

Town of West Yellowstone

Thursday, May 3, 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 April 17, 2018 Town Council Meeting** ∞

Business License Applications ∞

Advisory Board Report(s)

Town Manager & Department Head Reports

Comment Period

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

NEW BUSINESS

Planning Board Reorganization

Discussion/NO Action ∞

Business License Ordinance, First Reading

Discussion/Action ∞

Resolution No. 709, Business License Fees

Discussion/Action ∞

Correspondence/FYI/Meeting Reminders ∞



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

Public Hearing/Public Meeting

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

Oral Communication

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

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

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

General Town Council Meeting Information

- Regular Town Council meetings are held at 7:00 PM on the first and third Tuesdays of each month at the West Yellowstone Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.
- Presently, informal Town Council work sessions are held at 12 Noon on Tuesdays and occasionally on other mornings and evenings. Work sessions also take place at the Town Hall located at 440 Yellowstone Avenue.
- The schedule for Town Council meetings and work sessions is detailed on an agenda. The agenda is a list of business items to be considered at a meeting. Copies of agendas are available at the entrance to the meeting room.
- Agendas are 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
*** Claim from another period (4/18) ****									
44343	E	2673 First Bankcard		318.68					
		414697 01/18/18 US Postm, airport deed restric		47.50		ADMIN	1000 410510	311	101000
		632316 01/16/18 US Postm, Markov cert letter		6.10		FINADM	1000 410510	311	101000
		01/11/18 Norton, Parks & Rec		64.99		REC	1000 460440	216	101000
		1499182018 03/06/18 Microsoft, Office professi		399.99		FINADM	1000 410510	216	101000
		01/04/18 Credit for returned Bosu balls		-199.90		RECRE	1000 460440	220	101000
*** Claim from another period (4/18) ****									
44344	E	2673 First Bankcard		881.20					
		348361A 02/26/18 Hampton Inn -- Lovingier conf		307.74		POLICE	1000 420100	370	101000
		12829 03/03/18 Alcopro, Dry Gas Standard		223.54		POLICE	1000 420100	220	101000
		10080390 03/03/18 Galls, Drug Testing Supplies		115.97		POLICE	1000 420100	220	101000
		98389 03/15/18 Billion Dodge, maintenance		58.95		POLICE	1000 430200	220	101000
		378472897 03/27/18 MSU, threat assess conferen		175.00		POLICE	1000 420100	380	101000
*** Claim from another period (4/18) ****									
44352	E	2964 CITI CARDS		3,487.93					
		03/08/18 Gallatin Co Clerk, plat		2.00		PLAN	1000 411000	354	101000
		03/08/18 Days Inn, BZN		433.39		DISPAT	1000 420160	370	101000
		03/09/18 Book Peddler, gift cert		50.00		REC	1000 460440	220	101000
		03/10/18 Adobe Acrobat, software upgrad		199.00		FINADM	1000 410510	216	101000
		03/13/18 Amazon, flowers for KA		43.31		LEGIS	1000 410100	220	101000
		03/14/18 Natl Rec supplies		34.17		REC	1000 460440	220	101000
		03/21/18 USPS postage		12.35		POLICE	1000 420100	311	101000
		03/21/18 USPS postage		12.35		STREET	1000 430200	220	101000
		03/23/18 Gov Conf Regis, C. Burke		200.00*		LEGIS	1000 410100	380	101000
		03/23/18 Gov Conf Regis, Martineau		125.00*		LEGIS	1000 410100	380	101000
		03/23/18 Gov Conf Regis, Sabolsky		125.00		ADMIN	1000 410210	380	101000
		03/26/18 Kirby Built, kiosk		1,873.20		REC	1000 460440	212	101000
		04/03/18 WW Pizza, supplies		74.16		LEGIS	1000 410100	220	101000
		03/23/18 Housing Conf regis, Burke		325.00*		LEGIS	1000 410100	380	101000
		03/28/18 Nat'l Recreation, refund		-21.00		REC	1000 460440	220	101000
*** Claim from another period (4/18) ****									
44367	E	2673 First Bankcard		3,809.86					
		1000881738 03/19/18 ICC renewals & reinstateme		260.00		BLDINS	1000 420531	380	101000
		120455 03/15/18 BW GranTree Inn Arnado		307.74		BLDINS	1000 420531	370	101000
		120454 03/15/18 BW GranTree Inn Tanner		307.74		BLDINS	1000 420531	370	101000
		03/21/18 home depot - dining lodge		1,312.65		UPDH	4000 460460	920	101000
		03/17/18 home depot - dining lodge		407.17		UPDH	4000 460460	920	101000
		03/21/18 home deopt - dining lodge		5.94		UPDH	4000 460460	920	101000
		112663 03/06/18 KOIS Brothers Equipment Co.		111.11		STREET	1000 430200	361	101000
		113-308192 03/01/18 Amazon.Com		256.99		STREET	1000 430200	220	101000
		03/26/18 Mountain Hardwoods		793.00		UPDH	4000 460460	920	101000
		03/02/18 Interest		47.52			1000 420531	870	101000

