

# Town of West Yellowstone

Tuesday, November 4, 2025

West Yellowstone Town Hall, 440 Yellowstone Avenue

The Town Council work session/meeting will be conducted in person and virtually using ZOOM, connect at zoom.us or through the Zoom Cloud Meetings mobile app.  
Meeting ID: 893 834 1297.

## TOWN COUNCIL MEETING – 7:00 PM

Pledge of Allegiance

Election of the Mayor for the remainder of the year 2025

Discussion/Action

Comment Period

- Public Comment
- Council Comments

Treasurer's & Securities Reports

Purchase Orders #7008 Koch's Courts for pickleball courts and fence \$36,815.00

Claims

Business License Applications:

Minutes: **October 21, 2025** Town Council Meeting

Town Manager & Staff Reports

Advisory Board Reports

### NEW BUSINESS

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Censure of Jeff McBirnie

Discussion/Action

Procedure to appoint new Town Council Member through 12/31/25

Discussion

### Public Hearing – Variance Requests, CWH Montana LLC, 124 N Electric Street

The request is to allow three variances: re-establishing the property's legal non-conforming status, a reduction of the total number of required parking spaces, and a waiver of the requirement that 80% of parking spaces be located on-site for a hotel.

### The Town Council will act as the Board of Adjustments to consider the following variances:

Variance Request, Re-Establish Legal Non-Conforming Status WYMC 17.39.040 (C)

Discussion/Action

Variance Request, Total Parking Requirement, WYMC 17.37.100 (E)

Discussion/Action

Variance Request, On-Site Parking Percentage, WYMC 17.37.110

Discussion/Action

Application to Maintain an Encroachment, CWH Montana, LLC

Discussion/Action

Storage of construction materials on interior park of Block 18 through 2026



**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 about 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, the 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 Town 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 prior to regular Tuesday meetings 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](http://www.townofwestyellowstone.com). Questions about the agenda may be directed to the Town Clerk at (406) 646-7795 or [eroos@townofwestyellowstone.com](mailto:eroos@townofwestyellowstone.com).
- Official minutes of the Town Council meetings are prepared and kept by the Town Clerk and are reviewed and approved by the Town Council. Copies of the approved minutes are available at the Town Clerk's office or on the Town's website: [www.townofwestyellowstone.com](http://www.townofwestyellowstone.com).



# TOWN OF WEST YELLOWSTONE, MONTANA

## **Policy No. 41: Appointments to Council Vacancies and**

### **The Selection of the Mayor**

A policy detailing the procedure by which appointments to Town Council vacancies will be made and the procedure by which the Mayor shall be selected.

#### **Appointments to the Town Council**

In accordance with Section 3.04 (6) of the Charter for the Town of West Yellowstone, “when a vacancy occurs in the office of a council member, the position shall be considered open and subject to nomination and election at the next general municipal election, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification the council shall appoint from among the qualified voters in the Town a person possessing the qualifications for office required by law and this Charter, within 30 days of the vacancy, to hold the office until the successor is elected and qualified.” Should a council vacancy occur, the following procedure shall be followed in selecting a person to hold the office until the next general municipal election:

- 1) The vacancy shall be offered to the first runner-up in the most recent Town Council election provided that a) there is a first runner-up; and b) provided that not more than six months have passed since the most recent Town Council election.
- 2) If the first runner-up refuses appointment, or if there is no first runner-up, or if more than six months have passed since the most recent Town Council election, the Town Clerk will draft and post a notice about the vacancy at the Town Offices and the Post Office. This notice shall specify the details about the vacancy, and will set forth the details regarding the application procedure and the deadline for receipt of applications. The Town Clerk will also advertise the vacancy utilizing the most effective advertising tools available, including the local paper, to seek applicants from all segments of the community, representing various interests and groups.
- 3) Applicants for the council vacancy shall complete and submit a Town of West Yellowstone “Application for Boards and Committees.” A letter of interest shall accompany the application form. The letter of interest, which should be limited to two pages in length, should explain the applicant’s interest in serving on the council.
- 4) All council members will actively participate in the selection process and will have one week to review the applications. In reviewing applications, council members will strive to achieve a balance of qualifications and perspectives on the council. Council members will individually submit to the Town Clerk names of the applicants they want to be interviewed for the vacancy. Council members are encouraged to include comments with this list of suggested interviewees.

- 5) The Town Clerk will compile the list of recommended interviewees and forward the list and any council member comments to the full council.
- 6) The council will establish an interview method and follow that method to interview the candidates on the list of interviewees. Any candidate who received three or more recommendations by individual council members shall be interviewed.
- 7) After interviews have occurred, the council will select a candidate for appointment. The candidate will be appointed at the next regularly scheduled town council meeting. The appointment shall be made by the affirmative vote of a majority of all of the members of the Town Council.

### **Selection of the Mayor**

In accordance with Section 3.05 (1) of the Charter for the Town of West Yellowstone, "The mayor shall be selected from among the members of the Town council by the affirmative vote of a majority of the council." The following procedure shall be followed in selecting the mayor:

- 1) The incumbent mayor will preside over beginning of the meeting at which the new mayor is to be selected. If the incumbent mayor is not in attendance, the deputy mayor shall preside.
- 2) After the Pledge of Allegiance, the presiding officer will open the floor to nominations for mayor.
- 3) Once nominations have been made and seconded, the presiding officer shall open the floor to discussion and allow public comment on the nomination(s).
- 4) When discussion and public comment have been exhausted, the presiding officer shall call for a vote on the first nomination/motion. Should that motion fail, the presiding officer will ask for a motion on the next nomination. This procedure shall be followed until a new mayor is selected by the affirmative vote of a majority of all of the members of the Town Council.

Approved 2-16-10 ER

# TOWN OF WEST YELLOWSTONE MONTANA

info@townofwestyellowstone.com

PURCHASE ORDER

Date 10-30-2025

Ship Via 1000-460430-430

Order No. **7008**

Department Park Department

TO: Koch's Courts

ADDRESS: 3137 Hillcrest Drive Bozeman MT 59715

PLEASE FURNISH THE TOWN OF WEST YELLOWSTONE WITH:

Quantity	Description
2	pickle Ball courts 75' width x 65 length Parks Board Approved this project

Estimated Cost \$ 36,815.00 KT

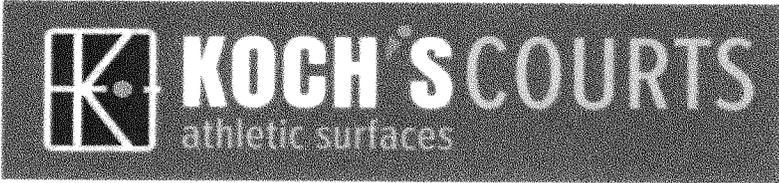
Requested By: [Signature]

Accounting Code 1000-460430-930

Authorized By: [Signature]

VENDOR COPY - White OFFICE COPY - Canary

Approved By: \_\_\_\_\_



(Back Bond)

rachela.spence@hotmail.com

3137 Hillcrest Drive, Bozeman, MT 59715  
406-570-5182 • kochcourts@gmail.com • www.kochscourts.com

Contractor license #'s: MT #: 23561, ID #: 015592-D4, WA #: CC KOCHSTC885J3, ND #: 41042

# Proposal

10/2/25

**Submitted to:**

Jon Brown 406-640-7547  
Town of West Yellowstone  
440 Yellowstone Ave.  
West Yellowstone, MT 59758

**Project:** Surface two new asphalt pickleball courts for the Town of West Yellowstone, MT in the city park (427 N Electric Street).

**Work to be done:** We propose to furnish the materials and perform the labor necessary for the completion of:  
Surface two pickleball courts on new asphalt (75' width x 65 length')

- Patch around net posts if needed.
- Apply one coat Laykold NUSURF (highly flexible) acrylic resurfacer to the entire surface.
- Apply two coats of Laykold color to the entire surface (Dark Blue playing boxes, Light Blue kitchen, & Medium Green exterior)
- Apply white, textured, primed pickleball playing lines per ASBA specs.

Price - \$20,965

**Fencing**

- Provide and install 6 Ft high chainlink fence driven through asphalt around the pickleball courts (280 LF) includes 2- 4ft wide gates.
- Install 1 court divider fence (50 LF)
- Provide and install 2 sets of pickleball sleeves, posts, center net anchors, and nets.

Galvanized fence option price = \$15,850

Black vinyl fence option price = \$17,650

\$14,000.00

1000-460430-930

**Notes:**

- New asphalt should be smooth with lots of fine aggregate. There will be extra charges for rough/porous asphalt that requires additional acrylic resurfacer.
- New asphalt should remain clean. There will be an extra charge to clean dirty asphalt.
- There could be extra charges to patch low/rough areas.
- Owner will provide water access (hose hookup) and garbage to the project.

All the material is guaranteed as specified, and the above work to be performed as stated above and completed for the sum of: **TBD DOLLARS (\$TBD.00)** plus tax and any additional costs which may be incurred for additional work not in the job specification, insurance/bonding, prevailing wages, licensing, or legal requirements.

**Payment terms:** Monthly progress payments (materials or equipment ordered), 100% upon completion of the project.

Respectfully submitted by: Koch's Courts -- Lorne Koch

\*This proposal may be withdrawn if not accepted within 30 days.

