



### 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](http://www.townofwestyellowstone.com). Questions about the agenda may be directed to the Town Clerk at 646-7795.
- Official minutes of Town Council meetings are prepared and kept by the Town Clerk and are reviewed and approved by the Town Council. Copies of approved minutes are available at the Town Clerk's office or on the Town's website: [www.townofwestyellowstone.com](http://www.townofwestyellowstone.com).

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

02/28/14  
12:56:01

TOWN OF WEST YELLOWSTONE  
Claim Approval List  
For the Accounting Period: 3/14

Page: 1 of 4  
Report ID: AP100

For doc #s from 39707 to 39740  
\* ... Over spent expenditure

Claim	Vendor #/Name/ Check Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
39716	42 Fall River Electric	6,900.10					
	02/13/14 UPDH 4212041 elec service	654.28		UPDH	1000 411252	341	101000
	02/13/14 POLICE 4212008 elec service	437.60		POLICE	1000 411258	341	101000
	02/13/14 shop 4212018 elec service	444.27		STREET	1000 430200	341	101000
	02/13/14 ANIMAL 4212029 elec serv	169.89		ANIMAL	1000 440600	341	101000
	02/13/14 PARK 4212032 Elec ser	247.60*		PARK	1000 411253	341	101000
	02/13/14 PARK 2901001 elec serv	197.03*		PARK	1000 411253	341	101000
	02/13/14 CLORINATOR 4212030 elec serv	79.19		WATER	5210 430500	341	101000
	02/13/14 MAD ADD WATER 4212017	40.77		WATER	5210 430500	341	101000
	02/13/14 PUMP 4212005 elec serv	131.53		WATER	5210 430500	341	101000
	02/13/14 SEWER LIFT STATION 4212006	325.37		SEWER	5310 430600	341	101000
	02/13/14 SEWER PLANT 4212007 elec ser	668.98		SEWER	5310 430600	341	101000
	02/13/14 MAD SEWER LIFT 4212014 elec	195.42		SEWER	5310 430600	341	101000
	02/13/14 SEWER TREAT SERV 4212046 ele	1,152.18		SEWER	5310 430600	341	101000
	02/13/14 library 23 dunraven 4212054	124.82		LIBRY	2220 460120	341	101000
	03/13/14 povah comm ctr 4212001	0.00		POVAH	1000 411255	341	101000
	02/13/14 unmetered lights 4212004	1,451.25		STLITE	1000 430263	341	101000
	02/13/14 Town Hall 4212009	443.45		TWNHAL	1000 411250	341	101000
	02/13/14 Ice Rink 421010	136.47		PARKS	1000 460430	366	101000
39718	2845 Kasting, Kauffman & Mersen, P.C.	5,918.71					
	02/14/14 legal services	5,700.00		LEGAL	1000 411100	352	101000
	02/14/14 postage/copies	23.67		LEGAL	1000 411100	870	101000
	02/14/14 phone/fax	6.00		LEGAL	1000 411100	345	101000
	02/14/14 travel	189.04		LEGAL	1000 411100	373	101000
39721	2099 Quick Print of West Yellowstone	206.10					
	4773 02/18/14 TBID Forms	132.10		FINADM	1000 410510	220	101000
	4785 02/24/14 scan pictures	48.00*		TWNHAL	1000 411250	364	101000
	4781 02/24/14 printing	26.00		COURT	1000 410360	321	101000
39722	2842 PayneWest Insurance	92.00					
	29956 02/24/14 notary bond, Holtzen	92.00		FINADM	1000 410510	335	101000
39723	1454 Big Sky Publishing	38.00					
	02/21/14 public notice, 911 Adv Bd	38.00		ADMIN	1000 410210	327	101000
39724	99906 Secretary of State	25.00					
	02/19/14 Notary App, S. Holtzen	25.00		FINADM	1000 410510	335	101000
39725	2790 Creative Product Source Inc.	190.49					
	CPI041656 10/21/13 bookmarks	190.49*		LIB	2220 460100	220	101000

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Check	Invoice #/Inv Date/Description	Line \$		PO #	Fund Org Acct	Object	Proj	Account	
39726	951 Barnes & Noble	1,331.80							
2749975	02/15/14 books	1,331.80		LIB	2220 460100	215		101000	
39727	329 MACOP	60.00							
02/28/14	membership, Berger	60.00		POLICE	1000 420100	335		101000	
39728	3 US Postmaster	220.00							
02/20/14	postage permit	220.00		FINADM	1000 410510	311		101000	
39729	2852 Fremont Communications	2,536.71							
02/15/14	Fiber Optic Service install, T	500.00		TWNHAL	1000 411250	345		101000	
02/15/14	service 8/13 to 2/14	2,036.71		TWNHAL	1000 411250	345		101000	
39730	2841 West Yellowstone Sled Dog Races	5,000.00							
02/14/14	Race Purse Feb 2014 race	5,000.00		MAP	2101 410130	398		101000	
39731	547 WY Chamber of Commerce	7,000.00							
02/27/14	2015 Snowshoot (held in 2014)	7,000.00		MAP	2101 410130	398		101000	
39732	56 McKenna Law P.C.	217.58							
12336	02/25/14 legal services, audit letter	216.00		LEGAL	1000 411100	352		101000	
12336	02/25/14 expenses	1.58		LEGAL	1000 411100	870		101000	
39733	2803 Brian McCoy	230.00							
02/16/14	reimb travel, CIT training, BZ	230.00*		POLICE	1000 420100	370		101000	
39734	2823 STAPLES Credit Plan	121.60							
02/09/14	office supplies	66.65		POLICE	1000 420100	220		101000	
02/09/14	office supplies	54.95		FINADM	1000 410510	220		101000	
39735	999999 DELFINO SALINAS-DIAZ	35.00							
02/14/14	interpretation services	35.00		COURT	1000 410360	394		101000	
39736	171 Montana Food Bank Network	209.38							
38760-1	02/03/14 commodities	209.38		HELP	7010 450135	220		101000	
39737	2645 Nansi Cisneros	71.50							
02/16/14	reimb travel, BZN	71.50		POLICE	1000 420160	370		101000	
39738	2507 Silvertip Pharmacy	100.00							
020314/01	02/03/14 Rx	60.00		HELP	7010 450135	351		101000	
012714/02	01/27/14 Rx	40.00		HELP	7010 450135	351		101000	

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39739		01/07/14 commodities	2671 Gallatin Valley Food Bank	105.50 105.50		HELP	7010 450135	220	101000
39740		667 01/10/14 help fund room	2344 Branding Iron Inn	140.04 140.04		HELP	7010 450135	370	101000
		# of Claims	22	Total:	30,749.51				
					30,749.51				

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Fund/Account	Amount
1000 General Fund	
101000 CASH	\$13,954.04
2101 Marketing & Promotions (MAP)	
101000 CASH	\$12,000.00
2220 Library	
101000 CASH	\$1,647.11
5210 Water Operating Fund	
101000 CASH	\$251.49
5310 Sewer Operating Fund	
101000 CASH	\$2,341.95
7010 Social Services/Help Fund	
101000 CASH	\$554.92
Total:	\$30,749.51

WEST YELLOWSTONE TOWN COUNCIL

**Work Session**  
**February 18, 2014**

COUNCIL MEMBERS PRESENT: Mayor Brad Schmier, Jerry Johnson, John Costello, Greg Forsythe, Cole Parker

OTHERS PRESENT: Social Services Director Jack Dittmann, Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Chief of Police Gordon Berger, Yellowstone Historic Center Representatives Ed Geiger, Carol Leasure and Glen Loomis

The meeting is called to order by Mayor Brad Schmier at 12 Noon in the West Yellowstone Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana

Portions of the meeting are being recorded.

**Public Comment Period**

No public comment is received.

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Mayor Schmier calls the meeting to order and explains that the purpose of the meeting is to discuss the proposal from the Yellowstone Historic Center to operate the Union Pacific Dining Lodge (UPDL). Schmier asks Geiger to start the discussion by highlighting the proposal. Geiger thanks everyone that has been involved in the process thus far. He says that rather than go through the proposal point by point, he thinks they should just discuss it. Copies of the proposal were included in the packet for the work session, that was distributed last week. Glen Loomis asks the group to briefly reflect on history and how they got to where they are. The UPDL is a magnificent historical building that belongs to the Town. Restoration and maintenance of the building is a monumental task and they have been working for years towards this point, which will require significant investment by the Town. The UPDL is the closest thing they have in West Yellowstone to an events center. He says they can't tell now whether the facility can eventually support itself, but he thinks it can. Schmier asks the group if they think turning the facility over to the YHC is a good idea. Parker says that he agrees with the concept, he took the time to talk to the people at the YHC and he thinks there is good possibility of expanding convention activity to that facility. Forsythe he also agrees with the idea but does have some questions. Johnson says he does not think the YHC is ready to take over management of the UPDL. He says that is evident by the amount of assistance the YHC will require and that they essentially need the Town to pay them to operate it. Geiger says that he thinks it is highly unlikely that a non-profit entity could operate it. He says he does not think that allowing a for-profit corporation to take over is the only way it wouldn't require money from the Town. He does not think it is a good idea to turn the facility over to a commercial for-profit. Forsythe asks if there is any kind of obligation by the Town to turn ownership or operation over to the YHC. Loomis says that there is a Memorandum of Understanding between the Town and YHC that indicates they will work as partners. Parker asks if the building is listed on the National Registry of Historic Places. The entire district is listed on the registry. Guay recommends that the Council consider whether they want to maintain the building as a community asset and keep it affordable for community members to use, or do they want it to develop into something more. Schmier says that he likes the idea of removing the responsibility of operating the building from the Town, but he has concerns about the cost. He interprets a spreadsheet prepared by Finance Director Lanie Gospodarek. Operation of the building in FY 2012-2013 cost the Town approximately \$13,225. Its anticipated that if the Town continued to operate the building the cost would go up and potentially include a full-time seasonal employee. Schmier questions how much will the building cost in addition to the \$50,000 the YHC is asking for the first year. Geiger says there will be costs but they will differentiate between maintenance and equipment replacement. He says that if the Town continues to operate the building, it will continue to cost the Town money. If they turn it over to the YHC, hopefully it will eventually no longer be a cost to the Town. He agrees with Guay that the Council needs to decide what they want that building to be. Schmier asks if the general public will interpret this proposal as the Town covering all the costs and the YHC taking all the profits. Geiger says he thinks the building costs the Town more than they think it does, mostly because of man-hours that are spent on the building. Johnson says they also need to remember that previous Councils have made the conscious decision to operate the building the way they have because they wanted to keep it affordable and available to

the community. Costello says that he thinks the cost of operating it by the Town versus giving money to the YHC is essentially a wash. He thinks the idea of getting the building out from under the responsibility of the Town is worth pursuing. Schmier asks if there will be a savings to the Social Services Department or the other departments if the Town no longer operates it. Guay says they would be very minimal, responsibilities would probably be shifted but costs wouldn't necessarily go down. Forsythe says that if you look at it from a business standpoint, it is not a good business deal. They have to decide where they want to be in five years. He suggests they approve the proposal but cut the amount of funding from the Town by splitting the difference between what the YHC requested and what they think it will cost the Town, ie \$39,700 the first year and go down from there. Johnson agrees with Forsythe that this is a business proposal, but if they took it to a bank, it would not be approved. He says that if they want to turn it into a convention center, then yes-they have to turn it over to an outside party and not run it by the town. He mentions the event center feasibility study that was conducted several years ago. The results of the study were essentially that an event center in West Yellowstone would not make it. He acknowledges that the UPDL is more than an event center, but its unlikely it will make it on its own. He also thinks they should consider the wear and tear on the building and doubts that anyone really wants to see it used to its full capacity. Geiger says that they were very conservative with their income projections, but they do think there is potential for using the building more effectively. He says that the current rate structure is not comparable to other venues in the region and illustrates that there was a \$100,000 wedding there this summer that only paid \$600 for the building. He adds that if they are going to charge the comparable rates, they will have to offer more amenities such as included cleaning and more rooms. Guay points out that when the Town operates it, they can at least explain why the rates are low. Geiger says that if keeping the building affordable for locals is a priority, they are not opposed to that because they don't think that will make much of an impact. Patterson says that his concern is what it will cost to renovate the end of the building that would be used for breakout sessions. He says that will cost hundreds of thousands of dollars, they want to have that done by the second year of operation, and want the Town to pay for it. Loomis says that this is a historical building and he doesn't care who takes care of it, as long as it is taken care of. Forsythe suggests that they work out the support funding, but the renovations must be done by the YHC. He acknowledges that if the YHC pulls out, they will be left with the improved space, but that is the risk. Loomis says that they can't do anything without money, and they can't get grants without money, either. Forsythe says that if they have to spend between \$100,000 and \$250,000 to renovate, then where does that money come from? Johnson says they have a Capital Improvement Plan and says that something would have to come off or be delayed on the CIP. Guay agrees and says that they would have to decide between funding these renovations and things like purchasing the 80 acres from the Forest Service and paving streets. Geiger says that the long-term expectation is that when operation starts to be profitable, the money will go back into the buildings. Schmier says that they can either continue to operate the building the way they've been doing it or they can look at this as an opportunity that will eventually benefit both parties. Loomis says he isn't totally confident that they will succeed and there are members of the YHC Board that also have concerns, but he thinks it is a valuable endeavor. Forsythe suggests that the YHC operate the building for one year and then come back to for more funding. He asks if there is any money available in the current budget to operate it. Gospodarek explains that the administrative costs of operating the building in the past was absorbed by the Social Services budget, they did not budget separately for paper, phone, internet, etc. She says that they do expect that the YHC would also absorb some of those costs as they already operate out of an office. Guay explains that there is no money in the current budget for management but they could budget funds in the next budget, but those funds wouldn't be available until after July 1, 2014. To come up with funds this year, the Council would have to amend the budget by holding a hearing, passing a resolution, and taking money from the fund balance. The group considers possible options for gradually or temporarily turning it over to the YHC during this budget year or starting with the next. Johnson says that he agrees with Forsythe's suggestion of starting with just one year. He says he doesn't think they can agree to the five-year plan because they really don't know what the cost will be. Gospodarek questions if the YHC can scale back the proposal for the first couple years and cutdown the costs. Patterson asks if they expect to hire a new person to administer the building and Geiger answers that they do or possibly two separate part-time people. He says they think it is important to have someone on-site during an event to

monitor everything. Forsythe says they can dissect the management plan forever, but he thinks what they need is a reasonable proposal from the YHC to operate it. Costello says that he thinks all the Town is committing to with this proposal is \$50,000, then \$40,000, then \$30,000, then \$20,000 and then \$10,000 over the next five years. Everything over and above those amounts will be part of the budgeting process. Guay calls attention to the Addendum to the proposal, which indicates that they believe they will need to repurpose and renovate the office space and bathrooms before they can realize the anticipated revenues. Geiger says the intention of the addendum is to make sure the Town understands they will be asking, based on grant funding they can obtain, too. Geiger says that if the YHC is not going to take over management of the building, then they are not sure why they are in the building now.

