

Town of West Yellowstone

Tuesday, March 6, 2018

West Yellowstone Town Hall, 440 Yellowstone Avenue

TOWN COUNCIL MEETING

7:00 PM

Pledge of Allegiance

Purchase Orders

Claims ∞

Consent Agenda: **Minutes of February 20, 2018 Town Council Meeting** ∞

Business License Applications ∞

- Highmark Rentals (Update- tabled 2/20/18)

Advisory Board Report(s)

- Music in the Park

Town Manager & Department Head Reports

Comment Period

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

UNFINISHED BUSINESS

Ordinance No. 266, 2nd Reading, Regulations in the Madison Addition

Discussion/Action ∞
(Tabled 2/20/18)

NEW BUSINESS

Resort Tax Bond Waiver, Markov Rentals

Discussion/Action ∞

Development Review Services, Land Solutions

Discussion/Action ∞

Correspondence/FYI/Meeting Reminders ∞

- CHP patient statistics, 2017 calendar year



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

Public Hearing/Public Meeting

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

Oral Communication

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

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

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

General Town Council Meeting Information

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

* ... Over spent expenditure

Claim	Check	Invoice #/Inv Date/Description	Vendor #/Name/ Line \$	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
44194		2575 WY Tourism Business Improvement		8,224.63					
	03/01/18	January 2018 collections		8,224.63		TBID	2102 411800	540	101000
44199		2088 Town West Yellowstone		651.47					
	03/01/18	utility chrgs, Chamber, 895		38.32		BLDGS	1000 411257	340	101000
	03/01/18	utility chrgs, UPDL, 892		63.31		BLDGS	1000 411252	340	101000
	03/01/18	utility chrgs, PS Shops, 884		29.20		BLDGS	1000 411253	340	101000
	03/01/18	utility chrgs. Povah Ctr, 887		58.52		BLDGS	1000 411255	340	101000
	03/01/18	utility chrgs, Police Dept, 886		37.50		BLDGS	1000 411258	340	101000
	03/01/18	utility chrgs, City Park, 885		274.55		BLDGS	1000 411253	340	101000
	03/01/18	utility chrgs, Library, 891		29.50		LIBBLD	1000 411259	340	101000
	03/01/18	utility chrgs, Lift #1, 903		12.64		SEWER	5310 430600	340	101000
	03/01/18	utility chrgs, Twn Hall, 921		107.93		TWNHAL	1000 411250	340	101000
44203		42 Fall River Electric		10,373.76					
	03/20/18	UPDH 4212041 elec service		910.12		UPDH	1000 411252	341	101000
	03/20/18	POLICE 4212008 elec service		329.13		POLICE	1000 411258	341	101000
	03/20/18	shop 4212018 elec service		505.95		STREET	1000 430200	341	101000
	03/20/18	ANIMAL 4212029 elec serv		276.19		ANIMAL	1000 440600	341	101000
	03/20/18	PARK 4212032 Elec ser		291.91		PARK	1000 411253	341	101000
	03/20/18	PARK, old firehouse 2901001 e		483.22		PARK	1000 411253	341	101000
	03/20/18	CLORINATOR 4212030 elec serv		92.42		WATER	5210 430500	341	101000
	03/20/18	MADADD H2O Tower 4212017		49.41		WATER	5210 430500	341	101000
	03/20/18	RR Well 4212005 elec serv		238.84		WATER	5210 430500	341	101000
	03/20/18	SEWER LIFT STATION 4212006		203.84		SEWER	5310 430600	341	101000
	03/20/18	SEWER PLANT 4212007 elec ser		1,478.33		SEWER	5310 430600	341	101000
	03/20/18	MAD SEWER LIFT 4212014 elec		196.39		SEWER	5310 430600	341	101000
	03/20/18	SEWER TREAT SERV 4212046 ele		2,856.36		SEWER	5310 430600	341	101000
	03/20/18	library 23 dunraven 4212054		131.17		LIBRY	1000 411259	341	101000
	03/20/18	povah comm ctr 4212001		235.20		POVAH	1000 411255	341	101000
	03/20/18	unmetered lights 4212004		1,451.25		STLITE	1000 430263	341	101000
	03/20/18	Town Hall 4212009		493.64		TWNHAL	1000 411250	341	101000
	03/20/18	Ice Rink 421010		63.56		PARKS	1000 411253	341	101000
	03/20/18	Hayden/Grouse Well 4212015		44.23		WATER	5210 430500	341	101000
	03/20/18	Electric Well 4212031		42.60		WATER	5210 430500	341	101000
44205		2852 Blackfoot Communications		1,977.09					
	03/15/18	602-4908, povah center		0.00		POVAH	1000 411255	345	101000
	03/15/18	646-5106, fax soc svc		40.53		SOCSR	1000 450135	345	101000
	03/15/18	646-5119, police station		40.53*		POLICE	1000 420160	345	101000
	03/15/18	646-5141, sewer plant alarm		40.53		SEWER	5310 430600	345	101000
	03/15/18	646-5185, town hall alarm		40.53*		TWNHAL	1000 411250	345	101000
	03/15/18	646-7311, social services		60.43		SOCSR	1000 450135	345	101000
	03/15/18	646-7481, povah elevator		41.67		POVAH	1000 411255	345	101000