* ... Over spent expenditure

Claim	Vendor #/Name/ Check Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
44374	2845 Kastling, Kauffman & Mersen, PC	7,696.06					
	04/10/18 legal services	7,500.00		LEGAL	1000 411100	352	101000
	04/10/18 postage/copies	5.60		LEGAL	1000 411100	870	101000
	04/10/18 phone/fax	0.00		LEGAL	1000 411100	345	101000
	04/10/18 travel	190.46		LEGAL	1000 411100	373	101000
44379	42 Fall River Electric	9,585.58					
	04/19/18 UPDH 4212041 elec service	942.95		UPDH	1000 411252	341	101000
	04/19/18 POLICE 4212008 elec service	257.43		POLICE	1000 411258	341	101000
	04/19/18 shop 4212018 elec service	401.26*		STREET	1000 430200	341	101000
	04/19/18 ANIMAL 4212029 elec serv	215.54*		ANIMAL	1000 440600	341	101000
	04/19/18 PARK 4212032 Elec ser	363.86*		PARK	1000 411253	341	101000
	04/19/18 PARK, old firehouse 2901001 e	508.04*		PARK	1000 411253	341	101000
	04/19/18 CLORINATOR 4212030 elec serv	104.21		WATER	5210 430500	341	101000
	04/19/18 MADADD H2O Tower 4212017	50.11		WATER	5210 430500	341	101000
	04/19/18 RR Well 4212005 elec serv	224.87		WATER	5210 430500	341	101000
	04/19/18 SEWER LIFT STATION 4212006	179.79		SEWER	5310 430600	341	101000
	04/19/18 SEWER PLANT 4212007 elec ser	1,508.97		SEWER	5310 430600	341	101000
	04/19/18 MAD SEWER LIFT 4212014 elec	191.09		SEWER	5310 430600	341	101000
	04/19/18 SEWER TREAT SERV 4212046 ele	2,140.13		SEWER	5310 430600	341	101000
	04/19/18 library 23 dunraven 4212054	137.73		LIBRY	1000 411259	341	101000
	04/19/18 povah comm ctr 4212001	258.41		POVAH	1000 411255	341	101000
	04/19/18 unmetered lights 4212004	1,451.25		STLITE	1000 430263	341	101000
	04/19/18 Town Hall 4212009	502.26		TWNHAL	1000 411250	341	101000
	04/19/18 Ice Rink 421010	63.76*		PARKS	1000 411253	341	101000
	04/19/18 Hayden/Grouse Well 4212015	42.83		WATER	5210 430500	341	101000
	04/19/18 Electric Well 4212031	41.09		WATER	5210 430500	341	101000
44381	2852 Blackfoot Communications	1,957.23					
	04/15/18 602-4908, povah center	0.00*		POVAH	1000 411255	345	101000
	04/15/18 646-5106, fax soc svc	40.53		SOCSRV	1000 450135	345	101000
	04/15/18 646-5119, police station	40.53*		POLICE	1000 420160	345	101000
	04/15/18 646-5141, sewer plant alarm	40.53*		SEWER	5310 430600	345	101000
	04/15/18 646-5185, town hall alarm	40.53*		TWNHAL	1000 411250	345	101000
	04/15/18 646-7311, social services	43.42		SOCSRV	1000 450135	345	101000
	04/15/18 646-7481, povah elevator	41.67*		POVAH	1000 411255	345	101000
	04/15/18 646-7511, town hall fax	40.53*		TWNHAL	1000 411250	345	101000
	04/15/18 646-7609, public works	30.35*		SEWER	5310 430600	345	101000
	04/15/18 646-7650, police station fax	40.53*		POLICE	1000 420160	345	101000
	04/15/18 646-7715, povah center	31.85*		POVAH	1000 411255	345	101000
	04/15/18 646-7795, town hall	242.54*		TWNHAL	1000 411250	345	101000
	04/15/18 646-7845, court clerk	9.84		COURT	1000 410360	345	101000
	04/15/18 646-9017, library	41.85*		LIBRAR	2220 460100	345	101000
	04/15/18 646-9027, sewer plant alarm	40.53*		SEWER	5310 430600	345	101000

05/01/18
12:12:24

TOWN OF WEST YELLOWSTONE
Claim Approval List
For the Accounting Period: 5/18

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* ... Over spent expenditure

Claim	Vendor #/Name/ Check Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
	04/15/18 ethernet, library	300.00*		LIBRAR	2220 460100	345	101000
	04/15/18 ethernet, povah center	310.00*		POVAH	1000 411255	345	101000
	04/15/18 ethernet, police station	350.00*		POLICE	1000 420160	345	101000
	04/15/18 ethernet, town hall	272.00*		TWNHAL	1000 411250	345	101000
44382	2813 Century Link	1,529.80					
	05/19/18 DSL Pub Serv Office 646-7949	0.00		BLDINS	1000 430200	345	101000
	04/19/18 Police 646-7600	334.47*		POLICE	1000 420160	345	101000
	04/19/18 E911 Viper 646-5170	98.44		E911	2850 420750	345	101000
	04/19/18 E911 255-9710	999.02		E911	2850 420750	345	101000
	04/19/18 E911 255-9712	24.51		E911	2850 420750	345	101000
	04/19/18 Alarm Lines, 646-5185	73.36*		TWNHAL	1000 411250	345	101000
44383	2546 Century Link QCC	14.60					
	04/23/18 long dist chg 406-646-7600	14.60*		DISPAT	1000 420160	345	101000
44386	2458 Steve Takata	146.00					
	04/24/18 reimb travel, MLA conf, BZN	146.00		LIB	2220 460100	370	101000
44387	2935 Monika Rogers	146.00					
	04/24/18 reimb travel, MLA conf, BZN	146.00		LIB	2220 460100	370	101000
44388	2883 Rocky Mountain Truck Center	512.67					
	C001113082 04/17/18 hub cap x 6	105.06		STREET	1000 430200	361	101000
	C001112916 04/12/18 valve, freight	101.06		STREET	1000 430200	361	101000
	C001113051 04/16/18 valve, freight	216.10		STREET	1000 430200	361	101000
	C001113405 04/25/18 brake, freight	90.45		STREET	1000 430200	220	101000
44389	2993 Land Solutions, LLC	9,966.87					
	02/01/18 zoning update	1,826.87		PLAN	1000 411000	357	101000
	03/03/18 zoning update	8,140.00		PLAN	1000 411000	357	101000
44390	2189 Custom Logo	359.59					
	16435 04/09/18 uniform shirts, embroidery	359.59		DISPAT	1000 420160	226	101000
44391	999999 GERANDO A. VEGA	50.00					
	04/13/18 bond refund TK-2018-9	50.00		COURT	7469 212401		101000
44392	2264 MORNING GLORY COFFEE & TEA	33.75					
	837730 04/16/18 supplies	33.75		DISPAT	1000 420160	220	101000

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TOWN OF WEST YELLOWSTONE
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Claim	Vendor #/Name/ Check Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
44393	2316 AWWA 07/01/18 membership, J. Patterson	75.00 75.00			5210 430500	380	101000
44394	3101 Advanced Pump & Equipment 7855 04/20/18 chlorine analyzer pkg + instal	8,184.90 8,184.90*			5210 430550	357	101000
44395	999999 KYLE AUSTAD 100 04/19/18 replace/setup 2 TVs	165.00 165.00			1000 411250	366	101000
44396	3021 MSU Local Government Center 04/19/18 Institute regis, Roos 04/19/18 Institute regis, Gospodarek 04/19/18 Institute regis, L. Johnson 04/19/18 Institute + boot camp, Burke 04/19/18 Institute regis, J. Johnson	1,505.00 275.00 415.00 415.00 225.00* 175.00*			1000 410510 1000 410510 1000 410510 1000 410100 1000 410100	380 380 380 380 380	101000 101000 101000 101000 101000
44397	3118 Gallatin County Health 04/20/17 Povah deposit refund 12/11/17	350.00 350.00			2210 214001		101000
44398	999999 MARY ROBINSON 04/20/18 Povah deposit refund 10/6/17	350.00 350.00			2210 214001		101000
44399	1085 JD Speciality Services 3342 04/26/18 air leak, dump truck	1,322.00 1,322.00			1000 430200	361	101000
44400	2198 Westgate Auto Body 3023 04/12/18 repair, 2018 Dodge Ram	2,109.01 2,109.01			1000 430200	361	101000
44401	951 Barnes & Noble 3619481 02/22/18 books 3636728 03/27/18 books 3645084 04/12/18 books	463.78 194.95 156.74 112.09			2220 460100 2220 460100 2220 460100	215 215 215	101000 101000 101000
44402	1928 Michele DesRochers 04/22/18 travel, Havre	103.00 103.00			1000 420160	370	101000
44403	999999 CAROLYN WERTMAN 04/24/18 Povah deposit refund 6/26/16	125.00 125.00			2210 214001		101000

