

March 24, 2015

The Red Lodge City Council met in regular session on March 24, 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, and Public Works Director – Jim Bushnell.

**MINUTES OF MARCH 10** Motion by Mahan, second by Labrie to approve the minutes of March 10, 2015 with corrections. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Foisy said on page 4, under Public Works, first paragraph, last sentence should read “Labrie volunteered to sit in” not Brown.

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

**PRESENTATION ON THE REVITALIZATION OF “OLD ROOSEVELT SCHOOL” PRESENTED BY THE RED LODGE AREA COMMUNITY FOUNDATION** Jenn Fusaro from the Red Lodge Area Community Foundation started the presentation by introducing herself and talked about the first phase of the project, which is to collect community input. She said they have over two dozen community presentations to give this month and next month, including two public forums. Jenn introduced Steve Adler, representative from Adler Architects, who is helping with the first phase of this project, which includes an initial assessment of the building and what it could possibly house.

Steve Adler said they are reaching out to the community for feedback on what they want to see done with the building. He said the first initial thing they did was go through the building to make sure there were no major red flags or identify them if there were any. He said they broke it up into three areas, which include the areas that are advisable to leave it the way it is, areas that are probably better the way they are, but they would be able to change it and areas that can be changed with no problems. He encouraged having it put on the Historic Building National Register, which in turn can open opportunities for extra funding. Steve also suggested not changing the front of the building alongside Broadway Avenue. He said if areas needed to be extended, there is room on the south side where the community garden is currently located. Steve also stated inside the building on the first floor of the new addition, there is plenty of classroom space which could be wide open. The hallways between the old part and the new part

should be left the way they are. Steve said the future of the school will be influenced by feedback received from the community. He said some activity ideas that should be incorporated into the rehabilitation could include retail shops, studios, gym activity spaces, music lessons, convention rooms, community kitchen and performing arts. He said their goal of these meetings is to receive input from the community on what they would like to see the building become. He said there is no heating in the original building, but may be able to extend the heating system from the new addition over. The electrical in the original building does need to be redone, but is not typically a high priced item. Steve said the building is structurally sound, but the weak point is the roof because it does not meet the current standards for snow loads. The roof is currently in good shape, but recommended that in time it be enhanced to meet standards. He also suggested that in time the rafters should be tied to the masonry. He said that is a common thing with old buildings. He said their focus is to try and bring things to communities that are not here already.

Brown asked about their timeline for the project.

Jenn said they will be collecting ideas from the community through the end of April. The architects and the Community Foundation will then analyze and summarize the data and identify the key points the community wants them to pursue. She said the second stage will be to hire a designer to take the ideas and try to work them into the existing buildings. The next stage then would be to find the funding to implement those changes. She said it will probably be a couple of years.

Foisy asked if they are going to do an economic feasibility before the hardcore design begins and determine if the community of Red Lodge would be able to support it.

Jenn said they would before the design is worked on.

Foisy asked if they can see it being a larger convention space than anywhere else in town.

Steve replied that if you dedicate the space to be convention space then it would be larger than anywhere in town.

Williams commented it would be very expensive to operate the facility on an annual basis and without an anchor tenant, it is going to be difficult time making it work economically. He said it needs to be someone with a reliable source of income or it will never work. He said you can still put the other things the community wants around it, but there needs to be a core tenant to make it work economical. Williams said they should look at finding the core tenant as part of their project.

**STANDING COMMITTEES- ADMINISTRATION Library Memorandum of Understanding** Labrie said the council received the Library Memorandum of Understanding in their packets. She said Aldermen Foisy and Larson worked hard on putting it together. Labrie said on page two under section B2, "Recognize that the City has responsibility to maintain the

Red Lodge Carnegie Library building and grounds with consideration to the City's adopted Capital Improvements Plan and consideration to the Facilities Review and Three-Year Plan for staffing, services, facilities and finances as identified in A8", they made some changes to the wording and added the word "consideration" because they did not want to lock anybody in and make promises as far as the funding goes and what we could do for them. She said it was also pointed out under B5 as well.

Foisy said this memorandum formalizes the responsibilities of the City and the Library Board. He said the Library receives funding from multiple sources, including the County millage and the City's general budget.

Williams asked Foisy to get him the final version of the MOU and he will have the City's attorney look it over.

**New HR program from Black Mountain Software** Motion by Labrie, second by Larson to approve the new HR program from Black Mountain Software in the amount of \$1,620.00. On roll call vote all Aldermen present voted "Aye." Motion carried.

