

August 8, 2006

The Red Lodge City Council met in regular session on August 8, 2006 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 Bullock, Mahan, Lockman, Stauffer, Scanlin and Reynolds. Absent: None.

MINUTES OF JULY 25 Motion by Stauffer, second by Reynolds to approve the minutes of July 25 as corrected. On roll call vote all Aldermen present voted "Aye." Motion carried.

Scanlin pointed out on page four, amendment to motion on Ordinance No. 867, change #1. "permitted where the relocation uses the suggested addition would create a conforming lot". The underlined words are to be removed from the sentence. Mahan pointed out on page one under Land Use and Planning second paragraph "The Golberg's are proposing to construct a single-family residential structure with an out (structure) building on a 20.01 acre tract."

MINUTES OF SPECIAL MEETING JULY 27 Mahan asked to correct the second to last sentence of these minutes. "The repayment of the loan will be upon the sale of these lots as they are sold to (affordable) qualified homeowners."

Motion by Mahan, second by Reynolds to approve the minutes of special meeting on July 27 as corrected. On roll call vote all Aldermen present voted "Aye." Motion carried.

CLAIMS AGAINST THE CITY Scanlin reported the claims totaled \$173,620.23.

Motion by Scanlin, second by Reynolds that claims against the City approved by the Auditing Committee be paid pending signature by department heads and warrants drawn on their respective funds in payment. On roll call vote all Aldermen present voted "Aye". Motion carried.

OFFICERS REPORTS The officer's reports were approved by the Council as submitted.

SPECIAL COMMITTEES None

STANDING COMMITTEE – Administration Scanlin reported the union negotiations are still being handled and an upcoming meeting will be held on wages for the two unions. Hopefully an equitable package can be reached and a report will be forthcoming.

Police and Emergency Services – Interlocal Agreement for Ambulance Tom Kuntz said the City Attorneys impression regarding the mills levied for the proposed interlocal agreement can be done by the City and County adopting the agreement and the mills being levied as a special district. The process would be the passage of an ordinance by the Council with a publication of the passage of the ordinance giving the public thirty days to protest the passage of the ordinance. If more than 51% of the taxpayers do not respond with a written protest to the ordinance it remains in effect. This is how the City Attorney feels things would work but he is looking for an Attorney General ruling on this matter. The County will have to do the same things the City does in regard to this agreement. If the Council is in favor of this agreement it will then go to the County for their approval so the proper steps can be taken.

Discussion was held on the membership of the Board of Directors. It states the board shall have five members; two County appointments, two City appointments and the ambulance service Medical Director shall be the fifth. Reynolds feels strongly that the appointments by the City and County should only include one Council member and one Commissioner if that is desired by both. She wants to make sure that Commissioners and Council members do not make up the total membership. Tom Kuntz said this could be included in the agreement.

Discussion was held on the mills that would be levied for this service district. The mills will be the same for the County and the City. What is being proposed is that the City would maintain the employees, as the City is already set up to handle employees and the City would retain the same rights as the employing entity. The district will be created first and then an agreement will be made between the district and the City as to how employees will be employed.

The maximum number of mills that can be levied for this district will be set by ordinance by the County and the City. It would be the decision of the Board of Directors as to how many mills would be levied each year as needed within the ordinance guideline. Scanlin expressed concerns about increasing the number of mills assessed against City residents from six to twenty mills to carry out the proposal. The Board of Directors will also set the fee schedule for the ambulance service.

The Council said they are comfortable with this agreement moving forward and going to the County for their thoughts and decisions. City Attorney Painter needs to give the City a reply to make sure it is proper for the City and County to address this issue and set the mills by ordinance.

Land Use and Planning – Appointment to City Planning Board – Charlie Brandine Motion by Mahan, second by Reynolds to approve the appointment of Charlie Brandine to the City Planning Board. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Ordinance No. 867 – Second Amended Development Code – Second Reading
ORDINANCE NO. 867 (caption)

AN ORDINANCE AMENDING THE FIRST AMENDED RED LODGE DEVELOPMENT CODE PREVIOUSLY ADOPTED THROUGH ORDINANCE 840 INCORPORATING THE CHANGES IN THE LAWS OF THE STATE OF MONTANA ADOPTED BY THE 2005 MONTANA LEGISLATURE.

Motion by Lockman, second by Mahan to approve Ordinance No. 867 on second reading. On roll call vote all Aldermen present vote “Aye.” Motion carried.

