

May 11, 2010

The Red Lodge City Council met in regular session on May 11, 2010 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 and Kennicott. Absent: Alderman Priest.

**MINUTES OF APRIL 27** Motion by Mahan, second by Richter to approve the minutes of April 27 as corrected and submitted. On roll call vote all Aldermen present voted "Aye". Motion carried.

**CLAIMS AGAINST THE CITY** Motion by Kampfe, second by Richter that claims against the City totaling \$185,788.99, approved by the Auditing Committee, be paid and warrants drawn on their respective funds in payment. On roll call vote all Aldermen present voted "Aye." Motion carried.

Kampfe reported on some of the claims that will be paid at this time. Sanderson/Stewart submitted a claim for \$3,851 for the work they are doing on the Red Lodge Zoning Ordinance re-write. \$35,875 will be paid to Bailey Paving for the paving they have done on City streets. Kampfe said that business was as usual.

**OFFICERS REPORTS** The officer's reports were presented to the Council for their review. Mahan said the people who set fire to the public restrooms have been identified. They were sent to Youth Court and they acknowledged responsibility. It was stated that the police did a good job taking care of this matter.

**COMMENTS FROM PUBLIC** Patty Davis, Executive Director of the Chamber of Commerce, introduced herself. She said she did a walk around with Chief Pringle of the downtown area and felt it was very beneficial.

**SPECIAL COMMITTEES** – None

**Administration – Municipal Engineering Contract for Services** Motion by Kampfe, second by Mahan to approve the contract for Professional Engineering, Consulting and Planning Services for the City of Red Lodge between the City and Sanderson/Stewart. On roll call vote all Aldermen present voted "Aye." Motion carried.

This will be a two-year contract. Kampfe said that all issues with the draft contract have been revised and he feels the contract is now acceptable. Sanderson commented that two changes will be made in the contract but they do not affect the substance of the contract. One change is to correct the dates from May 5, 2010 to May 11, 2010 since this is when the Council is approving the contract.

**Listing for Cooper Lots – Extension to 6/1/2011** Motion by Kampfe, second by Labrie to approve the extension of the agreement between the City of Red Lodge and Heather Quinn, Prudential Red Lodge Real Estate, for the listing of the Cooper Lots through June 1, 2011. On roll call vote all Aldermen present voted "Aye." Motion carried.

There is no cost to the City to have these lots listed.

**Restricting Tobacco Use** Kampfe told the Council that the Administration Committee is working on two items. One is an ordinance that would restrict tobacco use in City parks and recreational facilities. The committee has been reviewing sample ordinances from other municipalities. The committee would like to make tobacco use prohibited in parks and recreational facilities that are primarily frequented by children. Kampfe said the proposal the committee is working with involves Lions Park, Field School Park, the

Skateboard Park and any recreational facility including but not limited to baseball, football, and soccer fields, basketball, tennis and volleyball courts, horseshoe pit, Frisbee golf, ice skating rink and the City pool. Kampfe pointed out that not all City parks are included in this list. Kampfe said the listed exemptions would be in a motorized vehicle in a parking lot or roadway, as part of a play or performance and as part of a ceremony such as a Native American blessing. He said the Council will set the fines as a Resolution and the proposed fines will be \$40, \$80 and \$120. Kampfe said if the Council has any comments they should be given to the committee so they can be written into the ordinance before it is given to Sam Painter for his review and approval. This will come to the Council as first reading at the next Council meeting if ready.

**Animal Control Ordinance** Secondly, the Administration Committee is looking at the animal control ordinance. He said one of the things they would like to amend is to review and set the current fines by resolution rather than by ordinance. Kampfe said there is a concern regarding vicious dogs given the County has passed an ordinance. He said this is being addressed in the current codes so this would not need to be updated. This will come to the Council as first reading at the next Council meeting if ready.

