

May 25, 2010

The Red Lodge City Council met in regular session on May 25, 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, Kennicott and Priest. Absent: None

**MINUTES OF BOA - APRIL 27** Motion by Mahan, second by Labrie to approve the Board of Adjustment minutes of April 27 as submitted. On roll call vote those in favor: Board Members Roat, Kampfe, Mahan, Richter, Labrie and Kennicott. Those abstaining: Board Member Priest. Motion carried.

**MINUTES OF MAY 11** Motion by Mahan, second by Labrie to approve the minutes of May 11 as submitted. On roll call vote those in favor: Aldermen Kampfe, Mahan, Richter, Labrie and Kennicott. Those abstaining: Alderman Priest. Motion carried.

**COMMENTS FROM PUBLIC - None**

**SPECIAL COMMITTEES** – Sanderson said the Board of Adjustments has received a request for an extension in time from NeighborWorks Montana. The Board of Adjustments will meet on Tuesday, June 22 at 6:30 p.m. before the scheduled City Council meeting. Sanderson said this request is very straightforward and clear cut. Kennicott commented that the BOA will be meeting on the request after the deadline time frame that was given to NeighborWorks Montana at the last BOA hearing. Sanderson said that due to the notices that have to be given the hearing cannot be held before this June 11, 2010 deadline.

**Administration – Ordinance No. 884 – Restrictions on Use of Tobacco – Parks and Public Lands – 1<sup>st</sup> Reading**

**ORDINANCE #884**

**AN ORDINANCE OF THE CITY OF RED LODGE RESTRICTING TOBACCO USE IN CITY PARKS AND RECREATIONAL FACILITIES.**

**WHEREAS**, it is the intent of the City Council to protect the safety, health, and welfare of the general public; and

**WHEREAS**, tobacco use in the proximity of children, youth and adults engaging in or watching recreational activities is detrimental to their health; and

**WHEREAS**, as waste and refuse associated with tobacco use is quite frequently discarded on the ground, it is in the interest of the public's welfare to have a litter-free environment; and

**WHEREAS**, parents, adult leaders, and others involved in recreation serve as role models for youth and can have a positive effect on the lifestyle choices they make.

**NOW THEREFORE BE IT ENACTED** by the City Council of the City of Red Lodge, Montana: Use of Tobacco in City parks and recreational facilities is prohibited as follows:

1. Tobacco use shall be prohibited within the following recreational facilities and parks:  
Field School Park;  
Skate Park;  
Recreation facilities including but not limited to any baseball, football and soccer field; basketball, tennis, or volleyball court; horseshoe pit; Frisbee-golf course; ice skating rink; playground equipment; and city pool.
2. Tobacco use shall be prohibited within twenty feet of all parks and recreational facilities mentioned above.

3. Tobacco use as part of a performance, such as a play; or as part of a Native American blessing; or used within a motorized vehicle; or in a parking lot or roadway are exempt from the ordinance.
4. Fines shall be set by resolution of the City Council.

Motion by Kampfe, second by Labrie to approve Ordinance #884, AN ORDINANCE OF THE CITY OF RED LODGE RESTRICTING TOBACCO USE IN CITY PARKS AND RECREATIONAL FACILITIES, on first reading. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Mahan asked why Lions’ Park was eliminated from this Ordinance. Kampfe told her that the recreational facilities in Lions’ Park were not eliminated but the south end of the park is not included. The committee did not eliminate smoking in all parks but the purpose was to address the park areas where children congregate the most.

**Resolution #3309 – Setting Fines for Violation of Ordinance #884**  
**RESOLUTION NO. 3309**

**A RESOLUTION OF THE RED LODGE CITY COUNCIL TO SET PENALTY FINES FOR VIOLATION OF PROVISIONS CONTAINED IN ORDINANCE #884, PROHIBITING THE USE OF TOBACCO IN CITY PARKS AND RECREATIONAL FACILITIES.**

**WHEREAS**, MCA 50-40-104 provides guidance for prohibiting smoking in enclosed public places; and

**WHEREAS**, tobacco use has been identified as leading causes of lung cancer and other health problems; and

**WHEREAS**, this Resolution sets the penalty fines to enforce Red Lodge City Ordinance (#) prohibiting tobacco use;

**NOW THEREFORE BE IT RESOLVED** that the Red Lodge City Council hereby adopts the fines listed below:

Penalty Fines:

