

February 12, 2008

The Red Lodge City Council met in regular session on February 12, 2008 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, Lockman, Stauffer and Priest. Absent: Alderman Kennicott.

**MINUTES OF JANUARY 22** Motion by Mahan, second by Stauffer to approve the minutes of January 22 as presented. On roll call vote those Aldermen in favor: Aldermen Mahan, Lockman, Stauffer and Priest. Those abstained: Alderman Kampfe. Motion carried.

**CLAIMS AGAINST THE CITY** Kampfe told the Council the claims for the month totaled \$112,703.99.

Motion by Kampfe, second by Priest 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." Motion carried.

Kampfe reported the monthly retainer and overage for City Prosecuting Attorney Young was \$2500 for the retainer and about \$3000 in overage beyond the retainer. The cases are increasing and along with this is the cost. The Court budget will need to be reviewed come budget time this year.

**OFFICERS REPORTS** The officer reports were approved by the Council as submitted. The City had a 53% leakage on treated water this month. Hopefully the new water project will take care of this problem and reduce the loss considerably.

**SPECIAL COMMITTEE – Large Event Committee** Priest said the committee has met and talked with some of the department heads to identify a new process for large events and how to effectively manage them when they come to town. He said one of the key items is to identify exactly what a large event is and what should be triggering the things that need to be addressed such as outdoor sales, open container or street closures. The committee is asking for feedback on these items to improve things like public safety and negative impacts on the community.

A forum will be held on March 15, 2008 at the Roosevelt School at 9:00 a.m. This forum will be an open discussion on the Harley Rodeo i.e.: large events.

**STANDING COMMITTEE – Administration** Kampfe said some of the items the committee discussed was non-union employees regarding things like wages and the possibility of health care for part-time employees. They also talked about setting up a goals and visioning session for the Council members and the Mayor and perhaps department heads. This is still a discussion item with the committee and hopefully they will have something concrete to report at the next meeting.

**Police and Emergency Services** Lockman said the committee met this morning with police and fire. She said the police Tahoe has a blown engine that is being repaired. They are hoping the new vehicle they are purchasing will be here in a couple of months. The police office is being remodeled giving them more room into the garage. More discussion was held on the committee regarding a salary survey being completed. Family health care was also discussed. More information will be brought to the Council regarding this item.

**Land Use and Planning – Resolution No. 3250 – Bank of Red Lodge Street Closure – Resolution of Intent**

**RESOLUTION NO. 3250**

**A RESOLUTION OF INTENTION BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA TO CLOSE A PORTION OF OAKES AVENUE IN THE 400 BLOCK OF NORTH BROADWAY ADJACENT TO TRACT D-3 SECTION 27, TOWNSHIP 7 SOUTH, RANGE 20 EAST, P.M.M, CARBON COUNTY, MONTANA.**

**WHEREAS**, the City of Red Lodge received a petition to close a portion of Oakes Avenue from the Bank of Red Lodge described as follows:

**BASIS OF BEARING:**

Considering the Basis of Bearing to be based on the west line of Tract D-3 of Certificate of Survey No. 1396 AM. On file at the office of the Clerk and Recorder, Carbon County, Montana, with all other bearings contained herein relative thereto:

**PORTION OF OAKES AVENUE OF ORIGINAL PLAT RED LODGE**

That part of Oakes Avenue, Original Plat of Red Lodge, located in the NE ¼ of Section 27, T.7S., R.20E., P.M.M., Carbon County, Montana described as follows;

Commencing at the northeast corner of Tract D-3 of Certificate of Survey No. 1396 AM.; thence S10 59' 41"W for 0.88 feet along the east line S00 16' 25"W for Point of Beginning; thence leaving said east line S00 16' 25"W for 151.32 feet; thence along a 10.00 feet radius curve to the Right (chord bears S45 00; 08"W 14.07 feet) 15.61 feet; thence S89 43'50"W for 20.68 feet to the east line of said Tract D-3; thence continuing along said east line N10 59' 41"E for 164.39 feet to the Point of Beginning, containing 2444 Square Feet more or less. AND

**WHEREAS**, the City Council at the February 7, 2008 meeting conducted a public hearing on the petition to close said portion of Oakes Avenue; AND

**WHEREAS**, the City Council adopted Staff Report PW-RC-01-08 as findings of fact.

**NOW THEREFORE BE IT RESOLVED** by the Red Lodge City Council that it is our intention to close the portion of OAKES Avenue in the North 400 Block of Broadway as described in this resolution.

Sanderson told the Council the Bank of Red Lodge has submitted a proposal to close a triangular portion in the North 400 Block of Oakes Avenue. If the closure is deemed to be in the public interest and approved, it would facilitate the potential for a land exchange between the City of Red Lodge and the Bank of Red Lodge for property they own adjacent to the City restrooms at Lions Park.