\*This agreement is contingent upon weather, material shortages/price increases, shipping, Labor, or other issues/delays that are out of our control.

Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_

10/31/25  
14:24:32

TOWN OF WEST YELLOWSTONE  
Claim Approval List  
For the Accounting Period: 11/25

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Report ID: AP100

\* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
52900		1089 Gallatin County Treasurer	466.00					
	09/30/25	Tech surcharge	130.00		COURT	7458 212200		101000
	09/30/25	MLEA	140.00		COURT	7467 212200		101000
	09/30/25	Victims Assistance	196.00		COURT	7699 212200		101000
52909		73 Westmart Building Center	2,242.56					
	10/27/25	StreetSmItemsEquip	151.03		STREET	1000 430200	212	101000
	10/27/25	Street Supplies	678.69		STREET	1000 430200	220	101000
	10/27/25	Street Repairs	566.19		STREET	1000 430200	361	101000
	10/27/25	Street Traffic Signal	-41.76		STREET	1000 430200	243	101000
	10/27/25	Sewer Supplies	13.85		SEWER	5310 430600	220	101000
	10/27/25	Parks Supplies	678.07		PARKS	1000 460430	220	101000
	10/27/25	Parks SmItemEquip	177.50		PARKS	1000 460430	212	101000
	10/27/25	AnimalControl	18.99		ANIMAL	1000 440600	220	101000
52910		3242 Fisher's Technology	3.76					
	1576150 10/24/25	copy fee	3.76		FINADM	1000 410510	356	101000
52922		42 Fall River Electric	8,560.30					
	10/20/25	PARK, old firehouse 2901001	52.10		PARK	1000 411253	341	101000
	10/20/25	povah comm ctr 4212001	333.40		POVAH	1000 411255	341	101000
	10/20/25	unmetered lights 4212004	1,451.25		STLITE	1000 430263	341	101000
	10/20/25	RR Well 4212005	39.00		WATER	5210 430500	341	101000
	10/20/25	IRIS LIFT STATION 4212006	376.32		SEWER	5310 430600	341	101000
	10/20/25	POLICE 4212008	235.25		POLICE	1000 411258	341	101000
	10/20/25	TOWN HALL 4212009	375.85		TWNHLA	1000 411250	341	101000
	10/20/25	ICE RINK 421010	85.00		PARKS	1000 411253	341	101000
	10/20/25	S Canyon XmasTreelite 4212011	0.00		STLITE	1000 430263	341	101000
	10/20/25	Sewer Plant 4212012	1,654.75		SEWER	5310 430600	341	101000
	10/20/25	South Iris Street Well 4212013	728.74		WATER	5210 430500	341	101000
	10/20/25	Hayden/DeLaceyPump 4212014	133.00		SEWER	5310 430600	341	101000
	10/20/25	Hayden/Grouse Well 4212015	39.00		WATER	5210 430500	341	101000
	10/20/25	911 Tower 4212016	153.98		911	2850 420750	341	101000
	10/20/25	MADADD H2O Tower 4212017	56.90		WATER	5210 430500	341	101000
	10/20/25	SHOP 4212018	112.86		STREET	1000 430200	341	101000
	10/20/25	UPDL 220 Yell Ave4212019	39.00		UPDL	1000 411252	341	101000
	10/20/25	ANIMAL 4212029	116.11		ANIML	1000 440600	341	101000
	10/20/25	CLORINATOR 4212030	64.67		WATER	5210 430500	341	101000
	10/20/25	Electric Well 4212031	71.09		WATER	5210 430500	341	101000
	10/20/25	PARK 4212032	172.47		PARKS	1000 411253	341	101000
	10/20/25	UPDL 4212041	793.60		UPDL	1000 411252	341	101000
	10/20/25	861PowerLinTREATSERV 4212046	1,290.18		SEWER	5310 430600	341	101000
	10/20/25	LIBRARY 23 dunraven 4212054	185.70		LIBR	1000 411259	341	101000

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Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
52923		2813 Century Link	978.13					
	10/19/25	911 ALI/SR 255-9710	365.28		911	2850 420750	345	101000
	10/19/25	BSLANlog 255-9712/0133,5127	125.25		POLICE	2850 420750	345	101000
	10/19/25	BSLANlog 646-5170,5173,5179	167.60		POLICE	2850 420750	345	101000
	10/19/25	Alarm Lines 646-5185,7256	105.20		TWNHLL	1000 411250	345	101000
	10/19/25	Police - 646-7600	214.80		POLICE	2850 420750	345	101000
52930		1514 Verizon Wireless	280.07					
		7 laptops						
	10/20/25	223-2779 586 Laptop	40.01		POLICE	1000 420100	345	101000
	10/20/25	333-8121 Head DsptchLaptop	40.01		DSPTCH	1000 420160	345	101000
	10/20/25	640-0121 Laptop	40.01		POLICE	1000 420100	345	101000
	10/20/25	640-2195 683 laptop	40.01		POLICE	1000 420100	345	101000
	10/20/25	640-2551 COP laptop	40.01		POLICE	1000 420100	345	101000
	10/20/25	641-0184 686 laptop	40.01		POLICE	1000 420100	345	101000
	10/20/25	641.0207 681 laptop	40.01		POLICE	1000 420100	345	101000
52931		1514 Verizon Wireless	954.60					
		23 Smartphones						
	10/20/25	640-0108, Police	41.50		POLICE	1000 420100	345	101000
	10/20/25	640-0141 Street SP	41.50		STREET	1000 430200	345	101000
	10/20/25	640-0159 Street SP	41.50		STREET	1000 430200	345	101000
	10/20/25	640-0606 911 Dispatch	41.50		911	1000 420160	345	101000
	10/20/25	640-1103, Operator SP	41.50		STREET	1000 430200	345	101000
	10/20/25	640-1460, Library Dir, SP	41.50		LIBRAR	2220 460100	345	101000
	10/20/25	640-1461, S & W operator, SP	41.50		SEWER	5310 430600	345	101000
	10/20/25	640-1462, S & W Super, SP	41.50		WATER	5210 430500	345	101000
	10/20/25	640-1463, Deputy PSS, SP Sspnd	41.50		PARKS	1000 460430	345	101000
	10/20/25	640-1472, Ops Mgr, SP	41.50		ADMIN	1000 410210	345	101000
	10/20/25	640-1676, Rec Coord, SP	41.50		REC	1000 460440	345	101000
	10/20/25	640-1754, COP, SP	41.50		POLICE	1000 420100	345	101000
	10/20/25	640-1755, Police	41.50		POLICE	1000 420100	345	101000
	10/20/25	640-1756, Police	41.50		POLICE	1000 420100	345	101000
	10/20/25	640-1757, Police	41.50		POLICE	1000 420100	345	101000
	10/20/25	640-1758, Head Dispatcher	41.50		DSPTCH	1000 420160	345	101000
	10/20/25	640-1759, Police	41.50		POLICE	1000 420100	345	101000
	10/20/25	640-7547,WS Super	41.60		SEWER	5310 430600	345	101000
	10/20/25	640-9074, PSS, SP	41.50		STREET	1000 430200	345	101000
	10/20/25	640-2354 Social Services	41.50		SOCSEK	1000 450135	345	101000
	10/20/25	640-2629 City Judge	41.50		COURT	1000 410360	345	101000
	10/20/25	640-7108 Police Officer	41.50		POLICE	1000 420100	345	101000
	10/20/25	640-7873 Equip Operator	41.50		STREET	1000 430200	345	101000

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Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
52935		3534 National PELRA	51.25					
	19074	10/15/25 Annual Membership	51.25		ADMIN	1000 410210	380	101000
52936		3393 Katie Thompson	19.00					
	10/23/25	Owl replacement cord	19.00		LEGIS	1000 410100	220	101000
52937		999999 VACATION RACES	4,500.00					
	10/27/25	RefundRTEvent Bond23	1,500.00		RT	2100 214000		101000
	10/27/25	RefundRTEvent Bond24	1,500.00		RT	2100 214000		101000
	10/27/25	RefundRTEvent Bond25	1,500.00		RT	2100 214000		101000
52938		999999 MICHAEL EDWARDS	350.00					
	10/27/25	RefundPovahcleaningdepEdwards	350.00		POVAH	2210 214001		101000
52939		999999 ANGELA SALINAS HINOJOSA	550.00					
	10/29/25	RefundPovahrentalCancelled	200.00		POVAH	1000 361200		101000
	10/29/25	RefundCleangDepCancelledEvent	350.00		POVAH	2210 214001		101000
52940		3437 T-Mobile	25.31					
	434-24	09/30/25 Connected Devices	25.31		TWNHLL	1000 411250	345	101000
52941		60 Westgate Station	31.85					
	10/29/25	Fuel-propane	31.85		STREET	1000 430200	231	101000
52942		2099 Quick Print of West Yellowstone	26.97					
	21420	10/02/25 Supplies	26.97		SEWER	5310 430600	220	101000
52943		3315 IAS EnviroChem	1,582.00					
	2506883	10/28/25 Sewer testing fees	1,582.00		SEWER	5310 430600	348	101000
52944		3525 Hillyard/Montana	48.08					
	605978952	10/20/25 Supplies	48.08		STREET	1000 430200	220	101000
52945		471 Northwest Pipe Fittings, Inc.	2,009.50					
	5466257	10/22/25 12" Hydrant Extension	2,009.50		WATER	5210 430500	369	101000
52946		3484 Sweet Electric LLC	2,490.00					
	1143	10/27/25 Shop Lighting	2,490.00*		STREET	1000 430200	366	101000

