

November 22, 2011

A public hearing was opened by Mayor Roat at 6:00 p.m. The public hearing was noticed at City Hall and the Post Office and was held regarding Resolution #3334 – A RESOLUTION OF THE CITY COUNCIL DECLARING ITS INTENTION TO ESTABLISH A TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID) CONSTITUTING NON-CONTIGUOUS PROPERTIES UTILIZED FOR SHORT TERM LODGING PURPOSES WHO HAVE VOLUNTARILY PETITIONED THE CITY OF RED LODGE TO ESTABLISH A TBID FOR THE PURPOSE OF AIDING TOURISM, PROMOTION, AND MARKETING WITHIN THE DISTRICT AND ALLOWING HOTELS/MOTELS OUTSIDE THE CITY LIMITS TO DONATE FUNDS TO THE TOURISM BUSINESS IMPROVEMENT DISTRICT FOR SUCH PURPOSES.

Jennifer Nelson, 306 South Hauser, said this project has been worked on for a very long time and that it has not been done lightly but with great diligence and care so it would be developed correctly. It is hoped to make the community a steadier destination throughout the year. It is hoped to reduce the up and down effect on the economy. The revenues from the TBID will be used for the marketing of Red Lodge. Nelson said she has been involved with this project as she sees it as a means to help Red Lodge businesses survive.

Trish LaComb, Comfort Inn, said she hopes the TBID will help people to work closer to full time.

Vaughn Clutter, President of the Chamber of Commerce, told the Council that the Chamber is very supportive of the TBID adoption. He said that Red Lodge is a tourism community and he feels it is not unreasonable to have the tourist help pay for the marketing of the community.

John Stucker, Beartooth Hideaway and Cabins, said that he is against the TBID creation as he feels it is another tax. He said it is unfair to hotels/motels as they are the only businesses with customers that are taxed by the TBID. He said that advertising is necessary but that all the funds collected by the TBID will not be put to this use. He said this is how the TBID is set up by the State. He commented that he has already spoken to an attorney regarding the TBID.

Angela Beaumont, General Manager of the Pollard, said that one of the problems with Red Lodge is the lack of funds in the Chamber of Commerce because Red Lodge is not a CVB (Convention Visitor Bureau). If the City was a CVB it would receive more funds from the lodging tax from the State. She hopes the TBID will help Red Lodge become a CVB so more State funds will be received. Beaumont also commented that she feels the TBID is an assessment and not a tax because if the customer refuses to pay they can. She sees TBID helping in making Red Lodge known nationally which will benefit all businesses and not just hers.

Jeff Carroll, Red Lodge Mountain Resort, gave his support for the creation of the TBID. He said he would also like to see the shoulder seasons evened out and he also feels the TBID will benefit all businesses in the area.

Tulsa Dean, Yodeler Motel, said they are in support of the TBID. She said that Red Lodge needs to be promoted as it is very necessary.

Piney Hardiman, Property Manager of AAA Red Lodging, wanted the Council to know that she also is greatly in favor of the TBID creation.

Anner Marble, Red Lodge Reservations, said she feels the TBID is the appropriate dollars to go after to help with the marketing of our community.

Mayor Roat said that he appreciates the work that has been done on the creation of the TBID district.

Sanderson commented that Resolution #3334 states that the establishment will pay \$1.00 per room rental per night regardless of who pays it, the establishment or the guest.

Mayor Roat closed the public hearing at 6:30 p.m.

The Red Lodge City Council met in regular session on November 22, 2011 at 7:00 p.m. The meeting was called to order by Mayor Roat followed by the Pledge of Allegiance to the Flag.

**ROLL CALL OF OFFICERS** Present: Mayor Roat, Aldermen Kampfe, Mahan, Richter, Labrie, Schoenike and Williams. Absent: None.

**DEPARTMENT HEAD ATTENDANCE:** Community Development Director – Forrest Sanderson and City Clerk – Debbie Tomicich.

**MINUTES OF OCTOBER 25** Motion by Mahan, second by Schoenike to approve the minutes of October 25 as submitted. On roll call vote those in favor: Aldermen Mahan, Richter, Labrie, Schoenike and Williams. Those who abstain: Alderman Kampfe. Motion carried.

