

March 24, 2009

The Red Lodge City Council met in regular session on March 24, 2009 at 7:00 p.m. The meeting was called to order by Mayor Scanlin followed by the Pledge of Allegiance to the Flag.

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

MINUTES OF MARCH 10 Motion by Mahan, second by Labrie to approve the minutes of March 10 as corrected. On roll call vote all Aldermen present voted "Aye." Motion carried.

Kennicott called attention to the information that was written regarding the topic of Weed Control. She asked that the following be the information given on this topic. "**Weed Control Update** When asked what is being done with the weed funds, the Mayor said 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 the laptop computer, the 4-wheeler and the sprayer which were purchased by the City for weed control efforts. 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."

Mayor Scanlin corrected Officer's Reports to read "Mayor Scanlin said the Resort Tax collections are (on target) **within \$20,000 of the previous calendar year.**" Also under the topic of Use of City Owned Land – Snag Bar the following sentences were added to the last paragraph, "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."

COMMENTS FROM PUBLIC REGARDING AGENDA ITEMS None

SPECIAL COMMITTEE None

STANDING COMMITTEES – Administration – Public Hearing – Needs Assessment CDBG Funding

Mayor Scanlin called the public hearing for the Needs Assessment CDBG Funding to order. Forrest Sanderson, Community Development Director, told everyone in attendance that CDBG requires that the governing body hold two public hearings for the needs assessment of these funds. The public hearing being held this evening is to establish the list of potential projects that the City could consider sponsoring for a facilities CDBG Grant. Only one project can be sponsored per funding cycle. The Council will hold the two public hearings and then select the project they would like to sponsor after hearing all information. A resolution will need to be written after the Council chooses the project they would like to sponsor and this would need to be sent in with the corresponding application.

Jody Ackerman, Belfry, Montana, is the Executive Director of the Boys and Girls Club. Jody said the expansion for a teen center in the 2009 application to CDBG has been a goal for a number of years with the club. The club said they need to provide a safe and positive place for teens to gather.

Alex Getz, 1149 Kane Circle, presented the Council with a picture he drew showing the funds that will be needed to accomplish the goals regarding the expansion of the Boys and Girls Club. Alex is eleven years old and left his drawing to be posted at City Hall.

Pat Corbe, 6 Willow Bend Road, said she volunteers at the club. She pointed out that the facility is 2000 square feet with a membership of 300 children. She said there is a minimum of 20 to 30 children using the facility per day while trying to incorporate four programs each day. She said the club serves the whole County but primarily Red Lodge. The club provides a safe, protective area for any number of activities. Corby said these funds are desperately needed for work to be done at the club.

Melia Lehman told the Council that the club is a very good place for teens to hang out but that it is hard to mix the different ages of the children who utilize the club. She attributes the club for helping her to stay out of trouble.

Dillon Culp, 718 S. Adams, said the club is a great place to meet people and a good way to stay out of trouble.

Joslyn Luptak said that when she was growing up in Red Lodge there was no Boys and Girls Club. She said her son goes to the club and would like it to remain a safe place for kids to congregate.

Al Bloomer, 302 Kainu, said the club is a great place for pre-teens. He feels a larger facility would be positive for teens also.

Jeremy Goosman, 19 S. Villard, said he has been going to the club for three years. He said it is a good place to meet his friends and a good place to meet people especially if you are new to town. He feels it would be good to have a larger area for the teens.

JoAnn Eder, 301 N. Word, President of LP&W Edwards Foundation that helped with funding for additional staff so they could accommodate younger children. Part of the proposal presented was to remodel the downstairs area. However this Foundation did not have the funds to help with the remodel. She said the additional space is critical for the club.

Anna Priest, PO Box 743, Red Lodge added a new twist to what is needed. She said the safety features of the club need to be upgraded. She said there is no sprinkler system, no egress downstairs, no ventilation in the smaller back rooms and no visual supervision is provided for the back rooms. These are other aspects of what is needed for the club.

Kim Wilker, 923 S. Adams, said he speaks as a parent who has two children with disabilities. The club has made both his children very welcome. He also said the need for more space is very real and he would hope the younger children would stay with the club as they get older if the space was there for them to congregate.

No one was in attendance to speak to any other projects. Mayor Scanlin closed the public hearing.

All the Council members thanked everyone who spoke for the club and gave their testimony as to why the funds were so very needed for this project. They all feel this project is a very worthwhile project for the CDBG funds to assist. The second public hearing will be held at the April 14, 2009 Council meeting.