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44404	2991 West Yellowstone Star 2393 02/28/18 display ad	29.26 29.26*		LIB	2220 460100	331	101000
44405	2719 Backpacker 04/27/18 magazine renewal	24.94 24.94		LIB	2220 460100	215	101000
44406	999999 STEVEN MATTHEW MCGLAWN 04/27/18 bond refund TK-2017-254	2,870.00 2,870.00		COURT	7469 212401		101000
44407	3119 Chris Burke 04/27/18 travel to Billings	352.14 352.14		LEGIS	1000 410100	370	101000
44408	1770 Melanie Gospodarek 04/27/18 travel to Billings	112.00 112.00		LEGIS	1000 410510	370	101000
44409	983 Jerry Johnson 04/27/18 travel to Billings	346.69 346.69		LEGIS	1000 410100	370	101000
44410	2925 Daniel Sabolsky 04/27/18 reimb mileage, BZN 3/21/18 04/16/18 reimb mileage, BS 4/16/18	160.23 98.10 62.13		ADMIN ADMIN	1000 410210 1000 410210	370 370	101000 101000
44411	1282 Elizabeth Roos 05/06/18 travel, institute, Billings	352.14 352.14		FINADM	1000 410510	370	101000
44412	135 Food Roundup 03/31/18 supplies 03/31/18 supplies 03/31/18 supplies 03/31/18 supplies 03/31/18 supplies 03/31/18 Xmas gift cert	210.56 26.15 47.30 9.48 26.73 50.90 50.00		JAIL JAIL SEWER REC REC LEGIS	1000 420230 1000 420230 5310 430600 1000 460440 1000 460440 1000 410100	220 220 220 220 220	101000 101000 101000 101000 101000
44413	2992 Lisa Johnson 04/27/18 reimb travel, Billings	112.00 112.00		FINADM	1000 410510	370	101000
44414	307 Fire Suppression Systems Inc 85474 05/01/18 vent lease, UPDL hood	442.00 442.00		UPDL	1000 411252	357	101000

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44415	2121 Pacific Steel & Recycling 6419556 04/19/18 beam, tube, plate	546.06 546.06			SEWER 5310 430630	369	101000
44416	497 MT Dept Environmental Quality 5J1800258 04/03/18 Coffin, WW testing	70.00 70.00			SEWER 5310 430600	380	101000
44417	3121 Department of Environmental 181671 01/17/18 Tract 4B sewer extension revie 181671 01/17/18 paid by developer	275.00 350.00 -75.00			SEWER 5310 430630 SEWER 5310 430630	937 937	101000 101000
44418	3066 Core & Main I738562 04/23/18 supplies	385.00 385.00			WATER 5210 430500	369	101000
44419	471 Northwest Pipe Fittings, Inc. 1962697 04/25/18 2" meter + accessories 3962698 04/25/18 2" e-coder	4,178.12 2,303.26 1,874.86			WATER 5210 430500 WATER 5210 430500	251 251	101000 101000
44420	40 Jerry's Enterprises 04/25/18 cable	23.50 23.50			TWNHAL 1000 411250	366	101000
44421	3004 Partsmaster 23276385 04/18/18 grease fitting install tool	24.55 24.55			STREET 1000 430200	220	101000
44422	2871 Rand Olsen Construction, LLC 208 04/30/18 windows project, UPDL	45,936.00 45,936.00			UPDL 4000 460460	920	101000
44423	3122 Fall River Helping Hands 04/30/18 solar/wind project sponsorship	1,000.00 1,000.00			ADMIN 1000 410210	327	101000
44424	40 Jerry's Enterprises 04/23/18 Conoco-help fund voucher	25.00 25.00			HELP 7010 450135	231	101000
44425	2897 Radar Shop, The 11552 04/30/18 annual radar certification	441.00 441.00			POLICE 1000 420100	398	101000
44426	309 PJ's Plumbing & Heating 5408 04/27/18 UPDL bar remodel 5407 04/27/18 UPDL remodel 5406 04/27/18 UPDL remodel	18,154.39 12,840.33 3,749.16 1,564.90			UPDL 4000 460460 UPDL 4000 460460 UPDL 4000 460460	920 920 920	101000 101000 101000
# of Claims 50		Total: 131,319.09					
Total Electronic Claims		8,497.67	Total Non-Electronic Claims		122821.42		

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
April 17, 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, Social Services Director Kathi Arnado

The meeting is called to order by Mayor Brad Schmier at 6:00 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.

WORK SESSION

Mayor Schmier calls the meeting to order. The topic for the work session is revisions to the Business License Ordinance. Town Manager Dan Sabolsky explains that the draft that was included in the packets is a result of multiple drafts and efforts by himself and the staff of the Town Office. The Council discusses proposed changes to the ordinance and asks questions. They discuss the definition of business, license transfer procedure, and resort tax bond refunds. They also discuss the business license revocation process. The group also discusses allowing or not allowing nightly and monthly rentals on the same business license. Sabolsky points out several typographical errors and clarifications. The group also reviews a combined permit application for special events and exposition events. They also discuss the proposed fee resolution. Town Manager Dan Sabolsky states that they will make the changes as discussed and send the revisions out to the Council before proceeding.

