

**RESOLUTION NO. 3188**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA, AFFIRMING THE CITY OF RED LODGE HAS NO OBJECTION TO THE ISSUANCE OF A LIQUOR LICENSE TO GRASSHOPPER, INC., FOR USE IN THE BEARGRASS PUB AT THE DELI ON THE BEARTOOTH, 224 SOUTH BROADWAY IN RED LODGE.**

WHEREAS, the City Council for the City of Red Lodge is advised an applicant for a liquor license in the State of Montana is restricted from obtaining that license if it is within a certain distance of a church ( M.C.A. §16-3-306(4) and MCA §16-3-309); and

WHEREAS, in the City of Red Lodge, the Beargrass Pub in the Deli on the Beartooth is within that restricted area, and therefore must consult with the City and with the Church to determine if any objections, requirements or restrictions might exist; and

WHEREAS, Ben Mackay of proposed licensee Grasshopper, Inc. has contacted the Red Lodge Community Church, met with leaders of that church and has presented the City with documentation the church has no objections to the issuance of this license; and

WHEREAS, the City has reviewed its zoning code for any restrictions that might apply in this situation and has found none.

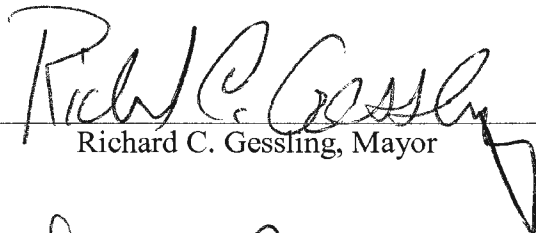
NOW THEREFORE, BE IT RESOLVED:

1. The City Council resolves that the City has no objections to the issuance of a liquor license to Grasshopper, Inc., to be used in the Beargrass Pub in the Deli on the Beartooth, 224 South Broadway, Red Lodge, Montana 59068.
2. The City Council further resolves that the City make no recommendations for any restrictions on the liquor license other than what the State may require.


PASSED and APPROVED by the Red Lodge City Council this 9<sup>th</sup> day of August 2005.

FOR THE CITY OF RED LODGE, MT

By:

  
Richard C. Gessling, Mayor

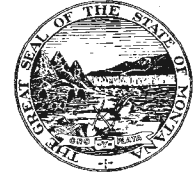
Attest:

  
Debbie Tomicich, City Clerk



Dan Bucks  
Director

# Montana Department of Revenue



Brian Schweitzer  
Governor

July 28, 2005

**RE: Application for Transfer of Ownership & Location of Montana Retail On-Premises Consumption Restaurant Beer/Wine License No. 10-068-0500-301, THE BEARGRASS PUB (Formerly: Red Lodge Ale House, 11 & 9 North Broadway), 224 S. Broadway, Red Lodge, Carbon County, Montana**

## NEWLY LICENSED PREMISES

The above referenced application was received at the Department of Revenue, Liquor Licensing. Notice is being provided to you to give you an opportunity to advise if the applicant and premises meet all the laws and ordinances your office is responsible for regulating. We will be happy to provide any additional information that is needed.

Local laws are not enforced through the alcoholic beverage licensing process; however, if there are local laws affected by this application, compliance with those laws may influence the final determination to issue the license.

**This is an application for a new premises; a premises not currently licensed for the consumption of alcohol. Building, health and fire approval will be required before department approval will be considered.** If any agency determines deficiencies exist that should be considered in the issuance of this license, please advise this office in writing by **August 28, 2005**. If we receive a determination of a local deficiency, the license application process cannot be completed until the issue is cleared up at the local level. In addition, if we receive a written protest against the issuance of this license, a public hearing will be scheduled.

If you have any questions, please call 444-0717.

Sincerely,

Cheryl Emmons  
Compliance Specialist  
Liquor Licensing  
P O Box 1712  
Helena MT 59604-1712

c: Annette Rinehart, Department of Labor & Industry

CERTIFICATE OF SERVICE

I certify that on this 28 day of July 2005, a true and correct copy of the foregoing has been served by placing same in the United States mail, postage prepaid, and addressed as follows:

RED LODGE CITY ATTORNEY  
LARRY SCHUSTER  
PO BOX 9  
RED LODGE MT 59068

CARBON COUNTY SANITARIAN  
GREG MCCANN  
PO BOX 466  
RED LODGE MT 59068

TOM KUNTZ, FIRE CHIEF &  
BUILDING OFFICIAL  
PO BOX 9  
RED LODGE MT 59068

RED LODGE POLICE CHIEF  
ACTING CHIEF - RICHARD PRINGLE  
PO BOX 9  
RED LODGE MT 59068

BUILDING CODES BUREAU  
DAVID W. COOK  
P O BOX 200517  
HELENA MT 59620

A handwritten signature in black ink, appearing to read "Charles A. ...", is written over a horizontal line.

**State of Montana  
Alcoholic Beverage/Gambling Operator  
Combined License Application**

RECEIVED BY:  
JUN 30 2005

GAMBLING CONTROL DIVISION

**Gambling Licensing  
Fee Schedules**

**Office Use Only**

**1. Gambling Operator Licenses**  
Processing fee:

- \$ 300 if the applicant is a nonprofit organization;
- \$ 800 if the applicant is a sole proprietorship; or
- \$ 1,000 if the applicant is a partnership or corporation.



