

February 14, 2012

The Red Lodge City Council met in regular session on February 14, 2012, 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 JANUARY 24 Motion by Mahan, second by Labrie to approve the minutes of January 24 as submitted. On roll call vote all Aldermen present voted “Aye.” Motion carried.

CLAIMS AGAINST THE CITY Motion by Kampfe, second by Williams that claims against the City totaling \$125,599.86, 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 on a few of the claims that are to be paid in February. TRC Solutions submitted their final claim for our court to become a court of record. Zoll Medical Corporation was paid a monthly claim of \$4179 which is for the purchase of two defibrulators for the ambulance department.

OFFICERS REPORTS The officer’s reports were presented to the Council for their review. The water loss has been running fairly consistently. In the winter less water is metered so the loss percentage is higher than in the summer when more water is metered.

COMMENTS FROM PUBLIC REGARDING AGENDA ITEMS None

SPECIAL COMMITTEES None

STANDING COMMITTEES – Grizzly Peak Adventure Race 2012 Jennifer Drinkwalter from Montana Cycling and Ski and Montana Timing was unable to attend the meeting. Schoenike told the Council that this is the second year for this event and that last year everything went very well. The event will be held on April 14, 2012 and will be a ski/bike/run adventure race starting at Red Lodge Mountain and ending at Sam’s Tap Room. Bikers will start at the Red Lodge Mountain, finish at Ski Run Road by the LDS Church parking lot and runners will then head north on White Avenue go across Airport Road, east to Hauser and north on Highway 212 to Sam’s Tap Room. They will have plenty of support and good road markings.

Schoenike was asked to contact Jennifer Drinkwalter and let her know that everyone is in favor of this race being held again this year and that they all look forward to it.

Resolution #3341 – Set Date for Court of Record
RESOLUTION NO. 3341

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.

WHEREAS, The installation of appropriate equipment so that the court's proceedings may be recorded by electronic recording as provided by §§ 3-11-101(2), MCA has been completed.

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 on March 1, 2012.

Motion by Kampfe, second by Labrie to approve Resolution #3341, 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.

Resolution #3342 – TBID Board of Trustees

RESOLUTION NO. 3342

A RESOLUTION CREATING A BOARD OF TRUSTEES FOR RED LODGE TOURISM BUSINESS IMPROVEMENT DISTRICT NO. 001, APPOINTING THE INITIAL TRUSTEES AND SPECIFYING THE POWERS AND DUTIES OF THE BOARD

WHEREAS, the Red Lodge City Council created Tourism Business Improvement District No. 001 on November 22, 2011 by approving Resolution No. 3337; and

WHEREAS, according to Montana State Code 7-12-1121, M.C.A., a Board of Trustees must be created to govern the District and five (5) to seven (7) Trustees must be appointed to govern any Business Improvement District; and

WHEREAS, the Red Lodge Merchants and Lodging Association submitted names of five (5) proposed Trustees for appointment to the Board of Trustees, all of whom are lodging property owners, or their assignees, within the Tourism Business Improvement District; and

WHEREAS, Mayor Brian Roat recommends that the Red Lodge City Council create the Board of Trustees and confirm the appointment of five (5) Trustees named below.

BE IT RESOLVED by the City Council of the City of Red Lodge (the "City"), Montana, as follows:

Section 1. Tourism Business Improvement District No. 001 Board of Trustees: The Tourism Business Improvement District No. 001 Board of Trustees is hereby created. There shall be five (5) Trustees.

Section 2. Board Appointments: The initial Board of Trustees for Tourism Business Improvement District No. 001 shall be as follows and their terms shall be as shown. All terms begin February 1, 2012. After the initial terms, all subsequent Trustees shall be appointed to four (4) year terms, except that a vacancy occurring during a term will be filled for the unexpired term. Vacancies, due to the completion of a term or an unexpired term shall be selected by the Board. Board Members can seek reappointment. The initial Board Chair shall be Angela Beaumont who shall serve a one (1) year term. Subsequent Chair persons shall serve one (1) year terms as Chair and shall be selected by the Board.

<u>Trustee Name</u>	<u>Initial Term</u>
Angela Beaumont	1 Year
Linda Daily	2 Years
John Gilligan	3 Years
Piney Hardiman	4 Years
Trish LaCombe	4 Years

Section 3. Powers and Duties of Trustees: The appointed Trustees shall have the powers and duties set out in Sections 7-12-1121 through 7-12-1133, M.C.A. and any other applicable laws, City ordinances or regulations. The Board of Trustees shall submit to the City Council for approval, a work plan and budget for the ensuing fiscal year, no later than the 1st day of October preceding the beginning of the fiscal year for which the work plan and budget apply. The City Council may modify the work plan and budget as it considers necessary and appropriate.

