

May 10, 2022

The Red Lodge City Council met in regular session on May 10, 2022 at 6:00 p.m. The meeting was called to order by Mayor Cogswell, followed by the Pledge of Allegiance to the Flag.

ROLL CALL OF OFFICERS: Present: Mayor Cogswell, Aldermen Battles, Critelli, Durbin, Heaton, Ronning, and Whistler.

DEPARTMENT HEAD ATTENDANCE: City Clerk – Loni Hanson, Public Works Director – Jim Bushnell, City Attorney- Dennison Butler and Planning Director- Courtney Long.

MINUTES OF APRIL 13, 2022- Motion by Heaton, second by Whistler to approve the minutes of April 13, 2022 as presented. On roll call vote all Aldermen present voted “Aye.” Motion carried.

MINUTES OF APRIL 26, 2022- Motion by Heaton, second by Whistler to approve the minutes of April 26, 2022 as presented. On roll call vote all Aldermen present voted “Aye.” Motion carried.

WARRANTS PAYABLE- Motion by Battles, second by Ronning to approve warrants against the City totaling \$293,414.70, to be paid and warrants drawn on their respective funds. On roll call vote all Aldermen present voted “Aye.” Motion carried.

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

MAYOR’S COMMENTS- Appointment to Beartooth Resource Conservation and Development Board- Mayor Cogswell said she would like to appoint Brent Moore to the Beartooth Resource Conservation and Development Board.

Lifeguards- Al Bloomer, Pool Committee, gave an update on the pool fundraising. He said there has been advertising for lifeguards and planned visits to the school.

Council Chat- Alderman Durbin said the next Council Chat will be this Thursday at Cattail Bakery and the Pollard Hotel.

PUBLIC COMMENTS- Dave Westwood, Red Lodge, asked that the City enforce codes, specifically trash and building codes.

Michelle Kroll, Red Lodge, commented on Resolution No. 3605 and was in full support of the Council passing it.

Beth Graham, Youth Soccer Group, commented on Resolution No. 3605 and was in full support of it.

Sherry Weamer, Red Lodge Area Chamber, said dispensaries shouldn’t be rushed and shouldn’t be put in the heart of downtown.

Andrew Gordan, Helena, said that on behalf of retail marijuana dispensaries, the dispensaries fit in wherever they are placed.

Scott Boggio, Carbon County, spoke against marijuana.

Lisa Bennett, Red Lodge, spoke on kids and marijuana.

Linda Dagal, Carbon County, spoke about the Cartel and marijuana opening the door to them in our community.

Jeff Vironik, Red Lodge, said if you don't live in Red Lodge, you don't have a dog in the fight. He said perimeters should be discussed.

Gabrielle Robinson, Red Lodge, said the discussion should be on zoning regulations and locations.

Scott Cope, Red Lodge, spoke on kids with edibles and access to them and encouraged the Council to listen to the Planning Board.

Tammy Helspar, Roberts, said she may not live here, but is vested here. She asked the Council to work with the Planning Board and zoning and get more input from the Community.

Sandy Conlee, Red Lodge, said she was insulted by the comments made by the Council members, quoted in the newspaper, about the Planning Board.

David Bachman, Carbon County, said everybody is divided and our small community needs to proceed with caution and keep talking and be considerate of others.

OLD BUSINESS- Ordinance No. 957, 2022 Zoning Regulations (Public Hearing/2nd Reading)- Mayor Cogswell opened the Public Hearing.

Dave Westwood, Red Lodge, said this is a policy decision.

Sandy Conlee, Red Lodge, asked that the City Council send this back to the Planning Board with recommendations.

Mike Keyes, Red Lodge, spoke about the Planning Board meetings that he attended regarding this. He also addressed Colorado's marijuana and their influx.

James McGregor, Red Lodge, spoke in favor of dispensaries.

Jess Reave, Red Lodge, said she has seen the dark side of Red Lodge and working at Sweet Grass Dispensary, she has seen how much she has been able to help people.

Jay (unaudible), Red Lodge, seen a lot of alcoholism in this town.

Bill Bullock, Carbon County Commissioner, spoke on behalf of the ballot votes in favor of retail marijuana within the county. He also spoke on how the County is handling dispensaries.

James McGregor, Red Lodge, said to give dispensaries a chance.

