

**October 24, 2006 – 6:30 P.M. Capital Improvements Plan Kickoff** City Planner, Brent Moore, gave the public and the Council a run down of the Capital Improvements Plan. The CIP is an important guiding document for the provision of City services within a 5-year planning period. As the City of Red Lodge grows, the need to maintain a sufficient level of service to meet the needs of the public is an essential component of good governance. Participation from a wide variety of stakeholders is essential in assisting the City in charting a course for capital investment over the next five years.

Meetings will be set up for the next two to three months so the Council can meet and discuss needs with department heads and all interested citizens. Having a CIP is very important for the future needs of the City and all need to be involved with the drawing up of this plan for it to work.

## **October 24, 2006**

The Red Lodge City Council met in regular session on October 24, 2006 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 Bullock, Mahan, Lockman, Stauffer, Scanlin and Reynolds. Absent: None.

**MINUTES OF OCTOBER 10** Motion by Mahan, second by Reynolds to approve the minutes of October 10 as read. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**SPECIAL COMMITTEES** None

**STANDING COMMITTEE – Administration – Claim from Chamber of Commerce** Mayor Roat said the Chamber of Commerce is requesting the City pay the balance of the bill to Red Lodge Electric for the work done on the historic streetlights.

Motion by Reynolds, second by Mahan to approve the payment of \$9463 directly to Red Lodge Electric. On roll call vote those in favor: Aldermen Mahan, Lockman, Stauffer, Scanlin and Reynolds. Those opposed: Alderman Bullock. Motion carried.

Reynolds said this claim is valid and it is time to pay it as the work has been finished. Scanlin asked if the contract that was signed with the Chamber of Commerce was authorized by the Chamber. She was told it was. She feels the Chamber has not met all the items that were in the contract such as the extra labor for the work that was done. She said these wages came to approximately \$10,085.10. She gave the Chamber full credit for the light fixtures they purchased. She said she was favorable in exchanging payments with the City paying the bill to Red Lodge Electric and the Chamber giving the City the \$10,085.10 for wages that was agreed upon in the contract. Bullock feels the Chamber has committed nothing that was included in the contract they signed with the City. Stauffer read from the press release given by the Chamber on the historic streetlights.

Amendment to motion by Scanlin, second by Lockman that the Red Lodge Electric bill be paid on condition that the Chamber pay for the personnel they agreed upon paying in the amount of \$10,085.10. On roll call vote those in favor: Aldermen Bullock, Lockman and Scanlin. Those opposed: Aldermen Mahan, Stauffer and Reynolds. Motion failed.

Stauffer feels the hours spent by volunteers on this project accounts for a lot on this agreement. He said in-kind services count a great deal. He feels that on the grounds that everyone did a lot more work

on this project than anyone expected he feels we need to call this square, pay Red Lodge Electric and restore some sort of harmony between the groups. Bullock said he feels the City is asking for a pittance of what was agreed upon in the contract.

Don Kinney said he agreed with the Council and this project was a joint effort and would not have been completed without the help of the City. The project would not have started without the Chamber collecting the funds for the lights. The Chamber worked very hard but was unable to raise more funds to put towards this project. They did the best they could to meet all costs agreed upon but were unable to do so. This was a great community project.

**Police and Emergency Services** Mayor Roat said the City needs to put signs up on the entrances to town stating that the noise ordinance will be enforced and how to implement the man power situation since it may require more man power to effectively police the noise. This will need to be thought about and addressed before the Harley Rodeo occurs next year. The concerns with the public right now seems to be the noise involved with some of the machines.

**Land Use and Planning – Plat Vacation – Diamond “C” Links – Resolution No. 3224** Brent Moore told the Council that the title company suggested to Diamond “C” Links that they vacate the 4<sup>th</sup> filing of the plat. The City has approved a new plat.

#### **RESOLUTION NO. 3224**

#### **RESOLUTION PARTIALLY VACATING PLAT OF RED LODGE COUNTRY CLUB ESTATES, FOURTH FILING.**

**WHEREAS**, Diamond C Links, LLC and Red Lodge Grizzly Peak, Inc. are owners of all lots and real property other than dedicated public rights of way located within the boundaries of Diamond C Links Subdivision; and

**WHEREAS**, the final plat of Diamond C Links Subdivision was approved by the Red Lodge City Council on August 22, 2006 and the plat of the subdivision was filed September 13, 2006 with the Clerk and Recorder of Carbon County as Document No. 324431; and

**WHEREAS**, the boundaries of Diamond C Links Subdivision coincide with the boundaries of Red Lodge Country Club Estates Subdivision, 4<sup>th</sup> Filing, filed with the Clerk and Recorder of Carbon County on February 13, 1997 as Document No. 280356, in the area located generally north of Cole Drive in Red Lodge, Montana; and

