

November 13, 2012

The Red Lodge City Council met in regular session on November 13, 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 Mahan, Richter, Labrie, Schoenike and Williams.  
Absent: None.

**DEPARTMENT HEAD ATTENDANCE:** Community Development Director – Forrest Sanderson and City Clerk – Debbie Tomicich.

**MINUTES OF OCTOBER 23** Motion by Mahan, second by Schoenike to approve the minutes of October 23 as presented. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Richter said that she had attended a Red Lodge Merchants and Lodging Association meeting and was told by the General Manager of Comfort Inn that the motel has not been sold. She said the minutes need to be corrected. Mahan said the statement was made at the October 23 meeting but the current minutes can reflect that the statement was proven to be incorrect.

**CLAIMS AGAINST THE CITY** Motion by Labrie, second by Williams that claims against the City totaling \$154,849.50, 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.

Labrie pointed out a few of the claims. The City paid Red Rooster Ranch Spraying \$3208.43 for the last weed spraying bill of the year. Great West Engineering submitted a claim for \$25,425.87 for work done on the Broadway Water Rehab Project. Four tires were purchased from Tire-Rama for \$11,886.20 for a large piece of equipment in Public Works.

**OFFICERS REPORTS** The officer’s reports were presented to the Council for their review.

**COMMENTS FROM PUBLIC REGARDING AGENDA ITEMS** None

**SPECIAL COMMITTEES** None

**STANDING COMMITTEES – ADMINISTRATION – Appointment Ward 3 Council Vacancy – Bill Foisy** Motion by Williams, second by Labrie to appoint Bill Foisy to the vacant Ward 3 Council position. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Foisy will fill the vacancy left by the resignation of Aaron Kampfe in Ward 3. Foisy will then take his seat in Ward 3 as of January 1, 2013 as a duly elected Alderman.

Mayor Roat administered the Oath of Office to Foisy and he took his seat at the table.

Motion by Williams, second by Mahan to appoint Foisy to serve on the Administration Committee and the Police and Emergency Services Committee and move Richter from Police and Emergency Services Committee to the Land Use and Planning Committee. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**Use of City Owned Land – G-Dawgs – 2013 Season** Motion by Labrie, second by Williams to approve Gary Kistard’s application for G-Dawgs to use the northwest corner of 12<sup>th</sup> Street and Broadway and the northeast corner of 13<sup>th</sup> Street and Broadway for his business from June 1, 2013 to May 31, 2014. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**Appointment to Library Board – Erinn Ackley** Motion by Labrie, second by Williams to appoint Erinn Ackley to the Library Board on the Boards recommendation. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**Budget** Williams told the Council that the Administration Committee continues to monitor the budget. He said that 20% of the annual revenues have been received and 22% of the projected expenditures have been spent to date. Williams said there does not appear to be any extra money in the budget at this point. The revenues coming in and expenditures going out are in line with most years.

**POLICE AND EMERGENCY SERVICES** Williams said the committee had a good meeting and discussed a variety of items with the Fire and Police Chiefs. Mayor Roat said the inventory list given the Council was very informative and thanked the committee for getting the list.

**LAND USE AND PLANNING – Approve High Bid - City Attorney to Prepare Documents – Lease Tract B-5 –**

**Kam Stevens** Motion by Schoenike, second by Mahan to approve the lease of the subject property to Rocky Point L.L.P. subject to the following four conditions:

1. That Rocky Point L.L.P. shall submit an application for a conditional use permit as required by the Red Lodge Zoning Regulations by December 10, 2012.
2. That Rocky Point L.L.P. shall pay any and all costs associated with the conditional use permit application and improvements required via any such approvals issued by the Planning Board and /or City Council.
3. That Rocky Point L.L.P. comply with the terms and conditions imposed in the offering for lease of City owned land.
4. That the City Council instruct the City Attorney to prepare a standard lease agreement between the City and Rocky Point L.L.P. for execution by both parties by December 11, 2012.

