

**CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD May 15, 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 Fisher, Karper, Lovering, Piper and Shepard
ABSENT: Petersen

ROLL CALL

Also present were City Manager Nicosia, Finance Director Carlson, Deputy Clerk Ott, City Attorney Breck, Fire Chief Hagen 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 Piper 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 unanimously.

**CONSENT
AGENDA
APPROVAL**

- A. Approval of Claims - \$ 70,805.81 – May 15, 2017
- B. Approval of Payroll Claims - \$ 84,798.97 - May 5, 2017 Payroll
- C. Approval of Regular Meeting Minutes – May 1, 2017
- D. Approval of Task Order #10, Riverwood Estates SID Project, Robert Peccia & Associates, Inc. and authorize City Manager to sign.
- E. Approval of Encroachment Permit, Cazier, Dallas 5 Ltd Park Lot, and authorize City Manager to sign.

VISITORS/PUBLIC COMMENTS: (Items not on agenda)

None.

**VISITOR/PUBLIC
COMMENT**

APPOINTMENTS: Probationary Volunteer Fireman – Ed Perkins

Fire Chief Hagen said that Mr. Perkins had been with the Fire Department in the past and has 14 years previous service. The Fire Association unanimously agreed to appoint Mr. Perkins. City Manager Nicosia concurs with Fire Chief Hagen.

**Ed Perkins
Volunteer Fireman**

Councilman Piper motioned to approve the appointment of Ed Perkins as Probationary Volunteer Fireman, second by Councilman Fisher and the motion carried unanimously. Deputy Clerk Ott administered Mr. Perkin's Oath of Office.

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PUBLIC HEARINGS/NOTICES OF HEARINGS:

A. PUBLIC HEARING: COMMUNITY NEEDS ASSESSMENT

**PUBLIC HEARING -
Community
Development Needs**

Mayor Barnhart read the hearing notice: Beginning on May 15, 2017 during the 7:00 p.m. regular council meeting, the City Council of the City of Columbia Falls, shall conduct a series of public hearings and meetings for the purpose of obtaining public comment to determine the greatest community development needs (public facilities, economic development, and housing needs). The City will take public comment during the month of May and June in order to obtain the greatest public input. The intent of the needs assessment process is to provide the City with a list of potential projects or actions in the areas of housing, economic development and public infrastructure that could be pursued over a period of years in order to improve the community, particularly as those needs affect low and moderate income persons. Based on the results of the needs assessment, the City may apply for state or federal funding from the Montana Community Development Block Grant (CDBG) Program and other funding sources to deal with local housing, public facilities, or other community needs and would like comments or suggestions from local citizens regarding the City's needs and types of projects which should be considered.

Mayor Barnhart asked for the staff report. City Manager Nicosia reported that the City is required under Community Block Grant rules to hold two public hearings - the first is the general Community Needs Assessment, the purpose of this hearing, and the 2nd hearing would be for comment on a specific grant application. The purpose of the general community needs assessment hearing is to obtain public comment on specific needs, such as housing, community facilities or economic development. Nicosia noted that the hearing notice provides for public comment through the month of June. The City has sponsored grants for Western Building Center, Smartlam, Hanson Trucking, Creative Sales, Habitat for Humanity, and Teakettle Vista. Nicosia provided CDBG program information on each type of grant available.

Mayor Barnhart opened the Public Hearing at 7:13 p.m.

Sherry Lewis-Petersen, 80 13th Street East, said she's been working with the Montana Veterans' Home since 2013. She is proposing a project to restore "Old Main" as an Arts & Cultural Educational Center. This project would assist people with disabilities as well as benefit people of all ages. Mayor asked Sherry in which grant she was interested? Sherry indicated that this project would fit the Planning Grant and Public Facilities categories.

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Sue Haverfield, 48 16th Street East, shares Sherry's commitment with the Farming for the Future Academy currently located at the Veterans' Home property and serves on the Board. The Veterans are really enjoying the animals and its good animal therapy. Currently, they are always applying for grants and looking for money to help. The Historical Society never got anywhere trying to restore the Old Main and they would like to take it on. Sue stated it would be a shame to see the building go to waste and if they can turn it into a community center that would be great.

