

January 23, 2007

The Red Lodge City Council met in regular session on January 23, 2007 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, Stauffer, Scanlin and Reynolds. Absent: Alderman Lockman.

**MINUTES OF DECEMBER 26, 2006** Stauffer asked to correct the minutes under Diamond C Links – Sewer Line, second paragraph. “The existing sewer line will be abandoned and cleaned with manholes being removed.”

Motion by Scanlin, second by Mahan to approve the minutes of December 26 as corrected. On voice vote all Aldermen present voted “Aye.” Motion carried.

**MINUTES OF JANUARY 9, 2007** Scanlin asked to correct the minutes of January 9 under Adoption of 2006 Housing Plan. She also commented on the fact that her suggestions were not acknowledged or incorporated along with Stauffer’s. “Scanlin also gave several suggestions to the plan that were not addressed or answered.” She also corrected under Mountain View Trailer Court Acquisition, the amount of the option price, which will be about \$67,000. “The eligibility is up to 60% of the purchase price, which is \$825,000 plus another \$67,000 on the option price.”

Motion by Scanlin, second by Mahan to approve the minutes of January 9 as corrected. On voice vote all Aldermen present voted “Aye.” Motion carried.

**SPECIAL COMMITTEES** - Reynolds told the Council that the Airport Board has established that they will meet every third Thursday of the month. The chairman of the board is Merrill Pfeifer. The Airport Board will be taking their own minutes and they will post agendas in Red Lodge and Bridger. The meetings will be held at 1:00 p.m. at the Court House Administration building.

Moore said the Airport Board will probably be involved in discussions with the City regarding the land that the City owns in the airport area. Discussion will be held on appropriate uses of the land north and south of the airport for such things as affordable housing and/or commercial uses such as an industrial or business park.

Moore said the City is also working on bringing a water line from the main plant and bypassing the storage tank, which will increase the flows into the golf course and the west bench. The water supply would then be sufficient in the airport area. As of now there is a moratorium on sewer septic systems at the airport. This would be remedied with the upcoming project.

**STANDING COMMITTEE - Administration** None

**Police and Emergency Services** The committee said they met with the Fire Chief to discuss staffing issues. They also discussed the City’s ISO rating.

**Land Use and Planning – Cooper Ave. Area – Streets and Alleys** Reynolds told the Council that the committee walked the Cooper Ave. area. Harry Holman was also present at this meeting. The three lots that Holman has in question, Lots 7 – 9, Block 72, regarding the alley being vacated was looked at. Reynolds said the committee has recommended at this time no action by the Council. The Mayor said the City Attorney suggests the landowners in Block 72 approach the City Council to seek a

Resolution to vacate the alley at issue in accordance with the laws. Holman contends the alley in this block has already been vacated since 1902. Homeowners have been relying on this decision for years and paying taxes on the land. Holman contends that this alley is of no use to the City. The City Attorney suggests the landowners could seek relief from the City Council by filing a petition under MCA 7-14-4114. The Council could then make a final decision on the matter. Second, the parties could agree to file a quiet title action in State District Court. Clearly the issue is a legal issue and not a factual issue, therefore a trial would not be necessary. Instead the Court could render a decision based on the evidence and legal issues presented it by the parties.

Mayor Roat said the City is willing to do their part in resolving this issue. Hopefully all issues can be resolved to the satisfaction of everyone involved.

**Diamond C Links – SIA First Amended – Request to Revert to Approved SIA** Mayor Roat told the Council that Corey Cabral would like to revert back to his original SIA which had thirty-seven foot wide roadway crossing with no sidewalks. Brent Moore said this was a signed recorded document at the County. On numerous occasions discussion was held on this SIA with many changes being requested. The City's ordinance now requires the homeowner to maintain sidewalks. Cabral has two issues with this ordinance. The first being that he wanted to install a sidewalk on the east side of the rim road, which would make it adjacent to City, owned property. The City would then have the responsibility to maintain the sidewalk. The City has not discussed if this is what they would want. The second issue that was discussed is that Cabral is afraid the sidewalks will be damaged after he installs them while construction is being done on homes. Who would then be responsible to enforce the replacement or repair of the sidewalks? Cabral does not want this responsibility. Scanlin said the sidewalk could be installed after the homes are built.

The Council said that no other document has been signed by either party in regard to the original SIA. All changes made and accepted by either party have not been signed off on or recorded. Most of the Council felt that since no other document has ever been signed regarding this SIA, the original one stands and the Council need not take any further action.

Motion by Reynolds, second by Mahan to confirm the approved original SIA. On roll call vote all Aldermen present voted "Aye." Motion carried.

Scanlin asked if the newly annexed area would follow the rule of thumb as Country Club Estates or would it have to follow the City's development codes. She was speaking mainly to the issue of sidewalks. She was told the new area would have to follow the development codes.

**Public Works** Mayor Roat told the Council that he attended a hearing on the \$100,000 funding on the Renewable Resources in Helena. He said this funding is pretty well secured for the City. The \$750,000 TSEP funding that the City did not receive may be amended to fund all of the applicants. If this happens the Mayor will be prepared to go to Helena to testify. The City was ranked very low on this funding. Hopefully the State will change the funding allocation on this money.

