

Town of West Yellowstone

Tuesday, December 2, 2014

West Yellowstone Town Hall, 440 Yellowstone Avenue

WORK SESSION AGENDA

5:30 PM

Resort Tax Exemptions ∞

Discussion

TOWN COUNCIL MEETING AGENDA

7:00 PM

Pledge of Allegiance

Purchase Order

Treasurer's Report/Securities Report ∞

Claims ∞

Consent Agenda: **November 18, 2014, Town Council Meeting** ∞

Business License Applications

Advisory Board Report(s)

Operations Manager & Department Head Reports

Assignments Report

Comment Period

- **Public Comment**
- **Council Comments**

NEW BUSINESS

Appraisal Firm Selection for 80 Acres of USFS Land ∞

Discussion/Action

Resolution No. 658, Single Family Equivalency Schedule for Sewer Connections ∞

Discussion/Action

Local Government Study Commission Ex-Officio Member Appointment ∞

Discussion/Action

Proposal to lobby State Legislature to allow the increase of Resort Tax from 3% to 4% to fund Historic Preservation/Infrastructure ∞

Discussion/Action

Correspondence/FYI

Meeting Reminders



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. 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.

Resort Tax Exemptions

The 3% Resort Tax applies to all items sold within the limits of the Town of West Yellowstone except for these specific exemptions:

1. Food purchased unprepared or unserved
2. Utilities and utility services (including internet service)
3. Medical supply services and medicine
4. Wholesale merchandise for resale at retail or used in the purchaser's business as supplies.
5. Gasoline and other motor vehicle fuel
6. Propane and similar home fuels
7. Liquor sold at state liquor stores
8. Automobiles, trucks, snowmobiles, motorcycles, all-terrain vehicles, boats, outboard motors, and chain saws
9. Labor on the items listed in No. 8
10. All non-recreational labor, services, and non-recreational state licensed professions and trades
11. All payroll, business, and labor costs
12. Lumber, building supplies, and tools
13. Household appliances
14. Bicycles sales and service
15. Lodging facilities occupied for a period longer than 30 days
16. Sales of goods from catalogs paid for from outside the boundaries of the Town
17. Newspapers
18. Fishing and hunting licenses

Please Note: Food Stamp regulations have been accepted as criteria for food purchased unprepared or unserved. Food prepared and served by a business for consumption off premises IS TAXABLE. i.e. To-Go Orders including all restaurant foods as well as microwaved foods prepared on premises for consumption there or elsewhere is taxable.

Goods and Services Subject to Resort Tax

The 3% Resort Tax IS applied to the following goods and services:

1. Lodging rentals – less than 30 consecutive days (hotels, motels and other lodging facilities)
2. Camping space rental.
3. Food that is prepared or served (restaurants, fast food stores, and other food service establishments).
 - a. Food prepared and served for off-premises consumption (To-Go Orders)
 - b. Microwaved foods prepared on premises for consumption there or elsewhere.
4. Lodging rentals – less than 30 consecutive days (hotels, motels and other lodging facilities)
5. Camping space rentals
6. Beer, wine, liquor and other alcoholic beverages served by the drink at a public establishment (taverns, bars, nightclubs, lounges, restaurants, etc.)
7. “Luxury” items
 - a. Sporting goods
 - b. Rentals and rental insurance on snowmobiles, bicycles, skis, boats, campers, boat motors
 - c. Recreational Services
 - i. Guide services (hunting, fishing, photography, etc.
 - ii. Float trips
 - iii. Guided trips
 - iv. Guided tours
8. Souvenirs and “localized” items
 - a. Imprinted clothing and hats
 - b. Curios
9. All non-food items
 - a. Cleaning supplies
 - b. Housewares
 - c. Automotive supplies and parts
 - d. Ice
 - e. Retail clothing sales including hats, gloves, outerwear, etc.
 - f. Retail liquor, beer and wine, except when sold at state liquor stores.
 - g. automotive supplies and parts

Resort Tax Exemptions

The 3% Resort Tax applies to all items sold within the limits of the Town of West Yellowstone except for these specific exemptions:

1. Food purchased unprepared or unserved
 - a. Packaged candy, snacks and similar items
 - b. Canned soda pop, energy drinks, bottled water and similar items
 - c. Bagged chips, fritos, doritos, popcorn not prepared on-site, etc.
 - d. Packaged baked goods like cookies, single-serve pies, rolls, etc., not prepared on-site
2. Utilities and utility services (including internet service)
3. Medical supply services and medicine
 - a. Vitamins
 - b. Over-the-counter drugs (analgesics, antacids, cough & cold remedies, etc.)
4. Wholesale merchandise for resale at retail or used in the purchaser's business as supplies.
5. Gasoline and other motor vehicle fuel
6. Propane and similar home fuels
7. Liquor sold at state liquor stores.
8. Automobiles, trucks, snowmobiles, motorcycles, all-terrain vehicles, bicycles, boats, outboard motors, and chain saws
9. Labor on the items listed in No. 8. But parts for items in No. 8 **ARE** taxable.
10. All non-recreational labor, services, and non-recreational state licensed professions and trades, (Haircuts)
11. All payroll, business, and labor costs
12. Lumber, building supplies, and tools
13. Household appliances
14. Bicycles sales and service
15. Lodging facilities occupied for a period longer than 30 days
16. Sales of goods from catalogs and internet sales paid for from outside the boundaries of the Town
17. Newspapers
18. Fishing and hunting licenses
19. Nursery (plant) stock and nursery items

Please Note: Food Stamp regulations have been accepted as criteria for food purchased unprepared or unserved.

