

February 14, 2006

The Red Lodge City Council met in regular session on February 14, 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 Mahan, Lockman, Stauffer, Scanlin and Reynolds. Absent: Alderman Bullock.

MINUTES OF JANUARY 24 Stauffer pointed out two spelling errors that will be corrected.

Motion by Scanlin, second by Reynolds to approve the minutes of January 24 as corrected. On voice vote all Aldermen present voted "Aye." Motion carried.

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

CLAIMS AGAINST THE CITY Scanlin reported the claims totaled \$107,273.34.

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."

Scanlin told the Council the surveying bill for the land trade with Milt Bastian was \$3577, which half has been billed to Mr. Bastian. The bill from Elk River Law Office was \$5058. The consultant work for the Affordable Housing Task Force was \$5845. She just wanted to point these claims out to the Council so they would have an idea of some of the amounts and where they were going.

SPECIAL COMMITTEES None

STANDING COMMITTEE – Administration – Personnel Policy The committee reported that MMIA and Elk River have reviewed this policy. Sam Painter tried to tighten up the provisions in the policy. Most of the issues raised were very minor ones. The committee has some policy issues they would like the rest of the Council to be aware of. These issues were discussed by the Council. The policy uses State rates for meals and travel and the committee asked thoughts on whether or not receipts would be needed when per diem is being paid. Use of City property, computers, phones and vehicles was the most discussed topic. The Council needs to give the committee their thoughts on the discussed items. These are policy issues the Council needs to address in the personnel policy. A draft will be sent to the Council to review before the next meeting.

Rules and Procedures Scanlin said the only item they recommend changing on the boilerplate that was sent by the Local Government Center is the agenda. The committee is more comfortable using the agenda the City currently has. Roberts Rules of Order is addressed in this policy and the Council needs to decide which one will be used. Abstaining from voting was discussed along with the rules that need to be followed if a Council member abstains from a vote. A Council member may abstain from voting without giving a reason as to why. The discussion held was regarding whether the person can then enter into discussion on the topic. The Mayor feels the public will dictate the idea of a Council member abstaining from a vote. Mahan felt that the idea of a consent agenda should be incorporated into the agenda in case the City chooses to use this.

Stauffer questioned two items in the Rules and Procedures. He said it is not discussed on what a Council member does if they want something on the agenda and the Mayor does not do so. Another item he feels is important in the procedures for public hearings. He feels that people should be able to have rebuttal statements on items others discuss.

Motion by Scanlin, second by Reynolds to table this until the next meeting to study further. On roll call vote all Aldermen present voted "Aye." Motion carried.

Emergency Services The Mayor said there was an electrical fire over the weekend in a building on Main Street. The fire department handled it very well and the damage was minimal.

**Land Use and Planning – Resolution No. 3206 – Land Exchange with Milt Bastian
RESOLUTION NO. 3206**

A RESOLUTION BY THE RED LODGE CITY COUNCIL APPROVING THE REQUESTED LAND EXCHANGE AND BOUNDARY ADJUSTMENTS WITH BEARTOOTH IGA and MILT BASTIAN.

WHEREAS, the Red Lodge City Council has determined it is empowered to exchange land pursuant to adopted policies of the City (Resolution #3068) and M.C.A. §§7-8-4201 and 7-8-101; and

WHEREAS, the Red Lodge City Council has determined the properties to be exchanged are of substantially the same size and value; and

WHEREAS, the Red Lodge City Council has reviewed this exchange in accordance with Resolution #3202 and the policies and procedures of the City in transferring public property and finds that this exchange is in the interest of the City.

NOW THEREFORE, BE IT RESOLVED:

1. The City Council approves the exchange of lands as described in the attached Certificates of Survey; and
2. The City Council's conditions to this exchange are that the costs of recording the documents of transfer will be born by the parties requesting this exchange (Milt Bastian and Beartooth IGA), and that this transaction be completed by on or before March 1, 2006.
3. The City Council directs the Mayor to take such administrative action, as he deems prudent to complete this land exchange in keeping with this resolution and Resolution #3068 previously adopted.