Motion by Labrie, second by Kampfe to approve Resolution #3342, a resolution creating a board of trustees for Red Lodge Tourism Business Improvement District No. 001, appointing the initial trustees and specifying the powers and duties of the board. On roll call vote all Aldermen present voted “Aye.” Motion carried.

NorthWestern Energy Franchise Draft Sanderson said currently there are essentially three franchise agreements. One is in our current municipal code, a proposal was given to the City by NorthWestern Energy and the franchise that has been reviewed and edited by the City Attorney. Sanderson said that within the next week the Mayor, the Administration Committee, Sam Painter and he will get together and put all comments into the proposed document and forward it to NorthWestern Energy for their review and ask them to sit down with the Administration Committee and hammer this agreement out so all are satisfied and to make sure it meets legal muster. Mayor Roat told the Council if they have any questions or suggestions now is the time to make their comments.

It will then come back to the Council as a whole to approve or disapprove the franchise.

Appoint City Attorney – Prosecuting – Kent Young Mayor Roat said he would like the Council to concur in the appointment of Kent Young as the City Prosecuting Attorney for a two year term.

Motion by Kampfe, second by Labrie to appoint Kent Young as the City Criminal Attorney. On roll call vote those in favor: Aldermen Kampfe, Mahan, Labrie and Williams. Those opposed: Aldermen Richter and Schoenike. Motion carried.

William Larson, 19 South Platt, gave the Council a statement concerning the appointment of Kent Young. Larson said he feels the City should go outside and get the best and most qualified person for this position. Larson said he feels there are issues with Young like not answering phone calls, being late to meetings and doing investigations that should be conducted by the Police. Larson told the Council of a case that he was involved in that he feels was not handled correctly.

Mayor Roat pointed out that the case being spoken about occurred in June of 2009.

Richter said she has concerns with accessibility now that Young has moved his practice out of the City limits. She wonders if there will be problems with responses in a timely manner. She said that maybe it is time for a change. Mayor Roat said he has heard of no problems from the Police or the Court in regard to response time. He also said that if he did he would in fact sit down with Young and discuss any problems.

Mayor Roat said that Young is not a City employee and Schoenike said he is more like an independent contractor. Schoenike said it appears there is no criteria to judge the quality of work that is being done by the Prosecuting Attorney. He commented that maybe this is something that needs to be done. It appears that further discussion needs to be held with Young to make sure that everything is going as expected by all.

Appoint City Attorney - Civil - Elk River Law Office Mayor Roat asked the Council for their concurrence in the appointment of Sam Painter, Elk River Law Office, as the Civil Attorney for the City.

Motion by Williams, second by Labrie to concur in the appointment of Sam Painter, Elk River Law Firm, as the Civil Attorney for the City. On roll call vote all Aldermen present voted "Aye." Motion carried.

Mayor Roat said that Sam Painter has asked for a \$15 per hour raise and this is the first request made in the past seven years of working for the City.

Sanderson pointed out the major accomplishments for the City that Painter was a part of. These are the Growth Policy, Subdivision Regulations, Floodplain Regulations, Zoning Regulations and the TBID creation. Each and every one of these documents have been reviewed on time by Painter with comments made that make sense making the documents stronger and more defensible.

POLICE AND EMERGENCY SERVICES - Animal Control Ordinance Draft

Williams said the draft ordinance has been reviewed by the committee and has been given to the Police Department and the Civil Attorney for their comments. He said a final ordinance should be ready in the next four to six weeks to be brought to the Council. Williams said it is felt that Red Lodge does not have a big enough problem with animal control to have a full blown animal control program. This would be very costly.

Carbon County Emergency Preparedness Plan Williams said the committee met with Barb Beck today to discuss the Carbon County Emergency Preparedness Plan. Beck is working on this plan and the City will be receiving a draft of the plan within the next couple of weeks to review. When the City receives the plan more discussion will be held and then the Council will need to decide if the City wants to participate. Beck also met with the Public Works Committee regarding this plan. This plan is strictly for natural disasters. With this plan in place FEMA will step up and help with any emergencies.

Weed Control Plan Williams said the Fire Department presented the committee with a draft of the proposed weed control plan for the coming year. The committee will review this plan and come back to the Council with their report.

