

February 9, 2010

The Red Lodge City Council met in regular session on February 9, 2010 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, Kennicott and Priest. Absent: None.

**MINUTES OF JANUARY 26** Motion by Mahan, second by Labrie to approve the minutes of January 26 as submitted. On roll call vote all Aldermen present voted "Aye". Motion carried.

**CLAIMS AGAINST THE CITY** Motion by Kampfe, second by Labrie that claims against the City totaling \$89,554.85, 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 there were no significant claims for this month. He reported the claim to Beartooth Industries for cleaning of various buildings and the work done at the recycling center totaled \$2181.00. Claims for the ongoing construction work at the new shop building totaled approximately \$15,000.

Alderman Priest arrived at the meeting at 7:05 p.m.

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

**COMMENTS FROM PUBLIC** None

**SPECIAL COMMITTEE – Labor Management – Police Union Contract** Motion by Kampfe, second by Priest to approve the Collective Bargaining Agreement between the City of Red Lodge and the Red Lodge Police Department effective July 1, 2009 to June 30, 2011. On roll call vote all Aldermen present voted "Aye." Motion carried.

Kampfe pointed out some of the changes made in the agreement. One of the objectives was to bring this agreement into line with the Public Works (City employees) Union agreement. Kampfe said that overtime beyond 40 hours would be 1 ½ times the rate of pay for each officer and hours worked over 48 would be 2 times the rate of pay. The police officers will also receive \$4.00 per hour for on call pay and the officers would be loaned a vehicle to have at home while on call. The Police Union has also adopted the City's current pay matrix. This agreement has been ratified by the Police Union.

**STANDING COMMITTEE – Administration – City Relationship with Red Lodge Area Economic Development Corporation** The City has a Memorandum of Understanding with EDC to do the administrative responsibilities regarding the First Time Home Buyer Program. This program is still being used with applicants receiving help with down payments on houses purchased. The program has been successful and helped several citizens get into homes. It will need to be decided if the best course of action would be to have the RLAEDC continue with this work or turn it over to the City. There are also resolutions that were adopted to help with economic revitalization due to such things as the mudslides on the Beartooth Pass. The Resolution work has been done but discussion was held on the First Time Home Buyer Program as it is still being used. The RLAEDC will also be updating the CEDS document and they feel this is an important endeavor and would like the County and the City to be involved. The Administration Committee said they will research the work being done by RLAEDC and see if the City should sever the relationship or what parts of the resolutions or MOU should remain in effect. They will come back to the Council with a report as to any changes that need or do not need to be made.

**Mountain Springs Villa Block 95 Displacements** Mayor Roat said the City's obligation in this project is to make sure the codes and regulations are enforced. The codes need to be adhered to. Sanderson said the City has not yet received an action plan from NeighborWorks Montana, as the owners of the property. He does not know if NeighborWorks has told the owners of the affected homes what will be done to meet the City regulations. The City does not have a role in the tenant-owner relationship in this matter. The action plan needs to be submitted to the City by March 1, 2010.

**Letter of Support – NeighborWorks Montana – HOME Grant Application** The State has advised NeighborWorks Montana that they cannot apply for additional funding. The \$500,000 they have already received is the cap on HOME funds.

Sanderson said the City has \$167,000 to guarantee the completion of the required public improvements within the subdivision. These are water, sewer, streets, curbs, gutters and sidewalks. Most of this work has been completed and Sanderson submits there is not \$167,000 worth of work remaining within the confines of the subdivision itself. However, there is the sewer line that was illegally extended across the Brewer's property that is still locked up in court. Sanderson said that his recommendation to the Council is to not deviate from the role in the contract. He said the City needs to hold NeighborWorks Montana, the developer, fully accountable financially, professionally and morally to the City and their tenants.

**Emergency and Police Services** Kennicott reminded the Council of the training being held by Domestic and Sexual Violence Services. The training is for a comprehensive collaborative response to domestic violence. The training is being held February 24th and 25<sup>th</sup> at the Fire Hall.

Kennicott reported that in January there were 39 EMS calls and 4 fire calls.

Aaron McDowell told the Council that the petitions for the proposed ambulance district are being circulated. He said that incorporating an ambulance district will replace General Fund money being spent to support the ambulance service. The ambulance district will add \$69.00 to the tax rolls per parcel with a dwelling on it. Users of the ambulance service will still be billed the costs of that service. The \$69.00 on taxes will allow the service to exist and the usage fees will help to run the service's expenses. McDowell said if the district is formed there will be a board appointed that will oversee and set the budget for the ambulance service. The board will consist of two City appointment members, two County Commissioner appointment members and a local doctor, needed by all ambulance services, who currently is Dr. Brad Fouts.

