

# Town of West Yellowstone

Tuesday, October 7, 2014

West Yellowstone Town Hall, 440 Yellowstone Avenue

7:00 PM

## TOWN COUNCIL MEETING AGENDA

Pledge of Allegiance

Purchase Order

Treasurer's Report

Claims ∞

Consent Agenda: **September 23, 2014, Town Council Meeting** ∞

**September 30, Town Council Work Session** ∞

Business License Applications

- West Yellowstone Economic Development Council ∞

Advisory Board Report(s)

Operations Manager & Department Head Reports

Assignments Report

**Council Comments**

**Public Comment Period**

- Charles Gallard, potential medical marijuana dispensary

### NEW BUSINESS

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Public Library Building Addition Request ∞

Discussion/Action

Judge Reappointment Request ∞

Discussion/Action

Policy #13, Billing Practices ∞

Discussion/Action

Selection of Town Council Representative to serve on Chief of Police Interview  
Panel to advise the Police Commission ∞

Discussion/Action

Correspondence/FYI

Meeting Reminders

- MMIA Municipal Training, October 24, 2014 ∞
- Gallatin County Coordination Center Exercise, December 4, 2014 ∞



**Policy No. 16 (Abbreviated)**  
**Policy on Public Hearings and Conduct at Public Meetings**

Public Hearing/Public Meeting

A public hearing is a formal opportunity for citizens to give their views to the Town Council for consideration in its decision making process on a specific issue. At a minimum, a public hearing shall provide for submission of both oral and written testimony for and against the action or matter at issue.

Oral Communication

It is the Council's goal that citizens resolve their complaints for service or regarding employees' performance at the staff level. However, it is recognized that citizens may from time to time believe it is necessary to speak to Town Council on matters of concern. Accordingly, Town Council expects any citizen to speak in a civil manner, with due respect for the decorum of the meeting, and with due respect for all persons attending.

- No member of the public shall be heard until recognized by the presiding officer.
- Public comments related to non-agenda items will only be heard during the Public Comment portion of the meeting unless the issue is a Public Hearing. Public comments specifically related to an agenda item will be heard immediately prior to the Council taking up the item for deliberation.
- Speakers must state their name for the record.
- Any citizen requesting to speak shall limit him or herself to matters of fact regarding the issue of concern.
- Comments should be limited to three (3) minutes unless prior approval by the presiding officer.
- If a representative is elected to speak for a group, the presiding officer may approve an increased time allotment.
- If a response from the Council or Board is requested by the speaker and cannot be made verbally at the Council or Board meeting, the speaker's concerns should be addressed in writing within two weeks.
- Personal attacks made publicly toward any citizen, council member, or town employees are not allowed. Citizens are encouraged to bring their complaints regarding employee performance through the supervisory chain of command.

Any member of the public interrupting Town Council proceedings, approaching the dais without permission, otherwise creating a disturbance, or failing to abide by these rules of procedure in addressing Town Council, shall be deemed to have disrupted a public meeting and, at the direction of the presiding officer, shall be removed from the meeting room by Police Department personnel or other agent designated by Town Council or Operations Manager.

General Town Council Meeting Information

- Regular Town Council meetings are held at 7:00 PM on the first and third Tuesdays of each month at the West Yellowstone Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.
- Presently, informal Town Council work sessions are held at 12 Noon on Tuesdays and occasionally on other mornings and evenings. Work sessions also take place at the Town Hall located at 440 Yellowstone Avenue.
- The schedule for Town Council meetings and work sessions is detailed on an agenda. The agenda is a list of business items to be considered at a meeting. Copies of agendas are available at the entrance to the meeting room.
- Agendas are always published at least 48 hours prior to Town Council meetings and work sessions. Agendas are posted at the Town Offices and at the Post Office. In addition, agendas and packets are available online at the Town's website: [www.townofwestyellowstone.com](http://www.townofwestyellowstone.com). Questions about the agenda may be directed to the Town Clerk at 646-7795.
- Official minutes of Town Council meetings are prepared and kept by the Town Clerk and are reviewed and approved by the Town Council. Copies of approved minutes are available at the Town Clerk's office or on the Town's website: [www.townofwestyellowstone.com](http://www.townofwestyellowstone.com).

10/03/14  
15:10:19

TOWN OF WEST YELLOWSTONE  
Claim Approval List  
For the Accounting Period: 10/14

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\* ... Over spent expenditure

Claim	Vendor #/Name/	Document \$/	Disc \$							Cash
Check	Invoice #/Inv Date/Description	Line \$		PO #	Fund Org Acct	Object	Proj	Account		
40331	2575 WY Tourism Business Improvement	49,874.03								
10/01/14	September 2014 collections	49,874.03		TBID	2102 411800	540		101000		
40335	1273 Montana Security and	61.50								
42896	09/23/14 monitoring UPDL	61.50		UPDL	1000 411252	357		101000		
40338	2088 Town West Yellowstone	1,045.83								
10/01/14	utility chrgs, Chamber, 895	84.54		BLDGS	1000 411257	340		101000		
10/01/14	utility chrgs, UPDL, 892	51.68		BLDGS	1000 411252	340		101000		
10/01/14	utility chrgs, PS Shops, 884	23.72		BLDGS	1000 411253	340		101000		
10/01/14	utility chrgs. Povah Ctr, 887	113.51		BLDGS	1000 411255	340		101000		
10/01/14	utility chrgs, Police Dept, 886	30.46		BLDGS	1000 411258	340		101000		
10/01/14	utility chrgs, City Park, 885	596.95		BLDGS	1000 411253	340		101000		
10/01/14	utility chrgs, Library, 891	25.69		LIBRAR	2220 460120	340		101000		
10/01/14	utility chrgs, Lift #1, 903	10.15		SEWER	5310 430600	340		101000		
10/01/14	utility chrgs, Twn Hall, 921	109.13		TWNHAL	1000 411250	340		101000		
40339	2852 Fremont Communications	300.00								
09/15/14	fiber optic, Town Hall	300.00		TWNHAL	1000 411250	345		101000		
40341	42 Fall River Electric	8,666.96								
09/12/14	UPDH 4212041 elec service	812.16		UPDH	1000 411252	341		101000		
09/12/14	POLICE 4212008 elec service	193.68		POLICE	1000 411258	341		101000		
09/12/14	shop 4212018 elec service	121.60		STREET	1000 430200	341		101000		
09/12/14	ANIMAL 4212029 elec serv	47.10		ANIMAL	1000 440600	341		101000		
09/12/14	PARK 4212032 Elec ser	104.27		PARK	1000 411253	341		101000		
09/12/14	PARK 2901001 elec serv	38.82		PARK	1000 411253	341		101000		
09/12/14	CLORINATOR 4212030 elec serv	43.77		WATER	5210 430500	341		101000		
09/12/14	MAD ADD WATER 4212017	40.66		WATER	5210 430500	341		101000		
09/12/14	PUMP 4212005 elec serv	242.89		WATER	5210 430500	341		101000		
09/12/14	SEWER LIFT STATION 4212006	389.52		SEWER	5310 430600	341		101000		
09/12/14	SEWER PLANT 4212007 elec ser	1,417.79		SEWER	5310 430600	341		101000		
09/12/14	MAD SEWER LIFT 4212014 elec	94.84		SEWER	5310 430600	341		101000		
09/12/14	SEWER TREAT SERV 4212046 ele	2,867.36		SEWER	5310 430600	341		101000		
09/12/14	library 23 dunraven 4212054	161.61		LIBRY	2220 460120	341		101000		
09/12/14	povah comm ctr 4212001	257.23		POVAH	1000 411255	341		101000		
09/12/14	unmetered lights 4212004	1,451.25		STLITE	1000 430263	341		101000		
09/12/14	Town Hall 4212009	345.87		TWNHAL	1000 411250	341		101000		
09/12/14	Ice Rink 421010	36.54		PARKS	1000 411253	341		101000		
40346	1514 Verizon Wireless	754.02								
09/20/14	640-0512, SS Assist	32.01		SOCSER	1000 450135	345		101000		
09/20/14	640-1103, Operator	32.01		STREET	1000 430200	345		101000		
09/20/14	640-1438, SS Director	32.01		SOCSER	1000 450135	345		101000		
09/20/14	640-1460, Library Dir, SP	62.01		LIBRAR	2220 460100	345		101000		
09/20/14	640-1461, Facilities Tech, SP	62.01		STREET	5210 430500	345		101000		

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Check	Invoice #/Inv Date/Description	Line \$		PO #	Fund Org Acct	Object	Proj	Account	
	09/20/14 640-1462, Operator, SP	62.01		STREET	5210 430500	345		101000	
	09/20/14 640-1463, Deputy PSS, SP	62.01		STREET	5310 430600	345		101000	
	09/20/14 640-1472, Ops Mgr, SP	62.01		ADMIN	1000 410210	345		101000	
	09/20/14 640-1676, Rec Coor, SP	62.01		REC	1000 460440	345		101000	
	09/20/14 640-1754, COP	32.01		POLICE	1000 420110	345		101000	
	09/20/14 640-1755, Police	32.01		POLICE	1000 420110	345		101000	
	09/20/14 640-1756, Police	32.01		POLICE	1000 420110	345		101000	
	09/20/14 640-1757, Police	32.01		POLICE	1000 420110	345		101000	
	09/20/14 640-1758, Police	31.86		POLICE	1000 420110	345		101000	
	09/20/14 640-1759, Police	32.01		POLICE	1000 420110	345		101000	
	09/20/14 640-7547, Facilities Tech	32.01		PARKS	1000 460430	345		101000	
	09/20/14 640-9074, PSS, SP	62.01		BLDINS	5310 430600	345		101000	
40348	2813 Century Link	2,664.79							
	09/19/14 DSL Povah, 646-7982	49.00		POVAH	1000 411255	345		101000	
	09/19/14 DLS Police 646-0231	64.00		POLICE	1000 420110	345		101000	
	09/19/14 DSL Pub Serv Office 646-7949	64.00		BLDINS	1000 430200	345		101000	
	09/19/14 Sewer Treat 646-9027	31.01		STREET	5310 430600	345		101000	
	09/19/14 Sewer lift 646-5141	30.40		SEWER	5310 430600	345		101000	
	09/19/14 PCC Elevator 646-7481	31.88		POVAH	1000 411255	345		101000	
	09/19/14 Centrex Finance - 20%	244.15		FINADM	1000 410510	345		101000	
	09/19/14 Centrex, Police-20%	244.15		POLICE	1000 420110	345		101000	
	09/19/14 Centrex, Soc Ser -10%	122.07		SOC SER	1000 450135	345		101000	
	09/19/14 Centrex, Court - 10%	122.07		COURT	1000 410360	345		101000	
	09/19/14 Centrex, Bld Ins - 10%	122.07		BLDINS	1000 430200	345		101000	
	09/19/14 Centrex, Street - 10%	122.07		STREET	1000 430200	345		101000	
	09/19/14 Centrex, PCC - 10%	122.07		POVAH	1000 411255	345		101000	
	09/19/14 Centrex, Lib	122.08		COURT	2220 460100	345		101000	
	09/19/14 E911 Viper 646-5170	91.26		E911	2850 420750	345		101000	
	09/19/14 E911 255-9710	995.98		E911	2850 420750	345		101000	
	09/19/14 E911 255-9712	24.51		E911	2850 420750	345		101000	
	09/19/14 Alarm Lines, 646-5185	62.02		TWNHAL	1000 411250	345		101000	
40349	29 Terrell's Office Machines Inc	573.12							
	289202 09/29/14 copier maintenance	573.12		FINADM	1000 410510	363		101000	
40350	2823 STAPLES Credit Plan	368.84							
	09/11/14 office supplies	249.68		POLICE	1000 420100	220		101000	
	09/11/14 office supplies	52.38		DISPAT	1000 420160	220		101000	
	09/11/14 office supplies	66.78		LIB	2220 460100	220		101000	
40351	633 Bozeman Trophy & Engraving	59.00							
	7476 09/10/14 notary supplies, Longworth	59.00		DISPAT	1000 420160	220		101000	

