

January 25, 2011

The Red Lodge City Council met in regular session on January 25, 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, Schoenike and Williams. Absent: Richter.

**MINUTES OF JANUARY 11** Motion by Mahan, second by Schoenike to approve the minutes of the January 11 meeting as presented. On roll call vote all Aldermen present voted "Aye." Motion carried.

**COMMENTS FROM PUBLIC REGARDING AGENDA ITEMS** None

**SPECIAL COMMITTEES** None

**STANDING COMMITTEES – ADMINISTRATION – Grizzly Peak Adventure Run – Jennifer Drinkwalter** Jennifer Drinkwalter of Montana Timing came to the Council to give them an overview of the first annual Grizzly Peak Adventure Race that will be held April 16, 2011. The race will be a ski, bike, and foot race starting at Red Lodge Mountain and finishing at Sam's Tap Room. Jennifer told the Council they want to assure them that safety measures will be provided along the course as necessary. They foresee all intersections and turns to and from the highways to be areas for extra vigilance and/or road signage. The finish line will be located in the south entrance of Sam's Tap Room to get participants off the highway as soon as possible. Jennifer said the soloists or teams of three participants would ski down Lazy M Run from Grizzly Peak at Red Lodge Mountain Resort, bike down Ski Run Road to South White Ave. and transition to run on White Ave. over Airport Road and down Highway 78 to 212 and finishing at Sam's Tap Room.

Jennifer was asked to speak with Tami Hoth from Mountain Springs Villa, the sheriff's office regarding safety and traffic control on the West Fork Road. Fire Chief Tom Kuntz said he would also like to speak with Jennifer about the proposed route.

**National Guard Yellow Ribbon Community Designation** Mahan told the Council a meeting was held on January 24, 2011. This program is designed to support our veterans from any war and their families whenever they have a need. Mahan said that apparently Senator John Tester has decided that Red Lodge should be designated the first Montana Yellow Ribbon Program Community. She said there are still things that need to be done to accomplish this designation. There are groups currently in place that are ready to start now for this designation. The committee will be put into place.

Mahan said that everyone involved in this program feels it is very important and that everyone needs to get behind it. It is a nationwide program and to have Red Lodge designated, as a Yellow Ribbon Community would be excellent.

If the Council would be willing, a proclamation will be written to be presented by them to help with this designation. Mahan is also willing to represent the City Council in these group meetings.

Warene Wall introduced herself telling that what we, as a community would do, is to create a network of support that is beyond the services that the military provides for all service men and women. She said there is a lot of focus on those that are actually deployed and the services they need when they return. This program gives the opportunity to help the families when their loved one is deployed. She gave examples of things that can be done through this program to help.

**Police and Emergency Services – Ordinance #891 – Fire Prevention and Safety Codes – IFC 2009  
ORDINANCE #891**

**An Ordinance of the City of Red Lodge adopting the 2009 edition of the International Fire Code, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Red Lodge; providing the issuance of permits and collection of fees therefore; repealing Ordinance #861 of the City of Red Lodge and all other ordinances and parts of the ordinances in conflict therewith.**

Kuntz told the Council that this ordinance is a pretty standard update. The fire codes are revised approximately every three years. The State adopts the updated fire codes and then the City is required as a municipality that is certified to enforce the fire codes to also adopt the updates. This ordinance will come to the Council at the next meeting for first reading.

**Resolution #3320 – Fire Fees**

**RESOLUTION NO. 3320**

**A RESOLUTION SETTING THE FIRE DEPARTMENT FEES SPECIFIED IN CHAPTER 15.**

Kuntz said this resolution will go along with the ordinance to adopt the fire codes. The main change in this resolution is the inspection fees are based on the square footage rather than the hourly rate, which was not an effective way to charge. This resolution will also come to the Council for adoption when the fire code resolution does.

**Resolution #3319 – Ambulance District Fees**

**RESOLUTION NO. 3319**

**A RESOLUTION ESTABLISHING AMBULANCE RATES FOR AMBULANCE SERVICE AND SETTING SALARY FOR DRIVERS AND ATTENDENTS.**

**WHEREAS**, under Section 7-34-103, M.C.A., the City Council of the City of Red Lodge, Montana hereby establishes the following:

Section 1. That the City of Red Lodge, Montana will charge the following rates for ambulance service supplied by the City of Red Lodge, Montana. These rates to become effective February 1<sup>st</sup>, 2011.

