

# Town of West Yellowstone

Tuesday, August 16, 2022

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.**

## TOWN COUNCIL MEETING 7:00 PM

Pledge of Allegiance

### Comment Period

- **Public Comment**
- **Council Comments**

Treasurer's & Securities Reports

Purchase Orders

Claims ∞

Business License Applications:

Consent Agenda: Minutes of the August 2, 2022 Town Council Meeting ∞  
Minutes of the August 9, 2022 Town Council Work Session ∞

Town Manager & Staff Reports ∞

Advisory Board Reports

### Public Hearing: FY 2023 Municipal Budget

### ACTION ITEMS

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Resolution No. 781, Adopt FY 2023 Municipal Budget	Discussion/Action ∞
Resolution No. 782, Set Mill Levy for FY 2023	Discussion/Action ∞
Resolution No. 783, Commit Cash Outlay to Wastewater Treatment Plant (ARPA)	Discussion/Action ∞
Marketing and Promotions (MAP) Fund Award Recommendation, \$6000 Miss Montana, legacy WWII aircraft, Visits Yellowstone Airport	Discussion/Action ∞
Days Inn Sewer Connection Fees	Discussion/Action ∞
Hebgen Basin Rural Fire District Fire Station One-Satisfaction of Debt	Discussion/Action ∞
Application to Maintain an Encroachment, 224 Electric Street Temporary storage of construction materials	Discussion/Action ∞
Correspondence/FYI/Meeting Reminders	

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



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

Public Hearing/Public Meeting

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

Oral Communication

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

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

Any member of the public interrupting Town Council proceedings, approaching the dais without permission, otherwise creating a disturbance, or failing to abide by these rules of procedure in addressing Town Council, shall be deemed to have disrupted a public meeting and, at the direction of the presiding officer, shall be removed from the meeting room by Police Department personnel or other agent designated by Town Council or 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 at 12 Noon on Tuesdays and occasionally on other mornings and evenings. Work sessions also take place at the Town Hall located at 440 Yellowstone Avenue.
- The schedule for Town Council meetings and work sessions is detailed on an agenda. The agenda is a list of business items to be considered at a meeting. Copies of agendas are available at the entrance to the meeting room.
- Agendas are published at least 48 hours prior to Town Council meetings and work sessions. Agendas are posted at the Town Offices and at the Post Office. In addition, agendas and packets are available online at the Town's website: [www.townofwestyellowstone.com](http://www.townofwestyellowstone.com). Questions about the agenda may be directed to the Town Clerk at 646-7795.
- Official minutes of Town Council meetings are prepared and kept by the Town Clerk and are reviewed and approved by the Town Council. Copies of approved minutes are available at the Town Clerk's office or on the Town's website: [www.townofwestyellowstone.com](http://www.townofwestyellowstone.com).

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08/12/22  
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TOWN OF WEST YELLOWSTONE  
Claim Approval List  
For the Accounting Period: 8/22

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Report ID: AP100

\* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
49258		1089 Gallatin County Treasurer	354.00					
	07/31/22	Tech surcharge	130.00		COURT	7458 212200		101000
	07/31/22	MLEA	150.00		COURT	7467 212200		101000
	07/31/22	Victims Assistance	74.00		COURT	7699 212200		101000
49259		95 Energy West-Montana	817.03					
	07/27/22	nat gas 210361788 updl	196.94		UPDH	1000 411252	344	101000
	07/27/22	nat gas 210360293 Police	28.86		POLBLD	1000 411258	344	101000
	07/27/22	nat gas 210361746 Pub Services	21.26		STREET	1000 430200	344	101000
	07/27/22	nat gas 210361811 old firehall	23.16		PARK	1000 460430	344	101000
	07/27/22	nat gas 210363966 old bld ins	23.16		STREET	1000 430200	344	101000
	07/27/22	nat gas 210360540 library	26.96		LIBBLD	1000 411259	344	101000
	07/27/22	nat gas 210364599 Povah	258.26		POVAH	1000 411255	344	101000
	07/27/22	nat gas 210361697 Iris Lift St	40.44		PUBSVC	1000 430200	344	101000
	07/27/22	nat gas 210365425 Twn Hall	165.33		TWNHAL	1000 411250	344	101000
	07/27/22	nat gas 210361655 Mad Add Sewe	32.66		SEWER	5310 430600	344	101000
49260		2853 Two Seasons Recycling	850.00					
	2023214 07/31/22	monthly recycling	850.00		PARKS	1000 460430	534	101000
49261		266 Utilities Underground Location	18.84					
	2075367 07/31/22	excavation notifications	18.84		SEWER	5310 430600	340	101000
49262		2421 NAPA Auto Parts	97.83					
	07/30/22	Napa Repair Supplies	97.83		STREET	1000 430200	361	101000
49263		2264 MORNING GLORY COFFEE & TEA	33.75					
	07/26/22	Dispatch coffee	33.75		DISP	1000 420160	220	101000
49264		2575 WY Tourism Business Improvement	33,949.17					
	07/31/22	Collections in July 2022	33,949.17		TBID	7202 411800	540	101000
49266	E	2964 CITI CARDS	2,254.91					
	07/08/22	Rexburg Rapids Entrancefees	319.00		SUMREC	1000 460449	871	101000
	07/08/22	Amazon	23.95		SUMREC	1000 460449	220	101000
	07/10/22	Screwdriver set	43.92		SOCSE	1000 450135	212	101000
	07/12/22	Pop tubes	17.98		RECRE	1000 460440	220	101000
	07/12/22	Amazon	205.36		SUMREC	1000 460449	220	101000
	07/21/22	Amazon	49.32		SUMREC	1000 460449	220	101000
	07/14/22	Bike Basket	32.40		ADMIN	1000 410210	220	101000
	07/19/22	Postage Everly Lawsuit	36.75		ADMIN	1000 410210	311	101000
	07/15/22	Floor Mat	44.98		FINADM	1000 410510	220	101000
	07/22/22	Heise Hot springs Entrance fees	390.00		SUMREC	1000 460449	871	101000
	07/25/22	Amazon -	62.09		SUMREC	1000 460449	220	101000

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	07/26/22	Bozeman Dairly Chronicle	500.00		ADMIN	1000 410210	327	101000
	07/29/22	Yell Bear World Entrance Fees	408.00		SUMREC	1000 460449	871	101000
	08/02/22	Taqueria Resendiz	121.16		LEGIS	1000 410100	220	101000
49267		2813 Century Link	1,560.72					
	07/19/22	E911 Viper 255-9710	988.12		E911	2850 420750	345	101000
	07/19/22	E911 Viper 255-9712	29.05		E911	2850 420750	345	101000
	07/19/22	E911 Viper 646-5170	122.82		E911	2850 420750	345	101000
	07/19/22	Alarm Lines 646-5185	102.06		TWNHLL	1000 411250	345	101000
	07/19/22	Police - 646-7600	318.67		POLICE	2850 420750	345	101000
49270		151 Gallatin County WY TS/Compost	1,631.00					
	07/31/22	Household waste	1,631.00		PARKS	1000 460430	534	101000
49272		2845 Kasting, Kauffman & Mersen, PC	14,601.55					
	08/09/22	legal services 7/1-7/31/22	14,500.00		LEGAL	1000 411100	352	101000
	08/09/22	phone/fax	0.00		LEGAL	1000 411100	345	101000
	08/09/22	travel	101.55		LEGAL	1000 411100	373	101000
49273		2852 Blackfoot Communications	2,284.20					
	08/15/22	646-5106, fax soc svc	40.53		SOCSRV	1000 450135	345	101000
	08/15/22	646-5119, police station Dispa	40.53		DISPCH	2850 420750	345	101000
	08/15/22	646-5141, sewer plant alarm	40.53		SEWER	5310 430600	345	101000
	08/15/22	646-5185, town hall alarm	40.53		TWNHAL	1000 411250	345	101000
	08/15/22	646-7311, social services	21.30		SOCSRV	1000 450135	345	101000
	08/15/22	646-7481, povah elevator	58.16		POVAH	1000 411255	345	101000
	08/15/22	646-7511, town hall fax	40.53		TWNHAL	1000 411250	345	101000
	08/15/22	646-7609, public works	199.99		PUBSVC	1000 430200	345	101000
	08/15/22	646-7650, police station fax	40.53		DISPCH	2850 420750	345	101000
	08/15/22	646-7715, povah center	24.44		POVAH	1000 411255	345	101000
	08/15/22	646-7795, town hall	250.97		TWNHAL	1000 411250	345	101000
	08/15/22	646-7845, court clerk	100.56		COURT	1000 410360	345	101000
	08/15/22	646-9017, library	43.44		LIBRAR	2220 460100	345	101000
	08/15/22	646-9027, sewer plant alarm	40.53		SEWER	5310 430600	345	101000
	08/15/22	ethernet, library	300.00		LIBRAR	2220 460100	345	101000
	08/15/22	ethernet, povah center	187.26		POVAH	1000 411255	345	101000
	08/15/22	ethernet, police station	350.00		POLICE	1000 411258	345	101000
	08/15/22	ethernet, town hall	272.00		TWNHAL	1000 411250	345	101000
	08/15/22	ethernet, public works shop	125.00		STREET	1000 430200	345	101000
	08/15/22	602-4909, town hall judge	14.77		COURT	1000 410360	345	101000
	08/15/22	602-4894 Town hall Court Clerk	1.10		COURT	1000 410360	345	101000
	08/15/22	602-4897 town hall	1.10		TWNHAL	1000 411250	345	101000
	08/15/22	602-4898 town hall	1.10		TWNHAL	1000 411250	345	101000
	08/15/22	602-4900 town hall	5.25		TWNHAL	1000 411250	345	101000
	08/15/22	602-4901 town hall	5.25		TWNHAL	1000 411250	345	101000

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	08/15/22	602-4902 town hall	1.10		TWNHAL	1000 411250	345	101000
	08/15/22	602-4903 town hall	1.10		TWNHAL	1000 411250	345	101000
	08/15/22	602-4904 town hall	1.10		TWNHAL	1000 411250	345	101000
	08/15/22	602-4905 town hall	1.10		TWNHAL	1000 411250	345	101000
	08/15/22	602-4906 Library Main desk	1.10		LIBRY	2220 460100	345	101000
	08/15/22	602-4907 Library Director	1.10		LIBRY	2220 460100	345	101000
	08/15/22	602-4908 Povah Ctr	11.10		POVAH	1000 411255	345	101000
	08/15/22	602-4949 Town Hall	11.10		TWNHAL	1000 411250	345	101000
	08/15/22	6024044 Soc Ser Pantry	10.00		SOCSE	1000 450135	345	101000
49276		2952 DIS Technologies	1,836.88					
	10067 08/05/22	Monthly IT	675.00		IT	1000 420160	398	101000
	10067 08/05/22	Software Subscription	60.00		DSPTCH	1000 420160	216	101000
	9996 07/21/22	DIG Endpoint Protection	315.00		DSPTCH	1000 420160	216	101000
	9973 08/05/22	Monthly Managed IT Services	786.88		IT	1000 410580	355	101000
49278		2546 Century Link QCC	16.07					
	301222460 07/24/22	long dist chg 406-646-7600	16.07		DISPAT	1000 420160	345	101000
49280		2822 ClearBlu Business Services	5,215.00					
	08/02/22	Town Hall	1,000.00		TWNHLL	1000 411250	357	101000
	08/02/22	Library	400.00		LIBES	1000 411259	357	101000
	08/02/22	Trailhead Bldng.	180.00		TRLHED	1000 411256	350	101000
	08/02/22	Povah	850.00		POVAH	1000 411255	350	101000
	08/02/22	Chamber Bldng.	1,400.00		CHAMB	1000 411257	357	101000
	08/02/22	Park Bathrooms	800.00		PARKS	1000 411253	357	101000
	08/02/22	Dispatch Building	585.00		DSPTCH	1000 411258	398	101000
49281		73 Westmart Building Center	2,111.57					
	07/27/22	Street Supplies	788.19		STREET	1000 430200	220	101000
	07/27/22	Sewer Supplies	94.73		SEWER	5310 430600	220	101000
	07/27/22	Police Building Supplies	109.17		POLICE	1000 411258	366	101000
	07/27/22	Police Supplies	17.54		POLICE	1000 420100	220	101000
	07/27/22	Library Supplies	43.38		LIBRY	2220 460100	220	101000
	07/27/22	Povah Ctr supplies	12.34		POVAH	1000 411255	220	101000
	07/27/22	Parks Supplies	975.94		PARKS	1000 460430	220	101000
	07/27/22	Clinic bulilding Supplies	70.28*		CLINIC	1000 411251	366	101000
49283		2558 Hebgen Basin Fire District	55,849.00					
	08/01/22	August 2022	48,294.00		FIRE	1000 420400	357	101000
	08/01/22	employee grant July 2022	7,555.00		FIRE	1000 420400	140	101000

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49284		2789 WEX Bank	4,190.65					
	08/01/22 17	Dodge Ram #2	0.00		POLICE	1000 420100	231	101000
	08/01/22 10	Ford Expedition 6-000046	67.23		SOCSE	1000 450135	231	101000
	08/01/22 10	JD Backhoe 310SJ	99.48		STREET	1000 430200	231	101000
	08/01/22 91	Ford 6-582	170.82		STREET	1000 430200	231	101000
	08/01/22 14	Water Truck	0.00		STREET	1000 430200	231	101000
	08/01/22 2010	JD 772 Grader	0.00		STREET	1000 420100	231	101000
	08/01/22 02	Freightliner Dump 6-54564A	87.92		STREET	1000 430200	231	101000
	08/01/22 08	GMC Pickup 6-1484	515.31		STREET	1000 430200	231	101000
	08/01/22 08	CAT 938H Loader	169.59		STREET	1000 430200	231	101000
	08/01/22 08	904B MiniLoader	82.12		STREET	1000 430200	231	101000
	08/01/22 15	Ford F-250	198.28		STREET	1000 430200	231	101000
	08/01/22 18	2018 Dodge Ram-PW	64.31		STREET	1000 430200	231	101000
	08/01/22 18	Dodge Ram-Police	580.63		POLICE	1000 420100	231	101000
	08/01/22 19	Dodge Durango	256.74		POLICE	1000 420100	231	101000
	08/01/22	Multi-Use Vehicle - Sienna	60.54		POLICE	1000 420100	231	101000
	08/01/22	Multi-Use Vehicle - Sienna 521	33.67		WATER	5210 430500	231	101000
	08/01/22	Multi-Use Vehicle - Sienna	73.83		STREET	1000 420100	231	101000
	08/01/22 06	Dodge Durango 6-1374/6-2010	87.35		STREET	1000 430200	231	101000
	08/01/22 15	Sweeper	407.84		STREET	1000 430200	231	101000
	08/01/22 '00	FL Dumptrk 6-60700A	0.00		STREET	1000 430200	231	101000
	08/01/22 '14	Ford Intercep	54.56		POLICE	1000 420100	231	101000
	08/01/22 PD	Dodge Ram#1	286.95		POLICE	1000 420100	231	101000
	08/01/22 PD	Dodge Ram#2	534.82		POLICE	1000 420100	231	101000
	08/01/22 01	Frht truck #1	71.10		STREET	1000 430200	231	101000
	08/01/22 19	Dodge 5500	201.47		STREET	1000 430200	231	101000
	08/01/22 20	Dodge Ram (silver)	86.09		POLICE	1000 420100	231	101000
49308		2 Forsgren Associates P.A.	7,761.50					
	122305 07/25/22	Operational Support	1,935.00		WATER	5210 430500	354	101000
	122305 07/25/22	Operational Support	1,935.00		SEWER	5310 430600	354	101000
	122305 07/25/22	Task2022-01ForestServiceApplic	2,146.50		SEWER	5310 430600	354	101000
	122305 07/25/22	Task2022-03SFECalculator	1,485.00		SEWER	5310 430600	354	101000
	122300 07/25/22	ZoningApplicationReviewGaddis	260.00		PLANZN	1000 411000	354	101000
49309		1483 ASI Asphalt Systems Inc.	13,375.50					
	35335 08/03/22	Emulsion Seal coat to streets	13,320.00		STREET	4075 430230	931	101000
	35335 08/03/22	Extra Emulsion Seal Coattostre	55.50		STREET	4075 430230	931	101000

