

December 22, 2009

The Red Lodge City Council met in regular session on December 22, 2009 at 7:00 p.m. The meeting was called to order by Mayor Scanlin followed by the Pledge of Allegiance to the Flag.

ROLL CALL OF OFFICERS Present: Mayor Scanlin, Aldermen Kampfe, Mahan, Richter, Labrie, Kennicott and Priest. Absent: None.

MINUTES OF DECEMBER 8 Mayor Scanlin clarified what she had said under the topic regarding Mountain Springs Villa. The correction she made is as follows: “The alley will not contain public utilities to serve Mountain Springs Villa because they are all located in the City’s ROW along Coutts Ave. The private utilities are not located in the public right-of-way.”

Motion by Mahan, second by Richter to approve the minutes of December 8 as corrected. On roll call vote all Aldermen present voted “Aye.” Motion carried.

COMMENTS FROM PUBLIC None

SPECIAL COMMITTEE None

STANDING COMMITTEE – Administration – Zoning Regulations – Update on Request for Proposals and Qualifications (RFP/SOQ) Sanderson said the review and ranking committee met, qualified four firms, conducted telephone interviews and ranked the four firms in order of most qualified. The four firms were Sanderson-Stewart, L&M Architectures, Clarion and Segal Planning. Sanderson-Stewart was found to be the most qualified firm for the project. Sanderson said contract negotiations started this week and he is hoping to have a draft contract with deliverables to the Administration Committee for review and additional discussion at the January 12, 2010 meeting. Kampfe said the contract committee is the Administration Committee, which are a different committee from the review and ranking committee. Kampfe was the only person to serve on both committees. Eighteen qualified proposals were received and reviewed.

2000A Sewer Bond – Authorize Early Pay Off – US Bank \$86,360 In order for the City to move forward with the Solar Panel Project, while not raising sewer rates, the City must agree to pre-pay the outstanding 2000A Sewer Bond. The outstanding debt on this bond is \$86,360. Failure to approve the prepayment may result in the inability to secure financing or increases in the amount of ARRA money allocated for the project. The 2000A Sewer Bond would be retired by standard operation of our debt service in October of 2010 regardless of the action taken at this point. Kampfe said he feels to free up an existing bond issue to take on another debt does not pencil out financially. He stated, however, that he is not averse to retiring the debt early.

Motion by Kampfe, second by Priest to approve the pre-payment of the 2000A Sewer Bond. On roll call vote those in favor: Aldermen Richter, Labrie, Kennicott and Priest. Those opposed: Aldermen Kampfe and Mahan. Motion carried.

Solar Panel Project – Bid Opening The bid opening for the Solar Panel/VFD project was conducted on December 15, 2009. Sanderson told the Council that the engineers estimate for the project was \$438,778.45. The bids received for this project were as follows:

	Schedule I	Schedule 2	Total	Alternative 1	Total
Yellowstone Electric	\$408,641	\$173,974	\$582,615	\$22,650	\$605,265
CEI	\$421,966	\$ 98,640	\$520,606	\$49,056	\$569,662
Sundance Solar	\$384,225	\$131,000	\$515,225	\$29,000	\$544,225

The lowest bid received was \$515,225 from Sundance Solar and this bid is \$76,447 over the engineers estimate for the project. Sanderson said the total cost of the project, with everything included, has now become \$609,255, which includes a 10% contingency. This leaves the City financing \$231,478 under the ARRA schedules. This also gives the project a 29-year payback period. Sanderson told the Council that the capital for the project is \$518,000 from ARRA funds, \$50,000 from the NorthWestern Energy Grant and \$10,964 left for the City's use in HB 645 funds giving the project a budget of \$578,964. Additional funds will be needed to even start the project. Sanderson said that DEQ and DNRC have committed to applying additional funds to the project. Sanderson said that it is conceivable that DOWL-HKM and Sundance Solar may find ways to reduce the overall capital costs to something less than \$515,225.

Mark Brown, Red Lodge Electric, said he has spoken to the engineer from DOWL-HKM and feels he will be able to reduce the costs on the Schedule 2 portion of the project. He does not know at this point if it will bring the project more into line to make it more viable.

Deb Muth, 39 Lightning Way, said she feels this project is still a benefit to Red Lodge even with the worst-case scenario being presented. She said this project is the City's insurance policy to unplug us from the uncertainty in the future of fossil fuels.

JoAnn Eder, 301 N. Word, pointed out that even in the worst scenario the cost of the first year is still 1/2 of a percent of the entire sewer budget for one year.

Elli Elliot, 16 Fountain Park, wants the Council to consider the credibility of the City. She said the carbon emissions of the City have increased in the past year.

Jerry Brekkus, Red Lodge, said the reduction of the carbon emissions of the City does not change due to the changes in the project costs.

Jay Mennanga, Roberts, thanked the Council for the work they have done on this project and stated that it was greatly appreciated.

**Emergency and Police Services – Resolution #3296 – National Incident Management System
RESOLUTION NO. 3296**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RED LODGE ADOPTING THE REQUIREMENT TO BE COMPLIANT WITH THE NATIONAL INCIDENT MANAGEMENT SYSTEM ESTABLISHED BY HOMELAND SECURITY PRESIDENTIAL DIRECTIVE NO. 5.

WHEREAS, Homeland Security Presidential Directive (HSPD) 5 establishes the National Incident Management System (NIMS); and

WHEREAS, NIMS establishes a single, comprehensive approach to domestic incident management to ensure that all levels of government across the nation have the capability to work efficiently and effectively together using a national approach to domestic incident management; and

WHEREAS, NIMS provides a consistent nationwide approach for federal, state and local governments to work together to prepare for and respond to, and recover from domestic incidents regardless of the cause, size or complexity; and

WHEREAS, NIMS provides for interoperability and compatibility among federal, state and local capabilities and includes a core set of concepts, principles, terminology and technologies covering the Incident Command System, Unified Command, training, management of resources and reporting; and **WHEREAS**, beginning October 1, 2004 all Federal departments and agencies shall make adoption of the NIMS a requirement for providing federal preparedness assistance through grants, contracts or other activities to local governments.

