

# Town of West Yellowstone

Tuesday, March 7, 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](https://zoom.us) or through the Zoom Cloud Meetings mobile app.  
Meeting ID: 893 834 1297.

## WORK SESSION

5:00 PM

FY 2022 Audit Results

Discussion

Mobile Food Vendor Regulations

Discussion

## TOWN COUNCIL MEETING

7:00 PM

Pledge of Allegiance

### Comment Period

- Public Comment
- Council Comments

Treasurer's & Securities Reports

Purchase Orders: #6480 to Yellowstone Log Chinking, snow removal, \$5360.00  
#6481 to Tri-State Excavating, snow removal-December 2022, \$7020.90

Claims

Business License Applications: Wolf HSAC Ventures, LLC – nightly rental  
Broken Leg Productions, LLC – residential rentals

Consent Agenda

Minutes: **February 21, 2023 Town Council Meeting**

Town Manager & Staff Reports

Advisory Board Reports

## ACTION ITEMS

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Adult Use Marijuana, citizen request for reconsideration of election, Jerry Johnson Discussion/Action

Letter of Support, Federal Lands Access Program (FLAP) Grant, trail project Discussion/Action

Correspondence/FYI/Meeting Reminder



**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).





March 7, 2023

To the Honorable Mayor, and Town Council of  
Town of West Yellowstone, Montana:

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town of West Yellowstone, Montana for the year ended June 30, 2022. Professional standards require that we communicate to you the following information related to our audit.

Our Responsibilities under U.S. Generally Accepted Auditing Standards and Governmental Auditing Standards

As stated in our engagement letter dated October 24, 2022, our responsibility, as described by professional standards, is to express opinions about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our audit of the financial statements does not relieve you or management of your responsibilities.

As part of our audit, we considered the internal control of the Town of West Yellowstone, Montana. Such considerations were solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we performed tests of the Town of West Yellowstone, Montana's compliance with certain provisions of laws, regulations, contracts, and grants. However, providing an opinion on compliance with those provisions was not an objective of our audit.

Planned Scope and Timing of the Audit

We performed the audit according to the planned scope and timing previously communicated to you in our meeting about planning matters on October 25, 2022.

Significant Audit Matters

*Qualitative Aspects of Accounting Practices*

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the Town of West Yellowstone are described in Note 1 to the financial statements. As described in Note 1 to the financial statements, the Town adopted GASB Statement No. 87, *Leases*, in fiscal year 2022, as well as other GASB statements that had no material impact on the Town's financial statements. The application of existing policies was not changed during the fiscal year. We noted no transactions entered into by the Town during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.



Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected.

The most sensitive estimates affecting the financial statements were the following:

Capital assets' useful lives, potential impairments, and depreciation are estimates made by management.

Other post-employment healthcare benefits are based on a calculation completed using assumptions and information provided by the benefit provider and their actuarial calculations.

The Town's proportionate share of the net pension liability is based on estimates used in the actuarial calculation for the entire pension plan and the allocation of the Town's proportionate share of that liability.

We evaluated the key factors and assumptions used to develop the estimates in determining that these balances are reasonable in relation to the financial statements taken as a whole.

Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The most sensitive disclosures affecting the financial statements were the annual debt service requirements for long-term debt, other post-employment benefits liability and net pension liability.

The financial statement disclosures are neutral, consistent and clear.

#### *Difficulties Encountered in Performing the Audit*

We encountered no significant difficulties in dealing with management in performing and completing our audit.

#### *Corrected and Uncorrected Misstatements*

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. The attached schedule (passed adjusting journal entries) summarizes the uncorrected misstatements of the financial statements. Management has determined that their effects are immaterial, both individually and in the aggregate, to the financial statements taken as a whole. Additionally, adjustments detected as a result of audit procedures and corrected by management are attached to this letter (adjusting journal entries).

#### *Disagreements with Management*

For purposes of this letter, a disagreement with management is a disagreement on a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditors' report. We are pleased to report that no such disagreements arose during the course of our audit.

#### *Management Representations*

We have requested certain representations from management that are included in the management representation letter dated March 7, 2023.

#### *Management Consultations with Other Independent Accountants*

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations.

If a consultation involves application of an accounting principle to the Town's financial statements or, a determination of the type of auditors' opinion that may be expressed on those statements, our professional standards require the consulting accountant check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

#### *Other Audit Findings or Issues*

We generally discuss a variety of matters, including the application of accounting principles and audit standards, with management each year prior to retention as the Town's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

#### Other Matters

We applied certain limited procedures to the Management Discussion and Analysis, the Schedule of Changes in Total OPEB Liability and Related Ratios, the Schedule of Proportionate Share of the Net Pension Liability – PERS, the Schedule of the Contributions – PERS and Budgetary Comparison – General Fund and Major Special Revenue Funds, which are required supplementary information (RSI) that supplement the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit RSI and do not express an opinion or provide any assurance on the RSI.

We were not engaged to report on the introductory section, which accompanies the financial statements but is not RSI. Such information has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on it.

The intent of the following information is to communicate to you other recommendations based on our observations during the audit. The items below are suggestions of importance that we believe warrant your attention.

#### Prior Year Findings and Recommendations

##### *1. Purchasing Policy*

Finding: The Town's purchasing policy states "no employee or council person shall personally benefit from a purchase, service, or contract entered into by the Town". During our audit, we were made aware of multiple instances in which activities may have personally benefited Town employees. Town management believes all to be trivial dollar amounts, however, they were in violation of the Town's policies.

Recommendation: The Town should review its policies and procedures to ensure that any violations of this nature are prevented or detected and corrected in a timely manner.

Status: The Town has implemented a purchasing policy.

##### *2. Conflict of Interest Forms*

Finding: The Town does not require the Town Council or employees to sign conflict of interest forms on an annual basis.

Recommendation: We recommend the Town adopt a policy for review of related party transactions at each period and adopt a policy that requires conflict of interest forms to be signed annually by the Town Council and employees of the Town.

Status: The Town has implemented a conflict of interest policy.

3. *Whistleblower Policy*

Finding: The Town does not have a whistleblower policy, which would encourage employees to express any knowledge or concerns of illegal or unethical activity, while maintaining the confidentiality of the employee and protecting against retaliation.

Recommendation: We recommend the Town implement a whistleblower policy.

Status: The Town has implemented a whistleblower policy.

4. *Financial Statement Review*

Finding: The Town Council does not review financial statements on a regular basis.

Recommendation: The Town Council should receive financial statement information and review on a regular basis.

Status: The Town is now reviewing financial statements on a regular basis.

5. *Bank Statement Review*

Finding: The Town Manager's review of the bank statements does not include reviewing copies of checks for appropriate signatures.

Recommendation: The Town Manager's involvement in the review of bank statements is an important component of the internal control in that area and should involve reviewing for appropriate check signers.

Status: The Town Manager is now reviewing copies of checks along with bank statements and reconciliations.

Restriction on Use

This information is intended solely for the use of management and Town Council of the Town of West Yellowstone and the Montana Department of Administration and is not intended to be, and should not be, used for anyone than these specified parties.

Sincerely,

*Amatics CPA Group*

Attachment

**Town of West Yellowstone**

Year End: June 30, 2022

Adjusting Journal Entries

Date: 7/1/2021 To 6/30/2022

Prepared by	Reviewed by	Reviewed by
MS 1/30/2023		

AJE

Number	Date	Name	Account No	Reference	Debit	Credit	Net Income (Loss)	Amount	Chg
Net Income (Loss) Before Adjustments							2,538,909.03		
AJE-1	6/30/2022	General long Term Debt	9500.174000 9500	P-25	441,035.59				
AJE-1	6/30/2022	Bonds Payable - Learning Center	9500.231010 9500	P-25		60,463.05			
AJE-1	6/30/2022	GO Bond Payable	9500.231101 9500	P-25		98,168.44			
AJE-1	6/30/2022	235417Loan payable Town Hall Con:	9500.235417 9500	P-25		116,890.00			
AJE-1	6/30/2022	80 Acre Purchase	9500.235418 9500	P-25		136,573.40			
AJE-1	6/30/2022	Loan - JD 772 Loader	9500.235419 9500	P-25		28,940.70			
To adjust debt balances to agree to FS					441,035.59	441,035.59	2,538,909.03		0.00
AJE-2	6/30/2022	Construction Work in Progress	9000.188000 9000	J-25	18,000.00				
AJE-2	6/30/2022	INVESTMENT IN GENERAL FIXED	9000.280000 9000	J-25		18,000.00			
To adjust capital asset balances to agree to FS					18,000.00	18,000.00	2,538,909.03		0.00
AJE-3	6/30/2022	FUND BALANCE	2100.271000 2100	B-48. 5	1,054,916.71				
AJE-3	6/30/2022	Local Resort Tax Collections	2100.315100 2100	B-48. 5		1,054,916.71			
AJE-3	6/30/2022	FUND BALANCE	2101.271000 2101	B-48. 5	27,115.56				
AJE-3	6/30/2022	Local Resort Tax Collections	2101.315100 2101	B-48. 5		27,115.56			
AJE-3	6/30/2022	FUND BALANCE	2104.271000 2104	B-48. 5	360,655.44				
AJE-3	6/30/2022	Local Resort Tax Collections	2104.315100 2104	B-48. 5		360,655.44			
To adjust resort tax revenues and reverse PPA					1,442,687.71	1,442,687.71	3,981,596.74		1,442,687.71
					<b>1,901,723.30</b>	<b>1,901,723.30</b>	<b>3,981,596.74</b>		<b>1,442,687.71</b>

**Town of West Yellowstone**

Year End: June 30, 2022

Reclassifying Journal Entries

Date: 7/1/2021 To 6/30/2022

Prepared by	Reviewed by	Reviewed by
MS 1/30/2023		

RJE

Number	Date	Name	Reference	Account No	Debit	Credit
RJE-1	6/30/2022	Current portion of long-term debt		9500.235998 9500		430,834.00
RJE-1	6/30/2022	Current portion of long term debt offset		9500.235999 9500	430,834.00	
		To reclassify current portion of governmental activities long-term debt				
					<b>430,834.00</b>	<b>430,834.00</b>

Net Income (Loss) 4,793,256.74



Town of West Yellowstone  
 Year End: June 30, 2022  
 Passed Adjusting Journal Entries  
 Date: 7/1/2021 To 6/30/2022

Prepared by	Reviewed by	Reviewed by
MS 1/30/2023		

PAJE1

Number	Date	Name	Account No	Reference	Debit	Credit	Proposed Net Income (Loss)	Proposed Amount Chg
		Net Income (Loss)					3,981,596.74	
PAJE-1	6/30/2022	Accounts receivable	1000.121000 1000	PAJE	6,595.00			
PAJE-1	6/30/2022	FUND BALANCE	1000.271000 1000	PAJE		16,202.00		
PAJE-1	6/30/2022	City Court	1000.351030 1000	PAJE	9,607.00			
		Passed adjustment: To reflect court receivable adjustment						
					16,202.00	16,202.00	3,971,989.74	(9,607.00)
					<b>16,202.00</b>	<b>16,202.00</b>	<b>3,971,989.74</b>	<b>(9,607.00)</b>

### **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 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.**

A. All MFVs shall 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. ~~There shall be no customer seating. Public 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.

