

March 14, 2006

The Council met with the City Planning Board at 6:00 p.m. This was a workshop with the two regarding the proposed revised Red Lodge City Development Code.

The Red Lodge City Council met in regular session on March 14, 2006 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 Mahan, Lockman, Stauffer, Scanlin and Reynolds. Absent: Alderman Bullock.

**MINUTES OF FEBRUARY 28** Motion by Reynolds, second by Mahan to approve the minutes of February 28 as submitted. On roll call vote all Aldermen present voted "Aye." Motion carried.

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

**CLAIMS AGAINST THE CITY** Scanlin reported the claims totaled \$110,381.97.

Motion by Scanlin, second by Reynolds 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 those in favor: Aldermen Mahan, Lockman, Scanlin and Reynolds. Those abstaining: Aldermen Stauffer as he has a direct financial interest in the claims being paid.

**SPECIAL COMMITTEES** Reynolds told the Council the Local Government Review Commission has filed their final report. The committee members were Richard Osterman, George Ferrell and John Grimstad with Reynolds being the Council representative. Discussion was held on board representation including people who live outside the City limits. There were concerns stated in the survey from people who do live outside the City limits desiring more representation.

**STANDING COMMITTEES – Administration – Resolution No. 3209 – Personnel Policy**

**RESOLUTION NO. 3209**

**A RESOLUTION APPROVING REVISIONS TO THE CITY'S PERSONNEL POLICIES AND AUTHORIZING APPLICATION TO OBTAIN EMPLOYMENT PRACTICES LIABILITY INSURANCE.**

WHEREAS, the Red Lodge City Council passed personnel policies by motion on April 28, 1998; and

WHEREAS, the City has since passed City of Red Lodge Policy #1 regarding use of computers by employees, and has taken note of other needed updates to the City's personnel policies; and

WHEREAS, the City has received comments from its insurance carrier to improve its personnel policies, has worked with legal counsel and staff on revisions, and otherwise endeavored to update, improve, and bring the City's personnel policies into conformity with current law and insurance standards.

NOW THEREFORE, BE IT RESOLVED:

1. The City Council resolves to approve the "Revised Red Lodge Personnel Policies" attached hereto and made a part of this resolution.

2. The City Council intends that the “Revised Red Lodge Personnel Policies” hereby supercede and otherwise replace the City’s personnel policies previously adopted on April 28, 1998 and City of Red Lodge Policy #1.
3. The City Council does not intend the “Revised Red Lodge Personnel Policies” to supercede or otherwise conflict with any collective bargaining agreement, and when a conflict is perceived policies and procedures in the collective bargaining agreement shall prevail.
4. The City Council resolves to have the City take such other and further action as necessary and in conformity with this Resolution to perfect an application to obtain Employment Practices Liability Insurance (EPLI).

Changes discussed by the attorney and the Council was included in the policy with the final document being completed.

Motion by Scanlin, second by Reynolds to adopt Resolution No. 3209 – Personnel Policy as amended. On roll call vote all Aldermen present voted “Aye.” Motion carried.

The Administration Committee was thanked for the hard work they did on putting this policy together.

**Resolution No. 3210 – Rules and Procedures**

**RESOLUTION NO. 3210**

**A RESOLUTION APPROVING RULES OF PROCEDURE IN CONFORMITY WITH REQUIREMENTS OF THE CITY’S CHARTER.**

WHEREAS, the Red Lodge City Charter provides at Article II, Section 2.07 that “The Council shall, by resolution adopt its own rules of procedure”; and

WHEREAS, the City Council has worked with legal counsel and staff to draft rules of procedure to fulfill this Charter mandate; and

WHEREAS, the best interests of the City will be served by the adoption to rules of procedure to guide deliberations both internally and with the public in general.

NOW, THEREFORE, BE IT RESOLVED:

1. The City Council resolves to approve the “Red Lodge Rules of Procedure” attached hereto and made a part of this resolution.
2. The City Council intends that the “Red Lodge Rules of Procedure” supercede and otherwise replace any informal means or methods previously followed by the City Council.

Past-discussed items between the attorney and Council were incorporated into the Rules and Procedures for the City.

Motion by Scanlin, second by Mahan to approve Resolution No. 3210 – Rules and Procedures, with amendments included. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Scanlin said the Administration Committee is assisting the Mayor in some job descriptions and they will come to the Council when they are ready to be addressed.

**Police and Emergency Services** The committee met with Scott Cope from the Police Department. Cope recommended to the committee that when budget discussions are being held the Council consider implementing a revolving car replacement. The Police need to get a new

vehicle each year and rotate one out. The trade-in value is better on the rotated vehicle if it is done sooner. Cope is getting information on costs for this program to be implemented and maintained each year. The committee will meet further on this topic.

