

November 9, 2010

The Red Lodge City Council met in regular session on November 9, 2010 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 Kampfe, Mahan, Richter, Labrie, Kennicott and Priest. Absent: None. Alderman Priest arrived at the meeting at 7:05 p.m.

MINUTES OF OCTOBER 26 Motion by Mahan, second by Labrie to approve the minutes of the October 26 meeting as submitted. On roll call vote all Aldermen present voted "Aye." Motion carried.

CLAIMS AGAINST THE CITY Motion by Kampfe, second by Mahan that claims against the City totaling \$126,457.59, 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 this month was very typical in regard to the claims against the City. He said there were no claims of note except the one for the least amount, which was a \$1.49 refund on an overpayment of a water bill where the house has been sold.

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

COMMENTS FROM PUBLIC REGARDING AGENDA ITEMS None

SPECIAL COMMITTEES – None

ADMINISTRATION – Use of City Streets – Broadway Avenue – Christmas Stroll Motion by Kampfe, second by Labrie to approve the use of Broadway Avenue for the Christmas Stroll sponsored by the Red Lodge Area Chamber and the Red Lodge Merchants Association. On roll call vote all Aldermen present voted "Aye." Motion carried.

Kampfe said the question that came up for the Administration Committee was the commitment to insurance, which is required of organizations that use City property. This application was submitted with no insurance included. The street in question is owned by the State and not by the City so it is not particularly a use of City property. Kennicott commented that in 2009 the City did not require the use fee as the street belongs to the State. However she said it was unclear in the minutes if insurance was required. There were those that felt the insurance was not required from the host last year. She said the potential for exposure should override being involved in the event. Sanderson commented that this request does not fall into the scope of Ordinance #871 as it is not a City street. He said that following this logic the City cannot hold the Chamber of Commerce to the insurance requirements of Ordinance #871. Kennicott said that included in the letter being submitted to MDT it states that the City has agreed to sponsor this event and use the City liability insurance. It was stated that the City has not agreed to sponsor this event for 2010.

It was made very specific that the motion regarding the Christmas Stroll did not include City sponsorship or the use of City liability insurance. Kampfe said the motion addressed the application not the letter submitted to MDT.

Street Light Presentation – LED on Highway 212 and in the City Ravi Chiruvolu, Noribachi Group, and Chris Aageson, Governors Office of Economic Development, showed the Council a LED street light presentation. Chiruvolu told the Council that Onuru is a lighting technology innovator. The intelligent lighting solutions deliver superior light quality while reducing grid dependency to positively impact the bottom line. They design and manufacture brilliant lighting solutions, including Vector LED light bulbs,

new LED fixtures and solar-powered LED luminaries. The products are designed and assembled in the U.S., ETL-Certified and architected to meet rigorous ENERGY STAR standards. Onuru is part of the Noribachi Group, a leading clean technology private equity firm.

Upgrading a lighting unit to utilize solar energy requires specific materials in addition to the bulb. There are three components that comprise the light fixture in addition to the light bulb: solar panel, controller and battery.

Chiruvolu gave the Council a review on energy assessment, energy generation and thoughts on becoming a solar consumer. He also gave the Council an overview of the savings for the City if LED lights were to be installed. Aageson said the State has some mechanisms to help the City obtain the lights to make the change out. However he said there is competition throughout the State for this help. It was stated that there are 250 streetlights in Red Lodge and the cost would be \$255,000 to do the change. The savings on the yearly NorthWestern Energy bill would be approximately \$28,000. It was also stated that there should be no out of pocket expenses to get this savings.

It was said that the City should break even in five years if LED lights were installed. It was also stated that the City would need to start the process quickly as they would need to go through the process of financing through bonds.

The Council is in agreement to continue the discussion on this project. The Administration Committee will report back to the Council at the November 23, 2010 meeting. Figures will be given to Sanderson so he can work on the concept of financing this project.

Police and Emergency Services – Ordinance #888 – Long Grass and Weeds – First Reading The committee said they have not had enough time to review this proposed ordinance so they are asking for more time before any action is taken.

Motion by Priest, second by Labrie to postpone first reading of Ordinance #888 until the next scheduled Council meeting. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Tom Kuntz told the Council that the Ambulance District Board has adopted by-laws and Jim Moore is Chairperson, Kim Haman is Vice Chairperson and Kathleen Delahanty is Secretary/Treasurer. The next meeting of the Board is November 19th at 1:00 p.m. at the Fire Station and the agreement with the City will be worked on. Copies of this draft agreement will be given to the Council for their review.

