

June 26, 2007

The Red Lodge City Council met in regular session on June 26, 2007 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, Lockman, Stauffer, Scanlin and Reynolds. Absent: Alderman Mahan

CLAIMS AGAINST THE CITY As the fiscal year 06-07 is drawing to an end the claims are being presented to the Council for payment at this second meeting in June.

Motion by Scanlin, second by Kampfe that claims against the City 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.

SPECIAL COMMITTEE None

STANDING COMMITTEE – Administration – Ordinance No. 870 – Sewer and Water Impact Fee – Public Hearing – Second Reading Mayor Roat opened the public hearing regarding the increase in the water and sewer impact fees. No one in the public spoke to this ordinance so Mayor Roat closed the public hearing.

ORDINANCE NO. 870 (caption)
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
RED LODGE, MONTANA ADOPTING IMPACT FEES FOR
WATER AND SEWER
PREAMBLE

WHEREAS, the City Council has determined that it is appropriate to adopt impact fees for water and sewer to be used to fund growth related system improvements to promote health, safety, and welfare of the citizens of Red Lodge.

Motion by Reynolds, second by Lockman to approve Ordinance No. 870 on second reading. On roll call vote all Aldermen present voted "Aye." Motion carried.

Reynolds commented that this Ordinance reflects the rates the Council agreed upon for residential and commercial. This ordinance will become effective in thirty days.

Budget Work Session A budget work session was set for Tuesday, July 3, from 8:00 a.m. to 10:00 a.m.

Police and Emergency Services Lockman told the Council that Jon Trapp has been hired for the Fire/EMT position. He should be starting within the next two weeks.

Mayor Roat said Officer Enos has been instrumental in training police reserve officers. Hopefully there will be several officers available through this reserve program to help with upcoming events in town. Mayor Roat said Officer Enos needs to be commended for all the time he has put into this program by getting the reserve officers trained.

Land Use and Planning – Ordinance No. 828 2nd Amended – Spires Zoning – Public Hearing – Second Reading

ORDINANCE NO. 828 – 2nd AMENDED(caption)

AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS ORDINANCE 828 AMENDED AS PASSED JULY 25TH, 2000, AND AS AMENDED, BY THE ADDITION OF THE ZONING CATEGORY PUD-S TO THE OFFICIAL RED LODGE ZONING MAP AS ATTACHED.

Mayor Roat opened the public hearing. No one from the public spoke so Mayor Roat closed the public hearing.

Motion by Reynolds, second by Kampfe to approve Ordinance No. 828 2nd Amended, Spires Zoning, on second reading. On roll call vote all Aldermen present voted “Aye.” Motion carried. Effective in thirty days.

Ordinance No. 867 2nd Amended – Spires Development Code Changes – Public Hearing – Second Reading

ORDINANCE NO. 867- 2nd AMENDED (caption)

AN ORDINANCE AMENDING THE THIRD AMENDED RED LODGE DEVELOPMENT CODE PREVIOUSLY ADOPTED THROUGH ORDINANCE NO. 867 INCORPORATING CHANGES IN CHAPTER 5.

Mayor Roat opened the public hearing on code changes. No one from the public spoke so Mayor Roat closed the public hearing.

Motion by Reynolds, second by Kampfe to approve Ordinance No. 867 2nd Amended, Spires Development Code Changes, on second reading. On roll call vote all Aldermen present voted “Aye.” Motion carried. Effective in thirty days.

The Spires Planned Unit Development (PUD) – Public Hearing Mayor Roat opened the public hearing on the Spires Planned Unit Development. No one from the public spoke so Mayor Roat closed the public hearing.

