

April 9, 2024

The Red Lodge City Council met in regular session on April 9, 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 and Public Works Director- Mike Maples.

ADOPTION OF AGENDA: Motion by Conlee, second by Daniels to approve the adoption of the agenda. On roll call vote all Aldermen present voted "Aye." Motion carried.

MINUTES OF MARCH 12 and MARCH 26, 2024 Motion by Keys, second by Ronning to approve the minutes of March 12 and March 26, 2024 as presented. On roll call vote all Aldermen present voted "Aye." Motion carried.

WARRANTS PAYABLE Motion by Ronning, second by Toupin to approve warrants against the City totaling \$217,474.27 to be paid and warrants drawn on their respective funds. On roll call vote all Aldermen present voted "Aye." Motion carried.

MAYOR'S BUSINESS- Mayor's Reports – Mayor Westwood said the trash at the Eagles Nest has been picked up and taken care of.

Mayor Westwood said he will be attending a conference the first week of May and one of the big topics is budgets from start to finish. He said department heads will be giving presentations on their budgets.

Mayor Westwood said the audit is available on the City's website.

Airport Negotiations Update- Mayor Westwood gave an update on the airport agreement negotiations.

Other Mayor Comments- Mayor Westwood said the City received three responses for contracted planning services and he is working with an advisory committee on going through those responses.

Montana Fish, Wildlife & Parks- Bear Aware Presentation- Daniel McHugh, FWP Region 5 Bear Specialist, gave a presentation on Bear Aware.

PUBLIC COMMENTS ON THE AGENDA- None.

ACTION ITEMS- Ordinance No. 968, Set Process in which Fees are Collected for Solid Waste (Public Hearing, 2nd Reading) Mayor Westwood opened the Public Hearing on Ordinance No. 968.

No one spoke.

Mayor Westwood closed the Public Hearing.

Motion by Keys, second by Conlee to approve Ordinance No. 968, an ordinance of the City Council of the City of Red Lodge, Montana to set the process in which fees are collected for solid waste services on second reading. On roll call vote all Aldermen present voted "Aye." Motion carried.

There was discussion between Mayor and Council on Ordinance No. 968.

Ordinance No. 968

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA TO SET THE PROCESS IN WHICH FEES ARE COLLECTED FOR SOLID WASTE SERVICES.

WHEREAS, the City and Republic Services, Inc. (hereinafter the "Contractor") entered into a Municipal Contract (For Residential and Municipal Facilities), approved by the City Council on June 9, 2020 (hereinafter the "Contract"); and

WHEREAS, the City and the Contractor entered into the Contract valid for a five year term ending June 30, 2025; and

WHEREAS, the Solid Waste Fees in effect at the present are adequate to provide revenue to defray the cost of the City's Solid Waste contract; and

WHEREAS, the Solid Waste Fees is currently collected through a utility assessment on the Citizen's yearly taxes; and

WHEREAS, the audit completed for FY2022-2023 identified a budget short-fall based on the manner in which fees are currently being collected; and

WHEREAS, the current budgetary requirements, with respect to the operation of the City's Solid Waste program, require fees for Solid Waste services be collected in the month services are rendered; and

WHEREAS, the City is desirous to set the process in which Solid Waste fees are collected; and

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

1. The City of Red Lodge shall not, and is not, increasing any rates for the payment of Solid Waste fee, not already approved or provided for; and
2. The City of Red Lodge shall modify the process in which said fees are collected by removing the utility assessment from individuals' taxes, already in existence, and placing said payment for Solid Waste onto the monthly utility bill; and
3. The City of Red Lodge hereby resolves to collect the already approved Solid Waste fees by billing residents monthly, on the monthly utility bill, in the month in which the services are rendered.

Effective Date of Ordinance This Ordinance shall be effective 30-days after approval of second reading by the City Council of the City of Red Lodge, Montana.

BE IT ORDAINED BY MEMBERS OF THE CITY OF RED LODGE:

PASSED AND APPROVED on the first reading by a majority of the members present of the City Council of the City of Red Lodge on the 26th day of March, 2024.

PASSED AND APPROVED on the second reading by a majority of the members present of the City Council of the City of Red Lodge on the 9th day of April, 2024.

City of Red Lodge

Attest: _____ Loni Hanson, City Clerk

Dave Westwood, Mayor

Resolution No. 3622-1st Amendment, Resolution Setting Business Registration Fees- Motion by Ronning, second by Keys to approve Resolution No. 3622-1st Amendment, a resolution of the City Council of the City of Red Lodge setting business registration fees. On roll call vote all Aldermen present voted "Aye." Motion carried.

There was more discussion among Council members on Resolution No. 3622, 1st Amendment.

RESOLUTION NO. 3622, 1ST AMENDMENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RED LODGE SETTING BUSINESS REGISTRATION FEES

Whereas, the City Council of the City of Red Lodge duly adopted Ordinance 907 on June 10, 2014 requiring all businesses located and/or operating inside the city limits to obtain a valid City Business Registration Certificate and pay a business registration fee; and,

Whereas, Ordinance 907 states that the City Council shall by resolution set the fee schedule for business registration, appropriate inspections, and related matters to be applied to all businesses that the City registers; and,

Whereas, the City Council shall by resolution classify businesses into separate categories and fees.

Now therefore be it resolved that the City Council of the City of Red Lodge establishes the following classifications of categories and rates for services relating to business registration.

BUSINESS REGISTRATION FEE SCHEDULE:

TIER I	\$100
TIER II	\$200
TIER III	\$250

CLASSIFICATIONS:

TIER I- GENERAL/SERVICES: Any Business that does not specifically fall within one of the other categories below, including, but not limited to businesses that may or may not collect resort tax, such as contractors, businesses that provide a personal service, retail business, and home-based businesses.

TIER II- TEMPORARY VENDORS: Businesses that don't operate more than 90 days within city limits. These businesses shall collect resort tax.

TIER III- LODGING AND PREPARED CONSUMABLES: Lodging and accommodation such as Hotels, Motels, Bed and Breakfast, and Short-Term rentals. Businesses that sell prepared foods, drinks, and smoke products. This includes restaurants, gas stations, grocery stores, temporary vendors that sell prepared food, bars, liquor stores, marijuana dispensaries, and smoke shops.

All fees are non-refundable.

When a business may fall into multiple applicable tiers, only the highest tiered fee shall apply- e.g., If a retail business also serves prepared food, only Tier III fee would apply.

These rates to become effective on July 1st, 2024.

PASSED by the CITY OF RED LODGE City Council and approved this 9th day of April, 2024.

By: _____
Mayor

ATTEST By: _____
Loni Hanson, City Clerk

Resolution No. 3647, Resolution of Intent to Award Phase 2 & 3 of Stormwater Project- Motion by Conlee, second by Daniels to approve Resolution No. 3647, a resolution of intent to award the phase 2 & 3 stormwater system improvements project for the City of Red Lodge, Montana. On roll call vote all Aldermen present voted "Aye." Motion carried.

There was more discussion among the Mayor, staff and Council regarding Resolution No. 3647.

RESOLUTION NO. 3647

**RESOLUTION OF INTENT TO AWARD THE PHASE 2 & 3 STORMWATER SYSTEM IMPROVEMENTS PROJECT
FOR THE CITY OF RED LODGE, MONTANA.**

WHEREAS, the City opened bids on March 14, 2024 and received four bids;

WHEREAS, Great West Engineering, Inc. (the Engineer) provided an award recommendation letter dated March 21, 2024 recommending award to the low bidder, Wilson Bros Construction of Montana, Inc. for all three schedules of the project.

WHEREAS, A SRF Loan will be secured to cover the construction costs of the project;

WHEREAS, the award recommendation letter includes an estimated stormwater utility rate increase based on various award options;

WHEREAS, the final user rate increase to the stormwater utility will be at or below the estimated cost presented in the award recommendation letter and will be finalized through future resolution(s).

NOW, THEREFORE, BE IT RESOLVED,

The City of Red Lodge does hereby approve the intent to award the construction contract to Wilson Bros Construction of Montana, Inc. for Schedules 1, 2, & 3 for a total construction cost of \$3,153,295.00.

PASSED AND ADOPTED by the City Council of the City of Red Lodge at a regular session thereof held on the 9th day of April 2024.

For the City of Red Lodge, Montana:

Dave Westwood, Mayor

Attest: _____

Loni Hanson, City Clerk

CORRESPONDENCE- Any correspondence was included in Council packets.

OTHER COUNCIL BUSINESS:

PUBLIC HEALTH AND SAFETY- Alderman Conlee said the committee talked about fireworks and if the Council would like to see a change in allowing them to be in the City limits only on the 4th of July. Alderman Conlee said they also discussed the Public Safety district, annexing the three subdivisions that the City currently supplies sewer services to and also discussed the possibility of using Resort Tax for an additional police officer.

ADMINISTRATION AND FINANCE- Alderman Ronning said the committee talked about the budget and ways to help the general fund budget. She said they also discussed getting the word out on the process of looking into changing the City's form of government with a vote to create a study commission that does the work on that change. Ronning said they also discussed the audit findings.

LAND USE AND PLANNING- Abandonment of Right of Way- Alderman Conlee said they discussed the ROW abandonment application for Daly Avenue for lots 4 and 5. There was more discussion among Council and the Mayor on the abandonment.

