

May 12, 2015

The Red Lodge City Council met in regular session on May 12, 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.

DEPARTMENT HEAD ATTENDANCE: Police Chief- Steve Hibler, City Clerk – Loni Hanson, Public Works Director – Jim Bushnell, and Community Development Director-Peter Italiano.

MINUTES OF APRIL 28, 2015 Motion by Mahan, second by Labrie to approve the minutes of April 28, 2015. On roll call vote those in favor Aldermen Foisy, Mahan, Larson, Labrie, Brown, and Schoenike. Motion carried.

CLAIMS AGAINST THE CITY Motion by Labrie, second by Larson that claims against the City totaling \$113,859.19 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 Morrison Maierle submitted a claim for \$4,677.75 for online backup and maintenance and for the new computer at the City Shop. Carbon County Treasurer submitted a claim for \$2,379.70 for the City’s share of the City Court.

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

Williams said the Chief of Police handed out the police report, which is a format showing the police activity for the month.

Foisy said the lodging income for the first quarter of 2015 is the highest in the past seven years and retail is continually going down.

COMMENTS FROM THE PUBLIC REGARDING MATTERS WITHIN CITY JURISDICTION. None

LIBRARY BOARD PRESENTATION – Dr. Jack Exley presented the Council with the Library Boards Strategic Plan for FY’s 2016-2019. Dr. Exley said they had a survey completed by the public and it is included in the Plan. The Plan talks about the goals and needs of the Library for the future. He said comments would be greatly appreciated and can be dropped off at the Library.

Brown said she appreciates the hard work and the long hours the Library Board worked to put this Plan together. She said when done, it will be a good guide for the Library.

Williams added he had talked to the Public Works Director, Jim Bushnell, and he has made arrangements to have the problem of water leaking into the basement fixed in the next couple of weeks.

STANDING COMMITTEES- ADMINISTRATION- Labrie said they are working on the Library MOU and the employee manual and should have those items on the agenda in the near future. She said they are also working on some of the codes that have been codified.

EMERGENCY SERVICE- Larson said Mahan is working on the addressing code. They discussed dispatching services and jail services.

Mahan said she will have a report on the addressing at the next Council meeting. She added that the Community Development Director, Peter Italiano, has some experience with addressing and offered to help.

LAND USE AND PLANNING- Ordinance #914- Updating Building Codes 1st Reading/Public Hearing- Mayor Williams opened the public hearing for Ordinance #914, Updating Building Codes, first reading. No one spoke. Mayor Williams closed the public hearing.

Ordinance NO. 914

An Ordinance updating Title 9 of the Red Lodge City Code to allow adoption by resolution of the most recent building codes adopted by the State of Montana.

WHEREAS: The City of Red Lodge maintains a building inspection program for the health and well-being of the citizenry, AND;

WHEREAS: The City of Red Lodge recently had its Building Code Effectiveness Grading Schedule (BCEGS) rating lowered from a 4 to a 9 by the ISO, AND;

WHEREAS: The ISO cited use of old codes as a reason for this change in the BCEGS rating, AND;

WHEREAS: The Red Lodge City Council acknowledges the effect the BCEGS rating of the community can have upon insurance rates for development within the City, AND;

WHEREAS: The Red Lodge City Council recognizes the importance of taking reasonable steps to keep the City's BCEGS rating low, AND;

WHEREAS: Current code requires a change of city code to adopt updated building codes, AND;

WHEREAS: The Montana Department of Labor and Industry recently adopted the 2012 edition of the International Building Code, the 2012 edition of the International Residential Code, and updated versions of various other building related codes.

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:

9-1-1 Adoption.

The City shall adopt by resolution the following codes which shall be considered City of Red Lodge Municipal Codes:

- A. The most recent edition of the International Building Code that has been adopted by the Montana Department of Labor and Industry.
- B. The most recent edition of the International Existing Building Code that has been adopted by the Montana Department of Labor and Industry.
- C. The most recent edition of the International Residential Code that has been adopted by the Montana Department of Labor and Industry.
- D. Other building codes adopted by the Montana Department of Labor and Industry and deemed appropriate by the City Council including (but not limited to) Uniform Plumbing Code, International Mechanical Code, International Fuel Gas Code, National Electrical Code, and International Energy Conservation Code.
- E. Administrative rules of the State of Montana that modify or clarify the adopted building codes.

9-1-2 Applicability.

The exemption optionally provided to communities in Montana Code Annotated Section 50-60-102(1)(a) shall not apply in the City of Red Lodge. The International Residential Code shall be applicable to residential buildings containing less than five (5) dwelling units or their attached structures, any farm or ranch building of any size, and any private garage or private storage structure of any size used only for the owner's own use, located within the corporate limits of the City.