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40352	62 MLEA	625.00							
7936	09/24/14 tuition, VanLeeuwen	625.00		DISPAT	1000 420160	380		101000	
40353	999999 LEONEL SOSA	350.00							
09/22/14	UPDL refund	350.00		UPDL	2210 214000			101000	
40354	999999 ASHLEY LASHER SANDUA	350.00							
09/29/14	UPDL refund	350.00		UPDL	2210 214000			101000	
40355	999999 MARIA RESENDIZ	350.00							
09/28/14	Povah Center refund	350.00		POVAH	2210 214001			101000	
40356	2421 NAPA Auto Parts	268.01							
09/30/14	auto parts/supplies	268.01		STREET	1000 430200	220		101000	
40357	497 MT Dept Environmental Quality	998.00							
5I500595	09/29/14 community connection fee FY	998.00*		WATER	5210 430500	335		101000	
40358	40 Jerry's Enterprises	14.99							
09/28/14	cable	14.99		FINADM	1000 410510	220		101000	
40359	951 Barnes & Noble	578.20							
2881425	09/16/14 books	227.76		LIB	2220 460100	215		101000	
2881368	09/16/14 books	280.18		LIB	2220 460100	215		101000	
2883200	09/18/14 books	50.30		LIB	2220 460100	215		101000	
2883365	09/18/14 books	19.96		LIB	2220 460100	215		101000	
40360	884 Bozeman Brick, Block & Tile	1,131.00							
306969	09/02/14 blocks	754.00		PARKS	1000 460430	365		101000	
307259	09/08/14 blocks	377.00		PARKS	1000 460430	365		101000	
40361	1864 Loomis Family Limited	163.44							
091014/02	09/10/14 help fund fuel	25.00		HELP	7010 450135	231		101000	
091914/3	09/19/14 help fund fuel	30.00		HELP	7010 450135	231		101000	
092214/1	09/22/14 help fund fuel	20.00		HELP	7010 450135	231		101000	
09/24/14	fuel	90.00		STREET	1000 430200	231		101000	
09/24/14	credit	-1.56		STREET	1000 430200	231		101000	
40362	42 Fall River Electric	6,000.00							
091014/02	10/02/14 refund street bond, balance	6,000.00		STREET	1000 214100			101000	

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40363	811 Zee Medical Service 161536065 09/24/14 first aid kit supplies	30.00 30.00		POLICE	1000 420100	220	101000
40364	2107 Department of Labor & Industry 09/23/14 elevator inspect, Povah 2010-ELEV-MTN-002760	140.00 140.00		140.00	1000 411255	350	101000
40365	489 MSE ANALYTICAL LABORATORY 1409047 09/24/14 water samples	264.60 264.60		WATER	5210 430500	357	101000
40366	2321 Smith Ford Mercury 09/26/14 warranty/maint 14 Ford Interce	41.50 41.50		POLICE	1000 420100	361	101000
40367	2863 Environmental Dynamics 42015 05/30/14 air bubbler, pond #1	19,759.00 19,759.00*		SEWER	5310 430640	357	101000
40368	2762 Mission Communications, LLC 40026903 09/17/14 service packages 40026903 09/17/14 service packages	3,380.40 1,690.20 1,690.20		WATER SEWER	5210 430500 5310 430600	398 398	101000 101000
40369	2647 Bigfork Web Development, Inc. 14739 09/15/14 website updates	127.50 127.50		FINADM	1000 410510	356	101000
40370	999999 SLP ENTERPRISES, LLC 09/24/14 Holulia Shave Ice RT bond refu	500.00 500.00		RT	2100 214000		101000
40371	1934 Brenda Martin 10/02/14 reimb petty cash	43.14 43.14		POLICE	1000 420110	311	101000
40372	2182 Gallatin County 91114 09/11/14 reimb deputy OT	3,960.00 3,960.00*		POLICE	1000 420100	398	101000
40373	65 Tractor & Equipment Co 09/18/14 parts 42CS0414518	75.75 75.75		STREET	1000 430200	220	101000
40374	2586 Waxie Sanitary Supply 74823338 09/15/14 towel dispenser 74849543 09/29/14 supplies	494.06 41.20 452.86		PARKS PARKS	1000 460430 1000 460430	220 220	101000 101000
40375	471 Northwest Pipe Fittings, Inc. 1355633 09/18/14 meters + supplies	1,562.86 1,562.86		WATER	5210 430590	251	101000

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40377		2531 Briggs Roofing Company		13,734.50					
	2014-264	09/09/14 materials deposit, H2O Roof		13,734.50		CAP	4000 411240	929	101000
40378		73 Westmart Building Center		2,977.11					
	09/27/14	supplies		79.76		STREET	1000 430200	366	101000
	09/27/14	supplies		10.43		STREET	1000 430200	220	101000
	09/27/14	supplies		20.87		WATER	5210 430500	220	101000
	09/27/14	supplies		65.91		UPDL	1000 411252	220	101000
	09/27/14	supplies		88.88		LIB	2220 460100	220	101000
	09/27/14	supplies		333.97*		TWNHAL	1000 411250	366	101000
	09/27/14	supplies		56.95		POVAH	1000 411255	220	101000
	09/27/14	supplies		2,049.59		PARKS	1000 460430	365	101000
	09/27/14	supplies		31.59		PARKS	1000 460430	220	101000
	09/27/14	supplies		206.72		PARKS	1000 460430	366	101000
	09/27/14	supplies		32.44		CHAMB	1000 411257	220	101000
40379		375 Black Mountain		1,331.00					
	18873	10/01/14 annual payroll maint		1,331.00		FINADM	1000 410510	356	101000
40380		2201 Grizzly Internet, Inc.		2,014.00					
	1404297	10/03/14 TBID wifi project, Pioneer Pa		2,014.00		LEGIS	1000 410100	870	101000
		# of Claims	38	Total:	125,632.15				
					125,632.15				



WEST YELLOWSTONE TOWN COUNCIL  
**Work Session & Town Council Meeting**  
**September 23, 2014**

COUNCIL MEMBERS PRESENT: Mayor Brad Schmier, Jerry Johnson, John Costello, Cole Parker, Greg Forsythe

OTHERS PRESENT: Operations Manager Becky Guay, Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Social Services Director Jack Dittmann

Gallatin County Sheriff Brian Gootkin, Randy Wakefield, Head Dispatcher Brenda Martin, Sandi Pepler, Fire Chief Scott Waldron, Helen Rightenour, WY News Editor Jeremy Weber, Police Commissioners Bill Howell and Richard Gibson, Teri Gibson, YNP Ranger Tara Ross, Garrett Ostler, Sheriff Deputies Mike Gavagan and Mike Stubblefield, Ramona Stubblefield, David Rightenourk, Ed Geiger, Tom Cherhoniak, Dawn Lundigran

Gale Loomis, Brock Kelley, Joyce Berger, HBFD Chief Scott Waldron, Head Dispatcher Brenda Martin, Sandi Pepler, Scott Clark, Randy Wakefield, Tom Cherhoniak, HBFD Assistant Chief

The meeting is called to order by Mayor Brad Schmier at 7:00 PM in the West Yellowstone Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.

Portions of the meeting are being recorded.

The Treasurer's Report with corresponding banking transactions is on file at the Town Offices for public review during regular business hours.

**ACTION TAKEN**

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- 1) Motion carried to approve the claims which total \$103,919.72. (Schmier, Costello)
- 2) Motion carried to approve the Consent Agenda, which includes the minutes of the September 9, 2014 Town Council Meeting and September 16, 2014 Town Council work session. (Costello, Parker)
- 3) Motion carried to approve the Application to Maintain an Encroachment made by Fremont Communications in accordance with the recommendation from the Town Engineer to extend fiber optic line to First Security Bank at 106 S Electric Street. (Schmier, Costello)
- 4) Motion carried to extend the lease for office space for the Yellowstone Historic Center for one year. (Johnson, Parker)
- 5) Motion carried to approve the Memorandum of Understanding with Gallatin County for the provision of law enforcement services. (Schmier, Parker)
- 6) Motion carried to select a council member to work with the Police Commission to interview Chief of Police applicants. (Schmier, Parker)
- 7) Motion carried to appoint Council Member Forsythe to the Chief of Police Interview Committee. (Costello, Parker)

**Council Comments**

Johnson mentions that the polling place for the upcoming election has been moved to the Povah Community Center instead of the school. Costello clarifies that the ballot this fall will not be a mail-in ballot as the last couple elections have been.

**Public Comment Period**

Ramona Stubblefield distributes copies of a letter from Gallatin County Sheriff Deputy Matt Stubblefield's attorney, Stephen C. Pohl, to former Chief of Police Gordon Berger. Ed Geiger informs the Council that the Union Pacific Dining Lodge is going to be spotlighted in an upcoming issue of Northwestern Bride magazine. Sheriff Deputy Mike Gavagan reports to the

Council that Deputy Rob Burns is going to retire on December 1, 2014. He has served the West Yellowstone community as both a town police officer and then Sheriff's Deputy for 28 years. Burns' nomination has also been accepted for the prestigious lifetime achievement award from the Montana Board of Crime Control.