Public Works Mahan said Tim Swansborough has run into delays on the public restrooms chiefly because he has had difficulty in getting workmen to complete tasks that have already started. The outside walls need to be repaired by the contractor and he has been busy and has not been able to come back to do this work yet. All equipment and supplies are in the facility and need to be installed. Swansborough indicated to the Public Works Committee that he would be getting contractors in line to finish the installation on the inside of the building. Mahan said the committee has told Swansborough they will be available to help him if it is needed.

CITIZEN REPORT None

OLD BUSINESS Mayor Roat said the drafts submitted by John Prinkki regarding the land exchange with Beartooth REA have been approved by the City Attorney. The Mayor will task the PWD with making sure there are no questions or environmental issues with this property. Scanlin said the deed restrictions on the affordable housing lots would run with the sale of land. The City Attorney has reviewed some documents that can be used for these land sales. She said there are three parties in line for three of the lots. The other lots will be advertised for. It is being worked on very hard to make sure the City gets the shared equity.

NEW BUSINESS – Red Lodge “Lone Eagles” Barb Beck spoke to the Council on the topic of “Lone Eagles” and what they mean to Red Lodge. This is a silent sector to the local economy of Red Lodge that is not insignificant.

Beck said the definition of a lone eagle is: a self-employed individual, a one-person proprietorship who can work wherever they want and use information technology to sell services or products to a non-local market usually. Beck gave some statistics on lone eagles. Some of the reasons lone eagles do business in rural areas is quality of life, proximity to residence, cost of living, convenience and expense of doing business or the lack of expense. Beck gave examples of several people who live in or around the area of Red Lodge who are lone eagles. There is a group of lone eagles that meet and discuss aspects of their businesses and help each other with problems and information. Based on the national average, eighty percent of the money lone eagles bring in comes from the outside. Beck’s information was very interesting and well presented.

Red Lodge Volunteers Developing Regional Criteria for Sustainable Development: “Greater Yellowstone LEED” Stauffer said he is vice-chair and program head of a regional business group called Yellowstone Business Partnership. One of the top three program priorities is to encourage voluntary standards that would help the Yellowstone region grow in ways to preserve the natural historic and cultural qualities of the area. The partnership started looking nation wide and found the LEED Building Standards did the best job of setting volunteer standards for the kind of thing they want to do. LEED stands for Leadership in Energy and Environmental Design. The partnership went to the USGBC and said they would like to use the LEED standards but would also like permission to develop regional standards that would apply specifically to the Yellowstone-Teton region. After a year of negotiations permission was given. This will be the first time any regional standards are developed anywhere in the United States. This will be done with eight design teams in different subject areas being formed. These design teams will work starting the end of August and going for eight months. They will develop design standards in eight different areas that will be proposed and go through a vetting process to come up with what the voluntary standards are for development in our area. These teams are stocked entirely by volunteers. Red Lodge right now has seven volunteers. Stauffer, Lockman and Brent Moore are three of the volunteers.

Scanlin asked if the cost of the volunteers attending the training would be paid by the City. Moore said that to his knowledge this would not be the case but that he would be going on City time and resources as this would be beneficial training for him in his position.

Resolution No. 3220 – Budget Transfers FY 05-06

RESOLUTION NO. 3220

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA
AUTHORIZING FISCAL YEAR 2005-2006 BUDGET TRANSFERS.**

Be It Resolved that the following Fiscal Year 2005-2006 Budget Transfers are hereby authorized:

Fund No.	Account No.	Description	Transfer
TRANSFER TO:			