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49310		2537 Balco Uniform Co., Inc.	381.17					
	71059-1	08/05/22 Uniform vests StoneburnerGrif	15.20		POLICE	1000 420100	226	101000
	71606-1	08/05/22 Griffel Uniform supplies	301.60		POLICE	1000 420100	226	101000
	70926	06/20/22 Sosa Cuff case	64.37		POLICE	1000 420100	226	101000
49311		2099 Quick Print of West Yellowstone	922.47					
	16403	07/07/22 SetupSpreadsheetlabels	11.79		BULDNG	1000 420531	220	101000
	16463	07/22/22 CreateApplicZoning/Plat applic	560.00		BULDNG	1000 420531	220	101000
	16522	07/26/22 Sticky Notes	13.93		STREET	1000 430200	220	101000
	16478	07/26/22 Dog Waste StickerSigns	33.00		PARKS	1000 460430	220	101000
	16481	07/28/22 Sewer Report Bindings	17.75		SEWER	5310 430600	870	101000
	16529	08/02/22 Business Cards 7 sets	286.00		POLICE	1000 420100	220	101000
49312		660 Swiss Precision Landscaping	2,177.03					
	15570	09/01/22 Sprinkler Service Repairs	2,177.03		PARKS	1000 460430	365	101000
49313		3235 Yellowstone Weed Management	5,236.00					
	07/31/22	Noxious Weed Spraying 1/2 July	5,236.00*		PARKS	1000 460430	357	101000
49314		40 Jerry's Enterprises	68.18					
	07/29/22	Fuel	68.18		STREET	1000 430200	231	101000
49315		764 General Distributing Co.	60.14					
	1145890	07/31/22 Welding Supplies	60.14		STREET	1000 430200	231	101000
49316		309 PJ's Plumbing & Heating	332.00					
	99008016	06/16/22 Water heater thermostatsPova	332.00		POVAH	1000 411255	350	101000
49317		3365 Joe Johnson Equipment	1,424.06					
	P00242	07/28/22 Strip Broom(2)Segment(16)	1,424.06		STREET	1000 430200	369	101000
49318		379 Energy Laboratories, Inc	240.00					
	490831	08/01/22 Wells & Springs Testing	240.00		WATER	5210 430500	348	101000
49319		3324 Dan Walker	62.50					
	08/10/22	Mileage Housing meeting 8/9/22	62.50		ADMIN	1000 410210	370	101000
49320		2344 Brandin Iron Inn	90.71					
	1472	04/27/22 Lodging Voucher	90.71		HELP	7010 450135	370	101000

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49321		3306 Jon Simms	1,330.00					
	08/11/22	Mileage Use of own truck	1,330.00		STREET	1000 430200	231	101000
49322		3314 Intrinsik Architecture	2,104.00					
	2022-0295 08/05/22	Subdivision Zoning	375.00*		PLNNG	1000 411000	398	101000
	2022-0295 08/05/22	Zoning Code review	1,729.00*		PLNNG	1000 411000	398	101000
49323		254 Firehole Fill Up/Economart	70.00					
	07/07/22	Fuel Voucher	45.00		HELP	7010 450135	370	101000
	07/18/22	Fuel	25.00		STREET	1000 430200	231	101000
49324		101 JC Billion Inc	3,255.75					
	83164 08/02/22	Repairs2017Ram1500	3,255.75		ROAD	1000 430200	361	101000
49325		3233 Safeguard Business Systems	583.06					
	035049136 07/21/22	Operating Checks	583.06		FINADM	1000 410510	220	101000
49326		3368 Marty Matsen	5,940.00					
	22-07-008 08/02/22	Zoning Code Review	3,960.00*		PLNNG	1000 411000	398	101000
	22-07-008 08/02/22	Planning Board Presentation	1,980.00*		PLNNG	1000 411000	398	101000
49327		333 Montana State Library	1,898.96					
	FY2023 05/26/22	MT Shared Catalog membership	1,898.96		LIBRY	2220 460100	398	101000
49328		2375 OCLC NETLIBRARY	718.65					
	1000242270 07/28/22	Membership 7/22-6/23	718.65		LIBRY	2220 460100	398	101000
49329		2896 Montana Occupational Health	963.00					
	14871 07/25/22	Physical Exam Gavagan	963.00		POLICE	1000 420100	351	101000
49330		2491 MMIA	38.60					
	1005294 07/29/22	Shipley Deductible	38.60		LIBILT	1000 510330	513	101000
49331		1934 Brenda Martin	43.87					
	07/29/22	postage	42.98		POLICE	1000 420100	311	101000
	02/08/22	office supplies	0.89		DSPTCH	1000 420160	220	101000
49332		2937 CINTAS First Aid & Safety	420.48					
	9186238674 07/28/22	First Aid supplies	420.48		POLICE	1000 420230	351	101000



08/12/22  
15:42:10

TOWN OF WEST YELLOWSTONE  
Claim Approval List  
For the Accounting Period: 8/22

Page: 7 of 8  
Report ID: AP100

\* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
49333		135 Food Roundup	71.28					
	07/18/22	Summer Rec supplies	19.98		SUMREC	1000 460449	220	101000
	07/26/22	Summer Rec supplies	27.05		SUMREC	1000 460449	220	101000
	07/28/22	Summer Rec supplies	24.25		SUMREC	1000 460449	220	101000
49334		1331 West Yellowstone Foundation	130.00					
	040122-01	04/01/22 Bus Voucher	10.00		HELP	7010 450135	370	101000
	040122-02	04/01/22 Bus Voucher	10.00		HELP	7010 450135	370	101000
	060122	06/01/22 Bus Voucher	10.00		HELP	7010 450135	370	101000
	062922	06/29/22 Bus Voucher	10.00		HELP	7010 450135	370	101000
	022222-01	02/22/22 Bus Voucher	10.00		HELP	7010 450135	370	101000
	012022	01/20/22 Bus Voucher	10.00		HELP	7010 450135	370	101000
	051622	05/16/22 Bus Voucher	10.00		HELP	7010 450135	370	101000
	062822-01	06/28/22 Bus Voucher	10.00		HELP	7010 450135	370	101000
	041122-01	04/11/22 Bus Voucher	10.00		HELP	7010 450135	370	101000
	030222	03/02/22 Bus Voucher	10.00		HELP	7010 450135	370	101000
	060522	06/05/22 Bus Voucher	10.00		HELP	7010 450135	370	101000
	041122-02	04/11/22 Bus Voucher	10.00		HELP	7010 450135	370	101000
	062222	06/22/22 Bus Voucher	10.00		HELP	7010 450135	370	101000
# of Claims 45			Total: 177,371.08					
Total Electronic Claims			2,254.91	Total Non-Electronic Claims		175116.17		

08/12/22  
15:42:16

TOWN OF WEST YELLOWSTONE  
Fund Summary for Claims  
For the Accounting Period: 8/22

Page: 8 of 8  
Report ID: AP110

Fund/Account	Amount
1000 General Fund	
101000 CASH	\$116,860.14
2220 Library	
101000 CASH	\$3,006.63
2850 911 Emergency	
101000 CASH	\$1,539.72
4075 Street Construction /Maintenance	
101000 CASH	\$13,375.50
5210 Water Operating Fund	
101000 CASH	\$2,208.67
5310 Sewer Operating Fund	
101000 CASH	\$5,811.54
7010 Social Services/Help Fund	
101000 CASH	\$265.71
7202 TBID Agency Fund	
101000 CASH	\$33,949.17
7458 Court Surcharge HB176	
101000 CASH	\$130.00
7467 MT Law Enforcement Academy (MLEA)	
101000 CASH	\$150.00
7699 Victims Assistance Program	
101000 CASH	\$74.00
Total:	\$177,371.08

WEST YELLOWSTONE TOWN COUNCIL  
**Town Council Meeting**  
**August 2, 2022**

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

OTHERS PRESENT: Town Manager Dan Walker, Finance Director Lanie Gospodarek, Public Services Superintendent Jon Simms

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

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

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

**Public Comment Period**

Glen Loomis addresses the Council regarding the outstanding sewer connection fees for the new wing of the Days Inn, which was built in 2017. Loomis contends that the fees should have been assessed and collected when the wing was built and billing them retroactively is inappropriate. Loomis says he has a check ready for \$19,720 made out to the Town Council because he is going to close on the sale of the hotel on August 10, 2022. He says that the staff clearly made a mistake five years ago and it is not right to go back and bill them for it now. He says that he would rather make a donation than make this payment under these conditions.

House District 64 Representative Jane Gillette addresses the Council and reports that while in West Yellowstone this week she has met with the Forest Service regarding the trail closures west of town, met with Steffi Siegel regarding child care issues, met with Fire Chief Shane Grube and Lindsey Charlton, met with School Superintendent Coul Hill and School Board Member Liz Watt. Tomorrow she will meet with Social Services and Mike Gavagan regarding mental health issues. She says that she has focused recently on child care and school safety. The Governor has put together a task force on housing and she will be participating in those meetings. She also says that there are two laws she wants to carry through the next legislative session: adjusting the laws of how bed tax dollars are spent and adjusting the laws for negotiations for land agreements that involve local governments.

**Council Comments**

Council Member Brian Benike wishes Jon Simms a happy birthday, recognizes Dan Walker for working for the Town for one year, thanks Town Clerk Liz Roos, Finance Director Lanie Gospodarek, and 911 Dispatch Supervisor Brenda Martin for their service to the Town.

Lisa Griffith expresses concerns about the recent spraying of noxious weeds in Town. Griffith requests that the Town Manager provide the parameters for suspending an ordinance and inquires about the payments due from Hebgen Basin Rural Fire District for the purchase of Fire Station One.

McBirnie echoes Benike's comments. Mayor Watt reminds everyone that the Rod Run and Music in the Park will take place this weekend and it will be a very busy weekend in Town.

**WORK SESSION**

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Mayor Watt calls the meeting to order. The purpose of the meeting is to discuss budget revisions for the FY 2023 municipal budget. Finance Director Lanie Gospodarek summarizes the most recent revisions that have been made to the budget, including all of the special requests from outside entities, funding the Mammoth Room project in the amount of \$245,300 for FY 2023, Rails to Trails match of \$52,465 (rollover from FY 2022), tennis court restroom with drinking fountain for \$100,000. The budget also includes annual lease payments for a new loader, \$32,000, and a used road grader for \$18,000. The Council also reviews the cash reserve

worksheet which summarizes the cash, revenue, and expenditures for each fund. The Council discusses the special funding requests for support for the annual fireworks show, CHP parent program, purchase of an electronic reader sign, Music in the Park event. The Council considers whether some of the requests should be funded from the Marketing and Promotions (MAP) Fund. Jan Neish of the Island Park News asks for clarification about the ovens at the Povah Center. Gospodarek explains that the Town budgeted to purchase the new ovens in full, minus the grant the Senior Center received from Town Pump.

### **ACTION TAKEN**

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- 1) Motion carried to approve the Claims, which total \$777,545.73. (McBirnie, Griffith)
- 2) Motion carried to approve the business license transfer and resort tax bond waiver for Geyser Street Rentals LLC dba White Buffalo Lodging made by Bill, Carole and Jason Howell, contingent upon separating the licenses for nightly and monthly rentals. (McBirnie, Benike)
- 3) Approve the Consent Agenda, which includes the minutes July 19, 2022 Town Council Meeting, amended to change “Mayor Johnson” to “Mayor Watt,” and approve the July 26, 2022 Town Council work session minutes. (Benike, McBirnie) Griffith is opposed, motion passes.
- 4) Motion carried to approve the original draft of the July 5, 2022 Town Council meeting minutes. (Benike, McBirnie) Griffith is opposed, motion passes.
- 5) Motion carried to update Policy #16 to accurately reflect current Town Council Meetings practices. (Griffith, Watt) Griffith is in favor, Watt, McBirnie and Benike are opposed. Motion fails.
- 6) Motion carried to advertise for the position of City Judge. (McBirnie, Benike)
- 7) Motion carried to approval all special funding requests, which total \$166,635. (McBirnie, Benike) Griffith is opposed, motion passes.
- 8) Motion carried to appoint Brad Schmier and Jerry Johnson to the Planning Board for a term of two years. (Benike, McBirnie)

### **DISCUSSION**

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- 3) Griffith makes a secondary motion to make multiple amendments the July 19, 2022 Town Council Meeting minutes and July 26, 2022 Town Council work session minutes as detailed in two emails she sent to the Council. Griffith reads the amendments and corrections she recommends. Motion dies for lack of a second. Griffith asks why no one will second her secondary motion. Mayor Watt responds that items on the Consent Agenda should be routine and not require debate and that according to state law, minutes should be very simple and succinct. Griffith makes a secondary motion to remove both sets of minutes from the Consent Agenda and move them to the regular agenda. Motion dies for lack of a second. Benike says that he believes the original draft of the minutes is accurate. Griffith says she provided time stamps of the Zoom recordings of the meeting and believes the original draft contains errors. Griffith expresses reasons that she is dissatisfied with the minutes as written. Watt acknowledges Griffith’s concerns but concurs that the original draft of the minutes is accurate. Glen Loomis says that in his experience, Town Clerk Liz Roos summarizes the meetings better than anyone else he has every seen. He says it is a very difficult thing to do and recommends that the more detail that goes into the minutes, the more room there is for error.

