

Town of West Yellowstone

Tuesday, August 20, 2013

Povah Community Center

Town Council Meeting

7:00 PM

TOWN COUNCIL MEETING AGENDA

Pledge of Allegiance

Purchase Orders

Treasurer's/Securities Report

Claims ∞

Consent Agenda: **July 16, 2013 Town Council Meeting** ∞

July 23, 2013 Work Session ∞

August 6, 2013 Town Council Meeting ∞

August 13, 2013 Town Council Interviews ∞

Business License Applications

- Botas la Acienda ∞
- Yellowstone Classic Cabins & RV, LLC ∞

Advisory Board Report(s):

Operations Manager & Department Head Reports

Assignments Report

Council Comments

Public Comment Period

PUBLIC HEARING: FY 2014 Budget

NEW BUSINESS

Resolution No. 638, Set Mill Levy for FY 2014 ∞

Discussion/Action

Resolution No. 639, Adopt Budget for FY 2014 ∞

Discussion/Action

Municipal Audit Contract, Amatics CPA Group ∞

Discussion/Action

Resort Tax Penalties Appeal, Yellowstone Townhouses ∞

Discussion/Action

Correspondence/FYI

- West Yellowstone Foundation \$500 Grant for School Year Recreation Activities ∞
- TBID Board of Trustees Vacancy ∞
- Vacation Rentals by Owner legal opinion ∞
- Legal Services Request for Proposals ∞
- MLCT Annual Conference Agenda ∞
- West Yellowstone Foundation, The Happening ∞

Meeting Reminders

Adjournment



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 Operations 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 Povah Community Center located at 10 S. Geyser Street.
- Presently, informal Town Council work sessions are held at 7:30 AM on the first and third Tuesdays of each month and occasionally on other mornings and evenings. Work sessions also take place at the Povah Community Center located at 10 S. Geyser Street
- 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 always 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 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.

Adopted November 3, 2010, a complete copy of this policy is available at the Town Offices.

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TOWN OF WEST YELLOWSTONE
Claim Approval List
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* ... Over spent expenditure

Claim	Vendor #/Name/	Document \$/	Disc \$					Cash
Check	Invoice #/Inv Date/Description	Line \$		PO #	Fund Org Acct	Object Proj	Account	
39032	146 Morrison-Maierle, Inc	200.00						
16324	08/07/13 online backup, Town Offices	60.00		FINADM	1000 410510	356	101000	
15638	05/08/13 online backup, PD	70.00		DISPAT	1000 420160	355	101000	
16323	08/07/13 online backup, PD	70.00		DISPAT	1000 420160	355	101000	
39033	2204 Republic Services	856.28						
07/28/13	dumpster lease police	233.67		POLICE	1000 411258	534	101000	
07/28/13	Chamber dumpster	235.24		CHAMB	1000 411257	534	101000	
07/28/13	dumpster lease/shop	235.55		PARK	1000 460430	534	101000	
07/31/13	Town clean up dumpster tip fee	151.82		PARK	1000 460430	534	101000	
39035	266 Utilities Underground Location	25.06						
3075280	07/31/13 excavation notifications	12.53		WATER	5210 430500	357	101000	
3075280	07/31/13 excavation notifications	12.53		SEWER	5310 430600	357	101000	
39036	2789 WEX Bank	4,726.91						
33766321	08/01/13 07 Ford Expedition	155.93		SS	1000 450135	231	101000	
33766321	08/01/13 06 Dodge Durango 6-1374	228.55		POLICE	1000 430200	231	101000	
33766321	08/01/13 10 Ford Crown Vic 6-34157A	322.63		POLICE	1000 430200	231	101000	
33766321	08/01/13 08 Ford Crown Vic 6-1437	129.33		POLICE	1000 430200	231	101000	
33766321	08/01/13 10 Ford Expedition	326.51		POLICE	1000 430200	231	101000	
33766321	08/01/13 11 Ford Expedition 6-21425A	328.06		POLICE	1000 430200	231	101000	
08/01/13	77 Intl Dumptruck	0.00		STREET	1000 430200	231	101000	
08/01/13	78 Chevy Dumptruck	0.00		STREET	1000 430200	231	101000	
08/01/13	78 Autocar Dumptruck	0.00		STREET	1000 430200	231	101000	
08/01/13	85 Ford Dumptruck	0.00		STREET	1000 430200	231	101000	
3376321	08/01/13 140 G Grader	346.38		STREET	1000 430200	231	101000	
08/01/13	CAT 936 Loader	0.00		STREET	1000 430200	231	101000	
3376321	08/01/13 91 Ford Pickup	107.84		STREET	1000 430200	231	101000	
3376321	08/01/13 95 Mobile Sweeper	107.82		STREET	1000 430200	231	101000	
08/01/13	97 Athey Sweeper	0.00		STREET	1000 430200	231	101000	
08/01/13	99 SS Snowblower	0.00		STREET	1000 430200	231	101000	
3376321	08/01/13 00 Freightliner Dump 6-60700	594.37		STREET	1000 430200	231	101000	
08/01/13	Snowmobile	0.00		STREET	1000 420100	231	101000	
3376321	08/01/13 02 Freightliner Dump 6-54564A	545.62		STREET	1000 430200	231	101000	
3376321	08/01/13 08 Ford Pickup 6-1450	315.47		STREET	1000 430200	231	101000	
3376321	08/01/13 08 GMC Pickup 6-1484	381.32		STREET	1000 430200	231	101000	
3376321	08/01/13 08 CAT 938H Loader	107.71		STREET	1000 430200	231	101000	
3376321	08/01/13 08 904B MiniLoader	135.99		STREET	1000 430200	231	101000	
3376321	08/01/13 YNP Truck #1	75.79		STREET	1000 430200	231	101000	
08/01/13	YNP Truck #2	0.00		STREET	1000 430200	231	101000	

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Claim	Vendor #/Name/ Check Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
	3376321 08/01/13 08 Ford Escape (multi-use)	185.88		DISPAT	1000 420100	370	101000
	3376321 08/01/13 93 Dodge Pickup 6-2010	305.24		STREET	1000 460430	231	101000
	3376321 08/01/13 Kubota Tractor	27.26		PARKS	1000 460430	231	101000
	3376321 08/01/13 credit	-0.79		STREET	1000 430200	231	101000
39039	2558 Hebgen Basin Fire District 08/15/13 August 2013	43,143.00 43,143.00		FIRE	1000 420400	357	101000
39041	95 Energy West-Montana	1,365.73					
	07/31/13 nat gas - 62211 - updh	306.15		UPDH	1000 411252	344	101000
	07/31/13 nat gas - 62017 - police sta.	20.64		POLICE	1000 411258	344	101000
	07/31/13 nat gas - 12204-pub.svcs	35.21		STREET	1000 430200	344	101000
	07/31/13 nat gas - 62214- old firehall	31.24		PARK	1000 460430	344	101000
	07/31/13 nat gas - 01603 - Bldg. Dept.	19.33		INSPET	1000 420531	344	101000
	07/31/13 nat gas - 62205 - ems bldg	35.21		EMS/FI	1000 411254	344	101000
	07/31/13 nat gas - 61962 - library	19.33		LIBRAR	2220 460120	344	101000
	07/31/13 nat gas - 07154 - Povah Ctr.	182.57		POVAH	1000 411255	344	101000
	07/31/13 nat gas - 62207 - pub svcs	23.29		PUBSVC	1000 430200	344	101000
	08/27/13 nat gas -17279 -Town Hall	692.76		TWNHAL	1000 411250	344	101000
39092	2817 Chuck Spagenberg 367252 08/13/13 bird depredation	2,000.00 2,000.00		UP	4000 411240	937	101000
39093	48 Gallatin County Project 7976 (2013-153)	130.60					
	1 07/30/13 CTEP cost share	130.60		CTEP	2956 460434	242	101000
39094	2530 Klondike Dreams 08/15/13 MAP Fund AFR 2013	2,500.00 2,500.00		MAP	2101 410130	398	101000
39095	489 MSE ANALYTICAL LABORATORY 1303087 03/29/13 water samples	68.40 68.40		WATER	5210 430500	398	101000
39096	2551 Thyssenkrupp Elevator Corp 3000360105 08/06/13 elevator monitoring	364.21 364.21		POVAH	1000 411255	350	101000
39097	2733 James Patterson 08/01/13 reimb magnets, Murdoch's 08/06/13 reimb regis, 2004 AC ATV	165.49 9.99 155.50		STREET SEWER	1000 430200 5310 430600	220 870	101000 101000

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39098	2163 Island Park Services, Inc. 33742 07/15/13 road base	330.00 330.00		TWNHAL	4005 411200	920	101000
39099	764 General Distributing Co. 152058 07/31/13 compressed O2	39.37 39.37		STREET	1000 430200	220	101000
39100	38 Yellowstone Track Systems 6215 06/13/13 labor/repair	484.25 484.25		STREET	1000 430200	369	101000
39101	2818 Avtec, Inc. (Scoutcare) Squote-016 08/05/13 software support, PD	1,500.00 1,500.00		911	2850 420750	355	101000
39102	725 Swan Cleaners 969 08/01/13 jail laundry	52.50 52.50		JAIL	1000 420230	390	101000
39103	2490 MMIA Account 1302PL	22,654.00					
	07/01/13 2013-2014 Property Assessment	16,537.42		GF	1000 510330	512	101000
	07/01/13 2013-2014 Property Assessment	3,398.10		WATER	5210 510330	512	101000
	07/01/13 2013-2014 Property Assessment	2,718.48		SEWER	5310 510330	512	101000
39104	2491 MMIA	52,094.00					
	07/01/13 2013-2014 Liability Assessment	35,945.00		GF	1000 510330	513	101000
	07/01/13 2013-2014 Liability Assessment	2,084.00			2220 510330	513	101000
	07/01/13 2013-2014 Liability Assessment	7,814.00		WATER	5210 510330	513	101000
	07/01/13 2013-2014 Liability Assessment	6,251.00		SEWER	5310 510330	513	101000
39105	2321 Smith Ford Mercury 5028267 07/31/13 wiper assembly, 2008 CV pre 08/02/13 maint 2010 Ford Exp	273.54 16.96 256.58		POLICE POLICE	1000 420100 1000 420100	361 361	101000 101000
39106	2813 Century Link 07/28/13 TownHall 646-5185/646-5179	93.18 93.18		TWNAHL	1000 411250	345	101000
39107	533 Market Place 08/01/13 supplies 08/01/13 supplies	152.84 89.74 63.10		LEGIS SUMREC	1000 410100 1000 460449	220 220	101000 101000

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39108	151 WY Hebgen Basin Refuse District 07/31/13 transfer station charges	1,169.75 1,169.75		PARKS	1000 460430	365	101000
39109	2815 Sherwin Williams Co. 4509-6 07/25/13 paint 4509-6 07/25/13	1,019.15 705.49 313.66		GASTAX STREET	2820 430200 1000 430200	368 220	101000 101000
39110	2481 Platt 5385241 07/26/13 supplies	22.85 22.85		LIGHTS	1000 430263	220	101000
39111	254 Firehole Fill Up/Economart 93560 07/16/13 diesel 93449 07/10/13 diesel	172.91 128.72 44.19		STREET STREET	1000 430200 1000 430200	231 231	101000 101000
39112	999999 GARY MICHELFELDER 08/15/13 refund updl deposit	350.00 350.00		UPDL	2210 214000		101000
39113	999999 HENRYS LAKE FOUNDATION 08/15/13 refund UPDL deposit	350.00 350.00		UPDL	2210 214000		101000
39114	2819 Animal Control Solution 7948 07/16/13 bat/bird eval	50.00 50.00		UPDL	1000 411252	366	101000
39115	674 Karst Stage 82221 07/24/13 AA 6/19/13 82222 07/24/13 AA 6/26/13 82223 07/03/13 AA 7/3/13 82224 07/24/13 AA 7/10/13 82225 07/24/13 AA 7/17/13 82226 07/24/13 AA 7/24/13 82227 07/24/13 AA 7/31/13 82228 07/24/13 AA 8/7/13	5,400.00 675.00 675.00 675.00 675.00 675.00 675.00 675.00 675.00		SUMREC SUMREC SUMREC SUMREC SUMREC SUMREC SUMREC SUMREC	1000 460449 1000 460449 1000 460449 1000 460449 1000 460449 1000 460449 1000 460449 1000 460449	319 319 319 319 319 319 319 319	101000 101000 101000 101000 101000 101000 101000 101000
39116	1796 Barta Electric, Inc. 3903 07/30/13 exhaust fan for squad room	621.02 621.02		DISPAT	1000 411258	366	101000
39117	1454 Big Sky Publishing 935053 08/09/13 legal services ad 940426 08/12/13 Alley project ad	335.20 259.20 76.00		ADMIN ADMIN	1000 410210 1000 410210	327 327	101000 101000

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Claim	Vendor #/Name/ Check Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
39118	2496 Rocky Creek Farm	70.00					
	18785 07/17/13 Sum Rec field trip	70.00		SUMREC	1000 460449	335	101000
39119	2673 First Bankcard	1,082.79					
	07/03/13 Spire Climbing Center, entranc	482.00		SUMREC	1000 460449	871	101000
	07/08/13 USPS postage	27.33		FINADM	1000 410510	311	101000
	07/10/13 Rexburg Rapids, entrance	231.50		SUMREC	1000 460449	871	101000
	07/23/13 Pete's Pizza, supplies	75.96		LEGIS	1000 410100	220	101000
	07/24/13 Yell Bear World, entrance	266.00		SUMREC	1000 460449	871	101000
39120	999999 JULIO IVAN RUIS-GALVAN	200.00					
	08/13/13 bond refund 2013-26	200.00		COURT	7469 212400		101000
39121	2820 Brian Sosa	35.00					
	08/08/13 interperettion svcs	35.00		COURT	1000 410360	394	101000
39122	2291 American Express	2,270.90					
	07/11/13 Apple, iPad for Pierre	423.00		LEGIS	1000 410100	220	101000
	07/11/13 Norton, anti-virus, COP	59.99		POLICE	1000 420100	220	101000
	07/12/13 La Quinta,Gavagan, Kalispell	588.50		POLICE	1000 420100	370	101000
	07/17/13 USPS postage	5.65		FINADM	1000 410510	311	101000
	07/24/13 Outline Industries	107.41		GASTAX	2820 430200	368	101000
	07/25/13 Eset, anti-virus	89.99		LIB	2220 460100	220	101000
	08/06/13 Costco, supplies	28.95		BLDINS	1000 420531	220	101000
	08/06/13 M&M Control	944.38		SEWER	5310 430600	220	101000
	08/06/13 Boze Brick Tile	23.03		TWNHAL	4005 411200	920	101000
39123	2306 Brandy Holland	51.48					
	08/05/13 reimb print cartridges	51.48		REC	1000 460440	216	101000
39124	2776 Mandy Munger	41.21					
	08/15/13 reimb petty cash	30.85		WATER	5210 430500	311	101000
	08/15/13 reimb petty cash	10.36		FINADM	1000 410510	311	101000
39125	2680 Nelson Architects, LLC	9,999.80					
	16 07/31/13 Town Hall, Constrution Admin	9,999.80		TWNHAL	2100 411200	950	101000
39126	2540 Centennial Auto Repair	470.60					
	8947 08/08/13 Maint 2008 Ford	470.60		STREET	1000 430200	357	101000

