

USE OF CITY OWNED LAND PERMIT

DATE SUBMITTED: 11-15-23

FEES INCLUDED:

(Clean-Up Deposit- \$500.00)-----\$
(Alcohol - \$100 per event)-----\$
(\$100 per day)-----\$
(User Group with an MOU- Exempt)-----

Ordinance 960- Regulations for use of city owned property and application criteria

LOCATION REQUESTED: (include address or other description i.e. Rotary Park) City land adjacent to airport, across from Double Ditch Dog Park on Rodeo Dr.

APPLICANT INFORMATION:

Event Organizer Name & Phone Number: Jennifer Drinkwalter, 406-425-0262

Email Address: jennifer@montanacyclingproject.com

Name of Sponsoring Business or Organization: Montana Tour

EVENT INFORMATION:

Title of Event: Montana Tour

Estimated number of participants: 150 - 200

General type of event: Parking with one overnight for weeklong bike tour

Proposed fees charged of participants: Participants pay for full week of bike tour in a different fee. Parking fee is based on what City of RL fees are for use.

Describe any requests for camping: Participants may car camp night of June 22 or use hotels. Tour leaves morning of June 23 and returns to get cars June 28.

Review Criteria:

how your proposal meets, or impacts the required criteria below. ALL CRITERIA MUST BE ADDRESSED. If a criterion is not applicable, please explain why. Please attach drawings, pictures, site plans, renderings, traffic control plan, or additional text to fully explain your proposed use and assist the City Council in their review and decision related to your request.

1. Dates and Hours of Operation:

Participants begin arriving in Red Lodge June 22. Tour will leave morning of June 23, return to RL June 28. Vehicles will be left and parked on this particular city property. Hours on June 22 will begin at 10 am. People will all be gone by 10 am June 23 and not return until June 28. We will provide a finish line with portapotties, waste service and food, all to be gone by 6 pm on June 28.

2. Discuss proposed crowd control and safety measures to be used during the event. Include estimated numbers and functions of volunteers and staff.

Crowd control needed is low. All activities are in nonmotorized area and then the cyclists leave. About 35 volunteers and support crew

3. Impacts on Parking and Traffic Patterns for Vehicles and Pedestrians:

To our knowledge it should be low; it is a low traffic area and then only parked cars for the week.

4. Noise: Discuss how noise from the event will be addressed and mitigated to minimize impact to surrounding properties.

Noise should not be an issue during the week of parked cars. June 22-23 will not have any entertainment and/or late night gathering. It will just be used to organize the cyclists the night before leaving June 23.

5. Trash Generation: Describe your plan for solid waste disposal during and after the event.

We have requested support from Republic Services for our own dedicated yd trash container which will be used on the front-end and back end of our event. It will have a hard top for bear proofing. We will also be enclosing our trash the first night (June 22) in our trailer.

6. Restrooms: Discuss how appropriate restroom facilities will be provided for the event, if needed. If portable toilets (i.e. Porta-Potties, etc.) are proposed, their location must be shown on the plan.

We have requested portapotties and will have them on the grass area.

7. Impacts on Police, Fire or Ambulance Service: Discuss any anticipated impact on our Emergency Services including but not limited to the need for additional staffing, delayed response times or detours.

We will not impact the police, fire or ambulance service that will result in extra staffing or delays. We do work with them so they know the cyclists are in town. We work with a dedicated ambulance on our route but the first night will not need any dedication.

8. Campfires or Open Flames: Discuss any cooking facilities, campfires or any other open flames that may occur during the event.

None

9. Sale of Goods or Services: Describe any anticipated commercial activity during the event.

None

10. Request for Exclusive Use of City-Owned Property: Describe why a street and/or alley closure is necessary or why exclusive use of any amenity or portion of City-owned property is requested and necessary for the event.

Land adjacent to Rodeo Drive and Airport, across from Dog Park for one night of limited car camping and then parking of 75-100 vehicles. Not exclusive use but we will take up most of the city-owned land adjacent to the airport.

11. Alcohol: Will the event include the sale or distribution of alcohol? If yes, please explain control measures and server(s) certification. Per the [Municipal Code \(5-4-7\)](#) an exemption from the City Open Container Ordinance may be required (see item #12 below.)
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None

12. Open Container Exemption: In accordance with Municipal Code 5-4-7-C, an exemption to the Open Container Ordinance may be granted by the City Council on a case-by-case basis for a specific date, time and location (for persons to possess an open alcoholic beverage container on the public streets, highways, alleys or sidewalks.)

Exemptions are not required for an open container is a dedicated public park.

Please describe your request in detail (use a separate sheet if necessary.)



13. Adjacent Neighbor Notification: All adjacent neighbors are to be contacted and recorded below. Per the City Code, Adjacent is defined as follows: (includes all lots or parcels that directly border a subject lot or parcel and all lots or parcels separated from that subject lot or parcel by only a public or private easement or right-of-way, including streets, railroads, and irrigation canals, or by a creek. Lots or parcels that adjoin only corner-to-corner, including those lots or parcels where corners are separated by a public or private easement or right-of-way, or creek are adjacent and adjoining.)

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A Business or Organization has requested to use City-Owned Property, as described above. As an adjacent business/resident, we want to ensure that you are aware of this proposal. Please sign below to acknowledge you were informed of the proposed event. Should you choose to comment on the request, please contact the Community Development Department.

Name of Business/Resident

Signature of Authorized Agent

CERTIFICATION:

_____, (print name of Owner/Authorized Agent) hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, and on all other submitted forms, plans and all other information submitted, including any testimony given to the City Council, as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation provided in connection with this application be found to be inaccurate or untrue, I understand that any approval based thereon may be rescinded and other appropriate action taken. By signing this application, I hereby grant approval for the City of Red Lodge, its Elected Officials, Employees or Agents to enter onto the property for the purpose of inspection and routine monitoring during the event.

INDEMINIFICATION:

Applicant (Sponsoring Organization/Entity) shall indemnify, hold harmless and defend (collectively "indemnify" and "indemnification") the City from and against all claims, demands, actions, suits, damages, liabilities, losses, settlements, judgements, costs and expenses (including but not limited to reasonable attorney's fees and costs), which arise out of or relate to any casualty or liability claimed or caused through his/her use of the City Property pursuant to the requested permit.



Owner/Authorized Agent Signature(s)

11-15-23

Date

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CITY APPROVAL

On the _____ day of _____, 20____, as Mayor I hereby approve this Use Permit.

By: _____
Mayor

INSTRUCTIONS FOR USE OF CITY OWNED PROPERTY APPLICATION:

1. Answer all questions. Answers should be clear and contain all necessary/relevant information.
2. Include Proof of Insurance Liability for dates requested, for a minimum insured amount of \$1,000,000.00 (which must be from an A+ rated, or better, insurance company) which lists the City as an additional insured as well as being the Certificate Holder.

3. If the event includes the sale of alcohol the amount of insurance required per item #2 above shall be increased to not less than \$2,000,000.00.
4. **Deadline for Filing Application:** the deadline for filing a completed application shall be a minimum of forty-five (45) days in advance of the event when it will be considered (except for good cause shown) but not more than two hundred seventy (270) calendar days (approx. nine months) in advance of the event. Applications for events involving solely expressive activity must be complete and submitted at least three (3) in advance of the event. In the event the applicant can show good cause to request a waiver from the forty-five (45) day submittal requirement, the City Authority may waive and reduce said forty-five (45) day requirement.
5. Use the attached form (item #13 of the permit) to provide evidence of notification of each property owner or its authorized representative abutting the proposed permit site.
6. Include a refundable damage/clean-up deposit of \$500.00. The City Authority may increase or decrease the damage/cleanup deposit, as part of the application review process; for the following reasons, including but not necessarily limited to, anticipated potential impacts, availability of alcohol, and prior experience with-the specific event.
7. Include payment of the fees for the use of City Owned Property.
8. Set-up and tear-down is the responsibility of the applicant.
9. Include approval or acceptance from Montana Department of Transportation for use of MDT highways or right-of-ways.

