

June 22, 2010

The Red Lodge City Council met in regular session on June 22, 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.

**MINUTES OF JUNE 8** Motion by Mahan, second by Richter to approve the minutes of June 22 as submitted. On roll call vote all Aldermen present voted "Aye". Motion carried.

**CLAIMS AGAINST THE CITY** Motion by Kampfe, second by Richter that claims against the City totaling \$319,901.79, 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 pointed out some of the noteworthy claims being paid at this time. Northwest Pipe Fittings submitted a claim for \$239,369 for the remote water reading meters. There was a claim from MDEQ for \$9,360, which is a fine on the City for the sewer treatment plant being out of compliance. The City's discharge permit was violated. Mayor Roat said the City is working on the correction of this violation and getting the City in compliance. Kampfe said there is a lot of activity going on at the library. There is work being done on repairs and improvement to the building with the special funds that were received from the County. A claim was submitted by Covering Broadway totaling \$10,005 for carpeting. There was also a claim submitted from Brodart for \$3,032 for shelving in the library.

**COMMENTS FROM PUBLIC** None

**SPECIAL COMMITTEES** – None

**Administration – NorthWestern Energy Lighting Over Charges Lawsuit** Motion by Kampfe, second by Mahan to approve entering into a lawsuit against NorthWestern Energy for lighting overcharges. On roll call vote all Aldermen present voted "No." Motion failed.

Attorney Russ Doty gave the Council an overview of the materials submitted to them at the June 8, 2010 Council meeting regarding the lawsuit against NorthWestern Energy. Doty answered some of the questions that were asked by the Council at the previous meeting. Doty said he is doing this to knock the CO2 component out of nighttime lighting. He is willing to do this work pro bono but if the only concern were to get back the funds that have been overcharged by NorthWestern Energy then Doty would charge for his time. What Doty would like to see done with this lawsuit is to have the City receive a refund of the overcharge and use the refund toward payment of LED lights. The LED lights would be installed on the NorthWestern Energy poles.

Kampfe said he did not like the mixing of obtaining LED lights with the lawsuit. He does not feel this is the way the City should go in obtaining LED lights. He does not feel that entering into this lawsuit to be a good idea for the City. Jay Mannaga asked Kampfe how he would like to bring LED lights to the City and Kampfe said that he does not have the answer to this question but does not feel the lawsuit to be a solid one.

Priest said there is more than one issue wrapped into this case and that it is not a good idea to bundle everything together.

**Ordinance #885 – Amendments to Animal Control – second reading**

**ORDINANCE NO. 885 (caption)**

**THIS IS AN ORDINANCE TO AMEND PORTIONS OF TITLE 5 POLICE REGULATIONS, CHAPTER 5 ANIMAL CONTROL, ARTICLE B CONCERNING DOGS AND TO REMOVE ANY REFERENCES TO THE AMOUNTS OF FEES AND FINES FOR CHAPTER 5 IN THE RED LODGE CITY CODE.**

Motion by Kampfe, second by Labrie to approve Ordinance #885, An Ordinance to Amend Portions of Title 5 Police Regulations, Chapter 5 Animal Control, Article B Concerning Dogs and to Remove Any References to the Amounts of Fees and Fines for Chapter 5 in the Red Lodge City Code, on second reading. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**Joint City-County Airport Agreement** Motion by Kampfe, second by Labrie to table Joint City-County Airport Agreement to the July 13 meeting. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Kampfe said that City Attorney, Sam Painter, raised some issues with the proposed agreement and Kampfe feels the committee has not had enough time to review Painter’s comments so the committee would like to table this item until the next meeting.

**Music System on Broadway – Gary Robson** Robson said the speaker system on Broadway is owned by the Home of Champions Rodeo Parade Committee and was installed on Broadway for special events like the 4<sup>th</sup> of July parade. The speakers are hanging on poles owned by NorthWestern Energy. The control system is located inside Flash’s. Robson said he has contacted Tom Egenes during times the music was being played requesting that the music be turned off or the volume lowered. He was told no on all occasions. Robson did a survey in his Local Rag and the majority of people commented that they too did not like the music or at least did not approve of the volume level. Everyone agreed that the music was only to be played during special events. Robson said he is asking that if someone is putting on a special event and gets their permit from the City they need to make a request to use the speaker system. He would like to see an oversight process from the City. Mahan, Parade Director, said she would speak to Egenes to see if this problem could be resolved and will get back to the Council. Mahan said if this problem cannot be resolved she could move the base unit elsewhere.

**Police and Emergency Services – Lease Agreement RL Fire/EMS with Fire District #7** Motion by Kennicott, second by Labrie to approve the lease agreement to provide for more efficient and economical use of resources for the Red Lodge Fire Department, Red Lodge EMS and Red Lodge Rural Fire District #7. On roll call vote all Aldermen present voted “Aye.” Motion carried.

This agreement has been in place for the past ten years. Kuntz said the agreement has functioned well for all involved parties. The major change in the new agreement will be the \$200 per month increase in the rent.

