

April 26, 2011

The Red Lodge City Council met in regular session on April 26, 2011 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, Richter, Labrie, Schoenike and Williams. Absent: None.

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

MINUTES OF APRIL 12 Motion by Mahan, second by Richter to approve the minutes of the April 12 meeting as submitted. On roll call vote all Aldermen present voted “Aye.” Motion carried.

COMMENTS FROM PUBLIC REGARDING AGENDA ITEMS None

SPECIAL COMMITTEES None

STANDING COMMITTEES – ADMINISTRATION - Use of City Owned Land & Open Container Waiver – Beartooth Rally – Blue Ribbon Bar Motion by Kampfe, second by Labrie to approve the Blue Ribbon Bar application for a street closure and open container waiver July 15 – July 17, 2011. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Kampfe said that everything seemed to be in order with the application. The application is the same that has been submitted for several years now during the Beartooth Rally. Mahan asked if the Administration Committee discussed how the extra police officers would be paid during this event. Kampfe said this was not discussed. The music will shut down at midnight and the open container will shut down at 1:00 a.m.

Resolution #3323 – Establish Reserve Cash Account – Library

RESOLUTION NO. 3323
RED LODGE CITY COUNCIL

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF RED LODGE TO CREATE A RESERVE CASH ACCOUNT FOR THE LIBRARY IN THE GENERAL FUND.

WHEREAS: An election was held on June 8, 2010 to increase the Carbon County mills for libraries to six mills. This increase was passed by an affirmative vote. This increase was put in place on the November 2010 tax statements. These increased funds will be shared between the Joliet Public Library, the Bridger Public Library and the Red Lodge Carnegie Library.

WHEREAS: The Red Lodge Carnegie Library’s annual budget is funded by city and county revenues. The Library Board is requesting authority to transfer any available county revenues, over and above the amount equal to the city’s contribution, into a cash reserve account. This cash account will be numbered as 101060 – Library Reserve. The Red Lodge Library Board may then approve the use of these funds when deemed necessary to fulfill the Library’s mission.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Red Lodge, Montana to adopt Resolution Number 3323, which formally creates and authorizes the use of a Cash Reserve Account within the General Fund for use by the Red Lodge Carnegie Library.

Motion by Kampfe, second by Richter to approve Resolution #3323, a Resolution by the City Council of the City of Red Lodge to create a reserve cash account for the Library in the General Fund. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Kampfe said that both the City and the County fund the library. The Library Board would like to be able to put away discretionary funds for future projects.

Library Elevator Mayor Roat attended a meeting with the elevator inspector, the City Building Inspector, the local glass company and representatives of the Library Board. Mayor Roat said the problem with the elevator at the library is that it really is a freight lift and is not safe for personnel. However, without the elevator the library building is not handicap accessible on any of the floors. It is hoped to obtain a figure of what the cost would be to bring the elevator up to code. The City needs to work diligently towards getting this done.

TBID Committee Angela Beaumont said the Red Lodge Merchants and Lodging Association gave the Council a copy of two resolutions they would like to see adopted by the City so the TBID can be incorporated. They would like the City Attorney to review these resolutions also and to give back to them any comments or suggestions. A petition has also been created to start the Tourism Business Improvement District in Red Lodge. Beaumont said that 95% of the lodging businesses are in agreement that the TBID is needed for funding to help with marketing.

\$1.00 per room or house rental will be added on the bill per night. The use of these funds will be for marketing Red Lodge. The appointment of the Board members, their terms and who makes the appointments will be written into the proposed resolution.

Kampfe stated that in the resolution it needs to be stated what percentage the City will get for administering this program. He said he proposes the City be given 3% of the collections.

Patty Davis, Executive Director of the Chamber of Commerce, stated that they are in favor of the TBID and that it is very important to help with marketing Red Lodge. They feel this will be good for Red Lodge and everyone will then be working together. The Chamber said that hopefully this would help to reduce some of the empty storefronts on Broadway.

POLICE AND EMERGENCY SERVICES – Animal Control Opportunities Williams said this committee recently met with the Board of the Beartooth Humane Alliance and discussed with them their thoughts on what needs to be done. The committee also met with Dr. Beug and discussed the various things that will have to be done if the City really wants to get animal control under control. The committee feels that the garage next door to City Hall may be the ideal location, housing three or four kennels at the most. Prices will need to be looked at for the things that are needed. Williams said they would be reviewing all ordinances that speak to animal control to try and understand what the City has in place. They will also be speaking with communities that have animal control in place so they do not reinvent the wheel. They will also be looking at funding options. Recommendations will be coming to the full Council from the Police and Emergency Services Committee very soon.

Street Addressing Issues Williams said the Police and Emergency Services visited again at the committee meeting about the problems with street addressing in Red Lodge. He said it is approximately one-half the agencies that use South Broadway and one-half use Broadway South. The committee will be bringing a recommendation to the Council soon regarding how the addressing problem should be fixed.

