

April 24, 2007

The Red Lodge City Council met in regular session on April 24, 2007 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 Kampfe, Mahan, Lockman, Stauffer, Scanlin and Reynolds. Absent: None

MINUTES OF MARCH 27, 2007 A correction was made to the section under old business, 2006 Housing Plan, was corrected to read 2007 Housing Plan. A spelling error was also corrected.

Motion by Scanlin, second by Stauffer to approve the minutes of March 27 as corrected. On roll call vote all Aldermen present voted "Aye." Motion carried.

MINUTES OF APRIL 10, 2007 Motion by Reynolds, second by Stauffer to approve the minutes of April 10. On voice vote all aldermen present voted "Aye." Motion carried.

MINUTES OF SPECIAL MEETING APRIL 17, 2007 Motion by Mahan, second by Reynolds to approve the minutes of the special meeting held on April 17. On voice vote all Aldermen present voted "Aye." Motion carried.

SPECIAL COMMITTEE Reynolds reported to the Council that the Parks Board is looking to find an area to replace the frisbee golf course. Reynolds said that the term held by Deb Muth was up in January so a notice of interest will be put up for this vacancy on the Board.

Reynolds said the Airport Board would be doing a \$48,000 resurfacing project on the Red Lodge Airport and an \$116,000 resurfacing and leveling project on the Bridger airport. Bridger received matching funds from the Montana Aeronautic Commission. She said that hopefully the Red Lodge Airport would receive funds to complete their resurfacing project for next summer.

Mayor Roat told the Council that the City has indeed received the 4.5 million dollar loan from Rural Development to do the 2007 Water Project. The loan is for forty years with a 4.25% interest.

STANDING COMMITTEE – Administration – Independent Services Contract Amendment – Budget Development Services Motion by Mahan, second by Reynolds to approve the contract for professional services as amended. On roll call vote all Aldermen present voted "Aye." Motion carried.

Miral Gamradt explained to the Council that his contract uses the same language that he uses for larger cities. He explained that the previous contract document he gave the Council to review stated that he would help the City prepare a budget document to conform to the Government Finance Officers' Association. He said that after spending time in Red Lodge he is sure that this is not the intent of what the City of Red Lodge would want or need. The needs of larger communities are different.

Budget Presentation Mr. Gamradt gave the Council a very nice power point presentation explaining what he would be doing for the City and its budgeting process. He told the Council that government finance is difficult for people to understand and is highly complex. He said he would be assisting the City in developing an ideal budget process. He will be creating forms to use in the process and preparing an easily understood budgeting document for the City. He will develop a financial trend and monitoring system. He also will be helping the City to understand some of the financial options they

have available. He said a well thought out budget process, endorsed by all of the departments and the public, can result in improved budgetary decisions and acceptance of those decisions by the affected departments and users of the services.

Appointment of City Prosecuting Attorney Mayor Roat said this would not be an appointment of the prosecuting attorney but rather we would enter into a letter of engagement with Kent Young.

Motion by Reynolds, second by Mahan to enter into a letter of engagement between the City and Kent Young. On roll call vote all Aldermen present voted "Aye." Motion carried.

Mayor Roat said he received two applications for prosecuting attorney but that he recommends to the Council that Kent Young be kept as he has been doing a fine job for the City.

Mr. Young said the difference between this letter of engagement and his previous contract is using language that keeps this away from being an appointment and keeping this as a contracted service. Secondly he is asking for a raise from \$85 per hour to \$95 per hour for the second year of the contract. Mr. Young stated that he has a concern regarding the \$50,000 max that was put in the contract. The Council told Mr. Young to leave this amount and if he finds he may go over he should then notify the Council as to why it may happen. Everyone felt this would work and not be a problem with the contract as it could be handled if Kent finds he may go higher.

Police and Emergency Services – Progress Report on Fire/EMS Position Lockman told the Council that ads for help wanted have been put out for this new position. The deadline for these applications is May 11.

**Resolution No. 3229 – Budget Increase – Grant from MDT – Police Equipment
RESOLUTION NO. 3229**

A RESOLUTION OF THE CITY OF RED LODGE, MONTANA TO INCREASE FISCAL YEAR 2006-2007 BUDGET.

