

August 10, 2010

The Red Lodge City Council met in regular session on August 10, 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, Kennicott and Priest. Absent: Alderman Labrie.

MINUTES OF JULY 13 Motion by Mahan, second by Richter to approve the minutes of the July 13 as submitted. On roll call vote all Aldermen present voted "Aye". Motion carried.

CLAIMS AGAINST THE CITY Motion by Kampfe, second by Kennicott that claims against the City totaling \$220,247.93, approved by the Auditing Committee, be paid and warrants drawn on their respective funds in payment. On roll call vote all Aldermen present voted "Aye." Motion carried.

Kampfe reported on some of the claims that will be paid at this time. Kampfe told the public that claims were being paid for the City insurance. The City has insurance with Montana Municipal Interlocal Authority. The property insurance for the year totals \$13,648 and the liability insurance is \$71,461. This gives an idea of the cost to the City for something like insurance. A claim is being paid to Sundance Solar for \$40,934 on the solar array project that is being done.

OFFICERS REPORTS The officer's reports were presented to the Council for their review. Mayor Roat pointed out the report submitted from the Police Chief, as it is rather long since it is for the month of July. There were some serious and humorous offences noted in the report. This indicated there was a lot of activity in town during July.

COMMENTS FROM PUBLIC REGARDING AGENDA ITEMS Peter Christ pointed out that the public is still very interested in having more discussion regarding the extension of Hauser Ave. on the north end of town. He wants to make sure the public will be able to voice opinions and concerns on this topic.

SPECIAL COMMITTEES – None

ADMINISTRATION – Resolution #3313 – Budget Transfers FY 09-10

RESOLUTION NO. 3313

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA AUTHORIZING FISCAL YEAR 2009-2010 BUDGET TRANSFERS.

Be It Resolved that the following Fiscal Year 2009-2010 Budget Transfers are hereby authorized:

Fund No.	Account No.	Description	Transfer
TRANSFER TO:			
1000	410100-100	Council-Salary	33.00
1000	410300-300	Council-Purchased Service	508.00
1000	410360-200	Court-Supplies	562.00
1000	410500-300	Clerk-Purchased Service	813.00
1000	410530-300	Audit	4850.00
1000	410600-200	Election-Supply	344.00
1000	420400-200	Fire-Supply	8609.00
1000	420400-300	Fire-Purchased Service	9648.00
1000	420700-100	Ambulance-Salary	34288.00
1000	430200-300	Streets-Purchased Service	1689.00
1000	430263-300	Street Lights	21511.00

1000	460100-100	Library-Salary	222.00
1000	460100-200	Library-Supply	1977.00
1000	460400-200	Parks-Supply	8.00
TRANSFER FROM:			
1000	410200-100	Mayor-Salary	100.00
1000	410200-300	Mayor-Purchased Service	337.00
1000	410360-300	Court-Purchased Service	1375.00
1000	410600-300	Election-Purchased Service	109.00
1000	411500-300	Estate Administration	33958.00
1000	420400-100	Fire-Salary	3671.00
1000	420400-900	Fire-C.O.	7328.00
1000	420700-200	Ambulance-Supply	20050.00
1000	420700-300	Ambulance-Purchased Service	3400.00
1000	420700-900	Ambulance-Capital Outlay	10838.00
1000	430200-100	Street-Salary	1689.00
1000	460100-300	Library-Purchased Service	1840.00
1000	460100-900	Library-C.O.	359.00
1000	460400-300	Parks-Purchased Service	8.00
TRANSFER TO:			
2100	430230-300	Streets	12151.00
TRANSFER FROM:			
2100	430500-300	Water	12151.00
TRANSFER TO:			
2394	521000-826	Building-PERS	362.00
TRANSFER FROM:			
2394	420530-200	Building-Supply	362.00
TRANSFER TO:			
4030	411000-910	Capital Proj.-C.O.	209520.00
4030	430200-350	Capital Proj.-Purchased Serv.	7984.00
TRANSFER FROM:			
4030	411000-300	Capital Proj.-Purchased Serv.	59728.00
4030	430200-300	Capital Proj.-Purchased Serv.	132503.00
4030	430255-900	Capital Proj.-C.O.	25273.00
TRANSFER TO:			
5210	430510-100	Water-Salary	11123.00
TRANSFER FROM:			
5210	430510-471	Water-Supply	11123.00
TRANSFER TO:			
5410	430800-100	Solid Waste-Salary	317.00
TRANSFER FROM:			
5410	430800-200	Solid Waste-Supply	317.00