9-1-5 Board of Appeals.

- A. Created; Membership: In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretation of construction and to provide for reasonable interpretations of the provisions of this code, there shall be and is hereby created a board of appeals consisting of three (3) members who are qualified by experience and training to pass on matters pertaining to building construction. The building inspector shall be an ex-officio member and shall act as secretary of the board.
- B. Appointment: Members of the board shall be appointed each January by the Mayor subject to Council approval. Members shall be appointed to two (2) year terms staggered such that the terms of two (2) members shall expire in December of odd numbered years and the term of the third member shall expire in December of even numbered years.
- C. Rules and Regulations: The board shall meet at least twice annually, once before the bulk of the building season and once after the bulk of the building season. The board shall also meet as needed to address appeals in a timely manner.

Additionally, the board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings, in writing, to the building official with a duplicate copy to appellant and may recommend to the City Council such new legislation as is consistent herewith.

D. Jurisdiction and Limitations: The board of appeals may consider items which lie within the limits of professional discretion and which item is not a specific code mandate. The board shall not act on matters pertaining to electrical, plumbing and mechanical questions. The board shall have no authority relative to interpretation of the administrative provisions of the code nor shall the board be empowered to waive requirements of the codes. (Ord. 843, 1-12-1999)

9-2-1(RESERVED)

Effective Date.

This ordinance shall be effective 30-days after approval of second reading by the Red Lodge City Council.

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 a majority of the elected members of the Red Lodge City Council this _____ day of _____ 2015.

The City of Red Lodge

By: _____
Ed Williams, Mayor

Attest: _____
Loni Hanson, City Clerk

Motion by Schoenike, second by Labrie to approve Ordinance #914, an Ordinance updating Title 9 of the Red Lodge City Code to allow adoption by resolution of the most recent building codes adopted by the State of Montana on first reading. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Williams said the current ISO rating for new construction for the City of Red Lodge is 9. The ISO rating affects insurance rates. After adopting the newest code, we should be able to drop our ISO rating.

Ordinance #917- Annexation Policy Schoenike said this is a new ordinance concerning annexation of lands into the City of Red Lodge and modifying certain sections of Title 10 to be consistent with the new Title 12, Chapter 6. He said the Planning Board worked very hard on putting this recommendation together. Schoenike said it changes the policy of extending water and sewer services outside of the City limits to not be allowed. Currently, the City does provide mechanisms to allow the extensions of water and sewer services.

Brown said she is pleased to see in the Ordinance the criteria for evaluations if the proposals encourage land use patterns that will increase the availability of appropriately priced housing for

all economic segments of the Red Lodge population. She was also pleased to see in the criteria for evaluations if the proposal provides development patterns that will encourage efficient multi-modal transportation systems are to be coordinated with regional, City and County transportation plans.

Other Land Use and Planning items- Schoenike said they are continually working on the dedications of some of the undedicated parks, including Cole Miners Park and portions of Lions Club Park.

PUBLIC WORKS- Authorization for the Mayor to submit grant applications for a Preliminary Engineering Report for the City Wastewater Plant Motion by Foisy, second by Mahan to approve authorization for the Mayor to submit grant applications to the Montana Department of Commerce and the Montana Department of Natural Resources for a Preliminary Engineering Report for the City Wastewater Plant. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Foisy said the Preliminary Engineering Report was one of the first items listed on the Capital Improvements Plan for a cost of \$100,000. He said the Montana Department of Commerce TSEP grant application opens on May 18, and is a first come, first serve grant, in the amount of \$15,000. He said the Montana Department of Natural Resources grant application should open mid to late May. Once the City knows the amount of money they will be receiving, then the remaining amount will have to be an intercap loan, which will have to be done by resolution.

Ordinance #916- Clarifying Mechanism for Changing Water/Sewer Rates 1st Reading/Public Hearing Schoenike said when they were going through the process of the water and sewer rate study, they came across discrepancies within the City Code. This Ordinance will fix those discrepancies. Schoenike also said in the Council packets is an email from Cynthia Zullo regarding her support for the \$2.00 curb stop service charge.

Mayor Williams opened the public hearing for Ordinance #916, Clarifying Mechanism for Changing Water/Sewer Rates, first reading. No one spoke. Mayor Williams closed the public hearing.

