

February 28, 2006

The Red Lodge City Council met in regular session on February 28, 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 Bullock, Mahan, Lockman, Stauffer, Scanlin and Reynolds. Absent: None.

MINUTES OF FEBRUARY 14 Motion by Stauffer, second by Mahan to approve the minutes of February 14. On voice vote all Aldermen present voted "Aye." Motion carried.

SPECIAL COMMITTEES None

STANDING COMMITTEES – Administration – Resolution No. 3209 – Personnel Policy

RESOLUTION NO. 3209

A RESOLUTION APPROVING REVISIONS TO THE CITY'S PERSONNEL POLICIES AND AUTHORIZING APPLICATION TO OBTAIN EMPLOYMENT PRACTICES LIABILITY INSURANCE.

WHEREAS, the Red Lodge City Council passed personnel policies by motion on April 28, 1998; and

WHEREAS, the City has since passed City of Red Lodge Policy #1 regarding use of computers by employees, and has taken note of other needed updates to the City's personnel policies; and

WHEREAS, the City has received comments from its insurance carrier to improve its personnel policies, has worked with legal counsel and staff on revisions, and otherwise endeavored to update, improve, and bring the City's personnel policies into conformity with current law and insurance standards.

NOW THEREFORE, BE IT RESOLVED:

1. The City Council resolves to approve the "Revised Red Lodge Personnel Policies" attached hereto and made a part of this resolution.
2. The City Council intends that the "Revised Red Lodge Personnel Policies" hereby supercede and otherwise replace the City's personnel policies previously adopted on April 28, 1998 and City of Red Lodge Policy #1.
3. The City Council does not intend the "Revised Red Lodge Personnel Policies" to supercede or otherwise conflict with any collective bargaining agreement, and when a conflict is perceived policies and procedures in the collective bargaining agreement shall prevail.
4. The City Council resolves to have the City take such other and further action as necessary and in conformity with this Resolution to perfect an application to obtain Employment Practices Liability Insurance (EPLI).

Scanlin said the sections that were highlighted for attention, to discuss, were the text regarding confidential information right to know/personal gain in section 4 and the sections that deal with employee use of City property, particularly computers, telephone and City vehicles.

Mayor Roat said communication needs to be done between the committee and the rest of the Council on the discussed issues in the personnel policy so a consensus can be reached. The policy needs to be written in the agreed manner by the next Council meeting so the vote can be taken on accepting the personnel policy.

Motion by Scanlin, second by Reynolds to table this Resolution until the next Council meeting. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Resolution No. 3210 – Rules and Procedures

RESOLUTION NO. 3210

A RESOLUTION APPROVING RULES OF PROCEDURE IN CONFORMITY WITH REQUIREMENTS OF THE CITY’S CHARTER.

WHEREAS, the Red Lodge City Charter provides at Article II, Section 2.07 that “The Council shall, by resolution adopt its own rules of procedure”; and

WHEREAS, the City Council has worked with legal counsel and staff to draft rules of procedure to fulfill this Charter mandate; and

WHEREAS, the best interests of the City will be served by the adoption to rules of procedure to guide deliberations both internally and with the public in general.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council resolves to approve the “Red Lodge Rules of Procedure” attached hereto and made a part of this resolution.
2. The City Council intends that the “Red Lodge Rules of Procedure” supercede and otherwise replace any informal means or method previously followed by the City Council.

Discussion was held on the rules and procedures and issues that are addressed in the Charter. The two will need to agree with each other. It was discussed that the City civil attorney must review all ordinances and numbered resolutions before being addressed by the Council.

Motion by Scanlin, second by Bullock to table this Resolution until the next Council meeting. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Police and Emergency Services The committee will meet with the Police as soon as possible to discuss equipment, mostly the vehicles.

Land Use and Planning – Contract – EDC Project Manager – Don Kinney Motion by Mahan, second by Reynolds to approve the contract with Don Kinney to be the EDC Project Manager with the amendment to section 5 to replace “personal injury and property damage insurance” with “professional liability insurance”. On roll call vote all Aldermen present voted “Aye.” Motion carried.

There was discussion regarding the paying of the contract up front rather than after work is done. The contract is enforceable and it was decided to leave it as written. The needed insurance was discussed and a change was made to the wording. The term “personal injury and property damage insurance” was changed to state “professional liability insurance” in section 5.

