

September 13, 2011

The Red Lodge City Council met in regular session on September 13, 2011 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, Richter, Labrie, Schoenike and Williams. Absent: None.

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

**MINUTES OF AUGUST 9** Motion by Mahan, second by Labrie to approve the minutes of the August 9 meeting as submitted. On roll call vote all Aldermen present voted “Aye”. Motion carried.

**MINUTES OF AUGUST 23** Motion by Mahan, second by Labrie to approve the minutes of the August 23 meeting as submitted. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**MINUTES OF SPECIAL MEETING SEPTEMBER 1** Motion by Mahan, second by Richter to approve the minutes of the September 1<sup>st</sup> special meeting as submitted. On roll call vote those in favor: Aldermen Kampfe, Mahan, Richter, Labrie and Schoenike. Those abstaining: Alderman Williams. Motion carried.

Kampfe said that this meeting was held to officially adopt the budget for fiscal year 2011-2012. Staff and Mayor/Council were all thanked for the hard work put into the adoption of this budget.

**CLAIMS AGAINST THE CITY** Motion by Kampfe, second by Williams that claims against the City totaling \$331,065.85 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 on some of the claims that were larger and some that were payments on projects that are being done in town. Fisher Sand & Gravel had a claim that totaled \$31,461 for asphalt on streets by the High School. Pioneer Mountain Substructure had a claim of \$29,403 for the CTEP Safe Routes to School sidewalk project and \$17,322 for the sidewalk portion completed on the west side of Mountain View School. Sanderson Stewart had a claim totaling \$13,280, which was for engineering. \$9,500 was for the CTEP sidewalk project and the remaining amount was for the water main between 5<sup>th</sup> and 8<sup>th</sup> Streets. The Boys and Girls Club submitted a claim for \$56,849 that is for the construction work on their building. These funds are flow through from CDBG for this project. Bailey Construction did paving work that totaled \$57,794.

**OFFICERS REPORTS** The officer’s reports were presented to the Council for their review. It was noted that the unaccounted loss of water was down considerably this month.

**COMMENTS FROM PUBLIC REGARDING AGENDA ITEMS** None

**SPECIAL COMMITTEES** Mayor Roat asked for silence to remember the victims and families of the 9/11 terror attacks.

**STANDING COMMITTEES – ADMINISTRATION – Ordinance #893 – Use of City Owned Land – Public Hearing/First Reading** Mayor Roat opened the public hearing. No one from the public spoke during the public hearing time. Mayor Roat then closed the public hearing.

**ORDINANCE #893**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA  
ADOPTING REGULATIONS TO CLARIFY THE PROCESS AND REGULATIONS FOR THE USE  
OF CITY-OWNED PROPERTY WITHIN THE CITY OF RED LODGE, MONTANA.**

**WHEREAS:** The streets, sidewalks, alleys, parks, publicly-owned buildings or vacant land or other public areas of the City of Red Lodge are held by the City for the benefit of the public; and

**WHEREAS:** On occasions parties other than the City of Red Lodge may wish to use such areas for specific uses; and

**WHEREAS:** Negative effects of such uses can be avoided or mitigated; and

**WHEREAS:** It is in the public and private interest for the City of Red Lodge to establish Use of City-Owned Land regulations that provide clear and consistent guidelines; and

**WHEREAS:** The Red Lodge City Charter provides for the exercise of self-government powers; and

**WHEREAS:** The Red Lodge Planning Board and Zoning Commission prepared Use of City-Owned Land regulations for the City of red Lodge; and

**WHEREAS:** The Red Lodge city Council did conduct a duly noticed Public Hearing on September 13, 2011 on the proposed amendment to the Use of City-Owned Property.

Motion by Kampfe, second by Richter to approve Ordinance #893, An Ordinance of the City Council of the City of Red Lodge, Montana adopting regulations to clarify the process and regulations for the use of city-owned property within the City of Red Lodge on first reading. On roll call vote all Aldermen present voted "Aye." Motion carried.

Kampfe commended the Planning Board for the work they did on this ordinance to help make the rules much more consistent. Items of question were clarified in this proposed ordinance.

Kampfe received clarification regarding small events that would have alcohol and if a permit would be required. An example given to him would be a small family gathering in a City park where alcohol was consumed that would not require a permit. An open container in parks is not prohibited and small gatherings on city-owned land that does not require the use of the entire area is also not prohibited without a permit. Kampfe also commented that section 8.11.040A. requires the person or organization sponsoring a special event to bring the application before the Council 45 days in advance of the event. This will be helpful to the Council and all who need to review the application. It was also pointed out in section 8.11.040B.6-"if it is determined that reasonable police protection for the City will be disrupted, the applicant may be required to pay all or some of the cost of additional police officers, if the Chief of Police approves the request".

