

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD JUNE 5, 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: 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 Peters.

Pledge of Allegiance

**PLEDGE**

**APPROVAL OF AGENDA:**

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

**AGENDA  
APPROVAL**

**CONSENT AGENDA:**

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

**CONSENT  
AGENDA  
APPROVAL**

A. Approval of Claims - \$ 631,121.97 - June 5, 2017

Approval of Claims - \$ 129.50 - May 16, 2017

B. Approval of Payroll Claims - \$ 61,611.24 - May 19, 2017 Payroll

Approval of Payroll Claims - \$ 87,511.67 - June 2, 2017 Payroll

C. Approval of Regular Meeting Minutes - May 15, 2017

D. Approval of Memorandum of Agreement - QRU, June 1, 2017 - December 31, 2017 and authorize City Manager to sign.

E. Amend Ordinance # 766 - Zone Change to Correct Owner Name for recording

F. Approve Change Order No. 1-Final - Knife River, 8<sup>th</sup> St E and 1<sup>st</sup> Ave E Reconstruction Project, \$1,061, and authorize City Manager to sign.

G. Approve Change Order No. 1-Final - LHC, Inc., Timber Creek Water Main Project, (\$45,219), and authorize City Manager to sign.

**VISITOR/PUBLIC COMMENT:** (Items not on agenda)

Mark Cahill, 1715 3<sup>rd</sup> Ave W. is here with wife Inga Cahill and his neighbor Mr. Erickson regarding the trail easement. Cahill reported that his attorney, Trieweiler Law Firm sent a letter to the City Attorney, City Manager and Mayor. The letter highlights their grievances regarding easement known as

**VISITOR/PUBLIC  
COMMENT**

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the Kreck Trail. Cahill stated that the City is in material breach of the easement agreement due to the abuses by the public. Mr. Cahill indicated this topic has been brought up in the past due to the repeated misuse from the public concerning the trail and his property. Mr. Cahill said the stream access laws have nothing to do with the trail on his property.

Mayor Barnhart asked City Attorney Breck if this topic should be discussed this evening as there are Attorneys involved. City Attorney Breck replied that Council can discuss. Attorney Breck said he had received the letter from the Trieweiler Law Firm and is treating the letter in a serious manner. Councilman Karper said he has no interest in discussing the topic this evening. Councilman Petersen asked Mr. Cahill if he knew the linear feet of the easement. Mr. Cahill said the easement is 10' and Lot 18 has approximately 400 lineal feet. Petersen asked if the trail had a barrier. Cahill said there are posts on the outside. Mayor asked if the City has an easement across Mr. Erickson's property. Mr. Erickson said no. Mayor asked Mr. Erickson if he was the owner of the property when the trail was established. Mr. Erickson said yes he was but since then it has moved up the bank 30 feet. Councilman Fisher said Ms. Cahill approached him at his place of work to discuss her safety concerns. Other council members also reported being approached by either Mark or Inga to discuss the issue outside of the council meeting. Mayor Barnhart noted that this has been an ongoing issue. Mayor Barnhart asked Mr. Cahill if he would be willing to buy back the easement. Mr. Cahill said there were two separate appraisals on the property and he made his offer in the middle. Mr. Cahill said he was aware of easement at the time of purchase. Mr. Cahill said he would have to see figures on what the price would be to make such a purchase. Mayor Barnhart said he would like to see the Kreck trail addressed at the next Council meeting.

Jean Fisher, 675 Eckelberry Drive, said she has used the City Pool for several years and appreciates the City for keeping it up. Ms. Fisher would like to see a private dressing area with hooks to hang your clothes and a bench. Most of the time the floor is wet and anything you set down will get wet. Ms. Fisher said she didn't think it would cost much to construct such an area. She spoke with Pool Manager Jeff Steiner about it last year. City Manager Nicosia said the family and handicapped changing rooms are available for all patrons. Councilman Petersen asked if there was proper signage. Councilman Lovering suggested a curtain divider.

