

**CITY OF COLUMBIA FALLS  
CITY COUNCIL REGULAR MEETING MINUTES  
HELD NOVEMBER 06, 2023**

Mayor Pro Tempore Lovering called the meeting to order at 7:00 p.m.

**ROLL CALL:** Councilor Fisher, Councilor King, Councilor Piper, Councilor Robinson, Councilor Shepard and Mayor Pro Tempore Lovering. Absent: Mayor Barnhart.

Also Present: City Manager Nicosia, City Clerk Staland, City Attorney Breck and Police Sergeant Rice.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA:** Councilor Robinson motioned to approve the agenda, seconded by Councilor Piper and the motion carried.

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

Approval of Claims - November 6, 2023 - \$799,788.02

Approval of Payroll Claims - October 27, 2023 - \$172,177.53

Approval of Special Payroll Claims - November 6, 2023 - \$2,331.91

Approval of Regular City Council Meeting Minutes - October 16, 2023

Approval of Amendment to Engineering Agreement, HDR Engineering, Wastewater System Improvements Project and Authorize City Manager to execute.

**NEW BUSINESS:**

ARPA Wastewater System Improvements - Grant Agreement AC 22-0013 and AM 22-0012 Amendments, Change in Schedule, Amended Budget and Approval of Change Orders #2 and #3

City Manager Nicosia said the City will formally request to extend the grant deadlines for the awards noted above from December 31, 2024 to September 30, 2025. As noted previously, the City's engineering firm, HDR, is approximately 9 months behind schedule for final design and call for bids for Phase 2 of the City's Wastewater Systems Improvements Project. This request comes before council as there are agreement changes and contract changes.

The extension on the contract agreement with DNRC will allow us to extend the project to September 30, 2025, which will give the City back the 9 months back to ensure the contractors have adequate construction time. The City will update all the dates for phases; Phase 1 was completed within 30 days of the original date. Nicosia noted that DNRC will consider all of the amendments including dates, change orders, contract documents and funding and will formally approve the amendments that are currently before the City Council.

Additionally, during the Hilltop Sewer Main Replacement, asphalt replacement went from the original engineered 6' wide ditch/asphalt replacement to an actual 18' wide ditch/asphalt replacement; essentially replacing just over 50% of the driving surface from the curb to the middle of the roadway. The original anticipated paving replacement was budgeted at 250 tons of asphalt @ \$316 per ton or \$79,000. The final

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actual quantity, as verified by HDR Engineering and NCC Neumann, the contractor, was 572.2 tons for a total cost of \$180,815.20. Change Order #3 is attached for DNRC and City approval in the amount of \$101,815.20. Nicosia is proposing amending the project budget for this change order and using local Street Construction Funds to pay for the additional paving. The project budget has been amended to reflect this additional local contribution. City Manager Nicosia said she is requesting the Council amend the budget for the \$101,815.20. Nicosia added the city can use the \$464,000 the City received from the Legislature for street construction to pay the additional cost. There is also a request to amend the contract for Change Order #2 to include 4 additional individual service lines as verified by the Wastewater Treatment Plant Operators for an additional \$11,420. Nicosia noted that anytime there is a change in a contract or grant agreement there needs to be Council approval.

The City continues to work closely with DNRC to ensure we meet all the program requirements. We will receive the 90% design plan by this Friday said Nicosia. Nicosia reviewed the Wastewater System Improvements Project:

The scope of work for Phase #1 was to rehabilitate lift station #5, install 1,700 lineal feet of 12" sewer main in the Hilltop Neighborhood, asphalt replacement-approximately 1,200 LF, 18'wide, curb and gutter replacement, landscaping – Horine Park construction area.

Phase #2 is the addition to the bioreactor No. 1, install supplemental carbon system, improve mixed liquor return pipeline in the bioreactor, add isolation valve to discharge in each anoxic zone, add flow measurement on header pipe to quantify flow. Install redundant turbo blower, improvements to solids storage if needed for biosolids storage, install redundant influent screen, and install vac. truck/dewater site.

Councilor King asked if the city will have legal recourse against HDR on the \$101,000. Nicosia said based on their Geo-tech analysis they believed the 6 foot trench would work. The engineers don't assume responsibility for additional paving. The contractor did the work and city officials saw the work being completed therefore, any recourse would be after. King said there is a glitch in the system when it costs the City an additional \$101,000. It should have been caught before the work was done, as this is a significant amount of money. Nicosia said the trench box in the 6-foot excavation was collapsing and it was clear 6 ft. was not wide enough. Nicosia agreed there should have been communication on the amount earlier than received. City Attorney Breck added it's not like the City is paying for something that didn't need to be done, the work was necessary. Councilor Shepard asked how often does city staff look at the work being done. Nicosia said the Public Works Director or operators will show up as needed. Nicosia reported that the engineering firm had more than 400 photos of the paving project and it was inspected all the way through.

