

May 13, 2008

The Red Lodge City Council met in regular session on May 13, 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 APRIL 22** Motion by Mahan, second by Stauffer to approve the minutes of April 22 as corrected. On roll call vote all Aldermen present voted "Aye." Motion carried.

Kennicott corrected page 8 in the paragraph where she spoke to the AMA National Summit. She asked for the following correction "She said it is to the credit of the AMA that they held a national summit on motorcycle sound last year. **They realize it does affect the rights of others(delete)** They realize it does affect their own rights as a group.

Mayor Scanlin reported on the check that was presented to the City today from USDA/Rd for \$1,030,785. This is a start on the upcoming Water 2007 Rehab Project that will be beginning construction soon. Mayor Scanlin said the upcoming project will help eliminate the loss of water the City has been encountering.

Kennicott said she attended a meeting in Joliet on April 24 regarding animal control. She said the meeting was well attended. She said there appears to a lot of support but money is scarce in all the communities to help with this program.

**CLAIMS AGAINST THE CITY** Motion by Kampfe, second by Priest that claims against the City, 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 told the Council the claims totaled \$133,532.10. Kampfe said there were several claims this month for various trainings. Sanderson attended a Housing Needs Assessment in Kalispell. Judge Muth attended a yearly training in Polson. Officer Stuber attended a training titled Verbal Judo. The Building Inspector attended training in Bozeman. The Council, Mayor and two administrative employees attended a yearly training in Billings held by the Local Government Center. The Council also held an off-site goal setting in April. All training is very important to employees and the Mayor and Council.

Kampfe said there were two claims from HKM Engineering for the water line being brought to the hospital location on the north end of Red Lodge. This project is being done with Resort Tax funds. HKM is also working on the Water Rehab 2007 project.

**SPECIAL COMMITTEES – Airport Board** Priest said there has been damage done to the taxiway at the airport by the fire department during training. He said he was unaware of this but the Airport Board is looking into the costs connected with this damage. He said he will report back to the Council as this discussion continues.

**Large Events** The committee has given the Council four proposals regarding large events. The committee would like to receive feedback from the Council and staff so they can take further steps with these proposals. Input from the public is also being accepted by the committee. The public can get a copy of the proposals at City Hall.

**Administration** None

**Police and Emergency Services** The City owns a decibel meter but currently it is not working nor is it calibrated. The Police are not sure a decibel meter is the most useful tool for noise. Mayor Scanlin said she had a discussion with the police on the possibility of additional staff to enforce the noise ordinance. The police also have the need for part time officers while the Chief is on sick leave. Lockman said that Sgt. Cope feels he has the need for four half time officers to fill the void and take care of the noise ordinance in the proper manner.

Priest asked to have a plan that would not only speak to a budget but also show a plan of action as to what they will try to accomplish and who will be targeted. Mayor Scanlin said the enforcement would be targeted to any type of activity that produces more and louder noise.

Motion by Lockman, second by Mahan to table the approval of hiring additional law enforcement officers. On roll call vote all Aldermen present voted "Aye." Motion carried.

Lockman said that seventeen applications were received for the opening in the ambulance department for a paramedic. The committee reviewed the applications and has narrowed the field to four people. Face to face interviews will be starting May 16, 2008.

The Council was informed that Tim Ryan was named as Firefighter of the Year and Dave Smith was named EMS Volunteer of the Year.

**Land Use and Planning – Beartooth Hospital and Health Center Revised Site Plan** The three conditions that are still being reviewed are: #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. #7 That the site shall be developed using reverse frontage concepts discussed in the Growth Policy. Said site plan will be reviewed and approved by the City Council at its sole discretion. #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.

Sanderson said the amended site plan reflects a six-foot sidewalk as part of the project design. The revised site plan complies with condition #5. The amended site plan and related documents accommodate the most logical alignment for the hospital and the City to work cooperatively to extend the street network into this section of the city. The revised site plan complies with the intent of condition #8.

Condition #7 was the most extensive condition listed and the hardest to come to terms on. Sanderson gave the Council the findings of fact on these issues associated with condition #7. None of the parking proposed with the facility are adjacent to Highway 212. The parking in front of the facility is limited to handicapped parking and for less than emergency visits to the Billings Clinic. Approximately 60% of the required parking for the clinic is reverse frontage compliant. A medical doctor office is a unique use in the Community Entrance and some flexibility in the application of reverse frontage concepts is warranted. This finding is not applicable to dentists, chiropractors, pharmacies, assisted living facilities, nursing homes or other quasi-healthcare related practices or facilities. The property is zoned Planned Unit Development-Business Professional Residential (PUD-BPR). The PUD-BPR is a site-specific zone with different standards of review and approval authority for the City of Red Lodge. This modified standard of review allows the City to approve a design that is not in total compliance with the standards of the balance of the Development Code and the Red Lodge Growth Policy. Given this and the fact that the current applicant controls the balance of the PUD-BPR that is developable, conditions on future development on hospital property shall be imposed to require total compliance with the reverse frontage standards of the Red Lodge Development Code. The revised site plan moves all but 17 parking spaces to the sides or rear of the facility.

