

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 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.

* ... Over spent expenditure

Claim	Vendor #/Name/	Document \$/	Disc \$							Cash
Check	Invoice #/Inv Date/Description	Line \$		PO #	Fund Org Acct	Object	Proj	Account		
40959	2575 WY Tourism Business Improvement	7,491.31								
	06/01/15 May 2015 collections	7,491.31		TBID	2102 411800	540		101000		
40964	2852 Fremont Communications	300.00								
	159831 06/15/15 fiber optic, Town Hall	300.00		TWNHAL	1000 411250	345		101000		
40965	42 Fall River Electric	8,307.19								
	05/20/15 UPDH 4212041 elec service	509.03		UPDH	1000 411252	341		101000		
	05/20/15 POLICE 4212008 elec service	239.74		POLICE	1000 411258	341		101000		
	05/20/15 shop 4212018 elec service	171.57		STREET	1000 430200	341		101000		
	05/20/15 ANIMAL 4212029 elec serv	69.64*		ANIMAL	1000 440600	341		101000		
	05/20/15 PARK 4212032 Elec ser	120.71*		PARK	1000 411253	341		101000		
	05/20/15 PARK 2901001 elec serv	51.71*		PARK	1000 411253	341		101000		
	05/20/15 CLORINATOR 4212030 elec serv	50.77*		WATER	5210 430500	341		101000		
	05/20/15 MAD ADD WATER 4212017	44.72*		WATER	5210 430500	341		101000		
	05/20/15 PUMP 4212005 elec serv	225.13*		WATER	5210 430500	341		101000		
	05/20/15 SEWER LIFT STATION 4212006	380.32*		SEWER	5310 430600	341		101000		
	05/20/15 SEWER PLANT 4212007 elec ser	1,381.55*		SEWER	5310 430600	341		101000		
	05/20/15 MAD SEWER LIFT 4212014 elec	115.43*		SEWER	5310 430600	341		101000		
	05/20/15 SEWER TREAT SERV 4212046 ele	2,741.51*		SEWER	5310 430600	341		101000		
	05/20/15 library 23 dunraven 4212054	124.82		LIBRY	2220 460120	341		101000		
	05/20/15 povah comm ctr 4212001	213.01		POVAH	1000 411255	341		101000		
	05/20/15 unmetered lights 4212004	1,451.25		STLITE	1000 430263	341		101000		
	05/20/15 Town Hall 4212009	380.28*		TWNHAL	1000 411250	341		101000		
	05/20/15 Ice Rink 421010	36.00*		PARKS	1000 411253	341		101000		
40968	146 Morrison-Maierle, Inc	130.00								
	18709 06/07/15 PD online backup	70.00		DISPAT	1000 420160	398		101000		
	18710 06/07/15 Town Offices online backup	60.00		FINADM	1000 410510	356		101000		
40973	2823 STAPLES Credit Plan	1,032.97								
	05/12/15 office supplies	318.61		SOCSER	1000 450135	220		101000		
	05/12/15 office supplies	118.80		LIB	2220 460100	220		101000		
	05/12/15 office supplies	130.96		FIN	1000 410510	220		101000		
	05/12/15 office supplies	297.93		COURT	1000 410360	220		101000		
	05/12/15 office supplies	29.99		DISPAT	1000 420160	216		101000		
	05/12/15 office supplies	136.68		DISPAT	1000 420160	220		101000		
40974	2537 Balco Uniform Co., Inc.	46.94								
	39909-4 05/21/15 uniform-Wiese	46.94		POLICE	1000 420100	226		101000		

* ... Over spent expenditure

Claim	Vendor #/Name/	Document \$/	Disc \$							Cash
Check	Invoice #/Inv Date/Description	Line \$		PO #	Fund	Org	Acct	Object	Proj	Account
40975	2182 Gallatin County	3,840.00								
05/19/15	shift coverage, April 2015	3,840.00*		POLICE	1000		420100	398		101000
40976	2654 Community Health Partners	52.00								
05/21/15	drug tests	52.00		ADMIN	1000		410210	351		101000
40977	2855 Basic Computer Troubleshooting &	35.00								
20013	05/20/15 IT support	35.00		COURT	1000		410360	363		101000
40978	146 Morrison-Maierle, Inc	236.25								
20279	05/21/15 labor-computer backups	236.25		FINADM	1000		410510	356		101000
40979	2507 Silvertip Pharmacy	227.75								
041415/01	04/14/15 Rx	30.00		HELP	7010		450135	358		101000
042115/01	04/21/15 Rx	15.00		HELP	7010		450135	358		101000
042015/01	04/24/15 Rx	25.75		HELP	7010		450135	358		101000
042415/01	04/27/15 Rx	50.00		HELP	7010		450135	358		101000
050415/01	05/04/15 Rx	25.00		HELP	7010		450135	358		101000
050615/01	05/06/15 Rx	20.00		HELP	7010		450135	358		101000
051315/01	05/13/15 Rx	30.00		HELP	7010		450135	358		101000
051515/01	05/15/15 Rx	32.00		HELP	7010		450135	358		101000
40980	162 House of Clean	51.95								
140489	05/20/15 door, repairs	51.95*			1000		460430	369		101000
40981	2570 BSN Sports	3,540.38								
96915274	05/05/15 mitts	199.91		REC	1000		460440	220		101000
96934325	05/13/15 bleachers	3,340.47		REC	1000		460440	212		101000
40982	999999 FLYING PIG RAFTING, LLC	500.00								
05/20/15	refund RT bond	500.00		RT	2100		214000			101000
40983	497 MT Dept Environmental Quality	150.00								
05/13/15	Water renewal, Holtzen	30.00*		WATER	5210		430500	335		101000
05/13/15	WW renewal, Holtzen	40.00		SEWER	5310		430600	335		101000
05/13/15	WW renewal, Arnado	40.00		SEWER	5310		430600	335		101000
05/13/15	WW renewal, Patterson	40.00		SEWER	5310		430600	335		101000
40984	547 WY Chamber of Commerce	4,704.85								
MAP KNS	05/15/15 Kids N Snow 2014-2015	4,704.85		MAP	2101		410130	398		101000

