

May 27, 2014

The Red Lodge City Council met in regular session on May 27, 2014 at 7:00 p.m. The meeting was called to order by Mayor Williams followed by the Pledge of Allegiance to the Flag.

**ROLL CALL OF OFFICERS** Present: Mayor Williams, Aldermen Foisy, Mahan, Larson, Labrie, Schoenike and Brown.  
Absent: None.

**DEPARTMENT HEAD ATTENDANCE** Community Development Director – Forrest Sanderson, City Clerk – Debbie Tomicich, Public Works Director – Jim Bushnell and Police Chief – Scott Cope.

**MINUTES OF SPECIAL MEETING OF MAY 8** Motion by Mahan, second by Labrie to approve the minutes of the special meeting held May 8 as submitted. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**MINUTES OF MAY 13** Motion by Mahan, second by Larson to approve the minutes of May 13 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** Nate Winning told the Council that it is again time for the annual Rock Creek Slalom Kayak Race to be held June 7, 2014. He said the race will start at the Red Box Car and will end at some point along Rotary Park. He said it is hoped that the water levels will come down a bit as the creek is high at this time. Winning said the possibility is there to perhaps have to postpone the race to a later date when it would be safer. He asked the Council if this would be a problem and was told by the Council that this would be acceptable with them.

Winning was told that he needs to make sure the trees are protected when the gates are tied off. He said he would be sure they are but asked if the gates could be left for a little while after the race was completed. He said it is felt that people would use the course if this were a possibility. The Council said it would be alright to leave the gates for a while. Winning said that everyone would be very careful and respectful and he thanked the Council for allowing the race to be held. Everyone said they are looking forward to it again this year.

**SPECIAL COMMITTEES** – Mayor Williams said he would start the section regarding Special Committees by discussing the appointment of the next Police Chief. He said that over 60 applications were received for this position. According to Prothman, the company employed to help the City find a new chief; this was an extremely high number of applicants. Mayor Williams said he attributed this to Red Lodge being such a fine place to live. Four finalists were interviewed last week and each of them had outstanding credentials. The participation of the community was outstanding. Mayor Williams said he would like to offer the position to Steve Hibler who currently resides in Indiana. Mayor Williams said this is subject to being able to negotiate an employment contract with Mr. Hibler. The other requirements will be to pass a satisfactory physical, a psychological evaluation and any other items needed to meet the POST requirements in Montana. Mr. Hibler was employed by the Indiana State Police for 30 years. His last position was as the Assistant District Commander. He is also a Lieutenant Colonel in the Indiana Army National Guard since 1982. He has had deployments both in Bosnia and Iraq. He will come to Red Lodge with an enthusiasm to be part of the community. Mayor Williams told the Council that he is requesting their confirmation of this appointment subject to the conditions mentioned.

Motion by Mahan, second by Schoenike to approve the Mayor’s appointment of Steve Hibler as the new Police Chief subject to the mentioned conditions. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**1. Report from Various Committees** Alderman Foisy reported on the happenings of the Parks Board. The

Parks Board in receipt of a draft Comprehensive Parks Plan from the contractor. It will be reviewed by the Parks Board at their June 18<sup>th</sup> meeting and a public hearing will then be held after the June 18<sup>th</sup> or July 16<sup>th</sup> Board meeting.

The Parks Board is working to obligate budgeted funds before the end of the fiscal year for woodchips, the repair of the sidewalk at Pride Park, refurbishing of trash cans for parks, tree guards, weed control/coordination with Fire Department and the County and the Field School wall repair. The Board and the Public Works Director will work towards the possibility of doing contract repairs to Moose Trails Park due to a work backlog.

The tree planting program for this summer under the Urban Forestry Grant is gearing up to include trees on 9<sup>th</sup> Street by the funeral home and residential/commercial cost share program for 25 plus trees.

