December 9, 2014

The Red Lodge City Council met in regular session on December 9, 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.

DEPARTMENT HEAD ATTENDANCE: City Clerk – Loni Hanson, Police Chief- Steve Hibler and Public Works Director- Jim Bushnell.

MINUTES OF NOVEMBER 25 Motion by Mahan, second by Labrie to approve the minutes of November 25, 2014 as submitted. On roll call vote all Aldermen present voted "Aye." Motion carried.

CLAIMS AGAINST THE CITY Motion by Labrie, second by Brown that claims against the City totaling $116,124.77, 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 we paid Prothman $4,500 for the advertising of the Community Development Director position. Labrie also wanted to point out that our Officer Srock is taking advantage of the membership at Well Approach Fitness and was reimbursed the $50 membership fee.

OFFICER REPORTS Foisy said year to date on the Resort Tax through the third quarter, we are equal to the highest year, which was 2012. Williams said if you compare 2014 to 2013, food and beverages need to be combined because some business report all of theirs under food.

COMMENTS FROM PUBLIC REGARDING MATTERS WITHIN CITY JURISDICTION THAT ARE NOT ON THE AGENDA Marlene Tetralt wanted to express her concerns about the Greater Yellowstone Cycle group using the tennis courts to park their bikes. She does not want the City to start using the tennis courts for a multipurpose cement platform.

STANDING COMMITTEES Administration- Ordinance #913, Carbon County Justice of the Peace to act as City Judge, 2nd Reading/Public Hearing Mayor Williams opened the public hearing on Ordinance #913, Carbon County Justice of the Peace to act as City Judge on 2nd reading. No one spoke. Mayor Williams closed the public hearing.

Motion by Labrie, Second by Larson to approve Ordinance #913, an ordinance of the City of Red Lodge designating the Justice of the Peace of Carbon County to act as the Red Lodge City Judge, fixing funding for such judge, and providing for an agreement for the payment of costs, salaries and training expenses. On roll call vote all Aldermen present voted "Aye."

ORDINANCE NO. 913

AN ORDINANCE OF THE CITY OF RED LODGE DESIGNATING THE JUSTICE OF THE PEACE OF CARBON COUNTY TO ACT AS THE RED LODGE CITY JUDGE, FIXING FUNDING FOR SUCH JUDGE, AND PROVIDING FOR AN AGREEMENT FOR THE PAYMENT OF COSTS, SALARIES AND TRAINING EXPENSES.

WHEREAS, pursuant to Article IV of the City of Red Lodge's Charter, the City is required to provide a City Court and a City Judge; and

WHEREAS, Montana law, specifically §3-11-205(1), MCA, provides cities and towns the authority to designate the county justice of the peace to act as the city judge if the appointed justice of the peace resides within the county where the city is situated; and

WHEREAS, §3-11-205(1), MCA, further authorizes cities and towns to enter into agreements with counties for the provision of such services; and

WHEREAS, nothing in the City's Charter or Montana law prohibits a city or town from authorizing and designating the local justice court as the official "City Court" as mandated by the City's Charter; and

WHEREAS, based on the City's Charter and Montana law, the City Council has determined it desires to designate the Justice of the Peace of Carbon County to act as the City Judge of the City Court of the City of Red Lodge, and to further designate the Justice Court for Carbon County to act as the City's "City Court" as required by Article IV of the Charter of the City of Red Lodge, Carbon County, Montana, and to fix funding for such Judge, and enter into an agreement with the Judge and Carbon County for the payment of costs, salaries and training of the Judge and his/her staff.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA:

Section 1: The Justice of the Peace of Carbon County is hereby designated to act as the City Judge of the City Court of the City of Red Lodge.

Section 2: The Justice Court for Carbon County is hereby designated as the "City Court" pursuant to Article IV of the Charter of the City of Red Lodge.

Section 3: The Mayor of the City of Red Lodge is hereby authorized to negotiate an agreement with Carbon County and the Carbon County Justice of the Peace on behalf of the City to provide for the payment of costs, salaries, training and other expenses pursuant to §3-11-205(1), MCA.

