

Town of West Yellowstone

Tuesday, March 21, 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.

TOWN COUNCIL MEETING

7:00 PM

Pledge of Allegiance

Comment Period

- Public Comment
- Council Comments

Treasurer's & Securities Reports

Purchase Orders: #6482 to Yellowstone Log Chinking, snow removal, \$5640.00

Claims

Business License Applications

Consent Agenda

Minutes: **March 7, 2023 Town Council Meeting**

Town Manager & Staff Reports

Advisory Board Reports

ACTION ITEMS

First Reading, Mobile Food Vendors Ordinance, WYMC 5.30

Discussion/Action

Application to Maintain an Encroachment, Westmart Greenhouse

Discussion/Action

Employment Practices Liability Coverage, Personnel Policy Manual Update

Discussion/Action

Town Hall Inspection Report

Discussion/Action

Correspondence/FYI/Meeting Reminder

- Request for Proposals, Legal Services, due May 5, 2023



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. Questions about the agenda may be directed to the Town Clerk at (406) 646-7795 or 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.



P.O. BOX 1570

TOWN OF WEST YELLOWSTONE MONTANA

PHONE: 406-646-7795

FAX: 406-646-7511

info@townofwestyellowstone.com

PURCHASE ORDER

~~1000-411259-357~~ \$2,240.00

~~1000-411252-357~~ \$3400.00

Date 3-17-23

Ship Via

Order No. 006482

Department PUBLIC SERVICES

TO: Yellowstone Log Chinking

ADDRESS:

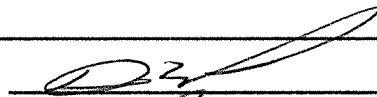
PLEASE FURNISH THE TOWN OF WEST YELLOWSTONE WITH:

Quantity	Description
	Snow Removal - Library & Dining Hall

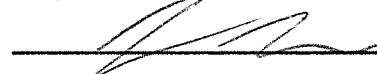
Estimated Cost \$

5,640.00

Authorized By



Requested By:



VENDOR COPY - White OFFICE COPY - Canary

Yellowstone

Log Chinking, Painting, Blasting & Staining
 P.O. Box 1484 • West Yellowstone, MT 59758

Office: 406.640.0514
 Celso: 406.641.0087



Licensed and Insured
yellowstonelogchinking@yahoo.com

INVOICE

INVOICE: 19

DATE: 03/10/2023

TO:

TOWN OF WEST YELLOWSTONE
 P.O BOX 1570 WEST YELLOWSTONE, MT 59758
 LIZ ROOS
 EMAIL: lroos@townofwestyellowstone.com

FOR:

SNOW REMOVAL

DESCRIPTION	HOURS	RATE	AMOUNT
SNOW REMOVAL: LIBRARY 1000 - 411 259 - 357 55	56	40.00 PER HOUR	\$2,240.00
SNOW REMOVAL: UNION PACIFIC DINNING HALL 1000 - 411 258 - 357 55	85	40.00 PER HOUR	\$3,400.00
		TOTAL	\$5,640.00

Make all checks payable to YELLOWSTONE LOG CHINKING
 MAIL TO: P.O BOX 1484 WEST YELLOWSTONE, MT 59758
 Total Amount Due In Full Within 30 Days. Overdue Accounts Will Be Charged A 2% Service Charge Per Month

THANK YOU FOR YOUR BUSINESS!

03/17/23
15:11:38

TOWN OF WEST YELLOWSTONE
Claim Approval List
For the Accounting Period: 3/23

Page: 1 of 6
Report ID: AP100

For dates posted from 03/06/23 to 03/17/23, FSB - Operating account

* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
49844		1089 Gallatin County Treasurer	486.00					
	02/28/23	Tech surcharge	165.00		COURT	7458 212200		101000
	02/28/23	MLEA	150.00		COURT	7467 212200		101000
	02/28/23	Victims Assistance	171.00		COURT	7699 212200		101000
49848		2421 NAPA Auto Parts	3,321.64					
	02/28/23	Napa Supplies	1,276.73		STREET	1000 430200	220	101000
	02/28/23	Napa Repair Supplies	755.94*		STREET	1000 430200	361	101000
	02/28/23	Napa Equip repair Supplies	934.25		PARKS	1000 460430	369	101000
	02/28/23	NAPA Fuel supplies	229.54*		WATER	1000 430200	231	101000
	02/28/23	NAPA Sewer supplies	125.18*		SEWER	5310 430600	220	101000
49849		2854 Mountain Alarm	125.55					
	3447261	04/01/23 Alarm monitoring TH 3Months	125.55		TWNHLL	1000 411250	357	101000
49851		2952 DIS Technologies	823.00					
	11182	03/05/23 Monthly Managed IT	823.00		IT	1000 410580	355	101000
49852	E	2964 CITI CARDS	1,047.62					
	02/08/23	WEB Bluehost.com	268.20		IT	1000 410580	355	101000
	02/09/23	Pumice stone	8.78		HELP	7010 450135	220	101000
	02/09/23	Help Supplies	51.94		HELP	7010 450135	220	101000
	02/14/23	Uniform tops	160.72		RECREA	1000 460440	220	101000
	02/17/23	Help Budget manuals	103.27		HELP	7010 450135	220	101000
	02/21/23	Wild West Pizzeria	120.75		LEGIS	1000 410100	220	101000
	03/03/23	Ramada-Helena -Walker	213.96		ADMIN	1000 410210	370	101000
	03/03/23	Costco-Annual Renewal	120.00		ADMIN	1000 410210	335	101000
49854	E	2673 First Bankcard	1,412.69					
	02/01/23	Westgate Auto	487.76*		STREET	1000 430200	361	101000
	02/07/23	EVCO House of Hose	221.54		STREET	1000 430200	220	101000
	02/07/23	Slippery Otter TC Meeting	119.00		LEGIS	1000 410100	220	101000
	02/09/23	Apple.com	0.99		ADMIN	1000 410210	345	101000
	02/14/23	Adobe	14.99		ADMIN	1000 410210	345	101000
	02/22/23	Dultmeier Sales	448.41		STREET	1000 430200	220	101000
	03/01/23	Spypoint Prem-Annual	120.00		ADMIN	1000 410210	345	101000
49855	E	2673 First Bankcard	301.97					
	02/21/23	Vacuum	222.19		POLICE	1000 420230	220	101000
	02/23/23	Flash drives (2)	79.78		POLICE	1000 420100	220	101000

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49858		2845 Kasting, Kauffman & Mersen, PC	7,671.05					
	03/03/23	legal services 2/1-2/28/23	7,569.50		LEGAL	1000 411100	352	101000
	03/03/23	phone/fax	0.00		LEGAL	1000 411100	345	101000
	03/03/23	travel	101.55*		LEGAL	1000 411100	373	101000
49860	E	2673 First Bankcard	11.29					
	02/03/23	High Lighters	11.29		FINADM	1000 410510	220	101000
49861	E	2673 First Bankcard	1,389.30					
	02/03/23	Quickprint	46.00		LIBRY	2220 460100	220	101000
	02/09/23	Books	424.61		LIBRY	2220 460100	215	101000
	02/10/23	Fishers Tech	29.96		LIBRY	2220 460100	398	101000
	02/13/23	Books	21.68		LIBRY	2220 460100	215	101000
	02/14/23	Books	11.99		LIBRY	2220 460100	215	101000
	02/14/23	Books	159.70		LIBRY	2220 460100	215	101000
	02/15/23	Books	180.21		LIBRY	2220 460100	215	101000
	02/15/23	Membership fee	14.99		LIBRY	2220 460100	398	101000
	02/15/23	Books	49.63		LIBRY	2220 460100	215	101000
	02/15/23	Books	2.87		LIBRY	2220 460100	215	101000
	02/15/23	Books	11.99		LIBRY	2220 460100	215	101000
	02/20/23	DVD cases	87.60		LIBRY	2220 460100	220	101000
	02/20/23	Books	25.20		LIBRY	2220 460100	215	101000
	02/20/23	Books	9.99		LIBRY	2220 460100	215	101000
	02/24/23	Books	24.24		LIBRY	2220 460100	215	101000
	02/25/23	Market Place Photoclasssnacks	26.57		LIBRY	2220 460100	220	101000
	02/27/23	Books	27.63		LIBRY	2220 460100	215	101000
	02/27/23	Books	102.56		LIBRY	2220 460100	215	101000
	02/27/23	Books	31.88		LIBRY	2220 460100	215	101000
	03/01/23	Books	24.44		LIBRY	2220 460100	215	101000
	03/02/23	Books	75.56		LIBRY	2220 460100	215	101000
49862		2952 DIS Technologies	735.00					
	11268 03/05/23	Monthly IT	675.00		IT	1000 420160	398	101000
	11268 03/05/23	Software Subscription	60.00		DSPTCH	1000 420160	216	101000
49867		2558 Hebgen Basin Fire District	55,849.00					
	03/01/23	March 2023	48,294.00		FIRE	1000 420400	357	101000
	03/01/23	employee grant March 2023	7,555.00		FIRE	1000 420400	140	101000

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49869	E	2673 First Bankcard	2,523.04					
		02/03/23 G2S Hand remote control Radio	275.01		POLICE	1000 420100	362	101000
		02/07/23 Galls-BreathSensor	515.63		POLICE	1000 420100	212	101000
		02/17/23 Lodging for training	1,052.80		POLICE	1000 420100	370	101000
		03/01/23 Public Grants & Training	389.60		POLICE	1000 420100	380	101000
		03/01/23 Glock Training course	250.00		POLICE	1000 420100	380	101000
		03/01/23 NASRO-Membership fee	40.00		POLICE	1000 420100	335	101000
49870		3226 Peggy Russell	50.00					
		03/16/23 Adding to the Cash ReceiptTill	50.00		GF	1000 101000		101000
49901		3309 AQUAPRO	2,527.00					
		A22-199 03/06/23 NEMAPremEffic30HP	2,420.00		SEWER	5310 430630	941	101000
		A22-203 03/06/23 Grease Tube -(2) 10 pack	107.00		STREET	1000 430200	220	101000
49902		40 Jerry's Enterprises	833.27					
		02/28/23 Fuel	778.26*		STREET	1000 430200	231	101000
		020223-01 02/02/23 Fuel Voucher	55.01		HELP	7010 450135	231	101000
49903		3200 Yellowstone Log Chinking	5,640.00					
		19 03/10/23 SnowRemoval Library	2,240.00*		LIBRY	1000 411259	357	101000
		19 03/10/23 SnowRemoval UPDL	3,400.00*		UPDL	1000 411252	357	101000
49904		3239 Salt Lake Wholesale Sports	1,571.18					
		86597 01/05/23 Full Metal Jacket Trujillo	708.26*		POLICE	1000 420100	389	101000
		87719 02/20/23 9 PLTS-00 Buck Trujillo	862.92*		POLICE	1000 420100	389	101000
49905		2099 Quick Print of West Yellowstone	45.94					
		17226 03/07/23 Business Cards Hansen	26.00		SOCSEK	1000 450135	220	101000
		17141 02/10/23 ZoningPermittedits	8.00		TWNHLL	1000 411250	220	101000
		17130 02/08/23 Sharpies	11.94		TWNHLL	1000 411250	220	101000
49906		547 WY Chamber of Commerce	26,200.00					
		23-02 Ski 03/03/23 Yell Ski Festival	26,200.00		MAP	2101 410130	398	101000
49907		999999 JARED D. CURTIS	1,585.00					
		03/07/23 Exonerated Bond Curtis	1,585.00		COURT	7469 212401		101000
49908		135 Food Roundup	44.24					
		02/22/23 Rec Supplies	44.24		REC	1000 460440	220	101000

