

October 27, 2009

The Red Lodge City Council met in regular session on October 27, 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.

**MINUTES OF OCTOBER 13** Motion by Mahan, second by Labrie to approve the minutes of October 13 as presented. On roll call vote those in favor: Aldermen Kampfe, Mahan, Richter, Labrie and Priest. Motion carried. Kennicott was not in attendance when this motion was made. She entered the meeting at 7:10 p.m.

**COMMENTS FROM PUBLIC** None

**SPECIAL COMMITTEE – Large Events Committee** Priest said the Large Events Committee met last week and he reported that they would be attempting to draft a Large Events Ordinance that will be coming to the Council and interested people for review. The committee has some questions they would like answered by the City Attorney and MDOT regarding the use of City owned property before the work on the draft ordinance is completed. The State owns the sidewalks on Broadway and the committee would like to know what this means to the City and do we have the ability to control what happens in this area. The committee is trying to access the need, whether it would be equitable or whether it would impose hardships on smaller upstart events when an ordinance is done.

**STANDING COMMITTEE – Administration – Beartooth RC&D – Report on Accomplishments** Joel Bertolino gave the Council a run down on some of the projects that RC&D are assisting with in the Red Lodge community. They submitted a CDBG Planning Grant for Beartooth Hospital that was awarded for \$25,000. It is for a feasibility study on the St. Johns assisted living facility. They have done some work for the Boys and Girls Club with grant writing and funding assistance. He explained the Fast Trac that will be held in Columbus January 13 through April 7 on Wednesdays. Fast Trac is a hands-on business development program designed to help small business owners and entrepreneurs advance the skills needed to create, manage, and grow a successful business.

**Ordinance No. 878 – Business Registration Certificate**

**Ordinance 878**

**TITLE 3 – BUSINESS REGISTRATION CERTIFICATE**

**CHAPTER 1 – GENERAL BUSINESS REGISTRATION**

- 3-1--1 Introduction and Purpose
- 3-1--2 Definitions
- 3-1--3 Applicability
- 3-1--4 Multiple Businesses and Branch Establishments Owned by the Same Individual/Entity
- 3-1--5 Application Procedure for Opening New Business
- 3-1--6 Procedures for Renewal of Business Registration
- 3-1--7 Transfer of Business Registration Certificate
- 3-1--8 Business Registration Fees
- 3-1--9 Duties of City Clerk/Treasurer
- 3-1-10 Inspection
- 3-1-11 Duties of the Registration Certificate Holder
- 3-1-12 Lien

3-1-13	Prosecution
3-1-14	Penalty
3-1-15	Severability
3-1-16	Effective Date
3-1-17	Codification
3-1-18	Repealer

Motion by Kampfe, second by Priest to approve Ordinance #878, Business Registration Certificate, on second reading. On roll call vote all Aldermen present voted “Aye.” Motion carried.

This Ordinance replaces the current Business License Ordinance. It was decided to register businesses rather than licensing them. Kampfe said this would allow the City to know who is doing business in town so they can be provided with the appropriate resources.

**Resolution No. 3288 – Business Registration Fee Structure**

**RESOLUTION NO. 3288**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RED LODGE**

**SETTING BUSINESS REGISTRATION FEES**

**Whereas**, the City Council of the City of Red Lodge duly adopted Ordinance 878 on October 27, 2009, requiring all businesses located and/or operating inside the city limits to obtain a valid City Business Registration Certificate and pay a business registration fee; and,

**Whereas**, Ordinance 878 states that the City Council shall by resolution set the fee schedule for business registration, transfer of business registration, appropriate inspections and related matters to be applied to all businesses that the City registers.

**Now therefore be it resolved** that the City Council of the City of Red Lodge establishes the following rates for services relating to business registration.

**Business Registration Fee Schedule**

General Registration:	\$50
Beer/Wine Registration:	\$150
Liquor Registration:	\$250
Transfer fee:	\$20

All fees are non-refundable.

These rates to become effective on the effective date of Ordinance 878.

