

September 25, 2012

The Red Lodge City Council met in regular session on September 25, 2012, 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 Mahan, Richter, Labrie, Schoenike and Williams.  
Absent: None.

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

**MINUTES OF SEPTEMBER 11** Motion by Mahan, second by Richter to approve the minutes of September 11 as submitted. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**COMMENTS FROM PUBLIC REGARDING AGENDA ITEMS** None

**SPECIAL COMMITTEES – TBID Committee Report** Angela Beaumont gave the Council a review of what the TBID Committee has been accomplishing. She told the Council that about four weeks ago she got a call from In Focus TV regarding a program they wanted to do on historic hotels. She said that due to the 75<sup>th</sup> Anniversary of the Beartooth Highway and the award given from the State they have heard of Red Lodge and the Pollard. The TBID Committee got together and sent up a very good script along with the Mountain and Tim Weamer from Creative Design. In Focus was impressed with the blueprint script and they put it on a green light to be done. The TBID Committee organized all this in two weeks. Beaumont told the Council what TBID would be getting from this. She said they filmed a five minute documentary, filmed a six minute video profile and filmed a one minute commercial. The cost for this was \$26,000 which the TBID Committee was able to come up with. She said the five minute documentary is basically a historic “then and now” program on Red Lodge. They spoke with several people for this documentary and spoke to the vitality and economic vibrancy of Red Lodge. The TBID Committee has all licensing rights to everything they produced. The advertisement will be shown four hundred times during the year. This will show on the History Channel, the Learning Channel, the Discovery Channel or the Travel Channel, which ever the TBID Committee chooses. The six minute video profile will be emailed out to one million subscribers. The target audience for this is a very good, solid one that may not be otherwise reached. This was not part of the original strategy but one that came along that the committee felt could not be ignored so they worked very hard to make sure it happened.

**Dog Park** Mayor Roat said that donations are being received to help with the expenses of the Dog Park. The Mayor was told that the Conservation Corp is building the fence for the Dog Park. The Mayor suggested that the Dog Park Committee become a tax exempt organization so they can administer their own funds and accept donations.

**STANDING COMMITTEES – ADMINISTRATION – Set Meeting with Business Community – Highway Construction Projects** Sanderson said that Steffen Streeter is available at 2:00 p.m. on October 9, 2012 to meet with the business community and the Council to answer questions on the pending projects on Highway 212. Schoenike asked if this meeting would be the place to discuss some of the potential strategies for businesses to deal with the upcoming construction work that will done. Sanderson said he thought this would be the time to talk about all issues that are construction oriented. Hopefully all the players will be in attendance at this proposed meeting. The business community and the public will be notified of this meeting.

Motion by Mahan, second by Richter to set a meeting with the Montana Department of Transportation on October 9, 2012, at 2:00 p.m. for the business community to attend. On voice vote all Aldermen present voted “Aye.” Motion carried.

**Resolution #3349 – Agreeing to Prepare Environmental Review Record as Part of NeighborWorks Montana Administration of HOME Funds**

**RESOLUTION NO. 3349**

**A RESOLUTION OF THE CITY OF RED LODGE, MONTANA, AGREEING TO PREPARE THE ENVIRONMENTAL REVIEW RECORD FOR NEIGHBORWORKS MT AS THE ENTITY TO ADMINISTER STATE HOME NON-COMPETITIVE FUNDS FOR HOMEBUYERS ASSISTANCE FOR THE CITY OF RED LODGE.**

**WHEREAS**, NeighborWorks MT has agreed to administer federal funds through the Montana Department of Commerce’s HOME Investment Partnerships Program for Homebuyer Assistance in the City of Red Lodge; and

**WHEREAS**, subject to all necessary funding being received to permit the projects to go forward; and

**NOW, THEREFORE, BE IT RESOLVED** that the City of Red Lodge agrees by formal resolution to perform all activities associated with preparing the Environmental Review Record on behalf of NeighborWorks MT.

**BE IT FURTHER RESOLVED** that the above designation shall become effective on September 25, 2012.

Sanderson said that these resolutions, #3349 and #3350, are the agreements of the City to prepare Environmental Review Records as part of NeighborWorks MT administration of the HOME Funds and by designating Sanderson as the Environmental Preparer who will do the preparation of the environmental documents as part of the requirements by NeighborWorks MT. Sanderson spoke with the State to alleviate all concerns the Council had. NeighborWorks is the direct recipient of the funds in question and the City will have no financial accountability.

