

July 22, 2014

The Red Lodge City Council met in regular session on July 22, 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, and Schoenike. Absent: Alderman Brown.

**DEPARTMENT HEAD ATTENDANCE:** Community Development Director – Forrest Sanderson, City Clerk – Debbie Tomicich, Interim City Clerk- Loni Hanson, Public Works – Jim Bushnell and Police Chief – Steve Hibler.

**MINUTES OF JUNE 24 AND JULY 8** Motion by Mahan, second by Labrie to approve the minutes of June 24 minutes as submitted. On roll call vote all Aldermen present voted “Aye.” Motion carried. Motion by Mahan, second by Labrie to approve the minutes of July 8 minutes as submitted. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**OFFICERS REPORTS** None.

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

### **SPECIAL COMMITTEES**

**1. Report from various committees** Foisy stated that the Public Hearing is set for the draft Comprehensive Parks Plan on August 20<sup>th</sup> at the Parks Board meeting. An electronic version of the Plan is available at cityofredlodge.net. The Parks Board will recommend a document to the City Council after making necessary adjustments per the public hearing. The Council would then incorporate the Plan into the Growth Policy. Expenditures for fiscal year 2014 totaled \$68,680 of the \$82,500 budgeted. Expenditures incurred but not yet invoiced include the Parks Plan consultant for \$5000, wood chips for \$6000 and weed spraying, but not sure of the cost yet. A recommended FY 2015 budget for Council consideration will be adopted at the August 20<sup>th</sup> Parks Board meeting.

Comments from the public concerning the assessment of operations for the interim dog park were received in writing at the July 16<sup>th</sup> meeting. Predominantly positive comments; some recommendations for physical modifications; need for user group for assistance; concerns of Remington Ranch developer about an agreement with the City on the use of this park land for shared public space with a hotel and convention center. A resolution is recommended to Council on the naming of City of Red Lodge owned lands dedicated as parks as part of subdivision law.

Foisy reported that Tom Kohley has resigned from the Parks Board. Legal advertisement for a board member to be appointed by Mayor/Council at the August 26<sup>th</sup> Council meeting. He also stated that the Mayor announced the appointment of a noxious weeds manager, Stephanie Naftal. She will be responsible for the non-compliance program and manage social, marketing, media and outreach.

Cost-share tree planting program is in progress. We have an issue with the grant invoicing and reporting to the DNRC for the Urban Forestry Program grant and the Arbor Day grant, which was done previously by Parks Board Chairman Tom Kohly, but he has resigned and we need to find out who will be responsible for grant invoicing and documentation.

A preliminary maintenance/needs list for the parks has been prepared. Contract labor would be required to complete a number of the tasks. Of immediate need, among others, are the documented fixes at Moose Trails playground.

Foisy attended the Beartooth Resource and Development Council meeting in Joliet on July 17<sup>th</sup>. The Red Lodge Area Community Foundation has been approved for a Big Sky Economic Development Trust Fund grant in the amount of \$15,750, for the completion of a reuse strategy and action plan for the Old Roosevelt School.

The Rocky Fork Food Hub based in Red Lodge has received a USDA Rural Development grant of \$14,000 to assist in marketing to expand their membership based fresh local foods operation to more producers and buyers.

A Tax Increment Finance District workshop will be held at the Joliet Community Center on August 7<sup>th</sup>.

Mahan stated the Chamber has been super busy with a lot of visitors and with the grant that they received from the tourism people, they are able to fully staff on a seven day basis.

Larson said that the Red Lodge Rural Fire District oversight committee met on July 9. It is their second meeting, they talked about how they want to see the EMS, Fire, and Search and Rescue calls on a report. They talked about a new personnel policy update, waiting on the City to get theirs done. Medicare licensing is still with the City and working on transition of the employees from the City to the Rural Fire District. Having an issue with Workers Comp rate, which is 10% higher than they had expected and went through budgeting reports. Will have something to show the council at the next meeting.

The Proud and Beautiful committee met, talked about the metal garbage cans that are downtown and getting them back up to their original conditions. Talked about parking lot stripping over at the Civic Center parking lot during the construction. They also talked about the improvements done at City Hall on the East side, which was done with a grant and the work was done by Pro Cut Lawn Care.