**MINUTES OF NOVEMBER 8** Motion by Mahan, second by Richter to approve the minutes of November 8 as submitted. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**COMMENTS FROM PUBLIC REGARDING AGENDA ITEMS** None

**SPECIAL COMMITTEES** None

**STANDING COMMITTEES – ADMINISTRATION – Consideration Protest – Resolution #3334 – TBID**

### **RESOLUTION # 3334**

**A RESOLUTION OF THE CITY COUNCIL DECLARING ITS INTENTION TO ESTABLISH A TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID) CONSTITUTING NON-CONTIGUOUS PROPERTIES UTILIZED FOR SHORT TERM LODGING PURPOSES WHO HAVE VOLUNTARILY PETITIONED THE CITY OF RED LODGE TO ESTABLISH A TBID FOR THE PURPOSE OF AIDING TOURISM, PROMOTION, AND MARKETING WITHIN THE DISTRICT AND ALLOWING**

**HOTELS/MOTELS OUTSIDE THE CITY LIMITS TO DONATE FUNDS TO THE TOURISM BUSINESS IMPROVEMENT DISTRICT FOR SUCH PURPOSES.**

Motion by Kampfe, second by Williams to create the TBID as outlined in Resolution #3334 and authorize the Mayor to execute all documents and file with Carbon County. On roll call vote all Aldermen present voted “Aye.” Motion carried.

Kampfe said the TBID Committee has been very diligent on the work done for this creation. He said the committee that will be formed has a lot of work ahead for them. He said that none of the funds housed in the Resort Tax is dedicated to marketing but mostly for infrastructure. The Chamber needs funding help for marketing Red Lodge. There will be administrative costs for the City to help administer these funds so 3% will come to the City. The committee will need to be consistent with these funds as it is a good mechanism to help market Red Lodge.

Sanderson asked the City Clerk if there were any written protests received regarding the creation of the TBID district. She said there were not.

Sanderson said that per the resolution of intent, since there were no protests received rising to the level that would prevent or prohibit the creation of the TBID district, he submits that the Council is obligated to create the TBID district. Voting in favor of Resolution #3334 does just that.

Sanderson said that sections 4, 7 and 13 are very important in this resolution. Section 7 deals with properties that will be assessed. Section 4 deals with properties that will benefit. The properties that will benefit are the properties that will pay. Section 13 spells out that the board of trustees has a fiduciary obligation to do such things like prepare a budget and reports to the governing body. This board will consist of five members who will be appointed by the Mayor with the advice and consent of the City Council. The Mayor will also appoint the first chairman of this board. The Mayor will also appoint an individual from the City to serve as an ex-officio member. The board of trustees is required, in section 14, to provide the City with liability insurance. They cannot incur an obligation in the form of debt that would bind the City.

Kampfe said the Administration Committee met with Judge Muth and received an update on the idea of Red Lodge being a Court of Record. The items necessary for the City to become a Court of Record have been included in the 2011-2012 budget. The judge has gotten bids and is moving forward on this process.

**POLICE AND EMERGENCY SERVICES – Animal Control Ordinance – Definitions and Fines** Williams said the committee is continuing in their efforts to write a resolution that will better delineate the fines and fees in regards to animal control. They are also working on the ordinance. There are some definition problems in some areas they would like to clean up. The committee expects to have something for the Council to review by the December 13 meeting.

The Mayor said a policy needs to be written with Grizzly Peak Animal Hospital in regards to boarding an animal that has been picked up or abandoned.

**Confirmation of Police Officer – Danielle Barnes** Motion by Williams, second by Richter to confirm the full time appointment of Officer Danielle Barnes to the Police Department. On roll call vote all Aldermen present voted “Aye.” Motion carried.

**Parking Issues** Williams said the committee is looking a little deeper into the issues of parking at the Library, Arts Guild, St. Agnes Church and the Drug Store. He said it was decided that the City probably cannot wait until 2013 when the State starts its project on Highway 212 North. He feels the committee will be able to come back to the Council soon with ideas that will not be very costly.

**LAND USE AND PLANNING – Subsequent Minor Subdivision – Judd** Motion by Labrie, second by Williams to adopt Staff Report MJR-11-01 as findings of fact. Further I move to recommend the approval of the Judd Subsequent Minor Subdivision of Lot H-2B of Plat No. 1396 14<sup>th</sup> Am. located in the City of Red Lodge and situated in a portion of the SE1/4 of S. 27, T.7 S., R.20 E., P.M.M., Carbon County, Montana, subject to the following conditions:

1. That the final plat be in accordance with the plat, plans and specifications submitted for preliminary review except as modified by these conditions.
  2. That the proposed plans for the provision of municipal water and sewer to the subdivision be reviewed and approved or exempted from review by the Red Lodge Public Works Director and MDEQ.
  3. Fire hydrants must be installed by the developer such that a hydrant is located within 300 feet of each lot within the subdivision.
  4. That the developer obtain encroachment permits for access across the right-of-way for Oakes Avenue and/or 10<sup>th</sup> Street for each new lot within the subdivision.
  5. That the developer may bond for improvements required by this approval in accordance with the Red Lodge Subdivision Regulations.
  6. That this approval is valid for three years from the date of approval by the City Council.
- On roll call vote all Aldermen present voted “Aye.” Motion carried.

