October 23, 2007

The Red Lodge City Council met in regular session on October 23, 2007 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, Lockman, Stauffer, Scanlin and Reynolds. Absent: None.

MINUTES OF OCTOBER 9 Motion by Kampfe, second by Lockman to approve the minutes of October 9 as corrected. On roll call vote all Aldermen present voted "Aye." Motion carried.

Scanlin asked that the following sentence be corrected to show Kent Young's payment being in addition to his monthly retainer. Scanlin told the Council that some of the larger claims this month were Elk River Law Office, \$3200, Joseph Eve & Co. CPA's, \$5200, funds spent from the EDA Grant \$20700 which was for rent on office space at the Chamber and wages for the personnel with the Main Street Project and Kent Young, \$3300, in addition to the \$2500 retainer.

SPECIAL COMMITTEE None

STANDING COMMITTEE – Administration – Claim for Training – Public Works A claim was submitted to send two public works employees to a trenching and excavation training.

Motion by Scanlin, second by Mahan that the claim against the City approved by the Auditing Committee be paid and a warrant be drawn on the respective funds in payment. On roll call vote all Aldermen present voted "Aye." Motion carried.

Police and Emergency Services Mahan told the Council of an incident that occurred with a young girl and was handled by the ambulance department. The young girl has heart problems and the emergency service crew dealt with the incident in very experienced and caring manner. She wanted all to know how well the department handled the call with the good training they all have.

Land Use and Planning – Resolution No. 3248 – Resolution of Intent – Annexation Sandhill Springs RESOLUTION NO. 3248

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, Montana Code Annotated (MCA), the Red Lodge City Council will conduct a public hearing on Tuesday, November 27, 2007, 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:

Subdivision Plat No. 1818 2nd Am. Plat of Sandhill Springs Subdivision. A minor subdivision lying in Tract B of the Pollari Subdivision, Plat No. 1818 AM. Located in the SE ½ of Section 33, and the SW ½ of Section 34, Township 7 South, Range 20 East, P.M.M., Carbon County Montana. Subdivision Plat No. 1818 2nd AM (Sandhill Springs) consists of Lots 1, 2, 3, 4, and 5

- contains 16.54 acres. This annexation is inclusive of all streets and roads dedicated to the public within the subdivision as well as White Avenue to an extension of the southern boundary of lot 5 Sandhill Springs Subdivision on a bearing of South 89 26'18" West to the existing City limits.
- 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 Thursday, November 1, 2007 and on Thursday November 8, 2007. 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 27, 2007, lay before the Council all communications in writing so received by her.

Motion by Reynolds, second by Mahan to approve Resolution No. 3248. On roll call vote all Aldermen present voted "Aye." Motion carried.

Mahan pointed out that a Waiver of Protest of Annexation was signed by the subdivision. Some Council members felt the subdivision should have been annexed when the services were extended to the area. Stauffer said that some things have been lost by not annexing in the beginning. One of the things he is speaking to is the loss of the block and grid scheme of the City.

Sanderson said the zoning of this area will come during the final annexation resolution. A public hearing will first be held on November 27, 2007.

Final Plat – City Lights Subdivision Motion by Reynolds, second by Mahan to approve the final plat for the City Lights Subdivision with staff report FP-07=03 as the findings of fact and conclusion of law. On roll call vote those in favor: Aldermen Kampfe, Mahan, Lockman, Stauffer and Reynolds. Those opposed: Alderman Scanlin. Motion carried.

Scanlin commented on her concerns with the storm water retention area that the City is assuming responsibility for. She still has concerns that this area of the bench could collapse. She was asked by a citizen what would happen when this is full of ice and the spring thaw comes and there is no place to retain it. She asked the PWD, since the City is responsible for the road and the water retention area, is the \$10,000 that is being given to the City enough for the maintenance if the worst happens. She was told it is not. Sanderson said there is an easement down the hill to drain the storm water retention and percolate the water down below the bench onto the valley floor. This has already been done. Sanderson said the \$10,000 is to potentially cover expenses thru time as routine maintenance is done on the retention area.

