They are looking at a time table of 4 ½ to 5 years for completion of testing. The first phase is to get a wider threshold of what is

**VISITOR/PUBLIC
COMMENTS
CFAC-Cleanup**

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on site, when that is in place EPA will focus on a feasibility study. Mayor Barnhart asked on the feasibility study who proposes the cleanup methods. Cirian said Glencore will make the different proposals to the EPA. Mayor Barnhart said it is either going to be the superfund or alternative. Cirian said yes it would be listed as a superfund site or put on the alternative approach. Cirian confirmed that the site is not listed on the NPL however it is proposed. Councilman Shepard asked Mr. Cirian if the cleanup is untouched and we have 4-5 years of investigations, what happens if Glencore goes away. Mr. Cirian said the EPA has to evaluate all the companies that are potentially responsible; noting that should that situation arise EPA would start negotiations again, but would not have to reevaluate the site. Councilman Lovering asked why it is in Glenore's best interest to not be a superfund site. Mr. Cirian said you would have to ask Glencore that question, but believes cost is probably the biggest factor. Lovering said even if it is a superfund site Glencore would still have financial responsibilities. Cirian replied correct. Larry Matson asked if there is a bond in place. Mr. Cirian said the EPA holds the letter of credit.

City Manager Nicosia asked Mayor and Council if they would like to have Mike Cirian give periodic updates to the council at future meetings. Councilman Karper said perhaps when there is something to report. Council and Mr. Cirian agree to periodic updates.

Steve Wright addressed Councilman Shepard's concerns about the asbestos in the roofing Cliff was referring to was 7 layers down. Steve Wright also expressed that CFAC/Glencore wants the site cleaned up as quickly as possible and without the additional cost of a superfund listing.

PUBLIC HEARINGS/NOTICES:

A. Hearing - 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-One
way street in
Wildcat**

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.

City Manager Nicosia said after the Friday Feb 1st Council meeting the signs were put up and effective for 90 days. The City Council will need to adopt an ordinance for it to be permanent. Nicosia said there were no negative

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comments only positive concerning the one way street. Staff recommends the formal adoption of the ordinance.

Mayor Barnhart opened and closed the public hearing at 8:05 p.m. with no public comment.

B. Notice of Hearing – March 7, 2016 – Adoption of International Swimming Pool and Spa Code (ISPSC) 2015 Edition

NOTICE OF PUBLIC HEARING- Adoption of International Swimming Pool and Spa Code

Mayor Barnhart read the notice of hearing: The Columbia Falls City Council will hold a public hearing for the purpose of amending Chapter 15.08 adding the adoption of the International Swimming Pool and Spa Code (ISPSC) 2015 edition, at their regular meeting, Monday, March 7, 2016 at 7:00 p.m. The hearing will be held in the Council Chambers, City Hall, 130 6th ST. West, Columbia Falls, MT.

The Montana Department of Labor & Industry Building Codes Bureau gave notice that they adopted the International Swimming Pool and Spa Code (ISPSC) 2015 edition. As a certified city, the City of Columbia Falls must amend Chapter 15.08, Building Codes, to also adopt the ISPSC. Future editions of the ISPSC adopted by the Department of Labor & Industry will be adopted by the City under Administrative Order, as established by Ordinance 684 in 2007.

The proposed amendment is available for review at the office of the City Clerk, City of Columbia Falls 130 6th Street West, Columbia Falls, MT.

Written comments concerning this amendment may be addressed to the City Clerk at 130 6th Street West, Columbia Falls, MT 59912 or delivered in person to the City Council during the hearing.

UNFINISHED BUSINESS

None

UNFINISHED BUSINESS

NEW BUSINESS:

A. Award 2nd Ave West Project Bids

Nicosia reported the bids came in very well and staff recommends low bidder Sandry Construction be awarded the bid. Councilman Lovering asked if we have seen any of Sandry's work. Nicosia said they are a well know contractor in the valley and they have done work for the city in the past.

NEW BUSINESS Bid Award for 2nd Ave West street project

Councilman Piper motioned to award the 2nd Ave West project to Sandry Construction in the amount of \$180,505, second by Councilman Lovering with

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Council voting as follows. AYES: Fisher, Karper, Lovering, Piper, Shepard and Barnhart. NOES: None. ABSENT: Petersen.

B. Request for Letter of Support - Glacier Park International Dark Sky designation

Request for letter of support-Dark Sky

Nicosia said the letter is something we would support but does not affect the city.

Councilman Shepard made motion to authorize City Manager to draft and send a letter of support for the Glacier Park International Dark Sky designation, second by Councilman Fisher and the motion carried.

ORDINANCES/RESOLUTIONS:

A. FIRST READING - Ordinance #760: An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Chapter 10 Section 39 in the Columbia Falls Municipal Code.

