

October 14, 2014

The Red Lodge City Council met in regular session on October 14, 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: Community Development Director- Forrest Sanderson and City Clerk – Loni Hanson

MINUTES OF SEPTEMBER 9 Motion by Mahan, second by Labrie to approve the minutes of September 23 as submitted. On roll call vote those in favor: Aldermen Mahan, Larson, Labrie, Foisy, and Brown. Those abstained; Alderman Schoenike.”

CLAIMS AGAINST THE CITY Motion by Labrie, second by Larson that claims against the City totaling \$171,777.80, approved by the Auditing Committee, be paid and warrants drawn on their respective funds in payment. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Labrie pointed out a few of the claims that were approved that are of interest. \$5,440.50 to Map Murals for the zoning map and GIS map. A payment was made to Interstate Engineering in the amount of \$11,406.65 for the CIP. \$5,118.35 to Rocky Mountain Flower farm for trees for the Urban Forestry Grant. Training in Miles City for the Public Works Employees, Mike Metzberg, Jeff Warner, and Jim Bushnell for a total of \$2,086.46.

OFFICERS REPORTS The officer’s reports were presented to the Council for their review.

Williams said the Resort Tax for second quarter, which ended June 30, is up \$17,000 or 11.5% from the prior year. It is within \$500 of the record year of the 2012.

Mahan commented when we had the mud slide on the pass in 2005, they felt the Resort tax was going to be way down, and it became the second highest collection year we had up until that time.

COMMENTS FROM PUBLIC REGARDING MATTERS WITHIN CITY JURISDICTION THAT ARE NOT ON THE AGENDA Leon Odegaard, 1517 Silver Circle, wanted to request a handicap ramp to be put at the gazebo in the Lions Club Park.

Williams said he would get with the Public Works Department to get one put in.

SPECIAL GUEST, STEFAN STREETER, MDOT Williams introduced Stefan Streeter from the Montana Department of Transportation, to discuss the construction project.

Streeter thanked the Mayor for asking him to come and talk to the Council and the community about the project. Streeter thought the community owed the Mayor some appreciation for his efforts. He said he has never worked in a community where the local mayor or the local government was so involved. The only comment from the Mayor that bothered him MDT was not being responsive. He believed he has been very responsive. He had met with the Mayor three times in the last few weeks, he even walked the streets shortly after he received a letter from the Mayor, and he went to the Elks Club to discuss the streets. He felt there was some misunderstanding of the contract itself. The 21 days that was in the contract was represented for the length of time the traffic was to be detoured. It was actually 31 days, with the 10 additional days being from the underground items that were found. The original contract had 42 days designated for Zone C, which was the first zone. The purpose of the 21 day detour was to get the storm drain in. The remainder of the work was to be done around traffic. The contract was set up so that zone C had to be done through pavement, not through completion. Traffic had to be back on a paved surface for them to move on to the next zone. The Department does not control the contractor's equipment or their schedules. The Department does control contract time. This project was originally set up for 180 contract days. Within that contract time, it gives the contractor 180 days to complete all three of the projects. The detour lengths were set up in an effort to keep traffic on 212 where they would have the best possible access to the businesses impacted. During the Harley rally, they had the contractor put the traffic back on 212 and the contractor wanted to put the detour back up after that, but the Department told them no, they had exceeded their 21 days and were at their 31 days. The Department felt it was not fair to the businesses to have traffic detoured away from them again. He said the Department forced the contractor to finish construction in Zone C around traffic. He apologized to those businesses for the impacts of the construction. He said some people felt the whole project should have been done in those 21 days, but it is a 7 million dollar project and cannot be finished in 21 days.

Schoenike asked if the 21 days were calendar working days and what constitutes a working day?

Streeter said they are calendar working days. A working day is any day they can work. Sundays are out and on Saturday's if they don't work, they don't get charged. If it is a rain out or weather day, they do not get charged for those days, they have to be able to physically work. If they show up and work, they get charged a day. There are specific requirements for that in the contract.

