

# Town of West Yellowstone

Tuesday, February 5, 2019

West Yellowstone Town Hall, 440 Yellowstone Avenue

**TOWN COUNCIL MEETING**

**7:00 PM**

Pledge of Allegiance

Purchase Orders #6774 to Dellinger & Gallagher, Resort Tax Audit Services, \$10,993.35

Treasurer's Report & Securities Report

Claims ∞

Consent Agenda: **Minutes of January 22, 2019 Town Council Meeting** ∞

Business License Applications ∞

- Sweet Home Montana

Advisory Board Report(s)

Town Manager & Department Head Reports

**Comment Period**

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

## **NEW BUSINESS**

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Emergency Calls for Service Update, Fire Chief Shane Grube Discussion ∞

Community Health Partners, 2018 Calendar Year Risk Share, \$100,000 Discussion/Action ∞

Northern Rocky Mountain Economic Development District (NRMEDD)

- Memorandum of Understanding Discussion/Action ∞
- Revolving Loan Management Plan Discussion ∞

Resort Tax Increase Legislation, Draft LC1750 Discussion ∞

Correspondence/FYI/Meeting Reminders

- Draft Minutes, Moonrise Meadows Planning Board Public Hearing, January 29, 2019



*If viewing the agenda electronically, click the “∞” symbol to link to the associated documentation in the Town Council Packet.*

P.O. BOX 1570

# TOWN OF WEST YELLOWSTONE MONTANA

PHONE: 406-646-7795

FAX: 406-646-7511

info@townofwestyellowstone.com

PURCHASE ORDER

Date 1.23.2019

Ship Via

Order No. 006774

Department

TO: Dellinger & Gallagher

ADDRESS: P.O. Box 6000 Manhattan, MT 59741

PLEASE FURNISH THE TOWN OF WEST YELLOWSTONE WITH:

Quantity	Description
	RT audit services
	2100-410532-353 Jg

Estimated Cost \$ 10,993.35

Authorized By

Requested By:

*R. Gospodarek*

VENDOR COPY - White OFFICE COPY - Canary

# Dellinger & Gallagher, Inc.

Certified Public Accountants

P.O. Box 660

11 Moreland Court

Manhattan, MT 59741 Ph: 406-284-6068

# Invoice

DATE	INVOICE #
1/10/2019	147788

**BILL TO**

Town of West Yellowstone

c/o Lani

PO Box 1570

West Yellowstone, MT 59758

Prompt payment is appreciated - a finance charge of 1%, which is an annual rate of 12%, will be charged on accounts over 30 days.

DESCRIPTION	AMOUNT
Billing for resort tax procedures for years ending December 31, 2017	10,000.00
Billing for TBID procedures for years ending December 31, 2017	400.00
Travel & out of pocket costs	593.35
<i>2100 - 410532 - 353 lg <sup>91</sup> 10,593.35</i>	
<i>2102 - 411800 - 357 lg 400.00</i>	
<b>Total</b>	<b>\$10,993.35</b>

# Memorandum

To: Town Council  
From: Lanie Gospodarek   
Date: January 23, 2019  
Re: Resort Tax Audit Services Bill

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Every year we budget to have independent auditors perform resort tax audits on 12 randomly selected businesses. We have engaged Dellinger and Gallagher, Inc. to perform these audits and their findings letter to the Town Council is attached.

These audit services are budgeted for each year in the Resort Tax Special Revenue Fund (2100) and their fees have come in at \$10,993.35 against a budget of \$12,500.00. The Finance Department is requesting approval of the attached purchase order for the services rendered.

02/01/19  
15:21:49

TOWN OF WEST YELLOWSTONE  
Claim Approval List  
For the Accounting Period: 2/19

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Report ID: AP100

\* ... Over spent expenditure

Claim	Check	Invoice #/Inv Date/Description	Vendor #/Name/ Line \$	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
45315	02/01/19	2575 WY Tourism Business Improvement January 2019 collections		4,969.31 4,969.31		TBID	2102 411800	540	101000
45318	July 2015	02/28/19 Tech surcharge	1089 Gallatin County Treasurer	225.00		COURT	7458 212200		101000
	July 2015	02/28/19 MLEA		260.00		COURT	7467 212200		101000
	July 2015	02/28/19 Public Defender		27.00		COURT	7468 212200		101000
	July 2015	02/28/19 Victims Assistance		294.00		COURT	7699 212200		101000
45319	02/01/19	2088 Town West Yellowstone utility chrgs, Chamber, 895		831.36 42.01		BLDGS	1000 411257	340	101000
	02/01/19	utility chrgs, UPDL, 892		69.64		BLDGS	1000 411252	340	101000
	02/01/19	utility chrgs, PS Shops, 884		32.11		BLDGS	1000 411253	340	101000
	02/01/19	utility chrgs. Povah Ctr, 887		64.45		BLDGS	1000 411255	340	101000
	02/01/19	utility chrgs, Police Dept, 886		41.39		BLDGS	1000 411258	340	101000
	02/01/19	utility chrgs, City Park, 885		416.40		BLDGS	1000 411253	340	101000
	02/01/19	utility chrgs, Library, 891		32.61		LIBBLD	1000 411259	340	101000
	02/01/19	utility chrgs, Lift #1, 903		13.90		SEWER	5310 430600	340	101000
	02/01/19	utility chrgs, Twn Hall, 921		118.85		TWNHAL	1000 411250	340	101000
45321	02/20/19	42 Fall River Electric UPDH 4212041 elec service		10,080.14 676.26		UPDH	1000 411252	341	101000
	02/20/19	POLICE 4212008 elec service		491.05		POLICE	1000 411258	341	101000
	02/20/19	shop 4212018 elec service		439.80		STREET	1000 430200	341	101000
	02/20/19	ANIMAL 4212029 elec serv		256.25		ANIMAL	1000 440600	341	101000
	02/20/19	PARK 4212032 Elec ser		261.92		PARK	1000 411253	341	101000
	02/20/19	PARK, old firehouse 2901001 e		499.72		PARK	1000 411253	341	101000
	02/20/19	CLORINATOR 4212030 elec serv		95.71		WATER	5210 430500	341	101000
	02/20/19	MADADD H20 Tower 4212017		52.67		WATER	5210 430500	341	101000
	02/20/19	RR Well 4212005 elec serv		245.70		WATER	5210 430500	341	101000
	02/20/19	SEWER LIFT STATION 4212006		249.78		SEWER	5310 430600	341	101000
	02/20/19	SEWER PLANT 4212007 elec ser		1,395.47		SEWER	5310 430600	341	101000
	02/20/19	MAD SEWER LIFT 4212014 elec		230.86		SEWER	5310 430600	341	101000
	02/20/19	SEWER TREAT SERV 4212046 ele		2,523.91		SEWER	5310 430600	341	101000
	02/20/19	library 23 dunraven 4212054		130.63		LIBRY	1000 411259	341	101000
	02/20/19	povah comm ctr 4212001		316.53		POVAH	1000 411255	341	101000
	02/20/19	unmetered lights 4212004		1,451.25		STLITE	1000 430263	341	101000
	02/20/19	Town Hall 4212009		614.91		TWNHAL	1000 411250	341	101000
	02/20/19	Ice Rink 421010		60.94		PARKS	1000 411253	341	101000
	02/20/19	Hayden/Grouse Well 4212015		43.36		WATER	5210 430500	341	101000
	02/20/19	Electric Well 4212031		43.42		WATER	5210 430500	341	101000

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45323	3143 Century Link	1,535.68					
	02/19/19 DSL Pub Serv Office 646-7949	0.00		BLDINS	1000 430200	345	101000
	02/19/19 Police 646-7600	334.55		POLICE	1000 420160	345	101000
	02/19/19 E911 Viper 646-5170	98.84		E911	2850 420750	345	101000
	02/19/19 E911 255-9710	999.42		E911	2850 420750	345	101000
	02/19/19 E911 255-9712	24.77		E911	2850 420750	345	101000
	02/19/19 Alarm Lines, 646-5185	78.10		TWNHAL	1000 411250	345	101000
45324	2546 Century Link QCC	11.64					
	02/23/19 long dist chg 406-646-7600	11.64		DISPAT	1000 420160	345	101000
45325	1514 Verizon Wireless	1,357.84					
	18 Smartphones						
	1 regular phones						
5 laptops							
	01/20/19 640-0108, Police	62.51		POLICE	1000 420100	345	101000
	01/20/19 640-0121 Laptop	40.01		STREET	1000 420100	345	101000
	01/20/19 640-0141 Street SP	62.51		STREET	1000 430200	345	101000
	01/20/19 640-0159 Street SP	62.51		STREET	1000 430200	345	101000
	01/20/19 640-1103, Operator SP	62.51		STREET	1000 430200	345	101000
	01/20/19 640-1438, SS Director	32.61		SOCSER	1000 450135	345	101000
	01/20/19 640-1460, Library Dir, SP	62.51		LIBRAR	2220 460100	345	101000
	01/20/19 640-1461, Street, SP	62.51		WATER	5210 430500	345	101000
	01/20/19 640-1462, Operator, SP	62.51		WATER	5210 430500	345	101000
	01/20/19 640-1463, Deputy PSS, SP	62.51		SEWER	5310 430600	345	101000
	01/20/19 640-1472, Ops Mgr, SP	62.51		ADMIN	1000 410210	345	101000
	01/20/19 640-1676, Rec Coord, SP	62.51		REC	1000 460440	345	101000
	01/20/19 640-1754, COP, SP	62.51		POLICE	1000 420100	345	101000
	01/20/19 640-1755, Police	62.51		POLICE	1000 420100	345	101000
	01/20/19 640-1756, Police	62.51		POLICE	1000 420100	345	101000
	01/20/19 640-1757, Police	62.51		POLICE	1000 420100	345	101000
	01/20/19 640-1758, Police, SP	62.51		POLICE	1000 420100	345	101000
	01/20/19 640-1759, Police	62.51		POLICE	1000 420100	345	101000
	01/20/19 640-7547, Street SP	62.51		PARKS	1000 460430	345	101000
	01/20/19 640-9074, PSS, SP	62.51		SEWER	5310 430600	345	101000
	01/20/19 683 laptop	40.01		POLICE	1000 420100	345	101000
	01/20/19 COP laptop	40.01		POLICE	1000 420100	345	101000
	01/20/19 686 laptop	40.01		POLICE	1000 420100	345	101000
	01/20/19 681 laptop	40.01		POLICE	1000 420100	345	101000

