

June 23, 2015

The Red Lodge City Council met in regular session on June 23, 2015 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, Community Development Director-Peter Italiano.

**MINUTES OF JUNE 9, 2015** Motion by Foisy, second by Schoenike to approve the minutes of June 9, 2015 as amended. On roll call vote those in favor Aldermen Foisy, Mahan, Larson, Labrie, Schoenike, and Brown. Motion carried.

Foisy said on the top of page 13, the top paragraph needs to be inserted between the charts on page 12. On page 14, fourth paragraph, the word assistant needs to change to assistance.

Motion by Mahan, second by Brown to approve the minutes of June 9, 2015 Board of Adjustments with the amendments presented. On roll call vote those in favor Aldermen Foisy, Mahan, Larson, Labrie, Schoenike, and Brown. Motion carried.

**CLAIMS AGAINST THE CITY** Motion by Labrie, second by Larson that claims against the City totaling \$27,428.31 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 Bruco, Inc submitted a claim for \$492.28 , of which \$228.04 was for pool supplies and \$138.32 paid to Granite Peak plumbing for pool repairs.

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

**STANDING COMMITTEES- ADMINISTRATION Use of City Owned Land- Fun Run- Lions Club Park** Motion by Labrie, second by Larson to approve the use of City owned land at Lions Club Park, September 5<sup>th</sup> from 6:30 a.m. till 12:00 p.m. On roll call vote all Aldermen present voted “Aye”. Motion carried.

**Appointment of TBID Committee Board Members** Mayor Williams said they have moved this item from an action item to a discussion item on the agenda. He said they have been looking at the resolutions that enable the TBID and the Montana code and want to make sure we are in compliance with both of them. This item will be looked at during the next meeting.

**Appointment of Library Board Member** Mayor Williams recommended to the Council to reappoint Kathleen Normile to the Library Board.

Motion by Labrie, second by Brown to concur with Mayor Williams recommendation to reappoint Kathleen Normile to the Library Board. On roll call vote all Aldermen present voted “Aye”. Motion carried.

Brown said Kathleen has been a great member of the Library Board.

**EMERGENCY SERVICES Appointment to Police Commission** Mayor Williams said the City is required by Montana Code to have a Police Commission. Williams recommended Colleen Stevenson be reappointed to the Police Commission for a three year term.

Motion by Larson, second by Mahan to concur with Mayor Williams recommendation to reappoint Colleen Stevenson for a three year term, to expire in May of 2018. On roll call vote all Aldermen present voted “Aye”. Motion carried.

**Closure of Broadway Ave- Beartooth Rally** Schoenike said this item was on the agenda for action and after the Committee reviewed City Code today, the Council cannot take action on this application because according to our Code, it was neither timely nor complete. Under Title 8, Chapter 11, Special Events Permits, it points out “the application for permit must be submitted 45 days in advance of the special event” which would have been June 3<sup>rd</sup>. Schoenike said there are a variety of other requirements within that code for what the application needs to include and we do not have any of them. He said the application was not complete and not completely thought out. Schoenike said the Council should not consider this because of the reality of our Code.

Alissa Buckstead said she looked at the Code and it states “the permit process needs to be started 45 days prior to the event”. She said she had met with the Chief of Police back in March and had been contacting people regarding it before the June 3<sup>rd</sup> date. She wanted clarification on exactly what the permit process means, because she did start the process before June 3<sup>rd</sup>. She said she did submit an illustrated traffic plan last Friday, which was the deadline she was given. Buckstead said they will be supplying all of the barricades and will be removing them. She also pointed out the Code does state “no special event shall be conducted on publicly owned land or right-of-way between the hours of 1 a.m. and 7 a.m.” She wanted to point out that both of the street dances keep the roads closed throughout the night. She wanted clarification on why it is applicable to her application but not applicable to the street dances, even though they don’t have activity going on during those hours, but they still have the street closed. Buckstead said she feels this is a good move for the community and the businesses.

Foisy addressed the street dances as not being defined as special events, but submitting an application for the use of City owned land, which they do. He said under the permit process, he interprets the code as having the application 45 days before the event so the Police, Fire, Committee and Council can have time to review the application.

