

July 27, 2010

The Red Lodge City Council met in regular session on July 27, 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, Kennicott and Priest. Absent: None.

COMMENTS FROM PUBLIC None

SPECIAL COMMITTEES – None

STANDING COMMITTEES – Administration – Contribution to Red Lodge Fireworks Motion by Labrie, second by Mahan to spend \$1500 for the community with a contribution to Red Lodge Fireworks. On roll call vote those in favor: Aldermen Kampfe, Mahan, Richter, Labrie and Priest. Those opposed: Alderman Kennicott. Motion carried.

Labrie said she feels the fireworks display is a positive thing for the community and she feels the City should participate in making it happen. Kampfe said the original request was for a donation of \$3200 but the committee felt the City could only contribute \$1500 and the community should make up the difference. It was discussed making this a line item in the Parks Board budget. He said he feels this to be similar to the contribution made towards the flowerpots that hang on the lampposts on Broadway. Kennicott said she has problems with giving for this with the current constraints on the budget process. She said she is not comfortable using public money for this request at this time.

Resort Tax – Beartooth Gallery Mayor Roat said the Beartooth Gallery has requested a determination as to whether the art work they sell should be subject to the Resort Tax. Mayor Roat said it is his understanding that the Depot Gallery does not charge the Resort Tax on their artwork. Kennicott said the Resort Tax Review Committee discussed artwork in their deliberations and they came to the conclusion that artwork is not a necessity and should be taxed.

Motion by Kampfe, second by Mahan to approve the exempt for the Beartooth Gallery to pay resort tax. On roll call vote all Aldermen present voted “No.” Motion failed.

Kampfe said it is very explicit in the Resort Tax Ordinance that artwork is a taxable item. It should be taxed whether you are a for profit or not for profit business according to the ordinance. He sees no reason to make this case an exception. Kennicott said the purpose of the resort tax is to off set the impact of tourism on our infrastructure. The tax is for the person to pay and not the business.

Mr. Steitmatter, owner of Beartooth Gallery, commented that he finds a lot of luxury items to be exempt. Items such as vehicles and furniture and he asks why artwork would be any different.

Police and Emergency Services - Dispatch Agreement with Carbon County Motion by Richter, second by Kennicott to approve the Interlocal Agreement with Carbon County to pay \$6,704.50 for dispatch services covering ambulance, police and fire. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Richter said that Chief Pringle said most of the dispatch services are for the Police Department. A small part is for ambulance service. Richter said that in the upcoming agreement year data will be kept on how much of the service is for police, ambulance and fire. Then this will be discussed when the agreement is

presented to the City next year and discussion will be held with the ambulance district to pay their portion.

Kennicott said meetings will be starting regarding the formation of the ambulance district and the work that still needs to be completed. Kennicott will be attending the first meeting on Thursday, July 29.

Kennicott gave some statistics on the Beartooth Rally, the Bull Pen and Jim Bridger Days. Mostly things went very well during these events. There were a lot of officers in the area from the State, County and City, which helps with any major problems occurring.

Kennicott said the Local Emergency Planning Committee is going to hold a Multi Incident Table Top tentatively on October 7 in Bridger. LEPC is looking for a new chairman and secretary if anyone has an interest in this.

Land Use and Planning – Class III Review – Boy’s & Girl’s Club Motion by Labrie, second by Mahan to adopt Planning Board recommendation Class III Title 4 and attachment as finding of fact and I move to approve the Class III application for the Boys and Girls Club of Carbon County in accordance with the plans and specifications submitted for review except as modified by the following conditions:

1. That the owner shall obtain a building permit from the City of Red Lodge and comply with any and all requirements including obtaining a certificate of occupancy.
2. That the building plans and use specifications be approved by the Red Lodge Fire Department prior to the occupancy and use of the structure.
3. That the plans for the provision of municipal water, sewer, and storm water services be reviewed and approved by the Public Works Director prior to commencing construction.
4. That the sidewalk, curb and gutter shall be designed and built to City standards and approved by the Public Works Director.
5. That all lighting shall comply with section 12-10-5 of the 2006 Red Lodge Development Code.
6. That all solid waste shall be properly secured from wildlife.
7. That the Boys and Girls Club will keep adjacent sidewalks free from snow and ice.

On roll call vote those in favor: Aldermen Kampfe, Mahan, Richter, Labrie and Kennicott. Those abstaining: Alderman Priest. Motion carried.

Everyone felt this project to be a good one and only want continued success for the Boys and Girls Club.

Open Container Exemption – Bridge Creek Motion by Mahan, second by Labrie to approve the application for open container exemption from Bridge Creek. On roll call vote those in favor: Aldermen Mahan, Labrie and Priest. Those opposed: Aldermen Kampfe, Richter and Kennicott. Mayor Roat broke the tie by voting no. Motion failed.

