

June 10, 2014

The Red Lodge City Council met in regular session on June 10, 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.

**MINUTES OF MAY 27** Motion by Mahan, second by Schoenike to approve the minutes of May 27 as submitted. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**CLAIMS AGAINST THE CITY** Motion by Labrie, second by Larson that claims against the City totaling \$209,463.48, 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 a few of the claims that were approved that are of interest. McDonnell concrete submitted a claim for \$19,100 which is going to repair the sidewalk at Pride Park and the retaining wall at Field School Park. A payment was made to Industrial Automation for \$25,917 for the telemetry unit that is being purchased. Foisy noted the claim for the purchase of three mobile data terminals for the police department. He asked Chief Cope that if the grant that has been submitted is received would three more terminals be purchased and then all officers would have one. Chief Cope said that this is the plan.

**OFFICERS REPORTS** The officer’s reports were presented to the Council for their review.

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

**SPECIAL COMMITTEES 1. Appointment to City Clerk Position Effective August 29, 2014 – Loni Hanson** Mayor Williams asked the Council for their confirmation on his appointment of Loni Hanson to the position of City Clerk effective August 29, 2014 contingent on a contract reached for this position. He said this is the third department head that he has the privilege of appointing. Two of the appointments have come from inside the City and the Police Chief came from outside. He said the City is very lucky to have people who are willing to step up, do the job and do the training that is needed to do the job.

Motion by Mahan, second by Labrie to give confirmation on the appointment of Loni Hanson to City Clerk effective August 29, 2014 contingent on a contract being reached. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Hanson will start working full time with the present clerk on July 1, 2014.

**2. Procedure to Create an SID for Road Improvements – Country Club Estates** Mayor Williams said that during this past winter the plows started to dredge up pieces of paving on the roads in Country Club Estates. The paving that is coming up is about half the thickness of what is typical in Red Lodge. He said that when Country Club Estates were annexed into the City there was an RSID in place as it was known back then that were deficiencies in the paving. The Mayor said that the base of the roads in the Estates is very, very good. If this was not the case the roads would not have lasted as long as they have. He said there is a lot of moisture

penetration under the road bed which is causing a lot of the problems. The Mayor said the City is looking at the most economical method of fixing the problem that will last the longest.

Sanderson said to start the process the Mayor and his staff discuss the boundaries, potential cost associated with the district, project mechanisms to finance the project and to gauge public interest in the affected district. Once the Mayor has this information he then approaches the Council and asks them to consider the creation of a Special Improvement District for the improvements as defined. In this case the paving at Country Club Estates is being discussed. The Mayor has been discussing this for some time at various gatherings. Sanderson said the most important component is cost which currently is \$939,000 per the engineers. On top of this cost will be Bond Counsel and other administrative costs. At this point the costs would be approximately \$1,000,000 which roughly equates to \$1500 per lot for each and every lot platted in Country Club Estates and includes Diamond C Links. The next step will be to hire Bond Counsel.

Sanderson said there are three methods of repaying an SID. 1) Per lot assessment with the math being very easy. 2) Based on property tax valuation which is also relatively straightforward. 3) Based on front footage along the road that is to be improved. Each of these methods has advantages with some question of equity. This is the purpose of having Bond Counsel so they can show the Council the outcome of each method that would be proposed.

If the Council chooses to go forward a protest period is created and notices are sent to each and every registered owner within the Special Improvement District. The owners are then allotted fifteen days to protest the development of a district. The protest standard is 50%. If 50% of the area does not protest, the Council then proceeds forward and adopts the final resolution to create the SID. Bond Counsel executes the loans and the improvements are done as specified. If 50% of the properties protest the Council may not create the district and they may not consider the creation of the district for another six months. Sanderson said that at another point in the agenda the Council will be asked to consider the hiring of Bond Counsel to start this work. He said the cost will be somewhere in the vicinity of \$8,000 to \$12,000. Sanderson said the timeline is crucial and if the hiring of Bond Counsel is not done this evening then the Council can forget construction season of 2014 and look at this for a project in 2015 if they want. Sanderson also said that it appears from the letter received from our City Attorney that protests are based on ownership size of those properties impacted by the SID.