E. All MFVs must be fully self-contained. No ~~temporary or~~ permanent water, sanitary sewer, storm draining, and/or electrical connections from the MFV to public ~~or private~~ utility systems will be allowed (JM). The MFV must have written permission from an owner of restroom facilities for employees to use such facilities during hours of operation.

F. 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. ~~may not be disposed in tree wells, storm drains, and public sanitary sewer system or onto public streets.~~

G. MFVs shall not operate between the hours of midnight and six a.m. ~~During nonoperational hours, MFVs shall vacate the property on which they operate. 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. There shall be no outdoor amplification pursuant to Section 8.16.010 WYMC. (DW) Or: There are no set hours of operation. (JMcb)~~

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

H. MFVs shall not operate on public property or in public rights-of-way, public parking spaces, or driveways without written permission 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.

I. All MFVs must obtain the following:

~~1. Mobile food vendor permit; (DW)~~

~~21. Town business license. The application for a license shall include a business plan which shall address garbage disposal, signage, water needs, 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 regulations;(TW) .~~

~~32. Must post a resort tax bond and shall be responsible for collecting such taxes on goods sold;~~

~~43. All applicable and necessary licenses from state and county agencies and must comply with all regulations in Title 50, Chapter 50, MCA.(Jane)~~

~~J. MFV shall pay the 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.

~~JK. 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.

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.

P.O. BOX 1570

# TOWN OF WEST YELLOWSTONE MONTANA

PHONE: 406-646-7795

FAX: 406-646-7511

info@townofwestyellowstone.com

PURCHASE ORDER

1000 - 411255 - 350

Date 03-02-23

Ship Via

Order No. 006480

Department PUBLIC SERVICES

TO: Yellowstone Log Chinking

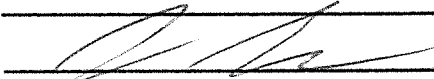
ADDRESS:

PLEASE FURNISH THE TOWN OF WEST YELLOWSTONE WITH:

Quantity	Description
	Snow Removal

Estimated Cost \$ 5,360.<sup>00</sup>

Authorized By \_\_\_\_\_

Requested By: 

VENDOR COPY - White OFFICE COPY - Canary



P.O. BOX 1570

# TOWN OF WEST YELLOWSTONE MONTANA

PHONE: 406-646-7795

FAX: 406-646-7511

info@townofwestyellowstone.com

PURCHASE ORDER

1000-430200-357

Date 03-02-23

Ship Via

Order No. 006481

Department PUBLIC SERVICES

TO: TRI- STATE EXCAVATING

ADDRESS:

PLEASE FURNISH THE TOWN OF WEST YELLOWSTONE WITH:

Quantity	Description
	contracted snow removal : December

Estimated Cost \$ 7,020.90

Authorized By \_\_\_\_\_

Requested By: 

VENDOR COPY - White OFFICE COPY - Canary



P.O. Box 853  
 West Yellowstone, MT  
 59758

# Invoice

Date	Invoice #
2/15/2023	12101SNOW

Bill To
Town Of West Yellowstone P.O. Box 1570 West Yellowstone, MT 59758

Terms

Qty	Description	Rate	Amount
	December snow removal		
6	Use of Dump truck for hauling snow 12/03/2022	140.00	840.00
3	Use of Dump truck for hauling snow 12/05/2022	140.00	420.00
6.835	Use of Dump truck for hauling snow 12/06/2022	140.00	956.90
9.5	Use of Dump truck for hauling snow 12/12/2022	140.00	1,330.00
6	Use of Dump truck for hauling snow 12/13/2022	140.00	840.00
4.6	Use of Dump truck for hauling snow 12/14/2022	140.00	644.00
4	Use of Front End Loader for pushing, stacking, and hauling of snow. (Old Airport) 12/27/2022	165.00	660.00
9.5	Use of Dump truck for hauling snow 12/30/2022	140.00	1,330.00

Thank you for your business. If you have any questions about this invoice, please call our office at 406-640-0216.

If you choose to pay with credit card, a 3% processing fee will be added to the total.	<b>Total</b>	\$7,020.90
<i>All invoices are due and payable upon receipt. Statements will be issued on past due accounts only. Past due accounts will be subject to a re-billing fee and finance charges will be added to all past due balances.</i>	<b>Payments/Credits</b>	\$0.00
	<b>Balance Due</b>	\$7,020.90

Phone #	E-mail
406-640-0216	chris.kachur@gmail.com

03/03/23  
12:58:31

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

Page: 1 of 8  
Report ID: AP100

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
49845		95 Energy West-Montana	5,478.72					
	03/01/23	nat gas 210361788 updl	116.17		UPDH	1000 411252	344	101000
	03/01/23	nat gas 210360293 Police	30.10		POLBLD	1000 411258	344	101000
	03/01/23	nat gas 210361746 Pub Services	1,638.19		STREET	1000 430200	344	101000
	03/01/23	nat gas 210361811 old firehall	446.60		PARK	1000 460430	344	101000
	03/01/23	nat gas 210363966 old bld ins	181.56		STREET	1000 430200	344	101000
	03/01/23	nat gas 210360540 library	687.14		LIBBLD	1000 411259	344	101000
	03/01/23	nat gas 210364599 Povah	1,145.37		POVAH	1000 411255	344	101000
	03/01/23	nat gas 210361697 Iris Lift St	43.48		SEWER	5310 430600	344	101000
	03/01/23	nat gas 210365425 Twn Hall	1,155.54		TWNHAL	1000 411250	344	101000
	03/01/23	nat gas 210361655 Mad Add Sewe	34.57		SEWER	5310 430600	344	101000
49846		171 Montana Food Bank Network	548.10					
	29500-1	02/16/23 Food Bank Supplies	548.10		HELP	7010 450135	220	101000
49847		266 Utilities Underground Location	3.14					
	3025368	02/28/23 excavation notifications	1.57		WATER	5210 430500	357	101000
	10779	02/28/23 excavation notifications	1.57		SEWER	5310 430600	357	101000
49850		2575 WY Tourism Business Improvement	10,835.87					
	02/28/23	Collections in February 2023	10,835.87		TBID	7202 411800	540	101000
49853		2813 Century Link	1,560.62					
	02/19/23	E911 Viper 255-9710	988.00		E911	2850 420750	345	101000
	02/19/23	E911 Viper 255-9712	29.31		E911	2850 420750	345	101000
	02/19/23	E911 Viper 646-5170	122.70		E911	2850 420750	345	101000
	02/19/23	Alarm Lines 646-5185	101.94		TWNHLL	1000 411250	345	101000
	02/19/23	Police - 646-7600	318.67		POLICE	2850 420750	345	101000
49856		151 Gallatin County WY TS/Compost	267.00					
	02/28/23	Household waste	267.00		PARKS	1000 460430	534	101000
49857		2088 Town West Yellowstone	734.66					
	03/01/23	utility chrgs, Chamber, 895	62.84		BLDGS	1000 411257	340	101000
	03/01/23	utility chrgs, UPDL, 892	102.96		BLDGS	1000 411252	340	101000
	03/01/23	utility chrgs, PS Shops, 884	47.53		BLDGS	1000 411253	340	101000
	03/01/23	utility chrgs. Povah Ctr, 887	89.73		BLDGS	1000 411255	340	101000
	03/01/23	utility chrgs, Police Dept, 886	60.74		BLDGS	1000 411258	340	101000
	03/01/23	utility chrgs, City Park, 885	148.12		BLDGS	1000 411253	340	101000
	03/01/23	utility chrgs, Library, 891	47.82		LIBBLD	1000 411259	340	101000
	03/01/23	utility chrgs, Twn Hall, 921	174.92		TWNHAL	1000 411250	340	101000



03/03/23  
12:58:31

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

Page: 2 of 8  
Report ID: AP100

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
49859		2852 Blackfoot Communications	2,201.84					
	03/01/23	646-5106, fax soc svc	40.53		SOCSRV	1000 450135	345	101000
	03/01/23	646-5119, police station Dispa	40.53		DISPCH	2850 420750	345	101000
	03/01/23	646-5141, sewer plant alarm	40.53		SEWER	5310 430600	345	101000
	03/01/23	646-5185, town hall alarm	40.53		TWNHAL	1000 411250	345	101000
	03/01/23	646-7311, social services	20.65		SOCSRV	1000 450135	345	101000
	03/01/23	646-7481, povah elevator	58.16		POVAH	1000 411255	345	101000
	03/01/23	646-7511, town hall fax	40.53		TWNHAL	1000 411250	345	101000
	03/01/23	646-7609, public works	32.52		PUBSVC	1000 430200	345	101000
	03/01/23	646-7650, police station fax	40.53		DISPCH	2850 420750	345	101000
	03/01/23	646-7715, povah center	24.84		POVAH	1000 411255	345	101000
	03/01/23	646-7795, town hall	230.71		TWNHAL	1000 411250	345	101000
	03/01/23	646-7845, court clerk	206.27		COURT	1000 410360	345	101000
	03/01/23	646-9017, library	43.84		LIBRAR	2220 460100	345	101000
	03/01/23	646-9027, sewer plant alarm	40.53		SEWER	5310 430600	345	101000
	03/01/23	ethernet, library	300.00		LIBRAR	2220 460100	345	101000
	03/01/23	ethernet, povah center	187.26		POVAH	1000 411255	345	101000
	03/01/23	ethernet, police station	350.00		POLICE	1000 411258	345	101000
	03/01/23	ethernet, town hall	272.00		TWNHAL	1000 411250	345	101000
	03/01/23	ethernet, public works shop	125.00		STREET	1000 430200	345	101000
	03/01/23	602-4909, town hall judge	14.28		COURT	1000 410360	345	101000
	03/01/23	602-4894 Town hall Court Clerk	1.10		COURT	1000 410360	345	101000
	03/01/23	602-4897 town hall	1.10		TWNHAL	1000 411250	345	101000
	03/01/23	602-4898 town hall	1.10		TWNHAL	1000 411250	345	101000
	03/01/23	602-4900 town hall	5.25		TWNHAL	1000 411250	345	101000
	03/01/23	602-4901 town hall	5.25		TWNHAL	1000 411250	345	101000
	03/01/23	602-4902 town hall	1.10		TWNHAL	1000 411250	345	101000
	03/01/23	602-4903 town hall	1.10		TWNHAL	1000 411250	345	101000
	03/01/23	602-4904 town hall	1.10		TWNHAL	1000 411250	345	101000
	03/01/23	602-4905 town hall	1.10		TWNHAL	1000 411250	345	101000
	03/01/23	602-4906 Library Main desk	1.10		LIBRY	2220 460100	345	101000
	03/01/23	602-4907 Library Director	1.10		LIBRY	2220 460100	345	101000
	03/01/23	602-4908 Povah Ctr	11.10		POVAH	1000 411255	345	101000
	03/01/23	602-4949 Town Hall	11.10		TWNHAL	1000 411250	345	101000
	03/01/23	6024044 Soc Ser Pantry	10.00		SOCSER	1000 450135	345	101000
49863		2546 Century Link QCC	14.51					
	629128398	02/24/23 long dist chg 406-646-7600	14.51		DISPAT	1000 420160	345	101000

