

January 26, 2010

The Red Lodge City Council met in regular session on January 26, 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, and Priest. Absent: Alderman Kennicott.

**MINUTES OF JANUARY 12** Motion by Mahan, second by Labrie to approve the minutes of January 12 as submitted. On roll call vote all Aldermen present voted "Aye." Motion carried.

**COMMENTS FROM PUBLIC** None

**SPECIAL COMMITTEE** None

**STANDING COMMITTEE – Administration – Resolution #3298 – Appoint Mayor as Environmental Certifying Officer**

**RESOLUTION NO. 3298  
RED LODGE CITY COUNCIL**

**A Resolution by the City Council of the City of Red Lodge to designate an Environmental Certifying Official for the City of Red Lodge.**

**WHEREAS:** The City of Red Lodge may apply for federal, state, local and private funding that requires compliance with the National Environmental Protection Act and/or the Montana Environmental Protection Act, AND;

**WHEREAS:** State and Federal Acts require environmental analysis certified by a duly appointed individual in the city, AND;

**WHEREAS:** The city has the technical ability on staff to prepare documents for environmental review, AND;

**WHEREAS:** An Environmental Certifying Official shall be designated by formal resolution by the governing body.

**NOW THEREFORE BE IT RESOLVED,** by the City Council of the City of Red Lodge, Montana, to adopt Resolution Number 3298 designating the Mayor as the Environmental Certifying Official for the term commencing Jan 26, 2010 through December 31, 2011. The City of Red Lodge will ensure that it and all of its contractors or agents shall conduct all program matters in a non-discriminatory manner such that all persons regardless of race, gender, age, disability, or other protected class shall be treated equally, and further, each shall comply with required policies and procedures.

Motion by Kampfe, second by Mahan to approve Resolution #3298, A Resolution by the City Council of the City of Red Lodge to designate an Environmental Certifying Official for the City of Red Lodge. On roll call vote all Aldermen present voted "Aye." Motion carried.

The designation of the Environmental Certifying Officer is important for the City especially when grants are being applied for and put into use. All successful State or Federal grants require the City to have this officer. The Mayor will not go out and do the work, that will be up to staff, but the Mayor will sign as the Environmental Certifying Officer.

**Purchase of Cooper Lots – Notice of Loan Maturity** Motion by Kampfe, second by Mahan to pay off the loan on the Cooper Lots for a total of \$209,547.95. On roll call vote all Aldermen present voted "Aye." Motion carried.

Sanderson said the \$209,547.95 is the pay off due on the lots as of January 29, 2010. Sanderson got the necessary paperwork from the Board of Housing completed to keep the interest on this loan at 5.5% until January 29 when it will be paid off.

**Bond Resolution #3299 – Solar Panel/VFD Drive – ARRA Project** Motion by Kampfe, second by Labrie to approve Resolution No. 3299, a resolution relating to \$511,186 sewerage system revenue bonds, consisting of \$266,300 subordinate lien, taxable series 2010A bond and \$244,886 series 2010B bond; authorizing this issuance and fixing the terms and conditions thereof. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Priest and Mahan both said they would vote in favor of this motion since it is the will of the Council to go forward with the project. Both voted against the project as they had reservations but do not want to hold the project up and will go forward as a team.

**Offer to Purchase – Cooper Lots** Motion by Kampfe, second by Mahan to accept the Prudential Real Estate and Habitat for Humanity’s offer to purchase the two Cooper Lots. On roll call vote all Aldermen present voted “No.” Motion failed.

Kampfe said he is recommending to the Council to vote no on this motion. He said this has come to the Council in the past and stated the offer presented is \$50,000 for two City lots. Additionally the request is to have the City provide infrastructure of water, sewer and phone at the City’s expense to lot 3 where services at this time are not hooked up. The request is also to complete curb, sidewalk and gutter at the City’s expense. Kampfe said that by approving this the Council would essentially be giving away City land. He said that since the approval was just made to pay off the lots at the cost of \$209,547.95 to sell two of them for \$50,000 would not be in the best interest of the citizens. The City had made a counter-offer that has not been accepted by the offer maker.

