

October 22, 2013

The Red Lodge City Council met in regular session on October 22, 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 and City Clerk – Debbie Tomicich.

MINUTES OF BOA – SEPTEMBER 24 Motion by Mahan, second by Labrie to approve the minutes of the Board of Adjustment meeting held on September 24 as submitted. On roll call vote all Aldermen present voted “Aye.” Motion carried.

MINUTES OF SEPTEMBER 24 Motion by Mahan, second by Larson to approve the minutes of September 24 as submitted. On roll call vote all Aldermen present voted “Aye.” Motion carried.

MINUTES OF OCTOBER 8 Motion by Mahan, second by Labrie to approve the minutes of October 8 as submitted. On roll call vote all Aldermen present voted “Aye.” Motion carried.

COMMENTS FROM PUBLIC REGARDING AGENDA ITEMS None

SPECIAL COMMITTEES Larson reported that Foisy, Labrie and he attended the League of Cities and Town Conference in Helena last week. He said it was a good conference being very informative and good networking with other communities.

Foisy said he had very good discussions with a gentleman at the conference regarding trees. He told Foisy that Red Lodge needs to apply for more grants and also take tree planting and care into the schools so the youth can be taught more regarding this issue.

Foisy said he also talked to some Finance Directors from other communities along with some Public Works Directors. He spoke to the PWD’s regarding a resurfacing program. He went to some programs regarding water resource plans.

He said one of the sessions he attended had a republican and a democrat legislator and they talked about the issues that will be brought out in the next legislative session. They will be 1) education, 2) health, 3) pensions and 4) infrastructure.

STANDING COMMITTEES - ADMINISTRATION – Ordinance No. 901 – Resort Tax Administrative Ordinance Sanderson said the Administration Committee has reviewed the recommendations given to the City from the appointed Resort Tax Review Committee. He said he believes that everything the Review Committee recommended has been incorporated into the new Ordinance. The entirety of the ordinance has been reformatted to hopefully make it easier and more understandable to everyone. It is hoped that all confusion has been eliminated. Sanderson reminded all that the public hearing for this ordinance will be held on November 12, 2013 at 6:00 p.m. The first reading of the ordinance and Council discussion will occur as regular business at the scheduled meeting the same night.

As much notice as can be given to the public will be done, especially to those businesses that any changes will affect.

Agreement with Carbon County – Use of Roto-Millings – Airport Road Carbon County Commissioner Prinkki stated the roto-millings that will be pulled off of Highway 212 next summer will be available to be used by the County and the City. He said the City will be receiving about 2500 cubic yards of the roto-millings and the County should be getting about 5000 cubic yards. The number one place to put some of the millings will be Airport Road which is where the County advises the City to use their share. The County also uses this road frequently so they are willing to help with this project as much as they can. The starting spot for this road repair is where the City has their stockpile for sanding materials and will continue onto the Remington Ranch Road. Prinkki said the County proposes to provide the equipment and manpower to lay the material down. He said the millings will be delivered by the contractor doing Highway 212 so this will not be an additional expense. He said the County is asking the City to contribute up to \$20,000 for the product to be put down and the application of the reclamite product. Prinkki said the application will be a six inch lift and will be twenty-four feet wide. He said the County will probably also be asking the City to survey the road to make sure the work will be done where it is supposed to be. Sanderson said the City will be trying to target an alignment on either 7th or 8th Street to be consistent with the gridded network. Sanderson told Prinkki there is a problem at the intersection of Airport Road, White Avenue and South Airport Road. He said the roads are actually on property not owned by the City. Sanderson said the quote on the road survey is between \$8,000 and \$12,000 to survey the entire alignment and this will then get the road off of the Ransdell ownership. This will allow the City to extend a parallel alignment west on 14th Street down toward the runway and then on a right-of-way parallel to the runway just off the Edick platted right-of-way and extend to Airport Road and then follow to the corporate City limits.

Sanderson said the City has the obligation for traffic control while this project is ongoing. He said this will be coordinated with the County and the City will probably close sections of the road while the work is being done. Sanderson said he will get all the needed information to the County.

Foisy asked Prinkki if they had considered taking the roto-millings down the hill on White Avenue. Prinkki said there are other projects in need of the millings that they found to be more important so they will not be going down the hill on White. He said that this portion of the road is not in bad shape and could just use a seal coat.

Schoenike said that he feels the Public Works Committee needs to address the issue of building improvements on lands owned by the Enterprise Funds before anything is done. Street Foreman, Jim Bushnell said the only comment he has is the issue of safety by the sewer ponds. He would be concerned with anyone not employed by the City driving in the area of the sewer lagoons. Prinkki asked Bushnell to get in touch with him so this can all be discussed.

Prinkki said the County will be writing an agreement that they will then present to the City for their review before any work starts so everyone will be aware of costs and the scope of work done by each entity.

Counter Offer – Sale of Lot 2, Block 49, Cooper Lots Motion by Larson, second by Williams to approve the counter offer of \$22,000 for City owned land at Lot 2, Block 49. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Williams said the Administration Committee reviewed some comparable lots and they feel the \$22,000 is a fair price for the lot. The funds will go into the Capital Project Fund.

POLICE AND EMERGENCY SERVICES None

LAND USE AND PLANNING – Conditional Use Permit – Haggin-Brewery Cottages – Public Hearing

Sanderson said the Planning Board, in regular session, at a statutorily required meeting, considered a Design Review and Conditional Use Permit for Jim Mercer and Robert Taylor.

