

Town of West Yellowstone

Tuesday, August 2, 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 or through the Zoom Cloud Meetings mobile app.
Meeting ID: 893 834 1297.

WORK SESSION

6:00 PM

FY 2023 Budget Revisions

Discussion ∞

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: White Buffalo Lodging, transfer & RT bond waiver ∞

Consent Agenda: Minutes of the July 19, 2022 Town Council Meeting ∞

Minutes of the July 26, 2022 Town Council Work Session ∞

Town Manager & Staff Reports ∞

Advisory Board Reports

ACTION ITEMS

Minutes of the July 5, 2022 Town Council Meeting-tabled 7/19/22

Discussion/Action ∞

Town Council Meeting Administration and Minutes

Discussion/Action ∞

City Judge Position

Discussion/Action ∞

Special Funding Requests for FY 2023

Discussion/Action ∞

Planning Board Appointments

Discussion/Action ∞

- Jerry Johnson
- Brad Schmier

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. 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.

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TOWN OF WEST YELLOWSTONE
Cash Reserve Worksheet
For the Year: 2022 - 2023

Fund	Cash Available	Proposed Revenues	Proposed Expenditures	AP/AR Outstanding	Cash Remaining	% of Exp.
1000 General Fund	2,029,618.34	4,796,376.00	6,787,394.00	38,560.00	40.34	%
2100 Local Option Taxation-Resort	1,589,486.26	6,250,500.00	7,350,490.00	20,500.00	468,996.26	6.38%
2101 Marketing & Promotions (MAP)	274,018.41	140,660.00	125,000.00	0.00	289,678.41	231.74%
2104 Additional 1%	1,994,965.94	1,503,750.00	2,500,000.00	0.00	998,715.94	39.95%
2111 Off Street Parking	171,027.74	3,300.00	75,000.00	0.00	99,327.74	132.44%
2210 Parks & Recreation	1,100.00	0.00	0.00	1,100.00	0.00	%
2211 Youth Program Donations	3,488.35	0.00	3,400.00	0.00	88.35	2.60%
2212 Parks - Volleyball Court	5,163.58	0.00	5,150.00	0.00	13.58	0.26%
2214 Rec. Program Scholarships	17,907.15	9,000.00	16,000.00	0.00	10,907.15	68.17%
2220 Library	18,862.42	284,007.00	302,869.00	0.00	0.42	%
2240 Cemetery	12,367.52	675.00	9,205.00	0.00	3,837.52	41.69%
2392 CDBG-Local Source	70,827.82	5,750.00	68,000.00	0.00	8,577.82	12.61%
2701 Cemetery Perpetual Care	45,502.62	0.00	0.00	0.00	45,502.62	%
2820 Gas Tax Apportionment	209,282.38	50,195.00	259,126.00	0.00	351.38	0.14%
2821 Gas Tax BARSAA Funds	12,682.70	0.00	0.00	0.00	12,682.70	%
2850 911 Emergency	270,650.43	159,325.00	226,100.00	0.00	203,875.43	90.17%
2917 Crime Victims Assistance	6,454.93	0.00	6,454.00	0.00	0.93	0.01%
2992 ARPA Funds	352,868.45	0.00	87,871.00	0.00	264,997.45	301.58%
3050 GO Bond	427,062.21	109,500.00	375,000.00	0.00	161,562.21	43.08%
4000 Capital Projects/Equipment	1,205,397.44	130,350.00	1,335,739.00	0.00	8.44	%
4030 80-acre Development	500,479.50	500,000.00	1,000,000.00	0.00	479.50	0.05%
4060 Public Works Equipment	643.62	49,382.00	50,000.00	0.00	25.62	0.05%
4070 Parkway Construction/Mtn	7,321.12	0.00	0.00	0.00	7,321.12	%
4075 Street Construction	1,383,031.98	127,325.00	1,445,000.00	0.00	65,356.98	4.52%
5210 Water Operating Fund	543,709.27	449,322.00	1,011,188.00	-35,181.81	16,025.08	1.59%
5220 Water Replacement	278,554.38	210,500.00	425,000.00	0.00	64,054.38	15.07%
5310 Sewer Operating Fund	574,107.40	789,150.00	1,426,736.00	-72,878.63	9,400.03	0.66%
5320 Sewer Replacement	2,081,483.52	6,154,389.00	7,675,400.00	0.00	560,472.52	7.30%
7010 Social Services/Help Fund	156,857.82	27,600.00	29,185.00	0.00	155,272.82	532.03%
7202 TBID Agency Fund	37,479.47	325,400.00	340,840.00	4,815.97	17,223.50	5.05%
7469 City Court - Judge Jent	8,817.55	0.00	0.00	8,817.55	0.00	%
7699 Victims Assistance Program	49.00	0.00	0.00	49.00	0.00	%
Totals	14,291,269.32	22,075,456.00	32,936,147.00	-34,217.92	3,464,796.24	

* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
49265		2952 DIS Technologies	619.95					
	07/26/22	Monthly Managed IT	619.95		IT	1000 410580	355	101000
49271		2088 Town West Yellowstone	971.07					
	07/29/22	utility chrgs, Chamber, 895	124.04		BLDGS	1000 411257	340	101000
	07/29/22	utility chrgs, UPDL, 892	104.91		BLDGS	1000 411252	340	101000
	07/29/22	utility chrgs, PS Shops, 884	47.57		BLDGS	1000 411253	340	101000
	07/29/22	utility chrgs. Povah Ctr, 887	202.58		BLDGS	1000 411255	340	101000
	07/29/22	utility chrgs, Police Dept, 886	60.60		BLDGS	1000 411258	340	101000
	07/29/22	utility chrgs, City Park, 885	162.85		BLDGS	1000 411253	340	101000
	07/29/22	utility chrgs, Library, 891	53.40		LIBBLD	1000 411259	340	101000
	07/29/22	utility chrgs, Twn Hall, 921	215.12		TWNHAL	1000 411250	340	101000
49277		42 Fall River Electric	9,925.71					
	07/20/22	PARK, old firehouse 2901001	280.34		PARK	1000 411253	341	101000
	07/20/22	povah comm ctr 4212001	210.99		POVAH	1000 411255	341	101000
	07/20/22	unmetered lights 4212004	1,451.25		STLITE	1000 430263	341	101000
	07/20/22	RR Well 4212005	43.25		WATER	5210 430500	341	101000
	07/20/22	SEWER LIFT STATION 4212006	284.21		SEWER	5310 430600	341	101000
	07/20/22	SEWER PLANT 4212007	1,345.47		SEWER	5310 430600	341	101000
	07/20/22	POLICE 4212008	140.30		POLICE	1000 411258	341	101000
	07/20/22	TOWN HALL 4212009	385.17		TWNHLA	1000 411250	341	101000
	07/20/22	ICE RINK 421010	94.67		PARKS	1000 411253	341	101000
	07/20/22	South Iris Street Well 4212013	1,201.33		WATER	5210 430500	341	101000
	07/20/22	MAD SEWER LIFT 4212014	157.84		SEWER	5310 430600	341	101000
	07/20/22	Hayden/Grouse Well 4212015	39.90		WATER	5210 430500	341	101000
	07/20/22	911 Tower 4212016	39.05		911	2850 420750	341	101000
	07/20/22	MADADD H20 Tower 4212017	53.39		WATER	5210 430500	341	101000
	07/20/22	SHOP 4212018	128.79		STREET	1000 430200	341	101000
	07/20/22	ANIMAL 4212029	63.11		ANIML	1000 440600	341	101000
	07/20/22	CLORINATOR 4212030	43.41		WATER	5210 430500	341	101000
	07/20/22	Electric Well 4212031	47.34		WATER	5210 430500	341	101000
	07/20/22	PARK 4212032	85.09		PARKS	1000 411253	341	101000
	07/20/22	UPDH 4212041	261.55		UPDH	1000 411252	341	101000
	07/20/22	SEWER TREAT SERV 4212046	3,466.54		SEWER	5310 430600	341	101000
	07/20/22	LIBRARY 23 dunraven 4212054	102.72		LIBR	1000 411259	341	101000
49279		1514 Verizon Wireless	1,017.32					
		21 Smartphones						
		5 laptops						
	07/20/22	640-0108, Police	38.91		POLICE	1000 420100	345	101000
	07/20/22	640-0121 Laptop	40.01		POLICE	1000 420100	345	101000
	07/20/22	640-0141 Street SP	38.92		STREET	1000 430200	345	101000
	07/20/22	640-0159 Street SP	38.92		STREET	1000 430200	345	101000

* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
	07/20/22	640-0606 911 Dispatch	38.91		911	1000 420160	345	101000
	07/20/22	640-1103, Operator SP	38.92		STREET	1000 430200	345	101000
	07/20/22	640-1460, Library Dir, SP	38.92		LIBRAR	2220 460100	345	101000
	07/20/22	640-1461, S & W operator, SP	38.92		SEWER	5310 430600	345	101000
	07/20/22	640-1462, S & W Super, SP	38.91		WATER	5210 430500	345	101000
	07/20/22	640-1463, Deputy PSS, SP Sspnd	38.92		PARKS	1000 460430	345	101000
	07/20/22	640-1472, Ops Mgr, SP	38.91		ADMIN	1000 410210	345	101000
	07/20/22	640-1676, Rec Coor, SP	38.92		REC	1000 460440	345	101000
	07/20/22	640-1754, COP, SP	38.92		POLICE	1000 420100	345	101000
	07/20/22	640-1755, Police	38.92		POLICE	1000 420100	345	101000
	07/20/22	640-1756, Police	38.92		POLICE	1000 420100	345	101000
	07/20/22	640-1757, Police	38.92		POLICE	1000 420100	345	101000
	07/20/22	640-1758, Head Dispatcher	38.92		DSPTCH	1000 420160	345	101000
	07/20/22	640-1759, Police	38.92		POLICE	1000 420100	345	101000
	07/20/22	640-7547, Street SP	38.92		PARKS	1000 460430	345	101000
	07/20/22	640-9074, PSS, SP	38.92		STREET	1000 430200	345	101000
	07/20/22	640-2195 683 laptop	40.01		POLICE	1000 420100	345	101000
	07/20/22	640-2551 COP laptop	40.01		POLICE	1000 420100	345	101000
	07/20/22	641-0184 686 laptop	40.01		POLICE	1000 420100	345	101000
	07/20/22	641.0207 681 laptop	40.01		POLICE	1000 420100	345	101000
	07/20/22	640-2354 Social Services	38.91		SOCSER	1000 450135	345	101000
	07/20/22	640-2629 City Judge	38.92		COURT	1000 410360	345	101000
49282		3242 Fisher's Technology	10.46					
	1046070	07/25/22 copy fee	10.46		FINADM	1000 410510	356	101000
49285		2491 MMIA	126,795.00					
	07/01/22	Liability Insurance FY23	112,848.00		GENFUN	1000 510330	513	101000
	07/01/22	Liability Insurance FY23	10,144.00		LIBRY	2220 510330	513	101000
	07/01/22	Liability Insurance FY23	2,536.00		SEWER	5310 510330	513	101000
	07/01/22	Liability Insurance FY23	1,267.00		WATER	5210 510330	513	101000
49286		2977 Staples Credit Plan	564.61					
	3090962771	06/17/22 Copy paper	227.92		ADMIN	1000 410210	220	101000
	3098887297	07/05/22 USB 30 Memory drive (2)	59.98		DSPTCH	1000 420160	220	101000
	399104911	07/06/22 Paper, Pens,notepads	276.71		DSPTCH	1000 420160	220	101000
49287		344 American Planning Assoc.	616.00					
	270662-227	07/06/22 Memberships Walker	616.00		ADMIN	1000 410210	335	101000

