

September 11, 2007

The Red Lodge City Council met in regular session on September 11, 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 AUGUST 28 Motion by Reynolds, second by Lockman to approve the minutes of August 28 as presented. On roll call vote all Aldermen present voted "Aye." Motion carried.

CLAIMS AGAINST THE CITY Scanlin said the claims totaled \$221,155.07. The committee recommended payment of all submitted claims.

Motion by Scanlin, second by Reynolds that claims against the City 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.

Scanlin said a claim was approved for \$5100 to CTA Architect for consulting services to the Community Development Director. Scanlin hopes this can be discussed to see if it is necessary for any more help. Another claim approved was for \$133,726 to HKM for engineering fees for the 2007 Water Project. These funds are being drawn from the Resort Tax Fund until the funding from Rural Development is received.

OFFICERS REPORTS The officer reports were approved by the Council as submitted.

SPECIAL COMMITTEE None

STANDING COMMITTEE – Administration None

Police and Emergency Services – Open Container Request – Oktoberfest Oktoberfest will once again be held in Lions Club Park on September 15. The request made is to grant exception to the open container ordinance on this date from 12:00 p.m. until 12:00 a.m. Live music will be playing on and off during this event. Due to the noise caused by the live music all residents surrounding the area have been notified prior to the event.

Motion by Kampfe, second by Reynolds to approve the open container request for Oktoberfest. On roll call vote those in favor: Aldermen Kampfe, Lockman, Stauffer, Scanlin and Reynolds. Those opposed: Alderman Mahan. Motion carried. Mahan stated she voted against the motion due to the hours of the music.

Amendment to motion by Mahan, second by Scanlin to change the hours of the event from 12:00 p.m. to 11:00 p.m. On voice vote those in favor: Aldermen Mahan and Scanlin. Those opposed: Aldermen Kampfe, Lockman, Stauffer and Reynolds. Motion failed.

Kampfe stated that when members of the community come to the Council for various requests they should come much earlier than a week before the scheduled event just in case there are any problems. The problems can then be taken care of before the event without causing any delays.

Review of Incident – Iron Horse Rodeo Chief Pringle told the Council they need to be aware of the gangs that are starting to attend the Iron Horse Rodeo. Officer Stuber described an incident that occurred during the event this year. A problem had occurred between two different gangs that could have lead to force being used. The officers on duty were able to defuse the incident with no damage being done. The officers did an excellent job during the Iron Horse Rodeo with help from other law enforcement departments. Stuber wants the Council to be aware that as this event grows it also becomes more intense. He feels that more personnel will be needed in the future to patrol the event. A suggestion he made would be to move things like the dance held Saturday night up to the rodeo grounds to keep it more contained and away from the general population. The police do not want this event to end but they have their concerns with safety and want to be prepared for any event that may take place. The Emergency Service Committee will meet with Chief Pringle and Officer Stuber to start discussions on this event now before the time comes when the event takes place again. In this discussion the committee can hear the concerns of the officers and see what they feel is needed to make this event safer.

**Land Use and Planning – Resolution No. 3246 – Lease City Property to Beartooth Humane Alliance
RESOLUTION NO. 3246**

A RESOLUTION TO APPROVE A LEASE OF PROPERTY OWNED BY THE CITY OF RED LODGE TO THE BEARTOOTH HUMANE ALLIANCE FOR USE AS AN ANIMAL SHELTER.

WITNESSETH

WHEREAS; the Beartooth Humane Alliance is a 501(c)(3) Montana nonprofit organization; and

WHEREAS, the City Council of the City of Red Lodge believes that it is in the Public Interest to provide for the care and safety of animals that become stray or homeless; and

WHEREAS, better animal control within Carbon County, Montana will enhance the overall quality of life by reducing animal waste and garbage disbursement in the County by animals at large; and

WHEREAS, fewer animals at large will reduce the potential for human animal conflicts; and

WHEREAS, the City Council of the city of Red Lodge approved a memorandum of understanding with the Beartooth Humane Alliance on July 10, 2007 stating that the City would sell or lease a visible and easily accessible parcel of land of at least 2.0 acres in size.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA:

1. The Council will direct legal counsel to prepare for execution by the City of Red Lodge and the Beartooth Humane Alliance a lease of the 4.3 acres of city owned property located south of the City Shop for use as an animal shelter. The property can be described as: Tract 1A-1 on Certificate of Survey 646, Section 33, Township 7 South, Range 20 East, P.M.M., Carbon County, Montana.

The parcel by the shop is 4.3 acres, which meet the 2+-acre requirement stated in the MOU. The location provides easy accessibility to law enforcement officers to drop off impounded animals and for the general public visiting the facility. The site offers close proximity to existing utilities including water and sewer. The location is highly visible providing optimum public awareness of the facility to enhance the public's perception of the importance of animal welfare. The relative levelness of the eastern portion of the property makes for a simpler site preparation. There are few residents located in the near vicinity. Lack of directly adjacent residents will help mitigate any concerns neighboring residents might have about the facility.

