

May 24, 2011

The Red Lodge City Council met in regular session on May 24, 2011 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, Schoenike and Williams. Absent: None.

DEPARTMENT HEAD ATTENDANCE: Community Development Director – Forrest Sanderson, City Clerk – Debbie Tomicich, City Judge – Steve Muth.

MINUTES OF MAY 10 Motion by Mahan, second by Labrie to approve the minutes of the May 10 meeting as submitted. On roll call vote all Aldermen present voted “Aye”. Motion carried.

COMMENTS FROM PUBLIC REGARDING AGENDA ITEMS None

SPECIAL COMMITTEES None

STANDING COMMITTEES – ADMINISTRATION – Use of City Owned Land – G-Dawgs

Motion by Kampfe, second by Labrie to approve the use of City owned land by G-Dawgs from June 1, 2011 through May 31, 2012. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Kampfe said the application is the same as it has been for the past few years. The operation is a great service to the community. Gary Kisthard was asked to get the signatures of the Fire and Police Chiefs as this was not done on the application in advance and he said it would be done.

Statutory Changes – Court of Record – Judge Muth Judge Muth explained to the Council changes that the City could elect to make in the City Court system. He said there are two kinds of trial courts in Montana. One being the District Court and all other courts (City, municipal and the Justice of the Peace). District Court is always a Court of Record which means that there is either a stenographic or audio record kept of everything that happens in the court. Muth said that most of the other courts are not Courts of Record. The Judge said that what this means is if your court is not a Court of Record and a defendant loses they have the automatic right to start completely over in District Court. If this happens and any fines have been levied all this would be lost to the City. This can be a tactic to get a better deal and can be a cost to the City. Muth said that this year the legislature passed a bill authorizing cities, at the discretion of the City Council, to make the decision if they want their City Courts to become Courts of Record. If the City did this the Court would need to record the happenings in the system either stenographical or by audio recording. If the City were to choose to become a Court of Record there is a vendor supplying the equipment necessary to make the transition. Muth said the cost to the City to do this would be approximately \$10,000. This system equipment could also be used to record Council meetings if the City was desirous to do so for an additional cost. The service fee per month is about \$300. Muth said he feels there are some definite benefits to becoming a Court of Record.

Training on the equipment is part of the stated cost.

Mental Health/Domestic Violence Update – Judge Muth Judge Muth said that discussion has been held on expanding the mental health services in this area for some time now. A lot of people are concerned with the affordability of mental health services. The County has agreed to add \$15,000 to \$20,000 more on top of current expenses. Muth said they were told that by July 1 there would be a full time duly licensed mental health counselor hired with a full time support staff person. This is great for

the court especially with alcohol and drug related tickets. It is also felt that professional mental health workers are needed in this area. Judge Muth is so very pleased with this happening.

Cruisin' Red Lodge – Drag Races at Airport Motion by Kampfe, second by Labrie to approve the agreement between the City of Red Lodge and Cruisin' Red Lodge for the use of the airport property on Sunday, July 24, 2011. On roll call vote all Aldermen present voted "Aye." Motion carried.

Kampfe said that the last time this issue came before the Council the primary concern was the indemnification on the insurance. The event organizers came back with a \$2,000,000 coverage for the event.

Kampfe told the Council that the next Airport Board meeting will be on Thursday, May 26 and he will present what has been decided to them at that scheduled meeting.

Use of City Owned Property – Kayak/Slalom Race on Rock Creek Motion by Kampfe, second by Labrie to approve the use of City owned property by Rock Creek Ruckus on June 11, 2011. On roll call vote all Aldermen present voted "Aye." Motion carried.

Resolution #3325 – Harper Estate Money – Performing Arts Center

RESOLUTION #3325

A RESOLUTION OF THE CITY COUNCIL PLEDGING DONATED FUNDS TO THE RED LODGE PUBLIC SCHOOLS FOUNDATION (PERFORMING ARTS COMMITTEE) FOR THE PURPOSE OF CONSTRUCTING AN AUDITORIUM.

WHEREAS, by and through his last Will and Testament, the Estate of Gregory T. Harper donated funds to the City of Red Lodge for the specific purpose of constructing an auditorium to be utilized by the City and School District #1; and

WHEREAS, the City Council has determined that pursuant to the donation provided through the Will and Testament of the Estate of Gregory T. Harper, the donated funds should be utilized for construction costs rather than planning and design costs to ensure the auditorium is actually constructed as intended and desired by the estate; and

WHEREAS, as of May 19, 2011, funds of approximately \$112,000 are being held in an interest earning account by the City; and

WHEREAS, the City Council intends to hold the funds in such account until the Red Lodge Public Schools Foundation (Performing Arts Foundation) gathers additional funding through donation or otherwise to pay for a majority of the design and construction of the auditorium project.

NOW THEREFORE, BE IT RESOLVED, the City Council hereby pledges all funds donated by the Estate of Gregory T. Harper to the Red Lodge Public Schools Foundation (Performing Arts Committee) for the purpose of constructing an auditorium for use by the City and School District #1; and

BE IT FURTHER RESOLVED, the Red Lodge Public Schools Foundation (Performing Arts Committee) shall provide the City an estimated cost to design and construct the auditorium; and

BE IT FURTHER RESOLVED, the City shall release the funds to the Red Lodge Public Schools Foundation (Performing Arts Committee) once 75% of the estimated costs to design and construct the auditorium are secured; and

FINALLY, BE IT RESOLVED, the pledge authorized through this Resolution shall continue for a period of two years and shall expire on May 24, 2013 if the Red Lodge Public Schools Foundation (Performing Arts Committee) fails to raise the requisite 75% of design and construction funds. The City Council may renew or extend the pledge through further resolution.