Brown asked how many work days has it been to date.

Streeter replied this contract had 180 days and 10 days to date for the utilities issues they found underground that were unforeseen, which brought them up to 190 days. Up to date they have used 119 days. There will be additional days that will be added to the 190 on Brewery Hill, the subsurface was not what was represented. They have had to dig out extra materials and, in fairness to them, they will be compensated for that time also.

Streeter said Brewery Hill itself is incredibly complex. It is narrow, wet, there is mud and it starts off with a major trunk line for the storm drain. On Brewery Hill, you cannot put a storm drain at the same grade as the road, it has to be stairstepped. At each one of the steps the line goes in at grade, so the water velocity can be kept in check, then it has to go up through risers.

At some points they can be as deep as 20 to 30 feet. That has to be backfilled and it took longer than was planned. They then had to come back and put in the laterals and connect to the trunkline. They then had to put in a couple of cross drains. They had to go back and remove all of the material that is not suitable to build a road on and that is what they have been doing the last week. Thanks to the Mayor's and Forrest's recommendation to close the road, it has helped the progress to pick up. All of the material that is not suitable has to be taken out and then special fill is brought in, which is finely graded material that the road can be graveled and paved on. He said the current schedule is to have it paved late October to early November. The Department's intent and commitment, that was made to the Mayor, there would be a lift of asphalt done, whether it is a temporary one that is removed next spring or the permanent first lift of asphalt. Brewery Hill will be paved before the contractors leave for the year, that is the Department's commitment and they will stand behind it.

Streeter said on 8th St. to Robinson Lane, the asphalt that was laid was done in a manner that was not acceptable to the State specifications. MDOT does not control the contractors schedule and they do not control their operations. They have a specific contract that tells the contractor, our people protect the taxpayer's money and they ensure quality. That particular pavement was placed in weather conditions that weren't conducive to being paved, it was raining that day. They were instructed to cease paving and they chose to continue on. It was similar to the broken up concrete the Mayor pointed out the day they did a walk through downtown of the curbs. Those were noted and will come out, as will any other failures. He said they will do a final walk through with the MDT maintenance crews, construction staff, supervisors and the City will be invited. They will do a walk through from one end to the other and look for any deficiencies or things that are not done well or according to contract and those things will then be removed and replaced.

Shoenike said one of the concerns that he has heard is because we are seeing some issues with quality, but if there are deficiencies on the surface, isn't it reasonable to believe there are potential deficiencies in the pipe that are being laid underground. Streeter said he was hoping not.

They have staff whose primary function is to make sure everything is put in right, but people can make mistakes. If something is missed and a year from now the contractor is gone, it is MDT's responsibility to come back and fix it with maintenance forces. The sidewalk, curb, gutter and street are all MDT's jurisdiction and maintenance responsibility. The actual quality of the surface, including potholes, settlements, bumps, and faults in the sidewalks; MDT will come back and fix it. Typically, in our sidewalk agreements, if a section of sidewalk, greater than six feet, starts to fault, notify MDT and they will come in with maintenance force and fix it. Our agreement with the City is removing the snow and sweeping the gravel.

Sanderson asked if the curb and gutter will be installed on Brewery Hill before they pave or are they going to pave and install the curb and gutter next spring.

Streeter said the intent, last he heard was to put in the curb and gutter before it is paved.

Brown asked if they are expecting Brewery Hill being closed until the paving is done, which

could be around the first part of November.

Streeter said yes as long as the City was ok with that. He said they would open it up as soon as it was safe and ready.

Streeter said of the Red Lodge South milling project, they have milled off 50% and paved back 50%, the rest of that project will be next year. Their schedule next year will be dependent on weather. They are still within their contract of 180 days.

He said someone may ask what happens if they hit the 180 days and they are still not done. He said it is very typical on MDT projects, that the time put on a contract is exceeded by the contractor. They then go into liquidated damages, based on the dollar value of the project, there is a payback for every day they go over. It would be based on a per day, every day they go over, and that amount is deducted from the work in dollars. It would be approximately \$4,200 per day. The payback then goes back into MDT federal funds.