LEGAL SERVICES PRESENTATION

Jane Mersen, shareholder for Kasting, Kauffman & Mersen, introduces herself to those in attendance. Mersen has served as the Town's attorney since November of 2013. She explains that she suggested to the Town Manager that the Town go through a Request for Proposals process. She says she saw that as an opportunity to get more acquainted with the Council and reintroduce herself to the community. She explains that her firm is based in Bozeman and provides legal advice to the Town and defense in the City Court. She explains that they have several staff members that specialize in different areas including litigation, criminal and civil cases, employment law, and local government. She explains that she is well acquainted with the Montana Municipal Interlocal Authority (MMIA) and serves on the MMIA amicus committee. She expounds on her experience on both sides of collective bargaining. She says she has worked on the Town's resort tax ordinance, litigating non-payment of tax, and approaching the legislature about increasing the resort tax. She reports that they have the highest rating a firm can get from a national peer ranking system and they are licensed in Montana, Idaho, and Utah. She also represents the Town of Manhattan but would remain the lead attorney for West Yellowstone. She says she has the staff to rely on when necessary, including John Kauffman and Lillia Tyrell. Bob Hansen is retired but also does contract work for the firm. She also says that they are willing to leave their rates at the same level as they were when the 2015 contract was approved. Burke clarifies that she means the rates will remain the same for the next two years and Mersen agrees.

ACTION TAKEN

- 1) Motion carried to approve the claims, which total \$132,270.39. (Johnson, Forsythe)
- 2) Motion carried to approve the Consent Agenda, which includes the minutes of the March 20, 2018 and April 3, 2018 Town Council Meetings. (Martineau, Burke)

- 3) Motion carried to reject the current version of Ordinance No. 266. (Forsythe, Martineau)
- 4) Motion carried to appoint Brock Kelley to the Tourism Business Improvement District Board of Trustees as the large hotel representative for a term of four years. (Johnson, Martineau)
- 5) Motion carried to donate \$1000 to the Fall River Electric distributed energy generation system project at the West Yellowstone School. (Johnson, Forsythe)

Public Comment Period

Marysue Costello, Executive Director for the West Yellowstone Chamber of Commerce, reminds the group that this Saturday, April 21, at 9:30 AM, there will be a public comment opportunity on the Custer Gallatin National Forest Plan at the Hilton Garden Inn. She reminds everyone that as soon as they leave the boundaries of West Yellowstone, they are almost on the Custer Gallatin Forest and they should be very concerned about the plan.

Council Comments

Mayor Brad Schmier reports that this morning he was asked to read during storytime at the Library and says it was a great experience. He also reports he will be out of town for about ten days at the end of the month. Johnson reports that his son, Keith and friend April, just made it down from climbing Mount Everest and are back in Katmandu. Chris Burke reports that he spent the last two days at the Governor's Conference on Tourism in Big Sky and says it was a great conference and he learned many things.

Presentation: West Yellowstone Chamber of Commerce, FY 18 Report and FY 19 Preview

Marysue Costello and Marketing Director Wendy Swenson address the Council to report on the distribution and allocation of bed tax dollars that come back to West Yellowstone. Costello explains that back in 1988, the Town agreed to turn this responsibility over to the Chamber to spend the money on marketing efforts. Swenson reports that the Chamber Marketing Committee is funded by the state lodging tax (bed tax) and tasked with creating and implementing an annual marketing plan and budget. The committee has goals to attract visitors and expand effectiveness to target the market as accurately as possible. She reports that in 2017, nearly \$2.5 million dollars was collected in West Yellowstone, which is remarkable for the size of our community. Of that amount, approximately 10% of the funds come back to the Chamber/Visitors Bureau to be spent on marketing. She reports that they saw increases in bed tax, resort tax, and therefore marketing funds last year. They have seen a 10% increase in the use of the Chamber's website, 2% increase in mobile traffic and a 6% increase in social media. She highlights their current marketing campaigns which include the "Heart of" Campaign and campaigns that target, fall, winter and spring. She mentions joint ventures they tried out and some that they will repeat. She says that they were able to purchase reports through the State on Visa card spending trends that breaks out spending habits by state and foreign countries so they can see what categories are the most popular. She explains that combined with TBID, they were able to purchase the rights to advertise on the TripAdvisor page for West Yellowstone, which gets an estimated 293,000 impressions per year. By controlling the advertising on that page they ensure that competing destinations are not being advertised on that page. She briefly describes other ventures such as promoting the Utah-Yellowstone travel loop and ad buys with the TBID. Swenson describes the 2017-2018 Budget Detail, year to date and moving the annual audit up to be able to anticipate extra funds. She highlights the preliminary budget for FY 2019, pointing out if they put at least \$100 in each line item, they can shift funds to that line if necessary.

Presentation: Bryan Case, General Manager for Fall River Electric, addresses the Town Council. He explains that Fall River Electric is a community partner that serves West Yellowstone. Fall River is currently working with the West Yellowstone High School to raise \$35,000 to construct a distributed energy generation system at the school to provide educational opportunities in the fields of wind and solar power generation. This sort of renewable energy is one of the leading approaches to utility service. The installed system will include a wind turbine and solar panels as well as real-time display at the school. He says they are conducting this project here in West Yellowstone as well as at North Fremont High School in Ashton and Teton High School in Driggs, ID. He explains that they have been able to raise most of the money they need for the project and are looking for approximately \$8000 from the community.

DISCUSSION

- 1) Forsythe asks about #44215 and clarifies one of the electric bills is for the structures in Pioneer Park. Schmier abstains from #44332 and #44317 to Jerry's Enterprises.

- 3) Town Attorney Jane Mersen says that based on the responses, complaints, and opinions on the current Ordinance 266, she recommends that the Council reject this ordinance as written so they may revise and work on some of the definitions. She says that questions have been raised about the definition of a family and they should approach it by use rather than family makeup. Sabolsky asks Mersen to address whether short-term or nightly rentals are currently allowed in the Madison Addition as well as living in an RV. Mersen says that under the current zoning, every "R" zone in the Madison Addition has a list of permitted uses and conditional uses and nightly or short-term rentals are not permitted uses. Residing in an RV is also not a permitted use. The R-4 zone does allow "efficiency units" but they are still not allowed to be rented on a nightly or short-term basis. Sabolsky says that they want to make sure the public still understands that these uses are not permitted uses already. Bill Howell clarifies that nightly rentals are not allowed in any of the "R" districts and that is all that is in the Madison Addition. Richard Gibson asks how long it will take to rewrite the ordinance and bring it back to the Council. Mersen says she thinks they can do it in 30 days or less and Sabolsky agrees. Udo Freund asks if a violation of the nightly rental portion of the ordinance can be cited per night or per stay. Mersen says she believes they can be cited per night. Teri Gibson says they should be able to cite per room per night. Mersen also admits that the way the ordinance is currently written, there is nothing that prohibits renting a house for 30 days at a time but only staying for a few days of the month.

- 5) The Council discusses if it is appropriate to donate to the Fall River project at the school and whether it is appropriate for the Town to donate. After discussion, they agree that they have already donated to school projects in the past.

