

March 22, 2011

The Red Lodge City Council met in regular session on March 22, 2011 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, Richter, Labrie, Schoenike and Williams. Absent: None.

DEPARTMENT HEAD ATTENDANCE: Community Development Director – Forrest Sanderson, Ambulance Director – Aaron McDowell.

MINUTES OF MARCH 8 Motion by Mahan, second by Schoenike to approve the minutes of the March 8 meeting as presented. On roll call vote all Aldermen present voted “Aye.” Motion carried.

COMMENTS FROM PUBLIC REGARDING AGENDA ITEMS None

SPECIAL COMMITTEES None

STANDING COMMITTEES – ADMINISTRATION – Use of City Owned Land – Beartooth Run to the Sun Motion by Kampfe, second by Labrie to approve the use of City owned land for the Beartooth Run to the Sun on August 20-21, 2011. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Use of City Owned Land – Beartooth Rally – Airport Property Motion by Kampfe second by Labrie to approve the use of city owned land for the Beartooth Rally on July 15, 16 and 17, 2011. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Kampfe said this application and use is similar to past requests. The camping request has worked well in the past and there is no reason to believe this year will be any different.

Schoenike commented that the Use of City Owned Property topic is being reviewed by the Planning Board and they state that although permission is always requested to use the property for camping during the Beartooth Rally, there are other events using the land. These being events like the July 4th Rodeo and Ski Joring using the property and not going through the same process. Schoenike suggested that for the fairness and equity of the matter all need to do the same or Bone Daddy’s should not have to make an application. Mayor Roat commented that the events are not the same in makeup. He said that the Beartooth Rally is a controlled event being used specifically for a purpose. During such events as the July 4th Rodeo the area is being used for parking and there is no controlled group using the land. Permission given for camping during the Beartooth Rally prohibits anyone using the property unless they pay the camping fee to Bone Daddy’s. Schoenike said the Board feels the use of the property should be consistent no matter what the use is. Mayor Roat said if the Board has a reasonable approach to this they should bring it to the Council so it can be discussed and reviewed.

Resolution No. 3323 – Establish Reserve Cash Account – Library

RESOLUTION NO. 3323

RED LODGE CITY COUNCIL

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF RED LODGE TO CREATE A RESERVE CASH ACCOUNT FOR THE LIBRARY IN THE GENERAL FUND.

Kampfe said the Administration Committee agrees with the intent of the resolution but he said the language is not clear enough the way it is presently written. He said with the increase in the mills the County gets for the libraries the Library Board would like to reserve some of the cash for future capital improvements and

other uses. He said the resolution will be reviewed and see if it can be cleaned up so it will be more understandable.

Motion by Kampfe, second by Labrie to table Resolution #3323, Resolution by the City Council of the City of Red Lodge to create a reserve cash account for the library in the General Fund to the April 26, 2011 meeting. On roll call vote all Aldermen present voted "Aye." Motion carried.

POLICE AND EMERGENCY SERVICES – Ambulance Billing Contract – Certified Ambulance Group Motion by Williams, second by Mahan to authorize the Mayor to execute the agreement with Certified Ambulance Group after it has been reviewed by City legal counsel. On roll call vote all Aldermen present voted "Aye." Motion carried.

Aaron McDowell told the Council that the City is currently contracted with SoleStone Reimbursement out of Missoula to do the billing for the ambulance service. He said they have done a reasonable job for the City but in the recent years the quality has dropped. He feels the reimbursements may be down because of this. McDowell said the software associated with SoleStone for electronic trip reporting is very cumbersome and the volunteers were having a great deal of trouble using it. McDowell said this is what actually started the search for another company. A software program that is extremely user-friendly was found and can be used by Certified Ambulance Group and could and would not be used by SoleStone. References have been checked on the new company with good results. McDowell said another selling point is the 6.75% billing fee charged by Certified Ambulance Group on the funds collected in comparison to the 8.5% charged by SoleStone.

Schoenike asked McDowell if he thought there could be any problems as Certified is located in Connecticut, which is rather remote. McDowell said he did have the same concern but Certified assured him that one person would be designated for the City to work with and would know what and how to deal with our particulars. If this designated person were to be absent for any reason there would be a replacement person that McDowell would be made aware of.

Animal Control Issues Mahan said the Police and Emergency Services Committee had an extensive discussion on animal control issues. She said that currently there is no designated individual to manage the animal control. Some thought the Humane Alliance is doing this but it is not their focus. Ways to create an opportunity for someone to do animal control were discussed. Mahan said the committee would definitely be trying to pursue the possibility of providing a trained animal control officer. Mahan indicated that Diane Zook said she would be willing to look for grants that would fund such an idea. The Humane Alliance is more than willing to work with the City to see this happen but they are not willing to be the animal control officers.

