

March 25, 2008

The Red Lodge City Council met in regular session on March 25, 2008 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, Lockman, Stauffer, Kennicott and Priest. Absent: None.

**MINUTES OF MARCH 11** Motion by Stauffer, second by Lockman to approve the minutes of March 11 as submitted. On roll call vote all Aldermen present voted "Aye." Motion carried.

**SPECIAL COMMITTEE – Large Event Update** Priest gave a brief background on what has been happening with the Large Event Committee. He said the committee is exploring rules for large events and a definition of a large event. He said the committee solicited comments from city department heads, staff and other key individuals about improvements that can be made to better manage large events. The forum on the Beartooth Rally helped the committee with suggestions regarding this particular large event. The committee hopes to have something to bring to the Council by the first meeting in May.

**STANDING COMMITTEE – Administration – Appointment of Labor Management Committee** Mayor Scanlin said she needed to appointment two Council members along with herself to serve on this committee. She chooses to appoint Kampfe and Priest to serve on this committee.

Motion by Kampfe, second by Mahan to appoint Aaron Kampfe, Jason Priest and Mayor Scanlin as the Labor Management Committee. On roll call vote all Aldermen present voted "Aye." Motion carried.

**Tasks for Administration Committee** Kampfe, Priest and Kennicott are the Council members on the Administration Committee. Kampfe gave an update on some of the particular items they would be addressing in the near future. Some of the tasks for the committee are: budget and finance, Labor Management Committee issues, contract review, goal setting for Council, City business license review, Resort Tax, examine transient/itinerant businesses, Information Technology review and security upgrades for Council Chambers/ Court Room. If anyone has comments or ideas for the committee on these issues they are to bring them to the committee members.

**Goal Setting Session** Priest said the date for this session will be April 26, 2008 from 9:00 a.m. to 1:00 p.m. or later if necessary. The location for this event is yet to be determined.

**Police and Emergency Services – Recognition of Mike Stief** Stief has worked for the City of Red Lodge for the last 5 1/2 years. He is a very dedicated paramedic and firefighter. He has done an outstanding job for the City. Advertisements have gone out for this position. Stief has taken a job in Kalispell.

**Source of Funds for Remodel of Police Office** Construction is being done on the addition to the police office. They have run out of budget for this project and are in need of approximately \$8000 more. The question is whether to wait until next budget year to finish the project or find the budget somewhere else to complete the project. The city crew has been doing the work and they will soon be starting spring and summer projects and will not be able to finish the project until next winter. The Emergency Service Committee has been instructed to come up with a plan of action and come back to the whole Council with their recommendation.

**Land Use and Planning – School District #1 – Building Inspection Fees** Mayor Scanlin told the Council she spoke to the City Attorney regarding the motion made at the last meeting regarding the Building Inspector being able to reduce building fees, at his discretion, for the new high school. Sam Painter's

opinion is that the City is obligated to enforce the International Building Code and the schedule of fees that it adopted and that there are no provisions for alternative calculations or delegation of authority to the Building Inspector. Mayor Scanlin told the Council that with all due respect she must veto the action that was taken by the Council on March 11 regarding the request by School District #1 to waive or adjust building permit fees.

Motion by Kampfe, second by Lockman to affirm the Mayoral action to veto the deferral of reduction in the building permit fees for School District #1. On roll call vote all Aldermen present voted "Aye." Motion carried.

**Final Plat – Stampfel Commercial Subdivision** Sanderson said that on February 25, 2008, McKee Engineering submitted a final plat application to the City for final plat approval of the Stampfel Commercial Subdivision. The final plat application and supporting materials propose to create two new commercial lots on four acres. Preliminary approval was issued on November 27, 2007 subject to ten conditions. The findings are that all ten conditions either have been complied with or the option of bonding provided by the conditions of approval have been exercised in accordance with the subdivisions regulations.

Motion by Kampfe, second by Mahan to adopt staff report RLFP-08-01 as findings of fact and that the Final Plat for the Stampfel Commercial Subdivision is approved. On roll call vote all Aldermen present voted "Aye." Motion carried.

Stauffer said he was confused about condition #5: That the use of private wells as a public or domestic water supply within the subdivision and sewage collection and treatment by the City of Red Lodge shall be reviewed and approved by the Montana DEQ. Stauffer asked if they would use wells and when a water line is brought within distance would the wells then no longer be used or be supplemental. Sanderson said the MDEQ approval for the subdivision was submitted for review and approval prior to the approval of the re-bid for the in-town rehab and consideration of the extension of Phase II 212 North. The development of the lots will coincide with the water line being brought north down 212 so the developer will hook to the City line and can use wells for irrigation if they like.

