

Town of West Yellowstone

Tuesday, March 20, 2018

West Yellowstone Town Hall, 440 Yellowstone Avenue

TOWN COUNCIL MEETING

7:00 PM

Pledge of Allegiance

Purchase Orders

Treasurer's Report & Securities Report

Claims ∞

Consent Agenda: **Minutes of March 6, 2018 Town Council Meeting** ∞

Business License Applications

Advisory Board Report(s)

Town Manager & Department Head Reports

Comment Period

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

UNFINISHED BUSINESS

Ordinance No. 266, 1st Reading, Regulations in the Madison Addition

Discussion/Action ∞

NEW BUSINESS

Siegel Learning Center Lease with Little Rangers Learning Center, Inc.

Discussion/Action ∞

Gallatin Conservation District Urban Supervisors Appointments

Discussion/Action ∞

- Bob Logar (Manhattan)
- Michael Hansen (outside Bozeman)

WY Foundation Community Grant Application-Defibrillators

Discussion/Action ∞

Legal Services RFP Review Process

Discussion

Town Manager Evaluation Process

Discussion

Correspondence/FYI/Meeting Reminders ∞



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

Public Hearing/Public Meeting

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

Oral Communication

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

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

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

General Town Council Meeting Information

- Regular Town Council meetings are held at 7:00 PM on the first and third Tuesdays of each month at the West Yellowstone Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.
- Presently, informal Town Council work sessions are held at 12 Noon on Tuesdays and occasionally on other mornings and evenings. Work sessions also take place at the Town Hall located at 440 Yellowstone Avenue.
- The schedule for Town Council meetings and work sessions is detailed on an agenda. The agenda is a list of business items to be considered at a meeting. Copies of agendas are available at the entrance to the meeting room.
- Agendas are 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.

03/16/18
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TOWN OF WEST YELLOWSTONE
Claim Approval List
For the Accounting Period: 3/18

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Report ID: AP100

* ... Over spent expenditure

Claim	Check	Invoice #/Inv Date/Description	Vendor #/Name/ Line \$	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
44198		1089 Gallatin County Treasurer		547.00					
	July 2015	03/29/18 Tech surcharge		210.00		COURT	7458 212200		101000
	July 2015	03/29/18 MLEA		230.00		COURT	7467 212200		101000
	July 2015	03/29/18 Public Defender		0.00		COURT	7468 212200		101000
	July 2015	03/29/18 Victims Assistance		107.00		COURT	7699 212200		101000
44201		2558 Hebgen Basin Fire District		52,834.91					
	03/20/18	March 2018		45,501.58		FIRE	1000 420400	357	101000
	03/20/18	March 2018 Personnel Grant		7,333.33		FIRE	1000 420471	140	101000
44202		95 Energy West-Montana		2,719.26					
	03/28/18	nat gas 210361788 updl		209.24		UPDH	1000 411252	344	101000
	03/28/18	nat gas 210360293 Police		22.83		POLBLD	1000 411258	344	101000
	03/28/18	nat gas 210361746 Pub Services		636.97		STREET	1000 430200	344	101000
	03/28/18	nat gas 210361811 old firehall		229.95		PARK	1000 460430	344	101000
	03/28/18	nat gas 210363966 old bld ins		102.32		STREET	1000 430200	344	101000
	03/28/18	nat gas 210360540 library		278.13		LIBBLD	1000 411259	344	101000
	03/28/18	nat gas 210364599 Povah		564.61		POVAH	1000 411255	344	101000
	03/28/18	nat gas 210361697 Iris Lift St		27.64		PUBSVC	1000 430200	344	101000
	03/28/18	nat gas 210365425 Twn Hall		622.33		TWNHAL	1000 411250	344	101000
	03/28/18	nat gas 210361655 Mad Add Sewe		25.24		SEWER	5310 430600	344	101000
44204		2853 Two Seasons Recycling		500.00					
	2018-0049	03/29/18 monthly recycling		500.00		PARKS	1000 460430	534	101000
44207		2546 Century Link QCC		12.04					
	03/23/18	long dist chg 406-646-7600		12.04*		DISPAT	1000 420160	345	101000
44208		1514 Verizon Wireless		1,297.24					
		18 Smartphones							
		1 regular phones							
		5 laptops							
	03/20/18	640-0108, Police		59.38		POLICE	1000 420100	345	101000
	03/20/18	640-0121 Laptop		40.01		STREET	1000 420100	345	101000
	03/20/18	640-0141 Street SP		59.38		STREET	1000 430200	345	101000
	03/20/18	640-0159 Street SP		59.38		STREET	1000 430200	345	101000
	03/20/18	640-1103, Operator SP		59.38		STREET	1000 430200	345	101000
	03/20/18	640-1438, SS Director		28.27		SOCSEK	1000 450135	345	101000
	03/20/18	640-1460, Library Dir, SP		59.38		LIBRAR	2220 460100	345	101000
	03/20/18	640-1461, Street, SP		59.38		WATER	5210 430500	345	101000
	03/20/18	640-1462, Operator, SP		59.38		WATER	5210 430500	345	101000
	03/20/18	640-1463, Deputy PSS, SP		59.38*		SEWER	5310 430600	345	101000
	03/20/18	640-1472, Ops Mgr, SP		59.38		ADMIN	1000 410210	345	101000
	03/20/18	640-1676, Rec Coord, SP		59.38		REC	1000 460440	345	101000

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	03/20/18	640-1754, COP, SP		59.39		POLICE	1000 420100	345	101000
	03/20/18	640-1755, Police		59.39		POLICE	1000 420100	345	101000
	03/20/18	640-1756, Police		59.39		POLICE	1000 420100	345	101000
	03/20/18	640-1757, Police		59.39		POLICE	1000 420100	345	101000
	03/20/18	640-1758, Police, SP		59.39		POLICE	1000 420100	345	101000
	03/20/18	640-1759, Police		59.39		POLICE	1000 420100	345	101000
	03/20/18	640-7547, Street SP		59.39		PARKS	1000 460430	345	101000
	03/20/18	640-9074, PSS, SP		59.39*		SEWER	5310 430600	345	101000
	03/20/18	683 laptop		40.01		POLICE	1000 420100	345	101000
	03/20/18	COP laptop		40.01		POLICE	1000 420100	345	101000
	03/20/18	686 laptop		40.01		POLICE	1000 420100	345	101000
	03/20/18	681 laptop		40.01		POLICE	1000 420100	345	101000
44243		2813 Century Link		62.00					
	02/28/18	406-646-7949		62.00		STREET	1000 430200	345	101000
44244		2719 Backpacker		24.94					
	03/14/18	renewal - 9 issues		24.94		LIBRAR	2220 460100	215	101000
44245		1992 Big Sky Journal		30.00					
	SUM18 03/20/18	1 year subscription		30.00		LIBRAR	2220 460100	215	101000
44246		1161 Fortres Grand Corporation		78.40					
	50684 02/16/18	Software license upgrade		78.40		LIBRAR	2220 460100	216	101000
44247		951 Barnes & Noble		488.51					
	3618168 02/19/18	library book		18.90		LIBRAR	2220 460100	215	101000
	3618167 02/19/18	library books		104.04		LIBRAR	2220 460100	215	101000
	3617338 02/17/18	library books		99.46		LIBRAR	2220 460100	215	101000
	3617329 02/17/18	library books		134.96		LIBRAR	2220 460100	215	101000
	3622568 02/28/18	library books		131.15		LIBRAR	2220 460100	215	101000
44248		2851 Amatics CPA Group		2,800.00					
	48037 02/28/18	audit work through 2/28/18		2,800.00		FINAN	1000 410530	353	101000
44249		1311 Teton Communications		678.94					
	9118 02/08/18	radio install		678.94		STREET	1000 430200	362	101000
44250		2264 MORNING GLORY COFFEE & TEA		33.75					
	033051 03/06/18	coffee for dispatch		33.75		DISPAT	1000 420160	220	101000

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44251	135 Food Roundup 03-354793 02/25/18 food for prisoners	27.33 27.33		JAIL	1000 420230	220	101000
44252	2121 Pacific Steel & Recycling 6341937 02/09/18 tubing and steel plate	422.23 422.23		STREET	1000 430200	366	101000
44253	3110 Amanda Marquez 02/23/18 food/mileage MLEA PSC training	812.69 812.69		DISPAT	1000 420160	370	101000
44254	1934 Brenda Martin 03/02/18 food/mileage MLEA Graduation	241.29 241.29		DISPAT	1000 420160	370	101000
44255	2854 Kenco Security and Technology 1439703 01/01/18 alarm monitoring	82.50 82.50		TWNHAL	1000 411250	357	101000
44256	3037 White Buffalo 357901 03/05/18 comm help lodging 3 days	168.00 168.00		SOCSRVS	7010 450135	370	101000
44257	2099 Quick Print of West Yellowstone 2959 02/12/18 shipping, water samples 3017 02/21/18 shipping, water samples 9730 02/16/18 survey printing	131.67 33.91* 34.06* 63.70		WATER WATER SUMREC	5210 430500 5210 430500 1000 460440	357 357 321	101000 101000 101000
44258	151 Gallatin County WY TS/Compost 02-103105 02/28/18 waste removal	181.45 181.45		PARKS	1000 460430	534	101000
44259	3004 Partsmaster 2325600501 02/26/18 Annular Cutter	175.80 175.80		STREET	1000 430200	220	101000
44260	3101 Advanced Pump & Equipment 7695 02/15/18 chlorine system work	1,690.00 1,690.00		WATER	5210 430550	357	101000
44261	65 Machinery Power & Equipment Co 42CS043167 02/05/18 shipping 42CS043166 02/02/18 harness	420.65 11.82 408.83		STREET STREET	1000 430200 1000 430200	220 220	101000 101000
44262	764 General Distributing Co. 619772 02/28/18 gas cylinder rental	46.48 46.48		STREET	1000 430200	220	101000

