

July 24, 2012

The Red Lodge City Council met in regular session on July 24, 2012 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, Schoenike and Williams. Absent: None.

**DEPARTMENT HEAD ATTENDANCE:** Community Development Director – Forrest Sanderson and City Clerk – Debbie Tomicich.

**MINUTES OF JUNE 26** Motion by Mahan, second by Schoenike to approve the minutes of June 26 as submitted. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**MINUTES OF JULY 10** Motion by Mahan, second by Richter to approve the minutes of July 10 as submitted. On roll call vote those in favor: Alderman Mahan, Richter, Labrie, Schoenike and Williams. Those abstaining: Alderman Kampfe. Motion carried.

**COMMENTS FROM PUBLIC REGARDING AGENDA ITEMS** None

**SPECIAL COMMITTEES** None

**STANDING COMMITTEES – ADMINISTRATION – Appointment to County Airport Board – Wally Zook** Mayor Roat said that Wally Zook has made application for this position and that he would like the Council to concur with this appointment.

Motion by Kampfe, second by Mahan to approve the appointment of Wally Zook to the Airport Board. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Mayor Roat said that Zook will be a voting City representative on the Board.

**Sublease Silver Strike – Tract B-5 – Kim Ruby** Motion by Labrie, second by Mahan to approve the sub-lease of Tract B-5 to Kim Ruby. On roll call vote those in favor: Aldermen Kampfe, Mahan, Richter, Labrie and Schoenike. Those abstaining: Alderman Williams. Motion carried.

**Ordinance #852-A – Redistricting City Council Wards – 2<sup>nd</sup> Reading**  
***ORDINANCE # 852-A***

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA ADOPTING AMENDED CITY COUNCIL WARDS BASED ON THE 2010 CENSUS DATA FOR THE CITY OF RED LODGE, MONTANA.**

**WHEREAS:** § 7-5-4401 of the Montana Code Annotated authorizes the City of Red Lodge to divide the municipality into Wards for election and other purposes with regard to population; and

**WHEREAS:** The block level data from the 2010 Census is available to accomplish the purpose equalizing population between the three (3) existing City Wards; and

**WHEREAS:** It is in the public and private interest for the City of Red Lodge to establish Ward boundaries based on population while keeping seated Council Members within their respective Council Wards; and

**WHEREAS:** The Red Lodge City Charter provides for the exercise of self-government powers; and

**WHEREAS:** The Red Lodge Planning Board and Zoning Commission prepared Zoning Regulations and a Zoning Map for the City of Red Lodge; and

**WHEREAS:** The Red Lodge City Council did conduct a Public Hearing on July 10, 2012 on the proposed amendments to the Municipal Ward Boundaries.

Now Therefore:

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA:

The Red Lodge City Code is hereby amended the City Council Ward Boundaries as shown on the attached exhibit 'A' with population figures as shown on the attached Exhibit 'B'. The Ward Boundaries are generally described as follows:

Be It Ordained By The City Council Members Of The City of Red Lodge, Montana.

I.

Ward 1: All lands within the City limits of the City of Red Lodge to the North of the following described line: Beginning at a point on the east limit of the City of Red Lodge aligned with 9<sup>th</sup> Street thence westerly to the intersection of Cooper Avenue North. Thence north to the intersection of 8<sup>th</sup> Street East thence west to the intersection of Word Avenue North, these North to the intersection of an unnamed alley. Thence following the alignment of the unnamed alley to the intersection of Adams Avenue North and West 9<sup>th</sup> Street, thence west to the western City limit following a projected alignment of 9<sup>th</sup> Street West.

Ward 2: All lands within the City Limits of the City of Red Lodge that are South of the line describing Ward 1 and North of the Line describing Ward 3 located to the west of the thread of Rock Creek and ending at the western limit of the City of Red Lodge.

Ward 3: All lands within the City limits of the City of Red Lodge to the South of the following described line: Beginning at a point on the east limit of the City of Red Lodge aligned with 9<sup>th</sup> Street thence westerly to the intersection of Rock Creek, thence southerly along the thread of Rock Creek to an extension of the alignment of East 15<sup>th</sup> Street East, thence west along the alignment of 15<sup>th</sup> Street West to the intersection of Grant Avenue South, thence south along Grant Avenue South to the intersection of 16<sup>th</sup> Street West, thence west along the alignment of 16<sup>th</sup> Street West to the intersection of Airport Road, thence southerly along the alignment of Airport Road to the intersection of Rodeo Road, thence North along Rodeo Road to the City Limit at the Rodeo Grounds.