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49909		2491 MMIA	1,461.40					
	DR1005388	02/28/23 Shipley-Triponconcreteplant	1,461.40		LIABTY	1000 510330	513	101000
49910		1061 Lane and Associates	67.30					
	9589	02/27/23 Random Drug Test	67.30		ADMIN	1000 410210	351	101000
49911		533 Market Place	66.49					
	02/28/23	Soc Serv Supplies	66.49		SOCSER	1000 450135	220	101000
49912		2586 Waxie Sanitary Supply	2,509.91					
	81466619	01/26/23 PovahCleaningSupplies	2,113.10		POVAH	1000 411255	350	101000
	81501853	02/10/23 PovahCleaningSupplies	70.59		POVAH	1000 411255	350	101000
	81568829	03/14/23 Cleaning supplis	139.55		POVAH	1000 411255	350	101000
	81552678	03/07/23 Wall mount wiper	100.00*		PARKS	1000 460430	220	101000
	81559783	03/09/23 Cleaning supplies	86.67*		POVAH	1000 411255	220	101000
49913		2 Forsgren Associates P.A.	1,880.00					
	123063	02/25/23 Task2022-03SFECalculator	1,880.00		PLANNG	1000 411000	357	101000
49914		3245 4 Corners Recycling LLC	509.40					
	4851	02/28/23 Pullfees/processing fees	509.40		PARKS	1000 460430	534	101000
49915		1454 Bozeman Daily Chronicle/Big Sky	1,180.00					
	347023	03/16/23 Staff Librarian Employmentad	900.00		ADMIN	1000 410210	327	101000
	347333	03/15/23 LegalServicesRFP Ad	280.00		ADMIN	1000 410210	327	101000
49916		3314 Intrinsic Architecture	972.50					
	2023-0074	03/08/23 Zoning Permit	772.50		PLANNG	1000 411000	354	101000
	2023-0074	03/08/23 Moonrise claim	200.00		PLANNG	1000 411000	354	101000
49917		65 T & E	3,907.53					
	0461019	03/06/23 Wear Kit	3,907.53*		STREET	1000 430200	369	101000
49918		3243 Susan Swimley	259.00					
	12405	03/08/23 Land Use Issues	259.00		LEGAL	1000 411100	352	101000
49919		497 MT Dept Environmental Quality	3,000.00					
	5L2301527	02/21/23 MTX-OutfallChargeAnnualInvo	3,000.00		SEWER	5310 430640	459	101000

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49920		3315 IAS EnviroChem	1,130.00						
	2301218	03/16/23 Testing fees	1,130.00		SEWER	5310 430600	348	101000	
49921		764 General Distributing Co.	62.22						
	1218885	02/28/23 Welding Supplies	62.22*		STREET	1000 430200	231	101000	
49922		3386 Eagle Safe Surfaces Colorado	128.90						
	6000755	03/10/23 Shear Pin Bushing	128.90		STREET	1000 430200	220	101000	
49923		3261 Targhee Services	454.75						
	3823	03/08/23 2017DodgeRam1500	454.75*		STREET	1000 430200	361	101000	
49924		3399 Squeaky Clean Montana	2,310.00						
	3498	02/28/23 Cleaning PovahFeb2023	1,365.00		POVAH	1000 411255	350	101000	
	3488	01/31/23 Cleaning Povah Jan 2023	945.00		POVAH	1000 411255	350	101000	
49925		254 Firehole Fill Up/Economart	3,861.40						
		02/28/23 Fuel	3,861.40*		STREET	1000 430200	231	101000	
49926		3400 Julie Brown	1,140.00						
	3172023	03/17/23 Town Hall	137.50		TWNHLL	1000 411250	357	101000	
	3172023	03/17/23 Town Hall	137.50		TWNHLL	1000 411250	357	101000	
	3172023	03/17/23 Trailhead	40.00		TRLHD	1000 411256	350	101000	
	3172023	03/17/23 Library	112.50*		LIBRAR	1000 411259	357	101000	
	3172023	03/17/23 Dispatch	162.50		DISPAT	1000 411258	398	101000	
	3172023	03/17/23 Town Hall	275.00		TWNHLL	1000 411250	357	101000	
	3172023	03/17/23 Town Hall	275.00		TWNHLL	1000 411250	357	101000	
		# of Claims	40	Total:					139,094.58
			Total Electronic Claims	6,685.91	Total Non-Electronic Claims		132408.67		

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TOWN OF WEST YELLOWSTONE
Fund Summary for Claims
For the Accounting Period: 3/23

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Report ID: AP110

Fund/Account	Amount
1000 General Fund	
101000 CASH	\$102,540.10
2101 Marketing & Promotions (MAP)	
101000 CASH	\$26,200.00
2220 Library	
101000 CASH	\$1,389.30
5310 Sewer Operating Fund	
101000 CASH	\$6,675.18
7010 Social Services/Help Fund	
101000 CASH	\$219.00
7458 Court Surcharge HB176	
101000 CASH	\$165.00
7467 MT Law Enforcement Academy (MLEA)	
101000 CASH	\$150.00
7469 City Court - Judge Jent	
101000 CASH	\$1,585.00
7699 Victims Assistance Program	
101000 CASH	\$171.00
Total:	\$139,094.58

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
March 7, 2023

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 Clerk Liz Roos, Town Attorney Jane Mersen by Zoom

The meeting is called to order by Mayor Travis Watt at 6:00 PM 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

No council comments are received.

WORK SESSION

Finance Director Katie Thompson introduces Morgan Scarr of Amatics CPA Group to report on the FY 2022 municipal audit. Scarr reports on the completion of the audit and reports that the audit was clean and there were no new significant findings, which is good. She explains that there were a few findings in the FY 2021 report and all of those issues have been addressed and satisfied. Scarr offers to answer questions and go into depth on anything. Town Manager Dan Walker thanks Thompson and the rest of the staff for working through the audit and also expresses appreciation to past Finance Director, Lanie Gospodarek, for her efforts to leave all the records in order.

The next item of discussion is proposed changes to the Mobile Food Vendor ordinance, WYMC 5.30. The ordinance was suspended last summer until November 1, 2022 in response to community requests. Town Attorney Jane Mersen explains that she incorporated the comments from the previous meeting into a revised version of the ordinance. Watt asks each council member to share their thoughts. Benike indicates he is satisfied with the changes made in the draft. Mathews says that he believes they need to determine a way to charge for impact on the sewer system. Walker says they discussed establishing a sewer access fee that would be charged annually to mobile food vendors and suggests charging the same rate as a restaurant would pay for six months of sewer use. Mathews suggests correlating seating to sewer charges. Griffith says that she thinks they should read out loud the emails sent by council members on this topic and then reads the emails. Griffith contends that a proposed ordinance that pertains to private land use only is unnecessary and irrelevant. McBirnie agrees with the changes but does agree that they need to regulate seating, parking, and sewer impact. Watt agrees with the changes, makes suggestions pertaining to parking and sewer impact. Fire Chief Shane Grube agrees with including a grease trap in the unit and questions the requirement to disallow permanent electricity connections, pointing out that a permanent connection is much safer than using a generator. He also discusses charging appropriately for sewer access. Jonathan Resendiz says that they do have a generator but typically plug into a permanent electricity outlet also because a generator creates noise. The group debates definitions and terms that are included in the draft ordinance. There is significant discussion about the taco buses that were in place before the first MFV ordinance was passed. They also discuss whether such establishments are "grandfathered" in all respects. McBirnie points out that when the health department updates regulations, his restaurant has to comply. Chipper Smith says that they are making this more complicated than necessary and recommends just adding MFVs to the SFE schedule. Jonathan Resendiz comments that their business was very popular last summer and it reflected poorly on the town

when they had to explain that the Town didn't allow seating. Watt says that he thinks they need to treat MFVs the same as other businesses, but they are a unique business. The Council debates how to fairly determine necessary parking, seating, and sewer access. Walker suggests only requiring parking spaces if seating is provided. Walker indicates he will work with the staff and attorney to put together a revised ordinance for the next meeting.

The work session is adjourned at 6:45 PM.

ACTION TAKEN

- 1) Motion carried to approve Purchase Order #6480 to Yellowstone Log Chinking for snow removal in the amount of \$5360.00. (Mathews, Benike)
- 2) Motion carried to approve Purchase Order #6481 to Tri-State Excavating for contracted snow removal in December for \$7020.90. (Benike, Mathews)
- 3) Motion carried to approve the claims, which total \$131,489.77. (Mathews, Benike)
- 4) Motion carried to approve the business license application for Wolf HSAC Ventures, LLC to operate a short-term rental at 315 Geyser Street, amended to include the stipulation that a site plan that includes the parking spaces and direction of entry to the garage is submitted before the license is issued. (Benike, Mathews) Griffith is opposed, motion passes.
- 5) Secondary motion carried to table Wolf HSAC Ventures, LLC. (Griffith, McBirnie) Griffith and McBirnie are in favor, Mathews, Benike and Watt are opposed. Motion fails. Revert to original motion, see previous motion.
- 4-5) Dustin Harris, President of Wolf HSAC Ventures, LLC, comments that they have made every effort to comply with all the regulations. He says they have been working through this since November and corrected all violations that were noted by the Fire Department and Health Department. He claims that he was never advised that he was required to produce a parking plan that included direction and dimensions of all the parking spaces. He asks the Council to approve the license this evening. The Council debates the site plan and parking plan and whether they should table the application, noting that there is no change to the buildings on the property and the parking impact is decreased.
- 6) Motion carried to approve the business license application for Broken Leg Productions, LLC to operate two residential rentals at 521A and 521B Campanula Avenue. (Mathews, Benike) Griffith is opposed, motion passes.
- 7) Motion carried to approve the minutes from the February 21, 2023 Town Council Meeting and Work Session. (Benike, Mathews) Griffith is opposed, motion passes.
- A) **Town Manager/Staff Reports:** Town Manager Dan Walker thanks the staff for their efforts to complete the audit. He reports that he attended the Executive Forum in Helena last week and had the opportunity to observe the legislature in action during the week. The Montana League of Cities & Towns is keeping us informed of the bills that are being considered by the legislature, too. He anticipates meeting again with the city managers from around the state after the legislature adjourns to discuss impacts of bills that pass. He says that they believe they are very close to reaching an agreement with the State for a lease for the wastewater treatment facility. The next step in the process will be getting approval from Montana DEQ for the design. He reports that several staff members are attending the Montana Rural Water Conference later this month, and he, Jon Simms, and Jon Brown will be touring an Aero-mod treatment plan in Kansas next week.

