

November 23, 2010

The Red Lodge City Council met in regular session on November 23, 2010 at 7:00 p.m. The meeting was called to order by Acting Mayor Mahan followed by the Pledge of Allegiance to the Flag.

ROLL CALL OF OFFICERS Present: Acting Mayor Mahan, Aldermen Kampfe, Labrie, Kennicott and Priest. Absent: Mayor Roat and Alderman Richter.

MINUTES OF NOVEMBER 9 Motion by Kampfe, second by Labrie to approve the minutes of the November 9 meeting as submitted. On roll call vote all Aldermen present voted "Aye." Motion carried.

COMMENTS FROM PUBLIC REGARDING AGENDA ITEMS None

SPECIAL COMMITTEES – None

ADMINISTRATION – Council Meeting 12/28/2010 Motion by Kampfe, second by Labrie to cancel the City Council meeting scheduled for December 28, 2010. On roll call vote all Aldermen present voted "Aye." Motion carried.

Kampfe said there would not be a quorum for this meeting as three of the six Council members will be absent along with two of the staff members.

Street Lights LED Replacement Within the City – Approve Funding Kampfe said the committee has come across two barriers with this project. He said the first barrier is that the LED system as presented by Noribachi has yet to be certified by NorthWestern Energy. The second barrier to moving forward with the project at this point is the financing component. Kampfe said he is in favor of continuing to investigate this project but the financing mechanism and certification of the project first need to be in place.

Motion by Priest, second by Labrie to table the streetlights LED indefinitely. On roll call vote all Aldermen present voted "Aye." Motion carried.

Airport Agreement with Carbon County Priest commented that since the Airport Board was formed in the 80's they have held a single meeting that included Red Lodge and Bridger airports. The Airport Board said they want to continue holding a single meeting. Since the Board was formed budgets and meetings have been combined with each entity having their own agreement. At the present time everything is co-mingled. Priest said the Council can either create an agreement that reflects what has been happening all along or tell the Commissioners they have to hold two separate meetings. Priest said it is his recommendation that the Council adopt the agreement as to what has been happening for the past twenty some years so it remains very simple with only one meeting.

Motion by Priest, second by Kampfe to adopt the airport agreement as presented. On roll call vote all Aldermen present voted "No." Motion failed.

Amendment to motion by Priest to adopt the airport agreement with the discussed amendments. The motion died for the lack of a second.

Motion by Kampfe, second by Labrie to place the airport agreement on the agenda for the December 14, 2010 meeting. On roll call vote all Aldermen present voted "Aye." Motion carried.

Labrie said the changes made in the original agreement were very minor and Kennicott stated it was nowhere in the agreement that the Board would have to meet any more than once. Priest said that any issues coming before the Airport Board are decided jointly by the members of Bridger and Red Lodge.

Priest went through the proposed agreement showing the changes made by the Airport Board. The first is to include Bridger in the agreement. The seven members to the Board consist of three members appointed by the County Commissioners, two members appointed by the Red Lodge Council and two members appointed by the Bridger Council. Priest said the Board would agree not to deviate from the standard lease forms at the airport. The lease will not be modified by the Board. The Board does not want to be responsible for knowing the Red Lodge Growth Policy, Development Code or Zoning Codes. They will give the Council a copy of the lease and give a period of time for review. If no changes are made the lease will go through. The Board will give a copy of all leases executed each year. The Board would like to insert the language that the form of the hangar lease agreements for Red Lodge and Bridger are attached to the agreement as exhibits A and B respectively and shall be used without modification by the Board. Exhibits C and D will be the Certificates of Survey for real property descriptions of Red Lodge and Bridger.

The Council would like to review the agreement and the proposed lease for a little longer and come back at the next meeting for a decision.

Resolution #3316 – Insurance Coverage for Domestic Partners – Personnel Policy

RESOLUTION NO. 3316

A RESOLUTION APPROVING REVISIONS TO THE CITY’S PERSONNEL POLICIES AND AUTHORIZING DOMESTIC PARTNERSHIP FOR DEPENDENT ELIGIBILITY IN THE EMPLOYEE BENEFITS PROGRAM.

WHEREAS, the Red Lodge City Council passed revisions to the personnel policy by motion on March 14, 2006; and

WHEREAS, the City has received comments from its insurance carrier that it will disallow coverage for a domestic partner unless the City has this issue stated in the Personnel Policy; and

NOW THEREFORE, BE IT RESOLVED:

1. The City Council resolves to approve the “Revised Red Lodge Personnel Policies” attached hereto and made a part of this resolution.
2. The City Council intends that the “Revised Red Lodge Personnel Policies” hereby supercede and otherwise replace the City’s personnel policies previously adopted on March 14, 2006 and City of Red Lodge Policy #1.
3. The City Council does not intend the “Revised Red Lodge Personnel Policies” to supercede or otherwise conflict with any collective bargaining agreement, and when a conflict is perceived policies and procedures in the collective bargaining agreement shall prevail.
4. The City Council resolves to add the following under Section 39. Health Insurance:
“DOMESTIC PARTNER – “Domestic Partner” means a person who meets the following definition:
 1. Neither partner is or has been for the past 6 months, married, legally separated, a cohabiter or a Domestic Partner to another;
 2. The partners have cohabitated for at least 6months and continue to cohabitate;
 3. The partners are at least 18 years of age and mentally competent to consent to contract and mentally competent to execute the required Affidavit;
 4. The partners are not related by blood to a degree that would bar marriage in the State of Montana;
 5. The partners are each other’s sole Domestic Partner and intend to remain so indefinitely;
 6. A Domestic Partners child/children may be covered under the employees’ plan; and

7. The partners are responsible for each other's common welfare and have a financial interdependent relationship evidenced by any of the following:
 - A. Mutually granted financial or health care powers of attorney;
 - B. Designation of each other as primary beneficiary in wills, life insurance policies or retirement plans;
 - C. Executed a joint lease, mortgage or deed; or
 - D. Have joint ownership of a banking account.