The Land Use and Planning Committee met with Forrest Sanderson and the Humane Alliance regarding this potential lease and they are in agreement and recommend the Council enter into a lease for the property.

Scanlin asked that if the four acres are not needed that the City has the liberty to use the land for another appropriate use. Sanderson said this could be put into the lease agreement. Sanderson said the boundary can be readjusted. He also said the 4.3 acre parcel is more land than is needed. However he said if the boundary is adjusted it will compel the Humane Alliance to hire a survey, have it recorded and get the MDEQ approvals amended to reflect the new lot. This all could be worked out through the lease. Boyer said he has a concern with the 4.3-acre area, as he does not want any of this to encroach on where his machinery sits. Sanderson said this will not happen and the boundaries will be set with Boyer being involved to make sure it will fit with his layout and plans for the shop.

Scanlin preferred the resolution say in section 1 "The Council will direct legal counsel to prepare for execution by the City of Red Lodge and the Beartooth Humane Alliance a lease of **up to** 4.3 acres of city owned property located south of the City Shop for use as an animal shelter." This way it does not state that the City is giving a total of 4.3 acres to be used by the Beartooth Humane Alliance.

Motion by Reynolds, second by Mahan to approve Resolution No. 3246. On roll call vote all Aldermen present voted "Aye." Motion carried.

Amendment to motion by Scanlin, second by Lockman to change the language in section 1 to say "a lease of **up to** 4.3 acres." On voice vote all Aldermen present voted "Aye." Motion carried.

Appointment to Planning Board George Clow and Charlie Brandine have both resigned their terms on the Red Lodge Planning Board. The Mayor asked for Council concurrence in appointing Estelle Tafoya and Michael Schoenike to fill the vacancies on the Planning Board.

Motion by Reynolds, second by Mahan to approve the appointment of Estelle Tafoya to the Planning Board. On voice vote all Aldermen present voted "Aye." Motion carried.

Motion by Lockman, second by Mahan to approve the appointment of Michael Schoenike to the Planning Board. On roll call vote all Aldermen present voted "Aye." Motion carried.

Don Coutts – Appeal of Order to Remove Property from Public Right-of-Way and City Property
Mr. Coutts has been notified by the Planning Department that he is in violation of the code by having equipment, buildings and belongings encroaching onto the public rights-of-way on Haggin Avenue and Second Street. It also stated that Mr. Coutts is storing equipment, vehicles and belongings upon property owned by the City. Mr. Coutts has been asked to remove all of his buildings, belongings and equipment from the public rights-of-way and property owned by the City by September 21, 2007. This action was taken by the Planning Department upon receipt of numerous complaints regarding the nature of Mr.

Coutts property. Sanderson also said that the City is gearing up to do some major rehab on Second Street and that the City will need all of its right-of-way for these projects. This street will be the major route to the new school.

Mr. Coutts responded to the City stating that until he fully understands the scope of the project, he cannot agree to comply with the proposed removal order date of September 21 and therefore he is appealing said date. He stated that upon further clarification he will return to the City with a proposed timetable and completion date necessary to rectify the situation.

As no one attended the meeting to speak for Mr. Coutts, Sanderson said he feels that Coutts is seeking to appeal the date of September 21 for completion. Sanderson said Coutts has already started removing items for the areas named so he feels Coutts is asking for an extension of time and he is willing to give an extension if the Council approves.

Motion by Scanlin, second by Mahan to approve an extension of completion time for 60 days, which is November 21, 2007. On roll call vote all Aldermen present voted "Aye". Motion carried.

Public Works – Appointment to Parks Board – Jeff Gildehaus Motion by Lockman, second by Mahan to approve the appointment of Jeff Gildehaus to the Parks Board. On voice vote all Aldermen present voted "Aye." Motion carried.

Red Lodge Water Line Replacement Project 2007 Mayor Roat stated that all bids received for this project came in higher than funding allows. The lowest bid on the project is \$573,016.60 more than the engineering estimate for the total project. He said a plan of action needs to be created whereby the job will get done. After meetings were held regarding this dilemma it is being recommended that the Council not award any of the bids for the project and that the City Engineer be directed to serve notice to all Plan Holders and Bidders that the City will not be letting the contract for the project.

Following are the zones that make up the entire upcoming project:

Zone A including an additional 3,300 feet of 16-inch pipe up White Ave.

Zones B-1, 2, 3. 22nd Street between White and Edick, Grant Ave. 22nd to 20th and 19th Street between Adams and Word.

Zone C. McGillen Ave.

Zones D-1, 2, 3. Grant Ave. from 17th to 14th, 15th between McGillen and Adams and 16th between Grant and Adams.

Zone E. Adams Ave.

Zone F. Hauser Ave. from 19th to 16th.

Zone G. Broadway between 18th and 13th.

Zone H. 2nd Street from Broadway to Haggin and Haggin between 2nd and 3rd.

Zone I. Phase 1 extension along 212 North.

A new reservoir and meter building.