II. “All existing ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed on the effective date of this ordinance.”

Motion by Williams, second by Kampfe to approve Ordinance #852-A, An Ordinance of the City Council of the City of Red Lodge, Montana adopting amended City Council Wards based on the 2010 census data for the City on second reading. On roll call vote all Aldermen present voted “Aye.” Motion carried.

This ordinance will become effective on January 1, 2013. Sanderson said the ward boundary line in Ward 3 moved from 16<sup>th</sup> Street to 15<sup>th</sup> Street and the ward boundary line in Ward 2 moved from 9<sup>th</sup> Street to 8<sup>th</sup> Street which helped greatly in equalizing the population in the wards.

**POLICE AND EMERGENCY SERVICES** Williams said there have been 59 landowners noticed regarding weed issues. He said that most of these property owners have taken action. Williams said the areas in the golf course are considerably better than they were a couple of years ago. Progress is being made on the weed issue. Williams said that Tim Ryan has done a very good job on the weeds in notifying the property owners and getting the weeds taken care of.

Williams said the Police and Emergency Services Committee is still working on the idea of a new phone system. Things are moving forward to make sure everything is refined and the system is what the City needs.

The Fire Department will give the committee a list of their equipment with all the vital information included. This will be put on their website very soon.

The police reported that the Beartooth Rally went very well with very few incidents occurring.

**LAND USE AND PLANNING – Conditional Use Permit – Red Lodge Alliance Chapel**

Sanderson said the Alliance Chapel has requested this item to be tabled until the August 14, 2012 meeting so they can revisit the issues pointed out at the Planning Board meeting.

Motion by Labrie, second by Kampfe to table the Conditional Use Permit for Red Lodge Alliance Chapel to August 14, 2012. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**Floodplain Permit – 19<sup>th</sup> Street Bridge** Sanderson said the Floodplain Board of Adjustments met, heard and approved the Variance Request from Carbon County for the reduced freeboard on the 19<sup>th</sup> Street Bridge. Today Sanderson attended the preconstruction meeting on the 19<sup>th</sup> Street Bridge with Carbon County and their engineers on this project. They are looking to go out for

bid this week and starting construction August 15 with work to be completed by November 1, 2012, if weather is permitting. If the weather slows the project down it is hoped it would only be the asphalt work and that would be completed next spring.

**PUBLIC WORKS – Resolution #3346 – Open 3<sup>rd</sup> Street – Broadway to Haggin Avenue**

**RESOLUTION NO. 3346**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA OPENING EAST 3<sup>RD</sup> STREET BETWEEN BROADWAY AVENUE AND HAGGIN AVENUE.**

**WHEREAS**, The City of Red Lodge owns or controls a number of rights-of-way via dedication, platting or donation for the benefit of the public; AND

**WHEREAS**, East Third Street is a platted City right-of-way that is closed to public traffic between Broadway and Haggin Avenue; AND

**WHEREAS**, East Third Street is an integral component of the planned improvements to U.S. Highway 212 proposed by the Montana Department of Transportation; AND

**WHEREAS**, The City Council and the Red Lodge Planning Board and Zoning Commission Design Review and Conditional Use Permits for the construction and operation of a Town Pump Convenience Store with access limited to East Third Street and Bonner Avenue.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Red Lodge, Montana that upon the passage of this resolution, that East Third Street from Broadway Avenue to Haggin Avenue shall in all respects be open to any and all lawful uses.

Motion by Schoenike, second by Williams to approve Resolution #3346, a resolution of the City Council of the City of Red Lodge, Montana opening east 3<sup>rd</sup> Street between Broadway Avenue and Haggin Avenue. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Kampfe said this is the street that goes from the intersection of Highway 78 and Highway 212. The street goes toward the east bench and will border the new Town Pump. It will connect with Bonner Avenue. The street is already platted. This street will now be officially opened and is gravel in makeup. This needs to be done to accommodate all the activity that will be going on in this area. Town Pump is required to pave 3<sup>rd</sup> Street from Highway 212 to Bonner Avenue to a temporary City standard. MDT has 3<sup>rd</sup> Street as part of their Highway 212 rebuild project. MDT will come back during this project and tear up the temporary and install urban scale streets, curbs, gutter and sidewalks. Town Pump will pave Bonner Avenue from 2<sup>nd</sup> Street to 5<sup>th</sup> Street in addition to the temporary section.

