

Town of West Yellowstone

Tuesday, November 17, 2015

West Yellowstone Town Hall, 440 Yellowstone Avenue

Work Session & Town Council Meeting

6:00 PM

Draft Health Care Services RFP, Appendix B

Discussion ∞

7:00 PM

Pledge of Allegiance

Purchase Orders

Treasurer's Report & Securities Report

Claims ∞

Consent Agenda: **November 17, 2015 Town Council Meeting** ∞

Business License Applications

- 4 Big Fish, LLC ∞

Advisory Board Report(s)

Operations Manager & Department Head Reports

Assignments Report

Comment Period

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

NEW BUSINESS

Sewer Lagoon Appraisal and Lease

Discussion ∞

Correspondence/FYI

- West Yellowstone Municipal General Election, Canvass of Votes Cast, November 3, 2015 ∞
- North Hebgen Multiple Resource Project Scoping Update ∞

Meeting Reminders



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

Public Hearing/Public Meeting

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

Oral Communication

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

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

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

REQUEST FOR PROPOSALS

Health Care Services Provider
For West Yellowstone, Montana

DUE DATE:

March 1, 2015

I. INTRODUCTION

A. GENERAL INFORMATION

Notice of Invitation—The Town of West Yellowstone (“the Town”) is seeking proposals from qualified firms, agencies, or organizations to provide health care services to the greater West Yellowstone community. These services may be provided from the facility currently known as the Guy Hanson Medical Clinic. There are no expressed or implied obligations for the Town to reimburse responding agencies for any expenses incurred in preparing proposals in response to this request.

1. Proposal Submission. Prospective providers should submit detailed proposals on or before 5:00 PM on March 1, 2016. Proposals should be mailed or delivered to:

Brad Schmier, Mayor

Town of West Yellowstone

P.O. Box 1570

West Yellowstone, Montana 59758

“Sealed Proposal Do Not Open”

Proposal cover letters should designate who can answer questions concerning the submitted proposals. An officer empowered to bind the agency submitting the proposal must sign the proposal.

2. Proposal Format. One original copy of the proposal should be submitted in the format outlined in Section III, “Proposal Document Instructions.”
3. Contract Terms. The Town is seeking a contract initially with a term from January 1, 2017 to June 31, 2022.
4. All agencies submitting a proposal shall agree not to include a provision in any contract or agreement with the Town requiring the Town to hold harmless or indemnify any person, partnership, association, corporation or other form of entity.
5. By responding to the RFP, the agency is agreeing to the terms, conditions and requirements set forth herein, unless expressly noted in writing in the firm’s written submission.
6. Schedule of key dates:
 - a. March 1, 2016: Submit sealed proposals by 5:00 PM.
 - b. January 1, 2017: Begin providing health care services.

7. The RFP is not to be construed as creating a contractual relationship between the Town and any agency submitting a response to this RFP.
8. The Town shall have no obligation or liability to any agency responding to this RFP. All costs associated with responding to this RFP are borne solely by the respondent.
9. The Town may require follow-up oral interviews with selected respondents and may require the respondents to participate in negotiations.
10. The Town reserves the right to reject any or all responses, to modify the scope with one or more of the respondents, and to waive any/all requirements which the Town deems to be in its best interests.
11. By submitting the information the agency represents that it has examined and understands the RFP and has become fully informed of all the requirements of the RFP. All terms and conditions set forth in this document are accepted and must be incorporated in the submission unless explicit exception is made to individual items and accepted by the Town.
12. By submitting a response, the agency represents that it has the ability to meet the requirements outlined herein.
13. After evaluation of the responses, the Town will make its selection based on the response which best meets the needs of the Town, in the sole discretion of the Town.
 - a. This Request for Proposals is not intended to create a public bidding process.
 - b. The proposal with the lowest quoted prices or expenses will not necessarily be accepted.
 - c. Nor will any reason for the rejection of any proposal be indicated.
 - d. The Town reserves the right to privately negotiate with any firm with respect to the requirements outlined in this Request for Proposals.

B. EVALUATION AND SELECTION OF PROPOSALS

The Town will perform the evaluation of proposals in accordance with the criteria set forth in Appendix A. The following criteria will also be considered in the evaluation:

1. The agency has no conflicts of interest with regard to any other work performed for the Town.
2. The agency adheres to the instructions in this request for proposal on preparing and submitting the proposal.
3. The agency's past experience and performance on comparable engagements.
4. The quality of the agency's professional personnel to be assigned to the engagement and the quality of the agency's management support personnel to be available for consultation.
5. The agency's ability to serve the entire population, regardless of income or insurance status.

6. Other criteria deemed prudent.
7. The Town reserves the right to retain all proposals submitted and use any idea in a proposal regardless of whether that proposal is selected.

C. SUBCONTRACTING

Agencies are not permitted to subcontract or assign any part of the work covered under the scope of the agreement, without the express prior written consent of the Town.

D. MINORITY AND WOMEN-OWNED BUSINESSES

Minority-owned firms and women's business enterprises are encouraged to submit proposals.

II. NATURE OF SERVICES

The Town of West Yellowstone is seeking proposals from qualified firms, or organizations to provide health care services to the greater West Yellowstone community. These services will be provided from the facility currently known as the Guy Hanson Medical Clinic.

If your organization is unable to provide any of the services listed below, please furnish the Town of West Yellowstone with a detailed plan of what you services you can provide us.

- 1) Provide primary health care for all ages with preferably a Physician and/or a mid-level provider and support staff YEAR ROUND.
- 2) Provide Urgent Care (walk-in service) 7 days a week in the high season from Memorial Day to the 1st Monday in November with preference of 24 hour service.
- 3) Provide after hours on-call Emergency service from 5:00-8:00pm weekdays and 8:00am-8:00pm on the weekends in the winter months from December 15 to March 15.
- 4) Provide visiting specialists and/or telemedicine on a normal rotation.
- 5) Provide a Community Outreach Coordinator
- 6) Provide Lab Services at a minimum of CLIA-WAIVED tests in-house.
- 7) Provide Digital X-Ray services
- 8) Coordination with EMS and Life Flight Service
- 9) Provide a Sliding Fee Scale based on family size and income in accordance with Federal Poverty Guidelines. Please state if your Sliding Fee Scale will only be in West Yellowstone or if other providers/specialists you work with will honor the Sliding Fee Scale too.
- 10) Provider will accept Medicaid, Medicare and Healthy Montana Kids assignment.

