

# Town of West Yellowstone

Tuesday, October 18, 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

5:30 PM

Waste Water Treatment Facility Update, Town Engineer Dave Noel

Discussion/Action

## TOWN COUNCIL MEETING

7:00 PM

Pledge of Allegiance

### Comment Period

- Public Comment
- Council Comments

Treasurer's & Securities Reports

Purchase Orders: #6558 to Dixon & Company, concrete for casting pond, \$60,380.00  
#6562 to RDO Equipment Co., lease grader and loader, \$65,607.42

Claims

Business License Applications

Consent Agenda: Minutes of the October 3, 2022 Town Council Meeting

Town Manager & Staff Reports

Advisory Board Reports

### ACTION ITEMS

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Business Improvement Advisory Board Appointment

Discussion/Action

- Carrie Coan

Construction Board of Appeals Appointments

Discussion/Action

- Dan Davenport
- James Patterson
- Chipper Smith
- Scott Bittner
- Brian Benike

Resolution of Support, West Yellowstone Airport

Discussion/Action

Community Health Partners, Office Space Lease

Discussion/Action

Correspondence/FYI/Meeting Reminders



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

Public Hearing/Public Meeting

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

Oral Communication

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

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

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

General Town Council Meeting Information

- Regular Town Council meetings are held at 7:00 PM on the first and third Tuesdays of each month at the West Yellowstone Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.
- Presently, informal Town Council work sessions are held prior to regular Tuesday meetings and occasionally on other mornings and evenings. Work sessions also take place at the Town Hall located at 440 Yellowstone Avenue.
- The schedule for Town Council meetings and work sessions is detailed on an agenda. The agenda is a list of business items to be considered at a meeting. Copies of agendas are available at the entrance to the meeting room.
- Agendas are published at least 48 hours prior to Town Council meetings and work sessions. Agendas are posted at the Town Offices and at the Post Office. In addition, agendas and packets are available online at the Town's website: [www.townofwestyellowstone.com](http://www.townofwestyellowstone.com). Questions about the agenda may be directed to the Town Clerk at (406) 646-7795 or [eroos@townofwestyellowstone.com](mailto:eroos@townofwestyellowstone.com).
- Official minutes of Town Council meetings are prepared and kept by the Town Clerk and are reviewed and approved by the Town Council. Copies of approved minutes are available at the Town Clerk's office or on the Town's website: [www.townofwestyellowstone.com](http://www.townofwestyellowstone.com).

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



P.O. BOX 1570

# TOWN OF WEST YELLOWSTONE MONTANA

PHONE: 406-646-7795

FAX: 406-646-7511

info@townofwestyellowstone.com

PURCHASE ORDER 4060-430200-398

Date 10-13-22

Ship Via

Order No. 006562

Department PUBLIC WORKS

TO:

ADDRESS: RDO EQUIPMENT CO.

PLEASE FURNISH THE TOWN OF WEST YELLOWSTONE WITH:

Quantity	Description
	Leasing option : 23 772 G grader \$ 26,496. <sup>40</sup>
	Leasing option : 23 624 P loader \$ 39,111. <sup>02</sup>

Estimated Cost \$ 65,607.42

Authorized By

Requested By:

VENDOR COPY - White OFFICE COPY - Canary



# RDO Finance Quote - Lease

RDO Equipment Co.  
 257 Laura Louise Lane  
 Bozeman MT, 59715  
 Phone: (406) 551-2141 - Fax: (406) 551-2147

**Prepared For:**  
 TOWN OF WEST YELLOWSTONE  
 PO BOX 579  
 WEST YELLOWSTONE, MT, 59758  
 (406) 646-7609

**Prepared By:**  
**Name:** Brad Gietzen  
**Title:** Compact CE Sales Professional  
**Phone:** (406) 551-2141  
**Mobile:** (406) 589-4520  
  
**Name:** Brian Fried  
**Title:** Regional Finance Manager  
**Phone:** (701) 223-5798  
**Mobile:**

## Comments

Must be submitted for approval by 10/28/2022

## Equipment Information

Status / Year / Make / Model	Serial Number
New 2023 JOHN DEERE 772G	TBD

## Quote Overview

<b>Selling Price:</b>	\$382,252.95
<b>Trade Allowance:</b>	(\$132,000.00)
<b>DOC/UCC Fees:</b>	\$650.00
<b>Amount to Finance:</b>	<b>\$250,902.95</b>

## Quote Options

	Lender	Frequency	Term	Number Of Payments	Security Deposit	Number of Advanced Payments	Payment (Plus Applicable Taxes)	Annual Hours	Purchase Option or FMV
Option 1	John Deere Financial	Annual	60	5	\$0.00	1	\$26,496.40	1000	\$239,900.00 (PO)
	LON RES								
Option 2	John Deere Financial	Annual	60	5	\$0.00	1	\$59,019.24	1000	\$1.00 (PO)

## Other Notices

**All Numbers subject to Final Credit Approval**



# RDO Finance Quote - Lease

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 257 Laura Louise Lane  
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**Name:** Brian Fried  
**Title:** Regional Finance Manager  
**Phone:** (701) 223-5798  
**Mobile:**

## Comments

Must be approved by 10/28/2022 for payment protection

## Equipment Information

Status / Year / Make / Model	Serial Number
New 2023 JOHN DEERE 624P	TBD
Attachment - New 2023 TRM (BAIRD INC) 50HCBS	TBD
Attachment - New 2023 TRM (BAIRD INC) 350GPPR	TBD

## Quote Overview

**Selling Price:** \$247,202.00  
**DOC/UCC Fees:** \$650.00  
**Amount to Finance:** **\$247,852.00**

## Quote Options

	Lender	Frequency	Term	Number Of Payments	Security Deposit	Number of Advanced Payments	Payment (Plus Applicable Taxes)	Annual Hours	Purchase Option or FMV
Option 1	John Deere Financial LON RES	Annual	60	5	\$0.00	1	\$39,111.02	1000	\$147,500.00 (PO)
Option 2	John Deere Financial	Annual	60	5	\$0.00	1	\$58,301.57	1000	\$1.00 (PO)

## Other Notices

**All Numbers subject to Final Credit Approval**

P.O. BOX 1570

# TOWN OF WEST YELLOWSTONE MONTANA

PHONE: 406-646-7795  
FAX: 406-646-7511

info@townofwestyellowstone.com

PURCHASE ORDER 400-460460-930

Date 10-11-22

Ship Via

Order No. 006558

Department Public Works

TO: Dixon & Company Inc.

ADDRESS:

PLEASE FURNISH THE TOWN OF WEST YELLOWSTONE WITH:

Quantity	Description
	CONCRETE for Casting Pond \$ 56,700. <sup>00</sup>
	@ \$12. <sup>00</sup> /sq. ft.
	Lodging for crew: \$ 3,200. <sup>00</sup>
	Per diem for crew: \$ 480. <sup>00</sup>

Estimated Cost \$ 60,380.<sup>00</sup>

Authorized By 

Requested By: 

VENDOR COPY - White OFFICE COPY - Canary

## Jon Simms

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**From:** Dixon & Company Inc <dixonandcompanyinc@gmail.com>  
**Sent:** Wednesday, October 5, 2022 7:09 AM  
**To:** Jon Simms  
**Subject:** Re: West Yellowstone- concrete  
**Attachments:** ~WRD2829.jpg; image001.jpg

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

It would be 4725 square feet at \$12.00 = \$56,700

On Tue, Oct 4, 2022, 12:45 PM Jon Simms <[jsimms@townofwestyellowstone.com](mailto:jsimms@townofwestyellowstone.com)> wrote:

Hi Traci,

I'm sorry but could please have Joe estimate for 10'6" wide sidewalk instead just to see where the figures put us??  
Thanks!