Ordinance NO. 916

An ordinance updating Title 10 of the Red Lodge City Code to eliminate conflicting provisions in Chapters 8 and 9 regarding water and sewer rates, renaming Chapter 9 “Impact Fees”, clarifying sections of Chapter 8, and creating a section in Chapter 8 for the proposed curb stop fees.

WHEREAS, the City of Red Lodge periodically reviews its Municipal Code to ensure it is consistent, enforceable, and in accordance with Montana law;

WHEREAS, the City’s review of Title 10 revealed conflicting provisions in Chapters 8 and 9 and the City recognizes the need to amend, delete and/or rename certain sections to provide consistent guidance regarding water and sewer rates; and

WHEREAS, the City wishes to create a section in Chapter 8 to address the proposed curb stop fees.

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, sections of chapters 8 and 9 of Title 10 not listed remain unchanged:

10-8-1 Established by Resolution.

All rates, charges, and fees for City water/wastewater service shall be adopted by the City Council by resolution as such may be lawfully changed from time to time. In addition, Montana Code Annotated Section 69-7-201 provides that rate increases adopted by the City Council for comparable classifications and zones outside the City boundaries may not exceed those set within the City limits. Further, in accordance with the provisions of Montana Code Annotated Section 7-13-4305, no person shall be permitted to use or enjoy the benefit of the City water/wastewater system unless they pay the full and established rate for said service. (Ord. 835, 5-12-1998)

Before any change in rates, charges, or fees may be implemented a public hearing as required by Montana Code Annotated 69-7-111 must be held. All other requirements of Title 69 Chapter 7 that may pertain to rate changes must also be observed.

10-8-2 Monthly Metered Water Charges.

- A. Applicability: Any monthly metered water charges adopted by the City Council, or as such may be lawfully changed from time to time, shall apply to all customers that have either direct or indirect water service connections with the City water supply system.
- B. Basis of Charge: The monthly metered water charge shall be based upon the volume of water, in one thousand (1,000) gallons, which is registered monthly on the City water meter serving a customer. Monthly metered water charges are due and payable as set forth in Section 10-7-2 of this title.
- C. Fire Hydrants: Water hauled from fire hydrants will be metered and the charge will be based upon the one thousand (1,000) gallon volume charge for City services stated in Section 10-8-9 of this chapter. Charges will be collected in advance and be based on anticipated water use. (Ord. 835, 5-12-1998)

10-8-3 Minimum Monthly Water Charges.

The minimum monthly charges shall be based on the size of City water meter used to serve a customer. Minimum monthly charges may include charges for operation and maintenance, capital surcharges, curb-stop fees, and other fees based on expenses independent of usage. Minimum monthly water charges are due and payable as set forth in Section 10-7-2 of this title. (Ord. 835, 5-12-1998)

10-8-4 Monthly Volume Wastewater Charges.

A. Applicability: Any monthly volume wastewater charges adopted by the City Council, or as such may be lawfully changed from time to time, shall apply to all users that have building sewers connected with the City wastewater system.

B. Usage: The monthly volume wastewater charges for all accounts shall be billed based upon the volume of water used monthly, which shall be determined by taking the total number of gallons of water registered monthly on the City water meter or such other approved water/wastewater meter that serves the account in question.

C. Irrigation Only Meters: Accounts that use water for purposes that do not impact the wastewater system such as irrigation of lawns, may install separate meters for these uses so as to remove such water usage from the calculation of monthly volume wastewater charges.

D. Payment: Monthly volume wastewater charges are due and payable as set forth in Section 10-7-2 of this title. (Ord. 835, 5-12-1998)

10-8-5 Minimum Monthly Wastewater Charges.

Any minimum monthly wastewater charges adopted by the City Council, or as such may be lawfully changed from time to time, shall apply to all users that have building sewers connected with the City wastewater system. Minimum monthly charges may include charges for operation and maintenance, capital surcharges, and other fees based on expenses independent of usage. Minimum monthly wastewater charges are due and payable as set forth in Section 10-7-2 of this title. (Ord. 835, 5-12-1998)

10-8-7 (RESERVED)

10-8-8 Curb-Stop Fees

The City shall be responsible for the maintenance and periodic replacement of pressurized water service lines from the main to (and including) the curb-stop at the edge of the public right of way. Such pressurized service lines shall continue to be owned by the owner of the property which is served by the line. The City, however, will have sole authority to replace these lines within the public right of way. The City shall also have sole authority to determine the when such service lines require maintenance or replacement.

A Curb-stop fee may be charged as part of the minimum monthly water charges assessed to all users of the municipal water system. This fee shall be set by resolution and shall be based upon estimates of the cost to maintain and periodically replace pressurized water service lines from the main to (and including) the curb-stop at the edge of the public right of way. All such collected fees shall be kept in a separate account within the water enterprise fund and reserved solely for this purpose.