## **DISCUSSION**

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- 1) Schmier explains that a couple claims from the last meeting were accidentally carried forward and included on this list, so the adjusted total is \$103,919.72. Schmier asks about the engineering bills from Dick Dyer for reviewing the plans for two new hotels that are under construction. Patterson explains that Dyer bills the Town for those services and the Town then passes those costs on to the owners of the project. Costello asks if this same practice would apply to the charges Dyer incurred for reviewing the encroachment applications from Fremont Communications. Patterson says that is correct.
- 3) Mayor Schmier explains that Fremont Communications has worked out an alternate route for the fiber optic line
- 4) Ed Geiger says that the current lease automatically renews annually, but they wanted to make sure everyone was on the same page.
- 5) Town Attorney Jane Mersen explains that they sent out a final version of the MOU today. She points out that the words "including oversight and administrative assistance" on the first page as well as a paragraph that indicates how the Town will work with the Sheriff's Department to ensure supervisory duties are handled. She says that representatives will meet tomorrow to outline those duties and that list will become part of this agreement. She says that she worked closely with County Attorney Chris Gray on this, but the final agreement still needs to go before the County Commission. Sheriff Brian Gootkin says they also want to address the 911 response issues and mentions that he met with Head Dispatcher Brenda Martin earlier today. Forsythe asks if there is an expiration for this MOU? Gootkin says no, although the commission did suggest it. He says that they feel it is important to provide the support until the Town has hired a new Chief of Police. Johnson asks if there are really any questions they could ask the Sheriff that he would not answer in the absence of this MOU. Gootkin responds that there is not. Schmier summarizes that this is just an open-ended agreement to work together until they get things in the police department worked out.
- 6) Schmier explains that the next item is to select the other individuals that will provide input to the Police Commission through the interview process for Chief of Police. Mersen explains that in her experience, including one Council Member, a member of another law enforcement agency, works well. She discourages them from making the committee too large, which makes it hard to schedule interviews. She doesn't think it is necessary to include more than one Council Members and certainly not a quorum. Forsythe says he thinks it would be better to include a representative from more than one outside law enforcement agency in order to better represent the concerns of those agencies. Mersen suggests that that one representative could represent the concerns of all the other agencies. She says that she thinks it is more effective to keep the committee quite lean so they can get things done. Johnson says that until earlier this week, he was also thinking they should involve more than one agency, but now he thinks the Sheriff or whoever they select is fully capable of conveying those concerns. He says the Park Service has indicated that they would go along with whatever the Sheriff recommended. Costello clarifies that they are actually talking about a committee of seven: three members of the Police Commission, a council member, a representative from outside law enforcement, the Operations Manager, and another Department Head. The Council discusses with Mersen how to best structure the process and composition of the interview panel and the laws that govern the proceedings of the Police Commission. Mersen says that she thinks the Town has discretion to establish the procedure for the Police Commission. Mersen says the Police Commission will review the applications, eliminate

those that do not meet the minimum qualifications, and then the Operations Manager will set up interviews. Following the interviews, the Police Commission will recommend the top candidates to the Council. The Council may opt to schedule an open house to allow the public to meet with the Council. The Operations Manager will also recommend applicants to move forward to the other tests such as a background check and psychological exam. They discuss at length whether the Police Commission should rank the applicants. Fire Chief Scott Waldron says it is silly not to rank the candidates, that is the purpose of holding interviews. He also says that the Sheriff would be fully capable of representing the interests of the Fire District and he encourages them to utilize him.

- 7) Bill Howell points out that there is a state law that precludes the Commission from recommending or ranking the candidates. Richard Gibson says that the other people that participate will give input and “stars will shine” as they work through this process. Costello asks how long will background checks take. Gootkin says up to thirty days. Johnson clarifies that includes reference checks, too, because a criminal background check does not take that long. The group discusses how much time the entire process will take. Garrett Ostler says that the community trusts the decisions the Council and Commission will make and suggests that taking the time for the public to meet the candidates is unnecessary.
- A) Operations Manager/ Department Head Reports: Operations Manager Becky Guay reports on current issues: **Recruitments:** Police Officer – Per the direction of the Council, the Police Commission has placed officer candidate interviews until we are further along in the hiring process for a Chief of Police. We have called the applicants and let them know about this delay. Chief of Police – A total of 16 applications were received. The Police Commission is currently reviewing the applications. **Labor Negotiations** –Our first negotiating session will be held tomorrow, September 24 at 11:00 a.m. at the Town Hall Conference Room. I attended the Montana Labor Negotiation and Arbitration Conference last week in Bozeman. The sessions were very informative and will the Town will benefit from several of the strategies discussed at the conference. **MOU with Sheriff’s Office for Interim Law Enforcement** – This item is on your agenda for later this evening. **911 Advisory Committee** – The Committee cancelled its September meeting. **Public Services Department** – Public Services completed landscaping efforts around the Town Hall and are preparing for winter activities. **Sewer Connection Audit** – James has verified the information submitted on the sewer connection surveys and we are now ensuring that this information matches that is shown in our billing program. We are trying to implement changes in the billing system to ensure that bills match the physically verified connections effective with the October bills generated at the end of October. **Prescription Drug Take-Back Program** – The Police Department will be receiving unused prescription medications from the public to ensure that the drugs are disposed of properly at the Povah Center on September 27 from 10 a.m. until 2 p.m. **Alec Hansen Retirement** – We placed a notice on the MLCT list serve and determined that many jurisdictions have donated \$50 toward a retirement gift for Alec. **Meeting with HBFD** – Mayor Schmier, Councilmember Costello and I met with Robert Godwin, Kyle Goltz, Chief Waldron and Assistant Chief Grube on September 10 to review the fire department’s budget as required by the Town’s agreement with HBFD. The parties also discussed the eventual sale or long-term lease of the Emergency Services Building to the District. Mr. Godwin explained that HBFD board members and staff were seeking to meet with counsel at the County Attorney’s office to discuss potential methods to facilitate the sale/lease of the building. **Canyon Street Resurfacing and Stop Light Project** – The MDT reports that the contractor has been selected but MDT will not issue a notice to proceed until at least November, which effectively means that construction activities will NOT begin until the spring of 2015. If the contractor has not completed the project by Memorial Day they have to button it up until after Labor Day so there will be no construction activities occurring during the busiest of the tourist season. **Montana League of Cities and Towns Conference** – The Town Office staff is busy preparing for the Conference which begins at the UPDL on October 8. See the attached information for a schedule of events.

Guay adds that she received the appraisal instructions today for the 80 acres of Forest Service land and will start working on hiring an appraiser for the land tomorrow.  
Dittmann announces that the West Yellowstone School is engaging in a competition with the Big Sky School to see which school can collect more food for their local food banks during the week leading up to the football games between the two schools on October 11, 2014.

The meeting is adjourned. (8:15 PM)

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Mayor

ATTEST:

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Town Clerk

## WEST YELLOWSTONE TOWN COUNCIL

### Work Session September 30, 2014

COUNCIL MEMBERS PRESENT: Mayor Brad Schmier, Jerry Johnson, Greg Forsythe, John Costello

OTHERS PRESENT: Operations Manager Becky Guay, Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Social Services Director Jack Dittmann, Jeremy Weber-West Yellowstone News Editor, Ed Geiger and Carol Leasure-Yellowstone Historic Center

The meeting is called to order by Mayor Brad Schmier at 1:00 PM in the West Yellowstone Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana

#### **Council Comments**

Greg Forsythe gives a report on the police commission meeting to plan for Chief of Police interviews on October 16th and 17<sup>th</sup>. He is unavailable for the interviews and he was going to recommend that Cole Parker be on the commission instead. Jerry Johnson gives a report on bargaining unit negotiations and he said that they will meet a second time. He also states that they will present a draft to the Council prior to presenting it for ratification. Mayor Schmier mentions that he has received a letter from Judge Brandis indicating that she would like to be reappointed to her position as the Judge. Her current appointment expires at the end of the year but there is a certification school in November that as the Judge, she must attend. Brandis points out that there is no reason for her to attend the training if she is not reappointed. John Costello says they have had considerable discussion over the last couple days about the appraisal for the 80 acres. He says that they had anticipated completing the appraisal by the end of 2014 but that is clearly not going to happen. Guay agrees but says they are moving forward and she is hoping to have it finished by April 30, 2015.

#### **Public Comment Period**

No public comment is received.

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Mayor Schmier calls the meeting to order and explains their purpose this evening is to discuss the management of the Union Pacific Dining Lodge (UPDL) by the Yellowstone Historic Center (YHC). Schmier welcomes Ed Geiger and Carol Leasure of the YHC to the meeting and asks them to explain the current position of the YHC on this issue. Leasure references a letter the YHC sent to the Town in August requesting that they delay the takeover of the UPDL until September 30, 2015. She explains that their board felt like taking over management in the middle of the summer season was not wise and they are already behind as far as marketing efforts go. She says that what they would really like to do is work cooperatively with the Town to manage the building next year. She says that since their offices are in the building, they would be able to handle reservations, deposits, check-in responsibilities, etc. Geiger says they would like to be involved with those duties next year before they completely take over management. He says they have been involved with most of the people that have reservations for 2015 already as most of them stopped by this season to look at the building. Leasure says their biggest concern for next year is that they haven't been able to market or promote the building for next year, which means the rates will likely stay low like they are currently. Geiger expresses confidence that they will be able to charge considerably higher rates because they will offer additional services with those rates. Schmier says that they have had a lot of discussions about managing the building and they first need to determine whether the Town wants to turn over the management. Geiger says that he believes there is positive support from business owners in the community for the YHC taking over the building. Patterson says that he has not heard comments from anyone about the YHC taking over. He does not think it is necessary to market the building, it markets itself. He does not think it is appropriate to spend taxpayer money for advertising. He says that it is booked clear through September 30 of next year, if they need to raise the rates they can. He says he would be more than happy to get rid of the responsibility, but he knows that is not going to happen. The Town would still own the building and he would still be down there taking care of things. Schmier clarifies that although the YHC wants to delay taking over management, they still are requesting funding during this fiscal year. Leasure says that there are still costs associated with managing and administering the people that rent the

building. Schmier asks how much does the YHC propose that they would need during this fiscal year. Leasure says they think half of the \$30,000 that was budgeted would allow them to do what they want to do between now and July 1, 2015. Dittmann clarifies that YHC's marketing plan is to attract a new demographic that is willing to pay higher rates and therefore they must market to that demographic. He also suggests that the demographic that currently uses the building will be pushed aside. Geiger counters that by the time people rent the building for \$300 and then rent the tables and chairs from YHC, they aren't really spending any more money. Forsythe asks Patterson how much it cost the Town to manage and supervise the building this summer. Patterson estimates it cost the Town between \$12,000 and \$15,000 for his guys to clean and take care of it and then Brandy to take the reservations. Forsythe says he would like to see the YHC manage the building, but he is struggling with the fact that the YHC wants \$15,000 to follow the staff along during May and June of 2015. The group debates what is the most effective way to handle reservations and correspondence with customers. Schmier says it is not important right now to worry about the details of taking reservations, but they need to look at the entire picture. Schmier says that what he struggles with is that the YHC is going to keep all the rental income and still request money from the Town. Leasure says that they have to look at the entire business plan because after five years they will no longer need financial support from the Town, other than maintenance and capital expenses. Schmier points out that after five years, the YHC could just walk away. Geiger says that in that case, they would be left with a better building with a rate structure and new clientele. Guay points out that the agreement they are looking at stipulates that the Town and YHC will seek grant funding for the building, but the Town will be responsible for any additional funding for capital improvements. Geiger admits that the Town will have discretion and will have to decide what improvements they can afford to fund. Schmier points out that if their business plan depends on those improvements, it will not work. Geiger responds that they would adjust that plan as necessary, just like the Town does when it does not have enough money to fund a project. Schmier says that he thinks they need to take some time to think about this proposal. Costello says that it appears that there are multiple employees of the Town in the room this evening that do not want to turn the building over to the YHC and he asks why. Dittmann says that as Town employees, it is their responsibility to advise the Council as to what is in the best interest of the Town. He says this is not in the best interest of the Town to turn this over to the YHC. Guay agrees and says that there is definitely room for improvement of how they run the building, but they think they can accomplish that. Patterson also agrees. He does not think the business plan is reasonable and they already have the staff to run the building. He says he cannot justify spending taxpayer money to do something they are already doing. Schmier suggests they consider how the Town and YHC could work together to run the building. Leasure asks directly if they are going to move ahead with the draft agreement. Schmier answers that in light of the staff feedback they received tonight, he does not think they can move forward with it. Forsythe says that he has not been on the Council that long, but they have been discussing this for a long time. He says that if they cannot live with this agreement, then the Town should come up with a proposal and find out if the YHC can live with it. The Council agrees and Guay indicates that she can work on putting that together.

