

April 30, 2024

The Red Lodge City Council met in special session on April 30, 2024 at 6:00 p.m. The meeting was called to order by Mayor Westwood, followed by the Pledge of Allegiance to the Flag.

ROLL CALL OF OFFICERS: Present: Mayor Westwood, Aldermen Conlee, Daniels, Keys, Miller, Ronning and Toupin.

DEPARTMENT HEAD ATTENDANCE: City Clerk – Loni Hanson

ADOPTION OF THE AGENDA- Motion by Conlee, second by Ronning to adopt the agenda as presented. On roll call vote all Aldermen present voted “Aye.” Motion carried.

MAYOR’S BUSINESS- Mayor’s Reports- Mayor Westwood thanked the Council members for accommodating the special meeting.

PUBLIC COMMENTS ON THE AGENDA- None.

ACTION ITEMS- Resolution No. 3649, Resolution to Vacate a Portion of Daly Avenue- Motion by Conlee, second by Daniels to approve Resolution No. 3649, resolution of the City Council of Red Lodge, Montana, to vacate the portion of Daly Avenue right of way that is located East of Lot 4 and Lot 5 of Block 45, Red Lodge Original Townsite, section 27, Township 7 South, Range 20 East, P.M.M., Carbon County, Montana. Motion was made to table this till the May 14th Council meeting.

Mayor Westwood asked the Council members if any of them had ex parte communications that need to be disclosed. There was none.

Mayor Westwood asked if any Council member felt they needed to recuse themselves from participating in the hearing and decision on the matter before the board. There was none.

Mayor Westwood opened the Public Hearing regarding Resolution No. 3649.

Michael Grouws, Red Lodge, said it would be beneficial for the City to keep the ROW for the access to Rock Creek.

Jacob Cody, Red Lodge, BRTA board member, asked that the Council keep the BRTA vision in mind, where City land could be used for trails.

Michael Keys, Red Lodge, said there are not many places to access Rock Creek and this spot looks like a prime spot to allow that access and maybe put some picnic tables there.

Tom Kohley, Red Lodge, had concerns of the City disposing of City land and that it needs to retain its property. The Council needs to look at the Growth Policy as their guiding document. He also said there was an inventory of City land and it is not referenced in this.

Melissa Griffin, Red Lodge, BRTA board member, said there is a big opportunity for that land to be used to connect 9th street to Creekside Park.

Shawn Bryant, Red Lodge, said he would not be in favor of the City vacating this land.

Mayor Westwood closed the Public Hearing.

There was discussion among Council and the Mayor regarding the vacating of the ROW.

Nick and Renee Campbell, Applicants, spoke on the application they submitted.

The Council asked the applicants if they would be interested in an easement across their property if the State Law applies that the land reverted to the adjacent property owners when the flood removed the City land.

Motion by Daniels, second by Conlee to table Resolution No. 3649 until the end of the agenda. On roll call vote all Aldermen present voted "Aye." Motion carried.

RESOLUTION No. 3649

A RESOLUTION OF THE CITY COUNCIL OF RED LODGE, MONTANA, TO VACATE THE PORTION OF DALY AVENUE RIGHT OF WAY THAT IS LOCATED EAST OF LOT 4 AND LOT 5 OF BLOCK 45, RED LODGE ORIGINAL TOWNSITE, SECTION 27, TOWNSHIP 7 SOUTH, RANGE 20 EAST, P.M.M., CARBON COUNTY, MONTANA.

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 through vehicles; and

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

WHEREAS, all applicable processes as set forth in § 7-14-4114 and all applicable public notice requirements set forth in § 7-14-4114 and § 7-1-4127 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 Daly Avenue located East of Lot 4 and Lot 5 of Block 45, Red Lodge Original Townsite, Section 27, Township 7 South, Range 20 East, P.M.M., Carbon County, Montana.
2. That pursuant to Montana law, the vacated ROW returns to the ownership of adjacent parcels along each respective side of the centerline of said vacated ROW.

PASSED and APPROVED by the City Council the ____ day of _____, 2024.

FOR THE CITY OF RED LODGE, MONTANA:

By: _____
Dave Westwood, Mayor

Attest: _____
Loni Hanson, City Clerk

Authorize Mayor to Sign Contract for Planning Services with WWC Engineering- Motion by Conlee, second by Keys to authorize the Mayor to sign a contract for planning services with WWC Engineering. On roll call vote all Aldermen present voted "Aye." Motion carried.

Mayor Westwood called a five-minute recess.

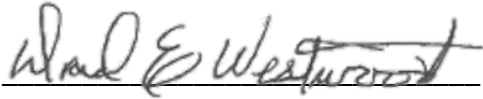
Motion by Toupin, second by Conlee to reopen discussion on Resolution No. 3649. By show of hands, all Aldermen approved.

There was more discussion among Council and the Mayor and the Applicants. The Council had questions regarding State Law and if the land is considered "City Land" or "City right of way" and they would like the City Attorney to answer before they are comfortable moving forward.

Motion by Keys, second by Toupin to table Resolution No. 3649 until the May 14th City Council meeting. On roll call vote all Aldermen present voted "Aye." Motion carried.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA- None.

Meeting adjourned at 7:31 p.m.

A handwritten signature in blue ink, appearing to read "Wendell E. Westwood", written over a horizontal line.

Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "Sue J. Hanson", written over a horizontal line.

City Clerk

Disclaimer: These minutes conform to the requirements of MCA Code 2-3-212. A full recording of the meeting and discussion may be found at www.cityofredlodge.net/meetings.