Priest commented that the \$69.00 fee is about equity and the costs of running the service is something that would need to be discussed with the entity running the service. This would be separate from the equity fee.

## **Land Use and Planning – Resolution #3297 – Planning Department Schedule of Fees**

### **RESOLUTION 3297**

#### **A RESOLUTION OF THE RED LODGE CITY COUNCIL REVISING FEES FOR SERVICES RELATED TO THE REVIEW AND PROCESSING OF SUBDIVISION, GROWTH POLICY AMENDMENT AND ANNEXATION APPLICATIONS.**

**WHEREAS**, 76-3-501, 76-1-601 and 7-2- parts 42 through 47 M.C.A. authorize the City Council to adopt regulations related to subdivisions, growth policies, and annexations; and,

**WHEREAS**, the City Council on January 26, 2010, adopted the 2009 Red Lodge Subdivision Regulations with Ordinance 880; and,

**WHEREAS**, the City Council on August 12, 2008, adopted the 2008 Red Lodge Growth Policy with Resolution 3259; and,

**WHEREAS**, the City Council will annex territory into the city in accordance with state law; and,

**WHEREAS**, 7-1-4123(7) MCA authorizes local governments to charge reasonable fees for the provision of services; and,

**WHEREAS**, City Council adopted Resolution 3171 on December 14, 2004, providing fees for applications related subdivision and annexation; and,

**WHEREAS**, the City Council's intent to consider an amended subdivision, growth policy and annexation application fee structure was advertised in the Carbon County News on January 14, 2010.

**NOW THEREFORE, BE IT RESOLVED** that the Red Lodge City Council hereby adopts the fees as shown in Attachment A to address revisions to subdivision, growth policy amendment, and annexation applications and procedures contained in Title 12 of the Red Lodge City Code.

**BE IT FURTHER RESOLVED** that all sections of Resolution 3171 in conflict with this resolution shall be superseded by this resolution.

Motion by Mahan, second by Kampfe to approve Resolution No. 3297, A Resolution of the Red Lodge City Council Revising Fees for Services Related to the Review and Processing of Subdivision, Growth Policy Amendment and Annexation Applications. On roll call vote all Aldermen present voted "Aye." Motion carried.

**Resolution No. 3300 – 2009 Subdivision Regulations – Adopt Appendix  
RESOLUTION NO. 3300**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF RED LODGE TO ADOPT THE APPENDIX OF THE 2009 RED LODGE SUBDIVISION REGULATIONS.**

**WHEREAS:** On August 12, 2009, the City Council of the City of Red Lodge adopted Resolution #3259 which formally adopted the 2008 Red Lodge Growth Policy. The 2008 Red Lodge Growth Policy may be cited as Chapter 1 of Title 12 of the Red Lodge City Code; and

**WHEREAS:** On January 26, 2010, the City Council of the City of Red Lodge adopted Ordinance #880 which formally adopted the 2009 Red Lodge Subdivision Regulations. The 2009 Red Lodge Subdivision Regulations may be cited as Chapter 2 of Title 12 of the Red Lodge City Code; and

**WHEREAS:** The 2009 Red Lodge Subdivision Regulations need language, templates and forms to implement. The Appendix of the 2009 Subdivision Regulations includes language, templates and forms to implement the 2009 Red Lodge Subdivision Regulations.

**Now, therefore, the City Council of the City of Red Lodge resolves as follows:**

That the Appendix to the 2009 Red Lodge Subdivision Regulations is hereby adopted for the City of Red Lodge.

EFFECTIVE DATE. This resolution shall take effect the 26<sup>th</sup> day of February 2010.

CODIFICATION. The Appendix of the 2009 Red Lodge Subdivision Regulations shall be codified as the Appendix of Chapter 2 of Title 12 of the Red Lodge City Code.

REPEALER. All resolutions of the Red Lodge City Code in conflict herewith are hereby amended or repealed to conform to this Resolution #3300.

Motion by Labrie, second by Mahan to approve Resolution No. 3300, A Resolution by the City Council of the City of Red Lodge to Adopt the Appendix of the 2009 Red Lodge Subdivision Regulations. On roll call vote all Aldermen present voted "Aye." Motion carried.

**Heritage Land Sale/Cooper Lots Purchase** Sanderson reported to the Council that the land sale to Heritage Propane was closed on January 28 as planned. The proceeds were then deposited and the payment was made to First Interstate Bank for the debt on the remaining four Cooper Lots. The deeds will be given to the City and the City will then have exclusive ownership of the lots. The MLS listing with Heather Quinn will need to be modified. This will be an action item at the next Council meeting.