03/02/18
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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	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
	03/15/18	646-7511, town hall fax	40.53*		TWNHAL	1000 411250	345	101000
	03/15/18	646-7609, public works	29.05		SEWER	5310 430600	345	101000
	03/15/18	646-7650, police station fax	40.53*		POLICE	1000 420160	345	101000
	03/15/18	646-7715, povah center	31.85		POVAH	1000 411255	345	101000
	03/15/18	646-7795, town hall	247.93*		TWNHAL	1000 411250	345	101000
	03/15/18	646-7845, court clerk	8.60		COURT	1000 410360	345	101000
	03/15/18	646-9017, library	41.85		LIBRAR	2220 460100	345	101000
	03/15/18	646-9027, sewer plant alarm	40.53		SEWER	5310 430600	345	101000
	03/15/18	ethernet, library	300.00		LIBRAR	2220 460100	345	101000
	03/15/18	ethernet, povah center	310.00		POVAH	1000 411255	345	101000
	03/15/18	ethernet, police station	350.00*		POLICE	1000 420160	345	101000
	03/15/18	ethernet, town hall	272.00*		TWNHAL	1000 411250	345	101000
44206		2813 Century Link	1,531.26					
	03/19/18	DSL Pub Serv Office 646-7949	0.00		BLDINS	1000 430200	345	101000
	03/19/18	Police 646-7600	334.51*		POLICE	1000 420160	345	101000
	03/19/18	E911 Viper 646-5170	98.74		E911	2850 420750	345	101000
	03/19/18	E911 255-9710	999.32		E911	2850 420750	345	101000
	03/19/18	E911 255-9712	25.03		E911	2850 420750	345	101000
	03/19/18	Alarm Lines, 646-5185	73.66*		TWNHAL	1000 411250	345	101000
44209		171 Montana Food Bank Network	508.95					
	AOR-11867-	02/15/18 food for Help Fund	508.95		SOCSRV	7010 450135	220	101000
44210		2925 Daniel Sabolsky	131.83					
	02/23/18	travel reimbursement	131.83		ADMIN	1000 410210	370	101000
44211		2977 Staples Credit Plan	1,062.34					
	2002547431	01/26/18 pressboard	38.58		DISPAT	1000 420160	220	101000
	2002547431	01/26/18 office supplies	417.31		JAIL	1000 420230	220	101000
	2006353531	01/31/18 office supplies	351.84		SOCSRV	1000 450135	220	101000
	2006380011	01/31/18 supplies	26.19		SOCSRV	1000 450135	220	101000
	2006549231	01/31/18 Coffee	24.99		SOCSRV	1000 450135	220	101000
	2013603201	02/09/18 Portable USB	59.99		LIBRAR	2220 460100	216	101000
	2008192221	02/02/18 office supplies	143.44		FINADM	1000 410510	220	101000
44212		1454 Bozeman Chronicle/Big Sky	105.00					
	359955	02/05/18 Ord 266 Public Hearing Ad	63.00		ADMIN	1000 410210	327	101000
	1094308	02/18/18 Variance Public Hearing	42.00		ADMIN	1000 410210	327	101000

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44213		2537 Balco Uniform Co., Inc.		110.55					
	48760	01/25/18 collar brass		110.55		POLICE	1000 420100	226	101000
44214		633 Bozeman Trophy & Engraving		52.00					
	15743	02/14/18 notary stamp, book Marquez		52.00		DISPAT	1000 420160	220	101000
44215		2660 Pro Force Law Enforcement		372.00					
	336499	02/14/18 TSR TACT perform power mag		372.00		POLICE	1000 420100	212	101000
44216		1856 Lisa Carter		350.00					
		02/17/18 Povah deposit refund		350.00		POVAH	2210 214001		101000
44217		29 Terrell's Office Machines Inc		95.00					
	INV350941	02/19/18 cleaning, training		95.00		SOCSRV	1000 450135	363	101000
44218		3108 Jo Stevens		30.00					
		02/22/18 refund, overpayment summer rec		30.00		SUMREC	1000 346051		101000
44219		2507 Silvertip Pharmacy		185.34					
	01162018/1	01/16/18 Help Fund prescription ass		90.34*		SOCSRV	7010 450135	358	101000
	01262018/2	01/26/18 Help Fund prescription ass		95.00*		SOCSRV	7010 450135	358	101000
44220		1031 Murdoch's Ranch & Home Supply		145.15					
	8835	01/31/18 battery pack		145.15		STREET	1000 430200	220	101000
44221		73 Westmart Building Center		4,625.04					
		02/27/18 Street Buildings		134.24		STREET	1000 430200	366	101000
		02/27/18 Street Supplies		19.19		STREET	1000 430200	220	101000
		02/27/18 Police Supplies		57.92		POLICE	1000 420100	220	101000
		02/27/18 Chamber Building		8.15		CHAMB	1000 411257	220	101000
		02/27/18 UPDL Remodel		4,326.23		UPDL	4000 460460	920	101000
		02/27/18 Parks Grounds		79.31*		PARKS	1000 460430	365	101000
44222		2733 James Patterson		177.00					
		02/23/18 Travel Reimburse, Great Falls		88.50		WATER	5210 430500	370	101000
		02/23/18 Travel Reimburse, Great Falls		88.50		SEWER	5310 430600	370	101000
44223		3003 Kyle Tanner		236.00					
		03/15/18 travel reimburse, Building sem		236.00		BLDINS	1000 420531	370	101000

