

November 12, 2013

The Red Lodge City Council met in regular session on November 12, 2013 at 7:00 p.m. The meeting was called to order by Mayor Roat followed by the Pledge of Allegiance to the Flag.

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

DEPARTMENT HEAD ATTENDANCE: Community Development Director – Forrest Sanderson, City Clerk – Debbie Tomicich.

MINUTES OF OCTOBER 22 Motion by Mahan, second by Labrie to approve the minutes of October 22 as submitted. On roll call vote all Aldermen present voted “Aye.” Motion carried.

CLAIMS AGAINST THE CITY Motion by Labrie, second by Williams that claims against the City totaling \$183,091.85, 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 told the Council of a couple of claims submitted regarding the repair of the sewer lift station. Carbon County Sewer was \$6,450 and Smith and Loveless for \$18,315.

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

COMMENTS FROM PUBLIC REGARDING AGENDA ITEMS None

SPECIAL COMMITTEES None

STANDING COMMITTEES - ADMINISTRATION – Ordinance No. 901 – Resort Tax Administrative Ordinance – First Reading Motion by Labrie, second by Williams to table Ordinance No. 901, Resort Tax Administrative Ordinance. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Sale of Cooper Lot #2 Sanderson reported on the accepted counter offer to the purchase of Cooper Lot #2 subject to the terms and conditions that were described in the Council counter offer. These terms stated the selling price as \$22,000, the buyer is aware that the water service is extended to the lot line and the sewer is available to the lot by the main on Cooper and must be extended at the sole expense of the purchaser. Sanderson wanted these terms and conditions made crystal clear to the buyer as the listing could have inferred that both the water and sewer were available at the lot line. The buyer signed and acknowledged that they were aware that only the water has been brought to the lot line.

Williams asked about the last remaining lot the City owned as to the water and sewer connections. He was told that it was the same as Lot #2 which is the water has been brought to the lot line and the sewer is available at the main. The listing on the remaining lot has been amended so it is clear regarding the water and sewer lines.

POLICE AND EMERGENCY SERVICES – Fire Department Training Facility on Sewer Enterprise Fund Ownership Motion by Mahan, second by Foisy to table the line item, Fire Department Training Facility on Sewer Enterprise Fund Ownership until the November 26 Council meeting. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Mahan told the Council that this item came as a surprise to the Police and Emergency Services Committee so they discussed this with Tom Kuntz at the committee meeting and they will help with finding a location that is more appropriate. The committee also verified with Public Works that their preference is to not have the training facility at this location. Mahan said if they cannot come up with an appropriate proposal by the November 26 meeting they will strike it from the agenda.

Mahan said that Chief Pringle has gone around the entire community looking at all traffic signs and identifying the ones that are inappropriately placed or hidden by trees. She said there were fourteen signs listed and Public Works has taken care of all but three of them.

Mayor Roat commented on the work that was done by the City Crew in the repair of the sewer lift station. He said they did a very good job and how timely it was as problems were arising.

Foisy said he has been working on major funding sources for police projects and police capital equipment. He said he would place the information he has received in everyone’s box. He said the due dates for the various grants need to be watched so they can be submitted in a timely manner.

A MOU on mutual aid between the County and the City has been done and given to the Council to review. If anyone has any comments they should be submitted to the Mayor. The Mayor said the mutual aid agreement is an administrative tool for the police department. The document was written by the City Attorney.

Williams spoke to the manner of requesting reimbursement for expenses. The City would submit a request for reimbursements to the County Attorney or the County Commissioners and it also states the County would submit a reimbursement to the Mayor. Williams feels that there would be no submittals by the City as we are also in the County and he feels the County is committed to backing up the City as part of their jurisdiction. Mayor Roat said he will take this under advisement and discuss it with the County Attorney.

LAND USE AND PLANNING – Resolution No. 3361 – Adoption of 2013 Growth Policy

RESOLUTION NO. 3361

RED LODGE CITY COUNCIL

A resolution by the City Council of the City of Red Lodge to adopt the 2013 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 July 10, 2013, 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 3360 which provided for a 30-day comment period on the proposed growth policy, AND;

WHEREAS: The comment period expired on September 21, 2013 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 3361 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 ‘2013 Red Lodge Growth Policy, effective September 24, 2013.’

Motion by Schoenike, second by Mahan to approve Resolution No. 3361, a resolution by the City Council of the City of Red Lodge to adopt the 2013 Red Lodge Growth Policy. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Schoenike said the resolution basically calls out some of the process that has been gone through so far and adopts the Growth Policy as prepared by the Planning Board and amended by the City Council. Schoenike stated some amendments that need to be made to the Growth Policy. These changes are listed under modifications applicable to document formatting; items 1-5; modifications applicable to information, primarily using census data, items 1-3, 5 and 7; modifications applicable to policy issues, item 2; and also the following changes to the Future Land Use Map: a) the Central Business District shall be extended to 15th and Broadway, b) the Central Business Transition shall be inserted from 15th to

16th along Broadway, c) the balance of the Broadway frontage shall be Community Entrance to the City limits, d) all changes are shown on the draft Future Land Use Map.