First Offense:	\$ 40.00
Second Offense:	\$ 80.00
Third Offense:	\$120.00

Motion by Kampfe, second by Labrie to approve Resolution #3309, A RESOLUTION OF THE RED LODGE CITY COUNCIL TO SET PENALTY FINES FOR VIOLATION OF PROVISIONS CONTAINED IN ORDINANCE #884, PROHIBITING THE USE OF TOBACCO IN CITY PARKS AND RECREATIONAL FACILITIES. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Mahan asked how the committee arrived at the amount of the offenses. She was told that the penalties stated are perhaps just high enough to deter people from committing the offense.

**Ordinance #885 – Amendments to Animal Control Ordinance – 1<sup>st</sup> Reading**  
**ORDINANCE NO. 885**

**THIS IS AN ORDINANCE TO AMEND PORTIONS OF TITLE 5 POLICE REGULATIONS, CHAPTER 5 ANIMAL CONTROL, ARTICLE B CONCERNING DOGS AND TO REMOVE ANY REFERENCES TO THE AMOUNTS OF FEES AND FINES FOR CHAPTER 5 IN THE RED LODGE CITY CODE.**

**WHEREAS**, it is the intent of the City Council to provide for and protect the health, safety and welfare of the citizens of Red Lodge, promote residential harmony, and ensure the well-being of its animals through effective animal regulations; and

**WHEREAS**, with the increase in incidents involving law enforcement and the increase in the City's pet population, it is necessary to ensure registration of animals and enforcement of fines to deter repeat problems associated with animals at large and nuisance behavior; and

**WHEREAS**, the Chief of Police and the Council have reviewed the schedule of fees and fines pertaining to animal control in the City limits that currently includes dogs only; and

**WHEREAS**, these measures encourage responsible pet ownership which will ensure that Red Lodge remains a clean, healthy, and considerate community; and

**WHEREAS**, the fees for registration and fines for violations of offenses are included in the Red Lodge City Code and should be removed to allow the Council to set them by resolution in the future; and

**WHEREAS**, there are other minor changes that could improve 5-5-5B at this time while keeping in mind that there is a larger effort underway with the County and Beartooth Humane Alliance for a countywide approach; and

**WHEREAS**, the City Council has determined that adopting the following suggested amendments is in the best interest of the City of Red Lodge:

**5-5B-2: LICENSE:**

- A. Required: It shall be unlawful to have a dog within the corporate limits of the city unless the dog is licensed as herein required.
- B. Owner Responsibility: Term of License: Every owner of a dog in the city shall obtain a license for such dog from the City Clerk. All licenses shall expire on March 31 of each year.
- C. Fee: The City Council by resolution shall establish from time to time the fees to be charged.
- D. Certificate of Veterinarian: Prior to issuing a dog license, the City Clerk shall require a veterinarian certificate as described in subsection 5B-4(B) of this chapter and the payment of the license fee. Dogs under the age of six (6) months may be licensed without a veterinarian's certificate; provided, that the owner of the dog certified to the City Clerk show the age of the dog. Thereafter, the owner shall have his dog inoculated or vaccinated for rabies and shall acquire a veterinarian's certificate and present the same to the City Clerk prior to the time that the dog reaches seven (7) months of age. It shall be unlawful for failure to do so.
- E. Information Required: An applicant for a license shall provide the City Clerk, in addition to the above requirements, the applicant's name and address and the name, breed, description and sex of the dog. In applying for a license, evidence shall be provided whether the animal is spayed or neutered.
- F. Issuance Tag: After being presented with all the information required, the City Clerk shall issue a license to the applicant, which shall state the date of issue, date of expiration, fee paid, name and address of license and the name, breed, description and sex of the dog. The City Clerk shall furnish a metal tag with each license, which shall be stamped with the number of the license and year in which such license was issued. The metal tag provided shall be attached to a collar which shall be placed upon and remain upon the neck of the dog so licensed.
- G. Time Limitation for Obtaining License: An owner of a dog shall have thirty (30) days after bringing a dog within the corporate limits of the city in which to obtain a license from the city; provided, that such dog is, at the time it is brought within the city, currently licensed and bearing such license tag issued by another licensing authority. All other owners must obtain a license upon bringing a dog into the corporate limits of the city.
- H. Duplicate Tag: In the event the tag is lost, a duplicate tag shall be obtained from the City Clerk who shall issue such duplicate upon payment of a fee. The City Clerk shall keep a duplicate record of licenses issued and shall record all of the facts herein required. (Ord. 807, 5-14-1996)

