

November 10, 2008

The Red Lodge City Council met in regular session on November 10, 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, Labrie, Kennicott and Priest. Absent: None

MINUTES OF OCTOBER 28 Motion by Mahan, second by Lockman to approve the minutes of October 28 as corrected. On roll call vote all in favor: Aldermen Mahan, Lockman, Labrie, Kennicott and Priest. Those Aldermen to abstain: Alderman Kampfe. Motion carried.

Under the topic of Diamond C Links – Warranty Closeout Kennicott added the following sentence to the end of the discussion. **“Kennicott expressed her concern that the four components be completed and the City ensure compliance at the appropriate time. She asked if there was a checklist for items like this. The Mayor said there was and that Council members could also follow up.”**

Kennicott has the following sentence added to the discussion regarding the Christmas Stroll Street Closure. This sentence was added to the end of the discussion. **“Kennicott suggested updating the ‘Application for Use of City Owned Property’ according to the new City Ordinance No. 871 which affects not for profit exempt status, insurance amount, fee for cleanup, etc.”**

Under the topic discussion of the Request to Drill Well at Airport, Kennicott requested the change in the last paragraph to read, **“Kennicott also questioned the need for a new well and asked if a City line could be used instead. She has great concerns with all the wells that are being drilled and mentioned that the Ground Water Information Center of the Montana Bureau of Mines and Geology was checking wells in the area, i.e., at Remington Ranch. She thought there should be more research before approving wells and suggested that the City’s Water Attorney in Bozeman be consulted before this one could be acted upon.”**

Mayor Scanlin checked with MMIA and asked the following sentence be changed to read “It was stated that traditionally the City has waived (indemnification) **insurance** where this is being held essentially on the MDT right-of-way.” This was under the topic of Christmas Stroll Street Closure.

CLAIMS AGAINST THE CITY Motion by Kampfe, second by Priest that claims against the City totaling \$1,015,823.10 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 large amount being paid this month is dues to claims for the water rehabilitation project being done by the City. These claims are to Century Company for \$741,913.64, Williams Plumbing and Heating for \$61,220 and COP Construction for \$76,587. These companies were the three the City contracted with to do the 2007 Water Rehabilitation Project. Kampfe also said there was a claim totaling \$11,602.43 for the equipment in the Council chambers that were purchased from the GIS Grant the Fire Department received.

Kampfe said there are two claims the committee did not approve. One of the claims totals \$281 and the other totals \$1141.12. Both of these claims have to do with recycling and Norm Mance. The committee said they are not sure where the City stands with the budget and would like something worked out in writing with Mr. Mance. These two claims are not part of the recommended approval of claims.

OFFICERS REPORTS The officer reports were approved by the Council as submitted.

SPECIAL COMMITTEE None

STANDING COMMITTEES – Administration – Senior Citizen Center Expansion Project – CDBG Grant John Prinkki asked the Council why it was stated in a letter they received from the Senior Center that the City thought the County should sponsor this particular grant. Prinkki was told the Council thought perhaps both the City and the County should be involved, if at all, since the Center is a regional one. He was told the City hoped to have a summary of the discussion from the last meeting. Prinkki said the County, if they helped sponsor the grant, would likely expect the Center to come up with the matching grant. Mayor Scanlin said the City would follow through with Beth Shumate to see if more summarized information will be coming to the City.

Motion by Mahan, second by Kampfe to table until additional information is received. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Position Descriptions Mayor Scanlin said the descriptions would be sent to Ken Weaver this week for his review. The Mayor said the Council should receive copies of the final Mayors draft of the descriptions by the end of the week. She said hopefully, by the next meeting, the Council may be able to take action on these descriptions.

Mahan asked if there would be a meeting held with the Local Government, department heads, Mayor and Council so all could discuss and hear the same thing regarding these descriptions and a possible pay matrix. The Mayor said she would try to arrange for a meeting on November 24, 2008.

Preliminary Work on IT Tom Kuntz showed the Council the new computer and projection system that has been installed in the Council chambers. This system will also work for the court and police to show videos and evidence in a digital format. Kuntz said he hopes the system will be fully utilized by the next Council meeting. This system is being paid for with the GIS Grant that was received.

