

# Town of West Yellowstone

Tuesday, January 10, 2023

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.

## WORK SESSION

6:00 PM

Town Council Priorities

Discussion

## TOWN COUNCIL MEETING

7:00 PM

Pledge of Allegiance

Election of the Mayor and Deputy Mayor for 2023

Discussion/Action

### Comment Period

- **Public Comment**  
Bob Lindstrom, Madison River Crossing Wildlife Overpass
- **Council Comments**

Treasurer's & Securities Reports

Purchase Orders:

Claims:

Business License Applications:

Consent Agenda:

Minutes: **December 20, 2022 Town Council Meeting**

Town Manager & Staff Reports

Advisory Board Reports

### Public Hearing: Ordinance No. 273, Marijuana Businesses Prohibition

### ACTION ITEMS

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Ordinance No. 273, Marijuana Businesses Prohibition, 2<sup>nd</sup> Reading

Discussion/Action

Task Order 22-01, US Forest Service Land Acquisition, Forsgren Associates

Discussion/Action

West Yellowstone Foundation Lease Request

Discussion/Action

Marketing and Promotions Fund Advisory Board Appointments

Discussion/Action

Correspondence/FYI/Meeting Reminders



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

Public Hearing/Public Meeting

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

Oral Communication

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

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

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

*The Town Council Packet and associated documentation is available online at  
[www.townofwestyellowstone.com](http://www.townofwestyellowstone.com).*





# Memorandum

**To:** Mayor and Town Council Members

**From:** Dan Walker, Town Manager

**Date:** 1/6/2023

**Re:** Town Priorities 2023

Below is information regarding the status of priority projects from 2022 and some suggestions for priorities for 2023. We will have a full discussion at the 1/10 Town Council Work Session.

## **Ongoing large scale Town Council Priorities (Multi Year):**

- Wastewater Treatment Plant
  - ✓ Equipment Selection Bids
  - ✓ Airport Lease or Land Purchase
  - ✓ DEQ Approval
  - ✓ Finalize Funding Package
  
- Housing Issues
  - West Yellowstone Housing Coalition reactivated in December 2022.
    - ✓ Meeting every other month starting in February.
    - ✓ Potential to work with HRDC to formulate a housing strategy and action plan.
  - One Valley Regional Housing Coalition
    - ✓ Quarterly regional meetings to discuss housing issues and solutions with other regional partners
  - ❖ The goal of both groups is to identify and make recommendations to the Town and other stakeholders on how best to address housing needs within the Town (and basin).

## **Ongoing priority projects started in 2022 with anticipated 2023 completion:**

- Identified 2022/23 CIP Projects
- Rails to Trails Planning
- Zoning Code and map updates
- SFE Update and finalize sewer rates

**Completed primary and secondary projects from 2022:**

- Staffing Plan
- Water Rates
- Lease Agreements

**Other completed tasks/Projects/Highlights from 2022:**

- Annexation of 80 acres
- Town Judge Appointment and reappointment
- Updated DRG Review Process
- Pavement Management Plan
- Employee Evaluation format
- 1% Resort Tax Ordinance
- Finance Director Hire
- Social Services Director Hire
- Police Chief Hire
- 2 Police Patrol Officer Hires
- Dispatcher Hire
- Deputy Superintendent Water/Wastewater Hire
- 5 Equipment Operator Hire
- Casting Pond Phase I
- Whistleblower Policy
- Conflict of Interest Policy
- Hebgen Fire District Satisfaction of Debt
- Community Clean up
- Septage Discharge Permit

**Other outstanding issues (priorities?)**

- Simon Property Lawsuit
- Moonrise Meadows Lawsuit

**Projects for consideration as 2023 Town Council priorities:**

- Facilities Planning Study (utilities)
- Food Truck Ordinance
- 80 Acres Development Plan/strategy
- Town Policy Manual update/revisions
- Growth Policy
- Review Advisory Boards
- Website revisions
- Attorney contract
- Engineer contract
- Standard lease template
- New water well

**Section 3.04 Town Council: Election, Terms, Qualifications, Remuneration, Removal and Filling Vacancies**

- (1) Five council members shall be elected at large on a nonpartisan basis.
- (2) Council members shall have a term of office of four years.
- (3) Council members shall make their principal residence (as interpreted by the federal Internal Revenue Service) within the Town limits and shall be qualified voters of the Town of West Yellowstone.
- (4) The council shall establish by ordinance the compensation of its members and the mayor.
- (5) The office of council member shall become vacant upon the death, resignation, forfeiture, or removal from office by any method authorized by law.
- (6) When a vacancy occurs in the office of 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.

**Section 3.05 The Mayor: Election, Powers, Duties, Removal and Filling a Vacancy**

- (1) The mayor shall be selected from among the members of the Town council by the affirmative vote of a majority of the council.
- (2) The council member selected shall serve as the mayor for one year unless selected for an additional term by the council.
- (3) The mayor so selected may be removed by four (4) council member votes, whereupon, a new mayor shall be selected by the council.
- (4) The mayor shall be the presiding officer of the council, shall vote as other council members and may not veto measures approved by the council. In the absence of the mayor, the council shall appoint one of the council members present to serve as presiding officer.
- (5) The mayor shall be the ceremonial officer of the town and shall have no other duties or responsibilities except, when required by the council and in the absence of the Town manager, the mayor shall perform all administrative duties of the Town manager.
- (6) The office of mayor shall become vacant upon the death, resignation or removal from office by any method authorized by law or this charter. A successor mayor shall be appointed by the council as provided in Section 3.05(1).

**From:** [Robert Lindstrom](#)  
**To:** [Elizabeth Roos](#)  
**Cc:** [Clint Nagel](#); [Robert Bowman](#); [Anna Anderson](#); [commissionerregion1@mtfwp.org](mailto:commissionerregion1@mtfwp.org); [cam\\_sholly@nps.gov](mailto:cam_sholly@nps.gov)  
**Subject:** WILDLIFE OVERPASS MADISON RIVER  
**Date:** Wednesday, January 4, 2023 9:10:31 AM

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Hello Liz:

As a member of a local wildlife organization, who's job is to protect wildlife; I am requesting an agenda item to be included in the next town council meeting:

TO: Elected officials, West Yellowstone MT

SUBJECT: Madison River wildlife corridor/ highway 191 wildlife overpass

PURPOSE: Public Safety in avoiding wildlife/vehicular crashes

FUNDING: WILDLIFE & highway infrastructure [Multimillion dollar grant] from the various agencies (~\$10M)

PROPOSAL: wildlife overpass = Permanent solution

The Madison wildlife corridor, following the banks of the river, intersects with US Highway 191; an area well known to locals for high roadkill data; as demonstrated by The 13 recent Bison fatalities, due to unsafe driving, conditions for big trucks.

Herds of Wildlife and 18 wheeler trucks traveling at 70mph on icy roads are an ongoing permanent disaster for both the wildlife and the humans impacted.

In my opinion, the simple solution is to install a giant culvert underneath the current highway, as it crosses the bridge, replacing it with a 1/2 mile overpass for wildlife to access the ecosystem without crossing through industrial weight traffic. The highway will travel underground for 1/4 mile before resuming normal surface travel before the Rainbow Point road intersection.

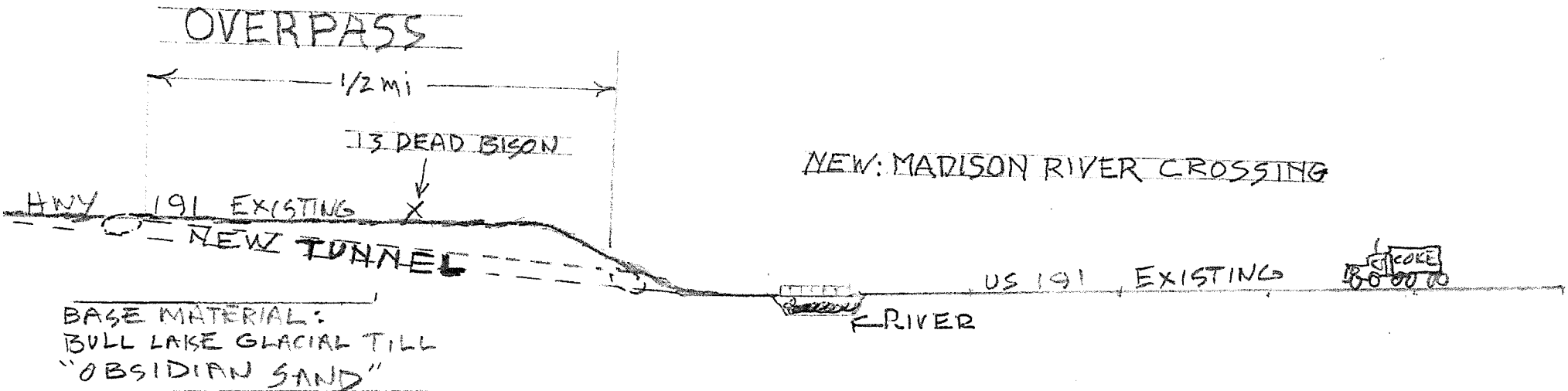
The road to the transfer station, the site of the 13 dead Bison, is dead center of this project.

How do we include this proposal into the agenda?