Jon Brown, Deputy Superintendent for Water and Wastewater, reports to the Council regarding the recent installation of a flow meter. He reports that the water and wastewater flows are very comparable for this time of year, considering that there is no irrigation use at this time of year. He reports that he will continue to monitor the flow, but current flows are in good shape.

- 8) Jerry Johnson addresses the Town Council regarding the sale of Adult Use Marijuana (AUM) in the Town of West Yellowstone. He explains that after Montana Initiative I-190 passed in the state, he supported putting the question on the ballot as to whether sales should be allowed in West Yellowstone. The question of whether to allow sales in West Yellowstone was on the 2022 ballot and failed. However, he requests the Council put the question on the ballot again based on ambiguity of the ballot language. He contends that the language should have been clearer and used the word “prohibit” rather than “permit.” Town Attorney Jane Mersen has prepared a memo explaining the language, which was very similar to language used on other ballots in the state. She explains that the Town has the option to place the issue on the ballot again, or deny the request. Johnson has the option of promoting a petition to put the issue on the ballot again. McBirnie says that he talked to two electors who claimed to misunderstand the language and thinks it should be voted on again. Mersen also explains that the City of Billings is being sued over the sales of AUM, but not because of the ballot language. Benike states that due to financial conflict of interest, he will abstain from voting. Mathews says that he thinks the ballot was clear and stands by the advice of their legal counsel. Griffith agrees and says that this makes a mockery of the vote and believes the issue was handled properly. McBirnie says that he thinks there has been some confusion and they owe it to the constituents to let them vote again. Watt agrees with Mathews and Griffith that the vote has already been made and Johnson has other options through petition.
- 8) Motion carried to grant the request to place the issue on the ballot again. (McBirnie, Mathews) McBirnie is in favor, Griffith, Mathews and Watt are opposed, Benike abstains, motion fails.
- 9) Town Manager Dan Walker explains that they have prepared a letter of support for the application to the Federal Lands Access Program for funding for the trails system that will connect to the Yellowstone Shortline Trail, the Town, Forest Service, and Yellowstone National Park.
- 9) Motion carried to approve the letter of support from the Town Council for the Federal Lands Access Program. (Griffith, Benike)

The meeting is adjourned at 8:35 PM. (McBirnie, Benike)

Mayor

ATTEST:

Town Clerk

Public Services Dept. Bi-Weekly Report: March 2nd through March 17th, 2023

Work Performed

Removal of snow floor, blow back roadside ROW's so snow floor can continue to be removed, clean up snow storage areas and inner parkways throughout central business district, haul to snow yard. Hire dozer and track-hoe to help with limitations of downed rotary blowers and snow load at town snow yard. Sightline clearing at hazard intersections and snow yard. Widen snow berm along alleyway corridors and roadways with rotary loader, haul away. Vehicle and equipment maintenance: Replace circulation pump on hydronic boiler at public works shop, 92 Stewart & Stevenson, green rotary blower unloader valve inspected, amped out and bypassed with toggle switch to get up and running again (temporary fix to keep us going), replace wiper motor, evaluate alternator and oil leak on 99 rotary loader. Get pricing on replacing passenger side windshield from Westgate Autobody. Install new steering cylinder and pins on 938, replace torque converter, oil temp sensor, look over transmission fault reading, replace rear work lights, strobe, and install right side seal kit on angle ram. Replace bushings and shear pins on rotary reels. Install new battery cable on Freightliner 112. New cutting edges for Henke blades delivered, stock up on mushroom shoes for vee-plow. Truck and equipment issues from being stored outside, not firing up due to cold temperatures. Replace plow parts and fix hydraulic leaks on Henke vee-plows. Service seized cylinders on dump trucks. Utility locates as they come through. Water meter and service valve requests as needed (Jon Brown and I will be coming up with a recommended termination date for these turn on/ off requests). Haul abandoned vehicles for the police department as needed. Continue replacing worn street signage, straightening posts. Respond to flag lowering notifications. Cleaned up debris blowing out of triple bin roll off containers and Abitibi's at PW shop. Setup road closed signs at Iris and Highway 20, have zephyr signs on standby. Continue cross training in operating snow removal equipment and rotary loader with the crew. Organize public works and city park shops, get janitorial supply needs, and prep inventory list for Waxie to lock in order. Replace cadet heaters as needed in facilities. Roof snow removal from UPDL and Library. Open emergency exits, secondary fire escape routes at city owned buildings, working on Little Rangers next. The Fire Department has been helping the public works crew greatly by clearing all the hydrants of snow around town. Building codes compliance training in Missoula, MT this past week- attendee, Kyle Tanner. Event support for Annual Rendezvous Ski Race.

Administrative

Attend wastewater treatment plant facility tours with town engineers and city officials. Evaluate the towns WWTP equipment selections being manufactured by Aero-Mod Inc. Will be attending Montana Rural Water's annual conference in Great Falls, MT next week. Spartan Inspections was onsite at Town Hall and the Police Department this past Tuesday, 3/14 to evaluate the leaking and water intrusion. I've attached the findings from that walkthrough inspection alongside this report. Met with residents regarding snow removal issues. Fill in shifts on road grader, dump truck, wheel, and rotary loaders, help crew with snow removal. Review parts needs with vendors on heavy equipment. Post public notice updates on town Facebook page to help give residents snow removal operational status. Discuss roof snow removal priorities with Yellowstone Log Chinking on city owned buildings, the town Museum will

be next. Continue to coordinate snow removal plans with Tri-State Excavating. Coordinate facility service and lavatory repairs with PJ's Plumbing. Discuss proposed updates to Verizon's cell tower at 135 Gibbon with Kyle Roth, drafter at Blackfoot Communications. Confirm insurance appraisal list and our asset inventory for town clerk. Continue working with Tyler Liddiard and Mountain States Lighting on streetlighting upgrades along the highway. Should be hearing back from town engineer's new hire, Nathan formerly with MDOT. I'll be seeking assistance in putting together bid specifications and documents to get these two projects underway and out to state bid (highway lighting replacements along Rt. 20 & slurry sealcoat treatments throughout old town's N/S streets). Reach out to Mountain Valley Construction to make sure were still locked in this spring for alleyway treatment and dust control measures. Confirm parts needs with Precision Fluid Power, Myslik- Eagle Corporation, Caterpillar, John Deere, MacQueen Equipment, Freightliner and KZ Valves. Get ahold of Keith Conover, MDOT's tech who inspects and out-services their Kodiak rotary blowers. It's critical to get both Stewart & Stevenson's evaluated if we're going to keep them in decent running condition. I've been looking into a detachable Larue rotary loader mount blower. Been discussing options with Roger Beatty at SWS Equipment on a D-55 unit. Bozeman Airport has one of these blowers and SWS Equipment also has a 7-year contract with Montana Municipalities that the town can tag onto. Still speaking with the City of Billings Road and Bridge Superintendent, to try and set a good date to look at their 2017 snow dragon as an option for eliminating snow 'in place' throughout the town's inner snow parks. Posted a meeting reminder on Facebook for John Burns and Hebgen Basin Solid Waste District for their public hearing regarding a proposed tip fee resolution. We now have a new cleaning provider at town hall, police department, library, and rendezvous ski trails. Still searching for alternate quotes at several other properties: Povah Center, Visitors Center and Pioneer Park. Discussed holding off on installation of snow gate for grader belly blade with Cody Van Orden and Gene at RDO until new grader arrives. Again, received an update from RDO on the town's newly leased equipment. Factory delivery date of March 30th for 624P wheel loader, factory completion date of June 25th on 772G Grader. Exploring options for a used Vactor truck, when the town has a major backup in any SAS mainline/ lift station and contractor is not available, or their equipment is down the town will run into problems (town staff continues to open problem areas at intersecting SAS manholes where sanitary debris has potential of accumulating to help mitigate issues). Building issues at town hall: roof and wall leaks. Discuss upcoming classes being offered by the town's recreation program with Vely (zumba, cooking, painting). Help brainstorm ways to encourage more participation. Finished all annual employee evaluations. I've already met with KC, Jon and Vely, now just need to make time to meet with the PW crew and setup my annual evaluation with the town manager. Reviewed the town's current GIS utility data program, followed up with ESRI's point of contact, Raed Aldbagh on options for incorporating field data edits into our current browser and discuss possibly partnering with Civic Lanes or Pro West. Discuss cleaning operations with Brandi Kadlec and Julie Brown. Finance Director, Katie Thompson has an alternate cleaning contractor that she has met with to receive quotes for cleaning of the chamber building and city park restrooms. Responded to a water service issue at 22 Canyon. Met with Troy White and Betty Richie to diagnose and resolve a frozen water line, replaced meter as well. Go over importance of water service requests, access dates for turning on & off curb stops with Jon Brown. Come up with utility termination request dates for the fall and spring. Followed up with Ed Geiger on the options for installation of security cameras in town at the PW shop, city park, both Iris and Madison lift stations and entrance at WW lagoon. Will be looking at installation of new monitor outside the evidence room in basement at town hall. Discuss additional CCTV options for the town with Conor Bagchee at Verkada Industries, setup webinar to review options and their product catalog. Continue looking for utility locator training opportunities for public works crew. I'll

most likely be sending Bill Warner and Rick Morales to an upcoming training on April 10th to be certified. Relay GIS utility data to Tyler Mahoney regarding a project taking place this summer at Hibernation Station. Discuss easement and setback requirements with business owners and residents, 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.



Week of 03.13.2023

- ❖ Continued working on the FLAP Grant application.
- ❖ Worked on new Resolution for Mobile Food Vendors regarding fees.
- ❖ Sent letters to vendors that have outstanding checks with us.
- ❖ Completed reconciliations for February 2023 on all accounts.
- ❖ Sent delinquent letters for resort tax payments.



MARCH 17, 2023

TO: Town Manager Dan Walker, Town Council

FROM: Liz Roos, Town Clerk

SUBJECT: Town Clerk Report

- Testified by Zoom, again, in favor of SB 374 in front of the House Education Committee. SB 374 is a bill that will update and streamline records retention guidelines for local governments.
- Posted Assistant Librarian position, Legal Services RFP, still recruiting for dispatchers
- Met with inspector for Town Hall, building is leaking badly on the north side, moisture detected in most of the walls. We are trying to figure out what needs to be done to stop the leaks, I expect we will proceed with an insurance claim.
- Reviewed and submitted annual property insurance renewal to MMIA
- Booked rooms for the Montana League of Cities & Towns Conference in Helena, October 11-13, 2023. Please consider attending this conference, we will host it in West Yellowstone in 2024.
- Prepared agenda & packet for March 21, 2023 Town Council Meeting





**MONTANA MUNICIPAL INTERLOCAL AUTHORITY
RENEWAL APPLICATION FOR THE EMPLOYMENT PRACTICES
COVERAGE ENDORSEMENT
TO THE MEMORANDUM OF LIABILITY COVERAGE**

Entity: Town of West Yellowstone

The undersigned Entity submits this application for renewal of current Employment Practices Coverage (Section 12) to the Montana Municipal Interlocal Authority (Authority) for coverage under the terms of the Memorandum of Liability Coverage (Memorandum) arising from Employment Practices as defined in Section 12 of the Memorandum.