These spaces are either ADA compliant handicapped spaces or to be used for urgent but less than emergency access to the clinic or hospital. The proposed parking in front of the hospital is a single tier and none of the parking lots front along Highway 212. The site has been required to supply a detailed landscaping plan that is in excess of what would have been required had the site been designed in full compliance with the reverse frontage concepts. The landscaping meets or exceeds codes.

Sanderson said the original approval granted by the City Council contained ten conditions of approval. The findings of fact contained in this report require the imposition of another condition. This condition would serve notice not only to the hospital but also to any other developer in the 212 corridor of the nature or acceptable development in this area of the City of Red Lodge. Condition #11: That any subsequent development on lots 30, 32 and 33 which are currently owned by the Beartooth Hospital and Health Center, its heirs, successors lessees or assigns are required to fully comply with the reverse frontage standards, i.e. that the buildings will be located to the highway frontage and that all parking will be to the rear of any proposed structure.

Motion by Stauffer, second by Mahan to adopt the Addendum II to Staff Report RLCU-08-03 as findings of fact related to the revised site plan for the Beartooth Hospital and Health Center and to adopt additional condition #11 as stated in the staff report. I also move to approve the revised site plan for the Beartooth Hospital and Health Center submitted on May 5, 2008. On roll call vote all Aldermen present voted "Aye." Motion carried.

Stauffer said the revised site plan meets all the issues he had on the project. He also feels this establishes a theme for the north corridor that can be enforced.

**Domestic & Sexual Violence Services Fee Waiver** Sanderson said the Domestic and Sexual Violence Services (DSVS) has submitted a Class-3 Conditional Use Permit request to locate a professional office at 423 South Broadway. The subject property is part of the Red Lodge Central Business Transition Zone. The CBTZ requires that any new or change of use to professional offices be approved by the City Council prior to the conversion. The application is complete and notice has been given but the DSVS has requested that the City Council waive the nine hundred (\$900) application fee as well as the costs associated with certified mailing and notice costs, as they are a nonprofit organization. The Planning Department has not presented the application fees for deposit pending an action by the Council on the request. The certified mailing notice costs are \$41.68 paid by the City and refunded by the applicant. Sanderson said the fees assessed by the City are returned to the General Fund to offset the costs of operation of the Planning and Community Development Departments. Sanderson said his department does not recommend the waiver of these fees.

Motion by Stauffer, second by Mahan to approve the waiver of the application and certified notice fees for the Domestic and Sexual Violence Services of Carbon County in the amount of \$941.68. On roll call vote all Aldermen present voted "Nay." Motion failed.

Stauffer said if this motion were to pass all non-profits from this time forward would feel they should be excused from paying fees and the money lost in the future will grow.

**Mountain Springs Villa** Sanderson said Mountain Springs Villa would be heard by the Planning Board tomorrow evening, May 14. This will be a required public hearing on the proposed subdivision. The Mountain Springs Villa has just received a \$450,000 grant from CDBG for infrastructure along with the acquisition loan from the Montana Board of Housing for \$800,000. This will take an existing trailer park with substandard infrastructure; roads, water, sewer and streets and modernize the facility as well as the infrastructure. As this is a subdivision the City is required to evaluate the proposal under the Red Lodge

Development Code, State law and local ordinances. The Council is the decision maker so Sanderson is reminding the Council of ex-parte discussions.

**Domestic Violence Center** The DSVS has submitted a Class-3 Conditional Use Permit request to locate a professional office at 423 South Broadway. The subject property is part of the Red Lodge Central Business Transition Zone. The CBTZ requires that any new or change of use to professional offices be approved by the City Council prior to the conversion. Lindsay Johnson will be processing this application. After the public hearing a record of decision from the Planning Board will be given to the Council. Again the Council is the decision maker on this application.

**Growth Policy Update** Johnson told the Council that tomorrow evening, May 14, an action item on the Planning Board agenda is looking at the Growth Policy and potentially making a recommendation to the Council. After the Planning Board recommends the Growth Policy to the Council they will then have to pass a resolution of intent to adopt the Growth Policy, there will then be a thirty day open public comment on the draft and final potential adoption would be early July.

