

August 14, 2007

The Red Lodge City Council met in regular session on August 14, 2007 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, Lockman, Stauffer, Scanlin and Reynolds. Absent: None.

**MINUTES OF JULY 24** Motion by Stauffer, second by Mahan to approve the minutes of July 24 as presented. On roll call vote all Aldermen present voted "Aye." Motion carried.

**CLAIMS AGAINST THE CITY** Scanlin said the claims totaled \$155,173.69. The committee recommended payment of all submitted claims.

Motion by Scanlin, second by Reynolds that claims against the City 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.

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

**SPECIAL COMMITTEE** None

**STANDING COMMITTEE – Administration** Scanlin told the Council that the FY 07-08 budget has been balanced. There will be a public hearing on August 28 at 6:30 p.m. with the budget resolution going to the Council at the following meeting.

**Police and Emergency Services** Mayor Roat told the Council that Red Lodge has sent some fire equipment and firefighters to the fire that has broke out at Columbus. There is still enough trucks left to protect Red Lodge should anything happen.

**Land Use and Planning – Request for Quit Claim Deed – Vacation of Daly Between 5<sup>th</sup> and 6<sup>th</sup> Streets** The City has received a request from Chuck Naylor to issue a quit claim deed for Daly Avenue between 5<sup>th</sup> and 6<sup>th</sup> Street. The Land Use Committee forwarded the request and supporting documents to Alan McCormick, the City's contracted land use lawyer. Mr. McCormick gave his opinion that based on the documents he was given to review that Daly Avenue between 5<sup>th</sup> and 6<sup>th</sup> Street has not been officially vacated. He said the fact that the assessor's office has considered that portion of Daly Avenue to be vacated and has been charging Mr. Naylor taxes for that property is of no consequence. Such an action has no bearing or legal effect on whether or not the street has been vacated. The Land Use Committee recommends denial of the request.

Motion by Reynolds, second by Mahan to approve the vacation of Daly Avenue between 5<sup>th</sup> and 6<sup>th</sup> Streets. On roll call vote all Aldermen present voted "Nay". Motion failed.

**Class III Conditional Use – Proposed Red Lodge High School** The property for the new high school is located adjacent to the existing football stadium in Coal Miner's Park. The property size is 20.07 acres. The school is applying for a Class III and Conditional Use permit. The proposed high school is situated within the multi-family residential zoning district. The intent of the MFRZD is to provide a residential district which provides a mixture of housing types with multiple-dwelling units in individual structures, such as townhouses, condominiums and apartment units, as well a single-family

detached dwellings and two-family dwellings. A school facility is a conditional use in the multi-family zoning district.

Performance measures for a school in the MFRZ zone include a 30 foot front setback, 30 foot rear setback, 30 foot side setback, 50% maximum lot coverage, 35 foot maximum building height, minimum lot area of 2 acres, and 125 foot minimum lot frontage. The development appears to be consistent with performance measures, except that a variance is requested for maximum building height. The variance application includes a request to increase the maximum allowed building height from 35' to 45'. This evening the Council will only be dealing with the conditional use request. Sanderson said if the Council approves the conditional use it will allow for construction of the high school on the subject property in accordance with the Development Code, which limits height to 35 feet.

Jeff Kanning from Collaborative Design Architects gave a very good power point presentation showing the plans for the new high school with the high performance sustainable design for the whole building. The building will be accessed by 2<sup>nd</sup> and Cooper. The building as proposed now is roughly 56,000 square feet on two floors. There will be a small shop building behind the school.

Mr. Kanning said the school has opted to go from a small finished gym to a larger shell gym that will not be finished at this point. The goal of the school is to create a tournament size gym and they will be looking into public private partnerships to raise additional funding for the gym.

Mayor Roat asked if any provisions will be made for a shop facility for manual arts, welding, woodworking and auto shop. The Mayor was told that this part of education is certainly being addressed.

Lockman asked if all trails would be accessible through the school area. She asked if gates would be open to accommodate public access. She was told they would be open with the trails being accessible. She was told the school would also hopefully use these trails.

