

November 14, 2023

The Red Lodge City Council met in regular session on November 14, 2023 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, Daniels, Durbin, Keys and Ronning. Absent: Alderman Heaton (attended online).

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

MINUTES OF OCTOBER 10 AND 24, 2023 Motion by Daniels, second by Keys to approve the minutes of October 10 and 24, 2023 as presented. On roll call vote all Aldermen present voted “Aye.” Motion carried.

WARRANTS PAYABLE Motion by Keys, second by Battles to approve warrants against the City totaling \$273,103.04 to be paid and warrants drawn on their respective funds. On roll call vote all Aldermen present voted “Aye.” Motion carried.

MAYOR’S COMMENTS- Use of City Owned Land Permit, Christmas Stroll- Mayor Cogswell said in the packet for information, is the Use of City owned land permit for the Christmas Stroll. She said everything is about the same as last year.

Vacancies- Mayor Cogswell said there are some vacancies within our departments and City boards. She said we have been interviewing for the Public Works Director and have made a conditional offer. She said we will be also looking for a new Planning Director, as Courtney will be leaving. Courtney Long, Planning Director, said there are vacancies on the Parks Board, Sustainability Board, Resort Tax Committee and in March, there will be a vacancy on the Urban Renewal Board.

Debris Removal Update- Courtney Long, Planning Director, gave a brief update on the debris removal project in Rock Creek. She said they will be resuming work on that towards the end of the week.

Airport- Mayor Cogswell read a statement. Please see attachment (1A).

PUBLIC COMMENTS- Bill Bullock, Red Lodge, encouraged the City to make sure the debris removal is expedited.

Theresa Whistler, Red Lodge, spoke on Resolution No. 3637, regarding the airport. She didn’t think it was appropriate to pass until they have seen the Airport Master Plan. She had some suggestions on the agreement.

Sandy Conlee, Red Lodge, said that the hangars at the airport pay property taxes. She said she would like to see anything built on City owned land go through the Planning Board. She also talked about the four acres needed for the airport.

Heather Quinn, Red Lodge, said a Council member position should not be a full time position and felt bad for the Council members that are spending so much of their time on City matters. She also discussed surveys that have been done in the past, including events and short term rentals.

ADMINISTRATION AND FINANCE- Cancel December 26, 2023 Council meeting- Motion by Keys, second by Ronning to cancel the December 26, 2023 Council meeting. On roll call vote all Aldermen present voted "Aye." Motion carried.

Ordinance No. 967, Submit to Voters in 2024 a Proposed Amendment to the City Charter, Clarify Mayoral Appointments (1st Reading, Public Hearing)- Mayor Cogswell opened the public hearing.

Sandy Conlee, Red Lodge, said this City Council should not be telling the next City Council what to do.

Mayor Cogswell closed the public hearing.

Motion by Battles, second by Ronning to approve Ordinance No. 967, an ordinance of the City of Red Lodge, Montana, to submit to the voters a proposed amendment to the Charter of the City of Red Lodge, to clarify mayoral appointments of board members on first reading. On roll call vote all Aldermen present voted "Aye." Motion carried.

ORDINANCE NO. 967

AN ORDINANCE OF THE CITY OF RED LODGE, MONTANA, TO SUBMIT TO THE VOTERS A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF RED LODGE, TO CLARIFY MAYORAL APPOINTMENTS OF BOARD MEMBERS

Whereas, the City of Red Lodge Charter provides for the just exercise of self-government powers, and

Whereas, the City of Red Lodge Charter Article III, Section 3.04 (#11) states, "The mayor shall appoint, with the consent of Council, all members of boards, except the mayor may appoint without the consent of Council temporary committees established by the mayor.", and

Whereas, the City of Red Lodge Charter Article III, Section 3.04 (#11) conflicts with Montana Code Annotated Section 76-1-106 and the Red Lodge Planning Board Bylaws, Article IV, Section 1 providing the representation of the Planning Board and Zoning Commission membership, and

Whereas, the City of Red Lodge Charter must comply with Montana Code Annotated regarding the representation of board membership whenever it is explicitly outlined within MCA

NOW, THEREFORE, BE IT ORDAINED by the City council of Red Lodge, Montana that:

Council shall submit to the Carbon County Elections Administrator the following language to present voters in the City of Red Lodge:

Vote for one

Shall the voters of the City of Red Lodge amend the Red Lodge City Charter as follows:

Current City Charter Language: "The mayor shall appoint, with the consent of Council, all members of boards, except the mayor may appoint without the consent of Council temporary committees established by the mayor."