City Pasture Lease- Alderman Conlee said the committee discussed the pasture lease between the City and Jim Bushnell and Eric Bottorff. She said there are some things missing within the lease including the legal description of the city land being leased. Alderman Conlee said the committee recommended that the lease continues for this year but the lease will need to be updated before next year.

There was more discussion among the Mayor and Council regarding the City pasture lease.

PUBLIC WORKS- Resolution No. 3648, Resolution to Enter into an Agreement with All Nations Garden Club- Alderman Keys said the City had an MOU executed with the All Nations Garden Club over a year ago, but without the direction of City Council. She said resolution no. 3648, is authorizing the City to enter into an agreement with the All Nations Garden Club. Keys said the committee would like to have this resolution up for action at the next City Council meeting.

Other Public Works items- Alderman Keys said the committee also discussed the readdressing project and the possibility of sending letters to the 150 addresses that will be affected by this project and receive any feedback from them. There was more discussion among Council regarding the readdressing project.

Alderman Keys said they also discussed impact fees. She said Mike Maples, Public Works Director, asked to wait on these until the CIP is complete.

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

Meeting adjourned at 7:48 p.m.

ATTEST:

Mayor

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.

April 23, 2024

The Red Lodge City Council met in regular session on April 23, 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 and Public Works Director – Mike Maples

ADOPTION OF THE AGENDA- Motion by Conlee, second by Daniels 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 said there has been a porta potty put up at the dog park and one will be put up at Coal Miners Park until the water can be turned on and Rotary Park and Field School Park.

Mayor Westwood said he also receive emails from a couple City Council members regarding finances. Mayor Westwood said he will be attending a conference in a couple weeks that will have discussion regarding City finances and budgets and hopes to bring back more on those.

Mayor Westwood said he has a meeting on Thursday on the Public Works Union contract. He asked the Council if they would like a rep on those meetings. Discussion was had among Council and Alderman Toupin was selected to be at those meetings.

Mayor Westwood said there will be a resolution coming forward in the future regarding the Eagles Nest property. He said he has been in conversations with the owner of the property and they are possibly interested in doing the same thing as the Rocky Fork Inn owners have done.

Mayor Westwood said the RFP for Planning Services is closed and we received three bids for that. Mayor Westwood said after looking through those RFPs that we received and determining the best fit for Red Lodge, he would like to get Council’s approval to hire WWC Engineering.

Motion by Conlee, second by Daniels to accept the Mayor’s selection of WWC Engineering for the City’s contracted planning services. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Mayor Westwood said there will be a planning contract brought forward for the Council’s approval at the April 30th special meeting.

Presentations: EMS Levy Presentation- Torsten Prael, Assistant Chief for the EMS Division, gave a presentation on the proposed June 4th EMS county levy and the need for it.

Re-Addressing Project Presentation- Tom Kohley, GIS Coordinator/Rural Fire Worden for Carbon County, gave a presentation on the re-addressing project.

There was more discussion among the Council, Mayor and Tom Kohley regarding the re-addressing project.

Council agreed to have a motion to proceed with the re-addressing project for action at the May 14th Council meeting.

PUBLIC COMMENTS ON THE AGENDA- Beth Hutchinson, Red Lodge, said there will be disruption for ten years with addressing changes.

Bill Bullock, Red Lodge, said the County did a couple of readdressing projects when highways were realigned and he said they are doable, but to hold public meetings to get the information out there and it does take a process to do it. He also thanked the Public Works department for grading Kainu Avenue.

ACTION ITEMS- Set Special Council Meeting for April 30, 2024- Motion by Ronning, second by Conlee to set a special City Council meeting on April 30, 2024 at 6:00 p.m. On roll call vote all Aldermen present voted "Aye." Motion carried.

Resolution No. 3652, Resolution of Intent to Increase Stormwater Charges/Capital Improvements- Motion by Conlee, second by Toupin to approve Resolution No. 3652, a resolution of intention of the City of Red Lodge, Montana to increase the storm water charge by establishing a capital improvements charge for the storm water system. On roll call vote all Aldermen present voted "Aye." Motion carried.

Brandon Duffey, Great West Engineering, said this resolution starts the process of setting those rates and getting the bid awardment signed for the project.

RESOLUTION NO. 3652

RESOLUTION OF INTENTION OF THE CITY OF RED LODGE, MONTANA TO INCREASE THE STORM WATER CHARGE BY ESTABLISHING A CAPITAL IMPROVEMENTS CHARGE FOR THE STORM WATER SYSTEM

RECITALS

WHEREAS, the City of Red Lodge, Montana (the "City") has established a separate and distinct storm water system as a municipal utility (the "System"); and

WHEREAS, pursuant to Montana Code Annotated, Title 7, Chapter 7, Parts 42 and 43, and Title 7, Chapter 7, Part 44, M.C.A., the City is authorized to construct, better, improve and extend a storm water drainage system and issue revenue bonds to finance in whole or part the costs thereof; and

WHEREAS, the City Council (the "Council") of the City is further authorized and required by Title 7, Chapter 13, Parts 42 and 43, Title 7, Chapter 7, Part 44, and Title 69, Chapter 7, Part 1, M.C.A., to establish just and equitable rates, fees and charges and rentals for the services and facilities provided by a storm and surface water drainage system so as to make a storm water drainage system self-supporting; and

WHEREAS, following a public hearing held on November 24, 2020, the Council adopted Resolution No. 3573 on May 11, 2021 that approved imposing a storm and surface water drainage charge (the "Storm Water Charge") with two components: the maintenance charge (the "Maintenance Charge") and a capital improvement charge (the "Capital Improvement Charge"); and

WHEREAS, in Resolution No. 3573, the City established the Maintenance Charge component of the Storm Water Charge and provided that, as the City determines to move forward with improvements to the System, it

will determine the amount and applicability of the Capital Improvement Charge by determining (1) those properties that are benefited by or burden the System as improved by the applicable phase of improvements, and (2) the costs of constructing and or financing construction of the particular phase of improvements; and

WHEREAS, the City is undertaking improvements to the System in three phases (collectively, the "Project"), at a total cost of approximately \$6,732,000, of which approximately \$3,807,000 is expected to be paid from proceeds of storm water system revenue bonds, approximately \$245,000 has been or is expected to be paid from resort tax revenues, and approximately \$2,680,000 has been or is expected to be paid from ARPA and Montana Coal Endowment Program grant funds; and

WHEREAS, the City will need to establish, impose and collect Capital Improvement Charges sufficient to pay debt service on the proposed storm water revenue bonds and to meet required revenue bond coverage requirements; and

WHEREAS, under Section 69-7-101, Montana Code Annotated, the City has the power and authority to regulate, establish, and change, as it considers proper, rates, charges, and classifications imposed for utility services to its inhabitants and other persons served by the municipal systems. Rates, charges, and classifications must be reasonable and just.

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

Section 1. Intent to Adopt Resolution Establishing Capital Improvement Charges; Finding of Benefit. It is the intent of the City to establish a Capital Improvement Charge component of the Storm Water Charge.

Section 2. Proposed Increase in Storm Water Charge; Establishment of Capital Improvement Charge.

2.1. Benefit and Applicability

(a) Benefit. The City hereby determines that each lot, tract and parcel located within the Service Area (as defined in Ordinance No. 953) is benefitted by the Project.

(b) Applicability. Based on its determination that all lots, tracts and parcels within the Service Area are benefited by the Project, the City hereby determines that it is reasonable and just to spread the Capital Improvement Charge across all lots, tracts and parcels within the Service Area.

2.2. Increase in Storm Water Charge; Amount of the Capital Improvement Charge. The Storm Water Charge consists of the sum of the Maintenance Charge and the Capital Improvement Charge. The City proposes to set the initial Capital Improvement Charge at \$10.40 per month for each lot, tract or parcel within the Service Area. The Maintenance Charge will continue in effect at \$3.39 per month for each lot, tract or parcel within the Service Area. As a result of establishing the Capital Improvement Charge, the Storm Water Charge is proposed to increase from a total of \$3.39 per month for each lot, tract or parcel within the Service Area to \$13.79 per month for each lot, tract or parcel within the Service Area.

Section 3. Billing. For administrative convenience only, the City places the Storm Water Charge on the property tax statements applicable to the properties being charged. Approximately one-half of the Storm Water Charge is collected with the November 30 property tax payments and approximately one-half of the Storm Water Charge is collected with the May 31 property tax payments. The Maintenance Charge component of the Storm Water Charge commenced July 2021 and first appeared on property tax bills due November 30, 2021. The Capital Improvement Charge is proposed to commence July 2024 and to first appear on property tax bills due November 30, 2024.

Section 4. Amount of Increase. The proposed Capital Improvement Charge is a new component of the Storm Water Charge. If the Capital Improvement Charge is established as proposed in Section 2.2, the Storm Water Charge for each lot, tract or parcel within the Service Area will increase by approximately 307%.

Section 5. Determination of Annual Budget for System. Each year the Council of the City shall determine the amount of money needed to pay the costs of the System, including but not limited to: (a) the payment of the reasonable expense of operation and maintenance of the System; (b) administration of the System; (c) the payment of principal and interest on any bonded or other indebtedness of the System; and (d) the establishment or maintenance of any required reserves, including reserves needed for expenditures for depreciation and replacement of facilities, as may be determined necessary from time to time by the Council or as covenanted in the ordinance or resolution authorizing any outstanding bonds of the System. Based on the annual needs of the System, the Council will establish monthly or semi-annual rates and charges for the use or availability of the System.