Mayor Schmier explains that the second agenda item tonight is to discuss goals for the Council and also for the Operations Manager. He says that he has given some thought to issues they have had over the last 12 to 24 months. He says that he has concerns over projects or proposals that seem to have just been dropped or forgotten. The group does discuss improving communication between the Council and staff and giving clearer direction about what needs to happen next. Johnson says he would like to change the current terms for Council members, a change that has to be made in the Charter. He says that when they have had three new Council members elected at the same time, it has drastically slowed down progress. He recommends changing the way the terms are staggered so there is never more than two seats up for election. Johnson says he would also like to see the job descriptions worked on. He thinks they have some strange things in some of the job descriptions that need to be straightened out. The group discusses this issue at length. Forsythe says he would like to see the rules changed so that people that live outside of Town can serve on the Town Council. Costello says he thinks they would have to change state law to accomplish that. The rest of the group agrees and voting rights about the item are discussed briefly. Costello says that he thinks that due to some of the issues they have dealt with over the last several months, they have missed an important thing: the local government study

commission. He says that he thinks establishing that commission through the upcoming election is vitally important and they need to be prepared for that. The group agrees and staff indicates they will find out what the deadlines are for filing as write-in candidates as there will only be one name on the ballot. Schmier asks if doing business with the Town is user-friendly. The group discusses what the challenges are for doing business with the Town and specifically discusses business licenses. Guay says she would like to clean up the encroachments around Town, she believes the Town is starting to look somewhat cluttered with old vehicles and stored materials. Schmier says he thinks they need to review and update the list of items that are subject to the resort tax. He thinks the merchants would appreciate more guidance about which items should actually be taxed. The group agrees that this should be reviewed and discuss planning a work session and inviting public input. Schmier says that he thinks the Operations Manager should become a bigger part of the community. He thinks it is valuable to be recognized and involved. Patterson says he thought it was a good thing when the previous Operations Manager went on the radio once a week and published his report in the newspaper. Guay offers to make sure her report is sent to the newspaper every week. Johnson says that at one time, the school superintendent, operations Manager, Mayor, Chief of Police and even President of the Chamber used to meet once a month for lunch or coffee to discuss current issues in the community.

The meeting is adjourned. (9:40 PM)

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Mayor

ATTEST:

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Town Clerk



WYED

West Yellowstone Economic Development Council, Inc.

October 1, 2014

Liz Roos, Town Clerk  
Town of West Yellowstone  
PO Box 1570  
West Yellowstone, MT 59758

Dear Liz,

The West Yellowstone Economic Development Council is seeking an updated business license for 3 current or new business uses at the WYED Center at 209 Electric St. The Town's Business License Application is enclosed. The 3 business uses are:

1. One Residential Rental Unit (Apartment) 239 Firehole Ave.
  - Our current business license indicates this use, and this is a use which will continue for the foreseeable future.
2. Classroom Space for Educational Use
  - This is a recently new use as a result of the establishment of our Yellowstone Studies Center Consortium (YSCC).
  - WYED provides logistic support services to groups of college and university students and professors who come to Yellowstone for class instruction and research and have joined the YSCC.
  - Consortium membership allows students and professors use of classroom spaces (20-32 seats) at the Center. Classes of students and professors usually come to the Center in vehicles carrying 8-15 people each.
3. Minimal Overnight Accommodations for Consortium Classes
  - This is a new use of the Center- providing overnight "sleeping bags on the floor" accommodations for students and professors who have used the Center for educational purposes. This is an extension and benefit of services offered to Consortium members only.
  - The WYED Center building was originally built as a multiple use building. This new use of the Center will change the use of the building from A3/B to B/R-1.
  - Business Group B occupancy includes the use of the building, or a portion thereof, for office, professional or service-type transactions, including storage of records and accounts. Occupancy can also include educational occupancies for students above the 12<sup>th</sup> grade.
  - R-1 Residential occupancies contain sleeping units where the occupants are primarily transient in nature. Our students and professors use the Center for 1-5 days and sleep in sleeping bags only.
  - In Feb. 2014, Clyde Seely, Hebgen Basin Fire District Chief Waldron and Asst. Chief Grube did an evaluation of the Center based on the requirements of the International Fire Code (IFC). The evaluation detailed the requirements/changes necessary to meet the IFC for the change of use of R-1 occupancy.

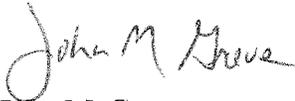
P.O. Box 190 West Yellowstone, MT 59758

- In May 2014, Paul Drake, Building Inspector with the Building Codes Bureau, evaluated the Center to confirm the requirements/changes necessary for R-1 use. We've made the changes and met the requirements necessary to obtain approval for overnight occupancy. A copy of the Building Permit and Occupancy Approval Letter is enclosed.

A copy of the Center's updated Parking Plan is enclosed. The apartment, Kiwi Restaurant, Lone Peak Physical Therapy and classrooms for educational use require us to have 19.5 or 20 parking spaces. Currently, we have 20 spaces on site.

We believe we have met all the requirements to qualify us for an updated business license that reflects the 3 current uses of the WYED Center. When you have had the time to review all of the above and the enclosed information, please call or email me with any questions or concerns. If there are additional steps we need to take before review of the Parking Plan by the Planning and Zoning Board and their subsequent recommendation for final approval of the Plan and updated license by the Town Council, then please let me know what those steps are. Also, Clyde and I will be happy to meet with anyone to discuss any issues.

Thank you for the consideration of our request.



John M. Greve  
WYED President  
580-1520  
jmg533g@gmail.com

cc: Clyde Seely

# Town of West Yellowstone Business License Application

Business Name: WEST YELLOWSTONE ECONOMIC DEVELOPMENT COUNCIL, INC (WYED)

Applicant: SAME

Contact Person: JOHN M GREVE, WYED PRESIDENT

Mailing Address: PO BOX 190

Physical Address of Business: 209 ELECTRIC ST

Phone Number: 406-580-1520

Fax Number: \_\_\_\_\_

Email Address: jmg533g@gmail.com

Website: wyrd.org

Signature of Property Owner of Record: JOHN M GREVE John M Greve, WYED PRESIDENT

Subdivision: SEC 34 135 SE PLAT B-47

Block: 12 Lot: 10

Zoning District, please mark one:

B-3 Central Business District (Old Town)

PUD Planned Unit Development (Grizzly Park)

B-4 Expanded Business District (Grizzly Park)

Residential Districts, Home Occupations Only (Mad Add)

E-2 Entertainment District (Grizzly Park)

ADDITIONAL/NEW  
BUSINESS USE OF  
WYED CENTER

New Business

Transfer of Ownership

Change of Location

Name Change

• Is this business licensed by the State of Montana?  Yes  No

• Appropriate City/County/Health Dept approvals (if applicable)  Yes  No (please attach)

• If this business is located in Grizzly Park, has the business been approved by the Grizzly Park Architectural Committee (GPAC)?  Yes  No

**Type of Business** Please explain in detail the following: number of units, seating capacity, etc. Contractors should list trailers and equipment and where these items will be stored.

501 C 3 NON-PROFIT ECONOMIC DEVELOPMENT ORGANIZATION. WYED CENTER BUILDING USE:

1. ONE RESIDENTIAL RENTAL UNIT (APARTMENT)

2. CLASSROOM SPACE FOR EDUCATIONAL USE BY YELLOWSTONE STUDIES CENTER COLLEGE CONSORTIUM

3. MINIMAL OVERNIGHT ACCOMMODATIONS - SLEEPING BAGS ON FLOOR - FOR EDUCATIONAL CONSORTIUM CLASSES

Business License Fee: \$ \_\_\_\_\_

Resort Tax Bond: \$ \_\_\_\_\_

John M Greve  
Signature of Applicant

Total Amount Due: \$ \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

**FOR OFFICE USE ONLY**

Date Approved by Town Council: \_\_\_\_\_

Date \_\_\_\_\_ Check # \_\_\_\_\_ Amount \$ \_\_\_\_\_ License # \_\_\_\_\_

SCN \_\_\_\_\_ BLP \_\_\_\_\_ STX \_\_\_\_\_ BLC \_\_\_\_\_ RDX \_\_\_\_\_

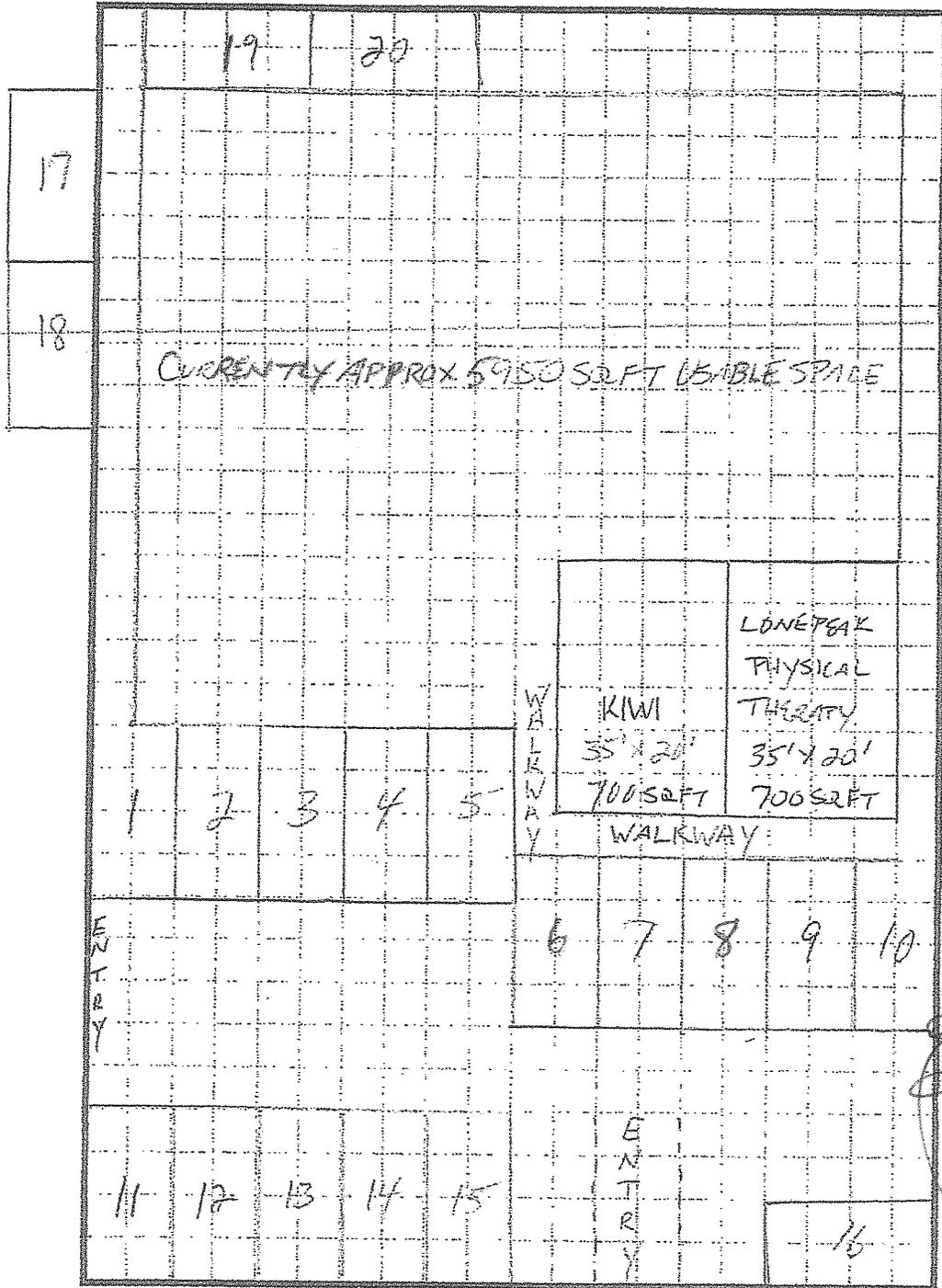
# Site Plan *OCTOBER 2014*

Business Name: *WEST YELLOWSTONE ECONOMIC DEVELOPMENT COUNCIL (WYED)*

Business Owner: *WYED*

Business Street Address: *709 ELECTRIC ST*

Block: *12* Lot: *10* Subdivision: *SEC 34 13S 5E PLAT B-47*



Scale: 1 inch = 20 feet

Note: This grid represents a standard Town lot, 100 feet by 150 feet.