**5-5B-8: PENALTY:** Any person who violates the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by the fines set by City Council Resolution. The fines for the first three offenses shall be listed in the Resolution. The penalty for the fourth offense shall not be deemed to have occurred unless the first offense shall have occurred less than two (2) years prior thereto. (Ord. 806, 4-23-1996; amd. 2005 Code)

Motion by Kampfe, second by Labrie to approve Ordinance #885, AN ORDINANCE TO AMEND PORTIONS OF TITLE 5 POLICE REGULATION, CHAPTER 5 ANIMAL CONTROL, ARTICLE B CONCERNING DOGS AND TO REMOVE ANY REFERENCES TO THE AMOUNTS OF FEES AND FINES FOR CHAPTER 5 IN THE RED LODGE CITY CODE, on first reading. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Kampfe stated that this ordinance has nothing to do with vicious dogs. He said that vicious dogs are covered in a different section of the ordinance, which is not being amended.

**Resolution #3308 – Set Fees for Animal Registration & Fines for Ordinance #885**  
**RESOLUTION NO. 3308**

**A RESOLUTION OF THE RED LODGE CITY COUNCIL TO SET FEES FOR REGISTRATION OF ANIMALS AND PENALTY FINES FOR VIOLATION OF PROVISIONS CONTAINED IN TITLE 5, CHAPTER 5 ANIMAL CONTROL OF THE RED LODGE CITY CODE.**

**WHEREAS**, MCA 7-23-1 and 7-23-41 provide guidance for control and protection of domestic animals; and

**WHEREAS**, Title 5, Chapter 5 of the Red Lodge City Code covering Animal Control requires that all dogs be registered and that owners (as defined in 5-5B-1) pay fines for violation of any provision in the Chapter; and

**WHEREAS**, this Resolution sets the fees and penalty fines to enforce the Animal Control requirements contained in Title 5, Chapter 5.

**NOW THEREFORE BE IT RESOLVED** that the Red Lodge City Council hereby adopts the fees and fines listed below:

License Fees:

Neutered/spayed dog	\$ 5.00
Second dog	\$ 10.00
Third dog	\$ 15.00
Each additional	\$ 10.00 progressively for each additional
Unneutered/unspayed dog	\$ 30.00 each
Duplicate tag	\$ 1.00

Penalty Fines:

Running at Large	\$ 40.00 first offense
	\$ 80.00 second offense
	\$120.00 third offense
Unlicensed or uncollared	\$ 40.00 or 100% surcharge added to the above
Trespassing upon;	
destroying property;	
failure to remove excreta	\$ 40.00 plus restitution
Chasing, intimidating,	\$ 65.00 plus restitution for medical
harassing or biting persons	expenses

Motion by Kampfe, second by Labrie to approve Resolution #3308, A RESOLUTION OF THE RED LODGE CITY COUNCIL TO SET FEES FOR REGISTRATION OF ANIMALS AND PENALTY FINES FOR VIOLATION OF PROVISIONS CONTAINED IN TITLE 5, CHAPTER 5 ANIMAL CONTROL OF THE RED LODGE CITY CODE. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**Airport Agreement Between City and County** Kampfe said the committee has been working on the current agreement between the City and the County. The present agreement was drafted in 1981. He told

the Council that if they have any comments or anything they would like to see included in the agreement now is the time to let them know. The agreement is so old it is felt that it needs to be updated.

