

March 26, 2024

The Red Lodge City Council met in regular session on March 26, 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, Keys, Miller, Ronning and Toupin.  
Absent: Alderman Daniels.

**DEPARTMENT HEAD ATTENDANCE:** City Clerk – Loni Hanson and Public Works Director – Mike Maples

**ADOPTION OF THE AGENDA-** Motion by Conlee, second by Keys 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 the RFP for Planning Services closed last Friday and we received three bids for that. He is distributing those to the review committee and will work on the next steps moving forward, with a goal of selecting a company by April 15<sup>th</sup>.

Mayor Westwood said he had his first department head meeting yesterday and talked about the budget. He said he will be working on a bigger picture of how the City’s money is being spent and where the money comes from to explain it better to the public.

Mayor Westwood said on March 28<sup>th</sup>, the Local Government Center will be hosting a public training online on changing the form of government. The link will be posted tomorrow and sent out in Google Groups.

Mayor Westwood said the Public Works Union contract has been opened for negotiations. He said their first meeting will be in April.

**Presentation: National Day of Service, April 27-** Lynna Dele Wilson with the “Just Serve” website. She said the website is a national website used to recruit volunteers. She gave a presentation on how the website works.

**PUBLIC COMMENTS ON THE AGENDA-** No one spoke.

**ACTION ITEMS- Ordinance No. 968, Set Process in Which Fees are Collected for Solid Waste (Public Hearing, 1<sup>st</sup> Reading)-** Mayor Westwood opened the Public Hearing.

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 first reading. On roll call vote all Aldermen present voted “Aye.” Motion carried.

There was discussion among Council members and Mayor regarding 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 26<sup>th</sup> 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 XX day of XX, 2024.

City of Red Lodge

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Dave Westwood, Mayor

Attest:

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Loni Hanson, City Clerk

**Resolution No. 3622-1<sup>st</sup> Amendment, Resolution Setting Business Registration Fees-** Motion by Ronning, second by Toupin to approve Resolution No. 3622-1<sup>st</sup>, a resolution of the City Council of the City of Red Lodge setting business registration fees. Motion to postpone was made.

Motion by Ronning, second by Toupin to amend Resolution No. 3622, 1<sup>st</sup> Amendment to include “temporary vendors that sell prepared food” under the Tier III definitions. On roll call all Aldermen present voted “Aye.” Motion carried.

Motion by Conlee, second by Toupin to amend Resolution No. 3622, 1<sup>st</sup> Amendment, under the Tier III definitions, to strike after Short-Term Rentals “stays of 30 days or less.” On roll call vote all Aldermen present voted “Aye.” Motion carried.

Motion by Ronning, second by Toupin to postponed Resolution No. 3622, 1<sup>st</sup> Amendment until the next City Council meeting, April 9, 2024. On roll call vote all Aldermen present voted “Aye.” Motion carried.

### **RESOLUTION NO. 3622, 1<sup>ST</sup> 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 1<sup>st</sup>, 2024.

PASSED by the CITY OF RED LODGE City Council and approved this \_\_\_ day of \_\_\_ 2024.

By: \_\_\_\_\_  
Mayor

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

**City Council Rules and Procedures-** Motion by Toupin, second by Conlee to approve the City Council Rules and Procedures. On roll call vote all Aldermen present voted “Aye.” Motion carried.

There was discussion among Council members regarding the updates and changes to the City Council Rules and Procedures.

**Declare Vacancies on Urban Renewal District Board-** Motion by Toupin, second by Ronning to declare two vacancies on the URD Board as recommended by a majority vote of the URD Board in accordance with their bylaws. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Mayor Westwood said following the URD bylaws, the City Council can declare a vacancy on the URD Board.

**Resolution No. 3645, Resolution of Intent for Yellowstone Wildlife Sanctuary-** Motion by Conlee, second by Keys to approve Resolution No.3645, a resolution of intent to obtain preliminary approval to proceed with further evaluation of a land exchange to formally set boundaries that align with historical uses of the Yellowstone Wildlife Sanctuary and in exchange, provide additional land to the city near the current Recycling Center. On roll call vote all Aldermen present voted “Aye.” Motion carried.

