

Town of West Yellowstone

Tuesday, August 19, 2014

West Yellowstone Town Hall, 440 Yellowstone Avenue

6:00 PM

WORK SESSION AGENDA

FY 2015 Budget, Final Review

Discussion

TOWN COUNCIL MEETING AGENDA

Pledge of Allegiance

Purchase Order

Treasurer's Report

Claims ∞

Consent Agenda: **August 4, 2014, Special Town Council Meeting** ∞
 August 5, 2014, Town Council Meeting ∞

Business License Applications ∞

- Flying "M" Transportation Service

Advisory Board Report(s)

Operations Manager & Department Head Reports

Assignments Report

Council Comments

Public Comment Period

PUBLIC HEARING: Variance Request, Setback Reduction, 723 N Electric Street ∞

Variance Request, Setback Reduction, 723 N Electric Street

Discussion/Action

PUBLIC HEARING: FY 2015 Final Municipal Budget ∞

Resolution No. 655, Set Mill Levy for FY 2015 ∞

Discussion/Action

Resolution No. 656, Adopt Municipal Budget for FY 2015 ∞

Discussion/Action

UNFINISHED BUSINESS

Application to Maintain an Encroachment, Fremont Communications ∞

Discussion/Action

Resolution No. 654, West Yellowstone Community Aquatic Center Land ∞

Discussion/Action

NEW BUSINESS

911 Advisory Board Appointment, Shane Roos ∞

Discussion/Action

Memorandum of Understanding for Provision of Law Enforcement Services ∞
by Gallatin County Sheriff's Department (DRAFT)

Discussion

Options for Provision of Future Law Enforcement Services

Discussion

Correspondence/FYI

Meeting Reminders



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

Public Hearing/Public Meeting

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

Oral Communication

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

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

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

General Town Council Meeting Information

- Regular Town Council meetings are held at 7:00 PM on the first and third Tuesdays of each month at the West Yellowstone Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.
- Presently, informal Town Council work sessions are held at 12 Noon on Tuesdays and occasionally on other mornings and evenings. Work sessions also take place at the Town Hall located at 440 Yellowstone Avenue.
- The schedule for Town Council meetings and work sessions is detailed on an agenda. The agenda is a list of business items to be considered at a meeting. Copies of agendas are available at the entrance to the meeting room.
- Agendas are 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. 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.

* ... Over spent expenditure

Claim	Vendor #/Name/	Document \$/	Disc \$						Cash
Check	Invoice #/Inv Date/Description	Line \$		PO #	Fund Org Acct	Object	Proj	Account	
40113	2575 WY Tourism Business Improvement	55,924.41							
08/01/14	July 2014 collections	55,924.41		TBID	2102 411800	540		101000	
40115	2204 Republic Services	15.97							
07/28/14	dumpster lease - final	15.97		POLICE	1000 460430	534		101000	
40118	2088 Town West Yellowstone	2,107.50							
08/01/14	utility chrgs, Chamber, 895	69.26		BLDGS	1000 411257	340		101000	
08/01/14	utility chrgs, UPDL, 892	54.04		BLDGS	1000 411252	340		101000	
08/01/14	utility chrgs, PS Shops, 884	23.78		BLDGS	1000 411253	340		101000	
08/01/14	utility chrgs. Povah Ctr, 887	130.32		BLDGS	1000 411255	340		101000	
08/01/14	utility chrgs, Police Dept, 886	30.98		BLDGS	1000 411258	340		101000	
08/01/14	utility chrgs, City Park, 885	1,647.79		BLDGS	1000 411253	340		101000	
08/01/14	utility chrgs, Library, 891	27.77		LIBRAR	2220 460120	340		101000	
08/01/14	utility chrgs, Lift #1, 903	10.15		SEWER	5310 430600	340		101000	
08/01/14	utility chrgs, Twn Hall, 921	113.41		TWNHAL	1000 411250	340		101000	
40119	2716 CenturyLink	1,583.95							
07/19/14	DSL Povah, 646-7982	49.00		POVAH	1000 411255	345		101000	
07/19/14	DLS Police 646-0231	64.00		POLICE	1000 420110	345		101000	
07/19/14	DSL Pub Serv Office 646-7949	64.00		BLDINS	1000 430200	345		101000	
07/19/14	Sewer Treat 646-9027	31.01		STREET	5310 430600	345		101000	
07/19/14	Sewer lift 646-5141	30.40		SEWER	5310 430600	345		101000	
07/19/14	PCC Elevator 646-7481	31.88		POVAH	1000 411255	345		101000	
07/19/14	Centrex Finance - 20%	27.98		FINADM	1000 410510	345		101000	
07/19/14	Centrex, Police-20%	27.98		POLICE	1000 420110	345		101000	
07/19/14	Centrex, Soc Ser -10%	13.99		SOCSEK	1000 450135	345		101000	
07/19/14	Centrex, Court - 10%	13.99		COURT	1000 410360	345		101000	
07/19/14	Centrex, Bld Ins - 10%	13.99		BLDINS	1000 430200	345		101000	
07/19/14	Centrex, Street - 10%	13.99		STREET	1000 430200	345		101000	
07/19/14	Centrex, PCC - 10%	13.99		POVAH	1000 411255	345		101000	
07/19/14	Centrex, Lib	13.98		COURT	2220 460100	345		101000	
07/19/14	E911 Viper 646-5170	91.26		E911	2850 420750	345		101000	
07/19/14	E911 255-9710	995.98		E911	2850 420750	345		101000	
07/19/14	E911 255-9712	24.51		E911	2850 420750	345		101000	
07/19/14	Alarm Lines, 646-5185	62.02		TWNHAL	1000 411250	345		101000	
40123	95 Energy West-Montana	975.48							
07/30/14	nat gas - 62211 - updh	344.56		UPDH	1000 411252	344		101000	
07/30/14	nat gas - 62017 - police sta.	19.52		POLICE	1000 411258	344		101000	
07/30/14	nat gas - 12204-pub.svcs	27.09		STREET	1000 430200	344		101000	
07/30/14	nat gas - 62214- old firehall	18.00		PARK	1000 460430	344		101000	
07/30/14	nat gas - 01603 - old bld insp	22.56		STREET	1000 430200	344		101000	
07/30/14	nat gas - 61962 - library	25.58		LIBRAR	2220 460120	344		101000	
07/30/14	nat gas - 07154 - Povah Ctr.	170.96		POVAH	1000 411255	344		101000	
07/30/14	nat gas - 62207 - pub svcs	99.92		PUBSVC	1000 430200	344		101000	

