

June 11, 2019

The Red Lodge City Council met in regular session on June 11, 2019 at 7:00 p.m. The meeting was called to order by Mayor Larson followed by the Pledge of Allegiance to the Flag.

ROLL CALL OF OFFICERS Present: Mayor Larson, Aldermen Dimich, Mahan, Cameron, Weamer, Hoffman, and Westwood.

DEPARTMENT HEAD ATTENDANCE: City Clerk – Loni Hanson, Public Works – Jim Bushnell, and Community Development Director - James Caniglia.

MINUTES OF MAY 14, 2019 Motion by Mahan, second by Hoffman to approve the minutes the of the work session of May 14, 2019. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Motion by Mahan, second by Dimich to approve the minutes of the regular Council meeting of May 14, 2019. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Motion by Westwood, second by Dimich to amend the regular Council meeting minutes of May 14, 2019, to have the correct copy of Ordinance 923-amended included in the minutes on page eight. On roll call vote all Aldermen present voted “Aye.” Motion carried.

MINUTES OF MAY 28, 2019 Motion by Mahan, second by Westwood to approve the work session minutes of May 28, 2019. On roll call vote all Aldermen present voted “Aye.” Motion carried.

WARRANTS PAYABLE Motion by Mahan, second by Westwood to approve warrants against the City totaling \$263,636. 49 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.

Mahan said we paid Republic Services \$35, 958.24 and Northwestern Energy \$13,483.03

OFFICER REPORTS The Council received the monthly Resort Tax and Clerk’s reports.

MAYOR’S COMMENTS- Appointment of Library Board Trustee Mayor Larson asked for Council approval to appoint Ann Winning to the Library Board. All Aldermen present approved the Mayor’s appointment of Ann Winning to the Library Board.

PUBLIC COMMENTS- Perry Springsteand, 312 N Word, spoke on his parking on Word Ave.

NEW BUSINESS- Land Use Application, Pollard Hotel Motion by Cameron, second by Dimich to approve the Use of City Owned Land Application for the Pollard Hotel on July 4th. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Resolution No. 3518, Authorize Mayor to sign Energy Corps 2019-2020 Host Site Application Motion by Westwood, second by Hoffman to approve Resolution No. 3518, a resolution of the City Council of the City of Red Lodge authorizing the Mayor to sign the Energycorps 2019-2020 Host Site Application. Motion was tabled.

Motion by Dimich, second by Cameron to table Resolution No. 3518 until we have a clearer understanding of the financial picture of the City. On roll call vote Aldermen Cameron, Dimich, Hoffman, and Weamer voted "Aye." Aldermen Mahan and Westwood voted "No." Motion carried.

RESOLUTION #3518

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RED LODGE AUTHORIZING THE MAYOR TO SIGN THE ENERGYCORPS 2019-2020 HOST SITE APPLICATION

WHEREAS, the City of Red Lodge has hosted an EnergyCorps member for the last 4 years; and

WHEREAS, current EnergyCorps projects are ongoing and not projected to be completed by the end of the current member's term; and

WHEREAS, EnergyCorps members have brought in \$79,539.61 to the City in grants, rebates, donations, and documented project savings over the last four years.

NOW, THEREFORE, BE IT RESOLVED,

That the Mayor of the City of Red Lodge be authorized to sign and submit the 2019-2020 EnergyCorps Host Site Application on behalf of the City.

PASSED AND ADOPTED by the City Council of the City of Red Lodge at a regular session thereof held on the ___th day of June, 2019.

William Larson, Mayor

Attest: _____

Loni Hanson, Clerk

Resolution No. 3519, Authorize Mayor to sign agreement with AMKO Advisors for Refinancing Motion by Westwood, second by Mahan to approve Resolution No. 3519, a resolution of the City Council of the City of Red Lodge authorizing the Mayor to sign an agreement with AMKO Advisors for refinancing outstanding municipal indebtedness. On roll call vote all Alderman present voted "Aye." Motion carried.