After lengthy discussion, the group agrees that the Council is not ready to take action on this issue tonight and it should probably be tabled. Schmier suggests that the YHC goes back and take a hard look at their administrative expenses. He says he thinks they should be only for this project and they look high. Loomis explains that if the Town presents a counter proposal, they would have to take it back to their board for approval. Carol Leasure says one of the problems with a one-year or shorter term proposal is that will negatively affect their ability to get grants. Guay asks if such grants could be applied for through the Town on behalf of the building but Leasure says no. The group agrees that further discussion is necessary and they will try to accomplish that in the near future.

The meeting is adjourned. (1:55 PM)

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Mayor

ATTEST:

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Town Clerk

WEST YELLOWSTONE TOWN COUNCIL  
**Town Council Meeting**  
**February 18, 2014**

COUNCIL MEMBERS PRESENT: Mayor Brad Schmier, Jerry Johnson, John Costello, Cole Parker, Greg Forsythe

OTHERS PRESENT: Operations Manager Becky Guay, Finance Director Lanie Gospodarek, Chief of Police Gordon Berger, Public Services Superintendent James Patterson, Social Services Director Jack Dittmann, Assistant Fire Chief Shane Grube, Assistant Public Services Superintendent David Arnado, Public Services Employee Kurtis Holtzen, Willie Binfet, Doug Buskirk, Glen Loomis, WY Chamber Representatives Marysue Costello, Travis Watt, and Marge Wanner, NPS Ranger Julie Hannaford, Brenda Martin, Bill Howell, Rocky Hermanson, Clark, Yellowstone Historic Center Representative Carol Leasure, Doc Stewart, Grace McCoy, Brian McCoy, WY News Editor, Randy Wakefield, Yellowstone Airport Manager Jeff Kadlec, Benny McCracken, US Forest Service Representatives Cavan Fitzsimmons and Todd Stiles, Bill Howell, Tom Nesbitt, Tom Cherhoniak, Richard & Teri Gibson

The meeting is called to order by Mayor Brad Schmier 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**

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- 1) Motion carried to approve the claims which total \$84,721.34. (Parker, Forsythe)
- 2) Motion carried to approve the Consent Agenda, which includes the minutes of the February 4, 2014 Town Council Meeting, the February 14, 2014 Securities Report and Cash Report. (Johnson, Parker)
- 3) Motion carried to table the Management of Union Pacific Dining Lodge by the Yellowstone Historic Center. (Johnson, Costello)
- 4) Motion carried to approve the Police Commission Applicant Evaluation Procedures. (Johnson, Costello)
- 5) Motion carried to authorize Mayor Schmier to sign a letter of support to the Federal Aviation Administration to lift the deed restrictions at the Yellowstone Airport, West Yellowstone Montana. (Johnson, Costello)
- 6) Motion carried to approve the leases for the Groomer Shed and Trailhead building. (Costello, Johnson)
- 7) Secondary Motion carried to approve both leases contingent upon approval by legal counsel and authorize Operations Manager to make recommended changes including the removal of Exhibit A from the Groomer Shed lease. (Johnson, Costello)
- 8) Motion carried to rescind Policy 7 and adopt a new policy to include something as follows: A policy for determine the exempt status regarding the collection of the resort tax: all organizations, upon proving to the Town that they are verifiably a not-for-profit organization, (501(c)1-29) shall be exempt from the collection and remittance of the Town's resort tax on fund raising events such as a the sale of admissions and sales at fund raising auctions. Sales of specific merchandise by a local not-for-profit organization, i.e. girl scout cookies, outdoor holiday decorations, etc. that are not sold in local retail establishments, would also be exempt; all other sales of merchandise that are deemed to be in competition with local merchants, shall be taxable. (Costello, Forsythe) Johnson and Schmier are opposed, motion passes.

- 9) Motion carried to **reconsider** the previous motion, Motion #8. (Parker, Forsythe)  
Motion passes.
- 10) Motion carried to table the request from the WY Chamber of Commerce to be exempted from Resort Tax Collections. (Johnson, Costello) Parker and Forsythe are opposed,  
motion passes.

#### **Council Comments**

Greg Forsythe asks the Mayor if there is an opportunity for the Council to approve the minutes of the previous meeting. Mayor Schmier explains that they were already approved as part of the Consent Agenda earlier in the meeting. Forsythe calls attention to the final paragraph of the minutes that address a mental health meeting that Operations Manager Becky Guay attended recently. Guay reported at the meeting that other members of the staff were unable to attend the meeting with her because they were attending domestic violence training. Forsythe states that he has learned that the Chief of Police had pulled a double shift that day to allow Officer McCoy to attend the training and that Sergeant Frank was off duty and out snowmobiling that day. He says that when the Council asks questions in a public meeting, he thinks it is very important that the answers are honest. Operations Manager Becky Guay asks to be excused and leaves the meeting. Schmier cautions Forsythe that there should not be personal attacks in a public meeting. Forsythe says he was only commenting on the content of the minutes. Guay returns to the meeting about five minutes later.

#### **Public Comment Period**

Bill Howell requests that Patterson make an effort to smooth out the drop off edges where the alleys intersect the streets.

Glen Loomis says that when he was on the Town Council, they considered the potential acquisition of Forest Service lands multiple times. He says they passed Resolution No. 469 which identified parcels other than the 80 acres that had already been identified by legislation. He says that later they identified an even larger parcel that was adjacent to Town, but that parcel also proved to not be available. He encourages the Town Council to do whatever they can to acquire the available 80 acres and not waste their time looking at other parcels that would require congressional action to become available.

Travis Watt, Snowmobile Events Committee Chair for the WY Chamber addresses the Council and reads an updated letter that pertains to the request on the agenda to exempt the Chamber from Resort Tax Collections.

Following the public comment period, Guay addresses the Council. She says that since she has met Greg Forsythe, she has been treated with disrespect and accused of being untruthful on multiple occasions. She says that it has always been her goal and intent to be as honest and accurate in her reporting as possible. She implores the Council to address Mr. Forsythe's behavior as it is inappropriate. She says that in the particular instance Mr. Forsythe referenced, we only have five police officers. If one of the officers was off duty, she is not going to call them in and pay overtime to attend a meeting that she is more than capable of handling herself. She says she had had multiple conversations with the Chief of Police and Social Services Director about this specific issue. She also points out that Chief Berger was on duty that day because somebody had to police the town. She reiterates that the bigger issue is that she has been repeatedly falsely accused of being untruthful by Mr. Forsythe and that is inappropriate behavior by a council member.

#### **US Forest Service Presentation**

District Ranger Cavan Fitzsimmons and Todd Stiles of the Hebgen Basin Ranger District address the Council. Fitzsimmons says that they would like to make an effort, going forward, to communicate better with the Town and report annually every February. Stiles says they want to report to the Council on three specific issues this evening. He says that the Forest Service has identified multiple encroachments on the Forest that are adjacent to Town. They have been working closely with PSS James Patterson and Operations Manager Becky Guay to address

these, mostly for snow storage, and have been quite successful in addressing these encroachments. He also calls attention to a letter from the Gallatin National Forest Supervisor, Mary Erickson, that pertains to non-recreation special use proposals. He says that essentially, the letter indicates the position of the Forest Service is that if an activity can take place on private property, then it should. Fitzsimmons also explains that Gallatin and Custer Forests are currently merging into one Forest.

Stiles and Fitzsimmons explain that their main purpose this evening is to address the potential acquisition of the Forest Service lands that were identified in Sec 333 of the 2004 Federal Appropriations Act. Fitzsimmons emphasizes that this is a very unusual situation and that in his career, he has seen no other opportunities for a direct sale from the Forest Service to a municipality. He emphasizes that without new legislation, the 80 acres west of Town are the only parcels that are available. Fitzsimmons explains that they asked the Town to put together questions about the potential acquisition that they could put before Bob Dennee, Team Leader for the East Side Lands Zone, Northern Region. He briefly describes the background for this project and current situation for selling the land to the Town. He explains that Dennee wants to know by March 15, 2014 whether the Town is interested in proceeding. He says that they pushed hard to get this project into the 2014 Forest Service Work Plan. He says they could ask to push the out a couple years, but it is in the plan for this year. Stiles explains that the Forest Service would like to complete the sale within two years. Stiles explains that once the Town indicates it is ready to proceed, the next step is a Yellowbook appraisal. Guay says that her recent experience was that a Yellowbook appraisal will take several months and questions whether that would extend the two-year deadline. Fitzsimmons answers that it would. Forsythe asks who pays for the appraisal, Stiles answers that the Town would have to pay for it. Costello asks what the current cost for the appraisal is, approximately. Fitzsimmons estimates between \$30,000 and \$40,000. The Town has \$40,000 in the current budget for a Yellowbook appraisal. Stiles addresses the other questions that were raised the by the Council. He explains that if the Town does not purchase the land, the Forest Service does have the right to sell the parcels to a private entity through a competitive bidding process. A private entity could not purchase it through a direct sale. Johnson clarifies that if the Town wants to delay the purchase for a couple years, they would not sell it to a private entity during that time. Fitzsimmons agrees but says they cannot guarantee it would be part of the work plan in the year they want it to be. Schmier asks if the land was sold to a private entity, would there be any protection for the Town's infrastructure or could the new owner demand the Town remove the lift station or water line. Fitzsimmons says he does not know the answer to that. Typically, they try to sell property with the fewest deed restrictions as possible, so that is something they would have to look into. He does emphasize that the Forest Service will protect existing trails and access roads that are part of the property. Stiles and Fitzsimmons describe the existing special use permits for the land. Guay asks if they can push the March 15 deadline back to the end of the March. She points out that they have only one meeting between now and March 15 and this topic will likely will require considerable discussion. Fitzsimmons says he thinks they can accommodate that. Once the appraisal has been accomplished, they will then enter into a binding agreement and the two-year clock will start. Fitzsimmons encourages anyone that has questions to contact himself or Stiles and they will do their best to find the answers.

Fitzsimmons says that the last topic he wants to briefly address is incident response. He mentions the Two Top Fire last summer and suggests that they think about lines of communication. He says things went pretty well, but they can always go better. He suggests they consider a day of training for emergency responders and elected officials so they are better prepared for emergencies.

Guay says that there are no stop signs on the snowmobile trails that come into town from the Old Airport and asks Stiles and Fitzsimmons to look into that.

Doug Buskirk requests permission and states he was not recognized during the Public Comment period. Mayor Schmier allows Buskirk to speak. Buskirk calls attention to the final paragraph on the back of the agenda, a summarized version of Policy 16. He says that he thinks that policy has been violated this evening and requests that that person (Greg Forsythe) be removed from the

meeting by the Chief of Police. As the presiding officer, Mayor Schmier thanks Buskirk for his comment but states that he does not agree. He apologizes for what transpired earlier but encourages everyone to move on.

## **DISCUSSION**

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- 3) Forsythe suggests that the staff for the Town Offices put together a proposal on this topic that they could bring to a work session in the near future. He also suggests that the Council members put together proposals that could be discussed at the meeting.
- 4) The Council discusses the Police Commission Applicant Evaluation Process. Forsythe asks if this procedure pertains to only hiring new officers or does it apply to disciplinary hearings or appeals. Guay says that this procedure just applies to hiring new officers. She says that this is what the Council requested the Police Commission work on first and develop these procedures so they can move forward with hiring a new officer. Forsythe asks if they will approve the disciplinary procedures at another time. Guay says that the Police Commission can continue to work on those procedures but she believes that they should also involve the Town Attorney as this board functions as a quasi-judicial board. She says that she will look into it further, but is not sure that the other procedures will require approval by the Council. Richard Gibson and Bill Howell, Police Commission Members, both indicate that they agree with these procedures.
- 5) Johnson explains that for many years, the Yellowstone Airport, operated by the Montana Aeronautics Division, has attempted to get the deed restrictions lifted at the Yellowstone Airport. Lifting the restrictions would enable the airport to acquire more revenue to offset expenses at the airport. Costello asks why this issue is now being considered. Jeff Kadlec, Yellowstone Airport Manager, explains that there have been personnel changes on both sides over the years and failed requests. Lifting of the deed restrictions would allow them to pursue additional revenue and make it more viable to operate as well as improve safety at the facility. He says that the deed restrictions were imposed by the Department of Agriculture, but the authority was passed to the Federal DOT. The request has been published in the January 28, 2014 Federal Register. Any development would still require approval by the Federal Aviation Administration (FAA). Bill Howell suggests that the Chamber of Commerce submit a letter as well. WY Chamber of Commerce Executive Director Marysue Costello indicates that she will send a letter.
- 6) Johnson asks why the lease for the groomer shed specifically identifies the property that the building sits on but not any area around the building. He says they store equipment on Town property around the building and that has been an issue in the past. Mayor Schmier says that has not been much of a problem in the past, but he doesn't know why it is written that way. Guay asks the Council to authorize her to sign the leases after they work out some of the smaller details including confirming insurance coverage. The Council discusses the dimensions of the building and exact parcel that is being leased. Guay says that they will confirm the location.
- 8) The Council discusses the request from the WY Chamber of Commerce to exempt the Chamber from collecting resort tax as a 501(c)6 organization. The issue goes back several years and collection of the tax through the Chamber has been inconsistent. The Chamber maintains that they were never instructed to collect the tax, but the staff from the Town has addressed the issue multiple times with the Chamber. Gospodarek explains that the Finance Office or Operations Manager has not been given authority to exempt resort tax, that only lies with the Council. Both parties agree that the direction has not been clear and that is why it has eventually come before the Council. Costello carries a motion, seconded by Forsythe to rescind Policy 7. The motion passes. Guay clarifies that in the absence of Policy 7, there is now nothing that governs who is exempt and they must now interpret that as nobody is exempt. The group discusses the issue at length. The Council passes a motion to reconsider, to eliminate the motion that rescinded Policy 7. The motion passes. Johnson makes a motion to forgive the Chamber for failing to

collect resort tax on gate admissions in previous years, but the motion fails for lack of a second. Schmier says that by law or by policy, the Chamber is obligated to collect tax on gate entrance tickets