* ... Over spent expenditure

Claim	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
	07/30/14	nat gas -17279	-Town Hall	218.67		TWNHAL	1000 411250	344	101000
	07/30/14	nat gas -17569	-Sewer Lift	28.62		SEWER	5310 430600	344	101000
40124		2789	WEX Bank	3,178.26					
	08/01/14	07	Ford Expedition 6-54563A	187.33		SS	1000 450135	231	101000
	08/01/14	06	Dodge Durango 6-1374	282.64		POLICE	1000 430200	231	101000
	08/01/14	10	Ford Crown Vic 6-34157A	0.00		POLICE	1000 420100	231	101000
	08/01/14	08	Ford Crown Vic 6-1437	236.04		POLICE	1000 420100	231	101000
	08/01/14	10	Ford Expedition 6-000046	0.00		POLICE	1000 420100	231	101000
	08/01/14	11	Ford Expedition 6-21425A	336.01		POLICE	1000 420100	231	101000
	08/01/14	77	Intl Dumptruck	0.00		STREET	1000 430200	231	101000
	08/01/14	78	Chevy Dumptruck	0.00		STREET	1000 430200	231	101000
	08/01/14	78	Autocar Dumptruck	0.00		STREET	1000 430200	231	101000
	08/01/14	85	Ford Dumptruck	0.00		STREET	1000 430200	231	101000
	08/01/14	140	G Grader	0.00		STREET	1000 430200	231	101000
	08/01/14	CAT 936	Loader	0.00		STREET	1000 430200	231	101000
	08/01/14	93	Dodge	207.80		STREET	1000 430200	231	101000
	08/01/14	95	Mobile Sweeper	0.00		STREET	1000 430200	231	101000
	08/01/14	97	Athey Sweeper	368.93		STREET	1000 430200	231	101000
	08/01/14	99	SS Snowblower	0.00		STREET	1000 430200	231	101000
	08/01/14	00	Freightliner Dump 6-60700A	227.90		STREET	1000 430200	231	101000
	08/01/14		Snowmobile	0.00		STREET	1000 420100	231	101000
	08/01/14	02	Freightliner Dump 6-54564A	0.00		STREET	1000 430200	231	101000
	08/01/14	08	Ford Pickup 6-1450	335.03		STREET	1000 430200	231	101000
	08/01/14	08	GMC Pickup 6-1484	461.93		STREET	1000 430200	231	101000
	08/01/14	08	CAT 938H Loader	136.90		STREET	1000 430200	231	101000
	08/01/14	08	904B MiniLoader	61.22		STREET	1000 430200	231	101000
	08/01/14		YNP Truck #1	0.00		STREET	1000 430200	231	101000
	08/01/14		YNP Truck #2	0.00		STREET	1000 430200	231	101000
	08/01/14	08	Ford Escape (multi-use)	38.07		DISPAT	1000 430200	231	101000
	08/01/14	14	Police Interceptor	298.46		POLICE	1000 420100	231	101000
40125		2558	Hebgen Basin Fire District	45,563.00					
	08/15/14	August 2014		45,563.00		FIRE	1000 420400	357	101000
40126		146	Morrison-Maierle, Inc	130.00					
	18916	08/07/14	PD online backup	70.00		DISPAT	1000 420160	398	101000
	18917	08/07/14	Town Offices online backup	60.00		FINADM	1000 410510	356	101000
40177		266	Utilities Underground Location	56.42					
	475288	07/31/14	excavation notifications	28.21		WATER	5210 430500	357	101000
	475288	07/31/14	excavation notifications	28.21		SEWER	5310 430600	357	101000

08/15/14
16:43:17

TOWN OF WEST YELLOWSTONE
Claim Approval List
For the Accounting Period: 8/14

Page: 3 of 7
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	
40178	2828 TrailersPlus Idaho Falls	5,555.30							
	Need to fix budget								
	13783 08/13/14 dump trailer	5,555.30*		PARKS	1000 460430	941		101000	
40179	2876 R.E.S. LLC	21,025.12							
	47 07/22/14 UPDL Stairs rebuild	21,237.50		UPDL	1000 411252	920		101000	
	47 07/22/14 1% MT Contractors Tax	-212.38		UPDL	1000 411252	920		101000	
40180	277 DEPARTMENT OF REVENUE	21,237.50							
	47 07/22/14 1% MT Contractors Tax	21,237.50		UPDL	1000 411252	920		101000	
40181	2679 Pressure Pro	950.00							
	8914 07/08/14 grease removal, kitchen hood	425.00		POVAH	1000 411255	350		101000	
	8917 07/09/14 grease removal, kitchen hood	525.00		UPDL	1000 411252	357		101000	
40182	2099 Quick Print of West Yellowstone	78.78							
	5457 07/11/14 printing budget	40.44		FINADM	1000 410510	390		101000	
	5516 07/23/14 shipping	14.34		POLICE	1000 420110	311		101000	
	5571 08/01/14 fold sewer letters (800)	24.00		FINADM	1000 410510	390		101000	
40183	2673 First Bankcard	102.14							
	07/14/14 Send it Home, shipping	31.07*		SEWER	5310 430640	357		101000	
	07/16/14 Slippery Otter, WS supplies	71.07		LEGIS	1000 410100	220		101000	
40184	533 Market Place	83.98							
	08/01/14 supplies	11.30		LEGIS	1000 410100	220		101000	
	08/01/14 supplies	5.56		STREET	1000 430200	220		101000	
	08/01/14 supplies	67.12		SUMREC	1000 460449	220		101000	
40185	135 Food Roundup	83.00							
	08/01/14 supplies	33.00		LEGIS	1000 410100	220		101000	
	08/01/14 Xmas gift cert	50.00		LEGIS	1000 410100	220		101000	
40186	674 Karst Stage	1,350.00							
	88918 07/29/14 AA 7/23/14	675.00		SUMREC	1000 460449	319		101000	
	88920 08/04/14 AA 7/30/14	675.00		SUMREC	1000 460449	319		101000	
40187	2835 Corner Cenex	25.00							
	070814/01 07/08/14 help fund voucher	25.00		HELP	7010 450135	231		101000	
40188	2875 G & G	11,489.00							
	08/15/14 sealcoat Clinic lot	3,107.00		CLINIC	1000 411251	357		101000	
	08/15/14 sealcoat Town Hall	3,477.60		TWNHAL	1000 411250	366		101000	
	08/15/14 sealcoat Police Station	4,904.40*		POLICE	1000 411258	366		101000	

* ... Over spent expenditure

Claim	Vendor #/Name/ Check Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account	
40189	489 MSE ANALYTICAL LABORATORY 1407077 08/04/14 water samples	207.00 207.00		SEWER	5310 430600	357	101000	
40190	2291 American Express 07/08/14 Subway, WS supplies 07/08/14 Cenex, WS supplies 07/09/14 Amazon, 2 monitors 07/09/14 USPS, stamps 07/09/14 USPS, stamps 07/11/14 Norton, COP? 07/14/14 Amazon, toner cartridges (4) 07/22/14 Buff Bar, WS supplies 07/31/14 USPS, postage paid envelopes 07/31/14 USPS, postage paid envelopes	2,520.39 97.13 8.56 199.98 147.00 49.00 59.99 418.85 119.38 195.50 1,225.00		LEGIS LEGIS LEGIS FINADM COURT POLICE FINADM LEGIS FINADM FINADM	1000 1000 1000 1000 1000 1000 1000 1000 1000 1000 1000	410100 410100 410510 410510 410360 420100 410510 410100 410510 410510	220 220 216 311 311 220 220 220 220 311	101000 101000 101000 101000 101000 101000 101000 101000 101000 101000 101000
40191	254 Firehole Fill Up/Economart 07/31/14 fuel purchases	503.32 503.32		STREET	1000 430200	231	101000	
40192	999999 JOHN ORTMAN 08/11/14 utility overpayment refund	7.98 7.98		SEWER	5210 343021		101000	
40193	151 Gallatin County WY TS/Compost 08/01/14 transfer station charges	1,205.30 1,205.30		PARKS	1000 460430	534	101000	
40194	379 Energy Laboratories, Inc 340850152 08/05/14 wastewater samples 340850566 08/05/14 wastewater samples	619.00 309.50 309.50		SEWER SEWER	5310 430600 5310 430600	357 357	101000 101000	
40195	2398 George Watson 729 08/01/14 psych eval, new hire	700.00 700.00		POLICE	1000 420100	357	101000	
40196	626 Yellowstone Arctic Yamaha 34601 06/18/14 parts 34688 06/26/14 parts	3.55 2.10 1.45		PARKS PARKS	1000 460430 1000 460430	220 220	101000 101000	
40197	2877 Heath Hansen 07/19/14 uniform reimb	288.29 288.29		STREET	1000 430200	226	101000	
40198	162 House of Clean 118258 05/30/14 tool holder	91.66 91.66		PARKS	1000 460430	220	101000	

