

October 14, 2008

The Red Lodge City Council met in regular session on October 14, 2008 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, Lockman, Labrie and Priest. Absent: Alderman Kennicott.

MINUTES OF SEPTEMBER 23 Motion by Mahan, second by Lockman to approve the minutes of September 23 as presented. On roll call vote all Aldermen present voted "Aye." Motion carried.

Kennicott had some inclusions to the September 23, 2008 minutes under the discussion held in New Business regarding weeds. "She said she is concerned with the weed problem in town. She said Spires would be spraying for weeds in their area in October. There is an extensive weed problem in Diamond C Links as well as the rest of the golf course and other parts of the City. She wondered if a notice in the paper would help to let people know their responsibilities per the City ordinance and code and the fines that could be imposed. The City also needs to be a responsible party regarding the weed problem on City property. Kennicott said the County weed person, Brian Ostwald, is very knowledgeable and would be a good resource person for our efforts." This paragraph refers solely to the minutes of September 23.

CLAIMS AGAINST THE CITY Motion by Kampfe, second by Priest that claims against the City totaling \$354,922.49 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 the large amount being paid this month was due to the 2007 water rehab project. HKM had a claim for \$94,967 and COP Construction is being paid \$121,121. These were the two largest claims for the month.

OFFICERS REPORTS The officer reports were approved by the Council as submitted. The water loss was greater this month than it was last month and the Mayor was wondering what the answer to this might be. Sanderson reported that approximately a million gallons of unmetered water was run through the tank for leak testing and chlorination. This would account for the increase in the loss.

SPECIAL COMMITTEE None

STANDING COMMITTEES – Administration – Mayoral Veto – FY 08-09 Budget This Mayoral veto was done so the Mayor could ask the Council to reconsider using one half million dollars of reserve to pay off debt that is not yet due and address some of the items highlighted in the CIP.

Kampfe said the Council approved a balanced budget on September 9 with \$497,500 dedicated to reducing the City's debt in the water and sewer funds. He said the Administration Committee and some of the Council has deemed the use of these funds be put towards the reduction of debt. He also stated that at the last Council meeting the Mayor vetoed the use of these funds for debt reduction. Mayor Scanlin said that her intent was to only veto the debt reduction line items and not the budget in its entirety. Kampfe said he felt the entire budget has been vetoed. Kampfe said the veto lead to some excellent discussion among the Council and outside citizens.

Kampfe said the committee is going to recommend the override of the Mayors veto. He said there will still be a set aside for reserve for capital projects. He also agreed the City will not see the savings from

the debt reduction payment immediately. Kampfe said the committee found the CIP items listed not to be critical for this fiscal year and could be set aside for future years or re-evaluated at a later date. Kampfe said the committee recommends the Council override the Mayors veto.

Motion by Kampfe, second by Priest to override the Mayors veto of the City of Red Lodges FY 08-09 budget. On roll call vote those in favor: Aldermen Kampfe, Lockman, Labrie and Priest. Those opposed: Alderman Mahan. Motion carried.

Mahan said she was opposed to overriding the Mayors veto because she feels the City should not put all their eggs in one basket. She feels the cost of upcoming projects will increase by waiting to get them started. She feels it would be better for the City to put the funds aside for at least six months until it can be decided what the economics would be in this country as now there are too many unknowns.

Priest said he looked at five years of spending in water and sewer. He said these funds do not pay for themselves but use Resort Tax funds to help with debt payments. He feels the City needs to stop doing this so more Resort Tax funds can go to other projects. He feels this is a compelling reason to start paying down debt.

Mayor Scanlin said the interest rate is lower now for the loans the City has and they do not need to be paid down. She said with any future loans the interest might be considerably higher than it currently is. She said these funds are a savings account and reserve to get things done.

Position Description Format Mayor Scanlin presented the Council with a position description format that was devised by the Local Government Associates with a few minor changes made by Department Heads. Mayor Scanlin said that Mr. Ken Weaver would like to meet with the Council and Department Heads at separate times for discussion. He would like to meet with Department Heads on October 24 and Council on October 25, 9:00 p.m. to noon.

The Council discussed the format and there were some comments made regarding the explanation of some of the sections and what is meant so there would be no misinterpretation among the staff. Kennicott asked that the grade level be put on the descriptions.

