

# Town of West Yellowstone

Town Council Work Session

Tuesday, May 20, 2014

Meet at West Yellowstone Town Hall

440 Yellowstone Avenue, West Yellowstone, Montana

1:00 PM

## Agenda

### Public Comment Period/Council Comments

The Town Council and Staff are going to physically walk and evaluate the 80 acres of US Forest Service land southwest of West Yellowstone that the Town is considering for purchase.

**No action will be taken, the Public is invited to attend.**

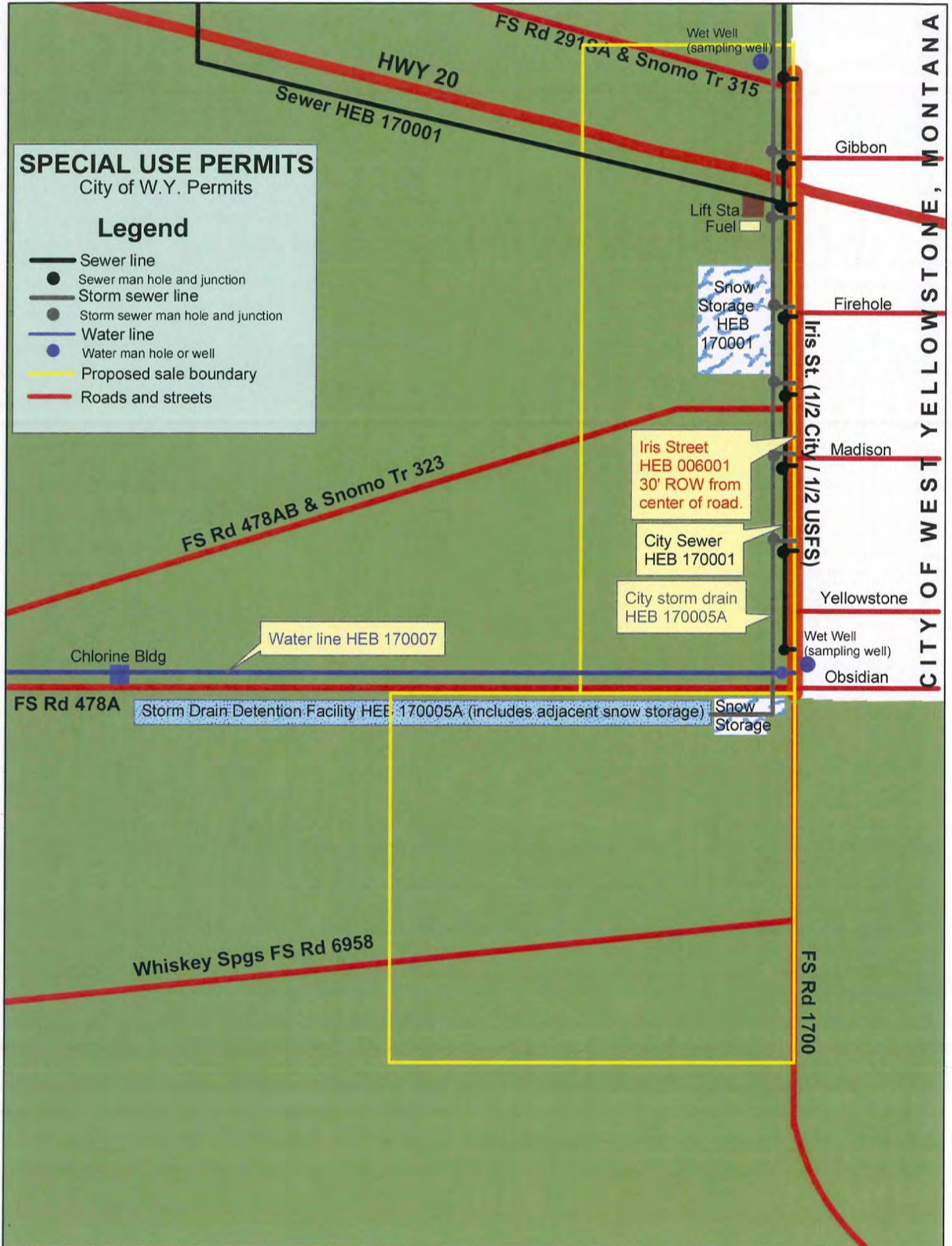


# SPECIAL USE PERMITS

City of W.Y. Permits

## Legend

- Sewer line
- Sewer man hole and junction
- Storm sewer line
- Storm sewer man hole and junction
- Water line
- Water man hole or well
- Proposed sale boundary
- Roads and streets



# Town of West Yellowstone

Tuesday, May 20, 2014

West Yellowstone Town Hall, 440 Yellowstone Avenue

Town Council Meeting

7:00 PM

## TOWN COUNCIL MEETING AGENDA

Pledge of Allegiance

Purchase Orders #6210, Aeration Works, Front Air Bubbler for Sewer Pond #1, \$27,939.00

Treasurer's Report

Claims ∞

Consent Agenda: May 6, 2014 Town Council Meeting ∞

May 13, 2014 Work Session ∞

Business License Applications ∞

- Whiskey Springs Cabins
- Canton Express (Change of location)

Advisory Board Report(s)

Operations Manager & Department Head Reports

Assignments Report

**Council Comments**

**Public Comment Period**

**Presentation: Gallatin County Sheriff Brian Gootkin, Police Training Report ∞**

### NEW BUSINESS

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Board/Committee Appointments ∞

- Chipper Smith, Planning Board
- Doug Schmier, Airport Advisory Board
- Gallatin County Criminal Justice Coordinating Council

Discussion/Action

Discussion/Action

Discussion/Action

Request to Waive Resort Tax Late Fee, Yellowstone Wildlife Cabins ∞

Discussion/Action

Operations Manager Evaluation, Executive Session if Requested

Correspondence/FYI

Meeting Reminders

- FY 2015 Budget Meetings Calendar ∞



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

Public Hearing/Public Meeting

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

Oral Communication

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

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

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

General Town Council Meeting Information

- Regular Town Council meetings are held at 7:00 PM on the first and third Tuesdays of each month at the West Yellowstone Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.
- Presently, informal Town Council work sessions are held at 12 Noon on Tuesdays and occasionally on other mornings and evenings. Work sessions also take place at the Town Hall located at 440 Yellowstone Avenue.
- The schedule for Town Council meetings and work sessions is detailed on an agenda. The agenda is a list of business items to be considered at a meeting. Copies of agendas are available at the entrance to the meeting room.
- Agendas are always published at least 48 hours prior to Town Council meetings and work sessions. Agendas are posted at the Town Offices and at the Post Office. In addition, agendas 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 646-7795.
- Official minutes of Town Council meetings are prepared and kept by the Town Clerk and are reviewed and approved by the Town Council. Copies of approved minutes are available at the Town Clerk's office or on the Town's website: [www.townofwestyellowstone.com](http://www.townofwestyellowstone.com).

P.O. BOX 1570

TOWN OF WEST YELLOWSTONE  
MONTANA

PHONE: 406-646-7795

FAX: 406-646-7511

info@townofwestyellowstone.com

PURCHASE ORDER

Date 5-15-14

Ship Via

Order No. 006210

Department Public Works

TO: Aeration Works

ADDRESS: 5601 Paris Rd  
Columbia, Mo 65202-9399

PLEASE FURNISH THE TOWN OF WEST YELLOWSTONE WITH:

Quantity	Description
1	Front Air Bubbles in Sewer Pond #1 Re Purbis

Estimated Cost \$ 27,939<sup>00</sup>

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

Requested By: 

VENDOR COPY - White OFFICE COPY - Canary



**5601 Paris Rd. Columbia, MO. 65202-9399**  
**TELEPHONE (573) 474-9456 FAX (573) 474-6988**

EDI Aeration Works PROPOSAL #2014-014 Rev 02/27/2014

TO: Mr. James Patterson  
RE: West Yellowstone WWTP (Cell A)  
Replacement Membranes and Clamps  
EDI FlexAir™ Aeration Mixing System

Dear Mr. Patterson:

EDI Aeration Works is pleased to offer the following proposal for maintenance of the EDI Aeration Equipment in the Cell A at the West Yellowstone wastewater treatment plant. Per our discussion, this proposal includes new membranes, clamps, ancillary components and installation cost.

Aeration Works is uniquely capable of maintaining EDI equipment. The crews that will be employed on-site have many years of experience servicing all types of diffused aeration systems and have or will furnish all the specialized equipment to service this particular system. Aeration Works will ensure that the maintenance meets all of EDI's specifications and directions.

EDI records show that there are two basins at the West Yellowstone facility and the two different products were installed. The product included in this proposal is the FlexAir Floating lateral system installed in Cell A, which contains (40) FlexAir 88S diffuser assemblies. For reference, each 88S diffuser utilizes (4) one-meter membranes. Two clamps are required to install the membranes.

#### **Installation Service:**

The scope of Installation Services includes labor cost, travel & living expenses and equipment required to complete the following:

- Replace the existing membranes with new membranes and clamps on all diffusers.
- Replace the existing PVC union connections that attach the 88S diffusers to the lateral with new PVC insert fittings.
- Replace the existing retrieval ropes with new ropes.
- Inspect the system lateral piping for leaks or other deficiencies and maintain as required. The installation crew will be prepared to replace some of the ancillary components required to eliminate leaks and coarse bubbling that can be easily repaired during the replacement membrane process. The scope of service does not include any PE fusion welding.

#### **Proposal Notes:**

- Bid assumes (1) onsite trip.
- Bid assumes basins are accessible and area is ready for work as detailed above.