Section 4: That the negotiated agreement providing for the costs, salaries and training expenses to be paid by the City of Red Lodge to Carbon County for the Judge's services and the services of his/her staff are set forth in the agreement with Carbon County designated Exhibit "A" and attached hereto and by this reference made a part of this Ordinance hereof.

Section 5: That the costs, salaries and training expenses contained in Exhibit A shall be paid out of the existing Red Lodge City Court budget.

Be it Ordained by the Council Members of the City of Red Lodge.

First Reading by the Council on _____day of _____, 20_____.

Second Reading by the Council on ____day of _____, 20_____.

_____	_____
City of Red Lodge Ed Williams, Mayor	Loni Hanson, City Clerk

Williams said this ordinance will take effect January 9, 2015.

Advertising for City Engineer Williams said the City's contract with Great West Engineering is up June 1, 2015. Foisy said if the City wants to look at getting proposals, they need to do it well before the effective date. In the current contract with Great West, it does give the option to extend for a one year period till June 1, 2016 and another provision to extend it for another year till June 1, 2017 if the council would like to do that.

Williams said if the council wants to request proposals, he will take comments on the Request for Proposals that was included in their packets. In January, if the council approves to move forward with the RFP, he will get it out to the appropriate parties and advertise it.

Schoenike stated they had discussed this at the land use and planning committee today. They felt in terms of true engineering projects, they were pleased with the work Great West did, including the Broadway Rehab project. Some of the projects that they were less than pleased with the results were more "planning" projects as opposed to true "engineering" projects.

Foisy said the information that Great West introduced today at the Public Works committee meeting for the water and sewer rate study was very well done.

Jim Bushnell wanted to add that the as-built maps that Great West did for the Broadway Water Rehab project were the best he had seen.

Williams said the decision to extend Great West's contract for another year will be put on the January 13th meeting's agenda for action.

Contract Agreement- Morrison-Maierle-Computer Maintenance and Management Motion by Labrie, second by Larson to approve contract agreement with Morrison-Maierle for computer maintenance and management. On roll call vote all Aldermen present voted "Aye." Motion passed.

Williams said this will put all of the computers into one agreement.

Emergency Services- Larson said the Emergency Services committee met and discussed the police report, the fire ordinance and going through the code codification and clean up some of the old ordinances.

Brown reported there were very positive reports from everyone on the Christmas Stroll. She said it was very helpful to have the police and emergency services right on site for the number of people who came for the stroll. She said there were some issues with people driving around the barricades at 9 p.m. and there were still people walking around the street. She said they discussed for next year leaving the barricades up till 10 p.m. to make sure everyone has moved off of the street. Chief Hibler said next year they want to post more information about not parking on Main Street during the Stroll.

Land Use and Planning- Resolution #3380 Settlement Agreement of Pending Litigation between the City and Mollrings. Motion by Schoenike, second by Mahan to approve Resolution #3380, a resolution of the City Council authorizing the settlement of pending litigation between the City of Red Lodge and Thomas and Lyndee Mollring, trustees of the Mollring revocable trust. On roll call vote all Aldermen present voted "Aye". Motion passed.

RESOLUTION NO. 3380

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE SETTLEMENT OF THE PENDING LITIGATION BETWEEN THE CITY OF RED LODGE AND THOMAS AND LYNDEE MOLLRING, TRUSTEES OF THE MOLLRING REVOCABLE TRUST.

WHEREAS, the City is currently litigating Civil Cause No. DV-13-80 in Montana's Twenty Second Judicial District Court, Carbon County, entitled the City of Red Lodge, a Municipal Corporation, Plaintiff v. Thomas and Lyndee Mollring, Trustees for the Mollring Trust, Defendants, Thomas and Lyndee Mollring, Trustees for the Mollring Revocable Trust, Counter-plaintiffs and Third-Party Plaintiffs v. the City of Red Lodge, a Municipal Corporation, Counter-defendant, and Brian C. Roat, Forrest G. Sanderson and Orval "Skip" Boyer, Third-Party Defendants.