<b>Item</b>	<b>Charge</b>
BLS Non-Emergent	\$475.00
BLS Emergency	\$668.42
ALS Non-Emergent	\$575.00
ALS Emergency	\$793.75
ALS 2	\$1,148.85
SCT	\$1,857.73
Mileage	\$15.75
BLS Routine Supplies	\$75.00
ALS Routine Supplies	\$100.00
IV Supplies	\$65.00
Oxygen	\$75.00
Intubation Supplies	\$100.00
Waiting Time	\$50.00
BLS Defibrillation	\$150.00

ALS Defibrillation	\$150.00
EKG Supplies	\$5.75
Motor Vehicle Collision Resp	\$250.00
MVC Technical Rescue	\$500.00
Technical Rescue (per hour)	\$400.00

Section 2. The salary for drivers and attendants shall be as follows:

Employee	Rate
<b>In District (911 / Local Transfers / Mutual Aid)</b>	
Driver (not certified)	\$20.00
Basic Responder	\$25.00
Advanced Responder (EMT I 99 or higher)	\$30.00
<b>Out of District (Inter-facility Transfer)</b>	
Driver	\$40.00
Basic Responder	\$50.00
Advanced Responder	\$60.00

Section 4. All members of the Red Lodge Fire Department, Red Lodge Ambulance Service, volunteer firefighters, EMS volunteer personnel, the Mayor, Council members and City employees will not be responsible for charges not paid by insurance for services rendered for themselves or immediate family so long as they are current elected officials, volunteers, or employees. Immediate family is defined as spouse and minor children.

Kuntz said the reason the City is setting the ambulance fees is because the district contracts with the City, as they are the ones that actually provide the service. He did say however that the District Board reviewed the proposed fee changes and are in agreement.

Motion by Mahan, second by Schoenike to approve Resolution #3319. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Mayor Roat said there had been some question as to who the ambulance personnel worked for meaning the City, the County or the Ambulance District. He said that in visiting with the Commissioners it was decided that the County does not want to do it and the District cannot do it. This means the City will continue to be the license holder and will continue to operate the ambulance and the personnel will be employees of the City and will be funded from the District. Mayor Roat said he would appoint an Ambulance Director at the next Council meeting.

Mahan said the committee had a good meeting with Chief Pringle today. She said the meeting was very productive.

**Land Use and Planning – Conditional Use C-1 – Muirhead** The property in question is located on the northeast corner of the intersection of Broadway Ave. and 8<sup>th</sup> Street and is a portion of the Red Lodge C-1 Central Business Transition Zoning District. Jenny and Michael Murihead are applying for 1.) Conditional Use Permit – Drive Through Service, 2.) Conditional Use Permit – Eating, Drinking Establishment and 3.) Design Review in the Red Lodge Commercial Historic District Overlay. The decision maker on the request is the Red Lodge City Council for the Conditional Use Permits and the Planning Board and Zoning Commission for the Design Component.

The Muirheads are proposing to convert the existing (vacant) Fly Fishing Guide Service building located at 304 North Broadway Avenue to an Eating/Drinking establishment (Taqueria al Carbon) with drive through service. The proposed development appears to be consistent with the Red Lodge Growth Policy.

Specifically, the expansion project is consistent with the goals and policy statement of the Central Business Transition section of the 2008 Growth Policy.

Motion by Schoenike, second by Kampfe to adopt Staff Report RLC2-10-9 and RLCU-10-7 as findings of fact. On roll call vote all Aldermen present voted "Aye." Motion carried.

Motion by Schoenike, second by Labrie to recommend approval of a Conditional Use Permit to allow for the operation of a drive through as part of the operation of an Eating and Drinking Establishment at 304 North Broadway Avenue. On roll call vote all Aldermen present voted "No." Motion failed.

Motion by Schoenike, second by Kampfe to recommend approval of a Conditional Use Permit to allow for the establishment of an Eating and Drinking Establishment (Taqueria al Carbon) at 304 North Broadway Avenue subject to the following conditions.