Motion by Kampfe, second by Labrie to approve Resolution #3325, a Resolution of the City Council pledging donated funds to the Red Lodge Public Schools Foundation Performing Arts Committee for the

purpose of constructing an auditorium. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Amendment by Kampfe, second by Richter to delete, in Resolution #3325, the words “Performing Arts Committee or Foundation” from the resolution. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Greg Harper left part of his estate to the City to be used to help build an auditorium, to be used by the town and the school, when he passed away several years ago. The funds available at the present time are approximately \$112,000. This is the first time that any approach has been made to the City for the use of these funds. The Red Lodge Public Schools Foundation has made this request. The Administration Committee feels the funds should be used for bricks and mortar and not just for startup funding just in case the project does not come to completion. The foundation must raise 75% of the funds needed before the City funds would be made available. There is a two-year window on doing this but it can be renewed if the involved parties desire it.

Susan Larson, member of the Red Lodge Public Schools Foundation Performing Arts Committee, brought the resolution to Mark Shubert to review. It was decided, if the Council agrees, to omit the Performing Arts Committee or Foundation from any place it is stated in the resolution. This needs to be done because the Red Lodge Public Schools Foundation is the organization that holds the 501C3 designation to accept donations. She said the Performing Arts Committee is just a standing committee of the foundation.

Police and Emergency Services Williams said that past items discussed by the Council are still being worked on. These include such items as animal control and addressing.

Land Use and Planning Labrie gave a reminder of the meeting that will be held May 25, 2011 by MDT at the Civic Center at 6:30 p.m. open house and 7:00 p.m. meeting.

Public Works – CTEP/SAFE ROUTES – Notice to Proceed Sanderson said the City has gone through engineer selection, preliminary design, construction design, bidding and award of the project and now the City is ready to authorize construction. Initially the date set was May 26, 2011 but unfortunately due to weather it was decided to delay the notice to proceed to May 31, 2011. It was decided that it was pointless to give the notice to proceed earlier and then have to give extensions in time. The project should be complete on June 30, 2011 if the weather permits.

Motion by Mahan, second by Schoenike to approve the notice to proceed with the date commencing to run from 5/31/11 through completion on 6/30/11. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Tennis Court Resurfacing Mahan said it was determined that the low bidder for the resurfacing of the tennis courts should first speak with the Public Works Director. He might have some additional ideas about this project. Mahan said the committee also had discussion on involving public works in more of the Parks Boards projects before they go ahead with the projects.

Mayor Roat said he gave the softball group permission to paint the concession stands at the fields. Mayor Roat said they also asked about providing spots at the fields for tents during the Beartooth Rally as a fundraiser. The Mayor told the group to give this request in writing and the Council will discuss it then.

Flooding Weather Sanderson said that at 2:00 p.m. today Rock Creek in Red Lodge was running at 153 cubic feet per second. The good news is that we are having cool days and cool nights and the snow is staying in the hills. The bad news is that we are having cool days and nights with a lot of rain in lower

elevations and massive quantities of heavy snow above 7000 feet. What is needed is to have the snow runoff to come down slowly. Sanderson said he spoke with the DNRC Floodplain Coordinator today and they will be sending the City an emergency preparedness package. The City is one of two drainages in the State that is not flooding.

Beartooth Pass Opening Mahan said the opening of the pass has been delayed until the first week of June. Schoenike said he heard the new date is June 10, which will coincide with the celebration of the 75th Anniversary of the opening of the pass. Mahan said the anniversary celebration would be held on June 10th and 11th even if the road cannot be opened by then.

Mayor Roat said the Public Works Director is on top of the creek debris that may be piling up and the sewer lagoon output.

CITIZEN REPORT None

CORRESPONDENCE Sanderson said the City received a letter from MDT outlining their modified position on the right-of-way acquisition that will be occurring as part of the Highway 212 North project. After a lot of hard work MDT is agreeing to what the City believes they own and they will have to work with others to acquire the balance of the old rail bed right-of-way.

Sanderson included notice from MDT's System Impact Division that Town Pump has applied for an access to Highway 212 in advance of them submitting the requisite Design Review and Conditional Use Permits to build on the land by the City Brew kiosk. The letter from MDT is standard for a system impact analysis and they will look at the impacts post Highway 212 reconstruction. There will be no guarantee as to whether or not MDT will grant an access to Town Pump. The Town Pump lot has frontage on 212, 3rd Street and Bonner.

Sanderson said the City has received a grant on the solar project from DNRC in the amount of \$266,300. These funds have become a grant and not a loan that would need to be paid back by the City. This is very good news for the City regarding this project. The funds will never need to be paid back. Sanderson did very good work on this project and getting it completed.

Mahan told the Council that a music retrospective would be held at the museum on May 26, 2011 at 5:30 p.m. Norrine Linderman will be heading this retrospective in music. Mahan said that everyone is invited to enjoy this entertainment.

Kampfe asked the Mayor if it is time to schedule a workshop for budget. Mayor Roat said he would like to send the requests back to department heads so they can make any cuts they feel they can make. This will be done and returned to the Clerk by June 8. The Council will then start their deliberations.

David Jurkovich told the Mayor that he received a ticket regarding construction items that he had in his yard. He asked for more time to clean the stuff up that he would ultimately be using. Mayor Roat told Jurkovich to bring a copy of the ticket to him and he would check into it to see what could be done.

Meeting adjourned at 8:10 p.m.

ATTEST:

Mayor

City Clerk

