

September 23, 2014

The Red Lodge City Council met in regular session on September 23, 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 and Labrie. Absent: Aldermen Schoenike and Brown

DEPARTMENT HEAD ATTENDANCE: Community Development Director- Forrest Sanderson, City Clerk – Loni Hanson, Public Works Director – Jim Bushnell

MINUTES OF SEPTEMBER 9 Motion by Mahan, second by Larson to approve the minutes of September 9 as submitted. On roll call vote all Aldermen present voted “Aye.”

SPECIAL COMMITTEES Williams said Joe Enos from our Police Department has resigned today. We began running ads in the Carbon County newspaper and the Billings Gazette to hire new police officers.

Williams pointed out that our Public Works Director, Jim Bushnell’s, probationary period expires on September 24. He stated Jim has done an outstanding job the last few months.

Mahan said she has talked to people in the community and they are eager for Jim to continue doing the great job.

Williams wrote a letter to MDT regarding the sidewalks, Brewery Hill and their intentions for the coming period of time. They did not respond until today, which the District Administrator asked to come meet with the Council on October 14. Williams said when they began working on the corners, he received around 50 phone calls and now is directing those calls to MDT and their District Administrator.

Williams said they are working in a cooperative effort with Fish, Wildlife and Parks to curb the turkey issue in Red Lodge this fall. They are asking everyone to not feed the turkeys and will be enforcing the turkey feeding ordinance. FWP has done ads on the radio and in the newspapers to get the word out about not feeding the turkeys.

Williams received a resignation from Judge Muth effective December 31, 2014. Muth has decided to spend some of his time doing what he would like to do, instead of being tied down with judge duties. He has done a great job for the City and is a very talented judge and will be missed.

Williams said on Thursday the 25th at the Elks, there will be an Afternoon with the Mayor at 5:00 p.m. He will be discussing some of the important things that are going on in the City, but will also be previewing the State of the City, which he plans on having published in the next couple of days.

Labrie said the Cemetery Committee met and discussed a few things on the Mausoleum and spoke with Jeff Hunter on getting a bid from him in November or December, so the City can be on his list to get the Mausoleum fixed next summer. With the money we have right now and the possibility of getting a grant, they should, hopefully, be able to afford it and even some sprinklers.

Larson said the Rural Fire oversight committee met on the 17th. They are still working on accounting and did come up with a reporting system on the fire and ambulance calls. Starting October 1st the Ambulance license will be in the Red Lodge Rural Fire District #7 and will longer be under the City of Red Lodge.

Larson stated the Red Lodge Proud and Beautiful is getting ready for the Christmas Stroll on December 5th and 6th. They went over their work program and will report any updates.

Mahan added there will be appropriate music playing during the Christmas Stroll and she received \$1000 from Cruisen' Red Lodge to go towards enhancement of the speakers on Main Street. There will be a Blade Parade on the 5th starting promptly at 6:00 p.m. before the Stroll.

Mahan attended the Merchants and Lodging meeting on Monday. They are unhappy with the project on Main street, but are happy with the dollars coming into the community.

Mahan said the Red Lodge Chamber is taking on the responsibility of the Friends of the Beartooth all American Road. That committee will be less active for a while and the proper place for that to be is Red Lodge as opposed to Cody, Wy or Cooke City, MT.

Foisy said the Parks Board should have resolutions and supporting information for the next council meeting on October 14th for the Comprehensive Parks Plan and the Double Ditch Dog Park.

They spread woodchips on Friday in Moose Trail Park and it took around two hours with six wheelbarrows.

Foisy stated he was elected treasurer of the Beartooth Resource and Development Council on September 18th.

He will be attending the Beartooth Steering Committee meeting on September 25th at the Rock Creek Resort.

STANDING COMMITTEES: Administration-Drug and Alcohol Testing Policy Labrie said they looked into their discussion on medical marijuana and how that applies to our drug testing policy. The consortiums do not recognize medical marijuana as a proper medicine, so they are going to follow the federal guidelines. In three weeks they should have a clean copy for the Council to look at.