Kay List, 950 Frontage Road, lived here since 2001, and is also on the board for the Farming for the Future. They have held several meetings in the Old Main building. Her understanding this building was built for the civil war veterans. This is a really good historical site and very educational. This is good cause and good for the community to restore the building. The grant money would be helping the umbrella cause and helping the community along with the Veterans Home.

Teri White, 3540 CF's Stage, agreed with Sherry for community need.

Richard White, 3670 Columbia Falls Stage, agreed with Sherry for community need.

Nick Oberling, 9004 Hwy 2 E, owner of Glacier Fine Art in West Glacier art. Loves the lighting, great for painting. Agreeing on community need.

Mayor Barnhart noted that the hearing is continued through the month of June.

Nicosia reported that the City had received one letter from Jane Ratzlaff, 508 13th St. West, also for community need, on the Old Main Building.

***B. PUBLIC HEARING: PARKING AND ILLEGAL STORAGE**

Mayor Barnhart read the notice of hearing: The Columbia Falls City Council will hold a public hearing for the purpose of amending Chapter 10.57, Stopping, Standing and Parking, provisions at their regular meeting, Monday, May 15, 2017 and on June 5, 2017, both at 7:00 p.m. The hearings will be held in the Council Chambers, City Hall, 130 6th ST. West, Columbia Falls, MT.

**PUBLIC HEARING -
Parking and illegal
storage**

The City Council is proposing to amend the Columbia Falls Municipal Code to clarify where and when vehicles may legally park as well as address the storage of vehicles, trailers, campers, etc.

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Mayor Barnhart asked City Manager Nicosia for the staff report. City Manager Nicosia went through the staff report in the council packet, including photos with problem with parking and damage to lawns and proposed text.

City staff recommends updating the parking regulations, 10.57.330, to disallow the storage of vehicles, campers, trailers, etc. on the right of way.

A. It is unlawful for any person to store, park, or leave on any street or alley in the city any automobile, truck motorcycle, trailer, boat, snowmobile, or vehicle of any sort so that the same shall prevent or interfere with the plowing or the removal of snow. (Ord. 278 1, 1968)

B: Leaving Vehicles: It is unlawful for any person to store or leave upon the streets any motor vehicle for indefinite periods of time; it is the intent hereof that no motor vehicle shall be parked or left on such streets unless it is in use. Any motor vehicle not used at least once every **seventy two (72) hours** shall be deemed to be stored in violation hereof.

A motor vehicle left upon any street in an inoperable condition shall be prima facie evidence of a violation hereof and may be rebutted only by a showing that such motor vehicle had become inoperable within the immediately preceding 72 hours and that the owner had not yet had time to remove it from the street. The owner of such a vehicle shall be responsible for a violation hereof as well as the person so leaving it.

C. Removal of Illegally Parked Vehicles: Any motor vehicle parked or left in violation of this section or any other provision of this title or other ordinance of the city regulation the stopping, standing or parking of vehicles may be moved by or under the authority of any police officer who shall certify that the cost thereof to the city judge who shall add the amount thereof to any fine assessed against the owner or operator of such vehicle for the violation thereof. Such motor vehicle may be moved to any parking lot provided by the police or to local garage for outdoor storage.

New, 10.57.060.

C. No automobile, vehicle, camper, motor home or trailer shall be parked on the designated City right of way that is maintained grass, landscape, or mulch. Parking on the City right of way is allowed when the area will not be damage or substantially altered by such parking of said vehicles. Such legal areas would be identified by packed gravel, dirt, pavement or other materials that are not maintained landscape, grass or mulch.

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C. Leaving Trailers, Motor Homes, Campers On Streets: It is unlawful for any person to store or leave upon the streets any Trailers, Motor Homes, Campers on the street for indefinite periods of time; it is the intent hereof that no Trailers, Motor Homes, Campers shall be parked or left on such streets unless it is in constant and current use. Any Trailers, Motor Homes, Campers not used at least once **every forty -eight (48) hours** or parked in a location for current use shall be deemed to be stored in violation hereof. The owner of such a vehicle shall be responsible for a violation hereof as well as the person so leaving it.

Mayor Barnhart opened public hearing at 7:39 p.m.

