

**CITY OF COLUMBIA FALLS  
MINUTES OF THE REGULAR MEETING  
HELD MAY 6, 2019**

**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, Finance Director Carlson, Police Chief Peters, and Public Works Director Bradshaw.

Pledge of Allegiance

**PLEDGE**

**APPROVAL OF AGENDA:**

Mayor Barnhart requested a motion to approve the agenda. Councilor Lovering moved to approve the agenda, second by Councilor Robinson. The motion carried unanimously.

**AGENDA  
APPROVAL**

**CONSENT AGENDA:**

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

**CONSENT  
AGENDA  
APPROVAL**

- A. Approval of Claims -\$59,686.25 - May 6, 2019
- B. Approval of Payroll Claims - \$71,452.41 - April 19, 2019  
\$108,488.29 - May 3, 2019
- C. Approval of Regular Meeting Minutes - April 15, 2019
- D. Approval of 2019 Swim Team Agreement and authorize City Manager to sign.

**VISITOR/PUBLIC COMMENT:** (Items not on agenda)  
None.

**VISITOR/PUBLIC  
COMMENT**

**PUBLIC HEARINGS/NOTICES:**

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

**Public Hearing - Municipal Code Amendments - Continued until complete:**

**PUBLIC  
HEARINGS-Code  
Amendments**

**Presentation on May 6th of proposed amendments to Title 8 - Health and Safety**

The City Council of the City of Columbia Falls, shall conduct public hearings for the purpose of adopting changes to the Columbia Falls

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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.

City Manager Nicosia presented Title 8 - Health and Safety amendments. Nicosia reminded Council that all penalty references were removed due to the general penalty in Title 1. Nicosia noted that Chapter 8.04 "Nuisances," was now addressed under the decay ordinance and the 1909 code could be deleted. Chapter 8.08 Garbage Collection was also updated to reflect current standards. Chapter 8.12 Nuisance Weeds had been updated in 2008 current except for the penalty which will be deleted. Chapter 8.16 was similarly updated. Community Decay Control, Chapter 8.18, was updated in 2008 so there were only minor modifications, including striking jurisdiction reference. Chapter 8.20 Junked Motor Vehicles and Chapter 8.24 Handbills were updated as needed, deleting redundant definitions and penalty. Nicosia reported that Chapter 8.28 Fires and Inflammables had been amended in March 2012 with the adoption of Ordinance 725. Chapter 8.28.030 was updated in 2015 to reflect the change from the Uniform Fire Code to the International Fire Code.

Mayor Barnhart noted that the public hearing remains open until the text amendments are complete.

**Mayor Barnhart read the Notice of Public Hearing - May 20, 2019:**

NOTICE IS HEREBY GIVEN to all persons that petitions have been filed with the City Council of the City of Columbia Falls, Montana, requesting the abandonment, discontinuance and vacating of certain public way in the City of Columbia Falls, Montana, more particularly described as follows:

1. 25' of the south portion of the unbuilt platted 5<sup>th</sup> Street East between Blocks 31 and 34. Abandonment of this portion of roadway will provide the adjacent property owners with adequate off street parking and will place the property on the tax role.
  
2. 12' undeveloped alleyway between 3<sup>rd</sup> Ave West and 4<sup>th</sup> Ave West, between Tracts A and B, Lot 1 Lenonville Subdivision. Abandonment of this alleyway will resolve encroachment and ownership issues and will place the property on the tax role. The proposed alleyway

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abandonment would be apportioned to the adjacent property owners based on their current occupancy, 10' to the west and 2' to the east.

The benefiting property owners will pay all surveying and recording costs. The abandonments will be subject to the rights of the City or any other public utility to access, operate and maintain any public utilities currently located within the platted roadway or alleyway.

The City Council of Columbia Falls is scheduled to act on said petitions at the regular meeting of the City Council at 7:00 p.m., on May 20, 2019 in the Council Chambers, 130 6<sup>th</sup> Street West, Columbia Falls, Montana, at which time and place all persons desiring to be heard on said petitions may appear and offer comments on the proposed abandonments. Written comments may be addressed to the City Clerk, 130 6<sup>th</sup> Street West, Room A, Columbia Falls, Montana 59912 prior to the May 20, 2019 hearing.

**UNFINISHED BUSINESS**

None.

**UNFINISHED  
BUSINESS**

**NEW BUSINESS:**

A. Approval of Mural - 619 Nucleus Ave., Uptown Hearth. City Manager Nicosia indicated the mural would frame the outside seating area of the building. It would be 15 feet high and 20 feet wide. She noted it does meet the City's requirements. Requested consideration by Council. Councilor Piper motioned to approve the mural, Councilor Fisher seconded. Motion passed unanimously.

B. Petition by City to add Kreck Riverside Park to Lighting District. City Manager Nicosia indicated that the City- owned property would be the only property affected by the change. Councilor Piper motioned to approve the addition, seconded by Councilor Karper. Motion passed unanimously.

**NEW BUSINESS**

**ORDINANCES/RESOLUTIONS**

Resolution #1789 - A resolution of the City Council of the City of Columbia Falls, Montana Requesting Distribution of Local Government Road Construction and Maintenance Match Program Funds.

