

Town of West Yellowstone

Tuesday, May 5, 2020

West Yellowstone Town Hall, 440 Yellowstone Avenue

TOWN COUNCIL MEETING

5:00 PM

Town Manager Evaluation (Executive Session-Closed to the Public)

7:00 PM

The Town Council meeting will be conducted virtually using ZOOM. This meeting is open to the public, but the public will not be allowed to attend in person. To participate, visit zoom.us on the internet and enter Meeting ID: 893 834 1297. The meeting will open at 6:45 PM. Members of the public are requested to ensure their audio is muted during the meeting and may make comments using the “Chat” function when appropriate.

Pledge of Allegiance

Comment Period,

- **Public Comment**

Matt Kelley, Gallatin County Health Officer

Randy Chamberlin, Candidate for House District 64

- **Council Comments**

Claims ∞

Consent Agenda: **Minutes of the April 21, 2020 Town Council Meeting** ∞

Town Manager & Department Head Reports

NEW BUSINESS

Tourism Business Improvement District (TBID) Board of Trustees Appointments	Discussion/Action ∞
▪ Sara Mauer, Hotels 10-49 Rooms	
▪ Daniel Reger, Hotels 100+ Rooms	
West Yellowstone Foundation Lease Payments	Discussion/Action
Fireworks Ordinance Revisions, 1 st Reading	Discussion/Action ∞
Town Council Meeting Procedures and Retention	Discussion
COVID-19 Response, Economic Strategies for local businesses	Discussion
Town Clean Up	Discussion
Correspondence/Meeting Reminders/FYI	
▪ Letter of Appreciation to Ken Davis ∞	

If viewing the agenda electronically, click the “∞” symbol to link to the associated documentation in the Town Council Packet.



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.

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05/01/20
15:32:40

TOWN OF WEST YELLOWSTONE
Claim Approval List
For the Accounting Period: 5/20

Page: 1 of 7
Report ID: AP100

* ... Over spent expenditure

Claim	Check	Invoice #/Inv Date/Description	Vendor #/Name/ Line \$	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
46900		2088 Town West Yellowstone		562.97					
	04/30/20	utility chrgs, Chamber, 895		45.12		BLDGS	1000 411257	340	101000
	04/30/20	utility chrgs, UPDL, 892		76.65		BLDGS	1000 411252	340	101000
	04/30/20	utility chrgs, PS Shops, 884		35.44		BLDGS	1000 411253	340	101000
	04/30/20	utility chrgs. Povah Ctr, 887		68.29*		BLDGS	1000 411255	340	101000
	04/30/20	utility chrgs, Police Dept, 886		45.51		BLDGS	1000 411258	340	101000
	04/30/20	utility chrgs, City Park, 885		110.13		BLDGS	1000 411253	340	101000
	04/30/20	utility chrgs, Library, 891		35.61		LIBBLD	1000 411259	340	101000
	04/30/20	utility chrgs, Lift #1, 903		15.28*		SEWER	5310 430600	340	101000
	04/30/20	utility chrgs, Twn Hall, 921		130.94		TWNHAL	1000 411250	340	101000
46901		95 Energy West-Montana		2,051.17					
	04/28/20	nat gas 210361788 updl		226.91		UPDH	1000 411252	344	101000
	04/28/20	nat gas 210360293 Police		28.90		POLBLD	1000 411258	344	101000
	04/28/20	nat gas 210361746 Pub Services		312.11		STREET	1000 430200	344	101000
	04/28/20	nat gas 210361811 old firehall		111.56		PARK	1000 460430	344	101000
	04/28/20	nat gas 210363966 old bld ins		70.92		STREET	1000 430200	344	101000
	04/28/20	nat gas 210360540 library		297.20		LIBBLD	1000 411259	344	101000
	04/28/20	nat gas 210364599 Povah		525.12		POVAH	1000 411255	344	101000
	04/28/20	nat gas 210361697 Iris Lift St		31.61		PUBSVC	1000 430200	344	101000
	04/28/20	nat gas 210365425 Twn Hall		417.96		TWNHAL	1000 411250	344	101000
	04/28/20	nat gas 210361655 Mad Add Sewe		28.88		SEWER	5310 430600	344	101000
46903		2546 Century Link QCC		9.08					
	04/23/20	long dist chg 406-646-7600		9.08		DISPAT	1000 420160	345	101000
46907		42 Fall River Electric		9,788.73					
	05/19/20	PARK, old firehouse 2901001		482.40*		PARK	1000 411253	341	101000
	05/19/20	povah comm ctr 4212001		198.01		POVAH	1000 411255	341	101000
	05/19/20	unmetered lights 4212004		1,451.25		STLITE	1000 430263	341	101000
	05/19/20	RR Well 4212005		225.55		WATER	5210 430500	341	101000
	05/19/20	SEWER LIFT STATION 4212006		288.87		SEWER	5310 430600	341	101000
	05/19/20	SEWER PLANT 4212007		1,482.85		SEWER	5310 430600	341	101000
	05/19/20	POLICE 4212008		339.11		POLICE	1000 411258	341	101000
	05/19/20	TOWN HALL 4212009		508.70		TWNHLA	1000 411250	341	101000
	05/19/20	ICE RINK 421010		52.84*		PARKS	1000 411253	341	101000
	05/19/20	South Iris Street Lift 4212013		175.11		SEWER	5310 430600	341	101000
	05/19/20	MAD SEWER LIFT 4212014		168.27		SEWER	5310 430600	341	101000
	05/19/20	Hayden/Grouse Well 4212015		42.29		WATER	5210 430500	341	101000
	05/19/20	MADADD H2O Tower 4212017		54.34		WATER	5210 430500	341	101000
	05/19/20	SHOP 4212018		388.25*		STREET	1000 430200	341	101000
	05/19/20	ANIMAL 4212029		212.44		ANIML	1000 440600	341	101000
	05/19/20	CLORINATOR 4212030		82.30		WATER	5210 430500	341	101000
	05/19/20	Electric Well 4212031		42.63		WATER	5210 430500	341	101000