FURTHER INFORMATION FOR REVIEW BY THE APPLICANT:

1. In accordance with Ordinance 960, Permit Required: A permit shall be required if one (1) or more of the following circumstances applies: a) request for exclusive use of City-owned Property, b) assembling or traveling in unison on City Property, c) involving 75 people or more using City Property, d) sales of goods or services, e) alcohol will be sold, or given away for a promotional event, f) physical alteration to City Property, g) temporary waiver of City's Ordinance prohibiting consumption of alcoholic beverages or possession of open containers, h" use of sidewalks along Broadway Avenue other than by adjacent property owner for the purpose of marketing an adjacent commercial business
2. In accordance with Ordinance 960: If alcohol will be provided, all State Liquor Control Regulations shall be complied with by the applicant and all applicable State permits shall be obtained. In reviewing the application for a permit where alcoholic beverages will be available, the City Authority shall consider the following factors:
 - a. Whether the proposed use enhances the cultural, recreational, or entertainment opportunities available to the community;
 - b. The appropriateness of the property for the proposed use;
 - c. Any potential negative impacts on adjacent property or residents;
3. The estimated number of people likely to be at the event, as well as the estimated amount of alcohol likely to be available. The City shall have the right to impose any condition pertaining to the public health, safety, and welfare upon its approval of the permit and shall retain the right to immediately revoke said permit to use City-owned property for any violation of the permit approval conditions.

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

**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 26th day of September, 2023.

CITY OF RED LODGE

ATTEST:

Mayor

City Clerk/Treasurer

Resolution NO. 3611 (1st 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 28th DAY OF November, 2023.

City of Red Lodge

Kristen Cogswell , Mayor

ATTEST:

Loni Hanson, City Clerk

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 14th day of October, 2023.

Second Reading by the Council on the 28th day of October, 2023.

PASSED and APPROVED this _____ day of October, 2023.

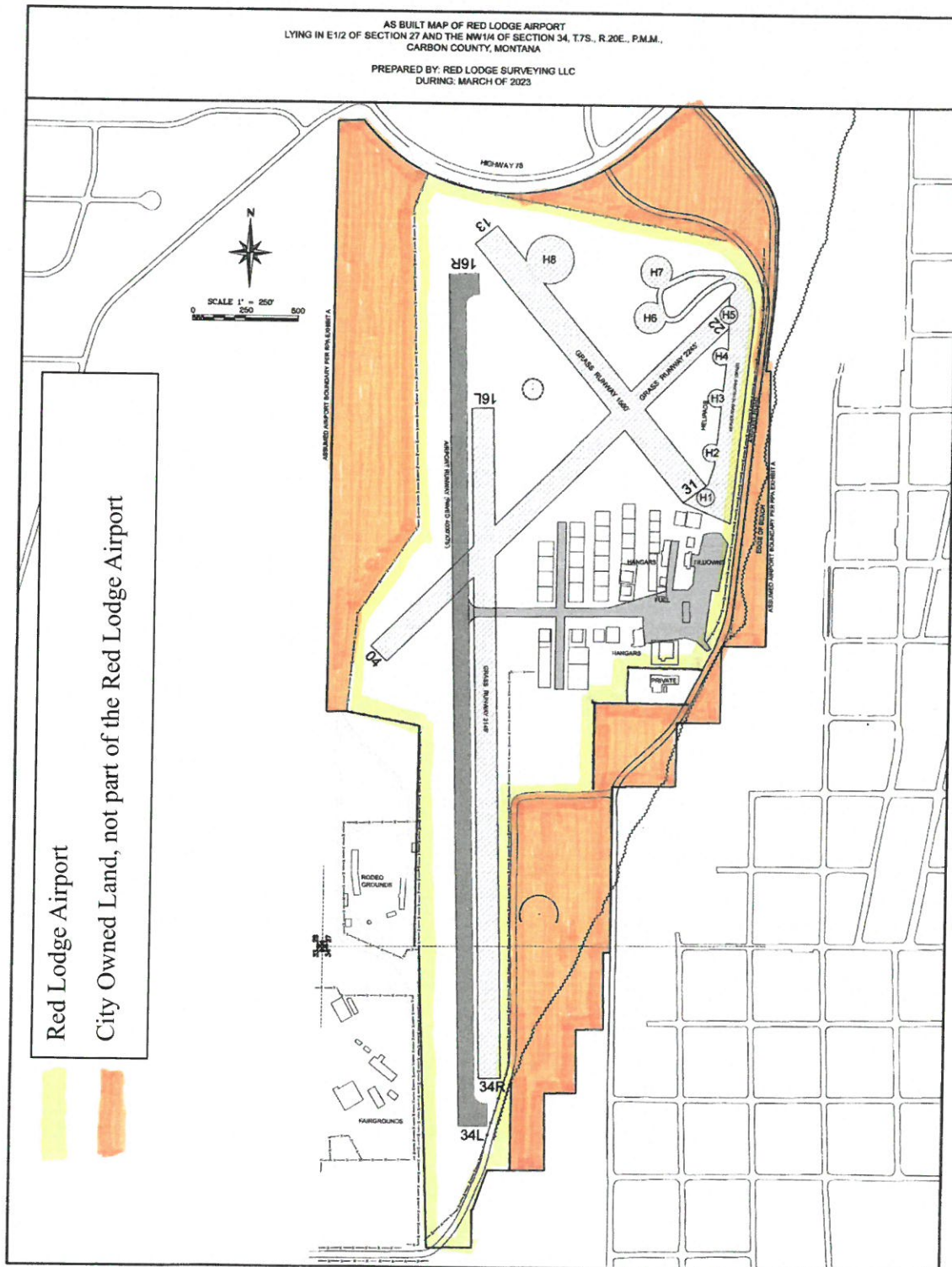
Mayor

ATTEST:

City Clerk

AS BUILT MAP OF RED LODGE AIRPORT
LYING IN E1/2 OF SECTION 27 AND THE NW1/4 OF SECTION 34, T.7S., R.20E., P.M.M.,
CARBON COUNTY, MONTANA

PREPARED BY: RED LODGE SURVEYING LLC
DURING: MARCH OF 2023



Clerks Report

Oct-23 Function	1000 General	5210 Water	5310 Sewer	2100 Resort Tax	2394 Building	2820 Gas Tax	2220 LIBRARY	5410 Solid Waste	2520 STORM	TOTAL
GENERAL										
TAXES FROM COUNTY	\$ 19,326.42									\$ 19,326.42
SALE OF SUPPLIES	\$ 15.00									\$ 15.00
ANIMAL CONTROL (DOG TAGS)	\$ 40.00									\$ 40.00
FINES AND FORFEITURES	\$ 3,510.00									\$ 3,510.00
GAMBLING-VIDEO	\$ 6,200.00									\$ 6,200.00
OIL AND GAS	\$ 1,236.50									\$ 1,236.50
GAMBLING-LIVE	\$ 700.00									\$ 700.00
BUSINESS LICENSE	\$ 6,750.00									\$ 6,750.00
LIBRARY COLLECTIONS	\$ 115.00									\$ 115.00
LIBRARY FROM THE COUNTY	\$ -									\$ -
LIBRARY FROM THE STATE	\$ -									\$ -
LAW ENFORCEMENT (CATERING PERMITS)	\$ 35.00									\$ 35.00
STREET CLOSURE	\$ -									\$ -
PLANNING	\$ -									\$ -
ENTITLEMENT SHARE	\$ -									\$ -
LAW ENFORCEMENT ENTITLEMENT SHARE	\$ -									\$ -
COMP INS ENTITLEMENT SHARE	\$ -									\$ -
PERS ENTITLEMENT SHARE	\$ -									\$ -
VICTIM SURCHARGE	\$ 170.00									\$ 170.00
SURCHARGES	\$ 90.00									\$ 90.00
DONATIONS AND CONTRIBUTIONS	\$ -									\$ -
INTEREST	\$ 4,879.90									\$ 4,879.90
ARPA FUNDS	\$ -									\$ -
DISASTER RELIEF FROM THE STATE	\$ 500.00									\$ 500.00
CDBG INTEREST	\$ 346.91									\$ 346.91
WATER										
DEPOSITS	\$ 500.00									\$ 500.00
WATER COLLECTIONS	\$ 141,682.19									\$ 141,682.19
CURBSTOP FEES	\$ 3,429.04									\$ 3,429.04
PENALTIES	\$ 2,228.67									\$ 2,228.67
MISC (ON/OFF FEES, LABOR, & METER SUPPLIES)	\$ 3,384.71									\$ 3,384.71
WATER INTEREST	\$ 4,506.10									\$ 4,506.10
WATER IMPACT FEES	\$ 9,030.00									\$ 9,030.00
WATER ADMIN FEES	\$ 555.00									\$ 555.00
UTILITY FROM TAXES	\$ -									\$ -
RENTS AND LEASES	\$ -									\$ -
MISC WATER REVENUE	\$ -									\$ -
SEWER										
SEWER COLLECTIONS	\$ 123,187.96									\$ 123,187.96
SEWER IMPACT FEES	\$ 12,750.00									\$ 12,750.00
SEWER ADMIN FEES	\$ 700.00									\$ 700.00
SEWER INTEREST	\$ 7,569.86									\$ 7,569.86
RENTS AND LEASES	\$ -									\$ -
UTILITY FROM TAXES	\$ 212.14									\$ 212.14
RESORT TAX										
3% RESORT TAX COLLECTIONS	\$ 517,575.28									\$ 517,575.28
RESORT TAX BONDS	\$ 4,000.00									\$ 4,000.00
INTEREST	\$ 1,209.02									\$ 1,209.02
POOL FEES	\$ -									\$ -
URBAN FORESTRY	\$ -									\$ -
BUILDING										
BUILDING PERMITS	\$ 12,389.00									\$ 12,389.00
BUILDING-SALE OF SUPPLIES	\$ -									\$ -
GAS TAX										
GAS TAX APPORTIONMENT	\$ 14,919.08									\$ 14,919.08
SPECIAL GAS TAX ALLOCATION	\$ -									\$ -
GAS TAX DUE FROM OTHER GOVERNMENTS	\$ -									\$ -
LIBRARY										
CONTRIBUTIONS AND DONATIONS	\$ 84.25									\$ 84.25
INTEREST	\$ 32.10									\$ 32.10
Solid Waste										
RECYCLING CENTER FEES	\$ 9,481.78									\$ 9,481.78
STORM WATER										
STORM UTILITY FROM COUNTY TAXES	\$ 63.88									\$ 63.88
STORM- FEDERAL FUNDS	\$ 696,136.21									\$ 696,136.21
1% RESORT TAX COLLECTIONS	\$ 172,525.09									\$ 172,525.09
TOTAL	\$ 43,914.73	\$ 165,315.71	\$ 144,419.96	\$ 522,784.30	\$ 12,389.00	\$ 14,919.08	\$ 116.35	\$ 9,481.78	\$ 868,725.18	\$ 1,782,066.09