#### **RESOLUTION NO. 3645**

#### **A RESOLUTION OF INTENT TO OBTAIN PRELIMINARY APPROVAL TO PROCEED WITH FURTHER EVALUATION OF A LAND EXCHANGE TO FORMALLY SET BOUNDRIES THAT ALIGN WITH HISTORICAL USES OF THE YELLOWSTONE WILDLIFE SANCTUARY AND IN EXCHANGE, PROVIDE ADDITIONAL LAND TO THE CITY NEAR THE CURRENT RECYCLING CENTER**

**WHEREAS**, it is the desire of Yellowstone Wildlife Sanctuary to provide a community-based destination for residents of the Beartooth Front Region (consisting of Red Lodge and Carbon County, Montana) to have an opportunity to observe and study non-releasable wild animals native to the Greater Yellowstone Ecosystem; and

**WHEREAS**, Yellowstone Wildlife Sanctuary uses their property for community good, including the enhancement of the area as a place to live and work, through providing community services and educational programming; and

**WHEREAS**, Yellowstone Wildlife Sanctuary uses a portion of City-owned property, and the City has significant infrastructure since the installation of a major storm drain system, and requires access to said city property; and

**WHEREAS**, Yellowstone Wildlife Sanctuary has real property located on the Northern edge of their facility that is not utilized by the Yellowstone Wildlife Sanctuary, but borders City owned property; and

**WHEREAS**, the City could utilize the real property located on the Northern edge of the Yellowstone Wildlife Sanctuary;

**WHEREAS**, the City is requesting preliminary approval from the City Council to proceed with further evaluation of a land exchange to resolve an encroachment on City land. The evaluation will determine if the property proposed for exchange would adequately compensate the City for the value of the land encroached upon, and whether the exchange is in the City’s best interest.

**WHEREAS**, the City has conducted a preliminary review of the proposed Land Exchange as set forth below:

**EXCHANGE CRITERIA ANALYSIS**

The following preliminary review documents how the land exchange meets or exceeds the land exchange criteria and accrues benefits to the City.

**1. EQUAL OR GREATER VALUE**

The fair market value of both properties will determine, likely from a Brokers Opinion of Value, if the City Council gives preliminary approval for this proposed exchange. No value has been determined yet, but the potential utilization of the property owned by the City is limited based on sewer and stormwater infrastructure contained therein. An easement will be provided by the Yellowstone Wildlife Sanctuary to preserve the City’s ability to access such infrastructure. Whereas, the ability to utilize and develop the real property the City would be obtaining in exchange is mostly level ground, contiguous with other City property.

The City and the Yellowstone Wildlife Sanctuary will equally divide the cost of obtaining a Market Opinion of Value of the parcels to be exchanged.

*Preliminarily Meets Criteria*

**2. CITY LAND BORDERING ON NAVIGABLE LAKES AND STREAMS**

The City property involved is in close proximity to Rock Creek but does not border the waterway and there is no water frontage involved in the proposed land exchange.

*Preliminarily Meets Criteria*

**3. EQUAL OR GREATER ACREAGE**

The proposed land to be exchanged includes 1.14 acres of City land, for 0.87 acres of land from the Yellowstone Wildlife Sanctuary.

*Preliminarily Does Not Meet Criteria*

**4. CONSOLIDATION OF CITY LAND**

Both parcels involved in the exchange are continuous with City land. The net change would be a flat and developable parcel for the City.

*Preliminarily Meets Criteria*

**5. POTENTIAL FOR LONG-TERM APPRECIATION**

As stated above, the City parcel to be provided to the Yellowstone Wildlife Sanctuary is of limited value due to the amount of stormwater and sewer infrastructure contained therein. Furthermore, the Yellowstone Wildlife Sanctuary will be providing an Easement to the City for the City to continue to maintain and access said infrastructure. In exchange, the City will obtain a developable parcel of land contiguous with other City real property.

*Preliminarily Meets Criteria*

**6. ACCESS**

The City land will still have an Easement, granted by the Yellowstone Wildlife Sanctuary, in exchange the City will obtain a parcel with greater access and usability.

*Preliminarily Meets Criteria*

**CITY PRELIMINARY RECOMMENDATION**

The Mayor believes this proposed land exchange would benefit the City and bring an encroachment on City Land to a satisfactory conclusion. As such, the Mayor requests that this exchange receive preliminary approval from the City Council.