05/01/20
15:32:40

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Page: 2 of 7
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	05/19/20	PARK 4212032		231.87*		PARKS	1000 411253	341	101000
	05/19/20	UPDH 4212041		546.51		UPDH	1000 411252	341	101000
	05/19/20	SEWER TREAT SERV 4212046		2,718.48		SEWER	5310 430600	341	101000
	05/19/20	LIBRARY 23 dunraven 4212054		96.66		LIBR	1000 411259	341	101000
46909		2852 Blackfoot Communications		2,018.78					
	05/15/20	646-5106, fax soc svc		40.53		SOCSRV	1000 450135	345	101000
	05/15/20	646-5119, police station		40.53		POLICE	1000 420160	345	101000
	05/15/20	646-5141, sewer plant alarm		40.53		SEWER	5310 430600	345	101000
	05/15/20	646-5185, town hall alarm		40.53*		TWNHAL	1000 411250	345	101000
	05/15/20	646-7311, social services		52.99		SOCSRV	1000 450135	345	101000
	05/15/20	646-7481, povah elevator		40.53		POVAH	1000 411255	345	101000
	05/15/20	646-7511, town hall fax		40.53*		TWNHAL	1000 411250	345	101000
	05/15/20	646-7609, public works		25.76		PUBSVC	1000 430200	345	101000
	05/15/20	646-7650, police station fax		40.53		POLICE	1000 420160	345	101000
	05/15/20	646-7715, povah center		35.18		POVAH	1000 411255	345	101000
	05/15/20	646-7795, town hall		255.65*		TWNHAL	1000 411250	345	101000
	05/15/20	646-7845, court clerk		10.34		COURT	1000 410360	345	101000
	05/15/20	646-9017, library		45.18		LIBRAR	2220 460100	345	101000
	05/15/20	646-9027, sewer plant alarm		40.53		SEWER	5310 430600	345	101000
	05/15/20	ethernet, library		300.00		LIBRAR	2220 460100	345	101000
	05/15/20	ethernet, povah center		310.00		POVAH	1000 411255	345	101000
	05/15/20	ethernet, police station		350.00		POLICE	1000 411258	345	101000
	05/15/20	ethernet, town hall		272.00*		TWNHAL	1000 411250	345	101000
	05/15/20	602-4909, town hall judge		13.14		COURT	1000 410360	345	101000
	05/15/20	602-4894 Town hall Court Clerk		1.10		COURT	1000 410360	345	101000
	05/15/20	602-4897 town hall		1.10*		TWNHAL	1000 411250	345	101000
	05/15/20	602-4898 town hall		1.10*		TWNHAL	1000 411250	345	101000
	05/15/20	602-4900 town hall		1.10*		TWNHAL	1000 411250	345	101000
	05/15/20	602-4901 town hall		1.10*		TWNHAL	1000 411250	345	101000
	05/15/20	602-4902 town hall		1.10*		TWNHAL	1000 411250	345	101000
	05/15/20	602-4903 town hall		1.10*		TWNHAL	1000 411250	345	101000
	05/15/20	602-4904 town hall		1.10*		TWNHAL	1000 411250	345	101000
	05/15/20	602-4905 town hall		1.10*		TWNHAL	1000 411250	345	101000
	05/15/20	602-4906 Library Main desk		1.10		LIBRY	2220 460100	345	101000
	05/15/20	602-4907 Library Director		1.10		LIBRY	2220 460100	345	101000
	05/15/20	602-4908 Povah Ctr		1.10		POVAH	1000 411255	345	101000
	05/15/20	602-4949 Town Hall		11.10*		TWNHAL	1000 411250	345	101000
46910		2558 Hebgen Basin Fire District		54,210.00					
	05/01/20	May 2020		46,877.00		FIRE	1000 420400	357	101000
	05/01/20	employee grant May 2020		7,333.00		FIRE	1000 420471	140	101000

05/01/20
15:32:40

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Page: 3 of 7
Report ID: AP100

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46911	73 Westmart Building Center	1,489.66						
05/27/20	Street Buildings	0.00		BULDNG	1000 430200	366	101000	
05/27/20	Street Supplies	304.99		STREET	1000 430200	220	101000	
05/27/20	Stage Maint.	0.00		PARKS	1000 460430	369	101000	
05/27/20	Sewer Supplies	140.00		SEWER	5310 430600	220	101000	
04/27/20	Sewer Buildings	102.31		SEWER	5310 430600	366	101000	
04/27/20	Sewer Supplies C & T	19.39		SEWER	5310 430630	220	101000	
04/27/20	Sewer Supplies T & D	0.00		SEWER	5310 430640	220	101000	
04/27/20	Water Supplies	54.09		WATER	5210 430500	220	101000	
04/27/20	Water Supplies T&D	308.21		WATER	5210 430550	220	101000	
04/27/20	Water Small Equipment T&D	5.70		WATER	5210 430550	212	101000	
04/27/20	Police Building Supplies	24.99*		POLICE	1000 411258	366	101000	
04/27/20	Police Supplies	0.00		POLICE	1000 420100	220	101000	
04/27/20	Court Supplies	0.00*		COURT	1000 410360	220	101000	
04/27/20	UPDL	138.66		UPDL	1000 411252	220	101000	
04/27/20	UPDL Buildings	70.00		UPDL	1000 411252	366	101000	
04/27/20	Library Supplies	0.00*		LIBES	2220 460100	220	101000	
04/27/20	Town Hall Bldng Supplies	95.89*		TWNHAL	1000 411250	366	101000	
04/27/20	Town Hall Supplies	15.19		TWNHAL	1000 411250	220	101000	
04/27/20	Blding Dept. supplies	0.00*		BLDINS	1000 420531	220	101000	
04/27/20	Povah Ctr. Suuplies	0.00*		POVAH	1000 411255	220	101000	
04/27/20	Parks Grounds	113.98		PARKS	1000 460430	365	101000	
04/27/20	Parks Supplies	74.92		PARKS	1000 460430	220	101000	
04/27/20	Parks Sm. Equip.	0.00		PARKS	1000 460430	212	101000	
04/27/20	Parks Buildings	0.00		PARKS	1000 460430	366	101000	
04/27/20	Cemetery Supplies	0.00		CEM	2240 430900	220	101000	
04/27/20	Clinic Supplies	0.00		CLINIC	1000 411251	366	101000	
04/27/20	Social Services Supplies	21.34*		SOCSSRV	1000 450135	220	101000	
04/27/20	Comm. Garden	0.00		CMGARD	2213 460000	220	101000	
04/27/20	Sum Rec Supplies	0.00*		SUMREC	1000 460449	220	101000	
04/27/20	Rec. Dept Supplies	0.00*		REC	1000 460440	220	101000	
04/27/20	Safety Supplies	0.00		SAFETY	1000 430200	229	101000	
04/27/20	Learning Ctr Supplies	0.00*		SIEGEL	1000 411254	220	101000	
04/27/20	Recycling	0.00		PARKS	1000 460430	534	101000	
04/27/20	Waste Water Job 2	0.00		SEWER	5320 430640	934	101000	
46912	1514 Verizon Wireless	1,113.44						
	20 Smartphones							
	1 regular phone1							
	5 laptops							
05/20/20	640-0108, Police	44.81		POLICE	1000 420100	345	101000	
05/20/20	640-0121 Laptop	40.01		STREET	1000 420100	345	101000	
05/20/20	640-0141 Street SP	44.81		STREET	1000 430200	345	101000	
05/20/20	640-0159 Street SP	44.81		STREET	1000 430200	345	101000	

05/01/20
15:32:40

TOWN OF WEST YELLOWSTONE
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For the Accounting Period: 5/20

Page: 4 of 7
Report ID: AP100

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	05/20/20	640-1103,	Operator SP	44.81		STREET	1000 430200	345	101000
	05/20/20	640-1438,	SS Director	17.25		SOCSEK	1000 450135	345	101000
	05/20/20	640-1460,	Library Dir, SP	44.81		LIBRAR	2220 460100	345	101000
	05/20/20	640-1461,	S & W, SP	44.81		WATER	5210 430500	345	101000
	05/20/20	640-1462,	Operator, SP	44.81		WATER	5210 430500	345	101000
	05/20/20	640-1463,	Deputy PSS, SP	44.81		PARKS	1000 460430	345	101000
	05/20/20	640-1472,	Ops Mgr, SP	44.81		ADMIN	1000 410210	345	101000
	05/20/20	640-1676,	Rec Coord, SP	44.81		REC	1000 460440	345	101000
	05/20/20	640-1754,	COP, SP	44.81		POLICE	1000 420100	345	101000
	05/20/20	640-1755,	Police	44.81		POLICE	1000 420100	345	101000
	05/20/20	640-1756,	Police	44.81		POLICE	1000 420100	345	101000
	05/20/20	640-1757,	Police	44.81		POLICE	1000 420100	345	101000
	05/20/20	640-1758,	Police, SP	44.80		POLICE	1000 420100	345	101000
	05/20/20	640-1759,	Police	44.80		POLICE	1000 420100	345	101000
	05/20/20	640-7547,	Street SP	44.80		PARKS	1000 460430	345	101000
	05/20/20	640-9074,	PSS, SP	44.80		SEWER	1000 430200	345	101000
	05/20/20	640-2195	683 laptop	40.01		POLICE	1000 420100	345	101000
	05/20/20	640-2551	COP laptop	40.01		POLICE	1000 420100	345	101000
	05/20/20	641-0184	686 laptop	40.01		POLICE	1000 420100	345	101000
	05/20/20	641.0207	681 laptop	40.01		POLICE	1000 420100	345	101000
	05/20/20	640-2354	Exec Assist	44.80		ADMIN	1000 410210	345	101000
	05/20/20	640-2629	City Judge	44.80		COURT	1000 410360	345	101000
46916		3247 Auditel, Inc.		269.45					
	10312019	05/31/20 Fee on Monthly savings		269.45*		TWNHL	1000 411250	345	101000
46918		2813 Century Link		1,531.46					
	05/19/20	E911 Viper 255-9710		999.34		E911	2850 420750	345	101000
	05/19/20	E911 Viper 255-9712		24.77		E911	2850 420750	345	101000
	05/19/20	E911 Viper 646-5170		102.92		E911	2850 420750	345	101000
	05/19/20	Alarm Lines 646-5185		82.16*		TWNHLL	1000 411250	345	101000
	05/19/20	Police - 646-7600		322.27		POLICE	1000 420160	345	101000
46920		3264 H. D. Fowler Company		1,449.00					
	15436670	04/16/20 2 waterous part #537A		1,304.00		WATER	5210 430500	369	101000
	15436670	04/16/20 hydrant food grade grease		145.00		WATER	5210 430500	369	101000
46921		999999 DIANE COLSON		500.00					
	04/30/20	refund povah deposit		350.00		POVAH	2210 214001		101000
	04/30/20	refund rent		150.00		POVAH	1000 361000		101000

