

December 13, 2011

The Red Lodge City Council met in regular session on December 13, 2011 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, Schoenike and Williams. Absent: None.

**DEPARTMENT HEAD ATTENDANCE:** Community Development Director – Forrest Sanderson and City Clerk – Debbie Tomicich.

**MINUTES OF NOVEMBER 22** Motion by Mahan, second by Schoenike to approve the minutes of November 22 as submitted. On roll call vote all Aldermen voted “Aye.” Motion carried.

**CLAIMS AGAINST THE CITY** Motion by Kampfe, second by Williams that claims against the City totaling \$209,928.38, 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 that this month was fairly typical in regard to paying claims and the amount total. He said TRC Solutions submitted a claim for \$8245 that will give the court the equipment needed to become a Court of Record. The election held this year by the City for Council, Mayor and the extension of the Fire Truck Levy was done as a mail in ballot and the cost for this was \$1304. Sprague Construction put a new roof on the Chamber of Commerce for \$8155. This claim was submitted to the insurance company and the Chamber has agreed to reimburse the City the difference paid by the insurance company. A claim was paid to High Country Equipment for \$17,534 for the work done on the Hauser extension project. This is finished and you can now drive thru on Hauser to the new clinic. The paving, curbs, gutter and sidewalk will be completed when nice weather comes next spring tying Mountain Springs Villa to Saint V’s clinic.

**OFFICERS REPORTS** The officer’s reports were presented to the Council for their review.

**COMMENTS FROM PUBLIC REGARDING AGENDA ITEMS** None

**SPECIAL COMMITTEES** None

**STANDING COMMITTEES – ADMINISTRATION – Resolution #3336 – Create Court of Record**

**RESOLUTION NO. 3336**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA ESTABLISHING A CITY COURT OF RECORD.**

**WHEREAS**, §§ 3-11-101(2) MCA, provides that a City may establish a city court of record by a resolution of the city commissioners; AND

**WHEREAS,** The Fiscal Year 2012 Budget for the City of Red Lodge Court included line item expenses for the acquisition of the necessary electronic recording devices to create a court of record for the City of Red Lodge; AND

**WHEREAS,** The City Council for the City of Red Lodge is aware of the benefits as well as the costs associated with the creation of a City Court of Record.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Red Lodge, Montana that upon the passage of this resolution, and in accordance with the provisions of §§ 3-11-101, MCA, that the Red Lodge City Court shall be established as a Court of Record.

**BE IT FURTHER RESOLVED** that the Red Lodge Court of Record shall begin operation as a Court of Record upon the successful installation of appropriate equipment so that the court's proceedings may be recorded by electronic recording as provided by §§ 3-11-101(2), MCA.

Motion by Kampfe, second by Labrie to approve Resolution #3336, a Resolution of the City Council of the City of Red Lodge, Montana establishing a city court of record. On roll call vote all Aldermen present voted "Aye." Motion carried.

Judge Muth approved this resolution to form before it was brought to the Council for approval. Currently there are no recordings of court actions and this will be done when the equipment is installed and becoming a Court of Record will hopefully reduce the number of appeals.

#### **Resolution No. 3337 – TBID Creation**

##### **Resolution No. 3337**

**A RESOLUTION OF THE RED LODGE CITY COUNCIL TO ESTABLISH AND CREATE THE RED LODGE TOURISM BUSINESS IMPROVEMENT DISTRICT (RED LODGE TBID) CONSISTING OF NON-CONTIGUOUS PROPERTIES UTILIZED FOR SHORT TERM LODGING PURPOSES WHO HAVE VOLUNTARILY PETITIONED THE CITY TO ESTABLISH AND CREATE A TBID FOR THE PURPOSE OF AIDING TOURISM, PROMOTION, AND MARKETING WITHIN THE DISTRICT AND ALLOWING SIMILAR PROPERTIES SUCH AS HOTELS/MOTELS OUTSIDE THE CITY LIMITS TO DONATE FUNDS TO THE TOURISM BUSINESS IMPROVEMENT DISTRICT FOR SUCH PURPOSES.**

Motion by Kampfe, second by Williams to approve Resolution #3337, a resolution of the Red Lodge City Council to establish and create the Red Lodge Tourism Business Improvement District. On roll call vote all Aldermen present voted "Aye." Motion carried.