On roll call vote those in favor: Alderman Foisy, Mahan, Richter, Labrie and Schoenike. Those abstaining: Alderman Williams. Motion carried.

Kim Ruby, City Brew, was asked if she was aware of the conditions as she is a partner in this lease. She said that she was aware of everything stated.

Sanderson said the original listing required a lease rate return of 6.25% which would be a minimum lease payment of \$401.63 per month. He said the bid that was received is approximately 6.4% and will be \$420.00 per month for this commercial real estate. The lease will be set for a twenty-five year period and the lease amount will not change during this period. Everything, such as the rate of return was factored in so the rate does not need to change until the lease is ended.

**PUBLIC WORKS – Broadway Water Rehab – Authorize Call for Bids** Mahan said the Public Works Committee meeting was a very good one earlier today.

Motion by Mahan, second by Richter to call for the authorization to call for bids for the Water Broadway Rehab Project contingent upon all the permitting that is required. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Chad Hanson, engineer on project, said the bid opening will depend on when the City receives the permits. He said that DEQ has already approved the project but the City is waiting for the MDT Utility Occupancy Agreement. Hanson said he is not comfortable going out for bids until this agreement is in hand. It is hoped to start as early in the spring as possible but no later than April 1, 2013. Hanson said that Great West is coordinating closely with MDT and their consultants. He said the Red Lodge 8<sup>th</sup> Street to Robinson reconstruction is supposed to “let” this spring and start in May or June. Their first phase of construction will be the storm sewer and they will start at the outfall of the creek and work up to Robinson Lane and then up the highway so the City project will be ahead of the MDT project. The Red Lodge South Project is tentatively scheduled for the fall, September or October, so again the City project will be ahead of this one. The City plans for water will be given to MDT so they can coordinate it with their storm sewer project. Foisy is concerned with the outreach to local businesses so they will always know the progress of these projects and how that will concern them.

The construction season this coming year will be a very busy one.

**Resolution #3352 – Revised Fee Schedule – Cemetery**

**RESOLUTION NO. 3352**

**A RESOLUTION OF THE RED LODGE CITY COUNCIL TO SET FEES FOR THE SALE OF CEMETARY LOTS AND SERVICE CHARGES FOR OPENING OF GRAVES.**

**WHEREAS**, The City of Red Lodge is responsible for the perpetual care and maintenance of the Red Lodge Cemetery; AND

**WHEREAS**, The care and maintenance of the Red Lodge Cemetery has been primarily paid for out of the City’s General Fund; AND

**WHEREAS**, The costs of maintenance of the cemetery are currently significantly higher than the revenue collected from related fees; AND

**WHEREAS**, Fees related to the Red Lodge Cemetery have not been increased since 1996.

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Red Lodge, Montana that the following fees shall apply to services and to the sale of plots at the Red Lodge Cemetery.

**BE IT FURTHER RESOLVED THAT** Resolutions #3040 and #2048 are null and void on the effective date of this resolution.

**Purchase of Lots:**

Burial Lots (4’ x 8’):

Resident and/or Landowner in the City of Red Lodge:	\$500.00 each.
All Others:	\$850.00 each.

Cremains Lots (4’ x 4’ – Cremains of up to two people may be placed in each lot):

Resident and/or Landowner in the City of Red Lodge:	\$300.00 each.
All Others:	\$500.00 each.

25% from the sale of any lot shall be deposited into a cemetery capital improvements account. The remainder shall be deposited into the General Fund for cemetery uses.

**Service Charges for Opening & Closing of Graves:**

Burial Lots (4’ x 8’):

Weekday (Monday – Friday except Holidays):	\$600.00 each.
Saturdays, Sundays, and Holidays:	\$700.00 each.

Cremains Lots (4’ x 4’ – Cremains of up to two people may be placed in each lot):

Weekday (Monday – Friday except Holidays):	\$250.00 each.
Saturdays, Sundays, and Holidays:	\$350.00 each.