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TOWN OF WEST YELLOWSTONE
Fund Summary for Claims
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Fund/Account	Amount
1000 General Fund	
101000 CASH	\$115,928.60
2100 Local Option Taxation-Resort Tax	
101000 CASH	\$9,999.80
2101 Marketing & Promotions (MAP)	
101000 CASH	\$2,500.00
2210 Parks & Recreation	
101000 CASH	\$700.00
2220 Library	
101000 CASH	\$2,193.32
2820 Gas Tax Apportionment	
101000 CASH	\$812.90
2850 911 Emergency	
101000 CASH	\$1,500.00
2956 Community Transportation Enhancement	
101000 CASH	\$130.60
4000 Capital Projects/Equipment	
101000 CASH	\$2,000.00
4005 Town Office	
101000 CASH	\$508.03
5210 Water Operating Fund	
101000 CASH	\$11,323.88
5310 Sewer Operating Fund	
101000 CASH	\$10,081.89
7469 City Court - Judge Brandis	
101000 CASH	\$200.00
Total:	\$157,879.02

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
July 16, 2013

COUNCIL MEMBERS PRESENT: Mayor Jerry Johnson, Brad Schmier, and Doc Stewart, and Tom Cherhoniak

OTHERS PRESENT: Operations Manager Becky Guay, Social Services Director Jack Dittmann, Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Chief of Police Gordon Berger

The meeting is called to order by Mayor Jerry Johnson at 7:00 PM in the Povah Community Center

Portions of the meeting are being recorded.

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

ACTION TAKEN

- 1) Motion carried to pay the claims, which total \$247,007.96. (Stewart, Cherhoniak)
- 2) Motion carried to approve the Consent Agenda, which includes the minutes of the July 2, 2013 Town Council Meeting and the July 9, 2013 Town Council Work Session. (Stewart, Schmier)
- 3) Motion carried to approve the amended business license for Yellowstone Cabins. (Stewart, Schmier)
- 4) Motion carried to table the business license for Utah Transportation, LC pending a legal opinion. (Cherhoniak, Schmier)
- 5) Motion carried to approve the business license for Gibbon Lodging, contingent upon compliance with all State and County regulations. (Stewart, Cherhoniak)
- 6) Motion carried to waive the resort tax bond for Gibbon Lodging based on a satisfactory payment history by Geoff Richards for his other business. (Stewart, Schmier)
- 7) Motion carried to approve the new business license application for Roadside Smokehouse & BBQ, contingent upon applicable licensing by the State and County. (Stewart, Cherhoniak) Schmier is opposed.
- 8) Motion carried to deny the request to waive the resort tax bond for Ira Mulholland for Roadside Smokehouse & BBQ based on his status as a disabled veteran. (Stewart, Schmier)
- 9) Motion carried to approve the Marketing and Promotions Fund Award Recommendation to award Klondike Dreams \$10,500. (Stewart, Schmier)
- 10) Motion carried to direct the staff to start the process to fill the vacant Town Council position by appointment. (Stewart, Cherhoniak)
- 11) Motion carried to appoint Brad Schmier to serve as Deputy Mayor for the remainder of 2013. (Johnson, Cherhoniak) Schmier is sworn in as Deputy Mayor by Town Clerk Elizabeth Roos.
- 12) Motion carried to appoint Brad Schmier to the Parks and Recreation Advisory Board. (Stewart, Cherhoniak)
- 13) Motion carried to appoint Blaize Stewart to the Planning Board. (Schmier, Cherhoniak)

- 14) Motion carried to appoint Public Services Superintendent James Patterson to the Hebgen Basin Solid Waste District Board. (Stewart, Johnson)
- 15) Motion carried to appoint Operations Manager Becky Guay to represent the Town on the Community Assessment Action Team and for the Chamber of Commerce. (Cherhoniak, Stewart)
- 16) Motion carried to authorize the staff to release the Request for Proposals for Legal Services. (Stewart, Schmier)

Council Comments

Schmier says that he has received some complaints about high vehicle speed on Highway 20. Berger responds that he was measuring speeds on the highway this morning and the average speed is about 31 mph. He says he's clocked speeds as high as 56 mph on that stretch, even though the limit is 25 mph. He says they have written many tickets and warnings and the only other thing they could do is put up larger signs. There is brief discussion about borrowing an electronic speed reader from another agency so people will realize how fast they are going.

Johnson says that on the 4th of July, there were rumors that entrance to the park was closed because the park was at capacity. Traffic in town was backed up down both highways, nearly to the city limits. He says that he spoke to some NPS Officials and learned that the backup of traffic was due to the Fill-the-Boot campaign by the Fire Department and a bison jam.

Public Comment Period

No public comment is received.

DISCUSSION

- 1) Stewart asks clarification questions about multiple claims but no changes are made.
- 2) Town Clerk Liz Roos points out that they caught an inaccurate statement in the work session minutes earlier today, which will be removed.
- 3) The Council discusses the business license application/parking review for Yellowstone Cabins. The owners are removing one of the RV spots and replacing it with a new cabin.
- 4) The Council discusses the site plan for Utah Transportation Group, LC. The use of the property at 530 Highway 20 has been proposed to be changed to include nightly rentals and a taxi business. Public Services Superintendent James Patterson indicates that the parking is adequate but his only concern is the width of the driveway on the north side of the property. State law defines a roadway as having a minimum of 24' but the driveway is only 20' wide. The Council discusses the property at length and considers obtaining a legal opinion.
- 8) The Council discusses the request to waive the resort tax bond based on the status of the applicant as a disabled vet, but agrees that is an unrelated fact to his tax payment requirements.
- 9) Mayor Johnson explains that Charlotte Mooney came to the MAP Fund Board meeting and made an excellent presentation. The application covers three races that are growing and the Council agrees they hope this type of event grows in West Yellowstone.
- 11) The Council discusses the various boards and positions that were formerly held by Council Member Pierre Martineau, who recently resigned and was appointed to the County Commission.

- 15) There is discussion about whether it is appropriate to have two Council Members on the same advisory board. Schmier points out that both he and Cherhoniak are on the Downtwon Improvement District and offers to resign and allow Cherhoniak to assume the position of Town Council representative. The Council accepts his resignation and the staff indicates that they will advertise for another individual to complete the board.
- A) **Advisory Board Reports:** No Advisory Board reports are presented but Mayor Johnson points out that the new Fall River propane tank was placed today on Block 25 and Lot 6.
- B) **Operations Manager's Report:** Operations Manager Becky Guay reports on current issues: **Town Hall Project – Town crews have been preparing the parking** lot for paving, which should be completed tomorrow. The architect has submitted a landscape plan which is attached to this report. Town crews are planning on completing most of the landscaping work, however, we may wish to contract for automatic sprinkler installation. James has reviewed the set up plans for the Council Chamber/Courtroom and believes that the layout proposed by the architect can be basically accomplished with a minimum of furniture moving required. Installation of the fiber optic line is anticipated by next week. **UPDL Window Replacement Project** – The Bid from AV Construction for the Firehole Room windows is \$56,500. Staff has asked the architect, Dennis Johnson, to request bids from other contractors. **Street Striping** – On-going. **Dispatch/Law Enforcement Center Parking Lot Paving** – The parking lot was paved today. **Septic Dump Station at Wastewater Treatment Plant** – Dick Dyer is overseeing Saurey Construction's work at the plant. **Water Leak at the Museum** – Crews have completed repairs on a major water leak at the Museum. **Capital Improvement Plan and Budget** – Preparation of the Budget and CIP are nearly complete. **Social Services** – Jack will be on vacation until August 5. Kathy will be having shoulder surgery on July 23 and is not expected to return for two weeks. Administrative personnel will staff Social Services on a shortened schedule from July 23 – July 26. Volunteer staff will operate the food bank and other SS functions from July 29 – August 2. **Audit Firm Selection** – The Town Council recently approved a three year agreement with JCCS to provide audit services to the Town. We were notified that 23 employees of the 27 total JCCS staff in the Bozeman office have left the firm and formed their own company. The two CPAs that perform our audit are among those who have joined the new firm. The Town will be faced with the decision of whether to stay with JCCS or sign a new agreement with the new firm. Both firms have agreed to honor the terms of the JCCS agreement with the Town. Lanie and I are researching our options and will bring a recommendation to the Council at your next regular meeting. **Litter and Garbage Issues** – We have invited Betty Richey to attend the department head meeting on July 18. **Skating Rink** – James has confirmed with the developer of Yellowstone Aerial Adventures that the skating rink will need to be moved this fall. **Parkway Drainage Improvements** – Town Engineer Dick Dyer has nearly completed the specifications and bid package for this project. We intend to seek permission to bid from the Council at your next meeting.

Guay adds that the Town's personnel manual does allow all employees to attend and get certified for CPR at the Town's expense. It was suggested at a previous meeting that some of our police officers were not trained in CPR but they have all participated in CPR compression only training in the past year. She also adds that with the resignation of Council Member Pierre Martineau, they also need to appoint a new Deputy Mayor.

The meeting is adjourned. (8:30 PM)

Mayor

ATTEST:

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL

Work Session

July 23, 2013

COUNCIL MEMBERS PRESENT: Mayor Jerry Johnson, Brad Schmier, and Doc Stewart, and Tom Cherhoniak

OTHERS PRESENT: Operations Manager Becky Guay, Social Services Director Jack Dittmann, Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Chief of Police Gordon Berger, G.L. Scott

The meeting is called to order by Mayor Jerry Johnson at 7:00 PM in the Povah Community Center

Portions of the meeting are being recorded.

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

Public Comment Period

No public comment is received.

Mayor Johnson opens the meeting and asks Town Operations Manager, Becky Guay, to summarize what is currently included in the FY 2013-2014 budget. Guay explains that since the last meeting, they have revised the budget to include all of the special and project requests from advisory boards and community groups at some level except for the picnic pavilion proposed by the Downtown Improvement District. Finance Director Lanie Gospodarek explains that they will still have approximately \$96,000 left to allocate. Johnson suggests they discuss the two items that appear to have the most questions, the donation to Community Health Partners and the pavilion. CHP initially requested a risk share of up to \$75,000 and then increased it to \$100,000. Stewart says he has actually heard several positive comments about CHP's services recently and thinks they should actually work on marketing and promotions. Schmier says they should take the entity out of it and just consider, if the Town can afford it, whether the Town should subsidize healthcare. He suggests setting criteria and any organization that qualifies can apply for the money. Stewart says he thinks it is also important to make sure the community knows that the town already subsidizes healthcare by supporting the EMS/Fire Department at over \$500,000 per year. Guay says that right now, CHP appears to be their only option, but perhaps in the future they should release a Request for Proposals (RFP) that includes the subsidy from the Town. The Council discusses releasing an RFP and the RFP that was released three years ago when CHP applied. Johnson says they probably need to give CHP some security that they are not going to just give them the money this year and then release another RFP. He says that perhaps they should come to an agreement with CHP to operate as long as the current agreement works and release an RFP if and when it isn't working anymore. Johnson says the original request was for \$75,000 and he never heard a reason as to why the request was increased to \$100,000. The remainder of the Council indicates that they are comfortable with including a risk share of up to \$75,000 in the budget. The Council discusses the picnic pavilion that has been proposed by the Downtown Improvement District that would be located on public property between the Museum and McDonalds, off of South Canyon. Johnson says he doesn't think this is the best use of that amount of money. Cherhoniak says he thinks this is a good project, even though as a member of the board he originally did not support it. He says they have also discussed relocating the bear that is in the middle of South Canyon to that area. Schmier questions whether the proposed location is the best choice for the pavilion and the group discusses the effect it will have on the area. Johnson says they could include the pavilion in the budget, knowing it really won't get done this year. They could have the structure built over the winter but in the meantime, the Town can work with the Parks and Recreation Board on their plan for Pioneer Park. Schmier suggests improving the walking path and lighting that connects Grizzly Park to Old Town. Berger describes the pattern of people that move between the hotels in Grizzly Park and the historical district. Schmier also points out that there is no real access to the "parking" behind the Union Pacific Dining Lodge. He points out that only the locals know there is a parking area back there, but most have to cross a sidewalk or parking lot to get there. Johnson says that considering all the development on Yellowstone between Geysers and Faithful,

they should extend Obsidian east to Faithful Street. Patterson says he has talked to Engineer Dick Dyer about that and expects they will extend Obsidian when they re-do the streets in a couple years. Johnson says they have also previously discussed building a stage in Pioneer Park in order to encourage more "Music in the Park" events. He says they should probably wait to see the plan from the Parks & Recreation Advisory Board, but perhaps should think about a couple ideas that they can work into the plan. Stewart says he would really like to see a stage or amphitheater in the park. Johnson says that it seems like they are taking care of health and safety right now, so perhaps it is time to work on projects that benefit the community. Guay adds that they have the capital improvement plan that is taking care of most of the necessities and they are at a point where they are ready to fund projects that are "nice to have." The group discusses the alley drainage project and the Council agrees that they would like to finish that project. Guay says they have budgeted \$316,500 to complete nine of the alleys in the interior of the blocks. Two blocks have been completed and they will be halfway done with the project as 11 of the 22 blocks will be complete. Schmier asks about the drain that always freezes on Electric and Alley A and questions whether they can address that one when they do that alley. Patterson explains that there is not a belly in that pipe, but it tends to freeze before it completely drains, which causes the problem. He says that regardless, they would have to tear up the street.

Schmier and Stewart ask a couple questions about revenue. Gospodarek explains how property tax collections are estimated and how they estimate what they will collect through resort tax. She also briefly describes how the revenue for the Marketing and Promotions Fund, Cemetery, and Gas Tax revenue is estimated. Taxation in general is also discussed.