Section 6. Further Rate Increases. Subsequent adjustments to either component of the Storm Water Charge or adoption of a new charge may be made by resolution of the Council duly adopted after a public hearing with notice thereof given as provided by law.

Section 8. Public Hearing. A public hearing on the establishment of the proposed rates and charges for the System will be held on May 28, 2024, commencing at 6:00 p.m. at the City Hall, 1 Platt Avenue North, in Red Lodge, Montana.

Section 9. Notice. The City Clerk-Treasurer is hereby authorized and directed to publish or cause to be published a copy of a notice of the passage of this resolution in the *Carbon County News*, a newspaper of general circulation in the City, on May 2, May 9 and May 16, 2024, and to mail or cause to be mailed a copy of said notice to all persons served by the System at least 7 days and not more than 30 days prior to the public hearing. The mailed notice must contain an estimate of the amount that the customer's average bill will increase. The City Clerk-Treasurer is also authorized and directed to mail by first class, postage prepaid, notice the public hearing to the Montana consumer counsel.

Passed and approved this 23th day of April, 2024.

_____ Mayor

ATTEST: _____

City Clerk-Treasurer

Resolution No. 3648, Resolution to Enter into Agreement with All Nations Garden Club- Motion by Keys, second by Daniels to approve Resolution No. 3648, a resolution by the City Council of the City of Red Lodge, Montana, authorizing the City to enter into an agreement with the All Nations Garden Club of Red Lodge for the care and maintenance of Pride Park, a City owned property. On roll call vote all Aldermen present voted "Aye." Motion carried.

RESOLUTION NO. 3648

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA, AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH THE ALL NATIONS GARDEN CLUB OF RED LODGE FOR THE CARE AND MAINTENANCE OF PRIDE PARK, A CITY OWNED PROPERTY.

Whereas, the All Nations Garden Club has generously offered to assume some of the care and maintenance of Pride Park; AND

Whereas, the City has encouraged civic organizations to be involved with parks; AND

Whereas, it is in the City of Red Lodge's interests and goals to provide clean, well-kept park facilities; AND

Whereas, a memorandum of understanding (MOU) between the City of Red Lodge and the All Nations Garden Club was executed on February 9, 2023, but without the direction of Council;

NOW THEREFORE BE IT RESOLVED the City Council directs the Mayor to finalize this MOU Agreement and take necessary actions as needed to implement it.

PASSED AND APPROVED BY A MAJORITY OF THE RED LODGE CITY COUNCIL on this 23rd Day of April, 2024.

For the City of Red Lodge, Montana:

Dave Westwood, Mayor

Attest: _____

Loni Hanson, City Clerk

OTHER COUNCIL BUSINESS:

PUBLIC HEALTH AND SAFETY- Fireworks-Alderman Conlee said the committee has been working on the fireworks ordinance and possibly making them legal within the City limits on the 4th of July and whether it goes to the voters or does the Council just update the current ordinance. There was more discussion among Council members regarding fireworks.

Alderman Ronning said the fireworks ordinance will be brought forward at the May 14th Council meeting for public hearing and first reading.

Alderman Conlee said that Chief Srock was at their meeting and said the school board reached out to him regarding a school resource officer. Conlee said the school board is willing to pay 50% of the cost of the officer and the rest be paid by grants that are available to apply for.

There was also discussion among Council and the Mayor regarding annexation of the three subdivisions that the City currently supplies sewer services to.

ADMINISTRATION AND FINANCE- Alderman Ronning said the Admin and Finance Committee will be working on the business registration ordinance and short-term rental ordinance, making sure things are clearly defined in the ordinance.

Alderman Ronning said they also briefly discussed the fire department contract and budgeting timeline. She said they will also be bringing forward a resolution to start the petition process for annexing the City into the fire district.

LAND USE AND PLANNING- Alderman Conlee said the Land Use and Planning Committee discussed the resolution to create Rodeo Park and discussed event permits and the use of City owned land. She said they also discussed the difference between MOUs and leases.

PUBLIC WORKS- Resolution No. 3650, Adopt PER for Wastewater System- Mike Maples, PWD, said this resolution is adopting the preliminary engineering report for the wastewater system that in turn will help us become eligible for grant money.

Resolution No. 3651, Authorize Submission of MCEP Application- Mike Maples, PWD, said this resolution is authorizing the submission for a MCEP grant application to be used for wastewater improvements.

Alderman Toupin said they also discussed the Parks Board projects and Sustainability Board grants.

CORRESPONDENCE- Any correspondence was included in Council packets.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA- Beth Hutchinson, Red Lodge, asked that the City formally bank sewer capacity for low-income housing.

Angie Hazelswart, Red Lodge, said she doesn't know what the State law is regarding fireworks, but if the City will be allowing it in town, would there be limits on the size of the fireworks allowed? She also talked about the STR scenarios that were discussed during the Admin and Finance committee today.

Meeting adjourned at 8:03 p.m.

ATTEST:

Mayor

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.

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.

ATTEST:

Mayor

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.

RESOLUTION NO. 3650

**A RESOLUTION OF THE CITY OF RED LODGE TO ADOPT A DETAILED PRELIMINARY
ENGINEERING REPORT PREPARED BY GREAT WEST ENGINEERING, INC.**

WHEREAS Great West Engineering did submit a detailed Preliminary Engineering Report to the City describing the condition and performance of its existing wastewater system; developed, evaluated, and recommended preferred alternatives for improvements, and

WHEREAS, the City of Red Lodge did meet with Great West Engineering to review and approve said Preliminary Engineering Report; and

WHEREAS, the City of Red Lodge Council have conducted a public meeting and Great West Engineering has incorporated information from the meeting in the Preliminary Engineering Report.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City of Red Lodge Council have reviewed the Preliminary Engineering Report (PER) and submitted change requests necessary to effectuate the acceptance of the PER and hereby declares the document acceptable to the City of Red Lodge; and
2. That the Council hereby authorizes Dave Westwood, Mayor to execute and attest any documents required to adopt the PER and effectuate its submission to the appropriate governing agencies:

PASSED AND ADOPTED by the City of Red Lodge Council at a regular meeting thereof held on the 14th of May 2024.

APPROVED

Dave Westwood, Mayor

ATTEST:

Loni Hanson
Clerk and Treasurer
City of Red Lodge

See What's Possible.

www.greatwesteng.com

City of Red Lodge, Montana 2024 Wastewater Preliminary Engineering Report (PER)

May 9, 2024

Chad Hanson, PE
Kerstin Sweet



1

Preliminary Engineering Report (PER)



2

Evaluation of Existing Wastewater System



3

System History

- » Serves City of Red Lodge and adjacent subdivisions
- » **Early 1900s:** City's original collection system and treatment system installed
- » **Several additions to City's collection system throughout the years (Country Club Estates, Remington Ranch Subdivision, Spires Subdivision, Diamond C Links Subdivision)**
- » **2011: Two-cell lagoon system upgraded**
 - » Three-cell aerated lagoon system with discharge to Rock Creek
 - » Headworks
 - » Ultraviolet Disinfection
- » **2017: Highway 212 Lift Station Upgrades**
 - » Upgraded lift station to wet well valve vault lift station
 - » Installed 3,295 linear feet of 8-inch HDPE force main
 - » Converted existing 12-inch forcemain to gravity main



4

System Components

» Collection System

- » Consists of ≈ 142,000 linear feet of sewer and forcemain pipe and over 450 manholes
- » Documented excessive inflow and infiltration
- » Multiple holes in pipes with large rocks on top

» Pumping Systems

- » Spires Lift Station
- » Highway 212 Lift Station

» Treatment System

- » Headworks consisting of mechanical, helical screen, grit removal chamber, and grit settling chamber
- » Three cell aerated system
- » UV disinfection before discharging to Rock Creek



▲ Large Hole in Sewer Pipe with Large Rock Above Hole



5

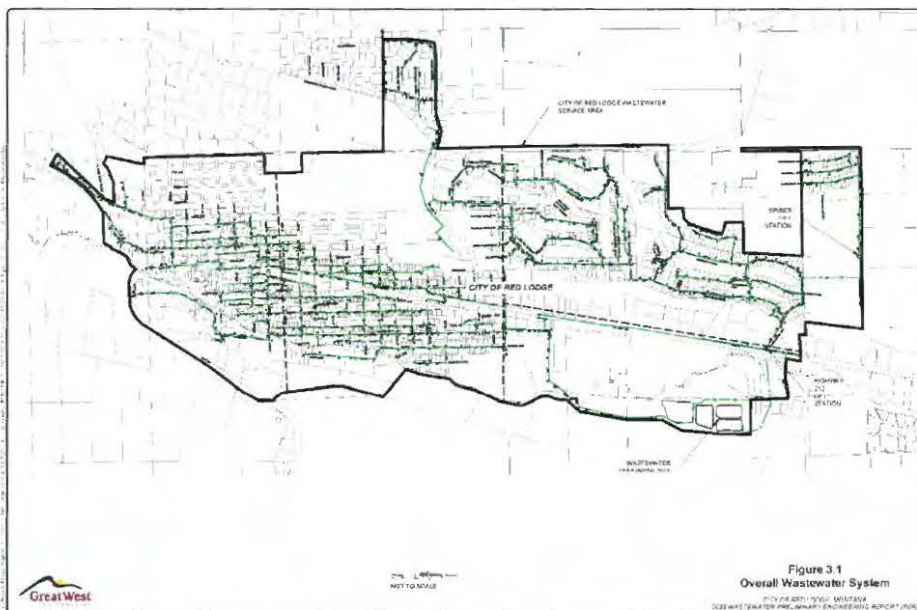


Figure 3.1
Overall Wastewater System
CITY OF RED LODGE, MONTANA
SEWER SYSTEMS PRELIMINARY ENGINEERING REPORT (PER)