11/26/14
15:30:54

TOWN OF WEST YELLOWSTONE
Claim Approval List
For the Accounting Period: 12/14

Page: 2 of 4
Report ID: AP100

* ... Over spent expenditure

Claim	Vendor #/Name/	Document \$/	Disc \$						Cash
Check	Invoice #/Inv Date/Description	Line \$		PO #	Fund Org Acct	Object	Proj	Account	
40511	2635 Jake's Automotive and Tire	113.47							
12498	11/24/14 repair plow wiring	113.47		STREET	1000 430200	369		101000	
40512	2764 HD Supply Waterworks, Ltd.	4,316.78							
D228215	11/10/14 water parts/supplies	3,506.78		WATER	5210 430550	937		101000	
D150689	11/05/14 water parts/supplies	540.00		WATER	5210 430550	937		101000	
D228238	11/13/14 water parts/supplies	270.00		WATER	5210 430550	937		101000	
40513	2697 Beartooth Barbecue	2,265.77							
201	11/03/14 BBQ-MLCT convention	2,265.77		MLCT	1000 460310	220		101000	
40514	171 Montana Food Bank Network	512.55							
42750-1	11/12/14 commodities	14.85		HELP	7010 450135	220		101000	
42472-1	11/12/14 commodities	83.55		HELP	7010 450135	220		101000	
42473-1	11/12/14 commodities	414.15		HELP	7010 450135	220		101000	
40515	2866 Blue Heron Enterprises	230.34							
106	11/21/14 row cover, comm garden	230.34		GARDEN	2213 460000	220		101000	
40516	1461 OCLC, INC	760.00							
357110	10/31/14 group services, annual	760.00		LIB	2220 460100	398		101000	
40517	2381 WYED	1,500.00							
11/20/14	refund Rod Run bond	1,500.00		RT	2100 214000			101000	
40518	725 Swan Cleaners	79.50							
1489	11/03/14 jail laundry	79.50		JAIL	1000 420230	390		101000	
40519	1330 Old Dominion Brush	1,235.58							
59841-IN	06/17/14 brooms, sweeper	361.77		STREET	1000 430200	369		101000	
59840-IN	06/16/14 gutter broom, sweeper	873.81		STREET	1000 430200	369		101000	
40520	379 Energy Laboratories, Inc	309.50							
340950746	09/10/14 waste water samples	309.50		SEWER	5310 430640	357		101000	
40521	2096 Pump Tech Co., Inc.	12,692.00							
221126	11/11/14 service, pumps, shipping	12,692.00*		SEWER	5310 430630	369		101000	
40522	2481 Platt	58.91							
F534363	11/10/14 supplies	58.91		PARKS	1000 460430	366		101000	

11/26/14
15:30:54

TOWN OF WEST YELLOWSTONE
Claim Approval List
For the Accounting Period: 12/14

Page: 3 of 4
Report ID: AP100

* ... Over spent expenditure

Claim	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
40523			1447 MMC, Inc.	172.75					
	5683	11/14/14	repair to hydraulic cylinder	172.75		STREET	1000 430200	369	101000
40524			135 Food Roundup	5.14					
		11/01/14	commodities	5.14		HELP	7010 450135	220	101000
		# of Claims	21	Total:	54,581.52				
					54,581.52				

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
November 18, 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

Kerry White-House District 64, Jedediah Hinkle-Montana Senate District 32, Heather-Human Resource Development Council (HRDC), Rob Gilmore-Northern Rocky Mountain Development, Dave Magistrelli-Habitat for Humanity, Richard Gibson, Terri Gibson, Jeremy Weber-West Yellowstone News, Marysue Costello, Randy Wakefield, Helene Rightenour, Brenda Martin-Head Dispatcher, Sandi Pepler, Diana Morris, Roxanne White, Ryan Barker, John Greve, Li Zhang,

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.