**2. Quorum of Council and Council Meetings** Sanderson said that there had been some discussion and confusion about notice requirement for the attendance at meetings, functions and events outside of their regular and special council meetings. Sanderson contacted the City Attorney regarding this and received a memo to give to the council. He stated that if there are four council members together at any time and place, potentially that is a meeting of the City Council. The City Attorney stated that the City Council should do its best to not form a quorum outside of publicly noticed and called meetings. Given the size of Red Lodge, this may be challenging, particularly when Council members want to attend popular community events. In

these circumstances, the Council members would do well not to congregate together and should be very diligent about not talking about City Council issues in any way. However, if a quorum of City Council Members attend an outside event and inadvertently discuss Council issues, again, outside of a noticed meeting, the Council can likely cure the violation by noticing the specific matter for discussion at the next regularly called Council meeting and disclosing the nature and content of their previous conversation. Be advised the more controversial or substantive a topic is, the more an accidental conversation will be scrutinized by the Courts in any future challenge to a Council action or decision. The Mayor asked Sanderson to provide the Council with examples of notice requirements on the various types of things that the governing body of the City sees and deals with on a regular basis. He gave the Council examples of the notice requirements for a hearing on Subdivisions and the hearings and notice requirements for zoning. He also included the notice requirements for the regular scheduled City Council meetings and the Special called meetings of the City Council. Sanderson thought that the biggest concerns would be the functions that the Mayor is holding around town, tea with the Mayor, coffee with the Mayor and the afternoons with the Mayor. Sanderson said that the Mayor would like a non quorum of Council members to attend some of these functions so they may hear what the constituents of the City are passing on to administration. We cannot have four of the members show up at any point of those meetings unless we provide 48 hours posted written notice. Schoenike wanted to clarify that it has to do with the four of the six council members, not the Mayor, he does not count towards the quorum. Schoenike stated that there are a total of four different meetings with the Mayor and that we can have three members at each one of those meetings. That would give 12 potential slots available, which would allow each member to attend two meetings a month. He recommended the council go through each meeting and assign meetings to individual members, starting with seniority. Each member could go through and pick their first choice and continue through. If a member cannot make their meeting, they could send out an email to the other members if they would like to attend. Sanderson said that if they were to post notice of those meetings, it would get extremely expensive, due to the fact that the clerk or designee would have to be present to take minutes. The Mayor stated that he enjoyed the council members being at those meetings, because he gets interesting feedback and the public brings things that the Council and he may not have thought of. For the first round of meetings for the month, Mahan chose the Elks, Labrie chose the Bull n Bear, Schoenike chose Tea, Foisy chose Coffee, Larson chose the Elks. . Schoenike said that the Council could choose the rest of the meetings via emails.

#### **STANDING COMMITTEES – ADMINISTRATION– SID Creation – Country Club**

**Estates** Sanderson stated that they do not have all the information needed to start discussing rationale for assessments. The information needed is the value of the land located within the district. Also waiting on the delinquencies and late payment percentages on the district. What we do know now is favorable. We know the number of tax payers, which is 651. That number is probably less than or equal to the number of lots. There is one individual that receives all 80 of those tax notices individually. The district valuation is worth a little more than \$68,000,000, that is the assessed value from the State of Montana, it includes lands plus improvements. That is positive information when you are looking at borrowing 1 to 1 ½ million dollars. Taxable valuation for the district is 1.65 million dollars. All taxes paid from Country Club Estates, including City and County, are around \$950,000 a year. Country Club Estates accounts for about

30% of the City's tax base. Country Club Estates includes Diamond C Links and the nine lots in City Lights. Sanderson said he talked with Val Sharbono with the Department of Revenue and they will be getting us a map with the key code. Hopefully in three weeks we will have all the information so that the admin committee can start discussing assessment methodology.