Kuntz said it is time to start moving the City into a permanent website and move all City employees into a consistent e-mail address system. He said the best address found is redlodge.net. Kuntz will bring this proposal with different options to the Council along with the costs associated.

Emergency and Police Services – Ordinance No. 873 – Fire Codes – First Reading Kuntz said there were only two changes made to this ordinance and it is now ready for first reading by the Council.

Ordinance No. 873
Chapter 15.06
FIRE PREVENTION AND SAFETY CODES

Sections:

- 15.06.010 Fire Prevention and Safety Codes
- 15.06.011 Definitions
- 15.06.012 Fire Hydrants
- 15.06.013 Fire Hydrants to Remain Accessible for Use and Testing
- 15.06.014 Temporary Outdoor Cooking Facilities
- 15.06.015 Restricted Entry to Public Lands
- 15.06.017 New Construction
- 15.06.020 Fire Inspections Required
- 15.06.025 Open Burning Permit Required
- 15.06.030 Fire Inspection Fees
- 15.06.040 Authority Having Jurisdiction Has Power to Grant Exemption

- 15.06.050 Appeals to the City Council
- 15.06.064 Firefighters Authorized to Require a Premise to be Evacuated
- 15.06.070 Repeal of Prior Fire Prevention and Safety Codes
- 15.06.010 Fire Prevention and Safety Codes** Adoption by reference of the 2006 edition of

the International Fire Code.

(a) The International Fire Code, 2006 edition, including Appendices B and C, as published by the International Code Council, is adopted by reference as the fire code of the city. It regulates and governs the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; provides for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the city clerk are hereby referred to, adopted, and made a part hereof, as if fully set out, with the additions, insertions, deletions and changes, if any, set by this ordinance.

(b) The following sections of the International Fire Code are revised as set out below:

- Section 101.1.* Insert: [City of Red Lodge, Montana]
- Section 109.3.* Insert: [Misdemeanor, \$500.00, 6 months]
- Section 111.4.* Insert: [not less than \$100 or more than \$500]
- Section 906.1.* Delete Exception to Section 906.1, #1.
- Section 906.1* Where required.

Portable fire extinguishers shall be installed in the following locations.

1. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.
2. Within 30 feet (9144 mm) of commercial cooking equipment.
3. In areas where flammable or combustible liquids are stored, used or dispensed.
4. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 1415.1.
5. Where required by the sections indicated in Table 906.1.

Section 907.15.1. When required by the Fire Code Official, non-required fire alarm systems shall be monitored by an approved supervising station in accordance with NFPA 72.

(c) That the geographic limits referred to in certain sections of the 2006 International Fire Code are hereby established as follows:

Section 3204.3.1.1 LOCATION. Stationary containers shall be located in accordance with section 3203.6. Containers of cryogenic fluids shall not be located within diked areas containing other hazardous materials.

Section 3404.2.9.5.1 Locations where aboveground tanks are prohibited. Storage of Class I and II liquids in aboveground tanks outside of buildings is prohibited within the limits established by the City of Red Lodge Zoning Regulations.

Section 3406.2.4.4 Locations where aboveground tanks are prohibited. Storage of Class I and II liquids in aboveground tanks outside of buildings is prohibited within the limits established by the City of Red Lodge Zoning Regulations.

Section 3804.2 Locations where the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas. Storage of liquefied petroleum gas in aboveground tanks outside of buildings is prohibited within the limits established by the City of Red Lodge Zoning Regulations.

15.06.011 Definitions;

- (a) Wherever the term "corporation counsel" is used in the adopted fire code, it means the city attorney.
- (b) Wherever the word "jurisdiction" is used in the adopted fire code, it means the city.
- (c) Temporary Outdoor Cooking Facilities – Any temporary facility intended for the commercial sale of food products. These facilities shall include outdoor barbecue grills,

fryers, griddles and other heat producing cooking equipment as determined by the Fire Department.

15.06.012 Fire Hydrants; When required, the average distance to a fire hydrant shall be 150 feet, and the maximum distance shall not be more than 175 feet.

15.06.013 Fire Hydrants to remain accessible for use and testing; Fire hydrants shall not be obstructed or landscaped in any manner that interferes with the use or testing of the hydrants. The Fire Department shall not be responsible for damage to landscaping or other obstructions that interfere with the normal operation and testing of fire hydrants.