- A) Operations Manager's Report: Operations Manager Becky Guay reports on current issues: **Police Officer Hiring Process** – The Police Commission met and approved a police officer evaluation procedure. The procedure will be submitted to the Council for approve this evening. **911 Advisory Board** – To date, three agencies have agreed to participate on the Board. **Management of UPDL** – Discussions with the YHC were held at today's work session. **HBFD Transport for Individuals in Protective Custody** – The HBFD Board of Trustees denied a request to perform "elective" transports for individuals that have been placed in protective custody. The Police Chief, Social Services Department and I will continue to work with other agencies to develop workable solutions to this issue. **2014 Montana Executive Academy** – I am planning to attend this training for Montana Mayors and City Managers sponsored by MMIA and the Local Government Center in Bozeman on March 5-7. **Clothing Bank Committee** – The Committee is meeting every Tuesday to develop recommendations for the Town Council regarding the future of the clothing bank. The Committee will review its recommendations next Tuesday before submitting them to the Town Council on March 4. **Town Hall Roof** – With the warmer weather that began last week, the roof started leading again. Leaks were observed in the east stairwell, the judge's office and the court clerk's office. Representatives from Dick Anderson Construction are working on the problem today. They are talking about doing some more temperature testing in the "attic" and will probably install some more vents. James thinks that they still might want to consider putting heat tape on the gutters to prevent the icicles from forming and causing the ice jams. Stay tuned . . . **Future Use of Emergency Services Building** – The Mayor, Deputy Mayor and I met with the Fire Chief and members of the HBFD Board of Trustees to begin discussions about the ownership of the Emergency Services Building. The building is under lease to HBFD until January of 2021, however, the Fire District may be interested in purchasing the building. HBFD will provide a non-binding proposal to the Town for discussion purposes in the fairly near future. **CAAT Meeting** – I attended a CAAT meeting last week. The group discussed the multi-group coordination meeting that occurred in January. It was determined that most of the groups represented at the meeting were all working on different areas to improve West Yellowstone. The CAAT's goals are the most similar to the Downtown Improvement District's goals.

The meeting is adjourned. (10:15 PM)

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Mayor

ATTEST:

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Town Clerk

WEST YELLOWSTONE TOWN COUNCIL

**Work Session**  
**February 25, 2014**

COUNCIL MEMBERS PRESENT: Mayor Brad Schmier, Jerry Johnson, John Costello, Greg Forsythe, Cole Parker

OTHERS PRESENT: Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Chief of Police Gordon Berger, Social Services Director Jack Dittmann, WY Chamber of Commerce Representatives Marysue Costello, Cynthia Knapp, Jan Stoddard and Travis Watt; Yellowstone Historic Center Representatives Ed Geiger and Carol Leasure

The meeting is called to order by Mayor Brad Schmier at 12 Noon in the West Yellowstone Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana

Portions of the meeting are being recorded.

**Public Comment Period**

No public comment is received.

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Mayor Schmier calls the meeting to order and explains that he would like to shuffle the order of the agenda and discuss the request from the West Yellowstone Chamber of Commerce regarding Policy #7 prior to the discussion about the Union Pacific Dining Lodge management. To open the discussion, Schmier asks everyone at the table to indicate whether they agree or disagree with the request to amend Policy #7 to include the Chamber as exempt from resort tax. Everyone at the table, which includes council members, staff, representatives from the Chamber, and representatives from the YHC indicate their opinions. Public Services Superintendent James Patterson asks whether everything the Chamber does could be considered a special event. WY Chamber of Commerce Executive Director Marysue Costello responds that they often are involved with special events, but they only collect admissions during the Snowmobile Expo. Johnson says he doesn't think they need to amend Policy #7, but just address the admissions for the Expo. Finance Director Lanie Gospodarek says that she thinks the original intent of Policy #7 was to exempt fund-raising activities. WY Chamber of Commerce President Cynthia Knapp says that the only difference between a 501(c)3 organization and the Chamber as a 501(c)6 is that the Chamber can lobby the legislature. Johnson adds that TBID is also a 501(c)6. He points out that the other notable difference is that a donation to a 501(c)6 is not tax deductible. Mayor Schmier asks that if the Kids n Snow program grew to the point that they decided they needed to charge an admission to the event, would that be taxed? Costello says he contacted three communities in the area and inquired how this situation would be handled. He says that in Red Lodge and Whitefish, the Chamber is not taxed but in Big Sky they tax everything. He says that at the next meeting, he intends to make a motion that would amend Policy #7 by including language that would exempt the admissions. Costello also shares possible language that could be incorporated into Policy #7 to exempt the admissions. The group discusses differentiating admissions to the Grizzly & Wolf Discovery Center and the Museum as opposed to admissions to the Expo. Travis Watt, Chair for the Snowmobile Events Committee explains that the ticket sales at the Expo tent as well as down at the racetrack are staffed by volunteers. He says that they anticipate difficulties collecting tax at the tent but not the track and putting that responsibility on volunteers. Schmier asks if perhaps they should designate the Snowmobile Expo as a fund-raising event? Council Member Parker asks how has attendance to the Expo been since 2009. Watt answers that it has been fairly flat, weather on Saturday of the weekend being the most significant factor. He says attendance averages around 3500. Parker clarifies some of the details in the letter from Watt that was presented at the last meeting. Ed Geiger asks exempting the admission sales as fund-raising activities, does that not blur the lines for other entities like the YHC and GWDC. Schmier encourages everyone to work together and questions whether they are really just talking about pennies. Knapp emphasizes that Expo is a fund-raising event. She says that it does not support itself and would not be happening if not for fund-raising they have already conducted from local businesses.

The second topic of discussion is the proposal by the Yellowstone Historic Center to manage the Union Pacific Dining Lodge. Mayor Schmier asks if there is any new information on this subject. Operations Manager Becky Guay explains that the Department Heads met this week

and she asked Social Services Director Jack Dittmann to put together a response to the proposal from the YHC. Copies of Dittmann's response are distributed to those in attendance and the group takes a few minutes to read it. Mayor Schmier thanks the staff for the extra information, but states that he does not think it is the Town's responsibility to pick apart the YHC's business plan. Guay says that was not their intent, but to evaluate out the cost of operating the building that is incurred by the Town. Schmier says that looking at the numbers that have been presented, it will cost the Town \$150,000 over the next five years in support for the YHC to operate the building. According to the numbers prepared by the Finance office, it has historically cost the Town between \$26,000 and \$29,000 per year over the last five years. Assuming \$30,000 per year going forward, it will still cost the town \$150,000 over the next five years to operate the building. Guay points out that the addendum to the proposal from the YHC indicates that they need considerable capital support to improve the building and that they will come to the Town for that. At the previous meeting, it was estimated those capital improvements would cost \$200,000 to \$300,000. Geiger explains that they do understand that the building still belongs to the Town and that they will have to ask for money to make that improvements, but they also intend to seek grant funding and funding from other sources. Forsythe says that he had a long conversation with Glen Loomis yesterday, who does understand the budgeting process. He says that having a five-year agreement in place will make it much easier for the YHC to go after funding from other sources. Dittmann says that he has been put in the difficult position of managing the building for the last nine years, but also given the opportunity to be relieved of that responsibility. He cautions the YHC to understand that cleaning and caring for the building will cost more than they think. Johnson says that he has been on the Council since the original agreement with the YHC was signed. He says he has always supported turning the building over to the YHC, but does not want to give them something that is already losing money. He suggests implementing some of the suggestions that have come out of this process, adjusting hours and rates, until the building is at least operating without a loss. Forsythe asks if Social Services would continue to manage it. Johnson says he thinks they should use the Recreation Coordinator to manage reservations and contracts through the winter, and then adjust the staffing plan to include facilities personnel to manage the events during the summer. Schmier says he wants the YHC to take the building over and would like to work toward an agreement, this may not be the right agreement but they can work on that. The group discusses the possible five-year agreement. Schmier says that the current proposal is weighted heavily on the front end, \$50,000 the first year, \$40,000 the second, etc. Forsythe says his concern there is that they could pull out after two years and they will have already used the bulk of the expenses. Dittmann points out that if expenses are really \$30,000 a year, they are really just asking for a \$20,000 stipend the first year, \$10,000 the second year, and then no stipend after that. The group discusses the proposal further but no decisions are made.

The meeting is adjourned. (1:15 PM)

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Mayor

ATTEST:

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Town Clerk

U 39741



January 21, 2014

Ms. Becky Guay, Operations Manager  
 Town of West Yellowstone  
 PO Box 1570  
 West Yellowstone, MT 59758-1570

Dear Ms. Guay:

On behalf of Community Health Partners (CHP), may this letter serve to accompany financial information pertaining to CHP's third calendar year of operations in the Guy Hanson Medical Clinic. CHP is requesting the Town's share of \$75,000 in the risk-share agreement as voted on by the WY Town Council in 2013.

As you are aware, CHP's third calendar year of operations built on many established partnerships to meet the Town's needs. CHP offered two health fairs where local residents could receive discounted screening blood panels, while also providing care six days per week during the busy summer season. We now also offer breast-feeding support through a certified lactation consultant and parenting support programming for at-risk families through the Parents As Teachers program. Also, in a new partnership with the West Yellowstone Foundation, CHP offered summer internships to two WY High School students interested in health profession careers, training them as medical assistants for the summer.

In 2013, CHP served 1,443 patients during 3,363 medical encounters. Fifty-seven percent of patients were from the greater Hebgen Basin area, and 54% of visits were with patients living below 200% of the Federal Poverty Line. CHP is committed to serving the residents and visitors of West Yellowstone with high-quality, affordable healthcare. To that end, our organization is committed to providing comprehensive primary care services in calendar year 2014, with plans to review our risk-share agreement with the Town during the spring 2014 budgeting process. We look forward to continuing our partnership with the Town and other community organizations to provide primary medical services in West Yellowstone.

Sincerely,

  
 Lander Cooney, CEO

1000-510370-859 

CHP – LIVINGSTON • 406-222-1111 126 South Main, Livingston, MT 59047	CHP – BOZEMAN • 406-585-1360 214 East Mendenhall, Bozeman, MT 59715	CHP – BELGRADE • 406-922-0820 19 East Main, Belgrade, MT 59714	CHP – WEST YELLOWSTONE • 406-646-9441 P.O. Box 1101 • West Yellowstone, MT 59758
CHP LIVINGSTON DENTAL PRACTICE • 406-922-0881 112 West Lewis, Livingston, MT 59047	CHP BOZEMAN DENTAL PRACTICE • 406-585-8701 120 North 19th, Bozeman, MT 59718	LEARNING PARTNERS • 406-823-6356 112 West Lewis, Livingston, MT 59047	

02/28/14  
12:51:05

TOWN OF WEST YELLOWSTONE  
Claim Approval List  
For the Accounting Period: 3/14

Page: 1 of 2  
Report ID: AP100

For Doc # = 39741

\* ... Over spent expenditure

Claim	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
39741		2654 Community Health Partners 01/21/14 2013-14 Risk Share		75,000.00 75,000.00		CLINIC	1000 510370	859	101000
		# of Claims	1	Total:	75,000.00				
					75,000.00				

02/28/14  
12:51:05

TOWN OF WEST YELLOWSTONE  
Fund Summary for Claims  
For the Accounting Period: 3/14

Page: 2 of 2  
Report ID: AP110

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Fund/Account	Amount
1000 General Fund	
101000 CASH	\$75,000.00
Total:	\$75,000.00

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# YELLOWSTONE HISTORIC CENTER

THE HERITAGE OF TRAVEL TO YELLOWSTONE

Post Office Box 1299

Phone/Fax:

406-646-7461

West Yellowstone, Montana 59758

E mail: [info@yellowstonehistoriccenter.org](mailto:info@yellowstonehistoriccenter.org)  
Website: [www.yellowstonehistoriccenter.org](http://www.yellowstonehistoriccenter.org)

Yellowstone Historic Center  
P.O. Box 1299  
West Yellowstone, MT 59758

February 3, 2014

Becky Guay  
Operations Manager  
Dining Lodge Management Committee, Chair  
Town of West Yellowstone  
P.O. Box 1570  
West Yellowstone, MT 59758

Dear Becky:

The YHC has long partnered with the Town of West Yellowstone in the management, preservation, and restoration of the Union Pacific Depot. During the same period of time we have worked with the Town to preserve and restore the Union Pacific Dining Lodge. The YHC is interested in seeking an operating agreement with the Town that would include the management of the UP Dining Lodge.

Over the past year, the Town and the YHC have engaged in several working sessions to discuss that operating agreement. The goal of those sessions has been to determine the feasibility of such an agreement.

At the DL Committee meeting on January 15, 2014, you requested that the YHC prepare a proposal outlining how we would operate the UP Dining Lodge as an event and convention center business, the operational costs associated with running that business, and the funding we would seek from the Town to support this operation. The YHC submits the attached proposal in response to that request.

