

January 11, 2011

Mayor Roat gave the Oath of Office to Council member elect, Mike Schoenike, of Ward One. Schoenike took his seat at the Council table. Mayor Roat reported that he had given the Oath of Office to Council member elect, Polly Richter, Ward Two, on January 5 as she had a family emergency and needed to leave town.

The Red Lodge City Council met in regular session on January 11, 2011 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, Labrie, and Schoenike
Absent: Richter.

APPOINT COUNCIL PERSON WARD THREE Mayor Roat stated that the City asked for letters of interest from anyone interested in filling this seat vacancy. Aaron Kampfe submitted a letter of interest for the Council seat in Ward Three.

Motion by Mahan, second by Labrie to nominate Aaron Kampfe for the Ward Three Council position. On roll call vote all Aldermen present voted "Aye." Motion carried.

OATH OF OFFICE – WARD THREE Mayor Roat administered the Oath of Office to Kampfe as Councilperson for Ward Three.

MINUTES OF DECEMBER 14 Motion by Mahan, second by Schoenike to approve the minutes of the December 14 meeting as submitted. On roll call vote all Aldermen present voted "Aye." Motion carried.

CLAIMS AGAINST THE CITY Motion by Kampfe, second by Mahan that claims against the City totaling \$143,774.06, 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 being paid this month. He said this month was fairly typical with the claims being paid. He said claims were paid to S&T Ready Mix for \$539, Hamon Construction, \$2607 and Jake Grove for \$2572 all being for the playground equipment installed at Field School Park.

OFFICERS REPORTS It is hoped that the water loss will be lessened with leaks that are being found when the new meters are being installed.

COMMENTS FROM PUBLIC REGARDING AGENDA ITEMS None

SPECIAL COMMITTEES None

STANDING COMMITTEES – ADMINISTRATION – Appoint Councilperson Ward One Vacancy
Kampfe reported that two letters of interest were received for this vacancy. A seat was left vacant when Jason Priest resigned to move on to the State Senate. The letters of interest were submitted by Dan Gainer and Ed Williams. The Administration Committee visited with both gentlemen and Kampfe said that his recommendation is to appoint Ed Williams to fill this seat. Kampfe said that both gentlemen were well qualified and would bring good things with them to the seat.

Motion by Kampfe, second by Labrie to appoint Ed Williams to the vacancy in Ward One. On roll call vote all Aldermen present voted "Aye." Motion carried.

Oath of Office – Appointed Councilperson Ward One Mayor Roat administered the Oath of Office to Ed Williams to fill the vacancy in Ward One. Williams then took his seat at the Council table.

Elect Council Chairperson Motion by Kampfe, second by Labrie to approve Mahan as Council Chairperson. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Appoint Department Heads Mayor Roat asked the Council to approve his appointments of Department Heads.

Motion by Mahan, second by Kampfe to approve the appointment of Debbie Tomicich as City Clerk/Treasurer. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Motion by Mahan, second by Labrie to approve the appointment of Forrest Sanderson as Community Development Director. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Motion by Mahan, second by Schoenike to approve the appointment of Orval Boyer as Public Works Director. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Motion by Schoenike, second by Williams to approve the appointment of Richard Pringle as the Police Chief. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Motion by Kampfe, second by Mahan to approve the appointment of Tom Kuntz as the Volunteer Fire Chief. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Motion by Kampfe, second by Mahan to approve the appointment of Jodie Moore as Librarian. On roll call vote all Aldermen present voted “Aye.” Motion carried.

FY-2011 Budget Amendment – Creation of Fund 5510 – Approve Budget for Ambulance District – Public Hearing The clerk stated that after the election was completed and the voters agreed to establish the Ambulance District the budget (expenditures and revenues) for the district needs to be entered into the City’s established budget. Mayor Roat opened the public hearing to approve this budget. No one spoke to this issue and the Mayor then closed the public hearing.

Resolution #3117 – Creation of Fund 5510 – Red Lodge/Roberts Ambulance District

RESOLUTION NO. 3317
RED LODGE CITY COUNCIL

A Resolution by the City Council of the City of Red Lodge to create a separate fund outside of the ‘General Fund’ for the Red Lodge/Roberts Ambulance District program.