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44224	03/15/18	2616 David Arnado travel reimburse, bldg seminar		236.00 236.00		BLDINS	1000 420531	370	101000
44225	032686114	02/12/18 checks	1241 Safeguard	347.72 347.72		FINADM	1000 410510	220	101000
44226	35428	02/23/18 towels, social service	725 Swan Cleaners	15.00 15.00		SOCSRV	1000 450135	357	101000
44227	1228845	03/01/18 2nd yr, annual license, suppo	3013 IntelliChoice, Inc. / EForce	20,800.60 20,800.60		911	2850 420750	398	101000
44228	02/20/18	First Class Permit	3 US Postmaster	225.00 112.50		WATER	5210 430500	311	101000
	02/20/18	First Class Permit		112.50		SEWER	5310 430600	311	101000
44229	5912	02/19/18 drug & alcohol testing	1061 Lane and Associates	969.04 969.04		ADMIN	1000 410210	870	101000
44230	02/02/18	payment, Dodge Durango	3109 Diana Salazar	1,100.00 1,100.00		POLICE	1000 420100	317	101000
44231	11233	02/20/18 dispatch training, Marquez	62 MLEA	195.00 195.00		DISPAT	1000 420160	380	101000
44232	17698	02/19/18 14 interceptor tire repair	2635 Jake's Automotive and Tire	59.90 59.90		STREET	1000 430200	220	101000
44233	77271818	02/19/18 Solsta FDC	2586 Waxie Sanitary Supply	398.85 398.85		PARKS	1000 460430	220	101000
44234	5263	02/27/18 UPDL Bar Remodel	309 PJ's Plumbing & Heating	1,711.44 1,711.44		UPDL	4000 460460	920	101000
44235	02/14/18	DOT physical, Tanner	2801 West Yellowstone Back & Neck	100.00 100.00		STREET	1000 430200	220	101000
44236	23252021	02/15/18 pliers, cutters	3004 Partsmaster	243.42 243.42		STREET	1000 430200	220	101000

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44237		151 Gallatin County WY TS/Compost		156.75					
	102323	01/02/18 Waste disposal		156.75		PARKS	1000 460430	534	101000
44238		2421 NAPA Auto Parts		1,750.34					
	227986	02/28/18 Vehicle Parts/supplies		1,750.34		STREET	1000 430200	220	101000
44239		2993 Land Solutions, LLC		1,507.93					
	1	02/08/18 Balance due on Growth Policy		172.92		GRPOL	1000 411000	357	101000
	2	02/10/18 Extra work over contract		1,335.01		GRPOL	1000 411000	357	101000
44241		2991 West Yellowstone Star		663.40					
	1805	08/10/17 fluoride ad Aug 10		97.50		WATER	5210 430500	327	101000
	1805	08/10/17 dispatch/slurry seal Aug 10		113.30		ADMIN	1000 410210	327	101000
	1901	08/24/17 fluoride ad Aug 24		97.50		WATER	5210 430500	327	101000
	1901	08/24/17 dispatch Aug 24		15.80		ADMIN	1000 410210	327	101000
	1955	08/31/17 fluoride ad Aug 31		97.50		WATER	5210 430500	327	101000
	1955	08/31/17 dispatch ad Aug 31		15.80		ADMIN	1000 410210	327	101000
	2423	02/28/18 drinking water ad Feb 8		204.00		WATER	5210 430500	327	101000
	2434	02/23/18 pub hearing Ridgetop Feb 15		22.00		ADMIN	1000 410210	327	101000
		# of Claims	37	Total:	61,424.80				

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
January 2, 2018

COUNCIL MEMBERS PRESENT: 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, Social Services Director Kathi Arnado

The meeting is called to order by Deputy Mayor Greg Forsythe 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.

Deputy Mayor Greg Forsythe reminds those present that the agenda was updated after it was first released on Friday. The public hearing and associated action on the variance request from Ridgetop Properties was removed at the request of the applicant. They did receive two comments on the variance request, from Evan Matthews and John Costello, which they will keep on file in the event that the request is submitted again.

ACTION TAKEN

- 1) Motion carried to approve Purchase Order #6757 to IntelliChoice DBA E Force for \$20,800.00 for annual license and support for the CAD/RMS (Martineau, Burke)
- 2) Motion carried to approve Securities Report dated February 13, 2018 and Treasurer's Report dated February 5, 2018. (Johnson, Burke)
- 3) Motion carried to approve the claims, which total \$114,704.00. (Martineau, Johnson) Burke abstains from ??, Forsythe abstains from #44191.
- 4) Motion carried to approve the Consent Agenda, which includes the minutes from the February 6, 2018 Town Council Meeting. (Martineau, Burke)
- 5) Motion carried to table the new business license application update for High Mark Rentals. (Johnson, Martineau)
- 6) Motion carried to table the second reading of Ordinance No. 266, an ordinance that establishes and clarifies regulations in the Madison Addition. (Martineau, Burke)
- 7) Motion carried to approve Resolution No. 708, a resolution exempting the beer garden area from 9.12.020 of the WY Municipal Code, public drinking, and approve the Outside Amplification Permit, Special Event Permit, and Exposition License for the Snowmobile Expo that will be held March 9-11, 2018. (Johnson, Martineau)

Public Comment Period

No comments are received.