Prior to addressing the regular Town Council agenda, the Council invited Rob Gilmore, Director for the northern Rocky Mountain Economic Development District, to attend and explain the CDBG Planning Grant that has been awarded to the Town. Heather ?? of HRDC also addresses the Council and explains that the purpose of the proposed project is to procure professional services to estimate the development costs and feasibility of the sites that have been identified, conduct a market feasibility study, and the complete the community housing survey and housing plan. The total project is estimated to cost \$40,000 with \$30,000 coming from CDBG and \$10,000 anticipated will come from the Town's Revolving Loan Fund. She also points out that they have been awarded a "Vista" volunteer from the Federal Americorps program, which will provide an individual that will work on this project for a year for a cost of only \$2500. Dave Magistrelli, Executive Director for Habitat for Humanity addresses the Council and expresses support for this project. He says they have been working in the community since 2010. He says that a result of this project will give them tools to move forward to improve rental housing and private home ownership. Mayor Schmier says that they have identified seven parcels in West Yellowstone that could be improved or developed. He asks if they have contacted any of the property owners of the identified parcels. Magistrelli says they have not because of federal regulations that protect current renters but also points out that they are not locked into those specific parcels. Parker asks if there is opportunity for a private landowner to get federal assistance to develop property. Heather responds that is an option but there are multiple considerations. She says that HRDC actually manages over 300 units in the Bozeman area, but they will take the specific details of the property and consider purchasing the property, long-term leasing, etc. Magistrelli explains that their objective is to come up with a specific plan of action to address housing issues in West Yellowstone. Costello asks if Magistrelli thinks the Town should establish a housing authority. Magistrelli says it is an option, but HRDC also has the ability to handle that. Parker says that they have multiple housing studies and inquires how this process will make a difference. Magistrelli says this process will produce a course of action they can follow to make a real difference in the housing problem. The Council asks various questions about the grant and the process.

ACTION TAKEN

- 1) Motion carried to approve the claims which total \$140,969.43. (Costello, Parker) Forsythe abstains from claim #40482 to Westmart Building Center.
- 2) Motion carried to approve the Consent Agenda which includes the minutes of the November 5, 2014 Town Council Meeting. (Johnson, Forsythe)

- 3) Motion carried to approve the Exposition License for the Mistletoe Magic Holiday Bazaar. (Parker, Forsythe) See Next Motion.
- 4) Secondary Motion carried to approve the Exposition License for the Mistletoe Magic Holiday Bazaar at the reduced fee of \$50. (Parker, Forsythe)
- 5) Motion carried to waive the resort tax bond for the Mistletoe Magic Holiday Bazaar based on a satisfactory payment history by the applicant. (Costello, Parker)
- 6) Motion carried to authorize the expenditure of \$10,000 from the Revolving Loan Fund (RLF) as a match for the t to the CDBG grant and accept the grant. (Costello, Forsythe)
- 7) Motion carried to approve the Application to Maintain an Encroachment made by Tri-State Excavating to temporarily park two semi-trucks and trailers in Block 32 from December through March. (Parker, Schmier) Forsythe is opposed, motion passes.
- 8) Motion carried to approve the Marketing and Promotions Fund award recommendation for \$12,000 to the West Yellowstone Chamber Snowmobile Events Committee for the 2015 Snowmobile Expo. (Costello, Parker)
- 9) Motion carried to pull the Study Commission item from the agenda. (Parker, Costello)

COMMENT PERIOD

Public Comment Period

Glen Loomis addresses the Council and those in attendance at the meeting. He reminds the Council that in early 2013, the Council passed a resolution supporting increasing the resort tax from 3% to 4% for the purpose of historic preservation. He says that their efforts at the time failed but encourages the Council to take the proposal to the legislature again this year. He says that the historical buildings in West Yellowstone are vital to their economy and heritage. He encourages the Council to renew Resolution No. 629. He says that once they get it through the state legislature, they will still have to put the option before the electorate.

Council Comments

Council Member Parker announces that the annual Community Thanksgiving Dinner is this Thursday at 6 PM at the LDS Church, everyone in the community is invited. He also inquires about the installation of a handrail on the north side of the Town Hall. Public Services Superintendent James Patterson says they have measured for the rail and it will be installed the same time as the new rail for the Union Pacific Dining Lodge.

Kerry White introduces himself and explains that due to the last census and redistricting, he has just been elected to represent **House District No. 64**, which includes West Yellowstone. He previously represented almost the same area as House District 70. He says that his family has a long history in this area that he is very proud of. He says that the legislature will convene in January and will last for 90 days. He encourages the Town that if they are going to pursue the resort tax increase that they move quickly and do their best to gather support from other resort communities. He emphasizes that what is important to the people of his district is important to him. He says that he is conservative and a Republican. He says that the Governor is asking for a 7% increase for state government operations, which he feels is very high and he does not see as justified. He says he will leave his card and encourages anyone with a concern to contact him.

Jedediah Hinkle, newly elected to **Senate District 32**, introduces himself. A native of Phillipsburg, he has lived in Bozeman for 16 years. He says that he is learning a lot and is looking forward to serving the people in this area. Hinkle also leaves his contact information

Brad Grimes reminds the group that Yellowstone National Park is proposing to raise the entrance fees, which is out for public comment period. He encourages the Council and the Chamber not to miss the opportunity to comment on the proposed rate increases.