RESOLUTION #3519

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RED LODGE AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH AMKO ADVISORS FOR REFINANCING OUTSTANDING MUNICIPAL INDEBTEDNESS

WHEREAS, the City of Red Lodge has numerous debts outstanding with various interest rates and repayment terms; and
WHEREAS, the City Clerk has investigated the possibility of a refinancing of all eligible outstanding municipal debt with AMKO Advisors; and

WHEREAS, the City has received a proposal from AMKO Advisors to examine the City's indebtedness in an effort to consolidate loan payments and possibly lower the interest rate on city indebtedness; and

WHEREAS, Doris & Whitney LLP, bond counsel for the City, will work with AMKO Advisors.

NOW, THEREFORE, BE IT RESOLVED,

The Mayor is authorized to sign the Agreement (Engagement letter) with AMKO Advisors for authorization to proceed to examine City indebtedness.

PASSED AND ADOPTED by the City Council of the City of Red Lodge at a regular session thereof held on the ___ th day of June, 2019.

William Larson, Mayor

Attest: _____

Loni Hanson, Clerk

Prepare by City Attorney:

Rebecca Narmore

Resolution No. 3520, Resort Tax Committee Motion by Westwood, second by Dimich to approve Resolution No. 3520, a resolution of the City Council of the City of Red Lodge, Montana declaring its intention to create the Red Lodge Resort Tax Renewal Board. On roll call vote all Aldermen present voted "Aye." Motion carried.

Resolution No. 3520

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA DECLARING ITS INTENTION TO CREATE THE RED LODGE RESORT TAX RENEWAL BOARD.

WHEREAS, the Red Lodge Resort Tax, as approved by voters, took effect on January 1, 1998 for 25 years and expires on December 31, 2022; and

WHEREAS, the City of Red Lodge has identified the need to extend the Resort Tax for an additional 25 years; and

WHEREAS, there is a desire to evaluate what a future ballot question should include as allowable uses of Resort Tax funds; and

WHEREAS, the City of Red Lodge seeks to consider utilizing the authority granted in Senate Bill 241, which allows for an extra 1% of Resort Tax, if approved by the public via a ballot initiative, for a project specific capital infrastructure improvement; and

WHEREAS, there is a desire to educate and engage our citizens regarding a possible Resort Tax extension within our community; and

WHEREAS, the Red Lodge City Council has determined it is in the best interest of the City of Red Lodge to establish a Red Lodge Resort Tax Renewal Board; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Red Lodge, Montana, as follows:

SECTION 1. The Red Lodge Resort Tax Renewal Board, hereinafter referred to as the "Board," shall be established and maintained to advise and give insight to the City Council on the efforts to evaluate Resort Tax options while educating and informing the citizens of Red Lodge of Resort Tax options.

The Board shall consist of five (5) voting members along with a non-voting member of the City Council, acting as an ex-officio member of the Board to provide recommendations to the City Council.

The membership of the Board shall include:

- Two (2) members, from within the corporate limits of the City of Red Lodge appointed by the Mayor; and
- One (1) member, residing within five (5) miles of the corporate limits of the City of Red Lodge, appointed by the Mayor; and
- One (1) member, from within the corporate limits of the City of Red Lodge, appointed by the City Council; and
- One (1) member, residing within five (5) miles of the corporate limits of the City of Red Lodge, appointed by the City Council; and

The Board shall adopt by-laws that, at a minimum address; Officers, times and location of meetings, record keeping and reporting, quorum, conduct of meetings.

At initial establishment of the Board one (1) appointment by the City Council and one (1) appointment by the Mayor shall be for three (3) years. Thereafter, all appointments shall be for two (2) years and may be renewed at the pleasure of the Mayor or City Council. The Board may be disbanded if Resort Tax is extended by the voters.

The Board shall meet in the months of April, July, and October and may meet more often as required to give advice and recommendations to the City Council on a future ballot initiative.