**Public Works – Zook Septic Tank and Drain Field Request** Wally Zook submitted a request to install a septic tank and drain field to accommodate an expansion of the use at Hangar Site #18. The expressed purpose/need for the septic tank and drain field are to enable the lessee to occupy the facility on a daily basis, the Airport Board has approved the expansion of the hangar facility to accommodate the construction of a new office and the moratorium on sewage disposal systems was only intended to exist while a study of options at the airport property was completed. Kennicott stated that the moratorium was put on septic tanks for the health and welfare of the community. Priest said he hoped he would get some information on this moratorium. Sanderson submitted that the nearness of septic tanks or drain fields in close proximity to a municipal well would be the health and safety issues.

The analysis given by Sanderson stated that the lease for Hangar Site #18 specifically prohibits the installation of a septic tank and drain field. The findings given were that City sewer is not available within 300 feet of the subject lease. The stated primary purpose of the septic tank and drain field is to expand the use of the hangar facility to include commercial office space. This expanded use is not contemplated in the agreement between the City and the Airport Board. Allowing the installation of individual septic tanks and drain fields at the City Airport has the potential to expose the City to liability in the future or at a minimum the expense of abandoning the drain fields when sewer services become available. Sanderson said it is not in the best interest of the City to allow for the proliferation of individual sewage disposal system wells within the corporate limits. He recommends the request be denied.

Motion by Mahan, second by Kampfe to approve the request from Mr. Zook to install a septic tank and drain field at the City Airport. On roll call vote all Aldermen present voted “No.” Motion failed.

Kampfe said there seems to be a conflict on how the Airport Board administers the Airport and the needs of the City. The airport is on City property. Mayor Roat said it would be a good idea to persuade the Airport Board to develop a plan for the airport and share this with the City and to also define how all will be accommodated with the future plans for the airport. Priest said he feels there is not so much a conflict but that everyone who sits on the board has different perspectives for the airport.

**RFP Master Engineering Contract** The current contract held with DOWL-HKM expires in May of 2010. Sanderson would do an RFP to get an engineering firm on board. Mahan said the group being proposed to be the selection committee to review the proposals to the RFP are the members of the Public Works Committee and Mayor Roat. The Administration Committee would then be charged with recommending a contract when a firm is selected. The timeframe on this will be a tight one but all are prepared to make things go as smoothly as possible.

Motion by Mahan, second by Richter to give approval to Sanderson to send out an RFP for the Master Engineering Contract. On roll call vote all Aldermen present voted “Aye.” Motion carried.

The contract will be a two-year contract with the possibility of a one-year extension if both parties are in agreement.

**New Remote Meter Readout Project** Priest is concerned with the e-mail he received from the Public Works Director regarding the remote meter readout project. He said he feels this is a major expenditure

item and that it has not been thought through sufficiently. He said the City is able to read meters at the present time but the choice is does the City have a better way to do this. He said there is a very easy way to decide if there is a better way to do this task. It would be called a return on our capital. If there is a positive return he feels the City should do the project. One of the keys things needed to determine a positive return is the speed of rollout. He said the way things are going now is to take meters as they are needed and place them throughout the community. He just feels that more thought needs to go into this before a lot is done on the project. Priest was told the project would take two years to complete.

The Public Works Committee was tasked with getting a report on this remote meter readout project. What will be the projected roll out time on this project? Richter said that Boyer told the committee that the project will take two years and is coming in under budget.

Mahan said the new shop is finished but does need a little additional painting and some trim work.

A new pickup has been purchased and Boyer would like to advertise for bids on the 1999 van if possible.

Motion by Mahan, second by Richter to approve for Boyer to advertise for bids on the sale of the 1999 van. On voice vote all Aldermen present voted "Aye." Motion passed.

**Street Lights on Broadway** Mayor Roat said there are lights out on Broadway that have been out for a considerable amount of time. He was given a list of parts for the lamps and called NorthWestern Energy asking who was responsible for maintenance. NorthWestern Energy appears to be responsible for the maintenance, but they cannot find the agreement they thought they had with the City making Red Lodge responsible.

Mayor Roat said there will be news article in the paper regarding the need for volunteers on the Police Commission and the Planning Board.

**CITIZEN REPORT** None

**CORRESPONDENCE** None

**MISCELLANEOUS** Kennicott reported that she was absent from the City January 21<sup>st</sup> to January 29<sup>th</sup>.

Kennicott asked about the status of the collection process for the delinquent submissions noted on the Resort tax report dated January 2010. Mayor Roat said that letters had been prepared for collection.

Mahan said a very productive meeting was held between the City and the Chamber of Commerce and how they can partner in a variety of positive ways. In attendance at the meeting was Mayor Roat, Mahan, Chamber President, Gordon Gallagher, Vice President, Vaughn Clutter and Executive Director, Patty Russo.

Meeting adjourned at 9:00 p.m.

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Mayor

ATTEST:

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City Clerk

Corrections made at the February 23, 2010 meeting.