Proposed Change: "The mayor shall appoint, with the consent of Council, all members of boards, except when board representation and membership is explicitly outlined within Montana Code Annotated, and except the mayor may appoint without the consent of Council temporary committees established by the mayor."

() FOR amending the Charter of the City of Red Lodge.

() AGAINST amending the Charter of the City of Red Lodge.

PASSED by the City Council of the City of Red Lodge on first reading this 14th day of November, 2023.

PASSED, ADOPTED, and APPROVED on second reading this ____ day of November, 2023.

MAYOR

ATTEST: _____

City Clerk

PUBLIC HEALTH AND SAFETY- Collective Bargaining Agreement, Red Lodge Police Department- Heaton said this was tabled at the last meeting after questions regarding the reimbursement for travel. It was clarified that it is the federal rate that is set for each State.

Motion by Keys, second by Daniels to approve the collective bargaining agreement with the Red Lodge Police Department. On roll call vote all Aldermen present voted "Aye." Motion carried.

LAND USE AND PLANNING- Ordinance No. 957, 1st Amendment, Amend Municipal Code Pertaining to Land Use (1st Reading, Public Hearing)- Alderman Battles said this amendment to the municipal code is pertaining to land use.

Al Bloomer, Planning Board Chair, recommended to the Council that the allowed use tables go back to the Planning Board for further review. He said there has been many questions that have come up and the Planning Board needs to address those questions and concerns.

Mayor Cogswell opened the public hearing.

Chelsea Toupin, Red Lodge, commended the Planning Board for wanting to take a second look at this ordinance and the tables.

Jenn Capp, Red Lodge, commended the Planning Board for recommending to take more time to look into this.

George Warmer, Billings Coldwell Bankers, said he sent in a letter regarding the ordinance pertaining to lighted signs displayed in windows.

Heather Quinn, Red Lodge, discussed the exterior facing signs that are being restricted in the amended ordinance.

Marcella Manual, Red Lodge Coldwell Bankers, asked to think about the towns you visit and how vibrant and inviting they may be. She said if we eliminate the lighting down main street, then it won't be inviting and then there is the safety factor of it being dark.

Sandy Conlee, Red Lodge, said adding more restrictions to short term rentals needs to stop. She asked what the problem was with the exterior facing lights and that the City needs to stay out of business windows.

Dan Smith, Laurel, Berkshire Hathaway, said the exterior lights are not a problem and should be removed from the ordinance.

Dennis Zierks, Red Lodge, said he hopes the Council tables this and commended the Planning Board for relooking at the tables.

Mayor Cogswell closed the public hearing.

Motion by Battles, second by Daniels to approve Ordinance No. 957, 1st Amendment, 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 first reading as amended. On roll call vote Alderman Battles voted "Aye." Aldermen Daniels and Durbin voted "No." Aldermen Keys and Ronning "Abstained." Motion failed.

Motion by Battles, second by Ronning to amend Ordinance No. 957, 1st Amendment, and remove exhibits B and C as recommended by the Planning Board and to change anywhere within the ordinance that it states "Business License" needs to be changed to "Business Registration. On roll call vote all Aldermen present voted "Aye." Motion carried.

Courtney Long, Planning Director, said the only recommendation from the Planning Board was to send back to them were exhibits B and C. The other changes within the ordinance would still need to be voted on.

Motion by Keys, second by Battles to table Ordinance No. 957, 1st Amendment. On roll call vote Aldermen Battles and Keys voted "Aye." Aldermen Daniels, Durbin and Ronning voted "No." Motion failed.