Stauffer also commented that this is a commercial subdivision exempt to the dedication of parkland with all the lots in the subdivision being non-residential. Stauffer asked if anyone on either of the two lots, even if they are developed as commercial, could they build an ancillary residential building. Sanderson said this could be done and Stauffer said he did not want residential to be precluded on these lots.

**Adams Change of Conditional Use** Sanderson said the Wetherson Inn is located at 314 N. Broadway. The zoning district is Central Business Transition Zoning District. The applicant is applying for a Class III Review and Conditional Use Permit for change of use. The proposed application will change the structure's use from Bed and Breakfast with limited professional office space to professional offices only. A professional office is considered commercial use of the property, a conditional use in the Central Business Transition Zone.

The Planning Board is recommending the Council approve the application with these two conditions included: 1) that existing off-street parking spaces shall be preserved. 2) that the developer shall comply with any and all building, fire and safety code requirements including obtaining a certificate of occupancy.

Motion by Mahan, second by Kampfe to adopt Staff Report #RLCU-08-04 as findings of fact. Further I move to approve the Class III Conditional Use Permit for Change of Use from Bed and Breakfast with limited professional office space to professional offices only at 314 N. Broadway Avenue, subject to the following conditions: 1. That existing off-street parking spaces shall be preserved. 2. That the developer

shall comply with any and all building, fire and safety code requirements including obtaining a certificate of occupancy. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Stauffer asked why a condition is listed when it is already a law or regulation. He is speaking to the condition that existing off-street parking spaces be preserved. Sanderson said it is mostly done as a reminder to the developer of things felt to be important.

**Anderson Conditional Use – Sunrise Home Assisted Living Facility** Sanderson said the application is listed as Sunrise Home Assisted Living Facility located at 301 N. Hauser Avenue. The applicant is applying for a Class III Review and Conditional Use Permit for an Assisted Living Facility in a residential zone. This type of residential facility is a protected residential use of property under several sections of Montana Code. The property is located in the Residential Zoning District and is also located in the Hi Bug National Historic District, Smithsonian number 24CB1030. The purpose of the HBHD is to preserve the outward appearance of historic buildings and the traditional character of this residential neighborhood. The applicant will install curbs, gutter and sidewalk on 8<sup>th</sup> Street and Hauser. The curb will be the historic squared curb along these streets.

Planning Board is recommending the Council adopt staff report #RLCU-08-02 as findings of facts with the following nine conditions.

1. That the development of the property be in accordance with the plans, specifications and documents submitted for review except as modified by these conditions.
2. That the developer shall obtain a building permit from the City of Red Lodge and comply with any and all requirements including obtaining a certificate of occupancy prior to opening or conducting any of the activities discussed in the application.
3. That the building plans and use specifications be approved by the Red Lodge Fire Department prior to the occupancy and use of the structure.
4. That the Assisted Living Facility is licensed in compliance with MCA 2007 Section 50-5-227 by the Department of Health and Human Services.
5. That this approval is for an Assisted Living Facility providing 24-hour-a-day care for a maximum of eight type A residents.
6. That the developer provides two off street parking spaces in compliance with the Red Lodge Development Code sections 12-4-20 and 12-4-22.
7. That the developer provides one safe, properly signed, off street freight loading area designed to accommodate the largest vehicle that may reasonably be anticipated.
8. That the developer installs curbs, gutter, and sidewalks along 8<sup>th</sup> Street and Hauser Avenue for the length of the subject property.
9. That the developer paves 100 feet of alley directly abutting the subject property in coordination with the Public Works Department.

Motion by Mahan, second by Stauffer to adopt staff report #RLCU-08-02 as findings of fact. Further I move to approve the Class III Conditional Use Permit for an Assisted Living Facility/Class I permit for a Community Residential Facility at 301 N. Hauser Avenue, subject to the following conditions 1-9 as stated by Sanderson. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Priest asked about condition number nine and who was responsible to what specifications. Sanderson said there is an agreement between Mr. Anderson and the Public Works Department as to the improvements to the city alley and who will be paying for those components.

Kennicott said she realizes the parking is being done in the manner that is correct according to codes but she feels there may be a lot of congestion at different times. She hopes that everything will be done in compliance and City staff will be checking on the progress.

