

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD JUNE 19, 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, Shepard and Piper
ABSENT: Fisher, Lovering and Petersen

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

**CONSENT
AGENDA
APPROVAL**

- A. Approval of Claims - \$204,391.34 - June 19, 2017
- B. Approval of Payroll Claims - \$ 67,981.27 - June 16, 2017 Payroll
- C. Approval of Regular Meeting Minutes - June 5, 2017
- D. Approval of Subdivision Improvement Agreement - Timber Ridge
- E. Approval of Final Plat, Timber Ridge, CFP-17-01
- F. Approve Plant Investment Fee Agreement, Michael Vernon Seaman, 1555 15th St. EN and authorize City Manager to sign.

VISITOR/PUBLIC COMMENT: (Items not on agenda)

Sam Cavanaugh, 1801 Riverwood Drive, spoke on the Gateway to Glacier group and trail. Mr. Cavanaugh said their proposal at this point is to create a connection to the City. The group would like to get a letter of support from Council. Cavanaugh said he would be happy to supply council with trail maps or other information if needed. Our intention as a group is to improve the trails and perhaps reroute the needed trails.

Mayor Barnhart suggested Mr. Cavanaugh meet with City Manager Nicosia to work on the letter of support from council.

**VISITOR/PUBLIC
COMMENT**

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PUBLIC HEARINGS/NOTICES:

PUBLIC HEARING: COMMUNITY NEEDS ASSESSMENT - Continued

**PUBLIC HEARINGS-
CDBG
continued**

Mayor Barnhart reported that beginning on May 15, 2017, the City Council shall conducted a series of public hearings for the purpose of obtaining public comment to determine the greatest community development needs (public facilities, economic development, and housing needs

Mayor Barnhart continued the CDBG Community Needs Public Hearing at 7:08 p.m.

Casey Malmquist, president of SmartLam, 160 Walker Creek Lane, Whitefish, said he supports the CDBG-ED program and noted his company has received roughly \$400,000 from the program. Malmquist said SmartLam utilized the funding to expand operations, adding fifteen employees. Those funds were spent in Columbia Falls and it has made a significant difference for their business.

Sam Cavanaugh, 1801 Riverwood Dr., said his wife has spent a lot of time in the City parks and noticed the lack of equipment for infants. Mr. Cavanaugh said he would like to see an improvement in City parks for the younger children. Cavanaugh said he hopes maybe there may be consideration for an after school community program or recreation facility.

Mayor Barnhart closed the public hearing at 7:13 p.m.

B. NOTICE OF PUBLIC HEARING: Request for a Planned Unit Development in the Columbia Falls Zoning Jurisdiction

**NOTICE OF PUBLIC
HEARING-RUIS
PUD**

Mayor Barnhart read the notice informing the public of the upcoming PUD hearings: The Columbia Falls City-County Planning Board will hold a public hearing for the following item at their regular meeting on Tuesday, July 11, 2017 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 August 7, 2017 starting at 7:00 p.m. in the same location.

Ruis Holdings 35 5th Street West LLC. is requesting a Planned Unit Development (PUD) to construct an 18 unit apartment building that will be three stories in height. The property is located at the corner of 5th Street West and 1st Ave West on what was the old Davall Building site in Columbia Falls. The property is zoned CB-4 (Central Business) which allows mixed use buildings including multi-family apartment uses provided the residential use is on second and third floors. The proposed PUD would allow apartments on the first floor rather than commercial use. The applicants are also requesting with the PUD that the maximum height be

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allowed up to 40-feet as opposed to the 35-foot standard. The property is described as Lots 3, 4, & 5 of Block 28, Columbia Falls Townsite, Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County, MT.

UNFINISHED BUSINESS

A. Future of Kreck Trail

City Manager Nicosia said the City has provided maintenance of the trail. In high water years it requires considerable work, with hand tools only as required. In the spring of 2015 the Cahill's brought the trail and adjunct property concerns to council, at that time the complaints were reviewed by the Land Use Committee. That committee along with the City Manager, City Attorney, Police Chief and the Cahills met on March 23, 2015. Through that process, the City was looking at remedies and solutions for issues that were raised. The outcome of that meeting was for the City Attorney to draft a memorandum of agreement and revise the said documents. The City also surveyed the property. One of the proposals was to move approximately 140' of the trail closer to the high water mark along the river. Mr. Gunderson provided the City with a quote on the cost to move the trail for \$3,500. The surveying and engineering of the Red Bridge Park area adjacent to the trail was approximately \$4,500. The City Attorney sent a final draft of the MOU to Mr. Cahill on October 6, 2015, at that time there were no further comments. The City created Red Bridge Park within the property boundary and removed the dangerous drop off for a cost of \$23,680. The City has spent monies on professional services, contracts, construction, attorney fees along with Public Works staff maintenance and repair of the Kreck Trail.