2023 Resort Tax TOTAL Collections Report
Updated
Oct-23

Q1	Jan-23	Feb-23	Mar-23	Reported Qtrly Only	TOTAL
Bar/Rest	\$ 31,806.80	\$ 33,639.12	\$ 38,378.85	\$ 24,838.45	\$ 128,663.22
Liquor/Conv/Grocery/Dis	\$ 14,075.81	\$ 14,707.26	\$ 16,295.48	\$ 33,777.47	\$ 78,856.02
Short Term Rental	\$ 4,409.71	\$ 5,700.40	\$ 8,185.16	\$ 13,661.55	\$ 31,956.82
Hotel/Motel	\$ 5,277.89	\$ 6,683.10	\$ 12,139.94	\$ 5,258.07	\$ 29,359.00
Retail	\$ 4,733.35	\$ 5,087.52	\$ 6,167.59	\$ 19,257.09	\$ 35,245.55
Service/Equipment	\$ 249.49	\$ 66.99	\$ 180.10		\$ 496.58
TOTAL	\$ 60,553.05	\$ 65,884.39	\$ 81,347.12	\$ 96,792.63	\$ 304,577.19
Q2	Apr-23	May-23	Jun-23	Reported Qtrly Only	TOTAL
Bar/Rest	\$ 34,630.70	\$ 41,081.69	\$ 63,709.92	\$ 50,333.67	\$ 189,755.98
Liquor/Conv/Grocery/Dis	\$ 14,638.31	\$ 15,950.83	\$ 21,156.07	\$ 44,037.32	\$ 95,782.53
Short Term Rental	\$ 3,378.41	\$ 3,213.95	\$ 13,107.68	\$ 10,263.17	\$ 29,963.21
Hotel/Motel	\$ 7,528.93	\$ 10,563.03	\$ 28,446.98	\$ 11,670.31	\$ 58,209.25
Retail	\$ 5,105.32	\$ 8,177.85	\$ 15,669.70	\$ 30,417.87	\$ 59,370.74
Service/Equipment	\$ 73.20	\$ 179.41	\$ 714.29	\$ 232.00	\$ 1,198.90
TOTAL	\$ 65,354.87	\$ 79,166.76	\$ 142,804.64	\$ 146,954.34	\$ 434,280.61
Q3	Jul-23	Aug-23	Sep-23	Reported Qtrly Only	TOTAL
Bar/Rest	\$ 96,948.25	\$ 81,189.12	\$ 64,698.60	\$ 41,699.46	\$ 284,535.43
Liquor/Conv/Grocery/Dis	\$ 24,760.28	\$ 20,748.59	\$ 17,906.63	\$ 55,199.39	\$ 118,614.89
Short Term Rental	\$ 13,010.03	\$ 7,996.41	\$ 12,671.68	\$ 24,443.76	\$ 58,121.88
Hotel/Motel	\$ 30,807.15	\$ 28,614.87	\$ 26,806.33	\$ 23,343.31	\$ 109,571.66
Retail	\$ 16,821.83	\$ 13,319.81	\$ 14,988.20	\$ 38,946.56	\$ 84,076.40
Service/Equipment	\$ 1,881.72	\$ 2,699.17	\$ 749.12	\$ 16.24	\$ 5,346.25
TOTAL	\$ 184,229.26	\$ 154,567.97	\$ 137,820.56	\$ 183,648.72	\$ 660,266.51
Q4	Oct-23	Nov-23	Dec-23	Reported Qtrly Only	TOTAL
Bar/Rest	\$ -	\$ -	\$ -	\$ -	\$ -
Liquor/Conv/Grocery/Dis	\$ -	\$ -	\$ -	\$ -	\$ -
Short Term Rental	\$ -	\$ -	\$ -	\$ -	\$ -
Hotel/Motel	\$ -	\$ -	\$ -	\$ -	\$ -
Retail	\$ -	\$ -	\$ -	\$ -	\$ -
Service/Equipment	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL	\$ -	\$ -	\$ -	\$ -	\$ -

2023	Q1	Q2	Q3	Q4	TOTAL
Bar/Rest	\$ 128,663.22	\$ 189,755.98	\$ 284,535.43	\$ -	\$ 602,954.63
Liquor/Conv/Grocery/Dis	\$ 78,856.02	\$ 95,782.53	\$ 118,614.89	\$ -	\$ 293,253.44
Short Term Rental	\$ 31,956.82	\$ 29,963.21	\$ 58,121.88	\$ -	\$ 120,041.91
Hotel/Motel	\$ 29,359.00	\$ 58,209.25	\$ 109,571.66	\$ -	\$ 197,139.91
Retail	\$ 35,245.55	\$ 59,370.74	\$ 84,076.40	\$ -	\$ 178,692.69
Service/Equipment	\$ 496.58	\$ 1,198.90	\$ 5,346.25	\$ -	\$ 7,041.73
TOTAL	\$ 304,577.19	\$ 434,280.61	\$ 660,266.51	\$ -	\$ 1,399,124.31

2023 Resort Tax 3% Collections Report
Updated
Oct-23

Q1	Jan-23	Feb-23	Mar-23	Reported Qtrly Only	TOTAL
Bar/Rest	\$ 23,855.10	\$ 25,229.34	\$ 28,784.14	\$ 18,628.84	\$ 96,497.42
Liquor/Conv/Grocery/Dis	\$ 10,556.86	\$ 11,030.45	\$ 12,221.61	\$ 25,333.10	\$ 59,142.02
Short Term Rental	\$ 3,307.28	\$ 4,275.30	\$ 6,138.87	\$ 10,246.16	\$ 23,967.62
Hotel/Motel	\$ 3,958.42	\$ 5,012.33	\$ 9,104.96	\$ 3,943.55	\$ 22,019.25
Retail	\$ 3,550.01	\$ 3,815.64	\$ 4,625.69	\$ 14,442.82	\$ 26,434.16
Service/Equipment	\$ 187.12	\$ 50.24	\$ 135.08	\$ -	\$ 372.44
TOTAL	\$ 45,414.79	\$ 49,413.29	\$ 61,010.34	\$ 72,594.47	\$ 228,432.89