Scanlin asked it to be stated that the plat being voted on at this meeting is different than the preliminary plat. Sanderson said the only difference in the final plat is that it contains the easement. She asked that when a plat is changed the Council be made aware of the changes before time to vote on final plats.

Boyer said the drainage from the storm water retention area is a six- inch pipe. The water overflow will run down the hill to a place where there will be no danger to the slope of the hill.

Capital Improvements Plan RFP Sanderson presented the Council with a draft of the RFP he has done for the Capital Improvements Plan. He is asking for action to have his department solicit for contractors to come and prepare a CIP. The Council discussed the RFP that will be done with a few minor changes being made that are agreeable to the Council and to Sanderson.

Sanderson asked who would be on the team to evaluate the proposals when they come in. Scanlin asked that someone from each committee do the evaluation. This will give four people and when they meet it will be noticed.

Motion by Kampfe, second by Scanlin to approve the RFP with the changes that were made. On roll call vote all Aldermen present voted "Aye." Motion carried.

Waiver of Conditional Use Fee – Mountain Springs Villa Motion by Reynolds, second by Mahan to approve the waiver of the conditional use fee and use it as match for the Mountain Springs Villa. On roll call vote all Aldermen present voted "Aye." Motion carried.

Mountain Springs Villa Grant Match Sanderson said the options were to have the City crew perform all or some of the construction (Up to \$15,000) and other cash contributions available or could be made available with the FY 09 budget. He said the discussion was in the range of \$5,000 to \$15,000. Sanderson commented that the problem is that none of the City departments have budgets that include a line item for expenses of this type or magnitude in the current fiscal year. He said the option would be to guarantee this in the FY 09 budget. Julie Jones said the FY 09 budget would fit into the realm of progress.

Motion by Scanlin, second by Lockman to direct the public works crew to perform up to \$15,000 in kind construction for this particular grant. On voice vote all Aldermen present voted "Nay." Motion failed.

Mahan said she is reluctant to ask the crew to do more work than they are already committed to doing. The Council did a lot of discussion on the worthwhileness of this grant and how it would be best to help, with cash or in kind work. Sanderson said he thought it might best service the City's interest to issue a letter of intent, that if the CDBG grant is received, the City will provide work or cash as match up to \$15,000. If the grant is unsuccessful then the City does nothing. Stauffer said he would like the City to be given the option of doing cash and in kind work if this is what best fits the City to meet the \$15,000.

Motion by Scanlin, second by Stauffer that the Council approve in the alternative the City public works performing some of the construction up to \$15,000 and/or other cash contributions that the City may have available or make available in the FY 09 budget in the range of \$5,000 to \$15,000. On roll call vote those in favor: Alderman Scanlin. Those opposed: Alderman Kampfe, Mahan, Lockman, Stauffer and Reynolds. Motion failed.

Motion by Reynolds, second by Lockman that the City issue a letter of intent upon approval of the CDBG Grant obligating the City up to \$15,000 of cash or in-kind towards the Mountain Springs Villa project. On roll call vote all Aldermen present voted "Aye." Motion carried.

Board of Adjustment Sanderson told the Council that five of the seven seats of the Board of Adjustments are vacant. Letters of interest for appointment have been received by two citizens. Sanderson said the Council has three options to provide a Board for the application that has been submitted to be heard and acted upon. The Council can appoint itself to serve as the BOA until such time as qualified individuals have been appointed to serve. The Mayor would serve as the Chairman and would have vote on issues before the BOA. Secondly the Council, from its membership, could appoint three councilors to the BOA until such time as qualified citizens can fill the vacancies. The existing BOA Chairman would continue to preside over the vote on matters before the BOA. The last

option, not a good one, is to take no action and allow the application to languish until a BOA comprised of citizens is established.

Currently on the Board are two members in good standing and Jim Moore and Marie Olson need to be re-appointed, as their terms have expired. Sanderson said if the Council takes over this role these people would temporarily be on the sidelines until other appointments are made to fill the Board. Discussion was held by the Council on which option they feel would work best for the present time.