Jon Simms

*Public Services Superintendent*

**Town of West Yellowstone**

406-640-9074

[jsimms@townofwestyellowstone.com](mailto:jsimms@townofwestyellowstone.com)



**From:** Dixon & Company Inc <[dixonandcompanyinc@gmail.com](mailto:dixonandcompanyinc@gmail.com)>  
**Sent:** Tuesday, October 4, 2022 12:32 PM

10/14/22  
15:43:58

TOWN OF WEST YELLOWSTONE  
Claim Approval List  
For the Accounting Period: 10/22

Page: 1 of 4  
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
49437		266 Utilities Underground Location	36.11					
	09/30/22	excavation notifications	18.05		WATER	5210 430500	357	101000
	09/30/22	excavation notifications	18.06		SEWER	5310 430600	357	101000
49438		2421 NAPA Auto Parts	667.59					
	09/30/22	Napa Supplies	231.61		STREET	1000 430200	220	101000
	09/30/22	Napa Supplies	386.08		STREET	1000 430200	361	101000
	09/30/22	Napa Supplies	49.90		PARKS	1000 430200	231	101000
49440		2575 WY Tourism Business Improvement	41,256.04					
	10/14/22	Collections for Sept 2022	41,256.04		TBID	7202 411800	540	101000
49446		151 Gallatin County WY TS/Compost	1,121.00					
	09/30/22	Household waste	1,121.00		PARKS	1000 460430	534	101000
49456		2822 ClearBlu Business Services	6,212.75					
	1637 10/13/22	Town Hall	1,000.00		TWNHLL	1000 411250	357	101000
	1637 10/13/22	Library	400.00		LIBES	1000 411259	357	101000
	1637 10/13/22	Trailhead Bldng.	260.00		TRLHED	1000 411256	350	101000
	1637 10/13/22	Povah	850.00		POVAH	1000 411255	350	101000
	1637 10/13/22	Chamber Bldng.	1,400.00		CHAMB	1000 411257	357	101000
	1637 10/13/22	Park Bathrooms	800.00		PARKS	1000 411253	357	101000
	1637 10/13/22	Dispatch Building	585.00		DSPTCH	1000 411258	398	101000
	1630 10/02/22	hydrojet sewer line	168.75		SEWER	5310 430600	357	101000
	1629 10/02/22	toliet replace, Povah	699.00		POVAH	1000 411255	350	101000
	1629 10/02/22	storm drain inspect	50.00		DRAIN	1000 430235	357	101000
49459		2558 Hebgen Basin Fire District	55,849.00					
	10/01/22	October 2022	48,294.00		FIRE	1000 420400	357	101000
	10/01/22	employee grant october 2022	7,555.00		FIRE	1000 420400	140	101000
49460		2789 WEX Bank	3,693.22					
	10/01/22	17 Dodge Ram #2	0.00		POLICE	1000 420100	231	101000
	10/01/22	10 Ford Expedition 6-000046	0.00		SOCSER	1000 450135	231	101000
	10/01/22	10 JD Backhoe 310SJ	0.00		STREET	1000 430200	231	101000
	10/01/22	91 Ford 6-582	100.83		STREET	1000 430200	231	101000
	10/01/22	14 Water Truck	0.00		STREET	1000 430200	231	101000
	10/01/22	2010 JD 772 Grader	0.00		STREET	1000 420100	231	101000
	10/01/22	02 Freightliner Dump 6-54564A	87.75		STREET	1000 430200	231	101000
	10/01/22	08 GMC Pickup 6-1484	379.35		STREET	1000 430200	231	101000
	10/01/22	08 CAT 938H Loader	276.39		STREET	1000 430200	231	101000
	10/01/22	08 904B MiniLoader	0.00		STREET	1000 430200	231	101000
	10/01/22	15 Ford F-250	76.04		STREET	1000 430200	231	101000
	10/01/22	18 2018 Dodge Ram-PW	201.34		STREET	1000 430200	231	101000



10/14/22  
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	10/01/22	18 Dodge Ram-Police	159.52		POLICE	1000 420100	231	101000
	10/01/22	19 Dodge Durango	129.02		POLICE	1000 420100	231	101000
	10/01/22	Multi-Use Vehicle - Sienna	122.33		DISPAT	1000 420160	370	101000
	10/01/22	Multi-Use Vehicle - Sienna 521	63.09		LIBRAR	2220 460100	370	101000
	10/01/22	Multi-Use Vehicle - Sienna	59.41		STREET	1000 430200	231	101000
	10/01/22	06 Dodge Durango 6-1374/6-2010	232.68		STREET	1000 430200	231	101000
	10/01/22	15 Sweeper	140.03		STREET	1000 430200	231	101000
	10/01/22	'00 FL Dumptrk 6-60700A	0.00		STREET	1000 430200	231	101000
	10/01/22	'14 Ford Intercep	291.85		POLICE	1000 420100	231	101000
	10/01/22	PD Dodge Ram#1	427.33		POLICE	1000 420100	231	101000
	10/01/22	PD Dodge Ram#2	368.96		POLICE	1000 420100	231	101000
	10/01/22	01 Frht truck #1	0.00		STREET	1000 430200	231	101000
	10/01/22	19 Dodge 5500	315.20		STREET	1000 430200	231	101000
	10/01/22	20 Dodge Ram (silver)	262.10		POLICE	1000 420100	231	101000
49488		2 Forsgren Associates P.A.	17,847.00					
	122386	09/25/22 Tsk 11-Mammoth Rm design	6,000.00		UPDL	4000 460460	920	101000
	122386	09/25/22 Tsk 2022-02 WW Permit	5,500.00		SEWER	5310 430600	354	101000
	122386	09/25/22 FS application	175.00		SEWER	5320 430640	951	101000
	122386	09/25/22 Tsk 2022-03 SFE Calc	3,207.00		SEWE	5310 430600	354	101000
	122386	09/25/22 General engineering	2,965.00		ENG	1000 411000	357	101000
49489		3364 SIGA, LLC	4,950.00					
	E22-P143	10/05/22 equipment Mad Add lift stati	4,950.00		SEWER	5310 430630	941	101000
49490		3374 Diesel Depot	9,332.20					
	01R19551	10/07/22 radiator, 2001 Freightliner	4,485.19		STREET	1000 430200	369	101000
	01R19595	10/07/22 turbo exhaust, 2001 Freightl	2,931.49		STREET	1000 430200	369	101000
	01R19581	10/07/22 tires/rims, 2001 Freightline	1,915.52		STREET	1000 430200	369	101000
49491		1796 Barta Electric, Inc.	1,001.34					
	6266	09/21/22 Povah center lights	835.87		POVAH	1000 411255	350	101000
	6267	09/21/22 court room motion sensor	165.47		TWNHAL	1000 411250	357	101000
49492		2099 Quick Print of West Yellowstone	109.63					
	16775	09/30/22 office supplies, sewer	61.68		SEWER	5310 430600	220	101000
	23763	09/15/22 shipping, MT DOL & I	47.95			1000 420531	220	101000
49493		660 Swiss Precision Landscaping	1,644.38					
	15815	08/15/22 sprinkler service	889.38*		PARKS	1000 460430	365	101000
	16109	09/21/22 sprinkler service	755.00*		PARKS	1000 460430	365	101000