Motion by Stauffer, second by Reynolds that the application and zoning for the Spires Planned Unit Development does meet the criteria and requirements stated in the Red Lodge Development Code in that it will meet the requirements of the code and other City ordinances and will further the policies and intent of the Red Lodge Growth Policy and other applicable plans and statutes, and that it will be a harmonious expansion of the community, and that adequate city service will be available to service the site. I therefore move that this application be approved with the following conditions: (1) 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 an NFPA compliant fire sprinkler system, or if fire flow testing of fire hydrants within 300 feet demonstrate adequate fire flow for the size and type of the building. This fire flow testing will be documented. (2) A variance is granted for the following: 12-4-19. E Right-of-Way, Surface, and Sidewalk Width – Table 4.2: Right-of-Way widths require local streets to be 36 feet wide when on-street parking is allowed. To minimize impermeable surface and provide increased snow storage and storm water treatment it is requested that pavement width be reduced to 34 feet in this instance. (3) A variance be granted for the following: 12-6-12.G Blocks-Section 12-6-12.G (2.) of the Red Lodge Development Code states “block length must not be more than 450 feet”. Due to the existence of jurisdictional wetlands that bisect the property at several locations it is not practical to provide block lengths of 450 feet or less. Because of these wetlands block length are up to 820 feet in length. To mitigate block length mid-block trail

connections have been provided on blocks longer than 450 feet. On roll call vote all Aldermen present voted “Aye.” Motion carried.

The Spires First Phase Preliminary Plat – Major Subdivision – Public Hearing Mayor Roat opened the public hearing on the major subdivision. No one from the public spoke so Mayor Roat closed the public hearing.

Motion by Stauffer, second by Reynolds that the application for The Spires Preliminary Plat does meet the criteria for preliminary plat review as stated in Chapter 6 of the Red Lodge Development Code in that it will meet the requirements of the code and other City ordinances and will further the policies and intent of the Red Lodge Growth Policy and other applicable plans and statutes, and that it will be a harmonious expansion of the community, and that adequate city service will be available to service the site. I therefore move that this application be approved with the following conditions: (1) 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 an NFPA compliant fire sprinkler system, or if fire flow testing of fire hydrants within 300 feet demonstrate adequate fire flow for the size and type of the building. This fire flow testing will be documented. (2) A variance is granted for the following: 12-4-19. E Right-of-Way, Surface, and Sidewalk Width – Table 4.2: Right-of-Way widths require local streets to be 36 feet wide when on-street parking is allowed. To minimize impermeable surface and provide increased snow storage and storm water treatment it is requested that pavement width be reduced to 34 feet in this instance. (3) A variance be granted for the following: 12-6-12.G Blocks-Section 12-6-12.G (2.) of the Red Lodge Development Code states “block length must not be more than 450 feet”. Due to the existence of jurisdictional wetlands that bisect the property at several locations it is not practical to provide block lengths of 450 feet or less. Because of these wetlands block length are up to 820 feet in length. To mitigate block length mid-block trail connections have been provided on blocks longer than 450 feet. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Humane Alliance MOU Reynolds told the Council the committee would be giving them a Memorandum of Understanding with the Humane Alliance for them to review. If there are any questions or changes they would like to see done please bring them to a committee member before the next Council meeting when the MOU will be on the agenda. This MOU has been given to the City Attorney for his review.

Reynolds said the Parks Board has elected a new chairman at their last meeting. The new chairman is Dan Sieffert. She said they are working on a budget to present to the Council. Discussion was held on the discretionary spending of boards in the City and when they should first come to the City.

Public Works Mayor Roat said he received a letter from Kelly Evans in regard to the status of their program for a new hospital. The letter spoke to the commitment of the City for a water line. Mayor Roat said he spoke with Ray Armstrong, HKM that the line would come down the west bench and not along the west side of Highway 212. He said the Council all received this letter to see the hospital time line.

CITIZEN REPORT Jess Peterson, former Red Lodge student on the Boys and Girls Club Youth Council spoke to the Council on Resolution No. 3238. Jess now works in Washington D.C. on issues that impact rural agriculture and rural America. Currently he is working on the United States Senate proposal to increase taxes on general aviation. They are proposing to quadruple the fuel tax and user fee, which would include the airport in Red Lodge. Jess is working with a coalition to stop this. He urges the Council to vote in favor of the upcoming Resolution No. 3238, which was written to address this problem.

OLD BUSINESS None

NEW BUSINESS – Street Closure Request – Farmers Market Motion by Reynolds, second by Lockman to approve the request of a street closure from the Farmers Market as presented. On roll call vote all Aldermen present voted “Aye.” Motion carried.