WHEREAS: The electors voted to establish a new Red Lodge/Roberts Ambulance District on July 13, 2010; and

WHEREAS: The Red Lodge City Council is desirous of operating and maintaining a new separate fund to manage the accounting for the Red Lodge/Roberts Ambulance District; AND

WHEREAS: The State of Montana Budget Accounting and Reporting System incorporates an approved fund number (5510) for the administration of Ambulance District funds.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Red Lodge, Montana to adopt Resolution Number 3317, which formally creates and authorizes the use of fund number 5510 by the Red Lodge/Roberts Ambulance District. Further, this fund number shall be used in Fiscal Year 2011 and subsequent years.

BE IT FURTHER RESOLVED, by the City Council of the City of Red Lodge, Montana, that the Mayor is authorized to move all cash, liabilities and assets associated with the Red Lodge/Roberts Ambulance District program from the General Fund to Fund 5510.

Motion by Kampfe, second by Schoenike to approve Resolution #3317 A Resolution by the City Council of the City of Red Lodge to create a separate fund outside of the ‘General Fund’ for the Red Lodge/Roberts Ambulance District program. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Resolution #3318 – Budget Amendment for the Red Lodge/Roberts Ambulance District

RESOLUTION NO. 3318

A RESOLUTION OF THE CITY OF RED LODGE, MONTANA APPROVING AND ADOPTING THE BUDGET AMENDMENT FOR FISCAL YEAR 2010-2011, AS PROPOSED BY THE RED LODGE CITY COUNCIL ON JANUARY 11, 2011.

WHEREAS, the electors voted to establish a new Red Lodge/Roberts Ambulance District on July 13, 2010; and

WHEREAS, the City Council adopted the Budget Amendment for Fiscal Year 2010-2011 and there were no protests to the adoption of the Amendment to the Budget at a public hearing held during the January 11, 2011 Council meeting at 7:00 p.m.

NOW THEREFORE, BE IT RESOLVED that the following Budget Amendment for Fiscal Year 2010-2011 is hereby adopted and the total mill levy set at 139.17.

Fund Name	Total Requirement	Non-Tax Resources	Property Tax Revenue	Mills
1000 General	1,920,717	1,291,814	628,903	104.01
2190 Comp. Ins.	91,997	51,485	40,512	6.70
2370 Fire Retire	41,808	23,669	18,139	3.00
2371 Health Ins.	96,523	600	95,923	15.76
2372 PERS	63,355	57,309	6,046	1.00
2375 Police Retire	54,976	38,651	16,325	2.70
3020 Fire Truck Levy	41,523	5,244	36,279	6.00
2100 Resort Tax	926,967	926,967		
2220 Library	129,778	129,778		
2394 Bldg. Code Enf.	86,311	86,311		
2396 CDBG/HOME	83,878	83,878		
2820 Gas Tax	112,405	112,405		
2956 ISTEAA	243,592	243,592		
2990 Stimulus Funds	10,973	10,973		
4030 Capt. Proj.	846,522	846,522		
5210 Water Opert.	2,140,172	2,140,172		
5310 Sewer Opert.	1,928,432	1,928,432		
5410 Solid Waste	391,612	391,612		
5510 Amb. District	536,710	536,710		
7010 Ceme. Trust	108,121	108,121		
7050 Dance Pavilion	1,014	1,014		
Total	9,857,386	9,015,259	842,127	139.17

Motion by Kampfe, second by Labrie to approve Resolution #3318. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Police and Emergency Services – Ordinance #888 – Noxious Weeds – Second Reading

ORDINANCE NO. 888 (caption)

AN ORDINANCE AMENDING TITLE 4 PUBLIC HEALTH AND SAFETY TO UPDATE CHAPTER 3 ON WEEDS IN ORDER TO COMPLY WITH THE MCA FOR NOXIOUS WEED CONTROL, TO REMOVE NUISANCE WEEDS (LONG GRASSES) FROM THIS CHAPTER OF THE CITY CODE, AND TO FURTHER ENFORCE THE CURRENT CRIMINAL PENALTY FOR VIOLATION OF THIS ORDINANCE.