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Claim	Vendor #/Name/ Check Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
44263	2268 Myslik, Inc.	1,466.58					
	030618ToWY 03/05/18 shear pins	1,332.00		STREET	1000 430200	220	101000
	030618ToWY 03/05/18 shipping	134.58		STREET	1000 430200	220	101000
44264	2815 Sherwin Williams Co.	47.47					
	9115-1 01/05/18 all purpose coveralls	47.47		SEWER	5310 430600	226	101000
44265	2898 TransUnion Risk and Alternative	25.70					
	02/28/18 background check	25.70		POLICE	1000 420100	220	101000
44266	2991 West Yellowstone Star	234.08					
	1517 07/06/18 library ad	29.26		LIBRAR	2220 460100	398	101000
	1564 07/13/18 library ad	29.26		LIBRAR	2220 460100	398	101000
	1658 07/27/18 library ad	29.26		LIBRAR	2220 460100	398	101000
	1419 06/30/18 library ads	146.30		LIBRAR	2220 460100	398	101000
44267	2950 Matthew Lovingier	177.00					
	02/07/18 meal reimburse, training	177.00		POLICE	1000 420100	370	101000
44269	2507 Silvertip Pharmacy	288.84					
	02152018/1 02/15/18 com help pharmacy voucher	70.54*		SOCSR	7010 450135	351	101000
	02162018/1 02/16/18 com help pharmacy voucher	99.50*		SOCSR	7010 450135	351	101000
	02202018/1 02/20/18 com help pharmacy voucher	50.00*		SOCSR	7010 450135	351	101000
	02282018/1 02/28/18 com help pharmacy voucher	68.80*		SOCSR	7010 450135	351	101000
44270	2673 First Bankcard	1,726.00					
	908217263 03/08/18 Telecomm Training Summit	500.00		DISPAT	1000 420160	380	101000
	570096139 02/23/18 comfort suites, Marquez tra	534.65		DISPAT	1000 420160	370	101000
	569950690 02/16/18 Comfort Suits, Marquez trai	534.65		DISPAT	1000 420160	370	101000
	1154240-2 02/20/18 postage, certified/stamps	156.70		POLICE	1000 420100	870	101000
44271	2673 First Bankcard	1,321.48					
	2057829 01/28/18 Amazon, battery	15.99		WATER	5210 430550	369	101000
	15354991 01/31/18 Gallatin Cty convenience fee	3.00		STREET	1000 430200	220	101000
	15354991 01/31/18 Gallatin Cty registration fe	75.71		STREET	1000 430200	220	101000
	6687434 02/05/18 Amazon, rails, mats, etc	124.32		UPDL	4000 460460	920	101000
	02/07/18 Home Depot	159.92		STREET	1000 430200	229	101000
	13thnblld 02/13/18 DLI Building Code Conferen	150.00		BLDINS	1000 420531	380	101000
	876112 02/21/18 MT Rural H2O Systems	95.28		WATER	5210 430500	380	101000
	876112 02/21/18 MT Rural H2O Systems	95.27		SEWER	5310 430600	380	101000
	113524 02/23/18 Best Western, H2O conference	221.92		WATER	5210 430500	370	101000
	113524 02/23/18 Best Western, H2O conference	221.92		SEWER	5310 430600	370	101000
	02/27/18 late fees	158.15		STREET	1000 430200	870	101000

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44272	40 Jerry's Enterprises	1,091.83					
	10190358 02/04/18 DVDs	30.98		POLICE	1000 420100	220	101000
	10190374 02/05/18 Cruzer Glide	49.98		POLICE	1000 420100	220	101000
	02/16/18 diesel, snow blower	326.59		STREET	1000 430200	231	101000
	02/16/18 diesel, snow blower	161.43		STREET	1000 430200	231	101000
	02/18/18 diesel, snow blower	153.98		STREET	1000 430200	231	101000
	02/26/18 diesel, snow blower	363.92		STREET	1000 430200	231	101000
	10190655 02/23/18 lithium battery	4.95		POLICE	1000 420100	220	101000
44273	725 Swan Cleaners	46.00					
	7805 03/01/18 laundry service, prisoners	46.00		JAIL	1000 420230	390	101000
44274	2952 DIS Technologies	595.00					
	33041 03/05/18 monthly service contract	595.00		DISPAT	1000 420160	398	101000
44275	533 Market Place	131.37					
	02/28/18 3 gift xmas gift certificates	150.00		LEGIS	1000 410100	220	101000
	03-510881 01/05/18 credit for overpayment	-18.63		SOCSRV	7010 450135	220	101000
44276	162 House of Clean	103.96					
	205628 03/14/18 nitrile gloves	103.96		103.96	1000 460430	220	101000
44277	2977 Staples Credit Plan	990.17					
	9783536770 02/09/18 Refurbished computers, 2	543.98		LIBRAR	2220 460100	220	101000
	9602969338 02/21/18 Returned 1 computer	-271.99		LIBRAR	2220 460100	220	101000
	2017102291 02/14/18 office supplies	81.05		DISPAT	1000 420160	220	101000
	2021238821 02/20/18 highlighters, kitchen bags	28.77		DISPAT	1000 420160	220	101000
	2021464691 02/20/18 operating supplies	28.29		POLICE	1000 420100	220	101000
	2021827321 02/20/18 toner, returned	-129.98		SOCSRV	7010 450135	220	101000
	2023655581 02/22/18 Refurbished computer	303.99		LIBRAR	2220 460100	220	101000
	2025049891 02/24/18 files	295.93		SOCSRV	7010 450135	220	101000
	2025050391 02/24/18 files, office supplies	110.13		FINADM	1000 410510	220	101000
44278	2964 CITI CARDS	1,559.23					
	02/09/18 Microsoft-software	99.99		LIB	2220 460100	216	101000
	02/09/18 USPS-postage	49.60		FINADM	1000 410510	311	101000
	02/10/18 Amazon-office vac	269.00		ADMIN	1000 411250	364	101000
	02/22/18 Montana Library	600.00		LIB	2220 460100	398	101000
	03/01/18 USPS-stamps	50.00		REC	1000 460440	311	101000
	03/01/18 USPS-postage on envelopes	250.00		FINADM	1000 410510	311	101000
	03/01/18 USPS-envelopes	58.50		FINADM	1000 410510	220	101000
	03/02/18 Costco membership	120.00		ADMIN	1000 410210	333	101000
	03/08/18 Crown Awards-rec basketball	62.14		REC	1000 460440	220	101000

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44279	03/09/18	3111 Jeffery Lee Gartner exoner. bond TK-110-2018-39		200.00 200.00		COURT	7469 212401		101000
44280	03/09/18	3112 Carlos Ortega Restitu disbur TK-110-2015-		553.11 553.11		COURT	7469 212401		101000
44281	03/09/18	999999 ALFRED EDWARD KINGSLAND Restitution TK-2015-408		46.89 46.89		COURT	7469 212401		101000
44282	03/09/18	3020 COLJ Conference Registration - 2018 conf regis, K. Brandis		300.00 300.00		COURT	1000 410360	335	101000
44283	03/09/18	3105 Alex Schmier interp tk-2017-647		45.00 45.00		COURT	1000 410360	394	101000
*** Claim from another period (3/16) ****									
44284	03/09/18	1756 State Bar of Montana annual membership renewal		495.00 495.00		COURT	1000 410360	335	101000
# of Claims			47	Total:		77,951.79			

Fund/Account	Amount
1000 General Fund	
101000 CASH	\$70,966.44
2220 Library	
101000 CASH	\$2,191.28
4000 Capital Projects/Equipment	
101000 CASH	\$124.32
5210 Water Operating Fund	
101000 CASH	\$2,209.92
5310 Sewer Operating Fund	
101000 CASH	\$508.67
7010 Social Services/Help Fund	
101000 CASH	\$604.16
7458 Court Surcharge HB176	
101000 CASH	\$210.00
7467 MT Law Enforcement Academy (MLEA)	
101000 CASH	\$230.00
7468 Public Defender Fee	
101000 CASH	\$0.00
7469 City Court - Judge Brandis	
101000 CASH	\$800.00
7699 Victims Assistance Program	
101000 CASH	\$107.00
Total:	\$77,951.79

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
March 6, 2018

COUNCIL MEMBERS PRESENT: Brad Schmier, Jerry Johnson, Pierre Martineau, Chris Burke, Greg Forsythe

OTHERS PRESENT: Town Manager Daniel Sabolsky, Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Chief of Police Scott Newell

WY News Reporter Dustin Jones, Don Perry, Richard & Teri Gibson, Randy Wakefield-Fall River Electric, Grant Jackson

The meeting is called to order by 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.

ACTION TAKEN

- 1) Motion to approve the claims, which total \$61,424.80. (Martineau, Burke)
- 2) Motion to approve Consent Agenda, which includes the minutes of February 20, 2018 (Martineau, Forsythe)
- 3) Motion to approve Highmark Rentals Business application update to add 6 ATVs to rent during the summer season. (Johnson, Forsythe)
- 4) Motion carried to table Ordinance No. 266. (Johnson, Burke)
- 5) Motion carried to waive the Resort Tax Bond for Markov Rentals. (Martineau, Johnson) Schmier and Burke are opposed.
- 6) Motion carried to approve the Development Review Services contract with Land Solutions. (Martineau, Forsythe)

Public Comment Period

No public comment is received.

Council Comments

Jerry Johnson asks about Social Services Director Kathi Arnado. Sabolsky responds that Arnado had surgery on her shoulder last week and is planning to have minor surgery on her hands this week. Johnson says that he also attended some of the Snow Shoot events last week and it was very successful. He mentions some health problems that long-time residents Jim Reiter, Lynn Gieschen, and Jack Heid are facing and encourages everyone to keep them in their thoughts. Schmier echoes Johnson's comments about the Snow Shoot event and says they should be proud to have that event here in West Yellowstone. The recent Rendezvous Ski Race from this past weekend is also mentioned, over 650 skiers raced last Saturday. Council Member Chris Burke points out that the importance of water and sewer service outweighs events and they should not forget that. He thanks Patterson and Sabolsky for working on the issue.

DISCUSSION

- 3) Johnson states that they denied a similar business license for this same property last summer, but this application is quite different and the issues surrounding the previous application don't seem to be present in this application. They agree that the parking looks to be adequate.

- 4) Mayor Schmier explains that the Council asked the Madison Addition Homeowners Association to find out how its membership feels about the proposed Ordinance No. 266. Grant Jackson, president of the homeowners association, reports that they sent out 264 letters to members of the association. As of today, they have received 164 responses. Of those responses, 134 were in favor of the ordinance and 34 were opposed. Sabolsky directs the Council to the final version of the ordinance and points out some language changes and additions. Sabolsky says that they are still waiting for Town Attorney Jane Mersen to talk to the law firm from Missoula that questioned the ordinance by letter. He recommends tabling the ordinance again this evening but planning to vote on it at the next meeting.
- 6) Town Manager Dan Sabolsky explains that our current subdivision regulations are severely out of date. They have contracted with Land Solutions to update the regulations in anticipation of a couple of proposed subdivisions. He says that they feel like they are not ready to conduct subdivision reviews and therefore should contract with Land Solutions to do these reviews until the Town is ready. Sabolsky says that they perform this service for other communities, including the City of Bozeman, and are therefore well qualified. He says that the maximum amount of this contract is \$20,000. He says he wants to make sure they are prepared to handle any large projects that are on the horizon. They discuss covering the cost of the contract and Sabolsky explains that any costs incurred that they can pass on to the developer will be.