Mayor Barnhart noted that the hearing is continued until June 5th.

Councilman Lovering stated one time they parked out on the street for over a week, only place to park. Police Chief Peters advised he will not have his officers go around and mark tires, again this will be complaint driven. Example Subway had an Idaho vehicle parked over two weeks clearly outside the norm.

Councilman Shepard said for the summer people are going camping and come home and leave the camper parked in the front and plugged in for the refrigerator, etc. or using for company. Shepard asked if the storage on the right of way was clear enough for the attorney and police to enforce. Nicosia noted that those are two different topics: zoning code allows the use of a recreational vehicle for company for a maximum of two weeks; and the City often fields questions on this topic but does not provide for parking on the right of way. The storage question being addressed tonight is with respect to using public right of way to store boats, trailers, campers.

Mayor Barnhart noted that we have long discussed vehicles parked long-term on the right of way with flat tires or completely inoperable, noting that the former police chief said it was permitted.

Mayor Barnhart said there are parking issues by the Wellness Center and they are mostly over right of way parking. Mayor Barnhart also noted on 3rd Avenue East the City put a pathway down the East side of road way and the citizens are parking either on dirt, or cover sidewalks. Nicosia said they are cited and should not be parking over sidewalks or bike paths.

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Councilman Fisher asked for clarification under 10.57.070 "Parking not to obstruct traffic" which states that a person cannot park a vehicle if there is less than 10 feet of the width of the road way free for traffic movement; noting then instead of parking on the right of way, you could then park on the road way as long as there is 10 feet for driving. Mayor Barnhart asked if we have checked out other communities getting a hint on what they do. Nicosia said that staff has talked with other cities and most have curb and do not report experiencing the same problem we have with damaged landscape. Per Chief Peters other cities have the same issue with storage complaints. Councilman Karper was wondering about C. no automobile, snowmobiles, etc. then down below at D. you have trailers, motor homes, campers. Per Chief Peters trailers have 48 hour parking, and vehicles have 72 hours.

UNFINISHED BUSINESS:

A. Hwy 2 Snow Removal

Mayor Barnhart requested a motion not to have MDOT berm snow in the middle of Highway 2. Councilman Shepard made the motion and Councilman Piper seconded and the motion carried unanimously.

**UNFINISHED
BUSINESS -SNOW
REMOVAL HWY 2
& SIDEWALKS**

Shepard said it keeps coming back around wondering why we enforce snow removal on Nucleus and not on Hwy 2, on sidewalks. Mayor Barnhart asked if the contract with MDOT makes the City responsible for snow removal off the sidewalks. Nicosia said the City's sidewalk code requires the adjacent property owners to do snow removal and replace sidewalks that are damaged. Mayor Barnhart noted that once the light poles are removed from the middle of the sidewalks MDOT can remove more snow when they blade the sidewalk. Nicosia advised the city would keep working with MDOT.

NEW/BUSINESS:

A. Award Backflow Testing Contract

City Manager Nicosia recommended awarding the backflow testing contract to Paul the Plumber, Paul Pierce for a 3 year time period. First year will be \$45.00, with any retesting for repairs will be \$25.00.

**NEW BUSINESS
Award Backflow
Testing**

Mayor Barnhart asked if Paul the Plumber was the only bidder. Nicosia advised he was the only one to turn in his bid. Mayor was also wondering if the City sent out proposals to other businesses, per Nicosia, the Public Works Director sent request for proposals to all interested parties.

Councilman Fisher made the motion to award the Backflow Testing contract to Paul the Plumber, seconded by Councilman Lovering. Motion

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

B. Approve Weed Management Agreement with Flathead County Weed District Board and authorize City Manager signature

**WEED
MANAGEMENT
AGREEMENT**

City Manager Nicosia presented council with a Weed Management Agreement for approval. This agreement formalizes the coordinated noxious weed management between the City and Flathead County Weed Board. Nicosia reviewed the main provisions of the agreement, noting that the two parties will be meeting annually, the City will report areas of noxious weed infestation on lands or right of ways, in certain instances the Board will provide chemicals to the City, and also if available equipment and manpower, and coordinated violation notices to land owners. Nicosia reported that both the City Attorney and County Attorney offices have reviewed and approved the language.