15.06.014 Temporary Outdoor Cooking Facilities Temporary outdoor cooking facilities shall be permitted, provided that the cooking installation meets the requirements of this chapter as well as *NFPA 58 Liquefied Petroleum Gas Code* in addition to the following requirements:

- 1) No outdoor cooking facility shall obstruct or be in close proximity to occupancy exits, normal paths of pedestrian travel, or fire and emergency vehicle apparatus access.
- 2) Outdoor cooking facilities, except barbecue grills in City Parks that are permanently mounted and used for private recreational use, must have available an approved fire extinguisher of a minimum 3A-40BC rating or other type as deemed necessary by the code official.
- 3) Outdoor cooking appliances must be at least 10 feet from all combustible materials.

15.06.015 Restricted Entry to Public Lands; The Fire Chief is authorized to determine and publicly announce when public lands shall be closed to entry due to extreme fire hazard or other danger to public safety, and when such areas shall again be opened to entry.

15.06.027 New Construction; No building construction shall begin within a subdivision until the fire department having jurisdiction has received and approved a certification that the provisions for fire protection have been met. Whenever work is being done contrary to the provisions of this section the fire department may order the work to be stopped by notice in writing served on any persons engaged in the doing, or causing such work to be done, and any such persons shall stop such work until authorized by the fire department to proceed with the work.

15.06.020 Fire Inspections Required; All schools, businesses, public buildings, and places of assembly shall be inspected by the fire department at least once per year or at a time interval set by the fire department.

15.06.025 Open Burning Permit Required; A valid permit issued by the fire department shall be required prior to conducting any open burning, except that residential outdoor cooking and small recreational fires of less than 30” in diameter shall be allowed without a permit. The fire department or its designee must be notified prior to conducting any open burning.

15.06.030 Fire Department Inspection and Review Fees; The City of Red Lodge hereby requires fees as set by resolution for fire safety permits and for inspections required in 15.06.020. The City shall account for all fees, and all monies received shall either be used to fund the fire inspection program or shall be placed in the Fire Department cash /restricted fire equipment fund. All fees shall be due and payable at the time the permit is granted or the inspection is performed. All fees are payable upon permit application or commencement of an inspection. Failure to pay for permit, plan review or inspection fees imposed by this fee schedule, within the time period specified, shall render such permit or inspection null and void.

15.06.031 Standard Hourly Fee; There shall be a standard hourly fee , with a one-hour minimum, charged in half hour increments for all inspection and plan review work unless there is a set fee outlined in this resolution. All inspections, plan reviews and consultations shall be charged this standard hourly fee, unless otherwise specified. The standard hourly fee shall be adjusted to a rate one and one half times the set rate to provide for cost recovery when the department is requested or required to review plans or conduct inspections as an extension to the normal workday. When a requester fails to cancel a requested inspection prior to the time of the inspection, the first half-hour of the standard hourly fee will be charged.

15.06.032 Fire Inspection Fees; The following fire inspection fees shall be set by resolution and or shall be made part of the City Business License;

1. Minimum inspection fee;

All business and or commercial buildings of less than 1000 square feet with occupancy of fewer than 25 people.

2. General inspection fee;

Short-term residential home rentals, businesses and or buildings of more than 1500 square feet and of occupancy of 25 to 75 people, as well as any building or business not otherwise specified.

3. Public assembly and hazardous storage inspection fee;

All businesses and or buildings with an occupancy of more than 75 people as well as all public assembly buildings, restaurants, hotels and motels, and all hazardous occupancies.

15.06.033 Re-inspection Fees; All re-inspections (follow-up inspections) shall be charged at the standard hourly fee rate with a one-half-hour minimum.

15.06.034 Plan Review Fees; There shall be a fire department plan review fee set by resolution on a per lot or dwelling unit basis (whichever is greater) for all new subdivisions and or development reviews. The fee shall be paid by the applicant to the planning department at the time of application submittal. The standard hourly fee shall apply to all other plan reviews or development consultation by the fire department.