ORDINANCE NO. 957- 1st AM

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 amended 2022 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 March 22, 2023 conduct a public hearing on the proposed amendments under Planning Board Resolution 2023-01 1st AM; and

WHEREAS: The Planning Board and Zoning Commission on a 6-1 roll call vote approved Planning Board Resolution 2023-01 1st AM which recommended that the City Council adopt by Ordinance the amended Section 4.4.22-L (Exhibit A), Allowed Use Tables (Exhibit B), and Section 4.3.176 (Exhibit C) of the 2022 Zoning Regulations and Zoning Map 10.1 for the City of Red Lodge, Montana; and

WHEREAS: The Planning Board and Zoning Commission did on June 28, 2023 conduct a public hearing on the proposed amendments under Planning Board Resolution 2023-02; and

WHEREAS: The Planning Board and Zoning Commission on a 7-0 roll call vote approved Planning Board Resolution 2023-02 which recommended that the City Council adopt by Ordinance the amended Section 4.6.0 of the 2022 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 conducted discussion and noticed Public Hearings on October 24 and November 14, 2023 on the proposed amendments of the 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 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____ of October, 2023.

Second Reading by the Council on the____ of November, 2023.

PASSED and APPROVED by no less than four (4) members of the Red Lodge City Council this 14th day of November, 2023. The City of Red Lodge, Montana

By:_____Attest:_____

PUBLIC WORKS- Resolution No. 3636, Adopt City of Red Lodge Energy Conservation Plan- Motion by Daniels, second by Durbin to approve Resolution No. 3636, a resolution of the City Council of Red Lodge, Montana to

adopt the City of Red Lodge Energy Conservation Plan as amended. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Motion by Ronning, second by Daniels to amend Resolution No. 3636, to correct the language on No. 2 from Council to Mayor. On roll call vote all Aldermen present voted “Aye.” Motion carried.

RESOLUTION No. 3636

A RESOLUTION OF THE CITY COUNCIL OF RED LODGE, MONTANA TO ADOPT THE CITY OF RED LODGE ENERGY CONSERVATION PLAN

WHEREAS, the City of Red Lodge and the National Center for Appropriate Technology Energy Corps Americorps Program have had an agreement from 2015-2018 for the development of City related energy conservation projects and programs utilizing a Montana Energy Corps Member/City Sustainability Coordinator; and

WHEREAS, Red Lodge City Council passed and approved Resolution 3498 on October 23, 2018, adopting the City of Red Lodge Energy Conservation Plan; and

WHEREAS, the draft update of the Energy Conservation Plan was presented to the Council Public Works Committee on September 26 and October 10, 2023 for discussion; and

WHEREAS, the updated Energy Conservation Plan was brought before the full Council on October 24 2023 for discussion; and

WHEREAS, the adoption of the City of Red Lodge Energy Conservation Plan will provide opportunities for the programs, policies, and projects to be implemented, resulting in further reductions in greenhouse gas emissions and cost savings for the City.

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

1. That the City Council adopts the updated City of Red Lodge Energy Conservation Plan, referenced as Exhibit A.
2. That implementation of the City of Red Lodge Energy Conservation Plan shall be conducted by the Red Lodge City Council and Sustainability Board whose composition shall be determined by the Council.
3. That the City of Red Lodge Energy Conservation Plan be considered for inclusion in the Growth Policy when the Growth Policy process is opened for update and modification.

INTRODUCED at a Regular meeting of the City Council on October 24, 2023.

PASSED AND APPROVED BY THE RED LODGE CITY COUNCIL on this 14th Day of November, 2023

City of Red Lodge:

Attest:

Kristen Cogswell, Mayor

Loni Hanson, City Clerk

CITY AIRPORT COMMITTEE- Ordinance No. 966- Establish the Red Lodge Airport Boundary (Public Hearing/1st Reading)- Mayor Cogswell opened the Public Hearing.

Heather Quinn, Red Lodge, said she appreciated the hobby pilots and what they did during COVID. She said the airport is ready for any disaster/emergency.

Marnie , Red Lodge, spoke on utilizing the airport for emergency services.

Theresa Whistler, Red Lodge, said the City supports the airport, there is nobody disputing that, but said the four acres should remain the City's for future public use.