The meeting is adjourned. (8:15 PM)

Mayor

ATTEST:

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
August 6, 2013

COUNCIL MEMBERS PRESENT: Mayor Jerry Johnson, Brad Schmier, and Doc Stewart, and Tom Cherhoniak

OTHERS PRESENT: Operations Manager Becky Guay, Social Services Director Jack Dittmann, Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Chief of Police Gordon Berger

The meeting is called to order by Mayor Jerry Johnson at 7:00 PM in the Povah Community Center

Portions of the meeting are being recorded.

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

ACTION TAKEN

- 1) Motion carried to pay the claims, which total \$151,866.61. (Stewart, Schmier)
- 2) Motion carried to approve the business license application for JED Enterprises (Stewart, Schmier)
- 3) Motion carried to approve the business license application for Redneck Nuts & Such to operate as a mobile concession during the Rod Run, August 3-4, 2013. (Stewart, Schmier)
- 4) Motion carried to approve the business license application for RV Fixit Pro. (Schmier, Stewart)
- 5) Motion carried to approve the business license relocation for Utah Transportation LC. (Schmier, Stewart) Stewart is opposed, passes with majority.
- 6) Motion carried to approve the northwest corner of Pioneer Park for the location of the ice rink for the winter of 2013-2014. (Cherhoniak, Schmier)

Council Comments

Schmier says that the Yellowstone Rod Run this past weekend was a great success and hopes that event will continue for many years in the future. Johnson says that they are accepting applications for appointment to the Town Council until Thursday, August 8, 2013 at 4 PM. Johnson says they distributed copies of the questions they used for the last appointment to the Council this evening and they should get back to Operations Manager with any comments by Friday at noon. The Council agrees to schedule the interviews appointment for next Tuesday, August 13, 2013.

Public Comment Period

WY Chamber of Commerce Executive Director Marysue Costello reminds those in attendance of the upcoming Cycle Yellowstone Tour which is expected to bring close to 800 bicyclists to Town for the weekend that includes August 10, 2013. Town Clerk Liz Roos shares an email from retired Council Member Mary Phillips, who relocated to Missoula but misses West Yellowstone very much.

DISCUSSION

- 1) Schmier asks Chief Berger about the claim to Lisacs Tires for new tires for a police vehicle. He asks if he shopped locally for the tires and Berger indicates that he did not. He says that the last time he bought tires, the local business could not match the state price for tires. Schmier says he called today and the local business could match the price and they would also have saved the cost of traveling to Butte to get the tires. Schmier

requests that in the future they shop locally whenever possible. Stewart asks about a couple claims that appear to be over budget but Guay explains that since they are still adjusting the budget for FY 2014, they are showing that way but there is adequate money budgeted. He also asks about the claim for chemicals at the lagoon and if there is anything they can do about the smell that comes from the lagoon. Patterson says they can't change the way it smells, but they have set the pumps to go on and off at certain times and that seems to have made things a little better. Cherhoniak asks why they published the ad for the Town Council vacancy in the Big Sky newspaper, but Town Clerk Liz Roos explains that "Big Sky Publishing" is the parent corporation for the West Yellowstone News and it was only published in the local paper.

- 3) Guay explains that this application was not received in time to put it before the Council prior to the Rod Run. She says they went ahead and approved the application on a temporary basis so they could operate during the event because they had all the relevant health and safety permits and it was a two-day event. She adds that the staff and mayor have discussed some sort of preliminary approval for such licenses in the future because this situation has come up more than once. Mayor Johnson suggests that they consider a new policy that could address this situation and handle it that way before they consider changing the ordinance.
- 4) The Council discusses whether the applicant will be selling parts and if they should be taxed. Guay indicates they will consult with the attorney to get a clear answer on that. The license is only approved for service repair and not sale of parts.
- A) **Operations Manager's Report:** Operations Manager Becky Guay reports on current issues: **Town Hall Project** – Walk through with Architect and Contractor scheduled for this week. Waiting for built in furniture for administration and public works offices, installation of fiber optic line, server and wi-fi, and telephone service. James is beginning landscaping work. **UPDL Window Replacement Project** – A second bid in the amount of \$48,165.83 was obtained from Rand Olsen Construction for the Firehole Room windows. Staff has asked the architect, Dennis Johnson, to request bids from other contractors. **Septic Dump Station at Wastewater Treatment Plant** – Dick Dyer is overseeing Saurey Construction's work at the plant. Concrete pour scheduled for this week. **Capital Improvement Plan and Budget** – Preparation of the Budget and CIP are nearly complete. **Social Services** – Beginning preparations for the move. Clothing bank will likely remain at the current office and be open on a greatly reduced schedule. **Audit Firm Selection** – The Finance Director and Operations Manager recommend that the Town engage Amatics CPA Group as the Town's auditor. Our current auditor, Mogan Scarr, left JCCS and helped to form Amatics in association with 23 former JCCS employees. Amatics has agreed to honor the Town's current price of \$9,100 for FY 13 and \$9,400 for FY 14, with an option to renew for a third year at a fee of \$9,700. **Litter and Garbage Issues** – Betty Richey attended the department head meeting on July 25 to discuss litter issues. **Skating Rink** – James has confirmed with the developer of Yellowstone Aerial Adventures that the skating rink will need to be moved this fall. S.J. Shepherd, working with the Parks and Recreation Board has developed a draft location plan for Pioneer Park. **Parkway Drainage Improvements Bids** – Pre-bid conference is scheduled for August 9. Bids are due on August 19. **Legal Services RFP** – Proposals are due on August 16. **CAAT Meeting** – I attended the CAAT meeting on July 31. The CTEP entryway sign landscaping project, accomplishments of CAAT and other groups, and litter issues were discussed. The group would also like the DID to conduct a survey of local businesses regarding garbage and litter issues.

The Council and staff discuss the suggestion to leave the Social Services clothing bank in the Union Pacific Dining Lodge. Guay explains that she and Social Services Director Jack Dittmann have discussed this idea because there is not really enough space in the new building for the clothing bank without cluttering up their entire space. The Council expresses concerns about leaving the clothing bank in the UPDL because the goal had always been to completely vacate the building. Dittmann points out that they would not

heat the space or keep it open during the winter. It would only be staffed by volunteers. Guay says that she does not think the clothing bank is a vital service for Social Services. The Council indicates that they need to discuss this issue further in the new future.

- 5) The Council discusses the business license for Utah Transportation LC to relocate a taxi business to another piece of property that includes nightly and residential rentals. There was concern at a previous meeting that the 20' driveway was not wide enough to allow access by emergency vehicles. Guay says they did obtain a legal opinion from Town Attorney Jim McKenna on this issue and it was his opinion that it is unlikely that a claimant could establish that the Town, by issuing a business license, caused damages to any person. Stewart disagrees and says that they are violating the public trust by allowing such a narrow driveway. Patterson clarifies that the driveway is not a public roadway and they have no jurisdiction to require that it be wider. Schmier says he hopes that by designating the parking areas, the property owner will be encouraged to clean up the property.

- 6) Vickie Barta, Chair for the Parks & Recreation Advisory Board, and SJ Shepherd, Architect, present a conceptual drawing for improvements in Pioneer Park. Barta explains that their original assignment was to make a recommendation as to where to move the ice skating rink. The Council and the Board agreed that they should look at the park as a whole and work on a long-term plan. Shepherd explains that they do recommend putting the rink in the northwest corner of the park. She says the group felt that they should put the rink there this year and test it out this winter. She says that if they do go ahead and make that corner the permanent location, they should plan ahead so the concrete pad can also be utilized during the summer as a splash park, additional parking, or picnic area. Mayor Johnson says that it could even be a skate park. She says that locating the ice rink in that corner will allow for the most planning and development of the rest of the park. She points out some of the other elements in the plan that the Town could consider in the future. Patterson says that he thinks they should consider putting the pavilion that has been proposed by the Downtown Improvement District Advisory Board in the Park. He says that he thinks they could put some individual picnic tables in that area between McDonalds and the Museum and then put the pavilion in the park. Schmier says he really likes the proposed location of the parking lot but questions why they wouldn't put the rink closer to the parking lot. Barta says they did consider that and other areas, but points out that would make that corner very "hard" meaning a lot of concrete and pavement. They also felt that area is already a successful picnic area with a lot of trees, so they did not want to interrupt that. The group discusses the plan at length. Mayor Johnson credits the advisory board and Shepherd for putting this plan together and getting it done so quickly. He asks if they are ready to put the plan out for public comment. Barta clarifies that they are suggesting both a new location for the rink and a conceptual plan for the entire park. Johnson suggests that they put the plan out in the paper and publicize it and request public comment. Barta agrees and says they might even come up with even better ideas for the plan. Shepherd asks if the Council can act tonight on selecting a location for the rink for this winter, establishing temporary lighting, and temporary restrooms. Johnson says that they can. The group briefly discusses the lights at the rink and what will need to be done to move the lights over for this winter and any adjustments they need to make to the budget before it is adopted at the next meeting.

The meeting is adjourned. (9:00 PM)

Mayor

ATTEST:

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Appointment Interviews
August 13, 2013

COUNCIL MEMBERS PRESENT: Mayor Jerry Johnson, Brad Schmier, and Doc Stewart, and Tom Cherhoniak

OTHERS PRESENT: Operations Manager Becky Guay, Public Services Superintendent James Patterson

The meeting is called to order by Mayor Jerry Johnson at 7:00 PM in the Povah Community Center

Portions of the meeting are being recorded.

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

Public Comment Period

No public comment is received.

Mayor Johnson opens the meeting and briefly describes the procedure and protocol for the Town Council appointment interviews. Two residents applied for the appointment, Lewis Scott and John Costello.

The first interview is with Lewis Scott. Scott briefly describes his history in West Yellowstone, where he has lived since 1989. He explains that after relocating to West Yellowstone he decided to go back to practicing law, passed the Montana Bar exam, and opened a small private practice. He also served as the City Judge in West Yellowstone for twelve years. He says that he enjoys living in West Yellowstone and has kept up on current events by talking to people and reading the newspaper. Scott explains, as he did in his cover letter, that he thinks all of the individuals that serve on the Town Council should be elected. He indicates that if he is appointed, he will resign on January 1, 2014 so the seat will be filled by the highest vote getter that is not elected. He says that he will not have any trouble attending meetings and names his membership status with local and regional bar associations. He agrees that local officials are held to a higher standard and elaborates on how that is addressed in state law. Scott says that he can offer legal expertise, especially in regards to choosing a law firm to represent the Town. He also says that he is a good listener and is not afraid to change his mind when new information is presented. Scott says that economic stability is not an issue, which is clearly indicated by the resort tax increasing steadily over the last several years. He says there is potential for infrastructure instability, but economic instability does not seem to be a problem. Scott says projects he would champion include a local government review-which has to be done every ten years, he also thinks there should be a thorough review of the Town's municipal code, and there should also be some serious consideration of the airport. Scott says he other priorities are streets and sidewalks, acquisition of the 80 acres adjacent to the Town from the Forest Service, and good acoustics in the Town Council meeting room. Scott says it is good public policy to allow non-profits or local businesses to use public property, but only with extreme caution. Scott says that healthcare funding has been taken care of and whoever provides it needs to be here for the long-term, he supports the acquisition of the Forest Service land to provide needed things like housing, and in regards to future use of public buildings he names four municipal priorities: water, sewer, public safety, and maintenance of public assets including buildings.

The second applicant is John Costello. He explains that he and his wife, Marysue, moved to West Yellowstone in 1975. Since that time he has been a real estate broker. Over the years, he has been heavily involved in the Town's Planning & Zoning Board, Search & Rescue, briefly was appointed to the Town Council in the 1980s, and is currently involved with healthcare by serving on the Healthcare Services Board and as treasurer for the Yellowstone West Medical Center. He explains that he did not run for election after he was appointed to the Council because of business concerns. He says that he is willing to offer his time and services on the Town Council and that he feels he can commit to Town Council meetings. Mayor Johnson asks how would he handle meetings that, perhaps, may run too long without being effective. Costello

admits that is something that would be difficult for him, and Johnson says that is not necessarily a negative thing. Costello indicates that he does not think there would be conflict for him to serve on the Town Council as well as the other boards he is associated with. He says that he has no problem with whatever standards are expected of Town Council members. He says that he believes he is a good listener, does not respond pressure, does not have a set “agenda,” and feels that he can listen to what people have to say and make a good decision. Stewart asks Costello to describe his guidelines for making a decision. Costello says he would consider two things: what is right, and what is the law. Costello says that he is a believer of free enterprise and the less government influence, the better. He feels the Council should encourage and guide, but not necessarily be the leader when it comes to economic stability. Schmier asks Costello if he thinks resort tax collections are an accurate barometer of the Town’s economic stability. Costello says it certainly plays a part, but does not think it is the main one or the most accurate because it does not take into account details like number of visitors. Costello says he does not have any specific projects or priorities that he would champion over the next two years. Johnson clarifies that he would strive to make fair decisions based on the information that is presented to the Council. Costello says that he does not think there is anything wrong with allowing the Fire Department to sell hamburgers during a special event or even an event like the Rod Run operating from the City Park. However, he does not think it is appropriate for private businesses to use public property as storage or to operate a business. Stewart asks him how he feels about a situation such as allowing a healthcare clinic on public land. Costello says that would be a very individual circumstance that would need to be considered carefully. Costello says that he is not positive. He says that future use of town-owned buildings needs to be considered carefully. In regards to the acquisition of the Forest Service land, he thinks that is the single most important issue that will face the Town in the next 30, 40, or 50 years. He says that the last map he says did not designate the most useful land, but perhaps the land that the Forest Service most wants to get rid of. He says he is passionate about healthcare in West Yellowstone and healthcare funding. He says it has been proven that we cannot keep independent healthcare providers in West Yellowstone without funding support. Johnson says that the other applicant, Lewis Scott, indicated he was willing to serve on the Council until January but would then resign so they would have a full elected council. He asks Costello how he feels about that idea. Costello says that there will be four seats on the ballot this fall and seven candidates. He says that in that circumstance, they will essentially appoint the fifth highest vote getter out of seven, which he believes is someone the voters do not want because they will not have elected that person.