This resolution affirms the resolution of intent that was approved by the Council at the November 22, 2011 Council meeting.

Kampfe also commented that a lot of work has been done to create the TBID. The business community of motel/hotel and property management businesses have been working on this for about nine months. They are asking to levy \$1 per night assessment on rooms rented that will then go back into a marketing fund to be used for Red Lodge.

**Cancel December 27, 2011 City Council Meeting** Motion by Williams, second by Mahan to cancel the December 27, 2011 Council meeting. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**Resolution #3335 – Budgetary Authority Resolution**  
**BUDGETARY AUTHORITY RESOLUTION**  
**RESOLUTION NO. 3335**

**WHEREAS,** the City of Red Lodge will receive from Montana Municipal Interlocal Authority (MMIA) funds in the amount of \$6,015.42 and funds from the Red Lodge Chamber of Commerce in the amount of \$2,139.57 for the use of a new roof on the Chamber of Commerce building.

**WHEREAS,** there was a severe hailstorm in Red Lodge in July of 2011 that did damage to a large number of roofs in the Red Lodge area. It was determined that the Chamber of Commerce was in need of a new roof due to the storm damage. Bids were received to do this work and Sprague Construction Roofing, LLC was awarded the job. The cost of the new roof was \$8,155.00.

**WHEREAS,** the budget for Fiscal Year 2011-2012 has already been adopted a public hearing was held on December 13, 2011 at 7:00 p.m. to approve this budget amendment.

**NOW THEREFORE, BE IT RESOLVED** that the City Council hereby appropriates the sum of \$8,155.00 and directs the City Clerk to allocate said amount to the following programs and objects.

<u>Revenue Code</u>	<u>Amount</u>
2190-343046	\$8,155.00

  

<u>Expenditure Code</u>	<u>Object of Expense</u>	<u>Amount</u>
2190-510330-510	Comprehensive Liability Ins.	\$8,155.00

Mayor Roat opened the public hearing for this budgetary authority resolution but no one spoke so the public hearing was closed.

Motion by Labrie, second by Kampfe to approve Resolution #3335, Budgetary Authority Resolution. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Mahan said she would speak to the Chamber of Commerce to make sure they pay the difference between the cost of the roof and what was given by the City insurance. The Chamber was in agreement with the City to make sure this roof repair was done.

**1-Year Report – Solar Project** Dowl HKM, engineers on the Solar Panel Project, reported to the City that as per the funding from the ARRA loan the City must provide either an affirmative or negative certification of the project. The engineers recommend an affirmative certification based on an evaluation of the project and the fact that the equipment is functioning properly. Dowl HKM recommends changes to the current operation of the plant to take advantage of the solar system and

the VFD's. They said that with the current operation the blowers are bind operated more hours per day than prior to the installation of the solar panels. They recommend a reduction in the hours of operation of the blowers and/or a reduction in the operating dissolved oxygen level maintained in the lagoons. Sanderson said his recommendation is the City does not need to spend this money to generate a report to send to DEQ when Boyer can do the same thing to see how many kilowatt hours of electricity the lagoons are generating. Nothing more will be done at this time on a project that is going well.

Sanderson spoke to what the City obtained from the project at no cost to the City but as part of the project itself. He said the City won on this project with a significant capital asset that did not cost the City full price.

