

# Town of West Yellowstone

Tuesday, April 9, 2024

West Yellowstone Town Hall, 440 Yellowstone Avenue

The Town Council work session/meeting will be conducted in person and virtually using ZOOM, connect at zoom.us or through the Zoom Cloud Meetings mobile app.

Meeting ID: 893 834 1297.

## WORK SESSION

5:00 PM

### Engineering Services Presentations

- 5:00 PM - Thomas Dean & Hoskins
- 5:30 PM – WGM Group
- 6:00 PM – Hyalite Engineers, PLLC
- 6:30 PM – Forsgren Associates, Inc.

## TOWN COUNCIL MEETING

7:00 PM

Pledge of Allegiance

Comment Period

- Public Comment
- Council Comments

Treasurer's & Securities Reports

Purchase Orders #6615 to Tri State Excavating, snow removal February 2024, \$7,884.37

Claims

Business License Applications

Consent Agenda

Minutes: **March 19, 2024 Town Council Meeting**

Town Manager & Staff Reports

Advisory Board Reports

### NEW BUSINESS

---

Employee Personnel Policy Manual Update	Discussion/Action
Site Plan Review, 3 Yellowstone Avenue, C. Parker	Discussion/Action
Billings Clinic Annual Update, Risk Share Agreement Payment, \$200,000	Discussion/Action
Hebgen Basin Fire District request for payment for clearing fire hydrants, \$3003.75	Discussion/Action
Resolution No. 799, Parks & Recreation Advisory Board	Discussion/Action
Town Manager Employment Contract, Potential Executive Session	Discussion/Action
Correspondence/FYI/Meeting Reminder	

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



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

Public Hearing/Public Meeting

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

Oral Communication

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

- No member of the public shall be heard until recognized by the presiding officer.
- Public comments related to non-agenda items will only be heard during the Public Comment portion of the meeting unless the issue is a Public Hearing. Public comments specifically related to an agenda item will be heard immediately prior to the Council taking up the item for deliberation.
- Speakers must state their name for the record.
- Any citizen requesting to speak shall limit him or herself to matters of fact regarding the issue of concern.
- Comments should be limited to three (3) minutes unless prior approval by the presiding officer.
- If a representative is elected to speak for a group, the presiding officer may approve an increased time allotment.
- If a response from the Council or Board is requested by the speaker and cannot be made verbally at the Council or Board meeting, the speaker's concerns should be addressed in writing within two weeks.
- Personal attacks made publicly toward any citizen, council member, or town employees are not allowed. Citizens are encouraged to bring their complaints regarding employee performance through the supervisory chain of command. Any member of the public interrupting Town Council proceedings, approaching the dais without permission, otherwise creating a disturbance, or failing to abide by these rules of procedure in addressing Town Council, shall be deemed to have disrupted a public meeting and, at the direction of the presiding officer, shall be removed from the meeting room by Police Department personnel or other agent designated by Town Council or Town Manager.

General Town Council Meeting Information

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



Engineering Interview Schedule  
April 9, 2024  
West Yellowstone Town Council Work Session

5:00PM TD&H Engineering. Kyle Scarr, Matt McGee.

5:30PM WGM Group. Shane Strong, Mace Mangold, and Dylan Pipinich.

6:00PM Hyalite Engineers. Scott Hazelton, James Connolly, and Sarah Friederichs.

6:30PM Forsgren. Dave Noel, Kevin Harris, Camille Miller.

<b>Town of West Yellowstone</b>				
<b>ENGINEERING SERVICES SCORING SHEET</b>				
	<b>TD&amp;H</b>	<b>WGM</b>	<b>Hyalite</b>	<b>Forsgren</b>
Firm's Ability. The ability of the Firm to provide quality municipal engineering services at a reasonable cost. 25 pts				
Firm's Experience. The Firm's experience with and expertise in municipal engineering services as listed in the Scope of Services. 25pts				
Primary Experience. The experience and qualifications of the Firm's staff that will have primary contact with Town staff. 15 pts				
Timeliness. The Firm's commitment to delivering work on time and within budget. 10 pts				
Avoidance. The Firm's demonstrated avoidance of personal or organizational conflicts of interest regarding any matters of litigation or otherwise. 5 pts				
Commitment. The extent of involvement by the Firm's key qualified personnel and the likelihood that key personnel will develop a long term and intimate knowledge of the Town's infrastructure. 5 pts				
References. The extent to which previous clients have found the Firm's services acceptable. 5 pts				
Location. Geographical location in relation to the Town. 5 pts				
Familiarity and experience with Federal, State, and County agencies. 5pts				
<b>Total Score: out of 100</b>	0	0	0	0

P.O. BOX 1570

**TOWN OF WEST YELLOWSTONE  
MONTANA**

PHONE: 406-646-7795

FAX: 406-646-7511

info@townofwestyellowstone.com

PURCHASE ORDER

1000-430200-357

Date 3/27/24

Ship Via

Order No. 006615

Department PUBLIC WORKS

TO: TRI-STATE EXCAVATING

ADDRESS:

PLEASE FURNISH THE TOWN OF WEST YELLOWSTONE WITH:

Quantity	Description
	Help w/ snow removal

Estimated Cost \$ 7,884.<sup>37</sup>

Authorized By \_\_\_\_\_

Requested By: \_\_\_\_\_

VENDOR COPY - White OFFICE COPY - Canary



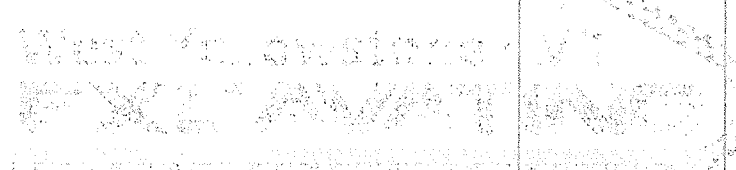
P.O. Box 853  
 11 Gibbon Ave.  
 West Yellowstone, MT  
 59758

# Invoice

Date	Invoice #
3/25/2024	15661SFEB

Bill To
Town Of West Yellowstone P.O. Box 1570 West Yellowstone, MT 59758

Terms
Net 30

Qty	Description	Rate	Amount
	Invoice for February snow removal		
8.267	Use of Dump truck for hauling snow 2/07/2024	165.00	1,364.06
6	Use of Dump truck for hauling snow 2/07/2024	165.00	990.00
9.267	Use of Dump truck for hauling snow 2/08/2024	165.00	1,529.06
9	Use of Dump truck for hauling snow 2/08/2024	165.00	1,485.00
6.25	Use of Dump truck for hauling snow 2/16/2024	165.00	1,031.25
5.5	Use of Dump truck for hauling snow 2/16/2024	165.00	907.50
3.5	Use of Dump truck for hauling snow 2/20/2024	165.00	577.50
<p>Thank you for your business. If you have any questions, please call our office at 406-640-0216.</p> 			

If you choose to pay with credit card, a 3% processing fee will be added to the total.  <i>All invoices are due and payable upon receipt. Statements will be issued on past due accounts only. Past due accounts will be subject to a re-billing fee and finance charges will be added to all past due balances.</i>	<b>Total</b>	\$7,884.37
	<b>Payments/Credits</b>	\$0.00
	<b>Balance Due</b>	\$7,884.37

Phone #	E-mail
406-640-0216	chris.kachur@gmail.com

04/05/24  
16:07:26

TOWN OF WEST YELLOWSTONE  
Claim Approval List  
For the Accounting Period: 4/24

Page: 1 of 10  
Report ID: AP100

FSB - Operating account  
\* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
51037		2264 MORNING GLORY COFFEE & TEA	33.75					
	04/20/24	Dispatch coffee	33.75		DISP	1000 420160	220	101000
51038		2575 WY Tourism Business Improvement	17,962.46					
	04/01/24	Collections in March 2024	17,962.46		TBID	7202 411800	540	101000
51040		2813 Century Link	1,561.94					
	03/19/24	E911 Viper 255-9710	988.50		E911	2850 420750	345	101000
	03/19/24	E911 Viper 255-9712	29.05		E911	2850 420750	345	101000
	03/19/24	E911 Viper 646-5170	123.20		E911	2850 420750	345	101000
	03/19/24	Alarm Lines 646-5185	102.44		TWNHLL	1000 411250	345	101000
	03/19/24	Police - 646-7600	318.75		POLICE	2850 420750	345	101000
51041		151 Gallatin County WY TS/Compost	285.00					
	03/31/24	Household waste	285.00		PARKS	1000 460430	534	101000
51042		2088 Town West Yellowstone	810.95					
	04/01/24	utility chrgs, Chamber, 895	70.34*		BLDGS	1000 411257	340	101000
	04/01/24	utility chrgs, UPDL, 892	114.32		BLDGS	1000 411252	340	101000
	04/01/24	utility chrgs, PS Shops, 884	52.76		BLDGS	1000 411253	340	101000
	04/01/24	utility chrgs. Povah Ctr, 887	99.51		BLDGS	1000 411255	340	101000
	04/01/24	utility chrgs, Police Dept, 886	67.28*		BLDGS	1000 411258	340	101000
	04/01/24	utility chrgs, City Park, 885	190.18		BLDGS	1000 411253	340	101000
	04/01/24	utility chrgs, Library, 891	53.27		LIBBLD	1000 411259	340	101000
	04/01/24	utility chrgs, Twn Hall, 921	163.29		TWNHAL	1000 411250	340	101000
51043		2845 Kasting, Kauffman & Mersen, PC	20,278.28					
	04/03/24	legal services 3/1-3/31/24	19,805.00		LEGAL	1000 411100	352	101000
	04/03/24	phone/fax	0.00		LEGAL	1000 411100	345	101000
	04/03/24	travel	473.28		LEGAL	1000 411100	373	101000
51044		2852 Blackfoot Communications	2,187.78					
	04/01/24	646-5106, fax soc svc	40.53		SOCSRV	1000 450135	345	101000
	04/01/24	646-5119, police station Dispa	40.53		DISPCH	2850 420750	345	101000
	04/01/24	646-5141, sewer plant alarm	40.53		SEWER	5310 430600	345	101000
	04/01/24	646-5185, town hall alarm	40.53		TWNHAL	1000 411250	345	101000
	04/01/24	646-7311, social services	20.56		SOCSRV	1000 450135	345	101000
	04/01/24	646-7481, povah elevator	58.16		POVAH	1000 411255	345	101000
	04/01/24	646-7511, town hall fax	40.53		TWNHAL	1000 411250	345	101000
	04/01/24	646-7609, public works	32.47		PUBSVC	1000 430200	345	101000
	04/01/24	646-7650, police station fax	40.53		DISPCH	2850 420750	345	101000
	04/01/24	646-7715, povah center	24.85		POVAH	1000 411255	345	101000
	04/01/24	646-7795, town hall	230.81		TWNHAL	1000 411250	345	101000
	04/01/24	646-7845, court clerk	182.26		COURT	1000 410360	345	101000

FSB - Operating account  
\* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
	04/01/24	646-9017, library	43.85		LIBRAR	2220 460100	345	101000
	04/01/24	646-9027, sewer plant alarm	40.53		SEWER	5310 430600	345	101000
	04/01/24	ethernet, library	300.00		LIBRAR	2220 460100	345	101000
	04/01/24	ethernet, povah center	187.26		POVAH	1000 411255	345	101000
	04/01/24	ethernet, police station	359.95		POLICE	1000 411258	345	101000
	04/01/24	ethernet, town hall	272.00		TWNHAL	1000 411250	345	101000
	04/01/24	ethernet, public works shop	125.00		STREET	1000 430200	345	101000
	04/01/24	602-4909, town hall judge	14.30		COURT	1000 410360	345	101000
	04/01/24	602-4894 Town hall Court Clerk	1.10		COURT	1000 410360	345	101000
	04/01/24	602-4897 town hall	1.10		TWNHAL	1000 411250	345	101000
	04/01/24	602-4898 town hall	1.10		TWNHAL	1000 411250	345	101000
	04/01/24	602-4900 town hall	5.25		TWNHAL	1000 411250	345	101000
	04/01/24	602-4901 town hall	5.25		TWNHAL	1000 411250	345	101000
	04/01/24	602-4902 town hall	1.10		TWNHAL	1000 411250	345	101000
	04/01/24	602-4903 town hall	1.10		TWNHAL	1000 411250	345	101000
	04/01/24	602-4904 town hall	1.10		TWNHAL	1000 411250	345	101000
	04/01/24	602-4905 town hall	1.10		TWNHAL	1000 411250	345	101000
	04/01/24	602-4906 Library Main desk	1.10		LIBRY	2220 460100	345	101000
	04/01/24	602-4907 Library Director	1.10		LIBRY	2220 460100	345	101000
	04/01/24	602-4908 Povah Ctr	11.10		POVAH	1000 411255	345	101000
	04/01/24	602-4949 Town Hall	11.10		TWNHAL	1000 411250	345	101000
	04/01/24	6024044 Soc Ser Pantry	10.00		SOCSER	1000 450135	345	101000
51047		2546 Century Link QCC	13.47					
	03/24/24	long dist chg 406-646-7600	13.47		DISPAT	1000 420160	345	101000
51048		73 Westmart Building Center	774.42					
	03/27/24	Street Supplies	195.68		STREET	1000 430200	220	101000
	03/27/24	Street repair Equipment	94.99		STREET	1000 430200	369	101000
	03/27/24	Street repair Vehicle	36.58*		STREET	1000 430200	361	101000
	03/27/24	Police Repair Office equip	24.69		POLICE	1000 420100	363	101000
	03/27/24	Town Hall Supplies	169.44		TWNHLL	1000 411250	220	101000
	03/27/24	Povah Supplies	50.33		POVAH	1000 411255	220	101000
	03/27/24	Povah small items equipment	94.99		POVAH	1000 411255	212	101000
	03/27/24	Parks Supplies	107.72		PARKS	1000 460430	220	101000
51049		3242 Fisher's Technology	20.47					
	1305871 03/25/24	copy fee	20.47		FINADM	1000 410510	356	101000
51050		42 Fall River Electric	8,233.12					
	03/20/24	PARK, old firehouse 2901001	418.88		PARK	1000 411253	341	101000
	03/20/24	povah comm ctr 4212001	314.06		POVAH	1000 411255	341	101000
	03/20/24	unmetered lights 4212004	1,451.25		STLITE	1000 430263	341	101000
	03/20/24	RR Well 4212005	90.43		WATER	5210 430500	341	101000
	03/20/24	SEWER LIFT STATION 4212006	409.62		SEWER	5310 430600	341	101000



FSB - Operating account  
\* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
	03/20/24	SEWER PLANT 4212007	1,278.83		SEWER	5310 430600	341	101000
	03/20/24	POLICE 4212008	429.93		POLICE	1000 411258	341	101000
	03/20/24	TOWN HALL 4212009	324.50		TWNHLA	1000 411250	341	101000
	03/20/24	ICE RINK 421010	68.61		PARKS	1000 411253	341	101000
	03/20/24	S Canyon XmasTree Light 421011	0.00		STLITE	1000 430263	341	101000
	03/20/24	South Iris Street Well 4212013	187.19		WATER	5210 430500	341	101000
	03/20/24	MAD SEWER LIFT 4212014	283.20		SEWER	5310 430600	341	101000
	03/20/24	Hayden/Grouse Well 4212015	39.00		WATER	5210 430500	341	101000
	03/20/24	911 Tower 4212016	156.18		911	2850 420750	341	101000
	03/20/24	MADADD H20 Tower 4212017	55.17		WATER	5210 430500	341	101000
	03/20/24	SHOP 4212018	225.77		STREET	1000 430200	341	101000
	03/20/24	ANIMAL 4212029	208.38		ANIML	1000 440600	341	101000
	03/20/24	CLORINATOR 4212030	90.34		WATER	5210 430500	341	101000
	03/20/24	Electric Well 4212031	43.92		WATER	5210 430500	341	101000
	03/20/24	PARK 4212032	289.71		PARKS	1000 411253	341	101000
	03/20/24	UPDH 4212041	578.35		UPDH	1000 411252	341	101000
	03/20/24	SEWER TREAT SERV 4212046	1,131.75		SEWER	5310 430600	341	101000
	03/20/24	LIBRARY 23 dunraven 4212054	158.05		LIBR	1000 411259	341	101000
51051		95 Energy West-Montana	2,723.65					
	04/01/24	nat gas 210361788 updl	113.62		UPDH	1000 411252	344	101000
	04/01/24	nat gas 210360293 Police	24.36		POLBLD	1000 411258	344	101000
	04/01/24	nat gas 210361746 Pub Services	739.70		STREET	1000 430200	344	101000
	04/01/24	nat gas 210361811 old firehall	174.76		PARK	1000 460430	344	101000
	04/01/24	nat gas 210363966 old bld ins	115.18		STREET	1000 430200	344	101000
	04/01/24	nat gas 210360540 library	308.46		LIBBLD	1000 411259	344	101000
	04/01/24	nat gas 210364599 Povah	702.57		POVAH	1000 411255	344	101000
	04/01/24	nat gas 210361697 Iris Lift St	35.24		SEWER	5310 430600	344	101000
	04/01/24	nat gas 210365425 Twn Hall	487.21		TWNHAL	1000 411250	344	101000
	04/01/24	nat gas 210361655 Mad Add Sewe	22.55		SEWER	5310 430600	344	101000
51052		2952 DIS Technologies	831.00					
	13704 04/05/24	Monthly Managed IT	831.00		IT	1000 410580	355	101000
51053		2421 NAPA Auto Parts	1,312.80					
	03/30/24	Napa Sewer EquipRepari Supplie	249.98		SEWER	5310 430600	369	101000
	03/30/24	Napa vehicle repairs Supplies	19.85*		STREET	1000 430200	361	101000
	03/30/24	Napa Equipmnt repairSupplies	1,042.97		STREET	1000 430200	369	101000
51055		3400 Julie Brown	2,992.50					
	04/05/24	Dispatch Building	325.00*		DSPTCH	1000 411258	398	101000
	04/05/24	Library	337.50*		LIBRY	1000 411259	357	101000
	04/05/24	Rendezvous Ski building	80.00		TRLHD	1000 411256	350	101000
	04/05/24	Town Hall	1,450.00*		TWNHLL	1000 411250	357	101000
	04/05/24	Povah Building	725.00		POVAH	1000 411255	350	101000

FSB - Operating account  
\* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
	04/05/24	Public Works Shop	75.00		PARKS	1000 411253	357	101000
51057		1514 Verizon Wireless	1,229.98					
		21 Smartphones						
		5 laptops						
	03/20/24	640-0108, Police	41.42		POLICE	1000 420100	345	101000
	03/20/24	640-0121 Laptop	40.01		POLICE	1000 420100	345	101000
	03/20/24	640-0141 Street SP	41.42		STREET	1000 430200	345	101000
	03/20/24	640-0159 Street SP	121.32		STREET	1000 430200	345	101000
	03/20/24	640-0606 911 Dispatch	41.42		911	1000 420160	345	101000
	03/20/24	640-1103, Operator SP	41.42		STREET	1000 430200	345	101000
	03/20/24	640-1460, Library Dir, SP	41.42		LIBRAR	2220 460100	345	101000
	03/20/24	640-1461, S & W operator, SP	41.42		SEWER	5310 430600	345	101000
	03/20/24	640-1462, S & W Super, SP	121.33		WATER	5210 430500	345	101000
	03/20/24	640-1463, Deputy PSS, SP Sspnd	41.42		PARKS	1000 460430	345	101000
	03/20/24	640-1472, Ops Mgr, SP	41.42		ADMIN	1000 410210	345	101000
	03/20/24	640-1676, Rec Coord, SP	41.42		REC	1000 460440	345	101000
	03/20/24	640-1754, COP, SP	41.42		POLICE	1000 420100	345	101000
	03/20/24	640-1755, Police	41.42		POLICE	1000 420100	345	101000
	03/20/24	640-1756, Police	41.42		POLICE	1000 420100	345	101000
	03/20/24	640-1757, Police	41.72		POLICE	1000 420100	345	101000
	03/20/24	640-1758, Head Dispatcher	41.42		DSPTCH	1000 420160	345	101000
	03/20/24	640-1759, Police	41.42		POLICE	1000 420100	345	101000
	03/20/24	640-7547, WS Super	41.42		SEWER	5310 430600	345	101000
	03/20/24	640-9074, PSS, SP	41.42		STREET	1000 430200	345	101000
	03/20/24	640-2195 683 laptop	40.01		POLICE	1000 420100	345	101000
	03/20/24	640-2551 COP laptop	40.01		POLICE	1000 420100	345	101000
	03/20/24	641-0184 686 laptop	40.01		POLICE	1000 420100	345	101000
	03/20/24	641.0207 681 laptop	40.01		POLICE	1000 420100	345	101000
	03/20/24	640-2354 Social Services	41.42		SOCSER	1000 450135	345	101000
	03/20/24	640-2629 City Judge	41.42		COURT	1000 410360	345	101000
51058		3421 Ernesto Romero Rivero	2,100.00					
	04/02/24	CleanCofCRstrms 3/1-3/31/24	1,300.00		CHMBR	1000 411257	357	101000
	04/02/24	CleanParkRstrms 3/1-3/31/24	800.00		PARK	1000 411253	357	101000
51064		2789 WEX Bank	12,522.06					
	04/01/24	10 JD Backhoe 310SJ	0.00		STREET	1000 430200	231	101000
	04/01/24	91 Ford 6-582	56.35		STREET	1000 430200	231	101000
	04/01/24	91 Ford 6-582	43.51		SEWER	5310 430600	231	101000
	04/01/24	91 Ford 6-582	43.50*		WATER	5210 430500	231	101000
	04/01/24	SS Snow Blower Green	0.00		STREET	1000 430200	231	101000
	04/01/24	Grader	0.00		STREET	1000 430200	231	101000
	04/01/24	14 Water Truck	0.00		STREET	1000 430200	231	101000
	04/01/24	2010 JD 772 Grader	2,217.90		STREET	1000 420100	231	101000

04/05/24  
16:07:26

TOWN OF WEST YELLOWSTONE  
Claim Approval List  
For the Accounting Period: 4/24

Page: 5 of 10  
Report ID: AP100

FSB - Operating account  
\* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
	04/01/24	92 SS Blower-Yellow	780.49		STREET	1000 430200	231	101000
	04/01/24	02 Freightliner Dump 6-54564A	0.00		STREET	1000 430200	231	101000
	04/01/24	02 Freightliner Dump 6-54564A	953.71		STREET	1000 430200	231	101000
	04/01/24	08 GMC Pickup 6-1484	0.00		STREET	1000 430200	231	101000
	04/01/24	JD Loader 624P	1,865.21		STREET	1000 430200	231	101000
	04/01/24	08 CAT 938H Loader	1,500.60		STREET	1000 430200	231	101000
	04/01/24	08 904B MiniLoader	150.78		STREET	1000 430200	231	101000
	04/01/24	15 Ford F-250	178.77		STREET	1000 430200	231	101000
	04/01/24	18 2018 Dodge Ram-PW	420.53		STREET	1000 430200	231	101000
	04/01/24	18 Dodge Ram-Police	278.17		POLICE	1000 420100	231	101000
	04/01/24	19 Dodge Durango	502.65		POLICE	1000 420100	231	101000
	04/01/24	Multi-Use Vehicle - Sienna	22.49		HELP	7010 450135	231	101000
	04/01/24	Multi-Use Vehicle - Sienna	53.44		POLICE	1000 420100	231	101000
	04/01/24	Multi-Use Vehicle - Sienna	32.72		LIBRY	2220 460100	370	101000
	04/01/24	Multi-Use Vehicle - Sienna	25.22		STREET	1000 430200	231	101000
	04/01/24	Multi-Use Vehicle - Sienna	84.90		STREET	1000 430200	231	101000
	04/01/24	06 Dodge Durango 6-1374/6-2010	54.53		STREET	1000 430200	231	101000
	04/01/24	15 Sweeper	0.00		STREET	1000 430200	231	101000
	04/01/24	'00 FL Dumptrk 6-60700A	933.97		STREET	1000 430200	231	101000
	04/01/24	'14 Ford Intercep	197.72		POLICE	1000 420100	231	101000
	04/01/24	PD Dodge Ram#1	383.04		POLICE	1000 420100	231	101000
	04/01/24	PD Dodge Ram#2	0.00		POLICE	1000 420100	231	101000
	04/01/24	01 Frht truck #1	0.00		STREET	1000 430200	231	101000
	04/01/24	01 Frht truck #2	0.00		STREET	1000 430200	231	101000
	04/01/24	19 Dodge 5500	229.60		STREET	1000 430200	231	101000
	04/01/24	19 Dodge 5500	155.61*		WATER	5210 430500	231	101000
	04/01/24	19 Dodge 5500	155.62		SEWER	5310 430600	231	101000
	04/01/24	20 Dodge Ram (silver)	201.89		POLICE	1000 420100	231	101000
	04/01/24	'17 Chevy 3/4 ton white	239.01		SEWER	5310 430600	231	101000
	04/01/24	'17 Chevy 3/4 ton white	239.02*		WATER	5210 430500	231	101000
	04/01/24	'13 Chevy 3500	71.46*		WATER	5210 430500	231	101000
	04/01/24	'13 Chevy 3500	71.47		SEWER	5310 430600	231	101000
	04/01/24	77 Int'l Dump 6-1368	0.00		STREET	1000 430200	231	101000
	04/01/24	Pickup 6-1450	120.92		STREET	1000 430200	231	101000
	04/01/24	2022 Ford F-150 Police	257.26		POLICE	1000 420100	231	101000
	04/01/24	Tractor	0.00		STREET	1000 430200	231	101000
51066		2952 DIS Technologies	259.99					
	13577	03/26/24 2YrRenewalStandardSSL	259.99		DSPTCH	1000 420160	216	101000