Sincerely,

Ed Geiger  
Manager, Yellowstone Historic Center

# YHC Dining Lodge Management Proposal

February 3, 2014

## Operating Proposal

The Yellowstone Historic Center (YHC) proposes to enter into an agreement with the Town of West Yellowstone (Town) for the purpose of assuming responsibility for management of the entire UP Dining Lodge facility. The YHC seeks an agreement that would be structured after our current lease agreement for the Union Pacific Depot.

The YHC also proposes that it assume management of the event rental operations, currently managed by the Town, including reservation and event administration.

The YHC would be responsible for expenses associated with the operation of the Union Pacific Dining Lodge as an event and conference center. The YHC would collect and administer all revenue derived from event and conference rental activities.

There are several differences between how Dining Lodge operations are managed by the Town and YHC's management proposal.

Currently the rental period for an event is 24 hours. The period begins at noon on the first rental day and ends at noon the following day. The YHC management plan proposes changing the rental period to start at 11 AM and to end at 2 AM. This way we are assured each event ends at a time that allows for cleaning before another event at 11 AM, if one is scheduled. Multi-day event rentals will run from 11 AM on the first day of the event to 2 AM of the morning following the last full day of the event.

The other issue with the current rental period is that the renter is responsible for cleaning the dining room, kitchen and restrooms. The current rental period allows no time to perform adequate cleaning should the renter fail to meet their responsibility.

The YHC management proposal includes providing services for cleaning after each event. The cleaning crew would have access to the facilities from 2 AM until 10 AM. In this way, we will be assured cleaning issues will not affect our ability to market back-to-back bookings.

YHC's current plans include the repurposing of the office spaces vacated by the Town Court and Social Services. In order to create new rental offerings within the UP Dining Lodge, the YHC proposes converting these spaces into multi-purpose meeting rooms. This will allow us to have separate rental space for conference meetings, training seminars and parties, as well as breakout rooms for larger

conferences. These rooms will also be available as wedding support rooms, allowing the wedding party a place to meet and change before the event.

Special attention will be given to recreating historic details throughout the renovation process.

The bathrooms will be renovated to provide fixtures and plumbing that support the high volume of traffic associated with large events. Attention will be given to meeting all accessibility standards and requirements.

*Additional funds for this would fall to the Town*

As with the UP Depot, the YHC will cooperate with the Town in developing any plans associated with capital improvements. The YHC will seek assistance in obtaining grants, or other sources of funding to support these upgrades and renovations. Any substantial modification, or alteration to the premises, is subject to the Town's prior approval.

## **Staffing Plan**

### **Reservation Administration**

The YHC will staff for an event coordinator, who is responsible for all event administrative tasks.

They will schedule events, process rental deposits and payments, execute contracts, conduct pre- and post-event inventories and inspections, and return deposits where applicable.

They will provide facility tours for all potential clients. They will document and verify all permits and licenses. They will document liability insurance policies as required.

It is expected that 11 staff hours at \$15.00 per hour for an estimated 50 events will require \$8,250.00 annually. This amount is reflected in the proposed "UP Dining Lodge Operating Budget."

### **Event Oversight**

The YHC will hire a staff person who will be present during the actual event.

They will coordinate on-site activities with the renter, wedding planner, convention planner, caterers, and/or vendors as needed during the event.

They will also coordinate equipment rental sign-in/out for each event, being the point of contact for any rental or facility issues during the event activity.

They would also be responsible for post-event activities including building lockup, restocking and cleaning service oversight.

This person would monitor all activities throughout the event to ensure compliance with Town ordinances and would notify local authorities in the event of a problem.

It is expected that an average of 9 staff hours at \$12.00 per hour for an estimated 50 events will require \$5,400.00 annually. This amount is reflected in the proposed "UP Dining Lodge Operating Budget."

### **DL Management - YHC Oversight**

The YHC is responsible for oversight, and this includes expenses related to the management of contracted services, employee supervision, and program related accounting services.

The cost of DL Management oversight is estimated to be 10% of the Total Expenses line item in the proposed "UP Dining Lodge Operating Budget." This would be approximately \$7000.00 during the first year of operation.

### **Sales and Marketing**

YHC plans to market the facility as an events and conference center.

The contractor will work with local, regional, and national event and conference planners to increase the number of days rented, and thus increase revenue.

It is expected that this will be accomplished by a contracted service. This contracted service will cost approximately \$15,600.00 annually. This amount is reflected in the proposed "UP Dining Lodge Operating Budget."

### **Financial Assessment:**

It is anticipated that the YHC will operate at a deficit during the first five years of operation. The attached operating budget includes revenue and operating cost projections for the first five years of YHC management.

During the first year of operation, the existing rental rate schedule would remain in effect. In years two through five, the rate schedule would be modified to align more closely with our regional competition. The proposed rate schedule also addresses the Town's desire to extend a discount to those who qualify for a resident discount.

A key administrative expense in the YHC budget proposal is that of event oversight. This is a new service, one that was not provided under the Town's management of events.

Interviews with previous renters, caterers, and cleaning contractors have indicated the need for on-site supervision during events.

The addition of sales and marketing services to the budget is key to the financial success of any event or conference center. While marketing is one of the highest administrative expenses, it also has the most impact on any plan to increase overall revenue.

Operational expenses differ little between the YHC proposed budget and the previous operating budget from the Town. Most of the operational expenses are static and will change little whether the Town or YHC operates the Dining Lodge.

## UP Dining Lodge Operating Budget

INCOME	2014			2015			2016			2017			2018		
	Rental Rates	Rental Days	Rental Revenue	Rental Rates	Rental Days	Rental Revenue	Rental Rates	Rental Days	Rental Revenue	Rental Rates	Rental Days	Rental Revenue	Rental Rates	Rental Days	Rental Revenue
<b>Rental Type</b>															
DL Community Events, Res/non-profit - 25%disc	\$300	10	\$3,000	\$750	7	\$5,250	\$900	7	\$6,300	\$1,125	7	\$7,875	\$1,350	7	\$9,450
DL Community Events, Non-Resident	\$300	35	\$10,500	\$1,000	25	\$25,000	\$1,200	27	\$32,400	\$1,500	30	\$45,000	\$1,800	36	\$64,800
DL Commercial Events, Res, N-Res, Non-P	\$750	0	\$0	\$1,500	1	\$1,500	\$1,750	3	\$5,250	\$2,000	3	\$6,000	\$3,000	4	\$12,000
Firehole Room, Resident/non-profit - 25%disc	\$100	0	\$0	\$225	1	\$225	\$300	3	\$900	\$375	3	\$1,125	\$500	3	\$1,500
Firehole Room, Non-Resident	\$200	0	\$0	\$300	1	\$300	\$400	2	\$800	\$500	2	\$1,000	\$150	7	\$1,050
Conference Room 1(Old Court Room)		0	\$0	\$125	1	\$125	\$125	5	\$625	\$100	6	\$600	\$100	7	\$700
Conference Room 2(Old SS Room)		0	\$0	\$75	1	\$75	\$175	5	\$875	\$200	6	\$1,200	\$200	7	\$1,400
Conference Room 3(Old YHC Office)		0	\$0	\$175	1	\$175									
<b>Yearly Facility Rental</b>			<b>\$13,500</b>			<b>\$32,650</b>			<b>\$47,525</b>			<b>\$63,700</b>			<b>\$92,025</b>
Other Income (YHC Rent)			\$6,000			\$6,000			\$6,000			\$6,000			\$6,000
<b>Yearly Rental Revenue</b>			<b>\$19,500</b>			<b>\$38,650</b>			<b>\$53,525</b>			<b>\$69,700</b>			<b>\$98,025</b>
<b>Administrative Expenses</b>															
Phone - 2nd Line			\$600			\$660			\$726			\$799			\$878
Office Supplies			\$2,000			\$2,200			\$2,420			\$2,662			\$2,928
Printing			\$1,000			\$1,100			\$1,210			\$1,331			\$1,464
Postage and Shipping			\$600			\$660			\$726			\$799			\$878
Liability Insurance \$750k/\$1.5mil per RFP			\$2,200			\$2,420			\$2,662			\$2,928			\$3,221
Payroll Reservation Administration			\$8,250			\$9,075			\$9,983			\$10,981			\$12,079
Payroll Event Oversight			\$5,400			\$5,940			\$6,534			\$7,187			\$7,906
Payroll Related Costs (20%)			\$2,730			\$3,003			\$3,303			\$3,634			\$3,997
Sales and Marketing Services			\$15,600			\$17,160			\$18,876			\$20,764			\$22,840
Advertising costs, newspaper ads, magazine ads, web, social media, brochures, etc.			\$4,000			\$4,400			\$4,840			\$5,324			\$5,856
Computers and Printers			\$500			\$550			\$605			\$666			\$732
<b>Operational Expenses</b>															
Electric			\$11,622			\$12,784			\$14,062			\$15,468			\$17,015
Gas			\$2,343			\$2,577			\$2,835			\$3,119			\$3,430
Water and Sewer			\$563			\$620			\$681			\$750			\$825
Waste Disposal			\$900			\$990			\$1,089			\$1,198			\$1,318
Operating Supplies (kitchen, bathrooms, lighting, cleaning, Professional Services			\$1,944			\$2,138			\$2,352			\$2,587			\$2,846
Other Professional Services			\$2,170			\$2,387			\$2,626			\$2,889			\$3,178
Buildings															
Cleaning Service			\$6,500			\$7,150			\$7,865			\$8,652			\$9,517
Programs															
Other Expenses															
<b>Total Administrative and Operational Expenses</b>			<b>\$68,922</b>			<b>\$75,814</b>			<b>\$83,395</b>			<b>\$91,735</b>			<b>\$100,908</b>
DL Management - YHC Oversight - 10%			\$7,000			\$7,700			\$8,470			\$9,317			\$10,249
<b>Total Expenses</b>			<b>\$75,922</b>			<b>\$83,514</b>			<b>\$91,865</b>			<b>\$101,052</b>			<b>\$111,157</b>
<b>Revenue Shortfall</b>			<b>-\$56,422</b>			<b>-\$44,864</b>			<b>-\$38,340</b>			<b>-\$31,352</b>			<b>-\$18,132</b>
<b>Five Year Shortfall</b>															<b>-\$184,110</b>

## Funding Proposal

Both the proposed YHC budget and the Town's budget plan for management of the Dining Lodge include deficit operating plans. However, YHC's operating budget plan approaches a zero deficit level by the end of the fifth year of operation, while the Town's plan continues to operate with major deficits indefinitely.

Based on loss projections by the Town and the YHC in regard to Dining Lodge management the YHC makes the following proposals:

The YHC proposes that it assume management of the event rental operations, currently managed by the Town, including reservation and event administration.

The YHC proposes that the Town assist YHC with funding for its operation of the Union Pacific Dining Lodge as an event and convention center for a period of five years. The YHC requests that the funding for the five-year period be in the amount of \$150,000.00.

This funding request is based on the YHCs projected losses through the first five years of operation. It is also in line with the losses projected by the Town if they were to continue operation of the UP Dining Lodge during the same period.

The proposed schedule for funds disbursement from the Town to YHC is:

Year One -----	\$50,000.00
Year Two -----	\$40,000.00
Year Three ----	\$30,000.00
Year Four -----	\$20,000.00
Year Five -----	\$10,000.00

**Addendum to YHC Dining Lodge Management Proposal**

February 12, 2014

This addendum to the management proposal for the Dining Lodge between the Town of West Yellowstone and the Yellowstone Historic Center, dated February 3, 2014, is effective as of today, February 12, 2014. It is attached to and made a part of the YHC Dining Lodge Management Proposal.

During the Yellowstone Historic Center's Board of Directors meeting that was held on February 11, 2014 the Board gave approval to the staff to move forward with the Town in developing the Dining Lodge Management Proposal with additional points of clarification.

1. In the first two pages of the proposal, the YHC expresses our intention to repurpose office spaces and renovate existing facilities such as restrooms. The YHC Board of Directors and staff wish to emphasize the importance of these renovations and upgrades in the near term to make the Dining Lodge more attractive to event hosts and competitive with higher end venues in the general area. This will directly affect our ability to raise rental revenues over the coming five years, especially for non-resident, commercial events. Without such upgrades, we do not believe that the budget projections in the current management proposal can be realized, and the resulting deficits would threaten the viability of the YHC.
2. The YHC intends to seek, through grant applications and fundraising, the monies necessary to accomplish these renovations and upgrades. Given their scope, and the value they would add to the Dining Lodge, which remains under Town ownership, the YHC will seek to some funding help from the Town for them.
3. If the Town and YHC come to an agreement regarding this proposal to manage the Dining Lodge, the YHC, wishes to include this key understanding in any more formal agreements that may be executed in future.
4. The YHC also wants to make sure that responsibilities for repair and maintenance associated with the operation of the Dining Lodge as an event and conference center, as well as -repair and maintenance of the structure, are resolved in any formal agreements.

While these items were addressed briefly in the management proposal, the YHC's intent here is to clarify our position in regard to these important elements.

Ed Geiger, Manager  
Yellowstone Historic Center  
P.O. Box 1299  
West Yellowstone, MT 59758

## Assumptions of the Town

The town is not running the administration of the Dining Lodge as a business and YHC is.

Recent history of the dining lodge rental does not reflect full capacity because of limitation put on renting the facility by the window restoration project and the roof project.

“days” of rental reflect a singular 24-hour period ie. Part of a Friday and Part of a Saturday which is two days of a calendar year and only one day of rental

Professional Cleaning services employed have currently been paid for by the renter out of their deposit funds or directly to the professional doing the cleaning. We see this as and “in and out”

Administrative expenses are currently covered by the department out of which the employee administering the dining lodge rental works. Ie. Office supplies, postage, phone, internet, liability insurance, computers etc. The combination of these expenses with a department creates an “economy of scale” that we would expect to be achieved by the YHC as they have office space, equipment and services that are currently already set up at the building for comparison purposes. Proposed administration charges for phone/internet and computers have been included because we currently don’t have an office in the building but expect that the new seasonal employee will need such a space and equipment to perform their duties to administer the building effectively.