He stated next year the contractors will come back in the spring and there still will be lots to get done. Their projected completion date will be sometime in early July, but that may change.

Streeter wanted to talk about the ADA requirements on the corners. He said there are over 700 pages of ADA regulations. ADA is very complex and when you are using Federal funds, we are required by law that we will comply with ADA. He said they have people who only work with ADA, they came up, walked the town, went from corner to corner and tried to shoehorn in ADA in those corners, without impacting the buildings, maintaining drainage and not having to move the lights. He said they are hearing the most about the return islands. Return islands line up the sight impaired people so they know in which direction to walk off. They contacted their person who strictly works with ADA and he said these same types of curbs are located across the country. There are some in Great Falls, Laurel, Billings and Whitefish, which get a lot of snow. Their person said he has reviewed, double checked the design and it meets all of the requirements and in his mind, they are the best fit for the situation at hand, trying to fit it in without additional impacts. Streeter said there are a few corners that have the return islands only to match the other three corners that have the islands, so somebody who is sight impaired would have the same expectations at all four corners. He said their person came up and met with Ms. Northcutt and spent some time with her and went through the ADA's requirements and addressed her concerns the best he could. Streeter said it is out of his control to change the ADA, because he cannot risk federal aid to do so. He said it is his suggestion to give it a chance.

Shoenike wanted to know what was going to happen when one of the City's plows, or the State's plows, come around the corner and rips out a big chunk of concrete.

Streeter said it would be replaced in kind by MDT. They would come back in the spring and take a walk through. Some of the truncated domes are cast iron embedded in the concrete, those maintain very well. They have noticed some of the glue down type the plows tend to sheer off the corners. If they need to be replaced, they will come back and fix them.

Streeter stated each one of those corners will be stamped concrete. He was asked if they could

put a Yellow Ribbon stamp inside of them. He checked into it and it would be difficult to stamp within a stamp. One of their suggestions was to have a template made and after they were all poured, the City could get some volunteers and paint the ribbon in a yellow epoxy paint over the top of the red brick.

Foisy asked if the weekly meetings would continue next spring.

Streeter said they would start them off when they start working and see if there is a benefit to them. They will have regular meetings again and hopefully the progress is to everybody's satisfaction and the meetings can be productive.

Foisy said he felt they were valuable. He said they really went downhill when there was a very optimistic schedule given from week to week, when the contractor said this week we will be doing this and next week we will be doing this, then at the next week's meeting it was the same status.

Streeter said in big construction projects, there seems to not be a lot of progress. They could be doing one project and it could take more than a week to finish that certain project.

Foisy asked what happen in Zone C that set it so far behind schedule.

Streeter stated it was a lot of things. They came in with a very aggressive schedule and they didn't get the resources to help them be successful on that original schedule. They were not counting on the weather delays. Their actual start date was pushed way out. Once they got started they had the ten days of delay due to the underground utilities.

Foisy asked what role better geotechnical and a better geographic information system (GIS) could be used for making sure those things don't happen.

Streeter said he cannot think of any town that you dig into that you don't find something that you didn't expect. No matter how much time and money you put into it, things can be missed. He said you can't punish the contractor on things that were missed, you just help them through it. He said with geotechnical or drilling, you don't drill a hole every five feet, you drill a hole every half a mile to a mile, depending on the formation structure. You do the very best you can within reason.

Mahan asked if someone was to slip and fall because of the ADA or the grills, what does the City do and are we responsible.

Streeter said he is not an attorney or a judge, but what typically happens when someone falls and gets hurt on any infrastructure, if it is a state maintained, state owned system, they sue the City, the State and possibly the land owner. Then the responsibilities are sorted out in the Judiciary system.

Foisy asked what the minimum width of snow removal on the sidewalks to be compliant with ADA.