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14:24:32

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\* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
52947		42 Fall River Electric	2,418.35					
	041081	10/27/25 ElectricalWellHouse#3	2,418.35		WATER	5210 430530	937	101000
52948		1743 DiJulio Displays, Inc.	740.44					
	10082	10/23/25 Supplies	740.44		PARKS	1000 460430	220	101000
52949		3115 Spiffy Biffy	355.00					
	5424	10/27/25 Monthly Rental Rate (1) August	177.50		PARKS	1000 460430	357	101000
	5424	10/27/25 Monthly Rental Rate (1) Sept	177.50		PARKS	1000 460430	357	101000
52950		2116 DEQ/WWOC	1,256.00					
	5I2601859	10/16/25 CommunityConnectionFee3.26	1,256.00		WATER	5210 430500	335	101000
52951		2481 Platt	1,510.57					
	6R66772	10/16/25 Supplies	1,491.16		PARKS	1000 460430	220	101000
	6S43087	10/22/24 Supplies	19.41		PARKS	1000 460430	220	101000
52952		3535 Tristen Tallerico	78.82					
		10/29/25 Evaluation	78.82		POLICE	1000 420100	351	101000
52953		3536 Perceptions Counseling Inc.	300.00					
		10/16/25 Evaluation	300.00		POLICE	1000 420100	351	101000
52954	E	2323 Montana Department of Revenue	493.59					
	02	10/27/25 Well House #3	493.59		WATER	5210 430530	937	101000
52955	E	2323 Montana Department of Revenue	271.90					
	02Police	10/27/25 Police Station Addition	271.90		POLICE	1000 411258	920	101000
52956		3425 Bridger Built, LLC	26,918.33					
	02Police	10/27/25 Police Station Addistion	26,918.33		POLICE	1000 411258	920	101000
52957		3425 Bridger Built, LLC	48,865.60					
	02Wellhse	10/27/25 Well House #3	48,865.60		WATER	5210 430530	937	101000
<b># of Claims</b>			<b>30</b>	<b>Total:</b>		<b>108,377.98</b>		
<b>Total Electronic Claims</b>			<b>765.49</b>	<b>Total Non-Electronic Claims</b>		<b>107612.49</b>		



**Town of West Yellowstone  
Study Commission Public Hearing  
Town Council Meeting  
October 21, 2025**

LOCAL GOVERNMENT STUDY COMMISSION MEMBERS: Tut Fuentevilla, Brock Wilson, Casey McCray, Liz Roos – Ex-Officio Member

TOWN COUNCIL MEMBERS PRESENT: Deputy Mayor Travis Watt, Brian Benike, Jeff Mathews, Lisa Griffith

OTHERS PRESENT: Town Manager Dan Walker, Town Clerk Liz Roos, Finance Director Katie Thompson, Town Attorney Jane Mersen is present virtually by Zoom

Present by Zoom: Jan Neish-Island Park News

The meeting is called to order by 2025 Deputy Mayor Travis Watt at 6:00 PM in the Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.

The meeting is being broadcast over the internet using a program called Zoom.

**STUDY COMMISSION PUBLIC HEARING**

Deputy Mayor Travis Watt calls the hearing to order and introduces the members of the Local Government Study Commission: Tut Fuentevilla, Brock Wilson and Casey McCray. Watt explains that the electorate approved forming a study commission in the spring of 2024 and the commissioners were elected in the fall of 2024. Fuentevilla, chair of the commission, explains the steps the commission followed to prepare the draft report. He explains that they solicited feedback from the council through a survey and took public comment by email and at their public meetings. He says that the commission considered possible changes to the charter that were suggested through the survey and by email. They ultimately decided that they did not believe the charter was getting in the way of resolving the issues that were brought up. He said they agreed that the charter serves the community well and they are not going to formally recommend any changes. They are present tonight to answer questions and accept comments about their findings. Lisa Griffith addresses the Commission regarding the section of the Charter pertaining to the dismissal of employees with consultation of the Town Council and questions if they consulted with Dan Clark of the MSU Local Government Center on that issue. Fuentevilla and McCray respond that they discussed that portion of the charter but did not connect with Clark on that issue. They discussed that issue but did not feel it was necessary to recommend a change to that part of the Charter. Jan Neish asks for clarification. Fuentevilla adds that there were other suggestions made to the commission, but they discussed each suggestion using the standard of whether the suggestion to change the charter met a clear and compelling need and was of sufficient interest to the public. Travis Watt, Deputy Mayor, thanks the commission for their time and effort and especially agrees with the recommendation to try to educate the community about how the charter works. Julia Wittmer asks for more information about the suggestion to extend the voting area outside the city limits. Fuentevilla responds that they did discuss that at length but recognized the physical and logical limitations of incorporating the outside subdivisions into the limits of the town. He says realized that could not be accomplished through changing the charter. He says they did receive one comment about it but also discussed other ways that community members that live outside of town can participate in Town government. Fuentevilla thanks Lisa Giffith specifically for her detailed comments. Jan Neish asks for clarification about the difference between the charter and the municipal code. The public hearing is adjourned at 6:25 PM.

**TOWN COUNCIL MEETING – 7 PM**

**Public Comment**

Mitch Albin addresses the Council and shares concerns about the mayor and comments he has made on Facebook. He questions how to move forward and make sure this does not happen in the future and he is held accountable. Kevin Cannon addresses the Council to let it be known that he contacted the Montana Commissioner of Political Practices, the Gallatin County Prosecutors' Office, the Bozeman Daily Chronicle and multiple other news sources of the

situation. He says that the mayor should be held to an ethical standard and he is not acting as a representative of the people of this area. Tom Buchanan addresses the Council and explains that he has been a resident for 25 years. He explains that he received screenshots of the mayor's comments on Facebook from his high school aged son today, which really bothered him. He says that we are all neighbors, and we have to live here together and this horrible divisiveness that is gripping our nation has no place in our community. He says he is proud of the fact that his grandfather fought in WWII against the Nazis and will leave it at that. Doug Schmier says that he is not privy to everything that has occurred, but when someone steps out of line or violates the ethics of their position, they should be censured and should be handled immediately. He says that if he had behaved in this fashion, he would resign immediately. Caitlyn Johnson indicates agreement with what has been said. She asks if the mayor was appointed or elected. Deputy Mayor Watt explains that the mayor is appointed by the Council at the first meeting of the year each January.

### **Council Comments**

Lisa Griffith states that she did not vote to appoint Jeff McBirnie as the Mayor this year and has raised concerns about his personal conduct as the mayor on social media. She shares an excerpt from an email from September of this year that she sent to the Town's attorney, raising concerns about McBirnie's comments on Facebook-which were mentioned by two members of the public at the recent Town Council meeting. Griffith says she is livid and disgusted by the posts that were made by McBirnie. She is going to ask the other Council Members to join her in censuring Mayor Jeff McBirnie. She cites a section of MCA which authorizes the council to sanction other members of the council for inappropriate conduct. Jeff Mathews says he does not condone the statements that were made by McBirnie and it is their responsibility to the public to behave. Benike agrees with Mathews and thanks the Local Gov members for their efforts. Watt wishes Karin Mathews happy birthday and notes the home high school games this week. He says this issue is disappointing and recognizes everyone's right to free speech and they will have to take some time to work this out.

### **ACTION TAKEN**

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- 1) Motion carried to approve the claims, which total \$148,265.30. (Mathews, Benike)
- 2) Amended motion carried to approve the minutes of the October 7, 2025 Town Council Meeting, corrected to strike "as corrected" from action item #2. (Benike, Mathews) Griffith is opposed, motion carries.
- 3) Motion carried to approve the requests for the Mistletoe Magic to include a waiver of the resort tax bond, rental fees of the Povah Center, and insurance requirements for the event on December 5-6, 2025. (Benike, Mathews)
- 4) Motion carried to accept the recommendation from the Marketing and Promotions Fund Advisory Board to award \$5886.00 to the 2025-2026 Kids N Snow event. (Benike, Griffith)
- 5) Motion carried to accept the recommendation from the Marketing and Promotions Fund Advisory Board to award \$30,000 to the 2026 Wild Bill Days concert event. (Benike, Mathews)
- 6) Motion carried to formally censure Mayor Jeff McBirnie for his social media conduct (Griffith, Mathews) See next motion.
- 7) Amended motion carried to put the censure of Mayor Jeff McBirnie on the next Town Council agenda. (Griffith, Mathews)

## DISCUSSION

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- 3) Stacey Schmier notes that this is the 12<sup>th</sup> year of the event.
- 4-5) John Greve addresses the Council and briefly describes the applications for the 2025-2026 Kids N Snow series and the Wild Bill Days 2026 event. Greve says that the board recommends supporting the full \$5886 that was requested and notes that 2/3 of that money will be used for marketing and promotion of the event and the rest for allowable administrative expenses.

