

November 25, 2014

The Red Lodge City Council met in regular session on November 25, 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

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

MINUTES OF NOVEMBER 10 Motion by Brown, second by Labrie to approve the minutes of November 10, 2014 as submitted. On roll call vote those in favor: Aldermen Larson, Labrie, Schoenike, and Brown. Abstained Aldermen Foisy and Mahan.

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

SPECIAL COMMITTEES Foisy noted he and the Mayor are on the A team to review the proposals for the Old Roosevelt School Reuse Strategy and Action Plan coordinated by the Red Lodge Area Community Foundation using a Big Sky Economic Development Trust Fund Grant.

Foisy said REWIND (Recycle Electronic Waste Into New Devices), coordinator of the annual electronic recycling, met with Beartooth Industries to determine the feasibility of storing electronic waste between annual events. REWIND would be responsible for providing a secure storage shed. Labrie thought it was an excellent idea. Schoenike thought it was a great idea, but wanted to make sure the holding bin is appropriate for containing any leakage that may occur from the electronics.

Foisy said he passed on information on the Montana Main Street Program to the Red Lodge Merchants and Lodging Association.

Larson said the Rural Fire Oversight Committee met on November 19th. He said he sent out the reports for the EMS and Fire calls. He said they are going to move forward on creating their own personnel policy.

Labrie said the Cemetery Board members, Dan Gainer and Jim Hildermen, met with Jeff Hunter to look at the Mausoleum and the repairs that need to be done and should have a bid from him this winter. The committee looked into a resolution and made some changes to the pricing structure. They passed a motion to pass it onto the Public Works committee.

Brown said the Library Board met on November 4th. They are almost finished with their community survey and should have it out to the public soon. They are also working with a couple of potential facilitators to do a strategic planning session. They are still in discussion on starting an endowment with either the local community foundation or through the statewide library foundation.

Brown said the TBID meeting for November was cancelled and their next meeting will be December 12.

Schoenike said the Economic Development Cooperation still has not met since June and he is not sure of the continuing status of the EDC.

Mahan said the Weamers are working out excellently at the Chamber. Sherry has been designated as the Executive Director and Tim has been designated to be in charge of marketing. They met today about the Friends of the Beartooth All American Road Board duties being transferred to the Red Lodge Chamber. Neither Cooke City nor Cody wanted it.

Williams stated something needs to be done at the Recycling Center about the heating. He said there is no insulation in the building and what heating is in there, does not do a good job.

Bushnell said he was going to get some bids on insulating the building.

STANDING COMMITTEES Administration December 23 Council Meeting Motion by Labrie, Second by Schoenike to cancel the December 23 Council Meeting. On roll call vote all Aldermen present voted “Aye.”

Williams said this has been traditionally done for the meeting before Christmas.

Ordinance #912, Code Codification, Red Lodge Municipal Code 2nd Reading/Public Hearing Mayor Williams opened the public hearing for Ordinance #912, Code Codification, Red Lodge Municipal Code on 2nd Reading. No one spoke. Mayor Williams closed the public hearing.

Motion by Labrie, Second by Larson to approve Ordinance #912, An ordinance of the City of Red Lodge, Montana, adopting the Red Lodge Municipal Code. On roll call vote all Aldermen present voted “Aye.”

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

Schoenike said there is a copy of the Code book for the Council located in the Council Chambers. Labrie highly recommends reading through it.

Use of City owned Land- Cycle Greater Yellowstone- Field School and Lions Club Parks Motion by Labrie, Second by Larson to approve the use of City owned land for Cycle Greater Yellowstone on August 15 through August 18 and August 22 in Field School Park and Lions Club Park with the following conditions:

1. They are to notify adjacent property owners via certified mail.
2. They are responsible for any damages done to the facilities.
3. They are to provide insurance approximately a month before the date of the event.
4. They are to pay the appropriate fees that are required.

On roll call vote all Aldermen present voted "Aye."

Mahan was concerned about parking the bicycles on the tennis court, but was confident that if something was damaged, it would be taken care of. Labrie said they did discuss the issue during the committee meeting and she feels comfortable with them using the tennis court.

Jennifer Drinkwalter with Cycle Greater Yellowstone said they will be using two out of the three tennis courts. She said registration will be on the evening of the 14th, and there will be some infrastructure on site, but will not be setting anything up until the 15th.

Brown said she is very supportive of the event.

Ordinance #913, Carbon County Justice of the Peace to act as City Judge, 1st Reading/Public Hearing Mayor Williams opened the public hearing on Ordinance #913, Carbon County Justice of the Peace to act as City Judge on 1st reading. No one spoke. Mayor Williams closed the public hearing.