Thank you,

Bob Lindstrom  
Member

Sent from my iPad



MADISON RIVER/US HWY 191 WILDLIFE  
OVERPASS

1" = .75 MILES ARTIST RENDITION  
6 JANUARY 2023 RFL

\* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
49682		3382 Gabriela Zarate	350.00					
	12/31/22	Deposit Refund for Event	350.00		POVAH	2210 214001		101000
49684		1566 Montana Security and	61.50					
	74224 12/31/22	monitoring UPDL	61.50*		UPDL	1000 411252	357	101000
49686		95 Energy West-Montana	5,183.14					
	01/03/23	nat gas 210361788 updl	116.50		UPDH	1000 411252	344	101000
	01/03/23	nat gas 210360293 Police	30.17		POLBLD	1000 411258	344	101000
	01/03/23	nat gas 210361746 Pub Services	1,516.66		STREET	1000 430200	344	101000
	01/03/23	nat gas 210361811 old firehall	340.05		PARK	1000 460430	344	101000
	01/03/23	nat gas 210363966 old bld ins	170.86		STREET	1000 430200	344	101000
	01/03/23	nat gas 210360540 library	664.55		LIBBLD	1000 411259	344	101000
	01/03/23	nat gas 210364599 Povah	1,215.68		POVAH	1000 411255	344	101000
	01/03/23	nat gas 210361697 Iris Lift St	45.78		PUBSVC	1000 430200	344	101000
	01/03/23	nat gas 210365425 Twm Hall	1,059.39		TWNHAL	1000 411250	344	101000
	01/03/23	nat gas 210361655 Mad Add Sewe	23.50		SEWER	5310 430600	344	101000
49687		2853 Two Seasons Recycling	4,500.00					
	2023368 12/29/22	Street bin recycling FY23	3,650.00		PARKS	1000 460430	534	101000
	2023302 09/30/22	Monthly Recycling-Sept 2022	850.00		PARKS	1000 460430	534	101000
49688		266 Utilities Underground Location	4.71					
	2125371 12/31/22	excavation notifications	4.71		WATER	5210 430500	348	101000
	01/31/23	excavation notifications	0.00		SEWER	5310 430600	357	101000
49689		2421 NAPA Auto Parts	928.05					
	123122-01 12/31/22	Napa Supplies	928.05		STREET	1000 430200	361	101000
49690		2264 MORNING GLORY COFFEE & TEA	33.75					
	01/20/23	Dispatch coffee	33.75		DISP	1000 420160	220	101000
49692		2952 DIS Technologies	1,253.49					
	10806 01/05/23	Monthly Managed IT	835.50		IT	1000 410580	355	101000
	10861 12/28/22	Setup for Katie's laptop	272.00*		FINANC	1000 410510	212	101000
	10864 12/28/22	Desktop Hard Drive- Backup	145.99		IT	1000 410580	355	101000
49694		2813 Century Link	1,557.50					
	12/19/22	E911 Viper 255-9710	987.10		E911	2850 420750	345	101000
	12/19/22	E911 Viper 255-9712	29.05		E911	2850 420750	345	101000
	12/19/22	E911 Viper 646-5170	121.80		E911	2850 420750	345	101000
	12/19/22	Alarm Lines 646-5185	101.04		TWNHLL	1000 411250	345	101000
	12/19/22	Police - 646-7600	318.51		POLICE	2850 420750	345	101000



\* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
49697		151 Gallatin County WY TS/Compost	312.00					
	123122-01	12/31/22 Household waste	312.00		PARKS	1000 460430	534	101000
49699		2845 Kasting, Kauffman & Mersen, PC	7,461.70					
	227031	01/05/23 legal services 12/1-31/22	5,786.70		LEGAL	1000 411100	352	101000
		01/02/23 phone/fax	0.00		LEGAL	1000 411100	345	101000
	227031	01/05/23 travel	1,675.00*		LEGAL	1000 411100	373	101000
49700		2852 Blackfoot Communications	2,113.24					
	01/01/23	646-5106, fax soc svc	40.53		SOCSRV	1000 450135	345	101000
	01/01/23	646-5119, police station Dispa	40.53		DISPCH	2850 420750	345	101000
	01/01/23	646-5141, sewer plant alarm	40.53		SEWER	5310 430600	345	101000
	01/01/23	646-5185, town hall alarm	40.53		TWNHAL	1000 411250	345	101000
	01/01/23	646-7311, social services	23.22		SOCSRV	1000 450135	345	101000
	01/01/23	646-7481, povah elevator	58.16		POVAH	1000 411255	345	101000
	01/01/23	646-7511, town hall fax	40.53		TWNHAL	1000 411250	345	101000
	01/01/23	646-7609, public works	32.43		PUBSVC	1000 430200	345	101000
	01/01/23	646-7650, police station fax	40.53		DISPCH	2850 420750	345	101000
	01/01/23	646-7715, povah center	24.84		POVAH	1000 411255	345	101000
	01/01/23	646-7795, town hall	230.71		TWNHAL	1000 411250	345	101000
	01/01/23	646-7845, court clerk	115.19		COURT	1000 410360	345	101000
	01/01/23	646-9017, library	43.84		LIBRAR	2220 460100	345	101000
	01/01/23	646-9027, sewer plant alarm	40.53		SEWER	5310 430600	345	101000
	01/01/23	ethernet, library	300.00		LIBRAR	2220 460100	345	101000
	01/01/23	ethernet, povah center	187.26		POVAH	1000 411255	345	101000
	01/01/23	ethernet, police station	350.00		POLICE	1000 411258	345	101000
	01/01/23	ethernet, town hall	272.00		TWNHAL	1000 411250	345	101000
	01/01/23	ethernet, public works shop	125.00		STREET	1000 430200	345	101000
	01/01/23	602-4909, town hall judge	14.28		COURT	1000 410360	345	101000
	01/01/23	602-4894 Town hall Court Clerk	1.10		COURT	1000 410360	345	101000
	01/01/23	602-4897 town hall	1.10		TWNHAL	1000 411250	345	101000
	01/01/23	602-4898 town hall	1.10		TWNHAL	1000 411250	345	101000
	01/01/23	602-4900 town hall	5.25		TWNHAL	1000 411250	345	101000
	01/01/23	602-4901 town hall	5.25		TWNHAL	1000 411250	345	101000
	01/01/23	602-4902 town hall	1.10		TWNHAL	1000 411250	345	101000
	01/01/23	602-4903 town hall	1.10		TWNHAL	1000 411250	345	101000
	01/01/23	602-4904 town hall	1.10		TWNHAL	1000 411250	345	101000
	01/01/23	602-4905 town hall	1.10		TWNHAL	1000 411250	345	101000
	01/01/23	602-4906 Library Main desk	1.10		LIBRY	2220 460100	345	101000
	01/01/23	602-4907 Library Director	1.10		LIBRY	2220 460100	345	101000
	01/01/23	602-4908 Povah Ctr	11.10		POVAH	1000 411255	345	101000
	01/01/23	602-4949 Town Hall	11.10		TWNHAL	1000 411250	345	101000
	01/01/23	6024044 Soc Ser Pantry	10.00		SOCSER	1000 450135	345	101000

\* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
49703		40 Jerry's Enterprises	607.42					
	123122-01	12/28/22 Fuel	490.42		STREET	1000 430200	231	101000
	123122-01	12/28/22 Fuel vouchers	117.00		HELP	7010 450135	231	101000
49704		2546 Century Link QCC	13.08					
	621126365	12/24/22 long dist chg 406-646-7600	13.08		DISPAT	1000 420160	345	101000
49705		1514 Verizon Wireless	1,034.01					
		21 Smartphones						
		5 laptops						
	9923445793	12/20/22 640-0108, Police	39.72		POLICE	1000 420100	345	101000
	9923445792	12/20/22 640-0121 Laptop	40.01		POLICE	1000 420100	345	101000
	9923445793	12/20/22 640-0141 Street SP	39.71		STREET	1000 430200	345	101000
	9923445793	12/20/22 640-0159 Street SP	39.71		STREET	1000 430200	345	101000
	9923445793	12/20/22 640-0606 911 Dispatch	39.72		911	1000 420160	345	101000
	9923445793	12/20/22 640-1103, Operator SP	39.71		STREET	1000 430200	345	101000
	9923445793	12/20/22 640-1460, Library Dir, SP	39.71		LIBRAR	2220 460100	345	101000
	9923445793	12/20/22 640-1461, S & W operator,	39.71		SEWER	5310 430600	345	101000
	9923445793	12/20/22 640-1462, S & W Super, SP	39.71		WATER	5210 430500	345	101000
	9923445793	12/20/22 640-1463, Deputy PSS, SP S	39.71		PARKS	1000 460430	345	101000
	9923445793	12/20/22 640-1472, Ops Mgr, SP	39.71		ADMIN	1000 410210	345	101000
	9923445793	12/20/22 640-1676, Rec Coord, SP	39.71		REC	1000 460440	345	101000
	9923445793	12/20/22 640-1754, COP, SP	39.72		POLICE	1000 420100	345	101000
	9923445793	12/20/22 640-1755, Police	39.72		POLICE	1000 420100	345	101000
	9923445793	12/20/22 640-1756, Police	39.72		POLICE	1000 420100	345	101000
	9923445793	12/20/22 640-1757, Police	39.71		POLICE	1000 420100	345	101000
	9923445793	12/20/22 640-1758, Head Dispatcher	39.71		DSPTCH	1000 420160	345	101000
	9923445793	12/20/22 640-1759, Police	39.71		POLICE	1000 420100	345	101000
	9923445793	12/20/22 640-7547, Street SP	39.71		PARKS	1000 460430	345	101000
	9923445793	12/20/22 640-9074, PSS, SP	39.71		STREET	1000 430200	345	101000
	9923445792	12/20/22 640-2195 683 laptop	40.01		POLICE	1000 420100	345	101000
	9923445792	12/20/22 640-2551 COP laptop	40.01		POLICE	1000 420100	345	101000
	9923445792	12/20/22 641-0184 686 laptop	40.01		POLICE	1000 420100	345	101000
	9923445792	12/20/22 641.0207 681 laptop	40.01		POLICE	1000 420100	345	101000
	9923445793	12/20/22 640-2354 Social Services	39.71		SOCSE	1000 450135	345	101000
	9923445793	12/20/22 640-2629 City Judge	39.71		COURT	1000 410360	345	101000
49706		2822 ClearBlu Business Services	4,723.00					
	1704	01/01/23 Town Hall	750.00		TWNHLL	1000 411250	357	101000
	1704	01/01/23 Library	400.00		LIBES	1000 411259	357	101000
	1704	01/01/23 Trailhead Bldng.	195.00		TRLHED	1000 411256	350	101000
	1704	01/01/23 Povah	400.00		POVAH	1000 411255	350	101000
	1704	01/01/23 Chamber Bldng.	1,050.00		CHAMB	1000 411257	357	101000
	1704	01/01/23 Park Bathrooms	600.00		PARKS	1000 411253	357	101000

\* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org	Acct	Object	Proj	Cash Account
	1704	01/01/23 Dispatch Building	535.00		DSPTCH	1000	411258	398		101000
	1707	12/28/22 MainLineHydro Jet Mnt	793.00		SEWER	5310	430600	357		101000
49707		73 Westmart Building Center	1,044.30							
	12/27/22	Street Supplies	312.05		STREET	1000	430200	220		101000
	12/27/22	Street Repairs	53.14		STREET	1000	430200	361		101000
	12/27/22	Water Supplies	52.15		WATER	5210	430550	220		101000
	12/27/22	Police supplies	16.13		POLICE	1000	420100	220		101000
	12/27/22	Dispatch Supplies	30.35		DSPTCH	1000	420160	220		101000
	12/27/22	Town Hall Supplies	105.98		TWNHLL	1000	411250	220		101000
	12/27/22	Parks supplies	455.51		PARKS	1000	460430	220		101000
	12/27/22	Social Serviices	18.99		SOCSER	1000	450135	220		101000
49708		3242 Fisher's Technology	621.84							
	1109416	12/27/22 B/W copy fees	13.78		FINADM	1000	410510	356		101000
	1103442	12/14/22 Toner for police station prin	608.06		DISPAT	1000	420160	220		101000
49710		1 First Security Bank of BZN, Div	8,430.91							
	12/20/22	PARK, old firehouse 2901001	398.40		PARK	1000	411253	341		101000
	5285	12/20/22 povah comm ctr 4212001	198.83		POVAH	1000	411255	341		101000
	5285	12/20/22 unmetered lights 4212004	1,451.25		STLITE	1000	430263	341		101000
	5285	12/20/22 RR Well 4212005	85.73		WATER	5210	430500	341		101000
	5285	12/20/22 SEWER LIFT STATION 4212006	337.80		SEWER	5310	430600	341		101000
	5285	12/20/22 SEWER PLANT 4212007	1,314.52		SEWER	5310	430600	341		101000
	5285	12/20/22 POLICE 4212008	479.78		POLICE	1000	411258	341		101000
	5285	12/20/22 TOWN HALL 4212009	369.55		TWNHLA	1000	411250	341		101000
	5285	12/20/22 ICE RINK 421010	62.95		PARKS	1000	411253	341		101000
	01/20/23	S Canyon XmasTree Light 421011	0.00		STLITE	1000	430263	341		101000
	5285	12/20/22 South Iris Street Well 4212013	157.74		WATER	5210	430500	341		101000
	5285	12/20/22 MAD SEWER LIFT 4212014	257.35		SEWER	5310	430600	341		101000
	5285	12/20/22 Hayden/Grouse Well 4212015	48.82		WATER	5210	430500	341		101000
	5285	12/20/22 911 Tower 4212016	150.14		911	2850	420750	341		101000
	5285	12/20/22 MADADD H20 Tower 4212017	53.02		WATER	5210	430500	341		101000
	5285	12/20/22 SHOP 4212018	459.13		STREET	1000	430200	341		101000
	5285	12/20/22 ANIMAL 4212029	234.66		ANIML	1000	440600	341		101000
	5285	12/20/22 CLORINATOR 4212030	78.88		WATER	5210	430500	341		101000
	5285	12/20/22 Electric Well 4212031	44.04		WATER	5210	430500	341		101000
	5285	12/20/22 PARK 4212032	269.09		PARKS	1000	411253	341		101000
	5285	12/20/22 UPDH 4212041	754.95		UPDH	1000	411252	341		101000
	5285	12/20/22 SEWER TREAT SERV 4212046	1,117.31		SEWER	5310	430600	341		101000
	5285	12/20/22 LIBRARY 23 dunraven 4212054	106.97		LIBR	1000	411259	341		101000

\* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
49711		2789 WEX Bank	10,701.79					
	01/01/23	17 Dodge Ram #1	0.00		POLICE	1000 420100	231	101000
	01/01/23	17 Dodge Ram #2	0.00		POLICE	1000 420100	231	101000
	86087731	12/31/22 10 Ford Expedition 6-000046	43.97		SOCSEK	1000 450135	231	101000
	86087731	12/31/22 10 JD Backhoe 310SJ	140.89		STREET	1000 430200	231	101000
	86087731	12/31/22 91 Ford 6-582	114.59		STREET	1000 430200	231	101000
	86087731	12/31/22 SS Snow Blower Green	34.49		STREET	1000 430200	231	101000
	86087731	12/31/22 Grader	467.86		STREET	1000 430200	231	101000
	01/01/23	14 Water Truck	0.00		STREET	1000 430200	231	101000
	86087731	12/31/22 2010 JD 772 Grader	2,015.48		STREET	1000 420100	231	101000
	86087731	12/31/22 02 Freightliner Dump 6-54564	169.29		STREET	1000 430200	231	101000
	01/01/23	08 GMC Pickup 6-1484	0.00		STREET	1000 430200	231	101000
	86087731	12/31/22 FrontEnd Loader	1,572.02		STREET	1000 430200	231	101000
	86087731	12/31/22 08 CAT 938H Loader	2,243.24		STREET	1000 430200	231	101000
	01/01/23	08 904B MiniLoader	0.00		STREET	1000 430200	231	101000
	86087731	12/31/22 15 Ford F-250	213.06		STREET	1000 430200	231	101000
	86087731	12/31/22 18 2018 Dodge Ram-PW	273.55		STREET	1000 430200	231	101000
	86087731	12/31/22 18 Dodge Ram-Police	408.21		POLICE	1000 420100	231	101000
	86087731	12/31/22 19 Dodge Durango	368.64		POLICE	1000 420100	231	101000
	86087731	12/31/22 Multi-Use Vehicle - Sienna	73.37		ADMIN	1000 420100	231	101000
	86087731	12/31/22 Multi-Use Vehicle - Sienna	74.91		STREET	1000 430200	231	101000
	86087731	12/31/22 06 Dodge Durango 6-1374/6-20	12.03		STREET	1000 430200	231	101000
	01/01/23	15 Sweeper	0.00		STREET	1000 430200	231	101000
	86087731	12/31/22 '00 FL Dumptrk 6-60700A	248.94		STREET	1000 430200	231	101000
	86087731	12/31/22 '14 Ford Intercep	450.62		POLICE	1000 420100	231	101000
	86087731	12/31/22 PD Dodge Ram#1	384.35		POLICE	1000 420100	231	101000
	86087731	12/31/22 PD Dodge Ram#2	343.90		POLICE	1000 420100	231	101000
	01/01/23	01 Frht truck #1	0.00		STREET	1000 430200	231	101000
	86087731	12/31/22 01 Frht truck #2	405.11		STREET	1000 430200	231	101000
	86087731	12/31/22 19 Dodge 5500	69.64		STREET	1000 430200	231	101000
	86087731	12/31/22 20 Dodge Ram (silver)	302.67		POLICE	1000 420100	231	101000
	86087731	12/31/22 '17 Chevy 3/4 ton white	246.51		WATER	5210 430500	231	101000
	86087731	12/31/22 '13 Chevy 3500	24.45		STREET	1000 430200	231	101000
49712		54 Bozeman Daily Chronicle	150.00					
	306242	12/19/22 Notice Inviting Prop- Maj Equi	150.00		WWTP	5320 430640	951	101000
49713		3200 Yellowstone Log Chinking	9,695.00					
	88	12/30/22 Roof Cleaning-UPDL	4,830.00*		UPDL	1000 411252	357	101000
	88	12/30/22 Roof Cleaning-Museum	3,150.00*		MUSEUM	1000 411252	357	101000
	88	12/30/22 Roof Cleaning- Town Hall	1,715.00		TWNHLL	1000 411250	357	101000

\* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
49714		3388 YCG, Inc.	1,820.00					
	229911	12/15/22 Refurb Watchguard Video System	1,820.00		POLICE	4000 420110	944	101000
49715		3239 Salt Lake Wholesale Sports	889.84					
	85583	11/30/22 12 gauge slug-ammo+shipping	889.84		POLICE	1000 420100	212	101000
49716		3309 AQUAPRO	7,170.23					
	A22-192	12/20/22 replacement display w circuit	456.25		WATER	5210 430530	212	101000
	A22-166	09/20/22 replacement parts	4,457.40*		WATER	5210 430550	369	101000
	A22-127	05/19/22 neptune 2" meter	1,055.55		WATER	5210 430550	220	101000
	A22-133	05/26/22 cast iron ring	1,201.03		SEWER	5310 430630	369	101000
49717		2762 Mission Communications, LLC	456.00					
	1071508	12/15/22 Legacy Radio / Battery	456.00		SEWER	5310 430630	369	101000
49718		2977 Staples Credit Plan	323.48					
	3182799451	11/30/22 office supplies	211.57		ADMIN	1000 410210	220	101000
	3189984221	12/10/22 office supplies	111.91		COURT	1000 410360	220	101000
49719		3379 Bozeman CHP Pharmacy	40.27					
	9868-02	12/05/22 Prescription Voucher	40.27		HELPU	7010 450135	358	101000
49720		2099 Quick Print of West Yellowstone	110.50					
	00016955	12/19/22 Sept Load Tickets and Permit	80.00		SEWER	5310 430600	220	101000
	00016917	12/13/22 "Larry Jent" stamp	30.50		COURT	1000 410360	220	101000
49721		3233 Safeguard Business Systems	150.25					
	035214514	12/13/22 office supplies	150.25		ADMIN	1000 410210	220	101000
49722		3337 Lexipol	862.92					
	PRA111154	11/01/22 PoliceOneAcademy-AnnualRate	862.92		POLICE	1000 420100	389	101000
49723		3271 Montana Law Enforcement	1,545.00					
	21431	12/30/22 Officer Griffel-Basic Course	1,545.00		POLICE	1000 420100	380	101000
49724		2854 Mountain Alarm	125.55					
	3253405	01/01/23 3 Month Alarm Monitoring	125.55		TWNHL	1000 411250	357	101000
49725		1061 Lane and Associates	538.40					
	9512	12/27/22 Random Drug Testing-8 EEs	538.40		ADMIN	1000 410210	351	101000

\* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
49726		254 Firehole Fill Up/Economart	5,945.41					
	123122-01	12/31/22 Fuel	5,945.41		STREET	1000 430200	231	101000
49727		2551 TK Elevator	505.34					
	3007027774	01/01/23 Povah Elevator- Oil and Gr	505.34		POVAH	1000 411255	350	101000
49729		3261 Targhee Services	79.95					
	123122-01	12/31/22 Synthetic oil change	79.95		STREET	1000 430200	361	101000
49730		2586 Waxie Sanitary Supply	1,884.44					
	81408543	12/28/22 Toilet Paper	1,884.44		PARKS	1000 460430	220	101000
49731		3356 Platinum Chemicals Inc.	2,239.00					
	9096-04	10/15/22 Aero Disinfectant Spray	1,695.00		PARKS	1000 460430	220	101000
	9096-05	01/01/23 Surface Sanitizing Wipes	544.00		PARKS	1000 460430	220	101000
49732		2800 RDO Equipment Co.	453.71					
	P6436516	12/29/22 Motor Maintenance Supplies	190.00		STREET	1000 430200	361	101000
	P6446616	01/05/23 Oil Filters	263.71		STREET	1000 430200	361	101000
49733		3342 EVS, LLC	1,604.80					
	122822-02	12/28/22 install driving light	710.90		STREET	1000 430200	361	101000
	122822-1	12/28/22 install amber light on dumpb	893.90		STREET	1000 430200	361	101000
49734		2288 Les Schwab Tire Center	3,519.81					
	P06568	11/23/22 Replace tires on backhoe	3,519.81		STREET	1000 430200	239	101000
49735		3315 IAS EnviroChem	1,062.00					
	2207311	12/21/22 sewer testing	1,062.00		SEWER	5310 430600	348	101000
49736		3319 Lawson Products, Inc.	250.45					
	9310189252	12/14/22 Orange hose protector	85.65		STREET	1000 430200	220	101000
	9310196848	12/16/22 street supplies	164.80		STREET	1000 430200	220	101000
49737		2143 Crimestar USA, LLC	3,150.00					
	1712	12/21/22 Annual Support	3,150.00		DISPAT	2850 420750	398	101000
49738		3263 Century Link	10,156.60					
	101328130	10/21/22 Support Coverage	10,156.60		DISPAT	2850 420750	345	101000

01/06/23  
16:34:04

TOWN OF WEST YELLOWSTONE  
Claim Approval List  
For the Accounting Period: 1/23

Page: 8 of 9  
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
49739		533 Market Place	930.97					
	123122-01	12/31/22 Gift Cards	900.00		LEGIS	1000 410100	220	101000
	123122-01	12/31/22 Groceries	30.97		RECRE	1000 460440	220	101000
49740		135 Food Roundup	1,220.85					
	010123-01	01/01/23 Gift Cards	900.00		LEGIS	1000 410100	220	101000
	010123-01	01/01/23 Supplies	6.01		PRISON	1000 420230	220	101000
	010123-01	01/01/23 Supplies	10.75		POLICE	1000 420100	220	101000
	010123-01	01/01/23 supplies	304.09		RECREA	1000 460440	220	101000
		# of Claims	48	Total:				107,816.20





WEST YELLOWSTONE TOWN COUNCIL  
**Town Council Meeting**  
**December 20, 2022**

COUNCIL MEMBERS PRESENT: Travis Watt, Brian Benike, Lisa Griffith, Jeff McBirnie, and Jeff Mathews

OTHERS PRESENT: Town Manager Dan Walker, Finance Director Katie Thompson, Public Services Superintendent Jon Simms, Town Attorney Jane Mersen

The meeting is called to order by Mayor Travis Watt at 12:00 Noon in the Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.

Portions of the meeting are being recorded. Due to the worldwide pandemic caused by COVID-19, the meeting is being broadcast over the internet using a program called Zoom.

The Treasurer's Report with corresponding banking transactions is on file at the Town Offices for public review during regular business hours.

**Public Comment Period**

No public comments are received.

**Council Comments**

Jeff Mathews congratulates the girls and boys basketball teams for their recent success against Manhattan Christian School. The girls fought to the end and the boys team won the game, possibly for the first win ever against that school in boys basketball.

**ACTION TAKEN**

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- 1) Motion carried to approve Purchase Order #6569 to Koch's Tennis Court Service to resurface both courts at North Electric Park for \$29,870.00. (McBirnie, Mathews)
- 2) Motion carried to approve the claims, which total \$107,920.55. (McBirnie, Griffith)
- 3) Motion carried to approve the minutes of the December 6, 2022 Town Council Meeting. (McBirnie, Mathews) Griffith is opposed.
- 4) Motion carried to approve Resolution No. 786, a resolution of support for the creation of the Hebgen Basin Hospital District. (McBirnie, Watt) Griffith and Mathews are opposed, motion fails.
- 5) Motion carried to write a letter expressing support from the Town Council or placing the question of creating the Hebgen Basin Hospital District on an upcoming ballot. (McBirnie, Mathews) Griffith is opposed, motion passes.

**DISCUSSION**

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- 1) Public Services Superintendent Jon Simms reports that they budgeted \$20,000 to resurface the courts, but they think this is as good of a price as they can get. They are seeking some grant money and funding from other sources to offset the cost.
- 4) Kenny Jones addresses the Council regarding support for the Hebgen Basin Hospital District. He explains that they have submitted and a petition to Gallatin County to place the option on the next ballot. The petition has been certified and they are optimistic that the County Commission will place the option and mill levy impact on the ballot next year.

Griffith and Mathews agree that the Town should take the position of support for putting the question on the ballot rather than support for creation of the district. Jan Neish of the Island Park News comments that she listened to the Gallatin County Commission meeting where this was first introduced and says that it clearly wasn't something they

were aware of or paying attention to. She suggests that in place of a resolution, a letter of support would be appropriate.

Mathews asks if the tax impact of the district has been calculated. Jones responds that will be determined by the Board of Trustees for the district, which will be elected at the same time as the question of creating the district. Mathews comments that they need to know that information before they can make decisions. Neish comments that the voters need to better understand what they are voting for.

- A) **Town Manager & Staff Reports:** Town Manager Dan Walker wishes Mayor Watt a happy birthday, thanks everyone for their efforts this year and wishes them all a Merry Christmas.

The meeting is adjourned at 12:30 PM. (McBirnle, Mathews )

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Mayor

ATTEST:

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Town Clerk

## **Public Services Dept. Bi-Weekly Report: December 15th through January 5<sup>th</sup>, 2023**

### Work performed

Snow removal, sightline clearing at intersections, widening snow berm along alleys and roadways with rotary loader. Vehicle and equipment maintenance: Replace angle rams on 772G, install seal kits. Fix snowplow on 350. Install new bushing and stabilizer arm on new grader. Test batteries on 140G and fix hydraulic leak. Trucks 112 and 49 down with air leaks, cylinders ceased up. Dump trucks and equipment issues being run and starting in cold weather. Begin to replace cutting edges on push boxes on backhoe and 936 loader. Install new snowshoes and square channel tubing on Henke vee plows. Begin washing mag. chloride off equipment. Fix burner and replace fittings on Hotsy pressure washer at PW shop. Line heaters installed on old rotary loader, replace shear pins and bushings on rotary reel. Install hydraulic hose guards. Replace zerk fittings on equipment. Fix hydraulic leak on 310 backhoe. Replace oil tube and dipstick on 938 loader. Got new rotary loader running, fixed flat tire. Help Jim Kitchen with snow removal at old ranger station. Investigate SAS mainlines for possible sewer backup at Madison Crossing, mainlines found to be flowing and clear of blockage. After lateral was jetted the town had section of sanitary cleaned where blockage flowed into main as a precaution. Replaced contactor on panel box along south canyon to get streetlights and junction box for x-mas tree live again prior to holiday events. Begin installing ice rink, halfway up at this point. HVAC filters replaced in city buildings. Replace blower on furnace #4 at Povah Center. Get Xmas decorations up at town hall. Haul trash trailer down for Billings clinic so they can toss unwanted refuse. Utility locates as they come through. Clean out curb-stop valve boxes, exercise gate valves, install valve plugs to block any further debris from building up inside valve housing. Weekly problem area inspections on SAS mainlines and wash downs. Water meter and service valve requests as needed. Haul abandoned vehicles for the police department as requested. Continue replacing worn street signage, straightening posts. Cleanup debris blowing out of triple bin roll off containers and Abitibi's at PW shop. Pressure wash vehicles and trash trailers. Check fluids and grease equipment. Continue working on cleaning up public works main shop and park shop.

### Administrative

Meet with residents regarding snow removal issues. Fill in shifts on road grader, dump truck and loaders, help the crew with snow removal. Review encroachment permits. Investigate possible sewer backup and calls for no water service or frozen supply line. Investigate water leak at town hall. Line up rooftop snow removal on city owned buildings. Meeting with finance director, town manager and recreation coordinator to look over recreation programming. Met with Forsgren Engineering to discuss project updates. Met with Drew Barney to discuss ski race event on March 4<sup>th</sup> and their needs from the town. Attend solid waste board meeting. Attend DEQ workshop in Bozeman hosted by Montana rural water and 120 water regarding requirements for EPA's new lead and copper rule. Get back with design team for Shortline trail group on concerns within the public right of way, make recommendations on improving the design. Coordinate building and key-way updates with Billings Clinic prior to their

takeover beginning of January. Planning board meeting on December 16<sup>th</sup>, chair and take minutes. Work with Mountain States Lighting on proposal for streetlight update along highway. Get numbers back to ASI on linear feet and footage for pavement treatment proposal on N/S streets throughout old town this August. Discuss snow melting machine with roadway superintendent at City of Billings. Schedule out-services and mechanical inspections on 938 loader and pelican sweeper this spring, conveyor will need replaced on Elgin prior to springtime. Reach out to Joe Johnson Equipment for proposal on York rake to cleanup accumulated debris throughout inner parkways this spring. Research options for snow gates on grader wing. Explore options on used Vactor trucks. Discuss cleaning report with Melanie Hall at Midco Diving on Whiskey Spring holding tank. Coordinate lighting upgrades on city vehicles with Jeff Gerth at EVS LLC. Get back with residents on easement and setback requirements, clarify municipal codes. Schedule parts orders and updates to town's fleet. Place orders for necessary O&M supplies, follow up with vendors on supply chain issues. Coordinate with staff at Forsgren and Jon Brown to review best management practices for wastewater collection/ treatment facility and water distribution system. Investigate weir levels on cells A & B at lagoon. Coordinate monthly coliform/ bac- T samples with Jon Brown. Follow up on proposals for CIP projects. Conduct weekly COVID samples (results available on the Gallatin County Health Departments website). Review city policies, procedures, collective bargaining agreement, safety protocols and codified ordinances. Review city policies, procedures, collective bargaining agreement, safety protocols and codified ordinances. Evaluate 2022 budgetary needs, review purchase orders and submit weekly invoices. Enter timesheets and payroll for crew. Respond to WY pump status reports and dispatch to town as necessary. Ticket entry for 811's new "positive response" reporting software.