15.06.35 Fees for Open Burning; The fee for an open burning permit shall be set by resolution.

15.06.040 The City of Red Lodge Has Power to Grant Exemption. The City shall have the power to grant exemption from application of the chapter upon request in writing and such request shows that the enforcement of the chapter will cause unnecessary hardship to the petitioner, provided that said exemption does not allow a distinct hazard to life or adjoining property. The particulars of such exemptions when granted shall be entered upon the approval granted. The authority having jurisdiction thereof shall retain a copy. Exemptions shall be valid for no more than five (5) years.

15.06.050 Appeals to the City Council, Penalties. An owner, lessee, agent, operator, or occupant aggrieved by any order issued pursuant to this chapter may file an appeal to the City Council within ten (10) days from the personal service of such an order, and the City Council shall fix a time and place not less than five (5) days nor more than twenty (20) days thereafter when and where such appeal may be heard by the council. Such appeal shall stay the execution of such order until a decision on the appeal is issued by the council.

The City Council shall at such hearing affirm, modify, revoke, or vacate such order, and unless revoked or vacated, such order shall then be complied with.

Nothing herein shall be deemed to deny the right of any person, firm, corporation, co-partnership, or voluntary association to appeal from an order or decision of the City Council to a court of competent jurisdiction. Such appeal shall stay the execution of such order until a decision on the appeal is issued by the court.

15.06.064 Firefighters Authorized to Require a Premises to be Evacuated; If, in the opinion of a firefighter enforcing this code, a violation exists in or near an occupied structure, or in an outside assembly area, that poses a significant risk to the life safety of the occupants, the firefighter may require the premises or a portion of the premises to be immediately vacated until such time as the violation can be corrected.

15.06.065 Enforcement of Code by Firefighters; Each firefighter of the city, approved by the fire chief or his designee, is authorized to enforce this code and remove any unlawful or dangerous condition that exists which may create, cause, have potential to cause fires or impede fire department public safety service. The approved firefighters are authorized to issue citations to violators.

15.06.70 Repeal of Prior Ordinance. By the adoption of this ordinance the prior Fire Prevention and Safety Codes are hereby repealed.

Motion by Lockman, second by Labrie to approve Ordinance No. 873, Fire Codes, on first reading. On roll call vote all Aldermen present voted "Aye." Motion carried.

Ordinance N0. 874 – Addressing

ORDINANCE NO. 874

Chapter xxxxx

Addressing

Sections:

1. Address number required.
2. Designation of address numbers.
3. Addressing fee.
4. Record of address numbers.
5. House, building or structure being erected or remodeled required to be numbered.
6. Specifications for display of address number.
7. Alternative method of address display.
8. Compliance required; correction of violations.
9. Change in name or number of street or avenue.
10. Penalty.

1. Address Number Required.

All houses, buildings or structures used or intended for use as living quarters or as a place for conducting business in the City shall have a designated address number conspicuously displayed above, or near, a door or entrance that faces a public street or private street.

2. Designation of Address Numbers.

The Fire Department shall designate in consultation with Carbon County the proper address numbers for all house, buildings or structures required to be numbered. The Fire Department shall have the power to change such numbers when, in their judgment, such change is necessary to avoid or eliminate confusion with other numbers.

3. Addressing Fee.

The fee for assigning an address to a lot shall be set by resolution. The fee for new lots created by subdivision shall be set by resolution and shall be paid by the applicant at the time the application is submitted to the planning department. The address assigned by the Fire Department shall be shown on the plat prior to final plat submittal.

4. Record of Address Numbers.

The Fire Department shall keep a record of all proper address numbers and shall furnish such numbers to any person requesting same.

5. House, Building or Structure Being Erected or Remodeled Required to be Numbered.

Any person erecting or remodeling any house, building or structure required to be numbered shall ascertain from the Fire Department the proper address number for such house, building or structure and shall display said number as provided in this article.

6. Specifications for Display of Address Number.

All address numbers shall be displayed with Arabic numerals, which shall be a minimum of three and one-half (3 ½) inches and a maximum of eighteen (18) inches in height having a minimum stem width of one-half (1/2) inch and shall be of a contrasting color with the building. No address number shall be obscured from view by vegetation, screening or other means.

7. Alternative Method of Address Display.

A different method of address display may be required by the Fire Department for a house, building or structure which is located farther from a street than the normal front yard set back.