- 4) Griffith states that she has pointed out multiple inaccuracies in the minutes. She says she provided a paragraph to ensure her comments were accurately reflected. Watt reiterates that they should correct those things that are pertinent to the permanent record.
- 6) Watt explains that the Town ordinance requires that they advertise for the position of City Judge and the application must state their qualifications. Walker adds that there is no requirement to conduct interviews, so the Council can make the appointment after they advertise and accept the statement of qualifications.
- 7) John Gregory of Community Health Partners addresses the Council. He explains that he manages the program run by Patty Peterson in West Yellowstone, called Parents as Teachers. The program reaches out to young families and provides support for children between the ages of 1 and 5 and their family. He explains that although CHP is not going to operate in West Yellowstone after the end of the year, he hopes that they will be able to continue to fund the program in the future. He says that they have the funding for most of the program, but are seeking another \$20,000 to be able to fully fund the program. He explains that Peterson has worked with 30 families over the last five years, just under 1000 home visits. He says that research shows that this program has very good long-term effects. Jane Gillette comments in favor of the Parents as Teachers program and points out that it has been shown to decrease child abuse and neglect. Gregory adds that more than 50% of the funding for home visiting programs does come from the state, but that funding has been reduced in the past couple of years which is why they are seeking other sources.
- A) Griffith makes a motion to void the invoice mailed to Loomis Enterprises mailed and provide notification that account is fully paid. (Griffith, motion dies for lack of a second.)
- B) **Town Manager and Department Head Reports:** Town Manager Dan Walker reports that he has made it through his first year and appreciates all the help he and his family have enjoyed as they integrate into the community. He reports that they hired two equipment operators in Public Services last week: Milan Ivankic and Brian Varner. He reports that everything is moving forward with the employment of Mike Gavagan as Chief of Police. They have posted the Finance Director position, priority review of application received by August 23, 2022. He is working on finalizing the staffing plan and updated the job description for the Town Clerk, hope to bring that back to the Council at the next meeting. He reports that they met with local septage haulers to discuss their impact on the sewer lagoon. He reports that they are still working through negotiations with the airport land lease. The Town Engineer, Dave Noel, submitted the application last week for the Town to purchase land from the Forest Service for construction of the wastewater treatment plant.
- C) Mayor Watt explains the next item of discussion is Town Council Meeting Administration and Minutes. He says that there are options for recording and producing meeting records. The Council discusses purchasing meeting management software, recordings versus written minutes. Jan Neish comments that it is convenient to be able to review the recordings when she misses something during a meeting.

#### **CORRESPONDENCE/MEETING REMINDERS**

Griffith asks how should they handle emails between council members in reference to complying with the open meeting laws. Walker indicates that he will clarify that with Dan Clark of the MSU Local Government Center.

The meeting is adjourned 8:45. (McBirnie, Benike)

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Mayor

ATTEST:

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Town Clerk

WEST YELLOWSTONE TOWN COUNCIL  
**Town Council Work Session**  
**August 9, 2022**

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

OTHERS PRESENT: Town Manager Dan Walker, Town Attorney Jane Mersen

The meeting is called to order by Mayor Travis Watt at 5:00 PM in the Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.

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

**Public Comment Period**

Council Member Lisa Griffith states that she has previously asked for a response from the Town Attorney as to what the current agreement with Hebgen Basin Rural Fire District requires the Town to pay to the District per year for the first five years of the agreement. She says that she has asked for this information repeatedly and references Policy #16.

Jerry Johnson thanks Lanie Gospodarek for all her years of service to the Town of West Yellowstone and wishes her luck in her future endeavors.

**WORK SESSION**

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Mayor Watt calls the meeting to order. He reminds everyone that there will be a BBQ and Cook out tomorrow in honor of Lanie Gospodarek, who is retiring as the Finance Director after 20+ years of working for the town. He also reminds everyone of the Christmas in August event at the airport on August 25, 2022, which will also be a cook-out.

Mayor Watt says that the goal of the meeting tonight is to figure out how to work as a council and be more productive. He says that they have had a couple meeting with Dan Clark, Director for the Montana State Local Government Center and prepared some copies of policies that pertain to serving on the Town Council, the Charter, and guidance from Clark. Watt reviews the policies and notes that he made during that process. He asks for feedback from the rest of the council about the amount of time that should be allowed for public comment as well as comments from council members. Benike comments that he has heard complaints that the meetings are going on for too long because they are allowing commenting to go on for too long. McBirnie says that he thinks they should limit commenting. They discuss the current policies and practices. Griffith suggests establishing a policy committee to update all the policies, several of which are out of date. Watt asks for feedback about the Council Comments portion of the meeting. He says this is not common in other jurisdictions, but he does think they should keep it on the agenda. They discuss disagreement, confrontation, and meeting operations. Town Attorney Jane Mersen says that when she offers an opinion, the Council is not obligated to agree to accept her opinion. She says she does not appreciate a 45 minute debate about that opinion where she is challenged to change her opinion. They discuss improving the website, electronic records, and backing up data. Walker says that he always maintains an open door practice and his preferred method of communication is face to face. Jerry Johnson, based on his many years of experience, emphasizes that council members should really only communicate with staff through the Town Manager. They should not contact their professional consultants directly and they should not direct staff. Mathews says he has been discouraged by the lack of resolve they have given to the Town Manager and is frustrated by not getting things done. He says they sit through meetings that go until 11 PM and stuck on the minutia instead of working on getting things done. He says the council has been quite effective for the last 15 years, but the last couple of months has been frustrating and ineffective. Watt discusses the timing of council meetings and release of the council packet. In the past, meetings were held on Thursdays and they discuss alternate schedules. They discuss the length of time necessary to review the documents in the Council. Griffith suggests receiving documents sooner and suggests that they need to do a better job proofreading documents before they are released. Jan Neish of the Island Park News comments that a lot of the corrections made to documents recently seem to be phrasing and that is something that every lawyer is going to phrase differently. Watt says that there have been

questions about the role of the Mayor. Watt shares guidance about the Mayor's responsibilities. The Mayor does not direct the Town Manager or staff, but he does disseminate information and discuss issues. The Mayor does not make decisions that would obligate the Town in any way. They discuss how to effectively handle issues such as negotiations before they are ready to release the details to the public. The Council discusses the Interlocal Agreement with Hebgen Basin Rural Fire District (HBRFD), which includes the arrangement to purchase Fire Station 1 from the Town. The Council discusses the Consent Agenda, which typically includes the minutes of previous meetings. They also discuss the appropriate use of email between Council members and discussing or making decisions through means of electronic transmission. They also discuss recording or not recording meetings. Watt explains that they have no official direction or a requirement to record meetings. The group discusses communication and handling of employee wage information. The Council also discusses the procedure to pass, amend, or repeal an ordinance. There is discussion about suspending or exempting ordinances. There is discussion about responding to the desires and will of the public. Watt says he wants to run the meetings according to their accepted procedures and will do his best to accomplish this moving forward. Jerry Johnson shares advice on multiple topics, suggests that the way to move past a topic is to make a motion and end it. He says that if you disagree with something, just state your reasons and vote against the motion. He also mentions that wages paid for other cities can be found on the League's website, and if you sense there will be a lot of public comment, just announce ahead of time that comment will be limited.

The meeting is adjourned. (7:35 PM)

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Mayor

ATTEST:

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Town Clerk



## **Public Services Dept. Bi-Weekly Report: July 28th through August 11th, 2022**

### **Work performed**

Event support for ROD RUN (8/06). Help with cookout for Finance Director's farewell luncheon (8-10). Work through punch list items for Billings Clinic and building concerns at the town clinic. Daily trash route (3x/day, 7days/week), cardboard and recycling collection. Haul water valve housings, caps, pipe extensions, steel culvert pipe and castings to lagoon. Continue resolving sprinkler leaks, fixing cracked line, replacing diaphragms, scheduled to install new line for zone #1 with Swiss Precision on (8/12). Clean out curb-stop valve boxes, exercise gate valves, install valve plugs to block any further debris from building up inside valve housing. Weekly problem area inspections on SAS mainlines. Wash down SAS lateral line at park bathrooms prior to Rod Run, SAS mainlines in the 600 blocks of parkways B&C. Haul away material and debris accumulating in the snow storage areas throughout the inner parks. Add material to roadside berms as needed for proper grade. Fill in washed out areas with road base material near fire hydrants. Pressure wash raven debris from sidewalks throughout central business district as well as picnic tables at Pioneer Park. Street sweeping, brooming aprons. Utility locates as they come through. Water meter and service valve requests as needed. Haul tagged vehicles for the police department as requested. Cleanup graffiti at town park and respond to vandalism (broken mirrors, busted skylight, replace hardware on stall doors, replace plexiglass in display cases, etc.). Asphalt/pothole repairs. Continue replacing worn street signage, straightening posts. Cleanup debris blowing out of triple bin roll off containers and Abitibi's at PW shop. Mowing grass, running string trimmers, catching up on weed control, using steel wire heads to remove weeds growing through sidewalk cracks. Pressure wash vehicles and trash trailers. Check fluids and grease equipment. Have crew practice running grader on FS roads and inner parks. Tree work around town, sharpen chainsaw blades, replace filters, primer bulbs, plugs and bars. Deadfall cleanup at cemetery, fill in sunken grave spaces. Finish removing solids and debris from IP cell #5 and cell #1 at WW lagoon. Install new door on distribution well building #2, also paint well building and install new signage. Replace window regulator on 06 Durango. Install water valve for flush truck. Fix hubs and repack bearings on trash trailer #2. Work on cylinder leak to 10-ton floor jack at PW shop. Pickup 2018 Ram from Stone's Automotive in Rexburg (cylinder, cam and lifter issues are now hopefully resolved). Install new Lexan glass at town park, men's room skylight that was recently vandalized. Install shutoff valve hardware on both backup well pumphouses in the Madison Addition. Adjust door at UPDL for Mrs. Burns. Haul away wood crate for PD. Install tool rack in lift station #1. Adjust influent weir structures on separation chamber at lagoon. Adjust pump and flow rate to well #4 as needed. Fix broken catch basin casting on Geyser near Parkway D. Recode all doors to city buildings.

## Administrative

Onboarding of two new equipment operators (8/01). Voluntary termination of one of those operators on (8/08). Two more candidates did just apply on (8/10). We'll be looking to set up interviews with these candidates early next week. Discuss options for a used Vactor Truck with Art Logan at Joe Johnson Equipment. Follow up with Fremont County on their used truck as well. Meet with Kyle Stone & civil engineers with YNP to discuss their housing project within the park and their future plans to tie into WY's SAS collection system once new treatment plant is complete. Work through logistics of sealcoat treatment on Obsidian Ave, east Gibbon and north Iris St. Meet with sale rep from Jon Deere to go over leasing options and make appropriate adjustments. Meet with MK Engineering. Meet with Energy West and Anthem Broadband to look over project in Parkway-A. Continue working with Tyler at Mountain States Lighting on lighting options along Highway 20 (did just receive initial proposal on 8/03). Meet with resident at 500 Cascade to discuss possible hazard tree on adjacent property. Follow up with MDOC sign shop on status of order, proofs approved on 8/03. Visit with Gus Tureman regarding recycling and water usage at UPDL for their event in November. Reach out to Black Magic Asphalt, Knife River and High County to quote overlay for basketball court on Electric St. Reach out to Wade Surrey and HK for competitive bids on concrete project/ phase 2 of casting pond. Meet with Joe Moore regarding Casting Pond. Responded to sewer backup at visitors center on (7/30), discovered ADA toilet in women's room completely backed up and non-functional, was able to install new sensor and replace batteries on flush kit to get running again. Responded to flooding issues on (8/02) at Elkhorn Inn, Holiday Inn, Buffalo Jump Apartments, Gibbon & Dunraven, Alley A and Dunraven, Alley A and Electric St, Madison and Dunraven. Lines were found fully charged due to heavy rain event and lack of STS lines being properly cleaned over the past 30 years. Discuss ram hoist issues on 01 Freightliner #55 with Adrian at Diesel Depot. 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. Meet with Howell's Septic for access to lagoon. Review project binder on sanitary survey profile. Discuss signage issues with concerned resident at Firehole and Hayden St. Discuss crack seal, slurry seal and micro-surfacing options for this fall with Yellowstone Paving Solutions. Find out when Mountain West Electric will be onsite for retrofit in Firehole Room at UPDL. Visit with representatives from National Barricade and Sign Co. and Missions Control Software. Discuss proposal for additional/ new holding tank with Hal Boyd at Preload Tank Solutions. Respond back to Cory Hardy and the City of Ennis's inquiry on RV sewer connections and offer guidance to a project that they're currently dealing with. Ticket entry for 811's new "positive response" reporting software.

**From:** [Jon Simms](#)  
**To:** [Dan Walker](#); [Elizabeth Roos](#)  
**Subject:** FW: Bullet points 8/11/2022  
**Date:** Thursday, August 11, 2022 12:00:56 PM  
**Attachments:** [Outlook-njkpnfhk.png](#)

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**From:** Kyle Tanner <ktanner@townofwestyellowstone.com>  
**Sent:** Thursday, August 11, 2022 10:19 AM  
**To:** Jon Simms <jsimms@townofwestyellowstone.com>  
**Subject:** Bullet points 8/11/2022

Bullet points 8/11/2022

Rod Run prep  
Weekend garbage  
621 Sylvan cir, setbacks and footing inspection  
Iworq input and zoom meetings  
435 parkway B DRG prep  
Locates  
Marked trees in alleys for clean up



K.C. Tanner  
Town Of West Yellowstone  
Deputy Public Services Superintendent  
Building Codes Inspector  
Code Enforcement  
Townofwestyellowstone.com

## **SOCIAL SERVICE OFFICE**

### **HIGHLIGHTS**

**WEEK OF 8-1 /8-11 2022**

Dianna has been on vacation 8/1-4.

Still assisting the Ukrainian couple that are living here in West Yellowstone

July Monthly reports faxed to various agencies

Safety checks and Temperature Reports fax in to MFBN

Many individuals still looking for employment or a second job

Assisted a gentleman with a change of address for his Social Security account

Lots of individuals are checking out the Clothing Bank.

Several people have used our shower facilities

Ordered our 6-week food from Montana Food Bank Network, Pick up next week

Computer are being used for job resumes and job hunting

Spending extra clothing donations to a charity - Give Back Box Charity

Hoppa Mountain Book program quarterly report completed

Assisted a gentleman with medical bills. Writing appeal letter to hospitals

Di and Debbi attended the Retirement Breakfast for Brook Kelley – Days Inn

Helping with the organization of refreshments for the Bike Rodeo being held on 8/17

Again, Thanks to the Police Department for always checking in with our department.



## NOTICE OF PUBLIC HEARING

The Town Council of the Town of West Yellowstone will hold a formal budget hearing for the fiscal year 2022-2023 budget. Said hearing will be held during the regular Town Council meeting, Tuesday, August 16, 2022, which begins at 7:00 PM. The hearing will be held in the Town Hall Council Chambers, located at 440 Yellowstone Avenue.

The public hearing will review revenue sources, maintenance, operation, capital projects, debt service payments and equipment purchases for the General Fund, Special Revenue Funds, Debt Service Funds, Capital Project Funds, Enterprise Funds and Agency Funds for Fiscal year 2022-2023. The Public is invited to attend, and any taxpayer or resident may be heard, for or against, any portion of the proposed budget.

The proposed final budget is available for public review at the Town Offices, located at 440 Yellowstone Avenue, West Yellowstone, Montana. Personnel at the Town Offices can be reached at 406-646-7795.

The West Yellowstone Town Council will consider adoption of the proposed fiscal year 2022-2023 budget resolution and set the mill levy during a regular meeting of the Town Council on Tuesday, August 16, 2022 held at 7:00 PM at the Town Hall Council Chambers, located at 440 Yellowstone Avenue, West Yellowstone, Montana. The Public is invited to attend.