Q2	Apr-23	May-23	Jun-23	Reported Qtrly Only	TOTAL
Bar/Rest	\$ 25,973.03	\$ 30,811.27	\$ 47,782.44	\$ 37,750.25	\$ 142,316.99
Liquor/Conv/Grocery/Dis	\$ 10,978.73	\$ 11,963.12	\$ 15,867.05	\$ 33,027.99	\$ 71,836.90
Short Term Rental	\$ 2,533.81	\$ 2,410.46	\$ 9,830.76	\$ 7,697.38	\$ 22,472.41
Hotel/Motel	\$ 5,646.70	\$ 7,922.27	\$ 21,335.24	\$ 8,752.73	\$ 43,656.94
Retail	\$ 3,828.99	\$ 6,133.39	\$ 11,752.28	\$ 22,813.40	\$ 44,528.06
Service/Equipment	\$ 54.90	\$ 134.56	\$ 535.72	\$ 174.00	\$ 899.18
TOTAL	\$ 49,016.15	\$ 59,375.07	\$ 107,103.48	\$ 110,215.76	\$ 325,710.46

Q3	Jul-23	Aug-23	Sep-23	Reported Qtrly Only	TOTAL
Bar/Rest	\$ 72,711.19	\$ 60,891.84	\$ 48,523.95	\$ 31,274.60	\$ 213,401.57
Liquor/Conv/Grocery/Dis	\$ 18,570.21	\$ 15,561.44	\$ 13,429.97	\$ 41,399.54	\$ 88,961.17
Short Term Rental	\$ 9,757.52	\$ 5,997.31	\$ 9,503.76	\$ 18,332.82	\$ 43,591.41
Hotel/Motel	\$ 23,105.36	\$ 21,461.15	\$ 20,104.75	\$ 17,507.48	\$ 82,178.75
Retail	\$ 12,616.37	\$ 9,989.86	\$ 11,241.15	\$ 29,209.92	\$ 63,057.30
Service/Equipment	\$ 1,411.29	\$ 2,024.38	\$ 561.84	\$ 12.18	\$ 4,009.69
TOTAL	\$ 138,171.95	\$ 115,925.98	\$ 103,365.42	\$ 137,736.54	\$ 495,199.88

Q4	Oct-23	Nov-23	Dec-23	Reported Qtrly Only	TOTAL
Bar/Rest	\$ -	\$ -	\$ -	\$ -	\$ -
Liquor/Conv/Grocery/Dis	\$ -	\$ -	\$ -	\$ -	\$ -
Short Term Rental	\$ -	\$ -	\$ -	\$ -	\$ -
Hotel/Motel	\$ -	\$ -	\$ -	\$ -	\$ -
Retail	\$ -	\$ -	\$ -	\$ -	\$ -
Service/Equipment	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL	\$ -	\$ -	\$ -	\$ -	\$ -

2023	Q1	Q2	Q3	Q4	TOTAL
Bar/Rest	\$ 96,497.42	\$ 142,316.99	\$ 213,401.57	\$ -	\$ 452,215.97
Liquor/Conv/Grocery/Dis	\$ 59,142.02	\$ 71,836.90	\$ 88,961.17	\$ -	\$ 219,940.08
Short Term Rental	\$ 23,967.62	\$ 22,472.41	\$ 43,591.41	\$ -	\$ 90,031.43
Hotel/Motel	\$ 22,019.25	\$ 43,656.94	\$ 82,178.75	\$ -	\$ 147,854.93
Retail	\$ 26,434.16	\$ 44,528.06	\$ 63,057.30	\$ -	\$ 134,019.52
Service/Equipment	\$ 372.44	\$ 899.18	\$ 4,009.69	\$ -	\$ 5,281.30
TOTAL	\$ 228,432.89	\$ 325,710.46	\$ 495,199.88	\$ -	\$ 1,049,343.23

2023 Resort Tax 1% Collections Report

Updated

Oct-23

Q1	Jan-23	Feb-23	Mar-23	Reported Qtrly Only	TOTAL
Bar/Rest	\$ 7,951.70	\$ 8,409.78	\$ 9,594.71	\$ 6,209.61	\$ 32,165.81
Liquor/Conv/Grocery/Dis	\$ 3,518.95	\$ 3,676.82	\$ 4,073.87	\$ 8,444.37	\$ 19,714.01
Short Term Rental	\$ 1,102.43	\$ 1,425.10	\$ 2,046.29	\$ 3,415.39	\$ 7,989.21
Hotel/Motel	\$ 1,319.47	\$ 1,670.78	\$ 3,034.99	\$ 1,314.52	\$ 7,339.75
Retail	\$ 1,183.34	\$ 1,271.88	\$ 1,541.90	\$ 4,814.27	\$ 8,811.39
Service/Equipment	\$ 62.37	\$ 16.75	\$ 45.03	\$ -	\$ 124.15
TOTAL	\$ 15,138.26	\$ 16,471.10	\$ 20,336.78	\$ 24,198.16	\$ 76,144.30
Q2	Apr-23	May-23	Jun-23	Reported Qtrly Only	TOTAL
Bar/Rest	\$ 8,657.68	\$ 10,270.42	\$ 15,927.48	\$ 12,583.42	\$ 47,439.00
Liquor/Conv/Grocery/Dis	\$ 3,659.58	\$ 3,987.71	\$ 5,289.02	\$ 11,009.33	\$ 23,945.63
Short Term Rental	\$ 844.60	\$ 803.49	\$ 3,276.92	\$ 2,565.79	\$ 7,490.80
Hotel/Motel	\$ 1,882.23	\$ 2,640.76	\$ 7,111.75	\$ 2,917.58	\$ 14,552.31
Retail	\$ 1,276.33	\$ 2,044.46	\$ 3,917.43	\$ 7,604.47	\$ 14,842.69
Service/Equipment	\$ 18.30	\$ 44.85	\$ 178.57	\$ 58.00	\$ 299.73
TOTAL	\$ 16,338.72	\$ 19,791.69	\$ 35,701.16	\$ 36,738.59	\$ 108,570.15
Q3	Jul-23	Aug-23	Sep-23	Reported Qtrly Only	TOTAL
Bar/Rest	\$ 24,237.06	\$ 20,297.28	\$ 16,174.65	\$ 10,424.87	\$ 71,133.86
Liquor/Conv/Grocery/Dis	\$ 6,190.07	\$ 5,187.15	\$ 4,476.66	\$ 13,799.85	\$ 29,653.72
Short Term Rental	\$ 3,252.51	\$ 1,999.10	\$ 3,167.92	\$ 6,110.94	\$ 14,530.47
Hotel/Motel	\$ 7,701.79	\$ 7,153.72	\$ 6,701.58	\$ 5,835.83	\$ 27,392.92
Retail	\$ 4,205.46	\$ 3,329.95	\$ 3,747.05	\$ 9,736.64	\$ 21,019.10
Service/Equipment	\$ 470.43	\$ 674.79	\$ 187.28	\$ 4.06	\$ 1,336.56
TOTAL	\$ 46,057.32	\$ 38,641.99	\$ 34,455.14	\$ 45,912.18	\$ 165,066.63
Q4	Oct-23	Nov-23	Dec-23	Reported Qtrly Only	TOTAL
Bar/Rest	\$ -	\$ -	\$ -	\$ -	\$ -
Liquor/Conv/Grocery/Dis	\$ -	\$ -	\$ -	\$ -	\$ -
Short Term Rental	\$ -	\$ -	\$ -	\$ -	\$ -
Hotel/Motel	\$ -	\$ -	\$ -	\$ -	\$ -
Retail	\$ -	\$ -	\$ -	\$ -	\$ -
Service/Equipment	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL	\$ -	\$ -	\$ -	\$ -	\$ -

2023	Q1	Q2	Q3	Q4	TOTAL
Bar/Rest	\$ 32,165.81	\$ 47,439.00	\$ 71,133.86	\$ -	\$ 150,738.66
Liquor/Conv/Grocery/Dis	\$ 19,714.01	\$ 23,945.63	\$ 29,653.72	\$ -	\$ 73,313.36
Short Term Rental	\$ 7,989.21	\$ 7,490.80	\$ 14,530.47	\$ -	\$ 30,010.48
Hotel/Motel	\$ 7,339.75	\$ 14,552.31	\$ 27,392.92	\$ -	\$ 49,284.98
Retail	\$ 8,811.39	\$ 14,842.69	\$ 21,019.10	\$ -	\$ 44,673.17
Service/Equipment	\$ 124.15	\$ 299.73	\$ 1,336.56	\$ -	\$ 1,760.43
TOTAL	\$ 76,144.30	\$ 108,570.15	\$ 165,066.63	\$ -	\$ 349,781.08