Motion by Kampfe, second by Mahan to approve Resolution #3313, a resolution of the City Council of the City of Red Lodge, Montana authorizing FY 2009-2010 budget transfers. On roll call vote all Aldermen present voted "Aye." Motion carried.

Airport Agreement Motion by Kampfe, second by Kennicott to approve the agreement between the City of Red Lodge and Carbon County to establish a joint City-County Airport. On roll call vote all Aldermen present voted "Aye." Motion carried.

Kampfe said this agreement dates back to 1959. The most recent update was done in 1981. This agreement has been long standing between the City and the County but it was time to review it once again. The Administration Committee felt the agreement has worked well so the changes made were very minor ones. One of the proposed changes was to add another paragraph under item 4. Powers of the Board to read "All airport leases should be in compliance with City regulations, including but not limited to, the Growth Policy, Development Code and zoning. All leases must consider impacts on City infrastructure and the Board shall consult with the City about these impacts. Copies of leases shall be provided to City Hall." Sam Painter added a paragraph titled Dispute Resolution. He felt this should be included in the agreement. The agreement will go to the County so they can review it to see if it will work for them.

Fun Run – Use of City Property and Streets Motion by Kampfe, second by Mahan to approve application for the use of City property by the Red Lodge Fun Run for Charities with the following condition: the payment of \$100 be included. On roll call vote all Aldermen present voted "Aye." Motion carried.

The request was made to waive the \$100 fee for the use but the Council stated they do not do this for non-profit organizations. All non-profits are treated the same and they pay for the use as do others making similar requests.

Fireworks Display Contribution Priest requested that the decision made at the last meeting to make a contribution for the fireworks display from Resort Tax funds be reconsidered. He said that he obviously missed that funds given would be taken from Resort Tax money. He does not feel this is an appropriate use of Resort Tax funds.

Motion by Priest, second by Kampfe to reconsider the \$1500 for the fireworks display by way of the Parks Board from the Resort Tax Fund at the next meeting. Motion and second were rescinded.

Kampfe commented that a budget session will be held tomorrow, August 11, and the Council can discuss this request at that time and try to find an appropriate area to take the funding from.

Police and Emergency Services Kennicott said that the first meeting was held on July 29 with the County Commissioners to start the procedure of setting up the Interlocal Agreement for the Ambulance District. She said the District first needed certification of establishment from the Secretary of State and that had been received and filed with the Clerk and Recorder on August 2, 2010.

Commissioner Prinkii said an "Issue of Order" to create the Red Lodge-Roberts district has been placed on their agenda for August 23rd. Prinkii said that he and the Deputy County Attorney will be meeting on Tuesday, August 17, to start drafting the Interlocal Agreement and he asked the City to send representatives to help with this process. Prinkii said there is a lot of work that needs to be done on this process. Prinkii said that the County would like the City to consider in the first year of operation of the Interlocal Agreement to have the Ambulance District provide the revenues and contract with the City for services.

Prinkii said the Ambulance District Board will be made up of five members. It is anticipated at this point that the County would appoint two members and the City would appoint two members. At this time it is undecided how the fifth member would be appointed. It is recommended to have staggered three-year terms.

Mayor Roat commented that he has asked the City Attorney to look into the transferring of City equipment to the Ambulance District. Sam Painter pointed out the procedure that needs to be taken as stated in the MCA. He said the City needs to advertise their intent of doing so.