**UNFINISHED
BUSINESS**

Mayor Barnhart suggested the Cahills purchase the easement back at a fair price. Mayor Barnhart asked council if they wanted to continue to own the Kreck Trail easement or sell the property right to the Cahills. Councilman Piper said he walked the trail and does not see it being beneficial to the City and feels it is more work than what it's worth. Councilman Shepard said he also walked the trail and the trail goes nowhere. Shepard said it would be different if the trail actually went somewhere but it does not. Shepard said he would be willing to sell the Easement to the Cahills. Mayor Barnhart said he knew Dr. Kreck and his intent was to insure people access to the river. When the City created the Red Bridge Park, we did that to allow access to the river. Mayor said he would like to fulfill the City obligation for public access to the river.

Mr. Trierweiler said he and the Cahills were here to listen to council discussion and answer any questions. Mayor said the city has put out \$4,300 towards the survey of the property along with engineering costs. Councilman Karper asked City Attorney Breck if there were any legal

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issues to go through to vacate an easement. Attorney Breck said we could process an agreement and have it recorded at the county.

Mayor suggested a vote to have City Manager and City Attorney draft up a fair price to sell the easement back to the Cahills. Councilman Karper motioned to have City Attorney and Manager to bring something back to Council, second by Councilman Shepard and the motion carried.

NEW BUSINESS:

A. HDR Agreement for Services – Columbia Falls Wastewater Facility Plan Update, 73,000, and authorize City Manager to sign.

**NEW BUSINESS
HDR Agreement**

City Manager Nicosia said the Public Works Committee reviewed the PER proposals from the engineer firms and selected HDR for the Wastewater Facility Plan update. City staff and the Committee recommend approval.

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

B. Land Use Lease – Whitefish Credit Union Association
C. Land Use Lease – Allen A Jacobson Living Trust

LAND USE LEASE

City Manager Nicosia said these agreements are recommended to use private property for Heritage Days on Saturday for vendors. With these land use documents in place, MMIA will issue a certificate of insurance at no additional cost.

Councilman Shepard made motion to approve the Land Use Agreements with Whitefish Credit Union and Allen A. Jacobson Living Trust, second by Councilman Karper and the motion passed.

D. Approval of Councilman Karper absence

Mayor Barnhart said the purpose of Councilman Karper’s leave of absence approval is to comply with the PERS requirement of a 90-day separation from all PERS-covered employment, including Council. Mr. Karper is retiring from School District #6 effective July 17, 2017, and must be absent from Council for the 90 day period.

**KARPER-Leave of
Absence**

Councilman Piper made motion to approve Councilman Karper’s ninety day leave of absence, beginning July 18, 2017, second by Councilman Shepard and the motion carried.

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RESOLUTION/ORDINANCES

A. Resolution 1749 - A Resolution of the City Council of Columbia Falls, Montana Approving the Final Plat of Timber Ridge Subdivision Described As Tracts 4C, 1D And 2FBA in Section 11, Township 30 North, Range 21 West, P.M.M., Flathead County, Montana

**RESOLUTION
#1749-Final Plat-
Timber Ridge**

City Manager Nicosia said staff recommends approval of Resolution #1749, noting Council approved the final plat documents and staff report on the consent agenda.

Councilman Shepard made motion to approve Resolution 1749, second by Councilman Piper with Council voting as follows. AYES: Karper, Piper, Shepard and Barnhart. NOES: None. ABSENT: Fisher, Lovering and Petersen.

A. Resolution 1750 - A Resolution of the City Council of Columbia Falls, Montana, Approving Object Code Amendments Within the General and Gas Tax Fund Appropriations For The Fiscal Year 2016-2017.