Jenn Capp, Red Lodge, said this sounds like a complicated issue. She said she would like to see the City and County work together.

Sandy Conlee, Red Lodge, said the four acres does not have much value without water and sewer.

Steve Smith, Red Lodge, spoke on the North East quadrant and leaving it in the airport boundary will assure that the emergency services capabilities are not compromised going forward.

Mayor Cogswell closed the public hearing.

Motion by Ronning, second by Durbin to approve Ordinance No. 966, an ordinance of the City of Red Lodge, Montana, establishing the Red Lodge Airport Boundary on first reading. On roll call vote Aldermen Battles, Daniels, Durbin and Ronning voted "Aye." Alderman Keys voted "No." Motion carried.

There was more discussion among Council members and staff regarding the ordinance.

ORDINANCE No. 966

AN ORDINANCE OF THE CITY OF RED LODGE, MONTANA, ESTABLISHING THE RED LODGE AIRPORT BOUNDARY

WHEREAS, The City of Red Lodge has determined that a formal Boundary of the Red Lodge Airport has not been previously established; and

WHEREAS, The City of Red Lodge has determined that a formal Boundary of the Red Lodge Airport is necessary and proper in order to maintain and operate said Airport.

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

1. The Red Lodge Airport boundary is hereby established by a survey that will be prepared by a licensed surveyor with staff accompaniment and shall after be recorded at the Carbon County Clerk and Recorder.
2. Said survey shall consist of the outside boundary of the airport and will be the formal Boundary of the Red lodge Airport.
3. Said Survey shall follow the attached map. The Survey to be prepared hereafter is incorporated herein by reference and shall be the formal boundary of the Red Lodge Airport.

4. In the case of a conflict between the attached map and the final Survey, the final Survey that is recorded at the Carbon County Clerk and Recorder shall control.

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

First Reading by the Council on the ____ day of November, 2023.

Second Reading by the Council on the ____ day of November, 2023.

PASSED and APPROVED this _____ day of November 2023.

Mayor

ATTEST: _____

City Clerk

Resolution No. 3637, Resolution to Approve Joint Airport Board Agreement- Motion by Battles, second by Durbin to approve Resolution No. 3637, a resolution of the City Council to approve the attached joint airport board agreement. On roll call vote Aldermen Battles, Daniels, Durbin and Ronning voted "Aye." Alderman Keys voted "No." Motion carried.

Council discussed the changes in the joint airport board agreement.

RESOLUTION NO. 3637

A RESOLUTION OF THE RED LODGE CITY COUNCIL TO APPROVE THE ATTACHED JOINT AIRPORT BOARD AGREEMENT

WHEREAS, the City of Red Lodge, Montana, the Town of Bridger, Montana, and the County of Carbon, Montana, have discussed the establishment of a joint City-County airport board (Joint Board) for the management of the existing airports located within the bounds of the City of Red Lodge and the Town of Bridger, through a Joint Airport Board Agreement; and

WHEREAS, such joint arrangement seems the most desirable means for furnishing airport service to the Municipalities and the County; and

WHEREAS, such an arrangement is authorized by Part 2, Chapter 10, Title 67, Montana Code Annotated.

NOW, THEREFORE, BE IT RESOLVED THAT, the City hereby approves the attached Joint Airport Board Agreement, and hereby agrees that the City shall be bound thereby.

PASSED and APPROVED by the Red Lodge City Council the ____ day of _____ 2023.

For the City of Red Lodge, Montana:

Kristen Cogswell, Mayor

Attest: _____ 8

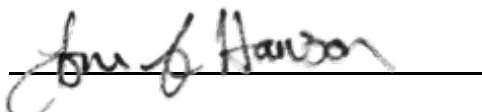
Loni Hanson, City Clerk

CORRESPONDENCE- Any correspondence was included in Council packets.
Meeting adjourned at 8:34 p.m.

A handwritten signature in cursive script, appearing to read "Kevin Connolly", written over a horizontal line.

Mayor

ATTEST:

A handwritten signature in cursive script, appearing to read "Loni Hanson", written over a horizontal line.

City Clerk