04/05/24  
16:07:26

TOWN OF WEST YELLOWSTONE  
Claim Approval List  
For the Accounting Period: 4/24

Page: 6 of 10  
Report ID: AP100

FSB - Operating account  
\* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
51067		3459 Broke Boys Towing	230.00					
	AEB58025	03/20/24 Towing'09FordfromRxburg	230.00*		STREET	1000 430200	361	101000
51068		3192 Floyd's Truck Center	386.15					
	401188287	02/27/24 Equipment Repair supplies	386.15		STREET	1000 430200	369	101000
51069		1454 Bozeman Daily Chronicle/Big Sky	190.00					
	494637	03/22/24 RoofBidsAds	150.00		ADMIN	1000 410210	327	101000
	490472	03/11/24 AmendedBudget hearing ads	40.00		ADMIN	1000 410210	327	101000
51070		2903 Kerry Parker	700.00					
		03/28/24 Refund PovahCleaningDep8/12/23	350.00		POVAH	2210 214001		101000
		03/28/24 RefundPovahCleaningDep12/24/23	350.00		POVAH	2210 214001		101000
51071		999999 GABRIELA ZARATE	350.00					
		03/17/24 Refund PovahCleaningDep3/16/24	350.00		POVAH	2210 214001		101000
51072		2470 Island Park News	100.00					
	4196	03/14/24 Job Posting ads	100.00		ADMIN	1000 410210	327	101000
51073		547 WY Chamber of Commerce	5,432.94					
	24-01	03/17/24 YellSkiFestival	5,432.94		MAP	2101 410130	398	101000
51074		3448 Billings Clinic Occupational	30.00					
	97EM968	03/11/24 DrugTest	30.00		STREET	1000 430200	351	101000
51075		3324 Dan Walker	228.30					
		03/22/24 MeetingsBZ/BigSky	228.30		ADMIN	1000 410210	370	101000
51076		3393 Katie Thompson	66.00					
		03/15/24 SwithbackTraining	66.00*		FINADM	1000 410510	370	101000
51077		1928 Michele DesRochers	128.00					
		03/20/24 Library Conference 3/15/24	128.00		LIBRY	2220 460100	370	101000
51078		3003 Kyle Tanner	212.60					
		03/18/24 BuildingCodetraining	212.60		BULDNG	1000 420531	370	101000
51079		2822 ClearBlu Business Services	755.00					
	2400	03/21/24 HydroJet Services	755.00		SEWER	5310 430630	357	101000

04/05/24  
16:07:26

TOWN OF WEST YELLOWSTONE  
Claim Approval List  
For the Accounting Period: 4/24

Page: 7 of 10  
Report ID: AP100

FSB - Operating account  
\* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
51080		1140 Sagebrush Floral	21.95					
	135669	03/26/24 Easter lily	21.95		TWNHLL	1000 411250	220	101000
51081		307 Summit Fire & Security, LLC	377.00					
	1319926	12/04/23 PovahKitchenFireSuppresSyst	377.00		POVAH	1000 411255	366	101000
51082		254 Firehole Fill Up/Economart	1,027.92					
	03/31/24	Fuel	1,027.92		STREET	1000 430200	231	101000
51083		497 MT Dept Environmental Quality	3,000.00					
	5L2401533	03/29/24 MTX000244-2023AnnualInv	3,000.00		SEWER	5310 430640	870	101000
51084		2854 Mountain Alarm	140.55					
	4457291	04/01/24 Monitoring 4/1/24-6/30/24	140.55*		TWNHLL	1000 411250	357	101000
51085		3460 Western States Fire Protection	282.96					
	126847	04/11/23 Monitoring Service-Fire Twnhll	282.96*		TWNHLL	1000 411250	357	101000
51086		2937 CINTAS First Aid & Safety	205.21					
	5202174025	03/14/24 First Aide Supplies	205.21		STREET	1000 430200	220	101000
51087		65 Tractor & Equipment	227.64					
	0831469	03/07/24 Repairs Equipment	227.64		STREET	1000 430200	369	101000
51088		1061 Lane and Associates	269.20					
	10192	03/25/24 Random Drug Test	67.30		ADMIN	1000 410210	351	101000
	10153	03/12/24 Random Drug Test	201.90		ADMIN	1000 410210	351	101000
51090		3315 IAS EnviroChem	2,330.00					
	2400233	01/16/24 Testing fees	1,130.00		SEWER	5310 430600	348	101000
	2400800	02/15/24 Testing Fees	70.00		SEWER	5310 430600	348	101000
	2401246	03/19/24 Testing Fees	1,130.00		SEWER	5310 430600	348	101000
51091		3461 Door Guys LLC	6,840.00					
	1117	03/28/24 Door repairs on the Library	6,840.00		LIBRY	1000 411259	920	101000
51092		3462 Midnight Auto	3,157.02					
	03/28/24	Repairson'08 GMC	3,157.02*		STREET	1000 430200	361	101000

04/05/24  
16:07:26

TOWN OF WEST YELLOWSTONE  
Claim Approval List  
For the Accounting Period: 4/24

Page: 8 of 10  
Report ID: AP100

FSB - Operating account  
\* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
51093		764 General Distributing Co.	91.05					
	1358543	03/31/24 welding canisters	91.05		STREET	1000 430200	231	101000
51094		3236 Nubia Allen	45.00					
	03/19/24	Spanish Interpreter	45.00		COURT	1000 410360	350	101000
51095		3431 Abril Garcia	45.00					
	04/02/24	Spanish Interpreter	45.00		COURT	1000 410360	350	101000
51096		3020 COLJ Conference Registration -	300.00					
	04/03/24	Judges Conference4/22-4/25/24	300.00		COURT	1000 410360	380	101000
51097		3327 Larry Jent	113.10					
	04/03/24	TravelExpensesSpringConfer	113.10		COURT	1000 410360	370	101000
51098		2751 Gallatin County Justice Court	1,055.00					
	04/03/24	PassThroughBonds-MHP	1,055.00		COURT	7469 213000		101000
51099		3303 Juan Trujillo	1,400.00					
	2024-001	03/17/24 Background check	1,400.00*		POLICE	1000 420100	398	101000
51100		171 Montana Food Bank Network	232.71					
	33035-1	04/04/24 Food Bank Supplies	232.71		HELP	7010 450135	220	101000
51101		1331 West Yellowstone Foundation	20.00					
	04/01/24	Bus Vouchers	20.00		HELP	7010 450135	370	101000
51102		101 JC Billion Inc/Billion Auto	3,080.14					
	7409	02/19/24 Repairs on '19DodgeDurango	2,092.86*		STREET	1000 430200	361	101000
	7858	03/07/24 Repairs on '19DodgeDurango	987.28*		STREET	1000 430200	361	101000
51103		3021 MSU Local Government Center	616.59					
	2455	04/03/24 Board Training w/Dan Clark	616.59		LEGIS	1000 410100	380	101000
51104		1622 CNA Surety	1,000.00					
	69515109-2	04/01/24 FinanceDir Bond	1,000.00		FINADM	1000 410510	520	101000
51105		3339 iWorQ	2,000.00					
	203196	04/01/24 PermitManag/CodeEnforcemnt	2,000.00*		BULDNG	1000 420531	216	101000

04/05/24  
16:07:26

TOWN OF WEST YELLOWSTONE  
Claim Approval List  
For the Accounting Period: 4/24

Page: 9 of 10  
Report ID: AP100

FSB - Operating account  
\* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
51106		2551 TK Elevator	550.83					
	3007838450	04/01/24 PovahElevatorService	550.83		POVAH	1000 411255	350	101000
51107		40 Jerry's Enterprises	575.79					
	03/31/24	Fuel	575.79		STREET	1000 430200	231	101000
51109		2586 Waxie Sanitary Supply	740.96					
	82347012	03/14/24 Bathroom Supplies	182.02		PARKS	1000 460430	220	101000
	82291799	02/16/24 Bathroom Supplies	558.94		PARKS	1000 460430	220	101000
51110		2455 Tri State Excavating, LLC	7,884.37					
	15661SFEB	03/25/24 Dump Truck to Haul Snow	7,884.37*		STREET	1000 430200	357	101000
		# of Claims	61	Total:				122,572.60





**Town of West Yellowstone**  
**Town Council Meeting**  
**March 19, 2024**

TOWN COUNCIL MEMBERS PRESENT: Mayor Travis Watt, Jeff Mathews by Zoom , Lisa Griffith, Jeff McBirnie, Brian Benike

OTHERS PRESENT: Town Attorney Jane Mersen, Town Manager Dan Walker, Town Clerk Liz Roos , Finance Director Katie Thompson, Town Engineer Dave Noel, Planning Consultant Tyler Steinway

The meeting is called to order by Mayor Travis Watt at 6:00 PM in the Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.

The meeting is being broadcast over the internet using a program called Zoom.

**Public Comment Period**

Fire Chief Shane Grube addresses the Council regarding clearing of fire hydrants of snow. He distributes pictures of fire hydrants that are inaccessible. He says that in the case of a fire, they don't have time to find the hydrants and dig them out. He says that they must do better.

**Council Comments**

Council Member Lisa Griffith echoes the comments made by Chief Grube. She says that she understands that after the hydrants were cleared, the plows came through and buried them again. She also expresses concerns about the snow being moved to private property. She says that even if they are using snow contractors, they should understand the laws.

**WORK SESSION**

---

Mayor Watt calls the work session order. The first topic is the annual report from the Social Services Department by Director Dianna Hansen. Hansen explains that the Social Services was established in West Yellowstone in 1974, funded by entities by Gallatin County and HRDC and housed in a mobile trailer owned by the Town. In 1995, the office moved into the Union Pacific Dining Lodge and then into the Town Hall in 2013. She reports that in their current location, they provide office space for a mental health therapist. Hansen reports on presentations and activities for the past year and upcoming events including a presentation from Sean Covey planned for June 22, 2024. She reports that in 2023, they assisted 3,262 individuals.

Finance Director Katie Thompson addresses the Council to discuss preparing the FY 2025 budget. She explains that in the next year, they are going to see some of the biggest projects the Town has ever set out to accomplish. Thompson briefly goes over a meeting calendar for the next several months to plan and then adopt the budget. Thompson also addresses the special budget requests they received from outside entities. Griffith says that she thinks the Town needs to focus on essential services over special interest budget requests. McBirnie asks Thompson to send out an email listing the special budget requests that were approved last year. Thompson points out updates made to the request form. The group discusses maintaining the bathrooms at the Visitors Information Center (VIC)/Chamber building and anticipation of the request for support. She explains that they intend to review and update the Capital Improvement Plan on April 23, 2024. Thompson also encourages the council members to work with the advisory boards that they sit on to think about budget impacts and recommendations for next year.

**Public Hearing: Moonrise @ Yellowstone Commercial Zoning Permit**

Mayor Watt opens the hearing. The hearing was advertised in the Bozeman Daily Chronicle, posted online, and physically posted at the Town Hall and at the post office. Rob Yeakey, managing partner for Moonrise Partners addresses the Town Council. He briefly describes the project to develop 21/82 acres in the northwest corner of the Town. The project would include 200 apartment units and associated clubhouse and maintenance facilities across 16 buildings. The project will be built in ten phases. He also references the original master plan for the Madison Addition, 1982 development agreement, traffic study, and US Forest Service documents. He responds to previous concerns about traffic and suggests that the Town enforce state law to prohibit stopping in an intersection to alleviate traffic coming out of the Madison Addition.

Tyler Steinway, planning consultant of Intrinsic Architecture, addresses the Council and describes the zoning permit application. Steinway emphasizes that the application that was submitted is for apartments and apartments are reviewed using the commercial process. There are no commercial uses located in the application. Benike asks about the requirement, condition #6, to obtain approval from the Town Engineer and DEQ prior to building, required to connect to the Town's water and wastewater system. Steinway says that it is his understanding that the State would not issue a building permit unless the Town Engineer can certify that the utilities are available to serve the property. Town Engineer Dave Noel explains that there is a form that would be required by DEQ and the package that would be submitted to the state would be considered incomplete. Rob Yeakey responds that in 2018, the Kelly Inn Annex and Big Sky Anglers/Golden Stone Inn were allowed to be built during the water moratorium. Griffith asks Yeakey if he understands that the Town would be unable to complete the required form for DEQ until the Town can provide service to the project. Yeakey responds that they would like to start on site work, infrastructure and roads while knowing the wastewater treatment plant will be under construction. Yeakey says they are willing to take the risk to build the infrastructure. Walker recommends that the Town leave that condition in place and if they have to, address it with the applicant at a later time. Griffith asks about the 20 conditions that are recommended and where did they come from. Steinway responds that they are in response to the requirements of the zoning code. Mersen recommends that Steinway explain each condition. Steinway describes the recommended conditions, points out that all accessory buildings must be 14' or less in height. He explains that the clubhouse building is planned to be 19' but will not be built until phase 4, so the developer will have to address that before then. Condition #6 clarifies that the Town will not sign the MFE for DEQ engineering review applications until the wastewater treatment plant is operational. Condition #10 illustrates that there will be a drop in service (longer wait) at intersection of Highway 20 and Hayden Street and the proposed solution is the addition of a left turn lane. The group discusses whether the left turn lane will address the problem. Griffith asks why the traffic study was conducted as she doesn't see it as a requirement in the ordinances. Noel responds that it is common for communities to request a traffic study when considering a development or subdivision. Condition #12 maintains that the Town shall not be responsible for maintenance, landscaping, snow storage, etc. Condition #13 requires that the developer record a "Removal from the Montana Unit Ownership Act" document to clean up the existing condominium declaration that was filed previously. Griffith questions condition #15 since it references construction public improvements. Steinway explains that the public improvements will connect to the Town infrastructure and must be built to Town standards. Lynette West asks for clarification about whether the project is apartments, timeshares, or condominiums. Steinway responds that timeshares and condominiums are ownership structures and do not pertain to use. Mersen adds that the application is for apartments. Steinway explains that there is not a definition of timeshares in the Town's code, only a reference under resort taxes. Rich Carlson contends that timeshares are defined differently in Montana statutes. Another community member asks what the impact will be on water pressure and flow due to the development. Noel explains that they did complete water modeling for the project and determined that for domestic flow, they are within the requirements. Chris Eppler asks what are the width requirements for Town streets. Noel responds that the streets are 28' wide pavement and plow to 24'. Eppler contends that he measured the plowed width was only 20' wide. Steve Lafflam asks that if the Town is going to allow the condominiums to be converted to timeshares, what is the amount of time they will be rented? Watt responds that short-term rentals are not allowed in the area. The group discusses and tries to clarify the definition of timeshares according to the development agreement and zoning code. Carlson refers to a resolution from 1981 where the Town agreed to develop the property according to the forest service agreement. Mersen adds that the Development Agreement was approved in 1982, which is a binding contract, and then the zoning code was adopted in 1982. Yeakey clarifies that both the IBC and IFC classify timeshares as residential use. Celeste Eppler asks about the road width and safety. Mayor Watt invites the public to comment on the project and reminds all the participants to remain civil, state their name, and limit their comments to three minutes. He also encourages everyone to refrain from interrupting other speakers.

Christopher Eppler of 513 Gallatin expresses concern about the width of the streets in the Madison Addition and potential safety hazards. Paula Stroyck, a resident of 524 Gneiss Court,

recognizes the Planning Board for their efforts to review the project. Stroyck implores the Council to deny or require more information including an updated traffic study that considers school impacts and pedestrian/bicycle pathways, hold the apartments as apartments for at least ten years, and require addition ingress and egress-at least an emergency entrance/exit. Maggie Anderson of 529 Grayling Avenue requests that the Council strronly reconsider the recommendation from the Planning Board. Anderson contends that the intent of the developer is to use the apartments as timeshares or a transient use. She says that MCA and the Town code support that a timeshare is a type of use and this property is not a benefit to the community or residents. Steve Lafflam asks the Council not to approve anything prior to the time that the Town can issue the applicable water and sewer permits. Brian Gallik, the attorney representing the Madison Addition Homeowners Association, addresses the Council and explains that his clients have been sued personally by Moonrise Partners, LLC. He explains that the suit was eventually dismissed but a suit against the Town remains. He contends that regardless of how the application is phrased, the intent is to develop the units as timeshares as a commercial use as determined by Judge Morris in a lawsuit. Morris found that West Yellowstone has changed the zoning ordinances multiple times since the development agreement was approved 40 years ago and whether the development agreement has any significance at all. Lynette West of 325 Bechler says that fire safety is an important part of this discussion. West says that she feels like this project to too big for everyone to feel safe and be able to evacuate in the event of an emergency. Tom Eastwood introduces himself and says he is available to answer questions about the traffic study and water/sewer service. McBirnie asks Eastood why the traffic study was conducted during the hours of 7-9 AM. Eastwood responds that is the industry standard. McBirnie questions why tourism traffic was not considered. Eastwood answers that the apartments are residential and tourism in the area is not considered relevant. McBirnie asks multiple questions about the traffic study and Eastwood explains they have studied the traffic four times, most recently in 2021 during the highest year of visitation to Yellowstone National Park. Rob Yeakey clarifies that the parcel has always been zoned R-4. Scott Hochstrasser, a land use consultant who works for Rob Yeakey, encourages the Council to move forward with the project in light of the significant need for housing. Brian Gallik references a recent case from the Montana Supreme Court and maintains that timeshares are commercial businesses.

**Public Hearing: FY 2024 Budget Hearing, Sewer Fund Revenue**

Mayor Watt opens the hearing. The hearing was advertised in the Bozeman Daily Chronicle, online, and posted publicly. Finance Director Katie Thompson explains that due to the increase of single family equivalency units and rate increase that has already been adopted increases the projected revenue for the sewer fund. The bond resolution for funding of the wastewater treatment plant requires that the budget be amended to match the anticipated revenue so they can meet bond coverage requirements. Jan Neish asks for clarification about the SFE schedule, no other comments are received.

**ACTION TAKEN**

---

- 1) Motion carried to approve the claims, which total \$173,369.40. (McBirnie, Benike)
- 2) Motion carried to approve the minutes from the March 5, 2024 Town Council Meeting, as amended. (McBirnie, Benike) Griffith is opposed.
- 3) Motion carried to approve the Zoning Permit Application for Moonrise @ Yellowstone to include the conditions approved by the Planning Board with the following changes: conditions #4, #6, #7, and #8-add the words “on-site” after the word “utilities”, condition #9-omit everything before “applicant is responsible”, condition #10-correct the spelling of “analyzes”, conditions #11, #13-correct the name of the Act that is quoted, condition #15-insert the words “on-site” after the words “public improvements” and then add an additional condition that reads “applicant shall comply with all other applicable local, state, federal laws and regulations including the IBC and IFC. (Griffith, Benike) See next motion.

- 4) Secondary motion carried to approve the Moonrise at Yellowstone Commercial Zoning Application for 200 apartment units and associated clubhouse maintenance facilities across 16 buildings with the recommended conditions and with the correction of the grammatical error named in the ordinal motion. (McBirnie, Benike) Watt, Benike and Mathews are in favor, Griffith and McBirnie are opposed, motion passes.
- 5) Motion carried to approve Resolution No. 798, a resolution to amend the sewer fund revenue for FY 2024. (Benike, McBirnie)
- 6) Motion carried to approve the application to maintain an encroachment made by Westmart Building Center to erect a greenhouse that extends 25' onto Town property for the months of May, June and July 2024. (McBirnie, Benike)

## **DISCUSSION**

---

- 1) Griffith inquires about the bill from Kasting, Kaufman and Mersen as it is larger than usual. Mersen briefly explains the multiple projects and assignments she has been working on and over five trips to West Yellowstone in the last month.
- 3-4) McBirnie makes a motion to deny the Zoning Permit Application for Moonrise @ Yellowstone and send the application back to the Planning Board until a new traffic study is conducted and a wildfire mitigation study is conducted. Motion dies for lack of a second.

Griffith explains that her motion removes the rest of the conditions because she believes it will be cleaner and simpler to understand. The rest of the conditions should be inherently complied with. Mersen suggests asking the engineer about excluding some of the conditions.

Griffith explains that she believes they should not include condition #1 because it is not enforced now and is unnecessary. She says that condition #2 is unnecessary because it references the zoning code that already applies. She says that #3 includes an incorrect comma and there is no policy or law that requires the payment of fees prior to the start of construction. She explains that she omitted #5 because she did not think it was necessary. She also did not include #12. McBirnie says that his biggest concern about this development is the health and safety of the community. He says that the study presented tonight is five years old and visitation to the park has increased by 1000 more cars. He requested a new traffic study and fire hazard study for these reasons. He names major fires and loss of life from other parts of the country. He says it is our job to protect public health and welfare and he does not think they assessed all the risks. Benike says that he knows the community doesn't like the project and there will be an increase in traffic. He says he is basing his decision on the submitted application. Jeff Mathews reads a statement that empathizes with the residents of the Madison Addition, but recognizes that as a council member he realizes that he must vote to approve the application for 200 units with the recommended conditions. Mayor Watt says that the council is not approving short-term rentals, even though that keeps coming up. He says he recognizes that a lot of people don't like this, but he will vote to approve with the conditions. Walker clarifies that the Council has the authority to place relevant and reasonable conditions on the approval of the development, which protects health and safety and provides clarification for the staff. Lynette West asks if approval of this project means only approval of apartments and not timeshares. Watt says that they are approving residential use. West expresses concern about the precedent that may be established by approval of this permit. She says she also fully agrees with McBirnie's request for a new traffic study and fire mitigation. Andie Withner addresses the Council and agrees that they need more housing, whether apartments or condominiums. She says that timeshares are defined as less than 30 days of occupancy and they do not need that use. Annie Colson of 510 Gallatin says she suspects that four of the council members are trying to avoid a lawsuit rather than stand up for what is right. She reminds the Council

members that they were elected to stand up for them and protect them. Scott Hochstrasser points out that short-term rentals do not have as much impact on roads and emergency services. He says this is an opportunity for more housing. Scott Lafflam says more traffic does not benefit anyone in the Madison Addition. He says his kids come here to ride their bikes in the streets and that will change. Jessica Kohl thanks Scott Hochstrasser for making it clear that housing is not their goal. She says she is disappointed in the Council about this. Gay McBirnie says that just because he can maybe do this, doesn't make it right. She says they voted for the Council to keep them safe, this is not going to be what was intended. Griffith asks Mersen to respond to the cases quoted by Brian Gallik. Mersen explains that in one of the cases, the court analyzed and found that residential provisions do not prohibit short-term rentals or violate residential covenants. She also says that she did not recently review the summary judgement made by Judge Morris in the case Moonrise filed against the Madison Addition, which was filed before the Town was brought into the case. Fire Chief Shane Grube says that the project complies with the regulations they have for wildland interface, and the fire code defines that they may have up to 200 units with just one ingress/egress. Jan Neish comments, at the risk of being unpopular, and points out that they are obligated to follow the law. Cities have been bankrupt because councils followed popular opinion rather than the laws. She recommends that they can only deny if they cannot condition or health and safety concerns. Rich Carlson says that the Town Attorney and planning consultant are being arbitrary by considering the agreement from 1982 with Lewis Robinson but not a resolution passed by the Council in 1981. Chris Colson asks the Council how the Town intends to enforce the rules against short-term rentals. He suggests that the Town will not handle it if there are 200 short-term rentals. McBirnie argues that timeshares or short-term rentals will not solve their housing problem. Mathews says that based on the advice they have from legal council and consultants, they have to make their decision based on the laws. Watt says this is a tough decision, regardless of whether they love or hate the project, they have to make decisions based on the laws. Grube points out that the condominium process goes through Gallatin County. Rich Carlson points out they must ask the Town for timeshare approval but the County for condominium approval. Lynette West says she is confused about whether they are approving timeshares or apartments. Mersen clarifies that she doesn't know the process to establish timeshares, but they do have to go through the County to establish condominiums or townhomes. Maggie Anderson says they should know what the process is to approve timeshares and the attorney needs to review the recent case referred to by Brian Gallik. Scott Schmelfeng at 524 Gneiss Court says that he bought a house in the Madison Addition because there were no timeshares or short-term rentals. He says that it is unclear what this application is for. Sean Kohl says this project will be the death of this town and encourages the Council to deny. Colson says that timeshares are really the same as short-term rentals. McBirnie asks Yeakey to clarify the type of units they are applying for. Yeakey says the project is to build 168 condominiums and 32 timeshares. He says they previously applied for 416 condominium/timeshare units but were unable to get approval for an additional access road. They changed the application to 200 units.

- 5) Finance Director Katie Thompson recommends that the Council adopt Resolution No. 798, which is the first step towards adopting the bond resolution to fund the wastewater treatment plant. Walker adds that the interest rate with the bond resolution is 2.5% for 30 years. The bond resolution will be presented in April. When the Town closes on the loans, they will need to make a draw of at least \$50,001. This amount can be used on preliminary costs or for a 60-day lookback on project expenses.
- A) **Town Manager/Staff Reports:** Town Manager Dan Walker reports that they conducted interviews for two police officer candidates and the recommendation is to move forward with background and testing. He reports that he has been in discussions about expanding the Fir Ridge Cemetery. The adjacent property owner is interested in donating the land to the Community Protestant Church and then the church would sell the property to the Town. Meetings have been held for the wastewater treatment project and they are planning to start on May 1. They had an engineering meeting today and discussed the

streetlight on Highway 20. He mentions that they have several staff members at the Rural Water Conference in Great Falls this week. Mathews inquires about vandalism mentioned in the Public Services reports. Walker indicates he will ask Simms.