# **RESOLUTION NO. 781**

## **A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE, IN THE COUNTY OF GALLATIN AND STATE OF MONTANA TO ADOPT THE BUDGET FOR THE FISCAL YEAR 2022-2023**

### **BE IT HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE, MONTANA:**

1. That we adopt a general fund revenue budget in a total amount of \$4,797,079 and a General Fund expenditure budget in a total amount of \$6,779,944. The Town Court Judge wages are reflected in the general fund budget and will be hereby adopted in the general fund budget and will be adopted along with the adoption of Resolution #781.
2. That we fully fund an unassigned fund reserve as reflected in account line 1000-500601 in the General Fund, that is equal to two times the average monthly General Fund expenditure for the previous fiscal year. During Fiscal Year 2022, the average monthly expenditure was \$456,688. The unassigned fund reserve is \$913,377.
3. That we adopt Special Revenue funds revenue budget in the amount of \$8,407,187 and Special Revenue funds expenditure budget in the amount of \$10,996,203.
4. That we adopt a Debt Service funds revenue budget in the amount of \$50,000 and a Debt Service funds expenditure budget in the amount of \$455,065
5. That we adopt a Capital Improvement Program funds revenue budget in the amount of \$813,057. Capital Improvement Program funds expenditure budget in the amount of \$3,836,739. The Capital Improvement Program funds are to be used for street and building maintenance, replacement and acquisition of equipment for the Town, and construction, remodeling and improvement of Town buildings and land or to be set aside for the future purchases.
6. That we adopt Water and Sewer Enterprise revenue budgets in the amount of \$7,602,361 and Water and Sewer Enterprise expenditure budgets in the amount of \$10,538,324.
7. That we adopt Trust and Agency revenue budgets in the amount of \$353,000 and Trust and Agency expenditure budgets in the amount of \$370,025.
8. That a copy of said budget is attached hereto and by this reference made a part of the Resolution
9. #781.

**BE IT HEREBY RESOLVED BY THE TOWN COUNCIL OF THE  
TOWN OF WEST YELLOWSTONE, MONTANA:**

1. That we adopt the budget and work plan of the Tourism Business Improvement District (TBID) as proposed by the TBID Board for Fiscal Year 2022-23.
2. That a copy of said budget is attached hereto and by this reference made part of the Resolution #781.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF WEST  
YELLOWSTONE, MONTANA, THIS 16th DAY OF AUGUST AND APPROVED BY  
THE MAYOR OF THE TOWN OF WEST YELLOWSTONE.**

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

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

\_\_\_\_\_  
Council Member Jeffrey Mathews

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

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

ATTEST:

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



# **RESOLUTION NO. 782**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE, MONTANA, IN THE COUNTY OF GALLATIN AND STATE OF MONTANA, DETERMINING THE AMOUNT OF TOWN TAXES AND ASSESSMENTS FOR ALL PURPOSES, GENERAL, AND SPECIAL, TO BE LEVIED AND ASSESSED ON TAXABLE PROPERTY IN THE TOWN OF WEST YELLOWSTONE, STATE OF MONTANA, AND LEVYING AND ASSESSING SUCH TAXES, FOR THE FISCAL YEAR ENDING JUNE 30, 2023.**

**BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE, MONTANA.**

Section 1. That pursuant to the provisions of Title 7, Chapter 6, and Chapter 12, MCA, as amended, there is hereby levied and assessed on the taxable per Centrum of the assessed value of the taxable property of the town of West Yellowstone, State of Montana, as fixed and found by the Board of County Commissioners of Gallatin County, Montana, sitting as a County Board of Equalization, for the current fiscal year ending June 30, 2023, a tax of:

47.30 MILLS AS ALL PURPOSE LEVY

9.53 MILL REDUCTION FOR GO BOND OVER-COLLECTION

**FOR A TOTAL MILL LEVY OF 37.77**

Section 2. That if any part of the determinations, assessments and levies herein and hereby made shall be declared invalid, unconstitutional, or against the law, the validity of any other part of this Resolution shall not be hereby affected.

Section 3. That, pursuant to the provisions of Title 7, Chapter 6, Section 4407 MCA, and Title 7, Chapter 12, Section 4181, MCA, as amended the Town Clerk is directed to at once certify and transmit to the County Clerk & Recorder of Gallatin County, Montana, a copy of this Resolution for the collection of the taxes herein and hereby levied, by the County Treasurer as in Chapter 6 MCA, provided.



**PASSED AND ADOPTED BY THE TOWN COUNCIL AND APPROVED BY THE  
MAYOR OF THE TOWN OF WEST YELLOWSTONE, MONTANA, THIS 16th DAY  
OF AUGUST 2022.**

---

Mayor Travis Watt

---

Council Member Lisa Griffith

---

Council Member Brian Benike

---

Council Member Jeffrey Mathews

---

Council Member Jeff McBirnie

ATTEST:



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Town Clerk Elizabeth Roos

STATE OF MONTANA)

)

) Ss:

)

)

)

COUNTY OF GALLATIN

I, Elizabeth Roos, do hereby certify that I am the duly appointed qualified and acting Town Clerk of the Town of West Yellowstone, state of Montana, that as such Town Clerk, I have in my custody and am the keeper of records and minutes of the proceedings of said Town Council, that the above foregoing is a full, true, and correct, and complete copy of said Town Council's Resolution # 782, fixing, determining, assessing, and levying taxes for the said Town of West Yellowstone, for the fiscal year of said Town of West Yellowstone commencing on the first day of July 2021 and ending on the thirtieth day of June 2022 as the same is on record and on file in my office as such Town Clerk, and was passed and adopted by the said Town Council on the 16<sup>th</sup> day of August, 2022, and as approved by the Mayor of said Town of West Yellowstone on the 16<sup>th</sup> day of August, 2022.

This certificate is made pursuant to the direction of said Council contained in Section 3 of said Resolution, and pursuant to the provisions of Title 7, Chapter 6, Section 4407, MCA, and as further directed by Section 4 of said Resolution and Title 7 Chapter 6, Section 4233, MCA, and Title 7 Chapter 12 Section 4181, MCA.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of the Town of West Yellowstone, Montana, this 16<sup>th</sup> day of August 2022.

---

Town Clerk Elizabeth Roos



# RESOLUTION NO. 783

## A RESOLUTION TO COMMIT A CASH OUTLAY OF \$1,500,000 IN SEWER CAPITAL FUNDS TOWARDS MECHANICAL WASTEWATER TREATMENT PLANT

**WHEREAS**, The Uniform Budget submitted with the ARPA start-up documentation includes a cash outlay of \$1,500,000 from the Town of West Yellowstone independent of the Town's Local Fiscal Recovery Matching Funds, Minimum Allocation Grant and the Additional 1% resort tax revenue committed to the West Yellowstone Wastewater Treatment Plant project and,

**WHEREAS**, documentation of this commitment in the form of a resolution is an acceptable means of documenting a firm commitment of this Non-ARPA source of project funding.

### **THEREFORE, NOW BE IT RESOLVED THAT THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE, MONTANA:**

That the Town of West Yellowstone commits \$1,500,000 in cash outlay from the Sewer Capital Fund (5230) towards the West Yellowstone Wastewater Treatment Plant

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE, MONTANA, THIS 16th DAY OF AUGUST, 2022 AND APPROVED BY THE MAYOR OF THE TOWN OF WEST YELLOWSTONE.**

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

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

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

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

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

ATTEST:



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



THE TOWN OF

WEST YELLOWSTONE

## Marketing and Promotion Fund Advisory Board (MAPFAB)

### RECOMMENDATION TO TOWN COUNCIL (RTC) FOR AWARD APPROVAL

Event or Project Applicant: \_\_\_\_\_

Event or Project Name: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

Date Approved by MAPFAB: \_\_\_\_\_

Requested Funding Amount: \_\_\_\_\_

Approved Funding Amount: \_\_\_\_\_

Comments:

Recommendation submitted by: John M. Greve, MAPFAB Secretary

☐ This MAP Fund Award Recommendation is approved by the Town Council

☐ This MAP Fund Award Recommendation is not approved by the Town Council

Signature \_\_\_\_\_

*MAYOR OR APPOINTED REPRESENTATIVE*

Date \_\_\_\_\_

Comments:

Copy 1 – Town Clerk

Copy 2 – Town Council

Copy 3 – MAP Fund Advisory Board



# 2022 Yellowstone Airport

## Fly In



Featuring:  
Miss Montana



**Saturday  
September 17th**  
8 am - 12 pm

**Drive, Fly, or Walk  
to the WYS Airport**  
721 Airport Road  
West Yellowstone, MT


### Join us for all the fun!

Miss Montana Aircraft – Onsite Tours of Aircraft

FREE Pancake Breakfast from 8am to 10am – Bouncy House

FREE Fixed Wing Kids Flights (sign ups are from 9am - 10am)

FREE Helicopter Kids Flights (10am - 11:30am) – Miss Montana Movie Presentation

Airplanes! Airplanes! Airplanes! ... and more:  Yellowstone Airport - WYS for updates



**YELLOWSTONE  
HELICOPTERS**



Bicycle and Nordic Ski Specialists  
West Yellowstone, MT.  
[www.freeheelandwheel.com](http://www.freeheelandwheel.com)



Fuel Available from **Choice Aviation** during the event

This event was sponsored by West Yellowstone Businesses.

This event is weather dependent. Please follow Yellowstone Airport - WYS on Facebook or our website for updates: [yellowstoneairport.mdt.mt.gov](http://yellowstoneairport.mdt.mt.gov)

Alternative accessible formats of this document will be provided on request. Persons who need an alternative format should contact the Office of Civil Rights, Department of Transportation, 2701 Prospect Avenue, PO Box 201001, Helena, MT 59620. Telephone 406-444-5416 or Montana Relay Service at 711.

This document is printed at state expense. Information on the cost of producing this publication may be obtained by contacting the Department of Administration.



# Marketing and Promotion (MAP) Fund APPLICATION COVER PAGE

## APPLICANT INFORMATION

Applicant Individual or Organization: \_\_\_\_\_

Event or Project Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Application Submission Date: \_\_\_\_\_

## EVENT OR PROJECT INFORMATION

Event or Project Name: \_\_\_\_\_

Location of Event or Project: \_\_\_\_\_

Date(s) of Event or Project: \_\_\_\_\_

Estimated Total Event or Project Cost: \_\_\_\_\_

MAP Fund Amount Requested: \_\_\_\_\_

## SECTION 1 • PROPOSED EVENT OR PROJECT SUMMARY

Describe or explain your event or project. Provide enough detail so that those reviewing the application can comprehend or visualize the full scope of your event or project.

## SECTION 2 • PROPOSED TIMELINE

- Provide your event or project schedule that identifies timelines for actions such as planning, construction, promotion and implementation of activities necessary for your event or project.
- Provide a schedule of events/activities occurring during your event time period.





## SECTION 3 • PUBLICITY, PROMOTION, MARKETING

Describe how your event or project will be promoted or marketed to visitors, residents or participants. West Yellowstone, Montana or West Yellowstone, MT is to be listed, identified or present in all forms and methods of promotion and marketing of your event or project.

## SECTION 4 • PROPOSED BUDGET

- Provide a detailed line item budget for your event or project.
- A Budget Template can be downloaded [here](#) or requested by email or in person from the Board member contact and adapted for your event or project. Use of this fill in the blank Template isn't required, but is provided as a convenience for applicants who want to use it.
- Your budget should include projected income from all sources, including income from requested/applied for grants, awards, donations, contributions and sponsorships.
- Identify the amount of MAP funds you are requesting and the expenses that will be paid in part or in full with MAP funds.
- **Your request can't exceed 35% of your event's or project's total budget or \$40,000 maximum. It is within the Board's discretion to consider additional funds.**
- All budget expenses must be subsequently supported with invoices, bills, receipts, etc.
- It's beneficial for an applicant to contribute a percentage of entry fees, registrations, admissions etc. to an event's cash prizes/purse. MAP funds can be used to pay for cash prizes/purse. Requests for reimbursement of this type of expense must include a list of individual cash amount winnings, names and signatures of winners and their contact info. Also note: Check current state and federal tax regulations for payout amounts that require you to issue an IRS Form 1099 to individuals.
- MAP funds can be used to pay for administrative expenses. Click on this [link](#) to view Allowable Admin. Expenses.
- MAP funds may not be used for purchasing liquor or funding the distribution of liquor.
- Even though we ask you to submit a detailed line item budget, you can request disbursement or reimbursement in any amount for any approved expense, as long as the amounts requested aren't more than the approved amount of total funding.

**MAP Fund monies are generated from the collection of resort taxes. When applicable, please collect resort taxes for your event or project. If you're uncertain as to whether or not your event or project will be subject to remitting resort taxes, check with the town offices.**



## SECTION 5 • APPLICATION REVIEW CRITERIA

Applications will be reviewed against multiple criteria. Please provide answers to the following questions:

- 1 What are the economic, cultural, social and/or aesthetic impacts and benefits of your event or project on visitors, residents, businesses, organizations or other interests in the community and surrounding area?

## SECTION 5 · APPLICATION REVIEW CRITERIA

- 2** If not answered in the previous question, then please list the methods and estimates by which you'll determine or measure the success of your event or project, i.e. increased, additional, new or different attendance, admissions, registrations, hotel stays, marketing, website hits, partnerships and sponsorships, fund raising, aesthetic appeal etc.

**3** Has your organization received MAP funding in the past? If so, how many times and for what event(s) or project(s)? Have all vendors and expenses been paid associated with the event(s) or project(s)?

**4** Can your event or project proceed without MAP funds?

**5** If your event or project is approved for funding, how will you acknowledge the receipt of MAP funds as a funding source? The MAP Fund consists of Resort Tax funds paid by town businesses. Once an award is approved, marketing methods need to indicate, "Supported by West Yellowstone Businesses"

## SECTION 6 • APPLICATION SUPPORTING DOCUMENTATION

Provide any supporting documents, plans, pictures etc. that might be helpful to MAPFAB in reviewing and understanding your event or project. If this is a reoccurring event or project that received MAP funding last year, then please provide a copy of last year's Outcome Report.




# Certification

Applicant Individual or Organization: \_\_\_\_\_

Event or Project Contact Person: \_\_\_\_\_

On behalf of the individual or organization identified on this application, I understand that:

1. The submitted application meets the eligibility requirements for MAP funds.
2. MAP funds will not be awarded to this event or project without written notification of approval by MAPFAB and the town council.
3. MAP funded events or projects must comply with all federal, state and community licenses, permits, ordinances, laws and regulations.
4. To the best of my knowledge and belief the information in this application is true and correct and the governing body of the applicant has authorized the documentation.