The Council takes a 5-minute break before reconvening to make a decision. Mayor Johnson asks each sitting Council Member to share their thoughts about the interviews. Cherhoniak indicates support for Lewis Scott. Schmier says that Scott’s proposal to resign after the election is very interesting, but he does not think that is the right way to go. He thinks that Costello is a very “electable” applicant. Stewart says that after tonight, they will have more appointed than elected members on the Council and that is troubling. He says that if they accept Scott’s proposal, they will have a full elected council in a couple months and at least two sitting members will be re-elected. Johnson says that both applicants bring a lot of qualities to the table and care about West Yellowstone. He thinks Scott’s proposal is valid and in accordance with the policy, but acknowledges Costello’s point that appointing the fifth-highest vote getting is appointing someone that was not chosen by the electorate. They are both long-term residents and will likely continue to live here for several more years.

A motion is carried by Schmier, seconded by Stewart, to appoint John Costello to the Town Council to serve the seat vacated by Pierre Martineau through December 31, 2013. The vote is a tie. Cherhoniak and Stewart are opposed, Johnson and Schmier are in favor. The Council Members agree to “caucus” with each other in sets of two to discuss the appointment. Each of the four Council Members meet privately with each other member. After approximately 35 minutes, the Council reconvenes but they all indicate that they have not changed their vote. Mayor Johnson suggests they caucus with each other one more time and get back together to decide what they will do next. The next round of caucuses lasts about 15 minutes. Rocky Hermanson requests to make a couple comments. He says that it was mentioned earlier that there is a public perception that the current council members are just appointing their buddies, but he thinks it looks even worse to just make a short-term appointment to manipulate what will

happen later. They should make the best decision for the long-term. James Patterson agrees with Hermanson's comments. He says that they are still going to make an appointment in five months, which could very easily be one of themselves. In that circumstance, then it just appears they were trying to protect their own job. Johnson says that prior to coming this evening, he was very much in favor of accepting Scott's proposal. However, he believes their "charge" is to appoint someone that can fill Martineau's vacated seat.

Johnson asks if any of the council members want to change their vote. Stewart requests that a caucus with Johnson and they leave the room.

The Council reconvenes again. Mayor Johnson calls for the questions on the original motion to appoint John Costello. Johnson, Stewart, and Schmier are in favor, Cherhoniak is opposed.

Town Clerk, Elizabeth Roos, administers the oath of office for John Costello.

The meeting is adjourned. (8:15 PM)

Mayor

ATTEST:

Town Clerk

Town of West Yellowstone Business License Application

Business Name: Botas la Hacienda
 Applicant: Francisco J Padilla
 Contact Person: Erika Widdison (208) 201-4385
 Mailing Address: 668 Meadowbrook Rexburg IDAHO 83440
 Physical Address of Business: 103 Gibbon Avenue West Yellowstone MT
 Phone Number: (208) 403-1157 Fax Number: (406) 646-7572 5975
 Email Address: _____ Website: _____

Signature of Property Owner of Record: Hardeep Johal

Subdivision: Old Town
 Block: 12 Lot: 2

Zoning District, please mark one:

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

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

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

Catalog retail sale

Business License Fee: \$ 50.00
 Resort Tax Bond: \$ 500.00

Francisco J Padilla
 Signature of Applicant

Total Amount Due: \$ _____

 Signature of Applicant
08-05-2013
 Date

FOR OFFICE USE ONLY

Date Approved by Town Council: _____

Date _____ Check # _____ Amount \$ _____ License # _____

SCN _____ BLP _____ STX _____ BLC _____ RDX _____

Town of West Yellowstone Business License Application

Business Name: YELLOWSTONE CLASSIC CABENS AND RV LLC
 Applicant: SJ and Marc Sheppard
 Contact Person: Marc Sheppard
 Mailing Address: PO Box 1028 W. Yellowstone MT 59758
 Physical Address of Business: 130 Hayden Street
 Phone Number: 406 539 0003 Fax Number: 406 646 9433
 Email Address: altiusguns@earthlink.net Website: _____

Signature of Property Owner of Record: _____

Subdivision: OLD TOWN
 Block: 21 Lot: 8

Zoning District, please mark one:

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

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

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

4 state-licensed RV sites (summer only)
1 single unit rental cabin

Business License Fee: \$ 57.00
 Resort Tax Bond: \$ _____
 Total Amount Due: \$ _____

[Signature]
 Signature of Applicant
[Signature]
 Signature of Applicant
9 AUG 2013
 Date

FOR OFFICE USE ONLY

Date Approved by Town Council: _____
 Date 8/9/13 Check # 1515 Amount \$ 1515 License # _____
 SCN _____ BLP _____ STX _____ BLC _____ RDX _____

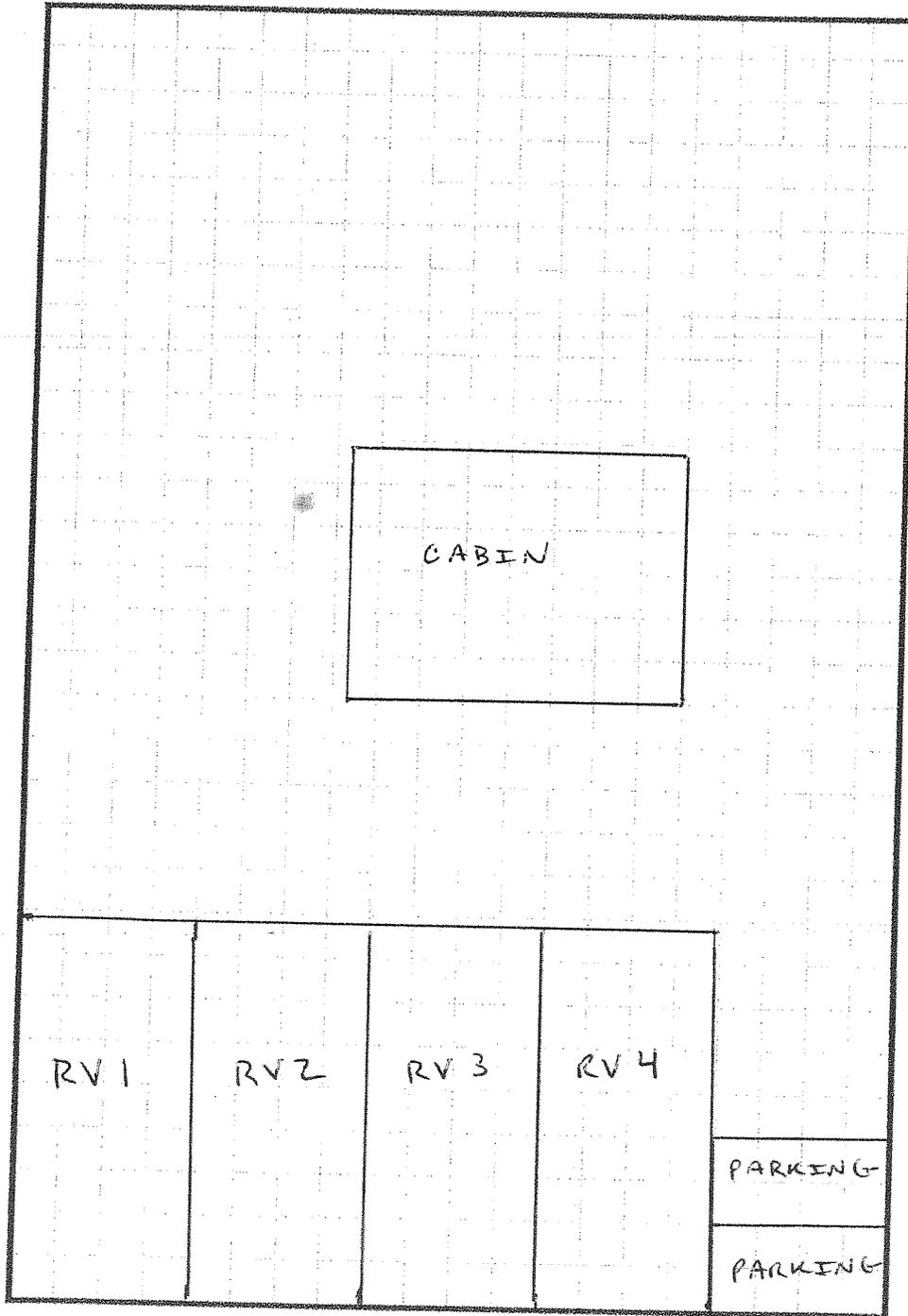
Site Plan

Business Name: Yellowstone Class:2 Cabins and RV LLC

Business Owner:

Business Street Address: 130 Hayden Street

Block: 21 Lot: 8 Subdivision: OLD TOWN



Scale: 1 inch = 20 feet

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



Trailer Court/Campground/Youth Camp Work Camp License Application

Montana Department of Public Health & Human Services
Food & Consumer Safety Section - 406.444.2408

License Fees: 1 - 10 sites - \$40 11 - 25 sites - \$80 26 or more sites - \$160

**Make check payable to - Montana Department of Public Health & Human Services (MDPHHS)

Licensee Name (Business Owner) Caldera Cabins, LLC

Establishment Name Caldera Cabins, LLC

Establishment Location Address 130 Hayden Street

City West Yellowstone Zip Code 59758

Mailing Address (if different from above) PO Box 1028

City West Yellowstone State MT Zip Code 59758

Establishment Telephone 406.539.0003 Owner/Corporate Telephone 406.539.0003

Establishment Fax _____ Contact E-mail address altiusguns@earthlink.net

I hereby certify that the information I have supplied above is true and correct.

Licensee Signature [Signature] Date 06/18/13

**Regulatory authority must submit applications with fees to DPHHS/FCSS
DPHHS will not accept license applications directly from applicants**

This section is to be completed and signed by the Local Health Authority Only!

Type of Establishment (Check one or more - the fee is determined by the total number of sites available)

Campground: # of sites _____ Recreational Vehicles 4 Tents _____ Rustic Cabins _____

General Services Campground - Provides on-site potable water, sewage disposal, solid waste disposal and other services such as laundry or groceries.

Limited Services Campground - Provides for sewage disposal, solid waste disposal, and may provide potable water [as determined by ARM 37.111.206(2)].

Primitive Campground - Used for backcountry camping and does not provide any services.

Trailer Court (Mobile Home Park) - # of sites _____

Work Camp - # of sites/sleeping units _____ # of persons _____

Youth Camp - # of persons (staff, volunteers, and youth) _____

Seasonal Yes No Dates Open _____ to _____

Water Supply

Public, PWSID # MT0003136
 Private, Test Results Satisfactory? Yes No

Sewage Treatment

City/Municipal West Yellowstone
 Public, (non-municipal)
 Private, Permit # _____

Previously Licensed Yes No Former Name of Establishment Hayden RV Park

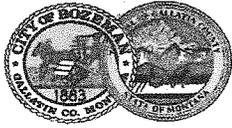
Previous License Number T 300465 Last Calendar Year Licensed 2013

License Limitations and Restrictions _____

(The above statement will appear on the printed license identifying restriction with this license)

Signature of Regulatory Authority [Signature] Date 06/18/13
(Signature verifies compliance with applicable statutes and rules for this establishment)

Printed Name of Regulatory Authority Brittney Nelson, R.S. and Alfredo Caron, R.S. County Gallatin



"Committed to the protection and promotion of public health"
Gallatin City-County Health Department
 Environmental Health Services
 215 W. Mendenhall, Rm 108 Bozeman, MT 59715
 (406) 582-3120

Montana
 Department of
 Public Health and
 Human Services
 Food and Consumer Safety Section
 PO Box 202951
 Helena, MT 59620-2951
 (406) 444-2951

Trailer Court/Campground Inspection Report
 Reference ARM Title 37, Chapter 111, Subchapter 2

License T Pending	Establishment Name Hayden RV Park	Date 6/18/2013
Address 130 Hayden Street		City West Yellowstone, MT
Owner Caldera Cabins, LLC		Water West Yellowstone City
Endorsements		Wastewater West Yellowstone City
TC 1a Campground: Recreational Trailers		Units 4

Type of Inspection Ownership Change, Routine	Risk Category 1
Time In 10:00 AM	# of Repeat Violations 0
Time Out 11:00 AM	Total Time (Min) 60

Violations

Comments

- Ownership change completed and license application submitted.
- All equipment functioning properly at time of inspection.
- Check #1501 for \$120 site visit to GCCHD.
- Check #1500 for \$40 license fee to MDPHHS.
- No violations noted at the time of inspection.
- Facility is approved to open and operate.

Inspector Alfredo Caron
 Alfredo Caron, R.S, Brittney Nelson, R.S.

Owner/Manager _____

Follow-up Required

Yellowstone Classic Cabins, LLC
PO Box 1028
West Yellowstone, MT 59758
406-539-0003

August 9, 2013

To: Town Council, Town of West Yellowstone
Re: Resort Tax Bond

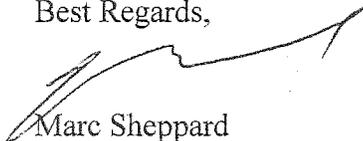
I would like to request a waiver from the \$500 Resort Tax Bond for my new business, Yellowstone Classic Cabins.

I am a 17-year resident of West Yellowstone and have had an established business (Altius Handcrafted Firearms) for over 10 years with a good Resort Tax payment history.

I hope that the Town Council will consider this waiver favorably.

Please contact me if you require additional information to act on this request

Best Regards,



Marc Sheppard

TOWN OF WEST YELLOWSTONE MONTANA

naturally inviting!

NOTICE OF PUBLIC HEARING

The Town Council of the Town of West Yellowstone will hold a formal budget hearing for the fiscal year 2013-2014 budget. Said hearing will be held during the regular Town Council meeting, Tuesday, August 20, 2013, which begins at 7:00 PM, The hearing will be held in the Povah Community Center, located at 10 South Geyser Street.

The public hearing will review revenue sources, maintenance, operation, capital projects, debt service payments and equipment purchases for the General Fund, Special Revenue Funds, Debt Service Funds, Capital Project Funds, and the Enterprise Funds for Fiscal year 2013-2014. The Public is invited to attend and any taxpayer or resident may be heard, for or against, any portion of the proposed budget.

The proposed final budget is available for public review at the Town Offices, located at 10 South Faithful Street., West Yellowstone, Montana. Personnel at the Town Offices can be reached at 406-646-7795

The West Yellowstone Town Council will consider adoption of the proposed fiscal year 2013-2014 budget resolution and set the mill levy during a regular meeting of the Town Council on August 20, 2013 held at 7:00 PM at the Povah Community Center, located at 10 South Geyser Street, West Yellowstone, Montana. The Public is invited to attend.