- B) **Advisory Board Reports:** Benike reports that the MAP Fund Advisory Board met last Tuesday and discussed the big event proposal. Griffith reports that the Health Care Services Advisory Board met last Friday, Billings Clinic shared their financial reports, the Hospital District Advisory Board has released an RFP for consulting services.

The meeting is adjourned at 10:40 PM. (McBirnle, Benike)

\_\_\_\_\_  
Mayor

ATTEST:

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

DRAFT

Police Department - Department Head(s) Report March 14 – March 27, 2024

Two-week report because Chief was on vacation last week.

- 179 calls for service
  - 7 citations issued
  - 70 Warnings
  - 3 Cases Generated
  - 1 Arrest
  - 15 Public Assists
  - 8 Agency Assists
  - 13 Fire/Ambulance requests
  - 3 Search & Rescue
- 
- Calls included: Traffic Stops, School Resource Officer calls, Abandoned Vehicle, 911 calls, Citizen Assists, Agency Assists, Crashes, Disabled Vehicle, Fraud, Traffic Hazard, Burglary (3), Animal Problems/Complaints, Family Disturbance, Lock In/Out, Search & Rescues (3), Suspicious Person/Activity, Hit & Run, Missing Person, VIN Inspection, Noise Disturbance and other fun stuff.
- 
- The applicant for dispatcher that we received earlier this month cancelled her interview and withdrew her application.
  - Brenda and I have been working on annual employee reviews.
  - Officers had their monthly firearms training at Big Gun Fun. It was our first opportunity to shoot the new long rifles. It was truly “Big Gun Fun”.
  - Mike attended monthly Search & Rescue training.
  - Background investigations on both of the new officer candidates is going well, no red flags yet. We should have that process completed within the next few days, then onto Psych testing and occupational health testing.
  - The PD will be participating in the national Drug Take Back Day on Saturday April 27<sup>th</sup> from 10:00 – 2:00. The collection box will be at the PD. We will post it on the Town and PD Facebook pages soon, also posting flyers at the Post Office.
  - Office Courtis and I met with the state representative for the Montana Police Protective Association.
  - Mike helped the fire department conduct interviews for a new EMT/Firefighter.
  - Mike had a meeting with Jessica from the WY Foundation regarding multiple items.

Until next week, Mike & Brenda

## Police Department - Department Head(s) Report March 28 – April 3, 2024

### 90 calls for service

- 7 citations issued
  - 19 Warnings
  - 2 Cases Generated
  - 2 Arrest
  - 9 Public Assists
  - 12 Agency Assists
  - 6 Fire/Ambulance requests
  - 0 Search & Rescue
- 
- Calls included: Traffic Stops, School Resource Officer calls, 911 calls, Citizen Assists, Agency Assists, Crashes (11), Disabled Vehicles, Fraud, Traffic Hazard, Suspicious Person/Activity, Lost/Found, Civil and other fun stuff.
- 
- The two police officer candidates have passed background investigation and are now moving forward with psychological testing and physicals. Tentative start date for one of the two is April 24<sup>th</sup>. This may need to get pushed back depending on satisfactory completion of the remaining tests.
  - Brenda and I finished employee reviews and turned them in by the March 31<sup>st</sup> deadline.
  - Made significant progress on the Town's biggest drug dealer. Currently charging felony theft, terminated from employment, terminated from housing, working on drug related charges as well. This is a big win for the community.
  - I have begun to work on budget stuff for Katie to meet the April 12<sup>th</sup> deadline.
  - Brenda is on vacation this week for spring break.
  - Had a long meeting with the Montana Highway Patrol Captain for our area. We discussed mutual aid and what the term mutual means. For the WYPD, it has been a one-way street, with us providing all the mutual aid. I believe the conversation went very well and we will see a better level of cooperation and mutual aid moving forward.

Until next week, Mike & Brenda





## **Week of 04.01.2024**

- Utility billing went out for March 2024. This month's process included learning the new procedures with the post office for bulk mailing. THANK YOU, PEGGY!
- Worked on the WWTP Bond Resolution. I met with Dan Semmens on Wednesday to go over the revisions and questions I had. This is still docked to go before the Council on April 23<sup>rd</sup> for approval.
- Sent out the Resort Tax update, as of right now we are 13.22% up from last year.
- Continuing to work on the FY2025 budget. Focus is still CIP; I will meet with the staff next Wednesday to discuss. This section's work session for the Council is scheduled for April 23<sup>rd</sup>.
- Completed payroll since Liz was on spring break!

**From:** [Dan Walker](#)  
**To:** [Elizabeth Roos](#)  
**Subject:** FW: Bullet points 3/28/2024  
**Date:** Monday, April 1, 2024 8:09:31 AM

---

**From:** Kyle Tanner <ktanner@townofwestyellowstone.com>  
**Sent:** Friday, March 29, 2024 7:27 AM  
**To:** Jon Simms <jsimms@townofwestyellowstone.com>; Dan Walker <dwalker@townofwestyellowstone.com>  
**Subject:** Bullet points 3/28/2024

Bullet points 3/28/2024

- #1 Equipment maintenance
- #2 DRG prep for 530 tarjee high way
- #3 Final inspection, Electric st deck
- #4 Sign permit issued for 21 N canyon st

**From:** [Dan Walker](#)  
**To:** [Elizabeth Roos](#)  
**Subject:** FW: 4-4-2024 bullet points  
**Date:** Friday, April 5, 2024 8:15:51 AM

---

---

**From:** Kyle Tanner <ktanner@townofwestyellowstone.com>  
**Sent:** Friday, April 5, 2024 7:00 AM  
**To:** Dan Walker <dwalker@townofwestyellowstone.com>; Jon Simms <jsimms@townofwestyellowstone.com>  
**Subject:** 4-4-2024 bullet points

4-4-2024 bullet points

- # 1 planning board for 3 Yellowstone
- # 2 DRG prep for 221 N Canyon
- # 3 Signage violation inspections

## **HIGHLIGHTS**

### **SOCIAL SERVICE OFFICE**

**MARCH 21- APRIL 3 2024**

- Lobby food is being utilized by many these past weeks.
- Placed our MFBN food order for the next 6 weeks, pick up on Thursday 4/4/24. Deb will also pick up our Senior Food packs
- Dianna participated in a Zoom meeting with the Early Childhood Coalition about Human Trafficking
- Monthly reports to various agencies are complete
- Monthly food boxes handed out as well as several Emergency Food Boxes
- Assisting with Unemployment, SNAP, and Medicaid applications
- Posting many Summer Jobs on the Board
- Big Thanks to the Public Works department for fixing several issues in our office including getting our vehicle back to us
- Assisting a local with obtaining medical assistance for a chronic condition. We helped her get approved for Senior Food and hopefully SNAP
- Very generous monetary donation was given to the Food Bank
- During the month of March, we saw 234 individuals in our office
- Assisted a man get to Bozeman to the Warming Center

Dianna Hansen

Debbi Paisley

## **Public Services Dept. Bi-Weekly Report: Mar 15<sup>th</sup> through Mar 28<sup>th</sup>, 2024**

### Work Performed

- Vehicle and equipment repairs: ongoing.
- Snow and ice floor removed for the season.
- Flush SAS service laterals and mainlines that continue accumulating debris.
- Building maintenance and service calls: ongoing.
- Trash route: ongoing.
- SAS weekly manhole/ problem areas inspections: ongoing.
- Perform water & WW samples: ongoing.
- Sewer and water systems maintenance: ongoing,
- Continue inventory for the EPA's lead and copper rule/ data entry to meet the October 16<sup>th</sup>, 2024, deadline.
- Utility locates ongoing.
- Respond to vandalism: ongoing.
- Code enforcement and citations issued: ongoing.
- Cross training the PW crew on vehicle maintenance, daily lift stations route, utility locates, water monitoring and testing, equipment, etc.
- Go through CDL pre-trip inspections with new crew, Sam's training the guys.
- Fix damaged castings and signage: ongoing.
- Sam attended MRWS annual conference. He took the Montana water operators 2A exam.

### Administrative

- Continue to work with vendors and technicians on fleet updates: ongoing.
- Coordinate parts and supplies orders: ongoing.
- Begin prep for upcoming budget discussions.
- Work with contractors on projects and scheduling: ongoing.
- Fill in for staff/ operate equipment/ wrench on equipment.
- Manage current public works staff and seek ways to recruit additional employees to help offset the workload: ongoing.
- Chase parts orders: ongoing.
- Met with residents and business owners regarding complaints: ongoing.
- Continue to seek bids for future CIP's, get the ball rolling years in advance.
- Submit reports and annual employee evaluations to the Town Manager.
- Meetings with Town Manager/ HR, Engineer, PW crew.
- Code bills and submit check request for invoices: ongoing.
- Seek additional training opportunities for the crew.
- Evaluate building and infrastructure issues, coordinate repairs as needed.
- Attend MRWS annual conference in Great Falls.

## Water/Wastewater report

3/18/24: Water/Wastewater rounds. Lift station maintenance- cleaning/ sonic start- inspections- generator- pumps. We have started slowing down on influent coming into the lift stations and wastewater facility's this give us an opportunity to do some specialty repairs that we can't normally do during high flow times of the year.

3/19/24: thru 3/22/24 Attended Montana rural water conference in great falls MT this is a super great time to be able to receive my continuing education credits I was able to get 11 credits for the week. Spent time with venders getting caught up on all the new gadgets out there and also talked to Engineering firms letting them know that the town is out for procurement on engineering. Talked to DEQ and EPA on the lead & copper and also funding for the Vactor truck looking at options, received some great feedback on what approach would fit are needs.

3/25/24: Water/Wastewater rounds. worked with public works crews getting caught back up on things that happened during the week. What equipment needed repaired. Spoke to midnight auto down in Idaho falls this is a repair shop that we have been using on some of our equipment, one example they have repaired the ford expedition for social services, this vehicle has been siting down at the ford dealer in Rexburg for over a year and they could not fix it. Midnight auto had it running in less then a day, they have been great to deal with and very good on price.

3/26/24: Water/Wastewater rounds. Working on the lead and Copper inventory finishing up with are grant with Allied engineering.

Manhole inspections looking for problems and backups, Scheduling with Montana drain to service some of this area.

3/27/24: Water/Wastewater rounds. continuing inspections on water valves trying to get some areas unfrozen so we can shut off water for upcoming repairs in Town. Lagoon maintenance adjusting valves getting ready to take I/P cell #1 off line. Talking with RSCI and scheduling for the start up for new Wastewater Facility. Working with the road crews, getting all the equipment washed and

cleaned up, creating an inventory with gas cards and receipts so it helps makes public works more professional and helps Jon Simm's.

3/28/24: worked on finishing the 938 Cat Hinky snow plow blade that got damaged during the winter snow removal, this blade has removed millions of pounds of snow for the town for years and it needed some major fabrication and repair we were able to do all this in house and saved about 20.000 dollars in cost.

3/29/24: Water/Wastewater rounds. went over lift stations making sure everything is ready for the Easter weekend. Lined up some water shut offs with hole shot plumbing out of Idaho falls that is doing some repairs in town.

Covering for Jon Simm's why he is out for a few days.

Working on office paper work and getting ready to start testing for some new water test that the EPA has required every water system to start sampling for this is the UCMR5 samples. These are what we call forever chemicals man made substances like plastics- oils- anything that we have made that might posable be getting into a water system this is becoming a very big deal in the water industry.

Water flows and Wastewater flows have decreased significantly

Wastewater flows 285.000 GPD these are lowest flows we see during the year.

If you have any questions fill free to contact me Jon Brown.



MARCH 29, 2024

---

TO: Town Manager Dan Walker, Town Council

FROM: Liz Roos, Town Clerk

SUBJECT: Town Clerk Report

---

- Completed the annual insurance renewal through MMIA, coverages that we carry include liability, workers comp, property (locations, mobile equipment, buildings, crime, and pollution). Once a year we review all our coverages and update as needed.
- The School held a bid opening in the Town Hall for the tri-plex project on Washburn Circle
- Gathered signatures for the Moonrise @ Yellowstone Zoning Permit Findings document. This document outlines the decision made by the Town Council and conditions imposed on the project.
- Scheduled and planned the Planning Board meeting for next Wednesday, April 3, at 1 PM. The agenda includes a review of Cole Parker's project to build a new building at the corner of Yellowstone and Boundary that will provide three nightly rental units and storage.
- Spring Break is next week, I will be out of the office all week.







## Town Council Agenda Item Summary Report

<b>Meeting Date:</b> April 9, 2024	
<b>Item Title:</b> Employee Personnel Policy Update	
<b>Submitted By (Name/Title):</b> Dan Walker, Town Manager	
<b>Discussion Only</b> <input type="checkbox"/>	<b>Discussion/Action</b> <input checked="" type="checkbox"/>
<b>Funding Source:</b> NA	<b>Budgeted</b> <input type="checkbox"/>
<b>Estimated Date of Completion:</b> 4/9/24	

### **Item Summary**

In April 2023, we put together an Ad Hoc Employee committee to review and suggest updates/changes to the Town Personnel Manual. The Policy has not been updated since 2017. The Committee included Dan Walker-Town Manager, Liz Roos-Clerk/HR, Katie Thompson- Finance Director, Mike Gavagan- Chief of Police, Dianna Hansen- Social Services Director, and KC Tanner- Deputy Public Services Director.

We reviewed the Employee Personnel Policy, Safety Policy, and Drug and Alcohol Policy. The Committee met roughly once a week between April and September 2023 and reviewed 1-2 chapters per week. In November 2023, Liz and I met in Bozeman at the Town Attorney's Office to review the changes.

The purpose of the updates were to ensure that we were in compliance with any applicable laws, ensuring consistency with actual practices and equity, removing irrelevant sections, limiting liability, formatting, and policy changes to align with current management.

The Town Council was presented with the proposed changes at a works session on 2/20/24. Per Town policy and current Bargaining Agreements, a memo and a copy of the proposed changes were sent out for review by all Town Staff 15 days prior to adoption. No comments were received regarding the proposed changes.

We are still working on revisions to the Drug and Alcohol and Safety Policies, which will be presented at an upcoming Town Council Meeting.

### **Staff Recommendation**

Approve the updates to the Employee Personnel Policy Manual, as presented.

### **Suggested Motion**

I move we approve the updates to the Employee Personnel Policy Manual.

**TOWN OF WEST YELLOWSTONE  
PERSONNEL POLICY MANUAL**

**[insert new date]**

ADOPTED BY THE TOWN COUNCIL ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2024.

SIGNED INTO POLICY ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

Welcome New Employee:

The Town of West Yellowstone (Town) is pleased that you have joined our team of professionals. The Town is a professional organization that provides valuable services to our residents and millions of tourists. Your position is an important component in assisting the Town with accomplishing our goals. We hope you will find this position rewarding and challenging.

As you familiarize yourself with the Town staff and your new position, please note the employee bulletin board in the employee break room at the Town Offices displays federal and state postings. There may be other locations where this information may also be posted – please ask your Department Head. The postings are updated from time to time - be sure to read the board occasionally.

During your first few days working for the Town you will probably have several general questions regarding our organization and policies. You are encouraged to research the answer within the manual; however, do not hesitate to ask your supervisor or the Town Manager and/or their designee concerning any questions you may have.

On behalf of Town Council and the staff, I would like to welcome you to our Team.

Sincerely,

The Town Manager

## TABLE OF CONTENTS

<b>WELCOME PAGE .....</b>	<b>PREFACE A</b>
<b>TABLE OF CONTENTS</b>	
<b>INTRODUCTION TO THE PERSONNEL MANUAL.....</b>	<b>8</b>
<b>CHAPTER I: GENERAL PERSONNEL POLICIES, POLICY STATEMENTS AND DEFINITIONS .....</b>	<b>9</b>
SECTION 01-01- PURPOSE.....	9
SECTION 01-02- NON-DISCRIMINATION AND AFFIRMATIVE ACTION POLICY .....	9
SECTION 01-03- STATEMENT ON AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY .....	9
SECTION 01-04- STATEMENT ON THE RIGHTS OF INDIVIDUAL'S WITH DISABILITIES.....	10
SECTION 01-05- CONFLICT OF LAW.....	10
SECTION 01-06- SEVERABILITY.....	10
SECTION 01-07- DEFINITIONS.....	11
<b>CHAPTER II: PERSONNEL POLICY ADMINISTRATION .....</b>	<b>14</b>
SECTION 02-01- GENERAL PERSONNEL ADMINISTRATION POLICY STATEMENT.....	14
SECTION 02-02- PERSONNEL POLICY AMENDMENT PROCESS.....	14
SECTION 02-03- RESPONSIBILITIES OF DEPARTMENT HEADS.....	14
SECTION 02-04- TOWN MANAGER RESPONSIBILITIES AND AUTHORITY	15
SECTION 02-05- EMPLOYEE RECORDS POLICY.....	16
<b>CHAPTER III: RECRUITMENT AND SELECTION .....</b>	<b>17</b>
SECTION 03-01- RECRUITMENT AND SELECTION POLICY .....	17
SECTION 03-02- INITIAL HIRING PREFERENCES .....	17
SECTION 03-03- RECRUITMENT AND SELECTION PROCESS GUIDELINES	17
SECTION 03-04- EMPLOYEE ORIENTATION.....	20
<b>CHAPTER IV: EMPLOYEE STATUS.....</b>	<b>21</b>
SECTION 04-01- EMPLOYEE STATUS POLICY.....	21
SECTION 04-02- EMPLOYEE STATUS DEFINITIONS .....	21
SECTION 04-03- STATUS FORMS.....	22
<b>CHAPTER V: PROMOTION, TRANSFER, AND TERMINATION OF EMPLOYMENT .....</b>	<b>23</b>

SECTION 05-01-	PROMOTION, TRANSFER, TEMPORARY ASSIGNMENT, AND TERMINATION OF EMPLOYMENT POLICY .....	23
SECTION 05-02-	PROMOTION PROCESS .....	23
SECTION 05-03-	TRANSFER PROCESS .....	23
SECTION 05-04-	TEMPORARY ASSIGNMENT .....	24
SECTION 05-05-	TEMPORARY APPOINTMENT .....	24
SECTION 05-06-	DEMOTION PROCESS .....	24
SECTION 05-07-	TERMINATION OF EMPLOYMENT .....	24
SECTION 05-08-	EXIT INTERVIEW .....	25
SECTION 05-09-	DEPARTMENT HEAD PLACEMENT AND ADVANCEMENT .....	25

**CHAPTER VI: EMPLOYEE BENEFITS .....27**

SECTION 06-01-	EMPLOYEE BENEFITS POLICY STATEMENT .....	27
SECTION 06-02-	HEALTH, DENTAL, VISION, AND LIFE INSURANCE PLANS .....	27
SECTION 06-03-	VACATION LEAVE ACCRUAL POLICY .....	27
SECTION 06-04-	SICK LEAVE ACCRUAL POLICY .....	29
SECTION 06-05-	DONATION AND RECEIPT OF SICK AND VACATION LEAVE .....	32
SECTION 06-06-	BEREAVEMENT LEAVE PAY .....	33
SECTION 06-07-	PREGNANCY DISABILITY LEAVE .....	33
SECTION 06-08-	PARENTAL LEAVE .....	34
SECTION 06-09-	DISABILITY LEAVE .....	34
SECTION 06-10-	MILITARY LEAVE .....	35
SECTION 06-11-	LEAVE WITHOUT PAY .....	36
SECTION 06-12-	HOLIDAY LEAVE .....	36
SECTION 06-13-	EDUCATION LEAVE .....	38
SECTION 06-14-	MOVING EXPENSES FOR NEW EMPLOYEES .....	39
SECTION 06-15-	POLICE OFFICER TRAINING AND TRAINING REIMBURSEMENT .....	39
SECTION 06-16-	HONORARIA .....	40
SECTION 06-17-	JURY DUTY/SERVE AS A WITNESS .....	40
SECTION 06-18-	PUBLIC OFFICE LEAVE .....	40
SECTION 06-19-	UNEMPLOYMENT INSURANCE .....	41
SECTION 06-20-	WORKERS' COMPENSATION INSURANCE .....	41
SECTION 06-21-	PAY PERIODS AND PAY DAY .....	42
SECTION 06-22-	RETIREMENT BENEFITS .....	42

**CHAPTER VII: GENERAL WORK RULES AND WORK POLICY GUIDELINES.....43**

SECTION 07-01-	GENERAL POLICY STATEMENT .....	43
SECTION 07-02-	CONFLICT OF INTEREST .....	43
SECTION 07-03-	OUTSIDE EMPLOYMENT .....	44
SECTION 07-04-	NEPOTISM .....	44
SECTION 07-05-	DRUG AND ALCOHOL POLICY AND IMPLEMENTATION .....	44
SECTION 07-06-	SMOKING .....	44

SECTION 07-07-	COLLECTIVE BARGAINING .....	44
SECTION 07-08-	RESIDENCY .....	45
SECTION 07-09-	SOLICITATION IN THE WORKPLACE .....	45
SECTION 07-10-	EMPLOYEE NOTIFICATION .....	45
SECTION 07-11-	TELEPHONE USE.....	45
SECTION 07-12-	COMPUTER AND TABLET USE .....	46
SECTION 07-13-	GIFTS AND ENDORSEMENTS.....	46
SECTION 07-14-	USE OF TOWN VEHICLES .....	47
 <b>CHAPTER VIII: EMPLOYEE WORK RULES – HOURS OF WORK AND OVERTIME</b>		
.....		<b>48</b>
SECTION 08-01-	EMPLOYEE WORK RULE POLICY .....	48
SECTION 08-02-	HOURS OF WORK – POLICY STATEMENT .....	48
SECTION 08-03-	HOURS OF WORK – GUIDELINES .....	49
SECTION 08-04-	OVERTIME GUIDELINES – NON-EXEMPT .....	49
SECTION 08-05-	EXEMPT COMPENSATORY TIME GUIDELINES – EXCESS HOURS.....	50
SECTION 08-06-	TRAVEL GUIDELINES .....	51
 <b>CHAPTER IX: EMPLOYEE WORK RULES - DISCIPLINE</b>		
.....		<b>53</b>
SECTION 09-01-	POLICY .....	53
SECTION 09-02-	DISCIPLINARY PROCEDURES.....	53
SECTION 09-03-	CORRECTIVE ACTION PLANS.....	55
SECTION 09-04-	DISMISSALS .....	55
 <b>CHAPTER X: COMPLAINT PROCEDURES</b>		
.....		<b>58</b>
SECTION 10-01-	COMPLAINT POLICY.....	58
SECTION 10-02-	EMPLOYEE COMPLAINT PROCEDURE - GENERAL .....	58
SECTION 10-03-	DISCRIMINATION AND SEXUAL HARASSMENT POLICY STATEMENT.....	59
SECTION 10-04-	DISCRIMINATION AND SEXUAL HARASSMENT CLAIM PROCEDURE.....	60
SECTION 10-05-	WORKPLACE VIOLENCE.....	63
 <b>CHAPTER XI: SAFETY AND WORK CONDITIONS</b>		
.....		<b>65</b>
SECTION 11-01-	POLICY .....	65
SECTION 11-02-	EMPLOYEE RESPONSIBILITY STATEMENT .....	65
SECTION 11-03-	DEPARTMENT HEAD RESPONSIBILITY STATEMENT.....	65
SECTION 11-04-	ACCIDENT REPORTING PROCEDURE .....	66
SECTION 11-05-	TRAINING POLICY .....	66
SECTION 11-06-	SAFETY POLICY .....	66
 <b>CHAPTER XII: PERFORMANCE APPRAISALS</b>		
.....		<b>67</b>

SECTION 12-01-	POLICY .....	67
SECTION 12-02-	APPLICABLE EMPLOYEES .....	67
SECTION 12-03-	SCHEDULING OF APPRAISALS .....	67
SECTION 12-04-	PERFORMANCE APPRAISAL ADMINISTRATION .....	67
SECTION 12-05-	RECORDS .....	67
SECTION 12-06-	PERFORMANCE APPRAISAL FORM.....	67
<b>APPENDICIES</b> .....		<b>69</b>
	DRUG FREE WORKPLACE POLICY .....	APPENDIX A
	WORKFORCE DRUG AND ALCOHOL TESTING POLICY .....	APPENDIX B



## **Introduction to the Personnel Policy Manual**

### **Format**

This manual is divided into chapters and each chapter is divided into specific policies and guidelines.

Each policy is assigned a number as shown in the following illustration:

01-11-

01 = Chapter Number.

11 = Policy or Guideline Number within the Chapter.

Page numbers within this manual may change as new policies and guidelines are adopted, revised or deleted. If new additions exceed the page length of the old policy, then the page number will reflect an alphabetical listing so as not to upset the numbering system of the rest of the manual. This will preclude renumbering the entire manual as additions, revisions or deletions are made to the personnel policy manual.

## **CHAPTER I: GENERAL PERSONNEL POLICIES, POLICY STATEMENTS AND DEFINITIONS**

### **Section 01-01- Purpose**

The purpose of this personnel policy manual is to establish a uniform system of personnel administration for the Town of West Yellowstone that is efficient, fair, equitable, and functional. This manual describes policies, guidelines and conditions of employment for Town personnel.