The 2026 Wild Bill Days event requested \$50,000. The board recommends awarding \$30,000 for the event. Greve says that the budget for the MAP Fund for the entire year is \$200,000 and they have already committed \$60,000 to other events. He says that the expenses that were listed in the application were allowable, and will be split between the \$30,000. Greve congratulates Katrina and Travis Mann for their efforts this past year, noting that event helped increase resort tax collections by \$78,000 for June of this year.

Travis Mann thanks the Council and the community for supporting them in making the change to move the event to Town. He expresses appreciation for the continued support and plans for next year.

- 6-7) Mersen expresses concern about taking action for an item that is not on the agenda.
- A) **Town Manager & Staff Reports:** Town Manager says that today has been very disappointing. He says they have spent the last four years trying to move the community forward and the events of today were disappointing. He thanks the members of the study commission for their efforts and thoughtful approach to their responsibility for the commission. He reports that he attended the MLCT conference in Billings last week along with Jon, Katie, Liz and Brittany. He reports that he attended meetings with other city managers. He says he has been nominated and accepted to serve on the Montana City-County managers advisory board. He reports that the Greenway Committee, a group working on developing the trail through the historic district and focusing on the area between the Depot and the clinic. Walker says that they are looking for low maintenance ways to improve the area. He reports that Adele Csensick has started as a dispatcher at the police department. Parks Master Plan RFP responses are due this Friday and Friday is also the deadline for applications for the position of Recreation Director. Mathews asks about the status of the NeighborWorks project and purchase of the apartments. Thompson responds that they are confident with the funding package that has been prepared and are moving forward with the purchase.
- B) **Advisory Board Reports:** Council member Griffith reports that they had a Health Care Services Advisory Board meeting last week. She reports on a new collaboration to improve physician coverage in West Yellowstone, extended hours on Thursdays, making appointments, and a vaccine clinic on October 30, 2025. Billings Clinic has added a second x-ray tech to their staff and a behavioral health provider coming in each week. She reports that Chief Grube reported on the rural resort tax district and they will start collecting as of January 1, 2025. They are estimating \$8 million in revenue each year. They intend to change the language for use of the tax on the May 2026 ballot. She also mentions a survey released by the Hospital District Advisory Board and efforts made to get adequate number of responses. The next meeting will be January 22, 2026.

Jeff Mathews reports on the Business Improvement Advisory Board meeting. They are working on traffic mitigation, landscaping at the entrances to town, trash disposal awareness, and determined that the banners over the street will not work out. Parks & Recreation Advisory Board also met, reported by Brian Benike. He says they discussed releasing a survey for what people want in the city park. Doug Schmier clarifies that the survey that was released by the Hospital District Advisory Board has been closed.

The meeting is adjourned at 8:00 PM.

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Mayor

ATTEST:

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Town Clerk

DRAFT



OCTOBER 31, 2025

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TO: Town Manager Dan Walker, Town Council

FROM: Liz Roos, Town Clerk

SUBJECT: Town Clerk Report

- The Study Commission conducted the public hearing on the draft report on October 21, 2025. They are recommending no changes to the current Charter. The next step is to finalize the report and file it with the State.
- It's election season! The ballot box will remain available to drop ballots at the Town Hall through Tuesday, November 4, 2025. On that Tuesday, we will be open to accept ballots from 7 AM until 8 PM. Results should be posted to Gallatin County Election Office's website late that evening. The official canvass will be conducted approximately ten days after election day.
- Attended the roundtable and town hall meeting with our local legislators Cora Neumann and Alanah Griffith. It was well attended by members of the community and it was encouraging to see their interest in West Yellowstone.
- MMIA is offering a defensive driving course to members of our insurance pool. We have scheduled this 4-hour course for Thursday, November 13, and are encouraging all employees to attend. Employees that complete the course may be able to apply for a discount through their personal insurance carrier.
- Prepared the Town Council Agenda & Packet for November 4, 2025. Prepared payroll for October 31, 2025.





## **Week of 10.27.2025**

This week I have been working hard on some paperwork for the WWTP, we are trying to close out our \$125,000 in RRGGL and \$3,012,483 in ARPA. Also working on some accounting and bond calculations to make sure we remain in compliance.

It's the end of the month so we have been working on utility billing and September's resort tax collections.

We are planning to do the SFE review on November 18<sup>th</sup>, so I have been meeting with Kyle to go over that information and get him and his team all the information that they need to do their research.

The TOWY Housing group met on Monday; it was nice to get updates and talk about next steps. We will be doing another education series this winter. Dates will be announced soon!

Brittany and I are working on a Spanish version of the employer and employee surveys. Thank you to Oscar for proof-reading these for us.

On Tuesday, I was able to go see WWTP again. I appreciate these quick outings especially with how much paperwork and admin work there is behind a project like this. It helps keep things in perspective. Hopefully we can have a couple more nice weeks of fall so they can get done what they need, and we can avoid a winter shut down.

Ongoing: It's annual financial report time, so I am busier than ever along with trying to close out a couple of our grants. If you need something, please plan on making an appointment so I can give you the time that you need and can plan my projects accordingly. Thank you!

**From:** [Dan Walker](#)  
**To:** [Elizabeth Roos](#)  
**Subject:** FW: Bullet Points 10/30/2025  
**Date:** Thursday, October 30, 2025 2:33:52 PM  
**Attachments:** [image001.png](#)

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**From:** Kyle Tanner <[ktanner@townofwestyellowstone.com](mailto:ktanner@townofwestyellowstone.com)>  
**Sent:** Thursday, October 30, 2025 10:34 AM  
**To:** Jon Brown <[jbrown@townofwestyellowstone.com](mailto:jbrown@townofwestyellowstone.com)>; Dan Walker <[dwalker@townofwestyellowstone.com](mailto:dwalker@townofwestyellowstone.com)>  
**Subject:** Bullet Points 10/30/2025

Bullet Points 10/30/2025

- #1 Daily inspections of construction of well house and police office.
- #2 Elevator at Povah reset.
- #3 Abandoned vehicles and parking issues resolved.
- #4 Talked to owners about garbage left in RSCI trailer over night that ravens scattered.
- #5 Meeting owners at property for zoning questions.
- #6 Marked trees in alleys to be cut.
- #7 DRG prep
- #8 Daily town inspections of sewer plant with drone flight video and pics shared with Forsgren inspector.
- #9 Winter prep on vehicles.
- #10 Garbage cans inspected for decal replacement.



K.C. Tanner  
Deputy Director Public Services  
Building Codes Inspector  
Code Enforcement

[Ktanner@townofwestyellowstone.com](mailto:Ktanner@townofwestyellowstone.com)  
Cell # 406-640-0141



# Highlights

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Week of October 24<sup>th</sup> through October 30<sup>th</sup>, 2025  
Job and Social Services

## Overview

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**# of Clients Served: 49**

**Last Week Clients Served: 53**

## Highlights

### Donations

This week the office received a large donation from Marketplace that consisted of non-perishables, canned goods, breads, and a variety of produce.

A local community member donated a large sum of eggs that we are going to be disbursing. As well as a giftcard for Social Services to purchase items for the food bank.

A local family donated a large amount of items to help those affected by the shutdown, including RTE items, snacks, yogurt, and cheese. This family also provided a \$500 donation to the food bank.

From breads, baking goods, and even some fresh produce we are grateful to each person that has taken time to give to those in need.

## Clothing Bank

This week, we had one volunteer who was able to go downstairs and clean up. They were able to gather hangers left behind as well as refolding items that needed a little TLC.

Clothing and household items can be donated again starting on November 3<sup>rd</sup>! We are excited to be able to take more items in.

Dianna and Tia are going to decide on a day in which each week the clothing bank will be closed for so Tia can go downstairs and dedicate time to putting away donations, cleaning, and organizing the clothing bank.

## SNAP Update

As many may be aware of, the Federal Government still has not reopened. Due to this on November 1<sup>st</sup> those who receive funds through SNAP will not receive any benefits for November. This also happens to fall during the off-season here in West where many workers are without jobs and will need food for them and their families.

Due to this, Dianna and Tia are prepared to see an increase in visits to the food bank so we will keep doing everything we can to provide food to those in need. As of right now, our two visit a week policy will remain in place that way we can help as many as we can.

Those who may need more assistance with food are more than welcome to discuss other options like food boxes with a staff member.

Our office is still looking at ways to better help the community who are facing food insecurity.

We have had a few local members of our community come in to ask what they can donate to help those affected by this shutdown. We are grateful for those who have donated or will donate.

The following is what we have shared:

- Baking basics (sugar, flour, oil, spices, etc.)
- RTE Meals (Such as soup, ramen, hamburger helper, etc.)
- Cereal
- Milk
- Produce
- Canned goods

## Public Assistance

This week we had over 32 check-ins this week for lobby food. With putting more needed items such as milk, bread, meats and produce in our lobby we are happy to see so many utilize this great resource.

We had 23 check ins for the clothing bank this week.

One person used the computer and another requested help with printing a document.

We had two clients come in requesting diapers this week.

## Upcoming Events for Povah Community Center

With no rec coordinator, Social Services is stepping up to make sure the community still feels festive this season with some returning events and some new ones!