**Police and Emergency Services – Speed Limit on Airport Road** Kennicott said there were some concerns with the Airport Trail in regard to the speed limit on Airport Road. Tom Kohley showed the route of the trail and it was pointed out the sections where there might be some congestion with the road and the trail. Kennicott said after discussion was held it was decided that it would probably be best to have the 35 mph start at Highway 78 and continue to the entrance to the airport and then change to 25 mph going south. Mayor Roat asked if it was felt that there could be a hindrance with traffic and people walking the trail. Tom Kohley said he felt there could be a problem on the south end of the road and that is why it was suggested changing to 25 mph at the entrance of the airport. Mahan asked what the reason would be to increase the speed limit in this area. It was stated that this area could be painfully slow if kept at 25 mph the whole length of the road. Police Chief Pringle has no problem with this stated area being increased. This ordinance will come to the Council for first reading at the next Council meeting.

Kennicott also pointed out that there are two roads with the same name in this area. The road currently known as Airport Road intersects with a road that is signed as Remington Ranch Road. Remington Ranch Road is the name of a street already existing as the main entrance to the development. The Fire Department is charged with City addressing and they have recommended abandoning the current signage in order to rename this expanse of road to Airport Road North and Airport Road South with the division beginning at the entrance to the Airport. This will be done by resolution and will come to the Council at the next scheduled meeting.

Mayor Roat said that a candidate, from Hardin, is going to meet with the Police Commission on Thursday, May 13, 2010 here at City Hall. The Police Department is currently down by two officers with another away at the Police Academy. The Mayor said that Officer Enos would be starting a reserve program in the near future.

**Land Use and Planning – Use of City Owned Land – G-Dogs** Motion by Mahan, second by Labrie to approve the application by G-Dogs to open on the northwest corner of 12<sup>th</sup> and Broadway as the application shows with the condition of Chief Pringle's signature. On roll call vote all Aldermen present voted "Aye." Motion carried.

**Ordinance #871 - Use of 212 R-O-W During July 4<sup>th</sup> and Beartooth Rally Weekends** Labrie said the initial concern with this ordinance is section 11 that states "Except during the 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> of July and when the Beartooth Rally and Harley rodeo are held, use of the area of City sidewalk within five (5) feet of the lot line of private property in any district zoned for commercial use shall be exempt from this ordinance but shall be subject to the consent of the owner of the real property or its representative on that property." This section prohibits items being sold on the sidewalk in front of business's during the two stated times.

Labrie said the thought is to amend this ordinance and strike out the underlined part so that outside sales would be permissible at all times. Mahan said that the many business people she spoke to were all in favor of this amendment. This amendment will come to the Council on first reading at the next scheduled meeting so the Council was told if there are other issues they would like to see addressed now is the time.

**Resolution #3306 – Budget Authority CTEP Sidewalk**  
**BUDGETARY AUTHORITY RESOLUTION**  
**RESOLUTION NO. 3306**

**WHEREAS**, the City of Red Lodge received grant funds in the amount of \$50,000.00 for FY-2010 for use in the design and construction of a sidewalk from Highway 78 to the Mountain View Elementary School, for which no provision was made in the fiscal 2009-2010 City budget. These funds were given to the City of Red Lodge as a grant from the Montana Department of Transportation Safe Routes to Schools reimbursement program; 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 \$50,000.00 and directs the City Clerk to allocate said amount to the following programs and objects.

<u>Revenue Code</u>		<u>Amount</u>
2956-331050	CTEP	\$50,000.00

<u>Expenditure Code</u>	<u>Object of Expense</u>	<u>Amount</u>
2956-4320-300	Contracted Services	\$50,000.00

**BE IT FURTHER RESOLVED** that the above appropriation shall become effective on May 11, 2010.

Motion by Labrie, second by Kampfe to approve Budgetary Authority Resolution #3306 for the amount of \$50,000 for the construction of a sidewalk from Highway 78 to Mountain View Elementary School with CTEP funds. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Sanderson said these funds come from the Safe Routes to Schools Grant. He said all of the local funds and the CTEP funds have been budgeted for in the FY 09-10 budget but the Safe Routes to Schools funds had not yet been approved when the budget was adopted.