Motion by Reynolds, second by Lockman that the Council from its membership appoint three councilors to the Board of Adjustment till such time the vacancies can be filled by qualified citizens. The existing BOA chairman will continue to preside over and vote on matters before the BOA. Council appointment is Mahan, Stauffer and Scanlin. On roll call vote all Aldermen present voted "Aye." Motion carried.

Kampfe pointed out that this is a temporary solution and the Council needs to help find someone to volunteer for these appointments.

Motion by Mahan, second by Reynolds to re-appoint Jim Moore and Marie Olson to the Board of Adjustments. On voice vote those in favor: Alderman Kampfe, Mahan, Lockman, Stauffer and Reynolds. Those opposed: Alderman Scanlin. Motion carried.

Public Works – Wavier of Fees – Red Lodge High School The Red Lodge School District wrote to the Council with a request for waiver of fees. They said they have received all the necessary approvals for construction and are in the midst of balancing the cost of the construction with the bond revenues available. They have value engineered in all areas of construction to ensure the best product for the dollar spent. They are now asking the City to consider their proposal. They stated that several significant costs they are incurring include money paid to the City for permitting and impact fees. The school is respectfully requesting that the City consider waiving all fees for the construction of the high school. They feel that the district's tax dollars are more appropriately spent on real construction rather than fees paid to another government entity. Stauffer said the problem with this is the school district taxpayers and the City taxpayers are not the same. He suggests if the City forgives any fees this is a subsidy to the taxpayers, some of which are outside the City, by the City taxpayers. Stauffer said the City could use the percentage of taxpayers to the school district who live in the City as a reduction factor in the waiving of any costs.

Sanderson stated once again that the impact fees for water and sewer cannot be waived but he said there are other fees that could be waived. These additional fees, such as connection, tap and the cost of the meter could be waived or proportionately waived.

Mahan said the Public Works Committee needs to meet with Boyer, Sanderson and school representatives to see what can be done and then they would come back to the Council with a recommendation.

Mark Brajcich said one of the thoughts they have is with the impact fees. They feel there will be no impact as one school is being added and another taken away from the equation. There will be no more students only a shift in which building they will reside in. Sanderson said he would like to visit with the attorney to ask about the transferability of Roosevelt to the new high school. The committee will then meet and respond to the Council. Scanlin asked the committee to review any other fees that will be charged and could be considered in this discussion.

Building Inspector Scanlin asked about this lead-time in the quest of hiring a full time building inspector. This is something the Council will need to discuss.

CITIZEN REPORT Beth Hutchinson gave the Council a copy of a survey that was done with the businesses in regard to the Christmas Stroll. She said the Chamber would like to see the City institutionalize this event. The survey that was taken was done very well and was very informative.

Beth said the stroll will be held November 30 and December 1 this year. She would like this item to be on the agenda at the next meeting.

OLD BUSINESS – **Hydro Solutions Proposal** Mayor Roat said there still is not enough information available to make an accurate proposal to the Council. This item will remain postponed until all information is put together.

NEW BUSINESS – Administration of HOME Pilot Funds – Single Tree Consulting Motion by Scanlin, second by Stauffer to award the administration of the HOME Pilot Funds to Single Tree Consulting. On roll call vote all Aldermen present voted "Aye." Motion carried.

Julie Jones said she would have a contract to the Council at the next meeting.

AIG VALEC Supplemental Insurance Sanderson told the Council this information is in regard to a supplemental retirement program. He would like this company to come to the City and give them a presentation of what they have to offer. This would then be presented to the employees to see if any would be interested. Sanderson was told to inquire with a representative from Edward Jones and State Farm or anyone else there might be in town to see if they would have anything to offer to the employees along this line.

CORRESPONDENCE None

Meeting adjourned at 8:55 p.m.

MISCELLANEOUS Mayor Roat told the Council that the County Commissioners have notified the IRS that they are dropping their CREB's option. They have decided it is not a viable option for them.

The Mayor said the hospital is applying for CDBG grants for furniture. They are asking the City to sponsor one for them as the County is also doing one. The Mayor said this is something the City does so a representative from the hospital will be coming with further information.

ATTEST:	Mayor	
City Clerk		