RESOLUTION NO. 638

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE, MONTANA, IN THE COUNTY OF GALLATIN AND STATE OF MONTANA, DETERMINING THE AMOUNT OF TOWN TAXES AND ASSESSMENTS FOR ALL PURPOSES, GENERAL, AND SPECIAL, TO BE LEVIED AND ASSESSED ON TAXABLE PROPERTY IN THE TOWN OF WEST YELLOWSTONE, STATE OF MONTANA, AND LEVYING AND ASSESSING SUCH TAXES, FOR THE FISCAL YEAR ENDING JUNE 30, 2014.

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

Section 1. That pursuant to the provisions of Title 7, Chapter 6, and Chapter 12, MCA, as amended, there is hereby levied and assessed on the taxable per Centrum of the assessed value of the taxable property of the town of West Yellowstone, State of Montana, as fixed and found by the Board of County Commissioners of Gallatin County, Montana, sitting as a County Board of Equalization, for the current fiscal year ending June 30, 2014 a tax of:

63.82 MILLS AS ALL PURPOSE LEVY

29 MILLS GENERAL OBLIGATION BOND ASSESSMENT

To be assessed on all property and improvements in West Yellowstone, Montana, including property otherwise exempt from real property taxes.

FOR A TOTAL MILL LEVY OF 92.82

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

Section 3. That, pursuant to the provisions of Title 7, Chapter 6, Section 4407 MCA, and Title 7, Chapter 12, Section 4184, MCA, as amended the Town Clerk is directed to at once certify and transmit to the County Clerk & Recorder of Gallatin County, Montana, a copy of this Resolution for the collection of the taxes herein and hereby levied, by the County Treasurer as in Chapter 6 MCA, provided.

Section 4. That pursuant to the provisions of Title 7, Section 6, 4233 MCA the Town Clerk is directed to at once certify and transmit to the Montana Dept of Commerce, in Helena, Montana a copy of this Resolution.

PASSED AND ADOPTED BY THE TOWN COUNCIL AND APPROVED BY THE MAYOR OF THE TOWN OF WEST YELLOWSTONE, MONTANA, THIS 20th DAY OF AUGUST 2013.

Mayor

ATTEST
Town Clerk

STATE OF MONTANA)

)
) ss:
)
)
)

COUNTY OF GALLATIN

I, Elizabeth Roos, do hereby certify that I am the duly appointed qualified and acting Town Clerk of the Town of West Yellowstone, state of Montana, that as such Town Clerk, I have in my custody and am the keeper of records and minutes of the proceedings of said Town Council, that the above foregoing is a full, true, and correct, and complete copy of said Town Council's Resolution # 621, fixing, determining, assessing, and levying taxes for the said Town of West Yellowstone, for the fiscal year of said Town of West Yellowstone commencing on the first day of July 2013, A.D. and ending on the 30th day of June 2014, A.D. as the same is on record and on file in my office as such Town Clerk, and was passed and adopted by the said Town Council on the 20th day of August 2013, A.D. and as approved by the Mayor of said Town of West Yellowstone on the 20th day of August 2013, A.D.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of the Town of West Yellowstone, Montana, this 20th day of August 2013.

Town Clerk as Aforesaid

RESOLUTION NO. 639

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE,
IN THE COUNTY OF GALLATIN AND STATE OF MONTANA TO ADOPT THE BUDGET
AND CAPITAL IMPROVEMENT PLAN FOR THE FISCAL YEAR 2013-2014.

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

1. That we adopt a general fund revenue budget in a total amount of \$3,567,262 and a general fund expenditure budget in a total amount of \$3,757,775. The Town Court Judge wages are reflected in the general fund budget and will be hereby adopted in the general fund budget and will be adopted along with the adoption of Resolution #638.
2. That we fully fund an unassigned fund balance in the General Fund that is equal to two times the average monthly General Fund expenditure for the previous fiscal year. During the Fiscal Year 2013 the average monthly expenditure was \$248,684.50. The unassigned fund balance is \$497,369
3. That we adopt special revenue funds, revenue budget in the amount of \$4,119,699 and special revenue funds expenditure budget in the amount of \$4,837,389.
4. That we adopt a debt service funds revenue budget in the amount of \$154,000 and a debt service funds expenditure budget in the amount of \$131,483.
5. That we adopt a Capital Improvement Program funds revenue budget in the amount of \$445,329. Capital Improvement Program funds expenditure budget in the amount of \$557,733. The capital improvement program funds are to be used for street and building maintenance and replacement and acquisition of equipment for the town, and for construction and remodeling of town buildings.
6. That we adopt water and sewer enterprise revenue budgets in the amount of \$575,350 and water and sewer enterprise expenditure budgets in the amount of \$966,012.
7. That a copy of said budget is attached hereto and by this reference made a part of the Resolution # 639.

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

1. That we adopt the budget and work plan of the Tourism Business Improvement District (TBID) as proposed by the TBID board for Fiscal Year 2013-14.
2. That a copy of said budget is attached hereto and by this reference made part of the Resolution #639

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

1. That we adopt the 2014-2018 Capital Improvement Plan for the Town of West Yellowstone for Fiscal Year 2014.
2. That a copy of said Capital Improvement Plan is attached hereto and by this reference made a part of the Resolution #639.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF WEST
YELLOWSTONE, MONTANA, THIS 20th DAY OF AUGUST, 2013 AND APPROVED BY
THE MAYOR OF THE TOWN OF WEST YELLOWSTONE.

Mayor

ATTEST

Town Clerk

DEPARTMENT OF ADMINISTRATION
LOCAL GOVERNMENT SERVICES BUREAU
STANDARD AUDIT CONTRACT

THIS CONTRACT is made this 9th day of August, 2013, by and between

Amatics CPA Group

**Certified or Licensed Public Accountant
("Contractor"),**

Town of West Yellowstone, Montana

**Governmental Entity
("Entity"),**

and the **Montana Department of Administration, Local Government Services Bureau, ("State")**, PO Box 200547, Helena, MT 59620-0547 acting under the authority of Title 2, Chapter 7, Part 5, of the Montana Code Annotated.

1. **State Approval:** This contract is not effective with respect to any party until it is approved and signed by the State, as required by Section 2-7-506(3), MCA. The Contractor may not begin any audit work until the State gives this approval. If the Contractor begins work before the State has approved and signed the contract and the State subsequently does not approve and sign the contract, the Contractor is not entitled to receive any compensation for the work performed.

2. **Audit Period and Payment:** This contract covers the following audit period(s):
July 1, 2012 to June 30, 2014.

A. The Entity shall pay the Contractor for the audit work on the basis of time and necessary out-of-pocket expenses, which will not exceed:

\$ 9,100 for initial (or sole) audit covering 07/01/2012 to 06/30/2013.
\$ 9,400 for subsequent audit covering 07/01/2013 to 06/30/2014.
\$ _____ for subsequent audit covering _____ to _____.

The Entity shall pay the fees listed in Appendices A, B & C, as applicable, which are attached hereto and incorporated by reference.

B. If the cost of any subsequent audit is not agreed upon at the time this contract is executed, the Contractor and the Entity shall negotiate the cost at a later date. The results of this negotiation will be set forth in the Appendices and made a part of this contract. The Contractor shall provide the State and the Entity with a copy of the appropriate Appendices.

C. The contract payments do not include the cost of additional work that may be required if the Contractor discovers a defalcation or material irregularity. Any change in the scope of the audit services to be provided under this contract requires a contract amendment.

2. continued:
 - D. The Contractor may submit interim bills to the Entity each month, based upon the estimated percentage of contract completion. The Entity may retain 10 percent of each of these estimates until the Contractor has delivered the final audit report, at which time the Entity shall release the amount retained.
3. **Audit Scope:** The Contractor shall conduct a financial statement audit of the Entity as follows:
 - A. The Contractor shall conduct the audit in accordance with (i) generally accepted auditing standards adopted by the American Institute of Certified Public Accountants and (ii) the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. The objective of the audit is the expression of the Contractor's opinion on the Entity's financial statements. The Contractor shall obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether caused by error or fraud. Accordingly, a material misstatement may remain undetected. Also, the audit is not designed to detect error or fraud that is immaterial to the financial statements. If the Contractor's opinion on the Entity's financial statements is other than unqualified, the Contractor shall fully discuss the reasons with the Entity in advance of issuing a report. If, for any reason, the Contractor is unable to complete the audit or is unable to form or has not formed an opinion, the Contractor may decline to express an opinion or decline to issue a report as a result of the engagement.
 - B. The Contractor shall include tests of internal control over financial reporting, but the audit is not designed to provide an opinion on internal control or to identify significant deficiencies. The Contractor, however, shall make the Entity aware, in writing, of any significant deficiencies that come to the Contractor's attention.
 - C. The Contractor shall include the following tests of compliance and other matters as required by Government Auditing Standards. These tests, however, will not be designed to provide an opinion on such compliance. The Contractor shall determine whether:
 - (1) the Entity has complied with all appropriate statutes and regulations, as required by Section 2-7-502, MCA;
 - (2) the Entity has complied with the provisions of each of its revenue bond ordinances and indenture agreements;
 - (3) if the audit is of a county, city or town, money is or has been retained in a local charge for services fund contrary to the requirements of Sections 17-2-301 through 17-2-303, MCA, as required by Section 17-2-302, MCA. **The Contractor shall report any findings of noncompliance with the provisions of these statutes, regardless of materiality;** and
 - (4) if the audit is of a county or consolidated city/county government, the Entity has complied with state laws relating to receipts and disbursements of agency funds maintained by the Entity, as required by Section 2-7-505, MCA.
 - D. When applicable, the audit must meet all requirements of the Federal Single Audit Act of 1984, as amended by the Single Audit Act Amendments of 1996 and OMB Circular A-133.
 - E. The audit scope with regard to federal financial assistance for each fiscal year covered by this audit contract must be as specified in Appendices A, B and C.

3. continued:

F. Except as provided below, for purposes of determining the scope of the audit, the Entity is considered the financial reporting entity as defined by the Governmental Accounting Standards Board. This provision does not preclude the Entity from engaging a different audit firm for the audit of a segment, fund or component unit of the Entity. However, both the Entity and Contractor shall notify the State whenever the Entity elects to engage a different audit firm for the audit of a segment, fund or governmental component unit. Such additional audit must be contracted for on the State's Standard Audit Contract, and the audit firm shall be on the Roster of Independent Auditors authorized to conduct audits of Montana local governments that is maintained by the State.

If this contract is for an audit of a segment, fund, or governmental component unit of the primary government, the Entity is considered to be the segment, fund or component unit.

G. Any school district audit must also include auditing procedures sufficient to provide an opinion as to whether the following supplemental information is fairly stated in relation to the basic financial statements:

(1) the school district's enrollment for the fiscal year or years being audited as reported to the Office of Public Instruction in the Fall and Spring enrollment reports; and

(2) when applicable, the extracurricular funds for pupil functions.

H. If the Entity is a school district or associated cooperative, the Contractor shall contact the State Office of Public Instruction and the county superintendent of schools before or during the audit of the Entity. The Contractor shall determine whether those offices are aware of potential financial or legal compliance problems relating to the Entity that could affect the scope of the audit.

I. The Contractor shall immediately notify the Entity and the State in writing of any material irregularities it discovers. If the Entity is a school district or special education cooperative, the Contractor shall also immediately notify the State Office of Public Instruction in writing.

J. The Contractor shall provide the Entity with a copy of its most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the contract period.

K. The Contractor shall notify the Entity of all proposed audit adjustments and, if the Entity concurs, shall obtain written acceptance of these proposed adjustments. The State reserves the right to request documentation of these proposed and accepted audit adjustments.

4. **Entity's Responsibilities:** The Entity shall be responsible for:

A. its basic financial statements, including note disclosures;

B. all supplementary information required by GASB and by provisions of this contract;

C. establishing and maintaining effective internal control over financial reporting, including internal controls related to the prevention and detection of fraud;

D. ensuring that it complies with the laws and regulations applicable to its activities;

4. continued:
 - E. making all financial records and related information available to the Contractor;
 - F. the schedule of expenditures of federal awards required for audits conducted under OMB Circular A-133;
 - G. approving all proposed audit adjustments before posting, if the Entity concurs with the proposed adjustments;
 - H. adjusting the financial statements and accounting records to correct material misstatements and to agree with the audited financial statements; and
 - I. providing the Contractor, at the conclusion of the audit engagement, with a letter that confirms certain representations made during the audit, including an affirmation that the effects of any uncorrected misstatements aggregated by the auditor during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.
5. **Dates for Annual Financial Report or Trial Balance of Accounts:** The Entity shall prepare its annual financial report or a trial balance of accounts no later than the dates specified in Appendices A, B and C. If the Entity is unable to prepare its annual financial report or trial balance by the date specified in the Appendices, the Entity shall notify the Contractor and the State in writing prior to the specified dates.
6. **Beginning the Audit:** The Contractor shall begin the audit field work based on the schedule established in Appendices A, B and C. Under Section 2-7-503(3)(a), MCA, all audits must commence within nine months from the close of the last fiscal year of the audit period.
7. **Completion of Audit:** The Contractor shall deliver the audit report to the Entity and the State, based on the schedule established in Appendices A, B and C. If the Contractor cannot deliver the audit report to the Entity and the State on the date specified in the Appendices, the Contractor shall notify the Entity and the State in writing of that fact, and the reason(s) therefore. Under Section 2-7-503(3)(a), MCA, all audits must be completed and the reports issued within one year from the close of the last fiscal year covered by the audit. If the audit is conducted in accordance with the provisions of OMB Circular A-133, the Contractor shall also complete the audit and issue the audit report within the time period required by that Circular, unless a longer period has been agreed to in advance by the federal cognizant or oversight agency for audit. If the Entity has requested and received an extension of the A-133 due date from a federal agency, the Entity shall submit a copy of the approved extension to the State.
8. **Audit Presentation:** The final audit report must contain basic financial statements and required supplementary information consistent with financial reporting standards in effect for the year or years being audited, as established by the Governmental Accounting Standards Board. In addition, other supplementary information required by provisions within this contract and by OMB Circular A-133 must also be included, if applicable.
 - A. The final audit report must also contain any other financial statements and supporting schedules and information as agreed upon by the Entity and Contractor.
 - B. The financial statements presented must be in accordance with the financial reporting standards in effect for the year or years being audited, as described above. If the accounting records or other circumstances do not permit financial statements to comply with these requirements, the Contractor shall notify the

8. continued:

State of those conditions and describe the financial statements that will be presented. The applicable auditor's reports must also be modified as required to reflect a departure from generally accepted accounting principles.

