

March 10, 2009

The Red Lodge City Council met in regular session on March 10, 2009 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 said she has just returned from a training for Mayors that was held in Helena. During this training public involvement during City meetings was discussed. The Mayor said she is adding "Comments from the Public Regarding Agenda Items" to the listed agenda. This will enable the public to talk about items on the agenda before the Council takes any action.

ROLL CALL OF OFFICERS Present: Mayor Scanlin, Aldermen Kampfe, Mahan, Richter, Labrie, Kennicott and Priest. Absent: None

MINUTES OF FEBRUARY 24 Motion by Mahan, second by Labrie to approve the minutes of February 10 as corrected. On roll call vote those in favor: Aldermen Mahan, Richter, Labrie, Kennicott and Priest. Those abstaining: Alderman Kampfe as he was not in attendance at this meeting. Motion carried.

Kennicott made the following corrections: Under the topic Emergency and Police Services, "Mayor Scanlin said that training would be held with the Police officers on May 6 for public communication skills and use of authority." Kennicott said she did not make this comment so it should be addressed as coming from the Mayor. Under the topic, Open Container Request, Arts in the Beartooth, "Regarding the use of City owned property, Kennicott reminded of previous minutes (6/12/07) stating that the City Attorney and MMIA recommended that the City enter into a lease agreement for use of the rodeo grounds for camping during the Beartooth Rally. This was discussed in Council meetings last year and wording was incorporated into Ordinance #871, paragraph 6b, adopted by the Council on 9/23/08. It could be treated as a rental rather than a fee basis if the council prefers to use that method." The idea of a lease rather than a rental was discussed in regard to the Use of City Owned Property. Also under the topic of Farmer's Market, "The Council discussed the waiver of the applicable use fees. It was decided to pro-rate the fee based on a 24-hour use period of \$100 with the request being for four hours each Saturday. The Council agreed on \$200 for the season." This further clarified how the Council arrived at the amount of \$200 to charge the Farmer's Market for the use of the City property.

CLAIMS AGAINST THE CITY Motion by Kampfe, second by Kennicott that claims against the City totaling \$274,756.03 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 reported on some of the March claims. The Library purchased \$618.76 worth of books. Kampfe told everyone they should go to the Library to see what books were purchased. Joseph Eve and Co. was paid \$12,179 for the 07-08 fiscal year audit. The City has audits done annually. The Fire and EMS departments purchased approximately 20 pagers and radios for a cost of \$11,978. The volunteers use these radios and pagers. There were two claims, one for \$62,392 and one for \$50,546 that are down payments on two homes being purchased with the use of HOME fund money.

OFFICERS REPORTS Mayor Scanlin said the Resort Tax collections are within \$20,000 of the previous calendar year.

COMMENTS FROM PUBLIC Andrew Porth, PO Box 770, owner of Babcock and Miles, spoke to the upcoming street closure request on 12th Street for the Beartooth Rally. He maintains that his business is not very visible or easy to get to with this street closure. One of the problems is the stage that is erected for the music during this weekend.

Larry Chickits, new owner of the Bull and Bear, made the comment that one of the reasons he purchased a business is Red Lodge is because of the Beartooth Rally. He said he would like to see the Rally continue but realizes that it needs to be run correctly.

SPECIAL COMMITTEE None

STANDING COMMITTEES – Administration – Appointment to the Library Board The City has received three letters of interest for the appointment to the Library Board. These letters were received from Jeannie Gainer, Corey Thompson and Terri Wilker. All three would be excellent additions to the Board. Mayor Scanlin said that after due consideration and on the recommendation of the Librarian and the Board she would like to appoint Jeannie Gainer to the vacancy.

Motion by Kampfe, second by Mahan to approve the appointment of Jeannie Gainer to the Library Board. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Affordable Housing – Cooper Lots Update Jodi Ronning spoke to the Council regarding an update on the Cooper Lots. The Affordable Housing Committee presented an outline of the proposed deed restrictions for the Cooper Lots to make them more attractive to qualified purchasers. This would be for purchasers not using HOME funds. The committee suggests the City go to a recapture agreement rather than an equity share agreement. The recapture amount would be based on actual savings to the homeowner. For example reduced/grandfathered in old impact fees waived building fees, price of having a private contractor bring in water and sewer to the lot line versus having the City perform this job. Most likely this would be a ten-year recapture. The committee would like guidance in which direction the Council would like to progress. It was decided that the Affordable Housing Committee should meet with the Land Use and Planning Committee and define what they would like to see done.

