

October 10, 2006

The Red Lodge City Council met in regular session on October 10, 2006 at 7:00 p.m. The meeting was called to order by Council Chairman Reynolds followed by the Pledge of Allegiance to the Flag.

**ROLL CALL OF OFFICERS** Present: Council Chairman Reynolds, Aldermen Mahan, Lockman, Stauffer, Scanlin and Reynolds. Absent: Mayor Roat and Alderman Bullock.

**MINUTES OF SEPTEMBER 26** Motion by Stauffer, second by Lockman to approve the minutes of September 26 as corrected. On roll call vote all Aldermen present voted "Aye." Motion carried.

Mahan found a spelling error that was corrected.

**CLAIMS AGAINST THE CITY** Scanlin reported the claims totaled \$109,252.45.

Motion by Scanlin, second by Mahan that claims against the City 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.

Scanlin reported the cost of the public restrooms that are being built is currently \$101,834.51. Almost \$42,000 of this cost came from Capital Projects with the rest coming from Resort Tax. Don Kinney will be asked for an updated report on the EDA Grant.

**OFFICERS REPORTS** The officer's reports were approved by the Council as submitted.

**SPECIAL COMMITTEES** None

**STANDING COMMITTEE – Administration** Reynolds said there is an outstanding bill to Red Lodge Electric in regard to the historic streetlights. The bill was presented to the Chamber of Commerce for payment. The Chamber has given this statement to the City for payment and Reynolds would like the issue addressed for payment.

Motion by Lockman, second by Mahan to have the bill from Red Lodge Electric on the agenda for action at the October 24 meeting. On roll call vote all Aldermen present voted "Aye." Motion carried.

**Police and Emergency Services** None

**Land Use and Planning – Clark's Minor Subdivision – Public Hearing** Council Chairman Reynolds opened the public hearing. Planner, Brent Moore, said this is an application for a minor subdivision with the applicant being John Clark. The property description is amended plat of Lot 5, Thomas Early's Acre Lots, Addition to Red Lodge Subdivision lying in S1/2 of Lot 5, NW ¼ Sec 34, T7S, R20E, PMM Carbon County, MT. Currently this area is a half-acre lot that is being proposed for the creation of two lots, 0.25 acres each. The subject property is proposed to be split between the Community Entrance Zoning District and the Residential Zoning District. The lot on the east side is commercial with access to Highway 212 and the lot on the west side has an existing residential structure, which will remain in residential use. There are no specific performance requirements for lot size within the Community Entrance Zoning District.

Additional performance requirements will be applied to the subject property upon application for a development approval.

Public Works Director, Skip Boyer, reviewed all utility and infrastructure plans with the applicant and found them to be in compliance with State and City requirements. Stan Jonutis from the Montana Department of Transportation has asked to be notified at the time that a development application is submitted for the subject property. This is in regard to the access onto Highway 212, which is the States jurisdiction. Access to the subject property is over an existing easement.

David Anderson of Red Lodge said the access easement goes across his land. He said when he purchased his property he was led to believe that the easement was residential not commercial. He said he has no problem with the easement becoming commercial as long as he is not excluded from using his land with the easement. He said the easement is an exclusive easement that is not to be considered a public road right-of-way. Moore said that any commercial use of the lot will need to come again before the Planning Board or the Council for approval. At that time he would encourage Anderson to come to the City and again voice his concerns as Moore is not sure that the splitting of the lots pertains to the easement.

Council Chairman Reynolds closed the public hearing.

Motion by Mahan, second by Stauffer to find the application for the Clark Minor Subdivision does meet the criteria and requirements stated in Chapters 5 and 6 of the Red Lodge Development Code and 76-3-609 MCA 2005 in that it will meet the requirements of the code and other city ordinances and will further the policies and intent of the Red Lodge Growth Policy and other applicable plans and statutes, and that it will be a harmonious expansion of the neighborhood, and that adequate city services will be available to service the site. I therefore move that this application be approved without conditions. On roll call vote all Aldermen present voted "Aye." Motion carried.