**CITIZEN REPORT** None

**OLD BUSINESS – Wind Project – CREB's Discussion** Mayor Roat said there is a hearing in Helena tomorrow, January 24, for HB #330 which enables communities to own energy type projects. As of now communities cannot own facilities like the Wind Project would produce. Mayor Roat has sent a letter of support on this HB. The Mayor said no decision has been made at the present time how the CREB's funds will be used. There is a possibility of combining all the funds for a massive wind project in Great Falls rather than to use them on a smaller local project.

**Discussion on City Land East of Trailer Court** Scanlin said Charlie Siddle, seller of property, has a concern about a strip of land that the City apparently owns between his property and Highway 212. She said it appears to be a continuation of Villard Ave north of Highway 78. The City cannot, of course, land lock Siddle's land by not allowing an easement to cross this strip of land. If this strip of land were ever vacated Siddle would then own his share and still have access to Highway 212. It is felt that the City will always retain this strip of roadway.

Moore said the State is planning to design a three-lane road so access will be there for the commercial land owned by Mr. Siddle. He also said that neither the City nor the State would like multiple accesses to Highway 212 but rather have access on the side street. He said the City is not the only authority involved with the access to Siddle's commercial lots.

Motion by Scanlin, second by Mahan to give absolute, binding assurance to Seller that the Seller shall have unimpeded access to Highway 212 across that land owned by the City west of Highway 212 and east of Blocks 84 and 95 from Seller's property. On roll call vote all Aldermen present voted "Aye." Motion carried.

Mayor Roat said he asked the State DOT, at a meeting held regarding the corridor from 1<sup>st</sup> Street to Two Mile Bridge, what they plan to do about safety regarding a 70-mile per hour speed limit in an urban future residential area. He was told the State is considering a roundabout at Two Mile Bridge. This would cause traffic to slow down. He was then told the State is considering another roundabout halfway between Two Mile Bridge and the intersection between Highway 78 and 212.

Moore said the State is proposing a controlled access roadway, which is what the City has asked them to look into. There are various types of controls that are needed anywhere from a four-way stop moving towards a signalized stop. The alternative is a roundabout, which the State is leaning towards. In the future this road will have access points but the land development does not have lots and blocks. Moore said it will be important to have the primary access point to the hospital be in alignment with Two Mile Bridge Road. Then the decision will need to be made as to what will be needed at this intersection. All this will help to reduce traffic but the State will not change the speed limit until after the control mechanism is put in and people start slowing down.

**NEW BUSINESS – Resolution No. 3226 – Property Surplus Purchasing  
Resolution No. 3226**

BE IT RESOLVED THAT: City of Red Lodge

STREET ADDRESS: 1 South Platt

MT 59068

MAILING ADDRESS: P.O. Box 9

MT 59068

PHONE NUMBER: 446-1606

FAX NUMBER: 446-3936

E-MAIL ADDRESS: cityclerk@vcn.com

By its Governing Board (or) by the Chief Administration Officer, if not governed by a board, shall obligate the Applicant and its funds to the extent necessary to comply with the TERMS and CONDITIONS listed on the reverse side of this form. The employee(s) whose name(s) and signature(s) appear on this document are authorized to acquire federal surplus property from the State of Montana, Property & Supply Bureau for the above Applicant.

BE IT FURTHER RESOLVED THAT this certified copy of the Resolution shall be submitted to the State of Montana, Property & Supply Bureau and the same remain in effect until written notice is given to the Property & Supply Bureau to change or rescind said Resolution.

CERTIFICATION: I, Brian C. Roat hereby certify that I am the Mayor of the City of Red Lodge of the above applicant that the foregoing is a true and correct copy of the Resolution adopted by the vote

of the majority of said board present at a duly-convened meeting of the said board on the 23rd day of January, 2007 at which a quorum was present.

Motion by Reynolds, second by Mahan to approve Resolution No. 3226. On voice vote all Aldermen present voted "Aye." Motion carried.

**Appointment of Kent Young – Prosecuting Attorney** Mayor Roat would like to appoint Mr. Young as the Prosecuting Attorney for a two-year term. The Administration Committee would like to review the current contract the City has with Kent Young and discuss it with him to see his thoughts regarding an appointment versus a contract.

Motion by Stauffer, second by Reynolds to table the appointment of Kent Young as Prosecuting Attorney until a further time. On roll call vote all Aldermen present voted "Aye." Motion carried.

**CORRESPONDENCE** Mayor Roat said the Montana Department of Transportation has requested that someone from Red Lodge be an active member of the Beartooth Highway Coalition. The Mayor said he will serve as a member representative from the City as could anyone from the Council. The Mayor said that all could visit with their Congressmen to make sure the Highway is plowed in a timely manner.

**MISCELLANEOUS** None

Meeting adjourned at 8:45 p.m.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Corrections to minutes made at the February 13 meeting.