Sanderson, in his staff report, made the following comments. He said the request appears to be in the best interest of the public. The request has been recommended for approval by the Public Works Director. The closure will help facilitate several of the goals and objectives discussed in the Red Lodge Growth Policy. The closure will assist in implementing many of the goals in the proposed Highway 212 reconstruction in Red Lodge. The closure of Oakes Avenue is consistent with the City Council Resolution depicting a portion of Oakes Avenue as a one-way street.

Sanderson told the Council that the closure of a street means the use of the property as a road is terminated either indefinitely or for a specific time frame. The City retains the legal interest in the land and has discretion as to the future use of the property.

Mayor Scanlin opened the public hearing. No one spoke to the topic on hand so the Mayor closed the public hearing.

Mayor Scanlin asked Sanderson what interest the City would have in exchanging property with the Bank of Red Lodge on the south end of their property. This area would lie on the street side of the public restrooms. This is still under discussion and she said she hopes this all happens at the same time.

Motion by Stauffer, second by Mahan for the adoption of Staff Report #PW-RC-O8-01 as finding of fact. Further it is moved to approve the petition of the Bank of Red Lodge and close the portion of Oakes Avenue as provided in Resolution No. 3250. On roll call vote all Aldermen present voted "Aye." Motion carried.

**Beartooth Humane Alliance – Shelter Location** Sanderson said the Land Use Committee and the Public Works Committee have met and visited seven properties and ranked three of these seven properties in order of priority, in terms of desirability and compliance with the MOU. Sanderson said the committee would discuss the three locations and hopefully come back to the Council at the next meeting with a formal recommendation for a site that will work for both the BHA and the City.

Priest said he is in favor of this concept but he has a concern with giving land away as being a large expenditure for the City. He said that land is revenue for the City. He said there is much more information that is necessary for this kind of a decision to be made. Priest would like to see a rationale for this large of an expenditure. Some of the things he would like an answer to would be how is the project being funded, how will it be a success, what size would the facility be and how much acreage is necessary. He feels the City is trying to decide on a location without enough data being in hand. The appropriate location needs to be found for this shelter. Priest said he needs to know more about the project, as he has no sense of context for this project. The BHA said they would be willing to meet with Priest to answer his questions as best they can.

Stauffer said there has never been a statement made to give away land for this shelter location. He said the resolution and the MOU both speak to lease or sale of land. Priest said that a lease still hinders the conversion of turning land into cash. A lease would make the land unusable.

Kampfe said the original recommendation of the majority of the Land Use Committee was the site by the City Shop. Kampfe said that from his point of view he is not happy with any of the sites. He said he is having trouble making compromises on such a long-term lease. He said his first choice would be the site next to the City Shop but he would like to know what the long term plans are for the City Shop and the concerns of the Public Works Director need to be addressed. Kampfe feels if this question were answered the Council would better know the appropriateness of this location.

It was decided to bring this back to committee for more discussion and hopefully some of the questions brought out in discussion would be answered.

**Diamond "C" Links – Bonding and Improvements** Lindsay Johnson told the Council this was a heads up on an item that would come before them in the near future. She said there will be a request from Diamond "C" Links for the City to release restrictions on the transferring conveyance of lots in Phase II. She said the Planning department is researching all the improvements that are specified in the SIA to determine what has or has not been completed or accepted by the City. She said one of the concerns within the SIA is the requirement that telephone, gas and electrical power and cable television lines within the public right of way shall be installed before streets are paved. The streets have been paved and the private utilities have not been installed in the public right of way. Mr. Cabral previously came to the Council and requested they accept the payment to NorthWestern Energy for the utility line installation as a guarantee of the developer's private utility installation requirements that was delineated in the SIA. The Council determined they wanted to see more information. The City is still waiting for an invoice from NorthWestern Energy on this installation. Johnson said the City is also researching the warranty of the public infrastructure improvements. She said these concerns will be reviewed and then a follow up will be done with Mr. Cabral.

**Colt Communications Major Subdivision – Mt. Springs Villa Subdivision Briefing** Sanderson said the Planning Board would be holding a public hearing on this proposal on February 13 at 5:30 p.m. It will then come to the Council for potential action at the February 26 meeting. There are 17 lots that are being aggregated to three lots. Sanderson said there is not a municipal water main along the entire 800 feet of frontage. There are also no fire hydrants within 100 feet of the lot. Sanderson said while the analysis was walked through of taking 17 lots and doing subdivision in reverse and ending up with three lots they are proposing a condition that would require water and a fire hydrant be installed within 300 feet of the to be created Lot A, Block 84. Sanderson discussed the three options available to accomplish this condition. Sanderson said there would be gains in obtaining a water main, a fire hydrant and a larger alley that will come off the back of the fire hall that can be used for egress and gain access to Second Street which will be opened as a result of this redesign. The use of Second Street will serve the needs of Mountain Springs Villa.