SECTION 2. All meetings of the Board shall be noticed at the City’s official posting places not less than ten (10) days prior to the meeting and are subject to the requirements of the Montana Open Meeting Law. Pursuant to 7-1-4135 MCA, the City Council has designated by resolution its official posting places to be the posting board in the lobby of City Hall located at 1 South Platt Ave., Red Lodge, Montana, and in the lobby of the Red Lodge Post Office, 202 West 12th St., Red Lodge, Montana. Meeting should also be posted on the City of Red Lodge Website, Google Groups and Facebook pages. Further, the Board shall be subject to reporting requirements established in the Board By-Laws. Minutes of the meetings and records of decisions shall be produced and filed with the City Clerk.

PASSED and APPROVED by the City Council the _____ day of _____, 2019.

FOR THE CITY OF RED LODGE, MONTANA:

By: _____

William Larson, Mayor

Attest: _____

Loni Hanson, City Clerk

Rebecca Narmore, City Attorney

Resolution No. 3521, Right-of-Way Vacate, Park Ave Motion by Westwood, second by Mahan to approve Resolution No. 3521, a resolution of the City Council of Red Lodge, Montana to vacate a portion of Park Avenue Right of Way that generally lies between Platt and Broadway Avenues and South of 5th Street. On roll call vote all Aldermen present voted “Aye.” Motion carried.

RESOLUTION No. 3521

A RESOLUTION OF THE CITY COUNCIL OF RED LODGE, MONTANA TO VACATE A PORTION OF PARK AVENUE RIGHT OF WAY THAT GENERALLY LIES BETWEEN PLATT AND BROADWAY AVENUES AND SOUTH OF 5TH STREET

WHEREAS, § 7-14-4114 et. seq. of the Montana Code Annotated authorizes the City of Red Lodge to discontinue the use of, and permanently vacate public rights of way (ROW); and

WHEREAS, the affected ROW to be vacated does not contain roadway improvements; and

WHEREAS, the proposed ROW vacation will not cause any detriment to the public interest; and

WHEREAS, all applicable process as set forth in § 7-14-4114, and all applicable public notice requirements set forth in § 7-14-4114 et. seq. of the Montana Code Annotated MCA have been complied with.

NOW THEREFORE BE IT RESOLVED by the City Council:

1. That the City Council of the City of Red Lodge hereby and forever permanently vacates a portion of Park Avenue ROW that generally lies between Platt and Broadway Avenues and south of 5th Street on the attached Exhibit-A.
2. That pursuant to Montana law, vacated ROW returns to the ownership of adjacent parcels along each respective side the centerline of said vacated ROW; and as such, the entirety of the vacated parcel depicted on Exhibit A shall transfer to Mardele L Maryott & Kevin A Kinne .

PASSED and APPROVED by the City Council the 11th day of June, 2019.

FOR THE CITY OF RED LODGE, MONTANA:

By: _____

William Larson, Mayor

Attest: _____

Loni Hanson, City Clerk

Rebecca Narmore, City Attorney

Resolution No. 3522, Property De-Annexation Motion by Westwood, second by Mahan to approve Resolution No. 3522, a resolution of the City Council of Red Lodge, Montana to exclude land from the City Limits. On roll call vote, all Aldermen present voted "Aye." Motion carried.

RESOLUTION No. 3522

A RESOLUTION OF THE CITY COUNCIL OF RED LODGE, MONTANA TO EXCLUDE LAND FROM THE CITY LIMITS

WHEREAS, in accordance with Montana Code Annotated (MCA) 7-2-4803 the City has received a valid petition to exclude land from its boundary; and

WHEREAS, the specific land to be excluded can be more particularly described as the land lying southwest of the intersection at Ski Run Road and Highway 212, and as graphically depicted in the attached Exhibit A; and

WHEREAS, the petition received from Daniel and Marsha Monahan both met the requirements of MCA 7-2-4804(1), and per MCA 7-2-4804(2) prayed for the removal of the property from the City limits; and

WHEREAS, the Council on April 9, 2019 approved Resolution # 3512 affirming their intent to De-Annex the property; and

WHEREAS, public notice has been properly conducted to De-Annex the property; and

WHEREAS, in accordance with MCA 7-2-4806 the requisite twenty (20) day protest period to permit the owners of the territory proposed to be excluded the opportunity to provide expressions of approval or disapproval, has been properly noticed; and