**WHEREAS**, it was the intent of Diamond C Links, LLC, Red Lodge Grizzly Peak, Inc., and the City of Red Lodge in proposing and approving Diamond C Links Subdivision that the configuration of lots and public rights of way in Red Lodge Country Club Estates Subdivision be replaced with the layout shown on the plat of Diamond C Links Subdivision; and

**WHEREAS**, Diamond C Links, LLC and Red Lodge Grizzly Peak, Inc. have petitioned for formal vacation and cancellation of the Plat of Red Lodge Country Club Estates Subdivision, Fourth Filing (Document No. 280356) to the extent the boundaries of that subdivision overlap within the boundaries of the Plat of Diamond C Links Subdivision (Document No. 324431); and

**WHEREAS**, the petitioners’ request is consistent with the original intent of the City of Red Lodge when it approved the preliminary plat of Diamond C Links Subdivision after public hearing on May 9, 2006 and when the parties thereto executed the Subdivision Improvements Agreement – Diamond C Links Subdivision filed September 13, 2006 with the Clerk and Recorder of Carbon County as Document No. 324432.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** by the City Council of Red Lodge, Montana:

1. That the Plat of Red Lodge Country Club Estates Subdivision, 4<sup>th</sup> Filing (Document No. 280356) be and is hereby cancelled and all lots, streets, public easements, alleys, parks and boulevards described or shown in the plat are hereby vacated to the extent such lots, streets, public easements, alleys, parks, and boulevards are located within the boundaries of the Plat of Diamond C Links Subdivision (Document No. 324431).

2. From and after the date of this Resolution and Order, any designation of property located within the boundaries of the aforementioned portion of Red Lodge Country Club Estates Subdivision, Fourth Filing shall instead be made by reference to the Plat of Diamond C Links Subdivision.

3. The cancellation of the plat and vacation of the lots, streets, public easements, alleys, parks and boulevards is subject to any easements in favor of any public or private utilities for any pole line, pipeline, or any other public or private facility situated in the vacated land to continue the operation and maintenance of said public utility facility, together with the rights of reasonable ingress and egress to operate and maintain such facilities.

4. This Resolution and Order shall be effective from and after the date of passage.

Motion by Mahan, second by Scanlin to approve the plat vacation resolution requested by Diamond C Links. On roll call vote all Aldermen present voted "Aye." Motion carried.

**Easement Vacation – Diamond "C" Links** Brent Moore said this request relates to the older plat. He said there were some easements that did not show up until late in the title search. The parties are the owners of all real property and public rights of way located within Diamond C Links Subdivision as shown on the plat of said subdivision filed on September 13, 2006 with the office of the Clerk and Recorder of Carbon County as Document No. 324431. The parties are also the owners of all real property and public rights of way benefited or potentially benefited by a 20-foot wide sanitary sewer easement and seven 10-foot wide storm drain easements depicted on the plat of the RL Country Club Estates Subdivision, Fourth Filing. In exchange for the mutual promises of the parties hereto and other valuable consideration, the sufficiency of which is hereby acknowledged, the parties hereby permanently and forever, on behalf of themselves and their successors in interest, relinquish, vacate and abandon all right, title and interest in the above described 20-foot wide sanitary sewer easement and all 10-foot wide drain easements. Public Works Director, Boyer, agrees with the vacation of these easements.

Motion by Mahan, second by Scanlin to approve the relinquishment and vacation of easements as requested by Diamond C Links. On roll call vote all Aldermen present voted "Aye." Motion carried.

**Woodland's at Rock Creek Quit Claim Request** Motion by Mahan, second by Reynolds to approve Woodland's at Rock Creek quit claim request. On roll call vote all Aldermen present voted "Aye." Motion carried.

Dick Stout of Woodland's at Rock Creek, is requesting a quitclaim deed for a triangular piece of property that was a prescriptive use easement for the City. Mr. Stout is asking for the quitclaim deed for this triangular piece of property so it does not encumber the development of Lots 2 and 3 of his proposed subdivision. The City of Red Lodge no longer has any use for this easement and eventually there shall be a county standard road running from Two Mile Bridge Road to the northwest portion of the City's wastewater treatment system property.

**League of Cities and Towns Convention – Report by Planner** Moore said the conference was a very good one. He said there was a lot of discussion held on the economy of the State and the increase in population to the State in the upcoming years. Several areas are finding a great increase in population in their area.