1. That the use, operation and development of the property be in accordance with the plans, specifications and documents submitted for review except as modified by these conditions.
2. That the developer shall obtain a building permit from the City of Red Lodge and comply with any/all requirements including obtaining a certificate of occupancy prior to opening or conducting any of the activities discussed in the application.
3. That the building plans and use specifications be approved by the Red Lodge Fire Department prior to the use and occupancy of the structure.
4. That the permittee shall apply for and receive a Food Purveyors License from the Carbon County Sanitarian and comply with any inspections and improvements required to maintain said license.
5. That the permittee shall collect and pay Resort Tax as provided by the City of Red Lodge Resort Tax Ordinance.
6. That the final design and colors and materials used in the construction and remodel of the exterior of the structure shall be approved by the Zoning Administrator prior to the start of construction.
7. That the solid waste receptacle shall be placed at a location within the subject property that is approved by Allied Waste. Further, the preferred location for the container is not against the adjacent residential property.
8. That a wooden, or other approvable, solid fence a minimum of six (6) feet in height shall be erected along the North property line from the intersection of the alley to a point twenty (20) feet from the edge of the right-of-way of Broadway Avenue.
9. That the approved CUP shall expire on the one (1) year anniversary date of approval if the permit is not put to use, unless an alternative timeline is established in the development approval. If a Conditional Use is operationally discontinued or abandoned for a period of more than twelve (12) consecutive months, regardless of the removal or non-removal of furniture/equipment or any intention to resume such activity in the future, the Conditional Use may not be reestablished or resumed.
10. This permit may not be transferred to another party or user without prior express written consent of the City of Red Lodge.

On roll call vote all Aldermen present voted "Aye." Motion carried.

**Planning Board Appointments** Sanderson told the Council that some of the appointments on the Planning Board need to be filled in March. He said there are three vacancies and he will advertise in the paper to receive letters of interest. The appointment made by the County is expiring in March and will need to be filled by them. Sanderson has notified them that this needs to be done. Currently there are two elected officials sitting on the Planning Board. Mahan is the Council representative and Schoenike was serving on the Board when he was elected to the Council position. Sanderson said the law allows for two elected officials to serve on the Board. The Council will make this decision.

**Cooper Lots** Sanderson reported that he received the Real Estate Review from Glacier Prudential on the four Cooper lots owned by the City. The quote from the letter states that we are not in a healthy vacant lands sale economy. The listing for these lots continues forward.

**Public Works** Mahan said the committee met with Boyer today and he said snow removal is going well. All things are going well in his department. Alastair Baker said he has received calls at the Carbon County News wondering if the City has a schedule for snow removal. Mayor Roat told him there is no schedule. Mahan said that the committee will work with Boyer to see if anything can go in the paper to help people and if there is nothing that will go in the paper also.

Mayor Roat said he has asked Alastair to put something in the paper asking people to make sure that fire hydrants by their houses are shoveled out and accessible.

Mayor Roat also said that NorthWestern Energy is trying to get the Broadway streetlights that are not working repaired.

**Airport Board** Mayor Roat said that with Priest leaving the Council there is presently no City representation on the Airport Board. Kampfe said he will be willing to volunteer to sit on the Airport Board. He was thanked for doing this.

**Police Commission** Mayor Roat said that Williams would no longer be able to sit on the Police Commission so this will need to be advertised to seek his replacement.

**Highway 212 Rebuild Update** Sanderson said he met with the consultants for the Department of Transportation on the Highway 212 rebuild. They anticipate having the final design that MDT will go to construction with available for public review and comments by February 18, 2011. They will then hold some public meetings in the community. The City Council will need to formalize a response on the final design to MDT by late March to be put on the permanent record.

**CITIZEN REPORT** Mr. and Mrs. Schmaltz spoke to the Council regarding State laws that speak to vehicles standing without being driven for a period of five days. The Schmaltz's have two vehicles that received tickets for this offense. They spoke to the idea of walking rather than driving so the vehicles may sit for a while in the same space because they prefer to walk. They spoke to the issue of who decides how long a vehicle has been parked without moving as they feel both their vehicles were moved within the prescribed five-day period. Mrs. Schmaltz would like to propose that the Council come up with a variance or with a permit system that designates the ability to park longer than the five-day period. Mrs. Schmaltz prefers to see Red Lodge being a walking community. Kampfe said he feels the State law is a good one but he also feels it should be fairly simple to have an extended parking permit for residents. The Police and Emergency Services Committee said they would look into this matter.

**CORRESPONDENCE** None

**MISCELLANEOUS** Kampfe was given permission to be absent from the country for two weeks starting January 30, 2011. He will be absent from the next scheduled Council meeting.

Meeting adjourned at 8:30 p.m.

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Mayor

ATTEST:

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City Clerk