III. LEASE AND FINANCES

1. The Town will make its clinic facility available at a lease rate of \$100 per month.
2. The Town may provide financial assistance according to a mutually-agreed upon budget for services.

IV. PROPOSAL DOCUMENT INSTRUCTIONS

A. General Requirements

Proposals should be printed on plain white paper and bound with one staple or binder clip.

Proposals should include the following:

1. Title page, including:
 - a. The name, address, and phone number of the agency's contact person
 - b. The name and address of the agency
2. Table of contents
3. A cover letter, including:
 - a. A brief statement as to the proposer's understanding of the work to be performed, the commitment to perform the work, and a statement as to why the agency believes it to be the best qualified to perform the engagement.
 - b. A signature of the person authorized to commit the agency.
4. Body of proposal—see below

B. Body of Proposal

The purpose of the proposal is to demonstrate the qualifications, competence, and capacity of the agencies seeking to undertake duties as the main health care provider services for the Town in conformity with the requirements of this request for proposals. As such, the substance of proposals will carry more weight than their form or manner of presentation.

1. The proposal should demonstrate the qualifications of the agency and of the particular staff to be assigned to this engagement.
2. The proposal should include a business plan and budget that addresses all of the points outlined in the request for proposal. The proposal should be prepared simply and economically, providing a straightforward, concise description of the proposer's capabilities to satisfy the requirements of the request for proposal.
3. The proposal should address the agency's staffing plans.
4. Licensed in Montana—an affirmative statement should be included indicating that the agency is properly registered/licensed to operate in Montana.
5. Agency Qualifications and Experience—The proposal should state the qualifications of the agency, how many doctors/nurse practitioners/nurses and other staff it employs, and location of other offices from which the agency conducts business. If applicable, the proposal should also discuss how long the agency has been in business and its capabilities to provide emergency, routine, and specialty health care services in a timely fashion.

6. Disclosure—the proposal should disclose whether or not the agency has had any malpractice suits, has lost privileges with a hospital, has been denied or lost any insurance contracts, or has had any formal complaints filed against them with a board of medical examiners and/or board of nursing.

C. Other Expenses

The Town will not be responsible for expenses incurred in preparing and submitting the proposal. Such costs should not be included in the proposal.

V. SPECIAL PROGRAMS

A. Contract Period

The Town's contract with the selected health care provider will apply from January 1, 2017 to June 31, 2022.

B. Assignability

The selected health care provider cannot transfer any interest or provide for the assignment of health care services with the Town, without the expressed written permission and written consent of the Town Council.

C. Ownership

All proposals and reports become the property of the Town of West Yellowstone upon submission, for use as deemed appropriate.

D. Confidentiality

All proposals, for the purpose of bidding will be kept in strict confidence by the Town of West Yellowstone. The invitees and subsequently selected agency may not issue news releases or other public notification regarding this project without prior approval from the Town Council, which shall not be unreasonably withheld.

APPENDIX A

After determining that a proposal satisfies the requirements stated in the request for proposal, a comparative assessment of the relative benefits and deficiencies of the proposal in relationship to published evaluation criteria shall be made. The award of a contract resulting from this request for services shall be based on the best proposal received in accordance with the evaluation criteria stated in Appendix B.

After an initial screening process of the RFP, a technical question-and-answer conference or interview may be conducted, if deemed necessary by the Town to clarify or verify the proposer's proposal and to develop a comprehensive assessment of the service.

The Town of West Yellowstone reserves the right to consider historic information and fact, whether gained from the proposer's proposal, question-and-answer conferences, references or any other source, in the evaluation process.

The proposer is cautioned that it is the proposer's sole responsibility to submit information related to the evaluation categories and that the Town of West Yellowstone is under no obligation to solicit such information if it is not included with the proposer's proposal. Failure of the proposer to submit such information may cause an adverse impact on the evaluation of the proposer's proposal.

APPENDIX B

PROPOSAL EVALUATION CRITERIA AND RATINGS

- 1. Agency Qualifications - Point Value 25%**
 - a. Experience of organization/agency in providing medical care in rural setting**
 - b. Level of Service- i.e. DO/Physician or mid-level (qualifications of staff)**
 - c. Staffing Plan**
 - d. Experience coordination community resources**
 - e. References/Letters of Support**
- 2. Provision of Services - Point Value 25%**
 - a. Hours of Operation, please be specific with seasonality of community**
 - b. Ability to provide primary care**
 - c. Ability to provide urgent care**
 - d. Ability to provide on-call service**
 - e. Ability to provide digital X-Ray PASS/FAIL**
 - f. Ability to provide lab services PASS/FAIL**
- 3. Ability to Serve Town of West Yellowstone Regardless of Ability to Pay -Point Value 25%**
 - a. Accepts Assignment of Medicare/Medicaid/Healthy Montana Kids PASS/FAIL**
 - b. Offers Sliding Fee Scale PASS/FAIL**
 - c. Ability to Connect Patients to Other Human Services – i.e. home visitation, maternal child health, HRDC, domestic abuse, mental health etc.**
- 4. Budget Proposals -Point Value 25%**

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting & Work Session
November 3, 2015

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

OTHERS PRESENT: Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Chief of Police Scott Newell, Social Services Director Kathi Arnado

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

Portions of the meeting are being recorded.