Peter Christ commented that the patio has been in front of Bridge Creek for years with the serving of alcohol. He said there has been plenty of activity with displays in front of businesses for many long years. He said with this in mind Bridge Creek decided to capture more room for their patio so maneuvering in the area would be easier. Christ explained the procedures he went through by visiting with the Montana Department of Revenue and by completing this application to the City. Mayor Roat asked Christ how far the fence extended from the property line before this application was made. Christ said it was 42 inches. It now extends 18 inches from the property line. Christ said the difference with his business extending onto the sidewalk and other alcohol serving businesses is that he has a physical barrier with the fence and you also enter the patio area by first going into the business and then onto the patio.

Priest said he feels the request being made is a valid one as there have never been any problems with alcohol being served on the Bridge Creek patio in the past. He feels it would be wrong to hinder the

business. If other laws are passed in the future then this can be returned to and decided. Richter and Kennicott said the City has an open container law for a reason and feel it should be abided by. It is felt that perhaps this idea will escalate with other businesses doing the same thing. No one feels that there has ever been a problem with the Bridge Creek patio. Christ said that if other businesses would like to do the same thing it is their privilege but he does not feel many or any will want to go through the work that has to be done with the State in order to extend their floor plans nor do many have a workable area for this.

Public Works – Resolution #3312 – Solid Waste Rates FY-2011

RESOLUTION NO. 3312

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA, CHANGING SOLID WASTE ASSESSMENTS TO PAY CONTRACTURAL OBLIGATIONS.

WHEREAS, the Red Lodge City Council approved a solid waste collection agreement with Allied Waste, Inc. of Billings, Montana, in June of 2008; and

WHEREAS, this agreement is for five (5) years, and has been adjusted to reflect current costs for fuel, labor, disposal fees and the use of bear resistant garbage cans, and the current assessments have not kept pace with the cost of services under the aforesaid agreement; and

WHEREAS, the Red Lodge City Council is advised and understands the need for revenue to match the cost of services; and

WHEREAS, the Red Lodge City Council has determined in increase in rates is needed for the City to complete the term of the aforesaid agreement in a fiscally responsible matter.

NOW THEREFORE, BE IT RESOLVED:

1. The Red Lodge City Council resolves to increase assessed rates based on an annual assessment.

96 Gallon: \$293.16

32 Gallon: \$264.60

2. The Red Lodge City Council resolves that the rate adjustment for solid waste take effect August 1, 2010 and remain effective thereafter until other and further action of the City Council.

Motion by Mahan, second by Richter to approve Resolution #3312 regarding the increase in annual assessment of 96 gallon cans to \$293.16 which is up \$46.08 and 32 gallon cans to \$264.60 which is up \$40.86 for the year. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Mahan said the Council had agreed not to increase the solid waste fees until next year but landfill costs and fuel costs have both increased. She said one of the major issues for this increase is that many people (6%) are delinquent on property taxes. The solid waste assessment is paid through property taxes.

Mayor Roat had the fire department give a list of fire hydrants that are not working. This list was given to Public Works and they are working on the repair of these hydrants so they can be put back into service.

Mayor Roat said the lights at the skating rink have been left on all night. He said he is not sure who is in control of these lights. The switch in on the light pole.

CITIZEN REPORT Peter Christ expressed gratitude for all who attended the public meeting held July 21 on the extension of Hauser Avenue. He felt the meeting was very helpful. He reminded the Council that there are still unanswered questions. He asked if another meeting will be scheduled to discuss this street extension. Sanderson said the Mayor, Skip Boyer and he will be attending a MDT meeting on August 2, 2010. Lighting in the Highway 212 corridor will be discussed. Sanderson said that at this

meeting it is his intent to ask what the status is and what the timeframe is to ask for any changes. Sanderson commented that what is done on Highway 212 drives the decisions that would need to be made by the City. No further meetings have been scheduled regarding this topic. If one is set a larger facility will be needed. Hopefully the news article that comes out from the meeting that was held last week would convey the message the City is trying to get across. The City's position needs to be explained to help stop rumors. The Mayor said the City would stay in touch no matter what. Any further questions can be submitted to Sanderson and they will then be given to the Council.

Jenn Nelson said that for the first time ever Red Lodge would be featured in the Sky West Magazine. This will be in the November/December issue. The Red Lodge Merchants and Lodging Association have worked very hard at taking advertisement of Red Lodge out to all areas.

The Red Lodge Area Chamber of Commerce thanked the Council for being willing to make a contribution to the firework display.

MISCELLANEOUS Kampfe said that as a member of the Land Use and Planning Committee he would be willing to look at the Open Container Exemption to find an amendment to the exemption to allow for someone to apply for a permit exemption in cases like Bridge Creek.

Labrie told the Council that she might be absent from the City for the next Council meeting on August 13.

Kampfe said the Governor would be in Red Lodge on August 12 to visit the City's solar array project, the new High School and the hospital.

Meeting adjourned at 8:15 p.m.

Mayor

ATTEST:

City Clerk