Motion by Reynolds, second by Mahan to adopt Resolution No. 3206. On roll call vote all Aldermen present voted "Aye." Motion carried.

Lease with People for Playgrounds at Lions Park The Lions Club has a Memorandum of Understanding with the City on the area they are currently using as park area. If the Council would like, a lease can be done with the People for Playgrounds on the land that will be used for the playground. Responsibility will then go along in this lease for the playground. This area would then be eliminated from the Memorandum of Understanding with Lions Club. The Club is in favor of this since they do not want to be responsible for the playground area.

Motion by Mahan, second by Reynolds to create a lease with the People for Playgrounds for the section of Lions Park that will be used for the playground site. On roll call vote all Aldermen present voted "Aye." Motion carried.

The Mayor will get in touch with the necessary people to get this lease done. He also asked if there will be any monetary value to the lease. He will visit with Sam Painter on this, as the Council does not feel there should be money exchanged on this.

Revision of Development Codes Stauffer said the revisions to the Development Codes will be released tomorrow. The Planning Board will then meet in a public workshop on February 22 to take any public input regarding the revisions. Then it will go to the Planning Board and then the City Council as an ordinance to adopt the revisions.

Public Works Mayor Roat said the City crew would be doing a lot of work on getting the historic lights installed. The crew will do a lot of the cutting of the sidewalks and streets and pour the pedestals. The Mayor told the Chamber that a contract would be necessary for everything that will be done showing who will be responsible for what. This project is moving along very well. Northwestern Energy will be installing all the lights and the conduit needed. There will be an increase of approximately \$100 per month due to more fixtures. The speaker system has not yet been resolved in this project. The cost seems to be a determining factor.

CITIZEN REPORT Laura Getz told the Council that she is speaking on behalf of EDC and they do not have an official opinion regarding the Main Street Grant. They will be meeting on this topic this week and this item will be discussed and their opinion will be given to the City.

Andy Anderson asked for a clarification on the modification of the Memorandum of Understanding with Lions Club regarding the area where the playground will be installed. Mayor Roat told him that this area would be deleted from the Memorandum so the Lions Club will not be responsible for the playground area.

OLD BUSINESS Sam Hoffmann has made a presentation to the Lions Club in regard to the alley being done behind his business. The Club had a few questions that will be answered. The Club would like to see screening done behind Sam's business so there will be a cut off between the alley and the new playground and park. The 10-foot easement will be necessary so the alley can be constructed. Mahan said she feels the City should ask the Lions Club to relinquish this 10-foot area for the easement. The Mayor said he would visit with the President of the Lions Club right away so this alley can move forward and Mr. Hoffmann can get assurance that the alley will be done so he can move forward with his project.

Andy Anderson asked if there was a plan to finish the utility corridor in this area. He was told there is and that hopefully it will be completed as soon as the City can.

NEW BUSINESS – Appointment of Don Kinney – EDC Project Manager Motion by Mahan, second by Reynolds to appoint Don Kinney as the EDC Project Manager. On roll call vote all Aldermen present voted "Aye." Motion carried.

A contract with Mr. Kinney has been given to the City attorney to review and will come to the Council at the next Council meeting. The prior conditions associated with this appointment, bonding and insurance, will be included in the new contract. It was stated that the bonding is not necessary as the project manager does not have any spending authority. The insurance will need to be in place and addressed in the contract.

Resolution No. 3207 – Endorsing County Improvements to West Fork/Ski Run Road
RESOLUTION NO. 3207

A RESOLUTION BY THE RED LODGE CITY COUNCIL ENDORSING THE

EFFORTS OF CARBON COUNTY FOR IMPROVEMENTS TO THE WEST FORK/SKI RUN ROAD, AND FOR FUNDING FOR RECONSTRUCTION OF SAID ROAD.

