

April 27, 2010

The Red Lodge City Council met in regular session on April 27, 2010 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, Kennicott and Priest. Absent: None

MINUTES OF APRIL 13 Motion by Mahan, second by Richter to approve the minutes of April 13 as corrected and submitted. On roll call vote those in favor: Aldermen Kampfe, Mahan, Richter, Labrie and Kennicott. Those abstaining: Alderman Priest. Motion carried.

COMMENTS FROM PUBLIC None

SPECIAL COMMITTEES None

**STANDING COMMITTEE – Administration – Ordinance No. 879 – Resort Tax – second reading
ORDINANCE NO. 879**

THE FOLLOWING IS AN ORDINANCE REPLACING CHAPTER 4 OF TITLE 2 OF THE RED LODGE MUNICIPAL CODE, INCLUDING ORDINANCES NO. 832, 833, 833 FIRST AMENDED, 833 SECOND AMENDED, 833 THIRD AMENDED, 833 FOURTH AMENDED, 833 FIFTH AMENDED, AND 834 OF THE CITY COUNCIL OF THE CITY OF RED LODGE MONTANA, ADMINISTRATIVE ORDINANCES GOVERNING THE COLLECTION AND REPORTING OF RESORT TAX REVENUES.

Motion by Kampfe, second by Labrie to approve Ordinance #879, THE FOLLOWING IS AN ORDINANCE REPLACING CHAPTER 4 OF TITLE 2 OF THE RED LODGE MUNICIPAL CODE, INCLUDING ORDINANCES NO. 832, 833, 833 FIRST AMENDED, 833 SECOND AMENDED, 833 THIRD AMENDED, 833 FOURTH AMENDED, 833 FIFTH AMENDED, AND 834 OF THE CITY COUNCIL OF THE CITY OF RED LODGE MONTANA, ADMINISTRATIVE ORDINANCES GOVERNING THE COLLECTION AND REPORTING OF RESORT TAX REVENUES, on second reading. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Kampfe said the motion included the amendment that was made to the Ordinance at the April 13 Council meeting.

Resolution #3305 – Set Fixed Asset Limit \$5,000

**RESOLUTION NO. 3305
RED LODGE CITY COUNCIL**

A Resolution by the City Council of the City of Red Lodge to Establish a Policy Setting the Minimum Value at Which Purchased Items Become Fixed Assets for Depreciation and Replacement Purposes.

WHEREAS, the necessity of establishing and updating of Fixed Assets has become apparent; and **WHEREAS**, the City Auditors have suggested setting a policy for determining which items are depreciated as Fixed Assets; and

WHEREAS, the suggested minimum limit is items with a total value in excess of Five Thousand Dollars (\$5,000.00) and a lifespan of five (5) years or more,

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Red Lodge, Montana, that the above-suggested limit be set and used for the purpose of Depreciation and Replacement of Fixed Assets.

Motion by Kampfe, second by Labrie to approved Resolution #3055, A Resolution by the City Council of the City of Red Lodge to Establish a Policy Setting the Minimum Value at Which Purchased Items Become Fixed Assets for Depreciation and Replacement Purposes. On roll call vote all Aldermen present voted "Aye." Motion carried.

Municipal Engineering Contract for Services Mayor Roat said that in this contract City would be the City of Red Lodge and engineer would be Sanderson/Stewart.

Motion by Kampfe, second by Richter to approve the contract for Professional Engineering, Consulting and Planning Services for the City of Red Lodge by the firm Sanderson/Stewart. Discussion was then held on this motion. Motion by Kampfe, second by Labrie to postpone this action item until the May 11, 2010 Council meeting. On roll call vote all Aldermen present voted "Aye." Motion carried.

Forrest Sanderson told the Council that he received some comments from the Attorney, Sam Painter, late this afternoon on the proposed contract. These comments were then forwarded onto Sanderson/Stewart for their review. Sanderson said the current contract with DOWL-HKM runs at a minimum through May 24, 2010. Sanderson recommended to the Council that this item be tabled until all comments submitted by Sam Painter are reviewed. Sanderson went through the comments that were submitted by Sam Painter. Kampfe said he would like everyone to have a clean copy of the proposed contract with all the correct verbiage when it is brought to the Council at the May 11 meeting.