JANUARY 6, 2023

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TO: Town Manager Dan Walker, Town Council

FROM: Liz Roos, Town Clerk

SUBJECT: Administration Office Report

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- Received 4 applications for Library Director, distributed copies to the Library Trustees for review and to conduct the interview process
- Other than snow plowing complaints, the office was very quiet during the holidays, one day I actually checked to make sure our phones were working because we hadn't had a call all day!
- Installed new backup device in the basement, our information is being backed up again.
- Assisted with final submittal of the Annual Financial Report, we're all glad that is finished.
- Final payroll of the fiscal year
- Quarterly reports: IRS 941, Worker's Compensation, Unemployment
- Moonrise information requests are ongoing





## **Week of 01.02.2023**

- ❖ Worked on Utility Billing
- ❖ Worked on Notary training completion
- ❖ Continued working with Buchanan Capital on transfers of administrators
- ❖ Started working on 1099 list for 2022 year
- ❖ Ordered new credit card for new Social Services Department Head

Recreation Department  
January 5, 2023

- Unemployment
- We had a day camp over Christmas break, we had 25 kids daily.
- Working on other programs
  1. Sip and Paint
  2. Cooking Class
  3. Zumba
  4. Date night

I am working on the dates to restart some of these programs.

Thank you,

Vely Vazquez

## Police Department Weekly Report December 16 – January 5, 2022

### Calls

Lots of crashes, major vehicle vs bison incident, protective custody, harassment calls, multiple trespass notices issued, snow plow wars, animals at large, and what seems like 600 slide-offs.

### Administrative

Shop with a Cop Program. The Shop with Cop program happened on December 19<sup>th</sup>. Two kids were selected to ride with Officer Courtis to Rexburg for a \$100 ea. shopping trip at Walmart. The rules of the program were that the kids could only use the money to buy gifts for their family, not for themselves. After shopping, they returned to the PD for pizza and a gift wrapping party. Santa's helpers for the wrapping included Neil, GCSO Deputy Matt Stubblefield, Forest Service LEO Ryan Linhart, and WYPD Officer Ashlee Stoneburner. The kids had a great time and so did the officers. We all can't wait to do this again next year.

Firearms training: December 20<sup>th</sup> was our first of monthly firearms trainings. Training lasted 2.5 hours with firearms instructor Juan Trujillo. This training was completed at Big Gun Fun and it was awesome to be able to train indoors. Every one of the officers, including me, enjoyed the training and benefited from it. We are all excited to train again this month.

Speaking of Firearms, all but one of the new shotguns have arrived. These shotguns were ordered last year to replace the very beat up shotguns that go back about 15 Chief's ago. We will be working on familiarization and qualifying on them at this month's firearm training. New universal locks for all of the patrol vehicles have been ordered to secure the guns inside the vehicle.

Narcan training and Stop Stick Training scheduled for next Wednesday. All of the officers and two dispatchers will be completing the field certification part of their Narcan training. We have already completed the classroom portion. NARCAN® Nasal Spray is a prescription medicine used for the treatment of a known or suspected opioid overdose emergency with signs of breathing problems and severe sleepiness or not being able to respond. Stop Sticks are the new tire deflation devices we have purchased. These devices are designed to safely stop a vehicle which is eluding an officer, particularly and hopefully before the vehicle enters a high traffic or high occupancy area. We almost had the opportunity to use these last week as YNP was in pursuit of a vehicle through the park, heading south toward town. The vehicle crashed outside of the park near mm 9, so spike strips were not needed. We will be doing classroom training and deployment training on this night, then the devices will be issued to the officers.

New Year's Eve was pretty quiet. No DUI's in town to report. WYPD had two officers on and MHP had one. I always say, prevention is better than enforcement. Our residents and visitors were all very responsible. Nice job to all of them.

We experienced a ton of snow during the last three weeks and a recorded temperature of -52 degrees. That was refreshing. So many crashes and slide-offs it was hard to keep up. All of the officers did a great job of assisting motorists both in town and on the highway.



Our dispatch applicant has passed background and psych testing. A start date is being delayed as her housing option has been delayed. I will keep you posted. We have also received another quality application, we will be interviewing shortly.

Central Square project continues. Jane has carefully reviewed the contract, made several changes and great suggestions. That contract is currently back in the hands of Central Square for their review and changes.

The Parade of Lights and Christmas tree lighting went off without a hitch. The PD received lots of help from our partner agencies to secure the intersections along the parade route to keep the parade participants safe. Thank you to Hebgen Basin FD, Yellowstone National Park and Montana Highway

I hope everyone had a great holiday.

End of Report

Mike Gavagan

# TOWN OF WEST YELLOWSTONE

## PUBLIC HEARING

### Ordinance No. 273 Marijuana Businesses Prohibition

NOTICE IS HEREBY GIVEN that the Town Council of the Town of West Yellowstone will conduct a Public Hearing on January 10, 2023 regarding Ordinance 273. Ordinance No. 273 amends Chapters 5 and 17 of the West Yellowstone Municipal Code to permanently prohibit marijuana businesses in the Town of West Yellowstone, as decided by the voters on November 8, 2022.

Complete copies of the ordinance is available at the Town Hall, 440 Yellowstone Avenue, West Yellowstone, MT or by email at [eroos@townofwestyellowstone.com](mailto:eroos@townofwestyellowstone.com). The proposed ordinance is also posted on the Town's website: [www.townofwestyellowstone.com](http://www.townofwestyellowstone.com). The public meeting will be held during the regular Town Council Meeting which begins at **7:00 PM** on **January 10, 2023**. The meeting will take place in the Town Hall, 440 Yellowstone Avenue in West Yellowstone, MT, at which time oral testimony will be taken from the public. The meeting will also be broadcast on the internet through zoom.us, meeting ID: 893 834 1297. Written testimony may be submitted until 5:00 PM on the date of the hearing to the Town Clerk at the Town Hall, by mail to P.O. Box 1570, West Yellowstone, MT 59758, or by email to [eroos@townofwestyellowstone.com](mailto:eroos@townofwestyellowstone.com). For further information contact the Town Offices, 646-7795.

Elizabeth Roos  
Town Clerk



# ORDINANCE No. 273

## AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE AMENDING THE WEST YELLOWSTONE TOWN CODE TO PERMANENTLY PROHIBIT MARIJUANA BUSINESSES IN THE TOWN OF WEST YELLOWSTONE, AMENDING CHAPTERS 5 AND 17 OF THE TOWN CODE.

WHEREAS: The voters in Gallatin County, Montana voted to approve Initiative 190 on November 2, 2020, which allowed for adult use of marijuana and provided approval of certain marijuana businesses within the State of Montana; and

WHEREAS: In 2021, the Montana Legislature passed House Bill 701, which was codified at Title 16, Chapter 12, Montana Code Annotated, (“MCA”) and which set out rules and regulations for marijuana businesses; and

WHEREAS: Title 16, Chapter 12, MCA, provided an option for electors of municipalities to vote whether to prohibit any or all of the marijuana businesses identified below; and

WHEREAS: on May 17, 2022, the Town Council of the Town of West Yellowstone discussed submitting to the voters the issue of whether to permanently prohibit all or any category of marijuana businesses from locating or operating within the limits of the Town of West Yellowstone, and

WHEREAS: on May 17, 2022, the Town Council of the Town of West Yellowstone passed Resolution No. 773 referring the question of whether to permanently prohibit marijuana businesses in the Town of West Yellowstone to a vote of the people at an election to be held on November 8, 2022; and

WHEREAS: on November 8, 2022, the electors within the boundaries of the Town voted in favor of prohibiting certain types of marijuana businesses within the Town. Attached as Exhibit A is the County Canvass of Votes Cast; and

WHEREAS: as a result of the November 8, 2022, election, the Town Council of the Town of West Yellowstone herein amends Chapters 5 and 17 of the West Yellowstone Town Code below in accordance with the vote of the electors.

**NOW THEREFORE, BE IT ORDAINED** by the Town Council of the Town of West Yellowstone that the following sections of the Town Code of the Town of West Yellowstone, be amended as follows:

**Section 1:** Sections 5.04 and 17.04 “Definitions” are amended to include:

- (1) “Adult-use dispensary” means a licensed premises from which a person licensed by the Department of Revenue, (the “Department”) may: (a) obtain marijuana or

- marijuana products from a licensed cultivator, manufacturer, dispensary, or other licensee approved under Title 16, Chapter 12, MCA, and, (b) sell marijuana or marijuana products to registered cardholders, adults that are 21 years of age or older, or both.
- (2) “Adult-use marijuana-infused products provider” means a person licensed by the Department to manufacture and provide marijuana-infused products for consumers.
  - (3) “Consumer” means a person 21 years of age or older who obtains or possesses marijuana or marijuana products for personal use from a licensed dispensary but not for resale.
  - (4) “Cultivator” means a person licensed by the Department to: plant, cultivate, grow, harvest and dry marijuana; and package and relabel marijuana products at the location in a natural or naturally dried form that has not been converted, concentrated or compounded for sale through a licensed dispensary.
  - (5) "Manufacturer" means a person licensed by the Department to convert or compound marijuana into marijuana products, marijuana concentrates, or marijuana extracts and package, repack, label, or relabel marijuana products.
  - (6) “Marijuana” means all plant material from the genus Cannabis containing tetrahydrocannabinol (THC) or seeds of the genus capable of germination. The term does not include hemp, including any part of that plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis, or commodities or products manufactured with hemp, or any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.
  - (7) “Medical marijuana dispensary” means the location from which a registered cardholder ( as defined in Section 16-12-102, MCA) may obtain marijuana or marijuana products.
  - (8) “Marijuana Transporter” means a person that is licensed to transport marijuana and marijuana products from one marijuana business to another marijuana business, or to and from a testing laboratory, and to temporarily store the transported retail marijuana and retail marijuana products at its licensed premises, (facility) but is not authorized to sell marijuana or marijuana products to consumers under any circumstances.
  - (9) “Testing Laboratory” means a marijuana testing laboratory which provides testing of representative samples of marijuana and marijuana products and provides information

about the chemical composition and potency of a sample, as well as the presence of molds, pesticides or other contaminants.