A) **Advisory Board Reports**

Healthcare Services Advisory Board: Mayor Schmier reports on behalf of the board and mentions a new program for the school to address bullying. Everyone at the meeting was in agreement that they should try to bring this to the West Yellowstone School. Minutes for this meeting were approved by the board chair and are available.

Music in the Park: Don Perry addresses the Town on behalf of the Chamber and the Music in the Park events. He explains that last summer, after acquiring the new portable stage, they leased the stage out to other events in Bozeman on three occasions. He says the first thing they learned after transporting the stage to the other locations was that they need to know their location and know where are the hazards, obstacles, power lines, power sources, etc. He says they also learned a lot about setting up the stage correcting and calculating loads on all the trusses. He also mentions watching the weather and being prepared for storms with tarps. Another issue was protecting all the cables to ensure they were not trip hazards for the public and creating issues for the performers. He says the events were very enlightening and they learned a lot. He says it's a good way to raise money for the music program. He says he's not pushing for that necessarily, but it was worth their time. He says that right now, they have six shows planned in West Yellowstone for this summer but they are just starting the permits and applications.

Parks & Recreation Advisory Board: Sabolsky mentions the recreation survey and his hope to bring results to the next meeting.

- B) **Town Manager & Department Head Reports:** Town Manager Dan Sabolsky reports that they are in the process of reviewing the responses to the RFP legal services. There will be a Safety Committee meeting tomorrow at 10:30 am. Sabolsky also reports on Electric Street housing project. The project owner's legal counsel has suggested changing the Town's ordinance for that area, but they declined their help on this. He reports that the union representation has copies of the police and employee unit contracts and they are just waiting for a response. He mentions that some issues were raised by the union but feels that he has addressed those concerns. Recreation survey reminder postcards went out at the end of last week so they are going to give it a little bit more time in the hopes of getting more responses. Regarding the aquatic center project, Sabolsky says he will be doing research on other aquatic centers to get information for comparison. He also mentions a memo from Town Engineer Dick Dyer that all councilmembers received by email. Schmier asks about business license ordinance

revision. Sabolsky says he is hoping to be able to move forward with that soon. Schmier also asks about whether or not Dick Dyer is okay with the Town contracting with Forsgren for assistance with water testing. Sabolsky responds that he has not actually talked to Dyer about using Forsgren but he doesn't think Dyer has enough time. Johnson clarifies that Sabolsky and Newell are going to the prospective law firms to interview them about providing legal services for the town. Forsythe says they have discussed splitting the legal services contract into two parts, general town business and land use and then criminal or court services. He also asks for more explanation about the union contracts. Sabolsky explains that both contracts have been forwarded to the union headquarters in Helena and they are waiting for a response.

Public Services Superintendent James Patterson reports that Forsgren will be in town next week to work on the water testing procedures. He says Dyer is aware that they are working with Forsgren, he would have like to been included but he is okay with it. He says they are moving a lot of snow and struggling to find new places to store it. He attended the Montana Rural Water Conference in Great Falls last week. He says he has also been reviewing the tapes provided by Montana Underground, who ran cameras through the sewer lines. He mentions a session he attended at the conference that discussed ways to replace portions of the lines without having to dig up and rebuild the entire line. He also mentions work and upgrades they are doing on the Union Pacific Dining Lodge in advance of the next summer season. They are also assisting with preparations for the Snowmobile and Power Sports Expo later this week. He also adds that they will have all the parts they need for the chlorine building next week and will be prepared to chlorinate the water if the need arises.

Finance Director Lanie Gospodarek reports that the audit is complete and council members are invited to attend the post audit conference with the auditor this Thursday. She says they are working their reconciliation processes, the capital improvement plan, and utility costs for the Union Pacific Dining Lodge. She says she also attended the Chinese Tourism workshop in town last week and will attend the MMIA board meeting next week.

Police Chief Scott Newell reports that his department has been weather dominated over the last couple of weeks. He says there have been a lot of people in town but Highway 20 was closed on multiple occasions which created issue of where to put people while they wait.

FYI/Correspondence

Mayor Schmier points out the patient statistics report from Community Health Partners for calendar year 2017. The Council also acknowledges a letter from the Gallatin Conservation District requesting reappointment of the incumbents that represent West Yellowstone on the board. The Council is also presented with a revised business plan from the West Yellowstone Community Aquatic Center organization and request to assistance and an opportunity to meet with the Council.

The meeting is adjourned. (9:00 PM)

Mayor

ATTEST:

Town Clerk

ORDINANCE 266

Whereas, tourist rentals, workforce housing, and persons living in recreational vehicles in residential neighborhoods bring transients, traffic, create potential safety issues and could negatively impact surrounding property values in the Madison Addition; and

Whereas, short-term tourist rentals are occurring in West Yellowstone as the result of internet-based brokerages or other agencies listing available dwellings and facilitating rental reservations; and

Whereas, these arrangements are typically not rentals or leases that convey a real property interest and the exclusive right to possession but instead are permission to use a home (or a portion of it) for a short time, without the exclusive right to possession for a minimum of thirty (30) days occupancy, which makes them in essence a transient occupancy hotel or motel booking; and

Whereas, the demand for short-term tourist rental units has resulted in long-term rental units being withdrawn from the market; and

Whereas, long-term single-family residential units are being converted to workforce housing units; and

Whereas, unregulated use of tourist rentals creates unauthorized use of Town facilities, creates risk to the nearby residents by not knowing who is staying in the neighborhood; and

Whereas, such unregulated use further creates risk to the users of such rentals as the Town has received complaints from several users that the rental they secured was not as promised; and

Whereas, the Town Council of the Town of West Yellowstone finds it is necessary for the health, safety and welfare of the citizens of the Town of West Yellowstone that the Town should regulate tourist rentals, workforce housing, and living in recreational vehicles within the residential neighborhood known as the Madison Addition, and

~~Whereas this Ordinance will provide the necessary regulations and restrictions until the Town completes the revision of its Zoning Order.~~

SECTION 1:

PURPOSE: This Section regulates tourist homes, living in recreational vehicles, and workforce housing within the Madison Addition to minimize the potential negative impacts on this residential neighborhood.

SECTION 2:

DEFINITIONS:

Apartment: a habitable room or suite of two or more habitable rooms meeting the requirements

of the International Building Code, located in an apartment building or used for residential purposes in non-residential buildings located within non-residential districts. Efficiency units shall qualify as an apartment under this definition.

Bed and Breakfast: means a private, owner or manager occupied residence that is used as a private residence but in which: 1) breakfast is served and is included in the charge for a guest room; and 2) the number of daily guests served does not exceed 18. [Section MCA 50-51-102 \(1\), MCA.](#)

Guest House: An attached or detached accessory building used to house guests of the occupants of the principal building, and which is never rented or offered for rent. Any guest house containing separate cooking facilities shall be considered a separate dwelling unit.

Hotel/Motel: includes 1) a building or structure kept, used, maintained as, advertised as, or held out to the public to be a hotel, motel, inn, motor court, tourist court, or public lodging house; and 2) a place where sleeping accommodations are furnished for a fee to transient guests, with or without meals. [MCA Section 50-51-102 \(6\) MCA, WYMC 5.16.030, WYMC 17.04.450, -](#)

Household: a person living alone, or any of the following groups living together as a single non-profit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities: 1) any number of people related by blood, marriage, adoption, guardianship or other duly-authorized custodial relationship; 2) not more than four unrelated people; or 3) two unrelated people and any children related to either of them; 4) Household does not include: a) any society, club, fraternity, sorority, association, lodge, combine, federation, coterie, cooperative housing or like organization; b) any group of individuals whose association is temporary or seasonal in nature; or any group of individuals who are in a group living arrangement as a result of criminal offenses. [WYMC 17.04.150](#)

Municipal Infraction - Civil Offense: a municipal infraction is a civil offense punishable by a civil penalty of not more than \$300 for each violation or if the infraction is a repeat offense, a civil penalty not to exceed \$500 for each repeat violation. [MCA Section 7-1-4150, MCA.](#)

Person: means one individual.

Recreational Vehicle: a vehicular-type portable structure without permanent foundation, which is built on a single chassis; which is designed to be self-propelled or permanently towable by another motor vehicle; primarily designed as temporary living accommodations for recreational, camping, and travel use including, but not limited to, boats, travel trailers, truck campers, camping trailers and self-propelled motor homes.

Rooming-house or boardinghouse: means buildings in which separate sleeping rooms are rented that provide sleeping accommodations for three or more persons on a weekly, semimonthly, monthly, or permanent basis, whether or not meals or central kitchens are provided but without separated cooking facilities or kitchens within each room, and whose occupants do not need professional nursing or personal-care services provided by the facility. [WYMC 17.04.450.](#)

Tourist Home: means a private home or condominium that is not occupied by an owner or manager and that is rented, leased, or furnished in its entirety to transient guests on a daily or weekly basis. Section MCA-50-51-102 (12), MCA. Also, for Town proposes, known as a short-term, vacation, or nightly rentals.

“Transient guest” means a guest for only a brief stay, such as the traveling public. MCA-Section 50-51-102 (13), MCA. Any stay under thirty (30) days shall be considered a transient guest.

“Workforce housing” means affordable housing for households with earned income that is insufficient to secure quality housing in reasonable proximity to the workplace.

SECTION 3:

MADISON ADDITION AREA:

~~This~~ ~~ese~~ regulations ~~is to prohibit will focus on~~ tourist Home rentals, workforce housing, and living in recreational vehicles ONLY within the residential neighborhood known as the Madison Addition. See attached map.

SECTION 4:

TOURIST HOME RENTALS:

Tourist ~~h~~Home rentals ~~(also known as short term, nightly, or vacation rentals)~~ are strictly prohibited within the area defined as the Madison Addition. The Town will periodically monitor various websites and other media that specialize in these types of rental properties. Any property owner or their authorized agent advertising properties for tourist home rentals, within the Madison Addition, on these sites is in violation of this Ordinance.

SECTION 5:

LONG TERM RENTAL OR WORKFORCE HOUSING:

~~Workforce~~ Long term rental housing is only permitted in the Madison Addition if there are not more than 4 unrelated adults in any one household. See it conforms to the definition of household listed above in Section 2. Any household used for rental housing must comply with the , under the following conditions:

- 1) The dwelling unit must contain at least ~~two~~one bedrooms and one bathroom.
- 2) It must meet all Health and Fire Department regulations.
- 3) Must meet the Town’s parking regulations.
- 4) The Owner of the residence shall apply to the Town for a permit to allow the residence to be used as workforce housing. The fee for the permit shall be set by resolution and the permit must be renewed annually. Any permits for workforce housing granted by the Town may be revoked upon notice to the Owner of written complaints being filed regarding the residence.

5) If such a complaint is received, the Town Manager will investigate the complaint and report its findings to the Town Council. The Town Council shall set the matter for a hearing, if one is requested by the property owner. The Town Council shall hear evidence and make a decision on whether the complaint is accurate and of sufficient grounds to revoke the permit.