Labrie said the IRS is requiring more reporting for the Affordable Care Act and this program will help with the forms.

**Other Administration items** Labrie said they will be working on the employee personnel policy.

**EMERGENCY SERVICES Ordinance #915, Adopting Most Recent Fire Codes 1<sup>st</sup>**

**Reading/Public Hearing** Mayor Williams opened the public hearing for Ordinance #915, Adopting Most Recent Fire Codes, First Reading. No one spoke. Mayor Williams closed the public hearing.

Motion by Larson, Second by Mahan to approve Ordinance #915, An ordinance of the City of Red Lodge, Montana, adopting the most recent Fire Codes. On roll call vote all Aldermen present voted "Aye."

Ordinance No. 915

An ordinance updating Title 7 of the Red Lodge City Code to adopt the most recent fire codes adopted by the State of Montana, updating fire regulations, and moving the adopted fire code from Title 9 of the Red Lodge City Code to Title 7 of the Red Lodge City Code.

WHEREAS, the City of Red Lodge no longer operates an ambulance service as described in Title 7 of the Red Lodge City Code;

WHEREAS, the City of Red Lodge now contracts for fire protection services with the Red Lodge Rural Fire District 7 through inter-local agreement and no longer operates its own fire department as described by Title 7 of the Red Lodge City Code;

WHEREAS, the State of Montana has adopted the 2012 International Fire Code;

WHEREAS, the City of Red Lodge hereby adopts by reference the 2012 edition of the International Fire Code, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Red Lodge; providing for the issuance of permits and collection of fees therefore; and

WHEREAS, certain parts of Title 7 of the Red Lodge City Code are duplicated in the new fire code.

Now Therefore,

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

The following portions of the Red Lodge City Code are amended as indicated below;

Chapter 1

## FIRE PREVENTION AND SAFETY CODES

Sections:

7-1-1 Fire Prevention and Safety Codes

7-1-2 Definitions

7-1-3 Restricted Entry to Public Lands

7-1-4 Fire Inspections Required

7-1-5 Permits Required

7-1-6 Review Required

7-1-7 Fire Prevention Fees Authorized

7-1-8 Firefighters Authorized to Require a Premises to be Evacuated

7-1-9 Fireworks Prohibited

7-1-10 Repeal of Prior Fire Prevention and Safety Codes

7-1-1 Fire Prevention and Safety Codes

A. The City of Red Lodge adopts and incorporates by reference the International Fire Code 2012 Edition (2012 IFC) with the additions and amendments enumerated in this subchapter. Copies of the IFC and related materials may be obtained from the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. A copy of the 2012 IFC shall be maintained at the offices of the City of Red Lodge.

B. If there is any conflict between the IFC and the Montana Code Annotated, the provisions of the Montana Code Annotated control.

C. This rule establishes a minimum fire protection code to be used in conjunction with the building code.

D. The building code adopted by the City of Red Lodge controls design and construction. If there is any conflict between the construction standards in the 2012 IFC and construction standards set forth in the adopted building code, the provisions of the building code control.

E. The following 2012 IFC sections are adopted and/or modified as shown:

i. 101.1 - Insert: [City of Red Lodge, Montana]

ii. 105.6 - Required operational permits is modified to include only the following:

a. 105.6.2 Amusement Buildings

b. 105.6.8 Compressed Gases

c. 105.6.14 Explosives

d. 105.6.20 Hazardous materials

e. 105.6.27 LP-gas

f. 105.6.30 Open burning

iii. 105.7 Required construction permits is adopted with the following exclusions:

a. 105.7.16 Temporary membrane structures and tents

iv. 109.3 - Insert: [Misdemeanor, \$500.00, 6 months]

v. 111.4 - Insert: [not less than \$100 or more than \$500]

vi. 506.1 Where required is adopted, with the following added, “or when any of the following conditions exist:

a. An automatic sprinkler system is installed

b. An elevator is in use

c. An automatic fire alarm system is installed”

vii. 903.6 - Existing Buildings – is not adopted.

viii. 906.1 Portable Fire Extinguishers – (1) Exception – is not adopted.

ix. 907.6.5. Monitoring is adopted with the following changes: “Fire alarm systems required by this chapter or by the adopted building code shall be monitored by a supervising station approved by the fire code official. When required by the Fire Code Official, non-required fire alarm systems shall be monitored by an approved supervising station.”

x. Appendix B is adopted

xi. Appendix C is adopted

xii. Appendix D is adopted

xiii. Appendix I is adopted

#### 7-1-2 Definitions

A. Authority Having Jurisdiction – the City of Red Lodge Fire Department, its designee, or any other fire department that is contracted for fire prevention services by the City of Red Lodge.

