

Town of West Yellowstone

WEDNESDAY, January 4, 2017

West Yellowstone Town Hall, 440 Yellowstone Avenue

TOWN COUNCIL MEETING

7:00 PM

Pledge of Allegiance

Election of the Mayor for 2017

Discussion/Action ∞

Election of Deputy Mayor for 2017

Discussion/Action ∞

Purchase Orders

Treasurer's Report & Securities Report

Claims ∞

Consent Agenda: **December 6, 2016 Town Council Meeting** ∞

December 21, 2016 Town Council Meeting ∞

Business License Applications ∞

- Ranger Lodging (New Business, Resort Tax Bond Waiver Request)
- Spirit of the North Dog Sled Adventures (New Business)
- Angler's Rest (Change of Ownership, Resort Tax Bond Waiver Request)
- Rendezvous Snowmobile, Big Sky Car Rentals, Randy's Auto Repair, Buffalo Bus Touring (Change of Ownership, Resort Tax Bond Waiver Request)

Advisory Board Report(s)

Town Manager & Department Head Reports

- Police Officer Oath of Office, Daniel Palmer

Comment Period

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

NEW BUSINESS

Ordinance No. 263, Golf Carts, 1st Reading

Discussion/Action ∞

Resort Tax Exemption Request, West Yellowstone Ski Education Foundation

Discussion/Action ∞

State Resort Tax Legislation

Discussion/Action ∞

Ordinance No. 264, Resort Tax, 1st Reading

Discussion/Action ∞

Marketing and Promotions Fund Advisory Board Re-Appointments

Discussion/Action ∞

- John Greve
- Kimberly Howell

Correspondence/FYI/Meeting Reminders

- Work Session, Monday, January 9, 7 PM



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.

**CHARTER
FOR THE TOWN OF WEST YELLOWSTONE
(Preamble)**

We the citizens of West Yellowstone, for the purpose of establishing a just form of fundamental law--one that is responsible to the public for providing equal and adequate services and protections, with efficient use of the community's revenue for all, one that provides for self governing powers with respect to the health, safety, and welfare of every citizen and; one that utilizes the utmost flexibility to plan for the future--do establish this Charter for the Town of West Yellowstone of the State of Montana.

**ARTICLE I
POWERS OF THE TOWN**

Section 1.01 Powers of the Town

The Town shall have all powers possible for a self government to have under the constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter.

Section 1.02 Mill Levy

(1) There shall be no new kinds of taxes levied without an affirmative vote of a simple majority of votes cast in an election on the question.

(2) Should the electorate approve any kind of non-property tax, the following mill levy reduction shall occur:

In each fiscal year, anticipated receipts from a local option, non-property tax not in effect when this charter takes effect shall be applied to reduce the property tax mill levy for the fiscal year by an amount equal to at least 5 percent of the local option, non-property tax receipts for the previous fiscal year.

Section 1.03 Self -Government Authority

The Town shall have the authority to exercise those self- governing powers not prohibited by the constitution, law or this charter.

Section 1.04 Construction

The powers of the Town under this Charter shall be construed liberally in favor of the Town and specific mention of particular powers in the Charter shall not be construed as limiting in anyway the powers stated in this article.

**ARTICLE II
TOWN BOUNDARIES**

Section 2.01 Town Boundaries

The corporate boundaries of the Town of West Yellowstone, Montana shall remain fixed and established, as they exist on the date this charter takes effect, provided that the Town shall have the power to change its boundaries in the manner provided by law.

**ARTICLE III
ORGANIZATION OF THE TOWN**

Section 3.01 Oath of Office

Before beginning the duties of office, all elected Town officials shall take and subscribe to the oath of office established in Article III, Section 3 of the Constitution of Montana.

Section 3.02 Structure of Government

The governing body of the Town of West Yellowstone shall be a Town council consisting of five council members, one of whom shall be the mayor whom the council shall select from among its own number pursuant to Section 3.05(1).

Section 3.03 Town Council: Composition, Powers and Meetings

(1) All of the powers of the Town shall be vested in the Town council except as otherwise provided by law or this Charter.

(2) The Town council shall meet regularly at least once a month at such times and places as the council may prescribe. Special meetings may be held on the call of the mayor or three members of the council. Such special meetings shall be public and, whenever practicable, called only upon forty-eight (48) hours notice to the public.

(3) A quorum of the council shall be constituted by the presence of any three (3) council members, one of whom may be the mayor.

(4) The council's presiding officer may close the council meeting to the public only as provided by law.

Section 3.04 Town Council: Election, Terms, Qualifications, Remuneration, Removal and Filling Vacancies

- (1) Five council members shall be elected at large on a nonpartisan basis.
- (2) Council members shall have a term of office of four years.
- (3) Council members shall make their principal residence (as interpreted by the federal Internal Revenue Service) within the Town limits and shall be qualified voters of the Town of West Yellowstone.
- (4) The council shall establish by ordinance the compensation of its members and the mayor.
- (5) The office of council member shall become vacant upon the death, resignation, forfeiture, or removal from office by any method authorized by law.
- (6) When a vacancy occurs in the office of council member, the position shall be considered open and subject to nomination and election at the next general municipal election, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification the council shall appoint from among the qualified voters in the Town a person possessing the qualifications for office required by law and this Charter, within 30 days of the vacancy to hold the office until the successor is elected and qualified.

Section 3.05 The Mayor: Election, Powers, Duties, Removal and Filling a Vacancy

- (1) The mayor shall be selected from among the members of the Town council by the affirmative vote of a majority of the council.
- (2) The council member selected shall serve as the mayor for one year unless selected for an additional term by the council.
- (3) The mayor so selected may be removed by four (4) council member votes, whereupon, a new mayor shall be selected by the council.
- (4) The mayor shall be the presiding officer of the council, shall vote as other council members and may not veto measures approved by the council. In the absence of the mayor, the council shall appoint one of the council members present to serve as presiding officer.
- (5) The mayor shall be the ceremonial officer of the town and shall have no other duties or responsibilities except, when required by the council and in the absence of the Town manager, the mayor shall perform all administrative duties of the Town manager.
- (6) The office of mayor shall become vacant upon the death, resignation or removal from office by any method authorized by law or this charter. A successor mayor shall be appointed by the council as provided in Section 3.05(1).

Section 3.06 Town Manager

(1) The Town council shall appoint a Town manager who shall serve under contract as the chief executive officer and chief administrative officer of the Town.

(2) The Town manager shall have the following responsibilities:

- (a) implement and enforce the ordinances, resolutions, policies, directives and contracts approved by Town council.
- (b) administer the affairs of the Town.
- (c) prepare the budget for council approval.
- (d) recommend long-range planning strategies and economic development issues affecting public services and fiscal solvency.
- (e) oversee agenda for Town council meetings.
- (f) supervise all Town departments and offices.
- (g) appoint all Town employees.
- (h) suspend all Town employees.
- (i) remove all Town employees after consultation with the appropriate department head and with the advice and consult of the Town council.

(3) The Town council shall enter into a contract with said Town manager, which shall specifically outline the conditions of employment. Said contract shall be for an initial term of not less than three years and not more than five years and may be extended by majority vote of the Town council.

(4) The Town manager may be removed from office by three affirmative votes of the Town council.

Section 3.07 Town Departments

The Town council shall establish by ordinance any departments necessary to perform the duties and obligations imposed upon the Town by law or this charter.

ARTICLE IV

BOARDS, COMMISSIONS AND COMMITTEES

Section 4.01 Boards, Commissions and Committees

The Mayor may appoint, with the consent of the Town council, such boards, commissions or committees, as the council deems necessary. These bodies shall serve at the pleasure of the council and will exercise only those powers granted them by the council through specific resolution or ordinance.

ARTICLE V
GENERAL PROVISIONS: INITIATIVE, REFERENDUM
RECALL, SEVERABILITY AND AMENDMENTS

Section 5.01 Initiative and Referendum

Procedures for initiative and referendum shall be as required by law.

Section 5.02 Recall Provisions

Any member of the Town council including the mayor may be removed from office by recall of the electors of the Town, as provided by law.

Section 5.03 Severability

If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

Section 5.04 Amendment of the Charter

This Charter may be amended only as provided by law. An affirmative vote of a simple majority of votes cast in an election on this question shall amend the Charter.

Article VI
Transition

Section 6.01 Review of existing ordinances and policies

The Town council shall review and, where necessary, revise or repeal all town ordinances and resolutions and policies to provide for their compliance with this Charter. This shall be completed by December 31, 2017.

Section 6.02 Effective Date

Upon passage of this Charter by the electors at the November 2015 election, this Charter will become effective immediately.

Town of West Yellowstone Oath of Office Mayor

I, _____, do solemnly swear that I will support,
protect, and defend the Constitution of the United States,
The Constitution of the State of Montana
and the Charter of the Town of West Yellowstone
and that I will discharge the duties
of my office with fidelity (So Help Me God).

January 4, 2017

Mayor



State of Montana
Gallatin County

Elizabeth Roos, Town Clerk & Notary Public
Residing in West Yellowstone
My Commission Expires August 9, 2019

12/30/16
16:09:01

TOWN OF WEST YELLOWSTONE
Claim Approval List
For the Accounting Period: 1/17

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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
42721		2404 Montana-Wyoming Systems	300.00					
	30375	01/01/17 povah annual fire alarm monito	300.00*		POVAH	1000 411255	350	101000
42722		2729 Consumer Reports	35.00					
	12/30/16	consumer report subscription	35.00		LIBRAR	2220 460100	215	101000
42723		2991 West Yellowstone Star	585.84					
	1041	11/30/16 display ad	117.04		LIBR	2220 460100	215	101000
	1003	09/30/16 sm display ad	29.26		LIBR	2220 460100	215	101000
	1017	10/31/16 display ad	117.04		LIBR	2220 460100	215	101000
	1067	10/31/16 subscriptions	180.00		ADMIN	1000 410210	333	101000
	1067	10/31/16 subscription	45.00		DISPAT	1000 420160	333	101000
	1063	11/30/16 snow meeting ad	97.50		ADMIN	1000 410210	327	101000
42724		2977 Staples Credit Plan	446.97					
	1695665961	11/22/16 office supplies	13.98		TOWNOF	1000 450135	220	101000
	1695982391	11/23/16 office supplies	377.87		SOCSVC	1000 450135	220	101000
	1703778881	12/01/16 OFFICE SUPPLIES	55.12		TOWNOF	1000 410510	220	101000
42725		725 Swan Cleaners	194.00					
	1259	12/01/16 LAUNDRY SERVICE	194.00		POLICE	1000 420230	390	101000
42726		2937 CINTAS First Aid & Safety	36.53					
	5006607408	11/16/16 FIRST AID CABINET ORG	36.53		SHOP	1000 430200	351	101000
42727		2268 Myslik, Inc.	361.64					
	120916WY	12/09/16 SHEAR PINS	361.64		STREET	1000 430200	369	101000
42729		474 Three Bears Lodge, Inc.	50.00					
	243974	12/22/16 sara merna lodging, comm help	50.00*		SOCSVC	7010 450135	270	101000
42730		2762 Mission Communications, LLC	741.00					
	1002821	06/22/16 solar panel and circuit board	741.00*		WATER	5210 430500	369	101000
42731		1796 Barta Electric, Inc.	5,266.12					
	4877	12/19/16 electric supplies, shop	104.11		ROAD	1000 430200	366	101000
	4876	12/19/16 moving meter base plus parts	3,740.78		STREET	1000 430263	357	101000
	4875	12/19/16 christmass tree work	675.88		STREET	1000 430263	357	101000
	4869	12/19/16 tree and battery backup	528.01		STREET	1000 430263	220	101000
	4868	12/19/16 UP Dining	217.34*		UPDIN	1000 411252	357	101000

