

July 25, 2006

The Red Lodge City Council met in regular session on July 25, 2006 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 Bullock, Mahan, Lockman, Stauffer, Scanlin and Reynolds. Absent: None.

MINUTES OF JUNE 27 Motion by Reynolds, second by Scanlin to approve the minutes of June 27 as read. On roll call vote all Aldermen present voted "Aye." Motion carried.

MINUTES OF JULY 11 Motion by Mahan, second by Stauffer to approve the minutes of July 11 with the following corrections. On roll call vote all Aldermen present voted "Aye." Motion carried.

Scanlin had some corrections she thought should be made to the July 11 minutes. The first correction was under Business License & Use of City Property. The sentence would read "One asks for \$100 per day the other asks for \$2 per running foot of parking space. The second correction was under New Business – Street Closure – Kyle Petty Charity Ride. "Before the vote, concerns were expressed about the street closure creating a "mega-block" that would delay emergency vehicles." The third correction was the motion made under Approval of MT Board of Housing Loan. "Motion by Reynolds, second by Lockman to approve the application to the Montana Board of Housing for a \$250,000 housing loan for purchase of property for affordable homes."

SPECIAL COMMITTEES None

STANDING COMMITTEE – Administration Scanlin said she and Bullock would be meeting on the union proposals and would be reporting back.

Police and Emergency Services Lockman asked the Council to give any comments or questions to her regarding the Interlocal agreement with the County on the ambulance service.

Land Use and Planning – Request for Waiver of Annexation and Request for Wastewater Service Area Enlargement – Golberg's – Public Hearing Mayor Roat opened the public hearing on the waiver of annexation request. City Planner, Brent Moore, gave an explanation to the Council on these requests. The property description is Tract 2 Amended of COS 1620, 6th Amended consisting of 20.01 acres of land located in Carbon County, Montana. No City zoning district is in effect at this time.

Moore said the applicants have submitted a request to expand Red Lodge's Wastewater Service Area west of the City adjacent to the Beartooth Business Park and Grandview Subdivision. The Golbergs are proposing to construct a single-family residential structure with an out building on a 20.01-acre tract. The request and agreement limit the number of connections to two residential connections.

The City entered into an agreement with Ron Henry on April 27th, 2005, to enlarge the wastewater service area for 90 residential lots (Grandview Subdivision). This application would require connecting into the 8-inch existing gravity sewer line in the Grandview Subdivision. The proposed agreement therefore is a three-party agreement including the applicants, Ron Henry and the City.

Regulations regarding annexations are outlined in both state statute and City code. A municipality upon annexation is required under section 7-2-4305 to provide services according to a plan, commonly known as a Capital Improvements Plan, or CIP. A CIP is not in effect with regards to the subject

property. The applicant has expressed a hardship regarding an inability to obtain a permit from Carbon County for an individual septic treatment system due to high groundwater conditions in the area.

The agreement contains a provision waiving the right to protest a Special Improvement District, or SID, to finance water service improvements at a time when and if they would become available. Moore said in summary, the agreement before the Council allows for the provision of City sewer to the subject property, while protecting the City from being required to provide additional services to the subject property.

Mayor Roat closed the public hearing.

Motion by Reynolds, second by Mahan to approve the request for waiver of annexation submitted by Golberg's. On roll call vote those in favor: Aldermen Mahan, Lockman, Stauffer, Scanlin and Reynolds. Those opposed: Alderman Bullock. Motion carried.

Scanlin said she understands that the City cannot provide water at this time to the site so she knows the City is not in the position to offer the services required if annexation took place. The City then needs to waive or deny annexation. She still has reservations regarding the sewer system being available for additional hookups. She would prefer the City to have a Capital Improvement Plan in place so the City can prioritize where our infrastructure improvements are going, principally water and the upgrade of the sewer.

Stauffer said he understood that a municipality had to provide services upon annexation of property. Moore's report said the services needed to be provided as soon as possible. Moore said the state law allows for a municipality to develop a capital improvements plan, which prioritizes urban growth. If this prioritized plan establishes a means to provide services to a location generally within a five-year time period the municipality can go forward with the annexation.

Reynolds asked if the business that will be done at this development would be a retail business. She was told it was not retail. The shop will also be a temporary residence until the house is built.

Mayor Roat opened the public hearing on the wastewater service area enlargement to the Golberg property.

Barbara Miller asked how many connections would be allowed in the future to hook onto Ron Henrys sewer line. She was told that any development done in this area would request to hook into this sewer line. She also asked if this line goes to two-mile bridge and if it was connected to the lift station that is now under repair. She was told no that this line goes down Brewery Hill.