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45329		2852 Blackfoot Communications		2,014.42					
	02/15/19	602-4908, povah center		0.00		POVAH	1000 411255	345	101000
	02/15/19	646-5106, fax soc svc		40.53		SOCSRV	1000 450135	345	101000
	02/15/19	646-5119, police station		40.53		POLICE	1000 420160	345	101000
	02/15/19	646-5141, sewer plant alarm		40.53		SEWER	5310 430600	345	101000
	02/15/19	646-5185, town hall alarm		40.53		TWNHAL	1000 411250	345	101000
	02/15/19	646-7311, social services		40.21		SOCSRV	1000 450135	345	101000
	02/15/19	646-7481, povah elevator		40.53		POVAH	1000 411255	345	101000
	02/15/19	646-7511, town hall fax		40.53		TWNHAL	1000 411250	345	101000
	02/15/19	646-7609, public works		25.31		PUBSVC	1000 430200	345	101000
	02/15/19	646-7650, police station fax		40.53		POLICE	1000 420160	345	101000
	02/15/19	646-7715, povah center		31.85		POVAH	1000 411255	345	101000
	02/15/19	646-7795, town hall		294.38		TWNHAL	1000 411250	345	101000
	02/15/19	646-7845, court clerk		24.58		COURT	1000 410360	345	101000
	02/15/19	646-9017, library		41.85		LIBRAR	2220 460100	345	101000
	02/15/19	646-9027, sewer plant alarm		40.53		SEWER	5310 430600	345	101000
	02/15/19	ethernet, library		300.00		LIBRAR	2220 460100	345	101000
	02/15/19	ethernet, povah center		310.00		POVAH	1000 411255	345	101000
	02/15/19	ethernet, police station		350.00		POLICE	1000 411258	345	101000
	02/15/19	ethernet, town hall		272.00		TWNHAL	1000 411250	345	101000
45331		2357 US Bank		150,966.83					
	02/01/19	CAT loader principal final		7,582.65*		STREET	1000 490520	610	101000
	02/01/19	CAT loader interest final		120.41		STREET	1000 490520	620	101000
	02/01/19	911 Remodel principal		14,835.60		DISPAT	2850 490530	610	101000
	02/01/19	911 Remodel interest		441.78		DISPAT	2850 490530	620	101000
	02/01/19	Town Hall principal		58,445.00*		TWNHAL	2100 490200	610	101000
	02/01/19	Town Hall interest		13,911.84		TWNHAL	2100 490200	620	101000
	02/01/19	Bond payment principal		46,151.38		BOND	3050 490100	610	101000
	02/01/19	Bond payment interest		9,478.17		BOND	3050 490100	620	101000
45332		2969 Assoc. of Public Treasures of		145.00					
	20143 11/09/18	Membership Renewal thru 9/19		145.00		FINADM	1000 410510	335	101000
45333		2195 Code Publishing Company		85.50					
	62352 01/11/19	Municipal Code Web Update		85.50		FINADM	1000 410510	356	101000
45334		29 Terrell's Office Machines Inc		79.00					
	367865 01/10/19	black toner for town hall copi		79.00		FINADM	1000 410510	220	101000

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Claim	Vendor #/Name/ Check Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
45335	73 Westmart Building Center	1,060.16					
	01/27/19 Street Buildings	426.66		STREET	1000 430200	366	101000
	01/27/19 Street Supplies	-92.12		STREET	1000 430200	220	101000
	01/27/19 Water	82.60		WATER	5210 430500	220	101000
	01/27/19 Police Building	35.58		POLICE	1000 411258	366	101000
	01/27/19 Police Supplies	52.23		POLICE	1000 420100	220	101000
	01/27/19 Parks Grounds	72.18*		PARKS	1000 460430	365	101000
	01/27/19 Povah bldg Improvement	230.80		POVAH	1000 411255	366	101000
	01/27/19 Povah Floor Replacement	238.78		POVAH	4000 460432	936	101000
	01/27/19 Sewer	13.45		SEWER	5310 430600	220	101000
45336	2586 Waxie Sanitary Supply	141.60					
	78018118 01/25/19 microfiber cloths	141.60		PARKS	1000 460430	220	101000
45337	40 Jerry's Enterprises	351.60					
	01/28/19 diesel fuel	351.60		STREET	1000 430200	231	101000
45338	99922 Melanie Gospodarek	1,195.63					
	01/16/19 Tuition reimbursement + books	1,195.63		FINADM	1000 410510	380	101000
45339	99986 Michele DesRochers	45.00					
	01/23/19 MT Library Assoc Dues	45.00		LIBRAR	2220 460100	335	101000
45340	951 Barnes & Noble	478.79					
	3781567 01/09/19 library books	25.97		LIBRAR	2220 460100	215	101000
	3781568 01/09/19 library books	237.03		LIBRAR	2220 460100	215	101000
	3784035 01/09/19 library books	215.79		LIBRAR	2220 460100	215	101000
45341	2404 Montana-Wyoming Systems	300.00					
	34032 01/01/19 Povah Fire Alarm Monitoring	300.00		POVAH	1000 411255	350	101000
45342	2 Forsgren Associates P.A.	2,500.00					
	118542 12/31/18 Park Topo	500.00		WATER	5210 430500	354	101000
	118541 12/31/18 Contract fee	2,000.00		WATER	5210 430500	354	101000
45343	1955 Dellinger & Gallagher, Inc.	14,293.35					
	147787 01/10/19 Annual report assistance	3,300.00		AUDIT	1000 410530	353	101000
	147788 01/10/19 RT audit services	10,593.35		AUDIT	2100 410532	353	101000
	147788 01/10/19 RT audit services	400.00		TBID	2102 411800	357	101000

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45344		2751 Gallatin County Justice Court		460.00					
	01/10/19	Bond pass thru tk-100-2018-297		460.00		COURT	7469 213000		101000
45345		3013 IntelliChoice, Inc. / EForce		20,800.60					
	1229341 01/07/19	Annual license/support fee		20,800.60		DISPAT	2850 420750	398	101000
45346		2557 MTLEIRA		100.00					
	02/01/19	Brenda Martin		50.00		DISPAT	1000 420160	335	101000
	02/01/19	David Righenour		25.00		DISPAT	1000 420160	335	101000
	02/01/19	Caitlyn Johnson		25.00		DISPAT	1000 420160	335	101000
45348		1 First Security Bank of BZN, Div		92,010.51					
	01/30/19	JD 772 Grader interest		776.45		STREET	1000 490520	620	101000
	01/30/19	JD 772 Grader principal		13,863.49*		STREET	1000 490520	610	101000
	01/30/19	80 acres, interest		12,462.95		RT	2100 490200	620	101000
	01/30/19	80 acres, principal		64,907.62*		RT	2100 490200	610	101000
45349		3188 911 Communications of Gallatin		250.00					
	0114201901 01/14/19	Active Shooter L. Sosa-Jim		250.00		DISPAT	1000 420160	380	101000
45350		254 Firehole Fill Up/Economart		10.00					
	07172018-1 07/17/18	com help gas voucher		10.00		SOCSR	7010 450135	231	101000
45353		3189 Skijor West		585.00					
	01/31/19	Skijor advertising		585.00		MAP	2101 410130	398	101000
45354		29 Terrell's Office Machines Inc		488.00					
	368569 01/28/19	toner, social services		488.00		SOCSR	1000 450135	220	101000
45355		1 First Security Bank of BZN, Div		38,835.69					
	02/01/19	Siegel Learning Ctr, interest		11,641.89			1000 490500	620	101000
	02/01/19	Siegel Learning Ctr, principal		27,193.80			1000 490500	610	101000
45356		2801 West Yellowstone Back & Neck		100.00					
	01/14/19	Coffin DOT Physical		100.00		STREET	1000 430200	357	101000
45357		3066 Core & Main		208.57					
	j932684 01/21/19	hardware		208.57		WATER	5210 430550	357	101000

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45358		2991 West Yellowstone Star 2019ci-140 01/29/19 Moonrise hearing x 3		237.00 237.00		ADMIN	1000 410210	327	101000
45359		3004 Partsmaster 23376859 01/22/19 hex nuts 23375812 01/18/19 tools and supplies		237.36 6.75 230.61		STREET STREET	1000 430200 1000 430200	220 220	101000 101000
45360		65 T & E 42CS043722 01/23/19 blower chute and liner		1,695.17 1,695.17		STREET	1000 430200	369	101000
45361		1085 JD Speciality Services 3400 01/25/19 Plow truck repairs		3,154.00 3,154.00		STREET	1000 430200	369	101000
45362		3190 Lee Powell 01/29/19 Rest. Disburse tk-110-2018-402		100.00 100.00		COURT	7469 212401		101000
		# of Claims	37	Total:	352,520.75				



WEST YELLOWSTONE TOWN COUNCIL  
**Town Council Meeting**  
**January 22, 2019**

COUNCIL MEMBERS PRESENT: Mayor Brad Schmier, Jerry Johnson, Pierre Martineau, Chris Burke, Greg Forsythe

OTHERS PRESENT: Town Manager Daniel Sabolsky, Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Chief of Police Scott Newell, Social Services Director Kathi Arnado, Fire Chief Shane Grube, Patty & Brian Watson-Alpine Motel, Helene Rightenour, Dave DeGrandpre-Land Solutions, Richard and Teri Gibson, Joe Moore-Big Sky Anglers, Brian Guyett-HRDC, John Greve, Janna and Hayden Turner, Randy Wakefield-Fall River Electric, Julie Hannaford, Ryan Barker-Forsgren Associates, Ryan Lindhardt, Don Seifert-County Commissioner, Theron-Stahly Engineering, Andie Withner, Julie Pfeifer, Rachael and Kyle Burden, Katie Moen-West Yellowstone News, Tim Morris, Brenda Holland, Michael and Pilar Collins, Larry Jent, John McLaughlin, Tim Whitman, Grant Jackson, 911 Communications Center Manager Brenda Martin, Udo Freund, Shane Roos

The meeting is called to order by Mayor Brad Schmier at 7:00 PM in the 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 Purchase Order #6683 to Intelli-Choice, Inc. DBA E-Force for the annual license and support fees for \$20,800.00. (Forsythe, Martineau)
- 2) Motion carried to approve the claims, which total \$141,546.60. (Forsythe, Burke) Burke abstains from #45295 to Morning Glory Coffee & Tea for \$33.75, Schmier abstains from #45282 to Jerry's Enterprises for \$613.76 and Forsythe #45301 to Westmart Building Center for \$2157.03.
- 3) Motion carried to approve the minutes of the January 3, 2019 Town Council meeting, as corrected. (Burke, Martineau)
- 4) Motion carried to approve the business license transfer and resort tax bond waiver request for The Aspen, formerly known as Pine Shadows Motel, at 229 N Hayden Street, made by Sara Mauer. (Johnson, Forsythe)
- 5) Motion carried to approve the new business license application for Jennifer L. Martinez to operate a business as a caregiver for seniors. (Martineau, Burke)
- 6) Motion carried to table the Conditional Use/Planned Unit Development application from the Human Resource Development Council, District IX, to develop three townhomes at 316 Washburn Circle. (Johnson, Schmier) Martineau, Burke and Forsythe are opposed, motion fails.
- 7) Motion carried to approve the Conditional Use/Planned Unit Development application from the Human Resource Development Council, District IX, to develop three townhomes at 316 Washburn Circle. (Martineau, Burke) Schmier and Johnson are opposed, Forsythe abstains, motion fails.
- 8) Motion carried to reconsider the previous motion. (Forsythe, Burke) Motion passes unanimously.

- 9) Motion carried to accept the Conditional Use/Planned Unit Development application from the Human Resource Development Council, District IX, to develop three townhomes at 316 Washburn Circle contingent upon approval by the Madison Addition Architectural Committee and the three conditions specified in the staff report prepared by Land Solutions. (Forsythe, Martineau) Johnson is opposed, motion passes.
- 10) Motion carried to select Forsgren Associates for a two-year contract to provide engineering services for the Town of West Yellowstone. (Forsythe, Burke) Johnson is opposed.
- 11) Motion carried to approve the recommendation to award an additional \$4000 for the Snowmobile Expo 2019, Power Sports and Race Event. (Martineau, Burke)
- 12) Motion carried to reappoint Bill Howell to Police Commission for a 5-year term (Howell, Burke)
- 13) Motion carried to appoint Julie Hannaford to the Police Commission for a 5-year term. (Martineau, Forsythe)
- 14) Motion carried to appoint Janna Turner to the Marketing and Promotions Fund Advisory Board as an at-large representative for a three year term. (Burke, Forsythe)
- 15) Motion carried to reappoint Jerry Johnson as the Town Council representative on the Marketing and Promotions Fund advisory Board for a three-year term. (Forsythe, Burke)

#### **Public Comment Period**

Don Seifert, Gallatin County Commissioner, addresses the Town on behalf of the Yellowstone Westgate Project as chair for the Northern Rocky Mountain Economic Development Corporation. He presents the Town a check for \$25,000 to assist with the funding for the project and thanks the Town for its partnership with the district. Sabolsky adds that the \$25,000 will go with the \$25,000 committed by the Town and will match the \$50,000 from the Small Business Administration grant. The purpose is to complete a planning grant and study transportation and access to Yellowstone. Seifert also explains that to help administer this grant, Gallatin County also contributed \$5000.