Schoenike agreed with Foisy. Schoenike said he was on the Planning Board and Council when they drafted the Code and approved it and the intent was to have the application in 45 days before the event. This gives emergency services plenty of time to review the detours and the impacts they will have. Schoenike did agree the wording does need to be clarified and cleaned up. He said some of the other requirements in the Code include proof of liability insurance, illustrated traffic plan, which was included, but was difficult to follow. He said in terms of the special event being conducted between 1 a.m. and 7

a.m., there are some gray areas in the Code. Schoenike said the street dances are defined by the serving of alcohol and the dance and those things have always been told they have to be stopped by 1 a.m. He said the definition of the event presented tonight is the closing of the street and the parking of motorcycles on the street.

Schoenike said another item under the Code states “The Police Chief or his/her designee shall be empowered to reasonably modify the route of a parade or event. If the applicant is unwilling to modify the route, the application shall be denied”. Schoenike said it was his understanding that Police Chief Hibler had suggested some changes to the proposed routes and those changes were not accepted.

Schoenike said other items that were not included in the application, were a damage deposit, plans for cleaning up litter and how many additional police are required to provide for this.

Schoenike said he was not entirely against the closing of the street, but felt it was a little late in the game to try to move forward with it this year.

**LAND USE AND PLANNING Resolution #3388- Adopting Updated Building Related Codes**  
Motion by Labrie, second by Brown to adopt Resolution #3388, a resolution adopting updated building related codes for the City of Red Lodge. On roll call vote all Aldermen present voted “Aye”. Motion carried.

## **Resolution NO. 3388**

### **A RESOLUTION ADOPTING UPDATED BUILDING RELATED CODES FOR THE CITY OF RED LODGE.**

WHEREAS: The City of Red Lodge maintains a building inspection program for the health and well-being of the citizenry, AND;

WHEREAS: The City of Red Lodge recently had its Building Code Effectiveness Grading Schedule (BCEGS) rating lowered from a 4 to a 9 by the ISO, AND;

WHEREAS: The ISO cited use of old codes as a reason for this change in the BCEGS rating, AND;

WHEREAS: The Red Lodge City Council acknowledges the effect the BCEGS rating of the community can have upon insurance rates for development within the City, AND;

WHEREAS: The Red Lodge City Council recognizes the importance of taking reasonable steps to keep the City’s BCEGS rating low, AND;

WHEREAS: The Montana Department of Labor and Industry recently adopted the 2012 edition of the International Building Code, the 2012 edition of the International Residential Code, and updated versions of various other building related codes, AND;

WHEREAS: Red Lodge City Code 9-1-1 as established in Ordinance 914, allows for the adoption of building codes by resolution.

Now Therefore,

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

The City officially adopts the following building related codes as approved by the Montana Department of Labor and Industry:

- A. The 2012 International Building Code,
- B. The 2012 International Existing Building Code,
- C. The 2012 International Residential Code, and
- D. The 2012 International Energy Conservation Code.

The City incorporated the 2012 International Fire Code into City Code in Ordinance 915, approved on second reading on 14 April 2015.

The City further acknowledges that the state has adopted the following codes which shall be applicable in the City of Red Lodge and enforced primarily by state officials:

- A. 2012 Uniform Plumbing Code
- B. 2012 International Mechanical Code
- C. 2012 International Fuel Gas Code
- D. 2012 NFPA Gas and Vacuum Systems
- E. 2014 National Electrical Code
- F. 2009 ANSI – ICC/ANSI A117.1

The City’s fee schedule associated with the enforcement of these codes shall not change at this time.

This Resolution shall become effective on 25 June 2015

PASSED AND APPROVED BY A MAJORITY OF THE RED LODGE CITY COUNCIL ON THIS THE 23RD DAY OF JUNE 2015.

City of Red Lodge

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Ed Williams, Mayor

ATTEST:

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Loni Hanson, City Clerk

Labrie said passing this resolution will improve our ISO rating and help with our insurance.

**Resolution #3389- Adopt 2015 Red Lodge Growth Policy** Motion by Schoenike, second by Labrie, a resolution by the City Council of the City of Red Lodge to adopt the 2015 Red Lodge Growth Policy. On roll call vote all Aldermen present voted “Aye”. Motion carried.

## **RESOLUTION NO. 3389**

### RED LODGE CITY COUNCIL

A resolution by the City Council of the City of Red Lodge to adopt the 2015 Red Lodge Growth Policy.

