

February 10, 2015

The Red Lodge City Council met in regular session on February 10, 2015 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, and Brown. Absent: Alderman Schoenike.

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

MINUTES OF JANUARY 27 Motion by Mahan, second by Labrie to approve the minutes of January 27, 2015 as presented. 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 \$229,503.80 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 General Electric Capital submitted a claim for \$72,908.09 for the lease agreement on the two new plow trucks. Joseph Eve and Company, CPA, who is working on the City’s audit, submitted a claim for \$16,800.

OFFICERS REPORTS The officer’s reports were presented to the Council for their review. Foisy said they received the final tally for the 2014 Resort Tax and it is the highest year so far with it being \$726,000. He said between last year and this year motels are up 8%, food up 9%, liquor up 13.9% and retail was down.

Mayor Williams said to keep in mind that some establishments do not separate food and liquor, so the numbers can be deceiving.

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

STANDING COMMITTEES Approve Capital Improvement Plan Motion by Foisy, second by Larson to approve the Capital Improvement Plan as amended and refer it to the Planning Board for inclusion into the Growth Policy. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Chuck, from Interstate Engineering, said they started the process last summer. They submitted a draft Capital Improvement Plan around the holidays for comments and review. They then produced a second draft in January, which was put out for public comment and public hearings. The second draft has gone through a second review by all of the department heads and staff. There were six additional comments, most of those had to do with cleaning up clarifications and

inconsistencies within the document itself. They also removed references for specific recommendations, in terms of water and sewer rate increases. They added tables to make the document easier to work with and clear for the public. He said with the pass of this resolution, they will incorporate the changes into the document and publish the final document.

Foisy said there needs to be some wording on how we will do the Annual Assessment and the facts we will consider while working on our annual budget.

Mayor Williams said this document will become a working document from which we will try to move forward to accomplish many of the requirements that we have. He said many of the requirements in this document are mandated by DEQ and various other agencies where we have to do some of these things.

Cancel Feb. 24, 2015 Council Meeting Motion by Larson, second by Mahan to cancel February 24, 2015 Council Meeting. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Williams said there will not be a quorum for this meeting.

Extend Great West Engineering Contract Motion by Labrie, second by Brown to approve to extend the Great West Engineering Contract from June 2015 to June 2016, utilizing the rate structure from FY 2014. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Other Administration items Labrie said the committee is working on updating codes. She said they are working on Title 1, code boundaries, they realize it is significantly out of date. In Title 3, they are working on vendor and transient merchants and in Title 8 they are working on the Use of City Owned Land and the application paperwork.

EMERGENCY SERVICES Resolution #3382, Create Drug Forfeiture Fund Motion by Larson, second by Mahan to approve Resolution #3382 to create a drug forfeiture fund which is required by Montana Code. On roll call vote all Aldermen present voted “Aye.” Motion Carried.

RESOLUTION NO. 3382

RED LODGE CITY COUNCIL

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF RED LODGE TO CREATE A SEPARATE FUND AS A DRUG FORFEITURE FUND.

WHEREAS, the Red Lodge City Council pursuant to Montana Code Annotated 2014 (44-12-206) establishes a separate fund to manage the accounting and expenditures for the Drug Forfeiture Fund.

WHEREAS, the State of Montana Budget Accounting and Reporting System incorporates an approved fund number (2390) for the administration of the Drug Forfeiture Fund.

WHEREAS, Montana Code Annotated 44-12-206 provides all proceeds from any source that are deposited into a drug forfeiture account, must, in each fiscal year, be appropriated to and remain available until expended by the confiscating agency for drug laws enforcement and education concerning drugs.

WHEREAS, the expenditure of these funds must be authorized by the Chief of Police and Mayor and must have an Opinion from the City Prosecuting Attorney confirming the indicated use is consistent and conforms to the requirements of MCA 44-12-206.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Red Lodge, Montana to adopt Resolution Number 3382 which formally creates and authorizes the use of fund 2390 as provided in this Resolution. Further, this fund number shall be used in Fiscal Year 2015 and subsequent years.