This proposal has not been published and is the sole property of Environmental Dynamics Inc. It is lent to the borrower for his/her confidential use only. In consideration of this loan, the borrower promises to return it upon request and agrees that it shall not be reproduced, copied, shared, lent, or otherwise disposed of, directly or indirectly, nor used for any purpose other than that for which it is specifically furnished.

May 7, 2014

Page 2

- The installation quote does not include Davis Bacon wages.
- Bid is for the maintenance and inspection of EDI's aeration system only.
- Bid assumes the maintenance team will be allowed to work 10 hours per day until completion
- AW crew will collect and deposit old membranes and other miscellaneous debris close to the basin. Client to arrange for disposal.
- Aeration Work's crew members have extensive safety training and will be responsible for following our safety procedures.
- Bid assumes/requires West Yellowstone to provide a "safety watch" for the entire time EDI personnel are on the water. Safety watch will also be required to turn valves off/on as necessary to facilitate the maintenance activities.
- In the event EDI discovers any damage during the installation procedure that is not included in the scope of services, a contract change order can be negotiated and repairs may be completed by the installation crew.
- EDI's standard 12 month warranty applies to materials and workmanship.

**Material Supply:**

The scope of Material Supply includes all material required to complete the work detailed below:

- (160) Replacement Membranes and Clamps
- (40) PVC Insert Fittings
- (40) Retrieval Rope and Rope Snap Assemblies
- (1) Spare Diffuser Core
- (40) SS Hose Clamps

**Price:**

**\$ 27,939.00** U.S. is the total for Material and Installation for the West Basin. Carriage paid to destination (FOB1) from Columbia, Missouri to job site. The quoted price is plus all applicable taxes and is firm for 120 days. EDI reserves the right to evaluate pricing after this time period and apply an appropriate inflation factor as current price escalation rates for raw materials are significant.

**Payment Terms:**

Installation Terms are Net 30 due upon completion of the installation.

An interest charge at a rate no less than prime plus 2% will be assessed on all late payments.

Date: May 7, 2014

EDI Aeration Works



Michael J Korman

Director of Business Operations  
Aeration Works

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<sup>1</sup> FOB definition includes: The Buyer bears all costs and risks of loss of or damage to the goods from designated FOB point.

05/16/14  
16:59:33

TOWN OF WEST YELLOWSTONE  
Claim Approval List  
For the Accounting Period: 5/14

Page: 1 of 5  
Report ID: AP100

\* ... Over spent expenditure

Claim	Vendor #/Name/	Document \$/	Disc \$						Cash
Check	Invoice #/Inv Date/Description	Line \$		PO #	Fund Org Acct	Object	Proj	Account	
39854	2546 Century Link QCC	24.12							
	04/23/14 long dist chg	20.39		FINADM	1000 410510	345		101000	
	04/23/14 access fee/sm bus plan/tax	3.73		finadm	1000 410510	345		101000	
39857	2204 Republic Services	391.08							
	04/28/14 dumpster lease police	147.14		POLICE	1000 411258	534		101000	
	05/28/14 Chamber dumpster	0.00		CHAMB	1000 411257	534		101000	
	04/28/14 dumpster lease/shop	243.94*		PARK	1000 460430	534		101000	
39858	266 Utilities Underground Location	5.46							
	4045286 04/30/14 excavation notifications	2.73		WATER	5210 430500	357		101000	
	4045286 04/30/14 excavation notifications	2.73		SEWER	5310 430600	357		101000	
39859	2558 Hebgen Basin Fire District	43,143.00							
	05/15/14 May 2014	43,143.00		FIRE	1000 420400	357		101000	
39863	2845 Kasting, Kauffman & Mersen, P.C.	7,858.69							
	05/08/14 legal services	7,645.00		LEGAL	1000 411100	352		101000	
	05/08/14 postage/copies	14.33		LEGAL	1000 411100	870		101000	
	phone/fax	0.00		LEGAL	1000 411100	345		101000	
	05/08/14 travel	199.36		LEGAL	1000 411100	373		101000	
39865	146 Morrison-Maierle, Inc	130.00							
	18409 05/12/14 PD online backup	70.00		DISPAT	1000 420160	355		101000	
	18410 05/12/14 Town Offices online backup	60.00		FINADM	1000 410510	356		101000	
39895	677 John Costello	308.52							
	05/01/14 reimb travel, Billings	308.52		LEGIS	1000 410100	370		101000	
39897	983 Jerry Johnson	308.52							
	05/01/14 reimb travel, Billings	308.52		LEGIS	1000 410100	370		101000	
39905	2673 First Bankcard	512.16							
	03/31/14 Langohrs Flowerland	72.95		LEGIS	1000 410100	220		101000	
	04/07/14 USPS postage	34.35*		WATER	5210 430500	311		101000	
	04/08/14 shelving, Clothing Bank	629.86		HELP	7010 450135	220		101000	
	04/10/14 MSU Northern, tuition refund	-225.00		WATER	5210 430500	380		101000	
39906	1532 Montana Magistrates Association	200.00							
	05/01/14 Judges Assoc Dues 14-15	200.00		COURT	1000 410360	335		101000	

05/16/14  
16:59:33

TOWN OF WEST YELLOWSTONE  
Claim Approval List  
For the Accounting Period: 5/14

Page: 2 of 5  
Report ID: AP100

\* ... Over spent expenditure

Claim	Vendor #/Name/	Document \$/	Disc \$						Cash
Check	Invoice #/Inv Date/Description	Line \$		PO #	Fund Org Acct	Object	Proj	Account	
39907	999999 DOMENIC JOSEPH ROBERTAZZI	250.00							
	05/01/14 restituuion 2013-64A	250.00		COURT	7469 212400				101000
39908	999999 BRANDON JONES	185.00							
	05/15/14 bond refund 2013-80	185.00		COURT	7469 212400				101000
39909	2586 Waxie Sanitary Supply	345.80							
	74588225 05/12/14 clear liners	345.80		PARKS	1000 460430	220			101000
39910	2291 American Express	463.90							
	04/15/14 B&N.com, book	3.99		LIB	2220 460100	215			101000
	04/15/14 B&N.com, book	0.99		LIB	2220 460100	215			101000
	04/16/14 Book Peddler, furnishings	459.17*		TWNHAL	1000 411250	364			101000
	05/01/14 discount	-0.25		LIB	2220 460100	215			101000
39911	2321 Smith Ford Mercury	2,872.48							
	6034374 03/13/14 2010 CV Ford, maint	38.97		POLICE	1000 420100	361			101000
	6035228 05/13/14 2008 Ford F-350 maint	2,309.87		STREET	1000 430200	357			101000
	6035509 05/13/14 2010 Ford CV, maint	523.64		POLICE	1000 420100	361			101000
39912	65 Tractor & Equipment Co	1,214.23							
	05/01/14 Parts	1,238.31*		STREET	1000 430200	369			101000
42CS0412639									
	05/01/14 Credit	-24.08*		STREET	1000 430200	369			101000
BLCS0563954									
39913	2861 Bird Busters	3,410.00							
	122 05/15/14 Generator Bldg, clean up	3,410.00		CAP	4000 411240	937			101000
39914	2782 BioLynceus Biological Solutions,	4,785.14							
	5146 05/02/14 ProBiotic Scrubber	4,785.14*		SEWER	5310 430640	459			101000
39915	999999 LEW HUDDLESTON	22.32							
	04/25/14 witness fee	22.32		COURT	1000 410360	394			101000
39916	2764 HD Supply Waterworks, Ltd.	4,115.70							
	C294069 05/02/14 supplies	272.86		SEWER	5310 430640	934			101000
	C294069 05/02/14 supplies	3,842.84*		SEWER	5310 430630	369			101000
39917	379 Energy Laboratories, Inc	309.50							
	340550616 05/12/14 chemicals	309.50		SEWER	5310 430640	357			101000

\* ... Over spent expenditure

Claim	Vendor #/Name/ Check Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
39918	1755 MJC & MCCA 05/12/14 Clerk Assoc Dues, Berger	35.00 35.00		COURT	1000 410360	335	101000
39919	2673 First Bankcard 04/02/14 Rocky Mtn Truck Center 04/02/14 Wal-Mart, supplies 04/09/14 Adamson Industies 04/10/14 Westgate Autobody, repair 04/11/14 Dell, laptop 04/14/14 Grainger, cabinet 04/14/14 Grainger, drum spill 04/15/14 Sportsman's Warehouse, supplie 04/18/14 WildWest Pizza-Austin	3,769.25 177.04* 39.88 1,149.80* 126.00* 971.93* 702.34* 515.84 26.32* 60.10		STREET BLDINS STREET STREET REC SEWER PARKS SEWER LEGIS	1000 430200 1000 420531 1000 430200 1000 430200 1000 460440 5310 430600 1000 460430 5310 430600 1000 410100	369 212 369 398 216 220 220 220 220	101000 101000 101000 101000 101000 101000 101000 101000 101000
39920	2191 Jack Dittmann 05/12/14 meals, Hunger conference	104.00 104.00		SOCSE	1000 450135	370	101000
39921	2514 Kathy Arnado 05/12/14 meals, Hunger conference	104.00 104.00		SOCSE	1000 450135	370	101000
39922	307 Fire Suppression Systems Inc 76023 05/01/14 lease/fee fire extinguishers 76027 05/01/14 lease/fee fire extinguishers 76028 05/01/14 lease/fee fire extinguishers 76024 05/01/14 lease/fee fire extinguishers 76026 05/01/14 lease/fee fire extinguishers 76025 05/01/14 lease/fee fire extinguishers	830.25 106.50 58.50 107.25* 92.75* 58.50 406.75		LIB SEWER STREET POVAH POLICE UPDL	2220 460120 5310 430600 1000 430200 1000 411255 1000 411258 1000 411252	357 398 398 350 366 366	101000 101000 101000 101000 101000 101000
39923	764 General Distributing Co. 226596 04/30/14 compressed gas	40.50 40.50		STREET	1000 430200	220	101000
39924	489 MSE ANALYTICAL LABORATORY 1404037 04/28/14 water samples	207.00 207.00		WATER	5210 430500	357	101000
39925	2853 Two Seasons Recycling wy 2014-18 04/30/14 monthly recycling fee	600.00 600.00*		PARKS	1000 460430	534	101000
39926	497 MT Dept Environmental Quality 5J1401642 04/29/14 wastewater cert renew, Arna 5J1401551 04/29/14 H2O cert renew, Hoskins 5J1401551 04/29/14 wastewater cert renew, Hosk 5J1401641 04/29/14 H2O cert renew, Holtzen 5J1401641 04/29/14 wastewater cert renew, Holt 5J1401772 04/29/14 wastewater cert renew, Patt	220.00 40.00* 30.00 40.00* 30.00 40.00* 40.00*		SEWER WATER SEWER WATER SEWER SEWER	5310 430600 5210 430500 5310 430600 5210 430500 5310 430600 5310 430600	380 380 380 380 380 380	101000 101000 101000 101000 101000 101000