07/29/22
16:02:31

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

Page: 3 of 5
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
49288		153 IIMC	175.00					
	07/06/22	Membership	175.00		TWNCLK	1000 410210	335	101000
49289		2586 Waxie Sanitary Supply	3,978.20					
	81038236 07/15/22	trash liners, TP, clean spra	3,978.20		PARKS	1000 460430	220	101000
49290		3356 Platinum Chemicals Inc.	2,526.00					
	07/15/22	Wipes, Disinfection spray	2,526.00		SEWER	5310 430600	220	101000
49291		1454 Bozeman Chronicle/Big Sky	500.00					
	265089 07/26/22	Finance Director Job posting	500.00		ADMIN	1000 410210	327	101000
49292		3366 Kettle Embroidery, LLC	129.75					
	23213 07/28/22	Tags	32.44		SEWER	5310 430600	220	101000
	23112 07/25/22	Tags & plates	97.31		SEWER	5310 430600	220	101000
49293		1331 West Yellowstone Foundation	12,407.74					
	07/22/22	Endowment Refund	12,407.74		HELP	7010 450135	710	101000
49294		1386 MONTANA AERONAUTICS DIVISION	41,209.00					
	2078 06/10/22	SewageTreatmentLagoonLease2022	41,209.00		SEWER	5310 430600	532	101000
49295		3261 Targhee Services	724.00					
	07/19/22	Repairs on2014FordInterceptor	724.00		STREET	1000 430200	361	101000
49296		1376 HEIMAN FIRE EQUIPMENT INC.	998.92					
	0911137 07/14/22	Valve Kit, and Body bolts	998.92		STREET	1000 430200	369	101000
49297		3241 Bridger Analytical Lab	280.00					
	2207483 07/22/22	Testing Coliform/E.coli	280.00		WATER	5210 430500	348	101000
49298		3315 IAS EnviroChem	1,052.00					
	2203906 07/20/22	Testing samples	1,052.00		SEWER	5310 430600	348	101000
49299		3309 AQUAPRO	1,346.89					
	A22-150 07/07/22	Gas Clips(2)	1,194.29		WATER	5210 430500	220	101000
	A22-152 07/18/22	Total Chlorine Test Strips	152.60		WATER	5210 430550	220	101000
49300		3367 Best Rate Towing and Repair	505.12					
	22-71502 07/27/22	Towing of 2017Ram1500toBilli	505.12		POLICE	1000 420100	317	101000

* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
49301		2182 Gallatin County	5,545.36					
	06302022	07/21/22 GCSO DeputyCoverageofWY	5,545.36		POLICE	1000 420100	110	101000
49302		346 Montana Board of Investments	62,034.32					
	07/29/22	Town Hall Construction princip	58,445.00		DEBT	2100 490200	610	101000
	07/29/22	Town Hall Construction interes	3,589.32		DEBT	2100 490200	620	101000
49303		1 First Security Bank of BZN, Div	38,835.69					
	07/29/22	Learning Ctr - principle	31,140.35		DEBT	1000 490500	610	101000
	07/29/22	Learning Ctr. - interest	7,695.34		DEBT	1000 490500	620	101000
49304		2980 Montana Department of Labor &	157.05					
	07/29/22	annual building code assessmen	157.05		BLDINS	1000 420531	335	101000
49305		1 First Security Bank of BZN, Div	77,370.57					
	07/29/22	80 acres principal	70,217.21		DEBT	2100 490200	610	101000
	07/29/22	80 acres interest	7,153.36		DEBT	2100 490200	620	101000
49306		1 First Security Bank of BZN, Div	375,000.00					
	07/29/22	GO Bond Payoff	375,000.00*		DEBT	3050 490100	610	101000
49307		3311 ClearGov Inc.	12,250.00					
	07/29/22	Digital Budget Book	7,000.00		FINADM	1000 410510	356	101000
	07/29/22	Capital Budgeting module	5,250.00		FINADM	1000 410510	356	101000
		# of Claims	28	Total:				777,545.73

RECEIVED
JUL 07 2022



Town of West Yellowstone Business License Application

Business Name: Geysers Street Rentals LLC dba White Buffalo Lodging
 Applicant: Bill + Carole + Jason Howell
 Contact Person: JASON HOWELL
 Mailing Address: PO BOX 484 West Yellowstone, MT 59758
 Physical Address of Business: 99 Fishing Lane 232 Geysers St.
 Phone Number: 406-461-1023 Fax Number: _____
 Email Address: JKhowell@yellowstonemt.com Website: _____

Signature of Property Owner of Record: Jason Howell for Bill + Carole Howell
for Geysers Street Rentals LLC

Subdivision: _____
 Block: _____ Lot: _____

Zoning District, please mark one:

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

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

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

Nightly + Monthly housing rentals.

Business License Fee: \$ 25.00

Resort Tax Bond: \$ _____ *doing a letter to waive R + Bond @ 500.00*

Jason Howell
Signature of Applicant

Total Amount Due: \$ _____

Signature of Applicant
7-7-22
 Date

FOR OFFICE USE ONLY

Date Approved: _____ Town Council Administration _____
 Date _____ Check # _____ Amount \$ _____ License # _____
 SCN _____ BLP _____ STX _____ RDX _____

To: West Yellowstone Town Council

From: Bill & Carole Howell

RE: Request for Resort Tax Bond Waiver

Date: July 20, 2022

Dear West Yellowstone Town Council,

We would like to request a Resort Tax Bond Waiver on the White Buffalo Lodging business that we recently purchased. We have been in good standing in the past with the Town of West Yellowstone and would like to have the Bond Fee waived.

Thank you,

Bill Howell
Carole Howell

Bill & Carole Howell

Jason said that
this is a Transfer
of ownership &
it is Geyser Street
Rentals
LLC
DBA White Buffalo
Lodging.

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
July 19, 2022

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

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

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

Betty Richey, owner of Sagebrush Floral, addresses the Town Council. She shares a brief history of the community garden, which is currently located on the north side of the library for the last ten years. She describes some of the difficulties they have had managing the garden over the past couple of years, the funds are currently managed by the Library Foundation. Richey says that she is upset that there is no accountability for the funds and they cannot run the garden as they have in the past. She requests that the accountability for the money be returned to the Town and the Town manage the garden from the Town Offices. She requests to be on a future agenda so the Council can take action on the issue.

Michele DesRochers, Assistant Librarian, also addresses the Town Council. She says that the community garden is a very beautiful space that gets used as intended. She disputes some of the statements made by Richey, presents a spreadsheet of the accounting for the garden.

Fire Chief Shane Grube says that the Forest Service is moving to "High Fire Danger" as of tomorrow. He says that open burning will no longer be permitted until they receive more moisture to this area. He says he also attended the County Commissioners meeting today to request PILT (Payment in lieu of taxes) money to support the Fire Department. He says that 24% of their calls are search and rescue calls, which is a county function, and he is continuing to pursue that funding source.

Council Comments

Lisa Griffith requests more notice for the Council to review the Town Council packets as it would be appreciated to have more time to review the lengthy documents in the packets. Griffith says that she has asked the Town Manager to ask legal counsel for specific guidance about suspending ordinances and/or repealing an ordinance. Griffith says that she has also asked for a specific accounting of the payments made to the Hebgen Basin Fire District to determine whether the debt for the purchase of Fire Station 1 has been satisfied.

Mayor Johnson says they have two openings on the Planning Board, a very important board that will be involved in the planning of the 80 acres and zoning code. Watt says that at the July 5, 2022 meeting there was a question about whether the rate resolutions passed at the last meeting could be retroactive to the first of July. He says that they confirmed that is appropriate. He also says that tomorrow the Governor's Housing Task Force will host a public meeting by Zoom.

WORK SESSION

Mayor Watt calls the meeting to order and announces that the main topic of discussion is the FY 2023 Budget, Capital Funds and Capital Improvement Plan (CIP). Finance Director Lanie Gospodarek explains that she first wants to discuss the amount of resort tax they are anticipating to collect during the fiscal year. She explains that they originally estimated that they would

collect \$7 million dollars from resort tax, but they are hearing from multiple business owners that they are not that busy this year and recommends scaling that back to \$6.25 million. She also explains that they budget additional funds every year to ensure that they don't collect more than what they budget because they are required by law to refund to the taxpayers anything more than they budget, which would be impossible. She also calls attention to the cash reserve worksheet and points out that at this time, they are over budget in the capital funds by over \$912,000. She explains the capital funds transfer summary shows money that they have set aside previously for specific projects and/or are planning to set aside this year including a streetlight project, sewer line improvements, water infrastructure, repaving the streets, 80 acre development, and public works capital fund. Walker explains that they pulled these projects out of the rest of the plan so it would be easier for the Council to understand what these set aside funds are for. Gospodarek explains that they basically have \$1.2 million available for the capital improvement fund, but the funds are allocated for specific projects in the next fiscal year including the lighting upgrade for the Firehole Room, upgrade of the Mammoth Room, crack sealing, the casting pond, and a volleyball court. The capital improvement summary table for FY 2023-2027 illustrates projects that are budgeted and funded. She explains that the table has been put together by the staff and welcomes feedback from the Town Council. Mathews notes that there are three different projects that require large amounts of concrete and questions if they can get a better price by combining the projects. Town Engineer Dave Noel says that if they do combine everything, they will be over the \$80,000 threshold and have to go out for bids. Town Attorney Jane Mersen agrees. Mayor Watt asks if they can accomplish the everything in the table for FY 2023 by next year. Walker responds that it is his approach to balance what they need, what they can afford, and what they can actually get done. Watt clarifies that they are short \$912,000 in the capital fund. The staff agrees and also points out that they are also short \$690,000 in the Public Works Replacement Fund, which would be for a new grader and a new loader. The Council discusses multiple projects including the Mammoth Room upgrade for \$1,000,000. Town Engineer Dave Noel explains that they originally anticipated this project to be similar to the Firehole Room upgrades, but have recently learned that the State Historical Preservation Office (SHPO) is going to require a more extensive procedure to reinforce the trusses. They briefly discuss the timing of the project and seasonal use. Mayor Watt says that the Parks & Recreation Advisory Board has prepared a letter that prioritizes recreation projects. Jennifer Jordan says their first priority is the volleyball court, which the Town already has the standards, they just need to select a location. The group briefly discusses it and there is general agreement that south of the basketball courts in Pioneer Park would be appropriate location for a grass volleyball court. The group also discusses the tennis courts, which are also used for pickle ball. The Board recommended turning the basketball court that is next to the tennis courts into a pickle ball court. Simms indicates that he will talk to the salesman about what they can do in that area. Jordan says their third priority is a skateboard park and says that Bill Howell has a possible funding source, but they can't move forward until a location is selected. The Council indicates that will probably not be built this year but they will keep it on the list. Jordan also suggests that they eliminate the fountain in Pioneer Park, that was a project that came up years ago from a possible donation that is not expected to happen. Fire Chief Shane Grube says their top priorities should be the new sewer system and development of the 80 acres. He says that the school, fire department, and the Town are having a very difficult time hiring employees and they should focus on what is important. Lisa Griffith agrees with Grube and says they should focus on the essentials. Walker says that the staff created the list and the Council can move things around and prioritize the projects. The Council considers delaying the Mammoth Room project, delaying the street light set aside, and other options to meet the shortfall. Gospodarek says that she could also restructure the table so the Council can compare projects that come from the same source. Jan Neish of the Island Park News asks if the \$1,000,000 estimate for the Mammoth Room includes the recommendations from SHPO. Noel responds that they have not completed a redesign because SHPO hasn't issued a formal recommendation. Neish also asks if the Mammoth Room can safely get through another winter. Noel responds that as long as they keep the snow off the roof, it should be fine and they think the project will take more than one winter to complete anyway.