BE IT THEREFORE RESOLVED that the City of Red Lodge hereby adopts the National Incident Management System (NIMS) as its system of preparing for and responding to disaster incidents.

Motion by Kennicott, second by Mahan to approve Resolution #3296, A Resolution of the City Council of the City of Red Lodge Adopting the Requirement to be Compliant With the National Incident Management System Established by Homeland Security Presidential Directive No. 5. On roll call vote all Aldermen present voted "Aye." Motion carried.

Kennicott reported that the Police Departments 2008 Tahoe, which has 75,000 miles on it, has a knock in the engine. It has been advised that this vehicle is about to blow a rod. The police are down to two vehicles at this time. She said the two options that can be looked at are the purchase of a new vehicle for about \$35,400 and outfit it with the Tahoe equipment or spend approximately \$5000 to \$6000 to purchase a new engine for the 2008 Tahoe that will still have the mileage on it. Kennicott said the funding for a vehicle could come entirely from Resort Tax, or the police are receiving \$15,000 from a felony DUI case and they sold a confiscated motorcycle for \$6900 but would still need some additional funds. Kennicott asked what the Council would like to do. She was told the request should be put in writing and then be brought back to the Council for consideration. Kennicott reported there is a federal traffic safety grant with money available to cities to pay for officer overtime for evening shifts dedicated to spotting and stopping DUI's. Assistant Chief Cope confirmed that the Police Department is able to use this grant money and have been allotted \$2,500 for this overtime.

Kennicott reported there was a gas leak behind the Coldwell Banker office involving a high-pressure distribution valve that took a half hour to stop the flow. She said it is a reminder that Fire Department does not have a functioning ladder truck and the closest one is an hour away. Cable mounts are ordered but the electronic controls also need fixing plus a faulty weld, at a cost of \$20,000, to meet certification. This ladder truck was purchased used. The solution for the ladder truck problem is to borrow money for a new ladder truck and make payments on it with Resort Tax funds or purchase a new truck for \$750,000 with Resort Tax funds, which is cheaper as there would be no interest. She said that if a new truck was purchased the City would not have to spend any more Resort Tax for the Fire Department for at least 15 years. When the current mill levy expires in four years, the City could try to get the next new truck with another mill levy vote.

Kennicott said the petition to create an ambulance district is in final draft and it is being organized for obtaining signatures.

Land Use and Planning – Ordinance #880 – Subdivision Regulations – Public Hearing Mayor Scanlin said a public hearing was previously held regarding the subdivision regulations but in the course of the process additions have been mandated by State Legislation. Another public hearing is being held on the entirely revised edition of the subdivision regulations. Mayor Scanlin opened the public hearing. No one in the public spoke at the hearing. Mayor Scanlin then closed the public hearing format.

Mayor Scanlin asked if any of her comments could be incorporated into the regulations. Sanderson spoke to variances. He said the process incorporated speaks to undue hardship. He said this is very hard to meet. The Planning Board is comfortable with this standard. The decision maker will be the Council when variances are raised. The other item the Mayor had questions about is affording developers options

regarding cash in lieu of parklands or sidewalks. Sanderson said the City has to afford these options to developers but the City can decide what would be most acceptable in each development. This ordinance will come to the Council at the January 12, 2010 meeting on first reading.

Heritage Propane Subdivision Proposal Sanderson said the recommendation to the Council is to approve the COS as to form so it can be signed. A landscaping plan for the subject property will be seen and approved by the City before closing on the property. The only change made was the dedication of the 30-foot shared access easement along the common boundary between the remainder of City ownership and the 22,400 square feet being conveyed to Heritage Propane.

Motion by Mahan, second by Kampfe to approve the preliminary Certificate of Survey regarding the common boundary relocation, Tract A-4 and the remainder Tract A of Certificate of Survey No. 1396 Am., Red Lodge, Montana. On roll call vote all Aldermen present voted "Aye." Motion carried.

Public Works – MDOT – Speed Study Highway 212 Motion by Priest, second by Kampfe to accept MDT's recommendations for speed limits on Highway 212 as proposed in their November 5, 2009 memorandum. On roll call vote all Aldermen present voted "Aye." Motion carried.

Sanderson said a caveat was included in the speed study done by the State to say that as the North corridor develops the State will incrementally reduce the speed limits to keep traffic safe. Sanderson said this is the first time he has seen the State do this.

Mayor Scanlin told the Council that the County is utilizing two bays at the new City shop building due to the fire at the County shop. She said she asked the Commissioners to draft a proposed lease agreement on this use, which will go to the attorney when it is written so he can review it.

CITIZEN REPORT Estelle Tafoya commended the Council and Mayor on the extraordinary progress that has been made in the last two years.

OLD BUSINESS None

NEW BUSINESS None

CORRESPONDENCE None

MISCELLANEOUS Kampfe thanked Mayor Scanlin for the time she has given the City as Mayor and on the Council. Kennicott said that she also enjoyed the time she worked with Mayor Scanlin and has enjoyed the courage she has shown in her time.

Mahan presented Mayor Scanlin with a plaque thanking her for the dedication and time she has given the City.

Mayor Scanlin said she has enjoyed her time working for the City. She thanked the Council for being so interactive and thanked the staff for a good two years. She thanked the public for the opportunity of serving them for the last two years.

Meeting adjourned at 8:35 p.m.

Mayor

ATTEST:

City Clerk