Councilman Piper moved to approve the Weed Management Agreement and authorize City Manager signature. Second by Councilman Karper. Motion carried with Council voting as follows: YES: Piper, Shepard, Fisher, Karper, Lovering, and Barnhart NOES: None. ABSENT: Petersen

REPORTS/BUSINESS FROM MAYOR & COUNCIL:

Councilman Lovering noted that the bog bridge in River's Edge Park is floating as intended.

**REPORTS FROM
MAYOR AND
COUNCIL**

Councilman Shepard said the City crew went down and blew out the pipes where the fishing pond is supposed to go. Will be actively monitoring water level over quite a few months. Fishing groups have come forward offering assistance with a fishing pond in Columbia Falls.

Councilman Karper said that Arbor Day went well with three fifth grade classes participating, around 75 kids, and the weather was good. Karper thanked the Forest Service and DNRC for providing educational items and seedlings, Biggy's Landscaping Nursery for the soil, and all the City crew members and Mayor Barnhart for attending, PWD Grady Jenkins and his daughter Libby for being Sprig the squirrel.

Mayor Barnhart advised we received Tree City flags, pins and stickers that show the years we have been a Tree City as well as a street sign.

Mayor Barnhart asked Nicosia to review the letter from the Flathead County commissioners as noted in council correspondence reference

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paving of the North Fork to Camas. City Manager Nicosia read the letter on paving North Fork road from the Board of Commissioners. Mayor advised that the City is in total support.

Mayor Barnhart proclaimed Tuesday, May 30th as Community Action Day as requested by Community Action Partnership of Northwest Montana.

REPORTS/BUSINESS FROM CITY ATTORNEY:

None.

**REPORT FROM
CITY ATTORNEY**

CITY MANAGER REPORT:

Nicosia reported that the City has been awarded a MACI Program Grant for a 300- gallon liquid deicer tank, one large vacuum sweeper and one 10,000 gallon storage tank with pump - \$230,797 (86.58% - grant and 13.42% matching. City can use 1/3 Gas Tax allocation for capital in 2018 FY Gas Tax that will cover the required match, \$30,973.

**CITY
MANAGER'S
REPORT**

Nicosia reported that the Mill Levy form carryover calculation will change for 2018 FY, just as discussed earlier this year. The revised form will start with actually assessed and only carryover from 2017 FY allowed. Nicosia noted that the City already picked up the carryover mills with the 2017 FY budget.

The City has been advertising for pool staffing but there is not enough staff to cover 6 days of operations. We have 5-6 staff members returning and 4 more to interview and we will continue advertising. The City is competing with everyone else in the Valley for employees. The pool opens Monday June 12th.

Water leak on Martha Road was just a service line. Mayor Barnhart mentioned the service line across the tracks (Darling residence) had a galvanized line that had been leaking for a long time but they have now drilled their own well.

Public Works special committee reviewed PER proposals and accepted HDR for Wastewater and RPA for Water. The City received very good proposals making it a difficult task to select. At this time we are having contracts prepared for Attorney review and fee negotiation. The goal is to have the contracts on the June 5th agenda.

Finance Office starting June 1st will be going to 10 hour days allowing City Hall to be open from 7:00 a.m. to 6:00 p.m. This will help with contractors

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needing permits.

Tennis courts got cleaned with the assistance from the Fire Department.

Reference the Bell property Bill Frazier came back with a \$600 appraisal fee. Nicosia will go ahead and sign.

Nicosia, Fisher, and PWD Grady Jenkins will be heading for Butte for the next 3 days for the Building Active Communities Institute along with team members Eric Mulcahy and Wendy Olson-Hansen.

MISCELLANEOUS:

- A. INFORMATIONAL CORRESPONDENCE - List available for Review
- B. REPORTS:
 - a. Finance - April
 - b. Police - April

**MISC
CORRESPON-
DENCE**

ADJOURN:

Upon motion duly made by Councilman Lovering and seconded by Councilman Fisher the meeting adjourned at 8:46 p.m.

ADJOURN

Mayor

ATTEST:

Deputy City Clerk

APPROVED BY COUNCIL ACTION: June 5, 2017