

March 13, 2007

The Red Lodge City Council met in regular session on March 13, 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, Mahan, Lockman, Scanlin and Reynolds. Absent: Alderman Stauffer.

MINUTES OF FEBRUARY 13, 2007 It was pointed out that under the topic of Ten Minute Parking for the County, a vote was taken that was defeated. In the minutes it states that the motion carried which needs to be corrected to say “motion defeated.”

Motion by Reynolds, second by Scanlin to approve the minutes of February 13 as corrected. On roll call vote all Aldermen present voted “Aye.” Motion carried.

MINUTES OF FEBRUARY 27, 2007 Motion by Reynolds, second by Lockman to approve the minutes of February 27 as submitted. On roll call vote all Aldermen present voted “Aye.” Motion carried.

CLAIMS AGAINST THE CITY: Scanlin said the claims totaled \$145,720.47. The committee recommended payment of all submitted claims.

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.

Scanlin pointed out a few of the larger claims for the month. They were to MSU-Billings for about \$13,000 for the business plan, economic analysis that they did and \$15,000 to CTA Architects for their Street Scape plan all through the EDA grant. HKM’s claim for about \$32,000 for work on the upcoming 2007 Water Project.

OFFICERS REPORTS The officer’s reports were approved by the Council as submitted.

SPECIAL COMMITTEE None.

STANDING COMMITTEE – Administration This committee visited with Kent Young regarding his contract as prosecuting attorney for the City. Mr. Young said he is interested in continuing the contract for another term with a raise from the current \$85 per hour to \$95 per hour in the second year of the contract. This position will be put in the newspaper to see who might be interested in this position. Mayor Roat also said it needs to be in the contract what benefits the applicant will or will not be receiving from the City while employed.

The City Judge position has been posted in house and will be in the local paper this week for applications to be received.

Police and Emergency Services – Resolution No. 3227 – Amendment to Ambulance Charges
RESOLUTION NO. 3227

A RESOLUTION AMENDING RESOLUTION NO. 3196 TO CHANGE SECTION 1., RATES FOR AMBULANCE SERVICE, AND SECTION 3., AMBULANCE REPLACEMENT FUND.

Whereas, under Section 7-34-103, M.C.A., the City Council of the City of Red Lodge, Montana hereby establishes the following:

Section 1. That the City of Red Lodge, Montana will charge the following rates for ambulance service supplied by the City of Red Lodge, Montana. These rates to become effective April 1, 2007

| Item | Charge |
|---|---------------|
| Basic Life Support | \$475.00 |
| Basic Life Support – Emergency | \$500.00 |
| Advanced Life Support | \$575.00 |
| Advanced Life Support – Emergency | \$600.00 |
| Advanced Life Support II | \$675.00 |
| Critical Care Transport | \$1000.00 |
| Response out of City limits | \$200.00 |
| Motor Vehicle Collision Response | \$200.00 |
| Motor Vehicle Collision Technical Extrication | \$500.00 |
| Technical Rescue (per hour) | \$400.00 |
| Oxygen | \$75.00 |
| EKG Services | \$75.00 |
| Mileage (per loaded mile) | \$15.00 |
| Supplies (per call) | \$50.00 |

Section 2. The salary for drivers and attendants shall be as follows:

| Employee | Rate |
|--|-------------|
| In District (911 / Local Transfers / Mutual Aid) | |
| Basic Responder | \$25.00 |
| Advanced Responder | \$30.00 |
| Out of District (Inter-facility Transfer) | |
| Basic Responder | 50.00 |
| Advanced Responder | \$60.00 |

Definitions:

Basic Responder – Driver, First Responder, EMT-Basic, EMT-Basic with endorsements.

Advanced Responder – EMT-I 99, EMT-Paramedic, RN, MD.

Section 3. An amount of eighty dollars (\$80.00) will be placed into the Ambulance Replacement Account for each call made during the year.

Section 4. All members of the Red Lodge Fire Department, Red Lodge Ambulance Service, volunteer firefighters, EMS volunteer personnel, the Mayor, Council members and city employees will not be responsible for charges not paid by insurance for services rendered for themselves or immediate family so long as they are current elected officials, volunteers, or employees. Immediate family is defined as spouse and minor children.

Section 5. The loaded miles fee will not be charged to Beartooth Hospital and Health Center for round trip transfers of Beartooth Hospital and Health Center Inpatients.