Kyle Burden addresses the Council and commends James Patterson for doing what needed to be done and his efforts to clear snow this weekend. He also asks if Council Member Martineau has recused himself from the HRDC Board of Directors and asks each Council Member if they think that is a conflict of interest. Martineau says that he has not recused himself from the HRDC Board of Directors. Burden states that he knows that Martineau is a member of the Board of Directors for HRDC and believes that is a conflict of interest, pointing out that Martineau has voted on the HRDC townhome project issue previously.

Brian Watson says that he has seen things in the newspaper recently about requiring businesses to clear the sidewalks in front of their businesses. Watson says that he believes an ordinance should be required to clear the snow from in front of their business within 24 to 48 hours of the most recent storm. He believes they have the ability to make sure the sidewalks get cleared or they will be sent a bill from the city and their license will not be renewed each year if the bill is not paid.

Greg Forsythe, speaking as the owner of the Westmart Building Center, explains that over the last 39 years, he has seen slow population growth and substantial impact on the Town due to the resort tax. He says that they definitely have a seasonal tourist economy and struggle with low-income and workforce housing. He says they are on the brink of several housing projects that will substantially affect the housing supply. He says they don't have enough businesses to be a year-round economy. He says that for this Town to become a year-round economy, is more business opportunities in the 80 acres. He says they definitely need M1 zoning and should consider other business areas to bring in year-round jobs.

### **Council Comments**

Council Member Johnson says that although they are still enduring a partial government shutdown, he says that his business is still operating in Yellowstone Park and everyone is working hard to keep people coming and serving the people that are coming to visit. Council Member Burke says that guiding in the park has been going well and he appreciates all the extra efforts. Burke also says that he sits on the board for the Montana Ambassadors and he agrees with Forsythe's earlier comments about attracting more businesses growth and year round employment to West Yellowstone. Council Member Forsythe says that there was a lot of discussion at the last meeting about the placement of mobile homes. He says the north side of Alley D is a possible place to put those homes as they snow could be pushed onto the Forest Service. He says that property is owned by the Town and the project could be accomplished much sooner than the development of the 80 acres.

### **Public Hearing-Human Resource Development Council, District IX, Conditional Use Application/Planned Unit Development, Community Land Trust Townhome Development, 316 Washburn Circle**

Mayor Schmier opens the hearing at 8:15 PM. The hearing was noticed in the January 4, 11 and 18, 2019 editions of the West Yellowstone Star. Larry Jent, part-time resident of Washburn Circle speaks on behalf of multiple property owners on Washburn Circle. Jent says the development, as proposed, does not meet the conditions of the Town code for a Planned Unit Development (PUD) and is out of character for the neighborhood. Jent says that the covenants of the Madison Addition prohibit further subdivision of lots and the application does not comply with the parking requirements. He also points out that the Town code requires that a PUD has two acres and the lot in question is only .3 acres. He says the utility connections for that area were put in for single family homes and there are no other 3-home developments in the area. He says the proposal does not fit the neighborhood. Jent says the purpose of zoning is to ensure a degree of predictability for an area. He says that if they change zoning to allow other uses, that does not work. He adds that will also not encourage the kind of year round growth they hope to encourage as mentioned earlier in the meeting.

Michael Collins addresses the Council and says that the proposal violates the covenants and zoning which do not allow a lot to be subdivided into three lots. He also mentions the application and petition to change the zoning on Washburn Circle to R2.

Dave DeGrandpre of Land Solutions explains that he has been contracted by the Town to evaluate the proposal in accordance with the Town's zoning code. DeGrandpre explains that the zoning of the area in question is R-3, which allows housing of 1 to 4 families per unit. He says the zoning also specifically allows townhomes in the R3 district. DeGrandpre explains that he evaluated the proposal according to the standard and in accordance with the zoning code. DeGrandpre states that he believes the proposal is in compliance with the zoning ordinance. He says he is not here to advocate for the proposal, but present an independent evaluation of the proposal. He points out that there are four review criteria the Council should use to review the proposal including whether the use conforms to the objectives of the growth policy and intent of the zoning ordinance, whether the use will adversely affect nearby properties or their occupants, the use meets density, coverage, yard, height and all other regulations of the district, and whether public hearings have been held and legal notice has been given. DeGrandpre notes that he is in agreement with the Town's attorney that it is not the responsibility of the town to enforce the covenants of the Madison Addition. DeGrandpre recommends approval of the project with three conditions including substantial compliance with all plans submitted with the application, filing of an amended plat with the Gallatin County Clerk & Recording citing the townhome exemption from the Montana Subdivision and Platting Act, and prior to issuing a building permit the applicant shall submit a draft final version of the ground lease contract documents to be used with home purchasers. Forsythe clarifies the square footages of the units, which range from approximately 1200 square feet for the 2 bed-room unit and 1400 square feet for the 3-bedroom units. Forsythe also asks questions about the affordability and price range for the units. Guyer says that their target is to make these units affordable for families making between \$50,000 and \$79,000. Andie Withner, realtor and business owners, says that she has lived in West Yellowstone for 40 years and was the Town's social services director in the early 1980s. She

says that they have needed affordable housing since that time. She says the homeowners association for the Madison Addition has done an excellent job of maintaining the standards of the area over the years, which is proven by the consistent increase in property values. She says that if this application complies with the zoning and regulations, it should be approved. Brian Guyer of HRDC says that these homes will be primary residences for people in the community. He says they cannot be made into nightly rentals or “flipped” by an investor trying to make a profit. Guyer explains that the land under the homes will be leased to the homeowners through a community land trust lease. Forsythe asks some procedural questions about the proposal. Sabolsky explains that after the Council closes the hearing, the Council will vote on whether to accept the proposal. Sabolsky says it has been suggested that the Town do a land swap with HRDC to move this project to the north side of Alley D, as discussed earlier. Burke expresses concerns about pushing this project farther down the road and potential concerns from other property owners on Alley D. He says that if this project complies with the zoning, they should approve it. He says he doesn’t understand why people are concerned about new neighbors with a combined annual income of \$50,000 being bad for the neighborhood. Johnson disagrees and says he has heard from no one that has expressed that concern. Burke says that he has definitely heard concerns from other property owners about the effect on their property values. The group debates the interpretation of the PUD requirements for a minimum 2 acre parcel versus the townhome standards which only require 5000 square feet. The planner from HRDC explains that when there is a conflict in the code, you must use the more specific standard. Sabolsky shares a memorandum from Town Attorney Jane Mersen which offers the opinion that the language set out by the drafters of the code specifically wanted the townhome development standards to govern over the more general standards of the PUD chapter. Rachael Burden addresses the Council and says that they have never expressed concerns about who their neighbors may be, but points out that nearly six months ago an application and petition was submitted to fix the zoning in that area. The applicant had to pay a fee of \$300 and she wants to know where that money goes. Sabolsky responds that the fee covers expenses incurred by the Town for advertising and mailings. He also points out that the application to change the zoning was submitted November 7, 2018. Burden clarifies that they have been considering this proposal for six months. Maggie Anderson, a member of the Madison Addition Architectural Committee, expresses concerns about the conflicts between the zoning code and the covenants for the Madison Addition and reminds the Council that the decision they make could make that more complicated. Mike Collins addresses the Council again and points out a section of the ordinance regarding the proposed square footage for townhomes. The hearing is adjourned at 9:15 PM.

## **DISCUSSION**

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- 2) Forsythe asks about the claim to reimburse Anthony Kearney for the “Shot Show” in Las Vegas. Sabolsky explains that the Shot Show is a arms and ammunition expo in Las Vegas where all the new products are showcased. Officers Kearney and Sabrah Van Leeuwen are attending it and getting some training while on vacation in Las Vegas.
- 5) Schmier questions whether this type of business requires any special licensing. Social Services Director Kathi Arnado explains that she will not be offering any medical treatment or services, just assistance and transportation services. She will carry additional insurance to cover these services.
- 6-9) Mayor Schmier explains that it is the Council’s obligation to review a project such as this in accordance with the established criteria. He says that if it meets the criteria of the ordinances, then they have the obligation to approve it. Schmier says that Land Solutions has done a good job helping them review the project and the criteria they must use. Schmier asks HRDC why they chose to propose a project that would be viewed as contentious? Heather Grenier of HRDC responds that when they developed the plans, they thought it would fit well in the neighborhood. Schmier asks if this proposal complies with their ordinances and asks DeGrandpre for input. DeGrandpre says that he has reviewed the proposal at length and admits that there are some difficult questions, but he believes the proposal complies 100% with the Town zoning code. He recommends that if they do not approve the project, that they prepare findings stating the reasons that

it was not approved. He also points out that this project is just a warm up and they will soon be facing a project for 182 condominiums and they need to be deliberate. Johnson says that he still feels like the area was voted on to be R2 and that is not what is on the map. Martineau disagrees and says he has spoken to Mayor Glen Loomis and Town Manager Ken Davis from 1995 as well as Rob Klatt who are all certain that the zoning was never to be changed. He says that all they are really talking about is the addition of two cars in the neighborhood. Schmier points out that when you look at Nez Perce Avenue, the impact of heavier development is apparent. Burke says that if the proposal complies, they need to approve it. Forsythe says that they are under the obligation to comply with their ordinances. He says that in reference to the 182 unit development, the public has plenty of time to comment on that, but they have not had time on this one. He says that there is an application in process to change the zoning from R3 to R2 and they should table this proposal until that has been addressed. The group debates whether the timing of the zoning change application affects the HRDC application. Sabolsky explains that the Town's attorney stated that as long as the application from HRDC was submitted before the zoning is actually changed, then it is not subject to the new zoning. Schmier says that he would like more time to research and determine whether the project complies with the Town's zoning ordinance. Burke points out that the experts they have hired, Land Solutions and legal counsel, have said that the project does comply. He says he doesn't think the information that they have is going to change over the next two weeks. Johnson asks if Martineau is going to vote because he recused himself from the vote last time. Sabolsky explains that he sought a legal opinion on whether it was a conflict of interest for Martineau, Schmier or Forsythe to vote based on family associations or membership but it was determined that it was not a conflict for any of them because there is no personal benefit by approving the project.