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

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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
49864		1514 Verizon Wireless	1,034.45					
		21 Smartphones						
		5 laptops						
	02/20/23	640-0108, Police	39.73		POLICE	1000 420100	345	101000
	02/20/23	640-0121 Laptop	40.01		POLICE	1000 420100	345	101000
	02/20/23	640-0141 Street SP	39.73		STREET	1000 430200	345	101000
	02/20/23	640-0159 Street SP	39.73		STREET	1000 430200	345	101000
	02/20/23	640-0606 911 Dispatch	39.73		911	1000 420160	345	101000
	02/20/23	640-1103, Operator SP	39.73		STREET	1000 430200	345	101000
	02/20/23	640-1460, Library Dir, SP	39.73		LIBRAR	2220 460100	345	101000
	02/20/23	640-1461, S & W operator, SP	39.73		SEWER	5310 430600	345	101000
	02/20/23	640-1462, S & W Super, SP	39.73		WATER	5210 430500	345	101000
	02/20/23	640-1463, Deputy PSS, SP Sspnd	39.73		PARKS	1000 460430	345	101000
	02/20/23	640-1472, Ops Mgr, SP	39.73		ADMIN	1000 410210	345	101000
	02/20/23	640-1676, Rec Coord, SP	39.73		REC	1000 460440	345	101000
	02/20/23	640-1754, COP, SP	39.73		POLICE	1000 420100	345	101000
	02/20/23	640-1755, Police	39.73		POLICE	1000 420100	345	101000
	02/20/23	640-1756, Police	39.73		POLICE	1000 420100	345	101000
	02/20/23	640-1757, Police	39.74		POLICE	1000 420100	345	101000
	02/20/23	640-1758, Head Dispatcher	39.74		DSPTCH	1000 420160	345	101000
	02/20/23	640-1759, Police	39.74		POLICE	1000 420100	345	101000
	02/20/23	640-7547, Street SP	39.74		PARKS	1000 460430	345	101000
	02/20/23	640-9074, PSS, SP	39.74		STREET	1000 430200	345	101000
	02/20/23	640-2195 683 laptop	40.01		POLICE	1000 420100	345	101000
	02/20/23	640-2551 COP laptop	40.01		POLICE	1000 420100	345	101000
	02/20/23	641-0184 686 laptop	40.01		POLICE	1000 420100	345	101000
	02/20/23	641.0207 681 laptop	40.01		POLICE	1000 420100	345	101000
	02/20/23	640-2354 Social Services	39.74		SOCSE	1000 450135	345	101000
	02/20/23	640-2629 City Judge	39.74		COURT	1000 410360	345	101000
49865		73 Westmart Building Center	377.67					
	02/27/23	Street Supplies	220.54		STREET	1000 430200	220	101000
	02/27/23	Street Equipment Repairs	8.07		STREET	1000 430200	369	101000
	02/27/23	Street Vehicle Repairs	83.54*		STREET	1000 430200	361	101000
	02/27/23	Chamber Supplies	43.68*		CHAMBR	1000 411257	220	101000
	02/27/23	SocServices Supplies	21.84		SOCSE	1000 450135	220	101000
49866		3242 Fisher's Technology	680.77					
	1136904	02/27/23 copy fee	21.93		FINADM	1000 410510	356	101000
	1135413	02/24/23 Toner for Admin Copier	658.84		ADMIN	1000 410210	220	101000

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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
49868		42 Fall River Electric	4,414.80					
	02/17/23	PARK, old firehouse 2901001	253.88		PARK	1000 411253	341	101000
	02/17/23	povahcommctr421200123MemRebat	-3,883.87		POVAH	1000 411255	341	101000
	02/17/23	unmetered lights 4212004	1,451.25		STLITE	1000 430263	341	101000
	02/17/23	RR Well 4212005	98.47		WATER	5210 430500	341	101000
	02/17/23	SEWER LIFT STATION 4212006	380.05		SEWER	5310 430600	341	101000
	02/17/23	SEWER PLANT 4212007	1,489.71		SEWER	5310 430600	341	101000
	02/17/23	POLICE 4212008	548.15		POLICE	1000 411258	341	101000
	02/17/23	TOWN HALL 4212009	389.94		TWNHLA	1000 411250	341	101000
	02/17/23	ICE RINK 421010	71.50		PARKS	1000 411253	341	101000
	02/17/23	S Canyon XmasTree Light 421011	0.00		STLITE	1000 430263	341	101000
	02/17/23	South Iris Street Well 4212013	146.74		WATER	5210 430500	341	101000
	02/17/23	MAD SEWER LIFT 4212014	270.36		SEWER	5310 430600	341	101000
	02/17/23	Hayden/Grouse Well 4212015	45.00		WATER	5210 430500	341	101000
	02/17/23	911 Tower 4212016	163.79		911	2850 420750	341	101000
	02/17/23	MADADD H2O Tower 4212017	53.87		WATER	5210 430500	341	101000
	02/17/23	SHOP 4212018	416.04		STREET	1000 430200	341	101000
	02/17/23	ANIMAL 4212029	209.93		ANIML	1000 440600	341	101000
	02/17/23	CLORINATOR 4212030	83.39		WATER	5210 430500	341	101000
	02/17/23	Electric Well 4212031	44.52		WATER	5210 430500	341	101000
	02/17/23	PARK 4212032	254.59		PARKS	1000 411253	341	101000
	02/17/23	UPDH 4212041	712.15		UPDH	1000 411252	341	101000
	02/17/23	SEWER TREAT SERV 4212046	1,106.25		SEWER	5310 430600	341	101000
	02/17/23	LIBRARY 23 dunraven 4212054	109.09		LIBR	1000 411259	341	101000
49871		2789 WEX Bank	5,085.48					
	03/01/23	10 Ford Expedition 6-000046	87.58		SOCSER	1000 450135	231	101000
	03/01/23	10 JD Backhoe 310SJ	0.00*		STREET	1000 430200	231	101000
	03/01/23	91 Ford 6-582	95.10*		STREET	1000 430200	231	101000
	03/01/23	SS Snow Blower Green	0.00*		STREET	1000 430200	231	101000
	03/01/23	Grader	0.00*		STREET	1000 430200	231	101000
	03/01/23	14 Water Truck	0.00*		STREET	1000 430200	231	101000
	03/01/23	2010 JD 772 Grader	284.81		STREET	1000 420100	231	101000
	03/01/23	92 SS Blower-Yellow	725.81*		STREET	1000 430200	231	101000
	03/01/23	02 Freightliner Dump 6-54564A	139.53*		STREET	1000 430200	231	101000
	03/01/23	08 GMC Pickup 6-1484	0.00*		STREET	1000 430200	231	101000
	03/01/23	FrontEnd Loader	336.27*		STREET	1000 430200	231	101000
	03/01/23	08 CAT 938H Loader	503.61*		STREET	1000 430200	231	101000
	03/01/23	08 904B MiniLoader	61.82*		STREET	1000 430200	231	101000
	03/01/23	15 Ford F-250	137.48*		STREET	1000 430200	231	101000
	03/01/23	18 2018 Dodge Ram-PW	139.95*		STREET	1000 430200	231	101000
	03/01/23	18 Dodge Ram-Police	295.24		POLICE	1000 420100	231	101000
	03/01/23	19 Dodge Durango	220.31		POLICE	1000 420100	231	101000
	03/01/23	Multi-Use Vehicle - Sienna	57.46		WATER	2220 460100	370	101000

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TOWN OF WEST YELLOWSTONE  
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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
	03/01/23 06	Dodge Durango 6-1374/6-2010	152.88*		STREET	1000 430200	231	101000
	03/01/23 15	Sweeper	0.00*		STREET	1000 430200	231	101000
	03/01/23 '00	FL Dumptrk 6-60700A	248.32*		STREET	1000 430200	231	101000
	03/01/23 '14	Ford Intercep	277.94		POLICE	1000 420100	231	101000
	03/01/23 PD	Dodge Ram#1	544.84		POLICE	1000 420100	231	101000
	03/01/23 PD	Dodge Ram#2	355.57		POLICE	1000 420100	231	101000
	03/01/23 01	Frht truck #1	0.00*		STREET	1000 430200	231	101000
	03/01/23 01	Frht truck #2	0.00*		STREET	1000 430200	231	101000
	03/01/23 19	Dodge 5500	0.00*		STREET	1000 430200	231	101000
	03/01/23 20	Dodge Ram (silver)	236.61		POLICE	1000 420100	231	101000
	03/01/23 '17	Chevy 3/4 ton white	184.35		WATER	5210 430500	231	101000
	03/01/23 '13	Chevy 3500	0.00*		STREET	1000 430200	231	101000
49872	2851	Amatics CPA Group	1,200.00					
	71685 02/28/23	2022 Audit	1,200.00*		AUDIT	1000 410530	353	101000
49873	2455	Tri State Excavating, LLC	7,020.90					
	12101SNOW 02/15/23	Contracted Dec Snow Removal	7,020.90		STREET	1000 430200	357	101000
49874	3200	Yellowstone Log Chinking	5,360.00					
	13 02/28/23	SnowRemoval Little Rangers	3,120.00*		SIEGEL	1000 411254	350	101000
	13 02/28/23	SnowRemoval Povah	2,240.00		POVAH	1000 411255	350	101000
49875	2952	DIS Technologies	1,930.94					
	10779 12/12/22	Tower, monitor,OfficDock	1,850.99		DSPTCH	1000 420160	216	101000
	11184 02/15/23	Security License	79.95*		LIBRAR	1000 460100	355	101000
49876	3324	Dan Walker	196.60					
	02/28/23	Executive ForumConference	196.60		ADMIN	1000 410210	370	101000
49877	3393	Katie Thompson	161.00					
	03/02/23	MRWS Conference	161.00		FINADM	1000 410510	370	101000
49878	3370	Jon Brown	161.00					
	03/02/23	MRWS Conference	161.00		WATER	5210 430500	370	101000
49879	3226	Peggy Russell	161.00					
	03/02/23	MRWS Conference	161.00		WATER	5210 430500	370	101000
49880	3306	Jon Simms	161.00					
	03/02/23	MRWS Conference	161.00		WATER	5210 430500	370	101000

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TOWN OF WEST YELLOWSTONE  
Claim Approval List  
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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
49881		3394 Ashlee Stoneburner	353.96					
	02/19/23	CIT Training Feb	353.96		POLICE	1000 420100	370	101000
49882		3047 Leonel Sosa Jimenez	289.00					
	02/13/23	CIT Training Feb	289.00		POLICE	1000 420100	370	101000
49883		999999 ILSE MARIEL AGUILAR	585.00					
	02/22/23	ExoneratedBond-VLopez	585.00		COURT	7469 212401		101000
49884		999999 JOSE ELIZARRARAS	90.00					
	02/28/23	Pass Through/CitationinNM	90.00		COURT	7469 213000		101000
49885		99916 Elizabeth Roos	69.99					
	02/27/23	AdobeAcrobatforIpadAnnFee	69.99		ADMIN	1000 410210	220	101000
49886		3395 AG Graphic & Design LLC	6,820.00					
	#TownWY 03/01/23	Website work Feb 1-28,2023	6,820.00		IT	1000 410580	355	101000
49887		3241 Bridger Analytical Lab	300.00					
	2303006 03/03/23	March 2023TotalColiform/E.col	300.00		<b>WATER</b>	<b>5210 430500</b>	<b>348</b>	<b>101000</b>
49888		3309 AQUAPRO	454.95					
	A22-202 01/31/23	ReedDigitalUltrasonicMeter	454.95		SEWER	5310 430630	369	101000
49889		3319 Lawson Products, Inc.	45.04					
	9310370878 02/21/23	Sp;it Lock washers	45.04		STREET	1000 430200	220	101000
49890		1085 JD's Automotive Services	2,085.00					
	4015 02/24/23	Work on Green Blower	2,085.00		STREET	1000 430200	369	101000
49891		2586 Waxie Sanitary Supply	4,287.57					
	81530678 02/24/23	Cleaning Supplies	4,287.57*		PARKS	1000 460430	220	101000
49892		3356 Platinum Chemicals Inc.	1,724.00					
	03012023 03/01/23	AeroDisinfectiant Spray	1,724.00*		PARKS	1000 460430	220	101000
49893		3396 Hotsy of Western Montana	1,215.49					
	5756 02/17/23	Salt Lick 5 gal	1,149.00		STREET	1000 430200	220	101000
	5780 02/24/23	16"UndercarriageCleaner	66.49		STREET	1000 430200	220	101000