\* ... Over spent expenditure

Claim	Vendor #/Name/	Document \$/	Disc \$						Cash
Check	Invoice #/Inv Date/Description	Line \$		PO #	Fund Org Acct	Object	Proj	Account	
39927	2377 Kathleen Brandis	323.17							
05/16/14	reimb travel, Judges conf	323.17		COURT	1000 410360	370		101000	
39928	1311 Teton Communications	459.26							
126520	05/01/14 IT support, new recorder	459.26*		911	2850 420750	945		101000	
39929	40 Jerry's Enterprises	15.00							
041414/01	04/14/14 fuel	15.00		HELP	7010 450135	231		101000	
39930	2507 Silvertip Pharmacy	43.20							
031714/01	03/17/14 Rx	20.00		HELP	7010 450135	351		101000	
043014/01	04/30/14 Rx	23.20		HELP	7010 450135	351		101000	
39931	375 Black Mountain	1,626.00							
18271	05/01/14 annual maint, Budget Prep	867.00		FINADM	1000 410510	356		101000	
18271	05/01/14 annual maint, Bus Lic	759.00		FINADM	1000 410510	356		101000	
39932	135 Food Roundup	17.68							
05/01/14	supplies	13.57		STREET	1000 430200	220		101000	
05/01/14	supplies	4.11		LEGIS	1000 410100	220		101000	
39933	54 Bozeman Daily Chronicle	534.91							
1080510	04/27/14 Job Ad, Equip Operator	178.37		ADMIN	1000 410210	327		101000	
1080521	04/27/14 Job Ad, Seasonal Labor	177.97		ADMIN	1000 410210	327		101000	
1088851	05/10/14 Job Ad, Seasonal Sum Rec	178.57		ADMIN	1000 410210	327		101000	
39934	2837 Sheri Holtzen	25.37							
05/15/14	reimb petty cash	25.37*		FINADM	1000 410510	311		101000	
39935	1417 DYER GROUP, LLC	29,725.00							
14013	05/15/14 general engineering	2,125.00		ENGINE	1000 411040	354		101000	
14011	05/15/14 groundwater study, 70% complet	22,000.00		SEWER	5310 430640	354		101000	
14012	05/15/14 alley improve, 89% complete	5,600.00*		ALLEY	4070 430230	354		101000	
# of Claims 39		Total:	109,535.21						
			109,535.21						



WEST YELLOWSTONE TOWN COUNCIL  
**Town Council Meeting**  
**May 6, 2014**

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

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

Bob & Sandi Peppler, Joyce Berger, Doug Buskirk, G.L. Scott, Brian McCoy, Grace McCoy, Donna & Doc Stewart, WY News Editor Malea Burke, Ryan Barker, Jamie and Danny Hambarian, Amber P Vickie Barta, Cynthia Knapp, Gayle Gavagan, Marysue Costello, Lisa Carter, Fire Chief Scott Waldron, Assistant Fire Chief Shane Grube, NPS Les Brunton, Gallatin County Deputy Matt Stubblefield, Randy & Kim Wakefield, Tom Cherhoniak, Kerry Parker, Cory Meyer, Cassandra Graham, Attorneys Brian Gallik & Jecyn Bremer, multiple other community members

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

Portions of the meeting are being recorded.

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

**ACTION TAKEN**

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- 1) Motion carried to approve the claims which total \$75,655.65. (Forsythe, Costello)
- 2) Motion carried to approve the Consent Agenda, which includes the minutes of the April 22, 2014 Town Council Meeting and the Securities Report dated May 1, 2014. (Johnson, Costello)
- 3) Motion carried to approve the new business license and location for Bear Country Burrito Company. (Johnson, Costello)
- 4) Motion carried to approve the request to waive the resort tax bond for Bear Country Burrito based on a satisfactory payment history by the owners, Jaime and Dan Hambarian, for their other business. (Costello, Forsythe)
- 5) Motion carried to approve the business license update and parking plan for Westgate Station. (Forsythe, Johnson) Parker abstains.
- 6) Motion carried to approve the new business license application for Hokulia Shave Ice (Johnson, Costello) Parker abstains.
- 7) Motion carried to reconsider the action taken at the April 22, 2014 meeting to confirm Aaron Frank as a permanent police officer. (Costello, Schmier) Parker and Forsythe are opposed. At the April 22, 2014 Town Council Meeting, the Council voted to confirm Aaron Frank as a permanent member of the Police Department. The motion failed and Frank was not confirmed.
- 8) Motion carried to confirm Sergeant Aaron Frank as a member of the West Yellowstone Police Department. (Schmier, Johnson) Parker and Forsythe are opposed.
- 9) Motion carried to approve Resolution No. 648, a resolution to write off uncollectible ambulance bills. (Johnson, Costello)

### **Council Comments**

Mayor Schmier says he would like to recognize the passing of Margarite Shomler, who recently passed away at the age of 106. She was the daughter of the Stewarts, some of the earliest inhabitants of West Yellowstone, which was known as Riverside at that time. Her younger brother Walt was thought to be the first baby ever born in West Yellowstone.

### **Public Comment Period**

Cynthia Knapp, President of the WY Chamber, addresses the Council about community concerns of “free-floating trash.” She recognizes the efforts that have been made in recent years by the town by the Public Services Department and the annual Town Clean-Up and acknowledges improvements. She says that prior to this years Town Clean-Up, the Chamber is asking the Town to consider sending letters to all businesses that store their dumpsters on public property and remind them that is a privilege and they are responsible for keeping those areas clean. She says they would also like to see more pet clean up stations and would like the Town to schedule a work session to discuss the current garbage/litter ordinance.

Tim Heideman asks why the Council is considering confirming a police officer that has been found to be inept by other law enforcement agencies. He says that there should be evaluations on this officer and he questions the competency of who conducted the evaluations.

### **DISCUSSION**

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- 1) Schmier abstains from claim #30871, Forsythe abstains from claim #39870.
- 3) Greg Forsythe explains that the Grizzly Park Architectural Committee has approved the plans for Bear Country Burrito. Town Clerk Liz Roos explains that the original parking plan for Yellowstone Aerial Adventures did account for a food service location.
- 5) Roos explains that a deli was added in the building sometime in the last year or two and the business had not updated its license application
- 7) Cory Meyer, a firefighter for the Hebgen Basin Fire District addresses the Council on behalf of the International Association of Fire Fighters, local unit. He says that they have had multiple issues with the police department over the past year and encourages the Council to keep moving towards protecting the safety of the community.

Council Member Forsythe asks Berger what is the current status of Sergeant Frank. Berger confirms that Frank is on administrative leave with pay. Forsythe says that considering that the entire police department is under investigation and evaluation by Gallatin County and he cannot support confirming a police officer until they know the results of the investigation.

Cynthia Knapp encourages the Council to hold off on this vote until the investigation has been settled. Parker asks Berger twice if the County is handling all felony investigations and Berger responds that both agencies are working together on felony investigations. Gallatin County Deputy Matt Stubblefield says that his boss has told him that the County is handling all felony investigations in West Yellowstone. Guay says that the Town’s attorney nor herself have not been informed of that.

### **Advisory Board Reports**

**Parks & Recreation Advisory Board** Chair, Vickie Barta, reports to the Town Council regarding the location of the ice rink in the northwest corner of Pioneer Park this past winter. She says that there appears to be agreement from nearly everyone that moving the rink to the new location was a success. She says that the Kids N Snow events had the highest attendance at the February event that they have had since the event series was started. She says that Westmart reported that they rented nearly twice as many sets of skates this year so it worked out well. She says they do recommend making that a permanent location for the rink. She says their first priority for improving the rink is to pour a concrete pad. She says that Patterson is working with

the board to put some numbers together and they will bring that back to the Council for budget consideration. She also reports that she and Patterson were planning to meet with a representative from the DEQ to discuss using recycled materials from to improve the Frontier Trail. The DEQ representative had to cancel the meeting so they are rescheduling for next week. She says she will come to the next Town Council meeting and present more information on that subject.

John Costello reports on the first meeting of the **911 Advisory Board**. Costello says the meeting was well attended. Fire Chief Scott Waldron was elected Chair and Sheriff Brian Gootkin was elected vice-chair. There was also agreement that they will contact the director of the Gallatin County Dispatch Center for assistance. Costello says that they do believe there are some serious issues in the dispatch center which will require some significant financial expenditures over the next couple of years. Costello says the board is planning to meet monthly for the short-term, but eventually expect they will scale the meetings back to quarterly meetings. Parker asks what one of the issues may be. Waldron says that there are a variety of concerns, which is why they felt it would be beneficial to bring in someone from outside the area to evaluate the system. He says the real problem may be that they can't identify the problem. He there are concerns that range between the console and management, so those are issues they will be working on.