6

Collection System Inflow and Infiltration (I&I)

» Original system consisted of combined storm and sewer system

- » Peak stormwater inflow equals 5 MGD
- » Blows off manhole covers floods headworks building
- » City currently working on project to separate storm from sewer

» Infiltration

- » Infiltration of groundwater through sewer joints, holes, and fractures
- » Some areas where groundwater is gushing through joints



▲ Infiltration Gushing Through Pipe Joint



7

Infiltration and Inflow (I&I) Flows

» Average Wastewater Flows from 2017-2023

- » 713,500 gallons per day (gpd)
- » 309 gallons per capita day (gpcd)

» Average Winter Water Usage

- » Representative of Actual Wastewater Flows
- » 75 gpcd over same period

» > 75% of Wastewater Flows from I&I

- » Extra I&I reduces available treatment capacity for growth
- » Increases lift station pumping costs and treatment costs



8

Alternative Development



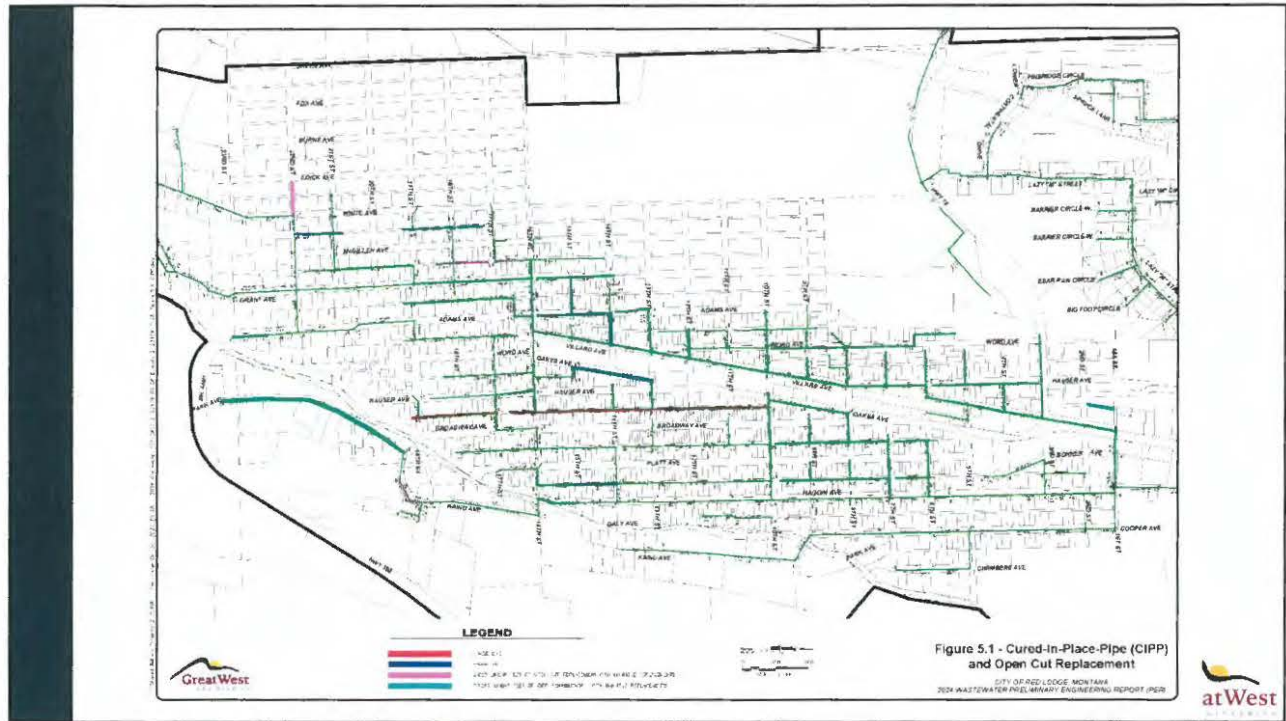
9

Collection System Alternatives

- » **All outdated VCP sewer main needs replacement (≈ 33,080 feet)**
- » **Alternative C-1: No Action**
 - » Not considered viable given condition of collection system.
- »
- » **Alternative C-2: Cured-In-Place-Pipe (CIPP) Rehabilitation**
- » **Alternative C-3: Pipe Bursting Rehabilitation**
 - » Not viable due to soil types, impact to adjacent utilities, and need to excavate all services
- » **Alternative C-4: Open Cut Sewer Main Replacement**



10



11

Life Cycle Costs

» Capital Costs

- » Cost estimate for design and construction based upon similar bid tabs
- » Construction cost index used to account for inflation and to estimate 2024 Construction costs

» O&M Costs

- » Reduced O&M from not having to repair sewer main breaks

» Salvage Value

- » Depreciated value at end of 20-year planning period



12

Collection System Life Cycle Costs

Alternative	Capital Cost	Annual Increase to O&M	Present Worth of O&M Increase	20 year Salvage Value	Present Worth of Salvage	Net Present Value
C-2	\$ 10,891,000	(\$14,819)	(\$242,309)	\$ 2,919,000	\$ 3,226,803	\$ 7,421,888
C-4	\$ 13,735,000	(\$14,819)	(\$242,309)	\$ 3,539,000	\$ 3,912,181	\$ 9,580,510



13

See What's Possible.

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Selection of Preferred Alternative



14

Criteria to Rank Alternatives

- » Life Cycle Costs
- » Operation and Maintenance (O&M)
- » Permitting
- » Social Impacts
- » Environmental Impacts
- » Sustainability Considerations
- » Public Health and Safety
- » Land Acquisition



15

Collection System Decision Matrix

Decision Matrix																	
Alternative	Life Cycle Costs		Operation and Maintenance		Permitting		Social Impacts		Environmental Impacts		Public Health and Safety		Sustainability		Land Acquisition		TOTAL
	Weight:	10	Weight:	7	Weight:	4	Weight:	5	Weight:	5	Weight:	10	Weight:	4	Weight:	3	
	Score	Wtd.	Score	Wtd.	Score	Wtd.	Score	Wtd.	Score	Wtd.	Score	Wtd.	Score	Wtd.	Score	Wtd.	
Collection System Alternatives																	
C-2	69	69	7.0	49	6.0	24	8.0	40	8.0	40	9.0	90	7.0	28	5.0	15	265
C-4	32	32	7.0	49	6.0	24	6.0	30	6.0	30	9.0	90	7.0	28	5.0	15	206

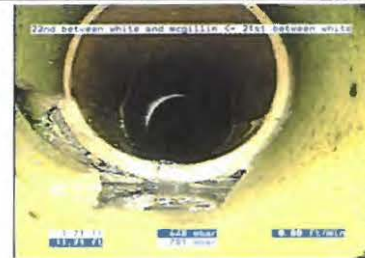
It is important to note that the above scoring and weighting are subjective. Alternatives that score overall within 10 pts of each other may essentially hold the same degree of preference.



16

Project Phasing

- » **Alternative C-2 total cost = \$12.4 million**
 - » Not feasible to complete in one project
- » **Alternative C-2 broken into phases**
 - » Phases prioritized by worst condition determined by sewer videoing
 - » Worst condition mains include mains with large holes, lots of infiltration and/or exfiltration