It is being proposed to have a scaled back version of the work described for the project that will fit within the construction budget while complying with the conditions associated with the money from the various funding sources. This means that in order to keep the TSEP money, \$750,000, and a large portion of the USDA-RD money, the City must install the reservoir and meter building and Zone-A from the new reservoir to the PRV valve on White Avenue. The new reservoir and Zone-A to the PRV valve are a benefit to every business and resident of the City and carry an estimated cost of \$2,961,446.00. This leaves the City with a construction budget for work in other zones totaling approximately \$1,232,727.00. It is being recommended that the project needs to be broken into three separate bid packages. These

packages would be 1.) the reservoir and meter building, 2.) Zone-A less the 3,300 feet of additional 16 inch pipe up White Ave., 3.) selected work on the in town zones. What is hoped to be accomplished is to attract smaller contractors who will be able to bid specific portions of the project at a rate that is less than what was seen in the first round of bidding. It is also being recommended to let the next round of bid documents between December 2007 and February 2008 in hopes that the contractors will be a lot more aggressive in their submittals which would enable the Council to approve additional work in Zone-G Zone-I or the additional line up White Ave. in Zone A. It is recommended to cut the following zones from the project: : Zone B-1, Zone B-2, Zone B-3, Zone F and Zone H.

Motion by Mahan, second by Reynolds to reject all bids on the project. On roll call vote all Aldermen present voted "Aye." Motion carried.

Discussion was held on the three alternative zones being recommended which are Zone-G Broadway between 18th and 13th, Zone-I Phase I extension along Highway 212 north or the additional line up White Ave. in Zone A. Sam Hoffmann told the Council that he has a contract to purchase two acres on the Highway 212 corridor. He said having water in this area is essential for his brewery. Mayor Roat said that in the event the City does not run a line down this corridor he could have a well drilled. Sanderson said the City would not go to bid until sometime between December of 2007 and February of 2008 so this extension would not exist until sometime in late 2008. The hospital told the Council they would be starting construction in May of 2008. The hospital said they would need to confer with their engineers to see if the west bench water line would accommodate for the fire flow needed for the hospital facility. The Council assured the hospital representatives that money has been budgeted to get a water line to their area of construction.

Motion by Reynolds, second by Mahan to go with the three-bid package with three alternates. This package includes 1.) the reservoir and meter building, 2.) Zone-A less the 3,300 feet of additional 16 inch pipe up White Ave., 3.) selected work on the in town zones, Zone-C, Zone-D 1-3 and Zone E. The three alternates will be: Zone-G Zone-I or the additional line up White Ave. in Zone A. On roll call vote all Aldermen present voted "Aye." Motion carried.

Discussion was then held on the three alternates and which the Council felt were more important. This discussion centered on finding that Zone I, Phase I extension along Highway 212 north being what the Council would like to make the first priority.

Motion by Scanlin, second by Reynolds to give primary priority to Zone I in the alternate program. On roll call vote all Aldermen present voted "Aye." Motion carried.

CITIZEN COMMENTS Beth Hutchinson commended the Council on their ability to listen to the public and each other on issues that come before them. She said she realizes some of the issues they address are very complicated but she feels they do a good job. She also told the Council about a project the Chamber would be working on called the Last Chance Yard Sale.

Jeff Wise asked about the presentation he made in June regarding the streets and drainage. Mahan said this is in the hands of Skip Boyer and Forrest Sanderson. Wise said he would call Sanderson and visit with him to see how things are progressing.

OLD BUSINESS – Mountain Springs Villa Project Update Julie Jones said the first public hearing for the CDBG application on the Mountain Springs Villa would be held at Pizza Company on September 14 at noon. She said the results of the Design Charette done on Mountain Springs Villa would be reviewed at the Fire Hall at 7:00 p.m. on September 13. There will be a second public hearing held on the

CDBG application during the September 25 meeting. Jones said some of the ideas being discussed as potential match by the City for this application would be waiving or reducing impact fees, waiving the conditional use fees and the County has contributed \$5000 for the engineer fees and they are hoping the City would also make a contribution.

NEW BUSINESS None

CORRESPONDENCE The Red Lodge Youth Soccer is organizing another season of recreational soccer for over 200 Carbon County youth ages 3-14. They are requesting permission to use several of the Red Lodge City fields for this fall program. They request the use of the baseball outfields in Coal Miner’s Park, the park next to the tennis courts and the use of Lions Park. The season runs from September 4 through October 6. The soccer fields will be painted with non-toxic field paint and portable soccer goals will be placed on the fields for games on Tuesday evening and Saturday morning.

Mayor Roat will let them know this is alright but he will tell them they will have to speak to the Lions Club and the baseball club to make sure the use is alright with them. Mayor Roat will take care of this.

A letter was received from Hydro Solutions dealing with the water rights of the City and they will be secured. This is dealing with the water rights on the Luoma property being annexed into the City. This will be an agenda item at the next Council meeting.

MISCELLANEOUS None

Meeting adjourned at 9:20 p.m.

Mayor

ATTEST:

City Clerk