**Conditional Use Permit – McComish** Motion by Schoenike, second by Kampfe to adopt Staff Report RLCU-11-2 as findings of fact. Further I move to recommend approval of a Conditional Use Permit to allow for the establishment of a Commercial Building, 13,500 square feet in size on Judd Subsequent Minor Subdivision of Lot H-2B of Plat No. 1396 14<sup>th</sup> Am. located in the City of Red Lodge and situated in a portion of the SE1/4 of S. 27, T. 7 S., R. 20 E., P.M.M., Carbon County, Montana, subject to the nineteen (19) conditions as recommended by the Planning Board. On roll call vote all Aldermen present voted “Aye.” Motion carried.

The Planning Board was thanked for the work they did on both the Subsequent Minor Subdivision and the Conditional Use Permit. The work the Board does is very helpful to the City Council.

#### **Ordinance #880-A – Subdivision Regulations - First Reading**

#### **ORDINANCE # 880A**

#### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA AMENDING THE 2009 RED LODGE SUBDIVISION REGULATIONS**

**WHEREAS:** The 2011 Montana Legislature adopted changes to Montana Subdivision Law; and

**WHEREAS:** The City of Red Lodge intends to fully comply with Legislative changes; and

**WHEREAS:** Montana Code Annotated (MCA) 76-1-606 requires that a Growth Policy be implemented through the adoption of Subdivision Regulations; and

**WHEREAS:** The Red Lodge City Charter provides for the exercise of self-government powers; and

**WHEREAS:** The Red Lodge Planning Board and Zoning Commission prepared Amendments to the 2009 Red Lodge Subdivision regulations for the City of Red Lodge; and

**WHEREAS:** The Planning Board and Zoning Commission did conduct a formal and duly noticed public hearing of the proposed 2009 Red Lodge Subdivision Regulations Amendments on November 9, 2011.

**WHEREAS:** The Red Lodge City Council did conduct a duly noticed Public Hearing on November 22, 2011 on the proposed amendments to the 2009 Red Lodge Subdivision Regulations.

**WHEREAS:** The proposed 2009 Red Lodge Subdivision Regulations implement the 2008 Red Lodge Growth Policy and address all statutory components of state law to the extent acceptable to the City Council.

Now therefore:

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA:

Motion by Labrie, second by Schoenike to amend sections 2.1, 2.2, 2.6 and 2.7 of the 2009 Red Lodge Subdivision Regulations in order to reflect changes imposed by the 2011 Montana Legislature through SB 298, HB 522, HB 403 and HB 460. On roll call vote all Aldermen present voted "Aye." Motion carried.

Mayor Roat opened the public hearing on this Ordinance. No one spoke to this issue and Mayor Roat closed the hearing.

**PUBLIC WORKS** Mayor Roat said the State will be clearing Broadway in the early morning hours tomorrow, November 23.

**Solar Panels** Sanderson said the one year warranty with the State will be filed soon. He said he thought the City generated approximately 76,000 kw hours of electricity this past year. He said this was about \$3800 of power generated. Production was down because Red Lodge had a fairly grey summer due to the rain. Monitoring will continue on the solar panels. NorthWestern Energy has not yet given the City a financial accounting for the credit. Sanderson said the City can request a report from NorthWestern Energy.

**Request from Red Lodge School Community Garden** Mahan said a request has been received from the Community Garden to alter the agreement that has been made for the use of City property. Mahan said they are asking for additional space for garden development, storage space and a learning environment for students. The committee said they feel the agreement should not be changed. Mahan said the committee will be watching to make sure no encroachment is taken. The Public Works Director said there can be no hindrances to the area in case the pump were ever in need to be removed.

**CITIZEN REPORT** The owner of the Red Lodge Inn asked what the process was to encourage owners to clear sidewalks in her area. The Public Works Committee is currently reviewing snow removal ordinances so perhaps they will take this into consideration and speak to Public Works to see what can be done.

**CORRESPONDENCE** None

**MISCELLANEOUS** None

Meeting adjourned at 7:45 p.m.

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Mayor

ATTEST:

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City Clerk