

November 27, 2007

The Red Lodge City Council met in regular session on November 27, 2007 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, Lockman, Stauffer, and Reynolds. Absent: Aldermen Kampfe and Scanlin.

MINUTES OF NOVEMBER 13 Motion by Reynolds, second by Lockman to approve the minutes of November 13 as corrected. On roll call vote all Aldermen present voted "Aye." Motion carried.

Scanlin submitted some changes she feels need to be made to the Clerk since she could not be in attendance at the meeting. Under Bond Reduction – Island at Rock Creek, the last sentence should be corrected to read: "Scanlin said she feels the City should have someone, perhaps an engineer, to confirm the work that is being done on these projects." "Scanlin said she feels the City should have its own independent engineer, confirm the work that is being done on these projects." She also asked for the following addition to be made under the topic Supplemental Retirement Plans – AIG/Valec: "The employee will have to work at least 1000 hours to participate." Correction: "The employee will have to work at least 1000 hours per year to participate." She also asked for the addition under Administration: "Scanlin said she spoke to Sanderson about the hiring of a building inspector." to read: "Scanlin said she spoke to Sanderson about the hiring of a full time building inspector."

SPECIAL COMMITTEE None

STANDING COMMITTEE – Administration – Supplemental Retirement Insurance – Edward Jones Wayne Engebretson, representative of Edward Jones, spoke to the Council as to what could be provided to the City for supplemental retirement insurance. He discussed a supplemental pretax policy the City could use. At the next Council meeting a representative from State Farm will give a presentation and then the Council can decide what they would like to see done.

Police and Emergency Services Lockman said the fire department is looking at four command vehicles. This is a budgeted item and Kuntz hopes to have the figures on the vehicles to the Council soon.

Land Use and Planning – Stampfel Minor Subdivision The property description for this subdivision is Tract 2 of COS #1291 located in NW¹/₄ SE¹/₄ Section 22, Township 7 South, Range 20 East, P.M.M., Carbon County, Montana. The property size is 4 acres and the type of application is for a minor subdivision preliminary plat of 2 commercial lots. The subject property is a portion of the Community entrance Zoning District.

Sanderson told the Council the Planning Board discussed the sidewalk issue with this subdivision at length. He said that sidewalks are not be foregone. The Planning Board recommended to approve the subdivision absent sidewalks with them being constructed during the construction phase. Sidewalks will be built at this location as per the development code.

Motion by Mahan, second by Reynolds to adopt Staff Report MNRS-07-01 as findings of fact and that the preliminary plat for the Stampfel Minor Subdivision be approved subject to the following conditions:

1. That except as modified by these conditions that the final plat, plans and specifications be in substantial compliance with the documents, plans and preliminary plat submitted for public review.
 2. Fire hydrants with adequate water supply for the intended use of the lots within the subdivision shall be available within 150 feet of the lot prior to final plat approval.
 3. That the lots within the subdivision shall share a common approach to Highway 212.
 4. That the MDOT issues an approach permit for the proposed common approach to Highway 212 and any other approaches that may be proposed onto Highway 212 for this subdivision.
 5. That the use of private wells as a public or domestic water supply within the subdivision and sewage collection and treatment by the City of Red Lodge shall be reviewed and approved the MDEQ.
 6. That prior to final plat the existing sewer easement to the City of Red Lodge be dedicated to the public forever or that an acceptable replacement easement be dedicated to the City of Red Lodge forever.
 7. That at the time of development of each lot in the subdivision, the developer shall pay impact fees for water and sewer unless exempted by agreements executed by the City prior to this approval, at the rate in existence at the time of such development. This restriction shall be recorded with the final plat.
 8. That prior to filing the final plat, the developer shall obtain approval from the City Council of the City of Red Lodge to utilize private wells as provided by Section 10-16-10(E) of the Red Lodge City Code.
 9. The developer may propose to bond for any or all improvements as provided for in Chapter 4, Part 3 of the Red Lodge Development Code.
 10. That the approval is valid for three calendar years from the date of approval by the City.
- On roll call vote all Aldermen present voted "Aye." Motion carried.

Sanderson said that IBC will require the commercial development to be energy efficient. He said this will be addressed at the time of development.