6:25 PM – the work session adjourns

Public Hearing: Variance Request, 316 Lewis, Reduction of front yard setbacks, Righenour Mayor Watt reads the hearing notice. The hearing is a continuance of the hearing held on July 5, 2022 and was advertised in the Bozeman Daily Chronicle, online, and posted publicly. KC Tanner, Deputy Public Services Superintendent and Building Official. Julie Hannaford speaks in favor of granting the variance.

ACTION TAKEN

- 1) Motion carried to approve Purchase Order #6465 to Sprinter LLC to replace the compressor on the freezer at the Povah Center for \$7500.00 (McBirnle, Griffith)
- 2) Motion carried to approve Purchase Order #6466 to Tri-State Excavating to purchase road base and grader operation on the alleys for \$10,966.00. (Mathews, Benike)
- 3) Motion carried to approve Purchase Order #6467 to RDO Equipment to repair the engine and axle leaks on the 772G road grader for \$14,261.09. (McBirnle, Griffith)
- 3) Public Services Superintendent Jon Simms says he recommends they start leasing heavy equipment. He says they do not have a certified mechanic on staff and they spent over \$38,000 on equipment repairs last year.
- 4) Motion carried to approve the claims, which total \$272, 052.08. (McBirnle, Benike) Benike abstains from #49244 to Erin Benike to refund their \$350.00 driveway bond , McBirnle abstains from the claim to Pete's Pizza, #49179, for \$105.42.
- 5) Motion carried to approve the Business License Application for Pappy's Spuds and More contingent upon obtaining approvals from the Gallatin County Health Department and Hebgen Basin Fire Department. (McBirnle, Benike)
- 6) Motion carried to approve the Consent Agenda, which includes the minutes of the July 5, 2022. (McBirnle, Mathews) See next motion.
- 7) Secondary motion carried to table the minutes of the July 5, 2022 Town Council Meeting. (Griffith, Benike) Mathews is opposed.
- 8) Motion carried to approve the Variance Request made by Helene Righenour to approve the reduction of the front yard setbacks and move the house ten feet to the north. (Mathews, McBirnle)
- 9) Motion carried to approve the site plan for 321 Hayden to construct a tri-plex with three units to be used for employee housing. (Benike, Mathews)
- 10) Motion carried to approve the site plan for 220 Madison to replace two trailers with cabins that will be used as nightly rentals. (McBirnle, Benike)
- 11) Motion carried to approve the Healthcare Services Agreement and Lease Agreement with Billings Clinic. (McBirnle, Mathews) Griffith is opposed.
- 12) Secondary motion to amend the lease agreement to amend the second Whereas clause, Section 5, Section 20, Section 23 and numbering thereafter, old Section 27. (Griffith, Mathews) Motion fails, Griffith is in favor, Travis, McBirnle, Mathews, Benike are opposed.
- 13) Motion carried to approve the Federal Lands Access Program (FLAP) agreement. (McBirnle, Mathews)

- 14) Motion carried to approve the Special Event Permit and Outside Amplification Permit and waive the event fee for the West Yellowstone Bike Rodeo and Safety Fair that will be put on by the Gallatin County sheriff's Office on August 17, 2022. (McBirnle, Mathews)
- 15) Motion carried to accept the recommendation from Walker to reject the current offer from the West Yellowstone Airport, contact the airport to resume negotiations, direct the staff to start working with Forsgren Associates and the Forest Service to acquire another parcel of land. (Benike, Mathews) Griffith is opposed, motion passes.

DISCUSSION

- 7) Secondary motion made by Griffith, seconded by McBirnle, to approve to approve the Consent Agenda, which includes the minutes of the July 5, 2022 and to include revisions proposed by Griffith. The council discusses the secondary motion, and then another motion, proposed changes, specifically the reference to a specific portion the Zoom recording of the meeting. Griffith proposes alternate language. Motion fails Griffith is in favor, the rest of the Council is opposed. After further discussion the Council tables approval of the minutes, Griffith indicates she will provide her recommended revisions by email.
- 8) Mersen advises the Council to state the findings of fact for the record and reminds the Council that it must pass by a 4/5 majority. The Council discusses the variance and agree that it is warranted due not just to the existence of the gas line but also the 20' easement. Benike and McBirnle both report that they attended the Planning Board meeting on July 15, 2022 where the variance was discussed and approved by the Planning Board.
- 9) Tanner reports that at 220 Madison, Swanson, the intent is to replace two existing old trailers with new cabins that will be used for nightly rentals. The property currently has a well that will have to be capped and the water will be connected to the public water supply. Tanner also reports that at 321 Hayden, McBirnle, the intent is to add a tri-plex structure with three apartments. Brian Watson asks for clarification about the Swanson project.
- 11) Town Manager Dan Walker reports that he has worked closely with Billings Clinic over the last several weeks to develop a Healthcare Services Agreement and Lease for the clinic property. Walker says that the agreement was closely modeled after the RFP that was submitted by Billings Clinic. Griffith requests separating the approvals of the documents. Griffith asks about the equipment in the building, specifically the x-ray machine. Amanda Hannah of Billings Clinic says that they are in communication with Community Health Partners regarding the ownership of the x-ray machine. She says that they are comfortable signing the lease before they have that worked out and addressing that in a separate document. Griffith recommends multiple clarifications in the lease agreement.
- 12) Mathews asks the lessors if they have any concerns about the recommended changes. Amanda Hannah indicates that they are comfortable with the recommended changes. The secondary motion fails. Griffith says that she thinks it would be better to approve the changes so they have a clean document. Walker thanks the representatives of Billings Clinic for working through this process with them.
- 15) Town Manager Dan Walker summarizes that last week, he and Mayor Watt met with Jeff Kadlec and Tim Conway of the Yellowstone Airport regarding the sewer lagoon lease. He explains that they have been unable to come to an agreement on the provisions on the lease, specifically a termination clause and the lease rate. Walker recommends that the Council reject the Airport's final offer: 40 year term, \$25,000 per year with a 2.5% escalator and a new appraisal every ten years, and legal will resume the termination clause solution when all other terms are agreed upon. Griffith asks multiple questions

about the negotiation process. Watt agrees with Walker's position. McBirnie says that he thinks it is a bad decision to enter into a 40-year lease and they should really own the property, acknowledging that that will delay the project by at least a year. The council discusses the issue at length. Noel explains the timeline for applying to the Forest Service to purchase land. He says that the engineering costs to put the application together will be \$8000-\$12,000. Griffith says she doesn't think they are that far apart on the negotiations. Walker agrees, Benike says it can be better. Griffith makes a secondary motion to direct the Town manager to resume negotiations with the airport and agree to the proposed terms with the caveat to eliminate the appraisal requirement. Motion dies for lack of a second. Mersen cautions the Council for directing Walker how to negotiate and Griffith's comments could jeopardize the Town's position. Watt agrees and points out that a secondary motion is not to make a completely new motion but to add to a motion that is on the table. Representative Jane Gillette encourages the Town to continue to look into acquiring other federal land and reports that she has made contact with Representative Rosendale and Steve Danies' office. She says that she and Walker also spoke with Representative Logey on this issue as well as MDT Director Long. She also has discussed the issue with Lieutenant Governor Juras and if they continue to have trouble with this issue she will reach out again. Jan Neish agrees that discussing negotiation points in an open meeting is not good practice.

- A) **Town Manager & Department Head Reports:** Walker reports that a conditional offer has been extended and accepted by Mike Gavagan to be the Chief of Police. Gavagan is currently a deputy for the Gallatin County Sheriff Department and has indicated that he will start working for the Town in September. Ashley Stoneburner graduated from the police academy last week, is starting field training now. Griffel will start in October. Planning Board met last week, Marty Matson from Fall Creek Planning is working on zoning code. The lease for the National Smokejumper Center (Yellowstone Nature Connection) is up in August and they will be working on renewing that.

Lanie Gospodarek informs the council that she submitted her resignation as Finance Director last Friday, July 15, 2022. She thanks the Town for the opportunity to learn and grow and she is moving on to a new professional opportunity.

- B) Benike reports that Parks & Recreation Advisory Board met last week as did the Marketing and Promotions Fund to consider an application for the Miss Montana (WWII airplane) to come to the airport in September.

The meeting is adjourned. (9:35 PM)

Mayor

ATTEST:

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Work Session
July 26, 2022

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

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 5:00 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.