We have projected cost increases of 3% rather than the 10% that YHC has employed.

	YHC all year	projected YHC-seasonal*	projected YHC all year**	projected YHC-seasonal	projected YHC all year	projected YHC-seasonal	projected YHC all year	projected YHC-seasonal	projected YHC all year
	FY 13	FY14	FY14	FY15	FY15	FY16	FY16		
<b>Income</b> (planned for flat revenue)									
Tier 1 (commercial) events - all	750	750	750	750	750	750	750	750	750
Tier 1 (commercial) events - Firehole only	0								
Tier 2 (community) events - all	14950	15000	15000	15000	15000	15000	15000	15000	15000
Tier 2(communit)yevents - Firehole only	0								
Profess. Clean. Charges/Other Income	75	500	500	500	500	500	500	500	500
YHC Rent			6000		6000		6000		6000
<b>Total Revenue</b>	15775	16250	22250	16250	22250	16250	22250	16250	22250
<b>Administrative expenses</b> (planned for 3% increase)									
Cell phone/internet	1600	1600	1600	\$ 1,648	\$ 1,648	\$ 1,697	\$ 1,697	\$ 1,748	\$ 1,748
Liability Insurance	included	included	included	included	included	included	included	included	included
Payroll - Facilities Tech .5FTE	n/a	22090	22090	\$ 22,753	\$ 22,753	\$ 23,435	\$ 23,435	\$ 24,138	\$ 24,138
Computers/printer	included	1000	1000						
						\$ -	\$ -	\$ -	\$ -
<b>Operational Expenses</b> Planned for 3% increase)									
Gas Water and Sewer	2650	2700	2700	\$ 2,781	\$ 2,781	\$ 2,864	\$ 2,864	\$ 2,950	\$ 2,950
Electric	10575	6500	11000	\$ 6,695	\$ 11,330	\$ 6,896	\$ 11,670	\$ 7,103	\$ 12,020
Waste Disposal	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Building Supplies	975	3175	2200	\$ 2,266	\$ 2,266	\$ 2,334	\$ 2,334	\$ 2,404	\$ 2,404
Dish replacement/sm. Equip	800			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Cleaning supplies, toilet paper(est)	1400			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other Professional Services	1975	2000	2000	\$ 2,060	\$ 2,060	\$ 2,122	\$ 2,122	\$ 2,185	\$ 2,185
building and grounds maintenance	8950	4500	4500	\$ 4,635	\$ 4,635	\$ 4,774	\$ 4,774	\$ 4,917	\$ 4,917
<b>Professional Cleaning Services</b>	75	500	500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500
2 hours per event (28) x 75.00/hr									
<b>Total Expenses</b>	29000	43090	47590	\$ 43,338	\$ 47,973	\$ 44,623	\$ 49,397	\$ 45,947	\$ 50,864
Net Revenue (Expenses)	\$ (13,225)	\$ (26,840)	\$ (25,340)	\$ (27,088)	\$ (25,723)	\$ (28,373)	\$ (27,147)	\$ (29,697)	\$ (28,614)

\* Seasonal = YHC only in the building seasonally  
\*\* All Year = YHC residing in the building all year long



PO Box 458  
West Yellowstone, Montana 59758  
406-646-7701  
[destinationyellowstone.com](http://destinationyellowstone.com)

February 13, 2014

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

Dear Council,

The West Yellowstone Chamber of Commerce is organized to advance the general welfare and prosperity of the West Yellowstone area so that its citizens and all areas of its business community shall prosper. All necessary means of promotion shall be provided and particular attention and emphasis shall be given to economic, civic, commercial, cultural, industrial and educational interests of the area.

Separate committees operate under the Chamber of Commerce to accomplish specific goals and objectives. One such committee is the Snowmobile Events Committee. Its mission is to create and host snowmobile related events and activities enhancing and sustaining our winter economy through successful events.

The Town of West Yellowstone, Chamber of Commerce and the Snowmobile Events Committee have worked closely and effectively together for over 23 years to facilitate the logistics and promotion of many, many events. The most notable of these events is the Annual West Yellowstone World Snowmobile EXPO.

Until this past year, the committee has operated with the understanding that as a not-for-profit, there was not a resort tax liability on tickets sold to visitors for attendance to EXPO. We have always worked with the town to be sure that the individual vendors who sell merchandise do collect, report, and pay their appropriate resort taxes.

Last year the issue of resort tax collection on entry tickets at the EXPO tent was brought into question by the town staff and we met with them. At that time we believed that there was no alternative even though our prices had already been established. Unfortunately, since that meeting other concerns have pushed the issue from our minds until we were again reminded of it by the Town office. We then learned that since we are an IRS not-for-profit entity under 501(c)(6) designation and not the more common 501(c)(3) designation, the fundraising events,

such as EXPO, that we have sponsored and promoted are not exempt from the resort tax under **Policy No. 7: A Policy for Determining Exempt Status Regarding the Collection of the Resort Tax.**

For an explanation and clarification, the West Yellowstone Chamber of Commerce operates under the *Internal Revenue Code (c)(6) Business Leagues*. This statute provides for exemption of business leagues, chambers of commerce, real estate boards, and boards of trade, which are not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual. Chambers of commerce and boards of trade are organizations of the same general type as business leagues. They direct their efforts at promoting the common economic interests of all commercial enterprises in a trade or community.

The West Yellowstone Snowmobile EXPO is organized for the intent to bring people to West Yellowstone at the end of our winter season to help the businesses with rooms, meals, and retail sales. These all collect resort taxes for the benefit of the community, as well as accommodation taxes and TBID.

We believe that the original intent of Policy No. 7 was to exempt resort tax collections on not-for-profit organizations in our community, but that the specific language unintentionally excluded the West Yellowstone Chamber of Commerce.

With this in mind, the West Yellowstone Chamber of Commerce and the Snowmobile Events Committee are asking the Town Council to please, **amend Policy No. 7 to include the West Yellowstone Chamber of Commerce as a not-for-profit IRC 501(c)(6)** under paragraph 2 where it states, "Fund raising events such as auctions or sales held by 501(c)(3) organizations shall be exempt from resort tax collections."

We appreciate your time and efforts in serving our community and the close working relationship we share in our efforts to bolster the economy and well-being of our town.

Sincerely,

Cynthia Knapp, President

Travis Watt, Chair, Snowmobile Events

# memo

## TOWN OF WEST YELLOWSTONE

Date: ~~May 17, 2013~~ Feb 17, 2014  
To: Honorable Mayor and Town Council  
From: Becky Guay, Operations Manager and Lanie Gospodarek, Finance Director   
Regarding: Chamber of Commerce Request to be Exempt from Resort Tax

---

### Recommendation

The Finance Director and Operations Manager recommend that the Town Council deny the Chamber of Commerce's request to be exempted from collecting resort taxes and direct the Finance Department to collect resort taxes on EXPO ticket sales back to 2010.

### Discussion

This item has been under discussion between the Town's Finance Department and the Chamber of Commerce for many years and spans back to the days when Fred Rice was the Operations Manager. The Finance Officer has provided the following background for your consideration.

It appears that previous Town Councils intended that the Chamber of Commerce be subject to collecting and remitting resort taxes, as evidenced by a Council work session held in 2009, in which the Council discussed proposed amendment to Town Policy #7 adopted in 1994. This version of the policy specifically states that the Chamber of Commerce "will not be exempted from collecting the resort tax" (see Attachment A).

During this discussion, it is apparent that the Council was aware that resort tax exemptions would not be automatically applied to the Chamber of Commerce since it is not a not-for-profit organization defined by section 501 (c)(3) of the federal tax code. The minutes of the July 21, 2009 meeting reflect the following under the Operations Manager's report: "*Operations Manager Jamie Greene explains that based on the discussion at the work session this morning, they have drafted an amended version of Policy #7 regarding Resort Tax Exemptions. He says that he had discussions with Council Member Nesbitt on this topic today and they eventually agreed on this draft which does not name specific organizations but requires 501 (c)(3) designations from the IRS tax code to be exempt from resort tax collections for fund-raising events and auctions. Greene explains that other not-for-profit organizations such as the Chamber of Commerce have other designations and therefore are not automatically exempt.*"

The updated Policy # 7, as adopted in 2009, is included as Attachment B for your reference.

Attachment C is a memorandum dated May of 2009 from Operations Manager Greene that provided information to the Council on costs incurred by the Town in support of the 2009 EXPO. As shown in the memo, the Town expends far more on the event than is realized in resort tax remittance to the Town. The Town's expenditures for EXPO are funded directly from resort taxes submitted by other local businesses. To exempt the Chamber from collecting resort taxes on ticket sales would exempt them from collecting resort tax on the most substantial source of revenue that the Chamber collects in the course of a year.

It is also important to remember that the requirement to *collect* resort tax is not a requirement to *pay* the resort tax out of the ticket price resulting in less revenue for the Chamber. The Chamber could collect the tax by adding it to the admission price or, like the movie theatres in town, incorporate it into the admission price.

Lastly, the Chamber of Commerce receives the largest percentage of monies issued by the Town's Marketing and Promotions (MAP) Fund. The MAP fund was created in the spring of 2007 when businesses agreed to contribute half of the 5% administration fee that they were entitled to keep for recording and remitting resort tax to a fund that could then be distributed for use by organizations that would promote the Town of West Yellowstone. The chart below shows how much of the funds are spent each year and what percentage of them goes to Chamber sponsored events.

<b>Fiscal Year of MAP Fund Outlay</b>	<b>Total Annual Expenditures of MAP Fund</b>	<b>Amt. of MAP funds paid to Chamber</b>	<b>Percentage of Total</b>
2008-09	\$60,594.84	\$22,993.29	38%
2009-10	\$80,087.74	\$21,963.30	28%
2010-11	\$55,044.72	\$16,412.20	30%
2011-12	\$60,613.34	\$26,761.00	45%
2012-13	\$61,008.08	\$29,831.40	49%

Because the Chamber remits no resort tax on sales of admissions to the EXPO or other in town events they are also not contributing the 2.5% remitted by other businesses to the MAP fund, even though they are the largest consumer of these funds.

In a recent application for MAP funds for the upcoming EXPO, the Chamber provided data about admissions sales since 2010. In the event that the Council denies the Chamber's request to waive the requirement to collect resort taxes, staff requests that the Chamber remit resort taxes for these previous years.

# TOWN OF WEST YELLOWSTONE



## Policy 7

A policy for determining the exempt status regarding the collection of the Resort Tax.

If the sale of merchandise is the sole source of financial support for a community based, not-for-profit, organization then these organizations will be exempt from collecting the resort tax. Community based organizations such as Beta Sigma Phi, United Women, Cub Scouts of America, Boy Scouts of America, Girl Scouts and classes and organizations affiliated with the West Yellowstone School System are specifically exempted by this policy.

Organizations where the sale of merchandise is auxiliary to their fund raising efforts, where the sale of merchandise is not the sole source of income or fund raising, such as the Chamber of Commerce or the Federation of Fly Fishers, they will not be exempted from collecting the resort tax.

Adopted by Council January 6, 1994



TOWN OF WEST YELLOWSTONE

MONTANA

**Policy No. 7: A Policy for Determining Exempt Status**

**Regarding the Collection of the Resort Tax**

If the sale of merchandise is the sole source of financial support for a community based, not-for-profit organization then these organizations will be exempt from collection of the resort tax. Community based organizations such as Beta Sigma Phi, United Women, Boy Scouts of America, Girl Scouts, and classes and organizations affiliated with the West Yellowstone School System are specifically exempted by this policy.

Fund-raising events such as auctions or sales held by 501 (c) (3) organizations shall be exempt from resort tax collections. Retail sales by 501 (c) (3) organizations (for example: mugs, t-shirts, hats) shall not be exempt from collecting the resort tax.

Not-for-profit organizations that sell merchandise to supplement their fund-raising efforts will not be exempt from collecting the resort tax.

Adopted  
7-21-09 TE  
CR

ATTACHMENT C

# Memorandum

**Date:** May 11, 2009  
**To:** Town Council members  
**From:** Jamie Greene, Operations Manager  
**Re:** Summary of EXPO Expenses

Council members,

A few weeks ago, Pierre Martineau asked me for a summary of EXPO expenses. Here's a summary of costs related to man-hours and equipment use:

## Expenses

### Public Services Department

In preparing these figures, Robert Glenn pointed out that "Most of what we did this last year [to prep for Expo] was done during regular operations. We did not have the crunch that normally happens the week before expo. I think good proof of that is the fact we sent everyone home early that Thursday."

40 hours for Mark @ \$726.80  
40 hours for Dan @ \$766.80  
60 hours for Tom @ \$960.00  
30 hours for Robert @ \$697.50  
100 hours of staff loader use @\$65.00/hr: \$6,500.00  
40 hours of staff blower use @ \$350.00/hr: \$13,000.00  
2 days (20 hours) Chamber use of a loader @ \$65.00/hr: \$1,300.00  
1 day (10 hours) Chamber use of the blower (the fuel tank was refilled after use) @ \$325.00/hr: \$3,250.00

Public Services Department Total: \$27,201.10

### Police Department

Man-hours and overtime total: \$571.12

### Fire Department

Overtime total: \$1293.03

### Social Services Department

Man-hours and overtime total: \$193.86

Total Cost: \$29,259.11

## Revenue

To offset the Town's expenses, we received \$1639.27 in resort tax income from retail sales at EXPO plus a \$250.00 exposition license fee. In addition, March resort tax collections were \$66,802.00 which is about half of what is collected in either January or February.

Please let me know if you have any questions.

Thank you, Jamie Greene, Operations Manager



PO Box 458  
West Yellowstone, Montana 59758  
406-646-7701  
destinationyellowstone.com

February 17, 2014

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

Honorable Mayor and Town Council:

This letter is a follow-up to address the memo dated May 17, 2013 that was delivered Friday, February 14, 2014 regarding our request to be exempt from resort tax collections on events from Operations Manager Becky Guay and Finance Director Lanie Gospodarek.