Stauffer asked if the configuration of the lots was consistent with the Growth Policy. He was told it was consistent. The lots will be looked at in greater detail when development begins on the lots. Stauffer said he is pleased with the parking being designed in the rear of the building and hopes it will be developed in this manner.

Lockman said there were a couple of documents regarding the Rockwell water wells. She was wondering the date of these documents. She was told the mid 50's. She asked if this would be considered outdated and was told that statewide these documents have not been updated.

Resolution No. 3249 – Annexation of Sandhill Spring Subdivision – Public Hearing Mayor Roat opened the public hearing with the public making no comments. Mayor Roat closed the public hearing.

RESOLUTION NO. 3249

A RESOLUTION OF THE CITY OF RED LODGE ANNEXING TERRITORY TO THE CITY.

WHEREAS, a resolution of intent to annex territory to the City of Red Lodge, Carbon County, Montana, was adopted pursuant to Section 7-2-4301 through 7-2-4331 Montana Code Annotated (MCA), by the City Council at its meeting on October 23, 2007.

WHEREAS, the City Clerk notified in writing all property holders within the boundaries of the territory proposed to be embraced and caused a notice to be published in the Carbon County News on

Thursday, November 1, 2007, and on Thursday, November 8, 2007, in conformity with Section 7-2-4312, MCA;

WHEREAS, the City Clerk received expressions in writing of approval or disapproval for a period of twenty (20) days after the first publication of such notice, which twenty (20) days period ended by 5:00 p.m. on Wednesday, November 21, 2007.

WHEREAS, the City Clerk has laid before the Council all communications in writing received by her for the Council's consideration, and none have disapproved in writing;

WHEREAS, the Council has considered the proposed annexation and concluded it would be in the best interest of the City of Red Lodge and the inhabitants thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA, AS FOLLOWS:

1. **TERRITORY ANNEXED.** Pursuant to Section 7-2-4301 through 7-2-4331, MCA, the City of Red Lodge hereby annexes and the boundaries of the City of Red Lodge, Carbon County, Montana, are hereby extended to include the following described property:

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 SE1/4 of Section 33, and the SW1/4 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.

2. **PROCEDURE.** This Resolution has been duly and regularly passed and adopted and all procedures required under MCA, Title 7, Chapter 2, Part 43, have been duly and property followed and taken.
3. **EFFECTIVE DATE.** This Resolution shall be effective November 27, 2007.

Motion by Reynolds, second by Mahan to approve Resolution No. 3249, Annexation of Sandhill Springs Subdivision. On roll call vote all Aldermen present voted "Aye." Motion carried.

The Clerk said there was no communication received regarding this annexation.

Initial Zoning – Sandhill Springs Subdivision Motion by Reynolds, second by Mahan to adopt the Staff Report ZC-07-01 as finding of fact and that the City Council for the City of Red Lodge assigns initial zoning of Residential (RZD) for the Sandhill Springs Subdivision at the time of annexation. Further that the official zoning map of the City of Red Lodge be amended to reflect the zoning of Residential (RZD) on the subject properties at the time of annexation. On roll call vote all Aldermen present voted "Aye." Motion carried.

Mahan said the recommendation is for single family zoning which is consistent with the rest of the area.

Extension of Time – Coutts Clean-up – 2nd Street and Haggin Avenue Sanderson said that Mr. Coutts has been working towards the clean up in this area. Coutts was given until November 21 to complete this clean up but Sanderson said he has been very diligent at doing this work. Sanderson said he is asking for an extension on the time till April or May of 2008.

Motion by Reynolds, second by Mahan to extend the clean up deadline for Mr. Coutts to May 13, 2008. On voice vote all Aldermen present voted "Aye." Motion carried.

Sanderson said he will make sure this clean up is finished before Boyer is ready to do the extension of 2nd Street. Coutts is aware of the City's agenda in this area.

Appointment to Board of Adjustments Motion by Mahan, second by Reynolds to approve the appointment of Kandy Aleksich to the Board of Adjustments. On roll call vote all Aldermen present voted "Aye." Motion carried.

The Land Use and Planning Board met and made the recommendation of Kandy Aleksich to the BOA. The committee was asked if they reviewed all the letters of interest that were submitted for this Board appointment. The committee said they reviewed them all and this was their recommendation to the Council.

