

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD MAY 2, 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:**

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

**CONSENT  
AGENDA  
APPROVAL**

- A. Approval of Claims - \$74,180.94 - May 2, 2016
- B. Approval of Payroll Claims - \$60,082.80 - April 22, 2016,
- C. Approval of Regular Meeting Minutes - April 18, 2016

**VISITORS/PUBLIC COMMENTS:**

A. O'Brien Byrd - Community logo/slogan project

**VISITOR/PUBLIC  
COMMENTS-  
O'Brien Byrd**

O'Brien Byrd said he had this idea a couple years ago of the lack of a community logo that is prominent. Byrd realizes the City has a logo and Chamber of Commerce has a logo. Byrd said he is looking to improve things in the community as well as communication with the city. Mr. Byrd said he wanted to put a new logo out there and asked 14 members of the community of all ages and backgrounds that live in Columbia Falls to form a Focus Group. They hired an outside design company to help create the logo. The new logo and motto "Adventure Lives Here" is simply a gift to the community. The logo is available to anyone who wants to own it or wear it. Businesses or schools can download the media package from the Columbia Falls Community Foundation website. There is a donation tab where the funds go directly into the Columbia Falls Community Foundation account.

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Councilman Shepard asked how soon before he can purchase a coffee mug. Byrd said May 19, 2016 is the first Community Market and there will be apparel and other items available for sale. Councilman Petersen asked what the process would be to have a businesses use the logo with a color scheme in mind. Mr. Byrd said you are able to choose colors with the media package you download off the website. Mayor Barnhart thanked Mr. Byrd and the Focus Group for their hard work for the community.

Don Bennett, 1000 Columbia Drive, thanked O'Brien Byrd for coming up with the idea and putting the pieces together to make it happen.

**UNFINISHED BUSINESS**

None.

**UNFINISHED  
BUSINESS**

**NEW BUSINESS:**

A. City Fees - Pool, Building Permits, Planning & Zoning Fees  
City Manager Nicosia said the Planning and Zoning Fees have not been amended since 2005. The current fees have not kept pace with the cost of providing the service, resulting in significant tax subsidy to subdivision plats and zoning amendments. Council agreed to increase fees to more closely cover the cost of the service. Many Planning and Zoning services are not covered by a fee but are tax supported. Proposed Planning and Zoning Fees are included in Resolution with the new fees to be effective July 1, 2016.

**NEW BUSINESS-  
City Fees**

The building permit fees were last updated in 2010. The recommendation is to leave the fees at the current level as the cost of the permits are covering the cost of the service. The City of Whitefish is not proposing a change in the contract at this time.

Council reviewed raising daily pool fees by .25 per category. Assuming no decrease in daily swim users, this would only generate \$1,000. Council felt very strongly about maintaining the current fees to keep the pool affordable for our community.

Councilman Shepard motioned to approve no change in the building permit and pool fees and increasing the Planning and Zoning fees as discussed, second by Councilman Karper.

Councilman Shepard said the City is willing to pay for the pool so the kids have a safe place to learn to swim. Mayor Barnhart said the pool does not operate at a profit; council anticipates tax subsidy support of \$60,000. Mayor also noted our Building fees and Planning and Zoning fees are significantly lower than other cities.

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Motion carried unanimously.

A. Approve Backflow Testing Contract - 2016 - B.E. Gibbons-Consultants  
City Manager Nicosia reported that the City received two proposals. Paul the Plumber proposed \$50/test. B.E. Gibbons Consultants proposal was \$42.50 per test. Public Works Director Jenkins reviewed B.E. Gibbons proposal on how they will be getting the back flow testing done. Nicosia said staff recommendation is to contract with B.E. Gibbons Consultants to complete the 2016 Backflow Testing.

Councilman Shepard asked if they are using local employees or bringing in their own. Nicosia said to her knowledge, they are bringing their employees. Mayor Barnhart asked why B.E Gibbons was interested in the City of Columbia Falls. Nicosia said they expressed interest in the past but had not submitted a proposal. Mayor Barnhart expressed concern that we are hiring out of state when we had a local plumber submit a bid. Nicosia said Paul's bid came in at \$50/test which was a \$5.00 increase from last year. Councilman Petersen said he agreed with Mayor and believes money made locally stays here. Councilman Lovering asked if Paul the Plumber didn't do an adequate job with last year's work. Nicosia said there was some difficulty in getting the testing done by Aug 1<sup>st</sup> but nothing that would prevent the city from awarding the contract to the company again. Mayor Barnhart asked City Attorney Breck if the council decided to award the bid to Paul the Plumber, would there be legal ramifications. Breck said you need to give deference to the low bid but there are certain allowances for in-state businesses. Mayor Barnhart asked the attorney to confirm that a government entity is required by law to go with the low bid unless there is substantial proof that it is not in the best interest of the City. City Attorney Breck said he does not know if that applies here. Nicosia said in the construction bid statute there is a 3% allowance for local contractors. Councilman Shepard said he agreed with Mayor on contracting with an out of state contractor.