The Town of West Yellowstone, the Chamber of Commerce, and many other individuals and organizations work together for the benefit of our town. We are a team. The goal of our team should be to protect and promote the social and economic wellbeing of our community. Events to promote the community and provide for social involvement are sponsored by many organizations. Often, the Chamber of Commerce is tasked with these events. The Town of West Yellowstone does not want to be tasked with the organization and promotion of events, but has always had an active role in the approval, assistance, and logistics of these events.

We appreciate the staff of the town offices and their due diligence and fiscal management and are confident that they provide the same level of service to all organizations they work with.

The memo addresses many different thoughts and issues, some of which we disagree with, however, most of the memo is not germane to the request we have made. We are here tonight to address the specific request of the Town Council to amend Policy No. 7 to include the Chamber of Commerce as a not-for-profit 501(c)(6) and grant the exemption of the resort tax collection as it relates to the funding of events. If the Council has specific questions that we can attempt to answer at this time relating to the memo, then we will be pleased to do so.

The memo mentions Policy 7 dated January 6, 1994 but does not quote the whole paragraph. The 2<sup>nd</sup> paragraph reads,

“Organizations where the sale of merchandise is auxiliary to their fund raising efforts, where the sale of merchandise is not the sole source of income or fund raising, such as the Chamber of Commerce or the Federation of Fly Fishers, they will not be exempted from collection the resort tax.”

This is specifically talking about the sale of merchandise on which the resort tax must be collected. We Agree! We have always collected, reported, and paid resort tax on merchandise sold at Expo, as well as at the Visitor's Center.

Policy No. 7 was updated and adopted on July 21, 2009 and the original 2<sup>nd</sup> paragraph dropped and replaced with the following,

"Fund-raising events such as auctions or sales held by 501(c)(3) organizations shall be exempt from resort tax collections. Retail sales by 501(c)(3) organizations (for example: mugs, t-shirts, hats) shall not be exempt from collecting the resort tax.

Not-for-profit organizations that sell merchandise to supplement their fund-raising efforts will not be exempt from collecting the resort tax."

As a not-for-profit, we are asking to be included in the Policy No. 7 in regards to our event fund-raising efforts.

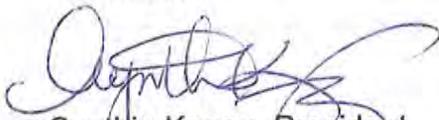
The memo goes on to state, "To exempt the Chamber from collecting resort taxes on ticket sales would exempt them from collecting resort tax on the most substantial source of revenue that the Chamber collects in the course of a year."

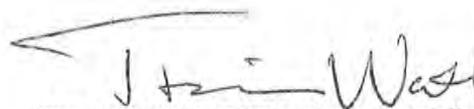
This is incorrect. The World Snowmobile EXPO, along with other events the Chamber of Commerce organizes and promotes, require fund-raising activities to make them viable. This is done through donations, grants (MAP, TBID, etc), sponsorships, and ticket sales. These events do not raise funds for the Chamber of Commerce to help with other functions. These fund-raising revenues help fund events.

Please amend Policy No. 7 to include the West Yellowstone Chamber of Commerce as a not-for-profit IRC 501(c)(6).

Thank you for your time and service.

Sincerely,

  
Cynthia Knapp, President

  
Travis Watt, Chair, Snowmobile Events

# APPLICATION TO MAINTAIN AN ENCROACHMENT

Town of West Yellowstone  
Gallatin County, Montana

DATE: 1-27-2014  
APPLICANT: West Yellowstone School Dist #69  
ADDRESS: 411 N Geyser St. P.O. Box 460  
PHONE: (406) 646-7677  
INTEREST IN PROPERTY: To increase safety & flow of traffic on property.

OWNER OF RECORD'S SIGNATURE: Maeje S. Anderson W.Y. District #69  
Board Chair

## 1. LEGAL DESCRIPTION:

Subdivision: MADISON ADDITION  
Block: TRACT 3 Lot: \_\_\_\_\_  
Zoning District Number: \_\_\_\_\_

2. Please describe specifically the construction and size of the proposed encroachment. On the reverse of this application, please provide a sketch of the proposed encroachment. The encroachment would be on the East end of the city property located directly North of Alley "D" and directly south of the school's property. There is a 20ft setback from private property to the east. The encroachment is to be used as vehicle travel route for student drop-off/pick-up and also for truck deliveries. It would allow vehicles to access the school from Faithful St & Parkway "D". The drive would be approx 30ft wide and of course School Dist #69 would then maintain it.

Maeje S. Anderson, Board Chair  
Signature of Applicant

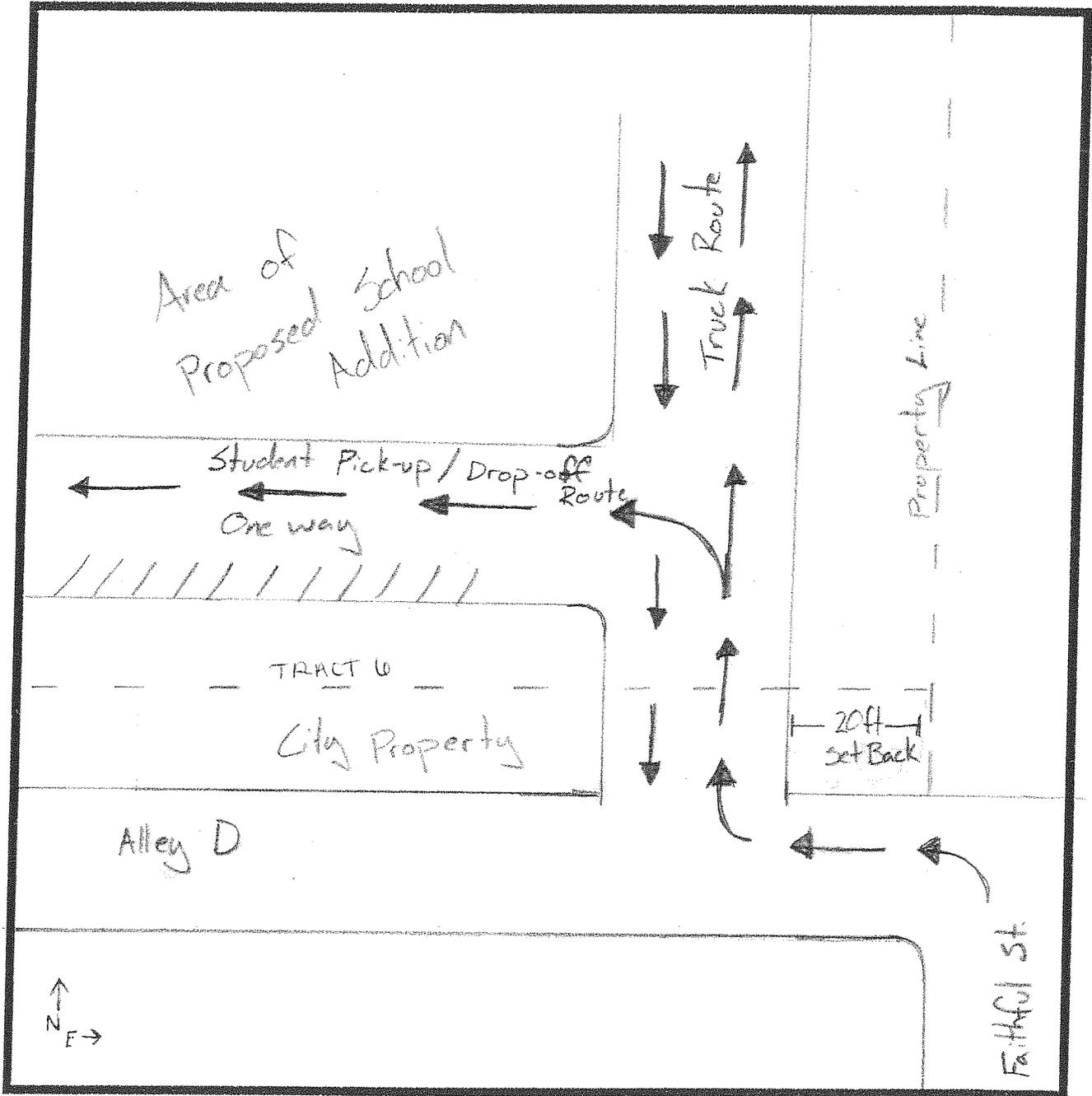
For Office Use Only:  
DECISION BY TOWN COUNCIL

Feb 3, 2014  
DATE

Approved  Disapproved

\_\_\_\_\_  
Mayor/Operations Manager

\_\_\_\_\_  
DATE



PLEASE INDICATE DIRECTION

Holiday Inn  
West Yellowstone Conference Hotel  
315 Yellowstone Ave/PO Box 470  
West Yellowstone, MT 59758  
406-646-7365/800-646-7365  
VisitYellowstonePark.com



February 24, 2014

Liz Roos  
Town of West Yellowstone  
PO Box 1570  
West Yellowstone, MT 59758

Dear Liz:

The Holiday Inn is requesting assistance from the town of West Yellowstone for upcoming World Snowmobile Expo scheduled for March 14-16, 2014. This request is the same as past years as it relates to the Expo event.

1. We would like to place a roll off dumpster on the West side (Electric St. and Alley A) of our building to accommodate the large amount of garbage that is generated during the EXPO. This will be the same size and location as past years.
2. Time restrictions for the parking on the south side of Yellowstone Ave. not to be enforced during EXPO weekend. (Tuesday-Monday) Hotel will post signs.
3. Allowing us to barricade Alley A directly behind the Holiday Inn and post as no parking. This will provide for emergency vehicle access to the EXPO tent area. The barricade will be easily moveable and meet MUTCD standards.

We look forward to working with the Town of West Yellowstone to provide another year of enjoyment for the EXPO attendees. If I can provide you with anything further, please let me know.

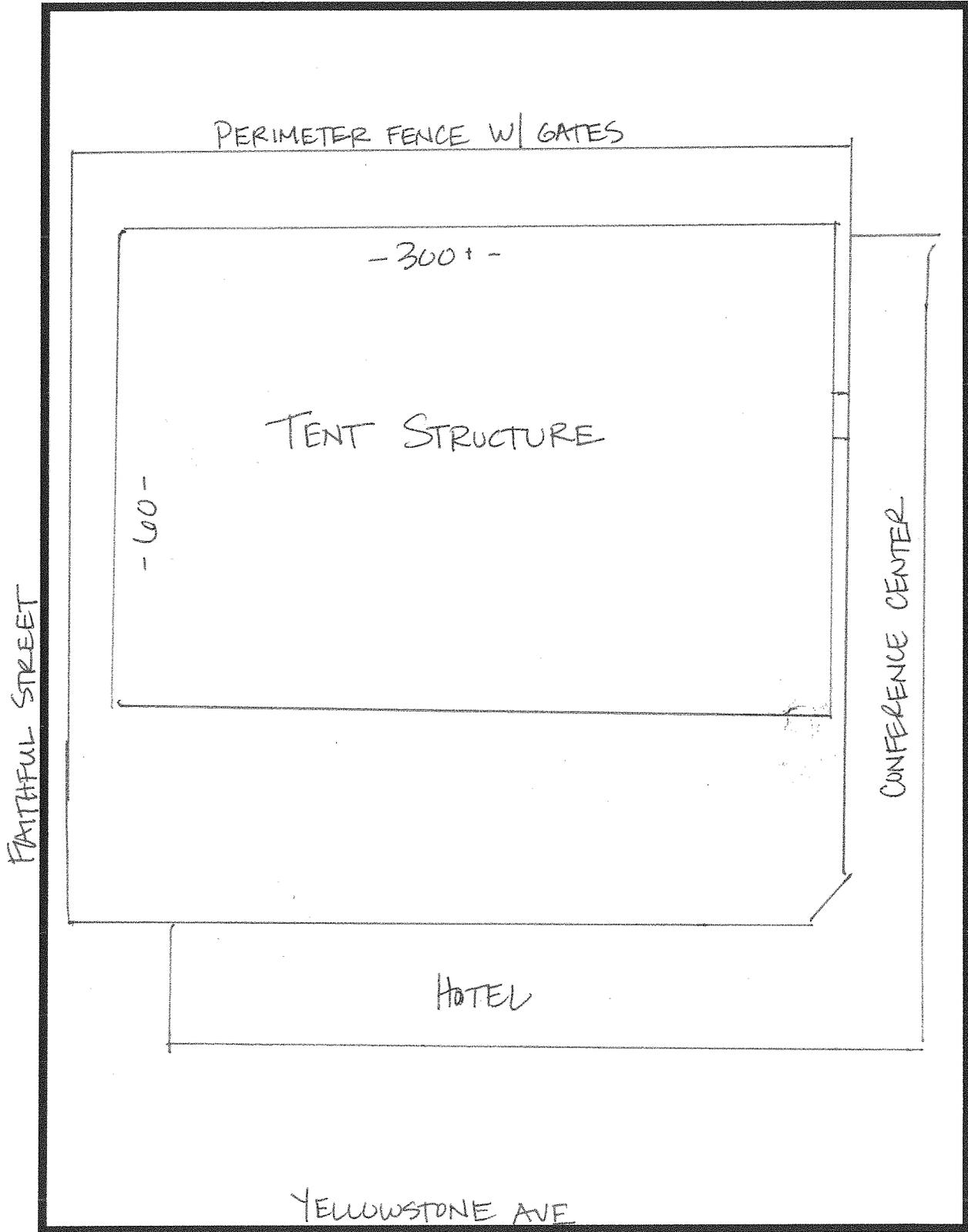
Sincerely,



Jennifer Schluchter  
Conference Service Manager



↑ NORTH ALLEY



PLEASE INDICATE DIRECTION



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
09/27/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> MARSH USA, INC. SHERIDAN MEADOWS CORPORATE PARK NORTH 6500 SHERIDAN DRIVE, SUITE 114 WILLIAMSVILLE, NY 14221	<b>CONTACT NAME:</b> PHONE (A/C, No, Ext): _____ FAX (A/C, No): _____ E-MAIL ADDRESS: _____	
	<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURED</b> DNC PARKS & RESORTS OF WEST YELLOWSTONE, INC. C/O DELAWARE NORTH COMPANIES, INCORPORATED 40 FOUNTAIN PLAZA BUFFALO, NY 14202	<b>INSURER A:</b> National Union Fire Ins Co Pittsburgh PA	NAIC # 19445
	<b>INSURER B:</b> New Hampshire Ins Co	23841
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
	<b>INSURER F:</b>	

**COVERAGES**                      **CERTIFICATE NUMBER:** NYC-005870023-20                      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Liquor Liab \$2,000,000 Ea Occ \$10,000,000 Aggregate	X		GL 6819354	10/01/2013	10/01/2014	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 2,000,000 MED EXP (Any one person) \$ EXCLUDED PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 10,000,000
A	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC			GL 6819355	10/01/2013	10/01/2014	PRODUCTS - COMP/OP AGG \$ 3,000,000
A	<b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS	X		CA 2935817 (AOS) Self Insured for Physical Damage	10/01/2013	10/01/2014	COMBINED SINGLE LIMIT (Ea accident) \$ 3,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
B	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	WC 026020259	10/01/2013	10/01/2014	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES** (Attach ACORD 101, Additional Remarks Schedule, if more space is required)  
 RE: CONFIRMATION OF COVERAGE

<b>CERTIFICATE HOLDER</b> Town of West Yellowstone PO Box 1570/10 South Faithful West Yellowstone, MT 59758	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE of Marsh USA Inc. Annette M Borodzick <i>Annette M. Borodzick</i>
---	--

MONTANA DEPARTMENT OF TRANSPORTATION  
SPECIAL EVENTS STREET CLOSURE PERMIT

NAME OF APPLICANT: West Yellowstone Chamber Expo Committee  
ADDRESS OF APPLICANT: PO BOX  
DATE(S) AND HOUR(S) OF CLOSURE: MARCH 14<sup>th</sup> + 15<sup>th</sup> 2014  
APPLICATION FOR PERMISSION TO: closed 14<sup>th</sup> from 4pm to 6pm + 15<sup>th</sup> from 2pm to 6pm.