- 10) **Engineering RFP Process:** Mayor Schmier explains that last week they listened to presentations from Forsgren Associates and Stahly Engineering to consider which firm to provide engineering services for the Town. Forsythe says that neither firm included a contract amount or hourly rate and he questions how to compare them without knowing that information. Sabolsky says that they have worked with both firms in the past on a project basis and the firms quoted a project or monthly rate. Theron Thompson of Stahly Engineering and Ryan Barker of Forsgren Associates both respond and explain that the proposals they submitted outlined their qualifications, which according to state law is how the engineering firm must be selected. Forsythe makes a motion to select Forsgren based on their existing involvement and participation in the negotiations and applications before Montana DEQ. Forsythe adds that whenever possible, he would like to also use Stahly Engineering. Schmier agrees that Forsgren's current involvement with DEQ is valuable but points out they never received the list of clients from Forsgren. Sabolsky explains that is his fault, the client list was provided but they neglected to forward it to the Council. Johnson says that on paper, Stahly is the stronger candidate. He says he spoke to a couple of the clients on their list and the reviews were that Stahly is a very strong and reliable firm that is well respected across the state.
- 11) Upon the Council's request, John Greve explains that the original application for the 2019 Snowmobile Expo was for \$17,000 and the MAP Fund Advisory Board approved \$13,000. The board also suggested that to obtain the other \$4000 in funding that a new activity be added to the event. The organizers have added a snowmobile rodeo event and therefore the board recommends approval of the additional \$4000.
- 13) The Council considers whether it is an ethical concern to appoint Hannaford considering that she is employed in law enforcement for the National Park Service. Hannaford explains that she did ask the head ranger who believed it was not a conflict, but she cannot get final approval from Human Resources until the government shutdown ends.

- A) **Advisory Board Reports:** Teri Gibson reports on behalf of the Planning Board. She says that they met today at noon to discuss the Moonrise Meadows development project. A public hearing before the Planning Board on this development is scheduled for next Tuesday, January 29, 2019.

Schmier reports that the Health Care Services Advisory Board met last week and discussed provider encounters over the last season, the need for more mental health services, and diabetes impacts on the community.

- B) **Town Manager/Department Head Reports:** Town Manager Dan Sabolsky reports that they are making progress on finding a sponsor for the resort tax legislation as it proceeds to the state legislature. The Talyor Luther Group is leading the effort and they have a commitment from the community of Gardiner to fund the lobbyist up to \$2500.00. The Montana League of Cities and Towns has also committed to support the legislation, but they are also supporting any local option tax legislation. They have put together an informal group to keep the Music in the Park events going this year. Don Perry is planning to move away this year but has agreed to help plan and organize the events this year. Black Mountain Productions, Don Perry's organization, is working on fundraising and associated efforts including combining the event with the Yellowstone Rod Run in August. Montana DEQ has indicated that their request to utilize evaporators as a short-term solution at the sewer lagoon is reasonable and they need to establish a long-term plan as well. Sabolsky reports that he attended a "Rails to Trails" meeting last week to learn about a plan to establish a trail on the old railroad bed from West Yellowstone to Ashton, ID. He also mentions an email he sent to the Council about the desire of the Yellowstone Nature Connection to utilize two RV spots this summer at their location off of Yellowstone Avenue. Schmier requests a copy of Sabolsky's report. Forsythe says that they have new residents in the Madison Addition of some people that are very experienced with concert production and they may want to contact them for assistance with the summer events. Forsythe asks about the request to re-zone Washburn Circle. Sabolsky responds that he has met with Tim Whitman who submitted the request and they are working on the issue.

Public Services Superintendent James Patterson reports that his crew is very busy plowing snow. He says that they developed new leaks in the roof of the Town Hall this weekend due to snow blowing and then melting into the vents. They also developed a leak on the south side of the building in the entry way and that has never happened before on that side of the building. He says his crew will start plowing again tomorrow at 4 AM. Burke asks why it took too long for the crew to address the snow that fell from the last two storms. Patterson responds that he doesn't have the authority to require the crew to come in on a holiday and he only got responses to his request to plow from three truck drivers. He explains that he needs people to operate the grader, blower and a loader in order to actually clear snow. Burke says that they need to address that problem and figure out how to clear the snow as quickly as possible. Sabolsky explains that according to the union contract, they have to be very careful as to how they call the employees out as this issue was grieved a few years ago and the Town lost. Finance Director Lanie Gospodarek reports that the auditors are still firing questions at her, they completed the resort tax audits and sent out the results, reviewed preliminary results from the phone and communications audit, and researching software and payment options for recreation fees and building rentals. Schmier asks how they are doing so far this year in the budget, Gospodarek responds that they are doing well and all the funds are either where they expect or even less. Social Services Director Kathi Arnado reports that they have had some youth community service recently where the parents also participated in the service. She says the food drive from Fall River was greatly appreciated and a found a new source to provide coats for those in need. Chief of Police Scott Newell reports that Michele DesRochers transferred from dispatch to the library but interviewed a good potential candidate for dispatch today. He mentions a fatal snowmobile accident that occurred in Town last week, multiple slide offs, and a child endangerment arrest. Martineau credits

Officer Neil Courtis for his efforts as the school resource officer and mentions what a great job he does.

- C) **Casting Pond Update:** Joe Moore of Big Sky Anglers addresses the Town Council to present an update on the proposed casting pond project behind the Union Pacific Dining Lodge. The Council reviews the conceptual drawing for the project and points out that they have plans to put a lighted sidewalk through that area to connect the Grizzly Park to the historic district. The Council briefly discusses the sidewalk and determines that the sidewalk will fit into the project. Moore explains that he and Justin Spence got involved in this project after talking to Bob Jacklin, who has almost independently built and maintained the existing pond for over 40 years. He explains that they'd like to call it the Bob Jacklin casting pond in honor of his legacy. The Council expresses support for the project and there is discussion about fundraising and contributions by the Town. Johnson asks what do they need to do to make sure this project starts this June. Moore says they just need the decking and the liner, assistance from the town such as backhoe use, etc. Sabolsky also says that if anyone is interested in donating to the project, they just need to make the check payable to the West Yellowstone Foundation and note that it is for the West Yellowstone casting pond.

The meeting is adjourned. (11:00 PM)

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Mayor

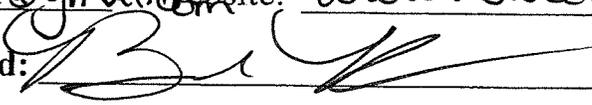
ATTEST:

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Town Clerk

# Town of West Yellowstone Business License Application

Business Name: Sweet Home Montana  
Applicant: Brandi Kadlec  
Contact Person: Brandi Kadlec  
Mailing Address: PO Box 2108  
Physical Address of Business: 350 Aspen loop Rd  
Phone Number: 406 640 0243 Fax Number: \_\_\_\_\_  
Email Address: Brandi.Kadlec@gmail.com Website: www.SweetHomeMontana.com

Signature of Property Owner of Record: 

Subdivision: \_\_\_\_\_  
Block: \_\_\_\_\_ Lot: \_\_\_\_\_

Zoning District, please mark one:

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

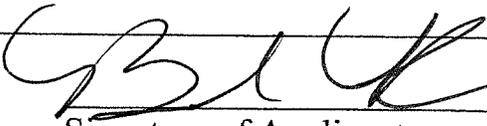
- Is this business licensed by the State of Montana?  Yes  No
- Appropriate City/County/Health Dept approvals (if applicable)  Yes  No (please attach)
- If this business is located in Grizzly Park, has the business been approved by the Grizzly Park Architectural Committee (GPAC)?  Yes  No

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

Property management

Business License Fee: \$ 50  
Resort Tax Bond: \$ 500

Total Amount Due: \$ 550

  
Signature of Applicant

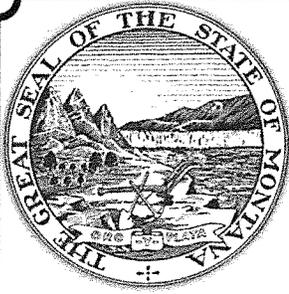
\_\_\_\_\_  
Signature of Applicant  
1/29/19  
Date

### FOR OFFICE USE ONLY

Date Approved by Town Council: \_\_\_\_\_

Date \_\_\_\_\_ Check # \_\_\_\_\_ Amount \$ \_\_\_\_\_ License # \_\_\_\_\_

SCN \_\_\_\_\_ BLP \_\_\_\_\_ STX \_\_\_\_\_ BLC \_\_\_\_\_ RDX \_\_\_\_\_



**State of Montana**  
Business Standards Division  
Board of Realty Regulation

This certificate verifies licensure as:  
**PROPERTY MANAGER**

**RRE-RPM-LIC-70731**

Status: **Active**  
Expires: **10/31/2019**

**BRANDI LYNN KADLEC**  
**350 ASPEN LOOP RD**  
**WEST YELLOWSTONE, MT 59758**

 Montana Department of  
**LABOR & INDUSTRY**  
RENEW OR VERIFY YOUR LICENSE AT:  
<https://ebiz.mt.gov/pol>

Renew online at <https://ebiz.mt.gov/pol> by signing in with your username and password.

The renewal cycle for your board opens 60 days prior to the expiration date on your current license.

Renew your license prior to your expiration date to avoid being charged a late fee(s).

Remember to maintain your online account information with a password, security question and a valid email address. You can update your account information by accessing the 'Account Management' link when logged in.



# Hebgen Basin Fire District

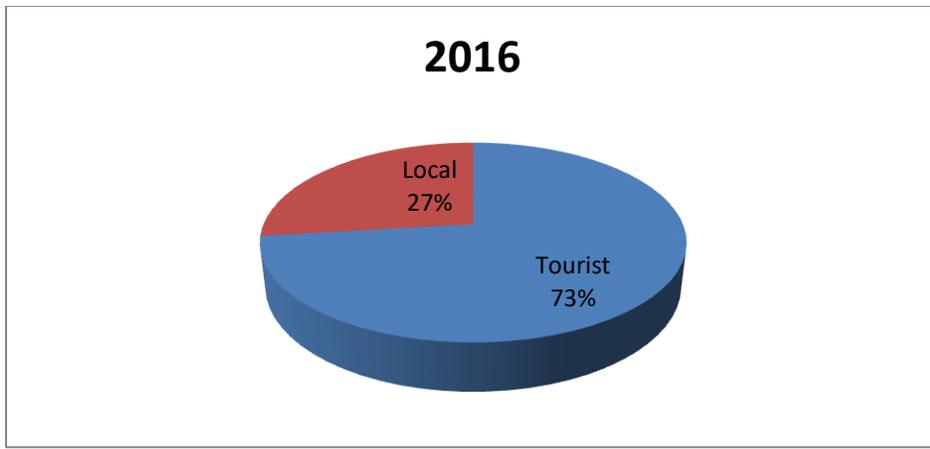
P.O. Box 1508 • West Yellowstone, Montana 59758 • Phone: (406) 646-9094 • Fax: (406) 646-9090

## Call Volume Location and Patient Demographics

### Patient Demographics

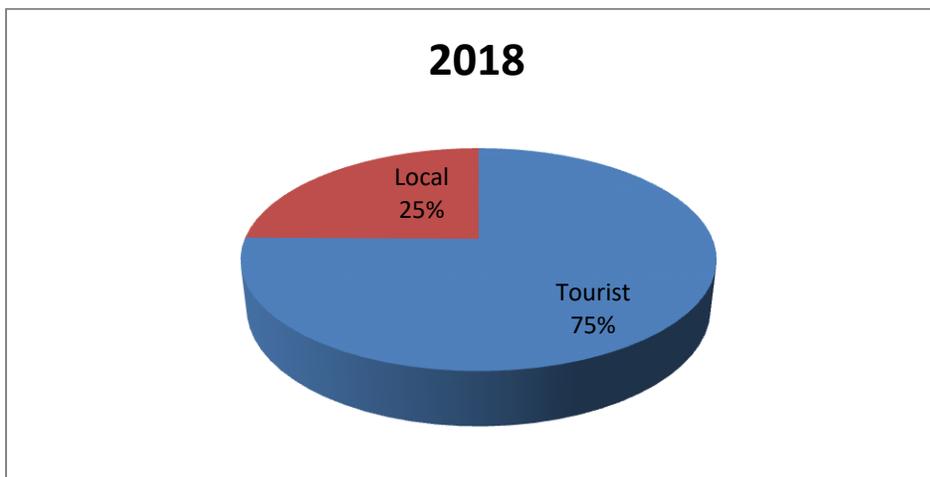
#### 2016

- 73.1% of our patients are tourists
- 26.9% of our patients live within the District