WORK SESSION

Mayor Watt calls the meeting to order. The first topic of discussion is the FY 2023 budget, specifically capital improvement projects and special requests. Gospodarek explains that she totaled the proposed expenditures by fund for the Council to review. The first project she points out is crack sealing the north/south streets using both gas tax and resort tax funds. Other projects that are funded from gas tax include the application of magnesium chloride on the alleys, installing a sidewalk on North Electric from Parkway D to the Madison Apartments, and ADA sidewalk aprons. The Mammoth Room upgrade project has \$254,300 cash available and requires another \$754,700 from resort tax to completely fund the project. She explains that the table they are looking at is just a new way to present the projects that are budgeted for the next year. The Council reviews the various projects and funding sources. The Council considers whether the estimates for some of the projects are accurate considering the rising cost of construction. She points out that regarding to the Mammoth Room upgrade project, they anticipate that project will take several winters to complete so they may not need to budget for the entire project in this fiscal year. Gospodarek calls attention to the current cash reserve worksheet and points out the changes made since the last meeting. She explains that they still need to make some cuts, but only if they fully fund the Mammoth Room project. She says that they also have multiple special requests that have not yet been funded. They briefly discuss purchasing an electronic reader board for the Town as suggested by Fire Chief Shane Grube at the previous meeting. Gospodarek explains that they currently have the purchase of a new loader and a new grader in the Public Works Equipment Replacement Fund, but are still investigating leasing options. Griffith suggests funding for electronic meeting minutes software, funding to clean up the Town such as additional trash receptacles, and increasing salaries so they don't lose good employees that they have. She emphasizes that they need to focus on their core employees before considering special requests. Mayor Watt cautions the council to avoid discuss specific employee issues or pay in public meetings as some are governed by collective bargaining agreements. The Council considers multiple changes they could make to balance the budget. Griffith asks if anyone else is struggling with considering special funding requests when they desperately need a wastewater treatment plant. She says the Mammoth Room upgrade project would be nice, but seems like a luxury. She says that what they are considering spending on that project would offset the lease rate for the wastewater treatment plant they are haggling over. Watt says that he sees the issues separately. The funding for the wastewater treatment plant is planned and will be covered, they get special requests every year and it would be great to fund everything. Mathews says that capital projects are to meet the needs and desires of the community, which has to be balanced. Griffith says that Chief Grube stated at the last meeting that they need to prioritize the wastewater treatment plant and housing, and the plant is the lynchpin for everything. Rob Cromwell of Forsgren Associates says that the bigger issue with the lease for the wastewater treatment plant is the termination clause, which they cannot accept. Walker explains that the budget they have prepared so far is a reflection of their needs and what they have heard from the Council. He says the list of desires will never end, but revenue will. Gospodarek explains that they can't take any action tonight, but the Council can give guidance so they can make changes before it is time to vote to adopt. McBirnie says that he favors leasing

July 26, 2022

equipment for public works rather than purchasing. He says he supports all the special requests as they support the community and bring people to Town. McBirnie says that he would rather keep the Mammoth Room upgrade project funded but questions whether the streetlight replacements are completely necessary. Mathews asks how much they budget for clearing snow from the roof at the Union Pacific Dining Lodge. Gospodarek responds that they have budgeted \$8000 for snow removal from the building. Dave Noel adds that they are still waiting for State Historical Preservation Office to approve the Mammoth Room project, so it is unlikely that they will be able to accomplish more than half of the project. McBirnie says that the tennis courts seem to get a lot of use and encourages funding for the restroom at that location. Mayor Watt says that Brian Benike, who is absent tonight, does not think they need to fund the Mammoth Room project yet. Watt says he would like to see them move forward with that project as it does need to be done but they probably don't need to fully fund the project this year. Walker says that they can put the special requests on the agenda next week and the council can vote on which requests to put into the budget. McBirnie asks if the casting pond project is fully funded by the West Yellowstone Foundation. Gospodarek says that according to Joe Moore, who is working on fundraising for the project, they have been able to raise money for specific aspects of the project and what they have budgeted should enable them to complete the project in combination with the donations that have been secured. Watt thanks the staff for their efforts and hopefully they can work with the comments that have been made tonight to put together a final document.

Dave Noel of Forsgren Associates addresses the Council regarding the Single Family Equivalency Schedule and Calculator. A draft spreadsheet of the proposed calculator is presented. Noel explains the spreadsheet includes columns that show accepted equivalent users for various uses such as hotels, churches, and restaurants. Griffith asks questions about calculations to determine the use of a church. Noel explains that the first column on the spreadsheet is how they are calculating SFEs at this time, the next is how they are recommending these uses be charged. The group reviews the spreadsheet and the recommended adjustments. Griffith says that she normally appreciates detail, but feels like the spreadsheet has too many categories. Noel reminds the Council that when they average the uses, it has been his experience that it usually penalizes the smallest user. The group discusses calculating the use for hotel rooms, nightly rentals, and accessory units. McBirnie asks if they were able to isolate the RV parks as some of them have considerably more amenities than others. RV dump stations are discussed at length. They discuss simplifying the calculations for uses such as churches and assembly halls because the uses will fluctuate. Jan Neish recommends combining churches and assembly halls into the same use.

Chipper Smith quotes Noel from a few meetings back that the amount used should reflect impact. He makes the points that the rates for his business, which is a lodging facility, are doubling according to this spreadsheet. He says that the tables needs to be simple. He suggests that lodging facility categories should be based on counting beds and recommends charging .2 or .4 SFE per bed. He agrees with eliminating the laundromat category. He also suggests a mailer to the businesses to determine what the actual current use is for each business. He says that the factor for "employee" is ridiculous and they should get rid of that.

McBirnie says they've focused on hotels a lot, but they should also look at restaurants, service stations, and other uses. He says that the bathroom at his restaurant is used all day long and they should probably be charged more than 2 SFEs. Noel says that the "Employee" factor is just to be used when a use doesn't fit into the other categories. Noel says that he doesn't think they are quite ready to adopt a new schedule, but he thinks they are much closer. Noel encourages the Council to send in any additional comments. Cromwell and Noel indicate that they will incorporate the changes that were recommended tonight and will send out a copy for everyone to review. The Council indicates general agreement with Smith's recommendation to establish lodging facility factors based on the number of beds. Cromwell summarizes that they are going to simplify assembly halls and churches, calculate nightly lodging by beds, form columns based on comments from the council members. Griffith suggests that when they renew business licenses, they should ask the businesses to fill out a form to report their current uses. McBirnie agrees that is a good idea. Mathews suggests educating the public about this process and what a SFE means.

The meeting is adjourned. (8:00 PM)

Mayor

ATTEST:

Town Clerk

DRAFT

Finance Department – Week of 7/18/2022

Reviewed council packet/claims list

Responded to Councilman McBirnie's request for information

Reviewed scholarships, cancelations, attendance in Sportsman's recreation program and requested information on scholarships from Vely

Processed Claims

Still pursuing the update of the town's SAM.gov account

Reviewed Septage permit letter and provided feedback

Provided updated budgets docs for the different departments to review

Providing new tables by fund for capital improvement discussion

Provided quarterly submission for LFR ARPA funds.

Reviewed Finance Director's job description

Attended: Council Work Session and Regular Meeting 7/19/2022

Department meeting 7/20/22

Finance Department – Week of 7/25/2022

Assisted with re-working Finance Director job description

Submitted quarterly reports for RRGL planning grant for collections system

Provided updated project budget to WWTP working group

Worked with Anita Fuhrman and the bank on Flex Plan administration through payroll. Liz is doing the heavy lifting on implementing this.

Working with County on GO bond collections in excess of payoff

Reviewed loans of the Town with Maggie Anderson of First Security Bank and provided most recent audited financials

Reviewed Payroll

Updated status in SAM.gov to allow other entities to view Town projects online

]Entered scholarship data for recreation program

Meetings:

- Town Council work session 7/26.22
- Septage meeting with engineers, Jon Brown, Dan Walker, Peggy Russell, Jon Simms and septage haulers

From: [Dan Walker](#)
To: [Elizabeth Roos](#)
Subject: FW: weekly
Date: Friday, July 29, 2022 11:07:24 AM

From: Officer Neil Courtis <ncourtis@townofwestyellowstone.com>
Sent: Friday, July 29, 2022 11:07 AM
To: Dan Walker <dwalker@townofwestyellowstone.com>
Subject: weekly

Hey Dan, we've been busy the last two weeks with thefts, frauds, and crashes. Mental health issues have thankfully slowed down for us for now. An arrest for domestic issues occurred between two locals. Our officers have been busy helping the Park with crashes and domestic issues. Long pursuit in the Park yesterday. Unhappy ex wife making a run for it with a gun and not willing to stop for lights and sirens. Families on vacations must get pretty ornery. Ashlee and Dallen are upbeat and seem to be enjoying themselves. Lots of vehicle issues, mainly mine and Dallen. Everyone seems to be just barely hanging on. Mid to late Summer always seems this way. Have a good weekend.

Neil

Public Services Dept. Bi-weekly Report: July 15th thru July 28th, 2022

Work performed

Event support for kids “Touch-a-Truck Event” (7-23). Daily trash (now 3x/day, 7days/week), cardboard and recycling collection. Continue resolving sprinkler leaks, fixing cracked line, replacing diaphragms and program additional watering cycles to help sustain healthy grass. Pump out saturated area on west end of town park, still waiting on parts. Clean out curb-stop valve boxes, exercise gate valves, install foam valve plugs to block any further debris from building up inside valve housing. Weekly problem area inspections on SAS mainlines. 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 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. Replace curb brooms on Pelican Sweeper. 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, straighten posts. Cleanup debris blowing out of triple bin roll off containers at PW shop. Mowing grass, running string trimmers, catching up on weed control. Tree work and deadfall cleanup at cemetery, fill in sunken grave spaces. Replaced rear wiring harness on new 2022 sienna at Ressler in Bozeman. Test A/C clutch in 08 Expedition for Social Services, replaced fuse, swapped relays (could be compressor issues, we’ll have to out-service to get A/C working again). Wash down valve pits in well house buildings 1 & 2. Cleanup debris and flush both well lines. Start working through itemized list of repairs at clinic building for Billings Clinic (update lavatory fixtures, electrical outlets, hvac upgrades, window hardware and screens, patching sidewalk, landscaping concerns, etc). Mitigate roof leak concerns at the Police Department. Haul new x-mas trees over to Povah Center. Pressure wash vehicles and trash trailers. Install podium microphone in council chambers for Judge Gent. Replace clevis hardware on swing set/ playground equipment at town park. Have crew practice running grader on FS roads and inner parks. Start hauling out material in #5 IP bed at WW treatment facility.

Administrative

Interview two potential candidates for the four vacant Equipment Operator positions. Schedule out-service on 772G with RDO Equipment. Discuss options with Art Logan at Joe Johnson Equipment for a used Vactor Truck. Reached out to Rand Olsen for window repairs needed at UPDL generator building, we’re on his schedule. Follow up with Yellowstone Weed Management on treatment applications for invasive and noxious plants. Set up 811’s locate request’s new “positive response” reporting software for the town. Schedule parts orders and updates to town’s fleet. Scheduled out-services on Sienna, 2018 Ram and 01 Freightliner. Place orders for necessary O&M supplies, follow up with vendors on supply chain issues. Still waiting on Tractor & Equipment in Bozeman to propose leasing options to us for grader

and payload. Scheduled to meet Ryan Clark with RDO Equipment to review equipment leasing proposal on (7-29). Ordered door for water well pumphouse building number 2. Meetings: Planning Board, Business Improvement Advisory Board, Septage coordination meeting with forsgren and town staff, met with Gus Tureman at UPDL to go over logistics for the community dinner in November, met with Garrett Oster to discuss lighting options for the West Yellowstone Welcome Signs, council work session: CIP & SFE discussion, supervisors meeting, met with state technician to inspect town owned boilers (7-27), met with Fox Den RV to verify they're in fact hauling their pumped greywater off-site and not doing any pumping within town limits, met with Tim of Swiss Precision Landscaping to address sprinkler issues, Forsgren zoom meeting on WW discharge permit. Discuss water line treatment with Lane at Grizzly & Wolf Discovery Center. Coordinate with the library group for community garden cleanup. Coordinate with Rachel Spence for "Touch-a-Truck" Event (7-23). Forward construction standards, specifications, and subdivision regs. to MK Engineering. Oversee Casting Pond updates (liner is in and sand has been backfilled to grade, basins and rough plumbing are now in also). Contact Wade Sury again for bid on phase 2 concrete. Revisit pavement treatment needs with Jess Miller of ASI. Reached out to Knife River again as well as High Country Paving for proposals on asphalt overlay at Madison Addition basketball courts. Followed up with Joel Miller and Paul Bence again on signage order at MDOC. Source out Quick Print to put together a project packet for SAS mainline inspection (C & D). Reached out to Bozeman Security Solutions for camera system improvements throughout town (need to monitor the increased vandalism and critical infrastructure more closely). Coordinate with local resident to help fulfill his (35) community service hours. Received quote of \$50k to purchase Snow Dragon/ bulk snow melting implement from City of Billings. Discuss upcoming projects with Dave Noel and Town Manager. Follow up with Jared Baldtree at Mountain West Electric on lighting retro-fit in Firehole Room to schedule job. Go over highway lighting options with Tyler Liddiard at Mountain States Lighting, had their software team put together a 3D rendering of what new fixture and pole option would look like. Discuss CIP with Forsgren Engineering. 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.