	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	TOTAL
2019					
Bar/Rest	\$ 64,041.71	\$ 83,522.78	\$ 148,140.45	\$ 68,145.00	\$ 363,849.94
Liquor/Conv/Grocery	\$ 34,763.59	\$ 42,346.64	\$ 59,098.36	\$ 39,883.97	\$ 176,092.56
Short Term Rental	\$ 13,707.39	\$ 8,803.37	\$ 23,915.52	\$ 9,765.67	\$ 56,191.95
Hotel/Motel	\$ 24,333.96	\$ 31,071.55	\$ 78,598.80	\$ 18,399.91	\$ 152,404.22
Retail	\$ 15,385.15	\$ 24,514.58	\$ 53,211.53	\$ 22,142.98	\$ 115,254.24
Service/Equipment	\$ 749.09	\$ 852.95	\$ 2,234.73	\$ 550.86	\$ 4,387.63
TOTAL	\$ 152,980.89	\$ 191,111.87	\$ 365,199.39	\$ 158,888.39	\$ 868,180.54
2020					
Bar/Rest	\$ 62,053.97	\$ 66,403.73	\$ 194,991.03	\$ 83,642.33	\$ 407,091.06
Liquor/Conv/Grocery	\$ 38,337.66	\$ 50,938.60	\$ 95,128.77	\$ 67,290.65	\$ 251,695.68
Short Term Rental	\$ 12,627.54	\$ 9,934.15	\$ 40,893.14	\$ 22,232.57	\$ 85,687.40
Hotel/Motel	\$ 19,747.79	\$ 17,664.78	\$ 96,470.74	\$ 26,532.98	\$ 160,416.29
Retail	\$ 13,747.73	\$ 24,732.29	\$ 73,427.45	\$ 39,305.83	\$ 151,213.30
Service/Equipment	\$ 545.99	\$ 710.22	\$ 3,186.52	\$ 280.16	\$ 4,722.89
TOTAL	\$ 147,060.68	\$ 170,383.77	\$ 504,097.65	\$ 239,284.52	\$ 1,060,826.62
2021					
Bar/Rest	\$ 100,566.78	\$ 139,882.39	\$ 234,202.85	\$ 118,848.94	\$ 593,500.96
Liquor/Conv/Grocery	\$ 60,749.71	\$ 76,506.97	\$ 106,248.75	\$ 67,983.89	\$ 311,489.32
Short Term Rental	\$ 33,249.08	\$ 32,387.15	\$ 62,967.67	\$ 28,602.26	\$ 157,206.16
Hotel/Motel	\$ 38,785.05	\$ 67,902.50	\$ 133,897.90	\$ 38,433.01	\$ 279,018.46
Retail	\$ 33,028.77	\$ 63,072.25	\$ 107,828.13	\$ 50,702.75	\$ 254,631.90
Service/Equipment	\$ 454.54	\$ 2,509.17	\$ 5,404.20	\$ 771.56	\$ 9,139.47
TOTAL	\$ 266,833.93	\$ 382,260.43	\$ 650,549.50	\$ 305,342.41	\$ 1,604,986.27
2022					
Bar/Rest	\$ 113,984.66	\$ 146,361.87	\$ 227,963.41	\$ 139,937.46	\$ 628,247.40
Liquor/Conv/Grocery	\$ 61,533.62	\$ 70,319.31	\$ 95,583.99	\$ 70,817.62	\$ 298,254.54
Short Term Rental	\$ 45,806.21	\$ 30,438.86	\$ 50,270.62	\$ 27,008.80	\$ 153,524.49
Hotel/Motel	\$ 38,866.74	\$ 34,986.75	\$ 92,083.28	\$ 24,880.66	\$ 190,817.43
Retail	\$ 34,444.93	\$ 51,311.64	\$ 97,598.89	\$ 49,404.99	\$ 232,760.45
Service/Equipment	\$ 1,234.96	\$ 955.55	\$ 5,448.90	\$ 677.50	\$ 8,316.91
TOTAL	\$ 295,871.12	\$ 334,373.98	\$ 568,949.09	\$ 312,727.03	\$ 1,511,921.22
2023					
Bar/Rest	\$ 128,663.22	\$ 189,755.98	\$ 284,535.43	\$ -	\$ 602,954.63
Liquor/Conv/Grocery/D	\$ 78,856.02	\$ 95,782.53	\$ 118,614.89	\$ -	\$ 293,253.44
Short Term Rental	\$ 31,956.82	\$ 29,963.21	\$ 58,121.88	\$ -	\$ 120,041.91
Hotel/Motel	\$ 29,359.00	\$ 58,209.25	\$ 109,571.66	\$ -	\$ 197,139.91
Retail	\$ 35,245.55	\$ 59,370.74	\$ 84,076.40	\$ -	\$ 178,692.69
Service/Equipment	\$ 496.58	\$ 1,198.90	\$ 5,346.25	\$ -	\$ 7,041.73
TOTAL	\$ 304,577.19	\$ 434,280.61	\$ 660,266.51	\$ -	\$ 1,399,124.31

November 10, 2023

City Of Red Lodge
1 Platt Avenue South
P.O. Box 9
Red Lodge MT 59068

RE: Ordinance #957 1st Amendment

Dear City Council,

After a careful review of the proposed amendments to Ordinance #957, we are concerned with language that specifically targets the Real Estate companies located along Broadway. These companies are in good standing and contribute to the community through employment, property taxes, charitable giving and services the real estate needs of the community with the utmost professionalism.

It appears the premise of the proposed changes to the Ordinance are to promote public health, safety, general welfare of the community and regulate signs that may impact scenic views, safety for motorists, bicyclists and pedestrians.

Specifically, we are surprised to see externally-facing window advertising added to the proposed language. These signs do not negatively impact public health, safety, general welfare of the community nor impact scenic views, safety for motorists, bicyclists or pedestrians.

This appears to be a cure in search of a problem. If externally-facing window advertisements were added for dark sky preservation, one would have to make the logical leap that all exterior signs would have to be removed, dimmed or turned off at night as proposed in I. Extinguishments. If safety is truly a concern, making downtown darker at night appears to be contrary to what most crime prevention specialist would suggest.

Externally-facing window signs are too small to read by passing motorists or bicyclists thus not presenting a distraction. If pedestrians are somehow imperiled by externally-facing window advertisements then we certainly have a duty to remove all tent signs, benches, garbage cans, flower pots, built up snow, dog bowls, outdoor seating etc. that might create a distraction and tripping hazard.

The requirement to move signs 12 inches away from the windows appears both random on one hand as it does little to reduce "light pollution" and intentional on the other hand as it would make our signs difficult to read thus we have to assume the intent is to force us to remove them.

Our businesses, like other businesses along Broadway are retail in nature. Tourists and locals alike are often seen viewing properties in the windows of our establishments coming or going to or from restaurants, bars and hotels at night. Many with dreams of owning real estate in our amazing community.

This leaves us to assume the real intent is that our externally-facing window advertisements do not meet the aesthetic sensibilities of one or more individuals responsible for the drafting of Ordinance #957 1st Amendment.

This is an undue burden on our businesses and we would respectfully request that language related to externally-facing illuminated interior window signs be removed from the draft document.