Motion by Labrie, Second by Larson to approve Ordinance #913, an ordinance of the City of Red Lodge designating the Justice of the Peace of Carbon County to act as the Red Lodge City Judge, fixing funding for such judge, and providing for an agreement for the payment of costs, salaries and training expenses. On roll call vote all Aldermen present voted “Aye.”

ORDINANCE NO. 913

AN ORDINANCE OF THE CITY OF RED LODGE DESIGNATING THE JUSTICE OF THE PEACE OF CARBON COUNTY TO ACT AS THE RED LODGE CITY JUDGE, FIXING FUNDING FOR SUCH JUDGE, AND PROVIDING FOR AN AGREEMENT FOR THE PAYMENT OF COSTS, SALARIES AND TRAINING EXPENSES.

WHEREAS, pursuant to Article IV of the City of Red Lodge’s Charter, the City is required to provide a City Court and a City Judge; and

WHEREAS, Montana law, specifically §3-11-205(1), MCA, provides cities and towns the authority to designate the county justice of the peace to act as the city judge if the appointed justice of the peace resides within the county where the city is situated; and

WHEREAS, §3-11-205(1), MCA, further authorizes cities and towns to enter into agreements with counties for the provision of such services; and

WHEREAS, nothing in the City’s Charter or Montana law prohibits a city or town from authorizing and designating the local justice court as the official “City Court” as mandated by the City’s Charter; and

WHEREAS, based on the City’s Charter and Montana law, the City Council has determined it desires to designate the Justice of the Peace of Carbon County to act as the City Judge of the City Court of the City of Red Lodge, and to further designate the Justice Court for Carbon County to act as the City’s “City Court” as required by Article IV of the Charter of the City of Red Lodge, Carbon County, Montana, and to fix funding for such Judge, and enter into an agreement with the Judge and Carbon County for the payment of costs, salaries and training of the Judge and his/her staff.

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

Section 1: The Justice of the Peace of Carbon County is hereby designated to act as the City Judge of the City Court of the City of Red Lodge.

Section 2: The Justice Court for Carbon County is hereby designated as the “City Court” pursuant to Article IV of the Charter of the City of Red Lodge.

Section 3: The Mayor of the City of Red Lodge is hereby authorized to negotiate an agreement with Carbon County and the Carbon County Justice of the Peace on behalf of the City to provide for the payment of costs, salaries, training and other expenses pursuant to §3-11-205(1), MCA.

Section 4: That the negotiated agreement providing for the costs, salaries and training expenses to be paid by the City of Red Lodge to Carbon County for the Judge's services and the services of his/her staff are set forth in the agreement with Carbon County designated Exhibit "A" and attached hereto and by this reference made a part of this Ordinance hereof.

Section 5: That the costs, salaries and training expenses contained in Exhibit A shall be paid out of the existing Red Lodge City Court budget.

Be it Ordained by the Council Members of the City of Red Lodge.

First Reading by the Council on ____ day of _____, 20____.

Second Reading by the Council on ____ day of _____, 20____.

City of Red Lodge
Ed Williams, Mayor

Loni Hanson, City Clerk

Mahan thought it was a great idea. Labrie thanked the Mayor for all of the hard work he did on getting this done.

Williams said anytime we can merge government together, where we get efficiencies and cut costs for the tax payers, it needs to be looked at. He felt this was one of those instances. The County commissioners and Judge Nichols were all in favor of the merging.

Interlocal Agreement-Carbon County-City Court Motion by Labrie, Second by Mahan to approve the Interlocal Agreement between Carbon County and the Red Lodge City Court to appoint Kevin Nichols as the duly elected Carbon County Justice of the Peace as the City's judge. On roll call vote all Aldermen present voted "Aye."

Labrie said this agreement is Exhibit A of Ordinance #913.

Williams said the Carbon County commissioners and their legal counsel reviewed this, as did the City's legal counsel. The Carbon County commission approved this on Monday, November 24. Foisy asked when this would take effect. Williams said with the first reading of the ordinance tonight, the second reading will be on December 9th and will take effect on January 9th. As a result, there will be eight days where there will be no court and no hearings are scheduled for those days. If there is a need for a judge in those eight days, Judge Nichols will be our judge.

Emergency Services- Ordinance #911, Overnight Camping Restrictions, 2nd Reading/Public Hearing. Mayor Williams opened the public hearing on Ordinance #911, Overnight Camping Restrictions on 2nd reading. No one spoke. Mayor Williams closed the public hearing.

