

January 27, 2015

The Red Lodge City Council met in regular session on January 27, 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, Schoenike and Brown. Absent: None.

**PUBLIC HEARING ON CAPITAL IMPROVEMENTS PLAN** Mayor Williams said before he opened the public hearing he wanted people to know the purpose of the hearing is to receive as much input from the public regarding the Capital Improvements Plan. He said the water and sewer rates that are quoted in the Plan do not mean anything, as the City is working on a comprehensive rate study. This study will determine where the rates will be set and there will be a public hearing regarding the comprehensive rate study in a few months.

Mayor Williams opened the public hearing.

Steve Roi, Big Foot Circle, Red Lodge, said he commended the City for tackling the projects that have been open for years. He challenged the Council to keep the projects that are included in the Capital Improvements Plan from going awry for so many years. He was concerned about the rate increase affecting the residents that are on fixed and low incomes and how the City was going to address that issue.

Wayne Stevenson, 21 3<sup>rd</sup> St, Red Lodge, asked if the Plan addresses purchasing new or used snow plows for the City.

Mayor Williams said it was already addressed as the City purchased two new plow trucks this year on a five year lease agreement.

Hearing no more comments, Mayor Williams closed the public hearing.

**MINUTES OF JANUARY 13** Motion by Mahan, second by Labrie to approve the minutes of January 13, 2015 as amended. On roll call vote all Aldermen present voted "Aye." Motion carried.

Foisy said on page two under Capital Improvement Plan, Capital needs to be spelled correctly and the paragraph after that, Great West Engineering needs to be changed to Interstate Engineering.

**COMMENTS FROM PUBLIC REGARDING MATTERS WITHIN CITY JURISDICTION THAT ARE NOT ON THE AGENDA**

Rocky Roberts, Red Lodge, had questions regarding the new K-9 drug dog. He said he had heard rumors and because of his situation he would like more information.

Mayor Williams said they are having a presentation on the new K-9 unit at the Elks Lodge on Thursday, January 29<sup>th</sup> at 5:00 p.m. and the public could attend for more information.

**ADMINISTRATION Civil Attorney contract, Thompson Painter Law** Motion by Labrie, Second by Schoenike to approve the attorney contract with Thompson Painter Law Firm. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Labrie said Thompson Painter Law Firm is the name for the new law firm the City will be using.

Williams said we do use Thompson Painter frequently and have had good luck with them. It is a two year agreement with a cancellation provision that either party can cancel with 30 days written notice.

**Appointment of Community Development Director** Williams said they went through the interview process with three applicants and had various interview panels including Council, Planning Board and community members. Mayor Williams asked the Council for their confirmation on his appointment of Peter Italiano to the position of Community Development Director contingent on a contract reached for this position.

Motion by Mahan, second by Labrie to give confirmation on the appointment of Peter Italiano to Community Development Director contingent on a contract being reached. On roll call vote those in favor: Aldermen Foisy, Mahan, Larson, Labrie, and Schoenike. Those opposed: Alderman Brown. Motion carried.

**Other Administration items** Labrie said the committee went over a few of the ordinances that were in the code book where verbiages need to be changed. Labrie stated that she was reappointed as the Administration Committee chair.

Schoenike said Mr. Roi brought up a good point during the public hearing on how we need to look at keeping up on the items in the Capital Improvements Plan. Schoenike thought maybe the Council could come up with a process to go through when we start looking at the budgets.

Williams said one of the challenges of being Mayor is seeing all of the things that have been let go for years and years. Sewer rates that have been in place for 14 years or longer and water rates that have been in place for 8 years. He said the Public Works department is using over 40 year old plow equipment and doing the job that needs to be done is hard. He said the City does need to find a way to keep on top of things that are included in the Capital Improvements Plan.

Trish LaCombe, Red Lodge, apologized for missing the public hearing, but wanted to know when the water and sewer rates would be increasing. She was concerned about having another year of construction and revenues being down again.

Williams told her the Capital Improvements Plan had some numbers put into it for the water and sewer rates, but they are meaningless as the City is doing a water and sewer rate study that won't be put into effect till later. He said there will be public hearings held on the new rates.

Schoenike said the Capital Improvements Plan needs to be finished, then it would probably be a couple of months to finalize the rate study and then from there it would probably be a couple more months before the new rates take effect.

Rocky Roberts asked about the huge water loss that the City had in the past years. He said if the City isn't losing water, the citizens shouldn't have to pay more for the water. He wanted to know if the loss of water had been fixed.