Marcella Manuel, Red Lodge Business Owner, said that we need to maintain integrity for our downtown area and for the Council to take downtown business owners voices into consideration.

Dan Horman, Red Lodge, said downtown is precious and to let the Planning Board look for another place.

Heather Robson, Red Lodge, said if you don't like dispensaries, then don't go there.

Beth Boggio, Carbon County, said there will be problems down the road after allowing.

Jason Reimer, Red Lodge, said he would like to see the Planning Board find other places to put them.

Ed Halin, Bridger, said Red Lodge is a family friendly town and asked it to be sent back to the Planning Board to find different locations.

Mayor Cogswell closed the Public Hearing.

Motion by Whistler, second by Durbin to approve Ordinance No. 957, an ordinance of the City of Red Lodge, Montana, to amend the Municipal Code pertaining to Land-Use as governed in Title 12-Development, Chapter 4-Zoning Regulations; and to adopt the 2022 Zoning Regulations on second reading. On roll call vote Aldermen Battles, Critelli, Durbin, Heaton and Whistler voted "Aye." Alderman Ronning voted "No." Motion carried.

Motion by Critelli, second by Ronning to amend Ordinance No. 957 and extract the section and verbiage specific to marijuana and as part of this amendment, send that section back to the Red Lodge Planning Board for reevaluation. On roll call vote Aldermen Critelli and Ronning voted "Aye." Aldermen Battles, Durbin, Heaton, and Whistler voted "No." Motion failed.

Motion by Ronning to amend Ordinance No. 957, 2022 Zoning Regulations, and remove district C4 from one of the areas permitted for marijuana dispensaries. Motion failed due to lack of second.

ORDINANCE NO. 957

AN ORDINANCE OF THE CITY OF RED LODGE, MONTANA, TO AMEND THE MUNICIPAL CODE PERTAINING TO LAND-USE AS GOVERNED IN TITLE 12 - DEVELOPMENT, CHAPTER 4- ZONING REGULATIONS; AND TO ADOPT THE 2022 ZONING REGULATIONS

WHEREAS: § 76-2-301 et. seq. of the Montana Code Annotated authorizes the City of Red Lodge to adopt and enforce local zoning regulation to promote the public health, safety, morals, or the general welfare of the community; and

WHEREAS: The Montana Code Annotated allows municipal governments to regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of the lot that may be occupied; the size of yards, courts and other open spaces; and

WHEREAS: It is in the public and private interest for the City to establish use controls that limit the density of population; and the location and use of buildings, structures, and land for trade, industry, residence or other purposes; and

WHEREAS: The Red Lodge City Charter provides for the exercise of self-government powers; and

WHEREAS: The Red Lodge Planning Board and Zoning Commission in concert with public comment prepared the updated 2022 Draft Zoning Regulations and the updated Zoning Map 10.1 for the City of Red Lodge; and

WHEREAS: The Planning Board and Zoning Commission did on February 23, 2022 conduct a public hearing on the proposed draft 2022 regulations and map; and

WHEREAS: The Planning Board and Zoning Commission on a 6-0 unanimous roll call vote approved Planning Board Resolution 2022-01 which recommended that the City Council adopt by Ordinance the 2022 Draft Zoning Regulations and Zoning Map 10.1 for the City of Red Lodge, Montana; and

WHEREAS: The City Council of the City of Red Lodge, Montana did conduct several discussions and duly noticed Public Hearings on March 22 and April 13, 2022 on the proposed 2022 Zoning Regulations and Zoning Map 10.1; and

WHEREAS: The City Council of the City of Red Lodge, Montana in concert with public comment prepared amendments to the 2022 Draft Zoning Regulations and Zoning Map 10.1.

NOW THEREFORE: BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA:

1. The Municipal Code of the City of Red Lodge, Montana is hereby amended in those parts set forth below:

A. Title 12 - Development, Chapter 4 - Zoning Regulations, shall be repealed and readopted to be the 2022 City of Red Lodge Zoning Regulations including the Official Zoning Map #10.1, as attached hereto; and

B. The 2022 City of Red Lodge Zoning Regulations including Official Zoning Map #10.1 shall be kept on file at the Office of the Carbon County Clerk; and

2. Repealer.

All other Ordinances, Resolutions, Documents, and Maps of the City of Red Lodge, Montana, pertaining to above noted Sections of the City Municipal Code are repealed upon the effective date of this Ordinance.