Signature  \_\_\_\_\_ Name (printed) \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

## FOR OFFICE USE ONLY

☐ Application approved by MAPFAB for total requested amount of \_\_\_\_\_ Date \_\_\_\_\_

☐ Application approved by MAPFAB for only \_\_\_\_\_ of total requested amount Date \_\_\_\_\_

☐ Application not approved by MAPFAB Date \_\_\_\_\_

Reason:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



THE TOWN OF WEST YELLOWSTONE

# Marketing and Promotion (MAP) Fund

## BUDGET TEMPLATE

Name and Dates of Event /Project: Miss Montana Visits Yellowstone Airport - September 17th

Income (Types)		Email	Proposed	Actual	Difference
	Chamber of Commerce Contribution		\$1,500.00		\$1,500.00
	MAP Grant Request		\$6,000.00		\$6,000.00
	Merchandise Sales		\$300.00		\$300.00
	Choice Fuel Contribution		\$1,000.00		\$1,000.00
	Choice Young Eagles Contribution		\$1,500.00		\$1,500.00
	Choice Food Contribution		\$750.00		\$750.00
	Montana Department of Transportation Donation		\$500.00		\$500.00
	Yellowstone Helicopters Donation		\$1,800.00		\$1,800.00
	Air Methods Donation		\$200.00		\$200.00
SENT	Sweet Home Montana Property Management Donation	<a href="mailto:admin@sweethomemontana.com">admin@sweethomemontana.com</a>	\$500.00		\$500.00
SENT	Buffalo Bar Donation	<a href="mailto:sydneyrs3@gmail.com">sydneyrs3@gmail.com</a>	\$500.00		\$500.00
SENT	Free Heel and Wheel Donation	<a href="mailto:info@freeheelandwheel.com">info@freeheelandwheel.com</a>	\$500.00		\$500.00
SENT	Mountain Mama's Café Donation	<a href="mailto:mountainmamascafe@gmail.com">mountainmamascafe@gmail.com</a>	\$500.00		\$500.00
SENT	Adventure Inn Yellowstone Donation	<a href="mailto:admin@sweethomemontana.com">admin@sweethomemontana.com</a>	\$500.00		\$500.00
SENT	Madison Valley Bank Donation	<a href="mailto:ekingston@madisonvalleybank.com">ekingston@madisonvalleybank.com</a>	\$500.00		\$500.00
SENT	Coca Cola - Lehrkinds Products	<a href="mailto:carl4@lehrkinds.com">carl4@lehrkinds.com</a>	\$250.00		\$250.00
SENT	Coca Cola - Lehrkinds Donation	<a href="mailto:carl4@lehrkinds.com">carl4@lehrkinds.com</a>	\$250.00		\$250.00
SENT	Morrison Maierle Donation	<a href="mailto:teickman@m-m.net">teickman@m-m.net</a>	\$500.00		\$500.00
SENT	SmokeJumper Café Donation	<a href="mailto:james.killinger@gmail.com">james.killinger@gmail.com</a>	\$500.00		\$500.00
PAID	AVIS Rent-a-Car	<a href="mailto:sundb@msn.com">sundb@msn.com</a>	\$500.00		\$500.00
SENT	Fall River Electric Donation	<a href="mailto:ted.austin@fallriverelectric.com">ted.austin@fallriverelectric.com</a>	\$500.00		\$500.00
SENT	QuickPrint of West Yellowstone Donation	<a href="mailto:sales@quickprintwy.com">sales@quickprintwy.com</a>			
SENT	Wild West Pizzeria Donation	<a href="mailto:aaron@wildwestpizza.com">aaron@wildwestpizza.com</a>	\$500.00		\$500.00
Total Income			\$19,550.00	\$0.00	\$19,550.00

Expenses (Types)			Proposed	Actual	Difference
Aircraft	Fuel		\$1,914.00		\$1,914.00
Aircraft	Oil		\$274.00		\$274.00
Aircraft	Insurance		\$658.00		\$658.00
Aircraft	Engine Reserve		\$1,370.00		\$1,370.00
Aircraft	Crew Currency/Mx Flights		\$843.00		\$843.00
Aircraft	Crew Hotels		\$800.00		\$800.00
Aircraft	Sponsors Flight		\$2,750.00		\$2,750.00
Aircraft	Crew Food		\$300.00		\$300.00
	<b>SUBTOTAL</b>		<b>\$8,909.00</b>		
Event	Helicopter Flights		\$1,800.00		\$1,800.00
Event	Bouncy House		\$1,143.00		\$1,143.00
Event	Food for Event		\$1,000.00		\$1,000.00
Event	6 Porta Potties		\$500.00		\$500.00
Event	Water		\$200.00		\$200.00
Event	Advertising		\$5,500.00		\$5,500.00
		Printed Posters/Flyers \$500			
		Digital: FB and Online Banners and Ads \$2000			
		Radio/TV \$1500			
		Print \$1500			
	<b>SUBTOTAL</b>		<b>\$10,143.00</b>		
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
<b>Total Expenses</b>			<b>\$19,052.00</b>	<b>\$0.00</b>	<b>\$19,052.00</b>
<b>Net Income/Loss</b>			<b>\$498.00</b>	<b>\$0.00</b>	<b>\$498.00</b>



REQUEST FOR VOIDING CITY'S INVOICE DATED 4/13/22

Re: Connection Fees, Days Inn North Wing dated 4/13/22

We are contesting at this time all issues relating to this assessment, including but not limited to the following:

- 1) Days Inn applied for a building permit in 2016. Our plans were reviewed and inspected by the official appointed by the City at that time, Keith Fletcher. Loomis paid the building permit fee that was assessed and received a building permit on 10/5/2016 Number 2016-BLDG-000938. Loomis began construction and received an occupancy permit for our North Wing on 5/25/2017.
- 2) In addition, Loomis provided a water study to the city which purpose was to demonstrate that the proposed new, energy efficient fittings and fixtures in the new wing and replacement fixtures in the West wing would diminish or negate any impact on the City's water supplies due to the new construction.
- 3) Loomis is now in receipt of Invoice in the amount of \$19,720 for a sewer connection fee that claims to be resulting from the construction that was not assessed during the construction process. Firstly, we note that the city's invoice notes that there was "NO ADDITIONAL CONNECTION FEES" in relation to a water connection.

Loomis asserts:

- a) We paid what was assessed, timely and properly and completed construction 5 years ago, and 6 years from the date of the building permit.
- b) The City is now overstepping its bounds in that it had appointed an official to act on its behalf who was duly empowered and tasked with assessing all fees that are due. Loomis worked in good faith with that city official and received a building permit. We relied upon that building permit as attesting that our duty to the city had been fulfilled. According to 15.04.050 in the city code where it states:

"The town council may assign the duty of inspections under the Uniform Fire Code to the building official or to a designated fire inspector. Final inspections and issuance of certificates of occupancy shall be conducted in accordance with the applicable building codes."

- c) And now the city wishes to assess newly found fees stemming from our construction. This new assessment is acting directly against the rules of its own Resolution No. 677 which states:

August 2, 2022

- "2) Effective July 1, 2016, each new sewer connection shall be assessed a connection fee of \$3000 per equivalent user.
3. The connection fee will be charged one time only.
4. The connection fee will be collected at the time that all other fees associated with building construction and inspection are collected.
5. All connection and building fees must be paid prior to commencement of construction."

There are numerous points to be made from this passage:

- The fee was for new users. We were not new. We had an existing 3" line. There were no additional connection fees assessed for water because of the existing line. Therefore, there is no new sewer connection to be assessed either.
- Connection fees are to be collected one time only. This was an existing connection, permitted by the city on our property. Assessing a new connection fee now, will result in multiple charges for the connection.
- The time for the connection fees to be collected by the city was for them to be assessed and collected prior to the commencement of construction. Construction was completed May of 2017---5 years ago.

Loomis asserts that no additional sewer connection fees were not assessed because the city's appointed official believed them not to be required in our circumstance, and that the city is retroactively second guessing its own appointed official.

Our 4/13/22 invoice shows the waiver by the city of any assessment for a new water connection fee as we had an existing one already. Prior to our permit approval with the city, Loomis provided information that showed that our new water saving efficient fixtures would lessen or negate any impact we might have on the Town's water supply. Logically, if Loomis had a decreased water impact, we would expect that we also would have a decreased sewer water impact on the city. Therefore, this fee would also be waived logically.

In fact, in Municipal Code 13.08.115 it states:

"If a significant user, such as an industrial user, has completed in-plant modifications which would change that user's wastewater contribution percentage, the user can present, at a regularly scheduled meeting of the town council, such factual information and the town shall then determine if the user's wastewater contribution percentage is to be changed. "

For all or some of the reasons above or frankly for unknown reasons that Loomis would know at this time, Loomis believes that Keith Fletcher, the city appointed official, assessed the building permit fees as he saw warranted our particular construction situation and collected all that was due when he issued Loomis a permit on 10/5/2016. You will note from the Resolution that the appropriate fees were to be collected prior to the commencement of construction. Obviously, if Keith Fletcher did

August 2, 2022

not assess a sewer connection fee, he did not believe it to be appropriate to our situation.

For the city to circumvent and overturn the authority of their City official 5 years after the fact begs the question as to the real power and authority their officials truly have.

The City is acting incorrectly in retroactively assessing newly discovered fees five years after the completion and occupancy of a permitted building in order to (as they state in their letter dated 4/13/22:

“in preparation for funding of the new wastewater treatment plant. . . .”

We can only assume that we are being improperly selectively targeted to help fill the city's funds in order for them to proceed with their particular budget needs.

Even if Loomis agrees that this newly assessed fee is proper and due (which we absolutely do not), we vehemently find fault with the lack of any abatement to any applicable standard fee (if such should have been assessed) due to the anticipated water usage decrease due to the installment of water efficient fixtures. Additionally, Loomis finds fault with the lack of any abatement or reduction to this retroactive fee nearing \$20,000 assessed 5 ½ years after it might have or should have been. If this fee was due, the City's gross mishandling of it in nearly six years after the completion of construction should provide for an offset, abatement or complete waiver by the City in full as Loomis constructed and dealt in good faith with the City every step of the way during our proposal for construction, active construction and completion of our project in West Yellowstone.

Loomis does not believe that the City is acting in good faith on behalf of the citizens of the Town of West Yellowstone to pursue this sewer connection fee amounting to \$19,720. Loomis adamantly requests the city's invoice dated 4/13/22 in the amount of \$19,720 to be voided and the resultant nullification of the city's invoice provided to us for our records.

Loomis reserves the right to pursue all available options on its own behalf if the city rules against this request for the waiving and voiding of the City's invoice dated 4/13/22. Thank you for your consideration.

Sincerely,

Glen Loomis  
Loomis Enterprises

# TOWN OF WEST YELLOWSTONE

April 13, 2022

Loomis Enterprises, Inc.  
Attn. Brock Kelley  
PO Box 1110  
West Yellowstone, MT 59758

RE: Connection Fees, Days Inn north wing

Dear Brock,

After recent review of connection fee collections over the past ten years, and in preparation for funding of the new wastewater treatment plant, it has been determined that connection fees for the new wing at the Days Inn were never assessed nor collected. According to our records, in 2016, Loomis Enterprises, Inc. was authorized to replace the existing 2-story "Starlight" motel with a new 3-story wing of the Days Inn. The project was approved in March of 2016 and resulted in the addition of 17 new hotel rooms.

Our research indicates that it was determined at the time that additional water capacity was not required due to the installation of water efficient fixtures throughout the hotel and the existing water line. However, sewer capacity for the 17 new rooms was not addressed. Attached is an invoice for \$19,720.00, calculated at the rates that were in effect in 2016.

We realize this billing is significantly delayed and unexpected. The Town does not charge interest in situations such as this and would be willing to work out a payment plan, if necessary. If you have any questions, please don't hesitate to contact the Town.

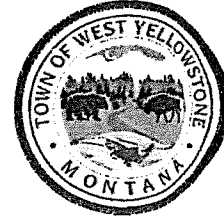
Thank You,



Elizabeth Roos  
Town Clerk



TOWN OF WEST YELLOWSTONE  
WATER AND SEWER HOOKUP/USAGE FEES  
PO Box 1570  
440 Yellowstone Avenue  
West Yellowstone, MT 59758



Date:	13-Apr-22			
Project:	Days Inn			
Feature:	Addition of 17 rooms, north wing			

#### WATER

Existing 3" water line, no additional connection fees

**WATER CONNECTION FEE \$0**

#### SEWER

North wing originally had two stories, rebuilt in 2016 to three stories, added 17 new rooms.

Hotel rooms = .4 SFE

Sewer connection fee for 1 SFE = \$2900 (2016 rate)

$$\$2900 \times 17 \text{ rooms} \times .4 = \$19,720.00$$

**SEWER CONNECTION FEE: \$19,720.00**

**TOTAL      \$19,720.00**

Payment due upon receipt

**AUG 01 2022**

Date: 10/5/2016

Number: 2016-BLDG-000938

**BUILDING PERMIT**  
STATE OF MONTANA  
BUILDING CODES BUREAU  
301 S. PARK, PO BOX 200517  
HELENA, MT 59620-0517

**Loomis Family Limited Partnership**  
**Po Box 1110**  
**W Yellowstone, MT 59758-1110**

**County:** Gallatin

**Project Name:** DAYS INN MOTEL Expires: 4/5/2018  
**LOOMIS FAMILY PARTNERSHIP**  
**PROSET**

**Contractor:**

**Owner:** Loomis Family Limited  
Partnership

**Inspector:** Paul Drake

**Phone:** 406-202-3494

**Location:** 118 Electric St  
West Yellowstone, Mt  
59758

**Plan Reviewer:** Keith Fletcher



Bureau Chief, Building Codes Bureau

For all work done under this permit number the permittee accepts full responsibility for compliance with the National Electrical Code or Montana State Plumbing/Mechanical Code as amended and other applicable State codes and Statutes.

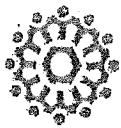
Granted in accordance with Title 50, Chapter 60, Part 2, MCA, and all other administrative rules promulgated there under.

Granting of this provisional permit does not implicitly or expressly preempt or authorize violation of the provisions of any other state or local law relating to or regulating building construction. It remains the responsibility of the permit holder to comply with the State Building Codes regardless of whether non-complying items were identified during plan review or during inspection.

Check local zoning requirements. State licensing laws require that only properly licensed personnel be used to install electrical or plumbing systems on commercial or public projects.

**DISABILITY ACCESS NOTICE**

Compliance with the requirements of the state building code for physical accessibility to persons with disabilities does not necessarily guarantee compliance with the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1972, the Fair Housing Amendments Act of 1988, Title 49, Chapter 2, commonly known as the Montana Human Rights Act, or other similar federal, state, or local laws that mandate accessibility to commercial construction or multifamily housing.



Montana Department of  
**LABOR & INDUSTRY**

Steve Bullock, Governor  
Paul Bucy, Commissioner

Business Standards Division  
Jack Kane, Administrator

**Occupancy Approval**

Date: 5/25/2017

To: Brock Kelley

Address: PO Box 1110

City: West Yellowstone State: MT Zip Code: 59758

Regarding Building Permit #: 2016-BLDG-000938

Project Name: Days Inn

Project Location: 01 Madison, West Yellowstone, MT 59758

To Whom It May Concern:

The above project has been inspected by the Building Codes Bureau and appears to be in substantial compliance with the 2012 International Building Code and is approved for occupancy.

Thank you for your cooperation.