**Police and Emergency Services – Ordinance #883 – Speed Limit on Airport Road – 1<sup>st</sup> Reading**  
**ORDINANCE NO. 883**

**THIS ORDINANCE IS FOR THE PURPOSE OF CHANGING THE SPEED LIMIT ON AIRPORT ROAD NORTH FROM 25 MILES PER HOUR (MPH) TO 35 (MPH)**

**WHEREAS**, the City Council of the City of Red Lodge, Montana has the authority, by ordinance, to regulate motor vehicles and their speed within the City limits (MCA 7-14-4103); and

**WHEREAS**, the 2005 Red Lodge City Code sets speed limits in Title 6, Chapter 1, Section 5 Operation of Vehicles (Code Ref: 6-1-5); and

**WHEREAS**, members of the public have requested that the Council consider and approve changing the speed limit to thirty-five (35) miles per hour on Airport Road North; and

**WHEREAS**, the Chief of Police for the City of Red Lodge has reviewed and concurred with the proposed speed limit of thirty-five (35) miles per hour on Airport Road North, which begins at the entrance to the Airport and continues north to its junction with Mt Highway 78.

**NOW THEREFORE BE IT RESOLVED**, that the City Council of the City of Red Lodge, Montana approves the change in speed limit on Airport Road North and requests the addition of the following paragraph to reflect this decision in Section 6-1-5.C.1 of the 2005 Red Lodge City Code:

- C. All of Airport Road North, which begins at the Airport entrance and continues north to end at its junction with MT Highway 78.

Motion by Kennicott, second by Kampfe to approve Ordinance #883, FOR THE PURPOSE OF CHANGING THE SPEED LIMIT ON AIRPORT ROAD NORTH FROM 25 MILES PER HOUR (MPH) TO 35 (MPH), on first reading. On roll call vote those in favor: Aldermen Kampfe, Richter, Labrie and Kennicott. Those opposed: Aldermen Mahan and Priest. Motion carried.

Mahan commented that she does not see the benefits to changing the speed limit in this area. She feels it is micro-managing. She said the amount of time saved by increasing the speed limit for such a small area would be very minimal. Kennicott commented on how the speed limits change in other areas of town, especially on the south end of town. She said the police already patrol the area and are handing out speeding tickets. Kampfe is in agreement to the change as this area is not a residential area and is open. This makes it different enough to make the 35 mph be a reasonable speed.

**Resolution #3307 – Road Naming Airport Road, White Ave. and Remington Ranch Road**  
**RESOLUTION NO. 3307**  
**RED LODGE CITY COUNCIL**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF RED LODGE TO ASSIGN THE NAMES AIRPORT ROAD SOUTH AND AIRPORT ROAD NORTH.**

**WHEREAS**, Ordinance No. 874 of the City Council of the City of Red Lodge authorizes the City Council to name streets and avenues in the best interest of the City and inhabitants thereof; and

**WHEREAS**, the street currently known as Airport Road intersects with a road that is signed Remington Ranch Road which is the name of a street already existing as the main entrance road into the Remington Ranch Subdivision; and

**WHEREAS**, this duplication in street names has the potential for confusing an emergency services response; and

**WHEREAS**, the Fire Department is charged with city addressing and has 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.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Red Lodge, Montana to adopt Resolution No. 3307 designating this public right of way as Airport Road North and Airport Road South.

Motion by Kennicott, second by Labrie to approve Resolution No. 3307, A Resolution by the City Council of the City of Red Lodge to Assign the Names Airport Road South and Airport Road North. Motion withdrawn by Kennicott and seconded by Labrie. On voice vote all Aldermen present voted "Aye." Motion carried.

Mahan said that she feels the resolution changing the street names will be confusing to people. She said she feels it is the job of the emergency services personnel to learn the roads in Red Lodge. Kennicott said that a correction needs to be made. The current signage of Remington Ranch Road does not compare with the GIS mapping system that has been done. Discussion was held on whether or not the resolution solves any of the confusion. Kennicott suggested giving the resolution back to the Fire Department to review and see what can be done or needs to be done to make it more comprehensive.

Motion by Kennicott, second by Labrie to table this resolution until the June 8, 2010 meeting. On voice vote all Aldermen present vote "Aye." Motion carried.

**Police Hire Approval – Matthew Grieshop** Mayor Roat told the Council that Matthew Grieshop has been approved by the Police Commission for hire by the City. Grieshop has passed his physical and his mental health evaluation. Grieshop is Post Academy certified. Grieshop currently lives in Laurel and is a Police Officer in Hardin. Mayor Roat asked the Council for their concurrence in this hire.

Motion by Mahan, second by Priest to hire Matthew Grieshop as a Police Officer. On roll call vote all Aldermen present voted "Aye." Motion carried.