Streeter stated he couldn't find the direct answer in the 700 pages of regulations. Sanderson said the default is 60 inches, but he had not looked.

Williams asked if anyone in the audience had questions for Mr. Streeter.

Matt Martin, 207 S. Haggin, wanted to know what was going to be finished this year and if there was going to be another lift of asphalt added to the highway out in front of the lumber yard driveway.

Streeter said the next lift would be finished this year. They had to replace the pavement that was rejected. They were also off on their paver and they had high spots along the curb line, which they had to come back in and skim, they then will come in to pave the next lift. There will be at least one lift on Brewery Hill. The gravel area will be patched at the minimum. All of the corners that are remaining and opened will be closed with the ADA design. There will not be any corners left unbuilt before winter shutdown.

Leon Odegaard, 1517 Silver Circle, asked if Brewery Hill was core sampled.

Streeter said he believed they did. The plan was always to take two feet out. They knew that the material wouldn't meet standards and would need to be taken out, so he believes that with that info they must have drilled.

Steve Roi, 15 Bigfoot Circle, said there was an issue with the snow removal equipment that was going to be used on the sidewalks and the ADA, and the ability to clear those areas adequately, and wanted to know if that issue had been resolved and there is good snow removal equipment that is proper within the specs.

Williams said our equipment will clear five feet. Many of the corners are four feet eight inches, so the plow will not be able to clear those areas. Those areas would have to be cleared by hand and the City does not have the manpower to clear them.

Roi said the City received money from the State to purchase equipment that now will not be able to clear the corners.

Williams wanted to give MDT credit for giving the City \$20,000 to purchase equipment for snow removal, but there will be corners that will not be plowed due to the width of the ADA return islands.

Roi asked how the City is going to resolve the issue of having a void of not having the snow removed on those corners.

Williams stated he is going to have the City's engineers arrive this week and come up with a design of the corners that works for Red Lodge and the State has agreed to consider the design. He said the corners between 8th and 13th St. will not work in Red Lodge, when you get two feet of snow, you won't know where the return islands are.

Matt Martin asked Mr. Streeter if the corners are damaged and the State has to come back and fix them, who pays for that, is it Federal money or State money.

Streeter said it would be State maintenance money.

Steve Roi said as a result of Brewery Hill being closed, he has noticed on surface streets the very large equipment and large trucks, along with the public are trying to traverse the same roads. He asked how the trafficking of the large trucks can be better utilized in that area and have a path going in both directions on Brewery Hill and not having to use the public streets.

Streeter said they do have to haul the bad material out and bring in the new material and they have to make a circle over airport hill and then back up Brewery Hill. He said he would look into it further.

Williams said if the trucks could use the Brewery Hill it would help a lot. It has beat up the Airport road project that was finished this year.

Larson would like them to look at the intersection of 19th and White, because when the trucks are making the corner, they take up the whole intersection.

Mahan would also like them to look at the intersection of White Avenue and West Fork Road.

STANDING COMMITTEES: Administration- Capital Improvements Plan, Project Prioritization Williams said they are going to appoint a committee to look at the Capital Improvement Plan and begin the process of prioritizing the items in the Plan. The committee will be Maryvette Labrie, Michael Schoenike, Bill Foisy and Mayor Williams. They will begin that process early next week on Tuesday at 2:00 p.m.

CTEP Project Agreement, Parks Improvement Motion by Labrie, second by Larson to approve the CTEP project Agreement for UPN 8862 Landscaping Red Lodge with the Montana Department of Transportation. On roll call vote all Aldermen present voted "Aye." Motion carried.

Emergency Services- Ordinance #911, Overnight Camping Restrictions Larson said this is an ordinance eliminating camping on the City owned lands in the areas of Zone C and R4. The committee has made some changes in number 3, strike "beyond the capacity of local campgrounds." In number 2, the committee is going to add a 14 day permit at \$15, which will be issued by the City for special events in the commercial areas.

Schoenike asked why the R4 was added to the ordinance.