DISCUSSION

- 3) Three Wise Women Business License, Finance Director Lanie Gospodarek explains that a couple local crafters have applied for a business license with the intention of operating a craft fair at the Povah Center next month. She says that they have determined that this event actually requires an Exposition License, which is a business license for an event. She says that the staff is recommending that the Council actually approve the Exposition License but reduce the fee from \$250 to \$50. Guay says that after evaluating the issue, they think this is the best approach. They think that they should consider amending the business license ordinance and exposition license process.
- 7) The Council discusses the application from Tri-State Excavating to temporarily park equipment in Block 32 from December until Mid-March. The group discusses the application at length. The Council considers that allowing the encroachment would free up space in other areas. Glen Loomis says that Yellowstone Avenue is a main thoroughfare through their Town and he thinks they should do their best to keep it as neat and attractive as possible.
- 9) The staff explains that they are still waiting for a definitive answer from the County Elections Office and County Attorney on whether the undeclared write-in candidates will be considered elected.

A) Department Head/Operations Manager's Report:

Gospodarek points out that there was a claim on the claims list to the Yellowstone Foundation for \$504.38. She explains that this money was raised during the MLCT conference through the 5K fun run that was sponsored by MMIA. The money is earmarked for the Expedition Yellowstone program that provides a week-long educational program for all the 6th graders in West Yellowstone.

- B) Guay explains that they received two responses to the Request for Qualifications. She says the next step is for the Council and the Forest Service to score the responses. At that point, they could enter into negotiations with one of the firms or interview both firms. Costello says they expected more responses and asks Guay if she knows why. Guay says that she spoke to everyone they sent the RFQ to a couple days before the deadline, most responded that they would respond if they had time. Guay says the Council could also choose to extend the response deadline in anticipation of receiving more responses. Costello says he would also like to know how the Forest Service feels about only receiving two responses. Guay says she will contact John Hickey and/or Frome of the Forest Service and find out if they think they should reopen the RFQ.

The meeting is adjourned. (8:45 PM)

Mayor

ATTEST:

Town Clerk

memo

TOWN OF WEST YELLOWSTONE

Date: December 2, 2014
To: Honorable Mayor and Town Council
From: Becky Guay, Operations Manager 
Regarding: Selection of Appraiser

Recommendation

Rocky Mountain Appraisals will be recommended to conduct the appraisal on the 80 acres of Forest Service land adjacent to the Town provided that the Town and RMA can come to agreement on the cost of the services.

Discussion

The Town received two responses to its Request for Qualification for appraisal services, one from Rocky Mountain Appraisals and one from Granite Creek Valuation. The Forest Service, Council Member Costello and I have reviewed the two responses and while both firms are highly qualified, we all agree that Rocky Mountain Appraisals (RMA) be the first choice to negotiate with to establish the cost of the appraisal.

RMA's proposed schedule and availability fit better with the Town's objectives, indicating that the appraisal could be completed by January, 2015. The firm also has significant experience appraising larger tracts of land for the Forest Service and other government agencies.

If the Council approves the selection of RMA, staff will work to develop an agreement and establish the cost for the appraisal and bring this information back to the Council for approval at your next meeting.



Andrew Cornish, MAI, SRA
P.O. Box 9488
Jackson, WY 83002
307-733-7799

acornish@rmappraisals.com and appraiser@rmappraisals.com

Submitted Request for Qualification (RFQ) for West Yellowstone Expansion Lands Property

- 1) Professional Qualifications of the Firm - Rocky Mountain Appraisals is located in Jackson, Wyoming and has performed appraisals in Wyoming, Idaho, and Montana. Andrew Cornish is the president and founder of Rocky Mountain Appraisals. Mr. Cornish is a past president of the Wyoming Chapter of the Appraisal Institute and currently holds the MAI and SRA designations, signifying expertise in commercial and residential appraisal. Larger tract land such as that to be appraised in the West Yellowstone Expansion Lands appraisal assignment falls within Mr. Cornish's expertise. Recent appraisals completed for federal agencies include:
 - a. Munger Mountain - Appraisal of an approximately 235 acre conservation easement located within 695 acres of land on Munger Mountain in Teton County, Wyoming. The appraisal was written to UASFLA government "Yellow Book" standards due to its receiving funds from the US Forest Legacy Program. A fee range for this work was between \$7,500 - \$8,000. Appraisal was completed and approved in October of 2014. The contact for the assignment was Kimball Frome, RPRA, kdfrome@fs.fed.us - 406.587.6740.
 - b. Gilcrease - Appraisal of approximately 156 acres of land located near the border of Teton and Sublette Counties in Wyoming. The property was appraised for its potential acquisition from private ownership by the USDA Forest Service. The appraisal was written to UASFLA and completed in January of 2014 for an approximate fee of \$6,000. The contact for the assignment was Jeffrey W. Surber, RPRA Senior Review Appraiser, Intermountain Region, jsurber@fs.fed.us - (775) 352-1246.
 - c. Horse Creek WHMA - Appraisal of approximately 40 acres of land for Wyoming Game and Fish Department as well as access easement to Horse Creek Elk Feed Grounds. Appraisal was completed to USPAP standards

for State of Wyoming acquisitions purposes for a fee of between \$6,000 - \$7,000. The appraisal was written in April of 2014, and the contact for the assignment was Butch Parks, Land Administration Supervisor, Wyoming Game and Fish Department, butch.parks@wyo.gov - (307) 777-4596.