Motion by Kampfe, second by Priest to approve Resolution #3288, A Resolution of the City Council of the City of Red Lodge Setting Business Registration Fees. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Kennicott said that a temporary vendor registration was discussed extensively but as the City Attorney pointed out it would be a hindrance to do so. Angela Beaumont asked why it would not be acceptable to have two different registration fees when other communities seem to do so. She said that businesses in town pay taxes, resort tax when applicable and most likely water bills. She is speaking to temporary vendors having a different fee. Kampfe said this is tough and has been discussed many times. It was decided that the purpose of the ordinance is not to generate revenue and temporary vendors cost the City no more than an in-town vendor.

Cathy Magida asked how the City monitors resort tax collection from temporary vendors. Mayor Scanlin said if they are a business that is subject to resort tax collection they then have to be bonded. This is a \$500 bond that is kept for fourteen months. These tools are being reexamined.

**Enterprise Funds Budget – FY 10** Kampfe told the Council that he met with Mayor Scanlin, Public Works Director Skip Boyer, City Clerk Tomicich, and Community Development Director Forrest Sanderson on October

20, 2009. This meeting was held to discuss the budget for the Enterprise Funds for FY 10. As part of the process, the group compared current and future projects against the Capital Improvements Plan. Kampfe said his conclusion is that the CIP is being well used and the budget reflects this. He went over some of the Capital Projects that are being budgeted for this year. Kampfe said that when planning for next year, FY 10-11, the City will need to know what is available in capital reserves and what is needed to carry-over into the next fiscal year. The Council then needs to identify projects for that year or longer-term projects that may need a capital reserve. He said a recommendation is to have a capital reserve account that is separate from the operating fund. Kampfe gave a very good report for the Council on these funds. Kampfe was thanked for taking the time to do this report and meeting with the others. Mayor Scanlin said the major items would be coming back to the Council before anything is done. Priest said that in the absence of any analysis presented to the Council an informed decision was not made on any approved projects in the Enterprise Funds. Kampfe said the Council does need to know what is happening and how decisions are being made and the justifications for spending. He said this is being accountable and his report was the first step.

**Auditing Contract** Joseph Eve & Co., Billings, MT and Denning, Downey & Assoc., Kalispell, MT both submitted a proposal to do the audits for FY 09, 10 and 11 for the City of Red Lodge. Joseph Eve and Co. has done this audit for several years for the City. Denning, Downey & Assoc. does a vast number of municipality audits.

Joseph Eve & Co. FY ending June 09 cost \$32,000  
Denning, Downey & Assoc. FY ending June 09 cost \$18,850

Denning, Downey & Assoc. have been hired to do the random Resort Tax audits for the City. There is not a significant difference in the two proposals for the FY 09 audit except the cost. The Administration Committee recommended hiring Denning, Downey & Assoc.

Motion by Kampfe, second by Kennicott to approve Denning, Downey & Assoc. as the City of Red Lodge's auditor for the next three years. On roll call vote all Aldermen present voted "Aye." Motion carried.

**Resort Tax Ordinance Amendments** Sanderson said the effort is to take all the existing Resort Tax Ordinances along with the recommendations from the Resort Tax Review Committee, and combine them into one ordinance to make it easier for the public to review and hopefully fully understand. This was done so the Council would have a working document. Mayor Scanlin asked the Resort Tax Review Committee to also go over the document to make sure all their suggestions were picked up. Kennicott said she felt the Council and the Resort Tax Review Committee need to review this document very carefully as it is an extensive document.

**Emergency and Police Services – Speed Control – Residential Streets** Clay Cummins told the Council he believes this issue was generated by an incident that occurred in Country Club Estates. A dog there was hit by a car and killed. The dog, however, was not on a leash and was able to run free. The concern stems from the fear of perhaps a child being hit rather than a dog. Suggestions have been made to install speed bumps or speed dips in the streets. Mr. Cummins said the responses he received indicated that speed bumps or dips would not be a preferable cure for the problem.