8. Compliance Required; Correction of Violations.

Any person owning, leasing, occupying or maintaining any house, building or structure which has no number displayed thereon, which displays an incorrect number, or violates this article in any way, when so informed and notified by the Fire Department shall put up a number, shall change the incorrect number so that the proper number will be displayed, or shall take any necessary action to comply with this article, within twenty (20) days after the date of such notice.

9. Change in Name or Number of Street or Avenue.

The City Council may in its judgment, when it appears to be in the best interest of the City and inhabitants thereof, expressed by resolution duly and regularly passed and adopted, change the name or number of any street or avenue.

1. Public Hearing; Notice.

A public hearing shall be set and shall be conducted by the City Council at which parties in interest and citizens shall have an opportunity to be heard. Notice of such hearing shall be given as follows:

- (1) The time, date, and place of the public hearing shall be posted in a public location.
- (2) Each property owner, or his agent, on the street or avenue involved shall be mailed notice of the time, date, and place of the public hearing at least five (5) days prior to the hearing date.

10. Penalty.

Any person who violates any of the provisions of this article is guilty of a misdemeanor and upon conviction thereof is punishable by a fine not exceeding twenty-five dollars (\$25.00). Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this article is committed, continued, or permitted by such person, and shall be punished accordingly.

Tom Kuntz said this ordinance would be very clear as to how addressing works and gives the Fire Department the authority to do the addressing. This ordinance will be on the agenda at the next meeting as first reading.

Beartooth Humane Alliance Mayor Scanlin said the Beartooth Humane Alliance has come up with a proposal they would like the City to consider. The Mayor gave this to the Emergency and Police Service Committee for them to review and come back to the Council with a recommendation when they are comfortable with the process.

Land Use and Planning – Resolution No. 3269 – Annexation Wholly Surrounded Property – White Ave.

RESOLUTION NO. 3269

A RESOLUTION OF THE CITY OF RED LODGE ANNEXING TERRITORY TO THE CITY.

WHEREAS, a resolution of intent to annex territory to the City of Red Lodge, Carbon County, Montana, was adopted pursuant to Sections 7-2-4501 through 7-2-4506, Montana Code Annotated (MCA), by the City Council at it’s meeting on October 14, 2008.

WHEREAS, the City Clerk notified in writing all property holders and registered voters within the boundaries of the territory proposed to be embraced on October 15, 2008, and caused a notice to be published in the Carbon County News on Thursday, October 16, 2008, and on Thursday, October 23, 2008, in conformity with Section 7-2-4501, MCA;

WHEREAS, the City Clerk received expressions in writing of approval or disapproval for a period of twenty (20) days after the first publication of such notice, which twenty (20) days period ended by 5:00 p.m. on Wednesday, November 5, 2008.

WHEREAS, the City Clerk has laid before the Council all communications in writing received by her for the Council’s consideration, and none have disapproved in writing;

WHEREAS, the Council has considered the proposed annexation and concluded it would be in the best interest of the City of Red Lodge and the inhabitants thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA, AS FOLLOWS:

1. **TERRITORY ANNEXED.** Pursuant to Section 7-2-4501 through 7-2-4506 MCA, the City of Red Lodge hereby annexes and the boundaries of the City of Red Lodge, Carbon County, Montana, are hereby extended to include the following described property:
TRACT B COS 1336 located in Section 34, Township 7 South, Range 20 East, P.M.M., Carbon County Montana
CONDO MASTER OLD MOUNTAIN HOME TR A COS 1336 located in Section 34, Township 7 South, Range 20 East, P.M.M., Carbon County Montana
LT A-2 COS 1818 3RD AM POLLARI SUB located in Section 34, Township 7 South, Range 20 East, P.M.M., Carbon County Montana
LT A-1 COS 1818 3RD AM POLLARI SUB located in Section 34, Township 7 South, Range 20 East, P.M.M., Carbon County Montana

PROCEDURE. This Resolution has been duly and regularly passed and adopted and all procedures required under MCA, Title 7, Chapter 2, Part 45, have been duly and properly followed and taken.

Motion by Mahan, second by Kampfe the adoption of Staff Report ZC-08-01 dated 11/06/2008 as findings of fact. I move to approve Resolution No. 3269, a Resolution of the City of Red Lodge annexing territory to the City. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Johnson said there were no comments received during the twenty-day comment period and all of the property owners were notified.