Social Service Office
Highlights
Week of July 14-28, 2022

Dianna traveled to Bozeman to pick our food order on 7/18/22.

Assisting H2B and J1 clients with clothing, food, and jobs.

Lots of Donations from the community

Assisting a H2B family with applying for emergency medical assistance

Working with Public Works regarding the fence in the basement. Ordered the materials for this project

Gas vouchers for individuals traveling to Bozeman for a medical appointment

Pubic Works helped with a stranded car that needed her car jumped

We have been handing out many COVID test kits

Assisting a couple from Ukraine that have been in the United State prior to the war in their homeland.

Helping client relocate to Bozeman to be closer to medical care

Senior Food handed out

Working with setting up the Community Bike and Safety Rodeo

From: [Dan Walker](#)
To: [Elizabeth Roos](#)
Subject: FW: Bullet points July 28th 2022
Date: Wednesday, July 27, 2022 3:46:45 PM

From: Jon Simms <jsimms@townofwestyellowstone.com>
Sent: Wednesday, July 27, 2022 2:36 PM
To: Dan Walker <dwalker@townofwestyellowstone.com>
Subject: FW: Bullet points July 28th 2022

Told KC to get this to me today since he's taking a vacation day tomorrow. Thanks
-Simms

From: Kyle Tanner <ktanner@townofwestyellowstone.com>
Sent: Wednesday, July 27, 2022 1:35 PM
To: Jon Simms <jsimms@townofwestyellowstone.com>
Subject: Bullet points July 28th 2022

Bullet points July 28th 2022

Prep for Touch a Truck. Cones, turnoff sprinklers, water barrels for dunk tank, backhoe cleaned and moved
Encroachment issue at bucking moose cabins, 220 Firehole ave. The state and I told them no encroachment allowed because of highway snow removal.
Verbal warning given to owners of Altitude bar for painting parking lines in alley C on town property right of way.
Fix skylight broken by vandal's in city park men's bathroom.
IworQs permit work.
Walkthru remodel for new building permit.
Emails for council passed zoning and variance.
Marking locates.
Trimming back sidewalks tree limbs.
Dog waste decals made and placed
Fielding public works, zoning and inspection calls

K.C. Tanner

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

Montana Code Annotated 2021

TITLE 2. GOVERNMENT STRUCTURE AND ADMINISTRATION

CHAPTER 3. PUBLIC PARTICIPATION IN GOVERNMENTAL OPERATIONS

Part 2. Open Meetings

Minutes Of Meetings -- Public Inspection

2-3-212. Minutes of meetings -- public inspection. (1) Appropriate minutes of all meetings required by **2-3-203** to be open must be kept and must be available for inspection by the public. If an audio recording of a meeting is made and designated as official, the recording constitutes the official record of the meeting. If an official recording is made, a written record of the meeting must also be made and must include the information specified in subsection (2).

(2) Minutes must include without limitation:

(a) the date, time, and place of the meeting;

(b) a list of the individual members of the public body, agency, or organization who were in attendance;

(c) the substance of all matters proposed, discussed, or decided; and

(d) at the request of any member, a record of votes by individual members for any votes taken.

(3) If the minutes are recorded and designated as the official record, a log or time stamp for each main agenda item is required for the purpose of providing assistance to the public in accessing that portion of the meeting.

(4) Any time a presiding officer closes a public meeting pursuant to **2-3-203**, the presiding officer shall ensure that minutes taken in compliance with subsection (2) are kept of the closed portion of the meeting. The minutes from the closed portion of the meeting may not be made available for inspection except pursuant to a court order.

History: En. Sec. 3, Ch. 159, L. 1963; amd. Sec. 3, Ch. 567, L. 1977; R.C.M. 1947, 82-3403; amd. Sec. 1, Ch. 65, L. 2011; amd. Sec. 29, Ch. 348, L. 2015.

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
July 5, 2022

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

OTHERS PRESENT: Town Manager Dan Walker, Finance Director Lanie Gospodarek, Public Services Superintendent Jon Simms, Town Attorney Jane Mersen by Zoom

Brandi Burns-Yellowstone Historic Center, Katrina Wiese-West Yellowstone Chamber of Commerce, Carrie Coan-West Yellowstone Foundation, Lindsey Charlton-

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

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

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

Public Comment Period

No public comments are received.

Council Comments

Council Member Griffith comments about the airport lease and understands that they are making some progress on the issue. She encourages the staff to ensure that all the funding agencies are provided the revised language to determine whether there is a way to qualify for state funding. Griffith says she is still not clear about the Council's ability to suspend an ordinance and what the process or limitations are to do that. She says it would be nice to understand what the parameters are on that.

Council Members Mathews and Benike both express appreciation to the staff and volunteers for their efforts during the 4th of July festivities this past weekend. Mayor Watt agrees.

WORK SESSION

Mayor Watt calls the meeting to order and announces that they have three topics to discuss this evening: FY 2023 Budget enterprise funds, special funding requests, and then debt satisfaction for the Hebgen Basin Rural Fire Department.

Finance Director Lanie Gospodarek describes the revenue and expenditures for the water and sewer funds. She explains that the funds support the operations and maintenance for both systems. She explains that revenue comes primarily from user fees for both systems. She points out increases such as increased testing requirements, membership dues, and electrical repairs. The water replacement and depreciation fund contains funding for capital projects. She explains that when it comes time to budget for a new water well, it will be from this fund. The only expenditure from this fund is anticipated \$20,000 for engineering for a new well. The Council reviews the sewer fund, too. Gospodarek explains that they lowered the expected revenue for sewer connection fees because of the moratorium. She also points out that they expect revenue from dumping at the lagoon to be slightly less than last year. Expenses in the sewer fund include tools for the wastewater treatment plant, operational support from Fosgren Associates, roof repair on Madison Lift Station, improving the sewer line along Electric Street, weed management. She also briefly describes the sewer treatment and disposal fund, customer accounting and collection, and interfund operating transfers. She points out that last year, they put \$300,000 for development of the 80 acres and replacing a sewer main.

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service for internet to the buildings. Burns asks for the Council to consider funding \$3284.00 to install fiber optic service to the UPDL and \$4851.00 to the Museum.

Mayor Watt reads a request from Debbie Fleming on behalf of a local group of pickleball players. Fleming requests funding consideration for new benches at the tennis/pickleball courts. Griffith adds that she was approached about conflicts between using the courts for tennis, pickleball and the adjacent basketball court. The suggestion was made that the basketball court be converted to pickleball. The Council agrees that the Parks & Recreation Board should discuss the request.

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an electronic reader-board sign that could be used to inform visitors about current events and emergencies. He says that the one they are currently using at the edge of Town was borrowed from Big Sky and it might be time to purchase one. He believes they cost about \$40,000. The total of the requests received so far is just over \$129,000. Mayor Watt explains that they will make final decisions about the funding requests prior to adopting the budget in August.

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10 minute break

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- 2) Motion carried to approve the claims, which total \$83,620.29. (Mathews, Benike)
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- 7) Motion carried to approve Resolution No. 780, a resolution setting the fees for the sale of bulk water and the rental of water meters for the purpose of bulk water sales. (Griffith, McBirnie)
- 8) Motion carried to table action on the Single Family Equivalency Schedule. (Griffith, Benike)

Public Hearing: Variance Request, Reduction of front yard setback, Helene Righenour

Mayor Watt reads the hearing notice and explains that the hearing will be continued at the next Council Meeting to comply with all noticing requirements. Building Inspector KC Tanner explains that Fall River has a 20-foot easement on the property but the homeowner needs to build a 24-foot garage to provide ADA access. There is an existing gas line in the easement that would be under the garage unless they move the building to the north. Chipper Smith asks if the Planning Board will have an opportunity to review this, Mayor Watt responds that it will go before the Planning Board next week. Billie Richards asks if all the property owners in the area have been notified by mail. The staff responds that notices were hand delivered but they will mail notices to the actual property owners.

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DISCUSSION

- 1) Gospodarek explains that this software will be used to prepare a capital improvement plan and will allow all departments to collaborate on the final product.
- 2) Mayor Watt explains that there is one addition to the claims list, a claim to reimburse one of the Police Chief candidates for their travel expenses. Mathews asks if the Town has any magnesium chloride that could be applied to the alleys. Public Services Superintendent Jon Simms explains that they have some, but it has to be mixed and wet down, typically done by a licensed contractor.

- 4-5) Mayor Watt reads the resolution publicly. Griffith questions whether it is appropriate to approve the resolution effective July 1, 2022, which would make it a retroactive approval. After discussion, the Council agrees to amend the motion to include language subjecting approval to confirmation by the Town Attorney that the effective date of July 1, 2022 satisfies the notice requirement under MCA.
- 6) Mayor Watt reads the resolution publicly. Mathews asks about Walker's statement earlier that he is going to meet with septage dumping contractors. Walker clarifies that they are going to meet and discuss fees and process.
- 8) Dave Noel distributes copies of a revised single family equivalency (SFE) calculator. Noel explains that the copy they have is not ready for adoption, but they can discuss the recommendations and current structure. Noel explains some of the recommendations and the Council considers holding a work session to discuss the calculator and revenue comparisons. Noel points out that they probably need to establish the factors before calculating the revenue. The Council makes multiple recommendations and discusses specific uses that should or should not be included on the table. Chipper Smith comments that he does have concerns about how some of the uses are calculated and agrees that a work session would be useful. Amber Smith questions why sewer isn't metered, but Noel responds that the usage coming into the wastewater treatment plant doesn't correspond with what comes out of the faucets and points out they have to consider organic loads and the effect on the system.
- A) **Town Manager & Staff Reports:** Town Manager Dan Walker thanks the staff and specifically the Public Services Department for their efforts and work over the weekend. He reports that that he and Town Attorney Jane Mersen are working on the health care agreement with Billings Clinic and anticipate having it ready for the next council meeting. He reports that the staff has met to discuss septage hauling and intends to meet with local haulers in the near future. He says they have had support from their local representatives on the airport lease and have a meeting scheduled later this week with Montana Department of Transportation. He also mentions that Judge Jent's appointment expires at the end of the year. Judge school is in the fall, so the Council needs to determine if they want to reappoint him or accept applications. Mayor Watt says they will have to discuss that in the near future.