### November 1<sup>st</sup>: **Coco Movie Screening**

Due to scheduling conflicts and the community's best interest. Our office has decided to cancel the Haunted Reel showing of Hocus Pocus. But we will still be doing the Coco movie screening to celebrate The Day of the Dead. We will have a speaker there to talk a little more about the holiday for those who may not be familiar with it. We want to focus on celebrating all the cultures here in West Yellowstone and what better way than with a fun learning opportunity! Light refreshments will be provided.

### November 5<sup>th</sup>: **Pinecone Turkeys**

Ditch the hand turkeys and embrace a more natural approach with our Pinecone Turkey craft night! This event invites the community to create festive pinecone turkeys, perfect for adding a handcrafted touch to your Thanksgiving table. Social Services will provide all necessary materials. This creative gathering is a wonderful opportunity to enjoy a relaxing evening of crafting while connecting with neighbors and friends. The event is free and open to the public, taking place from 5:00 pm to 6:00 pm.

# Upcoming Events:

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November 1<sup>st</sup> from 2:00 pm to 4 pm - Coco Movie Screening to celebrate The Day of the Dead

November 6<sup>th</sup>: Dianna will be heading to Bozeman to pick up the TEFAP food shipment.

November 5<sup>th</sup> from 5 pm to 6 pm - Pinecone Turkey Craft Class

November 12<sup>th</sup> from 5pm to 6 pm - Thanksgiving Dessert Class

November 13<sup>th</sup>: Tia will be heading to Bozeman for the MFBN Food Shipment.

November 19<sup>th</sup> from 5 pm to 6 pm - Turkey 101

December 2<sup>nd</sup> from 5 pm to 6pm - Wooden Ornament Class

December 13<sup>th</sup> from 10 am to noon - Donuts with Santa

December 17<sup>th</sup> from 5 pm to 6 pm - Holiday Appetizer Class

December 30<sup>th</sup> from 5 pm to 6 pm - New Year Time Capsule

## Notes

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Thanksgiving Box sign ups begin on November 3<sup>rd</sup> and will be accepted until November 17<sup>th</sup> or until all slots have been taken. We are not advertising this to the general public. These boxes are typically reserved for the clients we serve.

Social Services will be helping with registration for the Adopt-a-Star program that will begin on November 3<sup>rd</sup>. Our office will be passing out forms and collecting them to give to the Senior Center who is in charge of this program.

**West Yellowstone Public Library Report**  
**October 30, 2025**

Dear Members of the West Yellowstone Town Council,

The West Yellowstone Public Library continues to offer a variety of programs and services for our community. Current programs include:

- **Storytime for Children** – held weekly, encouraging early literacy and family engagement.
- **Lego Club** – meeting on Wednesdays, offering a fun and creative outlet for children and families to build together.
- **Two Book Clubs** – one reading a variety of fiction and nonfiction titles, and a Cookbook Club where participants prepare and share recipes from a selected cookbook each month.
- **Crochet Class for Beginners** – a new program offering free instruction in basic stitching and simple projects for all skill levels.
- **Technology Help Sessions** – providing one-on-one assistance with computers, mobile devices, and eLibrary resources.
- **Free English and Spanish Classes for Teens and Adults** – providing language learning opportunities for community members.
- **Seasonal Activities** – including craft workshops, author talks, and other community events throughout the year.

Beyond programs, the library continues to be an important cost-saving resource for the community. By offering free access to books, audiobooks, digital resources, technology, and educational programs, the library helps residents save money on entertainment, learning materials, and internet access—while also strengthening community connections.

I am also pleased to share that **library staff member Megan Mentzer has worked diligently and recently achieved her Montana State Library Certification**. This certification recognizes her continued professional development and dedication to providing excellent library service to the West Yellowstone community.

Thank you for your continued support of the library and its programs.

Respectfully submitted,

Michele DesRochers

Director, West Yellowstone Public Library

# TOWN OF WEST YELLOWSTONE

## PUBLIC HEARING

### Variance Request

### Parking Requirements, 124 N Electric Street

NOTICE IS HEREBY GIVEN that the West Yellowstone Town Council, serving as the Board of Adjustments, will conduct a Public Hearing **November 4, 2025** at the West Yellowstone Town Hall and virtually by Zoom, Meeting ID 893 834 1297. The purpose of the public hearing will be to consider variance requests from Section 17.39.040 (C), 17.37.100 (E), and 17.37.110 of the West Yellowstone Municipal Code made by CWH Montana LLC for 124 N Electric Street, a lodging property commonly known as Sleepy Hollow. The property is located in the B-3, Central Business District, of the Town of West Yellowstone. The request is to allow three variances: re-establishing the property's legal non-conforming status, a reduction of the total number of required parking spaces, and waiver of the requirement that 80% of parking spaces be located on-site for a hotel.

The public hearing will be held during the regular Town Council Meeting which begins at 7:00 PM. The meeting will take place in West Yellowstone, MT, at which time oral testimony will be taken from the public in person, in writing, or by Zoom. Written testimony may be submitted until 5:00 PM on the date of the hearing to the Town Clerk at the Town Hall, 440 Yellowstone Avenue, by mail to PO Box 1570, West Yellowstone, MT 59758, or by email to [info@townofwestyellowstone.com](mailto:info@townofwestyellowstone.com). For further information contact the Town Clerk at (406) 646-7795.

Elizabeth Roos  
Town Clerk





September 24, 2025

Town of West Yellowstone, Montana  
440 Yellowstone Ave.  
West Yellowstone, MT 59758

Attn: Town of West Yellowstone Board of Adjustments

**RE: Variance Request for 124 N. Electric Ave. West Yellowstone, MT**

To the Members of the Board of Adjustments,

This letter serves as a summary of the attached staff report regarding the variance application for the property at 124 N. Electric St. West Yellowstone, MT. This document is intended to provide a clear and concise overview of the issues at hand, the purpose of your role as the Board of Adjustments, and a breakdown of the three specific variance requests.

### **The Role of the Board of Adjustments**

The Board of Adjustments is a quasi-judicial body responsible for hearing and deciding on appeals and variance requests related to the Town's zoning ordinances. Your primary function is to provide relief from the strict application of the zoning code when, due to unique physical circumstances of a property, a hardship is created. The Board's decisions must be based on a thorough review of the facts and a determination that granting a variance will not be inconsistent with the intent of the zoning code and the Town's growth policy.

### **Overview of the Variance Requests**

The applicant, Ryan Callahan, is seeking approval for three separate variances to allow for the rehabilitation of the Sleepy Hollow Hotel. The issue is a parking requirement in the current zoning code that would require removal of existing structures.

The property had non-conforming status as the property was developed in 1950. The non-conformity expired under the previous owner who failed to maintain a proper business license with the Town of West Yellowstone. The applicant purchased the project at the end of 2024 shortly after the new code was updated.

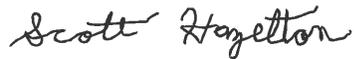
The three variances are:

1. **Variance from 17.39.040(C) Legal Non-Conforming Status:** This variance seeks to re-establish the property's legal non-conforming status, which was lost due to a lapse in its business license under the previous owner. A legal non-conforming status allows a property to continue its historical use even if it no longer complies with modern zoning laws. The hardship is due to a historical lapse that occurred before the applicant took possession. This re-instatement of non-conformity would require the applicant to simply replace the amount of units that were there and in operation prior to the lapse.

2. **Variance from 17.37.100(E) Total Parking Requirement:** This request is for a variance from the total number of required parking spaces. The current code requires 16 spaces (14 for the motel, 2 for the residential unit), but the applicant's plan only provides for one (1) on-site parking places. There is potential for a physical hardship created by the property's size and historic layout, noting that strict enforcement would require demolition of the existing structures and that this would be contrary to the intent of the Central Business District and the Town's growth policy.
3. **Variance from 17.37.110 On-Site Parking Percentage:** This variance relates to the requirement that 80% of the parking spaces be located on-site for a hotel. The applicant proposes one (1) on-site spaces and is prepared to fund seven public spaces. The staff evaluation is largely the same for Variance #2 and Variance #3.

The Town Council will be sitting as the Board of Adjustment for this meeting. If you have any questions about the powers, duties, or the process please consult 17.50 of the Town Code or reach out to me at [shazelton@sunflowerpeakplanning.com](mailto:shazelton@sunflowerpeakplanning.com) or 460-475-2969.