Sanderson said the other component and part of the public hearing being held by the Planning Board will be the closure and abandonment of the alleys shown and the exchange will be a wider alley in the back of Block 84. A new alley will be made at an angle along the back of the commercial lots and the Mountain Springs Villa.

**Public Works – Waterline Rehabilitation Project** Sanderson told the Council the numbers he will be sharing are preliminary and have not been certified by the engineering firm. The bids were broken into three components, which are the tank and meter building, the 16-inch line coming into the PRV valve by the City Shop and the series of in town rehabs. The engineer's estimate for the tank and meter building was \$1,500,000 with Cop Construction being low bid at \$1,181,471. The in town rehab engineer estimate was \$1.3 million with the apparent low bid being Century Construction Co. at \$1,155,192.50. The engineer estimate for the 16-inch transmission line coming into town was \$1,481,540 with Williams Plumbing and Heating bidding \$1,398,054. The savings being under budget of \$459,455.50. Sanderson said there is now a chance of doing an alternative project. He said there were seven independent bids offered on this project and they came in very competitively.

**USFS – Fuels and Storm Damage Clean-up Project** Traute Parrie and Jeff Gildehaus, US Forest Service, spoke to the Council and public on the Beartooth Front storm damage clean-up and fuels reduction. A November, 2007 wind event brought widespread damage to the Beartooth Front area. This wind created heavy concentrations of wind damaged and fallen trees on U.S. Forest Service and adjacent DNRC lands in the West Fork Creek and on USFS lands in the Main Fork Rock Creek and Benbow area. Concentrations of wind damaged and fallen trees in combination with fuel conditions that existed before the wind event have increased beetle infestation potential and created potentially hazardous fuel loads. The project consists of proposals to improve public and firefighter safety, clean up areas of wind-damaged trees, improve defensible space around structures, create fuel breaks, and reduce fuel loading. Clean up and fuels reduction will be accomplished through removal and sale of forest products and either removal or piling a burning of non-commercial materials. Storm-damage clean up and fuels reduction are proposed on approximately 939 acres of USFS lands and 123 acres of DNRC lands in the West Fork Rock Creek; 237 acres of storm-damage clean up and fuels reduction on USFS land in the Main Fork Rock Creek and 109 acres of storm-damage clean up on USFS lands in the Benbow area.

Pictures were shown of the damage done by the windstorms and number of trees that have fallen. Mr. Gildehaus said the first priority is to get the five campgrounds that were affected re-opened. They are also working very hard to get emergency funding to clear trails. He said 49 miles of trails were affected. He said it would take all summer to get the trails cleared. Hopefully the campgrounds will be open by Memorial Day as they realize it is important to local economy to have these campgrounds open.

Another public hearing will be held February 19 at the Senior Citizen Center from 5:30 to 7:30. The public is encouraged to attend and listen to what is being planned for our area. The public comment period ends February 25.

**CITIZEN COMMENTS** Claire Whitcomb, Chair of Carbon County Resource Council, asked the Council to sign the United States Mayors Agreement to help lessen the impacts of global climate change. She said the Resource Council feels this would show citizens that the City would be committed to being part of the solution.

Nellie Isreal said she is also a member of the Carbon County Resource Council and she added her concerns and asked the Council to sign the agreement. They all feel it is very important.

**OLD BUSINESS – Growth Policy Update** Mayor Scanlin said the Growth Policy is the blue print for other planning processes and that the document is very important to show new focuses and concerns. Now is the time for the public to make their concerns and comments known during the meetings that are being held. The turn out from the public has been very good during this process. Three work sessions have been held so far. The Planning Board has created a Housing Advisory Committee that has been tasked with making recommendations regarding housing to the Growth Policy. The next work session will be February 27 at City Hall at 5:30 p.m. This meeting will focus on the chapters regarding infrastructure and City services. Hopefully a draft of the policy will come to the Council in April.

**CIP Update** This plan will start making some specific lists of projects that need to be done and how they will be prioritized with the funds available. The CIP will chart the financial foundation over the next five years. It is being designed as a living document so it can be updated as necessary to help the City plan and manage the financial resources. A public meeting will be held in March for input on the project.

**NEW BUSINESS – MLIA Grant Application** Tom Kohley spoke to the Council for support on the Montana Land Information Act grant application. The purpose of the MLIA is to collect, maintain and disseminate information in digital format about the natural and artificial land characteristics of Montana.

\$35,000 is being requested from the MLIA grant program to further develop Geographic Information System technology for the City. Kohley said they are also requesting approximately \$3500 in hard money and \$2500 in-kind support from the City as a match for this grant. The grant application is in partnership with the County and they have already received written support from the County for this application.

