

September 9, 2014

The Red Lodge City Council met in regular session on September 9, 2014 at 7:00 p.m. The meeting was called to order by Mayor Williams followed by the Pledge of Allegiance to the Flag.

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

DEPARTMENT HEAD ATTENDANCE: City Clerk – Loni Hanson, Public Works Director – Jim Bushnell

MINUTES OF FY 14\15 BUDGET HEARING AND MINUTES OF AUGUST 26 Motion by Mahan, second by Labrie to approve the minutes of FY 14/15 Budget hearing as submitted. On roll call vote all Aldermen present voted “Aye.” Motion carried. Motion by Mahan, second by Labrie to approve the minutes of August 26 as submitted. On roll call vote all Alderman present voted “Aye”.

CLAIMS AGAINST THE CITY Motion by Labrie, second by Larson that claims against the City totaling \$208,742.08, 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. \$45,068.73 to the Montana Department of Commerce for a first time homebuyer’s grant, which goes back to the state. A payment was made to Mountain West LLC for \$7,810.35 for woodchips in the parks. \$12,397.31 to Purcell Sand and Gravel for the gravel on the Airport Road project.

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

Bushnell said they have two new meters to install in the main lines. Once those are in it will be easier to determine the water loss. Rural Water can come in and do a water audit and they may find something that we may be missing.

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

SPECIAL COMMITTEES- Foisy stated there would be a Parks Board meeting next Wednesday. They anticipate adopting the Comprehensive Parks Plan and send it to the council for corporation of the growth policy. They will also be discussing the recommendation of the Dog Park. Foisy said they are going to call for volunteers to have a woodchip party. The Public Works Department will dump the chips outside of the playgrounds and the volunteers will need to wheelbarrow them in.

The Beartooth Resource Development Council will have their board meeting in Red Lodge next

Thursday evening.

STANDING COMMITTEES: Administration- SID creation- Country Club Estates

Williams said they received all of the information to allocate the cost of the project. The data base has been built and they have all of the information that needs to be analyzed, so that they may move forward.

Approve Union Contract, Non-Police Labrie moved, second by Larson to approve the Collective Bargain Agreement between the City of Red Lodge and City Employees local number 3526. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Labrie pointed out a few changes that were made. The COLA has been bookended at 1% and 3 %, if the COLA is less than 1% the employees will receive the 1% and if the COLA is higher than 3%, the employees will receive the 3%.

They included a voluntary physical fitness program for the employees. If they go a certain amount of days, they will be reimbursed for the cost of the monthly fee for using the fitness center.

They added the random drug and alcohol testing. They cleared up the vacation calendar chart, so it made sense to everyone.

They took off the cap on training. They felt if there was training needed for the employees, they needed to allow them to be trained properly.

Job posting will not have to be posted in-house as long, if there are no current employees that meet the requirements or wants the job, it will then go out to the public.

The procedures for filing a grievance is more clearly outlined.

The overtime had some minor changes. Vacation and holiday pay changed a bit.

Foisy said the contract references Addendum A, pay matrix, and will need to be attached.

Labrie said Addendum A, the pay matrix, Addendum B, the grievance form and Addendum C, the drug and alcohol testing policy will all be attached to the final agreement.

Williams pointed out the drug testing policy will have to be approved by the council and the union before it will be attached.

Approve Union Contract, Police Labrie moved, second by Larson to approve the Collective Bargain Agreement between the City of Red Lodge and Red Lodge Police Department. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Labrie stated this contract has the same changes as the other union contract, with the additional change to their court time. They made it more clearly on how they get notified and who gets notified.

Labrie also stated the Addendum's will be attached.

Williams commented on what a good job Labrie did on putting this together and the effort from both sides to get it done.

Drug and Alcohol Testing Policy Labrie said there are several mistakes on the document and she will be making the changes.