Emergency and Police Services – Ordinance No. 873 – Fire Codes – First Reading

ORDINANCE NO. 873

Chapter 15.06

FIRE PREVENTION AND SAFETY CODES

Sections:

15.06.010	Fire Prevention and Safety Codes
15.06.011	Definitions
15.06.012	Fire Hydrants
15.06.013	Fire Hydrants to remain accessible for use and testing
15.06.014	Temporary Outdoor Cooking Facilities
15.06.015	Restricted Entry to Public Lands
15.06.017	New Construction
15.06.020	Fire Inspections Required
15.06.025	Open Burning Permit Required
15.06.030	Fire Inspection Fees
15.06.040	Authority Having Jurisdiction Has Power to Grant Exemption
15.06.050	Appeals to the City Council

15.06.064 Firefighters Authorized to Require Premises to be evacuated

15.06.070 Repeal of Prior Fire Prevention and Safety Codes

15.06.010 Fire prevention and Safety Codes Adoption by reference of the 2006 edition of the International Fire Code.

(a) The International Fire Code, 2006 edition, including Appendices B and C, as published by the International Code Council, is adopted by reference as the fire code of the city. It regulates and governs the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; provides for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the city clerk are hereby referred to, adopted, and made a part hereof, as if fully set out, with the additions, insertions, deletions and changes, if any, set by this ordinance.

(b) The following sections of the International Fire Code are revised as set out below:

Section 101.1. Insert: [City of Red Lodge, Montana]

Section 109.3. Insert: [Misdemeanor, \$500.00, 6 months]

Section 111.4. Insert: [not less than \$100 or more than \$500]

Section 906.1. Delete Exception to Section 906.1, #1.

Section 906.1 Where required.

Portable fire extinguishers shall be installed in the following locations.

1. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.
2. Within 30 feet (9144 mm) of commercial cooking equipment.
3. In areas where flammable or combustible liquids are stored, used or dispensed.
4. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 1415.1.
5. Where required by the sections indicated in Table 906.1.

Section 907.15.1. When required by the Fire Code Official, non-required fire alarm systems shall be monitored by an approved supervising station in accordance with NFPA 72.

(c) That the geographic limits referred to in certain sections of the 2006 International Fire Code are hereby established as follows:

Section 3204.3.1.1 LOCATION. Stationary containers shall be located in accordance with section 3203.6. Containers of cryogenic fluids shall not be located within diked areas containing other hazardous materials.

Section 3404.2.9.5.1 Locations where aboveground tanks are prohibited. Storage of Class I and II liquids in aboveground tanks outside of buildings is prohibited within the limits established by the City of Red Lodge Zoning Regulations.

Section 3406.2.4.4 Locations where aboveground tanks are prohibited. Storage of Class I and II liquids in aboveground tanks outside of buildings is prohibited within the limits established by the City of Red Lodge Zoning Regulations.

Section 3804.2 Locations where the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas. Storage of liquefied petroleum gas in aboveground tanks outside of buildings is prohibited within the limits established by the City of Red Lodge Zoning Regulations.

15.06.011 Definitions;

- (a) Wherever the term "corporation counsel" is used in the adopted fire code, it means the city attorney.
- (b) Wherever the word "jurisdiction" is used in the adopted fire code, it means the city.

(c) Temporary Outdoor Cooking Facilities – Any temporary facility intended for the commercial sale of food products. These facilities shall include outdoor barbecue grills, fryers, griddles and other heat producing cooking equipment as determined by the Fire Department.

15.06.012 Fire Hydrants; When required, the average distance to a fire hydrant shall be 150 feet, and the maximum distance shall not be more than 175 feet.

15.06.013 Fire Hydrants to remain accessible for use and testing; Fire hydrants shall not be obstructed or landscaped in any manner that interferes with the use or testing of the hydrants. The Fire Department shall not be responsible for damage to landscaping or other obstructions that interfere with the normal operation and testing of fire hydrants.