05/01/20
15:32:40

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Page: 5 of 7
Report ID: AP100

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46922	29 Terrell's Office Machines Inc	332.00					
	INV393115 04/27/20 Kyocera M5526 Black Toner	92.00*		SOCSVC	1000 450135	220	101000
c	INV392977 04/21/20 Kyocera TASKalfa 3050c	240.00		DISPTH	1000 420160	220	101000
46923	2801 West Yellowstone Back & Neck	200.00					
	04/27/20 DOT physicals	200.00		STREET	1000 430200	351	101000
46924	3224 American Pump Co.	1,006.00					
	032219 04/24/20 motor rewind	636.00		SEWER	5310 430640	357	101000
	032219 04/24/20 motor bearing 6310	59.00		SEWER	5310 430640	357	101000
	0332219 04/24/20 motor bearing 6210	31.00		SEWER	5310 430640	357	101000
	032219 04/24/20 labor	280.00		SEWER	5310 430640	357	101000
46925	3265 Van Stratton, Winer and	850.00					
	04/23/20 Bloodsplatter training	850.00		POLICE	1000 420100	380	101000
46926	2952 DIS Technologies	784.98					
	5516 04/05/20 Monthly Managed Svcs-Dspatch	625.00		DISPCH	1000 420160	398	101000
	5576 04/06/20 Std. SSL Renewal	159.98			1000 420160	398	101000
46927	2264 MORNING GLORY COFFEE & TEA	33.75					
	969029 04/22/20 coffee for dispatch/police	33.75		DISPCH	1000 420160	220	101000
46928	3004 Partsmaster	43.31					
	23534422 04/13/20 ear plugs	43.31		STREET	1000 430200	220	101000
46929	547 WY Chamber of Commerce	5,818.00					
	YSF22019 04/06/20 Yell Ski Fest - DNC Trav.Inf	1,111.50		MAPF	2101 410130	398	101000
	YSF22019 04/06/20 Yell Ski Fest- Nov. ski pass	220.00		MAPF	2101 410130	398	101000
	YSF22019 04/06/20 Yell Ski Fest- keynote speak	2,000.00		MAPF	2101 410130	398	101000
	YSF22019 04/06/20 Yell Ski Fest-branded giveaw	1,593.50		MAPF	2101 410130	398	101000
	YSF22019 04/06/20 Yell Ski Fest- ski fest stic	893.00		MAPF	2101 410130	398	101000
46930	547 WY Chamber of Commerce	6,000.00					
	YSF12019 04/02/20 Yell Ski Fest-Quickpring	6,000.00		MAPF	2101 410130	398	101000
46931	2500 Black Mountain Productions	4,500.00					
	04/17/20 MAP fund balance	4,500.00		MAPF	2101 410130	398	101000

05/01/20
15:32:40

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For the Accounting Period: 5/20

Page: 6 of 7
Report ID: AP100

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Claim	Check	Invoice #/Inv Date/Description	Vendor #/Name/ Line \$	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
46932			379 Energy Laboratories, Inc	347.00					
	308335	04/17/20 wastewater effluent		157.25		SEWER	5310 430600	357	101000
	308335	04/17/20 wastewater effluent		165.75		SEWER	5310 430600	357	101000
	308335	04/17/20 misc. charges		24.00		SEWER	5310 430600	357	101000
46933			3242 Fisher's Technology	7.64					
	798359	04/24/20 copier maintenance fee		7.64		FINADM	1000 410510	356	101000
46934			3266 GameTime	4,999.41					
	PJI-013605	04/07/20 Primetime swing		1,257.00		REC	1000 460430	212	101000
	PJI-013605	04/07/20 express swing		1,423.00		REC	1000 460430	212	101000
	PJI-013605	04/07/20 express swing plastic		1,583.00		REC	1000 460430	212	101000
	PJI-013605	04/07/20 freight		1,172.36		REC	1000 460430	212	101000
	PJI-013605	04/07/20 discount		-435.95		REC	1000 460430	212	101000
46936			309 PJ's Plumbing & Heating	1,790.00					
	99002069	03/25/20 Gas Line at PD for generator		1,790.00*		POLICE	1000 411258	366	101000
46937			2621 MDT	40,000.00					
	2060	05/01/20 Sewage Trtmnt Lagoon Lease2020		40,000.00		SEWER	5310 430600	532	101000
46938			3189 Skijor West	2,295.00					
	05/01/20	MAP funds for Skijor West Ads		2,295.00		MAP	2101 410130	398	101000
		# of Claims	28	Total:	144,000.83				

Fund/Account	Amount
1000 General Fund	
101000 CASH	\$74,591.38
2101 Marketing & Promotions (MAP)	
101000 CASH	\$18,613.00
2210 Parks & Recreation	
101000 CASH	\$350.00
2213 Community Garden	
101000 CASH	\$0.00
2220 Library	
101000 CASH	\$392.19
2240 Cemetery	
101000 CASH	\$0.00
2850 911 Emergency	
101000 CASH	\$1,127.03
5210 Water Operating Fund	
101000 CASH	\$2,353.73
5310 Sewer Operating Fund	
101000 CASH	\$46,573.50
5320 Sewer Replacement Depreciation Fund	
101000 CASH	\$0.00
Total:	\$144,000.83

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting & Work Session
April 21, 2020

COUNCIL MEMBERS PRESENT: Jerry Johnson, Brad Schmier, Greg Forsythe, Travis Watt and Jeff Mathews

OTHERS PRESENT: Town Manager Daniel Sabolsky, Finance Director Lanie Gospodarek, Chief of Police Scott Newell, Public Services Superintendent James Patterson, Social Services Director Kathi Arnado, Water & Wastewater Superintendent Greg Johnson

Barbett Ott, Drew Barney, Chris Kachur, Garrett Ostler, Lisa Johnson, Dave Noel-Town Engineer, Shane Grube-Fire Chief, Denice Sabolsky, Sara Huger, Jan Neish-IP News, Amanda Newell, Lewis S Robinson III, Jason Brey-USFS District Ranger, Kaitlin Johnson, Marysue Costello, Katrina Wiese, Shelley Johnson, Rob Yeakey

The meeting is called to order by Mayor Jerry Johnson 6:00 PM in the Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.

Due to the COVID-19 pandemic, the meeting is held over the internet using a video conferencing program called Zoom. Council Members and other participants joined the meeting from various locations in West Yellowstone and elsewhere in the country. Portions of the meeting are being recorded.