Sanderson said if you look at the use intensity, C1, as an example, our transition zone, and the R4 zones are more aggressive in terms of allowed and permitted uses. If it is contemplated in C1, R4 makes sense. The other choice would be to delete R4 and C1 from the zones.

Williams asked Larson when they would have it ready to be considered.

Larson said it should be on the next council agenda.

Interlocal Agreement, Fire Protection Agreement Amendment Motion by Larson, second by Mahan to approve the Interlocal Agreement Amendment with the Rural Fire District #7. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Larson said the City has a local agreement with the Rural Fire District #7 and during the process of transferring the City employees over with their retirement systems, the State has given them some more obstacles to work out, therefore the amendment is needed.

Other Emergency Services items- Larson said the committee discussed cleaning up the Fire and EMS ordinances and the Fire Code ordinance, which is close to being done. They are looking into selling the Ladder Truck, which is no longer functional.

Land Use and Planning- Island at Rock Creek, 3-year Plat extension Motion by Schoenike, second by Brown, to approve a 3-year plat extension for the Island at Rock Creek. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Public Works- Ordinance #909, Allow for Poly and PVC Pipe Service Connections, 2nd Reading Mayor Williams opened the public hearing on the 2nd reading for the Ordinance #909, Allow for Poly and PVC Pipe Service Connections.

Matt Martin, 207 S. Haggin, said he was in favor of the change.

Mayor Williams closed the public hearing.

Motion by Mahan, Second by Schoenike, to approve on 2nd reading Ordinance #909 an ordinance removing the prohibition on the use of Polyethylene and PVC pipes as water lines. Whereas the Public Works Director of the City of Red Lodge does not see adequate cause to prohibit the use of polyethylene and PVC pipes as water lines. On roll call vote all Aldermen present voted “Aye.” Motion passed.

Ordinance NO. 909

An Ordinance removing the prohibition on the use of polyethylene and PVC pipes as water lines.

WHEREAS: The Montana Public Works Standard Specifications allow for the use of polyethylene and PVC pipes as water lines under appropriate conditions, AND;

WHEREAS: Polyethylene and PVC pipes often provide for more cost effective options of construction or replacement of water lines, AND;

WHEREAS: The Public Works Director of the City of Red Lodge does not see adequate cause to prohibit the use of polyethylene and PVC pipes as water lines,

Now Therefore,

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

The following paragraphs from Title 10 of the City Code are hereby modified to read as follows:

10-15-31: Material and Methods of Construction.

The materials and methods of construction used in the installation of extensions to the water and/or wastewater systems, or the making of connections to these systems, shall conform to the requirements of the latest version of the Montana public works standard specifications. Materials and methods of construction shall be sufficient to perform well in 200psi pressures. Any non-conductive material shall be installed with a tracer wire to facilitate the location of underground pipes

10-16-18: Materials and Methods of Construction.

A. Services Lines, Firelines And Appurtenances: The materials and methods of construction used in the installation of water and wastewater service lines, firelines, and appurtenances, their connection with the public water main or sanitary sewer; and the repair, alteration, or extension of such facilities shall all conform to the requirements of the MPWSS. Materials and methods of construction shall be sufficient to perform well in 200psi pressures. Any non-conductive material shall be installed with a tracer wire to facilitate the location of underground pipes.

Be It Ordained By The Council Members of the City of Red Lodge.

First Reading by the Council on the ___ day of ___, 20__.

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

PASSED and APPROVED by a majority of the elected members of the Red Lodge City Council this ___ day of _____, 20__.

City of Red Lodge
Ed Williams, Mayor

Loni Hanson, City Clerk

Ordinance #910, Sidewalk Snow Removal, 2nd reading Mayor Williams opened the public hearing for the Ordinance #910, Sidewalk Snow Removal on 2nd Reading. No one spoke. Mayor Williams closed the public hearing.

Motion by Foisy, Second by Brown, to approve on 2nd reading, Ordinance #910 an Ordinance to clarify and revise the removal of snow and ice from sidewalks within the City of Red Lodge. On roll call vote all Aldermen present voted “Aye.” Motion passed.

