

May 26, 2015

The Red Lodge City Council met in regular session on May 26, 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, Brown, and Schoenike.

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

MINUTES OF MAY 12, 2015 Motion by Mahan, second by Labrie to approve the minutes of May 12, 2015 as submitted. On roll call vote all Aldermen present voted “Aye.” Motion carried.

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

STANDING COMMITTEES-ADMINISTRATION- Use of City Owned Land- Chambers Ave Block Party- Motion by Labrie, second by Schoenike to approve block party on the 500 block of Chambers Ave on September 12 from 10:00 a.m. to 9:00 p.m. On roll call vote all Aldermen present voted “Aye”. Motion carried.

Labrie thanked Madeleine Kornfield for her hard work on her application.

EMERGENCY SERVICE- Interlocal agreement with Carbon County on Dispatch fees Motion by Larson, second by Mahan to approve the Interlocal Agreement for dispatch fees with Carbon County. On roll call vote all Aldermen present voted “Aye”. Motion carried.

Other Emergency Service items- Mahan said she met with Peter Italiano, Community Development Director, and discussed the addressing. Mahan said Peter has experience with addressing and will be working with him to get this project done and should have a plan by fall.

LAND USE AND PLANNING- Ordinance #914- Updating Building Codes 2nd Reading/Public Hearing- Mayor Williams opened the public hearing for Ordinance #914, Updating Building Codes, second 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 Brown, 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 second reading. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Ordinance #917, Annexation Policy 1st Reading/Public Hearing- Mayor Williams opened the public hearing for Ordinance #917, Annexation Policy, first reading. No one spoke. Mayor Williams closed the public hearing.

Schoenike said this Ordinance is creating a new chapter in Title 12, which is the Land Use section of the Code. He said we are adding chapter 6 to improve our Annexation Policy.

Ordinance NO. 917

An Ordinance establishing Title 12, Chapter 6 of the Red Lodge City Code 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

WHEREAS: Montana Code 7-2-42 establishes that local government has control over annexations of land to the City and the right to impose conditions upon such annexations, AND;

WHEREAS: The Red Lodge City Council recognizes that development just outside of the city limits can have significant impacts on the City, AND;

WHEREAS: The Red Lodge City Council has a responsibility to balance the benefits of expanded city limits with the costs of extending city services, AND;

WHEREAS: The Red Lodge City Council identified the need to develop a comprehensive and fair method for the consideration of proposed annexations to the City,

Now Therefore,

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

The previously existing Title 12, Chapter 6: Annexation is hereby repealed.

A new Title 12, Chapter 6: Annexation is hereby adopted as follows:

Chapter 6

Annexation

Section:

12-6-1: Purpose

12-6-2: Methods of Annexation

12-6-3: Goals

12-6-4: Implementation Policies and Criteria

12-6-5: Public Information

12-6-1: Purpose.

These annexation policies set forth a framework for phasing the growth of the City of Red Lodge. The primary goal of these policies is to ensure efficient delivery of adequate public services to new development as it occurs in a manner that is mutually beneficial to the City of Red Lodge, the citizens of the community, and the developers of land near the borders of the city. These policies aim to guide development outside, but near the City of Red Lodge, that is consistent with the values of this community. The Red Lodge Growth Policy, Red Lodge Zoning Regulations, Red Lodge Subdivision Regulations and Red Lodge Floodplain Regulations are the established documents.

12-6-2: Methods of Annexation

Montana Code provides five (5) general methods for the annexation of land into a municipality. (MCA Title 7 Chapter 2 Parts 42 – 47) MCA 7-2-42 establishes that the City Council of the City of Red Lodge has control over annexations of land to the City and the right to impose conditions upon such annexations. The Council may in its discretion select one of the annexation procedures of parts 43 through 47, which is appropriate to the circumstances of the particular annexation. The Council must then follow procedures prescribed in the selected part. The Five (5) methods for annexation are:

1. Annexation of Contiguous Land (MCA 7-2-43)
2. Annexation of Contiguous Government Land (MCA 7-2-44)
3. Annexation of Wholly Surrounded Land (MCA 7-2-45)
4. Annexation by Petition (MCA 7-2-46)
5. Annexation With the Provision of Services (MCA 7-2-47)

12-6-3: Goals

Regardless of the method of annexation, the City shall pursue the following annexation goals when reviewing a proposed annexation. These goals are consistent with the Red Lodge Growth Policy.