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Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
49494		999999 STEPHANIE CIELOHA	700.00					
TK-110-2022-074		Justin Cieloha						
	10/13/22	court bond TK-110-2022-074	700.00		COURT	7469 212401		101000
49495		2537 Balco Uniform Co., Inc.	844.69					
	71059-2 09/30/22	uniform, J. Trujillo	583.69		POLICE	1000 420100	226	101000
	72031-2 10/05/22	uniform, A. Stoneburner	261.00		POLICE	1000 420100	226	101000
49496		533 Market Place	4.95					
	09/30/22	supplies-jail	4.95		JAIL	1000 420230	220	101000
49497		3243 Susan Swimley	296.00					
	12107 10/05/22	Moonrise consult	296.00		LEGAL	1000 411100	352	101000
49498		2631 Michael Gavagan	443.88					
	10/10/22	reimb truck bed cover, 20 Dodg	443.88		POLICE	1000 420100	212	101000
49499		497 MT Dept Environmental Quality	1,100.00					
	5I2304123 09/26/22	community connection fee	1,100.00		WATER	5210 430500	335	101000
49500		3116 R & R Lock and Key, LLC	50.00					
	2559 08/03/22	lock repairs, Library	50.00		LIB	2220 460100	220	101000
49501		40 Jerry's Enterprises	21.81					
	09/20/22	supplies	21.81		LEGIS	1000 410100	220	101000
		# of Claims 21	Total: 147,181.59					



WEST YELLOWSTONE TOWN COUNCIL  
**Town Council Meeting**  
**October 3, 2022**

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

OTHERS PRESENT: Town Manager Dan Walker, Public Services Superintendent Jon Simms

The meeting is called to order by Mayor Travis Watt at 12:00 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 comment is received.

**Council Comments**

Mayor Watt explains that they have a short agenda today because several of the council members and staff will be gone the rest of the week to attend the League of Cities & Towns conference in Kalispell.

Mayor Watt says that he has been doing some research on how to appropriately use a Consent Agenda and will send out an email later this week after he meets with Dan Clark of the MSU Local Government Center at the conference this week.

**ACTION TAKEN**

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- 1) Motion carried to approve Purchase Order #6557 to University Auto Sales for \$18,200 to purchase a 2013 Chevy Silverado 1-ton service truck with a 4K crane, to replace Purchase Order #6553, and authorize the check to be released immediately. (McBirnie, Benike)
- 2) Motion carried to approve the claims, which total \$53,382.17 (Benike, McBirnie)
- 3) Motion carried to approve the claims, which total \$30,500.00 (McBirnie, Benike)
- 4) Motion carried to approve the Consent Agenda, which includes the minutes of the September 20, 2022 Town Council Work Session and Meeting. (McBirnie, Benike)

**DISCUSSION**

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- 1) Public Services Superintendent Jon Simms explains that the 2014 Chevy Service truck that was approved by purchase order at the last meeting sold before they could get down to purchase it. They have found a different truck that is actually cheaper and comes with a crane that will be useful for cemetery burials.
- A) **Town Manager & Staff Reports:** Town Manager Dan Walker reports that they are conducting interviews for the position of Finance Director this afternoon. He attended the Montana Planners Conference in Billings last week where they discussed housing issues extensively and upcoming legislation. He is attending the Montana League of Cities & Towns Conference in Kalispell this week with Town Clerk Liz Roos, Public Services Superintendent Jon Simms, Mayor Watt, and Council Member Griffith.

The meeting is adjourned, 12:25 PM. (McBirnie, Benike)

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Mayor

ATTEST:

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Town Clerk

DRAFT

## Police Department Weekly Report October 1 – October 13, 2022

### **Administrative**

Officer Ashlee Stone Burner will be off Field Training October 15th. She will be covering the day shift opposite Officer Courtis (Sunday, Monday, Tuesday and every other Wednesday). I will be working day shifts next week with Ashlee to ease her into days and introduce her at the school.

Brenda and I were at the job fair for the school's 8<sup>th</sup> – 12<sup>th</sup> graders, held at the Holiday Inn. This was an awesome event. The career professionals that showed up were great and I think the students benefited greatly. The West Yellowstone Foundation organized and sponsored this event and plans on holding it every year.

I have begun working with Dana Supply Company on the purchase of a new police vehicle. Dana Supply is the company that retrofits a vehicle to become a police vehicle. Emergency lights, sirens, video system, radio, radar detector, etc. We will be able to use some, but not all the gear coming out of the 2014 Ford Interceptor we will be replacing. Dana also owns a Ford dealership, this will help lower the cost and increase availability in a very tight, new vehicle purchase, market. They can be a complete turnkey vendor while saving us some money. The budgeted amount for this fiscal year is likely a little below what this will cost, but I will know more by next week. I have been working with them all week on specifications, equipment packages, and options. They will be preparing a bid on two different vehicle options.

Brenda, Fire Chief Shane Grube, and I had a Microsoft Teams meeting with Central Square this morning about the potential new CAD/RMS system for the police and fire departments. After two hours, we had the last quote (from March 2022) revised to fit our needs. Several questions emerged from this meeting that still need to be worked out, but we should be able to make a decision within the next two or three weeks. If we do transition to this system, the rollout and switch over to it will likely take 12 months. This system will provide us 100% connectivity and compatibility with Bozeman PD, Belgrade PD, Manhattan PD, MSU PD, and the Gallatin County Sheriff's Office. I also believe the Madison County Sheriff's Office is also using this platform. We would be working on a shared server managed by Gallatin County IT and the 911 center in Bozeman. The process of switching is a very large and time consuming task that will fall on Brenda and me. As of this report, I believe the benefits outweigh the downsides, but we still have some questions and things to figure out before we sign on the dotted line. I will update everyone with more specifics as we know more.

I will be going to Bozeman tomorrow to meet with Gallatin County IT department to get set-up with a county computer that has full access to Central Square. This is not related to the above paragraph, but a necessary step for us to roll out the Handle with Care program discussed in my last report and mentioned at the brief council meeting on October 3<sup>rd</sup>. However, if we do pull the trigger on purchasing this system, having a computer with the software already on it, could come in very handy. This computer is on loan to me at the authorization of the Sheriff and involves no cost to the town.

I held a staff meeting with the officers on October 3<sup>rd</sup> in the evening. We worked through several operational changes and the staff was very receptive to this new guidance. We also issued out the new AED's for each of the officers to have in their patrol vehicles. Chief Grube conducted training on the

operation of these devices. The new AED's are very easy to operate and will be much easier for the officers to quickly deploy one if necessary. As mentioned in my last report, these units were purchased through a grant. We will be reallocating the old AED's to areas around town with new or additional needs. Chief Grube and I will be formulating a plan for this. My goal is to have a staff meeting every month and to incorporate some training into those meetings. After a decade or so of limited to no real training, there are many, many areas and topics to train on. Brenda and I will be having a meeting with all of the dispatchers within the next two weeks as well.