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 Johnson calls the meeting to order. Town Engineer Dave Noel is participating in the meeting to update the Council on the design process for the wastewater treatment plant. Noel explains that he is meeting weekly with the manufacturer of the aero-mod system. He says that based on the data they have, they have determined that previous loading rates indicate a need for a higher capacity. He says that he has some concerns about the data that is indicating the higher need. He says that after discussing the issue with Town Manager Dan Sabolsky and Wastewater Superintendent Greg Johnson, they have decided to take samples on a strict and regular basis for six weeks or until they are confident that their data is correct. Mayor Johnson asks, that considering the expectation that visitation will be down this summer, will that affect the data? Noel responds that it could, but based on the current system he does not think it will. Noel says that their plan is collect data every other week until they are confident in their results. Schmier asks how the potential for increased loading could affect the cost of the plant. Noel says that if it turns out to be accurate, it would proportionately affect the cost of the plant. However, he says that the data they have going back as far as 30 years, there is only one data set that indicates a potential increase, so hopefully it is wrong. Forsythe asks if they are pursuing any grant opportunities to help pay for the plant. Sabolsky says that they are planning to apply for an EDA grant, a funding source they previously were not eligible for. He says they are working closely with Rob Gilmore of the Northern Rocky Mountain Economic Development District. Forsythe also asks about bonding capacity and if that will change. Sabolsky responds that is a statutory limit. The State has announced that communities can add an emergency two mills to property tax, but that doesn't actually amount to that much money. Forsythe says that he doesn't think they will return to the visitation levels they saw in 2019 for some time. He asks if that should affect their design of this plant. Noel says that they don't have any history to compare the COVID-19 event to, but if the Council thinks they need to revisit that they do have time. At this time, they are still planning to build a plant with a capacity of 1.25 million gallons per day, as was previously decided by the Council.

The next item of discussion is potential adjustments to the FY 2020 budget. Sabolsky, with assistance from Executive Assistant Lisa Johnson, displays some charts that show anticipated resort tax revenue and specifically the expectation that revenues will decrease. He points out that historically, they usually carry over 20% of the budget. Sabolsky expects that based on cuts they

have already made and the reduced revenue, they will still come in below budget. He is estimating that revenue sources will come in about 85% of what was originally expected. Sabolsky describes another table that shows the anticipated loss of revenue for each month through the next fiscal year. Collectively, he anticipates the decrease in collections through FY 2021 will be down 45%. Forsythe asks what they estimate collections will be down for FY 20. Sabolsky estimates that they will still be down over \$1 million dollars for the year. The Council discusses the projections and how accurate they are based on what they know now. Johnson says that the TBID is working on several ideas, acknowledging that they will be dependent on “short-milers” this year, meaning visitors coming from shorter distances. Sabolsky says that if they take a conservative approach through the remainder of this year and through next year, as he has described, he thinks they can make it. Sabolsky says that last year they budgeted to hire an additional police officer. He says that he and Chief Newell have had several discussions and decided they will hold off hiring that officer until after the next fiscal year. He says they are also going to hold off on hiring a new Assistant Superintendent of Public Works but they will fill the equipment operator vacancy. Not filling the Assistant position will save the Town between \$80,000 and \$100,000. He says that when Kathi Arnado, the Social Services Director, leaves, they will backfill that position with existing staff. He says they also hired out the cleaning of the buildings this year for a cost of about \$50,000 and they may take those services back in-house. He says that if they are unable to run Summer Recreation this year, they will not hire counselors. He does think they should hire the seasonal laborers in Public Works, because that is who cuts the grass and empties the trash. Sabolsky briefly touches on employee wages, the increase in benefits costs, and distributing some employee salaries and legal expenses to water/sewer funds. He says that he has directed staff to discuss with him any purchases over \$500 so they can discuss whether purchases can be delayed. He also reports that they have talked to both banks about financing or a line of credit for the wastewater treatment plant project-prior to the final bonding process. Sabolsky says they are working on payroll costs for next year, looking especially at the impacts of not filling the positions mentioned earlier and the impact of increased health insurance costs. Johnson says that he hesitates to cut the cleaning services, especially since that is so important at this time and using a professional cleaner will make sure it gets done correctly and safely. He says that having Public Works employees absorb the tasks of the Seasonal Laborers might be more important. The Council discusses other possible ways to save money. Watt asks if the 1% money can be used for short-term projects or must it be set aside for the big projects. Sabolsky responds that the legislation that allowed it was fairly broad, but they expect to use that money as it comes in to make the payments on the big infrastructure projects. He says they can use that money to secure debt for these projects so they can still move forward.

The work session adjourns at 7 PM and the regular meeting begins at 7:10 PM.

Public Comment Period

Denice Sabolsky thanks Police Chief Scott Newell and Fire Chief Shane Grube for leading the teacher parade on the north side of Town last Friday.

Shelley Johnson, 1st Grade teacher at the West Yellowstone School, reads a letter on behalf of her class. The purpose of the letter is to ask the Council to consider putting a “Gaga Pit” at the city park. Johnson reads part of the letter and the rest of the letter is read by Maila Hansen, daughter of Giselle and Travis Hansen. Hansen explains that a Gaga Pit is a structure used to play a fun game they call Gaga ball and the pit would allow them to play on weekends and during hours outside of school hours. Forsythe comments that he knows of a place they could get the lumber very cheap and Denice Sabolsky comments that Noah Sabolsky would help build it.

Pat Flowers, Senate District 32 Representative, comments on conversations he has had recently with Sabolsky and Social Services Director Kathi Arnado. He reports that one of the issues brought up by Arnado is the frustration people are facing when attempting to file unemployment claims. He says that it has been a difficult process to work through the surge created by the pandemic but says the Unemployment division is doing everything they can, including bringing in additional employees from other sectors. Flowers also reports on conversations he has had

with the Governor's Office regarding the challenges and impacts of the pandemic on the tourist economy.

Garrett Ostler of the Madison Motel & Gift Shop, encourages Flowers and the Council to give them a date to start planning towards to open their businesses. He says whether it is Memorial Day or Christmas, they need a date so they can prepare.

Council Comments

Council Member Schmier thanks the community for working together and supporting each other as they work through this difficult time. Forsythe agrees with Schmier and encourages community members to send in ideas they may have to the Town so they may help everyone through this crises.

Johnson mentions that John Naybor, a long-time resident, passed away this week and encourages everyone to keep his family in their thoughts.

ACTION TAKEN

- 1) Motion carried to approve the claims, which total \$134,157.63. (Forsythe, Watt) Schmier abstains from claim #46870 to Jerry's Enterprises for \$25.00.
- 2) Motion carried to approve the Consent Agenda, which includes the minutes of the April 7, 2020 Town Council Meeting and April 14, 2020 Town Council Work Session. (Watt, Mathews)
- 3) Motion carried to postpone the COVID-19 Economic Recovery Plan to be revisited in July when they have a better idea of how they can assist their citizens and businesses. (Forsythe, Schmier)

Presentation: West Yellowstone Chamber of Commerce Marketing, Wendy Swenson

Swenson presents the annual marketing presentation, starting with efforts that the Chamber is making during this unprecedented time. Swenson displays her presentation through the meeting platform, highlighting their response to COVID-19, social media, virtual tours of Yellowstone, electronic communications, and sharing a positive message that they will be ready when it is time to travel. Swenson briefly describes their marketing goals and strategies. She also explains that of the lodging tax that is collected in the area, they get approximately 11% back for marketing. This year that amount was \$288,000. Swenson describes progress with website traffic and social media marketing as well as their budget. Swenson also presents a promotional video that highlights summer visitation to the West Yellowstone area.

