

October 12, 2010

The Red Lodge City Council met in regular session on October 12, 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.

MINUTES OF SEPTEMBER 28 Motion by Mahan, second by Labrie to approve the minutes of the September 28 meeting as submitted. On roll call vote those in favor: Aldermen Kampfe, Labrie, Kennicott and Priest. Those abstaining: Aldermen Mahan and Richter. Motion carried.

CLAIMS AGAINST THE CITY Motion by Kampfe, second by Labrie that claims against the City totaling \$221,690.37, 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. Sundance Solar Systems submitted a claim for \$29,926, which will be the final contractor bill for this project. Sanderson said there might be at least two more bills from DOWL-HKM before the project is totally completed. The major construction is finished and the project was done within budget. Morrison Maierle, Inc. did some upgrades on the IT system, mainly for use of the handheld remote reading of the water meters. This claim was for \$4847.

OFFICERS REPORTS The officer's reports were presented to the Council for their review. The water report showed that the unaccounted for water loss was only 31%.

COMMENTS FROM PUBLIC REGARDING AGENDA ITEMS None

SPECIAL COMMITTEES – None

ADMINISTRATION – Ordinance #887 – Refusal to Submit to Blood or Alcohol and/or Drug Test – Amends Title 6-1-11 – Second Reading

ORDINANCE NO. 887 (caption)

AN ORDINANCE AMENDING THE RED LODGE CITY CODE MAKING IT A CRIME TO REFUSE TO SUBMIT TO BREATH OR BLOOD ALCOHOL AND/OR DRUG TEST. AMENDING TITLE 6-1-11 OF THE RED LODGE MUNICIPAL CODE.

Motion by Kampfe, second by Kennicott to approve Ordinance #887, an ordinance amending the Red Lodge City Code making it a crime to refuse to submit to a breath or blood alcohol and/or drug test. On roll call vote all Aldermen present voted "Aye." Motion carried.

Mayor Roat said that Attorney General Bullock told him that if enough communities adopt such an ordinance than the State would have to recognize the importance of such legislature.

Kent Young, City Prosecuting Attorney, spoke about the progression of the DUI laws. One statement he made was to say that a police officer will still need to have probable cause to stop a driver and ask for the test. Young said the State needs to pass stricter statewide laws regarding DUI's.

Kampfe said this ordinance would give law enforcement one more tool to help stop drunk drivers and it will give the court system one more tool for convictions. He said he feels the legislature is getting more

active in updating state laws and when and if this happens the City can then drop or amend City codes so we are more universal with the State.

Bill Bullock, State Highway Patrol and Scott Cope, Assistant Police Chief, spoke to the validity of having this ordinance enacted. They gave statistics of DUI's within the State and our community showing the importance of stronger laws regarding DUI's.

Sidewalk on South Adams David Jurkovich spoke to the sidewalk that he installed in front of his house at 321 S. Adams. The new sidewalk is six inches high at curbside. Jurkovich said he was issued a building permit and after the sidewalk was poured the Public Works Director told him it needed to be removed. Mayor Roat told Jurkovich he should have sought assistance before he removed the sidewalk. The Mayor said he would look into this matter and get back to Jurkovich.

Police and Emergency Services Kennicott told the Council that the Emergency Operations Plan has been completed and is at City Hall for the Mayor to sign. She said it was very nicely done.

Kennicott said the Multifunctional Table Top that was held in Bridger was very successful and well intended.

Kennicott reported that the first meeting of the Red Lodge/Roberts Ambulance District Board will be held on October 14, 2010 at 10:00 a.m. in the Court House annex building.

Land Use and Planning – 2010 Zoning Regulations – Planning Board Recommendation Sanderson said a public hearing will be held on the 2010 Zoning Regulations October 26, 2010 at 6:30 p.m. before the scheduled Council meeting. He told the Council to talk to people and encourage them to attend the public hearing as the Planning Board invested considerable time in drawing up these regulations.

Mountain Springs Villa – Brewer Right-of-Way Sanderson said the City has the draft certificate of survey from DOWL-HKM that will dedicate roughly 4/10th of an acre as right-of-way for Hauser Ave. through the Brewers ownership. The survey meets with the City's subdivision regulations. The exemption claim for sanitation meets with the approval of the Carbon County Sanitarian. The Brewers will sign the record set of the certificate of survey and upon the acceptance of the Council at the October 26 meeting, the right-of-way will be dedicated to the City. At that time a huge mistake in the Mountain Springs Villa project will be corrected.

Additional Items Sanderson told the Council they would be hearing conditional use permits at the October 26, 2010 meeting. Eric and Marie Olson will have a conditional use request on the expansion at Boyd's Auto Body and a conditional use request from Sam Hoffmann to expand the Red Lodge Ales facility.

Labrie told the Council that the Land Use and Planning Committee has agreed that the vacancy left in the planning department is one that definitely needs to be filled.

Public Works – CTEP/Safe Routes to School Sidewalk – Award Project Following are the bids submitted on the CTEP Sidewalk Project.