Council Comments

Johnson recognizes the Public Services Department for handling the storm that came through over the weekend and getting it cleaned up so quickly. Martineau recognizes Officer Courtis for his efforts at the school and his relationships with the students. Burke also thanks the Public Services Department for their hard work on the storm but points out that it was very difficult to get through the intersections that were blocked and they should be careful of that. Forsythe says that they are ahead of schedule for the Siegel Learning Center and the fire suppression system is being installed this week.

DISCUSSION

- 6) Town Manager Dan Sabolsky explains that they did receive comments on the ordinance today and recommends tabling the ordinance until the next meeting. He says they received a letter from Boone & Karlberg, P.C. on behalf of Ridgetop Properties and West Development LLC this afternoon. The Town Attorney is reviewing the letter and will respond accordingly. Johnson asks about the comments from Ken Oravsky about living in an RV during construction. Sabolsky says that after reviewing the covenants, it is somewhat confusing about whether it is allowed. He explains that the original covenants do allow residing in it during construction with permission, but a later amendment to the covenants prohibits living in an RV under any condition. Sabolsky says that he can add language to the ordinance that would allow living in an RV under certain conditions as approved by the Town Council.
- 7) Travis Watt, Snowmobile Events Chair from the WY Chamber of Commerce, addresses the Town Council about the annual Snowmobile Expo, March 9-11, 2018. He explains that the event this year will be nearly identical to last year except that have eliminated the motorcycle show on Madison Avenue that they have had for the last couple of years. He says the only major problem they had last year was maintaining the fire lane but Public Services has moved the snow pile back this year and they don't think that will be a problem.
- A) **Advisory Board Reports:** Teri Gibson reports on behalf of the Planning Board. She reports that the board met last week and discussed setting up email addresses for members of the Planning Board. They also discussed the proposed development on Tract 4B in the Madison Addition. They discussed the setbacks, street maintenance responsibility, sidewalks, and snow removal for the project.
- B) **Town Manager & Department Head Reports:** Town Manager Dan Sabolsky reports that they put together a group with some expertise to work on water sampling procedures. He reports that the developer of the project on Electric Street by Ridgetop Properties withdrew their variance application over the weekend so there will be no action on that tonight. The collective bargaining agreements are almost ready for release and to be voted on by the membership and then the Council. Construction of the Siegel Learning Center is proceeding and slightly ahead of schedule. They released a survey for the Summer Recreation Program and responses are coming in slowly. Now that Police Chief Scott Newell has returned from vacation, they will start review of the responses to the legal services RFP. Sabolsky says he will participate in a conference call tomorrow regarding needs and improvements to the West Gate entrance to Yellowstone National Park. He also reports that he has asked the Department Heads to review the current Capital Improvement Program and they will schedule a work session to discuss priorities and whether they need to make some changes.

Finance Director Lanie Gospodarek reports that they have been working on finishing up the collective bargaining agreements. They are also wrapping up the audit that was conducted for FY 2017 by Morgan Scarr of Amatics CPA Group. She mentions a webinar she will participate in tomorrow about maximizing use of the gas tax funds that come from the State through matching funds. She also mentions an email she received today in reference to a recent conference call among the resort tax communities about increasing the resort tax authority to 4%. The Big Sky Resort Area led that effort to the legislature during the last session but it was unsuccessful.

Chief of Police Scott Newell thanks Officer Courtis for managing the department while he was on vacation. He says they had multiple very serious calls and the officers handled them well. He also reports that he completed the third stage of Drug Recognition Evaluation school in Phoenix prior to his vacation.

The meeting is adjourned. (7:50 PM)

Mayor

ATTEST:

Town Clerk

Town of West Yellowstone Business License Application

Business Name: HIGHMARK RENTALS
 Applicant: MITCH TUTTLE
 Contact Person: _____
 Mailing Address: 442 ALFALFA RD HELENA MT 59602
 Physical Address of Business: 633 MADISON AVE WEST YELLOWSTONE
 Phone Number: 406 646 7855 Fax Number: _____
 Email Address: MITCH@HIGHMARK Website: HIGHMARK RENTALS.COM
RENTALS.COM
 Signature of Property Owner of Record: [Signature]

Subdivision: OLD TOWN
 Block: 21 Lot: 12

Zoning District, please mark one:

- B-3 Central Business District (Old Town)
- B-4 Expanded Business District (Grizzly Park)
- E-2 Entertainment District (Grizzly Park)
- PUD Planned Unit Development (Grizzly Park)
- Residential Districts, Home Occupations Only (Mad Add)
- New Business
- Change of Location
- Transfer of Ownership
- Name Change