Brown had concerns that there is no test for impairment. For an example, if you are using medical marijuana for a health condition and it stays in your system for a number of days and are chosen for the random testing, it would show up and there may be consequences for that. The test do not test for impairment, just a trace of the drug. She would like to find some type of test that also tests for impairment.

Labrie said they discussed the issue in Admin and Land Use and Larson has a contact with a human resource department and he will make some inquiries as to what they do and how they handle those issues.

Williams stated the impairment factor needs to be monitored by our department heads. The random drug testing is not designed to detect impairment, but just the trace of drugs.

Emergency Services Larson stated they had a meeting today. The Mayor, the Chief of Police and everybody from emergency services were there. They discussed the issue on camping on city owned property and the camping in the areas that are zoned C for special events.

Land Use and Planning- Annexation Policy, Task Planning Board Moved by Schoenike, second by Labrie to task the Planning Board to review and recommend an update to the City's annexation Policy. On roll call vote all Aldermen present voted "Aye." Motion carried.

Schoenike stated the Planning Board will not meet this month, but will meet next month and will begin looking at it on October 8th.

Schoenike said the annexation policy needs some updates and clarifications.

Public Works, Resolution #3375 Pool Fees Moved by Schoenike, second by Mahan to approve resolution 3375 to set fees for the City Pool beginning in 2015, with one amendment of removing the paragraph that begins "Any unused days on a 15 day pass". On roll call vote all Aldermen present voted "Aye." Motion carried.

RESOLUTION NO. **3375**

A RESOLUTION OF THE RED LODGE CITY COUNCIL TO SET FEES FOR THE RED LODGE CITY POOL BEGINNING IN 2015.

Whereas, The City of Red Lodge owns and operates the outdoor pool at the corner of 14th Street and Oakes Avenue; AND

Whereas, The operation and maintenance expenses of the Red Lodge Pool have been primarily paid for out of the City's General Fund; AND

Whereas, The costs of operation and maintenance of the pool are currently significantly higher than the revenue collected from related fees;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Red Lodge Montana that the following fees shall apply to services at the Red Lodge Pool as of Jan 1, 2015:

Admission: \$4.00 / person
Lap Swim: \$4.00 / person
Showers: \$4.00 / person

15 Day Pass*:

Resident and/or Landowner in the City of Red Lodge:
\$45.00 / person
All Others:
\$50.00 / person

Individual Season Pass*:

Resident and/or Landowner in the City of Red Lodge:
\$100.00 / person
All Others:
\$120.00 / person

Family Season Pass:**

Resident and/or Landowner in the City of Red Lodge:
\$175.00 / family
All Others:
\$210.00 / family

Lessons:

Resident and/or Landowner in the City of Red Lodge:
\$65.00 / person
All Others:
\$80.00 / person

* 15 day passes and individual passes are for a single person and are non-transferrable and non-refundable

** Family Season Passes are good for immediate family members living in the same household including spouses / domestic partners and children under 23. All family members must be listed at time of purchase.

To receive the City of Red Lodge Resident / Landowner rate, purchasers must show proof such as a water/sewer bill, voter ID card, utility bill with physical address, etc
PASSED AND APPROVED BY A MAJORITY OF THE RED LODGE CITY COUNCIL on this ____ Day of _____, 2014.

City of Red Lodge

Ed Williams, Mayor

Attest:

Loni Hanson, City Clerk

Schoenike stated in the past the pool fees have been by the Public Works staff. There was discussion earlier in the summer that the pool fees become more formalized.

Ordinance #910, Sidewalk Snow Removal Schoenike said this is an attempt to update our snow removal from sidewalks to be in compliance with our agreements with MDT as they apply to highway 212 and 78. The proposed ordinance would require snow removal from sidewalks in any of the commercial zones, any property being used primarily for commercial purposes, any multi-family residential development with three or more dwellings and any property adjacent to highway 212 or 78.