Sincerely,

 *George A Warmer*

11/10/23

 *Brittani Hunter*

George A. Warmer & Brittani L. Hunter
Broker-Owners
Coldwell Banker The Brokers

 *Nancy Curtiss*

11/10/23

Nancy Curtiss
Broker-Owner
PureWest Christie's International

 *Dan & Beth Smith*

11/10/23

Dan & Beth Smith
Broker-Owners
Berkshire Hathaway Home Services
Floberg Real Estate

 *Myrna Rue*

11/11/23

Myrna Rue
Broker-Owner
Rue and Associates
Montana Realty Company

 *Tera Reynolds*

11/10/23

Tera Reynolds
Broker-Owner
Coal Creek Realty

 *Heather Quinn*

11/11/23

Heather Quinn
Broker-Owner
C Mor Red Lodge Real Estate

Loni Hanson

From: Kristen Cogswell
Sent: Thursday, November 16, 2023 8:58 AM
To: Loni Hanson
Subject: Fw: Thank you

From: Beth A. Smith <Beth.Smith@floberg.com>
Sent: Thursday, November 16, 2023 7:06 AM
To: George Warmer <george@cbcmontana.com>
Cc: Kristen Cogswell <mayor@CITYOFREDLODGE.COM>; jbbattlesward1@gmail.com <jbbattlesward1@gmail.com>; heatonward1@gmail.com <heatonward1@gmail.com>; tdurbinWard2@gmail.com <tdurbinWard2@gmail.com>; redlodgeward2@gmail.com <redlodgeward2@gmail.com>; ronningward3@gmail.com <ronningward3@gmail.com>; sdanielsward3@gmail.com <sdanielsward3@gmail.com>; brittani@cbthebrokers.com <brittani@cbthebrokers.com>; marcella@cbthebrokers.com <marcella@cbthebrokers.com>; heather@redlodgeland.com <heather@redlodgeland.com>; Nancy Curtiss <nancy@curtissrealestate.com>; danandbethsmith@floberg.com <danandbethsmith@floberg.com>; Tera Reynolds <rlski@live.com>; myrnarue@gmail.com <myrnarue@gmail.com>; mtconlees@gmail.com <mtconlees@gmail.com>
Subject: Re: Thank you

Thank you to Everyone who showed up. Standing up for ourselves and making our voices heard is what makes our country great.

You all in Red Lodge have been fighting a good fight for a long time and did a Great Job!

Thank you for keeping us informed. Will always help any way we can.

Happy Thanksgiving !
Blessings & Prosperity to Everyone.

Beth

Beth A. Smith
Montana Licensed Realtor

Mobile: 406-861-9297
Beth.Smith@floberg.com
DanandBethSmith.com

Berkshire Hathaway HomeServices
Floberg Real Estate

On Nov 15, 2023, at 3:49 PM, George Warmer <george@cbcmontana.com> wrote:

Dear City Council

We would like to thank you for taking the time last night to hear our concerns regarding the new proposed exterior facing advertising restrictions. We respect the hard work you do and look forward to a continued conversation regarding how to improve our beautiful downtown.

In case you did not have a chance to read our joint letter, I have attached a copy for your reference.

Kind regards,

George

George A Warmer
Broker/Owner
Coldwell Banker The Brokers
406.855.8946
george@cbthebrokers.com
<image002.jpg>

<Letter of Concern Regarding Ordinance #957.pdf>

Loni Hanson

From: mbrown <mbrown.mt@gmail.com>
Sent: Tuesday, November 21, 2023 3:53 PM
To: jbattlesward1@gmail.com; tdurbinWard2@gmail.com; redlodgeward2@gmail.com; sdanielsward3@gmail.com; Kelly Heaton; ronningward3@gmail.com
Cc: Kristen Cogswell; Loni Hanson
Subject: Request to amend Resolution 3611

I request that you support an amendment to Resolution 3611 that would adopt Appendix AQ of the International Code Council for Tiny Houses. Making this change could allow the City to regulate tiny home communities through the standard zoning regulations rather than being required to go through a subdivision review, potentially adding significant time and expense to this process. As a member of the Workforce Housing Steering Committee, I appreciate the City's support of creative efforts to address our shortage of affordable, longterm housing units and hope you will approve this amendment when it is presented to you.

Thank you,
Martha Brown
42 Grand View Drive, Red Lodge

Loni Hanson

From: Kristen Cogswell
Sent: Wednesday, November 22, 2023 10:08 AM
To: Loni Hanson
Subject: Fwd: Time for a Solid Waste Management System Ordinance
Attachments: ORDINANCE 959 - Nov3.docx

Did this ever make it into the packet? Theresa asked that it be included if I missed it

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From: Theresa Whistler <theresawhistler@gmail.com>
Sent: Thursday, September 7, 2023 2:12 PM
To: Jenn Battles <jbattlesward1@gmail.com>; Kelly Heaton <heatonward1@gmail.com>; Jody Ronning <ronningward3@gmail.com>; Terri Durbin <tdurbinward2@gmail.com>; Kristin Lucky Keys | Red Lodge Ward 2 City Council Representative <redlodgeward2@gmail.com>; sdanielsward3@gmail.com <sdanielsward3@gmail.com>
Cc: Kristen Cogswell <mayor@CITYOFREDLODGE.COM>; rlpworks <rlpworks@CITYOFREDLODGE.COM>; Courtney Long <clong@CITYOFREDLODGE.COM>
Subject: Time for a Solid Waste Management System Ordinance

I think this is the latest version of the draft ordinance for a Solid Waste Management System (for the City of Red Lodge). It would only take some minor tweaking to put it in place. This basically describes the way the City manages its solid waste and sets the laws surrounding it. What's in the municipal code today is very light, sketchy and may not be in line with what the City has contracted with Republic Services.

There are several good reasons to put this in place:

We do not have an ordinance for Solid Waste (as is done with water/wastewater).

If the City puts an ordinance in place spelling out these details, it provides a clear record and can be followed/read by all more easily

If the City has a Solid Waste Management System (ordinance), whether or not it's perfect, it may be used to point out necessary improvements (such as REAL bear proof bins)

if the City has a Solid Waste Management System and the areas for improvement are identified, the ordinance itself may be used for Grant Application purposes.

The time is ripe for grant applications for Solid Waste Management Plan (Improvements) if the City is serious about keeping recycling and minimizing the costs to taxpayers

Billings is also starting programs for recycling now....noticing how overloaded the landfill is and trying to minimize impacts and costs. May not be long before Red Lodge waste is no longer accepted?

It's a great time to be proactive and get this ordinance in place! Can the Public Works Steering Committee please look into this? I'll bet the sustainability board would be interested in getting this ball rolling too?!

Theresa Whistler
908-872-5596
theresawhistler@gmail.com

ORDINANCE No. 959

AN ORDINANCE BY THE CITY OF RED LODGE ESTABLISHING A SOLID WASTE MANAGEMENT SYSTEM INCLUDING COLLECTION AND DISPOSAL OF GARBAGE, ADOPTION OF A RECYCLING FACILITY FOR THE COLLECTION OF RECYCLABLE MATERIALS, AND ADDITION OF TITLE 14, "SOLID WASTE" TO THE CITY'S MUNICIPAL CODE

WHEREAS, *by MCA 75-10-803*, The state has established Solid waste reduction goals as such: (1) It is the goal of the state to reduce, through source reduction, reuse, recycling, and composting, the amount of solid waste that is generated by households, businesses, and governments and that is either disposed of in landfills or burned in an incinerator; and

WHEREAS, the City of Red Lodge has adopted the Energy Conservation Plan (ECP) by resolution No. 3498 (Oct. 28, 2018), including a Solid Waste, Recycling and Compost section proposing multiple projects to reduce and reuse solid waste including subsidizing the operation of a Recycling Center; and

WHEREAS, The City of Red Lodge manages postconsumer solid waste by contracting waste collection and disposal services yet does not implement, maintain or contract services to manage disposal of reusable or recyclable materials in alignment with the City-adopted ECP; nor does it outline a full solid waste management system defining funding of either service as is put forth in this ordinance; and

WHEREAS, solid waste management for the City of Red Lodge is crucial to the public health of the community; and

WHEREAS, establishment of a Solid Waste Management System enables the City to subsequently prepare and implement a "state solid waste management and resource recovery plan" (in accordance with *75-10-111*) thereby making Red Lodge eligible for a number of related grants; and

WHEREAS, the City of Red Lodge desires to broaden its recycling base by enabling persons outside the service area, including commercial businesses and county residents, to participate in reusable and recycled waste management by permitting and establishing fees for drop-off of recyclable materials; and

WHEREAS, Ordinance 941 states "Title 4-Public Health and Safety, Chapter I-Nuisances, Section 16-Solid Waste" effectively covers all the pertinent Public Health and Safety concerns surrounding garbage management in Red Lodge as it relates to individual residents", yet it does not adequately or holistically describe the City's Solid Waste collection or recycling details; and

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Red Lodge, Montana (the "City") as follows:

Chapter 1 – General Provisions

Section 1. Purpose. This hereby establishes a Solid Waste Management System for the City of Red Lodge describing the necessity of the services, authority, definitions, fund creation, methods of funding, and operations in relation to its residents, businesses, and larger community so all parties

may have a clear understanding of the treatment of solid wastes, responsibilities, what is included vs. excluded, and how to dispose of all solid wastes with mindfulness to reduce, reuse, recycle as best possible.