**Operations Manager's Report:** Operations Manager Becky Guay reports on current issues: **Police Officer Hiring Process** – The Police Commission has selected six candidates to participate in the testing and interview phase of the hiring process. Four out of six candidates have agreed to be interviewed. **Head Dispatcher Hiring Process** – The interviews scheduled for April 30 have been postponed until tomorrow, May 7, 2014. **Clothing Bank** – Storage for the clothing bank has been set up downstairs in this building. We have been unable to secure volunteers to facilitate the regular operation of the clothing bank, but have a notice posted in the Bits and Pieces section of the West Yellowstone News. Staff contacted pastors at all the churches in town, and they have either not responded to our call or indicated that they would announce the need for volunteers at their church services. **911 Advisory Committee** – The Committee met on April 30, 2014 at 4:00 p.m. in the Council Chambers. **Access & Easement Discussion with Forest Service (80 Acre Purchase)** – We have received a list of appraisers from the Forest Service and will be developing a Request for Proposals to conduct the appraisal. **West Yellowstone Foundation Listening Session** – I attended the listening session yesterday with about 40 other attendees. We had great discussions about what areas that WYF may wish to focus on in the next three to five years. We focused on areas in which WYF could partner with other organizations, like the Town, to accomplish shared goals. The consensus of the group was that we need to focus on solving housing issues and also join together to lay out a vision for the development of the 80 acres.

Parker asks why the police officer hiring is on hold. Guay responds that due to the recent concerns about the police department, she and the Mayor agreed to hold off on hiring another officer at this time. Parker asks if the interviews for police officer will be open to the public. Guay says that candidates are interviewed both by the Police Commission and an interview panel, so whether the interviews will be open is up to candidate. Parker also asks if the Head Dispatcher interviews will be open to the public and Guay responds that they are not.

The meeting is adjourned. (8:15 PM)

---

Mayor

ATTEST:

---

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL

**Work Session  
May 13, 2014**

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

OTHERS PRESENT: Finance Director Lanie Gospodarek, Operations Manager Becky Guay, West Yellowstone Chamber of Commerce Representatives Cynthia Knapp, Marysue Costello, Marge Wanner, Grizzly & Wolf Discovery Center Curator John Heine

The meeting is called to order by Mayor Brad Schmier at 8:00 AM in the West Yellowstone Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana

**Public Comment Period**

No public comment is received.

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Mayor Schmier calls the meeting to order and explains that they are here today to discuss Policy #7, the policy that determines exempt status as to collecting resort tax. Council Member John Costello distributes an edited copy of Policy #7, which essentially expands the definition of who is required to collect resort tax from only 501(c)(3) to all certified non-profit entities. The group debates the definition of a special event and how changing this policy would affect non-profits such as the Grizzly & Wolf Discovery Center as well as the Chamber of Commerce. They consider what qualifies as a special event and they discuss what is actually taxable. Heine explains that the GWDC is going to try to embark on a capital campaign to raise \$7 million dollars over the next ten years to expand their exhibits. He says they may hold a series of special events to raise money, will such events qualify as special events? The group considers whether an event held on property owned by the entity requires a Special Event Permit. The group considers the "Big Sky Approach," meaning that the resort tax in Big Sky is collected on everything and there are no exemptions. The group considers the intent behind Policy #7 and whether they should be focusing on what is taxed rather than who is taxed. Mayor Schmier suggests they amend the Policy to exempt the community based organizations that are already exempted, but everyone else must apply to the Council for an exemption. The group refers to the resort tax ordinance, which outlines items that are exempt and imposes the tax on all establishments. They also consider fund-raisers such as a community benefit for someone that needs help with healthcare costs. Costello suggests they schedule this item for a Town Council meeting in the near future and see who shows up. The group agrees to scale the policy back to essentially the first paragraph that only exempts specific community organizations. Any other organization must specifically apply for an exemption.

The meeting is adjourned. (9:05 AM)

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Mayor

ATTEST:

---

Town Clerk

# Town of West Yellowstone Business License Application

Business Name: Whiskey Springs Cabins  
 Applicant: Brenda Heverin  
 Contact Person: same  
 Mailing Address: PO Box 2202, West Yellowstone, MT 59758  
 Physical Address of Business: 628 Firehole Ave., West Yellowstone  
 Phone Number: 610-212-1623 Fax Number: \_\_\_\_\_  
 Email Address: brendahev@gmail.com Website: www.whiskeyspringcabin.com

Signature of Property Owner of Record: Brenda Heverin

Subdivision: Original Townsite West Yellowstone  
 Block: 21 Lot: 4A

Zoning District, please mark one:

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

*Application pending for new unit.*

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

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

Nightly Tourist home rental  
2 bedroom 1 bath 818 sq. ft. includes porch  
712 sq. ft. heated area  
Original Rental Unit - 2 bedroom / 2 bath 1,200 sq. ft.

Business License Fee: \$ \_\_\_\_\_  
 Resort Tax Bond: \$ \_\_\_\_\_

Brenda Heverin  
 Signature of Applicant

Total Amount Due: \$ \_\_\_\_\_

Signature of Applicant  
2/27/14  
 Date

**FOR OFFICE USE ONLY**

Date Approved by Town Council: \_\_\_\_\_  
 Date \_\_\_\_\_ Check # \_\_\_\_\_ Amount \$ \_\_\_\_\_ License # \_\_\_\_\_  
 SCN \_\_\_\_\_ BLP \_\_\_\_\_ STX \_\_\_\_\_ BLC \_\_\_\_\_ RDX \_\_\_\_\_

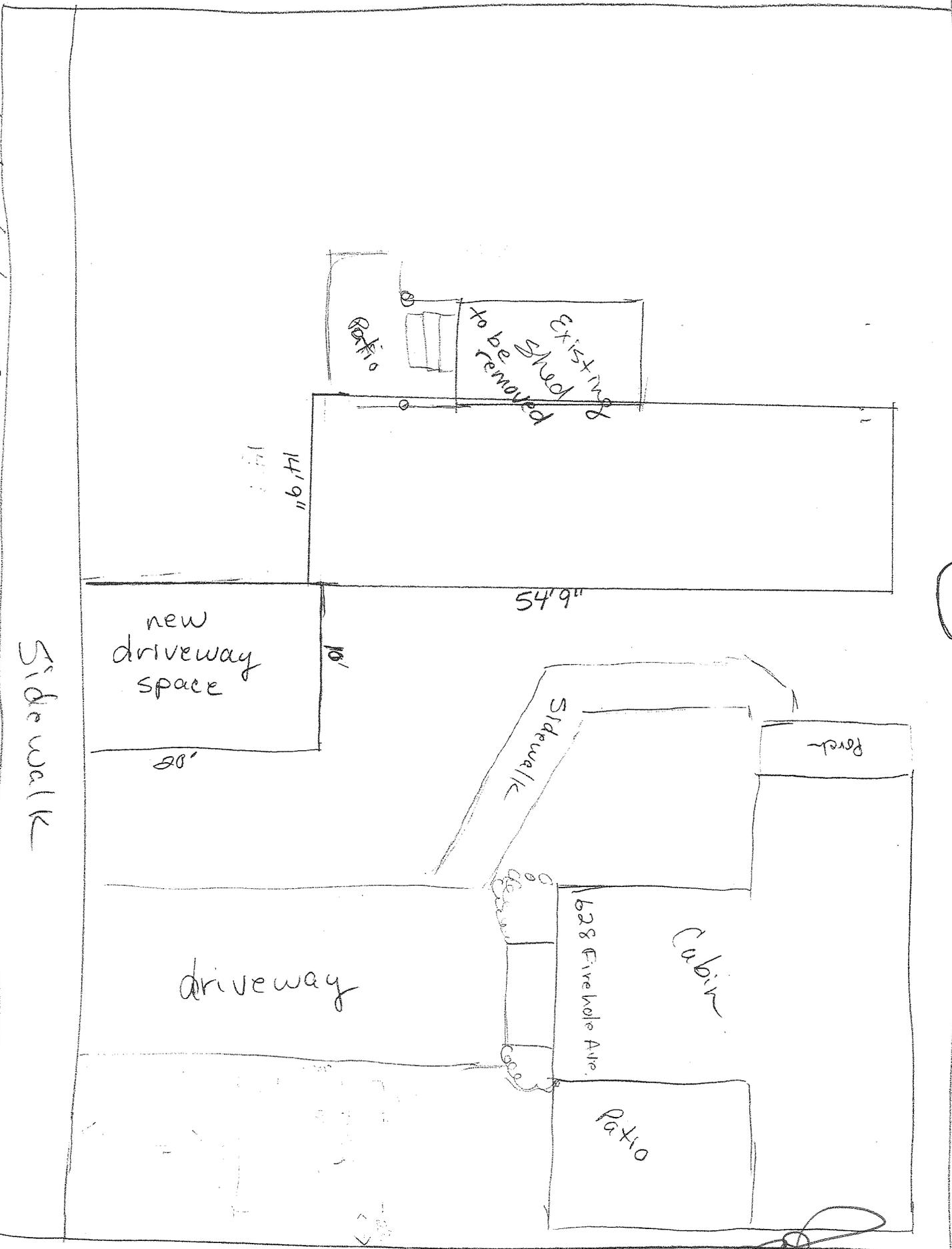
Alley (easement)

Fire hole / Drive

Sidewalk

100'

concrete with water meter  
3" water hookup



75'

[Signature]





# Town of West Yellowstone Business License Application

Business Name: Canton Express  
Applicant: Siang Lo (SAM)  
Contact Person: Siang Lo (SAM)  
Mailing Address: P.O. BOX 298, West Yellowstone, MT 59758  
Physical Address of Business: 17 CANYON STREET  
Phone Number: 406-579-4541 Fax Number: \_\_\_\_\_  
Email Address: sam@geyser-im.com Website: \_\_\_\_\_

Signature of Property Owner of Record: [Signature] TODD TORIAS, GM

Subdivision: Old Town  
Block: 28 Lot: 9

Zoning District, please mark one:

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

- New Business
- Change of Location
- Transfer of Ownership
- Name Change

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

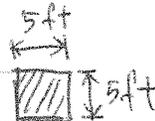
Type of Business Please explain in detail the following: number of units, seating capacity, etc. Contractors should list trailers and equipment and where these items will be stored.