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**PUBLIC HEARINGS/NOTICES:**

**NOTICE OF PUBLIC HEARINGS/PUBLIC HEARING:**

A. PUBLIC HEARING: COMMUNITY NEEDS ASSESSMENT - Continued  
Mayor Barnhart continued the Community Needs Assessment hearing. No one addressed the Council on the needs assessment. City Clerk Staaland reported that the City has not received any written comment.

**PUBLIC  
HEARINGS-  
Community Needs  
Assessment**

B. PUBLIC HEARING: PARKING AND ILLEGAL STORAGE - Continued  
Mayor Barnhart continued the hearing.

**PUBLIC HEARING-  
Parking and Illegal  
Storage**

City Manager Nicosia provided a power point for Council and the public, reviewing the text amendments and the reasons for them. Mayor Barnhart asked if there were any questions from Council or the public.

Dusty Roth, 1248 16<sup>th</sup> Avenue W., inquired on specifics to the amendment in particular questioned section 10.57.330 does that refer to just snow removal or at all times. Nicosia replied at all times.

Seeing no other questions, Mayor Barnhart asked if anyone in the audience had comments.

Dusty Roth, 1248 16<sup>th</sup> Ave West, said Section 10.57.330 specifically restricts parking during snow removal and believes proposed Section B should be modified or moved for clarification. Roth said there is no definition in 12.57.06 for right of way and would like to see it defined. She noted definitions in Title 8, 10 and 12 of the City code.

Chris Peterson, 13<sup>th</sup> St East, said with reference to 10.57.060 section C, parking on the grass happens all the time at Marantette Park as it is all grass and people could not park there if they didn't park on the grass. Petersen said at the tennis courts they park on the grass as well.

Sam Cavanaugh said he rides bikes with his kids from 12<sup>th</sup> Ave to school and appreciates Council tackling this item. Mr. Cavanaugh said our vehicles have gotten bigger and we have acquired more toys but people will manage to adjust to the parking requirements.

Mayor Barnhart closed the Public Hearing at 7:52 p.m.

C. NOTICE OF HEARING - Planning Board/City Council:

Mayor Barnhart announced the hearing for the PUD has been cancelled.

**NOTICE OF  
PUBLIC HEARING-  
PUD CANCELLED**

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**UNFINISHED BUSINESS**

A. BACI Action Institute Final Team Presentation

Councilman Fisher, City Planner Mulcahy, Public Works Director Jenkins, and Nicosia attended the BACI Action Institute along with Hilary and Wendy from the Flathead County Health Department. Nicosia presented the final project power point to construct a trail from Columbus Park to River's Edge Park. Councilman Petersen asked if the funding was a done deal. Nicosia said funding is not final, as noted in the presentation, and will require final council approval.

**UNFINISHED  
BUSINESS-BACI**

B. Mayor and Council Goals - 2018 FY

Mayor and Council discussed their City goals for FY 17-18. Nicosia recorded the goals.

**COUNCIL GOALS  
FY 17-18**

Steve Duffy asked Mayor Barnhart if he could add a few comments, Mayor Barnhart replied yes he could. Mr. Duffy stated that he would not tolerate disrespect of the Mayor and Council, citing the many requests to have things done within the city such as the sidewalk along Railroad Street and nothing has been done. Mr. Duffy said from what he understands the City is still leaking about half a million gallons of water and would like to see it fixed. Mr. Duffy also believes the concept of boulevards is outdated.

C. Robert Peccia & Associates Agreement to Furnish Services - Water System Improvements and Preliminary Engineering Report Task Order One

**RPA CONTRACT-  
Water System PER**

City Manager Nicosia said the committee met and reviewed all of the proposals from the engineering firms to prepare the Water PER. The committee recommended RPA for the Water System Improvements/PER. The City Attorney has reviewed the contract language. Nicosia said staff recommends approval of the contract to RPA for the Water System PER. Included with the contract is Task Order One, specifying the scope and dollar amount of the services.

Councilman Shepard motioned to approve the contract to RPA for Water System Improvements and Preliminary Engineering and Task Order One and authorize City Manager to execute, second by Councilman Fisher with Council voting as follows. AYES: Fisher, Karper, Lovering, Petersen, Piper, Shepard and Barnhart. NOES: None. ABSENT: None.