WHEREAS, the City Council for the City of Red Lodge recognizes the need for significant improvements to the West Fork/Ski Run Road as a valuable asset to the community for access to the Red Lodge Mountain Ski Area and outlying subdivisions; and

WHEREAS, the City Council seeks to work cooperatively with Carbon County to improve transportation access in and around the City of Red Lodge; and

WHEREAS, the Carbon County Commissioners are to be commended for their initiative to reconstruct of the West Fork/Ski Run Road to improve safety on that road, enhance access for residents and visitors alike and for working cooperatively with various agencies and this community in making it happen.

NOW THEREFORE, BE IT RESOLVED:

1. The City Council hereby resolves to support the efforts of Carbon County to secure funding for the West Fork/Ski Run Road Reconstruction Project.

Motion by Reynolds, second by Mahan to approve Resolution No. 3207. On roll call vote all Aldermen present voted "Aye." Motion carried.

Stauffer said the words "and outlying subdivisions" under the first Whereas he finds not to be true especially in this area. He would like to take this out of the Resolution. Reynolds said she would like to have the area referred to as Red Lodge Mountain Ski Resort rather than Area.

Amendment to motion by Stauffer, second by Reynolds to have the first Whereas written in this manner "Whereas, the City Council for the City of Red Lodge recognizes the need for significant improvements to the West Fork/Ski Run Road as a valuable asset to the community for access to the Red Lodge Mountain Ski Resort; and". On roll call vote all Aldermen present voted "Aye." Motion carried.

Ordinance No. 810 Amended – First Reading

ORDINANCE NO. 810 AMENDED (2)

AN ORDINANCE AMENDING CHAPTER 7 SECTION 8-7-2 AND 8-7-3 REGARDING THE MAINTENANCE OF CITY PARKS, BOULEVARDS, PARKWAYS, TRAILS AND OTHER MUNICIPALLY OWNED PROPERTY.

8-7-2: DEFINITIONS: As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

PARKS: All public recreation lands now existing in or to be developed within Red Lodge and designated for public use.

PARK TREES AND PLANTS: Trees, shrubs, bushes, and other beautification or landscaped plantings, now or hereafter planted or growing within Red Lodge.

STREET TREES: Trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the city.

TOPPING: The severe cutting back of limbs to stubs larger than three inches (3") in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

EQUIPMENT AND STRUCTURES: Defined as but not limited to picnic tables, benches, grills, playground equipment, bathrooms, storage sheds, signs and fences.

8-7-3: PARKS BOARD:

- A. Established: Membership of the Board shall total eight (8) members and shall be comprised of six (6) ordinary citizens and two (2) City representatives. Two members can reside outside of the City limits but within Carbon County. One City member shall be an employee of the Public Works Department (PWD) and the other shall be a City B.

Term of Office: The term of the six (6) voting members shall be for three (3) years serving staggered terms with at least two members' terms expiring each January 1. As each member of the Board completes her/his term, the Mayor shall reappoint that member or appoint a replacement with the approval of the City Council. The City representatives shall serve a two (2) year term with the possibility of reappointment.

C. Officers and Responsibilities: Officers shall consist of a Chairman, Vice Chairman, Secretary and a Treasurer. Term of office shall be one year, with the possibility of re-election. Officers shall be elected by the Board.

1. The Chairman shall preside at all meetings or appoint the Vice Chairman to do so. She/he shall call special meetings when they are deemed necessary. She/he shall appoint committees, shall certify expenditures and shall sign all official papers and plans, which she/he will submit to City Council. The Chairman shall serve as liaison to the City Council
2. The Vice Chairman shall assume the duties and powers of the Chairman when called upon by the Chairman to do so. If both Chairman and Vice Chairman are absent from a meeting, the Board may elect a temporary Chairman.
3. The Secretary shall keep the minutes of all regular and special meetings of the Board. She/he also shall keep the minutes of any special committee meetings when asked to do so. She/he shall give notice of all regular and special meetings of the Board. The Secretary shall maintain a file of all studies, plans, reports and recommendations. If the Secretary is absent, the Vice Chairman shall assume the duties and powers of the Secretary. If the Vice Chairman is unable to assume the duties of the Secretary, then the Board may elect a temporary Secretary.
4. The Treasurer shall keep track of the amounts budgeted to the Parks Board by the City, all expenditures and any grant monies or donations. She/he shall help prepare the annual budget and submit it to the City Council in a timely manner, keeping in mind that the budget period begins July 1.