The League of Cities and Towns are in opposition to several Constitutional Initiatives that will be on the ballot. CI-154 talks about two issues. One is eminent domain, taking property for economic development and the other is the ability of local government to actually regulate local development. The League is recommending the public vote no to this CI. Another initiative that was discussed is CI-97, which is in regard to a balance budget amendment. The League is also asking the public to vote no on this CI. The last one discussed was CI-98, which allows for a petition to recall judges based upon rulings of certain cases. The League feels very strongly on these three being against them.

Moore also attended small seminars that discussed growth and managing it on local and state levels.

**Public Works** None

**CITIZEN REPORT** None

**OLD BUSINESS – Affordable Housing Deed Restrictions** The affordable housing group gave the Council a copy of a recapture agreement between the City of Red Lodge and purchasers of Lots on 300 Block of Cooper Ave. The recapture period for the lots is five years. They would like the recapture period incorporated into the deed restriction. The Council was asked to review this agreement and get any questions or suggestions back to them. Scanlin said she would like to see a recapture amount stay with the property and not sunset at five years.

As some homeowners are ready to purchase lots the deed restriction needs to be done so this can go forward. It was decided to hold the affordable housing meeting at City Hall on Friday, October 27 at noon to further discuss these ideas.

**EDC Report on Progress Including Budgeting** Mayor Roat asked how the funding was holding up for this grant. The grant was awarded in March of 2006. An extension will have to be asked for closer to grant ending.

Discussion was held on how EDC is helping businesses and what determines the help given and to what business. Stauffer commented that he would like to see time tilted toward the activities that benefit businesses broadly as opposed to individual businesses.

Brent Moore said it was his understanding that EDA grants were typically public works grants. As explained to him this is a planning grant for \$200,000 with the idea of potentially putting the City in the position, if demonstrated that the appropriate things are done as far as planning to create extra jobs, will then put the City in the position of receiving further grant funds. The City will then be in the position to apply for funds from EDA particularly for the storm water and water system along Broadway that will then benefit the businesses on Broadway. Moore said he has asked the EDC Committee to provide two basic things to the City Council. A timeline for when funds will be applied for and their strategy demonstrating everything that has been done to this point in time puts the City in the position to get some additional funding.

Moore said he understands there are some additional funds, \$40,000, left from the contract. Moore said the engineers have stated that one of the most important things needed to move forward are some

good aerials of the City to help not only do the Broadway project but will also be helpful for the major water extensions.

Discussion was held on using these funds in this manner. The EDC Committee will need to visit with EDA to determine whether or not the funds can be used in this manner. They said they would be willing to check into this to see if this is an appropriate use of these funds. Moore said the EDC Committee has different ideas on the use of the funds. He feels the committee needs to come to the Council and describe clearly what they want to use the funds for making sure they are inline with both the strategy and timeline to getting additional funding and also more important than aerials.

Moore feels if the EDC and alternative plans for spending the money it needs to be discussed now and put on the table so all can decide in a unified voice what it is that is being asked for. The Council would like the EDC to bring to them how they feel the money should be spent and why.

**HKM Contract** Motion by Lockman, second by Mahan to approve the contract with HKM. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Scanlin asked if there was any reason to not use the State standard for per diem and lodging. HKM said this would be fine with them.

Amendment to motion by Scanlin, second by Reynolds that a schedule of expenses allow for repayment at the State schedule for lodging. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**Co-Host Discussion with Chuck Tooley** Scanlin said that Mr. Tooley would not be available in December to meet with the Council.

Motion by Mahan, second by Scanlin to approve co-hosting a discussion with Chuck Tooley on global warming – energy efficiency. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Scanlin will visit with Mr. Tooley and set up a time that will work with all for this discussion.

**NEW BUSINESS** None

**CORRESPONDENCE** Scanlin said she would not be sending a letter to Sam Hoffmann in support of his building project that comes from the Council as a whole. The Council can speak to him individually if they choose. Mayor Roat has visited with Sam and his father and feels things are going well as there may be some alternate plans.

**MISCELLANEOUS** Mayor Roat said there is a sound system that could plug into the poles that would be about \$20,000. The sound system would then be on Main Street. The Mayor feels this is something the community could get behind to see if this project could be done.

Reynolds asked that the Parks Board notice their meetings and give the City a copy of their minutes. The Clerk will ask them to do this in the future.

Mayor Roat asked the Airport Board if they could be given a master plan for the development of the airport facility. He said the City needs the Airport Board to establish a plan of what they plan to do in the near future. The Mayor said he would like to see, on the north end of the airport, a buffer between

higher value houses by putting in a managed mobile home court. The Airport Board said they would get something to the City. The affordable housing group would like to work with the City on this idea.

Meeting adjourned at 9:00 p.m.

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Mayor

ATTEST:

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City Clerk