I put out a vehicle and equipment inventory to the staff to find out what gear they already have. The inventory results showed several officer safety (in my opinion) gear having never been issued. The staff and I prioritized some of the most important of those and I have begun to research the purchase of these items.

End of Report

Mike Gavagan

## **Public Services Dept. Bi-Weekly Report: September 30<sup>th</sup> through October 13<sup>th</sup>, 2022**

### Work performed

Winterize all town sprinkler systems. Museum & UPDL were winterized on 10/13. Began grading alleyways again after final grader updates. Hydrant repairs and maintenance. Finished constructing protective perimeter jack fencing around casting pond. Add road base material in potholes throughout alleyways. Respond to rodent infiltration at the museum and get ahold of exterminator. Utility locates as they come through. Clean out curb-stop valve boxes, exercise gate valves, install valve plugs to block any further debris from building up inside valve housing. Weekly problem area inspections on SAS mainlines and wash downs. Pushup wood pile at lagoon. Pickup DAs in road as needed. Pickup newly purchased service truck. Finish out grass mowing for the year and get unit serviced. Begin pulling all trash and recycling stations, pressure wash and sanitize bins prior to storing before winter. Update 772G: tandem pivots and differential leak fixed, crankshaft sealed, and front pan replaced, articulation cylinder rod replaced. 2017 Pelican Sweeper updates: new conveyor chain installed; roller bearings will now need replaced. 01 Freightliner: replaced exhaust turbo and radiator, fix tire blowout. Replaced bald tires on GMC pickup. Water meter and service valve requests as needed. Haul tagged vehicles for the police department as requested. Cleanup graffiti at town park and respond to vandalism (broken mirrors, busted skylight, replace hardware on stall doors, replace plexiglass in display cases, etc.). Asphalt/pothole repairs. Continue replacing worn street signage, straightening posts. Haul away material and debris accumulating in the snow storage areas throughout the inner parks. Add material to roadside berms as needed for proper grade. Fill in washed out areas with road base material near fire hydrants. Pressure wash raven debris from sidewalks throughout central business district as well as picnic tables at Pioneer Park. Street sweeping, brooming aprons. Cleanup debris blowing out of triple bin roll off containers and Abitibi's at PW shop. Pressure wash vehicles and trash trailers. Check fluids and grease equipment. Have crew practice running grader on FS roads and inner parks. Tree work around town, sharpen chainsaw blades, replace filters, primer bulbs, plugs and bars. Deadfall cleanup in town and cemetery, fill in sunken grave spaces. Work through punch list items for Billings Clinic and building concerns at the town clinic. Test power to parking lot light pole base at visitor's center. Schedule pole and fixture installation. Clean up and re-organize public works main shop. Update and test all fire extinguishers in town buildings and fleet vehicles.

### Administrative

Attend Montana League of Cities and Towns annual conference in Kalispell. Speak with students from WYS at the career fair day. Discuss leasing options for our heavy equipment fleet with RDO. Meet with Forrest Service regarding future plans for timber harvest and clearcut. Oversee lighting retrofit project in Firehole Room at UPDL (project completed on 10/12). Oversee Yellowstone Paving Solutions crack sealing updates, should be complete no later than 10/17. Met with Sprinter Squared LLC. to fix compressor on upright freezer at Povah Center, dead circuit on new compressor will be warranted by



contractor (new compressor should be here by October 20<sup>th</sup>). Work on reviewing year 1 employee evaluations for KC, Shane and Sam. Discuss project updates with Swiss Precision Landscaping & Nursery. Line up grease trap cleaning and jetting of bathroom drains at town hall. Get concrete lined up for Phase 2 of the Casting Pond Project (filled in Joe Moore and Jonathan Heames from Big Sky Anglers as well as Brandi Burns with Yellowstone Historical Center on project status). Meet with Reed Hill at 3H Construction on project updates. Met with Recreation Coordinator to review upcoming events and class flyers. Get back with resident on easement and setback requirements, forward municipal codes. Discuss next year's winter skijoring event with event coordinator/ representative. Schedule parts orders and updates to town's fleet. Place orders for necessary O&M supplies, follow up with vendors on supply chain issues. Coordinate with staff at Forsgren and Jon Brown to review best management practices for wastewater collection/ treatment facility and water distribution system. Investigate weir levels on cells A & B at lagoon. Coordinate monthly coliform/ bac- T samples with Jon Brown. Follow up on proposals for CIP projects. Conduct weekly COVID samples (results available on the Gallatin County Health Departments website). Review city policies, procedures, collective bargaining agreement, safety protocols and codified ordinances. Review city policies, procedures, collective bargaining agreement, safety protocols and codified ordinances. Evaluate 2022 budgetary needs, review purchase orders and submit weekly invoices. Enter timesheets and payroll for crew. Respond to WY pump status reports and dispatch to town as necessary. Ticket entry for 811's new "positive response" reporting software.

**From:** [Jon Simms](#)  
**To:** [Dan Walker](#); [Elizabeth Roos](#)  
**Subject:** FW: Bullet points Oct 13 2022  
**Date:** Thursday, October 13, 2022 10:37:33 AM

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**From:** Kyle Tanner <ktanner@townofwestyellowstone.com>  
**Sent:** Thursday, October 13, 2022 8:19 AM  
**To:** Jon Simms <jsimms@townofwestyellowstone.com>  
**Subject:** Bullet points Oct 13 2022

Bullet points Oct 13 2022

Blow out sprinklers, winterize  
Concrete/setback inspect 316 Lewis  
Relocate sign to east side of 433 HYW 20 for Wagon wheel  
Field calls for new construction  
Locates  
Meet with contractors on 15 Hayden cabins

Sent from my Verizon, Samsung Galaxy smartphone  
Get [Outlook for Android](#)

## Bi-Weekly Report

09/29/22 thru 10/13/22

09/29/22: Performed water/wastewater rounds. Worked on the repairs of fire hydrants. I worked on building an equipment rack to support the welder in the service truck. Worked on locates.

09/30/22: Performed water/wastewater rounds. Adjusted weirs and changed IP beds at wastewater lagoons. Performed light maintenance on blowers in buildings #1 and #2.

10/03/22: Performed water/wastewater rounds. The high school held a career day, and I was asked to participate by set up a booth explaining the duties and training of a water/wastewater operators. This was very exciting, and I was happy to help with this event.

10/04/22: Performed water/wastewater rounds. Organized and cleaned the public works shop with the help of the road crew.

10/05/22: Performed water/wastewater rounds. Started winterizing the Town's outdoor water sprinkler systems. As I was working at the Museum a very large rat startled me since it was in the piping system. Obtained wastewater influent and effluent samples.

10/06/22: Performed water/wastewater rounds. Drove with Bill Warner to Pocatello so we could pick up new service truck. Dropped off wastewater samples to the lab.

10/07/22: Performed water/wastewater rounds. Rescheduled appointment with K&M services regarding their directional drilling on Electric St. Due to the holiday and corrections needed on the bond I had the meeting rescheduled to the next week when Jon Simms and Dan Walker could be present. Continued winterization of the system.

10/11/22: Performed water/wastewater rounds. Worked on locates. Worked on items needed to start the collection of monthly water samples. Worked on office paperwork which included the EPA/DEQ revised Copper and Lead rules. This paperwork is to help with possible funding in the future.