WHEREAS, all easements and agreements located within the property, which includes City use of the property for a water line shall remain; and

NOW THEREFORE BE IT RESOLVED by the City Council:

1. That the City Council finds as follows:

- a. That all applicable sections of MCA specific to De-Annexation have been satisfied.
- b. That the granting of the petition is in the best interest of the City and its inhabitants and will not materially mar the symmetry of the City.
- c. That the boundary of the City shall then be as set forth in Exhibit A (attached hereto) of this resolution and referenced below:

The specific land to be de-annexed and excluded can commonly be described as land lying southwest of the intersection at Ski Run Road and Highway 212 (right-of-way of previously vacated White Avenue).

2. That this Resolution becomes effective 30 days after its passage and approval.

3. That the City Clerk shall, within 30 days after the passage and approval of this Resolution #3522, provide a copy thereof to the Carbon County Clerk for filing, duly certified together with a map showing the amended corporate limits of the City.

PASSED and APPROVED by the City Council the 11th day of June, 2019.

FOR THE CITY OF RED LODGE, MONTANA:

By: _____

William Larson, Mayor

Attest: _____

Loni Hanson, City Clerk

Rebecca Narmore, City Attorney

Resolution No. 3337-Amended, TBID Motion by Dimich, second by Hoffman to approve Resolution No. 3337-Amended, a resolution of the Red Lodge City Council to establish and create the Red Lodge Tourism Business Improvement District (Red Lodge TBID) consisting of non-contiguous properties utilized for short term lodging

purposes that have voluntarily petitioned the City to establish and create a TBID for the purpose of aiding tourism, promotion, and marketing within the District and allowing similar properties such as hotels/motels outside the City limits to donate funds to the Tourism Business Improvement District for such purposes. On roll call vote all Aldermen present voted "Aye." Motion carried.

Resolution No. 3337 AMENDED

A RESOLUTION OF THE RED LODGE CITY COUNCIL TO ESTABLISH AND CREATE THE RED LODGE TOURISM BUSINESS IMPROVEMENT DISTRICT (RED LODGE TBID) CONSISTING OF NON-CONTIGUOUS PROPERTIES UTILIZED FOR SHORT TERM LODGING PURPOSES THAT HAVE VOLUNTARILY PETITIONED THE CITY TO ESTABLISH AND CREATE A TBID FOR THE PURPOSE OF AIDING TOURISM, PROMOTION, AND MARKETING WITHIN THE DISTRICT AND ALLOWING SIMILAR PROPERTIES SUCH AS HOTELS/MOTELS OUTSIDE THE CITY LIMITS TO DONATE FUNDS TO THE TOURISM BUSINESS IMPROVEMENT DISTRICT FOR SUCH PURPOSES.

WHEREAS, on October 25 2011, the Red Lodge City Council adopted Resolution 3334, a Resolution of Intent indicating the City Council's intention to create the Red Lodge Tourism Business Improvement District (the "District") pursuant to the provisions of §7-12-1101, MCA, et seq., and

WHEREAS, the recitals and items resolved by Resolution 3334 are incorporated herein by reference as if part of this Resolution; and

WHEREAS, the City Clerk published notice of passage of Resolution 3334 in compliance with §7-12-1112, MCA, by publishing the notice in the Carbon County News on November 4th and November 24, 2011, and by mailing a copy of the notice to every owner of real property potentially subject to assessments within the proposed District as indicated in Resolution 3334; and

WHEREAS, §7-12-1113, MCA allows the owner of any property liable to be assessed to make a written protest against the creation of the District. Pursuant to Montana law and Resolution 3334, any owner duly noticed was required to submit that protest in writing and deliver it to the City Clerk no later than 5:00 p.m. on November 21, 2011; and

WHEREAS, the City Clerk's Office did not receive any written protests; and

WHEREAS, §7-12-1114, MCA requires the City Council, after the protest period closes, to hear and pass all written protests received during the protest period as described above; and

WHEREAS, the City Council convened its regular meeting on November 22, 2011 and there were no protests received to present to the City Council for its consideration; and

WHEREAS, the City Clerk notified the Council that no written protests were received and as a consequence the protest thresholds provided in §7-12-1114(3), MCA were not met.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Red Lodge, Montana:

Section 1. The City Council hereby finds that no protests were received and as a consequence protests are not sufficient pursuant to §7-12-1114(3) (a) and (b), MCA to prevent the City's creation of the District.