* ... Over spent expenditure

Claim	Vendor #/Name/ Check Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
40199	2586 Waxie Sanitary Supply 74741709 08/04/14 supplies	402.00 402.00		PARKS	1000 460430	220	101000
40200	856 Intoximeters 472914 07/29/14 500 mouthpieces	133.00 133.00		JAIL	1000 420230	220	101000
40201	725 Swan Cleaners 1369 08/01/14 jail laundry	55.50 55.50		JAIL	1000 420230	390	101000
40202	2654 Community Health Partners 071714/1 07/17/14 help fund visit	10.00 10.00		HELP	7010 450135	351	101000
40203	2421 NAPA Auto Parts 07/11/14 buckets 07/31/14 parts/supplies 07/31/14 parts/supplies 07/31/14 parts/supplies	611.58 11.37 28.22 11.98 560.01		HELP POLICE SEWER STREET	7010 450135 1000 420100 5310 430600 1000 430200	220 361 366 369	101000 101000 101000 101000
40204	1796 Barta Electric, Inc. 4144 08/03/14 UPDL-heat, alarms, kitchen 4163 08/03/14 Lagoon labor/parts 4164 08/03/14 street light labor/supplies	4,652.35 486.35 299.42 3,866.58		UPDL SEWER LIGHTS	1000 411252 5310 430600 1000 430263	357 357 357	101000 101000 101000
40205	2853 Two Seasons Recycling wy 2014-32 08/02/14 July 2014 recycling	600.00 600.00		PARKS	1000 460430	534	101000
40206	2507 Silvertip Pharmacy 072514-02 07/25/14 RX 072214-01 07/23/14 RX 071414-01 07/14/14 RX 071414-02 07/14/14 RX 060614-01 06/06/14 RX	74.71 15.00 12.79 14.62 2.30 30.00		HELP HELP HELP HELP HELP	7010 450135 7010 450135 7010 450135 7010 450135 7010 450135	351 351 351 351 351	101000 101000 101000 101000 101000
40207	999999 ASHELY HARVILLE 08/01/14 updl deposit refund	350.00 350.00		UPDL	2210 214000		101000
40208	2808 Parker's Sand & Gravel, Inc. 17972 07/02/14 crushed rock 17991 07/10/14 crushed rock	128.00 72.00 56.00		PARKS PARKS	1000 460430 1000 460430	365 365	101000 101000
40209	764 General Distributing Co. 251438 07/31/14 compressed O2	42.16 42.16		STREET	1000 430200	220	101000

WEST YELLOWSTONE TOWN COUNCIL
Special Meeting
August 4, 2014

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

OTHERS PRESENT: Operations Manager Becky Guay, Public Services Superintendent James Patterson, Social Services Director Jack Dittmann, Town Attorney Jane Mersen, Chief of Police Gordon Berger and Berger's Attorney, Brian Gallik

Gordon Berger's Attorney Brian Gallik, Doug Buskirk, G.L. Scott, Skip Morris, Hebgen Basin Fire District Assistant Chief Shane Grube, Sandi Pepler, Head Dispatcher Brenda Martin, Mike Gavagan, Doc and Donna Stewart, Karrie Taggart, Craig and Terry Menzel, Joe Dorich, WY News Editor Jeremy Weber, Shannon Klatt, Scott Johnson, Tom Cherhoniak, Mary Vaessen, Ramona Stubblefield

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.

Public Comment Period

Mayor Schmier asks for public comment for items that are not on the agenda. Howell asks what is on the agenda, Schmier reads "Potential Personnel Action, Chief of Police Gordon Berger." Stewart asks if they will be allowed to comment on the agenda item. Schmier says that the agenda item is a personnel issue and they will not accept public comment on that item. Mersen says that the public may make general comments but not comment on the item that is on the agenda. Morris says that as a retired football coach, he never appreciated people that came to him and told him how to coach or told him how to teach. He says that there are administrators in place that are in the position to evaluate the position of Police Chief. Morris says that he sees people on the Council that were involved with him as a coach that had no business in that. He says the Council should be listening to their administrator and the administrator's evaluations. He says the Council's job is not to hire and fire but to take the recommendation from the administrator. Doc Stewart says that through the course of his career, he hired hundreds of managers and not all of them have made decisions he agreed with. He says that the Council should carefully consider the financial ramifications of their decisions, they have been here before and have paid for that. Shannon Klatt says she doesn't understand what is going on, Berger has worked for the Town for 25 years and she doesn't understand why they suddenly have a new Council that wants to get rid of him. Bill Howell says he has lived in West Yellowstone for a lot of years. He says that Berger has given a lot to this Town and disagrees with how things are being done. Tom Cherhoniak says that Berger is knowledgeable and compassionate about his job and thinks he should continue to be the Chief. Jeremy Roberson says he is not as educated on this issue as some, but he doesn't think they need a "by the book" kind of Chief in this Town. Scott Johnson says that growing up in this town he always appreciated the local feel of our local police force.

Mayor Schmier explains that the purpose of the meeting is to discuss potential personnel action regarding Chief of Police Gordon Berger. Schmier asks Berger if he would like to keep the meeting open to the public or adjourn into closed session. Berger indicates he would like to close the meeting, the meeting is adjourned into closed session at 7:15 PM.

The meeting is reconvened at 8:00 PM. Mayor Schmier announces that the Council has agreed with and voted to accept the recommendation from the Operations Manager to terminate Gordon Berger as Chief of Police.

The meeting is adjourned at 8:02 PM.

Mayor

ATTEST:

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Work Session & Town Council Meeting
August 5, 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, Public Services Superintendent James Patterson, Social Services Director Jack Dittmann

Gale Loomis, Brock Kelley, Joyce Berger, HBFD Chief Scott Waldron, Head Dispatcher Brenda Martin, Sandi Pepler, Scott Clark, Randy Wakefield, Tom Cherhoniak, HBFD Assistant Chief Shane Grube, Bridger Cunningham, WY News Editor Jeremy Weber, Forsgren Engineering Representatives Ryan Barker and Huck

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

- 1) Motion carried to approve the claims which total \$227,620.96. (Johnson, Forsythe) Schmier abstains from claim 40172, Forsythe abstains from claim 40132.
- 2) Motion carried to approve the Consent Agenda which includes the minutes of the July 15, 2014 Town Council Meeting, July 22, 2014 Work Session, July 29, 2014 Work Session. (Johnson, Forsythe)
- 3) Motion carried to approve the new business license for Tao's Tea House. (Costello, Forsythe) Parker is opposed.
- 4) Motion carried to table the Application to Maintain an Encroachment made by Fremont Communications. (Schmier, Parker)
- 5) Motion carried to approve the Application to Maintain an Encroachment made by the Days Inn to pave a portion of the interior park of Block 18 behind the Days Inn. (Schmier, Costello)
- 6) Motion carried to deny the request to waive resort tax penalties made by Melanie Bricker, Controller for the Kishan Group, Inc., the company that operates the Best Western Weston Inn. (Forsythe, Parker)
- 7) Motion carried to table Resolution No. 564. (Schmier, Costello)
- 8) Motion carried to appoint Council Member Jerry Johnson to serve on the negotiating team on behalf of the Town. (Schmier, Parker)
- 9) Motion carried to budget for an expenditure of up to \$10,000 in the FY 2015 budget to hire a professional negotiator. (Johnson, Costello) Forsythe is opposed.
- 10) Motion carried to appoint Mayor Brad Schmier to serve on the negotiating team for union negotiations with the Montana Public Employees Association. (Johnson, Costello)

Council Comments

Forsythe says that they discussed recycling in previous meeting and he thinks it is important that the Town participate in a recycling program. Patterson says that Two Seasons Recycling picked their recycling bins up last week

Johnson says that regardless of whether you agree or disagree with the action taken by the Council last night, the Council is committed to moving forward and fixing the problems in the Police Department.

Public Comment Period

William David Nieke addresses the Council. He accuses the Council and previous elected officials, and the sons of previous elected officials of committing illegal acts, registering illegal vehicles, and connecting illegal sewer lines. The Council clarifies that Nieke's property is outside of the Town limits.

Tom Cherhoniak says he was disappointed to learn of the Council's decision to terminate Gordon Berger and commends Johnson for voting against it.