**Sam's Tap Room Conditional Use** Sanderson reported this property is located in the Highway 212 corridor North of Red Lodge near the Flower Farm. The development is a portion of the Stampfel minor subdivision. Mr. Hoffmann is applying for a Class III Review and three conditional use permit. The conditional uses are brewing beer, on-premise alcohol consumption and on-site bio-diesel production.

Sanderson said that Red Lodge Ales is proposing to relocate all of their existing operations to the subject property. These operations include the brewing and fermenting of beer, limited on-site consumption of alcoholic beverages produced on the property, and the production of bio-diesel as a motor fuel.

The application materials indicate sidewalk and landscaped areas that extend into the right-of-way for Highway 212. Additionally, the site plan shows two approaches onto Highway 212. While the southern most approach was identified during review of the preliminary plat as a shared approach to both lots in the Stampfel Subdivision, the proposed northern approach has raised some questions. Sanderson said the proposed northern approach has been permitted by MDT as an all movement approach at this point of time.

Sanderson gave the Council the nine conditions suggested by the Planning Board.

1. That the development of the property be in accordance with the plans, specifications and documents submitted for review except as modified by these conditions.
2. That the developer shall obtain a building permit from the City of Red Lodge and comply with any/all requirements including obtaining a certificate of occupancy prior to opening or conducting any of the activities discussed in the application.
3. That a fire hydrant be installed in accordance with the requirements of the Red Lodge Fire Department prior to the occupancy and use of the structure.
4. That the building plans and use specifications be approved by the Red Lodge Fire Department prior to the use and occupancy of the structure.
5. That gambling/use of the property as a casino is expressly prohibited at this location.
6. That the developer shall comply with all regulations regarding alcohol production, sales, and consumption set forth in Title 16 of the Montana Code Annotated.
7. That the owner will work in good faith with the City of Red Lodge to continue the extension of Hauser if possible when and if Hauser is extended to the project site.
8. That at the time of reconstruction of Highway 212 that the northernmost approach to Highway 212 is limited to the terms and conditions imposed by the reconstruction of Highway 212.
9. That this approval is for the construction of a new facility for Red Lodge Ales to begin within 2-years from the date of issuance. After construction, the right of use is limited to the proposal submitted for public review except as modified by the conditions of approval. This permit may not be transferred to another party or user without the express written consent of the City of Red Lodge.

Sanderson commented on some of the conditions and why they were imposed. He said the Development Code requires a sidewalk as a portion of the development and the plans show a sidewalk running along the Highway 212 corridor. There will not be another condition that states a sidewalk will be built except that the plans and specifications show the sidewalk and condition #1 obligates the sidewalk be done. The fire hydrant in condition #3 will be installed when the Phase II water line goes through the area. Condition #5 speaking to gambling would also need to be a conditional use request. If Mr. Hoffmann ever wanted gaming at his establishment he would need to come back to the City and go through a conditional use application for this request. Sanderson said condition #6 means that if Mr. Hoffmann was able to acquire an expanded use license he would be able to locate the license within this facility and expand his hours and manner of operations beyond the current limitations without coming back to the Council. Sanderson told the Council that discussion was held regarding good site design. He said the Growth Policy requires reverse frontage in the 212 corridor and Mr. Hoffmann is complying with this. The parking will be at the rear of the facility. Under condition #7 Sanderson said the issue was looking at the extension of the gridded network. There is a

potential of asking for a right-of-way that would serve as an east, west connector to a potential extension of the gridded network that would serve to provide access into the north corridor. Sanderson said that condition #8 speaks to the City and MDT going through the redesign of Highway 212 process. Currently Hoffmann will have an unrestricted, all movement second approach to his property. It is proposed to be shared with the property owner to the north. What the condition means is that when MDT and the City go through the redesign process and reconstruction, if access limitations are imposed such that the stated approach is limited from the current all movement then Hoffmann cannot object. Condition #9 means that if Hoffmann were to convey his entire property away to someone else, they would have to come to the City and transfer the rights.

Kennicott asked about sidewalks being installed and listed as a condition. Sanderson said this was addressed when the Stampfel Commercial Subdivision came before the City. Hoffmann has addressed sidewalks in his site plans.

