

May 28, 2013

The Red Lodge City Council met in regular session on May 28, 2013 at 7:00 p.m. The meeting was called to order by Mayor Roat followed by the Pledge of Allegiance to the Flag.

**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.

**MINUTES OF MAY 14** Motion by Mahan, second by Schoenike to approve the minutes of May 14 as submitted. On roll call vote those in favor: Aldermen Foisy, Mahan, Larson, Schoenike and Williams. Those abstaining: Alderman Labrie. Motion carried.

**COMMENTS FROM PUBLIC REGARDING AGENDA ITEMS** None

**SPECIAL COMMITTEES** None.

**ADMINISTRATION – Use of City Owned Land – Zumba Dance – East 8<sup>th</sup> Street** Motion by Labrie, second by Williams to approve the use of City owned land for the Zumba dance. On roll call vote all Aldermen present voted “Aye.” Motion carried.

The Zumba dance will be held July 6, 2013 with the street closure being from 8:00 a.m. to 11:30 a.m.

**Use of City Owned Land – Cruisen Red Lodge – West 12<sup>th</sup> Street** Motion by Larson, second by Mahan to approve the use of City owned land for Cruisen Red Lodge on July 27, 2013. On roll call vote all Aldermen present voted “Aye.” Motion carried.

The street will be closed from 7:00 a.m. to 5:00 p.m.

**Ordinance #899 – Franchise Agreement – NorthWestern Energy – First Reading/Public Hearing** Mayor Roat opened the public hearing. Rick Burt, NorthWestern Energy out of Billings, thanked the Council and staff for the work that has been done on the agreement as he feels it is a very good one. Mr. Burt said that annual planning meetings will be held on long term projects so they can be coordinated between the two entities. Also the previous document was a fifty year agreement and it was time for it to be updated with the time line shortened so it will be a better working agreement. Mayor Roat closed the public hearing.

Motion by Williams, second by Schoenike the adoption of Ordinance #899, an ordinance granting to NorthWestern Corporation d/b/a NorthWestern Energy a non-exclusive franchise fixing the terms under which the company may construct, equip, lay, maintain and operate natural gas delivery facilities in, under, upon, over and across streets, avenues, alleys, highway, bridges, easements and other public places in the City of Red Lodge, Montana, and may deliver and sell natural gas to the City on first reading. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Foisy told Mr. Burt that NorthWestern Energy did a very good job on giving the City an updated map on the lighting with a rate structure and classification of all the lights. Foisy asked if NorthWestern Energy would be able to produce a map for the natural gas delivery facilities in Red Lodge. Burt said this can and will be done though they are general view maps and calling before digging still needs to be done.

Mayor Roat asked if City Attorney Painter had reviewed the agreement and if he thought it was alright. Sanderson told the Mayor that Painter has reviewed the agreement and finds everything to be fine. Painter did not agree with Section 17 which dealt with the possibility of charging a franchise fee within the alleys and rights-of-way and this Section has been removed from the agreement.

**Additional Fess for Street Closure Request by Blue Ribbon Bar** Williams addressed the additional fees placed on the Blue Ribbon Bar for their street closure request in July. Following are Williams's thoughts on this action. He said there is a perception by some of our merchant community that the Mayor and Council are oblivious to the problems they are facing. This includes a general lack of support, the impact of a slower than normal winter season and the issues that are the result of the water rehab project. As was quoted recently by one business person "local government should be interested in helping more because the resort tax is going to be way down", it continued "they don't give a rip about Main Street and they should". I have heard comments like these from a number of other Main Street merchants.

While I believe the perception is inaccurate regarding the intent or desires of the Mayor and Council it is the perception of at least part of our business community. Perception is reality and more people who hear and see these comments the more it will become what the public perceives regarding our local government. We need to do everything within our power to let the business people and public know we are doing what we can to help during these times as many of the merchants in town appear to be dealing with a difficult economic environment.

I am confident it is not the desire of the Council to inflict undue hardship on any of our businesses however, we have a responsibility to do what is right for "all of the taxpayers" both businesses and residents. Clearly the street closures requested by a "for profit" organization should include some form of compensation to the City the same as would be expected if you were renting and/or using private property for an event.

At the last Council meeting we acted upon a request by the Blue Ribbon Bar involving the street closure for the Beartooth Rally. Since the last Council meeting I carefully considered the issues presented by Rocky Roberts involving the request for the street closure as well as what Council is attempting to accomplish for all of the Red Lodge taxpayers. I would like for the Council to re-consider the request by the Blue Ribbon Bar involving the street closure for various reasons including:

- 1) Since my time on the council we have only requested contributions from those who requested closures and to the best of my knowledge no contributions have been forthcoming hence the

reason to impose a reasonable “additional fee”. Under normal circumstances the \$1,500 fee would be a reasonable additional fee in my opinion.