▲ Hole in bottom of pipe where sewer exfiltrating



▲ Huge Hole and Boulder in Sewer Pipe



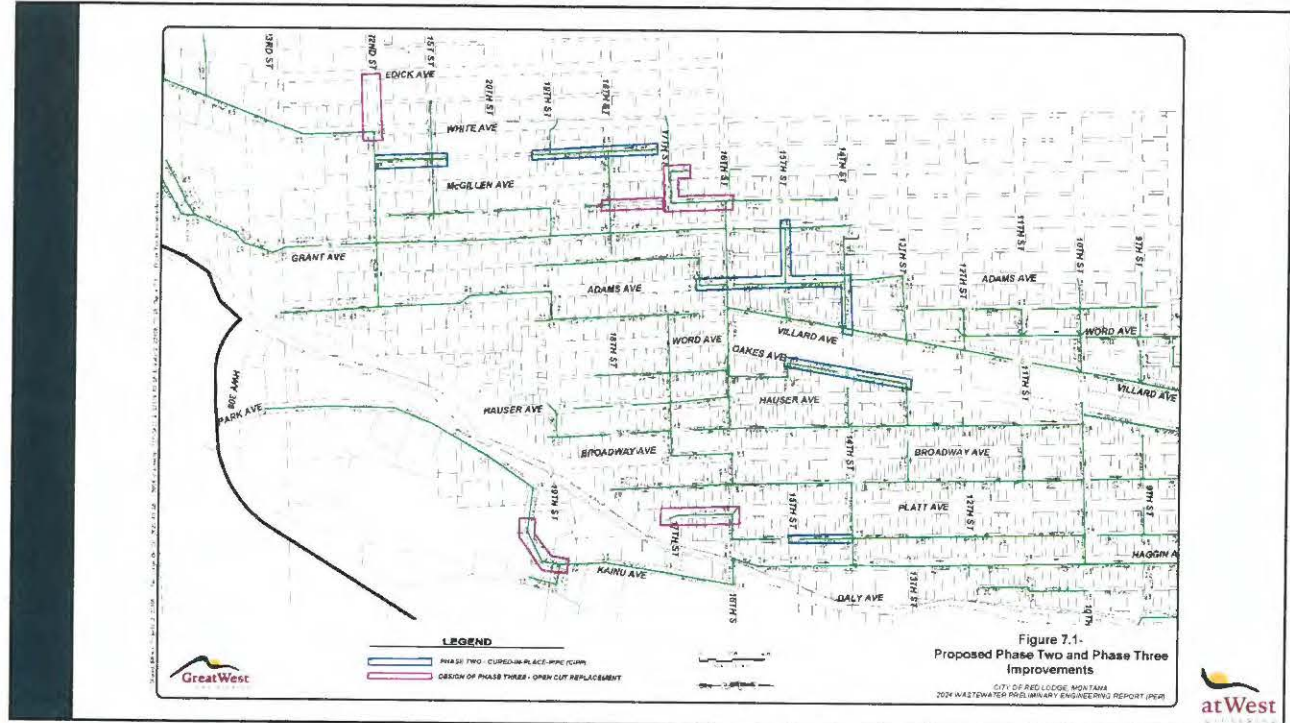
17

Proposed Project

- » **Phase One**
 - » Alley between Broadway and Hauser from 19th to 10th.
 - » Highest priority from sewer videos and very deep.
 - » Design and construction part of current, ongoing project.
- » **Phase Two**
 - » Rest of worst condition mains from sewer videos
 - » Design included in current, ongoing project.
 - » Construction included in proposed project.
- » **Phase Three**
 - » Areas requiring open cut due to structural defects and/or combined sewer services.
 - » Design and construction included in proposed project.



18



19

OPINION OF PROBABLE COST						
City of Red Lodge, Montana						
2024 Wastewater PER - Phase 2 and Phase 3						
#	BID ITEM	QTY	UNITS	UNIT PRICE ¹	TOTAL	
1	12" CIPP	1,360	LF	\$ 117.00	\$ 159,120	
2	10" CIPP	1,015	LF	\$ 104.00	\$ 105,560	
3	8" CIPP	1,200	LF	\$ 65.00	\$ 78,000	
4	CIPP Spot Repairs	30	EA	\$ 3,800.00	\$ 114,000	
5	8" PVC Sewer Main	2,020		\$ 130.00	\$ 262,600	
6	48" Sewer Manholes	25	EA	\$ 8,000.00	\$ 200,000	
7	CIPP Service Reinstatement	30	EA	\$ 600.00	\$ 18,000	
8	Preliner Installation	3,575	LF	\$ 10.00	\$ 35,750	
9	Sewer By Pass Pumping for CIPP Lining	1	LS	\$ 20,000.00	\$ 20,000	
10	Restoration for Spot Repairs	2,320	LF	\$ 75.00	\$ 174,000	
11	Utility Crossings	10	EA	\$ 700.00	\$ 7,000	
Direct Construction Subtotal					\$ 1,174,000	
Mobilization				10%	\$ 117,000	
Traffic Control				1%	\$ 12,000	
Construction Subtotal					\$ 1,303,000	
Construction Cost Inflated to ²			2026	3.0%	\$ 1,424,000	
Contingency					20%	\$ 285,000
Geotechnical Investigation						\$ 30,000
Engineering Design					7%	\$ 120,000
Engineering Construction					10%	\$ 171,000
Grant Admin. Legal, & Administrative					3%	\$ 51,000
TOTAL					\$ 2,081,000	

¹ Estimated unit costs are based upon estimates from suppliers and bid tabs for similar projects throughout Montana.
² The ENR average Construction Cost Index is +2.32% (as of September 2023), so capital costs are projected to the anticipated construction date using a 3% inflation rate.

20

Funding Strategy and Implementation Plan



21

Target Rate

- » Established for each community by Montana Department of Commerce to determine eligibility for certain grant and loan programs.
- » Target rates are calculated as percentage of median household income (MHI).
 - » Water & Wastewater = 2.3%
 - » Water Only = 1.4%
 - » Wastewater Only = 0.9%
- » MHI data comes from American Community Survey (ACS), and Commerce is using the 2015-2019 data set for this funding cycle.



22

Current Rates and Target Rates

» Commerce Lists MHI for City at \$48,311

- » Water Only Target Rate = 1.4% of MHI = \$56.36
- » Wastewater Only Target Rate = 0.9% of MHI = \$36.23
- » Combined Target Rate = 2.3% of MHI = \$92.60

» Existing Rates

- » Average Residential Rate Based on ¾" Service (1 Equivalent Dwelling Unit or EDU)
- » Water = \$53.26 per month
 - » Existing Water Rate at 94% of Targe Rate
- » Sewer = \$57.29 per month
 - » Existing Wastewater Rate at 158% of Targe Rate
- » Combined water and sewer = \$92.60 per month
 - » Existing Combined Rate at 119% of Targe Rate



23

Montana Coal Endowment Program (MCEP)



Various Grant Amounts Available Depending on Rates vs. Target Rates

\$500,000 if Rates At or Exceed Target Rate
 \$625,000 if Rates > 125% of Target Rate
 \$750,000 if Rates > 150% of Target Rate



50-50 Match Required



Cannot Exceed 50% of Project Costs



24

DNRC Renewable Resource Grant and Loan Program (RRGL)



Up to \$125,000 for Public Facility Grants



Conserve, Manage, Develop, or Protect Renewable Resources



25

Community Development Block Grant (CDBG)



Up to \$600,000 for Public Facility Grants

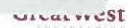


> 50% Low to Moderate Income (LMI)

Commerce lists Red Lodge's LMI as 49%.



User Rate Must Meet or Exceed Target Rate



26

Rural Development (RD)



Grant and Low Interest Loan Packages



Grants

Eligibility Determined by Median Household Income (MHI)
•Up to 75% of Project Costs grant eligible if MHI < \$42,440
•Up to 45% of Project Costs grant eligible if \$42,440 < MHI < \$53,000 (tentative)
Must Alleviate Health or Sanitation Concerns in Communities with Population Less Than 10,000



Loans

40 year Term Typical
Interest Rates
•Poverty = 2.125%
•Intermediate = 2.75%
•Market = 3.5%



27

State Revolving Funds (SRF)



Low Interest Loans

Currently 2.5% Interest
20 year Term Typical



Potential Loan Forgiveness

Up to 49% of Project Cost for Wastewater,
\$1,000,000 Maximum
Community Must Be At or Above Target Rate



28

Proposed Project Funding for Phase 2 & 3

Source	Amount
MCEP Grant	\$ 500,000
RRGL Grant	\$ 125,000
Sewer Fund Reserves	\$ 500,000
SRF Loan Forgiveness (Assuming 30%)	\$ 286,800
SRF Loan	\$ 690,700
Total	\$2,102,500

Sewer Enterprise Fund has sufficient debt capacity after recently paying off SRF loan for north lift station that no rate increase is necessary or anticipated.



29

Potential Implementation Schedule

- » Apply for MCEP and DNRC Grant Applications in May 2024
- » Surveying and Field Work in Fall 2024 (utilizing reserves)
- » Design in Winter/Spring of 2025 (utilizing reserves)
- » Results of MCEP and DNRC in Spring 2025
- » Bid in July 2025 (dependent upon grant awards)
- » Construction Fall of 2025 and/or Spring of 2026



30


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See What's Possible.

Questions and/or Comments

Chad Hanson, PE
chanson@greatwesteng.com

Great West Engineering
 (406) 281-8585




31

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Water/Wastewater • Transportation • Grant Services • Solid Waste •
 Structural • Bridges • Natural Resources • Planning

<p>BILLINGS 6780 Trade Center Avenue Billings, MT 59101 Phone (406) 652-5000</p>	<p>BOISE 3050 N Lakeharbor Lane Suite 201 Boise, ID 83703 Phone (208) 576-6646</p>	<p>GREAT FALLS 702 2nd Street South #2 Great Falls, MT 59405 Phone (406) 952-1109</p>
<p>HELENA 2501 Bell View Drive Helena, MT 59604 Phone (406) 449-8627 Fax (406) 449-8631</p>	<p>SPOKANE 9221 N Division St Suite F Spokane, WA 99218 Phone (509) 413-1430</p>	



32

The draft version of the Wastewater Preliminary Engineering Report can be found on our website:

<https://www.cityofredlodge.net/com-dev/page/wastewater-system>

Resolution No. 3651

A Resolution of the City of Red Lodge to Authorize Submission of MCEP Application

WHEREAS the City of Red Lodge is applying to the Montana Department of Commerce for financial assistance from the Montana Coal Endowment Program (MCEP) to complete improvements to the City's wastewater system;

WHEREAS, the City of Red Lodge has the legal authority to construct, finance, operate, and maintain a wastewater system;

That the City of Red Lodge agrees to comply with all State laws and regulations and the requirements described in the MCEP Application Guidelines and those that will be described in the MCEP Project Administration Manual;

That the City of Red Lodge commits to provide the amount of matching funds as proposed in the MCEP application; and

That Dave Westwood, Mayor, is authorized to submit this application to the Montana Department of Commerce, on behalf of City of Red Lodge, to act on its behalf and to provide such additional information as may be required.