Modifications Applicable To Document Formatting

- 1. Page 3, Introduction, change reference to Chapters 4-15 to read Chapters 4-16, as the Table of Contents references 16 Chapters.**
- 2. Page 15, The Community Entrances, Northern Entrance, modify reference to Chapter 11, Infrastructure and City Services, to reference Chapter 12 as this is the chapter number for Infrastructure and City Services**
- 3. Page 16, Strategies for Implementing the Community Entrances Goal, Investments, Section D, The Urban Growth Boundary Map, found in the appendix of this document.... Remove the reference to the map as there is no Urban Growth Boundary Map included.**
- 4. Page 26, Future Land Use, modify wording to note that the Future Land Use Map is in the Appendix, not as an insert in the Chapter as referenced. Also change reference to Chapter 11 to read Chapter 15, Wildland Urban Interface.**
- 5. Page 50, Goals to Mitigate Human-Wildlife Conflict, number 4, change the reference from Section 9 to read Chapter 10 as this is the chapter number for Trails, Parks and Open Space.**

Modifications Applicable to Information, Primarily Using Census Data

- 1. Page 4, Table 1.3, Montana Population Projections by Age, include percentages for each number. Rationale: Percentages provide an indication of trends and the relative amount for each age sector.**
- 2. Page 4, Introduction, include a table that depicts the age sectors, including median age, for Red Lodge as compared to other geographies. A recommended table based upon the U.S. Census is attached. Add a statement “Though Red Lodge has a higher median age (47.3) than Montana (39.8) and the U.S. (37.2), there is a younger population of 39 years and under (39.9%) than Carbon County (38.8%) as a whole.**

Rationale: Tabular representation of age confirms the description of the Red Lodge economy on Page 4 as being based on retirees, young families,

- 3. Page 4, Introduction, Factors Affecting the Local Economy, include a table that documents the employment status of Red Lodge residents compared to other geographies. A recommended table based upon the U.S. Census is attached. Add a supporting statement that “Red Lodge employment is unique in that the information sector (3.4%) (largely internet based), finance and insurance/real estate (12.1%), professional services (10.9%), arts/accommodation and food services (18.4%), and public administration (12.8%) are well above state and national averages.”**

Rationale: Tabular representation of Red Lodge employment supports narrative statements in the

Growth Policy on the uniqueness of the Red Lodge economy and provides a reference for the types of businesses that could be targeted in economic development efforts. This table also supports the statement in the Growth Policy, Page 10, Section B, that there are significant differences in the economy of Red Lodge and the agricultural economy of the rest of Carbon County.

5. Page 19, Residential Neighborhood Goals, Section 4, reinsert partial statement to read “that all neighborhoods should have safe non-motorized access to schools, parks, public buildings and to the City Center. Add a statement that “This goal is especially important given that 28.8% of Red Lodge workers 16 years and over commute to work by either walking (23.5%) or by other means including bicycling (5.3%). This is four times the Montana average (7.3% combined) and more than five times the U.S. average (4.5% combined).” Rationale: Further emphasis of Red Lodge’s unique neighborhood characteristics.

7. Page 20, Census of Red Lodge Housing Units, The number of vacation/seasonal homes is much higher in Red Lodge than surrounding towns or the state of Montana. Add “This is supported by the fact that 25.4% of Red Lodge housing units are vacant for seasonal, recreational or occasional use, well above the U.S. average of 3.5% and the Montana average of 8.0%.” Rationale: Further emphasis of seasonal nature of residents and housing.

Modifications Applicable to Policy Issues

2. Page 11, Citizen Participation Goal, Strategies for Implementing the Citizen Participation Goal, add a statement “The City will expand its outreach methods and establish policies that result in residents and businesses being better informed.”

4. The following changes to the Future Land Use Map:

- The Central Business District shall be extended to 15th and Broadway;
- The Central Business Transition shall be inserted from 15th to 16th along Broadway;
- The balance of the Broadway frontage shall be Community Entrance to the City Limits;
- All Changes are shown on the Draft Future Land Use Map.

Motion by Schoenike, second by Labrie to make the stated amendments to the Growth Policy. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Foisy had some functional areas that he would like to see addressed that are stated in general terms such as transportation, economic development, and housing. Foisy asked how some of these functional areas would be addressed further. Sanderson said the Planning Board did what was requested of them by the Council regarding the Growth Policy. He said all these issues were identified in the Policy and if more needs to be done, the Growth Policy can be amended to include further statements on issues identified. The flexibility of any changes or additions that may need to be made was left to the Council. There are

other items in regard to the Growth Policy that will be further discussed when the Planning Board starts work on the Zoning Regulations.