Affordable Housing Update – Cooper Lots Laura Getz said the buyer she has been working with regarding one of the Cooper Lots no longer qualifies for financing as the available programs have changed. Getz gave an update from the realtor they are using. She said the Cooper lots are in a good price range. Getz said the realtor is continuing to work on a package deal for modular homes. This package would include the home and the lot.

Getz said the “Lunch and Learn” that was held on March 19 for realtors was very successful. This was held to educate the realtors and local lenders about the HOME funds that are available for home purchasing.

Ordinance #875 – Snow Removal – First Reading

ORDINANCE # 875

AN ORDINANCE TO CLARIFY AND REVISE THE RED LODGE REMOVAL OF SNOW AND ICE FROM SIDEWALKS WITHIN THE CITY.

WHEREAS: The City Council of the City of Red Lodge, Montana has determined the need to clarify the requirements for the removal of snow and ice from sidewalks; and

WHEREAS: It is the opinion of the City Council that the current snow and ice removal ordinance that is codified in Title 9.06.100 is not in the best interest of the City, its residents and business owners.

Now therefore:

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA:

Section 1. Duty:

For the reasons of pedestrian safety, it shall be the duty of the owners, tenants **and/or** occupants of property (situations) adjoining any of the sidewalks located within the Central Business or Central Business Transition Zoning Districts of the city **to** (shall) keep such sidewalks free from snow and ice. Snow and ice shall be removed from such sidewalks by such owners, tenants **and/or** occupants by 10:00 A.M. the day after the cessation of any storm.

Section 2. Penalty for noncompliance.

In case of the failure of any person or persons whose duty it is hereby made to remove such snow and ice, to remove the same within the time prescribed above, the Red Lodge Police Department shall serve notice of noncompliance or cite the person or persons responsible as follows:

- 1st Offense- Written notification- by certified mail.
- 2nd Offense- \$50.00 fine.
- 3rd Offense- \$100.00 fine.
- 4th or subsequent offense within **a two(2)** year period would constitute "maintaining a public nuisance" MCA 45-8-111.

Additionally, in the case of noncompliance the Public Works Director may remove such snow and ice that is not removed within the time prescribed. He shall certify the cost thereof to the City Clerk and thereupon the cost thereof shall be certified by the City Clerk to the County Treasurer of Carbon County, to be collected at the time of the collection of other city taxes.

Section 3. Effective Date.

This ordinance shall be effective 30 days after approval of second reading by the Red Lodge City Council.

Section 4. Repealer.

All other ordinances and resolutions of the Red Lodge City Council pertaining to the removal of snow and ice from sidewalks within the City of Red Lodge are repealed upon the effective date of this ordinance.

Codification Note:

This Ordinance is intended to be codified in Title 9.06.100 Removal of Snow and Ice From Sidewalks in the Red Lodge Municipal Code.

The police made the recommendation to have the first offense be handled with written notification by certified mail. Kampfe said this ordinance is for the Central Business or Central Business Transition Zones and not the entire City of Red Lodge. The ordinance does not require the shoveling of sidewalks in most of the residential areas. The committee looked into this but determined that it was not practical as many areas do not have sidewalks or pedestrian traffic. They also considered the elderly citizens of Red Lodge.

Kampfe said the police recommended having the shoveling requirement include the west side of Broadway all the way to the Chateau Rouge. The committee looked into this but felt it might not necessarily be practical because it was felt the shoveling will only work if all do it and there are several absentee owners in this area. Kampfe said the committee is open to considering this aspect if the Council deems it fit.

Kennicott pointed out a few minor changes in the ordinance that are highlighted. The Council agreed.

Motion by Kampfe, second by Priest to approve Ordinance #875, with the changes made, on first reading. On roll call vote all Aldermen present voted "Aye." Motion carried.

Code Codification Contract – Sam Painter Motion by Kampfe, second by Priest to approve the code codification contract with Elk River Law Office. On roll call vote those in favor: Aldermen Kampfe, Mahan, Richter, Labrie and Priest. Those opposed: Alderman Kennicott. Motion carried.

Mahan said she hopes this contract is "bird dogged" so it is completed in a timely manner. The contract states the work will be done in sixty days from signing of the contract.

Kampfe said this contract is being done to have the City codes codified. This will put the codes in an orderly format and into a document that is easily read and indexed so that everyone can find what they are looking for in an easier manner.