- A) **Town Manager & Department Head Reports:** Town Manager Dan Sabolsky reports that Land Solutions has almost finished the first draft of the revised zoning code and subdivision regulations. They are also making progress with ThinkTank through the planning grant and preparing a plan for the 80 acres. The Safety Committee is meeting regularly and has had conversations with the safety inspector from the State. He says he expects that they will be inspected again in the near future and they are hoping that they are ready. He reports that the ballots for the collective bargaining agreements were returned but it was determined that something went wrong and the ballots were counted incorrectly by MPEA (Montana Public Employees Association). The Town has requested that the vote be conducted again and this time they are verifying names and addresses to make sure the correct contract is sent to each member. He reports that they met with the developer for the housing parcel at the northwest corner of the Madison Addition. They have seen a preliminary plan and anticipate a subdivision application in the near future. He reports that they didn't get as many responses to the Summer Recreation survey as they anticipated, but they did get some valuable feedback. The Recreation Coordinator is working on the brochure and planning for this summer. They hope to put it before the Parks & Recreation Board prior to releasing it to the public in

May. He also reports on the grant from the West Yellowstone Foundation which includes the purchase of defibrillators for all of the Town buildings. The Fire Department will also refresh the staff on the training they received earlier this year about the use of defibrillators. Johnson inquires about the snow that was removed from a private lot and deposited on the Town's property on the west side of Town. He says that the snow appears to be full of limbs and debris and questions whether permission was granted. It is determined that permission was not granted and Public Services Superintendent James Patterson says he will take care of the issue. Johnson asks if the Town intends to rent out the stage this summer, but Sabolsky responds that it sounds like the group agreed that it was more work than is worth it to haul it out of town.

Chief of Police Scott Newell reports that his staff has been very busy including responding to an accident where a tractor trailer collided with a herd of 5 buffalo. He also mentions picking up a fugitive from Oregon that was wanted for an \$80,000 warrant for distribution of methamphetamines. He says that two dispatchers are currently attending training in Havre. Forsythe asks for clarification about the voting to approve the collective bargaining agreements. Sabolsky responds that it appears several officers were sent the wrong contract and ballots.

Finance Director Lanie Gospodarek reports that they are preparing to release an RFP for audit services and budget preparations. They will attend the Municipal Institute in Billings the second week of May and she mentions that Town Clerk Liz Roos will be teaching a couple classes at the institute this year. They are also preparing to renew business licenses for the summer season.

Social Services Director Kathi Arnado reports that she is happy to be back from extended sick leave. She says today was the last day to file taxes on time and they assisted 14 people with filing, down from 22 people last year. The food bank is operating well and Frank Bezold has been valuable to keep it running while she was out. She also thanks Social Assistant Vely Vazquez and the Public Services Department for picking up the slack while she was gone.

Public Services Superintendent James Patterson reports that Dyer spoke to DEQ today. They have not received permission to start drilling the well yet, but the driller has ordered the pipe and they expect to be able to move forward by the time it arrives. He reports that they are working on getting the summer equipment ready to go and will start sweeping the streets next week. He says they have taken down all the holiday lights and says he doesn't think they should put the blue lights back up next year. He says they seem to only last one season and they only had four strands that worked by the time they took them down this year. He says the snowflakes seem to last much longer and perhaps they should purchase more of them. He says they will turn the chlorine on tomorrow to run one cycle, which will take a couple weeks. He says they only have to run one cycle and it will only be at .2 ppm, considerably less than they have had to run in the past. He says he hasn't been to the spring recently but appears to be running very strong. He hopes to be able to get to the spring by the middle of May, weather permitting. He says they knocked down the snowhill in Pioneer Park. He says that he thinks they should look at the light poles on Highway 20 and says it may be time to replace them. He also mentions improvements at the dining lodge and that they expect it to be put back together before the first summer event.

- B) Legal Services RFP Process: Sabolsky asks the Council how they would like to proceed. The Council recommends a work session where they can discuss a recommendation from the committee that met with the top responders. After discussion, the group agrees to schedule the second meeting in May on the 14th with a work session to be followed by the regular meeting.
- C) Sabolsky explains that the term for the current judge will expire at the end of the year. It is determined that it has been 12 years since they released an RFP for the position and

agree that it is time to open it up. The current judge has been reappointed twice, each term is four years. Sabolsky agrees and says that there is important training in the fall that whoever the judge is should attend. The Council agrees and recommends that they prepare to release an RFP for the municipal judge position.

The meeting is adjourned. (9:45 PM)

Mayor

ATTEST:

Town Clerk

MEMORANDUM

TO: Dan Sabolsky-Town Manager
FROM: Jane Mersen
RE: Planning Board Composition
DATE: April 30, 2018

Planning boards are authority by Section 76-1-101, MCA and are set up for the purpose to plan for the future developing our community.

The Planning Advisory Board in West Yellowstone was enabled by Section 2.04 of the West Yellowstone Municipal Code. The Code is brief and simply provides that there shall be seven planning board members and that they shall be appointed in accordance with Section 76-1-221, MCA.

Section 76-1-221(1), MCA, provides as follows:

- (1) A city planning board shall consist of not less than seven members to be appointed as follows:
 - a. one member to be appointed by the city council from its membership;
 - b. one member to be appointed by the city council, who may in the discretion of the city council be an employee or hold public office in the city or county in which the city is located;
 - c. one member to be appointed by the mayor upon the designation by the county commissioners of the county in which the city is located;
 - d. four citizens members to be appointed by the mayor, two of whom shall be resident freeholders within the urban area, if any, outside of the city limits over which the planning board has jurisdiction under this chapter and two of whom shall be resident freeholders within the city limits.

It is my understanding that there is no zoning doughnut or area outside of the city limits over which the planning board has jurisdiction. Therefore, there is no “urban area outside of the city limits over which the planning board has jurisdiction”. It is my opinion then that all four citizen members under (d) should be resident freeholders within the city limits. The members appointed under (b) and (c) could reside outside of the city limits.

Section 76-1-102, MA, provides that it is the intent of the chapter on planning boards that the planning board shall serve in an advisory capacity to presently established boards and officials, i.e. the Town Council. Further, Section 76-1-106, MCA, provides that if requested by the governing body, the planning board shall prepare a growth policy and shall serve in an advisory capacity to the local governing bodies that established the planning board. The planning board may propose policies for subdivision plats, the development of public ways, public places, public structures and public and private utilities; the issuance of improvement location permits on platted and unplatted lands or the laying out and development of public ways and services to

platted and unplatted lands. Further, the planning board may provide advice on the approval or disapproval of plats of subdivision. The planning board does not sit as a regulatory board and has no code or statutory enforcement duties.