Parks Board and Airport Board Reynolds reminded the Council that she is the liaison to both the Parks Board and the Airport Board. She will be finished December 31 and told the Council that she thinks it is highly important to have a Council liaison on both these Boards and she hopes a new liaison will be appointed the beginning of January so she asked the other Council members to consider doing this.

Public Works – Waiver of Impact Fees – Red Lodge High School Mahan said the committee met with the Superintendent of Schools and members of the Board of Trustees for School District 1. They met to discuss all the possibilities of waiving impact fees for the new high school. She said the meeting was a good one. Based on legal counsel it was determined that the City cannot waive the impact fees.

Motion by Mahan, second by Reynolds to approve the request from School District #1 to waiver the payment of impact fees. Further, that the City accept the transfer of impact from the Roosevelt School to the new High School as payment of impact fees for water and sewer for the new Red Lodge High School. On roll call vote all Aldermen present voted "No." Motion failed.

The City and school will further work together in the future to see what can be done to help the school in their project of building the new high school. It is felt there will be opportunities to help with this project to make it go smoothly.

Willow Creek Road Contributions Sanderson told the Council he met with Commissioner Prinkki and was told it was the position of Carbon County that they would have participated in the work on Willow Creek Road if they had been asked before any work was started. The County is not willing to participate with cash. If Mr. Squire had gone to the County in advance the County could have participated with equipment and manpower.

Motion by Mahan, second by Reynolds to require the Spires at Red Lodge to improve Willow Creek Road to the current City of Red Lodge public works standard. Further, that the City will impose a 'Late Comers' agreement on all lands benefited by said improvements for a term of not more than ten (10) years from November 21, 2007. The developer of the Spires at Red Lodge must submit said Late Comers agreement within 90-days for acceptance by the City Council. On roll call vote all Aldermen present voted "Aye." Motion carried.

This Late Comers agreement will hopefully help the developer if others have benefit from the work done on Willow Creek Road.

HKM Contract Mayor Roat said that HKM has submitted a contract for the remainder of the survey for the water line to the hospital. Sanderson said the City needs to be ultra cautious with the Phase II 212 North so no one assumes the City is mixing the USDA Rd funds with our Resort Tax and other funds that will build Phase II. It will be shown that we have another engineering report, another bid and we have our own money to do Phase II. The time line for the water project will not be hindered with this project.

CITIZEN REPORT Mark Brajcich gave the Council a report on the progress of the new high school. They are looking for a completion date of December 2008 for the high school. The current high school will remain empty for the rest of that school season for any work that needs to be done to the building. The academic wing will be done first on the new high school with the gym being completed when funding is available. The contracts for construction are locked at the bid price.

OLD BUSINESS – Single Tree – Contract for Administration of the HOME Pilot Funds Motion by Mahan, second by Lockman to approve the contract with Single Tree for administration of the HOME Pilot Funds. On roll call vote all Aldermen present voted “Aye.” Motion carried.

NEW BUSINESS – Ward One – Council Vacancy Mayor Roat said the Council would appoint someone to fill the vacancy that will be left when Scanlin takes the Mayor seat. The Mayor will put something in the paper so the public will be informed of the vacancy. People can then submit letters of interest for this vacancy. It will be asked to submit the letters of interest by January 3, 2008. The Council will then need to vote on any interested citizens who might submit letters of interest for this vacancy.

Appointment to Parks Board No letters of interest were submitted for this Board. Two people will be going off the Board at the first of the year.

Motion by Reynolds, second by Lockman to table this action until a later date. On voice vote all Aldermen present voted “Aye.” Motion carried.

CORRESPONDENCE Mayor Roat told the Council he wrote a reply to the letter received from Outward Bound but has heard nothing back from them. This was in regard to tickets issued for not licensing vehicles by people who work at Outward Bound. Mayor Roat did say however that anyone issued a warning or ticket has the option of going to court and speaking with the Judge.

MISCELLANEOUS Mahan said the ice skating rink is being prepared for use this season. It is expected to be able to skate for the holidays.

Mayor Roat will send a letter of condolence from the City to the family of Carl Ohs.

Mahan reminded the Council that the blade parade will be held Friday, November 30 at 6:00 p.m.

The second meeting of December falls on Christmas Day. The Council will wait until the next meeting to decide what they would like to do about this meeting.

Meeting adjourned at 8:45 p.m.

Mayor

ATTEST:

City Clerk