

October 9, 2012

The Red Lodge City Council met in regular session on October 9, 2012, 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, Richter, Schoenike and Williams. Absent: Labrie. Labrie was noted as present approximately three minutes after the meeting started.

**DEPARTMENT HEAD ATTENDANCE:** Community Development Director – Forrest Sanderson and City Clerk – Debbie Tomicich.

**MINUTES OF SEPTEMBER 25** Motion by Mahan, second by Schoenike to approve the minutes of September 25 as submitted. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**CLAIMS AGAINST THE CITY** Motion by Labrie, second by Williams that claims against the City totaling \$139,730.31, 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.

Labrie commented on two bills that the committee found to be interesting. One was from Great West Engineering for \$31,531 for the Broadway Rehab Project. The other was submitted by Tracy Waters Concrete totaling \$4,442 for the sidewalk that was repaired around Field School Park.

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

**COMMENTS FROM PUBLIC REGARDING AGENDA ITEMS** None

**SPECIAL COMMITTEES** None

**STANDING COMMITTEES – ADMINISTRATION** None

**POLICE AND EMERGENCY SERVICES** Williams said the documents for the new phone system are being reviewed by the City Attorney. The committee expects them to be found satisfactory and the new system will then be ordered. Warene Wall was thanked for all the work she put in for the City to get the new system.

**LAND USE AND PLANNING – Ordinance #895 – Flood Plain Management Regulations – public hearing/2<sup>nd</sup> Reading**

**ORDINANCE # 895**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA, REPLACING CHAPTER 3 OF TITLE 12, ENTITLED CITY OF RED LODGE 2012 FLOOD PLAIN HAZARD MANAGEMENT ORDINANCE.**

**WHEREAS:** the city of Red Lodge’s participation in the National Flood Insurance Program (NFIP) is based upon a mutual agreement with the Federal Emergency Management Agency (FEMA). In return for the local adoption and enforcement of floodplain management regulations that meet the minimum criteria of the NFIP, FEMA provides the availability of flood insurance coverage within the City of Red Lodge; AND

**WHEREAS:** FEMA periodically evaluates the administration and enforcement of the floodplain regulations and provides updates to Flood Insurance Rate Maps and Flood Plain Management Regulations; AND

**WHEREAS:** FEMA has the authority to impose penalties up to and including suspension from the NFIP should the City not adopt and enforce compliant Flood Plain Management Regulations; AND

**WHEREAS:** the Montana Department of Natural Resources and Conservation (DNRC) supports the NFIP and serves as the State liaison with FEMA to coordinate activities and provide support, technical assistance, training, and outreach to City officials in the execution of their duties to identify, prevent, and resolve floodplain management issues; AND

**WHEREAS:** it is the intent of the Flood Plain Hazard Management regulations to provide for the safety of the residents living or working along the rivers, streams and drainages in the City of Red Lodge by adopting land uses and reasonable limitations on construction activities. AND;

**WHEREAS:** the purpose of this chapter is to promote the public health, general welfare, and safety; to minimize flood losses in areas subject to flood hazards; to preserve and enhance natural watercourses; and to promote wise use of the floodplain; AND

**WHEREAS:** The City of Red Lodge 2012 Flood Plain Hazard Management Ordinance implements the 2008 Red Lodge Growth Policy and all of the minimum requirements imposed upon the City by FEMA and DNRC.

**NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA:**

Section 1. Regulations:

That the Text and Maps found in Exhibit 'A', City of Red Lodge Flood Plain Hazard Management shall be the governing documents regulating development and construction activity within the designated floodplain within the limits of the City of Red Lodge. Exhibit 'A' is hereby incorporated and attached as a portion of this Ordinance.

Section 2. Repealer.

Ordinance #881 is repealed on the effective date of this ordinance.

Section 3. Effective Date.

The effective date of the City of Red Lodge Flood Plain Hazard Management Ordinance is December 4, 2012.

Section 4. Codification Note:

This Ordinance is intended to be codified in Title 12, Chapter 3, Flood Plain Hazard Management Ordinance in the Red Lodge Municipal Code.

Mayor Roat opened the public hearing. Sanderson said Ordinance #895 upon passage, and with the delayed effective date of December 4, 2012, will bring the City into full compliance with the State of Montana and FEMA.

Mayor Roat closed the public hearing.

Motion by Schoenike, second by Labrie to approve Ordinance #895, an ordinance of the City Council of the City of Red Lodge, Montana, replacing Chapter 3 of Title 12, entitled City of Red Lodge 2012 Flood Plain Hazard Management Ordinance on second reading. On roll call vote all Aldermen present voted “Aye”. Motion carried.

Sanderson said with this ordinance that business owners and residents can now purchase flood insurance and it makes properties that are flood prone merchantable as flood prone property cannot be purchased with a standard federally backed mortgage without the purchase of flood insurance. The other advantage is the ISO rating. In the absence of flood plain regulations adopted by the municipality the ISO rating goes up.

**Growth Policy Review** Schoenike reminded all that the Planning Board will begin their work on the Growth Policy October 10, here at City Hall at 5:30 p.m.