SECTION 6:

RECREATIONAL VEHICLES:

Living in ~~R~~recreational ~~V~~ehicles is strictly prohibited in the Madison Addition. Sewer connections to Recreational Vehicles are prohibited. Water connections are allowed to refill freshwater tanks and then must be disconnected. Electricity can be connected to maintain batteries, provide for refrigeration during loading while preparing for departure, or unloading upon return, and heat only during below freezing temperatures not to exceed five days in any fourteen (14) consecutive day period.

During the construction of a primary residence in the Madison Addition, living temporarily in a Recreational Vehicle may be permitted if approval is granted by both the Town Council and the Madison Addition Homeowners' Association. Approval of Council may be revoked for violation of any federal, state, and local regulations and may not exceed seven (7) months in length. This approval shall only be granted once per homeowner or parcel.

SECTION 7:

RESIDENTIAL USES:

Only single-family residential dwellings are permitted in the Madison Addition except in R-3 and R4 Zoning Districts. Prohibited uses in Madison Addition's R-1 and R-2 Districts include rooming or boarding houses, apartments, duplexes, bed and breakfasts, guest houses, and ~~T~~tourist ~~h~~Homes, ~~and other like uses are strictly prohibited.~~

In R-3 Districts, besides single-family dwellings up to, two-four family residential dwelling units are also permitted. ~~Besides the u~~Uses in R-3, R-4 include allows efficiency units and apartments. Uses including rooming or boarding houses, bed and breakfasts, guest houses, ~~T~~tourist ~~h~~Homes, and other like uses are ~~strictly~~ prohibited in the Madison Addition R-3 and R-4 Zoning Districts.

SECTION 8:

VIOLATION & PENALTY:

Any violation(s) of this Ordinance will be considered a municipal infraction by the Town of West Yellowstone, in accordance with Section 1.12.020 WYMC.

PASSED BY the Town Council and approved by the Mayor of the Town of West Yellowstone, Montana, this ____ day of _____, 2018.

Brad Schmier, Mayor/Councilman

Greg Forsythe, Deputy Mayor/Councilman

Pierre Martineau, Councilman

Jerry Johnson, Councilman

Chris Burke, Councilman

ATTEST:

Elizabeth Roos
Town Clerk

SIEGEL LEARNING CENTER LEASE AGREEMENT

THE SIEGEL LEARNING CENTER LEASE AGREEMENT, (“Agreement”) is entered into this 13th day of March, 2017, by and between the Town of West Yellowstone (“Town” or “Lessor”), a Montana municipal corporation, Box 1570, West Yellowstone, Montana 59758, and Little Rangers Learning Center Board of Directors (“LRLC Board” or “Lessee”), West Yellowstone, MT 59758.

WITNESSETH:

WHEREAS, the Town is the owner of the building and premises described below and desires to lease the building for the operation of a learning center; and

WHEREAS, the LRLC Board desires to lease the premises for the operation of a learning center therein; and

WHEREAS, the Town and LRLC Board desire to cooperate in providing affordable child care and a learning center for the residents of West Yellowstone, and

WHEREAS, the Town and LRLC Board desire to enter into an agreement setting forth their respective rights and obligations regarding the premises and the provision of services therein.

NOW THEREFORE, in consideration of the mutual promises, covenants and conditions contained herein, the parties agree as follows:

1. Description of Premises. The Town hereby demises and leases to the LRLC Board the premises, presently known as the Siegel Learning Center, located west of the Povah Community Center (10 S. Geyser Street), West Yellowstone Montana, and further described as the real property together with all improvements and appurtenances (hereafter “the Premises”).
2. Use of Premises. The Premises leased to the LRLC Board shall be used exclusively for providing affordable child care and a learning center.
3. Term of Lease. The Town leases the Premises to the LRLC Board for a term of five (5) years, subject to termination as later described in this lease. The term of the lease shall commence on June 15, 2018 and shall terminate on June 15, 2023.
4. Renewal of Lease. The Town hereby grants the LRLC Board the right to request an extension of this lease for an additional five years, until June 15, 2028. This right to request an extension is subject to good faith negotiations between the Town and the LRLC Board concerning the amount of rent to be paid and whether or not other material provisions of the lease should be modified to reflect the circumstances existing between the parties on expiration of the first term. The LRLC Board shall notify the Town in writing of its desire to renew this lease for an additional five-year term at least six (6) months before its expiration.
5. Rental Payments. The LRLC Board shall pay the Town a rental amount of \$_____ per year divided into twelve (12) monthly installments, for the entire term of this lease. Monthly payments will be made before the tenth day of each month or a late fee of \$_____ will be

assessed. Payments shall be made to the Town of West Yellowstone, at 440 Yellowstone Ave (PO Box 1570), West Yellowstone, MT 59758.

6. Utilities. The LRLC Board is responsible for the monthly utility bills for the facility which includes but limited to water/sewer, phone/internet, trash removal, gas, and electrical. The LRLC Board will place the above-mentioned utilities in their name.
7. Possession. The Town shall deliver possession of the Premises to LRLC Board on or before June 15, 2018.
8. Casualty Insurance. The Town shall keep all buildings and improvements on the Premises insured against loss or damage by fire or other standard peril in an amount it deems appropriate. The LRLC Board shall maintain casualty insurance for fire or other standard peril on the personal property and leasehold improvements contained in the premises.
9. Liability Insurance. The LRLC Board shall maintain liability insurance in accordance with Montana statutory limits on municipal liability, presently in the amount of \$750,000.00 per person and \$1,500,000.00 per occurrence.
10. Lessor's Lien. Lessor shall have at all times a lien for all rentals and other sums of money becoming due hereunder from Lessee on all goods, wares, equipment, fixtures, furniture, and other personal property situated on the Premises and such property shall not be removed therefrom without the consent of Lessor until any arrearage in rent and/or other sums of money then due to Lessor hereunder shall first have been paid. The lien hereby granted may be foreclosed in the manner provided by law for foreclosure of chattel mortgages or in any other from provided by law. The statutory lien for rent is not hereby waived, the express contractual lien herein granted being in addition and supplementary thereto.
11. Assignment or Sublease. LRLC Board may not assign any of its rights or obligations under this lease, nor may it sublease all or any portion of the Premises, without the prior written approval of the Town. The Town may withhold approval for assignment or sublease for any reason it deems appropriate.
12. Unlawful Activity or Nuisance. LRLC Board shall neither use nor occupy the Premises in any manner that violates federal, state or local law or regulation. LRLC Board shall not use the Premises in any manner that constitutes a public or private nuisance.
13. Improvements. All improvements to the Premises, whether paid for by the Town or LRLC Board, shall become the sole property of the Town upon the expiration or termination of this lease. All improvements made to the Premises must be reviewed and approved by the Town prior to installation. All personal property owned or purchased by LRLC Board that is not permanently affixed to the Premises shall remain its property upon expiration or termination of this lease.
14. Maintenance. All routine interior maintenance and cleaning will be the responsibility of the LRLC Board. This includes but is not limited to cleaning of the restrooms and cooking facilities, mopping of floors, replacement of light bulbs, sweeping and steam cleaning the

carpets, and removal of trash and debris. LRLC Board will purchase the necessary equipment and supplies needed for the interior maintenance. The Town will mow the grass, maintain the landscaping, and remove snow, with the exception of shoveling the walkways and playground.

15. Repairs. The Town, as the owner of the Premises, will be responsible for repairs, whether exterior or interior, to the building unless causation can be attributed to actions by the LRLC Board and/or its clients. If caused by the actions of LRLC Board and/or its clients, then the Town shall preform the repairs and the cost of the repairs will be assessed to the LRLC Board. These costs will be paid within thirty (30) days of receiving an invoice from the Town.
16. Annual Review. The Town and LRCL Board may meet as needed to review the Agreement, propose modifications and discuss service provisions. Modifications to the Agreement may be made at any time by mutual agreement of the parties. In the event that mutual agreement on modifications is not possible, the Town may, at its sole discretions, terminate the lease. Under these circumstances of termination, the effective date of termination may be no sooner than three months from the date that notice of termination is issued by the Town.
17. Default or Breach. The following events shall constitute a default or breach of this Agreement by the LRLC Board:
 - a. If LRLC Board assigns or attempts to assign all or any portion of this Agreement without prior written permission of the Town;
 - b. If LRLC Board sublets or attempts to sublet all or any portion of the Premises without the prior written permission of the Town;
 - c. If LRLC Board ceases operation at the Premises;
 - d. If LRLC Board vacates or abandons the Premises;
 - e. If LRLC Board causes a construction lien or any other lien to be placed on the Premises;or
 - f. If LRLC Board fails to comply with any material condition or provision of this lease.

If LRLC Board is in default of this lease as described above, then the Town must provide written notice of the alleged default and thirty (30) days to cure the default. If LRLC Board has not cured the default within thirty (30) days of mailing the written notice, then the Town may terminate this lease and take immediate possession or the Premises. Exercise of its termination rights does not preclude the Town from pursuing any other right or remedy it may have under law or this agreement.
18. Notice. Any default or other notice required or permitted by this Agreement must be served on either party in writing either by first-class mail or in person at the respective addresses set forth at the beginning of this agreement. Either party may also use this notice procedure to inform the other of a change of address.
19. Right of Entry. LRLC Board shall permit the Town, its agents or employees to enter the Premises at all reasonable or necessary times to inspect the premises, to perform work thereon, or to conduct any other activity that is reasonably related to the Town's interest in

the Premises. When no emergency exists that requires immediate entry, the Town and the LRLC staff shall make a reasonable effort to provide LRLC Board with oral or written notice at least 24 hours before entry.

20. Warranty of Condition/Independent Investigation. The Town makes no express or implied warranty or representation concerning the existing condition of the Premises. The LRLC Board has made an independent investigation of the Premises and agrees to accept the Premises in its present condition. The Premises is a brand-new building and LRLC Board will be the first tenant.
21. Venue and Attorney's Fees. Venue for any litigation between the parties shall be proper only in Gallatin County, Montana. In the event of litigation between the Town and LRLC Board, the prevailing party shall be entitled to all its reasonable costs and attorney's fees incurred during the litigation, both in the trial court and on appeal.
22. Governing Law. This Agreement shall be governed by Montana law.
23. Entire Agreement. This document is the entire agreement between the parties and shall supersede all prior oral or written agreements or understandings. If the parties mutually desire to amend or modify this agreement, then such amendment or modification must be in writing and be signed by an appropriate representative of each party.
24. Successors. This Agreement shall bind LRLC Board's heirs, successors and assigns.

DATED the day and year first above written.