Mahan thanked Sanderson and Johnson for the work they have done on this project. Money was definitely saved by the City by having staff do the Growth Policy in house. It is very much appreciated.

**Carbon County Commission – City-County Planning Jurisdiction** Sanderson said he has met with the full County Commission as part of an on going discussion required under Montana planning law. Sanderson said they discussed the City’s current Growth Policy in terms of where the City is in the process of the extra territorial area the City is looking at having influence over the life span of the new policy. They also visited with Bill Palmer and Ron Wolfe who are large landowners on the south and southeast end of Red Lodge about the possibility of looking towards a City-County jurisdiction at some point into the future. Sanderson said the County has been very good at having meetings with the large landowners in and near the City of Red Lodge to talk about issues where we have joint concerns and to be supportive both ways. The City greatly appreciates the help the County has given with these discussions, as there are many shared concerns.

**Public Works – Proposed Sale of City Owned Land at Cemetery** Sanderson said Leon Baranko has requested to purchase the portion of the Red Lodge Cemetery adjacent to his property in the Beartooth Business Park. The area of Mr. Baranko’s interest is the portion of the cemetery bounded by the irrigation ditch, Fox Lane and Tract 3A of the Beartooth Business Park. The property in question is not land locked as it borders Fox Lane, a public County road. Permission could be obtained from the ditch company to install a culvert or other acceptable crossing to gain access from the existing cemetery road system. Sanderson told the Council that cemetery lands are very hard to acquire. He said to purchase property and then convert it to cemetery use is complicated. He also stated the sale of public property must be in the public interest and should be done at a public auction rather than upon a specific individual request with private negotiations as proposed in this request.

The Cemetery Board and the Public Works Committee both reviewed the request and are recommending denial of this request.

Motion by Mahan, second by Lockman to approve the proposed sale of a portion of the existing Red Lodge Cemetery to Leon Baranko as provided in his petition to the City of Red Lodge. On roll call vote all Aldermen present voted “Nay.” Motion failed.

Mahan said the Public Works Director has shown future need for this portion of the cemetery and she feels the sale would not be a wise one. Kampfe said the need for the cemetery land will always be there for Red

Lodge. He stated he is also uncomfortable with the motion as it states the City will deal with Mr. Baranko rather than putting this on the open market for bids.

**212 North Phase 2 Bid Summary** Sanderson told the Council this is a 12-inch water main extension approximately 3,700 feet. The project budget is all Resort Tax funds. The Council has appropriated \$500,000 for this project. The design and bidding costs were let on a contract to HKM Engineering not to exceed \$35,000. The City will be looking at a contract for State DEQ required construction inspection with HKM not to exceed \$35,000. The City has already paid for a water line test for the hospital on the 8-inch main on the bench for \$2,200. Known and fixed costs going into the project are \$72,200 maximum leaving a construction budget on the order of \$427,800. The engineer's estimate for this water main extension is \$497,276. The City received eight bids. The high bid was \$522,719.01 and the apparent low bid received from William's Plumbing and Heating was for \$251,000. There should be a substantial savings on this project. Sanderson said there would be an action item at the May 27 meeting to declare the low bid and the potential of awarding the bid at that time.

**212 North Phase 2 Construction Inspection Contract** The Highway 212 North Phase 2 waterline project is designed to extend our 12 inch water main from the end of Zone "I" in the water rehabilitation project to the southern property boundary of the Beartooth Hospital and Health Center. The MT DEQ has reviewed and approved the engineering design for the construction of Phase 2. MT DEQ has required the City to provide certified inspection for the construction of the Highway 212 Phase 2 waterline extension project. The City has notified DEQ that they will have certified inspectors assigned to the project. HKM Engineering has submitted a contract to provide the construction inspection services to the City for a sum not to exceed \$35,000.

Motion by Mahan, second by Kennicott to approve the contract for construction inspection services with HKM-DOWL Engineering for the Highway 212 North Phase 2 waterline extension project in an amount not to exceed \$35,000. On roll call vote all Aldermen present voted "Aye." Motion carried.

**Carbon County Handicapped Parking Request** The Public Works and Community Development Departments received a request from the Carbon County Safety Committee to designate a handicapped parking space near the Carbon County Administrative building. The area proposed is along 11<sup>th</sup> Street West extending approximately 21 feet west of the alley between Broadway and Oakes Avenue.