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TOWN OF WEST YELLOWSTONE  
Claim Approval List  
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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	
49894		3315 IAS EnviroChem	40.00						
	2300830	02/22/23 Nitrite/Nitrate Testing	40.00		SEWER	5310 430600	348	101000	
49895		3397 Wilder System Solutions	550.00						
	3528	02/19/23 TFX-500 Meter Evaluation	550.00*		SEWER	5310 430600	398	101000	
49896		379 Energy Laboratories, Inc	107.00						
	536554	02/24/23 Testing Fees Spring/Well#3	107.00		WATER	5210 430500	348	101000	
49897		3392 DELCO Western	2,548.95						
	23-0352	02/23/23 MyDro Upgrade Kit	2,400.00		SEWER	5310 430630	369	101000	
	23-0327	02/20/23 120VACstep-downto12.6VAC	148.95*		WATER	5210 430500	220	101000	
49898		3003 Kyle Tanner	205.00						
	03/02/23	BuildingCodes Conference	205.00		BULDNG	1000 420531	370	101000	
49899		2099 Quick Print of West Yellowstone	69.50						
	17177	02/23/23 Bind 2 books Help	15.00		HELP	7010 450135	220	101000	
	17212	03/03/23 PhoneNumberBrochures	54.50		SOCSER	1000 450135	220	101000	
49900		3398 CentralSquare Technologies, LLC	60,059.25						
	375189	02/13/23 PS PRO-AddontoGallatinProSuite	60,059.25		911	2850 420750	945	101000	
		<b># of Claims</b>	<b>43</b>	<b>Total:</b>					<b>131,489.77</b>

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

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Fund/Account	Amount
1000 General Fund	
101000 CASH	\$48,581.47
2220 Library	
101000 CASH	\$443.23
2850 911 Emergency	
101000 CASH	\$61,762.78
5210 Water Operating Fund	
101000 CASH	\$1,736.59
5310 Sewer Operating Fund	
101000 CASH	\$6,891.73
7010 Social Services/Help Fund	
101000 CASH	\$563.10
7202 TBID Agency Fund	
101000 CASH	\$10,835.87
7469 City Court - Judge Jent	
101000 CASH	\$675.00
<b>Total:</b>	<b>\$131,489.77</b>

RECEIVED  
NOV 22 2022



# Town of West Yellowstone Business License Application

Business Name: Wolf Hsac Ventures, LLC  
Applicant: Dustin Harris  
Contact Person: Dustin Harris  
Mailing Address: 328 N 4440 E Rigby ID 83442  
Physical Address of Business: Same  
Phone Number: 208 221 4600 Fax Number: \_\_\_\_\_  
Email Address: dustinwharris@gmail.com Website: \_\_\_\_\_

Signature of Property Owner of Record: [Signature]

Subdivision: West Yellowstone Original  
Block: 5 Lot: 2

Zoning District, please mark one:

- B-3 Central Business District (Old Town)
- B-4 Expanded Business District (Grizzly Park)
- E-2 Entertainment District (Grizzly Park)
- PUD Planned Unit Development (Grizzly Park)
- Residential Districts, Home Occupations Only (Mad Add)
- New Business
- Change of Location
- Transfer of Ownership
- Name Change

- Is this business licensed by the State of Montana?  Yes  No 2/27/23
- Appropriate Town/County/Health Dept approvals (if applicable)  Yes  No (please attach)
- If this business is located in Grizzly Park, has the business been approved by the Grizzly Park Architectural Committee (GPAC)?  Yes  No NA FD Inspect 1/10/23

**Type of Business** Please explain in detail the following: number of units, seating capacity, etc. Contractors should list trailers and equipment and where these items will be stored.

This is a short-term (less than 30 days) rental.  
There are 7 Beds & we plan to host families of 8-10  
There are 2 parking spaces in the garage & 4 additional outside

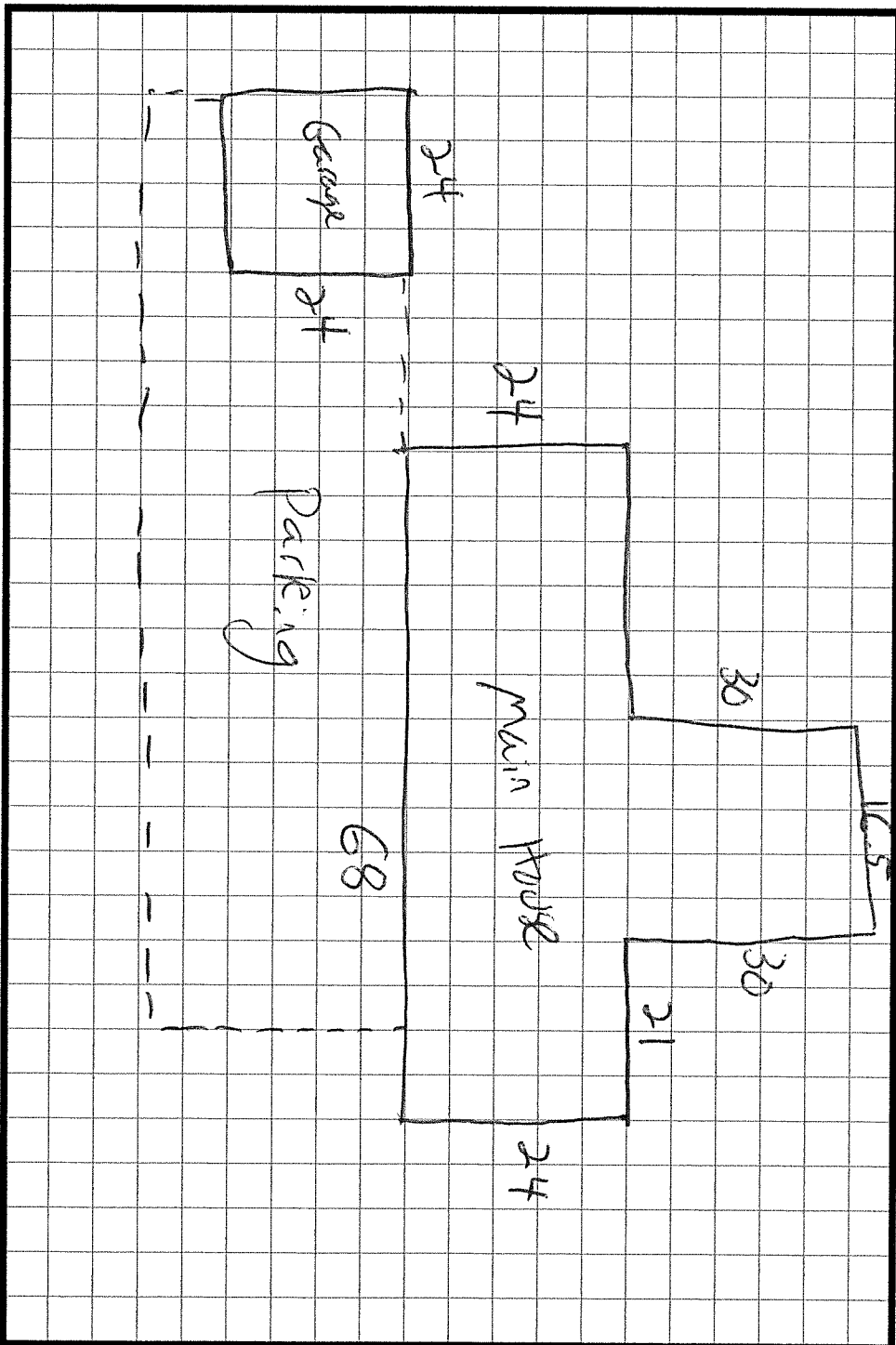
Business License Fee: \$ 53.<sup>00</sup>  
Resort Tax Bond: \$ 500.<sup>00</sup>  
Total Amount Due: \$ 553.<sup>00</sup>  
Signature of Applicant: [Signature]  
Signature of Applicant: \_\_\_\_\_  
Date: \_\_\_\_\_

<b>FOR OFFICE USE ONLY</b>			
Date Approved: _____	<input type="checkbox"/> Town Council	<input type="checkbox"/> Administration	_____
Date <u>11-19-22</u>	Check # <u>105</u>	Amount \$ <u>553.00</u>	License # _____
SCN _____	BLP _____	STX _____	RDX _____



# Site Plan

Business Name: Wolf Hsac Ventures, LLC  
Business Owner: Dustin Harris  
Business Street Address: 315 N Geyer  
Block: 5 Lot: 2 Subdivision: West Yellowstone Original



Scale: 1 inch = 20 feet

Note: This grid represents a standard Town lot, 100 feet by 150 feet.

# Town of West Yellowstone Business License Application

Business Name: Broken Leg Productions LLC  
 Applicant: Martin Grobe  
 Contact Person: Martin Grobe  
 Mailing Address: P.O. Box 233  
 Physical Address of Business: 521A + 521B Campanella Ave  
 Phone Number: 406-209-0934 Fax Number: None  
 Email Address: MartinGrobe99@gmail.com Website: None

Signature of Property Owner of Record: Martin Grobe

Subdivision: Madison Addition  
 Block: 10 Lot: 17

Zoning District, please mark one:

- |  |  |
|--|--|
| <input type="checkbox"/> B-3 Central Business District (Old Town)      | <input type="checkbox"/> PUD Planned Unit Development (Grizzly Park)                       |
| <input type="checkbox"/> B-4 Expanded Business District (Grizzly Park) | <input checked="" type="checkbox"/> Residential Districts, Home Occupations Only (Mad Add) |
| <input type="checkbox"/> E-2 Entertainment District (Grizzly Park)     |  |
| <input checked="" type="checkbox"/> New Business                       | <input type="checkbox"/> Transfer of Ownership   |
| <input type="checkbox"/> Change of Location                            | <input type="checkbox"/> Name Change   |

- Is this business licensed by the State of Montana?  Yes  No
- Appropriate City/County/Health Dept approvals (if applicable)  Yes  No (please attach)
- If this business is located in Grizzly Park, has the business been approved by the Grizzly Park Architectural Committee (GPAC)?  Yes  No

**Type of Business** Please explain in detail the following: number of units, seating capacity, etc. Contractors should list trailers and equipment and where these items will be stored.