Montana Code Annotated 2017

TITLE 76. LAND RESOURCES AND USE

CHAPTER 1. PLANNING BOARDS

Part 2. Membership

Membership Of City Planning Board

76-1-221. Membership of city planning board. (1) A city planning board shall consist of not less than seven members to be appointed as follows:

- (a) one member to be appointed by the city council from its membership;
- (b) one member to be appointed by the city council, who may in the discretion of the city council be an employee or hold public office in the city or county in which the city is located;
- (c) one member to be appointed by the mayor upon the designation by the county commissioners of the county in which the city is located;
- (d) four citizen members to be appointed by the mayor, two of whom shall be resident freeholders within the urban area, if any, outside of the city limits over which the planning board has jurisdiction under this chapter and two of whom shall be resident freeholders within the city limits.

(2) The clerk of the city council shall certify members appointed by its body. The certificates shall be sent to and become a part of the records of the planning board. The mayor shall make similar certification for the appointment of citizen members.

History: (1)En. Sec. 4, Ch. 246, L. 1957; amd. Sec. 1, Ch. 271, L. 1959; Sec. 11-3804, R.C.M. 1947; (2)En. Sec. 7, Ch. 246, L. 1957; Sec. 11-3807, R.C.M. 1947; R.C.M. 1947, 11-3804(part), 11-3807.

West Yellowstone Planning Board

NAME	DATE APPOINTED	TERM EXPIRES
1. In-Town (Seat held by Tim Daley)	5/14/18	6/1/19
2. In-Town (Seat held by Bill Howell	5/14/18	6/1/19
3. In-Town (Seat held by SJ Sheppard)	5/14/18	6/1/19
4. In-Town (Seat held by Chipper Smith)	5/14/18	6/1/20
5. County designee (Seat held by Teri Gibson)	5/18/18	6/1/20
6. Elected/Appointed Official (James Patterson)		Concurrent with Employment and Council's Appointment
7. Town Council Member (Chris Burke)		Concurrent with TC Term And Council's Appointment

I recommend that Council stagger the terms so three (3) seats expire in 2019 and two (2) expired in 2020. This eliminates all In-Town seats expiring in the same year.

ORDINANCE No. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE AMENDING THE WEST YELLOWSTONE TOWN CODE TO AMEND SECTION 5.04 OF THE WEST YELLOWSTONE MUNICIPAL CODE RELATING TO BUSINESS LICENSE REQUIREMENTS

WHEREAS, the Town Council of the Town of West Yellowstone believes that requiring businesses that operate within the Town and surrounding area to obtain business licenses from the Town is in the best interests of the health, safety and welfare of the citizens of West Yellowstone; and

WHEREAS, the Town Council of the Town of West Yellowstone has considered changes to its business license requirements at a public work session on April 17, 2008 and at a public hearing, on May 14, 2018 and has received input from the citizens of the Town and has made the desired and necessary changes to the business license requirements as set out in Exhibit A, attached hereto; and

WHEREAS, the Town Council of the Town of West Yellowstone considered the amendments to Section 5.04 WYMC at an open meeting for a First Reading on May 3, 2018 and again for a Second Reading on May 14, 2018, both meetings being duly noticed as required by Section 7-1-4127, MCA;

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of West Yellowstone that the following amendment be made to the municipal code of the Town of West Yellowstone, effectively amending Section 5.04 et. seq West Yellowstone Municipal Code as follows:

Section 1:

The amendments are set out in **Exhibit A**, attached hereto and incorporated herein by reference.

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

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

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

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

Brad Schmier, Mayor/Councilman

Greg Forsythe, Deputy Mayor/Councilman

Pierre Martineau, Councilman

Jerry Johnson, Councilman

Chris Burke, Councilman

ATTEST:

Elizabeth Roos
Town Clerk

Exhibit A

5.04.010 Definitions.

For purposes of this chapter, the following definitions apply:

- A. "Business" means every trade, occupation, profession, vocation, enterprise, nonprofit enterprise, establishment, or activity that is conducted for private profit or benefit and that is not specifically exempted by state law or this chapter. "Business" also includes the lease or rental of commercial facilities or buildings and includes the lease or rental of residential facilities, such as single-family homes, apartments, mobile homes, or condominiums, whether nightly or long-term." Business" excludes temporary or short-term fund-raising activities conducted by a church, school or by a nonprofit civic, fraternal organization or individual under the age of 18.
- B. "Lodging facility" means a residential or commercial building that contains individual sleeping rooms or suites and that provides overnight lodging for compensation for periods less than thirty days. "Lodging facility" includes a hotel, motel, resort, dormitory, inn, condominium, dude ranch, guest ranch, hostel, public lodging house, time share, bed and breakfast facility, home or vacation rental. "Lodging facility" also includes any campground, recreational vehicle or trailer park, or similar facility.
- C. "Location" means an address on a specific lot which is a parcel or plot of land shown as an individual unit of ownership of the most recent plat or other record of subdivision.
- D. "Wholesale merchant" means any person or entity engaged in the business of selling inventory to retailers or otherwise selling for the purpose of resale by another person or entity.

5.04.020 Business license required.

No person, corporation or other entity shall conduct, transact or engage in business of any kind within the Town before first submitting an application, appropriate fee, parking plan, required fire and health inspection documentation and obtaining approval for a business license. Failure to obtain a business license prior to operating a business in the corporate limits of the Town constitutes a violation of this Chapter.—

Multiple residential rental units located on different parcels around town and owned by a single entity may be listed on 1 (one) business license. Parking plans for each location must be submitted with the business license application that have been approved by the Planning Advisory Board and/or Town Council. All nightly/vacation rental units must have a separate business license. Nightly/vacation rentals, even if they are on the same parcel and under the same ownership as a residential rental, must have their own business

license.

5.04.030 Application procedure.

A. Every person, corporation, or other entity applying for a business license under this chapter is subject to regulation, inspection, control, and supervision under the general police power of the Town.

B. Upon receipt of a completed application which includes the business license fee, parking plan and applicable fire code and health department approvals for a new business license, the Town Clerk shall refer the application to appropriate employees of the Town for the purpose of any investigation and inspection of the proposed business. Business license applications must contain all information prescribed or required by the Town and must include a site plan delineating parking for the business or certification of parking in-lieu payment. Business license applications must be signed by both the business owner and, if different, the owner of the real property on which the business will operate. The Town Clerk shall refer investigations to appropriate staff and review for inclusion in the Town Council packet. Completed business license applications shall be approved or denied by the Town Council at the next regularly scheduled Town Council meeting unless the Planning Advisory Board needs additional time to review the parking plan.