Sanderson the Planning Board identified three items that the Council need to take a look at. 1) The findings of fact and the conclusion of law found in the Zoning Regulations as it pertains to R-4 properties and Conditional Uses. The Planning Board recommendation is that the Council adopt their staff report RLDR-13-5 and RLCU-13-2 as the findings of fact and conclusions of law. 2) Approve the Conditional Use. The Conditional Use is to build a condominium project consisting of six units on one undivided tract. The question the Planning Board struggled with is that the developer did not have to be there. Sanderson said this is true as Mr. Mercer owns four lots but unfortunately, when you look at the offsite additional improvements, if he proceeds absent the public review process, he cannot pursue bonding for the offsite improvements and they are significant. The offsite improvements are to pave two moving lanes on First Street, pave the parking area on First Street, install curb, gutter and sidewalk adjacent to First Street within the project area, pave the parking lane on Haggin Ave. and install curb, gutter and sidewalk within the project area on Haggin Ave. Mr. Mercer cannot sell lots without installing the improvements unless he can bond for them. The conditions recommended by the Planning Board address the bonding mechanism and the process. 3) The last item the Council needs to look at is that the platted City of Red Lodge ends at First Street. The City only has a thirty foot right-of-way on First Street. In order to effect the required stripped off site improvements, twelve foot moving lanes, eight foot parking lanes and curb, gutter and sidewalk in the project area the City will need to dedicate an additional thirty feet of right-of-way. This would make First Street a full sectioned street from the right-of-way of Haggin through the alley right-of-way in the mid-block between Haggin and Cooper. None of this would violate the City policy of distribution of land.

Mayor Roat opened the public hearing with no one speaking so he then closed the public hearing.

Jim Mercer said that he was very satisfied with the process when he went before the Planning Board. He said that he is vested in this community and feels he is improving the area where he is putting in his developments by putting in such things as streets, curbs, gutters and sidewalks.

Sanderson went through the request questions with Mr. Mercer and Mr. Mercer answered all the asked questions.

Motion by Schoenike, second by Williams to adopt Planning Board recommendation RLDR-13-5 and RLCU-13-2 as findings of fact and conclusion of law. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Motion by Schoenike, second by Labrie to approve the following Conditional Use Permit for James Mercer and Robert Taylor for the Haggin-Brewery Cottages on property that may be described as Red Lodge Original Plat Lots 7, 8, 9, and 10, Block 93, located in Section 27, Township 7 South, Range 20 East, P.M.M. Carbon

County, Montana, subject to the nineteen conditions in the staff report. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Motion by Schoenike, second by Labrie to dedicate thirty feet of right-of-way to become the north half of First Street between Haggin Avenue through the east edge of the alley right-of-way between Haggin and Cooper Avenues. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Growth Policy Schoenike said the Land Use and Planning Committee is nearing the end of their review of the Planning Board recommendations on the Growth Policy. There have been a few very minor changes and the committee will take a couple more days to finish the process. The Committee will get these to Sanderson and Sanderson will then get the document to the full Council by October 29, 2013. This will give the Council two weeks to review the document as the Land Use and Planning Committee is recommending it. Sanderson said he will then put Resolution 3361, adoption of the Growth Policy, on the next agenda for action.

PUBLIC WORKS – Urban Forestry Grant – R-O-W – Tree Planting Motion by Foisy, second by Mahan to authorize the Mayor to execute an application for a cost share tree program under the fiscal year 2014 with the Montana Department of Natural Resources and Conservation Urban Forestry Program for a total project cost of \$7,500 with \$3,750 of State funds and the City match of \$3,750. On roll call vote all Aldermen present voted “Aye.” Motion carried.

The City has just completed an Urban Forestry Grant like this that went very well so the Parks Board would like to try one again with emphasis being put on businesses planting boulevard trees. Williams asked if the cost sharing was the same as the previous grant and he was told it was. The Parks Board will be helping with the finances of this grant on the City share. Anyone that plants a tree is required to purchase it for \$75.00. Public Works will be involved in the placement of any trees that are planted.

Motion by Foisy, second by Mahan that the Fiscal Year 14 Parks Board budget totaling \$82,500 in the Resort Tax Fund that the line item for refurbishing trash cans be modified from the current approved amount of \$5,000 to \$3,125 and line item for grant match be increased from \$0.00 to \$1,875. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Lift Station Update Streets Foreman, Jim Bushnell, told the Council that pumping work will begin this evening on the lift station. He said they are attempting to get the lift station back to working order with new parts that have been purchased. They hope the work will be completed by tomorrow afternoon with the lift station being in working order again. A lot of work was done for this project.

Swimming Pool Schoenike said that Tracy Timmins attended the Public Works Committee meeting today and he said they are working forward again on the possibility of an endowment to help with the swimming pool.

Sewer Interceptor Schoenike asked if there was any news on the sewer interceptor. He was told that the City Engineer is still analyzing the input from DOWL-HKM and Sanderson Stewart. Mayor Roat said the Public Works crew is anxious to get this done as it will take some of the work off the pumps at the lift station. When the recommended route is determined then the City will talk with Mr. Jarussi or Mr. Legnini.

Bushnell said the City purchased a trailer a couple of years ago to haul items but it needs work done so Bushnell said they will be working on it this winter. There will be a cost of about \$2,000 to finish this trailer. Everyone feels this would be a good project to get finished so any department that needed it could use it.

CITIZEN REPORT Betty Ansoage spoke about poisonous antifreeze. She said she would like to see this replaced with non-poisonous antifreeze. She said it would be safer for kids and animals. She also wishes the City could get rid of the turkeys that are in town.

CORRESPONDENCE None

MISCELLANEOUS Foisy asked permission from the Council to be out of town for approximately ten days but will miss no committee meetings or Council meetings. This request was approved.

Meeting adjourned at 8:15 p.m.

Mayor

ATTEST:

City Clerk