

June 24, 2008

The Red Lodge City Council met in regular session on June 24, 2008 at 7:00 p.m. The meeting was called to order by Mayor Scanlin followed by the Pledge of Allegiance to the Flag.

Mayor Scanlin presented Alderman Stauffer with a plaque to recognize the time he has given to the City of Red Lodge. Stauffer contracted with the City as the City Planner for 2 ½ years before he became a member of the City Council. Mayor Scanlin presented him the plaque with great sorrow and thanked him very much for the service he has given the City. Stauffer said he has enjoyed the work he has done for the City. He said this is not an end but just a detour.

Mayor Scanlin said that Maryvette Labrie has expressed an interest in filling Stauffers term for Ward Two.

**ROLL CALL OF OFFICERS** Present: Mayor Scanlin, Aldermen Kampfe, Mahan, Stauffer and Priest.  
Absent: Aldermen Lockman and Kennicott.

**CLAIMS AGAINST THE CITY** Motion by Kampfe, second by Stauffer that claims against the City totaling \$144,829.52 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 audience that as it was the end of the City’s fiscal year claims were paid at both June meetings. Kampfe said the Parks Board spent \$39,450 on Field School Park and Coal Miners Park for playground equipment. \$4,192 was spent on the Skateboard Park for equipment. \$57,269 was spent on the paving of streets by Bailey Paving. Kampfe said that approximately 30% of the claims this time were paid from the Resort Tax Fund for improvements to the City.

**Main Street Promotions – Hanging Flower Baskets** Motion by Kampfe, second by Mahan to pay claim #17932 for \$2000 to Main Street Promotion for the hanging flower baskets. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Kampfe said the Parks Board had decided they wanted to help pay for these hanging flower baskets with funds they have in the Resort Tax Fund. He said he would approve this payment based on the Parks Board choice.

**SPECIAL COMMITTEE** None

**STANDING COMMITTEES – Administration – Resolution No. 3256 – Intent to Adopt Capital Improvements Plan**

**RESOLUTION NO. 3256**

**A RESOLUTION OF INTENT BY THE CITY COUNCIL OF THE CITY OF RED LODGE TO ADOPT THE 2008 RED LODGE CAPITAL IMPROVEMENT PLAN.**

WHEREAS: The Red Lodge City Council identified the need to develop a comprehensive Capital Improvement spending plan for the City, AND;

WHEREAS: The Red Lodge Community Development Department at the direction of the Mayor and City Council prepared and released a request for proposals and statement of qualifications for the preparation of a Capital Improvements Plan, AND;

WHEREAS: The City Council selected Morrison and Maierle Engineering/Beck Consulting as the most qualified partnership to prepare the Capital Improvements Plan for the City of Red Lodge, AND;

WHEREAS: The Red Lodge City Council has conducted two public meetings to solicit comments on proposed capital improvement projects, AND;

WHEREAS Morrison and Maierle Engineering/Beck Consulting have prepared and submitted a final draft of the Capital Improvements Plan for consideration and approval by the City Council.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Red Lodge, Montana to adopt Resolution of Intent Number 3256 to adopt the Capital Improvements Plan for the City of Red Lodge at a time and date of the choosing of the City Council. Further, notice of the passage of this resolution of intent shall be published in the Carbon County News at least one time prior to final action by the City Council.

Motion by Mahan, second by Stauffer to approve Resolution No. 3256 as presented. On roll call vote all Aldermen present voted "Aye." Motion carried.

Sanderson said the resolution of intent will be noticed to the public so they understand the Council will be adopting the CIP at a later date.

**Solid Waste Contract – Allied Waste** Sanderson pointed out the changes he would like to see made in the proposed contract with Allied Waste. The residents will have the choice of a 32-gallon or 95-gallon bear resistant can. Mayor Scanlin asked if it was true that there was no need for a performance bond. Whitman said this was not specified in the RFP. It was decided to include the performance bond in the contract as Allied Waste does currently have one. Priest said the dispute resolution language was not included in the contract. Whitman commented that their attorney preferred not having this in the contract but he said if the City prefers it he would like to see the language and he will run it by his attorney. It was also stated to specifically state a Montana court and preferably this Judicial District to settle disputes in section 17.09.