Motion by Labrie, second by Williams to approve Resolution #3349, a resolution of the City of Red Lodge, agreeing to prepare the environmental review record for NeighborWorks MT as the entity to administer State HOME non-competitive funds for Homebuyers assistance for the City of Red Lodge. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**Resolution #3350 – Designating Community Development Director as Environmental Preparer for HOME Funds Within the City of Red Lodge**

**RESOLUTION NO. 3350**

**A RESOLUTION OF THE CITY OF RED LODGE, MONTANA, DESIGNATING FORREST SANDERSON, COMMUNITY DEVELOPMENT DIRECTOR AS THE ENVIRONMENTAL PREPARER FOR NEIGHBORWORKS MT AS THE ENTITY TO ADMINISTER STATE HOME NON-COMPETITIVE FUNDS FOR HOMEBUYERS ASSISTANCE FOR THE CITY OF RED LODGE.**

**WHEREAS**, NeighborWorks MT has agreed to administer federal funds through the Montana Department of Commerce’s HOME Investment Partnerships Program for Homebuyer Assistance in the City of Red Lodge;

**WHEREAS**, subject to all necessary funding being received to permit the projects to go forward; and

**WHEREAS**, an Environmental Preparer shall be designated by formal resolution.

**NOW, THEREFORE, BE IT RESOLVED** that Forrest Sanderson, Community Development Director of the City of Red Lodge is designated as the Environmental Preparer to produce an Environmental Review Record on behalf of NeighborWorks MT for submission to the Montana Department of Commerce.

**BE IT FURTHER RESOLVED** that the above designation shall become effective on September 25, 2012.

Motion by Labrie, second by Williams to approve Resolution No. 3350, a resolution of the City of Red Lodge designating Forrest Sanderson, Community Development Director, as the Environmental Preparer for NeighborWorks MT as the entity to administer State HOME non-competitive funds for homebuyer’s assistance for the City of Red Lodge. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**Use of City Owned Land – Pedal Your Bike Montana** Motion by Williams, second by Schoenike to approve the use of City owned land by Pedal Your Bike Montana. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Williams said he believes the City has not yet received the funds for this use. Jennifer Drinkwalter said she would be submitting these funds. She told the Council that Pedal Your Bike was a kid’s day for using a local trail in our community with interpretive sites. There will be a scavenger hunt held along the trails. She said that hopefully it will not snow that day.

**POLICE AND EMERGENCY SERVICES** Williams said the City is nearly ready to get the new phone system installed. The lease is approved and now they are waiting to see the complete equipment list as there was some debate on what was originally discussed. He said hopefully the system will be installed by November.

Williams said a lot of research has been done on the fire department budget. He said the City fire department owns three vehicles. Whenever City vehicles are used the City pays for the fuel and whenever rural vehicles are used the rural department pays for the fuel. It does not matter if the vehicles are used in town or out of town. The turnout gear that is used by the departments is purchased half by the City and half by the rural department. Williams said there is an employee working in the fire department that is paid with grant funds. As long as the grant is in place the employee will work and when it is finished they will also be. There is also a \$60,000 grant that is used by City and rural that is used to cover fuel reduction projects helping the State. If the money does not come in it is not expensed.

**LAND USE AND PLANNING – ORDINANCE #895 – Flood Plain Management Regulations – Public Hearing/1<sup>st</sup> Reading** Sanderson said Ordinance #895 is an ordinance to adopt the State and Federal minimum requirements for managing growth, development, subdivision and any other regulated activity within the designated 100 year flood plain. In this ordinance the City is also adopting the digital flood insurance rate maps that will take effect in the City on December 4, 2012. We are required by both the State and FEMA to have the minimum regulations in place and adopted on December 4, 2012.

Mayor Roat opened the public hearing. Trish LaCombe, Comfort Inn, asked where the flood plain is. Sanderson told her it was Rock Creek with an elevation that depends on location. Sanderson told her that she could come in at any time and he would show her the flood plain map.

Sanderson said the purpose of flood plain management regulations is to deal with properties that are already developed or properties that are already platted for development in the floodway. He said you can do very little in the floodway. In the flood plain, subject to a permit issued by the City and approved by the State, you can develop properties in the flood fringe. The goal of the regulations is to limit risk to life, property and other properties should a structure be damaged or destroyed during a flood event. Participation in the program is mandatory and affects our ISO rating. It also affects our ability to obtain certain other federal grants, pass through funds and loans.