Police and Emergency Services Kennicott said she received a response from Sam Painter on the proposed ordinance for the speed limit change on Airport Road. She will continue with this and bring it to the Council at a later date. The two proposed interlocal agreements discussed at the last Council meeting are now with the County Commissioners and should be back to the Council at the next meeting.

Chief Pringle told the committee that he has included money in the upcoming budget to pay for additional help during the Beartooth Rally. Kennicott reported that DSVS has eleven cameras that they are giving to County law entities. Five of them are coming to the Red Lodge Police Department. Background checks are being conducted on applicants for the vacant police officer positions. Two part-time officers are currently helping to cover shifts.

Operation Medicine Cabinet will be held June 5, 2010 from 8:00 am till noon at Lions Park.

Comments are being taken by Greg McGann regarding the upcoming Bull Pen Music Event. Suggested fees are being made to help with fire and EMT service.

Kennicott said that Barb Beck is almost through with the Emergency Operations Plan for the County. She said one of the things worked on is a matrix to show who gets called out for each type of emergency and in what order.

Land Use and Planning – Ordinance #882 – Adopt International Energy Conservation Code 2009 – second reading

ORDINANCE NO. 882

ORDINANCE FOR ADOPTION OF THE INTERNATIONAL ENERGY CONSERVATION CODE.

An ordinance of the City of Red Lodge adopting the 2009 International Energy Conservation Code, regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems in the City of Red Lodge jurisdiction and all of the ordinances and parts of ordinances in conflict therewith.

Motion by Labrie, second by Mahan to approve Ordinance No. 882, Ordinance for the City of Red Lodge to adopt the International Energy Conservation Code on second reading. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Sanderson said when the State of Montana accepted stimulus funds they agreed to become a more energy efficient state. When the State adopted the International Energy Conservation Code the City was required to do so also as we too received stimulus funds. These codes will become a part of the Building Department and will be enforced by them. Sanderson said that he has a copy of the codes along with the Building Department and the Library. Priest commented that he found these codes to be a shame as they will increase the costs of building a home and this is counter productive in the efforts to help individuals obtain affordable housing.

Use of City Owned Land – Camping at Airport – Beartooth Rally Motion by Labrie, second by Kampfe to approve the application for the use of City owned property for Beartooth Rally camping July 16, 17 and 18, 2010. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Labrie said this request has been made for several years and it has always been handled well. She said that this year the City will be keeping a close watch on the fire danger and if there are any restrictions made the City will enforce them. She also said that Resort Tax needs to be collected on this camping as it falls under the taxable category. Kennicott brought up the thought of using a lease agreement instead of the Use of City Owned Property application. This option was included in Ordinance #871 adopted in 2008.

Use of City Owned Land – 12th Street – Snag Bar – Beartooth Rally Motion by Labrie, second by Mahan to approve the street closure application for the Beartooth Rally for July 16th and 17th, 2010, with contact person Greg Zeiler. On roll call vote those in favor: Aldermen Kampfe, Mahan, Labrie and Priest. Those opposed: Aldermen Richter and Kennicott. Motion carried.

Mayor Roat said a letter was received from Babcock and Miles asking if this closure could be done on the east side of Broadway. Mayor Roat asked Zeiler if this was something that he would consider. Zeiler said there seems to be more residents on the east side of Broadway but this is something that could be considered.

Richter said that she is not in favor of street closures period. She said especially not for several days. She said a lot of communities do not close their streets for anything. She feels there are other places for events to be held and the streets are owned by the citizens and should be left open for their use.

Kampfe asked about the time limit for the open container and also for the music. The application says the music will stop at midnight along with the alcohol. The committee said they are willing to allow the alcohol to be served until 1:00 am at the street dance closures.

Labrie said the sponsor and the caterer of the event could not be one and the same. She was told that Bone Daddy’s would be listed as the sponsor on these applications.

Motion by Kennicott, second by Richter to table the item until the May 11, 2010 Council meeting and proper documents are submitted to the Council. On roll call vote those in favor: Aldermen Richter and Kennicott. Those opposed: Aldermen Kampfe, Mahan, Labrie and Priest. Motion failed.

Kampfe said he is in favor of this closure and also said the committee discussed other areas for the closures but they did not come up with any area that worked well for all.