1. Have any changes been made to the policy handbook since the last MMIA approval dated August 2017?
 Yes No

2. If yes, list the policies/procedures that were changed in the table below and submit a copy of the revised policy handbook for review.

Policy/Procedure Title	Date Changed

3. MMIA requires the change(s) below to the policy handbook we have on file for your city/town. These changes are required to comply with federal and state law. Please make the required changes and provide verification that the changes have been made and approved by council.

In the workplace violence section of your policies, page(s) 63, your city/town does not allow employees to bring personal firearms to work. This verbiage may violate the new carry concealed laws passed by state legislators last spring. We recommend adding the word "unauthorized" in front of weapons to comply with current MCA or removing any references to personal firearms.

4. Has the applicant made amendments to the employment application since the last review? If yes, please submit a copy of the employment application.
 Yes No



**MONTANA MUNICIPAL INTERLOCAL AUTHORITY
RENEWAL APPLICATION FOR THE EMPLOYMENT PRACTICES
COVERAGE ENDORSEMENT
TO THE MEMORANDUM OF LIABILITY COVERAGE**

Entity:	Town of West Yellowstone	MMIA Use Only:	
		Approval Date:	
		Approved By:	

The undersigned Entity represents the following:

1. The Entity has in place a New Employee Orientation Program which ensures that the new employee has been informed of the Entity's Non-Discrimination policies; notifies the employee as to the location of required notices; and provides the new employee with adequate safety training and education as soon as practicable upon the commencement of employment;
2. The Entity's written application process complies with non-discrimination laws and provides for veteran and disability preference considerations;
3. The Entity has a written Harassment Prevention policy that complies with applicable Federal and State Laws;
4. The Entity, if conducting Drug/Alcohol Testing, has a Drug and Alcohol Testing policy that complies with applicable Federal and State Laws;
5. The Entity has a Non-Discrimination Policy that complies with Federal and State human rights laws and regulations;
6. The Entity has a written grievance policy for non-union employees;
7. The Entity maintains current written job descriptions for all positions;
8. The Entity has a non-discrimination policy that complies with the Americans with Disabilities Act and Montana human rights laws;
9. The Entity has a policy that complies with the Family and Medical Leave Act (Title 29 United States Code, Chapter 28), if applicable;
10. The Entity has written guidelines and procedures for disciplining employees;
11. The Entity agrees to maintain employment records in compliance with federal and state records retention laws.

The undersigned Entity understands that coverage for Employment Practices Liability is contingent upon the Entity being in compliance with the preceding representations both at the time of application and during the term such coverage is in effect.

The endorsement will be issued upon approval according to established underwriting criteria on an annual basis consistent with the MMIA's coverage period for its Liability Program, coverage will only be available for three (3) years from date of application, at which a renewal application must be submitted and approved prior to the continuation of coverage under this Endorsement.

Dan Walker, Town
Authorized Representative *Manager*

Signature

Date

- H. A copy of this Policy will be posted on the Town's bulletin board at all locations where mandatory employment-related posters are hung, and each new hire will be given a copy of this policy to read and sign as part of the new hire's new employee orientation. The signed copy will be kept as a permanent part of the employee's personnel file. This Policy will also be reviewed at any annual review of Town policies held generally for its employees.

Section 10-05 Workplace Violence

The Town is committed to preventing workplace violence and to maintaining a safe work environment. The Town has adopted the following policies and procedures to manage intimidation, harassment, or other threats of or actual violence that may occur onsite or offsite during work-related activities or interactions between Town employees.

All employees, citizens, vendors and business associates should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay" or other conduct that may be dangerous to others or that may escalate into physical contact.

Conduct that threatens, intimidates, or coerces another employee, citizen; vendor or business associate will not be tolerated. The Town resources may not be used to threaten, stalk, or harass anyone at or outside the workplace, in person or via electronic communication such as email, social media, etc. The Town treats threats coming from an abusive personal relationship as it does other forms of violence.

Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities should be reported as soon as possible to a supervisor, or the Town Manager. When reporting a threat or incident of violence, the employee is encouraged to report the situation to their Town Manager as soon as possible.

The Town Manager will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities, or take such other action immediately as the Town Manager deems appropriate under the circumstances, including call local law enforcement immediately. . The identity of the individual making a report will be protected as much as possible. The Town will not retaliate against employees making reports of violence, threats or suspicious individuals or activities. To maintain workplace safety and the integrity of its investigation, the Town may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending an investigation.

Anyone found to be responsible for threats of violence or incidents of actual violence or other conduct that is in violation of these guidelines will be subject to disciplinary action up to and including termination of employment. (See Section 09-02)

The Town encourages employees to bring their disputes to the attention of their supervisor or the Town Manager before the situation escalates. The Town will not discipline employees for raising such concerns. This policy prohibits employees, excluding law enforcement officers, from bringing personal firearms or other **unauthorized** weapons (including stun guns, batons, etc.) onto Town premises. Employees are also prohibited from carrying firearms or other **unauthorized** weapons in Town vehicles or in personal vehicles if conducting Town business.

5.30.010 Definitions.

"Mobile food vendor (MFV)" is a licensed, motorized vehicle or mobile food unit, including any readily movable wheeled cart, van/ bus or trailer, which is temporarily stored on a privately owned ~~lot~~ property where only food items and nonalcoholic beverages are sold to the general public. MFVs are permitted only in the B-3 zoning district. (TW)

5.30.020 Requirements.

1. All MFV's must meet the following requirements before a business license will be issued;

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A. ~~The All~~ MFVs ~~must shall~~ be located on privately owned property and must have written permission from the property owner to occupy the property.

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B. All facilities and equipment used by the vendor shall be portable and shall not be located permanently on the site.

C. Seating: Each MFV may have up to 10 seats before parking spaces are required. Public Seating shall not encroach upon any public right of way. Each additional five seats will require proof of one parking space on the property. Seating shall not encroach upon any public right of way

~~and may be subject to seating/parking restrictions and the Town's Sewer Development Fee Schedule.(JM)~~

~~OR: Each MFV may have up to two tables with _____ seats each. Additional seating requests will be reviewed for both parking and water/sewer availability. (TW)~~

~~D. MFVs shall comply with all town parking regulations.~~

DE. All Each MFVs must be fully self-contained. No permanent water ~~or~~ sanitary sewer ~~hookup will be allowed, storm draining, and/or E~~ electrical connections to the electrical service on the property on which the MFV is located may be allowed by the property owner, from the MFV to public utility systems will be allowed (JM). The MFV must have written permission from an owner of restroom facilities for customers and employees to use such facilities during hours of operation.

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EF. All areas within five feet of the food truck must be kept clean. Grease and liquid waste must be disposed of as set out in the approved business plan and nowhere else. -

~~FG. MFVs shall not operate between the hours of midnight and six a.m. For seasonal operation, MFV must vacate property when sales cease. (JM)~~ At the end of each day of operation, the MFV will be cleaned and secured and no trash receptacles shall be left outside. There shall be no outdoor amplification pursuant to Section 8.16.010 WYMC. ~~(DW) Or: There are no set hours of operation. (JMcB) For seasonal operation, the MFV must vacate property when sales cease, unless the property owner is also the owner of the facilities and equipment.~~

~~G. Or:~~ The MFV must be able to vacate its parking space within 24 hours. ~~(TW)~~

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H. MFVs shall not operate on public property or in public rights-of-way, public parking spaces, or driveways without first obtaining a special permit ~~written permission~~ from the ~~T~~town. Further, MFVs shall not operate in fire lanes or within fifteen feet of a fire hydrant, fire escape, bus stop, loading zone, handicapped parking space or access ramp. With ~~T~~town approval, MFVs may be incorporated into community wide events, special events, or private catering contracts. MFVs will comply with all ventilation and fire protection requirements/inspections.

I. Grease must be disposed of properly and shall not be dumped onto the ground surface or into the sanitary sewer system. Final disposal facilities for garbage, grease, and other waste material must be identified and approved by the Town and used.

~~J. Garbage containers must be bear proof, in addition to meeting the State/County regulations.~~

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~~2.I.~~ All MFVs must obtain a Town Business License ~~the following:~~ ~~(DW)~~

~~1. Town business license.~~

~~–The application for a license shall include a business plan which shall address garbage disposal, signage, water ~~needs~~sources, wastewater dumping; grease disposal, utility plan, and restrooms for customers. The application must include proof of current certifications or inspections required by County and State and any other ~~All applicable and necessary licenses from state and county agencies and must comply with all regulations in Title 50, Chapter 50, MCA. (Jane)~~ All licenses and permits must be displayed on the MFV.~~

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~~regulations; (TW)~~

~~3.~~ 2. Each MFV ~~M~~m must post a resort tax bond and shall be responsible for collecting such taxes on goods sold;

3. ~~All applicable and necessary licenses from state and county agencies and must comply with all regulations in Title 50, Chapter 50, MCA. (Jane)~~

J4. ___— Each MFV shall pay all the fees required by the Town. The fees for MFV shall be set by Resolution of the Town Council, equivalent of 1 SFE in accordance with the Town of West Yellowstone Sewer Development Fee Structure. (JM)

~~All licenses and permits must be displayed on the MFV.~~

K4. ___— MFVs that are part of a community event/special event shall meet the town of West Yellowstone's insurance requirements for special events.

Additional Thoughts (Jane)

Require ventilation and fire protection requirements/inspections?

~~Garbage containers must be bear proof, in addition to meeting the State/County regulations.~~

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In addition to the penalties provided in this Code, notice of a violation shall be given to the MFV, with 5 days to cure the violation. If the MFV fails to cure the violation within the five days, the MFV must stop operating until the matter of the violation is resolved.

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A. The MFVs must be located on privately owned property and must have written permission from the property owner to occupy the property.

B. All facilities and equipment used by the vendor shall be portable and shall not be located permanently on the site.

C. Seating: Each MFV may have up to 10 seats before parking spaces are required. Each additional five seats will require proof of one parking space on the property. Seating shall not encroach upon any public right of way

D. Each MFVs must be fully self-contained. No permanent water or sanitary sewer hookup will be allowed. Electrical connections to the electrical service on the property on which the MFV is located may be allowed by the property owner.. The MFV must have written permission from an owner of restroom facilities for customers and employees to use such facilities

E. All areas within five feet of the food truck must be kept clean. Grease and liquid waste must be disposed of as set out in the approved business plan and nowhere else.