Motion by Larson, Second by Mahan to approve 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 on 2nd reading. On roll call vote all Aldermen present voted "Aye."

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

Other Emergency Services items Larson said the Emergency Services committee met and discussed with the Mayor about having a police report each month. He said the ladder truck is up for bid and have not received any yet. Tom Kuntz explained the fire ordinance and will bring more information next time.

Land Use and Planning Ordinance #914, adopting the most recent building codes adopted by the State of Montana Williams changed this agenda item from action to discussion.

Schoenike said he met with Tim Swansborough, the City's Building Inspector, who had some concerns on what was being proposed. Schoenike wanted to make sure we are getting the right administrative rules that we want in section 911. In section 915, we do need to have a Board of Appeals. We need to better define the make-up, terms and appointment of the members of the Board of Appeals. Schoenike said Tim had concerns about adopting the National Electrical Code, as we do not have anyone certified to inspect and/or enforce that code. Tim was unsure if it should be included at all in our ordinance. Schoenike said these updates will help the City to get back in a better position with our Building Code Effectiveness Grade Schedule Classification, otherwise known as our ISO rating.

Resolution #3378, Dedication of the Skate Park as an official City Park Motion by Schoenike, Second by Mahan to approve Resolution #3378, a resolution of the Red Lodge City Council to dedicate the Skate Park as an official City park. On roll call vote all Aldermen present voted “Aye.”

RESOLUTION NO. 3378

A RESOLUTION OF THE RED LODGE CITY COUNCIL TO DEDICATE THE SKATE PARK AS AN OFFICIAL CITY PARK

WHEREAS, the Skate Park at the corner of 10th Street and Villard Avenue has been established for many years, AND

WHEREAS, the facility has been well used for the past several years, AND

WHEREAS, the Red Lodge Parks Board recommended as part of its 2014 Comprehensive Parks Plan that the skate park be formally dedicated as an official city park, AND

WHEREAS, there appears to be substantial interest in the continued existence and significant improvement of a skate park in the City of Red Lodge,

NOW, THEREFORE, BE IT RESOLVED that the Skate Park at the corner of 10th Street and Villard Avenue on the lot with legal description S27, T07 S, R20 E, LT H3 COS 1396 AM and Geocode 10-0356-27-4-42-01-0000 be dedicated as an official City Park.

PASSED AND APPROVED BY A MAJORITY OF THE RED LODGE CITY COUNCIL ON THIS THE 25th DAY OF NOVEMBER 2014.

City of Red Lodge

Ed Williams, Mayor

ATTEST:

Loni Hanson, City Clerk

Schoenike said the Land Use and Planning Committee said it made sense to move forward with the dedication of this park right away based on the recommendation from the Parks Board in their Comprehensive Parks Plan. They felt there were very few concerns that needed to be addressed before this park was dedicated.

Resolution #3379, Dedication of the City Pool as an official City Park Motion by Schoenike, Second by Mahan to approve Resolution #3379, a resolution of the Red Lodge City Council to dedicate the City Pool as an official City park. On roll call vote all Aldermen present voted “Aye.”

RESOLUTION NO. 3379

A RESOLUTION OF THE RED LODGE CITY COUNCIL TO DEDICATE THE CITY POOL AS AN OFFICIAL CITY PARK

WHEREAS, the City Pool at the corner of 14th Street and Oakes Avenue has been established for many years, AND

WHEREAS, the facility has been well used for the past several years, AND

WHEREAS, the Red Lodge Parks Board recommended as part of its 2014 Comprehensive Parks Plan that the City Pool be formally dedicated as an official city park, AND

WHEREAS, there appears to be substantial interest in the continued existence and significant improvement of a City Pool in the City of Red Lodge,

NOW, THEREFORE, BE IT RESOLVED that the City Pool at the corner of 14th Street and Oakes Avenue on the lot with legal description RED LODGE ORIGINAL TOWNSITE, S27, T07 S, R20 E, RLOP LTS 1-6 BLK 6 and Geocode 10-0356-27-4-06-04-0000 be dedicated as an official City Park.

PASSED AND APPROVED BY A MAJORITY OF THE RED LODGE CITY COUNCIL ON THIS THE 25th DAY OF NOVEMBER 2014.

City of Red Lodge

Ed Williams, Mayor

ATTEST:

Loni Hanson, City Clerk

Schoenike said the Land Use and Planning Committee said it also made sense to move forward with the dedication of this park right away based on the recommendation from the Parks Board in their Comprehensive Parks Plan. They felt there were very few concerns that needed to be addressed before this park was dedicated.