Ronning said that two families are closing on home purchases in March using City sponsored HOME funds.

Ronning said that on March 19, 2009 they would have an information session with local lenders and realtors regarding the HOME funds and how they can be used. This meeting will be held in the backroom of Red Lodge Pizza Company at 10:30 a.m.

Letter of Support – Boys and Girls Club – CDBG Grant The Boys & Girls Club is respectfully requesting sponsorship from the City of a CDBG Grant application on behalf of the club. Renovation and expansion of the current facility is necessary to serve the mounting constituency. The club has launched a three-phase campaign to respond to their facility needs, including an answer to the longstanding out-cry for a dedicated “Teen Center.” This is necessary for safety issues, as the doors of the club have been opened to younger children. The club would like to work on renovating the basement for it to become a “Teen Center” and help separate the older children from the younger ones. The club would like to apply for the \$450,000 that is available through CDBG.

Sanderson told the Council about the categories that fall under the CDBG funds and the application deadlines. This request falls under the Public Facility and Infrastructure Grant portion with an application deadline of May 22, 2009. The City will need to hold two public hearings and call for all proposals that serve low and moderate-income facilities that the City may want to sponsor. At the second public hearing the Council can then decide what program they would favor making application for. A resolution would then need to be passed for sponsorship of an application. The timeline for this process is a short one. The first public hearing will be held at the next Council meeting being held on March 24, 2009.

Motion by Kampfe, second by Mahan to table the letter of support for the CDBG Grant until the April 14 meeting. On roll call vote those in favor: Aldermen Kampfe, Mahan, Richter, Labrie and Kennicott. Those abstaining: Aldermen Priest. Motion carried. Priest's wife is on the Board of Directors of the Boys and Girls Club so this was the reason he abstained.

Resolution No. 3276 – ADA Resolution – Mountain Springs Villa
RESOLUTION NO. 3276

WHEREAS, the City of Red Lodge believes it is important to establish an “American with Disabilities Plan”, and

WHEREAS, the plan should address the five areas of employment, public services and transportation, public accommodation, telecommunications and miscellaneous provisions, and

WHEREAS, such a plan has been prepared to be followed by the City.

NOW, THEREFORE, BE IT RESOLVED, that:

The City of Red Lodge adopts its “Americans with Disabilities Plan” to help disabled individuals living in and visiting the City to enjoy the highest quality of life possible and to access all opportunities available.

Motion by Kampfe, second by Mahan to approve Resolution No. 3276. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Budget Training The Council was presented an agenda for the budget training that will be held with the Council, Mayor, Clerk and Community Development Director. The Council decided to have this training on March 31, 2009 at 5:00 p.m. at City Hall.

Stimulus Package Update Mayor Scanlin gave the Council an update on the American Recovery & Reinvestment Plan showing how much money is available to Montana and under what programs funds will be disbursed for projects. There are opportunities to take advantage of these various programs. Discussion was held on some of the projects the City has and where they might fall in the overall view of the funds coming to the State.

Mayor Scanlin said there is a fairly new proposal to obtain solar panels at the wastewater treatment plant which would counter the cost of the electricity there that is a substantial amount of the Cities energy use and carbon footprint. This proposed plan would fit into the concept of promoting green energy. Sanderson said with the installation of the solar panels the City would replace about half of the electricity currently purchased from NorthWestern Energy. This would be a significant reduction in the footprint. Sanderson said that DEQ, in their water and wastewater programs, is giving a lot of priority to those projects that will reduce energy usage, reduce the carbon footprint or make operations more efficient.