Section 2. Necessity. The City presently contracts for the supervision, materials, equipment, labor, and items necessary for the collection and disposal of solid waste material from all Residential Units and Municipal Facilities and other specified “service area” locations. However, the service for curbside/alley side collection of garbage does not include curbside/alley side collection of separated recyclable materials.

The nonprofit operated recycling center that accepts drop-off of recycled materials is expected to terminate its operation now that it has established a paying membership base (of approximately 400) and multiple streams for reuse and/or transfer of recyclable materials making it sustainable and achieving some profit.

The reduction of landfill materials needing collection is greatly reduced and offset by operation of the recycling facility and aligns with the City’s Energy Conservation Plan (ECP) goals to reduce our carbon footprint. Terminating operation of the recycling center will increase the volumes of solid waste for collection and potentially increase tax assessed fees and charges for contracted waste collection services.

Adoption of the recycling operation and equipment ensures the status quo of the well-established service already operating within the City, on City-owned property and contributing to City goals of reducing its carbon footprint and reduction of waste disposed in landfills.

Section 3. Authority. The City is authorized by *MCA 75-10-112*, to plan, develop, and implement a solid waste management system consistent with the state's solid waste management and resource recovery plan and to establish just and equitable rates, fees, and charges for the services and facilities provided by a solid waste management system so as to make the system self-supporting.

Section 4 – Definitions

The following definitions of terms shall apply unless the context clearly indicates another meaning or unless elsewhere expressly stated for specific application:

“Municipal Facilities” – Means only locations such as City Parks, or City Buildings, including the City Pool, as specified by the City (for contract purposes)

“Residential Unit” – a single-family housing unit or dwelling within the limits of the City used for residential occupancy, or sleeping place and occupied by one or more persons. A single-family dwelling, consisting of four or less separate single family dwelling units, when owned by the same person, shall be treated as a Residential Unit. A condominium dwelling, single or multi-level construction, consisting of any number of contiguous or separate single-family dwelling units, when owned by the separate individuals, shall be treated as a Residential Unit. Each dwelling within any such Residential Unit shall be billed separately as a Residential Unit. At the discretion of the Mayor, and written request from a properly formed and maintained HOA, a condominium dwelling may opt to be billed commercially rather than residentially, regardless of being owned by separate individuals.

“Hazardous Substances/Waste”: Caustic, poisonous, flammable or other material that may be

dangerous to the public safety and welfare, as may be defined by the United States Environmental Protection Agency and the Montana Department of Environmental Quality from time to time.

Section 5 - Solid Waste Management System. The City hereby creates and establishes the Solid Waste Management System comprising the continued collection of postconsumer waste materials by contract and operation of a City-owned and managed Recycling Facility.

Section 6 - Solid Waste Charges. As authorized by Title 75, Chapter 10, Part 112 and MCA 7-13-4108, the City is authorized by state law to finance a solid waste management system by establishing an assessment as a tax or charge by fixing and collecting by ordinance or resolution, the rates, rentals, and charges for a solid waste management system upon system customers.

- A. The City shall finance the solid waste management system by fixing the assessment of a tax on residents within the service area as authorized by state law and/or by fixing and collecting fees on other system customers.
- B. The City shall establish and adjust, by resolution, the assessment of taxes for the contracted services of garbage collection within the City's Service Area. Additional Recycling Facility and service fees shall be added, by resolution, to the assessment of taxes upon transfer of the operation to the City. Any tax or service fee shall be established or changed only in accordance with the process set forth in Statute.
- C. The City shall hold a public hearing prior to imposing rates and charges on properties within the City Limits for the benefits afforded by and burdens imposed on the System (such rates and charges, the "Solid Waste System Fees"). The Solid Waste fees and/or tax assessment shall be set and may be changed from time to time by resolution of the City following a public hearing and in accordance with State law.

Section 7 - Solid Waste System Fund and Budget. The City hereby creates a Solid Waste System (enterprise) Fund to be used as provided herein and into which the solid waste fees and charges, including, but not limited to, Collection Charges, System Permit and Plan Fees, Recycling Fees or Income from sale of waste, shall be deposited.

- A. **Deposit of Funds Collected.** All Solid Waste Charges shall be collected as provided in this section and credited to a fund to be known as the Solid Waste System Fund, which fund shall be at all times be segregated and maintained by the City Clerk/Treasurer on the books of the City as a separate and special fund. Upon adoption by the City Council of a resolution authorizing the issuance of revenue bonds of the City payable from Solid Waste Charges or otherwise establishing a system of funds and accounts for such charges, all Solid Waste Charges shall be applied and accounted for in the manner provided in such resolution.
- B. **Annual Budget for System.** The City shall prepare an annual budget for the System. The budget shall include amounts necessary to pay the principal of and interest on any debt payable from the Solid Waste Management System, to pay Operating Expenses, and to establish replacement and depreciation reserves as may be appropriate or necessary.

Section 8 - Service Area.

The City has an established solid waste system collection and disposal service area for residential units and municipal facilities within the City limits and only as necessary or appropriate, shall

include properties outside the City limits. If the City does extend any system services outside the City, such additional benefited properties shall become part of the Service Area with a method of collection or permitting and schedule of fees established by resolution.

Commercial Multi-family units of 5 or more dwellings inside city limits with all units owned by one person are deemed Commercial Units and shall not be considered residential units belonging in the Service Area. Commercial Units contract their own collection services and may opt into the City's recycling service.

All premises, locations or entities, public or private, requiring Garbage collection within the limits of the City that are not classified as a residential unit or municipal facility are not considered part of the Service Area. Commercial and Industrial Units inside the city limits shall contract their own collection services. They may opt into the City's recycling service.

Section 9 - Care and Use of System.

- A. The solid waste management system shall be consistent with the state's solid waste management and resource recovery plan, though with the City's limited resources, focuses primarily on non-reusable/nonhazardous waste, and recycling (reducing volumes to landfill and recycling). The City's solid waste management system shall not provision for excluded materials such as special or hazardous materials
- B. The Public Works Department shall be responsible for the operation, maintenance, capital improvements, and all other functions of the Solid Waste Management System. The City's Public Works Director shall act as the Solid Waste System Manager unless the Mayor designates another officer otherwise.
- C. The City may regulate the siting and operation of container and bin sites.
- D. All commercial, industrial, and residential property owners or managers within the Service Area shall provide solid waste handling and storage areas on premises whether they utilize city-contracted collection services or independently contracted private services.
- E. Residential Units within the service area may not opt out of the solid waste tax assessment (for either garbage collection or recycling drop-off).
- F. Waste disposal costs will vary through time depending on the reusability or demand for solid waste byproducts, transport costs, disposal fees at landfills or recovery facilities elsewhere. The City shall maintain and keep current listings of acceptable disposable and recyclable solid waste materials on the City Website as well as those materials that are included or excluded from either garbage or recycling.
- G. The City shall continue to contract third-party garbage collection services, commence operation of the recycling facility, and may enter into other contracts and/or agreements with local governments or private entities to ensure uninterrupted and efficient solid waste management by;
 - 1. Financing, designing, constructing, and operating improvements of the solid waste management system;
 - 2. Marketing all raw or processed material recovered from solid waste;
 - 3. Marketing energy products or byproducts resulting from processing or utilization of solid Waste.

4. Pursue recycling coordination as negotiating or renegotiating contracts with third-party transport and disposal service providers.
- H. The City, possibly with assistance of the Sustainability Board, may create a solid waste management plan and apply for state and federal grants, or other available money for developing, improving or operating the solid waste management system to further alleviate the burden of growing costs from residents and businesses alike.

Chapter 2 – Garbage Collection Service

Section 1 - Collection of Solid Waste Provided by the City.

Generally, the collection of Waste at Residential Units and Municipal Facilities shall be picked up once weekly either curbside, alley side, or in designated locations from Bins or Containers provided by the City-contracted collection service for transport to disposal site(s) outside the City of Red Lodge.

