

May 8, 2012

The Red Lodge City Council met in regular session on May 8, 2012, 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 and City Clerk – Debbie Tomicich.

MINUTES OF APRIL 24 Motion by Mahan, second by Labrie to approve the minutes of April 24 as submitted. On roll call vote those in favor: Alderman Kampfe, Mahan, Labrie, Schoenike and Williams. Those abstaining: Alderman Richter. Motion carried.

CLAIMS AGAINST THE CITY Motion by Kampfe, second by Williams that claims against the City totaling \$105,620.03 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 that the expenses this month are somewhat lower than a typical month. The police department purchased a car camera system that cost \$4,271. These camera systems are very valuable to the police and can be very valuable to the person being stopped. Morrison Maierle submitted a claim for \$3,767 to install the software for the camera system.

Sharon Williams asked if the camera system was audio or visual and was told they are both. Rocky Roberts asked if all the vehicles have one or are they moved from vehicle to vehicle. The Mayor said all vehicles have a camera system and this was an update.

OFFICERS REPORTS The officer's reports were presented to the Council for their review. Kampfe said the Resort Tax has had a steady increase going from \$470,000 collected in 1998 to \$659,910 collected in 2011. The Resort Tax funds help offset infrastructure and items like police and fire capital outlay. There have been very good uses of the Resort Tax funds. Since the start date of the Resort Tax the City has collected \$7,983,914.68.

COMMENTS FROM PUBLIC REGARDING AGENDA ITEMS
None

SPECIAL COMMITTEES None

STANDING COMMITTEES – ADMINISTRATION –Use of City Owned Land - Street Closure – Snag Bar – 12th West Motion by Kampfe, second by Labrie to approve the closure of 12th Street West by the Snag Bar on July 20 – 22, 2012. On roll call vote those in favor: Aldermen Kampfe, Mahan, Labrie, Schoenike and Williams. Those opposed: Alderman Richter. Motion carried.

Greg Zeiler told the Council that the sponsorship of this application has changed to the VFW and they will be conducting a raffle and possibly will be selling food. There will no longer be a miniature car show or the poker run so the Ayla Olson Foundation has pulled their sponsorship. The music will stop at 12:00 p.m. (midnight) and the decibels for noise in this area are 85. There is now a \$500 fine if the decibels are not kept down.

Schoenike asked the Council if they are interested in passing on any costs of the event to the applicant. Kampfe said the committee discussed this option and they feel that this is something that needs to be addressed

and decisions made but they felt that for this summer it would not be done. This does however need to be decided upon by application time next summer. Kampfe said the City needs to be fair and equitable in this process.

Rocky Roberts said he feels the donation route is the way to go rather than setting a charge for the costs. He said this year there are plans to donate for the closures and the Tavern Association will be hosting and serving for all the officers to be fed either Friday or Saturday night.

Andrew Porth, owner of Babcock and Miles, located off Broadway by half a block but in the street closure area on 12th stated that his request would be to change the area of the closure each year so the impact of the closure would be shared by other businesses. Mary Ellen Mangus said that she agreed with Mr. Porth on this issue. Richter also agreed that it does not seem fair that the same business is impacted each year. She said it would be good if other locations could be looked at.

Use of City Owned Land – Street Closure – Blue Ribbon Bar – 13th Street East Motion by Labrie, second by Kampfe to approve the closure of 13th Street from Broadway Ave. to the alley for the Blue Ribbon Bar, Rocky Roberts, on July 20 - 22, 2012 on the condition that the music is shut down at midnight. On roll call vote all Aldermen present voted “Aye”. Motion carried.

Use of City Owned Land – Bone Daddy’s – Beartooth Rally – Airport – 2013 The committee discussed this application and it was felt that it needs to be tabled for several reasons. The committee would like to see how the event goes this year and be able to assess it to see if there are any problems. Impacts to the City are being discussed with the

possibility of assessments being made. These things need to be discussed before approval of an event a year in advance is given.