C. If the audit is of a school district with separate elementary and high school district general funds, the general funds must be combined as a single major fund. All other funds must be separately considered for major fund criteria.

D. If the audit is a biennial audit covering two years, the Contractor shall present complete financial statements as specified above for each year covered by the audit. However, note disclosures for both fiscal years may be in one set of notes, with separate fiscal year disclosures as necessary. The two years must be presented under one audit report cover and opined upon in one Independent Auditor's Report.

9. **Auditor's Reports:** All audit reports must contain the following auditor's reports, which must comply with applicable professional standards in effect for the fiscal year or years being audited:

A. an independent auditor's report on the financial statements of the Entity;

B. a report on internal control over financial reporting and on compliance and other matters based on an audit of financial statements performed in accordance with Government Auditing Standards. If applicable, this report must include information about fraud, illegal acts, significant violations of provisions of contracts or grant agreements, and significant abuse, or indications of these acts.

C. a report disclosing any lack of compliance with State statutes, rules, regulations, or ordinances that would not have a material effect on the financial statements, but of which the Contractor becomes aware during the course of the audit. This report must be referred to in the report required in 9.B. above. This report may be combined with other reports if appropriate, or the findings may be included in a management letter. If included in a management letter, that letter must be included as a part of, or accompanying, the audit report.

D. a report on any supplemental schedules or information presented, if any such schedules or information are presented in the audit report. This report may be given in a supplemental information paragraph of the auditor's report on the financial statements (9.A. above), or in a separate report. For the following supplemental information, the Contractor shall report on whether the information is fairly stated, in all material respects, "in relation to" the financial statements as a whole, unless the condition of the financial records do not allow the auditor to render such an opinion:

- Supplemental schedule of school district enrollment required in paragraph 11.A;
- Supplemental schedule of school district extracurricular fund financial activities required in paragraph 11B; and
- Supplemental schedule of expenditures of federal awards required by OMB circular A-133 and in paragraph 10.A.

E. a report disclosing the action taken by the Entity to correct any deficiencies or implement any recommendations contained in the prior audit report. This report must be in a format that specifically identifies, by title or summary, each deficiency or recommendation contained in the prior audit report and the action taken by the Entity on each such deficiency or recommendation.

F. If the Contractor includes audit findings in the reports referenced in 9.B. and 9.C. above or in a

9. continued:
management letter, the views of Entity officials and their planned corrective actions must also be included, as required by Government Auditing Standards, if they are available at the time the Contractor files copies of the audit report with the State. If the views and planned corrective actions are not available at that time, the Contractor shall so indicate in the reports.
10. **Single Audits:** All audit reports for single audits done in accordance with OMB Circular A-133 must also contain the following:
- A. a schedule of expenditures of federal awards. As required by OMB Circular A-133, the schedule must:
 - (i) list individual federal programs by federal agency. For federal programs included in a cluster of programs, list individual federal programs within a cluster of programs;
 - (ii) for federal awards received as a subrecipient, include the name of the pass-through entity and identifying number assigned by the pass-through entity;
 - (iii) provide total federal awards expended for each individual federal program and the CFDA number or other identifying number when the CFDA information is not available;
 - (iv) include notes that describe the significant accounting policies used in preparing the schedule;
 - (v) to the extent practical, for pass-through entities identification in the schedule of the total amount provided to subrecipients from each federal program; and
 - (vi) in either the schedule or a note to the schedule, the value of the federal awards expended in the form of non-cash assistance, the amount of insurance in effect during the year, and loans or loan guarantees outstanding at year end. While not required, it is preferable to present this information in the schedule.
 - B. a report on the schedule of expenditures of federal awards. This report may be combined with other reports as provided by OMB Circular A-133 and professional standards. This report must comply with applicable professional standards in effect for the fiscal year or years being audited.
 - C. a report on compliance with requirements that could have a direct and material effect on each major program and on internal control over compliance in accordance with OMB Circular A-133. This report must refer to the separate schedule of findings and questioned costs described in paragraph 10.D. of the contract. This report must comply with applicable professional standards in effect for the fiscal year or years being audited.
 - D. a schedule of findings and questioned costs which must include the information required by OMB Circular A-133.
 - E. the corrective action plan required by OMB Circular A-133, if that plan is available at the time the Contractor files copies of the audit report with the State. This corrective action plan may be combined with the Entity's planned corrective actions related to findings reported in accordance with Government Auditing Standards, as provided in paragraph 9.F., above.
11. **School Districts:** School district audit reports must also include the following as supplemental

11. continued:
information/schedules:
 - A. a schedule of the district's enrollment as reported to the Office of Public Instruction for the fiscal year or years being audited. The schedule must contain the enrollment both as reported in the Fall and Spring enrollment reports and as documented by the school district's enrollment records; and
 - B. a detailed schedule of extracurricular fund financial activities.
12. **Written Report to Entity:** The Contractor shall render a single, written report for the Entity audited. **The report must include, or be accompanied by, all written reports and letters discussing findings and recommendations from the Contractor to the Entity, including but not limited to the reports and schedules referred to in paragraphs 9 and 10 above as well as any management letters that include findings and recommendations.**
13. **Exit Interview:** Before submitting the final audit report, the Contractor shall hold an exit review conference in which the audit results are discussed with those charged with governance and appropriate Entity officials and employees. **The Contractor shall ensure that all members of the governing body and key members of management are notified of this exit conference.** The Contractor further agrees that before submitting the final report, it will not discuss the audit findings with anyone other than the Entity or the State. However, once the Contractor delivers the final audit report, the report is deemed to be a public record.
14. **Report Distribution:** The Contractor and Entity shall file copies of the audit report as specified below:
 - A. The Contractor shall provide the Entity with the number of copies of the audit report specified in Appendices A, B and C and the cost of those copies is included in the total price for the engagement as set out in paragraph 2.A., above, and in the Appendices. The Contractor shall submit one of these copies to the attorney for the Entity.
 - B. Upon request by the Entity, the Contractor shall provide additional copies of the audit report at a price per copy agreed upon by the Entity and Contractor.
 - C. The Contractor shall provide the State with four copies of each audit report at no charge. **These copies must be sent to the State at the same time the Contractor delivers the final audit report to the Entity and must include any management letters that include findings and recommendations.** A letter of transmittal must accompany the State's copies, advising the State of the date of the exit conference, the date the final report was delivered to the Entity, the date of the audit report, the actual number of hours spent by the Contractor in the conduct of the audit, the total audit fees billed the Entity, whether the audit was conducted in accordance with the provisions of OMB Circular A-133, and whether there were any findings or opinion qualifications in the audit report, and, if so, whether the entity's corrective action plan or response was included as part of or submitted with the audit report.
 - D. If the Entity is a school district or associated cooperative, the Contractor shall provide copies of the audit report to the Office of Public Instruction, the county superintendent of schools, and the county attorney.
 - E. If the Entity is a city or town fire department relief association disability and pension fund, the Contractor shall provide one copy of the audit report to the city or town clerk.

- F. If the audit is a single audit conducted in accordance with the provisions of OMB Circular A-133, the Entity shall provide copies of the reporting package defined in OMB Circular A-133 and the data collection form to the federal clearinghouse designated by OMB. In addition, the Entity shall provide either a copy of the reporting package, or the alternative written notification as described by OMB Circular A-133 to all federal, state and other granting and pass-through agencies as required by Circular A-133.
15. **Entity Response:** If not included in the audit report as provided in paragraphs 9.F. and 10.E., within 30 days after receiving the audit report, the Entity shall notify the State in writing as to what action it plans to take to correct any deficiencies or implement any recommendations identified or contained in the audit report, as required by Section 2-7-515, MCA, and ARM 2.4.409. **This notification must also address any findings and recommendations contained in management letters, which are considered a part of the audit report as prescribed in paragraph 12.** If the audit is a single audit conducted in accordance with OMB Circular A-133, this corrective action plan must also meet the requirements of Circular A-133 and contain all information required by that Circular.
16. **Entity's Attorney:** If requested by the State, the attorney for the Entity shall report to the State on the actions taken or the proceedings instituted or to be instituted relating to violations of law and nonperformance of duty as required by Section 2-7-515(4), MCA. The attorney shall report to the State within 30 days after receiving the request.
17. **Certification of Auditor Independence:** The Contractor certifies that, as required by generally accepted government auditing standards, it and its principals and employees are independent in all matters with respect to this engagement. This contract shall not include non-audit services, and the Contractor shall neither arrange for nor accept non-auditing work with the Entity which could in any way impair the Contractor's independence in violation of professional standards. If required by the State, the Contractor shall document that independence has been maintained in both fact and appearance as required by professional auditing standards.
18. **Prime Contractor:** The Contractor is the prime contractor and is responsible, in total, for all work of any subcontractors. The Contractor shall obtain the **written approval of the Entity and the State before** engaging correspondent Contractors, consultants, or subcontractors to provide services in connection with this audit. **Any Contractors subcontracted to perform audit work must be on the Roster of Independent Auditors authorized to conduct audits of Montana local governments that is maintained by the Local Government Services Bureau.** The Contractor is responsible to the Entity and the State for the acts and omissions of all correspondent Contractors, consultants, subcontractors, or agents and of persons directly or indirectly employed by such correspondent Contractors, consultants, subcontractors or agents, and for the acts and omissions of persons employed directly by the Contractor. Further, nothing contained within this contract creates any contractual relationship between any correspondent Contractor, consultant, or subcontractor and the State.
19. **Entrance and Exit Conferences:** The State may participate in all entrance and exit conferences between the Entity and Contractor, as well as all major conferences dealing with audit exceptions and recommendations regarding accounting or operating procedures, management policies, or internal control changes.

20. **Access to Records:** The Contractor shall give the State and, when required by law, the Montana Legislative Audit Division, access to the Contractor's audit programs, supporting working papers, time records, and all other documents relating to the audit. Access to these documents must be provided at the State's offices in Helena, Montana. Access to working papers includes the right of the State to obtain copies of working papers, as is reasonable and necessary. The Contractor shall make the audit programs and supporting working papers available to the State for use by the State or other public accounting firms as directed by the State in future audits of the Entity. The Contractor shall make the audit programs and supporting working papers available to the cognizant or oversight agency for audit or its designee, federal agencies providing direct or indirect funding, or the U.S. General Accounting Office, if requested. Access to working papers includes the right of federal agencies to obtain copies of working papers, as is reasonable and necessary. The Contractor shall retain the audit report, audit programs, and audit working papers for a minimum of five years from the date of the audit report, unless the State notifies the Contractor to extend the retention period. If professional standards or other applicable laws, rules, or regulations require a longer retention period, the Contractor shall retain the above materials for that specified period.
21. **State Review:** As provided by Section 2-7-522, MCA, the State may review the audit report submitted by the Contractor. If the State determines that reporting requirements have not been met, it will notify the Entity and the Contractor of the significant issues of noncompliance. The Contractor shall correct the identified deficiencies within 60 days of notification.
22. **Independent Contractor:** The Entity and the State recognize that the Contractor is an independent contractor and neither its principals nor its employees are employees of the State or Entity for purposes of tax, retirement system, or social security (FICA) withholding.
23. **Workers' Compensation:** The Contractor certifies that it carries Workers' Compensation for its employees and that it has either elected Workers' Compensation or has an approved Independent Contractor's Exemption covering the Contractor while performing work under this contract. (Montana Code Annotated, Title 39, Chapter 71) Neither the Contractor nor its employees are State employees for the purposes of this paragraph.
24. **Indemnification:** The Contractor agrees to protect, defend, and save the State and Entity, their elected and appointed officials, agents, and employees, while acting within the scope of their duties as such, harmless from and against all claims, demands, and causes of action of any kind or character, including the cost of defense thereof, arising in favor of the Contractor's employees or third parties on account of bodily or personal injuries, death, or damage to property arising out of services performed or omissions of services or in any way resulting from the acts or omission of the Contractor and/or its agents, employees, representatives, assigns, and subcontractors, except the sole negligence of the State or Entity, under this agreement.

If the Contractor is or may be obligated to pay any cost, settlement, judgment, fine, penalty, or similar award or sanction as a result of a claim, investigation, or other proceeding instituted by any third party, then to the extent that such obligation is or may be a direct or indirect result of the Entity's intentional or knowing misrepresentation or provision to the Contractor of inaccurate or incomplete information in connection with this engagement, and not any failure on the Contractor's part to comply with professional standards, the Entity shall indemnify, defend, and hold harmless the Contractor against such obligations.

25. **Insurance:** Contractor shall maintain for the duration of the contract, at its cost and expense, occurrence coverage insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work by the Contractor, and/or its agents, employees, representatives, assigns, or subcontractors. The Contractor's insurance coverage shall be primary insurance for the Contractor's negligence as respects the State and Entity and their elected officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the State and Entity, their officers, officials, employees or volunteers shall be excess of the Contractor's insurance and shall not contribute with it. The Contractor shall purchase and maintain occurrence coverage to cover such claims as may be caused by any act, omission, negligence of the Contractor or its officers, agents, representatives, assigns or subcontractors. Note: If occurrence coverage is unavailable or cost-prohibitive, the state will accept 'claims made' coverage provided the following conditions are met: 1) the commencement date of the contract must not fall outside the effective date of insurance coverage and it will be the retroactive date for insurance coverage in future years, and 2) the claims made policy must have a three-year tail for claims that are made (filed) after the cancellation or expiration date of the policy.

The State and Entity reserve the right to require complete copies of insurance policies at all times.

26. **Compliance with Laws:** The Contractor shall, in performance of work under this contract, fully comply with all applicable federal, state, or local laws, rules and regulations, including the Montana Human Rights Act, the Civil Rights Act of 1964, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Any subletting or subcontracting by the Contractor subjects subcontractors to the same provisions. In accordance with Section 49-3-207, MCA, the Contractor agrees that the hiring of persons to perform the contract will be made on the basis of merit and qualifications and there will be no discrimination based upon race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing the Contract.
27. **Work Accommodations:** The Entity shall provide the Contractor with reasonable space in which to conduct the audit and respond promptly to requests for information as well as for all necessary books and records. Support for clerical, equipment, and photocopying or reproduction services shall be agreed upon by the Entity and the Contractor as specified in Appendices A, B and C.
28. **Termination before Audit Has Commenced:** Before the commencement of the audit, either the Contractor or the Entity, with the State's consent, or the State, may cancel this contract by providing 20 days' written notice to the other parties. The contract may be canceled under this paragraph for cause. Cause includes, but is not limited to, failure of any party to comply with the terms of this contract or with any Administrative Rule adopted by the State under the authority of Title 2, Chapter 7, Part 5, of the Montana Code Annotated.