Mayor Williams said that if the project is done now the approximate cost will be \$1,000,000 but if another winter goes by like this last one the potential is there to lose much more paving which would then entail a total repave of the streets and an estimated cost of about \$8,000,000.

Brown asked why the City does not fix Country Club Estate streets as they do other City Streets. The Mayor said that other City streets are not fixed but simply patched. He said that patching has been done for many years and now many of the streets need to be repaired. He said that when the City starts looking at streets the infrastructure will also need to be considered. At the golf course the infrastructure is fairly good and the problem is paving.

Clay Cummings, Chairman of the Board of the Country Club Estates Homeowners Association, asked about the accounting of the Resort Tax and if the rest of the City would be done in the same manner as Country Club Estates when the streets are done. Cummings was told the Resort Tax accumulates approximately \$650,000 to \$700,000 per year. \$250,000 of this is used for debt reduction in water and sewer, about \$125,000 is used for tax relief, \$84,000 goes to police and fire for capital purchases, \$80,000 goes to parks, and \$120,000 goes to streets. The Mayor said there is no current plan for the rest of the City but a CIP is being worked on at the present time. He said he envisions that an SID would be something that would quite likely be used when necessary. Grants would be used if there are any that can be applied for and won. A grant for street work is not very prevalent.

Lana Gray finds it upsetting that she cannot be told what the cost would be to her if an SID was to be approved. She feels the project is being rushed without involving the people who own property at Country Club Estates and will be funding the project. She feels Country Club Estate owners need to be able to have more involvement before anything is done including the hiring of Bond Counsel.

Schoenike said the only issue that is on the agenda for this evening is whether or not to hire a Bond Counsel. Bond Counsel is essentially a specialist who would be a consultant to help the City figure out what is the most equitable way to divide the assessment. Schoenike said the City is definitely not voting on the SID this evening.

Public Works Director, Jim Bushnell, said the emulsions that are made now are savable for up to ten to fifteen years. He said that a few years down the road the surface will be non-savable and the cost will be \$8,000,000 to \$10,000,000 for the roads in Country Club Estates.

Carol Lynn Sorenson asked what would happen with the roads in Country Club Estates that are currently private roads. She was told that they will not be a part of this project.

Dave Beach said he feels the City needs to see if Red Lodge is desirous of taking care of City streets in this manner. He said he feels that preventative care would have gone a long way in helping with the decay of the streets.

Lynn Jackson wants to encourage the Council to consider good will between the residents in town and the residents at Country Club Estates if not all streets in town are handled in the same manner.

Wanda Kennicott said Country Club Estates previously had two SID's, that being RSID #8 and RSID #9, which were for water and sewer and not streets. She also feels the people that will be paying the proposed SID should be more involved and she would like the City to slow down and follow what she feels the City attorney said. She is not sure that Bond Counsel needs to be hired right at this point.

**STANDING COMMITTEES – ADMINISTRATION – Ordinance No. 903A – Revised Parking – 2<sup>nd</sup> Reading/Public Hearing**

**ORDINANCE # 903A**

**AN ORDINANCE TO AMEND PREVIOUSLY APPROVED CITY ORDINANCE 903 TO CLARIFY AND REVISE THE RED LODGE STOPPING, STANDING AND PARKING ORDINANCE. TITLE 6-1-3(E) OF THE RED LODGE MUNICIPAL CODE.**

**WHEREAS:** The City Council of the City of Red Lodge, Montana has determined the need to clarify the limitations on parking within the City Limits; and

**WHEREAS:** The City Council has executed a number of agreements with the Montana Department of Transportation to ensure construction and repair to deteriorated sections of Broadway Avenue; and

**WHEREAS:** The City Council has determined that it is in the best interest of the City, its residents and our visitors to have reasonable limitations on parking to facilitate patronage of our local businesses while providing ample opportunities to remove snow and perform routine maintenance;

Now therefore:

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

- E. Painted Spaces: On Broadway Avenue and intersecting streets where parking spaces are indicated by markers or by painted spaces made on the sidewalk, such parking shall be within the painted spaces as indicated.