Motion by Kampfe, second by Labrie to table to the September 11, 2012 meeting. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Kampfe was asked why he tabled until the September 11, 2012 meeting and he said he felt the event would be over and the Council will have time to discuss assessments.

Use of City Owned Land – Home of Champions Rodeo – Airport

Motion by Labrie, second by Kampfe to approve Home of Champions Rodeo for use of the land at the airport for July 2, 3, and 4 of 2012. On roll call vote those in favor: Aldermen Kampfe, Richter, Labrie, Schoenike and Williams. Those abstaining: Alderman Mahan. Motion carried.

Labrie was told the insurance was held by the Rodeo Association. The walking trails will also be kept open to public use.

Municipal Engineer – Award Contract Motion by Williams, second by Kampfe to approve an agreement for professional services between the City of Red Lodge and Great West Engineering Inc. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Cooper Lots – Adjust Listing Price Motion by Kampfe, second by Williams to adjust the Cooper Lot pricing as follows: Lots 3 and 4 list at \$22,000 and Lots 2 and 5 list at \$27,000. On roll call vote those in

favor: Aldermen Kampfe, Mahan, Richter, Labrie and Williams. Those opposed: Alderman Schoenike. Motion carried.

Kampfe said that Heather Quinn, Prudential, did an analysis of vacant lots for sale both in the City and some in close proximity and it was found that the current listings were way overpriced. There is debt on the lots along with the maintenance so the Administration Committee felt it was in the best interest of the City to adjust the price in the hopes the lots will sell. Kampfe said the listing for Lots 2 and 5 are \$5,000 higher because they have sewer and water to them so there is more value put on them.

Prosecuting Attorney – Kent Young – Resignation Kampfe said that Kent Young, City Prosecuting Attorney, has submitted his resignation effective June 30, 2012. He said the Administration Committee will be seeking a replacement. Mayor Roat told the Council that he has visited with the County Attorney, Alex Nixon, County Commissioner, John Prinkii and Judge Muth about the possibility of the County Attorney doing the prosecuting work for the City. It appears that everyone is interested in this idea. The Mayor told the Council that he would like them to consider this option and if they have any questions to please visit with him, Judge Muth or the County Attorney. The County Attorney is working out some issues and a cost will need to be agreed upon. There are benefits in going this route as someone is on staff at all times and the County Attorney already has office staff to help.

**POLICE AND EMERGENCY SERVICES – Resolution #3345 –
Transfer of Cash to Police & Fire Reserve Accounts**

**RESOLUTION #3345
RED LODGE CITY COUNCIL**

A RESOLUTION BY THE CITY COUNCIL OF RED LODGE TO CREATE A RESERVE CASH ACCOUNT FOR THE POLICE DEPARTMENT AND THE FIRE DEPARTMENT IN THE RESORT TAX FUND.

WHEREAS: An election was held on November 3, 2009 to expand and amend the use of the City's Resort Tax to include emergency services as an eligible use with the seventy-nine percent (79%) of Resort Tax revenues for capital outlay.

WHEREAS: The Police and the fire Departments are requesting authority to transfer an available funds that are budgeted, but not spent each fiscal year, into a cash reserve account for each department. These cash accounts will be numbered as 2100-101030 for police equipment and 2100-101100 for fire equipment.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Red Lodge, Montana to adopt Resolution Number 3345, which formally creates and authorizes the use of two Cash Reserve Accounts within the Resort Tax Fund for use by the Red Lodge Police Department and the Red Lodge Fire Department.

Motion by Williams, second by Mahan to adopt Resolution #3345, the City of Red Lodge to create a reserve cash account for the police department and the fire department in the Resort Tax Fund. On roll call vote all Aldermen present voted "Aye." Motion carried.

Williams said the resolution is allowing the police and fire departments to roll over funds not used into a reserve cash rather than having to resubmit the amount each year that will be used for capital purchases.

Emergency Services Digital Radios Mayor Roat gave the Council information regarding digital radios. He also gave this information to

the fire and ambulance department, the Sheriff's office and the County Commissioners. The Mayor said there is no use in going backwards even if the federal government mandates. He said there must be a better way.