WYED

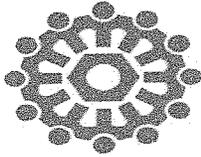
West Yellowstone Economic Development Council, Inc.

October 1, 2014

### Updated parking requirements for the WYED Center

Apartment		1.5 req spaces
Kiwi Rest.	$700 \text{ sq ft} \times 8 \text{ factor} = 5600 \text{ sq ft}/1000 = 5.6 \text{ spaces} \times .6 \text{ factor} = 3.36$ or	4.0 req spaces
Lone Peak PT	$700 \text{ sq ft} \times 3.8 \text{ factor} = 2660 \text{ sq ft}/1000 = 2.66 \text{ spaces} \times .38 \text{ factor} = 1.01$ or	1.0 req space
1 classroom = 20 seats (Every 4 seats = 1 req space) =		5.0 req spaces
1 classroom = 32 seats (Every 4 seats = 1 req space) =		<u>8.0 req spaces</u>
Most likely, we will not even meet this capacity with any 1 visit by a class		19.5 req spaces Or 20.0 req spaces

Currently, we have 20 spaces on site



Montana Department of  
**LABOR & INDUSTRY**  
Business Standards Division

**Occupancy Approval**

Date: August 14, 2014

To: John Greve

Address: 209 Electric St.

City: West Yellowstone State: MT Zip Code: 59758

Regarding Building Permit #: 2014-BLDG-000450

Project Name: West Yellowstone Economic Development

Project Location: 209 Electric St., West Yellowstone, MT 59758

To Whom It May Concern:

The above project has been inspected by the Building Codes Bureau and appears to be in substantial compliance with the all state adopted codes and is approved for occupancy.

Thank you for your cooperation.

Sincerely,

Signature: Paul Drake  
Digitally signed by Paul Drake  
DN: cn=Paul Drake, o=Department of Labor & Industry,  
ou=Building Codes Bureau, email=pdrake@mt.gov, c=US  
Date: 2014.08.14 10:29:23 -0500

Building Codes Bureau

Telephone: 406-202-3494 E-mail Address: pdrake@mt.gov

Address: P.O. Box 200517

City: Helena State: MT Zip Code: 59620-0517

Cc: \_\_\_\_\_  
\_\_\_\_\_

**BUILDING PERMIT  
STATE OF MONTANA  
BUILDING CODES BUREAU  
301 S. PARK, PO BOX 200517  
HELENA, MT 59620-0517**

**John Greve  
PO BOX 190  
West Yellowstone, MT 59758**

<b>County:</b>	<b>Project Name:</b>	<b>Expires: 2/6/2016</b>
<b>Contractor:</b>		
<b>Owner: John Greve</b>	<b>Phone: 4065801520</b>	
<b>Inspector: Paul Drake</b>	<b>Phone: 406-202-3494</b>	
<b>Location: 209 Electric West Yellowstone, Mt 59758</b>	<b>Plan Reviewer: Keith Fletcher</b>	



Bureau Chief, Building Codes Bureau

For all work done under this permit number the permittee accepts full responsibility for compliance with the National Electrical Code or Montana State Plumbing/Mechanical Code as amended and other applicable State codes and Statutes.

Granted in accordance with Title 50, Chapter 60, Part 2, MCA, and all other administrative rules promulgated there under.

Granting of this provisional permit does not implicitly or expressly preempt or authorize violation of the provisions of any other state or local law relating to or regulating building construction. It remains the responsibility of the permit holder to comply with the State Building Codes regardless of whether non-complying items were identified during plan review or during inspection.

Check local zoning requirements. State licensing laws require that only properly licensed personnel be used to install electrical or plumbing systems on commercial or public projects.

**DISABILITY ACCESS NOTICE**

Compliance with the requirements of the state building code for physical accessibility to persons with disabilities does not necessarily guarantee compliance with the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1972, the Fair Housing Amendments Act of 1988, Title 49, Chapter 2, commonly known as the Montana Human Rights Act, or other similiar federal, state, or local laws that mandate accessibility to commercial construction or multifamily housing.

**From:** [joinergroup@aol.com](mailto:joinergroup@aol.com)  
**To:** [eroos@townofwestyellowstone.com](mailto:eroos@townofwestyellowstone.com)  
**Subject:** medical marijuana  
**Date:** Thursday, September 25, 2014 9:51:59 PM

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Elizabeth,

Hello, this is Charles Gaillard, I stopped in the other day and was discussing the possibility of opening a dispensary in the town of West Yellowstone.

As we discussed, I would like the opportunity to attend your next council meeting to see if its possible to open a dispensary to serve the medical marijuana card holding residents of West Yellowstone.

I have owned and operated a cultivation and dispensing company for 5 years in Big Sky. We take a lot of pride in the work that we do and the service we provide and would love to bring an extension of our company to your town.

Our company completely respects the viewpoints of community leaders and local law enforcement, this is why we prefer to speak with the town and seek permission. If you chose to not allow a dispensary we fully respect that and would not pursue opening a store in your town. If allowed we would only be opening a dispensing storefront and continue to cultivate In Big Sky. We would be able to provide year round employment opportunities and provide those that hold state medical marijuana cards a very professional, convenient and safe place to obtain high quality organic medical marijuana.

I would love to invite community leaders and law enforcement to take a tour of my faciltity In Big Sky to get an idea of the type of business I operate.

I look forward to hearing from you.

Charles Gaillard  
386-931-9334  
[joinergroup@aol.com](mailto:joinergroup@aol.com)

## Chapter 5.04 BUSINESS LICENSES

### Sections:

- [5.04.010](#) Definitions.
- [5.04.020](#) Business license required.
- [5.04.030](#) Application procedure.
- [5.04.040](#) License issued on annual basis.
- [5.04.050](#) Fee schedule.
- [5.04.060](#) Resort tax bonds.
- [5.04.065](#) Expositions and outdoor sales.
- [5.04.070](#) Interstate commerce.
- [5.04.080](#) Unlawful activities not licensed.
- [5.04.090](#) Business license revocation.
- [5.04.100](#) License revocation procedure.
- [5.04.110](#) Violations--Penalties.

### **5.04.080 Unlawful activities not licensed.**

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This chapter may not be construed to allow licensing of any business or activity that is prohibited by any law of the United States, the state of Montana or the town. It is unlawful for any person or entity to sell merchandise, goods, or services of any kind, or solicit orders for merchandise, goods, or services, on any street, alley, sidewalk or other public place in the town, except as permitted in Section [5.20.030](#). (Ord. 220 §8, 2006)

## Chapter 8.36 PUBLIC USE AND DISPLAY OF MEDICAL MARIJUANA

### Sections:

- [8.36.010](#) Purpose and intent.
- [8.36.020](#) Definitions.
- [8.36.030](#) Public display, smoking, or consumption of medical marijuana--Prohibited.
- [8.36.040](#) State law superseded and applicable.
- [8.36.050](#) Violation and penalty.
- [8.36.060](#) No private right of action.

### 8.36.010 Purpose and intent.

A. The purpose of this chapter is to identify acts regarding the medical use of marijuana within the town of West Yellowstone that are not authorized to be conducted in a manner open or visible to the general public. In addition, the purpose of this chapter is to identify that acts related to smoking, consuming, or displaying medical marijuana in certain public areas are to be punished as criminal acts and as such shall be subject to criminal penalties. The purpose of establishing these acts where the use is further limited by the town as criminal is to protect the public's health, safety, and general welfare.

B. It is the intent of this chapter that the visible or open display, smoking, or consumption of medical marijuana is to be confined to private property where that property or portions thereof are not adapted and fitted for public travel or are not in common use by the public. (Ord. 253 §1 (part), 2010)

### 8.36.020 Definitions.

- A. "Marijuana" has the meaning provided in Section [50-32-101](#), MCA.
- B. "Medical marijuana" means the uses of marijuana described in Section [50-46-102\(5\)](#), MCA. Other phrases herein such as "the use of medical marijuana" or "the medical use of marijuana" shall have the same meaning and include the term "usable marijuana."
- C. "Ways of the town open to the public" means any highway, road, driveway, alley, lane, parking area, sidewalk, park, trail, or other public or private place within the town of West Yellowstone that is adapted and fitted for the use of the public and that is in common use by the public. (Ord. 253 §1 (part), 2010)

### 8.36.030 Public display, smoking, or consumption of medical marijuana--Prohibited.

No person authorized by Title [50](#), Chapter [46](#), MCA, to acquire, possess, cultivate, manufacture, deliver, transfer, or transport medical marijuana may, on the ways of the town open to the public, display, smoke, or consume medical marijuana in an open or visible manner. (Ord. 253 §1 (part), 2010)

#### **8.36.040 State law superseded and applicable.**

The provisions of this chapter shall supersede Title [50](#), Chapter [46](#), MCA, only in so far as this chapter expands the limitations on the use of medical marijuana. All other provisions of state law related to medical marijuana or marijuana shall be applicable. (Ord. 253 §1 (part), 2010)

#### **8.36.050 Violation and penalty.**

A violation of any portion of this chapter is a misdemeanor and upon conviction a person shall be fined not more than five hundred dollars or imprisoned in the Gallatin County Detention Center for a period not to exceed six months or both such fine and imprisonment. A person so convicted shall also be required to pay all costs and expenses of prosecution and the courts as authorized by law. (Ord. 253 §1 (part), 2010)

#### **8.36.060 No private right of action.**

Nothing in this chapter shall be construed to create a private right of action regarding the acquisition, possession, cultivation, manufacture, delivery, transfer, or transport of either marijuana or medical marijuana. (Ord. 253 §1 (part), 2010)



West Yellowstone Town Council

23 September 2014

## West Yellowstone Public Library

The West Yellowstone Public Library Board of Trustees requests the Council's permission to make an addition to the Library building.

The addition would be in two phases, the first of which we would complete this fall. On the north side of the building we propose railed-in deck that will fit under the roof extension that served as a drive-up when the building was a bank. A secure door would lead from the interior to the new deck.

The second phase, to be completed at a later date, will enclose the deck and make it another room in the library. During phase 1 all the necessary utility connections for phase 2 will be prepared.

The deck will serve as a media space where people can freely use cell-phones, Skype, Facetime, and other interactive social devices. These functions are part of the rapidly changing uses that people are making of libraries and it particularly applies to the large number of our visitors who need to use different forms of media. Instead of the usual old prohibitions--the stern "SHH" and glare at anyone who breathes louder than a mouse and the prohibiting signs--we will instead provide a comfortable space where people can use their devices to talk to family and friends, beg their bankers for more funds, or conduct other business in comfort.