Councilman Shepard motioned to approve awarding the Backflow Testing contract to B.E. Gibbons Consultants, second by Councilman Piper.

Councilman Petersen asked how time sensitive is this award. Nicosia replied that the City needs to get the Backflow letters out right away so the residents can start making appointments. Councilman Karper said he would like to hold off on the vote until we know the legal position of the City. Nicosia said that will put us too far behind as the contractor that gets the bid will need to get letters out and start making appointments. Councilman Lovering asked if council approves it this year can Council change it for next year. Nicosia noted that the contract is for one year. Piper would like to go with a local but with legal ramifications may have to approve the low bidder.

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Mayor Barnhart suggested a 10 minute break - 7:46-7:55

City Attorney Breck said there is a statue that speaks directly to this and the City Council shall award the contract to the lowest responsible bidder. City Attorney Breck said if we try to use the guideline in the MCA for county contracts and award the bid to Paul the Plumber with the 3% allowance that would still not work because his bid is more than 10% above the low bidder.

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

Steve Duffy, Eddy Court, said Columbia Falls is the only city in the valley that requires backflow testing at \$50 per test. Last year there were approximately 400 tests done. The Council Chambers was full of citizens disputing the testing. When the price was reduced there was nobody here and things were going good, now the fees are going to increase. Nicosia noted that the bid price was \$42.50, a reduction from the prior's year contract amount.

**ORDINANCES/RESOLUTIONS:**

A. SECOND AND FINAL READING - Ordinance 763 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Chapter 15.08 Building Codes of the Columbia Falls Municipal Code for Adoption of International Wildland-Urban Interface Code (IWUIC).

**ORDINANCE 763-  
IWUIC**

Nicosia said the state adopted the 2012 IWUIC code and as a certified city, the City would need to adopt it as well. The recommendation is to adopt the 2012 IWUIC.

Councilman Shepard motioned to approve Ordinance 763, second by Councilman Fisher with Council voting as follows. AYES: Shepard, Fisher, Karper, Lovering, Petersen, Piper and Barnhart. NOES: None. ABSENT: None.

B. Resolution 1722 - Adopting a Revised Fee Schedule for Planning & Zoning

**RESOLUTION  
1722-Fee Schedule**

Councilman Shepard motioned to adopt Resolution 1722, effective July 1, 2016, second by Councilman Lovering with Council voting as follows. AYES: Fisher, Karper, Lovering, Petersen, Piper, Shepard and Barnhart. NOES: None. ABSENT: None.

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

Councilman Piper thanked Fire Chief Hagen for speaking to the folks at the Veterans Home. Circle Plaza parking lot looks to see improvements. Piper inquired about the visitor center near Marantette Park. Piper would like to see it in a more visible site for visitors.

**REPORTS FROM  
MAYOR AND  
COUNCIL**

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Councilman Karper invited Council and the public to join the Arbor Day celebration this Thursday at noon at Rivers Edge Park.

Councilman Petersen agrees the visitor center is not in the best location. Petersen said the company that helped with the new community logo had several logos to choose from; perhaps the city would consider looking at them.

Councilman Shepard has had conversations with Cliff Boyd at Calbag, DEQ can't seem to make a decision on demolition standards and it is holding up progress. Shepard asked Council if we should have City Manager Nicosia draft up a letter to send out to the Governor. Shepard said we are holding up the project if we don't do something about it. Mayor asked Nicosia to draft a letter and get it in the mail with full council signatures.

Councilman Shepard said they are still looking for names for the 4<sup>th</sup> plaque to place on the Veterans Memorial wall.

Mayor Barnhart asked what the time frame was on the signs ordered for Nucleus Avenue. Nicosia said it is usually 4-6 weeks for delivery. Mayor said he visited Columbus Park and there is a lot of use. Mayor would like to see more trees at the Park. The basketball court could be placed differently as to not be looking into the sun. Nicosia said we have budgeted this year for basketball court improvements. Mayor said he went to the Shay Engine and suggested getting porta potties in place plus get the bell back on the engine.

**REPORTS/BUSINESS FROM CITY ATTORNEY:**

None.

**REPORT FROM  
CITY ATTORNEY**

**CITY MANAGER:**

Nicosia said today was the first day of District Court. Nicosia said she will be out of the office during the day all week but will be checking email and working in the evenings.

**CITY MANAGER  
REPORT**

With new building, there are parking issues in our developments with narrower roadways such as Fran Lou, Wildcat Drive and Diane Road. City staff will review street parking particularly as it relates to emergency response.

**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 8:45 p.m.

**ADJOURN**

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Mayor

ATTEST:

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City Clerk

APPROVED BY COUNCIL ACTION: May 16, 2016