DISCUSSION

- 1) Parker asks for additional detail about the claim to Kasting, Kaufmann & Mersen. He asks if it include calls from Council Members to Town Attorney Jane Mersen. Guay answers that it does and clarifies Town policy on Council Members contacting the attorney.
- 3) The Council briefly discusses parking for buses, seating, etc.
- 4) The Council discusses the Application to Maintain an Encroachment made by Fremont Communications to lay fiber optic cable in Town right-of-way along the west side of Dunraven between Gibbon and Parkway D Roos reads emails from Dyer. Group agrees that the project will be much simpler if they get an easement from the adjacent property owner, Ron Spainhower. If Spainhower will not grant the easement, Fremont could drill under the sidewalk for 183 feet but that would be much more expensive.
- 5) Schmier explains the application is to lay new pavement on a portion of the interior park of Block 18, behind the Days Inn. Schmier says that they have allowed this in other places in Town and usually just require that the paving is done to city specifications. Costello asks if this application will be a problem with the new alley drainage. Patterson says it will not and drains will be installed by the property owner.
- 6) The Council discusses the request. Forsythe says they set a precedence recently and feels like they are obligated to deny the request. Costello asks if that is how the Council has traditionally dealt with such requests. Town Clerk Liz Roos explains that the Council has waived the penalties in the past for medical reasons. Schmier clarifies that the penalty is \$50 and then \$249.49 is the administrative fee that the business kept but was not entitled to because they did not pay by the 20th of the month. After the vote, Schmier requests that they explain to the bookkeeper how the fees are calculated and the difference between the penalty and the administrative fee.
- 7) The Council discusses Resolution No. 564. Costello questions the language under item #2, where it says "the Town would lease or donate real property." Costello says he doesn't recall ever agreeing to donate property and suggest they remove the phrase "or donate" from that sentence and the rest of the Council agrees. Johnson questions the language that requires in the event of any failure of the project that the ownership of the real estate reverts to the Town. He says the Town may not want that responsibility and says they may want to require the removal of the facility. Costello says they may want to make it optional for the Town to take over the property. The Council considers tabling the resolution in order to work out more detail. Johnson says he is still uncomfortable

with not identifying how much land they are considering leasing to the facility. Costello makes a motion, seconded by Parker, to approve the resolution with amendments. After further discussion, Parker withdraws his second and the motion fails for lack of a second.

- 8) Operations Manager Becky Guay gives the Council a brief presentation about collective bargaining for public employees in Montana. She also shares a memo prepared by Town Attorney Jane Mersen about the subject. Mersen and Guay both recommend that the Town hire a professional negotiator to assist the Town. She says she did make contact with an individual she has worked with in the past and he is willing to represent the Town for \$50.00/hour. Parker suggests they appoint a second member of the Council to serve on the negotiating team in order to gain some experience for the next round of negotiations. The Council discusses appointing a second member of the Council to serve on the negotiating team. Forsythe says he would be willing to do it but he is not willing to just be a fly on the wall and would like to participate. Costello says he is “committed out” and cannot make the time to do it. Schmier agrees to do it.
- A) **Advisory Board Reports:** Fire Chief Scott Waldron reports that the 911 Advisory Board is continuing to meet, looking to fill the public at large vacancy. He says one of the issues they are looking at is the fact that if the center goes down all calls are forwarded to Livingston. Livingston does not have the ability to page our departments so they would like to change that to the Bozeman dispatch center. Patterson reports that they had a joint meeting with the Planning Board and Rec Board last week and are working on the growth plan, etc.
- B) **Operations Manager/Department Head Reports:** Guay reports that they are still waiting for background checks on the two officers applications, one has been approved but she has not been able to get a hold of the other candidate to determine if he wants to continue through the process. They received 17 new applications for police officer that were due August 1 and they will distribute copies to the Police Commission tomorrow.

Patterson explains that they have received a request from Chipper Smith to remove a couple trees from the interior park of Block 6 to allow drive through access from his property through the interior park and for snow plowing. He says he is okay with the request but just wanted to let the Council know what is going on. He also reports that Montana Underground has completed their portion of the alley project but they are going to still be doing some work in town. They are starting to work on grading the alleys and filling in the holes left from the project. He says the water system is in good shape and they have been testing fire hydrants and most of them are in good shape. The lawn at the park survived the Yellowstone Rod Run last weekend, too.

Dittmann reports that the pace at the food bank is more than the Community Help Fund can support. Last month, they distributed 3400 pounds of food, their highest month ever. He explains that in the past they have determined eligibility entirely by income level, but they realize they may need to add other restrictions. He says that the food bank in Big Sky does not service J-1 employees. He says that 28% of their customers are J-1s and 43% are not montana residents.

CORRESPONDENCE

Dated July 16, 2014, Fire Chief Scott Waldron writes to address the controversy surrounding the sale of the Emergency Services Building to Hebgen Basin Fire District. Costello asks if this letter means the committee should get together again to discuss the future of the Emergency Services Building (Fire Station One). Waldron says he is going to put the issue on their next board meeting agenda and he will get back to them with more information.

The meeting is adjourned. (8:15 PM)

Mayor

ATTEST:

Town Clerk

Town of West Yellowstone Business License Application

Business Name: Flying "M" Transportation Service
 Applicant: Jim + Marcie Miller
 Contact Person: Marcie Miller, Jim Miller
 Mailing Address: P.O. Box 2070, West Yellowstone, MT 59758
 Physical Address of Business: 104 S Canyon St. (Temporary) Resort Inn
 Phone Number: 406.640.1308 Fax Number: _____
 Email Address: FlyingMTTrans8114@gmail.com Website: Currently being put together

Signature of Property Owner of Record: _____

Subdivision: Grizzly Park
 Block: _____ Lot: _____

Zoning District, please mark one:

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

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

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.

Flying "M" Transportation will be a service to the people of West Yellowstone, offering local transportation as well as transportation to Bozeman

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

Marcie M. Miller
 Signature of Applicant

 Signature of Applicant
8.13.14
 Date

FOR OFFICE USE ONLY

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

KELLY INN

104 South Canyon Street
P.O. Box 1482
West Yellowstone, MT 59758
(406) 646-4544

FAX (406) 646-9838
Email: kellyinn@wyellowstone.com
www.yellowstonekellyinn.com



August 14, 2014

West Yellowstone Town Council,

A new business attempting to locate in West Yellowstone to be called Flying M Transportation is owned by Jimmie and Marcie Miller who are guests of our hotel until they find a permanent local residence. We have given our permission for them to park their one or two company vehicles here on our lot while they are guests of ours until they obtain their new location. Their business will be a simple transportation business picking up and dropping off customers who have no other means of transportation. We feel that it will be a great benefit to our town to have such service offered to guests of all hotels in town. We hope you will allow them to use our address as a temporary physical address to start up their business until they find a permanent home.

A handwritten signature in blue ink, appearing to read "Don Hill".

Don Hill GM
Kelly Inn
West Yellowstone, MT
406-646-4544

TOWN OF WEST YELLOWSTONE
MONTANA
naturally interesting

PUBLIC HEARING
Variance Request, Setback Reduction
723 N Electric Street

NOTICE IS HEREBY GIVEN that the West Yellowstone Town Council serving as the Board of Adjustments will conduct a Public Hearing **Tuesday, August 19, 2014** in the West Yellowstone Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana. The purpose of the public hearing will be to consider a variance request from Section 17.10.050 of the West Yellowstone Municipal Code made by CS Construction on behalf of Dick and Lyn Findley. The property is located in the R-1 District, Residential – Single Family – Low Density. The request is to allow a variance to the front-yard setback requirements due to the shape of Lot 9A of Block 3 in the Madison Addition. The West Yellowstone Municipal Code requires a 25-foot front yard setback and the request is to allow a 17-foot setback for the purpose of building an accessory building.

The public hearing will be held during the regular Town Council Meeting which begins at 7:00 PM. The meeting will take place in the West Yellowstone Town Hall, in West Yellowstone, MT, at which time oral testimony will be taken from the public. Written testimony may be submitted until 5:00 PM on the date of the hearing to the Town Clerk at the Town Offices, 440 Yellowstone Avenue, by mail to PO Box 1570, West Yellowstone, MT 59758, or by email to info@townofwestyellowstone.com. For further information contact the Town Offices, 646-7795.

