

April 24, 2012

The Red Lodge City Council met in regular session on April 24, 2012 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, Labrie, Schoenike and Williams. Absent: Alderman Richter.

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

MINUTES OF BOARD OF ADJUSTMENTS – APRIL 10 Motion by Mahan, second by Schoenike to approve the minutes of the BOA meeting of April 10 as submitted. On roll call vote all Aldermen present voted “Aye.” Motion carried.

MINUTES OF APRIL 10 Motion by Mahan, second by Schoenike to approve the minutes of April 10 as submitted. On roll call vote all Aldermen present voted “Aye.” Motion carried.

COMMENTS FROM PUBLIC REGARDING AGENDA ITEMS None

SPECIAL COMMITTEES – Parks Board Mayor Roat said the Parks Board, at their meeting, discussed work being done on the sidewalks at Pride Park and Field School Park. The Mayor spoke with Orval Boyer, Public Works Director, and Boyer said he would prefer having his crew do this work. The sidewalks at both parks need work to be done and the Mayor said this is a cost to the City not the Parks Board.

STANDING COMMITTEES – ADMINISTRATION – Use of City Owned Land – Bone Daddy’s – Beartooth Rally – Airport Motion by Kampfe, second by Labrie to approve the property use request from Bone Daddy’s. The property is between U.S. Highway 78 and the Home of Champions Rodeo Grounds for July 18th through the 22nd. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Kampfe said the application is similar to the ones the City has seen in previous years. Kampfe said again that all the City is doing by this action is approving this application for use. The City is not approving or disapproving the use of the rodeo grounds, that is left up to the Rodeo Association. There are no street closures involved with this application. The City budget is not being set this evening and any budget thoughts regarding this use of property need to come to the Council in the next few months when the budget process is being done. Kampfe said the only other applications the Council will likely see regarding the Beartooth Rally are the street closures on 12th and 13th Streets.

Mayor Roat told Bone Daddy’s that the walking trail in this area needs to remain open. Buckstead said that it would absolutely remain open.

Kampfe asked Buckstead if he could possibly track the number of participants in the camping area. He said it could be helpful to the City and the police. Buckstead said he would try his best to get a good estimate of the number of people.

Schoenike said that due to public comment he feels the City needs to discuss whether or not we will exercise the option to require the applicant to pay for some of the impacts for additional police and other City services. Some citizens commented that they do not like to see general fund money used to supplement special events that are held in Red Lodge. Kampfe said this particular event for the camping area is not in need for any extra impacts.

Rocky Roberts said that with the change of Ordinance 893 it might be a good idea to have a better timeframe set for the beginning date and ending date of application submittal. Williams said the committee discussed this very idea today at their meeting and it is something that will be addressed further. Williams said the committee will be looking at perhaps making a calendar for these application dates.

Street Closure Snag Bar Mayor Roat said that Greg Zieler has asked to have his application addressed at the May 8, 2012 Council meeting.

Motion by Mahan, second by Schoenike to table the 12th Street closure until the applicant brings it back to the Council. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Municipal Engineer Contract Negotiations Sanderson said that Great West Engineering has been ranked as the most qualified firm to provide engineering services to the City of Red Lodge for the next term, which will be anywhere from two to five years. A general services contract has been received from Great West and this contract was forwarded to the City attorney for his review and he commented favorably on the contract as well as on the selection. The term of the contract was one of the major discussions by the committee. It was agreed through the committee to have the contract run for a three year standard term with the right for two one year extensions for a potential contract term of five years. The charges for the various services as a rate schedule were included in the contract and the discussion was to lock Great West to these rates for a period of two full calendar years. The contract date would start June 1 so if there were any increases to the rates it could be included in the budget sessions. Either party can cancel the contract with a thirty (30) day notice.

Prudential – Cooper Lots Kampfe said the committee met with Heather Quinn of Prudential Real Estate regarding the Cooper Lots. Quinn gave the committee a bleak review of the sale of lots in the past three years. She said that lots are not moving at the present time. Kampfe said the lots are priced at the level they once were selling but this is not the same at the present time.