### **Section 01-02- Non-Discrimination and Affirmative Action Policy**

The Town is dedicated to a policy of non-discrimination: no individual will be discriminated against with regard to compensation, terms, conditions, or other privileges of employment because of race, ancestry, color, mental or physical disability, religion, national origin, sex (including pregnancy, sexual orientation, or gender identity), age, marital status, veteran/military status, creed, political belief, genetic information, or any other protected class identified under federal, state or local law except where these criteria are reasonable bona fide occupational qualifications.

The Town is committed to Equal Employment Opportunity (EEO) recruitment guidelines as prescribed by federal and state law: all provisions of this manual will be administered in accordance with the provisions contained in such EEO Guidelines where such guidelines are applicable and relevant.

### **Section 01-03- Statement on Affirmative Action and Equal Employment Opportunity**

The Town of West Yellowstone provides all persons equal opportunity for employment without regard to race, ancestry, color, mental or physical disability, religion, national origin, sex (including pregnancy, sexual orientation, or gender identity), age, marital status, veteran/military status, creed, political belief, genetic information, or any other protected class identified under federal, state or local law. In keeping with this commitment, all Department Heads and their staff have the responsibility to actively facilitate equal employment opportunity for all present employees, applicants, and trainees. This responsibility will include assurance that employment decisions are based on furthering the principle of equal employment opportunities by imposing only essential, job-related requirements for employment and by assuring that all personnel actions are administered on the basis of job necessity.

It is the policy of the Town of West Yellowstone to eliminate any practice or procedure that discriminates or has an adverse impact on a protected class. Equal opportunity will be provided for all Town employees during their terms of employment. All applicants for Town employment will be employed on the basis of their qualifications and abilities.

The Town's commitment is intended to promote equal opportunity in all employment practices and policies to provide a positive program of affirmative action for the Town of West Yellowstone, its employees, trainees and applicants.

**Section 01-04- Statement on the Rights of Individuals with Disabilities**

The Town will not discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

An applicant or employee with a disability who needs a reasonable accommodation normally may advise his or her immediate supervisor of the nature of the disability and the accommodation requested. Once there is a request for a reasonable accommodation, the Town will either provide the requested accommodation or engage in an interactive process with the person requesting the accommodation. This process requires the individual assessment of both the particular job at issue, engagement with the employee's medical provider regarding ability to perform essential functions of the job an analysis of the specific physical or mental limitations of the particular individual in need of reasonable accommodation; and discussion of possible reasonable accommodations.

If there is a reasonable accommodation that addresses employees needs without causing an undue hardship to the Town, it will be provided to the employee. If it develops that there is no reasonable accommodation that would allow the employee to perform the essential functions of the position without creating an undue hardship for the Town, employment may need to be terminated.

**Section 01-05- Conflict of Law**

In situations where the provisions of this personnel policy manual conflicts with Town Ordinances, State Statutes, Federal Laws, or collective bargaining agreements, the provisions of said ordinances, statutes, laws, or collective bargaining agreements will supersede the conflicting provisions in this manual.

**Section 01-06- Severability**

If any section, subsection, sentence, clause, phrase or word of this manual is for any reason held to be invalid or unconstitutional, such decision will not affect the validity of the remaining portions of this manual. The Town hereby declares that it would have put into effect this manual and each section, subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason any part of this manual should be declared invalid or unconstitutional, then the remaining manual provisions will be in full force and effect.

**Section 01-07- Definitions**

For the purpose of this manual, the following terms are defined as below:

<b>Active Pay Status</b>	The condition of having compensable hours in a given pay period.
<b>Authorized</b>	Authority that has been delegated by the Town Manager or their designee.
<b>Cause</b>	Reasonable job-related grounds for dismissal (See MCA 39-2-903).
<b>Compensatory Time</b>	Time accrued on a one to one basis for time worked in excess of forty (40) hours in a work week by employees considered to be non-exempt under the Fair Labor Standards Act.
<b>Conflict of Interest</b>	An employee engaging in outside employment or activities that conflict with Town interests or the employee's ability to satisfactorily perform their duties as a Town employee, in accordance with Town Policy #46, Conflict of Interest.
<b>Department Head</b>	The following employees of the Town of West Yellowstone are considered Department Heads: Social Services Director, Finance Director, Police Chief, Public Services Superintendent, Town Clerk, and any other Department Head positions as approved by the Town Council.
<b>Dismissal</b>	The involuntary termination of employment.
<b>Excess Hours</b>	An exempt employee is paid a salary and has a work schedule that may vary from a standard forty (40) hour workweek. Exempt employees will not accrue compensatory time until they have exceeded a forty-eight (48) hour work week.
<b>Exempt Employee</b>	An employee in a position designated as executive, administrative or professional, who is not subject to the overtime pay provisions of the Federal Fair Labor Standards Act (FLSA) and its regulations. Exemptions are listed in Section 13 of the FLSA and further defined in 29 CFR 541.
<b>Family Member</b>	Mothers, fathers, children, brothers, sisters, and other past or present family members of a household. These relationships include relationships created by adoption and remarriage, including stepchildren, stepparents, in-laws, and adoptive children and parents. These relationships continue regardless of the ages of the parties and whether the parties reside in the same household. (This is in accordance with MCA 45-05-206)

<b>Flex-Time</b>	An adjustment in employee's scheduled working hours that varies from the regular working hours, that are pre-approved by the Department Head with the approval of the Town Manager.
<b>Grievance</b>	A complaint or dispute initiated by a Town employee in compliance with Chapter X of this Handbook..
<b>Immediate Family</b>	The employee's partner, and any member of the employee's household, or any parent, child, grandparent, grandchild or corresponding step or in-law relationship.
<b>Leave</b>	Authorized time off from work.
<b>Mayor</b>	As defined by the Town Charter, the presiding and ceremonial officer of the Town Council or their designee. The Mayor is elected by Town Council.
<b>Non-Exempt Employee</b>	An employee who is not excluded from the overtime and/or minimum wage provisions of the Fair Labor Standards Act.
<b>Overtime</b>	Compensation for non-exempt employees for hours worked in excess of forty (40) hours in a work week.
<b>Partner</b>	Spouses, former spouses, persons who have a child in common, and persons who have been or are currently in a dating or ongoing intimate relationship in accordance with MCA 45-05-206.
<b>Performance Appraisal</b>	Process by which a supervisor evaluates employees on the execution of the duties and responsibilities of the employee's position.
<b>Probation</b>	A period from the initial hiring (or potentially a transfer, or promotion date if job duties are significantly changed) during which the employment is at-will meaning either party may terminate employment for any reason or no reason at all.
<b>Resignation</b>	Voluntary termination by an employee.
<b>Retirement</b>	Voluntary or physical disability termination of an employee who may receive retirement benefits immediately upon termination.
<b>Status</b>	Employment categories. See Chapter IV.

<b>Supervisor</b>	Any individual authorized to assign and direct other employees, adjust employees' grievances, discipline other employees, perform performance appraisals, and exercise authority delegated to them by their Department Head that is not of a merely routine or clerical nature and requires the use of independent judgment.
<b>Termination</b>	An employee being separated from employment due to retirement, resignation, discharge, separation due to temporary nature of the position, or end of term of employment or appointment.
<b>Town Manager</b>	Appointed by Town Council as defined by the Town Charter, the Town Manager will serve under contract as the chief executive officer and chief administrative officer of the Town.
<b>Transfer</b>	An employee changing employment from one department to another.

## **CHAPTER II: PERSONNEL POLICY ADMINISTRATION**

### **Section 02-01- General Personnel Administration Policy Statement**

Personnel policy administration is the responsibility of every Department Head. The Town Council, through the Town Manager, will establish, administer and amend personnel policies, procedures and guidelines as the need arises using the posting process provided for in this Chapter.

The Town Council's personnel administration duties are limited to those authorized by State Statute, Town Ordinance, Town Charter and provisions listed in this personnel policy manual.

The policies of this personnel policy manual will not conflict with the powers, duties and responsibilities that are reserved, by law, for citizen boards.

### **Section 02-02- Personnel Policy Manual Amendment Process**

The Town of West Yellowstone's personnel policy is subject to the process that governs policy adoption. The process for amending or adopting a policy is summarized below:

- A. The policy will be posted for public and employee comments in the Town Clerk's Office for fifteen business days prior to adoption. Copies will be provided to the respective bargaining units at least fifteen business days prior to adoption and/or follow the posting requirements of the current collective bargaining agreements.
- B. The Town Council will adopt amendments at a regularly scheduled Town Council meeting.
- C. Adopted policies will be entered into the personnel policy manual available in the Town Clerk's Office and distributed to each department and employee.
- D. The provisions of this manual will not be construed as limiting the power and authority of any Department Head to make departmental rules and regulations governing the performance of employees. Such departmental rules and regulations, however, will not conflict with provisions of this manual or other adopted Town policies.
- E. Suggestions for amendments to this manual are welcomed at any time from employees covered by the manual's provisions. All suggestions will be submitted in writing to the Town Manager.

### **Section 02-03- Employee Records Policy**

Employee personnel files in the Town offices are the official Town record of employment and will remain confidential. Employment records do not include any medical records related to the employee. Medical records provided to the Town by an employee or applicant will be kept in a secure location that is separate from the employee's personnel file. Any medical records will be maintained in strict confidentiality in accordance with state and federal law.

- A. Employees may request to review their own personnel files with the Town Manager with reasonable notice during regular business hours for legitimate business reasons.
- B. Employees are responsible for the accurate representation of all information and should check the information to ensure accuracy.
- C. Employees will notify the Town of any changes in personal data. This may be accomplished by submitting a written description of the change in personal data to the Department Head or Town Manager. Changes must be submitted in writing in a timely manner.

**Section 02-04- Post Employment Records and Reference Requests**

Requests for copies of employment records and reference requests will be handled by the Town Manager or Town Clerk. It is the Town's policy to confirm dates of employment, job title, whether the employee left employment in good standing and provided proper notice, and final salary or hourly rate.



## CHAPTER III: RECRUITMENT AND SELECTION

### Section 03-01- Recruitment and Selection Policy

The Town will conduct recruitment and selection processes in accordance with sound personnel practices. The Town is dedicated to Affirmative Action, non-discrimination, and Equal Employment Opportunity Guidelines. Recruitment will be designed to ensure that selection is made from the best-qualified candidates who have applied for the position. When possible and appropriate, current Town employees will receive preference for open positions within the Town. The Town Manager and the Department Head will jointly handle the duties and responsibilities associated with recruitment.

### Section 03-02- Initial Hiring Preferences

Per MCA 39-29-102 (Veterans' Public Employment Preference Law) and MCA 39-30 (Persons with Disabilities Employment Preference Act), the Town will provide for employment preference in initial hiring (a personnel action for which applications are solicited from outside the ranks of the current employees of the Town) for certain applicants who request the preference be applied and qualify for the preference.

Applicants must claim preference prior to the closing of the announcement, ideally at the time of application.

### Section 03-03- Recruitment and Selection Process Guidelines

Recruitment guidelines will be followed for Regular and Limited Term status position unless the Town Manager has granted a waiver altering the process. The Town Manager must determine that any alteration meets the stated policy objectives of Section 01-02, Section 01-03, Section 01-04 and Section 03-01. Promotions are covered separately in Chapter V, Promotion, Transfer and Termination.

#### A. Initiating a Recruitment Process

The Department Head will meet with the Town Manager to review the job description, minimum qualifications, status, salary, application deadlines, and proposed date of hire based upon the Town's current budget.

The recruitment process begins when the Town Manager receives a request to fill a vacancy from the Department Head in conjunction with a letter of resignation from the employee currently in the position or other substantiation that the position is vacant or will soon be vacant.

In the case of a newly created position, the recruitment process will begin when the position is authorized through the budgetary approval process and the position is included on the staffing plan approved by the Town Council.

#### B. Internal Recruitment Guidelines

1. In consultation with the Department Head, the Town Manager will determine whether it is appropriate to initiate an in-house recruitment process. Whenever possible, Department Heads and the Town Manager should attempt to determine whether a sufficient number of well-qualified in-house candidates exist to justify an in-house recruitment. All active pay status employees will be eligible to apply for positions open to in-house recruitment at the time the in-house recruitment notice is posted.
2. The in-house recruitment process is initiated by preparing and circulating a position vacancy announcement to all departments for posting.

The in-house posting period will last for at least ten (10) working days and may run concurrently with an out-of-house recruitment.

3. At the close of the application period, the Town Manager will transfer the applications of all candidates to the Department Head. The Department Head will score and review all applications, select those to be interviewed, and submit a list of selected candidates to the Town Manager.
4. The Town Manager and/or Department Head will conduct interviews of best-qualified candidates. Interview panels will be composed of representatives from both genders and will include representatives from different levels of the organizational hierarchy. At least one member of the panel will be from outside the Department. The Town Manager may be considered the outside department member for the panel.
5. In the event an in-house candidate is selected, refer to Section 05-03, Transfer Process.
6. The Department Head, with consent of the Town Manager, may decide to open the position up to outside applicants and consider the in-house applicants with the entire applicant pool.

C. External Recruitment Guidelines:

1. When the Department Head and the Town Manager decide to expand the applicant pool beyond Town employees, the Town Manager may publicize the position by sending position vacancy notices to the following:
  - a. Town web site and social media channels
  - b. The local newspaper and/or the Bozeman Chronicle.
  - d. Advocacy organizations for historically under-represented groups.

- f. Any other appropriate publications, including newspapers, professional journals and/or websites and online recruiting sites
    - g. Post notices in the Post Office and the Town Office.
  2. Following the close of the application period, the Town Manager, Town Clerk and Department Head will review the applications. They will screen and score the applications as follows:
    - a. Minimum qualifications.
    - b. Essential knowledge, skills and abilities required for the position to determine best qualified candidates for the position.
  3. The Town may administer qualified testing and evaluations of prospective applicants if the position so requires. All testing materials, including interview questions, must be approved prior to use by the Town Manager. Test results will be submitted to the Town Manager for review and inclusion with other recruitment materials.
  4. The Department Head in consultation with the Town Manager will designate a selection committee. The committee will be composed of representatives from both genders and will include representatives from different levels of the organizational hierarchy. At least one member of the panel will be from outside the department. The Town Manager may be considered the outside department member for the panel.
  5. After the selection committee has screened the applicants they will conduct structured interviews of best-qualified candidates by making efforts to utilize a standard set of structured questions. The selection committee may make a hiring recommendation. The committee may also recommend reopening the recruitment, extending the deadline to receive applications, or rejecting all applicants.
  6. The Town Charter authorizes the Town Manager to make hiring decisions. The Town Manager must authorize the job offer to the prospective candidate and approve the conditional employment offer. The conditional employment offer must be accepted or rejected within ten (10) working days.
  7. The conditional employment offer to the applicant selected for the position should outline the job title, salary, date of hire, and other pertinent information. A copy of the offer will be placed in the employee's personnel file.
  8. Once the conditional offer is made, the Town may perform a background check that could include any or all of the following: driver's history, criminal history, psychological evaluation, credit check, alcohol/drug test, reference check, physical screening, and work and education history confirmation, subject to relevant state and federal laws.

9. Any Town employee who has been discharged for cause will not be re-employed without the authorization of the Town Manager.
10. The paperwork associated with recruitment, which may include, but is not limited to applications, scoring sheets and interview notes should be returned to the Town Manager at the conclusion of the process. .

**Section 03-04- Employee Orientation**

- A. The Town will endeavor to provide all new employees with an orientation session. The employee will have to opportunity to complete necessary employment forms required by Federal and State Statutes, as well as payroll and withholding information. A Town representative will provide an overview of the pay and benefit packages either in person or via written communication. The employee will be responsible for reading and following the personnel policy manual. The Town will provide an orientation packet that includes new hire information, the personnel policy manual, benefit information, payroll schedule, drug and safety polices. In addition, new employees may be provided departmental orientation and education specific to the equipment and tasks required of their new position.
- B. All employees will be given a copy of the personnel policy manual. Employees will read the personnel policy manual and sign the receipt of said document. The receipt will be returned to the Town Clerk within fifteen (15) working days. Employees who enroll in the Town's benefit plans will receive supporting documents for those benefits.

## CHAPTER IV: EMPLOYEE STATUS

### Section 04-01- Employee Status Policy

All employees will be assigned a status for the purpose of determining eligibility for certain benefits of employment with the Town of West Yellowstone. The status of an employee is a key component of the Town's personnel system and is subject to review and assignment by the Town Manager.

### Section 04-02- Employee Status Definitions

Town employees who receive a Town payroll check must have one of the following statuses:

- A. Regular Full-Time Status  
An employee who has satisfactorily completed an appropriate probationary period and who normally works at least forty (40) hours per week. Regular full-time are eligible for vacation and sick leave accrual and benefits.
- B. Regular Part-Time Status  
An employee who has satisfactorily completed an appropriate probationary period and who normally works less than forty (40) hours per week. Part-time employees are eligible for vacation and sick leave accrual and benefits on a prorated basis.
- C. Limited-Term Status  
An employee whose employment is not intended to be regular and with no expectation of employment beyond the specified period. In no event will a limited-term status employee exceed a period of one (1) year. After one (1) year, an employee may not be re-hired as a limited-term status employee without a sixty (60) day break in employment.

No limited-term position may be changed to a regular position without a recruitment, but any limited-term employee may apply for any permanent position for which a recruitment is being conducted. When such a recruitment is conducted, the announced qualifications for the regular position will not be modified from the initial recruitment in order to tailor the position to a limited-term employee.

Limited-term employment may be discontinued at any time, but at least five (5) working days of notice of discontinuance will be given. Limited-term employees are probationary employees throughout the term of their employment notwithstanding any other provision of these policies as long as the specified period of their employment is less than one (1) year. Upon the conclusion of the term, a Limited-term employee is considered terminated from employment and any re-hire for a regular position or another limited-term position is subject to a new probationary period. An employee hired under limited-term status can be a limited-term full time employee or a limited-term part time employee. Limited-term employees are eligible for vacation and sick leave accrual and limited benefits on a prorated basis if the employee works the qualifying period to receive vacation and sick leave benefits.

- D. Short-Term Status

An employee whose employment is not to be regular and with no expectations of employment beyond ninety (90) days within a twelve-month period starting from their date of hire. Short-term employees are not eligible for permanent status and may not be hired without completing a competitive selection process. A short-term employee is not eligible for any benefits including vacation and sick leave, holiday benefits, or any insurance benefits. Upon the conclusion of the term, a short-term employee is considered terminated from employment and any re-hire for a regular position or a short-term or limited-term position is subject to a new probationary period.

In emergency situations, short-term positions may be filled without completing the standard recruitment process outlined in Chapter III. Every hiring must be approved by the Town Manager

E. Probationary Status

The period of employment during which the employee is appraised to determine whether continued employment with the Town will be granted. All employees are subject to a three hundred and sixty five (365) day probationary period.

The Town reserves the right to extend the probationary period for all employees, but in no event may the probationary extension exceed a total of six (6) additional months. After the initial (12) month probationary period, a police officer's probationary period may be extended another six (6) months in order to complete the academy. Any extension of a probationary period will be conveyed in writing to the employee.

Prior to the end of the probationary period, written documentation from the Department Head stating that the employee has successfully completed their probationary period must be received by the Town Manager. An employee may be terminated at any time during the probationary period for any reason or no reason at all.

If there is a break in service because Town employment has been terminated for any reason, the employee will be assigned probationary status upon any later re-employment. Once completing a Town required probationary period, the employee will not have to serve another one unless there is a break in service.

**Section 04-03- Status Forms**

- A. Status forms will be submitted for each of the following events: hiring, change in salary, longevity, position title, status, promotion, termination, and other qualifying events. It is the responsibility of the Department Head to complete an employee status form and forward the form to the Town Manager.
- B. The Town Manager will review and approve the submitted status forms. Status forms will be recorded in the employee's personnel file. In the event that the Town Manager changes a status form submitted by a Department Head, a copy of the amended form will be sent to the Department Head.
- C. The Town Manager will forward a copy of the form to the payroll staff.

## **CHAPTER V: PROMOTION, TRANSFER AND TERMINATION OF EMPLOYMENT**

### **Section 05-01- Promotion, Transfer, Temporary Assignment and Voluntary Resignation Policy**

Town departments may develop a succession of positions that provide progressive advancement for employees.

### **Section 05-02- Promotion Process**

Department Heads will work with the Town Manager to implement departmental promotion policies in advance of any vacancy. When possible, promotion to a vacant position may be made from among the most qualified applicants from within the department having the vacancy. Only those departments with approved promotion policies may use promotion as a method for advancing personnel to new positions. Promotions will be made based on review of the qualifications of the applicants and are subject to budget authority granted to the Department Head. Review of qualifications should include candidates' education, experience, knowledge, skills, abilities and past performance in other positions with the Town. Recommendations for promotion will be reviewed and approved by the Town Manager. The guidelines for transfers will apply to promotions.

### **Section 05-03- Transfer Process**

Employees wishing to be considered for transfer from one department or position to another must do so in accordance with recruitment procedures described in Chapter III, Recruitment and Selection.

- A. The rate of pay for an employee who has applied for and been selected to fill a position vacancy will be determined by application of the appropriate collective bargaining agreement and Town policy. All transfers will occur on the first day of a pay period.
- B. The employee may be transferred back to their previous position or the equivalent thereof for any reason. Transfer back to the employee's original position is subject to the availability of that position. Also, the Town may terminate the employee for just cause.
- C. Employees who transfer between departments are not entitled to a lump sum payment for accrued vacation and/or sick leave credits at the time of transfer. The department receiving the transferred employee will assume the liability for the accrued vacation and sick leave credits earned and transferred with the employee.
- D. Once an employee has completed a probationary period, they will generally not be required to complete another probationary period unless there is a break in service or a promotion or transfer to a new position which includes materially different job duties than the previous role.

**Section 05-04- Temporary Assignment**

The Town Manager may make temporary assignments. Temporary assignments will be made within the following guidelines:

- a. Temporary assignments will be limited to thirty (30) calendar days.
- b. If a temporary assignment exceeds thirty (30) calendar days, the employee will be immediately eligible for a temporary appointment as described in Section 05-05. The employee will receive retroactive pay for the first thirty (30) days of the temporary assignment, if they receive a temporary appointment.

**Section 05-05- Temporary Appointment**

The Town Manager, in consultation with the Department Head, may temporarily appoint an employee to a new or different position. A temporary appointment may not exceed one (1) year in duration without approval of the Town Manager. Prior to making a temporary appointment, the Town will notify the employee in writing of the following:

- a. The reason for the temporary appointment,
- b. The anticipated duration of the appointment, and
- c. A statement that the employee will return to the former position, and pay rate at the conclusion of the temporary appointment.

**Section 05-06- Temporary Appointment Pay Plan**

In the event of a Temporary Appointment, the employee will be compensated at the following rate: 1x employee's base salary prior to the Temporary Assignment + 50% of the difference between the employee's base salary prior to the Temporary Assignment and the base salary paid to the employee who most recently occupied the position they are temporarily assigned to.

**Section 05-06- Demotion Process**

An employee may be demoted when they cannot satisfactorily perform the requirements of their current position. An employee with mental or physical disabilities may only be demoted or terminated in accordance with state and federal disability laws.

**Section 05-07- Termination of Employment**

- A. Employees leaving Town employment, due to resignation or retirement, will submit a written resignation to their Department Head at least two weeks before leaving.
  - 1. These resignations will be dated, signed, and contain the effective date of resignation.



2. Employees who have resigned, retired, or terminated will be paid for the hours or time they have worked after providing notice of resignation within the next fourteen (14) days or the next regular payday, whichever occurs first.
- B. All employees leaving Town employment for any reason will turn in all Town property in their possession, including keys, on or before their last day of work. The Department Head is responsible for maintaining an inventory of Town property that is possessed by the employee and ensuring all property is returned upon termination. The value of any property that is not returned to the Town shall be deducted from the employee's final pay.
  - C. Within seven (7) calendar days of leaving Town employment for any reason, the employee will receive a copy of the Town's grievance procedures.

**Section 05-08- Exit Interview**

The Town may conduct an exit interview for all retired, resigned, or dismissed Town employees.

- A. The interview may be conducted by the Town Manager and will be:
  1. Confidential in nature.
  2. Scheduled, whenever possible, on the employee's last day.
- B. The Town Manager may make organizational adjustments based on information from an exit interview while not compromising confidentiality.

## **CHAPTER VI: EMPLOYEE BENEFITS**

### **Section 06-01- Employee Benefits Policy Statement**

The Town of West Yellowstone strives to provide employee benefits that enhance productivity, ensure health and safety, promote personal and professional growth, and create a family supportive work environment. It is the intent of the Town of West Yellowstone to provide the same benefit levels for exempt/unrepresented Town employees as those received by organized employees. .

### **Section 06-02- Health, Dental, Vision, and Life Insurance Plans**

The Employee Benefit Plan (hereafter referred to as the Plan) includes health, dental, vision, and life insurance plans. Participation in the Plan is available to all regular and limited term employees and their dependents, according to the terms and conditions outlined in the Group Election Form.

- A. The Town has current copies of the policies on file. Employees will be provided access to the plan document and amendments as they become available. It is the employee's responsibility to seek assistance in interpreting the plan documents.
- B. The Town pays portions of premiums for Plan coverage for all active regular status and limited term – full-time employees who have achieved that status as of the first (1<sup>st</sup>) day of the month following thirty (30) days of employment, subject to provisions and conditions stipulated in the Plan.

