

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD NOVEMBER 5, 2018**

**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, Piper and Robinson  
ABSENT: None.

**ROLL CALL**

Also present were City Manager Nicosia, City Clerk Staland, Deputy City Attorney Breck, Police Chief Peters and Public Works Director Bradshaw.

Pledge of Allegiance

**PLEDGE**

**APPROVAL OF AGENDA:**

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

**AGENDA  
APPROVAL**

**CONSENT AGENDA:**

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

**CONSENT  
AGENDA  
APPROVAL**

- A. Approval of Claims -\$90,502.97- November 5, 2018
- B. Approval of Payroll Claims - \$ 74,591.60 - October 19, 2018  
\$103,898.25 - November 2, 2018
- C. Approval of Regular Meeting Minutes - October 15, 2018
- D. Approval of Updated Job Description - Wastewater Treatment Operator
- E. Approval of Contract Amendment #4, \$23,900, Morrison Maierle, Nucleus Avenue Pedestrian Safety Project and authorize City Manager to sign.
- F. Approval of Task Order #3, Morrison Maierle, Cedar Pointe Drainage, and authorize City Manager to sign.
- G. Approval of Memorandum of Agreement, MDOT and City for Air Quality Equipment - UPN 9005 and authorize City Manager to execute.
- H. Approval of Change Order #1, Knife River, Nucleus Avenue Pedestrian Safety Project, \$137,326.25 and authorize City Manager to sign.

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

None.

**VISITOR/PUBLIC  
COMMENT**

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD NOVEMBER 5, 2018**

**APPOINTMENTS:**

A. Probationary Patrolman – Rafael Reyes

Police Chief Peters said the City brought on Patrolman Reyes as a Temporary Patrolman in July and he was hired as a Probationary Patrolman on September 17, 2018. Chief said he is an excellent addition to the department.

**APPOINTMENT-  
PATROLMAN  
REYES**

Councilman Lovering motioned to approve Probationary Patrolman Reyes, second by Councilman Robinson and the motion carried.

City Clerk Staland administered the Oath of Office to Probationary Patrolman Reyes.

**PRESENTATION:**

A. Trails as Economic Development Forum Update/Cedar Lake-Crystal Creek Trail Project – Darin Fisher, Sarah Dakin and Sam Kavanagh

Sam Kavanagh said he attended a conference on trails in Boulder CO along with Sarah Dakin and Darin Fisher, funded by the LOR Foundation. It was a great opportunity to sit down with other volunteers and communities working on trail projects. Kavanagh said the Gateway to Glacier Trail group recognizes they have taken on projects outside the original Gateway to Glacier Trail and that they need to relook at their vision as an organization. Kavanagh said they want to start working with the City for ideas and feedback. The group has worked on the Crystal Cedar Creek Trail project with the Forest Service. Kavanagh said they would ask for Council support on the trail, and request a letter drafted in support of the trail. This is a unique opportunity for the City to become a trailhead. Mr. Kavanagh stated that an in town trailhead, such as at Depot Park would be ideal with adequate parking. Kavanagh believes trails are not just creating a recreation opportunity, they are economic drivers.

**PRESENTATION-  
TRAIL UPDATE**

Sarah Dakin believes Columbia Falls needs trails and parking is a big issue for the trailheads. Depot Park would allow for adequate parking.

Councilman Shepard said he saw the forest service meeting on the trails was well attended. Kavanagh said yes, 100 plus attendees that were very encouraging to the project. Mayor Barnhart said we are working on getting permanent toilets in our parks and believes Depot Park would be a good location.

Nicosia said within the current budget we are working on Depot Park including paving the parking lot. The council approved a bathroom for River's Edge Park and one other. The City is also working with Morrison & Maierle on a Transportation Alternatives grant for a sidewalk on the south side of Railroad Street from 4<sup>th</sup> Ave West to 8<sup>th</sup> Ave EN.

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD NOVEMBER 5, 2018**

**PUBLIC HEARINGS/NOTICES:**

**A. Public Hearing – Columbia Rising Targeted Economic Development**

**PUBLIC  
HEARINGS-TEDD**

**District:**

The Columbia Falls City Council will hold a public hearing at its regular meeting on Monday, November 5, 2018 beginning at 7:00 PM in the City Hall Council Chambers, 130 6<sup>th</sup> Street West, Columbia Falls, MT, the Council will consider the Second Reading and Final Adoption of the Ordinance establishing the Columbia Rising Targeted Economic Development District (TEDD) and adoption of the Columbia Rising TEDD Comprehensive Development Plan.