**NOW THEREFORE BE IT RESOLVED,**

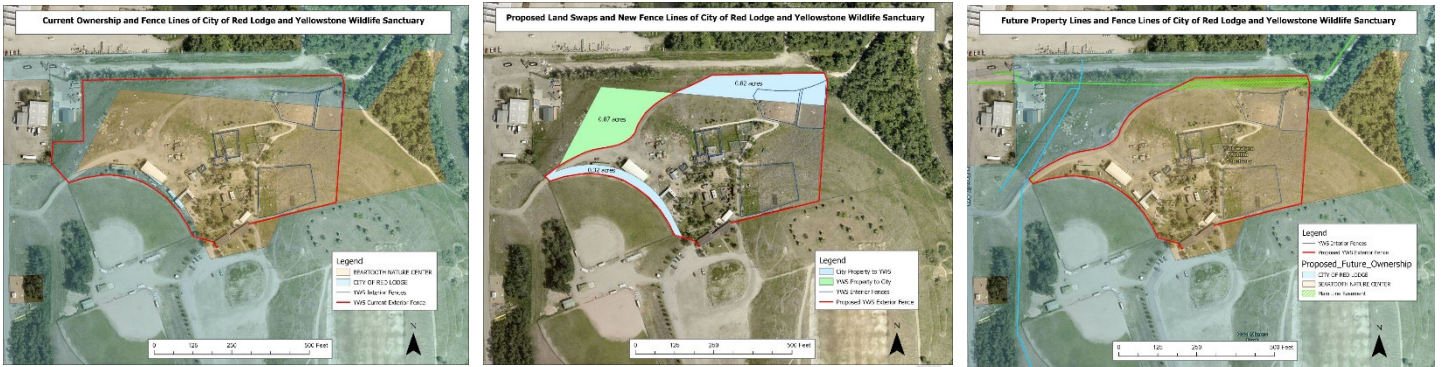
The City Council hereby establishes its intent to proceed with further valuation and review of the proposed land exchange and hereby authorizes the Mayor and City to take such action necessary evaluate said land exchange and to provide a report to the City Council concerning its findings.

**PASSED AND ADOPTED** by the City Council of the City of Red Lodge, Montana, on the 26<sup>th</sup> day of March, 2024.

BY: \_\_\_\_\_  
Dave Westwood, Mayor

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

# EXHIBIT A



**Resolution No. 3646, Resolution Setting Pool Fees-** Motion by Keys, second by Conlee to approve Resolution No. 3646, a resolution of the Red Lodge City Council to set fees for the Red Lodge City Pool beginning in 2024. On roll call vote all Aldermen present voted “Aye.” Motion carried.

## RESOLUTION NO. 3646

### A RESOLUTION OF THE RED LODGE CITY COUNCIL TO SET FEES FOR THE RED LODGE CITY POOL BEGINNING IN 2024.

**Whereas,** The City of Red Lodge owns and operates the outdoor pool at the corner of 14th Street and Oakes Avenue; AND

**Whereas,** The operation and maintenance expenses of the Red Lodge Pool have been primarily paid for out of the City's Resort Tax; AND

**Whereas,** The costs of operation and maintenance of the pool are currently significantly higher than the revenue collected from related fees;

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Red Lodge, Montana that the following fees shall apply to services at the Red Lodge Pool as of May 1, 2024:

- **Admission:** \$5 per child (ages 5 - 17) and \$8 per adult (age 18+) *Children 4 & under free with an adult who has purchased a pass*
- **Showers:** \$4 per person
- **Individual Season Pass:** \$75 per child (ages 5 - 17) and \$100 per adult (age 18+)
- **Family Season Pass:** \$200 per family
- **One-Week Family Pass:** \$125 per family
- **Group Swimming Lessons:** \$90 per person
- **Six-Lesson (30 minutes each) Package:** \$270 per person
- **Individual 30-minute Lesson:** \$60 per person
- **Event Fee:** \$150 for first 20 people; additional \$5 per person thereafter

PASSED AND APPROVED BY A MAJORITY OF THE RED LODGE CITY COUNCIL on this 26<sup>th</sup> day of March, 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 updated the Council on what the Public Health and Safety Committee is working on, including a Public Safety District, annexing pros and cons, capital expenditures definitions and what purchases could come out of the Resort Tax.

**ADMINISTRATION AND FINANCE-** Alderman Ronning said the Admin and Finance Committee is working on the business registration ordinance and the budget timeline.

**LAND USE AND PLANNING-** Alderman Conlee said the Land Use and Planning Committee discussed current MOUs and Leases. She said they are also looking at the use of City owned land

**PUBLIC WORKS-** Alderman Toupin said the Public Works Committee had Tom Kohley present at their meeting and had a slide show on the addressing project. She said they would like to have that presentation presented to Council at the April 23<sup>rd</sup> Council meeting.

**Resolution No. 3647, Resolution of Intent to Award Phase 2 & 3 of Stormwater Project-** Chad Hanson, Great West Engineering, gave the Council a brief overview of the entire Stormwater Project and updated the Council on the process going forward with the phase 2 & 3 of the Stormwater Project.

There was discussion among Council, Chad Hanson, and Mayor regarding the Phase 2 & 3 of the Stormwater Project.

Chad said there is an EDA grant available that would be used to go towards the streets in those Stormwater project areas.

Motion by Toupin, second by Ronning to extend the meeting past 8:00 p.m. All Aldermen present approved.

**PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA-** No one spoke.

Meeting adjourned at 8:03 p.m.

ATTEST:

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Mayor

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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](http://www.cityofredlodge.net/meetings).