The committee will be coming back to the Council with the thought of lowering the price of the lots that are for sale.

MDOT Mayor Roat said the Department of Transportation situation with the property along the bicycle path going to Two Mile Bridge Road is no closer to resolution than it has been for four years. He said the City is going to hang tough and deny any responsibility for having ownership of this property. The City will not be involved any further.

POLICE AND EMERGENCY SERVICES – Ordinance #894 – Animal Control
ORDINANCE NO. 894

AN ORDINANCE AMENDING TITLE 5, CHAPTER 5B OF THE RED LODGE CITY CODE CONCERNING ANIMAL CONTROL (DOGS).

Motion by Williams, second by Mahan to adopt Ordinance #894, an ordinance amending Title 5, Chapter 5B of the Red Lodge City Code concerning animal control on second reading. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Skip Aleksich, 451 Upper Continental Drive, spoke to the need of controlling the dogs running at large. His problem is that he lives at the golf course and the CFR’s there prohibit fencing. He has an electric fence that encloses his dog quite well. Aleksich said that with the inclusion of paragraph G which states “invisible fences, electronic barriers and similar devices do not provide a physical boundary and therefore are not suitable enclosures” would force him to violate the CFR’s by building a fence. Kampfe told Aleksich that this only applies to vicious dogs. If your dog has been deemed a vicious dog than an electric fence will not work. This is only a definition of an enclosure. Aleksich was told that as long as his dog was not at large then an electric fence will be fine. Aleksich said he was fine with the ordinance as long as this is all correct.

Wanda Kennicott said she appreciates all the efforts done by the City on this ordinance.

Cheryl Tower asked if the ordinance would be published and she was told the City would put the ordinance in the paper.

Resolution #3343 – Fees and Fines – Animal Control
RESOLUTION NO. 3343

A RESOLUTION OF THE RED LODGE CITY COUNCIL TO SET FEES FOR REGISTRATION OF ANIMALS AND PENALTY FINES FOR VIOLATION OF PROVISIONS CONTAINED IN TITLE 5, CHAPTER 5 ANIMAL CONTROL OF THE RED LODGE CITY CODE.

Motion by Williams, second by Mahan to adopt Resolution #3343, a resolution of the Red Lodge City Council to set fees for registration of animals and penalty fines for violation of provisions contained in Title 5, Chapter 5 animal control of the Red Lodge City Code. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Mayor Roat said that this resolution goes along with Ordinance #894 and sets the fee structure for the ordinance.

Speed Limit Cart Mayor Roat told all that the Police Chief is now placing the speed limit cart in places around town. The machine will tell the public what the speed limit is and what the speed is that you are going when you pass the cart. The machine records the number of cars that are going over the speed limit. Hopefully this machine will help in slowing down traffic around town.

Police Radios Williams told the Council that the committee was informed by the Police Chief of the potential of needing to change out their radios. The County is going to a digital radio which means the City would need to change as our officers use analog radios. This is approximately a \$35,000 expenditure for the City. This will be discussed at budget time. According to the federal government there is about four or five years left before it will become mandatory to change. Skip Aleksich said he would be willing to check with the US Marshall Service in Billings to see if there is any possibility of help with these purchases. Aleksich has worked with the federal courts for a many years and is willing to check on this to see if anything is available. Aleksich was thanked for this gesture.

LAND USE AND PLANNING – Conditional Use Permits – Town Pump Sanderson told the Council that Town Pump has submitted a conditional use and site design application. The three conditional use requests that are required for the project to move forward are: 1) Non-residential use greater than 2,000 square feet in size. The gross square footage of the use is over 10,000 square feet. 2) Sale of alcohol for off premise consumption. 3) The drive thru service for motor fuels only. The fourth component of the application, the site design review, falls to the Planning Board. The conditional uses come to the City Council. The conditional uses cannot move forward until the Planning Board decides on the site design. The Planning Board meeting is set for May 9, 2012 at 5:30 p.m. at City Hall.