The Columbia Rising TEDD is approximately 54 acres located northwest of the truck route, and south and east of the railroad rights-of-way in Section 8, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana. More specifically, the area is located west of 4<sup>th</sup> Avenue West and 6<sup>th</sup> Avenue West, north of 3<sup>rd</sup> Street West and 5<sup>th</sup> Street West, east of the extension of 12<sup>th</sup> Avenue West, and south of the Verville for Vets subdivision.

City Manager Nicosia stated that this is the 2<sup>nd</sup> and final hearing. We have not received any additional comments. Nicosia noted that the City has not approved issuing bonds for the infrastructure improvements but we will be looking at reimbursement for public infrastructure and water/sewer mains. Nicosia noted that the TEDD boundary does include the adjacent roadways.

With no Public Comments Mayor Barnhart opened and closed the Public Hearing at 7:23 p.m.

**B. Public Hearing – Municipal Code Amendments – November 5<sup>th</sup>:**

**Municipal Code  
Amendments**

On November 5, 2018, during the 7:00 p.m. regular council meeting, the City Council of the City of Columbia Falls, shall conduct a public hearing for purpose of adopting changes to the Columbia Falls Municipal Code Title 1, 2, 3, 5, 6, 8, 9, 10, 12, 13, and 15 pursuant to a comprehensive legal analysis of the codes for compliance with state and federal statutes.

The City Council is proposing completing the suggested text changes as recommended by the legal analysis and to update other outdated or necessary text changes as identified by City staff or Council.

City Council will also consider code changes recommended by the Public Works Committee to Title 13 Public Services amending sewer connection requirements and service line repair provisions. Council will also consider changes to Title 12 Streets, Sidewalks and Public Places addressing right of way widths, maintenance and encroachments.

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD NOVEMBER 5, 2018**

The proposed changes are available for review at the office of the City Clerk, City of Columbia Falls 130 6<sup>th</sup> Street West, Columbia Falls, MT. Persons may contact the City Clerk or City Manager at 406-892-4391 or 130 6<sup>th</sup> Street West, Columbia Falls, MT for more information about the hearing.

City Manager Nicosia said we are currently working on Municipal Code Titles 1, 2, 3, 5, 6, 7, 8, 10, 13, and 15 pursuant to a comprehensive legal analysis of the codes for compliance with state and federal statutes. Nicosia also reviewed the public works committee changes as reviewed in June:

**13.04.020 Definitions.**

As used in this chapter, the following words and phrases shall be as set out in this section:

- A. City. This term means the city of Columbia Falls, Montana.
- B. Consumer or Customer. This term means the individual, partnership, or corporation identified on an approved application as the owner of property served or owner's representative.
- C. Customer Class. The term means the grouping of water users with other users that share a similar usage pattern or usage environment. The city recognizes the following classes for the purpose of assigning a volume rate:
  - 1. Commercial Class. Customers who occupy a premises for the purpose of buying, selling, trading, acquiring, disposing, storing, leasing articles, commodities, or property; or providing a service, craft, amusement, or recreation; or provide assemblage; or provide education of one hundred or less students; or provide lodging accommodations for transient persons.
  - 2. Government Class. Customers that occupy premises that provide governmental services, institutional lodging or education for more than one hundred students.
  - 3. Industrial Class. A customer that consumes at least an average of five hundred thousand gallons per month over any twelve-month period and the highest and lowest demand (measured in gallons per minutes) does not vary by more than ten percent from one-half the sum of the average demand for a thirty-minute interval preceding and succeeding the time of interest.
  - 4. Multi-family Class. Customers that occupy premises where multi-unit dwellings, consisting of three or more units, located on a single property, provide housing for permanent residents.
  - 5. Single Family Class. Customer occupying a premises used as a dwelling for permanent residents consisting of a family or not more than five unrelated persons, where one unit is on a single property.
- D. Landlord Agreement. An agreement between the utility and the owner of a property whereas the owner allows the utility to establish an account in the name of the renter while retaining responsibility for unpaid charges.
- E. Payment Agreement. This term means a written agreement, on city form, that prescribes the schedule of payment for past due amounts.
- F. Plant Investment Fee. An amount charged to offset the cost of restoring system capacity that is reduced with usage from each additional connection.
- G. Plumbing Inspector. This term means a person designated by the city to inspect plumbing.
- H. Rate-Rate Schedule. These terms mean water rates or fees set forth under the rate schedule adopted by the city council by resolution.
- I. Regular Service Line-General Service Line. These terms refer to a service line

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD NOVEMBER 5, 2018**

or portion thereof, that is constructed to provide water for uses other than temporary service or fire service.