#### 2018

- 75.2% of our patients are tourists
- 24.8% of our patients live within the District





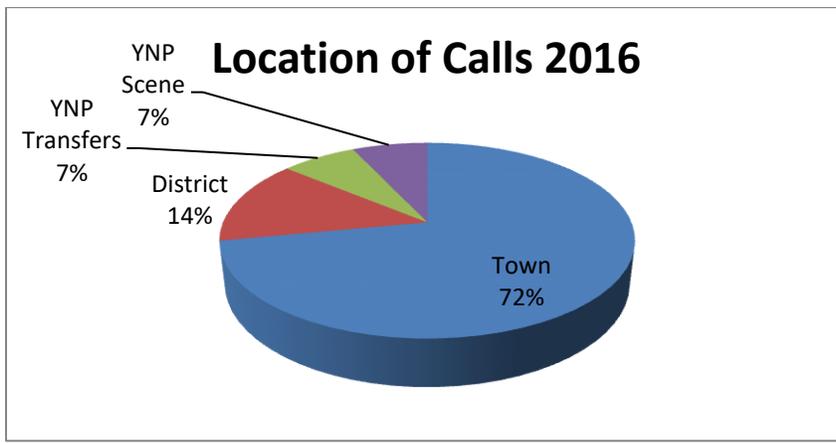
# Hebgen Basin Fire District

P.O. Box 1508 • West Yellowstone, Montana 59758 • Phone: (406) 646-9094 • Fax: (406) 646-9090

## Location of Calls

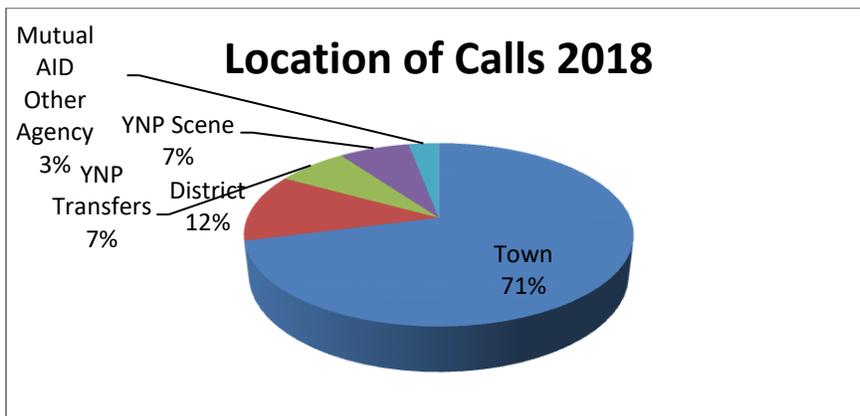
### 2016

- 72% of our calls are in Town
- 14% of our calls are in the District
- 7% of our calls our YNP Transfers
- 7% of our calls our YNP Scene Calls



### 2018

- 71% of our calls are in Town
- 12% of our calls are in the District
- 7% of our calls are YNP Transfers
- 7% of our calls are YNP Scene Calls
- 3% of our calls are Mutual Aid Other Agencies





# Hebgen Basin Fire District

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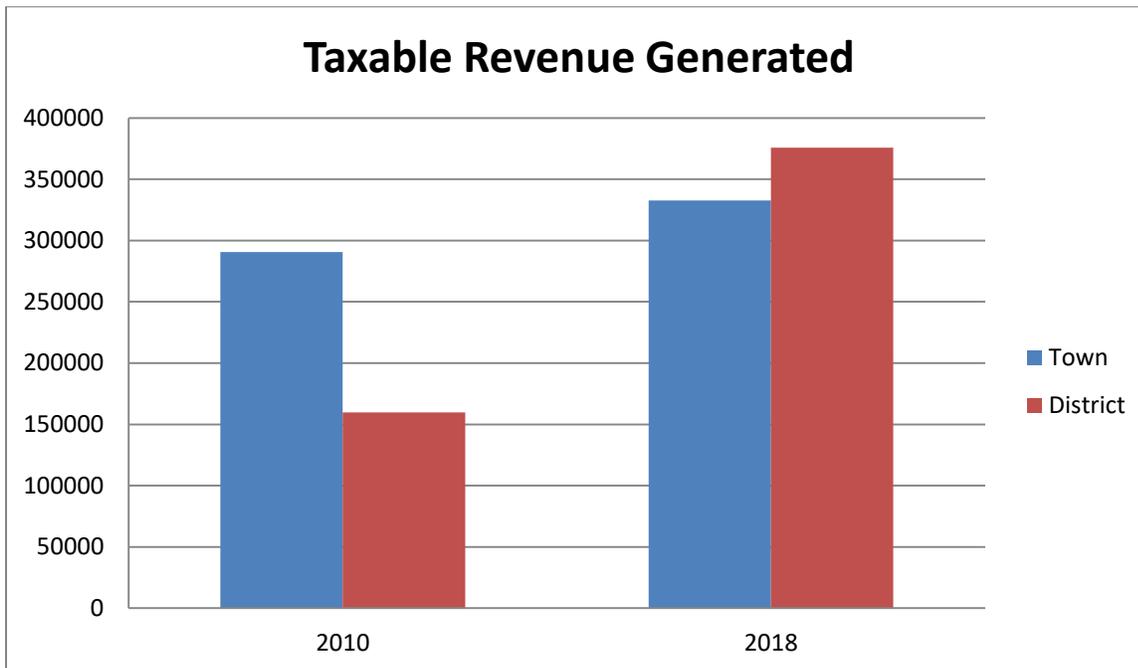
## TaxableValue/Revenue Generated

### 2010

District	Town		
Mill Value	2923	5320	
Revenue	\$159,712	\$290,684	Total \$450,396
Percentage	35%	65%	

### 2018

District	Town		
Mill Value	6671	5935	
Revenue	\$375,644	\$332,679	Total \$708,323
Percentage	53%	47%	

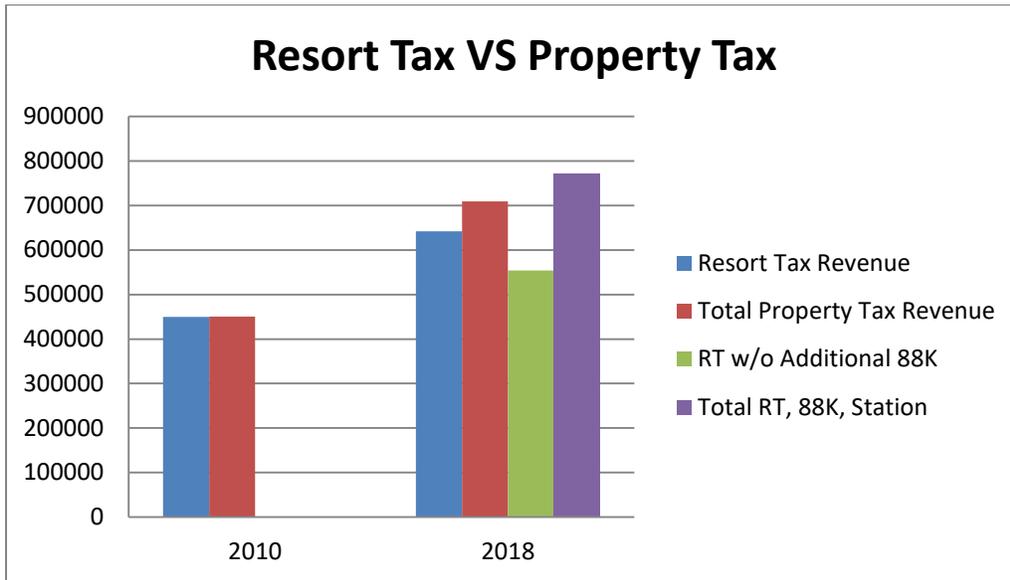




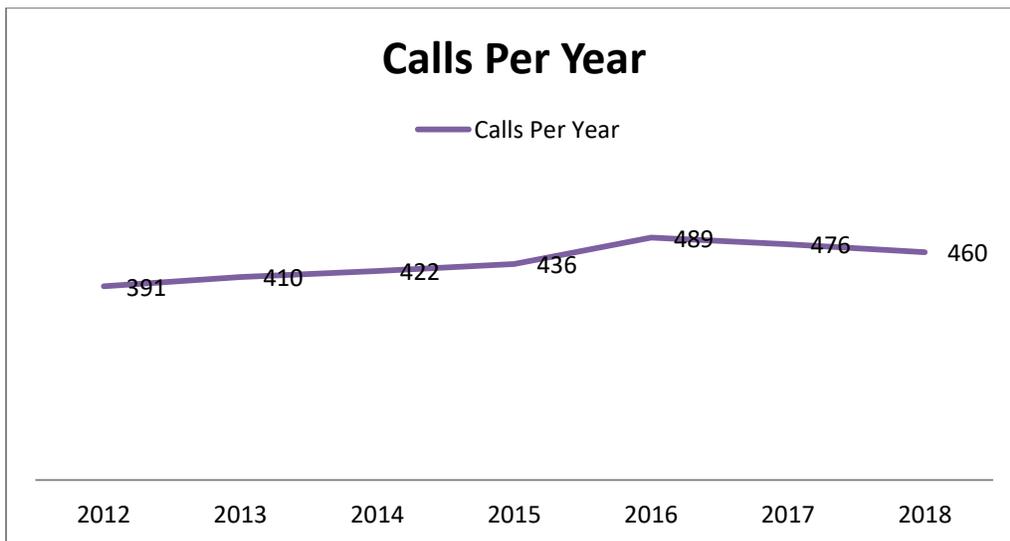
# Hebgen Basin Fire District

P.O. Box 1508 • West Yellowstone, Montana 59758 • Phone: (406) 646-9094 • Fax: (406) 646-9090

<b>Resort Tax Revenue</b>	<b>2010</b>	<b>\$450,000</b>
<b>Resort Tax Revenue</b>	<b>2018</b>	<b>\$642,029</b>
<b>Total Tax Revenue</b>	<b>2010</b>	<b>\$450,396</b>
<b>Total Tax Revenue</b>	<b>2018</b>	<b>\$708,323</b>



## Call Volume

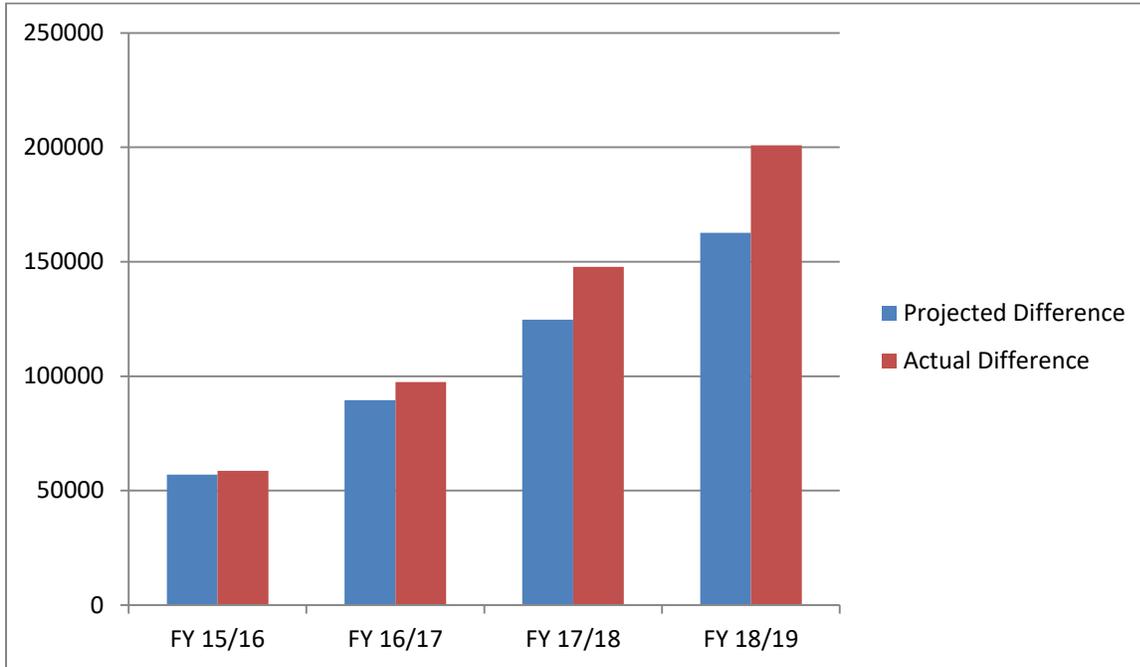




# Hebgen Basin Fire District

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## Interlocal Agreement Debt Forgiveness on Station 1 Building



**FY 2015/16     \$58,641**

**FY 2016/17     \$97,431**

**FY 2017/18     \$147,817**

**FY 2018/19     \$200,865    Balance of Building for FY 2018/19    \$129,111**



COMMUNITY  
HEALTH PARTNERS

REAL PEOPLE. REMARKABLE HEALTHCARE.