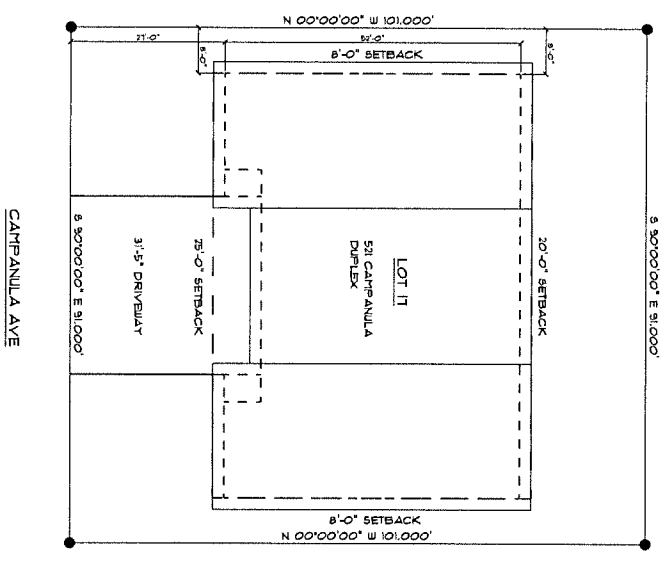
Long Term Rentals  
2 units  
Duplex

Business License Fee: \$50.00  
 Resort Tax Bond: \$N/A  
 Total Amount Due: \$50.00

Martin Grobe  
 Signature of Applicant  
Martin Grobe  
 Signature of Applicant  
3-2-23  
 Date

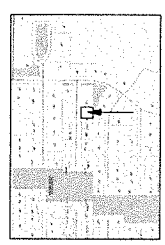
FOR OFFICE USE ONLY				
Date Approved by Town Council: _____				
Date <u>3/3/23</u>	Check # <u>2051</u>	Amount \$ <u>50.00</u>	License # _____	
SCN _____	BLP _____	STX _____	BLC _____	RDX _____

CONTRACTOR'S RESPONSIBILITY: TO VERIFY ALL DIMENSIONS OF EXISTING CONDITIONS AND TO REPORT TO THE DESIGNER ANY DISCREPANCIES OR OMISSIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES INFORMATION AND FOR PROTECTING ALL UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SURVEY INFORMATION AND FOR CORRECTING ANY ERRORS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORD DRAWINGS AND FOR CORRECTING ANY ERRORS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY RECORD DRAWINGS AND FOR CORRECTING ANY ERRORS.



# SITE PLAN

SCALE: 1" = 10'-0"



LEGAL DESCRIPTION  
 LOT 11, SEC. 16, T. 20N, R. 10E, S. 10W, WEST YELLOWSTONE, MONTANA

Professional Engineer  
 State of Montana  
 License No. 120601  
 12/8/2021

CI	521 CAMPANULA DUPLEX MADISON ADDITION, WEST YELLOWSTONE, MONTANA	DESIGN INTELLIGENCE, LLC 1031 ERIKSON DR. REXBURG, IDAHO 83440	SCALE: AS NOTED	DATE: 12/8/2021	CI
			DRAWN BY: JMW 2020-274	THE RIGHT FIT	

WEST YELLOWSTONE TOWN COUNCIL  
**Town Council Meeting**  
**February 21, 2023**

COUNCIL MEMBERS PRESENT: Travis Watt, Lisa Griffith, Jeff Mathews, Brian Benike and Jeff McBirnie join the meeting virtually by Zoom

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, Fire Chief Shane Grube, Marysue Costello, multiple community members by Zoom

The meeting is called to order by Mayor Travis Watt at 5:30 PM in the Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.

Portions of the meeting are being recorded. 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**

Mayor Watt reports that Mike Klostrich recently passed away, a long-time resident and business owner. Services will be held on May 27, 2023. Kristy Perry, another long-time resident, also passed away and there was a funeral for her yesterday in Bozeman. He also mentions that the high school basketball teams participated in the district basketball tournament in Butte last week. The boys team lost the district championship but is moving on to the divisional tournament later this week!

**WORK SESSION**

Mayor Watt calls the meeting to order, the topic for the work session is a discussion of the Mobile Food Vendor (MFV) ordinance, commonly referred to as food trucks, WYMC 5.30. Town Manager Dan Walker explains that portions of the ordinance were suspended last summer in response to concerns from the current licensed food trucks. The ordinance was suspended until November 1, 2022 with the understanding that the council would review the ordinance and consider changes before next summer. Walker explains that this meeting is to have a discussion about the current ordinance and they can then move forward with re-writing the ordinance. Mathews says he has reviewed some of the other ordinances that are in place in the state and makes multiple recommendations. Griffith argues against every section of the current ordinance and says that there is no reason to keep any section of the current ordinance or pass a new ordinance that pertains specifically to MFVs. McBirnie says that he thinks they do need to make some changes to the current ordinance, specifically customer seating, the requirement to move the MFV every night, wastewater disposal, and control of operating hours. Brian Benike agrees with McBirnie and Mathews. He suggests requiring MFVs to move for the winter season by establishing dates they are allowed. Watt says he thinks they need an ordinance but the current ordinance needs to be cleaned up. He makes suggestions to regulate seating, amplification of music, trash, signage, parking, grease, wastewater, water source, no retail non-food sales. Griffith questions the suggestions made by other council members and restates that she doesn't think they need a separate ordinance to regulate MFVs. Fire Chief Shane Grube supports regulation of the MFVs. Walker says that they got some good feedback tonight but probably need to discuss it again at the next work session.

**ACTION TAKEN**

- 1) Motion carried to accept the Treasurer's Report for January 2023. (Griffith, Mathews)
- 2) Motion carried to approve Purchase Order #6484 to Yellowstone Log Chinking for snow removal in the amount of \$5720.00. (Mathews, Griffith)

- 3) Motion carried to approve Purchase Order #6485 to JD's Specialty Services to replace a compressor in truck #49 for \$5859.81. (Mathews, Benike)
- 4) Motion carried to approve Purchase Order #6532 to AquaPro for a new 14" flow meter for the wastewater treatment plant for \$6044.00. (Mathews, McBirnie)
- 5) Motion carried to approve the claims, which total \$130,668.39. (Mathews, Griffith)
- 6) Motion carried to approve the business license application for Westpark Reserve at 120 Canyon Street to conduct retail sales and waive the resort tax bond. (Mathews, McBirnie)
- 7) Motion carried to approve the minutes of the February 7, 2023 Town Council Meeting. (Mathews, McBirnie) Griffith is opposed, motion passes.
- 8) Motion carried to approve the site plan for 435 Parkway B, Lisa Griffith, submitted February 8, 2023. (Mathews, McBirnie)
- 9) Motion carried to approve Resolution No. 785, a resolution requesting distribution of bridge and road safety and accountability program funds. (Griffith, Mathews)
- 10) Motion carried to update the Town's business entity information with Madison Valley Bank by replacing Lanie Gospodarek's name and email address by Katie Thompson's name and email address. (Griffith, Watt)
- 11) Motion carried appoint Marysue Costello to the Business Improvement District as an at-large member for a term of four years. (Mathews, Griffith)
- 12) Motion carried to appoint Brian Thompson to the Parks & Recreation Advisory Board for a term of four years. (Griffith, Mathews)

## DISCUSSION

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- 8) Lisa Griffith comments that she submitted a new site plan following the last meeting and questions why her email wasn't included in the Town Council packet.
- A) **Town Manager & Staff Reports:** Town Manager Dan Walker reports thanks Finance Director Katie Thompson for her work on the audit and all the staff that assisted, they did receive a clean audit report and the auditors will present at the next work session. He reports on a recent meeting to establish more long-term rentals and he recently testified in favor of HB 430 to establish a .25% tax on short-term rentals that may be credited back to communities to use as a tax rebate for property owners that convert short-term rentals back to long-term rentals. He thanks Pat Flowers and Jane Gillette for keeping the Town informed on bills that may affect the Town. He reports that he will be attending the Executive Forum in Helena March 1-3 and also attending a wastewater tour in Kansas, March 13-16.
- B) Public Services Superintendent Jon Simms attended the Hebgen Basin Transfer Station Board meeting last week. He reports that the Board is starting the process to increase tipping fees from \$126/ton to \$175/ton as needed. There will be a public hearing on the increase on March 16, 2023.

The meeting is adjourned at 8:00 PM. (Griffith, Mathews)

## Police Department Weekly Report February 16 – March 2, 2022

### Calls

204 Calls for service. Less crashes & slide-offs over the last couple of weeks. That is likely related to the crazy high snowbanks on each side of the highway preventing the sliding vehicle from going very far. Or it could be related to Hwy 20 being closed for multiple days over the last couple of weeks. Other calls: traffic stops, school resource events, domestic disturbances, Burglar alarms, illegal camping, welfare checks, citizen assists, parking, criminal mischiefs, suspicious circumstances, lost property, etc.

### Administrative

Trainings completed – Firearms training last Wednesday, all officers attended. Officer Trujillo attended a one-day Glock armorer recertification. Officer Stoneburner and I attended an impromptu training provided by HBFD personnel related to choking babies and infant CPR. This was related to an EMS call recently where an 11-month-old baby was not breathing. HBFD has offered to provide that training to the rest of the officers and dispatchers as well. I hope to get that scheduled soon.

Trainings upcoming – March 24<sup>th</sup> Rescue Task Force (RTF) Training for most, hopefully all, of the staff in Big Sky. RTF training is joint training with law enforcement, fire, and EMS to critical incident responses. Active shooter at the school is the big one that comes to mind, but this training would apply to all critical incident responses that involve multiple partner agencies. I will likely not attend because I will be covering calls in town so that my staff can attend. HBFD is also sending people, as is the Forest Service, YNP, GCSO, MHP, etc. I am working on getting this training scheduled in West Yellowstone for April or May timeframe. April 24 & 25 – Street Interview Training and one day interview/interrogation training in Bozeman for Officer Griffel. May 8 – 12<sup>th</sup> – Instructor Development at the Police Academy in Helena for Griffel. Instructor development is a prerequisite training for a lot of LE classes like Firearms Instructor, leadership training, Field Training officer, etc. July 31- Aug 4 Basic School Resource Officer Training in Bozeman for Officer Stoneburner. Officer Curtis has already attended this training; I am currently looking for additional and more advanced SRO training for him.

Central Square project – Brenda & I had the kick-off meeting with our Central Square project coordinator. We will be continuing to meet with various departments within Central Square as we build and configure our system. Initial 50% payment for the project has been submitted to finance and should be in the claims for this week. Sometime by the end of April or early May, we will have a demo version of this program loaded on various computers at the PD for pre-training of the staff. The second payment of 30% will likely be due in late May to Early June. The bulk of our system configuration will take place between May through September (it's not at all busy for us then 😊). Official staff training is slated for October 23 – November 3. Our scheduled Go-Live date is November 13 – 17. The good news in all of this is that this is a much more expedited Go-Live schedule than the 12 – 15 months originally projected.