ORDINANCE # 910

AN ORDINANCE TO CLARIFY AND REVISE THE REMOVAL OF SNOW AND ICE FROM SIDEWALKS WITHIN THE CITY OF RED LODGE.

WHEREAS: The City Council of the City of Red Lodge, Montana has determined the need to clarify the requirements for the removal of snow and ice from sidewalks; and

WHEREAS: It is the opinion of the City Council that the current snow and ice removal ordinance that is codified in Title 9.06.100 is not in the best interest of the City, its residents and business owners; and

WHEREAS: The City of Red Lodge has entered into a Sidewalk Maintenance Agreement with the Montana Department of Transportation which calls more stringent requirements for snow removal from sidewalks adjoining State and Federal Highways within the City; and

WHEREAS: It is necessary to provide for reasonable pedestrian access to all businesses and commercial zones.

Now therefore:

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

Section 1. Duty:

The owners, tenants and/or occupants of property within areas that require snow removal from sidewalks shall keep such sidewalks free from snow and ice.

Areas that require snow removal from sidewalks include:

1. Any of the commercial zoning districts (including C-1, C-2, C-3N, C-3S, and C-4) of the city, and
2. Any property being used primarily for commercial purposes regardless of zoning district, and
3. Any multi-family residential development with 3 or more dwellings on a lot, and
4. Any property adjoining either US Highway 212 or Montana Highway 78 (If such a property is not being used for commercial purposes and is not zoned commercial, snow removal shall only be mandated for the portion of sidewalk along the highway.)

Snow and ice shall be removed from such sidewalks by such owners, tenants or occupants by 10:00 A.M. the day after the cessation of any storm. Snow shall be removed from as much of the sidewalk as can be reasonably accomplished without putting snow back into the street or alley. (As provided in Ordinance 896 Section 5, it is unlawful to willfully move snow back into the streets and alleys)

Properties with an ADA (Americans with Disabilities Act) ramp within the sidewalk adjacent to the property shall be additionally responsible to keep the entirety of the ramp clear of snow and ice including any berm that may exist where the street meets the sidewalk.

To encourage compliance with the duties prescribed herein, the use of mechanical methods (ie. snow blowers, ATV's, blade equipped trucks and tractors) to assist in the removal of accumulated snow and ice are hereby exempted to the nuisance noise ordinance of the City of Red Lodge between the hours of 6:00 a.m. and 10:00 p.m. during and in the 36 hours following the cessation of any snow storm. (Any

equipment used on sidewalks within the City must weigh less than 10,000 lbs to minimize damage to the sidewalks)

It is the intention of the City to use equipment to clear snow and ice from key areas / sidewalks to help facilitate pedestrian access and safety. Any such removal by the City should be seen as assistance and does not remove responsibility from the owners, tenants and/or occupants for removing snow and ice from additional areas and at additional times.

As City and other equipment will be used to remove snow and ice from sidewalks, the City may require that any obstructions including, but not limited to, benches, flower pots, bike racks, etc be removed from public sidewalks in areas that require snow removal between October 15 and April 15 of each year.

While not specifically required by this Ordinance, other owners, tenants or occupants of property within the City of Red Lodge but outside of the required areas are STRONGLY encouraged to remove accumulated snow and ice from the sidewalks adjoining their property to enhance pedestrian safety. Furthermore, commercial properties are encouraged to clear walkways through the berms that accumulate at the curb to facilitate safe routes for pedestrians.

Section 2. Penalty for noncompliance

In the event that a property owner or occupant does not remove obstructions caused by snow and ice, in violation of the provisions of this ordinance, within 24 hours of notification, the City may cause the removal of the snow in the best practicable manner and shall charge the cost of such snow removal to the owner of said property. The amount billed to the owner shall be due and payable to the City within thirty (30) days of billing.

