

May 13, 2014

The Red Lodge City Council met in regular session on May 13, 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, Public Works Director – Jim Bushnell, Police Chief – Scott Cope and Fire Chief – Tom Kuntz.

**MINUTES OF APRIL 22** Motion by Mahan, second by Labrie to approve the minutes of April 22 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 \$208,402.15, 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 reported that \$46,052.80 was submitted to Normont for supplies and a partial payment on the new durapatcher that was purchased. Industrial Automation was paid \$5,893 for water system upgrades. The annual allocation from Republic Services for the REWIND recycling event was paid for \$2,000. This event will be held on June 7, 2014.

**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. Police Mill Levy** Mayor Williams spoke to the budget process and he reported that of the amount being requested two-thirds of it is wages and the balance is fixed expenses. He said there is less than \$100,000 in discretionary funds available. The Mayor said some very hard choices will need to be made this year to balance the budget process. One of the things that is happening is that revenues have not been increasing enough to keep up with the increase in wages. He said that one of the things the City will need to go to the public about is what they want for police protection. Some of the things they will need to consider are if they want someone on duty 24/7 or do they want to consider a little less coverage for a lesser cost. This is something that will be discussed if a mill levy is considered. Foisy said the Administration Committee will be meeting with the Mayor on the 21<sup>st</sup> and the priorities for the budget will be discussed at that time.

**2. Police Commission Appointment** Mayor Williams said that he would like to ask for Council concurrence in the appointment of Pete Critelli to the Police Commission.

Motion by Mahan, second by Schoenike to concur with the Mayors appointment of Pete Critelli to the Police Commission. On roll call vote those in favor: Aldermen Foisy, Mahan, Labrie and Schoenike. Those opposed: Alderman Larson. Motioned carried.

**STANDING COMMITTEES – ADMINISTRATION – Wellness Trail Construction – Dedicated Parks – Beartooth Hospital**

Motion by Foisy, second by Mahan to approve the use of dedicated park property at Diamond C Subdivision for the Beartooth Billings Clinic Wellness Trail. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Foisy said this request was recommended by the Parks Board. Beartooth Wellness Clinic went to the Parks Board with this request to talk about the issue of the wellness trail that will be going to construction this year. It is being done with

a Recreational Trails Program Grant and it will be a well-designed, well-engineered trail. The trail will have value by tying into other trails in Red Lodge.

Schoenike said that one section of the trail has a 26% slope and he thought this to be pretty steep. Maggie Karas said that this is existing and on the plans but the grade will be 19% on the steepest slope on the finished construction. Schoenike also asked how the hospital felt with the trail ending at their parking lot. Karas said the hospital is comfortable with this and they want the trail head to be on their property. They want it to be accessible to the public. She said that with the grant through WFP they will enter into a Memorandum of Understanding that will allow a twenty-five year public access to the trail.

Tom Kuntz asked if there was a weed control plan as part of this project. Karas said there is a plan stated in the overall facility plan. Kuntz said the upper area of the trail has been a region of concern and a very hard place to control weeds along with the hillside. Karas said there will be very minimal disturbance of the soil when installing this trail.

**Professional Services Contract – Interstate Engineering – CIP Preparation** Motion by Labrie, second by Larson to approve the Professional Services contract with Interstate Engineering for the Capital Improvements Plan. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Foisy said that serious negotiations were conducted with Interstate Engineering regarding this contract. Interstate fulfilled all concerns the Administration Committee had. It is hoped to have the CIP completed by October 31, 2014.

**Revisions to Ordinance No. 903 – Parking** Labrie said that Ordinance No.903 was just passed recently but it was realized that a change needs to be made in the cut off street. The change being made is to have the parking area be from 8<sup>th</sup> Street to the north side of 14<sup>th</sup> Street rather than to 15<sup>th</sup> Street as originally stated. The two hour parking between 8<sup>th</sup> Street and 15<sup>th</sup> Street on Broadway between the hours of 8:00 a.m. and 5:00 p.m. is also being looked at.

Tom Kuntz asked the Council to consider extending the hours of parking in this area to four hours rather than two. He said that when someone is shopping and stopping to eat two hours can sometimes not be long enough. He was told that this request would be considered.