Sincerely,

Signature: Paul Drake

Digitally signed by Paul Drake  
Date: 2017.05.25 10:42:56 -06'00'

Building Inspector  
Building Codes Bureau

Telephone: (406) 202-3494 E\_mail Address: pdrake@mt.gov

Address: PO Box 200517

City: Helena State: MT Zip Code: 59620

cc: \_\_\_\_\_

# Loomis Enterprises, Inc

DAYS INN WEST YELLOWSTONE  
301 Madison, P.O. Box 1110  
West Yellowstone, Montana 59758  
(406) 646-9332 ext. 452, Fax (406) 646-9762  
Email: loomisent@gmail.com

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

April 19, 2022

Town of West Yellowstone  
P.O. Box 1570  
W.Yellowstone, MT 59758

Re: Connection Fees, Days Inn North Wing dated 4/13/22

Dear Ms. Roos:

This purpose of this letter is relating to your invoice for \$19,720 and your letter with it dated April 13, 2022, which we received on April 18, 2022.

We are writing to inform you that we are at this time reserving our rights to dispute and contest this assessment invoice in part or in whole. We are currently thoroughly investigating our records and the exact timeline of the building process and the timeline of the city's handling of this matter.

We are contesting at this time all issues relating to this assessment, including but not limited to the following:

- The actual accuracy of assessing a sewer impact fee when there was no new connection fee and therefore the water connection fee was waived in the building process.
- The proper assessment of a fee resulting from activity 6 years prior to the date of the attempted collection and newly created invoice, and the lack of abatement of the assessment due to the extreme mishandling by the city in the assessment process, if in fact any assessment was due and owing.
- The lack of any abatement of any applicable standard fee (if such should have been assessed in this incident at all) due to the anticipated water usage decrease due to the installment of water efficient fixtures in the new wing and the west wing. These fixtures had been committee inspected and reviewed and approved in advance by the city.

Please be informed that we fully intend to explore all proper and legal avenues in our investigation and pursuit of the voiding and revocation of this assessment, if we deem that we are being improperly assessed.

We will be in contact with the city after we have finished this process.

Sincerely,

151  
Glenna Kelley  
Loomis Enterprises

Cc: Dan Walker

U.S. Postal Service®  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For Delivery Information, visit our website at [www.usps.com](http://www.usps.com)®.

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage \$ 7.33

Total Postage and Fees \$

Sent To Town of WY.

Street and Apt. No., or PO Box No. 1570

City, State, ZIP+4® W.Y., MT 59758


PS Form 3800, April 2018 PSN 7530-02-000-9047 See Reverse for Instructions

7017 2400 0000 1427 3840

WEST YELLOWSTONE MT  
APR 21 2022  
USPS



## MEMORANDUM

TO: Dan Walker  
FROM: Jane Mersen   
RE: Loomis sewer connections assessment  
DATE: August 12, 2022

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On April 13, 2022, the Town sent a letter and a bill to Loomis Enterprises, Inc., for a sewer connection fee, (the "Fee"), for the addition of 17 rooms to the Days Inn hotel in 2017. The amount of the assessment was \$19,720.00. This amount was based on the fees and SFEs that were in place in 2016. The construction adding the rooms was completed in May of 2017. It appears that the Town did not bill Loomis for the sewer connections associated with the 17 additional rooms at the time the building permit was obtained. Once the Town realized Loomis had not been assessed for the connections, it sent out the April bill.

On August 2, 2022, Glen Loomis submitted a "Request For Voiding City's Invoice Dated 4/13/22", to the Town asking that the Town "void" the bill thereby foregoing collection of the sewer connection assessment. Mr. Loomis stated numerous reasons in his request as to why the Town is "overstepping its bounds" by trying to collect the amounts due. I do not intend to address every "point" Mr. Loomis set out, but I do want to provide the Council the documents that I believe will assist it in the decision of whether or not to void the \$19,720.00 bill.

1. The Building Permit. This permit was issued by the State. Since the project was commercial in nature, it was inspected by the State and not the Town. Mr. Fletcher, an employee of the State, was the Plan Reviewer and was not an agent or employee of the Town. The permit contains the following pertinent language:

Granting of this provisional permit does not implicitly or expressly preempt or authorize violation of the provisions of any other state or local law relating to or regulating building construction (emphasis added).

2. Resolution No. 544. This resolution was in effect at the time that Loomis applied for the building permit in 2016. The Resolution provided in subsection (8), the following:

In such cases where a sewer connection is already in place and the Town receives a change in use request for the property, the Town will apply the equivalent user chart to the new use. If the new use results in a higher equivalent use number/greater impact on the waste water treatment system the Town will assess a connection fee based on the difference between the original and the increased equivalent use number.

The Equivalent User Schedule attached to Resolution No. 544 places the user fee for a hotel room at 0.20 and an additional 0.20 if the room has a bathroom for a total of 0.40 for each such room. Days Inn added 17 rooms with bathrooms which then should be charged 0.40 SFE for the

new rooms to use the Town's sewer system. Further, Resolution No 545 set the new sewer connection fee at \$2,900 per equivalent user.

3. The April 13, 2022 bill for the sewer connection fee. The assessment sent to Loomis Enterprises in April of 2022 used the calculation that was in place in 2016 only. Further, since Loomis presented evidence to the Council in March of 2016, that he was installing water conserving fixtures, the Town agreed to waive any water connection fees.
4. Meeting Minutes March 15, 2016. The minutes show that Loomis did provide information to the Town that the new fixtures to be used in the hotel would reduce their water use by 25.6%. While not specifically stated in the minutes, the Town ultimately waived a water connection fee for the additional rooms. There was no discussion about a waiver of sewer connection fees.
5. Days Inn Water Usage Calculations. The calculations that were submitted by Loomis to the Town in July of 2015 clearly show the reduction in water use. There is nothing in the information presented that discussed sewer use. Loomis provided no evidence of any request to waive the sewer connection fees or any resulting action by the Town Council or the Town Manager that such fees were waived.
6. Section 13.08.115 WYMC. This section provides, in part, if a significant user has completed in-plant modifications which would change that user's wastewater contribution percentage, the user can present, at a regular scheduled meeting of the town council, such factual information and the town shall then determine if the user's wastewater contribution percentage is to be changed. Loomis never submitted any such information to the Town Council.

Loomis is presumed to have knowledge of the laws that were in effect at the time it applied the building permit. Loomis knew in 2017 that it would owe for a sewer connection and that it had not been charged for it. Loomis is not harmed by the Town's mistake. If the Town voids the fee, the citizens of the Town will continue to bear the burden of Loomis' additional rooms on which only Loomis has profited.

Date: 10/5/2016

Number: 2016-BLDG-000938

**BUILDING PERMIT**  
STATE OF MONTANA  
BUILDING CODES BUREAU  
301 S. PARK, PO BOX 200517  
HELENA, MT 59620-0517

**Loomis Family Limited Partnership**  
Po Box 1110  
W Yellowstone, MT 59758-1110

**County:** Gallatin

**Project Name:** DAYS INN MOTEL Expires: 4/5/2018  
LOOMIS FAMILY PARTNERSHIP  
PROSET

**Contractor:**

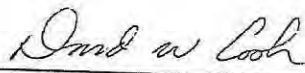
**Owner:** Loomis Family Limited Partnership

**Inspector:** Paul Drake

**Location:** 118 Electric St  
West Yellowstone, Mt  
59758

**Phone:** 406-202-3494

**Plan Reviewer:** Keith Fletcher

  
Bureau Chief, Building Codes Bureau

For all work done under this permit number the permittee accepts full responsibility for compliance with the National Electrical Code or Montana State Plumbing/Mechanical Code as amended and other applicable State codes and Statutes.

Granted in accordance with Title 50, Chapter 60, Part 2, MCA, and all other administrative rules promulgated there under.

Granting of this provisional permit does not implicitly or expressly preempt or authorize violation of the provisions of any other state or local law relating to or regulating building construction. It remains the responsibility of the permit holder to comply with the State Building Codes regardless of whether non-complying items were identified during plan review or during inspection.

Check local zoning requirements. State licensing laws require that only properly licensed personnel be used to install electrical or plumbing systems on commercial or public projects.

**DISABILITY ACCESS NOTICE**

Compliance with the requirements of the state building code for physical accessibility to persons with disabilities does not necessarily guarantee compliance with the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1972, the Fair Housing Amendments Act of 1988, Title 49, Chapter 2, commonly known as the Montana Human Rights Act, or other similar federal, state, or local laws that mandate accessibility to commercial construction or multifamily housing.

## **RESOLUTION No. 544**

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE CAUSING AN INCREASE IN THE UNIT CHARGE FOR SEWER SERVICES AND FIXING THE RATE THEREOF, CAUSING AN INCREASE IN SEWER CONNECTION AND INSPECTION FEES, AND CAUSING AN INCREASE IN THE SEPTAGE DUMPING FEE

WHEREAS, the Town of West Yellowstone constructed its waste water treatment facility to accommodate further growth, and

WHEREAS, the Town of West Yellowstone will grow and this growth will necessitate further expansion and improvement of the wastewater system in the future, and

WHEREAS, the Town Council desires to ensure that the Town will collect funds sufficient for ongoing operations and maintenance, together with funds to expand and improve the waste water treatment system, and

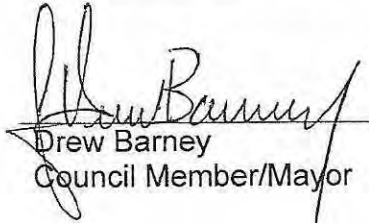
WHEREAS, 69-7-101 MCA authorizes the Town to regulate, establish, and change, as it considers proper, rates, charges and classifications imposed for utility services to its inhabitants and others served by the municipal utility system that are reasonable and just.


NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of West Yellowstone, County of Gallatin, in the State of Montana that:

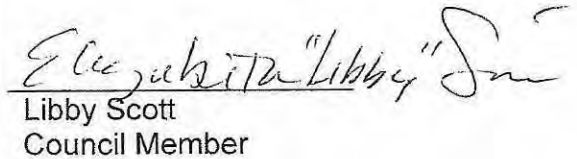
- 1) Effective January 1, 2009, the current monthly equivalent use rate of \$7.15 per 1.0 equivalent user will be changed to \$13.50 per 1.0 equivalent user.
- 2) Effective January 1, 2009, each new sewer connection shall be assessed a connection fee of \$2900 per equivalent user.
- 3) The connection fee will be charged one time only.
- 4) The connection fee will be collected at the time that all other fees associated with building construction and inspection are collected.
- 5) All connection and building fees must be paid prior to commencement of construction.
- 6) Connection fees will be collected on all projects occurring within the corporate limits of the Town of West Yellowstone.
- 7) Such connection fees shall be subject to periodic review and revision at an interval deemed appropriate by the Town Council.
- 8) In such cases where a sewer connection is already in place and the Town receives a change in use request for the property, the Town will apply the equivalent user chart to the new use. If the new use results in a higher equivalent user number/greater impact on the waste water treatment system the Town will assess a connection fee based on the difference between the original and the increased equivalent use number.

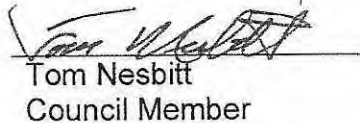
9) Effective January 1, 2009, the septage dump fee will be increased to \$150 per dump for the first one thousand gallons and \$0.11 per gallon for every additional gallon.

PASSED AND ADOPTED BY THE TOWN COUNCIL AND APPROVED BY THE MAYOR FOR THE TOWN OF WEST YELLOWSTONE THIS 18 DAY OF November, 2008.

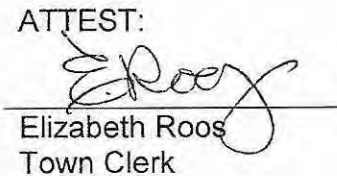
  
Drew Barney  
Council Member/Mayor

  
Mary Phillips  
Council Member

  
Libby Scott  
Council Member

  
Tom Nesbitt  
Council Member

  
Pierre Martineau  
Council Member

ATTEST:  
  
Elizabeth Roos  
Town Clerk



# EQUIVALENT USER SCHEDULE

<u>CLASSIFICATION</u>	<u>EQUIVALENT USERS</u>
Apartments, Duplex and Trailers in Trailer Courts (per each)	1.00
Assembly Hall or Lodge (no cafe)	1.00
Bar or Tavern (for each seat)	0.06
Barber & Beauty Shops (per chair)	0.20
Bowling Alley (per lane)	0.20
Cafe, up to 50 seats	2.00
for each additional 25 seats	1.00
Cafe, Drive-in, less than 20 inside seats	2.00
for each additional 20 inside	1.00
Car Washes, per stall	2.00
Churches (single congregation)	2.00
Multiple congregations for each additional	1.00
For churches which meet on Sunday only	1.00
Garage or Maintenance Shop	1.00
Hospitals or Medical Clinics (with no beds)	3.00
For each additional bed	0.50
Hotels, Motels, or Rooming House per unit	0.20
Additional per unit with kitchens	0.20
Additional per unit with bathrooms	0.20
Institution with permanent or temporary residents	1.00
Rest Homes, etc. (plus per resident)	0.30
Laundromat, up to 10 washers	2.00
Each additional washer	0.10
Office, up to 20 employees	1.00
For each additional employee	0.03
Schools, no cafeteria, per student	0.02
With cafeteria, per student	0.03
Service Station	2.00
Single Dwelling Unit (residence) (home, trailer, or condominium)	1.00
Store or Business, up to 20 employees	1.00
Each additional employee	0.03
Supermarkets, Grocery	2.00
With butcher shop additional	1.00
With bakery additional	1.00
Theaters (per seat)	0.03
Warehouses, potato, etc., per 6,500 gallons/month	1.00
Open class per 6,500 gallons/month	1.00

# TOWN OF WEST YELLOWSTONE

April 13, 2022

Loomis Enterprises, Inc.  
Attn. Brock Kelley  
PO Box 1110  
West Yellowstone, MT 59758

RE: Connection Fees, Days Inn north wing

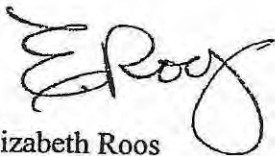
Dear Brock,

After recent review of connection fee collections over the past ten years, and in preparation for funding of the new wastewater treatment plant, it has been determined that connection fees for the new wing at the Days Inn were never assessed nor collected. According to our records, in 2016, Loomis Enterprises, Inc. was authorized to replace the existing 2-story "Starlight" motel with a new 3-story wing of the Days Inn. The project was approved in March of 2016 and resulted in the addition of 17 new hotel rooms.

Our research indicates that it was determined at the time that additional water capacity was not required due to the installation of water efficient fixtures throughout the hotel and the existing water line. However, sewer capacity for the 17 new rooms was not addressed. Attached is an invoice for \$19,720.00, calculated at the rates that were in effect in 2016.

We realize this billing is significantly delayed and unexpected. The Town does not charge interest in situations such as this and would be willing to work out a payment plan, if necessary. If you have any questions, please don't hesitate to contact the Town.

Thank You,



Elizabeth Roos  
Town Clerk



**TOWN OF WEST YELLOWSTONE  
WATER AND SEWER HOOKUP/USAGE FEES**

PO Box 1570  
440 Yellowstone Avenue  
West Yellowstone, MT 59758



Date:	13-Apr-22			
Project:	Days Inn			
Feature:	Addition of 17 rooms, north wing			

**WATER**

Existing 3" water line, no additional connection fees

**WATER CONNECTION FEE \$0**

**SEWER**

North wing originally had two stories, rebuilt in 2016 to three stories, added 17 new rooms.