- Is this business licensed by the State of Montana? Yes No
- Appropriate City/County/Health Dept approvals (if applicable) Yes No (please attach)
- If this business is located in Grizzly Park, has the business been approved by the Grizzly Park Architectural Committee (GPAC)? Yes No

Type of Business Please explain in detail the following: number of units, seating capacity, etc. Contractors should list trailers and equipment and where these items will be stored.
50 SNOWMOBILES ALREADY LICENSED ADDING 6
SIDE BY SIDE (ATV) TO BE RENTED IN SUMMER
MONTHS

Business License Fee: \$64.00 (For 18-19)
 Resort Tax Bond: \$ paid in 2016
 Total Amount Due: \$64.00

[Signature]
 Signature of Applicant

 Signature of Applicant

 Date

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

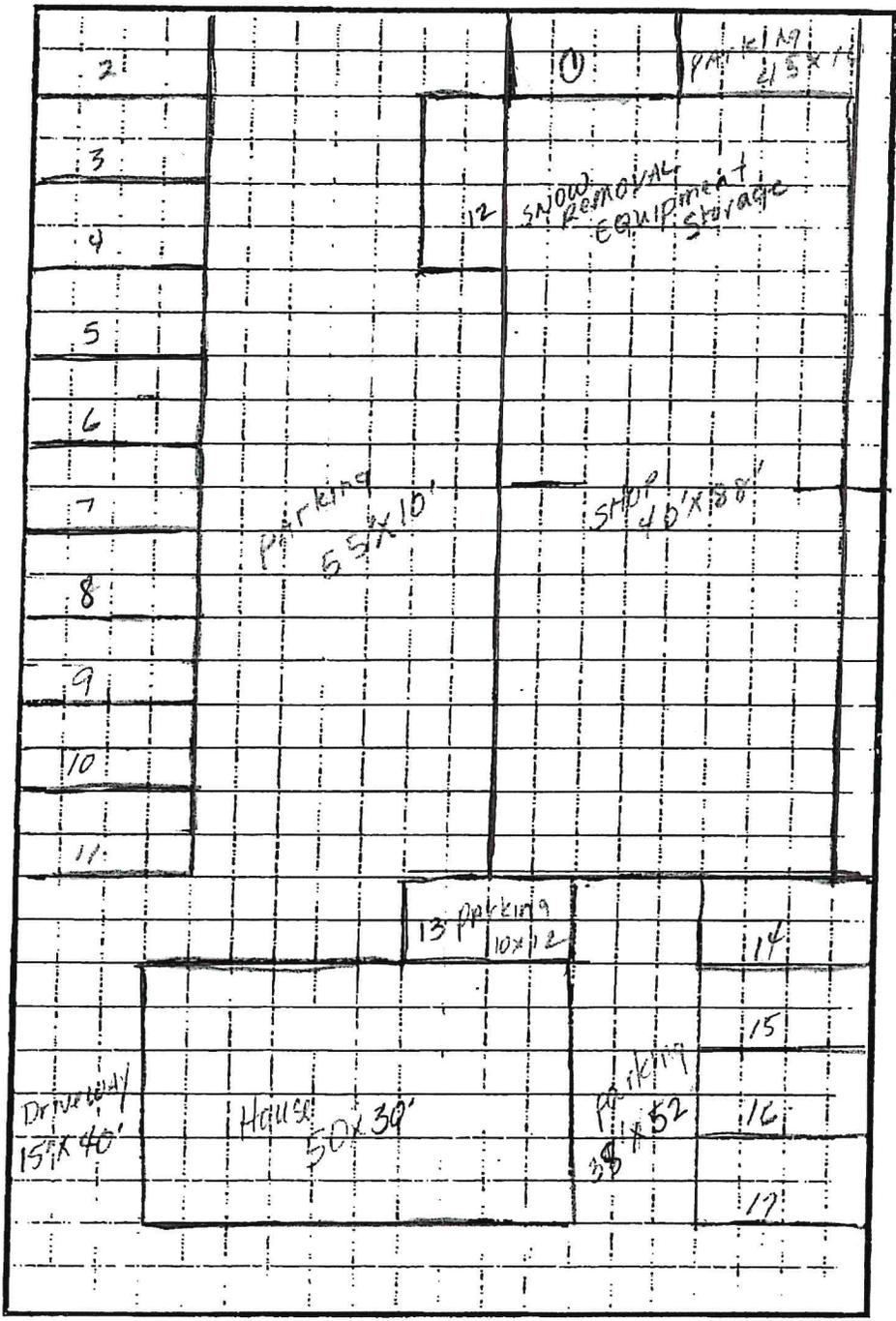
Tabled 2/20/18 ER
Copies to JP + DA 2/8/18

[Red Signature]

Approved 9-1-09
50 Sleds

Site Plan

Business Name: High Mark Snowmobile Rentals LLC
Business Owner: RONALD GATHERIDGE
Business Street Address: 633 MADISON AVE
Block: 21 Lot: 12 Subdivision: OLD TOWN



Scale: 1 inch = 20 feet

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

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, 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 Ordinance.