**Business Registration Ordinance No. 878 and Resolution No. 3288** Labrie said this ordinance is being addressed to make some changes regarding temporary vendor registration. Temporary vendors will be included in the ordinance under a different registration since they only operate less than ninety consecutive days during the year which is consistent with the Resort Tax Ordinance.

**EMERGENCY SERVICES – Interlocal Agreement – Fire Protection** Motion by Larson, second by Labrie to approve the Interlocal Agreement for fire protection. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Larson said this issue has been discussed along with public meetings for quite some time.

#### **Ordinance No. 904 – Animal Control**

##### **ORDINANCE NO. 904**

#### **AN ORDINANCE AMENDING TITLE 5, CHAPTER 5B OF THE RED LODGE CITY CODE CONCERNING ANIMAL CONTROL (DOGS).**

Mayor Williams opened the public hearing. Betty Ansorge said she is in favor of the ordinance. Mayor Williams closed the public hearing.

Motion by Mahan, second by Larson to approve Ordinance No. 904, animal control on first reading. On roll call vote all Aldermen present voted "Aye." Motion carried.

Larson said this ordinance will be replacing Ordinance No. 894 and will define what a vicious dog and a dangerous dog is. It will also give the police department the authority to determine whether a dog is dangerous or vicious without having to go to court first. Mahan said that this ordinance was also given to Judge Muth for his review.

**LAND USE AND PLANNING – Ordinance No. 906 – Revised Disposition of City Owned Land – 2<sup>nd</sup> Reading/Public Hearing** Mayor Williams opened the public hearing on Ordinance No. 906. No one spoke to the ordinance so Mayor Williams closed the public hearing.

Motion by Schoenike, second by Labrie to approve Ordinance No. 906, Revised Disposition of City Owned Land on second reading. On roll call vote all Aldermen present voted "Aye." Motion carried.

**Resolution No. 3369 – Fees – Disposition of City Owned Land**  
**RESOLUTION NO. 3369**

**A RESOLUTION OF THE RED LODGE CITY COUNCIL TO SET FEES FOR SALE OR LEASE OF CITY OWNED LAND CONTAINED IN ORDINANCE #906 AS IT MAY BE AMENDED FROM TIME TO TIME.**

**WHEREAS**, the City Council has approved Ordinance #906 detailing the process for the disposition of land owned by the City of Red Lodge; AND

**WHEREAS**, Ordinance #906 specifically provides for the collection of fees to defray to administrative costs associated with the processing of applications/nominations to acquire or lease lands owned by the City of Red Lodge; AND

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Red Lodge Montana that the following application fees shall apply to all requests to purchase or lease land as provided in Ordinance #906 on the effective date of this resolution.

**Application Fees:**

1. Application to Purchase Land: \$1,000 plus cost of Certified Appraisal.
2. Application to Lease Land: \$1,000

Motion by Schoenike, second by Labrie to approve Resolution No. 3369, a resolution of the Red Lodge City Council to set fees for sale or lease of city owned land contained in Ordinance #906 as it may be amended from time to time with the amendment of #2 under Application Fees to read "Application to Lease or Rent Land". On roll call vote all Aldermen present voted "Aye." Motion carried.

**Annexation Policy** Schoenike said the Land Use Committee has been working on an updated annexation policy. The current policy is very brief and does not necessarily protect the City from some concerns in terms of what the committee feels have been mistakes made in the past, such as extending water and sewer service to areas that have not been annexed along with the City not receiving tax revenues. The committee is hoping to address these types of issues in the new policy. Schoenike said the committee has more work to do on the policy but will get it to the rest of the Council as soon as they are able.

Sanderson said that annexation is really a business decision and one of the bigger changes that will come in the draft annexation policy is the requirement that the City do a cost benefit analysis before any decision is made to embrace new territories into the City limits. Annexation does not just increase the City's tax base but the City must commit to bring the new residents the same level of service that all residents get. This would be items like water, sewer, police protection and fire protection which all are expensive ventures. Schoenike said this annexation policy may also go to the Planning Board for their input.