LAND USE AND PLANNING None

PUBLIC WORKS – Kuhr – Septic Request Lots 3-10, Block 20, C.O.S. 1811, 2nd AM – Airport Motion by Schoenike, second by Mahan the adoption of Staff Report ORD #835-12-01 as findings of fact. Further, I move to approve the Septic Request subject to the following conditions:

- 1) The existing building can remain at the current location. However, if damaged by 50% or is proposed for renovations equal to 50% of the value, the structure needs to be located in conformance with the prevailing zoning.
- 2) The request to exchange property cannot be approved.
- 3) The single-wide mobile home needs to be removed from the alley prior to the installation of the septic tank and drainfield.
- 4) The grantee, their heirs, successors or assigns shall be prohibited from objecting to the establishment of a SID to extend sewer to serve this and other property at the airport.
- 5) That the property shall be connected to the municipal water system at the sole expense of the property owner.
- 6) That the owner shall obtain a permit from the Carbon County Sanitarian for the installation of a septic tank and drainfield on the subject property.
- 7) That any and all use of the subject property shall conform to the requirements of the Red Lodge 2010 Zoning Regulations.
- 8) That the owner is prohibited from petitioning Carbon County for any variances to the adopted rules and regulations pertaining to the installation of septic tanks and drainfields for the subject property.
- 9) That so long as the property is connected to a septic tank and drainfield that the two parcels may not be conveyed separately.

On roll call vote those in favor: Aldermen Kampfe, Labrie, Schoenike and Williams. Those opposed: Aldermen Mahan and Richter. Motion carried.

Sanderson said there are essentially three things going on with this request. The Kuhr ownership is roughly 25000 square feet on two sides of a platted alley. 12,500 square feet where the existing building is sitting and another 12,500 square feet behind. The area is all laid out with plat and block. The front area to the east actually extends onto the platted right-of-way of McGillan Ave. about three to four feet. This has been this way in excess of thirty years. At some point a single wide manufactured home was put to the west of the existing building and it sits almost wholly on the City alley right-of-way. Municipal water comes down the west side of

Airport Road and is easily accessible. The nearest functioning sewer main is on the north end of the Airport Road by Jim Ransdall's house. This property is privately held and is one of two at the Red Lodge Airport. Given this Sanderson said it does merit some deference as the request is reviewed. Sanderson said the three things to look at are that the property is privately held, the zoning provides for elevated use regimen and the request meets the conditions for a variance.

The County Sanitarian has certified there is adequate room on this property for a septic system.

CITIZEN REPORT Betty Ansorge said she heard that Red Lodge is the 8th best ski resort for a small community in the United States. At the same time she heard that Red Lodge is in a state of drought. She asked how this could be. Schoenike thought she might be speaking to a weather magazine that rated small ski towns that get the most snow that was based on a forty-five year average. So he said that based on the forty-five year average Red Lodge does get really high numbers but if you were to look at the last fifteen years we are in a drought. He said this is probably why she is hearing the two conflicting stories.

Jenn Nelson, 306 South Hauser, said she is involved in Rough Riders basketball. This Club Basketball, which is outside of school, hosted a tournament this past weekend. The tournament was attended by 36 teams with this being the first year the tournament was held. She said they used the Civic Center and the Roosevelt gym with the approval of the Red Lodge School System at no charge. The organizers greatly appreciated this. They then had to also use the Roberts High School gym to accommodate the tournament as they were denied use of the Red Lodge High School gym. She said she wanted to inform but to also let the Council know how disappointed they were not to be able to use the High School gym as when it was built it was stated to the public that it would be used to bring tournaments to town. Mahan said the tournament went very well and what a shame that the school denied use of the High School gym.

Norm Mance, 517 S. Adams, spoke to the Council asking for help with recycling. He has concerns with the Center. He feels there are liability concerns that should be talked about. He said there is ice at the Center that needs to be taken care of. He said the recycling area is not being cleaned up. This will be checked on to see what can be done.

CORRESPONDENCE None

MISCELLANEOUS Kampfe said he attended an Airport Board meeting on January 26, 2012. One of the items discussed was Cruisin' Red Lodge and their thoughts of holding a drive in movie at the airport during their event this summer. This will be the second year for this event. They have the support of the Airport Board for this addition.

Williams told the Council that he will be out of town for the next meeting.

Meeting adjourned at 8:30 p.m.

Mayor

ATTEST:

City Clerk