Pioneer Mountain Substructures	\$191,046.25
CMG Construction, Inc.	\$233,690.00
Triple S. Excavation, LLC	\$253,457.30
EHC, LLC	\$254,495.00
Knife River – Billings	\$353,482.25

Sanderson told the Council that Pioneer Mountain Substructures submitted the lowest bid of \$191,046.25. He said the bid documents and the CTEP programmatic rules require that the bid have a notarized signature as part of the bid documents. The document is not notarized. The balance of the bid document is complete and in accordance with CTEP and other programmatic requirements.

Sanderson said that his recommendation is that this is a minor deficiency and it needs to be set aside under CTEP rule #108. The City Attorney said he feels it is all right for the City to set aside this minor deficiency and award the bid. Sanderson said this would postpone awarding the bid until the October 26 meeting, as the action tonight would be the agreement to set aside this deficiency.

Motion by Priest, second by Mahan to set aside the minor discrepancy in the Pioneer Mountain Substructures and authorize the Mayor to seek concurrence from CTEP. On roll call vote all Aldermen present voted "Aye." Motion carried.

Latecomers Agreement – Rod Fordahl Rod Fordahl has proposed that the City adopt and enforce a latecomer's agreement to insure pro-rata payment of the cost of extension of water and sewer to 19th Street west of White Avenue. Typically, latecomer's agreements are the tool used by the City when conditions of approval on development require an extension on a developer that is in excess of the impact associated with the development.

Approximately five years ago, Lonna Gray received a permit to build a new home in this neighborhood and attempted to secure support from other owners to extend the water and sewer. Her efforts were not well received by the other owners and ultimately she gave up on the project and purchased a home at another location in Red Lodge. Ironically, the owners of the home that has recently been purchased by the Fordahl's were not interested in participating in the extension of water and sewer. Subsequently the Carbon County Health Office declared the home as not fit for human habitation because of a failed sewer system and lack of potable water. The Fordahl's knew at the time of their purchase that the property was 'damaged goods' that would require the expenditure of significant money to extend the water and sewer and lift the restrictions imposed by Carbon County.

Sanderson told the Council that it was impossible for them to approve the latecomer's agreement at this time. He said the applicant failed to supply the notice to affected parties. Sanderson was told that a copy of the agreement was supplied to the parties that would be subject to the agreement but Lonna Gray had not seen the agreement. Failure to provide the agreement to Ms. Gray is a major problem that results in the Council not being able to approve the agreement at the present time. Sanderson also stated that the City has not ordered the improvements that are necessary to make the Fordahl home habitable. As such, the City does not have a legal obligation to enter into and enforce this agreement.

Lonna Gray spoke to the Council of the request she had made several years ago on her property. She stated that she has since purchased a home in Red Lodge and does not wish to participate in this latecomer's agreement nor does she wish to be forced into doing so.

Motion by Mahan, second by Richter to postpone this issue until the meeting of October 26, 2010. On roll call vote all Aldermen present voted "Aye." Motion carried.

Mayor Roat asked the committee to review this request so they can come back to the Council as a whole with a recommendation at the next Council meeting.

LED Lights on Highway 212 Mayor Roat said that LED lights are desired on the new section of highway 212 to Two Mile Bridge. MDT is short \$90,000 from being able to install LED lights on this stretch of the highway. A representative from a company named Noribachi located in California will be

in Red Lodge and would like to look the project over to see if they can help with the installation of LED lights. This company is also looking for a manufacturing location so the visit to Red Lodge will also be a fact-finding mission.

Mayor Roat said that Gaylen Klein of 1123 South White has his house for sale. The Public Works Director is working towards resolving a problem on White Ave. where it intersects with 23rd Street. Boyer will be gathering the facts and will deal with this. The road from 23rd going south to the end of the city limits is out of whack where the road angles going past Klein's property and a resolution needs to be found regarding this property.

Mahan said the committee discussed installing a dead end sign on 17th Street going west.

CITIZEN REPORT Lonna Gray asked if the Public Works Director would be writing a report regarding the Fordahl latecomer's agreement. She was told this was not his responsibility. She said she saw him inspecting the installation work that is being done on the new lines. The Mayor said the engineer is responsible for designing the line installation and that Mr. Boyer is making sure the work is being done according to the Public Works State Standards.

CORRESPONDENCE Kennicott asked if Emile Ruffier might be confused regarding the roundabouts that will be constructed on Highway 212. Sanderson said the roundabouts that will be installed during the initial build in 2013 will be at Highway 78 and at Two Mile Bridge Road. The other two roundabouts scheduled to be installed will be done in the future. Mr. Ruffiers letter to the editor was discussing the 2013 initial build.

MISCELLANEOUS Mayor Roat reported that the Montana League of Cities and Towns Conference held in Butte was a very good one.

Sanderson told the Council that in late January he and Lindsay Johnson started the work to nominate Red Lodge as being designated one of the ten great places recognized by APA for Broadway Avenue. Sanderson said the nomination was successful and Red Lodge has been designated as one of the ten great streets in America for 2010. This designation is the first time ever for Montana. Sanderson said the kickoff event will be held on October 19, 2010 at 1:30 p.m. at the Pollard.

The Chamber of Commerce will be holding their annual meeting and will be electing new officers. They also will be holding a membership drive.

Meeting adjourned at 9:05 p.m.

Mayor

ATTEST:

City Clerk