

CITY OF COLUMBIA FALLS
CITY COUNCIL REGULAR MEETING MINUTES
HELD MAY 06, 2024

Mayor Barnhart called the meeting to order at 7:00 p.m.

ROLL CALL: Councilor King, Councilor Lovering, Councilor Price via zoom, Councilor Robinson, Councilor Shepard, and Mayor Barnhart. Absent: Councilor Piper.

Also present: City Manager Nicosia, City Clerk Staaland, City Attorney and Police Chief Peters.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA: Councilor Robinson made motion to approve the amended agenda, seconded by Councilor Lovering and the motion carried.

CONSENT AGENDA: Councilor King made motion to approve the consent agenda noting all claims appeared to be in order, seconded by Councilor Shepard with council voting as follows. Ayes: Lovering, Price, Robinson, Shepard, King, and Barnhart.

Approval of Claims - \$168,607.28 - May 6, 2024

Approval of Payroll Claims - \$166,735.83 - April 26, 2024

Approval of Regular City Council Meeting Minutes - April 15, 2024

Approval of Special Council Meeting Minutes - April 29, 2024

Approval of Special Meeting Minutes - Candidate Interview - April 17, 2024

Approval of Amended HOME Grant Agreement - DOC - #MT-HOME-HBA-23-01A and authorize City Manager to execute.

Approval of 2024 Swim Team Memorandum of Agreement and Authorize City Manager to execute.

Approval of Agreement - Waste Disposal - Pop-A-Squat and authorize City Manager to Execute

Approval of Agreement -Waste Disposal - Peewee's and authorize City Manager to execute.

VISITORS/PUBLIC COMMENT (Items not on agenda)

Shirley Folkwein, 285 Shooting Star Dr. said she is here on behalf of the Coalition for a Clean CFAC. Ms. Folkwein read and distributed a letter from the Coalition for a Clean CFAC, pertaining to the recent CFAC meetings April 24th & 25th in Columbia Falls.

Tabatha Graves, 1105 Columbia Dr. said she was also in attendance to discuss CFAC.

PRESENTATION:

Montana Department of Transportation update on current road projects in the City/County and shared projects/issues

Bob Vosen with MDT said he was here to answer any MDT questions that the council may have. Mr. Vosen said they currently have limited work in the Columbia Falls area, most of the work is in different areas of Montana.

City Manager Nicosia said the City received an email from MDT stating the City Railroad St. TA Grant sidewalk project was going to be delayed another year, with construction not occurring until 2026.

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Justun Juelfs with MDT said the TA program is a great program to invest in. There was a surprise last year with the right of way and private property that is holding up the project at this time. Mr. Juelfs said they are waiting for the cultural resources report. Morrison & Maierle's subcontractor cannot get the report done before October. Mayor Barnhart inquired where MDT is with the right of way issues. Mr. Juelfs replied the state must acquire a small piece of property from a property owner. City Manager Nicosia said the city has access to resource folks if MDT needs us to reach out to them. Mayor Barnhart is concerned with moving the project further out, it may cause a significant price increase, as the city has dealt with that in another situation. Mr. Juelfs said the delay is unintended, but MDT has no control over it, otherwise they would be moving forward with the project. Mr. Vosen said regarding Mayor Barnhart's concern there are new contractors coming into the area with competitive prices and reducing costs. He said the Evergreen sidewalk project is coming in below bid.

Councilor Shepard asked Mr. Vosen if there was any news on the turning lane on 9th going up Nucleus Ave. along with other intersections that have difficulty in turning left traveling eastbound. Mr. Vosen believes it's in the works with the traffic study. Mayor Barnhart said the area is getting busy and is dangerous in the summer months.

Mayor Barnhart said another concern for him is making a left hand turn at Halfmoon Rd. and Hwy 2 is extremely dangerous. Mr. Vosen said MDT is in the process of reviewing that intersection and it is a priority intersection for our area. Finding funding for those projects is an extreme challenge, said Vosen. Shepard said speed is part of the problem at that intersection. Vosen suggested sending him a letter for anything within the city limits, and if it's in the county sending a letter from the council to the commissioners.

APPOINTMENTS:

Police Commission Appointment - Sean Murphy - 3-year term thru May 2027

City Manager Nicosia said Sean Murphy has submitted a letter of interest to serve on the Police Commission. Mr. Murphy has over 20 years in law enforcement with the City of Columbia Falls and would be an asset to the Commission. Staff recommends appointment.

Councilor Shepard motioned to appoint Sean Murphy to the Police Commission for a three-year term, seconded by Councilor Lovering and the motion carried unanimously.

NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS:

Notice of Public Hearing - City Planning Commission – Thursday, May 9, 2024:

The City Planning Commission will hold a public hearing on Thursday, May 9, 2024, for the purpose of receiving public comments on the proposed Public Participation Plan. The Public Participation Plan establishes the framework detailing the City's commitment to public involvement throughout the process of adoption, amendment, modification, or rejection of any future land use plans, zoning, or subdivision regulations. The Public Participation Plan is the beginning of the process to comply with the Montana Land Use Planning Act (MLUPA), commonly referred to as SB 382, codified in Title 76, Chapter 25, M.C.A which creates a comprehensive update to Montana's land use regulations. The proposed Public Participation Plan follows the recommended template provided by the MT Department of Commerce and the League of Cities and Towns.