The meeting is adjourned. (9:35 PM)

Mayor

ATTEST:

Town Clerk

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Council Member Lisa Griffith provided the following summary of the subsequent discussion: Griffith asks for reconciliation of what Dan Walker reported with earlier advice of the Town Attorney, referring to the interpretation of the HBFD agreement discussed in the Town Attorney's April 26 memo to the Town Council, which interpretation of the agreement was affirmed in the Town Attorney's June 30 memo to the Town Council. Griffith states that the April 26 memo made clear that the payments were to be "offset" and not "forgiven," which means that the Town would deduct the building payment from what it owed the HBFD for services, and \$530,000 was the payment owed for services in the first year of the current HBFD agreement. Mersens confirmed that Paragraph 5(b) of the HBFD agreement sets out an offsetting payment schedule. Griffith asks multiple times for identification of numeric payments the Town is obligated to make in the first several years of the HBFD agreement, factoring in offsets for the HBFD building purchase installment payments. Mersens refers to amounts that would have been paid under a prior agreement with the HBFD and states that amounts in the New Payment column of Addendum A to the HBFD agreement should not have offsets against it, which is a contrary position to what she took in the April 26 memo. Mersens replied that is why she wrote the June 30 memo. Griffith refers to Dan Walker having a discussion with Shane Grube on June 10 in response to the Town Attorney's April 26 memo, and Dan Walker's reporting of Shane Grube's insistence that the HBFD agreements says that the \$433,000 was to be "forgiven." Griffith asked the Town Attorney what changed between her April 26 and June 30 memos, and Mersens replied that what changed was her understanding of how the Projected Payments and New Payments worked, but insisted that her understanding of legal requirements of the agreement had not changed. Griffith expressed frustration with not being able to get a clear answer from the Town Attorney on her position as to what the HBFD agreement requires as far as transfer of money - \$433,000 being at stake. Griffith suggests that instead of asking the Town Attorney about accounting discrepancies, they ask their auditors to review the accounting records.

Mathews asks Gospodarek if she believes the debt has been paid. Gospodarek says that she has been told that her understanding is incorrect. He asks if she thinks the building has been paid for and she indicates that she does not. Walker says that the numbers add up, the amount required by the agreement matches the amount paid. Gospodarek also explains that the auditors will not provide a legal opinion about the satisfaction of the debt, they will review the payments made and the amount the payments were reduced. Mersen explains that Addendum A outlines the payment schedule. She explains that the middle column on Addendum A showed the projected payment had the Town continued to follow the payment schedule under the old agreement. The new agreement established a payment schedule that established payment for the building through debt forgiveness over the course of the first four years. The new agreement also provides a 1.5% increase annually in the amount paid to the District. Mersen clarifies that she produced a memo in April but did not understand at the time that a journal voucher was entered each month to

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July 5, 2022

Town Council Meeting
Minutes, Page 4 of 5

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- 4-5) Mayor Watt reads the resolution publicly. Griffith questions whether it is appropriate to approve the resolution effective July 1, 2022, which would make it a retroactive approval. After discussion, the Council agrees to amend the motion to include language subjecting approval to confirmation by the Town Attorney that the effective date of July 1, 2022 satisfies the notice requirement under MCA.
- 6) Mayor Watt reads the resolution publicly. Mathews asks about Walker's statement earlier that he is going to meet with septage dumping contractors. Walker clarifies that they are going to meet and discuss fees and process.
- 8) Dave Noel distributes copies of a revised single family equivalency (SFE) calculator. Noel explains that the copy they have is not ready for adoption, but they can discuss the recommendations and current structure. Noel explains some of the recommendations and the Council considers holding a work session to discuss the calculator and revenue comparisons. Noel points out that they probably need to establish the factors before calculating the revenue. The Council makes multiple recommendations and discusses specific uses that should or should not be included on the table. Chipper Smith comments that he does have concerns about how some of the uses are calculated and agrees that a work session would be useful. Amber Smith questions why sewer isn't metered, but Noel responds that the usage coming into the wastewater treatment plant doesn't correspond with what comes out of the faucets and points out they have to consider organic loads and the effect on the system.
- A) **Town Manager & Staff Reports:** Town Manager Dan Walker thanks the staff and specifically the Public Services Department for their efforts and work over the weekend. He reports that that he and Town Attorney Jane Mersen are working on the health care agreement with Billings Clinic and anticipate having it ready for the next council meeting. He reports that the staff has met to discuss septage hauling and intends to meet with local haulers in the near future. He says they have had support from their local representatives on the airport lease and have a meeting scheduled later this week with Montana Department of Transportation. He also mentions that Judge Jent's appointment

expires at the end of the year. Judge school is in the fall, so the Council needs to determine if they want to reappoint him or accept applications. Mayor Watt says they will have to discuss that in the near future.

The meeting is adjourned. (9:35 PM)

Mayor

ATTEST:

Town Clerk

DRAFT

Montana Code Annotated 2021

TITLE 2. GOVERNMENT STRUCTURE AND ADMINISTRATION

CHAPTER 3. PUBLIC PARTICIPATION IN GOVERNMENTAL OPERATIONS

Part 1. Notice and Opportunity to Be Heard

Public Participation -- Governor To Ensure Guidelines Adopted

2-3-103. Public participation -- governor to ensure guidelines adopted. (1) (a) Each agency shall develop procedures for permitting and encouraging the public to participate in agency decisions that are of significant interest to the public. The procedures must ensure adequate notice and assist public participation before a final agency action is taken that is of significant interest to the public. The agenda for a meeting, as defined in **2-3-202**, must include an item allowing public comment on any public matter that is not on the agenda of the meeting and that is within the jurisdiction of the agency conducting the meeting. However, the agency may not take action on any matter discussed unless specific notice of that matter is included on an agenda and public comment has been allowed on that matter. Public comment received at a meeting must be incorporated into the official minutes of the meeting, as provided in **2-3-212**.

(b) For purposes of this section, "public matter" does not include contested case and other adjudicative proceedings.

(2) The governor shall ensure that each board, bureau, commission, department, authority, agency, or officer of the executive branch of the state adopts coordinated rules for its programs. The guidelines must provide policies and procedures to facilitate public participation in those programs, consistent with subsection (1). These guidelines must be adopted as rules and published in a manner so that the rules may be provided to a member of the public upon request.

History: En. 82-4228 by Sec. 3, Ch. 491, L. 1975; amd. Sec. 24, Ch. 285, L. 1977; amd. Sec. 2, Ch. 452, L. 1977; R.C.M. 1947, 82-4228(1), (5); amd. Sec. 1, Ch. 425, L. 2003.

Chapter 2.08 CITY JUDGE

Sections:

[2.08.010 Office established.](#)

[2.08.020 Selection--Term of office.](#)

[2.08.030 Qualifications.](#)

[2.08.040 Powers, duties and hours.](#)

[2.08.050 Compensation and expenses.](#)

[2.08.060 Deposit of funds.](#)

[2.08.070 Filling of vacancy.](#)

2.08.010 Office established.

There is established the office of city judge for the town. (Ord. 141 (part), 1990)

2.08.020 Selection--Term of office.

A. The person holding the office of city judge shall be nominated, and with the consent of the town council, appointed by the mayor of the town. The town shall advertise for the position, shall state the qualifications and shall make the appointment as set forth in this chapter.

B. The city judge shall hold office for a term of four years. A city judge shall continue to hold office until the qualification of a successor. (Ord. 141 (part), 1990)

2.08.030 Qualifications.

A. At the time of appointment, the city judge shall, before entering upon the duties of the office, take the constitutional oath of office, which must be filed with the town clerk.

B. Before the town clerk may file the oath, the appointed city judge must satisfy the clerk that the appointee is either:

1. An attorney at law authorized to practice law in the state of Montana;

2. A person who has held the office of justice of the peace or city judge within the preceding five years; or 3. A person who has completed the orientation course of study held under the direction of the Supreme Court or has been excused by the Supreme Court. If a person is appointed after the course is offered, the appointee must agree to take the course at the next offering, and upon failure to do so, will be disqualified.

C. The city judge must be a resident of Gallatin County, Montana; and

D. The city judge must maintain residency within the county during the term of office. (Ord. 141 (part), 1990)

2.08.040 Powers, duties and hours.

- A. The city judge shall have those powers and duties as are provided by state law.
- B. The normal hours of city court shall be set by resolution of the town council. (Ord. 141 (part), 1990)

2.08.050 Compensation and expenses.

The annual salary of the judge shall be established by the town council by majority vote by ordinance or resolution. In addition to the salary the city judge shall receive actual and necessary travel expenses incurred in performing official duties as provided by state law. The position of city judge being less than forty hours per week, the office of city judge will not be entitled to nor subject to any requirements of overtime compensation pay. Neither shall the office be subject to the specific provisions of the statutes regarding vacation and sick leave. It is declared by this chapter that the city judge shall be allowed eight days of paid vacation annually, but such leave shall not accrue; that is, the annual leave cannot be carried over for use in a subsequent year. The city judge shall not be entitled to receive any compensation for the loss of such annual leave whether occasioned by failure to take time off, by resignation, by recall or by failure to be reappointed. For purposes of participation in the town's group health insurance program, this position shall be considered one-half time. (Ord. 199, 1998; Ord. 141 (part), 1990)

2.08.060 Deposit of funds.

- A. All moneys, from whatever source, collected under the jurisdiction of the city judge shall be deposited and managed in accordance with the applicable statutes of the state of Montana.
- B. So long as the rules of the Montana Supreme Court or the statutes of the state of Montana do not require otherwise, all such moneys shall be deposited daily with the financial administrator of the town as directed by the director of finance of the town.
- C. In order to establish appropriate control money deposited temporarily for bonds, appearance bonds, etc., there is created a trust fund into which all such money shall be placed. Upon final disposition of any matter to which such a deposit pertains, such money shall immediately be disbursed from the trust fund of the financial administrator of the town as directed by the city judge under the mandates of the statutes of the state of Montana. (Ord. 141 (part), 1990)

2.08.070 Filling of vacancy.

Should a vacancy occur in the office of city judge, the position shall be filled for the remainder of the term using the same method of selection as set forth in subsection A of Section [2.08.020](#). (Ord. 141 (part), 1990)



TOWN OF WEST YELLOWSTONE

EMPLOYMENT AGREEMENT CITY COURT JUDGE

THIS AGREEMENT is made and entered into this 8TH day of September, 2021, by and between the TOWN OF WEST YELLOWSTONE (“Town”), a Montana municipal corporation, of P.O. Box 1570, West Yellowstone, Montana 59758, and Larry Jent (“Employee” or “City Court Judge”), of P.O. Box 1437, West Yellowstone, Montana 59758.