1000	410360-200	Court-Supply	503.00
1000	410500-200	Clerk-Supply	956.00
1000	410500-300	Clerk-Purchase Service	551.00
1000	410600-300	Elections-Purchase Service	43.00
1000	420100-100	Police-Salary	10582.00
1000	420100-200	Police-Supply	9247.00
1000	420100-300	Police-Purchase Service	882.00
1000	420100-900	Police-Capital Outlay	15294.00
1000	420400-200	Fire-Supply	3303.00
1000	420400-300	Fire-Purchase Service	3676.00
1000	420530-100	Building-Salary	242.00
1000	420700-100	Ambulance-Salary	2213.00
1000	420700-200	Ambulance-Supply	7024.00
1000	420700-300	Ambulance-Purchase Service	10869.00
1000	420700-900	Ambulance-Capital Outlay	222.00
1000	460100-300	Library-Purchase Service	6414.00
1000	460400-200	Parks-Supply	631.00
TRANSFER FROM:			
1000	410360-300	Court-Purchase Service	503.00
1000	410500-100	Clerk-Salary	26666.00
1000	410600-200	Elections-Supply	43.00
1000	411100-352	Attorney	13460.00
1000	420100-380	Police-Training	2377.00
1000	420400-100	Fire-Salary	1637.00
1000	420400-900	Fire-Capital Outlay	2756.00
1000	420530-900	Building-Capital Outlay	6000.00
1000	430900-200	Cemetery-Supply	710.00
1000	460100-100	Library-Salary	1735.00
1000	460100-200	Library-Supply	841.00
1000	460100-900	Library-Capital Outlay	2500.00
1000	460400-300	Parks-Purchase Service	8471.00
1000	450100-352	Indigent Attorney	4953.00
TRANSFER TO:			
2100	430230-100	Streets-Salary	7594.00
2100	430230-930	Streets-Capital Outlay	186693.00
2100	430230-940	Streets-Capital Outlay	12000.00
2100	521000-829	Transfer to Water	207972.00
TRANSFER FROM:			
2100	430230-300	Streets-Purchase Service	206287.00
2100	430500-300	Water-Purchase Service	207972.00
TRANSFER TO:			
2500	430630-200	Sewer-Supply	470.00
TRANSFER FROM:			
2500	430630-300	Sewer-Purchase Service	470.00
TRANSFER TO:			
2820	430240-940	Gas Tax-Capital Outlay	8000.00
TRANSFER FROM:			
2820	430240-300	Gas Tax-Purchase Service	8000.00
TRANSFER TO:			
5210	430510-100	Water-Salary	42814.00

5210	490210-620	Water-Interest	241.00
TRANSFER FROM:			
5210	430510-300	Water-Purchase Service	43055.00
TRANSFER TO:			
5310	490502-620	Sewer-Interest	386.00
5310	490503-620	Sewer-Interest	112.00
TRANSFER FROM:			
5310	430600-100	Sewer-Salary	498.00

Motion by Reynolds, second by Mahan to approve Resolution No. 3220. On roll call vote those in favor: Aldermen Bullock, Mahan, Lockman, Scanlin and Reynolds. Those opposed: Alderman Stauffer. Motion carried.

Stauffer asked about the transfer from Resort Tax to the Water Fund. He was told that the transfer was for well #2 and the building that was constructed at the treatment plant. This information will be put together.

Ordinance No. 868 – Use of City Property Amended – First Reading

AMENDMENT TO ORDINANCE NO. 857

PROVIDING FOR THE USE OF CITY-OWNED PROPERTY BY PARTIES OTHER THAN THE CITY OF RED LODGE.

WHEREAS, the streets, sidewalks, alleys, **parks**, or publicly-owned **building or** vacant land or other public areas of The City of Red Lodge are held by the City for the benefit of the public; and WHEREAS, on occasion parties other than the City of Red Lodge may wish to use such areas for specific uses; and

WHEREAS, it is the position of the City that such uses may benefit the residents and property owners of The City of Red Lodge; and

WHEREAS, negative affects of such uses can be avoided or mitigated;

NOW THEREFORE, The City of Red Lodge hereby approves on Ordinance as follows:

Use of a City street, sidewalk, alley, **park**, or publicly-owned **building or** vacant land by a party other than The City of Red Lodge for a commercial use of special event shall be prohibited unless such use has been specifically approved in advance by The City of Red Lodge as follows:

1. An applicant shall submit a request for a proposed use to the City through written application specifying such use, whether alcohol is anticipated to be served, the anticipated period of time of such use, the number of people anticipated to participate, potential negative effects such as traffic, noise, trash or need for restrooms, and how they will be mitigated, and a map showing the area of the proposed use.
2. At the time **[the] an** application is **[made] approved**, an applicant other than a not-for-profit organization **or party with a current transient city business license** shall pay a non-refundable fee of \$100 per day, in all cases, in the event alcohol is anticipated to be served or used, the applicant shall pay an additional fee of \$100. **A party with a transient city business license in effect at the time of the requested use shall pay a non-refundable fee of \$10 per day for use of each area of 120 square feet or less for the period(s) defined in the application, up to the maximum amount of \$100 per day.**
3. The applicant, including a not-for-profit organization, shall submit with the application a commitment of insurance with indemnification of The City of Red Lodge in the amount of One Million Dollars (\$1,000,000) for liability in connection with the proposed use. Liability coverage shall be required in the event alcohol is intended to be served or used.