Serves Fast To-Go Chinese Food.

Business License Fee: \$ N/A already pd.  
Resort Tax Bond: \$ N/A already pd. Signature of Applicant [Signature]

Total Amount Due: \$ \_\_\_\_\_ Signature of Applicant \_\_\_\_\_  
Date 5/5/2014

FOR OFFICE USE ONLY				
Date Approved by Town Council:	_____	_____	_____	_____
Date	_____	Check #	_____	Amount \$
_____	_____	_____	_____	_____
License #	_____	_____	_____	_____
SCN	_____	BLP	_____	STX
_____	_____	_____	_____	BLC
_____	_____	_____	_____	RDX

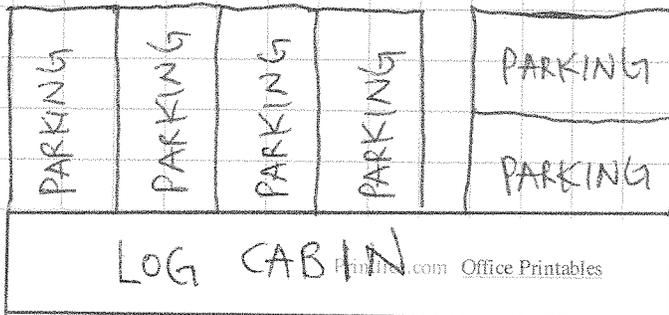
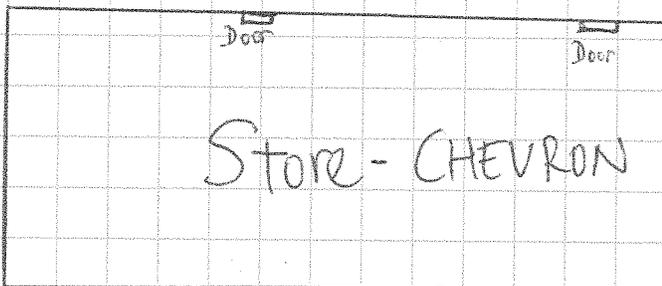
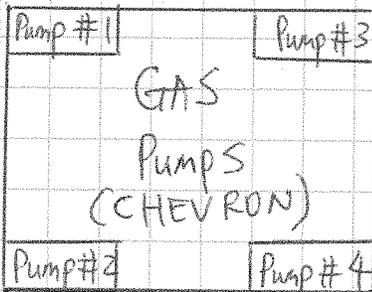


# CANYON STREET

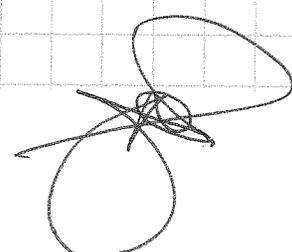
ENTRY/EXIT

ENTRY/EXIT

EAGLE STORE EST 1908



Printfree.com Office Printables



TO: West Yellowstone Town Council

RE: West Yellowstone Police Department Review

Dear Councilman,

This report is in reference to a meeting held on March 19<sup>th</sup> in which Chief Berger, Mayor Schmier, Town Manager Guay, Town Attorney Mersen, Sergeant Daugherty, Deputy Burns, and I attended. During this meeting, we discussed many issues relating to the West Yellowstone Police Department (WYPD). At the conclusion it was agreed upon for our Office to review the Department's training program and investigative protocol.

### **Process**

We assigned our Patrol Lieutenant Ryan Stratman and Sergeant Brad Hickok to review training. Ryan was with the WYPD for six years prior to joining our Office. Detective Lieutenant Arlyn Greydanus and Sergeant Paul Lewis reviewed the investigation protocol. All WYPD sworn personnel were interviewed and asked identical questions. Dispatch personnel requested to meet with us as well, which we allowed. The Sergeants were assigned to review documentation related to their assignments while the Lieutenants conducted interviews.

### **Findings**

While reviewing training within the WYPD, we asked about basic training that should be provided on an ongoing basis. All information below was provided by WYPD personnel.

## **Field Training Evaluation Program (FTEP)**

These programs are designed to provide a probationary Deputy / Officer with the core skills and knowledge to perform peace officer duties. Our FTEP averages 14 weeks however there is no Peace Officer Standards and Training (POST) requirement to my knowledge.

- Chief Berger stated the FTEP is eight weeks and was adapted from the Billings Police Department. The Billings Police Department FTEP is 14 weeks.
- Officers stated that the program is actually from 1 to 12 weeks intermittently dependent upon experience. They stated training was "rushed" if they were needed to work on shift.
- Sergeant Franks was designated as the Field Training Officer by Chief Berger but he has never been trained as an FTO.
- The Town Manager approves/denies training requests by officers. According to officers, there are no explanations as to why requests are denied.
- Training documentation includes bullet point categories which do not explain tactics or procedures for handling call types or case law.
- The completion of each week requires the signature of the sergeant and chief.
- There is no training manual provided to officers but they are given a policy manual and Montana Codes Annotated to review on their own.

## **Firearms:**

- Chief Berger is a Primary Instructor for Firearms.
- Chief Berger recently sent Probationary Officer McCoy to firearms instructor course provided by our Office.
- Firearms' training does not include any scenario or performance based qualifications.
- Probationary officers have worked for extended periods of time without qualifying on weapons.
- Officers were told the lack of firearms training was due to budget constraints
- There has been one training in the last year at "Big Fun Gun"

## **Active Shooter:**

- Two trainings attended by WYPD conducted by our Office in the last year. Unknown if any had been attended prior to these.

### **Defensive Tactics:**

- No trainings or refreshers after Montana Law Enforcement Academy (MLEA) basic

### **O.C. (Pepper Spray)**

- No trainings or refreshers after MLEA basic

### **Taser**

- Weapons were taken from officers after I met with Chief Berger last year. The Chief informed me at that meeting that he went on vacation and when he returned, the officers had tasers. He had not authorized tasers. The tasers were reinstated after training.

### **Patrol Vehicle Operations**

- Two officers attended Ice and Hazardous Driving training provided by YNP in two years but once a registration fee (\$50) was required the training was denied.

### **Snowmobile Operations**

- No officers attended despite an annual training that occurs in WY.

### **Medical / CPR**

- Training was not provided prior to an incident that occurred in 2013 where an officer saved a girl with training he attained on his own time and expense.

### **DUI / SFST / INTOX**

- Intoxilyzer certifications are up to date.
- No training or refreshers on DUI / SFST after MLEA basic.
- Three officers have attended Advanced Roadside Impairment Driving Enforcement

## **Investigations**

- Officers do not receive training on how to conduct an investigation.
- Officers ask Deputies, Troopers or Park Rangers for assistance instead of from within their own department.
- Cases are submitted to the sergeant for "spelling errors not content".
- There is no policy or protocol on how investigations should be conducted and compiled prior to being submitted to the respective attorney.
- Officers know that felony cases must be submitted to the County Attorney's Office (CAO). Officers were instructed by the Chief to mail them instead of delivering them to the CAO for consultation.
- When asked, the Chief and Sergeant were not certain of what current investigations are being worked by their officers.

## **Conclusion**

After my meeting with Chief Berger last fall, officers have been sent to numerous trainings. Although this is a positive step, the most basic teaching, mentoring, and supporting of your officers is nonexistent. It was apparent throughout this review and our numerous meetings throughout the last year that there is an overall lack of leadership, trust and accountability throughout the police department. This deterioration has occurred over an extended period of time. In my professional opinion, until these issues are addressed by the Town Council, recommendations are premature. I will be available at the meeting on the 20<sup>th</sup> to answer any questions or address any concerns.