**Section 2:** Chapter 5.04.080 and Chapter 17.06.050 are amended to include the following:

As authorized by Title 16, Chapter 12, MCA, and based on the affirmative vote of the electors of the Town of West Yellowstone, the following marijuana businesses are permanently prohibited from opening or operating within the boundaries of the Town:

- (i) Cultivator
- (ii) Manufacturer
- (iii) Medical marijuana dispensary
- (iv) Adult use dispensary
- (v) Testing laboratory; and
- (vi) Marijuana transporter facility.

Violation of this section is a municipal infraction and shall be punished as set out in Title 1, Chapter 1.08 and 1.12 of the Town Code.

**Section 3: REPEALER:** All ordinances and parts of ordinances in conflict with provisions of this ordinance are hereby amended or repealed.

**Section 4: Severability:** In the event any word, phrase, clause, sentence, paragraph, section or other part of the ordinance set out above is held invalid by a court of competent jurisdiction, such judgment shall effect only that part held invalid and the remaining provisions herein shall continue in full force and effect.

**Section 5. Effective Date:** This ordinance shall be effective on February 7, 2023, in accordance with Section 16-12-301(7)(b), MCA.

PASSED BY the Town Council and approved by the Mayor of the Town of West Yellowstone, Montana, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor Travis Watt

\_\_\_\_\_  
Council Member Jeff Mathews

\_\_\_\_\_  
Council Member Brian Benike

\_\_\_\_\_  
Council Member Jeff McBirnie

\_\_\_\_\_  
Council Member Lisa Griffith

ATTEST:



\_\_\_\_\_  
Town Clerk Elizabeth Roos

**BASE AGREEMENT**  
**“TASK ORDER 22-01”**

This Task Order pertains to the Base Agreement by and between Town of West Yellowstone, Montana (“Owner”), and Forsgren Associates, Inc. (“Engineer”), dated March 19, 2019, (“Base Agreement”). ENGINEER shall perform services related to Task Order 22-01 (“Project”) described below as provided herein and in the Agreement. This Task Order shall not be binding until it has been properly signed by both parties. Upon execution, this Task Order shall supplement the Agreement as it pertains to the Project described below.

PROJECT NUMBER: .....01-22-0046 22-01  
PROJECT NAME:..... US National Forest System Land Acquisition

**PART 1.0 PROJECT DESCRIPTION:**

The town of West Yellowstone, Montana is applying to purchase real property owned by the United States Forest Service (USFS), situated in the Custer Gallatin National Forest, for the specific intent to construct a new municipal wastewater treatment plant (WWTP) to serve the town of West Yellowstone. The new WWTP would replace the town’s existing WWTP located on property owned by the West Yellowstone Airport (Airport).

An application for the USFS to consider the sale of approximately 14.4 acres of US National Forest System Land to the town of West Yellowstone was submitted to the USFS on July 29, 2022. The land sale would be completed under the auspices of the Townsite Act and USFS Handbook 5509.11 – Title Claims, sales and Grants Handbook – Chapter 20 SALES.

**PART 2.0 SCOPE OF SERVICES:**

**Task 1. Develop Initial Application - \$5,000**

Under auspices of Townsite Act and 36 CFR Subpart B, Forsgren will:

- Prepare Statement of Need For a Land Purchase from the USFS.
- Develop Project Description.
- Review USFS Guidance Manuals.
- Prepare and Submit Initial Application of Land Purchase.

**Task 2. Comment Response / Update Application - \$5,000**

- Review Comments on application from USFS.
- Comment Responses and Finalize Land Purchase needs/requirements.
- Prepare WWTP Facility Layout.
- Assess and Develop Utility Connections.
- Describe WWTP Transition Plan.

**Task 3. Survey - \$5,000**

The application will require a legal description of land desired. Survey activities to include:

- Boundary and Topographic Survey.
- Utility Coordination and Survey.

**Task 4. Environmental - \$40,000**

- Prepare NEPA Document. This task includes the preparation of agency consultation letters, draft EA, EA distribution, response to comments and preparation of a draft Findings document.

**List of Assumptions**

- Level of NEPA Document is an Environmental Assessment. This scope does not include preparation of additional technical reports to support the EA. If determined necessary, additional technical studies can be provided under a supplement agreement. Said studies may encompass cultural resources, biological resources, wetland delineations, Phase 1 ESA, air or noise analyses.
- The schedule is based on minimal comments from project letters sent to local agencies and from the public following public notification. The schedule will be adjusted based on actual comments received.
- Forsgren assumes the need to summarize and log approximately five unique comments at each stage of client, agency and public review.
- Title Reports and Property Evaluations are not included in this Task Order.
- Public Notification associated with the Land Purchase to be conducted by USFS.

**PART 3.0 ADDITIONAL SERVICES, NOT PART OF BASIC SERVICES:**

Other services as requested by the OWNER throughout this project shall be performed upon agreement of the scope of services and issuance of a written notice to proceed. The ENGINEER shall be compensated for such services predicated on a lump sum basis including overhead and profit; or by other means as agreed in writing.

**PART 4.0 OWNER'S RESPONSIBILITIES:**

The OWNER is providing access to all files, documents, and physical sites, specifically associated with in situ data collection and compliance. OWNER will also review final document and make comments as necessary to limit review comments to a single revision. OWNER will be the official signatory for final submittal to National Forest Service.

**PART 5.0 PERIOD OF SERVICE:**

Upon receipt of written authorization to proceed, ENGINEER agrees to perform the services as requested by the Town staff. It is anticipated that comments on the application submitted on July 29, 2022 will be received in late fall of 2022. The final Application will be completed within 30 days of Town staff comments.

It is understood the ENGINEER has limited control of the length of time for review by the OWNER or other agency. If delays in the project are experienced due to review by the OWNER or any agency, the ENGINEER will not be held responsible for those delays, nor will the period of service apply to that time.

Compensation for ENGINEER'S services under this Agreement shall be a lump sum. The effort for this Task Order is \$55,000, including previously expended efforts. In the event additional effort beyond this level is necessary, additional authorization will be required.

*Ordinary Reimbursable Expense* shall mean the actual expenses incurred directly or indirectly in connection with the Project for travel, subconsultants, subcontractors, equipment rental, shipping, and express, and other incurred expenses.

Unless otherwise stated in this Agreement, the rates of compensation for ENGINEER'S services have been agreed to in anticipation of the orderly and continuous progress of the project through completion. If changes in the specified dates for completion are attributable to the OWNER, the time for performance of those services shall be automatically extended for a period which may be reasonably required for their completion; all rates, measures, and amounts of ENGINEER'S compensation shall be equitably adjusted through negotiation by the OWNER and the ENGINEER.



IN WITNESS WHEREOF, the parties have executed this Task Order as of the day and year first written above.

FORSGREN ASSOCIATES, INC.  
"ENGINEER"

TOWN OF WEST YELLOWSTONE, MT  
"OWNER"

BY: \_\_\_\_\_  
NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
DATE: \_\_\_\_\_

BY: \_\_\_\_\_  
NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
DATE: \_\_\_\_\_



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**File Code:** 2720  
**Date:** November 15, 2022

Mr. Patrick A. Wickman  
Forsgren Associates Inc.  
PO Box 1032  
121 Madison Ave, Ste G  
West Yellowstone, MT 59758

Dear Mr. Wickman,

This letter serves as acknowledgement that the Forest Service has received the Town of West Yellowstone's Townsite Act application to purchase 14.4 acres of National Forest System (NFS) lands. The Forest will need the following information to continue processing the application:

- a. The Town of West Yellowstone needs to clarify, in writing, the scope of Forsgren Associates, Inc. authority. This should clearly identify the scope of what Forsgren is authorized to undertake on the Town's behalf.
- b. Documentation from the Town that the Manager or other entity is authorized to grant this permission.
- c. A shapefile for the 14.4 acres so that the Forest Service may overlay it on their landownership layer. The proposal map indicates that the boundary will extend into the highway right-of-way and the shapefile will aid in this determination. Keep in mind that it is unlikely the Town would be able to conduct any development within the highway right-of-way.
- d. Provide a specific site development plan that indicates where the access road(s), utilities, and buildings would be located. Will there be any additional facilities to support the new treatment plant that need to cross NFS?
- e. Is the site and size adequate to serve the Town (commercial and residential needs) uses for the long term (fifty years)?
- f. Is the site and design compliant with the State standards for the drain fields and effluent treatment? Please provide specific information on this.
- g. How does the proposal impact the groomed snowmobile route?

Once the Forest receives this information it will accept the Towns application for processing. The Town will be responsible for the processing costs which will include but are not limited to the environmental analysis, appraisal, boundary survey and environmental site assessment. Due to the flooding throughout southwest Montana and on the Custer Gallatin National Forest this spring, the Forest program of work is behind schedule so we are not currently able to estimate when we would be able to begin work on the application. At this time, our best case scenario would be in late 2023 or early 2024.

If you have any questions please do not hesitate to contact Wendi Urie at [wendi.urie@usda.gov](mailto:wendi.urie@usda.gov), (406) 404-5126.



Sincerely,



*/s/ Jason Brey*  
JASON BREY  
District Ranger

Acting  
for

cc: Dan Walker, Town Manager



## West Yellowstone Foundation

P.O. Box 255  
420 Yellowstone Avenue  
West Yellowstone, MT 59758  
(406) 646-1152  
westyellowstonefoundation.org  
ed@wyfmt.org

December 30, 2022

Dan Walker  
Town of West Yellowstone  
PO Box 1570  
West Yellowstone, MT 59758

Dear Mr. Walker,

The West Yellowstone Foundation requests some updates to our lease with the Town of West Yellowstone to accommodate a building expansion. The reason is twofold, WYF needs more garage space, and we need more office space to best serve our community.