10/12/22: Performed water/wastewater rounds. Collected monthly BAC-T water samples and drove them to Belgrade at Bridger Labs. While in Belgrade I ran some errands for Jon Simms.

10/13/22: Performed water/wastewater rounds. Finished winterizing the wastewater lagoons and removed evaporator pumps along with the algae control units. Performed three locates. Met with Reed Hill from 3-H constructions to go over the sewer line extension behind the tennis court, the 3 sewer point repairs need on A & B lines, and replacement of fire hydrant #55.

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

Thank you,

Jon Brown



OCTOBER 3-14, 2022

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TO: Town Manager Dan Walker, Town Council

FROM: Liz Roos, Town Clerk

SUBJECT: Finance/Administration Office Report

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- Participated in interviews for the new Finance Director
- Completed the 10/7/22 payroll prior to leaving for the MLCT conference in Kalispell
- Attended the Montana League of Cities & Towns (MLCT) conference in Kalispell. At the conference, our proposal to host the conference in West Yellowstone in 2024 was accepted. This conference has approximately 450 attendees from all over the state and we have hosted it three times in the past. We saw Lanie at the conference and toured the Whitefish City Hall with her. (Nice!)
- Finance Clerk Peggy Russell is on vacation until October 19...she is so missed!
- Completed and submitted the quarterly Workers Comp, Unemployment, and 941 payroll reports
- Processed a Work in the Public Way Permit for KM Services Company on behalf of Blackfoot Communications to run fiber to 11 South Electric Street
- Produced and distributed the Town Council agenda and packet for the 10/18/22 meeting



## **SOCIAL SERVICE**

### **HIGHLIGHTS**

**OCTOBER 3-13 2022**

- There has been an uptake in the number of food box requests. I have to guess that employers are cutting hours on their workers or laying them off
- Several summer clients have stopped by the office to say Good Bye and to Thanks us for our assistance this summer
- Vouchers given out for the Foundation Bus and gasoline
- Local businesses have been donating their surplus food to the Food Bank
- Placed posters at the local career day letting students know they can help volunteer at our office.
- Dianna completed her SHIP certification renewal program
- We have several volunteers helping organize the Clothing Bank
- Still assisting a gentleman with medical expensive that he occurred. We have been successful in having most of his bill waived.
- Assisting with renewals for SNAP and LEIAP programs.
- Several individuals are applying for Medicaid. We have faxed those to OPA
- Still working with APS on our local elderly gentleman
- Receiving lots of donations: money, clothes and food. We have stopped taking clothing until the Clothing Bank is better organized
- The showers and computers have been used every day
- Kings of Columbus from California donated 50 brand new coats for locals
- Working with Fall River Electric identify locals that can benefit from assistance with their heating costs this winter
- Diana will be traveling to Bozeman to pick up our TEFAP food order
- Visited with a representative from Family Outreach about opportunities for our young people.

# TOWN OF WEST YELLOWSTONE

## PUBLIC NOTICE

### Business Improvement Advisory Board

The West Yellowstone Town Council is seeking an interested individual to serve on the Business Improvement Advisory Board. Members of this committee will work with the Town Council to develop a strategic plan for the downtown commercial area and address specific issues including interior park development, parking issues, beautification, sign regulations, and tree planting. The committee will form recommendations for action that will be presented to the Town Council. The open seat on this board is for an at-large participant, anyone may apply. Terms on this board are for four years.

Interested individuals should complete and return the 'Application for Boards and Committees' which is available from the Town Hall, 440 Yellowstone Avenue, West Yellowstone, MT or on the Town's website: [www.townofwestyellowstone.com](http://www.townofwestyellowstone.com). This position is open until filled. For more information or to request an application by e-mail, please contact the Town Hall, (406) 646-7795, or [info@townofwestyellowstone.com](mailto:info@townofwestyellowstone.com).

Elizabeth Roos  
Town Clerk



# Business Improvement Advisory Board

BOARD MEMBER	APPOINTED	EXPIRES	E-MAIL ADDRESS
Grant Evje *	10/19/21	10/18/23	<a href="mailto:grant.evje@gmail.com">grant.evje@gmail.com</a>
Kelli Hart **	10/19/21	10/18/23	<a href="mailto:kelli@freeheelandwheel.com">kelli@freeheelandwheel.com</a>
Garrett Ostler *	10/19/21	10/18/24	<a href="mailto:garrett@madisonhotelmotel.com">garrett@madisonhotelmotel.com</a>
<del>Rebecca Konieczny ***</del>	<del>10/19/21</del>	<del>10/18/24</del>	<del><a href="mailto:xeskibecca@gmail.com">xeskibecca@gmail.com</a></del>
Leah Sherman **	10/19/21	10/18/25	<a href="mailto:leahksherm@gmail.com">leahksherm@gmail.com</a>
Jessica Piccone*** (completing Pauline Richardson's term)	4/5/22	10/18/25	<a href="mailto:jessapicone@gmail.com">jessapicone@gmail.com</a>

Jeff Mathews, Town Council – concurrent with term

[jmathews@townofwestyellowstone.com](mailto:jmathews@townofwestyellowstone.com)

**Staff Support** – concurrent w/ employment

Jon Simms, Public Services Superintendent  
Vely Vazquez, Recreation Coordinator

[jsimms@townofwestyellowstone.com](mailto:jsimms@townofwestyellowstone.com)  
[ivazquez@townofwestyellowstone.com](mailto:ivazquez@townofwestyellowstone.com)

*Reorganized by the Town Council 10/19/21 via Resolution No. 764, 4-year terms.*

*\*2 positions – business owners that own their business property*

*\*\*2 positions – business owners that lease their business property*

*\*\*\*2 positions – community at large*

Updated 10/20/21 er

Received 9/27/22  
EK



APPLICATION FOR BOARDS AND COMMITTEES

Name Carrie Coan Date 9/27/22

Address 533 Lakeview Rd

City West Yellowstone State MT Zip 59758

Phone (Home): 651-338-4343 (Work): 406-646-1152 (Cell/Other): \_\_\_\_\_

E-Mail Address: ED@WYFMT.ORG

Are you a resident of West Yellowstone? Yes Length of residency in West Yellowstone: 1 yr, 1 mo

Board or Committee you are applying for: BID

Occupation: Executive Director

Employer: West Yellowstone Foundation

Have you previously served on a County or City board? NOT for West

If so, which board, and for how long? Two Harbors Arts Committee x 3 years

Past Memberships and Associations: Rotary, Two Harbors Area Arts + Events, Two Harbors Arts Committee

Current Memberships and Associations: National Scholarship Providers Association, Montana Non Profit Association

List any relevant qualifications and/or related experience? Attach any additional information or a resumé, if you prefer: I have organized many community events and secured funding to lead a downtown project focussed on providing public art (most was interactive), some projects were temporary installations + some permanent (in two Harbors)

What are your primary objectives for serving on this board? To be involved more in West Yellowstone and help reach the goals of BID

\* Pick me! Pick me! \*

References (Individual or Organization):

Amber Smith Phone: \_\_\_\_\_

Leah Sherman Phone: \_\_\_\_\_

~~Debra Piccone~~ Jessica Piccone Phone: \_\_\_\_\_

Signature: [Handwritten Signature] Date: 9/27/22

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](mailto:info@townofwestyellowstone.com). Thank you in advance for your interest.