Reynolds asked if the street coming off 5<sup>th</sup> Street would be paved and how wide it would be. She was told it would be the access drive to the parking lot and that it would be paved and it would be 24 feet wide. It will be a two way street. A sidewalk will run from the intersection of Cooper and 2<sup>nd</sup> Street into the school.

Motion by Mahan, second by Lockman to approve the Class III Conditional Use Permit proposed by the Red Lodge High School is approved with the following conditions: 1. Prior to project completion, provide to the City a copy of construction drawings with a professional engineer's stamp certifying that all improvements have been completed to engineer's satisfaction. 2. An agreement be developed to address road safety issues, to include choosing the preferred alternative according to a professional engineers advice at the intersection of Cooper and 2<sup>nd</sup> Street, and to include public access, maintenance issues, and any other mitigation factors related to the chosen preferred alternative. This to be decided by a committee including but not limited to the Planning department, land use from the City Council, the fire department and the public works department. 3. Demonstration through a title or survey document that the secondary access to the site has been appropriately placed within existing public right-of-way or the school's leased property. 4. The approval is to be constructed to plat plans and specifications as submitted and reviewed on August 8, 2007. Minor modifications may be approved under the review of the zoning administrator. Major changes to be reviewed by the appropriate board. On roll call vote all Aldermen present voted "Aye." Motion carried.

Scanlin asked how much of the parking would be along the 5<sup>th</sup> Street entrance. She was told that this parking area will hopefully be eliminated.

Stauffer said he sees these plans to be an encouragement for vehicle traffic and a discouragement for pedestrian and bicycle traffic. He is troubled by the 30-foot width with no parking on 2<sup>nd</sup> Street. He feels this road will enable fast driving. He hopes there is some way to make sure the 5<sup>th</sup> Street access remains secondary and does not become primary.

**Phase III Final Plat – Island at Rock Creek** Forrest Sanderson said that Bill Kiely has asked the City for a two-week extension on this Phase II final plat. Sanderson said he has sent Mr. Kiely a list of everything that will be needed in two weeks for a favorable discussion.

Motion by Lockman, second by Reynolds to table this item until the August 28 meeting. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**Public Works** Mahan said that Boyer, from Public Works, has ordered additional pickups for trash in Rotary Park to help with the bear situation. Boyer had done this before the topic was addressed at the last Council meeting.

Mayor Roat said the bids were opened for the water project the City will be doing. The Mayor said he wanted the Public Works Committee to work closely with Boyer and the engineers on this project regarding the fact that all bids came in higher than the engineers estimate and over the funding the City has for the project. The engineer’s estimate was for \$5.4 million. The bids were as follows: COP Construction \$6.8 million, Williams Plumbing \$6.7 million, Western Municipal \$6.1 million and SJ Lewis at \$5.8 million. SJ Lewis is from Minnesota and the engineers will make sure they can work in Montana and check on the history of their work since they are not known. Hopefully Boyer will be ready next week to go to the committee with a recommendation as to what will need to be deleted from the project and who should be awarded the bid. Boyer said anything deleted will not hurt the project for at least the next ten years and the line to the hospital will still be put in during this project.

Mayor Roat said the City crew has removed the stairwell appendage on the east side of the library. This has made the intersection view better going onto Broadway from 8<sup>th</sup> Street.

**CITIZEN REPORT** Jeff Wise asked again if his concern with drainage in the streets was being addressed. Mahan said she will get back to him and set up a meeting with Boyer so they can discuss this problem.