J. Service Charge-Base Service Charge. An amount charged per connection based on the diameter size of service connection.

K. Service Line. This term means every part of the piping and appurtenances from the water main to the customer's side of the meter, including the corporation stop, curb stop, meter, meter isolation valves, check valve and connecting piping between these components.

L. Superintendent-Water Superintendent. These terms mean the person appointed by the city as the head of the water department.

M. Temporary Service. A temporary service means any service of water to a consumer for a period of time less than six months and likely not recurring.

N. Utility. This term means the city water department.

O. Volume Charge. The charge for volume of water delivered to the property served determined by meter reading or estimate based on an average of known volume usage

P. Sharing of Costs. Subject to exceptions set forth in 13.04.600, for repairs to leaks in service lines between the main and the curb stop, the City and the customer will each pay 50% of the incurred cost. For repairs to leaks in service lines between the curb stop and the customer's structure, the customer will pay 70% of the cost and the City will pay 30% of the incurred costs.

. (Ord. 653 § 1(part), 2004)

**13.04.600 Responsibility of consumer.**

A. Except as otherwise provided in this Section, the water customer shall be responsible for the maintenance and repair of the service line located downstream from the city right-of-way, excepting normal wear of the meter. Any cost of repairs to the service line from the main to the city right-of-way, including the curb shutoff valve, shall be shared by the utility in those circumstances where it can be demonstrated that the necessary repairs are not the fault of the property owner. Such costs may include all materials and labor, whether the work is contracted or performed by city crews. All repair work must be completed by properly licensed contractors and the cost determined by obtaining a minimum of two quotes.

B. The utility shall approve the size of the service line and the type of valves and equipment installed as part of the service line, based on standards adopted by the utility.

C. Any tampering with the curb box shutoff valve or meter by unauthorized individuals may result in termination of service and prosecution as a misdemeanor offense.

D. If a portion of the repair costs are due in part to damage resulting from impacts of the water leaks to adjoining private property, multiple adjoining private properties, other utilities, or public infrastructure, the City will pay 100% of the costs to repair such additional portions of the repair costs.

E. The customer's share of the cost of repairs may be paid over a period of 12 months on the regular utility bill, not subject to interest, or the customer may elect to have the cost of repairs placed on their property tax bill.

(Ord. 653 § 1(part), 2004)

**13.04.110 Existing connections-Upgrading.**

A. When Required. All service connections shall meet the current requirements and specifications of a new connection when any of the following occur:

1. There is a change in ownership use of the property that warrants a new

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD NOVEMBER 5, 2018**

connection;

2. When the meter is changed due to wear or obsolescence;
3. When there is service line work performed that requires excavation of the service line or replacement of the service line or portions thereof. (Ord. 653 § 1(part), 2004)

**13.08.030 Installation of facilities required in buildings.**

A. The owner(s) of all buildings regularly occupied by humans for any purpose, situated within the city and abutting on any street, alley, or right-of-way where a public sanitary sewer is available, is required at the owner(s) expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within one hundred eighty days after date of official notice to do so., ~~except as provided in Section 13.08.200 of this chapter.~~

B. Connection to the public sanitary sewer is required whenever there is a change in ownership of the property. The private wastewater system in use will be abandoned pursuant to City and MT Public Works Standards.

(Ord. 654 § 1(part), 2004)

**13.08.260 Connection with public system required-When.**

A. Except as hereinafter provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

B. Properties, buildings or premises within the city of any type or nature whatsoever which have, an on-site sewerage disposal system in proper operating condition and a public sewer available shall have the privilege of continuing to use these on-site systems until such time as any of the following occurs:

1. There is a change of ownership in the property.

2.1. At such time as public sewer becomes first available after July 1, 2004, to a property served by a private wastewater disposal system a direct connection shall be made to the public sewer within one year in compliance with this chapter.