**15.04.110 Board of appeals.**

In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of this code, there shall be and is created a board of appeals, consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction. The building official shall be an ex officio member and shall act as secretary of the board. The board of appeals shall be appointed by the town council and shall hold office at its pleasure. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant and may recommend to the town council such new legislation as is consistent with this chapter. (Ord. 123 §9, 1987)

## APPENDIX B

# BOARD OF APPEALS

*The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.*

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### User notes:

*About this appendix: Appendix B provides criteria for Board of Appeals members. Also provided are procedures by which the Board of Appeals should conduct its business.*

*Code development reminder: Code change proposals to this appendix will be considered by the Administrative Code Development Committee during the 2019 (Group B) Code Development Cycle. See explanation on page iv.*

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### SECTION B101 GENERAL

[A] **B101.1 Application.** Applications for appeal shall be obtained from the building official. Applications shall be filed within 20 days after notice has been served.

[A] **B101.2 Membership of board.** The board of appeals shall consist of persons appointed by the chief appointing authority as follows:

1. One for 5 years; one for 4 years; one for 3 years; one for 2 years; and one for 1 year.
2. Thereafter, each new member shall serve for 5 years or until a successor has been appointed.

The *building official* shall be an ex officio member of said board but shall have no vote on any matter before the board.

[A] **B101.2.1 Alternate members.** The chief appointing authority shall appoint two alternate members who shall be called by the board chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for 5 years, or until a successor has been appointed.

[A] **B101.2.2 Qualifications.** The board of appeals shall consist of five individuals, one from each of the following professions or disciplines:

1. Registered design professional with architectural experience or a builder or superintendent of building construction with not fewer than 10 years of experience, 5 of which shall have been in responsible charge of work.
2. Registered design professional with structural engineering experience.
3. Registered design professional with mechanical and plumbing engineering experience or a mechanical contractor with not fewer than 10 years of experience, 5 of which shall have been in responsible charge of work.
4. Registered design professional with electrical engineering experience or an electrical contractor with not fewer than 10 years of experience, 5 of which shall have been in responsible charge of work.
5. Registered design professional with fire protection engineering experience or a fire protection contractor with not fewer than 10 years of experience, 5 of

which shall have been in responsible charge of work.

[A] **B101.2.3 Rules and procedures.** The board is authorized to establish policies and procedures necessary to carry out its duties.

[A] **B101.2.4 Chairperson.** The board shall annually select one of its members to serve as chairperson.

[A] **B101.2.5 Disqualification of member.** A member shall not hear an appeal in which that member has a personal, professional or financial interest.

[A] **B101.2.6 Secretary.** The chief administrative officer shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

[A] **B101.2.7 Compensation of members.** Compensation of members shall be determined by law.

[A] **B101.3 Notice of meeting.** The board shall meet upon notice from the chairperson, within 10 days of the filing of an appeal or at stated periodic meetings.

[A] **B101.3.1 Open hearing.** All hearings before the board shall be open to the public. The appellant, the appellant's representative, the building official and any person whose interests are affected shall be given an opportunity to be heard.

[A] **B101.3.2 Procedure.** The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

[A] **B101.3.3 Postponed hearing.** When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

[A] **B101.4 Board decision.** The board shall modify or reverse the decision of the *building official* by a concurring vote of two-thirds of its members.

[A] **B101.4.1 Resolution.** The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the *building official*.

[A] **B101.4.2 Administration.** The *building official* shall take immediate action in accordance with the decision of the board.



APPLICATION FOR Building Board of Appeals

Name DAN DAVENPORT Date 9/7/22

Address PO Box 1087

City W. YELLOWSTONE State MT Zip 59758

Phone (Home): 406-640-1168 (Work): \_\_\_\_\_ (Cell/Other): \_\_\_\_\_

E-Mail Address: bhdbmte@gmail

Are you a resident of West Yellowstone? yes Length of residency in West Yellowstone: 26 yrs

Board or Committee you are applying for: Building Board of appeals

Occupation: Architect / General Contractor

Employer: Self

Have you previously served on a County or City board? No

If so, which board, and for how long? NA

Past Memberships and Associations: Historic Society, Rural fire Department

Current Memberships and Associations: NA

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

What are your primary objectives for serving on this board? Help community

References (Individual or Organization):  
KC Tanner Phone: 208-810-9561

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

Signature: [Signature] Date: 9/7/22

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.



APPLICATION FOR Building Board of Appeals

Name Scott BITNER Date 9/6/22

Address P.O. Box 243

City WEST YELLOWSTONE State MT Zip 59758

Phone (Home): 406 646 4019 (Work): \_\_\_\_\_ (Cell/Other): 406-640-0290

E-Mail Address: SOUTHFORKBUILDER@aol.com

Are you a resident of West Yellowstone? YES OUT OF TOWN Length of residency in West Yellowstone: 28 YRS

Board or Committee you are applying for: BUILDING BOARD OF APPEALS

Occupation: CUSTOM HOME BUILDER

Employer: SELF SOUTH FORK BUILDERS

Have you previously served on a County or City board? NO

If so, which board, and for how long? —

Past Memberships and Associations: —

Current Memberships and Associations: —

List any relevant qualifications and/or related experience? Attach any additional information or a resumé, if you prefer: 44 YEARS OF CONSTRUCTION EXPERIANCE WITH 24 YEARS SELF EMPLOYED

What are your primary objectives for serving on this board? I WAS ASKED TO HELP

References (Individual or Organization):  
GREG FORSYTHE Phone: 406-646-9578

Signature: Scott Bitner Date: 9/6/22

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.



APPLICATION FOR Building Board of Appeals

Name James Patterson Date 8-31-22

Address 805 Sylvan Circle

City West Yellowstone State MT Zip 84015

Phone (Home): 208-841-8038 (Work): \_\_\_\_\_ (Cell/Other): \_\_\_\_\_

E-Mail Address: jdpa@hous@gmail.com

Are you a resident of West Yellowstone? Yes Length of residency in West Yellowstone: 16

Board or Committee you are applying for: Board of appeals

Occupation: Retired / and part time operator / old building inspector

Employer: TriState

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

If so, which board, and for how long? Solid Waste Board 10yrs

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

Current Memberships and Associations: \_\_\_\_\_

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

What are your primary objectives for serving on this board? To help out with issues

References (Individual or Organization):

<u>Jerry Johnson</u>	Phone: _____
<u>Brad Schmier</u>	Phone: _____
<u>R C Tanner</u>	Phone: _____

Signature: [Handwritten Signature] Date: \_\_\_\_\_

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.



APPLICATION FOR Building Board of Appeals

Name Brian Benike Date 11-10-2021

Address 312 Bechler Ave

City West Yellowstone State MT Zip 59758

Phone (Home): \_\_\_\_\_ (Work): \_\_\_\_\_ (Cell/Other): 406-640-0268

E-Mail Address: Bbenike@TownofWestYellowstone.com

Are you a resident of West Yellowstone? yes Length of residency in West Yellowstone: 13 years

Board or Committee you are applying for: Building Board of Appeals

Occupation: General Contractor

Employer: Self

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

If so, which board, and for how long? Town Council - 7 months

Past Memberships and Associations: Maddison Addition Board - Expo - Music in the Park

Current Memberships and Associations: \_\_\_\_\_

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

What are your primary objectives for serving on this board? To make sure things are right.