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

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:

These definitions are for this particular Ordinance only.

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. MCA 50-51-102 (1).

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 50-51-102 (6).

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.

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 7-1-4150.

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. (Eliminated width and length and reworded a section “towed by another motor vehicle.”)

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.

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. MCA 50-51-102 (12). 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 50-51-102 (13). Any stay under thirty (30) days shall be considered a transient guest.

SECTION 3:

MADISON ADDITION AREA:

These regulations will focus on tourist 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 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 of conducting a tourist home rental.

SECTION 5:

WORKFORCE HOUSING:

Workforce housing is permitted in the Madison Addition if it conforms to the definition of household listed above in Section 2, under the following conditions:

- 1) The dwelling unit must contain at least two bedrooms.
- 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 recreational vehicles is strictly prohibited in the Madison Addition. (Deleted old language regarding electric connections). Sewer connections 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.

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, tourist homes, and other like uses are strictly prohibited.

In R-3 Districts, besides single-family dwellings, two to four family residential dwelling units are also permitted. Besides the uses in R-3, R-4 allows efficiency units and apartments. Uses including rooming or boarding houses, bed and breakfasts, guest houses, tourist 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.

Ordinance No.266, Map

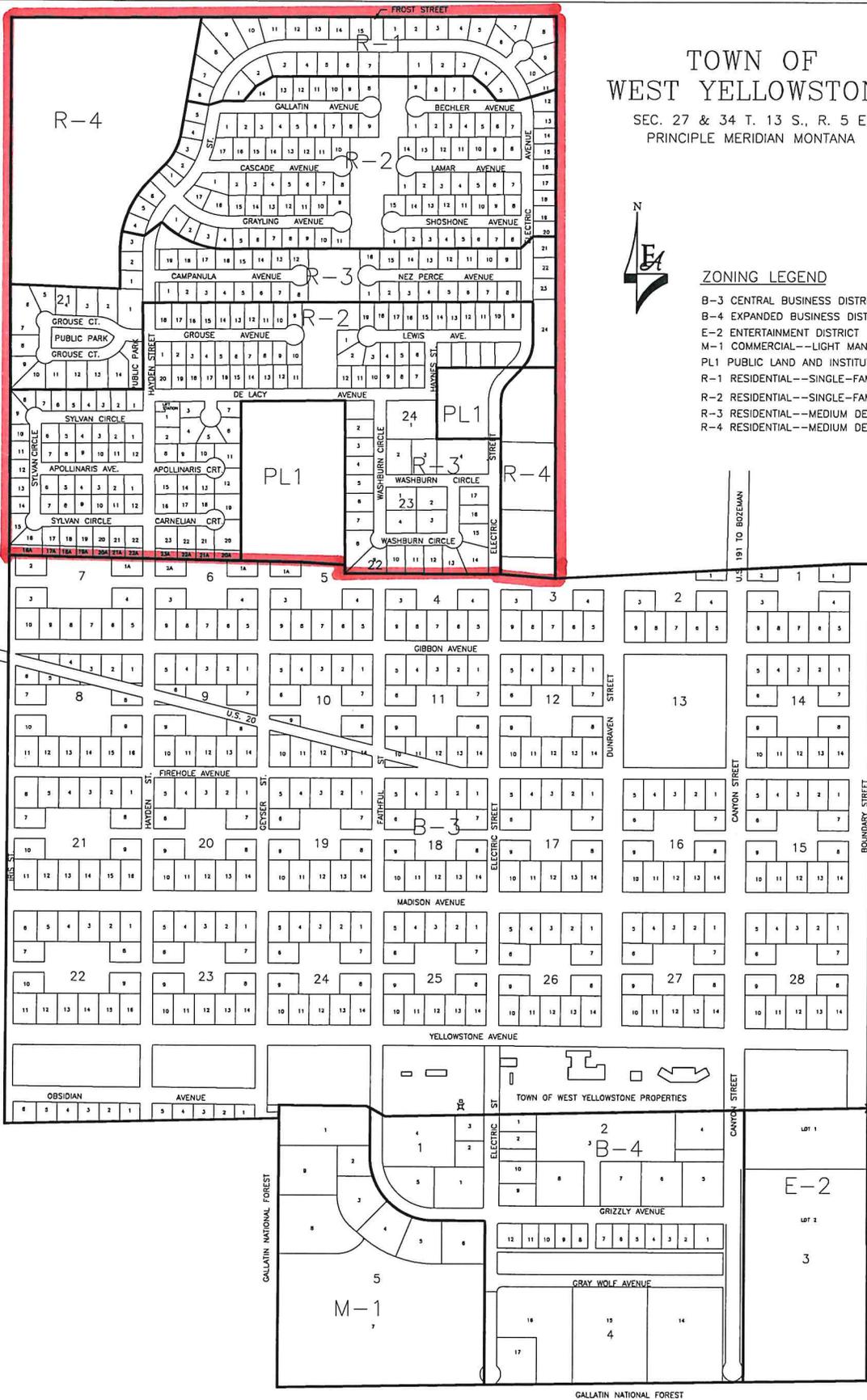
TOWN OF WEST YELLOWSTONE

SEC. 27 & 34 T. 13 S., R. 5 E.
PRINCIPLE MERIDIAN MONTANA



ZONING LEGEND

- B-3 CENTRAL BUSINESS DISTRICT
- B-4 EXPANDED BUSINESS DISTRICT
- E-2 ENTERTAINMENT DISTRICT
- M-1 COMMERCIAL--LIGHT MANUFACTURING
- PL1 PUBLIC LAND AND INSTITUTIONS
- R-1 RESIDENTIAL--SINGLE-FAMILY--LOW DENSITY
- R-2 RESIDENTIAL--SINGLE-FAMILY--MEDIUM DENSITY
- R-3 RESIDENTIAL--MEDIUM DENSITY
- R-4 RESIDENTIAL--MEDIUM DENSITY APARTMENTS



U.S. 191 TO ASHTON

U.S. 20

U.S. 191 TO BOZEMAN

BOUNDARY STREET
YELLOWSTONE NAT'L PARK BOUNDARY

TO YELLOWSTONE NATIONAL PARK

GALLATIN NATIONAL FOREST

Received ER
2/26/18

Atanas Markov
238 Madison/P.O. Box 1079
West Yellowstone, MT 59758

February 26, 2018

RE: Markov Rentals Business License Application

To the Town of West Yellowstone,

Concerning the Markov Rentals licensing, we would like to ask the town council to waive the \$500.00 Resort Tax Bond. Atanas Markov has always been up to date and in good standing with paying the town on all of his fees, so we hope you can approve this request. Attached is the \$6.00 to activate the license. The current health and safety permits have been turned in, and we are waiting to have the County come inspect our rentals at their discretion. Once that has been completed, we will provide the appropriate documents.

We thank you for your time and patience on this matter!

Sincerely,

Atanas Markov



Maritza Markov

CONSULTING AGREEMENT
DEVELOPMENT REVIEW SERVICES