- d. Hatchet Meadows - Appraisal of approximately 30 acres of land for consideration of acquisition of the USDA Forest Service. Appraisal was completed to UASFLA and USPAP standards for a fee of between \$3,000 - \$4,000. The appraisal was written in October of 2014, and the contact for this assignment was Kraig Frome, RPRA, Regional Appraiser kfrome@fs.fed.us - 801.625.5367.
 - e. Ten Acre USFS Forest Service Campus - Appraisal of 10-acres of USFS land fronting N. Cache Street in Downtown Jackson. The appraisal was done for the Town of Jackson in their consideration of the acquisition of this land, not the USFS. As such, the appraisal was written to USPAP standards, not UASFLA. This appraisal was written in May of 2011. A contact for this work would be Bob McLaurin, Jackson Town Administrator, (bmclaurin@ci.jackson.wy.us) - (307) 733-3932.
- 2) Key Personnel - The appraisal would be completed by Andrew Cornish MAI, SRA, president and owner of Rocky Mountain Appraisals. Mr. Cornish has a degree in economics from Middlebury College and holds the MAI, and SRA designation as well as being a state certified appraiser. Mr. Cornish would be assisted by Julie Smith as a research assistant. Ms. Smith is a licensed residential appraiser. The location of the appraisers is Jackson, Wyoming. It is anticipated that no part of the assignment would be subcontracted out. Mr. Cornish would require the client to provide legal opinions (through in-house counsel or otherwise) on interpretation of title and other legal issues that may arise, without expense to Rocky Mountain Appraisals.
 - 3) Scheduling Availability - Mr. Cornish and Ms. Smith would be available for a pre-work meeting on November 12, or 18-20th if a November inspection and meeting was desired. Alternatively we are available after the Thanksgiving Holiday beginning with a very flexible schedule on December 1st. The appraisal could be completed by January 15, 2015 (assuming there are no delays outside of the control of Rocky Mountain Appraisals, such as delays in legal clarifications or unforeseen issues).

- 4) Suggested Approach – The subject property is vacant land, and as such, it is likely that the sales comparison approach to value will be the only approach employed. As the property is currently located in the National Forest, an interview with local planning and zoning officials to learn what zoning and intensity of use would stand the greatest chance of being obtained once the property was transferred to private ownership would be needed. The sales comparison approach to value would then be undertaken through the compilation of sales data of similar parcels of land. A preliminary interview with a West Yellowstone Realtor provided the indication that comparable data is not abundant in the immediate area and that the search for sales data may have to be expanded to a wider geographical area. As the appraisal is being performed for the potential disposition of federal lands, the appraisal would be written in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA “Yellow Book”). The appraisal would also be written in conformity with the Uniform Standards of Professional Appraisal Practice, in some instances, the UASFLA guidelines require the invoking of USPAP’s Jurisdictional Exception Rule so as to conform the appraisal with overriding Federal law relating to the valuation of real estate for government purposes. Appraisals prepared in accordance with the UASFLA Standards are considered, for the purposes of the Standards, to constitute a complete appraisal as previously defined by USPAP (UASFLA 2000 Edition, Documentation and Appraisal Reporting Standards, Introduction, page 8).
 - a. Note the UASFLA requires the definition and valuation of the “Larger Parcel” which, in summary, can be described as the lands that are contiguous, under the same ownership and have an integrated use. This could be broadly construed to imply that the valuation of entirety of contiguous USFS land should be valued. It is the opinion of Rocky Mountain Appraisals that this is not the intent of the assignment and that the valuation assignment would be limited to the 80 acres that has been described in the Appraisal Assignment package.

RESOLUTION NO. 658

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE, MONTANA

WHEREAS, sewer fees are subject to periodic review and revision and the Town council desires to ensure that the Town will collect funds sufficient for ongoing operations and maintenance, together with funds to expand and improve the waste water treatment system and

WHEREAS, 69-7-101 MCA authorizes the Town to regulate, establish and change as it considers proper, rates, charges and classifications imposed for utility services to its inhabitants and others served by the municipal utility system that are reasonable and just.

WHEREAS, Sewer fees for the Town of West Yellowstone are set by resolution

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE, COUNTY OF GALLATIN, STATE OF MONTANA

That in accordance with 69-7-101 MCA, the attached Single Family Equivalency Table as reviewed and revised by the Town's engineer, will be adopted and applied to municipal sewer users.

PASSED BY THE TOWN COUNCIL AND APPROVED BY THE MAYOR THIS 2nd DAY OF DECEMBER, 2014.