Ordinance No. 828 3rd Amended – Assign Zoning Wholly Surrounded White Ave. – First Reading
ORDINANCE NO. 828 3RD AMENDED

AN ORDINANCE TO APPLY CITY ZONING IN ACCORDANCE WITH MCA 76-2-301 ET. SEQ. FOR CERTAIN TRACTS OF LAND DESCRIBED AS:

TRACT B COS 1336 located in Section 34, Township 7 South, Range 20 East, P.M.M., Carbon County Montana

CONDO MASTER OLD MOUNTAIN HOME TR A COS 1336 located in Section 34, Township 7 South, Range 20 East, P.M.M., Carbon County Montana

LT A-2 COS 1818 3RD AM POLLARI SUB located in Section 34, Township 7 South, Range 20 East, P.M.M., Carbon County Montana

LT A-1 COS 1818 3RD AM POLLARI SUB located in Section 34, Township 7 South, Range 20 East, P.M.M., Carbon County Montana

Subdivision Plat No. 1818 2nd Am. Plat of Sandhill Springs Subdivision. A minor subdivision lying in Tract B of the Pollari Subdivision, Plat No. 1818 AM. Located in the SE¼ of Section 33, and the SW¼ of Section 34, Township 7 South, Range 20 East, P.M.M., Carbon County Montana. Subdivision Plat No. 1818 2nd AM (Sandhill Springs) consists of Lots 1, 2, 3, 4, and 5 contains 16.54 acres. This annexation is inclusive of all streets and roads dedicated to the public within the subdivision as well as White Avenue to an extension of the southern lot boundary of lot 5 Sandhill Springs Subdivision on a bearing of North 89°26’18”East to the existing City limits.

WHEREAS, Ordinance No. 828 as amended by the Red Lodge City Council is referred to and commonly known as the Zoning Ordinance and accompanying Official Red Lodge Zoning Map; and

WHEREAS, upon recommendation of the Zoning Commission, the Council annexed the wholly surrounded parcels with Resolution No. 3269 on November 10, 2008; and

WHEREAS, upon recommendation of the Zoning Commission, the Council annexed the Sandhill Springs Subdivision with Resolution No. 3249 and assigned initial zoning of Residential (RZD) on November 27, 2007; and

WHEREAS, the City Council did adopt reports ZC-07-01 and ZC-08-01 with findings of fact and conclusions of law that form a rational nexus for the assignment of a zoning district to subject properties;

PURSUANT TO SECTION 76-2-301 OF MONTANA CODE ANNOTATED 2007 (MCA), FOR THE PURPOSE OF PROMOTING HEALTH, SAFETY, MORALS AND THE GENERAL WELFARE OF THE COMMUNITY, NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA, AS FOLLOWS:

1. That subject properties are hereby zoned Residential (RZD).
2. That the official zoning map of the City of Red Lodge be amended to reflect the zoning of Residential (RZD) on the subject properties.
3. That the subject properties are hereby assigned to Council Ward Area No. 3.

The City Clerk will file a certified copy of this Ordinance with the Carbon County Clerk & Recorder.

Motion by Mahan, second by Kampfe to approve Ordinance No. 828 3rd Amended, assign zoning to the wholly surrounded White Ave. on first reading. On roll call vote all Aldermen present voted "Aye." Motion carried.

Sanderson said that Sandhill Springs has previously been annexed and this ordinance pulls together the zoning of this area.

Resolution No. 3270 – Annexation Willow Creek Road & Setting Speed Limit

RESOLUTION NO. 3270

A RESOLUTION OF THE CITY OF RED LODGE ANNEXING TERRITORY TO THE CITY.

WHEREAS, a resolution of intent to annex territory to the City of Red Lodge, Carbon County, Montana, was adopted pursuant to Section 7-2-4301 through 7-2-4331 Montana Code Annotated (MCA), by the City Council at it's meeting on October 14, 2008.

WHEREAS, the City Clerk notified in writing all property holders and registered voters within the boundaries of the territory proposed to be embraced on October 15, 2008, and caused a notice to be published in the Carbon County News on Thursday, October 16, 2008, and on Thursday, October 23, 2008, in conformity with Section 7-2-4312, MCA;

WHEREAS, the City Clerk received expressions in writing of approval or disapproval for a period of twenty (20) days after the first publication of such notice, which twenty (20) days period ended by 5:00 p.m. on Wednesday, November 5, 2008.