Sanderson said the County already has a handicapped parking space designated within the confines of their property adjacent to the alley. Said site is less than 15 feet away from the proposed location. The proposed location has poor drainage and frequently has a puddle several inches deep. The alley is a typical service location and is frequented by large delivery vehicles as well as for the use of parking for the business owners/employees in the Central Business District. The committee felt the proposal to use the alley as an access ramp for use by the handicapped is not safe nor is it compliant with ADA standards. They felt there are several more suitable locations that would be ADA compliant along Oakes Avenue. Jane Swanson-Webb said the County would be willing to work with the City to find a suitable location but they really need a handicap location.

The Public Works Director is against the asked for location due to traffic and drainage but he would be acceptable to designating a space on Oakes Avenue. Kennicott asked if the drainage problem could be taken care of and then the spot would be better used as a handicap space. Sanderson told her the drainage problem is a hard one to relieve, as it is storm water collection.

Motion by Mahan, second by Lockman to approve the proposed location for a designated parking space as proposed by the Carbon County Safety Committee. On roll call vote those in favor: Alderman Priest. Those opposed: Aldermen Kampfe, Mahan, Lockman, Stauffer and Kennicott. Motion failed.

The committee said they will work with the County to find the best spot and they will do so very soon.

**Lonna Gray – Water and Sewer Connection Request** The Public Works Department has received a request from Lonna Gray for service connections to both the City water and sewer systems. The subject property is located above White Avenue and may be described as Lot 7, Block 66 in Red Lodge Hymer Addition. Sanderson said the subject property is located within the City limits and is not developed at this time. The owner has a variance approved by the Red Lodge Board of Adjustment on August 1, 2007 to construct a 1385 square foot home on the subject property.

The City water main is located in the right-of-way of White Ave. approximately 150 feet from the subject property. The City sewer main is located in the alley between McGillen and White Avenue approximately 400 feet from the subject property. Carbon County will not allow the installation of a septic tank and drain field as the City main is within 500-feet of the property. Additionally, Carbon County will not issue a septic tank permit as the property is more than 15% in cross slope and is subject to a high ground water table.

The Public Works Director has reviewed the request and is recommending denial of the request for a service connection. The Public Works Director would prefer that the mains be extended and a latecomer agreement be drafted and enforced by the City. The committee has reviewed the request and is in agreement with the Public Works Director. Sanderson said Gray would bear the cost of the water and sewer main extension and with the latecomer agreement in place anyone developing on lots in the service area would then pay their proportionate share of the extension costs to Gray. The City would administer this latecomer agreement for Ms. Gray.

Motion by Mahan, second by Lockman to approve the service connections for water and sewer to Lot-7, Block 66 Red Lodge Hymer Addition. On roll call vote all Aldermen present voted “Nay.” Motion failed.

Kampfe asked what the difference was between a sewer connection and the approval of a main extension. He was told a main extension will serve multiple residents where a service connection serves just one resident. If a service connection was approved Gray would still incur the costs plus the cost of the impact fee. Kampfe said a service connection is just a band-aid remedy and the City needs infrastructure that serves future growth.

**Solid Waste Contract** The City received two responses to the Solid Waste RFP that was distributed. These responses were from Allied Waste and McKenzie Disposal. The Public Works Committee ranked the proposal from Allied Waste as the best for the City. Allied Waste will go with expanded recycling, they will go to the bear resistant cans for residential use and they address alley clean up. The price would go from approximately \$11.00 per month to about \$18.20 per month to be fully compliant with all items in the proposal. The McKenzie proposal was responsive but was problematic in the sense that they were not going to use bear resistant cans and they would change the current system. Instead of each residence having their own trash container McKenzie proposed having two 300-gallon containers per block. The committee felt this was a negative incentive on the recycling program. McKenzie’s recycling program was adequate but not as aggressive as hoped for.

The other aspect of the Allied Waste proposal was to look at a subsidy by the residential sector for commercial cardboard collection. The commercial cardboard collection was proposed by Allied at \$1500 per week. This translates to roughly a \$4.70 a month subsidy by each and every residential user to the

commercial district. The Public Works Committee did not look favorably on this option. A proposal will be formalized to offer a contract with the most responsive bidder.

**Recycle Awareness Campaign & Spring Cleanup** Spring cleanup will be held May 16 and 17 this year. Allied Waste will pickup extras, if put out, during the week when they do their normal routes. Large items can be taken to the recycling center on May 16 and 17. Allied Waste was thanked for the helpfulness they have given Red Lodge in their normal collection and in the recycling program.