- F. Time Restrictions: No vehicle shall be parked continuously on Broadway Avenue between Eighth Street and Fifteenth Street and within 150 feet of intersecting streets between Eighth Street and the North side of Fourteenth Street at any one place for a longer period than four (4) hours within the hours of 8:00 a.m. and 5:00 p.m. between Eighth Street and Fifteenth Street; and that otherwise and in any other district, no vehicle shall be parked continuously at any one place for a longer period of time than five (5) days.
- G. Seasonal Restrictions: No vehicle shall be parked on Broadway Avenue or within 150 feet of intersecting streets from Eighth Street to the North side of Fourteenth Street between the hours of 3:00 a.m. and 5:00 a.m. from October 1 to May 1. "No Parking" signs shall be posted at the intersections of Broadway Avenue between Eighth Street and Fifteenth Street and within 150 feet of intersecting streets to alert motorists to this restriction.
- H. Backed to Curb: No vehicle shall remain backed up to the curb except for the period necessary to load or unload.
- I. Trucks; Bumpers Required: No truck over eighteen feet (18') in length shall be parked on Broadway Avenue, nor shall the same be parked on the pavement of streets intersecting said Avenue. Any vehicle parked shall be equipped with suitable front and rear bumpers extending in front and to the rear and of a height such as to prevent damage to other cars or vehicles parked on said pavement and coming in contact therewith and that no projection shall extend beyond the bumpers of the parked vehicle.
- J. Removal of Improperly Parked Vehicles; Impoundment: Whenever any police officer finds a vehicle standing or parked upon any street, avenue or alley in violation of the foregoing provisions of this chapter, such officer is hereby authorized to remove such vehicle or to require the driver or other person in charge of the vehicle to move the same and refusal or disobedience shall be punishable as is hereinafter provided. In addition, in the event of neglect, refusal or disobedience, the officer may, if he so elects, cause the vehicle to be removed, held and impounded at the expense of the owner, driver or occupant thereof.
- K. Prohibited Acts on Broadway Avenue: It shall be unlawful for any person to use or occupy any portion of Broadway Avenue for the purpose of setting up, assembling, experimenting with or overhauling any engine or machinery of any sort or any implement, vehicle or motor vehicle or for the purpose of washing or polishing any vehicle or motor vehicle. (1980 Code § 10.02.020; amd. 2005 Code)
- L. Compliance with Signs: No motor vehicle or other vehicle shall be parked on Broadway Avenue in violation of restrictions stated on official signs. (Ord. 769, 7-10-1990)

Mayor Williams opened the public hearing and no one spoke so the hearing was closed.

Motion by Labrie, second by Schoenike to approve Ordinance No. 903A, an ordinance to amend previously approved City Ordinance No. 903 to clarify and revise the Red Lodge stopping, standing and parking ordinance, on second hearing. On roll call vote all Aldermen present voted "Aye." Motion carried.

**Ordinance No. 907 – Revised Business Registration – 2<sup>nd</sup> Reading/Public Hearing.  
Ordinance 907**

**TITLE 3 – BUSINESS REGISTRATION CERTIFICATE**

**CHAPTER 1 – GENERAL BUSINESS REGISTRATION**

Mayor Williams opened the public hearing but no one spoke so the hearing was closed.

Motion by Labrie, second by Larson to approve Ordinance No. 907, revised business registration on second reading. On roll call vote all Aldermen present voted "Aye." Motion carried.

**Hire Bond Counsel – Dorsey Whitney – SID Country Club Estates** Motion by Labrie, second by Larson to approve the hiring of Bond Counsel, Dorsey Whitney, for the SID at Country Club Estates. On roll call vote those in favor: Aldermen Mahan, Larson, Labrie, Schoenike and Brown. Those opposed: Alderman Foisy. Motion carried.