Hotel rooms = .4 SFE

Sewer connection fee for 1 SFE = \$2900 (2016 rate)

$$\$2900 \times 17 \text{ rooms} \times .4 = \$19,720.00$$

**SEWER CONNECTION FEE: \$19,720.00**

**TOTAL      \$19,720.00**

Payment due upon receipt



WEST YELLOWSTONE TOWN COUNCIL  
**Town Council Meeting**  
**March 15, 2016**

COUNCIL MEMBERS PRESENT: Mayor Jerry Johnson, Brad Schmier, Pierre Martineau, Cole Parker, Greg Forsythe

OTHERS PRESENT: Town Manager Daniel Sabolsky, Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Chief of Police Scott Newell, Social Services Director Kathi Arnado, WY News Editor Jeremy Weber

Richard & Teri Gibson, Donald Holtzen, Marin Aurand and Monika Rogers from the Yellowstone Historic Center, Helene Rightenour, Brock Kelley, Glen Loomis, Randy Wakefield-Fall River Electric, and Jason Howell-WY School Board

The meeting is called to order by Mayor Jerry Johnson at 7:00 PM in the West Yellowstone Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.

Portions of the meeting are being recorded.

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

**ACTION TAKEN**

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- 1) Motion carried to approve Purchase Order #6732 to Bear Saver to purchase eight bear-proof garbage cans. (Schmier, Martineau)
- 2) Motion carried to approve the claims which total \$88,251.42. (Forsythe, Parker) Forsythe abstains from claim #41820, Schmier abstains from claim #41824.
- 3) Motion carried to approve the Consent agenda, which includes the minutes of the March 1, 2016 Town Council meeting. (Martineau, Forsythe)
- 4) Motion carried to approve the parking plan for the Days Inn and allow the Loomis Family Partnership to purchase 30 parking spaces through the cash-in-lieu to satisfy the parking requirements. (Forsythe, Martineau) See Next Motion.
- 4a) Secondary motion carried to reduce the amount of parking spaces to be purchased to 28 and that the 2 additional spaces for the restaurant be considered mixed and shared use, with the stipulation that if the amount of rooms change, the plan will be reviewed again. (Johnson, Martineau) Parker is opposed, motion passes, replaces previous motion.
- 5) Motion carried to table the request from the School regarding the water main installation until after the School receives all the bids for the project and can determine what financial position they are in. (Martineau, Parker)
- 6) Motion carried to approve Resolution No. 675, a resolution authorizing the Town Manager to sign all financing related documents with First Security Bank for the purchase of 80 acres of US Forest Service land. (Schmier, Forsythe)
- 7) Motion carried to table the request from the Yellowstone Historic Center to add an addendum to the lease for the Union Pacific Dining Lodge until the next meeting when the final addendum can be presented for approval. (Forsythe, Schmier)

**Public Comment Period**

No public comment is received.

### Council Comments

Pierre Martineau reports that Mr. Jim (Hostetter) from the Little Geysers Daycare is going in for open heart surgery next week for two plugged valves and hopes everyone will keep them in their thoughts. He also says that he would like to have a work session to discuss the appearance of Old Town, specifically the property along Highway 20.

Forsythe says that last year they took legislation to the legislature last year to increase the resort tax by 1% to fund historic preservation, but the measure failed. He suggests preparing such legislation to make another run at it next year. The group briefly discusses why the legislation failed last year. Glen Loomis is present at the meeting and suggests petitioning the legislature to allow communities to add ½ percent of 1% to the resort tax laws to fund historic preservation only and only if voted in by the community. He also mentions that Big Sky hired a lobbyist last year and if they are serious about it that is probably what they need to do.

### DISCUSSION

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- A) **Advisory Board Reports:** Council Member Parker reports that the Health Care Services Advisory Board has met twice over the last two weeks to review the responses to the Health Care RFP. Patterson reports that the Planning Board met last week but did not have a quorum present.
- B) **Town Manager & Department Head Reports:** Town Manager Daniel Sabolsky reports on current issues - **Water and Sewer Issues:** We have received estimates from Dick Dyer on the amount of revenue that will be generated from the Water and Sewer rate adjustments. The additional revenue will be used to replace the aging water/sewer lines, undertake system upgrades, and install system back-ups. The rate adjustments will be used for items that need to be undertaken whether the town develops the 80 acres or not. At upcoming Council meetings, we will start the process of approving the adjustments. Status: On-going. **Recreation Scholarships:** Kathy and Brandy are working on the grant proposal and have had conversations with potential donors. Status: On-going. **WYED Consulting Contract – Public Input Project:** I meet with some members of the WYED Board, HRDC staff members, and Habitat for Humanity (also, Ms. Goldstein) regarding the development of residential units on Electric Street and another project within the Town. Status: In progress. **Food Truck Ordinance:** I have completed most of the research to draft an ordinance to address food trucks in the Town, if desired by council. As requested by Council, I forwarded a copy of an educational pamphlet by the American Planning Association and a sample ordinance from the City of Raleigh. Status: No action. **Grizzly Internet:** Five weeks ago, the Town emailed the assignment of lease document to Safelink for their signatures. As of the writing this report, we have not received it yet. However, Ms. Roos has received an e-mail from Safelink stating they are waiting on their bonding. Status: Pending. **Payroll System:** The management staff has been exploring the option to fully automate the payroll system before the Town converts to a bi-weekly payroll system. We have tentatively decided to use Black Mountain's Payroll Module. On March 23, Black Mountain will be at Town Hall to demonstrate their software. Status: In-progress. **Growth Policy:** The Planning Board has been working on the update to the Town's Growth Policy. The revisions and formatting have been completed. Last week, the Planning Advisory Board approved the Growth Policy plan with one condition: there are couple of sentences added addressing the snow grooming activities in the Town and surrounding areas. Once the information is provided and added to the document, the final draft will be sent to the Town's legal counsel. Status: In-progress. **Police/Dispatcher/ 911 Training:** The staff has reviewed proposals for the hardware needs (servers etc.) for the 911. We are ready to select a vendor, but we will need to make a budget amendment. In addition, we are part of an RFP with Gallatin County for 911 stations. We have been interviewing companies to rewrite the Department's policy manuals. Status: In-progress. **80 Acre Financing:** The Town signed the Conditional Commitment Letter with First Security Bank for the financing of the 80 acres. The Finance Director has contacted Ms. Cynthia Weed, of K & L Gates, to assist the Town with drafting the necessary documents to assign a portion of



the Resort Tax to service the debt with First Security. I will be signing an engagement with K & L Gates next week after the letter is reviewed by our legal counsel. Status: In progress. **Summer Traffic Issues:** This summer, both Idaho and Montana, plan on substantial road projects on Route 20, 87, and 287. Status: In progress. **Days Inn Parking:** Met with a representative from Days Inn about their proposed expansion of their building and parking. Staff reviewed their plan with the Planning Advisory Board. We had a follow-up meeting with Days Inn before presenting their plan to council. Status: In progress. **School Expansion Project:** Met with the West Yellowstone School District superintendent and a Board member about their pending project. We were able to coordinate the infrastructure needs of the new school addition. Once the bids are received and reviewed, the school will have a better idea if they need further assistance from the Town. We anticipate meeting with the School District in early May. Status: In progress. **Organizational Development:** Two management initiatives have been started: 1) Performance Management (10 Webinars) from MMIA and 2) The Leadership Challenge - training being provided by Montana State.

**Town Related Items:**

- Meet the Medical Advisory Board (2).
- Worked with Legal Counsel on pending litigation and mediations.
- Attended two Planning Advisory Board meetings.
- Attended the Chamber of Commerce monthly meeting.
- Worked with Town Engineer on School Project.
- Attended Cluster-Gallatin National Park Planning Meeting
- Working on minor alterations to the Resort Tax ordinance.
- Attended Montana's Executive Academy with Liz Roos.

**Public Events Attended:**

Kids-n-Snow, Snow Shoot, Snowmobile Expo, West Yellowstone Sled Dog Races, and Wild Bill Octane.

Public Services Superintendent James Patterson reports that they made it through the Snowmobile Expo and Wild Bill Octane Nights concert events last weekend. They are close to being finished with the remodeled restroom at the Police Station and are working on other portions of that building. He also mentions that they have had a lot of repair expenses on equipment this winter and they are over budget. He says they are preparing for spring and the effects of the snow melt. Social Services Director Kathi Arnado reports on a meeting she attended recently about the increased enrollment for Montana Medicaid. She says that they expect to see more people looking for assistance filing for unemployment. She says she also certified this year to be an IRS certified tax prep consultant. Finance Director Lanie Gospodarek reports on preparations for upgrading the payroll program, advertising and preparing for the water and sewer rate increases, financing for the 80 acres. Chief of Police Scott Newell reports that the weekend events went smoothly. He says they did receive a \$4000 mini-grant to cover overtime from the weekend. He said they only had two arrests over the weekend and the security was very effective.

- 4) Mayor Johnson explains that the parking plan for the Days Inn was tabled at the last meeting pending additional information. Town Manager Dan Sabolsky presents a full-size site plan for the property and outlines the calculations they performed to determine how many parking spaces are required. The entire property requires 145 spaces and there are 114 spaces onsite, but the ordinance requires 80% of the parking for a hotel to be on-site, which would be 116 spaces. According to the ordinance, the motel can count half of the parking spaces on the street towards the cash in lieu spaces that can be purchased. Glen Loomis answers multiple questions about the site plan and explains how they have calculated the parking.

Johnson says that he believes the restaurant qualifies for mixed and shared use and believes that they should only have to purchase 28 spaces. Parker asks about snow storage and whether they have enough room to store snow on their side of the interior park. Brock Kelley responds that they have an agreement with their neighbors to stack the snow on the north side of the alley. Everyone else just plows to the pile on the north side and they pay to stack it and clean it up in the spring. Parker expresses concerns that



came up in the Planning Board meeting about using the cash in lieu process to just help businesses become wealthier. He questions whether there will ever be a limit to the cash in lieu parking. Glen Loomis says that the cash in lieu process was developed many years ago to help businesses to grow and improve their properties.

The Council briefly discusses the water use of the new addition to the hotel. Sabolsky says that according to the calculations they performed for water use, use of the water-efficient appliances and fixtures should reduce the water use by 25.6%. Kelley explains that in addition to reducing the water use for the new rooms, they are also changing out the fixtures in the existing 71 rooms. Johnson says that they need to be careful what they allow as other potential projects will be paying close attention to how this one is handled.

- 5) Jason Howell, School Board member, reports that they would like permission to route the water main from Alley D through a street cut of Geyser Street. They have released the bids including an alternate to obtain pricing for placement of that water main. Howell also explains that the elevation of the school is lower than the storm drain system in Alley D, which means they need to install dry or wet sumps to collect water run off. He says dry sumps are normally not allowed but they are requesting permission to install dry sumps so they are not required to have a retention pond. There is brief discussion about potential problems caused by a retention pond, placement of the playground, and the effectiveness of dry sumps. Howell explains that the bids for the new addition will be opened March 24, but it will take some time to vet the bids and make awards. The school has a meeting scheduled with the contractor on April 6, 2016 and will come back to the Town after that with an official request.
- 7) The Council discusses a request from the Yellowstone Historic Center to add an addendum to the current lease for the Union Pacific Dining Lodge to allow use of the grounds surrounding the building for events that the building is rented for. Marin Aurand of the YHC addresses the Council explains that they have had requests to have ceremonies outside the building. The group considers possible other uses of the lawn surrounding the building and what should be permitted. Johnson says he has no problems as long as they are not charging extra money for use of the grounds or use it to sell items that would compete with local businesses and any garbage is cleaned up. The Council agrees. Sabolsky says he will work out the boundary language with Aurand, but they basically agree to include the grounds from Yellowstone Avenue to the railroad right of way and then the Police parking lot to the west of the small building next to the Generator building.

The meeting is adjourned. (8:15 PM)

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Mayor

ATTEST:

---

Town Clerk

**DAYS INN WATER USAGE CALCULATIONS:**

JULY 2015

**WEST WING**

$$252460 \text{ GALS}/71 \text{ RMS}=3555.8/31=114.7 \text{ GAL/DAY/ROOM}$$

ASSUME 3 PEOPLE/ROOM ON AVERAGE

$$12 \text{ FLUSHES @ } 1.6 \text{ GAL} = 19.2 \text{ GAL}$$

$$12 \text{ HAND WASHES (1 MINUTE) @ } 2.2 \text{ GAL/MIN} = 26.4 \text{ GAL}$$

$$3 \text{ TOOTH BRUSHINGS (2 MINUTES) @ } 2.2 \text{ GAL/MIN} = 13.2 \text{ GAL}$$

$$\text{SHOWERS } 22.6 \text{ MINUTES @ } 2.5 \text{ GPM} = 55.9 \text{ GAL}$$

$$\text{TOTAL USAGE/DAY/ROOM} = 114.7 \text{ GAL}$$

**NEWER LOW FLOW PRODUCTS**

$$12 \text{ FLUSHES @ } 1.6 \text{ GAL} = 19.2 \text{ GAL}$$

$$12 \text{ HAND WASHES (1 MINUTE) @ } 1.5 \text{ GPM} = 18.0 \text{ GAL}$$

$$3 \text{ TOOTH BRUSHINGS (2 MINUTES) @ } 1.5 \text{ GPM} = 9.0 \text{ GAL}$$

$$\text{SHOWERS } 22.6 \text{ MINUTES @ } 1.75 \text{ GPM} = 39.2 \text{ GAL}$$

$$\text{TOTAL USAGE/DAY/ROOM} = 85.4 \text{ GAL}$$

**NEW IMPROVEMENT WATER USAGE:**

$$85.4 \text{ GAL/DAY/ROOM} \times 71 \text{ ROOMS} \times 31 \text{ DAYS} = 187,965.4 \text{ GAL}$$

$$\text{OLD USAGE (71 ROOMS)} = 252,460.0 \text{ GAL}$$

$$187,965.4/252,460 = .7445 \Rightarrow 25.6\% \text{ REDUCTION}$$

**NORTH WING**

$$227770 \text{ GALS}/45 \text{ RMS}=5061.6/31=163.3 \text{ GAL/DAY/ROOM}$$

IF BUILT NEW SAME AS WEST WING 234,676 GAL/ MONTH

$$114.7 \times 66 \times 31 = 234,676 \text{ GAL/MONTH}$$

INCREASE OF 6,906 GAL/ MONTH

**NEW CONSTRUCTION USING SAME IMPROVEMENTS AS WEST WING**

85.4 GAL/DAY/ROOM X 66 ROOMS X 31 DAYS =174,728.4 GAL

OLD WATER USAGE (45 ROOMS) =227,770.0 GAL

$174,728.4/227,770.0 = .7671 \Rightarrow 23.3\%$  REDUCTION

**LAUNDRY/RESTAURANT ON THIRD METER HEAD**

INCREASE OF LAUNDRY LOAD FOR ADDITIONAL ROOMS

20 ROOMS = 4 LOADS OF SHEETS @15 GAL/LOAD

4 LOADS OF TOWELS @ 15 GAL/LOAD

**IMPACT OF WATER:**

**INCREASED WATER USAGE:  $8 \times 15 \times 31 = 3,720$  GAL/MONTH**



E. Restaurants, bars and other food service facilities must pretreat their waste water with a grease interceptor or trap that is approved by the town sewer manager. All grease interceptors or traps shall be located to be easily accessible for cleaning and inspection. These pretreatment systems shall be maintained, inspected, cleaned and repaired regularly, as needed, by the owner at his expense. This will include maintaining an updated log book of these activities that must be submitted to the town sewer manager upon his request. All grease interceptor or trap contents shall be removed at the time of cleaning.