Mahan said the City is only approving the splitting of this property and not looking at the eventual usage.

Stauffer commented on the State no longer permitting commercial approaches wider than 30 feet without justification. He is glad this has been done but now wonders if the Development Code corresponds the same. He remembers the Development Code allowing a maximum of 50 feet for a curb cut. He asked Moore to check this so the City can then decide if they would like to be in compliance with the State.

Scanlin stated that she feels the easement Mr. Anderson has should be looked into well before any development goes on.

**Island at Rock Creek Phase I Amendment** The subdivider, Bill Kiely, is required to install certain improvements including a concrete sidewalk four-feet wide along both sides of Kainu Ave. The request is to modify the agreement to provide that the required Phase I sidewalk shall only be constructed along the east side of Kainu Ave. in the area north of 13<sup>th</sup> Street, an area that services exiting multi-family lots. South of 13<sup>th</sup> Street in Phase I Kiely shall only construct the sidewalk on the west side of Kainu Ave. Consistent with the foregoing, Kiely further agrees that in phases of the Subdivision the sidewalks shall only be required to be constructed on the east side of Kainu Ave. north of 13<sup>th</sup> Street and on the west side of Kainu Ave. south of 13<sup>th</sup> Street.

Although not a condition or requirement of the SIA or this Agreement, it is Kiely's current intention to apply any savings that might be realized from constructing sidewalks on only one side of Kainu Ave. in Phase I to the construction and maintenance of a pedestrian trail to be located on the east side of the Subdivision.

Kiely has applied for a three-year extension of the City's preliminary plat approval, during which time he intends to seek final plat approval for subsequent phases of the Subdivision. Under MCA 76-3-610, a multi-year extension must be included as part of a subdivision improvements agreement. Kiely and the City agree that, pursuant to MCA 76-3-507, final plat approval for any subsequent phase of the Subdivision must be conditioned upon either the prior completion of all required public improvements in the particular phase; provision of a bond or other reasonable security guaranteeing completion of all improvements in the entire Subdivision; or adoption by the City of an incremental payment or guarantee plan that requires the necessary financial guarantees to be given before the final plat is approved for a subsequent phase. As part of any incremental payment or guarantee plan the improvements in each prior phase must be completed or guaranteed before the final plat for a subsequent phase can be approved. In this case the City has adopted an incremental payment or guarantee plan for subsequent phases of the Subdivision. The City will not grant the final plat approval for future phases unless the public improvements included in the phase are completed or the Subdivider has provided a financial guarantee for completion of those improvements.

With these considerations in mind, the City can agree that the Subdivider's application for a three-year extension of the preliminary plat approval should be granted. The approval period would therefore be extended from November 1, 2006 to November 1, 2009. Applications for final plat approval would be deemed timely if submitted prior to November 1, 2009, regardless of when the City approves or denies the application. The Subdivider may apply for additional extensions during the three-year period.

Motion by Mahan, second by Lockman to approve the first amendment to the Subdivision Improvements Agreement, Island at Rock Creek Subdivision, Phase I including specifically the three year extension of the preliminary plat approval to November 1, 2009 and dealing with the sidewalks and the walk ways. On roll call vote all Aldermen present voted "Aye." Motion carried.

Mr. Kiely said the extension would allow him to develop in a logical timely fashion rather than be under the gun to plat it all now and put it up for sale and have some else complete the development.

**Public Works – HKM Contract** Ray Armstrong of HKM gave the Council an update on their work. He stated that the replacement of water lines is a project that will cost approximately \$4,500,000. This will include bonding and legal counsel. The lines that have been identified are priority one lines. They consist of the two transmission lines that come in from the treatment plant and all two and four inch lines that are currently in town. The line that will go to the new hospital site is also included in this project. Armstrong said the funding sources are a \$500,000 Stag Grant from EPA and he thinks the City will most likely receive a \$100,000 Renewable Resource Grant. The rest of the funding will be through a Rural Development Loan program. Scanlin asked if the City will receive any TSEP funds but Armstrong said this is probably not going to happen. TSEP has become very competitive but has been applied for. He said the City could consider committing Resort Tax funds for this project also. It was asked if water rates will be increased and Armstrong said this is most likely what will occur to help do the project.