Mayor Roat closed the public hearing.

Motion by Labrie, second by Schoenike to approve Ordinance #895, an ordinance by the City Council of the City of Red Lodge replacing Chapter 3 of Title 12, entitled City of Red Lodge 2012 Flood Plain Hazard Management Ordinance, on first reading. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**2008 Growth Policy – Statutory Update** Sanderson said the Planning Board cannot review the Growth Policy until the governing body requests that they prepare a Growth Policy for them. The City’s 2008 Growth Policy expires August of 2013. Sanderson said it is a good idea to start this process now with the hope that the City will have it wound up sometime in the spring of 2013, delivered to the Council in the form of a resolution saying the law has been complied with

and the document presented is the one that will be recommended to the Council as the 2013 Growth Policy for the City of Red Lodge.

Motion by Schoenike, second by Labrie to request that the Red Lodge Planning Board and Zoning Commission prepare a Growth Policy that considers all of the requirements of 76-1-601 M.C.A., conduct the required public hearings and submit the document to the City Council for consideration by July 2013. On roll call vote all Aldermen present voted "Aye." Motion carried.

**Nomination – Purchase of City Owned Land – Dennis Kreatz** Sanderson said that Mr. Kreatz has asked if the City would consider selling a parcel of land at the airport as a place to locate his business. Kreatz already owns a small piece in holding that is totally surrounded by the City. He would like to acquire more land and he has been made aware of the requirements of the City for selling property. The City does not have the funds in the FY13 budget to prepare a commercial appraisal of the property Kreatz would like to purchase. Kreatz is prepared to pay for this appraisal on the condition that if he is the purchaser the selling price would be reduced by the cost of the appraisal. Also if a third party steps in and bids more money than Kreatz he would ask to be reimbursed by the appraisal cost. Sanderson said that both of these requests are valid ones. Kreatz has notified his banker and is moving forward to hire the same commercial appraiser that the City used to do the appraisal for the Heritage Propane sale in 2009. The Council said this is very reasonable.

**PUBLIC WORKS – ORDINANCE #896 – Snow Removal City Streets – Public Hearing/1<sup>st</sup> Reading**  
**ORDINANCE # 896**

**AN ORDINANCE TO CLARIFY AND REVISE THE RED LODGE REMOVAL OF SNOW AND ICE FROM PUBLIC STREETS WITHIN THE CITY.**

Motion by Mahan, second by Richter to approve Ordinance #896, snow removal City streets, public hearing/1<sup>st</sup> reading. This motion was later tabled.

Mayor Roat opened the public hearing.

Angela Beaumont, Pollard Hotel, asked what the ordinance is about regarding the removal of snow.

Mahan said the Public Works Committee is trying to simplify the current ordinance on snow removal and to remove all the restrictions that currently make it a difficult ordinance for the public works department to follow. The committee made sure it did not include the clearing of snow from the sidewalks. This ordinance does not address Broadway as that is a State Highway.

Mayor Roat said another thing that is provided for in this ordinance is to not put snow from private property onto the public way. This is not a huge problem but in a modification of the ordinance this was removed so the Mayor is glad to have it back into the ordinance. This ordinance also speaks to not snow blowing the snow from the sidewalks out onto the plowed streets.

An employee of the Pollard Hotel asked what he was supposed to do with the snow from the sidewalks if it cannot be put on the streets. Schoenike said the committee discussed that topic and they have some suggestions they would like to recommend including a clarification of the definition of public rights-of-way to make sure it does not include Highway

212 and Highway 78 because they are State highways. Sanderson had amendments that were made to the ordinance by the Public Works Committee and he read them into the minutes.

Page 1 – Section 1. 4. Public Right(s)-of Way: A dedicated, deeded, platted or declared thoroughfare established for public use **not including Highway 78 and US Highway 212.**

Page 2 – Section 3. Encroachments. (line 2) Given the development pattern of the City it is impossible for the Public Works Department to avoid pushing snow in a manner that (or otherwise(strike)) **may** inconvenience property owners. Residents need to accept the fact that we live in snow country and that snow removal operations may restrict free use of encroachments onto the public right-of-way.