The Town's contributions for regular part-time employees and limited term part-time employees who have achieved that status as of the first (1<sup>st</sup>) day of the month following thirty (30) days of employment will be pro-rated according to the hours specified for the position in the Town's staffing plan. Town permanent and limited term employees have to work twenty (20) hours or more to participate in the Town's Employee Benefit Plan. The Town's contribution levels will be set as part of the annual budgeting process.

### **Section 06-03- Vacation Leave Accrual Policy**

All regular and limited term employees will be eligible to accumulate vacation leave credits from the first day of employment and use them (or have them paid out upon termination) with pay after six (6) months of continuous employment.

Regular part-time and limited term part-time employees will earn a prorated amount of vacation leave and may use them (or have them paid out upon termination) after six (6) months of continuous employment.

Short term employees are not eligible to accumulate vacation leave.

- A. Vacation leave credits will be earned at a yearly rate calculated in accordance with the following schedule where one (1) year equals 2,080 hours of work.

40 hours x 52 weeks = 2,080 hours = 1 year

Completed Years of Employment	Credits Per Year	Full Time Hrs./Bi-Weekly Pay Period	Part Time Accrual Rate
Less than 10	120 hours	4.62	.058 x # of hours
10 to less than 15	144 hours	5.54	.069 x # of hours
15 to less than 20	168 hours	6.46	.081 x # of hours
20 or more	192 hours	7.38	.092 x # of hours

1. Overtime hours are not counted in the calculation of vacation credits earned.
2. When calculating incomplete pay periods and part-time hours, final figures are rounded off to the hundredth of an hour.
3. For the purpose of determining years of employment, an employee must be credited with an entire pay period in which he/she is in a pay status or on an authorized leave of absence with pay, regardless of the number of hours of service in the pay period. (Refer to Section 06-03-F on Prior Service verification.)

B. The following rules will apply to vacation leave:

1. Vacation time taken off will be recorded to the nearest quarter hour in decimal format.  
  
Example: 15 minutes of work = .25 hours of work
2. No vacation leave with pay will be granted in advance of credits earned.
3. Vacation leave credits will not accrue in an authorized leave without pay status.
4. Vacation leave cannot be used without prior written approval by the employee's Department Head.
5. Vacation leave will not be utilized to create overtime.
6. Accumulation Cap: Vacation leave credits may be accumulated to a total not to exceed two (2) times the maximum hours earned annually as of the end of the first pay period of the next calendar year. Excess vacation time is not limited to the foregoing cap on accumulation if taken prior to April 30<sup>th</sup> of the year following the calendar year in which the excess was accrued.

Grace Period. It is the responsibility of the Department Head, or the Town Manager in the case of a Department Head, to provide a reasonable opportunity for an employee to use excess vacation leave, rather than forfeit accumulated

vacation leave. If an employee makes a reasonable written request to use excess vacation leave and the Department Head, or the Town Manager in the case of a Department Head, denies that request, the leave is not forfeited. The employee must use the excess vacation leave before the end of the calendar year, in which the leave would have been forfeited..

- C. Vacation Leave/Sick Leave-At the discretion of the employee, vacation leave time may be substituted for sick leave purposes.
- D. Employment Separation-An employee who separates employment for any reason is entitled to a lump sum payment at the salary rate current at the time of termination for unused vacation leave, provided the employee has worked the qualifying period of six (6) continuous calendar months.
- E. Transferred Employees-If an employee is transferred between departments, the employee cannot request a lump sum payment for accrued vacation leave credits. The Department receiving the transferred employee will assume the liability for the accrued vacation credits earned and transferred with the employee.
- F. Prior Public Service with Another Equivalent Entity-Town employees who have been employed with another public equivalent entity and position, meaning any legally constituted department, board, or commission of state, county, or town government or any political subdivision may, with approval of the Town Manager, use that time towards their vacation accrual rate, subject to the limit on accumulation stated in this policy without regard to the grace period allowed by Section 06-03-B-6. Private sector experience will be considered at discretion of the Town Manager.

Employee must provide proper documentation to the Town Manager to demonstrate equivalent employment.

The employee will receive the additional time towards his or her vacation accrual rate once proper documentation is received, subject to the foregoing limitations.

#### **Section 06-04- Sick Leave Accrual Policy**

All regular and limited term employees will be eligible to accumulate sick leave credits from the first day of employment and use them with pay after ninety (90) days of continuous employment. Employees who are sick before they finish the qualifying period may request their supervisor (with the approval of the Town Manager) to grant paid sick leave. Sick leave is earned at a rate of eight (8) hours per month, without restriction as to the number of hours that may be accumulated. Sick leave must be credited at the end of each pay period.

Regular and limited term part-time employees earn a prorated amount of sick leave and may use them once they have worked the qualifying period. Short-term employees do not accrue sick leave.

An employee who has completed the ninety (90) days of continuous employment and who separates employment from the Town will be entitled to cash compensation pay-out for the unused leave. The payout will be based on the provisions outlined in Section 06-04-F.

- A. Sick leave credits will be earned at a yearly rate calculated in accordance with the following schedule where one (1) year equals 2,080 hours of work.

**40 hours x 52 weeks = 2,080 hours = 1 year.**

<b>Period of Employment</b>	<b>Working Hours Credit/year</b>
40 hours per week	96
Less than 40 hours per week	.04615 x # of hours worked

- 1. Overtime hours are not counted in the calculation of sick leave earned.
- 2. When calculating incomplete pay periods and part-time hours, final figures are rounded off to the hundredth of an hour.

- B. The following rules will apply to sick leave:

- 1. Sick leave time taken will be recorded to the nearest quarter hour in decimal format.  
  
Example: 15 minutes of work = .25 hours of work
- 2. No sick leave with pay will be granted in advance of credits earned.
- 3. Sick leave credits will not accrue in an authorized leave without pay.
- 4. The Town Manager or the Department Head may request the employee using sick leave to verify their claim with proper documentation from a health care provider without requesting the nature of the illness or injury. The Town may also request medical certification that the employee is released to return to work.
- 5. Employees who take extended sick leave (more than three (3) consecutive working days) due to illness may be required to provide a medical release to return to work which states that the employee is able to perform the essential functions of their job.

- C. Sick leave may be taken for:

- 1. Illness;
- 2. Non-work related Injury;
- 3. Medical disability;
- 4. Pregnancy disability leave events;

5. Quarantine resulting from exposure to contagious disease;
  6. Medical, dental or eye examination or treatment;
  7. Necessary care or attendance to an immediate family member or, at the Department Head's discretion, another relative, for the above reasons until other attendance can reasonably be obtained; and
  8. Death or funeral attendance for an immediate family member. (See also 6-06-Bereavement Pay)
- D. Holiday/Sick Leave-Employees scheduled to work the holiday (i.e. emergency services), may utilize sick leave for circumstances outlined in 06-04-C to make up the difference between 8 hours of holiday leave and their scheduled shifts that may be longer than 8 hours.
- E. Sick Leave/Vacation Leave- An employee is eligible to use vacation leave credits in lieu of sick leave.
- F. Sick leave lump sum payment at the end of employment will be as follows:
1. If an employee is a member of MFPE – Police Protective Unit and hired after January 28, 2016 the sick leave lump sum payment will be at a flat rate of twenty-five (25%) percent.
  2. If an employee is a member of MFPE and is hired after April 13, 2015 the sick leave lump sum payment will be at a flat rate of twenty-five (25%) percent.
  3. Exempt or unrepresented employees hired after August 15, 2017 will receive a sick leave lump sum payment at a flat rate of twenty-five (25%) percent.
  4. All employees hired prior to August 15, 2017 will receive a sick leave payout according to this table:

Years of Service	Payout
1-5 years	25%
6-10 years	30%
11-15 years	40%
15-20 years	60%
21+ years	75%

- G. Transferred Employees-If an employee is transferred between departments, the employee cannot request a lump sum payment at the time of the transfer for accrued sick leave credits.

The department receiving the transferred employee will assume the liability for the accrued sick leave credits transferred with the employee.

H. Sick leave will not be utilized to create an overtime situation.

### **Section 06-05- Donation and Receipt of Sick and Vacation Leave**

Regular and limited term employees may donate sick or vacation leave to other regular or limited term employees who have used all their sick, vacation, compensatory time, and other accrued leave.

A. Donation of Leave - Employees who are eligible, see guidelines below, may donate sick or vacation leave hours to be used by another employee who does not have leave credits to remain in an active pay status during an extended absence due to illness or injury. Employees may donate leave hours on a one-for-one basis. This donation cannot result in a budget deficiency or request for supplemental funding by the recipient's department.

1. The donation is based on the number of hours (credits), not on rate of pay.
2. One donated credit hour will be subtracted from the donating employee's leave hour accruals for every one credit hour added to the recipient employee's sick leave credit accumulation.
3. Employees may donate up to twenty (40) hours of leave to an individual employee, and up to eighty (80) hours total of leave during a calendar year.
4. Donating employees must have a minimum balance of one-hundred sixty (160) hours sick leave credits remaining after the contribution. If desired, employees may exhaust their vacation accrual.
5. The donation of credits, once made, cannot be rescinded by the donating employee, subject to the qualifications below.
6. Credits not used by the recipient employee will be returned to the donating employee when the recipient employee returns to work, or terminates employment with the Town. Credits will be returned in the reverse order of their donation.
7. Employees donating and accepting leave time, pursuant to this policy must sign a form acknowledging their understanding of the terms and conditions of the transaction.

B. Receipt of Leave

1. One leave credit will be added to the recipient employee's sick leave account for every leave credit donated.
2. An employee may receive a total of four-hundred and eighty (480) credit hours of donated leave credits during a calendar year.

3. To be eligible to receive donations of leave credits, an employee must meet all of the following:
  - a. Must be eligible to use sick leave (see introduction to Section 06-04);
  - b. Must have an illness, injury or other qualifying condition, as described in Section 06-04-C, that results in an absence of at least ten (10) working days;
  - c. Must have exhausted all other accrued paid leave and compensatory time;
  - d. Must have the Town Manager's approval for receiving the donation of leave; and
  - e. Must not be eligible for Workers' Compensation benefits.

**Section 06-06- Bereavement Leave**

Upon the death of a member of the employee's immediate family, an employee will be granted up to three (5) days of paid bereavement leave in a calendar year for the purpose of attending services. Bereavement leave may be used in conjunction with vacation leave or sick leave with proper authorization.

**Section 06-07- Pregnancy Disability Leave**

Employees are entitled to a reasonable leave of absence for a disability related to pregnancy. Disability as a result of pregnancy may require verification by medical certification that the employee is not able to perform her employment duties.

Earned vacation and personal time may be used by an employee on leave for pregnancy leave at the employee's discretion. But the employee must use it all at the beginning of the leave period.

Upon signifying her intent to return at the end of her leave of absence, the employee shall be reinstated to her original job or to an equivalent position with equivalent pay and accumulated seniority, retirement, fringe benefits, and other service credits unless the circumstances have so changed as to make it impossible or unreasonable to do so.

All other forms of leave related to time off from work not related to disability related to pregnancy but related to the arrival of a new born or newly adopted child (e.g., "bonding leave" or "parental leave") will be treated under the Parental Leave Policy or the Leave of Absence Without Pay Policy.

- A. While an employee is on pregnancy disability leave, the Town will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses to not return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance



beyond the employee's control, the Town may require the employee to reimburse the Town the amount paid for the employee's health insurance premium during the leave period.

The employee is required to continue to pay their share of premiums for health benefits. If in a paid status, these will continue to be taken from paychecks. If in a leave without pay status, the employee will be required to submit the payment to the Town in person or by mail. The payment must be received by the twentieth (20<sup>th</sup>) day of the month prior (example: coverage for July will require payment by June 20<sup>th</sup>.) If the payment is more than thirty (30) days late, the employee's health care coverage may be dropped. The employer will provide notice prior to the loss of coverage.

#### **Section 06-08-        Breastfeeding**

Employees who wish to breastfeed or collect milk for their child(ren) will be provided a private space (other than in a restroom) with suitable lighting and electricity if necessary for a pumping apparatus to collect breast milk. The selection of the space will be made on a case-by-case basis in consultation with the employee. Standard break times will be primarily utilized with additional unpaid break time provided as mutually agreed upon. Additionally, the Town will make every effort to provide suitable facilities for milk storage during the employee's daily work period. All requirements listed in MCA 39-2-215, 39-2-216, 39-2-217, whether or not specifically listed here, will be complied with.

#### **Section 06-09-        Parental Leave**

The Town may permit permanent status employees a leave of absence not to exceed ninety (90) calendar days for parental leave immediately following the birth of a child or placement of a child with the employee for adoption. Parental leave may be extended with written approval of the Town Manager. This category of leave is distinct from pregnancy disability related leave, the latter is treated separately, in Section 06-07, above.

- A.     Parental leave will be granted with the approval of the employee's Department Head and the Town Manager.
- B.     An employee may use sick leave, vacation leave, compensatory time or leave without pay as parental leave.
- C.     While an employee is on unpaid parental leave, no vacation or sick leave credits accrue and service time for retirement will be adjusted accordingly.
- D.     While an employee is on parental leave, the Town will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses to not return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the Town may require the employee to reimburse the

Town the amount paid for the employee's health insurance premium during the leave period.

The employee is required to continue to pay their share of premiums for health benefits. If in a paid status, these will continue to be taken from paychecks. If in a leave without pay status, the employee will be required to submit the payment to the Town in person or by mail. The payment must be received by the twentieth (20<sup>th</sup>) day of the month prior (example: coverage for July will require payment by June 20<sup>th</sup>.) If the payment is more than thirty (30) days late, the employee's health care coverage may be dropped. The employer will provide notice prior to the loss of coverage.

- E. The Department Head and Town Manager may extend the parental leave beyond ninety (90) days if requested by the employee. The Town may require appropriate certification by a physician or adoption agency.

#### **Section 06-10- Disability Leave**

Employees may request a leave of absence because of a temporary or permanent disability that impacts the employee's ability to perform the essential functions of the job, as long as it does not impose an undue hardship upon the Town. This policy does not include pregnancy disability leave which is covered in Section 06-07.

- A. An employee requesting disability leave must:
  - 1. Substantiate the request with proper medical certification;
  - 2. Actively participate in the interactive process as requested by the Town;
  - 3. Make a written request for a specific period of time to their Department Head; and
  - 4. Have approval by the Department Head and the Town Manager.
- B. The Department Head and the Town Manager, with input from the employee, will engage in an interactive process to determine if the Town can provide the requested leave as a reasonable accommodation without imposing an undue hardship on the Town.
- C. The Town will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work for up to thirty (30) calendar days.
  - 1. The Town may approve a combination of paid leave and leave without pay, and may require that the employee use sick leave and/or vacation leave credits.
  - 2. Extensions may be granted with the approval of the Department Head and Town Manager.
  - 3. Prior to returning to work, an employee may be required to provide medical documentation certifying that the employee is fit to perform the essential functions of the job.

4. When the period of authorized leave without pay has expired and the employee is unable to return to work either with or without reasonable accommodation, the Town may discontinue their employment.
5. While an employee is on unpaid disability leave, no vacation or sick leave credits accrue and service time for retirement will be adjusted accordingly.
6. After the initial thirty (30) calendar days of unpaid disability leave, the Town's contribution to health, dental, vision, and life insurance premiums will stop. Employees on authorized leave without pay will make arrangements with the Town to pay the health, dental, vision, and life insurance premiums.

**Section 06-11- Military Leave**

The Town of West Yellowstone will comply with all provisions outlined in the Uniformed Services Employment and Reemployment Rights Act, (USERRA, 38 USC Sec. 4031 et seq) as well as all relevant state laws (to include MCA 10-1-1009) covering members of the Montana Army and Air National Guard.

- A. An employee who is a member of the Montana National Guard or any United States military force or Reserve Corps and who has been an employee for a period of six (6) months will be given leave of absence with pay for a period of time not to exceed 120 hours in a calendar year.

Unused leave may roll to the next calendar year but cannot exceed 240 hours for the calendar year. Military Leave can be for attending regular encampments, training cruises, and similar training programs of the military forces of the United States.

- B. Employees employed less than six months are entitled to unpaid leave for the purposes listed above. Employees using Military Leave must report it as such on their timesheets and have prior approval from their Department Head and the Town Manager for leave. This leave will not be charged against the employee's annual leave or other earned leave.
- C. While an employee is on military leave without pay the Town's contribution to health, dental, vision, and life insurance premiums cease. Employees on military leave without pay will make arrangements with the Town to pay the health, dental, vision, and life insurance premiums.
- D. While an employee is on military leave without pay, no vacation or sick leave credits accrue, and service time for retirement will be adjusted accordingly.
- E. The Town will make a reasonable attempt to return an employee to their original or equivalent position upon completion of military leave.

**Section 06-12- Leave of Absence Without Pay**

Any leave without pay is an unpaid leave status authorized by the Department Head and the Town Manager in writing after all accrued leave has been exhausted.

- A. While an employee is on leave without pay or on suspension, no vacation or sick leave credits accrue, and service time for retirement will be adjusted accordingly.
- B. While an employee is on leave without pay or on suspension, the Town's contribution to health, dental, vision, and life insurance premiums suspend after the employee has been on leave for 40 hours of regularly scheduled work.

Employees on authorized leave without pay will make arrangements with the Town to pay health and dental insurance premiums.

**Section 06-13-        Holiday Leave**

The following are legal holidays in accordance with MCA 01-01-216. Recognized holidays may be negotiated by current collective bargaining agreements.

- 1.     New Year's Day, January 1.
- 2.     Martin Luther King Day, third Monday in January.
- 3.     President's Day, third Monday in February.
- 4.     Memorial Day, last Monday in May.
- 5.     Independence Day, July 4.
- 6.     Juneteenth, June 19.
- 7.     Labor Day, first Monday in September.
- 8.     Columbus Day, second Monday in October.
- 9.     Veteran's Day, November 11.
- 10.    Thanksgiving Day, fourth Thursday in November.
- 11.    Christmas Day, December 25.
- 12.    State-wide election day in November in even numbered years, in accordance with current Collective Bargaining Agreements
- 12.    Any day declared a national legal holiday for all governmental subdivisions within the entire nation by the President of the United States; any day declared a state legal holiday for all State and local political subdivisions by the Governor of the State of Montana; any day declared a legal holiday for all Town government employees by the Town Council of the Town of West Yellowstone.

- A. If any of the holidays fall on a Sunday, the Monday following is considered the holiday.

If any of the holidays fall on a Saturday, the Friday preceding is considered the holiday.

All other days are business days.

- B. All regular or limited full-time employees will receive eight (8) hours off with pay for days observed as legal holidays, provided they are in an active pay status on the last regularly scheduled working day prior to the holiday unless specified differently by a union contract.
- C. Any regular or limited full-time employee who is scheduled for a day off, which is observed as a legal holiday will be entitled to receive eight (8) hours off with pay either on the work day preceding or the work day following. Employees under scheduling restrictions, as approved by the Department Head and Town Manager, may be allowed to use the holiday hours when the scheduling allows. The eight (8) hours will be taken before the end of the next pay period.
- D. All regular or limited term employees in emergency services (police officers and dispatchers) that are required to remain operational during holidays will be paid at the rate of one and one half (1 ½) times their hourly rate for each hour worked on the holiday.
- E. Regular or limited term part-time employees will receive holiday benefits on a prorated basis. The prorated benefit will be calculated by taking the daily average from the two full pay periods prior to the holiday. Holidays that occur in those prior pay periods will not be used in the calculation.
- F. If an employee is scheduled to work more hours than they would earn for a holiday, they may use vacation or comp time for those additional hours in order to receive a full work day's wages. (EXAMPLE: a full-time employee scheduled to work ten (10) hours on a holiday would earn eight (8) hours holiday time and would need to use two (2) hours of vacation or compensatory leave), unless otherwise specified by a union contract.
- G. Short-term employees are not eligible for paid holiday leave. Time worked on a holiday will be paid at one and half (1½) rate.

**Section 06-14- Flex Time**

Exempt employees, with the written approval from the Town Manager, may flex hours within the current pay period or by the end of the next pay period, due to fluctuating responsibilities and workload. Flex hours may not be carried forward and will not be paid out at termination.

**Section 06-15- Education Leave**

Education leave will mean employees attending courses at an accredited vocational or post-secondary educational institution for up to two courses per academic year. Education leave is available to only permanent full-time status employees, subject to the following guidelines:

- A. Education leave may be granted to any regular full-time employee, with the Department Head and Town Manager's written approval, after six (6) months of continuous employment. When possible, the employee will seek approval for educational leave & tuition/books reimbursement sixty (60) days prior to the start of the fiscal year.
- B. The Department Head will forward the employee's approved request for the education leave to the Town Manager outlining the nature of the coursework, the length of leave, impact on department services, person(s) involved, and estimated cost to the Town.
- C. Employees on education leave will report to work for the balance(s) of their work day before or after scheduled class(es) and within a reasonable time allowed for travel.
- D. The Town, upon receiving evidence of satisfactory completion of approved job-related courses, will reimburse the employee for tuition and books for up to \$2,000.00 per fiscal year. The employee's department will submit claims and payment will be taken from department funds appropriated for the purpose of education.

In some cases (with the approval of the Town Manager,) tuition may be paid in advance. If the employee fails to satisfactorily complete the course work, they will reimburse the Town.

- E. Graduate credit classes may be taken under the terms and conditions stated above. However, reimbursement will be subject to Internal Revenue Service rules governing educational assistance programs (Section 127). Specifically, reimbursement received for graduate credit is not exempt from the income exclusion under Section 127, and must be reported to the IRS as income for the employee.

Notification that a requested class is being taken for graduate credit must be included in the educational leave request and must also be noted on the claim form when the request for reimbursement is submitted. The department making the request must forward a copy of the original request and the reimbursement claim to the Town.

- F. The provisions of this Section can be altered to meet the needs of the Town with the prior approval from the Town Manager.
- G. Unless provide, otherwise when the education leave is granted, it will be without pay except to the extent provided in this Section 06-13.

#### **Section 06-16- Moving Expenses For New Employees**

All newly hired regular full-time employees will be reimbursed for actual moving expenses incurred as a result of a move to West Yellowstone up to the amount of \$2,500. Reimbursement will be based on documentation approved by the Department Head and submitted to the Town.

Moving expenses include the cost of transporting the employee and family members in a private vehicle (using current IRS mileage rate), meals for employee and family members while in transit (using current state rates), temporary lodging while in transit (based on current state rates) and the actual cost of rental and operation of a moving van, trailer or other vehicle to transport

personal effects, or the amount paid to a moving company, provided however, that the total amount reimbursed will not exceed \$2,500.

Any Town employee who receives moving expense reimbursement must return the full amount of the reimbursement if the employee voluntarily vacates the position less than twelve (12) months from the initial start date.

**Section 06-17- Honoraria**

Any Town employee who receives monetary honoraria and reimbursements for lodging, meals and/or travel from an entity other than the Town when participating as a speaker, seminar leader or panel member at a workshop or seminar may keep the monies received and does not need to report the monies collected to the Town if one (1) of the following conditions are met:

- A. The employee accounts for the time spent as speaker, seminar leader or trainer with accrued vacation leave credits; or
- B. The employee participates as speaker, seminar leader or panel member at a workshop or seminar held outside their normal working hours.

Any additional expenses incurred by the employee attending the conference, seminar or training (such as meals, lodging, or travel costs) are not reimbursable through the Town's Travel and Per Diem Policy.

**Section 06-18- Jury Duty/Serve as a Witness**

- A. An employee under proper summons or subpoena for jury duty or service as a witness will collect all fees and allowances payable as a result of the service and forward the fees to the Town. But, the Town will pay all regular salary and benefits due to the employee.

Expenses or mileage allowance paid by the court will not be deducted.

- B. If an employee elects to charge the time off against accrued vacation credits or compensatory time, no fees and allowances paid need be reported to the Town and will not be deducted from the employee's salary for the period of time charged to vacation credits or compensatory time.

**Section 06-19- Public Office Leave**

In accordance with MCA 39-02-104, employees elected or appointed to a public office will be granted an unpaid leave of absence, not to exceed one-hundred and eighty (180) days per year while performing the public service. Employees will be restored to their positions, with the same seniority, status, compensation, hours, locality, and benefits as existed prior to their leaves of absence for public service. Employees must return to work within ten (10) days following the completion of the service unless they are unable to return due to an illness that has been certified by a medical professional. The Town will comply with all relevant restrictions and guidelines provided within the Hatch Act, (5 U.S.C. 7321 through 7326, as amended).

**Section 06-20- Unemployment Insurance**

Unemployment insurance coverage is provided for all employees. Unemployment insurance claims are administered through the Department of Labor and Industry.

**Section 06-21- Workers' Compensation Insurance**

Workers' Compensation Insurance is provided for all Town employees to cover injuries arising out of and in the course of their employment.