This ordinance will be heard on second reading at the next scheduled Council meeting on September 27, 2011.

**Resolution #3332 – Commitment of Local Funds for TIGER Grant**

**RESOLUTION NO. 3332**

**RED LODGE CITY COUNCIL**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA,  
COMMITTING UP TO \$1,053,560.20 AS MATCHING FUNDS FOR THE USDOT-TIGER 3  
GRANT APPLICATION FOR CONSTRUCTION OF THE PLATT AVENUE 'COMPLETE  
STREET' PROJECT.**

**WHEREAS:** the City Council for the City of Red Lodge adopted a Capital Improvement Plan in July 2009 identifying infrastructure projects that need to be completed over a 5-year period: AND

**WHEREAS:** the Capital Improvement Plan identifies the need to rebuild and upgrade Platt Avenue, including the associated water, sewer and storm sewer systems, as a high priority project for our Public Works Department; AND

**WHEREAS:** the City Council for the City of Red Lodge adopted a Growth Policy in August 2008 that contains the stated goals and objectives of encouraging compact urban growth, walkable neighborhoods,

pursuing the return of public transportation as well as finding creative ways to fund/finance improvements and enhancements to our streets, sidewalks and other capital infrastructure; AND

**WHEREAS:** the City Council for the City of Red Lodge has authorized expenditures of General Fund, Road Fund, Water and Sewer Enterprise Funds to prepare preliminary engineering and design for the ‘complete street’ rebuild of Platt Avenue and all of the side streets between Platt Avenue and Broadway Avenue from 5<sup>th</sup> Street to 17<sup>th</sup> Street; AND

**WHEREAS:** the City Council for the City of Red Lodge has authorized expenditures of time and resources by the Community Development Department to prepare and submit a request for grant funding via the United States Department of Transportation TIGER-3 program; AND

**WHEREAS:** the City Council for the City of Red Lodge has been advised by the Community Development Director that matching local funds are not required to secure TIGER-3 funding but strongly recommends a local commitment of funds for the project of not less than 20% of the total project budget, \$5,267,801.00, to make our application more competitive.

**NOW THEREFORE, BE IT RESOLVED:**

1. The City Council resolves to commit not less than 20% of any grant award by the United States Department of Transportation TIGER-3 program to the City of Red Lodge up to a maximum of \$1,053,560.20.
2. The City Council further resolves that the local matching funds shall be derived from our General Fund, Resort Tax, Gas Tax, Water and Sewer Enterprise Funds.

Motion by Kampfe, second by Labrie to approve Resolution #3332, a resolution by the City Council of the City of Red Lodge, Montana, committing up to \$1,053,560.20 as matching funds for the USDOT-TIGER 3 grant application for construction of the Platt Avenue ‘complete street’ project. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Sanderson said the TIGER-3 grant the City is targeting is potentially up to \$10,000,000. The City is asking for a total project of roughly \$5,300,000. Historically this grant does not fund 100% of what is asked for. In this resolution the City is committing only 20% of what may be received if the grant is successful.

The funds that will be targeted for the match if this grant is successful are the General Fund, Resort Tax, Gas Tax, Water and Sewer Enterprise Funds. This project will also occur over two fiscal years, FY12 and FY13. This will make it easier to budget the funds that will be needed if the grant application is successful. Sanderson said the City should know sometime in December if any funds are awarded to the City.

This project will resurface Platt Avenue, both moving lanes, two paved parking lines, curbs, gutters, boulevards and sidewalks on both sides as well as all of the side streets from 5<sup>th</sup> to 17<sup>th</sup> Streets. The Streets will get two moving lanes, the two parking lanes, curb, gutter and sidewalk. The alleys will also be improved as well as the underlying water and sewer mains. Sanderson said that up to \$330,000 is being set aside to upgrade the service connections for the low and moderate-income people who live within the project area. Those will be administered on a case-by-case basis.

Sanderson also said the biggest advantage of the project, other than having complete streets, is the storm water that comes off Broadway can be collected and channeled away from the sanitary sewer system, which will increase our capacity and holding time at the wastewater treatment plant. The storm waters can be moved out and dealt with in an entirely different manner.