Land Use and Planning – Mountain Springs Villa Compliance with Conditions – Petition to Abandon Coutts Ave between 1st and 2nd Streets – Open Alley Between Colt Communications and Mountain Springs Villa in Block 95 Sanderson said there is a proposal from NeighborWorks Montana to have the City do the work to complete the outstanding public improvements with the exception of fixing the right-of-way slope adjacent to the Alpine Motel. This fix is a DOWL-HKM problem and is outside the scope of the required public improvements that is found in the agreement. Sanderson said that NeighborWorks is saying that they are not able to complete the required improvements in a timely manner and the City may, as prescribed in Montana Subdivision Law, seize the bond and complete these works. Sanderson said the letter of credit the City is holding would pay for these works.

Sanderson said that five zoning violations still exist in Block 95. The proposal submitted from NeighborWorks is to abandon that portion of Coutts Ave., which is in Block 95. Sanderson said he has already received the petition for this closure. The Council must now hold a public hearing on this petition. Sanderson proposes the Council schedule the public hearing for Tuesday, August 24, as the first item on the agenda. Based on the information gathered from this public hearing the Council can then make an informed decision as to whether or not they should abandon this portion of the street.

Sanderson said that if Coutts Ave. were to be abandoned between 1st and 2nd Streets the homes in Block 95 can be straightened out, moved closer to the property line and still meet the required front line setback as well as the rear yard setback. This solves a number of problems for NeighborWorks Montana. They will of course incur the maintenance of the road if the abandonment occurs. They will also be responsible for snowplowing. NeighborWorks feel that these drawbacks are more than offset by the fact that they will be able to increase the density and will be able to add one more unit in Block 95. It was asked if the name Coutts Ave. would remain in this area of abandonment and it was commented that the street name would not change.

The gentleman that platted Colt Communications has approached Sanderson with development plans for Lot 1 in Block 95 for some time next year. He would like to have the alley in Colt Communications opened and built, as it is needed for utilities like trash collection. When the Colt Communications plat was filed the City required from Mr. Siddle the ownership of this alley because direct access to Villard was denied.

Meeting with MDT – Highway 212 Lighting/Construction Sanderson said the current proposal for Highway 212 remains the divided highway with limited access. The specific issue at hand for the meeting that was held was lighting. The current proposal is to install thirty-three 40-foot tall poles that are lit with 250-watt high-pressure sodium lights. These are very bright lights that will illuminate the corridor from Highway 78 all the way out to Two Mile Bridge Road. All the poles will be on the east side of the right-of-way and will light both lanes as well as the median. The request that was evaluated by MDT was to consider the use of LED lights. When this request was evaluated it was found that the number of light poles would go from thirty-three to fifty. Marvin Associates did a comparison between HPS and LED luminaries and the costs were estimated for only the poles and luminaries and other factors such as foundations, wire size and number of services were assumed to be relatively comparable and not included. The cost for thirty-three – 250 watt HPS luminaries was calculated to be \$95,700, while the cost for fifty – LED luminaries was \$180,000, a difference of \$84,300. If a change to LED lights was made the City would then own them along with their maintenance.

The City does not have \$85,000 for this difference in lights. The local Climate Protection Group was contacted to see if they have constructive thoughts on where the funds could be found.

MDT needs an answer from the City regarding lighting by September 30, 2010. However Sanderson said that LED lights would be used from 3rd to 8th Streets and MDT will try to match the lights currently in operation on Broadway in the historic lighting area.

Clay Cummins asked if LED lights get warm enough to melt snow. It was stated that MDT has these same concerns with using LED lights. Sanderson said that MDT would be doing some additional analysis on this component. MDT also expressed the concerns of whether or not LED lighting would be safe in the type of climate and snow that Red Lodge has.

Peter Christ asked if any concerns from citizens regarding the divided highway were discussed at this meeting. Sanderson said that MDT does not seem to have any desire to change the Highway 212 corridor regarding the divided highway. Sanderson said that his advice to anyone interested in voicing opinions or concerns with this topic should send a letter directly to the District Administrator.

Adoption of 2009 International Building Code Sanderson said that Red Lodge is a certified city with one certified commercial inspector and two certified residential inspectors. He said the State of Montana has adopted the 2009 International Building Code. The 2009 IBC is a very good document. It is superior to the current document being used by the City, which are the 2006 codes. Sanderson said he would present an Ordinance to the Council at the next meeting so a public hearing can be held regarding the change to the new code.