Conditional Use Permit – Family Dollar Store Sanderson said the Planning Board has a public hearing that will be held November 13 at their meeting on a Design Review and Conditional Use Permit for the Family Dollar Store. This is proposed for the C-3 Community Entrance north corridor. Under the prevailing Zoning Regulations the Planning Board will hear the item, they will gather information and issue a recommendation to the Council on the Conditional Use which is for a non-residential facility greater than 2000 square feet in size. The Planning Board is the decision maker on the Design Review component that is the appearance of the structure and the section 4.5 criteria for the issuance of a permit. The Board will then forward their recommendation to the Council for action on November 26, 2013.

Bonk Variance Request The Bonk variance is similar to one that was heard about six weeks ago regarding a twenty-five foot wide lot that could not meet the six foot setback requirements. The Bonk's are requesting to flip the existing house, center it on the existing lot and put down a standard conforming foundation. This hearing is scheduled for 6:30 p.m. on November 26, 2013.

NorthWestern Energy Sanderson said that per the franchise agreement with NorthWestern Energy they are to meet annually with the Council President, Mayor and Public Works. Sanderson received an e-mail from NorthWestern Energy asking to cancel the 2013 meeting but Sanderson told them the City prefers to hold the meeting sometime before the end of the year. Sanderson said he would set up a time and date for this meeting before the end of the year.

PUBLIC WORKS – Position Description – Public Works Director Motion by Mahan, second by Schoenike to approve the position description for the Public Works Director as presented. On roll call vote all Aldermen present voted "Aye." Motion carried.

Mayor Roat said that new descriptions were done for all employees except the Public Works Director in 2008. A new one was much needed for this position.

Airport Road Construction Survey – Red Lodge Surveying Motion by Foisy, second by Schoenike to accept the contract with Red Lodge Surveying for the Airport Road Construction Survey not to exceed \$12,000. On roll call vote all Aldermen present voted "Aye." Motion carried.

Sanderson said the South Airport Road will be surveyed to obtain a dedicated right-of-way from the new alignment of Airport Road which will be directly adjacent to Lazy M with the MDT realignment. The City will deal with the trespass issue with Jim Ransdell and will square up on 14th Street and parallel to the runway so the County can pave a portion of Airport Road. The survey will go with the new approach that will be done with the MDT project. The Airport Road and Lazy M will then be across from each other. Williams said he believes the State has already done a portion of the survey that is included in the contract. Sanderson said he will confirm this with Red Lodge Surveying to make sure the road will then go where the City wants it and not what MDT wants. If the north end of the survey has been done by the State the cost of the surveying to the City will be less.

CDBG Grant Application Sanderson said that thanks to Foisy taking the time to look through the CDBG Grant application he would be surprised if the City application is not the first one received by the State. Foisy said he would be contacting the State as he thought the City should have already heard if we received the grant.

CITIZEN REPORT Michael Sczcutkowski said he feels the west side of Town Pump is very shoddy with landscaping. He wondered who the responsible party is. Mayor Roat said the area will be affected by the upcoming project that will be done by the State.

Sczcutkowski asked where the City stands on the possibility of fracking outside the Red Lodge area. He has noticed that some groups are trying to get information out to the public. The City has no ability to control or regulate this. Sczcutkowski said that fracking could impact the motels in Red Lodge. All permitting will be done with the State and if people are concerned they need to speak with the County Commissioners as they have no zoning regulations in place. Labrie said she attended a meeting that was held and she thought there were a lot of scare tactics at this meeting and she also feels concerned citizens need to speak to the Commissioners regarding zoning.

Betty Ansonge spoke again regarding antifreeze and wishing that only non-poisonous antifreeze could be used in Red Lodge as she was told the town has no jurisdiction in making this happen. Ansonge is also concerned with the wild turkeys that are always in front of her house.

CORRESPONDENCE Sanderson said that included in the Council packets was e-mail information from NorthWestern Energy to the Mayor regarding the problems that pertain to the net metering.

There was an update from Wally Zook on the Airport Board meetings.

Sanderson submitted information to the Council on the Russ Doty issue with NorthWestern Energy.

The Council was given information on the NorthWestern Energy usage at the sewer lagoon with the solar panel on and again with it off. The question is whether or not the City is benefitting due to the panels being in place.

MISCELLANEOUS Sanderson said that Great West Engineering will be at the December 10 Council meeting to speak with the Council regarding the water and sewer rate study that his company is doing for the City.

Meeting adjourned at 8:30 p.m.

Mayor

ATTEST:

City Clerk