Motion by Kampfe, second by Mahan to adopt Staff Report RLCU-08-01 as findings of fact. Further I move to approve the Class III and three conditional use applications for a new Red Lodge Ales facility in the Community Entry Zone subject to the nine conditions listed by Sanderson. On roll call vote all Aldermen present voted "Aye." Motion carried.

Priest said he has a concern with condition #8. He said that one of the most thoughtful and farsighted documents he has seen at City Council is the Controlled Access Plan. It is one that is truly proactive and speaks to the Growth Policy regarding issues in respect to sprawl on the north corridor. Priest said he is uncomfortable with condition #8 as something that opens this process up to lobbying and an uncertain outcome. He said the original condition fixed the terminus of the controlled access point. The original condition in the staff report of February 25 read "At the time of reconstruction of Highway 212 that the northernmost approach to Highway 212 is limited to right in, right out in keeping with the City Resolutions #3223 and #3228."

Amendment to motion by Stauffer, second by Lockman to strike condition #8 as moved to be approved and substitute "That at the time of reconstruction of Highway 212 that the northernmost approach to Highway 212 is limited to right in, right out in keeping with the City Resolutions #3223 and #3228." On roll call vote all Aldermen present voted "Aye." Motion carried.

Loren Culp, project engineer, requested that condition #8 remain as stated in the original motion. One of his reasons is a public safety issue with the northernmost approach. He said it is felt that with the additional traffic, to restrict the northernmost access is going to generate additional traffic turning movements elsewhere to gain access. He is asking to retain unrestricted egress and ingress on the northerly most access for fire vehicles and supporting vehicles and to alleviate the traffic safety issue. Priest said that MDT and the Fire Chief have looked at the proposed access control and no safety issues were raised by them. Emergency vehicles will have access on the southern part of the property. Priest stated that the motion said at the time of reconstruction, meaning that Hoffmann will have full access to his property until when and if MDT starts work on the north corridor.

Discussion was held on the extension of Hauser going north as stated in condition #7. The possibility was presented to have an easement to extend from Highway 212 through the property to intersect with a potential extension of Hauser. These are things to be considered but will not be done at the present time. The whole concept of extending Hauser Ave. needs to be designed.

Priest spoke to the last sentence in condition #9 "This permit may not be transferred to another party or user without the express written consent of the City of Red Lodge." He suggested language that he felt might be a little better for this condition. The language is a little more precise.

Amendment to motion by Priest, second by Stauffer to change the last sentence in condition #9 to state “This permit may not be transferred by the applicant to a third party or user without the express prior written consent of the Red Lodge City Council, such consent to be given or withheld in its sole discretion.” On roll call vote all Aldermen present voted “Aye.” Motion carried.

**CDBG – Equipment Grant Application CT Scanner – Beartooth Hospital** Mayor Scanlin announced that Al Jones, Dept. of Commerce, is present to request the possibility of Beartooth RC&D submitting an application to CDBG with the City’s sponsorship, for a \$400,000 grant to purchase a CT Scanner for Beartooth Hospital. There will not be financial obligation on the City for any match. Mr. Jones said this would be a dual application with the County for a total of \$800,000. The match for this grant will be the dollars already raised in the community. Kelley Evans explained what a CT Scanner is and why it will be valuable to the hospital.

Motion by Priest, second by Mahan to authorize the Beartooth RC&D to submit an application with the City as sponsor for the acquisition of a CT Scanner for the Beartooth Hospital and Health Center. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**Beartooth Hospital & Health Center Planned Unit Development** Sanderson reported the property is located in the Highway 212 corridor adjacent to the current northern limit of the City of Red Lodge. The property may be described as Lots 30, 31, 32 and 34, Block 7, Plat No. 13448 3<sup>rd</sup> Amended. Sanderson said the application is being driven on lots 30 and 31. Beartooth Hospital is applying for a Class III Review and a PUD Review. Sanderson said the use of the hospital on the subject property is a permitted use. The Class III Review is for size and appropriateness of the design under the Planned Unit Development criteria given in the Red Lodge Development Code. The Beartooth Hospital is proposing to relocate their existing operations to the subject property in the Highway 212 north corridor. These operations include the hospital, emergency room, helicopter operations and a location for a physician clinic.

Sanderson listed the conditions submitted by the Planning Board after they reviewed the application.

