

Resolution #3397

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RED LODGE,
MONTANA, DENYING THE APPEAL FILED BY LAURA ODEGAARD SEEKING
ADMINISTRATIVE RELIEF FROM THE DECISION OF THE PUBLIC WORKS
DIRECTOR.**

WHEREAS, on or about July 20, 2015, Ms. Laura Odegaard requested Water Service from the City of Red Lodge for property lying outside the City Limits and importantly outside the City's Water and/or Wastewater Service Area, and

WHEREAS, Criteria "A" of the Red Lodge Municipal Code in Title 10, Chapter 3, Section 5 restricts City Water Service for only those properties "located within the utility's Water and/or Wastewater Service Area" and

WHEREAS, on August 11, 2015, the Public Works Director of the City of Red Lodge issued a Letter of Denial to Ms. Odegaard regarding her request for Water Service to her property since the property is not located within the utility's Water and/or Wastewater Service Area, and

WHEREAS, on August 11, 2015, Ms. Laura Odegaard requested an Appeal of the Administrative Decision issued by the Public Works Director, and

WHEREAS, the Red Lodge Municipal Code Title 10, Chapter 2, Section 6 provides for the review of administrative actions, and

WHEREAS, on August 25, 2015, the City Council of the City of Red Lodge held a duly noticed public hearing and heard testimony regarding the Odegaard appeal (project file RL-AA-15-01), and

WHEREAS, the City Staff presented its report with Findings of Fact detailing the following:

- Finding of Fact: The Tap Permit which was issued to Ms. Odegaard has been expired for over twelve (12) years.
- Finding of Fact: The previously issued 2003 Odegaard permit contained a citation and reference to Ordinance 515; which constitutes a public document that is readily available to the public. Ms. Odegaard failed to recognize that Ordinance 515 clearly provided a 6 month expiration for the issued Tap Permit.

- Findings of Fact: The City's current regulations restrict Water Service for only those properties located within the Red Lodge Water and/or Wastewater Service Area (aka. the City Limits), and

WHEREAS, based on the above-findings, the Council finds that there is no regulatory reason, or precedent to honor or enforce the Expired Tap Permit, or to provide Water Service outside its Service Area in violation of its own duly adopted and enforceable regulations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Red Lodge, Montana, that the Appeal of the Public Works Director's decision to deny the Odegaard service request is hereby denied and as a result the Public Works Director's decision constitutes the final decision of the City of Red Lodge in this matter.


Authorized by the City Council of the City of Red Lodge, Montana, the 8th day of September, 2015 and approved by the City Council of the City of Red Lodge, Montana, the 8th day of September, 2015.

CITY OF RED LODGE

By: 

Ed Williams, Mayor

Attest:

By: 

Loni Hanson, City Clerk