05/29/15
17:35:01

TOWN OF WEST YELLOWSTONE
Claim Approval List
For the Accounting Period: 6/15

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Report ID: AP100

* ... Over spent expenditure

Claim	Vendor #/Name/ Check Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
40985	2854 Kenco Security and Technology 1204268 05/04/15 security monitoring	79.50 79.50		TWNHAL	1000 411250	357	101000
40986	2765 Gallatin Painters 05/27/15 painting, Library	320.00 320.00*		LIBRAR	2220 460100	366	101000
40987	999999 DONNA TRELOAR 05/28/15 refund rec fees	8.00 8.00		REC	1000 346050		101000
40988	2201 Grizzly Internet, Inc. prepayment for 6 mo of internet service was credited to a service invoice, therefore leaving a balance for the internet service. er 06/01/15 internet service 1292-20150516-1	450.00 450.00*		LIB	2220 460100	398	101000
40989	2882 De Lage Landen 05/09/15 copier payment 2 months	313.90 313.90*		LIB	2220 460100	398	101000
40990	2875 GNG 382063 05/22/15 asphalt patch, 19 cut outs	9,809.00 9,809.00*		GASTAX	2820 430200	367	101000
	# of Claims 22	Total: 41,626.99					

WEST YELLOWSTONE TOWN COUNCIL

Work Session

May 12, 2015

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

OTHERS PRESENT: Lauren Oswald, US Forest Service, Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Jeremy Weber-Editor, West Yellowstone News

The meeting is called to order by Mayor Brad Schmier at 6:00 PM in the West Yellowstone Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana

Public Comment Period

No public comment is received.

Council Comments

Council Member Parker asks Oswald if they have hired a new District Ranger for the Hebgen Lake Ranger District for the Custer-Gallatin National Forest. Oswald responds that they have hired a new ranger named Jason Brey who will report to work in June.

Mayor Schmier calls the meeting and defers to Lauren Oswald of the US Forest Service. Oswald distributes a draft memo and says that she is here to discuss the next steps in the process to acquire 80 acres of Forest Service land. Oswald explains that the Forest Service has reviewed and approved the appraised value of \$1,425,000. The Town will need to decide whether to purchase the entire 80 acres in one transaction or in two phases. Once this decision is made the Town will also need to provide written evidence of financial capability for the purchase. She explains that they need to know that up front so the Purchase and Sale agreement can be put together accordingly. She points out that it is critical to finalize the Purchase and Sale Agreement as soon as possible as that will lock in the appraised value. She says that if they can accomplish that in the next 30 days, they can anticipate closing on the sale by this fall or end of the calendar year. The Town will be responsible for the survey and posting of the boundary to Forest Service standards after the project is complete. Forest Service staff is scheduled to complete the right-of-way surveys in August 2015. The Council clarifies that the appraisal is valid for one year, but they did not receive it until nearly a month after it was completed so they have already lost some time. Oswald agrees and reiterates that time is of the essence and they should not delay progress. She says that they have the staff now to complete the project and this is a good time. Anna Callahan will be the Project Manager, but could not make this meeting tonight. Oswald answers multiple questions about the time frame the Town needs to comply with, pointing out that buying the property in two phases will be more complicated but must be completed within two years. Oswald explains that that the conditions of the sale stipulate that the Town must buy the entire 80 acres and cannot delay payment more than two years. Parker asks if the Forest Service will sell the property on the open market if the Town does not purchase it. Oswald responds that they will not and explains that original legislation and appraisal are based on the fact that the Forest Service will only sell the property to the Town. The group briefly discusses whether there are any advantages to splitting the purchase into two phases. Johnson asks if there is any requirement to hold a public meeting before they actually buy the property. Gospodarek points out that the purchase of this land has been on the Town's Capital Improvement Plan (CIP) for several years so the public has had opportunity to learn about the project. Johnson says that he thinks it would be good practice to have a public meeting to give the public a chance to comment before finalizing the sale. Schmier agrees and says that former Operations Manager Becky Guay also advised that, but said it was not required. The group discusses the existing special use permits on the subject property and snow storage. Oswald says that utility entities such as Qwest will have to negotiate their encroachments with the Town. Patterson asks if the Forest Service will allow the Town to store snow on Forest Service property once this sale is completed. Oswald says she cannot answer that but encourages them to plan long-term to provide for everything they need. She says that their general approach is no new usage of the Forest Service. She also clarifies that she has record of a previous agreement where the Forest Service indicated the Town would have two years to complete the sale. Costello asks Gospodarek if she has made any progress on financing options. Gospodarek indicates that she has explored a couple options including Intercap financing, bond counsel through Dorsey &

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Town Council Work Session
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Whitney or Piper Jaffrey, and will look into short-term financing through a local bank. She says she is still looking at options and will narrow that down for the Council to review. The group also discusses relocation of the existing roads and preserving access for the public to the forest. Oswald recommends that they carefully work through the reservations of the roads through the parcels so it is clear how those roads will be managed.