Sincerely,



Scott Hazelton AICP, CFM  
Owner, Sunflower Peak Planning  
[shazelton@sunflowerpeakplanning.com](mailto:shazelton@sunflowerpeakplanning.com)  
460-475-2969



# Staff Report

Town of West Yellowstone 440 Yellowstone Ave. West Yellowstone, Montana 59758  
406.646.7795 | shazelton@sunflowerparkplanning.com

## BOARD OF ADJUSTMENTS

<b><u>Report Date:</u></b>	<b>October 2nd, 2025</b>
<b><u>Meeting Date:</u></b>	<b>November 4th, 2025 @ 7:00 p.m.</b>
<b><u>Petitioner(s):</u></b>	<b>Ryan Callahan, Additional Residential Unit</b>
<b><u>Staff:</u></b>	<b>Scott Hazelton AICP, CFM</b>
<b><u>Zoning:</u></b>	<b>B-3 Central Business District</b>
<b><u>Address:</u></b>	<b>124 N. Electric St. West Yellowstone, MT 59758</b>
<b><u>Legal Description:</u></b>	<b>WEST YELLOWSTONE ORIGINAL PLAT, S34, T13 S, R05 E, BLOCK 18, Lot 7, ACRES 0.344</b>
<b><u>Assessor Code(s):</u></b>	<b>00RRG16800</b>
<b><u>Geocode(s):</u></b>	<b>06-0062-34-2-15-05-0000</b>
<b><u>Submitted Materials:</u></b>	<b>Application, Site Plan, and Narrative</b>

## OVERVIEW

The petitioner, Ryan Callahan, seeks approval of three separate variance request in the B-3 Central Business Zoning District. The variances are aimed at reducing the amount of parking required to allow for the rehabilitation of the Sleepy Hollow Motel. The property is not legally non-conforming as it has been out of use for over 12-months per the Town of West Yellowstone Municipal Code 17.39.040(C). The applicant submitted a narrative, variance application, and a site plan proposing one (1) off-street parking stalls. Title 17 Chapter 37 of the West Yellowstone Municipal Code requires fourteen (14) parking spaces for the proposed motel use and an additional one (1) spaces for the proposed residential use. According to Town Records and the applicant's submission the motel and residential uses were built prior to zoning in 1950. The site contains several public health and safety concerns related to the wastewater and water conditions on the property.

The applicant is proposing three separate variances. If the Board of Adjustments grants any of the three variances the applicant would be able to address the wastewater and water concerns, place one (1) off-street parking places, and work towards re-opening the Sleepy Hollow Motel.

The Town of West Yellowstone has not received any public comments at the date of this staff report.

This application is for variance from the following sections of the Town of West Yellowstone Municipal Code:

- 17.39.040(C) Legal Non-Conforming Status
- 17.37.100(E) Total Parking Requirement
- 17.37.110 On-Site Parking Percentage

## EVALUATION

Staff provides their evaluation of the review criteria for the Board of Adjustments to review based on the applicant's submission and information gathered during applicant meetings and the DRG review of the project. For the ease of the Board the variance requests are evaluated one at a time presenting first what the applicant has stated followed by staff comments.

### Variance Request #1: Variance from 17.39.040(C) Legal Non-Conforming Status

#### Review Criteria: 17.50.030(F)(1-4)

1. Does the physical makeup of the subject parcel present a hardship outside of the applicant's control?
  - a. Applicant Response: The existing parcel was developed with motel structures more than 75 years ago. These structures and the layout of the lot make it physically impossible to comply with modern ordinances without demolition. The lapse in business license was due to ownership transition and property condition, not applicant control.
  - b. *Staff Evaluation: Staff finds that based on the previous non-conformity of the parcel and the need to remove motel units to provide the required parking that replacing the non-conformity of the property would respect the historic use of the property and alleviate a hardship that is created by strict enforcement of zoning that was not present at the time of the site's development.*
2. Does the hardship result from a lack of due diligence during the purchase period?
  - a. Applicant Response: At purchase in November 2024, the Applicant understood the property's history as a motel and its suitability for restoration. The hardship arises from ordinance timing and legacy development patterns, not a failure to investigate.
  - b. *Staff Evaluation: The lapse in business permit from the previous owner would not be evident to a buyer that a parcel had lost a non-conforming status and staff concurs with the applicant's assessment.*
3. Does the hardship result from the actions of the applicant?
  - a. Applicant Response: The lapse occurred under prior ownership. The Applicant's actions since purchase have been focused on rehabilitating the property.
  - b. *Staff Evaluation: The applicant is not proposing any new construction. The re-instate of non-conformance would allow for the rehabilitation of existing structures. The rehabilitation of the structure could be interpreted as an "action of the applicant" however, staff feels that rehabilitation more closely aligns with maintenance if no additional uses are proposed.*
4. Does the variance function as a rezone of the property?
  - a. Applicant Response: This request simply restores legal non-conforming use status. It does not alter zoning; the B-3 classification remains unchanged.
  - b. *Staff Evaluation: The granting of the variance would not equate to a rezone as this variance is to re-instate the non-conforming status of the parcel. A rezone application would not alleviate the Applicant's concern.*

### Variance Request #2: Variance from 17.37.100(E) Total Parking Requirement

#### Review Criteria: 17.50.030(F)(1-4)

1. Does the physical makeup of the subject parcel presents a hardship outside of the applicant's control?
  - a. Applicant Response: The parcel's small size, existing structures, and historic development make compliance with modern parking ratios physically impossible without demolition.
  - b. *Staff Evaluation: Staff finds that strict adherence to the code requiring the removal of structures is a strong indicator of a hardship. Ultimately the decision is with the Board of Adjustments.*

2. Does the hardship result from a lack of due diligence during the purchase period.?
  - a. Applicant Response: The Applicant's review at purchase confirmed the impossibility of meeting current ratios. The hardship is inherent in the property's size and layout, not from inadequate research.
  - b. *Staff Evaluation: There is a possibility that the applicant could have discovered that there was inadequate parking on the parcel. However, generally at the time of acquisition the Town was working to update the Zoning Code which could create uncertainty in what the final code would create. There is uncertainty in the timeline that may register the due diligence of the applicant as appropriate.*
3. Does the hardship result from the actions of the applicant?
  - a. Applicant Response: The Applicant has not reduced or eliminated parking space; rather, the parcel has always lacked required parking under today's code.
  - b. *Staff Evaluation: The proposal to rehabilitate the property to its prior condition does not seem to rise to the level of the applicant proposing to have created the hardship on the property. Staff would look for guidance from the Board of Adjustment on whether rehabilitation is considered actions of the applicant resulting in a hardship.*
4. Does the variance function as a rezone of the property?
  - a. Applicant Response: The request is limited to parking standards. The underlying zoning remains intact.
  - b. *Staff Evaluation: The proposed variance of the applicant would not function as a rezone.*

Variance Request #3: Variance from 17.37.110 On-Site Parking Percentage

Review Criteria: 17.50.030(F)(1-4)

1. Does the physical makeup of the subject parcel presents a hardship outside of the applicant's control?
  - a. Applicant Response: The parcel cannot accommodate 80% of calculated parking onsite due to building coverage and lot size. This limitation is structural and not applicant-created.
  - b. *Staff Evaluation: Staff finds that strict adherence to the code requiring the removal of structures is a strong indicator of a hardship. Ultimately the decision is with the Board of Adjustments.*
2. Does the hardship result from a lack of due diligence during the purchase period.?
  - a. Applicant Response: The Applicant was aware of the parking deficiency but also identified feasible off-site mitigation. The hardship exists regardless of diligence.
  - b. *Staff Evaluation: Staff finds that the applicant's statements are similar to Variance #2. There is a possibility that this section of the code was not available for the applicant to review at the time of the due diligence period of the purchase.*
3. Does the hardship result from the actions of the applicant?
  - a. Applicant Response: The Applicant has taken steps to increase parking availability, including creating 2 onsite spaces and funding 7 public spaces. The hardship stems from the lot itself.
  - b. *Staff Evaluation: Staff reiterates the comments from Variance #2 and looks for guidance from the Board of Adjustment regarding their interpretation of rehabilitation rising to the level of actions by the applicant.*
4. Does the variance function as a rezone of the property?
  - a. Applicant Response: The request does not alter permitted uses or zoning classification, but only adjusts parking compliance requirements.
  - b. *Staff Evaluation: The proposed variance would not function as a rezone.*

**17.50.060: APPROVAL**

Before any variance can be granted, the Board of Adjustment shall make findings of fact setting forth and showing that the following circumstances exist:

- A. Such modifications will not be inconsistent with the intent and purpose of this title and/or any adopted growth policy.
- B. That strict compliance with the provisions of this title would create unnecessary hardship or unreasonable situation on a particular property due to unusual or extreme topography, unusual shape of the property, or the prevalence of similar conditions in the immediate vicinity of the property
- C. That such modifications will have minimal adverse effect on abutting properties or the permitted uses thereof.
- D. That the lawful conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare.

### **FINDINGS**

Staff has determined that the submitted application and its supporting documentation generally comply with the variance review criteria. The Board of Adjustment should review the application and staff report carefully to make their own judgement based on the West Yellowstone Zoning Code.

### **RECOMMENDATION**

Staff recommends that the Board of Adjustments approve the non-conformity request of the applicant and remove the other two variances from the agenda. If the Board of Adjustment prefers to review all variance requests staff does not make a recommendation on Variances #2 or Variance #3. There are merits to both claims for Variances #2 and Variance #3 however as noted in the Staff Evaluation, staff is looking for guidance from the Board of Adjustment on their interpretation of whether rehabilitation rises to the level of “activity caused by the applicant.” The Board of Adjustments should evaluate the Review Criteria before deciding on the variance request to address the parking issues at 124 N. Electric Ave. West Yellowstone, MT. If the Board decides to grant the variance, the Board should include appropriate conditions to mitigate any circumstances the Board identified during their review of the request. Staff suggests the following conditions for the Board of Adjustments to initially consider:

#### Variance #1

- 1. The applicant shall abide by all representations made by the applicant, either through testimony or materials submitted in the application and hearing process, unless the governing body deems otherwise.
- 2. The applicant secures all appropriate approvals and inspections from the appropriate agencies prior to occupying the space.
- 3. That the applicant abides by all easements, covenants, or other regulations between public or private parties that are present on the parcel at the time of submission.
- 4. That prior to occupancy the applicant receives a valid business license from the Town of West Yellowstone.
- 5. That the applicant addresses any sewer and water concerns that could impact human health or safety.
- 6. That the applicant provide to the Town of West Yellowstone Public Works Department as-built drawings prior to occupancy.