Jay Mennenga, Climate Protection Group, said their proposal is to use solar panels to power part of the wastewater treatment plant. The group's proposal is to save electricity and CO2. This would be a grid tie system design. The energy savings over a thirty-year projection would 2,340,000 kilowatt-hours and would be projected to save the City \$351,000 based on a fifteen cent kilowatt-hour over the thirty-year projection. The group feels this project fits the stimulus package because it is shovel ready, construction should be able to begin within 120 days and it is also a one-time expenditure. It needs to be decided which category this project would fit under. Mayor Scanlin said she encourages the group to move forward on their project and come back to the Council.

Sanderson gave the Council a brief rundown on other stimulus programs that could benefit the City. Department of Justice-makes funds available to the Police Dept. and Court system.

Education

DEQ

TSEP-the next round of applications for these funds is 2010.

DPHHS-this is social services that could benefit the Courts or perhaps the weatherization of City Hall.
DNRC-manages grants for water and wastewater systems.
MDOT-perhaps some of these funds could be moved to TSEP, which would then help with trails, sidewalks and other pedestrian ways.
FWP-has many grants, most notably for trails and recreational area programs.

Sanderson said there is a 120-day time limit from February 17, 2009, for the States to spend fifty percent of the money. Sanderson said he feels this means to have it committed. He will keep abreast of all this and will keep the Council apprised of what is happening.

Snow Removal The Administration Committee is looking to what extent they would like to require sidewalks to be shoveled and in what areas and what time they should be shoveled and cleared. Kampfe said the sidewalk shoveling is only as good as the number of people on a block who comply. Enforcement of the ordinance is also in question. Now it falls to the Public Works Director.

Kampfe said he feels the area that needs shoveling the most would be the Central Business District and transition zones. This would also continue from 16th Street to 18th Street so the school would be included. Mayor Scanlin asked the committee to add to their discussion, brought from the Police, a requirement that vehicles not be parked in the emergency snow routes. These routes need to be plowed and can be defined. Kampfe asked if this would fit into the ordinance that is currently being discussed as it speaks only to sidewalks and not streets. The Mayor said she does not think the City currently has an ordinance that relates to the snow routes and this seems to be a problem when plowing is done. The Mayor asked that this be brought to the Council in ordinance form for first reading at the next meeting.

Emergency and Police Services Chief Kuntz was called away from the meeting but Kennicott said that in January there were 31 medical responses and 8 fire responses. The department has sold the 1973 truck and this helps on the insurance.

Sanderson gave a follow-up of the illegal dumping. He said the citation given to Cady has been turned over to the Court. The violator has been granted an extension by the Court and is due to come on March 12, 2009, to answer the charges. Sanderson said he will continue to report back as he learns more.

Land Use and Planning – Use of City Owned Property – Open Container Waiver – Arts in the Beartooth Deborah Kline Sonderman asked the Council to waive the fees for the use of the park as the Arts Guild is a non-profit organization. This event is an annual fundraiser and will be held in July.

Motion by Mahan, second by Richter to approve the application. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Mahan said she has reviewed the Memorandum of Understanding between the City and the Lions Club. One part of the MOU says the Club will be responsible for scheduling and approving activities in the park and will provide the City Council a list of any non-Lion “for profit” activity for which fees are charged, for Council approval. Mahan said she feels “not-for-profit” or “non-profit” requestors should not be charged for the use of the park per the MOU. She feels the MOU needs to be honored. Priest said he feels the Ordinance needs to be revisited in context to the MOU agreement to see if any changes need to be made. This issue will be referred to the Land Use and Planning Committee. Kampfe said his concern is with consistency. Mayor Scanlin said she feels it is inappropriate for the City to delegate full authority of any part of City owned property to any organization. She said that organization can make arbitrary decisions on who is using the property and when. She feels there is a need for a continued partnership with Lions Club but does not like delegating all control of the park area to the club.

Open Container Waiver – Blue Ribbon and Snow Creek – 13th Street Between Broadway and Platt – 4th of July Motion by Mahan, second by Labrie to approve the open container request for the Blue Ribbon and Snow Creek for July 4th reminding everyone that alcohol will not be served until after 2:00 p.m. On roll call vote all Aldermen present voted “Aye.” Motion carried.

The music will be played from 7:00 p.m. to midnight and the open container will be allowed from 2:00 p.m. to midnight.