1. That the development of the property be in accordance with the plans, specifications and documents submitted for review except as modified by these conditions.
2. That the developer shall obtain a building permit from the City of Red Lodge and comply with any/all requirements including obtaining a certificate of occupancy prior to opening or conducting any of the activities discussed in the application.
3. That fire hydrant(s) be installed in accordance with the requirements of the Red Lodge Fire Department prior to the occupancy and use of the structure.
4. That the 12 inch water main be extended from the terminus of the City extension described as Highway 212 North Phase 2 to the existing utility easement within Lot 30. Said extension shall be completed prior to the occupancy of the hospital.
5. That a sidewalk a minimum of six (6) feet in width be installed along Highway 212 the entire length of lots 30 and 31 prior to the occupancy of the structure.
6. That the building plans and use specifications be approved by the Red Lodge Fire Department prior to the use and occupancy of the structure.
7. That the owner will work in good faith with the City of Red Lodge to continue the extension of Hauser if possible when and if Hauser is extended to the project site.
8. That at the time of reconstruction of Highway 212 that the northernmost approach to Highway 212 is limited to the terms and conditions imposed by the reconstruction of Highway 212.
9. That this approval is for the construction of a new facility for Beartooth Hospital and Health Center to begin within 2-years from the date of issuance. After construction, the right of use is limited to the proposal submitted for public review except as modified by the conditions of approval. This permit may not be transferred to another party or user without the express written consent of the City of Red Lodge.

10. That the site be developed using strategic landscaping to mitigate the visual effects of parking lots consistent with the goals of the Red Lodge Growth Policy.

Sanderson said that condition #3 allowed the Fire Department to ask for more than one fire hydrant if they feel it is necessary. There is a tremendous long run of frontage along Highway 212 that is associated with the hospital encompassing two lots. Sanderson said the Highway 212 North Phase 2 will hopefully bring the water line to the hospital property line before the City is out of funds. He said condition #4 as given by the Planning Board would take that 12 inch main and extend it through the first three lots of hospital ownership and terminate roughly at the utility easement in lot 30. The Development Code requires the extension of the main all the way through the ownership to the northern terminus, which is City limits. Sanderson said he felt the Planning Board meant the northernmost approach in condition #8 rather than the stated southernmost. Sanderson said he would like to see condition #9 amended to read the same as condition #9 for Sam's Tap Room. Sanderson said this site is not incorporating reverse frontage. The structure is pushed back and the parking lots are visible directly from Highway 212.

Stauffer said the Development Code requires the extension of utilities go to the northern border of the developers property. Sanderson said he is relaying to the Council what the determination was of the Planning Board on the extension of the utility line. He said his thought would be to extend the line to the northern border to be consistent with the Development Code.

Jim Sheppard, CTA Architects, spoke to the concept of reverse parking. He said a health care facility has fairly unique features that are different than other commercial facilities. He commented on three features that they feel are very significant. These are intuitive way finding, patient's safety and secure entries. CTA felt it was important that the traffic coming from the north or the south be able to see to the building and where they will go into the building. They felt the emergency entrance especially be visible so people would be able to get there easily. Also having the parking area near the entrances for people who cannot maneuver as well will enable them to get to the building by the shortest route possible. The building was set back on the property to help reduce the noise factor from the highway traffic if at all possible.

Mr. Sheppard said an 8-inch water line would be adequate for the hospital campus. He said the cost to upgrade from a 8-inch line to a 12-inch line would be approximately \$102,000. He said it would be about another \$111,000 to continue the line to the northern property line. He said they asked the Council to consider that at the current time this is not needed by the hospital or the project and would like the City to defer the extension of the line until it is needed. Stauffer said the hospital is asking for the same things, due to financial constraints, the school asked for and the school was told no.

Motion by Stauffer, second by Priest to adopt Staff Report RLCU-08-03 as findings of fact. Further I move to approve the Class III and PUD applications for a new Beartooth Hospital and Health Center facility in the PUD-BPR Zone subject to the following conditions:

1. That the development of the property be in accordance with the plans, specifications and documents submitted for review except as modified by these conditions.
2. That the developer shall obtain a building permit from the City of Red Lodge and comply with any/all requirements including obtaining a certificate of occupancy prior to opening or conducting any of the activities discussed in the application.
3. That fire hydrant(s) be installed in accordance with the requirements of the Red Lodge Fire Department prior to the occupancy and use of the structure.
4. That the 12 inch water main be extended from the terminus of the City extension described as Highway 212 North Phase 2 to the northern property boundary of Lot 30. Said extension shall be completed prior to the occupancy of the hospital.
5. That a sidewalk a minimum of six (6) feet in width be installed along Highway 212 the entire length of lots 30 and 31 prior to the occupancy of the structure.