Foisy said if the pool moves, it will still be dedicated park land. Schoenike said if future City Councils want to sell the land, they have that option, but any proceeds will have to be used to purchase other park land.

Park Dedication, Lions, Swimming Hole, and Coal Miners Schoenike said the Comprehensive Parks Plan speaks of trying to expand the dedication of Lions Club Park and dedicating the Swimming Hole near the 8th street bridge abutment, as well as dedicating Coal Miners Park. There are more complex issues that deal with these park dedications.

Dan Seiffert, Parks Board Chairman, said Lions Club Park has big pieces that are not dedicated and would like where the Lion's Den is located to be included in the park dedication. He said the Parks Board has been discussing if it is appropriate to spend Parks money on undedicated parks.

Schoenike said the major concerns with the Swimming Hole is the liability. He wanted to make sure they are covering the basics when it comes to the liability of the park, especially when you start adding infrastructure or trails and having more use of the park. Schoenike said the Land Use committee had consensus on dedicating and protecting that land, but not sure on what type of development is appropriate.

Schoenike said Coal Miner's Park's concerns deal with the leases with the School and the Yellowstone Wildlife Sanctuary. There are some concerns of potentially building a recreational facility and would it be part of Coal Miner's Park. There has been some discussion on the property along Haggin Avenue and subdivide it off and may use the income to fund some of these projects.

Foisy said there needs to be further discussion on the dedication of Coal Miner's Park.

Schoenike said there were some concerns about including the Lion's Den into Lions Club Park. The potential value of the land that the Lion's Den is currently on is one of the concerns. They discussed about whether it was feasible to build a combined facility where the Public Restrooms are now, to include storage of the equipment used to maintain the Park.

Schoenike said they discussed reexamining the lease with the Art Depot, there is a possibility that they are currently leasing more land than they may want and some of that land near the current bathrooms could be available for reconfiguration.

Foisy asked about the closing of the portion of Villard by the Triangle and Lions Club Park.

Schoenike said the Council voted earlier this summer to temporally close the small section of Villard by Lions Club Park for part of the detour for the construction.

Schoenike said there was some discussion on the parking at Double Ditch Park. He said this park falls under the current zoning as community entrance and is required to have parking.

Other Land Use and Planning Items Schoenike updated the Council on the Planning Board. They are continuing to make adjustments to the Growth Policy to include the Parks Plan and as soon as the Capital Improvements Plan is completed, adjustments will be made to include that also. They are still working on the Annexation Policy.

Williams said he will be meeting with Department Heads to go over the Capital Improvements Plan and any revisions they may have. Any revisions will be sent back to the Engineers and then we will receive a revised copy, which will go to public hearing and first reading.

Public Works Foisy said the Public Works committee talked about the CIP. They will be meeting with the City's engineer's on December 9th to go over the Water and Sewer rate study. They met with the Cemetery Board Chairman to go over the resolution to update the pricing for the cemetery lots and the cemetery rules.

Williams said he met with Montana Department of Transportation, along with the City's engineers, Great West, to discuss the ADA corners on Main Street. MDT said they had looked at our proposal and they were not interested. They said regardless of the amount of winter we have in Red Lodge, the return islands and the design they have will remain. Williams said the City has two options, first one would be to go to the Governor, second is we have an agreement with them that we will maintain the walks unless they build a design that precludes us from doing that and he feels they have done that. His preference is to go to the City's lawyer and begin notifying MDT that we cannot maintain the walks the way they have designed them.

Schoenike said he talked to the Public Works Director, Jim Bushnell, about removing the snow last week during the Snow Party and Jim said it was impossible to remove the snow efficiently from those corners.

Foisy said Dan Seiffert asked him about the Parks Board ordinance update. Foisy said they have decided to break out the Parks Board responsibilities in one ordinance and put the tree responsibilities in another ordinance.

Citizen Report none

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

Miscellaneous Mayor Williams wanted to introduce our new Police officer, Aubrey Roe. He said he was happy that she was here and joined our Police force and will be going to POST in a month.

Schoenike said the Mayor has asked for volunteers from the Council to help interview a potential new prosecutor. Williams said the contract we have with our current prosecutor expired in July of 2014 and has been going from month to month after that. He said at this point we need a prosecutor to prosecute the misdemeanor cases that we bring to the court. We have around 300 cases a year and the majority of them plead out. We usually have one trial a year. He said it needs to be a local person, as we do not need to pay travel expenses.

Mahan said she would volunteer. Brown and Schoenike also volunteered.

Meeting adjourned at 8:00 p.m.

Mayor

ATTEST:

City Clerk