Passed and Approved by the Red Lodge City Council and approved by the Mayor on this 10th Day of February 2015.

Ed Williams, Mayor

Attest:

Loni Hanson, City Clerk

Foisy wanted to confirm with Chief Hibler the time line for the policies and procedures for the new K-9 unit regarding search and seizures.

Chief Hibler said the draft policies and procedures should be available very soon and presented to the committee.

Appoint member to the Police Commission Motion by Mahan, second by Brown to concur with the Mayor’s appointment of Steve Roi to the Police Commission. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Other Emergency Services items Larson said the committee is going through the codes and are working on Titles 5, 6, and 7 and Mahan will be working on the addressing.

LAND USE AND PLANNING Family Dollar-bonding for required improvements Motion by Brown, second by Labrie to approve the bonding for \$33,800 for the improvements that are not finished at the Family Dollar store due to the weather. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Brown said they received a bonding request from Family Dollar for some items that have not been completed. She said the items included landscaping that cannot be finished due to the weather.

James said the lighting on the parking lot still needs to be looked at but they are not on at this time. He said there is foot candle maximum of how much light that can leave the property and the plans that were submitted conforms to the standards of offsite glare, but he will check on it.

Greg Wall with Leading Tech Development, General Contractor for the Family Dollar project, said the bond is through August. He said as soon as the ground thaws, they will be able to install the fence. They also have a contractor lined out for the landscaping and will start as soon as the weather allows.

Brown said the bond does not include the sidewalk on the East side of the building.

Greg said the place where the sidewalk will be in the future currently is the surface of the shoulder of the highway. He said MDOT asked them not to build it until the highway is widened. Greg said the reason they didn't bond for it was because the bond issuing company won't issue a bond if the contractor does not have control of the performance of the bond. Since they don't own the land, its public right-of-way on MDOT land, we cannot commit that we will build it. He said he has a letter from the district engineer from the MDOT and would be happy to share it with the council. Greg said the letter affirms that it is planned and is designed, when they do their widening project they will build the sidewalk. MDOT cannot give them a firm schedule on when that will be done. Greg said he has a letter of good faith from the President of Leading Tech Development that states that if in the case MDOT does not put the sidewalk in with the road widening project, and if there is a place to put it, Leading Tech will put it in or hire someone to do it.

Sale of Cooper Lot Motion by Labrie, second by Larson to approve the Buy/Sell agreement for the Cooper Lot for \$20,000. On roll call vote all Aldermen present voted "Aye." Motion carried.

Mayor Williams said it was a long time coming to finally have the last Cooper lot sold.

Other Land Use and Planning items Labrie said the committee will be working on the Building codes ordinance, annexation, Title 12 and floodplain in the coming months.

PUBLIC WORKS Other items Foisy said the committee worked on proposing a work program and they also documented all of the 2014 projects. He said the committee will also be meeting with the engineer to further discuss the water and sewer rate study.

Jim said they have received the two new plow trucks. He said they are built to plow snow and it should make a huge difference in the way they plow snow.

CITIZEN REPORT none

CORRESPONDENCE Mayor Williams said he met with the head of MDOT, the governor asked him to come down and discuss the issues we are having with the project that they are doing in Red Lodge, including the sidewalk corners and Brewery Hill. Williams said the meeting lasted a couple of hours and he walked away thinking, it's their highway, they are going to do it their way and we just need to get over it. Williams said his next move will be to go directly to the governor.

Mahan said the council appreciates the Mayor has not given up on it.

MISCELLANEOUS Foisy said the date has been confirmed for March 26th, at 5:30 p.m. for the Resort Tax Forum by the Beartooth Front Community Forum. The location has not yet been determined, but he will inform the council where it will be.

Meeting adjourned at 7:40 p.m.

Mayor

ATTEST:

City Clerk