**Emergency Services** Larson said that they met today at 10:00 and they are still working on the appearance and nuisance ordinance. He said that the Chief has had one of his officers going around town and working on the sites of interest. The next step will be looking at the books for the ordinances in that area. They looked at the Rally report submitted to them by Chief Hibler. Larson stated there was not a lot on there and the police did a great job. There was some discussion on public intoxication, whether we need an ordinance regarding that. Mahan and Scott Cope will be working on that and will have something to report at their next meeting. The Mayor wanted to compliment the Police department and the Police Chief on the well done job they did over the course of the Rally weekend. Chief Hibler reported that they had some encounters with the locals and a few issues with nonlocals. Had some issues with public intoxication and that is why they are going to look into an ordinance. He wanted to compliment the Christian Bikers that worked up at the campground; they did not have any problems up there at all. The Mayor said he had some complaints of noise, but they put more patrol around those areas and it seemed to help. Hibler said that his officers did more service calls, which included giving rides, giving directions and even Officer Stuber helping make pancakes up at the campground.

**Land Use and Planning- 2014 Zoning Regulations** Sanderson stated that he has a unanimous recommendation from the Planning Board for the 2014 Zoning regulations. Over the next three weeks and through the public hearing, he will be a representative for the Planning Board. If the council has any questions about the intent of the planning board, he will be able to answer those questions and explain why the planning board took the steps that they did. He is not able to speculate on changes that the council should make. If you have questions of changes or issues that you would like to see modified, those questions should be directed to the planning board president, Mike Schoenike. Even though Mike is on the planning board, he is not bound to deliver exclusively and stay true to the Planning Boards recommendations, like Forrest is. Sanderson gave the council the Planning Boards recommendations, the documents of the City of Red Lodge's 2014 Zoning ordinance, and have also forwarded to the council the Planning Board's recommendations of their findings of fact, conclusions of law, Report ZC-14-01. He recommended the council look through this report. He has attached to that report the major changes to the proposed 2014 Zoning Regulations, dated July 16. Sanderson recommended from the Planning Board to the council that over the next three weeks, to start looking at the zoning districts, then move into section 4.6, Outdoor Advertising, you will notice some big ticket items that are being changed in this section. Then go to 4.4, Conditional Uses, the Planning Board has identified a number of conditional uses that are new and there are performance standards to address conditional uses. After that, move to section 4.5, Standards of General Applicability, the

Planning Board has made a number of changes to those standards. The biggest change in this section deals with lighting. Once you have completed those sections, move into the Administration section; who has permit responsibilities, what the council does and doesn't do, and what the Zoning administrator does. The big change you will notice in that section is a separation of permit powers from the City Council on conditional uses and assigning that to the Planning Board. This will help by cutting down the review time for an applicant. It takes anywhere from 14 to 21 days off of the pending process. The second thing it does is that if there was ever to be a problem or conflict or an appeal, the Council and Mayor are the City's Board of Adjustments, it would come to you new, fresh and clean. The opinion of The Planning Board on that issue, gives them the authority, they have a track record, it is strong over the last five years. It puts the Mayor and Council in a position where they are separated and we don't have to create a separate and distinct Board of Adjustments. If the Council wants to retain conditional use permit authority, we have to appoint a standalone seven member Board of Adjustments and it is very hard to keep that board functioning well when they only meet on average once a year. The Council and Mayor already have the history and experience and the understanding on how that Board should function. Schoenike wanted to add that with the public hearing coming up on Aug. 12, the Planning Board wants to get the document out to the public in as many formats as possible. He noted that one of the mistakes found by the Planning Board last Friday, was on page 18 of the document, in table 4.3.1 line 2, under conditional uses, this is secondary/onsite alcohol consumption, that item was put in the wrong spot, it should be on page 16, in table 4.3.1 line 2 and should read onsite alcohol consumption as a secondary use to a restaurant. It was placed in the C2 and should have been placed in the C1. An updated copy will be sent to all the council members and posted on our web site, and will include the digital copy of the proposed zoning map number eight. The Mayor wanted to compliment the Planning Board for the remarkable work done on the 2014 Zoning Regulations document. Sanderson said that the Public Hearing for the 2014 Zoning Regulations will be held on Aug. 12 at 6:00 p.m. in the council chambers.