DISCUSSION

- 1) Johnson explains that they added an additional \$4797.50 for a Marketing and Promotions Fund grant for the Ice Fishing Tournament earlier this winter. Johnson asks about the bill to Forsgren Associates, Inc. for \$85,000 and if they have the supporting documentation. Sabolsky responds that the payment is part of the \$2.1 million dollar contract they entered into with Forsgren to design the wastewater treatment plant and the invoice was provided.
- 3) The Council discusses the COVID-19 Economic Recovery Plan. Sabolsky explains that the Governor has directed that no late fees on utility charges should accrue during the crises, so the Town does not need to pass a resolution or anything like that. Mathews mentions that the State has 15 rapid test machines, but the current limitation is getting the kids to put through the machines. He thinks that they should try to find out if they can get one of those machines in our area. Fire Chief Shane Grube says that he has already opened up that discussion with the County and is waiting to hear back.

- A) **Town Manager/Department Head Reports:** Town Manager Dan Sabolsky reports that he has spent the vast majority of his time over the last two weeks on conference and video calls! He says that they have applied for COVID-19 virus grant funds and anticipate using the Revolving Loan funds to match the grant. He says he has participated in two calls with the Governor and Superintendent of Yellowstone National Park in the past week. They expect businesses and community functions will open up in the reverse order that they were closed down. He mentions that three states are involved as well as county commissioners and local leadership, so it's a complicated procedure. He reports that they have been in discussion with Jeff Kadlec of the Yellowstone Airport and Jason Brey, USFS District Ranger, about wastewater treatment options. He mentions that he and Watt met last week with ??Big Sky guy?? About the Big Sky help fund? Sabolsky also mentions a letter he sent to Tim Burton of the Montana League of Cities & Towns. Burton is serving on the Governor's Coronavirus Task Force and was asked to communicate their concerns about the expect drop in resort tax and how reliant they are on that revenue. Johnson mentions that there has been some discussion about the date the airport will open and there are various opinions. He says that the Chamber originally intended to conduct a survey of local businesses, but they are not going to do that. The airport receives federal subsidies and they don't want to jeopardize that funding. Johnson mentions that last year, the Yellowstone Nature Connection/Smokejumper Center rented RV spaces out last year to people that who did not work at the center and they should make sure that is not going to happen again this year. Sabolsky and Forsythe both indicate that has been handled and that will not happen this year. Jan Neish of the Island Park News comments that there has been some talk in congress about a bill to give \$150 billion to local government.

Water & Wastewater Superintendent Greg Johnson reports on sealing up the new well building to be more energy efficient, water samples, and preparing locates. Mayor Johnson asks about the water line at the Rightenour property on Highway 20. Greg Johnson says they will probably have to dig up the curb stop in that area to determine what the actual problem is. The lines were located today. Public Services Superintendent James Patterson reports that the third dump of the year of the recycling dumpster went out today. He also reports on taking down snowmobile signs, putting out benches and bike racks on Canyon Street, and preparing for summer. Social Services Director Kathi Arnado thanks Pat Flowers for his response regarding unemployment claims and things are going well. Finance Director Lanie Gospodarek reports that the auditors are finally done with her, they have fielded a lot of calls from salesmen that are working from home and clearly going through their call lists! Finance Clerk Peggy Russell was on vacation last week but she is back this week. Chief of Police Scott Newell reports that things are slow in his department and unusual, but going well.

- B) The Council discusses the proposed revisions to the fireworks ordinance. They discuss modifications that could be made and recap previous discussions about the topic. They discuss the interior parks as well as public parks throughout town as well as the hours. Forsythe asks if they have compared this ordinance to other cities and towns around the state. He says that he has concerns about anything larger than ground fireworks inside the Town limits. James Patterson says that they need to put something in the ordinance requiring people to clean up, that they deal with some big messes the next day. The Council discusses that in order to have the new ordinance in place by the 4th of July, they will need to have both readings in May. They discuss limiting height and size of the fireworks, in accordance with Montana Code, whether fireworks should be allowed in the parks. They also consider comments from the public referencing time limits, setting a curfew every night they are allowed, and other limitations. Fire Chief Shane Grube comments that the problems they usually have are with mortars and aerals, not ground fireworks.

CORRESPONDENCE/FYI

Mayor Johnson mentions a survey from Kelly Lynch of the Montana League of Cities & Towns and a letter from the Yellowstone Historic Center about relocating the Town Public Works shops.

The meeting is adjourned. (8:30 PM)

Mayor

ATTEST:

Town Clerk

TBID Board of Trustees

NAME	APPOINTED	EXPIRES	LENGTH
Jeff Schoenhard, Chair 50-100	4/4/17	3/31/21	4 Years
Jerry Johnson 10-49	4/4/17	3/31/21	4 Years
Daniel Reger 100+	5/3/16	3/31/20	4 Years
Sara Mauer 10-49 Rooms	5/17/16	5/17/20	4 Years
Jeremy Roberson 50-100 Rooms	4/16/19	3/31/23	4 Years
John Stallings At Large	4/16/19	3/31/23	4 Years
Brock Kelley At Large	4/17/18	3/31/22	4 Years

* 4/4/17-Daniel Reger appointed to replace Audria Butler on behalf of Delaware North, will complete Butler's unexpired term

* Terms are 4-year, some initial terms were shorter in order to provide for staggered terms

* Kristy Coffin was hired as the TBID Administrator. (10-18-12)

Updated 5/14/19 er

Received 3/18/20
GR



APPLICATION FOR BOARDS AND COMMITTEES

Name SARA MAURER Date 3/12/20

Address P.O. Box 1835

City W. YELLOWSTONE State MT Zip 59758

Phone (Home): 406.640.1287 (Work): _____ (Cell/Other): _____

Are you a resident of West Yellowstone? Length of residency in West Yellowstone: 11 YEARS

Board or Committee you are applying for: TBID

Occupation: HOTEL/MOTEL OWNER

Employer: SELF

Have you previously served on a County or City board? YES

If so, which board, and for how long? TBID 4 YEARS, WEST YELLOWSTONE CHAMBER

Past Memberships and Associations: _____
OF COMMERCE

Current Memberships and Associations: _____

List any relevant qualifications and/or related experience? Attach any additional information or a resumé, if you prefer: 4 YEARS TBID BOARD EXPERIENCE, 11 YEARS OF WEST YELLOWSTONE LODGING OWNERSHIP.

What are your primary objectives for serving on this board? TO SERVE THE COMMUNITY AND REPRESENT SMALL LODGING PROPERTIES IN OUR TOWN.

References (Individual or Organization):

KRISTY COFFIN Phone: _____

JERRY JOHNSON Phone: _____

JEREMY ROBERSON Phone: _____

Signature: [Handwritten Signature] Date: 3/12/20

Please return this application to the Town Offices at 10 S Faithful, West Yellowstone, Montana. An interview may be required if deemed necessary. Thank you in advance for your interest.

Received
4-27-20
ER



APPLICATION FOR BOARDS AND COMMITTEES

Name Daniel Reger Date 03/12/2020

Address PO Box 1991

City West Yellowstone State MT Zip 59758

Phone (Home): _____ (Work): _____ (Cell/Other): 406-640-1785

Are you a resident of West Yellowstone? Yes Length of residency in West Yellowstone: 7 years

Board or Committee you are applying for: TBID

Occupation: General Manager -

Employer: Delaware North

Have you previously served on a County or City board? Yes

If so, which board, and for how long? TBID - 2 years

Past Memberships and Associations: _____

Current Memberships and Associations: _____

List any relevant qualifications and/or related experience? Attach any additional information or a resumé, if you prefer: Worked in Hospitality for my entire career starting in 2007. Have worked exclusively for Delaware North. Currently General Manager for Holiday Inn West Yellowstone.

What are your primary objectives for serving on this board? To help make decisions that drives tourism to West Yellowstone.

References (Individual or Organization):

- Mark Walkup Phone: 406-580-3037
- Pete Donan Phone: 406-579-0688
- Joe Rogers Phone: 406-640-1777

Signature: Daniel Reger Date: 04/27/2020

Please return this application to the Town Offices at 10 S Faithful, West Yellowstone, Montana. An interview may be required if deemed necessary. Thank you in advance for your interest.