Schoenike stated there was discussion about the fourth paragraph on the second page and change the language to the City may require items such as bike racks, benches and flower pots, etc. be removed if needed to get equipment down the sidewalks.

Brown wanted to know what the area is that the City is planning to clear.

Williams stated we are not planning, but it was agreed upon a few years ago with MDT to have the sidewalks removed of snow along highway 212, which goes from one end of town to the other.

Schoenike wanted to clarify with Brown that she wanted to know what areas the City is planning on doing with the new equipment from MDT. Brown agreed.

Bushnell stated it would be the sidewalk along the creek and where the City owns property.

Williams said we will be removing it where people don't remove it and we will be expecting them to pay for that through fines and forfeitures that they will have as a result of that.

Schoenike stated in paragraph three it states "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.”

Brown asked why it doesn't state where we will be removing it. Schoenike said those types of things are not included in resolutions.

Resolution #3376, Phillips Park Naming Moved by Foisy, Second by Mahan to approve Resolution #3376 to adopt an official name for a park dedicated by subdivision law. On roll call vote all Aldermen present voted “Aye.” Motion carried.

RESOLUTION NO. 3376

A RESOLUTION OF THE RED LODGE CITY COUNCIL TO ADOPT AN OFFICIAL NAME FOR A PARK DEDICATED BY SUBDIVISION LAW

WHEREAS, the City of Red Lodge owns land adjacent to Mountain Springs Villa that has been dedicated for park as part of subdivision law, and

WHEREAS, a request has been received to honor Jim Phillips as the oldest residing tenant of Mountain Springs Villa and his deceased wife Bev, and

WHEREAS, the draft 2014 Red Lodge Comprehensive Parks Plan notes the importance of dedicated undeveloped parks in addressing park deficiencies, and

WHEREAS, the Red Lodge Parks has recommended the naming of this parcel of land as Phillips Park,

NOW, THEREFORE, BE IT RESOLVED that the name Phillips Park be given to the dedicated park legally described, and depicted on the attached parcel map, as: S27, T7S, R20E, P.M.M., Carbon County, Montana, C.O.S. 2259, Lot 6 and part of Mountain Springs Villa Subdivision, Plat Number 2259.

PASSED AND APPROVED BY A MAJORITY OF THE RED LODGE CITY COUNCIL ON THIS THE __ DAY OF ____, 2014.

City of Red Lodge

Ed Williams, Mayor

ATTEST:

Loni Hanson, City Clerk

Foisy said the Mayor had received a letter in February from Dan Drobny, who is the vice president of Mountain Springs Villa, and requested the unnamed dedicated park behind Mountain Springs Villa, be named in honor of Jim and Bev Phillips, Bev Phillips passed away last fall. This came before the Parks Board a couple of months ago and the Board recommended naming all of the unnamed subdivision parks dedicated by subdivision law. We ran into some legal issues on some of the parks around the Diamond C subdivision. They decided to do this one first and come back and do the others at a later time.

Brown asked if there are any plans to do any improvements. Foisy said the Parks Plan talks about the undeveloped parcels and the best use would be to connect to trails. He did not feel these parks would see any major improvements done to them.

Resolution #3374, Dedication of Holly Valley Lane and Kainu Avenue Moved by Schoenike, Second by Mahan to approve Resolution #3374 a resolution of the City Council of the City of Red Lodge, Montana declaring, dedicating and opening Holly Valley Lane and a portion of Kainu Avenue as public right-of-way. On roll call vote all Aldermen present voted “Aye.” Motion carried.

RESOLUTION NO. **3374**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA DECLARING, DEDICATING, AND OPENING HOLLY VALLEY LANE AND A PORTION OF KAINU AVENUE AS PUBLIC RIGHT-OF-WAY.