12/30/16
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42732	2826 Montana Underground	14,464.38					
	16-320 10/31/16 water line	13,564.38*		WATER	5210 430550	357	101000
	16-320 10/31/16 sewer cleanout	900.00		SEWER	5310 430600	357	101000
42733	2901 Pump Excellence	35,222.58					
	150 12/16/16 Mad Add pump station	35,222.58*		SEWER	5310 430600	369	101000
42743	42 Fall River Electric	8,945.24					
	01/22/17 UPDH 4212041 elec service	613.40		UPDH	1000 411252	341	101000
	01/22/17 POLICE 4212008 elec service	400.97		POLICE	1000 411258	341	101000
	01/22/17 shop 4212018 elec service	397.04		STREET	1000 430200	341	101000
	01/22/17 ANIMAL 4212029 elec serv	159.76		ANIMAL	1000 440600	341	101000
	01/22/17 PARK 4212032 Elec ser	340.35		PARK	1000 411253	341	101000
	01/22/17 PARK 2901001 elec serv	172.13		PARK	1000 411253	341	101000
	01/22/17 CLORINATOR 4212030 elec serv	66.07*		WATER	5210 430500	341	101000
	01/22/17 MAD ADD WATER 4212017	47.96*		WATER	5210 430500	341	101000
	01/22/17 PUMP 4212005 elec serv	61.29*		WATER	5210 430500	341	101000
	01/22/17 SEWER LIFT STATION 4212006	210.30		SEWER	5310 430600	341	101000
	01/22/17 SEWER PLANT 4212007 elec ser	1,156.95		SEWER	5310 430600	341	101000
	01/22/17 MAD SEWER LIFT 4212014 elec	181.94		SEWER	5310 430600	341	101000
	01/22/17 SEWER TREAT SERV 4212046 ele	2,572.44		SEWER	5310 430600	341	101000
	01/22/17 library 23 dunraven 4212054	135.83		LIBRY	1000 411259	341	101000
	01/22/17 povah comm ctr 4212001	304.81		POVAH	1000 411255	341	101000
	01/22/17 unmetered lights 4212004	1,451.25		STLITE	1000 430263	341	101000
	01/22/17 Town Hall 4212009	526.93		TWNHAL	1000 411250	341	101000
	01/22/17 Ice Rink 421010	40.85		PARKS	1000 411253	341	101000
	01/22/17 Hayden well 4212015	42.43*		WATER	5210 430500	341	101000
	01/22/17 Electric substation 4212031	62.54*		WATER	5210 430500	341	101000
42748	2558 Hebgen Basin Fire District	40,079.17					
	01/15/17 2017 January	40,079.17		FIRE	1000 420400	357	101000
42749	1514 Verizon Wireless	947.61					
	9 Smartphones						
	8 regular phones						
	3 laptops						
	12/20/17 640-0108, Police	32.43		SOCSE	1000 420100	345	101000
	12/20/17 640-1103, Operator	32.43		STREET	1000 430200	345	101000
	12/20/17 640-1438, SS Director	32.43		SOCSE	1000 450135	345	101000
	12/20/17 640-1460, Library Dir, SP	62.43		LIBRAR	2220 460100	345	101000
	12/20/17 640-1461, Facilities Tech, SP	62.43		WATER	5210 430500	345	101000
	12/20/17 640-1462, Operator, SP	62.43		WATER	5210 430500	345	101000
	12/20/17 640-1463, Deputy PSS, SP	62.43		SEWER	5310 430600	345	101000
	12/20/17 640-1472, Ops Mgr, SP	62.43		ADMIN	1000 410210	345	101000
	12/20/17 640-1676, Rec Coord, SP	62.43		REC	1000 460440	345	101000
	12/20/17 640-1754, COP, SP	62.43		POLICE	1000 420100	345	101000

12/30/16
16:09:01

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* ... Over spent expenditure

Claim	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
	12/20/17	640-1755, Police		32.43		POLICE	1000 420100	345	101000
	12/20/17	640-1756, Police		32.43		POLICE	1000 420100	345	101000
	12/20/17	640-1757, Police		32.43		POLICE	1000 420100	345	101000
	12/20/17	640-1758, Police, SP		62.43		POLICE	1000 420100	345	101000
	12/20/17	640-1759, Police		32.43		POLICE	1000 420100	345	101000
	12/20/17	640-7547, Facilities Tech		32.43		PARKS	1000 460430	345	101000
	12/20/17	640-9074, PSS, SP		62.50		SEWER	5310 430600	345	101000
	12/20/17	COP laptop		46.21		POLICE	1000 420100	345	101000
	12/20/17	683 laptop		40.01		POLICE	1000 420100	345	101000
	12/20/17	Officer laptop		40.01			1000 420100	345	101000
42753		2198 Westgate Auto Body		137.56					
	12/27/16	repair mirror		137.56		STREET	1000 430200	870	101000
42754		2993 Land Solutions, LLC		8,633.52					
	12/29/16	growth policy update		8,494.77		PLAN	1000 411000	357	101000
	12/29/16	site plan		138.75		PLAN	1000 411000	357	101000
42755		951 Barnes & Noble		115.19					
	3382569	12/10/16 books		115.19		LIB	2220 460100	215	101000
42756		320 Yellowstone T-Shirt Co.		126.00					
	10202016a	10/20/16 tote bags		126.00		LIB	2220 460100	220	101000
42757		2942 New York Times		187.20					
	12/04/16	subscription		187.20		LIB	2220 460100	215	101000
42758		1758 Montana Magazine		35.00					
	12/30/16	subscription		35.00		LIB	2220 460100	215	101000
42759		333 Montana State Library		1,699.68					
	09/01/16	consortium share		1,699.68		LIB	2220 460100	398	101000
42760		2537 Balco Uniform Co., Inc.		417.00					
	44878	11/14/16 uniform		417.00		POLICE	1000 420100	226	101000
42761		2660 Pro Force Law Enforcement		660.95					
	296956	12/21/16 smart cart 25 foot live		660.95		POLICE	1000 420100	220	101000
42762		2998 Stahly Engineering & Associates,		12,690.00					
	1	12/10/16 GIS project		4,245.00*		WATER	5210 430550	355	101000
	1	12/10/16 GIS project		4,245.00*		SEWER	5310 430630	355	101000
	1	12/10/16 interior parks survey		4,200.00		PARKS	4000 460430	920	101000
		# of Claims	25	Total:	132,378.18				

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
December 6, 2016

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

OTHERS PRESENT: Town Manager Daniel Sabolsky, Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Social Services Director Kathi Arnado

Jeremy Weber-West Yellowstone Star, Helene Rightenour, Richard & Teri Gibson, Ryan Barker-Forsgren Associates, Louise Cochrane, Marysue Costello-WY Chamber of Commerce, Tom Cherhoniak, Garrett Ostler, Randy Wakefield-Fall River Electric, Caitlyn Johnson-Yellowstone Historic Center, Glen Loomis, Dave DeGrandpre and Matthew Rohrbach-Land Solutions, LLC, Frank Gaddis

The meeting is called to order by Deputy Mayor Brad Schmier at 5:30 PM in the 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.

WORK SESSION

Deputy Mayor Brad Schmier calls the meeting to order. Town Manager Dan Sabolsky explains that the Little Rangers Learning Center has run into a couple issues and was not prepared to make a presentation tonight. Their goal is to open the center the first Monday in January. He says that he is going to do what he can to help them move the applications along quicker. Forsythe says he has been approached by Arnie Siegel, Vice-Chair of the organization, as well as Bruce McPherson, the Chair, about providing land and financial support to get a permanent solution in place. He says they have looked at modular buildings and are hoping the Town will be able to assist with funding. He says that he believes that this issue is very important to the Town and they will need to be a part of the solution. Social Services Director Kathi Arnado explains the efforts and planning that the group is working on to launch the center.

The next item of discussion is updating the current resort tax ordinance. Sabolsky reminds the Council that they discussed these revisions last spring, but due to pending litigation at the time they did not proceed with adopting the revisions. The Council discusses the proposed revisions, specifically the language that provides an avenue for an event to be exempted from collecting resort tax. The new language provides seven criteria of which three must be met to be exempted from collecting the tax. The Council also briefly discusses specific items that should be included in the section that specifies what sales are subject to the tax.

Sabolsky explains that he has met with representatives from the Big Sky Resort Area about lobbying the legislature to increase the resort tax limit from 3% to 4%. Big Sky has hired a lobbyist and is looking for support for their initiative to increase the tax by 1% to be used exclusively for workforce housing. Sabolsky presents multiple other options the town could pursue including introducing legislation to be used exclusively for historic preservation, legislation for community development to include housing, historic preservation, medical facilities, day care, and infrastructure, legislation that would allow the increase to be used for items already permitted by the current resort tax law. The Montana League of Cities and Towns (MLCT) and many of their members are seeking authority of up to 3% to be available to all communities, regardless of their size. Glen Loomis shares insight from the last legislative session where the proposed legislation to increase the tax by 1% for workforce housing and historic preservation was defeated by a tie vote. Sabolsky explains that he will participate in a conference call next week with the other resort tax communities. After further discussion, the Council indicates that they favor the option of pursuing legislation to increase the taxing authority to 4% for resort tax communities under the same regulations that exist in state law.

ACTION TAKEN

- 1) Motion carried to approve the Treasurer's Report and Securities Report, dated November 30, 2016. (Forsythe, Martineau)
- 2) Motion carried to approve the claims, which total \$36,288.65. (Martineau, Parker)
- 3) Motion carried to approve the Consent Agenda, which includes the minutes of the November 18, 2016 Town Council Meeting. (Martineau, Schmier)
- 4) Motion carried to approve the Application to Maintain an Encroachment, Application for Outside Amplification, and Special Event Permit for the Christmas Stroll on December 10, 2016. (Parker, Martineau)
- 5) Motion carried to approve Resolution No. 692, a surplus property resolution authorizing the disposal of a 2008 Ford Crown Victoria police car and a 2010 Ford Crown Victoria police car with a salvaged title. (Martineau, Parker)
- 6) Motion carries to approve the update of the Employee Personnel Policy Manual. (Forsythe, Martineau)
- 7) Motion carried to authorize the Town Manager and Land Solutions, LLC to move forward with applying for grants through the Big Sky Trust Fund Grant, Montana Office of Tourism & Business Development and authorize funding the match. (Forsythe, Schmier)

Public Comment Period

West Yellowstone Chamber of Commerce Executive Director thanks all the Town departments for their assistance preparing for and putting on the ski events over the last two weeks.

Council Comments

Council Member Brad Sabolsky thanks Dan and whoever else has been involved for arranging more parking areas through the Forest Service for winter visitors. Mayor Johnson thanks everyone for their support and concern as he has worked through some health issues recently.