**ORDINANCES/  
RESOLUTIONS**

City Manager indicated that this resolution is the first step in using money from the special gas tax. A slide show of various city streets in need of repair was projected. Nicosia indicated that the money would be used to repair the

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streets to the extent of available funding. Public Works Director Bradshaw said he would identify priority streets where the repairs would be made.

Councilor Fisher motioned to approve Resolution 1789, seconded by Councilor Shepard with Council voting as follows: AYES: Lovering, Piper, Robinson, Shepard, Fisher, Karper and Barnhart. NOES: None. ABSENT: None.

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

Councilor Fisher said he would be going to Bozeman for the Elected Officials training later this week. He stated that he witnessed the importance of training while attending another government meeting that was violating open meeting laws. He expressed his appreciation for how well the City meetings are run and how they maintain compliance with legal requirements.

**REPORTS FROM  
MAYOR AND  
COUNCIL**

Councilor Lovering reported that the Community Garden opened this weekend with 30 families participating. She mentioned that the lights are now working at the 6<sup>th</sup> and Nucleus intersection. She also asked about the possibility of a 4-way stop on 13<sup>th</sup>. City Manager Nicosia noted City staff was currently reviewing that intersection.

Councilor Shepard stated he will be in DC meeting on behalf of veterans and will not be able to attend the next planning meeting. He also expressed concern about the speed on Highway 2 heading to the park. Police Chief Peters indicated there have been increased traffic stops in that area.

Councilor Karper reported that the Arbor Day Celebration went very smooth. There were 90 kids participating. He expressed his thanks to members of the committee, Public Works Director Bradshaw and the public works staff, DNRC and Chris Peterson for taking pictures and documenting the event.

Mayor Barnhart asked City Manager where we stand on Pit to Park. She stated that DEQ is in charge of overseeing the permit and closure, the City, DEQ and Weyerhaeuser will have to meet and discuss, Nicosia noted that Weyerhaeuser officials felt it was ready for closure approval. Mayor asked about the weeds on the property and City Manager stated that once they are tall enough, Plum Creek will get a letter to correct.

Mayor Barnhart asked why the mural outside of Hungry Horse News did not cover the entire wall. Chris Peterson stated that they don't own the whole wall. He also indicated that vines have been planted with the intention of covering the areas not painted.

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Mayor also asked who is in charge of working with Glacier Precast on the Monument project on Nucleus. City Manager indicated that it is a Community Foundation project, with planned installation around the 20<sup>th</sup> of the month; all the pieces of the monuments and lettering should be here. Biggy's will be doing the landscaping. The trees are healthy enough to stay and did not need to be removed to make room for the monument. It was noted that the lettering was more expensive than planned.

**CITY MANAGER:**

The City will be hosting a Regional MMIA/MLCT/LCG Summit Meeting on June 4<sup>th</sup> from 9:00 am - 4:00 pm at the Fire Hall.

**CITY MANAGER  
REPORT**

Fishing Pond Grand Opening is tentatively scheduled for June 18<sup>th</sup>. Mayor Barnhart was asked to speak and he agreed.

We received news this week that the City has been designated as a resort community by MT Department of Commerce. Nicosia noted that certification is permanent even if the City population exceeds the requirement in the future. A workshop was scheduled on the 5<sup>th</sup> Monday in July to discuss.

Nicosia indicated that we are on track to construct a 3<sup>rd</sup> well sometime next summer. She stated we don't want to be in a position like Whitefish where we can't approve further development due to lack of water supply. We have been approved for a RRGL grant of \$122,950. Use of these funds will help to offset projects discovered through our leak detection program as well as the construction of the new well.

Ed Toavs from the Department of Transportation will be retiring May 25<sup>th</sup>. Tammy Fisher, new district #1 representative indicated that Columbia Falls "needs some love". City Manager Nicosia is working with our representatives to get their support for a federal Build Grant (formerly known as Tiger Grants) to update our City-wide sidewalks.

Nicosia indicated that the City could sponsor a CDBG Grant for up to a maximum of \$450,000 to help support the Boys and Girls Club Hub project. The money can be used to support infrastructure improvements.

**CITY ATTORNEY REPORT:**

The City Attorney was out of town and unable to attend the meeting so City Manager Nicosia gave an update on legal activity.

**REPORT FROM  
CITY ATTORNEY**

Breck law firm has hired Mark Sullivan, former District Court Judge to be

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prosecutor for the City.

The Badger case is still proceeding. A June trial date is expected.

Mayor Barnhart asked if the City will notice a cost savings on the supreme court ruling of public defender use. Chief Peters clarified that there really isn't a difference. They are to defend only when the violation has mandatory jail time.

**INFORMATIONAL CORRESPONDENCE** - List available for Review

**CORRESPONDENCE**

**ADJOURN**: Upon motion duly made by Councilor Lovering and seconded by Councilor Shepard, the meeting adjourned at 8:06 p.m.

**ADJOURN**

\_\_\_\_\_  
Mayor

ATTEST:

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

APPROVED BY COUNCIL ACTION: May 20, 2019