- 2) The City benefits from the sales that occur with the street closures through the Resort Tax that is collected. This will not only generate revenues for those requesting the closure but keep people downtown and generate revenues for other businesses. Resort tax is used for capital improvement and real estate tax reductions in our community which benefit all Red Lodge residents.
- 3) This year the Blue Ribbon has done an exceptional amount of promotion for the Rally including bringing the Budweiser Clydesdales to Red Lodge. This promotion will have a positive impact on the Rally and should help all of the merchants that benefit from the people attending the Rally.
- 4) This is an unusual year with both the below average winter season, the Water Project that is currently underway as well as the MDOT Highway 212 project that will begin within a couple of months. Both of these major highway projects have the potential to impact the volume of business our merchants will experience this year as well as impacting our Resort Tax revenues.
- 5) During the first quarter of 2013 our Resort Tax collections were down by about \$11,000 or 8.4%. While this was not related to the Water Rehab Construction Project it is a trend that needs to be considered and watched carefully.
- 6) Clearly there is a benefit to our law enforcement to have the folks who are involved in the Rally confined to an area. At present we only have a request for one (1) closure this year, this means there will be more people packed into the bars and restaurants thereby creating a different challenge for law enforcement.
- 7) Another advantage of the street closures is that it provides portable toilets that are not only used during their events but during the day by those attending the Rally. This eliminates additional crowding and issues in the bars and restaurants for many of our visitors.
- 8) If the Council decides to modify the approval that was authorized at the last meeting everyone needs to understand this is a one-time deal and next year those requesting a closure can expect to pay the additional fee of at least \$1,500 if a street closure is requested.
- 9) The Blue Ribbon Bar has done an exceptional job with the street closure over the years and we need for that effort to continue.

Motion by Williams, second by Mahan to approve the street closure for the Blue Ribbon Bar during July 19 – 21, 2013 conditioned upon the terms in the application modified to include the band being turned off by midnight and an additional fee of \$1,000 to be paid by the applicant be addressed at the next scheduled Council meeting. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Mahan thanked Williams for bringing this issue to the Council and for his reasons in doing so.

**Budget Session** The first budget work session has been set for Monday, June 10, 2013 at 10:30 a.m. in the Council Chambers.

**POLICE AND EMERGENCY SERVICES – Mill Levy for Purchase of a New Fire Truck** Larson said the committee has received a lot of input on the need for a new apparatus and what can be afforded. He said the committee will have more information by the next meeting.

Mayor Roat said the Police Department is upgrading their tasers due to wear and tear. These tasers will cost \$9,453 and will be purchased with funds that can only be spent by the Police Department.

Mahan reported that 6 eight-year old students, a teacher and a teacher's aide from the Luther School attended the Police and Emergency Services Committee meeting this morning. She said the children asked very good questions and what a joy it was to have them attend the meeting.

**Parking Ordinance** Williams asked the committee if they have been working on the parking ordinance and he was told they are. Foisy said they received ordinances from other communities to see how parking issues are handled. This information was given to Attorney Freeman and she drew up a draft ordinance that was given to the Police Chief. The Chief made some changes and Foisy gave it to the committee May 14 for their review. This ordinance will now be discussed further by the committee.

Williams also asked about a grant for the police department that had been discussed. Foisy gave information to the committee regarding a school resource officer and the school will of course be included in this discussion.

**LAND USE AND PLANNING – Growth Policy** Schoenike said the Planning Board is continuing the process of updating the Growth Policy and they hope to have a document to the Council for their review in July. All is going well with this update.

**Building Code State Adoption Process** Sanderson said he has no concerns with what the State will adopt for the commercial building codes. He said that when he attended a meeting with the Department of Labor he was left with the impression that they do not care about the residential building codes. They feel it is more a local issue. Sanderson has received a letter from ISO stating that if the State does not adopt the 2012 codes the City will be listed as a 9 for insurance rating purposes. The next step in the adoption process is the Building Codes Advisory Council will conduct a public hearing and they will then forward a decision essentially on what codes will and will not be adopted by the State of Montana for use at the local jurisdiction. Sanderson said the Land Use Committee as individuals will send a letter to both the Building Codes Bureau and Governor Bullock and they asked Mayor Roat to do the same. The Mayor said he would do so. The Mayor asked if the City is prohibited from adopting a code more stringent than the States and he was told we cannot. Sanderson said that by State law the community does what the State says and nothing more or you do it not at all. Williams pointed out that if the ISO rating goes up so will insurance rates, for everyone, business or residential. Sanderson read a list of State positions that if anyone knows the person holding the job they should be addressed as they will be the ones making the decisions.