3.2. Any property within the city limits and any property annexed, by means other than petition or waiver of protest, to the city prior to January 1, 2000, served by a private wastewater disposal system and has a public sewer available shall connect to the public sewer not later than May 31, 2005.

4.3. Any property annexed, by means other than petition or waiver of protest, to the city on or after January 1, 2000, served by a private wastewater disposal system and has a public sewer available shall connect to the public sewer not later than May 31, 2008.

5.4. Any property annexed, by means other than petition or waiver of protest, to the city after July 1, 2004, served by a private wastewater disposal system and has a public sewer available shall connect to the public sewer not later than five years after the date of annexation.

6.5. When the on-site sewerage disposal system is in a failed operating condition. Under such conditions no work, repairs, pumping or any other services may be performed upon any part of the system and mandatory hook-up or connection to the public sewer system is required. The required connection shall occur within thirty days of the discovery of the failed conditions or upon notice from the city to a property owner of the defect and a requirement to connect to the public sewer. In the event that any of the conditions set forth in this section which require mandatory connection occur during the winter or at another time when weather or

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD NOVEMBER 5, 2018**

soil condition prevents excavating in order to make the connection to the disposal system, the connection shall be done within thirty days after weather or soil conditions permit excavating for the purpose of connection.

System failure is defined as the occurrence of any of the following:

- i. Any break, malfunction or improper working of the system occurs, whether it be in a tank, drain field, or any connecting piping;
- ii. A septic tank, cesspool or other system requires pumping in order to keep it operable;
- iii. The on-site system becomes saturated, flooded or inoperable in that it no longer disposes of sewerage input thereto, causing the same to appear on the surface of the ground or draining away in any manner.

C. At the time of connection to the public system, any septic tanks, cesspools, and similar private wastewater disposal facilities shall be properly abandoned, cleaned of sludge and filled with suitable material as approved and inspected by the City. (Ord. 654 § 1(part), 2004)

**12.12.010 Established.**

All construction of roadways, curbs, and sidewalks in the city shall henceforth be located as follows:

A. On streets or avenues platted at of forty-foot width, or less, there shall be a ~~six~~ eighteen (18)-inch curb and gutter adjacent to property lines on both sides of street, no sidewalks, no boulevard, and balance of street to be roadway.

B. On Nucleus Avenue between U.S. Highway No. 2 and Railroad Street, and streets intersecting Nucleus to a distance of one-half block from Nucleus, there shall be an eight-foot combination sidewalk and curb, adjacent to property lines, on both sides of street, no boulevard, and balance of street to be roadway.

~~C. On Railroad Street, throughout its length, on south side of street only, there shall be combination five and one-half foot sidewalks and curb, no boulevard and sixty-four and one-half foot roadway.~~

~~D. On Fifth Street and Sixth Street from Fourth Avenue West to Nucleus Avenue there shall be combination eight-foot sidewalk and curbs on both sides of street, adjacent to property lines, no boulevards, and forty-four foot roadways.~~

~~C.-E.~~ On all other residential streets and avenues there shall be five-foot sidewalks adjacent to property lines both sides of street, five-foot boulevards, ~~six~~ eighteen (18)-inch curb and gutter, and roadway. Curb lines shall be ~~as established in Ordinance No. 199,~~ eight feet from the property line except in such case as this would reduce roadway width to less than thirty-nine ~~five~~ feet, in which case roadway shall be thirty-nine ~~five~~ feet and boulevard width reduced to leave sidewalk and curb widths unchanged. (Amended during 1986 codification; Ord. 473 § 81, 1986; Ord. 273 § 1, 1967)

D. On all commercial streets and avenues there shall be five-foot minimum sidewalks adjacent to property lines both sides of street and eighteen (18)-inch curb and gutter and roadway. Curb lines shall be established to provide 55' street width on all Avenues platted at 70' or to provide 45' street width on all Streets platted at 60'.

Nicosia noted that the right of way maintenance and encroachments revisions will come forward to Council at a future meeting, providing staff and city attorney additional review before any council action.

Mayor Barnhart opened the Public Hearing at 7:37 p.m. Mayor noted this Public Hearing will remain open until the code changes are complete.