PASSED AND ADOPTED by the City of Red Lodge Council at a regular meeting thereof held on the 14th of May 2024.

APPROVED

Dave Westwood, Mayor

ATTEST:

Loni Hanson
Clerk and Treasurer
City of Red Lodge

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



DATE: April 15, 2024

TO: City Council
Jody Ronning, President
Dave Westwood, Mayor

FROM: Cody Marxer, Contract Planner

RE: Petition to Vacate Right-of-Way - RW2024-01

OWNER / APPLICANT:
Nick and Renee Campbell

AUTHORIZED REPRESENTATIVE:
Nick and Renee Campbell

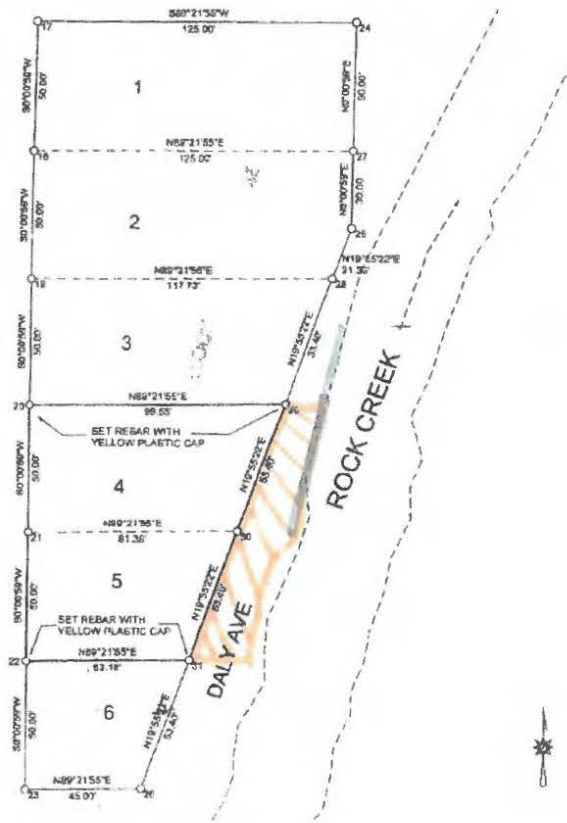
CITY COUNCIL HEARING:

April 30, 2024 @ 6 p.m.

I. EXECUTIVE SUMMARY

The Community Development Department has received a Petition to Vacate a Right-of-Way (ROW) for a city-owned portion of Daly Avenue generally located adjacent to Lot 4 and Lot 5 of Block 45, Red Lodge Original Townsite, in Section 27, Township 7 South, Range 20 East, P.M.M., Carbon County, Montana (see attached Petition To Discontinue Street Or Alley and Exhibit A). The area in question is shown in Image A (below) and on page 4 of the petition application. The land, generally located in the area of 9th and Cooper, is not being used by the City. The 2022 Rock Creek flood event caused severe erosion in the area described in the petition application, reducing Daly Avenue dimensional area.

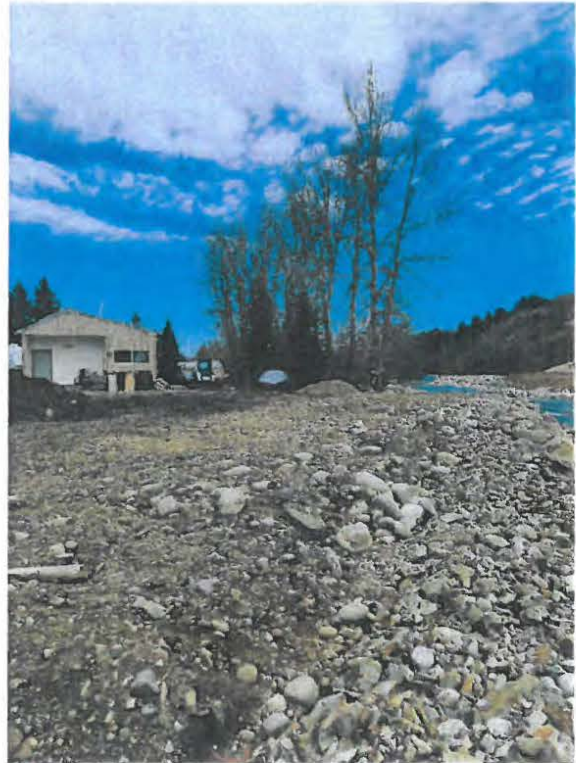
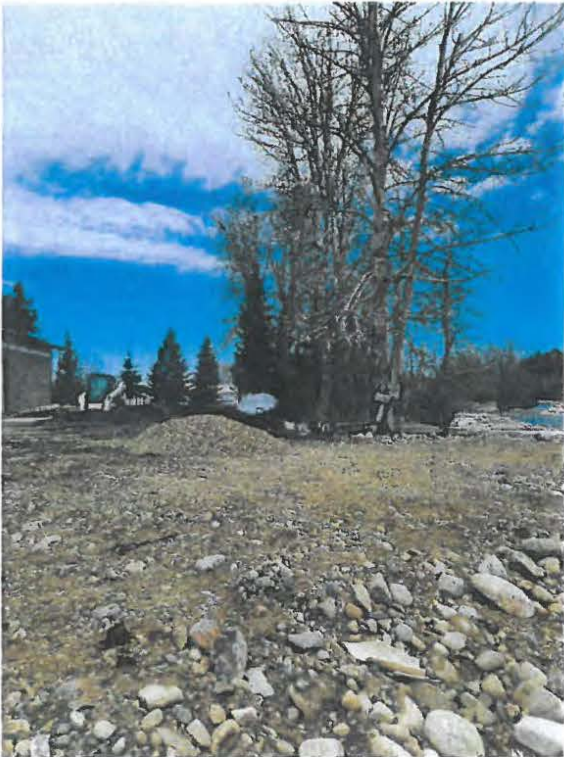
The Red Lodge Growth Policy, Comprehensive Parks Plan, and Active Transportation Plan encourage increased access to Rock Creek for the enjoyment of our residents and tourists. The City should not relinquish property and public right-of-way's along Rock Creek, unless there is a unique and extenuating circumstance. Staff determines this to be an extenuating circumstance due to the substantial erosion of this specific portion of Daly Avenue along Rock Creek. It would also be prudent to note that the general area of the subject land is located within and/or adjacent to the mapped Regulated Flood Hazard Area (FIRM Panel #30009C0703D effective 12/4/2012); therefore, any subsequent development in the general area or within the vacated ROW should be reviewed for compliance with the 2012 Floodplain Development Regulations. It is also prudent to consult with and consider the City Attorney's position on this petition application.



< Image A

Subject property, as provided in the Applicant's petition application.

II. SITE PHOTOS



III. STAFF RECOMMENDATION/SUGGESTED FORM OF MOTION:

> Approval

> I move to recommend approval of the Petition to Vacate a Right-of-Way (ROW) for a city-owned portion of Daly Avenue generally located adjacent Lot 4 and Lot 5 of Block 45, Red Lodge Original Townsite, lying in Section 27, Township 7 South, Range 20 East, P.M.M., Carbon County, Montana, and as exhibited on Exhibit A.

IV. PROCESS

- 4/30/2024 – Public Hearing hosted by City Council

V. PUBLIC NOTICE:

Two Public Notices are required. Public Notice occurred on April 11, 2024, and April 18, 2024, in the Carbon County News and on April 29, 2024, on the City Council Agenda for the April 30, 2024, City Council meeting.

VI. ATTACHMENTS:

1. Petition To Discontinue Street or Alley
2. Exhibit A - Surveyor's Worksheet

CITY OF RED LODGE
Community Development Department
1 South Platt Avenue
P.O. Box 9
Red Lodge MT, 59068
Telephone: (406) 446-1606 Fax (406) 446-3936

PETITION TO DISCONTINUE STREET OR ALLEY

FEE ATTACHED\$ _____

Pursuant to § 7-14-4114, MCA, the Red Lodge City Council may discontinue a street or alley or any part of a street or alley in the City, if it can be done without detriment to the public interest, upon:

- (a) a petition in writing of all owners of lots on the street or alley; or
- (b) (i) a petition in writing of more than 50% of the owners of lots on the street or alley; and
(ii) approval by a majority vote of the Council.

Before acting upon the petition, a notice must be published, stating when the petition will be acted on and what street or alley or part of a street or alley is asked to be vacated in accordance with the publishing requirements provided in § 7-1-4127, MCA.

Contact Information

Applicant: Nick and Renee Campbell
Address: 3160 Gregory Dr. W, Billings, MT 59102
Telephone: 406-855-5511
E-mail: nick.campbell@zoetis.com and reneeathome39@yahoo.com

Petition Information

Describe the street or alley to be discontinued (attach a vicinity map):

This petition is to vacate right of way (ROW) for a city owned portion of Daly Avenue generally located adjacent to lot 4 and lot 5 of block 45, Red Lodge original townsite, lying in section 27, township 7 south, range 20 east, p.m.m., Carbon County, Montana

Legal Description of the Right-of-Way to be Discontinued (attach a copy of the Plat showing the street or alley to be discontinued):

See document attached as Ex. 1.