#### Variance #2

1. The applicant shall abide by all representations made by the applicant, either through testimony or materials submitted in the application and hearing process, unless the governing body deems otherwise.
2. The applicant secures all appropriate approvals and inspections from the appropriate agencies prior to occupying the space.
3. That the applicant abides by all easements, covenants, or other regulations between public or private parties that are present on the parcel at the time of submission.
4. That prior to occupancy the applicant receives a valid business license from the Town of West Yellowstone.
5. That the applicant addresses any sewer and water concerns that could impact human health or safety.
6. That the applicant provide to the Town of West Yellowstone Public Works Department as-built drawings prior to occupancy.

#### Variance #3

1. The applicant shall abide by all representations made by the applicant, either through testimony or materials submitted in the application and hearing process, unless the governing body deems otherwise.
2. The applicant secures all appropriate approvals and inspections from the appropriate agencies prior to occupying the space.
3. That the applicant abides by all easements, covenants, or other regulations between public or private parties that are present on the parcel at the time of submission.
4. That prior to occupancy the applicant receives a valid business license from the Town of West Yellowstone.
5. That the applicant addresses any sewer and water concerns that could impact human health or safety.
6. That the applicant provide to the Town of West Yellowstone Public Works Department as-built drawings prior to occupancy.
7. The applicant shall pay the parking in lieu fee under 17.37.110 of the West Yellowstone Municipal Code for fourteen 14 spaces on an annual basis with the re-application of their business license.

#### **SAMPLE MOTIONS**

Staff has provided sample motions for the Town of West Yellowstone Board of Adjustments below. The Board may utilize this language in making the motion for their decision regarding the application but should include the Boards findings, any amendments to the conditions presented by staff, and/or adding additional conditions to the applicants proposal that promote health, safety, or general welfare of the public.

SAMPLE MOTION FOR APPROVAL WITH NO AMENDMENTS TO ANY CONDITION OF APPROVAL  
I move to approve the Sleepy Hollow Motel Variance Number \_\_\_\_\_ finding that the proposed variance is consistent with the intent of the B-3 District and the Town of West Yellowstone Growth Policy. I further find that strict compliance with the zoning code would create a hardship, that the granting of the variance will create minimal or no adverse impacts to adjacent landowners, and that the proposed staff conditions are sufficient to mitigate any impacts. I move to adopt the conditions of approval presented in the staff report and adopt the staff evaluation and findings presented for Variance Number \_\_\_\_\_.

SAMPLE MOTION FOR APPROVAL WITH AMENDMENTS TO ANY CONDITION OF APPROVAL  
I move to approve the Sleepy Hollow Motel Variance Number \_\_\_\_\_ finding that the proposed variance is consistent with the intent of the B-3 District and the Town of West Yellowstone Growth Policy. I further find that strict compliance with the zoning code would create a hardship, that the granting of the variance will create minimal or no adverse impacts to adjacent landowners, and that the proposed staff conditions are sufficient to mitigate any impacts. I move to adopt the conditions of approval presented in the staff report and amend condition of approval number \_\_\_ to read as stated "STATE AMENDMENT PROPOSED" and adopt the staff evaluation and findings presented for Variance Number \_\_\_\_\_.

SAMPLE MOTION FOR APPROVAL REMOVING ANY CONDITION OF APPROVAL  
I move to approve the Sleepy Hollow Motel Variance Number \_\_\_\_\_ finding that the proposed variance is consistent with the intent of the B-3 District and the Town of West Yellowstone Growth Policy. I further find that strict compliance with the zoning code would create a hardship, that the granting of the variance will create minimal or no adverse impacts to adjacent landowners, and that the proposed staff conditions are sufficient to mitigate any impacts. I move to adopt the conditions of approval presented in the staff report and remove condition of approval number \_\_\_ and adopt the staff evaluation and findings presented for Variance Number \_\_\_\_\_.



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Scott Hazelton AICP, CFM  
Owner, Sunflower Peak Planning  
7137 Tulane Ave. Unit 2F  
University City, MO 63130  
406-475-2969  
[shazelton@sunflowerpeakplanning.com](mailto:shazelton@sunflowerpeakplanning.com)

9/26/2025  
Date



# **APPLICATION**

**Submitted by Ryan Callahan on Behalf of  
CWH MONTANA LLC**

Town Council  
West Yellowstone  
440 Yellowstone Avenue  
PO Box 1570  
West Yellowstone, MT 59758

September 4, 2025

**RE: 124 N. Electric Street – Zoning Variance Application**

Dear Town Council,

I am writing to provide additional context to our attached variance application for 124 North Electric Street (formerly The Sleepy Hollow Motel), a historic hotel in the Central Business District which has gone into disrepair over the past several years.

We acquired the property in the fall of 2024 with a plan to renovate the existing structures and re-open the motel under its existing use. While initially we believed the property to be legally non-conforming, an additional review by the Town's 3rd party planner, Scott Hazelton, revealed that the non-conforming status may no longer be in effect because the property has been inoperable for more than 12 months.

With the loss of this status, there appears to be no clear path forward to bring the property back online without the need for a variance. The property cannot operate in its current condition and bringing it up to current zoning code is not viable due to the inability to provide the required parking on-site. We are eager to work with the Town to solve this so we can repair the site's numerous health and safety hazards, restore the buildings, and begin welcoming guests to this property that has a special history to visitors of West Yellowstone.

We are asking the Town Council to consider three separate variance requests so the property can be renovated and re-opened:

1. Reinstate the legal nonconforming status.
2. Waive the parking requirements for this use since the site has historically operated without onsite parking.

3. Waive the 80% parking requirement and identify a viable number of spots that can fit onsite, with the remainder to be "purchased in lieu of."

With approval of these variances, we will begin immediately refurbishing the property, correcting its long-standing sewer and water issues, and restoring the site in a way that preserves its historic charm, protects public health and safety, and provides jobs and accommodations for people from around the world who are drawn to West Yellowstone. We are committed to being good neighbors, stewards of this property, and engaged members of the community.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Callahan', followed by a long horizontal line extending to the right.

Ryan Callahan  
Proprietor, 124 North Electric Street



**BEFORE THE BOARD OF ADJUSTMENT  
TOWN OF WEST YELLOWSTONE, MONTANA**

**In the Matter of:**

**RYAN CALLAHAN for CWH Montana, LLC, Applicant  
d/b/a Westbound Hotel**

**124 North Electric Street  
West Yellowstone, MT 59758**

**Parcel ID: PLAT, S34, T13 S, R05 E, BLOCK 18, Lot 7**

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**APPLICATION FOR ZONING VARIANCE**

Ryan Callahan d/b/a Westbound Hotel ("Applicant"), hereby respectfully submits this Application for Zoning Variance:

**1. Name and Address of Applicant**

The Applicant is Ryan Callahan for CWH Montana, LLC, d/b/a Westbound Hotel, 124 North Electric Street, West Yellowstone, MT 59758. Contact: ryanhcallahan@gmail.com, 406-220-6408.

**2. Name and Address of Owner**

CWH Montana LLC is the legal owner of the Property located at 124 North Electric Street, West Yellowstone, Montana at PLAT, S34, T13 S, R05 E, BLOCK 18, Lot 7

**3. Description of Property**

The subject property consists of approximately .34 acres located at 124 North Electric Street, bounded by Electric Street to the East and Alley B to the south. The property contains the former Sleepy Hollow Motel structures, consisting of thirteen (13) lodging units, a main house structure, and associated buildings. These structures predate the current zoning ordinance and have operated as lodging facilities for approximately 75 years.

**4. Zoning Classification**

The property is located within the B-3 Central Business District as designated in the West Yellowstone Municipal Code Chapter 17.22. Hotel/motel uses are permitted within this district pursuant to Section 17.22.020.

**5. Existing Conditions and Proposed Use**

**Existing Conditions:**

The property currently contains thirteen (13) existing motel units from the former Sleepy Hollow Motel operation and one (1) main house structure previously configured as a five-bedroom residence and ancillary office space. The property provides zero (0) dedicated off-street parking spaces, as it was developed prior to current parking requirements.

**Proposed Use:**

The Applicant proposes to restore and operate the existing lodging facility with minimal modifications:

- Continue operation of the thirteen (13) existing motel units and (1) residential unit.
- Create one (1) on-site parking spaces through site reconfiguration
- Fund and develop up to seven (7) public parking spaces on adjacent city property via removal of the property's propane tank.

**6. Zoning Relief Requested**

The Applicant hereby requests the following zoning relief be granted:

**A. Variance from Section 17.39.040(C) - Legal Non-Conforming Status**

To permit the reinstatement of legal non-conforming status notwithstanding a lapse in business licensing exceeding twelve (12) consecutive months from 2023 to present, where strict application would require complete demolition of viable structures.

**B. Variance from Section 17.37.100(E) - Total Parking Requirements**

To permit a reduction in the total number of required off-street parking spaces from 16 spaces as calculated under the ordinance to 1 space based upon actual demand and comprehensive mitigation measures.