This closure is for 12th Street between Broadway and Oakes Avenue. The closures will be from 8:00 a.m. to noon on Saturdays, starting July 14 and ending October 4.

Lockman asked Chas Holt if they had talked with Gary Kisthard who sells hot dogs on the corner where the Farmers Market will be and he also pays for the spot. Chas said they would work with Gary on this problem and hope to have something worked out before the market starts. Chas said that in the past they have run into the problem of cars being parked along the curb in this area and still being there when it is time for the market to set up and start selling. He wondered if the City could address this in any way. Mayor Roat said the City has cones that could possibly be put out the evening before with a note on them directing the fact that the market will be there at 8:00 a.m.

Scanlin said this closure would be conditioned upon the proof of insurance being received from the insurance company. Mr. Holt said the insurance would be in place before they start.

Amendment to motion by Scanlin, second by Reynolds that insurance be obtained before the set up occurs. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Use of City Property – Art In The Beartooths Motion by Reynolds, second by Scanlin to approve the use of City property including the waiving of open container providing they show insurance indemnifying the City. On roll call vote all Aldermen present voted “Aye.” Motion carried.

This event will be held July 28 in Lions Park from 4:00 p.m. to 9:00 p.m.

Resolution No. 3238 – Opposing the Enactment of Provisions in the Aviation Investment & Modernization Act of 2007

RESOLUTION NO. 3238

Opposing the enactment of provisions in the U.S. **S.B. 1300, The Aviation Investment and Modernization Act of 2007** that impose air traffic control user fees, increases in aviation fuel and gas taxes and reduces Congressional oversight over the Federal Aviation Administration.

Be it resolved by the City of Red Lodge of the State of Montana:

WHEREAS, general aviation sector is a vital engine of growth in the State of Montana economy providing jobs, economic opportunity and revenue.

WHEREAS, the Aviation Investment and Modernization Act of 2007 proposes to remove Congressional oversight over the Federal Aviation Administration (FAA)

WHEREAS, given the geography of the State of Montana great many businesses and communities depend upon small planes and general aviation for access to medical treatment, mobility, economic opportunity, disaster relief and a wide range of critical resources and services.

WHEREAS, a user fee system is not necessary to achieve the funding needed to modernize our National Air Transport System

WHEREAS, general aviation is vital to the continue growth and prosperity of farmer, small towns and rural areas in the State of Montana.

BE IT RESOLVED This Day the 26th of June in the year 2007 that the City of Red Lodge of the State of Montana respectfully opposes the enactment of the provisions of U.S. **S.B. 1300, The Aviation Investment and Modernization Act of 2007** that imposes air traffic control user fees,

including “per flight charges;” increases in aviation fuel and gas taxes and reduces Congressional oversight over the Federal Aviation Administration.

Motion by Reynolds, second by Lockman to approve Resolution No. 3238. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Reynolds said the Airport Board moved to pass this resolution and encourages the City of Red Lodge and Town of Bridger to do the same. This resolution states the imposition of air traffic control user fees, increases in aviation fuel and gas taxes and reduces Congressional oversight over the Federal Aviation Administration.

Airport Alley RTP Grant Application Motion by Reynolds, second by Lockman that the City endorse the RTP Grant application. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Reynolds said this is an excellent grant-funding source to help complete a section of the Rocky Fork Trail. This grant is for the airport alley trail.

CORRESPONDENCE None

MISCELLANEOUS Mayor Roat said the court TV idea is moving ahead and the County will be the primary movers with the City participating. If this goes through the City would go to Justice Court to do the TV arraignments. This would help with the traveling back and forth to Billings transporting prisoners.

Barry Usher from Harley Davidson took the letters the City received last year regarding the Harley Rodeo and the motorcycles in town. The corporate office will be sent these letters to review. Posters will be provided to show that the City is working to create harmony between the riders and residents of the City. This event is a good one.

Meeting adjourned at 8:00 p.m.

Mayor

ATTEST:

City Clerk