The meeting is adjourned. (7:15 PM)

Mayor

ATTEST:

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting & Work Session
May 19, 2015

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

OTHERS PRESENT: Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Chief of Police Scott Newell, WY News Editor Jeremy Weber

Helene Rightenour, Ryan Barker, Judge Katy Brandis, Richard & Teri Gibson, John Greve, Randy Wakefield, Head Dispatcher Brenda Martin

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

- 1) Motion carried to approve the claims which total \$110,155.95. (Forsythe, Johnson) Forsythe abstains from claim # 40957, Schmier abstains from claim #40947.
- 2) Motion carried to approve the minutes of May 5, 2015 Town Council Meeting and the May 12, 2015, Work Session with recommendation that the Town Clerk clarify time period tied to the two year- window in the minutes. (Johnson, Forsythe)
- 3) Motion carried to approve the business license for SnoDaisie Salon. (Forsythe, Parker)
- 4) Motion carried to approve the business license for Tao's Sushi Bar. (Schmier, Johnson)
- 5) Motion carried to approve the resort tax bond waiver request for Tao's Sushi Bar. (Forsythe, Johnson) Forsythe approves, Johnson, Parker and Schmier oppose. Motion fails.
- 6) Motion carried to approve the business license for Tao's Inn. (Johnson, Forsythe) Second by Forsythe is withdrawn. Motion fails for lack of a second.
- 7) Amended motion carried to approve the business license for Tao's Inn contingent upon receipt of required state permits and completion of the paving of the parking lot that constitutes enough parking for this year's completed portion of the project. (Johnson, Schmier) Johnson and Schmier vote to approve and Parker and Forsythe oppose. Motion fails.
- 8) Motion carried to approve the letter to US Forest Service indicating the intention of the Town to proceed with the purchase of the 80 acres of identified land south and west of West Yellowstone. (Schmier, Parker)
- 9) Motion carried to approve the Outside Amplification Permit for Music in the Park 2015 on July 3, 4, 18, and August 1, 2015. (Johnson, Parker)
- 10) Motion carried to approve Resolution No. 662, a resolution exempting the concert area of Pioneer Park from the open container ordinance during the 2015 Music in the Park events. (Johnson, Forsythe)
- 11) Motion carried to approve the Marketing and Promotions Fund Award Recommendation to award \$8000 to the West Yellowstone Chamber of Commerce for Visitor Information Center staffing assistance. (Parker, Forsythe)

- 12) Motion carried to increase Judge Brandis' salary to \$35,000 annually plus an annual cost of living adjustment plus .5% every July. (Parker, motion dies for lack of a second)
- 13) Motion carried to increase the salary for Judge Kathleen Brandis to \$34,000 annually (effective moving forward) plus an annual cost of living adjustment plus .5% every July. (Forsythe, Schmier) Johnson is opposed.
- 14) Motion carried to adopt the amended staffing plan, which eliminates the Police Sergeant position and replaces it with a patrol officer and changes the seasonal facilities tech position to a seasonal equipment operator. (Schmier, Forsythe)

Council Comments

Kirstin Goldstein introduces herself, an Ameri-Corps Vista, who is working in West Yellowstone to facilitate the Community Development Block Grant to develop a housing needs assessment and housing plan for the Town of West Yellowstone.

Public Comment Period

Mayor Schmier reminds the Council to review the Capital Improvement Plan from FY 2015 so as they move into the budget process they are ready to move forward. Johnson mentions a meeting later this week in Driggs, ID, that is about the proposed loop trail from Jackson Hole through Driggs, Island Park, and West Yellowstone.

DISCUSSION

- 3) Johnson clarifies with James what businesses are now in the building at the address that now includes SnoDaisy Salon.
- 4) Johnson asks questions about the submitted parking plan. Patterson states that there is a trailer where parking for the parking spaces numbered 7,8 &9 are marked, that needs to be moved.
- 5) Helene Rightenour asked why there is a resort tax bond waiver request with the business license. Mayor Schmier explains that owners of current businesses that apply for a second business license may show good resort tax payment history that can be applied to the new business giving the Council the latitude not to require posting of a second resort tax bond. Johnson has concerns about this resort tax bond waiver request because the business being used for payment history has only remitted tax for three months.
- 6) Patterson recommends not approving the business license application without a current parking plan. Patterson explains that the original plan was the project in total and that they subsequently have done the project in phases. Patterson recommends requiring paving the parking that is required for what will open with this phase. Patterson says that approximately 20 spaces are required for the 16 rooms plus what will be craned in in July. The resort tax bond waiver request is not considered since the license was not approved.
- 12) Mayor Schmier summarizes that Judge Brandis has requested reconsideration of her salary. The Council considered a similar request in January of this year and granted an increase of 3.25% but indicated that they would revisit her request after the bargaining unit contract was settled. Judge Brandis is present and the Council discusses her request to have her salary increased from \$32,065.32 per year to \$35,000 plus an annual increase every July of either COLA + .5% or akin to the Department Heads of 3.5%. Johnson asks if the court workload has increased since 2011. Brandis says that 2011 was her heaviest caseload, but because of multiple issues including the introduction and then elimination of electronic ticketing plus morale issues in the police department caused the number of issued citations to decrease significantly. She believes that now that they have hired a new chief and are rebuilding the department, citations will definitely increase.