WITNESSETH

WHEREAS, the Town of West Yellowstone wishes to employ the services of Larry Jent as the City Court Judge;

WHEREAS, the Town and Employee desire to provide for certain procedures, benefits and requirements regarding the employment of Employee by the Town; and

WHEREAS, Employee wishes to accept employment as City Court Judge under the terms and conditions described herein.

IN CONSIDERATION of the mutual promises contained herein, the parties agree as follows:

1. EMPLOYEMENT & DUTIES

1.1 Duties. TOWN agrees to employ Larry Jent as the City Court Judge for the Town of West Yellowstone to perform the duties of City Court Judge as set out in Title 3, Chapter 11. EMPLOYEE agrees to complete his job duties in a collegial, professional, honest and respectful manner. EMPLOYEE warrants that he will perform his duties with the highest degree of skill and judgment in accordance with accepted standards for a city court judge.

The administrative control of the Town’s City Court be the responsibility of the EMPLOYEE, including preparation and submission of the Court budget to the Town Manager or his designee; supervision of the daily operation of the Court and all Court personnel, being responsible for all departmental allocated budget, expenditures, as well as the receipt of funds and property in the custody of the Court.

1.2 Hours of Work. The EMPLOYEE shall devote that amount of time and energy reasonably necessary to faithfully perform the duties of City Court Judge under this Contract.

1.3 Work Week The EMPLOYEE shall set a schedule for open court, omnibus hearings, and trials, and shall also be available as necessary for in custody appearances, bail hearings, search warrants and any other tasks necessary outside of normal business hours.

1.4 Outside Employment EMPLOYEE may hold outside employment on the condition that it does not conflict with his duties as City Court Judge.

1.5 Fair Labor Standards Act ("FLSA") The City Court Judge position is that of an exempt employee for the purpose of the FLSA and shall be held to the standards of the FLSA standards of exempt employees.

2. COMPENSATION AND REIMBURSEMENT

2.1 Compensation. The annual salary of EMPLOYEE shall be THIRTY SIX THOUSAND FIVE HUNDRED AND NO/100 DOLLARS, (\$36,500.00). The salary shall be paid in accordance with the pay periods for other Town employees. The salary shall increase each year with the COLA increase for all TOWN employees plus 0.5%.

3. TERM

3.1 Commencement & Effective Date. EMPLOYEE shall commence providing services hereunder at 0800 a.m. Mountain Standard Time on September 9, 2021. The EMPLOYEE shall continue until December 31, 2022.

3.2 Termination by EMPLOYEE. Nothing in this AGREEMENT shall prevent, limit or otherwise interfere with the right of the EMPLOYEE to resign at any time from his position with the Town, subject only to the provisions set forth in this AGREEMENT. The EMPLOYEE may voluntarily resign and terminate his employment with the TOWN by giving written notice of resignation to the TOWN by certified mail, return receipt requested, at least one (1) month before the effective date of resignation.

3.3 No Vested Right in Continued Employment. EMPLOYEE acknowledges that his employment with the TOWN is only for the specified term of this AGREEMENT, and that he accrues no legal right to continued employment as the City Court Judge beyond the term specified herein.

3.4 Subject to Personnel Manual. EMPLOYEE agrees that his employment will be subject to the terms and conditions of the Town of West Yellowstone Personnel Manual, as well as any other TOWN policies, as approved and revised by the TOWN from time to time, and Montana state law.

3.5 Subject to the rules and procedures of the Judicial Standards Commission and the Montana Supreme Court, if the Town believes the EMPLOYEE is breaching any duty of the city court judge, the Town shall report the same to the Commission or the Court and may seek removal of the judge based thereon.

4. Benefits

4.1 Retirement Benefits. The TOWN shall contribute the TOWN's portion to the Montana Public Employees Retirement System (MPERS) on behalf of the EMPLOYEE in accordance with the rules set forth under Montana law.

4.2 Insurance Coverage. The TOWN shall provide the same group health, dental, vision and insurance benefits for the EMPLOYEE and his spouse. The TOWN will pay 75% of the premium for such insurance.

4.3 Town-provided Cellular Phone. A smart phone with service (chosen by the Town) will be provided upon the first day of employment. The EMPLOYEE is expected to maintain the phone in good and working condition as tools of his employment and shall immediately return all equipment upon separation from employment. The information and data on the device is considered public records and must not be deleted or altered before returning to the Town. EMPLOYEE shall be allowed to add his personal phone number to the smart phone provided by the Town such that EMPLOYEE does not need to carry two phones. However, at all times the phone shall remain the property of the Town.

4.5 Vacation and Leave Time. EMPLOYEE shall be afforded the leave time that is set out in Section 2.08.050 West Yellowstone Town Code.

5.0 PROFESSIONAL DEVELOPMENT

5.1 Membership. The TOWN encourages EMPLOYEE's continued professional development and shall provide payment of appropriate related costs for such activities, including membership in relevant professional organizations as approved by the Town Manager. The Town will not pay for the EMPLOYEE's membership in the State Bar of Montana.

5.2 Out of Town Meetings & Seminars. The Town agrees to reimburse EMPLOYEE the actual costs for registration, travel, lodging, meals, and other expenses incurred by EMPLOYEE while attending overnight, out-of-town meetings or seminars related to the EMPLOYEE'S employment with the TOWN, in accordance with the TOWN's policies for expense reimbursement. Moreover, to be eligible EMPLOYEE must have budgeted funds available, and received approval by the Town Manager.

5.3 Out-of-town Meetings. The TOWN agrees to reimburse the EMPLOYEE regular per diem rates incurred while in attendance at out-of-town meetings related to his employment with the TOWN in accordance with the TOWN's policies for expense reimbursement.

5.4 Incidental Expenses. The TOWN agrees to reimburse EMPLOYEE the actual cost of those incidental expenses necessarily incurred by EMPLOYEE while engaged in the business of the TOWN upon presentation of an appropriate receipt thereof, in accordance with the TOWN's policies for per diem and expense reimbursement.

5.5 Approval by Town Manager. To be eligible to receive reimbursement of the memberships and travel and other expenses incurred pursuant to this Section 5.0, EMPLOYEE shall obtain advance written approval of the Town Manager.

6..0 GENERAL PROVISIONS

6.1 Death During Term of Employment. If the EMPLOYEE dies during the term of his/her employment, the Town shall pay to the EMPLOYEE's estate all the compensation which would otherwise be payable to the EMPLOYEE up to the date of the EMPLOYEE's death, including, but not limited to, payment for any unused leave days.

6.2 Conflict with Town Policies. In the event that the terms of this AGREEMENT conflict with any policy or procedure of the Town, including the Town's policy and procedure manual, the terms of this AGREEMENT shall govern.

6.3 Entire Agreement. This AGREEMENT represents the entire agreement between the parties and supersedes any and all other agreements, either oral or in writing, between the parties with respect to EMPLOYEE's employment by the TOWN and contains all of the covenants and agreement between the parties with respect to such employment. Each party to this AGREEMENT acknowledges that no representations, inducements, promises or agreements, orally or otherwise, have been made by either party, or anyone acting on behalf of either party, which are not embodied herein, and that no other agreement, statement or promises not contained in this AGREEMENT shall be valid or binding upon either party.

6.4 Amendment. This AGREEMENT may only be amended by the mutual consent of the parties by an instrument in writing.

6.5 Applicable Law. This AGREEMENT shall be governed in all respects by the laws of the State of Montana. Any lawsuit arising from or alleging breach of this AGREEMENT shall be filed in Gallatin County, Montana.

6.6 Notices. Any notice required or permitted by this AGREEMENT shall be in writing and shall be personally served or shall be sufficiently given when served upon the other party as sent by United States Postal Service, postage prepaid and addressed as follows (or as updated by the parties in writing from time to time):

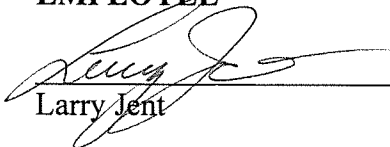
To the Town of West Yellowstone:
Dan Walker, Town Manager

P.O. Box 1570
West Yellowstone, MT 59758

To Larry Jent:
P.O. Box 1437
West Yellowstone, MT 59758

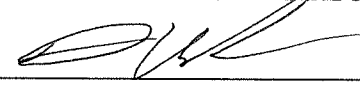
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

EMPLOYEE



Larry Jent

THE TOWN OF WEST YELLOWSTONE

By 

Town Manager

RESOLUTION NO. 761

A RESOLUTION ADOPTED PURSUANT TO THE REQUIREMENTS OF ORDINANCE NO. 199 ESTABLISHING THE COMPENSATION RATE OF THE CITY JUDGE

WHEREAS, the Town Council of the Town of West Yellowstone has adopted Ordinance No. 199 which provides the Town Council the authority to set the compensation and expense entitlement of the judge by ordinance and resolution; and

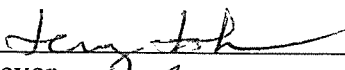
WHEREAS, the Town Council has determined that the judge should receive consideration for salary increases at the discretion of the Council.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE:

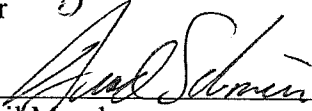
1. The Council adopts the current salary for the City Judge at \$36,500. This salary will be adjusted annually on July 1, starting July 1st 2022, by applying the Cost of Living plus 0.5%. The Cost of Living shall be determined using the formula provided by the University of Montana Bureau of Economic Research and the US Department of Labor and Bureau of Statistics CPI-U for the Annual Average.

2. The Council authorizes the Town Manager to negotiate an employment contract with the City Judge to include other benefits as deemed appropriate.


PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR
THIS 21st DAY OF SEPTEMBER 2021.



