

May 12, 2009

The Red Lodge City Council met in regular session on May 12, 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

Mayor Scanlin said she would be featuring Red Lodge next week in Jackson Hole, WY at the Yellowstone Business Partnership Conference. She applauded the Council in taking the bold action of moving forward with the solar panel project at the wastewater treatment plant.

MINUTES OF APRIL 28 Motion by Mahan, second by Richter to approve the minutes of April 28 as corrected. On roll call vote all Aldermen present voted "Aye." Motion carried.

CLAIMS AGAINST THE CITY Motion by Kampfe, second by Mahan that claims against the City totaling \$168,389.88 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 four of the larger claims. One was from HKM for \$5850 on the initial study of the solar panel project. \$22,189 was paid to Bailey Paving for paving done on City streets with Resort Tax money. Esgil Corp. was paid \$12,775 for the review they did of the hospital plans and this amount will be refunded to the City by the hospital. NeighborhoodWorks Montana was paid \$37,659 for bills concerned with Mountain Springs Villa. These funds will come back to the City from the CDBG grant. The City is a pass through organization. These funds are for new infrastructure in the court.

OFFICERS REPORTS The officer reports were presented to the Council.

COMMENTS FROM PUBLIC None

SPECIAL COMMITTEE None

STANDING COMMITTEE – Administration – Summer 2008 – Noise Monitoring Presentation Drew Daniels, member of the Citizens Preserving Quality of Life in Red Lodge organization, brought a power point presentation to the Council showing statistics they collected during the summer of 2008. He said the goals of this organization are simple. 1.) To preserve the community of Red Lodge as it is. 2.) To encourage behavior in the community that focuses on respect. 3.) To ensure the existing laws are enforced. This speaks to local, State and Federal laws. All the data that was collected was done by members of the organization. They used devices such as decibel meters to measure the noise of bikes and vehicles. A lot of the data presented was collected the Sunday before the Beartooth Rally of 2008 and the Sunday of the Rally. The organization feels the laws should be prominently displayed, followed and enforced. It is time to pipe down in the community.

Kampfe said he heard the group say they would like to see equal enforcement of the laws. He asked if they had any suggestions of what more can be done by the City. It was recognized that this is a difficult issue and enforcement is difficult. Choices need to be made in regard to enforcement.

Priest said the data is great but he would like to point out that the noise is there 365 days a year and not event specific. The problems are also community wide. Suggestions need to be practical regarding the City's limited resources.

Audrey Clark said the group is trying to be global on this issue and not focus on only one event.

Emergency and Police Service – Street Closure, 13th Street, Broadway to Alley West Motion by Kennicott, second by Richter to reconsider the vote on the street closure for 13th Street to Broadway alley west that was approved April 28. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Kennicott felt the concerns of the fire and police chiefs were not adequately expressed at the last meeting. The parking in town is greatly reduced due to the street closures. Mahan said she feels the chiefs should attend the meetings if they have concerns they would like to express to the Council.

Chief Pringle is concerned with the closure of 13th Street both on the east and the west side of Broadway. He feels the foot traffic and vehicle traffic will be hindered by this closure. It will make it difficult for the officers with the additional closures and the patrolling they will need to do. This will also bring the noise level closer to the residential areas of town. The additional closures will make it harder to navigate for emergency service vehicles. Pringle also commented on the timeframe to review applications. He said they are not coming in far enough in advance for sufficient review. Chief Pringle said he is not in favor of the additional closure on 13th Street for vendors. He would rather have the vendors on the north end of town. Aaron McDowell agreed with Chief Pringle’s concerns and commented that the closures do make it more difficult to respond to emergency scenes and the station.

Tim Buckstead said he would visit with the Chiefs to see what can be done to help and make it easier for all. He has some ideas and suggestions that he will discuss with them.

Beth Hutchinson suggested it might be a good idea to decide how many closures will be allowed at the same time and which streets would be best suited for closures.

Use of City Owned Property – G-Dogs – Gary Kisthard Kisthard pointed out that he has made only one change in his request that is different from previous years. Due to keeping his insurance active all year his request is for May 2009 through April 2010. This will allow him to use the area all year if he deems it appropriate. He would pay on a monthly basis through the summer and pay on as used basis for the rest of the year.

Motion by Kennicott, second by Richter to approve the application submitted by G-Dog. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Land Use and Planning – Ordinance #877 – Amend Building Department Fees
ORDINANCE NO. 877

AN ORDINANCE OF THE CITY OF RED LODGE, MONTANA ADOPTING THE FEE STRUCTURE FOUND IN APPENDIX ‘L’ OF THE 2006 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 AND COLLECITON OF FEES THEREFORE: REPEALING SECTION 15.04.040 OF ORDINANCE NO. 798 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 1955 via Ordinance No. 798 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 2006 International Residential Code by the Red Lodge City Council are affected by the adoption of this Ordinance.