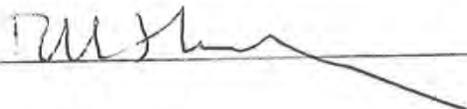
Elizabeth Roos
Town Clerk



REQUEST FOR VARIANCE

Town of West Yellowstone
Gallatin County, Montana

DATE: 1/27/14
APPLICANT: Chip Smith per C S Construction, Inc.
ADDRESS: PO Box 415, West Yellowstone, MT 59758
PHONE: 406-220-7778
INTEREST IN PROPERTY: Builder

OWNER OF RECORD'S SIGNATURE: 

1. LEGAL DESCRIPTION:
Subdivision: Madison Addition
Block: 3 Lot: 9A
Zoning District Number: R-1

2. Section, Part, and Paragraph of the Zoning Ordinance that you are applying for a variance from: 17.10.050 Yards

3. Request for Variance is related to: Yard X
Height _____
Use _____
Parking _____
Other _____
(Mark All that Apply)

4. Please state specifically the change(s) proposed and the reason(s) such changes are necessary We are requesting the maximum allowable reduction of the required 25' front yard setback on corner lots in the Madison Addition. This change is requested because of the irregular lot shape created by the cul-de-sac. The change will minimize the driveway length and ease the burden of snow removal. It is our understanding that requests have been granted in the past for similar situations.

5. Application Fee: \$75.00 Paid Ck # 2656 Date 1/27/14

Chip Smith

For Office Use Only:
DECISION BY TOWN COUNCIL

**C.S. CONSTRUCTION INC.
CHIPPER SMITH
P.O. BOX 415
WEST YELLOWSTONE, MT 59758
PHONE (406) 220-7778**

7-2-14

TOWN OF WEST YELLOWSTONE
GALLATIN COUNTY
WEST YELLOWSTONE, MT 59758

DEAR TOWN OF WEST YELLOWSTONE,

ON BEHALF OF DICK AND LYN FINDLEY, I AM REQUESTING A REDUCTION IN THE FRONT YARD SETBACK FOR AN ACCESSORY BUILDING ON THE EAST SIDE OF LOT 9A, BLOCK 3 IN THE MADISON ADDITION SUBDIVISION.

IT IS MY UNDERSTANDING THAT REDUCTIONS ALLOWING A 17' SETBACK HAVE BEEN GRANTED IN THE PAST ON CULDECAC AREAS. DICK AND LYN WOULD LIKE AT LEAST THAT AMOUNT BUT WILL BE HAPPIER WITH MORE IF ALLOWED.

THE ACCESSORY BUILDING WILL BE USED FOR STORAGE AND PARKING OF LAWN EQUIPMENT AND RECREATIONAL VEHICLES. IT WILL BE CONSTRUCTED OF MILLED LOGS AND FINISHED TO MATCH THEIR EXISTING RESIDENCE.

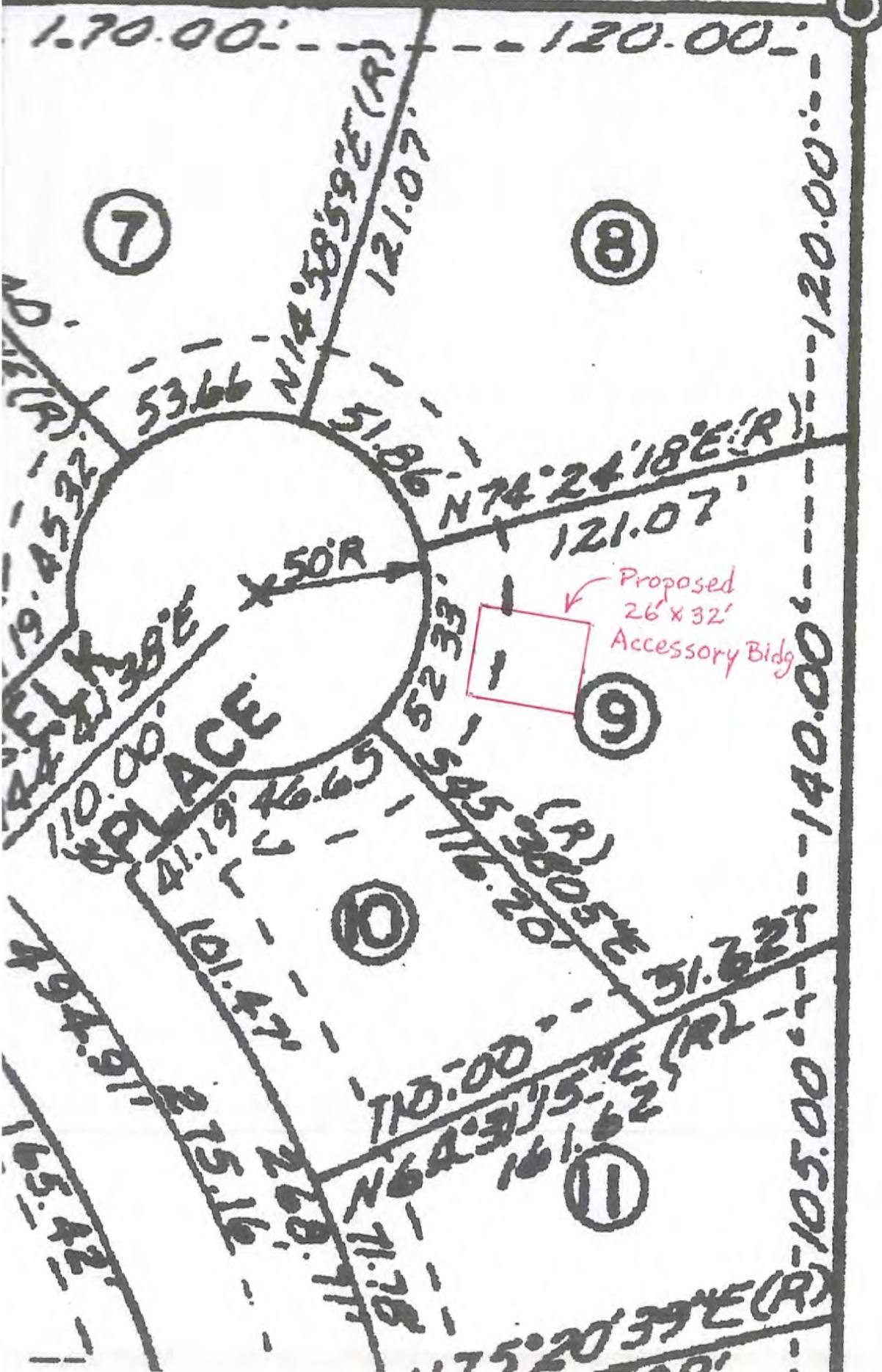
THANK YOU,

Chipper Smith

CHIPPER SMITH PER C.S. CONSTRUCTION INC.