In addition, if both the Contractor and the Entity mutually agree to cancel this contract before the commencement of the audit, for convenience, the State shall consent to cancellation of the contract upon written notification by the Contractor and the Entity of their agreement to cancel this contract.

The State, however, will not consent to the cancellation of an audit contract for the sole purpose of allowing the Contractor and Entity to then enter into a new contract that extends the number of fiscal years to be audited by the Contractor. Unless there are extenuating circumstances, the existing audit contract must be completed first. This provision does not prohibit the cancellation of a contract for the purpose of replacing an annual audit with a biennial audit.

29. **Termination after the Audit Has Commenced:** After the audit has commenced, but before the audit report has been issued, either the Contractor or the Entity, with the State's consent, or the State, may cancel this contract for failure of any party to comply with the terms of this contract or with any Administrative Rule adopted by the State under the authority of Title 2, Chapter 7, Part 5, MCA, or for other cause. This right of cancellation may be exercised by providing the breaching party written notice of the default and, if applicable, provide 20 days from the date of the notice to cure the default. If the Contractor is the breaching party and fails to remedy the breach, then the Contractor is not entitled to the audit fee set out in this contract. If the Entity is the breaching party, the Entity shall pay the Contractor a pro rata portion of the audit fee set out in this contract, based on the percentage of work completed at the time of cancellation. In addition, if both the Contractor and the Entity mutually agree to cancel this contract for convenience; the State shall consent to cancellation of the contract upon written notification by the Contractor and the Entity of their agreement to cancel this contract.
30. **Professional Requirements:** By signing this contract, the Contractor certifies that it is in compliance with the continuing professional education requirements and the external quality control review requirements as set out in Government Auditing Standards, as established by the Comptroller General of the United States. The State may require the Contractor to provide evidence that it has met the above requirements.
31. **Single Audit Act Certification:** If the audit is required to meet the requirements of the Single Audit Act of 1984 as amended by the Single Audit Act Amendments of 1996 and OMB Circular A-133, the Contractor certifies that neither it nor any of its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from performing audits by any Federal department or agency.
32. **Governing Law and Venue:** This Contract is governed by the laws of Montana. The parties agree that any litigation concerning this Contract in which the State is named as a party must be brought in the First Judicial District in and for the County of Lewis and Clark, State of Montana, and each party shall pay its own costs and attorney fees. The parties also agree that any litigation concerning this Contract in which the State is not named as a party must be brought in the Judicial District in and for the County in which the Entity is located, and each party shall pay its own costs and attorney fees.
33. **Notice:** All notices under this contract must be in writing and will be deemed given if delivered personally, by mail, certified, return receipt requested, or by e-mail. All notices will (a) if delivered personally, be deemed given upon delivery, (b) if delivered by mail, be deemed given upon receipt, or (c) if delivered by e-mail be deemed given upon receipt.
34. **Invalid Provision:** If any provision of this contract is held to be illegal or unenforceable and the parties' rights or obligations will not be materially and adversely affected, such provision will be (1) severed from the contract, (b) the contract will be interpreted as if such provision was never a part of the contract and (c) the remaining provisions will stay in effect.
35. **Authority:** Each party represents that the person signing this contract has the authority to bind that party.
36. **Entire Agreement and Amendment:** This contract and the attached Appendices contain the entire understanding and agreement of the parties. No modification or amendment of this contract is valid unless it is reduced to writing, signed by the parties, and made a part of this contract.

IN WITNESS WHEREOF, Contractor, Entity, and State have executed this Standard Audit Contract on the date first above written:

Certified or Licensed Public Accountant

Amatics CPA Group

Firm Name

By: *Terry J. Miller*
Authorized Representative

Date: 8-7-13

Governmental Entity

Town of West Yellowstone

Entity Name

By: _____
Authorized Representative

Date: _____

**Montana Department of Administration,
Local Government Services Bureau**

By: _____
Approved By

Date: _____



APPENDIX A

Initial or Sole Audit under this Contract

GOVERNMENTAL ENTITY (ENTITY): Town of West Yellowstone

Telephone: 406-646-7795 Address: 10 South Faithful Street
(Street Address or P.O. Box)

West Yellowstone, MT 59758
(City/Town) (Zip Code)

Contact Person(s):
Melanie Gospodarek

PUBLIC ACCOUNTANT/ACCOUNTING
FIRM (CONTRACTOR):

Amatics CPA Group

Address: 220 W Lamme Suite 3A
(Street Address or P.O. Box)

Telephone: 406 404-1925 Bozeman, MT 59715
(City/Town) (Zip Code)

Contact Person(s):
Terry Alborn, CPA

1. Audit Period and Dates of Engagement:

A. This audit will cover the fiscal year(s) ending
June 30, 2013 (and _____).
(Month & Day) (Year) (Year)

B. Date to commence audit work: December 1, 2013

C. Date to submit final audit report
to Entity and State: April 30, 2014

2. Time and Price for Engagement:

A. Estimated total hours - 100

B. Price for audit personnel \$ 9,100

Price for Travel _____

Price for typing, clerical _____

and report preparation _____

Total price for this _____

engagement \$9,100

3. The reporting entity contains the following discretely presented component units: _____

4. Date Annual Financial Report or a trial balance will be available: December 1, 2013

5. Number of copies of audit report Contractor will provide to Entity:

10

6. The Entity will provide clerical, equipment, and photocopying or reproduction services to the Contractor as follows:

7. The audit scope with regard to federal financial assistance received by the Entity for the above fiscal year(s) will be as indicated below:

The audit will be a single audit conducted in accordance with the provisions of OMB Circular A-133 because the Entity expended a total amount of federal awards **equal to or in excess of \$500,000** during the fiscal year(s), or such other dollar amount as may be established by OMB that is effective for the fiscal year(s) being audited.

OR

The audit will not be a single audit conducted in accordance with the provisions of OMB Circular A-133, and will not include audit coverage of any federal financial assistance in accordance with requirements of that Circular, because the Entity expended a total amount of federal awards of **less than \$500,000** during the fiscal year(s), or such other dollar amount as may be established by OMB that is effective for the fiscal year(s) being audited.

Certified or Licensed Public Accountant

Amatics CPA Group
Firm Name

By: *Trey J. Allen*
Authorized Representative

Date: 8-7-13



Governmental Entity

Town of West Yellowstone
Entity Name

By: _____
Authorized Representative

Date: _____

**Montana Department of Administration,
Local Government Services Bureau**

By: _____
Approved By

Date: _____

APPENDIX B

Subsequent Audit under this Contract

GOVERNMENTAL ENTITY (ENTITY): Town of West Yellowstone

Telephone: 406-646-7795 Address: 10 South Faithful Street
(Street Address or P.O. Box)

West Yellowstone, MT 59758
(City/Town) (Zip Code)

Contact Person(s):
Melanie Gospodarek

PUBLIC ACCOUNTANT/ACCOUNTING

FIRM (CONTRACTOR): Amatics CPA Group

Address: 220 W Lamme Suite 3A
(Street Address or P.O. Box)

Telephone: 406 404-1925 Bozeman, MT 59715
(City/Town) (Zip Code)

Contact Person(s):
Terry Alborn, CPA

1. Audit Period and Dates of Engagement:

A. This audit will cover the fiscal year(s) ending
June 30, 2014 (and _____).
(Month & Day) (Year) (Year)

B. Date to commence audit work: December 1, 2014

C. Date to submit final audit report
to Entity and State: April 30, 2015

2. Time and Price for Engagement:

A. Estimated total hours - 100

B. Price for audit personnel \$ 9,400

Price for Travel _____

Price for typing, clerical _____

and report preparation _____

Total price for this _____

engagement \$9,400

3. The reporting entity contains the following discretely presented component units: _____

4. Date Annual Financial Report or a trial balance will be available: December 1, 2014

5. Number of copies of audit report Contractor will provide to Entity:

10

6. The Entity will provide clerical, equipment, and photocopying or reproduction services to the Contractor as follows:

7. The audit scope with regard to federal financial assistance received by the Entity for the above fiscal year(s) will be as indicated below:

The audit will be a single audit conducted in accordance with the provisions of OMB Circular A-133 because the Entity expended a total amount of federal awards **equal to or in excess of \$500,000** during the fiscal year(s), or such other dollar amount as may be established by OMB that is effective for the fiscal year(s) being audited.

OR

The audit will not be a single audit conducted in accordance with the provisions of OMB Circular A-133, and will not include audit coverage of any federal financial assistance in accordance with requirements of that Circular, because the Entity expended a total amount of federal awards of **less than \$500,000** during the fiscal year(s), or such other dollar amount as may be established by OMB that is effective for the fiscal year(s) being audited.

Certified or Licensed Public Accountant

Amatics CPA Group

Firm Name

By: *Tony Allen*
Authorized Representative

Date: 8-7-13



Governmental Entity

Town of West Yellowstone

Entity Name

By: _____
Authorized Representative

Date: _____

**Montana Department of Administration,
Local Government Services Bureau**

By: _____
Approved By

Date: _____

APPENDIX C

Subsequent Audit under this Contract

GOVERNMENTAL ENTITY (ENTITY): _____

Telephone: _____ Address: _____
(Street Address or P.O. Box)
_____, MT _____
(City/Town) (Zip Code)

Contact Person(s): _____

PUBLIC ACCOUNTANT/ACCOUNTING
FIRM (CONTRACTOR): _____

Telephone: _____ Address: _____
(Street Address or P.O. Box)
_____, MT _____
(City/Town) (Zip Code)

Contact Person(s): _____

1. Audit Period and Dates of Engagement:

A. This audit will cover the fiscal year(s) ending
_____, _____ (and _____).
(Month & Day) (Year) (Year)

B. Date to commence audit work: _____

C. Date to submit final audit report
to Entity and State: _____

2. Time and Price for Engagement:

A. Estimated total hours - _____

B. Price for audit personnel \$ _____

Price for Travel _____

Price for typing, clerical _____

and report preparation _____

Total price for this _____

engagement \$ _____

3. The reporting entity contains the following discretely presented component units: _____

4. Date Annual Financial Report or a trial balance will be available: _____

5. Number of copies of audit report Contractor will provide to Entity: _____

6. The Entity will provide clerical, equipment, and photocopying or reproduction services to the Contractor as follows:

7. The audit scope with regard to federal financial assistance received by the Entity for the above fiscal year(s) will be as indicated below:

- The audit will be a single audit conducted in accordance with the provisions of OMB Circular A-133 because the Entity expended a total amount of federal awards **equal to or in excess of \$500,000** during the fiscal year(s), or such other dollar amount as may be established by OMB that is effective for the fiscal year(s) being audited.

OR

- The audit will not be a single audit conducted in accordance with the provisions of OMB Circular A-133, and will not include audit coverage of any federal financial assistance in accordance with requirements of that Circular, because the Entity expended a total amount of federal awards of **less than \$500,000** during the fiscal year(s), or such other dollar amount as may be established by OMB that is effective for the fiscal year(s) being audited.

Certified or Licensed Public Accountant

Firm Name

By: _____
Authorized Representative

Date: _____

Governmental Entity

Entity Name

By: _____
Authorized Representative

Date: _____

**Montana Department of Administration,
Local Government Services Bureau**

By: _____
Approved By

Date: _____

Received
8/9/13
AR



YELLOWSTONE TOWNHOUSES

P.O. BOX 867 • WEST YELLOWSTONE, MONTANA 59758

(406) 646-9331

August 9, 2013

West Yellowstone Town Council
P.O. Box 1570
West Yellowstone, Montana 59758

Dear Council,

As per the provisions of Chapter 3.12 Section 120-Resort Tax, I am appealing an assessment for penalties and interest of a resort tax payment for Yellowstone Townhouses. The payment that was inadvertently missed was for last July 2012. All my taxes have been current and this just slipped through the cracks. I was not made aware of this until May 2013. At that time all my books were at my accountant's office preparing my Federal and State tax returns. I have since paid the July 2012 Resort tax in the amount of \$1,222.80 in full and then received a letter of the penalties amounting to \$2,058.53 on August 5, 2013. I am requesting that you consider this at your next regular meeting and I am asking that the penalty and interest be waived. Thank you for your consideration of this matter.

Respectfully Submitted,

Robert Klatt
Owner



West Yellowstone Foundation

Serving the Community of West Yellowstone and Hebgen Lake Basin, Montana

P. O. Box 255

West Yellowstone, Montana 59758

(406) 646-1152

wyfoundation@gmail.com westyellowstonefoundation.org

August 1, 2013

Lanie Gospodarek
Town of W Yellowstone, Financial Administrator
P.O. Box 1570
West Yellowstone, MT 59758

Dear Ms. Gospodarek,

Enclosed, please find a one-time grant check in the amount of \$500.00 to be used for the town's recreation classes/activities offered during the school year for families in need.

Please provide us with an update as to how the funds were used by June 2014. A form is available at westyellowstonefoundation.org under the grants section for this purpose. Thank you for being patient with this process and we will be excited to hear how these funds made a difference for the children in our community.

Sincerely,

Carrie Pope, Executive Director

TOWN OF WEST YELLOWSTONE
MONTANA
naturally interesting

PUBLIC NOTICE

**Tourism Business Improvement District
Board of Trustees**

The West Yellowstone Town Council is seeking interested individuals to serve on the Tourism Business District Board of Trustees in accordance with 7-12-1121 of the Montana Code Annotated. Board members shall be appointed by the Town Council to serve a term of four years.

The board in administering the district has all powers necessary to carry out the functions of the district contained in the ordinance creating it, including the power to:

- (1) sue and be sued, enter into contracts, and hire and terminate personnel needed for its purposes;
- (2) provide special police, maintenance, or cleaning personnel for the protection and enjoyment of the general public using the business district;
- (3) landscape and beautify public areas and to maintain those areas;
- (4) contract with the governing body to maintain, operate, or repair public parking facilities;
- (5) contract with the governing body to maintain streets, alleys, malls, bridges, ramps, tunnels, landscaping, and other public facilities as mutually agreed upon;
- (6) promote private investment and business expansion in the district;
- (7) provide for the management and administration of the affairs of the district;
- (8) promote business activity by advertising, decorating, marketing, and promoting and managing events and other actions designed for the general promotion of business activities in the district; and
- (9) perform such other functions as are necessary to carry out the purposes of this part and to further the objectives of the district.