**Land Use and Planning – Appraisal of Bramble Property** The property being discussed is the land that was purchased by Gary Bramble from the City by the entrance to the recycling center. This property lies over a utility corridor of the City. The land is needed by the City for the extension of Haggin and to straighten out the access in this area. The Mayor spoke with Mr. Bramble and was told that he would be willing to sell the land to the City for market value. The next step would be for the City to have the land appraised to see what the fair market value would be.

Motion by Mahan, second by Stauffer to order an appraisal on the Bramble property. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Reynolds said she is hesitant to spend money on an appraisal without knowing for a fact that Bramble will sell for the fair market value that is established. Others felt the land is valuable enough to the City that it would be the best interest to do the appraisal.

**Utility Corridor and Access Alley** The Mayor said he is looking for support of the alley behind Sam’s Place and Pony Express with the Council supporting the development of the alley as that. Work will need to be done to implement this alleyway if this is what the Council would like to do.

Motion by Reynolds, second by Stauffer that the City creates a utility corridor and access alley from 5<sup>th</sup> Street between Broadway and Villard southward behind Sam’s Tap Room, Hawkeye Center and old Pony Express to the City bathrooms. Further define the commitment of the City to the Lion’s Club regarding moving plants, paths and water systems and further define the commitment of the City for future developers in constructing a safe barrier and other considerations. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Reynolds said the Lions Club still has no opinion and have questions regarding this alley. She feels it is important for the City to move forward on the development of this piece of property but good faith needs to be shown to Lions Club that the City will take into consideration their concerns. A formal resolution will be drawn up to incorporate all concerns. Mahan feels it will be beneficial to have a map showing the alleyway and what land will be used and also showing the southern egress. The Lions Club would then be able to see what land will be needed and disrupted.

Stauffer told the Council that the City Planner, Building Inspector, Tom Kohley and himself attended a seminar in Billings called Safe Street Design that talked about walkable communities. Stauffer said the seminar was very good and informative. He said a lot of the seminar was very applicable to Red Lodge.

**Public Works – Ray Armstrong – HKM** Mr. Armstrong told the Council that the design value of the wastewater system is for a population of 3605. He said the current value is approximately 2295 leaving a capacity of 1310, which he feels equates to 450 to 500 homes. However, the planned spray irrigation system may have to be completed prior to reaching the full capacity of 3605 persons. The need for the spray irrigation system will depend on the

requirements contained in the City's new discharge permit when it is issued. The City's existing discharge permit expired on December 31, 2004 but DEQ has indicated that the old permit is considered in effect until a new permit is issued. The City has applied for a discharge permit renewal but the State is behind on this issuance by up to two years. Armstrong said when the new permit is issued it may contain effluent limitations on both nitrogen and phosphorous. The nitrogen and phosphorous load limits were based on a population of 2590 persons on the permit currently being used by the City.

While the DEQ granted the City an exemption from testing for phosphorus and nitrogen, Armstrong recommends the City start collecting samples on a quarterly basis in order to provide adequate planning time for the second phase of the treatment plant process. The existing plant was planned anticipating a second phase involving spray irrigation on City owned land above the plant. He said if nitrogen and phosphorous limits are imposed on the City's discharge, the spray irrigation system would be required to allow the plant to reach the final design capacity of 3605 persons.

Armstrong said the City has made progress in removing infiltration and inflow, but I/I remains a serious problem at the plant. The influent flow in 2005 averaged 0.75 MGD, which are approximately 326 gallons per person per day. He said flows over 120 gallons per capita per day are considered excessive.

Scanlin asked Armstrong if he could follow up on the possibility of avoiding the spray irrigation process. Armstrong said that improvements to the lagoons can be looked at before the spray irrigation is contemplated.

**CITIZEN REPORT** None

**OLD BUSINESS** The Mayor said the City crew has made chalk outlines on the streets where the fixtures for the historic lighting will be. Everything looks good except in front of the Beartooth Ford showroom where the light will hit the canopy. Something will have to be done there. The Chamber of Commerce will take care of the electrical work as they have no constraints on their spending and will not need to go out for bid.

**NEW BUSINESS – Festival of Nations – Open Container Request** There was no information nor no one in attendance at the meeting for this request so it was not discussed.