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD NOVEMBER 5, 2018**

**C. Notice of Hearing – Planning Board November 13<sup>th</sup>, Council November 19<sup>th</sup>:** Mayor Barnhart read the notice of hearing:

The Columbia Falls City-County Planning Board will hold a public hearing for the following item at their regular meeting on Tuesday, November 13, 2018 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 Monday, November 19, 2018 starting at 7:00 p.m. in the same location.

**Columbia Falls Zoning Regulations – Title 18 (Zoning Text Amendment):** A request by the City of Columbia Falls to add the following text to the Columbia Falls Zoning Regulations (Title 18 of the Columbia Falls Municipal Code). The City proposes adding a definition and Conditional Use in Chapter 18.344 CI-2 Heavy Industrial Zone for Cryptocurrency facilities.

**NOTICE OF  
PUBLIC HEARING-  
Title 18 Amendment**

Persons may testify at the hearing or submit written comments prior to the meetings. Written comment may be sent to Columbia Falls City Hall, Attention: Susan Nicosia, City Manager, 130 6<sup>th</sup> Street West, Room A, Columbia Falls, MT 59912. For more information call Eric Mulcahy, Columbia Falls City Planner at 755-6481.

**NEW BUSINESS:**

**NEW BUSINESS**

A. Letter of Support – Crystal Cedar Project

Mayor Barnhart read the letter of support for the Crystal Cedar Trail Project. Councilman Shepard motioned to send the letter on the said project, second by Councilman Lovering and the motion carried.

B. Letters of Support – BPA Conkelley Substation

City Manager Nicosia discussed the letter to be sent to Bonneville Power Administration regarding their proposed elimination of the Substation located on the CFAC property. Nicosia noted that the elimination of critical infrastructure typically results in the infrastructure not being rebuilt.

Councilman Shepard made motion to send letters to the Congressional delegation and BPA requesting that the site be evaluated for development before dismantling the infrastructure, second by Councilman Robinson and the motion carried.

**ORDINANCES/RESOLUTIONS**

A. Second and Final Reading – Ordinance #781 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Designating the Columbia Rising Targeted Economic Development Area, Creating the Columbia Rising Targeted Economic Development District (TEDD) and Adopting the Columbia Rising Targeted Economic Development District Comprehensive Development Plan with a Tax Increment Financing Provision Pursuant to Title 7, Chapter 15, Part 42 and 43 of the Montana Codes Annotated.

**RESOLUTION #781-  
TEDD**



**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD NOVEMBER 5, 2018**

Councilman Shepard motioned to approve the Final Reading of Ordinance #781, second by Councilman Piper, with Council voting as follows. AYES: Robinson, Shepard, Fisher, Karper, Lovering, Piper and Barnhart. NOES: None. ABSENT: None.

B. Resolution #1784 - A Resolution of the City Council of the City of Columbia Falls, Montana, Designating the Planners of the Night of Lights 2018 and Designating Night of Lights 2018 Parade as an Official Activity of the City of Columbia Falls.

**RESOLUTION  
#1784-2018 Night of  
Lights**

Nicosia reported that this is a routine resolution, designating the Columbia Falls Rotary as the planners for the parade. Nicosia noted that this resolution makes the city responsible only for the parade and none of the other activities.

Councilman Lovering made motion to approve Resolution #1784, second by Councilman Shepard with Council voting as follows. AYES: Shepard, Fisher, Karper, Lovering, Piper, Robinson and Barnhart. NOES: None. ABSENT: None.

C. First Reading - Ordinance #782 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Chapter 13.04 Water Regulations of the Columbia Falls Municipal Code.

**ORDINANCE #782  
First Reading-Water  
Regulations**

Councilman Shepard motioned to approve the First Reading of Ordinance #782, second by Councilman Fisher and the motion carried.

D. Resolution #1785 - A Resolution of the City Council of the City of Columbia Falls, Montana Establishing Certain Fees and Charges Relating to the City's Public Works Department.

**RESOLUTION  
#1785-Public Works  
Fees**

Nicosia reviewed the changes, primarily on the 2" hydrant meter, increasing the fee for the actual cost to replace the meter; and cleaning up the language on the existing fee chart.