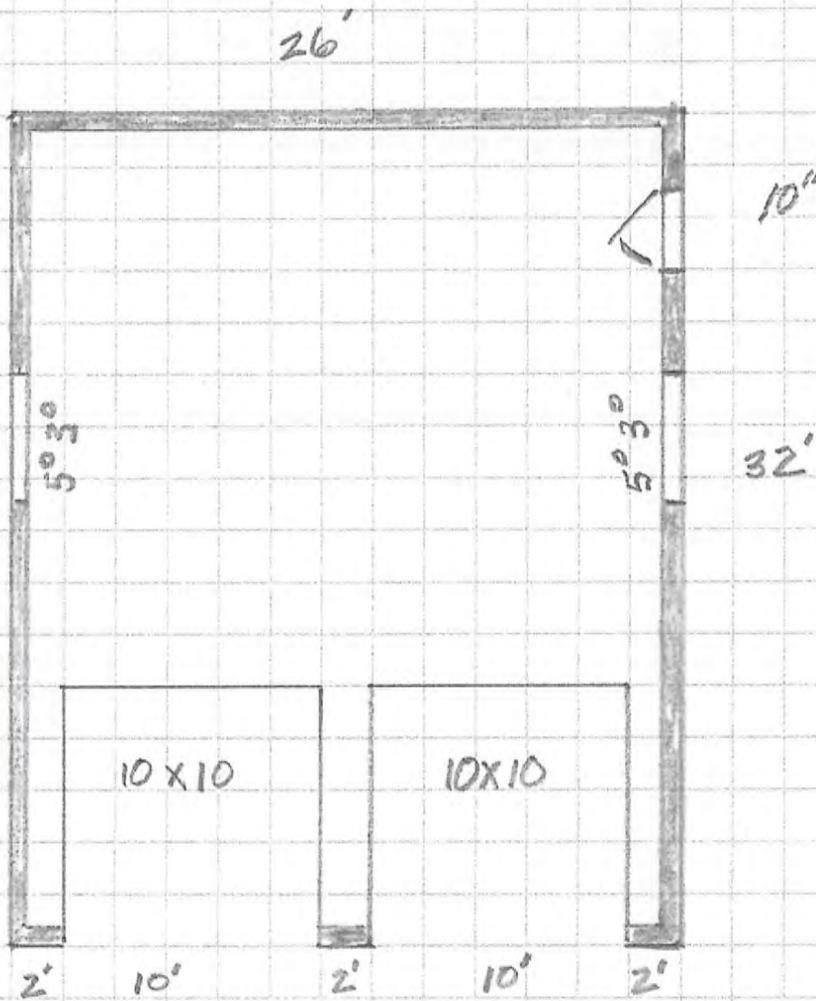
ENTER SEC. 27

FND. BRASS CAP



Findley
Plot Plan
1" = 40'





10" ϕ Logs
Roof 6/12
10" Gable Logs

Owner - Dick, Lyn Findley

August 14, 2014

Town of West Yellowstone
Building/ Planning Department

Subject: Set back Variance Request of 723 North Electric Ave

Greetings,

I oppose the idea of a variance for this property. As a resident of Madison Addition, I feel my conclusions carry substance to this opposition. First of all, we residents of Madison Addition bought our property with full knowledge of building requirements and restrictions. That alone should suffice for a denial to the applicant.

Secondly, viewing this property one cannot help be struck by the immense, in your face, dimensions of the structures in place. The house is as close as you can get to the street and towers directly in front of the viewer. No, there is nothing illegal about such taste, but it implies that the owner intended to consume every inch of building space on the plot...in all dimensions. The existing structure has a three unit garage, including a space for a RV type of vehicle. This begs the observer to ask why the owner needs more. He/ she has so much already.

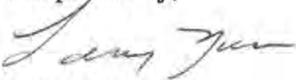
The claim about the problems associated with the shape of the lot does not in itself provide proof of hardship. First, the owner bought the lot in this shape and therefore was full aware of what he had to build upon. That he took this awkward lot and erected such an enormous structure anyway, suggests that he planned ahead to maximize the space regardless of aesthetics.

There is no visual justification for a variation for this claimant. If he needs more storage- which this writer would find hard to imagine- let him do what the rest of us need to do in such circumstance. Let him rent a space elsewhere.

Again, I feel that this application on it's face value is an insult to the other residents of neighborhood. The existing building is proof that the reported hardships of the lot's shape have been overcome already. There are many lots in the Madison Addition which defy logic is the original planning of the development. To allow this variance is to open an unnecessary avenue for a flood of request from residents wanting more than what they agreed to when they purchased their properties.

Please think of the rights of the many over the imagined needs of the one. Please deny this request for variance.

Respectfully,



Larry Yuva
317 Lewis Ave
West Yellowstone,
MT 59758

NOTICE OF PUBLIC HEARING

The Town Council of the Town of West Yellowstone will hold a formal budget hearing for the fiscal year 2014-2015 budget. Said hearing will be held during the regular Town Council meeting, Tuesday, August 19, 2014, which begins at 7:00 PM, The hearing will be held in the Town Hall Council Chambers, located at 440 Yellowstone Avenue.

The public hearing will review revenue sources, maintenance, operation, capital projects, debt service payments and equipment purchases for the General Fund, Special Revenue Funds, Debt Service Funds, Capital Project Funds, and the Enterprise Funds for Fiscal year 2014-2015. The Public is invited to attend and any taxpayer or resident may be heard, for or against, any portion of the proposed budget.

The proposed final budget is available for public review at the Town Offices, located at 440 Yellowstone Avenue, West Yellowstone, Montana. Personnel at the Town Offices can be reached at 406-646-7795

The West Yellowstone Town Council will consider adoption of the proposed fiscal year 2014-2015 budget resolution and set the mill levy during a regular meeting of the Town Council on August 19, 2014 held at 7:00 PM at the Town Hall Council Chambers, located at 440 Yellowstone Avenue, West Yellowstone, Montana. The Public is invited to attend.

RESOLUTION NO. 655

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE, MONTANA, IN THE COUNTY OF GALLATIN AND STATE OF MONTANA, DETERMINING THE AMOUNT OF TOWN TAXES AND ASSESSMENTS FOR ALL PURPOSES, GENERAL, AND SPECIAL, TO BE LEVIED AND ASSESSED ON TAXABLE PROPERTY IN THE TOWN OF WEST YELLOWSTONE, STATE OF MONTANA, AND LEVYING AND ASSESSING SUCH TAXES, FOR THE FISCAL YEAR ENDING JUNE 30, 2015.

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

Section 1. That pursuant to the provisions of Title 7, Chapter 6, and Chapter 12, MCA, as amended, there is hereby levied and assessed on the taxable per Centrum of the assessed value of the taxable property of the town of West Yellowstone, State of Montana, as fixed and found by the Board of County Commissioners of Gallatin County, Montana, sitting as a County Board of Equalization, for the current fiscal year ending June 30, 2015 a tax of:

64.91 MILLS AS ALL PURPOSE LEVY

29 MILLS GENERAL OBLIGATION BOND ASSESSMENT

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

FOR A TOTAL MILL LEVY OF 93.91

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

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

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

PASSED AND ADOPTED BY THE TOWN COUNCIL AND APPROVED BY THE MAYOR OF THE TOWN OF WEST YELLOWSTONE, MONTANA, THIS 19th DAY OF AUGUST 2014.

Mayor

ATTEST
Town Clerk

STATE OF MONTANA)

)
) ss:
)
)
)

COUNTY OF GALLATIN

I, Elizabeth Roos, do hereby certify that I am the duly appointed qualified and acting Town Clerk of the Town of West Yellowstone, state of Montana, that as such Town Clerk, I have in my custody and am the keeper of records and minutes of the proceedings of said Town Council, that the above foregoing is a full, true, and correct, and complete copy of said Town Council's Resolution # 621, fixing, determining, assessing, and levying taxes for the said Town of West Yellowstone, for the fiscal year of said Town of West Yellowstone commencing on the first day of July 2014 ,A.D. and ending on the 30th day of June 2015, A.D. as the same is on record and on file in my office as such Town Clerk, and was passed and adopted by the said Town Council on the 19th day of August 2014, A.D. and as approved by the Mayor of said Town of West Yellowstone on the 19th day of August 2014, A.D.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of the Town of West Yellowstone, Montana, this 19th day of August 2014.

Town Clerk as Aforesaid

RESOLUTION NO. 656

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE,
IN THE COUNTY OF GALLATIN AND STATE OF MONTANA TO ADOPT THE BUDGET
AND CAPITAL IMPROVEMENT PLAN FOR THE FISCAL YEAR 2014-2015.

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

1. That we adopt a general fund revenue budget in a total amount of \$3,432,329 and a general fund expenditure budget in a total amount of \$3,952,936. The Town Court Judge wages are reflected in the general fund budget and will be hereby adopted in the general fund budget and will be adopted along with the adoption of Resolution #656.
2. That we fully fund an unassigned fund balance in the General Fund that is equal to two times the average monthly General Fund expenditure for the previous fiscal year. During the Fiscal Year 2014 the average monthly expenditure was \$268,750. The unassigned fund balance is \$537,500
3. That we adopt special revenue funds, revenue budget in the amount of \$4,087,839 and special revenue funds expenditure budget in the amount of \$4,284,988.
4. That we adopt a debt service funds revenue budget in the amount of \$154,085 and a debt service funds expenditure budget in the amount of \$128,833.
5. That we adopt a Capital Improvement Program funds revenue budget in the amount of \$249,961. Capital Improvement Program funds expenditure budget in the amount of \$474,098. The capital improvement program funds are to be used for street and building maintenance and replacement and acquisition of equipment for the town, and construction and remodeling of town buildings.
6. That we adopt water and sewer enterprise revenue budgets in the amount of \$705,500 and water and sewer enterprise expenditure budgets in the amount of \$913,219.
7. That a copy of said budget is attached hereto and by this reference made a part of the Resolution # 656.