WHEREAS, the City Clerk has laid before the Council all communications in writing received by her for the Council's consideration, and none have disapproved in writing;

WHEREAS, the Council has considered the proposed annexation and concluded it would be in the best interest of the City of Red Lodge and the inhabitants thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA, AS FOLLOWS:

1. TERRITORY ANNEXED. Pursuant to Section 7-2-4301 through 7-2-4331, MCA, the City of Red Lodge hereby annexes and the boundaries of the City of Red Lodge, Carbon County, Montana, are hereby extended to include the following described property:

Willow Creek Road Easement Spires to Section Line LEGAL DESCRIPTION

A strip of land 60 feet wide located in the SW1/4 of Section 15 and the SE1/4 of Section 16, T.7S., R.20E., P.M.M., Carbon County, Montana being 30 feet on each side of the following described centerline. The sidelines of said described strip being shortened or elongated to meet the property lines of the Grantor. Beginning at the corner of Sections 15,16, 21 & 22; thence north along the section line to the 1/4 corner of said Sections 15 & 16, the point of terminus.

Willow Creek Road Easement Section Line to Highway ROW LEGAL DESCRIPTION

A strip of land NW1/4 of Section 22, T.7S., R.20E., P.M.M., Carbon County, Montana described as follows: Beginning at the corner of Sections 15, 16, 21 & 22; thence easterly along the line between Sections 15 & 22 to a point which is 30 feet perpendicular to the west line of said section 22; thence south and parallel to the Section line of Sections 21 & 22 to the northerly right-of-way of Highway 78; thence northwesterly along said right-of-way to the said west line of Section 22; thence north along said Section line to the point of beginning.

2. PROCEDURE. This Resolution has been duly and regularly passed and adopted and all procedures required under MCA, Title 7, Chapter 2, Part 43, have been duly and properly followed and taken.
3. EFFECTIVE DATE. This Resolution shall be effective November 10, 2008.

Motion by Mahan, second by Kampfe the adoption of Staff Report ZC-08-02 dated November 6, 2008, as findings of fact. I move to approve Resolution No. 3270, a resolution of the City of Red Lodge annexing territory to the City. On roll call vote all Aldermen present voted "Aye." Motion carried.

No comments were received during the twenty-day comment period.

Sanderson said that both the Prather family and the Draper family commented that if the annexation is completed as proposed they will quit claim the land and give the City fee simple ownership of Willow Creek Road. When this is completed the City will have a standard City street from the Highway 78 right-of-way all the way through the Spires at Red Lodge subdivision. Currently this area is an easement to the City.

Motion by Mahan, second by Kampfe to assign a speed limit of 35 miles per hour for the annexed portion of Willow Creek Road in conjunction with Resolution No. 3270. On roll call vote all Aldermen present voted "Aye." Motion carried.

CTEP Public Discussion – Projects for Funding Sanderson said the estimate for the sidewalk project, which will be from Highway 78 to the Mountain View elementary school, will be \$180,000. Sanderson said there is funding available from the Safe Routes to School, which would give \$50,000 towards this project. This application timeline fits well with the construction timeline and would double as the CTEP application. If the City were able to obtain the CTEP and the Safe Routes to School funding the City would then only have to use about \$40,000 from the cash in lieu of sidewalks. Sanderson said in order to make the Safe Routes application valid the City needs to poll the public to see if there are any other projects that the Council should consider for Safe Routes funding. The Mayor asked if there were any other projects that would need to be considered. No one spoke to any other projects.

Public Works – Update – 2007 Waterline Rehabilitation Project – Preliminary Close Out

Sanderson said the estimate of the project has the contingency budget over by approximately \$37,000. He said the potential overruns have come primarily from the asphalt. Sanderson said all things considered the project has gone well. Sanderson said USDA will make the City take all the funds asked for even if less is needed so there will be roughly \$200,000 that is unappropriated so this will cover the \$37,000 shortage.

Andrew Mattie, Project Engineer, reported that the tank is substantially complete and will come in under budget. Mattie said some of the overage is due to items like service connections that were not in the original contract. A punch-out list is being done on Williams Plumbing and Heating now. Mattie said that overall the project went very smoothly and the City had very good contractors working the project.