**Interlocal Agreement for Workers' Compensation** Motion by Kennicott, second by Richter to approve the Interlocal Agreement for Workers' Compensation between the City of Red Lodge and Rural Fire District #7.

Priest asked if anyone knew the current costs to the City and the Rural Fire District for this program. Kennicott told him there would be no additional cost to the City. She said Workers' Compensation covers lost wages and medical bills and the supplemental covers what Workers' Compensation does not. This agreement would insure coverage for city volunteers fighting a rural fire and vice a versa. There appeared to be numerous questions in this agreement so it was felt that it should be brought back at a later date when the questions can be answered.

Motion by Kennicott, second by Kampfe to withdraw the motion on the Interlocal Agreement for Workers' Compensation and table it until the June 8, 2010 meeting. On voice vote all Aldermen present voted "Aye." Motion carried.

**Hydrants** Mahan said that it was her understanding that the fire hydrants on 19<sup>th</sup> Street were not functional. She asked Kennicott to bring this matter to the Fire Department for their review.

**Emergency Service Committee Meeting Report** Kennicott said the budget was discussed by the Police in the committee meeting and the concern is for the need of a new vehicle. If a State bid was done it would be a great cost saving but needs to be done in a timely manner. A suggestion was made for cooperative bulk purchasing and the savings that may be made by doing so.

A good letter was received from Altana regarding response efforts by Assistant Chief Cope.

Mayor Roat told the Council that a draft copy of the Carbon County Emergency Operation Plan was available for them to read to see if they have any comments or suggestions they would like to make.

**Land Use and Planning – Ordinance #871 – First Amendment – Use of City Owned Land, Application Process and Use of 212 R-O-W 4<sup>th</sup> of July/Beartooth Rally Weekends**  
**ORDINANCE NO. 871 AMENDED**

**AN ORDINANCE TO AMEND PREVIOUSLY APPROVED CITY ORDINANCE NO. 871 TO CLARIFY THE PROCESS AND REGULATIONS FOR THE USE OF CITY-OWNED PROPERTY WITHIN THE CITY OF RED LODGE.**

**WHEREAS:** The streets, sidewalks, alleys, parks, publicly-owned buildings or vacant land or other public areas of The City of Red Lodge are held by the City for the benefit of the public; and

**WHEREAS:** On occasion, parties other than the City of Red Lodge may wish to use such areas for specific uses; and

**WHEREAS:** It is the position of the City that such uses may benefit the residents and property owners of The City of Red Lodge; and

**WHEREAS:** Negative effects of such uses can be avoided or mitigated; and

**WHEREAS:** The City of Red Lodge previously amended Ordinance No. 868 through the adoption of Ordinance No. 871 for purposes of clarification regarding the public’s use of city-owned property; and

**WHEREAS:** The City Council has determined it is in the best interest of the City of Red Lodge and its citizens to further amend Ordinance No. 871-11 as proposed and provided herein.

**NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA:**

That Red Lodge City Ordinance No. 871 is hereby amended to read as follows:

Use of a City street, sidewalk, alley, park, or publicly-owned building or vacant land by an Applicant for a commercial use or special event shall be prohibited unless such use has been specifically approved in advance by the Red Lodge City Council as follows:

1. An Applicant shall submit a request for a proposed use of City-owned property to the City through written application specifying such use, the area of proposed use clearly designated on a map, whether or not alcohol will be served, the proposed period of time of such use, the number of people anticipated to participate, whether or not a street and/or alley closure is necessary, whether or not traffic control devices and/or police officers will be necessary, how trash will be removed, and whether or not restrooms are required and provided.
2. The City shall have the right to impose any condition pertaining to public health, safety and welfare upon its approval of an application, and shall retain the right to immediately revoke permission to use City-owned property for any violation of the conditions of approval. The City may require any Applicant to provide for additional sanitation, recycling, street washing, clean up, etc on City-owned property and for additional restrooms in amounts satisfactory to the Council. Failure to obtain approval in advance shall result in the City’s right to cause cessation of the activity.
3. The Applicant shall provide with the application evidence of notification of each property owner or its authorized representative abutting and within one hundred (100) feet of the proposed use to allow for their comment prior to the date of approval.
4. The applicant shall attach a copy of its City business registration to the application.
5. Applicants shall pay at the time an application is approved \$175 towards cleanup and maintenance of the area proposed to be used (“Clean-up Deposit”) and either:
  - a. a non-refundable fee of \$10 per day or \$150 per calendar month, for use of each area of 120 square feet or less for the period(s) defined in the application, up to the maximum amount of \$100 per day plus an additional fee of \$100 shall be required when alcohol is served plus any additional costs of providing law enforcement in the discretion of the Council; or
  - b. rent appropriate to the circumstances associated with the use, in the discretion of the Council.