As required by the Montana Department of Transportation, we have ordered a new 12 passenger ADA bus for our public transit program. We are also required to keep the two vehicles that are currently in our fleet: a 12 passenger ADA bus and a minivan. With the additional 12 passenger ADA bus that we are due to receive in 2023, we need more garage space. As you know, snow can be a significant challenge for our community. We would be unable to keep up with the demands of keeping the bus outside and ready for service in the winter months

We also need more office space to accommodate our growing staff and provide reliable meeting space for our Board and committees. Our office expansion plans include dedicated space for each staff member and a conference room with video conferencing capabilities. This expanded office space will allow us to serve our community more efficiently, expand on our current programs (scholarships, community grants, public transit, fiscal sponsorships, endowments) as well as add new programs, such as the housing coalition and the High School Career Fair. We plan to make the conference space available for use to local nonprofits at no charge.

The updated lease is one step in a complicated process to secure funding from the Montana Department of Transportation for the facility expansion. Our funding application is due to MDT on March 1, 2023. There are several hoops to jump through to complete our application. One such hoop is that we can only have a 30% conceptual design done and if we go further than 30% prior to MDT project approval, we would be disqualified for funding. The design restrictions at this stage in the process make it impossible to show you facility details but we can share some basic design drafts at the 1/10/23 council meeting.

We understand that there are many more requirements, permits and limitations to the facility expansion process and we will deal with them at the appropriate time, for now we are only requesting updates to our lease to show MDT that our land lease can accommodate an expansion. In addition to the increased

land footprint, MDT requires WYF to plan for the facility's useful life of around 40 years, for that reason we are requesting a lease term longer than our original 10 years.

Please let me know if you have any questions or concerns as soon as possible so that I can address them in a prompt manner to meet our March 1<sup>st</sup> funding application deadline.

Thank you for your consideration.

Sincerely,

Carrie Coan  
Executive Director  
West Yellowstone Foundation

*Enclosure: Lease Revision Request*

LEASE

THIS AGREEMENT, made and entered into this 18 day of March, 2020, by and between the TOWN OF WEST YELLOWSTONE, a Montana Municipal Corporation (hereinafter called "Town" and "Lessor"), and the WEST YELLOWSTONE FOUNDATION, a Montana non-profit corporation, (hereinafter called "Foundation" and Lessee").

WITNESSETH

WHEREAS, the Town is the owner of certain real property in West Yellowstone, Montana, and further described as a rectangular tract of land as set forth and described as shown on Exhibit "A", as labeled WYF, which is attached hereto and by this reference incorporated herein;

WHEREAS, the Foundation desires to enter into a lease of said real property with the Town for the purpose of utilizing the property for a bus storage facility and office in the manner to which the parties are accustomed.

NOW, THEREFORE, in consideration of the mutual terms, covenants and conditions set forth herein, the Town and the Foundation agree as follows:

Section 1. Lease Term, Location and Improvements. The Lessor, for and in consideration of the covenants and payments hereinafter mentioned to be performed and made by the Lessee, hereby agrees to lease and let and does hereby lease and let unto the Lessee for a term beginning on the 1st day of ~~May, 2020, and extending to and including the 30<sup>th</sup> day of April, 2030~~, unless sooner terminated as ~~1st day of March 1, 2023, and extending to and including the 28th of February, 2063~~, herein provided, the portion of the premises of the Lessor at West Yellowstone, Montana as labeled WYF in Exhibit "A", attached hereto and made a part hereof. The leased premises are further described as follows:

A parcel of land located on the South side of Yellowstone Avenue in the middle of the block between Faithful Street and Geyser Street. Specifically, the parcel is circumscribed by lines running as follows: beginning at the original point located 200 feet west of the back of the west

side curb of Faithful Street and 30 feet from the back of the south side curb of Yellowstone Avenue; then measuring west to a point 250 feet west of the back of the west side curb of Faithful Street and 30 feet from the back of the south side curb of Yellowstone Avenue; then measuring south 80 feet from this point to a point 110 feet from the back of the south side curb of Yellowstone Avenue; then measuring east 50 feet; then measuring north 80 feet returning to the original point, and comprising an area measuring approximately 4,000 square feet.

It is agreed that any improvements placed upon the leased premises by the Lessee, including but not limited to structures, shall not become a part of the realty, and shall remain the property of the Lessee.

Section 2. Rental, Taxes and Assessments. The Lessee agrees to pay to the Lessor for the use of said premises rental at the rate of ONE HUNDRED and 0/100ths DOLLARS (\$100.00) per year, payable on or before May 10<sup>th</sup> of each year of the lease. Acceptance of said rental in advance by the Lessor shall not act as a waiver of its right to terminate this lease as hereinafter provided.

The Lessee further agrees to pay, before the same shall become delinquent, all taxes levied during the life of this lease upon the leased premises and upon any buildings, improvements, and personal property thereon, or to reimburse the Lessor for sums paid by the Lessor for such taxes.

Section 3. Use of Leased Premises, Abandonment. The Lessee covenants that the leased premises shall not be used for any other purposes than for the site of office space as well as a bus storage facility for West Yellowstone Foundation-owned vehicles, and agrees that if the Lessee abandons the leased premises, the Lessor may enter upon and take possession of the same. Non-use for the purpose mentioned continuing for thirty (30) days shall be sufficient and conclusive evidence of such abandonment of the entire facility.

Section 4. Lessee Not to Sublet or Assign. The Lessee agrees not to let or sublet the leased premises, in whole or in part, or to assign this lease without the consent in writing of the Lessor, and it is agreed that any transfer or assignment of this lease, whether voluntary, by operation of law or otherwise, without such consent in writing, shall be absolutely void and, at the option of the Lessor, shall terminate

this lease.

Section 5. Use for Unlawful Purposes Prohibited, Indemnity. It is especially covenanted and agreed that the use of the leased premises or any part thereof for any unlawful or immoral purposes whatsoever is expressly prohibited; that the Lessee shall indemnify and hold harmless the Lessor and the leased premises from any and all liens, fines, damages, penalties, forfeitures or judgments in any manner accruing by reason of the use or occupation of said premises by the Lessee; and that the Lessee shall at all times protect the Lessor and the leased premises from all injury, damage or loss by reason of the occupation of the leased premises by the Lessee, or from any cause whatsoever growing out of said Lessee's use thereof. The Lessee shall name the Lessor as an additional insured on a policy of premises casualty and liability insurance, with minimum limits of \$1.0 million for each claim and \$1.5 million for each occurrence.

Section 6. Care of Premises and Improvements. The Lessee hereby covenants and agrees that any and all buildings erected upon the leased premises shall be designed to reflect the architectural themes of the Historic District, and shall at all times be kept in good repair; that the roof of each such building shall be of fire-resistant material; that when such buildings are without solid foundation the openings between the ground and the floor thereof shall be covered with fire-resistant material; that the leased premises shall during the continuance of this lease be kept by the Lessee in a neat and tidy condition and free from all rubbish or other material which would tend to increase the risk of fire, or give the leased premises an untidy appearance; that none of the buildings or other structures erected on said premises shall be used for displaying posters or any signs or advertisements other than such notices and signs as may be connected with the business of the Lessee, and that such signs and notices shall be neat and shall be properly maintained. In the event any building or other improvement not belonging to the Lessor on the leased premises is damaged or destroyed by fire, storm or other casualty the Lessee



shall, within thirty(30) days after such happening remove all debris and rubbish resulting therefrom; and if the Lessee fails to do so, the Lessor may enter the leased premises and remove such debris and rubbish; the Lessee agrees to reimburse the Lessor, within thirty (30) days after bill rendered, for the expense so incurred.

In the event the Lessee desires to construct new improvements, or to expand or alter existing improvements on the leased property, the Lessee shall comply with all state and local ordinances and regulations applicable to such improvements. Additionally, construction on such improvements shall not begin until the Town has reviewed and approved, either conditionally or unconditionally, construction, architectural, and other plans or drawings for such improvements.

Upon reasonable notice to the Lessee, the Lessor shall have the right to enter and inspect any improvements on the property, for compliance with the terms of this lease.

Section 7. Liens. The Lessee shall, when due and before any lien shall attach to the leased premises if the same may lawfully be asserted, pay all charges for water, sewer, gas, light and power, and shall fully pay for all materials joined or affixed to said premises, and shall not permit or suffer any mechanic's or materialman's or other lien of any kind or nature to be enforced against said premises for any work done or materials furnished thereon at the instance or request or on behalf of the Lessee; and the Lessee agrees to indemnify and hold harmless the Lessor and its property against and from any and all liens, claims, demands, costs and expenses of whatsoever nature in any way connected with or growing out of such work done, labor performed, or materials or other things furnished. In order to facilitate the aforementioned lien clause, the Town will require lien releases for initial construction and/or subsequent tenant improvements for all contractors, subcontractors and material suppliers.

Section 8. Superior Rights. This lease is made subject to all outstanding superior rights, including, but not limited to, rights of way for highways and for power and communication lines, and

the right of the Lessor to renew such outstanding rights and to extend the term thereof. Further, the Lessor specifically retains the right to access to water, sewer and other utility lines on and under the property, for the purpose of maintenance and repair, as well as any other lawful purpose.

Section 9. Explosives and Inflammables. It is further agreed that no gunpowder, gasoline, dynamite, or other explosives or flammable material shall be stored or kept upon the leased premises unless such items are stored in compliance with all applicable safety regulations.

Section 10. Liability of Lessee for Breach. The Lessee shall be liable for any and all injury or damage to persons or property, of whatsoever nature or kind, arising out of or contributed to by any breach in whole or in part of any covenant of this agreement.

Section 11. Water Damage Release. The Lessee hereby releases the Lessor from all liability for damage by water to the leased premises or to property thereon belonging to or in the custody or control of the Lessee, including buildings and contents, regardless of whether such damage be caused contributed to by the position, location, construction or condition of the facilities of the Lessor.

Section 12. Termination and Default. It is further agreed that the breach of any covenant, stipulation or condition herein contained to be kept and performed by the Lessee, shall, at the option of the Lessor, forthwith work a termination of this lease, and all rights of the Lessee hereunder; that no notice of such termination or declaration of forfeiture shall be required, and the Lessor may at once re-enter upon the leased premises and repossess itself thereof and remove all persons there from or may resort to an action of forcible entry and detainer, or any other action to recover the same. A waiver by the Lessor of the breach by the Lessee of any covenant or condition of this lease shall not impair the right of the Lessor to avail itself of any subsequent breach thereof.