Lease of City Owned Land – TR-B-3 Kim Ruby has made a request to the City to relocate the City Brew from the Town Pump land they are currently leasing to the section of City owned land on the NW corner of 5th Street and Highway 212. This section of land is next to the Silver Strike bowling alley. Sanderson said that since the City has a parcel of land that has been nominated for lease the process can be activated and the City can start walking through the necessary steps for the governing body to determine whether or not they want to lease the property. If they decide to lease the property then the next steps start with setting the value of the land, calling for bids, opening the bids, determining that this is adequate, setting the required conditions as well as lease payments and execute the lease if the proponent wants.

PUBLIC WORKS – Schessler Land Exchange – Approve Deed Motion by Mahan, second by Schoenike to approve the deed as presented on COS 803 RB regarding the Schessler land exchange. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Roofing Repairs – City Buildings Motion by Schoenike, second by Labrie to approve roof repairs on City owned buildings as approved by MMIA excluding the north side roof of the

public restroom building as it is unnecessary. On roll call vote all Aldermen present voted "Aye." Motion carried.

Damage to Public Restrooms Mayor Roat said the men's side of the public restrooms sustained severe damage. The partitions were ripped off the walls. The Mayor locked the doors of the restrooms about ten days ago. He said that public works is trying to locate replacement partitions and they cleaned up the debris. Mayor Roat said the restrooms have been reopened and will be repaired.

Solar Panels Mayor Roat said he can't seem to put a figure on any real benefits of the solar panels at the lagoons. He had it shut down at the start of the current billing cycle and will collect the data from this period of time, turn it back on and then compare to the data received when it is being used again. If there is a big difference then the City will know that it is saving money. Schoenike asked what will be accomplished by doing this. The Mayor told him that NorthWestern Energy is supposed to be giving the City credit for what is being generated and he would like to see if this is indeed being done.

CITIZEN REPORT Patty Davis, Red Lodge Area Chamber of Commerce, told the Council that the Chamber has recently submitted an application for the use of City owned property for a street closure on June 9, 2012. Davis was told that this request would be on the Council agenda for the May 22, 2012 meeting. The Chamber is asking the Council if they could give them reassurance that the application will be approved so they can go ahead and start their advertising. The event being held is the Business Showcase Event and they will be doing joint advertising with other events being held the same day. Kampfe told Davis that the Council does not have an application before them at this time to make any decisions.

Steven Vaile told the Council that REWIND (Recycle Electronic Waste Into New Devices) will be holding an e-waste collection event on June 9, 2012. He wanted the Council to be aware as he felt the City might have devices that could be brought to this event for collection. Tentatively this will be held at the Civic Center parking lot. The hours will be from 10:00 am to 3:00 pm. The first \$15.00, which will be 50 pounds of e-waste, will be collected for free. Thereafter it is \$.30 per pound.

75th Tourism Event of the Year Jenn Nelson thanked the City for their support in the 75th Anniversary of the Beartooth All American Road. She said this event won the Tourism Event of the Year at the Governor's Conference. She said this is quite an accomplishment for Red Lodge. There was some pretty good competition this year but all were very pleased that Red Lodge won this distinction.

CORRESPONDENCE Mayor Roat said the City has received several letters regarding the spending of general fund money for special events.

Sanderson pointed out that the City received a letter of denial for the application submitted to Safe Routes to School. He said the City will try again this fall.

MISCELLANEOUS Kampfe said the ice rink was disassembled this past weekend by the Ice Club. He also told the Council that he will be absent from Red Lodge from May 9th to May 20th. He will not miss a meeting. Motion by Mahan, second by Schoenike to approve this absence. On voice vote all Aldermen present voted "Aye." Motion carried.

Mahan reported that she attended a meeting with Cycle Greater Yellowstone and everything is moving along nicely. This bicycling event will be taking place in 2013 so things are getting started early so all will be ready. Mahan said there will be 1250 to 1500 bicyclist in Red Lodge for this event. She said they plan on holding their 30th anniversary celebration here in Red Lodge. This will be an excellent event. She said she was told that Red Lodge is being called the Two Wheel Capital of the world.

Meeting adjourned at 8:10 p.m.

Mayor

ATTEST:

City Clerk