

January 22, 2013

The Red Lodge City Council met in regular session on January 22, 2013 at 7:00 p.m. The meeting was called to order by Mayor Roat followed by the Pledge of Allegiance to the Flag.

OATH OF OFFICE – COUNCIL MEMBER ELECT Mayor Roat gave the Oath of Office to Council Member Michael Schoenike, Ward One.

ROLL CALL OF OFFICERS Present: Mayor Roat, Aldermen Foisy, Mahan, Larson, Labrie, Schoenike and Williams. Absent: None.

DEPARTMENT HEAD ATTENDANCE: Community Development Director – Forrest Sanderson, City Clerk – Debbie Tomicich and Ambulance Director – Aaron McDowell.

MINUTES OF JANUARY 8 Motion by Mahan, second by Labrie to approve the minutes of January 8 as submitted. On roll call vote those in favor: Aldermen Foisy, Mahan, Larson, Labrie and Williams. Those abstaining: Alderman Schoenike. Motion carried.

COMMENTS FROM PUBLIC REGARDING AGENDA ITEMS None

SPECIAL COMMITTEES None.

STANDING COMMITTEES – ADMINISTRATION – Solid Waste Contract – Approve RFP
Motion by Williams, second by Schoenike to approve the Request for Proposal to provide solid waste collection disposal services to the City of Red Lodge with the inclusion of electronic waste collection as one of the parts of the scope of work. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Mayor Roat said that Amy Moore approached him with thoughts on the collection of e-waste as she said there is a group that is very interested in this. Mayor Roat told her that a section of the recycling center could be used to house e-waste until there is enough to be taken into Billings. The Mayor also spoke to Allied Waste regarding this collecting. Allied Waste said this is something that they have also been considering. Foisy said that he appreciates the help that can be given to help with this idea. Educating the public will also be an important part of this service. Foisy said the defining of electronic waste is a hard thing to do.

Construction Agreements – MDT Highway 212 Sanderson said the MDT staff attorney lost all the notes from the meeting that was held last year with all of the changes that had been proposed to the maintenance and construction agreement to Highway 212. To compound this problem the person that was the City’s contact point transferred to another department with MDT and a new project manager has been assigned for the Red Lodge project. Sanderson said he was hoping that the Council could peruse their notes and memory to see what they can remember regarding the changes that were made. Sanderson asked the Council to e-mail any information they have to him.

Use of City Owned Property – Arts Guild – Shakespeare in the Park Motion by Labrie, second by Williams to approve the use of City owned property for the Arts Guild for the Shakespeare in the Park on July 24, 2013. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Sue Logan, Performing Arts Coordinator for the Arts Guild, said this event has been held for a number of years in a satisfactory manner. She said that people stay within the confines of the park, clean up any trash and remain very quiet.

Budget Analysis Williams gave a run down on the budget for the first half of the fiscal year. The General Fund expenditures are at 39% spent. This is quite usual for this time of year. Williams said the General Fund at this point is doing just fine. The Resort Tax appropriation budget is \$948,000 with \$155,000 being committed so far this fiscal year. Williams pointed out that the debt reduction transfers to water and sewer, totaling \$250,000 has not yet been made. Williams said that typically with budgets more is spent in the second half of the year than during the first half of the year. He feels the City is pretty well on target.

POLICE AND EMERGENCY SERVICES – Resolution #3356 – Ambulance Rates for Ambulance Service

RESOLUTION NO. 3356

A RESOLUTION ESTABLISHING AMBULANCE RATES FOR AMBULANCE SERVICE AND SETTING SALARY FOR DRIVERS AND ATTENDANTS.

WHEREAS, under Section 7-34-103, M.C.A., the City Council of the City of Red Lodge, Montana hereby establishes the following:

Section 1. That the City of Red Lodge, Montana will charge the following rates for ambulance service supplied by the City of Red Lodge, Montana. These rates to become effective February 1st, 2011.

<u>Item</u>	<u>Charge</u>
BLS Non-Emergent	\$475.00
BLS Emergency	\$668.42
ALS Non-Emergent	\$575.00
ALS Emergency	\$793.75
ALS 2	\$1,148.85
SCT	\$1,857.73
Mileage	\$15.75
BLS Routine Supplies	\$75.00
ALS Routine Supplies	\$100.00
IV Supplies	\$65.00
Oxygen	\$75.00
Intubation Supplies	\$100.00
Waiting Time	\$50.00
BLS Defibrillation	\$150.00
ALS Defibrillation	\$150.00
EKG Supplies	\$5.75
Motor Vehicle Collision Resp	\$250.00
MVC Technical Rescue	\$500.00
Technical Rescue (per hour)	\$400.00

Section 2. The stipend for volunteer drivers and attendants shall be as follows: These rates to become effective in the current pay cycle.