January 25, 2019

Mr. Dan Sabolsky, Operations Manager  
Town of West Yellowstone  
PO Box 1570  
West Yellowstone, MT 59758-1570

Dear Mr. Sabolsky:

On behalf of Community Health Partners (CHP), may this letter serve to accompany financial information pertaining to CHP's seventh calendar year of operations in the Guy Hanson Medical Clinic. CHP is requesting the Town's share of \$100,000 in the risk-share agreement as voted on by the WY Town Council in 2018.

Last year, CHP-West Yellowstone provided comprehensive medical services to 1,816 patients during nearly 4,083 visits. Our core staffing is providing great care with Erin Bevan, FNP, RN, continuing to lead the clinical team in partnership with the Big Sky Medical Center physicians. Our nurse, Becky Goltz, LPN, is working toward her RN degree while our medical assistant, Madison Meitzel, will complete her licensure as a limited permit-holder radiology technician, which will give us two staff members licensed to take x-rays.

As discussed recently with the Health Services Advisory Board, CHP is continuing to look at increasing access to mental health services. This past year, CHP began two pilot projects using "tele-counseling" to provide counseling visits on Mondays over video-conferencing equipment. Hannah Wilson, LCPC, is in West once per month to meet with clients in person while her other visits are done while the client is in West and she is in Bozeman. Data suggests that patient outcomes are the same using this technology as if the counselor were in the same room and rural communities across the country are adapting this method to increase access. In addition, CHP has hired a psychiatric nurse practitioner who has prescribing capability and consults with our family practice providers on the nuances of mental health medications. She is also available through telemedicine to patients in West Yellowstone.

CHP continues to open its doors to all residents and tourists in need of access to healthcare and serves a wide-range of clients. In 2018, more than one in five patients were over age 65 and covered by Medicare, and more than 35% of patients were covered by Medicaid or were uninsured and qualified for CHP's sliding fee discount. Consistent with past years, more than one-half of patients served were living at an address located in the greater Hebgen Basin area.

We are looking forward to 2019 operations with a full staff ready to serve the primary healthcare needs of West Yellowstone residents and visitors. Our Learning Partners program is very busy with 12 families enrolled in the Parents As Teachers program. Adults are continuing to access tutoring help as they work toward challenging the HiSet exam (high-school equivalency) and a new program, the Circle of Security, is being offered right now to families. The program is an evidence-based skill-building workshop designed to increase parents' awareness of parenting skills. We look forward to continuing our partnership with the Town and other community organizations to serve West Yellowstone.

Sincerely,

Lander Cooney, CEO

## CHP - WEST YELLOWSTONE

## Profit &amp; Loss

01/15/19

January through December 2018

Accrual Basis

	<u>Jan - Dec 18</u>
Ordinary Income/Expense	
Income	
4001 · Total Net Patient Revenue	442,333.77
4510.8 · Meaningful Use Incentives	8,500.00
4610 · Rev. - Donations	35,190.00
4910 · Rev. - Other Income.	15,666.45
Total Income	<u>501,690.22</u>
Gross Profit	501,690.22
Expense	
5000 · Salaries Medical	239,004.30
5060 · Contract Services - Medical	23,806.07
5070 · Supplies - Medical Supplies	40,227.91
5075 · Med Exp - CME/Dues/Licensure	12,796.85
5080 · Insurance - Med Prof Liability	814.78
5100 · Equipment - Medical Eq	2,023.26
6100 · Mental Health	21,378.83
6300 · Enabling Services	4,781.53
7000 · Facility Expense	25,100.22
7016 · Utilities Phone	10,045.31
7101 · Salaries Administrative	77,811.39
7200 · Fringe Benefits	64,391.38
7250 · Supplies - Office	3,240.42
7275 · Professional Fees - Office	2,426.91
7280 · Contract Services - Admin	1,019.64
7300 · Other Admin/Medical Expense	996.90
7350 · Travel Expense/Board Training	6,109.58
7650 · Furniture & Equipment - Office	7,252.76
Total Expense	<u>543,228.04</u>
Net Ordinary Income	(41,537.82)
Other Income/Expense	
Other Income	
9250 · Federal Grants	3,899.19
Total Other Income	3,899.19
Other Expense	
9200 · Admin. Overhead Allocation	103,818.10
Total Other Expense	<u>103,818.10</u>
Net Other Income	(99,918.91)
Net Income	<u><u>(141,456.73)</u></u>

## CHP - WEST YELLOWSTONE

## Profit &amp; Loss

01/15/19

January through December 2018

Accrual Basis

	Jan - Dec 18
<b>Ordinary Income/Expense</b>	
<b>Income</b>	
4001 - Total Net Patient Revenue	
4010 - Rev- Patient Pay	
4011 - Self-Pay Patient Charges	218,755.43
4013 - Sliding Fee Discounts	(54,947.75)
4113 - Employee Discount	(564.95)
4114 - Patient Pay - Bad Debt	(39,925.63)
<b>Total 4010 - Rev- Patient Pay</b>	<b>123,317.10</b>
4210 - Rev. - Medicare	
4211 - Medicare charges	119,998.89
4212 - Medicare Adjustment	(34,459.22)
<b>Total 4210 - Rev. - Medicare</b>	<b>85,539.67</b>
4310 - Rev. - Medicaid	
4311 - Medicaid Charges	134,585.95
4312 - Medicaid - FQHC Adj.	(23,362.47)
<b>Total 4310 - Rev. - Medicaid</b>	<b>111,223.48</b>
4410 - Rev. Private Insurance	
4411 - Private Insurance Charges	221,556.98
4412 - Private Insurance Adjustments	(99,303.46)
<b>Total 4410 - Rev. Private Insurance</b>	<b>122,253.52</b>
<b>Total 4001 - Total Net Patient Revenue</b>	<b>442,333.77</b>
4510.8 - Meaningful Use Incentives	8,500.00
4610 - Rev. - Donations	
4620.2 - Donations - General	27,000.00
4620.4 - Donations - Foundation	7,500.00
4620.6 - Donated Professional Services	690.00
<b>Total 4610 - Rev. - Donations</b>	<b>35,190.00</b>
4910 - Rev. - Other Income.	
4910.1 - Bad Debt Recoveries	4,785.59
4910.2 - Cost Report Settlements	70.16
4910.3 - Medicaid Case Management Fees	2,488.00
4910.5 - Medicaid PCMH	5,887.70
4910.6 - Medication Sales	2,015.00
4910 - Rev. - Other Income. - Other	420.00
<b>Total 4910 - Rev. - Other Income.</b>	<b>15,666.45</b>
<b>Total Income</b>	<b>501,690.22</b>
<b>Gross Profit</b>	<b>501,690.22</b>
<b>Expense</b>	
5000 - Salaries Medical	
5000.2 - Med-PA/NP	146,817.89
5000.3 - Med-Nurse - RN	56,862.10
5000.4 - Med - Other Medical Staff	34,634.31
5000.6 - Med - Nutritionist	690.00
<b>Total 5000 - Salaries Medical</b>	<b>239,004.30</b>
5060 - Contract Services - Medical	
5060.1 - Contract Medical - Providers	19,600.00
5060.2 - Cont. Serv. Medical -Lab & XRay	4,206.07
<b>Total 5060 - Contract Services - Medical</b>	<b>23,806.07</b>

## CHP - WEST YELLOWSTONE

## Profit &amp; Loss

01/15/19

January through December 2018

Accrual Basis

	Jan - Dec 18
<b>5070 · Supplies - Medical Supplies</b>	
5070.1 · Supplies Med.	17,656.25
5070.2 · Vaccines Med.	18,206.62
5070.3 · Vaccines - Flu	2,993.28
5070.4 · Injectables	1,371.76
<b>Total 5070 · Supplies - Medical Supplies</b>	40,227.91
<b>5075 · Med Exp - CME/Dues/Licensure</b>	
5075.2 · Med - CME	5,228.32
5075.3 · Dues/Licensure/DEA	1,396.25
5075.5 · Travel - Medical	6,172.28
<b>Total 5075 · Med Exp - CME/Dues/Licensure</b>	12,796.85
<b>5080 · Insurance - Med Prof Liability</b>	814.78
<b>5100 · Equipment - Medical Eq</b>	2,023.26
<b>6100 · Mental Health</b>	
6105 · Behavioral Health Spec	15,467.22
6115 · IBH - CME/Dues/Travel	5,911.61
<b>Total 6100 · Mental Health</b>	21,378.83
<b>6300 · Enabling Services</b>	
6307 · Outreach & Enrollment Staff	3,750.14
6307.1 · O&E Travel & Training	149.05
6309 · Contract Interpreter Services	100.00
6314 · Outreach Expense	782.34
<b>Total 6300 · Enabling Services</b>	4,781.53
<b>7000 · Facility Expense</b>	
7000.1 · Building Rent Expense	1,200.00
7000.4 · Cleaning Supplies	1,090.90
7000.5 · Facility Cleaning	15,134.24
7000.6 · Utilities	6,014.58
7000.8 · Maint + Repairs	1,660.50
<b>Total 7000 · Facility Expense</b>	25,100.22
<b>7016 · Utilities Phone</b>	
7016.1 · Phone - Local & Data	7,930.18
7016.2 · Cell Phones	2,115.13
<b>Total 7016 · Utilities Phone</b>	10,045.31
<b>7101 · Salaries Administrative</b>	
7101.1 · Admin-Exec	22,705.44
7101.4 · Admin-Generalists	55,105.95
<b>Total 7101 · Salaries Administrative</b>	77,811.39
<b>7200 · Fringe Benefits</b>	
7201 · FICA Tax	28,111.19
7202 · Unemployment MT	1,971.66
7203 · Workers Comp. Ins	4,325.38
7207 · Health Insurance	23,333.73
7208.1 · 403(b) Match	3,497.21
7209 · HSA Deposits	2,812.51
7211 · Life Insurance	339.70
<b>Total 7200 · Fringe Benefits</b>	64,391.38