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

1. That we adopt the budget and work plan of the Tourism Business Improvement District (TBID) as proposed by the TBID board for Fiscal Year 2014-15.
2. That a copy of said budget is attached hereto and by this reference made part of the Resolution #656

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF WEST
YELLOWSTONE, MONTANA, THIS 19th DAY OF AUGUST, 2014 AND APPROVED BY
THE MAYOR OF THE TOWN OF WEST YELLOWSTONE.

Mayor

ATTEST

Town Clerk

APPLICATION TO MAINTAIN AN ENCROACHMENT

Town of West Yellowstone
Gallatin County, Montana

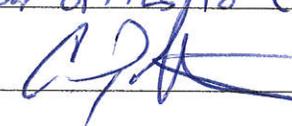
DATE: 07/24/2014

APPLICANT: Fremont Communications

ADDRESS: 110 E. MAIN Street, St. Anthony, ID 83415

PHONE: 208.624.7120

INTEREST IN PROPERTY: Provide Fiber optics to CELL SITE

OWNER OF RECORD'S SIGNATURE: 

1. LEGAL DESCRIPTION:

Subdivision: _____

Block: _____ Lot: _____

Zoning District Number: _____

2. Please describe specifically the construction and size of the proposed encroachment. On the reverse of this application, please provide a sketch of the proposed encroachment.

Fremont Comm. has an order to provide Fiber optic services to the AT&T TOWER located in the middle of the block Dunraven between D-Priny & Gibbons street

PLEASE SEE ATTACHED SKETCH



Signature of Applicant

07/24/14

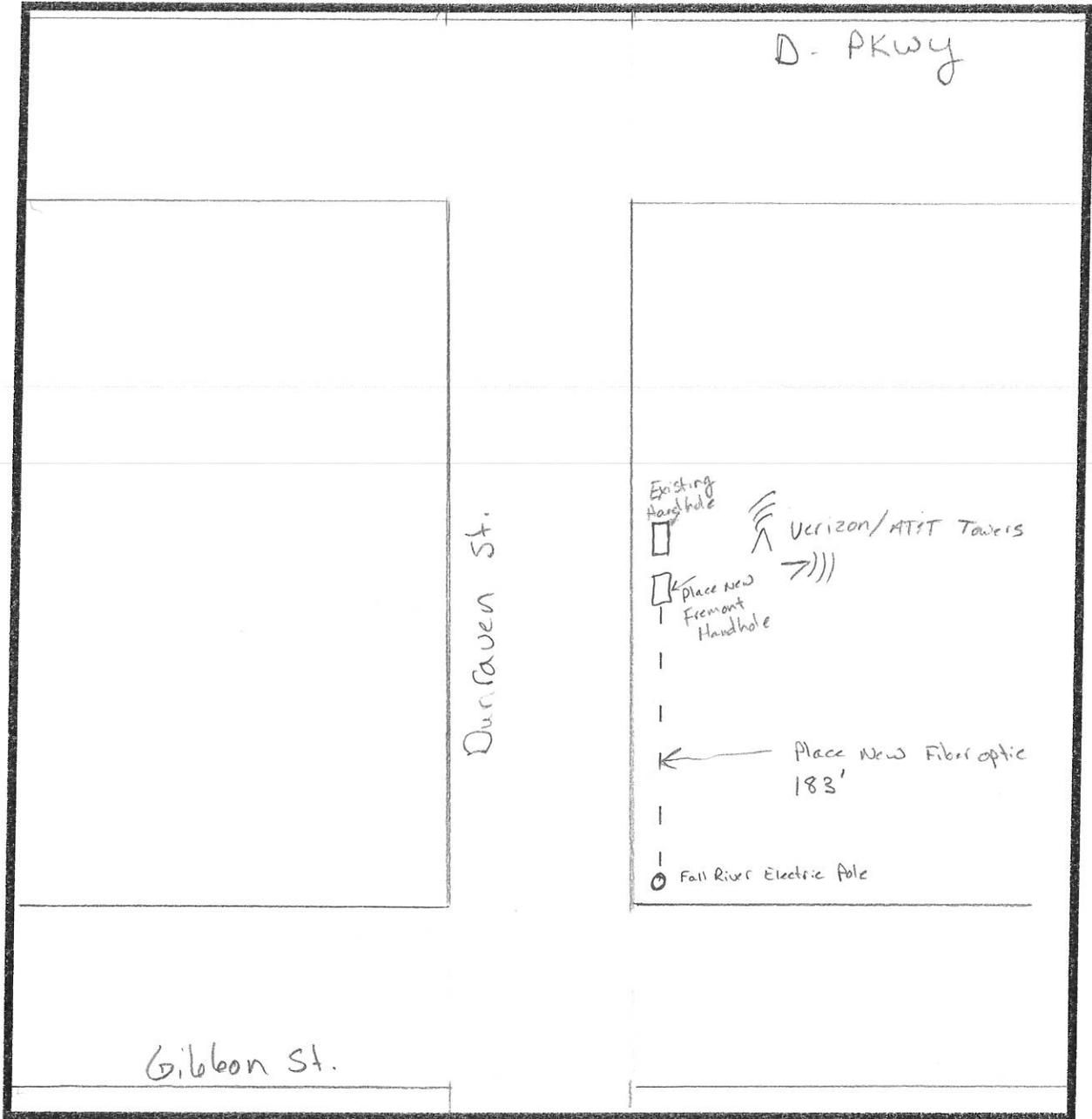
DATE

For Office Use Only:
DECISION BY TOWN COUNCIL

Approved Disapproved

Mayor/Operations Manager

DATE



PLEASE INDICATE DIRECTION

RESOLUTION NO. 654

A RESOLUTION EXPRESSING THE INTENTION OF THE TOWN OF WEST YELLOWSTONE TO ALLOW THE USE OF LAND OWNED BY THE TOWN TO BE USED AS THE SITE FOR A COMMUNITY AQUATICS CENTER

WHEREAS, the Town of West Yellowstone does not currently have an public aquatics center to serve the recreational and fitness needs of the West Yellowstone community, its residents, and visitors; and,

WHEREAS, the Town has now owns or will own various properties that would be suitable and appropriate as a site for a community aquatic center;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE, AS FOLLOWS:

1. It is the intention of the Town of West Yellowstone to make available property for the express purpose of establishing a site for a public community aquatics facility, the location and size of which will be determined upon additional negotiations. Any lease of such property shall be contingent upon the following conditions;

2. The conditions upon which the Town would lease real property for the purpose described above shall include the following:

a. That the person or entity developing the aquatic center enters into a lease agreement with the Town of West Yellowstone;

b. That the property and improvements thereon be used for a community aquatic center and other uses directly associated with such a facility, and not for any other use;

c. That, except for a first mortgage or lien for financing construction of improvements, the Town shall not allow any liens, mortgages, or other encumbrances to be imposed upon the property or any part thereof;

d. That the property and aquatic center be constructed, maintained and operated in compliance with all applicable federal, state, and local codes, statutes, rules and regulations;

e. That the entity leasing the property is a tax-exempt corporation certified under Internal Revenue Code § 501(c)(3), that the entity maintain that status and that it comply with all rules and regulations pertaining to that status;

f. That the person or entity developing the aquatic center submit to the Town

a business plan in a standard or customary form, including but not limited to an estimate of the total cost of the facility, as well as a description of the amount anticipated to be received from donations, loans, grants, and other sources;

g. That the entity owning the facility on the property not default or become delinquent on any obligations, or violate any applicable laws, rules or regulations;

h. That the Town has the right to enter the property and any improvements thereon, at reasonable times, to ensure compliance with the requirements of the lease;

i. That the person or entity developing the aquatic center shall prove to the Town, by certified bank records, that on or before the third anniversary of the approval of the lease agreement for the property that the person or organization has in its possession funds equal to or exceeding 60 percent of the estimated \$5,000,000 cost to develop the aquatic center. Prior to the commencement of construction of the aquatic center, but not to exceed five years from the approval of the lease agreement, the person or entity developing the aquatic center shall prove to the Town that funds equal to or exceeding 100 percent of the development costs are available. If the person or entity developing the aquatic center does not meet the requirements set forth in this section, the Town may terminate the agreement at the end of three years or five years as specified above;

j. That the person or entity developing the aquatic center on the leased property maintain adequate liability and casualty insurance on the property, naming the Town of West Yellowstone as an additional insured, and provide a copy of such insurance policy and associated declarations page to the Town.

