

November 10, 2014

The Red Lodge City Council met in regular session on November 10, 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 Larson, Labrie, Schoenike and Brown. Absent: Aldermen Foisy and Mahan.

DEPARTMENT HEAD ATTENDANCE: City Clerk – Loni Hanson

MINUTES OF OCTOBER 28 Motion by Labrie, second by Schoenike to approve the minutes of October 28, 2014 as submitted. On roll call vote all Aldermen present voted “Aye.” Motion carried.

CLAIMS AGAINST THE CITY Motion by Labrie, second by Brown that claims against the City totaling \$166,809.43, 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 that we paid Bobcat of Big Sky \$44,984.00 for the new bobcat to be used on the sidewalks down Broadway. Labrie noted the City received \$20,000 from the State for this purchase. \$16,974.45 was paid to Western Emulsions for the work done on Airport Road. Quality Code was paid \$6,843.27 for part of the code codifications.

OFFICER REPORTS Williams said they are waiting on the final numbers for the Resort Tax. He said it looks like it will be about equal to last year’s numbers.

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

STANDING COMMITTEES – ADMINISTRATION- Capital Improvements Plan Williams said the Plan is being finalized and should be done in the next couple of weeks.

Ordinance #912, Code Codification, Red Lodge Municipal Code, 1st Reading/Public Hearing. Williams opened the public hearing for Ordinance #912, Code Codification, Red Lodge Municipal Code. No one spoke. Williams closed the public hearing.

Motion by Labrie, second by Larson to approve Ordinance #912, Code Codification, Red Lodge Municipal Code on 1st reading. On roll call vote all Aldermen present voted “Aye.” Motion carried.

ORDINANCE NO. 912

STANDARD CODE ADOPTION ORDINANCE

AN ORDINANCE OF THE CITY OF RED LODGE, MONTANA, ADOPTING THE RED LODGE MUNICIPAL CODE.

WHEREAS, the Quality Code Publishing, Seattle, Washington, has compiled, edited and published a codification of the permanent and general ordinances of the City of Red Lodge, Montana; AND

WHEREAS, there are now on file in the office of city clerk, for public inspection, three copies of a document entitled "Red Lodge Municipal Code";

NOW THEREFORE, Be it Ordained By The City Council Members of the City of Red Lodge.

Section 1. Adoption. The "Red Lodge Municipal Code," as compiled, edited and published by Quality Code Publishing, Seattle, Washington, is hereby adopted.

Section 2. Title—Citation—Reference. This code shall be known as the "Red Lodge Municipal Code" and it shall be sufficient to refer to said code as the "Municipal Code" in any prosecution for the violation of any provision of this code or in any proceeding at law or equity. It is sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion of this code as an addition to, amendment to, correction or repeal of the "Red Lodge Municipal Code." References may be made to the titles, chapters, sections and subsections of the "Red Lodge Municipal Code" and such references shall apply to those titles, chapters, sections or subsections as they appear in the code.

Section 3. Reference applies to all amendments. Whenever a reference is made to this code as the "Red Lodge Municipal Code" or to any portion thereof, or to any ordinance of the city of Red Lodge, Montana codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

Section 4. Title chapter and section headings. Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section in this code.

Section 5. Reference to specific ordinances. The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included with the code, but such reference shall be construed to apply to the corresponding provisions contained within this code.

Section 6. Ordinances passed prior to adoption of the code. The last ordinance included in this code was Ordinance #908 passed August 26, 2014. The following ordinances, passed subsequent to Ordinance #908, but prior to adoption of this code, are adopted and made a part of this code: Ordinances #909 and #910.

Section 7. Effect of code on past actions and obligations. The adoption of this code does not affect prosecutions for ordinance violations committed prior to the effective date of this code, does not waive any fee or penalty due and unpaid on the effective date of this code, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance.

Section 8. Constitutionality. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

Section 9. References to prior code. References in city forms, documents and regulations to the chapters and sections of the former city code shall be construed to apply to the corresponding provisions contained within this code.

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

First Reading by the Council on the ___ day of _____ 2014.

Second Reading by the Council on the ____ day of _____ 2014.
PASSED and APPROVED by a majority of the elected members of the Red Lodge City Council this ____ day of _____ 2014.