Motion by Mahan, second by Kampfe to approve Resolution No. 3227. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Aaron McDowell said only loaded miles are the ones that will be charged to the customer. Tom Kuntz said the City can charge what they want in fees but ultimately only get paid what the insurers will pay. He said the City is definitely not lacking in the fees they are charging and the collection rate has

increased. Kuntz also said they will look at ambulance charges each year to make sure they are keeping up with the pace and costs.

Additional Staffing Needs – Ambulance The committee met with personnel to discuss the need for additional staff for the ambulance department. The main concern is the number of hours being asked of the paid staff to work. The average call time is four hours. The call volume has increased and the paid personnel, along with the volunteers, are working several additional hours per month along with the on call time. Tom Kuntz said he does not feel the City can wait until after July to start discussing this position. This position would be someone who would be an EMT as well as some fire duties but the prime duty would be administrative one to allow current personnel to do what they do best. Kuntz feels the overtime would be reduced with another employee. Kuntz feels a better job would be done on obtaining the needed information for the billing company and the revenues would hopefully then increase when billing is done correctly.

Kuntz said he is asking for approval for this position prior to the budgeting being completed. He was told to work closely with the committee to see what can be done in advance of the budgeting being completed.

TV Arraignment Mayor Roat said he has looked into the possibility of tv arraignment for prisoners held in the Yellowstone Detention Center. This would eliminate the need for City officers going to Billings to pickup the prisoner and bring them back to Red Lodge for the arraignment and then back to the detention center. The Mayor said Qwest told him it would cost \$840 a month to have this service in Red Lodge. He said he talked with the County on the possibility of sharing this cost. He is checking with the detention center to see if their equipment would handle this. Equipment will need to be purchased. The Mayor told the Council he would keep them updated on this idea as he collects more information.

Land Use and Planning – City Lights Major Subdivision – Public Hearing Continued Mayor Roat opened the public hearing that was continued from the last City Council meeting. Moore said that several issues and concerns were raised at the previous Council meeting regarding this preliminary plat application. One of the issues raised was access and utility easement. Moore said the adjacent owner seems to be willing to allow a public right-of-way to be dedicated through his property. That right-of-way would be recorded through a new plat reflecting the public right-of-way through the adjacent property. Moore said a condition prior to final plat addressing the requirement is included in the conditions he has listed. This condition will make sure the public right-of-way is recorded and dedicated prior to the Council approving the final plat application.

The road has been generally straightened to reflect concerns regarding infrastructure and storm water management. No condition is recommended as the current plat reflects this change. The road has been pulled back from the edge of the rim.

Moore said there does not appear to be substantial evidence of a rational nexus between any proposed exactions and the impacts of this specific project as compared to projects of similar and larger scope approved by the City Council in the past. In addition, state law does not specifically enable exactions through the subdivision approval process, but rather recommends impacts to be mitigated through impact fees equitably applied to all new development. This subdivision is zoned low density residential and the zoning allows for this kind of use.

Moore said the applicant would provide additional information regarding the geotechnical issues, maintenance of the storm water facility and the barrier around the storm water facility and if the City wants to take over the maintenance of this barrier and storm water facility.

Moore listed the following as the conditions to be placed on this subdivision if the Council sees fit to do so after the discussion held at the last meeting:

1. It must be determined, agreed and guaranteed to the City that a publicly dedicated street can go through the access easement with perpetual City control guaranteed prior to final plat approval.
2. Dead end signs, or other appropriate signage, are placed at the intersection of Pine Ridge Road and Grizzly Circle.
3. 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.
4. A 25-foot setback is maintained along the road from the edge of the bench, as determined by the zoning code administrator.
5. A safety barrier is erected around the storm water detention pond.
6. Addressing will conform to that established in the City's development code and official zoning map #3.

Mac Fogelsong stated that they felt a safety barrier around the storm water detention pond could also act as an attractive nuisance. It could promote people entering the area. It could also hinder getting away from the facility if it were entered. Fogelsong also said the facility will be built with the least amount of maintenance problems as can be done. A representative from Terracon, producer of the geotechnical study, talked to the Council explaining the study they did in regard to the lots on this subdivision.

Ray Kuntz told the Council that the applicant would be willing to pay an impact fee dealing with the storm water detention facility if the Council wanted and when an amount was agreed upon.

Mayor Roat closed the public hearing.

PWD, Skip Boyer, said he has reviewed the plan and is fine with what they are proposing with the storm water detention facility.