References (Individual or Organization):

Mike Knapp Phone: 406-640-1427

Jim Lamont Phone: 612-280-5640

Jason Fataurus Phone: 406-220-0463

Signature: Brian Benike Date: 11-10-2021

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](mailto:info@townofwestyellowstone.com). Thank you in advance for your interest.



APPLICATION FOR: Building Board of Appeals

Name Chip Smith Date 8-29-22

Address P.O. Box 415

City W. Yellowstone State MT Zip 59758

Phone (Home): \_\_\_\_\_ (Work): \_\_\_\_\_ (Cell/Other): 406-220-7778

E-Mail Address: GCRchip@yahoo.com

Are you a resident of West Yellowstone? No Length of residency in West Yellowstone: \_\_\_\_\_

Board or Committee you are applying for: Building Board of Appeals

Occupation: Builder

Employer: Self

Have you previously served on a County or City board? Planning Board, H.B. Planning Advisory Board

If so, which board, and for how long? 8 yrs and 3 yrs respectively

Past Memberships and Associations: Yellowstone Historic Center, Kiwanis Club, Chamber

Current Memberships and Associations: YHC

List any relevant qualifications and/or related experience? Attach any additional information or a resumé, if you prefer: Familiarity of zoning regulations and building codes

What are your primary objectives for serving on this board? Concern for fairness and public service.

References (Individual or Organization):

Brian Beneke Phone: 406-640-0268

Kelly Anderson Phone: 406-640-1507

Greg Forsythe Phone: 406-640-1555

Signature: Chip Smith Date: 8-29-22

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](mailto:info@townofwestyellowstone.com). Thank you in advance for your interest.

# **RESOLUTION NO. 784**

## **A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE, MONTANA, IN SUPOPT OF THE WEST YELLOWSTONE AIRPORT TERMINAL EXPANSION PROJECT**

**WHEREAS**, The West Yellowstone Airport has undertaken a project to expand its terminal located at the West Yellowstone Airport, West Yellowstone, Montana; and

**WHEREAS**, The Town Council of the Town of West Yellowstone is aware of the Terminal Expansion Project and desires to support the Terminal Expansion Project; and

**WHEREAS**, The Town Council believes the Town and its residents benefit from the location of the West Yellowstone Airport and its close proximity to the Town and to Yellowstone National Park; and

**WHEREAS**, the Town Council believes the West Yellowstone Airport contributes significantly to the economy of the Town including by bringing over 13,000 visitors to the Town in 2021, who spent an estimated \$8,103,000 in the Town and surrounding areas and created over 253 jobs; and

**WHEREAS**, the West Yellowstone Airport also provides space for the Smokejumper and Tanker base, the Air Ambulance Base, general aviation services, aerial wildland firefighting, search and rescue training and operations base, emergency medical aviation, military exercises and corporate business activities; and

**WHEREAS**, the airport terminal was first constructed in 1963-1964 and is in need of updates to serve modern commercial airline traffic and safety and security regulations;

**NOW THEREFORE BE IT RESOLVED THAT**, the Town Council of the Town of West Yellowstone hereby resolves to support the West Yellowstone Airport Terminal Expansion Project.

**PASSED AND ADOPTED BY THE TOWN COUNCIL AND APPROVED BY THE MAYOR FOR THE TOWN OF WEST YELLOWSTONE THIS 18<sup>th</sup> DAY OF OCTOBER, 2022.**



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

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

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

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

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

ATTEST:



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

**TOWN OF WEST YELLOWSTONE/COMMUNITY HEALTH PARTNERS**  
**OFFICE LEASE AGREEMENT – 2022**

THIS LEASE AGREEMENT, (the “Agreement”) is entered into this \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2022, by and between the Town of West Yellowstone (“Town” or “Lessor”) a Montana municipal corporation, of P.O. Box 1570, West Yellowstone, Montana 59758, and Community Health Partners, (“CHP” or “Lessee”), of 112 W. Lewis Street, Livingston, Montana 59047.

**WITNESSETH:**

WHEREAS, the Town and CHP are interested in providing space in the Town’s Social Services office for a licensed behavioral health counselor; and

WHEREAS, the Town and CHP enter into this Agreement to provide an office space for a licensed behavioral health counselor to work in the Town.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein the Town (as Lessor) and CHP (as Lessee) hereby agree as follows:

1. Ownership of Real Property. The Town is the sole owner of the real property contained within the Social Services office. The leased space will consist of one small interior office (Suite A) immediately to the west of the main entrance into the Social Services space, as shown on the diagram attached hereto as **Exhibit A**, (the “Leased Premises”).
2. Lessee’s Leasehold Interest. CHP desires to lease the Leased Premises and the Town agrees to lease and demise the Leased Premises, to CHP in accordance with the terms and provisions of this Lease Agreement. The Leased Premises will be used for one provider to use for office space, counseling, and other similar services.
3. Hours of Operation/Lessee Responsibility. CHP understands that the Social Services office is staffed from 8:00 a.m.to 4:30 p.m. Monday through Friday. CHP will have key access to the Social Services office so that it may access the Leased Premises when the Social Services office is not open. CHP will strive to have the Leased Premises staffed at least one day each week and shall notify the Town if it is experiencing staffing shortages or irregularities that may cause it to be unable to staff it consistently. CHP shall also have access to the building’s Wi-Fi, and phone/ethernet connection at no additional cost. CHP shall provide all furnishings, computers, IT equipment and anything else needed for its use of the Leased Premises. CHP shall provide a small sign for the door of the Leased Premises. With prior

written approval by the Town, CHP may also provide signage for the exterior door to the Social Services office indicating its office inside.

4. Terms of Lease Agreement. The Town demises and leases the premises for a term of One year, subject to defeasance or default as later described in this Lease Agreement. The term shall commence on January 1, 2023, and shall terminate on December 31, 2023.
5. Renewal of the Lease Agreement. The Town hereby grants CHP an option to extend the term of this lease for up to five (5) additional one-year terms, provided that neither party has given the other notice, within 90 days of the end of the current term, that the party does not intend to renew. If such notice is given, CHP shall peacefully surrender and vacate the Leased Premises on or before the end of the current term.
6. Rental Payments. CHP shall pay the Town an annual rental amount of One Dollar (\$ 1.00) for the Leased Premises. This rental amount shall be paid annually beginning January 1, 2023, and on the same day each year thereafter until the end of term or if earlier terminated. This rental amount is considered to be triple net and CHP will not be charged for any additional costs or expenses, such as utilities, insurance, or taxes.
7. Maintenance and Repair. As a general principle, maintenance and repair of the leased premises is the sole responsibility of CHP. CHP will be responsible for the costs of any maintenance, repairs of any tenant improvements made to the Leased Premises.
8. Independent Contractor. CHP and its employees shall at all times remain an independent contractor when performing activities of whatever kind at the Leased Premises or elsewhere on Town property.
9. CHP agrees to comply with all federal, state, or local laws and regulations concerning employees; including, but not limited to, workers compensation insurance.
10. Casualty Insurance. The Town shall keep the Leased Premises insured against loss or damage by fire or other standard peril in an amount equal to the amount required for the replacement of said office space. CHP shall maintain its own casualty insurance for fire other standard peril on the personal property and leasehold improvements contained in the Leased Premises.
11. Liability Insurance. Both parties shall maintain liability insurance for bodily injury and property damage involving the leased premises or the operation thereon.
  - a.) The Town will maintain liability insurance in accordance with statutory limits on the municipal liability: Presently in the amount of \$750,000 per person and \$1,500,000.00 per occurrence;
  - b.) CHP shall purchase and maintain commercial general liability insurance as required to protect the Town from claims set forth below which may arise out of or result

from operations of CHP under this Agreement, whether such claims arise during performance or subsequent to completions of the operations under the Agreement and whether such operations be by CHP or by anyone directly or indirectly employed by CHP or by anyone for whose acts CHP may be liable. Insurance shall be purchased from a company licensed to do business in the state (with an “A” rated or better classification) where the Property is located and shall be written for not less than the limits of liability specified below. The types of claims, required coverage and minimum limits of liability are as follows:

- i. Claims under Workers Compensation, disability benefit and other similar employee benefit act; claims for damages because of bodily injury, occupational sickness or disease or death of employees. Minimum insurance coverage shall include:
  1. Workers Compensation – Statutory
  2. Employer’s Liability
  3. Each Accident Limit                 \$500,000
  4. Disease - Policy Limit                 \$500,000
  5. Disease – Each Employee         \$500,000

Workers Compensation coverage must extend to every employee, including all owners and officers of CHP and/or individuals operating as a sole proprietor or partnership.

“Waiver of Subrogation”

CHP hereby waives any rights of subrogation with regards to workers compensation coverage it may have, or may require in the future, regarding the Work performed by CHP, as described in this Agreement.

- c.) Claims for damages because of bodily injury or property damage to any person other than employees; Insurance shall include:

- i. Premises – Operations
- ii. Products – Completed Operations
- iii. Blanket Contractual – As will cover the provisions of the Agreement
- iv. Broad Form Property Damage
- v. Personal Injury
- vi. No Exclusion for Blanket Explosion, Collapse, and Underground Property Damage
- vii. Operations of Independent Contractors

Minimum Policy Limits:

General Aggregate	\$2,000,000
Products/Completed Operations	\$2,000,000
Personal Injury	\$1,000,000
Each Occurrence	\$1,000,000

d.) Claims for damages because of bodily injury or death of any person, or any property damage arising out of the ownership or use of any motor vehicle. Insurance coverage shall include comprehensive Automobile Liability insurance including owned, hired and non-owned vehicles with limits of \$1,000,000 or greater, combined single limit for each occurrence for bodily injury and death, or property damage.

e.) The Commercial General Liability insurance shall name the Town as an Additional Insured for both ongoing and completed operations. Commercial General Liability insurance shall be maintained through the warranty period contained in the contract. Additional insured forms should be ISO CG2010 and CG2037 edition date of 04/2013 or their equivalent.

f.) All of the above insurance policies shall be primary insurance, without recourse to or contribution from any similar insurance carried by the Town. CHP shall deliver to the Town certificates of insurance evidencing compliance with this insurance provision prior to the commencement of occupancy.

12. Indemnification. To the fullest extent permitted by law, CHP agrees to indemnify and hold the Town harmless for any claim, damage, loss, attorney's fees, or expense of any kind incurred by or asserted against one party and arising from the negligence or action of the other party.
13. Environmental Contamination. CHP is responsible for any environmental contamination occurring, as a result of its use or operations on the Leased Premises.
14. Assignment or Sublease. CHP may not assign any of its rights or obligations under this Lease Agreement, nor may it sublease all or any portion of the leased premises, without the prior written approval of the Town. Because of the nature of this Lease Agreement and unique relations between the Town and CHP, and the location of the Leased Premises, the Town may withhold approval for assignment or sublease for any reason it deems appropriate.
15. Unlawful Activity or Nuisances. CHP shall neither use nor occupy all or any portion of the leased premises in any manner that violates federal, state, or local law or regulation. CHP

shall not use the leased premises or conduct any operations thereon in any manner that constitutes a public or private nuisance.

16. Improvements. All improvements to the Leased Premises, whether paid for by the Town or CHP shall become sole property of the Town upon the expiration or termination of this Lease Agreement.
17. Default or Breach. The following events shall constitute a default or material breach of this agreement by CHP
  - a.) If CHP fails to pay rent when due;
  - b.) If CHP assigns or attempts to assign all or any portion of this agreement without the prior permission of the Town;
  - c.) If CHP sublets or attempts to sublet all or any portion of the Leased Premises without the prior permission of the Town;
  - d.) If CHP is dissolved as non-profit corporation, or if it ceases operation as a non-profit corporation;
  - e.) If CHP vacates or abandons the Leased Premises;
  - f.) If CHP fails to maintain the Leased Premises;
  - g.) If CHP fails to comply with any material condition or provision of this Lease Agreement.
  - h.) The violation of any Federal, State or local law or regulation.

If CHP is in default of this Lease Agreement as described above, then the Town must provide written notice of the alleged default and shall allow CHP thirty days (30) to cure the default. If CHP has not cured the default within thirty days (30) of mailing the written notice, then the Town may terminate this Agreement and take immediate possession of the leased premises. Exercise of its termination rights does not preclude the Town from pursuing any other right or remedy it may have under law or this agreement.

18. Notice. Any default or other notice required or permitted by this agreement may be served on either party by first-class mail at the respective addresses set forth at the beginning of this agreement. This notice procedure may also be used by either party to inform the other of a change of address.
19. Right of Entry. CHP shall permit the Town, its agents, or employees to enter the Leased Premises at all reasonable or necessary times to inspect the premises, to perform work thereon, or to conduct any other activity that is reasonably related to the Town's interest in the premises. When no emergency exists that requires immediate entry; the Town shall make a reasonable effort to provide CHP with oral or written notice at least 24 hours before entry.

20. Venue and Attorney's Fees. Venue for any litigation between parties shall be proper only in Gallatin County, Montana. In the event of litigation between the Town and CHP, the prevailing party shall be entitled to all its reasonable costs and attorney's fees incurred during the litigation, both in the trial court and on appeal.
21. Governing Law. This Lease Agreement shall be governed by Montana Law.
22. Entire Agreement. This Lease Agreement is the entire agreement between the parties and shall supersede all prior oral or written agreement or understandings. If the parties mutually desire to amend or modify this agreement, then such amendment or modification must be in writing and be signed by any appropriate representative of each party.

**DATED** the day and year first above written.

Town of West Yellowstone

\_\_\_\_\_  
SIGNED By: Travis Watt, Mayor

**ATTEST:**

\_\_\_\_\_  
Town of West Yellowstone Clerk

Community Health Partners

\_\_\_\_\_  
Lander Cooney, CEO

STATE OF MONTANA     )  
  :SS

County of Gallatin                     )

This instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2022  
by Travis Watt, as Mayor of the Town of West Yellowstone.

(SEAL)  
Montana

\_\_\_\_\_  
**NOTARY PUBLIC** for the State of

Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

STATE OF MONTANA     )  
  :SS

County of Gallatin                     )

This instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2022  
by Buck Taylor on behalf of Community Health Partners.

(SEAL)  
Montana

\_\_\_\_\_  
**NOTARY PUBLIC** for the State of

Residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_