Labrie stated the November 11th meeting falls on a federal holiday and would like to move the meeting to November 10th.

Motion by Labrie, Second by Larson to move the November 11th meeting to November 10th due to the fact that the 11th is a federal holiday. On roll call vote all Aldermen present voted “Aye.” Motion passed.

Emergency Services- Larson said they talked about an EMS ordinance and a Fire ordinance. They also discussed camping on City streets and City property and should have something drawn up for discussion at the next council meeting.

Larson reported the Ambulance license will be under the Red Lodge Fire District #7 as of October 1, 2014 and will no longer be licensed through the City of Red Lodge.

Land Use and Planning- Labrie said the Planning Board will meet October 8th at 5:30 p.m. at City Hall.

Sanderson stated they will be discussing the Annexation Policy Design Review and will be looking at their bylaws to make sure they implement the 2014 zoning regulations.

Public Works- Ordinance #909, Allow for Poly and PVC Pipe Service Connections 1st Reading/Public Hearing Mayor Williams opened the public hearing for the Ordinance #909, Allow for Poly and PVC Pipe Service Connections. No one spoke. Mayor Williams closed the public hearing.

Motion by Mahan, Second by Labrie to approve 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

Mahan said our Public Works Director pursued this on behalf of the community, because it is a benefit to everybody trying to install water lines in the community.

Bushnell stated the engineers have looked at it and they received a new tapping machine to install this new pipe, which is much easier to work with. He said poly wears and last longer than copper.

Ordinance #910, Sidewalk Snow Removal, 1st Reading/Public Hearing Mayor Williams opened the public hearing for the Ordinance #910, Sidewalk Snow Removal. No one spoke. Mayor Williams closed the public hearing.

Motion by Foisy, Second by Labrie to approve Ordinance #910 an Ordinance to clarify and revise the removal of snow and ice from sidewalks within the City of Red Lodge, with a strike of paragraph four on page two and replace with “As City and other equipment will be used to remove snow and ice from sidewalks, all obstructions such as benches, flower pots, bike racks, etc. shall be removed from public sidewalks in areas that require snow removal between October 15 and April 15 of each year”. On roll call vote all Aldermen present voted “Aye.” Motion passed as amended.

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

Foisy explained the City did sign a sidewalk maintenance agreement with MDT and we are responsible for removing snow from sidewalks. It is clear that our intent is to use equipment to remove snow and ice from key areas/sidewalks to help facilitate pedestrian access and safety. This does not relieve the duty and responsibility of the property owners within the designated area. The key change we propose tonight to strike and replace the paragraph that said “may require” and now it reads “shall be removed”.

Williams said if there is an obstruction that we cannot work around, we will have it removed. We do not intend on removing everything on the walks, the intent is we don’t want it to impede getting the walks cleared.

Other Public Works Items Foisy said they should have the Pool MOU between the City and the Community Foundation for action at the October 14th Council meeting.

Foisy stated the Capital Improvement Plan staff will be forwarding to the Council members a draft of the projects and will begin the prioritizing of them.

The City will be tasking our engineers with the water and sewer rate study and will be working on that throughout this fall.

Citizen Report none

Correspondence Nothing other than what was included in the Council Packets. Williams asked Sanderson to get the Council Members a copy of his last letter to MDT from last Thursday.

Miscellaneous Williams introduced Maleri Schultz. Maleri is a part time officer for our Police Department and her primary employer is Fish, Wildlife and Parks. She is fully qualified and works for the City when we need the extra help. He said she is a great addition to our Police Department and we are happy to have her working for us.

Mahan said they had the Vets dinner Monday night at the Elks and it was well attended. They are pursuing getting a handicap ramp installed from the driveway to the front porch. They have volunteers who are willing to build it following all of the regulations.

Meeting adjourned at 7:30 p.m.

Mayor

ATTEST:

City Clerk