DISCUSSION

- 6) Sabolsky says that the Employee Personnel Policy Manual desperately needs to be updated. He says that to move forward with that project, he says they will need to get additional assistance from the Town attorneys and MMIA. He says that he just wants to make the Council aware that this will likely incur additional costs to the Town.
- 7) Sabolsky explains that they have the opportunity to apply for a Big Sky Trust Fund Grant from the Montana Office of Tourism & Business Development. He says that they can apply for up to 50% of the cost to update the zoning, subdivision regulations, and growth policy, which they have already contracted to do through Land Solutions, LLC.
- A) **Advisory Board Reports:** Council Member Parker announces that the Health Care Services Advisory Board is meeting tomorrow at noon. Teri Gibson says that the Planning Board met today with representatives from Land Solutions, LLC to discuss the Growth Policy, zoning, and subdivision regulations.
- B) **Town Manager/Department Head Reports:** Town Manager Dan Sabolsky reports on current issues: **West Yellowstone Star:** The Town is still assisting the two owners in getting familiar with the community. The Star has indicated they would like to apply for \$20,000 from the Town's revolving loan program. Town staff is still waiting for the necessary documentation to complete their loan application. Status: In-progress.
Planning, Housing, & Development: In October, the Town entered into a contract with Land Solutions to update the Growth Policy, Zoning Code, and Subdivision regulations. This project will take up to two years to complete. In addition, the Town entered into a contract with Land Solutions to develop a plan for the 80 Acres. Land Solutions has been

reviewing all the Town's current planning documents and developing a list of issues that need to be addressed in the updated versions. Ms. Roos has been doing a great job responding to information requests coming from our consultants. Land Solutions has been contacting key stakeholders in the community to introduce themselves and provide a summary of the planning process. They are having a "kick-off" of the planning process on December 7th at the Povah Center. While in West, they will be meeting with key stakeholders such as the Planning Advisory Board, the Chamber, and WYED. In addition, Town staff members will be meeting with them. Status: In-progress. **Habitat's Housing Project:** The Town/Habitat for Humanity grant application was not approved. The State awarded \$1.05 million in grant funds to three applicants. Habitat and the Town (Pierre) meet with the State to review the scoring of our past grant submittal and get recommendations for our next application. Habitat is looking into other sources of funding for the project. Status: In-progress. **Golf Cart Legislation:** I have drafted the legislation for the use of golf carts within Town limits. There are a number of communities that already have a similar type of regulations. Therefore, I used their ordinances to draft our legislation. The draft regulations/legislation were already forwarded to our legal counsel for review. Corrections, based on comments from our legal counsel, have been made. The legislation is on this week's Council Agenda. Status: In-progress. **Public Property Signage:** The legislation passed in September. Now the difficult part starts, the enforcement of the new regulations. Staff will be meeting after the new year to develop an action plan to implement the new regulations. Status: In-progress. **80 Acre Property:** The Town has signed the quit claim deed for the 80 acres. On Nov. 17th, the Forest Service signed the deed for the transaction and recorded it. Therefore, the Town owns the 80 acres. However, we are still waiting for our copy of the recorded deed. The recorded deed will be presented to the Town Council at a future meeting. Status: In progress. **Winter Sports Parking Lot:** Based on encouragement of the Chamber and snow related businesses, the Town has developed a temporary winter sports parking lot on the newly acquired 80 acres. It is the desire of the Forest Service, the Chamber, and Town staff to locate a permanent lot somewhere adjacent to Town. The interested parties will be meeting soon to start planning the project. Status: In progress. **Town Logo and Signs:** River Dragon Designs has developed a new logo for the Town and it was approved by council. Recently, the new signs were installed by Town staff. The address decals have been ordered and will be installed on the building in the new year. Status: In progress. **Day Care:** The Day Care group continues to meet frequently to develop a non-profit organization to operate a day care. They have established a Board and have drafted an action plan to move the process forward. They are exploring both temporary and permanent locations for the day care. A temporary location has been approved at the Community Protestant Church. Bruce McPherson, board president of the learning center group, will give a short presentation at the upcoming council meeting on the day care situation. Status: In progress. **Amphitheater:** The group working on the amphitheater project has not met recently. The group has a completed conceptual design and is waiting on some cost estimates for the project. The potential donors need to get an estimate of the costs to determine the size and terms of their donation. Soon, we are hoping to move the project forward by getting council approval, starting the plans, and setting up the financing. Status: In progress. **Television District:** Mr. Martineau has worked with a contractor to make some of the immediate repairs needed at the facility. In addition, Mr. Martineau has got some cost estimates for the digital upgrade of the facility. The County Commissioners and Mr. Martineau have been recruiting new Board members before undertaking any further action regarding the upgrades. Status: On-going. **GIS:** Stahly Engineering has completed gathering data for the GIS system. They are in the process of creating the "system." Three GIS handheld units have been purchased and are ready for the software installation. In addition, they have surveyed four interior parks along Canyon Street. The data gathered was provided to ThinkOne to plan for the Canyon Street restrooms and paving of these interior lots. On Monday, we received, from ThinkOne, some drawings with tentative locations for the restrooms. Status: In progress.

Town Related Items:

- Conducted Interviews for the open Police Officer position.
- Attended meeting with the Town of Ennis and Big Sky Resort Tax District.
- Met with the West Yellowstone Star (4).
- Met with Day-Care Group (2).
- Met with Arnie Siegel (5).

- Attended the Snowplowing meeting.
- Met with Clean Cities about an Electric Car Charging Station.
- Met with Forsgren Engineering.
- Met with Land Solutions (3).
- Researched the Idaho Falls Fountain.
- Met with Prospera Business Network.
- Met with Rob Gilmore of Northern Rocky Mountain Economic Development District.
- Worked with Think One Architects on locations and site plans for Canyon Street Restrooms.
- Met with Stahly Engineering & Associates about GIS system.
- Met with the Chamber – Mary Sue Costello.

Public Events Attended:

- Attended the Craft show.
- Attended the Cross-Country Ski Event.
- Attended the Biathlon event.
- Attended presentation by Tom Murphy.
- Watched the Dodgeball Tournament.

Public Services Superintendent James Patterson says that they are plowing a lot of snow and the new crew is working together well. He reports that he met recently with Tom Osborne, the engineer that is studying the sewer system and water system. He and Town Engineer Dick Dyer will meet with him again in early January with the anticipation of being able to drill a well next spring. Chief of Police Scott Newell reports that Officer Kearney slipped and fell over the weekend and dislocated his shoulder, so he has been covering his shifts. He says they received four responses to the CAD RMS system and will entertain presentations from the responders in the near future. The new pickups for the Police Department will be delivered to the dealership in January. He reports that they are going through the background review process for the new police officer now and anticipate swearing him in as an officer in early January. Finance Director Lanie Gospodarek reports that they installed a new phone system today and everything is going well so far. The same company, Blackfoot Communications, has also connected all of the Town buildings to fiber, which will greatly improve efficiency and communication speeds. She says that she has also been busy working on the Annual Financial Report and training our new Deputy Town Clerk, Lisa Johnson. Social Services Director Kathi Arnado reports on counseling opportunities in the community, distribution of 66 turkey baskets to families in the community, the Christmas Star program to collect Christmas presents for children in the community, traffic with unemployment filings and food bank visits.

- C) Mayor Johnson says the draft golf cart ordinance was provided in the packet and asks for comments. Chief Newell suggests adding definitions for the word “driver” and making any violations a civil infraction rather than a misdemeanor. Johnson asks why they would not be allowed between sunset and sunrise if they are equipped with lights and reflectors and suggests removing that requirement. They also discuss changing the language in the definition of “golf cart” but agree that since it comes from Montana Code not to change it. The Council and members of the public discuss the proposed ordinance and make minor changes. Sabolsky says he will bring it back for first reading by the Council in January.
- D) Town Manager Dan Sabolsky explains that dispatcher Nansi Cisneros has notified the Town that she intends to retire in April. Head Dispatcher Brenda Martin is also expecting a baby in April so they are asking for permission to hire a new dispatcher so they are trained and ready to work independently before April. He says that considering that they have been down a police officer since July, they do not foresee a problem with the budget. Johnson says those are very good reasons but questions whether they need to check with the union or amend the staffing plan. Sabolsky says that he did discuss this with the union and they had no issues with it. Newell says that he discussed it with the attorney who said as long as they had Cisneros’ resignation letter, there should be no problems. The Council indicates that they are comfortable with the proposal.

The meeting is adjourned. (9:15 PM)

Mayor

ATTEST:

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
December 21, 2016

COUNCIL MEMBERS PRESENT: Deputy Mayor Brad Schmier, Pierre Martineau, Cole Parker, Greg Forsythe

OTHERS PRESENT: Town Manager Daniel Sabolsky, Finance Director Lanie Gospodarek, Social Services Director Kathi Arnado

The meeting is called to order by Deputy Mayor Brad Schmier at 7:00 PM in the 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.

Public Comment Period

No public comment is received.

Council Comments

Council Member Parker recalls some issues they had a year ago pertaining to calling out public services employees for snow removal which resulted in filing a grievance. Sabolsky explains that just this week they had a conference call with the Town Attorney as well as the union and believe they have things worked out so they don't have any problems this year. Council Member Forsythe mentions that the next regularly scheduled meeting is January 3, 2017, which is the meeting where they will elect the Mayor for the year. He says that the school had to reschedule a basketball game for that same date due to inclement weather last week. He asks the Council to consider moving that meeting to the following evening, Wednesday, January 4, 2017.

Public Hearing: Conditional Use Application, Little Rangers Learning Center (Temp Use)

Deputy Mayor Brad Schmier opens the hearing and explains that they have received an application from the Little Rangers Learning Center to operate from the Community Protestant Church through August 31, 2017. The hearing was advertised in the December 9 and December 16, 2016 editions of the West Yellowstone Star. Neighboring property owners were also notified. Teri Gibson encourages the Council to approve the application. Bron Hansen, a resident of the Madison Addition, says he supports the application but suggests they consider the corner the church is on and possible signage warning people to slow down.

ACTION TAKEN

- 1) Motion carried to approve the claims, which total \$168,991.34. (Forsythe, Martineau)
- 2) Motion carried to approve the Request for Conditional Use made by the Little Rangers Learning Center to operate a temporary childcare facility at 505 N Electric Street, known as the Community Protestant Church contingent upon proper licensing by the State of Montana and effective through August 31, 2017. (Forsythe, Martineau)
- 3) Motion carried to approve the new business license for Little Rangers Learning Center to operate a childcare and learning center at 505 N Electric Street. (Forsythe, Martineau)

DISCUSSION

- 2) Bruce McPherson speaks on behalf of the Little Rangers Learning Center. He explains that there are currently no public childcare options available in West Yellowstone. Both businesses that were operating in the past year have closed. McPherson explains that he and the Pre-K Program Teacher, Katie Ostberg, saw what was coming and started working on this a few months ago. He says that he has not personally been involved with child care since his daughter was young, 32 years ago. But he also wrote a book many years ago about the economic and social impacts of group child care. He also started the Pre-K program that currently operates out of the Library at no charge. He explains that

they formed a board and in the last two months they have obtained all the necessary approvals save one to be a licensed child care/learning center. The church has agreed to allow the center to operate from the church through August 31, 2016. He says that they have faced multiple obstacles including the fact that they have to install a \$26,000 fire suppression system in the building, which they obtained a loan for just today. They were hoping to open the center on January 3, 2017 but they are not sure they will make that date. They plan to install the fire suppression system next week and have worked out and the center will assume the liability of the loan.