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

WORK SESSION

The purpose of the work session is to discuss the draft Health Care Services Request for Proposals, specifically Appendix B. Appendix B is the portion of the document that outlines how the proposals will be scored. Mayor Schmier asked the Council Members at a previous meeting to consider what qualities should be valued the most in the responses. Forsythe says that he thinks they should approach this the same way they approached the Town Operations Manager applicants. He elaborates and points out that they read all the applications, conducted interviews, and they selected the people they thought were the best. The Council discusses whether a scoring system is necessary or how to weigh the responses. There are differing opinions about what elements are the most important or how to establish that. Johnson describes a possible system that would have required elements and then preferred elements. The Council focuses on Section II. Nature of Services Requested. They discuss which services should be required and which services are requested. After lengthy discussion, the Council agrees to a list of minimum requirements but determines that they will need to have another work session prior to releasing the RFP. A work session is tentatively scheduled for November 17, 2015.

ACTION TAKEN

- 1) Motion carried to approve the claims which total \$35,912.72. (Parker, Costello) Johnson asks for more information about the breakdown of the legal bill, considering it was over \$7000 for one month.
- 2) Motion carried to approve the Consent Agenda, which includes the minutes of the October 20, 2015 Town Council Meeting and October 27, 2015 Work Session. (Parker, Forsythe)
- 3) Motion carried to approve the business license application for A Clean Experience, a cleaning business applied for by Jillian Cree. (Parker, Forsythe)
- 4) Motion carried to approve the business license application for Rugged Solutions, a snow removal business. (Forsythe, Costello)
- 5) Motion carried to approve the Interlocal Agreement, Bill of Sale, Lease, and Resolution. (Costello, Forsythe) Johnson is opposed, motion passes.
- 6) Motion carried to increase the salary of the Public Services Superintendent, retroactive to July 2014, for James Patterson by 6.3% based on previous experience. (Johnson, Parker)

Public Comment

Kirstin Goldstein, an Americorps VISTA, says that she has heard some feedback from the community on the Housing Plan and Housing Needs Assessment, but she has not heard any feedback from the Town Council. She says she thinks it would be very valuable to hear from the Council on those two documents.

Council Comments

Jerry Johnson mentions that Sam Johnston, a former resident, is in his last days and encourages everyone to keep him and his family in their thoughts. John and Becky Tebby's son also recently passed away as well as Ellie Povah. Condolences are expressed for both families.

- 5) Mayor Schmier explains that they have had extensive discussion over the past year about selling Fire Station One (400 Yellowstone Avenue) to Hebgen Basin Rural Fire District (HBRFD). The current proposal is to sell the building to HBRFD, lease the land to the district, and approve a new interlocal agreement. Costello explains that the proposed purchase would be accomplished by a down payment of \$100,000 and then a reduction or debt forgiveness until the full amount of \$533,000 has been retained by the Town. Johnson asks multiple questions about all four documents, including questions about the boundaries of the parcel, hydrant maintenance, and resort tax calculations. Johnson expresses concerns about the how the agreement is structured and why the Town is banking for the County, a much larger organization with a much larger budget. He also expresses concerns about a quorum of the Council working on the project together to put together a proposal. The staff expresses concerns about proceeding with the approval of the documents without sufficient public notice or having the documents in final form and ready for signature. Schmier points out that when they received comments on this topic several months ago, the prevailing opinion was that the Town should not sell the building for less than it is worth. Forsythe agrees and says that he believes selling the building as outlined will save the Town a considerable amount of money. The Council considers tabling the item and making an effort to publicize the sale of the building for final consideration at the next meeting. Richard Gibson says he supports the sale of the building and the fire department deserves it. Teri Gibson says that the public that has commented previously seemed to only care that they were considering selling the property for less than fair market value.
- A) **Advisory Board Reports:** Public Services Superintendent James Patterson reports that the Planning Board met last night and the meeting was also attended by Town Engineer Dick Dyer. They discussed the Growth Policy as well as access from lots and interior parks. Johnson asks about a recommendation from Town Attorney Jane Mersen to use a specialist when reviewing the zoning regulations. Patterson says that has been discussed but says they also determined that Dyer has that same expertise and is already working with the Town.
- B) **Operations Manager/Department Head Reports:** Mayor Schmier reports that they are preparing for Town Operations Manager interviews next week. A community open house will be held on Wednesday, November 11, 2015 and interviews will be held the next day. Four candidates are expected to attend the interviews. Schmier also mentions that they are still waiting for a response from the State Certified Appraiser on the sewer lagoon appraisal and they also need to schedule a meeting with Anna Callahan to discuss the draft Buy/Sell Agreement for the 80 acres from the US Forest Service. Patterson reports that the walls of the ice skating rink have been put up and they will be in early tomorrow morning to clear the snow and slush that fell today from the streets. He also reports that the pilot valve on the water tank has failed and must be replaced. Schmier also mentions that Dyer is completing the water and sewer rate reviews, which the Town Council will discuss at a future meeting. Social Services Director Kathi Arnado reports that they are very busy with unemployment filings. They are preparing to collect donations for Thanksgiving baskets and for the Christmas Star program. Chief of Police Scott Newell reports that Matt Lovingier is working through field training and he projects he will be able to patrol independently on November 29, 2015 and will no longer need assistance from the County. Sabrah Van Leeuwen will start the MLEA the first part of January. They are still having trouble with the 2011 Ford Expedition and have had multiple slide-offs over the last two days. He also mentions that they only received one application for dispatcher so they have extended the deadline until November 13, 2015.

November 3, 2015
Town Council Work Session & Meeting
Minutes, Page 3

CORRESPONDENCE/FYI

Dated October 21, 2015, Vickie Barta sends the Council an email resigning from the Parks and Recreation Board. The Council thanks Barta for her service.

8:55 PM The Council adjourns into Executive Session to discuss a personnel issue. The Council reconvenes at 9:25 PM.