WHEREAS: The Red Lodge City Council tasked the Red Lodge Planning Board with the preparation of a Growth Policy for the City and a reasonable planning jurisdiction outside of the City limits, AND;

WHEREAS: The Red Lodge Planning Board approved an action plan incorporating public input and an approximate time line for the adoption of a new Growth Policy for the City of Red Lodge, AND;

WHEREAS: The proposed Growth Policy addresses all of the statutory components of a Growth Policy to the extent acceptable to the Planning Board, AND;

WHEREAS: The Red Lodge Planning Board did conduct a public hearing of the Growth Policy on March 11, 2015, AND;

WHEREAS: The City of Red Lodge through its Community Development Department has and continues to work cooperatively with the Carbon County Board of County Commissioners on planning and land use related issues, AND;

WHEREAS: The City Council of the City of Red Lodge is desirous of establishing and maintaining up to date growth management regulations including but not limited to Zoning, Subdivision and Floodplain Regulations, AND;

WHEREAS: The City Council of the City of Red Lodge is statutorily required to update and examine the Growth Policy on a time frame not to exceed 5 calendar years, AND;

WHEREAS 76-1-604 of the Montana Code Annotated provides the process for the adoption, revision, or rejection of a growth policy by the City Council, AND;

WHEREAS: The City Council of the City of Red Lodge adopted resolution of intent number 3385 which provided for a 30-day comment period on the proposed growth policy, AND;

WHEREAS: The comment period expired on June 15, 2015 and the City Council gave due weight and consideration to all of the comments received on the proposed growth policy.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Red Lodge, Montana to adopt Resolution Number 3389 which formally adopts The Red Lodge Growth Policy as prepared by the Planning Board and amended by the City Council. Further the document shall be cited as the '2015 Red Lodge Growth Policy, effective June 24, 2015.

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City of Red Lodge

Ed Williams, Mayor

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Loni Hanson, City Clerk

Williams asked Community Development Director, Peter Italiano, if there were any written comment from the comment period.

Italiano said that he had not received any written comments, but did have some verbal comments.

Shoenike said this resolution will adopt our 2015 Growth Policy, which was recommended by the Planning Board. He said the only amendment by the Council was a clarification under the Economic Section, there was something labeled as “Median Family Income” and we clarified it to read “Median Household Income”.

Foisy said the Parks Plan and the Capital Improvements Plan are included in this.

**Resolution #3390- Authorization to Submit CDBG Planning Grant Application** Motion by Brown, second by Labrie to adopt Resolution #3390, authorization to submit CDBG Planning Grant to prepare an Active Transportation Plan for the City of Red Lodge as an Appendix to the Red Lodge Growth Policy. On roll call vote all Aldermen present voted “Aye”. Motion carried.

**Resolution #3390  
Authorization to Submit CDBG Planning Grant Application**

WHEREAS, the City of Red Lodge recently completed a Comprehensive Parks Plan and Active Transportation components were the most supported activities by survey respondents, and

WHEREAS, the Red Lodge Trails Plan was completed in 2006, needs updating and a Trails component would be included in an Active Transportation Plan, and

WHEREAS, the City of Red Lodge has the legal jurisdiction and authority to Adopt an Active Transportation Plan as part of the Red Lodge Growth Policy, and

WHEREAS, the City of Red Lodge has applied for and received CDBG planning grants in the past and completed them successfully with positive outcomes to the community.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Red Lodge, Montana that the Mayor of the City of Red Lodge is authorized to submit an application to the Montana Department of Commerce for financial assistance of \$28,000 from the Community Development Block Grant (CDBG) Program to prepare an Active Transportation Plan for the City of Red Lodge as Appendix to the Red Lodge Growth Policy, further, the City of Red Lodge agrees to comply with all State laws and regulations and the requirements described in the CDBG Application and Administration Guidelines for Planning Grants specifically, and those that will be described in the CDBG Project Administration Manual generally. The matching funding sources for the 3:1 grant for development of the Active Transportation Plan will include \$5,000 from the Parks Board budget and \$2,000 from Building Active Communities (BACI).

Authorized by the City Council of the City of Red Lodge, Montana, the 26th day of May 2015 and  
Approved by the City Council of the City of Red Lodge, Montana, the 23<sup>rd</sup> day of June 2015.

City of Red Lodge

By: \_\_\_\_\_  
Ed Williams, Mayor

Attest:  
By: \_\_\_\_\_  
Loni Hanson, City Clerk

Brown handed out an updated copy from the resolution previously handed out in the Council packets. She said they made a few changes to the whereas' and also included the amount of the Grant and the matching funds.

Foisy wanted to make sure the application would be submitted on July 1<sup>st</sup>.

Brown said the staff will have the application submitted on July 1<sup>st</sup>.

Brown said the Council has in their packets some related items, including a Memo from James Caniglia, City Planner, that outlines how the Active Transportation Planning has gone so far and what they anticipate over the next year and a detailed task list and dates.