ORDINANCE NO. 271

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE AMENDING CHAPTER 8.08 OF THE WEST YELLOWSTONE TOWN CODE IN ITS ENTIRETY.

WHEREAS, the Town Council of the Town of West Yellowstone believes that the regulation of fireworks is in the best interests of the health, safety and welfare of the citizens of West Yellowstone; and

WHEREAS, the Town Council believes in order to properly regulate the use of fireworks within the boundaries of the Town and on Town property located outside the boundaries of the town, the current fireworks chapter must be revised; and

WHEREAS, the Town Council believes such changes are necessary to ensure the safety of the citizens of the Town; and

WHEREAS, the Town Council considered this ordinance and any public comment made on this ordinance at a public hearing, duly noticed and held on _____, 2020, and considered a first reading of this ordinance at a regularly scheduled and duly noticed meeting of the Council on _____, 2020, and a second reading of this ordinance at a regularly scheduled and duly noticed meeting of the Council on _____, 2020;

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 Chapter 8.08 in its entirety as follows:

Section 1: Chapter 8.08 FIREWORKS

Sections:

- 8.08.005 Definitions.
- 8.08.010 Sale, discharge and use prohibited.
- 8.08.015 Discharge of fireworks.
- 8.08.020 Compulsory removal of stock.
- 8.08.025 Suspension of purchase, sale and discharge due to fire danger.
- 8.08.030 Violation-Penalty.

8.08.005 Definitions.

Fireworks: Includes any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and includes skyrockets, roman candles, helicopters, daygo bombs, blank cartridges, toy cannons, toy canes or toy guns in which explosives other than toy paper caps are used; the type of balloons which require fire underneath to propel the same; firecrackers, torpedoes, sparklers or other fireworks of like construction; and any fireworks containing any explosive or flammable compound or any tablets or other device containing any explosive substance.[MCA 50-37-101]

Nothing in this section shall be construed as applying to toy paper caps containing not more than twenty five hundredths (0.25) of a grain of explosive composition per cap, nor to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other classes of public or private transportation, nor apply to the military or navy forces of the United States or of this state, or to peace officers, nor as prohibiting the sale or use of blank cartridges for ceremonials or theatrical or athletic events. [MCA 50-37-102]

8.08.010 Sale, discharge and use prohibited.

The sale, solicitation, discharge, firing, or use of fireworks or other substances designed or intended for pyrotechnic display or demonstration within the Town is prohibited; provided that the Town along with the Hebgen Basin Fire District may, at any time, in writing, permit a public display of fireworks under such conditions, supervision, limitations, and precautions as they may prescribe and by properly qualified persons, with regard to the safety of persons and property.

The prohibition set forth in this Section shall not apply to the sale and purchase of fireworks for three (3) calendar days prior to and including July 4th and December 31st each year, and as set forth below.

8.08.015 Discharge of fireworks.

Discharge and use shall be allowed upon the following conditions:

1. There shall be no discharge of fireworks from or into any national forest, national park, or state highway.
2. There shall be no discharge of fireworks within one hundred (300) feet of a church or medical facility; or within fifty (50) feet of any entrance to any business location or hotel.
3. There shall be no discharge of fireworks from or towards a motor vehicle, motorcycle, or snowmobile.

4. There shall be no discharge or use of fireworks in the following areas:
 - A. Pioneer Park (for the safety of any persons recreating in said park).
 - B. The area bounded by and including Yellowstone Avenue south to the United States Forest Service property, and Geyser Street east to the boundary of Yellowstone National Park.
5. There shall be no discharge or use of fireworks on the area of Town commonly known as "The Old Airport," "The 80 Acres," or any other lands owned or leased by the Town outside of the municipal boundaries of the Town.
6. There shall be no discharge of fireworks earlier than 12:00 p.m. (noon) on July 3rd or 4th, and 5:00 p.m. on December 31st, nor later than 11:00 p.m. on July 3rd and 11:59 p.m. on July 4th, and 12:30 a.m. on January 1st of each year.
7. There shall be no discharge of fireworks toward another person or group of people, or in the vicinity of or toward any animal, in such manner to expose such person, persons or animal to the risk of injury or harm.
8. There shall be no discharge of any fireworks within two hundred (200) feet of any propane or gasoline fuel tanks, or any business dispensing any flammable fuel or compressed gas product.
9. Any person discharging or supervising the discharge of fireworks as provided in this Section, shall promptly clean, remove, and responsibly dispose of any litter, garbage, or debris resulting from such discharge. Any person failing to do so may be cited by law enforcement as appropriate.

8.08.020 Compulsory removal of stock.

Except as specifically provided in this Section, the provisions of Title 50, Chapter 37, Montana Code Annotated, shall apply to the Town of West Yellowstone. The Town may, at its discretion, remove or have removed, at the owner's expense, all stock of fireworks and articles specified in Section 8.08.005, and any similar article or combustible, exposed for sale or held in stock in violation of this Chapter.

8.08.025 Suspension of purchase, sale and discharge due to fire danger.

The sale, purchase, discharge, and use of fireworks, as permitted by this Section, shall be suspended when fire danger reaches a designation of "high" as determined by the United States Forest Service or Yellowstone National Park, or may be suspended at any time by declaration of the Town Manager of West Yellowstone, at his/her discretion, as follows: upon the recommendation of the Fire Chief of the Hebgen Basin Rural Fire District, or the Chief of the West Yellowstone Police Department, or for other legitimate reasons. In the event of such declaration, the Hebgen Basin Rural Fire Department, the West Yellowstone Police Department, and the general public shall be immediately notified of the declaration.

8.08.030 Violation--Penalty.

Violation of this Chapter is a municipal infraction subject to the provisions of Sections 7-1-4150 through 7-1-4152, MCA, including but not limited to “*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.*”

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 _____, 2020.

Mayor Jerry Johnson

Council Member Brad Schmier

Council Member Greg Forsythe

Council Member Travis Watt

Council Member Jeff Mathews

ATTEST:

Town Clerk Elizabeth Roos



Montana Code Annotated 2019

TITLE 50. HEALTH AND SAFETY

CHAPTER 37. FIREWORKS

Part 1. General Provisions

Fireworks Defined

50-37-101. Fireworks defined. The term "fireworks" means any combustible or explosive composition or any substance, combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation and includes sky rockets, roman candles, daygo bombs, blank cartridges, toy cannons, toy canes, or toy guns in which explosives other than toy paper caps are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, sparklers or other fireworks of like construction, any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance.

History: En. Sec. 2, Ch. 143, L. 1947; amd. Sec. 1, Ch. 136, L. 1957; amd. Sec. 1, Ch. 273, L. 1959; amd. Sec. 1, Ch. 107, L. 1961; amd. Sec. 14, Ch. 423, L. 1971; amd. Sec. 1, Ch. 79, L. 1974; amd. Sec. 17, Ch. 187, L. 1977; R.C.M. 1947, 69-2701(part).

Where Chapter Not To Apply

50-37-102. Where chapter not to apply. (1) Nothing in this chapter shall be construed to prohibit the sale of any kind of fireworks to a person holding a permit issued under **50-37-107** at the display covered by such permits, the use of fireworks by railroads or other transportation agencies for signal purposes or illumination or when used in quarrying or blasting or other industrial use, or the sale or use of blank cartridges for a show or theater, for signal or ceremonial purposes in athletics or sports, or for use by military organizations or organizations composed of veterans of the United States armed forces.

(2) This chapter does not apply to toy paper caps containing less than one-fourth of a grain of explosive composition per cap, to the manufacture, storage, sale, or use of signals necessary for the safe operation of railroads or other classes of public or private transportation, to the military or naval forces of the United States or this state, to peace officers, or to the sale or use of blank cartridges for ceremonial, theatrical, or athletic events.