Williams said the Broadway project made a huge difference in the water loss. There is also a metering issue within the main lines.

Jim Bushnell said they are in the process of changing out 30 year old meters that are in the main lines. These meters do not read correctly which shows a larger loss than what there really is.

Steve Roi asked if the rate structure is part of the Capital Improvements Plan, then why it will be looked at after the Plan is approved.

Schoenike said we need to figure out what capital projects need to be addressed in the next five years in water, sewer and streets. We will use the list of projects for water and sewer that need to be addressed in the next five years and then that gets built into the water and sewer rate study. The rate study will look at what the base rates, the usage rates, and the capital improvement surcharge needs to be.

Schoenike said the rate study was started last year, but was pushed back until the Capital Improvements Plan was finished to inform that rate study.

**EMERGENCY SERVICES Appointment of Member to Ambulance District** Motion by Brown, second by Schoenike to concur with the Mayor's reappointment of Kim Haman on the Ambulance District Board effective January 1, 2015. On roll call vote all Aldermen present voted "Aye." Motion carried.

**Other Emergency Services items** Larson said the committee reappointed him as the EMS chairman. They received a report from the Police Department today and it included what they have been doing between the dates specified. He said they had a presentation on the implementation of the new K-9 unit.

**LAND USE AND PLANNING** Schoenike said the committee reappointed him as the Land Use and Planning chairman. They discussed upcoming projects and the items they will be tasking the Planning Board with.

**PUBLIC WORKS Resolutions #3381, Rules and Regulations for the Red Lodge Cemetery** Motion by Foisy, second by Mahan to approve Resolution #3381, a resolution to establish rules and regulations for the day- to-day operations and to establish the pricing of sales and services of the Red Lodge City Cemetery. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**RESOLUTION NO. 3381**

**A RESOLUTION OF THE RED LODGE CITY COUNCIL TO ESTABLISH THE RULES AND REGULATIONS FOR THE DAY-TO-DAY OPERATIONS AND TO ESTABLISH THE PRICING OF SALES AND SERVICES OF THE RED LODGE CITY CEMETERY.**

**WHEREAS**, Ordinance No. 905, Section 8-3-5 charges the Red Lodge City Cemetery Committee with the task of developing rules and regulations for the day-today business operation of the cemetery to include, but not be limited to, the establishment of pricing of lot sales and services, requirements for vaults, requirements for marker installations, and general guidelines for use of cemetery grounds to be established by ordinance or resolution to be passed by the Red Lodge City Council; AND

**WHEREAS**, Resolution No. 3352 of the City Council has reference only to a fee structure; AND

**WHEREAS**, The City of Red Lodge is responsible for the care and maintenance of the Red Lodge City Cemetery; AND

**WHEREAS**, The City Council is charged with the approval of any rules, regulations and fee structures relating to the operation of the City Cemetery,

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Red Lodge Montana that the following rules, regulations and fee structure for the operation of the City Cemetery be established as applicable for daily operations.

**BE IT FURTHER RESOLVED THAT** Resolution No. 3352, Fees for the Sale of Cemetery Lots and Service Charges, and Resolution No. 3353, Create a Separate Fund for the Newly Developed Cemetery Capital Improvement Fund, are null and void on the effective date of this resolution,

**BE IT FURTHER RESOLVED THAT** that 25 percent from the sale of any cemetery lot shall continue to be deposited into a Cemetery Capital Improvement Fund, Fund Number 4031.

**RED LODGE CEMETERY GENERAL OPERATIONS**

Employees of the Red Lodge Public Works Department will perform daily operations of the Red Lodge Cemetery. Services provided for the entire City Cemetery by the Public Works Department shall include, but are not limited to, watering and mowing, snow removal and road maintenance, general upkeep and maintenance of the cemetery grounds, and enforcement of the rules and regulations contained herein.

The Public Works Department will complete opening and closing of all graves for both casketed burials and cremated remains (cremains) burials. Private parties may not perform opening and closing for any type of interment.

Opening and closing of a grave shall include excavation and back-filling only. The Public Works Department will not provide any cemetery set-up equipment, such as a casket-lowering device, and is not responsible for lowering the casket into the grave or placing the outer container over the casket. These services will be provided by a private contractor, and can be arranged through a mortuary.

Opening and closing of a Red Lodge Mausoleum Crypt includes removal and replacing the marble crypt front and mortaring the concrete crypt-front slab into place for a casket entombment. Public Works Department employees will place the casket in the crypt with the lift device located within the mausoleum. No private contractor is required to complete an entombment in the mausoleum.