Mayor

Council Members for the Town of West Yellowstone

ATTEST:

Town Clerk

Equivalent User Schedule- November 2014

<u>Classification</u>	<u>Equivalent Users</u>
Apartments, Duplex and Trailers in Trailer Courts (per each)	1.00
Assembly Hall or lodge (no cafe)	1.00
Bar or Tavern (for each seat)	0.06
Barber&. Beauty Shops (per chair)	0.20
Bathhouse, 2 showers, 2 toilets or combination=4	1.00
Each additional shower	0.50
Each additional toilet	0.20
Bowling Alley (per lane)	0.20
Cafe, Up to 50 seats	2.00
For each additional 25 seats	1.00
Cafe, Drive-in, less than 20 inside seats	2.00
For each additional 20 inside seats	1.00
Car washes, per stall	2.00
Churches (single congregation)	2.00
Multiple congregations, for each additional	1.00
For churches which meet on Sunday only	1.00
Garage or Maintenance Shop	1.00
Hospitals or Medical Clinics (with no beds)	3.00
For each additional bed	0.50
Hotels, Motels, or Rooming Houses, per unit	0.20
Additional per unit with kitchen	0.20
Additional per unit with bathrooms	0.20
Institution with permanent or temporary residents	1.00
Rest Homes, etc. (plus per resident)	0.30
Laundromat, up to 10 washers	2.00
Each additional washer	0.10
Office, up to 20 employees	1.00
For each additional employee	0.03
Recreational Vehicle (RV) (per each site)	0.60
Schools, no cafeteria, per student	0.02
With cafeteria, per student	0.03
Service Station	2.00
Sewer Dump	2.00
Single Dwelling Unit (residence- home, trailer, or condominium)	1.00
Store or Business, up to 20 employees	1.00
Each additional employee	0.03
Supermarkets, Grocery	2.00
With butcher shop additional	1.00
With bakery additional	1.00
Theaters (per seat)	0.03
Warehouses, potato, etc., per 6,500 gallons/month	1.00
Open class per 6,500 gallons/month	1.00
	2.00

Montana Code Annotated 2014

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7-3-177. Composition of study commission. (1) The number of positions, which must be an odd number of not less than three, on the study commission shall be set out in the resolution or petition calling for the election on the question of reviewing the local government or local governments and establishing a study commission. If the election is called under the provisions of [7-3-173\(1\)\(c\)](#), the study commission shall consist of three members unless the local governing body by resolution declares that a larger number shall be elected.

(2) Every study commission shall include as an ex officio nonvoting member a member of the governing body or an elected official or employee of the local government appointed by the governing body. The ex officio member must be appointed prior to the organization of the study commission provided for in [7-3-179](#).

History: En. Sec. 7, Ch. 697, L. 1983; amd. Sec. 2, Ch. 435, L. 1985.

Provided by Montana Legislative Services

memo

TOWN OF WEST YELLOWSTONE

Date: December 2, 2014
To: Mayor and Town Council Members
From: Becky Guay, Operations Manager 
Regarding: Resort Tax Legislation

I have received a request from Glen Loomis and the Yellowstone Historic Center (YHC) to place an item on the Council agenda to discuss potential legislation to increase the maximum amount of resort tax an entity can levy from 3% to 4% with the additional funds being used for historic and heritage preservation activities and associated infrastructure support in affected jurisdictions. This request is similar to the one made in September of 2012, however, the language proposed for the amendment has been altered slightly to include infrastructure support for preservation activities.

Mr. Loomis proposes to work with has requested that the Town Council approve working with Montana legislators (Representative Kerry White, HD-64 and Senator Jedediah Hinkle, SD-32) during the upcoming legislative session to amend Montana Code Annotated (MCA) §7.6.15 related to resort tax as follows: *(The proposed amendment is shown in italics.)*

7-6-1503. Limit on resort tax rate -- goods and services subject to tax. (1) The rate of the resort tax must be established by the election petition or resolution provided for in 7-6-1504, but the rate may not exceed 3%. *However, an additional levy of up to one percent (1%) may be levied for Historic Preservation Projects and infrastructure support within the jurisdiction.*

Loomis is also proposing that the following definition of "Historic Preservation Project" accompany the legislation:

"Historic Preservation Projects include protection, restoration, curation and conservation of historic resources; education and training concerning the foregoing activities; and projects that promote the arts, culture and heritage of the jurisdiction including infrastructure support."

The rest of the resort tax law would not be modified by this amendment, including the requirement to set the rate of resort tax by election or by resolution of the governing body of the resort community as specified in §7-6-1504 MCA.

Attached are letters supporting changing the MCA to allow an additional 1% Resort Tax levy for historic preservation. These letters are dated 2012.