Motion by Kampfe, second by Labrie to approve Ordinance #888, an Ordinance amending Title 4 Public Health and Safety to update Chapter 3 on weeds in order to comply with the MCA for noxious weed control, to remove nuisance weeds (long grasses) from this Chapter of the City Code, and to further enforce the

current criminal penalty for violation of this Ordinance on second reading. On roll call vote those in favor: Aldermen Kampfe, Mahan, Labrie and Williams. Those opposed: Alderman Schoenike. Motion carried.

Williams asked if the City had a plan for the weed problem on City property. The Mayor said the City attempts to work at this but will need more attention than has been given so far. Mahan said the City does have a plan but are remiss in our weed problem. It is hoped to get some help from the County Weed District.

Schoenike said he has a problem with 4-3-2: Permitting Noxious Weeds to Propagate Unlawful: "It is unlawful for any person to permit noxious weeds to propagate or go to seed on the person's property, lot or area inclusive of one-half of any City street, road, avenue or alley lying next to such property abutting thereon." His concern is that it will appear that the City is pushing off its responsibility to the landowners. His concern is with undeveloped rights-of-way that are being held in public trust. He said he would feel better if it stated, "developed property". Kampfe said he does not feel this will be a problem and is fine with the verbiage the way it is. If a person has a problem they can address the matter with the Mayor.

Ordinance #890 – Nuisance Weeds (Long Grasses) – Second Reading

ORDINANCE NO. 890 (caption)

AN ORDINANCE ESTABLISHING CHAPTER 4 NUISANCE WEEDS UNDER TITLE 4 PUBLIC HEALTH AND SAFETY IN THE RED LODGE CITY CODE.

Motion by Kampfe, second by Mahan to approve Ordinance #890, an Ordinance establishing Chapter 4 nuisance weeds under title 4 public health and safety in the Red Lodge City Code on second reading. On roll call vote those in favor: Aldermen Kampfe, Mahan, Labrie and Williams. Those opposed: Alderman Schoenike. Motion carried.

Schoenike said he has the same concerns with this ordinance as he did with Ordinance #888.

Kampfe said he was pleased that section 4-3-3-C "Property that is inaccessible or impractical for mowing or removing weeds including, but not limited to, possible wetlands, tree coverage, slope or ground instability, forested areas in parks, shall be exempt." He is also pleased that the use of goats to help control weeds and long grasses is being included.

Land Use and Planning – Conditional Use C-1 – Muirhead Sanderson told the Council there is an application pending for Design Review and two Conditional Uses for Mike and Jenny Muirhead. The application is in the new C-1 zoning district that used to be known as the Central Business Transition Zoning District. This application is for the old fly fishing guide shop building on the corner of Broadway and 8th. He said that under the 2010 Zoning Regulations the Planning Board has permit authority on the design review. The Council retained permit issuing authority on conditional uses. The requested conditional uses are to open a restaurant and a drive thru service. The Planning Board will conduct a public hearing on January 12 as part of their business and will forward any recommendations to the Council to be heard at the January 25th meeting.

Montana Climate Action Plan Sanderson gave the Council a copy of the Montana Climate Action Plan that has recently been released by the State of Montana. Red Lodge is one of four communities in the State that has signed onto the Mayor's Climate Protection Agreement. Sanderson said there is a firm in Bozeman that would like to sell Red Lodge a computer program to track and report on the carbon emissions, the utility uses and other connected items. The dilemma with this is that the Climate Protection Group already does this work for the City at no cost. These volunteers are very good and dedicated to this idea.

Acknowledge Appointment of James Caniglia Mayor Roat told the Council that he has hired James Caniglia for the Planner 1 position. Caniglia will be starting work on January 18, 2011.

Public Works Mahan said that Boyer told her that things are going very well for his department. The handheld meter reading installation is still on target.

CITIZEN REPORT None

CORRESPONDENCE None

MISCELLANEOUS Kampfe asked about the appointment of the City Judge. He was told that this appointment is done every two years according to law.

Council Committees The Council told the Mayor how they would like to see the committee appointments made for the next year. They all are pleased with the following structure.

- Public Works – Mahan, Schoenike and Richter
- Land Use and Planning – Labrie, Kampfe and Schoenike
- Administration – Labrie, Kampfe and Williams
- Police and Emergency Services – Mahan, Richter and Williams

Meeting adjourned at 8:10 p.m.

Mayor

ATTEST:

City Clerk