- 13) Johnson says he thinks they need to be consistent. He says that they granted 3.0% to the employees unit and still favors the 3.25% that was given to the Judge in January.
- 14) Johnson points out that making this change in the police department will require them in the future to hire from within when they are ready to hire a sergeant.
- A) **Advisory Board Reports** – Mayor Schmier reports on efforts of the Cemetery Board to replace the sign at the cemetery with the intention that the sign be designed in continuity with the West Yellowstone signs at the edge of town and that the sign at the Town Hall. Johnson reports on the Teton Trail feasibility study that the Town participated in. The feasibility study is now out and they are having a meeting about the study in Driggs, ID on May 22, 2015. Johnson says that he will try to attend this meeting. Forsythe states there will be a Parks & Rec Advisory Board meeting Wednesday May 20th at the Povah Center at 4:00pm, and Parker states there will be Planning and Zoning meeting on Wednesday May 20th at 4:30 pm in the Town Hall Conference Room.
- B) **Operations Manager Report:** Mayor Schmier states that they are proceeding with the purchase of 80 acres with the Forest Service and will be meeting again on May 26th as a work session. Schmier gives an update on the hiring of the Social Services Director position. Applications have been reviewed and they are moving on to the interview phase of the process. Annual performance reviews for the Department Heads are coming up and will be performed by the Mayor in conjunction with the Deputy Mayor. It has been recommended by the Chief of Police that the town participate in the law enforcement testing consortium. Mayor Schmier supports this and will let Chief Newell explain the program in more detail during the Department Head reports.
- C) **Department Head Reports:** Public Services Director James Patterson reports on the final stages of the Canyon Street Project. Schmier asks about marking for the proposed parking lot in the city park. Patterson says that the new parking lot is marked out if anyone wants to check it out before they begin digging it up to put in the new lot. Patterson reports that Dick Anderson’s crew was coming to work on the Town Hall tomorrow. Patterson also recommends to the council that they not schedule a new town cleanup date since his crew and other community service volunteers have done a fair amount of clean up already. Deputy Mayor Johnson suggests putting something in the paper appealing to those who have snow encroachments with the town to pick up the trash they have plowed up with their snow. Patterson wraps up his report by sharing that they have begun to address the pot holes around town but were rained out on Monday.

Newell says that starting this Sunday, they will be start covering all of the police shifts and will no longer require assistance from Gallatin County. Newell reports on the Montana law enforcement testing consortium. He explains that there are several cities across the state that have joined it and it is a way for potential applicants to pass all the written and physical testing prior to being considered for hire by member cities. He says it is not expensive for the Town to join and says it really helps with the recruiting process. Newell recommends that they participate in the consortium and describes the testing procedures. Newell also recognizes Dispatcher Sabrah VanLeeuwen who recently was a vital part of saving a man’s life by talking him through the steps of CPR while paging and relaying information to emergency responders.

The meeting is adjourned. (9:00 PM)

Mayor

ATTEST:

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Special Town Council Meeting
May 26, 2015

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

OTHERS PRESENT: Public Services Superintendent James Patterson, Jeremy Weber-Editor, West Yellowstone News, US Forest Service Service Representatives Todd Stiles, Anna Callahan, Lauren Oswald, Town Engineer Dick Dyer, Fire Chief Shane Grube, Forsgren Associates Representatives Ryan Barker and Huck, VISTA Kirstin Goldstein, Tom Cherhoniak, Montana Aeronautics Division Representatives Tim Conway and Jeff Kadlec

The meeting is called to order by Mayor Brad Schmier at 6:00 PM in the West Yellowstone Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana

Public Comment Period & Council Comments

No comments are received.

- 1) Motion carried to approve the Banking Services Agreement with First Security Bank for two years. (Johnson, Parker)
- 1) Parker asks if there were any other responses. Roos responds that First Security was the only bank to submit a response although it was sent to all the banks in the area.
- A) Mayor Schmier explains that the first item of discussion is the acquisition of the USFS 80 acres. District Ranger Lauren Oswald introduces Realty Specialist Anna Callahan and Todd Stiles of the US Forest Service. Callahan distributes a revised implementation schedule for the council to review. The schedule outlines the steps that have been completed, what needs to be updated, and outstanding work and target dates. She explains that USFS surveyors will be on site in August to complete the right of way survey for USFS reservations. Schmier asks if those surveyors will survey the entire parcel but Callahan responds that they will not. Costello asks for clarification about the timeline. USFS explains that they actually have until March 7, 2016 to sign the Buy/Sell agreement and two years after that to complete the sale. Costello clarifies that the Town doesn't need to really do anything until it receives the Buy/Sell from the Forest Service, which they should expect in August 2015. Callahan and Oswald explain that there are two things that the Town needs to work on at this point: financing for the purchase and the setback regulations as already contained in Town ordinances. Roos clarifies that the Forest Service will do the right of way survey and establish the reservations and the Town will need to pay for the boundary survey. The Town should budget this year for that survey, estimated to cost \$12,000. Schmier says that at the previous meeting, they were asked to provide proof of ability to pay. Callahan says that do not actually need that until they sign the Buy/Sell and it does not have to be formal, they just need evidence of how the Town will pay for the land. Stiles distributes copies of two maps, one that shows the existing roads and trails through the parcels and then a map that shows the proposed reservations or roads and trails. He also distributes a documentation that describes the reservations. Costello asks questions about the roads and trails that will remain through the parcels and about what trails could be consolidated. He thought the intention was to consolidate the Two Top trail (6973B) with the railroad grade (6973A), which is different from what is on the map. Stiles says that they did originally discuss that but came back to the Town with this proposal based on public comment they received, an issue with the mapping program, and multiple use on those roads/trails during the summer and winter snowmoible access. He says that he is certain they came back to the Town to ensure they were okay with that and that is what the appraisal was predicated on. The Council and Patterson indicate that they had no idea that change was presented or accepted. Patterson says that if they are stuck with that, could they straighten the Two Top trail out so Madison Avenue could extend that distance and the trail could take off from the end of that street. Stiles says that would probably be acceptable and also points out that there is a procedure the Town could follow to eliminate a reservation that may be found to be unnecessary. Stiles says that they have no way of knowing how this land will be