Vacations, Trainings, Court coverage – March and April are filled with various vacations, trainings, and court dates for officers. I have adjusted the schedule to minimize overtime, but there are a few days of it. I will also be covering a number of shifts. Speaking of vacation, I will be on one myself in March. I will be out of town March 14<sup>th</sup> – 21<sup>st</sup>. Officer Leonel Sosa will be the Officer-In-Charge during my absence. I

am trying to provide Leonel with some valuable leadership experience as he has not had an opportunity to fill this role yet. Neil and Juan are also around to help.

Evaluations - I completed evaluations for the officers and Brenda, they have been turned over to Dan. Kind of funny, for such a short category in my report, it actually took up the most time in my weeks.

See you all this Tuesday, but I will not be attending the March 21<sup>st</sup> meeting because I am traveling on that day.

End of Report

Mike Gavagan



MARCH 3, 2023

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TO: Town Manager Dan Walker, Town Council

FROM: Liz Roos, Town Clerk

SUBJECT: Town Clerk Report

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- Testified by Zoom in favor of SB 374 in front of the Local Government Committee. SB 374 is a bill that will update and streamline records retention guidelines for local governments.
- Facilitated and participated in the School Superintendent Stakeholder meeting that was held at the Town Hall on Tuesday
- Met with Abril Garcia to review progress on the new Town website...I'm very encouraged, it is going to be a major improvement!
- Prepared agenda & packet for March 7, 2023 Town Council Meeting





**WEST YELLOWSTONE**

**SOCIAL SERVICES**

**HIGHLIGHTS**

**FEBRAURY 24-March 2 2023**

Completing end of month reports to MFBN

Three individuals used our showers

Donation from individuals and businesses

Clients picking up their monthly food boxes and senior foods

Abril Garcia re-vamped our office brochure and we are getting these brochures printed. Also met with Abril about our Web page

Updating the Job Board. Many businesses are already posting summer positions

Assisting clients with SNAP and Unemployment issues

Dianna and Patty Peterson visited with Billings Clinic regarding diapers

Helping with Missoula Children's Theatre

The lobby food supply is still popular

Attached is the monthly client log – February

Dianna Hansen

Debbi Paisley

# MONTHLY CLIENT ASSISTANCE LOG 2023

FEBRUARY												
	INDIVIDUALS	NON LOCALS	UNEMPLOYMENT	SOCIAL SECURITY	SNAP	LIEAP	MEDICAID	SENIOR FOOD	FOOD BANK	LOBBY FOOD	VOLUNTEER	STRANDED/HOME
1	17					1		1	1	1		1
2	7					2			1		1	
3	11					1			2			
6	12				1	1	1		3	1		
7	11		1				1			2		
8	14									3	1	
9	7											
10	10		1		1	1					1	
13	8		1		1	1					1	
14	11								1	2		
15	12				1				2			
16	12							1	1	3	1	
17	6					1						
21	9									3		
22	15				1	2				6	1	
23	11									2	1	
24	9					1					1	
27	16		1		1			1	1	5	1	
28	11				1		1		1			
TOTAL	209	0	4	0	7	11	3	3	13	28	9	1

DATE	VOUCHERS	JOB HUNTING	COVID	CLOTHING BANK	DONATIONS	COMPUTER USAGE	SHOWER	HOUSING	COPY/FAX/EMAIL	EMERGENCY BOX	DIAPERS	OTHER
1		3		2		2					1	5
2				2					3		1	2
3				20	1							3
6					3	1			2			4
7		2		3	1	2			3			5
8		1		2	3	2			2		1	4
9				2	2	1			2			3
10		2			1	1			5			4
13						2			1		2	
14	1				2				4			7
15				2	1	2				1	1	5
16				1	2	2	3		3			3
17	1	2		1	2	1						4
21		1			1	1						3
22				3		1			2		1	3
23	1			2	1	1					2	3
24				3	1							4
27		2		3	2	2	3		1			4
28	2	4		2					3			2
TOTAL	5	17	0	48	23	21	6	0	31	1	9	68

## **Public Services Dept. Bi-Weekly Report: February 17<sup>th</sup> through March 2<sup>nd</sup>, 2023**

### Work performed

Snow removal, begin grading snow floor to within a few inches, clean up snow storage areas and inner parkways throughout central business district, haul to 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: 92 Stewart & Stevenson green rotary blower down with failed unloader valve, switchboard, solenoid float and directional control valve. 99 yellow rotary loader now has engine oil leak and needs diagnosed. Alternator issues on yellow loader, Henke hydraulic hoses leaking on 938, replace repair couplers, crimp new parker lines. Articulation ram leaking on grader driver side. Replace right side shear pins and bushings on Stewart & Stevenson. Begin reinforcing rotary reel with steel welding rod on 92 blower. Replace radiator hose and cap on 2001 Freightliner. Trucks and equipment issues from being stored outside, not firing up due to cold temperatures. Replace plow parts and fix hydraulic leaks on both Henke 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). Replace panel inside well number four. Installed new lights in Iris lift station, above wet well. Fix ice machine at Povah Center, replace tubing. Look at leak in women's room at UPDL, adjust pressure vessel. Further investigate natural gas smell outside of dining lodge to ensure there are no reoccurring issues. 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. Streetlight struck by tractor trailer near intersection of Gibbon and Geysler, had crew's pushback off right of way, cone off area and dispatched electrician to disconnect the service. Investigate roof leak at chamber building. Setup road closed signs at Iris and Highway 20, have zephyr signs on standby. Continue cross training in operating rotary loader with the crew. Organize city park shop, get janitorial supply needs and inventory list in preparation for this spring. Replace cadet heaters as needed in facilities. Roof snow removal from Povah Center and Little Rangers Daycare. Open emergency exits, secondary fire escape routes at city owned buildings. The Fire Department has been helping the public works crew greatly by clearing all the hydrants of snow around town.

### Administrative

Meet 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. Schedule museum again, dining lodge and library. Continue to coordinate snow removal plans with Tri-

State Excavating. Met with Gus Tureman to discuss placement of glass roll off container at the Public Works shop. Continue to coordinate cardboard dumpster service and scheduling requests with Peter Harned at Full Circle Recycling. Schedule an 8-yard dumpster upgrade to the public works shop to help meet our cardboard recycling demand. Work with Tyler Liddiard and Mountain States Lighting on streetlighting upgrades along the highway. Seek help from town engineer in putting together the bid specifications and documents to get two projects out to state bid (highway lighting replacements along Rt. 20 & slurry sealcoat treatments throughout old town's N/S streets). Discussed sole sourcing options with ASI's trademarked GSB-88 application in order to meet Montana's Revised Code guidelines/ requirements. Discuss ROW easements and town's GIS utility data with High West Group regarding Hibernation Station. Confirm parts needs with Joe Johnson Equipment, Caterpillar, John Deere, Brandt Industries and Normont Equipment. Continue seeking alternative and viable options for the town to streamline our snow removal program. Reach out to Oshkosh, Kodiak Equipment and Macqueen Equipment. 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 (I'll most likely head up next week to see the unit, weather permitting). Drafted and sent out minutes for the Planning Advisory Board Meeting. Attended Hebgen Basin Solid Waste Board Meeting, met with Gallatin County Commissioner Jennifer Boyer to discuss the program. Forwarded town zoning information to landscape architect with the Sanderson Stewart Corp. Discuss cleaning contract with Blu Kropp and let him know that beginning next week we're going a different direction and will be using another cleaning provider at town hall, the police department, library, and rendezvous ski trails. Talk with Craig from maintenance at the Grey Wolf Inn about several evergreens blocking street signage. Discussed scheduling of snow gate installation for grader belly blade, moldboard with Gene at RDO once new grader arrives. Again, received an update from RDO on the towns newly leased equipment. Factory delivery date of March 30<sup>th</sup> for 624P wheel loader, factory completion date of June 25<sup>th</sup> 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. I've got Spartan Inspections scheduled to come down and do a thorough walkthrough as well as a thermal scan of the building to evaluate energy efficiency and heat loss. I'm going to have the inspector look at the issues at the police department as well while they're here. Also spoke with Kevin Budd at Big Sky Home Inspectors for a second opinion. Discussed maintenance needs with Drew Barney for the upcoming Rendezvous Ski Race Event on March 4<sup>th</sup>. 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 Jon and Vely, now just need to meet with the PW crew. Review the town's current GIS utility data program, followed up with ESRI's new 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 at the Povah Center with Brandi Kadlec, still waiting on invoice. Dealt with contractor at 522 Gibbon on getting water service lines recharged. 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. Met with Ed Geiger to look at 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. 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.

## Bi-Weekly Report for Water and Wastewater

02/17/23 thru 03/02/23

02/17/23: Performed water /wastewater rounds. Received and installed new upgraded Midrow SCADA system at the wastewater treatment plant. The Midrow SCADA system is now reading the pulse flow from the Badger Flow meter. We now have the capability of seeing 2 different flow calculations from the meter. This helps with accuracy in reading the flow calculations.

02/20/23: Presidents' Day Holiday

02/21/23: Could not make it to work due to weather-related issues and roads being closed.

02/22/23: Could not make it to work due to weather-related issues and roads being closed.

02/23/23: Performed water /wastewater rounds. Worked on VAC power transformer supply on new SCADA system upgrade. Attended a seminar sponsored by the EPA regarding PFAC sampling which is the forever chemicals in the water system. This is something the EPA is looking at to collect data across the nation along with the Lead and Copper concerns. We will be sampling these in the near future.

Received nitrate/nitrite water sample results. The results were good.

02/24/23: Performed water /wastewater rounds. Working on the Big Green snowblower electrical system for the public works department. Helping with Town snow removal.

02/25/23: Performed water /wastewater rounds. Removed snow at water and wastewater facilities. Starting to disassemble the old components on the Madison lift pump station for the upgrades. Collected Madison and Iris lift pump station influent flow calculations for comparison to the new wastewater flow meter.

02/27/23: Performed water /wastewater rounds. Installed meter/dosing pump in Iris lift pump station. This will help deliver precise amounts of microbiology into the wastewater treatment facility to help keep the system balanced. Installed a new flood light in the Iris lift pump station to illuminate down into the wet well.

02/28/23: Performed water /wastewater rounds. Fixed hydraulic lines and cylinder on CAT 938 Loader for the public works department. Turn on water service for Mike Alread's home. Preparing paperwork and bottles to collect BAC-T water samples.

03/01/23: Performed water /wastewater rounds. Collected BAC-T samples throughout the town and delivered them to Bridger Labs in Belgrade.

03/02/23: Performed water /wastewater rounds. Collected wastewater influent and effluent samples and delivered them to IAS Labs. Changed from grab sampling to a composite sample for BOD which will give us a better BOD representative sample.

I will be happy to speak with the Town Council in the work session on Tuesday regarding an update on the new flow meter.

If you have any questions, please feel free to contact me.