Moore said he felt it is important to define safety barrier for the detention facility or to remove this as a condition. He said he is hearing the potential for two more conditions, one being the determination of an impact fee for the storm water facility management fee prior to final plat and the possibility of having a geotechnical study done on each of the building lots although this is not a requirement of the application process unless the lot is within 100 feet of the rim. It is the choice of the Council if they would like to have this study done on each lot. The applicant has said this is something he is willing to have done.

Scanlin asked the Council to consider the possibility of no parking on the bench side of the road. This thought is in regard to the aesthetics of the area. She also has a problem with the City taking responsibility of the storm water detention facility. Moore pointed out that another development has come before the City with the exact same road design as this applicant and the City allowed parking on both sides of the road along the rim. Ray Kuntz said the applicant would rather the City take the ownership of the storm water detention facility as he feels the City is better equipped and have more experience to maintain this facility than the nine property owners would have. Mayor Roat said he does not feel the City should be the responsible entity for this facility.

Motion by Mahan, second by Reynolds to approve conditional approval for City Lights with the following conditions:

1. It must be determined, agreed and guaranteed to the City that a publicly dedicated street can go through the access easement with perpetual City control guaranteed prior to final plat approval.
2. Dead end signs, or other appropriate signage, are placed at the intersection of Pine Ridge Road and Grizzly Circle.
3. 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.
4. A 25-foot setback is maintained along the road from the edge of the bench, as determined by the zoning code administrator.
5. Addressing will conform to that established in the City's development code and official zoning map #3.
6. Prior to final plat approval an impact fee for the detention pond will be determined.
7. Responsibility for the on going maintenance of the detention pond is placed with the developer or a homeowners association.

Discussion was held on the motion before roll call was taken. On roll call vote those in favor: Aldermen Mahan, Scanlin and Reynolds. Those opposed: Aldermen Kampfe and Lockman. Motion failed.

Kampfe said he has no problem with the City taking the responsibility of the storm water detention facility. He said the additional tax base would help with the maintenance costs. Therefore he said he would not agree with condition numbers 6 and 7. Lockman agrees with this also.

Motion by Kampfe, second by Lockman to accept the City Lights preliminary plat based on the following conditions:

1. It must be determined, agreed and guaranteed to the City that a publicly dedicated street can go through the access easement with perpetual City control guaranteed prior to final plat approval.
2. Dead end signs, or other appropriate signage, are placed at the intersection of Pine Ridge Road and Grizzly Circle.
3. 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.
4. A 25-foot setback is maintained along the road from the edge of the bench, as determined by the zoning code administrator.
5. Addressing will conform to that established in the City's development code and official zoning map #3.

On roll call vote those in favor: Aldermen Kampfe, Mahan, Lockman and Reynolds. Those opposed: Alderman Scanlin. Motion carried.

Reynolds said she would hope that Kampfe would be willing to entertain an amendment to the motion to allow an impact fee assessment to be determined.

Amendment to motion by Kampfe, second by Reynolds to add condition #6: Prior to final plat approval an impact fee for the detention pond will be determined. On roll call vote those in favor: Aldermen Kampfe, Mahan, Lockman and Reynolds. Those opposed: Alderman Scanlin. Motion carried.

Consideration of New Staff Descriptions and Positions Brent Moore gave the Council information on the idea of transitioning the planning and building departments. The Mayor asked the Council to

review this information and discuss it with Brent. Reynolds said the Land Use and Planning Committee would work closely with Moore on this reorganization and to move forward with developing the job descriptions and putting out requests for applications to fill these positions as soon as possible.

Airport Business Park Discussion Reynolds said that she and Mahan met with Estelle Tafoya and Don Kinney to discuss their vision of the Airport Business Park and review the CEDS. They visited a plan that was done in the CEDS document. She said the best thing that came from the meeting was seeing the defined area around the present airport. It gave them an idea of what land is being considered. She said the north side of the defined area of the airport looks very appropriate for business development along with a nice triangular area on the southern end of the hangar area that could be made into a housing area. She said these types of details would need to be discussed. The Mayor asked if the Business Park envisioned using the entire area north of the taxiway to Highway 78. Reynolds said yes this is the area being discussed, as it is closer to the Highway. Mayor Roat said he feels the area on the west bench could accommodate both commercial and residential building. Reynolds said this area needs to be explored to see if affordable housing can be done in this area and how it could be done. More discussion and planning needs to be done for this area of City land.

Moore suggested that a workshop be held to discuss all the projects that are being discussed especially for this area. It is important to discuss all aspects so questions can be answered regarding this area so everyone is not going in different directions.