Fire Department Mill Levy The City currently has a mill levy on the taxes to pay for a fire truck that was purchased several years ago. This is something that was taken to the voters previously and it was voted in to have the 6 mills levy set for payment of the fire truck. This loan will be paid off in August of 2013. The committee will be bringing the idea of putting this back on the ballot so that more needed equipment can be purchased.

LAND USE AND PLANNING – Langlas Homes Inc. – Conditional Use Permits for 4,560 Square Foot Professional Office Building – Lot 42A1, Block 9, Country Club Estates Motion by Schoenike, second by Richter to adopt Staff Report RLDR-11-1 and RLCU-11-1 as findings of fact as they pertain to this application. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Sanderson said the Planning Board is recommending approval of both the conditional use permits with 21 conditions. These conditional uses are non-residential over 2,000 square feet in size and allow for a professional office building in an R-3 zone district. This application is consistent with the 2010 Zoning Regulations.

Mahan said she wanted to make sure this application would not adversely affect the Beug property. Dr. Beug said they have used the driveway out the back of their property for 37 years. Beug said he has been working with Langlas to obtain an agreeable easement for this driveway. Beug said that at this point Langlas has agreed to having the driveway moved a little to the west but still stay on the east of Spring Creek which would make things acceptable to both the parties. Nothing has been legally done so far on this item. Sanderson said the City needs to do nothing in regard to this item and that it needs to be resolved between the two parties. This is outside the scope of the zoning regulations. It is a private situation. His advice is for the City to not get involved.

Motion by Schoenike, second by Labrie to recommend approval of a Conditional Use Permit to allow for the establishment of a Professional Office Building 4,560 square feet in size on Lot 42A1, Block 9, Red Lodge Country Club Estates, Subdivision, 4th Filing Plat No. 1448 5th AM, subject to the following conditions:

1. That the use, operation and development of the property be in accordance with the plans, specifications and documents submitted for review except as modified by these conditions.
2. That the developer shall obtain a building permit from the City of Red Lodge and comply with any/all requirements including obtaining a certificate of occupancy prior to opening or conducting any of the activities discussed in the application.
3. That the building plans and use specifications be approved by the Red Lodge Fire Department prior to the use and occupancy of the structure.
4. That during construction, the developer shall install silt fences to prevent disturbed soils from being washed into the stream in a storm event.
5. That a clear vision triangle meeting the requirements of 4.5.53 of the Red Lodge Zoning Regulations along Cole Drive is required and shall be maintained by the permittee.
6. That the landscaping plan for over story trees shall be modified to be in accordance with 4.5.64 A&B of the Zoning Regulations and are installed prior to occupancy of the structure. (This means that a minimum of 15 over story trees shall be installed on the property.) The Zoning Administrator shall insure that the selected species for landscaping are consistent with the 2006 Parks Plan and the 2008 Growth Policy.
7. That the proposed approach to Cole Drive will need to be in accordance with the design standards discussed in this report and approved by the City Public Works Department.
8. The permittee shall be responsible for the perpetual care, maintenance and replacement of the required landscaping.
9. That all lighting associated with the project shall be installed at a 90* cut off, shielded and directed downward onto the structure or parking area. The use of Mercury Vapor Lamps for lighting is expressly prohibited. Lighting shall not create off-site glare.
10. That the Professional Office building shall be connected to the City Water and Wastewater systems at the developer’s expense. The developer shall pay the associated impact fees for Commercial uses at the time of Building Permit Application.
11. That all private utilities, unless already existing, shall be extended underground to the structure.
12. That the developer, their heirs, successors and assigns will need to insure the perpetual maintenance of the storm water detention system.

13. That the storage and use of hazardous materials in quantities beyond those typically found in single-family residence is prohibited.
 14. That the emission of noxious odors or gasses resulting from the use of the property as a Professional Office shall not be detectible at the property line of adjacent residentially developed property.
 15. That unless specifically exempted by the Red Lodge Zoning Regulations 4.5.106, all noise measured at the property line generated by the use of the property as a Professional Office shall be limited to 55 DBA.
 16. That the permittee shall submit a separate application for signage to the Zoning Administrator prior to installation. All signage shall be consistent with the Residential Signage Standards.
 17. That the final design and colors and materials used in the construction and shall be substantially similar to those in the information submitted for review and approval.
 18. That the solid waste receptacle shall be placed at a location within the subject property that is approved by Allied Waste. Further, the container shall be of a 'Bear Resistant' design.
 19. That the approved Conditional Use Permits shall expire on the one (1) year anniversary date of approval if the permit is not put to use, unless an alternative timeline is established in the development approval. If a Conditional Use is operationally discontinued or abandoned for a period of more than twelve (12) consecutive months, regardless of the removal or non-removal of furniture/equipment or any intention to resume such activity in the future, the Conditional Use may not be reestablished or resumed.
 20. This permit may be transferred to another party or user without prior express written consent of the City of Red Lodge provided that the conditions of this approval are binding upon all heirs, successors or assigns.
 21. That the landscaping plan shall be submitted to the Zoning Administrator for approval. The Zoning Administrator shall insure that the landscaping mitigates impacts of vehicle headlights on surrounding properties from the parking lot.
- On roll call vote all Aldermen present voted "Aye." Motion carried.