Thank you,

Jon Brown



## **Week of 02.27.2023**

- ❖ Continued working on the FLAP Grant application.
- ❖ Attended meetings regarding the airport lease for the WWTP
- ❖ Worked on items regarding the Budget Kick-Off
- ❖ Utility billing for February 2023 was completed and mailed
- ❖ Calculated February 2023 resort tax collections
- ❖ Met with Abril regarding the Finance Department's part of the website




**KASTING, KAUFFMAN & MERSEN, P.C.**  
A T T O R N E Y S A T L A W

JOHN M. KAUFFMAN  
JANE MERSEN  
DENNIS L. MUNSON  
LILIA N. TYRRELL  
JORDAN P. HELVIE

716 SOUTH 20th AVENUE, SUITE 101  
BOZEMAN, MONTANA 59718  
TEL: (406) 586-4383 FAX: (406) 587-7871  
E-MAIL: reception@kkmlaw.net

KENT M. KASTING, *Senior Status*

**MEMORANDUM**

TO: DAN WALKER  
FROM: Jane Mersen   
RE: Jerry Johnson Marijuana Ordinance Request  
DATE: March 3, 2023

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On February 15, 2-23, Jerry Johnson submitted a request to the Town to hold another election on whether to allow marijuana businesses to locate in Town. Mr. Johnson complained that the language of the ballot measure that was approved by the electors on November 8, 2022 was confusing. Mr. Johnson asks that the word “permitting” be changed to “prohibiting” and that the Town complete a new resolution/ordinance/ballot process.

1. The Town’s Options:

a. The Town could grant the request, consider another resolution and if passed, submit another ballot measure to be included on the ballot for either the June primary or the November general election.

b. The Town could deny the request. Mr. Johnson could bring forward a petition to amend or repeal the ordinance through the initiative or referendum process set out in §7-5-132, MCA.

2. Sufficiency of the ballot language: Mr. Johnson complains that using the word “permitting” created confusion and was inconsistent with Montana law. I disagree.

First, if the language was confusing to him, Mr. Johnson should have addressed this issue with the council back in 2021 when it began to work on the issue. The Council posted the proposed ballot language and held work sessions, meetings and hearings on the proposed ordinance and resolution five times before the language was placed on the ballot. Once on the ballot, Johnson took no action to have the language changed or removed. Once the vote was shown to be in the affirmative for prohibiting marijuana businesses, the Town then held two additional meetings/hearing to consider adopting the ordinance that the voters had approved. Mr. Johnson has had two years to object to the language and failed to do so.

Second, Mr. Johnson claims that the language “For Permitting” was contrary to law as the law already permitted AUM in the town. It is important to note that Johnson’s use of the term AUM is not factually accurate. The Town did not prohibit adult use of marijuana. The electors voted to prohibit marijuana businesses from locating within the boundaries of the Town.

The term “permitting” appears in §16-12-301(7), MCA, which is the legislation that allowed the Town to put the matter on the ballot. Further, the ballot contained a preface which explained the issue. In both the preface and the question the language was clear and commonly used. Had the Town used the term “prohibiting” the question would then contain a double negative which would cause confusion. The ballot had to contain a “yes/no” option for the voters so they could vote either for or against the proposed ordinance.

The language in the ballot measure was similar to that used by the City of Billings and the Town of Manhattan. The City of Billings is in litigation with a marijuana business, which started before its ordinance passed but now includes claims that relate to its ordinance however there are no claims in that litigation which complain about the use of the terms “for permitting” or “against permitting” on the ballot. There has been no challenge to the Manhattan ballot language.

I could find no cases in which the Montana Supreme Court has discussed the standard for ballot language provided by a local government under §7-5-132, MCA. However §7-5-134, MCA, sets out the standard for ballot language in the event that individuals bring a petition to amend or repeal an ordinance, which is: “The ballot statement must be an accurate and impartial explanation of the purpose

of the proposed ballot issue in plain, easily understood language. The Statement may not be an argument and may not be written so as to create prejudice for or against the issue.”

The Court has on multiple occasions discussed the standard for ballot language for a statewide initiative or referendum. The Court has consistently held that the language must identify the measure on the ballot so that a Montana voter, drawing on both official and unofficial sources of information and education will be able to exercise his or her political judgment. *Harper v. Greely*, 234 Mont. 5259, 763 P.2d 650 (1988). The standard of review in the matter of whether ballot language is deficient is “not whether a better statement could have been approved but rather whether the statement complies with Section 13-27-312, MCA.” *Montanans Against Tax Hikes v. State*, 2018 MT 201, 392 Mont. 344, 423 P.3d 1078.

Section 13-27-312, MCA requires, in part at (4), that the ballot statements must express the true and impartial explanation of the proposed ballot issue in plain easily understood language and may not be arguments or written so as to create prejudice for or against the issue. (6) provides, in part, “The yes and no statement must be written so that a positive vote indicates support for the issue and a negative vote indicates opposition to the issue”.

The language on the Town’s ballot measure contains a statement of purpose which clearly set out that the question was whether to prohibit marijuana businesses in Town. The language used was true and an impartial explanation of the proposed issue with plain and easily understood language. The Yes/No statements were written so that a positive vote- “For Permitting” would support the location of marijuana businesses in town and “Against Permitting” would indicate opposition to the location of marijuana businesses in Town. The Town’s ballot measure language was legally sufficient.

3. Interim ordinance: Mr. Johnson states an interim ordinance to prohibit can only be in effect until a vote to prohibit is held and that the MCA does not contemplate or allow a town council to permanently prohibit AUM use within an allowed County. First, this was not an interim ordinance- it was a permanent ordinance and it did not prohibit marijuana use within the town. Mr. Johnson improperly conflates the term “use” with the term “business” and claims the Town

cannot permanently prohibit AUM “use” within an allowed county, which is true. The Town cannot prohibit the individual use of marijuana by adults within the boundaries of the Town, but it can prohibit marijuana businesses from being located within the Town. The “use” of marijuana is not regulated by the ordinance that was passed by the Town.

Dear Members of the Town Council,

I request that you hold another election, preferably this May, on the Adult Use Marijuana (AUM) issue.

In reviewing Title 16, Chapter 12 of the Montana Code, and Jane Merson's November 19, 2021 Memo to the Council, I think the Resolution that was provided to the voters in November 2022 was inconsistent with Montana law.

First, without any town action, adult use marijuana would be allowed in West Yellowstone, as the Gallatin County voters approved I-190.

As such, the Resolution asking voters to decide "For permitting" or "Against permitting" was inaccurate. It was already permitted.

In addition, MCA 16-12-301(7) allows municipalities within allowed counties to "prohibit" adult use through a local vote.

Finally an "interim" ordinance to prohibit can only be in effect until a vote to "prohibit" is held, or while the municipality is studying how to regulate AUM within its boundaries. The MCA does not contemplate or allow a town council to permanently prohibit AUM use within an allowed County.

As such, the current validity of the Town's Prohibition Resolution of May 2022 is questionable.

I have attached the language that was provided to the Town voters last November. I ask that the Town hold another election, but replace the word "permitting" with "prohibiting."

This will also make the ballot language less confusing. I have spoken to many people who admit they did not know the effect of their vote because of the language.

Very Truly Yours,

Jerry Johnson



February 15, 2023

## MEMORANDUM

**TO:** Dan Walker  
**FROM:** Jane Mersen  
**RE:** Marijuana laws  
**DATE:** November 19, 2021

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The Montana legislature passed HB 701, the Montana Marijuana Regulation and Taxation Act, following the I-190 affirmative vote to allow recreational marijuana, now commonly called “Adult Use” marijuana in Montana. HB 701 provided how and when marijuana businesses could be regulated and by whom. The types of marijuana businesses that are included are dispensary, cultivation, manufacture, medical dispensary, combined use licenses, testing labs and transportation.

The bill is codified, in part, at Title 16, Chapter 12, MCA. If a town is located within a county that voted to allow adult use, the law allows that Town to either prohibit any or all of the different types of marijuana businesses and or to regulate them. Gallatin County electors voted to allow adult use.

### **Regulation**

If the Town desires to allow marijuana businesses, it should undertake a study to determine where such businesses could be located and what, if any restrictions should be placed on the business. Any regulations by the Town will be in addition to the restrictions provided by state law and the Department of Revenue rules. Further, if the Town allows such businesses, it could enact a local option tax to receive part of the tax revenue that DOR will collect. The Town could pass an interim zoning ordinance restricting any marijuana businesses from locating in Town until such time as the study is complete and the Town enacts the new zoning and business regulations.

### **Prohibition**

If the Town Council wants to allow the voters to decide whether to prohibit such businesses, it must follow the process set out in Title 16, by putting a resolution prohibiting any or all of the marijuana business listed above from operating in the Town on a ballot and holding an election.

If the voters elect to prohibit such businesses, the Town may not allow any businesses that were included on the ballot within its limits. Note, the Town cannot stop licensed transporters from transporting marijuana through the Town.

If the ballot measure fails, then such businesses may operate within the Town and the Town should regulate them through zoning.

The Town Council may pass an interim zoning ordinance temporarily prohibiting such businesses while the matter is pending an election.

While the law becomes effective January 1, 2022, there is still a “transition’ period that is built into the DOR regulations. In January, the only business that can sell adult use marijuana are the dispensaries that were licensed by the Department on or before November 3, 2020 for medical marijuana. Therefore, the only business that could sell adult use marijuana in West Yellowstone is LPC West Yellowstone. The DOR will not accept any applications for new marijuana dispensaries, manufacturer or cultivation businesses, that are not former medical marijuana licensees, until July 1, 2023.

# Montana Code Annotated 2021

TITLE 16. ALCOHOL, TOBACCO, AND MARIJUANA

CHAPTER 12. MARIJUANA REGULATION AND TAXATION

Part 3. Local Government and Law Enforcement Authority

## Local Government Authority To Regulate -- Opt-In Requirement In Certain Counties -- Exemption For Existing Licensees

**16-12-301. Local government authority to regulate -- opt-in requirement in certain counties -- exemption for existing licensees.** (1) (a) Except as provided in subsection (1)(b), a marijuana business may not operate in a county in which the majority of voters voted against approval of Initiative Measure No. 190 in the November 3, 2020, general election until:

(i) the category or categories of license that the marijuana business seeks has or have been approved by the local jurisdiction where the marijuana business intends to operate as provided in subsection (3) or (4); and

(ii) the business is licensed by the department pursuant to this chapter.

(b) A former medical marijuana licensee that does not apply for licensure as an adult-use dispensary may operate in its existing premises in compliance with rules adopted by the department pursuant to **16-12-201(2)** notwithstanding a local jurisdiction's failure to take action pursuant to subsections (3) through (6).

(c) A former medical marijuana licensee that intends to apply for licensure as a cultivator, manufacturer, adult-use dispensary, or testing laboratory may operate in compliance with rules adopted by the department pursuant to **16-12-201(2)** notwithstanding a local jurisdiction's failure to take action pursuant to subsections (3) through (6), provided that the former marijuana licensee has remained in good standing with the department of public health and human services and the department.

(d) For the purpose of this section, the marijuana business categories that must be approved by a local jurisdiction under subsections (3) through (6) in a county in which the majority of voters voted against approval of Initiative Measure No. 190 in the November 3, 2020, general election before a business may operate are:

(i) cultivator;

(ii) manufacturer;

(iii) medical marijuana dispensary, except as provided in subsection (1)(b);



- (iv) adult-use dispensary;
- (v) combined-use marijuana licensee;
- (vi) testing laboratory; and
- (vii) marijuana transporter facility.

(e) Marijuana businesses located in counties in which the majority of voters voted to approve Initiative Measure No. 190 in the November 3, 2020, general election are not subject to the local government approval process under subsections (3) through (6).

