

November 28, 2023

The Red Lodge City Council met in regular session on November 28, 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, Heaton, Keys and Ronning.

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

**MAYOR’S COMMENTS-** Mayor Cogswell said there will be a flood recovery public meeting in Fromberg on Wednesday, November 29.

Mayor Cogswell said there will be a Downtown Revitalization Plan Community Open House on Thursday, November 30 at the Roosevelt Center.

**Consent of Appointment of new Public Works Director-** Mayor Cogswell said the City has made a conditional offer to Mike Maples for the Public Works Director Position. She said per the City Charter, she needs Council consent of her appointment.

Motion by Heaton, second by Keys to approve the Mayor’s appointment of Mike Maples to Public Works Director. On roll call vote Aldermen Battles, Daniels, Heaton, Keys and Ronning voted “Aye.” Alderman Durbin voted “No.” Motion carried.

**Use of City Owned Land Permit, Montana Tour-** Mayor Cogswell said in the packet for information, is the Use of City owned land permit from Montana Tour and their event next year.

**PUBLIC COMMENTS-** Sherry Weamer, Red Lodge Area Chamber of Commerce, updated the Council on fun holiday events that are going on in town, including the Christmas Stroll.

**ADMINISTRATION AND FINANCE-General Fund Budget Presentation-** Alderman Battles gave a presentation on options to improve the General Fund. The presentation is available on the City’s website.

**Ordinance No. 967, Submit to Voters in 2024 a Proposed Amendment to the City Charter, Clarify Mayoral Appointments (Public Hearing, 2<sup>nd</sup> Reading)** Mayor Cogswell opened the public hearing.

No one spoke.

Mayor Cogswell closed the public hearing.

Motion by Battles, second by Keys 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 second 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

**Resolution No. 3635, FY 2023 Budget Amendment**-Motion by Ronning, second by Keys to approve Resolution No. 3635, a budget amendment resolution amending appropriations and reserves for various funds for Fiscal Year 2023. On roll call vote all Aldermen present voted "Aye." Motion carried.

Alderman Ronning said this is to clean up the last year budget with a journal entry for FEMA funds.

**RESOLUTION NO. 3635**  
**BUDGET AMENDMENT RESOLUTION AMENDING APPROPRIATIONS AND RESERVES**  
**FOR VARIOUS FUNDS FOR FISCAL YEAR 2023.**

**WHEREAS**, the City of Red Lodge adopted all funds revenues and appropriations for fiscal year 2022-2023 on August 23, 2022 with Resolution No. 3610; and

**WHEREAS**, it is necessary to amend certain budgets pursuant to the procedure required by MCA §7-6-4006 and §7-6-4031; and

**WHEREAS**, the increase in appropriations in the funds will be offset by an increase in revenues.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Red Lodge, Montana the City Council hereby directs the Clerk/Treasurer to amend the following budgets pursuant as follows:

The expenditure budget for FY22-23, for the Disaster fund, be increased by \$596,862.00 in line item 2260-430200-360.

**BE IT FURTHER RESOLVED** that the above amendment is hereby approved in compliance with MCA §7-6-4006 and §7-6-4031, and is further declared retroactively effective to June 30, 2023.

PASSED and APPROVED by the City Council of the City of Red Lodge this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF RED LODGE

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk/Treasurer

**Resolution No. 3611, 1<sup>st</sup> Amendment, Adopting Updated Building Related Codes**-Motion by Ronning, second by Heaton to approve Resolution No. 3611, 1<sup>st</sup> Amendment, a resolution adopting updated building related codes for the City of Red Lodge. On roll call vote all Aldermen present voted "Aye." Motion carried.

Alderman Keys said the only change to this resolution is to add the adoption of Appendix AQ "Tiny Houses."

**Resolution NO. 3611 (1<sup>st</sup> Amendment)**

**A RESOLUTION ADOPTING UPDATED BUILDING RELATED CODES FOR THE CITY OF RED LODGE.**

**WHEREAS:** The City of Red Lodge maintains a building inspection program for the health and well-being of the citizenry, AND;

**WHEREAS:** The ISO cited use of old codes as a reason for this change in the BCEGS rating, AND;

**WHEREAS:** The Red Lodge City Council acknowledges the effect the BCEGS rating of the community can have upon insurance rates for development within the City, AND;

**WHEREAS:** The Red Lodge City Council recognizes the importance of taking reasonable steps to keep the City's BCEGS rating low, AND;

**WHEREAS:** The Montana Department of Labor and Industry recently adopted the 2021 edition of the International Building Code, the 2021 edition of the International Residential Code, and updated versions of various other building related codes, AND;

**WHEREAS:** Red Lodge City Code 9-1-1 as established in Ordinance 914, allows for the adoption of building codes by resolution.

Now Therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA;**

The City officially adopts the following building related codes as approved by the Montana Department of Labor and Industry:

- A. The 2021 International Building Code,
- B. The 2021 International Existing Building Code,

- C. The 2021 International Residential Code, and
- D. The 2021 International Energy Conservation Code.
- E. **Appendix AQ “Tiny Houses” from the 2021 International Residential Code.**

The City incorporated the 2012 International Fire Code into City Code in Ordinance 915, approved on second reading on 14 April 2015.

The City further acknowledges that the state has adopted the following codes which shall be applicable in the City of Red Lodge and enforced primarily by state officials:

- A. 2021 Uniform Plumbing Code
- B. 2021 International Mechanical Code
- C. 2021 International Fuel Gas Code
- D. 2021 NFPA Gas and Vacuum Systems
- E. 2021 National Electrical Code
- F. 2009 ANSI – ICC/ANSI A117.1

The City’s fee schedule associated with the enforcement of these codes shall not change at this time.

PASSED AND APPROVED BY A MAJORITY OF THE RED LODGE CITY COUNCIL ON THIS THE 28<sup>th</sup> DAY OF November, 2023.

City of Red Lodge

\_\_\_\_\_  
Kristen Cogswell , Mayor

ATTEST:\_\_\_\_\_  
Loni Hanson, City Clerk

**PUBLIC HEALTH AND SAFETY- None.**

**LAND USE AND PLANNING- None.**

**PUBLIC WORKS- None.**

**CITY AIRPORT COMMITTEE- Ordinance No. 966-Establish the Red Lodge Airport Boundary (Public Hearing/2nd Reading)-** Mayor Cogswell opened the public hearing.

No one spoke.

Mayor Cogswell closed the public Hearing.

Jim Bushnell, Public Works Director, discussed the history of past Council’s and agreements regarding the Airport and the boundary and that if this Council moves forward with this, it will be a huge mistake.

There was more discussion among Council members, staff and Mayor regarding the ordinance and Airport boundary.

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 second reading. On roll call vote Aldermen Battles, Daniels, Durbin and Ronning voted “Aye.” Aldermen Keys and Heaton voted “No.” Motion carried.

Motion by Durbin, second by Daniels to move to the previous question and take vote. On roll call vote all Aldermen present voted "Aye." Motion carried.

**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 14<sup>th</sup> 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

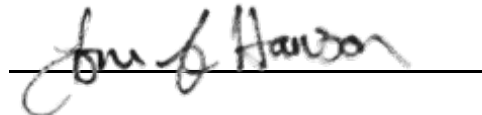
**CORRESPONDENCE-** Any correspondence was included in Council packets.

Meeting adjourned at 7:28 p.m.

A handwritten signature in dark ink, appearing to read "Kristian Cogswell", is written over a solid horizontal line.

Mayor

ATTEST:

A handwritten signature in dark ink, appearing to read "John J. Hanson", is written over a solid horizontal line.

City Clerk