4. The applicant shall provide with the application evidence of notification of each **[business] property owner** or its authorized representative abutting and within one hundred (100) feet of the proposed use for their written consent or comment prior to the date of approval.
5. The applicant shall provide acknowledgment of and signed agreement to the proposed use from the City Police Department, City or equivalent Fire Department and Ambulance service.
6. The applicant shall attach a copy of its City business license to the application unless exempt from the requirement of such license.
7. The City shall have the right to impose any condition upon its approval of an application, and shall retain the right to revoke an issued permit for just cause including but not limited to failure to meet any condition. Failure to obtain approval in advance shall result in the City's right to cause cessation of the activity.
8. Upon approval of the application, **[delete: by a majority of City Council representatives]** the applicant shall provide cash or check in the amount of \$75 towards cleanup and maintenance of the area proposed to be used. Such payment shall be refunded upon verification by the City that the area is trash-free and has been restored to its condition prior to the use by 8 a.m. the following day **of each day of use**. Upon such verification, the applicant's deposit will be refunded the first City business day **[after the event] at the end of the permitted period**.

Use of the area of a City sidewalk within five (5) feet of the lot line of private property in any district zoned for commercial use shall be exempt from this ordinance but shall be subject to the consent of the **[business located] owner of the real property or its representative** on that property.

The deadline for filing a completed application shall be **[delete: the Thursday prior to a meeting of the City Council] four weeks** before the proposed use. **[delete: The Council meets on the second and fourth Tuesdays of each month.]** Eight (8) copies of the application shall be submitted at the time of the filing provided, however, that the attachments need to be filed only with the original application.

Motion by Scanlin, second by Stauffer to approve Ordinance No. 868 Amended on first reading. Discussion was held on the ordinance before roll call was taken. On roll call vote those in favor: Aldermen Bullock, Lockman, Stauffer, Scanlin and Reynolds. Those opposed: Alderman Mahan. Motion carried.

Scanlin said she has proposed dealing with the vendor issue by putting it under the use of City property with a more reasonable rate per day than \$100. This is too much for a small vendor but never the less she proposes \$10 per day per vendor place which would be equivalent to a 12' by 10' space. She also feels that parks need to be added to this ordinance as they receive quite a bit of use.

Mayor Roat asked to have #3 amended to have the last sentence state: "Additional liability coverage shall be required in the event alcohol is intended to be served or used, per City Ordinance No."

Under #2 discussion was held on the fact that the City does not currently have a transient city business license. It was also discussed about whether it is easier to have a lump sum fee paid for use of City property or if it is better to have a per day usage amount. Scanlin read the newly revised #2 "At the time an application is approved, an applicant other than a not-for-profit organization shall pay a non-refundable fee of \$10 per day for use of each area of 120 square feet or less for the period(s) defined in the application, up to the maximum amount of \$100 per day; in all cases, in the event alcohol is anticipated to be served or used, the applicant shall pay an additional fee of \$100.

Scanlin also stated the changes made by Stauffer would be incorporated.

Amendment to motion by Scanlin, amendment to second by Stauffer to include the discussed changes in the ordinance. On roll call vote all Aldermen present voted "Aye." Motion carried.

Mahan feels that Lions Park should be excluded from this ordinance as the Lions Club has always handled the park themselves and the use of it unless alcohol is being served.

Amendment to motion by Mahan, second by Reynolds to exempt Lions Park. On roll call vote all Aldermen present voted "Aye." Motion carried.

Moore asked about the use of City sidewalks within five feet of the lot line of private property. Businesses do use this area of the sidewalk to peddle merchandise from their store. He points out that this is inconsistent with the City codes that prohibit signage within a public right-of-way. He feels the for sale signs are inconsistent. He is having a problem with telling people they may not have sandwich board signs when merchandise with a for sale sign is allowed. He feels the rule is hard for him to apply. He wanted the Council to be aware of this.

CORRESPONDENCE None

MISCELLANEOUS Mayor Roat said information on the City's power bills would be given to John Prinkki to be reviewed by Southern Montana Electric Co-op. If this goes further the Mayor will bring the information to the Council to review.

Lockman said the Boys and Girls Club received a call from Helena strongly urging the Red Lodge Youth Council come to Helena saying they would have a good day. The Council submitted a methamphetamine message that they feel has probably placed in Carbon County.

Meeting adjourned at 9:15 p.m.

Mayor

ATTEST:

City Clerk

Minutes corrected at the August 22 meeting.