

April 28, 2009

The Red Lodge City Council met in regular session on April 28, 2009 at 7:00 p.m. The meeting was called to order by Council Chair, Glory Mahan, followed by the Pledge of Allegiance to the Flag.

**ROLL CALL OF OFFICERS** Present: Council Chair Mahan, Aldermen Kampfe, Richter, Labrie, Kennicott and Priest. Absent: Mayor Scanlin.

**MINUTES OF APRIL 14** Motion by Kampfe, second by Labrie to approve the minutes of April 14 as submitted. On roll call vote all Aldermen present voted "Aye." Motion carried.

**COMMENTS FROM PUBLIC REGARDING AGENDA ITEMS** None

**SPECIAL COMMITTEE** None

**STANDING COMMITTEES – Administration – CDBG Facilities Grant Application – Boys & Girls Club – Public Hearing** Kampfe said the Council only has one application for the CDBG Facilities Grant before them. The Boys and Girls Club has submitted an application for these funds. Council Chair Mahan opened the public hearing. Jodie Ackerman, Executive Director, showed the Council their preliminary plans of the work they would like to see done on the building. Once again Jodie commented that the only way to receive federal funds is for the City or County to apply for the non-profit organization. The Club will be addressing several safety issues with this project. This project will be done in three phases. The CDBG funds will only be a portion of the funding that will be needed to accomplish all three phases.

Pat Corbe – 6 Willow Bend Road – Corbe said she is very proud to be associated with the Boys and Girls Club.

Alex Getz – 1149 Kane Circle – Alex is a member of the club and gave examples of the repairs and work that need to be done to the club to make it better for the youth.

Rocky Roberts – 29 Lazy SL – Roberts asked what percentage of the project the CDBG funds would cover. He was told about half. Ackerman told Roberts that the Club would also be going to Rural Development to see if some funding was available.

Travis Burdik - 301 S. Haggin – Program Director – Travis said that a number of children who come to the club are special needs children or children that have not found another place where they fit in. Travis feels these children need to be shown that they matter and he feels with the City standing behind this project that will be done.

Council Chair Mahan closed the public hearing.

**Resolution No. 3284 – Authorize CDBG Application – Boys & Girls Club**

**RESOLUTION NO. 3284**

**RED LODGE CITY COUNCIL**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF RED LODGE TO SPONSOR A COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC FACILITIES PROJECT FOR FY-09.**

**WHEREAS:** The City Council held a public hearing to solicit ideas and projects that would qualify for funding under the Community Development Block Grant Public Facilities program that could be sponsored by the City of Red Lodge, AND;

**WHEREAS:** The City of Red Lodge may only sponsor one Community Development Block Grant public facilities application per year, AND;

**WHEREAS:** The Red Lodge City Council conducted a second public hearing on April 28, 2009 to select the Community Development block Grant public facilities application to be sponsored by the City of Red Lodge, AND;

**WHEREAS:** The Red Lodge Boys and Girls Club expansion project has broad based support within the community and appears to qualify for funding via the Community Development Block Grant public facilities program.

**NOW THEREFORE BE IT RESOLVED,** by the City Council of the City of Red Lodge, Montana to adopt Resolution No. 3284 to sponsor the Red Lodge Boys and Girls Club Expansion project Community Development Block Grant application.

Motion by Kampfe, second by Priest to approve Resolution No. 3284, a resolution by the City Council of the City of Red Lodge to sponsor a Community Development Block Grant Public Facilities Project for FY-09. On roll call vote those in favor: Aldermen Kampfe, Mahan, Richter, LaBrie and Kennicott. Those abstaining: Alderman Priest. Motion carried. Priest abstained as his wife is on the Board of Directors of the Boys and Girls Club.

**Reroof City Hall Contract** Motion by Kampfe, second by Labrie to approve the contract with Briggs Roofing Company to reroof City Hall with the addition of the comments from Sam Painter. On roll call vote all Aldermen present voted "Aye." Motion carried.

Sanderson said the City will ensure that the Montana prevailing wage is met. Sanderson will also look into the insurance for this project. Discussion was held on where the funds would come from to do this project. Sanderson said they would either come from Capital Projects or from the Public Works Department. The stimulus funds from HB 645 will not be available to the City until FY-10. The City will need to apply to the Dept. of Commerce for these funds.

**DEQ Application for SRF – Solar Panels Wastewater** Motion by Kampfe, second by Richter to adopt Memo DEQ WWSRF Solar Panel Project dated April 24, 2009 as findings of fact. Further, I move to approve the acceptance of the \$518,450 in funding for the Solar Panel Project. On roll call vote those in favor: Aldermen Kampfe, Mahan, Richter, Labrie and Kennicott. Those opposed: Alderman Priest. Motion carried.

Jay Mennenga of Roberts told the Council that the goal is to reduce carbon footprints. They brought the solar panel project to the Council. The DEQ grant would fund 52% of this project. The solar panel project would reduce the carbon footprint by 14% of the City's goal.