Motion by Mahan, second by Stauffer to accept the contract with Allied Waste with stated changes being incorporated. On roll call vote all Aldermen present voted "Aye." Motion carried.

**Noise Ordinance Waiver** Kampfe said there was a concern on behalf of event organizers that street closures approved by the Council along with use of City property for musical events and that they may be in violation of the noise ordinance. The Admin. Committee had discussed the possibility of exempting musical events that were approved to be held on City property from the noise ordinance. After further thought and research into this idea the committee is not prepared to ask for the exemption. Kampfe pointed out there is currently an exemption in the Development Code that addresses noise. In Chapter 10 of the Development Code is a list for the decibels in the different areas and the exception in the commercial and industrial zones of the City. Mayor Scanlin gave this question to the City Attorney for his opinion. He said the Council should review the language of the ordinance to see if it contains a provision that gives the Council the authority to grant waivers. If no provision is given, the Council would then have to amend or alter the ordinance which means providing notice and conducting a hearing on the proposed change. The change would then not become effective for 30 days after its approval. Kampfe said the committee would still like to see some sort of standards set for these outdoor events that include music so event coordinators would know what the level of noise is that would be acceptable. The Citizens for Preserving the Quality of Life in Red Lodge have volunteered to do noise monitoring during outside musical events in partnership with the City. This information could then be studied to hopefully come up with a consistent standard.

**Cooper Lots – Affordable Housing Update – Marketing Strategy** Jody Ronning, Chair Person, Affordable Housing Group and member of the RLAEDC, spoke to the Council on marketing strategies being used for the Cooper Lots. The loan for these lots needs to be paid by December 28, 2008. Four of these six lots are still available. Sanderson spoke about these lots on the radio and ads and articles have been placed in the Carbon County News. The group put an ad on Red Lodge.Com, which, if opened, gives all the information regarding things like qualifying for the purchase of a lot. Heather Quinn gave pertinent information to other realtors as to qualifications. An ad will be put on Cable MT. Signs have been placed on the lots. The word is going out as to what a good deal these lots are. The group is working on backup plans also so the City will not have to pay off the loan. An exit strategy will be given to the City hopefully sometime in July.

**Large Events Ordinance Proposals** Kent Young said the difficulty with the proposed noise ordinance is the nature of the offense is subject to people's interpretation. He said the intent is good but could be hard to prosecute. Young said his biggest problem with the proposed ordinances is that they are subjective and they could be viewed as vague and ambiguous. He said our civil attorney should draft the ordinance but he would be willing to review them. Mayor Scanlin charged the committee to work with the civil attorney for the drafting of the ordinance and the prosecuting attorney to then review the drafts.

**2008-2009 Budget** Mayor Scanlin stated that at the next Council meeting, July 8, 2008, the preliminary budget adoption would be an agenda item. A public hearing will also be held before the meeting concerning the proposed preliminary budget. Scanlin said the budget is tight this year.

**Police and Emergency Services** Mayor Scanlin told the Council that one of the police vehicles was involved in an accident. No one was hurt in the accident. The officer was involved in a high-speed chase into Stillwater County. Mayor Scanlin said she would be visiting with the County to speak to the limitations of the City budget to be going to Stillwater County in a City vehicle.

Mayor Scanlin said an agenda item for the next meeting would be the hiring of Greg Srock as a part-time police officer. He had a good background check and came well recommended.

**Land Use and Planning – Place Architect – Class Three Permit** The applicant, Don McLaughlin of Place Architecture, is applying for a Class III Review and Conditional Use Permit for Change of Use. The proposed application will change the structure's use to professional offices. Professional Offices are considered commercial use of the property, a conditional use in the Central Business Transition Zone according to the Development Code. The property is located at 304 North Broadway Avenue, Lots 7 & 8 of Block 51, Red Lodge Original Townsite.