6. That the building plans and use specifications be approved by the Red Lodge Fire Department prior to the use and occupancy of the structure.
7. That the site shall be developed using reverse frontage concepts discussed in the Growth Policy.
8. That the owner will work in good faith with the City of Red Lodge to continue the extension of Hauser if possible when and if Hauser is extended to the project site.
9. That at the time of reconstruction of Highway 212 that the southernmost approach to Highway 212 is limited to  $\frac{3}{4}$  access in keeping with City Resolutions 3223 and 3228.
10. That this approval is for the construction of a new facility for Beartooth Hospital and Health Center to begin within 2-years from the date of issuance. After construction, the right of use is limited to the proposal submitted for public review except as modified by the conditions of approval. This permit may not be transferred by the applicant to a third party or user without the express prior written consent of the Red Lodge City Council, such consent to be given or withheld in its sole discretion.

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

Amendment to motion by Stauffer, second by Mahan to add the following to condition #7 Said site plan shall be resubmitted to the Council for approval. On roll call vote all Aldermen present voted "Aye." Motion carried.

**Growth Policy Update** The next work session on the Growth Policy will be March 26, 2008 at 5:30 p.m. at City Hall. The future land use map will be the topic of this session. There are a lot of draft documents on the City website for review. A public hearing will be scheduled to look at the 2008 Growth Policy. The Growth Policy should come to the Council April 22 or May 13.

**Briefing on Upcoming Council Action Items** Sanderson said the call for bids on the Highway 212 North Phase 2 construction will come to the Council at the April 8 meeting. Johnson said on the April 22 meeting the Council will be seeing a Class III PUD application for Aspen Townhomes. It currently has 8 condo units and they will be requesting another duplex.

**Public Works – Resolution No. 3251 – Closure of a Portion of Oakes Avenue**

RESOLUTION NO. 3251

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA TO CLOSE A PORTION OF OAKES AVENUE IN THE 400 BLOCK OF NORTH BROADWAY ADJACENT TO TRACT D-3 SECTION 27, TOWNSHIP 7 SOUTH, RANGE 20 EAST, P.M.M., CARBON COUNTY, MONTANA.

WHEREAS, the City of Red Lodge received a petition to close a portion of Oakes Avenue from the Bank of Red Lodge described as follows:

BASIS OF BEARING:

Considering the Basis of Bearing to be based on the west line of Tract D-3 of Certificate of Survey No. 1396 AM. On file at the office of the Clerk and Recorder, Carbon County, Montana, with all other bearings contained herein relative thereto:

PORTION OF OAKES AVENUE OF ORIGINAL PLAT RED LODGE

That part of Oakes Avenue, Original Plat of Red Lodge, located in the NE1/4 of Section 27, T.7S., R.20E., P.M.M., Carbon County, Montana described as follows;

Commencing at the northeast corner of Tract D-3 of Certificate of Survey No. 1396 AM.; thence S10° 59' 41"W for 0.88 feet along the east line of said Tract D-3 to the Point of Beginning; thence leaving said east line S00° 16' 25"W for 151.32 feet; thence along a 10.00 feet radius curve to the Right (chord bears S45° 00' 08"W 14.07 feet) 15.61 feet; thence S89° 43' 50"W for 20.68 feet to the east line of said Tract D-3; thence continuing along said east line N10° 59' 41"E for 164.39 feet to the Point of Beginning, containing 2444 Square Feet more or less. AND

WHEREAS, the City Council at the February 7, 2008 meeting conducted a public hearing on the petition to

close said portion of Oakes Avenue; AND  
WHEREAS, the City Council adopted Staff Report PW-RC-01-08 as findings of fact; AND  
WHEREAS, notice of the intent to close the portion of the right-of-way described in this resolution as provided by 7-14-4114 M.C.A. was published in the Carbon County News on January 24 and 31, 2008. In addition the notice was posted at City Hall and the U.S Post Office continuously from January 18, 2008 to February 26, 2008. AND  
WHEREAS, the City Council conducted a public hearing on February 12, 2008 on the resolution of intent to close and no one spoke in opposition.  
NOW THEREFORE BE IT RESOLVED by the Red Lodge City Council that the portion of OAKES Avenue in the North 400 Block of Broadway as described in this resolution is closed.