**POLICE AND EMERGENCY SERVICES – Cruisen’ Red Lodge** Motion by Williams, second by Mahan to accept the \$500 donation given by Cruisen’ Red Lodge for use in the Police Department. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**LAND USE AND PLANNING – Zoning Map Amendment C-3 and Zoning Text Amendment – Noise** Sanderson said the Planning Board will be holding a public hearing on these two topics on September 14, 2011. The zoning map amendment will be correcting an error that was made on the south end of town when the official map 7 was adopted. The text amendment is dealing with noise related to the use of property and the way to do this is through a zoning ordinance. The Planning Board will send their recommendations on these two items to the Council by the next scheduled meeting.

**High School Homecoming Parade Request** The Red Lodge High School is requesting to hold their annual homecoming parade on Main Street on Friday, September 16, 2011. They are requesting a police escort from the corner of First Interstate Bank as the parade heads south on Broadway and turns west at the Coleman Gallery intersection going to the intersection of Pride Park for a brief pep rally. The pep rally would be no longer than thirty minutes but this section on 12<sup>th</sup> Street will need to be closed for this rally. The homecoming dance will be held at the old Roosevelt Gym the evening of September 17 and the school would be happy to have a police officer come in and mingle sometime during the dance. The Chairman of the Police Committee will speak to the Chief to see if an officer will be able to go to the dance at some point.

The school representative was told that in the future they would need to approach the Council sooner for this same type of request.

Motion by Kampfe, second by Mahan to approve the Red Lodge Student Council request for a parade and a thirty-minute pep rally which will entail closing the block next to Pride Park on September 16. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**PUBLIC WORKS – CTEP/Safe Routes Sidewalk** Sanderson told the Council that the CTEP project is coming to a close. He said that 5% of the project dollars is being held in retainage to make sure the few punch list items are taken care of. At the end of the one-year warranty the cash will be freed up if everything is still all right. The larger items on the punch list are grading and seeding that needs to be done around Lions Club Park and a drain tile and culvert needs to be installed at 5<sup>th</sup> Street to remove the water on 5<sup>th</sup> Street and Broadway onto the lands owned by the City adjacent to The Silver Strike.

**Roofing Permits Sold** Mayor Roat said there are 36 roofing contractors currently working on projects in town. He said that 240 permits have currently been sold for re-roofing. Tim Swansborough is currently doing the job of Building Inspector as Toby Rhoades has moved on to a job in Buffalo, Wyoming.

**Street Lights** Mayor Roat said there are no streetlights on Cooper Avenue or in Mountain Springs Villa. He said he would be contacting the power company to see what needs to be done to have lights in these areas. He said it is quite dark in these areas.

**CITIZEN REPORT** Jenn Nelson told the Council that the TBID Committee has collected 63.50% approval signatures on the TBID petition. She said they needed to have at least 60% approval before they could go any further with the project. Sanderson said he will give this information to the City Attorney to review and will put this item on the agenda for the next scheduled meeting. The TBID District is the corporate city limits of Red Lodge.

Betty Ansorge asked the Council if there was anything they could do regarding vehicle faulty mufflers that contribute to air and noise pollution. She asked if there were any funds that could be used to have laws that cars and trucks in Red Lodge have anti-pollution devices. Mayor Roat said there is nothing more that can be done regarding pollution than the Federal government addresses. He said the noise pollution could be more controlled by the City through ordinance. The Police can issue tickets for loud mufflers.

Angela Beaumont said the snowflake garland that hangs across Broadway at the intersection of the Pollard Hotel has cost the hotel \$698 in power bills. She said the garland was plugged into the electrical supply of the Pollard. She commented that the Pollard could no longer pay this cost of lighting the garland even though she feels it added to the ambiance of the town. She was told that the Chamber of Commerce is working on this to find an answer so the garland can continue to be lit.

Sanderson said the Chamber of Commerce has been paying taxes on the building and land that is owned by the City. It is felt that this may be a mistake, as City owned property is not taxed. The Chamber leases this building and grounds from the City. This will be checked into and if correct it will be asked if the Chamber will be entitled to get any of the past tax money refunded to them. The City is in favor of researching this. Sanderson also said the Chamber will be paying the difference in the amount of the cost for re-roofing their building from what the insurance company remits.

**CORRESPONDENCE** None

**MISCELLANEOUS** Mayor Roat commented that the League of Cities and Towns would be hosting their conference in Billings October 5<sup>th</sup> – 7<sup>th</sup>. He encourages all interested Council members to participate.

Meeting adjourned at 8:05 p.m.

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Mayor

ATTEST:

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City Clerk