The property is adjacent to single family residences, across Broadway Avenue from Lions Park and the Carnegie Library, and across 8<sup>th</sup> Street from the Carbon County Historical Society Museum. Place Architects are proposing to use the existing structure on 304 North Broadway for office space. The small structure on the property was a gas station built circa 1929 and is considered an architecturally significant Finn Town early commercial structure with unique scale. No physical alteration to the exterior of the structure is contemplated in the application.

Johnson said that development in the Central Business Transition Zone is exempt from the off-street parking requirements, but existing off-street parking spaces shall be preserved. She said this would be done at this site. Mayor Scanlin asked where the existing off-street parking was and she was told it was at the front of the lot. The Mayor also said the sidewalk along the south side of the building was in disrepair and she asked Mr. McLaughlin if he would be repairing this portion of sidewalk. Mr. McLaughlin told her he would have no problem repairing this section of sidewalk.

Motion by Mahan, second by Stauffer to adopt Staff Report Number RLCU-08-08 as Findings of Fact. Further I move to approve the Class III Conditional Use Permit for Change of Use to Professional Offices at 304 Broadway Avenue North, subject to the following conditions: 1) that existing off-street parking shall be preserved; and 2) the developer shall comply with any and all building, fire and safety code requirements including obtaining a certificate of occupancy. On roll call vote all Aldermen present voted "Aye." Motion carried.

**Spires at Red Lodge Warranty Bond for Improvements** Sanderson said the City is currently retaining a 25% irrevocable letter of credit for approximately \$509,000 for the bonded required work done on Spires of Red Lodge. The SIA allows the City to take the 25% letter of credit and hold it as a surety that the required improvements would be installed. The City would continue to hold this letter of credit for one-year post the

final inspection, acceptance and certification of the improvements at the Spires. Mr. Squire is asking the City to accept his warranty bond for 10% of the cost of total improvements and release the 25% irrevocable letter of credit following the final inspection, acceptance and certification of all improvements as required. Sanderson said this is atypical to the City's regulations. Sanderson feels this would not be in the best interest of the City as per the comments received from the City Attorney.

Motion by Stauffer, second by Mahan to approve an amendment of the SIA with the Spires such that the City of Red Lodge accepts the Spires warranty on 10% of the costs for total improvements and releases the Spires 25% irrevocable letter of credit. On roll call vote all Aldermen present voted "No." Motion failed.

Stauffer said the City needs to change the underlying standards and not make ad hoc changes as a development makes a proposal even though he feels the Spires at Red Lodge is one of the best developments done in the last ten years.

**Diamond C Links Sign on City Land/Work on Mausoleum** Corey Cabral submitted an e-mail to the Council stating that the mausoleum is in need of repair and painting and that Mr. Drescher, owner of Diamond C Links project, is desirous of finding a location for a directional sign for the project on Highway 78. Cabral suggested to Mr. Drescher that he ask the City for permission to put up a directional sign on City property on Highway 78 in return for funding of necessary work on the mausoleum.

Mahan said the committee has decided to have an on-site inspection of the mausoleum to clearly define what it is that Mr. Cabral would like to do. She said they need to find the precise location of where to install the directional sign. She is keeping in touch with Mr. Cabral regarding these questions. Mahan said the committee will come back to the Council with a recommendation when these questions have been answered.

Motion by Mahan, second by Priest to table this action until a later date. On roll call vote all Aldermen present voted "Aye." Motion carried.

**Public Works – 2007 Waterline Project Update** Sanderson showed the Council a chunk of pipe that was replaced on McGillen Ave. The pipe was very corroded and showed why the project is being done. He said the project is on target and progressing very well.

**Work Change Directive Zone-A** A work change directive for Williams Plumbing was given to the Council. The directive was to replace a CMP culvert on the intersection of White Ave. and Ski Run Road due to the poor condition of the existing culvert and the need for the new sixteen-inch water main to pass under the culvert. This change order is a \$5000 contract increase but still within the contingency budget. Sanderson said we are approximately one third of the way through the project with only three change orders.

**FY-09 Water Rate Increase** This is a reminder that the water rates will increase again in August. The increase is a small incremental one but was voted in last July when the rates were increased. These increases were necessary to accomplish the 2007 Waterline Rehabilitation Project that is currently being done so the City could borrow the funds necessary to do the project. The increase is necessary for the City to be able to make the loan payments for this project.

