

November 24, 2009

The Red Lodge City Council met in regular session on November 24, 2009 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, Richter, Labrie, Kennicott and Priest. Absent: None.

COMMENTS FROM PUBLIC Elli Elliot commended Mayor Scanlin for the fine job she has done in her two-year term in office. She thanked the Mayor for two good years.

SPECIAL COMMITTEE None

STANDING COMMITTEE – Administration – Elimination of Street Lighting Kampfe said the Council was hoping to reduce the City’s carbon footprint and to also reduce the budget with the possible reduction of streetlights. He said the process of turning off any of the lights could be very complicated. It would be even more complicated still to reduce the number of lights used. Kampfe said he is still in favor of the City reducing its carbon footprint, however, the committee does not feel that at this point it is something to be pursued. Kennicott wondered when the payback would come to the City if lights were turned off. She said this would be the big thing to consider.

Jay Mennanga complimented the Council for looking into this issue. He said the City does need to consider what the public would like to see happen with lighting. Mennanga said the Climate Protection Group looked into the thought of installing LED lights. He said they spoke to other communities that have converted to LED lights. There is a substantial start up cost to installing LED lights but perhaps this could be done as the lights go out and need to be replaced. He said there is roughly a 50% savings with these lights and that it takes 4 to 7 ½ years for a payback. The Climate Protection Group has no recommendation for the City but they will be looking into this further and will help in any way they can.

Council Meeting of December 22, 2009 It was decided there were items that need to be addressed at this meeting so the Council will meet on December 22, 2009.

Resolution No. 3295 – Amendment to Library FY 2010 Operating Budget
BUDGETARY AUTHORITY RESOLUTION
RESOLUTION NO. 3295

WHEREAS, the City of Red Lodge will receive from Carbon County funds in the amount of \$27,511 extra for FY-2010 for use in the operations of the Red Lodge Library, for which no provision was made in fiscal 2009-2010 City budget;

WHEREAS, cities may appropriate federal or state money received during the fiscal year by formal resolution,

NOW THEREFORE, BE IT RESOLVED that the City Council hereby appropriates the sum of \$27,511 and directs the City Clerk to allocate said amount to the following programs and objects.

<u>Revenue Code</u>		<u>Amount</u>
1000-338000		\$27,511

<u>Expenditure Code</u>	<u>Object of Expense</u>	<u>Amount</u>
1000-460100-215	Books	\$ 3,300
1000-460100-356	Consultant	\$ 500
1000-460100-359	Other	\$ 3,711
1000-460100-920	Capital Outlay-Building	\$20,000

BE IT FURTHER RESOLVED that the above appropriation shall become effective on November 24, 2009.

The County will be giving the library more funding this year than was originally anticipated so the City needs to amend the budget for the expenditure of these funds.

Motion by Kampfe, second by Mahan to approve Budgetary Authority Resolution #3295, a resolution to appropriate the sum of \$27,511 for the library. On roll call vote all Aldermen present voted "Aye." Motion carried.

Offer to Purchase Two Cooper Lots An offer is pending to purchase two of the Cooper Lots. This is not, as of yet, a final offer by the prospective buyer. The Mayor asked the Administration Committee to review this proposal. Kampfe said the committee discussed the proposal and said there are some problems and technical issues with it. The Committee would like to review the offer and come back with a counter-offer for the Council to review at the next meeting.

Motion by Mahan, second by Kampfe to table this item until the December 8, 2009 meeting. On roll call vote all Aldermen present voted "Aye." Motion carried.

Solar Panel Project Sanderson told the Council that NorthWestern Energy has verbally awarded the full \$50,000 grant for the solar project to the City. Red Lodge is the only City to receive a full grant award.

Emergency and Police Services – Police Union Contract Mayor Scanlin told the Council that the Union's draft of the contract does not coincide with the City's draft. She said staff is looking at the differences and then the negotiating management team will need to review the contract. When this is done it will then come to the Council to review.

NIMS Training Kennicott said that Tom Kuntz would be able to do the NIMS training on December 7, 2009, from 11:30 a.m. to 1:00 p.m. Department heads will also be involved in this training. The training will be held in City Hall.

Kennicott said the ladder truck needs approximately \$20,000 worth of repairs to meet certification. Cable mounts have been ordered for the truck.

The LEPC meeting was held on November 17, 2009. Kennicott reported that there was a presentation by the 83rd Civil Support Team re: their capability to do trainings for incidents as well as respond to a scene. Members are full-time Montana National Guard personnel who are experts in WMD but can assist with medical personnel and communication capability at no cost if requested.