The meeting is adjourned. (8:00 PM)

Mayor

ATTEST:

Town Clerk

Town of West Yellowstone Business License Application

Business Name: Ranger Lodging
Applicant: Robbie and Debra Hermanson
Contact Person: Debra Hermanson
Mailing Address: PO Box 202 West Yellowstone MT 59758
Physical Address of Business: 316 Dunraven
Phone Number: 406-640-1190 Fax Number: 406-646-0524
Email Address: debby.hermanson@yahoo.com Website: VRBO.com

Signature of Property Owner of Record: Debra Hermanson

Subdivision: Original Townsite of West Yellowstone
Block: 3 Lot: 1

Zoning District, please mark one:

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

Vacation Rentals - 1
RV Site - 1

Business License Fee: \$ 54.00
Resort Tax Bond: \$ _____
Total Amount Due: \$ 54.00

Debra Hermanson
Signature of Applicant
[Signature]
Signature of Applicant
6/16/16
Date

FOR OFFICE USE ONLY				
Date Approved by Town Council:	_____			
Date _____	Check # _____	Amount \$ _____	License # _____	
SCN _____	BLP _____	STX _____	BLC _____	RDX _____

Site Plan

Business Name:

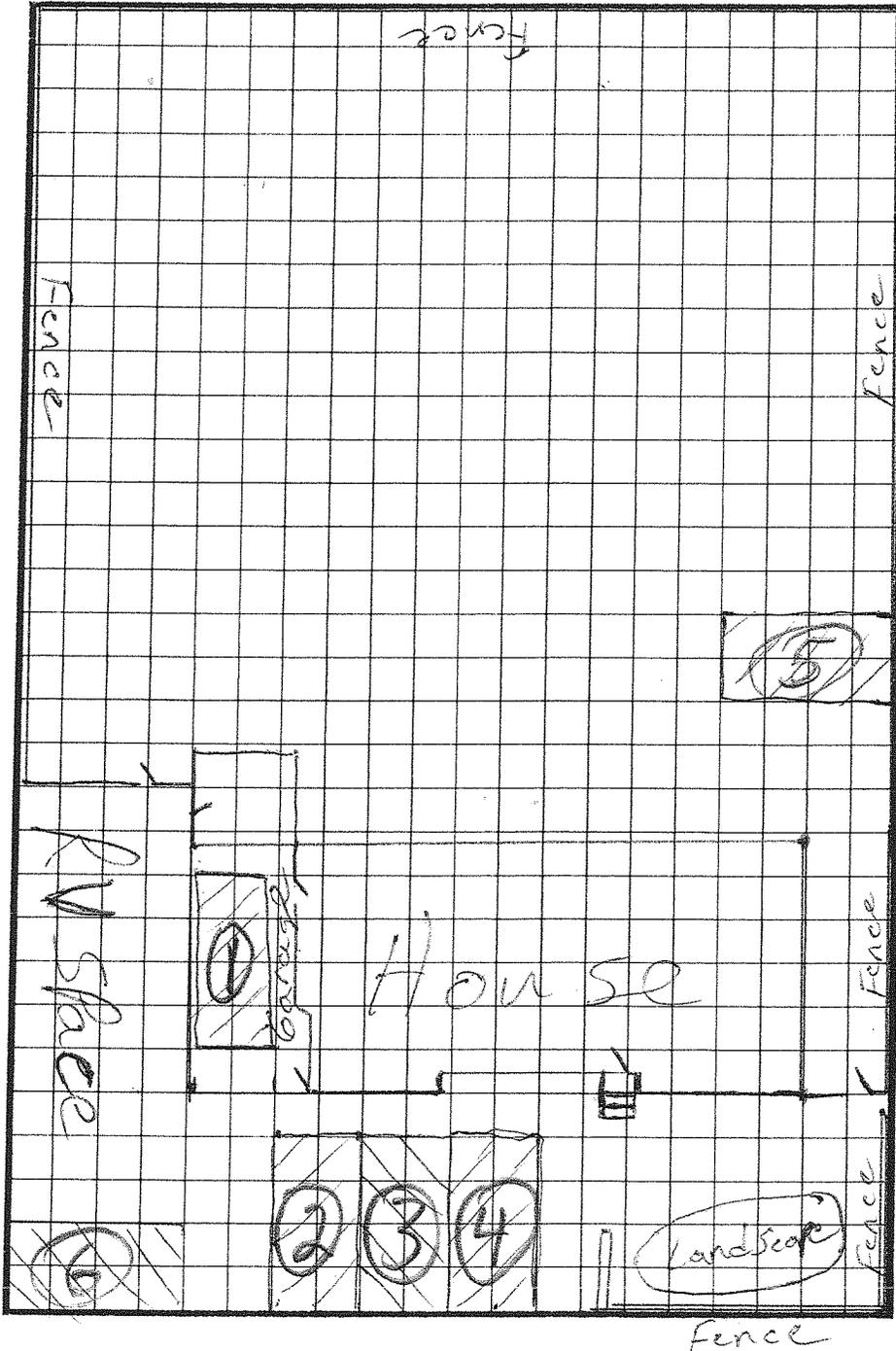
Business Owner:

Business Street Address:

Block:

Lot:

Subdivision:



Scale: 1 inch = 20 feet

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



"Committed to the protection and promotion of public health"

Gallatin City-County Health Department

Environmental Health Services
215 W. Mendenhall, Rm 108 Bozeman, MT 59715
(406) 582-3120



Montana
Department of
Public Health and
Human Services

Food and Consumer Safety Section
PO Box 202951
Helena, MT 59620-2951
(406) 444-2951

Public Accommodation Inspection Report

Reference ARM Title 37, Chapter 111, Subchapter 1 and 3

License H Pending Establishment Name Rangers Retreat

Date 10/26/2016

Address 316 Dunraven Street

City West Yellowstone, MT

Owner R & D Investments Inc.

Water

Endorsements

Wastewater

Units

Type of Inspection Other

Risk Category 9

Time In 10:00 AM

of Repeat Violations 0

Time Out 11:00 AM

Total Time (Min) 60

Public Accommodation Violations

Food Service Critical Violations

of Criticals 0

Food Service Non Critical Violations

Temperature Log

Comments

-Licensing completed today, a compliance inspection will be completed during next cycle to ensure all rules are met. \$40.00 license fee accepted.

Inspector

Owner/Manager

Dustin Schreiner, R.S.

Follow-up Required

To: West Yellowstone City Council
West Yellowstone, MT 59758

From: Robbie and Debby Hermanson
PO Box 202
West Yellowstone, MT 59758

Re: Resort Tax Bond

9/1/16

To Whom It May Concern:

We are asking to be exempted from the \$500.00 Resort Tax Bond. We have been paying our resort taxes for our other business for the past 16 years. You currently hold a \$500.00 bond for that business already. Please consider using the same bond for the Ranger Lodging business that we are applying for today. Thank You

Robbie and Debby Hermanson
Debby Hermanson
Owners



406-640-1190

Town of West Yellowstone Business License Application

Business Name: SPRIT OF THE NORTH SLED DOG ADVENTURES
 Applicant: Jim & Connie Szerry
 Contact Person: Jim Szerry
 Mailing Address: 30 Box 1321 Ennis, MT 59729
 Physical Address of Business: 35 Dogot Spur Rd Ennis, MT 59729
 Phone Number: 406-682-7994 Fax Number:
 Email Address: sleddog@3rivers.net Website: www.huskygower.com

Signature of Property Owner of Record: ok'd by City Mgr - Dan Sabolasky
406-640-1472

Subdivision: _____
 Block: ?? Lot: empty lot at north end of Iris St
at Madison Arm Trailhead

Zoning District, please mark one:

- | | |
|--|---|
| <input checked="" type="checkbox"/> B-3 Central Business District (Old Town) | <input type="checkbox"/> PUD Planned Unit Development (Grizzly Park) |
| <input type="checkbox"/> B-4 Expanded Business District (Grizzly Park) | <input type="checkbox"/> Residential Districts, Home Occupations Only (Mad Add) |
| <input type="checkbox"/> E-2 Entertainment District (Grizzly Park) | |

- | | |
|--|--|
| <input checked="" type="checkbox"/> New Business | <input type="checkbox"/> Transfer of Ownership |
| <input type="checkbox"/> Change of Location | <input type="checkbox"/> 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) ^{N/A}
- 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.

sleddog tours are in the Madison Arm Loop in the Gallatin National Forest
permitted by the US Forest Service - parking will be for 2 guest vehicles
in the lot with the dog truck

Business License Fee: \$50⁰⁰
 Resort Tax Bond: \$500⁰⁰
 Total Amount Due: \$550⁰⁰

Connie Szerry
 Signature of Applicant
Jim Szerry
 Signature of Applicant
27 Dec 16
 Date

FOR OFFICE USE ONLY				
Date Approved by Town Council: _____				
Date _____	Check # _____	Amount \$ _____	License # _____	
SCN _____	BLP _____	STX _____	BLC _____	RDX _____

Town of West Yellowstone Business License Application

Business Name: Angler's Rest
Applicant: Ronald & Deborah Tomasetti
Contact Person: Ron or Deb Tomasetti
Mailing Address: 1028 Chestnut Ave, Woodbury Heights, NJ 08097
Physical Address of Business: 234 Parkway "D" #4 West Yellowstone, MT 59758
Phone Number: 856-845-8598 Fax Number: 856-812-0455
Email Address: rtomasetti@comcast.net Website: allseasonsyellowstone.com

Signature of Property Owner of Record: _____

Subdivision: West Yellowstone Original Plat
Block: 3 Lot: 2

Zoning District, please mark one:

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

This condo (Angler's Rest) will continue to be used as a nightly rental. We will operate the same as our existing unit #2 (4 Seasons Yellowstone Townhouse Rental).