**Diamond C Links – Request to Increase Size of Easement** Corey Cabral, Diamond C Links, is requesting an enlargement of the easement on the bench area for additional landscaping and a sitting area for the public. He said that in the project approval and plat Diamond C Links had given the City a park area on the bench next to Lot 11, Block 7. In this area they have an easement for their entry design. They would like to enlarge the easement and landscape it and the park area to include a sitting space for the public to view the City and mountains. The landscaped area will be along the bench and the homeowners association will maintain the area. Sanderson said if the City would like to do so the request from Diamond C Links is to enlarge the size of

the easement. Mayor Scanlin asked that this request and conditions be run past the City's legal counsel and the Public Works Committee and then be brought back to the Council at the next meeting.

Motion by Kampfe, second by Mahan to table this request. On roll call vote all Aldermen present voted "Aye." Motion carried.

**Resolution No. 3257 – Resort Tax Restricted Cash for Parks** The Parks Board is requesting, through this resolution, the means of setting aside cash in the Resort Tax to be saved and used for a larger designated park project.

#### **RESOLUTION NO. 3257**

#### **A RESOLUTION BY THE CITY COUNCIL OF RED LODGE, MONTANA, ESTABLISHING A RESTRICTED CASH ACCOUNT IN RESORT TAX FUND.**

**WHEREAS**, the City of Red Lodge has Adopted Ordinance No. 810 establishing a Resort Tax, and  
**WHEREAS**, the City has allocated a portion of Resort Tax Revenue for the purpose of funding park improvements in the City of Red Lodge, and

**WHEREAS**, the City Council has determined that the public interest will be best served by the establishment of a Restricted Cash Account for monies allocated from Resort Tax for Park, Tree, Trail and Recreational Uses.  
**NOW THEREFORE, BE IT RESOLVED** by the Red Lodge City Council to establish a Cash Restricted for funding activities under Ordinance No. 810, Parks Account.

Motion by Mahan, second by Kampfe to approve Resolution No. 3257 with the correction of Ordinance No. 832 rather than 810 in the first Whereas. On roll call vote all Aldermen present voted "Aye." Motion carried.

Stauffer said he feels the City needs flexibility in the Resort Tax instead of tying up funds. He feels it ties up funds in the Resort Tax that perhaps would be needed in other areas.

Mary Fitzgerald said this resolution is a budget management tool to help the Parks Board accomplish some of the goals the City has already set out like the trails plan. The Parks Board is trying to set up an ongoing funding plan to help accomplish these larger goals. She said the Board understands this will be at will by the Council and this resolution helps them set aside the cash when they feel it can be done.

**Recreational Trail Program Funding FY-09 Parks Board** The Parks Board is requesting approval to submit a grant application to the Recreational Trails Program administered by the Montana Fish, Wildlife & Parks to develop a trail surrounding the City/County airport. The grant application is designed to complement a similar RTP application that is being submitted by the County. In essence, the County application is requesting funds to build the trail while the city application is requesting funds to purchase and install amenities along the trail like a kiosk, picnic tables, trail signs, etc. If funded, the trail will go a long way toward providing 1) safe routes from west bench subdivisions to the downtown area, 2) recreational opportunities for pedestrians, bikers and equestrian enthusiasts, 3) access to the proposed "double-ditch" park for public use.

Tom Kohley said the City's matching requirements for this application include a \$5700 cash match, approved and allocated from the Parks Board budget and a \$7800 in-kind match from Public Works.

Motion by Mahan, second by Kampfe to approve this grant application for Recreational Trails Program funding as presented by the Parks Board. On roll call vote all Aldermen present voted "Aye." Motion carried.

Mary Fitzgerald told the Council there is no water at Coal Miners Park as the well at the ball field is not working. Boyer will be notified of this problem to see what he can do.