## CHP - WEST YELLOWSTONE

## Profit &amp; Loss

01/15/19

January through December 2018

Accrual Basis

	Jan - Dec 18
7250 · Supplies - Office	
7250.1 · General Office	3,240.42
<b>Total 7250 · Supplies - Office</b>	<b>3,240.42</b>
7275 · Professional Fees - Office	
7275.1 · Prof. Fees - Accounting	1,311.29
7275 · Professional Fees - Office - Other	1,115.62
<b>Total 7275 · Professional Fees - Office</b>	<b>2,426.91</b>
7280 · Contract Services - Admin	1,019.64
7300 · Other Admin/Medical Expense	
7301 · Postage and Shipping	231.93
7303 · Recruitment	410.13
7304 · Credentialing/Background Checks	147.20
7306 · Other Admin Expense	207.64
<b>Total 7300 · Other Admin/Medical Expense</b>	<b>996.90</b>
7350 · Travel Expense/Board Training	
7350.3 · Celebration Funds	912.59
7350.6 · In-State Travel/Misc Food/	5,196.99
<b>Total 7350 · Travel Expense/Board Training</b>	<b>6,109.58</b>
7650 · Furniture & Equipment - Office	7,252.76
<b>Total Expense</b>	<b>543,228.04</b>
<b>Net Ordinary Income</b>	<b>(41,537.82)</b>
<b>Other Income/Expense</b>	
<b>Other Income</b>	
9250 · Federal Grants	
9255 · Federal 330 Grant	3,899.19
<b>Total 9250 · Federal Grants</b>	<b>3,899.19</b>
<b>Total Other Income</b>	<b>3,899.19</b>
<b>Other Expense</b>	
9200 · Admin. Overhead Allocation	103,818.10
<b>Total Other Expense</b>	<b>103,818.10</b>
<b>Net Other Income</b>	<b>(99,918.91)</b>
<b>Net Income</b>	<b>(141,456.73)</b>

**COMMUNITY HEALTH PARTNERS**

112 W Lewis St  
Livingston, MT 59047

**Invoice**

Date	Invoice #
12/31/2018	West 12.18

<b>Bill To</b>
Town of West Yellowstone P.O. Boz 1570 West Yellowstone, MT 59758

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
	2018 Calendar Year Risk Share	100,000.00	100,000.00
		<b>Total</b>	\$100,000.00

## MEMORANDUM OF UNDERSTANDING

### Draft Agreement Town of West Yellowstone

This MOU is between The Northern Rock Mountain Economic Development District (NRMEDD) and the Town of West Yellowstone, Montana, hereinafter referred to as the Town.

**The purpose** of the MOU is to define roles and responsibilities related to providing economic development to the Town.

**Background:** NRMEDD is a 501-C6 and the federally designated economic organization serving Gallatin and Park Counties. The NRMEDD mission, its stated bylaws and organizational structure are designed to support public agencies and local officials.

Public agencies pay annual fees to NRMEDD which in turn are used to leverage federal grants from the Economic Development Administration. Member fees and federal grants provide for most of NRMEDD's annual operating costs, however occasionally fees may be charged for large, time-intensive projects.

As a result of grants and member fees, most NRMEDD programs are offered to the public at no cost or at deeply discounted costs.

#### **The parties Agree as follows:**

NRMEDD agrees that in exchange for the payment of the annual membership fee, it will serve as the Town's economic development organization and will provide the following services without costs to local businesses:

1. **Business Recruitment** – NRMEDD will assist the Town prepare a tailored business recruitment strategy. NRMEDD will support the Town in sustaining or implementing the strategy. Currently NRMEDD has a business development fund that averages about \$25,000. The monies are ready and available to support business recruitment.
2. **Business Development Planning** – Business development planning includes providing a forum for public entities within Gallatin and Park Counties and for reviewing and making recommendations to local growth management plans, infrastructure development plans, proposed new developments and other activities that may have long-term economic impacts. NRMEDD will prepare on demand economic impact studies that forecast the economic and job impacts of targeted projects (small fees may be charged for tailored impact studies).
3. **One-on-One business counseling** – NRMEDD will provide one-on-one business counseling to businesses that may be referred by the Town or by its partner organizations. NRMEDD has a Team of Professionals (TOPS) team that provide no, or low cost consulting. Businesses will not be required to pay fees for an initial consultation or to enroll in fee-based classes to receive services.

4. **Job Development and Work Force Training grant preparation** – the state of Montana provides job development and workforce training grants through its Big Sky Trust Fund (BSTF). NRMEDD agrees that it will not charge Town businesses fees related to preparing or supporting grant applications to the BSTF program.
5. **Revolving Loan Fund consulting** – NRMEDD agrees it will provide RLF consulting to Town businesses without cost to the applicant. (note: the RLF program may be subject to additional business or organizational fees to help offset marketing, loan servicing and RLF management services).
6. **Visioning** - There is a need for the Town’s business and community leaders to better manage and understand technology impacts. NRMEDD has formed relationships with major U.S. and International organizations and will continue to seek world-class speakers who can highlight technology such as artificial intelligence, the halo lens, autonomous vehicles, smart-Town applications, quantum computing and life-science innovations. NRMEDD commits that it will host events that seek to explore the future and technology impacts.
7. **Providing support to local Non-profit organizations** – Nonprofits are a vital component of the Town’s economy and often have the same consulting needs as for-profit enterprise. For several years NRMEDD has taken a lead in assisting non-profits operate more efficiently and to assist their fund raising activities. NRMEDD works in partnership with NorthWestern Energy to offer grants and reports to area non-profits. NRMEDD commits that it will continue serving local nonprofits with low and no cost business assistance services.

This agreement recognizes NRMEDD as the Town’s economic development provider, however; it does not preclude the Town from entering into an agreement with any other service provider to provide economic development or any of the services listed in this agreement.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2019.

## **Town of West Yellowstone** **Revolving Loan Fund Management Plan**

### **1. Purposes of the Revolving Loan Fund**

- a) To promote the economic wellbeing of the Town of West Yellowstone by helping to finance projects which maximize private sector investment;
- b) To stimulate job creation, job retention, housing and expand business ownership opportunities in the Town of West Yellowstone;
- c) To encourage maximum utilization of existing vacant and underutilized buildings;
- d) To stimulate investment in the renovation and conservation of small business space;
- e) To supplement traditional bank financing, business owner investment, and other business loan and investment instruments; and
- f) To increase the workforce housing opportunities within the Town of West Yellowstone.

### **2. Administration**

#### **A. The Contractor, hereafter defined as the Northern Rocky Mountain Economic Development District (NRMEDD), shall provide the day-to-day management of the West Yellowstone Revolving Loan Fund, including:**

- a) Be responsible for the overall Revolving Loan Fund administration;
- b) Assist Revolving Loan Fund applicants with packaging of loan development proposals;
- c) Recommend amount and terms of the Revolving Loan Fund and owner participation for each project;
- d) **CHANGE** Seek new loan candidates when directed by the **Town**;
- e) NRMEDD shall review preliminary proposals for basic consideration and either recommend to approve or recommend to deny;
- f) The NRMEDD Loan Advisory Committee shall include staff or support that is professionally trained and competent to analyze loan applications;
- g) The Loan Advisory Committee will review and recommend applications regarding their compliance with the Town's Revolving Loan Fund standards and objectives;
- h) Evaluating and determining completed loan applications, and preparing a business and credit presentation for the Town's Loan Review Board;
- i) The Loan Advisory Committee will forward approved applications to the Town's Loan Review Board where the final loan recommendation will be made;
- j) If appropriate, NRMEDD shall complete loan documentation and loan closing;
- k) Servicing the loan portfolio;
- l) Processing monthly loan payments; and
- m) Communicating with the Loan Review Board, and the Town including coordinating Loan Advisory Committee and Town's Loan Review Board meetings.

**Commented [r1]:** Removed the \$30,000 or any amount that would automatically trigger the search for candidates. The decision is now left to the Town's discretion

## B. The Loan Review Board

The Town's Loan Advisory Board shall consist of three (3) members who are appointed by the Town Council;

- 1) The term of each Board member shall be three (3) years, and the members shall serve until successors are appointed and sworn in.
- 2) Utilizing the directives of this management plan and the recommendations of the NRMEDD Loan Advisory Committee, the Loan Review Board will review and vote to recommend to approve or vote to recommend to deny loan applications received from the Loan Advisory Committee. Approved loan applicants by the Loan Advisory Committee will be forwarded to the Town Council for their approval.
- 3) For transition purposes the initial terms shall be staggered. Initial appointment shall be one member for one year, one member for two years, and one member for three years.

## C. Eligibility Criteria

- 1) The West Yellowstone Revolving Loan Fund will provide financing only for projects that are located within the Town of West Yellowstone or **CHANGE** its immediate impact area. All benefiting businesses must remain within the Town of West Yellowstone for the life of the loan. Each loan agreement will state this requirement. The Town has the right to immediately demand payment in full if the borrower closes the business or moves out of town.
- 2) The applicant must supply business owner investment, and/or other business loan and investment instruments.

Commented [r2]: Allows businesses on the edge of the town to be considered

## D. Eligible Projects

Eligible project activities include loans for:

- 1) Business start-ups, expansion, building improvements, renovations, capital equipment, housing, public facilities and/or other economic development activities.
- 2) The goal of the West Yellowstone Revolving Loan Fund is the creation and retention of quality jobs, housing and sustaining or enhancing the real value of the Town's commercial and industrial sector.
- 3) Eligible uses of West Yellowstone Revolving Loan Fund loan funds include but are not limited to: land or building purchases, housing related projects, workforce housing projects, construction, rehabilitation, expansion, or installation of commercial and industrial buildings or public facilities; purchase of machinery or equipment; working capital; inventory; and employee training.

## E. Ineligible Loans

Loans secured by out-of-state real estate, assets, and/or equipment

## F. Revolving Loan Fund Terms and Conditions

- 1) No loan shall exceed the maximum length of 10 years.
- 2) Interest rates will be a fixed rate between 5% to 8%.
- 3) No loan shall exceed the amount of \$80,000 without Town council approval.
- 4) Payments will be made on a monthly basis and due on the 1<sup>st</sup> of each month.
- 5) Loans will be evidenced and documented and may be subordinated to the primary lender/s liens.

- 6) Before any Revolving Loan Fund funds are disbursed, all necessary Town, State, or Federal Permits must be obtained.
- 7) The Loan Review Board may establish other customary conditions to complete and service the loan
- 8) There is no prepayment penalty provision on any loan.

#### G. Fees

- 1) All costs associated with legal documentation preparation and review, recordings and filings shall be borne by the applicant and shall be payable before or at the closing of the loan.
- 2) **CHANGED** A loan closing fee, not to exceed 1% (based on loan amount) may be charged by the NRMEDD to the client before closing an approved loan.
- 3) **DELETED** - Applications must include a non-refundable \$100.00 loan application fee.