**Resolution No. 3211 – Main Street Program Application and Budget**

**RESOLUTION NO. 3211**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA, AUTHORIZING THE CITY TO APPLY TO BECOME A PILOT COMMUNITY IN THE MONTANA STATE MAIN STREET PROGRAM, AND AUTHORIZING THE MAYOR TO SUBMIT THE APPLICATION TO THE MONTANA DEPARTMENT OF COMMERCE IN FURTHERANCE OF THIS RESOLUTION.**

**WHEREAS**, "Main Street" is a highly successful economic development program conceived by the National Trust for Historic Preservation in 1981, and used by over 1,700 communities. The Main Street approach relies on design, organization, economic restructuring, and promotion to reinvigorate historic commercial districts, provide jobs, and otherwise enhance communities like Red Lodge; and

**WHEREAS**, the City Council for the City of Red Lodge recognizes that the Red Lodge Revitalization Master Plan (1986), the Comprehensive Economic Development Strategy (2004) and the Community Assessment Reports (2004) all contain recommendations for the City to adopt the Main Street Approach to economic development; and

**WHEREAS**, Montana Main Street has been created to assist communities to develop a public-private effort to revitalize downtown areas; and

**WHEREAS**, the Montana Department of Commerce will be selecting Montana communities to participate in the Montana Main Street Program; and

**WHEREAS**, the City of Red Lodge has previously provided a letter of intent to submit an application to the State of Montana to participate in the State Main Street Program and several members of the community have taken the training for this program as required by the State as a pre-requisite to submitting an application to become a Montana Main Street pilot community.

**NOW THEREFORE, BE IT RESOLVED:**

1. The City Council resolves to support an application to start a Main Street Program by applying to become a pilot community in the Montana Main Street Program.
2. The City Council fully endorses the submission of this application and agrees to participate in the development and the financial support of the local Main Street program financially to the extent as described in the attached draft budget.
3. The City Council endorses the goal of economic revitalization of the historic commercial downtown area of the City of Red Lodge within the context of the preservation and rehabilitation of its historic buildings.
4. The City Council agrees to appoint a city official to represent the City on the local Main Street governing board of directors once selected as a pilot community.
5. The City Council directs the Mayor to take such administrative action as he deems prudent to budget for the City's obligations should the City be successful – becoming a Montana Main Street Program Pilot community.

Motion by Reynolds, second by Mahan to approve Resolution No. 3211. On roll call vote those in favor: Aldermen Mahan, Lockman, Stauffer and Reynolds. Those opposed: Alderman Scanlin. Motion carried.

Discussion was held on the motion before roll call was taken. The amount in the budget coming from the City is \$15,000 in fiscal year 06-07 and the same in 07-08. Don Kinney said that part of the application for becoming a Main Street Pilot community was to show that the government was part of the process in the form of a Resolution. Kinney said that he will help with the implementation of the Main Street Program, if received, within the scope of his contract at least for the first year.

A lot of discussion was held on whether or not monetary help will come from businesses and not just from the City. As part of the Main Street Program local businesses and organizations will be asked for monetary funding in the future for this program. Mayor Roat said he feels the Council is bound to consider favorably this \$30,000 over the next two years as it has already been made a part of the application that was submitted for the Main Street Program by EDC with the understanding that the City would include the funds in the upcoming budgets. He said it is the Councils decision.

**Resolution No. 3212 – Wind Project Support and Request for Funds for Two Wind Towers  
RESOLUTION NO. 3212 (caption)**

**A RESOLUTION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES WITH PROCEEDS OF A BORROWING FROM A QUALIFIED PROJECT FOR THE ISSUANCE OF BONDS PURSUANT TO SECTION 54 (d) (2) (A) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.**

Doug Carpenter said he and others are very interested in the possibility of having a wind farm on the east bench. The first step would be to have a wind study done in this area. In order to do this two anemometers need to be put on the land on the east bench perhaps above the sewer lagoons. The wind data from the anemometers would show if this would be feasible. The anemometers cost roughly \$2500 per unit. The request is that the City would purchase the needed equipment.

Pat Dopler told the Council what will be applied for is interest free, clean renewable energy bonds. These bonds are federally backed. The City would sell the bonds and use the funds to pay for this project. The electricity could then be sold, such as to Northwestern Energy, to pay the bond funding back. A long-term commitment would need to be done.

The Council told the committee working on this study to come back at the next meeting with the resolution with the funding included. The Council showed interest in this project and told Carpenter to bring more specifics back to the Council. It was discussed that perhaps a community committee could be formed for this project.

**CORRESPONDENCE** A letter was received from the Carbon Conservation District informing the Mayor that the term has expired for Joe LeFebvre who has been serving as an Urban Supervisor for Carbon Conservation District representing Red Lodge and communities on the Rock Creek Drainage. The district is requesting the re-appointment of Mr. LeFebvre to fill the position. Mayor Roat said that Mr. LeFebvre is interested in being re-appointed to the district. This re-appointment will be done at the next meeting.

Mayor Roat said the CDBG funding is scheduled to be reduced considerably by the government. He had Mr. Proffitt prepare a letter in support of keeping the present funding that will be sent to the Congressional delegation and the Governor.

**MISCELLANEOUS** None

Meeting adjourned at 9:30 p.m.

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Mayor

ATTEST:

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City Clerk