Whereas, The City of Red Lodge owns or controls a number of rights-of-way via dedication, platting, or donation for the benefit of the public; AND

Whereas, Holly Valley Lane and the portion of Kainu Avenue described below are situated upon lands owned or controlled by the City of Red Lodge; AND

Whereas, Holly Valley Lane and the portion of Kainu Avenue described below have been defacto portions of the City of Red Lodge road, street, and avenue system for a number of years;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Red Lodge Montana that upon passage of this resolution, the land parcels described below as Holly Valley Lane and as a portion of Kainu Avenue shall be declared and dedicated as public rights-of-way and shall in all respects be open to any and all lawful uses.

Parcel 1: Commonly known as a portion of Kainu Avenue and located East of Park Avenue S. near the 19th Street Bridge adjoining to Parcel 2 described below and with the legal description: KAINU TRACTS, S34, T07 S, R20 E, TR B and the Geocode: 10-0356-34-1-10-19-0000

Parcel 2: Commonly known as Holly Valley Lane and located east of Park Avenue S. near the 19th Street Bridge adjoining to Parcel 1 described above and with the legal description: KAINU, HUGO (PLAT NO 854), S34, T07 S, R20 E, TR A and the Geocode: 10-0356-34-1-10-20-0000

PASSED AND APPROVED BY A MAJORITY OF THE RED LODGE CITY COUNCIL on this ____ Day of _____, 2014.

City of Red Lodge

Ed Williams, Mayor

Attest:

Loni Hanson, City Clerk

Schoenike said these were a couple of parcels that were still being used as streets and right-of-ways, they were still listed as fee simple ownerships of the City, and this will clean up that discrepancy and making sure these become part of the public right-of-way. Nothing will change as far as the maintenance. There are not any plans to pave Holly Valley Lane, Schoenike stated nothing on the ground will change; this is just to make sure this is part of our public rights-of-way system.

Mahan stated that Bushnell made it very clear the reasons why it would not be paved.

Ordinance #909, Allow for Poly and PVC Pipe Service Connections Schoenike said this was an item brought to the Public Works committee by our Public Works Director. He pointed out that we currently have a prohibition on the use of PVC or Poly pipe as water supply lines, service lines or impertinences there too. This is an effort to allow a type of pipe that is commonly used everywhere.

Double Ditch Dog Park Foisy informed the council that the Parks Board will be voting at their meeting on Wednesday the 17th on a recommendation from interim dog park to permanent.

Schoenike asked Foisy if the proposed recommendation included the dedication of the park. Foisy said they have not discussed the recommendation yet. They have just prepared back ground information and received public comments.

Williams asked when the council will receive the recommendation. Foisy said it could be on the 23rd of September.

Mahan wanted to thank the Council for approving some of these things; they have greatly reduced the number of items on the Public Works agenda.

Other Public Works Items Foisy said the Pool Endowment MOU with the Community Foundation is anticipated to be on the agenda the first meeting in October for action.

The Capital Improvements Plan consultant will be here to meet with the City committees in the next couple of weeks.

The Airport Road is being repaved and South Airport Road is also being paved.

The Public Works committee is headlong into the update of the City ordinance related to the responsibilities of the Parks Board and be working on the updates of the MOU's that we have and need to have for all the park maintenance with the various nonprofit organizations.

Mahan said the truck drivers that are using White Ave have been very courteous and very professional.

Citizen Report none

Correspondence included in council packets

Miscellaneous Mahan said Cruisen Red Lodge is prepared to give a donation to the parade committee for the improvement of the speakers on Broadway. They designated it specifically for use towards the speakers.

Mahan said DG Harsha received a phone call from Vernon Larson and he made it down to Arizona, he is doing well and will be returning to Billings to pick up the last load of his possessions.

Brown stated she will be out of town from September 21 thru the 26th and will miss the next council meeting.

Schoenike wanted to remind the council he will also miss the next council meeting.

Williams said this Thursday at 8:00 there will be a Tea with the Mayor at Red Lodge Books.

Meeting Adjourned at 7:50 p.m.

Mayor

ATTEST:

City Clerk