F. Duties and Responsibilities: It shall be the responsibility of the Board to:

1. Identify park and tree needs.
2. Provide oversight for development of a five (5) and ten (10) year plan for existing and future parks. These plans shall address development and maintenance of parks and will be reviewed and updated annually. An annual action plan shall be formed based on the long-term plans.
3. Prepare an annual budget recommendation to implement that year's action plan.
4. Ensure that the City and County require developers to dedicate parkland and/or "funds in lieu of" parkland, based on the formula in the City of Red Lodge Development Code. The Parks Board shall additionally compete for other sources of funding in order to develop, maintain and improve parks.
5. Develop the recommend rules and penalties for use and misuse of parks by the public.
6. Recommend the planting, pruning and removal of trees, shrubs and plantings located on public property.
7. Maintain a list of recommended and not recommended trees, shrubs and other plantings in accordance with the prescribed guidelines provided by the Community Forester, State Department of Lands.
8. Work cooperatively with other community organizations and encourage them to become involved in park beautification projects.
9. Recommend action to the City Council.

Motion by Reynolds, second by Mahan to adopt Ordinance No. 810 Amended on first reading. On roll call vote all Aldermen present voted "Aye." Motion carried.

Stauffer said the term of office bothers him as it is out of step with other boards. He had some problems with f.4 and the way it was written.

Amendment to motion by Stauffer, second by Mahan to change F. 4. to read "Ensure that the City and County require developers to dedicate parkland and/or "funds in lieu of " parkland, when required by law to do so, based on the formula in Montana Code Annotated." On roll call vote all Aldermen present voted "Aye." Motion carried.

Planning Board Appointments Mayor Roat said there will be some openings on the Planning Board. He said the people whose terms are up would like to be reappointed. Scanlin said she would like these openings to be posted to the public. This will be done at the Post Office and City Hall.

Museum Request The City advanced the Historical Society \$50,000 in 2003 to purchase a strip of land between the museum and the building owned by Conrad Anderson. The museum is now coming to the City to request that the debt be forgiven. The museum will have a good chance at acquiring a large grant and is asking the City to forgive the debt. The museum is a wonderful asset to the City that is already in place and not asking for new money. The Mayor asked Scanlin to check with the City attorney regarding what the City needs to do if they choose to forgive this debt. Lockman asked if there could be any other options to look at with the museum, such as an in kind exchange with such things as memberships given to low-income families. The Mayor said this would be something that could be discussed with the museum. A decision will be made at the next meeting.

CORRESPONDENCE A letter was received from Laura Bush commending the City on the designation as a Preserve America community.

The land exchange between the City and Beartooth REA will be on the agenda for the next meeting.

MISCELLANEOUS The Mayor said the Fire Department is anticipating an Ordinance requiring all buildings over a certain square footage have a sprinkler system. When this is ready it will come to the Council.

The funding for the Beartooth Highway plowing is up in the air. It runs out this spring. The Mayor is working with Max Baucus's office to get a guarantee that it will be plowed. This of course is very important to Red Lodge.

A grant was received for \$250,000 from Burn's office to promote Cooke City and Red Lodge. The Chamber is working with these funds and they will be used well. The Chamber is the administrator of the grant and there is a steering committee in place that will be responsible for oversight.

Scanlin said the meeting with Mt DOT held last week was very well attended. DOT said they must be requested by the City for an updated traffic study. The current one is approximately ten years old. The City Planner also attended the meeting and the Mayor will speak with him to see what needs to be done to have this traffic study done. The Planner understands that the Highway

Department would fund a walking path on Brewery Hill, but it probably cannot be along the Highway. DOT will pay for the construction of a bypass trail but not for the maintenance.

Meeting adjourned at 8:55 p.m.

Mayor

ATTEST:

City Clerk