**Public Works – Report on Automated Meter Reading Acquisition** Mayor Roat said the committee reviewed the completed applications received. Three applications were submitted. One was rejected as it was not a complete application. Mayor Roat said that Northwest Pipe Fittings was the most successful, qualified, least expensive applicant with the fastest payback time. Payback and cost were not the sole drivers in the decision to choose this firm. Sanderson told the Council that the City has gone through the procurement exercise and with the budget being approved for FY 09-10 Public Works can go through acquisition at the present time.

**Update Red Lodge Solar PV/VFD Motor Project** Sanderson said the surveying is done on this project and construction was to have started today but has been held off due to the weather. The notice to proceed will be issued when fairer weather prevails. The construction time line is sixty days from when the notice to proceed is issued.

Sanderson said the ARRA A grant money has almost all been drawn down. He said we are now starting to draw into the ARRA B funds. He said by starting with the A funds first the interest has been kept down. All of the motors will come from the ARRA B funds.

**2007 Water Line Rehab Project – Final Acceptance** Motion by Mahan, second by Richter to approve the final acceptance of the water line rehab project from 2007 based on the letter from Andy Mattie of DOWL-HKM and the acceptance by Skip Boyer, Public Works Director. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Sanderson said what the final acceptance means is that we are holding about 10% of the performance bond for COP, Century and Williams. This was to guarantee that all components work, the reseeding and revegetation and all other warranty items have been completed. Sanderson said these have all been satisfactorily met and the funds will be released to the listed companies.

Kampfe asked if there were examples of any items that were rectified. Sanderson said that probably the most visible is the repaving done by Century Company. They did the in-town rehab primarily and they had some failure in the re-paving, or paving that was not completely installed. This has been corrected. At the water tank there were some issues with the chlorination staying in calibration and this has been corrected and accepted by Public Works and the City Engineer.

**Other Items** Mahan said the graveling of the alleys it not yet completed but is on target and will be finished when the weather allows.

Richter said that work is being done to ready the pool for opening. She said the kiddy pool now requires a full time lifeguard. A baby changing station is being installed so there will be one in both restrooms. She said Boyer is planning to remove the bushes on the south end of the pool as the shedding of these bushes ends up in the pool drains and filters. He will eventually build a shelter for people who currently have to sit in the hot sun.

**CITIZEN REPORT** Patty Davis said the businesses appreciate being asked for their input on Ordinance 871, Use of City Property. She thanked the Council and Mayor for this inclusion.

**CORRESPONDENCE** Sanderson included items of correspondence in the packets. One letter announced that DEQ would be holding a public hearing on the Environmental Assessment for the Riverside Contracting application to conduct gravel-mining operations in Carbon County. This public hearing will be held at the Red Lodge Senior Center on Wednesday, May 12, 2010 at 6:30 p.m.

Another piece of correspondence stated that the County Commissioners voted on two separate issues at a hearing held May 3, 2010. These two issues were for the creation of a “Heavy Industrial Zoning District” and the creation of an “Interim Zoning District.” Both motions were defeated.

Kennicott said she received an e-mail from County Club Estates and they were wondering if the City was taking a pro-active approach regarding medical marijuana sales. The City is being as pro-active as possible by addressing these businesses through zoning. The Planning Board is looking into this matter and will advise.

**MISCELLANEOUS** The spring cleanup days will be held May 14 and 15 for City residents. Items can be taken to the recycling center.

Operation Medicine Cabinet Montana will be held on June 5 for things like prescription drugs that need to be disposed of. This will be held from 8:00 am to 12:00 noon in the Lions Park pavilion.

Richter said the Library Board dinner will be held May 13, 2010.

Kampfe asked when the budget process would commence. The department requests will be given to the Council to review and then the process will start. The Mayor said a start date will probably be given at the next meeting. The Council can begin working with their related departments at any time.

Meeting adjourned at 8:20 p.m.

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Mayor

ATTEST:

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City Clerk