Councilor Fisher motioned to approve Grant Agreement AC 22-0013 and AM 22-0012 Amendments, Change in Schedule, Amended Budget and Approval of Change Orders #2 and #3, seconded by Councilor Shepard with Council voting as follows. Ayes: Fisher, Piper, Robinson, Shepard and Lovering. Noes: King

### **Proclaiming Small Business Saturday - Saturday, November 25, 2023**

Mayor Pro Tempore Lovering read the following Proclamation, Proclaiming Small Business Saturday November 25, 2023, and urged the residents of our community, and committees across the country to support small businesses and merchants on Small Business Saturday and to Shop Small throughout the year.

**Approval to Proceed with NW Montana Community Land Trust Project**

City Manager Nicosia said the City has been working closely with Northwest Montana Community Land Trust to provide affordable housing in Columbia Falls. Pursuant to the City's amended CDBG HOME Grant with MT Department of Commerce, the City can use the program income and recaptured funds from previous CDBG HOME Grants for affordable housing with the NW MT Community Land Trust.

The NW MT Community Land Trust has purchased a standard city residential lot (50 x 125) at 209 3<sup>rd</sup> Ave. E. The property is zoned CR-3 single Family Residential.

Fund 2940 CDBG HOME Special Revenue Fund has budget authority of \$158,643 and a current balance of \$151,016.00. Transactions are limited to budget authority as well as cash balances.

Nicosia reported that Mayor Barnhart had requested that the City and NW MT Community Land Trust determine if a duplex could be provided on the lot to aid more than one family. The duplex units would have to be titled pursuant to the Declaration of Unit Ownership in state statute. The lot and site plan will have to be evaluated to determine if two units are possible. The alley has been abandoned so there is no public access at the rear of the lot. It may not be possible to put two families on the particular lot.

NW MT Community Land Trust is requesting council to approve proceeding with documents for NW MT Community Land Trust Project in Columbia Falls, subject to available resources and state and federal grant requirements. If the City could proceed with the environmental evaluation and help them using City CDBG funds to reimburse them for the purchase of the lot. Nicosia noted that NW MT Community Land Trust will serve two families if possible.

Councilor Robinson asked if the City is restricted to the price to be paid as market value or appraised value. Nicosia said yes, the City has to use an appraised value.

Councilor King motioned to authorize City Manager to proceed with Northwest Montana Community Land Trust project, seconded by Councilor Fisher and the motion passed unanimously.

**REPORTS / BUSINESS FROM MAYOR & COUNCIL**

Councilor Robinson inquired about the lake at the corner of 4<sup>th</sup> Ave. W. and Talbot Rd. Nicosia said we have added drainage and are still looking at drainage in that area, but with this last rain generating 3" of rainfall in a short amount of time the existing drains had a rough time keeping up.

Councilor Fisher said he will not be available for the November 20<sup>th</sup> council meeting. Fisher inquired about plumbing at Columbus Park, as he noticed a porta pottie had been there awhile. Nicosia replied that the bathroom is not heated and is a seasonal bathroom.

Mayor Pro Tempore Lovering said there is another pool of water 6<sup>th</sup> Ave. W. and 13<sup>th</sup> St. W. by the high school and asked where the city is on the road projects. Nicosia said we are one signature away from approval on the federal RAISE Grant agreement that includes the work on 13<sup>th</sup> St. W. The City will be looking at engineering in 2024 with construction to start in 2025.

Lovering requested an update on the project on 7th St. E. Nicosia said the developer had to extend the water main, and it required tearing up the street. It was scheduled to be paved last week if the temperatures hold. Lovering said she will not be at the November 20<sup>th</sup> council meeting.

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Lovering said she heard the police caught kids skating on the pickleball court at Columbus Park. Lovering showed concern that they are climbing the fence to enter the courts.

**CITY MANAGER REPORT**

**Project Updates**

City Staff will be scheduling a workshop in December on HB 382. Nicosia said we will also do a council workshop on vacation rentals in January 2024.

City Manager Nicosia said HB 355 was pushed out today which provides funding under the State Local Infrastructure Partnership Act, or SLIPA. The legislature appropriated \$20 million to be distributed to Montana cities. The allocation to Columbia Falls is \$359,193 and they have specific uses for the funds. It can't be for new infrastructure, it has to be for maintaining or repairing existing infrastructure. We could use these funds to help us pay for the wastewater improvement project or other projects with an emphasis on water and sewer. The City must have our priorities in place before the end of December and there must be a 25% local cash match of the total cost. Councilor Fisher asked if the money is the City's, and we don't have to complete a competitive application. Nicosia replied that is correct, the funds were designated by the City, allocated by population so the City will submit an application to use the awarded funding. Councilor Robinson asked if the City could use the funds for more than one project. Nicosia replied yes, that is a possibility.

Nicosia reported that Fish, Wildlife and Parks has approved the City's preliminary LWCF grant request and we will now work on the formal application for funding the Skatepark and bathroom at Fenholt Park said Nicosia.

**MISCELLANEOUS**

Fire Department - October Activity  
Correspondence

**ADJOURN**

Councilor King motioned to adjourn, seconded by Councilor Robinson and the meeting adjourned at 7:54 p.m.

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Mayor Pro Tempore

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City Clerk