Little Rangers Learning Center

By: Bruce McPherson, Chair

TOWN OF WEST YELLOWSTONE

By: Daniel Sabolsky, Town Manager

ATTEST:

STATE OF MONTANA)
 ss.
County of Gallatin)

This instrument was acknowledged before me this ____ day of _____, 2018, by Daniel Sabolsky, as Town Manager of the Town of West Yellowstone.

NOTARY PUBLIC for the State of Montana
Residing at: _____
My commission expires: _____

STATE OF MONTANA)
 ss.
County of Gallatin)

This instrument was acknowledged before me this ____ day of _____, 2018, by _____, as Chair, Little Rangers Learning Center.

NOTARY PUBLIC for the State of Montana
Residing at: _____
My commission expires: _____

March 1, 2018



Est. 1949
Conservation
Development
Self Government

Mayor Brad Schmier
Town of West Yellowstone
440 Yellowstone Avenue
West Yellowstone MT 59758

RE: GALLATIN CONSERVATION DISTRICT URBAN SUPERVISORS

Dear Mayor Schmier:

In 2015, the Gallatin Conservation District (GCD) respectfully relayed to the Town of West Yellowstone about the necessity for the GCD to transition to a seven (7) member board with two Urban Supervisors being appointed by the three municipalities in the GCD boundaries.

Currently the Town of West Yellowstone, Town of Manhattan, and the City of Three Forks are incorporated into the GCD boundary and therefore should have representation on the GCD Board. The towns of Belgrade and Bozeman are not incorporated into the GCD boundary and therefore are not eligible to have an Urban Supervisor appointed from those municipalities.

Please review the enclosed MCA 76-15-311 *Governing body of district* for an explanation of the law. It should be noted that all municipalities must agree on the Urban Supervisors and make the appointments at a public meeting. The term for an Urban Supervisor is three (3) years.

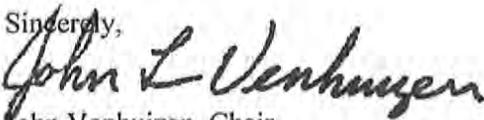
In 2015, Bob Logar (Manhattan) and Michael Hansen (Bozeman, outside of city limits) were appointed. Their three year term is set to expire on May 14, 2018. Please be reminded that applicants do not have to reside within an incorporated city, but within the GCD boundary.

The Gallatin Conservation District Board has enjoyed working with both incumbents and is in favor of re-appointment, adding they both will continue to do a great job representing the urban landowner.

We have enclosed several enclosures with this letter; 1) Information on Montana Conservation Districts; 2) Typical duties of a GCD Supervisor; and 3) January 2018 meeting minutes. Please put this item on your next month's agenda for discussion. If both incumbents are chosen for re-appointment, please send us a letter and meeting minutes to that effect. If you have further questions, please contact the GCD office at 282-4350 or admin@gallatincd.org. Additional information is available on our website at: www.gallatincd.org.

Thank you for your attention to this matter and we look forward to a productive and fruitful relationship with the Town of West Yellowstone.

Sincerely,


John Venhuizen, Chair

Letters sent to: Mayor Glen Clements, Town of Manhattan
Mayor Steve Hamilton, City of Three Forks

Enclosures: MCA 76-15-311, Duties, Montana CDs, Minutes

PO Box 569
Manhattan, MT 59741
406-282-4350
www.gallatincd.org

Montana Code Annotated 2017

TITLE 76. LAND RESOURCES AND USE

CHAPTER 15. CONSERVATION DISTRICTS

Part 3. Administration of Conservation Districts

Governing Body Of District

76-15-311. Governing body of district. (1) If there are no incorporated municipalities that are completely within the boundaries of the district, the governing body of the district must consist of five elected supervisors unless the district has been reorganized pursuant to 76-15-301(2) and 76-15-305.

(2) If there are incorporated municipalities that are completely within the boundaries of the district, the governing body of the district must consist of seven supervisors as follows:

(a) The board of supervisors, in addition to five elected supervisors, must consist of two appointed supervisors, making a total of seven supervisors in those districts. The legislative bodies of the incorporated municipalities within the district shall appoint the two additional supervisors after consultation with the elected supervisors.

(b) Where there are two or more incorporated municipalities that are completely within the boundaries of a district, the two appointed supervisors shall represent all the municipalities and urban interests in the district. A municipality may not have more than one appointed supervisor residing in the municipality. The legislative bodies of the incorporated municipalities within the district shall agree on the persons appointed to serve as the appointed supervisors.

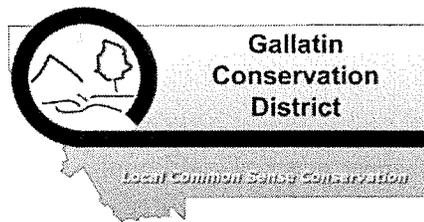
(3) If there are no incorporated municipalities that are completely within the boundaries of the district but a portion of one or more incorporated municipalities is within the boundaries of a district, the elected supervisors may pass a resolution to transition to a board of seven members consisting of five elected supervisors and two supervisors appointed by the legislative bodies of the partially included municipalities as provided in subsection (2).

(4) A supervisor appointed under subsection (2) or (3) may live outside the municipality the supervisor represents, but the supervisor must reside within the boundaries of the district.

(5) An elected supervisor must reside within the boundaries of the district.

(6) The board of supervisors may appoint associate supervisors it considers necessary to advise the board of supervisors on the operation of the conservation district as provided in part 4 of this chapter.

History: En. Sec. 7, Ch. 72, L. 1939; amd. Sec. 1, Ch. 4, L. 1959; amd. Sec. 2, Ch. 146, L. 1967; amd. Sec. 6, Ch. 431, L. 1971; amd. Sec. 1, Ch. 58, L. 1973; amd. Sec. 92, Ch. 253, L. 1974; amd. Sec. 52, Ch. 439, L. 1975; amd. Sec. 3, Ch. 18, L. 1977; R.C.M. 1947, 76-107(1) thru (3); amd. Sec. 17, Ch. 266, L. 1979; amd. Sec. 3, Ch. 173, L. 1983; amd. Sec. 2, Ch. 473, L. 1983; amd. Sec. 2, Ch. 162, L. 2011; amd. Sec. 242, Ch. 49, L. 2015.



Mission

To promote and guide the conservation and management of natural resources in Gallatin County.

Structure

The Gallatin Conservation District (GCD) was formed on June 8, 1949 and is one of 58 Districts in Montana. We are a subdivision of State Government and receive revenue from a mill levy percentage from real property taxes. Seven elected or appointed Supervisors govern District business and serve as the Board of Supervisors. The GCD is a tax exempt entity but is neither considered a 501(c) or a corporation. The GCD is a locally led 'local government' and not a federal, state, or county entity. *See MCA 76-15-215*

Jurisdiction

The GCD boundary includes all of Gallatin County except for the cities of Bozeman and Belgrade. *See attached map.*

Qualifications

1. Knowledge of agriculture or have in-depth knowledge of agriculture practices.
2. Be cognizant of the Gallatin CD goals and objectives and portray these goals and objectives while conducting Gallatin CD business.
3. Actively participate in Gallatin CD activities, as needed.
4. Follow and abide by *Laws Pertaining to Montana's Conservation Districts*.
5. Have the ability to work well with other agencies and partners.
6. Position requires knowledge of basic conservation practices and natural resources.
7. Effectively communicates orally and in writing; write and speak English.
8. Establishes and maintains effective working relationships with employees, supervisors, and deals tactfully and courteously with the public.
9. Effectively meets and coordinates the needs of the annual plan of operations as established by the Board
10. Prepare and submit accurate travel vouchers, if applicable.
11. Show attention to accuracy, timeliness, and adhere to regulations.
12. Refrain from promoting any cause, activity, or personal agenda that may adversely affect the goals and objections of the Gallatin CD.
13. Possess environmental and natural resources awareness
14. Background in local, state, and national legislative processes
15. Skills in conduct of meetings and parliamentary procedure
16. Technical background in education, water resources, engineering, finance, military, environmental sciences, small acreages, or other relevant field.

Board of Supervisors

The board of supervisors, in addition to five elected supervisors, must consist of two appointed supervisors, making a total of seven supervisors in the district. The legislative bodies of the incorporated municipalities within the district shall appoint the two additional supervisors after consultation with the elected supervisors. The seven member board are voting members and make all decisions regarding GCD business. The GCD is an at-large district and does not have

residency restrictions (areas of county) except supervisors are required to reside within the GCD boundary. Supervisors serve as volunteers in a non-paid public service capacity.

The board consists of a chairperson, a vice-chairperson, and five voting board members. Each year the board elects a new chairperson and vice-chair. Supervisors serve a four-year term and there are no term limits. At the end of a Supervisor's term, he/she must file for re-election to be considered for another four-year term, by the vote of the people or acclimation. *See MCA 76-15-304*

The board has the authority to appoint a new supervisor in the event of: death, resignation, removal from office, non-residency, mentally incapacitated, unexcused absences, conviction of a felony or violation of duties, or a court ruling. *See MCA 76-15-312*. The appointed supervisor will fill the remaining term of the former supervisor and must file for re-election at the end of that term to be considered for a four-year term by the vote of the people or acclimation.

Associate Supervisors

The GCD also has Associate Supervisor positions that serve as advisories to the Board. These positions are appointed by the Board and are non-paid positions. There is no limit on the number of Associate Supervisors the Board may appoint. Associate Supervisors serve an important role for the GCD and may also be appointed by the Board to represent the GCD on various county boards, agency boards, or local non-profit boards. When an Associate Supervisor is appointed to a board, they have discretionary authority to represent the GCD and to vote on that board. Associates play a vital role in carrying out the GCD mission and representing agriculture.

Compensation

Both Supervisors and Associate Supervisors receive meal and mileage reimbursement for attending monthly meetings or any other district business. Supervisors and Associate Supervisors also receive compensation for travel, meals, hotel costs and miscellaneous expenses associated with district business. *See MCA 76-15-313 (3)*

Time Commitment

Supervisors are expected to commit between 8-16 hours per month to the GCD for the monthly meeting, (and review of materials, reading & preparation), committee work, workshops, training, educational events, and attendance of meetings related to local conservation issues.

Supervisor Roles and Responsibility:

Board of Supervisor Authority – A Conservation District has the authority to conduct surveys, develop plans, manage projects, acquire & manage property, furnish supplies & equipment, and select & acquire water storage sites. *See MCA 76-15-401 through 76-15-411*. The GCD also has land use regulation authority under *MCA 15-701*. The GCD has the privilege of protecting and promoting the health, safety, and general welfare of the people of this state. *See MCA 76-15-102*.

Communication – Supervisors should have the ability and desire to effectively communicate with the public, constituents, local and state government, and GCD employees.