**Wastewater Agreement Grandview North and South** Sanderson said the County has a meeting scheduled with the City tomorrow, July 25, 2012 at 10:00 a.m. regarding the issue at hand. The Grandview North and South Subdivisions were approved by Carbon County relying on a wastewater agreement approved by the City of Red Lodge to expand our sewer service area to accommodate the extra 120 some lots. Part of this agreement required fire sprinklers to be installed in each of these structures. This was a discussion item that Carbon County had in their

findings of fact, life safety issues identified by the Fire Department and tradeoffs made with the developer. Sanderson said it has come to his attention that Carbon County is not enforcing the terms of the city's wastewater expansion agreement or the conditions on their subdivision and there is at least one home that has allegedly been built without the required sprinkler system. Sanderson said this exposes the City to liability in the form of law suits if any home should catch fire and there is no sprinkler system. Letters have been sent to Carbon County and Montana DEQ and DEQ said they would stand behind the City if additional connections are not granted based on lack of compliance with the agreement. Sanderson said it is the obligation of the County to enforce the conditions stated in the subdivision agreement and if the home owners association does not enforce the agreement Carbon County needs to find some other entity that they control to make sure this happens. This could be the County Sanitarian or the County Fire District. He said the County just needs to make sure the subdivision conditions are being followed.

**Waterline Replacement Project – Broadway Avenue 5<sup>th</sup> Street to 19<sup>th</sup> Street** Sanderson said the City is looking at replacing the waterline along Broadway Avenue with a 12 inch line from 19<sup>th</sup> Street all the way down to 5<sup>th</sup> Street. MDT was going to do some of this line but the cost would have been about \$600,000. MDT also has planned an overlay ADA compliant project on the sidewalks from 8<sup>th</sup> Street through downtown. This is all planned for 2014. Sanderson said, the City needs to get ahead of the MDT project so we do not have to pay the MDT project management fees which saves the City about \$300,000. Sanderson said the Council is being asked to approve the task order with Great West Engineering at the cost of approximately \$283,000 for engineering services for this project for a total of \$1.85 million for the waterline replacement. The \$1.85 million includes the engineering costs. Sanderson said the total task potentially goes up by about \$350,000 if MDT mandates flowable fill under the main line. Sanderson said the City is fairly confident that they will be able to get a waiver on this requirement and save the \$350,000. The money to be used will come from the Water Department and a loan to water from the Sewer Department. Loans and grants will be looked at but the approval will need to be made with the idea of using City funds for the entire project.

Mayor Roat said that by doing this project before MDT starts it will help eliminate having to tear up the street after MDT is finished with their project. He also said this new line would increase the capacity of the existing line by four times. It is hoped that the City will get good bid prices as there is not a lot of work out there right now. Hopefully the project will start in October and be finished by Memorial Day so there is no disruption for the businesses during the summer months.

**Task Order – Great West Engineering – Waterline Replacement Project** Motion by Richter, second by Mahan to approve the task order for Great West Engineering Water Line Replacement Project. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**Mine Maps** Mayor Roat showed the Council two maps he received showing the mine workings under the City. These were recently completed as a university project. The different colors indicate the different veins of coal under the City. He said the maps are very interesting.

**CITIZEN REPORT** None

**CORRESPONDENCE** Sanderson reported that the City received a notice from the realtor showing that the Cooper Lots have not been looked at and sales in town are not moving very fast.

**THANKS TO ALDERMAN KAMPFE** Mayor Roat presented Alderman Kampfe with a plaque to show the cities appreciation for his years of service to the community. Kampfe said he has enjoyed his years on the City Council.

**MISCELLANEOUS** A budget session will be held on July 30, 2012 at 3:30 p.m. here in City Hall.

Meeting adjourned at 7:40 p.m.

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Mayor

ATTEST:

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City Clerk