developed, but their priority is to preserve access to the forest for the public. Costello asks if they can move 6973B over to the same location on 6973A now, before the surveying is completed. Stiles says that at a minimum, he would want to meet with the Snowmobile Grooming Committee to discuss moving that trail. The group discusses possible solutions to the issue. Stiles summarizes that they are discussing a slight alignment of 6973B or a different alignment or even elimination of 6973B. He emphasizes that their main priority is to maintain access through that area. Stiles also points out that the Town indicated that it would prefer to relocate the Whiskey Springs Road (6958) so it does not cut through the parcel, but it would be at the expense of the Town. Stiles cautions that they need to make sure they do not vary too much from the intent of the legislation, if they do they would have to engage in a NEPA process which would generate a lot of national publicity and public comment. The group agrees that the Whiskey Springs road will need to be moved but not necessarily as indicated on the map. The group also discusses the South Plateau Road (1700) and the options that concern that road. Johnson asks if they could pave the road and use it as a street and can it be moved east or west. Stiles says that moving the road to the east would put it out in the forest, but Schmier points out that the current markers indicate that the road is quite a bit west of the boundary. Oswalds says that they have a couple options such as a draft road use permit or a draft FRTA (Forest Road and Trails Act) to address an easement or place that road under the jurisdiction of the Town. Stiles says the private property pins for the Town lot on the southwest corner of town are there and they should be able to determine where that 40 acre parcel starts in relation to that road. Forsythe suggests the Council has a work session to discuss relocation of the Two Top Trail, but Johnson says he would first like to know what the Forest Service will accept. Oswald says she heard a couple suggestions and it would be better if the Town would discuss it and formally ask what they would prefer. The parties agree to work on the outstanding issues and report back. Oswald summarizes that the Town will get back to them with a formal request concerning the Two Top Trail, work on financing, and send the setback information. Johnson suggests that they further consider moving the Whiskey Springs Road (6958) to the south of the new 40 acre parcel, which potentially would alleviate some impact along the railroad grade. Schmier asks what does the Forest Service envision would be the effect of moving the roads on the ski races? Stiles says that would essentially be at the discretion of the Town, the USFS doesn't envision mandating that they maintain an easement for one day a year. Oswald says that they will keep working on things, but they probably won't need to meet again until the Buy/Sell agreement is ready in August. She does clarify that doesn't mean they won't need to communicate before then.

The second item for discussion on the agenda is the lease for the Sewer Lagoon area that is leased by the Town from the State Aeronautics Division, State of Montana. The current lease expires June 30, 2015 and the Aeronautics Division has provided a draft lease for the Town to consider. Jeff Kadlec, Airport Manager, is present along with Tim Conway, Airport Airways Chief and an aeronautics intern from Rocky Mountain College. Mayor Schmier says that they received the draft lease last Friday, and it is safe to say that they were shocked to see the substantial increase from \$11,000 per year to over \$61,000 for FY 2016, which is expected to go into effect in 30 days. He asks Kadlec to explain the reasoning behind asking for such a large increase. Kadlec says that the FAA (Federal Aviation Administration) mandates that public airports are self-sustaining and they are not. He says that the recommendation is to lease property for 5% to 10% of the appraised value. Schmier says that he read through the information that was provided and it appeared that all the other examples of leased property were to business or revenue producing entities. He says it is difficult to understand how a sewer lagoon could be compared that. Conway explains that they based their calculations on the recent appraisal that was prepared for the 80 acres. Schmier questions how they could compare land that can only be used as a sewer lagoon to developable land. Kadlec says that the land is developable and it could be used for storage or industrial uses. Town Engineer Dick Dyer disagrees and says the area is an RPZ zone and they cannot develop it. Kadlec says the RPZ zone is only 100 feet. Johnson asks Kadlec how did they structure the lease with Energy West? He points out that the Town didn't get the appraisal for the 80 acres until April so it could not have been based on the appraisal. After reflection, Conway and Kadlec agree that the Energy West lease was calculated by square footage. Johnson asks if they can sell the property, but Kadlec believes the land was conveyed by the Forest Service and selling it is prohibited. Johnson suggests that they probably have to give the

property back to the Forest Service if they no longer need it. The Council expresses disapproval with the proposal. Schmier points out that covering an increase of this amount would have to come out of user fees, which they could not raise in 30 days. Conway says that the proposed lease amount is based on the value of the land. He says that if they can come to an agreed value, that is how the lease amount is calculated. Dyer says the value of the land is based on what a willing owner will sell to a willing buyer. He says the value should be based on the history of what the Town has been willing to pay to the airport. Forsythe suggests that they just have the property appraised. Conway says they have tried to do that, but there are really no comparable properties. Johnson suggests that they consider a 6-month extension of the lease at the current rate in order to give them time to work something out. Conway says he thinks that would be acceptable. Conway says that they are trying to comply with the FAA regulations that they lease the property at fair market value. The group agrees to work on the proposal and anticipate having something worked out within six months. Dyer asks if the airport would consider any in-kind assistance in addition to cash, such as extending the sewer service to the airport. Conway responds that that they would be open to such proposals, they would just have to consider the costs and benefits.

The meeting is adjourned. (8:40 PM)

Mayor

ATTEST:

Town Clerk

Town of West Yellowstone Business License Application

Business Name: Tao's Inn
 Applicant: LingTao Zhang
 Contact Person: LingTao Zhang
 Mailing Address: P.O. Box 7218
 Physical Address of Business: 102 S. Electric St
 Phone Number: 406.646.6838 Fax Number: _____
 Email Address: TaosYellowstone@gmail.com Website: TaosYellowstone.com

Signature of Property Owner of Record: Shanglingtao

Subdivision: E-2
 Block: 1 Lot: 223

Zoning District, please mark one:

- B-3 Central Business District (Old Town)
- B-4 Expanded Business District (Grizzly Park)
- E-2 Entertainment District (Grizzly Park)
- PUD Planned Unit Development (Grizzly Park)
- Residential Districts, Home Occupations Only (Mad Add)
- 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.