Interested individuals should complete and return the 'Application for Boards and Committees' which is available from the Town Offices, 10 S Faithful, West Yellowstone, MT. **The Town is currently seeking a board member to represent hotels with 100+ rooms.** Position shall remain open until filled. For more information or to request an application by e-mail, please contact the Town Offices, 646-7795, or info@townofwestyellowstone.com.

Elizabeth Roos
Town Clerk



McKENNA LAW, P.C.
ATTORNEYS AT LAW
109 East Main Street, Suite 1
Bozeman, Montana 59715

JAMES D. McKENNA
MICHAEL Q. DAVIS, JR.

MAILING ADDRESS:
P.O. Box 6400
Bozeman, MT 59771-6400

TELEPHONE (406)586-4994
FACSIMILE (406)586-0418

MEMORANDUM

TO: Becky Guay, West Yellowstone Operations Manager
FROM: Michael Q. Davis, Jr., West Yellowstone Town Attorney
RE: Vacation Rentals by Owner (VRBO)
DATE: August 6, 2013

I. Issue: Whether vacation rentals by owner (VRBOs) are subject to the same rules and laws as hotels and motels.

Answer: Yes. A VRBO is required to procure a license from the DPHHS. A VRBO is also a "lodging facility" under the West Yellowstone Municipal Code and is subject to its provisions regarding business licenses, resort tax and registers.

II. Analysis: Section 50-51-103, MCA, allows local governments to adopt ordinances regarding "tourist homes." Section 50-51-103(12) defines a "tourist home" as a "private home or condominium that is not occupied by an owner or manager and that is rented, leased, or furnished in its entirety to transient guests on a daily or weekly basis." This definition of "tourist home" includes a VRBO.

A VRBO is required to procure a license issued by the Department of Public Health and Human Services. Section 50-51-201(1), MCA, states, "Except as provided in subsection (2), a person engaged in the business of conducting or operating an establishment shall annually procure a license issued by the department." Section 50-51-201(4), MCA, includes "tourist home" in the definition of an establishment. Therefore, a person engaged in the operation of a VRBO is required to procure a license issued by the Department of Public Health and Human Services.

Section 5.04.010.B of the West Yellowstone Municipal Code defines a "lodging facility" as follows:

"Lodging facility" means a residential or commercial building that contains individual sleeping rooms or suites that provides overnight lodging for compensation to the general public for periods less than thirty days. "Lodging facility" includes a hotel, motel, resort, dormitory, inn, condominium inn, dude ranch, guest ranch,

Ms. Becky Guay
August 6, 2013
Page 2

hostel, public lodginghouse, time share or bed and breakfast facility. "Lodging facility" also includes any campground, recreational vehicle or trailer park, or similar facility.

Section 3.12.010.A of the West Yellowstone Municipal Code states, "There is imposed a resort tax on the retail value of all goods and services sold within the town by the following establishments: (1) hotels, motels, and *other lodging or camping facilities.*"

It is clear that a VRBO would qualify as a "lodging facility" under the West Yellowstone Municipal Code and would be subject to the codes relating to such facilities. Further, a VRBO is subject to the resort tax provisions of the Municipal Code.

A VRBO would also be subject to the register requirement of § 5.16.010.A of the Municipal Code, which require every keeper of a "lodging facility" to keep and maintain a register.

Montana League of Cities and Towns

2013 Annual Conference

Helena, MT

October 9, 10 and 11

The League has been working with the city staff in Helena to plan the 82nd annual conference which will be held October 9, 10 and 11 at the Colonial Hotel.

The purpose of the planning up to this point is to put together a business agenda that will offer a broad range of discussion on issues of current importance to cities and towns and a social program featuring many of the special historical attractions of the Helena area.

The program will feature Governor Steve Bullock, State Auditor Monica Lindeen, Revenue Director and former mayor of Missoula Mike Kadas, and a special presentation on cities and towns by the Montana State Historical Society staff.

We have enclosed a Registration Form and tentative agenda that outlines the workshops and special presentations that will be held during the conference.

The conference will again offer a full program of workshops, seminars and presentations for city attorneys, clerks, finance officers and public works personnel.

The golf tournament will be played at the Bill Roberts Golf Course at 9:00 Wednesday morning. The annual fun run is scheduled for 11:00 a.m. on Wednesday. Registration for the run will be conducted by the Montana Municipal Interlocal Authority, so be sure to send completed 5k Run/Walk registration forms and money directly to MMIA!

Helena Mayor Jim Smith, the city commission and staff invite their friends and associates from across Montana to enjoy a great time in Helena.

Montana League of Cities and Towns
Tentative Agenda (as of 08/09/13)
2013 Annual Conference

Wednesday, October 9th

- 7:30 a.m. Registration Open (Colonial Hotel)
- 8:00 a.m. Municipal Clerks Meeting
- 8:00 a.m. Public Works Directors' Seminar
- 9:00 a.m. MLCT Golf Scramble (Bill Roberts Golf Course)
- 9:30 a.m. MLCT 5k Fun Run/Walk
- 3:00 p.m. MMIA Board of Directors' Meeting
- 5:00 p.m. MLCT Board of Directors' Meeting
- 6:30 p.m. President's Reception for all Attendees (Civic Center Ballroom)

Thursday, October 10th

- 7:30 a.m. Registration Open
- 7:45 a.m. Committee Meetings
- 8:00 a.m. Montana City Attorneys Association Legal Seminar
- 8:30 a.m. Opening General Session
- 9:00 a.m. The Stories of Our Hometowns
A Special Presentation of the Montana Historical Society
- 10:00 a.m. Break
- 10:30 a.m. Making Wastewater Regulations Work
Tina Laidlaw, EPA Region 8 Nutrient Coordinator
Tracy Stone-Manning, Director, Department of Environmental Quality
Dave Mumford, Billings Public Works Director
- 11:15 a.m. CONCURRENT SESSIONS
What Happened in the 2013 Legislature
Senator John Sesso, Butte
Representative Rob Cook, Conrad

Moving Ahead with the Affordable Care Act
Monica Lindeen, Montana State Auditor
Amber Ireland, MMIA Employee Benefits
- 12:00 noon Luncheon

- 1:30 p.m. Special Guest Speaker
Governor Steve Bullock
- 2:15 p.m. CONCURRENT SESSIONS
Managing the Impacts Energy Development
Mayor Clayton Hornung, Baker
Mayor Jerry Jimison, Glendive
Mayor Larry Bonderud, Shelby
- Revisions to the Community Transportation Enhancement Program
Michael Wherley, CTEP Engineer, Department of Transportation
- 3:00 p.m. Break
- 3:15 p.m. CONCURRENT SESSIONS
A Question and Answer Session on Employee Relations
John Andrew, Department of Labor and Industry
- Open Meetings and Public Participation
Todd Everts, Chief Legal Counsel, Montana Legislature
- 4:00 p.m. The Main Street Montana Project -- A New Direction in Economic Development
Montana Business Leaders
- 6:30 p.m. Social Hour
- 7:30 p.m. Annual Banquet

Friday, October 11th

- 7:30 a.m. Inspirational Breakfast
- 8:00 a.m. Montana City Attorneys Association Legal Seminar
- 8:15 a.m. MLCT Annual Business Meeting
Committee Reports
Election of Officers
- 9:00 a.m. MMIA Annual Business Meeting
- 9:45 a.m. Special Guest Speaker
Mike Kadas, Director, Department of Revenue
- 10:30 a.m. Break
- 11:00 a.m. Montana Economic Forecast
Patrick Barkey, Director, Bureau of Business and Economic Research
University of Montana
- 12:00 noon Luncheon

ALL MEETINGS WILL BE HELD AT THE COLONIAL HOTEL, UNLESS OTHERWISE NOTED.

AGENDA
SEMI-ANNUAL MEETING
M M C T & F O A

Wednesday, October 9, 2013
 8:15 a.m.
 Helena, Montana



League of Cities and Towns
 Public Works Directors Meeting
 October 9, 2013
 Helena, MT

1. Call to Order, Executive Board Roll Call

2. Minutes

- a. Executive Board Meeting – August 16, 2013
- b. Minutes spring meeting – Billings

3. Treasurer's Report

- a. Claims
- b. Financial Report

4. Committee Reports

(Note: All committee reports will be accepted in one motion after the last report has been presented)

- a. Education – Brenda Schneider, Chair
- b. Welcoming – Jodie Campbell, Chair
- c. Finance & Audit – Doris Pinkerton, Annie Pickering
- d. District meeting site selection
- e. Nominating – Carolyn Schmoekel, Kelly Thiel
- f. Courtesy – Mary Corey
- g. Legislative – Ron Barnard

5. Professional Association Reports

- a. IMC – Stacy Ulmen
- b. GFOA – Julie Hogg
- c. APT US&C –

6. Other Business

- a. Present FY 2013/2014 budget
- b. Election of Officers
- c. Installation of Officers
- d. Comments from Association Members

7. Adjournment

Local Technical Assistance Program

- 8:00 am Registration
- 8:30 am American with Disabilities Act –
 --Bob Selskar, FHWA
- 9:30 am Break
- 9:45 am Public & Social Media
 -- City of Bozeman
- 10:45 am Pavement Management - PASAR
 -- Steven Jenkins, LTAP
- 12:00 pm Lunch
- 1:00 pm Highway Safety Improvement Plan
 402 Plus Funds
 - CraigMcCloud, MDT
- 2:00 pm Water/Wastewater Tour

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Mountains & Minds

Join Us

The Foundation's Public Bus

West Yellowstone Foundation

■ Make a Donation

West Yellowstone Foundation is a 501(c)(3) nonprofit. Your donations are tax deductible under state and federal tax laws. When making charitable gifts we recommend donors consult with their tax and legal advisors.

■ Ways to give:

- Cash or Check
- Life Insurance Policies
- Endowments
- Life Estate
- Real Estate
- Securities
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- Charitable Gift Annuity
- Wills or Living Trust

We will be pleased to work with you and your tax advisor to carry out your philanthropic goals and assist in making sure you receive the maximum income and estate tax savings.

Name _____

Address _____

Email _____

Phone _____

Donation Amount _____

Thank you for making it possible. Together we give hope for today and a promise for tomorrow.

The West Yellowstone Foundation provides transportation between West Yellowstone, Big Sky, Gallatin Gateway and Bozeman. Advance reservations required. The cost is \$15 for seniors and \$20 for non-seniors. Travel days vary by season. Riders with medical appointments have priority. Our bus has lift-equipment for the disabled. The Foundation Bus program is made possible from private donations, federal and state grants. Call for more information, travel reservations or cancellations **406.640.0244**

Contact Us

West Yellowstone Foundation
PO Box 255
W. Yellowstone, MT 59758
406-646-1152
wyfoundation@gmail.com
www.westyellowstonefoundation.org



A seed is planted



A seed is planted



Our Mission

West Yellowstone Foundation is a Nonprofit Community Foundation dedicated to serving West Yellowstone and Hebgen Lake Basin, Montana.

Our Focus

- Arts and Culture
- Basic Human Needs
- Conservation and Environmental Protection
- Economic Vitality
- Education
- Historic Preservation

The West Yellowstone Foundation is governed by a Board of Directors and an Executive Committee drawn from dedicated volunteers.

Join us in sustaining the West Yellowstone's community and its natural wonders. Help us as donors, visitors and community members to make an enduring impact through our philanthropic goals. Please contact us to learn more.

Celebrating Over 20 Years of Community Service

Established in 1992 West Yellowstone Foundation is a result of a visionary dream, hard work and dedication of its Founders Arne and Steffi Siegel. Together, with a rotating board of Directors and many volunteers a regional Community Foundation was created, the first local affiliate of Montana Community Foundation. Our goal is being advocates for; our children, elders, cultural heritage, natural environment, economic vitality for the many visitors this community welcomes from around the world.

Scholarships

A seed is planted

Student Scholarships

West Yellowstone Foundation supports our students to realize their potential.

- All students graduating from West Yellowstone High School are invited to apply for scholarships for a qualified certification program or a two or a four year College or University.

- Throughout our 20+ years, West Yellowstone Foundation has awarded over \$250,000 in scholarships to graduating West Yellowstone students.

- Scholarships are nondiscriminatory and are awarded, and renewed on a yearly basis.
- The current yearly scholarship award is for \$1,250.00

Community Grants

More than \$1,000,000 dollars has been contributed to the community by way of grants and services through the West Yellowstone Foundation.

A Partial List of Community Grants:

- West Yellowstone Foundation Bus
- Community Food Bank
- West Yellowstone Public Library & Preschool Program
- Helping Hands After School program
- West Yellowstone Historic Center
- Grizzly & Wolf Discovery Center
- West Yellowstone Ski Foundation
- Community Help Outreach
- Kids N Snow Program
- Rendezvous Ski Trail
- Smokey Waters Day Camp
- Big Brothers & Big Sisters
- National Smoke Jumpers
- Shakespeare in the Park
- Missoula Children's Theater
- USFS Ghost Village Facilities
- Lewis Robinson Greatest Desire Award
- Boys and Girls State Scholarship
- World in Motion Education
- West Yellowstone Computer Lab
- Bozeman Symphony
- Artist in the Schools
- West Yellowstone Fire & Rescue Cadet Training
- Lilly Art Scholarship



West Yellowstone Foundation

2013 "Happening Sponsorship" Confirmation Form. Please check your sponsorship level below.

Signature Sponsor \$3,000.00

Table for 8 at the Annual "Happening" Dinner and Auction Event.
Special recognition as Signature Sponsor at the "Happening", annual dinner and auction with 300 attendees.

Major Sponsor \$1,500.00

4 Tickets to the Annual "Happening" Dinner and Auction Event.
Special recognition as Major Sponsor at the "Happening", annual dinner and auction with 300 attendees.

Business Sponsor \$500.00

2 Tickets to the annual "Happening" Dinner and Auction Event.

Sponsor Information:

Company _____ Contact Person _____

Address _____ City State Zip _____

Telephone _____ Email _____

Check for \$ _____ is enclosed. Please invoice our company for \$ _____

Please charge \$ _____ to check one Master Card _____ or Visa _____

Card # _____ Expiration Date _____

Signature _____ [required for credit card use]

Mail your form to: West Yellowstone Foundation, P.O. Box 255, West Yellowstone MT 59758

Thank You.

Your contribution is vital to our organization's success in supporting our unique dynamic community and world renowned natural wonders. West Yellowstone Foundation is an IRS 501c3 tax-exempt non-profit organization. Federal Tax I.D 81-0494366. Visit us online at www.westyellowstonefoundation.org. or call (406) 646-1152.