

November 25, 2008

The Red Lodge City Council met in regular session on November 25, 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 NOVEMBER 10 Motion by Mahan, second by Lockman to approve the minutes of November 10 as presented. On roll call vote all Aldermen present voted "Aye." Motion carried.

SPECIAL COMMITTEES None

STANDING COMMITTEES – Administration – Claims for Approval Kampfe said the claims on the agenda are not prepared and ready at this time to be paid. They were associated with the water project and more paperwork needs to be submitted and gathered before the claims can be paid. They will be presented to the Council at the next meeting.

Motion by Kampfe, second by Mahan to table these claims until the December 9, 2008 meeting. On roll call vote all Aldermen present voted "Aye." Motion carried.

Appointment to Library Board Mayor Scanlin told the Council that Tom Eurton has given his resignation from the Library Board. He stated his time spent in Florida has increased and he is gone from Red Lodge for an extended amount of time and feels he is not effective on the Board when he is gone. Mayor Scanlin asked the Council to concur with her appointment of Kathleen Normile to the Library Board.

Motion by Mahan, second by Labrie to approve Kathleen Normile for the appointment to the Library Board. On roll call vote all Aldermen present voted "Aye." Motion carried.

Council Meeting – 12/23/2008 Mayor Scanlin said the second meeting in December is scheduled two days before Christmas. The Council discussed the possibility of canceling this meeting due to the proximity of Christmas Day. In the past this meeting has been canceled so people have the opportunity to travel. Mayor Scanlin said a firm commitment will be made at the December 9 meeting.

Position Descriptions Mayor Scanlin said the position descriptions have been completed but at least three more need to be written for probationary police officers, building inspector 1 and 2 and water/wastewater operator levels. The position descriptions need to be signed and dated by the City and the employees. The Local Government Association, hired to help the City with these position descriptions, said the City did a very fine job writing the descriptions.

Pay Matrix Along with the position descriptions being completed the staff was also graded based on the jobs they do. Some of the positions were upgraded and this enables the City to arrive at pay equity for the employees.

Lockman asked about the discussion regarding the Deputy Chief of the fire and ambulance and the thought on increasing his service step based on his seventeen years of experience prior to coming to Red Lodge. The committee said they did not make a recommendation to increase his service step as they felt this is something they would have to do with all employees. Kampfe said in the future when new employees are being hired the service step would be a negotiating point. It is a tool for department heads to recruit new talent with past experience.

Motion by Kampfe, second by Priest to approve the pay matrix dated November 2008 version 5. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Mayor Scanlin asked the Council if this pay matrix raise would be retroactive to July 1, 2008. The committee said it was the direction they were going.

Motion by Kampfe, second by Lockman that the pay matrix dated November 2008 Version 5 be retroactive to July 1, 2008. On roll call vote all Aldermen present voted “Aye.” Motion carried.

CDBG Grant – Beartooth Hospital Mayor Scanlin said the \$600,000 CDBG grant received by the hospital for equipment requires a certified official and she said this would be the Mayor. She said this would come to the Council at the next meeting for action, as she would not sign without approval of the Council.

Emergency and Police Services – Ordinance No. 873 – Fire Codes – Second Reading

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
- 15.06.70 Repeal of Prior Fire Prevention and Safety Codes

No comments were received from the public on this proposed Ordinance.

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

Ordinance No. 874 – Addressing – First Reading

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.

Motion by Lockman, second by Mahan to approve Ordinance No. 874, Addressing, on first reading. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Chief Kuntz told the Council that addressing requirements were a part of the Fire Codes but it was felt they were not clear enough. It was felt addressing should be put into an ordinance solely for this purpose. The ordinance does require people to post an address and there is a fine associated with the failure to do so. The specs for the posting are listed in the ordinance.

City Website Acquisition Kuntz said that nothing more is being requested other than a name for the City. Kuntz has been doing significant research into moving forward in utilizing technology to reduce expenses and improve efficiency. The cornerstone of this will be building a website that allows the City to communicate with each other and more importantly with the public.

Kuntz said he is recommending the City purchase the domain redlodge.net for \$1250. The funds will come from the cash reserved for IT. The web address will become the name and the face for our City government going into the future. Kuntz said the three main options are: 1. Redlodge.net; this name best describes our community. It is easy to remember and to communicate to people when associated with an e-mail address. 2. Cityofredlodge.org; this option is less expensive but not nearly as intuitive as redlodge.net. 3. Redlodgemontana.gov; this option in the long run will be the most expensive for several reasons. The yearly cost is significantly more and the technical requirements for a .gov site are extensive. He also said there are very strict governmental standards on how the website is built and managed.

Kuntz said that he negotiated on the redlodge.net domain and actually purchased it for \$1000. If the City is desirous of this domain he will sell it at this amount. If not he is happy to keep it. Kuntz feels this domain is the easiest for all, employees and public.