Motion by Kennicott, second by Labrie to approve the interlocal agreement for the sharing of apparatus and equipment. On roll call vote all Aldermen present voted “Aye.” Motion carried.

This agreement has no financial impacts on any of the involved parties. The agreement is in the sharing of apparatus’s and equipment only. Kuntz said that adequate equipment and apparatus’s are always left in the City so all entities are protected.

**Council Intentions for Ambulance/Levels of Service Should the Ambulance District Creation Fail** Kennicott state that one year ago on June 9, the Council passed Resolution #3285 to sponsor the creation

of an Ambulance District with Carbon county and to enter into an interlocal agreement to form a multi-jurisdictional service district. Nine months later the Commissioners decided on March 15, 2010 to have a mail ballot on July 13 after receiving enough petition signatures from the proposed district.

Kennicott said that Council intentions are important because the City is at the end of the fiscal year and in the middle of budget planning. She said the County Commissioners and their constituents should know the intentions of the Council and make alternate plans, or not. The City residents need to know what is at stake also.

Whether it is employee costs or costs in general for City operations, the City can no longer cover its activities at today's prices, whether it's medical requirements, streets or the City pool. Attempting to go back to a budget used five or ten years ago is not feasible.

Kennicott said the City has tried, at least since the 1980's, to get the County to contribute funding to the ambulance service and the City is still subsidizing County residents. Kennicott showed the Council several news articles from the 1980's that speak to this same issue.

Both the County and the City should contribute to having a viable ambulance organization or perhaps not at all if there is too much liability and not enough funding to do it adequately. Fire protection is required by statute where ambulance service is not.

Kennicott said that if the district does not pass, the Council would need to approve an Ambulance Response Policy to set priorities and limitations for ambulance operations in the City. This could be adopted by resolution. Service to the county could terminate on September 1, 2010. The voted upon decision will speak as to what needs to be done due to the will of the populace.

Kampfe said the City does have a preliminary budget set at the present time. This budget does include significant cuts in the ambulance department. The proposed budget will eliminate two personnel. The 24/7 services will no longer be there. The general level of service will definitely be reduced. Kuntz stated that if the proposed district ballot fails there would definitely be a reduction in the level of volunteers. The City depends greatly on the volunteers in both the ambulance and fire departments. The response time will also be longer and some of the revenues will be lost.

Paula Palmer asked why the level of volunteers would be reduced if the district does not pass. Linda Barbee, ambulance volunteer, told her that volunteers do not feel comfortable riding on the ambulance when there is not a paid staff person on board with their capabilities to help. She said calls are being more serious and it helps greatly when there is a paramedic on board.

Mayor Roat said that he has long advocated that the ambulance service should be a partnership situation. He said the ski area, the County and the hospital have enjoyed the service without the costs. He feels all these entities should be a part of a partnership to help run the service. Kelley Evans, CEO of Beartooth Hospital, said it is unrealistic for the hospital to step in with this service as this is something that she said is unheard of. The hospital will continue to do what it can to help with this matter.

Jeff Schmidt, General Manager of Red Lodge Mountain, said a decreased level of service would be harmful.

Priest said the Council has not communicated to the public what the policy will be if the district fails. He does not feel a credible picture has been communicated with the lessening of services. The City needs to convey to the citizens what will be done and what the level of service will be if the district fails. He said if the City provides a BLS service or an ALS service this policy needs to be decided upon.

Mail-in ballots will be due to the election official by July 13, 2010. It was pointed out that the City does not legally have to provide an ambulance service to the City but does so out of a sense of community and citizen safety.

Kampfe said he would be willing to write an editorial letter to the newspaper for the Council members to sign supporting the ambulance district. The letter would then appear in next week's paper.

**Other Committee Meeting Items** Kennicott said a visitor from Montana Department of Justice, Division of Criminal Investigation, gave a presentation regarding Outlaw Motorcycle Gang (OMG) activity in general and specifically in Montana where new gangs have formed. It is probable that there will be OMG presence at the Beartooth Rally and from more than one group.

The question was raised as to why smoking outside of a public building was not included in the tobacco use ordinance passed on June 8. When people enter a public building they are subject to the smoke they are trying to avoid. One way to cover that would be to say there is no smoking within 25 feet of any building where smoking is prohibited under Montana law.

Kennicott said a new contract for EMS billing and collection services has been researched and McDowell has found a company that meshes best with Fire/Rescue operations. More information will be given to the Administration Committee regarding the company to review for the next Council meeting.

Kennicott said the Council needs to be thinking about how they want to approach reimbursement for ambulance equipment should the Ambulance District pass.

At the LEPC meeting that was held June 15 it was noted that the County Emergency Operations Plan is in it's final stage. Barb Beck will complete this soon so if anyone has any concerns now is the time to make them known.

Phases I and II are being platted on the map when a 911-cell call is received.

Additional Sheriff Office personnel is being planned for the Bull Pen event in July. These will be six additional reserve officers per shift and they will be compensated at \$20 per hour. These charges will be the responsibility of the event organizer.