Mayor Roat closed the public hearing.

Motion by Reynolds, second by Mahan to approve the Wastewater Service Area Enlargement agreement as presented. On roll call vote those in favor: Alderman Mahan, Lockman, Stauffer and Reynolds. Those opposed: Aldermen Bullock and Scanlin. Motion carried.

Scanlin is uncomfortable with the capacity issue regarding sewer connections. She is not in favor of the service area enlargement at this time. She feels these developments are being done piece meal with no zoning in place.

Reynolds feels these developments are also piece meal but she feels the right direction to take for all is to have the sewer hooked into the Cities system rather than using drain fields that go into the ground.

Lockman asked about the hardship issue regarding a septic system. She was told the ground water table in this area is very high. The groundwater is within 4 feet of the surface of the ground. By State statute this is too high which prohibited the Golberg's obtaining a septic permit from the County. The State statute also says if the development in question falls within 200 feet of a sanitary sewer system a permit cannot be granted. This development falls within this 200 foot range of Henry's existing sewer system. The impact fee that is in place at the time application is made to build will be the one charged.

Island at Rock Creek Amendment to SIA Motion by Scanlin, second by Reynolds to table this action at the present time. On voice vote all Aldermen voted "Aye." Motion carried.

Ordinance No. 867 – Second Amended Development Code – First Reading

ORDINANCE NO. 867

AN ORDINANCE AMENDING THE FIRST AMENDED RED LODGE DEVELOPMENT CODE PREVIOUSLY ADOPTED THROUGH ORDINANCE 840 INCORPORATING THE CHANGES IN THE LAWS OF THE STATE OF MONTANA ADOPTED BY THE 2005 MONTANA LEGISLATURE.

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

Ordinance No. 840 was previously adopted by the Red Lodge City Council on November 10, 1998 and was referred to and commonly known as the First Amended Red Lodge Development Code; and

In 2005, the Montana Legislature adopted a variety of changes in the State Law requiring Cities and Municipalities to additionally change or amend their codes and/or ordinances in order to maintain their respective compliance with State Law; and,

The City Council deems it necessary and appropriate to amend certain parts of the First Amended Red Lodge Development Code in order to remain consistent and compliant with State Law; Now, therefore, the City Council of the City of Red Lodge ordains as follows:

AMENDMENTS

1. The City Council of the City of Red Lodge adopts the changes, amendments and/or modifications to the First Amended Red Lodge Development Code as recommended and prepared by Staff and attached hereto for reference. The First Amended Red Lodge Development Code as amended by this Ordinance shall be entitled, labeled and known as the Second Amended Red Lodge Development Code.
2. All ordinances or parts of ordinances inconsistent with this ordinance are hereby rescinded and repealed.
3. This ordinance shall be in full force and effect thirty (30) days after its final adoption by a majority of the elected members of the City Council.

Motion by Reynolds, second by Mahan to adopt Ordinance No. 867 on first reading. On roll call vote all Aldermen present voted "Aye." Motion carried.

Scanlin questioned 12-1-6.C regarding non-conforming lots. She said the language allows for a non-conforming lot to become more non-conforming by getting smaller as long as it enlarges an adjacent lot. She suggested this can be done as long as you do not have a common ownership and you are not required to merge the two. A boundary relocation can be done as long as a conforming lot is created or fully merge the non-conforming lot with the adjacent lot. In chapter 5 she noticed the side setback in a multi-family district did not provide setback for a single-family dwelling, in fact made the side setback for a single family dwelling in a multi-family zone to be only 5 feet. Moore and Scanlin felt that a 15 foot setback should be required for a single-family dwelling in a multi-family zone. Scanlin said in chapter 6 there is discussion about extension of preliminary plat approval times. She said in 12-6-8 it says the extension shall be granted if the applicant has demonstrated progression towards the

final plat approval. She feels the term may should replace shall to make this consistent with 12-6-9 under final plat approval where it states may be considered. Moore said he would go back to see what the attorney said in regard to these two sections. Scanlin said there is a design review for everything in hi-bug. This is new to the code and she feels it is substantive enough and perhaps controversial enough to have an opportunity for the citizens in this area to meet and discuss the design review that would need to be met. She would like this section in chapter 7 to be omitted and reviewed by the public before anything is added to the codes.