Land Use and Planning – Ordinance #889 – 2010 Zoning Regulations – Second Reading
ORDINANCE NO. 889

AN ORDINANCE ADOPTING THE 2010 RED LODGE CITY ZONING CODE AND OFFICIAL ZONING MAP #7 FOR THE CITY OF RED LODGE, MONTANA. AMENDING TITLE 12-4 AND TITLE 12-5 AND REPLACING THEM WITH TITLE 12 CHAPTER 4 OF THE RED LODGE MUNICIPAL CODE.

Sanderson said the scribner errors discussed previously were incorporated into the ordinance. The changes made were: 1) the approval authority for residential development of more than three units is not a Planning Board issue but a City Council one, 2) non-residential development greater than 2000 square feet is action by City Council, 3) PUD which is zoning is done by the City Council, and 4) conditional use permits being assigned to action by the Council.

Motion by Labrie, second by Kampfe to approve Ordinance #889, 2010 Zoning Regulations, on second reading. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Planning Board Appointment – Mike Keyes Mayor Roat reported to the Council that he has appointed Mike Keyes to the Planning Board to fill a current vacancy.

Committee Requests Labrie asked that the Airport Agreement be put on the agenda for the November 23 meeting. She was told this would be done.

Labrie asked that Ordinance #887 be put on the agenda for November 23 for discussion.

Public Works – Right-of-Way Disposition – Daly Avenue and 6th Street – Ronne Hopper Doug Howard, attorney for Mr. Hopper, said he feels Hopper has acquired a prescriptive title to the area in question. City Attorney, Sam Painter, disagrees with this thought. Hopper has offered the City \$5000 for this land. He has been paying taxes on the land.

The Public Works Committee met and viewed the property in question. Public Works Director, Orval Boyer, recommended to the committee that the City not vacate this property.

Motion by Mahan, second by Richter that the right-of-way disposition of Daly Avenue and 6th Street to Ronne Hopper be approved. On roll call vote all Aldermen present voted “No.” Motion failed.

Richter said she feels it is very important to keep the public access to the creek open. She feels it would not be a good idea to give this up. Tom Kohley commented that if the Parks Board had been asked about this issue they also would recommend not vacating the street.

MOU with Beartooth Recreational Trails Association Mahan said this information came in to the Council when packets were distributed and the committee has not had the opportunity to review the proposed MOU.

Motion by Mahan, second by Richter to postpone this action until the November 23rd meeting. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Disc Golf Course at Coal Miners Park Mahan said the Public Works Department has not been able to review this request so they have no input to give the committee at this time.

Motion by Mahan, second by Richter to postpone this item until the November 23rd meeting giving Public Works an opportunity to review the request and give a recommendation. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Tom Kohley said there is a problem with the process of getting these issues heard. He said he has visited with Boyer and other City officials with both issues. The Board does not know what the path is to get their requests heard or approved. Mahan said the Public Works Committee will work with the Parks Board to get this issue resolved so all will understand the process.

CITIZEN REPORT Gary Robson told the Council that he is strongly opposed to Ordinance #887 but he is even more strongly against DUI's. He feels this is a massive problem that desperately needs to be fixed. He is also in support of the Red Lodge Police Department. He feels this ordinance does not say what he feels everyone thinks it does. He said the judge has no discretion to give community service or jail time rather than the \$500 penalty and there is no limit as to the number of times a person can be tested before they finally refuse to do so anymore. Robson feels the City will be sued over this ordinance and he said we cannot afford this.

CORRESPONDENCE Sanderson said the MDT will be doing a speed study in Red Lodge. Unfortunately this will not be done until next spring. MDT did acknowledge that Red Lodge has a unique situation and they are going to look at a temporary reduction to 45 mph all the way to Two Mile Bridge Road in the corporate City limits.

MISCELLANEOUS Mayor Roat showed the Council a map of the #3 mining veins under Red Lodge. He showed in particular the area at South Platt and 16th Street where there is a subsidence problem for one of the homes located there.

Kennicott asked if the December 28 meeting would be held. Mayor Roat said it would and if there is not a quorum then the meeting will not proceed. Some of the Council have stated they will not be in attendance.

Priest pointed out there will be two vacancies on the Council in the near future. These vacancies will be in Ward One and Ward Three. A notice will be put in the paper asking for letters of interest to be given to the Mayor if anyone has an interest to serve on the Council

Meeting adjourned at 8:50 p.m.

Mayor

ATTEST:

City Clerk