WHEREAS, on March 20, 2007 the City of Red Lodge received a grant from the State of Montana Department of Transportation, Grant #2007-18-01-22, in the amount of \$7500.00 for the purchase of radar and in-car video equipment, for which no provision was made in Fiscal Year 2006-2007 Budget; and

WHEREAS, cities may appropriate federal or state money received during the fiscal year by resolution,

NOW THEREFORE, BE IT RESOLVED that the Red Lodge City Council hereby appropriates the sum of \$7500.00 and directs the City Clerk to allocate said amount to the following:

General Fund

Revenue – Crime Control (334010)	\$7500.00
Expenditure – Police Dept. – Capital Outlay (420100-940)	\$7500.00

BE IT FURTHER RESOLVED that the above appropriation shall become effective on April 24, 2007.

Motion by Lockman, second by Mahan to approve Resolution No. 3229. On roll call vote all Aldermen present voted "Aye." Motion carried.

Land Use and Planning – Street Closure – Annual State Criterion Bike Race Motion by Lockman, second by Reynolds to table this item, as the application process has not been carried out. On voice vote all Aldermen present voted "Aye." Motion carried.

The Council seems to be in favor of the bike race being held in Red Lodge but they need to apply in the proper manner and do all the necessary paperwork.

Resolution No. 3230 – Dedication of Lions Club Park

RESOLUTION NO. 3230

A RESOLUTION OF THE CITY COUNCIL DEDICATING CERTAIN CITY OWNED PROPERTY WITHIN THE CITY OF RED LODGE AS A CITY PARK IN ACCORDANCE WITH MCA 7-16-4101, TO BE FOREVER HELD AND RESERVED FOR PUBLIC USE AND TO OFFICIALLY NAME THE PROPERTY “LIONS CLUB PARK”.

WHEREAS, the City of Red Lodge owns property within the City limits that has been and is currently used for recreational activities by citizens and visitors to the City; and

WHEREAS, the property was never formerly dedicated as a City Park by the City Council which would forever restrict the property’s use for the use and enjoyment of all members of the public; and

WHEREAS, The City Council has determined that it is currently in the best interest of the City and its citizens to dedicate the herein described property as a City Park in accordance with Montana Law, MCA 7-16-4101, as in the best interest of the health and welfare of the public;

NOW THEREFORE, BE IT RESOLVED, the City Council, under the authority provided by MCA 7-16-4101, hereby dedicates the following described City Property as a City Park for the use of the public forever:

Section 27, T07SR20E, Tract D COS 1396
2.07 Acres AKA City Park Red Lodge Original
Town Site In the City of Red Lodge, County of
Carbon, State of Montana (Parcel Geocode
10035627130040000) According to the Official
Plat filed in the office of the said County Clerk and
Recorder of Carbon County, Montana

BE IT RESOLVED, that the City Council hereby resolves and declares that the herein described property shall be for the use of the public forever and officially named and know as “Lions Club Park”; and

BE IT RESOLVED, that this Resolution shall be incorporated into the official minutes of the City Council, and upon said incorporation, the City Clerk shall record a true and correct, certified copy of this Resolution and of said minutes with the Carbon County Clerk and Recorder; and

FINALLY, BE IT RESOLVED, from and after the date that the City Clerk records the certified copy of this Resolution and the Council minutes in the Office of the Carbon County Clerk and Recorder, the dedication of Lions Club Park shall be deemed complete and final.

Stauffer pointed out that under the second WHEREAS a change needs to be made in the language. He feels the following change should be made “the property was never formerly dedicated” to “the property was never formally dedicated”. This change will need to be made in the following park resolutions also.

Reynolds said it would need to go to the public if there were ever to be a change in the land being park dedicated land but to change the name of the park could be done by Council action.

Motion by Reynolds, second by Scanlin to approve Resolution No. 3230 with the change of “formerly” to “formally.” On roll call vote all Aldermen present voted “Aye.” Motion carried.

Resolution No. 3231 – Dedication of Field School Park

RESOLUTION NO. 3231

A RESOLUTION OF THE CITY COUNCIL DEDICATING CERTAIN CITY OWNED PROPERTY WITHIN THE CITY OF RED LODGE AS A CITY PARK IN ACCORDANCE WITH MCA 7-16-4101, TO BE FOREVER HELD AND RESERVED FOR PUBLIC USE AND TO OFFICIALLY NAME THE PROPERTY “FIELD SCHOOL PARK”.