**Land Use and Planning – Class III CUP – Palmer Bed and Breakfast** Motion by Mahan, second by Labrie to approve the Class III Conditional Use Permit for a Bed and Breakfast at 510 Platt Avenue South in accordance with the plans and specifications submitted for review except as modified by the following conditions:

- 1) That the applicant shall comply with any and all building, fire, sanitation and safety requirements.
  - 2) That separate sign permits be approved by the City before any signs are installed.
  - 3) That all solid waste receptacles shall be properly secured from wildlife.
  - 4) That all lighting shall comply with section 12-10-5 through 12-10-5B.2 of the 2006 Red Lodge Development Code.
  - 5) That the applicant shall comply with business registration and resort taxation per City ordinance.
- On roll call vote all Aldermen present voted "Aye." Motion carried.

There were no public comments made on the Class III CUP – Palmer Bed and Breakfast.

**Class III and PUD Review St. John's Cottage at the Willows** Motion by Labrie, second by Kampfe to adopt Staff Reports PUD 10-1 and Class III 10-03 as findings of fact. Further, I move to approve the

PUD and Class III permit requests for the St. John's Cottage at the Willow in accordance with the plans and specifications submitted for review subject to the nine conditions:

- 1) That this development permit is issued to St. John's Lutheran Ministries to construct, operate and maintain a 24-bed assisted living facility on Lot 32M, Block 7, Plat No. 1448 3<sup>rd</sup> AMRB.
- 2) 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 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 occupancy and use of the structure.
- 4) That except as modified by the Hauser Avenue extension Right-of-Way Agreement, the plans for the provision of municipal water, sewer and storm water be reviewed and approved by the Public Works Director prior to the submittal to MDEQ for approval.
- 5) That except as modified by the Hauser Avenue extension Right-of-Way Agreement, before documents are submitted to MDEQ and before bids are let, the design for water, sewer and the transportation corridors will be submitted to and approved by the Public Works Director.
- 6) That all required improvements will be completed, approved and /or accepted by the City of Red Lodge, and guaranteed prior to the issue of a certificate of occupancy.
- 7) That the owner is responsible for the maintenance of runoff management measures.
- 8) That all solid waste receptacles shall be properly secured from wildlife.
- 9) That all lighting shall comply with section 12-10-5 of the 2006 Red Lodge Development Code.

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

There were no public comments made to the Class III and PUD Review St. John's Cottage at the Willows.

#### **Resolution #3311 – Road Naming Hauser Avenue**

##### **RESOLUTION NO. 3311 RED LODGE CITY COUNCIL**

#### **A Resolution by the City Council of the City of Red Lodge to assign the names Hauser Avenue to the public right-of-way dedications of the St. John's/Beartooth Hospital and Health Center Development.**

**WHEREAS:** The Beartooth Hospital and Health Center is dedicating public rights-of-way with the St. John's Cottage at the Willows Development on the following tract of land Amended Plat of Lots 31, 32, and 33, Block 7 Plat No. 1448 3<sup>rd</sup> Amended Red Lodge Country Club Estates and Lot 29-A-1 1448 6<sup>th</sup> AMRB and the Par of Plat No. 1448 6<sup>th</sup> AM. Diamond 'C' Links, Sections 16 and 22, Township 7 South, Range 20 East, AND;

**WHEREAS:** Ordinance 874 of the City Council of the City of Red Lodge authorizes the City Council to name streets and avenues in the best interest of the City and inhabitants thereof, AND;

**WHEREAS:** On August 12, 2009, the City Council of the City of Red Lodge adopted Resolution #3259 which formally adopted the 2008 Red Lodge Growth Policy. The 2008 Red Lodge Growth Policy may be cited as Chapter 1 of Title 12 of the Red Lodge City Code, AND;

**WHEREAS:** The extension of the City's gridded network of public rights-of-way including Hauser Avenue furthers goals of the 2008 Red Lodge Growth Policy.

**NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Red Lodge, Montana, to adopt Resolution Number 3311 designating the new public right-of-way dedications from the Amended Plat of Lots 31, 32, and 33, Block 7 Plat No. 1448 3<sup>rd</sup> Amended Red Lodge Country Club Estates and Lot 29-a-1 1448 6<sup>th</sup> AMRB and the par of Plat No. 1448 6<sup>th</sup> AM. Diamond 'C' Links, Sections 16 and 22, Township 7 South, Range 20 East as Hauser Avenue.**

Motion by Labrie, second by Mahan to adopt Resolution #3311, A Resolution by the City Council of the City of Red Lodge to assign the names Hauser Avenue to the public right-of-way dedications of the St.

John's/Beartooth Hospital and Health Center Development. On roll call vote all Aldermen present voted "Aye." Motion carried.

**CITIZEN REPORT** None

**CORRESPONDENCE** Sanderson drew the Council's attention to the listing report on the Cooper Lots. It showed information on these lots and how things are progressing on house and lot sales in the Red Lodge area.

**MISCELLANEOUS** None

Meeting adjourned at 9:00 p.m.

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Mayor

ATTEST:

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City Clerk