Police Commission Letters of Interest Sanderson asked the Mayor if any letters of interest were received to serve on the Police Commission as the deadline has come. Mayor Roat said he received one letter of interest from Bill Lehman who lives at Country Club Estates. This will come before the Council at the next meeting.

LAND USE AND PLANNING – Ordinance #892 – Building Department Fees – First Reading
ORDINANCE #892
Building Department Fees

An ordinance of the City of Red Lodge, Montana adopting the fee structure found in Appendix 'L' of the 2009 edition of the International Residential Code, regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress in the City of Red Lodge, Montana; providing for the issuance of

permits, the review of construction plans and collection of fees therefore; repealing Ordinance No. 877 of the City of Red Lodge, Montana and all other ordinances and parts of the ordinances in conflict therewith.

The City Council of the City of Red Lodge, Montana does ordain as follows:

Section 1. That the fee structure for building permits for the City of Red Lodge was established by the City Council was established in June 29, 2009 via Ordinance No. 887 and has not been amended since.

Section 2. The International Code Council, as a portion of the International Residential Code in Appendix 'L' recommends a fee structure for the proper funding of and the creation of acceptable reserves for local Building Departments. The fee structure is attached to this Ordinance as Exhibit 'A'.

Section 3. That no other sections of the adoption of the 2009 International Residential Code by the Red Lodge City Council are affected by the adoption of this Ordinance.

Section 4. That Exhibit 'A' and Ordinance No. 877 of the City of Red Lodge and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. That if any section, subsection, sentence clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Red Lodge City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phases be declared unconstitutional.

Section 6. That nothing in this ordinance or in the Residential Code as adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause of causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 or this ordinance; not shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 7. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect 30 days from and after the date of its final passage and adoption.

Motion by Schoenike, second by Kampfe to approve Ordinance #892, Building Department Fees, on first reading. On roll call vote all Aldermen present voted "Aye." Motion carried.

Sanderson told the Council that the only change in the proposed fee structure since previously adopted under Ordinance #877 is the addition of the Plan Review Fee of \$50.00 per hour with a \$100.00 minimum.

Land Use and Planning Updates Schoenike told the Council that he would remain president of the Planning Board for another year. He said the Planning Board is moving forward with their review of the Use of City Owned Land ordinance. Schoenike told the Council that since requests for the use of City owned land are already coming before the Council that the Planning Board would recommend waiting until fall before officially making any changes to the current ordinance.

Mahan said she has been having conversations with the representative of the Farmers Market and has recommended moving the market to Lions Club Park. Mahan was told that this would be brought to the Farmers Market so we will see what is decided upon for this coming summer.

The Peaks to Prairie race will be coming soon. The Police have concerns with the traffic during this race so Assistant Chief Cope has been visiting with representatives of the race so hopefully this year things will run better so there will not be as many concerns. Traffic rules need to be followed so there are no incidents or anyone getting hurt.

PUBLIC WORKS Mahan said the committee meeting was cancelled today as Boyer had enough going on with the snow that was coming down.

Mayor Roat said there is a problem with the access door on the metal trash containers that are being constructed and placed on Broadway. The problem seems to be the handle to open the container is not visible enough. The makers of the containers will try to make this more visible on the containers that are already placed on the sidewalks and perhaps change the way any new ones are made so they will be easier to open and place trash inside.

CTEP Safe Routes Contract Sanderson told the Council that he has received the contract for the CTEP Safe Routes construction of the sidewalks. He said he and Boyer will be reviewing the contract and then present it to the Administration Committee and the Public Works Committee within the next two weeks.

Railroad Right-of-Way Along Highway 212 Mayor Roat said that MDT is still working under the impression that the City owns the old railroad right-of-way on the north end of town. He said that MDT is pursuing the Highway 212 project on this basis. The Mayor asked Sanderson to speak with the City Attorney who will then speak to MDT and explain the facts that the City does not own this right-of-way. The City cannot give this land to MDT.

CITIZEN REPORT Betty Ansorge thanked the City for doing such a good job with the plowing of City streets.

CORRESPONDENCE None

MISCELLANEOUS Schoenike said he will be meeting with Tom Kuntz tomorrow to see if they can come up with better ideas to improve the City website.

Meeting adjourned at 7:44 p.m.

Mayor

ATTEST:

City Clerk