Mattie said that 5% retainage is being held on the Century Companies contract and will not be released until after winter due to the paving.

Claim from Northwestern Energy Sanderson said that part of the project to bring the 16-inch transmission line into town, came down Water Works Road, which forced the City to cut the natural gas service by Northwestern Energy. Northwestern Energy has installed the pipe and they would like the City to pay a claim totaling \$4235.32 for this work. The gas will not be turned on until this bill is paid and the City needs to be able to keep the facility warm so the tank does not freeze. Sanderson asked the Council to deviate from normal procedure and approve this claim at this time.

Motion by Kampfe, second by Mahan to pay Northwestern Energy \$4235.32 from water project funds. On roll call vote all Aldermen present voted "Aye." Motion carried.

Request to Drill a Well at Airport – Ken Lake Mr. Kenneth Lake has submitted a request to drill a well near the southwest corner of Hanger Site #12 at the airport. The lease specifically prohibits the installation of a septic tank and drain field. As such the well cannot be used as a potable water supply. The expressed purpose or need for the well is: quick response fire protection, washing of aircraft, tractor and lawn mower and irrigation of landscaping near the hanger site. The only portion of the request that is in keeping with the requirements of Ordinance #835 is the request to use the well for irrigation purposes. PWD, Orval Boyer, is willing to grant permission for the development of a well at the subject lease for irrigation purposes only. The stated primary purpose of the well for "quick response fire protection" has been classified by the Red Lodge Fire Chief as having little to no value. Staff recommendation is that it is not in the best interest of the City to allow for the proliferation of individual water wells within the corporate limits. As such the request to drill a well to serve hanger #12 should not be approved.

Motion by Priest, second by Mahan to approve the drilling and development of a well at Hanger Site #12. On roll call vote all Aldermen present voted "No." Motion failed.

CITIZEN REPORT Beth Hutchinson asked the Council to please RSVP if they will be in attendance at the Citizen of the Year celebration.

Hutchinson said the Federal government has gotten very rigid about putting money into things that will be pulled out in less than twenty years. She asked the Council what they had in mind for the intersection of Highway 78 and Highway 212 in regard to the sidewalk project. Mayor Scanlin said the short answer is that the City will not be allowed to get that close to the intersection in this project. The Mayor said the highway project has yet to be designed at this intersection.

OLD BUSINESS Kennicott asked if a decision has been reached regarding the dumping issue at the golf course that was brought up by Willis Coffman. Mayor Scanlin said no response has been received yet from the City Attorney. She said it remains a private issue until it is determined if the dumping was done on public land. Mahan said that Mr. Coffman is of the opinion that the debris was partially dumped on public land. Mayor Scanlin asked Sanderson if he would follow up on this matter to look at the site.

NEW BUSINESS Kennicott asked if the information regarding curbside recycling could be re-published in the paper for new people who moved to town. She said she has been asked questions regarding this issue. It was suggested that this information be given to people when they move to town and sign up for water and sewer. It can also be published in the paper when the trash routes are put in the paper.

CORRESPONDENCE None

MISCELLANEOUS Mayor Scanlin wanted to publicly recognize Curtis Fleck for the upgrading of the wooden Indian statue on the lawn of the library. He took it upon himself to paint the statute. Mike Keyes donated ten gallons of weather protective paint. Will and Pam Johnson who live across the street rented the lift that was used. Curtis Fleck also pressure washed the statue at no cost to the City. She thanked these people for the work they did.

Mahan said the Citizen of the Year function will be held November 14, 2008 at 5:30 p.m. at Bridge Creek.

John Prinkki told the Council that representatives from MDOT will be at the County on November 24, 2008 at 10:30 a.m. for an update on highway projects in Carbon County. This would be Highway 212 and Highway 78.

Prinkki said the Beartooth Humane Alliance would like the County to take the lead role in their program for animal control. He said in order to have a countywide program there would be six entities in the program. Prinkki said the costs would be about \$170,000 per year. He also feels there would be a need for a united animal control ordinance for all communities to use. This is something he would like the City to start reviewing to see what they think about the process and if it can be done.

Meeting adjourned at 8:20 p.m.

Mayor

ATTEST:

City Clerk