The meeting is adjourned. (9:30 PM)

Mayor

ATTEST:

Town Clerk

Town of West Yellowstone Business License Application

Business Name: 4 Big Fish
Applicant: Sarah Heames
Contact Person: Sarah Heames
Mailing Address: PO Box 1022
Physical Address of Business: 640 firchale Ave
Phone Number: 406-640-1441 Fax Number: _____
Email Address: srodcau@yahoo.com Website: _____

Signature of Property Owner of Record: Sarah Heames

Subdivision: Old Town
Block: 21 Lot: 5

Zoning District, please mark one:

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

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

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

Nightly Rental

Business License Fee: \$ 50.00
Resort Tax Bond: \$ 500.00
Total Amount Due: \$ 550.00

Sarah Heames
Signature of Applicant

Signature of Applicant

Date

FOR OFFICE USE ONLY

Date Approved by Town Council: _____
Date 11/11/15 Check # 1031 Amount \$ 550.00 License # _____

SCN _____ BLP _____ STX _____ BLC _____ RDX _____



from the desk of:
Joel Peterson
Appraisal Inc.
600 N Wallace
Suite 1
Bozeman, MT 59715

September 17, 2015

Elizabeth Roos, Town Clerk
Town of West Yellowstone
Town Hall
West Yellowstone, MT 59758

Re: West Yellowstone Sewer Lagoon Tract, West Yellowstone, MT 59758

Dear Ms. Roos:

Pursuant to your request, I have visited and appraised the real property known locally as the West Yellowstone Sewer Lagoon Tract. The date of the property visit was August 22, 2015, which is also the effective date of this appraisal. Ownership is in the name of the State of Montana.

The subject property consists of an approximate 43.11-acre tract that is leased by the Town of West Yellowstone. The majority of the tract has been developed to accommodate the Town of West Yellowstone's sewage disposal system. This tract is located at the very southern end of the West Yellowstone Airport Tract that is under the ownership of the State of Montana Department of Transportation Aeronautics Division. The subject functions as the treatment area for the sewage system for West Yellowstone, MT, a gateway community to Yellowstone National Park.

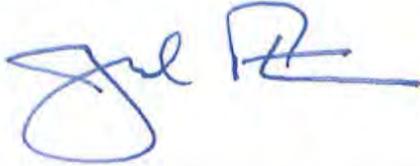
The property right being appraised is the fee simple interest. The subject property is appraised as if it were an unimproved, vacant, in a non-governmental ownership and available to the general public for purchase. Therefore, the market value conclusion is based upon a **Hypothetical Condition**. *Hypothetical Condition* is defined by USPAP as follows: "A condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis."

The intended users of this summary report are the client and the ownership. The purpose of the appraisal is to determine fair market value for accounting purposes and for calculating the proposed lease payment.

My valuation is based on the consideration of market data derived from recent land sales in the area. This appraisal conforms to the Uniform Standards of Professional Appraisal Practice (USPAP), Standards 1 and 2, and is reported in a summary format.

It is my conclusion, that as of the effective date of the appraisal, August 22, 2015, the market value of the subject property would be **\$389,000**, based on a **Hypothetical Condition** that the property is unimproved, vacant, and in a non-governmental ownership and available to the general public for purchase. As required by USPAP, the intended users of this report are hereby advised that my use of this **Hypothetical Condition** may affect assignment results.

Respectfully submitted,



Joel Peterson
MT Certified General Appraiser #163
Expires 03/31/2016

Summary of Important Facts and Conclusions

Address: The subject property has no physical address
Located west of West Yellowstone, MT 59758

Effective Date of

Appraisal: August 22, 2015

Date of Report: September 17, 2015

Owner: State of Montana Department of Transportation Aeronautics
Division.

Client: Elizabeth Roos, Town Clerk
Town of West Yellowstone
Town Hall
West Yellowstone, MT 59758

Intended Users: The client and the ownership

Parcel Id #: RRG63833 (entire airport tract)

Taxes, Includes

Specials: exempt

Comment: Exempt property

Legal Description: Southern portion of West Yellowstone Airport Tract that
lies south of Forest Service Road 291K located in
Sections 28 & 29, Township 13 South Range 5 East,
Gallatin County (abbreviated)

Summary Description:

Site Area: Estimated at 43.11 acres

Zoning: The subject site is not zoned

Building Area: Appraised as vacant land

Structure: na

Use: Vacant land

Value conclusion:

Sales Comparison \$389,000
Approach Conclusion:

Value Conclusion: \$389,000

Access road south side



Entry to lagoon site southeast corner of tract



Access road along east side



Access road along north side



Lagoon



Lagoon



Dry lagoon



Access on north side



Access on north side



Town bone yard



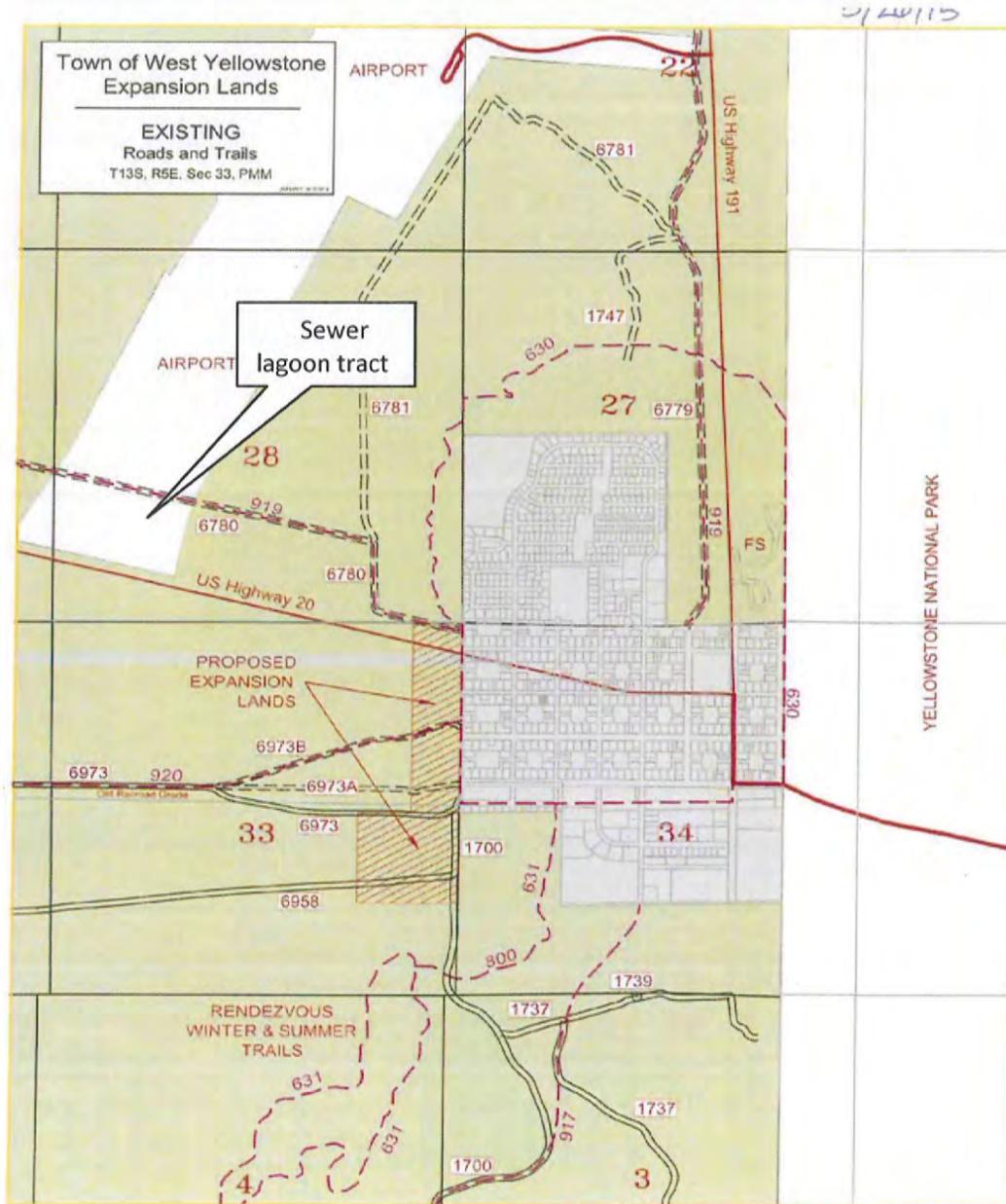


Figure 1 location map

**City of West Yellowstone
Sewage Treatment Lagoon Site
Lease Agreement**

THIS AGREEMENT, made and entered into this 1st day of July, 2015, by and between the STATE OF MONTANA, Department of Transportation acting by and through the State Aeronautics Division, its duly authorized agent, the Lessor; and the City of West Yellowstone, State of Montana, acting by and through its duly qualified and elected Board of City Commissioners, the Lessee,

WITNESSETH:

WHEREAS, the Lessor, has title to, and operates Yellowstone Airport at West Yellowstone, Montana, and in connection therewith, owns and has title to that certain real estate and real property located in County of Gallatin, State of Montana, a part of which is described as follows:

Beginning at a point on the East Boundary Line of the West Yellowstone Airport, said point being 10 feet distance (Northerly) from the existing telephone line and North 76 degrees 05' 45" West a distance of 153 feet more or less to point of beginning of said parcel: thence North 76 degrees 05' 45" West, more or less, parallel to the South airport property line a distance of 2,218 feet, more or less, to the West Boundary Line of the Airport; thence North 34 degrees 48' 31" East along the West Boundary Line a distance of 934 feet, more or less, to a point 10 feet distant (Southerly) from the existing power line; thence South 76 degrees 05' 45" East, more or less, parallel to the South airport property line a distance of 1,943 feet, more or less, thence South 17 degrees 44' 49" West, 875 feet more or less, parallel to the East Boundary of the Airport to the point of beginning.

And, WHEREAS, the Lessee has erected, and constructed, and desires to maintain, repair, and alter a sewage treatment lagoon and site on the above-described premises;

NOW, THEREFORE, it is hereby agreed as follows:

The Lessor does hereby grant, assign, and set over to the Lessee the right to maintain and alter upon the above-described premises a sewage treatment facility to be used in connection with the sewer system in the City known as West Yellowstone, Montana.

Lessee shall pay to Lessor the total sums according to the following schedule for rental of the above-described premises.

Fiscal Year(s)	\$ Per Sq. / Ft.	\$ Per Year
2016, 2017, 2018	.0325	\$61,031
2019, 2020	.035	\$65,725
2021, 2022	.0375	\$70,420
2023, 2024, 2025	.04	\$75,115

It is further mutually understood as follows:

1. That said lease is given subject to that certain deed given by the United States of America to the State of Montana, which deed is dated the 7th day of October, 1963, and filed for record on the 22nd day of July, 1965, in Book 148 of Deeds, at page 425, in the office of the County Clerk and Recorder of Gallatin County, Montana, and is further subject to all of said restrictions and covenants therein contained, insofar as applied to this treatment facility.

2. TO HAVE TO HOLD said lease, right, and right-of-way unto Lessee, its successors or assigns for a period of ten (10) years or until June 30, 2025, but under the specific conditions, restrictions, and considerations, as follows:
 - a. In the event of default in annual payment, Lessee shall have 60 days to remedy before lease is terminated according to 2 b) below.

 - b. That if, during said period of ten (10) years, the Lessee, its successors or assigns, should cease to use the property herein described for a sewage treatment facility or default on annual lease payment, this lease shall automatically terminate. In the event of lease termination, the Lessee shall return the leased area to its original condition. This will require filling with native soils, grading and removal of all constructed features.

 - c. Termination for Convenience. The Lessor may, by written notice to the Lessee, terminate this lease at anytime without cause. The Lessor must give notice of termination to the Lessor at least 30 days prior to the effective date of termination.

 - d. That so long as said site is used for a sewage treatment facility, this Lease may be renewed for a ten (10) year period at the option of the Lessor.

 - e. The separation distance between the runway and wastewater treatment facility is less than prescribed by FAA Order 5200.5a, Waste Disposal Sites on or Near Airports, dated January 31, 1990. Lessee shall be required to mitigate any hazards to safe operation of the airport created by the attraction of wildlife, in particular waterfowl to the wastewater treatment facility.

