

June 10, 2008

The Red Lodge City Council met in regular session on June 10, 2008 at 7:00 p.m. The meeting was called to order by Mayor Scanlin followed by the Pledge of Allegiance to the Flag.

**ROLL CALL OF OFFICERS** Present: Mayor Scanlin, Aldermen Kampfe, Mahan, Lockman, Stauffer, Kennicott and Priest. Absent: None.

**MINUTES OF MAY 27** Motion by Mahan, second by Lockman to approve the minutes of May 27 as presented. On roll call vote all Aldermen present voted "Aye." Motion carried.

**CLAIMS AGAINST THE CITY** Motion by Kampfe, second by Priest that claims against the City totaling \$997,463.99 approved by the Auditing Committee, be paid and warrants drawn on their respective funds in payment. On roll call vote all Aldermen present voted "Aye." Motion carried.

Kampfe told the Council there was a claim for \$2000 submitted by Main Street Promotions to help pay for the hanging flower baskets on Main Street. The committee at this time is not recommending the approval of payment of this claim. Kampfe said that last year payment for the flower baskets was denied by the Council because they felt this was the obligation of the business owners and the Chamber of Commerce. The Parks Board however does feel this is in their budget and they would like to see the claim paid.

Kampfe said the biggest amount of the total of claims this month was due to the water project starting. COP Construction submitted \$234,250; Williams Plumbing and Heating submitted \$485,842 and Century Companies submitted \$108,000. These payments will not be made until the funds are in the bank from the funding entities.

Motion by Kampfe, second by Lockman to put the \$2000 claim from Main Street Promotions on the agenda for the next Council meeting. On voice vote all Aldermen present voted "Aye." Motion carried.

**OFFICERS REPORTS** The officer reports were approved by the Council as submitted. Mayor Scanlin said, a part of these reports is the loss of water. This loss, during the winter months before sprinkling, is 65%. This is one of the reasons the water project is being done and the City should see a decrease in this loss.

**SPECIAL COMMITTEE** None

**STANDING COMMITTEES - Administration – Solid Waste Contract – Allied Waste** The City received two bids for this contract. One was from Allied Waste and the other from McKenzie Disposal. The committee reviewed the bids and recommend signing with Allied Waste. The Council was given a draft contract with Allied Waste to review. This contract would be for five years with the right of a two-year extension. Sanderson told the Council the action needed this meeting is to commit to the intent of signing a contract with Allied Waste so they could go ahead and order the bear resistant cans that are part of the contract.

Discussion was held on the contract by the Council. Mayor Scanlin said she read the contract to say there would be a fixed increase in the contract along with the CPI increase. Mr. Whitman said there would not be a dual increase. There will be a follow up in the contract regarding the CPI and whether or not gas increases are captured in the overall CPI increase. Whitman said there is a section of the contract that addresses fuel coverage fees. Allied Waste was asked to state specifically the type of bear resistant cans

that will be used in this contract. Priest pointed out that a dispute resolution is not mentioned in the contract. He felt a venue for dispute resolution or some type of arbitration should be spelled out rather than going to court. This will be brought to the City Attorney's attention so it is included in the contract. Mayor Scanlin pointed out that the City went with the option of using the bear resistant containers as it was felt this was a problem in Red Lodge. The public will be seeing a raise in the user fees due to these containers.

Motion by Kampfe, second by Mahan that the City of Red Lodge enter into a solid waste contract with Allied Waste Services of North America and that Allied Waste Services of North America provides grizzly saver bear resistant trash cans. On roll call vote all Aldermen present voted "Aye." Motion carried.

**Capital Improvements Plan** The CIP was done to help prioritize capital projects and purchases over \$10,000. Morrison & Maierle was chosen to do this project with Barb Beck as the local liaison. A meeting was held with several Council members, department heads and Morrison & Maierle to discuss the draft of the CIP. Some changes were made in the CIP by having the department heads rate their requests as high, medium and low and to pare the wish list down. Carl Anderson explained to the Council the changes that were made due to this meeting. He also said that more discussion was included on additional funding sources such as grant potentials. Anderson said they also categorized previous years spending on capital projects in different departments. They also included a capital expenditure request form that may have some benefits to the City by explaining the needs to the Council.