- A. Employees are responsible for reporting all injuries – no matter how small – to their Department Head within twenty-four (24) hours of the injury. Department Heads will be responsible for immediately reporting employee injuries on the job that result in medical treatment or loss of work time to the Town Manager.
- B. The Department Heads and/or the employee will report accidents to the Town's worker's compensation insurance provider within twenty-four (24) hours of the incident.
- C. The Town will maintain a file containing the rules and procedures to be followed by employees claiming Workers' Compensation benefits.
- D. The administration of benefits received from Montana Municipal Interlocal Authority (MMIA) is between the employee and MMIA.
- E. Employees on unpaid leave while receiving Worker's Compensation benefits will not accrue vacation or sick leave credits, and service time for retirement will be adjusted accordingly.
- F. Each employee claiming Worker's Compensation will be reviewed on a case by case basis by MMIA.
  - 1. Efforts will be made to return the employee to the position they held when they sustained the injury. The employee will be responsible for remaining in close contact with their Department Head and will be expected to furnish the Department Head with current physician's reports on their condition.
  - 2. Light duty may be made available to the employee, upon authorization of and release by the physician.
  - 3. If the employee's physician does not release the employee to return to his/her former position within a reasonable recuperation period, the Town may terminate the employee on the basis of the employee's inability to perform the essential functions of the job unless the employee and the Town are able to identify a reasonable accommodation that does not impose an undue hardship on the Town.
  - 4. An injured worker who is terminated in accordance with Section 6-21-F-3, Workers Compensation Insurance, and who is capable of returning to work within two (2) years from the date of injury and has received a medical release to return



to work, will be given a preference over other applicants for a comparable position that becomes vacant if the position is consistent with the worker's physical condition and vocational abilities.

**Section 06-22- Pay Periods and Pay Day**

The Town has bi-weekly pay periods based on a Sunday through Saturday workweek. Any change in status, including all pay requests, should be filed with the Town as soon as possible, but no later than noon on Monday following the close of the immediate prior pay period. Pay is subject to withholdings required by state and federal laws, union dues, wage contributions to pension, health insurance premiums and other withholdings authorized by the employee or ordered by a court or government.

Employees are responsible for completing and submitting their own time cards. Employees will submit time sheets to Department Heads. Department Heads will approve time sheets after completing a review for inconsistencies and errors. If any errors or inconsistencies are found by payroll staff, the employee and Department Head will be notified. The employee will make any changes necessary & re-submit the time cards to their Department Head.

Intentional misreporting of time entries may result in discipline including, without limitation, dismissal.

**Section 06-23- Retirement Benefits**

- A. All regular status employees, except Police Officers, are enrolled in the Public Employees Retirement System (PERS).
- B. Police Officers are enrolled in the Montana Police Officers Retirement System (MPORS).

## CHAPTER VII: GENERAL WORK RULES AND WORK POLICY GUIDELINES

### Section 07-01- General Policy Statement

The Town of West Yellowstone strives to create a work environment that is conducive to performing work as efficiently and effectively as practical while adhering to all applicable federal, state, and Town workplace rules and regulations.

### Section 07-02- Conflict of Interest

Employees of the Town including elected officials, are subject to standards of conduct described in Title 2, Chapter 2 and Title 7, Chapter 3 of the Montana Code Annotated.

Any member of the Council, Town Manager, Department Heads, or employee of the Town or any relative of the foregoing individuals must not be directly or indirectly interested in the benefits, financial or otherwise, of any agreement entered into by the council while they are or were in office, or otherwise associated with the Town as an employee or relative. Competitive bidding processes are exempt from this requirement.

The following are examples of conflicts of interest which are grounds for employee dismissal:

- A. Employees engaging in unapproved soliciting or partisan political activity while on the job. (Hatch Act)
- B. Employees using their position for personal gain or to coerce others.
- C. An elected official or employee of the Town may not engage in a substantial financial transaction for their private business purposes with a person whom they inspect or supervise in the course of their official duties. Neither an employee nor elected official will perform an official act which directly produces an economic benefit to a business or other undertaking in which they or a member of their immediate family, either have a substantial financial interest or are engaged as counsel, consultant, representative, or agent. If a potential conflict arises, the employee or elected official will remove themselves from the process, disclose their interest to the Town Manager or, in the case of an elected official to the Mayor of the Town (or other member of the Council if the Mayor is the person with the conflict), and/or abstain from voting on that item.
- D. Employees using information of a confidential nature to profit financially; or giving such information to people outside the Town government who would profit from such information.
- E. Employees maintaining other employment if it conflicts with the interests of the Town or the employee's ability to perform their job duties in full.

Employees who maintain employment or business interests outside of or in addition to their positions as employees of the Town will disclose any potential conflicts to the Town Manager in writing within five (5) days that the interest is developed.

**Section 07-03- Outside Employment/Volunteer Positions**

Employees may maintain outside employment or a volunteer position with organizations other than the Town. Prior to accepting outside employment or volunteer positions all employees will obtain approval from their Department Head and the Town Manager. In the event that a conflict arises between outside employment or a volunteer position and the Town position, the employees will give precedence to the Town position. In the case of the Town Manager, the Town Manager will provide notice of outside employment or volunteer position to the Town Council.

The Town will make reasonable accommodations to allow employees who are active members of the Gallatin County Search & Rescue or Hebgen Basin Fire Department to respond to emergency calls during their work hours.

**Section 07-04- Nepotism**

Nepotism is the bestowal of political patronage by reason of relationship rather than of merit, as defined by MCA 2-2-301.

No person under service to the Town who, by virtue of their position, will have the right to hire, promote, supervise or otherwise appoint any person to render services to the Town, nor will they enter into any agreement or promise to do so with such person or persons related to them or connected to them, except as provided by law. (See MCA 2-2-302)

**Section 07-05- Drug and Alcohol Abuse Policy and Implementation**

The current Drug Free Workplace Policy and the Workforce Drug & Alcohol Testing Policy are attached as Appendices A and B. Any questions concerning these policies should be directed to the Town Manager.

**Section 07-06- Smoking**

All Town buildings are smoke free. This includes, but is not limited to, use of regular cigarettes, cigars, pipes, vapor/electronic cigarettes, or any other smoking device. Employees may smoke during scheduled breaks and meal periods and must smoke in designated smoking areas at least seventy-five (75) feet from buildings. There will no smoking near or an area where flammable products are stored or used. Smoking is strictly prohibited inside all Town vehicles and equipment.

**Section 07-07- Collective Bargaining**

Non-management employees have the right of self-organization, to form, join or assist any labor organization, to bargain collectively through representatives of their own choosing on questions of wages, hours, fringe benefits, and other conditions of employment, to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, free from interference, restraint, or coercion.

Collective bargaining agreements will align with the Town's policies and procedures. Elected officials, persons directly appointed by the Town Council, either executive, administrative, or others that are negotiated as exclusions, are excluded from the above right.

All non-management employees who are covered by a Collective Bargaining Agreement will be provided with a current copy of their respective Collective Bargaining Agreements. All new hires will sign a form acknowledging receipt of the Collective Bargaining Agreement.

**Section 07-08- Residency**

Town employees are subject to Town ordinances or State statutes that limit the geographic location of the employee's residence in order to eliminate unreasonable absences from position duties as a result of inherent problems related to travel distances.

For employees hired after February 29, 2024, Town Employees must reside at a property within the 59758 zip code. Exceptions to this rule may be granted on a case-by-case basis. A waiver of this requirement will not be provided as a matter of course. Employees must establish a unique and specific need to live outside of the designated area and unusual circumstances that causes them to not live within the designated area. In order to have an exception granted, employees must provide a written work plan and set of attendance expectations that is approved, in writing, by the Town Manager. The Town reserves the right, at any time, to revoke the waiver and require an employee to live within the designated area.

**Section 07-09- Employee Notification**

It is the employee's responsibility to furnish the Town with a current telephone number and address.

- A. If there are any changes, it is the employee's responsibility to notify the Town within five (5) business days.
- B. If the employee has not provided their Department Head with current information, the employer cannot make reasonable and timely contact with the employee when the employee is away from work. The employee will have no right or benefit that arises out of the fact that the employee could not be contacted.

**Section 07-10- Telephone Use**

- A. Excessive personal calls/texts/emails during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. Whenever possible employees should restrict personal calls during work time and use phones only during scheduled breaks or lunch periods. Employees should be courteous of co-workers and others in the work area when holding personal phone calls at work.
- B. The Town may issue cell phones to employees. Employees who are issued a cell phone understand the phones are issued for business use. Employees are expected to make every effort to not exceed the current contracted allowed minutes and/or data usage. The Town reserves the right to bill the employee for excessive charges.

Any excess phone or data use may be subject to additional review and may lead to disciplinary action up to and including termination.

#### **Section 07-11- Computer and Tablet Use**

Town issued electronic communications equipment should be used for activities that fall within the course and scope of the employee's job duties. Computer and/or tablet use that is illegal, deemed excessive, or inappropriate by the Town, may result in disciplinary action up to and including termination.

- A. Employees are responsible for the content and dissemination of their email messages. This responsibility includes ensuring that their messages are accurate, courteous, and that they do not violate another's right to privacy, confidentiality, or to be free from disparaging commentary. If an employee has a question pertaining to the content of an email, they should consult with their Department Head.
- B. The Town owns the contents of all files stored on its systems, all messages transmitted over its systems, and reserves the right to access them. E-mails may be accessed and monitored in the normal course of business by the Town. The Town expressly reserves the right to monitor use of the internet by employees. Employees have no right of privacy in all emails and other content created and/or transmitted through the use of Town electronic assets including both the hardware, software or internet connection.

#### **Section 07-12- Gifts and Endorsements**

The Town believes that the employees are committed to having professional and business interactions that adhere to the highest ethical standards. The Town will seek to avoid any actions that violate, or that may appear to violate, those standards and values.

The Town governs the subject of gifts and favors as follows:

- A. An employee may accept a gift or favor of food, merchandise or services whose cash value is less than fifty (\$50.00) dollars.
- B. No employee will accept a cash gift for any reason.

In addition, the public may ask employees to recommend or endorse certain products or companies. However, Town employees are strictly prohibited from endorsing any such products or companies. Town employees may provide professional feedback on products or services utilized by the Town but only if the feedback is private and the person or entity receiving the feedback agrees in writing before the feedback is given not to use it as an endorsement of any kind.

### **Section 07-13- Use of Town Vehicles**

Employees who operate Town vehicles and equipment must possess a valid drivers license before operating any such vehicle or equipment and must be valid for the type of vehicle operated.

Employees using a Town vehicle must observe and obey traffic regulations and exhibit extreme care of the vehicle. Employees and other authorized passengers are required to wear seat belts at all times. Vehicles will be parked in an authorized, or unrestricted, space. When the vehicle is left unattended, the employee must secure the vehicle by rolling-up all windows and locking all of the doors. Employees are required to ensure vehicles are returned fully fueled and all trash removed. Employees are prohibited from smoking in the Town vehicles and equipment.

Employees will report unsafe vehicle conditions or conditions in need of repair to their Department Head.

The Town Manager will designate the positions that require the use of Town vehicles on a take-home basis. All Town vehicles are to be primarily used for business-related purposes and, if possible, are to be available and shared among all employees when needed for business-related travel.

Any and all accidents involving any Town vehicle or equipment must be reported to the Town Manager immediately, and the employee operating the vehicle will complete such forms or reports as the Town Manager requires. Any tickets received by employees while using Town vehicles must be reported to the Department Head and are solely the responsibility of the employee.

### **Section 07-14- On Call Work**

Certain position with the Town may require on-call work. On-call duty will be organized in a rotation schedule, attempting to ensure a fair distribution of responsibilities among eligible employees. Employees eligible for on-call duty will be determined by their role and responsibilities with the Town. Not all employees may be required to participate in the on-call rotation. During the on-call period, employees must be available and responsive to calls or messages within a reasonable timeframe. Your Department may require that you are not located more than a certain number of miles from Town Hall. It is crucial to have reliable communication devices and internet connectivity during on-call hours. Employees are expected to acknowledge and respond to urgent issues promptly. The response time will be defined based on the nature of the Department's operations and the criticality of the issues being addressed. If an employee is on call, they are not permitted to consume alcohol or marijuana during the time they are on call.

## **CHAPTER VIII: EMPLOYEE WORK RULES- HOURS OF WORK AND OVERTIME**

### **Section 08-01- Employee Work Rule Policy**

The Town of West Yellowstone's work rules are designed to provide public access to Town services and programs. The following provisions will apply to all Town departments, with the exception of emergency services, in accordance with or in addition to departmental rules and regulations.

### **Section 08-02- Hours of Work-Policy Statement**

- A. The work week will begin on Sunday at 12:00 a.m. and end on Saturday at 11:59 p.m.
- B. Employees may take one (1) fifteen (15) minute break when they are scheduled to work four (4) consecutive hours. Break periods are paid but may not exceed fifteen (15) minutes per four (4) consecutive hour period.

All employees who are scheduled for an eight (8) hour or longer shift are expected to take an un-paid lunch period of at least thirty (30) minutes per day. The scheduling for lunch periods will be agreed upon between the employee and their Department Head and should not interfere with the employee's performance or needs of the Town. Employees who are required to use a time clock or keep time on a time sheet will enter the time they start and end their lunch period.

An employee may not use a break or meal period to arrive late or depart work early except under occasional, special circumstances, approved by their Department Head and/or the Town Manager.

- C. Employees may be allowed to work a flexible work schedule, as approved by their Department Head and the Town Manager, outside of the business hours of 8:00 am to 5:00 pm, Monday through Friday. Flexible work schedules should be developed departmentally to maintain standard business hours for each unit. All flexible arrangements must be cost neutral and contribute to customer service and productivity. The decision to allow a flexible schedule is at the discretion of the Town Manager and may not be appealed through the grievance procedure.

Flexible schedules may include variations in beginning and ending work time periods or a compressed work week providing those schedules comply with state and federal wage and hour laws. Employees desiring flexibility (outside the traditional 8:00 am to 5:00 pm work day), should work directly with their Department Head to detail their adjusted work schedule and submit to the Town Manager for approval. The ultimate goal is that the adjusted flexible schedule will still allow for the employee to meet job requirements and the goals of the Town. The Department Head and the Town Manager will be a part of the development, approval and enforcement of flexible work arrangements. If the Department Head or Town Manager deems that the flexible work arrangement is not in

alignment with the overall organizational goals, they may revoke the privilege at any time by advising the employee.

Remote or alternative work arrangements of longer than one (1) day must be approved by the Town Manager.

Employees must follow the meals and breaks policy regardless of their set schedule. Considerations and accommodations need to be made in flexible schedules for: conferences, meetings, travel, annual leaves, holidays, IT maintenance issues, special projects and other similar situations.

### **Section 08-03- Hours of Work-Rules**

- A. Department Heads are responsible for the maintenance of daily records of employee attendance and hours of work.
- B. Employees are expected to work their scheduled shifts. Employees leaving the job site during hours of work without proper authorization may be subject to disciplinary action up to and including dismissal.
- C. If an employee is unable to be present at the designated working time, they must contact their Department Head before the designated start time, or as soon as practicable thereafter.

### **Section 08-04- Overtime Rules for Non-Exempt Employees**

Employees who are required to work overtime and who are eligible to receive overtime pursuant to the Fair Labor Standards Act will be paid at the rate of one and a half (1-1/2) times their current hourly wage for all time worked for the Town in excess of forty (40) hours per work week. Compensatory time should be administered in accordance with the provisions below. Alternate compensatory time plans may be adopted for any department, subject to the approval by the Town Manager.

- A. In non-emergency situations, Department Heads or the responsible supervisor must authorize all overtime in advance of its occurrence. Unless the employee requests compensatory time in lieu of overtime, all overtime will be reported in the pay period when it is accumulated and paid accordingly.
- B. Non-exempt employees entitled to overtime compensation may be given the option of earning and using compensatory time in lieu of overtime compensation. Compensatory time (comp time) granted to non-exempt employees must be granted at the rate of one and a half (1-1/2) hours for every hour of overtime worked.
- C. Compensatory time will be used before an employee can use any accrued vacation leave. Department Heads will ensure that compensatory time does not accumulate to more than forty (40) hours per employee. Any deviation from the forty (40) hour accumulation limit must be requested in writing and must be authorized by the Town Manager. Accumulated compensatory time should be used prior to the end of employment with the



Town. Remaining compensatory time for non-exempt employees, not used prior to end of employment, will be paid out in their final check.

**Section 08-05- Travel Guidelines**

Employees will be compensated for actual travel time when traveling on approved Town related business or to attend required training. Overtime eligibility while traveling will be determined in accordance with the United States Department of Labor's Wage and Hour Division's regulations.

- A. The Town prefers that a Town owned vehicle, rather than privately owned vehicles, be utilized when employees or elected officials are conducting Town business or attending Town approved training or conferences. If a Town owned vehicle is not available, an employee must first get permission from their supervisor to use a privately-owned vehicle to conduct Town business or travel to training or a conference. Pursuant to MCA 2-18-503 (2), if an employee chooses to utilize a privately-owned vehicle when a Town owned vehicle is available, they will be compensated at 48.15% of the standard mileage allotment allowed by the Internal Revenue Service.

When two or more employees are attending the same training or conference, efforts should be made to carpool to and from that event. If employees' work schedules prevent them from traveling to the same training or conference together in one Town vehicle, separate Town owned vehicles will be used for travel. If a separate Town owned vehicle is not available, the employee will be authorized to use a personal vehicle and will be reimbursed as specified above.

Mileage for travel from West Yellowstone will be paid according to the distances as determined by the Town. Mileage will be calculated departing and returning West Yellowstone regardless of where an employee resides.

All Town vehicles will be clean and filled with fuel when returned.

- B. Employees and other authorized persons traveling on Town business may be eligible for meal allowances if they are traveling for more than three hours during the following time frames:

- 1. Breakfast meal allowance, before 8 AM
- 2. Lunch meal allowance, between the hours of 10:01 am and 3:00 pm
- 3. Dinner meal allowance, after 7 PM

The per diem for meals will be in accordance with the Domestic Per Diem Rates M&IE as set by U.S. General Services Administration. The Town will provide the most current rates. If staying at a hotel that includes breakfast, then the employee is not eligible for the breakfast per diem. If meals are provided at the event, then the employee is not eligible for the per diem for the corresponding meals.

- C. Employees and other persons traveling on Town business will be authorized to arrange lodging accommodations at state rates in Montana. If the state rate is not available, preapproval for higher hotel rates from the Department Head or Town Manager is

required. Employees may stay at conference host hotels for meetings or trainings even if the rate is higher than the state rate if approved in advance by the Department Head or Town Manager. Actual receipts for lodging are required and must be submitted to the Town with the travel reimbursement request. The Town will provide the most current rates.

## CHAPTER IX: EMPLOYEE WORK RULES-DISCIPLINE

### Section 09-01- Policy

In order to ensure that employees are treated fairly and equitably in disciplinary situations, the Town has established procedures to handle work related unsatisfactory job performance or misconduct.

### Section 09-02- Disciplinary Procedures

The Town, at its discretion, may take disciplinary action upon learning of a suspected violation of federal, state or local laws, Town policies, rules and/or regulations, and/or employee conduct/behavior/performance standards, or other conduct not in the best interests of the Town. Employees may be placed on administrative leave (with or without pay) if the Town elects to engage in a formal investigation into the violations.

At the sole discretion of the Town, the employee's supervisor, the Town Manager and/or their designee may conduct a formal investigation. If the Town so elects, the employee will be notified of any investigation and included in the investigative process and allowed to share their account of the suspected violation or misconduct in question before any discipline is administered. The employee being interviewed may request an attendee of their choosing be present at the interview; however, such attendee will be permitted to observe only and will not be permitted to participate in the interview.

When necessary, the following disciplinary procedures may be used when deemed appropriate by the supervisor and Town Manager in light of any violations as described above, misconduct, poor performance or any other job related concerns. However, depending on the nature and circumstances of the unsatisfactory performance or misconduct, a supervisor and the Town Manager may use any disciplinary measure (s) deemed appropriate within their judgment, up to and including dismissal, without first using any progressive discipline process.

- A. WRITTEN WARNING: A written warning from the employee's supervisor outlining the unsatisfactory job performance and/or misconduct, and the corrective measures that need to be taken.
1. The warning may include the following information:
    - a. the date and time the warning was given,
    - b. what performance deficiency or conduct violation has occurred,
    - c. the corrective measures that need to be taken.

2. Copies of the notice outlining the warning will be given to the employee and to the Town Manager for placement in the employee's personnel file. The employee will be required to sign an acknowledgement of receiving the warning, with the understanding, so stated on the written warning, that the acknowledgement means the employee received the warning but does not necessarily agree with its content.
  3. The employee will have the right to make a written response to the warning and to have that response placed in their personnel file with the warning.
- B. SUSPENSION: The employee can be suspended without pay. Under most circumstances, unpaid suspension will not exceed five (5) working days.
1. The Department Head will write a letter stating the date, time, and nature of the suspension and the corrective measures that need to be taken.
  2. Copies of the suspension letter will be given to the employee and Town Manager for placement in the employee's personnel file.
  3. The employee will have the right to make a written response to the warning and to have that response placed in their personnel file with the warning.
- C. TERMINATION: Town Manager may terminate the employee for disciplinary reasons involving violation of work rules, regulations, or other personnel or departmental policies and procedures. Under appropriate circumstances, it will not be necessary to provide the employee with the three (3) month time period to correct the unsatisfactory job performance or cited misconduct.
- D. Depending on the nature and circumstances of the unsatisfactory performance or misconduct, the Department Head or the Town Manager may use any disciplinary measure deemed appropriate within their judgment and is not bound to follow any particular sequence. See Section 09-04, Dismissals.
- E. Any suspension or dismissal of a Department Head requires prior consent of the Town Council.
- F. After leaving Town employment for any reason, the employee will be provided a copy of the Town's grievance procedure.

### **Section 09-03- Corrective Action Plans**

The Town Manager and Department Heads may use corrective action plans to address workplace performance issues. Corrective action plans most generally apply to situations where written notice is deemed appropriate. Corrective action plans should contain specific tasks and expectations that need to be met.

**Section 09-04- Dismissals**

The Town Manager has the authority to dismiss any Town employee not covered by a dismissal procedure set forth in Montana state law or Town ordinance. The dismissal of any Department Head is subject to Council approval. Dismissal may be for any of the following non-exclusive list of reasons:

- A. Dismissal During Probationary Period – refer to Section 04-02-E
- B. Layoffs - Employees may be laid off at any time because of lack of funds, curtailment of work, or any other legitimate business reason.

- 1. No permanent full-time employee may be laid off when there are short term, probationary, limited term, or permanent part-time employees in the class of work affected by the reduction in work force.

No permanent part-time employee may be laid off when there are short term, probationary or limited term employees in the class of work affected by the reduction in work force.

Whenever the circumstances may exist, layoffs will normally occur at the lowest hierarchical level applicable and any individual at a higher level may be offered such or other lower level position as may be vacant before being laid off involuntarily. The Town Manager has the sole and absolute discretion not to follow the foregoing provision of this subsection if they determine that the performance or record of any of the involved employees does not warrant such consideration.

- 2. Department Heads and the Town Manager will determine the number of employees to be laid off based on where they can reduce personnel and still maintain the essential services of the department.
- 3. In making layoffs, Department Heads and the Town Manager will consider the following when reducing staff:
  - a. Employee's length of service with the Town and in the current classification; and
  - b. The job-related knowledge, skills, and abilities of those employees in the classification being reduced during their tenure both with the Town and in the classification, being reduced. Seniority is not determinative unless an applicable Collective Bargaining Agreement requires it.
- 4. Employees will be given a two (2) week notice of impending layoffs.
- 5. Laid-off personnel will receive preference if the Town rehires, but the Town will be under no obligation to recall the employee or otherwise notify the employee of any applicable vacancy.

6. If the break in service is greater than five (5) days, then sick and vacation credits will be cashed out as dictated by state law.
  7. Upon termination, the Town will work with laid off personnel to identify and coordinate COBRA or other benefits.
  8. After leaving Town employment for any reason, the terminated employee will receive a copy of the Town's grievance procedures. The Town Manager will notify the appropriate agent in those cases where the terminating employee is represented by a labor union and the termination is not voluntary.
- C. Dismissal for Cause-The following non-inclusive reasons are sufficient for dismissal for cause:
1. Violation of any provision in this personnel manual.
  2. Incompetence or inefficiency in the performance of duties.
  3. Substantial evidence of the commission of a criminal offense.
  4. Violation of any lawful or official regulation or order, or failure to obey any lawful direction made and given by a supervisor where such violation or failure amounts to an act of insubordination or a breach of proper discipline, or has resulted or might reasonably be expected to result in loss or injury to the Town or public. Insubordination includes, without limitation, non-cooperation, which is a subtle form of insubordination.
  5. Use of offensive conduct or language.
  6. Carelessness and negligence in the handling and control of Town property.
  7. Inducing or attempting to induce any Town employee to commit an unlawful act or to act in violation of any lawful and reasonable official regulation or order.
  8. Taking any fee, gift, or other valuable thing in the course of work or in connection with work, for personal use when such is given and received with the expectation of receiving a favor or better treatment.
  9. Dishonesty in the performance of duty.
  10. Unauthorized absence from work.
  11. Drinking of alcoholic beverages or using any drug(s) to the extent of affecting job performance as determined by the Town. (See Appendices A and B)

12. The consumption, possession, distribution, manufacturing, use, or sale of alcoholic beverages, illegal drugs, or unlawful controlled substances while at work. (See Appendices A and B)
13. Failure to satisfactorily perform job duties, disruption of the Town operations, failure to follow a directive of a supervisor or any other legitimate business reasons.

After leaving Town employment for any reason, the terminated employee will receive a copy of the Town's grievance procedures. Employees who are dismissed involuntarily will be paid within fifteen (15) days or the next regular payday whichever is first.