**POLICE AND EMERGENCY SERVICES – Resolution #3338 – Animal Control Ordinance – Fees and Fines**

**RESOLUTION NO. 3338**

**A RESOLUTION OF THE RED LODGE CITY COUNCIL TO SET FEES FOR REGISTRATION OF ANIMALS AND PENALTY FINES FOR VIOLATION OF PROVISIONS CONTAINED IN TITLE 5, CHAPTER 5 ANIMAL CONTROL OF THE RED LODGE CITY CODE.**

**Whereas**, § 7-23-1 and §7-23-41 MCA provide guidance for control and protection of domestic animals; AND

**Whereas**, Title 5, Chapter 5 of the Red Lodge City Code covering Animal Control requires that all dogs be registered and that owners (as defined in 5-5 -B-1) pay fines for violation of any provision in the Chapter; AND

**Whereas**, this Resolution sets the fees and penalty fines to enforce the Animal Control requirements contained in Title 5, Chapter 5.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Red Lodge Montana that the following fees and fines shall apply to Title 5, Chapter 5 of the Red Lodge Municipal Code.

**BE IT FURTHER RESOLVED THAT** Resolution #3308 is null and void on the effective date of this resolution.

Motion by Richter, second by Mahan to approve Resolution #3338, to set fees for the registration of animals and penalty fines for violation of provisions contained in Title 5, Chapter 5, Animal Control of the Red Lodge City Code. On roll call vote all Aldermen present voted "Aye." Motion carried.

Amendment by Schoenike, second by Williams to adjust the language to state 4<sup>th</sup> or subsequent offenses in all cases if it is a repeat offense. On voice vote all Aldermen present voted "Aye." Motion carried.

Sanderson said that Judge Muth had a problem with the irregularity and escalation of the fees and fines regarding animals. The Police and Emergency Services Committee looked at the fees and fines that are currently in place and they brought changes to the Council for their review and action. It is felt that responsible pet owners will have no impact with the changes and hopefully all pet owners will be made to be responsible ones.

Judge Muth will have discretion on how to fine or the possible removal of an animal by the mitigating circumstances of each case.

**Traffic Calming Device** Williams reported that the Police Chief said the new traffic calming device trailer has been purchased and will be put to use soon. As this device is portable it can be moved at will whenever necessary. A lot of traffic reports and data can be produced with this device.

**Parking Issues** Williams said the committee is continuing on the work regarding parking issues at the Drug Store, the Catholic Church and the Arts Guild. The committee said they feel a resolution needs to be adopted to allow angle parking at the Catholic Church. The committee feels curbs and sidewalks need to be installed between 8<sup>th</sup> and 9<sup>th</sup> Streets on Oakes when funds become available to do so. If the owner of the Drug Store will install angle parking blocks this will help the flow of traffic as this is a very busy spot. This will be discussed with representatives of all three traffic areas. The City needs to help with these three parking areas.

**LAND USE AND PLANNING – Ordinance #880-A – Statutory Amendments to Subdivision Regulations – Second Reading**

**ORDINANCE # 880A**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA AMENDING THE 2009 RED LODGE SUBDIVISION REGULATIONS.**

Motion by Schoenike, second by Kampfe to approve Ordinance 880-A, statutory limits to subdivision regulations on second reading. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**Final Plat – Judd Subdivision** Motion by Labrie, second by Schoenike to adopt the staff report RLFP-11-01 as the findings of fact and that the final plat for the Judd Subsequent Minor Subdivision be approved. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**Safe Routes Grant Application – 2012** Sanderson said he is asking the Council to authorize the Mayor to sign and submit the 2012 Safe Routes to School Grant application which is for \$250,000. This will be used to build sidewalks along 2<sup>nd</sup> and 5<sup>th</sup> Streets from Highway 212 to Chambers Avenue. This will tie into work done this year as part of the CTEP/Safe Routes to School project. This new project will give two safe marked crossings to move students from the east side of town across Highway 212 and then put them onto the sidewalks to the middle school. Sanderson said MDOT is aware of this plan and they will incorporate signage as part of the Highway 212 rebuild at these two locations. The only difference between last year’s request and this year’s request is the requirement to bring a pedestrian co-coordinator into the schools to talk to the students about the health benefits of walking rather than riding in cars to school. Sanderson Stewart has two individuals on staff who can do this if the City is successful in obtaining the funding.