Code of Ethics/Rules of Conduct – Supervisors, whether elected or appointed, are public officials and shall strive to serve the public in a non-biased, ethical, and fair manner. A public

officer, legislator, or public employee shall carry out the individual's duties for the benefit of the people of the state. *Refer to MCA 2-2-101 through 2-2-144*

310 Law - In Montana, CD's administer the Natural Stream and Land Preservation Act, aka the 310 Law. The 310 Law was enacted by Montana Legislature in 1975 for the protection and preservation of perennial streams. Any person proposing a project that may physically alter or modify the bed or banks of a perennial stream, spring, or river, must first obtain a 310 permit from the Conservation District. The Board of Supervisors makes decisions on all 310 projects. *A 310 training is offered for all new supervisors.*

Planning/Work Plan – Supervisors will participate in a yearly planning session which outlines the goals and objects of the District for the following year. Supervisors may be asked participate in quarterly planning sessions to help achieve District goals. **Work Plan** – in conjunction with the planning sessions, the Board will develop a work plan specific to the goals and objectives developed in the planning session. The work plan should also categorize priorities for: education, employees, marketing & outreach, and other agencies/entities.

Committees – Supervisors are encouraged to participate in various GCD committees including financial, district operations, education, legislative, water resources, etc.

Educational Events – The District participates in a wide range of educational events and activities. Supervisors are encouraged to actively participate in at least three events a year.

Annual Banquet – An annual banquet is held each year which may feature guest speakers, District highlights, entertainment, etc. This event is also a great opportunity for public outreach and supervisors are expected to participate. All supervisors have small roles to fulfill during the event.

Local Government Meeting – The District meets with the County Commissioners once a year to promote agency relations and county-wide conservation. Supervisors should make efforts to attend this meeting.

Personnel – Employees work under the direction of the Board of Supervisors. An individual board member may not direct the work of employee(s) without the approval of the Board. Supervisors are encouraged to develop working relationships with GCD employees and participate in job performance reviews, email & written correspondence, daily activities, and overall work production. Employee(s) serve as the point of contact for the GCD and often make minor decisions without board approval. Supervisors are encouraged to stay current on district business and openly communicate with GCD Staff.

Financial Management and Authority – The Board of Supervisors are responsible for all funds received (via real property taxes, grants, services offered, district items sold) and funds dispersed. Funds dispersed for items, supplies, or projects must be utilized in ways that meet the mission and overall goals of the GCD. *See MCA 76-15-501 through 76-15-547*

Meetings – The majority of GCD meetings are public meetings and open to the public. If two or more supervisors convene for a meeting, the meeting must be open to the public and proper notice given. Meetings follow Sturgis Parliamentary Procedure. Supervisors should strive to attend all GCD meetings and actively participate. Supervisors are provided with meeting

information a week prior to the board meeting and should make efforts to properly prepare for board meetings. Three unexcused absences from meetings may cause the board to appoint another supervisor.

Meetings are held on the third Thursday of each month. From April through September, meetings are held at 4:00 p.m. and from October through March, meetings are held at 9:00 a.m.

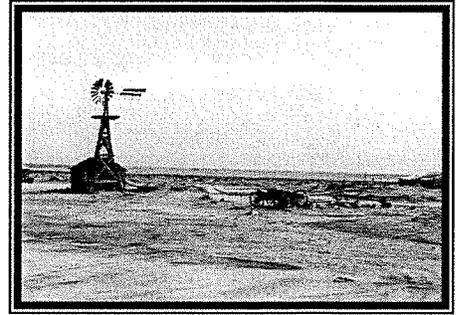
Liability – A conservation district and the supervisors of a conservation district may: (a) sue and be sued in the name of the district (b) satisfy a judgment or settlement, (c) have a seal that is judicially noticed. (d) have perpetual succession, (e) implement Title 75, chapter 7, part 1, and (f) make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

A conservation district, conservation district supervisor, or conservation district employee is immune from suit for any liability that might otherwise be incurred or imposed for an act or omission committed while engaged in conservation district activities pursuant to Title 75, chapter 7, part 1, or this chapter, unless the act or omission constitutes gross negligence, was committed in bad faith, or was committed with malicious purpose. *Refer to MCA 76-15-320.*

Montana's Conservation Districts

History

Conservation districts are units of local government designed to help citizens conserve their soil, water, and other renewable natural resources. They were organized in the 1930s as a response to the “Dust Bowl” days. In 1937, President Roosevelt encouraged Montana to adopt legislation enabling the creation of local soil conservation districts. Today, there are almost 3000 conservation districts nationwide, and their conservation activities encompass a wide spectrum of natural resource issues. The State of Montana passed legislation creating its conservation districts in 1939 to provide for local control of natural resource management programs and activities. Montana’s 58 conservation districts cover all counties and include more than 70 municipalities included within district boundaries.



Operations

Montana’s CDs are political subdivisions of the state and are governed by a board of five supervisors elected by local voters in a general election. In addition, a municipality that has chosen to be incorporated into a district may appoint up to two urban supervisors to represent urban interests on the board. This combination of officials representing diverse views has a relatively broad scope of authorities.

Because of their unique characteristics and proven track record, CDs have been entrusted by the state with mandated activities such as implementation of the 310 Law, water reservations, stream access portage routes, county planning board participation, and local Total Maximum Daily Load (TMDL) consultation. Also, CDs serve as the local point of contact for numerous federal programs. This is all in addition to the long-standing CD roles such as educating landowners about sound conservation practices, tree planting and organizing outdoor classroom educational activities for school children.

Funding

Local funding for the operation and conservation activities of each district comes from mills levied on real property within the boundaries of the district; this figure varies around the state from \$2,500 to, in a few, over \$100,000. In almost all districts, the amount generated locally is inadequate to meet the expectations of the citizens living in the CD. The State of Montana, through the Department of Natural Resources and Conservation, provides a grant to allow the district to operate at a minimal level. In all cases, each district must think creatively about how to secure additional funding and seek out state and federal grant opportunities in order to meet the needs of their constituents.

Partners

Districts have two main partners, sometimes referred to as the “three legged stool.” The State of Montana participates through the Department of Natural Resources and Conservation. The federal government participates through the Natural Resources Conservation Service.

The **Conservation and Resource Development Division (CARDD)** of the Montana Department of Natural Resources and Conservation has duties specifically established in state statute to: assist CD supervisors in carrying out their authorities and programs, facilitate an interchange of information, activities, and cooperation among districts; coordinate programs among districts through advice and consultation; secure the cooperation and assistance of federal and other state agencies in the work of districts; disseminate information concerning the activities and programs of districts; and administer financial assistance programs for districts. This division provides a link to state government for the continued successful operations of conservation districts.

The **Natural Resource Conservation Service (NRCS)**—formerly the Soil Conservation Service—of the U.S. Department of Agriculture provides technical assistance to the nation’s private land managers. Conservation districts were established as a link between the NRCS and these land managers. Generally located in the same local field offices as NRCS employees, conservation districts set local priorities for federal conservation programs. As a source of technical conservation expertise and financial assistance, the agency’s value to land managers has increased immensely in recent years—especially in light of the general public’s increased awareness of environmental concerns.

What Conservation Districts Do

The 310 Law (75-7-101)

The Natural Streambed and Land Preservation Act, also known as "The 310 Law", is administered by Conservation Districts. Any person proposing a project which is a physical alteration or modification that results in a change in the state of a natural, perennial-flowing stream or river, its bed, or its immediate banks in or near a perennial stream.

A district supervisor and representatives from the appropriate agencies inspect the site to make sure the integrity of the stream is maintained. 310 permits are then approved/denied based on the inspection and the scope of the project.

Demonstration Projects

CD's promote, sponsor and lead demonstration projects to learn and to educate producers, agencies and the general public. They have sponsored projects such as cover crops, bale grazing demonstrations, grazing management pilot projects and weed control demonstrations/projects.

Conservation Education

CD's address conservation issues to both youth and adult audiences by sponsoring kids' conservation field days and annual camps. Some of these include Creek & Critters, Montana Envirothon, Flood Awareness, Ag Days, and Ag Appreciation Week. They sponsor adult education such as realtor workshops, Governors Range Tour, conservation days, spring crop tour, irrigation tours, and irrigation efficiency workshop.

Conservation Equipment

In order to promote conservation practices, districts demonstrate and rent out a wide array of equipment to land users including: tree planters, fabric layers, weed sprayers, weed baggers, conservation tillage drills, grass seeders, and tree chippers.

Rolling Rivers Trailer Education

Rolling Rivers trailers are stream tables on wheels that can demonstrate not only stream dynamics but watershed principles as well.

Urban Conservation & Small Acreage

With the rapid increase in subdivided acreages and the resource issues associated with these small tracts, districts have recently taken on a new role. Examples: hosting workshop and producing educational materials for new landowners; operating recycling programs; and, pooling of technical expertise from various agencies to provide services like soil surveys and water disposal information to planning commissioners, municipal officers, and others.

Saline Seep Reclamation

CD supervisors in 33 counties make up the membership of the Montana Salinity Control Association. This organization provides expert technical assistance in the reclamation and control of saline seeps in agricultural areas.

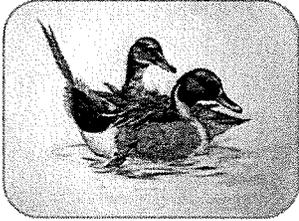
Water Quality

Districts are the local contact for the control of non-point pollution (NPS). They conduct projects demonstrating NPS pollution control practices. CD's prefer voluntary, education, and incentive-based approaches to regulatory approaches. They work with state and federal agencies (for the most part, the DEQ and EPA) to identify problem areas and prioritize treatment. Recently, the manner in which these problems are addressed has become the development of Total Maximum Daily Loads (TMDLs) for impaired streams in Montana.

Continued on page 3

Water Reservations

Conservation districts in Montana are able to reserve water for future beneficial use. Currently, 31 CDs hold water reservations throughout the Yellowstone, Little Missouri, and Missouri River basins. Each of these districts administers its reservation for use by individuals within the district. Applications for reserved water use can be obtained from the applicable conservation district.



Watershed Planning

Locally led groups tackle local and regional natural resource management issues on a watershed basis. Districts are often instrumental on drawing people and resources together to assist the development of these groups.

Water Projects

Rural water projects like the Dry Prairie and Dry-Redwater Regional Water Authorities had their beginnings in Conservation districts.

Forest Practices

Conservation districts in the western part of the state participate in cooperative Best Management Practices education programs and promote sustainable forest management as a means of maintaining stable rural economies. They work on fire reduction and preparation, and on tree thinning projects.

Forest Rehabilitation Efforts/Coordination

Conservation districts in areas of fires become involved and are the liaison between the fire fighting agencies/crews and the landowners. CDs also coordinate reseeding efforts, become the local source of information, and seed distribution to landowners.