Attorney, Sam Painter, had a couple of changes he would like to see done on the contract and Armstrong said they would be taken care of.

**Public Restrooms** Mahan said the restrooms are not yet completed. Swansborough hopes to have them open and useable by the time the ice skating rink is frozen and useable. Mahan said she would stay on top of this.

**Wind Towers** Scanlin said that Chuck Tooley, the former Mayor of Billings, is now in Al Gores squad to discuss sustainable energy projects. She said the Carbon County Resource Council would like to host with the City Council an evening with Mr. Tooley to discuss these projects. They would like to do this either December 5<sup>th</sup> or 6<sup>th</sup>. Scanlin would like this on the agenda to see if the Council is agreeable to co-hosting with the Resource Council.

**CITIZEN REPORT** None

**OLD BUSINESS – Resolution No. 3223 – MDOT Highway 212 Alternatives  
RESOLUTION NO. 3223**

**A RESOLUTION OF THE CITY COUNCIL IDENTIFYING AND SELECTING  
CERTAIN PREFERRED ALTERNATIVES PROPOSED BY THE MONTANA  
DEPARTMENT OF TRANSPORTATION FOR MDT PROJECT # STPP 28-2 (2570),  
KNOWN AS THE CORRIDOR STUDY RED LODGE NORTH.**

WHEREAS, the Montana Department of Transportation (MDT) has proposed rebuilding highway 212 that runs through the City of Red Lodge and has requested the City Council’s input and selection of certain preferred alternatives for specific areas and intersections within and/or near the City; and

WHEREAS, The City Council appreciates the opportunity to cooperate with MDT to identify preferred alternatives for the 212 Corridor Project prior to when the designs are prepared and finalized.

WHEREAS, based on the alternatives provided by MDT, the City Council hereby selects and supports the following preferred alternatives:

1. The one-way design alternative, as generally described by the attached concept, for Oakes Avenue between 8<sup>th</sup> and 7<sup>th</sup> Streets, with that one way being southbound, to improve the safety and enjoyment of pedestrian traffic as well as to increase opportunities for parking and a flexible street scene for civic and cultural events, with parking being angled.
2. Construction of a roundabout at the intersection of Highways 78 and 212, to realize the safety advantages that roundabouts provide, capture the cost advantages of roundabouts over time, and provide a distinctive entrance into the City of Red Lodge.
3. Further exploration of alternative options to a continuous two-way left turn lane from the intersection of Highways 78 and 212 to the Two-Mile Bridge Road and continuing North, while considering the current transportation design and the future impact the proposed design may have on current planned and unplanned land use patterns for the North Corridor of Red Lodge.
4. Creation of a controlled access corridor, designed appropriately through consultation and future legislation by and between the City Council and Carbon County to identify, adopt and implement appropriate and sufficient land use regulations to support a controlled access roadway along the 212 Corridor, with the acknowledgement that MDT has no authority to create or enforce land use regulations

in either the City or Carbon County. The concept for a controlled access corridor includes identifying appropriate spacing for vehicular access.

**NOW THEREFORE, BE IT RESOLVED**, that the City Council hereby supports the preferred alternatives listed herein and further requests that MDT consider the City's selection of preferred alternatives when designing the overall project.

Hope Smith said that both the Arts Guild and the Library Board are in favor of the street between both buildings becoming a one way with this project.

Dan Gainer, President of the Planning Board, encourages the City to move on this resolution so the State knows we require a voice in the development of these three phases being discussed on Highway 212. The Planning Board worked very hard on the resolution being presented to the Council tonight.