Motion by Schoenike, second by Labrie to approve Resolution #3352 a resolution of the Red Lodge City Council to set fees for the sale of cemetery lots and service charges for opening of graves. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Amendment to motion by Schoenike, second by Richter to amend the section Service Charges for Opening and Closing of Graves: to read Service Charges for Opening and Closing of Graves and Ongoing Maintenance. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Schoenike said that Foisy suggested with any proposed ordinances or resolutions, especially when they involve fees, that they be put on the computer and sent to anyone who has subscribed to the list serve.

Dan Gainer said he finds the increase of fees to be very dramatic. He would like to have seen the costs for County residents to be the same as City residents. Gainer also suggested applying 25% of the opening and closing costs to the cemetery capital improvement account.

Mayor Roat said that Public Works Director Boyer has made good inroads for the water line project on Beartooth Lane. He has hauled off a great number of trees that will be taken to the lagoons where they will be available for fire wood. The crew is doing some catch up work.

Foisy said he would like to see Public Works follow up with the engineer and the County regarding the stripping of the bridge. Sanderson said he expects all of this to occur this spring.

Mahan said the new bridge on 19<sup>th</sup> Street is now drivable. She said the approaches were done very well. The whole project is a good one. Some of the paving will be completed next spring. She said the old bridge was built in 1907. One of the metal plaques that was on the end of the old bridge has been given to the museum to be preserved. Mahan said there will be an opening ceremony for the new bridge.

**CITIZEN REPORT** George Beaudet demonstrated some LED lights for the Council to see how they worked. One of the lights he demonstrated was a 28 watt light and the City is currently using a 250 watt bulb on the cobra head and 100 watt metal halide on Broadway. There are three bulbs per fixture on Broadway. Beaudet said there would be a 75% saving on the 100 watt bulb.

Mayor Roat said that NorthWestern Energy has indicated to the City that they do not want to use LED lights. The Mayor said the City will be having a conversation with NWE regarding this topic. Sanderson said he has been in conversation with NWE and they said they are not interested in installing any LED products on any of their systems. NWE said they will have someone in attendance at the November 27 meeting or the December 11 meeting whichever the Council wants. The Council told Sanderson to get back to NWE and let them know they would like someone to attend the November 27 meeting.

Michael Szczutkowski, 1711 Pine Ridge Road, commented that the house numbers in his area were supposed to be changed according to the Fire Department. Szczutkowski said that he and one other person have complied with this request and he is concerned with emergency services finding his address, if needed, when the whole area has not yet complied. Mayor Roat told Szczutkowski that this information will be brought to the rural addressing people so the neighbors can be encouraged to comply.

Szczutkowski also has a concern with snow removal on his street. He said he lives right on the corner of the street and he explained about the berm that builds up when snowplowing is done. He commented that his proposal is to do the one pass north and then do the second pass going south. There is an area to turn around

and then continue to go north. He feels this would help with eliminating the berm by his house. Mayor Roat said that he has passed Szczutkowski's e-mails on to the Public Works Director.

**CORRESPONDENCE** Sanderson said that compliance with the zoning regulations authorizing approval for the town home development of the rectory at 7<sup>th</sup> Street and Broadway as required by the Red Lodge Subdivision Zoning Regulations, the plat has been filed. They constructed the town homes and installed the individual utilities on lots zoned as C-4 which provides for multi-family. Sanderson said he approved the unit ownership documents for filing with Carbon County as provided by ordinance.

**MISCELLANEOUS** Schoenike reported that there are 22 people subscribed to the newly developed list serve. He told everyone to keep spreading the news of the list serve so others who are interested can subscribe.

Schoenike reminded all that the Planning Board will be meeting at 5:30 p.m. on November 14, 2012, here at City Hall. This will be a continuation of the work being done on the Growth Policy.

Meeting adjourned at 8:00 p.m.

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Mayor

ATTEST:

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City Clerk