## CHAPTER X: GRIEVANCE PROCEDURES

### Section 10-01- Grievance Policy

Employees have certain rights that are protected by state and federal statutes. In order to ensure that these rights are honored and protected, the Town has established procedures to resolve any grievances.

### Section 10-02- Employee Grievance Procedure-General

The purpose of this Section is to establish a uniform Town policy for the resolution of employee complaints that do not involve matters of discrimination.

- A. A grievance is defined as any dispute involving the misinterpretation or misapplication or alleged violation of a provision of this manual or a collective bargaining agreement (if the employee is part of a union). Layoffs and dismissals or terminations are considered appropriate subjects for a grievance.
- B. Nothing in this grievance procedure is intended to take the place of any rights an employee may have under terms and conditions of a collective bargaining agreement.
- C. Retaliation: No Town employee will be subjected to demotion, termination, dismissal or any other form of punishment or harassment as a result of initiating a grievance under this procedure

#### D. Grievance Procedure:

STEP I Any grievance must be discussed at this level within fifteen (15) business days of the employee becoming aware of the initial problem. This step is an opportunity for both parties to resolve the issue informally through a dialogue with the immediate supervisor or Department Head. If the magnitude of the grievance is serious enough that termination is the remedy proposed by the Employer, this step can be bypassed. The immediate supervisor or Department Head has fifteen (15) business days to respond to the grievance. If the supervisor and Department Head are one and the same person and the grievant is not satisfied with the Step I response or if the supervisor/ Department Head fails to respond within fifteen (15) business days, then the grievance shall advance to Step III of the process.

STEP II The grievant has fifteen (15) business calendar days from the end of Step I to present the grievance formally in writing to the Department Head if different from the immediate supervisor. Formal filing of a grievance means that the grievant must present a brief but thorough written description of the grievance and the facts upon which it is based. It also must detail the proposed remedy or correction sought with reference made to the Section of the collective bargaining contract that the grievant



believes was violated. In addition to the above, the grievant must contact the MPEA Field Representative for information and advice. The Department Head shall have fifteen (15) business days to resolve/respond to the grievance. If the grievance is still unresolved, the Department Head will rendering his/her decision to the employee in writing and forwarding a copy to the Town Manager.

STEP III If the grievant believes the grievance is still unresolved, the grievant shall submit the grievance for final review to the Town Manager within fifteen (15) business days of the response of Step II or Step I (if appropriate). The Town Manager shall have fifteen (15) business days to review the grievance and provide a written response to the involved parties. If the employee is not part of union, this is the final stage of the grievance procedure and the decision of the Town Manager is final. If the employee is part of a union and the collective bargaining agreement provides for an additional step of mediation or arbitration, then the Town and the employee shall follow the procedure in the collective bargaining agreement.

#### **Section 10-03- Discrimination and Sexual Harassment Policy Statement**

The Town of West Yellowstone is committed to providing a positive atmosphere conducive to employees achieving high levels of performance. It is a policy of the Town of West Yellowstone to protect the rights of employees to work in an environment free of all forms of unlawful discrimination and harassment, including, but not limited to, sexual harassment.

For the purpose of this policy, unlawful discrimination is defined within the meaning of Title VII of the Civil Rights Act of 1964 and the Montana Human Rights Act. Unlawful discrimination is a failure or refusal to hire any individual or to make a decision with respect to his or her compensation, terms, conditions or privileges of employment because of such individual's race, color, religion, sex, national origin, age, mental or physical disability (as defined by the Americans with Disabilities Act and the Montana Human Rights Act) genetic history, marital status, veteran or military status, or political belief. Sexual discrimination includes sexual harassment.

The provisions of this policy apply to all Town of West Yellowstone work sites, departments, and all employer sponsored activities and/or all interactions between Town employees in any settings.

In keeping with this policy the Town of West Yellowstone, as an employer, will:

1. provide a working environment free from unlawful discrimination for all Town employees, all applicants for positions with the Town, and all users of Town facilities;
2. communicate the Town's unlawful discrimination and harassment policy and reporting procedures to employees and supervisors;

3. recognize the sensitive nature of unlawful discrimination and harassment complaints and will encourage employees to report complaints early and will strive to resolve complaints in a timely and confidential manner, to the extent permissible by the practicalities of each situation and law; and
4. will prohibit retaliation against any employee, witness of any employee, any applicant, and/or any user of Town facilities, for reporting alleged unlawful discrimination and/or harassment.

The Town of West Yellowstone considers unlawful discrimination and harassment unacceptable behavior and an abuse of authority. Furthermore, unlawful discrimination and harassment is a violation of State and Federal equal employment opportunity and non-discrimination regulations. Employees and applicants who are subjected to unlawful discrimination and/or harassment should contact the Town Manager. Complaints will be investigated through the established discrimination and harassment claim procedure described in Section 10-04.

#### **Section 10-04- Discrimination and Harassment Claim Procedure**

##### **A. Reporting and investigation of discrimination and harassment**

The purpose of the following Section is to establish a uniform guideline and procedure for the reporting and investigation of unlawful discrimination and harassment claims. The procedures set forth in this Section will apply to all Town employees and job applicants, and/or users of Town facilities, who feel they have been unlawfully discriminated against or harassed with respect to compensation, terms, conditions or privileges of employment with the Town of West Yellowstone.

1. Definition of an unlawful discrimination claim: any claim by an employee or applicant, who believes that he or she has been discriminated against based upon the individual's race, color, religion, sex, national origin, age, mental or physical disability (as defined by the Americans with Disabilities Act and the Montana Human Rights Act) genetic history, marital status, veteran or military status, or political belief.
2. Definition of Mental or Physical Disability claim: any claim filed by an employee or job applicant who believes he or she has been discriminated against on the basis of mental or physical disability or who believes that discrimination has occurred due to a perception of mental or physical disability.
3. Definition of a sexual harassment claim: any claim made by an employee or applicant, or user of Town facilities, who believes that he or she has been the recipient of unwelcome verbal or physical conduct or behavior that created a hostile, offensive or intimidating environment which unreasonably interferes with, or negatively impacts the individual's work performance, access to the application process, and/or use of a Town facility. (NOTE: While this policy describes the definition of "sexual harassment," this policy covers harassment based on all protected bases listed in this policy).

The following illustrate possible examples of sexual harassment:

Unwelcome advances that may be sexual in nature, requests for favors and other verbal or physical contact of an intimidating or sexual nature when:

- a.) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
  - b.) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual (quid pro quo); or
  - c.) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment (unwanted sexually oriented jokes, innuendoes, obscenities, pictures or any action with a sexual connotation that makes an employee feel uncomfortable in the workplace or any aggressive, harassing behavior in the workplace or that affects the workplace, whether or not sexual in connotation, is directed toward an employee or applicant based on the employee's sex, such as, hazing which includes daring or asking an employee to engage in unsafe work practices or activities.)
4. Employees, applicants, or users of Town facilities who believe they have been subjected to unlawful discrimination or harassment should contact the Town Manager. All complaints will be investigated in a timely and confidential manner to the extent that confidentiality may be possible, given the practicalities of the situation and the law.
  5. Any employee found to have unlawfully discriminated against, harassed, or who has participated in the unlawful discrimination or harassment of another employee or applicant will be subject to disciplinary action, up to and including termination. Retaliation against persons who file complaints is also a violation of laws prohibiting unlawful discrimination and harassment, as well as this Policy, and will result in disciplinary action to the offenders up to and including termination. A follow-up review will be completed within six (6) months after harassment allegations have been confirmed to ensure the sexual harassment has discontinued and all parties involved are not subjected to retaliatory behaviors.
  6. Supervisors who knowingly condone or knowingly fail to report incidents of unlawful discrimination or harassment will be subject to disciplinary action up to and including termination.

B. Prevention and reporting of unlawful discrimination and harassment:

1. All supervisory personnel are responsible to:

- a. inform employees of their right to work in an environment free of unlawful discrimination and harassment
  - b. provide training to all department employees regarding the prevention and reporting of unlawful discrimination and harassment.
  - c. express strong disapproval of any type of unlawful discrimination and harassment.
  - d. make it clear to employees that anyone who engages in unlawful discrimination and/or harassment will be subject to disciplinary action and that victims and informers will be protected from retaliation.
  - e. be aware of activities in the workplace that may result in unlawful discrimination and/or harassment and take immediate corrective action if unlawful discrimination or harassment occurs.
2. Employees have a responsibility to:
- a. report all incidents or actions of unlawful discrimination and/or harassment as soon as possible after the alleged incident occurs to the supervisor, department head or Town Manager
  - b. make it known to the harasser, if possible, that the behavior in question is unwelcome, offensive, or inappropriate and request that the behavior stop immediately.
  - c. Keep written records of the dates and facts of all unlawful discrimination and/or harassment and the names of witnesses.

C Any Town employee or applicant for employment who claims to have been unlawfully discriminated against due to any Town regulation or policy or the official action of any Town employee will within ten (10) working days of the alleged discriminatory occurrence, or as soon as possible thereafter, initiate a complaint by writing a letter to the Town Manager, who is designated as the Town's Equal Employment Opportunity Officer, the Human Rights Commission, or through the Department of Labor and Industry. While a written complaint is preferred, it is not necessary and any employee who desires to do so may make a verbal complaint in lieu of submitting one in writing. A verbal or written complaint will be treated in the same manner. Also, a complaint will not be refused if it is not submitted within ten (10) working days of the alleged event.

- D. The Town Manager will, within ten (10) working days of receipt of the complaint:
- a. Investigate and determine the nature and extent of the facts. The alleged harasser will be instructed not to discuss the complaint with any co-workers or the complainant, subject to possible disciplinary action, up to and including dismissal.

- b. Convene meetings of appropriate personnel and seek informal resolution of the complaint.
  - c. Notify the complainant in writing of the current status of the complaint and of any further remedial action contemplated.
- E. Within ten (10) working days of the conclusion of the review, the Town Manager will submit a decision in writing to the complainant. The written decision will contain the following:
  - a. A summary of the allegations of the complainant.
  - b. A statement of the relief sought by the complainant.
  - c. Specific citations of any laws or regulations alleged to be violated.
  - d. The Town Manager’s decision regarding the complaint, including their reasons for the decision.
  - e. The Town Manager’s recommendations for policy or procedural changes required in order to preclude further discrimination.
- F. All employees who have been found to have committed acts of harassment and/or discrimination will be disciplined according to Chapter IX.
- G. Employees or job applicants bringing a discrimination claim will be informed by the Town Manager at the time the Town Manager informs the complainant of their decision, regardless of whether the complaint is found to have merit or not, that they have 180 calendar days from the date of the alleged discrimination to file a complaint with the Montana Human Rights Commission and the Equal Employment Opportunity Commission.
- H. A copy of this Policy will be posted on the Town’s bulletin board at all locations where mandatory employment-related posters are hung, and each new hire will be given a copy of this policy to read and sign as part of the new hire’s new employee orientation. The signed copy will be kept as a permanent part of the employee’s personnel file. This Policy will also be reviewed at any annual review of Town policies held generally for its employees.

**Section 10-05            Workplace Violence**

The Town is committed to preventing workplace violence and to maintaining a safe work environment. The Town has adopted the following policies and procedures to manage intimidation, harassment, or other threats of or actual violence that may occur onsite or offsite during work-related activities or interactions between Town employees.

All employees, citizens, vendors and business associates should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, “horseplay” or other conduct that may be dangerous to others or that may escalate into physical contact.

Conduct that threatens, intimidates, or coerces another employee, citizen; vendor or business associate will not be tolerated. The Town resources may not be used to threaten, stalk, or harass anyone at or outside the workplace, in person or via electronic communication such as email, social media, etc. The Town treats threats coming from an abusive personal relationship as it does other forms of violence.

Indirect or direct threats of violence, incidents of actual violence and suspicious individuals or activities should be reported as soon as possible to a supervisor, or the Town Manager. When reporting a threat or incident of violence, the employee is encouraged to report the situation to their Town Manager as soon as possible.

The Town Manager will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities, or take such other action immediately as the Town Manager deems appropriate under the circumstances, including call local law enforcement immediately. . The identity of the individual making a report will be protected as much as possible. The Town will not retaliate against employees making reports of violence, threats or suspicious individuals or activities. To maintain workplace safety and the integrity of its investigation, the Town may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending an investigation.

Anyone found to be responsible for threats of violence or incidents of actual violence or other conduct that is in violation of these guidelines will be subject to disciplinary action up to and including termination of employment. (See Section 09-02)

The Town encourages employees to bring their disputes to the attention of their supervisor or the Town Manager before the situation escalates. The Town will not discipline employees for raising such concerns. This policy prohibits employees, excluding law enforcement officers, from bringing unauthorized personal firearms or other weapons (including stun guns, batons, etc.) onto Town premises. Employees are also prohibited from carrying unauthorized firearms or other weapons in Town vehicles or in personal vehicles if conducting Town business.

## **CHAPTER XI: PERFORMANCE APPRAISALS**

### **Section 11-01- Policy**

The performance appraisal is intended to stimulate and facilitate discussions between the employee and their supervisors on the performance of job duties to recognize good work performance, and to offer suggestions leading to improvements in the employee's work, and possible career development opportunities.

### **Section 11-02- Applicable Employees**

Performance appraisals will be completed for all employees.

Throughout the year, each Department Head and the Town Manager will meet to discuss the performance and progress for each employee, included those on probation.

### **Section 11-03- Scheduling of Performance Appraisals**

A. Performance appraisals for all Town employees are required at least once a year.

### **Section 11-04- Performance Appraisal Administration**

A. The employee's supervisor and/or Department Head will give the performance appraisal and rate the performance of the duties and responsibilities pertaining to the position held by the employee.

B. The Town Manager has the option to participate in the performance appraisal process. Department Heads will give the Town Manager notice of appraisal meetings five (5) working days in advance.

C. The Town Manager will conduct performance appraisals for Department Heads.

D. The Town Council will conduct performance appraisals for the Town Manager.

### **Section 11-05- Records**

A. All performance appraisals will be forwarded to the Town Manager for inclusion in the employee's personnel file.

B. All employees will be given a signed copy of their performance appraisal for their records.

### **Section 11-06- Performance Appraisal Form**

The Town Manager will provide performance appraisal forms. If a supervisor has a question regarding the performance appraisal process, they should consult the Town Manager.

Departments may use alternate forms when it has been determined that the appraisal form adopted by the Town does not meet the needs of the department. The Town Manager must approve any alternate form.



## EMPLOYEE HANDBOOK ACKNOWLEDGMENT AND RECEIPT

This personnel policy manual describes important information about work with the Town of West Yellowstone.

I understand this handbook and the policies and procedures contained herein supersede any and all prior versions of the manual and any oral or written representations, or statements regarding the terms and conditions of my employment with the Town. However, if an employee is subject to a collective bargaining agreement, that agreement shall supersede any conflicting provisions within this manual.

I understand that any and all policies and practices may be added, removed or amended at any time by the Town. I understand that revised information may supersede, modify or eliminate existing policies.

I understand this policy manual is not an employment contract **that nothing in the Employee Handbook creates, or is intended to create, a promise or representation of continued employment.** I understand this manual is designed to provide me general information regarding employment practices and benefits with the Town. The personnel policy manual cannot cover all employment situations, scenarios, or questions, but it is designed to cover the basic rules.

I have received the handbook (February 2024 Edition), and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it. I agree to abide by the policies contained in this manual.

---

Employee's Signature

---

Employee's Name (Print)

---

Date



## Town Council Agenda Item Summary Report

<b>Meeting Date:</b> April 9, 2024	
<b>Item Title:</b> Site Plan Review, 3 Yellowstone Avenue, Cole Parker	
<b>Submitted By (Name/Title):</b> KC Tanner, Deputy PSS-Building & Code Enforcement	
<b>Discussion Only</b> <input type="checkbox"/>	<b>Discussion/Action</b> <input checked="" type="checkbox"/>
<b>Funding Source:</b> NA	<b>Budgeted</b> <input type="checkbox"/>
<b>Estimated Date of Completion:</b> 1 year	

### Item Summary

Property owner has demolished old building at 3 Yellowstone Avenue. Property has 3 existing connections to the sewer system. Owner has applied to build a new 2-story building. The upper level will be three short-term rental units (hotel rooms). The lower level will be used for storage.

The owner intends to convert the lower level to mixed use in the future, when more sewer capacity is available. The property has space to provide 6 parking spaces. In order to account for future development at the highest parking impact, the property owner will need to purchase 3 parking spaces through the cash-in-lieu process.

This project has been reviewed by the Development Review Group and was approved by the Planning Board on April 3, 2024.

### Staff Recommendation




Approve the submitted site plan for 3 Yellowstone Avenue and authorize the purchase of three parking spaces through the cash-in-lieu process.

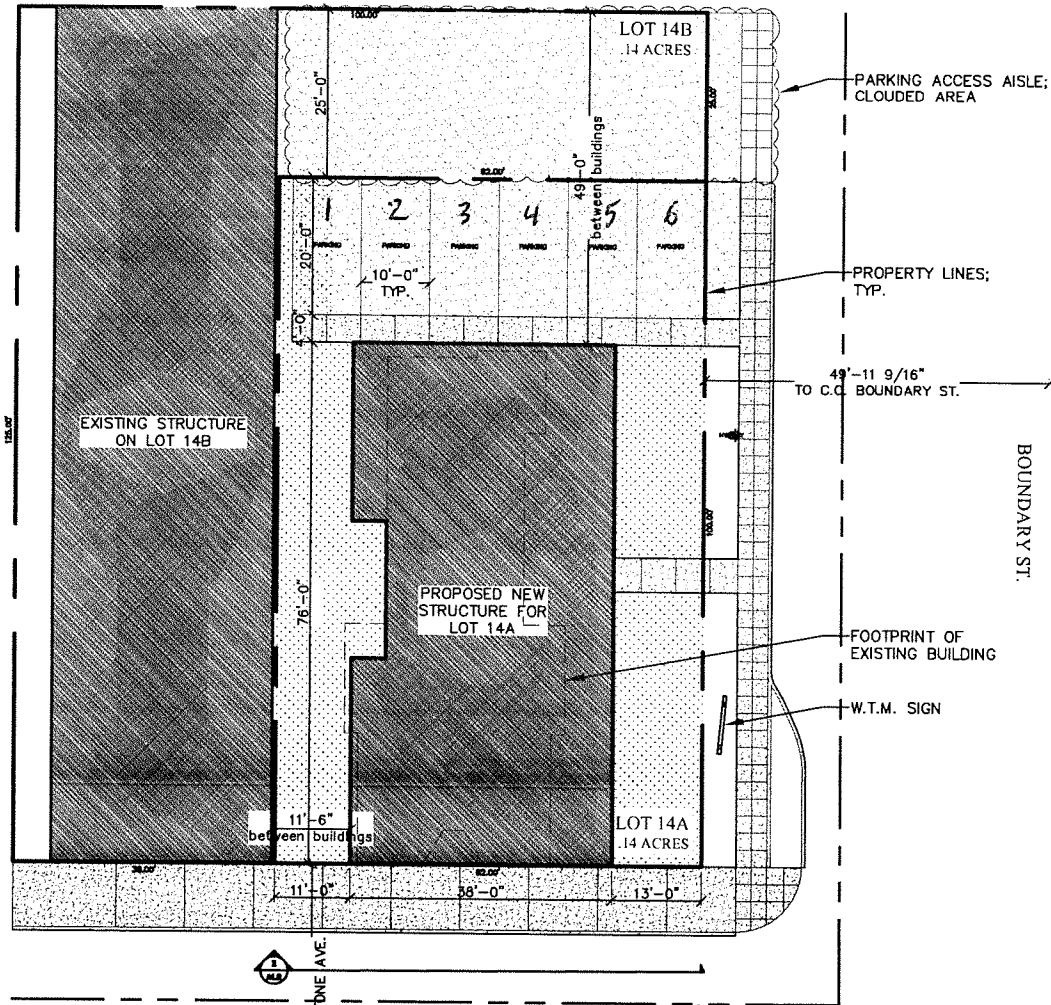
### Suggested Motion

I move to approve the site plan for 3 Yellowstone Avenue to construct a 2-story building and authorize the purchase of three parking spaces through the cash-in-lieu process.

GRADING NOTES

1-GRADING DOES NOT CHANGE ON EITHER LOT 14A OR B

-  =LANDSCAPED AREA
-  =CONCRETE
-  =ASPHALT; EXISTING



1 SITE PLAN  
SCALE = N.T.S.

**VENUE ARCHITECTS**  
DEVELOPMENT ARCHITECTURE MASTER PLANNING

1750 WILSON STREET  
ROCKFORD, ILLINOIS 61081  
TEL. 815.298.6172  
© 2019 VENUE

**3 YELLOWSTONE AVE.  
MIXED USE BUILDING**

**Owner/Contact:**  
Project Owner: A.S. Weaver/No. Mutual  
408-640-8055  
cabe.garba@shnma.com

DESCRIPTION	DATE
CONCEPT COMMERCIAL DEVELOPMENT	04-06-20
REV. 02	12-12-20
REV. 01	01-08-20

**PROJECT DATE**  
07 - 26 - 2023

SITE PLAN  
**AC  
1.0**

February 26, 2024

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

RE: Cash in lieu for parking at 3 Yellowstone Avenue

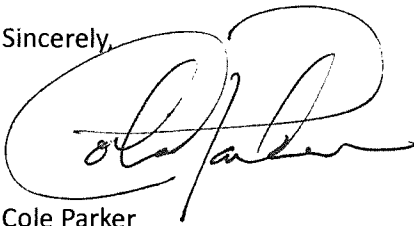
I have recently demolished the Twin Bear Gift Shop and anticipate building a new structure, comprising three nightly units and three mixed use spaces at 3 Yellowstone Avenue in West Yellowstone, Montana. The parking requirement for this project is 16 spaces. To 'future proof' the project and maximize the possibilities, 20 spaces would be required.

We can provide six spaces on site and are requesting cash in lieu approval for 14 spaces to fulfill the parking requirement for the proposed project and any future change in use.

In accordance with Section 17.42.090 and Section 17.42.010 of the Town of West Yellowstone's Municipal Code, and by applying the short-term factor, I am requesting to purchase three parking spaces through the cash in lieu process to satisfy the parking requirement at a cost of \$3,600.00.

Thank you for your consideration. Please contact me with any questions or concerns regarding this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cole Parker', written over a large, stylized circular flourish.

Cole Parker  
Yellowstone Parkers Inc.  
406-640-0565  
yellowstoneparkers@gmail.com



## Town Council Agenda Item Summary Report

<b>Meeting Date:</b>	
<b>Item Title:</b>	
<b>Submitted By (Name/Title):</b>	
<b>Discussion Only</b>	<b>Discussion/Action</b>
<b>Funding Source:</b>	<b>Budgeted</b>
<b>Estimated Date of Completion:</b>	

### Item Summary

### Staff Recommendation

### Suggested Motion

# 2023 Annual Report

Prepared February 2024 for the Town of West Yellowstone



## 2023 Overview

Billings Clinic thanks the Town of West Yellowstone for the support and collaboration in the first year of the Healthcare Services Agreement. In 2023, the West Yellowstone branch clinic saw success with provider recruitment, process and resource integration with Billings Clinic, and staffing development.

Here are a few highlights from 2023:

- Billings Clinic has recruited two fulltime healthcare providers to West Yellowstone:
  - Emma Sparboe, DNP began accepting patients in September.
  - Samone Franzese, MD started in January, 2024.
- The Clinic extended operating hours Jun 3 through Sept 1. During these weeks, the clinic was open on weekdays until 7pm and open on Saturdays for urgent needs from 9a-1p.
- Staff successfully prepared for their first accreditation survey with DNV.

## Staffing:

Staffing levels for 2023 allowed for consistent patient access and expanded seasonal hours. Provider hours of coverage was equivalent to a 1.4 FTE and accomplished through a rotation of regional providers. Provider FTEs after Jan 2024 will be 2.0

Support staffing status:

1. 0.75 FTE Lead Clinic RN, also licensed as a Limited Xray Tech, and serving as onsite clinic leadership
2. Per diem RN provided “as needed” coverage through peak season – moved at the end of October.
3. 0.8 FTE Certified Medical Assistant, cross-trained for Registration, and awaiting her licensing exam to also be a Limited Xray Tech
4. 0.8 FTE LPN, cross-trained for Registration. Moved at the end of December.
5. Per diem Registration Staff
6. .8 FTE Registration staff – started at the end of October, and cross-training as MA
7. As of the end of 2023, additional recruitment efforts were underway to prepare for supporting two fulltime providers and cross-training in more areas.