- f. Lessee shall cease operation of the wastewater treatment facility if wildlife, in particular waterfowl, are shown to be attracted to the wastewater facility and cannot be controlled by Lessee.
- g. No structure, building, or dike will be constructed upon said premises that would protrude into the 50:1 approach surface as defined by Federal Aviation Regulations Part 77.
- h. No construction or installation of any underground fuel storage tank dispensing system located on leased property will be allowed.
- i. Lessee may not assign or sublet this lease without prior consent of Lessor.
- j. The Lessee shall be responsible for acquiring whatever insurance the Lessee deems necessary to safeguard the Lessee's interest in the Lessee's real and personal property stored on subject airport and, in this regard, expressly covenants and agrees to assert no claim against Lessor as a result of loss or damage to any real or personal property stored on subject airport belonging to Lessee resulting from actions of any third party. The Lessee hereby covenants and agrees to take whatever steps the Lessee sees fit to take in protecting the Lessee's person and property from loss or damage as the result of vandalism, malicious mischief, theft, or kindred losses, and, in this regard, agrees to assert no such claim against the Lessor incident thereto.
- k. All losses suffered by the Lessee resulting from the criminal activity of others shall be reported to the police or sheriff's department having jurisdiction. The Lessor assumes no responsibility for such losses.
- l. In the event that soils or other materials are found on the leased site that are "Hazardous or Deleterious Substances" as defined by the Montana Comprehensive Environmental Cleanup and Responsibility Act, 75-10-701 et. Seq., Mont. Code Ann. ("CERCRA"), "Hazardous Substances: as defined by the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. S9600, et. Seq. ("CERCLA"), "Hazardous Waste" as defined by the Montana Hazardous Waste and Underground Storage Tank Act, S75-10-401, et. Seq., or the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery act, 42 U.S.C. S6901 et. Seq., or which require special remediation or disposal pursuant to any other applicable law, Lessee shall excavate, handle and dispose of such soils or other materials only in compliance with such statutes and regulations. In the event that the Lessee leaves any of the above, described materials on the property, the Lessor may, at its option, have the wastes properly disposed of at the cost of storage, transport and disposal. All Hazardous Materials must be appropriately labeled and stored.

- m. In the event that a hazardous material spill occurs on the property, it is the responsibility of the Lessee to have the spill cleaned up according to State and Federal Laws and Regulations. In the event that drains or floor sumps are contaminated, it will be the responsibility of the Lessee to clean up those systems. Lessor is aware that there are significant penalties for improperly disposing of wastes or submitting false information, including the possibility of fine and imprisonment for knowing violations.
- n. Lessee agrees to indemnify and hold harmless the Lessor from any and all actions, claims, demands, liabilities, losses, damages, expenses, clean-up costs, or judgments (including attorney's fees), and damage to property or for loss of use of property, or for any other cause, which may be imposed, or that the Lessor may sustain, as a result of this project's impact on any hazardous or deleterious waste, as defined in section 75-10-701, MCA, or any solid wastes, which are located on the land being leased.
- o. Venues and Interpretation. The laws of Montana govern this Lease. The parties agree that any litigation concerning this lease must be brought in the First Judicial District in and for the County of Lewis & Clark, State of Montana and each party shall pay its own costs and attorney fees.
- p. Lessee is to comply with all State and Federal requirements regarding operation of public sewage treatment facility. Lessee is to comply with all State and Federal permitting requirements including proper approvals from Water Quality Bureau, Montana Department of Health and Environmental Sciences and other permits as applicable to a public sewage treatment facility.

IN WITNESS WHEREOF, the parties hereto have caused their duly authorized officers, and agents, to affix their names and corporate seal, the day and year first above written.

STATE OF MONTANA, Acting By and Through The Montana State Aeronautics Division.

By _____
Administrator

CITY OF WEST YELLOWSTONE

By _____
Chairman, City Commissioners
City of West Yellowstone, MT

Approved for Legal Content

Elizabeth Roos

From: Winston Dyer <wdyer@thedyergroup.com>
Sent: Tuesday, May 26, 2015 2:47 PM
To: Brad Schmier; Brad Schmier; James Patterson
Cc: 'Elizabeth Roos'; Jane Mersen
Subject: Treatment Plant Lease Renewal

Gentlemen – I've been thinking a little bit about the lease renewal for the treatment plant property and am particularly troubled by the proposed ~455% increase in the lease. Following are some questions I think would be appropriate to ask of the administrators who are coming tonight...and other thoughts for consideration and discussion as you move forward.

In my mind first, in a spirit of fairness to aeronautics, we need to understand why the almost five-fold increase in the lease payment. What has changed in the operation and administration of this lease that requires that much additional involvement? To my knowledge they never do anything – I've never seen them on-site, we've never had any interaction with them other than at lease renewal time, and for my part I've never heard from any of them or had concerns passed on about the ongoing operation and maintenance of your treatment facilities – so what is the cost of operating and maintaining the lease? Admittedly mine is certainly a limited perspective, but it looks like all they have to do is renew a lease document once every 10 years and collect your annual payments and deposit them...hardly worth \$61k per year. Why do they feel they are justified or need to charge this exorbitant lease fee?

Then I would want to know what their lease charges are to the hangars at the airport. They may not be willing to be forthcoming with such information because normally they treat their aircraft owners quite well in order to have a functional and busy airport. I'm guessing there would be quite a disparity and they would not be charging hangar leaseholders anywhere near what they are proposing for your lagoons on a proportionate basis.

At this point I'm really just a third-party observer, but it sure appears to me like they are trying to use lease arrangement/payments to try and drive you from the property. I'm not so sure that wouldn't be a great direct question to ask them tonight. I don't know if they understand that there is nowhere else for you to go – you have environmental restrictions about having to be away from developed residential and commercial property, and the Town is landlocked by federal land...so you haven't anywhere else to go.