UNFINISHED BUSINESS:

Approval of Apparatus Sales Agreement as revised by City Attorney and authorize City Manager to execute.

City Manager Nicosia said the language is not final as it is going through legal review, but the company is holding the truck for our fire department. The agreement takes advantage of the cash payment option previously approved by the Council, said Nicosia. The City will not sign the agreement until City Attorney Breck accepts the final language. City Attorney Breck said the main concern was the transfer of risk of loss for the vehicle in transit to Columbia Falls.

NEW BUSINESS:

Approval of Park Use Request - Change in Hours of Use - 12:00 am (midnight) - Chamber Movie Nights

City Manager Nicosia said the Chamber of Commerce is asking to extend park hours at Marantette Park for the kids Movie in the Park night on July 13th, Aug. 10th, and Sept. 14th.

Councilor King motioned to extend the park use hours for the Chamber movie nights on July 13th, Aug. 10th, and Sept. 14th, seconded by Councilor Robinson and the motion carried.

Review and Approval of First Amendment to Interlocal Agreement - Flathead County

City Manager Nicosia said the attorneys and planners have drafted the amendment to the interlocal agreement providing for the extraterritorial jurisdiction expiration on June 30, 2024. Mayor Barnhart stated that after that date, the City will not administer zoning unless it's within the city limits and the County will be responsible for all county zoning.

Shirley Folkwein asked for clarification on the planning "donut" going away. City Manager Nicosia said after June 30, 2024, zoning in the county will fall under the Flathead County Planning Board.

Lucy Yeats, 315 Shooting Star Drive, asked if the city is going to add June 30, 2024, to the agreement. City Attorney Breck said at this point it is a draft and needed information will be added. Ms. Yeats asked if at the next meeting in May it will be final. City Attorney Breck said the general agreement is June 30, 2024, coinciding with the city and county fiscal year. The interlocal agreement expired last August but the County Planning office wanted time to make the adjustment. Breck said the current Planning Board will continue to operate as the Planning Commission is not ready and until that happens; it will be the current Planning Board. City Attorney Breck said if something in the county comes forward after June 30th it will go to the Flathead County Planning Board unless they are requesting annexation.

Approval of Letter of Support - Lakeside Groundwater Discharge Permit

Commissioner Randy Brodehl asked the Council for a letter of support for the Lakeside Groundwater Discharge Permit said Nicosia. Mayor Barnhart said the county has been trying to locate property and believes this is a suitable location.

Councilor Shepard made a motion to write a letter of support and submit it to the Commissioners, seconded by Councilor Lovering and the motion carried unanimously.

REPORTS / BUSINESS FROM MAYOR & COUNCIL

Letter of Comment - EPA

Mayor Barnhart said he is proposing submitting a new letter to EPA given the updated information and the three years since the first letter, suggesting moving forward with the ROD (Record of Decision). Councilor Shepard said he has been involved in the CFAC meetings since the very beginning and has no desire to write

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another letter. The more he studies the situation, the more he is not in favor of removing soil, he would like to see the ROD before further discussion. Councilor Lovering said when the initial letter was written to remove the material and with more information becoming known, she prefers to not write a new letter. It is important to do it right, said Lovering. Councilor Robinson concurs with Lovering and has issues with moving contaminants through town. Councilor King said it is a danger to move the contamination and a problem for it to stay but agrees to take it off site. Councilor Price wants the site cleaned up. After council discussion, it was decided by the majority to not submit a new letter to the EPA.

Councilor Robinson said there were about 100 4th graders in attendance for the Tree City celebration. The City Parks Department employees Nathan Riley and Art Putnam did an excellent job in getting everything set up and we were able to plant 4 new trees instead of 2. The event was well attended, said Robinson.

Councilor Lovering expressed her concern over the vandalism in the city; the wrestling gym and the gate ripped off the basketball court are not inexpensive repairs.

Lovering asked if the city could do something with the box with cables around it at Columbus Park. City Manager Nicosia said they contacted the owner of the box to get it repaired.

Lovering also noted there is a car eating pothole on 13th and 6th St. by the high school.

Mayor Barnhart would like metal signs in front of our park bathrooms stating the hours and months of operation.

CITY MANAGER REPORT

Nicosia said that this is the City's 16th year as Tree City and the City has planted approximately 200 trees.

Nicosia noted that the Tree Board is scheduled to meet on Tuesday, May 14th and would like to schedule the Parks Committee meeting 6 pm on the same night, following the Tree Board.

It as also decided to hold budget priority sessions on Wednesday, May 15th at 6pm with the Public Safety Committee, followed by the Public Works Committee.

Nicosia noted that on Friday, May 10th city officials will be meeting with HDR and the project bidder, Prospect Construction on the WWTP project to determine how to move forward. The City may have to borrow money to fill the funding gap due to the bidding environment.

Mayor Barnhart asked if there are any grants in to tie into the sidewalk project. Nicosia said there's the City's Urban Transportation Fund, approximately \$150 k per year, could possibly be used to complete the 3 blocks on 4th Ave West that are outside of the Raise Grant project area.

MISCELLANEOUS Police Chief Peters reported that the Police Department identified four juvenile suspects and they have been charged in the recent vandalism totaling \$100k in damage including the gym. He noted that the department also solved over 9 cases within the city. Community Policing in place is working as expected and Chief Peters is proud of the department working proactively.

Fire Department - April Activity
Correspondence

ADJOURN

Mayor

City Clerk