Sanderson asked the Council to submit any comments on the CIP to him by 5:00 p.m. on June 18 for potential action June 24 and if not then by July 8. The Council decided it would be beneficial to them to meet with the department heads to discuss the CIP. It was decided to meet on Monday, June 16 from 7:00 p.m. to 10:00 p.m. It was also decided to hold a budget session on Tuesday, June 17 from 7:00 p.m. to 10:00 p.m. Department heads will be asked to attend both these meetings.

**Family Health Insurance** **Family Health Insurance** At the previous Council meeting a motion was made to have the exact terms of insurance coverage for employees dependents be determined as responsibly as possible by Council and/or staff members appointed by the Mayor with a June 1 deadline. Mayor Scanlin said a plan was determined to give a 60% coverage by the City for family health insurance. This 60% paid by the City will increase the mills of the City.

Motion by Priest, second by Mahan for the City to pay 60% and the employee pay 40% of family health coverage. On roll call vote those in favor: Aldermen Kampfe, Mahan, Lockman, Stauffer and Kennicott. Those opposed: Aldermen Priest. Motion carried.

Kampfe still has an objection to raising the mills to the public. He is in favor of voting on this issue again in a year and investigating alternatives. He feels it is very important to look at the issue of equity. He said the Administration Committee can look at this during the next year.

**Salary & Benefit Survey** An RFP has been reissued to a broader source such as HR companies. One of the City's unions has submitted a proposed pay matrix that the negotiating committee is considering. Sanderson said he hopes to have replies to this RFP by July 11 with a final product by August 15.

**Large Events Committee Proposed Ordinances** The proposed ordinance change for outdoor display/sales on a temporary basis has been written as follows: "Outdoor Display/Sales on a Temporary Basis shall be permitted only in the central business district and exempt activities shall include garage sales conducted in residentially zoned areas by and for the owner of the property. Temporary Basis shall mean less than ten (10) consecutive business days." Priest said that currently outdoor displays/sales on a temporary basis are allowed in a number of areas and the idea was to make them take on the look and feel of commercial activity and limit it to the central business

district. Kennicott asked if the sales were limited to the central business district area would there be available space to be used. Priest said if this produced a scarcity the option would be to request the use of City owned property. The Mayor feels the term consecutive days should be better defined so a vendor did not do business for ten days, rest one or two days and come back for another ten days throughout the summer. The Council will forward this to the City Attorney for review and suggestions.

Priest said the City adopts the Montana codes dealing with noise from all vehicle types. The proposed addition would state, "No person shall, nor shall the owner allow any person to, operate, at any speed, a motorcycle manufactured after December 31, 1982 that is not equipped with an exhaust muffler bearing the Federal EPA required labeling applicable to the motorcycle's model year, as set out in Code of Federal Regulations Title 40, Volume 24, Part 205, Subpart D and Subpart E; or a muffler or muffler system in compliance with MCA title 61." This is used to encourage gearing down when in City limits. It will not address the issue if a person removes the baffles. It is used as a secondary tool if a stop is made for another reason. Kampfe feels this will not be an effective tool and will not help with the noise problem. This also will go to the City Attorney to see if it would be useful or if the State codes already address the issue and could be used.

Part 2 of the noise addition would be: "Motor vehicles. (a) Motor vehicles, other than motorcycles, with a maximum gross weight of 10,000 lbs. or less. No person shall cause or permit any motor vehicle, other than a motorcycle, with a maximum gross weight of 10,000 lbs. or less to operate on a public right-of-way where the muffler or exhaust generates a sound that is plainly audible to another individual at a distance of 150 feet or more from the motor vehicle. (b) Motorcycles. No person shall cause or permit any motorcycle to operate on a public right-of-way where the muffler or exhaust generates a sound that is plainly audible to another individual at a distance of 200 feet or more from the motorcycle. (3) Motor vehicles with a maximum gross weight greater than 10,000 lbs. No person shall cause or permit any motor vehicle with a maximum gross weight greater than 10,000 lbs. to operate on a public right-of-way where the muffler or exhaust generates a sound that is plainly audible to another individual at a distance of 200 feet or more from the motor vehicle, except when compression brake systems are used in a emergency to stop the vehicle." Some felt that plainly audible is a subjective and arbitrary standard. That is why decibels are normally used for noise measure. Stauffer said that decibels could be obscured by location and outdoor climate. It was questioned if this would be a useful tool to get to the problem, which is noise. It may be a tool to use for the really egregious, discourteous people.