**PUBLIC WORKS – Improvements to Baseball Fields and Batting Cages** The Beartooth Little League organization would like to remove the existing batting cage at Coal Miners Park and replace it with a 12’x12’x50’ six to eight inch concrete foundation and a 12’x12’x50’ chain-link cage in the same location. Also they would like to put a flag pole at the end of the snack bar. All work and expenses will be done and paid for by the Beartooth Little League.

Sanderson said there was also discussion on the possibility of doing some additional sod between the infield and the outfield. Sanderson does not have a formal request but it will have to go through the proper channels through the Parks Board for a hearing and some coordination between the Little League and the Softball League as the two leagues have different needs for the facility.

Motion by Mahan, second by Schoenike to allow the Beartooth Little League to move forward with the improvements they have proposed in their memo to the Council dated April 22 that includes the flagpole and any work that needs to be done on the batting cage. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Mayor Roat said if there are items the City can help with, like equipment use, please let the City know.

**Broadway Water Rehab Project** Sanderson said that starting today detours would be placed on Broadway Ave. from 8<sup>th</sup> Street to 9<sup>th</sup> Street and 11<sup>th</sup> Street to 13<sup>th</sup> Street to allow for the connection to the existing water line. After the connections are complete the detours will be placed on Broadway Ave. between 8<sup>th</sup> Street and 10<sup>th</sup> Street and 12<sup>th</sup> Street to 14<sup>th</sup> Street to allow for new installation of new water lines and service connections in these four blocks. The detour is expected to remain in place until approximately June 24. Any questions should be directed to the contractor, Nick Wilson. Sanderson had some examples of lines that have been removed so far.

Sanderson said he did receive the reader board from MDT which states “Welcome to Red Lodge, Businesses are Open, Thank You”. The reader board will remain through the balance of the project unless the State has an emergency where they would need it.

Schoenike said that he has heard the City is not replacing all of the service lines as the project goes from block to block and he thought that was one of the primary objectives of this project. It was Schoenikes understanding that the line would be replaced from the main to the curb stop. Sanderson said he also heard this rumor but has not yet had the chance to look into this. Mayor Roat said that perhaps if a line is a new one within a few years it may not be replaced. Sanderson said he will get an answer and will report back to the Council.

**Public Works Position** Mayor Roat said a position was advertised for in Public Works. He said that Boyer would like to get someone hired so they can be brought up to speed as he will be retiring later this

summer. The Mayor said that Jeff Warner is still out sick but hopefully will be back very soon but the City needs some help. There were ten applications received for this position and the Mayor said that Boyer has picked a couple that he favors. Mayor Roat said he would keep the Council informed and they can certainly review the applications received. There was discussion held on whether or not this person would then assume the position of Public Works Director when Boyer retires.

Mahan said the roof on the Police Department building is leaking. Boyer told the committee that he is confident that his department has done all they can at this point and it should last for a while but the time will probably come to have something bigger and better done.

An exhaust fan also needs to be installed in the room where the computer server is housed. Mahan said this cost should be a general expenditure and not one from the police budget.

Mahan said the pool lift will undoubtedly be approximately \$6000. The patching of the pool will be done internally but there is a fair amount of work that needs to be done.

Schoenike said the committee had discussion on the Cemetery Trust Funds and that Sam Painter is putting together a proposal that would allow the City to use some of these funds on cemetery capital improvement expenditures particularly for the exterior improvements needed on the mausoleum.

**CITIZEN REPORT** None

**CORRESPONDENCE** None

**MISCELLANEOUS** Mayor Roat said he spoke with Boyer regarding the carpenter ants at the City Park. Boyer said there seems to be an epidemic of ants this year and he will be working on something to use that will not harm anyone.

Schoenike said that he will be absent from town May 31 through June 17. The Council gave him permission to be absent.

Mayor Roat said he will be absent from town June 1 through June 8.

Foisy told the Council that the second annual electronic recycle event will be held June 8. The site to bring this waste will be the Chamber of Commerce. The time to bring your items will be 10:00 a.m. to 3:00 p.m. This event will be free this year.

Mayor Roat said it is the 50<sup>th</sup> Anniversary of the Music Festival this year. Roat has a proclamation and Williams said he would be at the meeting to present this proclamation.

Meeting adjourned at 8:15 p.m.

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Mayor

ATTEST:

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City Clerk