**C. Variance from Section 17.37.110 - On-Site Parking Percentage**

To permit alternative parking arrangements where the ordinance requires eighty percent (80%) of required parking to be provided on-site, based upon physical impossibility of compliance without demolition.

**7. Statement of Hardship and Justification**

**A. Variance from Section 17.39.040(C) – Legal Non-Conforming Status**

**To permit the reinstatement of legal non-conforming status notwithstanding a lapse in business licensing exceeding twelve (12) consecutive months.**

1. That the Physical Makeup of the Subject Parcel Presents a Hardship Outside of the Applicant's Control.

The existing parcel was developed with motel structures more than 75 years ago. These structures and the layout of the lot make it physically impossible to comply with modern ordinances without demolition. The lapse in business license was due to ownership transition and property condition, not applicant control.

2. That the Hardship Was Not The Result of a Lack of Due Diligence During the Purchase Period.

At purchase in November 2024, the Applicant understood the property's history as a motel and its suitability for restoration. The hardship arises from ordinance timing and legacy development patterns, not a failure to investigate.

3. That the Hardship is Not Resulting from the Actions of the Applicant.

The lapse occurred under prior ownership. The Applicant's actions since purchase have been focused on rehabilitating the property.

4. That the Variance Does Not Constitute a Rezone of the Parcel.

This request simply restores legal non-conforming use status. It does not alter zoning; the B-3 classification remains unchanged.

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**B. Variance from Section 17.37.100(E) – Total Parking Requirements**

**To permit a reduction in the total number of required off-street parking spaces from 16 to 1.**

1. That the Physical Makeup of the Subject Parcel Presents a Hardship Outside of the Applicant's Control.

The parcel's small size, existing structures, and historic development make compliance with modern parking ratios physically impossible without demolition.

2. That the Hardship Was Not The Result of a Lack of Due Diligence During the Purchase Period.

The Applicant's review at purchase confirmed the impossibility of meeting current ratios. The hardship is inherent in the property's size and layout, not from inadequate research.

3. That the Hardship is Not Resulting from the Actions of the Applicant.

The Applicant has not reduced or eliminated parking space; rather, the parcel has always lacked required parking under today's code.

4. That the Variance Does Not Constitute a Rezone of the Parcel.

The request is limited to parking standards. The underlying zoning remains intact.

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### **C. Variance from Section 17.37.110 – On-Site Parking Percentage**

**To permit alternative parking arrangements where 80% on-site provision is required.**

1. That the Physical Makeup of the Subject Parcel Presents a Hardship Outside of the Applicant's Control.

The parcel cannot accommodate 80% of calculated parking onsite due to building coverage and lot size. This limitation is structural and not applicant-created.

2. That the Hardship Was Not The Result of a Lack of Due Diligence During the Purchase Period.

The Applicant was aware of the parking deficiency but also identified feasible off-site mitigation. The hardship exists regardless of diligence.

3. That the Hardship is Not Resulting from the Actions of the Applicant.

The Applicant has taken steps to increase parking availability, including creating 1 onsite space and funding 7 public spaces. The hardship stems from the lot itself.

4. That the Variance Does Not Constitute a Rezone of the Parcel.

The request does not alter permitted uses or zoning classification, but only adjusts parking compliance requirements.

### **8. Consistency with Ordinance Intent**

The proposed use and requested variances are consistent with the purposes of the B-3 Central Business District, which seeks to promote economic vitality, preserve downtown character, and encourage appropriate mixed-use development. Forcing demolition to achieve technical compliance would contradict these objectives and harm the community's interests.

## **9. Alternatives Considered**

The Applicant has evaluated all reasonable alternatives:

- **Full Compliance:** Would require nearly complete demolition - economically and environmentally wasteful
- **Partial Demolition:** Insufficient space gained, destroys property viability
- **Change of Use:** Limited alternatives in B-3; most uses require similar parking
- **Abandonment:** Creates blight, reduces tax base, harms tourism infrastructure

None of these alternatives serve the public interest as well as the requested variances.

## **10. Proposed Conditions**

The Applicant proposes the following conditions to ensure compliance:

1. Implementation of all parking mitigation measures prior to occupancy of the first Hotel/motel room
2. Annual reporting on parking management and utilization
3. No expansion without additional review
4. Compliance with all applicable building and safety codes

## **11. Legal Authority**

This variance request is authorized under:

- Montana Code Annotated §76-2-307 (variance authority)
- Montana Code Annotated §76-2-502 (required variance procedures)
- West Yellowstone Municipal Code Chapter 17.50 (local variance standards)

Montana courts recognize variances are appropriate where unique physical conditions create practical difficulties and strict application would be unreasonable.

## **12. Conclusion**

The requested variances address an impossible situation created by unique physical constraints. Without these variances, functional buildings must be demolished, harming economic development, environmental sustainability, and community character. The comprehensive mitigation plan ensures the variances will improve rather than deteriorate existing conditions. The Applicant respectfully requests approval of all three variances as a unified solution that serves the public interest.

**Respectfully Submitted,**

**RYAN CALLAHAN**

**CWH Montana, LLC  
d/b/a Westbound Hotel**

Date: 9/23/25, 2025

By:   
Ryan Callahan, Applicant

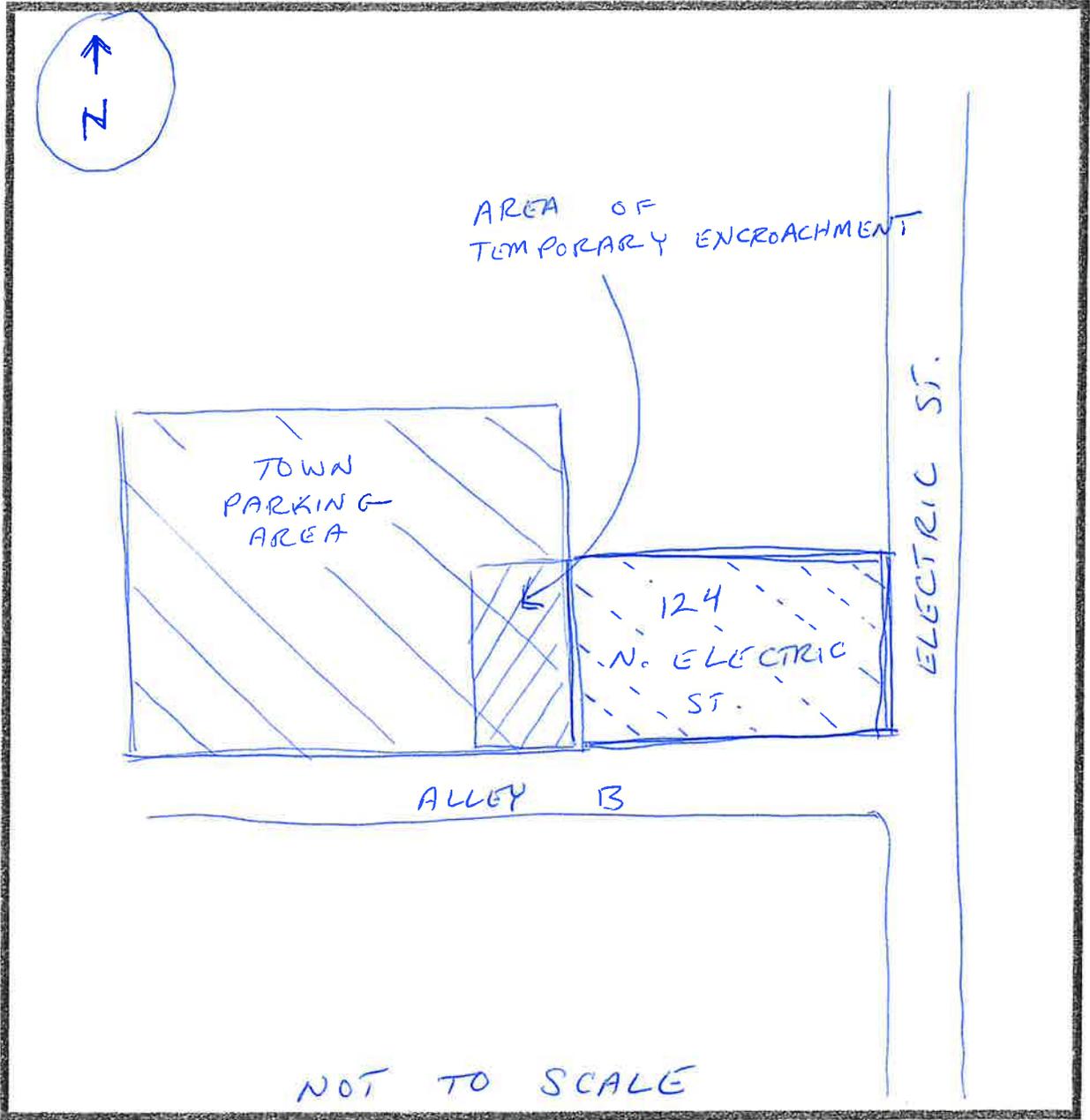
**Attachments:**

- Site plan showing existing conditions
- Proposed parking improvement plans
- Photographs of existing structures



Parking Plan





PLEASE INDICATE DIRECTION