If the City is chosen for this grant they would benefit by improved capability of GIS for land use planning, a return of investment in the data produced by Fugro-Horizons and the installation of a new digital projection system in the Council chambers to further encourage and facilitate the use of GIS in Council and Planning Board work sessions.

Kohley said the Public Works, Fire Department and the Community Development Department have agreed to find the \$3500 that would be used for the match on this grant in their budgets. The information that will be put into GIS format will be available to the City, the County and put on the State clearinghouse. The GIS information will primarily be for the City. The County is not contributing financially but will be in support of the application.

Kohley was asked what the \$2500 in-kind support would be. He said that Fire Chief Kuntz has pledged emergency service staff time for this project. The awards will be determined at fiscal year end so the matching funds would most likely come from the next fiscal year budget.

Motion by Mahan, second by Stauffer for approval of the MLIA grant application. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**Carbon County Resource Council – Climate Protection Agreement** Mayor Scanlin said the C.C. R. C. is asking the City to endorse the Mayors Climate Protection Agreement. If so done the City of Red Lodge would be the fourth city in Montana to do so. Jay Managa, Carbon County Climate Protection Committee, spoke to the Council in support of the Climate Protection Agreement.

Support of this agreement does not obligate the City in funding but does include a commitment to act on the principles many of which the City is already implementing: land-use policies that prevent sprawl, ‘walkable community’ concepts, trails, LEED initiatives in our community, recycling, etc. The Mayor believes the City meeting the intent would be easy and consistent with the trend of actions by the Council. The goal of the agreement is also consistent with the State of Montana’s goal of reducing its own energy consumption by 20% by 2020.

In the agreement, targets that are discussed for reducing global warming pollution by taking actions are:

1. Inventory global warming emissions in City operations and in the community, set reduction targets and create an action plan.
2. Adopt and enforce land-use policies that reduce sprawl, preserve open space, and create compact, walkable urban communities.
3. Promote transportation options such as bicycle trails, commute trip reduction programs, incentives for car pooling and public transit;
4. Increase the use of clean, alternative energy by, for example, investing in “green tags”, advocating for the development of renewable energy resources, recovering landfill methane for energy production, and supporting the use of waste-to-energy technology;
5. Make energy efficiency a priority through building code improvements, retrofitting city facilities with energy efficient lighting and urging employees to conserve energy and save money;
6. Purchase only Energy Star equipment and appliances for City use;
7. Practice and promote sustainable building practices using the U.S. Green Building Council’s LEED program or a similar system;
8. Increase the average fuel efficiency of municipal fleet vehicles; reduce the number of vehicles; launch an employee education program including anti-idling messages; convert diesel vehicles to bio-diesel;
9. Evaluate opportunities to increase pump efficiency in water and wastewater systems; recover wastewater treatment methane for energy production;
10. Increase recycling rates in City operations and in the community;
11. Maintain healthy urban forest; promote tree planting to increase shading and to absorb CO<sub>2</sub>; and
12. Help educate the public, schools, other jurisdictions, professional associations, business and industry about reducing global warming pollution.

Motion by Lockman, second by Stauffer to give approval for the Mayor to sign the Mayors Climate Protection Agreement. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**CORRESPONDENCE** Mayor Scanlin said she has given the Police Commission a copy of a complaint that was received regarding a police citation. She plans on using the Commission as a sounding board on such things.

**MISCELLANEOUS** Mayor Scanlin said she has spoken to Allied Waste regarding the curbside recycling pickup. This is part of the present contract and needs to be enacted again. Ads will be in the local paper this week explaining to the public how the program will work.

Stauffer said he is involved in a regional organization called Yellowstone Business Partnership. It has about 250 businesses that surround Yellowstone and Teton National Parks. They have a program called Uncommon Sense that is about three years old. Stauffer said about 30 businesses in the region have been through the program with Bridge Creek being the only business in Red Lodge to complete the program. It is a two-year program with the business paying \$800 a year. There are six modules in green operations for businesses dealing with all aspects of business. Stauffer said the program has been hugely successful. His point is to say they are recruiting for the fourth class to be held now. He said if anyone knows of a business that would be interested in going through these classes to operate in a way that helps the environment but also helps the bottom line of the business they can call Stauffer for information.

Stauffer is also a part of the LEED Program, which is a part of the global environment program. LEED is more suited for urban areas and commercial buildings. The Yellowstone Business Partnership asked for permission from the U.S. Green Building Council to develop standards that are specifically for rural and natural areas. He said USGBC has approved this so the partnership is the first in the world to be allowed to tailor LEED to a specific region of the country. They received a \$175,000 grant to move this ahead. Stauffer said there are several people in Red Lodge that will be involved in this project.

Meeting adjourned at 9:05 p.m.

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Mayor

ATTEST:

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City Clerk