(2) (a) To protect the public health, safety, or welfare, a local government may by ordinance or otherwise regulate a marijuana business that operates within the local government's jurisdictional area. The regulations may include but are not limited to inspections of licensed premises, including but not limited to indoor cultivation facilities, dispensaries, manufacturing facilities, and testing laboratories in order to ensure compliance with any public health, safety, and welfare requirements established by the department or the local government.

(b) A former medical marijuana licensee that does not apply for licensure as an adult-use dispensary is exempt from complying with any local governmental regulations that are adopted under this subsection after July 1, 2021, until its first license renewal date occurring after January 1, 2022, or the expiration of any grace period granted by the locality, whichever is later.

(3) An election regarding whether to approve any or all of the marijuana business categories listed in subsection (1)(d) to be located within a local jurisdiction may be requested by filing a petition in accordance with **7-5-131** through **7-5-135** and **7-5-137** by:

- (a) the qualified electors of a county; or
- (b) the qualified electors of a municipality.

(4) (a) An election held pursuant to this section must be called, conducted, counted, and canvassed in accordance with Title 13, chapter 1, part 4.

(b) An election pursuant to this section may be held in conjunction with a regular election of the governing body, general election, or a regular local or special election.

(5) If the qualified electors of a county vote to approve a type of marijuana business to be located in the jurisdiction, the governing body shall enter the approval into the records of the local government and notify the department of the election results.

(6) (a) If an election is held pursuant to this section in a county that contains within its limits a municipality of more than 5,000 persons according to the most recent federal decennial census:

(i) it is not necessary for the registered qualified electors in the municipality to file a separate petition asking for a separate or different vote on the question of whether to prohibit a category of marijuana business from being located in the municipality; and

(ii) the county shall conduct the election in a manner that separates the votes in the municipality from those in the remaining parts of the county.

(b) If a majority of the qualified electors in the county, including the qualified electors in the municipality, vote to approve a category of marijuana business to be located in the county, the county may allow that category of marijuana business to operate in the county.

(c) (i) If a majority of the qualified electors in the municipality vote to approve a category of marijuana business to be located in the municipality, the municipality may allow that type of marijuana business to operate in the municipality.

(ii) If a majority of the qualified electors in the municipality vote to prohibit a category of marijuana business from being located in the municipality, the municipality may not allow that type of marijuana business to operate in the municipality.

(d) Nothing contained in this subsection (6) prevents any municipality from having a separate election under the terms of this section.

(7) (a) A county or municipality that has voted to approve a category of marijuana business to be located in the jurisdiction or a county in which the majority of voters voted to approve Initiative Measure No. 190 in the November 3, 2020, general election may vote to prohibit the previously approved or allowed operations within the jurisdiction.

(b) A vote overturning the approval of a category of marijuana business or prohibiting the previously permitted operation of marijuana businesses is effective on the 90th day after the local election is held.

(8) A local government may not prohibit the transportation of marijuana within or through its jurisdiction on public roads by any person licensed to do so by the department or as otherwise allowed by this chapter.

**History: En. Sec. 18, I.M. No. 190, approved Nov. 3, 2020; amd. Sec. 59, Ch. 576, L. 2021.**

Created by LAWS

INSTRUCTIONS TO VOTERS

1. TO VOTE, COMPLETELY FILL IN ( ● ) THE OVAL USING A BLUE OR BLACK PEN.
2. To write in a name, completely fill in the oval to the left of the line provided, and on the line provided print the name of the write-in candidate for whom you wish to vote.
3. DO NOT MAKE AN IDENTIFYING MARK, CROSS OUT, ERASE, OR USE CORRECTION FLUID. If you make a mistake or change your mind, exchange your ballot for a new one.

VOTE IN ALL COLUMNS

BALLOT ISSUES  
(Continued)

TOWN OF WEST YELLOWSTONE  
ORDINANCE TO PROHIBIT MARIJUANA  
BUSINESSES  
(VOTE IN ONE OVAL)

The Town Council for the Town of West Yellowstone has proposed an Ordinance to prohibit the types of marijuana businesses set out below, as allowed by §16-12-301(d), MCA, and in the Ordinance; and considered this Resolution on May 17, 2022, to submit this ballot to the electors of the Town of West Yellowstone.

The proposed ordinance would prohibit the following types of businesses: (i) Cultivator (ii) Manufacturer (iii) Medical marijuana dispensary (iv) Adult use dispensary (v) Testing laboratory; and (vi) Marijuana transporter facility. Shall the following marijuana businesses be permitted within the boundaries of the Town of West Yellowstone?

- FOR permitting the marijuana businesses identified as:
  - (i) Cultivator
  - (ii) Manufacturer
  - (iii) Medical marijuana dispensary
  - (iv) Adult use dispensary
  - (v) Testing laboratory; and
  - (vi) Marijuana transporter facility.

- AGAINST permitting the marijuana businesses identified as:
  - (i) Cultivator
  - (ii) Manufacturer
  - (iii) Medical marijuana dispensary
  - (iv) Adult use dispensary
  - (v) Testing laboratory; and
  - (vi) Marijuana transporter facility.

change to prohibiting

change to prohibiting

01. Enclosed ballot in...  
02. Attached suffix...  
HAVE YOU...

# TOWN OF WEST YELLOWSTONE

March 07, 2023

Talena Adams  
Federal Lands Access Programmer  
Western Federal Lands Highway Division  
610 East Fifth Street  
Vancouver, WA 98661

Dear Ms. Adams,

The West Yellowstone Town Council supports the application for the FLAP program. We are excited to partner with Custer Gallatin National Forest and Yellowstone National Park in the development of our project. Currently, we also have support from our non-profit community and private businesses.

The Town of West Yellowstone is landlocked by public lands, and our dominant industry is tourism. Approximately 45% of all annual visitors to Yellowstone National Park enter through the West Yellowstone gate in our town. In 2019, in partnership with 20+ stakeholders, our town studied the flow of tourism through our community. The West Yellowstone Gateway Study had the goal of identifying areas to improve traffic, and opportunities to provide safe and efficient networks for all modes of transportation. The trail project in the FLAP application was identified to improve both the flow of traffic through town and offer an alternative route of transportation to non-motorized travel. We see this application as an excellent opportunity to advance the work on this trail system and provide engineering designs for safe pedestrian crossings of busy intersections.

Additionally, this trail system will connect with the Yellowstone Shortline Trail. In early 2020, the Town of West Yellowstone partnered with the U.S. Forest Service and the Yellowstone Historic Center to fundraise and plan a nine-mile portion of abandoned railroad from the Montana-Idaho border into West Yellowstone. There has been an approximately \$4 million investment in the construction of this trail. The development of this trail ends at the boundary of the Town, and this planning project is an excellent way to create a connecting rail system from the Yellowstone Shortline Trail on the west side of Town, to trail systems in Yellowstone National Park on the east side of Town.

Your favorable review of our application will support safety of non-motorized travel, local travel and tourism in a heavily trafficked community, outdoor recreation, and cohesive connected trail systems that span many miles. Please let us know if you have any questions regarding our request.

Sincerely,

Travis Watt	Jeff McBirnie	Jeff Mathews	Brian Benike	Lisa Griffith
Mayor	Deputy Mayor	Town Council	Town Council	Town Council

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## **2023 Tentative Town Council Work Session Topics (Updated 02/23/23)**

### ***March 2023***

***3/7/23 Auditor Report.*** Prepare yourself for another riveting installment of the yearly Auditor Report!

***3/7/23 Mobile Food Vendor Ordinance (take 2).*** The mobile food vendor ordinance suspension expired last fall and we are currently operating under the previously existing ordinance. We will discuss draft changes to the ordinance based on the work session from 2/21/23.

***3/21/23 Mammoth Room.*** The Mammoth Room project is going to be a large undertaking. Further discussion is needed regarding the financing and timing of the project. Dave will give an update on the project and outline some options to move forward, and Katie will discuss funding options.

### **Potential future topics (updated as priorities and timing require.)**

**Town Policy Manual Update.** We have a number of policies that are in need of revision. Further discussion is needed to discuss how we want to address those revisions.

**Budget/CIP.** Katie will hold a series of Budget and CIP work sessions, similar to years past. Details on the timing and format of those sessions as we get further along in 2023, but generally, the process starts around April.

**Zoning/Subdivision Code Updates.** The planning consultants are getting close to presenting the updates/changes to the Planning Board and Town Council. The Consultant should be prepared to present to the Town Council in early 2023, as well as the process for establishing the zoning for the 80 acres.

**Additional Water Source.** To accommodate future growth, the Town will need to identify and plan for a new water source. Forsgren has suggested we start to explore options in 2023.

**Growth Policy.** A review of the Town Growth Policy is required by MCA 76-1-601 every 5 years. Our last update was done in December of 2017. We should review the policy and determine if any updates are necessary.

**Land Trust/Housing Discussions.** Continued discussion with the local housing group and regional and state housing agencies on housing and land trust options for the 80 acres.

**80 Acres Planning.** Part of our contract with Intrinsik/Fall Creek is to prepare some planning ideas for development of the 80 acres. This is the final task after the zoning code revision and establishment of the zoning map.

**FLAP Grant/Rails to Trails.** The FLAP Grant planning will begin in earnest after the new year, specifically the public engagement portion of the planning. This may be a topic to consider for a future work session in early spring.

**Facility Planning Study- Wastewater.** The Town received a \$15,000 facility planning grant to conduct a planning study on our wastewater collection system. The total project cost is approximately \$50,000. The work is scheduled to begin next spring. I have asked Dave Noel to educate the council/public at a future work session about what a facility planning study is, the work involved in the study, and the final product/outcomes.

2023 past work session topics

*1/10/23 Town Council Goals/Priorities.*  
*1/17/23. Dan Clark- Effective Town Policy.*  
*1/18/23. Real Colors- Dan Clark.*  
*1/24/23 Department Head Update.*  
*2/7/23. WWTP Alternative (Moonrise Proposal).*  
*2/21/23. Mobile Food Vendor Ordinance.*

2022 past work session topics

**1/18/22 Council Direction for 2022/CIP Update.**  
**1/19/21 Town Council Roles and Responsibilities Meeting.**  
**2/1/22 WWTP Updates.**  
**2/15/22 Final Staffing Plan/Town Leases.**  
**3/1/22 Auditor Report**  
**4/5/22 Marijuana Business Zoning Laws**  
**4/19/22. Water/Wastewater rate review.**  
**5/3/22. US-191 Wildlife and Transportation Assessment.**  
**5/3/22. A Seat at the Table Update.**  
**5/10/22. Healthcare Services Providers.**  
**5/17/22 Wastewater rate review.**  
**5/24/22 Dan Clark Revisited**  
**6/7/22 Water/Wastewater rate review.**  
**6/21/22 General Fund Budget.**  
**6/28/22 Special Revenue and Debt Service Funds**  
**7/5/22 Budget Special Request, Enterprise Funds**  
**7/19/22 Capital Improvement Projects**  
**7/26/22 Single Family Equivalent (SFE) Calculator & Budget Revisions/Review.**  
**8/2/22 Budget Revisions/Review.**  
**8/30/22 Single Family Equivalent (SFE) Calculator**  
**09/20/22 CIP Project Update and Mammoth Room Update.**  
**10/18/22 Wastewater Treatment Facility Update.**  
**11/15/22 Chamber of Commerce Update/Yellowstone Historic Center Update.**  
**12/06/22 Wastewater Treatment Facility Update.**