Respectfully,

---

Sheriff Brian M. Gootkin

# BRIAN M. GOOTKIN

## EXPERIENCE

---

**Deputy Sheriff (Gallatin County Sheriff's Office)**

**1993-Present**

- Hired as a probationary Deputy Sheriff in 1993
- Volunteered for additional duties and responsibilities to include training officer, search & rescue coordinator, special response team member, incident commander, and fitness committee member
- Detective with the Missouri River Drug Task Force
- Sergeant of the Patrol Division Canyon Section (Big Sky/West Yellowstone) in 1999
- Reassigned to Bozeman to supervise multiple shifts due to resignation and retirement of two patrol Sergeants in 2003
- Assigned to Acting Administrator of the Detention Division in March of 2004
- Promoted to Lieutenant of the Detention Division in October of 2005
- Appointed to Gallatin County Undersheriff in June of 2010

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## ***UNITED STATES AIR FORCE (1989-1993)***

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Security Specialist    Honorable Discharge

Malmstrom Air Force Base

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## ***TRAINING / EDUCATION***

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- Montana Peace Officer and Standards Training (POST) Law Enforcement Certificates (Sworn and Detention)

Basic

Intermediate

Supervisory

Command

Advanced

- Horace Wilcox High School Diploma
- Total POST hours (See attached POST transcript) Over 1000 hours
- United States Air Force Training and Education 12 weeks
- Park University 30 hours
- University of Virginia 18 hours
- Mountain State University 9 hours
- FBI Command College
- FBI National Academy Session 240
- National Institute of Corrections



Received  
5/5/14  
CR

### APPLICATION FOR BOARDS AND COMMITTEES

Name Chippert Smith Date 5-1-14

Address 175 Grayling Canyon Rd

City W. Yellowstone State MT Zip 59758

Phone (Home): 406-646-4043 (Work): \_\_\_\_\_ (Cell/Other): 406-220-7778

E-Mail Address: GCRCHIP@Yahoo.com

Are you a resident of West Yellowstone? Yes Length of residency in West Yellowstone: 50 years

Board or Committee you are applying for: Planning and Zoning

Occupation: Builder

Employer: Self

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

If so, which board, and for how long? City Council - 3 years

Past Memberships and Associations: Madison Addition Architectural Committee

Current Memberships and Associations: Yellowstone Historic Center - Board of Directors

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

What are your primary objectives for serving on this board? Help citizens with planning and zoning issues - variance requests etc. Help with zoning issues - New land acquisition.

References (Individual or Organization):  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_

Signature: Chip Smith Date: 5-1-14

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



Received  
5/13/14  
AR

APPLICATION FOR BOARDS AND COMMITTEES

Name Doug Schmier Date 5-13-14

Address 636 BROUSE COURT / P.O. Box 344

City W. Yellowstone State MT Zip 59758

Phone (Home): 646-7589 (Work): 646-7735 (Cell/Other): 640-1344

E-Mail Address: DSCHMIER@BUDGET-YELLOWSTONE.COM

Are you a resident of West Yellowstone? YES Length of residency in West Yellowstone: \_\_\_\_\_

Board or Committee you are applying for: AIRPORT ADVISORY BOARD

Occupation: OWNER OF Jerry's Enterprises dba Rainshadow, Budget & others

Employer: SELF-EMPLOYED

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

If so, which board, and for how long? GALLENH COUNTY SMOKE & RESCUE 8 yrs.

Past Memberships and Associations: W. YELLOWSTONE FIRE -

Current Memberships and Associations: FALL RIVER Electric Co. of BOARD MEMBER  
W. Yellowstone Chamber of Commerce

List any relevant qualifications and/or related experience? Attach any additional information or a resumé, if you prefer: HAVING BEEN INVOLVED WITH THE AIRPORT & VARIOUS AIRPORT MANAGERS OVER THE PAST 20 YRS. I RECOGNIZE THE ACTIVITY & NEEDS.

What are your primary objectives for serving on this board? I would like to see continued growth & stabilize management for the betterment of our AREA. I feel I could ASSIST WHERE NEEDED IN MANY WAYS.

References (Individual or Organization):  
Jerry Schmier Phone: 640-1234  
JASON POND Phone: 640-0000  
Rob Burns Phone: 646-9076

Signature: [Signature] Date: 5-13-14

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

rec'd 5/12/14

GALLATIN COUNTY  
CRIMINAL JUSTICE COORDINATING COUNCIL

-----  
Law & Justice Center  
615 So. 17<sup>th</sup> Avenue  
Bozeman, MT 59715

May 5, 2014

West Yellowstone Town Council  
[info@townofwestyellowstone.com](mailto:info@townofwestyellowstone.com)

Re: Municipal/City Membership to the Gallatin County Criminal  
Justice Coordinating Council

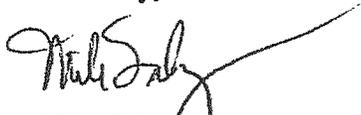
Dear Town Council:

In accordance with the By-Laws of the Gallatin County Criminal Justice Coordinating Council (CJCC) the member representing the Gallatin towns rotates alphabetically each July between Belgrade, Bozeman, Manhattan and West Yellowstone. Manhattan has most recently filled the seat. West Yellowstone's voting membership will run from July 1, 2014 through June 30, 2015. The member must be a member of the city council, mayor, or manager representative. Regular meetings are held semimonthly the first Wednesday from noon-1:00 PM. A member who misses two consecutive regular meetings or three meetings out of the 12-month calendar year without a reasonable excuse as determined by the CJCC shall forfeit the membership.

Please advise District Court Administrator Jan Bjork (582-2091 or [jbjork@mt.gov](mailto:jbjork@mt.gov)) who will be filling this important seat on the CJCC. The next meeting of the council will be held on June 4, 2014 and we request the new designee be named prior to that meeting. The first meeting of the term for West Yellowstone will be on August 6, 2014.

Thank you for your consideration of this matter.

Sincerely,



Mike Salvagni  
District Judge  
CJCC Chair

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CJCC Members: City Judge Karl Seel, City Representative Dave Rowell, County Attorney Marty Lambert, County Commissioner Pierre Martineau, County Justice of the Peace Rick West, Chief of Police Ron Price, Probation and Parole Officer Stacey Pace, Regional Deputy Public Defender Annie DeWolf, Sheriff Brian Gootkin, Youth Probation Officer Gwen Massey



PO Box 96  
West Yellowstone, MT 59758 406-646-7675  
[ywcabins@gmail.com](mailto:ywcabins@gmail.com)

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May 9, 2014

Mayor & Town Councilors  
Town of West Yellowstone  
PO Box 1570  
West Yellowstone, MT 59758

Dear Mr. Mayor & Town Councilors:

I am writing to ask that the late fee of \$25 be waived for our resort tax submission (see other enclosed correspondence). We attempted to make our payment on March 31, 2014. We had planned to make it to the town office before 5pm. However, we were after 7pm and we were not able to put it under the door or anything else, like we used to in the old office. Thus, we made it on the 1<sup>st</sup> just after the office opened.

We are unsure of the Town Office hours – as no hours are posted on the door. We had been told 8am to 6pm, M to F in the past, but in the last year we arrived at 3pm to find a sign on the door saying the office was closed. We have asked multiple times (and we know of multiple people) who have asked for a drop box at the front door – so we can drop off payments. Of course, this has not been done. However, we noticed that a sign went up at the front door, real fast, about the posting of payments after 5pm.

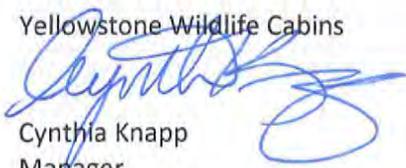
It is the businesses who collect the resort tax and help to keep our Town Office in business. This town has many businesses open well after 6pm and it would seem that it would be resident friendly to have a drop box or a way to pay online (like the state does). The resort tax form just says the payments must be made before the first business day of the month. Nothing about 5pm. I checked on the IRS and they can be made up until midnight. Maybe the cut off time should be reconsidered?

I have enclosed a picture of a town office that serves a town much smaller than West and they have never had problems with it. They also pick up payments at 8am and all of those are posted as of the day before. Their sign says payments made after 8am will be posted that day.

We have not been late in the past and request this waiver. We also ask that you seriously consider a more “user friendly” system at our town office – like a drop box – so we can make payments right at the front door instead of inside the building.

Sincerely

Yellowstone Wildlife Cabins

  
Cynthia Knapp  
Manager

Enc.



PO Box 96  
West Yellowstone, MT 59758 406-646-7675  
[ywcabins@gmail.com](mailto:ywcabins@gmail.com)

---

April 3, 2014

Sheri Holtzen  
Town of West Yellowstone  
PO Box 1570  
West Yellowstone, MT 59758

COPY

Dear Sheri:

Thank you for your letter dated April 1, 2014. There was no error made on our tax submission, as your letter states.

I did try to make my payment on March 31, 2014, but the office was closed and there was no after-hours drop box or other way to leave it (through the door). Thus, it was made on April 1. In the old town office building you could at least put it under the door. I did not feel comfortable taping it to the door, so I dropped it off the next morning. There are no hours listed on the building; or on the website, for us to know what time we can drop this off up to.

Numerous requests have been made to the Town to have a drop box or mail slot to make these payments. However, no one has done this or obviously takes these requests seriously. Many times the Town office has closed at 3pm or something and there is no way to leave the document.

Thus, we will not be amending our next month's return.

Sincerely

Yellowstone Wildlife Cabins

Cynthia Knapp  
Manager





# Memorandum

To: Town Council  
From: Lanie Gospodarek   
Date: May 15, 2014  
Re: Late Fee waiver request

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In your consideration of the request by Cynthia Knapp, previous correspondence as well as the response to her letter dated April 3, 2014 has been included as well as the MCA code that addresses Office hours for state executive branch offices.

The merit of a drop box has been considered by the staff on multiple occasions including for the new building. To date, we have expended the budget for the Town Hall and therefore won't be considered again until the upcoming budget year. The Finance Office does have concerns, however, with the security pertaining to Resort Tax payments and the extreme temperatures of West Yellowstone with regard to an exterior drop box. The idea of a drop box has never been dismissed out of hand and if it is determined that the Town Hall needs to put in a drop box, it is the expectation of the Finance Office and the Court that payments received after close of business, which by the state's minimum expectation is 5:00pm, will be posted on the next day. As a courtesy to our customers, if we are open later than 5:00pm we would like to be able to be more flexible than a bank, for example, and take and post payments (whether coming from the drop box or made in the offices) that are received after 5:00 but in before the town offices are closed. This has been our practice to date. Because Cynthia had an issue with office hours not being posted we felt that we should immediately address the subject of when payments will be posted for all who are making payments at the town offices.