8 Units initially, adding another 8 in July. Standard rooms.
Expect to add two more buildings in 2016.

Business License Fee: \$ 98.00 FY 15-16

Resort Tax Bond: \$ _____

Shanglingtao
Signature of Applicant

Total Amount Due: \$ _____

Signature of Applicant

5/15/15
Date

FOR OFFICE USE ONLY

Date Approved by Town Council: _____
 Date _____ Check # Cash \$98 Amount \$ _____ License # _____
 SCN _____ BLP _____ STX _____ BLC _____ RDX _____

APPLICATION TO MAINTAIN AN ENCROACHMENT

Town of West Yellowstone
Gallatin County, Montana

DATE: May 22, 2015
APPLICANT: West Yellowstone Public School District 69
ADDRESS: 411 North Geyser St. OR PO BOX 460
PHONE: 406-646-7617
INTEREST IN PROPERTY: Public School & Public Property
OWNER OF RECORD'S SIGNATURE: WY Public School

1. LEGAL DESCRIPTION:

Subdivision: Madison Addition
Block: _____ Lot: _____
Zoning District Number: T135 ROSE S27 Tract 3A

2. Please describe specifically the construction and size of the proposed encroachment. On the reverse of this application, please provide a sketch of the proposed encroachment.

The WY school board would like to encroach upon the city park/property between Alley D and the current school property. The school board would like to request to clear the adjacent park and use it for parking & snow storage. With the new school addition this encroachment will allow for the new addition to be turned a little & open up the play ground area.

See attached map of area requested. The architect is still working on the building layout pending this approval. The parking & storage area will eventually be paved depending upon money at the end of the project. The WY school Board would like to request the Town of WY eventually pave Alley D between Geyser & Faithful St. to enhance the entrance & exit of the school.