Describe how the discontinuation of the street or alley can be accomplished without detriment to the public interest:

The historic street has been eroded by flooding events and no longer exists and hasn't existed or been used for decades.

Describe any utilities located within the area to be discontinued (the presence of utilities may necessitate approval by the owner of the utility and an easement for the continued protection of the utility lines):

There are no utilities.

Does the area to be discontinued provide access for mail delivery, trash pickup, trails, parks, or other public or private uses?

This area has not and cannot provide access.

Does the area to be discontinued provide access to a water body or stream?

The area does not provide access to a water body or stream.

When the street or alley was dedicated to the public, was the right-of-way taken from property on both sides of the street or alley? Is there any evidence the right-of-way was taken from a property on only one side of the street or alley?

There is no way to know where the property was taken from and what is left of the ROW abutts the river.

Note that the City Council may adopt conditions to ensure the discontinuation is not detrimental to the public interest. Examples of potential conditions include the installation of pavement, sidewalks, or curb and gutter; the granting of easements for utilities; and setbacks for structures, landscaping, and other improvements. Are there conditions that would be beneficial or necessary to ensure the discontinuation is not detrimental to the public interest?

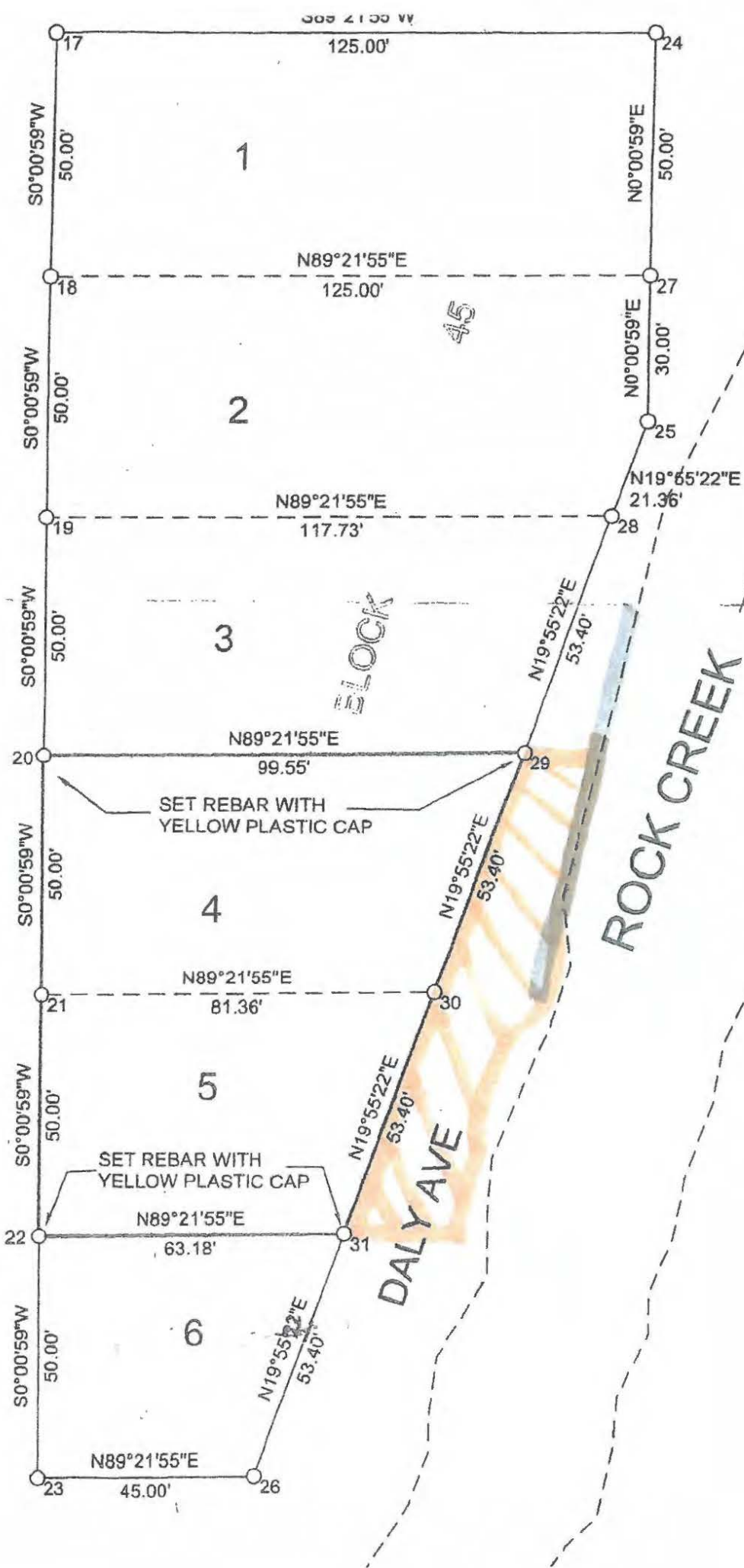
List the Owners of Property abutting the street or alley to be discontinued and the signatures of those who consent to have the street or alley discontinued (at least 50% of the owners must sign the petition before the City will process the application):

Nicholas Campbell
Owner

Nicholas Campbell
Signature

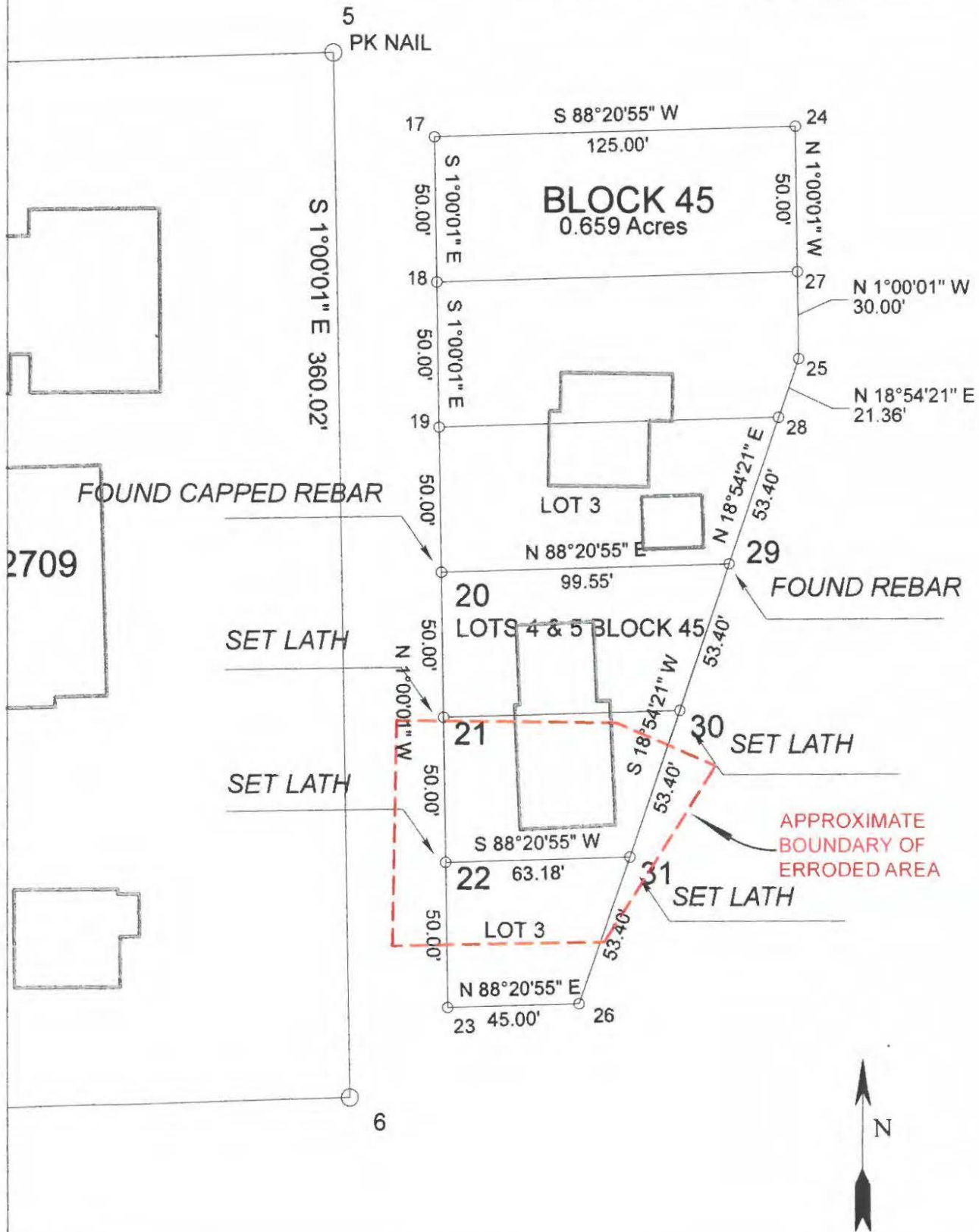
Bencie Campbell
Owner

Bencie Campbell
Signature



SURVEYOR'S WORKSHEET
 LOTS 4 AND 5, BLOCK 45 OF RED LODGE
 ORIGINAL TOWNSITE LYING IN SECTION 27, T.7S., R.20E., P.M.M.,
 CARBON COUNTY, MONTANA