1. Encourage the highest intensity of growth to locate within the City's corporate limits.
2. Encourage urban land development that is consistent with the Red Lodge Growth Policy and the existing zoning.
3. Ensure that adequate public services, facilities, parks, and publicly owned utilities are available to proposed and existing development with additional required infrastructure installed within a mutually agreed upon time period.
4. Encourage land use patterns that will increase the availability of appropriately priced housing for all economic segments of the Red Lodge population.
5. Supply sufficient, safe, suitable housing sites and housing supply to meet projected future housing needs for Red Lodge over the next ten (10) years.
6. Reduce impacts from flooding; encourage efficient stormwater management; and ensure the groundwater of Red Lodge is protected and preserved.
7. Ensure that the benefits provided to the newly annexed territory are consistent with the tax base received by the City to provide for those benefits and services.

8. Ensure the long-term availability of clean water supplies for the various needs of the City and its residents.
9. Ensure development patterns encourage efficient multi-modal transportation systems coordinated with regional, City and County transportation plans.
10. Inform the public of all annexation proceedings, in full accordance with state law.
11. Consider citizens' concerns during the annexation process.

12-6-4: Implementation Policies and Criteria

- A. Timing of annexation proposals will be determined based on what is most beneficial to the citizens of the community, including incorporated areas and unincorporated areas within reasonable distance or adjacent to corporate limits which are consistent with the Growth Policy and Zoning Regulations.
- B. **Required Material.** The annexation request shall include a description of the proposed area for annexation, a map depicting the proposed annexation area, a list of all property owners in the territory proposed for annexation including a mailing address for each, a legal description and/or geocode for every parcel within the proposed annexation area, a general description of proposed public improvements, and an application fee.
- C. **Fees.** A fee shall be charged for any petition for annexation. These fees must be paid at the time of petition. The fee schedule shall be established by resolution. No fees shall be charged for any annexation proceeding initiated by the City.
- D. **Municipal Boundaries**
 1. The City of Red Lodge will only approve annexations that are contiguous with the existing City boundaries or within ¼ mile of the existing contiguous boundaries of the City and which are consistent with the Growth Policy and Zoning Regulations.
 2. To maintain efficient provision of city services, Red Lodge will discourage annexations that would result in irregular city boundaries.
 3. **Unincorporated Islands (Wholly Surrounded Lands)**
 - a. The City of Red Lodge should actively pursue annexation of unincorporated islands within its urban growth and Planning Jurisdiction Boundaries.
 - b. To the extent possible, Red Lodge will not allow annexations that create new unincorporated islands or unincorporated areas substantially surrounded by annexed areas.

c. The City of Red Lodge will approve annexations that lessen the size of existing unincorporated islands if it is not feasible to annex the entire island.

4. Annexations will include the largest reasonable area contiguous to city limits that still results in logical city boundaries.

E. Comprehensive Planning and Zoning

1. **Consolidation of Development Applications.** The applicant(s) for annexation may consolidate development applications, such as subdivision, planned unit development, design review, sign permits, conditional use permit(s), and amendment to the Red Lodge Growth Policy, with an application for annexation. Consolidated development applications shall include all application submittal materials required by each development application and shall follow the strictest procedures and noticing requirements of the relevant applications. The total application fee for consolidated development applications shall be the sum of fees for each development application.
2. Lands developed outside of the City Limits in a manner inconsistent with the relevant zoning and / or the Red Lodge Growth Policy shall be required to bring such developments into compliance with Growth Policy Goals and the zoning before annexation may be approved.
3. Land use designations assigned at the time of annexation will be continued on annexed properties for at least one (1) year following annexation.

F. Extension of Services

1. Red Lodge will support extensions of public water and sewer services only to areas annexed into the city. Such services shall not be provided beyond the city limits. This ordinance shall have no impact upon agreements for services beyond the city limits established and filed before the passage of this ordinance.
2. Owners of unincorporated properties must annex to receive City water or sewer service if the properties are contiguous to city limits and are configured in a manner that conforms to annexation policies.
3. Red Lodge will consider the existing boundaries of special purpose districts when reviewing annexation proposals. Affected districts will be notified and provided the opportunity to comment on annexation proposals.
4. Annexation proposals that include property proposed for development that will require connection to City Utilities such as water, wastewater, or stormwater shall include engineering plans for such connection for City approval at the time of annexation petition.

G. Public Hearing

1. The Planning Board and the City Council shall both hold public hearings on the proposed annexation and development. The City Council shall hold final decision making authority on the annexation. All other related permits and approvals shall be determined by the entities that normally have those authorities. All annexation proceedings will be conducted in full accordance with state law and 12-4.9 of the Red Lodge Zoning Regulations
2. **Coordinated Zoning Hearing.** In accordance with MCA § 76-2-303(3), the City may conduct an annexation hearing in conjunction with a hearing on the zoning of the proposed annexation, provided that the proposed municipal zoning regulations for the annexed property are consistent with the Red Lodge Growth Policy.
3. **Coordinated Hearings.** In accordance with MCA § 76-3-601(2)(d), when a proposed subdivision in the County is also proposed for annexation to Red Lodge, the Council, by and through the administrator and the Planning Board, shall coordinate the subdivision review and annexation procedures as well as any other related applications to minimize duplication of hearings, reports, and other requirements whenever possible.