**Award Contract – Zoning Regulations – Sanderson-Stewart** Motion by Kampfe, second by Mahan to approve the contract with Sanderson-Stewart to update the Red Lodge Comprehensive Zoning Regulations. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Kampfe said that the committee received applications from 18 companies and it was decided to recommend awarding the contract to Sanderson-Stewart. A contract was put together that has been agreed upon after changes were made by both the Administration Committee and Sanderson-Stewart. The contract also came in slightly under the amount the City has budgeted for the project.

**Emergency and Police Services** Richter said the committee met with Chief Pringle and discussed the new job description he has drafted for the Assistant Police Chief. This description would elevate the position from a grade 13 to a grade 14. The Chief will also be discussing the new proposed Resort Tax Ordinance being put into place so it would allow for the purchase of capital items for his department.

Richter said the ladder truck is now operational for the time being.

There will be a domestic violence law enforcement workshop held February 24 from 5:00 pm to 9:00 pm and February 25 from 1:00 pm to 5:00 pm at the Fire Hall. The same training will be held both days. A Deputy Sheriff from Minnesota will be conducting the workshop.

Richter said a LEPC meeting was held with a training exercise on response to a disaster if the dam at Glacier Lake were to ever break. She said this was very interesting.

The Public Health Nurse assured the committee that H1N1 flu shots are still available. It was said that a call to the hospital would give the needed information for this shot.

Mayor Roat said the negotiations on the Police contract would resume this week with a meeting being held Thursday, January 28.

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

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.

Sanderson told the Council that these fees for the services, submitted by the planning department, go directly into the general fund to help defer costs. This resolution is for the new proposed fees. Sanderson said the growth policy amendment fee schedule, both for text and map amendments, would a major change. Any amendments to the growth policy would be a large undertaking. Sanderson encourages the Council to review this resolution, as it will be an agenda item on the February 9 meeting.

**Ordinance #880 – Subdivision Regulations – Second Reading** Motion by Labrie, second by Mahan to approve Ordinance #880 on second reading the adoption of the 2009 Subdivision Regulations. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**Ordinance 880**

**AN ORDINANCE ADOPTING THE 2009 RED LODGE SUBDIVISION REGULATIONS AND REVISING TITLE 12 OF THE RED LODGE CITY CODE ALSO KNOWN AS THE 2006 RED LODGE DEVELOPMENT CODE.**

**RECITALS**

Ordinance No. 867 AM was previously adopted by the Red Lodge City Council on September 26, 2006, amending Title 12 of the Red Lodge City Code which is commonly known as the 2006 Red Lodge Development Code; and

Chapter 6 of the 2006 Red Lodge Development Code contains the City’s Subdivision Regulations; and

On August 12, 2008, 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

The Red Lodge City Council held a duly noticed public hearing to consider adoption of the 2009 Red Lodge Subdivision Regulations at City Hall at 7:00 pm on October 13, 2009; and

The Red Lodge City Council adopted Resolution No. 3294 on November 24, 2009, which states the intention of the City Council of the City of Red Lodge to adopt the 2009 Red Lodge Subdivision Regulations; and In accordance with Chapter 3 of Title 76 of the 2009 Montana Code Annotated, the City Council of the City of Red Lodge held a duly noticed public hearing on the 2009 Red Lodge Subdivision Regulations on December 22, 2009.

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

That the 2009 Red Lodge Subdivision Regulations are hereby adopted for the City of Red Lodge **PENALTY**. Unless otherwise provided, each violation of this Title shall be a misdemeanor and shall be punishable by a fine not exceeding five hundred dollars (\$500.00).

**EFFECTIVE DATE**. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect 30 days after the date of its final passage and adoption.

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

**REPEALER.** Chapter 6 of the 2006 Red Lodge Development Code AKA Chapter 6 of Title 12 of the Red Lodge City Code is hereby repealed upon the effective date of this ordinance. All other resolutions, ordinances and sections of the Red Lodge City Code and parts thereof in conflict herewith are hereby amended or repealed to conform to this Ordinance 880.

**Landscape Management Plan – Heritage Propane** Mahan said the landscaping plan that was submitted by Baldwin Customized Landscaping for Heritage Propane includes an underground sprinkling system. This will keep the area green. They are using foliage that will do well in this area taking into consideration the climate. The Land Use Committee reviewed the plan and think it to be a good one.