Exhibition driving is another part of the ordinances being visited. The proposed ordinance reads, "It shall be unlawful for any person to engage in exhibition driving of any vehicle within the city limits. For purposes of this section, exhibition driving shall be and the term shall mean operating a vehicle in such a manner that it creates or causes unnecessary or excessive engine noise, tire squeal, skid or slide." Exhibition driving is below reckless or careless driving in terms of the overall scale of driving violations. This seems to be very straightforward and useful so will be passed on to the attorney to review.

Lastly the use of City owned property was addressed. A couple of the biggest changes in this ordinance are #2. for use requests for (a) the sale of produce, foodstuffs, and crafts grown/produce within 100 miles of Red Lodge, (b) where live music is the exclusive use, (c) sporting events, (d) arts festivals, (e) music festivals, (f) parades, and (g) craft or garden festivals the fees shall not exceed the maximum amount of \$100 per day plus an additional fee of \$100 shall be required when alcohol is served plus any additional costs of providing police at the discretion of the Council. #3 talks to fees and will read, "For applicants other than those described in paragraph 2, the fee shall be \$3,000 per day for ½ city block. For any such applicant petitioning for the use of city property on behalf of multiple users (persons, companies, etc), each user shall have been considered to have acquired a city business license and paid resort tax due, if any. The applicant will require each user to obtain insurance in the amount of \$1.5M naming the applicant and the City of Red Lodge as additional insured. Applicants shall not permit the display or sale of drug paraphernalia, firearms, knives, machetes, alcohol, pepper spray, nor any other tools, weapons, or devices capable of cutting, stabbing, bludgeoning, or otherwise inflicting grievous bodily harm or death. Compliance with the terms and all relevant ordinances would be the responsibility of the applicant. The City may require any applicant to provide for additional sanitation to cover things like recycling, street washing, clean up, etc in the central business district and for additional restrooms in amounts satisfactory to the Council." Mayor Scanlin pointed out that the \$75 cleanup fee was increased to \$175. This will be refunded at the sole discretion of the City when it is verified the cleanup has taken place and is sufficient. Another change she pointed

out addresses the use of commercial sidewalk area. The exception proposed is to not allow use of sidewalks during July 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> or during the Beartooth Rally. The streets are much more congested during these events. These amendments and new ordinances will be sent to the City Attorney to review and see if the committee should go forward with the ordinances. More discussion will be held on these ordinances before anything is done and the public will be invited to join in the discussions. Considerable discussion was held on the insurance required by event holders, which holds the City as additional insured. This is something that will need to be discussed when reviewing and changing the present ordinance.

Kampfe said the Administration Committee is discussing needed revisions to the business license ordinance. They hope to have some proposed revisions to the Council within the next couple of months. They also discussed the alternative of holding random audits of businesses regarding the resort tax. They also discussed public education to help make the public more aware of who needs to pay the resort tax, when they have to pay and trying to make people more accountable on their own rather than resorting to random audits.

**Union Contract** Mayor Scanlin said the negotiation committee has been working with the non-police union. There are some items the City has given agreement on during the negotiations. They have agreed to remove all Fire, Emergency Medical Technician (EMT) and Police wording in the Collective Bargaining Agreement as these personnel are not a part of this union group. The City Labor Management Committee has agreed to recommend to clarify that the period in which sick leave is used is included in time worked, during which benefits will accrue. The City has agreed to clarify that paydays are the 15<sup>th</sup> and the last day of each month. The City has agreed to a per diem on meals at the rate in effect for state employees. The union is proposing adoption of a pay matrix they have outlined but the City was unable to obtain responses for its RFP within the timeframe for adoption of a FY 08-09 preliminary budget by July. The City proposes to complete this survey no later than August 15, 2008, to verify the data and grade positions proposed by the Union.