3. Effective Date.

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 the Council Members of the City of Red Lodge.

First Reading by the Council on the 26th day of April, 2022.

Second Reading by the Council on the 10th of May, 2022.

PASSED and APPROVED by no less than four (4) members of the Red Lodge City Council this 10th day of May, 2022. The City of Red Lodge, Montana.

NEW BUSINESS- Major Subdivision Application, Alpine Lodge RV Park (Public Hearing) Mayor Cogswell opened the Public Hearing.

Mike Booth, Red Lodge, spoke in favor of the RV park.

Bill Bullock, Red Lodge, spoke in favor of the RV park.

Lisa Bennett, Red Lodge, spoke in favor of the RV park.

Gina Burghoff, Red Lodge, spoke in favor of the RV park.

Dave Westwood, Red Lodge, spoke on the history of this project.

Al Bloomer, Planning Board Chair, said the question was how this ended up going to the Planning Board and the process, not the quality of the project.

Mayor Cogswell closed the Public Hearing.

Travis West, Engineer on the RV park, gave a brief summary of the project.

Courtney Long, Planning Director, went over the Staff Report on this project.

Larry Yung, Owner of Alpine Lodge, gave a brief history and timeline for his project.

Motion by Whistler, second by Durbin to schedule a subsequent hearing for the Planning Board to review the new information brought forward and bring back to the City Council. Whistler rescinded motion after more discussion.

Motion by Ronning, second by Critelli to approve the six-unit RV park, located at 1105 N. Broadway, within the amended Red Lodge North Annexation located on 1105 North Broadway within the amended RED LODGE NORTH ANNEXATION, S22, T07 S, R20 E, MEYER SUBD LT 1 COS 1972 AM LESS HWY ROW (subject to the following conditions):

1. That the use, operation and development of the property be in accordance with the plans, specifications and documents submitted for review except as modified by these conditions.
2. All licenses required by the City, County and State shall be obtained prior to continued use of the property.
3. Any Montana Department of Transportation comments pertaining to any issues shall be submitted to the City. Applicants shall work with the City and MDT to resolve any identified issues.
4. Any trash container(s) shall be screened from view.
5. If artifacts are uncovered during the excavation process the Carbon County Historic Preservation Officer is to be contacted.
6. The developer shall submit the site plans and use specifications to the Red Lodge Fire Department for review and approval before a building permit is submitted. All issues identified by the Fire Department shall be resolved prior to the use of the property.
7. That a Subdivision Improvement Agreement be completed according to Red Lodge Subdivision Regulations.

8. Any future lighting associated with the project shall be Dark Skies compliant which means they shall be full cutoff, shielded and directed downward onto the structure or sidewalk. Lighting shall not create off-site glare.
9. The driving areas shall be paved.
10. The backflow preventer of the water line shall be approved by the MT DEQ.
11. The lot shall be aggregated and filed with the County Clerk and Records Office.
12. Landscaping along the property adjacent to Highway 212 shall be installed. Vegetation shall be low growing and not exceed a height to impair site visibility.

On roll call vote all Aldermen present voted "Aye." Motion carried.

Resolution No. 3601, Setting Business Registration Fees- There was much discussion regarding changing the Business Registration fees. Council and staff will continue to work on this and bring it back to Council for more discussion at a later date.

Jenn Capp, AAA rentals, said they had issues with the short-term rentals' fees suggested and that maybe categories should be created.

Diane Dimich, Red Lodge, said we shouldn't raise business registration fees to supplement the General Fund budget.

Resolution No. 3602, Adopt Preliminary Engineering Report- Motion by Durbin, second by Heaton to approve Resolution No. 3602, a resolution of the City of Red Lodge to adopt a detailed preliminary engineering report prepared by Great West Engineering. On roll call vote all Aldermen present voted "Aye." Motion carried.

**RESOLUTION NO. 3602
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 Kristen Cogswell, 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 10th of May 2022.

APPROVED

Kristen Cogswell, Mayor

ATTEST: _____

Loni Hanson
Clerk and Treasurer
City of Red Lodge

Resolution No. 3603, Authorize Submission of MCEP Application Motion by Durbin, second by Heaton to approve Resolution No. 3603, a resolution to authorize submission of MCEP application. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**Resolution No. 3603
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 Kristen Cogswell, 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 10th of May 2022.