F. At the end of each day of operation, the MFV will be cleaned and secured and no trash receptacles shall be left outside. There shall be no outdoor amplification pursuant to Section 8.16.010 WYMC. For seasonal operation, the MFV must vacate property when sales cease, unless the property owner is also the owner of the facilities and equipment.

G.The MFV must be able to vacate its parking space within 24 hours.

H. MFVs shall not operate on public property or in public rights-of-way, public parking spaces, or driveways without first obtaining a special permit from the Town. Further,

MFVs shall not operate in fire lanes or within fifteen feet of a fire hydrant, fire escape, bus stop, loading zone, handicapped parking space or access ramp. With Town approval, MFVs may be incorporated into community wide events, special events, or private catering contracts. MFVs will comply with all ventilation and fire protection requirements/inspections.

I. Grease must be disposed of properly and shall not be dumped onto the ground surface or into the sanitary sewer system. Final disposal facilities for garbage, grease, and other waste material must be identified and approved by the Town and used.

J

2. All MFVs must obtain a Town Business License

The application for a license shall include a business plan which shall address garbage disposal, signage, water sources, wastewater dumping; grease disposal, utility plan, and restrooms for customers. The application must include proof of current certifications or inspections required by County and State and any other and must comply with all regulations in Title 50, Chapter 50, MCA. All licenses and permits must be displayed on the MFV.

3. . Each MFV must post a resort tax bond and shall be responsible for collecting such taxes on goods sold;

3.

4. Each MFV shall pay all fees required by the Town. The fees for MFV shall be set by Resolution of the Town Council.

4. MFVs that are part of a community event/special event shall meet the town of West Yellowstone's insurance requirements for special events.

In addition to the penalties provided in this Code, notice of a violation shall be given to the MFV, with 5 days to cure the violation. If the MFV fails to cure the violation within the five days, the MFV must stop operating until the matter of the violation is resolved.

APPLICATION TO MAINTAIN AN ENCROACHMENT

Town of West Yellowstone
Gallatin County, Montana

DATE: March 3, 2023

APPLICANT: Westmart Building Center

ADDRESS: 100 South Faithful; PO Box 50; West Yellowstone, MT 59758

PHONE: (406) 646-9578

INTEREST IN PROPERTY: 100% Owner

OWNER OF RECORD'S SIGNATURE: _____

1. LEGAL DESCRIPTION:

Subdivision: Grizzly Park Addition

Block: 5

Lot: 1

Zoning District Number: _____

2. Please describe specifically the construction and size of the proposed encroachment. On the reverse of this application, please provide a sketch of the proposed encroachment. Encroachment of 15 feet for greenhouse during the months of May, June and July.

Graig W. Forsythe
for
Westmart Building Center

Signature of Applicant

March 3, 2023

DATE

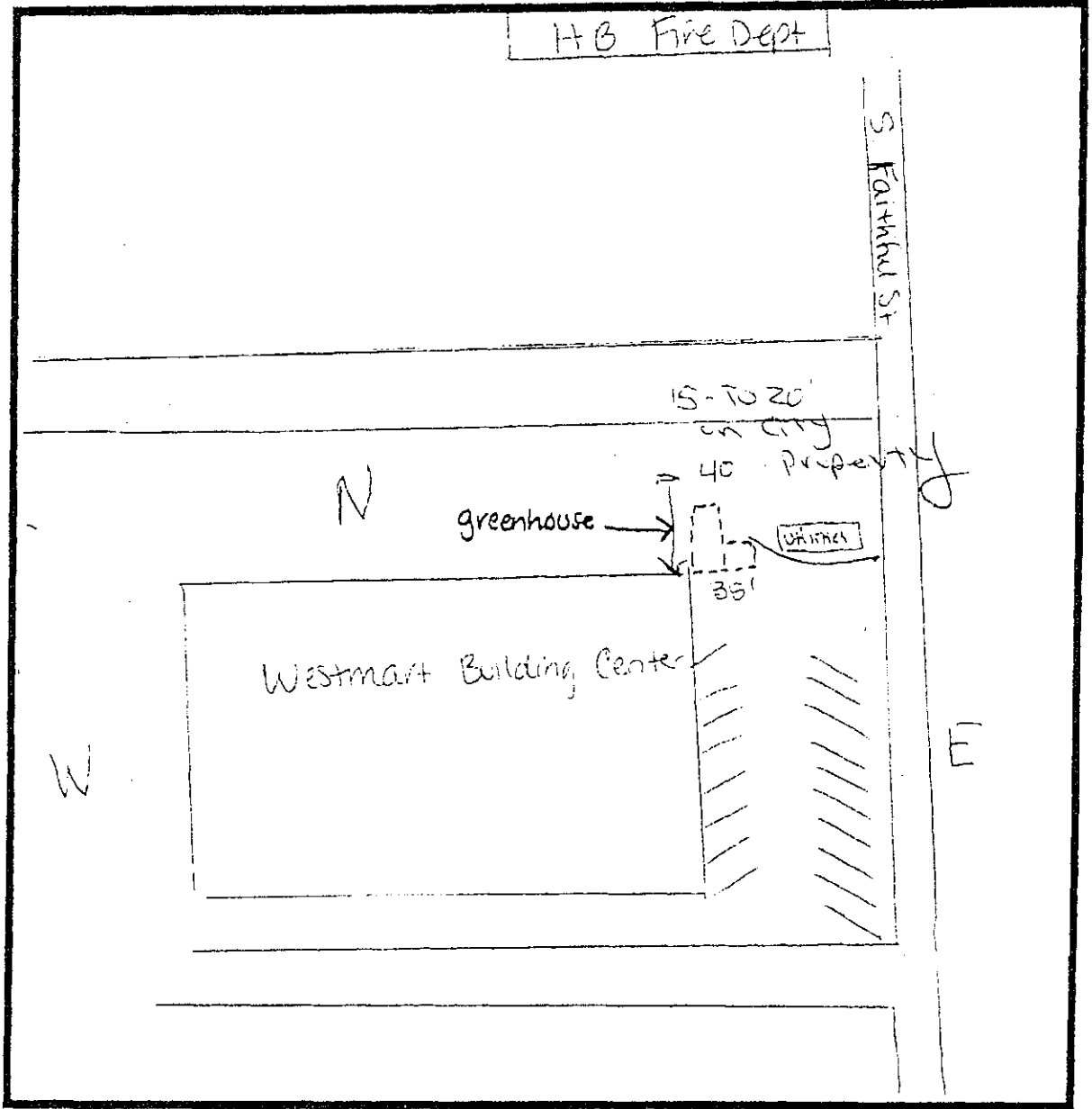
For Office Use Only:
DECISION BY TOWN COUNCIL

Approved Disapproved

Mayor/Operations Manager

DATE

North ↑



PLEASE INDICATE DIRECTION



SPARTAN HOME INSPECTIONS

2082064343

kip@spartaninspections.com

<https://www.spartaninspections.com>



COMMERCIAL REPORT

440 Yellowstone Ave
West Yellowstone, MT 59758

Jon Simms
MARCH 14, 2023



Inspector

Kip Robinson

Certified Master Inspector, InterNachi Certified

2082064343

kip@spartaninspections.com

TABLE OF CONTENTS

1: Inspection Details	4
2: Doors, Windows & Interior	5
3: Basement, Foundation, Crawlspace & Structure	12
4: Attic, Insulation & Ventilation	15
5: Roof	16
Standard of Practice	21

SUMMARY



ITEMS INSPECTED



RECOMMENDATIONS

-
- ⊖ 2.1.1 Doors, Windows & Interior - Ceilings: Evidence Of Roof Leak Damage
 - ⊖ 2.1.2 Doors, Windows & Interior - Ceilings: Potential Moisture Intrusion
 - ⊖ 2.2.1 Doors, Windows & Interior - Walls: Moisture Damage/ Potential Fungal Growth
 - ⊖ 2.2.2 Doors, Windows & Interior - Walls: Active Moisture Intrusion
 - ⊖ 2.3.1 Doors, Windows & Interior - Floors: Saturated Carpet And Subfloor
 - ⊖
 - 3.1.1 Basement, Foundation, Crawlspace & Structure - Foundations, Basement and Crawlspace: Foundation Wall Cracks-Evidence Of Moisture Intrusion
 - ⊖
 - 3.1.2 Basement, Foundation, Crawlspace & Structure - Foundations, Basement and Crawlspace: Seal Around Main Waste Line
 - ⊖ 5.1.1 Roof - Coverings: Ice Accumulations
 - ⊖ 5.1.2 Roof - Coverings: Roof Leaking
 - ⊖ 5.1.3 Roof - Coverings: Inspect Roof In Spring
 - ⊖ 5.2.1 Roof - Flashings: Evidence Of Past Leaking

1: INSPECTION DETAILS

Information

In Attendance

Employees

Occupancy

Occupied

Style

Office Space

Temperature (approximate)

35 Fahrenheit (F)

Type of Building

Commercial Building

Weather Conditions

Light Rain, Snow

34

2: DOORS, WINDOWS & INTERIOR

		IN	NI	NP	R
2.1	Ceilings	X			X
2.2	Walls	X			X
2.3	Floors	X			X

IN = Inspected NI = Not Inspected NP = Not Present R = Recommendations

Information

Ceilings: Ceiling Material

Drywall, Suspended Ceiling Panels

Walls: Wall Material

Drywall

Floors: Floor Coverings

Carpet

Recommendations

2.1.1 Ceilings

 Recommendations

EVIDENCE OF ROOF LEAK DAMAGE

Stains on the ceiling appear to be the result of roof leaks. The source of leakage should be identified and corrected, and the ceiling re-painted.

Recommendation

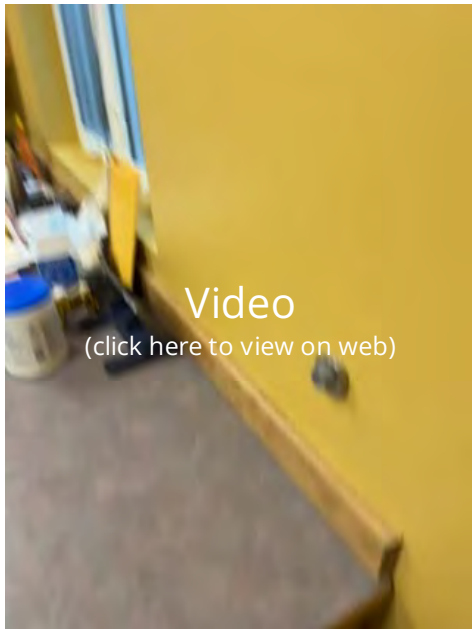
Contact a qualified professional.