WHEREAS, the Parties have reached an agreement resolving all issues in the case; and

WHEREAS, the City Attorney is recommending settlement of all claims in the litigation pursuant to the attached Settlement Agreement and Release, Memorandum of Agreement, and Encroachment Permit; and

WHEREAS, the City Council finds it is in the best interest of the public to settle and fully resolve the litigation as recommended.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Red Lodge, Montana, that the proposed settlement of Civil Cause No. DV-13-80 is hereby accepted and approved; and

BE IT FURTHER RESOLVED, the Mayor is authorized to execute the settlement documents, namely the attached Settlement Agreement and Release, Memorandum of Agreement, and Encroachment Permit on behalf of the City of Red Lodge as a full resolution of the case.

Approved by the City Council of the City of Red Lodge, Montana, this 9th of December 2014.

City of Red Lodge.

By:_____
Mayor Ed Williams

Attest:

By:_____
Loni Hanson, City Clerk

Other Land Use and Planning items- Schoenike said they had discussion on the dedication of some of our park lands. They sent some recommendations to the Parks Board. The Planning Board has reopened the Growth Policy at their own direction. He said once the Growth Policy has been opened, it is up for discussion on any items within the Growth Policy and encouraged the public that if they have any issues with the document they should bring them forward. The Planning Board's next meeting is December 10th at 5:30 p.m. at City Hall.

Public Works- Cemetery Resolution Foisy said two weeks ago the Public Works committee reviewed the proposed resolution from the City Cemetery Board committee. The resolution deals with the rules and regulations for operations of the cemetery and the pricing of the sale of grave sites and the opening and closing of the grave site. Foisy said one issue that came up was the fees for cemetery lots and services. He said the prices are a little less than what was established by resolution two years ago. He said the fees for residents and non-residents are different. A resident is defined as a person living within or owning property inside the Red Lodge High School District. He said the district is beyond the City limits. Foisy said he received a map from Tom Kohley that showed the Red Lodge High School District and included it in the council packages.

Dan Gainer, Cemetery Board Chairman, said he supports the resolution as written to include the Red Lodge High School District as being the boundary to be considered a resident.

Schoenike said on the last resolution, they only included residents within City limits, due to the fact that the cemetery is funded by the General fund. He said the rationale to give a discounted rate to anyone, was

because they were already contributing to the maintenance of the cemetery. He said if the committee would like to pursue creating a cemetery district, he had no problem with that. As for the resolution, he would like it to keep the definition as a resident as one who lives within the City limits. He didn't want the county residents to take advantage of the resources of the City, which are being paid for by the City residents.

Brown agreed with Schoenike, but wanted a statement in the resolution why people outside the City limits are being charged more and that it is clear and that we are not discriminating against them.

Dan Gainer said he understood the rationale of the resolution done two years ago. He said the other cemeteries throughout the county have districts. He is more concerned about the people who live on the outskirts of the City limits, which would include people who live in Remington Ranch and down Fox Lane. He said these people shop downtown and they pay taxes, just not the direct City tax, but they do contribute to the tax base of Red Lodge.

Foisy asked Dan what incentive would there be for people to create a cemetery district if they went ahead with the fees proposed to include the High School District.

Dan said at that point and time if they don't vote for the district, their fees would go up.

Williams asked Dan if the committee had looked into creating a cemetery district.

Dan said they had discussed it and it's on the agenda for future discussion.

Schoenike said since the boundaries for the district would be beyond the City's jurisdiction, the County would have to create the district.

Schoenike said in the last resolution, there was a certain portion of the fees going to a capital fund and a certain portion going into the general fund. He did not see it included in the new resolution and wanted to know if it was left out intentionally.

Foisy said there is money going into the capital fund and the general fund.

Other Public Works items- Foisy said they met with Great West Engineering to go over the water and sewer rate study issues. He said they also need to finalize the Capital Improvement Plan and be sure about the priorities by year one, year two and so forth. They need to make sure both the sewer and water projects are correct, that they are costed right and in the right priority.

Schoenike said the CIP committee needs to meet again with Interstate Engineering to finalize the plan.

CITIZEN REPORT

CORRESPONDENCE

MISCELLANEOUS Williams said we are looking for a Community Development Director and have received 15 applicants. He said they are in the process of weaning those applicants down and doing the reference checks. He said the Council and the Planning Board will be included in the interview process.

Williams said they are looking for applicants for the Prosecuting Attorney and so far have received two.

Meeting adjourned at 7:50 p.m.

_____

Mayor

ATTEST:

_____

City Clerk