License No.: 10-0500  
 Check No.: 1014-B-324  
 Fee Paid: 32 32 32  
 Additional Fees: \_\_\_\_\_  
 Refund: \_\_\_\_\_

Note: A new gambling operator licensee application is subject to a processing fee to cover the actual cost of conducting a background investigation to determine whether an applicant qualifies for licensure.

Based on the actual cost incurred by the Gambling Control Division in processing the license, the division will refund any overpayment of the fee or collect an amount sufficient to reimburse the division for any underpayment of actual costs. The Division will provide the applicant with an itemized accounting of expenses.

**Alcoholic Beverage  
Fee Schedules**

**Office Use Only**

**2. Alcoholic Beverage Licenses**  
Processing Fee: \$200 (All Applications)

Check all appropriate boxes below:

**3. Liquor License Fee**

**Liquor License**

- On-Premise Beer - \$200 (if new)
- On-Premise Beer/Wine - \$400 (if new)
- All-Beverage - \$400-\$800 (if new and depending on location and population)

**Nationally Chartered Veterans Organizations**

- On-Premise Beer - \$50
- On-Premise Beer/Wine - \$250
- All-Beverage - \$250 to \$650 (depending on location and population)

**4. Catering Endorsement**

- Catering (\$200 beer/wine and \$250 all beverage)

**5. Restaurant Beer/Wine**

- Annual License Fee - \$400
- Seating of 60 or less - \$5,000
- Seating of 61 to 100 - \$10,000
- Seating of 101 or more - \$20,000

**National Fraternal Organizations**

- On-Premise Beer - \$200
- On-Premise Beer/Wine - \$400
- All-Beverage - \$400 to \$800 (depending on location and population)

**6. Secured Party**

- Secured Party Addition - \$20
- Secured Party Termination - \$10

**# 1737**

License No.: 10-0500  
 Check No.: A  
 Fee Paid: 200.00  
 Additional Fees: \_\_\_\_\_  
 Refund: \_\_\_\_\_

**Resort License**

- All-Beverage Annual Fee - \$2,000
- All-Beverage Original Licensee Fee - \$20,000

**Golf Course Beer/Wine**

- Annual License Fee - \$400
- Initial Application Fee - \$20,000 (For Profit Entities only)

Enter the amount due from the corresponding schedules above.

1. Gambling License Processing Fee	\$ _____
2. Alcoholic Beverage Processing Fee	\$ <u>200.00</u>
3. Liquor License Fee	\$ _____
4. Catering Endorsement Fee	\$ _____
5. RBW Seating Fee	\$ _____
6. Secured Party	\$ _____
<b>Total</b>	\$ <u>200.00</u>

Staple Payment Here

Make payment payable to the "Gambling Control Division"



**C. Is the premises within any defined zones:**

1. Where the sale of alcoholic beverages is prohibited by city or county ordinance?  
 Yes  No
2. Where gambling is prohibited by city or county ordinance?  
 Yes  No

**D. Is the building ready for use for an alcoholic beverage business:**  Yes  No

1. For a new constructed premises?  
 Yes  No If No, indicate an estimated date of occupancy \_\_\_\_\_
2. For remodel of existing building?  
 Yes  No If Yes, indicate an estimated date of completion \_\_\_\_\_

**E. Submit a copy of the floor plan area to be licensed, using approximate dimensional measurements, including external dimensions and general layout – preferably on an 8-1/2" x 11" sheet of paper and number of tables and chairs indicated.** If you are applying for a restaurant beer and wine license, be sure the floor plan has the service bar area clearly designated thereon.

**Note:** On the floor plan you will need to clearly mark the areas where alcohol will be served, stored and consumed. The floor plan must contain outside dimensions, the name of the establishment, physical address, liquor license number (if applicable) and date of submittal.

RECEIVED BY

JUN 30 2005

GAMBLING CONTROL DIVISION

**Section VII**

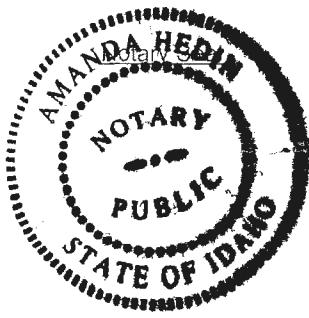
**Declaration and Affidavit**

I declare under the penalties of false swearing and/or the revocation of any licenses granted pursuant hereto, that I am the applicant or duly authorized representative of the firm or corporation mailing this application and that I examined the application, including any accompanying information, and that the responses are true, correct and complete. I understand if this application or attachment(s) contains false information, I am subject to the criminal penalties of Section 45-7-202, 45-7-203 and 45-7-208, Montana Code Annotated, and/or revocation of any alcoholic beverage or gambling licenses granted pursuant to this application.

STATE OF MONTANA IDAHO )  
County of Blaine )

Ben Mackay of Grasshopper, Inc, being duly sworn, if for himself or herself, deposes and says, and that he/she is the applicant above named; or that he/she is president of the above named corporation; that he/she has read the foregoing application and attachments and that he/she knows the contents thereof, and that all matters and things therein set forth are true and correct.

Benjamin Sutherland Mackay Ben Mackay 3/22/2005  
Print Full Name Signature Date



On this 22 day of March 20 05  
Personally appeared Ben Mackay  
Before me a Notary Public for the State of Idaho  
Amanda Hedin (Notary Signature)  
Amanda Hedin (Print Name of Notary)  
My Commission Expires 8/26/2010 (Month, Day & Four Digit Year)

This application must be completed in full, and all requested attachments must accompany it. Delay, denial or the return of the application will result if incomplete.

**Additional Information May Be Required During the Investigation of Your License Application**