15.06.014 Temporary Outdoor Cooking Facilities Temporary outdoor cooking facilities shall be permitted, provided that the cooking installation meets the requirements of this chapter as well as *NFPA 58 Liquefied Petroleum Gas Code* in addition to the following requirements:

- 1) No outdoor cooking facility shall obstruct or be in close proximity to occupancy exits, normal paths of pedestrian travel, or fire and emergency vehicle apparatus access.
- 2) Outdoor cooking facilities must have available an approved fire extinguisher of a minimum 3A-40BC rating or other type as deemed necessary by the code official.
- 3) Outdoor cooking appliances must be at least 10 feet from all combustible material

15.06.015 Restricted Entry to Public Lands; The Fire Chief is authorized to determine and publicly announce when public lands shall be closed to entry due to extreme fire hazard or other danger to public safety, and when such areas shall again be opened to entry.

15.06.027 New Construction; No building construction shall begin within a subdivision until the fire department having jurisdiction has received and approved a certification that the provisions for fire protection have been met. Whenever work is being done contrary to the provisions of this section the fire department may order the work to be stopped by notice in writing served on any persons engaged in the doing, or causing such work to be done, and any such persons shall stop such work until authorized by the fire department to proceed with the work.

15.06.020 Fire Inspections Required; All schools, businesses, public buildings, and places of assembly shall be inspected by the fire department at least once per year or at a time interval set by the fire department.

15.06.025 Open Burning Permit Required; A valid permit issued by the fire department shall be required prior to conducting any open burning, except that residential outdoor cooking and small recreational fires of less than 30” in diameter shall be allowed without a permit. The fire department or its designee must be notified prior to conducting any open burning.

15.06.030 Fire Department Inspection and Review Fees; The City of Red Lodge hereby requires fees as set by resolution for fire safety permits and for inspections required in 15.06.020. The City shall account for all fees, and all monies received shall either be used to fund the fire inspection program or shall be placed in the Fire Department cash /restricted fire equipment fund. All fees shall be due and payable at the time the permit is granted or the inspection is performed.

All fees are payable upon permit application or commencement of an inspection. Failure to pay for permit, plan review or inspection fees imposed by this fee schedule, within the time period specified, shall render such permit or inspection null and void.

15.06.031 Standard Hourly Fee; There shall be a standard hourly fee , with a one-hour minimum, charged in half hour increments for all inspection and plan review work unless there is a set fee outlined in this resolution. All inspections, plan reviews and consultations shall be charged this standard hourly fee, unless otherwise specified. The standard hourly fee shall be adjusted to a rate one and one half times the set rate to provide for cost recovery when the department is requested or required to review plans or conduct

inspections as an extension to the normal workday. When a requester fails to cancel a requested inspection prior to the time of the inspection, the first half-hour of the standard hourly fee will be charged.

15.06.032 Fire Inspection Fees; The following fire inspection fees shall be set by resolution and or shall be made part of the City Business License;

1. Minimum inspection fee;

All business and or commercial buildings of less than 1000 square feet with occupancy of fewer than 25 people.

2. General inspection fee;

Short-term residential home rentals, businesses and or buildings of more than 1500 square feet and of occupancy of 25 to 75 people, as well as any building or business not otherwise specified.

3. Public assembly and hazardous storage inspection fee ;

All businesses and or buildings with a occupancy of more than 75 people as well as all public assembly buildings, restaurants, hotels and motels, and all hazardous occupancies.

15.06.033 Re-inspection Fees; All re-inspections (follow-up inspections) shall be charged at the standard hourly fee rate with a one-half-hour minimum.

15.06.034 Plan Review Fees; There shall be a fire department plan review fee set by resolution on a per lot or dwelling unit basis (whichever is greater) for all new subdivisions and or development reviews. The fee shall be paid by the applicant to the planning department at the time of application submittal. The standard hourly fee shall apply to all other plan reviews or development consultation by the fire department

15.06.035 Fees for open burning; The fee for an open burning permit shall be set by resolution

15.06.036 Addressing Fee; The fee for assigning an address to a lot shall be set by resolution. The fee for new lots created by subdivision shall be set by resolution and shall be paid by the applicant at the time the application is submitted to the planning department. The address assigned by the fire department shall be shown on the plat prior to final plat submittal.

15.06.040 The City of Red Lodge Has Power to Grant Exemption. The City shall have the power to grant exemption from application of the chapter upon request in writing and such request shows that the enforcement of the chapter will cause unnecessary hardship to the petitioner, provided that said exemption does not allow a distinct hazard to life or adjoining property. The particulars of such exemptions when granted shall be entered upon the approval granted. The authority having jurisdiction thereof shall retain a copy. Exemptions shall be valid for no more than five (5) years.