THIS CONSULTING AGREEMENT (the "Agreement") is made and entered into this ___th day of _____, 2018, by and between the Town of West Yellowstone, Montana, hereinafter referred to as "Client," and Land Solutions, LLC, a Montana limited liability company, hereinafter referred to as "Consultant".

RECITALS

A. Client desires for Consultant to provide certain development review services in connection with the activities described in Exhibit A, Scope of Services, on behalf of Client, and Consultant desires to perform such services for Client.

B. Both Client and Consultant desire to set forth in writing the terms and conditions of their agreement.

NOW THEREFORE, the parties hereto, intending to be legally bound, hereby agree as follows:

Section 1

CONSULTING SERVICES

1.1 On the terms and conditions set forth herein, Client hereby engages Consultant to perform certain services described in Exhibit A. Consultant agrees to use its best efforts in the performance of the Services and will execute these Services in compliance with state and federal law.

1.2 Consultant will report to the West Yellowstone's Town Manager.

Section 2

TERM OF AGREEMENT

2.1 The term of this Agreement shall commence on the date hereof and shall continue until completion of all required tasks as set out in Exhibit A, for a period of up to two years, or until termination by either party, whichever comes first. Consultant's services shall consist of specific tasks and shall be performed at mutually agreeable times on an as-needed basis.

Section 3

COMPLIANCE

3.1 Consultant shall be an independent contractor. Nothing in this Agreement shall be construed to create any other relationship. Client will furnish direction to the Consultant, only; means and methods are matters within the Consultant's discretion within the parameters of state law and applicable land use policies and ordinances.

3.2 As a part-time contractor, Consultant is not eligible for health or disability insurance, retirement benefits, or other welfare or pension benefits under the terms of Client's plans and programs.

3.3 Consultant warrants that Consultant will retain in full force and effect worker's compensation insurance and unemployment insurance as required by the state of Montana, and general commercial liability and professional errors and omissions insurance with single limits of \$1,000,000 per occurrence and \$2,000,000 per aggregate per year to cover such claims as may be caused by any act, omission, or negligence of Consultant. Consultant will name the Town as a certificate holder and provide copies of Certificates of Insurance before any payment for work is due.

Section 4

COMPENSATION

4.1 Client agrees to pay Consultant up to and not exceeding \$20,000 for the services described in Exhibit A. Consultant rates under this Agreement are \$94 per hour labor and \$38 per hour travel time. Client shall reimburse Consultant for direct costs (accommodations, copying, etc.) with receipts provided. Client shall reimburse consultant for mileage at the rate of \$0.57 per mile.

4.2 Consultant shall invoice on a monthly basis or as otherwise acceptable to both parties. Invoices shall detail dates and hours worked and tasks performed. Client shall pay Consultant within 30 days of receiving each invoice.

Section 5

OWNERSHIP OF DOCUMENTS

5.1 Consultant agrees that all information, analyses, methods, reports, and other data or materials generated or developed by Consultant under this Agreement or furnished by Client to Consultant shall be and remain the property of Client. Further,

Consultant agrees to furnish to Client any such information, analyses, methods, report, data, materials, or final work products.