The issue of due date has been discussed at length and the Finance Office has already sought the advice of legal counsel regarding due date as opposed to mailing date. We require that payments mailed must be received into our office mailbox by the due date. **When it comes to resort tax payments the penalty system is determined by the date that payments are received.** It is implied that your payment needs to be in our offices by the close of business of the due date. We are not the IRS, however since our website was created in the spring of 2013, from our homepage customers have been able to link to the paygov website that takes credit card payments at every hour of the day for utility payments, traffic tickets, dining lodge rental payments and resort tax payments. As you know, the Town Offices are routinely open for a minimum of 9 hours Monday through Friday. There is the rare occasion when an employee is working alone and must leave the building to retrieve the mail, do the banking, and/or leave before normal business hours. If it came to pass that the office was closed earlier than 5:00pm and it affected a due date similar to a resort tax due date that falls on a weekend day we would accept payments the next day.



PO Box 96  
West Yellowstone, MT 59758 406-646-7675  
[ywcabins@gmail.com](mailto:ywcabins@gmail.com)

---

April 3, 2014

Sheri Holtzen  
Town of West Yellowstone  
PO Box 1570  
West Yellowstone, MT 59758

Dear Sheri:

Thank you for your letter dated April 1, 2014. There was no error made on our tax submission, as your letter states.

I did try to make my payment on March 31, 2014, but the office was closed and there was no after-hours drop box or other way to leave it (through the door). Thus, it was made on April 1. In the old town office building you could at least put it under the door. I did not feel comfortable taping it to the door, so I dropped it off the next morning. There are no hours listed on the building; or on the website, for us to know what time we can drop this off up to.

Numerous requests have been made to the Town to have a drop box or mail slot to make these payments. However, no one has done this or obviously takes these requests seriously. Many times the Town office has closed at 3pm or something and there is no way to leave the document.

Thus, we will not be amending our next month's return.

Sincerely

Yellowstone Wildlife Cabins

A handwritten signature in black ink, appearing to read "Cynthia Knapp", is written over a faint, larger version of the signature.

Cynthia Knapp  
Manager

TOWN OF WEST YELLOWSTONE  
MONTANA  
*naturally interesting*

April 15, 2014

Cynthia Knapp, Manager  
Yellowstone Wildlife Cabins  
P.O. Box 96  
West Yellowstone, MT 59758

Dear Cynthia,

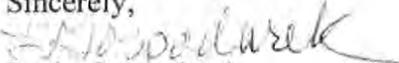
We are in receipt of your letter dated April 3, 2014 in which you stated that you will not be remitting the \$25.00 late penalty. The authority does not lie with our office to waive the penalty for resort tax payments that are late. If you wish to have the penalty waived you may submit a letter of request to the Town Council and it will be considered as an action item at a Town Council meeting. Please be advised our office must receive your payment of \$25.00 by May 31, 2014 before we can issue a business license for the 2014-2015 business license year.

I have attached a copy of an email between yourself and the town clerk to refresh your memory on the information provided to you directly about the hours of operation of the town offices and one of the reasons addressing the lack of a drop box employed by the Town. Most municipal offices are open from 8:00am to 5:00pm with an option as a treasurer's office to be closed from noon to 1:00pm. As you are aware, our offices are usually open continuously from 8:00 to 6:00pm. This was the case on March 31, 2014. Thanks to your feedback, however, we have posted our hours and made clarifications about due *times* on resort tax payments on our website and have posted additional information on the exterior doors of the Town Offices.

Our office has discussed the use of a drop box on numerous occasions. The cold temperatures of West Yellowstone are another reason that we feel a drop box would be difficult to employ. The existence of a drop box does not negate the fact that it would be emptied at the close of business each day and anything placed into the drop box after that time will be receipted on the next day's business as in the case of a bank's night depository box or the Fall River Electric mail slot.

Please provide our office with a letter of request no later than by May 2<sup>nd</sup> if you wish to submit a request to the council for the May 6<sup>th</sup> council meeting. Thank you.

Sincerely,

  
Lanie Gospodarek  
Finance Director  
Town of West Yellowstone



## Lanie Gospodarek

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**From:** Elizabeth Roos <eroos@townofwestyellowstone.com>  
**Sent:** Tuesday, April 08, 2014 3:12 PM  
**To:** Lanie Gospodarek  
**Subject:** exchange w C Knapp

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**From:** Elizabeth Roos [<mailto:eroos@townofwestyellowstone.com>]  
**Sent:** Thursday, February 21, 2013 2:27 PM  
**To:** 'Cynthia Knapp'  
**Subject:** RE: Update for VSP

Our office was open from 8 AM to 6 PM yesterday. If you can't get here during those hours, you could always consider mailing it. We do not have a dropbox because of the security risk. Utility payments don't amount to a lot of money, but resort tax payments do and we prefer to only accept them in person or by mail.

BTW-we are sending John's final paycheck out today. He told me to just send it to the local PO box.

Thanks,

Elizabeth Roos, Town Clerk  
Town of West Yellowstone  
Phone: 406.646.7795  
Fax: 406.646.7511

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**From:** Cynthia Knapp [<mailto:clknapp1@gmail.com>]  
**Sent:** Thursday, February 21, 2013 2:17 PM  
**To:** 'Elizabeth Roos'  
**Subject:** RE: Update for VSP

Ok  
Thanks

BTW – have you guys ever considered having a drop box outside? A friend went to drop off the resort tax yesterday morning and couldn't as the office was still closed. Now, I have to re-do and re-send. Most town offices have drop boxes for utility payments etc.

Cynthia

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**From:** Elizabeth Roos [<mailto:eroos@townofwestyellowstone.com>]  
**Sent:** Wednesday, February 20, 2013 9:34 AM  
**To:** 'Cynthia Knapp'  
**Subject:** RE: Update for VSP

Hi Cynthia,

I contacted MMIA and they said they would get John's SSN corrected with VSP right away. Sorry about that, you should be able to use your benefits through the end of February.

# Montana Code Annotated 2013

[Previous Section](#)   [MCA Contents](#)   [Part Contents](#)   [Search](#)   [Help](#)   [Next Section](#)

**2-16-117. Office hours.** (1) Unless otherwise provided by law, state executive branch offices must be open for the transaction of business continuously from 8 a.m. until 5 p.m. each day except on Saturdays, Sundays, and holidays. Each office must also be open at other times as the accommodation of the public or the proper transaction of business requires.

(2) The state treasurer may, in the interest of safekeeping funds, securities, and records, close the state treasurer's office from noon to 1 p.m. each day.

(3) The Montana historical society, established in [22-3-101](#), may be open for public visitation at hours other than those prescribed in this section, including hours during evenings and weekends.

(4) The department of revenue may establish alternative office hours for its offices located in the various counties if:

(a) the office is staffed by four or fewer full-time employees;

(b) the department holds a public hearing on the alternative office hours in the county seat after providing public notice in a newspaper of general circulation published in the county at least 2 weeks prior to the hearing;

(c) the county commissioners of a county in which the department employees are located in a county building approve the proposed alternative office hours if the alternative hours are outside of the county's normal business hours;

(d) the alternative office hours are adopted by administrative rule; and

(e) the office hours adopted pursuant to subsection (4)(d) are published at least two times a year in a newspaper of general circulation published in the county where the office is located.

**History:** En. Sec. 1134, Pol. C. 1895; re-en. Sec. 436, Rev. C. 1907; re-en. Sec. 453, R.C.M. 1921; Cal. Pol. C. Sec. 1030; amd. Sec. 1, Ch. 5, L. 1931; re-en. Sec. 453, R.C.M. 1935; amd. Sec. 1, Ch. 22, L. 1951; amd. Sec. 1, Ch. 253, L. 1957; amd. Sec. 1, Ch. 2, L. 1961; R.C.M. 1947, 59-510(1)(part); amd. Sec. 1, Ch. 3, L. 1997; amd. Sec. 1, Ch. 295, L. 2011.

*Provided by Montana Legislative Services*



PO Box 458  
West Yellowstone, Montana 59758  
406.646.7701  
[destinationyellowstone.com](http://destinationyellowstone.com)

May 6, 2014

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

Dear Council,

The West Yellowstone Chamber of Commerce is writing in regard to the appearance of our community in terms of free floating trash. In recent Chamber Goal Setting meetings, the presentation of our community has been a constant area of concern and falls among our top priorities.

First, however, we wish to commend the Public Works Department for their efforts especially over the past few years. The early and regular street sweeping has significantly improved the appearance of the community. As well, the annual Town Clean-up has had a significant impact on trash. The investment in a greater number of bear-proof small dumpsters has definitely had a positive impact. Adding to their use and appeal was the "wrapping" spearheaded by the Community Assessment Action Team of which the Chamber is a member.

These efforts are praiseworthy and we feel that more can and should be done. This letter comes with the request that the Town take actions that we feel can further enhance the appearance of Town through greater efforts in controlling trash. Among these would be:

- Direct a letter, prior to the annual Town Clean-up, to all businesses in West Yellowstone who have dumpsters on Town property reminding them that having their dumpsters on Town property is a privilege. Their fellow citizens have a right to expect that the use of Town property inherently brings with it the responsibility for care and maintenance of the area surrounding that dumpster.
- Extend the number of available doggie "duty" stations to all areas in town where it is observed that visitors walk their pets. We encourage that the team who collects trash also stock those stations and that baskets for the waste be provided at each station

- We encourage a work session to explore current ordinances that pertain to trash and accumulation of same in order to examine hurdles to enforcement of the existing ordinances. As well, we encourage examination of ways and means to add trash to the enterprise fees for sewer and water.