15.06.050 Appeals to the City Council, Penalties. An owner, lessee, agent, operator, or occupant aggrieved by any order issued pursuant to this chapter may file an appeal to the City Council within ten (10) days from the personal service of such an order, and the City Council shall fix a time and place not less than five (5) days nor more than twenty (20) days thereafter when and where such appeal may be heard by the council. Such appeal shall stay the execution of such order until a decision on the appeal is issued by the council.

The City Council shall at such hearing affirm, modify, revoke, or vacate such order, and unless revoked or vacated, such order shall then be complied with.

Nothing herein shall be deemed to deny the right of any person, firm, corporation, co-partnership, or voluntary association to appeal from an order or decision of the City Council to a court of competent jurisdiction. Such appeal shall stay the execution of such order until a decision on the appeal is issued by the court.

15.06.064 Firefighters Authorized to Require a Premises to be Evacuated; If, in the opinion of a firefighter enforcing this code, a violation exists in or near an occupied structure, or in an outside assembly area, that poses a significant risk to the life safety of the occupants, the firefighter may require the premises or a portion of the premises to be immediately vacated until such time as the violation can be corrected.

15.06.065 Enforcement of code by firefighters; Each firefighter of the city is authorized to enforce this code and remove any unlawful or dangerous condition that exists which may create, cause, have potential to cause fires or impede fire department public safety service. The firefighters are authorized to issue citations to violators.

15.06.70 Repeal of Prior Ordinance. By the adoption of this ordinance the prior Fire prevention and Safety Codes are hereby repealed.

Tim Ryan said the revision of Ordinance #860 Chapter 15.06 changes the City’s current fire code from the Uniform Fire Code to the International Fire Code. The department is recommending this change because the City has already switched to the International Building Code and adopting the companion code will ensure more consistent enforcement. The State of Montana is in the process of adopting the International Fire Code. There are no significant differences between the codes other than the organizational structure. Ryan said the fees will be broken out into Resolution form so they can be more readily changed when necessary.

Mahan asked if something could be put into the Ordinance to clarify what is needed in park areas where there are grills. The ordinance speaks to fire extinguishers being necessary when grills are being used and Mahan wants to address what is necessary in the City parks. Others said they felt the grills in the parks are permanent and not temporary grills. Mahan asked that this then be clarified in the Ordinance. Ryan said he will try to address this for her.

Motion by Lockman, second by Labrie to approve Ordinance No. 873 regarding City Fire Codes on first reading. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Land Use and Planning – Resolution No. 3266 – Annexation Wholly Surrounded Property – White Ave

RESOLUTION NO. 3266

A RESOLUTION OF THE CITY OF RED LODGE EXPRESSING THE INTENTION OF THE CITY COUNCIL TO ANNEX TERRITORY TO THE CITY.

BE IT RESOLVED by the City Council of the City of Red Lodge, Montana, as follows:

1. In the judgment of the Council, it will be in the interest of the City of Red Lodge and the inhabitants thereof and of the inhabitants of the territory described below that the boundaries of the City shall be extended so as to include the territory within the corporate limits of the City of Red Lodge.
2. Pursuant to Sections 7-2-4301 through 7-2-4331, 7-2-4501 through 7-2-4502, and 7-2-4505 Montana Code Annotated (MCA), the Red Lodge City Council will conduct a public hearing on Monday, November 10, 2008, and take final action to adopt a Resolution annexing and thereby extending the boundaries of the City of Red Lodge, Carbon County, Montana to include the following territory:

TRACT B COS 1336 located in Section 34, Township 7 South, Range 20 East, P.M.M., Carbon County Montana

CONDO MASTER OLD MOUNTAIN HOME TR A COS 1336 located in Section 34, Township 7 South, Range 20 East, P.M.M., Carbon County Montana

LT A-2 COS 1818 3RD AM POLLARI SUB located in Section 34, Township 7 South, Range 20 East, P.M.M., Carbon County Montana

LT A-1 COS 1818 3RD AM POLLARI SUB located in Section 34, Township 7 South, Range 20 East, P.M.M., Carbon County Montana

3. The City Clerk is hereby directed to forthwith notify in writing all property holders within the boundaries of the territory proposed to be embraced; and cause a notice to be published in the Carbon County News on October 16, 2008 and on October 23, 2008.