(3) Nothing in this chapter authorizes the sale of fireworks in a city or town that has banned the sale of fireworks within the city or town as authorized in **7-33-4206**.

History: (1)En. Sec. 5, Ch. 143, L. 1947; amd. Sec. 3, Ch. 273, L. 1959; Sec. 69-2704, R.C.M. 1947; (2)En. Sec. 2, Ch. 143, L. 1947; amd. Sec. 1, Ch. 136, L. 1957; amd. Sec. 1, Ch. 273, L. 1959; amd. Sec. 1, Ch. 107, L. 1961; amd. Sec. 14, Ch. 423, L. 1971; amd. Sec. 1, Ch. 79, L. 1974; amd. Sec. 17, Ch. 187, L. 1977; Sec. 69-2701, R.C.M. 1947; R.C.M. 1947, 69-2701(part), 69-2704; amd. Sec. 16, Ch. 37, L. 1979; amd. Sec. 4, Ch. 140, L. 1985; amd. Sec. 1, Ch. 410, L. 1989.

Montana Code Annotated 2019

TITLE 50. HEALTH AND SAFETY

CHAPTER 37. FIREWORKS

Part 1. General Provisions

Unlawful Sale, Transportation, Or Use Of Fireworks

50-37-103. Unlawful sale, transportation, or use of fireworks. (1) It is unlawful to possess, sell, transport, or use any fireworks within the state except as provided in this chapter.

(2) It is unlawful for an individual under the age of 18 to possess for sale, sell, or offer for sale within the state permissible fireworks enumerated in **50-37-105**.

(3) It is unlawful for a wholesaler to sell or offer for sale within the state fireworks without a current fireworks wholesaler permit or in violation of **50-37-105**. It is lawful for a wholesaler, however, to transport fireworks within Montana for sale outside of the state.

(4) It is unlawful to sell or offer for sale fireworks as defined in **50-37-101** or permissible fireworks as enumerated in **50-37-105** by mail order solicitation.

(5) It is unlawful to sell or offer for sale fireworks as defined in **50-37-101** or permissible fireworks as enumerated in **50-37-105** within 300 feet of a hospital or church.

(6) It is unlawful for an individual, firm, partnership, or corporation to discharge or cause to be discharged any pyrotechnics, fireworks as defined in **50-37-101**, or permissible fireworks as enumerated in **50-37-105**:

(a) within the exterior boundaries of a state forest, state park, or state recreation area;

(b) within 100 feet of a fireworks retail sales location;

(c) from, inside, or toward a motor vehicle; or

(d) in the vicinity of another person or group of people or any animal in a manner likely to expose them to the risk of injury.

History: En. Sec. 2, Ch. 143, L. 1947; amd. Sec. 1, Ch. 136, L. 1957; amd. Sec. 1, Ch. 273, L. 1959; amd. Sec. 1, Ch. 107, L. 1961; amd. Sec. 14, Ch. 423, L. 1971; amd. Sec. 1, Ch. 79, L. 1974; amd. Sec. 17, Ch. 187, L. 1977; R.C.M. 1947, 69-2701(1), (5), (6), (8); amd. Sec. 1, Ch. 598, L. 1985.

Montana Code Annotated 2019

TITLE 50. HEALTH AND SAFETY

CHAPTER 37. FIREWORKS

Part 1. General Provisions

Lawful Sales Or Uses Of Fireworks -- "no Smoking" Sign -- Wholesaler's Permit

50-37-104. Lawful sales or uses of fireworks -- "no smoking" sign -- wholesaler's permit. (1) Subject to subsection (2), it is lawful for an individual, firm, partnership, corporation, or association to possess for sale, sell or offer for sale at retail, or use within the state the permissible fireworks enumerated in **50-37-105**. At any place where permissible fireworks are sold or displayed, a sign reading "NO SMOKING" must be posted in letters at least 4 inches in height where customers are most likely to read it.

(2) Before a fireworks wholesaler may lawfully possess for sale, offer for sale, or sell within the state the permissible fireworks enumerated in **50-37-105**, the wholesaler shall obtain a fireworks wholesaler permit from the department of labor and industry.

(3) A person making application for a fireworks wholesaler permit shall:

(a) pay an application fee to the department of labor and industry, which must be set by the department of labor and industry commensurate with costs; and

(b) furnish proof under oath, on a form provided by the department, that person:

(i) is at least 18 years of age;

(ii) is of good moral character; and

(iii) has not been convicted of a crime involving the use, possession, or sale of fireworks.

(4) The department of labor and industry shall adopt rules implementing this section.

History: En. Sec. 2, Ch. 143, L. 1947; amd. Sec. 1, Ch. 136, L. 1957; amd. Sec. 1, Ch. 273, L. 1959; amd. Sec. 1, Ch. 107, L. 1961; amd. Sec. 14, Ch. 423, L. 1971; amd. Sec. 1, Ch. 79, L. 1974; amd. Sec. 17, Ch. 187, L. 1977; R.C.M. 1947, 69-2701(3); amd. Sec. 2, Ch. 598, L. 1985; amd. Sec. 159, Ch. 483, L. 2001.

MCA Contents / TITLE 50 / CHAPTER 37 / Part 1 / 50-37-105 Permissible f...

Montana Code Annotated 2019

TITLE 50. HEALTH AND SAFETY

CHAPTER 37. FIREWORKS

Part 1. General Provisions

Permissible Fireworks

50-37-105. Permissible fireworks. Permissible fireworks, excluding sky rockets, roman candles, and bottle rockets, include and are limited to those that meet the definition of "common fireworks" as set forth in the U.S. department of transportation's Hazardous Materials Regulations, 49 CFR, parts 173.88 and 173.100, as they read on January 1, 1985, and that comply with the construction, chemical composition, and labeling regulations of the U.S. consumer product safety commission, as set forth in 16 CFR, part 1507, as it read on January 1, 1985.

History: En. Sec. 2, Ch. 143, L. 1947; amd. Sec. 1, Ch. 136, L. 1957; amd. Sec. 1, Ch. 273, L. 1959; amd. Sec. 1, Ch. 107, L. 1961; amd. Sec. 14, Ch. 423, L. 1971; amd. Sec. 1, Ch. 79, L. 1974; amd. Sec. 17, Ch. 187, L. 1977; R.C.M. 1947, 69-2701(4); amd. Sec. 3, Ch. 598, L. 1985.

MCA Contents / TITLE 50 / CHAPTER 37 / Part 1 / 50-37-106 Sale of firew...

Montana Code Annotated 2019

TITLE 50. HEALTH AND SAFETY

CHAPTER 37. FIREWORKS

Part 1. General Provisions

Sale Of Fireworks Restricted To Certain Dates

50-37-106. Sale of fireworks restricted to certain dates. A person, firm, or corporation may offer permissible fireworks, as defined in 50-37-105, of any kind for sale at retail only during the following periods:

- (1) June 24 through July 5; and
- (2) December 29 through December 31.

History: En. Sec. 2, Ch. 143, L. 1947; amd. Sec. 1, Ch. 136, L. 1957; amd. Sec. 1, Ch. 273, L. 1959; amd. Sec. 1, Ch. 107, L. 1961; amd. Sec. 14, Ch. 423, L. 1971; amd. Sec. 1, Ch. 79, L. 1974; amd. Sec. 17, Ch. 187, L. 1977; R.C.M. 1947, 69-2701(7); amd. Sec. 1, Ch. 284, L. 1999; amd. Sec. 1, Ch. 182, L. 2001; amd. Sec. 1, Ch. 108, L. 2003.

Montana Code Annotated 2019

TITLE 50. HEALTH AND SAFETY

CHAPTER 37. FIREWORKS

Part 1. General Provisions

Supervised Public Display Of Fireworks Authorized

50-37-107. Supervised public display of fireworks authorized. (1) The state fire prevention and investigation section of the department of justice or the governing body of a city, town, or county may, under reasonable rules adopted by them, grant permits for supervised public displays of fireworks to be held by municipalities, fair associations, amusement parks, and other organizations or groups of individuals.