Business License Fee: \$ 53.00
Resort Tax Bond: \$ SEE ATTACHED REQUEST

Total Amount Due: \$ 53.00

[Signature]
Signature of Applicant
[Signature]
Signature of Applicant
12/13/16
Date

FOR OFFICE USE ONLY			
Date Approved by Town Council:	_____		
Date <u>12/22/16</u>	Check # <u>101</u>	Amount \$ <u>53.00</u>	License # _____
SCN _____	BLP _____	STX _____	BLC _____ RDX _____

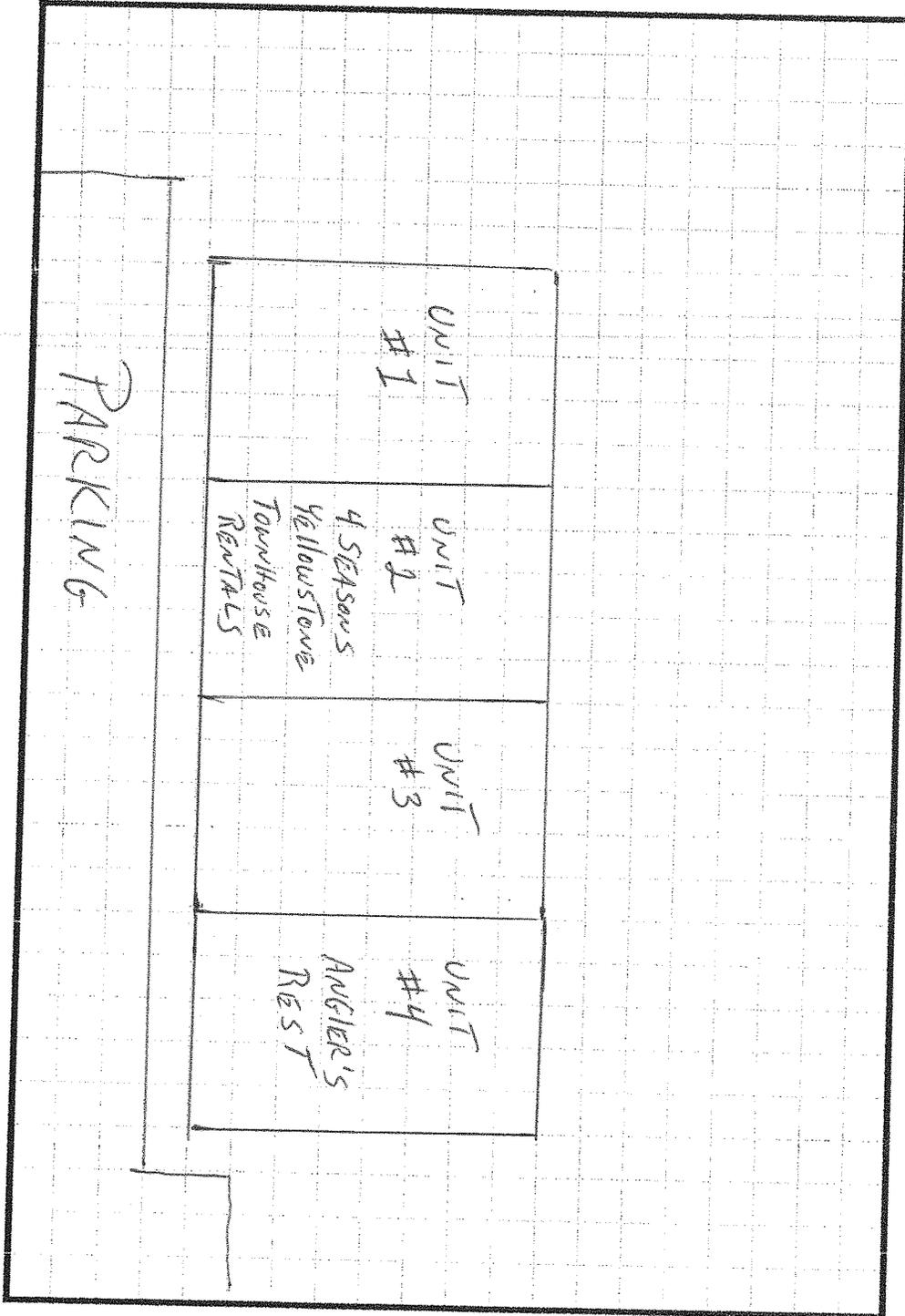
Site Plan

Business Name: ANGLER'S REST

Business Owner: RON + DEB TOMASETTI

Business Street Address: 234 PARKWAY "D" #4

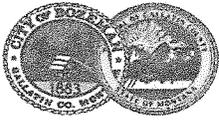
Block: Lot: Subdivision:



Scale: 1 inch = 20 feet

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

ELECTRIC ST



"Committed to the protection and promotion of public health"

Gallatin City-County Health Department

Environmental Health Services
215 W. Mendenhall, Rm 108 Bozeman, MT 59715
(406) 582-3120



Montana
Department of
Public Health and
Human Services

Food and Consumer Safety Section
PO Box 202951
Helena, MT 59620-2951
(406) 444-2951

Public Accommodation Inspection Report

Reference ARM Title 37, Chapter 111, Subchapter 1 and 3

License H 300489 Establishment Name Angler's Rest

Date 12/9/2016

Address 234 Parkway D #4

City West Yellowstone, MT

Owner Burk, Richard

Water West Yellowstone City

Endorsements

Wastewater West Yellowstone City

PA 4 Tourist Home

Units 4

Type of Inspection Ownership Change

Risk Category 0

Time In 12:00 AM

of Repeat Violations 0

Time Out 1:00 PM

Total Time (Min) 60

Public Accommodation Violations

Food Service Critical Violations

of Criticals 0

Food Service Non Critical Violations

Temperature Log

Comments

Ownership change application was completed and submitted.

During the inspection the Tourist Home was checked for general cleanliness.

- Bedding is clean and is changed between guests, laundry washed on site.
- All furniture, floors and walls were clean and in good repair.
- The bathrooms were clean and the walls and showers free of mold.
- Bathing facilities are provided with an anti-slip surface.
- Smoke alarms, fire evacuation plan and fire extinguishers were present.

Inspector

Dustin Schreiner, R.S.
Dustin Schreiner, R.S., Jonathan Jetter, S.I.T.

Owner/Manager

Follow-up Required

Town of West Yellowstone
P.O. Box 1570
West Yellowstone, MT 59758

12/13/2016

To Whom It May Concern,

We are filing the attached Business License for our property located at 234 Parkway "D" Unit #4 (Angler's Rest), we have owned Unit #2 (4 Seasons Yellowstone Townhouse Rental) since 2011 and always remitted our Resort Taxes in a timely manner. Since this is our second business license, please accept this letter as a formal request to be exempted from the \$500 "**Resort Tax Bond**". If you have any questions or concerns, please feel free to contact us at (856) 845-8598.

Yours Truly



Ron and Deb Tomasetti

Town of West Yellowstone Business License Application

Business Name: Rendezvous Snowmobile, Big Sky Car Rentals, Randy's Auto Repair, Buffalo Bus Touring

Applicant: DNC Parks & Resorts Yellowstone Adventures, Inc.

Contact Person: On site: Erik Dawkins (406) 548-8440; Licensing: Beth Salansky (716) 858-5162

Mailing Address: 250 Delaware Avenue, 12th Floor Licensing, Buffalo, NY 14202

Physical Address of Business: 415 Yellowstone Ave., West Yellowstone, MT 59758

Phone Number: (406) 548-8440

Fax Number: (716) 858-5056

Email Address: EDawkins@delawarenorth.com

Website: _____

BSalansk@delawarenorth.com

Signature of Property Owner of Record: _____



Subdivision: Old Town

Block: _____ Lot: _____

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) ^{N/A}
- If this business is located in Grizzly Park, has the business been approved by the Grizzly Park Architectural Committee (GPAC)? Yes No ^{N/A}

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.

Snowmobile rentals, car rentals, snow coach tours, and auto repair

Business License Fee: \$ 177.25
Resort Tax Bond: \$ please see letter



Signature of Applicant

Total Amount Due: \$ _____

Signature of Applicant

Date

FOR OFFICE USE ONLY					
Date Approved by Town Council: _____					
Date	Check #	Amount \$	License #		
<u>12/23/16</u>	<u>12235Z</u>	<u>165.25</u>	<u>650</u>		
SCN <input checked="" type="checkbox"/>	BLP <input checked="" type="checkbox"/>	STX <input checked="" type="checkbox"/>	BLC <input checked="" type="checkbox"/>	RDX <input type="checkbox"/>	



250 Delaware Avenue
Buffalo, New York 14202
T 716 858 5000
www.delawarenorth.com

December 1, 2016

Town Council
Town of West Yellowstone
440 Yellowstone Avenue
West Yellowstone, MT 59758

Re: Request for Waiver of Resort Tax Bond

Dear Sir or Madam:

Please accept this correspondence as our request to waive the \$500.00 resort tax bond with regard to our application for a Business License covering our operations at DNC Parks & Resorts Yellowstone Adventures, Inc. As you may be aware, we own and operate businesses in West Yellowstone including the West Yellowstone Holiday Inn, Gray Wolf Inn & Suites and the Yellowstone Park Hotel. We have a good payment history of paying the resort taxes on time for each of these locations.

If any questions or require any additional information, please contact me at (716) 858-5162 or via e-mail at BSalansk@delawarenorth.com. Thank you.

Very truly yours,

DNC Parks & Resorts Yellowstone Adventures, Inc.

A handwritten signature in cursive script that reads "Beth A. Salansky".

Beth A. Salansky
Lead Licensing Paralegal

Enclosures
cc: Erik Dawkins

**GREETINGS TO ALL FROM THE STATE OF MONTANA
AND THE TOWN OF WEST YELLOWSTONE**

Be it known to all that on this date, Daniel Palmer, took the following oath of office:

“I do solemnly swear (or affirm) that I will support, protect and defend the Constitution of the United States of America and the Constitution of the State of Montana, and the Charter of the Town of West Yellowstone, and that I will discharge the duties of my office with fidelity (so help me God).”

Let it be recognized to all that on this date, Daniel Palmer, by taking this oath of office was duly sworn in as a Peace Officer for the Town of West Yellowstone and the State of Montana

Mayor

Town of West Yellowstone

Date

Section 1: Definitions.

- A) Golf Cart: "Golf Cart" means a motor vehicle that is designed for the use on a golf course to carry a person or persons and golf equipment and that has an average speed of less than fifteen (15) per hour.
- B) Person: "Person" means an individual, corporation, partnership, association, firm, or other legal entity.
- ~~B)C)~~ Driver: "Driver" means the operator of a motor vehicle, golf cart, snowmobile, atv, or any other motorized or non-motorized mode of transportation.

Section 2: Golf Carts Generally Prohibited.

Pursuant to MCA 61-8-391, a person may not operate a golf cart on a public street or highway open to the public unless the operation is specifically authorized by the Town of West Yellowstone pursuant to the process and procedure established in this Chapter.

Section 3: Golf Carts Permitted by Exemption:

Golf carts may be specifically authorized by the Town Council in limited areas on public streets within the Town limits under the following terms and conditions:

- A) Operating Requirements:
 - 1. A person operating a golf cart on a public street shall have a valid driver's license or valid low speed restricted driver's license.
 - 2. A golf cart may not be operated on a public street unless it is equipped with:
 - a. Two headlamps, but no more than two headlamps;
 - b. Two tail lamps, but no more than two ~~tail lamps~~headlamps;
 - c. At least one reflector;
 - d. Stop lamps;
 - e. Seatbelts for the driver and all passengers;
 - f. A horn; ~~and~~
 - g. A rearview mirror that reflects to the driver a view of the roadway behind the cart; ~~and;~~
 - ~~g-h.~~ Turn signals.
 - 3. Prior to operation on a public street, the golf cart must be appropriately registered with the Montana Motor Vehicle Division per MCA 61-3-321. The registration decal must be displayed visibly on the golf cart at all times of operation.
 - 4. The owner of a golf cart that is registered and operated on a public street by the owner or with the owner's permission shall continuously provide insurance against loss resulting from liability imposed by law for bodily injury or death or damage to property suffered by a person caused by the usage of a golf cart in amount not less than required by MCA 61-6-103.
- B) Time and Place of Operation:
 - 1. No golf cart may be driven, operated, or controlled on public streets or highways:
 - ~~a.~~ Between sunset and sunrise;
 - ~~b-a.~~ Without the use of lights as equipped;
 - ~~e-b.~~ Contrary to any traffic law of the Town or the State of Montana;

- ~~d.c.~~ With more people than seats and seat belts within the vehicle;
- ~~e.d.~~ On any Federal Highways within the Town limits;
- ~~f.e.~~ In any area where motor vehicle traffic is prohibited, blockaded or presents hazardous travel, including but limited to non-motorized paths or sidewalks.