I don't know what other issues they have other than the birds – which although everyone seems to be very concerned about it, I wonder if they have any recorded evidence or documentation that the birds have ever been a problem there or whether they are just stewing about it. Certainly airports like New York that are surrounded by water on three sides have a lot more concern about birds than your small little lagoons. Interestingly enough, the FAA standard they cite in the lease agreement (item number 2.e) was canceled on July 1, 1997 and only pertains to solid waste disposal sites – not lagoons. Admittedly though there is a more recent FAA Advisory Circular that would apply that does talk about existing wastewater treatment facilities on or near airports which states that "...the FAA strongly recommends that airport operators immediately correct any wildlife hazards arising from existing wastewater treatment facilities located on or near the airport...". So I'm guessing that's probably the issue.

The only operational concern I've ever known about was during the street project we had some excavated material temporarily stockpiled not far from their radio approach beacon and they were all worried about it causing trouble with transmission, so we *immediately* removed it. Like I say, I've never heard any other concerns about operation and maintenance of the lagoons interfering with the airport operation whatsoever (other than the bird thing, which appears to be more of a worry and "what if").

Now lastly, I have been a certified right-of-way negotiator for many years and have negotiated acquisition of rights-of-way and property for many public works projects – mostly rights-of-way for streets and roads, but also for treatment plants, wells, reservoir sites, pump stations, etc. Sometimes where property owners are not willing to divest of the property, we negotiate for a permanent easement if we have something like a storage pond or maybe a permanent fill slope for a roadway that needs to encroach upon property. In the right-of-way acquisition world the common value for a permanent easement is 10% of the value property which is paid up front and then an agreement is reached to be able to have the permanent encroachment.

The area of your lagoons is 41.67 acres (by the way, check their math on the proposed lease payment – it looks like it's a couple thousand dollars a year too high). If we use the recent appraised value of \$19,000 per acre for the expansion area (I don't know why the lagoon site would be any different), then the value of a permanent easement would be \$79,173. This would be a one-time payment and then we would be done with the ongoing lease payments and would just operate our wastewater facilities as we currently do, or in accordance with some easement agreement that is drawn up. I wonder if the State would be open to our purchasing and obtaining a permanent easement for the property?

Now to carry it a step further, and probably not for discussing openly in tonight's meeting as we don't want to antagonize or appear threatening, but I would talk with Jane about the ability of the Town to possibly acquire the permanent easement through eminent domain (condemnation) if necessary. This would be done for the greater common good of the community needing to have a wastewater treatment and disposal area, and the current location effectively offering the only feasible option. I'm not certain how your existing Town limits go, but typically in a situation where the treatment plant is removed from the main town area, the town annexes up the highway to that point and includes the property. If the property is annexed into the Town then you probably have the capability of pursuing eminent domain for a permanent easement, but to be honest, I'm not sure what the requirements would be in Montana if it is not currently in the Town limits (or you could look at annexation if need be). At any rate, I'm sure Jane can advise.

I don't really understand how it is you could have had a lease all these many years and operate things with no problem or controversy and yet the lease rate keeps increasing like it is – especially this inexplicable, and for the moment apparently unjustified, 455% increase. While the State may indeed have the legal authority to try and do what they are proposing, a 455% increase in the lease rate without proper justification is morally bankrupt and we rightfully would expect them to come dressed for the occasion with a black patch over one eye and a muzzleloader tucked in their belt.

If they aren't willing to come to something more reasonable, I would certainly recommend that we start talking to our State legislative officials about how this action of a State agency is having a tremendous negative and direct financial impact on Montana citizens. Further, these particular citizens are the residents of West Yellowstone who are already tremendously burdened in having to construct and operate significant infrastructure well beyond what is needed for the permanent residents (to accommodate all the visitors) – which provides a significant tourist economy that the State directly benefits from. Certainly there should be some understanding and help from the legislators in a case like this...

I hope you don't mind me sharing my thoughts and viewpoint, but I felt it might be helpful in advance of tonight's discussion. Should you have questions or want to explore further any of the foregoing, please let me know...I'm fairly available the rest of the day and plan on being at your 6 PM meeting this evening. Thanks...Dick

*Winston R. Dyer, PE
The Dyer Group, LLC
208.390.9700 v, 656.8808 f
wdyer@theddyergroup.com*



File Code: 1950
Route To: 1950

Date: November 5, 2015

Subject: North Hebgen Multiple Resource Project Scoping Update

To: Interested party

Greetings, I wanted to let you know how the North Hebgen Project is progressing and let you know the types of comments we received during our scoping and public involvement efforts since January.

The Forest received forty comment letters from 45 individuals and 12 groups including advocacy groups, businesses and agencies. Comments were received on numerous issues relating to aesthetics, aquatic and amphibian species, aspen, clarification of the purpose, need and proposed action, climate change, costs to implement, cumulative effects, fire/fuels, forest health, forest plan consistency, implementation requests, invasive weeds, inventoried roadless area, NEPA process and disclosure, recreation and special uses, roads, snags, social issues, soils, vegetation (old growth, diversity, other), wildlife – diversity, elk, birds, bison, general (multispecies requests), management indicator species, threatened and endangered species - grizzly bear, Canada Lynx and wolves. The comments were extensive and included many nuances. Key messages are summarized in a few categories.

The Team also sponsored a series of public meetings with the Custer Gallatin Working Group Collaborative Committee and the public. Meetings and/or field trips were held on: 4/21/15, 7/15/15, 8/5/15, 9/16/15. These were opportunities for the Forest Service to provide more detail about the purpose and need, proposed actions and the alternative development process in response to the requests for better explanation. The public also had the opportunity to ask questions and visit the treatment areas.

NEPA process Commenters thought we should have disclosed more detail and analysis in the scoping document and that we should have provided more opportunity to comment. As a result, the comment period was extended for two weeks and 4 additional public engagement opportunities were held.

Response: *Scoping is the initial presentation of a proposed action to the public so that the public can present their initial concerns and the agency can take those concerns into account during project planning, alternative development and analysis.*

There was concern that the treatments would cause more harm than good and the trade-offs associated with the treatments would not be considered. **Response:** *Disclosing and evaluating the trade-offs is one of the primary goals in NEPA.*

Some people expressed concern that extensive NEPA violations had occurred. **Response:** *The NEPA process was initiated with 'scoping' so this type of comment indicated a misunderstanding*



of where the project was, in the NEPA process. In order to define mitigation and understand impacts, the team needs to conduct analysis first. The scoping alternative was the starting point.