To close HWY 191 inside of the Town of WY  
for a motorcycle street bike freestyle show.

HWY 191 will be closed between Madison Ave +  
Yellowstone Ave for a motorcycle freestyle event.

We would like to close it Friday from 4pm to  
6pm to clean + prep the street for Saturday's show.

The show will be Saturday March 15<sup>th</sup>. We would like to  
close the street from 2pm to 6pm.

(Provide sufficient information to insure a thorough understanding of your proposal. This will include a traffic control plan and sketch detailing the vent layout.)

Applicant will complete this form and submit it, along with detailed sketches, to the Area Maintenance Chief. See the BACK.

Applicant will review the terms and conditions on the reverse side of this permit. In signing and submitting this permit, the applicant agrees to accept and abide by those terms and conditions in their entirety.

The undersigned "Permittee" agrees to the terms and conditions of this permit.

Department of Transportation

West Yellowstone  
City Town or County

\_\_\_\_\_  
Title

Signature MAYOR

\_\_\_\_\_  
Date

Signature

\_\_\_\_\_  
Date



MADISON AVE

Street  
light

Canyon  
ST

Closure would be between  
Madison Ave + Yellowstone Ave

Yellowstone Ave

Flashing  
Away stop

Application for Outside Amplification Permit  
Town of West Yellowstone  
Gallatin County, Montana

Event: W. Yellowstone Snowmobile Expo 2014

Contact Person: MARGE WARNER - CHAMBER

Address of Contact Person: 30 Yellowstone Ave  
W. Yell MT 59758

Phone Number: 406-539-7895

Signature of Property Owner of Record: \_\_\_\_\_

Date(s) of Event: MARCH 15, 2014 3:30 - 6:00 PM.

Location: Canyon (191) between Madison & Yellowstone

Amplification between the hours of: 3:30 AM/PM and 6:00 AM/PM

Description of Event: Motorcycle STREETstyle  
EXHIBITION. No Competition

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

Marge Warner

Signature of Applicant

2/27/14

Date

FOR OFFICE USE ONLY

Decision by Town Council:                      Approved                      Disapproved

Conditions: \_\_\_\_\_

\_\_\_\_\_

Signature of Mayor/Operations Manager: \_\_\_\_\_

\_\_\_\_\_

Date

# EXPOSITION LICENSE APPLICATION

Town of West Yellowstone  
Gallatin County, Montana

EXPOSITION: 2014 Snowmobile EXPO – Exhibition Center

Sponsor Organization: West Yellowstone Chamber of Commerce

Sponsor Address: 30 Yellowstone Avenue, West Yellowstone, MT 59758

Contact Person: Marge Wanner - COC Snowmobile Event Coordinator

Contact Phone: 406.646.7895 Fax: 406.646.9691

E-mail Address: events@wyellowstone.com

Date(s) of Event: March 14, 15, 16, 2014

Location of Event: Holiday Inn Convention Center

Respond to all sections either on the applicable sheets, or attach sheets as needed. A complete application should be submitted a minimum of 4 weeks prior to the event.

- A. Exposition detail: Use the attached sheet to describe the expo in detail and any special accommodations you are requesting from the Town.
- B. Site Plan: Detail the physical layout of the expo on the attached site plan and return with the application.
- C. Vendor List: Provide a list of the names and addresses of all participating vendors 14 days in advance.
- D. Fees: Fees are \$50 for vendors not already licensed in West Yellowstone or \$250 for the entire event.
- E. Resort Tax: The sponsor must post a \$1500 bond in accordance with Chapter 3.12 of the West Yellowstone Municipal Code ([www.codepublishing/MT/WestYellowstone.html](http://www.codepublishing/MT/WestYellowstone.html)). Vendors must collect 3% on all resort tax applicable sales and remit to the Town by the 20<sup>th</sup> of the month following the month of the event. Most retail sales are subject to resort tax. Please review Chapter 3.12 of the WYMC for further information. The bond will be returned within 90 days of remittance of the resort tax.

Application Fee: \$ 250.00

Bond: \$ 1500.00

Total Due: \$ 1750.00

Marge Wanner *Marge Wanner*  
Signature of Applicant

2/27/2014  
Date

## FOR OFFICE USE ONLY

Department	Initials	Date	Comments
Pub Services			
Fire			
Police			
Administration			

Notes/Conditions: \_\_\_\_\_  
\_\_\_\_\_

Approved

Denied

\_\_\_\_\_  
Town Clerk

West Yellowstone Snowmobile EXPO 2014

\_\_\_\_\_  
Date 2/27/2014

# EXPOSITION LICENSE APPLICATION

Town of West Yellowstone  
Gallatin County, Montana

## Exposition Detail

Use this sheet to describe your event in detail including expected sales, type of sales, layout, show tents, canopies, fencing, cars, security, toilets, seating, stage, etc. and any special accommodations you are requesting from the Town. Please also address parking, trash collection and disposal, expected number of participants and spectators, signs, and amplified sound (if applicable).

The West Yellowstone Chamber of Commerce Snowmobile Events Committee (WYCoC/SE) leases 25,000 square feet of the Holiday Inn, 315 Yellowstone Avenue, West Yellowstone, MT 59758, "***Showcasing of 2015 snowmobiles and sales of snowmobile aftermarket products.***"

18,000 square feet of the lease is a temporary commercial tent including chain link fencing surrounding temporary tent and attached to the Holiday Inn for security.

The above said lease includes:

- Indoor public restrooms
- Snow removal, trash collections and disposal

All exhibitors are solicited by the WYCoC/SE and will be responsible for all resort tax sales collections. The majority of the exhibitor square footage is display only.

An exhibitor booth map *is not* attached as requested. Vendor list will be submitted March 10, 2014 as it changes daily. Actual Vendor contact list will be attached with Resort Tax completion report and tax collection funds submission.

★ WYCoC/SE requests permission to cover ***No Parking*** signs on Grizzly Avenue, south of Clinic and City Offices past Post Office east as needed for additional parking. ★  
WYCoC/SE will be responsible for covering and uncovering pre and post event.

WEST YELLOWSTONE CHAMBER OF COMMERCE  
SNOWMOBILE EVENTS COMMITTEE  
30 YELLOWSTONE AV, BOX 458  
WEST YELLOWSTONE, MONTANA 59758  
PH 406.646.7895

February 27, 2014

Town of West Yellowstone Council

Thank you in advance for your continuing assistance and support of ongoing events that enhance our local economy, especially the snowmobile events that take place during the winter. We appreciate the assistance of the Maintenance Department that stores the snow which is recycled into event snow bleachers and race tracks.

At this time, we are asking for assistance with the following for the Snowmobile EXPO held March 14, 15, 16, 2014:

- Widening the streets on the west side of town especially the feeder streets adjacent to and including IRIS Street.
- Open parking lots on Yellowstone for exhibitor semis, trailers and attendees with large vehicles.
- Open interior city lots where possible close to the Holiday Inn for exhibitors and attendees.
- Covering the "No Parking" signs south of Yellowstone on Faithful Street during the week starting March 10 thru March 16.
- If weather is cooperates, leave a covering of snow on the streets for snowmobile access around town.
- Assistance with removing snow from Canyon Street between Madison and Yellowstone for the Motorcycle Streetstyle exhibition Saturday March 15, 2014.
- Closing Canyon Street from Madison to Yellowstone Saturday March 15, time dependant on conditions of street that day. The exhibition requires dry payment.

Again.... Thank you for all your assistance and support. If you have any additional questions or concerns please contact me.

*Marge*

Marge Wanner  
West Yellowstone Chamber of Commerce  
Snowmobile Event Coordinator  
Box 458, 30 Yellowstone Av.  
West Yellowstone, Montana 59758  
Ph 406.646.7895 Fax 406.646.9691  
email; [events@wyyellowstone.com](mailto:events@wyyellowstone.com)

**TOWN OF WEST YELLOWSTONE**  
**MONTANA**  
*nationally inviting*

**PUBLIC NOTICE**  
**911 Advisory Board**

The Town of West Yellowstone is creating a 911 Advisory Board for the purposes of reviewing the operation of the 911 dispatch facility, receiving information about the facility, researching matters pertinent to the use of the facility, maintenance and necessary upgrades of the facility, providing guidance on technical issues, and to report and make recommendations to the Town Council regarding operation and improvements to the facility. The board shall be composed of one representative from the following: Gallatin County Sheriff's Office, West Yellowstone Police Department, Yellowstone National Park, US Forest Service, Montana Highway Patrol, Hebgen Basin Fire District, Montana Department of Transportation, Montana Fish, Wildlife & Parks, West Yellowstone Trail Groomers, local wrecker service, the Town Council, Town Operations Manager, and one member of the general public.

Interested individuals should complete and return the 'Application for Boards and Committees' which is available from the Town Offices, 440 Yellowstone Avenue, West Yellowstone, MT, or online at [www.townofwestyellowstone.com](http://www.townofwestyellowstone.com). These positions are 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](mailto:info@townofwestyellowstone.com).

Elizabeth Roos  
Town Clerk





Received  
2/13/14  
GJK

APPLICATION FOR BOARDS AND COMMITTEES

Name Brenda Martin Date 02/13/14

Address Po Box 1832

City West Yellowstone State MT Zip 59758

Phone (Home): 646-4145 (Work): 646-9017 (Cell/Other): 640-1065

E-Mail Address: brendakphillips@gmail.com

Are you a resident of West Yellowstone? Yes Length of residency in West Yellowstone: 18 years

Board or Committee you are applying for: 911 Advisory Board

Occupation: Assistant Pre-K teacher

Employer: West Yellowstone Library - Town

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

If so, which board, and for how long? N/A

Past Memberships and Associations: Girl Scouts of America, Boy Scouts of America,

- 24 years - - 1 year -

Current Memberships and Associations: Girl Scouts of America, Boy Scouts of America

List any relevant qualifications and/or related experience? Attach any additional information or a resume, if you prefer: I previously worked in the town's dispatch center, as well as for an AZ State dispatch center. I have been certified, to use the current equipment & programs and have vast knowledge of them and policies and procedures. I have working relations with several public and official users of the 911 system.

What are your primary objectives for serving on this board? Give back my knowledge & experience to this board. To assist with something I feel strongly about and have interest in.

References (Individual or Organization):

Doug Schmier Phone: 640-1344

Mike Gavagan Phone: 640-1685

James McBinnie Phone: 640-1363

Signature: Bul Martin Date: 2/13/14

Please return this application to the Town Offices at 10 S Faithful, West Yellowstone, Montana. An interview may be required if deemed necessary. Thank you in advance for your interest.

**TOWN OF WEST YELLOWSTONE**  
**MONTANA**  
*naturally inviting*

**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 the community at large.** 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](mailto:info@townofwestyellowstone.com).

Elizabeth Roos  
Town Clerk





February 18, 2014

To: All Interested Parties;

This is a written notification that Brock Kelly wishes to renew his 4 year term with the ,West Yellowstone Tourist Business Improvement District representing Hotel Properties At Large. Term will end March 31, 2018.

If there are any questions regarding this matter please feel free to contact me at: (406) 640-0069.

Regards,

Kristy Coffin

TBID Administrator

A handwritten signature in cursive script, reading "Brock Kelly", is written over a solid horizontal line.

Brock Kelly Representative At Large Properties

A handwritten date "2/20/14" is written in cursive script over a solid horizontal line.

Date:

## TOWN OF WEST YELLOWSTONE, MONTANA

### **Policy No. 44: Policy on Council Member Contact with Town Attorney**

It is the Council's goal to provide a clear and efficient manner of requesting and obtaining advice and information from the Town's attorney, or any other attorney contracted by or on behalf of the Town. Therefore, the Town Council adopts the following policy regarding contact with such attorney.

It is the duty of the Town's attorney to draft and/or review contracts and ordinances for the Town Council; when required, to give to the mayor and to the council written opinions on questions pertaining to the duties and the rights, liabilities, and powers of the Town; and to perform other duties that pertain to the function of the Town Council or that the Town Council prescribes by resolution.