Scanlin said the committee is tentatively offering a salary raise of 3% with a 1% longevity increase. This will be done for one fiscal year until the salary survey can be completed and hopefully adopted. Scanlin said they also pointed out that the union did not ask but were given 60% assistance with the cost of dependent health insurance coverage.

Motion by Kampfe, second by Priest to submit these proposals to the union. On roll call vote all Aldermen present voted "Aye." Motion carried.

**Preliminary Budget** Mayor Scanlin said more discussion will be held on the preliminary budget at the meeting that has been scheduled for June 17, 2008 with department heads. She hopes to have a preliminary budget in place by the start of the 2008-2009 fiscal year. Priest said he would like to see the budget process go forward and show where the City wants to be rather than addressing what has been done in the past.

**Action for June 24 Meeting** Motion by Kampfe, second by Priest that the following action item be considered on the next Council meetings agenda. This would be an exemption to the noise ordinance for musical events on City used property for year 2008. On roll call vote all Aldermen present voted "Aye." Motion carried.

Kampfe said there is some concern with the event coordinators that the bands or musical performances are going to violate the noise ordinance. Kampfe said he would hate to have the City approve the use of City property for some type of event that has music and when the music is louder than permitted by the ordinance the event would be in violation. The Admin Committee is looking at a way to determine what the noise level should be and what is acceptable. The committee will try very hard to study this so in the

future all will know the rules for these type of events. It would be helpful to measure the noise level at all upcoming musical events so the City would have data to help make decisions by.

**Police and Emergency Services** Kennicott said the new paramedic will begin work on June 23. She also reported that Chief Kuntz said there will be changes to the fire codes regarding sprinkler systems that may be retroactive on some establishments. Kennicott reported there was an accident over the weekend with one of the police vehicles. The involved officer was fine but there may be discussion on the need for a new vehicle.

**Land Use and Planning – Use of City Property – Beartooth Rally – Leo Wilson** Leo Wilson is requesting the use of the City area from Highway 78 to the rodeo grounds starting July 18, 2008 thru July 20, 2008 for camping. He will have a number of porta-potties placed on the premises. Allied Waste will be providing trash removal. Wilson said there will be an on site staff member 24 hours a day. Insurance is provided through Beartooth Insurance.

Kennicott mentioned that the minutes of June 12, 2007, stated that “City Attorney, Sam Painter, recommended the City enter into a lease agreement for this use of property by the suggestion of MMIA”. The City Attorney will be asked about this issue again to see what he thinks and then it can be discussed as to whether the City want to use this method in the future when permitting the use of City owned property.

Motion by Kampfe, second by Mahan to approve the Beartooth Rally’s application for the use of City owned property pursuant to area addressed in application. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**Bank of Red Lodge Land Exchange – Easement Exchange** The City owns a wedge of land by the Bank of Red Lodge that the bank would like to use for such purposes as landscaping, signage, benches and the like at the bank’s expense. The bank in turn has a piece of land that the City would like to use for any legitimate purpose including landscaping, signage, benches and walkway for ingress and egress to the public restrooms. The proposal is for a mutual grant of easement by both the City and the Bank of Red Lodge. This will essentially be a perpetual exchange. Priest pointed out in the grant of easement from the Bank to the City an error in one of the WHEREAS’s. It should read as follows: “WHEREAS, the City desires the use, in perpetuity, of Easement B and the Bank desires the use, in perpetuity of (Parcel) **Easement A**; and. Parcel should be changed to say Easement as it does throughout the two Grant’s of Easement.