Page 2 – Section 4. Parked Cars. (line 3) Cars parked along public rights-of-way during and immediately following a snow event are subject to being plowed in during snow removal and widening operations. Being plowed in does not constitute (and) **an** exemption to the parking limitations imposed by State Law or other City Ordinances.

Page 2 – Section 5. Depositing Snow onto Streets. 3<sup>rd</sup> or subsequent Offense – (\$500.00) **\$300.00** fine.

Page 2 – Section 7. Repealer. All other ordinances and resolutions of the Red Lodge City Council pertaining to the removal of snow and ice from Streets, Avenues or public ways within the City of Red Lodge **with the exception of Title 4, Chapter 4 – (Sidewalks)**, are repealed upon the effective date of this ordinance. Further, references to policies and ordinances regarding snow removal are hereby repealed.

Sanderson said these would be a blanket amendment to the main motion.

Amendment to motion by Schoenike, second by Richter to make the blanket amendment to the motion. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Sanderson said the snow that was moved to Broadway would not come under this ordinance. However, for businesses like the Pollard, the snow on the side street (11<sup>th</sup> Street) could not be pushed into the street without first securing the permission of public works. The snow can be placed on the boulevard or if a business has a wide sidewalk the snow can be shoveled to where a boulevard would be.

Since the amendments were made to the ordinance it was felt that this ordinance must go back to first reading.

Motion by Schoenike, second by Mahan to table this Ordinance until October 9. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**Construction Agreement – MDT Highway 78 – Brewery Hill to 212** Schoenike said this agreement was discussed to some length at the Public Works Committee meeting today. He said that after voting no on this agreement at the last Council meeting the City has received plans from MDT to review. Schoenike said the Public Works Director has not yet been able to review the plans submitted so the committee feels they should postpone the matter giving the Public Works Director time to review.

Motion by Schoenike, second by Mahan to postpone this item until October 9. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**Financing Options – Broadway Rehab Project** Sanderson included in the Council packet the information that was received regarding options for the City to finance a portion the Broadway Avenue Water Line Rehab Project. In the letter from Great West Engineering there are a couple of options that will take some time along with problematic rules, requirements and regulations. Given the time and other constraints with the impending work being done by MDT

Sanderson said if the City can afford to do the project with their own funds it will be easier. He said the City will know more when the final engineering plans, specifications, as well as the bids on the project are received.

**Solar Array** Mayor Roat said the solar array at the wastewater treatment plant is getting some good attention. NorthWestern Energy has finally arranged for a gentleman from Bozeman to help look into the information to see why the bill was lower when the solar array was turned off rather than when it is on. NorthWestern Energy changed the meter as it always read "error."

**Waste Receptacles on Broadway** Mayor Roat said there appears to be problems with the waste receptacles on Broadway. He said that people seem to have a problem opening them and then the trash gets piled on top and spills to the ground around the receptacles. Back Alley Metals is working to retrofit the handles but it will take time to fix all the cans. It appears that the retrofit is helping with the trash going into the container.

**CITIZEN REPORT** Leon Odegaard told the Council that he feels the City needs a website that is updated and correct. This is something that he finds to be important for anyone seeking information on Red Lodge.

Mayor Roat spoke to the flyover that is being researched by Betty Ansoerge. The information has been turned over to the City and Sanderson is researching this for the VFW Red Lodge Post 4725. He has found there are costs associated with requesting a military flyover. There is a program where grant funds can be requested. He said that VFW will be unable to cover the costs if the grant is not received. He said he will continue to look into this.

**CORRESPONDENCE** The City received a letter from a gentleman in Vermont who visited Red Lodge and loved our community and hopes to be able to visit again.

**MISCELLANEOUS** Mayor Roat asked for permission to be gone out of state from October 10, 2012 to October 22, 2012. Motion by Schoenike, second by Williams to grant approval to the Mayor to be absent. On voice vote all Aldermen present voted "Aye." Motion carried.

Labrie told the Council that she would be absent from Red Lodge from October 2, 2012 to October 7, 2012. She will be attending the League of Cities and Towns and visiting family.

Schoenike said the Planning Board, in accordance with the charges they received at this meeting, will begin the Growth Policy process on October 10, 2012 at 5:30 p.m. here in the Council Chambers. It will be a long, several months' process and the public is invited to be involved.

Meeting adjourned at 8:25 p.m.

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Mayor

ATTEST:

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City Clerk