H. Approval

1. The Planning Board shall make a recommendation and the City Council may approve, deny, or approve with conditions any proposed annexation.
2. At the public hearings, the following criteria shall be evaluated by both the Planning Board and the City Council. Conditions of approval may be imposed based on the criteria, the goals stated in 12-6-3, or other circumstances / impacts that warrant mitigation.
 - a. Does the proposal encourage the highest intensity of growth to locate within the City's corporate limits? If the highest intensity of growth is just outside the City, the corporate limits may be expanded to bring that growth within the jurisdiction of the City.
 - b. Does the proposal compliment urban growth within the city limits with appropriate development of land already within the City based on the existing zoning? Proposals that include development of lands on the edges of the City while vacating existing parts of the City should be discouraged.
 - c. Does the proposal ensure that adequate public services, facilities, parks, and publicly owned utilities are available to proposed and existing development with additional required infrastructure installed within a mutually agreed upon time period? Any park lands within the proposed annexation area must be deeded to either the City or the County. Bonds for the satisfactory completion of infrastructure, Special Improvement Districts (SIDs) for the installation or improvement of infrastructure, or waivers of the right to protest SIDs for such

improvements may be required. Such SIDs may not be removed until all associated infrastructure is satisfactorily completed.

- d. Does the proposal encourage land use patterns that will increase the availability of appropriately priced housing for all economic segments of the Red Lodge population?
 - e. Does the proposal help to supply sufficient, safe, suitable housing sites and housing supply to meet projected future housing needs for Red Lodge over the next ten (10) years?
 - f. Does the proposal reduce impacts from flooding; provide efficient storm water management; and ensure the groundwater of Red Lodge is protected and preserved?
 - g. Does the proposal provide for a reasonable balance of required services and new tax revenue to pay for those services? The Planning Board and the City Council shall consider a cost/benefit analysis to ensure that the City is not taking on unfunded liabilities or over-extending its infrastructure. New liabilities and extensions of infrastructure must be accompanied by a reasonable expectation of new revenue to pay for such expenses including not only construction but also ongoing operations and maintenance. Such a cost/benefit analysis should be primarily for the purpose of determining appropriate annexation boundaries and timing, and may analyze several alternatives to provide a range of options.
 - h. Does the proposal place demands upon the City's water supply that cannot be provided? If the proposed annexation creates demands for water that cannot be provided, the petition may be denied. Any water rights associated with any land proposed for annexation that may be potentially suitable for use within the city's public water system shall be transferred to the City as a condition of approval. This determination shall be made by the City Council with advice from the Public Works Director.
 - i. Does the proposal provide development patterns that will encourage efficient multi-modal transportation systems are coordinated with regional, City and County transportation plans?
3. All conditions of approval of the annexation must be met before either a final plat may be filed or a building permit may be issued, unless other timelines are stipulated within the condition of approval.

12-6-5: Public Information

The City of Red Lodge will make available to any interested person annexation information sheets that explain the process and benefits of annexing into the City of Red Lodge.

The following sections of Title 10 of the City Code are hereby modified as indicated below to maintain consistency with the new Title 12, Chapter 6:

10-3-5 Service Application Prerequisites.

An application to establish an account for City water/wastewater service shall be accepted by the utility only for property that:

- A. Is located within the utility's water and/or wastewater service area;
- B. Fronts and abuts a public water line and/or public sanitary sewer;
- C. Has a water/wastewater service line stubbed to the property line of the property to be served;
- D. Has building and yard plumbing meeting the requirements of the latest edition of the uniform plumbing code;
- E. Has filed with the County Clerk and Recorder an annexation agreement if the property to be served is located outside the City limits and has provided evidence of such filing to the utility (Only annexation agreements for the extension of water or sewer established before 2015 apply, In accordance with 12-6-4 (F-1), the city shall not provide additional services beyond the city limits); and
- F. Has paid to the utility all applicable construction fees, impact fees, and permit fees. (Ord. 835, 5-12-1998)

10-14-3 Annexation Requirements.

- A. Annexation Required: As required in 12-6-4(F-1), all properties to be included within the water and/or wastewater service areas shall be annexed.
- B. Petition: A prospective applicant shall first petition the City to annex the property involved prior to submission of a water and/or wastewater service area enlargement application. The City Council shall then consider such petition.
- C. Notice of City Action: The City shall notify, in writing, the prospective applicant of denial of annexation and approval or denial of enlargement of the service area. If approved the applicant shall be notified as to when the requirements set forth in this section have been satisfactorily completed and when said applicant is authorized to proceed with the service area enlargement application. (Ord. 835, 5-12-1998)

10-14-5 Prerequisites to Application.