Motion by Labrie, second by Schoenike to authorize the Mayor to sign the 2012 Safe Routes Grant application. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**Cabral Land Purchase Consideration** Sanderson said he received a communication from Corey Cabral, Diamond CC Ranch, stating that Cabral would like to see if the City has an interest in purchasing the 212 parcel from Diamond CC Ranch in order to create a great entrance to Red Lodge. The parcel in question is the most northern piece in the City limits on the west side of Highway 212 and right at the hospital. Cabral feels it would be perfect for a great entry to Red Lodge. He stated that if the City did not have the funds to purchase Diamond CC Ranch might be interested in a trade for land in another location around the airport or a location of equal value.

The Council showed no interest in this land at the present time so Sanderson said he will let Cabral know.

**PUBLIC WORKS – Kuhr – Septic Request – Lots 3-10, Block 20, C.O.S. 1811 2<sup>nd</sup> AM – Airport** Sanderson said a request has been received for a variance to allow for the installation of a septic tank and drain field on privately owned property at the airport. This area is one of the two private ownerships that the City property totally surrounds. Kris Kuhr and Kari Beebe, common ownership of the named property, are trying to utilize the property in accordance with the Commercial C Zoning and are requesting this variance. They understand that hook-ups are unavailable at the present time to water and sewer for this property. Therefore they desire to install a well and septic on the property. Sanderson said there is no problem with the water as they can punch a well on private property and use it until a time when a line becomes available for their connection. However, the City has Ordinance #835 which requires the permission of the City. There is a lot to be reviewed before this can be done.

The Kuhr's and Beebe's would also request consideration from the City to redraw the eastern boundary of their property. Currently, Airport Road encroaches on Lot 6 and tenants of the property tend to park on what is actually City property to the east of Lots 3 and 4. The suggestion is a trade of square footage from Lot 6 for an equal amount of property to the east of Lots 3 and 4. These requests will come to the Council for action at the first meeting in January, 2012. This will be a very interesting conversation at that point as the real estate is valuable in this area with no infrastructure.

**Close Out CTEP/Safe Routes – STPE 5(44) – UPN 7043** The final closeout for the CTEP/Safe Routes project has been done. Sanderson said the State was very pleased with this project and the outcome.

**Broadway Street Lights** Mayor Roat said this problem has been lingering for a long time. Some of the street lights on Broadway are still out and have been for some time. He said he will meeting next week with representatives of NorthWestern Energy to discuss the solutions to this problem. Some of the lights just will not stay repaired and no one is implementing the suggestions brought forth on this problem.

**Red Lodge Mountain Resort** Richter said that Red Lodge Mountain Resort wants to pursue a grant study for transportation alternatives to the Mountain. A letter of support from the City would be valuable to submit in the application.

Motion by Richter, second by Mahan to approve a letter of support for this transportation study for Red Lodge Mountain Resort. On voice vote all Aldermen present voted "Aye." Motion carried.

**Parking on Broadway at Roosevelt School** MDOT has given the City approval to allow parking on Broadway in front of the Roosevelt School. This parking would be between 16<sup>th</sup> and 17<sup>th</sup> Street on Broadway. The school system has no problem with this no parking area being removed. The yellow zone painted on the curb will need to be removed by the City.

**CITIZEN REPORT** None

**CORRESPONDENCE** Mayor Roat said the appointment of Kim Haman to the Ambulance District Board is expiring the end of December. He would like to reappoint her and she is willing to serve another term on the Board.

Motion by Mahan, second by Schoenike to approve the appointment of Kim Haman on the Ambulance Board. On voice vote all Aldermen present voted "Aye." Motion carried.

Sanderson said he received notice from MDOT that the City has received their 2011 allocation to the CTEP program in the amount of \$12,872.70 leaving an account balance of \$12,872.61.

**MISCELLANEOUS** Labrie told the Council that she will be out of town December 20 to 29, 2011.

Meeting adjourned at 8:30 p.m.

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Mayor

ATTEST:

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City Clerk