**ORDINANCE
#760-Amending
Chapter 10 Section
39 Code**

Councilman Karper motioned to approve the first reading of Ordinance #760, second by Councilman Piper and the motion carried.

B. Resolution #1720 - A Resolution of the City Council of the City of Columbia Falls, Montana, Approving the Sale of Lot Five of Cedar Creek North Subdivision, Flathead County, Montana.

**RESOLUTION
#1720-Sale of Lot 5
at Cedar Creek
North**

Nicosia said we have an offer of \$123,000 for lot 5 of Cedar Creek North. There would be approximately \$30,000 down payment and the city would carry the remainder of the loan at 5.5% for 30 years. There remains to be 2 lots in Cedar Creek North and 1 lot in Cedar Creek South.

Councilman Shepard made motion to approve Resolution #1720, second by Councilman Lovering with Council voting as follows. AYES: Karper, Lovering, Piper, Shepard, Fisher and Barnhart. NOES: None. ABSENT: Petersen.

REPORTS/BUSINESS FROM MAYOR & COUNCIL:

Councilman Piper said the discussion this evening by the gentleman working at the CFAC site was very informative.

**REPORTS FROM
MAYOR AND
COUNCIL**

Councilman Shepard concurred with Councilman Piper on the information given. Shepard explained the reason he asked about the roof was in the old days if you touched anything the engineering group would be asking about it. Shepard said he will be in Tester and Zinke's office next week and will give his opinion as a former employee on the plant.

Councilman Shepard said he has had a lot of complaints about the parking at the North Fork Pizza; perhaps we need some patrol on the street for safe

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pedestrian crossing.

Councilman Lovering said she has the same concerns on Friday and Saturday nights at the pizzeria. Lovering believes it has always been problematic crossing at Nucleus and 6th Street. Lovering would like to see this addressed and would like to see stop signs there.

Mayor Barnhart reminds members of the council anytime you are involved with an organization or involved in conversation there is no disassociating yourself as a Councilmember. You are always representing the city; invite people to the council meetings for discussion. Mayor added if Councilmembers have a possible agenda item to contact the City Manager the Wednesday before the council meeting in order to get it on the agenda.

Mayor asked about a sign for pedestrian crossing as you come up Nucleus. Can we put an advanced warning sign or will the state have a problem with that? Nicosia said we have to get the proper permits from the State. It has to comply with their rules and regulations. Chief Perry said he received the complaint today and he and the Police Officers did an evaluation and came up with some good suggestions. Mayor asked if we can expect a report for the next meeting. Nicosia said yes.

Shepard asked are we getting closer to one way streets with diagonal parking. Nicosia said no. Kalispell has one way streets and are in the process in getting rid of them.

Shepard asked about the signs with solar powered LED lights. Chief said yes they are ok but are very expensive.

REPORTS/BUSINESS FROM CITY ATTORNEY:

City Attorney Breck said he is in the process of reviewing alcohol use permits for two city parks. Whitefish and Kalispell both have alcohol use permits which include several pages to their application. Breck said he agrees with some rules from each city and will continue to work on creating an alcohol use permit for Columbia Falls. Breck said there are several components such as parking, monitoring consumption, sales along with sound restrictions. Chief Perry said the parks close at 10:00 p.m. and that may be a good time to stop the party. City Attorney Breck said if Council wants him to draft up something further he will move forward. Nicosia said perhaps have something ready for the March 7th council meeting. Mayor Barnhart asked if there was any way to make arrangements for the posse to watch the area. Chief Perry said he spoke with Whitefish and Kalispell Police Chiefs and they have not had to bring the posse in as of yet.

**REPORT FROM
CITY ATTORNEY-
Special Alcohol
Use Permits**

CITY MANAGER:

Nicosia said the acceptance letter for TEDD was received. She has scheduled a meeting with the Industrial Park parties, to review infrastructure. We have the BNSF permit which is in the City's name. On the 29th she will be meeting with

**CITY MANAGER
REPORT**

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the industrial appraiser, bond counsel and owner/developer of the park. The projected cost of the public infrastructure is 1.2 million. The timeline is critical as far as how it all comes together.

Nicosia also reported that she is continuing to work with the MT DOT on the sink hole and ROW issues.

INFORMATIONAL CORRESPONDENCE:

A. INFORMATIONAL CORRESPONDENCE - List available for Review

**CORRESPON-
DENCE**

B. REPORTS:

- a. Finance – January 2016
- b. Police – January 2016 activity

ADJOURN: Upon motion duly made by Councilman Karper and seconded by Councilman Fisher the meeting adjourned at 9:04 p.m.

ADJOURN

Mayor

ATTEST:

City Clerk

APPROVED BY COUNCIL ACTION: March 7, 2016