Northwest office- previous leaking



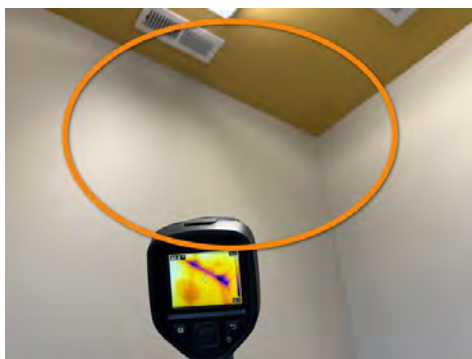
Northwest storage room



Northeast office closet



Judges office



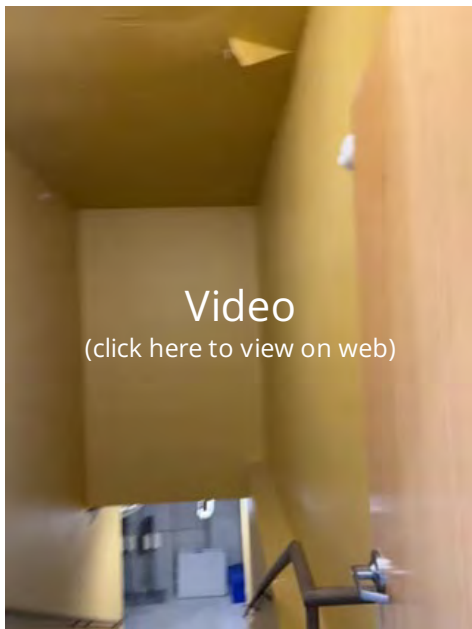
Northeast storage area



Jon's office



East stairwell



South entrance



Food Bank

2.1.2 Ceilings

POTENTIAL MOISTURE INTRUSION



In multiple locations throughout the building there is potential moisture intrusion occurring at the ceiling.

Recommendation

Contact a qualified professional.



Northeast Hallway

2.2.1 Walls

➔ Recommendations

MOISTURE DAMAGE/ POTENTIAL FUNGAL GROWTH

While inspecting the building I found one or more areas where the walls have been affected by moisture which has resulted in what appears to be fungal growth. I recommend having this tested and corrected by a mold professional.

Recommendation

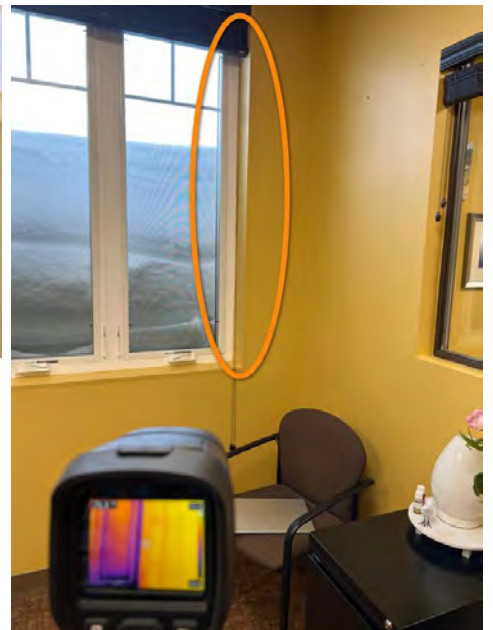
Contact a qualified professional.



Northwest office



Northwest office



Northwest office



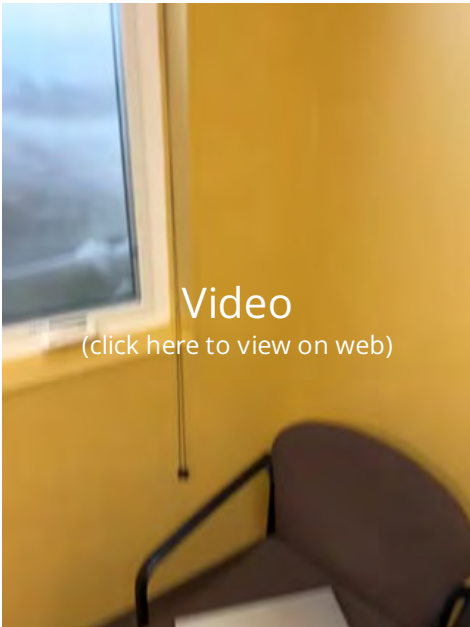
Northwest office



Northwest office



Northwest office



Video
(click here to view on web)