The City of Red Lodge

By: _____
Ed Williams, Mayor

Attest: _____
Loni Hanson, City Clerk

Williams said there is a new Red Lodge Municipal Code book available to look at and it will be put onto the City's website.

Emergency Services- Ordinance #911, Overnight Camping Restrictions, 1st Reading/Public Hearing. Williams opened the public hearing for Ordinance #911, Overnight Camping Restrictions. No one spoke. Williams closed the public hearing.

Motion by Larson, second by Brown to approve Ordinance #911, Overnight Camping Restrictions on 1st reading. On roll call vote all Aldermen present voted "Aye." Motion carried.

ORDINANCE # 911

AN ORDINANCE TO CLARIFY AND REVISE THE RED LODGE STOPPING, PARKING AND USE OF CITY OWNED LANDS INCLUDING DEDICATED PARKS AND RIGHTS-OF-WAY FOR OVERNIGHT CAMPING. TITLE 4, Chapter 1 Section 9 OF THE RED LODGE MUNICIPAL CODE.

WHEREAS: The City Council of the City of Red Lodge, Montana has determined the need to clarify the limitations on overnight camping and parking within the City Limits; and

WHEREAS: The City Council has determined that a significant amount of confusion exists within the City as to where or if overnight camping in tents, recreational vehicles or otherwise is allowed within the City of Red Lodge; and

WHEREAS: The City Council is aware that allowing City owned land to be used for overnight camping must be competitively priced with for profit enterprises providing similar services; and

WHEREAS: The City Council recognizes the delicate balance that must be maintained in a resort community between the protection of residential properties and reasonable expectations to use privately owned property.

Now therefore:

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

Overnight Camping:

1. No person shall camp in, or occupy as a temporary sleeping area, any vehicle or temporary structure including but not limited to tents, vans, pick-up campers, travel trailers, fifth wheels or motorhomes on any city owned property, including but not limited to streets, avenues and alleys, dedicated parks, improved or unimproved lots owned by the city, or city facility parking lots, at any time.
2. No person shall camp in, or occupy as a temporary sleeping area, any vehicle or temporary structure, including but not limited to tents, vans, pick-up campers, travel trailers, fifth wheels or motorhomes for more than 14 consecutive days on any privately owned property that is subject to design review for structures. The Red Lodge Police Department will issue permits for such camping or occupation at no charge.
3. The City Council may waive this requirement for organizations with specific pre-planned events. The Council may also set costs for considering the waiver and use of City Owned Land at a level the Council considers appropriate and market comparable.
4. Penalties for non-compliance:
 - a. First Offense: \$50.00**
 - b. Second Offense: \$250.00** plus towing expenses
 - c. Third Offense: \$500.00** plus towing expenses
 - d. Subsequent Offense: \$500.00** plus towing expenses and up to 30-days in jail.

** Each day shall be considered to be a separate and distinct violation.

5. Enforcement of this section is the responsibility of the Red Lodge Police Department.

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 _____ 2014.

Second Reading by the Council on the ____ day of _____ 2014

PASSED and APPROVED by a majority of the elected members of the Red Lodge City Council this _____ day of _____ 2014.

The City of Red Lodge

By: _____
Ed Williams, Mayor

Attest: _____
Loni Hanson, City Clerk

Labrie said she liked the change that was made to number two, where the actual zones were removed and “subject to design review for structures” was added. Williams said he was confident this will give our Police Department the ability to enforce when needed.

Land Use and Planning Schoenike said the Planning Board is working on the Annexation policy and the updates to the Growth Policy. They are waiting on recommendations from the Parks Board on the dedications of Lions Club Park and Coal Miners Park. At the next council meeting they will move forward on the dedications of the Skate Park and the City Pool.

Public Works Schoenike said the committee discussed water billing policies and practices and will be looking into the code book to see where adjustments can be made.

CITIZEN REPORT None

CORRESPONDENCE Nothing other than what was included in the Council packets.

MISCELLANEOUS Williams said they are working on a resolution to the Mollring litigation. He said he had met with the County regarding the possibility of merging our City Court with the Justice Court. At the next meeting we should have an ordinance and a interlocal agreement with the County to present to the Council.

Schoenike said they are working on updating the City’s computer support program. We will have one unified comprehensive program that will include the city office, planning, police and public works.

Meeting adjourned at 7:18.

Mayor

ATTEST:

City Clerk