Motion by Mahan, second by Priest to approve the grant of easement between the Bank of Bridger and the City of Red Lodge with the change of Parcel to Easement. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**2008 Growth Policy** Sanderson said the resolution of intent for the adoption of the Growth Policy was done at the last Council meeting. This activated a comment period that required publication of the resolution of intent and this publication has been done in the Carbon County News. The comment period will close June 27 and the Council may pass a resolution on the adoption of the Growth Policy after this time.

**Colt Communications – Final Plat – Resolution No. 3255** An application has been submitted for Final Plat approval of the Colt Communications Subdivision. The final plat application and supporting materials propose to aggregate 20 existing lots into three large commercial lots for a net reduction in the number of approved lots by 17 in Blocks 84 and 95 of the Red Lodge Original Plat. Preliminary approval was issued in February subject to 14 conditions. Sanderson pointed out two of the conditions. Condition

#9 said the developer shall obtain approach permits for each lot within the subdivision to Highway 212 from the MDOT. He said the status of this condition is that it has not been met as MDT denied direct access to Highway 212 for all the lots within this subdivision based upon the finding that the lots fronted along existing public City streets. Sanderson said the developer petitioned from public works to gain access to the development from First and Second Streets. He said those encroachment permits were approved. Sanderson said the intent of the condition has been met just not in the manner first stated.

Sanderson said condition #10 states that the developer obtains encroachment permits for access across the right-of-way for Villard Avenue for each lot within the subdivision. He said this condition is not applicable as a result of the denial of access to Highway 212 by MDT the need for the city to approve an encroachment permit across Villard is no longer relevant. This coupled with the fact that the Public Works Department has approved access locations along First and Second Streets effectively nullifies this condition. Sanderson said the balance of the conditions or the intent of the conditions has been complied with.

Motion by Mahan, second by Kennicott that the adoption of Staff Report RLFP-08-03 as findings of fact and that the Final Plat for the Colt Communications Subdivision is approved with the changes in conditions number 9,10 and 12 as noted. I also move the passage of Resolution No. 3255, which abandons the alleyways depicted on said final plat. On roll call vote all Aldermen present voted "Aye." Motion carried.

#### **RESOLUTION NO. 3255**

#### **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA TO VACATE AND ABANDON A PORTION OF THE ALLEYS IN BLOCK 84 AND BLOCK 95, ORIGINAL PLAT OF RED LODGE, SECTION 27, TOWNSHIP 7 SOUTH, RANGE 20 EAST, P.M.M., CARBON COUNTY, MONTANA.**

**WHEREAS**, The City of Red Lodge received a petition to vacate and abandon a portion of the alleys in Block 84 and Block 95 described as follows:

#### **BASIS OF BEARING:**

Consider the Basis of Bearing to be based on geodetic bearings of The City of Red Lodge Control Network provided by HKM Engineering and with all other bearing contained herein relative thereto:

#### **BLOCK 84, ORIGINAL PLAT OF RED LODGE, MONTANA**

That part of the alley of Block 84, Original Plat of Red Lodge, Montana described as follows:

Beginning at the northwest corner of Lot 1 of said Block 84; thence S01° 01'E, along the east line of said alley; for 139.98 feet; thence S88° 43' 46"W for 7.74 feet; thence N01° 01'W for 139.98 feet to the south line of 2<sup>nd</sup> Street; thence N88° 43' 51" E for 7.74 feet, to the Point of Beginning, the Area being 1083.97 Sq. Ft. more or less.

#### **BLOCK 95, ORIGINAL PLAT OF RED LODGE, MONTANA**

That port of the alley of Block 95, Original Plat of Red Lodge, Montana described as follows:

Beginning at the northwest corner of Lot 1 of said Block 95; thence S00° 58' 01"E, along the east line of said alley, for 245.49 feet to the southwest corner of Lot 9, thence S88° 43' 51"W for 20.00 feet to the southeast corner of Lot 10; thence N00° 54' 33"W, along the west line of said alley, for 114.56 feet to the northeast corner of Lot 10; thence S88° 43' 45"W, along the south line of said alley, for 22.75 feet; thence N09° 47'E for 20.38; thence N88° 43' 54"E, along the north line of said alley, for 18.97 to the southeast corner of Lot 29; thence N00° 54' 33"W, along the west line of said alley, for 100.37 feet; thence N09° 47'E for 11.06 feet to the south line of 1<sup>st</sup> Street; thence N89° 39' 22"E for 17.70 feet, to the Point of Beginning, the Area being 5288.57 Sq. Ft. more or less, AND