6. The Applicant shall submit with the application a commitment of insurance with indemnification of the City of Red Lodge in the amount of One Million Dollars (\$1,000,000) for liability in connection with the proposed use and naming the Applicant and the City of Red Lodge as additional insureds. The Applicants permit shall be immediately and automatically revoked if such insurance coverage is invalid, not current, or not in effect while using City-Owned Property.
  7. Applicants shall not permit the display or sale of drug paraphernalia, firearms, knives, machetes, pepper spray, or any other tools, weapons, or devices capable of cutting, stabbing, bludgeoning, or otherwise inflicting serious bodily injury. Compliance with the terms and all relevant ordinances will be the responsibility of the Applicant.
  8. Applicant shall clean the City-owned property used by the Applicant each day of use.
  9. The Applicant's Clean-Up Deposit shall be refunded upon verification by the City that, in the sole discretion of the City, the area is trash-free and has been restored to its condition prior to the use by 8 a.m. immediately following the last day of use. Upon such verification, the Applicant's Clean-Up Deposit will be refunded the first City business day following verification.
  10. 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.
- The deadline for filing a completed application shall be six weeks before the proposed use. Eight (8) copies of the application shall be submitted at the time of the filing.

Motion by Labrie, second by Kampfe to approve Ordinance #871 Amended, An Ordinance to Amend Previously Approved City Ordinance No. 871 To Clarify The Process and Regulations for The Use of City-Owned Property Within The City of Red Lodge, on first reading. On roll call vote all Aldermen present voted "Aye." Motion carried.

Labrie said the amendments made in the ordinance were to eliminate #4, which required obtaining written acknowledgment of the proposed use from the Police Department and the Fire and Ambulance Departments. It also omitted, under #11, not allowing sidewalk sales during July 4<sup>th</sup> and the Beartooth Rally. It also changed the deadline for filing a completed application to six week before the proposed use rather than four weeks.

**Comprehensive Use of City Owned Land Ordinance – Planning Board Assignment** Sanderson said that upon completion of the Comprehensive Update to the Red Lodge Zoning the Planning Board is looking to have the task of a comprehensive use of city owned land given to them. This would include such things as sales, leases both short and long term and the use of City owned land. This would lead to a comprehensive ordinance for all these items. The Planning Board looks forward to doing this for the Council.

Motion by Mahan, second by Kampfe that the Planning Board be requested to develop a comprehensive use of City owned land ordinance. On roll call vote all Aldermen present voted "Aye." Motion carried.

**Public Works – Update Red Lodge Solar PV/VFD Motor Project** Sanderson said the notice to proceed was issued May 12, 2010 and the weather since has not been good. He said the City is looking to extend the completion date to July 17, 2010. Sanderson said that due to the weather there is probably less than 1% physical completion on the project.

The second point is that additional ARRA funds are there for City use but at this time Sanderson said he has declined use of these funds. However if they are needed the City can petition these funds under the same conditions as the original funds were given.

**R-O-W Dedication on Diamond C Links Parkland** Sanderson said that part of the Growth Policy is the extension of Hauser Avenue down the valley floor to the north. There was a 5.53-acre parkland dedicated to the City with the Diamond C Links Subdivision. It is adjacent to Pine Ridge Road and extends north to the property owned by the Beartooth Hospital. Sanderson said that since this is City park the Council couldn't just declare a public right of way across the property. He said the Council needs to have the request evaluated with a recommendation from the Parks Board. Sanderson is going to meet with the Parks Board and go through the right of way dedication to have the Board start the discussion as to whether they would consent to platting half of Hauser Ave. on this 5.53 parkland area. If the Parks Board is in agreement the request will then come to the Council to formally accept the right of way for the northern end of Hauser Ave. near the hospital. The right of way dedication would be beneficial by giving access to the parkland.