Foisy attended the Beartooth Resource and Development Council meeting in Columbus on May 15, 2014. The Council approved a project proposal for assisting Red Lodge Area Community Foundation with a Big Sky Trust Fund planning grant application for Old Roosevelt School Feasibility Study.

There is a new revolving loan for Wildflower Gardens, a community events center north of Red Lodge.

There is a USDA proposal for a marketing plan submitted for Rocky Fork Food Hub in Red Lodge to assist in marketing to new crop producers and consumers of local products.

A first time homebuyer's education class will be held in Red Lodge on Saturday, June 7<sup>th</sup> from 9:00 am to 5:00 pm.

Foisy said an agreement has been executed among the City, Beartooth Recreational Trails Association and the Yellowstone Wildlife Sanctuary for construction of a trail on YWS deeded property.

The annual electronic recycling event will be held June 7 at First Interstate Bank from 10:00 am to 3:00 pm. The City and Republic Services are among the sponsors of this event.

Mahan said the Communication Committee has not had much to do as the Mayor is doing such a good job at communicating. She said the website is doing a good job of also communicating due to Schoenike.

Mahan reported that between the Elks Club, VFW, the American Legion and the Yellow Ribbon Community Committee there are many good things being done for the veterans in our area. She said the last weekend of June there will be an ice cream social held to help raise money.

Mahan said the Chamber of Commerce is now on summer hours which means they are open seven days a week. They will be selling rodeo tickets again this year.

Larson said the Proud and Beautiful Committee which is responsible for the flower baskets on Broadway held their street cleaning campaign last week. Larson said that First Interstate Bank stepped in as there was another engagement held the same day the street cleaning was done. Everything was accomplished and the streets looked good.

Schoenike said the Planning Board is continuing to do an amazing amount of work on the Zoning Regulations. It is hoped to hold the public hearing on July 9, 2014 for this project.

Schoenike said the Economic Development Corporation held a brief meeting and they are continuing to work towards getting a Bring Your Business to Red Lodge packet put together and put it on the Chamber of Commerce website.

Schoenike said that Larson is on quite a few committees so he is going off the TBID Committee and the Library Committee and that Alderman Brown will be replacing him on these two committees.

Brown told the Council that the Ambulance Board passed the Interlocal Agreement and that now everyone interested has passed the agreement.

**2. Cemetery Board Appointments – Mayor and Council** Motion by Schoenike, second by Brown to approve the appointment of Dan Gainer and Maryvette Labrie as the Council representatives to the new Cemetery Board. On roll call vote all Aldermen present voted “Aye.” Motion carried.

These appointments are being made to fill the roster of the newly formed Cemetery Board. This Board will oversee and give recommendations to the Council regarding how to best improve the cemetery and for other policy issues.

Mayor Williams said he is entitled to make three appointments to the Cemetery Board and his appointments will be Polly Richter, Jim Hilderman and Burt Douthit. This makeup of people will give the City a very good Cemetery Board.

**STANDING COMMITTEES – ADMINISTRATION – Ordinance No. 903A – Revised Parking – 1<sup>st</sup> Reading/Public Hearing  
Ordinance No. 903A**

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

Mayor Williams opened the public hearing. He said this ordinance amendment is being done to define the areas where the parking ordinance is effective. Mayor Williams closed the public hearing.

Motion by Larson, second by Labrie to approve Ordinance No. 903A, parking ordinance for the City of Red Lodge on first reading. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Labrie said that Ordinance No. 903 was recently passed but it was noted that some changes would need to be made. The previous ordinance ran from 8<sup>th</sup> Street to 15<sup>th</sup> Street along Broadway including the intersecting streets. The revision changes are being made to be from 8<sup>th</sup> Street to the north side of 14<sup>th</sup> Street with the hours of parking in this area to be four hours rather than two hours between the hours of 8:00 am to 5:00 pm. Also in Section F the addition was made to read “no vehicle shall be parked continuously at any one place for a longer period of time than five (5) days.” This makes the ordinance run current with state law.