Assistant Chief Cope said the ambulance personnel and the police would like to see an avenue during the street closures that would allow for access by emergency personnel. Cope would like to see the south side sidewalk left open for this reason. During the discussion on this topic it was decided that the closure does not include the sidewalks although this request is being made only for a waiver of open container.

Use of City Owned Land – Rodeo Grounds R.O.W. – Beartooth Rally Motion by Mahan, second by Kampfe to approve the use of City owned land, the right-of-way into the Rodeo Grounds, from Highway 78 for the Beartooth Rally July 16th, 17th, 18th and 19th. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Mahan said this area has been used numerous times in the past and seems to be a good area for camping during the Beartooth Rally.

Use of City Owned Land – Street Closure – Open Container Waiver – Snag Bar – 12th Street Between Broadway and Oakes – Beartooth Rally This request is for a street closure on west 12th Street from Broadway to the alley on July 17th, 18th and 19th. The use will be 10:00 a.m. to midnight. Music will be from 7:00 p.m. until midnight. Greg Zeiler said he would like to work with Babcock and Miles so everyone will be satisfied. The Chief of Police is requesting that the sidewalk along the south side of 12th Street be left open for access to the alley.

Motion by Mahan, second by Labrie to approve the street dance request to close the street in accordance with the Chief’s memo regarding keeping the sidewalk open on the south side of 12th Street for July 17th, 18th and 19th and acknowledging the agreement that the Snag Bar and the Garden Club have come to as part of the application and also approval of the open container request. On roll call vote those in favor: Aldermen Kampfe, Mahan, Labrie, Kennicott and Priest. Those opposed: Alderman Richter. Motion carried.

Karen and Andrew Porth said the stage that is erected limits the view of their business during these days. It is a busy time and they feel their access is also limited. Zeiler said he would reduce the size of the stage. He said the Porth’s could use the Pride Park entrance so access is not limited for them. Kampfe said he hopes that everyone can work together to iron out any issues.

Mayor Scanlin brought up the fact that there are extra costs to the City regarding law enforcement during this function. In the past the businesses requesting the street closures have helped the City with these extra costs. It is hoped they would be willing to help again this year. Priest pointed out that costs for law enforcement are not a part of the City ordinance. This is a gratuity from the business. He said there are other events where police and ambulance are available but no funds are brought back to the City to help with the costs. Mayor Scanlin pointed out that no other event requires the number of officers as this particular function does. The Council is not requiring this applicant to pay the additional cost of the extra law enforcement officers for this particular application. The Mayor has concerns that taxpayers are paying for these additional law enforcement costs.

Use of City Owned Land – Street Closure – 11th Street Between Broadway and Platt – Going to Sun Rally This street closure request is for September 12th and 13th on 11th Street west of Broadway to the alley. The reason for the closure is the Going To The Sun Rally. The group consists of older cars with values up to five million dollars per vehicle and because of these values the group is requesting to have parking in a secure location where their own security will be able to appropriately monitor the cars.

Motion by Mahan, second by Labrie to approve the use of City owned land on 11th Street between Broadway and the alley for the Going to the Sun Rally for September 12th, 13th and morning of the 14th. On roll call vote all Aldermen present voted “Aye.” Motion carried.

There was discussion regarding the insurance and the wording of the general liability. Priest said he seems to remember that there is an exclusion in the City’s insurance for car shows specifically and is an event that is not covered. He is sorry he did not check into this but it will be addressed and brought to the Council at the next meeting.

Public Works – Re-roof City Hall Bids The roof on the main City Hall building, Police building and the flat roof portion of City Hall are leaking and damaging the structural integrity and safety of these buildings. The cost estimate of this project is \$80,000. Armed with this information the project was broken into three components (Police, Composition City Hall and Flat City Hall). An RFP and call for bids for the total project and for each individual component of the project were released with bid opening on February 23, 2009.