F. A variance to the required installation of an interceptor, trap or other pretreatment device may be granted by the town council. Criteria for granting a variance may include feasibility or cost of installation, the actual or potential amount of prohibited wastes to be generated, and the extent of interference with the town's sewer system and treatment facility by the prohibited wastes. A variance may carry additional requirements set by the town council. (Ord. 196 §1, 1998; Ord. 64 §6, 1974)

#### **13.08.100 Private sewage disposal system--Prohibited.**

A. The town council determines it to be a nuisance to employ, maintain or use a private sewage disposal system or to dispose of sewage by means other than by means of the public sewage system within the town, by reason of the danger to water supplies and sources used by the public.

B. The use, maintenance, or employing of a private sewage disposal system within the town is a nuisance.

C. Violation of this section shall be punishable as a municipal infraction under Section 13.08.130. (Ord. 207 §34, 2000; Ord. 42 §§1-3, 1974)

#### **13.08.110 Operation and maintenance costs.**

The operation and maintenance costs of the town's sewer system will be paid for on an equivalent user basis. Commencing January 1, 2009, the sewer connection fees shall, at a minimum, be reviewed annually and updated by resolution of the town council to reflect actual costs of inflation, operation, maintenance, replacement and financing of the sewer system. (Ord. 241 §2, 2008; Ord. 64 §8, 1974)

#### **13.08.115 Operation and maintenance costs--Review and revision.**

A. The town council shall review the total annual cost of operation and maintenance as well as each user's wastewater contribution percentage not less often than annually, and will revise the system as necessary to assure equity of the service charge system established by law and by ordinance and to assure that sufficient funds are obtained to adequately operate and maintain the wastewater treatment works. The council shall apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly. If a significant user, such as an industrial user, has completed in-plant modifications which would change that user's wastewater contribution percentage, the user can present, at a regularly scheduled meeting of the town council, such factual information and the town shall then determine if the user's wastewater contribution percentage is to be changed. The town shall notify the user of its findings as soon as possible.

B. Each user of the town sewer system shall be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services. (Ord. 149, 1992)

#### **13.08.120 Penalties for noncompliance.**

Failure to connect in compliance with the regulations of this chapter will result in immediate disconnection. Reconnection will cost as stated in this chapter. Further, the cost of any damages to the sewer system resulting from connection thereto, not in compliance with the regulations of this chapter, will be borne by the individual or individuals causing such damage. (Ord. 64 §7, 1974)

## BILL OF SALE

In consideration of valuable and adequate consideration in the sum of \$533,000.00, the receipt of which will be acknowledged as payments are made pursuant to an Interlocal Agreement of the same date as this Bill of Sale, the TOWN OF WEST YELLOWSTONE ("Seller"), a Montana Municipal Corporation, does hereby sell and deliver to the HEBGEN BASIN FIRE DISTRICT, a political subdivision of the State of Montana, the improvement shown and identified on Exhibit A as "Fire Station One," which exhibit is attached hereto and by this reference incorporated herein, and more particularly described as follows (the "Improvement"):

Fire Station One (aka the Emergency Medical Services building), an improvement located on a parcel of land in the Town of West Yellowstone, legally described as Section 34, Township 13 South, Range 5 East, P.M.M., Gallatin County, Montana (Deed Reference: 89 Film 3122), and more commonly known as 10 S. Faithful Street, West Yellowstone, Montana.

Specifically, Fire Station One is an improvement located on real property that is circumscribed by lines running as follows: beginning at the origin point located 30 feet west of the back of the west-side curb of Faithful Street and 30 feet south from the back of the south-side curb of Yellowstone Avenue; then measuring west, a distance of 80 feet to a point 120 feet west of the back of the west-side curb of Faithful Street and 30 feet from the back of the south-side curb of Yellowstone Avenue; then measuring south 80 feet to a point 110 feet from the back of the south-side curb of Yellowstone Avenue; then measuring east 80 feet to a point 30 feet west of the west-side curb of Faithful Street; then measuring north 80 feet returning to the origin point, and comprising an area measuring approximately 6,400 square feet.

The Seller covenants that (1) it is the lawful owner of the Improvement; (2) the Improvement is free of all mortgages, security interests, liens, and all other encumbrances; (3) it has the full right and authority to sell and transfer the Improvement; and (4) it will warrant and defend the title of the Improvement against any and all claims and demands of all persons.

Addendum B



DATED this 9<sup>th</sup> day of November, 2015.

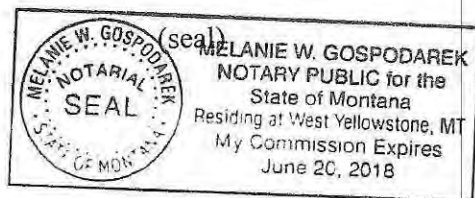
TOWN OF WEST YELLOWSTONE

*Brad Schmier*

Brad Schmier, Mayor

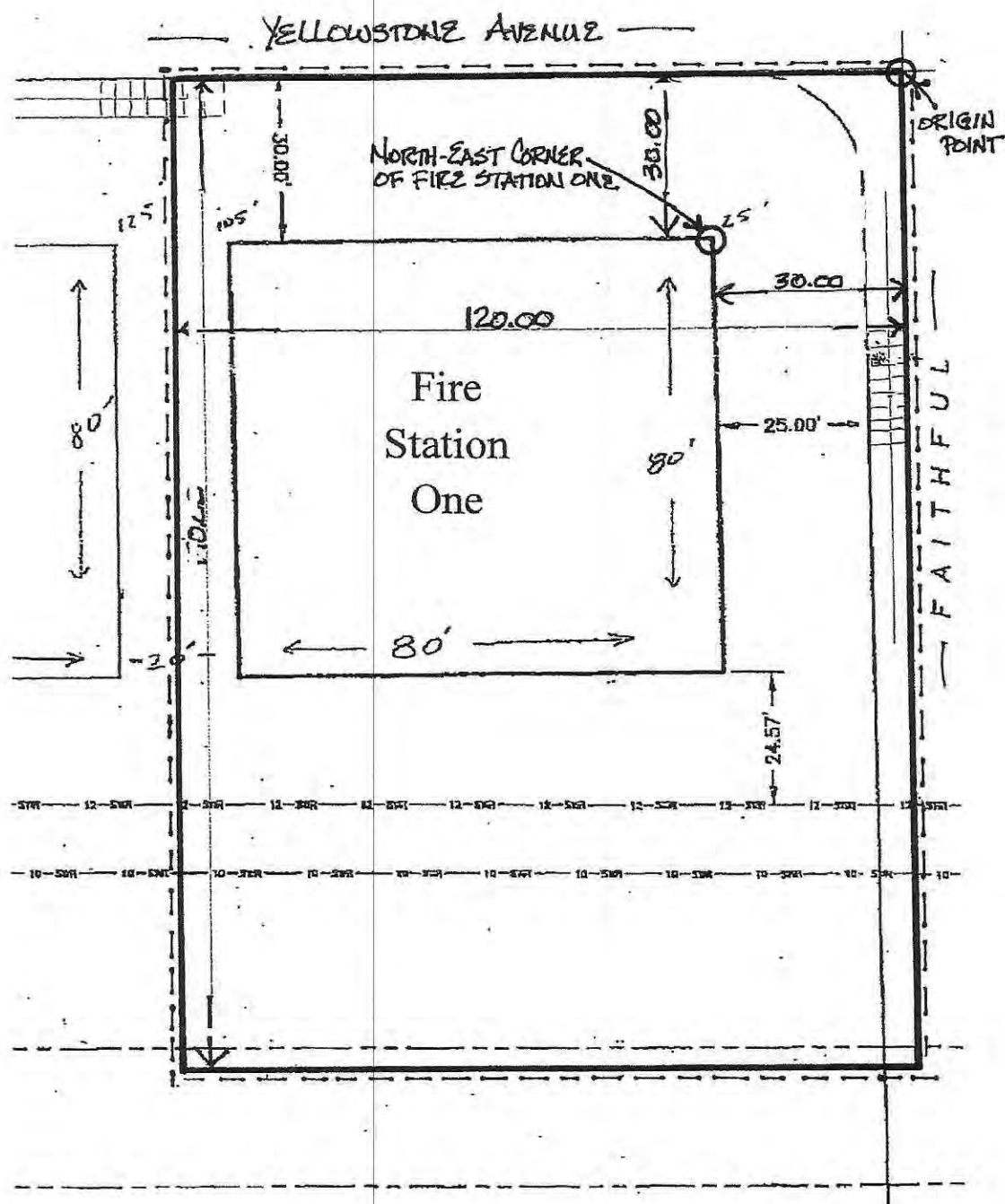
STATE OF MONTANA     )  
                                      : SS.  
County of Gallatin     )

This instrument was acknowledged before me on the 9<sup>th</sup> day of November, 2015, by Brad Schmier, Mayor of the Town of West Yellowstone.



*Melanie W. Gospodarek*  
Notary Public for the State of Montana  
Residing at West Yellowstone  
My Commission Expires: June 20, 2018

Exhibit A



## SATISFACTION OF DEBT

KNOW ALL MEN BY THESE PRESENTS:

That the Town of West Yellowstone (the “Town”), Montana, does hereby certify and declare that certain debt, incurred by the Hebgen Basin Fire District, (the “District”) as evidenced by a Bill of Sale between the Town and the District dated November 9, 2015, (a copy of which is attached hereto) is hereby fully satisfied, released and discharged.

IN WITNESS WHEREOF, Daniel Walker, Town Manager of the Town of West Yellowstone, has hereunto set his hand this \_\_\_\_ day of \_\_\_\_\_, 2022.

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Daniel Walker  
Town Manager, Town of West Yellowstone

STATE OF MONTANA     )  
  :ss.  
County of Gallatin     )

On this \_\_\_\_ day of \_\_\_\_\_, 2022, before me personally appeared Daniel Walker as the Town Manager for the Town of West Yellowstone, whose identity was proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged that, on behalf of the Town of West Yellowstone he executed the same.

---

NOTARY PUBLIC, State of Montana

[SEAL]

Town of West Yellowstone  
Gallatin County, Montana

OWNER OF RECORD'S SIGNATURE: Jerry D. John

2. Please describe specifically the construction and size of the proposed encroachment. On the reverse of this application, please provide a sketch of the proposed encroachment.

I would like to store said materials starting 8-11-22 thru 11-30-22.

I am building an 55' x 35' shop with two apartments on top.

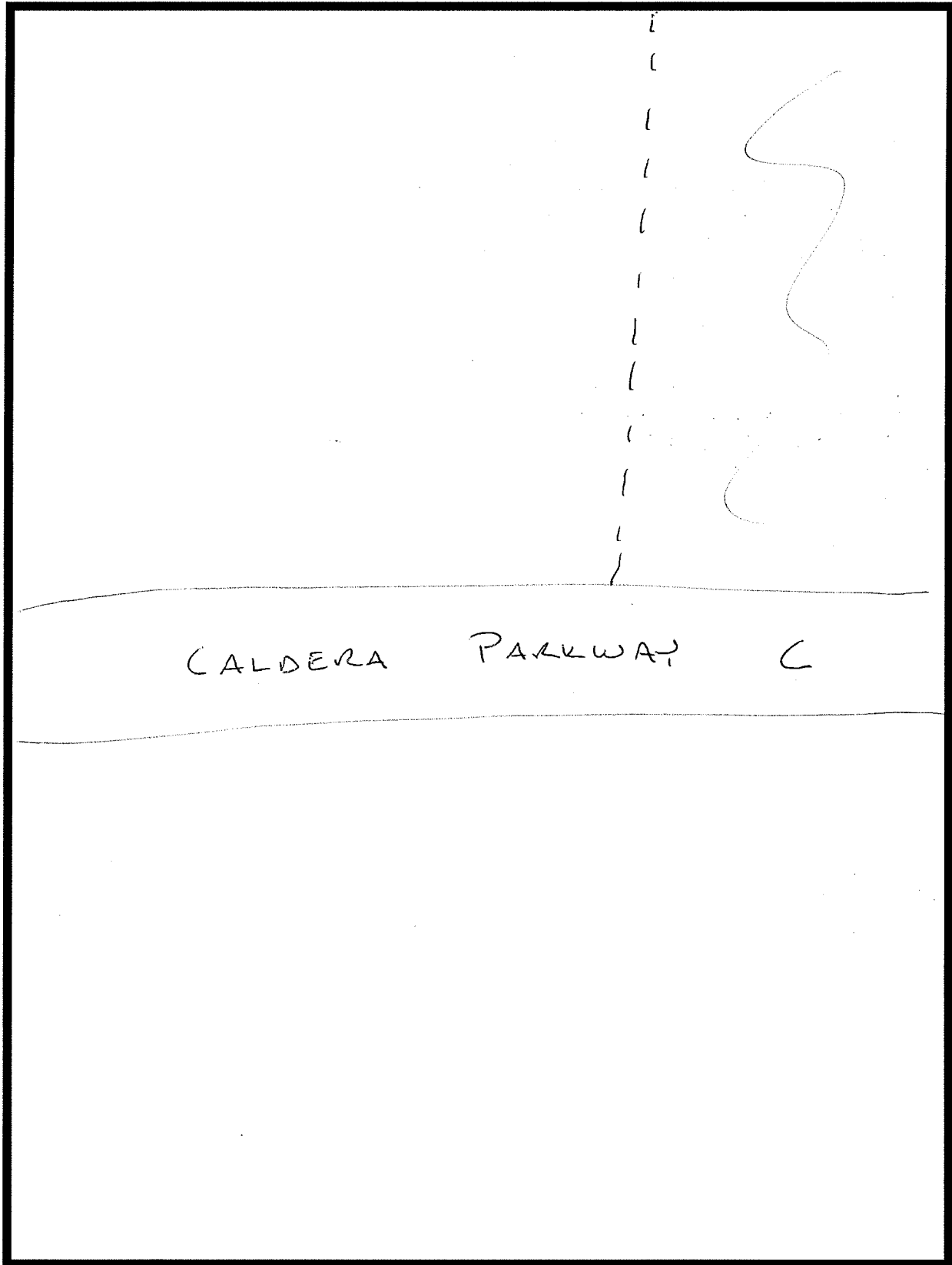
8-10-22  
Date

\_\_\_\_\_Approved      \_\_\_\_\_Disapproved      \_\_\_\_\_Mayor/Town Manager

\_\_\_\_\_Date

Block 11 LOT 2

LOT 1  
50' -



PLEASE INDICATE DIRECTION