Motion by Mahan, second by Kampfe to approve Resolution No. 3266 and assign initial zoning of Residential for the wholly surrounded properties at the time of annexation. On roll call vote all Aldermen present voted "Aye." Motion carried.

Johnson told the Council there are four properties scheduled for annexation into the City per Part 45 of MCA. This annexation is predicated upon the fact that the subject properties are wholly surrounded parcels that have the benefit of municipal water and sewer services. The properties include the County Road Shop, the brick building due north and the two single-family residences right off 23rd Street. Currently the four properties are located in unincorporated Carbon County, Montana and are not subject to zoning regulations. As such, the City may exercise discretion in the assignment of initial zoning for the properties to be annexed. The properties are bounded by two different zoning districts, which are Residential and Multi-family Residential. The current uses on the properties include two single-family dwelling units, three multi-family units and the County Road Shop. Johnson said the staff recommends the assignment of Residential as the zoning for the properties at the time of annexation.

Mayor Scanlin opened the public hearing on the proposed annexation along White Avenue.

Estelle Tafoya asked what type of residential the zoning would be, such as single-family or multi-family. She was told this would be single-family residential zoning.

Brenda Martin asked how this zoning would affect the County Shop area. She was told that it would be non-conforming.

Beth Hutchinson thought it might be more constructive to give this area a more flexible multi-family zone giving our housing issues.

Sanderson said the neighboring area that is available for development is the Sandhill Springs Subdivision, which has a single family residential zoning assigned by the City and the approval statements from Carbon County and the State of Montana. Sanderson said to zone the new area multi-family would be to undo the findings of fact and conclusions of law that were established at the time the subdivision was put into place. Two of the lots will be non-conforming with this zoning but Sanderson said they will be fixed as soon as the City has the tools to do so.

Mayor Scanlin then closed the public hearing.

Resolution No. 3267 – Annexation Willow Creek Road

RESOLUTION NO. 3267

A RESOLUTION OF THE CITY OF RED LODGE EXPRESSING THE INTENTION OF THE CITY COUNCIL TO ANNEX TERRITORY TO THE CITY.

BE IT RESOLVED by the City Council of the City of Red Lodge, Montana, as follows:

4. In the judgment of the Council, it will be in the interest of the City of Red Lodge and the inhabitants thereof and of the inhabitants of the territory described below that the boundaries of the City shall be extended so as to include the territory within the corporate limits of the City of Red Lodge.

5. Pursuant to Sections 7-2-4301 through 7-2-4331, Montana Code Annotated (MCA), the Red Lodge City Council will conduct a public hearing on Monday, November 10, 2008, and take final action to adopt a Resolution annexing and thereby extending the boundaries of the City of Red Lodge, Carbon County, Montana to include the following territory:

Willow Creek Road Easement Spires to Section Line LEGAL DESCRIPTION

A strip of land 60 feet wide located in the SW1/4 of Section 15 and the SE1/4 of Section 16, T.7S., R.20E., P.M.M., Carbon County, Montana being 30 feet on each side of the following described centerline. The sidelines of said described strip being shortened or elongated to meet the property lines of the Grantor. Beginning at the corner of Sections 15, 16, 21 & 22; thence north along the section line to the 1/4 corner of said Sections 15 & 16, the point of terminus.

Willow Creek Road Easement Section Line to Highway ROW LEGAL DESCRIPTION

A strip of land NW1/4 of Section 22, T.7S., R.20E., P.M.M., Carbon County, Montana described as follows: Beginning at the corner of Sections 15, 16, 21 & 22; thence easterly along the line between Sections 15 & 22 to a point which is 30 feet perpendicular to the west line of said section 22; thence south and parallel to the Section line of Sections 21 & 22 to the northerly right-of-way of Highway 78; thence northwesterly along said right-of-way to the said west line of Section 22; thence north along said Section line to the point of beginning.

6. The City Clerk is hereby directed to forthwith notify in writing all property holders within the boundaries of the territory proposed to be embraced; and cause a notice to be published in the Carbon County News on Thursday, October 16, 2008 and on Thursday October 23, 2008. The notice shall be to the effect that this Resolution has been duly and regularly passed, and that for a period of twenty (20) days after the first publication of such notice, the City Clerk will receive expressions in writing of approval or disapproval, of the proposed alterations of the boundaries of the City of Red Lodge. The City Clerk shall, at the public hearing of the City Council to be held on November 10, 2008, lay before the Council all communications in writing so received by her.

