

Town of West Yellowstone

Town Council Work Session

Wednesday, May 1, 2019

West Yellowstone Town Hall, 440 Yellowstone Avenue

West Yellowstone, Montana

6:00 PM

Agenda

Public Comment Period/Council Comments

Lifting of Moratorium on Connections to Fresh Water Supply

Discussion

Town Council Special Meeting

Wednesday, May 1, 2019

West Yellowstone Town Hall, 440 Yellowstone Avenue

West Yellowstone, Montana

7:00 PM

Agenda

Public Comment Period/Council Comments

Lifting of Moratorium on Connections to Fresh Water Supply
(Resolution No. 693-Passed Feb. 7, 2017)

Discussion/Action ∞

Temporary Moratorium on Connections to Wastewater System

Discussion/Action ∞

The public is invited to attend.



RESOLUTION NO. 693

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE, MONTANA, TO AMEND THE MORATORIUM ON CONNECTIONS TO THE TOWN'S FRESH WATER SUPPLY SYSTEM THAT WAS ADOPTED BY THE TOWN ON JULY 5, 2016.

BE IT RESOLVED by the Town Council of the Town of West Yellowstone, Montana, as follows:

WHEREAS: The Town has the power and authority to take emergency measures for the immediate preservation of the public peace, property, health and safety of the inhabitants of the Town of West Yellowstone in accordance with §7-3-4326, MCA; and

WHEREAS: The Town has received information from its Town Manager, the Town Public Works Superintendent and the Town Engineer, that the current fresh water supply for the Town's Water Supply System, as defined in 13.04.010(31) WYTC, has been substantially reduced; and

WHEREAS: The Town is currently undertaking a water supply study in order to make an informed decision on how to recover, repair or replace its water supply however the report has not yet been completed; and

WHEREAS: The Town does not yet have sufficient information as to the cause of the reduction in the fresh water supply and does not yet have sufficient information on the length of time or expense that would be necessary to increase or replace the current water supply; and

WHEREAS: The original Resolution came before the Town Council for discussion at a regular Town Council meeting on June 21, 2016, and at a special meeting on June 28, 2016, and another regular meeting on the Town Council on the 5th day of July, 2016 all duly noticed as required and the Town Council provided an opportunity for the public to comment on this Resolution at each meeting prior to a final decision; and

WHEREAS: The Town council has realized that the Resolution passed on July 5, 2016 may have allowed for a loop hole, which was not intended by the Council in that the July 5, 2016 Resolution appeared to apply to only new "connections" and not new "uses" and

WHEREAS: in order to fairly administer the spirit and intent of the July 5, 2016 Resolution, the Town Council believes it necessary to amend the July 5, 2016 Moratorium to provide that the moratorium applies not only to new connections but also applies to any new use or change in use if the change is going to use more water than the current amount of water being used or capable of being used, regardless if the size of the line is not going to change. New connections for fire suppression systems or Town-related projects are exempt from this moratorium; and

WHEREAS: The Town Council of the Town of West Yellowstone believes that it is necessary and proper for the Town to amend the July 5, 2016 Moratorium on any new connections or new uses, or changes in use, to the Town's fresh water system until such time as the Town receives the necessary information to move forward in obtaining, repairing or replacing its water supply, in order to preserve the public health, property and safety of the inhabitants of the Town.

NOW THEREFORE, BE IT RESOLVED:

The Town Council of the Town of West Yellowstone, Montana hereby amends the July 5, 2016, Moratorium to apply to any new connections, new uses, or changes in use to the Town's water supply system until the Town receives the necessary information to move forward with a plan to repair, replace or obtain additional water supply for the Town.

This Amended Moratorium shall remain in effect until such time as the Town Council of the Town of West Yellowstone finds that the current water supply is sufficient to meet the needs of the inhabitants of the Town or until it adopts a plan to recover or replace the previously existing supply.

This moratorium is effective immediately.

DATED this 7th day of February, 2017.