Governor Appointed Rangeland Resource Executive Committee (RREC)

Approximately two-thirds of Montana's land is utilized as rangeland. Many CDs appoint a county range leader and work to assist ranchers, sportsmen, recreationists, and other users of rangeland to become more aware of each other's needs. They sponsor range committees and programs such as Montana Youth Range Camp, Montana Range Days, Governors Range Tour, Winter Grazing Seminar, and the Range Loan Program.

Resource Conservation Advisory Council (RCAC)

Governor appointed council of CD supervisors that has served the Conservation Districts Bureau since 1980. The main focus of the council has been to review grants and advise DNRC how to best manage the funding provided to CDs and reviews programs and grants such as: 223 grant program, CD administration grants, and 310 and legal assistance funds.

Federal Conservation Programs

Conservation districts work closely as partners with the U.S. Department of Agriculture's Natural Resources Conservation Service (formerly the Soil Conservation Service) to provide local direction for the administration of federal conservation programs.

Gallatin Conservation District Meeting Minutes January 25, 2018

Type of Project: Bank Stabilization/Alteration
Type of Project: Fish Habitat
Purpose: The high-water runoff of spring 2014 caused considerable damage to the river banks along our fields. This project will provide stream bank protection as well as improve vegetation and fisheries habitat in those areas.
Proposed Construction Date: Start date: 02/15/2018 Finish date: 02/1/2019
Inspection Recommendations: None provided
Inspection Comments: N/A

Discussion:

B Mazuranich: Requesting an extension on the permit as it took quite a bit of time to secure permits. Have received the 404 and floodplain permit. Materials are stockpiled and ready to be used.

M Johnson: NRCS designed the project. Didn't go re-inspect this again since it was an extension request

D Moser: Will send you a 318 via email

J Meissner: This project was designed to withstand a 100-year flood and has NRCS's stamped approval

S Leep moved to approve the project as proposed; J Camp seconds, motion carries

Board Decision: Approve as proposed

Application Number: GD 03-18 Inspection Date: 01/10/2018
Applicant: Dry Creek Conservation Partners, LLC.
Landowner: Lonny Walker
Contractor/Agent: Ron Orton, Allied Engineering
Perennial Stream: Dry Creek
Type of Project: Bridge/Culvert/Ford Construction
Type of Project: Channel Alteration
Type of Project: Irrigation Structure
Type of Project: Fish Habitat
Type of Project: Placement of Fill
Purpose: The purpose of the project is to provide fish passage around an existing irrigation structure and the Dry Creek Canal that is a barrier to fish passage. The principle objective is to provide connectivity during the irrigation season when the Dry Creek head gate is closed.
Proposed Construction Date: Start date: 03/01/2018 Finish date: 04/15/2018
Inspection Recommendations: Approval as proposed + 15-day waiting period waiver
Inspection Comments: Ensure proper management of controls to optimize flow distribution especially early in spring during runoff. Hire qualified contractor.

Discussion:

M Johnson: It looks like a really good project. There's a significant drop to the head-gate isolating fish. The bypass channel creates a low flow to the step pools. They are planning on using a decent size box culvert.

R Orton: The irrigation company came up with the idea. Originally we were going with a flume, but was asked for a fish passage. It's easier for the irrigation company to maintain and benefits the downstream water user.

M Johnson: Dry Creek Irrigation Company knows the flows and will it will probably take a couple of years to know how to manage the flow efficiently.

J Schutter: Is there enough water at the structure for downstream users?

R Orton: Yes

D Moser: There's good connectivity. Good for the fisheries. Do you know how many years since?

R Orton: Maybe never?

R Orton: Request a slight modification from the application. Would like to be allowed to skew the culvert 6' to 10' for better alignment.

M Johnson/D Moser: Have no problem with the modification request

S Leep moved to approve the project with modification + 15-day waiver; M Hansen seconds, motion carries

Board Decision: **Approval as proposed with modification**

<u>Application Number: GD 04-18</u>	Inspection Date: 01/10/2018
Applicant:	Bozeman High School District #7
Landowner:	Bozeman High School District #7
Contractor/Agent:	Chris Wasia, Genesis Engineering, Inc.
Perennial Stream:	Mandeville Creek
Type of Project:	Other: Restoration and Enhancement
Purpose:	Final phase restoring natural channel and riparian function to a degraded and ditched reach of creek; as a watershed stewardship and education project for Bozeman High School including the creation of a "living learning lab and outdoor classroom" and; to beautify the campus grounds. Given site infrastructure constrains a meandering meadow-type stream restoration is not possible and instead the project will re-create more of a mountain stream environment.
Proposed Construction Date:	Start date: 07/15/2018 Finish date: 08/29/2018
Inspection Recommendations:	Approval as proposed
Inspection Comments:	Same project as 2 upstream project reaches which look great. Time construction according to weather forecast considering flashiness of system.

Discussion:

M Johnson: This is the continuation of work at Bozeman High School. The work that they did upstream looks good. I am concerned about the timing as Mandeville Creek can become flashy. The dewatering plan looks good.

D Moser: Using one Crisafulli pump (4cfs)

M Johnson: Most of the work should be done in the dry then connect later.

M Hansen moved to approve the project as proposed; J Camp seconds, motion carries

Board Decision: **Approval as proposed**

<u>Application Number: GD 05-18</u>	<u>(To replace GD 59-17)</u>
Applicant:	Jefferson Island LLC
Landowner:	Jefferson Island LLC
Contractor/Agent:	Ty Traxler, Confluence Inc.
Perennial Stream:	West Gallatin River
Type of Project:	Bank Stabilization/Alteration

Type of Project: Flood Protection
Type of Project: Irrigation Structure
Purpose: The purposes of the project are to 1) stabilize a rapidly eroding bank to prevent the West Gallatin River from being captured by a side channel/ditch system and permanently flooding the Circle B Ranch, and 2) maintain an efficient ability to divert irrigation water from the W. Gallatin River by relocating irrigation infrastructure.
Proposed Construction Date: Start date: 02/01/2018 Finish date: 03/31/2018

The following list of changes made from the original application:

1. Included installation of willow bundles from the low water elevation up to the top of the riprap to provide a vegetative component and reduce velocities along the bank.
2. Lowered the top of riprap by 1' to reduce volume/extent of visible rock.
3. Included filling of voids in riprap with native pit run to reduce visual impact of riprap.
4. Included planting of cottonwoods and willows along the top of bank.
5. Included the installation of woody debris in the "scallop" area to increase roughness and slow flows.
6. Removed "optional" buried revetment and keyed in proposed riprap at upstream end of rock treatment.
7. Hardened 20' of channel and side slopes at the outlet of the culvert to protect the bank from head cutting.
8. Provided a slight depression on the bank to provide a preferential path to the "ditch."

From the minutes from the December 21, 2017 Meeting

M Rotar: Showed historical slides of area. The project area is east of Manhattan. Not a good location to put a point of diversion and riprap. There is a tight meander and the river may move away from here. The amount of riprap placed here is problematic as it will cause excessive hardening in this location. This may impact property owners along Central Park Road as well as the road itself.

M Henningsen: T Traxler and I met with Mike and Buddy. In 2012, there was a change use application with DNRC. He respectfully disagrees about the downstream risks. He said that there are imminent threats to Dry Creek Road. He said: 1) This project will prevent full scale flooding of their ranch as well as addresses their water rights. The head gate installed in 2013 may have caused some issues. It was installed outside of the bend, but now it's inside of the bend with extensive silting. 2) Moving the head gate allows capture of water to V Creek to utilize our water right. This is a hydrological riparian corridor. 3) Placement of riprap design allows the water to go over in a flood event. By moving it to the furthest western migration zone, it may mitigate impacts to us and our neighbors.

T Traxler: Rip-rap is not always popular or appropriate, but in this case, it is. The rock is sized to a 100 year event. The water availability issue is secondary to other issues.

J Camp: I lease this land and had advised the previous manager and M Henningsen of erosion. What do you suggest to mitigate this?

M Rotar: Softer treatments on top, some roughness to allow for less rip-rap; It's troubling about realigning the bank and filling-in part of the active channel. Re-engineer the bank with wood versus hardening with rip-rap. Soften upper bank, plug hole with woody debris.

M Hansen: Are you willing to tweak this application?

B Logar: Come back in January

M Henningsen: Yes, but we were told to withdraw the application

B Drake: No, we didn't suggest that

B Logar made a motion to table this until the January meeting, J Schutter seconds, motion carries

Board Decision: Tabled until January 2018 meeting

New Discussion:

M Rotar: I spoke with Ty regarding the modified design. This is still a significant project. New application has added vegetative component and some reduction of riprap.

B Drake: I looked at the new plan and the woody debris is nice and it may soften it, but it's still too big. The previous head-gate placement may have caused this problem. Suggest moving the pump upriver. Something not addressed: This plan looks to protect a couple of acres of pasture grass, but there is a family nearby. This much rock will displace energy downstream and potentially threaten downstream properties.

M Hansen: From the last meeting minutes, it will also affect the applicant's pasture and a couple of their buildings. The current head-gate is in a bad spot. The new head-gate may be abandoned in the future. Not comfortable with the current position either as the river may migrate to the east side soon. Suggest a softer approach and head-gate moved further upstream.

B Drake: Karen Boyd/Channel Migration Zone Study made a blanket statement at her presentation on January 18th in Bozeman: "big mistake to harden this stretch of the Gallatin River."

M Rotar: The previous point of diversion (Wright Ditch) was by the interstate and was moved downstream about a mile.

M Henningsen: Do you recommend moving to the original pumpsite?

B Drake: No, anywhere upstream from current location on the application.

M Henningsen: To move the point of access upstream, you would still need to do something at the corner.

B Drake: Without the head-gate there, there would be less armoring or no armoring. No ricochet affect.

D Moser: Same concern for downstream owners. Potentially overreaching habitat pressures on a historically natural channel.

M Sanctuary: I spoke with K Boyd and she didn't give me a big flag for a project here. It does appear as a side channel of the Gallatin River. The river went over the bank last year. This project wasn't designed to prevent water going into the side channel. The owner is open to water there, just not uncontrolled water.

M Henningsen: The compromise here is that we want to have water, but don't want it to become a main channel. We believe there's an imminent threat to our property. The change use app takes two years to move the head-gate to a new point of diversion. I discussed an enhanced fisheries project in the future with D Moser. This new application addresses problems for us, downstream and for the riparian areas. With Ty working with M Rotar, I thought that they came upon a workable solution.

M Rotar: I gave input on the modifications presented. Whether that's still an appropriate location for this amount of riprap ...

J Schutter: The final decision rests with the board of supervisors.

M Henningsen: Time is of the essence.

M Hansen: Sensed animosity between Ty and Mike. The suggestion was for less riprap and more softening.

S Leep: It appears that the riprap had been lowered. Is that correct?