Mahan said that at the candidate forum that was held recently an item was brought up that most people do not understand. Mahan asked Sanderson to explain form based zoning and planning. He said a form based code is essentially diagrams and text. This is a more modern tool but it does not differentiate between land uses. In its purest form you can do anything you want anywhere you want provided you meet the narrative standards as they relate to compatibility in terms of design, type of structure, public ways, the relationship of the use to the surrounding area. Sanderson said the drawback to using a form based code is that it does not provide certainty, it does not provide consistency because it is wide open. An example of this type of code would be The Spires. The zoning the City uses is traditional. The City groups together like and compatible uses and in these use categories it states what can be done and what the development standards are. With the concept of Conditional Uses and the compatibility section the City does move toward the form based code. Sanderson said that both concepts have their place but he said he does not believe that Red Lodge needs a form based code. We do not have problems with sprawl or with scale to public places. The tool however is out there and Sanderson said it is up to the Planning Board to evaluate all the tools and it is ultimately up to the City Council to decide what is to be used.

**PUBLIC WORKS – Ordinance #896 – Snow Removal City Streets – public hearing/1<sup>st</sup> Reading  
ORDINANCE #896**

**AN ORDINANCE TO CLARIFY AND REVISE THE RED LODGE REMOVAL OF SNOW AND ICE FROM PUBLIC STREETS WITHIN THE CITY.**

Motion by Richter, second by Schoenike to approve Ordinance #896, an ordinance to clarify and revise the Red Lodge removal of snow and ice from public streets within the City on first reading. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Sanderson said that at the last Council meeting the question was raised regarding the shoveling of snow from sidewalks into the parking area or the berm. It is very clear that businesses that shovel snow from the sidewalk onto Highway 212 are alright as this is not covered in the ordinance. He said that Section 5 speaks to the issue on City streets, “It shall be unlawful for residents to dispose of snow accumulations from public or private property within the moving lanes of any public right-of-way.” The snow may be pushed out or moved to the parking lane just not the moving lanes of traffic. This is the same in all residential or commercial zones.

**Construction Agreement – MDT Highway 78 – Brewery Hill to 212** Mahan said this issue came before the Council at the last meeting and was denied as the Public Works Director had not seen the information nor had the City received the necessary documentation to have it explained well enough for a decision to be made. The documentation has now been received by the City and the Public Works Director has been able to review the important information. PWD Boyer is fine with the agreement so the committee is prepared to make the recommendation to the Council to accept the construction agreement.

Motion by Mahan, second by Schoenike to approve the construction agreement with MDT for Highway 78 – Brewery Hill to 212. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Amendment to motion by Schoenike, second by Mahan to make the original motion contingent upon the design having a five foot shoulder for pedestrians. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Bill Foisy said he spoke to MDT today and it was mentioned to him that MDT was considering the option of doing two eleven foot lanes and a five foot shoulder. Foisy said this would definitely be the preferable layout for pedestrians going up or coming down Brewery Hill. He hopes this will be reflected in the final design. He is not sure how the Council can make sure this happens.

Sanderson said he reminded Steffen Streeter MDT, that the City has not yet approved the Construction Agreement on Highway 212. He asked if MDT could move the paper work along a little and get the agreement back to the City for action.

**CITIZEN REPORT** Warene Wall commented on the City website and the need to have someone be responsible for the updates and maintenance of the site. She feels it is time to have a comprehensive website for the City of Red Lodge. She feels it would be very helpful and view well on the City in this time of construction on Highway 212. Schoenike said he feels the City needs to have someone on staff be responsible for a website rather than a vendor from outside. He also said he does not see the need to put more money into a website until the City is very sure it will remain useable and current. Schoenike, Williams and Labrie said they would be willing to sit on a committee to see what can be done and hopefully to get things started toward a workable website. It would be good if the business community gave their ideas and good resources to see what can be done.

**CORRESPONDENCE** The City received a letter of interest from Bob Matter stating his interest to serve on the Parks Board. A letter was also received from the Carbon Conservation District asking the City if they would approve the appointment of Mike Creeden of Laurel as an urban supervisor to the District’s Board. Mr. Creeden’s mailing address is Laurel but he lives within the boundaries of Carbon County. Both these items will be on the next Council meeting agenda.

**MISCELLANEOUS** Schoenike said he met today with James Caniglia and Richard Gessling and he said they made very good progress on the revisions to the MOU between Lions Club and the City regarding Lions Park. The current MOU is well past the five year review period that is recommended in the document.

Labrie said she attended the Montana League of Cities and Towns Convention last week and she said it was one of the most informative ones she has attended in the last couple of years.. She said there was a lot of information on budgets and tax increments discussed. Two discussion items she wanted to share with the

Council are competitive bids and the Public Employee Retirement System. She said currently, cities and towns have to ask for competitive bids for construction, contracts and equipment that is capped at \$50,000. She said the League would like to see this raised to \$100,000 before the bid process sets in. The second item is the Public Employee Pension Reform. Currently this is running in a deficit and to fix this the proposal is to set a quarter percent increase in the employer contributions for each of the next four years. By 2016 the employer contributions will increase by 1%. The proposal also asks for a cash payment from local governments and then they will review if it is necessary to raise the employee contributions. She said she also went to a session on lagoons and waste water treatments and she found that all communities are facing the same problems with this issue especially regarding the costs. This is becoming a very real problem.

Meeting adjourned at 7:45 p.m.

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Mayor

ATTEST:

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City Clerk