Andy Anderson has deep concerns with the fast driving on North Hauser where he lives. He is not sure what the answer to the problem may be but feels one needs to be found. He said with the playground being built in Lions Club Park the presence of children in the area has increased considerably.

Laura Getz spoke to her concerns with this same area but going farther south, as then you come upon the Boys and Girls Club, the hospital daycare center and the skateboard park. She feels the need for more police presence in this area and hopefully that would slow the traffic with better enforcement of the speed limit. She felt the police presence would mostly be needed just before and just after school starts and ends.

Linda Barbee said that more signage in this area would perhaps also help the problem.

Michael Szczutkowski said that he feels speed bumps would not be a very good alternative for controlling the speed of traffic. He felt that more police presence would be a much better aid.

Mary Fitzgerald said that in the past the Council had made motions to pass signage for traffic control. She said a stop sign was approved on 19<sup>th</sup> Street and others in Ward Three along with speed signs. She said these signs were never installed. She said she felt speed bumps would indeed work to slow down traffic. She asked the Council to follow up on installing the approved signs in her area. Mayor Scanlin said she would review this information.

Public Works Director, Skip Boyer, said he would recommend installing radar speed signs, whether they are purchased or rented. These would show a driver how fast they are traveling. He said he has some sources to investigate for these signs. He said that speed bumps or dips could be very detrimental to his equipment.

Chief Pringle said the radar speed signs could be installed in the problem areas to see if the speed is being exceeded overwhelmingly. He said the traffic needs to be balanced with the pedestrian traffic.

Mayor Scanlin asked the police to focus on the areas that have been discussed especially during the prime traffic time. The Emergency Services Committee was asked to review this problem further and give the Council some recommendations that can be discussed with the Public Works Director and the Police Chief.

**Snowplowing Policy** Michael Szczutkowski said he resides in a corner house. He said that some sprinkler heads had been damaged when plowing. He said the Public Works Director is working with him so he can do what he can to help prevent this problem.

Mary Ellen Mangus said she has vacant lots behind and next to the house that she lives in and wonders if the snow that has been plowed could be pushed to these lots rather than across her driveway. She knows that plowing is a hard job to do but it would be very helpful to her if corner houses could be done differently so the snow was not across the driveways.

Andy Anderson said it would be nice if downhill plowing could be done differently by his house so his vehicles would not be blocked in. He said he would be willing to meet with Public Works to see if a solution could be found regarding the parking problems on downhill plowing.

Linda Barbee said she is a volunteer ambulance person and she finds it hard in the winter to get her car out, especially after the plowing has been done and there is a berm that blocks her. She said she would like to know what the rotation is for plowing so she can move her car to a more appropriate place and not get plowed in. She said she hopes some changes can be made to make it easier on the citizens. She said this is especially a problem for those who do not have driveways.

Mary Fitzgerald said that public works does not plow people or their cars in on purpose. They do what they can with the equipment that is available to them. She feels people need to adapt to the snow that comes each year.

Cathy Magida said that Cody plows the snow to the middle of the road and removes it. This is just a suggestion to see if Red Lodge could do the same.

Jim Bushnell, Public Works employee, responded stating the Red Lodge streets are not wide enough to plow the snow to the middle of the street.

Public Works Director, Skip Boyer, said the crew plows the hospital, schools and fire hall first when it snows. Then they try to take care of the businesses. He said they apologize to anyone that gets plowed in. He also runs two plows at the same time at Country Club Estates. He said the biggest problem in this area is the number of driveways. He said the widening of roads depends on the weather and when the snow stops. He said that cars do not always get moved in a timely fashion for various reasons. Boyer said his crew has found it easiest to go around each block once for the widening idea.

Mayor Scanlin asked the committee to look into any solutions that have been discussed or are available and to check with other communities to see what their thoughts are on this matter.

Kennicott said this issue appears to be a real problem and some answers need to be found whether it is more equipment or more training. The snow berms are a real problem and they need to be addressed.

Kennicott said that Bill and Diann Larson asked that police officers receive more training on investigative techniques. She said that Chief Pringle would check into classes for his officers.