M Rotar: Yes, to the level of the bar across the river.

S Leep: Does it vent the increase of energy that may hit the neighbor downstream?

M Rotar: A little bit.

J Camp: And does straightening to the side channel?

M Rotar: A little bit

S Leep: I appreciate your frustration, too, Matt. This has been done in good faith. We are trying to help the resource, too and it's a tough job, but we appreciate your efforts.

B Drake: Friction – yes

M Rotar: Animosity to Ty – no

Executive Session called at 10:30 am; Executive Session ends at 10:40 am

M Hansen: A question to M Rotar: Did the design changes proposed by Confluence address the concerns you expressed during the December meeting.

M Rotar: Yes

S Leep moved to approve the project as proposed and to withdraw GD 59-17; J Camp seconds, motion carries NOTE: Dissenting vote: M Hansen

B Drake: FWP requests an arbitration

Board Decision: On Hold for Arbitration process

310 Complaint

Application Number: GD 1C-18

Inspection Date: 01/10/2018

Alleged Violator:

Current Landing LLC (property owner)

Perennial Stream:

Gallatin River

Natural of Complaint:

An anonymous complaint was received by phone indicating that a landowner/business was manipulating rocks in the Gallatin River to fish. Montana Fish, Wildlife & Parks investigated, and it does appear that several rock bars have been constructed on river bank right. It appears to be handwork and does not pose an immediate threat to downstream or upstream river banks.

Inspection Comments:

5 hand placed barbs – handwork. Leave as is and re-inspect after high water. Recommend sending owner a letter educating on topic to pass on to fishing guide tenants.

Discussion:

M Johnson: Bill Zell with the Montana Raft Company is the alleged violator. This is in the Karst Stage area. He didn't have any idea how this came to be. In the summer, he leases the property to river guides. It appears that they created spots for fishing. This appears to be part of a neighborly dispute. I believe that the spring flows should take it out.

D Moser: If the spring flows doesn't take it out, they will have to manually disperse the bars.

S Leep moved to declare this a 310 violation; J Camp seconds, motion carries

Board Decision: 310 Violation – send letter that owner will need to manually disperse the barbs if the spring flows doesn't take it out and to also to educate his tenants.

310 Old Business

Application Number GD 57-17 (Addresses Complaint GD 5C-17)

Applicant: Rosa Johnson Development, LLC
Landowner: John Rosa
Contractor/Agent: Barbara Vaughn, Vaughn Environmental Services

Avenues of Resolution:

1. Modify outlet as per approved plan (new 310 application)
2. Remove

Discussion:

M Rotar: This is the modification that Barb Vaughn submitted to address GD 5C-17. It partially addressed issues. The issue is in regards to the inlet (upstream) riprap, while the new application discusses the upstream riprap and the culvert outlet (he displayed a photo of the culvert area in discussion). The outlet is fine. The new application proposes to remove 3' – 4' off the top of the riprap. Recommend removing 3'-4' off the top of the riprap and place rocks above the culvert and into the stream bed to narrow area immediately upstream of the culvert.

M Hansen made the motion to approve with modifications; *J Camp* seconds, motion carries

Board Decision: Approval with modifications

Adjournment of 310 Meeting @ 11:30 am

BUSINESS MEETING

The Business Meeting convened at 11:40 am.

Public Comments on District Business: None

Consensus Agenda: Special 310 November Meeting, December Meeting minutes and Financials. M Hansen moved to approve the consensus agenda; S Leep seconds, and motion carries

NRCS Reports & Civil Rights Review:

Water year to Date Precipitation; % of Normal (as of 12/18/2017)

Gallatin; 136%
Madison; 117%
Jefferson; 127%
Yellowstone; 152%

Programs

EQIP: Ranking apps;
EQIP; 5 apps ranked
NWQI; 9 apps ranked
High tunnel; 2 apps ranked

Ranching for rivers; Billing is being reviewed

Civil Rights Review

Planning Board: Loren Blanksma

He reported on two Planning Board meetings he had attended since the CD meeting in September. There was a meeting in the second week of October. There was discussion on a zone map amendment that the board gave a unanimous recommendation and that passed.

On January 9th, they discussed a change to zoning to Research & Development for Genesis Business Partners on Stucky Lane. Recommend R&D in the building only and not outside nor in the loading dock areas. The board gave a unanimous recommendation to the Commissioners.

He attended the Channel Migration Zone presentation and thought that they did a good job. He reported that in 2011, the Musselshell River had 59 avulsions and lost 39 miles of the river. The river moved 300 feet to 3 miles and many property owners lost pumps and points of diversions.

Grants/Agreements/Contract Report: None

Old Business: None

New Business:

Supervisor Term: Rural supervisors S Leep, J Camp and B Wright are up for re-election. Urban supervisors M Hansen and B Logar are also up for re-election. S Leep, J Camp, M Hansen, and B Logar are interested in retaining their seats on the board. As B Wright had retired on January 1st that position is open. The Board asked L Blanksma if he would consider moving from Associate supervisor to Rural supervisor. He said that he will consider it. All Rural supervisors have been given a form from the Election Department. M Hendrix to contact Three Forks, Manhattan, and West Yellowstone to ask for their consideration to renew M Hansen and B Logar for another 3 year term.

The Annual Breakfast Meeting will be held at the Gallatin Gateway Community Center on March 9th. It will be a breakfast meeting from 7:30 am – 9: 30 am. The agenda will be finalized at the February 22nd meeting.

The Montana Youth Range Camp will be held July 9th – 12th in Bloomfield. Stacey Barta, DNRC Rangeland Resources Program Coordinator suggested that M Hendrix attend. This will help when Gallatin CD hosts the 2019 Range Camp at Hyalite Lions Camp. Supervisors said that it was fine for M Hendrix to attend. Office will need to be staffed, M Hendrix will coordinate coverage.

Well-Testing Cost-share Program: None

Cost-share Program: None

CD Seminars/Workshops: None

Correspondence and Handouts: Staff report and MACD Survey provided at the meeting.

Gallatin Conservation District Meeting Minutes January 25, 2018

Accounting: Financial reports, invoices, deposit, and the credit card statements were reviewed. M Hansen made the motion to pay invoices and approve financials; S Leep & J Camp seconds, motion carries.

Adjournment of Meeting

J Schutter made the motion to adjourn the meeting and everybody seconded the motion. The meeting adjourned at 1:30 pm. The next scheduled board meeting will be Thursday, February 22, 2018 at 9:00 am.

Minutes approved by John Venhuizen, Chairman

Date



West Yellowstone Foundation

Community Grant Application

P.O. Box 255, West Yellowstone, MT 59758
(406) 646-1152 westyellowstonefoundation.org

Grant Focus Areas

- Arts & Culture
- Basic Human Needs
- Education
- Economic Development
- Natural resources
- Conservation
- Historic Preservation

The West Yellowstone Foundation's mission is to strengthen the sense of community and enhance the economic vitality in the West Yellowstone and Hebgen Lake Basin areas. The non-profit Foundation provides funding for charitable and philanthropic needs through permanent endowments, gifts, bequests, and grants. The Foundation raises and administers tax deductible, donated, charitable resources from individuals and organizations while meeting the donors' wishes.

GRANT PRIORITIES

- The Foundation prefers to make grants to organizations that are responsive to the changing needs of the community.
- Innovative solutions and preventive actions are welcomed.
- Partnerships and collaborations are highly encouraged.
- Other support, such as partial funding, volunteers, and in-kind gifts, that demonstrate community involvement is considered.
- Projects that impact the largest number of individuals possible, with a modest investment of funds are preferred.
- Program development and capacity building activities are eligible.
- Lower priority is given to general operating expenses, capital or equipment requests and ongoing program support.

ELIGIBILITY REQUIREMENTS

To be eligible for a grant, an organization must be a non-profit and provide service to the residents within their community.

RESTRICTIONS

The W.Y. Foundation does not award grants for the following: religious organizations for direct religious activities, debt retirement, individuals (except scholarships), political organizations or campaigns, telephone solicitations, and organizations that as a substantial part of their purpose, influence legislation.

DEADLINE; The 10th of the month (January, April, July, September) Due dates subject to change on an annual basis.

West Yellowstone Foundation grant applications can be submitted throughout the year. Grant proposals will be reviewed by the grant committee. Then the application will proceed with a recommendation for approval or denial to the full Board. Final approval must be obtained from the Board of Directors during their next regularly scheduled meeting. The West Yellowstone Foundation encourages clear and concise grant proposals that adhere to the attached Grant Application guidelines. Please contact the W.Y. Foundation with any questions regarding the grant application process.

West Yellowstone Foundation

Community Grant Application

Please neatly fill out this form and attach to the top of your application packet. Only complete applications will be accepted.

Name of Organization: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Contact Person: _____ Email: _____

Tax Status – Check one:

501(c)3 Please attach your IRS tax exemption letter Unit of Government

Public Agency Other (describe and attach appropriate documentation)

AMOUNT REQUESTED: \$ _____ **Total Project Cost:** _____

Other funding sources in support of project:

<u>AMOUNT</u>	<u>FROM WHOM</u>
\$ _____	_____
\$ _____	_____
\$ _____	_____
\$ _____	_____

Project Start Date: FROM: _____ TO: _____

Signature: _____

Title: _____ Date: _____

Please be sure the answer the questions on the following page.

1. Provide a summary for the project requested. How will the requested grant money be used? (Please include goals, objectives, activities and a timeline for your project.)
2. How many people will benefit from this project?
3. Please provide a detailed income and expense budget for the project.
4. Briefly describe your organization's purpose, history and major accomplishments.
5. Describe your organization's qualifications for successfully completing this project and who will be involved and supervising this project.
6. How will your organization evaluate the success of the project and what is your time frame for the results of the project.
7. Does your organization have the support of any governmental, civic or other community organization for the project? If so, please include any letters of support or commitment.
8. If this project will be on going, how will this project be financed in the future?
9. Has your organization received a grant from the West Yellowstone Foundation in the past? If so, when and how much funding did your project receive?

APPROVAL PROCESS

Please mail, or hand deliver, eight (8) copies of the entire grant application to the West Yellowstone Foundation. Grant applications will be assigned to the Foundation's Grant Committee upon receipt and will be reviewed by the committee for completeness. Applications approved by the committee will be submitted to the Foundation's Board of Directors during their next board meeting for funding approval.

Applicants will be notified of the status of their request approximately one (1) week after the quarterly meeting. Do not submit the project evaluation report until your project is completed.

PROJECT EVALUATION REPORT

Once the project is complete, a project evaluation report is due to the Foundation within 30 days. Please contact the Foundation for Project Evaluation Forms. Directions for completion can be found on the forms. **Please note that any unused funds remaining at the completion of the project must be returned to the Foundation.**

West Yellowstone Foundation

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West Yellowstone, MT 59758

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