**BRTA Motion by Labrie, second by Schoenike to enter into an agreement with Beartooth Recreational Trails Association to build a trail behind the Yellowstone Wildlife Sanctuary. On roll call vote all Aldermen present voted "Aye." Motion carried.**

BRTA has the Montana Conservation Corp Crew coming to Red Lodge to help build the trail. The trail will go from behind the High School and the Wildlife Sanctuary and it will tie into Beartooth Lane and eventually will tie into other trails in Red Lodge. This will begin on May 27 and take three days. The trail has to be built by hand. The City is involved as we are the revisionary land owners.

**PUBLIC WORKS – CTEP Funding – Project Nomination – public hearing** Mayor Williams opened the public hearing. Sanderson said that CTEP is an alternative transportation which is non-motorized. It is a specific grant program which has been a pass through fund from the Federal Highways to the State. This is the last year that Montana will run alternative transportation projects via this program. He said that Red Lodge has approximately \$27,000 remaining in the allocated CTEP account. Sanderson said he would like to speak on behalf of the Parks Board nomination for enhancements at Field School Park. Specifically they are discussing the projects to replace the wooden retaining wall that has collapsed, to install a walking surface that would extend between the tennis courts and the retaining wall, underground sprinklers, sidewalks and other improvements that can be made for the funds that are available along with the City's 13.42% match that has to be made. The Parks Board submitted a letter of nomination and a letter of support for the Council to give favorable consideration to the proposal for Field School Park as this would give the park a much needed facelift.

Sanderson said a CMU wall properly designed and engineered is so much nicer than a blank concrete wall which was the initial concept of a cast in place wall. He said the walking path that was referenced would be some type of impervious surface be it asphalt or concrete that would be installed a) to make the retaining wall CTEP compliant and b) to serve the dual purpose of preventing infiltration of water from the tennis court into this area of soil. Mayor Williams closed the public hearing.

Motion by Foisy, second by Schoenike that the City of Red Lodge submit an application to the Montana Department of Transportation for the use of Community Transportation Enhancement Program funds in the amount of the remaining balance for improvements at Field School Park to include in general the retaining wall, sidewalks and the irrigation system. On roll call vote all Aldermen present voted "Aye." Motion carried.

**Carbon County CTEP Funding Request** Carbon County is requesting project proposals for use of their CTEP funds. They currently have \$50,224 in available funds which require a 13.42% match.

Motion by Mahan, second by Foisy to approve a request to the Board of Commissioners of Carbon County for CTEP funds as a supplemental to the Field School Park project. On roll call vote all Aldermen present voted "Aye." Motion carried.

Foisy said that in conjunction with the CIP that was approved there is still the issue of doing the water and sewer rate study in trying to tie this into the CIP. The discussion with the Library Board on responsibilities is still being done. Discussion is also still being held on the potential of an endowment for the swimming pool. Foisy said the pool will be opening, hopefully, around June 10. The Parks Board is still working on the Parks Plan and they are waiting on the final draft document from the contractor. The committee is trying to develop a scope of work to do the Impact Fee Analysis.

Schoenike said he has been in contact with Nate Winning, the gentleman who normally runs the kayak races held the first weekend in June, on Rock Creek. Winning will be moving forward on this project again this year. He will be coming to the Council to again explain what they will be doing this year with the race.

Foisy said the committee discussed the wood chips needed in Field School Park and Moose Trail Park as to how much they cost, where they need to be laid and where to purchase them. Tom Kohley was asked to pass this information on to the Mayor so he can let the Public Works Committee know.

Foisy reminded all that there will be a Coffee with the Mayor on Thursday, May 15 at 9:00 a.m. at Honey's.

**CITIZEN REPORT** Betty Ansortge asked if the trails at Island at Rock Creek could be used by the public. She was told that the trail is on private land and is a private development. She was told that the signs on the bridge state that the public may use the trails but the rules for the development are also posted and need to be followed.

**CORRESPONDENCE** The first MDT project meeting will be held on May 14 at 8:00 a.m. at City Hall. Mayor Williams said that MDT is doing an awesome job for the City.

**MISCELLANEOUS** None

Meeting adjourned at 8:00 p.m.

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Mayor

ATTEST:

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City Clerk