The Police received a \$2413 grant for the purchase of protective vests for the officers. The vests cost approximately \$700 each. Greg Srock has filled the vacancy in the Police department. Srock will need to attend the State Police Academy. Chief Pringle will give the committee a list of training received so it can be used for budgeting next year.

Land Use and Planning – Mountain Springs Villa – Alley Abandonment Petition – NeighborWorks Montana Mayor Scanlin said there are five encroachments into the alley by the trailers in Mountain Springs Villa. One of the correction options proposed by NeighborWorks Montana is to abandon the alley. This is a complex issue and everyone wants a permanent fix to the encroachment.

Mahan said the Land Use Committee has discussed this issue at great length. She said most of the proposals presented by NeighborWorks Montana are not workable. She said a public hearing needs to be held on this issue and take in everyone's input.

Motion by Mahan, second by Kampfe to hold the public hearing on December 22, 2009. On roll call vote those in favor: Aldermen Mahan and Richter. Those opposed: Alderman Kampfe, Labrie, Kennicott and Priest. Motion failed.

The residents in question will not have to move at this time while everyone is attempting to find a solution.

Mayor Scanlin noted that since the subdivision has common garbage collection outside of the alley, all utilities have been located in resident's yards; the alley is not needed for public transportation purposes.

Kampfe said he is not in favor of abandoning the alley nor is the adjacent landowner to the alley in favor of this action. He feels this is not a problem the City created. Labrie said she agrees with Kampfe on this issue and feels there may be other solutions for the problem that should be looked at. These other avenues could be explored at the public hearing.

Priest said he does not know how this issue differs from others that have come before the City and been denied.

Mahan said she agrees that the City did not create this problem but feels the City is in the thick of this issue as it falls in the corporate City limits, these are city residents and if there is a resolution that the City can be a part of it is good for all. This is why she feels there is a need to hear the comments from the public and see if there are other options for a fix.

Subdivision Regulations – First Reading – Resolution of Intent #3294

RESOLUTION NO. 3294

A Resolution of Intent by the City Council of the City of Red Lodge to adopt the 2009 Red Lodge Subdivision Regulations.

WHEREAS, The Red Lodge City Council tasked the Planning Board and Zoning Commission with the preparation of the Growth Policy for the City and a reasonable planning jurisdiction outside of the City limits; and
WHEREAS, The City Council on August 12, 2008, adopted the 2009 Red Lodge Growth Policy; and
WHEREAS, Montana Code Annotated (MCA) 76-1-606 requires that a Growth Policy be implemented through the adoption of Subdivision Regulations; and
WHEREAS, The Planning Board and Zoning commission did conduct six months of duly noticed work sessions in the generation of the proposed 2009 Red Lodge Subdivision Regulations; and
WHEREAS, The Planning Board and Zoning Commission did conduct a formal and duly noticed public hearing of the proposed 2009 Red Lodge Subdivision Regulations on August 26, 2009; and
WHEREAS, The City Council did conduct a formal and duly noticed public hearing of the proposed 2009 Red Lodge Subdivision Regulations on October 13, 2009; and
WHEREAS, The proposed 2009 Red Lodge Subdivision Regulations implement the 2008 Red Lodge Growth Policy and address all statutory components of State law to the extent acceptable to the City Council.
NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Red Lodge, Montana to adopt Resolution Number 3294 which states the intention of the City Council of the City of Red Lodge to adopt the 2009 Red Lodge Subdivision Regulations as amended in accordance with the requirements of the Montana Code Annotated.

Motion by Mahan, second by Kennicott to approve Resolution #3294 – Resolution of Intent, Subdivision Regulations on first reading. On roll call vote all Aldermen present voted "Aye." Motion carried.

Mayor Scanlin spoke to her thoughts on the Subdivision Regulations. She has concerns with sidewalks and trail, parks and the variance procedure. She said that traditionally sidewalks and trails are separate requirements from parks. She would like to make sure they are not meshed together. She does not want to see park funds used for trails nor trail funds used for parks. She said the second item is the variance procedure. She that “hardship” is a key word regarding variances. A variance cannot be given for just any reason. It has to be preventing a hardship that cannot be avoided. Thirdly she said the regulations give the developer the choice of paying cash in lieu of parks or dedicating parkland. She feels the City should retain, as the controlling party, whether cash in lieu is paid or parkland is dedicated. She urges the Council to look at these sections and she urges them to have public land in all subdivisions. She also said that water rights are an important issue to consider that the City has the sole discretion regarding these rights. This can prove to be important for irrigation of City land such as parks.