~~2.~~ Golf carts are specifically prohibited from operating on public streets for which the posted speed limit exceeds twenty-five (25) miles per hour.

~~2.~~

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Section 4: Violation – Penalty:

Violation of this Chapter shall be considered a municipal infraction and shall be punished by a fine of not more than five hundred dollars (\$500). Incarceration shall not be a penalty for violating this Chapter.

Section 5: Effective Date:

This ordinance shall be effective thirty (30) days after adoption and passage.



Dear Councilmembers,

This is a request to exempt the Yellowstone Ski Festival event from collecting and remitting resort tax.

Yellowstone Ski Festival is requesting the exemption for the following reasons:

- Funds generated from the event are used to maintain the infrastructure of the public lands of the Rendezvous Ski Trails
- The festival is a primary financial supporter the West Yellowstone School Nordic Ski Team
- Entrance fees to the races are capped by the U.S. Ski & Snowboard Association (USSA), the sanctioning body of the event, which limits the revenue collected

Thank you for your time and consideration of this matter.

Sincerely,

Moira Dow
Yellowstone Ski Festival Director

ORDINANCE No. 264

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE, MONTANA REVISING THE WEST YELLOWSTONE MUNICIPAL CODE TO REVISE THE RESORT TAX ORDINANCE AMENDING SECTION 3.12.

WHEREAS, the Town Council of the Town of West Yellowstone has enacted a Resort Tax Ordinance pursuant to §7-6-1502 et. seq, MCA; and

WHEREAS, the Town Council of the Town of West Yellowstone believes that changes and updates to that ordinance are in order for the benefit and well-being of the citizens of the Town of West Yellowstone; and

WHEREAS, the Town Council has considered the proposed amendments to the Town Code at a public meeting on December 6, 2016, January 4, 2017 and at a public hearing on January 17, 2017, and allowed for public comment at both; and

WHEREAS, after due consideration, the Town Council of the Town of West Yellowstone desires to adopt the changes proposed and discussed:

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of West Yellowstone that the amendments that are set out on the attached Exhibit A, which effectively amend the municipal code of the Town of West Yellowstone, more specifically Sections 3.12.010 through 3.12.190 as set out on the attached exhibit:

Section 1: See attached Exhibit A

Section 2: REPEALER: All ordinances and parts of ordinances in conflict with provisions of this ordinance, except as provided above, are hereby amended or repealed.

Section 3: EFFECTIVE DATE: This ordinance shall be in full force and effect thirty (30) days after final adoption by the Town Council of the Town of West Yellowstone.

Section 4: SEVERABILITY: If any portion of this ordinance or the application therefore to any person or circumstance is held invalid, such invalidity shall not affect other provisions of this ordinance which may be given effect without the invalid provisions or application and, to this end, the provisions of this ordinance are declared to be severable.

PASSED BY the Town Council and approved by the Mayor of the Town of West
Yellowstone, Montana, this ____ day of _____, 2017.

Mayor

Council Member

Council Member

Council Member

Council Member

ATTEST:

Town Clerk

3.12.010 Created--General provisions--Imposed.

A. There is imposed a resort tax on the retail value of all goods and services sold or provided by businesses, groups or organizations located within the town, regardless of the method or manner of the transaction, by the following:

1. Hotels, motels, condominiums, vacation rentals, cabins and any other nightly or weekly lodging or camping facilities;
2. Restaurants, fast food stores, convenience stores, and other food service establishments;
3. Taverns, bars, nightclubs, lounges and other public establishments that serve beer, wine, liquor or other alcoholic beverages by the drink;
4. Groups, organizations, or temporary vendors, with or without tax exempt status;
5. Any business that sells luxuries as defined in 3.12.040 below.

Businesses or organizations that sell luxuries must collect a tax on such luxuries.

3.12.020 Definitions.

A. The terms "luxuries," "medical supplies," and "medicine" shall be defined as set forth in MCA Section [7-6-1501](#), and as set forth in more detail below.

B. All references to the "resort tax" and "tax" in this chapter shall refer to the resort tax passed by the electorate of West Yellowstone and as enacted by the ordinance codified in this chapter.

3.12.030 Imposed.

There is imposed a duty on each operator of any of the establishments mentioned in this chapter to collect, upon sale, the tax imposed as set forth in this chapter on all customers, regardless of state or federal tax status, with the only exceptions being those set out in § 3.12.130.

3.12.040 Luxuries tax.

Each business, group or organization subject to the tax shall collect the same on the retail value of all goods and services sold within the town by the establishments set forth in Section [3.12.010](#). All luxuries shall be taxed.

“Luxuries” shall include but not be limited to:

a.) any gift item, luxury item or service, or other item, or other item normally sold to the public or to transient visitors or tourists; but the term does not include unprepared food, medicine, medical supplies and services, or any necessities of life.

b.) sporting goods or the rental thereof,

c.) rentals on or for the following snowmobiles, automobiles, all-terrain vehicles, motorcycles, bicycles, skis, boats, campers, boat motors;

d.) recreational lessons and recreational services, including float trips, guided trips, skiing, fishing trips, hunting trips, backcountry dining trips, other outfitter trips; horseback riding; golfing, rock climbing, cycling, rafting, canoeing, kayaking, dog sledding and ballooning, tours and other attractions;

e.) all souvenir and localized items such as imprinted hats and T-shirts and curios; all nonfood items such as , housewares (other than household appliances), automotive supplies and parts; ice; retail liquor, beer and wine, except that sold at state stores.

f.) all attractions such as arcades, bowling centers, concerts, movie/theater tickets and all concessions; event and entertainment tickets (regardless of the method or location of purchase), cover charges, rodeo tickets, voluntary recreational activities such as golfing, swimming, skiing, tanning beds , and other voluntary recreational daily tickets and season passes.

g.) any other goods or services not exempt by §3.12.130 below.

3.12.050 Rate--Duration.

A. The exact rate of the resort tax is three percent.

B. The duration of the resort tax as approved by the voters on November 5, 1985 is twenty years from its effective date. The effective date of the resort tax is January 1, 1986.

C. The duration of the resort tax renewal as approved by the voters on November 5, 2002, is twenty years from its effective date. The effective date of the resort tax renewal is January 1, 2006.

3.12.060 Resort tax payment.

The resort taxes collected by a business in any month are to be paid to the town on or before the twentieth day of the following month, or if such day falls on a Saturday, Sunday or holiday, then on the next business day. Resort tax payments sent by mail or private courier must be received by the town on or before the twentieth day of each month, or if such day falls on a Saturday, Sunday or holiday, then on the next business day.

3.12.070 Collection duties and responsibilities.

- A. The office responsible for receiving and accounts for the resort tax receipts is the town clerk and treasurer.
- B. The operations manager and his/her agents shall be responsible for enforcing the collection of resort taxes and shall be responsible for overseeing the methods and procedures to be used in enforcing the collection of the resort taxes.

3.12.080 Resort tax collection fee.

Each collecting merchant shall be entitled to withhold two and one-half percent of the resort taxes collected to defray costs for collecting the resort tax, providing that resort tax payments are timely made in accordance with Section [3.12.060](#). The resort tax collection fee may be withheld by the business at the time of paying the tax to the town. Failure to withhold the fee shall constitute waiver and forfeiture of the same.

3.12.090 Records and forms.

The town shall provide each business that is required to collect resort tax with the proper forms for reporting and making payment to the town. Resort tax payments to the town shall be tabulated and accounted for on forms prescribed and furnished to the business by the town. The records and forms held by the town shall be confidential, and shall not be open to inspection by the public unless so ordered by a court of competent jurisdiction. Each business that is required to collect resort tax must maintain adequate accounting records and pay the resort tax to the town on the forms provided by the twentieth day of the following month. The accounting records maintained must be accurate, verifiable, and provide a reasonable audit trail. Failure to maintain adequate accounting records constitutes a violation of this chapter.

3.12.100 Preservation of records.

Every business required to collect and pay resort tax shall keep and preserve for a period of not less than three years all records necessary to determine the accuracy of the taxes paid, and shall make these records available for audit or inspection on its business premises at all reasonable times. Any audit or inspection shall be conducted in West Yellowstone on the premises of the business or establishment collecting the resort tax or at such other location as the town may determine.

3.12.110 Random audit.

Periodic random audits shall be conducted under the direction of the mayor, operations manager or a designated representative and all business operators shall cooperate in all respects in the conduct of the audits. Any random audit shall be for the previous calendar year, and shall be conducted in West Yellowstone on the premises of the business or establishment collecting the resort tax or at such other location as the town may determine. If the audit determines a deficiency it will be at the discretion of the town to audit the previous two years and require a follow up audit on the next reporting year. Payments and or arrangements for payment of the amount determined as outstanding resort tax owed must be paid or arranged within thirty (30) days of the date of the notification of the audit results. Failure to cooperate in any audit or inspection of records, including the failure to make the appropriate records available within fourteen (14) calendar days of the auditor's scheduled audits in West Yellowstone, may result in an automatic non-renewal of the business license for the subsequent business license year and shall constitute a violation of the provisions of this chapter.

3.12.120 Appeals.

Any business may appeal to the town council any assessment of penalty or interest; provided, that notice of appeal in writing is filed with the town clerk within thirty days of the serving or mailing of the determination of the amount of penalty and interest due. The town council shall on the next immediate regular town council meeting fix the time and place for hearing the appeal and the town clerk shall cause notice in writing to be personally served by a peace officer upon the operator. The findings and decision of the town council shall be final and conclusive and shall be served upon the appellant in the manner prescribed for service of notice of hearing or by certified mail directed to the business operator's last known address. Any amount found to be due shall be immediately payable upon service of the findings and decision.

3.12.130 Exemptions.

Notwithstanding Section [3.12.040](#), however, the following goods and services shall be exempt from the tax:

- A. Utilities and utility services;
- B. Medical supply services and medicine;
- C. Wholesale merchandise for resale at retail or used in the purchaser's business as supplies;
- D. Gasoline and other motor vehicle fuel;
- E. Liquor sold at state liquor stores;

- F. Propane and similar home fuels;
- G. Sales of automobiles, trucks, snowmobiles, motorcycles, all-terrain vehicles, bicycles, skis, boats, outboard motors and chain saws;
- H. Labor on automobiles, trucks, snowmobiles, motorcycles, all-terrain vehicles, bicycles, boats, outboard motors and chain saws;
- I. All non-recreational labor, services and non-recreational state licensed professions and trades;
- J. All payroll and business and labor costs;
- K. Lumber, building supplies and tools, and other tools;
- L. Household appliances;
- M. Any hotel, motel, campground or other lodging facility occupancy, with respect to any person or persons who occupy a room or a space for a period longer than thirty consecutive calendar days; provided, that such person certifies prior to occupancy that the occupancy will exceed thirty consecutive calendar days and does in fact exceed thirty consecutive calendar days;
- N. All sales of goods from businesses via the Internet, catalog or telephone that are shipped out of town and the purchaser never enters the boundaries of the town shall be exempt. Any goods, services or luxuries that are sold by any means and that will either be obtained, consumed, or enjoyed within the town are not exempt. Further, the services described in 3.12.040 above and sold by a business located within the town but consumed or enjoyed outside the boundaries of the Town are not exempt, regardless of the method of payment.