C. If one party seeks to transfer a business license to another party and the exact nature and location of the business remains the same, then the Town Clerk, upon payment of the required fee, and an internal review of a current parking plan shall transfer the business license. However, if the party seeking to transfer a business license to another party is delinquent on the obligation to report or pay resort tax under Chapter 3.12 for any business owned by the transferring party, the Town Clerk shall not transfer the business license until all delinquent resort tax, interest, and applicable penalties are paid in full or payment arrangements have been made with the Town.

D. In lieu of a standard business license, an applicant may seek a short-term business license that is reviewed and approved by the Finance Department. A short-term business license is valid for ten (10) calendar days only. All applicable permits and licenses required by other agencies, such as a food purveyor's license from the Gallatin County Health Department or approval from the Grizzly Park Architectural Committee, must be in effect at time of application. The applicant must also provide a site plan for parking review by the Town. Fees for the short-term business license and resort tax bond shall be set by resolution:

E. A business for contracted services that does not maintain an office or permanent residence in West Yellowstone, and whose business is not required to provide parking spaces and that is required to collect resort tax may obtain a business license that is reviewed and approved by the Finance Department without Town

Council approval. Except as modified in this Subsection, this business license is subject to all other provisions in this Chapter concerning a standard business license.

F. Contracted service businesses located in town, that do not have a parking requirement, can be approved by the Finance Department without Town Council approval.

5.04.040 License issued on annual basis.

The Town issues business licenses on an annual basis with the exception of short term licenses. The license period is effective from June 1st to May 31st of the following year. Businesses may renew or purchase a business license from the Town March 1st for the following license year. If an existing business license is renewed after June 30th, a penalty fee will be applied. A new license may be purchased at any time, but all licenses expire May 31st. The Town does not prorate business license fees. _

5.04.050 Fee schedule.

The Town Council shall by resolution set the fee schedule for business licenses, transfers of business licenses, and related fees.

5.04.060 Resort tax bonds.

A. If an applicant for a business license intends to sell any goods or provide services that are subject to the Town's resort tax pursuant to Chapter 3.12, then a resort tax bond in an amount set by resolution must accompany the business license application. The resort tax bond shall be executed by a surety company licensed to do business in Montana. In lieu of a surety bond, the applicant may submit a cash bond of equal value.

B. The bond must be approved by the Town Clerk and must be conditioned upon the applicant's collection and remittance of resort tax in accordance with all requirements of Chapter 3.12. The resort tax bond must remain in full force and effect until four (4) months after the end of the first, full business license year.

C. When an existing business that is subject to resort tax collection pursuant to Chapter 3.12 changes ownership, the new owner must provide a resort tax bond to the Town Clerk in the same manner set forth above.

D. If a business fails to collect, report, and remit the resort tax or otherwise violates the provisions of Chapter 3.12, the Town shall have a right of action on the bond for recovery of any unpaid resort tax, as well as interest, civil penalties and attorney's fees allowed by ordinance or state law. The Town may require a business to post a new or additional resort tax bond if the business fails to timely remit resort tax payments for more than two

consecutive months or for any three months in a twelve-month period. The Town may not renew a business license that has unpaid resort tax outstanding at the time a business licenses must be renewed.

E. After a business has collected and remitted the resort tax in accordance with all provisions of Chapter 3.12 for the first licensing period of business operation, the Town Clerk shall then return the resort tax bond to the business four (4) months after the expiration of the original business license. Failure to remit any resort tax during the term of the initial issuance of a Town business license shall constitute grounds for the Town to retain the bond. (Ord 220 §6 2006)

5.04.065 Expositions and outdoor sales.

A. Notwithstanding the other provisions of this Chapter, any person engaged in the business of conducting an exposition, exhibit or sale of any merchandise or product, including artifacts and art objects, at an outdoor exposition or sale, or at an indoor exposition or bazaar, where two or more persons are gathered together for such purpose shall pay a business license fee as set by resolution.

B. The applicant shall:

1. Submit an application thirty (30) calendar days prior to the event. Application forms shall be obtained from the Finance Department. Exposition licenses shall be issued by the Finance Department after consultation with the Police Department, the Fire Department, the Public Services Department, and the Town Manager. It is recommended that the entity or person organizing or sponsoring the exposition start the licensing process at least thirty (30) calendar days in advance. If the submittal is received by Town at least thirty (30) calendar days in advance of the event, the application may be circulated through intra-departmental mail. However, if it is received less than thirty (30) calendar days prior to the event, a penalty fee of fifty dollars (\$50.00) will be added to the license fee, and the applicant shall be responsible for going individually to the Police, Fire, and Public Services Departments to obtain any necessary approval. Completing those approvals, the applicant must return the application to the Finance Department for review at least five (5) business days before the beginning of the event. The request is then forwarded to the Town Manager for final consideration. It is unlawful to conduct an exposition regulated by this Chapter without a license.

2. Post a resort tax bond in the amount set by resolution. The resort tax bond shall be executed by a surety company licensed to do business in Montana. In lieu of a surety bond, the applicant may submit a cash bond of equal value. If an applicant fails to collect, report, and remit the resort tax in accordance with the provisions of Chapter 3.12. the Town shall have a right of action on the bond for recovery of any unpaid

resort tax, as well as interest, civil penalties and attorney's fees allowed by ordinance or state law. After provisions of Chapter 3.12 have been met, the Town Clerk will return the resort tax bond to the applicant within ninety (90) calendar days.

3. Notify each participant in writing, prior to accepting any application or approving participation in the exposition, bazaar, exhibit or sale, that the participant is responsible for submitting the following on or before the twentieth day of the month following the event to receive the resort tax administrative fee and no later than the last day of the month to avoid a penalty:

- a. A completed Town of West Yellowstone resort tax form; and
- b. A check payable to the Town of West Yellowstone for the three percent resort tax required under the guidelines as specified by Chapter 3.12 of this code.

4. Acquire and keep on file the names, addresses and phone numbers of all participants and further, collect and remit, from each vendor, the completed resort tax form and payment due.

C. The provisions of this Section do not require additional licenses for merchants or vendors participating in such events when all of the participants are regularly licensed under other provisions of this Chapter. Events sponsored by nonprofit organizations where the merchandise is non-business-related personal property sold by individuals not regularly engaged on a full-time or part-time basis in the business of selling, manufacturing or distributing such merchandise are not required to obtain a business license.

D. Applicants may file an appeal with the Town Council for a reduction or waiver of license fees and bond requirements.

5.04.070 Interstate commerce.

Nothing contained in this Chapter is intended to operate so as to interfere with the power of the Congress of the United States to regulate commerce between states.