Kennicott said she continues to have misgivings about the City Attorney doing this work rather than a company that specializes in code codification. Kennicott said she would like to have things like links to the MCA codes and a search engine included in the codebook. She wants the document to be very useable. Kampfe said the City does indeed need a useable document but also needs one that is practical and one that can be used soon.

Stimulus "ARRA" Update "ARRA" is the American Recovery and Reinvestment Act. Mayor Scanlin said the three factors that are being addressed are 1) job creation, 2) long-term benefits and 3) energy savings. The Mayor said the City has three projects that are being considered for stimulus funding that will fit the three categories. One is a water project to get water to the West Bench that was part of the 2007 Rehabilitation Project but this section was dropped due to the lack of funding. This project is shovel ready and has been engineered. The second project is the solar panels at the wastewater treatment plant. The long-term savings from these panels would almost equal the cost of the project. The third project is the leaking roofs of City Hall and the Police station. The roof project fits one of the categories of the stimulus funds. It looks like Red Lodge will be receiving approximately \$53,688 from "ARRA" discretionary funds.

DEQ Sanderson said he attended a house hearing in Helena by DEQ dealing with approximately \$38.2 million in stimulus funds. These funds will go into DEQ and will be channeled throughout the State Revolving Fund for water and sewer improvement projects. He said DEQ is in the process of establishing the final list of projects to be funded. Application deadlines are April 3, 2009 for sewer projects and April 6, 2009 for water projects. The State Revolving Fund is partial loan and partial grant depending on where the project would fit. The program is very strict but is a wonderful program to complete a small-scale project.

Sanderson said the West Bench project would install the PRV valve by the County Shop, would get a sixteen-inch water line up the West Bench and would allow the City to idle the booster station at the golf course. The booster station would need to remain in place in case the sixteen-inch line were ever to go down and the lift station would be necessary to boost water from the tank to the golf course. This project would also rehab Second Street and loop the system to Chambers Ave. at the new high school. The loop system would give better fire protection to the high school and the sixteen-inch line would roughly double fire flow volumes through the golf course. The sixteen-inch line on the West Bench would help provide water for the extension to Remington Ranch when it is annexed. This service needs to be offered when the City decides it is time to annex this area.

Sanderson said the second largest user of electricity in the City is the wastewater treatment plant. The solar panels being contemplated would replace about half of the coal-fired electricity that comes in and primarily runs the aerators. The advantage of a solar array to replace our electrical needs versus putting in the solar bead aerators in the lagoons is, as we change our technology as we move to more complicated mechanical systems to treat the wastewater, the electricity that is being used to drive the aerators could be spooled down to run the chemical plant. If the City becomes energy efficient with the mechanical treatment and we have excess electricity it can be sold back into the grid.

Sanderson said the \$53,688 from HB645 could be spent on public repair and maintenance of public infrastructure. He reminded the Council that we just awarded a contract to Briggs Roofing to put a new roof on City Hall for \$42,000. This project does qualify for these funds. The budget would need to be amended, if the City receives these funds, so they can be spent.

Mayor Scanlin said the project for the solar panels at the wastewater plant will probably need a preliminary engineering plan. This will be on the next agenda to see if the Council would like to go forward on this project. HKM, as our contracted engineer, will need to get a plan ready for this project so the Council will have the information before proceeding.

Resolution #3277 – HOME Funds – Budget Amendment Funds will be received from the State from the HOME funds. Down payments for two homes being purchased will come from these funds. The revenue and expenditures were not included in the budget for the Fiscal Year 2008-2009 so will now be included with the resolution.

**BUDGETARY AUTHORITY RESOLUTION
RESOLUTION NO. 3277**

WHEREAS, The City of Red Lodge received HOME funds, Contract No.M06-SG3001-20, for which no provision was made in fiscal 2008/09 City budget; and

WHEREAS, cities may appropriate federal or state money received during the fiscal year by formal resolution,

NOW THEREFORE, BE IT RESOLVED that the City Council hereby appropriates the sum of \$286,000 which allows for the assistance on down-payment of up to four homes and directs the City Clerk to allocate said amount to the following programs and objects:

Expenditure Code	Object of Expense	Admin. Costs	Activity Costs
470410-300	Personal Services	\$ 6,000	
470420-300	Acquisition		\$280,000
TOTALS		\$ 6,000	\$280,000

BE IT FURTHER RESOLVED that the above appropriation shall become effective on March 24, 2009.

Motion by Kampfe, second by Mahan to approve Resolution No. 3277, Budget Authority of HOME funds. On roll call vote all Aldermen present voted "Aye." Motion carried.