**Ordinance No. 907 – Revised Business Registration – 1<sup>st</sup> Reading/Public Hearing**

**ORDINANCE NO. 907**

**GENERAL BUSINESS REGISTRATION CERTIFICATE**

Motion by Labrie, second by Brown to approve Ordinance No. 907, General Business Registration Certificate Title 3, on first reading. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Mayor Williams opened the public hearing. No one spoke about this ordinance. Mayor Williams closed the public hearing.

Amendment to motion by Labrie, second by Schoenike to Section 3-1-8 and remove the words “structure, stand, tent, vehicle, booth” from line four of this section. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Labrie said that previously there was not a definite description of what a temporary vendor was or how to register them. This has been added to the ordinance to make it easier for everyone to understand.

**Resolution No. 3370 – Business Registration Fees**

**RESOLUTION NO. 3370**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RED LODGE  
SETTING BUSINESS REGISTRATION FEES**

**WHEREAS**, the City Council of the City of Red Lodge duly adopted Ordinance #901 on December 10, 2013, creating a new class of businesses located and/or operating inside the City limits for less than 90 consecutive days (Temporary Vendors); and,

**WHEREAS**, Ordinance #878 requires all businesses located and/or operating within the City to obtain a valid City Business Registration Certificate and pay a business registration fee; and,

**WHEREAS**, Ordinance #878 states that the City Council shall by resolution set the fee schedule for business registration, transfer of business registration, appropriate inspections and related matters to be applied to all businesses that the City registers.

**NOW THERE BE IT RESOLVED** that the City Council of the City of Red Lodge establishes the following rates for services relating to business registration.

**Business Registration Fee Schedule**

General Registration:	\$ 50
Beer/Wine Registration:	\$150
Liquor Registration:	\$250
Transfer Fee:	\$ 20
Temporary Vendor:	\$125

All fees are non-refundable.

These rates to become effective on passage.

Motion by Labrie, second by Larson to approve Resolution No. 3370, a resolution setting the business registration fees. On roll call vote all Aldermen present voted "Aye." Motion carried.

Labrie said this resolution added the fee for the temporary vendors of \$125 which covers the cost of the impacts to City staff.

**Use of City Owned Land – G-Dawgs** Cara Kistard said she is representing Gary Kistard and is reapplying to use the corner by Pride Park to continue the hot dog business. They would like to continue serving the public.

Motion by Foisy, second by Labrie to approve the use of City owned land by G-Dawgs for the northwest corner of 12<sup>th</sup> Street and Broadway and the northeast corner of 13<sup>th</sup> Street and Broadway for the dates May 24, 2014 to May 31, 2015. On roll call vote all Aldermen present voted "No." Motion failed.

Chief Cope told the Council that multiple complaints have been received throughout time regarding the cars that are parked in this area to assure the hotdog cart will have plenty of room. The Chief commented that on the corner of 13<sup>th</sup> Street and Broadway this is an area next to a bar where the police would like people to disperse and not congregate.

Foisy said there were also letters received from adjacent merchants complaining about the excessive use of parking. They felt there were issues of equity with this allowance. It was stated that Pride Park also had litter from this use.

The Council all stated that they love the hotdog stand and hope that Kisthards can find private land to put their cart as they want to see his business remain.

Schoenike and Brown both felt the equity of the charges for the use of the two areas is greatly understated from what the costs really are which is \$100 per day. Again, they both like having the cart and hope that private land can be found.

**Use of City Owned Land – Cruisen Red Lodge** Motion by Labrie, second by Brown to approve use of City owned land for Cruisen Red Lodge downtown at Pride Park on July 26, 2014 starting at 7:00 a.m. to 5:00 p.m. and the southeast corner of Airport property on July 27, 2014 from 8:00 a.m. to 1:00 p.m. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Discussion was held on the downtown parking for the event. The street closure will have no vehicles parked inside the closure. Again the Council is in favor of the event and wish the coordinators luck.