Motion by Mahan, second by Kampfe for the approval of the Landscape Management Plan submitted by Baldwin’s Customized Landscaping, Inc. for the property that has been sold to Heritage Propane. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**Heritage Propane Land Sale** Sanderson told the Council that all of the conditions imposed on the land sale to Heritage Propane have now been met. This is the sale of what is now Tract A-4 on COS 1396AMRB. All of the documents are in place to complete the land sale. The closing is scheduled for January 28, 2010. The City will then be given \$190,400, which will be used exclusively to pay down a portion of the loan on the Cooper Lots. Sanderson said that any changes in use would be subject to the zoning that is then in place.

**Mountain Springs Villa – Compliance Update** Sanderson said there are numerous deficiencies on the Mountain Springs Villa project. Some of them are subdivision driven and some of them are public works compliance issues under various City ordinances. NeighborWorks Montana proposes to break these deficiencies down and solve them one bite at a time. They are planning on taking on the four biggest issues and try to get them solved. These issues include the sewer line that extends across the property owned by Peggy and Fred Brewer, absent the public right-of-way, which is required by City Ordinance 835. The second and third are the zoning violations at 1001 Coutts Avenue and the five zoning violations that were identified through the final plat process. The fourth is the off-street parking required by the Red Lodge Development Code. The off-street parking will be dealt with as part of the landscaping and vegetation management plan that is being implemented this spring. The Block 95 zoning violations have not yet been seen by Sanderson but he was told they have been served on the residents in this block and they will be moving the two longest homes from Phase I and put them in Phase II. The rest of this block would then be realigned to meet both the front and rear setback requirements. Sanderson said he is awaiting the letter from NeighborWorks Montana that lines this all out along with a timeframe for implementation. The zoning violation at 1001 Coutts Avenue is an addition that does not meet requirements. NeighborWorks Montana has notified the owner to remove the addition or leave the court. Sanderson said that meetings have been held regarding the sewer line across the Brewer property. There are some upcoming applications that will help to relieve this problem but Sanderson said he is unable to speak to this at the present time. He also said that he is very hopeful that the problems with the easement on Brewers property will resolve itself in a manner satisfactory to all.

**Planning Board Appointment – Dan Gainer** Mayor Roat told the Council that he is re-appointing Dan Gainer to the Red Lodge Planning Board. This appointment is the one that is made by the Mayor so he is notifying the Council that Gainer will be his appointment of choice.

**Public Works** The Public Works Committee will be meeting with Boyer to discuss the proposed “signal metering” for the water department. Boyer has also purchased a new loader that was budgeted for. He also purchased an articulated front plow for the loader that will work well in the alleys.

**CITIZEN REPORT** Skip Aleksich introduced himself to the Council and informed them that he will be running for Justice of the Peace this year. He said he would be bringing 25 years of experience to the table.

Jennifer Nelson, Secretary of the Red Lodge Lodging & Merchants Association, told the Council that the two groups have successfully merged. They are now one group with many good plans to move forward. She said they have been working for the past year on a Google ad word campaign in conjunction with RedLodge.com. This is being done to market Red Lodge. She said they would keep the Council informed on the happenings with the association. They hope to have benefits by working together on this mission.

**CORRESPONDENCE** The hospital has invited the Council or anyone interested to join in a tour of the new hospital site. The tours will be held on February 5 and February 19 at 1:00 p.m. It is asked that everyone ride in the hospital van and let the hospital know they will be joining the group.

**MISCELLANEOUS** Mahan told the Council that following are the recommendations for chairpersons of the Council committees:

- Administration – Kampfe
- Emergency and Police Services – Priest
- Land Use and Planning – Labrie
- Public Works – Mahan

Mahan said she had a good conversation with Commissioner Prinkki regarding Beartooth Humane Alliance and was told the County is moving forward with putting some ordinances into place that deal with animals. She said they are being supportive of the Beartooth Humane Alliance and realize they need to play a positive role in this area.

Meeting adjourned at 8:00 p.m.

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Mayor

ATTEST:

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City Clerk