Lindsay Johnson reported to the Council that this annexation is for a portion of Willow Creek Road from the northerly boundary of the Spires at Red Lodge to the State Highway 78 right-of-way. With the Luoma annexation the City annexed 30 feet of Willow Creek Road adjacent to the property. The City did not annex the full width of Willow Creek Road adjacent to the Luoma property during this annexation process per MCA.

Zoning is not an issue on this annexation as the property being annexed is a road. However the City will need to address the speed issue for this road. Johnson stated that Police Chief Pringle feels 35 miles per hour would be a reasonable speed limit for this road. The Planning Board agrees with this.

Mayor Scanlin opened the public hearing on annexation of Willow Creek Road.

Jack Prather, #6 Willow Creek Road, said he will not contest this annexation. He said he will however urge the City to set a 35 mile per hour speed limit.

Ed Draper, #6 Draper Lane, said that he has no problem with the annexation. He is satisfied that items concerning this area will come before the Council which will allow him to have a voice in decision making.

Mayor Scanlin closed the public hearing.

Motion by Mahan, second by Kampfe the adoption of staff Report ZC-08-01 as findings of fact and that the City Council for the City of Red Lodge assigns a speed limit of 35 mile per hour at the time of annexation. On roll call vote all Aldermen present voted "Aye." Motion carried.

Diamond C Links Warranty Close Out The City has a request from Diamond C Links to close out the remaining warranty on this property that includes the streets. A letter from the Project Engineer states that everything has been installed and they are working on noxious weeds. This will be on the next Council agenda as an action item.

Heritage Holding – Propane Lease Extension Heritage is asking the City to let them remain on the property until spring. If the lease is not extended they state they will be out of business due to the code requirements for propane tanks. They are speaking of the 15,000 gallon tank on the east side of their property. The minimum clearance from an adjacent property line is 50 feet. With the expiration of the lease Heritage would not meet this requirement and would be out of code. Heritage has stated there is the possibility of moving both the building and the tank but they would like to wait until winter is over.

Sanderson recommends this be turned over to the Land Use and Planning Committee so they can make a recommendation to the Council at the next Council meeting.

Kampfe said there is no immediate use for this land. The City would want market value on the lease amount. The City would also need to have a definite closure date for the month to month lease.

AY Supply Sanderson said he has sent an order to the owner of AY Supply to vacate City owned land. Mayor Scanlin told Mr. Buesher that if he wishes to use City land he could bring his proposal to the Land Use and Planning Committee.

Public Works – Update – 2007 Rehabilitation Project Sanderson said the City is entering into the closeout phase of this project. A walk thru is scheduled for next week. Sanderson said the most notable issue that has jumped up for this project is the final reconciling change order for Century, which was originally set at \$75,000, has now become \$144,000. This is due largely to underestimation of quantities primarily asphalt to repave all the crossings and exploration diggings. The project is still within the scope of the budget including the contingency fund.

Mayor Scanlin pointed out that Williams Plumbing and Heating loaned the City equipment to help with snow removal at no cost. They were very good partners to the City during the recent snow storm.

Change Order #3 Schedule III This change order includes material only. The labor and equipment to install a liner on top of the newly constructed tank will be provided by COP Construction. The City will pay for all materials.

Motion by Priest, second by Mahan to approve Change Order #3 Schedule III in the amount of \$9,582. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Change Order #4 Schedule III This change order is to provide labor, equipment and materials to connect to the existing 8” and 10” water tank drain lines and run them downstream 150 feet and tie into the new tank’s 48” manhole. Also to provide labor, equipment and bedding gravel to extend the pond 12” drain extension west around the existing water tank. The City is to provide material for installing a 1’ cushion of 3-inch minus aggregate the full height and around the perimeter of the new water tank, this also includes a 40-foot section of the existing water tank. There will be removal of an existing concrete thrust block from the 10” main. This was a result of relocating the 16” main due to the 4-foot culvert conflict.

Motion by Priest, second by Mahan to approve Change Order #4 Schedule III in the amount of \$36,160. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Change Order #2 Schedule II This change order is to reconnect and provide a separate service connection for 11 services outside the City right-of-way as there previously were multiple services connected to one meter and/or sharing a single service.