Sanderson said the financials are tough on this project. DEQ has fully funded the request made by the City. The total amount funded is \$518,450. The grant portion of the funding is \$270,100. This means the City would be borrowing \$248,350 for a term of 20-years at either 0.75% or 1.75% interest. Sanderson said if the City chooses to accept the funding, ARRA requires the City to commit the funds by May 17, 2009 and to have them fully expended by February 17, 2010.

Richter feels the solar panels are a very good project for the City. She said it is time to step up and think about the carbon footprint and take this seriously. Kennicott commented on the size of the project that could be done for the amount of funding the City would receive. The funds could be there to do a bigger project than first thought. Priest said he is open-minded but has found the project to be a forty-nine year payback. He said it would take approximately twenty-one years before the City starts to see any kind of savings. He said that he feels it is not a very good tradeoff right now. He said this is supposed to be a stimulus project but will take forty-nine years before there is a benefit to the ratepayers. Labrie said she has concerns about the cost of the project and what the payback will be. She does however feel it is a good project. Kampfe said he feels there are several questions about operation and maintenance that have not yet been answered regarding this project. He does not see a complete picture. Jay Mennenga commented that the operation and maintenance costs would

be minimal. He said the system would be warranted for twenty-five years but these systems appear to last longer. Mennenga said the savings on the energy bill would be immediate with the installation of this system. Kampfe is concerned with the idea of paying off the note in twenty years and another twenty-eight years to break even on the project. He wonders if the technology itself has a forty-eight year lifespan.

The Council discussed having the initial engineering done on this project to get more information for the Council to make a final decision. After the information is received if the Council chooses they can return the funding and not do the project. It was decided to have the engineering study done at a cost of no more than \$10,000.

**DEQ Application for SRF – Water Rehabilitation** Sanderson told the Council that the funding from DEQ from stimulus funds for the water rehabilitation project has been denied.

**Emergency and Police Services – Ordinance No. 876 – Speed Limit Red Lodge High School – Second Reading**

**ORDINANCE # 876**

**AN ORDINANCE AMENDING THE 2005 RED LODGE CITY CODE TO ADD A SCHOOL ZONE FOR THE RED LODGE HIGH SCHOOL AND ESTABLISH A 15 MILE PER HOUR SPEED LIMIT IN ALL SCHOOL ZONES.**

Motion by Kennicott, second by Kampfe to approve Ordinance No. 876, an ordinance amending the 2005 Red Lodge City code to add a school zone for the Red Lodge High School and establish a 15 mile per hour speed limit in all school zones, on second reading. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**Code Codification** Sanderson reported to the Council that Sam Painter is approximately half way finished with the code codification work that he is contracted to do. Sanderson said the project would be completed by contract date at contract price.

**Update on Committee Meeting** Kennicott reported that she attended a meeting of the Fire Council where reactivating the Local Emergency Planning Committee was discussed. The meetings will be the third Tuesday of the month at 1:00 p.m. She said the ladder truck needs a very costly repair of approximately \$25,000 for parts and labor, which affects its safe functioning. If not repaired it could cause insurance premiums to go up for firefighters. A new truck is \$550,000 and a used one is approximately \$250,000. As an aside to this it was stated that the current resort tax funds are only for “Capital improvements to streets, alley, roads, the municipal water system, the municipal sewer system, and parks and sports recreational facilities, in an amount equal to seventy-nine percent of resort tax revenues derived during the preceding fiscal year.” Chief Kuntz is suggesting that the resort tax review committee consider including capital improvements for police, fire and EMS for possibly 15-20% of the revenues.

The committee discussed animal issues and the possibility of increasing related fines. Chief Pringle is going to review the ordinance to determine the fee structure. Kennicott said as part of the Admin. Committee, they will amend the ordinance to state that fines will be set by resolution.

Kennicott said the Fire and Police are still requesting that the applications for street closures for Beartooth Rally be received two weeks in advance so they have time to review for issues rather than just sign for acknowledgement purposes. Both Chiefs have concerns about having so many street closures at one time and their ability to respond with emergency vehicles. Suggestions were made that in the future, all stakeholders in an event are requested to submit their requests by a set deadline so it can be treated like one event. This way the requests are not being made piecemeal without City personnel and the Council being able to see the whole picture. Many questions were discussed regarding these closures.

**Land Use and Planning – Affordable Housing Update** Laura Getz said the realtor was instructed to adjust the prices of the Cooper Lots as decided by Council at the last meeting. It was also decided that the Affordable Housing would come back to the Council when they have more to report or if the Council has questions.

**Snow Creek/Blue Ribbon – Street Closure and Open Container Waiver – 13<sup>th</sup> Street Alley to Broadway – Beartooth Rally** Motion by Kampfe, second by Priest to approve a rally street dance July 17 – 19 with the following conditions: music and alcohol serving is over at midnight, the south sidewalk be kept clear and the applicant get the signature of the Police Chief on the open container exemption request. On roll call vote those in favor: Aldermen Kampfe, Mahan, Labrie and Priest. Those opposed: Aldermen Richter and Kennicott. Motion carried.