A. Resolution 1748 - A Resolution of the City Council of the City of Columbia Falls, Montana, Designating Heritage Days 2017 as an Official Activity of the City of Columbia Falls and Designating Persons Responsible for Planning the Events of Heritage Days 2017.

**RESOLUTION  
#1748 - 2017  
Heritage Days**

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City Manager Nicosia said this is a routine Resolution designating Heritage Days as an official activity of the City of Columbia Falls. She noted one change, the paragraph referencing the use of private property on Nucleus, WFCU and Allen Jacobson's lots, for the placement of vendors on Saturday. Nicosia reported that Land use agreements will be provided at the next council meeting.

Councilman Fisher motioned to approve Resolution #1748, second by Councilman Shepard with Council voting as follows. AYES: Karper, Lovering, Petersen, Piper, Shepard, Fisher and Barnhart. NOES: None. ABSENT: None.

**NEW BUSINESS:**

None.

**NEW BUSINESS**

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

Councilman Fisher said he had a great time at the BACI meeting and it was very informative.

Councilman Lovering said she would like to see the bike lanes repainted on 4<sup>th</sup> Ave. West.

Councilman Shepard said the National Commander from Indianapolis is coming to visit the Columbia Falls American Legion in October.

Councilman Petersen said he felt the CFAC cleanup letter in last week's newspaper was addressed appropriately. It is great that there is someone out there is asking questions and getting a response. Shepard said they have further testing to do and we have to look at all results. Mayor Barnhart said he believes the questions were answered as well.

Councilman Karper said they are starting the water and sewer work in the Riverwood neighborhood. The city and the engineer have been pleasant to work with in responding to any questions from home owners.

Councilman Piper commended contractor Kevin Kosnoff as he is doing a great job at his construction site on the East side of town.

Mayor Barnhart asked if the city can do some investigation on vandal proof restrooms to see what we could do with public restrooms at the Welcome Park.

**REPORTS FROM  
MAYOR AND  
COUNCIL**

**REPORTS/BUSINESS FROM CITY ATTORNEY:**

None.

**REPORT FROM  
CITY ATTORNEY**

**CITY MANAGER REPORT:**

The LOR Foundation and the Trust For Public Lands discontinued the original planned Pilot Program but LOR has offered to continue working with the City and Flathead Land Trust has agreed to be the project sponsor. The grant has a

**CITY MANAGER  
REPORT**

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one year term beginning June 1<sup>st</sup> and is for \$100,000 and will flow through Flathead Land Trust. We will have to have a community group meeting to determine the scope of the project, consistent with the original project RFP that can be completed during that time period.

BACI was very informative and provided a lot of useful information. Public Works Director Jenkins and I met with MDOT on the 6<sup>th</sup> Street and Nucleus intersection and were able to use information from that training.

Construction on the railroad crossing will begin June 12<sup>th</sup> and they will rebuild each side of the track crossing. They have to keep at least one lane of traffic open at all times.

During BACI, Nicosia reported that she and Eric Mulcahy were able to meet with Matt Vincent. Matt was the Butte Superfund liaison for many years before becoming the Administrator of Butte-Silver Bow. Matt volunteered to come up to Columbia Falls to discuss the technical assistance grant process discussed by EPA. Nicosia asked Mayor and Council if they are interested in having Matt Vincent provide information to them. Mayor Barnhart said he was not interested, Councilman Petersen thought it was a good idea to look at the advantages by having third-party involvement. Councilman Shepard said he has several questions and he would be willing to talk to Matt. Councilman Fisher said he agrees with Shepard and Petersen. Nicosia will set up a meeting with Matt.

Chief Peters reported the Police Office Assistant is in place and a welcome asset to the Police Department.

**INFORMATIONAL CORRESPONDENCE** - List available for Review

**ADJOURN:** Upon motion duly made by Councilman Fisher and seconded by Councilman Lovering the meeting adjourned at 9:02 p.m.

**ADJOURN**

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED BY COUNCIL ACTION: June 19, 2017