Employee	Rate
In District (911 / Local Transfers / Mutual Aid)	
Driver (not certified)	\$20.00
Basic EMT	\$25.00
Advanced EMT (EMT I 99 or higher)	\$30.00
Out of District (Inter-facility Transfer)	
Driver	\$60.00
Basic Responder	\$75.00
Advanced Responder	\$90.00
On Call Advanced Responder	\$4.00/ hour

Section 3. All members of Red Lodge Fire Rescue and Roberts Fire Department will not be responsible for charges not paid by insurance for services rendered for themselves or immediate family so long as they are current members in good standing. Immediate family is defined as spouse or domestic partner and minor children.

Motion by Foisy, second by Mahan to approve Resolution #3356 which establishes ambulance rates for ambulance service and setting salary for drivers and attendants.

Foisy said there were no changes in section 1. In section 2 the only change was the out of district rates paid. In section 3 the change made is in regard to who is eligible for not being responsible for charges not paid by insurance for services rendered for themselves or immediate family. This resolution removes the Red Lodge Ambulance Service, volunteer firefighters, EMS volunteer personnel, the Mayor, Council members and City employees.

Williams pointed out that the City holds the license for the ambulance district. The City does most of the administrative work with the district paying \$4000 annually for this service. He said he found the arbitrary decision to take away benefits from the employees to be disturbing. Aaron McDowell said that section 3 was first written when the City was solely running the ambulance service. He said the District Board felt that it was no longer applicable to include the City employees without considering County employees and associated boards. This is why the benefit is only offered to the volunteers who are actually working on the service. McDowell commented that if the City has questions on the equitability of the agreement the Ambulance District is more than agreeable to sit down and discuss any of these matters. Williams said that it might just be time to review the entire agreement again as time has passed since it was first drawn up.

Mahan said the Police and Emergency Services Committee are reviewing the open container ordinance and one of the issues they will be discussing is open containers in parks. At the present time this is permitted.

LAND USE AND PLANNING – Conditional Use Permit – City Brew Coffee – Public Hearing

Mayor Roat opened this public hearing. Sanderson said the property being discussed is located at 601 Broadway Ave. North. The property size is 10,000 square feet and the submitted application is for a conditional use permit – drive through service and design review. The Council is the decision maker for the conditional use permit and the Planning Board and Zoning Commission is the decision maker for the design review component.

The property is owned by the City of Red Lodge and is zoned P-1 but under the lease agreement the use of the property must be evaluated in accordance with the C-3 zoning regulations.

The property on which the structure will be located is currently developed with the City Brew Coffee Kiosk and may be described as Red Lodge Original Townsite Lot-B, Plat #1396 AM, located in the NE1/4 Section 27, Township 7 South, Range 20 East, P.M.M. Carbon County, Montana.

The proposed size, location and uses on the property and within the proposed structure are consistent with the Red Lodge Growth Policy. The Conditional Uses proposed on the property subject to the imposition of conditions to mitigate the operational impacts of the development can be determined to comply with the Red Lodge Zoning Regulations.

Motion by Schoenike, second by Labrie to adopt Planning Board Recommendation RLDR-13-1 and RLCU-13-1 as findings of fact. On roll call vote those in favor: Aldermen Foisy, Mahan, Larson, Labrie and Schoenike. Those abstaining: Alderman Williams. Motion carried.

Motion by Schoenike, second by Labrie to approve the following Conditional Use Permits for Kim Ruby dba City Brew Coffee: the proposal to operate a drive through service on the subject property. All to be located on property to be described as Red Lodge Original Townsite Lot-B-5, Plat #1396, located in the NE1/4 Section 27, Township 7 South, Range 20 East, P.M.M. Carbon County, Montana, subject to eighteen conditions recommended by the Planning Board and listed in the staff report. On roll call vote those in favor: Aldermen Foisy, Mahan, Larson, Labrie and Schoenike. Those abstaining: Alderman Williams. Motion carried.

Mayor Roat said that Kim Ruby told him that she likes the new location very much. Sanderson said that Ruby understands the listed eighteen conditions and that she will abide by them. Also, the only things that remain to be done are the paving of the parking lot and connecting to City services.

Feeding of Wildlife Ordinance Schoenike said the committee is clarifying several of the animals that are considered to be wild animals per the ordinance that currently is in place. The committee is also adjusting to better clarify for the exemption of the Yellowstone Wildlife Sanctuary as well as exemptions for birdfeeders. They are making sure the ordinance states what animals like deer, moose and turkeys for example should not be fed. The committee hopes to bring this ordinance to the next regular meeting for first reading.

Schoenike said it was brought to his attention that some non-profit organizations such as Ducks Unlimited would be interested in relocating the wild turkeys for the City. This is something that he has not had a chance to discuss with the organizations at this time.

Growth Policy Schoenike reminded all that the Planning Board will be holding a meeting tomorrow, January 23 at 5:30 p.m. here at City Hall. The topic for this meeting will be Large Landowners and Large Events.

PUBLIC WORKS – Approve InterCap Loan Application - \$616,243 – Broadway Rehab Project

Motion by Mahan, second by Schoenike to approve the InterCap loan application of \$616,243 for the Broadway Rehab Project. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Foisy asked to review the annual payments for this proposed loan application. Sanderson said if the full funding amount, \$616,243, is borrowed the annual debt service amount will be \$67,000. He said if the City is lucky and the amount for the contingency fund is not used the annual debt service will be about \$45,000. This payment would then need to be budgeted for the next ten years, most likely from Resort Tax. With all four of the phases being done the project will be completed in the most efficient manner possible.