Amendment to motion by Scanlin, second by Stauffer to incorporate the following changes:

1. Chapter 1, page 2 of 6, 12-1-6.C #1 would read “ The consolidation of adjacent nonconforming lots to create conforming parcels is required whenever such lots are in a single ownership. Boundary line relocation of a non-conforming lot that is not subject to consolidation is permitted where the relocation would create a conforming lot or fully merge the non-conforming lot with an adjacent parcel.
2. Chapter 5, page 7 of 10, minimum rear setback after MFRZ – continue rather than deleting the 20 foot single-family dwelling it would state 15-feet - single family dwelling.
3. Chapter 6, page 4 of 8, section 12-6-8 Extension of Preliminary Plat Approval the word shall will be changed to may in the last sentence. Extensions may be granted if an applicant has demonstrated progress in working toward final plat approval.
4. Chapter 7, page 2 of 4, regarding the hi-bug district and the Warila Boarding House and Sauna and the historic district overlay be omitted from this action in order that it could be addressed at a later time.

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

Board of Adjustments Appointments Motion by Stauffer, second by Mahan to approve the re-appoint of Jeff DeBenedetto, Jim Moore and Marie Olson to the Board of Adjustments and newly appoint Andrew Porth to the Board of Adjustments. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Lions Park Task Force Appointments The identified stakeholders in the Lions Park Task Force as recommended by the Parks Board are as follows.

1. Parks Board – Trish Yung
2. Lion’s Club – John Overton and Jack Ryan
3. People for Playgrounds – Anna Priest
4. Trails & BRTA – Tom Kohley
5. Lion’s Park/Nature Center grant – Susan Hovde
6. City of Red Lodge Staff
7. Arts Guild
8. Red Lodge Ales – Sam Hoffmann
9. A Neighbor of Lions Park – Andy Anderson
10. City Council, Public Works Committee – Mimi Lockman

Motion by Reynolds, second by Mahan to approve the appointments as read. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Scanlin asked that others interested in this issue be allowed to attend meetings. The Mayor said it would be wise to have the meetings noticed for this very reason.

Moore said one of the items that this group will review is existing grants that the City has. He said the City does have reserved funds in parks and trails and sidewalks. He said that it would be checked into to see if these funds would be potential funding sources as match money for existing grants.

Public Works Mahan said a wonderful job was done on the lighting project. She said the crew is now catching up on other projects that need to be done. Right now they are working on the sewer lift station at two-mile bridge that has become priority number one. Next project will be to complete the public restroom.

CITIZEN REPORT Andy Anderson asked if there is a plan or design for the public restroom. Mayor Roat said one has been submitted and approved. He also asked for the time line for completion of this project. Mayor Roat hopes it will be done within two weeks as long as everything goes okay.

OLD BUSINESS – Update on MDOT Highway 212 The Public Works Committee has decided to hold-off on any recommendations until Boyer and Moore meet with MDOT in August. Scanlin asked again that a public meeting be held at the appropriate point in regard to this project before the Council makes a final decision. Mahan said the City is a long way from making any final decisions. MDOT desired a decision from the City by August 1 but by their own schedule they realize it cannot be done that soon.

Mayor Roat said the Arts Guild needs to be spoken with, as they will be affected by any changes. Mahan said she would talk with the Arts Guild and get their comments in writing and the library will also be brought into these discussions.

NEW BUSINESS – Memorial Hospital Association – Water Line Extension In the FY 05-06 the City budgeted \$550,000 in Resort Tax Fund to put in a water line on the north end of town that would accommodate the new hospital if it is built at the new location. A new year has come and the hospital association is coming to the City again to have this amount budgeted in the 06-07 fiscal year. They gave the Council a review of the reasons they feel a new hospital is needed. They said the tentative ground breaking will be early fall of 2007. The association said they should be able to give the City a firm assurance that the new hospital will be built within the next month.

Open Container Request – Wyo-Ben Picnic Wyo-Ben is having a company picnic in Lions Park on August 12 from 10:00 am to 4:00 pm. They are requesting an open container exception to serve beer at their picnic.

Motion by Lockman, second by Mahan to approve the Wyo-Ben open container request. On roll call vote those in favor: Aldermen Mahan, Lockman, Stauffer, Scanlin and Reynolds. Those opposed: Alderman Bullock. Motion carried.

CORRESPONDENCE None

MISCELLANEOUS Scanlin asked that the amendment to the Use of City Property be put on the agenda at the next meeting for first reading.

Meeting adjourned at 9:00 p.m.

Mayor

ATTEST:

City Clerk

Correction to minutes at the August 8 meeting.