**Resolution No. 3252 – Loan – Water System Revenue Bond Series**  
**RESOLUTION NO. 3252**

**RESOLUTION RELATING TO AMENDED AND RESTATED \$1,305,944 WATER SYSTEM REVENUE BOND, SERIES 1998, \$990,397 WATER SYSTEM REVENUE REFUNDING BOND, SERIES 2008, \$4,304,715 WATER SYSTEM REVENUE BOND, SERIES 200\_ ; AND A \$4,304,715 WATER SYSTEM REVENUE BOND ANTICIPATION NOTE TO BE ISSUED IN ANTICIPATION THEREOF; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF AND CREATING SPECIAL FUNDS AND ACCOUNTS AND PLEDGING CERTAIN REVENUES AS SECURITY THEREFOR; AND AMENDING, RESTATING AND SUPPLEMENTING RESOLUTION NO. 3097.**

The City Attorney has reviewed this loan resolution. He stated a few changes he would like to see incorporated but overall the resolution is fine with him. The resolution will be sent back to Dorsey & Whitney, the City’s bond counsel, so the changes can be reviewed by them and made to the document.

Motion by Mahan, second by Stauffer to approve Resolution No. 3252, Loan Water System Revenue Bond Series on the condition that the changes by Sam Painter, City Attorney, are incorporated. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**CITIZEN COMMENTS** Barbara Miller complimented Allied Waste on the work that is done on the trash collection.

Rocky Roberts said he would like to see the alcohol sale stopped at 1:00 a.m. rather than midnight on the two street closures of July 4 and the Beartooth Rally. He feels there could be issues if the crowd is moved too quickly. He would rather have a little more time after the music stops to disperse the crowd. He asked the committee if the insurance for this event would remain at \$1,500,000 as this is hard for the event coordinators to obtain and is much more expensive. The Blue Ribbon Bar and Snow Creek Saloon are co-hosting the July 4<sup>th</sup> and Beartooth Rally street closures on 13<sup>th</sup> Street and they both have insurance for \$1,000,000. They were told this would be sufficient.

Nora Alsager, 89 Dillon Road, said that pickup by Allied Waste was wonderful. She also said that recycling of glass cannot be done at the present time but she feels it is something that needs to be addressed in Red Lodge or the County.

Leo Wilson, 210 N. Broadway, also stated that he feels the alcohol sale should continue until 1:00 a.m. during the upcoming street closures to help with the overloading of the bars.

Betty Ansoerge, 19 S. Haggin, said she is bothered with piped in music and thanks the City for not having it at City Hall.

Norm Mance thanked the City for filling the potholes at the recycling center.

John Whitman, Allied Waste employee, said one of the problems with glass recycling is the need for a market of the commodity and cost and logistics are a consideration. Whitman said he feels glass collection could be accomplished in Red Lodge.

**OLD BUSINESS – Mayoral Veto – Street Closure – Beartooth Rally** Mayor Scanlin has given the Council her official reason for the veto of the street closure request by Blue Ribbon Bar and Snow Creek Saloon for 13<sup>th</sup> Street, east from Broadway to the alley, on July 18, 19 and 20<sup>th</sup>.

Kennicott commented that she thought it might be very helpful if something was put on the Beartooth Rally website regarding the noise issue. It could be done in a manner that could perhaps be very beneficial to all.

Motion by Kampfe, second by Lockman to override the Mayoral veto of the 13<sup>th</sup> Street closure. On roll call vote those in favor: Aldermen Kampfe, Mahan, Lockman and Priest. Those opposed: Aldermen Stauffer and Kennicott. Motion carried.

Kennicott said she did not vote to override the veto due to the overwhelming letters and e-mails received that spoke to the noise associated with the street closure and music. She feels other locations and abbreviated hours should be considered in regard to street closures. Stauffer also said he feels the location should be changed so other areas had the same impact and not always be in the same spot for every event.

Mayor Scanlin said the Beartooth Rally street closures are the only events that require additional law officers and the impacts on the community are greater for these closures. The crowd of people for the July 4<sup>th</sup> closure is a mixed crowd and does not have the same impacts as the Beartooth Rally does.

**NEW BUSINESS** Stauffer said the Yellowstone Business Partnership’s annual conference is being held next week. Part of the theme this year is transportation. All participants are being bused to the conference. People from our area will need a place to park their cars to catch this bus and Stauffer wondered if anyone had an idea of where they could be parked. Beth Hutchinson said the cars would be welcomed at the Chamber of Commerce parking area. Stauffer thanked her and said this would be a very good spot. He also said there would only be approximately eight cars.

**CORRESPONDENCE** None

**MISCELLANEOUS** None

Meeting adjourned at 9:40 p.m.

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Mayor

ATTEST:

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City Clerk

Minutes corrected at the May 27 Council meeting.