Planning Board Appointments Reynolds told the Mayor that the Land Use and Planning Committee recommends the reappointment of the present members whose terms are up. Mahan said it is very beneficial to keep the present members on board at the present time.

Motion by Mahan, second by Stauffer to approve the reappointment of Dan Gainer, Pete Critelli and George Clow to the City Planning Board. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Resolution No. 3208 – Land Exchange with Beartooth REA

RESOLUTION NO. 3208

A RESOLUTION BY THE RED LODGE CITY COUNCIL APPROVING A REQUESTED LAND EXCHANGE WITH BEARTOOTH ELECTRIC COOPERATIVE.

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 #3201 and the policies and procedures for 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 surveys provided by the Beartooth Electric Cooperative; and,
2. The City Council’s conditions to this exchange are that the costs of recording the documents of transfer will be born by Beartooth Electric Cooperative, and that this transaction be completed on or before April 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 approve Resolution No. 3208 with an effective date of June 30, 2006. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Mayor Roat said he will visit with Gary Bramble regarding the potential of repurchasing the property the City sold him. The Mayor will ask Mr. Bramble to visit with the Land Use Committee.

Public Works None

CITIZEN REPORTS Laura Getz told the Council that EDC has worked very closely with Rod Proffitt on the application for the Mainstreet Project. The application has been completed and mailed. The application has the blessing of EDC. Getz said that only 2 applicants will be chosen out of 11 applications.

John Prinkki told the Council that a road is proposed to be built on the north end of the hangar area to tie into the taxiway on the north. The County is also looking to tie into White Avenue. The County would like to visit with the City on these proposed streets. Prinkki said there is also a possibility of bringing White Ave. over to meet Lazy M Street and entering Highway 78 at that point where sight distance is better.

OLD BUSINESS – Ordinance No. 810 Amended(2) – Parks Board – 2nd Reading

ORDINANCE NO. 810 AMENDED (2) (caption)

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.

Motion by Mahan, second by Scanlin to approve Ordinance No. 810 Amended(2) on second reading. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Museum Request The museum came before the Council to ask forgiveness of the \$50,000 debt for the purchase of land that was bought from Conrad Anderson. The museum is trying for a large grant that will help them tremendously in the work being done at the museum. The grant giver places a lot of weight on community support and this would show just that and how important the museum is to the community.

Motion by Mahan, second by Scanlin to approve the request from the Carbon County Historical Society to forgive the \$50,000 deed of trust note. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Scanlin said the City needs to file a document that shows the mortgage has been satisfied for valuable consideration.

NEW BUSINESS – Contract for Construction of Historic Lighting Project – Chamber of Commerce Mayor Roat said the City will pay down the cost of installation that Northwestern Energy will be doing by putting in the conduit and putting in wires. If the City did pay in front we would be paying forever based on the cost of each fixture and that fixtures installation. This will be a \$100,000 plus. Northwestern Energy will then own the poles and will take care of them. City Attorney, Sam Painter had two changes that he would like to see implemented into the contract with the Chamber. Painter changed section one, F. to read, “City will manage project on Chamber’s behalf. If the City requires additional labor, the Chamber shall pay for two additional personnel to help

manage the project until its completion. The City shall provide documentation to Chamber evidencing the need for additional personnel.” The second change is in section two, B. that will read “Chamber shall reimburse the City for its costs and expenses incurred hereunder upon request in an amount not to exceed \$100,000. City shall provide Chamber reasonable documentation evidencing its costs and expenses incurred.” The Chamber had no problems with these two changes requested by the City Attorney.

Motion by Mahan, second by Reynolds to approve the contract for construction of the historic lighting project with the Chamber of Commerce and the City of Red Lodge with the changes offered by Sam Painter of section one, F. and section two. B. and the typo error corrections. On roll call vote all Aldermen present voted “Aye.” Motion carried.

CORRESPONDENCE There is platted land on the west bench that could be used for work force housing. It was suggested that the task force could perhaps put in the infrastructure if the City were to donate the land. The land could also be sold to a developer to be utilized in the same manner. These are matters of discussion for the task force and the City.

MISCELLANEOUS Department heads have been asked to have budget requests completed by April 1 so the budget process can begin.

March 17 is the Celebration of Youth event being held at the Civic Center. It was asked if the Mayor would present the award being given by the City and he said he would do this.

Meeting adjourned at 8:35 p.m.

Mayor

ATTEST:

City Clerk