**OLD BUSINESS – Use of Airport Property** Forrest Sanderson was tasked with taking a look at the airport land to weigh the possibilities of doing some kind of mixed-use development or a residential development. Sanderson said if the City looked towards a mixed-use type of development the first thing that would have to occur would be to amend the growth policy. Secondly the zoning would need to be amended to reflect mixed-use or residential use. Currently the area is airport industrial which is a very limited district as to what you can and cannot do especially looking toward an affordable housing site. Sanderson said it will take eighteen months to two years to get a new growth policy and the development code amended so the City could then proceed with a residential subdivision proposal. He said this is not something that can be bandage fixed in regard to the airport area. Sanderson said there are areas that would clearly be suitable for mixed residential development but the growth planning process and the assignment of zones is the correct direction to go to get this done. Nothing can be done this year. Mayor Roat asked if there was anything to prohibit industrial development in this area. Sanderson said as long as it was a permitted use it was okay. Mayor Roat said he has had

inquiries from four businesses with the thought of going into this area. Sanderson said the area around Highway 78 would be the best location for residential units being further away from the airport area. The Mayor would like to be able to visit with these businesses to see if this is something the City is interested in pursuing.

The Parks Board has sent a letter regarding their opinion on the airport land. They would like the area to be used as a park in whole. Reynolds said the Parks Board is working toward making this recommendation to the Council and they do not want land sold to anyone.

Kampfe said he hates to see the Council make any rash decisions regarding the airport property. He feels there is ample time to do a study regarding the area and have more discussion on the best possible use of the property.

**NEW BUSINESS – Resolution No. 3242 – Budget Transfers FY 06-07**

**RESOLUTION NO. 3242**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA  
AUTHORIZING FISCAL YEAR 2006-2007 BUDGET TRANSFERS.**

Be It Resolved that the following Fiscal Year 2006-2007 Budget Transfers are hereby authorized

<b>Fund No.</b>	<b>Account No.</b>	<b>Description</b>	<b>Transfer</b>
TRANSFER TO:			
1000	410360-100	Court-Salary	13681.00
1000	410360-200	Court-Supply	705.00
1000	410530-300	Audit	2794.00
1000	411040-100	Planning-Salary	1468.00
1000	411040-940	Planning-Capital Outlay	1671.00
1000	411100-352	Attorney	5884.00
1000	420100-100	Police-Salary	5478.00
1000	420100-200	Police-Supply	2387.00
1000	420400-100	Fire-Salary	918.00
1000	420530-100	Building-Salary	7069.00
1000	420530-300	Building-Purchase Service	1286.00
1000	420700-100	Ambulance-Salary	21165.00
1000	420700-200	Ambulance-Supply	3751.00
1000	420700-300	Ambulance-Purchase Service	4623.00
1000	430263-300	Street Lights	5803.00
1000	430900-100	Cemetery-Salary	117.00
1000	460100-100	Library-Salary	1043.00
1000	460100-200	Library-Supply	2070.00
TRANSFER FROM:			
1000	410360-300	Court-Purchase Service	613.00
1000	411040-200	Planning-Supply	1255.00
1000	411040-300	Planning-Purchased Service	24335.00
1000	420100-300	Police-Purchased Service	1571.00
1000	420100-380	Police-Training	324.00
1000	420100-160	Police-Dispatch	8.00
1000	420400-200	Fire-Supply	918.00
1000	420530-900	Building-Capital Outlay	8355.00
1000	430900-200	Cemetery-Supply	117.00
1000	420700-900	Ambulance-Capital Outlay	28209.00
1000	430200-200	Street-Supply	5784.00

1000	430200-300	Street-Purchase Service	7311.00
1000	460100-300	Library-Purchase Service	3113.00
TRANSFER TO:			
2100	460400-920	Restroom-Capital Outlay	3633.00
2100	460430-100	Parks-Supply	450.00
TRANSFER FROM:			
2100	460430-300	Parks-Purchase Service	4083.00
TRANSFER TO:			
4030	411100-397	Market Analysis	738.00
4030	430200-910	Land	25713.00
TRANSFER FROM:			
4030	430200-702	TSEP-Mapping	26451.00
TRANSFER TO:			
5210	430510-100	Water-Salary	755.00
5210	430510-300	Water-Purchase Service	246933.00
TRANSFER FROM:			
5210	430510-200	Water-Supply	30094.00
5210	430510-900	Water-Capital Outlay	181300.00
5210	430510-701	Water-EPA Project	36294.00

Motion by Mahan, second by Reynolds to approve Resolution No. 3242 – Budget Transfers FY 06-07. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**Resolution No. 3243 – Hospital Water Line**