Motion by Priest, second by Mahan to approve Change Order #2 Schedule II in the amount of \$45,817.68. On roll call vote all Aldermen present voted "Aye." Motion carried.

Hospital Waterline Dedication Sanderson said that CTA Architects is requesting, on behalf of Beartooth Hospital, that the City take ownership of the 8" water line that is internal to the site of the proposed new hospital. The hospital would provide permanent access easements for repair and maintenance of the internal 8" water loop.

Beartooth Hospital also proposes that, along with City ownership of the line, the hospital would provide an agreement to pay for all future repair and maintenance costs of the 8" internal water loop line that connects with the 12" line on Highway 212.

In the event that the water line should need repair, the City would be responsible for completing the repair to City standards and the hospital would pay the cost of the repair. Backflow prevention is designed into the water system in the new building.

DEQ has informed the hospital they must install backflow prevention devices at the City main on both ends to prevent any contamination of the water supply. The hospital would like to dedicate the line to the City and provide the easements so they would not have to install both backflow devices. This would save the hospital some money on their project.

This will be referred to the Public Works Committee for their discussion and they will come back to the Council with a recommendation on this request.

Bear Resistant Trash Cans Sanderson told the Council that 1100 bear resistant cans have been put into service in the City. The contract is for 1247 cans. Most of the remaining cans go to snowbirds and will not be changed out until the person comes back next spring. If it needs to be done before that time a call to City Hall can be made and Allied Waste will be notified to bring the can up.

CITIZEN REPORT Estelle Tafoya reported there are four lots left for purchase on Cooper. She said there are six applicants for these four lots. She said some of the applicants may not qualify but if they do then it would be first come first served.

Lynette Coleman said the Habitat House has a particular request. She said they are waiting for the City to connect the water and sewer lines up to the property line. She reported that the financing will be lost if the family is not in the house by the end of the year. She was told that this project has been scheduled for completion but was waylaid a short time by the snow fall the City received. It will however be completed in a timely manner as the weather permits.

Estelle Tafoya spoke to the Council on the CEDS that was adopted in September 2004. She said this document needs to be reviewed and brought up to date every five years. She said the five year time frame will be in September of 2009. She also said that EDC would be willing to work with the City on the review of this document. She reviewed with the Council the ten goals that were made in the CEDS and how many of them have already been met.

Kelley Evans thanked the City for the proactive management of the emergency routes during the last snowstorm. Mayor Scanlin said it was a group effort and that she was very pleased with the work that was done.

Beth Hutchinson said she has a proposal for an alternative plan on snowplowing and removal. She proposes that all residents, beginning in October and running till the end of April, pay close attention to upcoming storms. Then she proposes parking diagonally, moving vehicles in backwards on the west and south sides of streets. This would allow any cars to get out without much effort whether it is plowed or not. It would then free up the whole other area's to be plowed. She said her block would be willing to be guinea pigs and try this new method.

Norm Mance said the City did a very good job of plowing during the recent storm.

OLD BUSINESS Mayor Scanlin told the Council that she has given them a copy of the incident report on the police vehicle accident. This is a public record.

NEW BUSINESS None

CORRESPONDENCE Mayor Scanlin said she sent a letter to MDT thanking them for their help with the snow removal on Broadway. It was very much appreciated.

MISCELLANEOUS Mayor Scanlin told the Council that the Local Government Associates would like to meet with the Council on October 25, 2008. Alderman Kampfe said he would be out of the country from October 17 thru November 5 so he would be unable to attend a meeting on this day. Lockman will also be working on the 25th. It was discussed to meet with the associates on October 24 in the afternoon. A meeting is being held with the department heads in the morning and the Council will try for the afternoon.

Mayor Scanlin said the first meeting in November is scheduled for the 11th. This is Veterans Day and a legal holiday so the meeting will need to be rescheduled. The Council agreed to hold the meeting on November 10, 2008 at 7:00 p.m.

Priest asked if the City would be collecting political signs from the City right-of-way if they were not moved. An article was in the news stating it was illegal for the signs to be put on City right-of-way. Sanderson said the City would start collecting them.

Meeting adjourned at 9:10 p.m.

Mayor

ATTEST:

City Clerk