Special Meeting A special Council meeting has been set for April 17 at 7:00 p.m. to approve the loan funding from Rural Development for the upcoming 2007 Water Project the City will be doing.

County – Woodlands at Rock Creek Moore said March 29 at the County Commissioners office a continuation of the the Woodlands at Rock Creek hearing will be held to discuss some issues. One issue has to do with transportation impacts, primarily impacts to the bridge. The other issue is the floodplain and some of the road that will need to be removed. The floodplain will reduce the length of the cul-de-sac that would have given accesses to some of the lots. This hearing will be held at 9:00 a.m.

Beartooth Front Community Forum Moore said a forum is currently being scheduled for March 31 from 9:00 a.m. to noon at the Pollard. This forum will focus on issues that are important to the City. These issues will be the Street Scape plan, the Highway plans for 212 and the hospital area.

Public Works – Purchase of Excavator Boyer told the Council that he put out bids to purchase an excavator. He said the main purpose for this purchase is to partially take the burden off the backhoe. The bids received were as follows: WPM, \$94,065; CAT, \$93,943; RDO, \$99,400; Modern, \$93,000; and Bobcat, \$83,175. Boyer explained that not all the bids met the specifications that he had listed for the excavator. The two bids he is considering are from WPM and Modern. He will be going to test the two excavators to decide which will work best for him.

Motion by Reynolds, second by Mahan to approve the purchase of an excavator per Boyer's choice between WPM and Modern. On voice vote all Aldermen present voted "Aye." Motion carried.

Appoint Impact Fee Advisory Committee Brent Moore gave the Council a draft list of the individuals who have agreed to sit on this committee. They are: Loren Culp, Engineer with Bruce McKee Engineering; John Prinkki, Carbon County Commissioner; Mark Schubert, CPA; Brent Moore,

Planner; Skip Boyer, PWD; Tom Kuntz, Fire Chief; George Clow, Planning Board; and Corey Cabral, Developer.

Motion by Reynolds, second by Mahan to approve the appointment of the Impact Fee Advisory Committee as detailed. On voice vote all Aldermen present voted "Aye." Motion carried.

Northwestern Energy Gas Odor Mayor Roat explained the gas odor that some citizens experienced in their home. He said in Dry Creek the gas is stored in under ground caverns under pressure. When it comes out of the caverns to be delivered it is provided with an odorant. The vault that had the gas supply in it went empty but the odor pump kept pumping to the remaining gas. It over odorized the gas going to the homes. Steps are being taken to correct this problem so if anyone smells gas in the house they should call Northwestern Energy.

CITIZEN REPORT Karen Lindeke thanked the City for getting the Growth Policy and the Development Code on the City website. She said it is very nice to be able to access this information on line.

OLD BUSINESS – Wind Power – CREB’s Update Chris Mehus from RC&D was unable to attend the Council meeting. He wanted the Council to be reminded that they agreed to \$2500 funding for this project. No details have been given and Mr. Mehus said he would be present at a future meeting to help answer questions.

Ordinance No. 869 – Amendments to Building Codes – Second Reading Motion by Reynolds, second by Mahan to approve Ordinance No. 869 on second reading. On roll call vote all Aldermen present voted "Aye." Motion carried.

2006 Housing Plan Motion by Reynolds, second by Mahan to table the 2006 Housing Plan. On voice vote all Aldermen present voted "Aye." Motion carried.

NEW BUSINESS – Mayor Roat said there have been a couple of articles in the Billings Gazette regarding the plowing of the pass. He attended a meeting in Billings with the Yellowstone Park people. In attendance at this meeting were representatives from the Senators office and the Representative office. All three were represented. They have run out of money from the special funding and Mayor Roat said right now there is no money to plow the other side of the highway. He said to feel free to contact the Senators and the Representative to keep the fires burning on this issue.

Boys & Girls Club Lockman reminded the Council that the Celebration of the Youth Event would be March 23, at 7:00 p.m. upstairs at the Bull and Bear. She asked who would present the award given by the City. It was decided that Mayor Roat would present the award.

MISCELLANEOUS Mayor Roat said a settlement has been reached in the case of the Beartooth Business Park hooking into Ron Henrys private sewer system. The issue is the problem of some in the Business Park not wanting to pay any share of the costs to Mr. Henry for hooking up to his sewer system.

CORRESPONDENCE None

Meeting adjourned at 9:30 p.m.

Mayor

ATTEST:

City Clerk