Section 4. That Section 15.04.040 of Ordinance No. 798 of the City of Red Lodge entitled Uniform Building Code, Title 15.04 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 phrases 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 of this ordinance; nor 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 Mahan, second by Kampfe to approve Ordinance No. 877 amendment for Building Department fees on first reading. On roll call vote all Aldermen present voted "Aye." Motion carried.

Heritage Propane Lease The lease on this property has been extended by the Council to June 13, 2009. Heritage Holdings has made an offer to the City to purchase the property being leased. The option on the table is to agree to a 60-day grace period to allow for the completion of the process to possibly sell the subject parcel.

Motion by Kampfe, second by Mahan to adopt the Memo Lease Renewal Request – Heritage Holdings, Inc. dated 5/7/09 as finding of fact. Further, I move to approve a 60-day extension of the lease for Heritage Holdings, Incorporated subject to the following six conditions:

1. That the lease term shall be extended by 60 days from June 13, 2009 to August 12, 2009, with a monthly rent of \$500 per month.
2. That the lease shall be for the whole 1.4 acres owned by the City.
3. That the lessee shall not sublet any portion of the subject property.
4. That the lessee shall at a minimum of once during the term of the lease, contract for, and spray all 1.4 acres for noxious weed in August of 2009.
5. That the lessee shall prepare and execute a new lease document that incorporates all of these conditions for acceptance by the City of Red Lodge by June 13, 2009.
6. That the terms of the original lease shall remain in full force and effect except as modified by these conditions.

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

The City will have the subject property appraised to determine the value.

Public Works None

CITIZEN REPORT Beth Hutchinson invited the Council to attend the annual opening of the Beartooth Highway. The opening will be held May 23 at noon. She told all to bring their shovels.

Hutchinson said the Mainstreet task force called Red Lodge Proud and Beautiful is looking at street furnishings for the downtown area. They are particularly looking for trashcans. There will be about five cans to choose from ranging in price from \$575 to \$1500. Opinion papers showing the cans will go out to the businesses so the task force can perhaps judge what cans the community likes best.

Audrey Clark commented that the street closure problem would not be solved if the applicant discussed earlier comes back with another request to close a different street during the Beartooth Rally.

OLD BUSINESS Sanderson told the Council that the County is updating their Growth Policy. One of the tenets of the Red Lodge Growth Policy is that we would actively participate in the County process. The Commissioners will be meeting May 14, 2009 at 1:00 p.m. Red Lodge staff will be attending the meeting. Sanderson said it would be good if the Council could attend the meeting.

Sanderson said the HKM bill was for work done putting in the application for the funds to be used for the solar panels at the wastewater treatment plant. Sanderson said that May 14, 2009 here at City Hall a meeting will be held with HKM, Northwestern Energy, the climate protection committee and suppliers of the various solar panels to talk about the project sizing and location. HKM will then submit a report to the Council regarding the panels.

Sanderson happily reported to the Council that the City did receive the \$102,000 that was applied for from CTEP and the Safe Route to Schools funding to build 2800 feet of sidewalks. All of these funds are grants and will not need to be repaid.

NEW BUSINESS Mayor Scanlin told the Council to expect some potential options for contract for Resort Tax auditing. There are a limited number of firms in the State that deal with this type of audit.

CORRESPONDENCE None

MISCELLANEOUS Mayor Scanlin told the Council that she has been invited to participate in a panel in Jackson Hole next week. She will be speaking to the projects suggested by the Mayors Climate Protection group and others. Five Mayors will be participating with the Yellowstone Business Partnership regional group.

Mahan said she and Tom Kuntz are working on a new application form for street closures, use of City property and open container waivers. They are making one form to include all requests and will make an instruction sheet to make sure the form is filled out correctly. She said one of the new forms would be for a parade permit.

Kennicott said the LEPC would be meeting May 19, 2009 at 1:00 p.m. at the Fire Hall.

Kennicott said that during the Emergency Service committee meeting it was brought up whether an entity holding its own liquor license could cater its own function. When she called the State for clarification it was confirmed that a licensee couldn't be the sponsor and cater the event. Any licensee holding a catering endorsement must report any catered event by the 15th of the month following the event stating who was the sponsor, the address of the event and the hours. Nothing was reported to them in 2008 by the bars holding

street dances during the Beartooth Rally; however, two were reported in 2007. It was discussed that the applicant and sponsor have been one and the same on some City applications. Mahan said the new form will reflect what needs to be done to stay in accordance with State law. The contact in Helena is preparing a letter to the businesses reminding them of reporting requirements.

Meeting adjourned 9:15 p.m.

Mayor

ATTEST:

City Clerk