**PUBLIC WORKS Resolution #3391- Establish Restricted Cash Account for Curb Stop Fees**  
Motion by Mahan, second by Larson to adopt Resolution #3391, a Resolution by the City Council of Red Lodge, Montana, establishing a restricted cash account in the Water Department Fund. On roll call vote all Aldermen present voted "Aye". Motion carried.

#### RESOLUTION NO. 3391

#### A RESOLUTION BY THE CITY COUNCIL OF RED LODGE, MONTANA, ESTABLISHING A RESTRICTED CASH ACCOUNT IN THE WATER DEPARTMENT FUND.

WHEREAS, the City of Red Lodge has adopted Resolution No. 3386, a Resolution to Set the Water and Sewer Rates and Charges for the next five years effective on July 1, 2015 and

WHEREAS, the City has allocated a \$2.00 Curb Stop Fee per service for the purpose of repairing curb stops and water service lines from the water main to the curb stop in the City of Red Lodge, and

WHEREAS, the City Council has determined that the public interest will be best served by the establishment of a Restricted Cash Account for monies allocated from the monthly Curb Stop Fee for repairs.

NOW THEREFORE, BE IT RESOLVED by the Red Lodge City Council to establish a Cash Restricted Account, Account number 5210-102131, for funding activities under Resolution No. 3386.

Passed and approved this 23<sup>rd</sup> day of June, 2015.

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Ed Williams, Mayor

ATTEST:

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Loni Hanson, City Clerk

**2015 Pool Fees** Foisy said there has been some feedback on the fees that were passed last September. Those were modified fees to differentiate between a City resident or property owner and someone living outside of the City. The fees before were one price for everyone. He said the committee discussed whether to lower the fees back to what they were last year and decided to leave the set fees this year and track the fees and compare last year's fee collections to this year's fee collections. He said the Red Lodge Community Foundation has two programs to help subsidize the cost.

Labrie said the Community Foundation programs are the Girls in Motion and the Youth Enrichment Fund. She said anyone can go to the Foundation and apply for either one of the programs.

Foisy said the operating costs for the pool have gone up from \$50,000 to \$70,000. He said that is one reason why they have established a Pool endowment with the Community Foundation. Foisy said now that the Pool has been dedicated as a park, the City can look at using Resort Tax funds for some of the capital projects for the Pool.

Foisy said the committee is not recommending any changes to the fees.

**Other Public Works items** Foisy said on June 30, there will be a Pool Party to kick off the Pool Endowment Fund from 6 p.m. to 8 p.m. at the City Pool.

Foisy said at the next meeting they will have for Council approval, a request for proposals for the Preliminary Engineering Report for the Sewer Plant. He said they have received official word from the State that we have received a TSEP Grant for \$15,000. Foisy said he will submit, online, an application to Department of Natural Resources that will provide us with an additional \$5,000. He said the Public Works Committee has prepared a draft request for proposals for the Council to approve and will send it out mid-July and want proposals back by mid-August.

Foisy said the committee will be working with the City Engineers to start on the engineering of the syphon under Rock Creek, which is another project under the Capital Improvements Plan.

**CITIZENS REPORT** None.

**CORRESPONDENCE** Mayor Williams said he sent a letter to the Montana Department of Transportation requesting them to look at the transition of speed when you enter town on the north entry. He said currently it goes from 70 mph then drops drastically to 45 mph. He said the transition into and leaving Joliet seems to work well and something along those lines would probably be good here. He said the City is requesting the State to look into a traffic study in this area. Williams also asked them to look

into the speed limit on Brewery Hill as one of the City's residents has requested that the posted speed limit on Brewery Hill be lowered.

**MISCELLANEOUS** Mayor Williams congratulated Alderman Foisy on the outstanding job that REWIND did this year.

Foisy said they filled a standard 53 ft. truck and a second truck about half that size was filled up. He said they did not have a total weight yet. It has to be hauled to California.

Mahan said the 4<sup>th</sup> of July Parades will be turning at the Library and will continue to go west to Villard Ave and return to the Civic Center.

Williams said he received an update from MDT regarding the road construction. They will be paving everything they have milled so far and will resume milling on August 3<sup>rd</sup>. They will try to finish all of the ADA corners by the July 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> celebrations. Williams also said they are planning on opening up the roundabout for the holiday, but it will still just be gravel.

Meeting adjourned 7:40 p.m.

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Mayor

ATTEST:

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City Clerk