**R-O-W Dedication Hauser Ave. & ¾ Access Limitations – Highway 212 at Beartooth Hospital**

Sanderson said the hospital has long expressed the desire to have a full movement intersection at the northern terminus of Hauser Ave. The Growth Policy actually called out the northern terminus as being located at Two Mile Bridge Road. Unfortunately, in 2007 when the City did the review on the hospital the land use tools were not available to force the issue of moving the hospital forward and continue the public right of way down to the northern terminus at Two Mile Bridge Road. Sanderson said that due to vehicle trips at peak hours and vehicle trips per day, the ¾ access limitation will need to be lifted at this point and go to an all movement intersection at the northern terminus of Hauser Ave. This will come to the Council at the next Council meeting and everything will be tied together in the near future.

**Weierman Property** The Weierman's live at the south end of the swimming pool and enjoy the use of City property. There are now plans to move the fence at the south end of the pool to the property line. This will reduce the ability of the Weierman's to use this parcel of land, which leads them to be concerned about their sewer line. Their sewer line is the old tile type line that they feel will not withstand any heavy equipment being used to make the changes the City intends. Mahan said they spoke to Boyer about this at their meeting. Boyer said he has spoken with the neighbors regarding this project and the parties now understand they will not be adversely impacted by what will be done and that the City will work closely with them so there are no problems.

**Beartooth Highway Opening** Mahan told everyone that the Beartooth Highway opening would be held Saturday, May 29, 2010 at noon. She invited everyone to attend.

Angela Beaumont told the Council that the Red Lodge Merchants and Lodging Association has been working with the Friends of the All American Beartooth Highway, Billings Chamber of Commerce, Yellowstone Country and the Montana Department of Tourism on preparing for next year which is the seventy-fifth anniversary of the opening of the Beartooth Highway. The preparations are now in the very early stages but things will be progressing from now on.

Beaumont told the Council that they did move the Pollard dumpster as the City required. The dumpster is now totally on Pollard property. She said she has gone up and down the allies and mentioned that there are other dumpsters that encroach on City property. Sanderson asked for the list and said that he will address this problem.

**DEQ** Mayor Roat said that DEQ has taken the City to task over the discharge of the wastewater treatment facility for occasional excessive BOD and particulate. They are mostly taking the City to task for the reports that have not been made properly, were not submitted on time and that DEQ has notified the City of this previously. The City will need to pay a fine of \$9300 if we reply quickly or \$93,000 if we do not. The Mayor said that Boyer has been charged with getting to the bottom of this problem and making sure it is corrected.

Sanderson said the City is slated for the annual fuel adjustment as well as the contract increases with Allied Waste for solid waste disposal. He said as soon as the information is available he will do a calculation on solid waste adjustment to see if the rates need to be increased. He said he is hoping an increase will not be needed in the upcoming fiscal year. He will bring the information to the Council as soon as it is available.

**CITIZEN REPORT** None

**CORRESPONDENCE** None

**MISCELLANEOUS** Mayor Roat told the Council that he would be absent from town on June 4 through June 21. He asked for Council permission to do so.

Motion by Mahan, second by Kampfe to allow the Mayor to be absent from town for more than ten days. On voice vote all Aldermen present voted "Aye." Motion carried.

Priest asked what the timing was on medical marijuana that is being addressed by the Planning Board with zoning. Sanderson said that when the Board is finished with the review of the entire ordinance, medical marijuana will be a component and this should be done in August. Sanderson said that currently the zoning only allows for the sale of medical marijuana in the Central Business District and is not a home occupation.

Mayor Roat said that Kathleen Normile has currently been filling a vacancy on the Library Board and this term is coming to an end. Jodie Moore is now asking that Normile be appointed to her own term on the Library Board. Normile has indicated her desire to do so and Mayor Roat asked the Council for their concurrence on this appointment.

Motion by Mahan, second by Richter to concur with the Mayor's appointment of Kathleen Normile to the Library Board. On voice vote all Aldermen present voted "Aye." Motion carried.

Meeting adjourned at 9:05 p.m.

\_\_\_\_\_  
Mayor

ATTEST:

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City Clerk