**RESOLUTION
#1750 Object Code
Amendments**

City Manager Nicosia said this budget amendment moves from a General Fund Capital Project object to a Transfer Out object. The budgeted \$135,000 sidewalk can be transferred to Fund 4040 Street Construction for future development of the Railroad St Sidewalk. The Gas Tax Fund statutory provisions allow the City to us 1/3 of the annual allocation towards capital. Transferring the 1/3 allocation into the General Equipment Fund will provide the required match for the MAQI Grant.

Councilman Shepard motioned to approve Resolution 1750, second by Councilman Karper with Council voting as follows. AYES: Karper, Piper, Shepard and Barnhart. NOES: None. ABSENT: Fisher, Lovering and Petersen.

REPORTS/BUSINESS FROM MAYOR & COUNCIL:

Councilman Piper would like to see some poop pouches at Red Bridge Park. Councilman Piper noted he will most likely be gone for the July 17, 2017 meeting.

**REPORTS FROM
MAYOR AND
COUNCIL**

Councilman Shepard asked Chief Peters if the weed letters have gone out yet. Shepard asked if we have asked the County to do mosquito control. Nicosia said we have not put in our formal request but they have been working in the area.

Mayor Barnhart asked how the pool is going. Nicosia said staffing is complete with 12 employees. Lessons were scheduled today and the first session will start the 26th. The chlorinator was replaced this year including

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chemicals. We have a water leak per the main meter but it is not causing increased chemical or heating issues. Mayor Barnhart also asked about the water loss throughout the City after locating and repairing a couple of leaks. Nicosia said the difference from what we are pumping and billing has had only minor adjustments so the City still recognizes a 30-40% water loss. The pump valves are being evaluated to determine if the water volume being pumped is accurate. The automated meter reading system is accurate and has significant number of checks and balances. The Water PER process includes evaluating the leakage.

REPORT FROM CITY MANAGER:

City Manager Nicosia said she confirmed that both of the family and handicap changing rooms are available for use by all patrons at the City Pool wanting a private changing area. Signage was added to communicate this fact to our patrons. We have also placed a chair in each room for ease of changing.

**CITY MANAGER
REPORT**

The purchaser of Lot 4 in Cedar Creek North has paid off the loan balance of \$71,483 ahead of schedule.

The Planning Board hearing for the Ruis PUD was cancelled for June 13th but the proposal is currently moving forward with slight modifications and looks like the developer will have all the required information in time for the July 11, 2017 Planning Board meeting.

The City is having a property survey completed of the Pit to Park area, in part to begin planning of the park and secondly to correct issues that have surfaced in that area. The city has a sewer main running east and west along the top of the lots on the east and with easement through the backyards of the longer lots on the west. There is a misconception that an alley exists along the City's property. It is not maintained as a public way and the City does not encourage usage as such.

City staff is completing the final review of the proposed text amendments with the City Attorney and Police Chief to ensure enforceability and accuracy before being presented for the first reading on July 17.

Based on the interest from Council, Nicosia would like to schedule a Workshop on the Technical Advisory Grant process for Superfund site communities. We have two very interested consultants wishing to engage the city and community. There is a 5th Monday, July 31, and no request for a joint city-county meeting so we could take advantage of that date for this workshop.

Nicosia reminded Council that the June 30 and July 3 claims will be emailed to council for approval as council is not meeting on July 3rd.

Nicosia also reported that the 10 hour days are working well in the Finance office, customers are utilizing the 7 a.m. to 6 p.m. hours.

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Nicosia noted that the Parks Committee will need to schedule a meeting for an update on the Bell property as well as review goals set by Council for parks.

CITY ATTORNEY REPORT

A. Executive Session- Litigation Strategy

Mayor Barnhart closed the meeting to the public for the Executive Session with the City Attorney at 7:58 p.m.

**CITY ATTORNEY
REPORT**

City Attorney Breck discussed Litigation Strategy with Mayor and Council.

Mayor Barnhart opened the meeting at 8:25 p.m.

MISCELLANEOUS:

A. INFORMATIONAL CORRESPONDENCE - List available for Review

B. REPORTS:

a. Finance - May 2017

b. Police - May 2017

**CORRESPONDENCE/
REPORTS**

ADJOURN

ADJOURN: Upon motion duly made by Councilman Karper and seconded by Councilman Piper the meeting adjourned at 8:27 p.m.

Mayor

ATTEST:

City Clerk

APPROVED BY COUNCIL ACTION: July 17, 2017