Labrie said she hopes everyone knows that the hiring of Bond Counsel does not mean that the SID will or will not be approved. This is merely taking the next step to see what the options are in this matter. Labrie spoke to Wanda Kennicott's query as to whether the homeowners of this area had been notified regarding this matter. Labrie said that Mayor Williams has been speaking to individuals who live in the area and they have been in agreement that something needs to be done. This is just the first step in the process.

Foisy said that he likes the idea of the SID but he is not sure that the City has gauged the total support as in the Attorneys letter. He feels more education needs to be provided.

Motion by Foisy, second by Brown to lay the question on the table. On roll call vote those in favor: Aldermen Foisy, Mahan and Brown. Those opposed: Aldermen Larson, Labrie and Schoenike. Mayor Williams broke the tie by voting no. Motion failed.

Schoenike said he is torn on this issue as he is not a fan of additional taxes or on moving through things too quickly if not necessary. However with this being said the City is dealing with the potential of spending a great deal more money if the Council does not proceed in a timely manner. He said that weather plays a role in whether the project could even be completed this year and if not the possibility exists that more streets could be lost.

**Approve Listing Extension – Cooper Lot – Prudential Red Lodge Real Estate** Motion by Labrie, second by Foisy to approve the listing extension on the Cooper lot by Prudential. On roll call vote all Aldermen present voted "Aye." Motion carried.

Larson stated his thought on giving the listing to other realtors as Prudential has had the listing for quite some time.

**EMERGENCY SERVICES** Larson said the Emergency Services Committee is looking into nuisances and annoyances with the help of the Police Chief. Foisy said there is an individual in his ward that has complained about a nuisance and Foisy wonders what the proper procedure would be. He was told that the individual needs to go to the police office with their complaint.

Mahan said the 4<sup>th</sup> of July Parade Committee is purchasing 40 new cones for the City. She said the parade committee uses them the most during the 4<sup>th</sup> of July so they are purchasing more.

**LAND USE AND PLANNING – 2014 Zoning Regulations** Sanderson said the Planning Board has completed work sessions on the draft zoning regulations and has set July 9, 2014 for their public hearing. He said the regulations will probably come to the Council by August 12.

Schoenike said the Planning Board will meet tomorrow, June 11 at 5:30 p.m. They will be addressing a Conditional Use and Design Review for a proposed expansion to the Red Lodge Senior Citizen Center. Sanderson said the Council will then be addressing the Conditional Use at their next meeting.

**PUBLIC WORKS – CIP Project** Sanderson said the department heads met with Interstate Engineering for a kickoff meeting. During this meeting some ground rules and expectations were set to get information between the City and the consultant. This project is starting on time and hopefully will remain on time as it moves forward. Mayor Williams said

there will be four or five focus groups set up and they are currently set to meet on July 17 and July 24. The Mayor hopes to get individuals to sign up who would like to participate in these focus groups.

**CTEP Project** Sanderson said the County Commissioners transferred \$15,753.11 from their CTEP account to the City. Sanderson contacted the State and they confirmed that the City projects are CTEP compliant and they have been contacted by the County regarding the funds that are being transferred.

Foisy said the Public Works Committee also discussed the water and sewer rate study. They will try to coordinate this study with the CIP project.

The dog park has been sprayed for weeds and will be closed for a couple of days.

The swimming pool has been filled, the pump is working and hopefully the pool will be opening soon.

Mayor Williams said that Steve Galloway is holding a fund raiser to help pay for a pool lift for the handicapped. One hundred percent of the proceeds will be given to the City for this purpose.

**CITIZEN REPORT** Leon Odegaard complimented the Lions Club and Pro Cut for the work done on installing sod in the boulevard. He thanked Alderman Foisy and the Lions Club for the e-waste collection that was highly successful. Foisy said the poundage will be given to the Council as soon as he gets the final word. He said the collection was very good again this year.

**CORRESPONDENCE** None

**MISCELLANEOUS** Fosiy said that the City Growth Policy speaks to bicycle parking in the downtown area. He said he wants to announce that MDT has approved encroachment permits for four bicycle racks on Broadway. He said that BRTA will be receiving substantial dollars to take on this project.

Meeting adjourned at 8:20 p.m.

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Mayor

ATTEST:

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City Clerk