Award Project – Wilson Brothers – Broadway Rehab Project Motion by Schoenike, second by Mahan to approve the project award for Schedules 1, 2, 3, and 4 of the 2012 Broadway Avenue Water Replacement Project to Wilson Brothers Construction, Inc. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Foisy asked if the traffic control plan that will be prepared will be discussed as merchants need to know how and when the traffic will be diverted. Sanderson said that he cannot answer as to when this will happen as it will depend on when the contractor starts and where they start. He said the traffic control plan is a requirement of the contract documents and it is driven by the requirements of the Department of Transportation. The contract documents spell out the certain needs and requirements of the City, but this plan has to be submitted to and approved by MDT.

Skateboard Park – Redesign and Parks Reserve Account Transfer – Resort Tax Tom Kohley, Parks Board Chair, showed the Council a presentation of a new design for the skateboard park. The current skateboard park is located on the corner of 10th Street and South Villard, is about 8,700 square feet in size and created sometime in 1990. This is not a dedicated park but the land is owned by the City. Kohley said the park location is an ideal one and is the most positive aspect of the park. He said there are a number of invested children and parents in this facility. Kohley said they feel that if a safety assessment was held in the current park area it would fail. A lot of the features in the park are made of wood and the wood is starting to deteriorate due to such things as weather. Kohley said the goal is to renovate the park and make it a better, safer and enriching park. The people that are interested in doing this are the kids, parents and people in the community that feel a skateboard park can be a rewarding aspect to the youth of the community. The Parks Board is acting as a catalyst to get this started. Having a spectator area for the park is important and Kohley said they feel that if the park were constructed with green area and spectator area, events could be held here in Red Lodge.

Kohley showed examples of other skateboard parks and what they would like to see in our community. This vision cannot be achieved in the existing location of the skateboard park. The area that is being looked at is the north end of Field School Park. This would be the north end of the tennis court. Kohley said there are not a lot of structured activities that occur in this open area. Kohley showed how a designed park could fit in this area. He said again that the green space that would be in this area is vital to a skateboard park that is not available at the current location.

Kohley said the group would like to start now with the timeline. They would hold public meetings starting next month, then ask for RFP’s and then have at least a year to start with the fundraising that would be necessary and hopefully start construction in the spring of 2014. Kohley said they would start looking for any grants that might be available.

Kohley spoke to the parks reserve that was set up in Resort Tax. This money would then be set aside for larger projects that the Board deemed to be important. Kohley said the only year that any funds were transferred into this account was 2009. The Parks Board is asking the Council to set aside funds to this restricted cash account for the three years that nothing went into the account. He used the figures of what was budgeted each of these years and what was spent with the difference going into the restricted account. The amount being requested is \$78,291 which would be for 2010, 2011 and 2012.

Kohley said the three things that are being requested at this time are: 1) transfer the \$78,291 to the Parks Board reserve account, 2) advice from the Council on how to proceed with public meetings, and 3) Council consideration on the relocation of the skateboard park. Items 2 and 3 it is realized cannot be accomplished at this given meeting.

Williams said the funds are not in the Resort Tax at the present time to transfer into the reserve account. No requests came to the Council in each of these years to do so. This is something the Council will need to look at to see what, if anything, can be done.

Sanderson made the recommendation to the Parks Board that they hold a public meeting regarding the new location for a skateboard park and then come back to the Council with comments and suggestions that are made.

Motion by Schoenike, second by Mahan to table item 7D4 (Parks Reserve Account Transfer – Resort Tax). On roll call vote all Aldermen present voted “Aye.” Motion carried.

Schoenike said he has concerns with taking one of the largest contiguous green spaces within a park out of the picture and reallocating for a different use. He said he does not feel the Council has a feel for what the need is for this type of green space and that they do not have a feel for the negative impacts that taking this away will have on the park system as a whole. He said that working toward a comprehensive park plan may help him to see the advantages or disadvantages of this move.

Foisy told the Public Works Committee that he would be willing to be the Council representative on the Parks Board. Mayor Roat made the appointment of Alderman Foisy as the Council representative to the Parks Board and asked for Council concurrence. The Council all voiced their approval of the appointment.

Broadway Snow Removal Mahan said she talked with Jim Bushnell about the snow removal on Broadway. He told her that he would follow up with the State to see when this can be done.

Dark Sky Ordinance Foisy said that Northwestern Energy will be giving the City a map to show where street lights are located and their wattage and cost. Foisy wanted the Council to know that the idea of a Dark Sky Ordinance is being worked on and he will be reporting to the Council.

CITIZEN REPORT None

CORRESPONDENCE None

MISCELLANEOUS Mayor Roat said that construction is going on at the library for the elevator lift.

Meeting adjourned at 8:55 p.m.

Mayor

ATTEST:

City Clerk