Lee Fears Construction submitted a proposal and bid. The proposal and bid were withdrawn just prior to bid opening. Tom Morgan Construction of Roberts submitted a bid. The bid was for the Composition Roof on City Hall. The bid came in at \$8000. Unfortunately the bidder did not supply any of the required information related to insurance bonding or other requirements of the RFP/call for bids and is therefore not qualified. A proposal and bid for all three components of the project was submitted by Briggs Roofing Company of Rigby, ID. The proposal and bid contained all of the required components of the RFP and the proposer is qualified to perform work within the State of Montana. This bid is as follows:
City Hall Composition Roof: \$11,540
City Hall Flat Roof: \$11,677
Seal and Repair Police Building: \$18,535
Total Project Bid: \$41,752

Sanderson told the Council they have three options at this point. They can reject all bids and proceed to a limited solicitation for the roofing project. They can accept the qualified bid and award the project to Briggs Roofing Company. They can accept a portion of the bid and reject other portions.

Staff recommendation would be to have the Council reject the bids and proceed to a limited solicitation if they believe that they can obtain a better price from a firm that will comply with insurance and licensure requirements contained in the original RFP. If they believe that the bid from Briggs Roofing is in the best interest of the City, the bid should be accepted and a contract awarded.

Motion by Priest, second by Mahan to accept the bid submitted by Briggs Roofing of Rigby ID for the roofing of City buildings in the amount of \$41,752. Further, I move to authorize the Mayor to execute and administer a contract for the roofing projects discussed in this memo. On roll call vote all Aldermen present voted “Aye.” Motion carried.

The budget is a concern with this project being done, as it was not a budgeted item this fiscal year. It was the feeling of the Council that this project does need to be done as there can be considerable damage

incurred if the roof is not repaired. The possibility is that a budget transfer will need to be made to accommodate this project or other items in the budget will need to be bumped.

Weed Control Update When asked what is being done with the weed funds, the Mayor said that the weed money that comes from taxes is being spent in the county and not in the City of Red Lodge. Kennicott attended the Carbon County Weed District Board meeting. Brian Ostwald, Weed District Supervisor, informed the Board members that the office had never done incorporated towns before, however, he provided assistance in Red Lodge in 2007 and worked with Toby Rhoades at that time. He also provided information on which laptop computer, 4-wheeler and sprayer to purchase for weed control efforts in the City. She said the Board is now looking for an updated weed plan from Red Lodge. It is her understanding that this is done in concert with the Board. Mayor Scanlin said the request to the County Commissioners is to perform the same services for Red Lodge as any other area of the Weed District. Kennicott stated that her preference is that we work with the Weed District because they have the setup in place in terms of expertise and knowledge of herbicides, staff, equipment, shop and office, etc. It does not make sense for Red Lodge to duplicate that when we are part of the Weed District. A meeting will be set up with the Weed District Supervisor to discuss taking care of municipal land. Private land is the homeowner's responsibility.

OLD BUSINESS – Code Codification The City is still waiting for a response from Sam Painter in terms of what he will do and the cost. The City needs all the capabilities of the code, which would certainly be to have it on the computer. The current code is not comprehensive. Sanderson said he will go back to Mr. Painter and request information on what would be done and what the cost will be.

NEW BUSINESS Mayor Scanlin said the City has received a proposal from Heritage Propane to purchase the property they are currently leasing. They are offering \$120,000 for this property. This proposal will be given to the Land Use Committee to review.

Beartooth Industries has submitted a letter regarding illegal dumping at the Recycling Center. This is something that will need to be reviewed.

Priest told the Council that he discussed the EMS/Fire District with Commissioner Prinkki. Prinkki said there is probably an opportunity to get the County to buy into this district if the City can demonstrate that the subsidy is ours. The second item they would like to see is the combined budget for the City and the rural department. It is felt it would be useful to see an integrated budget. Prinkki said there is no interest in going down this road if the City is not going to commit a serious effort.

Priest feels the City needs to form a committee to spearhead this idea. It was decided to appoint Priest, Administration, Labrie, Emergency Services, and Chief Kuntz. A definite plan needs to be developed if this concept is to go forward. The committee will pursue this concept and come back to the Council with a report.

CORRESPONDENCE None

MISCELLANEOUS None

Meeting adjourned at 10:25 p.m.

Mayor

ATTEST:

City Clerk

Corrections made at the March 24, 2009 meeting.