Graveside service ceremonies in the Red Lodge City Cemetery must be concluded by 3:30 p.m. on weekdays and by 1:00 p.m. on Saturdays to ensure that the Public Works Department can complete closing the grave by the end of their shift. There will be no burials in the Red Lodge City Cemetery on Sundays or holidays.

### **RULES AND REGULATIONS FOR THE VETERAN'S SECTION**

The City of Red Lodge has established a separate section of the cemetery as a veteran's section. Full size graves and cremation size graves are available for the interment of honorably discharged veterans of the United States Armed Forces. Graves will be used in sequential order.

Veterans must be eligible to receive a Veterans Administration (VA) permanent marker (headstone) to qualify for interment in the Veterans Section.

If the veteran is interred in a casket in a full size grave, the cremains only of the veteran's spouse may later be interred on that same grave. If the veteran is a cremains interment, then the spouse's cremains can also be interred on that same grave. The veteran's spouse cannot be interred in the Veteran's Section prior to the interment of the veteran.

VA headstones placed in the Veteran's Section must be the 24'X12''X4'' granite or marble stones. In the interest of military uniformity no bronze plaques or upright marble monolith markers are allowed. The 24''X12'' marker will be set on top of the concrete foundation and sealed down, with the four (4'') thickness of the stone exposed. The foundation will be 48''X24'' with a minimum thickness of four (4) inches, and will join the adjacent foundation, thus

eliminating mowing between the markers. Flower vases of a gray color are allowed on either or both sides of the marker, set in the concrete foundation.

If the spouse plans to be buried in the veteran's grave, then at the time of ordering the VA marker the spouse's name and date of birth can be engraved on the VA marker, with the spouse's date of death to be engraved later. In lieu of engraving the spouse's name and date of birth, the VA can be directed to simply leave space for a spousal inscription to be added at the time of death. No separate stone will be allowed for the veteran's spouse.

### **RULES AND REGULATIONS FOR THE CREMATION SECTION**

The cremation section located on the north end of the Red Lodge City Cemetery provides 4'X4' graves for cremains burials only. Up to two urns may be buried on each grave. Precast foundations have been installed by the Public Works Department measuring 48"X24", and are located at the west end (head end) of each grave, and adjoin the adjacent concrete foundation. Headstones are placed on the existing concrete and sealed down. No stone longer than 42" will be allowed in the cremation section.

### **GENERAL RULES AND REGULATIONS FOR RED LODGE CITY CEMETERY**

Unless previously addressed under special sections, the following general rules apply for the Red Lodge City Cemetery.

One casketed burial is allowed per grave, single depth. There will be no double depth burials. Up to four (4) cremains burials are allowed per full-size grave, and up to four (4) cremains burials may be placed on top of an existing casketed burial grave.

#### **Interment receptacles (outer containers, grave liners)**

All adult casketed burials require a grave liner constructed of steel, concrete, fiberglass or thermo-plastic in order to maintain the integrity of the grave space and minimize cemetery maintenance. Use of a grave liner for a youth casket under five (5) feet in length will be optional. There are no outer container requirements for cremains.

#### **Monuments and Markers**

Any grave marker in the Red Lodge City Cemetery shall be of a permanent material such as granite, marble or bronze. Anyone planning to install a grave marker in the cemetery, including monument companies, is required to contact the Public Works Director prior to installation. In the original portion of the cemetery and in the first addition, markers placed at the west end of the grave as a headstone shall not exceed the following dimensions for length (side to side), width (front to back), and height (bottom to top).

Marker centered on a single grave      36"X16"X48"

Marker centered on two graves      72"X16"X48"

In the second addition the dimensions for length and width are the same as above. However, all markers installed in the second addition will be flush with the ground. Additionally, grave

markers may be installed over any portions of the grave space in any general area provided they are flush with the ground with no obstructions to mowing, such as vases.

All markers in the general sections of the cemetery will be installed in a concrete foundation with a minimum six (6) inch border of concrete extending on all sides of the marker. The foundation will be a minimum of four (4) inches in thickness. Flower vases are optional, but must be installed in the concrete foundation or incorporated into the marker itself. Vases may not be dug in the ground outside the foundation.

No trees, shrubs or plants of any kind are allowed out over the grave space in any section of the cemetery. Also, any mementos must be placed on the stone or foundation, and not on any area of the grave that has to be mowed.

No individual or private family mausoleums are allowed in the Red Lodge City Cemetery.