Emergency and Police Service – Illegal Dumping – Cady Property Mayor Scanlin said a trial has been set for May on this citation. Sanderson said he would keep the Council informed as this moves forward so the City can get closure on this issue.

Fire and EMS District Priest told the Council that he and Labrie have met with Tom Kuntz to form a plan on this concept. They have discussed who should serve on this committee to move forward. When people are contacted Priest will let the Council know who is serving. Two methods have been identified. Priest said one method is easy but the tax mechanism may not be as equitable. The other is harder to accomplish but will be a more equitable arrangement. These are the issues the committee will be discussing and Priest said they will report to the Council when more information is available.

Priest said one of the items that were brought up previously when the forum was held regarding the Beartooth Rally was the need for more equipment for the Police Department. Priest said he feels they need to be adequately prepared for the more unique events. He said he would like our Police force to explore training for these types of events. Priest located an officer who worked in Sturgis and would be willing to come to Red Lodge to speak to our officers to share his knowledge.

Kennicott said the committee met this morning and she gave the following report. They reviewed the alleged harassment claim. Constituents are still commenting but are afraid of retribution if they come forward. Chief Pringle said that he cannot do anything if there are no facts from anyone with a complaint. If people want to talk but do not want to be confronted by the officer involved, they should call him direct. He can then take steps to investigate with the Mayor and decide what action to take. He was asked about community out-reach and having the officers be part of local organizations or stop by the stores to visit. The Chief said this is hard as most of the officers work the night shift. Kennicott said she thought that perhaps the Chief could continue to stop at businesses as he walks around town. She said it's not only people who have been stopped for infractions, but the appearance of a disconnect with the community.

Richter said she asked Mahan why the organizers of special events weren't paying all cost for extra officers and Mahan said the Chief did not ask for it. The Chief confirmed that he thought the organizers should pay these extra costs. Kennicott commented that if everyone had access to the information the RLPD had regarding gangs known to operate in Montana as well as attending the Beartooth Rally perhaps it would make a difference on who pays for extra police. The Chief commented again that there are motorcycle gangs that operate outside the law on a regular basis and extra officers are needed for this particular event as a deterrent.

Kennicott said that most members of the Red Lodge Volunteer Police Association has moved away with only one volunteer left. Kennicott commented that Billings is gearing up for another training and perhaps interested volunteers from Red Lodge could attend. That would free up regular officers' time from things like abandoned cars, citations for handicap parking, reports on found bicycles, etc.

McDowell commented that it was hard driving on Broadway yesterday for emergency vehicles due to the plowing and snow on Broadway and the way vehicles had to park. They had one incident that was an emergency transport and it was difficult to drive down Broadway. They discussed the problems associated with Broadway in the winter. Some of the comments were to have no vehicles on Broadway from 3:00 to 7:00 p.m. so the plow can move all the snow. There is a need to make sure certain arteries are clear such as Platt, Oaks and Villard. 19th Street is important for ambulance access to the Hospital. If it is not plowed properly the ride is very bumpy for patients. These points can be discussed by the employees during their department head meetings.

Kennicott said specs for a new ambulance should be ready in thirty days. The ambulance will not be ordered until the next fiscal year but the process has to start now.

Land Use and Planning – Street Closure & Open Container Request – 10th Street Between Broadway and Oakes – Beartooth Hospital & Health Center The hospital is requesting the closure of 10th Street from Broadway to Oakes for the Beartooth Ball. This closure is requested from noon on June 10th through noon on June 14th. They are also making a request for an open container exception. All the required information was included in the application. Mahan asked why the closure starts at noon on the 10th when the event is being held on June 13th. She was told that a number of tents will need to be erected for this event and there will be a lot of activity that will start on the 10th. Mahan pointed out that the alley between 10th and 11th cannot be blocked. It was stated that the alley and entrance will be left open. She also pointed out that the south sidewalk of 10th Street would need to be left open for emergency purposes.