An additional feature of the deck will be its location in the Community Gardens where they can admire the erstwhile attempts of local gardeners to try and fool the climate.

Phase 2 will enclose the deck and thus provide a year round addition with multiple functions: media room, classroom, meeting room, and reading room. As we have maxed out our current space this is much needed.

There will be no cost to the town. The library received a one-off allocation of \$4,560 in its 2014-15 budget from the County. The funds are for capital expenditures and must be used this fiscal year. In addition, the Library Foundation has approved an allocation of \$2,500 towards the project. We had Chip Smith survey the space and determine the materials needed. He estimates that the first phase of the project should come in at about \$5,000.

The Board submits this proposal for your approval.

Rocky Hermanson

Chair, Board of Trustees

Kathleen A Brandis  
1417 S Church Ave., Bozeman59715  
406-585-2414 / [kbrandis@townofwestyellowstone.com](mailto:kbrandis@townofwestyellowstone.com)

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Town of West Yellowstone

Attn: Mayor Brad Schmier and Town Council Members John Costello, Greg Forsythe, Jerry Johnson, and Cole Parker

PO Box 1570

West Yellowstone, MT 59758

*Hand Delivered*

August 7, 2014

RE: Judge Reappointment

Dear Mayor Schmier and Town Council Members Costello, Forsythe, Johnson, and Parker:

As you may know, on December 31, 2014, my second term of serving as your City Court Judge concludes. I would appreciate being reappointed to another four year term. I have attached my resume to demonstrate my qualifications for reappointment.

I am scheduled to attend the Courts of Limited Jurisdiction Judicial Conference November 17-21, 2014. On the final day of this conference, I will take the recertification judge's exam. Passing this exam will authorize me to continue with my position as your City Judge.

Please add me to the agenda of an upcoming Town Council Meeting so we can discuss my reappointment. I will be available to answer questions or feel free to call me.

Thank you very much for your consideration. I truly enjoy this position and am committed to continue my service to the community of West Yellowstone.

Very Truly Yours,



Kathleen A. Brandis

City Court Judge, Town of West Yellowstone

### **BAR ADMISSIONS**

Montana State Bar (admitted 10/04); US District Court (Montana) (admitted 10/04)

Oregon State Bar (admitted 11/01), 01-529; US District Court (Oregon) (admitted 6/02)

### **EDUCATION**

**Gonzaga University School of Law, J.D., *Magna Cum Laude*, May 2001**

Activities and Achievements: Thomas More Scholar; Notes/Comments Editor of *Gonzaga University Law Review*; Civil Procedure Research/Teaching Assistant to Professor Gerry Hess, 1999-2001; *Gonzaga University Law Review* Associate Editor of the Year 1999; CALI Awards in Contracts II, Legal Writing & Research III, Jurisprudence, and Civil Rights; member of Alpha Sigma Nu Honor Society; and co-director of CLE *Leave No Child Behind*, 2000

**University of Washington, B.A., Political Science/Environmental Science, June 1991**

**Seattle University, B.A., Humanities, June 1989**

Activities and Achievements: University Scholar-Athlete; Varsity Ski and Soccer Teams; and Chapter-Head of Coalition for Human Concern

### **EXPERIENCE**

**City Judge, Courts of Limited Jurisdiction, May 2007-present**

Town of West Yellowstone, West Yellowstone, Montana

- Certified by the Montana Supreme Court to hold court as the City Judge for misdemeanor criminal offenses, civil cases for amounts up to \$12,000, small claims valued up to \$7,000, landlord/tenant disputes, local ordinances, forcible entry and detainer, protection orders, and other matters in a court in which most Montanans seeking justice encounter the justice system

**Adjunct Professor, September 2006-June 2007 & January 2013-present**

Montana State University, Bozeman, Montana

- Teach two courses in Business Law 361, including research and writing projects and a moot court competition; and one seminar course, Introduction to Business 194

**Water Master, March 2007-January 2013**

State of Montana Water Court, Bozeman, Montana

- Assisted half-time the Chief Water Judge in facilitating its exclusive jurisdiction over the statewide adjudication of over 219,000 state law-based water rights with a priority date pre-July 1, 1973 and Native American and Federal reserved water right claims

**Transactional Associate, April 2006-March 2007**

Sullivan Tabaracci & Rhoades, P.C., Bozeman, Montana

- Represented clients in real estate matters, contracts, and employment litigation

**Litigation Associate, January 2005-March 2006**

Crowley, Fleck, P.L.L.P., Bozeman, Montana

- Assisted in the representation of clients in civil litigation, prepared pleadings, discovery, and performed research and prepared memorandum on complex legal issues

**Judicial Law Clerk, September 2003-December 2004**

Honorable Malcolm F. Marsh, Article III Judge, District of Oregon, Portland, Oregon

- Managed one-half of Judge Marsh's civil and criminal caseload; prepared draft opinions; prepared bench memos; reviewed and organized trial documents; and assisted other judges on an as-needed basis

**Judicial Law Clerk**, September 2001-September 2003

Honorable Janice M. Stewart, Magistrate Judge, District of Oregon, Portland, Oregon

- Managed one-half of Judge Stewart's civil caseload (~100 cases); prepared draft opinions; prepared bench memos; and reviewed and organized trial documents

**Judicial Extern**, May 1999-November 2000

Honorable Cynthia Imbrogno, Magistrate Judge, Eastern District of Washington, Spokane, Washington

- Drafted opinions on social security cases, *habeas* petitions, and petty offense; drafted legal memos for settlement conferences; and bailiff for civil, criminal, and naturalization hearings

**PUBLICATIONS**

*Case Summary*, Montana Magistrate Association Newsletter (frequent contributor on significant cases affecting Courts of Limited Jurisdiction; *Trained to Think Like a Lawyer, Not How to Act Like One: Learning Moral Professionalism During the Formative Years* (through Carnegie Legal Education Seminar, Spring 2001)

**RELATED EXPERIENCE AND INTERESTS**

**Volunteer Coach**, Bozeman Blitz Soccer Club; **District 4 Chair**, Montana Magistrate's Association; **Contributor**, Montana Magistrate's Association Newsletter; **Panelist**, Montana Medical Legal Panel; **Past Boardmember**, Criminal Justice Coordinating Council; **Volunteer**, Gallatin Valley Food Bank; **Past Lawyer Volunteer**, Saint Andrews Legal Clinic; **Past Director and Young Lawyers CLE Committee Member**, Oregon Chapter of Federal Bar Association; **Past Freelance Writer**; **Past Ski Coach**, racers ranging from age 8-72; and enjoy outdoor sports

## Policy Number 13

A policy concerning the billing practices of the Town of West Yellowstone

### Sewer and Water

1. Sewer and Water user fees are to be billed monthly to each property owner or consumer
2. Water fees are billed as referenced in 13.04.250-2 and 13.04.270 of the West Yellowstone Municipal Code.
3. Sewer fees are billed as referenced in 13.08.110 of the West Yellowstone Municipal Code
4. After ninety (90) days of normal billing practices, if there is no payment from a water/sewer user, the Town Office may send a letter to the individual informing them that if they don't pay immediately or make arrangements to pay, the Town may begin legal proceedings to collect what is owed or have service shut off.
5. Ten (10) business days after the first notification, if the individual has not paid what is owed or made arrangements to pay; consumers will be notified that services may be shut off in 48 hours' time until arrangements for payments have been made.
6. If the consumer is a tenant of the property and no action has occurred on an outstanding bill, the property owner will be notified after 60 days of the delinquency and shall be responsible for the outstanding amount due as referenced in the West Yellowstone Municipal Code 13.04.020. Extended delinquent payments will become a lien against the property and may be collected through established legal procedures.
7. Discrepancies in water or sewer fees assessed and corrections to accounts shall only be back billed by the town for up to 6 months. Conversely, the Town will reimburse for discrepancies only back to 6 months in time.

### Business Licensing

1. Business License fees are due by June 30<sup>th</sup> of every year
2. If a business license renewal is not purchased by June 30<sup>th</sup>, late fees equal to 10% of the annual fee will be assessed.
3. Late fees accrued must be paid in order to renew a business license. If they are not paid, the Town may seek revocation of the business license as referenced in 5.04.020 of the West Yellowstone Municipal Code or may add the penalty to the following year's business license fee.

### General Bill collection

1. After the Town Office Staff has tried to collect any bill for the period of one (1) year and is unsuccessful and the amount of the bill is twenty-five dollars (\$25.00) or less, this bill may then be written off of the Town's books
2. All payments due to the Town Offices by a certain date are expected to be in the offices at the close of business of 5:00pm.

# TOWN OF WEST YELLOWSTONE



POLICY NUMBER 13

A POLICY CONCERNING THE BILLING PRACTICES OF THE TOWN OF WEST YELLOWSTONE.

## AMBULANCE

1. The first billing will be submitted to the Ambulance User from the Town Offices within five (5) business days of the Ambulance run.
  - (a) In the first billing, if there is no notice of the bill being submitted to an insurance company for payment, the Town requests that the user notify the Town, if the bill will be submitted to insurance. If the user should call, the Town Staff should obtain from them the name and address of the insurance company involved. If there is no notification of the bill being submitted to insurance for payment than the Town will begin assessing a monthly interest charge to the bill starting the 20th of the following month.
2. If at the end of ninety (90) days and the Town has not received any response from the Ambulance User, the Town will send the individual a letter signed by the Mayor imploring payment within twenty (20) days.
3. Twenty (20) days after the mailing of the Mayor's first letter, if there is no response, the individual is sent a second letter from the Mayor stating that the bill is being turned over to the Town Attorney for prosecution.
4. Twenty (20) days after the mailing of the Mayor's second letter, if there is no response, the individual receives a letter from the Town Attorney that states that legal action has now begun to collect the money through the Court System.
5. If the Town Attorney is unable to collect the money owed, through the Court System, the bill can than be turned over to a collection agency.

## SEWER

1. After ninety (90) days of normal billing practices and there is no response from a sewer user, the Town Office sends a letter to the individual informing them that if they don't pay immediately or



# FREE MUNICIPAL REGIONAL TRAINING

**MSU Extension Local Government Center (LGC)** and the **The Montana Municipal Interlocal Authority (MMIA)** are partnering to bring ***FREE* municipal training to your region.** Come ready to discuss with your colleagues interesting scenarios that will give you greater insight in to municipal management and governance.

The training will be held **9:00 am – 4:00 pm.** There will be a Q & A session and time to network with your peers. Lunch will be provided and brought onsite for your convenience.

City	Date	Location	Address	Register By
Helena	10/23/14	Rocky Mountain Emergency Services Training Center	3425 Skyway Dr Helena, Mt 59602	10/16/14
Ennis	10/24/14	Fire Department Meeting Room	5037 US Hwy 287 N (1 miles north of Ennis) Ennis, MT 59729	10/17/14
Lewistown	10/28/14	Fire Hall	305 W Watkins St. Ste 3 Lewistown, MT 59457	10/21/14
Glasgow	10/29/14	VFW	1222 US Hwy 2 Glasgow, MT 59230	10/22/14
Glendive	10/30/14	Training Room City Hall	300 S. Merrill Glendive, MT 59330	10/23/14
Billings	10/31/14	Library	510 N. Broadway Billings, MT 95101	10/24/14
Butte	11/12/14	Emma Park Neighborhood Center	300 S Colorado St Butte, MT 59701	11/05/14
Kalispell	11/19/14	Council Chambers	201 1st Ave E Kalispell, MT 59901	11/12/14
Missoula	11/20/14	Council Chambers	140 W Pine St Missoula, MT 59802	11/13/14
Great Falls	12/11/14	Gibson Room at Mansfield Event Center	2 Park Dr S Great Falls, MT 59401	12/04/14

Register online at <https://www.surveymonkey.com/s/2014MuniRegionalTrainingRegistration>  
or call **Ashley Kent** at the LGC (406) 994-6694.