Motion by Lockman, second by Mahan to recommend the City purchase the domain redlodge.net for \$1000 with the funds coming from the cash reserve for IT from the Spires money. On roll call vote all Aldermen present voted “Aye.” Motion carried.

It was decided to have an emergency service committee meeting on December 4 at 8:00 a.m. at City Hall.

Land Use and Planning – Ordinance No. 828 3rd Amended – Assign Zoning Wholly Surrounded White Ave-Sandhill Springs – Second 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.

Motion by Mahan, second by Kampfe to approve Ordinance No. 828 3rd Amended, Assign Zoning Wholly Surrounded White Ave.-Sandhill Springs, on second reading. On roll call vote all Aldermen present voted "Aye." Motion carried.

Mountain Springs Villa – Condition Clarification Sanderson said there are two issues outstanding on the Mountain Springs Villa project. He said the most significant to the residents but least significant to the City is the determination that came down from CDBG, which is funding \$450,000 for the infrastructure, and it was determined that the money cannot be used if people are displaced from their homes involuntarily. Sanderson said he would give a detailed report on this at the December 9, 2008 meeting. He said it will be easy to address. The second issue deals with the extension of Hauser Avenue and the Council imposed condition requiring sidewalks on all sides of all streets within the development. There is a question of equity since they voluntarily platted the full sixty feet of right-of-way when they were only required to plat half of this. The condition was confused in the record of the public hearing held by the Planning Board and needs to be corrected. Sanderson will give more details again at the December 9, 2008 meeting.

Sanderson set a Land Use and Planning Committee meeting for Monday, December 8, 2008 at 4:00 p.m. The committee will discuss these issues and be prepared for the next meeting.

City's Role in Use of State Highway Mayor Scanlin has a concern with the exposure of liability when the City co-sponsors an event. This could expose the City for up to \$1,000,000. Beth Hutchinson said the cost for a rider on the insurance is nominal for the Christmas Stroll. Mayor Scanlin said she would encourage the sponsor to go ahead and purchase the rider. Hutchinson said the sponsors would appreciate it if the City could get this rider or split the cost if at all possible. Mayor Scanlin said she would get something in place before the Christmas Stroll. This is an important issue. The Mayor said she would encourage the City to make sure sponsors have insurance in place when using the Highway. Mahan said it would be best if something was built into our documents so the City knows what the cost is and the sponsoring agent can be told this. Mayor Scanlin said for future reference we need to differentiate the role of the government from the role of the private.

Discussion was held on whether or not the ice skating rink is covered by City insurance. The ice skating rink is seasonal and temporary. Mahan said the Lions Club has insurance and she will follow up on whether or not their insurance covers the rink. Mayor Scanlin said she will check with MMIA to see if the rink is covered by City insurance.

Tom Kuntz said there is also an insurance issue when it comes to fire volunteers. There is a rural department and city department that has been intermixed. The challenge is if someone was to be hurt while on a fire and the coverage by workers compensation insurance. This is something that needs to be clarified in writing. Kuntz said the suggestion from the carrier is to write an agreement that states there is only one single workers compensation policy that covers all functions. This is something that needs to be investigated.

Christmas Stroll – Rail Jam The Christmas Stroll Rail Jam will be held December 5, 2008 from 7:00 p.m. to 9:00 p.m. at the Lights on Broadway parking lot. This is located at 213 N. Broadway. The Rail's at Red Lodge is a new event from Red Lodge Mountain Resort designed to bring a new kind of energy to the streets of Red Lodge in conjunction with the City's Christmas Stroll event. A Rail Jam is an up and coming freestyle ski and snowboard event that is gaining national attention through various large scale events including the X-Games. It is an event that encourages various kinds of tricks and showmanship. This is a very spectator and family friendly event. The event will be free for all who want to join in the fun.

Corridor Study Environmental Assessment for Red Lodge North HWY 212 The biggest concern for the City on this project is the stretch from 8th Street to Two Mile Bridge. The Environmental Assessment from MDOT is on-line, at the Library and here at City Hall to be reviewed by all. Mayor Scanlin asked the Council to review and get comments to Sanderson or Johnson by December 9 so a collective imprint can be put on the issue. The Council has reviewed the project before but this is the EA. Public hearings will be held in Red Lodge on December 9, same day as the Council meeting and again in Roberts on December 10.

Priest said he is concerned with the two way left turn lane from Highway 78 North to approximately where Sam's Tap Room is being built. Priest has not spoken with anyone who is in favor of this turn lane. He would like the Council to have a consensus on this aspect and encourage people to attend the public hearing with comments. The Mayor would like to have a collective vision and statement of action.

Public Works – Update 2007 Waterline Rehabilitation Project – Preliminary Close Out Sanderson said the City has received the notice of substantial completion approved by the engineer on the two outstanding components; the tank and the delivery line. The final bills are being reviewed to close out the work that has been done. All of this will be on the December 9 agenda with the hope being that the bills are paid that night, with formal closing being December 17th and rolled into the permanent long-term loan. Sanderson said that \$4.4 million was borrowed but actually approximately \$7,000,000 was spent with the balance being either City money or grant funds.

