

April 8, 2014

The Red Lodge City Council met in regular session on April 8, 2014 at 7:00 p.m. The meeting was called to order by Mayor Williams followed by the Pledge of Allegiance to the Flag.

ROLL CALL OF OFFICERS Present: Mayor Williams, Aldermen Foisy, Mahan, Larson, Labrie, Schoenike and Brown. Absent: None.

DEPARTMENT HEAD ATTENDANCE: Community Development Director – Forrest Sanderson, City Clerk – Debbie Tomicich, Public Works – Jim Bushnell and Police Chief – Scott Cope.

CLAIMS AGAINST THE CITY Motion by Labrie, second by Larson that claims against the City totaling \$189,459.11, 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.

Labrie pointed out that this month was a very regular, basic month with no claims being outstanding.

OFFICERS REPORTS The officer’s reports were presented to the Council for their review. Foisy reported that the Resort Tax collections for the last calendar year were only off 3% from the previous year. The previous year was a far greater collection than any other year since the beginning of the tax.

COMMENTS FROM PUBLIC REGARDING MATTERS WITHIN CITY JURISDICTION THAT ARE NOT ON THE AGENDA None

SPECIAL COMMITTEES – Foisy reported that he and Larson met with the Librarian and a couple of the Board members to start the conversation regarding a Memorandum of Agreement between the Library and the City. He said they will continue to work on this until they have an agreement stating the duties of the City to the Library and the Library to the City. Mayor Williams thanked Foisy and Larson for working on this.

STANDING COMMITTEES – ADMINISTRATION – Accept Deed – Siragusa/Airport Road Alignment Motion by Foisy, second by Labrie to accept the deed on the Siragusa Airport Road Alignment, specifically for Parcel A on Platt 2345 on file of record with the Carbon County Clerk and Recorder under Document #357114. On roll call vote all Aldermen present voted “Aye.” Motion carried.

It was found that to do the realignment of the Airport Road part of the area was on private land. The Siragusa family gave this land to the City and they will be thanked for their generosity in making this realignment happen.

The County will be meeting April 14 to take final action on the Interlocal Agreement to upgrade Airport Road.

Approve Construction Easement/Acknowledge Access Control – MDT Highway 78/Airport Road Alignment Motion by Labrie, second by Larson to approve the right-of-way agreement for the construction easement/access control for MDT Highway 78 Airport Road alignment with the stipulation that the \$14,100 that will be received for this property go into a general account for the planning department to defray the costs of the survey on Airport Road. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Sanderson said that with the approval of the Construction Agreement/Acknowledge Access Control and the Siragusa dedication the City has taken two huge steps forward to being able to install the required improvements to bring Airport Road to a reasonable urban standard.

Use of City Owned Land – Arts Guild – Arts in the Beartooth Motion by Labrie, second by Brown to approve the use of City owned land for the Arts Guild for the Arts in the Beartooth on Saturday, July 12, 2014 with the condition that the \$100 deposit for the alcohol that will be served on premises is paid. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Deborah Sonderman from the Arts Guild said they were under the impression that the caterer of the alcohol would take care of the \$100 payment but she said they would discuss this with the caterer but will make sure the money is paid.

Foisy pointed out to the Arts Guild that they would need to keep abreast of the detours that will be placed during the upcoming MDT project so people will be able to get to the events being held in Lions Park during the summer. Mayor Williams said it would also be very helpful for traffic if during the upcoming events any vendors and participants park in a manner that will be the most helpful for the traffic pattern at the time. The Arts Guild said they will work towards helping to keep the traffic flow working.

Use of City Owned Land – Arts Guild – Shakespeare in the Parks Motion by Larson, second by Labrie to approve the use of City owned land for the Arts Guild, Shakespeare in the Parks on Tuesday, July 15, 2014. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Use of City Owned Land – Arts Guild – Labor Day Arts Fair Motion by Foisy, second by Labrie to approve the use of City owned land on behalf of the Carbon County Arts Guild for the Labor Day Arts Fair on September 1, 2014 with three stipulations:

- 1) The event organizer provide their own traffic control and assist attendees and vendors with parking to ensure the roads are open to public and left as uncongested as possible.
- 2) The out of state vendors be advised to comply with Montana law or risk a citation, prior to attending the event. They can contact the Carbon County Treasurer.
- 3) Do not set up vendors so they impede the use of sidewalks.