Open Container Request from Bridge Creek Motion by Kampfe, second by Mahan to reconsider the open container exemption request made by Bridge Creek at the July 27 meeting. On roll call vote those in favor: Aldermen Kampfe, Mahan, Richter, and Priest. Those opposed: Alderman Kennicott. Motion carried.

Kampfe stated that he was on the prevailing side when this request was voted on at the July 27 meeting. At that meeting the request failed due to a split vote with the Mayor voting no to the motion. Bridge Creek has come with the request for open container exemption on the three feet of sidewalk in the front of their business. Kampfe said he would be willing to allow this exemption through October 15, 2010. If it were approved there would then be time to review this problem and decide what could be done to make this a part of the standard request by dealing with extended periods of time for this request.

Jim Northcutt asked the Council if they have ever reviewed the American Disability Act regarding the regulations pertaining to sidewalks. He stated that his wife is hindered by clutter and extensions made on the City sidewalks, especially on Broadway.

Kennicott said she walked the sidewalks this afternoon with Chief Pringle and saw the sidewalks with new eyes regarding clutter and space. She said this is something that really needs to be studied, as the sidewalks can be very hard to maneuver. She is not against this request but feels it should be studied first before anything more is done.

Plenty of discussion was held on this topic from the public. Those in the audience who spoke to this issue stated the hardship of handicapped people in walking our sidewalks. They all felt that everyone should be considered and the ADA should be considered when decisions are made on how the sidewalks can be used.

This will come back to the Council at the next meeting for the open container exemption request. Kampfe said he is committed to look at this topic and to try and come up with an answer that can be put into use by the City.

Public Works – Petition to Abandon Coutts Ave. Between 1st and 2nd Streets Motion by Mahan, second by Kampfe to approve the hearing date for the petition to abandon Coutts Ave. for August 24th at 7:00 p.m. On roll call vote all Aldermen present voted “Aye.” Motion carried.

CTEP/Safe Routes Sidewalk Sanderson said the City has been banking annual funds from CTEP to use for the Safe Routes to School project. He said the annual appropriation for the City is approximately \$11,000. There is about \$68,000 in the City’s CTEP account to now use for this project. A Safe Routes to School grant was applied for and awarded for the sum of \$50,000. The City has approximately \$130,000 currently in the restricted cash in lieu of sidewalks. All of these funds can be used to do this pedestrian sidewalk from Highway 78 going south to the schools. The sidewalk will be protected by curb and gutter and will be five feet wide. Sanderson said the City is gearing up to call for bids on this project. He met with the Lions Club, as there is a problem with the proposed irrigation project that will be done with County CTEP funds in the park. The sidewalk, as planned, would have been installed over this project. The proposed sidewalk will be moved and will not hinder the irrigation project the County is funding. The design will be changed to incorporate both projects.

CITIZEN REPORT Karen Lindeke inquired when and if another meeting would be held regarding the extension of Hauser Ave. Sanderson said that on September 22 the Planning Board would be having a meeting at 5:30 p.m. on the annual Growth Policy review. The entire Growth Policy will be open to comment at that time.

Clay Cummins read a letter submitted from Property Owners Association at CCE regarding the desire to have more discussion on this topic.

Priest asked that a clear agenda of what people would like to know and a list of concerns and questions be drawn up. Peter Christ said he would be very willing to do this. The Council committee and Sanderson will then set the agenda and time for a future meeting. He said he would like to see a specific goal determined.

CORRESPONDENCE None

MISCELLANEOUS Mayor Roat said the streetlights on Broadway have a design problem. The lights have been out for an extended period of time. He said that NorthWestern Energy will start changing the sockets in the lamps and lights will be replaced.

Mayor Roat said the Governor will be in Red Lodge and will visit the sewer lagoons to look at the solar array project being done on August 13.

Kampfe told the Council he will be out of town and communication from August 13 – August 20.

A reminder was given of the budget session that will be held August 11 at 3:00 p.m.

Meeting adjourned at 9:05 p.m.

Mayor

ATTEST:

City Clerk