Additionally, in case of the failure of any person or persons whose duty it is hereby made to remove such snow and ice, to remove the same within the time prescribed above, the Red Lodge Police Department shall serve notice of noncompliance or cite the person or persons responsible as follows:

- 1st Offense- Written notification- by certified mail.
- 2nd Offense- \$50.00 fine.
- 3rd Offense- \$100.00 fine.
- 4th or subsequent offense within 2 year period would constitute “maintaining a public nuisance” MCA 45-8-111.

Section 3. Effective Date.

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

Section 4. Repealer.

All other ordinances and resolutions of the Red Lodge City Council pertaining to the removal of snow and ice from sidewalks within the City of Red Lodge are repealed upon the effective date of this ordinance.

Codification Note:

This Ordinance is intended to be codified in Title 9.06.100 Removal of Snow and Ice From Sidewalks in the Red Lodge Municipal Code.

Be It Ordained By The Council Members of the City of Red Lodge.

First Reading by the Council on the ___ day of ___, 20__.

Second Reading by the Council on the ___ day of ___, 20__.

PASSED and APPROVED by a majority of the elected members of the Red Lodge City Council this ___ day of ___, 20__.

The City of Red Lodge

By: _____

Ed Williams, Mayor

Attest: _____

Loni Hanson, City Clerk

Schoenike stated this is part of the City's responsibility within the agreement the City has with MDOT.

2014 Parks Plan, Amend Growth Policy to include Tasking the Planning Board Motion by Schoenike, second by Mahan, to Task the Planning Board to amend the growth policy to include the 2014 Parks Plan. On roll call vote all Aldermen present voted "Aye." Motion passed.

Schoenike said the intention is to give very clear instructions to the Planning Board that this tasking is not asking them to rewrite the Parks Plan. The Parks Board has put in sufficient effort and they wouldn't want to insult them by second guessing the majority of their work. The directions that will be given is to review the document, if there are any major errors, they will address those, otherwise it will be just adjust the Growth Policy to agree with this Plan.

Foisy introduced two members of the Parks Board that were in attendance tonight. Chairman Dan Seiffert and Doug Mackay.

Brown wanted to thank the Parks Board for the tremendous amount of work they have done.

Dan Seiffert thanked the City for their support and James Caniglia's help also. He asked when the Planning Board might have it completed.

Sanderson said the tasking will be delivered to the Planning Board at their October 22 meeting. That is a work session and they will be working on the Annexation Policy, which the council sent to the Planning

Board for reviewing three weeks ago. They are aware of the tasking for adopting of the Growth Policy with the amendment to include the 2014 Parks Plan is forth coming. Under Montana Law, they must take very specific steps to amend the Growth Policy, which includes opening the entirety of the document and making sure everything in the Growth Policy is copacetic, before they can amend. An aggressive schedule would be they have a public hearing in December and they see it early in 2015.

Dan Seiffert said there are some tasks that are in the Parks Plan that the Parks Board would like to jump on and was wondering if they could before the Plan is approved.

Schoenike said the Parks Board could make their recommendations to the Public Works committee on those tasks.

Resolution #3377, Dedicate Double Ditch Park, Continuation as Dog Park Motion by Foisy, second by Mahan to adopt Resolution #3377 a resolution of the Red Lodge City Council to dedicate Double Ditch Park as an official city park with continued use as a dog park. On roll call vote all Aldermen present voted "Aye." Motion passed.

RESOLUTION NO. 3377

A RESOLUTION OF THE RED LODGE CITY COUNCIL TO DEDICATE DOUBLE DITCH PARK AS AN OFFICIAL CITY PARK WITH CONTINUED USE AS A DOG PARK

WHEREAS, the Red Lodge City Council resolved on September 11, 2012 to approve the dedication of Double Ditch Dog Park as recommended by the Red Lodge Parks Board, and

WHEREAS, the conditions of approval and the recommendation by the Red Lodge Parks Board included development as an interim dog park to be reviewed after a period of time, and