Section 2. Creation of Tourism Business Improvement District (T.B.I.D.). Pursuant to its stated intention contained in Resolution No. 3334, the City Council hereby creates the Red Lodge Tourism Business Improvement District (Red Lodge TBID) for the purpose of promoting and marketing the City of Red Lodge and creating special benefit for the businesses within the District as described in Resolution 3334. The assessments collected shall be used for the purposes set forth in Business Improvement District Law, §7-12-1101 through 7-12-1144, MCA as amended.

Section 3. Number of District. The District shall be known and designated as the Red Lodge Tourism Business Improvement District No. 1 of the City of Red Lodge, Montana.

Section 4. Boundaries of District. The limits and boundaries of the District are the limits and boundaries of the City of Red Lodge as may be amended from time to time, which boundaries are designated and confirmed as the boundaries of the District as shown on "Exhibit A" attached hereto.

A. If property located within the city limits: 1) voluntarily petitions to be included in the district, and 2) meets the requirements contained in Section 5 and Resolution 3334, it is the City Council's intention that that property shall be incorporated into and become part of the Red Lodge TBID and subject to the Red Lodge TBID assessments pursuant to the process for amending the district provided in §7-12-1111 through §7-12-1115 MCA.

B. Annexed properties subject to the Red Lodge TBID. Upon annexation, any property or structure, or part thereof, which meets the criteria outlined in Section 5 and Resolution 3334, and that voluntarily petitions to be included in the district shall automatically become part of the Red Lodge TBID and subject to assessments as provided herein.

C. Properties located outside of the city limits of Red Lodge are not included in the Red Lodge TBID and are not subject to assessments may voluntarily contribute donations to the District to assist with its mission and goals and to share its benefits. Pursuant to §7-1-4124 (7) MCA, the Red Lodge TBID is authorized to solicit and accept contributions, bequests, donations, or grants of money, property, services, or other advantages as long as the donations are not contrary to the public interest.

Section 5. Benefited Properties. Pursuant to §7-12-1111 MCA, Benefited properties within the Red Lodge TBID include specific non-contiguous properties used for the common purpose of providing overnight stays at lodging facilities as further described in Section 9 herein, are the properties subject to Red Lodge TBID assessments. The current listing of the properties included in the District are listed on "Exhibit B".

Section 6. General Character of the Services to be Performed. The services to be performed shall be all uses and projects for tourism promotion within the District as specified in the Red Lodge TBID budget. It includes, but is not limited to, marketing convention and trade shows that benefit local tourism and lodging businesses in Red Lodge; marketing Red Lodge to the travel industry in order to benefit local tourism and the lodging businesses located within the District; and marketing Red Lodge to recruit major sporting and non-sporting events in order to promote local tourism and to benefit the properties and businesses located within the District.

Section 7. Appointment of Board of Trustees. Upon adoption of this Resolution, the Mayor, with the approval of the City Council, shall appoint 5 owners of property or their assignees within the District to comprise the Board of Trustees of the District, hereinafter "Board." The Board shall be appointed in compliance with §7-12- 1121, MCA and Resolution 3334.

Section 8. Powers and Duties of the Board. The appointed Board shall have the powers and duties set out in §§7-12-1121 through 7-12-1133, MCA, and any other applicable laws, ordinances or regulations. At a time determined by the City Council, the Board shall submit, for City Council approval, a work plan and budget for the ensuing fiscal year. The City Council may modify the work plan and budget as deemed necessary and appropriate.

Section 9. Assessed Property. Pursuant to §7-12-1133 (2)(c) MCA, the City Council shall assess all "lodging facilities" located within the boundaries of the District that are defined as any building or structure containing individual sleeping rooms or suites providing overnight lodging facilities for periods of less than 30 days to the general public for compensation. The term "lodging facility" includes a facility represented to the public as a hotel, motel, resort, condominium inn, dude ranch, guest ranch, hostel, public lodging house, bed and breakfast facility, or other similar structure or portion thereof.