# 2023 Annual Operating Report

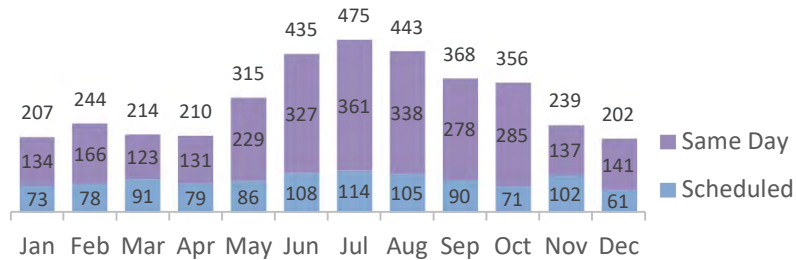
	Q1	Q2	Q3	Q4	2023 Total	Year 1 Projection
<b>REVENUE</b>						
Total Patient Revenue	\$ 177,325	\$ 258,544	\$ 406,151	\$ 256,692	\$ 1,098,712	\$ 1,274,192
Total Deductions	\$ 79,140	\$ 70,091	\$ 151,318	\$ 109,017	\$ 409,567	\$ 535,161
<b>TOTAL NET PATIENT REVENUE</b>	\$ 98,185	\$ 188,453	\$ 254,833	\$ 147,675	\$ 689,145	\$ 739,031
Other Revenue	\$ 1,486	\$ -	\$ -	\$ -	\$ 1,486	\$ -
<b>TOTAL OPERATING REVENUE</b>	\$ 99,670	\$ 188,453	\$ 254,833	\$ 147,675	\$ 690,631	\$ 739,031
	\$ -					
	\$ -					
<b>EXPENSE</b>						
<b>TOTAL OPERATING EXPENSE</b>	\$ 283,546	\$ 228,182	\$ 273,434	\$ 237,599	\$ 1,022,760	\$ 1,107,697
	\$ -					
<b>OPERATING INCOME (LOSS)</b>	\$ (183,875)	\$ (39,729)	\$ (18,601)	\$ (89,924)	\$ (332,129)	\$ (368,666)
Add back depreciation	\$ 4,333	\$ 6,500	\$ 6,500	\$ 6,500	\$ 23,833	\$ 45,067
Capital and Equipment	\$ (106,330)	\$ -	\$ -		\$ (106,330)	\$ (25,866)
<b>CASH FLOW</b>	\$ (285,872)	\$ (33,229)	\$ (12,101)	\$ (83,424)	\$ (414,626)	\$ (349,465)
	\$ -					
Initial FF&E	\$ (52,000.00)					
Initial hardware	\$ (17,586.00)					
Signage	\$ (6,744.17)					
Initial licensing and IT setup	\$ (30,000.00)					

- Billings Clinic West Yellowstone had an operating loss of \$332,129 for CY23, versus a projected operating loss of \$368,666.

## Volumes:

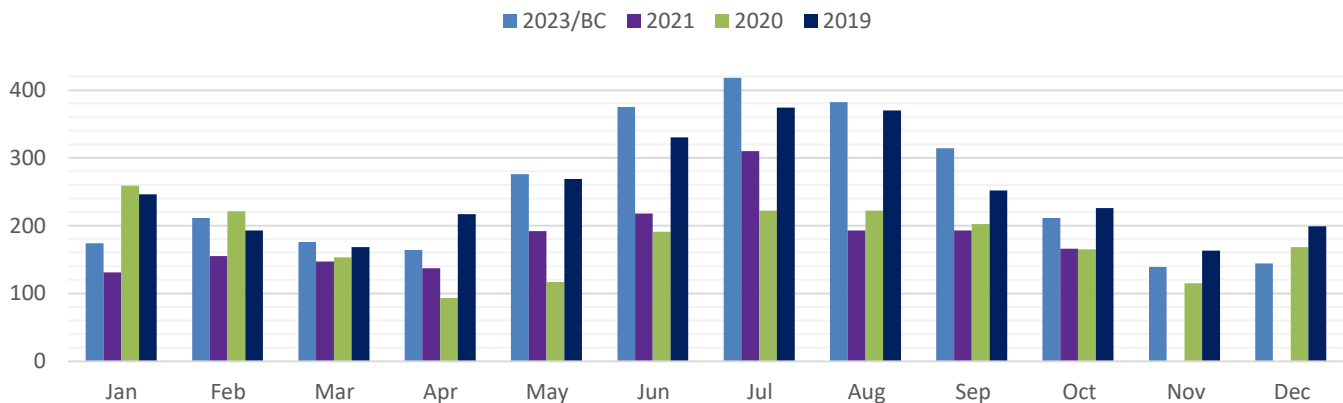
- Total unique patients served in 2023: 2,215
- Total visits in 2023: 3708

## 2023 VISITS



## Annual Provider Visit Comparison

Does not include Nurse Visits

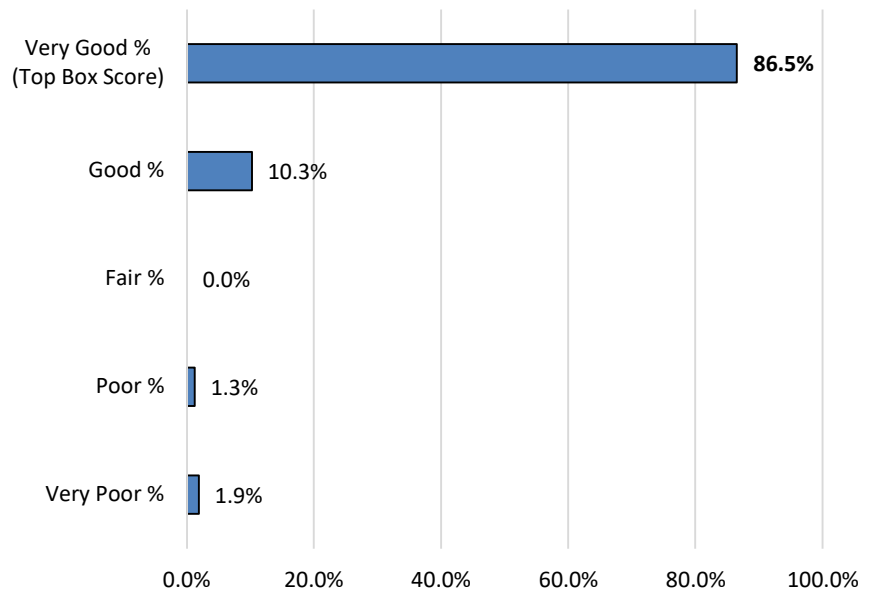


## Patient Experience:

Patient experience focuses on delivering critical aspects of healthcare such as easy access to information and good communication with health care providers. Billings Clinic utilizes a standardized survey tool that allows national comparisons and can be used to fulfill regulatory requirements. Surveys started June 1, 2023. Surveys are sent to eligible patients who have an office visit with a medical provider.

- 156 responses received for date of service through Dec 31, 2023.
- Overall assessment question - Top Box Score is 86.5% (versus the national average of 84.8%). “Top Box” indicates the best possible answer. We monitor the best possible answer to make sure we have consistent communication processes in place for each and every patient.
- Themes identified in the survey comments: easy to contact the clinic, ease of access, felt the team cared. Challenges may exist with coordination with a patient’s primary provider, setting time expectations for traveling patients.

### Staff worked together care for you



## Community Focus:

Billings Clinic welcomes opportunities to engage with the community in and out of the clinic. Here are a few highlights of community activities in 2023.

- Enrolled in the State’s Vaccines for Children (VFC) program upon opening to ensure this great cost benefit is available for our patients that qualify.
- Onsite for Senior Lunches to provide flu and Covid-19 vaccinations in Fall 2023.
- Staff participated in the Bike Rodeo and Safety Fair, the Self-Care Wellness Day, and the Career Fair.
- Staff have been provided to support the Elementary school reading program.
- Staff participate in community education opportunities, i.e. Heart Presentation at Library Story Time.
- Billings Clinic donated diapers to the Town of West Yellowstone’s Diaper Depot in December 2022 and in summer of 2023.



## Other News

### Billings Clinic and Logan Health Integration

Billings Clinic and Logan Health are combining into a single, independent health system. By uniting the two organizations, they can be stronger together and better positioned to adapt to the rapidly changing health care environment. With a focus on Montana and Wyoming patients, the two local organizations can leverage resources and continue to focus on bringing enhanced care to the region.

- ❑ The two organizations formed a new, non-for-profit health system that will be responsible for governing and overseeing both Billings Clinic and Logan Health.
- ❑ The combined organization is governed by a 10-member Board of Directors made up of 5 individuals from the current Billings Clinic Board and 5 from the Logan Health Board. The chair of the new system board is Craig Bartholomew, who is the current Chair of the Billings Clinic Board of Directors.
- ❑ The current boards of directors of Billings Clinic and Logan Health mutually decided to name Logan Health President and CEO Craig Lambrecht, MD, as Chief Executive Officer and Clint Seger, MD, as Chief Physician Executive of the new organization. Dr. Seger will also retain duties as Billings Clinic CEO.
- ❑ Both organizations will continue to operate with their current names until further discussions on potential rebranding. Integration work will take 12-24 months.
- ❑ Logan Health's four Critical Access Hospitals now report to Billings Clinic's VP of Regional Healthcare, Nicole Hobbs.

### Billings Clinic News

- ❑ Billings Clinic became the first and only Level 1 Trauma Center in our region, approved by the ACS in Aug 2023 and finalized by the state in January 2024.
- ❑ Certified by DNV as a Comprehensive Stroke Center, the first and only in Montana and Wyoming to earn the highest level of certification a hospital can receive in stroke care, and Billings Clinic joins about 300 other hospitals nationwide who have earned this.
- ❑ Named as US News & World Report #1 Hospital in Montana
- ❑ Received a CMS 5 Star Rating, along with a Leapfrog 'A' Safety Grade.
- ❑ Billings Clinic's Psychiatry Residency – the first and only residency in Montana dedicated to training new psychiatrists – was granted accreditation by the Accreditation Council for Graduate Medical Education (ACGME)
- ❑ Fitch Ratings has reaffirmed Billings Clinic's current bond ratings at 'AA-.'

## Looking Forward

With increasing utilization of local services, and with the successful recruitment of two fulltime providers, the clinic is excited to increase the capacity and access for patients. Here are key areas of focus as we move into 2024:

- ❑ Increase local lab capabilities to include Moderate Complexity labs, which will assist in identifying life threatening emergencies and improve coordination with EMS
- ❑ Ongoing provider introductions and integration into the community
- ❑ Introducing new service offerings with the addition of our physician
- ❑ Online scheduling and enhanced digital communication with patients
- ❑ Improve utilization and education for Financial Assistance
- ❑ Ongoing community collaboration, including conversations with the schools for sports physicals and other medical support needs.



*West Yellowstone Bike Rodeo and Safety Fair - August 2023*



and to recommend appropriate actions to address those needs. Furthermore, a representative from BILLINGS CLINIC and the Town Council shall meet with the Healthcare Services Advisory Board, at least annually, to review current operations as well as monitor the needs of the Town and to devise service delivery options to meet those needs.

- 6) Provisions. BILLINGS CLINIC will provide healthcare services for uninsured and underinsured patients and will provide financial assistance pursuant to its financial assistance policy, attached at **Exhibit "B"**, and incorporated herein by reference for the entire term of this Agreement. BILLINGS CLINIC will review the policy on an annual basis and notify the Town of any changes with a current copy of the policy.
- 7) Quarterly Reports. BILLINGS CLINIC will provide quarterly reports to the Town and the Healthcare Services Advisory Board that include; a) total number of visits (scheduled, nonscheduled and urgent care); b) total number of patients by payor category (Medicare, Medicaid, etc.); c) Profit/loss statement of previous quarter; d) results from patient satisfaction survey; e) any contractual deficiencies and provider resolutions; and f) current staffing levels.
- 8) Risk Share. The Town and BILLINGS CLINIC agree to share the financial risk anticipated in calendar year 2023 and each subsequent year of the Agreement. The Town will pledge up to \$200,000.00 for each calendar year of this agreement, if necessary to cover the financial shortfall anticipated in BILLINGS CLINIC's annual net operating income, determined in accordance with its usual practices, exclusive of any capital improvements or purchases. The parties will initiate a review of BILLINGS CLINIC's financial performance and the risk-share arrangement in August of each year. In order to allow the Town to budget funds appropriately, the Town shall have the right, upon reasonable notice, to inspect BILLINGS CLINIC's income and expense records and other financial records for the West Yellowstone facility on a periodic basis. If BILLINGS CLINIC requests a contribution under this section, such request shall be in writing and shall include the financial records necessary to support the request. Before requesting a contribution, BILLINGS CLINIC shall exhaust all other resources available to it for financial assistance, including but not limited to Medicare, Medicaid, third party payors and or the patients. The Town shall have thirty (30) days in which to make the payment.
- 9) Term of Agreement. The term of this Health Services Agreement shall be five (5) years, commencing on January 1, 2023, and terminating on December 31, 2027.
- 10) Termination. This Agreement may be terminated by giving the other party 120 days written notice to BILLINGS CLINIC via regular mail, postage prepaid, to BILLINGS CLINIC at 2800 10<sup>th</sup> Ave. N., P.O. 37000, Billings, MT 59107-7000, ATTN: Legal Department. Notice to Town shall be mailed, postage prepaid, to the Town Offices.
- 11) Default/Remedies. Any default or other notice required or permitted by this Agreement

04/05/24  
15:09:26

TOWN OF WEST YELLOWSTONE  
Claim Approval List  
For the Accounting Period: 4/24

Page: 1 of 2  
Report ID: AP100

For Doc # = 51089, FSB - Operating account  
\* . Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
51089		3458 Billings Clinic, Attn: HSA-CY2023 03/15/24 HealthcareServices#8-Risks	200,000.00 200,000.00		RISKSH	1000 510370	859	101000
		# of Claims	1	Total:	200,000.00			

04/05/24  
15:09:26

TOWN OF WEST YELLOWSTONE  
Fund Summary for Claims  
For the Accounting Period: 4/24

Page: 2 of 2  
Report ID: AP110

---

Fund/Account	Amount
1000 General Fund	
101000 CASH	200,000.00
<b>Total:</b>	<b>200,000.00</b>

---



## Town Council Agenda Item Summary Report

<b>Meeting Date:</b> April 9, 2024	
<b>Item Title:</b> HBFD request for additional compensation for clearing fire hydrants, \$3,003.75	
<b>Submitted By (Name/Title):</b> Dan Walker, Town Manager	
<b>Discussion Only</b> <input type="checkbox"/>	<b>Discussion/Action</b> <input checked="" type="checkbox"/>
<b>Funding Source:</b> This item was not budgeted	<b>Budgeted</b> <input type="checkbox"/>
<b>Estimated Date of Completion:</b> 4/9/24	

### Item Summary

The Town currently pays the Hebgen Basin Fire District \$55,849.00 each month (\$670,188.00 annually) for its services as required by the 2015 Interlocal Agreement between the District and the Town. Presumably, a portion of those funds are used to purchase equipment (including snow removal equipment) and provide staff time to cover the services outlined in the agreement. This should include providing minimal assistance with snow removal (22.25 hours in FY 24) which is outlined in Sections 7.a. and 7.b. of the Interlocal Agreement. Those sections are attached for your reference.

Further, the Town Manager did not authorize or agree to additional compensation outside of the terms of the 2015 Interlocal Agreement.

### Staff Recommendation

The Town Manager, Town Attorney, and Finance Director recommend denial of the payment of this invoice, per sections 7.a. and 7.b. of the 2015 Interlocal Agreement with HBFD.

### Suggested Motion

I move we deny payment of invoice #3001 to Hebgen Basin Fire District in the amount of \$3,003.75.



7) PROPERTY:

a. Use of hydrants and water. For the duration of this Agreement, the Town agrees to allow the District to utilize Town fire hydrants and water for the provision of Services and for bona fide training. The Town shall be responsible for the maintenance (including snow removal) and repair of the Town's fire hydrants. The District will be responsible for annual hydrant flow testing and inspection and, time permitting, will assist with maintenance (including snow removal) and repair of the Town's fire hydrants. Hydrant flow testing and inspection records will be turned over to the Public Services Superintendent on \_\_\_\_\_, of each year.

b. Apparatus and Equipment. This Agreement recognizes the Town's prior conveyance and transfer to the District of the Town's entire interest in any and all fire, medical and other emergency apparatus, including, without limitation, all ambulances, fire engines, fire vehicles, trailers, and other fire-fighting and emergency equipment, computers, telephones, radios, and other miscellaneous items.

c. Insurance. The Town will insure the land on which the Fire Station is situated, which land is generally located at 10 South Faithful Street, West Yellowstone, Montana, and further described in the Lease Agreement. The District shall maintain comprehensive general liability insurance coverage, naming the Town as an additional insured, with such limits and provisions as are required by the Montana Municipal Insurance Authority (MMIA). The Town shall notify the District, in writing, of any changes to the limits and provisions required by the MMIA. In addition to the CGL policy, the District shall insure all personal property, apparatus and equipment identified in (b) above, and any other buildings or improvements located on the land identified in this Agreement.

d. Cooperation. The parties agree and acknowledge that it is for the mutual benefit of the Town, the District and the public interest that they coordinate efforts in performing repairs and maintenance on real and personal property. The parties further acknowledge and agree that such coordination may include the use of equipment, machinery, and tools owned by the other party. Any liability for damage caused to equipment, machinery, and tools owned by the other party will be assumed by the owner of the equipment, machinery, or tool. Any maintenance, repairs or improvements to the building shall be the sole responsibility of the District. The cost of routine maintenance, repair, and replacement will remain with the party that owns the piece of equipment, machinery, or tool.

**Hebgen Basin Fire District**  
 PO BOX 1508  
 West Yellowstone MT 59758  
 Email: bizmgr@hbrfd.com  
 Phone:406-646-9094

# INVOICE

INVOICE # 3001  
 DATE: 3/21/2024

**BILLING TO:**  
**TOWN OF WEST YELLOWSTONE**  
**PO BOX 1570**  
**WEST YELLOWSTONE, MT 59758**

P.O. NUMBER		TERMS	
		Net 30	
DATE	DESCRIPTION	HOURS	TOTAL
3/11/24	HYDRANT SNOW REMOVAL	2.5	\$337.50
3/12/24	RATE OF \$135.00 PER HOUR	3.0	\$405.00
3/13/24		2.0	\$270.00
3/14/24		3.5	\$472.50
3/15/24		3.25	\$438.75
3/16/24		8.0	\$1080.00
<b>TOTAL DUE</b>			<b>\$ 3003.75</b>

Make checks payable to: **Hebgen Basin Fire District**

**THANK YOU FOR YOUR BUSINESS!**



As you can see from the photos access to hydrants needs to be a priority but can't always be achieved depending on how snowplowing is going in town. The first and third photos show how much snow needed to be removed just to get access to the hydrants. The middle photo shows a hydrant we have not yet got to.

Please let me know how you want to proceed and move forward.

Thank You,  
Shane

**From:** Dan Walker <[dwalker@townofwestyellowstone.com](mailto:dwalker@townofwestyellowstone.com)>  
**Sent:** Wednesday, March 13, 2024 3:12 PM  
**To:** Shane Grube <[sgrube@hbrfd.com](mailto:sgrube@hbrfd.com)>  
**Cc:** Jon Simms <[jsimms@townofwestyellowstone.com](mailto:jsimms@townofwestyellowstone.com)>; Kyle Goltz <[kgoltz@hbrfd.com](mailto:kgoltz@hbrfd.com)>; Kyle Tanner <[ktanner@townofwestyellowstone.com](mailto:ktanner@townofwestyellowstone.com)>; Jon Brown <[jbrown@townofwestyellowstone.com](mailto:jbrown@townofwestyellowstone.com)>  
**Subject:** RE: Snow Removal in front of hydrants

Good Afternoon-

I understand that there has been some confusion regarding compensation for snow removal.

They Town is already contributing to the Hbfd for services rendered in accordance with the agreement. The agreement is clear that the primary responsibility of the hydrants belongs to the Town, but for the mutual benefit of the Town, Hbfd, and the public interest, Hbfd will assist in the efforts as time allows.

I think that coordinating a schedule allows each entity to make the time in their schedule to complete this work, within the spirit of the agreement.

It is to neither parties benefit to nickel and dime for services, so we will not be compensating Hbfd additionally to abide by the agreement.

Please let me know when we can anticipate the fire hydrants to be cleared.  
DW

**From:** Dan Walker  
**Sent:** Thursday, March 7, 2024 1:10 PM  
**To:** Shane Grube <[sgrube@hbrfd.com](mailto:sgrube@hbrfd.com)>  
**Cc:** Jon Simms <[jsimms@townofwestyellowstone.com](mailto:jsimms@townofwestyellowstone.com)>; Kyle Goltz <[kgoltz@hbrfd.com](mailto:kgoltz@hbrfd.com)>; Kyle Tanner <[ktanner@townofwestyellowstone.com](mailto:ktanner@townofwestyellowstone.com)>; Jon Brown <[jbrown@townofwestyellowstone.com](mailto:jbrown@townofwestyellowstone.com)>  
**Subject:** RE: Snow Removal in front of hydrants

Hi Shane-

Thank you for the email and taking time to talk with me.

As I suggested, I think the best course of action would be to set up a meeting with Jon Simms to agree on a schedule and assignment of responsibility for this task.

Per the agreement, clearing of snow is the primary responsibility of the Town, but there is also a cooperation clause which allows for assistance from the Fire Department in this task.

It is in everyone's best interest to create a plan that is agreeable and fair to both parties.

DW

**From:** Shane Grube <[sgrube@hbrfd.com](mailto:sgrube@hbrfd.com)>

**Sent:** Friday, March 1, 2024 3:33 PM

**To:** Dan Walker <[dwalker@townofwestyellowstone.com](mailto:dwalker@townofwestyellowstone.com)>

**Cc:** Jon Simms <[jsimms@townofwestyellowstone.com](mailto:jsimms@townofwestyellowstone.com)>; Kyle Goltz <[kgoltz@hbrfd.com](mailto:kgoltz@hbrfd.com)>

**Subject:** Snow Removal in front of hydrants

Dan,

I spoke with Jon Simms this morning inquiring about his plan to blow out fire hydrants for fire department access, around town especially in the Madison Addition and Grizzley Park. John stated that it was the fire departments responsibility not public works. I understand that staffing has been and continues to be an issue for public works. The Fire District is also having staffing issues. The Fire District is more than willing to help out the city and blow out the hydrants if you want us to. But I will be charging the town for our services. Please let me know what action you would like me to take.

Thanks for your consideration.

Shane

## Dan Walker

---

**From:** Shane Grube <sgrube@hbrfd.com>  
**Sent:** Wednesday, March 13, 2024 4:48 PM  
**To:** Dan Walker  
**Cc:** Jon Simms; Kyle Goltz; Kyle Tanner; Jon Brown  
**Subject:** RE: Snow Removal in front of hydrants

Dan,

I do not agree with your assessment and evaluation so let me put this into some perspective for you. The town has always done the maintenance on the hydrants in town. The fire district has always done the flow testing and inspection of hydrants during flow testing. The town has always been responsible for blowing out the hydrants. Once the hydrants were cleared. The fire department would come around and hand shovel the hydrants for what could not be removed by the blower. The fire district never had any equipment to blow snow from around the hydrants that has always been the towns job.

Three winter seasons ago the district secured a tool cat and purchased a snow blower for snow removal around the fire stations. For the last 2 winters the fire district has been a good neighbor cleared the hydrants for town due to their limited manpower and being short staffed. Last year I came to the town and offered to take on the hydrant snow removal for additional compensation. The Town provided no response.

The town has not removed any snow from any hydrants in town this winter that I have seen. The town has hired private contractors to haul snow from the streets, blow snow from the streets and plow the streets in town. The fire district is still willing to hand shovel the hydrants for no additional cost once they have been cleared by town's public works department. The District is not going to use its snow removal equipment to do the town's job for no additional compensation.

In the email I received from Jon Simms on 3/08/2024

He was looking for some input, but his assessment was approximately \$1000.00 to \$1200.00 to blow out the hydrants throughout town every time which would take a couple of days. I told Jon we would charge the town \$135.00 an hour for snow removal. Which he stated he was ok with. The fire district immediately went to work clearing hydrants.



## Town Council Agenda Item Summary Report

<b>Meeting Date:</b> April 9, 2024	
<b>Item Title:</b> Reducing Park Board Membership	
<b>Submitted By (Name/Title):</b> Park Board Recommendation	
<b>Discussion Only</b> <input type="checkbox"/>	<b>Discussion/Action</b> <input checked="" type="checkbox"/>
<b>Funding Source:</b> NA	<b>Budgeted</b> <input type="checkbox"/>
<b>Estimated Date of Completion:</b> 4/9/24	

### Item Summary

The Parks and Rec Board met on March 27th. At the meeting they passed a motion to recommend reducing the number of Board Members from 9 to 7. The Board will be reduced by attrition (Ken Davis moved, and Liz Watt has indicated that she does not want to renew her term).

Jane has prepared the attached resolution for your consideration.

### Staff Recommendation

The Park Board unanimously recommended approving this request.

### Suggested Motion

I move we approve the Resolution to reduce the number of members on the Parks and Recreation Advisory Board from 9 members to 7.

# RESOLUTION NO. 799

## A RESOLUTION OF THE WEST YELLOWSTONE TOWN COUNCIL REDUCING THE NUMBER OF MEMBERS ON THE PARKS & RECREATION ADVISORY BOARD

**WHEREAS**, on September 18, 2018, the Town Council of the Town of West Yellowstone adopted Resolution #719 wherein it set policy, procedures and guidelines for the operation of the Parks and Recreation Advisory Board, (the “Board”) including setting the number of members of the Board at nine members; and

**WHEREAS**, on March 27, 2024, the Board voted in the affirmative to recommend to the Town Council that the number of members of the Board be reduced to seven as a result of losing two members and having difficulty replacing members; and

**WHEREAS**, The Town Council believes the recommendation from the Board is in the best interests of the Town of West Yellowstone.

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

1. The Town Council of the Town of West Yellowstone reduces the number of members of the Parks and Recreation Advisory Board to seven members.
2. The membership of the board shall include one representative from the Town Council and six members from the community at large.
3. All other provisions related to the Board set out in Resolution 719 remain in full force and effect, except as set out above.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor

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

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

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

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

ATTEST:

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