Northwest office



North office



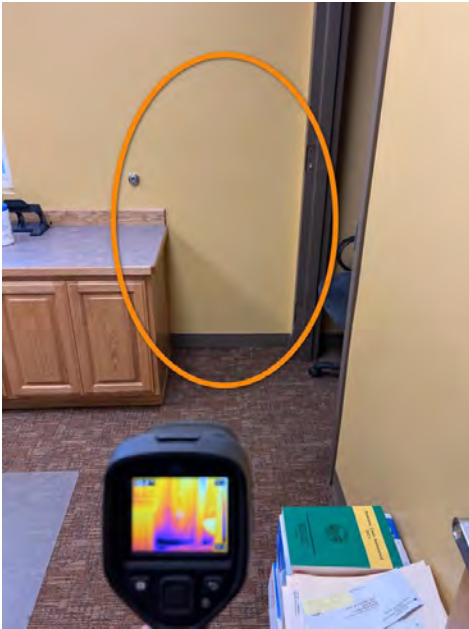
North office



North office



North entrance



Northeast office



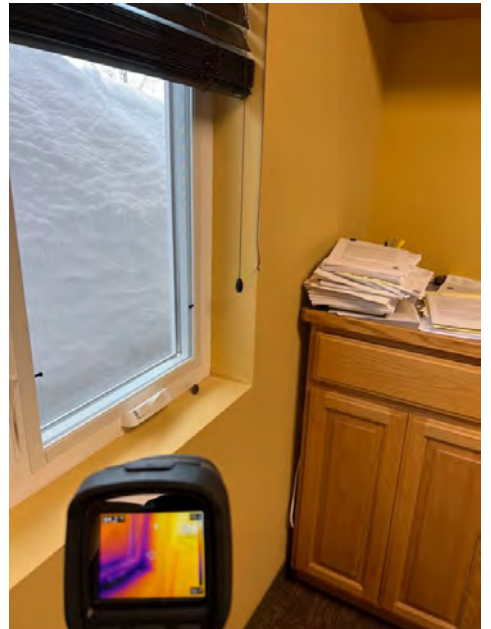
Northeast office



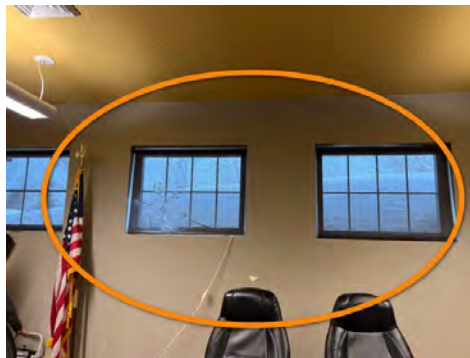
North east office closet



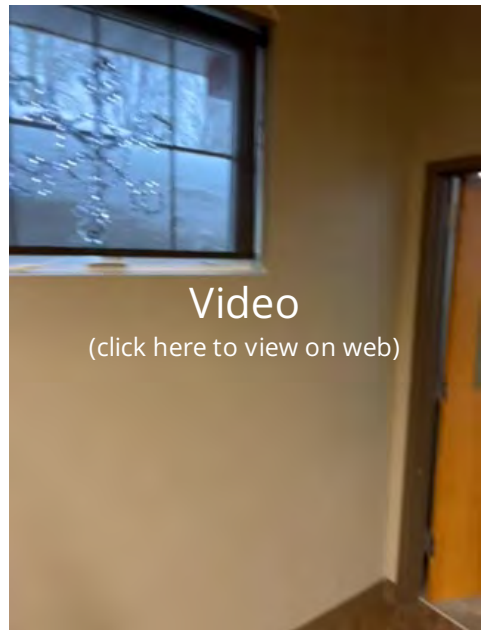
Northeast office closet



Judges office



Courtroom

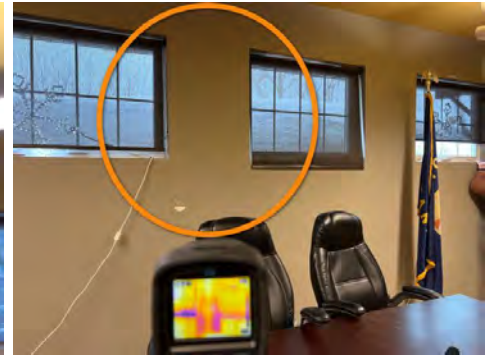




Courtroom



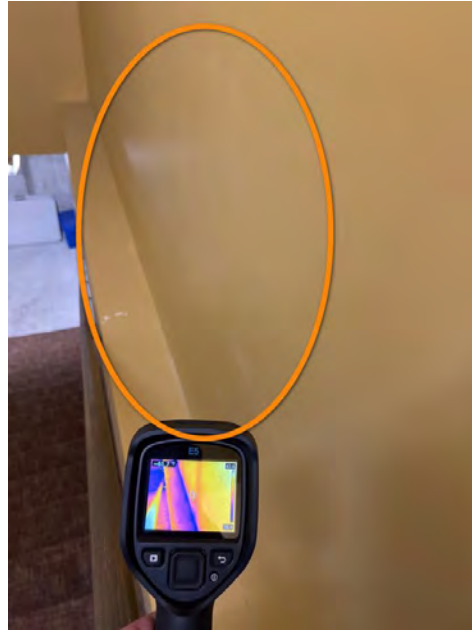
Courtroom



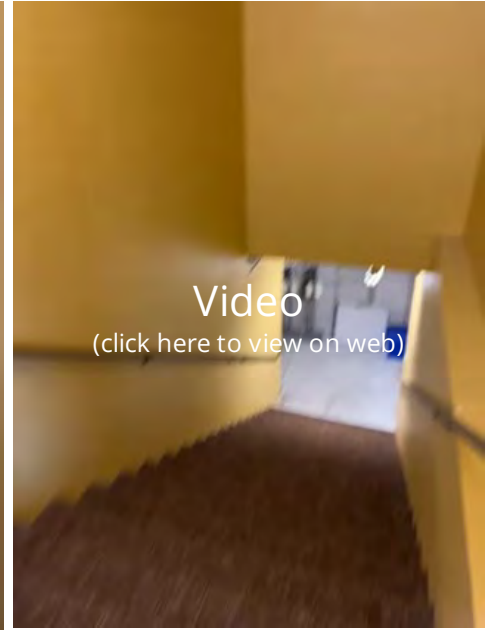
Courtroom



Courtroom



East stairwell



South entrance

2.2.2 Walls

ACTIVE MOISTURE INTRUSION

 Recommendations

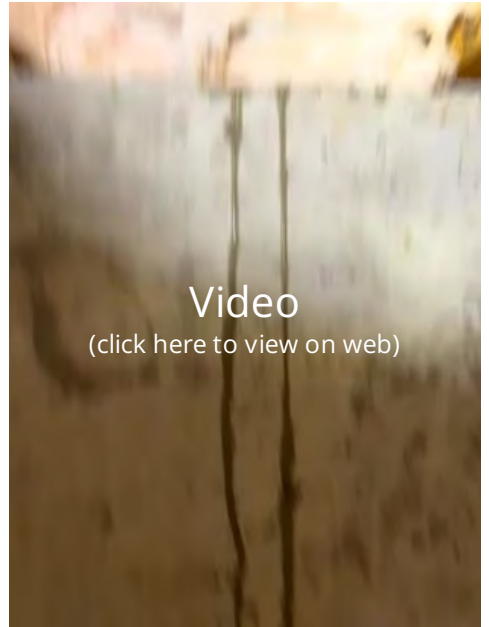
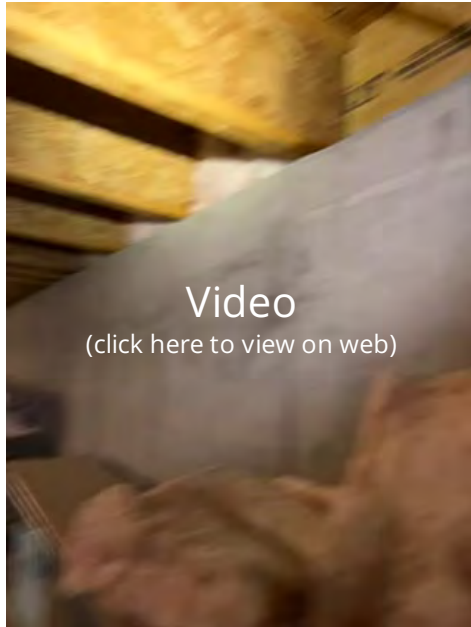
While inspecting the northwest portion of the basement I found active moisture intrusion occurring along the north wall roughly below the north west offices. This is most likely associated with the water intrusion occurring in the offices which is saturating the carpet and subfloor and subsequently draining down into the basement. I pulled back the insulation to allow this area to air dry and help prevent mold growth.

Recommendation

Contact a qualified professional.



Basement North wall



2.3.1 Floors

SATURATED CARPET AND SUBFLOOR



In multiple locations throughout the building the carpeting and subfloor were saturated due to moisture intrusion. I recommend pulling the carpeting back to allow the subfloor to dry out.

Recommendation

Contact a qualified professional.



North east office closet



Northeast office



Northwest office



Northwest office



Judges office

3: BASEMENT, FOUNDATION, CRAWLSPACE & STRUCTURE

		IN	NI	NP	R
3.1	Foundations, Basement and Crawlspace	X			X
3.2	Roof Structure & Attic	X			

IN = Inspected NI = Not Inspected NP = Not Present R = Recommendations

Information

Inspection Method

Visual, Walked Attic

Foundations, Basement and

Crawlspace: Material

Concrete

Roof Structure & Attic: Good Condition

All visible structural components of the building were inspected and found to be in good condition and properly attached.

Recommendations

3.1.1 Foundations, Basement and Crawlspace

 Recommendations

FOUNDATION WALL CRACKS-EVIDENCE OF MOISTURE INTRUSION

Well inspecting the foundation walls I found one or more cracks that show evidence of moisture intrusion. I recommend having these cracks properly repaired by a professional.

Recommendation

Contact a qualified professional.



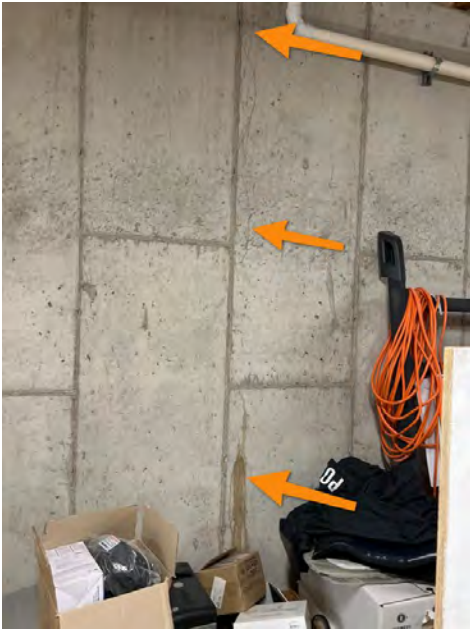
Basement North Wall



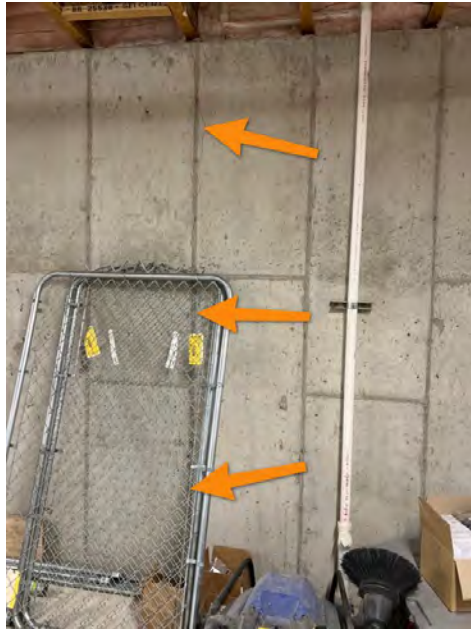
Basement North Wall



Basement north wall



Basement south wall



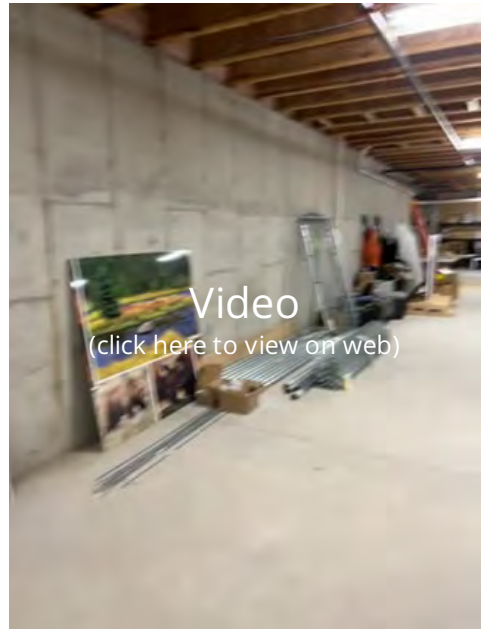
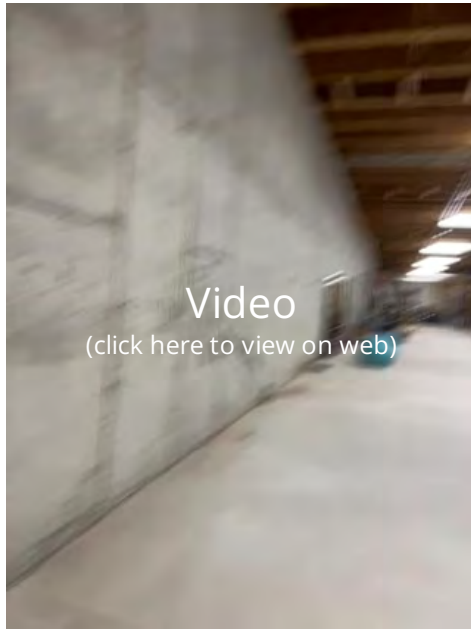
Basement south wall



Basement south wall



Basement Southeast wall



Northwest basement wall

3.1.2 Foundations, Basement and Crawlspace

 Recommendations**SEAL AROUND MAIN WASTE LINE**

Along the south wall of the basement there has been active moisture intrusion around where the main plumbing waste line penetrates through the foundation wall. I recommend having this properly sealed to prevent future moisture intrusion.

Recommendation

Contact a qualified professional.



South Basement wall

4: ATTIC, INSULATION & VENTILATION

		IN	NI	NP	R
4.1	Attic Insulation	X			
4.2	Exhaust Systems	X			

IN = Inspected NI = Not Inspected NP = Not Present R = Recommendations

Information

Attic Insulation: Insulation Type

Blown

Attic Insulation: Adequate

The attic insulation appears to be adequate for the building.



5: ROOF

		IN	NI	NP	R
5.1	Coverings	X			X
5.2	Flashings	X			X

IN = Inspected NI = Not Inspected NP = Not Present R = Recommendations

Information

Inspection Method

Ground

Roof Type/Style

Hip

Coverings: Material

Asphalt

Limitations

Flashings

SNOW

I was unable to inspect the top of the flashings due to the accumulation of snow around them. Upon inspecting the attic space I did not notice any leaking associated with the flashings.

Recommendations

5.1.1 Coverings

ICE ACCUMULATIONS

 Recommendations

I inspecting the roof I did notice large ice accumulations and recommend watching these areas for potential ice dams.

Recommendation

Contact a qualified professional.



North



North



North



East

5.1.2 Coverings

ROOF LEAKING

Recommendations

While inspecting the attic space I could see leaking associated with the roof. This leaking is also causing damage to the underside of the roof sheathing.

Recommendation

Contact a qualified professional.



Northeast office



Northeast office



North



North



North



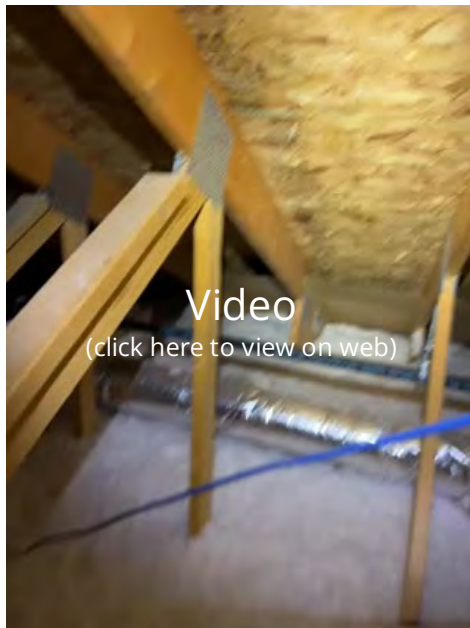
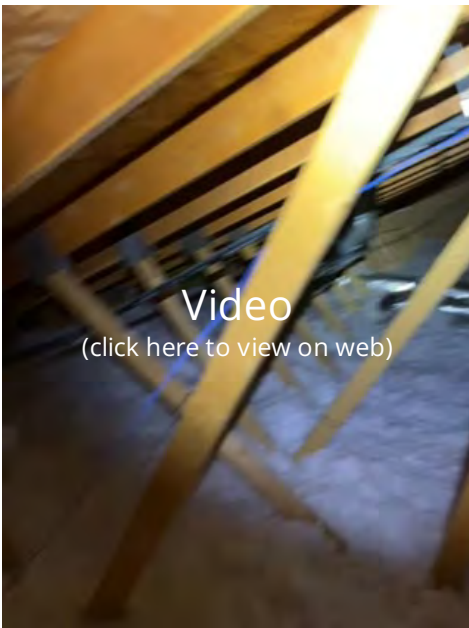
North