Title 10 Chapter 9 IMPACT FEES

10-9-1 (RESERVED)

10-9-2 (RESERVED)

10-9-3 (RESERVED)

10-9-5 (RESERVED)

Effective Date.

This ordinance shall be effective 30-days after approval of second reading by the Red Lodge City Council.

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.

The City of Red Lodge

By: _____
Ed Williams, Mayor

Attest: _____
Loni Hanson, City Clerk

Motion by Schoenike, second by Mahan to approve Ordinance #916 an ordinance updating Title 10 of the Red Lodge City Code to eliminate conflicting provisions in Chapters 8 and 9 regarding water and sewer rates, renaming Chapter 9 “Impact Fees”, clarifying sections of Chapter 8, and creating a section in Chapter 8 for the proposed curb stop fees with the amendment under Section 10-8-7 “Wastewater Extra Strength Surcharges” will be deleted and reserved. On roll call vote all Aldermen present voted “Aye.” Motion carried on first reading.

Resolution #3386- Intent to Increase City Water and Sewer Rates and Charges Schoenike said this is the first draft of the final resolution to set the water and sewer fees. This includes the monthly fees that were in the Resolution of Intent at the last meeting and also sets the fees for discontinuing and reestablishing services, and other miscellaneous fees including application fees, meter accuracy test, main tapping fees and fee for disposal of septage.

Parks Board and Tree Regulations Ordinances Updates- Foisy said the proposed ordinances for the Parks, Trees and Recreation Board and Tree Regulations were included in the Council packets. He said they are still working through them and they still need to go through the Public Works Committee and should be ready for first reading in the near future.

Closure of Street between Lions Park and the Triangle for the Summer of 2015. Motion by Schoenike, second by Foisy to approve the closure of the street between 6th and 7th by Lions Club Park and the Triangle for the summer of 2015 from May 18 to October 31. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Gretchen Arndt, 502 N. Hauser, spoke against the closure of the street. She said the people who are affected by this are the ones who live on Villard Avenue. There will be an increase of traffic along North Hauser. She said there has never been an accident on the Triangle. She wanted to know where the buses were going to park and how Republic Services was going to empty trash.

Schoenike said the Council made the same decision last year during the road construction and detours. He said there are the safety concerns with the sharp angle between where Villard and

Hauser intersect. Schoenike said the intent is on a short term basis to figure out if closing that street makes sense.

Foisy said it is a trial run. He said the Parks Board has discussed it and sees potential in extending Lions Club Park across to the Triangle.

Schoenike said the Triangle is currently not part of Lions Club Park. He said part of this closure is to determine if it would be feasible to include the Triangle and abandon that portion of the street.

Mahan said she thought a public hearing should be held before a final decision is made to permanently close that section.

Schoenike said if the City decides to close the street permanently, State statute requires a Resolution of Intent to be approved, along with a Public Hearing.

Public Works Director, Jim Bushnell, said when the contractors move the detour up to 8th street, Villard Avenue will become a shortcut street and create a lot of traffic by the park and that is why it needs to be closed.

Other Public Works Items Foisy said they are working on the Parks maintenance memorandum of understandings and will be working on impact fees.

Foisy commented that Public Works has been using their new sewer jetter truck and have been very pleased with it.

CITIZEN REPORT None.

CORRESPONDENCE None.

MISCELLANEOUS Williams thanked the Council for the committee meetings that were held all afternoon and he felt they went very well.

Mahan said the Meet and Greet with the new MSUB Chancellor, Mark Nook, that was held at the Elks went very well.

Brown said she attended the 2015 Municipal Institute last week, along with Council Member Labrie and City Clerk, Loni Hanson. Brown said she attended some interesting classes and got to meet other Council Members and Mayors from other cities and towns and discussed with them how things work in their communities.

Brown said the Food Partnership Council is sponsoring an event at the Elks on June 4. It will be a presentation about a new book called “Lentil Underground, Renegade Farmers and the Future of Food in America”. The book is about a group of Montana farmers who have defied corporate agribusiness by launching a unique sustainable food movement and making Montana the top

producer of lentils in the country. The principle of the organization, David Owen, will be doing a book signing at Red Lodge Books, and then will give his presentation at the Elks at 6:00 p.m. He will also have a chef from Bozeman preparing dishes with products that they sell.

Meeting adjourned at 7:55 p.m.

Mayor

ATTEST:

City Clerk