Jan Howell Board Member
Signature of Applicant

For Office Use Only:
DECISION BY TOWN COUNCIL

Approved Disapproved

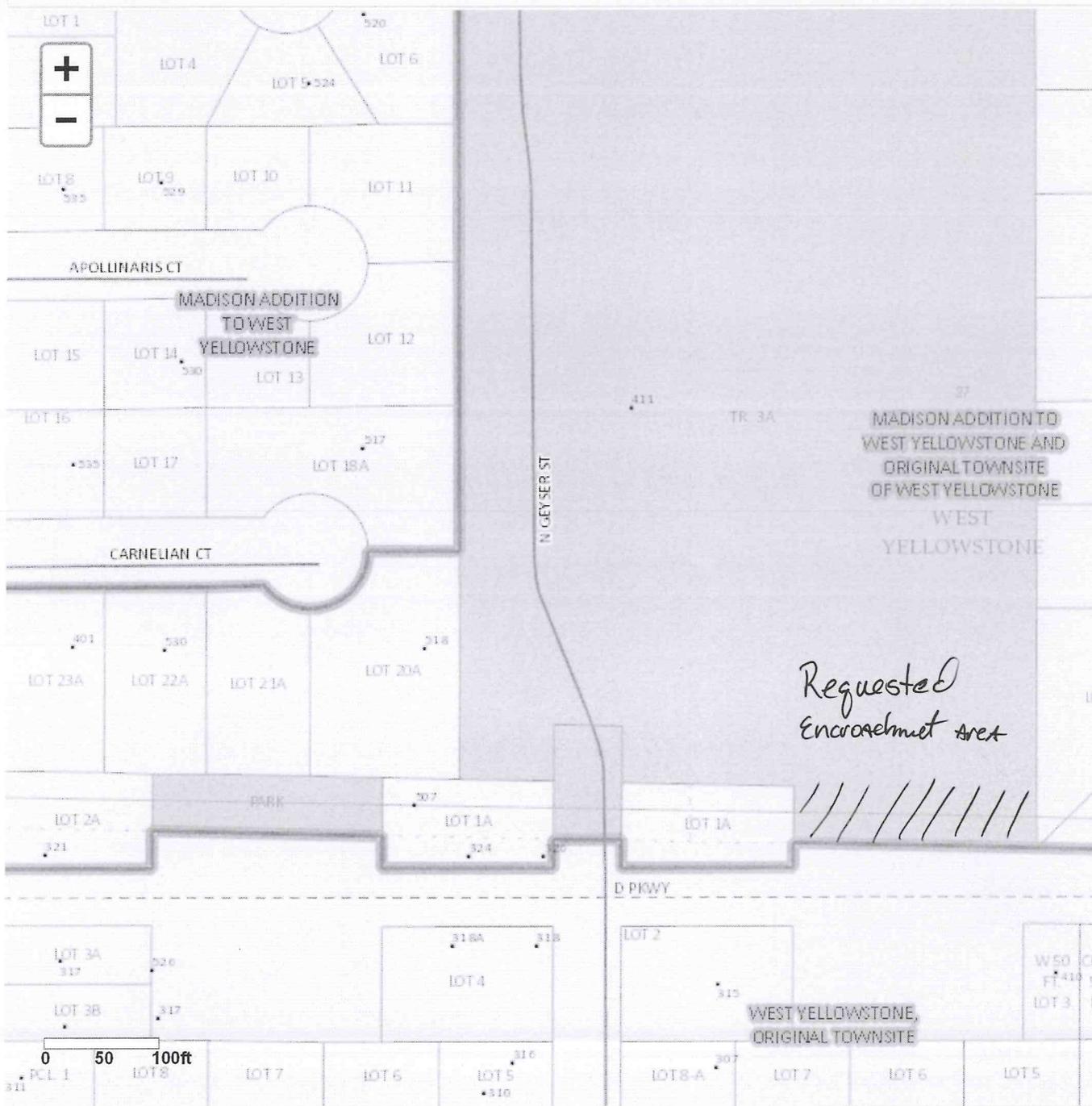
5-22-15
DATE

Mayor/Operations Manager

DATE

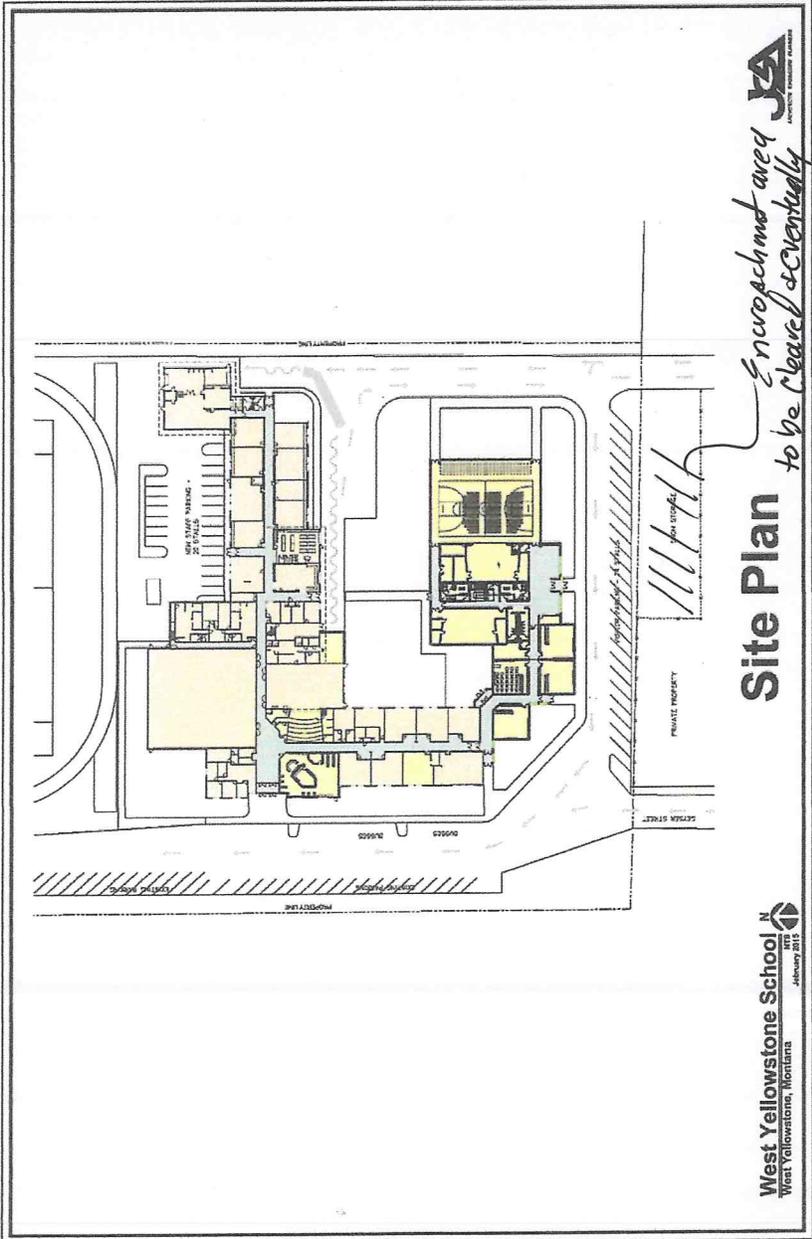
Gallatin County Clerk & Recorder Document Map Viewer

Tools Queries Help



Layer Control Map Measure

Approximate Map Scale: 1:2,257



*Encroachment area
to be cleared & eventually
PAVED.*

Site Plan

West Yellowstone School
West Yellowstone, Montana
January 2015



From: [Winston Dyer](#)
To: ["Elizabeth Roos"](#); ["Jane Mersen"](#)
Cc: ["Brad Schmier"](#); ["James Patterson"](#); ["Jerry Johnson"](#)
Subject: RE: school encroachment?
Date: Friday, May 22, 2015 4:59:48 PM

We should follow whatever was done on the Holiday Inn in the LDS Church. I'm not so certain that there weren't special agreements put together on both those...a quick call to Clyde Seeley would help clarify it because I remember working with him on putting together permission from the Town to pave the area behind the Holiday Inn. I recall there were a number of stipulations we put on that and it would seem that the agreement process would have facilitated establishing appropriate conditions, much the same as we have done recently with development agreements (e.g., Grizzly Internet).

It is possible those parking lots were permitted under the encroachment permit process in Chapter 12.16 of the Town Code, but the original intent of that ordinance was for lesser kind of things than putting down a bunch of permanent pavement. I suppose we could use the encroachment permit process and then stipulate appropriate conditions for this request...we're concerned about drainage, potential conflict with existing utilities, and the like – but if properly coordinated with an eye toward the future, we should be able to put something reasonable together.

Policy 12 was written and intended only to cover the area between the back of the sidewalk and the right-of-way line as we were getting into the street improvement project. The idea was to allow people to bring their landscaping out to the back of the sidewalk for beautification, or in some cases extend driveways, etc. but it was never intended to address more major, semi-permanent type of encroachments such as a parking lot would be. I know provisions of the policy were incorporated in Chapter 12 of the Code with respect to the Madison Addition, for some of the same reasons. At any rate, it's original intent would not really cover trying to put pavement down in the interior park.

As I recall, Policy 12 was written first, and then later it was determined that we needed a formal ordinance for a more detailed encroachment policy, which either was done concurrently or shortly thereafter. The biggest thing in the encroachment policy was helping us continue to clean up all the encroachments into the Town rights-of-way that had occurred over the years and that the street improvement project was forcing us to address and clean up. Once that was accomplished then we began to see applications for encroachments here and there as people desired to improve their properties and blend them in to the improvements that have been made out in the right-of-way.