On roll call vote all Aldermen present voted “Aye.” Motion carried.

The Arts Guild is aware of the vendors impeding the traffic on the sidewalks so they have changed the set up in the park so this hopefully will be taken care of. It was explained to the Guild that the out of state vendors need to plate their vehicles when they are gainfully employed in Montana. They can do this with the Carbon County Treasurer and it is thought that they can purchase a prorated amount. The Guild said they will also send a copy of the laws of Montana regarding this issue to the vendors.

MDT Settlement Proposal Labrie said the City received a settlement proposal from MDT regarding the Legnini litigation.

Motion by Labrie, second by Schoenike to authorize the Mayor to accept the settlement proposal for the litigation. On roll call vote all Aldermen present voted “Aye.” Motion carried.

EMERGENCY SERVICES Larson said the committee is working on the Interlocal Agreement regarding the fire department.

Mayor Williams said he received a response from the Director of Fish, Wildlife and Parks with their recommendation regarding the turkey population by eliminating bird feeders in the areas most populated by the turkeys. Mayor Williams said he has no intention of exploring this suggestion. The Mayor said that after receiving this letter from the Director he met with several employees of FWP in Region Five which is the region which holds the City of Red Lodge. They all tried to be helpful but said they would not relocate the turkeys in town as they are not currently doing this. They mostly said they cannot do anything but they also said the City cannot do anything with the present turkey population. Mayor Williams said he has asked the Police department to enforce the ordinance regarding the no feeding of the turkeys. The Mayor said he will continue to work on this problem.

LAND USE AND PLANNING – Ordinance No. 905 – Revised Cemetery Ordinance – 2nd reading/public hearing

ORDINANCE NO. 905

AN ORDINANCE AMENDING TITLE 8, CHAPTER 3 OF THE RED LODGE CITY CODE CONCERNING CEMETERIES.

Motion by Brown, second by Schoenike to approve Ordinance No. 905 as amended at the last meeting, on second reading. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Mayor Williams opened the public hearing but no one spoke to the issue so the public hearing was closed. The Mayor said that the funds that can now be used will help with repairs needed at the cemetery

Ordinance No.? – Revised Disposition of City Owned Land Schoenike said the number that will be used for this ordinance will be 906. This ordinance will address the selling, leasing or renting of City owned land or other facilities. The ordinance will also speak to what would happen to the proceeds from any of these ventures. The Land Use and Planning Committee are feeling very good with the progress that has been made on this ordinance. They welcome any comments from others on this issue and they hope to be ready for first reading on this ordinance at the next Council meeting.

Foisy said he understands that this ordinance applies to long term not short term leases. He asked how long term vs short term would be defined. Schoenike said if he looked at 12-5-6.20 – Definitions 2.) Long-term Disposition: Any sale of City owned land or any lease or rental of City owned land or facilities for a period of longer than 30 calendar days. 4.) Short-term- Use: Any use of City owned lands or facilities by a third part for 30 calendar days or less.

Foisy asked if the formula used in 12-5-3.55 had ever been previously used to make sure it works and is correct. He was told this formula was used for the lease of the land being used by City Brew.

Schoenike said the first step is for someone to submit an application for the land or facility in question to see if the City would consider the selling, leasing or renting. If the City would agree then the bid process would start.

The proceeds from sales, leases or rentals shall be placed into a reserved account to be known as the City Land/Facility Acquisition Fund (CLFAF). Any use of CLFAF funds, established in 12-5-4.11, shall require a super-majority affirmative vote of at least 5 of the 6 members of the City Council. Such expenditures shall be explicitly discussed and voted upon at a regular meeting of the City Council as an independent matter and shall not be simply lumped into a vote on the budget as a whole. Foisy said he liked this section and agrees.

Schoenike said the Planning Board will meet at 5:30 pm on April 9 here at City Hall. He said they will probably not get to any discussion on the Zoning Regulations.