k. *Select one option or the other when making a motion.*

That in the event of any failure to comply with the conditions of the lease, the property, together with all improvements and fixtures thereon, shall revert to the Town;

-OR-

That in the event of any failure to comply with the conditions of the lease, the property shall revert to the Town in its original condition (as it was prior to any lease agreement). At the sole option of the Town, the Town may select to maintain ownership of all improvement and fixtures on the leased property;

3. The Town may impose different or additional conditions upon the transfer contemplated by this resolution.

5. Unless renewed by affirmative action of the Town, this resolution shall expire five years from the date of adoption.

PASSED BY THE TOWN COUNCIL AND APPROVED BY THE MAYOR
this ____ day of _____, 2014.

Mayor

Council Member

Council Member

Council Member

Council Member

ATTEST:

By: _____
TOWN CLERK



RECEIVED AUG 08 2014

RECEIVED AUG 08 2014

APPLICATION FOR BOARDS AND COMMITTEES

Name Shane Roos Date 8/8/14
Address 324 N Geyser St
City West yell. State MT Zip 59758
Phone (Home): 4066467688 (Work): 640 1165 (Cell/Other): 640 1165
E-Mail Address: Rooski70@aol.com

Are you a resident of West Yellowstone? Yes Length of residency in West Yellowstone: 40 yrs

Board or Committee you are applying for: 911 Advisory Board

Occupation: Business owner

Employer: Self

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

If so, which board, and for how long? _____

Past Memberships and Associations: Trail Grooming Advisory Board
Snowmobile Rental owners Search & Rescue

Current Memberships and Associations: _____

List any relevant qualifications and/or related experience? Attach any additional information or a resumé, if you prefer: Successful Business owner
Long time Resident - worked in tow truck operation with law enforcement for last 10 years

What are your primary objectives for serving on this board? To Better & contribute
Any Experience that may improve the services to West Yellowstone & surrounding area

References (Individual or Organization):

Craig Borash Phone: 589 5869
Frank Mayfar Phone: 589 5869
Doug Schmier Phone: 640 1344

Signature: Shane Roos Date: 8/8/14

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.

MEMORANDUM OF UNDERSTANDING
TOWN OF WEST YELLOWSTONE/GALLATIN COUNTY SHERIFF'S
OFFICE

This Memorandum of Understanding, (“MOU”) is made pursuant to Section 7-11-102, MCA, et. seq, on the ___ day of August, 2014, between the Town of West Yellowstone, the (“Town”), the Gallatin County Sheriff’s Office, the (“Sheriff”) and Gallatin County, the (“County”).

RECITALS:

WHEREAS, Section 7-11-102, MCA, permits local governments to make the most efficient use of their powers by enabling them to cooperate with other local governmental units on a basis of mutual advantage and thereby to provide services and facilities in a manner that will accord best with the factors influencing the needs and development of local communities; and

WHEREAS, the Town is currently in need of assistance providing law enforcement services to the citizens and businesses within its boundaries and the Sheriff is willing and able to provide such assistance on a temporary basis; and

WHEREAS, the County and the Sheriff are agreeable to rendering such law enforcement services, understands the temporary needs of the Town and agrees that the Sheriff can provide such services as are necessary and that the Town will pay a set hourly fee for the services provided as set forth in detail below:

NOW THEREFORE, the parties agree as follows:

1. The recitals set forth above are incorporated herein in full.
2. The purpose of this MOU is to provide the terms and conditions of the agreement between the parties for the Sheriff to provide law enforcement coverage for the Town on a temporary basis and for payment for such services.
3. The Sheriff will provide a sufficient number of deputies to cover the shifts requested by the Town.
4. The Town shall provide a calendar to the Sheriff in order to schedule shifts for August and September. The Sheriff will notify the Town on a weekly basis the names of the Deputies that will be covering the requested shifts. If the Town continues to

- need coverage into October, a calendar for October will be provided to the Sheriff no later than September 15, 2014.
5. Any deputies working in the Town shall answer directly to the Sheriff however shall coordinate with the Town Police Sergeant or designee on a day to day basis regarding any issues that may arise.
 6. Any citations issued by the Deputies for offenses listed in Titles 45 or 61 of the Montana Code, that occur within the boundaries of the Town shall be written into Gallatin County Justice Court and shall be prosecuted by the Gallatin County Attorney's office. Any investigations started by a Deputy shall be completed by that deputy and prosecuted by the County Attorney's office.
 7. The Sheriff has been provided a memorandum from the Town regarding Court procedures and shall provide the same to the Deputies.
 8. The Town shall continue to maintain its police vehicles, including insurance and such vehicles may be used by the Deputies if necessary to perform their duties as set out herein.
 9. The Town shall pay the Sheriff the rate of \$40.00 per hour for each hour worked by the Deputies within the Town, pursuant to this agreement. The Sheriff must submit claims for the amounts due before either the 1st or 3rd Tuesday of each month in order for the Council to consider the bill at its next meeting.
 10. The Town agrees to approve the payment of said claim at the first meeting to be held after the claim is received.
 11. The Sheriff and the Acting Police Department Administrator shall be responsible for the day-to-day administration of this MOU. To the extent necessary or allowable by

law, the Town, through its Operations Manager make a standing request for assistance to the Sheriff pursuant to Section 44-11-101, MCA throughout the period this MOU is in effect.

12. The rendition of such services, the standards of performance, the discipline of Deputies and other matters incident to the performance of such services and the control of personnel so employed shall remain with the Sheriff under this MOU and subject to the policies and procedures established by the Sheriff.
13. The County and Sheriff shall maintain liability insurance for the activities of Sheriff in providing law enforcement services to the Town under this MOU. The County and Sheriff shall assume liability for, defend against and hold harmless the Town from all costs or damages including attorney's fees for injury to persons or property caused by the negligence of or intentional misconduct of the Sheriff or Sheriff's personnel in providing or failing to provide such law enforcement services to the Town. The Town shall assume liability for, defend against, and hold harmless the County and Sheriff from all costs of damages including attorney fees for injury to persons or property caused by the Town in not fulfilling the terms of this MOU.
14. No party shall assign, transfer, or convey any right or obligation set forth in this MOU without the prior written consent of the other party. The undersigned represent that they have authority to enter into this MOU.
15. This MOU constitutes the sole and entire agreement between the parties hereto. No other terms or conditions shall be binding upon either party unless accepted in writing. This MOU supersedes any previous oral or written agreements between the parties.

16. All persons employed by the Sheriff in providing general law enforcement services to the Town shall be County officers or employees, and they shall not have any benefit, status or right of Town employment. The Town shall not be liable for direct payments of salaries, wages or other compensation to the County officers or employees providing general law enforcement services to it. The Town shall not be liable for indemnity to any County officer or employee for injury or sickness arising out of his or her employment in providing law enforcement services to it. For the sole purpose of giving official status to their acts in performing this MOU, every County officer or employee engage in providing general law enforcement services to the Town shall be considered an agent of the Town.

This MOU entered into as of the day first written above by:

GALLATIN COUNTY MONTANA

By: _____

Its: _____

GALLATIN COUNTY SHERIFF

Brian Gootkin

TOWN OF WEST YELLOWSTONE

BY: Rebecca Guay

Its: Operations Manager