Purpose/Need and Proposed Action Descriptions

Commenters did not have a good understanding of the purpose and need, the proposal, treatment descriptions or the maps. The extent of the proposal concerned some individuals. **Response:** *The team has worked to clarify the information through the public meetings and will continue to clarify in the NEPA disclosure.*

Commenters challenged the need for fuel reduction, aspen enhancement and treatment along roads and did not believe that the whitebark pine treatments would benefit whitebark pine forest or grizzly bear. Several people questioned the need to treat evacuation routes where there were only a few structures along a roadway. **Response:** *The team will work to provide more information.*

Visual Impacts and Sense of Place There was a heartfelt concern about how the area would look after treatments were done. Some residents were concerned that the project would negatively impact their “sense of place” due to changes in scenery, changes to nearby forest structure and impacts that might cause wildlife to avoid the area. Homeowners expressed great joy in watching wildlife where they live and some expressed concern about logging and roads nearby. **Response:** *The team will work to mitigate and disclose potential impacts.*

Invasive weed spread Weeds are big concern for residents and other stakeholders as they struggle to control weeds in their own subdivisions. The public wants effective weed control mitigation in place for this project. **Response:** *The agency is developing alternatives partly intended to reduce the amount or area impacted by weeds and is committed to implementing mitigation to reduce the spread of weeds.*

Old Growth forest There was concern about the loss of old growth forest and confusion about the proposed site specific amendment related to old growth. **Response:** *The identified amendment does not allow unlimited old growth logging. Rather, it changes the scale at which old growth is measured. The Forest published a decision for a Clean Up Amendment to the Forest Plan which eliminates the need for this site specific amendment.*

Wildlife Most of the comments related to wildlife. People value wildlife and want habitat preserved. They do not understand why the agency would manage for anything except wildlife. People want elk habitat preserved and hunting spots to be unchanged. They are concerned about the integrity of wildlife travel corridors to and from Yellowstone National Park. Concern for grizzly bear habitat and security was a priority. Stakeholders want consideration for bison migration and bison use of national forest system lands, as well as consideration for pending changes in bison management that could impact the project area. Impact to bird habitat is a concern for many. Commenters suggested that we consider a speed limit to reduce wildlife collisions rather than thinning to increase sight distance. Commenters requested extensive survey information, analysis, mapping and mitigation. **Response:** *The team is developing alternatives and mitigation that reduce impacts to wildlife. The biologist is working on extensive*

analysis to determine impacts and to help the line officer make a decision that meets the purpose and need while protecting habitat and meeting agency direction.

Other concerns

The amount temporary road proposed was a concern, and how the roads would be managed and reclaimed. **Response:** *The team will provide more detail.*

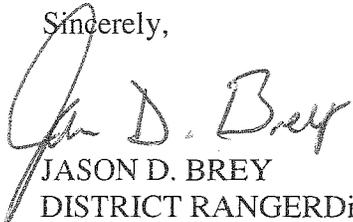
We were encouraged to protect special habitats like riparian areas; and to consider cumulative impacts. **Response:** *We protect these habitats as a standard operating procedure and cumulative effects analysis is also standard operating procedure in analysis.*

Locals want easily accessible firewood. **Response:** *We plan to incorporate opportunities where feasible.*

Forest Plan Consistency We heard that the Public did not understand the guidance that is provided in the Forest Plan and that commenters were concerned that the project would not be consistent with the Forest Plan direction. **Response:** *The proposed action was developed in direct response to the management Direction identified in the Plan. The project is designed to adhere to Forest Plan standards. It became clear that the Agency could explain this relationship more effectively.*

The interdisciplinary team is analyzing the potential impacts associated with the alternatives that have been developed. The Gallatin Forest Webpage has Draft Alternative maps if you are interested in seeing the range of alternatives. We plan to publish a NEPA document this winter. There will be a public comment period at that time. If you have questions please contact Teri Seth at tseth@fs.fed.us. Thank you for your interest in the project.

Sincerely,



JASON D. BREY

DISTRICT RANGER District Ranger

cc: jbrey@fs.fed.us, tseth@fs.fed.us

TOWN OF WEST YELLOWSTONE
MONTANA
Naturally inviting!

November 10, 2015

Mr. Sean Becker
Administrator, Montana Office of Tourism and Business Development
Montana Department of Commerce
PO Box 200501
Helena, MT 59620-0501

Dear Mr. Becker:

The Town of West Yellowstone supports the application of the Northern Rocky Mountain Economic Development District's (NRMEDD) to serve as a Certified Regional Development Corporation (CRDC).

The NRMEDD has long been active in our area supporting business and industry. It has a proven record of promoting the economic development interests of Gallatin and Park counties and its 27 member board with county commissioners, mayors, MSU, the airport and major business leaders is broadly representative of this area's business and political community.

NRMEDD management team has experience with state and federally funded programs including HUD Community Development Block Grants, Big Sky Trust Fund and revolving loan funds. The organization can be counted on to faithfully represent CRDC's programs.

Sincerely,



Brad Schmier
Mayor



TOWN OF WEST YELLOWSTONE
MONTANA
naturally inviting

PUBLIC NOTICE
Parks & Recreation
Advisory Board Vacancy

The West Yellowstone Town Council is seeking interested individuals to serve on the West Yellowstone Parks & Recreation Advisory Board. This board will advise the Town Council regarding park and recreation policies, facilities, programs, maintenance, development, funding, and other related needs of the community. Current projects include the development of Pioneer Park (aka “the City Park”) in accordance with the adopted plan. Board members are appointed by the Town Council for a term of four years. In order to provide for staggered terms, some initial appointments will be shorter.

Interested individuals should complete and return the ‘Application for Boards and Committees’ which is available from the Town Hall, 440 Yellowstone Avenue, West Yellowstone, MT. This position is open until filled. For more information or to request an application by e-mail, please contact the Town Offices, 646-7795, or info@townofwestyellowstone.com.

Elizabeth Roos
Town Clerk