PUBLIC WORKS – Angle Parking Request 13-15 7th Street West Motion by Foisy, second by Mahan to approve angle parking on 7th Street West at numbers 13 and 15. On roll call vote all Aldermen present voted “Nay.” Motion failed.

Foisy said that both the Public Works Director and the Chief of Police disapproved of this angle parking. With the sidewalk in front of this duplex it would make vehicles parked at an angle stick out into the street.

Letter of Support for Tiger Grant for Wyoming DOT Sanderson said he received a request from the Wyoming DOT asking the City of Red Lodge for a letter of support for their application for a Tiger Grant. Red Lodge has done this before for Wyoming for the same grant.

Motion by Mahan, second by Schoenike to authorize the Mayor to sign such letter of support. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Traffic Control from MDT Mayor Williams told the Council the City received from MDT via the construction company the traffic control plan. Williams said the plan was abysmal.

Sanderson said that after reading the plan he found some items that were substandard. He said his intent is to take all the items that he has identified, all the items that come into him by this Friday as responses to the postings he did and forward them to Jeff Dykeman at MDT in the hope that some of the deficiencies can be corrected. Sanderson said the big items that stood out immediately are: 1) no mention of the isolated businesses, school buses at High Country Equipment, Ronning’s Auto, Alpine Motel, Esteem Salon, Northern Energy, Rocky Mountain Tire, Rock Creek Lumber, Red Lodge Spas, Hope Chapel, and the Old Town Square. 2) business owners need more lead time to get advertising up regarding the nuts and bolts of how to get to their businesses, 3) the pedestrian detour signs for the ADA sidewalk work indicate to Sanderson that one-half of the sidewalks will be closed at a time and this is contrary to what the contract calls for. Sanderson said he would present a different alternative for the project so the sidewalks do not get closed. 4) bus route access is very important to the school as school will still be in session during the start of the project. Mayor Williams pointed out the need for additional signage regarding the speed issue on North Hauser as this area will be chaotic during the project.

These unanswered questions will be presented to MDT so they will be aware of the questions the City has on this project.

Foisy said discussion was held with the City Engineer on the water and sewer rate structure. He said after the CIP is done then there will an assessment of the water and sewer rates. The committee also talked about the scope of work to be done on the impact fee analysis. The

committee is working on a pool agreement with the Community Foundation and he said they should have a draft agreement to present to the Council soon. The committee also discussed the durapatcher that is going to be purchased to do the pothole repairs. Discussion was held on other items regarding public works.

CITIZEN REPORT Nate Anderson from Carbon County Public Health spoke to the Council regarding the Emergency Preparedness Drill that will be held at the Civic Center on April 17. The drill is being held in case there is ever a major epidemic or a bio-terrorism event. The federal government has a stock pile of medicine that can be flown into Helena within twelve hours and then dispersed to local levels where it would be needed. It then falls upon the County Health Department to set up different sites around the County to dispense this needed medicine. The goal is to get the antibiotics to the population within 48 hours. This is what the drill is for that will be held on April 17 and volunteers are needed to sign up as if a disaster is occurring and they are getting the needed antibiotics. This drill will be held at the Civic Center from 1:00 pm to 3:00 pm. They also need volunteers to help the whole day for this event if anyone is available.

CORRESPONDENCE Wally Zook, City Appointee to Airport Board, gave the Council a report on the Board and what they are doing.

The Council were all given a copy of the next five year statewide transportation Improvements Plan. He said that over the next five years four of them would be construction in the Red Lodge area.

There was a copy of a letter addressed to the State Attorney General, Tim Fox, regarding some concerns associated with the 20th Anniversary of the Iron Horse Rally.

Sanderson said he met today with Pioneer Engineers, the consulting engineers for DEQ, and they will be in town this summer to drill test holes to look at the underground conditions. There is some subsidence that has been pointed out to the State. They are talking about drilling nine 400' holes.

MISCELLANEOUS Labrie reported that she would be absent from town on April 10 to April 21. Motion by Schoenike, second by Larson to approve her absence. On voice vote all Aldermen present voted "Aye." Motion carried.

Meeting adjourned at 8:10 p.m.

Mayor

ATTEST:

City Clerk