Kennicott said the City has the same problems every year regarding street closures. She spoke to the extra officers who work the event and the fact that they are paid with City funds. She said the event or applicant should be the one paying for any extras whether it involves, fire, police or ambulance service. She said the City needs events for economic growth but the City needs to charge for the services that become necessary for the events. She said that giving away the City does not seem like a good thing to do. She commented that she enjoys the Beartooth Rally but that everything, such as street closures, needs to be shared and have the locations change. Mayor Roat said he challenges the Council to work this approval process over and to provide for these items.

Andrew Porth said that if the application process were revisited he would like to see the adjacent property owners give permission for closures and not just be notified of the application coming before the Council. He would also like to see this closure moved to the east side of Broadway.

Diane Larson said that she is in favor of the street closure being on the east side of Broadway. She said her home is located one house in from 12th Street and that she would not have objections to her side of Broadway being the closed area.

Maggie Blevins said she feels there is a trickle down effect with the Beartooth Rally. She said her business does not do as well but that hopefully other businesses would come to her store to shop when they have an influx of business.

Barbara Miller said she hopes that Pride Park is taken care of during any street closures.

Use of City Owned Property – Beartooth Run to the Sun 2010 Motion by Labrie, second by Mahan to approve the application for street closure of the Civic Center parking lot for the Beartooth Run to the Sun 2010, September 11th and 12th, 2010, sponsored by Boyd Motors Sports. On roll call vote all Aldermen present voted “Aye.” Motion carried.

The area for the closure is behind the Civic Center being used for parking even though traffic does drive through it. This is not a platted street.

Use of City Owned Property – 13th Street – Blue Ribbon & Snow Creek – Beartooth Rally Motion by Labrie, second by Mahan to approve the application for the street closure for the Blue Creek street dance on July 15th, 16th and 17th, 2010 sponsored by Bone Daddy’s. On roll call vote those in favor: Aldermen Kampfe, Mahan, Labrie and Priest. Those opposed: Aldermen Richter and Kennicott. Motion carried.

Music will stop at midnight and liquor will be sold from 2:00 p.m. until 1:00 a.m. Rocky Roberts said that the Blue Ribbon would try to donate for the extra officers hired if all goes well and the event is successful.

Use of City Owned Land – Art in the Beartooth – Arts Guild Motion by Labrie, second by Kampfe to approve the application for Lions Park use for July 10, 2010 for the Arts Guild’s Arts in the Beartooth. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Music and alcohol will start at 4:30 p.m. People will then enter and preview the arts being displayed.

Use of City Owned Land – Farmers Market Farmers Market this year will go from July 10, 2010 to October 2, 2010. This is Saturdays only from 8:00 am to noon. The closure is for 12th Street between Broadway and Oakes Ave. The alley will be left open for traffic and the closure will only cross over the alleyway if there are enough vendors. The weekend of the Beartooth Rally the Farmers Market will move

to the east side of Broadway. Kampfe also told the applicants that the fee decided upon last year was \$200 and would be expected again this year. The applicant said he would bring this into the Clerk.

Motion by Labrie, second by Kampfe to approve the closure of 12th Street between Broadway and Oakes leaving the alley open and moving to the east side the weekend of the Beartooth Rally. On roll call vote those in favor: Aldermen Kampfe, Mahan, Labrie, Kennicott and Priest. Those opposed: Alderman Richter. Motion carried.

Richter said that she enjoys both the Farmers Market and the Beartooth Rally but that she does not believe in street closures and that is the reason for her negative vote.

Public Works – Report on Automated Meter Reading Acquisition Sanderson said the committee appointed to review the acquisition of the automated meter reading system met and opened the three proposals submitted. The submitting businesses were Ferguson, Northwest Pipe Fittings and Industrial Systems. All are based in Billings. The proposal submitted by Ferguson was incomplete and did not advance any further for review. The committee has completed the initial review of the other two submittals. He said that both firms rated very highly. An interview is scheduled for April 29 with the top company. He looks for the committee to report back at the May 11 Council meeting. Priest asked if the two companies were so close why were not both being interviewed. Sanderson said the financial payback on the most qualified firm is much quicker than the number two firm.

Pedestrian Bridge Construction Contract – Double Ditch Park The Parks Board would like to request approval for the purchase/construction of a pedestrian bridge as part of the Airport Trail. This bridge will be located approximately 100 yards south of the intersection of Rodeo Road and Highway 78 at the trailhead of the Airport Trail. The bridge will span two ditches, the Pryde and McDonald, allowing for pedestrian access to the future “Double Ditch” park. The bridge will be paid for with funding from the Recreational Trail Program (RTP) grant awarded to the City (70%) and the Parks Board (30%).