Domestic Partners are not eligible for COBRA according to Federal Law.

Motion by Kampfe, second by Labrie to approve Resolution #3316, a resolution approving revisions to the City's Personnel Policies and authorizing Domestic Partnership for dependent eligibility in the Employee Benefits Program with the addition that Domestic Partners children can be included in coverage. On roll call vote those in favor: Aldermen Kampfe, Mahan, Labrie and Kennicott. Those opposed: Alderman Priest. Motion carried.

Kampfe said this is something that is fairly standard, as municipalities have been doing it for some time. When the City adopted the Personnel Policy this was not an issue with any employee so it was not included in the policy. Since that time there are employees who have this need but MMIA will not cover Domestic Partners until the City first includes the possibility in the policy.

Police and Emergency Services – Ambulance District Interlocal Agreement Motion by Kennicott, second by Labrie to approve the Interlocal Agreement between the Red Lodge-Roberts Ambulance District and the City of Red Lodge. On roll call vote all Aldermen present voted "Aye." Motion carried.

Kuntz told the Council that the agreement has been through legal review. Sam Painter was included in the origination of the agreement for the City along with Ray Kuntz for the District. Discussion was also held with the City's auditor and minor changes were made to the agreement due to his input.

Kuntz said the District would reimburse the City for equipment. There will be \$92,000 for ambulances and vehicles, which includes the medic-car, \$12,250 for radios, pagers and computers and \$12,295.42 for a detailed list of supplies. Kuntz said there would be a subtraction of \$48,039 for accrued payroll liabilities, (vacation, sick and comp time). The amount that will be reimbursed to the City from the District will be \$68,507. This annual payment will be \$17,126.75.

Other Police and Emergency Services Items Kennicott said the Emergency Service Committee is moving forward on the draft ordinance regarding long grass and noxious weeds. She said there are two important factors at this point on the draft ordinance. She said the City must come into compliance on City-owned property. She said it is the most frequently heard comment from the public. The City must be the example and follow State law before passing a fine of \$500 on our residents for lack of compliance. Also the new ordinance will further clarify the process with the agreement in place between the City and the weed district but it will not prevent the same pitfalls: lack of enforcement. There has never been the will to do so even though there has been active Council participation back to the 1990's and even an Emergency Ordinance on noxious weeds in 2001. It does not matter what the Council does at the table if the City does not enforce the ordinance. She asked that this ordinance be placed on the agenda for the next Council meeting.

Tom Kuntz told the Council that the fire codes are being revised.

Land Use and Planning – Letter of Credit Reduction – NeighborWorks Montana – MSV Motion by Labrie, second by Kampfe to accept the request that will allow a \$33,000 reduction in the Letter of

Credit for Mountain Springs Villa Subdivision project. The outstanding balance in the Letter of Credit will then be \$131,000. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Public Works – MOU with Beartooth Recreational Trails Association Mahan pointed out a change in bullet #1. BRTA will **provide some** (assist the City in the) maintenance of trails associated with the Rocky Fork Trail System. She said that Boyer is sensitive to people spending money from his budget that he does not have. The MOU does not change with this correction.

Motion by Priest, second by Kampfe to approve the MOU with Beartooth Recreational Trails Association with the change in bullet #1. On roll call vote all Aldermen present voted “Aye.” Motion carried.

In bullet #13 Kennicott asked to delete the last sentence. The bullet will now read #13. Each Party shall bear its own costs and expenses in pursuit of its duties, responsibilities and obligations herein except to any extent expressly provided therein.

Amendment to motion by Kennicott, second by Priest in bullet #13 to delete the last sentence. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Disc Golf Course at Coal Miners Park Mahan stated that the Public Works Department is on board with the disc golf course. They think it will be a good thing for the community. Boyer said that erosion will not be an issue. Mowing was discussed and Boyer said that in the past they mowed around the baskets on occasion but this is not high on his list of things to be done. This is fine with the Parks Board as they feel this is a minor issue. The Council is in agreement for the Parks Board to go ahead with their plans for the disc golf course with the City not being responsible for maintenance.

Motion by Kampfe, second by Labrie to approve the disc golf course plan as presented by the Parks Board. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Final Solar Project Report Sanderson told the Council that the solar RVV array and associated components and net meters are installed and operational. The dissolved oxygen meter and lagoon monitoring systems are working and operational. The VFD drives and motors have been installed and are functioning according to design specifications. He said there is no way to quantify the energy savings as the operational regimen on the blowers has been changed as a result of the DEQ permit violations and fines paid earlier in the year. In order to comply with the DEQ requirements the City has to run the blowers a lot more than has ever been done in the past. The net amount financed under the State Revolving Fund program is \$224,743, which is \$19,143 less than what the City Council approved for the budget. These funds have been released.

CITIZEN REPORT None

CORRESPONDENCE Mayor Roat wrote a letter to MDT thanking them for reducing the speed limit by the hospital. The speed limit was reduced to 45 mph up to Two Mile Bridge Road. Mahan said there is a strong possibility of this reduction becoming permanent.

MISCELLANEOUS Kennicott told the Council that Kim Haman took the one-year position on the Ambulance District Board and Kathleen Delahanty will have the three-year position. Ray Kuntz was appointed as Legal Counsel and Tom Kuntz as the Chief Operating Officer.

Meeting adjourned at 8:00 p.m.

Mayor

ATTEST:

City Clerk