Resolution #3271 – Ratifying Terms of Water Rehabilitation Bond – USDA/RD

RESOLUTION NO. 3271

RESOLUTION RELATING TO \$4,304,715 WATER SYSTEM REVENUE BOND, SERIES 2008; RATIFYING THE ISSUANCE AND PRESCRIBING THE FORMS AND TERMS THEREOF AND THE SECURITY THEREFOR.

Motion by Priest, second by Mahan to approve Resolution No. 3271, ratifying the terms of the Water Rehabilitation Bond with the change to include the Resort Tax revenue as a source of funds to pay the interest and principal on the note. On roll call vote all Aldermen present voted "Aye." Motion carried.

Beartooth Highway – Nomination to National Register of Historic Places The Montana Historical Society said they are pleased to inform the City that a property within our jurisdiction, the Red Lodge Cooke City Approach Road Historic District, also known as the Beartooth Highway, will be considered by the State Historic Preservation Review Board for nomination to the National Register of Historic Places. The National Register of Historic Places is the Federal government's official list of historic properties worthy of preservation. This nomination is scheduled to be presented at the Board's next meeting in Helena on January 14, 2009. It was requested that the Council prepare written comments, if any, on this nomination and submit those comments to the office at least two weeks prior to the meeting.

Beth Hutchinson suggested the Council adopt a formal resolution in support of this nomination. Hutchinson and Mahan will draft a resolution for the Council to review. The Mayor said she will also

write a cover letter. This designation will also help in securing federal funds. This will come to the Council at the next meeting.

CITIZEN REPORT Laura Getz said the Board of Housing told the committee to go ahead and list the lots on Cooper now and open to the public for sale. The priority consideration will still remain to people who qualify for the original intent of the project. She said the committee is very close to having a signed buy-sell with a family for one of the lots. Getz said a contingency will be built into the cost of the lots on the open market so EDC can get back some of the money they have spent on the lots as well as taking into consideration labor the City public works has put in installing water and sewer. If the lots are sold to the general public it is hoped this money will come back to the City. Getz said she is very close to having a buy-sell agreement for one of the lots ready to be signed. This lot will go to a low-income family.

OLD BUSINESS Mayor Scanlin read to the Council the legal description of a nuisance. This is in regard to the issue of the dumping that was done several years ago and a complaint was given by a citizen at Country Club Estates. Mayor Scanlin read the difference between a public or private nuisance. It was pointed out that only one complaint was received on the dumping of building items. The Mayor said it is discretionary as to whether this would be a public or private nuisance. Also then who would be in charge of giving a notice if the City felt it was a public nuisance. Sanderson felt this would go with the Police since the initial first complaint was given to them and they started the background work. Sanderson said he would take the Ward One Council members to the site for their review of what has taken place. The Mayor and Sanderson both felt this is not a public nuisance. Kennicott would just like to have an answer given to the original complainant as to what will or will not be done regarding this matter.

Mahan said that several complaints were brought to her attention regarding the access to the Nature Center due to the construction of the high school. She said she went down to the area and felt the area was clearly marked for entrance to the Nature Center.

Kennicott spoke to the last minutes regarding the posting of recycling pickup. She said that seasonal people will call her regarding the pickup of recycling and she feels this should be noticed periodically in the paper or in some manner so people will be aware and reminded of recycling.

NEW BUSINESS – Airport Board Priest talked to the Council regarding the Airport Board. Priest is the City representative on the Airport Board. He feels the airport is run by hobbyists and asked the Council what direction they would like him to go on this Board. He would like the Council to let him know what direction he should go. One of his concerns is the fact that there is no clear definition on the use of property at the airport. This is City owned property and the City should be brought into the running of the airport land with our representative on the Board.

CORRESPONDENCE Sanderson said the City has \$52,707 of CTEP funds available and he will be submitting an application for these funds as well as an application to Safe Routes to build the sidewalks from Highway 78 to the Mountain View School. This application should come to the Council at the December 9, 2008 meeting.

Sanderson received an e-mail from Beth Shumate stating that the Senior Center is passing on the submittal of the CDBG funds for the expansion of the center. The request for the City to sponsor this application is now off the table.

MISCELLANEOUS Kampfe explained to the Council his involvement in Leadership Montana, which is through MSU and corporate sponsors. He said there are 45 men from across the State involved in this program. He said Red Lodge has two members in this program, Rich Bruner and himself. This program runs from September through May. He said there are seven 3-day sessions. Each session has a unique

theme. He said the group of people is very interesting and he is learning a lot. Some of the themes so far have been tourism and Eastern Montana's economy and natural resources.

Meeting adjourned at 9:00 p.m.

Mayor

Attest:

City Clerk