3.12.140 Use of tax moneys.

- A. The tax moneys derived from the resort tax may be appropriated by the town council for any activity, undertaking, or administrative service that the municipality is authorized by law to perform, including costs resulting from the imposition of the tax.
- B. There is established a marketing and promotion (MAP) fund for the town. Two and one-half percent of the three percent resort tax collected by the collecting merchant shall be dedicated exclusively to the MAP fund, which fund shall be used solely for the marketing and promotion of West Yellowstone and the surrounding area, as well as the associated costs of administering the fund. The town council may appropriate additional resort tax receipts to the MAP fund.

C. The town council shall by resolution establish a board of not less than three or more than seven qualified persons to oversee the MAP fund. At least one member of this board shall be a sitting member of the town council or the council's designee. The board shall establish policies and procedures for its operation and the general management of the fund in accordance with the council's resolution establishing the board. The board shall also select individual marketing and promotion projects and approve expenditure of funds for such projects, subject to approval by the town council.

3.12.150 Reduction of property tax levy.

Annually anticipated receipts from the resort tax must be applied to reduce the municipal property tax levy for the fiscal year in an amount equal to five percent of the resort tax revenues derived during the preceding fiscal year.

3.12.160 Property tax relief fund.

In the event the town receives more resort tax revenues than had been included in the annual municipal budget, it shall establish a municipal property tax relief fund, and all resort tax revenues received in excess of the budget amount must be placed in the fund. The entire fund must be used to replace municipal property taxes in the ensuing fiscal year.

3.12.170 Resort tax administration.

The town shall administer resort tax collections according to the following rules:

- A. Resort tax payments shall be made to the town finance office by the established deadline.
- B. Failure to report or make resort tax payments by the payment deadline shall result in forfeiture of the resort tax collection fee for the month in which the payment is due.
- C. Failure to pay resort tax before the end of the month in which the payment is due shall result in an administrative fee of either: (1) twenty-five dollars for businesses with gross sales of one thousand five hundred dollars or less for the reported month; or (2) fifty dollars for businesses with gross sales in excess of one thousand five hundred dollars for the reported month, which shall be in addition to any civil penalties awarded to the town in a suit for collection of resort tax.
- D. At the end of each subsequent month after the original payment is due, the town will assess interest at the rate of three percent (3%) of any delinquent resort tax, which shall be assessed on the first business day of the subsequent month and on the first day of each month thereafter until the total amount due, including the

administrative fee, is paid in full. This and all administrative fees shall be assessed in addition to any civil penalties awarded to the town in a suit for collection of resort tax.

E. The town may revoke the business license of any person or business that violates any provision of this chapter. The town may revoke a violator's business license either through the administrative procedure described in Chapter [5.04](#) or through a court order or judgment in accordance with Section [3.12.180](#).

3.12.180 Violation--Civil penalties.

For failure to report taxes when due, failure to pay taxes when due, and other violations of this chapter, the town may seek the following penalties or remedies:

A. A court judgement in the amount of all unpaid resort taxes, including any unpaid administrative fees assessed under Section [3.12.170](#) and any resort tax collection fees forfeited in accordance with Section [3.12.080](#);

B. Interest at the rate of ten percent (10%) per annum on unpaid resort taxes or administrative fees from the due date or assessment date until paid;

C. A civil penalty in the amount of fifty percent (50%) of the unpaid resort taxes, which includes forfeited resort tax collection fees, plus all costs and attorney's fees incurred by the town in any court action;

D. An order requiring the delinquent business to undergo a financial audit by the town or its representatives to determine the proper amount of resort taxes due, including payment by the business of all audit costs and expenses incurred by the town or its representatives;

E. Revocation of the violator's town business license, either through judicial order or the administrative procedure described in Chapter [5.04](#);

F. Any other penalty, remedy or judicial relief to which the town is entitled.

3.12.190 Violation--Criminal penalties.

A person or business violating any provision of this chapter is guilty of a misdemeanor and subject to a fine not exceed one thousand dollars for each violation, or imprisonment not to exceed six months for each violation, or both.

3.12.010 Created--General provisions--Imposed.

The financial impact of tourism far outweighs the ability of the Town residents to meet the demand for services expected by tourists solely on the revenue generated by property tax. Therefore, the residents of the Town of West Yellowstone voted to institute a Resort Tax in 1986. Once passing the Montana Legislature, the Town undertook substantial infrastructural improvements and expansion of services that would benefit both visitors and residents. Since a bulk of services provided by the Town are consumed by the tourists; it is the intent of the Town to collect resort taxes on "luxury" items (See 3.12.040 below for definition) purchased and tourist-related entertainments provided by businesses which operate within the Town.

A. A resort tax is imposed on the retail value of all goods and services sold or provided by businesses, groups or organizations located within the town, regardless of the method or manner of the transaction, by the following:

1. Hotels, motels, condominiums, vacation rentals, cabins and any other nightly or weekly lodging or camping facilities;
2. Restaurants, fast food stores, convenience stores, and other food service establishments;
3. Taverns, bars, nightclubs, lounges and other public establishments that serve beer, wine, liquor or other alcoholic beverages by the drink;
4. Groups, organizations, or temporary vendors, with or without tax exempt status;
5. Any business that sells luxuries as defined in Section [3.12.040](#).

Businesses or organizations that sell luxuries must collect a tax on such luxuries. (Ord. 258 §1 (Exhibit A), 2015: Ord. 211 §1, 2003; Ord. 112 §1, 1985)

3.12.020 Definitions.

A. The terms "luxuries," "medical supplies," and "medicine" shall be defined as set forth in MCA Section [7-6-1501](#), and as set forth in more detail below.

B. All references to the "resort tax" and "tax" in this chapter shall refer to the resort tax passed by the electorate of West Yellowstone and as enacted by the ordinance codified in this chapter. (Ord. 258 §1 (Exhibit A), 2015: Ord. 211 §2, 2003; Ord. 113 §1, 1985; Ord. 112 §2, 1985)

3.12.030 Imposed.

There is imposed a duty on each operator of any of the establishments mentioned in this chapter to collect, upon sale, the tax imposed as set forth in this chapter on all customers, regardless of state or

federal tax status, with the only exceptions being those set out in Section [3.12.130](#). (Ord. 258 §1 (Exhibit A), 2015; Ord. 113 §2, 1985)

3.12.040 Luxuries tax.

Each business, group or organization subject to the tax shall collect the same on the retail value of all goods and services sold within the town by the establishments set forth in Section [3.12.010](#). All luxuries shall be taxed.

"Luxuries" shall include but not be limited to:

- A. Any gift item, luxury item or service, or other item, or other item normally sold to the public or to transient visitors or tourists; but the term does not include unprepared food, medicine, medical supplies and services, or any necessities of life.
- B. Sporting goods or the rental thereof.
- C. Rentals on or for the following recreational equipment: including but not limited to snowmobiles, automobiles, all-terrain vehicles, motorcycles, bicycles, skis, ice skates, snowshoes, boats, campers, and boat motors.
- D. Recreational lessons and recreational services, including but not limited to float trips, guided trips, skiing, fishing trips, hunting trips, backcountry dining trips, other outfitter trips; horseback riding; golfing, snowshoeing, rock climbing, cycling, rafting, canoeing, kayaking, dog sledding and ballooning, tours and other attractions.
- E. All souvenir and localized items such as imprinted hats and T-shirts and curios; all nonfood items such as housewares (other than household appliances), automotive supplies and parts; ice; retail liquor, beer and wine, except that sold at state stores.
- F. All attractions such as arcades, bowling centers, concerts, movie/theater tickets and all concessions; event and entertainment tickets (regardless of the method or location of purchase), cover charges, rodeo tickets, voluntary recreational activities such as golfing, swimming, skiing, tanning beds, and other voluntary recreational daily tickets and season passes.
- G. Any other goods or services not exempt by Section [3.12.130](#). (Ord. 258 §1 (Exhibit A), 2015; Ord. 211 §3, 2003; Ord. 113 §12, 1985)

3.12.050 Rate--Duration.

- A. The exact rate of the resort tax is three (3) percent.

B. The duration of the original resort tax as approved by the voters on November 5, 1985, was twenty years from its effective date. The effective date of the resort tax was January 1, 1986.

C. The duration of the resort tax renewal as approved by the voters on November 5, 2002, is twenty years from its effective date. The effective date of the resort tax renewal is January 1, 2006. (Ord. 258 §1 (Exhibit A), 2015: Ord. 211 §4, 2003; Ord. 112 §§3, 4, 5, 1985)

3.12.060 Resort tax payment.

The resort taxes collected by a business in any month are to be paid to the Town on or before the twentieth day of the following month, or if such day falls on a Saturday, Sunday or holiday, then on the next business day. Resort tax payments sent by mail or private courier must be received by the Town on or before the twentieth day of each month, or if such day falls on a Saturday, Sunday or holiday, then on the next business day. (Ord. 258 §1 (Exhibit A), 2015: Ord. 224 §1, 2007: Ord. 219 §1, 2006: Ord. 113 §3, 1985)

3.12.070 Collection duties and responsibilities.

A. The office responsible for receiving and accounting for the resort tax receipts is the Finance Department.

B. The Town manager and his/her agents shall be responsible for enforcing the collection of resort taxes and shall be responsible for overseeing the methods and procedures to be used in enforcing the collection of the resort taxes. (Ord. 258 §1 (Exhibit A), 2015: Ord. 172 §1, 1995: Ord. 113 §§4, 5, 1985)

3.12.080 Resort tax collection fee.

Each collecting merchant shall be entitled to withhold two and one-half percent of the resort taxes collected to defray costs for collecting the resort tax, providing that resort tax payments are made timely in accordance with Section [3.12.060](#). The resort tax collection fee may be withheld by the business at the time of paying the tax to the town. Failure to withhold the fee shall constitute waiver and forfeiture of the same. (Ord. 258 §1 (Exhibit A), 2015: Ord. 222 §1, 2007: Ord. 219 §2, 2006: Ord. 113 §7, 1985)

3.12.090 Records and forms.

The Town shall provide each business that is required to collect resort tax with the proper forms for reporting and making payments. Resort tax payments to the Town shall be tabulated and accounted for on forms prescribed and furnished to the business by the Town. The records and forms held by the Town shall be confidential, and shall not be open to inspection by the public unless so ordered by a court of competent jurisdiction. Each business that is required to collect resort tax must maintain adequate accounting records and pay the resort tax to the Town on the forms provided by the twentieth day of the following month. The accounting records maintained must be accurate, verifiable, and provide a

reasonable audit trail. Failure to maintain adequate accounting records constitutes a violation of this chapter. (Ord. 258 §1 (Exhibit A), 2015: Ord. 219 §3, 2006: Ord. 201 §1, 1999: Ord. 119 §1, 1986; Ord. 113 §8, 1985)