- A. Bear-resistant bins and containers shall be provided by the contracted service provider to City residents and Municipal Facilities within the service area.
- B. Contract-specific details about the Location of bins and containers, Expectations for placement and containment for pick-up, Hours, Route schedules, Holidays, Complaints, Hauling, Notifications, etc. are subject to change through time and shall all be posted on the City's Website in alignment with current or updated contract agreements.
- C. Solid waste shall be stored in metal or plastic containers having tight fitting covers and shall be handled in a manner that does not: (1) attract bears, rodents, flies, or other animals; (2) generate odors perceptible beyond the property line or allow liquid runoff; or (3) permit blowing of paper and other lightweight waste.
- D. Ashes: Ashes must be placed in a separate container.

Nothing in this Ordinance is to be construed to alter or amend the current Contract for serves of Solid Waste

Section 2 - Solid Waste Collection NOT provided by the City.

Apart from the general collection of waste there are specific collections that are not provided by the City through contract:

- A. The collection or disposal of volumes of waste resulting from flood, fire, natural disaster or other such remarkable events over which the Contractor or City has no control
- B. The collection or disposal of construction or demolition material from either residential, municipal, or commercial locations
- C. The collection or disposal of Excluded Waste materials.
- D. The collection or disposal of any waste materials from Large Commercial or Industrial Units in the City
- E. The curbside collection or disposal of separated recyclable materials

Section 3 - Included vs. Excluded Solid Waste and Hazardous Waste

- A. Included Solid Waste.

In general, rubbish, small dead animals, solid waste, waste material and yard waste are all

included by City contract for collection and disposal services. Bundles of trees, shrubs and other yard waste are included provided they are in a bundle. Lists of Waste that are included for disposal shall be kept updated and posted by the City. Service Area members and other producers should check with the City website for current listings of included disposable solid waste materials for collection.

B. Excluded Solid Waste.

Excluded Waste is all Bulky Waste, Commercial and Industrial Refuse, Construction Debris, Large Dead Animals, Institutional Solid Waste, Hazardous Waste, Offal Waste, Stable Matter, Solid waste that has unique handling, transportation, or disposal requirements to ensure protection of the public health, safety, and welfare and the environment, and any other regulated waste

The City shall update and post current lists of Excluded solid waste.

Sorted Recycling Materials are excluded from city-contracted collection and disposal services within the service area meaning there is no curbside or alley side pick-up of recyclable materials. Recyclable Materials may be placed in garbage receptacles for collection though persons are encouraged to separate recyclables and drop-off at the Recycling Facility.

Disposal of Excluded solid waste, or Hazardous materials from collection services shall be arranged by producers of the waste, persons owning or authorized to operate on the property where the waste is produced.

It is unlawful to introduce Excluded Solid Waste into the System. The originators of any Excluded Solid Waste shall be held responsible therefor and shall pay all applicable cleanup costs, including the cost of equipment, materials, staff time, and consultant charges, including attorney's fees for enforcing this.

Chapter 3 – Recycling Drop-off Service

Section 1 - City Recycling Facility.

The recycling operation and equipment shall be accepted and city-posessed for operation on July 1, 2023, subject to a vote of the City Council in early 2023 which shall be based on a packet of information that sets forth all due diligence that has been completed. The Due Diligence process shall be completed by February 22nd, and packaged for presentation to City Council at the meeting of February 28th. It shall include, but not be limited to, a review of the following: Potential liens on the equipment, list of equipment to be transferred and condition of each, copy of all agreements/contract to be assumed (if any), review of the books and records of the operation, review of the accounts and liabilities, and the drafting of any transfer agreements/bills of sale.

- A. The Public Works Director and Public Works Department shall be responsible for the operation, maintenance, capital improvements, and all other functions of the Recycling Facility with assistance from City Staff, and the employment of a recycling site manager or other necessary third-parties specific to the Recycling Facility.
- B. The City shall employ or contract the appropriate personnel to operate the recycling facility services.

- C. Service Area Residents and Municipal Facilities may not opt out of the fees for the recycling service.
- D. The City shall endorse its insurance policy for the recycling facility against any loss in connection with property, assets, or activities.

Section 2 - Drop-off of Recyclable Materials.

Reusable, reclaimable, compostable, and/or recyclable material may be sorted and dropped-off at the Recycling Facility during the days and hours of operation noticed by the City.

- A. Reclaimable materials (such as glass, aluminum, cardboard, plastic, etc.) for recycling are normally included for **drop-off** at the Recycling Facility though this may change through time. Lists of materials that are accepted for recycling, e-cycling, or other, shall be kept updated and posted by the City. Service Area members and other producers should check with the City website for current listings of included vs. excluded recyclable materials for drop-off.
- B. It is not mandatory for Service Area residents to separate and recycle waste, though the practice is strongly encouraged for the purpose of achieving the City's commitment to the reduction of waste disposed into landfill. Municipal Facilities shall recycle waste in compliance with the City-adopted Energy Conservation Plan.
- C. In addition to Service Area members, Commercial businesses and Residential units outside the city shall be permitted to drop-off recyclable material to the Recycling Facility provided the appropriate fees are paid.

Chapter 4 - Prohibited Acts, Conditions and Violations

Section 1 - Prohibited Acts and Conditions

- A. Deposits of Waste on Public Ways: It is unlawful for any person to throw, scatter or otherwise place or leave, or cause to be thrown or scattered or otherwise placed or left, upon or along any street, avenue, alley or other public place, or upon any vacant or unoccupied lot or lots within the city, any wastepaper, rubbish, refuse, debris or solid waste of any kind.
- B. Burning of Waste: It shall be unlawful to burn papers, paper goods, carbon, rubbish, solid waste, organic debris, or any other type of combustible matters outdoors within the city.
- C. Theft of Services:
 - 1. It is unlawful for any person to place, discard or deposit solid waste into solid waste containers provided or placed within the city's parks unless such solid waste is actually generated and accumulated in the park by visitors using the park. The use of such solid waste containers and/or receptacles provided in the city's parks is restricted to solid waste generated in the park by visitors to the park, and no other solid waste shall be brought into the city's parks for disposal.
 - 2. All persons shall place, dispose, discard or deposit their solid waste in the solid waste containers provided for their particular residence or place of business and shall not use such solid waste containers and/or receptacles provided for other persons or for public use at city parks or street receptacles.

Section 2 - Removal of Prohibited Conditions.

- A. Removal Authority and Responsibility of Owner: The city mayor, the public works director, and/or the fire chief shall have power and authorized by printing, posting, or by written/verbal personal notice, to order the agent, tenant, or owner to remove from his/her premises or the streets and alleys adjacent thereto, any rubbish or filth which in the judgment of any of these officers, is a menace to public health or a potential fire hazard. It is a menace to public health to have Solid Waste outside of a bin.
- B. Removal By City: In case the rubbish is not removed within the time specified in the notice and order, any of the officers shall have the power to cause the rubbish to be removed at the cost to the owner.
- C. Lien On Premises: The cost for the removal of such rubbish, shall be a bill and/or lien against the property from which such matter was deposited, and the city clerk is authorized to certify the cost for collection along with those taxes and other legal charges against the property.

Section 3 - Violations and Fines

To the full extent permitted by law, a violation of the rules and regulations relating to the care and use of the System, including, without limitation, the requirements set forth in this Title shall be a misdemeanor punishable by a fine of up to \$500 and/or 6 months in jail per occurrence. Each day shall be a separate occurrence.

Miscellaneous

Municipal Code Amendments

The Municipal Code of the City of Red Lodge, Montana is hereby amended in those parts set forth below: Title 4-Public Health and Safety, Chapter I-Nuisances, Section 16-Solid Waste is amended as follows:

- A. Solid waste for collection shall be stored in bear-resistant metal or plastic containers having tight fitting covers and shall be handled in a manner that does not: (1) attract bears, rodents, flies, or other animals; (2) generate odors perceptible beyond the property line or allow liquid runoff; or (3) permit blowing away of overflow or lightweight waste.
- B. Reusable or recyclable materials for drop-off at the Recycling Facility shall be stored within or on a person's premises in a manner that does not: (1) attract bears, rodents, flies, or other pests or animals; (2) generate odors perceptible beyond the property line or (3) permit escape of materials while stored or until such time they are delivered and secured within the Recycling Facility.
- C. Ashes or cinders: Ashes must be placed in a separate container.

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 7th day of November, 2022.

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 _____ day of _____, 2022.

ATTEST:

Mayor

City Clerk