Mayor



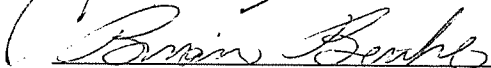
Council Member



Council Member

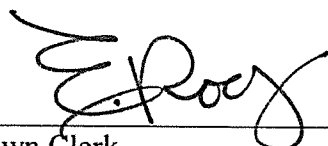


Council Member



Council Member

ATTEST:



Town Clerk



What the budget now reflects for special requests and capital purchases for FY 23:

GENERAL FUND

All special requests honored for a total amount committed of \$166,635

Fireworks	\$6000	
WY Foundation Bus	\$25,000	
Visit. Info. Center	\$40,000	
WYSEF Building	\$40,000	
CHP-Parent Prog.	\$20,000	
Electronic Read. Sign	\$20,000	cost of one sign. HBRFD will purchase a second one.
YHC – Fiber Optic	\$8,135	
Music in Park	\$7,500	

CAPITAL FUND

Funding the Mammoth Room in FY 23 in the amount of \$245,300

A transfer in of Resort Tax in the amount of \$130,350

Rails to Trails Match funding of \$52,465 still funded (slated for expenditure in FY 24)

Tennis Court Restroom w/drinking fountain funding of \$100,000 still funded (slated for expenditure in FY 24)

PUBLIC WORKS EQUIPMENT FUND

A new loader for \$401,090 reduced to annual lease amount of \$32,000 (estimate)

A used Grader for \$232,000 reduced to annual lease amount of \$18,000/year for 5 years

TOWN OF WEST YELLOWSTONE
Cash Reserve Worksheet
For the Year: 2022 - 2023

Fund	Cash Available	Proposed Revenues	Proposed Expenditures	AP/AR Outstanding	Cash Remaining	% of Exp.
1000 General Fund	2,029,618.34	4,796,376.00	6,787,394.00	38,560.00	40.34	%
2100 Local Option Taxation-Resort	1,589,486.26	6,250,500.00	7,350,490.00	20,500.00	468,996.26	6.38%
2101 Marketing & Promotions (MAP)	274,018.41	140,660.00	125,000.00	0.00	289,678.41	231.74%
2104 Additional 1%	1,994,965.94	1,503,750.00	2,500,000.00	0.00	998,715.94	39.95%
2111 Off Street Parking	171,027.74	3,300.00	75,000.00	0.00	99,327.74	132.44%
2210 Parks & Recreation	1,100.00	0.00	0.00	1,100.00	0.00	%
2211 Youth Program Donations	3,488.35	0.00	3,400.00	0.00	88.35	2.60%
2212 Parks - Volleyball Court	5,163.58	0.00	5,150.00	0.00	13.58	0.26%
2214 Rec. Program Scholarships	17,907.15	9,000.00	16,000.00	0.00	10,907.15	68.17%
2220 Library	18,862.42	284,007.00	302,869.00	0.00	0.42	%
2240 Cemetery	12,367.52	675.00	9,205.00	0.00	3,837.52	41.69%
2392 CDBG-Local Source	70,827.82	5,750.00	68,000.00	0.00	8,577.82	12.61%
2701 Cemetery Perpetual Care	45,502.62	0.00	0.00	0.00	45,502.62	%
2820 Gas Tax Apportionment	209,282.38	50,195.00	259,126.00	0.00	351.38	0.14%
2821 Gas Tax BARSAA Funds	12,682.70	0.00	0.00	0.00	12,682.70	%
2850 911 Emergency	270,650.43	159,325.00	226,100.00	0.00	203,875.43	90.17%
2917 Crime Victims Assistance	6,454.93	0.00	6,454.00	0.00	0.93	0.01%
2992 ARPA Funds	352,868.45	0.00	87,871.00	0.00	264,997.45	301.58%
3050 GO Bond	427,062.21	109,500.00	375,000.00	0.00	161,562.21	43.08%
4000 Capital Projects/Equipment	1,205,397.44	130,350.00	1,335,739.00	0.00	8.44	%
4030 80-acre Development	500,479.50	500,000.00	1,000,000.00	0.00	479.50	0.05%
4060 Public Works Equipment	643.62	49,382.00	50,000.00	0.00	25.62	0.05%
4070 Parkway Construction/Mtn	7,321.12	0.00	0.00	0.00	7,321.12	%
4075 Street Construction	1,383,031.98	127,325.00	1,445,000.00	0.00	65,356.98	4.52%
5210 Water Operating Fund	543,709.27	448,322.00	1,011,188.00	-35,181.81	16,025.08	1.59%
5220 Water Replacement	278,554.38	210,500.00	425,000.00	0.00	64,054.38	15.07%
5310 Sewer Operating Fund	574,107.40	789,150.00	1,426,736.00	-72,878.63	9,400.03	0.66%
5320 Sewer Replacement	2,081,483.52	6,154,389.00	7,675,400.00	0.00	560,472.52	7.30%
7010 Social Services/Help Fund	156,857.82	27,600.00	29,185.00	0.00	155,272.82	532.03%
7202 TBID Agency Fund	37,479.47	325,400.00	340,840.00	4,815.97	17,223.50	5.05%
7469 City Court - Judge Jent	8,817.55	0.00	0.00	8,817.55	0.00	%
7699 Victims Assistance Program	49.00	0.00	0.00	49.00	0.00	%
Totals	14,291,269.32	22,075,456.00	32,936,147.00	-34,217.92	3,464,796.24	

Montana Code Annotated 2021

TITLE 76. LAND RESOURCES AND USE

CHAPTER 1. PLANNING BOARDS

Part 2. Membership

Membership Of City Planning Board

76-1-221. Membership of city planning board. (1) A city planning board shall consist of not less than seven members to be appointed as follows:

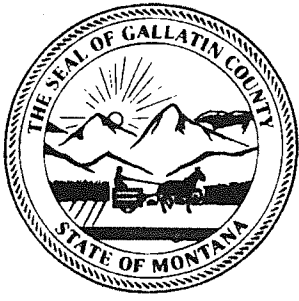
- (a) one member to be appointed by the city council from its membership;
- (b) one member to be appointed by the city council, who may in the discretion of the city council be an employee or hold public office in the city or county in which the city is located;
- (c) one member to be appointed by the mayor upon the designation by the county commissioners of the county in which the city is located;
- (d) four citizen members to be appointed by the mayor, two of whom shall be resident freeholders within the urban area, if any, outside of the city limits over which the planning board has jurisdiction under this chapter and two of whom shall be resident freeholders within the city limits.

(2) The clerk of the city council shall certify members appointed by its body. The certificates shall be sent to and become a part of the records of the planning board. The mayor shall make similar certification for the appointment of citizen members.

History: (1)En. Sec. 4, Ch. 246, L. 1957; amd. Sec. 1, Ch. 271, L. 1959; Sec. 11-3804, R.C.M. 1947; (2)En. Sec. 7, Ch. 246, L. 1957; Sec. 11-3807, R.C.M. 1947; R.C.M. 1947, 11-3804(part), 11-3807.

West Yellowstone Planning Board

NAME	DATE APPOINTED	TERM EXPIRES
1. Jeff McBirnie PO Box 1716 C: (360) 850-3466 bt3vex@gmail.com jmcbirnie@townofwestyellowstone.com	6/16/20	6/15/22
2. Rob Klatt PO Box 215, 518 Carnelian Court C: (406) 580-2002 W: (406) 646-9523 wymaker@gmail.com	9/5/18 7/2/19 7/6/21	6/1/19 7/1/21 7/5/23
3. John Costello PO Box 548, 617 Apollinaris Avenue H: (406) 646-7844 C: (406) 640-1413 jcostello@wyellowstone.com	5/14/18 7/7/20	6/1/20 7/6/22
4. Keith Hendrickson PO Box 1032, 609 N Electric C: (425) 765-3477 725keith@gmail.com	3/22/22	3/22/24
5. County Designee Chipper Smith 175 Grayling Canyon Road West Yellowstone, MT 59758 C: (406) 220-7778 GCRCHIP@Yahoo.com	5/20/14 6/7/16 6/5/18 6/2/20 6/7/22	5/20/16 6/7/18 6/20/20 6/2/22 6/7/24
6. Jon Simms, Public Services Superintendent PO Box 1570 C: (406) 640-9074 jsimms@townofwestyellowstone.com		Concurrent with Employment
7. Jeff Mathews, Town Council Member PO Box 809 C: (805) 207-5270 jmathews@townofwestyellowstone.com		Concurrent with TC Term Appointed 6/7/20



GALLATIN COUNTY

311 West Main, Rm. 306 • Bozeman, MT 59715
commission@gallatin.mt.gov

County Commission

Joe P. Skinner
Zach Brown
Scott MacFarlane

Phone (406) 582-3000

June 7, 2022

Town of West Yellowstone
Attn: Town Council
PO Box 1570
West Yellowstone, MT 59758

RE: Appointment of Planning Board Member


Dear Council Members:

At our Public Meeting on June 7, 2022, we designated Chipper Smith as the County Representative on the West Yellowstone Planning Board. Mr. Smith's term is for two years and will expire on June 7, 2024. According to MCA 76-1-221, the Mayor must confirm this appointment following our designation. Please forward Mr. Smith the enclosed Oath of Office and appointment letter, following your confirmation.

If you have any questions, please feel free to contact our office at 582-3000. Thank you!

Sincerely,


GALLATIN COUNTY COMMISSION



Joe P. Skinner, Chair



Zach Brown, Member



Scott MacFarlane, Member

Received *ep*
7-19-22



APPLICATION FOR BOARDS AND COMMITTEES

Name Jerry Johnson Date 7-16-22

Address 712 N. Hayden St.

City West Yellowstone State MT Zip 59758

Phone (Home): _____ (Work): _____ (Cell/Other): 640-7000

E-Mail Address: Westmayor@aol.com

Are you a resident of West Yellowstone? Yes Length of residency in West Yellowstone: 62 Years

Board or Committee you are applying for: Planning Board

Occupation: Business owner

Employer: Self

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

If so, which board, and for how long? W. Y. Town council, 20+ Years

Past Memberships and Associations: W.Y. Town council, Gallatin County Search and rescue, Mapfund, Madison Addition architectural committee, and board of directors.

Current Memberships and Associations: Marketing and promotion fund, Search and rescue

List any relevant qualifications and/or related experience? Attach any additional information or a resumé, if you prefer: As a council member and Mayor I have been involved with zoning decisions for many years along with the implementation Of West Yellowstones zoning code.

What are your primary objectives for serving on this board? My primary objectives for serving is to help with the updates of the current zoning codes.

References (Individual or Organization):

Katrina Wiese President, Destination Yellowstone Phone: 406-646-7701

Janna Turner First Security Bank Phone: 406-646-5211

Julia Wuttmer Yellowstone T-Shirt Co Phone: 406-640-1686

Signature: Jerry D. Johnson Date: 7-18-22

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



Received
7/20/22
AK

APPLICATION FOR BOARDS AND COMMITTEES

Name Brad Schmier Date 7/19/22

Address 648 Grouse Court

City West Yellowstone State Mt. Zip 59758

Phone (Home): 4066469241 (Work): 4066467735 (Cell/Other): 4066401241

E-Mail Address: bschmier@outlook.com

Are you a resident of West Yellowstone? yes Length of residency in West Yellowstone: 45 + yrs

Board or Committee you are applying for: Planning Board

Occupation: Self-employed business owner

Employer: Jerrys Enterprises

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

If so, which board, and for how long? Town Council 12 yrs, Health Care Board, Cemetery Board

Past Memberships and Associations: _____

Current Memberships and Associations: Western Petroleum Marketers Association

List any relevant qualifications and/or related experience? Attach any additional information or a resumé, if you prefer: _____

My experience being on the council has exposed me to the process involved.

What are your primary objectives for serving on this board? _____

To continue to offer my time to help our community.

References (Individual or Organization):


Greg Forsythe Phone: 4066401555

John Costello Phone: 4066401413

Kyle Goeltz Phone: 4066464444

Signature:  Date: 7/19/22

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



Ready to show off your skills? Everyone is invited (but not required) to bring something to enter into the cook off competition. Lanie will be the judge! Categories: BBQ, side dish, or chocolate (of course)!

- Join us for a -



BBQ & Cook Off

IN HONOUR OF

LANIE GOSPODAREK

WEDNESDAY, 10TH AUGUST @ 12 NOON

WEST YELLOWSTONE TOWN HALL

440 Yellowstone Avenue, West Yellowstone, MT