Whenever an individual Council Member has a question or desires legal advice from the Town's Attorney, the Council Member shall first seek and receive permission from the Mayor, or the Deputy Mayor if the Mayor is not available. If neither the Mayor nor Deputy Mayor are available, the Council member shall contact the Operations Manager.

The Mayor, Deputy Mayor or Operations Manager may grant or deny permission for the Council Member to contact the Town Attorney. Such decision shall be conveyed to the Town Attorney.

If the Council Member contacts the Town Attorney without first receiving permission to do so, the Town Attorney shall notify the Council Member of this policy and shall notify the Mayor, Deputy Mayor or Operations Manager of the contact.

If the Council Member is seeking information regarding conduct by or information about the Mayor, Deputy Mayor or the Operations Manager, the Council Member may contact the Town Attorney by first receiving permission from either the Mayor, Deputy Mayor or the Operations Manager, whomever is not the subject of the request for information.

## **RESOLUTION NO. 645**

### **A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE, MONTANA, PLACING THE QUESTION OF LOCAL GOVERNMENT REVIEW BEFORE THE TOWN ELECTORATE, ESTABLISHING A STUDY COMMISSION TO CONDUCT THE REVIEW AND SETTING A BUDGET FOR THE COMMISSION**

**WHEREAS**, Section 9, Article XI of the Constitution of the State of Montana requires that each unit of local government will undertake a local government review procedure; and

**WHEREAS**, Section 7-3-173(2), MCA, requires that the governing body shall call for an election, to be held on the primary election date ( June 3, 2014), on the question of conducting a local government review and establishing a study commission to do so and providing a budget; and

**WHEREAS**, pursuant to Section 7-3-172, MCA, the purpose of a study commission is to study the existing form and powers of the local government and procedures for delivery of local government services and compare them with other forms available under the laws of the State of Montana; and

**WHEREAS**, the West Yellowstone Town Council is the governing body of the Town of West Yellowstone and the Council desires to place the question of conducting a local government review and establishing a study commission to do so on the ballot for the primary election to be held June 3, 2014;

**NOW THEREFORE, BE IT RESOLVED** that:

1. The Town Council of the Town of West Yellowstone hereby calls for an election on the question of conducting a local government review to be held at the primary election on June 3, 2014.
2. If the voters decide in favor of conducting a local government review, a study commission comprised of three (3) members shall be elected at the general election on November 4, 2014.
3. Pursuant to Section 7-3-175, MCA, the question of conducting a local government review shall be submitted to the electors in substantially the following form:

VOTE FOR ONE:

FOR the review of the government of the Town of West Yellowstone and the establishment and funding, not to exceed \$ \_\_\_\_\_, of a local government study commission consisting of three (3) members to examine the government of the Town of West Yellowstone and to submit recommendations on the government.

AGAINST the review of the government of the Town of West Yellowstone and the establishment and funding, not to exceed \$ \_\_\_\_\_, of a local government study commission consisting of three (3) members to examine the government of the Town of West Yellowstone and to submit recommendations on the government.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE AND APPROVED BY THE MAYOR AT A REGULAR MEETING OF THE TOWN COUNCIL, THIS \_\_\_ DAY OF \_\_\_\_\_, 2014.**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

\_\_\_\_\_  
Council Member

ATTEST:

\_\_\_\_\_  
Town Clerk



Montana Secretary of State Linda McCulloch  
Elections and Government Services  
**2014 Local Government Review Information**

*Compiled in conjunction with the Montana Association of Counties and the MSU Local Government Center*

## Frequently Asked Questions

**Q. What is the Local Government Review election?**

A. Established as part of the 1972 Constitution, the Local Government Review election is to be held by each city and county government every 10 years. If your city or county government has held a Local Government Review election any time after the 2004 general election until now, you should consult with your county attorney regarding your responsibility.

**Q. Where can I find the laws on the Local Government Review election?**

A. The applicable laws, 7-3-171 through 7-3-193, MCA, are found at [http://leg.mt.gov/bills/mca\\_toc/7\\_3\\_1.htm](http://leg.mt.gov/bills/mca_toc/7_3_1.htm).

**Q. Does the Local Government Review election apply only to city governments?**

A. No, local governments have been defined to include both city and county governments.

**Q. It is a requirement that the governing body call for a local government review?**

A. Yes. As required under 7-3-173(2), MCA, "The governing body shall call for an election, to be held on the primary election date, on the question of conducting a local government review and establishing a study commission. . . ." A governing body shall call for an election on Local Government Review by March 10, 2014.

**Q. Who pays the cost of putting the local government review question on the ballot?**

According to 13-1-302, MCA, each jurisdiction shall pay their proportionate cost. The county will bill the municipality for their proportionate cost, which cannot include the services of the election administrator or capital expenditures. The proportionate costs shall be only those **additional costs** incurred as a result of the political subdivision holding its election in conjunction with the primary or general election.

For uniformity purposes, those costs should be any extra ballot costs, any extra equipment programming costs, any extra advertising costs, and any other additional costs incurred because of the municipal ballot issue appearing on the primary ballot and because of the municipal local government review candidates appearing on the general election ballot, if applicable.

**Q. What exactly will voters be asked to decide at the June 3 Primary?**

A. The ballot language is to be substantially as follows, under Section 7-3-175, MCA:

[ ] FOR the review of the government of (insert name of local government) and the establishment and funding, not to exceed (insert dollar or mill amount), of a local government study commission

consisting of (insert number of members) members to examine the government of (insert name of local government) and submit recommendations on the government.

[ ] AGAINST the review of the government of (insert name of local government) and the establishment and funding, not to exceed (insert dollar or mill amount), of a local government study commission consisting of (insert number of members) members to examine the government of (insert name of local government) and submit recommendations on the government.

**Q. What happens if a voter is eligible to vote in the county election and in the city election?**

A. Because the local government review election is for cities *and* counties, an elector who lives within the city limits will be presented twice with the question of whether to hold a local government review election (once for the county of residence and once for the city of residence.)

**Q. Do we have to report the results to the Secretary of State's Office?**

A. Even though you do not provide the canvass for other local election results to the Secretary of State, according to Section 7-3-174(2), MCA, the election administrator shall report the results of the local government review ballot question and the results of the election of commissioner members (if applicable) to the Secretary of State within 15 days of the official canvass. The report of results will have to be filed 15 days after the primary election canvass, and 15 days after the general election canvass (if applicable).

**Q. How many commission positions will be open after the primary, if the voters choose to have a commission?**

A. Under Section 7-3-177, MCA, the study commission shall consist of three members unless the local governing body by resolution declares that a larger number shall be elected.

**Q. When will candidate filing open and close?**

A. If a majority of voters voting on the question at the primary election vote in favor of the study commission, candidate filing will open on the date that the primary election results are certified (the primary canvass), and will close **August 11, 85 days before the general election.**

**Q. Where are the candidate filing forms?**

A. Declaration for nomination forms can be found on the Secretary of State's website at <http://www.sos.mt.gov/elections/Filing/documents/Declaration-for-Nomination-Oath-of-Candidacy.pdf>.

**Q. Is this a partisan election? Will there be a primary? Are filing fees required? Can election officials of the local government be candidates for the study commission?**

A. According to Section 7-3-176, MCA, the election is a nonpartisan election, there will be no primary election, and there are no filing fees. Also, the candidates are not permitted to be elected officials of the local government.

**Q. Does a person have to live within the jurisdiction being studied to be a candidate?**

A. Yes, candidates for study commission positions must be electors of the local government for which the study commission has been established. Candidates may not be elected officials of the local government.

## Local Government Review Calendar

DATE	ACTION	MCA SECTION
March 10, 2014	Deadline for governing bodies to call for local government review	7-3-173(2)
<b>June 3, 2014</b>	Primary Election Citizens vote on whether or not they want to conduct local government review	7-3-173(2)
No later than June 17, 2014	Results canvassed and returned as provided in Title 13; beginning of study commission candidate filing (assuming vote is in favor of study commission)	7-3-174(1)
July 2, 2014	Deadline for local government review results to be delivered to the Secretary of State (within 15 days of the date that the results become official)	7-3-174(2)
August 11, 2014	Last day for local government review commission candidates to file declaration of nomination by 5:00 p.m. (assuming vote is in favor of study commission) **No filing fee **Nonpartisan declaration **No primary	7-3-176(2)
<b>November 4, 2014</b>	Election for study commissioners	7-3-176
No later than November 18, 2014	Results to be canvassed and returned as provided in Title 13	7-3-174(1)
December 3, 2014	Deadline for local government review results to be delivered to the Secretary of State (within 15 days of the official canvass)	7-3-174(2)

## Becky Guay

---

**From:** Clark, Daniel <daniel.clark@montana.edu>  
**Sent:** Tuesday, January 14, 2014 3:35 PM  
**To:** mmctfoa@sympa.montana.edu; mtmayors@sympa.montana.edu;  
cmanagers@sympa.montana.edu  
**Cc:** Blessum, Jennifer  
**Subject:** Financing Local Government Review

Good Afternoon,

As you prepare the resolutions to place the Voter Review on the ballot, here are my thoughts on how to determine the dollar amount to include in the resolution.

- When deciding the dollar amount to include in the ballot, the statute says "OR" . So choose either a dollar amount or a mill value NOT both.
- In 2004, the typical study commission size was 3-5 members. Missoula County and City of Missoula both had 7 and the largest commission was Butte/Silverbow at 9.
- Several smaller communities elected 5 commissioners (i.e. Walkerville, Virginia City and Sunburst) while some larger communities had only 3 commissioners (i.e. Dillon, Whitefish, Livingston).
- I think 5 commissioners is a good size. It could become overwhelming for 3 volunteers to meet the demands and expectations of the review process and 7-9 could become unwieldy and a challenge to manage.
- When the commissioners are elected/appointed and sworn in January 2015, they will need to prepare an annual budget to support their deliberations. Make sure you have appropriated sufficient funds for Study Commission expenses in the FY14/15 budget.
- When calculating the expenses, I highly recommend budgeting the cost of sending the Study Commission to the Local Government Review Study Commission Workshop training in Dec. 2014. The workshop registration will be \$250/each plus mileage meals and hotel. We are also considering offering a one-day regional training for study commissioners in the fall of 2015. This will likely have a fee and travel expenses associated with it.
- In addition to the number of Study Commissioners, you will need to appoint an ex-officio member to represent the city/town and to liaise with the commission. I suggest this person also participate in all trainings and should be included in the calculations when determining the dollar/mill value.
- If you have 5 commissioners + 1 ex-officio member you will need to account for roundtrip mileage from your city/town to Bozeman, meals (state rate), registration (\$250/ea), hotel (\$100/ea/night 1-3 nights depending on distance), cost for additional training/consultants (1/2 day rate at \$450 + travel for LGC staff), printing cost for reports, community open houses, community surveys, administrative support, etc.
- All unexpended funds from the voter review process is returned to the City's general fund. A total of \$1.73 million was unused by city and county study commissioners 10 years ago and was absorbed into their respective general funds.

I hope this is helpful. Let me know if you have any questions.

Dan

Proposed  
FY 2014-15 Study Commission Budget

	Per Participant	Total
Local Government Review Study Commission Workshop Tuition	\$250	\$1,000
3 nights hotel accommodations	\$300	\$1,200
Meals (\$46/day X 3 days)	\$138	\$552
Mileage (2 trips to Bozeman)	\$112	\$448
<b>Total Travel Costs</b>	<u>\$800</u>	<u>\$3,200</u>
Printing, election, survey, administration costs		\$1,500
<b>TOTAL BUDGET</b>		<b>\$4,700</b>

Assumptions: Three member study commission plus one ex-officio liaison member

# West Yellowstone Clothing Bank Solutions

## March 2014

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**Clothing Bank Ad Hoc Committee Members:** Council Member Jerry Johnson, Corinne Fagerburg, Doug Buskirk, Grace McCoy, Brian McCoy, Doc Stewart, Bob Everest, Salle Engelhardt, Social Services Assistant Kathi Arnado

**Administrative Support:** Operations Manager Becky Guay, Town Clerk Liz Roos

The Clothing Bank Committee has been meeting weekly since early January with the mission of developing recommendations for the Town Council for the future need, location, and use of a clothing bank. Through the course of several meetings, the committee came to general agreement on the following:

- 1) West Yellowstone needs a clothing bank
- 2) The clothing bank should be operated strictly by volunteers
- 3) Inventory should be limited to clothing, bedding, and limited dishware/cooking items
- 4) Inventory should be distributed free of charge, monetary donations accepted
- 5) The biggest issue is space/location

**Recommendation #1: The clothing bank is located in the Town Hall, run by volunteers. Limited supply of seasonal items will be stored in Social Services Office, majority of items will be stored in basement and transported up and down by volunteers. Clothing bank will only be open specified hours of the week.**

### Pros

- Social Services Department is located in the Town Hall, can provide oversight.
- No rent/utility costs
- Ample storage space in the basement
- Familiar location for clients
- Possible installation of elevator will make basement access possible
- Availability of changing rooms (bathrooms)
- Building was designed and intended to include a clothing bank in the Social Services Department

### Cons

- Operational space limitations
- Required to haul items up and down the stairs
- No public access to basement
- Excess donations outside building will have to be managed
- Injury risks, possible Workers Comp claims by volunteers that are hauling items
- Lack of Volunteers because it is perceived to be run by the Town
- Perception that clothing bank is open whenever Social Services is open
- Congestion in Social Services Office

**Recommendation #2: Town provides (rent/build/purchase) location for clothing bank. Clothing bank is run by outside entity, ie Interfaith Council, Town Advisory Board, etc.**

Pros:

- Build community cooperation
- Reduce responsibility of the Town
- Flexible schedule/hours
- Keep Town Hall clean
- More volunteer participation
- Alleviate congestion in Social Services

Cons:

- Cost to Town, up to \$20,000/year. (Rent estimated at \$12-\$15 per square foot.)
- Lack of available property
- Formation of Advisory Board or Inter-Faith Council to manage clothing bank, accountable to the Town