**Have questions or need more information?**

Contact **Ashley Kent** at the LGC (406) 994-6694 or **Laura Wigen** at MMIA (800) 635-3089



make arrangements to pay, the Town will begin legal proceedings to collect what is owed.

2. After ten (10) days of the first notification and the individual has not paid what is owed or made arrangements to pay; they are sent a second letter signed by the Mayor stating that their bill is being turned over to the Town Attorney for collection through the Court System.
3. After ten (10) days of the mailing of the second letter and there is no response, the individual will receive a letter from the Town Attorney stating that he/she is beginning legal action to collect what is owed. According to the Public Service Commission, payment for sewer collection and treatment and other sewer services are due when billed and will be late if not paid within thirty (30) days. For late payment, the amount due will be increased one and one half percent per month from the date the bill is issued. If this added amount is not included with the late payment, it will be added to the sewer charges for the coming year. Extended delinquent payments will become a lien against the property and may be collected through established legal procedures.

WATER

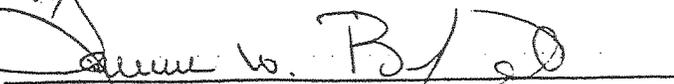
Wording from the Public Service Commission Docket #84.11.75, Order #5134 issued to the Town of West Yellowstone on April 18, 1985.

"Payment for water services are due when billed and will be "late" if not paid within thirty (30) days. For late payment, the amount due will be increased one and one half percent per month from the date the bill is issued. If this added amount is not included with the late payment, it will be added to the water charges for the coming quarter. Payment for water service not made within one quarter will result in the User's service being shut off until all back water charges and fees are fully paid".

GENERAL BILL COLLECTION

After the Town Office Staff has tried to collect any bill for the period of one (1) year and is unsuccessful and the amount of the bill is Twenty-Five dollars (\$25.00) or less this bill may than be written off of the Town's books.

  
MAYOR

  
DEPUTY CLERK

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR THIS 18th DAY OF MAY, 1989.

# Coordination Center Exercise

December 4, 2014 • 6:00 PM

## Gallatin County Coordination Center

Gallatin County is conducting an exercise in our Coordination Center on December 4, 2014 at 6:00 PM and we are looking for participants. This will be a functional exercise (simulated) with people assigned to specific areas within the scenario. Participants will be assigned to the following areas:

- Incident Command Posts
  - ⇒ These participants will be working on site at an ICP managing an extended incident.
- Coordination Center
  - ⇒ These participants will be working in the Coordination Center supporting multiple incidents.
- Policy Group
  - ⇒ These participants are elected officials who will work through their special duties during a disaster in support of the Coordination Center.
- Role Players
  - ⇒ These participants will be playing simulated people over the phone and in person in support of the exercise.

This exercise is designed to provide a quick orientation to large incident coordination and an opportunity to exercise this process in a facilitated environment. Please come learn, exercise your skills, and have fun.

Register at: <http://ReadyGallatin.com/ccx.php>

Coordination Center Exercise

December 4, 2014 • 6:00 PM

Gallatin County Coordination Center

219 East Tamarack, Bozeman, MT

[ReadyGallatin.com/ccx.php](http://ReadyGallatin.com/ccx.php)



Gallatin  
County  
Emergency  
Management

Preparing Our Community



**Mike Kadas**  
Director

# Montana Department of Revenue



**Steve Bullock**  
Governor

18-Sep-2014

**Account ID:** 5001626-004-ONP

**Letter ID:** L0303766656

**License Type:** Montana Retail On-Premises Consumption Restaurant Beer and Wine License

**License Number:** 06-758-3186-401

**RE:** Application for Transfer of Ownership and Location for Grizzly Claw Restaurant, 105 S Canyon St, West Yellowstone, Gallatin County, Montana

## NEWLY LICENSED PREMISES

The above referenced application was received at the Department of Revenue, Liquor Control Division. 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.

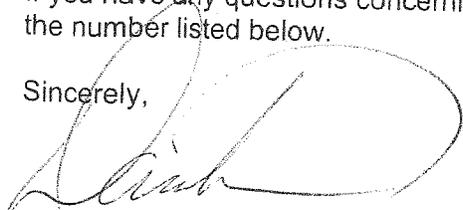
This is an application for a new premises, a premises not currently licensed for the consumption of alcohol. Building, health and fire approval will be required before department approval will be considered.

If any agency determines deficiencies exist that should be considered in the issuance of this license, please advise this office in writing by October 18, 2014. 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 concerning this or any other matter, please feel free to contact me at the number listed below.

Sincerely,



Danette Tenneson  
Compliance Specialist  
PO Box 1712  
Helena, MT 59624-1712  
Phone: (406) 444-4332

c: Department of Labor & Industry  
Montana Beer and Wine Wholesaler Association



CERTIFICATE OF SERVICE

I certify that on this 18<sup>th</sup> day of September 2014, 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:

WEST YELLOWSTONE CITY ATTORNEY  
PO BOX 1570  
WEST YELLOWSTONE MT 59758

GALLATIN COUNTY SANITARIAN  
ATTN: FRED  
215 WEST MENDENHALL STREET, ROOM #108  
BOZEMAN MT 59715

JAMIE GREENE  
OPERATIONS MANAGER  
PO BOX 1570  
WEST YELLOWSTONE MT 59758

BILL FOGARTY  
WEST YELLOWSTONE BUILDING INSPECTOR  
PO BOX 1570  
WEST YELLOWSTONE MT 59758

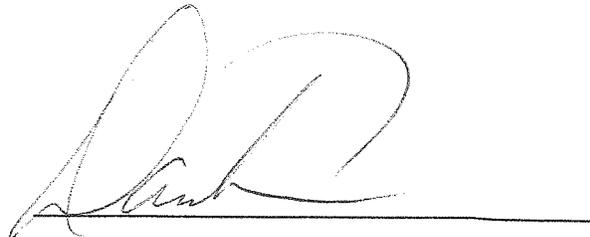
GORDON BERGER  
WEST YELLOWSTONE POLICE CHIEF  
PO BOX 1570  
WEST YELLOWSTONE MT 59758

WEST YELLOWSTONE COUNCILPERSONS  
PO BOX 1570  
WEST YELLOWSTONE MT 59758

HEBGEN BASIN FIRE DISTRICT  
SCOTT WALDRON, DISTRICT FIRE CHIEF  
PO BOX 1508  
WEST YELLOWSTONE MT 59758

JAMES PATTERSON  
BUILDING/FIRE INSPECTOR  
10 SOUTH FAITHFUL  
WEST YELLOWSTONE MT 59758

STATE BUILDING INSPECTOR  
9319 LINCOLN ROAD  
CANYON CREEK MT 59633  
[pdrake@mt.gov](mailto:pdrake@mt.gov)



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

### Check the Appropriate Boxes to Designate the Purpose of this Application

#### Alcoholic Beverage

- New Alcoholic Beverage License Application
- Existing Alcoholic Beverage License; Transfer of Ownership
- Existing Alcoholic Beverage License; Licensee Structure Change:  
(Addition of shareholder, member or partner not previously qualified)

#### Designate the Type of License of Your Application:

- On-Premises Beer
- On-Premises Beer and Wine
- All Beverage
- Restaurant Beer and Wine
- Resort License

#### Gambling

An ownership interest in a licensed gambling operation may not transfer an interest in the operation to a stranger to the license until a new gambling license application reflecting the proposed transfer is submitted to the department and the department approves the transfer.

An ownership interest in a licensed gambling operation may not be transferred to another owner or group of owners of an interest or interests in the same licensed gambling operation without submitting an amended gambling license application to the department and obtaining department approval.

- New Gambling
- Gambling Only - No Alcoholic Beverage License is required for Live Keno/Bingo.

### General Information

#### Print or Type

Name of Entity Applying Robert M Garcia  
(Owning entity Sole Proprietor/Partnerships/Corp./LLC/LLP i.e. John's Bar LLC)

Business/Trade Name Amizely Claw Restaurant

Business Address of Premises to be Licensed 105 So Canyon St  
(Street, Suite No., Building No., City, ST and Zip)

Mailing Address P.O. Box 716  
(P.O. Box or Street, City, ST and Zip)

City West Yellowstone State MT Zip 59758

Business Phone (406) 646-7134 Cell Phone (406) 640-0222

Fax (406) 646-1092 E Mail address GARCIAZAND2@YAHOO.COM

Federal Tax I.D. Number \_\_\_\_\_

Alcohol Beverage License Number 06 - 758 - 3186 - 401  
(N/A if not applicable)

Check this box if you wish all correspondence sent to the attorney who submitted this application on your behalf.

Are the premises for licensing located:

- Within the boundaries of an incorporated city/town. (Liquor and Gambling Licensing)
- Within a distance of five miles of an incorporated city/town. (Liquor Licensing)
- Within an unincorporated city/town or outside the boundaries of, and more than five miles distance from, any city/town whether incorporated or unincorporated. (Liquor Licensing)

West Yellowstone in the County of Gallatin County  
City Name County Name

Section II

Ownership Information

A. The applicant is a: (See information checklist for documents required for each ownership type)

- Individual(s) / Sole Proprietor(s)
- Partnership
  - General
  - Limited
- Limited Liability Company
- Limited Liability Partnership
- Charitable or Non-Profit Organization qualified Under 26 U.S.C. 501(c)(3), (c)(4), (c)(8) or (c)(9)
- Retirement home or nursing home (Gambling Only)
- Corporation
  - C Corporation
  - Subchapter S
  - Publicly Held

Individuals and Partnerships may wish to apply as Joint Tenants with Rights of Survivorship (JTROS) or Tenants in Common (TENCOM). Make certain each individual with right of survivorship or tenant in common is listed below.

JTROS or  TEN COM

In the spaces below, list all owners, partners, members, officers and/or directors. Each individual listed below must submit 2 completed fingerprint cards, personal/criminal history statement and fees. Use additional sheet of paper if necessary. For applicants that use a multiple entity structure, attach a diagram showing all entities and individuals.

Name (First, M.I., Last) Robert M. Garcia Title owner/manager  
 Date of Birth \_\_\_\_\_ Social Security No. \_\_\_\_\_ Number of Shares 100%  
 Address \_\_\_\_\_ Percentage of Ownership 100%

Name (First, M.I., Last) \_\_\_\_\_ Title \_\_\_\_\_  
 Date of Birth \_\_\_\_\_ Social Security No. \_\_\_\_\_ Number of Shares \_\_\_\_\_  
 Address \_\_\_\_\_ Percentage of Ownership \_\_\_\_\_

Name (First, M.I., Last) \_\_\_\_\_ Title \_\_\_\_\_  
 Date of Birth \_\_\_\_\_ Social Security No. \_\_\_\_\_ Number of Shares \_\_\_\_\_  
 Address \_\_\_\_\_ Percentage of Ownership \_\_\_\_\_

Section III

Management Information

A. Provide the following information for each management employee. If applying as an entity, include the manager of the day-to-day operation for the business. Attach management agreement if applicable. Each individual listed below must submit 2 completed fingerprint cards, personal/criminal history statement(s) and fee(s).