Motion by Mahan, second by Kampfe to approve the Beartooth Ball application for June 10th through 14th for setup and for the function itself on Saturday night making sure the alley is not blocked and the south sidewalk on 10th Street is available for emergency use. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Floodplain Regulations and Mapping Lindsay Johnson told the Council that in order to participate in the National Flood Insurance Program FEMA requires the City to regulate development in an active floodplain. The City’s current FEMA adopted map was created over twenty years ago. She said her department is currently in the process of revising the floodplain map based on a current and detailed engineering study. She said FEMA is digitizing the flood maps and if the City did not revise their floodplain map FEMA would digitize the map that was created twenty years ago. She said it is good timing that the City has a detailed engineering study to revise the current flood map. Certified letters have been sent to all owners of land that the map will affect. Johnson said the City is also crafting new floodplain regulations based on the 2008 Red Lodge Growth Policy and the State Model Floodplain Ordinance. She said the Planning Board and Zoning Commission would recommend updated Floodplain Regulations to the City Council in the upcoming months. Johnson attended a conference in Great Falls where she passed an exam to certify her as the City Floodplain Manager.

Update City Insurance Coverage – Going to Sun Rally Mayor Scanlin said the City insurance covers the Going to Sun Rally vehicle show. This function can be held with the additional insurance coverage they will have.

Proposal to Purchase City Owned Land – Heritage Holdings Mahan said the Land Use Committee discussed the proposal from Heritage Holdings to purchase City owned property. She said there are a lot of good reasons for the City to encourage this proposal to proceed. This does not mean the City will approve this purchase but there are a number of issues that can be resolved if the City goes forward. She said an appraisal of this property would be done that would probably be good for several years. She said if the City were to sell this property it would go up for auction as this is what the committee would prefer as there is no State requirement for this. She said this could be done if the City were to decide to sell property then the City would know who would be interested in purchasing. The committee feels the offer of \$120,000 is low. She said the committee discussed designating the use of the funds received and one thought was to use it to pay the loan on the Cooper Lots. Mahan said the committee would continue discussions on this process.

County Appointment – Red Lodge Planning Board Motion by Mahan, second by Kampfe to approve the Mayors recommendation to appoint Marie Olson of Boyd’s Motor Sports as the Carbon County Representative on the City of Red Lodge Planning Board and Zoning Commission. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Public Works – Reduction Mercer Letter of Credit – Cabins on Cooper Johnson said the Cabins on Cooper development has installed a number of improvements with a letter from their engineers stating the improvements were installed according to design. The Public Works Director has inspected the improvements and is in agreement. Boyer is recommending the City accept the improvements. The City is currently the beneficiary on a \$93,687.50 Letter of Credit under the name of Cabins On Cooper. In accepting the storm sewer improvements and paving in the alley between Haggin Avenue and Cooper Avenue, the City shall also authorize the reduction of the available balance of the Letter of Credit by \$18,800. This action will leave \$74,887.50 on the LOC as a guarantee of the remaining required improvements.

This reduction in the LOC will come to the Council at the next meeting for action.

Road to Nature Center Mahan said the road into the Nature Center has been torn up due to the construction of the new high school. She said it is her understanding that the school has agreed to repair this road as soon as weather permits. The City will need to stay on top of this to make sure the road is repaired.

Drainage Issues at Country Club Estates Kennicott asked if there was a list of any drainage issues that would be addressed in the City. She said she took a tour with the PWD to see what is going to be done regarding drainage. Mayor Scanlin said that some of the problems with the drainage issues at Country Club Estates are on private property. There are problems all over town that will need to be addressed.

Drain at Swimming Pool Kennicott addressed an item that was in the Billings Gazette regarding the Federal deadline on public swimming pools. She asked if the drain at the City pool has been inspected to see if there will need to be work done on it before the pool opens. Mayor Scanlin said she does not know the condition of our pool drain but it will be brought to the attention of the PWD to make sure our pool is in compliance and able to be open this summer. If work is needed a cost estimate will be prepared.

Sanderson told the Council that the school has paid the water and sewer impact fees of \$69,000.

The Clerk told the Council that there have been inquiries regarding the signage of a speed limit at the new high school. Mayor Scanlin said she would talk to Chief Pringle about this.

CITIZEN REPORT Terry Tomlin said she manages Beartooth Hideaway and she has had the pool at the motel inspected by the State Pool Inspector. She said the changes that needed to be made at their pool were extremely minimal. She wanted the City to know that it may not be an expensive project for the City pool.

OLD BUSINESS Sanderson said the security upgrades in the Council chambers are ready to be installed. All the materials are on hand.

NEW BUSINESS None

CORRESPONDENCE None

MISCELLANEOUS Richter said she is not against the Beartooth Rally but she feels the City is delivering inconsistent messages on the use of City property. She just wants all uses to be consistent and wants the City to be sure to treat all requests the same.

Meeting adjourned at 9:40 p.m.

Mayor

ATTEST:

City Clerk

Corrections were made to minutes at the April 14, 2009 meeting.