Councilman Shepard motioned to approve Resolution #1785, second by Councilman Robinson with Council voting as follows. AYES: Fisher, Karper, Lovering, Piper, Robinson, Shepard and Barnhart. NOES: None. ABSENT: None.

E. First Reading - Ordinance #783 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Chapter 13.08 Sewer Use Regulations of the Columbia Falls Municipal Code.

**ORDINANCE #783  
First Reading-Sewer  
Regulations**

Councilman Shepard made motion to approve the First Reading of Ordinance #783, second by Councilman Lovering and the motion carried.

F. First Reading - Ordinance #784 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Chapter 12.12 Street and

**ORDINANCE #784  
First Reading-  
Street/Sidewalk**

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD NOVEMBER 5, 2018**

Sidewalk Width and Locations Section of the Columbia Falls Municipal Code.

Councilman Fisher motioned to approve the First Reading of Ordinance #784, second by Councilman Shepard and the motion carried.

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

Councilman Piper asked if we have heard from the Baseball Association about parking at the ball field. Nicosia said she has not heard from them.

Councilman Lovering said the blinking lights on 6<sup>th</sup> ST crossing at Nucleus are very effective.

Councilman Fisher said he has noticed the new stop signs around town and they are very helpful.

Mayor Barnhart encouraged everyone to go vote.

**CITY MANAGER:**

Nicosia noted that Public Works Director Bradshaw was here to give an update on the pond and 6<sup>th</sup> St projects:

Public Works Director Bradshaw said the pond is going well. In response to a question, Nicosia said the topsoil is being stored on the Pickerels' adjoining property.

Bradshaw said he is pleased with the way the sidewalk project is progressing with the weather and scheduling. He is pleased with the speed and efficiency on the project. The footings are in, the wall is up, and concrete is in place, backfilling will start tomorrow.

City Manager Nicosia said that the City received a call from CFAC on the ore truck at the Aluminum Plant. Nicosia said that we've discussed putting the ore truck at Depot Park when CFAC proposed donating one to the City. Public Works Director Bradshaw looked at the ore truck to get an estimate of what it would cost the city to keep the public safe and have it attractive to look at in the park. Bradshaw said a conservative estimate would be six to eight thousand dollars. Councilman Shepard inquired about fencing the ore truck in, as to not allow the public to be on the truck. Council discussed displaying or fencing the truck or making it "useable" like the Shay Engine.

Councilman Piper motioned to not have the ore truck on city property, second by Councilman Lovering with Council voting six in favor and one not in favor.

Nicosia asked if Council would like the tapping crucible put in one of the city parks. Mayor thought it would be a good thing to put it in the park with a plaque that has information about the aluminum plant. With further discussion Council decided to keep the tapping crucible and display it in the park.

Leak Detection testing was performed last week and we will get the formal report next week. Bradshaw said they found some significant leaks, several

**REPORTS FROM  
MAYOR AND  
COUNCIL**

**CITY MANAGER  
REPORT**

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD NOVEMBER 5, 2018**

small to medium size.

Nicosia reported that the Planning Board will start the process of updating the Growth Policy at the November 13<sup>th</sup> meeting.

Nicosia also reported that the City was not awarded the Safer Grant for the Fire Marshall position and therefore, pursuant to the direction from the City Council and the Rural Fire District Board, the position will not be filled this year.

Currently the City is advertising for Wastewater Treatment Operator, Detective and Patrolman positions. The deadline for these positions is November 29, 2018.

**CITY ATTORNEY REPORT:**

Deputy City Attorney Stephanie Breck provided an update on the City vs Badger Drilling case. Breck said we filed a complaint last July and did get a ruling. The state has assigned their claim to us against Badger. We just received a motion from the defendant's attorney to add APEC Engineering and the State of MT as a third party complaint. Breck said we are getting ready to respond and she will keep Council informed.

Mayor Barnhart asked how much of our time and effort will be reimbursed? Deputy City Attorney Breck said she will have strategic discussion with City Manager Nicosia and update Council.

**REPORT FROM  
DEPUTY CITY  
ATTORNEY**

**INFORMATIONAL CORRESPONDENCE** - List available for Review

**CORRESPONDENCE**

**ADJOURN:** Upon motion duly made by Councilman Fisher and seconded by Councilman Lovering, the meeting adjourned at 8:42 p.m.

**ADJOURN**

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED BY COUNCIL ACTION: November 19, 2018