**RESOLUTION No. 3243**

**RESOLUTION OF THE CITY COUNCIL OF RED LODGE, MONTANA TO PROVIDE FUNDING FOR THE INSTALLATION OF A WATER LINE TO THE NEW CAMPUS OF THE BEARTOOTH HOSPITAL**

**AND HEALTH CENTER ON THE WEST SIDE OF HIGHWAY 212**

**WHEREAS**, the State of Montana encourages local units of government to work to improve the present health, safety, convenience, and welfare of citizens by planning for future development within communities to ensure new community centers, such as the Beartooth Hospital and Health Center (BHHC), are able to grow with adequate, necessary and available highway, utility, health, educational, and recreational facilities, MCA § 76-1-102; and

**WHEREAS**, the City Council of Red Lodge considers improving the present health, safety, convenience, and welfare of its citizens to be of utmost importance; and

**WHEREAS**, the facilities planned for the new campus of the BHHC will greatly improve the present health, safety, convenience, and welfare of Red Lodge citizens; and

**WHEREAS**, the BHHC constitutes the largest year-round employer in both the City and Carbon County, provides relatively high-paying jobs, and estimates the generation of some \$5 million annually for the local economy; and

**WHEREAS**, the City Council anticipates the planned facilities will improve the City’s economy – both in their construction and in the positive attraction of modern and comprehensive health care facilities to employers, employees, and retirees; and

**WHEREAS**, the entire cost of the planned facilities to the BHHC and its affiliates and partners is currently estimated at between \$30 million and \$35 million, and that amount may require or exceed all the financial resources of BHHC and its affiliates and partners can access; and

**WHEREAS**, The City Council both acknowledges and recognizes that the City and BHHC have a long-standing and mutually beneficial and supportive partnership that each desires to continue, reinforce, and extend.

**NOW THEREFORE BE IT RESOLVED**, the City Council has determined it will budget for and provide funds necessary to extend water service to the new campus of the BHHC ; and **BE IT FURTHER RESOLVED**, that the City Council shall fund the extension of the water service line up to the property line of the BHHC and that the BHHC and/or its affiliates shall then be responsible to pay for the remaining water line from the property line to their facilities; and **FINALLY BE IT RESOLVED**, that the City will make a reasonable effort to ensure that the installation of the water line will be on a schedule desired by the BHHC to meet its construction needs.

Motion by Reynolds, second by Mahan to approve Resolution No. 3243. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**CORRESPONDENCE – Environmental Assessment on Highway 212 Project** A letter was received from MDOT stating they are preparing an Environmental Assessment for the proposed improvements along approximately 21.2 miles of Highway 212. They said the purpose of the letter is to re-solicit the City’s input regarding the proposed project. Forrest Sanderson will do a written response. The Council was told to give any input they have to Forrest so he can incorporate this in the letter. The Council feels they have given responses to the State several times throughout this project being done by the State.

Mayor Roat said he received a letter from a pilot who flew into Red Lodge over the fourth of July. He wrote regarding the safety of his plane at the Red Lodge airport. Mayor Roat said the City would be asking the Airport Board to consider putting in security measures like lighting, security cameras and fence and gates. He asked the Council to be thinking about this.

**MISCELLANEOUS** Mayor Roat said the Supreme Court would pay for the video arraignment equipment. It will be installed at the County building but may eventually be brought to City Hall also. The City will share in the cost of this system.

Jeff Wise spoke to the new lights that have been put in at First Interstate. These bright lights replaced sodium vapor lights that were formerly there. He wonders if these lights follow the City codes or if the City was consulted before the lights were put in. Forrest Sanderson said the City would be addressing these lights to see if they meet code. Sanderson said the lights would be brought into compliance if it were necessary.

Mayor Roat said he has signed three buy-sell agreements for affordable housing on the Cooper lots. Hopefully this will help and the lots will be built upon.

Meeting adjourned at 9:00 p.m.

\_\_\_\_\_  
Mayor

ATTEST:

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City Clerk

Corrections to minutes made at the August 28, meeting.