APPROVED

Kristen Cogswell, Mayor

ATTEST: _____

Loni Hanson
Clerk and Treasurer
City of Red Lodge

Resolution No. 3604, Accept Environmental Assessment for Wastewater System Project Motion by Durbin, second by Heaton, to approve Resolution No. 3604, a resolution of the City of Red Lodge to accept the determination that an environmental assessment is appropriate for the City of Red Lodge’s wastewater system improvement project. On roll call vote all Aldermen present voted “Aye.” Motion carried.

RESOLUTION NO. 3604

A RESOLUTION OF THE CITY OF RED LODGE TO ACCEPT THE DETERMINATION THAT AN ENVIRONMENTAL ASSESSMENT IS APPROPRIATE FOR THE CITY OF RED LODGE'S WASTEWATER SYSTEM IMPROVEMENTS PROJECT

WHEREAS, the City of Red Lodge has completed an assessment to identify potential environmental impacts of the City of Red Lodge's Phase One and Two Wastewater System Improvements project; WHEREAS the draft Environmental Assessment was made available for public comment and the findings were presented and reviewed at a public meeting; WHEREAS the City did not receive substantive public comment; WHEREAS the City of Red Lodge has determined that the improvements to its wastewater system will not significantly affect the quality of the human environment and accordingly the City of Red Lodge has determined the preparation of an Environmental Impact Statement is not necessary; NOW, THEREFORE, BE IT RESOLVED by the City of Red Lodge Council to adopt the final Environmental Assessment for the wastewater system improvements project. PASSED AND ADOPTED by the Red Lodge City Council at a regular meeting thereof held on the 10th of May 2022.
APPROVED

Kristen Cogswell, Mayor
ATTEST:

Loni Hanson
Clerk and Treasurer
City of Red Lodge

Resolution No. 3605, Authorize Naming of Soccer Field with Coal Miners Park- Motion by Heaton, second by Whistler to approve Resolution No. 3605, a resolution of the City Council of Red Lodge Montana authorizing the naming of a soccer field within Coal Miner's Park. On roll call vote all Aldermen present voted "Aye." Motion carried.

RESOLUTION No. 3605

A RESOLUTION OF THE CITY COUNCIL OF RED LODGE, MONTANA AUTHORIZING THE NAMING OF A SOCCER FIELD WITHIN COAL MINER'S PARK;

WHEREAS, Red Lodge Youth Soccer, a volunteer-run, non-profit organization has worked with the City of Red Lodge for more than ten years to create soccer field space on city land; and
WHEREAS, an MOU between the City of Red Lodge and Red Lodge Youth Soccer was signed January 2018 for the design, development and maintenance of a soccer field at Coal Miner's Park; and
WHEREAS, Red Lodge Youth Soccer and former and current officials of the City and the Parks, Trees and Recreation Board, have discussed the club naming the field during the years of development; and
WHEREAS, the City of Red Lodge Parks, Trees and Recreation Board voted on February 2nd, 2022 to recommend to City Council that Red Lodge Youth Soccer be allowed to name the field, and;
WHEREAS, Red Lodge Youth Soccer is responsible for fundraising all the monies to build the field; and
WHEREAS, other user groups have named their respective sporting areas at Coal Miner's Park, and this field naming does not change or interfere with any other user group designation at the park, and;

WHEREAS, Red Lodge Youth Soccer has voted to name the field "Shelly's Field" in memory of a long-time resident, Shelly Hjelvik Link, and has received outstanding support from the community to name the field as such, and;

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

1. The City authorizes Red Lodge Youth Soccer to name the soccer field within Coal Miner's Park, "Shelly's Field".

This resolution shall become effective upon passage and approval of the Mayor and Council.

PASSED and APPROVED by the City Council the ____ day of May, 2022.

FOR THE CITY OF RED LODGE, MONTANA:

By: _____

Kristen Cogswell, Mayor

Attest: _____

Loni Hanson, City Clerk

Kris Keyes, Red Lodge, was in full support of Resolution 3605.

WORKING COUNCIL ITEMS- Battles said there will be a budget presentation on May 23rd at 6:00 p.m.


CORRESPONDENCE- Any correspondence was included in Council packets.

Meeting adjourned at 8:50 p.m.



Mayor

ATTEST:



City Clerk