5.04.080 Unlawful activities not licensed.

This Chapter may not be construed to allow licensing of any business or activity that is prohibited by any law of the United States, the State of Montana or the Town. It is unlawful for any person or entity to sell merchandise, goods, or services of any kind, or solicit orders for merchandise, goods, or services, on any street, alley, sidewalk or other public place in the Town, except as permitted in Section 5.20.030.

5.04.090 Business license revocation.

The Town may revoke a business license under the following circumstances:

- A. Failure to report or remit resort tax by payment deadlines detailed in Section 3.12.060;
- B. The violation of any provision of Chapter 3.12 concerning resort tax;
- C. The violation of any provision of this Chapter concerning business licenses;
- D. Misrepresentation of ownership, nature of business, or any material fact on a business license application;
- E. The violation by the business of any other provision of the West Yellowstone Municipal Code. (Ord. 233 §2, 2007)

5.04.100 License revocation procedure.

- A. A business license may be revoked for any violation of this Chapter, including those specified in Section 5.04.090. A business license may be revoked either by order of the Town Judge or by an administrative order by the Town Manager.
- B. If the Town Manager determines that the Town has valid grounds to revoke a business license, the Town Manager must notify the business in writing of these grounds at least ten (10)-business days before issuing an administrative order revoking a business license. The notice must also inform the business that it has ten (10) business days from the date of the notice to provide the Town with any documents or information contesting the stated grounds for revocation. After reviewing all pertinent documents and information, including any submittal by the business contesting the stated grounds, the Town Manager may issue an administrative order revoking a business license if determines that the business has committed any violation of this Chapter, including those specified in Section 5.04.090.
- C. A business may appeal an administrative order by the Town Manager revoking its business license by filing a written notice of appeal with the Town Clerk within ten calendar days after the date of the administrative order. The administrative order of revocation is stayed during any appeal to the Town Business License Review Board. The Business License Review Board shall consist of the Finance Director (or designee), the Mayor (or designee) and a member of the Town Council other than the Mayor. The Business License Review Board will conduct an investigation of the circumstances resulting in the administrative order to revoke the business license within fifteen (15) business days. The business may present any relevant evidence contesting the administrative order of revocation by the Town Manager as part of the investigation. After hearing and reviewing all relevant evidence,

the Business License Review Board may uphold, overturn, or modify the administrative order of revocation by the Town Manager.

D. A business may make a final appeal on the decision of the Business License Review Board by filing a written notice of appeal with the Town Clerk within ten (10) calendar days after the date of the decision. The appeal will be placed on the agenda of the next Council meeting. After hearing and reviewing all relevant evidence, the Town Council may uphold, overturn, or modify the decision by the ~~operations~~ Business License Review Board. All revoked business licenses will be subjected to a reinstatement fee. (Ord. 223 §1, 2007)

5.04.110 Violations--Penalties.

Violation of this Chapter is a municipal infraction subject to the provisions of Sections 7-1-4150 through 7-1-4152, MCA. In addition to any civil penalty ordered by virtue of a municipal infraction, the Town Judge may enter a civil judgment against the defendant for the amount of the license found due and unpaid and may issue an order revoking a defendant's business license.

RESOLUTION 709

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE SETTING BUSINESS LICENSE FEES

WHEREAS the Town of West Yellowstone requires that all businesses operating within the corporate limits of the town must obtain a town business license, and

WHEREAS the business license provides Town of West Yellowstone with an effective and efficient means of tracking business activities and determining the names and locations of businesses collecting resort tax, and

WHEREAS the business license application allows Town of West Yellowstone to review the parking impact of various businesses within the Town, and

WHEREAS the Town Council of the Town of West Yellowstone seeks to capture the administrative costs associated with the issuance and monitoring of business licenses, and

NOW THEREFORE, BE IT RESOLVED that the Town Council of the Town of West Yellowstone, County of Gallatin, in the State of Montana establishes the following business license fees:

- A. The basic business license fee for all business, unless otherwise stated herein, or provided by law, shall be the sum of fifty (50) dollars;
- B. Any business license may be transferred for a twenty-five (25) dollar fee unless the transfer takes place at the beginning of a new business license year;
- C. Hotels and motels: the basic fee plus three (3) dollars for each unit
- D. Nightly or Long-term rentals of condominiums, house rentals, rooming houses, apartments, time share units, residential motels, vacation rentals, and mobile home parks: the basic fee plus three (3) dollars for each unit;
- E. Campgrounds and recreational vehicle parks: the basic fee plus one (1) dollar for each unit;
- F. Bars, taverns and lounges serving/selling alcoholic beverages: the basic fee plus all-purpose beverage license of two hundred fifty (250) dollars;
- G. Beer and wine license: fifty (50) dollars;
- H. Supermarkets: one hundred (100) dollars;
- I. Restaurants: under fifty seats, fifty (50) dollars; over fifty seats, one hundred (100) dollars;
- J. Rental equipment establishments: the basic fee plus one (1) dollar for each unit: snowmobiles, motor bikes, recreational vehicles, mini bikes, and cars. Bicycle rentals are basic fee only;
- K. Wholesalers and freight delivery companies not based in West Yellowstone: basic fee;
- L. Contractors: basic fee;

- M. Multi business license: Multiple businesses under single ownership at a single address: basic fee plus twenty-five (25) dollars for each additional business;
- N. Banks: one hundred (100) dollars;
- O. Communications companies including but not limited to telephone companies, cable television providers, satellite television providers and internet service providers: one hundred (100) dollars;
- P. Daycare centers: basic fee;
- Q. Commercial space rentals such as business space or storage rentals: the basic fee;
- R. Business License Reinstatement fee: fifty (50) dollars plus cost of business license;
- S. Short Term business license: basic fee
- T. Events:
 - a. Event Fee: Twenty-five (25) dollars plus twenty-five (25) dollars per vendor;
 - b. Vendor Fee: Late Application Fee: fifty (50) dollars.
- U. Occupations licensed by the State of Montana such as but not limited to hairdressers, barbers, chiropractors, veterinarians, certified public accountants, master plumbers, master electricians, licensed massage therapists, fishing or hunting guides, and other occupations listed on the Secretary of State’s website: a no-fee license. License applications must still be submitted for parking plan approval if applicable.
- V. Employee housing not deducted or collected for: no license required.
- W. Bonds required:
 - a. Resort Tax: \$500.00;
 - b. Short-term Business License: \$500.00;
 - c. Special Event/Exposition: \$1,500.00.

PASSED AND ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF WEST YELLOWSTONE THIS 3rd DAY OF MAY 2018.

Mayor

Council Member

Council Member

Council Member

Council Member

ATTEST:

Town Clerk