Kennicott said that one ambulance is now being kept in Roberts. The ambulance district is definitely a priority and it was discussed that a petition is probably the way to go. Red Lodge Ambulance is responsible to the City not the County. Kennicott said that most people in the County do not know that they are at risk of losing ambulance service on July 1, 2010. Information on this needs to get out. The City does not have a public safety mill levy as the County does. Priest said the committee looking into the ambulance district has not received the asked for information they need to make any progress. Priest wants it to be clear that the committee will not get anything done and the City will continue to subsidize the County. Mayor Scanlin said it was decided not to go forward with this issue until the ballot issue regarding Resort Tax was said and done. She said this would be handled one thing at a time.

The 911-call tracing by cell phone is now working but the map coordinates need to be added.

Tom Kuntz has offered to hold NIMS and Incident Command training to Council members and departments. This is something that is necessary for local emergencies plus documentation for various grants.

Richter attended a tabletop discussion on Disaster Preparedness. She said the plan and coordinated efforts for our area, especially regarding H1N1, are in pretty good shape and review. She said the lack of vaccine was something that was discussed. The items done well and the items that need further updating were also discussed during this tabletop.

### **Land Use and Planning – Aspen Townhomes – Acceptance of Improvements – Start One-Year Warranty**

The developer of the Aspen Townhomes PUD has requested that the City accept required improvements specified in the Improvements Agreement, release the Letter of Credit No. 6200078410 and commence the one year warranty period. All required improvements have been inspected by the Public Works Director. Improvements comply with the 2006 Red Lodge Development Code and the terms and conditions of the Improvements Agreement.

Motion by Labrie, second by Mahan to adopt memo “Aspen Townhomes: Acceptance of Improvements, Reduction of the Letter of Credit, and commencement of Warranty Period dated 10/06/2009 and attachments as findings of fact.” I move to accept the Aspen Townhomes PUD storm water detention swale and landscaping improvements and to release the available balance of the Letter of Credit with the following conditions:

1. That the developer warranty materials and workmanship of the required improvements for one (1) year from the date of this decision.

2. That the Aspen Townhomes Association shall be responsible for the continued maintenance of the improvements.

On roll call vote all Aldermen present voted "Aye." Motion carried.

**Extension of 1996 Preliminary Plat – Island at Rock Creek** Mahan said the Land Use and Planning Committee will review this request and come back to the Council with a firm recommendation. She said the recommendation will include all the reasons why they made the noted recommendation. Sanderson said that Bill Kiely is desirous of receiving a three-year extension to get the final plat filed on the remaining lots in Island at Rock Creek. Sanderson encouraged the Council to review the information given them, as this will be an agenda item at the next Council meeting. Sanderson also said the Supreme Court order does not limit the Council from granting or denying extensions.

**Public Works - Recycling** Priest said the committee discussed the recycling center building. He said the building is not meant to accommodate the type of improvements being requested. Priest said the answer would be a new building similar to the one being built at the shop but on a smaller scale. He said the cost might be as much as \$200,000 for a new building. The request for improvements comes from the staff of Beartooth Industries as they run the center for the City. The building is not adequately ventilated or heated for working conditions.

**CITIZEN REPORTS** Andy Anderson thanked the Mayor for putting the issues of speed control and snowplowing on the agenda for open discussion.

Laura Getz said that EDC has some office furniture no longer being used by them and she asked if the City would have any use for it. She was told the City would look into to this to see who could use the offered equipment. EDC felt it important that the Council know they have the equipment and are willing to dispose of it to the City if that is the desire. Getz also thanked Alderman Kampfe for the dedicated work he did on his report regarding the budget. She also thanked the Council for putting speed control and snowplowing on the agenda.

Michael Szczutkowski commented that the clearance around some stop signs is not very good. He said this can be a safety issue.

**OLD BUSINESS** None

**NEW BUSINESS** None

**CORRESPONDENCE** None

**MISCELLANEOUS** None

Meeting adjourned at 10:10 p.m.

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Mayor

ATTEST

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City Clerk