The following conditions shall be met prior to making application for enlargement of the water and/or wastewater service areas:

- A. The property at the time the application is filed:
 - 1. Shall be contiguous to the boundary of the water and/or wastewater service areas as same exists;
 - 2. Shall entirely fall under the City's Growth Policy.
- B. Applicant shall complete annexation requirements.
- C. Provided, that should a state or federal governmental entity, as a condition of providing funds or grants, require that service be extended to other areas outside the scope of this section, the City Council may, upon receipt of application for waiver and upon a proper showing, waive the requirements of this section.

Information concerning the prerequisite conditions set forth in this section may be obtained from the City Clerk during normal working hours at the City Hall. (Ord. 835, 5-12-1998)

10-14-7 Public Hearing.

At the time of completion of annexation, the annexed territory shall automatically be included in the service area. Public hearings for such annexation shall be held as defined in 12-6-4 (G)

10-15-19 (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 Labrie to approve Ordinance #917, an Ordinance establishing Title 12, Chapter 6 of the Red Lodge City Code 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. On roll call vote all Aldermen present voted “Aye”. Motion carried.

Resolution #3387- Authorization to Submit TSEP Planning Grant Application-

Motion by Labrie, second by Schoenike to approve Resolution #3387, Authorization to submit a TSEP Planning Grant Application. On roll call vote all Aldermen present voted “Aye”. Motion carried.

**Resolution #3387
Authorization to Submit TSEP Planning Grant Application**

WHEREAS, The City of Red Lodge is applying to the Montana Department of Commerce for financial assistance from the Treasure State Endowment Program (TSEP) to prepare a Preliminary Engineering Report for the City of Red Lodge Wastewater Plant, and WHEREAS, the City of Red Lodge has the legal jurisdiction and authority to construct, finance, operate and maintain the City of Red Lodge Wastewater Plant, and WHEREAS, the City of Red Lodge agrees to comply with all State laws and regulations and the requirements described in the TSEP Application and Administration Guidelines for Infrastructure Planning Grants specifically, and those that will be

described in the TSEP Project Administration Manual generally, and WHEREAS, the City of Red Lodge completed and adopted a Capital Improvements Plan, February 2015, and WHEREAS, a Preliminary Engineering Report (PER) for Wastewater is identified as a high priority project for 2015, and WHEREAS, the funding sources for development of the PER identified in the Capital Improvements Plan include a TSEP grant for \$15,000, and WHEREAS, the City of Red Lodge commits to provide the amount of matching funds as proposed in the TSEP application, NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Red Lodge Montana that the Mayor of the City of Red Lodge is authorized to submit this application to the Montana Department of Commerce on behalf of the City of Red Lodge, to act on its behalf and to provide such additional information as may be required. Approved by the City Council of the City of Red Lodge, Montana, this 26th day of May 2015.

City of Red Lodge

By: _____

Ed Williams, Mayor

Attest:

By: _____

Loni Hanson, City Clerk

Foisy said at the last council meeting the approval was given to submit an application for the TSEP Planning Grant and this is the resolution confirming that.

PUBLIC WORKS- Ordinance #916- Clarifying Mechanism for Changing Water/Sewer Rate 2nd Reading/Public Hearing- Mayor Williams opened the public hearing for Ordinance #916, Clarifying Mechanism for Changing Water/Sewer Rate, second 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 second reading.

Other Public Works items- Foisy said they are working on the update of the Parks Board ordinance and Tree Regulations ordinance. He said they will also be bringing to the Council in the near future three MOU’s with the Rotary Club, the Trails Association and Coal Miner’s Park. Foisy said Public Works is still working with Rural Water on the water audit.

CITIZEN REPORT None.

CORRESPONDENCE None.

MISCELLANEOUS Williams said there will be a Meeting with the Mayor this Thursday, May 28th, at the Elks Club at 5:00 p.m.

Mahan said she will be meeting tomorrow afternoon with Bill Rains, Grand Marshal of this year’s 4th of July Parades, to finish up his biographical information.

Schoenike said the DEQ’s Abandoned Mine Lands Program will be having an informal meeting tomorrow night at 7:00 p.m., at the Historical Society regarding the mines subsidence investigation they did the last couple of years.

Foisy said the City received a new plaque for the “Annual Growth Award” from Tree City USA from the Department of Natural Resources and it will be hanging up in the Council Chambers.

Williams said at the next Council Meeting on June 9, the City will be presenting two Red Lodge High School students with scholarships from Republic Services.

Meeting adjourned at 7:25 p.m.

Mayor

ATTEST:

City Clerk