**WHEREAS**, the Red Lodge Planning Board at their February 13, 2008 meeting conducted a public hearing on the petition to vacate and abandon said portion of Block 84 and Block 95; AND

**WHEREAS**, the City Council adopted Staff Report MJR-08-01 as findings of fact; AND

**WHEREAS**, notice of the intent to vacate and abandon the portion of the alleys described in the resolution as provided by 7-14-4114 M.C.A. was published in the Carbon County News on January 24 and 31, 2008. In addition the notice was posted at City Hall and the U.S. Post Office continuously from January 23, 2008 to February 26, 2008; AND

**WHEREAS**, the City Council conducted a public hearing on February 26, 2008 on the resolution of intent to vacate and abandon, and no one spoke in opposition.

**NOW THEREFORE BE IT RESOLVED** by the Red Lodge City Council that the portions of Block 84 and Block 95 as described in this resolution are vacated and abandoned.

**Diamond C Links – Final Plat** Johnson said the final plat will create residential lots and parkland on Amended Lot 12, Block 7 of Diamond C Links Subdivision. On May 12, 2008, Engineering Inc. submitted a final plat application to the city of Red Lodge for Final Plat Approval. Preliminary Plat Approval was issued by City Council on May 22, 2007 subject to one condition. According to section 12-6-9 of the Red Lodge Development Code the applicant may apply for approval of a final plat for a minor or major subdivision within 24 months after the date that the Recorded Decision is issued for the approval of the preliminary plat. The condition that was placed on this subdivision application said that no structure shall be built in the subdivision in excess of 3600 square feet, except that a building in excess of 3600 square feet shall be permitted if the building is equipped with NFPA compliant fire sprinkler system, or if fire flow testing of fire hydrants within 300 feet demonstrate adequate flow for the size and type of the building. This condition will be met when the Notice of Building Restrictions is recorded with the Final Plat.

Motion by Mahan, second by Kennicott for the adoption of Staff Report RLFP-08-02 as findings of fact and that the Final Plat for Lot 12, Block 7 of Diamond C Links Subdivision, Plat No. 1448, 6<sup>th</sup> Amended be approved. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Kampfe said what he liked about this plat is the dedicated park space which is beyond what the developer is required to give. He said the second thing to keep in mind is that access to the park is along the rim so the skyline is being protected and the potential to develop the park for the use of all of Red Lodge looks good.

**Place Architecture** Johnson said this is a Class III Conditional Use application that will be coming to the Council at the next meeting. The area is across from the Museum and the Library on the corner of Main Street and 8<sup>th</sup> Ave. The conditional use application is for the use of professional office space. In this area the zone requires a conditional use application for this use.

**Public Works** Mayor Scanlin said a proposal has been received from Corey Cabral to do repair work on the mausoleum building at the cemetery. She would like to refer this offer to the Public Works Committee. She would like the committee to review the offer of repair and the request to install a directional sign on City property for five years in regard to the Diamond C Links project.

**2007 Water Rehabilitation Project Update** Sanderson is putting together a project board on the significant items in the life of this project. This includes things like the trials and tribulations of the water rate increase so the funding could be found to do the project. It also includes the trouble in bidding the project and will continue to show how the project flows for completion.

**Spires at Red Lodge Warranty Bond for Improvements** Sanderson said the Spires of Red Lodge currently has a letter of credit which has the City holding 25% of the original bond amount. Roughly this adds up to \$500,000. It is being held in lieu while the final construction for Phases 1A and B are

completed. The issue being on Phases 1A and B is that they are closing in on completing the last of the improvements such as paving the road, installing water and sewer and having them all inspected, accepted and certified by the City. At the point when this occurs the City regulations require that the developer convert and put in place a warranty bond that guarantees the City against any material defects in the materials installed or the workmanship. They will guarantee that the improvements are good for a year. This will be 10% of the original bond or about \$220,000. The proposal from Spires is to put the City on as a co-obligee on the warranty bond that they are retaining with Williams Plumbing and Heating who is doing the work. Sanderson said this is not the typical way a performance bond of this type is issued with the City. He has forwarded this through Sam Painter for discussion to make sure this is an acceptable surety for the City and if so what concerns if any Attorney Painter may have. Sanderson has received no answer from Painter at this time. This will be an item on the next agenda.