Sanderson said this is in part keeping the promise to the Bank of Red Lodge to close this triangular piece roughly 2400 square feet to traffic so it can be landscaped to further some of the items in the City Growth Policy.

Motion by Mahan, second by Kennicott to approve Resolution No. 3251. On roll call vote all Aldermen present voted "Aye." Motion carried.

**Solid Waste RFP** Mahan said the RFP has been rewritten with all the changes and corrections made. The Public Works Department is ready to go forward with this RFP. Mayor Scanlin said more cardboard pickup has been incorporated into the RFP.

Motion by Priest, second by Mahan to release the Solid Waste RFP as presented. On roll call vote all Aldermen present voted "Aye." Motion carried.

**Award Bids – 2007 Water Rehabilitation Project** This will be the formal action by the Council to award the approve bids to the low bidders for the 2007 Water Rehabilitation Project being done by the City.

Motion by Mahan, second by Priest to accept the described bids as declared the low bidder for the 2007 Red Lodge Water Rehabilitation Project. Further, I move to award Schedules I, II, III and Alternate Number 1 (Zone E) to the contractors as follows:

Schedule I to Williams Plumbing and Heating , Civil Division at \$1,398,054.

Schedule II to Century Company Incorporated at \$1,155,192.50.

Schedule III to COP Construction at \$1,181,471.

Alternate #1 to Century Company Incorporated at \$376,897.

On roll call vote all Aldermen present voted "Aye." Motion carried.

**USDA-Rd Letter of Conditions – Water Rehabilitation Project – Refinance Existing Water Project (CAPMARK Loan)** Sanderson said the loan from USDA-Rd for the Water Rehabilitation Project for \$4,304,715, for 40 years at 4.125% was funded. The letter of conditions before the Council now will incorporate a loan of \$1,008,285 for 16 years for 4.375% to pay off an existing loan held by CAPMARK. CAPMARK is difficult for USDA to work with so they will loan the City the money to pay off the existing loan. The City will get this payoff at a lower interest rate so will save money in the end. USDA-Rd is also giving the City a grant for \$22,500. The total project funding from all sources is \$6,600,000. Sanderson read some of the conditions given by USDA-Rd for the loan to pay off CAPMARK.

Motion by Priest, second by Mahan to accept the Rural Development letter of conditions dated 3/17/08. On roll call vote all Aldermen present voted "Aye." Motion carried.

**CITIZEN REPORT** None

**OLD BUSINESS** None

**NEW BUSINESS – Use of City Property – Chamber of Commerce – 3 Rivers Home & Garden Show**  
The Chamber of Commerce is planning a special weekend event, a textured and layered home and garden show, on May 17-18, 2008 to accomplish several objectives. The Chamber is hereby applying for permission to utilize the city-owned parking lot behind the Civic Center, having already secured permission to use the Civic Center, to expand its exhibition space. They will be erecting a 40' x 60' tent as well as approximately 25 pop-up tents. The Chamber is asking the City to consider co-sponsorship of this event so that the liability insurance requirements could be waived. There is concern by the City of the \$1,500,000 that the City would be liable for deductible if there were a damage claim. Hutchinson said she has found insurance through MMIA that the Chamber could afford and still be able to have the show.

Motion by Mahan, second by Priest to approve the application from the Chamber of Commerce to use the Civic Center parking lot that is owned by the City upon presentation from the Chamber of adequate insurance coverage. On roll call vote all Aldermen present voted "Aye." Motion carried.

**CORRESPONDENCE** Mayor Scanlin gave the Council a copy of her letter to the State regarding the concern of the status of the City's sewer permit. She said that staff is looking into this. HKM is going to give the State the information they need.

Chamber After Hours will be held March 27, 5:00-7:00 pm at Bridge Creek. The event will be featuring local businesses and people who are active in Yellowstone Business Partnership. Stauffer said Red Lodge businesses and individuals are leading the regional charge toward "greening" their operations and activities. They are pursuing sustainability to save money for themselves and preserve the quality of life that makes Red Lodge special. He said these local green pioneers will briefly describe their initiatives in how they got involved, why they are involved and the benefits they are seeing from seizing sustainability. This will be sponsored by Stauffer Bury Inc. and CTA Architects&Engineers.

**MISCELLANEOUS** None

Meeting adjourned at 11:15 p.m.

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Mayor

ATTEST:

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City Clerk

Minutes corrected at the April 8, 2008 Council meeting.