Motion by Lockman, second by Reynolds to approve Resolution No. 3230 with the change of “formerly” to “formally.” On roll call vote all Aldermen present voted “Aye.” Motion carried.

Resolution No. 3232 – Dedication of Pride Park

RESOLUTION NO. 3232

A RESOLUTION OF THE CITY COUNCIL DEDICATING CERTAIN CITY OWNED PROPERTY WITHIN THE CITY OF RED LODGE AS A CITY PARK IN ACCORDANCE WITH MCA 7-16-4101, TO BE FOREVER HELD AND RESERVED FOR PUBLIC USE AND TO OFFICIALLY NAME THE PROPERTY “PRIDE PARK”.

Motion by Scanlin, second by Reynolds to approve Resolution No. 3232 with the change of “formerly” to “formally.” On roll call vote all Aldermen present voted “Aye.” Motion carried.

Resolution No. 3233 – Dedication of Finn Park

RESOLUTION NO. 3233

A RESOLUTION OF THE CITY COUNCIL DEDICATING CERTAIN CITY OWNED PROPERTY WITHIN THE CITY OF RED LODGE AS A CITY PARK IN ACCORDANCE WITH MCA 7-16-4101, TO BE FOREVER HELD AND RESERVED FOR PUBLIC USE AND TO OFFICIALLY NAME THE PROPERTY “FINN PARK”.

Motion by Mahan, second by Reynolds to approve Resolution No. 3233 with the change of “formerly” to “formally.” On roll call vote all Aldermen present voted “Aye.” Motion carried.

Mayor Roat said that attention would need to be paid to the boundaries in this park as the Eagles Nest is doing work in this area.

Independent Services Contract – Planner Services Motion by Reynolds, second by Mahan to enter into the independent services contract with CTA. On roll call vote those in favor: Aldermen Kampfe, Mahan, Lockman, Stauffer and Reynolds. Those opposed: Alderman Scanlin. Motion carried.

Mayor Roat commented that the City would be in control as to the amount of time that Mr. Moore did work for the City. The contract speaks to not exceeding \$30,000. There are several projects that are currently going before the City and with the departure of Mr. Moore no one has been hired to replace him at the present time. Moore is on top of everything that is currently before the City so he would need no training as to what needs to be done. The City needs his help until a new planner is hired and is trained.

Scanlin had a concern with a statute that restricts an ex-employee contracting with the City he formerly worked for within the last six months. This was brought to the City Attorney for an answer and he said it was not a hindrance to this contract. Scanlin said her concern is the much higher wage that will be paid to the former employee under the contract. Stauffer said the law speaks to using a former employee when there are services that must be performed within a limited time. He said he feels this is the problem the City is under before a new planner is hired. There are several applications on the table

for the City at the present time. Current employee Lindsay Johnson has only been with the City for two months and she will need help with the current applications before the City.

Stauffer said he went to a meeting in Billings to look at the feasibility of the Airport Business Park. He said six senior students at MSU-Billings did this feasibility study project. Stauffer said he has a CD of their presentation along with a written report that he is willing to share with other Council members. These students will be in Red Lodge on May 2, 2007 from 5:30 to 7:00 p.m. at City Hall to show this presentation. Everyone is invited to attend this presentation.

Public Works – Letter of Conditions – Rural Development Loan Funding Shad Weber said Rural Development has been without a Project Director in Montana since last June. For Montana to fund projects they need loan authority from the national office. A representative from this office was in state last week and Weber said this is the reason the loan for the City project needed to go through at that time. Mayor Roat signed the documents in advance due to the time constraints on obtaining the loan. The Council had previously discussed this loan and the need to have it in order to do the needed upcoming water project that has been planned.

Weber told the Council the project funding is planned in the form of a loan and grants. The funding will be \$92,000 from the City Water Fund, a \$100,000 DNRC Grant, a \$337,500 STAG Grant and a \$4,304,715 RD loan. This loan will be for 40 years with a 4.125% interest and an \$18,339 monthly repayment schedule. Weber said the applicant's contributions will be spent first and then the RD loan will be spent. He also said that all loans over \$500,000 require interim financing during the construction period so the City will need to contact local lenders for the financing and if reasonable rates can not be found the City can then consider Inter-cap funding from the State.