**EMERGENCY SERVICES – Ordinance No. 904 – Animal Control – 2<sup>nd</sup> Reading/Public Hearing**

**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 but no one spoke to the issue so he closed the public hearing.

Motion by Larson, second by Labrie to approve Ordinance No. 904 which is animal control on second reading. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**Resolution No. 3367 – Animal Control Fees and Fines**

**RESOLUTION NO. 3367**

**A RESOLUTION OF THE RED LODGE CITY COUNCIL TO SET FEES FOR REGISTRATION OF ANIMALS AND PENALTY FINES FOR VIOLATION OF PROVISIONS CONTAINED IN TITLE 5, CHAPTER 5 ANIMAL CONTROL OF THE RED LODGE CITY CODE.**

Motion by Mahan, second by Labrie to approve Resolution No. 3367 regarding the fees and fines for Ordinance No. 904. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**Use Agreement – Police Range – Carbon County Sheriff** Motion by Brown, second by Schoenike to accept the Memorandum of Agreement between the Carbon County Sheriff and the City of Red Lodge. On roll call vote all Aldermen present voted “Aye.” Motion carried.

This agreement is for the use of the shooting range which is located by the sewer lagoons and is used by law enforcement personnel with the County also using it. The City’s insurance company recommended having a use agreement in place for when the County officers use the range. The County then acknowledges that only their sworn officers will be on site using the range.

**LAND USE AND PLANNING** Schoenike reminded all that the Planning Board meeting will be held May 28, 2014 at 5:30 p.m. here at City Hall.

**PUBLIC WORKS** Foisy said the kickoff for the CIP will be on June 3, 2014 with the department heads. After this is done the City will have to conduct a focus group to be held with the public to get their input on the CIP. Foisy said that the City will need to be cognizant of doing the water and sewer rate study at this same time to couple the two tasks.

Foisy said the pool should be opening around June 10. He said there is a need for more lifeguards. There are a number of spots still open for the pool.

The Impact Fee Analysis needs to be discussed during the budgeting process.

Foisy said an evaluation needs to be done by the Parks Board regarding the Dog Park as it has been opened about a year now.

NorthWestern Energy will be in Red Lodge working on a new line and laterals in the alley between 5<sup>th</sup> and 9th Streets and on 9<sup>th</sup> Street in the alley back to Hauser. Foisy said this work plan will be distributed through the media the City uses. Bushnell said there will be very little disturbance to anyone while this work is being done.

**CITIZEN REPORT** Colleen Stevenson introduced her mother, Jalaine Kelley, as being a returning resident to Red Lodge.

**CORRESPONDENCE** None

**MISCELLANEOUS** Mahan told the Council that an open house will be held Wednesday, May 28, 2014 from 4:00 pm to 6:00 pm for Donna Madson. Donna is leaving the employ of the museum and is going to a new job in Bozeman.

Mahan said a benefit is being held for Rachel Lauf who has been accepted to the Jaffrey School and she needs all the financial help she can get. The benefit will be held on Friday, May 30, 2014 at 6:00 pm at the Elks Club.

Labrie said she will be absent from June 2, 2014 to June 9, 2014. Motion by Schoenike, second by Mahan to approve this leave. On voice vote all Aldermen present voted "Aye." Motion carried.

There will be a meeting of the Administration Committee on Thursday, May 29, 2014 at 9:00 a.m. to start discussion on the budget. Then on June 12, 2014 there will be another budget session at 8:30 a.m.

Mahan reminded all of Founders Day on June 7, 2014 being held at the Elks Club. There will be food and entertainment and everyone is invited to attend. The Elks Lodge is 114 years old and the Elks Club building is 100 years old. This event will start at noon and continue on.

Schoenike thanked the Council for all the hard work they have done this first five months of 2014. He said that so much has been accomplished and everyone is doing a fine job. He also told everyone that they might want to slow down just a little and enjoy the summer months.

Meeting adjourned at 8:10 p.m.

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Mayor

ATTEST:

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City Clerk