SURVEYED BY: RED LODGE SURVEYING LLC
 DURING 7-25-22
 REQUESTED BY: NICK CAMPBELL



Clerks Report

Apr-24 Function	1000 General	5210 Water	5310 Sewer	2100 Resort Tax	2394 Building	2820 Gas Tax	2220 Library	5410 Solid Waste	2520 Storm	TID	TOTAL
GENERAL											
TAXES FROM COUNTY	\$ 11,760.50										\$ 11,760.50
SALE OF SUPPLIES	\$ -										\$ -
ANIMAL CONTROL (DOG TAGS)	\$ 100.00										\$ 100.00
FINES AND FORFEITURES	\$ 4,011.08										\$ 4,011.08
GAMBLING-VIDEO	\$ -										\$ -
OIL AND GAS	\$ -										\$ -
GAMBLING-LIVE	\$ -										\$ -
BUSINESS LICENSE	\$ 1,070.00										\$ 1,070.00
LIBRARY COLLECTIONS	\$ 157.40										\$ 157.40
LIBRARY FROM THE COUNTY	\$ -										\$ -
LIBRARY FROM THE STATE	\$ 345.00										\$ 345.00
LAW ENFORCEMENT (CATERING PERMITS)	\$ -										\$ -
STREET CLOSURE	\$ 1,200.00										\$ 1,200.00
PLANNING	\$ 40.00										\$ 40.00
ENTITLEMENT SHARE	\$ -										\$ -
LAW ENFORCEMENT ENTITLEMENT SHARE	\$ -										\$ -
COMP INS ENTITLEMENT SHARE	\$ -										\$ -
PERS ENTITLEMENT SHARE	\$ -										\$ -
VICTIM SURCHARGE	\$ 225.00										\$ 225.00
SURCHARGES	\$ 195.00										\$ 195.00
DONATIONS AND CONTRIBUTIONS	\$ -										\$ -
INTEREST	\$ 7,945.63										\$ 7,945.63
MISC REVENUE	\$ 1,975.00										\$ 1,975.00
RENTS AND LEASES	\$ -										\$ -
CDBG HOME GRANT	\$ -										\$ -
CDBG INTEREST	\$ 297.62										\$ 297.62
WATER											
DEPOSITS		\$ 600.00									\$ 600.00
WATER COLLECTIONS		\$ 93,576.14									\$ 93,576.14
CURBSTOP FEES		\$ 3,426.60									\$ 3,426.60
PENALTIES		\$ 984.17									\$ 984.17
MISC (ON/OFF FEES, LABOR, & METER SUPPLIES)		\$ 16,961.27									\$ 16,961.27
WATER INTEREST		\$ 7,740.66									\$ 7,740.66
WATER IMPACT FEES		\$ 13,480.00									\$ 13,480.00
WATER ADMIN FEES		\$ 1,295.00									\$ 1,295.00
UTILITY FROM TAXES		\$ -									\$ -
BOND PROCEEDS		\$ 8,262.50									\$ 8,262.50
MISC WATER REVENUE		\$ -									\$ -
SEWER											
SEWER COLLECTIONS			\$ 110,209.31								\$ 110,209.31
SEWER IMPACT FEES			\$ 14,900.00								\$ 14,900.00
SEWER ADMIN FEES			\$ 1,120.00								\$ 1,120.00
SEWER INTEREST			\$ 12,958.00								\$ 12,958.00
RENTS AND LEASES			\$ 600.00								\$ 600.00
BOND PROCEEDS			\$ 8,262.50								\$ 8,262.50
UTILITY FROM TAXES			\$ 271.80								\$ 271.80
RESORT TAX											
3% RESORT TAX COLLECTIONS				\$ 179,059.58							\$ 179,059.58
RESORT TAX BONDS				\$ -							\$ -
INTEREST				\$ 3,314.12							\$ 3,314.12
POOL ENDOWMENT PROCEEDS				\$ -							\$ -
URBAN FORESTRY				\$ -							\$ -
BUILDING											
BUILDING PERMITS					\$ 26,060.00						\$ 26,060.00
PLAN REVIEW					\$ 2,531.25						\$ 2,531.25
GAS TAX											
GAS TAX APPORTIONMENT						\$ 10,300.40					\$ 10,300.40
SPECIAL GAS TAX ALLOCATION						\$ -					\$ -
GAS TAX EQUIPMENT-CAPITAL IMPROVEMENTS						\$ -					\$ -
LIBRARY											
CONTRIBUTIONS AND DONATIONS							\$ 38.00				\$ 38.00
INTEREST							\$ 13.15				\$ 13.15
SOLID WASTE											
RECYCLING CENTER FEES								\$ 12,455.67			\$ 12,455.67
MISC RECYCLING REVENUE								\$ -			\$ -
RECYCLING SALE OF RECYCLABLES								\$ -			\$ -
STORM WATER											
STORM UTILITY FROM COUNTY TAXES									\$ 503.42		\$ 503.42
STORM- FEDERAL FUNDS									\$ 844,907.22		\$ 844,907.22
1% RESORT TAX COLLECTIONS									\$ 59,686.52		\$ 59,686.52
TID											
TAXES FROM TID										\$ 53,911.47	\$ 53,911.47
TOTAL	\$ 29,322.23	\$ 146,326.34	\$ 148,321.61	\$ 182,373.70	\$ 28,591.25	\$ 10,300.40	\$ 51.15	\$ 12,455.67	\$ 905,097.16	\$ 53,911.47	\$ 1,462,839.51

Loni Hanson

From: Betsy Scanlin <bescanlin@msn.com>
Sent: Thursday, May 9, 2024 11:47 AM
To: Loni Hanson
Subject: Fwd: Proposed Storm Water Charges

Sent from my iPhone

Begin forwarded message:

From: Betsy Scanlin <bescanlin@msn.com>
Date: May 9, 2024 at 11:04:24 AM MDT
To: toupinward1@gmail.com, Doug Miller <RDM386@earthlink.net>
Cc: David Westwood <mayor@cityofredlodge.com>
Subject: Proposed Storm Water Charges

Dear Chelsea and Doug: re notice of increase of proposed in storm water charges, I understand that Resort Tax revenue is earmarked for this kind of infrastructure. Would you please let me know how much of the anticipated costs of this project will be covered by that revenue? A full report of how that revenue is budgeted and spent among different projects would be helpful as well in considering this increase. Thanks much. Betsy Scanlin

Sent from my iPhone

Loni Hanson

From: Jody Ronning <ronningward3@gmail.com>
Sent: Monday, April 29, 2024 5:08 PM
To: Sandy Conlee; Dave Westwood; Shinta; dougmiller@earthlink.net; Loni Hanson
Subject: Re: Land Use & Planning Agenda Item

Oops Sorry! I meant to BCC everyone. It's been a long day. Loni will you please include this in the packet as correspondence between council members as I included three other council persons.

Thank you!

Jody

On Mon, Apr 29, 2024 at 5:05 PM Jody Ronning <ronningward3@gmail.com> wrote:
Good Afternoon,

Will you please add to the Land Use & Planning agenda a discussion on the Camping Ordinance?

Currently there is a 14 day limit on camping on a commercial lot. Please discuss if that is still appropriate. With our current housing shortage, the Alpine is receiving requests for long term rental of their RV sites/hookups by people moving to Red Lodge, have a new job in Red Lodge, but no place to live. In the past, they have also used those RVs for their own summer employee housing.

Specifically please consider these choices:

Should we allow long term RV stays if there is a manager on site and/or it is a licensed RV Park?

Should we allow long term site rental for an RV on any commercial lot in Red Lodge as long as there are hookups?

Should we allow long term site rental for an RV on any commercial lot in Red Lodge with no limitations? (self contained/dry camping)

Or do we keep in place the existing 14 day camping limitation?

Thank you for your consideration!

Jody

Loni Hanson

From: Pete Critelli <drifter2610@gmail.com>
Sent: Saturday, April 20, 2024 8:21 AM
To: Jody Ronning; Sandy Conlee; Shinta; redlodgeward2@gmail.com; toupinward1@gmail.com; Dave Westwood; Loni Hanson; DeNaye Kern
Subject: Ordinance No. 936 First Amendment / Critelli

Jody, Sandy, Kris, Chelsea, Shinta, and Doug.

Regarding fireworks, July 4th., noon to 10:00 p.m.

This proposal is in direct opposition to the responsibility of the government, i.e. the safety and wellbeing of the public.

I spent many years as a local law enforcement officer, both county and city. Regardless of this new legislation, one way or another folks will be discharging fireworks of every size. This new proposal will exacerbate the previous volumes to record numbers.

Speaking personally, and as a citizen, no longer an officer, this proposal has every likelihood of substantially increasing accidents and injuries. Many of our residents who previously did not discharge fireworks in the city limits, who obeyed the law, will now go out and buy excessive amounts. The excitement of a new 'toy' can only lead to inattention, and injury to themselves and to children. By permitting this ten hour window, the odds of increased medical emergency calls are going to increase.

I have seen the results of inexperience and inattention, doing irreparable damage to eyes and extremities of both adults as well as kids.

Add to that the increased possibility of residential and commercial roofs catching on fire from descending, still lit, fireworks.

There is no practical reason for legislation that will most likely increase personal human injury and potential serious property damage.

Pete Critelli
Villard Ave. N.
Red Lodge