Weber told the Council the City will need to fund monthly a debt service reserve fund equal to 10% of the monthly payment each month over the life of the loan until they have accumulated one annual installment. This reserve is required to establish an emergency fund for emergency maintenance and repairs and debt repayment should the need arise. In addition, the City must fund a short lived asset replacement reserve for short lived assets by depositing a sum of \$1,041 monthly in addition to that required for the debt service reserve. This will need to be done until \$130,150 reserve has been accumulated. The fund is to be used for replacement of short-lived items as listed in the application to RD. This amount may need to be adjusted annually based on inflation.

Motion by Reynolds, second by Mahan to endorse approval of the Letter of Conditions with Rural Development. On roll call vote all Aldermen present voted "Aye." Motion carried.

Maintenance Work on Moose Trails Playground Mayor Roat said the group People for Playgrounds are requesting up to \$3500 for materials needed for maintenance on the Moose Trails Playground. The group will be providing the labor on the maintenance that needs to be done. They will be doing this work with guidance from the Leathers & Associates Long Term Care Planning Guide. This is where the equipment was originally purchased. Reynolds said there is enough budget in Resort Tax under parks to cover these expenditures.

Motion by Reynolds, second by Lockman to approve up to \$3500 for People for Playgrounds for Moose Trails Park maintenance. On voice vote all Aldermen present voted "Aye." Motion carried.

Spires Project Mayor Roat reported the application to DEQ for this project has hit a roadblock. He said DEQ is not looking favorably at approving this application. Mayor Roat said a trip to Helena is planned for next week to visit with DEQ in person to see what can be done for this project that the City

has already approved. DEQ's problem is the number of available lots in Red Lodge including the new ones for this subdivision would be in excess of the capacity for the wastewater treatment facility today. They are not taking into consideration the build out time and what the City can do before this occurs. The Mayor has been on top of these by corresponding with DEQ for some answers.

CITIZEN REPORT Barbara Miller commented on the idea of the roundabouts that may be eventually installed on Highway 212. She said she was on a roundabout in Arizona that she had trouble driving on. She said there is one in Yuma that they will be taking out. Kampfe told her the public would learn how to drive one and have no trouble.

OLD BUSINESS None

NEW BUSINESS – Allied Waste – Extension of Contract Mayor Roat said Allied Waste would like a year extension on the present contract to try out some new equipment before they come with an extended contract proposal. The contract stated the time to be July 1, 2007 to June 30, 2007. The Council will amend this to say July 1, 2007 to June 30, 2008. The blue bag pickup is something that will need to be discussed with Allied Waste for the next year. Scanlin said the public needs to be informed of this service and it needs to be monitored. Lockman will put an article in the paper for the public to be educated.

Motion by Reynolds, second by Mahan to approve the extension to the contract with Allied Waste as amended with the correct dates. On voice vote all Aldermen present voted "Aye." Motion carried.

Parks Board Appointment Motion by Reynolds, second by Mahan to appoint John Overton to the Parks Board. On voice vote all Aldermen present voted "Aye." Motion carried.

Release of \$25,000 Donation for Main Street Sound System Mayor Roat said the sound system on Main Street is coming along just fine. Bushnell has devised a bracket to fit on the light poles that will be unobtrusive. The Mayor said it is time to release the funds that were donated to the City to pay for this sound system.

Motion by Reynolds, second by Mahan to approve the release of the \$25,000 donation for the sound system. On voice vote all Aldermen present voted "Aye." Motion carried.

CORRESPONDENCE Reynolds said the BRTA annual public meeting is April 26 with appetizers at the Pollard at 6:30 p.m. and the meeting at 7:00 with guest speaker Darlene Tussing, Billings alternative transportation coordinator. You will receive information on promoting trails in the Red Lodge area.

Lindsay Johnson told the Council there is a free continuing education course geared for Red Lodge real estate professionals on Montana's wetlands and riparian areas. This will be held at the Pollard on April 27 starting at 9:00 a.m. She said the things to be learned will be fundamentals of wetlands and riparian areas, water rights and other regulations and local water resources and conservations and restoration options.

MISCELLANEOUS None

Meeting adjourned at 9:30 p.m.

Mayor

ATTEST:

City Clerk

Corrections made at the May 8 Council meeting.