**Hiring of Water/Sewer Personnel – Jeff Warner** Mayor Scanlin said she is recommending the hiring of Jeff Warner for the vacant water/sewer position. This comes from the recommendation of the Public Works Director.

Motion by Mahan, second by Priest to approve the Mayors recommendation to hire Jeff Warner for the water/sewer position. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**CITIZEN COMMENTS** Pius Meier and Richard Powell spoke to the Council regarding the easements they have on their land for the City water and the fact that they do not have to pay for water use. Mayor Scanlin said these easements will be reviewed and a determination will be made on the City’s obligation to these property owners. All documentation will be gathered and reviewed.

Beth Hutchinson said she has been with the Chamber of Commerce for one year. She asked the Council to think abstractly between business and City. She said she gets the feeling the City feels that business can take of their selves. She said that right now the businesses in Red Lodge are in precarious times of their existence. She sees the City as a leader to establishing the goal of City and business being full-fledged partners. She said if business declines things like the Resort Tax will also decline. She said her key interest is bringing these groups together and she would like to see the City find a way to help clarify the possibility of mutual responsibilities. Mayor Scanlin said it is important to keep the discussions going and she feels the City has been a good partner.

**OLD BUISNESS** None

**NEW BUSINESS** Kennicott has received questions regarding all the wells that are being dug. Mayor Scanlin said she is not sure if the City has the legal authority to monitor wells being dug or if this would fall under DEQ for DNRC. She is proposing this question to the City’s water attorneys to see what the extent of the City’s authority is or how this can be enforced. She said however wells being installed for irrigation purposes are good for the City to free up more treated water for residential use without extending the system with new sources or treatment facilities. Mayor Scanlin told Kennicott that she could call DEQ and see if she can get answers regarding the digging of wells.

Priest said Tom Kohley with the Parks Board would be coming to the City Of Red Lodge for support on a grant application they are seeking for the Airport Trails Loop. The County will be dedicating \$35,000 for this grant application with RTP. Lockman said the request to the City would mostly be for in-kind match.

Priest said he and Kennicott have received comments from citizens in their ward regarding Highway 78 with issues on the roundabout and speed on this Highway. Priest said that at their request he has called MDT on the status of Highway 78. He was told it is in the early design phase and if the City has issues



they would like to come to the City and speak to the issues. Some of the issues on this Highway project that were received from people who live in the area are: bicycle/pedestrian use, separated paths at mile 4 into town, trails accessible to a library of users including wheelchairs, shoulders wide enough to accommodate bicycle use, pedestrian crossings at Airport Road, Lazy M Road, Highways 212 and 78, parking facilities included throughout the project for carpool users, school bus stops, and trail users. Priest said MDT is very interested in learning more about the plans for development along this corridor. He said MDT requested a letter from the City to reinforce these items and the willingness for the City to work with MDT. The Mayor said MDT should have these concerns in their records but she said Priest and the people in this area should reinforce the ideas of the City. MDT said they would do a traffic speed study if the City requests. The Council feels these issues are important and should be addressed with MDT.

**CORRESPONDENCE** None

**MISCELLANEOUS** There is still the need to replace Dave Stauffer on the Council. Maryvette Labrie said she will be filing for the opening in Ward 2 for this coming year. The person who is appointed to fill Stauffer's vacancy will finish his term. Labrie was told if she is interested in finishing Stauffer's term she should present the Council with a letter of interest.

Meeting adjourned at 10:30 p.m.

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Mayor

ATTEST:

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City Clerk

Corrections to minutes made at the July 22 meeting.