**FEES FOR CEMETERY LOTS AND SERVICES**

Fees for the purchase of cemetery lots and service charges for opening and closing graves are listed below. A resident is defined as a person living within or owning property within the City of Red Lodge.

**Fees for Lot Sales**

	<u>Resident</u>	<u>Non-resident</u>
Full size grave	\$400.00	\$800.00
Cremation section grave	\$200.00	\$400.00
Veterans section - full grave	\$0	\$250.00
Veterans section – cremation grave	\$0	\$150.00

**Opening and Closing Fees**

	<u>Weekday</u>	<u>Saturday</u>
Full grave	\$500.00	\$700.00
Cremation grave	\$200.00	\$300.00
Mausoleum crypt for casket	\$500.00	\$700.00
Mausoleum crypt for cremation urn	\$250.00	\$350.00

Service charges for opening and closing of a youth grave will vary depending on the size of grave required, and will be determined by the Public Works Director and the Red Lodge City Cemetery Committee on a case by case basis.

Service charges for the disinterment of a casketed burial will be determined on a case-by- case basis, but will be significantly higher than the standard opening and closing fee. A completed

State of Montana Disinterment Permit issued through the Carbon County Clerk & Recorder's Office must be presented before any work will begin.

The Public Works Director in consultation with the Red Lodge City Cemetery Committee will decide any issue not specifically addressed herein

**PASSED AND APPROVED BY A MAJORITY OF THE RED LODGE CITY COUNCIL**

On this \_\_\_\_\_ day of \_\_\_\_\_ 2015  
City of Red Lodge \_\_\_\_\_

Ed Williams, Mayor

ATTEST: \_\_\_\_\_

Loni Hanson, City Clerk

Foisy said they have had discussion on this proposed resolution for the last two council meetings and took suggestions from the Council and the Red Lodge Cemetery Board. Foisy said that the previous resolutions #3352 and #3353 would be null and void on the effective date of this resolution. He stated 25% from the sale of any cemetery lot shall continue to be deposited into a Cemetery Capital Improvement Fund, fund number 4031. He said another change is in the fee schedule. It was discussed to move the boundaries to the Red Lodge High School District, but with further discussion, the boundaries will remain within the City of Red Lodge. Foisy said the fees are now less than the fees that were in the previous resolution.

**Appointment Members to the Parks Board** Motion by Schoenike, second by Mahan to concur with the Mayor's reappointment of Dan Seiffert and the new appointment of Corey Thompson to the Parks Board. On roll call vote all Aldermen present voted "Aye." Motion carried.

Williams said he was very happy that the two of them have joined the Parks Board.

**Other Public Works Department items** Mahan said Foisy was reappointed as the chairman on the Public Works committee.

Foisy said he distributed updated Parks Board and tree regulations to the Public Works committee and will be discussing those items later on. He said Chad Hansen from Great West Engineering met with the committee and discussed the draft water and sewer rate study.

Foisy stated he had a recommendation from the Parks Board to have the Mayor sign a support letter for a BRTA recreational trails program grant. He said there is no financial obligation to the City. The Council was in full support of the Mayor signing the support letter.

**CITIZEN REPORT** none



**CORRESPONDENCE** Williams said the Council received a report from Montana Department of Environmental Quality regarding the drilling that was done throughout town last year. The report stated after all the drilling was completed, they determined the cracks that were in foundations around town had nothing to do with the mine shafts underground. Williams said they are going to continue to monitor a few places in town just to make sure and will be sent a final report.

**MISCELLANEOUS** Schoenike said for a variety of reasons he would be out of town for approximately a month and would be missing at least the next two meetings.

Motion by Mahan, second by Labrie to approve Alderman Schoenike absence for whatever period of time. On roll call vote those in favor: Aldermen Foisy, Mahan, Larson, Labrie and Brown. Those Abstained: Alderman Schoenike. Motion carried.

Labrie said she would be out of town the end of February and would be missing the February 24<sup>th</sup> Council meeting.

Brown stated she also would be gone the last two weeks of February and would miss the February 24<sup>th</sup> Council meeting.

Williams said there will not be a quorum for the February 24<sup>th</sup> Council meeting and that meeting will have to be cancelled.

Foisy said there will be a forum on the renewal of the City of Red Lodge Resort Tax. It is going to be sponsored by the Beartooth Front Community Forum. They do an annual forum every year and last year they did the forum on the old Roosevelt School. The Resort Tax Forum will be held on Thursday, March 26<sup>th</sup> at 5:30 p.m. at the Elks Club.

Meeting adjourned at 7:40 p.m.

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Mayor

ATTEST:

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City Clerk