(2) Each display must:

(a) be handled by a competent operator, who must be approved by the state fire prevention and investigation section or the governing body of the city, town, or county in which the display is to be held; and

(b) be located, discharged, or fired as, in the opinion of the state fire prevention and investigation section or the chief of the local governmental fire agency organized under Title 7, chapter 33, or other officer designated by the governing body of the city, town, or county after proper inspection, not to be hazardous to persons or property.

(3) Application for permits must be made in writing at least 15 days prior to the date of the display.

(4) After the privilege has been granted, sales, possession, use, and distribution of fireworks for the display are lawful for that purpose only.

(5) A permit granted under this section is not transferable.

History: En. Sec. 3, Ch. 143, L. 1947; amd. Sec. 2, Ch. 273, L. 1959; amd. Sec. 18, Ch. 187, L. 1977; R.C.M. 1947, 69-2702; amd. Sec. 1, Ch. 164, L. 1981; amd. Sec. 5, Ch. 140, L. 1985; amd. Sec. 1, Ch. 706, L. 1991; amd. Sec. 17, Ch. 449, L. 2007.

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MCA Contents / TITLE 50 / CHAPTER 37 / Part 1 / 50-37-108 General liabi...

Montana Code Annotated 2019

TITLE 50. HEALTH AND SAFETY

CHAPTER 37. FIREWORKS

Part 1. General Provisions

General Liability Insurance Required For Public Display

50-37-108. General liability insurance required for public display. The state fire prevention and investigation section or the governing body of the city, town, or county shall require a person planning a public display of fireworks to provide proof of general liability insurance in a reasonable amount as determined by rules adopted by the department of justice.

History: En. Sec. 4, Ch. 143, L. 1947; R.C.M. 1947, 69-2703; amd. Sec. 6, Ch. 140, L. 1985; amd. Sec. 1, Ch. 706, L. 1991; amd. Sec. 4, Ch. 387, L. 2003; amd. Sec. 18, Ch. 449, L. 2007.

MCA Contents / TITLE 50 / CHAPTER 37 / Part 1 / 50-37-109 Confiscation

Montana Code Annotated 2019

TITLE 50. HEALTH AND SAFETY

CHAPTER 37. FIREWORKS

Part 1. General Provisions

Confiscation

50-37-109. Confiscation. A representative of the state fire prevention and investigation section or any sheriff, police officer, constable, officer of a governmental fire agency organized under Title 7, chapter 33, or firewarden shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks or combustibles offered or exposed for sale, stored, or held in violation of this chapter.

History: En. Sec. 6, Ch. 143, L. 1947; R.C.M. 1947, 69-2705; amd. Sec. 1, Ch. 706, L. 1991; amd. Sec. 19, Ch. 449, L. 2007.

MCA Contents / TITLE 7 / CHAPTER 33 / Part 42 / 7-33-4206 Regulation o...

Montana Code Annotated 2019

TITLE 7. LOCAL GOVERNMENT

CHAPTER 33. FIRE PROTECTION

Part 42. Powers of Municipal Council Related to Fire Services

Regulation Of Bonfires, Fireworks, And Other Fire-Causing Agents

7-33-4206. Regulation of bonfires, fireworks, and other fire-causing agents. The city or town council has power to regulate or prohibit the building of bonfires or the explosion, use, or selling of fireworks, firecrackers, torpedoes, other pyrotechnics, or toy pistols or guns within the city or town.

History: En. Subd. 31, Sec. 5039, R.C.M. 1921; amd. Sec. 1, Ch. 115, L. 1925; amd. Sec. 1, Ch. 20, L. 1927; re-en. Sec. 5039.30, R.C.M. 1935; R.C.M. 1947, 11-933.

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TOWN OF WEST YELLOWSTONE

April 21, 2020

Mr. Ken Davis
PO Box 927
West Yellowstone, MT 59758

RE: Cemetery Ordinance, Fee Schedule and Policy

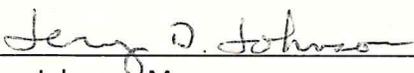
Dear Ken,

On behalf of the Town, we would like to thank you for the leadership role you assumed while undertaking the project of bringing the Town's cemetery policies and ordinance up to date.

Without your advice and constant attention to detail, this endeavor would not have been nearly so professionally completed. Your influence was invaluable to the thoroughness and professionalism now reflected in the cemetery documents, including the new Cemetery Policy, amended Cemetery Fees, as well as a polished Cemetery Handout and Cemetery Ordinance.

We appreciate your time and dedication to the Fir Ridge Cemetery. And finally, we would like to recognize your continued invaluable assistance to the Town of West Yellowstone and its' citizens.

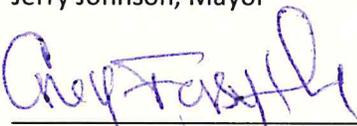
Sincerely,



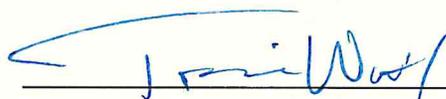
Jerry Johnson, Mayor



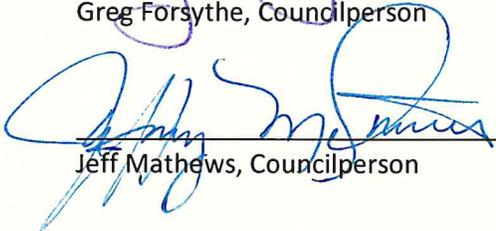
Brad Schmier, Deputy Mayor



Greg Forsythe, Councilperson



Travis Watt, Councilperson



Jeff Mathews, Councilperson



Daniel Sabolsky, Town Manager





HIGHWAY 191

NORTH OF WEST YELLOWSTONE

U.S. HIGHWAY 191 BETWEEN BIG SKY AND WEST YELLOWSTONE IS DETERIORATING.



The Montana Department of Transportation (MDT) and Riverside Contracting are paving and improving safety in this corridor in 2020.

MDT cares deeply about our impact on the environment and is taking special care as we work around Yellowstone National Park. For this project, we are utilizing an environmentally-friendly technique called “hot-in-place recycling” to improve the road. Crews will use the existing asphalt and mix it with rejuvenator to restore the asphalt to a like-new condition.

WHO: The Montana Department of Transportation / Riverside Contracting.

- WHAT:**
- Repaving U.S. Highway 191.
 - Creating a northbound left-turn lane at Rainbow Point Road.
 - Repairing bridge crossings over the Gallatin River and Specimen Creek.
 - Replacing old guardrail with new rail.
 - Adding rumble strips.

WHEN: May – August, 2020.

WHERE: U.S. Highway 191 between Tepee Creek Trailhead and U.S. Forest Service Road 986 - and at the intersection with Rainbow Point Road.

WHY: Lengthening the life of the road by repaving and increasing safety for drivers by creating a dedicated turn lane.

HOW: Single-lane closures, 24 hours a day, 7 days a week. Delays of up to 15 minutes per construction area. Wide loads restricted. Trucks carrying loads wider than 11’ should use an alternate route throughout construction.



STAY IN THE KNOW

SMS TEXT: HIGHWAY191 to 41411*

EMAIL: Takami at takami@bigskypublicrelations.com

PROJECT HOTLINE: 406-207-4484
Mon - Fri, 8 a.m. - 5 p.m.

VISIT: bit.ly/highway191

*Msg & data rates may apply. 1 msg/week. Reply STOP to opt-out anytime. Reply HELP for help. Visit mdt.mt.gov/mdt/security_policy.shtml for terms and privacy policy.



VISION ZERO
zero deaths · zero serious injuries
MONTANA DEPARTMENT OF TRANSPORTATION

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