Motion by Mahan, second by Labrie to approve the bridge at “Double Ditch” park. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Mayor Roat commented that there is a concern with the cash-in-lieu of parklands that was given to the County by Remington Ranch. He asked if any of these funds would be used for this project. Kohley said that yes the County also received funds from RTP and some of the funds in question were used as match. Kohley said it was by request of the developer that the funds be used for a park adjacent to the development.

Site Plan Approval – Airport Trail The trail to be constructed will be 1.6 miles in length. When combined with shared road segments, the total loop trail will be 2.8 miles. The trail will be eight feet in width and surfaced with compacted aggregate material to support the intended users, which include runners, bikers, equestrian riders and pedestrians of all types and abilities. The trail can be constructed entirely on city-owned land with existing street rights-of-way. Easements with property owners are still being explored to expand and enhance the trail route. Nearly all of the trail will be constructed on gently sloping topography. No slope stability concerns are present. The trail will gain access into a proposed new park area commonly referred to as “Double Ditch” Park. Funding for construction of the trail will come from a Recreational Trails Program grant received by the County and from the cash-in-lieu of parks funds maintained by the County.

Motion by Mahan, second by Richter to approve the site plan for the Airport Trail as presented. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Kennicott asked if the easement was not obtained would the trail be disjointed. Kohley does not feel this will be a problem but there are alternatives.

Weed Control Meeting Sanderson said the spring meeting with the Carbon County Weed Coordinator will be held soon. He said all of the items the City had for enforcement last year that were not attended to because of the weather will move forward to this year.

CITIZEN REPORT Mary Majerus spoke to the Council of her concerns regarding the costs of the ambulance department. She gathered information about ambulance departments from Laurel and Big Timber. She gave these statistics to the Council. She feels there is a need to cut back on the costs to the City with this service.

Rocky Roberts told the Council that the Montana Tavern Association will be coming to Red Lodge September 13th – 16th, 2011. He said businesses will be gearing up for this event.

CORRESPONDENCE Mayor Roat said the fuel storage tanks on the outskirts of town have not been taken care of as of yet. He and Aaron McDowell went to the tanks and tested them finding that both the tanks have an explosive atmosphere within them. DEQ has been charged with remedying this problem but nothing has yet been done. Mayor Roat wrote them another letter with this concern.

Mayor Roat said the Beartooth Highway will be opened on Memorial Day weekend. Wyoming does not plow their side of the road so the park takes care of it.

There will be a Beartooth Front Community Forum meeting held at the new high school on April 29, 2010 at 7:00 p.m. regarding the future of the Carnegie Library.

MISCELLANEOUS The streetlights on Broadway that are not working are the result of a design problem. The Mayor said that NorthWestern Energy will be working on the lamps to find a solution that will work.

Mayor Roat reminded everyone that the Local Government Officials Workshop will be held next week. The date is May 6th and 7th in Billings.

Priest thanked Mary Majerus for the information that was presented by her on other ambulance services. He feels discussion needs to start in case the vote fails regarding the possibility of an ambulance district. He said the City may have to match services to what can be afforded by the City.

Priest would also like the Police and Emergency Services Committee to reconsider the change of the speed limit on Airport Road. He feels with the Airport Trail being constructed in this area it might be wise to reconsider if raising the speed limit will be a good idea.

Mayor Roat said that Peaks to Prairie would be held this upcoming weekend. There are safety hazards associated with this type of race and the traffic. He said the Police Department is doing a report that can be given to the management of this event and Highway Patrol in order to make it a safer event for all.

Priest said that he spoke with some merchants and with the Police Chief and Assistant Chief regarding the section of Ordinance 871 that speaks to sidewalk vending or lack of during July 4th and the Beartooth Rally. Mahan said that during her discussion with business owners the general feeling is to rescind this section of the ordinance. He feels this needs to be revisited to see if the Council wants it repealed or not. This issue needs to be resolved. This was given to the Land Use and Planning Committee at the last Council meeting.

Meeting adjourned at 8:45 p.m.

Mayor

ATTEST:

City Clerk