WHEREAS, the Red Lodge Parks Board conducted a public meeting on July 16, 2014 to solicit comments from the public concerning whether to recommend making the Dog Park permanent, and

WHEREAS, 15 written comments have been received by the Parks Board unanimously supporting making the Dog Park permanent, along with supportive verbal comments at the Parks Board meetings of July 16, 2014 and September 17, 2014, and

WHEREAS, the City of Red Lodge Planning Staff has documented in writing that no agreement appears to exist that binds the City in developing Double Ditch Park in any particular manner, and

WHEREAS, the draft Comprehensive Parks Plan, 2014, for the City of Red Lodge recommends dedication of Double Ditch Park and continued use as a Dog Park, and

WHEREAS: the Red Lodge Parks Board has allocated money in their budget to survey the proposed Double Ditch Park, and:

WHEREAS, the Red Lodge Parks Board has determined that the original provisions for approval of a Dog Park have been met, that adequate user group assistance is available to assist Red Lodge Public Works as needed in maintenance of the Dog Park, and recommends that Double Ditch Park be dedicated as an official City park with continued use as a Dog Park,

NOW, THEREFORE, BE IT RESOLVED that Double Ditch Park be dedicated as an official City park with continued use as a Dog Park.

PASSED AND APPROVED BY A MAJORITY OF THE RED LODGE CITY COUNCIL ON THIS THE 14th DAY OF OCTOBER 2014.

City of Red Lodge

Ed Williams, Mayor

ATTEST:

Loni Hanson, City Clerk

Sanderson said Resolution #3377 is the official recommendation from the Parks Board on dedication of a public park to be known as Double Ditch Park. The Parks Board is also requesting the execution of their budget to survey the park as part of the dedication. The History of the park was also included in the Council packets. There was a lot of research and other information and assertions that were made to the Parks Board through the consideration of this dedication and they request it continues to be used as a dog park. There was one adjacent land owner who has contacted the Mayor and requested the Council not to take action tonight as he could not be here. Sanderson said all of the items the Council tasked the Parks Board with accomplishing in terms of use as a dog park and actual dedication as a park have been addressed. The Parks Board is recommending dedicating the park and allowing it to continue to be used as a dog park, it doesn't mean it has to be a dog park forever, but they want to have a public park dedicated at Double Ditch.

Schoenike asked if the dedication would include the survey of the entire park.

Sanderson said it would once Resolution #3377 is approved by the governing body and executed by the Mayor.

Foisy said the Parks Board held a public meeting on July 16th. They took action on September 11th, but could not remember if it was discussed in August.

Mahan said the gate at the Park would also be replaced so the Public Works mower can access the park to mow it. She also gave kudos to whoever did the research on the park.

Foisy said James Caniglia did the legal research on the historical obligations of the City.

Pool Endowment MOU with RLACF Motion by Schoenike, second by Mahan to approve a Memorandum of Understanding between the City of Red Lodge and the Red Lodge Area Community Foundation regarding an endowment to support the City Pool. On roll call vote all Aldermen present voted “Aye.” Motion passed.

Schoenike said this MOU has been in the works for some time. It will provide the mechanism for the Foundation to create an endowment to help support the long term funding for the maintenance and operations of the City’s public pool.

Brown asked under Section 3, paragraph b, “If the endowment spending allocation covers 50% or more of the pool’s operations and maintenance costs, at least 10% of the endowment spending allocation shall be used to support educational/developmental programs for community members” what types of programs they envisioned.

Schoenike said one of the programs envisioned was to help community members defer the cost of swim lessons.

Other Public Works items Foisy said they are going to be working on an MOU with the Library. Also, we will not be receiving the engineering grant for the waste water system from the Department of Commerce immediately, because we still have an open grant in the Capital Improvements Program.

Foisy said the Parks Board did a first cut of the Parks Board ordinance. They will be tasked to assist in updating the MOU with the various user groups.

CITIZEN REPORT none

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

MISCELLANEOUS none

Adjourned at 8:10 p.m.

Mayor

ATTEST:

City Clerk