RESOLUTION NO. _____

**A RESOLUTION TO SUPPORT POTENTIAL LEGISLATION AMENDING
§7-6-1503 MONTANA CODE ANNOTATED, TO ALLOW MONTANA
RESORT TAX COMMUNITIES TO LEVY, UPON ELECTION OF QUALIFIED
VOTERS IN THE COMMUNITY OR DISTRICT, AN ADDITIONAL ONE PERCENT
(1%) OF RESORT TAX TO FUND HISTORIC PRESERVATION PROJECTS
WITHIN THE JURISDICTION.**

WHEREAS, in 1985 the legislature of the State of Montana approved legislation to authorize certain resort communities and resort areas to levy a resort tax on certain goods and services which is codified in Montana Code Annotated §7-6-15 et seq.; and

WHEREAS, in 1986 the qualified electors of the Town of West Yellowstone voted to authorize the Town to impose a resort tax in the amount of three percent (3%) within the corporate boundary of the Town of West Yellowstone; and

WHEREAS, in 2006 the qualified electors of the Town of West Yellowstone voted to reauthorize the Town to impose a resort tax in the amount of three percent (3%) within the corporate boundary of the Town of West Yellowstone; and

WHEREAS, the Town of West Yellowstone uses revenue generated by the resort tax levy to fund certain infrastructure improvements within its corporate boundary and to fund general operational costs of the Town; and

WHEREAS, the Town of West Yellowstone owns properties and structures of historical significance within the corporate limits of the Town and wishes to generate revenue to improve, preserve and maintain these historical properties; and

WHEREAS, the legislature of the State of Montana must amend §7-6-1503 MCA in order to allow resort tax communities and resort tax areas to levy resort tax in an amount exceeding three percent (3%).

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE, AS FOLLOWS:

The Town of West Yellowstone requests that the legislature of the State of Montana amend §7-6-1503 MCA as follows (*amendment shown in italicized text*):

“7-6-1503. Limit on resort tax rate – goods and services subject to tax. (1)
The rate of the Resort Tax must be established by the election petition or resolution provided for in 7-6-1504, but the rate may not exceed three percent (3%). *However, an additional levy of up to one percent (1%) may be levied for Historic Preservation Projects and infrastructure support within the jurisdiction.*

PASSED BY THE TOWN COUNCIL AND APPROVED BY THE MAYOR this 2nd day of December, 2014.

Mayor

Council Member

Council Member

Council Member

Council Member

ATTEST:

TOWN CLERK

Defining Historic Preservation Projects
For the Purpose of Funding
Through a Resort Tax

Definition:

- **Historic Preservation Projects** include protection, restoration, curation and conservation of historic resources; education and training concerning the foregoing activities; and projects that promote the arts, culture and heritage of the jurisdiction including infrastructure support.

Proposed Amended Legislation:

7-6-1503. Limit on resort tax rate – good and services subject to tax. (1) The rate of the Resort tax must be established by the election petition or resolution provided for in 7-6-1504, but the rate may not exceed 3%. *However an additional levy of up to 1% may be levied for Historic Preservation Projects and infrastructure support within the jurisdiction.*



Post Office Box 1299
West Yellowstone, Montana 59758

PHONE / FAX: (406) 646-7461
EMAIL: info@yellowstonehistoriccenter.or
WEBSITE: www.yellowstonehistoriccenter.or

March 1, 2012

Mayor Jerry Johnson
West Yellowstone Town Council Members
PO Box 1570
West Yellowstone, MT 59758

FORM 32 LETTERHEAD

Dear Mayor Johnson and Members of the West Yellowstone Town Council,

On behalf of the Board of Directors of the Yellowstone Historic Center, I am writing to encourage the Town's support of a proposal to increase the Town's resort tax by up to 1% for heritage and historic preservation in the Town of West Yellowstone.

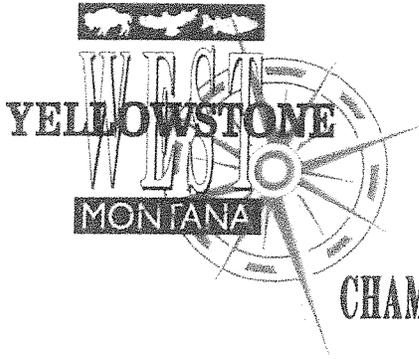
We believe the partnership between the Town and the Yellowstone Historic Center is a showcase for what can be achieved by working together. As you know, we have had numerous fundraising efforts to support the history and heritage of this community, but we believe a major funding endeavor is needed to begin to implement the concepts and visions identified in the Portico Plan.

The funds which may be generated by this proposed tax can place West Yellowstone in an exceptional position to ensure the long-term preservation of our unique historic resources, namely the buildings of the Oregon Short Line Terminus Historic District, as well as to ensure the ongoing preservation and interpretation of our Town's history.

We will be visiting with other groups within the Town to determine their views about adjusting the Town's resort tax.

Sincerely,

Rawhide Johnson
Chair of the Board of Directors
Yellowstone Historic Center



PO Box 458
West Yellowstone, Montana 59758
406-646-7701
destinationyellowstone.com

CHAMBER OF COMMERCE

September 12, 2012

Town Council
Town of West Yellowstone
PO Box 1570
West Yellowstone MT 59758

The West Yellowstone Chamber of Commerce supports an initiative that would allow local communities to vote to increase their Resort Cities Tax from 3% to 4% with the additional one percent earmarked for historical and heritage preservation. As a community we recognize the vital importance of our historical landmarks and cultural heritage to our sense of place and sense of self. We also are fully aware of their value as a part of our ability to attract visitors.