- Gambling
- Alcoholic Beverage
- Both
- N/A

Name Robert M Garcia Date of Birth \_\_\_\_\_ Social Security No. \_\_\_\_\_  
 Address 317 Gibbon Ave Phone 406 440 0228 Salary 1500 Bi monthly

Name \_\_\_\_\_ Date of Birth \_\_\_\_\_ Social Security No. \_\_\_\_\_  
 Address \_\_\_\_\_ Phone \_\_\_\_\_ Salary \_\_\_\_\_

Section V

Premises Information

A. Does the applicant's premises: (Use additional paper if necessary)

- 1.  Yes  No Have permanently installed walls extending from floor to ceiling?
- 2.  Yes  No Have a distinct address?
- 3.  Yes  No Share an address with another business? If Yes, name the business:
- 4.  Yes  No Have a public external entrance that is shared with another premises for which a gambling operator license has been issued? If Yes, name the business:
- 5.  Yes  No Share a common internal wall with another premises to which a gambling operator license has been issued? If Yes, explain and submit copy of the floor plan and also name of operator/owners:
- 6.  Yes  No Have a bar and at least 12 seats at the bar, tables or booths independent of gaming machines?

B. Describe where the premises is located:

- 1. Are the entrance doors of the premises proposed for licensing on the same street as, and within 600 feet of, the entrance doors of a building occupied exclusively as a church, synagogue or other place of worship or school (except a commercially operated or post secondary school)?  
 Yes  No
- 2. Is the premises located within 150 feet of another premises licensed for on-premises alcoholic beverage consumption? (As defined in 23-5-629 MCA)  
 Yes  No If yes, answer all the following questions and include name of premise licensed:
  - Yes  No Does the second premises already have a permit for placement of video gambling machines?
  - Yes  No Is there a structural walkway between the two premises?
  - Yes  No Is the second premises licensee affiliated with the applicant?
  - Yes  No Is there an immediate family member related to the applicant within the ownership structure of the second premises licensee?
  - Yes  No Do the two licensed premises share any common management personnel?
  - Yes  No Would the applicant be considered a parent or subsidiary business entity to the second licensee?
  - Yes  No Does any person or entity within the ownership structure of the applicant share a commonality of business interest with any other person or entity within the ownership structure of the second licensee?
  - Yes  No Are there any contractual agreements or financing agreements between the applicant and the second licensee?
  - Yes  No Are there any investors common to the applicant and the second licensee?

C. Is the premises within any defined zones:

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

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

- 1.  Yes  No Is this a newly constructed premises?  
If Yes, indicate an estimated date of occupancy \_\_\_\_\_
- 2.  Yes  No Is this a remodel of an existing premises?  
If Yes, indicate an estimated date of completion \_\_\_\_\_

E. Is the premise operated under a concession agreement?

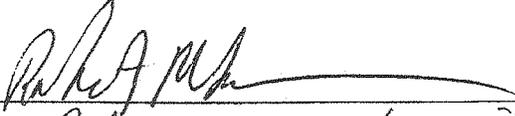
- 1.  Yes  No If Yes, attach a copy of the concession agreement. Note: ARM 42.12.133 requires certain signage for a premise operated under a concession agreement.

### Declaration and Authorization

#### APPLICANT'S FORMAL DECLARATION AND AUTHORIZATION FOR EXAMINATION AND RELEASE OF INFORMATION

I, Robert M Garcia, hereby declare under the penalty of law and/or the revocation of any licenses granted pursuant hereto, that I am the applicant or duly authorized representative of the firm or corporation making this application and that I have examined the application, including any accompanying information, and that the responses provided herein 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.

I further authorize a full review, disclosure and release to any duly authorized officer, agent or employee of the Montana Department of Justice, Gambling Control Division, of any and all records concerning me that the Montana Department of Justice properly determines relate to my qualifications for gambling and/or liquor licensure, whether the records are of a public, private, or confidential nature.

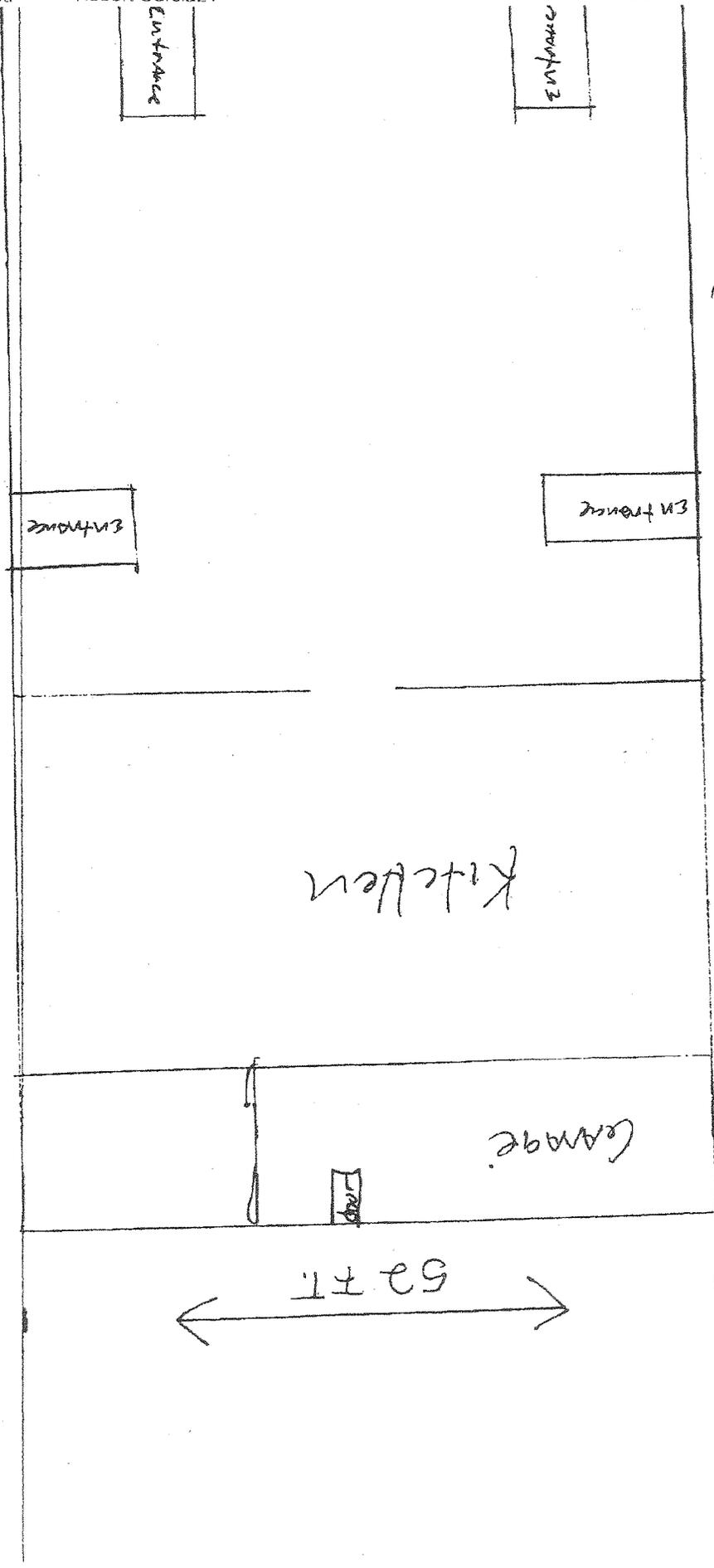
SIGNATURE   
PRINT FULL NAME Robert Martin Garcia  
TITLE/POSITION owner / mgr  
DATE 6/24/14

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.**

NOTARY

license # 06-758-3186-401  
 612214 Claw Restaurant P.O. Box 1100 MT 59758  
 outside dimensions = 96 FT x 52 FT



RECEIVED BY  
 SEP 15 2014  
 GAMBLING CONTROL DIVISION

96 FT

52 FT



**TOWN OF WEST YELLOWSTONE**  
**MONTANA**  
*naturally interesting!*

September 26, 2014

Ms. Mariah Leuschen  
Gallatin County Resource Advisory Committee Members  
Custer Gallatin Supervisors Office  
10 E Babcock, P.O. Box 130  
Bozeman, MT 59715

Dear Ms. Leuschen and RAC Members:

With the submission of this letter, the Town of West Yellowstone gives its enthusiastic support to the Town of West Yellowstone Park and Recreation Advisory Board's submittal of a RAC grant application for the ***Frontier Trail Surfacing Project***.

The Park and Recreation Advisory Board is a group of dedicated volunteers, appointed by the Town Council, to advise the Council on matters pertaining to parks and recreational activities in West Yellowstone. These volunteers have prepared this grant application in order to upgrade a recreational trail that was developed as a partnership between the Forest Service's Hebgen Basin Ranger District and the Town. The Town Council approved the submittal of this grant application and letter of support at their meeting on September 9, 2014.

The Town of West Yellowstone accommodates more than 1,000,000 visitors annually, many of whom are interested in outdoor recreational activities. The Frontier Trail provides visitors the opportunity to walk or ride bicycles along a safe, convenient path in and around town. The trail is used by families, dog-walkers, bicyclists, and joggers throughout the spring, summer and fall. A RAC grant would allow upgrades to the portion of the trail that lies on National Forest land. The opportunity to improve the trail's surface will result in a more easily identifiable route and improve the overall safety of its users, whether that user is a family with young kids in strollers or an athlete training for a marathon race.

The Frontier Trail is a fine example of public, federal and local government cooperation to provide outdoor recreational opportunities for all. If we can provide additional information please don't hesitate to contact me via email at [rguay@townofwestyellowstone.com](mailto:rguay@townofwestyellowstone.com) or by phone at 406-646-7795.

Sincerely,



Rebecca C. Guay  
Operations Manager

c: Town Council  
Cavan Fitzsimmons, District Ranger



**From:** [John Greve](#)  
**To:** [Westmayor](#); [Marysue Costello](#); [Barbara Klesel](#); [Kay Mathews](#); [kimberly howell](#)  
**Cc:** [Elizabeth Roos](#)  
**Subject:** 10.09.14 MAPFAB Meet Agenda  
**Date:** Wednesday, October 01, 2014 7:04:28 PM

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Board Members,

I heard back from 4 of you that you could meet for 2 hours. Thus, we will meet from 12:00pm-2:00pm at the Povah Center on Thurs. Oct. 9

Applicants have been notified about their app review times.

Agenda:

1. Public Comment
  2. Approve 7.10.14 Meeting Minutes
  3. Review Financials
  4. Review Applications
- 12:10pm GWDC- Museum Renovation Project \$2,400
  - 12:35pm WY C of C Mkt. Comm.- Kids "N" Snow \$5,000
  - 1:00pm WY/HL Ice Fish Comm.- Ice Fish Festival, \$3,500
  - 1:25pm K. Mann- Wild Bill Days \$30,000
5. Updates
  6. Next Proposed Meeting Date: Thurs. Nov. 13, 2014