

RESOLUTION NO. 3324
RED LODGE CITY COUNCIL

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/transfer of liquor license # 10-068-0500-302 for use at Pizano's Pizza/Pub 224 South Broadway Avenue.

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 M.C.A. 16-3-309); AND

WHEREAS: in the City of Red Lodge, Pizano's Pizza/Pub 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: the 2010 Red Lodge Zoning Regulations exercise the authority to regulate locations within the City that the sale and consumption of alcohol is permissible but does not supplant the provisions of §16-3-306(1); AND

WHEREAS: The License Owner or his agent of the proposed licensee, Pizano's Pizza/Pub, has contacted the Red Lodge Community Church, met with the leaders of that church and has presented the City with documentation the church has no objections to the issuance/transfer of this license; AND

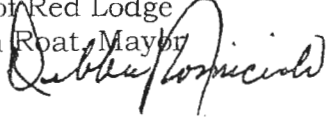
WHEREAS: the City has reviewed its zoning code for any restrictions that might apply in this situation and has found none pertaining to the sale or consumption of beer/wine onsite.

NOW THEREFORE, BE IT RESOLVED:

1. The City Council resolves that the City has no objections to the issuance/transfer of liquor license # 10-068-0500-302 to be used at Pizano's Pizza/Pub, 224 South Broadway Avenue, Red Lodge, MT 59068.
2. The City Council further resolves that the City make no recommendations for any restrictions on the issuance/transfer other than what the State may require on a typical beer/wine license.
3. The City Council advises the transferee/permitee that even though liquor license # 10-068-0500-302 may contain a gaming endorsement, that gaming at 224 South Broadway requires a conditional use permit issued by the City Council prior to any activation of the gaming endorsement.



City of Red Lodge
Brian Roat, Mayor



Debbie Tomicich, City Clerk



Dan Bucks
Director

Montana Department of Revenue



Brian Schweitzer
Governor

RED LODGE PUB/PIZANO'S PIZZA
31 SNOWY LN
RED LODGE MT 59068-9645

Letter Date: March 25, 2011

Letter ID: L1434962688

Account ID: 6469824-002-ONP

Account Type: On-Premises License

License Type: Montana Retail On-Premises Consumption Beer and Wine with Catering Endorsement License

License Number: 10-068-0500-302

Subject: Temporary Operating Authority is granted to Red Lodge Pub, LLC, - Sole Member: Dr. Karen Zulkowski, dba RED LODGE PUB, 225 South Broadway, Red Lodge, Carbon County, Montana

Dear Dr. Zulkowski:

We are pleased to inform you that we are granting your request for temporary operating authority pending a final determination of your Alcoholic Beverage/Gambling Operator Combined application. Temporary operating authority will commence March 25, 2011 and extend through May 09, 2011.

Please be aware, in the event that we do not receive all of the information that we requested, we will return your application and cease your temporary operating authority. In addition, we can revoke your temporary operating authority due to a violation of law.

You may exchange any portion of the purchase price for the license or business operated under the license as of March 25, 2011. If, however, money is paid to the seller and we do not approve the application, the money must be returned - with the exception of a reasonable amount of earnest money.

I will be happy to assist you if you have any questions. Please contact me at the address or phone number below.

Sincerely,

Marilyn Christensen, Compliance Specialist
Liquor Licensing
PO Box 1712
Helena, MT 59624-1712
Phone: (406) 444-3505

c: Jeff Bryson, Chief Investigation Bureau
Montana Tavern Association
Alcohol and Tobacco Tax and Trade Bureau
Montana Beer & Wine Wholesalers Association
Grasshopper, Inc.
Betty Huckins, Licensing Specialist, Gambling Control Division



RED LODGE COMMUNITY CHURCH ♦ UNITED CHURCH OF CHRIST

Subject: _____
September 17, 2010

To Whom it May Concern.

The Red Lodge Community Church does not object to Pizano's Pizza/Pub request to serve beer or wine at their pizza parlor located at 224 South Broadway, Red Lodge Montana.

Jim Hilderman
Moderator

Forrest Sanderson

From: Don Kinney [dkinney65@wbaccess.net]
Sent: Friday, April 22, 2011 12:31 PM
To: Forrest Sanderson
Cc: Yvone Jensen; David Munson; Dixie McCampbell; Jerry Brekhus; Jim Hilderman; ricchurch@cablemt.net; Sharon Roat; THOMAS MENSING
Subject: Follow up to your call

Mr. Sanderson / Forrest:

In response to your call I am herewith responding to your question.

The Red Lodge Community Church Council took action in 2010 to state as a board they would not protest the issuance of State of Montana beer and wine license for the Pizanos establishment.

By the Council's latest action one can assume the Council continues to support the use of a beer and wine license, but again does not support the issuance of a full liquor license for this establishment.

If you have other questions do not hesitate to contact me.

Don

Moderator

Don L. Kinney - AICP, CEcD
Kinney Consulting Services
email: dkinney65@wbaccess.net
Phone: 406-446-1670
Cell phone: 406-855-7852

Montana Code Annotated 2009

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16-3-309. Sales prohibited by ordinance. (1) An incorporated city may enact an ordinance defining certain areas in its incorporated limits where alcoholic beverages may or may not be sold.

(2) A county may enact an ordinance or resolution defining certain areas in the county, not within the incorporated limits of a city, where alcoholic beverages may or may not be sold.

(3) In enacting such an ordinance or resolution, the county or city may provide that the provisions of 16-3-306(1) do not apply within the jurisdictional area of the ordinance or resolution. If a county or city has supplanted the provisions of 16-3-306(1), upon request of the department the governing body of the county or city must certify to the department whether or not the person or individual identified in the request may lawfully sell alcoholic beverages under the terms of the ordinance or resolution. The department is bound by the determination set forth in the certification.

(4) No county or incorporated city may by ordinance restrict the number of licenses that the department may issue.

History: En. Sec. 14, Ch. 46, Ex. L. 1933; re-en. Sec. 2815.36, R.C.M. 1935; amd. Sec. 1, Ch. 225, L. 1947; amd. Sec. 1, Ch. 165, L. 1949; amd. Sec. 1, Ch. 55, L. 1955; amd. Sec. 1, Ch. 205, L. 1959; amd. Sec. 1, Ch. 271, L. 1965; amd. Sec. 1, Ch. 31, L. 1974; Sec. 4-333, R.C.M. 1947; amd. and redes. 4-4-201 by Sec. 66, Ch. 387, L. 1975; amd. Sec. 5, Ch. 496, L. 1977; R.C.M. 1947, 4-4-201(part); amd. Sec. 2, Ch. 662, L. 1983.

Provided by Montana Legislative Services