Traffic Calming Device Mahan said there has been some good comments on the use of the traffic calming device. She said she has received no negative comments. Kampfe asked if the device could be moved to the Children's Center. He was told that the device will, at some time, be moved all over town.

LAND USE AND PLANNING – Lease of City Owned Land – TR-B-5 – Approve Parcel Nomination Motion by Labrie, second by Schoenike to approve the lease of City owned land Tract B-5 approve the parcel nomination. On roll call vote all Aldermen present voted "Aye." Motion carried.

This motion does not approve any lease but approves the parcel nomination. This will assure the City gets fair or full market value for any real estate owned that is put to private use by lease or sale. With a parcel nomination the Council is saying they will activate a competitive process to comply with the Growth Policy. The current lease with Silver Strike, on this property has expired and Kim Ruby has submitted a request to lease the property for her coffee kiosk. Sanderson said the Council can, at any point, decide not to lease the property if they so desire.

Sanderson said he will notify the current lessee and the proposer that the parcel has been nominated for lease and the City will establish a value for the property that corresponds to a minimum bid for a lease. This will

then come back to the Council for approval and if the minimum bid is established the City will then determine to sell the lease at open public auction or it will be a sealed bid option with bid bonds, etc. It will probably take a month to walk through this process.

Cam Stevens, Silver Strike, asked how the lease value will be determined. Sanderson said the value of the property will be set by the Council based on a comparative market analysis. The City does have a commercial appraisal that was performed on City owned land in 2009 that is less than 300 yards from the property being discussed. Sanderson said his suggestion to the Council will be to use this appraisal rather than to go out and spend more money to affirm what he believes they already know. From this the City will determine what they believe to be a fair lease rate or a minimum bid rate.

Cam Stevens and Kim Ruby both told the Council that they would like to try and work together with the City regarding any future leases on the discussed property.

Baranko Property Mayor Roat said that Aaron Baranko has blocked the road that comes off of North Adams past his house with two vehicles. Adams Street ends at the south boundary of Barankos property. Mayor Roat said this is not a thoroughfare owned by the City and the City will no longer enter this area for plowing or collecting garbage. This has put other property owners at a handicap and the Mayor hopes a resolution will be reached by the three property owners themselves.

Town Pump Hearing Schoenike reminded all that the Planning Board will be holding a public hearing for the Town Pump application on May 9, 2012 at 5:30 p.m. here at City Hall.

PUBLIC WORKS Mahan said the Public Works Committee had a very good meeting today with Orval Boyer. They discussed the snow removal ordinance and the sewer problem at St. Agnes Church. This problem will be researched a little further. Mahan said a lot of potholes were being filled today on City streets.

Mayor Roat said a new roof will be put on City Hall. He said he asked that a lighter roof be put on than is currently on as the attic is not very well ventilated.

CITIZEN REPORT None

CORRESPONDENCE Mayor Roat said there will be a League of Cities and Towns meeting in Billings on May 22, 2012. Alex Hanson will be at this meeting to visit about the benefits to cities in the legislature.

Sanderson received correspondence from MDT speaking to issues on the pending Highway 212 road construction. He said the largest concern that still remains is the ownership of the old rail bed from Beartooth Electric to the Larson ownership. Sanderson said he noticed today that the Butte District and Billings District right-of-way people are in town and they are starting the active right-of-way acquisition. The City of Red Lodge still feels they have no ownership of this rail bed area.

MISCELLANEOUS Mayor Roat said the City has received a bid from Kenco for a fire and smoke detection system at the Library. The quote for this is \$5400. The Mayor said the Fire Department will coordinate this effort.

Schoenike told the Council that he will be out of state from May 20 to June 16, 2012. The Council approved his absence with an affirmative voice vote.

The City of Red Lodge has been named a Tree City USA for the 13th year.

Meeting was adjourned at 8:00 p.m.

Mayor

ATTEST:

City Clerk