Kampfe said the condition speaks to keeping the south sidewalk clear so emergency services can get through the area if need. People can mill about in this area but it's kept clear of stationary objects. Kampfe said it does not mean to fence the area off. Priest said he is not convinced this will work very well and that it may reduce the quality of the event. He said the open container request is not for the sidewalk and the applicant will need to put up a fence to comply with the condition. Kampfe said his understanding of the condition is to simply keep the sidewalk clear and this would not require fencing.

Amendment to motion by Kampfe, second to amendment by Labrie to include the fourth condition that the open container exemption be extended to the sidewalk on the north and south of 13<sup>th</sup> Street between Broadway and the alley. On roll call vote those in favor: Aldermen Kampfe, Mahan, Labrie and Priest. Those opposed: Aldermen Richter and Kennicott. Motion carried.

**Street Closures – 8<sup>th</sup> Street East Broadway to Alley, 9<sup>th</sup> Street West Broadway to Oakes & 13<sup>th</sup> Street West Broadway to Alley – Beartooth Rally** Tim Buckstead said he is withdrawing his request for the closure on 8<sup>th</sup> Street as this street is not applicable for the request due to zoning. Buckstead said he would quite likely come back to the Council for a different street closure in the future.

Motion by Labrie, second by Kampfe to approve the application for street closure of 13<sup>th</sup> Street west between the alley and Broadway with the sidewalk on the south side being kept clear for emergency purposes. On roll call vote all Aldermen present voted "Aye." Motion carried.

Kampfe feels this could be a very good way to handle the vendors that will be in town for the Beartooth Rally. He will be curious to see how well it works for the City and the vendors. Kennicott asked what the hours of use would be. She was told there are no laws regulating the vendor's hours but there is an ordinance for noise that would probably answer the question. The reminder was made that the vendors would need to purchase a business license and pay the resort tax if appropriate. Buckstead said he would like to put together a packet that would be given to the vendors with all the appropriate information upon coming to Red Lodge for this event. It would include pertinent ordinances and appropriate fees.

Kennicott voiced her concerns regarding so many closures. She just wondered what would be considered too many closures at the same time. It makes it hard for parking. This is something the Council would be the decision maker on.

Motion by Labrie, second by Kampfe to approve application for street closure of 9<sup>th</sup> Street between Broadway and Oakes Ave. south. On roll call vote those in favor: Aldermen Kampfe, Mahan, Labrie and Priest. Those opposed: Aldermen Richter and Kennicott. Motion carried.

Kennicott said she erred in her vote on the 13<sup>th</sup> Street closure due to concerns she has heard. She was told she would have to bring it up for another vote. It would need to be an agenda item at another meeting.

**Heritage Propane Lease Termination** Heritage Holdings has leased property in the Community Entrance from the City since 1988. The original lease expired on September 12, 2008 and was extended by the City Council to June 13, 2009 subject to conditions. The City is currently in the process of considering the sale of the 22,400 square feet that has been historically leased by Heritage Holdings. Though the sale process necessary to complete the transaction could be completed by June 13, 2009, the odds of everything coming together to complete the sale is unlikely. The options are the Council could reaffirm the previous position and allow the lease and use of the property to terminate on June 13, 2009 or the City could agree to a 60-day grace period to allow for the completion of the process to possibly sell the subject parcel. Priest feels the City should extend for a longer period of time so everything can be processed without rushing. This will come back to the Council as an action item at the next meeting.

**Public Works – HD 645 Funds** Sanderson said the City will have to apply for these funds through the Department of Commerce. He said he will track the progress of these funds and keep the Council informed.

**CITIZEN REPORT** Rocky Roberts commented that he enjoyed the meeting.

Tim Buckstead asked the Council to very carefully consider the sidewalks and what is required during street closures.

**OLD BUSINESS** As a reminder the first Council budget meeting will be held May 19, 2009 from 5:00 p.m. to 7:00 p.m.

**NEW BUSINESS** None

**CORRESPONDENCE** A memo was received from Lynn Jackson about signs regarding exhibition driving. This is something that will be on the next agenda for discussion.

**MISCELLANEOUS** Kampfe reported that five of the Council attended the animal control meeting that was held. He said it was a very interesting meeting and he would like the Council to stay informed on the matter. He also commented that Susan Bury pointed out that Brian Roat, when he was Mayor, is the one who approached the Humane Society regarding using City land for the housing of animals.

Kennicott said she feels that perhaps she is not as quick to pickup on requests for the use of City property as she is not on the Land Use Committee. She does not hear the discussion of the committee when these items come up on the agenda. She was told that questions can be asked during the meeting.

Meeting adjourned at 9:10 p.m.

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Mayor

ATTEST:

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City Clerk