**Public Works- 1. Sidewalk Maintenance Agreement, Broadway Ave., MDT-** Motion by Foisy, Second by Mahan to approve the Sidewalk Maintenance agreement on Broadway Ave between the City and MDT. On roll call vote all Aldermen present voted "Aye." Motion carried.

Sanderson said that we did have an agreement on both hwy 78 and hwy 212 as part of the reconstruction project this year, it was signed late 2011 or early 2012. In the agreement the State said that the City of Red Lodge is responsible for reasonable removal of snow and ice from all walks within the project area or by ordinance passing that duty onto the adjacent land owners. Recognizing that a significant portion of those walks are along Rock Creek, unless Rock Creek floods in the middle of winter, it's probably not going to clear the sidewalks regardless of what ordinance that might be passed. The highpoint of the agreement between the City and MDT is they are going to give the City \$20,000 to buy equipment for removing snow. The second component in the agreement is the State will give the City more control over the goings on with their right-of-way for hwy 212 and 78, that more authority comes in the form of being able to

issue encroachment permits for the variety of items that our business owners and residents like to put out on the sidewalks, such as sandwich boards, clothes racks and umbrella extensions, instead of petitioning for the permit through the Billings district, you will be able to get that paper work here at City Hall. Sanderson pointed out that those are all positive changes for City Hall, especially the money for the equipment. The Mayor also pointed out that it is equally important to have control of what goes on with sidewalks, especially during the winter, when we are having to clear them. Foisy wanted to clarify that we are responsible or adjacent landowners are responsible for clearing the sidewalks on Broadway all the way through town to the City limits. The Mayor said that it has been our obligations since late 2012. Schoenike said that they discussed at the committee meeting about finding the ordinance regarding snow removal and terms of shoveling sidewalks and make a determination of what we will require from the adjacent land owners and what we will provide as a City service.

**2. CIP Project-** Sanderson told the Council members and the department heads, if there are items other than to request a change of the status or remove something from the CIP list, he does not think that it is appropriate that one individual would drop something or modify the priority. It should ultimately be the decision of the council. If there are items that you would like to see included and we are taking the information from the focus groups, we will deliver it to the consultants, so that they can update the document and move into the next phase. There will be one more meeting with the department heads to make sure their needs are addressed appropriately. It will then become a function of the Council to prioritize the list. Then the consultant will provide info on funding, final prioritization, then adoption. The Mayor said that he will have his final three focus groups this Thursday. He said his past focus groups have been good and have received a lot of public input. He would like to see as part of this plan, public input as well.

Foisy stated that they should have for council consideration at the next council meeting a memorandum of understanding with the Community Foundation for establishing an endowment for the operating funds for the pool.

We are also looking at the ordinance to modify the types of piping used in the utilities. Right now cooper is required and we are going to look at using polyethylene or pvc.

The concrete wall is being worked on this week at the Tennis Courts.

Bushnell said that the County has been up on Airport Road with their dozer, cutting in where the new road will go and it should be ready soon for millings.

**Citizen Report-** Mary Owen, who lives on 421 S. McGillen, wanted to know when the City is going to fix the street in front of her house, as it is the only dirt street in town. She stated that it is grooved and rutted. The Mayor told her that he did not know when they would be able to get it paved and that he would look into it and get back to her.

**Correspondence-** Sanderson included in the packet information regarding the last Cooper lot. We cannot continue to extend the listing, so it either sells this go round or we will have to go through with full compliance with City law to dispose of this lot.

**Miscellaneous-** Mahan wanted to invite everyone to the Elks on Monday the 28th at 7:00 to listen to Mark Volmund talk about his experience as a soldier. It is sponsored by Operation Second Chance.

The Mayor wanted to thank the folks that helped in feeding the police over the weekend, the Tavern Association for providing financing, the Elks for providing their facilities, Sam's Club for providing a ton of food, the Larsons for their hard work every evening with cleaning dishes, and Joel Todd for just being there.

Meeting adjourned at 7:58 p.m.

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Mayor

ATTEST:

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City Clerk