B. Corporation Counsel – the City Attorney for the City of Red Lodge

C. Fire Chief – the chief officer of the fire department servicing the jurisdiction, or a duly authorized representative.

D. Fire Code Official – the fire chief or other designated authority charged with the administration and enforcement of the code, or a duly authorized representative.

E. Fire Department - the City of Red Lodge Fire Department, its designee, or any other fire department that is contracted for fire protection services by the City of Red Lodge.

F. Firefighter – any member of the fire department servicing the jurisdiction.

G. Jurisdiction – the City of Red Lodge and all areas within the incorporated city limits.

H. Fireworks – Any combustible or explosive composition or any substance, combination of substance, or audible effect by combustion, explosion, deflagration, or detonation and includes sky rockets, roman candles, daygo bombs, blank cartridges, toy cannons, toy canes, or toy guns in which explosives other than toy paper caps are used, the type of balloon which require fire underneath to propel them, firecrackers, torpedoes, sparklers or other fireworks of like construction, any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance.

7-1-3 Restricted Entry to Public Lands - The Fire Chief is authorized to determine and publicly announce when public lands shall be closed to entry due to fire hazard or other danger to public safety, and when such areas shall again be opened to entry.

7-1-4 Fire Inspections Required - All schools, businesses, public buildings, and places of assembly shall be inspected by the fire department at a time interval set by the fire department having jurisdiction. At the discretion of the fire code official, type R-3, B and M occupancies may participate in a self-inspection program. Inspections shall be categorized as the following:

A. Minimum Inspection - All business and or commercial buildings of less than 2000 square feet with occupancy of fewer than 50 people unless otherwise specified in this section.

B. General Inspection - Short term residential home rentals, businesses and or buildings of less than 5000 square feet, as well as any building or business not otherwise specified.

C. Assembly Occupancy - All businesses and or buildings with a occupancy of more than 75 people as well as all public assembly buildings, restaurants, hotels and motels and buildings larger than 5000 square feet.

D. Hazardous Occupancy - All businesses and or buildings defined as High Hazard by the adopted building code.

7-1-5 Permits Required. Any property owner or authorized agent who intends to conduct an operation or business, or install or modify systems and equipment which is regulated by the 2012 IFC or this chapter shall first make application to the fire code official and obtain the required permit. Permits shall be categorized as the following:

A. Operational Permits– Where specified in the 2012 IFC as adopted in this chapter, operational permits shall be required.

B. Construction Permits– Where specified in the 2012 IFC as adopted in this chapter, construction permits shall be required.

7-1-6 Review Required – A review by the Fire Department is required for all new developments and conditional use permits where such development or permit requires fire protection design features regulated by the 2012 IFC as adopted in this chapter.

7-1-7 Fire Prevention Fees Authorized - The City of Red Lodge hereby requires fees for fire related permits, addressing, review, and for inspections required in this chapter. Fees shall be collected by the Fire Department. All fees shall be due and payable at the time the permit is granted or the inspection or review is performed. Failure to pay for fees within the time period specified, shall render such permit, review or inspection null and void. The following Fire Prevention Fees apply to this chapter and shall be set by resolution:

A. Permit Fees – There shall be fees for the issuance of operational and construction permits.

B. Addressing Fees – There shall be a fee for the issuance of an official address.

C. Review Fees - There shall be a Fire Department review fee for all reviews of new developments and conditional use permits required by zoning regulations. Review fees shall include site inspection for verification of compliance.

D. Inspection Fees – There shall be fees for Fire Department inspections.

E. Standard Hourly Fee – There shall be a standard hourly fee, with a one-hour minimum, charged in half hour increments for all inspection and plan review work unless there is a set fee outlined in this ordinance. All inspections, reviews and consultations shall be charged this standard hourly fee, unless otherwise specified.

7-1-8 Firefighters Authorized to Cause a Premises to be Evacuated - If, in the opinion of a firefighter enforcing this code, a condition exists in or near an occupied structure, or in an outside assembly area, that poses a significant risk to the life safety of the occupants, the firefighter may require the premises or a portion of the premises to be immediately vacated until such time as the condition or situation can be corrected.

7-1-9 Fireworks Prohibited – It shall be unlawful for any person to display, sell, possess, expose for sale, use or explode any fireworks as herein defined within City Limits.