Section 13. Termination by Notice. This lease may be terminated by written notice given by either the Lessor or the Lessee to the other party on any date in such notice stated, not less, however,

than ninety (90) days subsequent to the date on which such notice shall be given. Said notice may be given to the Lessee by serving the Lessee personally or by posting a copy thereof on the outside of any door in any building upon the leased premises or by mailing said notice, postage prepaid, to the Lessee at the last address known to the Lessor. Said notice may be given to the Lessor by mailing the same, postage prepaid, to the Town office. Upon such termination and vacation of the premises by the Lessee, the Lessor shall refund to the Lessee on a prorata basis any unearned rental paid in advance.

Section 14. Vacation of Premises, Removal of Lessee's Property. The Lessee covenants and agrees to vacate and surrender the quiet and peaceable possession of the leased premises upon the termination of this lease. Within fifteen (15) days after giving the notice mentioned in the preceding Section, the Lessee shall post with the Town a performance bond in an amount not less than one hundred fifty percent (150%) of the estimated cost of removal from the premises all structures and other property not belonging to the Lessor, and restoration of the surface of the premises. Within thirty (30) days after such termination the Lessee shall (a) remove from the premises, at the expense of the Lessee, all structures and other property not belonging to the Lessor; and (b) restore the surface of the ground to as good condition as the same was in before such structures were erected, including, without limiting the generality of the foregoing, the removal of foundations of such structures, the filling in of all excavations and pits and the removal of all debris and rubbish, all at the Lessee's expense, failing in which the Lessor may perform the work and the Lessee shall reimburse the Lessor for the cost thereof within thirty (30) days after bill rendered.

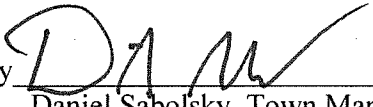
In case of the Lessee's failure to remove said structures and other property, the same shall, upon expiration of said thirty (30) days after the termination of this lease, become and thereafter remain the property of the Lessor; and if within one (1) year after the expiration of such thirty (30) day period the Lessor elects to and does remove, or cause to be removed, said structures and other property from the

leased premises, the cost of such removal plus the cost of restoring the surface of the ground as aforesaid will be reimbursed to the Lessor by the Lessee within thirty (30) days after the bill is rendered.

Section 15. Successors and Assigns. Subject to the provisions of Section 4, hereof, this agreement shall be binding upon and inure to the benefit of the parties hereto and their heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year first herein written.

TOWN OF WEST YELLOWSTONE

By   
Daniel Sabolsky, Town Manager

ATTEST:

  
Elizabeth Roos, Town Clerk

WEST YELLOWSTONE FOUNDATION

By   
Toni Brey, Chairperson



# TOWN OF WEST YELLOWSTONE

## PUBLIC NOTICE

### Marketing and Promotion Fund Advisory Board

The West Yellowstone Town Council is seeking interested individuals to serve on the Marketing and Promotion (MAP) Advisory Board in accordance with Section 3.12.140 of the West Yellowstone Municipal Code. Board members are appointed by the Mayor, subject to the consent of the Town Council, for a term of three years. The board's responsibilities include the development of a general marketing plan, the creation of annual budgets, and the establishment of criteria by which specific marketing projects are selected and funded. There are two positions on the board currently available.

In accordance with adopted policies and procedures, the board selects individual marketing and promotion projects and makes recommendations to the Town Council on the expenditure of MAP funds for such projects.

Interested individuals should complete and return the 'Application for Boards and Committees' which is available at [www.townofwestyellowstone.com](http://www.townofwestyellowstone.com) or from the Town Offices, 440 Yellowstone Avenue, West Yellowstone, MT. This position is open until filled, priority consideration given to applications received by January 5, 2023. For more information or to request an application by e-mail, please contact the Town Offices, 646-7795, or [info@townofwestyellowstone.com](mailto:info@townofwestyellowstone.com).

Elizabeth Roos  
Town Clerk



# Marketing and Promotions Advisory Board

NAME	CURRENT TERM	LENGTH
Katrina Wiese, Chamber Rep	2022, 2023, 2024	3 years
Jerry Johnson	2022, 2023, 2024	3 years
Janna Turner	2022, 2023, 2024	3 years
Steve Larson	2021, 2022, 2023	3 years
Kim Howell	2020, 2021, 2022	3 years
John Greve, Secretary	2020, 2021, 2022	3 years
Brian Benike, TC Representative	Concurrent with Town Council Term	

Official terms began 1/1/08 as decided by the board at its first meeting 10/22/07. Term length is three years, but in order to provide for staggered terms, some initial appointments were for only one or two years.

According to Resolution No. 515, composition of the board shall include one sitting member of the Town Council or the Town Council's designee, one member of the WY Chamber of Commerce Marketing Committee, and one member from the business community who does not belong to the Chamber of Commerce.

Updated 1/5/22 er



**APPLICATION FOR BOARDS AND COMMITTEES**

Name John M. Greve Date 12.14.22

Address PO Box 1021

City W. Yellowstone State MT Zip 59758

Phone (Home): \_\_\_\_\_ (Work): \_\_\_\_\_ (Cell/Other): 406.580.1520

E-Mail Address: jmg533g@gmail.com

Are you a resident of West Yellowstone? Yes Length of residency in West Yellowstone: 40 years

Board or Committee you are applying for: Marketing and Promotions (MAP) Fund Advisory Board

Occupation: Warehouse worker; Yellowstone Studies Center (YSC) Manager

Employer: Delaware North; YSC Foundation

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

If so, which board, and for how long? MAP Fund 15 years

Past Memberships and Associations: \_\_\_\_\_

Current Memberships and Associations: MAP Fund Board, YSC Foundation Board, Chamber member

List any relevant qualifications and/or related experience? Attach any additional information or a resumé, if you prefer: Served as MAP Fund Secretary since the Board's and Fund's establishment in 2007. Assisted in establishing and regularly updating Fund Policies and Procedures, Application and all other info and documents associated w/ Fund and Board operations. Review, vote on and recommend Fund applications for approval . Record all Board Meeting Minutes.

What are your primary objectives for serving on this board? To serve another 3 year term and meet all the Board's and Fund's responsibilities and objectives to each Board member, Fund applicants, the Town's businesses that contribute to the Fund, the Town Council which reviews and approves Board recommendations and the community and local economy that benefits from events and projects funded by the Fund

References (Individual or Organization):

Janna Turner Phone: 406.641.0096 cell

Jerry Johnson Phone: 406.640.7000 cell

Clyde Seely Phone: 406.640.1700 cell

Signature:  Date: 12.14.22

*Please return this application to the Town Offices at 440 Yellowstone Avenue, PO Box 1570, West Yellowstone, MT, 59758, or by email to: info@townofwestyellowstone.com. Thank you in advance for your interest.*



**From:** [kim.howell](mailto:kim.howell)  
**To:** [Elizabeth Roos](mailto:Elizabeth.Roos)  
**Subject:** Re: MAP Fund Advisory Board  
**Date:** Friday, January 6, 2023 3:12:12 PM

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**Kimberly Howell**  
**Founder/ Owner/ Operator**  
**Mountain Mama's Coffeehouse and Bakery**  
**Email: [mountainmamascafe@gmail.com](mailto:mountainmamascafe@gmail.com)**  
**Ph. 406-461-1024**  
**Website: [mountainmamascafe.com](http://mountainmamascafe.com)**

Liz,

Yes I would like to be reappointed to the map fund board. Please just use my prior application if that is acceptable. Thank you for the reminder!

On Jan 6, 2023, at 3:06 PM, Elizabeth Roos  
<[eroos@townofwestyellowstone.com](mailto:eroos@townofwestyellowstone.com)> wrote:

Hi Kim,

Do you wish to be reappointed to the MAP Fund Advisory Board? Your term ended 12/31/22. If you wish to be reappointed, please send me an email or letter requesting reappointment. I can pull out your application from a couple years ago or you can fill out a new one, let me know.

Elizabeth Roos, Town Clerk, CMC  
Town of West Yellowstone  
PO Box 1570  
440 Yellowstone Avenue  
West Yellowstone, MT 59758  
[www.townofwestyellowstone.com](http://www.townofwestyellowstone.com)

<MAP Fund Board Vacancy Announcement.pdf>



RECEIVED SEP 28 2012

APPLICATION FOR BOARDS AND COMMITTEES

Name Kim Howell Date Sept 28-12

Address 99 Fishing Lane

City West Yellowstone State MT Zip 59758

Phone (Home): ~~406~~ 406 416 (Work): \_\_\_\_\_ (Cell/Other): 406 416 1024

E-Mail Address: kozemandg@gmail.com

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

Board or Committee you are applying for: Planning

Occupation: business owner / Dairy owner, Howell Septic

Employer: SELF

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

If so, which board, and for how long? Down town improvement

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:

Down town improvement board projects and funding has taught me how funding is handled on a political level. I am enthusiastic and excited about working with council on new projects.

What are your primary objectives for serving on this board?

Assisting the current board in decision making re: town of West Yellowstone learning laws and bilaws affecting development of town of West Yellowstone to assist in future planning.

References (Individual or Organization):

bill Howell Phone: 640-7475

Brad Schmier Phone: \_\_\_\_\_

Pierre Martineau Phone: \_\_\_\_\_

Signature: Leutjowell Date: sept 28-12

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.

December 30, 2022

Jessica Picone Kohl  
517 Cascade Ave  
West Yellowstone, MT 59758

Dear Business Improvement Advisory Board and The Town of West Yellowstone;

It is with sincere regret that I write this letter to inform you that for personal reasons I will need to step down from my commitments to this board. In the short time that I have served, I have learned so much about our community and the work and time it takes to help our community thrive. I deeply appreciate all that each member of this board does and the dedication and time you all give our town.

I am grateful for your understanding and hope that at some point in the future I can serve our town again.

Sincerely,

Jessica Picone Kohl

December 30, 2022

Jessica Picone Kohl  
517 Cascade Ave  
West Yellowstone, MT 59758

Dear Parks and Rec Board and The Town of West Yellowstone;

It is with sincere regret that I write this letter to inform you that for personal reasons I will need to step down from my commitments to this board. In the short time that I have served, I have learned so much about our community and the work and time it takes to help our community thrive. I deeply appreciate all that each member of this board does and the dedication and time you all give our town.

I am grateful for your understanding and hope that at some point in the future I can serve our town again.

Sincerely,

Jessica Picone Kohl