Section 6

RETURN OF MATERIALS

6.1 Upon the request of Client, Consultant shall surrender to Client all memoranda, notes, records, drawings, plans, correspondence and other documents or materials pertaining to the methods employed by Client or furnished by Client to Consultant. Consultant may keep personal copies of all work products developed for Client by Consultant during the term of Consultant's engagement.

Section 7

SCOPE OF AGREEMENT

7.1 This Agreement is intended by the parties to be the final expression of their agreement, and it constitutes the full and entire understanding between the parties with respect to the subject matter hereof. This Agreement may be amended only in writing signed by the parties to this Agreement.

Section 8

NOTICES

8.1 Any notice required by this Agreement or given in connection with it, shall be in writing and shall be given to the appropriate party by personal delivery, U.S. mail, or by email notification.

If to Client:

Daniel Sabolsky
P.O. Box 1570
West Yellowstone, MT 59758
646-7795 (office) or 640-1472 (cell)
dsabolsky@townofwestyellowstone.com

If to Consultant:

Dave DeGrandpre
Land Solutions, LLC
36708 Leon Road
Charlo, MT 59824
885-7526 (cell)
landsolutions@blackfoot.net

Section 9

TERMINATION

10.1 This Agreement may be terminated by either party with thirty (30) days written notice to the other party. In the event of termination under this Section by either party, Client shall be obliged to compensate Consultant at the rate established herein for services performed prior to the date of such termination.

Section 10

GOVERNING LAW; DISPUTE RESOLUTION

11.1 This Agreement is made under, and in all respects shall be interpreted, construed, and governed by and in accordance with, the laws of the State of Montana. The parties agree that they will use their best efforts to amicably resolve any dispute arising out of or relating to this Agreement. Any controversy, claim or dispute that cannot be so resolved shall be settled in the District Court of Gallatin County, Bozeman, Montana.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed on the day and year first above written.

Town of West Yellowstone

By: Daniel Sabolsky, Town Manager



By: Dave DeGrandpre
Managing Member, Land Solutions, LLC

Exhibit A

Scope of Services

Working in conjunction with Town of West Yellowstone Staff, the Consultant services to be provided under this Agreement are the review of development applications, which may include but are not limited to:

- Subdivision applications (pre-applications, preliminary plat applications, final plat applications, exemptions, etc.);
- Zoning applications (conditional use permits, appeals, variances, amendments, etc.);
- Growth Policy amendment requests; and
- Other land development applications and processes that may arise.

Services to be performed include but are not limited to:

- Meeting with developers and their representatives, appointed and elected officials, citizens and other interested parties;
- Investigating development sites and conducting research;
- Writing letters evaluating application completeness, sufficiency, and documenting preliminary and final approval or denial;
- Writing staff reports and memoranda;
- Publishing and mailing legal notice unless undertaken by municipal staff;
- Facilitating public meetings, hearings and deliberations;
- Providing regular updates to West Yellowstone officials; and
- Other services required to carry out the terms of this Agreement.

Presented : Health Care Advisory
Board Meeting
2/26/18

West Yellowstone: Calendar Year 2017

Total Unduplicated Patients	1898	
Homeless	58	
Identified as Hispanic/Lantino	190	
100% and below	149	
100%-200%	277	
	<u>426</u>	22%
Uninsured	433	23%
Medicaid	219	12%
Medicare	347	18%
Private	899	47%
Patients with WY Zip	934	
Patients with Island Park Zip	26	
Total	<u>960</u>	51%

Encounters:	Self Pay	Caid	Care	Ins	Totals	
Medical Provider Visits	702	483	547	1,136	2,868	75% Of these, 606 were with MD's
Nurse/MA Visits	129	110	203	256	698	18%
Behavioral Health Visits	40	134	14	52	240	6%
Nutrition Visits (CAMI) -	7	3	1	8	19	0%
	<u>878</u>	<u>730</u>	<u>765</u>	<u>1,452</u>	<u>3,825</u>	
<i>nurse, registered dietitian</i>	23%	19%	20%	38%		



Copy 2 Dan

January 24, 2018

Chief Scott Newell
124 Yellowstone Avenue
P.O. Box 1570
West Yellowstone, MT 59758

Dear Chief Newell:

I want to express my appreciation for the assistance provided by your department during the Montana State University Bobcat football season. Critical incidents across the country and around the world necessitated the need to increase security. Considering that our department has limited resources, the assistance provided by your department made meeting our security objectives possible.

Furthermore, your staff were professional during interactions with University employees and with our Bobcat fans. This helped to provide a safe and secure environment that was not overwhelming to our guests.

Please pass on my thanks to you and your staff for a job well done. We are grateful that the following West Yellowstone Police Department's personnel were part of a memorable and safe season at Bobcat Stadium.

Officer Anthony Kearney
Officer Sabrah van Leeuwen

If I can be of assistance to your agency in the future, please do not hesitate to contact me at (406) 223-9395.

Sincerely,

FRANK H. PARRISH, JR.
Chief of Police
Montana State University

Police Department
7th Ave. & Kagy Blvd.
P.O. Box 172680
Bozeman, MT 59717-2680
www.montana.edu/police

Tel 406-994-2121
Fax 406-994-5508