3.12.100 Preservation of records.

Every business required to collect and pay resort tax shall keep and preserve for a period of not less than three years all records necessary to determine the accuracy of the taxes paid, and shall make these records available for audit or inspection on its business premises at all reasonable times. Any audit or inspection shall be conducted in West Yellowstone on the premises of the business or establishment collecting the resort tax or at such other location as the town may determine. (Ord. 258 §1 (Exhibit A), 2015: Ord. 219 §4, 2006: Ord. 201 §2, 1999: Ord. 113 §10, 1985)

3.12.110 Random audit.

Periodic random audits shall be conducted under the direction of the mayor, town manager or a designated representative and all business operators shall cooperate in all respects in the conduct of the audits. Any random audit shall be for the previous calendar year, and shall be conducted in West Yellowstone on the premises of the business or establishment collecting the resort tax or at such other location as the town may determine. If the audit determines a deficiency, it will be at the discretion of the Town to audit the previous two years and require a follow up audit on the next reporting year. Payments and/or arrangements for payment of the amount determined as outstanding resort tax owed shall be paid or arranged within thirty (30) days of the date of the notification of the audit results. Failure to cooperate in any audit or inspection of records, including the failure to make the appropriate records available within fourteen (14) calendar days of the auditor's scheduled audits in West Yellowstone, may result in an automatic nonrenewal of the business license for the subsequent business license year and shall constitute a violation of the provisions of this chapter. (Ord. 258 §1 (Exhibit A), 2015: Ord. 201 §3, 1999: Ord. 113 §9, 1985)

3.12.120 Appeals.

Any business may appeal to the Town council any assessment of penalty or interest; provided, that notice of appeal in writing is filed with the Town clerk within thirty (30) days of the serving or mailing of the determination of the amount of penalty and interest due. The Town council shall on the next immediate regular town council meeting fix the time and place for hearing the appeal and the Town clerk shall cause notice in writing to be personally served by a peace officer upon the operator. The findings and decision of the Town council shall be final and conclusive and shall be served upon the appellant in the manner prescribed for service of notice of hearing or by certified mail directed to the business operator's last known address. Any amount found to be due shall be immediately payable upon service of the findings and decision. (Ord. 258 §1 (Exhibit A), 2015: Ord. 113 §11, 1985)

3.12.130 Exemptions.

Notwithstanding Section [3.12.040](#), however, the following goods and services shall be exempt from the tax:

- A. Utilities and utility services;
- B. Medical supply services and medicine;
- C. Wholesale merchandise for resale at retail or used in the purchaser's business as supplies;
- D. Gasoline and other motor vehicle fuel;
- E. Liquor sold at state liquor stores;
- F. Propane and similar home fuels;
- G. Sales of automobiles, trucks, snowmobiles, motorcycles, all-terrain vehicles, bicycles, skis, boats, outboard motors and chain saws;
- H. Labor on automobiles, trucks, snowmobiles, motorcycles, all-terrain vehicles, bicycles, boats, outboard motors and chain saws;
- I. All non-recreational labor, services and non-recreational state licensed professions and trades;
- J. All payroll and business and labor costs;
- K. Lumber, building supplies and tools, and other tools;
- L. Household appliances;
- M. Any hotel, motel, campground or other lodging facility occupancy, with respect to any person or persons who occupy a room or a space for a period longer than thirty (30) consecutive calendar days; provided, that such person certifies prior to occupancy that the occupancy will exceed thirty (30) consecutive calendar days and does in fact exceed thirty consecutive calendar days;
- N. All sales of goods from businesses via the Internet, catalog or telephone that are shipped out of town and the purchaser never enters the boundaries of the Town shall be exempt. Any goods, services or luxuries that are sold by any means and that will either be obtained, consumed, or enjoyed within the town are not exempt. Further, the services described in Section [3.12.040](#) and sold by a business located

within the Town but consumed or enjoyed outside the boundaries of the town are not exempt, regardless of the method of payment. (Ord. 258 §1 (Exhibit. A), 2015: Ord. 117 §§2, 3, 1986; Ord. 113 §13, 1985)

O. Events may be provided by Administrative Order of the Town Manager or his/her designee, relief from the collection of Resort, Tax if **three** of the following criteria are met:

- The activity is for a local school or church fundraiser.
- The appealing entity can establish that **all net profits** are donated to the local community or school, in kind or monetarily.
- Monies collected are a donation.
- Fees are stipulated by a sanctioning body.
- The entity hosting the event is not required to have a business or expo license.
- If the event's resort tax collections are **anticipated to be** less than \$50.00.
- The entity conducting the event must have a physical address within the 59758 zip code.

P. The Town provides an appeal process, through Town Council, where an entity may appeal the decision of the Town Manager.

3.12.140 Use of tax moneys.

A. The tax moneys derived from the resort tax may be appropriated by the Town council for any activity, undertaking, or administrative service that the municipality is authorized by law to perform, including costs resulting from the imposition of the tax.

B. There is established a marketing and promotion (MAP) fund for the town. Two and one-half percent of the three percent resort tax collected by the collecting merchant shall be dedicated exclusively to the MAP fund, which fund shall be used solely for the marketing and promotion of West Yellowstone and the surrounding area, as well as the associated costs of administering the fund. The Town council may appropriate additional resort tax receipts to the MAP fund.

C. The Town council shall by resolution establish a board of not less than three or more than seven qualified persons to oversee the MAP fund. At least one member of this board shall be a sitting member of the Town council or the council's designee. The board shall establish policies and procedures for its operation and the general management of the fund in accordance with the council's resolution establishing the board. The board shall also select individual marketing and promotion projects and approve expenditure of funds for such projects, subject to approval by the Town council. (Ord. 258 §1 (Exhibit A), 2015: Ord. 222 §2, 2007: Ord. 112 §6, 1985)

3.12.150 Reduction of property tax levy.

Annually anticipated receipts from the resort tax must be applied to reduce the municipal property tax levy for the fiscal year in an amount equal to five percent of the resort tax revenues derived during the preceding fiscal year. (Ord. 258 §1 (Exhibit A), 2015: Ord. 112 §7, 1985)

3.12.160 Property tax relief fund.

In the event the Town receives more resort tax revenues than had been included in the annual municipal budget, it shall establish a municipal property tax relief fund, and all resort tax revenues received in excess of the budget amount must be placed in the fund. The entire fund must be used to replace municipal property taxes in the ensuing fiscal year. (Ord. 258 §1 (Exhibit A), 2015: Ord. 112 §8, 1985)

3.12.170 Resort tax administration.

The Town shall administer resort tax collections according to the following rules:

- A. Resort tax payments shall be made to the Town finance office by the established deadline.
- B. Failure to report or make resort tax payments by the payment deadline shall result in forfeiture of the resort tax collection fee for the month in which the payment is due.
- C. Failure to pay resort tax before the end of the month in which the payment is due shall result in an administrative fee of either: (1) twenty-five dollars for businesses with gross sales of one thousand five hundred dollars or less for the reported month; or (2) fifty dollars for businesses with gross sales in excess of one thousand five hundred dollars for the reported month, which shall be in addition to any civil penalties awarded to the town in a suit for collection of resort tax.
- D. At the end of each subsequent month after the original payment is due, the Town will assess interest at the rate of three percent of any delinquent resort tax, which shall be assessed on the first business day of the subsequent month and on the first day of each month thereafter until the total amount due, including the administrative fee, is paid in full. This and all administrative fees shall be assessed in addition to any civil penalties awarded to the town in a suit for collection of resort tax.
- E. The Town may revoke the business license of any person or business that violates any provision of this chapter. The Town may revoke a violator's business license either through the administrative procedure described in Chapter [5.04](#) or through a court order or judgment in accordance with Section [3.12.180](#). (Ord. 258 §1 (Exhibit A), 2015: Ord. 250 §1, 2010: Ord. 219 §5, 2006: Ord. 211 §5, 2003; Ord. 112 §9, 1985)

3.12.180 Violation--Civil penalties.

For failure to report taxes when due, failure to pay taxes when due, and other violations of this chapter, the town may seek the following penalties or remedies:

- A. A court judgement in the amount of all unpaid resort taxes, including any unpaid administrative fees assessed under Section [3.12.170](#) and any resort tax collection fees forfeited in accordance with Section [3.12.080](#);
- B. Interest at the rate of ten percent per annum on unpaid resort taxes or administrative fees from the due date or assessment date until paid;
- C. A civil penalty in the amount of fifty percent of the unpaid resort taxes, which includes forfeited resort tax collection fees, plus all costs and attorney's fees incurred by the town in any court action;
- D. An order requiring the delinquent business to undergo a financial audit by the Town or its representatives to determine the proper amount of resort taxes due, including payment by the business of all audit costs and expenses incurred by the Town or its representatives;
- E. Revocation of the violator's Town business license, either through judicial order or the administrative procedure described in Chapter [5.04](#);
- F. Any other penalty, remedy or judicial relief to which the Town is entitled. (Ord. 258 §1 (Exhibit A), 2015: Ord. 219 §6, 2006: Ord. 207 §3, 2000: Ord. 113 §6, 1985)

3.12.190 Violation--Criminal penalties. 

A person or business violating any provision of this chapter is guilty of a misdemeanor and subject to a fine not to exceed one thousand dollars for each violation, or imprisonment not to exceed six (6) months for each violation, or both. (Ord. 258 §1 (Exhibit A), 2015: Ord. 219 §7, 2006)

Marketing and Promotions Advisory Board

NAME	APPOINTED	EXPIRES	LENGTH
Jerry Johnson, Chair/TC	1/19/16	12/31/18	3 years
Gloria Evans	1/20/15	12/31/17	3 year
Marysue Costello (Chamber)	1/20/15	12/31/17	3 year
Kay Matthews (Non-Chamber)	1/19/16	12/31/18	3 years
Barbara Klesel	1/19/16	12/31/18	3 years
Kim Howell	1/21/14	12/31/16	3 years
John Greve, Secretary		12/31/16	3 years

Official terms began 1/1/08 as decided by the board at its first meeting 10/22/07. Term length is three years, but in order to provide for staggered terms, some initial appointments were for only one or two years.

According to Resolution No. 515, composition of the board shall include one sitting member of the Town Council or the Town Council's designee, one member of the WY Chamber of Commerce Marketing Committee, and one member from the business community who does not belong to the Chamber of Commerce.

Updated 1/20/16 er

From: jmg533g@gmail.com
To: [Elizabeth Roos](#)
Subject: Re-appoint MAPFAB Board position
Date: Monday, December 12, 2016 10:39:41 AM

Liz,

From my previous email, you know that my current 3 year MAP Fund Advisory Board service term comes to an end on Dec. 31. I'd like to request to be re-appointed to the Board for another 3 year term. Please let me know if I need to complete an official request or other paperwork to be considered and approved by the Council at their next meeting (Dec. 20?) or at their first meeting in January. Thank you.

John Greve
MAPFAB Secretary
580-1520
jmg533g@gmail.com

From: [Kim Howell](#)
To: eroos@townofwestyellowstone.com
Subject: Map Fund
Date: Friday, December 30, 2016 9:02:04 AM

Liz,

I would like to continue my position on the board of the Map fund.thank you.

Respectfully,

Mrs. Kimberly Howell
Dairy Queen franchisee
Bozeman and West Yellowstone locations
Cell phone 406-461-1024
Email : bozemandq@gmail.com