Jerry D. Johnson
Mayor

Allen White
Council Member

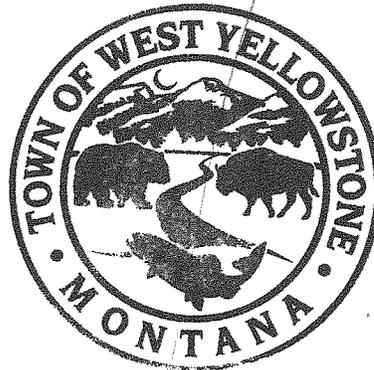
[Signature]
Council Member

[Signature]
Council Member

Gary W. Foster
Council Member

ATTEST:

[Signature]
Town Clerk



RESOLUTION NO. ____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE, MONTANA, TO LIFT THE FEBRUARY 7, 2017 MORATORIUM ON CONNECTIONS TO THE TOWN'S FRESH WATER SUPPLY SYSTEM

BE IT RESOLVED by the Town Council of the Town of West Yellowstone, Montana, as follows:

WHEREAS: On February 7, 2017, the Town Council of the Town of West Yellowstone passed Resolution 693, amending and restating a moratorium on uses of and connections to the Town's fresh water supply system based upon the Town's power and authority to take emergency measures for the immediate preservation of the public peace, property, health and safety of the inhabitants of the Town of West Yellowstone in accordance with §7-3-4326, MCA; and

WHEREAS: The Town has received information from its Town Manager, the Town Public Works Superintendent and an Engineer contracted with the Town to assist in the water study, that the current fresh water supply for the Town's Water Supply System has been studied and appears to have been satisfactorily supplemented for the time being;

NOW THEREFORE, BE IT RESOLVED:

The Town Council of the Town of West Yellowstone, Montana hereby lifts the February 7, 2017 amended moratorium on new uses of and connections to the Town's water supply system. However, based upon the usage trends over the summer of 2019, the Town may be required to re-assess its water supply and reissue a moratorium if it becomes necessary.

DATED this _____ day of _____, 2019.

Mayor

ATTEST:

Town Clerk

RESOLUTION NO. ____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE, MONTANA, TO ISSUE A MORATORIUM ON CONNECTIONS TO OR NEW USES OF THE TOWN'S WASTE WATER TREATMENT SYSTEM

BE IT RESOLVED by the Town Council of the Town of West Yellowstone, Montana, as follows:

WHEREAS: The Town has the power and authority to take emergency measures for the immediate preservation of the public peace, property, health and safety of the inhabitants of the Town of West Yellowstone in accordance with §7-3-4326, MCA; and

WHEREAS: The Town has received information from its Town Manager and the engineer contracted to review the Town's wastewater treatment system that the current waste water treatment facility is in dire need of repairs and may not have sufficient capacity to accept any new connections or new uses for treatment; and

WHEREAS: The Town has received numerous applications for connections to the Town's water and wastewater systems for both commercial and residential uses; and

WHEREAS: the Town does not yet have sufficient information as to whether the new equipment that will be added to the wastewater treatment system will create the necessary capacity for the current applications that are waiting to connect or the expected growth of the Town through 2020; and

WHEREAS: The Town believes it is necessary and proper to limit the number of new connections or uses as the engineers need time to evaluate the efficiency of the new technology that is planned for the treatment plant, which the Town Manager and engineer believe should be completed within 180 days; and

WHEREAS: This Resolution came before the Town Council for discussion at a work session meeting on May 1, 2019 and a regular Town Council meeting on the same day following the work session, both duly noticed as required and the Town Council provided an opportunity for the public to comment on this Resolution at each meeting prior to a final decision; and

WHEREAS: The Town Council of the Town of West Yellowstone believes that it is necessary and proper for the Town to limit the number of new uses or connections to the waste water treatment system to only those projects whose applications were previously submitted to and approved by the Town before the date of this Resolution and that are or will be ready to connect to the system on or before June 1, 2019 and to issue a moratorium on any new connections or new uses to the Town's waste water treatment system after June 1, 2019, for a

period of 180 days in order to evaluate the efficacy of the new equipment and the amount of unused capacity available; and

WHEREAS: The Town Council believes that the period for evaluation is necessary in order to move forward in obtaining, repairing or replacing its waste water treatment system, while at the same time acting to preserve the public health, property and safety of the inhabitants of the Town.

NOW THEREFORE, BE IT RESOLVED:

The Town Council of the Town of West Yellowstone, Montana hereby declares a moratorium on any new connections to or uses of the Town's waste water treatment system effective June 1, 2019 and shall remain in place until such time as the Town receives information that the moratorium is no longer needed, or for a period of 180 days, which ever shall come first.

This moratorium is effective June 1, 2019.

DATED this _____ day of _____, 2019.

Mayor

ATTEST:

Town Clerk