Resolution #3324 – Beer-Wine License 224 S. Broadway – Pizano’s Pizza

RESOLUTION NO. 3324

RED LODGE CITY COUNCIL

A Resolution by the City Council of the City of Red Lodge, Montana, affirming the City of Red Lodge has no objection to the issuance/transfer of liquor license #10-068-0500-302 for use at Pizano’s Pizza/Pub 224 South Broadway Avenue.

WHEREAS: the City Council for the City of Red Lodge is advised an applicant for a liquor license in the State of Montana is restricted from obtaining that license if it is within a certain distance of a church (M.C.A. 16-3-306(4) and M.C.A. 16-3-309); AND

WHEREAS: in the City of Red Lodge, Pizano’s Pizza/Pub is within that restricted area, and therefore must consult with the City and with the church to determine if any objections, requirements or restrictions might exist; AND

WHEREAS: the 2010 Red Lodge Zoning Regulations exercise the authority to regulate locations within the City that the sale and consumption of alcohol is permissible but does not supplant the provisions of §16-3-306(1); AND

WHEREAS: the License Owner or his agent of the proposed licensee, Pizano’s Pizza/Pub, has contacted the Red Lodge Community Church, met with the leaders of that church and has presented the City with documentation the church has no objection to the issuance/transfer of this license; AND

WHEREAS: the City has reviewed its zoning code for any restrictions that might apply in this situation and has found none pertaining to the sale or consumption of beer/wine onsite.

NOW THEREFORE, BE IT RESOLVED:

1. The City Council resolves that the City has no objections to the issuance/transfer of liquor license #10-068-0500-302 to be used at Pizano’s Pizza/Pub, 224 South Broadway Avenue, Red Lodge, MT 59068.

2. The City Council further resolves that the City make no recommendations for any restrictions on the issuance/transfer other than what the State may require on a typical beer/wine license.
3. The City Council advises the transferee/permittee that even though liquor license #10-068-0500-302 may contain a gaming endorsement, that gaming at 224 South Broadway requires a conditional use permit issued by the City Council prior to any activation of the gaming endorsement.

Schoenike said that he has had information brought to his attention that may bias his opinion on this matter. Due to confidentiality issues he said he would be recusing himself from this matter. Mayor Roat told him that he could abstain from the voting.

Motion by Labrie, second by Kampfe to approve Resolution #3324, a resolution by the City Council of the City of Red Lodge, Montana, affirming the City of Red Lodge has no objection to the issuance/transfer of liquor license #10-068-0500-302 for use at Pizano's Pizza/Pub 224 South Broadway Avenue. On roll call those in favor: Aldermen Kampfe, Mahan, Richter, Labrie and Williams. Those abstaining: Alderman Schoenike. Motion carried.

This license will be for beer and wine only. Labrie said that although the license may contain a gaming endorsement Pizano's must apply for a conditional use permit that would come before the Council if that were what is ever desired.

Sanderson said that this resolution was sent to the City Attorney and that it was approved by him as to form. The Red Lodge Community Church also sent their letter of written approval but for beer and wine only with no gaming or all beverages.

PUBLIC WORKS Mahan said the Public Works Committee had a very good meeting today. Mac Fogelsong, with Sanderson/Stewart, attended the meeting filling the committee in on a number of issues that Public Works will be dealing with. They discussed the sidewalk project that will be done this summer and Fogelsong said it should take about 45 days to complete this project. Further discussion was held on the sewer lagoons, storm water sewer and how to prioritize the upcoming projects.

Sanderson/Stewart Engineering Two Year Contract Sanderson pointed out that the first year of the current contract with Sanderson/Stewart has come to an end. It was stated in the current contract that both parties, if wanted, could agree upon a one-year extension. The City will have to go through the issuing of an RFP when the contract is completed so the City needs to start thinking about what will need to be done for procurement.

CITIZEN REPORT Rocky Roberts told the Council that the State Tavern Association Convention will be held in Red Lodge September 12 –15, 2011. This will be a large event and will be held on the shoulder season for Red Lodge.

CORRESPONDENCE None

MISCELLANEOUS Kampfe told the Council about the meeting that was held regarding the TBID. A woman from the Havre Chamber of Commerce, was at the meeting and she explained how the TBID was working in her community. He stated that he is in support of the TBID.

Sue Logan and Mark Brajich met with the Administration Committee this afternoon. Sue is a member of the Red Lodge Performing Arts Committee that would like the City to consider using the Harper Estate funds as seed money so they can go out to supporters for help in the construction of an auditorium for the performing

arts and the school. Kampfe said it is his recommendation to give City commitment to the project and put an end date in a year or two and then update if all agree.

Kampfe said the Administration Committee brought back an old issue at their meeting. This issue was the Sidewalk Café Open Container Exemption issue. Kampfe said he had committed himself to discussing this issue with the committee and considering an ordinance that would allow for this. He said that after looking at all the different levels and all the complications associated with this issue the committee has decided to go no further.

Meeting adjourned at 8:00 p.m.

Mayor

ATTEST:

City Clerk