Section 10. Assessments. All property within the District, as defined in Section 9, will be assessed two dollar (\$2.00) per occupied room night for the costs of operating the Red Lodge TBID. The assessments are intended to pay for the costs of maintaining the services provided by the Red Lodge TBID and are payable, as prescribed in §7-12-1133 (2) (c), MCA.

Section 11. Duration of District. The duration of the Red Lodge TBID shall be for a period of 10 years as prescribed in §7-12-1141, MCA.

Section 12. Liability insurance required. Pursuant to §§7-12-1132 and 7-12-1133 MCA and Resolution 3334, the District shall obtain and provide liability insurance coverage insuring the District, its Board, and the City of Red Lodge against legal liability for personal injury and property damage in an amount determined to be sufficient by the City Council.

Section 13. Obligations of the district not obligations of local government. Pursuant to §7-12-1144, MCA and Resolution 3334, the City Council declares that any obligation or debt of any nature of the Red Lodge TBID is not an obligation or debt of the local government that established the District, and in no event is a debt or obligation of the District payable out of any funds or properties of the local government. The debts and obligations of the Red Lodge TBID are payable solely from the funds and properties of the District.

Section 14. Severability. If any section, subsection, sentence, clause, phrase or word of this resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution and each section subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this resolution should be declared invalid or unconstitutional, then the remaining resolution provisions will be in full force and effect.

PASSED and APPROVED by the City Council this 13th day of November, 2011.

PASSED and APPROVED Amendment to Section 10 by the City Council this 11th of June, 2019

FOR THE CITY OF RED LODGE, MONTANA:

By: _____

William Larson, Mayor

Attest: _____

Loni Hanson, City Clerk

Dimich said the TBID group approached the City Council and wanted to raise their collections from \$1.00 to \$2.00. This resolution is just reflecting that.

Use of City Owned Land Permit Council discussed the changes made to the Use of City Owned Land Permit Application.

OLD BUSINESS- Ordinance No. 923, Amended, Angled Parking (Public Hearing, 2nd Reading) Mayor Larson opened the Public Hearing.

Suzy Springstead, 312 N. Word, spoke on the parking in town.

Mayor Larson closed the Public Hearing.

Motion by Westwood, second by Dimich to approve Ordinance No. 923- 2nd Amendment, an ordinance of the City of Red Lodge providing that the Red Lodge Montana City Code be amended to allow for angle parking by ordinance on second reading. On roll call vote Aldermen Cameron, Dimich, Hoffman, Weamer and Westwood voted "Aye." Alderman Mahan voted "No." Motion carried.

ORDINANCE No. 923 - 2nd Amendment

AN ORDINANCE OF THE CITY OF RED LODGE PROVIDING THAT THE RED LODGE MONTANA CITY CODE BE AMENDED TO ALLOW FOR ANGLE PARKING BY ORDINANCE

WHEREAS, The Red Lodge City Charter provides for the exercise of self-government powers; and
WHEREAS, Montana Code Annotated 61-8-355 (3), allows for a local authority to permit angle parking by ordinance; and
WHEREAS, the Red Lodge Growth Policy identifies parking as a major concern and encourages the City to provide parking to support the downtown business district; and
WHEREAS, this City Council has reviewed the Montana Department of Transportation Geometric Design Standards and did not find guidelines it deemed applicable to urban areas with a population of less than 5000 or roadways with speeds less than 30 mph; and
WHEREAS, The City Council of Red Lodge has in the past arbitrarily granted permission for angle parking by Record of Decision and by resolution and not by ordinance; and
WHEREAS, The City Council wishes to permit angle parking by ordinance in a non-arbitrary manner
NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF RED LODGE, MONTANA:

1. That section 6-1-3(C)(3) of the Red Lodge Montana City Code be amended as follows:
 - C. Angle Parking
 1. Angle parking shall be permitted in speed limit zones of 25 mph or less.
 1. Except:
 1. In keeping with MCA 61-8-355(3), angle parking may not be permitted on any federal-aid or state highway unless the department of transportation determines that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.
 2. In keeping with Red Lodge Municipal Code 6-1-3(B)(2), vehicles shall not be permitted to park in such a manner as to obstruct two-way traffic on any two-way street or avenue; nor shall any vehicle be parked in such a manner as to obstruct one-way traffic on any one-way street or avenue.
 2. Repealer: All resolutions, ordinances and sections of the City Code inconsistent herewith are hereby repealed.
 3. Effective Date: This Ordinance shall be effective thirty (30) days after approval of second reading by the City Council of the City of Red Lodge, Montana.

FIRST passed and approved by the City Council of Red Lodge, Montana this 14th day of May, 2019

BY: _____
William Larson, Mayor

Rebecca Narmore, City Attorney

ATTEST: _____
Loni Hanson, City Clerk

FINALLY passed and approved by the City Council of Red Lodge, Montana this ____ day of _____, 2019

BY: _____
William Larson, Mayor

Rebecca Narmore, City Attorney

ATTEST: _____
Loni Hanson, City Clerk

Mayor Larson said under the Charter, the Mayor shall enforce laws, ordinances and resolutions. Ordinance No. 923-2nd Amendment, has no enforceability guidelines to follow within the Ordinance. I will ask the District Court for injuncted relief and the Court to examine the Ordinance for its enforceable validity.

Westwood said it was his understanding Officers will issue a citation if parked vehicles are obstructing traffic and there is also State Code that applies if vehicles back out into opposing lanes of traffic.

Resolution No. 3523, Easement Request, NeMont Telephone Cooperative Motion Westwood, second by Mahan to approve Resolution No. 3523, a resolution of the City Council granting an easement to Project Telephone Company (Nemont) for a buried fiber optic line and authorizing the Mayor to execute all associated documents. On roll call vote all Aldermen present voted "Aye." Motion carried.

RESOLUTION No. 3523

A RESOLUTION OF THE CITY COUNCIL GRANTING AN EASEMENT TO PROJECT TELEPHONE COMPANY (NEMONT) FOR A BURIED FIBER OPTIC LINE AND AUTHORIZING THE MAYOR TO EXECUTE ALL ASSOCIATED DOCUMENTS.

WHEREAS, a "Right-of-Way Easement" between the City of Red Lodge as Grantor and Project Telephone Company (Nemont) as Grantee has been prepared; and

WHEREAS, said easement will allow Project Telephone Company to bury a fiber optic line across certain portions of real property owned by the City; specifically, portions of White Avenue South, 23rd Street West and portions of land owned by the City at the airport; and

WHEREAS, granting the easement is in the best interests of the City, as the City will receive one dollar (\$1) per linear feet for land used by Project Telephone Company (approximately 8,000 linear feet).

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby accepts the attached Right-of -Way Easement of the City of Red Lodge and authorizes the Mayor to execute all documents related thereto.

PASSED and APPROVED by the City Council the 11th day of June, 2019.

FOR THE CITY OF RED LODGE, MONTANA:

By: _____
William Larson, Mayor

Attest: _____
Loni Hanson, City Clerk

Rebecca Narmore, City Attorney

REPORTS FROM THE PUBLIC Irene Blevins, Farmers Insurance, asked why the parking ordinance needs to be reviewed.

Mayor Larson said he felt that it was necessary for the District Court to review it and to make sure it was legal, and if we enforce it, that we have a criteria that is set up and that way it covers all the people in Red Lodge.

Perry Springstead handed out a hand drawn drawing on making North Word Avenue a one-way street.

CORRESPONDENCE None.

OTHER BUSINESS Mahan said she attended the Red Lodge Business Alliance meeting and the folks from AAA Rentals thanked Jim Bushnell and his crew for all the work they do.

Cameron said it is very sad that the Mayor has chosen to drag out the angled parking without a veto, that the Council could have overridden. She did not think this was the way a local government serves its community.

Meeting adjourned at 8:05 p.m.

ATTEST:

Mayor

City Clerk