**Request for Sewer Connections – Beartooth Business Park – Lot 3A** Leon Baranko is requesting seven additional sanitary sewer hookups for lot 3A located in the Beartooth Business Park, COS 1620 9<sup>th</sup> amended. He said the addition of these hookup would be part of an application plan with the Carbon County Planning Office to subdivide lots 3A into two lots, 3A1 and 3A2. Lot 3A1 will be the present site of Red Lodge Beverages. Lot 3A2 will be the site of two buildings one with three units and one with four units. The purpose of these units will be to provide warehouse space to commercial contractors. Baranko said if these hookups are granted he will waive his right to protest annexation into the City.

Sanderson requested this be referred to the Public Works Committee for review and then come back to the Council for action at the July 8 meeting.

**CITIZEN REPORT** John Toler told the Council that the hospital feasibility study was approved about two weeks ago, which means an outside source validated their numbers. He said they should have their funding by the beginning of August.

Laura Getz of 1149 Kane Circle thanked the City for doing the paving in front of Avanta. She said it was needed and thanked the City for having it done. She also thanked the City for partnering in the support of the hanging flower baskets on Broadway. She told the Council that the Boys and Girls Club has been making huge leaps forward. They have 20 camps scheduled for this summer. Getz said they have expanded the age range from first grade and up.

Marie Olson of 111 Creek Hill Lane said she feels the Boys and Girls Club has become more structured and safe for the kids. Olson also asked the Council to not make any decisions on the Large Events Ordinance in haste or emotionally. She said the noise problem is not cut and dried. She would like to see this well thought out before anything further is done.

Dan Seiffert of 114 South Adams asked if the police could please enforce the crosswalk ordinance. He has been walking more and notices this to be a problem. The Mayor said she would speak to the police regarding the crosswalks.

Norm Mance of Red Lodge asked if jaywalking was enforced. He asked if signs could be installed at the crosswalks.

Beth Hutchinson of 316 S. Platt asked if the City could exercise using warnings for traffic violations more often rather than issuing tickets. She also spoke to how hard it is to determine and enforce the noise issue.

Audrey Clark said the noise ordinance is neither specific nor measurable. She said the ordinance very much needs to apply to everyone equally.

**OLD BUSINESS** None

**NEW BUSINESS – Pledged Securities – Notification to Council** The Clerk told the Council the City may require security for that portion of the deposits in the banks that are not guaranteed or insured according to law. The pledged securities were shown for the banks the City does business with. This shows the City would be protected if the bank were to go out of business.

Motion by Mahan, second by Stauffer to acknowledge the pledged securities notification. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**Open Container Request – Oktoberfest** Oktoberfest is being scheduled for Saturday, September 13, 2008 and is being held in Lions Club Park. The open container request is from noon to midnight on this day. Live

music will be playing on and off between the hours of 3:00 p.m. and 10:00 p.m. The residents surrounding the area were notified of this event. The alcohol being served is beer, wine and schnapps. Insurance was presented in the amount of \$2,000,000.

Motion by Kampfe, second by Mahan to approve Red Lodge Ales request for open container at Oktoberfest, September 13, 2008. On roll call vote all Aldermen present voted "Aye." Motion carried.

**Library Board Appointment – Jerry Underwood** Jerry Underwood has submitted his letter of request to be re-appointed as a member of the Library Board. Mayor Scanlin would like to pass this recommendation on to the Council.

Motion by Mahan, second by Stauffer to re-appoint Jerry Underwood to the Library Board. On roll call vote all Aldermen present voted "Aye." Motion carried.

**CORRESPONDENCE** Mayor Scanlin said she received a letter from the Montana Department of Transportation indicating they will forward the letter of request submitted by the City for a traffic study on Highway 78. They said they are backlogged at the present time.

Mayor Scanlin said the police vehicle that was wrecked has been totaled. They will be looking for a replacement vehicle.

Priest spoke to a letter that was received from Mike Holmes. This letter was in regard to Highway 78. His letter spoke to the speed on this highway.

**MISCELLANEOUS** Terry Tomlin asked the Council if they would consider alternative vehicles when they were shopping for vehicles. She was told this is something the Council would pay close attention to.

Meeting adjourned at 9:50 p.m.

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Mayor

ATTEST:

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City Clerk