Research shows that communities who foster safe and environmentally pleasant downtowns generate greater foot traffic from visitors who correspondingly spend more. Further research indicates that visitors only begin to spend after about 2.5 hours in an area. Thus, it behooves West Yellowstone to assure such a pleasant atmosphere that guests willingly spend that time in our community.

On behalf of our more than 225 members and their families, I am requesting your action in the areas we have suggested. In the near future we will be seeking additional partnership and participation from the Town.

We feel improvement is possible and will lead to a more attractive and economically viable community. The Chambers stands ready to assist in any way that the Council or Town Departments feel would be beneficial.

Sincerely,

Cynthia Knapp  
President

## Becky Guay

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**From:** Fitzsimmons, Cavan -FS <cfitzsimmons@fs.fed.us>  
**Sent:** Monday, April 28, 2014 9:44 AM  
**To:** Becky Guay  
**Cc:** Elizabeth Roos  
**Subject:** RE: June 10th fire planning/training

Let's shoot for 1000-1200 that should cover a intro and the basics—let's keep talking on some tangibles we want to accomplish such as a call list, communication plan, etc.

Cavan Fitzsimmons  
District Ranger  
Hebgen Lake Ranger District  
West Yellowstone, Mt.  
406-823-6961

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**From:** Becky Guay [<mailto:rguay@townofwestyellowstone.com>]  
**Sent:** Friday, April 25, 2014 2:58 PM  
**To:** Fitzsimmons, Cavan -FS  
**Cc:** Elizabeth Roos  
**Subject:** RE: June 10th fire planning/training

Cavan,

Shoot me a time for the meeting and I'll let the Council know so they can get it on their calendars.

Becky

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**From:** Fitzsimmons, Cavan -FS [<mailto:cfitzsimmons@fs.fed.us>]  
**Sent:** Friday, April 25, 2014 1:35 PM  
**To:** Becky Guay ([rguay@townofwestyellowstone.com](mailto:rguay@townofwestyellowstone.com))  
**Cc:** Jones, Frederick C -FS; Hill, Jeff -FS; Gagen, Michael P -FS; Stiles, Todd -FS; [swaldron@hbrfd.com](mailto:swaldron@hbrfd.com); Brickell, Tim -FS; Baumberger, Marianne -FS; Davy, Elizabeth -FS  
**Subject:** June 10th fire planning/training

Hey Becky—

I know we have talked about a date for this get together and an overview on how we are going to communicate and work together on future fire events. June 10<sup>th</sup> seems to be the best day I can rope a fair number of folks down to get together on this subject. I will pull together an agenda and I think we can accomplish a lot in a few hours as well as just getting to know everyone especially folks from the Caribou-Targhee.

Thanks—

# Budget Calendar

## 2014

May						
S	M	T	W	Th	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

- 27 Dept. Heads turn in proposed budgets
- 29 Dept. Heads turn in Capital Improvement needs
- 29 Fin. Director & Ops. Mgr. Review all funds/CIP

June						
S	M	T	W	Th	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

- 3 TC Work Session General Fund
- 10 TC Work Session Enterprise Funds, Special Revenue Funds
- 24 TC Work Session, Capital Improvement/CIP
- 18 Post notice of Preliminary Municipal Budget
- 25 Post notice of Preliminary Municipal Budget

July						
S	M	T	W	Th	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

- 1 TC Meeting adopt preliminary budget
- 8 TC Work Session budget revisions/special requests
- 15 TC Work Session budget revisions
- 29 Final Budget Review WS before TC meeting
- 23 Final Budget Hearing Notice posted
- 30 Final Budget Hearing Notice posted

August						
S	M	T	W	Th	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

- 5 Adopt Final budget

Town council meeting

Town of West Yellowstone  
MAP Fund Advisory Board Meeting Minutes  
4/10/14 at 12pm at the Povah Center

In attendance: John, Gloria, Jerry, Kay, Marysue

Also in attendance: Ed Geiger, YHC and Don Perry, Black Mountain Productions

Agenda:

1. Public Comment
2. Approve 3/13/14 Meeting Minutes
3. Review Financials
4. Review Applications
  - 12:10PM- YHC Historic District Walking Tour Promotion \$1000
  - 12:40PM- Black Mtn. Prod. Music in the Park \$7500
5. Discussion on the Application Document
6. Updates
7. Next proposed meeting date: Thurs. 5/8/14

Action items in red

**Start 12:00pm**

**Public Comment-** None

**Approved the 3/13/14 Meeting Minutes-** (Gloria, Kay) **John will email copy to Liz.**

**Reviewed Financials**

1. \$43,100.02 available. Financials approved. (Kay, Gloria)

**12:10PM Reviewed YHC Application- Historic District Walking Tour Promotion \$1000**

1. Prior to this meeting, John, as the WYED President, had emailed Ed and asked him to withdraw the YHC application. Copies were sent to MAPFAB members. A printed copy of that email will be stored with the printed copy of these Minutes in MAPFAB files. John's request for withdrawal was based on:
  - WYED oversees all Walking Tour operations and expenses. Each year, WYED asks Tour sites to pay Participation Fees to WYED to help pay for the printing of the guides/maps. WYED has purposely not requested public funds to help pay for printing costs. Over the last 3 years, YHC only paid a minimal fee in one of those years to help pay for printing costs. This year, WYED asked YHC to pay \$800 for their 8 sites on the Tour. Thus, YHC requested \$800 from the MAP Fund to pay for that expense. WYED did not want public funds, the MAP Fund, to help pay this expense for YHC.
  - YHC requested \$200 to pay for Tour sign and Bear Paw Trail maintenance. John's email stated that there is no sign or Trail maintenance necessary. Thus, this isn't a justified expense request.
2. Ed did not withdraw the YHC request for \$800 to pay for printing of the guides/maps. He withdrew the \$200 request for maintenance. Ed presented his application request for \$800.

- This Walking Tour expense request from WYED is outside of YHC's regular funding. Thus, they are seeking funds from different sources to pay for the expense.
  - WYED clarified that they do not seek public funds to pay for Tour expenses.
  - From wherever YHC gets funds, they're promoting the Tour.
  - WYED's assumption that the Museum benefits the most as a historic site is not necessarily correct because 2011 Admissions dropped 22%. 2012 dropped by another 1000 people. 2013 dropped again, but the October closure of the Park somewhat contributed to that drop.
  - YHC has 8 historic locations within the District, but YHC only manages 1 site, the Museum. YHC is requesting MAP funds because of the public nature of the District.
3. Feedback from MAPFAB members:
    - Marysue: She doesn't see this request being any different than YHC placing an ad. It's not WYED's purview to say where funds come from for Sites to pay their fees.
    - Kay and Gloria: Okay with the \$800 request, but not the \$200 request.
    - John: Continues to support previously emailed comments not to have the MAP Fund pay for this expense. However, he agrees with Ed when he states that YHC is responsible for only 1 of the 8 sites within the District.
    - Jerry: The guides/maps for which YHC is requesting funding are not specific to YHC. Also, the Tour sites are paying a fee to WYED for printing of the guides/maps and they're paying a portion of their resort taxes as businesses into the MAP Fund. YHC should not receive MAP funds and then turn around and pay them to WYED. The businesses are then paying for YHC's fees, and therefore paying WYED twice. Not fair to the businesses.
  4. Motion made and seconded to approve YHC's request for \$800 to pay for printing costs of Walking Tour guides/maps. (Marysue, Gloria)
  5. Marysue and Gloria voted yes. John, Kay and Jerry voted no. Motion failed due to lack of majority.
  6. **John will notify Liz that the application was not approved for recommendation to the Town Council.**

#### **12:40PM Reviewed Black Mtn. Prod. Application- Music in the Park \$7500**

1. Don presented his application. He has signed contracts for 3 dates. Wants to do additional dates as stated in the app. Chamber puts up insurance for the event. Sponsors fund equipment upgrades. He is requesting funds for entertainment fees.
2. MAP funded entertainment fees in 2011 and years prior to that. Without the recognition of the bands, the event won't be successful.
3. Don is also requesting funds from TBID for marketing and promotion. Marysue suggested that Don consider MAP funds to pay for \$5000 in marketing and promotion and \$2500 for entertainment fees.
4. Motion made and seconded to support Music in the Park and fund \$7500 for promotion of the event. (Kay, Gloria). Motion approved unanimously.
5. Gloria is Board manager of the event.
6. **John will email Liz to ask that MAPFAB's recommendation to the Town Council for approval of Music in the Park be added to Council's 4/22 agenda.**

#### **Discussion on the Application Document**

1. John previously sent his comments to Board members. One of those comments was that we continue with just one application for reoccurring events and new events. Marysue now agrees with that comment, too.
2. Jerry: We want to be different than TBID as to what events and projects we support.

3. Retain the question: How does previous experience support your type of event or project as viable?...or a variation thereof.
4. Re Outcome Report...add that it needs to be submitted or funding will not be available if requested the following year.
5. We need to review the app and see if any of the language appears to restrict individuals or businesses from requesting funds for an event to be held in their private businesses. As a Board, we would then have to ask ourselves the question: When held in a private business, how does the event benefit the whole town?
6. Members agreed with John's proposed revisions. John will revise the document and send it to the Board for final approval before it's submitted to Liz and Council for approval.

### **Updates**

1. Jerry submitted the Ice Fish Tournament Outcome Report.
2. To date, Snow Shoot has received \$7000 of the \$7500.

**Next meeting date: Thurs. 5.8.14 at noon at the Povah Center. Jerry will not be able to attend. John will notify Liz and make the reservation with Brandy.**

Adjourned 1:30PM

**Meeting Minutes approved as submitted by John Greve, MAPFAB Secretary 5.8.14**