

August 25, 2015

The Red Lodge City Council met for a public hearing on August 25, 2015, at 6:00 p.m. This meeting was posted at the Post Office and City Hall and noticed in the legal ads of the Carbon County News. The meeting was called for the following agenda item, Appeal of Administration Decision regarding water service to a property outside of the City limits.

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

Mayor Williams asked the Council if any member had any ex parte communications regarding this matter. Aldermen Foisy, Labrie, Schoenike, and Brown responded yes. Alderman Mahan responded no. All Aldermen received an email between Pete Critelli and Community Development Director, Peter Italiano, before the meeting. Alderman Mahan said she did not read the email yet.

Peter Italiano, Community Development Director, reported that Laura Odegaard has requested an Appeal of an Administrative Decision by the Public Works Director. Jim Bushnell, Public Works Director, denied Ms. Odegaard's request for water service to her property because her property is situated outside the Red Lodge City Limits and therefore outside the Red Lodge water and sewer service area. Italiano stated Red Lodge Municipal Code in Title 10, Chapter 3, Section 5, establishes that City water service will only be provided to properties "located within the utility's water and/or wastewater service area".

Italiano had a few findings of fact. He said the tap permit which was issued to Ms. Odegaard has been expired for over twelve years. Second, the 2003 Odegaard permit contained information about Ordinance 515, which is a public document. Ms. Odegaard had the ability to review Ordinance 515, and its information on the six month expiration for the tap permit. Third, the City's current regulations require that water service be provided only to properties within the Red Lodge Service Area, aka, the City limits.

Italiano concluded there was no regulatory reason or precedent to honor an expired tap permit and the Municipal Code does not support water service beyond the City limits.

Ms. Odegaard pointed out the permit did not state on it that it expired after six months and she did not realize what the ordinance was till she came back to the City in July of this year. She asked the Council to change their policy and let people know there is an expiration date on the permit. She suggested having the expiration stamped on the actual permit. Ms. Odegaard appealed to the Council that her money is refunded if the Council decides not to give her water service. She also appealed to the Council to remove the 10ft easement across her property. She said if they have to put in a well and septic, the easement will cause problems with them accomplishing that.

Mayor Williams opened the public hearing at 6:15 p.m.

Hearing no comments, Mayor Williams closed the public hearing.

Bushnell said he would check into the easement with the engineers to see the necessity of it.

Schoenike suggested since Ms. Odegaard has requested more appeals, the Council should table the decision on this appeal until the next Council meeting.

Motion by Schoenike, second by Mahan to postpone the final decision on this Appeal of an Administration Decision until the next Council meeting on September 8, 2015. On roll call vote, all Aldermen present voted "Aye". Motion carried.

Meeting adjourned at 6:20 p.m.

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Mayor

ATTEST:

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City Clerk