That's kind of a rambling summary of what I recall about all of this...but back to the issue at hand, I would suggest either an encroachment permit with some very specific conditions or perhaps a specific agreement similar to recent development agreements that would allow the improvement for the greater public good while stipulating provisions to protect the public's ownership and potential future use of the public right-of-way. Hope this helps...
Dick

*Winston R. Dyer, PE
The Dyer Group, LLC
208.390.9700 v, 656.8808 f
wdyer@thedyergroup.com*

**Application for Outside Amplification Permit
Town of West Yellowstone
Gallatin County, Montana**

Event: WILD WEST YELLOWSTONE RODEO

Contact Person: GEORGIA McMillan

Address of Contact Person: P.O. Box 2061 / WEST YELLOWSTONE, MT 59758

Phone Number: 406-560-6913

Signature of Property Owner of Record: Georgia McMillan

Date(s) of Event: JUNE 17 - AUGUST 29

Location: 6 1/2 miles WEST OF WEST YELLOWSTONE - RODEO -
CAR DRIVEN AROUND TOWN ON MAJOR STREETS

Amplification between the hours of: 12:00 AM/PM and 6:00 AM/PM

Description of Event: RODEO ANNOUNCER DRIVES THE
"RODEO CAR" AROUND THE TOWN A FEW TIMES
DURING THE AFTERNOONS PRIOR TO RODEO PERFORMANCES
TO BROADCAST INFORMATION ABOUT THE RODEO

Georgia McMillan

Signature of Applicant

5-22-15

Date

FOR OFFICE USE ONLY

Decision by Town Council: **Approved** **Disapproved**

Conditions: _____

Signature of Mayor/Operations Manager: _____

Date

RESOLUTION NO. 664

A RESOLUTION OF THE WEST YELLOWSTONE TOWN COUNCIL NOTIFYING THE GALLATIN COUNTY ELECTION ADMINISTRATOR OF THE TOWN'S DESIRE TO CONDUCT THE 2015 CITY GENERAL ELECTION BY MAIL BALLOT IN ACCORDANCE WITH SECTION 13-19-202, MCA.

WHEREAS, voter turnout in West Yellowstone municipal elections has historically been low and mail ballot elections statistically increase voter turnout in elections; and

WHEREAS, Montana law provides a method for conducting mail ballot elections for local elections; and

WHEREAS, pursuant to Section 13-19-104, MCA, such elections can be conducted by a mail ballot election; and the Gallatin County Election Administrator has determined that a mail ballot election conducted in accordance with the provisions of Title 13, Chapter 19, Parts 1-3, MCA is in the best interests of the City and the electors thereof, and pursuant to Section 13-19-202, MCA, the Town of West Yellowstone may notify the County Election Administrator of its intent to conduct a mail ballot election; and

WHEREAS, the Election Administrator shall prepare a written plan, including a timetable, for the conduct of the elections and shall submit it to the Secretary of State at least 60 days prior to the date set for the election in accordance with 13-19-205 MCA; and

WHEREAS, an official ballot will be mailed to every qualified elector of the Town of West Yellowstone with the goal of increasing voter participation in the municipal elections for 2015; and

WHEREAS, the Election Administrator may have a drop off site within the City limits for electors who do not wish to mail their ballot; and

WHEREAS, the Election Administrator will have ADA accessible marking devices for the disabled to mark their ballot in privacy at the drop off polling sites; and

WHEREAS, for any election conducted by mail, ballots must be mailed no sooner than the 25th day and no later than the 15th day before Election Day and all ballots must be mailed the same day in accordance with 13-19-207, MCA.; and

WHEREAS, the Town of West Yellowstone desires to reduce barriers for qualified electors in the election process to as few barriers as possible.

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of West Yellowstone hereby notifies the Gallatin County Election Administrator of the Town's desire to conduct the 2015 city's general election by mail ballot in accordance with Sect. 13-19-202, MCA.

BE IT FURTHER RESOLVED THAT, the Town Council of the Town of West Yellowstone hereby notifies the Gallatin County Election Administrator that ballots should be mailed **15** days before the election.

BE IT FURTHER RESOLVED THAT, except as provided in Sect. 13-19-204, MCA, the decision to conduct an election under the provision of Sect. 13-19-202, MCA, is within the sole discretion of the Election Administrator.

BE IT FURTHER RESOLVED THAT the Town Clerk is hereby directed to forward a certified copy of this resolution to the Gallatin County Election Administrator in accordance with the provisions of Sect. 13-19-202, MCA.

BE IT FURTHER RESOLVED THAT within five (5) days of receiving this request, the Election Administrator shall respond to the West Yellowstone Town Clerk in writing, state that this request is either granted or denied for reasons specified. If granted, the Election Administrator shall prepare a plan as provided, in Sect. 1319-205, MCA.

APPROVED BY THE WEST YELLOWSTONE TOWN COUNCIL
this ____ day of _____, 2015.

Mayor

Council Member

Council Member

Council Member

Council Member

ATTEST:

Town Clerk

From: [Kadlec, Jeff](#)
To: eroos@townofwestyellowstone.com
Subject: Sewer Lagoon Lease Renewal
Date: Friday, May 29, 2015 3:41:09 PM

Good afternoon Liz,

I have received the approval to extend the lease for 120 days (expire 10/31/2015). I will get the new lease at the current rate drafted and over to you ASAP for signatures. All terms will remain the same.

Please let me know if you have any concerns or questions.

Jeff Kadlec
Airport Manager - Yellowstone Airport
Montana Department of Transportation
Office: 406.646.7631
Mobile: 406.459.9825
jkadlec@mt.gov