Zoning Regulations – Update on Request for Proposals and Qualifications (RFP/SOQ) Sanderson said they received 19 proposals on this RFP/SOQ to prepare the zoning regulations for Red Lodge. One of the proposals was incomplete and will not be considered. These proposals will be ranked from 1 – 18 by the committee, which consists of representatives from the Planning Board and Council. The ranking will then be turned over to the Administration Committee to work through a contract. The ranking committee will meet December 2, 2009 to review the submitted proposals. These proposals are public documents.

Reduction Letter of Credit – Cabins on Cooper Sanderson said the City holds a performance bond on the Cabins on Cooper. The City required certain public improvements on the Cabins on Cooper to be split with the developer and the City. This resulted in Jim Mercer owing the City \$42,070 which has been paid. The Letter of Credit will now need to be reduced by this amount.

Public Works – Mountain Springs Villa – DOWL-HKM – Update on Sewer Line Issue Mayor Scanlin reported that the sewer line for Mountain Springs Villa went through an access easement. After discussion with the property owner it was thought that he had given his consent. After the line was installed and completed the owner of the property is now asking for payment. This is in discussion with no legal action pending at the moment. The parties are looking at different options. When anything further comes up the Council will be informed. Mayor Scanlin said that an option that is being discussed is to pump back up through the subdivision to the force line on Highway 212. The City has a bond from NeighborWorks Montana to resolve this matter when or if the City accepts the improvement.

Red Lodge Ice – Memorandum of Understanding A Memorandum of Understanding has been written with Red Lodge Ice regarding the ice skating area at Lions Park. The Parks Board had some suggestions they would like to see considered in the MOU. This MOU has gone through the review by the City Attorney.

Motion by Priest, second by Kampfe to authorize the Mayor to enter into an MOU with Red Lodge Ice substantially in the form provided but with the following additions: 1. That the location is Lions Park; 2. That the utilization is from October 15 to March 31; and 3. For a term of three years. Motion by Mahan, second by Richter to table this motion until the next Council meeting. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Mahan feels the Lions Club needs to be involved in the writing of this MOU. She said the Club also has an MOU with the City regarding the Park as a whole with the Club handling the maintenance. She would like to see this matter tabled until the Ice Club and the Lions Club get together and discuss the pending MOU. She would like to see the MOU with Lions Club referenced in the MOU with Red Lodge Ice. She stated that the Lions Club absolutely wants the ice rink in the park as it is working very well. She just wants all the parties involved.

Trash Assessment Priest said a request has been made from a citizen who owns a house that is not functional. They would like to have the trash assessment removed from their taxes. He said this citizen will be notified that this assessment cannot be removed the way the ordinance reads.

CITIZEN REPORTS Mike Schoenike said the MOU with Lions Club was done in 1993. He suggested now might be the time to review this document to see if any updates need to be made. Mayor Scanlin told Shoenike that he can certainly initiate this action and that it would probably be well received.

Tammy Hoth asked if the Council would consider naming the park on the NW end of Mountain Springs Villa Phillips Park, after Jim and Bev Phillips who have lived in this trailer court for 36 years. This request will be brought to the attention of the Parks Board.

OLD BUSINESS Sanderson told the Council that he attended the fall meeting of the Weed District in Joliet. He said a lot of weeds were killed in Red Lodge and a lot of progress was made this year in our area. Mayor Scanlin thanked the Council for their work in this area and getting an agreement with the County for their help in fighting the weed problem.

Priest said that since the City sent Ron Kotar a relatively formal letter to clean up the property he previously leased from the City, Kotar would like a letter from the City saying that he complied with the terms. Sanderson said the letter Kotar received provided for an inspection and that he was to contact the Public Works Director to have this done. Contact has not been made with Boyer or Sanderson to have this “end-of-lease” inspection done. Priest said he would notify Kotar of what he still needs to do.

NEW BUSINESS None

CORRESPONDENCE Mayor Scanlin showed the Council the thank-you card that was made by the Luther School 4th and 5th graders. They had a field trip to City Hall and wanted all to know how much they appreciated the tour.

MISCELLANEOUS Kennicott asked where street closure requests should go on the agenda. The Mayor said this is an item that can be multi-tasked. Streets can be Public Works, with closures being Land Use. It will depend on what the closure is being sought for.

Meeting adjourned at 8:35 p.m.

Mayor

ATTEST:

City Clerk

Corrections made at the December 8, 2009 Council meeting.