Motion by Scanlin, second by Mahan to approve Resolution No. 3223. On roll call vote all Aldermen present voted "Aye". Motion carried.

**NEW BUSINESS – Domestic Violence Awareness Month Proclamation**

**DOMESTIC VIOLENCE AWARENESS MONTH PROCLAMATION**

**OCTOBER 2006**

**RED LODGE, MONTANA**

WHEREAS, during their lifetime, an estimated 1 in 3 women will experience domestic violence;

WHEREAS, the U.S. Surgeon General and the Centers for Disease Control have declared that domestic violence is the number one health problem for women in the United States;

WHEREAS, 4 million women are battered by their partners each year in the U.S.;

WHEREAS, in 2003, more than 11,000 Montana women reported they were victims of domestic violence;

WHEREAS, domestic violence in rural communities exists as a hidden, silent, and often unrecognized reality that may not be reported to authorities or is under-reported;

WHEREAS, we must hold offenders and perpetrators of domestic violence accountable;

WHEREAS, we all need to work toward preventing that violence;

WHEREAS, domestic and sexual violence services of Carbon County, Carbon County Coordinated Community Response Team, and the Tri-County Victim/Witness Program are committed to preventing domestic violence by promoting awareness campaigns, educating the community and advocating for victims rights;

**NOW, THEREFORE**, we, the Mayor and members of the City Council of Red Lodge do hereby proclaim the month of October 2006 as **DOMESTIC VIOLENCE AWARENESS MONTH**.

Stauffer reported that November 6, 2006 there will be a workshop sponsored by the Domestic and Sexual Violence Services of Carbon County and the newly formed Beartooth Human Alliance on the link between abuse of domestic animals and people. This will be the first time this sort of seminar is offered in Montana. It will be held at the Pollard Hotel

**Resolution No. 3222 – Salaries for FY 06-07**

**RESOLUTION NO. 3222**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA, PROVIDING FOR SALARIES OF CITY EMPLOYEES FOR FISCAL YEAR 2007.**

**WHEREAS**, the City has adopted a budget for fiscal year 2007; and

**WHEREAS**, the City has reviewed its salary structure as provided by Ordinance #864; and

**WHEREAS**, it is in the best interests of the City to make fiscally responsible decisions for and on behalf of City employees.

**NOW THEREFORE:**

**BE IT RESOLVED**, the Red Lodge City Council does adopt and fix salaries for all City employees in accordance with the attached "Salary Schedule", which sets forth specific salaries for employees as of July 1, 2006, which is the beginning date of fiscal year 2007; and

**BE IT FURTHER RESOLVED**, the Red Lodge City Council that said Salary Schedule shall be amended, adjusted and otherwise changed during the course of the coming fiscal year in accordance with and pursuant to Ordinance #864, and;

**BE IT FINALLY RESOLVED**, the Red Lodge City Council directs the Mayor to administer the salaries for City employees in keeping with this Resolution for fiscal year 2007.

Motion by Mahan, second by Scanlin to approve Resolution No. 3222 regarding salaries. On roll call vote those in favor: Aldermen Mahan, Lockman, Scanlin and Reynolds. Those opposed: Alderman Stauffer. Motion carried.

**CORRESPONDENCE** Lockman told the Council that she had visited with the Mayor regarding the letter submitted by Sam Hoffmann. Hoffmann feels the City is not taking his request for a building permit seriously enough. He feels things are moving very slowly. She said a meeting is going to be held next Monday with the Building Inspector, Mayor, Sam Hoffmann and his architect. Scanlin said that Hoffmann needs to be assured that the Council will help all they can to get this flowing faster.

Stauffer said he thought the bio-diesel aspect to be a problem and that the Building Inspector wants to make sure it is done correctly. This all takes time. Hoffmann also has several uses for the business, which is making it harder for the Building and Planning Departments to deal with.

**MISCELLANEOUS** None

Meeting adjourned at 8:30 p.m.

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Mayor

ATTEST:

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City Clerk