North



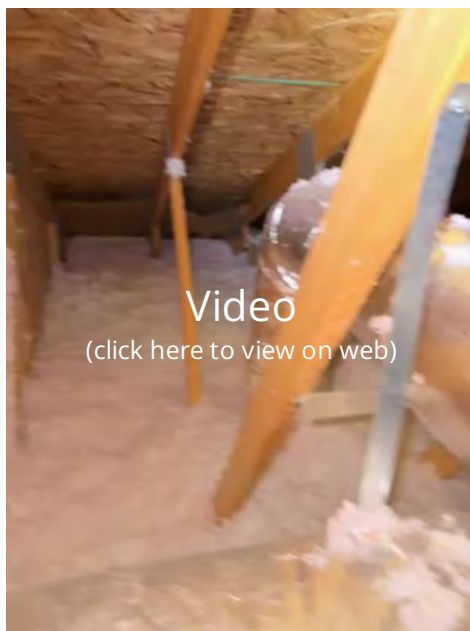
North



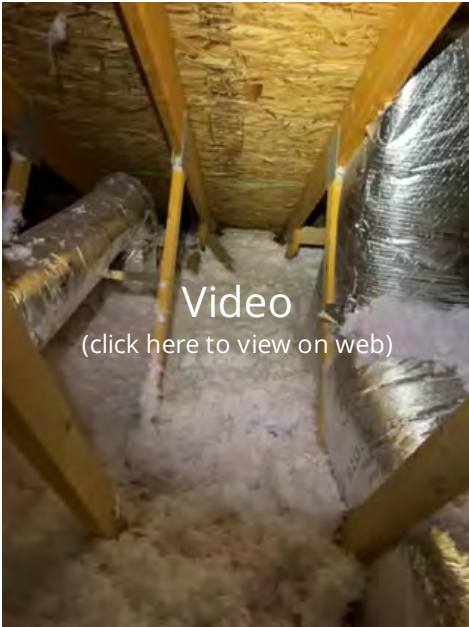
North-over north entrance



Northeast



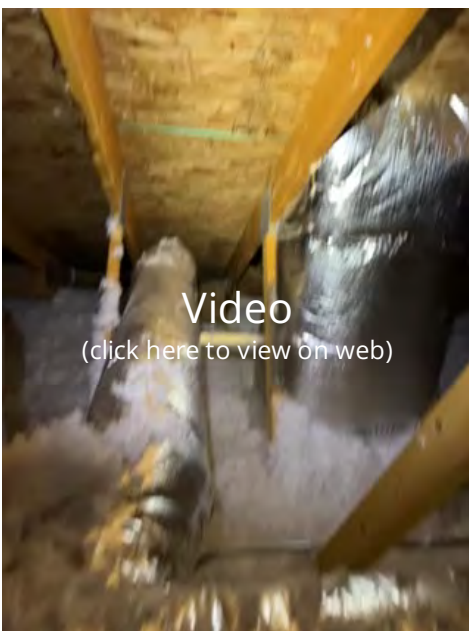
Northeast



Video
 (click here to view on web)



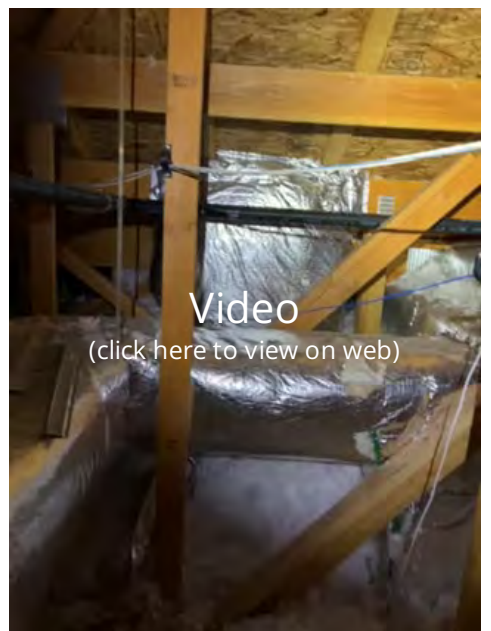
Northeast



Video
 (click here to view on web)



Northeast



Video
 (click here to view on web)

5.1.3 Coverings

INSPECT ROOF IN SPRING

Recommendations

I recommend that the areas of the roof that were covered in snow and ice accumulations be fully inspected once the snow is gone and the roof is fully visible.

Recommendation

Contact a qualified professional.

5.2.1 Flashings

EVIDENCE OF PAST LEAKING

Recommendations

While inspecting the attic space I found evidence of past leaking associated with the water heater vent. The insulation below this area also showed evidence that having been wet at one time. These areas were dry during the inspection but I recommend monitoring them to ensure that no further damage is taking place.

Recommendation

Contact a qualified professional.



North



East

STANDARDS OF PRACTICE

Doors, Windows & Interior

I. The inspector shall inspect: A. a representative number of doors and windows by opening and closing them; B. floors, walls and ceilings; C. stairs, steps, landings, stairways and ramps; D. railings, guards and handrails; and E. garage vehicle doors and the operation of garage vehicle door openers, using normal operating controls. II. The inspector shall describe: A. a garage vehicle door as manually-operated or installed with a garage door opener. III. The inspector shall report as in need of correction: A. improper spacing between intermediate balusters, spindles and rails for steps, stairways, guards and railings; B. photo-electric safety sensors that did not operate properly; and C. any window that was obviously fogged or displayed other evidence of broken seals. IV. The inspector is not required to: A. inspect paint, wallpaper, window treatments or finish treatments. B. inspect floor coverings or carpeting. C. inspect central vacuum systems. D. inspect for safety glazing. E. inspect security systems or components. F. evaluate the fastening of islands, countertops, cabinets, sink tops or fixtures. G. move furniture, stored items, or any coverings, such as carpets or rugs, in order to inspect the concealed floor structure. H. move suspended-ceiling tiles. I. inspect or move any household appliances. J. inspect or operate equipment housed in the garage, except as otherwise noted. K. verify or certify the proper operation of any pressure-activated auto-reverse or related safety feature of a garage door. L. operate or evaluate any security bar release and opening mechanisms, whether interior or exterior, including their compliance with local, state or federal standards. M. operate any system, appliance or component that requires the use of special keys, codes, combinations or devices. N. operate or evaluate self-cleaning oven cycles, tilt guards/latches, or signal lights. O. inspect microwave ovens or test leakage from microwave ovens. P. operate or examine any sauna, steamgenerating equipment, kiln, toaster, ice maker, coffee maker, can opener, bread warmer, blender, instant hot-water dispenser, or other small, ancillary appliances or devices. Q. inspect elevators. R. inspect remote controls. S. inspect appliances. T. inspect items not permanently installed. U. discover firewall compromises. V. inspect pools, spas or fountains. W. determine the adequacy of whirlpool or spa jets, water force, or bubble effects. X. determine the structural integrity or leakage of pools or spas.

Basement, Foundation, Crawlspace & Structure

I. The inspector shall inspect: A. the foundation; B. the basement; C. the crawlspace; and D. structural components. II. The inspector shall describe: A. the type of foundation; and B. the location of the access to the under-floor space. III. The inspector shall report as in need of correction: A. observed indications of wood in contact with or near soil; B. observed indications of active water penetration; C. observed indications of possible foundation movement, such as sheetrock cracks, brick cracks, out-of-square door frames, and unlevel floors; and D. any observed cutting, notching and boring of framing members that may, in the inspector's opinion, present a structural or safety concern. IV. The inspector is not required to: A. enter any crawlspace that is not readily accessible, or where entry could cause damage or pose a hazard to him/herself. B. move stored items or debris. C. operate sump pumps with inaccessible floats. D. identify the size, spacing, span or location or determine the adequacy of foundation bolting, bracing, joists, joist spans or support systems. E. provide any engineering or architectural service. F. report on the adequacy of any structural system or component.

Attic, Insulation & Ventilation

I. The inspector shall inspect: A. insulation in unfinished spaces, including attics, crawlspaces and foundation areas; B. ventilation of unfinished spaces, including attics, crawlspaces and foundation areas; and C. mechanical exhaust systems in the kitchen, bathrooms and laundry area. II. The inspector shall describe: A. the type of insulation observed; and B. the approximate average depth of insulation observed at the unfinished attic floor area or roof structure. III. The inspector shall report as in need of correction: A. the general absence of insulation or ventilation in unfinished spaces. IV. The inspector is not required to: A. enter the attic or any unfinished spaces that are not readily accessible, or where entry could cause damage or, in the inspector's opinion, pose a safety hazard. B. move, touch or disturb insulation. C. move, touch or disturb vapor retarders. D. break or otherwise damage the surface finish or weather seal on or around access panels or covers. E. identify the composition or R-value of insulation material. F. activate thermostatically operated fans. G. determine the types of materials used in insulation or wrapping of pipes, ducts, jackets, boilers or wiring. H. determine the adequacy of ventilation.

Roof

I. The inspector shall inspect from ground level or the eaves: A. the roof-covering materials; B. the gutters; C. the downspouts; D. the vents, flashing, skylights, chimney, and other roof penetrations; and E. the general structure of the roof from the readily accessible panels, doors or stairs. II. The inspector shall describe: A. the type of roof-covering materials. III. The inspector shall report as in need of correction: A. observed indications of active roof leaks. IV. The inspector is not required to: A. walk on any roof surface. B. predict the service life expectancy. C. inspect underground downspout diverter drainage pipes. D. remove snow, ice, debris or other conditions that prohibit the observation of the roof surfaces. E. move insulation. F. inspect antennae, satellite dishes, lightning arresters, de-icing equipment, or similar attachments. G. walk on any roof areas that appear, in the inspectors opinion, to be unsafe. H. walk on any roof areas if doing so might, in the inspector's opinion, cause damage. I. perform a water test. J. warrant or certify the roof. K. confirm proper fastening or installation of any roof-covering material.

Town of West Yellowstone

Request for Proposals - Legal Services

The Town of West Yellowstone is seeking proposals from qualified firms or individuals to provide legal services. In addition, the firm or individual will act as the Town Prosecutor. Applicants must be currently licensed to practice law in the State of Montana. Applicants are required to have a minimum of five years of experience in municipal law. Strong background in labor, land use, contract, criminal, tax, and real estate law is necessary. At a minimum, please provide; names and qualifications of attorneys that will be providing service to the Town, a list of fees for services, previous relevant experience, and references. A complete scope of work to be provided under the awarded contract may be obtained by contacting the Town of West Yellowstone, PO Box 1570, 440 Yellowstone, West Yellowstone, MT, 59758, (406) 646-7795, or by email at info@townofwestyellowstone.com. All proposals must be received by 5:00 PM, May 5, 2023.