7-1-10 Repeal of Prior Fire Prevention and Safety Codes - By the adoption of this chapter, Ordinance 891 (2-22-2011) adopting Title 9 Chapter 3 of the City of Red Lodge Code (Fire prevention and Safety Codes) is hereby repealed.

Be it ordained by the Council members of the City of Red Lodge.

First reading by the Council on the \_\_\_\_ day of \_\_\_\_\_ 2015.

Second reading by the Council on the \_\_\_\_ day of \_\_\_\_\_ 2015.

PASSED AND APPROVED BY NO LESS THAN FOUR MEMBERS OF THE RED LODGE CITY COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2015.

By: \_\_\_\_\_  
Ed Williams, Mayor

Attest: \_\_\_\_\_  
Loni Hanson, City Clerk

Foisy requested the appendices be posted online either on the City’s website or the Fire Department’s.

Larson said he would speak with the Fire Chief and have him post them online. Larson told Foisy he would let him know on what website it would be.

**Other Emergency Services items** Mahan said they have been working on the addressing and Jon Trapp has listed eleven items that need to be looked at as it relates to the addressing within the City limits. Mahan said they are hopeful they will be done by August. Mahan said they are going to include the Police Department for their help in fixing the issues we have with the addressing.

Larson said Brown is working on grants with the Police Department and the Chief of Police presented his strategic plan.

**LAND USE AND PLANNING Double Ditch Park Survey** Motion by Brown, second by Labrie to approve Double Ditch Park as a dedicated park with 4.36 acres. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Brown pointed out that on the survey, they did leave room for parking on the Northeast end of the park, but did not dedicate it as part of the park.

**Other Land Use and Planning Items** Labrie said the Planning Board will be meeting next month and will be working on the Annexation Policy.

**PUBLIC WORKS** Foisy said the committee discussed the water and sewer rate study. There will be a public meeting on the water and sewer rate study on April 9, 2015 from 6:00 p.m. to 7:00 p.m. at the Elks Lodge. He said they will have PowerPoint summary, the engineers from Great West and our Public Works Director will be there. Foisy said the adjustments in the water and sewer rates are directly related to the projects in the Capital Improvements Plan. Foisy said at some point the Council will then have to do a Resolution of Intent to adjust the rates. Following that, there will have to be a public hearing, then adoption and then an effective date.

Williams said the purpose of the meeting is to keep the public informed of the reason for the changes.

Foisy said they distributed to the council the latest draft ordinance for the Parks, Trees and Recreation Board and a separate tree ordinance.

Foisy said the Parks Board identified uses for the swimming hole along Rock Creek between 7<sup>th</sup> and 8<sup>th</sup> streets for benches, fishing, kayak access and trails. He said they would like to negotiate an easement with Northwest Energy for better access.

Foisy said the Parks Board talked about the weed spraying schedule and notifications for parks and other areas which will be conducted by the weed coordinator and the Public Works Director.

Foisy added the spring parks cleanup day coordinated by the Parks Board and the Yellowstone Wildlife Sanctuary is scheduled for Saturday, April 8<sup>th</sup>.

Foisy said the fourth annual electronic recycling event is scheduled for Saturday, June 13, at 10:00 a.m. to 3:00 p.m., in the parking lot of First Interstate Bank.

Foisy also added the committee discussed with the Public Works Director about purchasing a new sewer jetter truck.

Jim Bushnell, Public Works Director, said the truck is needed. He said the cost of having a company come up and jet the sewers is very high and there are many sewer mains in town that are in desperate need of being cleaned out. The town would benefit from having their own truck.

**CITIZEN REPORT** None.

**CORRESPONDENCE** None.

**MISCELLANEOUS** Williams reminded everyone the Resort Tax Forum is this Thursday, March 26, beginning at 5:00 p.m. at Bridgecreek.

Williams said he talked with the head of MDT regarding the project in Red Lodge. Mr. Toole, who is the director of MDT, said they met with Goran, the contractor, and they will have an entirely new crew coming to work this year, including the owner of Goran. Mr. Toole did not say when they would be starting again this year. Williams said he would inform the council when he heard any news of when they would be starting.

Mahan wanted to know if the 4<sup>th</sup> of July Parade Committee needed a permit to stage at the Civic Center parking lot for the 4<sup>th</sup> of July parade.

Labrie said she did not think they needed one.

Larson said just as long as they inform the City that they will be using it.

Meeting adjourned 7:55p.m.

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Mayor

ATTEST:

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City Clerk