As funding dollars available for historic preservation become more difficult to garner, West Yellowstone seeks to establish a funding source that will enable us to meet the long-term needs of preserving our history and heritage.

Thank you for your time and attention. I, on behalf of our 238 members and their families, hope that you, too, will see the value in such an initiative.

Sincerely,

Travis Watt
Travis Watt (MJC)
President



W Y E D

West Yellowstone Economic Development Council, Inc.

September 13, 2012

Town of West Yellowstone
PO Box 1570
West Yellowstone, MT 59758

Dear Council,

On behalf of the West Yellowstone Economic Development Council's Board of Directors, I would like to express our support in the Yellowstone Historic Center's efforts of taking the initial steps in establishing a Historic District Resort Tax that would increase the current Resort Tax collection by 1%.

Our support is dependent on the condition that all funds generated would be earmarked for historic preservation and promotion and managed by a separate advisory board independent of the Yellowstone Historic Center, established by the Town of West Yellowstone.

Thank you for your time. If you have any questions, or need further information, please do not hesitate to contact me or any member of the Directors. Current Directors are: Glenn Hales, President; Clyde Seely, Vice President; John Greve, Treasurer; Sam Korsmoe, Executive Director; Claude Coffin, and Pierre Martineau.

Sincerely,


Clyde Seely
Vice President

P.O. Box 190 West Yellowstone, MT 59758

Town of West Yellowstone
MAP Fund Advisory Board Meeting Minutes
11.13.14 at 12pm at the Povah Center

Present: Jerry, John, Gloria, Barb, Kay

Also present: Katrina Mann and Jan Stoddard- Wild Bill Days; Marge Wanner and Jan Stoddard- Expo 2015

Agenda:

1. Katrina Mann- Review Wild Bill Days Marketing and Budget
2. Marge Wanner- Review Snowmobile Expo 2015 Application- \$12,000
3. Public Comment
4. Approve 10.9.14 Meeting Minutes
5. Review Financials
6. Discussion
 - Administrative Fees Funding Issue
 - Infrastructure Funding Issue
7. Updates
8. Next Proposed Meeting Date: Thurs. 12.11.14

Action items in red

Meeting called to order 12:04pm

Katrina Mann- Wild Bill Days Marketing and Budget Review

1. Katrina addressed her recently submitted Marketing Overview and Budget for \$12,500 in printing and advertising costs.
2. Board members questioned combined marketing costs w/ Expo 2015.
3. Motion made and seconded to approve the \$12,500 budget. (John, Kay). Unanimous approval.

Public Comment

1. Jerry: Suggested semi-annual or annual review of Policies and Procedures and Application, not anytime it's requested. Exception, if concern requires immediate attention.
2. Jerry: Original intent of the MAP Fund was to market events not to pay someone to market events.
3. Jerry: When reviewing applications, we need to look more closely at events that generate resort tax.

Reviewed Snowmobile Expo 2015 Application- \$12,000

1. Marge addressed the application.
2. Board questions focused on the additional funds requested this year and the concert ticket donation.
3. Jerry: Combined marketing dollars requested by Expo and Wild Bill Days is \$24,500. If attendance matches last year's attendance of approx. 6000 people, then marketing costs are \$4.08/person. That low cost is good.
4. Motion made and seconded to approve the app for \$12,000. (Kay, Gloria). Unanimous approval.
5. Kay will be the Board member to oversee the event.
6. John will email Liz the recommendation for the town council to approve the app at their 11.18.14 meeting.

Approved 10.9.14 Board Meeting Minutes- (Jerry, Barb) **John will email approved Minutes to Liz.**

Approved Financials- \$52,873.17 available. (Barb, Kay)

Administrative Fees Funding Issue

1. Motion made and seconded to continue to exclude administrative fees from being an allowable expense for funding. (John, Kay) Unanimous approval.

Infrastructure Funding Issue

1. Motion made and seconded to delete the reference to “infrastructure that has the potential to increase the number of visitor stays or extend visitor stays” as eligible projects for funding in the Policies and Procedures. (Kay, Barb) Unanimous approval.
2. **John will delete the reference in the Policies and Procedures and inform Liz about the deletion.**

Discussion

1. Kay: Last year’s 2 Snow Shoot receptions were at 1 location and different restaurants were not given the opportunity to bid on them. If we are asked to fund the receptions again, and vote to do so, then we should suggest that the receptions seek at least 3 bids.
2. **Board members agreed to limit discussions on revisions to the Policies and Procedures and Application to semi-annual discussions. Exception, if a concern requires immediate attention.**

Next meeting: Thurs. Dec. 11 at noon at the Povah Center.

Adjourned 2:03pm