Commented [r3]: Changed from 2%

Commented [r4]: Removed nonrefundable fee

#### H. Loan Closing Document Package

Applications will be processed and presented by NRMEDD to the Revolving Loan Fund Loan Review Board. The following is a list of documents often included in a loan application. Each loan is different, but NRMEDD will advise the applicant as to which documents are required in their loan package which may include:

- Loan Application Form (signed and dated)
- Written Business Plan
- Explanation of Need for Loan
- Employment Projections
- Source and Use of Funds Statement
- Personal Financial Statement (signed and dated)
- Personal Federal Income Tax Returns (last 3 years)
- Authorization to Release Information (signed and dated)
- Business Financial Statements: Income Statement (last 3 years)
- The Loan Review Board
- Cash Flow Projections (3 years)
- Business Federal Income Tax Returns (last 3 years)
- Resumes of Key Personnel
- Vehicle Title(s)
- Guarantors Loan Application
- Lease Agreement(s)
- Buy/Sell Agreement(s)
- Inventory List (list the amount owed on each item).
- Copies of Valid Bids for Construction Projects.
- Written Cost Estimates for Machinery, Equipment, Furnishings & Fixtures Purchases
- Commitment Letter from Bank or Other Lender
- Corporate Documents (By-Laws, Articles of Incorporation, Certificate of Existence)
- Business Licenses
- Bonding Information
- Verification of Hazard Insurance
- Verification of Life Insurance

## **I. Loan Review and Screening**

Completed loan applications will be reviewed and presented to Loan Review Board within thirty (30) days of it being deemed complete by the Contractor. Due diligence, credit presentation and underwriting will not commence until a completed loan application is received. Each loan application must be supported by the applicable due diligence/verifications that needs to be completed within thirty (30) days of receipt of the completed application and all the required attachments:

- Title reports and lien searches for all proposed collateral
- Verification of legal entity's status
- Borrower(s) Credit Report
- Verification of deposits reported on financial statements
- Verification of loans with lending institutions
- Borrowers with significant accounts payables and receivables must provide aging reports

Applications that do not pass this preliminary due diligence phase will be declined.

Secondary due diligence will involve verification of borrower projections, investigation of market, collateral values, and underlying contracts. Each application will require a different scope of investigation. However, the primary focus of investigation will be on factors that impact the borrower's projected cash flow and ability to repay the loan

## **J. Collateral Requirements**

The Loan Review Board will consider the merits and potential economic benefits of each request. To encourage the participation of other lenders, the Town's Revolving Loan Fund monies may be subordinated to liens securing other loans made in connection with the project.

When appropriate, liens, assignments, and personal guarantees will be secured in accordance with the following principles:

- 1) Collateral for working capital loans will normally be liens on inventories, receivables, realty, fixed assets or other available assets of the borrower.
- 2) Security in the form of assignment of patents, licenses, and other assets with a realizable value may also be required.
- 3) Life and/or disability insurance will be required on each owner or key person(s) of the business or corporation with twenty percent (20%) or more ownership. Such policies will have the Town of West Yellowstone listed as collateral assignee.
- 4) Hazard or liability insurance will be required on all businesses and policies will have Town of West Yellowstone listed as loss payee.
- 5) Liens on personal or other non-business assets, co-signers, personal guarantees, or other forms of additional security may be required as determined by the Loan Review Board. Personal guarantees will be required for any person owning twenty percent (20%) of a corporation and who will be listed as a borrower.

If the collateral for the loan is jointly owned, both the parties must execute the loan agreement and loan closing documents.

\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of the \*\*\*\*\*

A Bill for an Act entitled: "An Act revising resort tax laws to allow for the imposition of an additional resort tax for infrastructure; providing that up to an additional 1% may be levied for infrastructure; providing that resort communities with a population of greater than 5,500 may not levy the additional resort tax; and providing an immediate effective date."

Be it enacted by the Legislature of the State of Montana:

**Section 1.** Section 7-6-1501 , MCA, is amended to read:

**"7-6-1501. Definitions.** As used in this part, the following definitions apply:

(1) "Board of directors" means the board of directors of the resort area district.

(2) "Infrastructure" means tangible facilities and assets related to water, sewer, wastewater treatment, storm water, solid waste and utilities systems, fire protection, ambulance and law enforcement, and roads and bridges.

~~(2)~~(3) "Luxuries" means any gift item, luxury item, or other item normally sold to the public or to transient visitors or tourists. The term does not include food purchased unprepared or unserved, medicine, medical supplies and services, appliances, hardware

supplies and tools, or any necessities of life.

~~(3)~~(4) "Medical supplies" means items that are sold to be used for curative, prosthetic, or medical maintenance purposes, whether or not prescribed by a physician.

~~(4)~~(5) "Medicine" means substances sold for curative or remedial properties, including both physician prescribed and over-the-counter medications.

~~(5)~~(6) "Qualified elector" means a person who is qualified to vote under 13-1-111 and is a resident of a resort community, resort area, or proposed or established resort area district.

~~(6)~~(7) "Resort area" means an area that:

(a) is an unincorporated area and is a defined contiguous geographic area;

(b) has a population of less than 2,500 according to the most recent federal census;

(c) derives the major portion of its economic well-being from businesses catering to the recreational and personal needs of persons traveling to or through the area for purposes not related to their income production; and

(d) has been designated by the department of commerce as a resort area prior to its establishment by the county commissioners as provided in 7-6-1508.

~~(7)~~(8) "Resort area district" means a district created under 7-6-1532 through 7-6-1536, 7-6-1539 through 7-6-1544, 7-6-1546 through 7-6-1548, and 7-6-1550 that has been established as a resort area under 7-6-1508.

~~(8)~~(9) "Resort community" means a community that:

(a) is an incorporated municipality;

(b) has a population of less than 5,500 according to the most recent federal census;

(c) derives the primary portion of its economic well-being related to current employment from businesses catering to the recreational and personal needs of persons traveling to or through the municipality for purposes not related to their income production; and

(d) has been designated by the department of commerce as a resort community."

{Internal References to 7-6-1501:

7-6-1502 \*x    7-6-1502 \*x    7-6-1551x    7-6-1551x  
7-6-4461x    7-7-4424 \*x    15-65-101x    16-4-420x

16-4-420x}

**Section 2.** Section 7-6-1503 , MCA, is amended to read:

**"7-6-1503. Limit on resort tax rate -- goods and services subject to tax.** (1) (a) The Except as provided in subsection (1)(b), the rate of the resort tax must be established by the election petition or resolution provided for in 7-6-1504, but the rate may not exceed 3%.

(b) (i) Subject to subsection (1)(b)(ii), an election petition or resolution provided for in 7-6-1504 may provide for an additional resort tax levy at the rate of up to 1%. The revenue from the additional tax must be used to provide funding for infrastructure.

(ii) A resort community with a population that exceeds the

population limit for a resort community in 7-6-1501 may not levy the additional resort tax provided for in subsection (1)(b)(i).

(2) (a) The resort tax is a tax on the retail value of all goods and services sold, except for goods and services sold for resale, within the resort community or area by the following establishments:

(i) hotels, motels, and other lodging or camping facilities;

(ii) restaurants, fast food stores, and other food service establishments;

(iii) taverns, bars, night clubs, lounges, and other public establishments that serve beer, wine, liquor, or other alcoholic beverages by the drink; and

(iv) destination ski resorts and other destination recreational facilities.

(b) Establishments that sell luxuries shall collect a tax on such luxuries."

{Internal References to 7-6-1503:

7-6-1502 \*x    7-6-1502 \*x    7-6-1505x    7-6-4463x

7-7-4424 \*x}

**Section 3.** Section 7-6-1504 , MCA, is amended to read:

**"7-6-1504. Resort tax -- election required -- procedure -- notice.** (1) A resort community, ~~or~~ resort area, or resort area district may not impose or, except as provided in 7-6-1505, amend or repeal a resort tax unless the resort tax question has been approved by a majority of the qualified electors voting on the question.

(2) The resort tax question may be presented to the qualified electors of:

(a) a resort community by a petition of the electors as provided by 7-5-131, 7-5-132, 7-5-134, 7-5-135, and 7-5-137 or by a resolution of the governing body of the resort community; ~~or~~

(b) a resort area by a resolution of the board of county commissioners, following receipt of a petition of electors as provided in 7-6-1508;

(c) an existing resort area district by a resolution of the board of directors of the resort area district in accordance with special district election procedures provided for in 13-1-501 through 13-1-505.

(3) If a proposed resort area is in more than one county, the resort tax question must be presented to and approved by the qualified electors in the resort area of each county.

(4) The petition or resolution referring the taxing question must state:

(a) the rate of the resort tax;

(b) the duration of the resort tax;

(c) the date when the tax becomes effective, which date may not be earlier than 35 days after the election; and

(d) the purposes that may be funded by the resort tax revenue. If the petition or resolution includes the additional tax provided for in 7-6-1503(1)(b)(i), the revenue from the additional tax must be designated for infrastructure and the specific uses must be identified in the petition or resolution.

(5) On receipt of an adequate petition, the governing body shall hold an election in accordance with Title 13, chapter 1, part

5.

(6) (a) Before the resort tax question is submitted to the electorate of a resort community or resort area, the governing body of the resort community or the board of county commissioners in the county in which the resort area is located shall provide notice of the goods and services subject to the resort tax by a method described in 13-1-108.

(b) The notice must be given two times, with at least 6 days separating the notices. The first notice must be no more than 45 days prior to the election, and the last notice must be no less than 30 days prior to the election.

(7) Notice of the election must be given as provided in 13-1-108 and include the information listed in subsection (4) of this section.

(8) The question of the imposition of a resort tax may not be placed before the qualified electors more than once in any fiscal year.

(9) The governing body, as defined in 7-6-1505, of a resort area, resort area district, or resort community that already imposes a resort tax may submit to the qualified electors of the resort area, resort area district, or resort community the question of whether to levy the additional resort tax provided for in 7-6-1503(1)(b)(i). The election must be noticed as provided in this section and conducted as provided in 13-1-501 through 13-1-505."

{*Internal References to 7-6-1504:*

7-6-1502 \*x    7-6-1502 \*x    7-6-1503x    7-6-1506a

7-6-1508x    7-6-1508x    7-6-1509a    7-6-1541x

7-6-4464x    7-7-4424 \*x}

**Section 4.** Section 7-6-1541 , MCA, is amended to read:

**"7-6-1541. General powers of resort area district.** (1) A resort area district may:

(a) have perpetual succession;

(b) sue and be sued in any court of competent jurisdiction;

(c) acquire by any legal means real and personal property necessary to the full exercise of its powers;

(d) make contracts, employ labor, and do all acts necessary for the full exercise of its powers; and

(e) issue and repay bonds as provided in 7-6-1542.

(2) (a) Subject to subsection (2)(b), the board of directors for a resort area district that does not have perpetual succession may submit the question of extension of the term of the resort area district directly to the qualified electors in an election conducted in accordance with Title 13, chapter 1, part 5. If the electorate extends the term of the resort area district, the provisions of this part continue to apply.

(b) The board of directors may not submit a question to the qualified electors to extend the term of a resort area district until the expiration of at least one-half of the existing term of the resort tax, as provided for in 7-6-1504. If a vote to extend the term fails, successive votes to extend the term may be taken no more than once each year.

(3) The board of directors may submit to the qualified electors of the resort area district the question of whether to levy the

additional resort tax provided for in 7-6-1503(1)(b)(i) for infrastructure. The election must be noticed as provided in 7-6-1504 and conducted as provided in 13-1-501 through 13-1-505.

~~(3)~~(4) The board of directors shall exercise the powers described in 7-6-1533 through 7-6-1536, 7-6-1539 through 7-6-1544, 7-6-1546 through 7-6-1548, and 7-6-1550."

{*Internal References to 7-6-1541:*

7-6-1501 \*x    7-6-1532 \*x    7-6-1535 \*x    7-6-1536 \*x}

**Section 5.** Section 7-6-1542 , MCA, is amended to read:

**"7-6-1542. Resort area district board powers related to resort tax revenue -- bonds -- election -- restrictions.** (1) The board of directors ~~of a resort area district~~ may:

(a) appropriate and expend revenue from a resort tax for any activity, undertaking, or administrative service authorized in the resolution creating a resort area and adopting a resort tax;

(b) adopt administrative ordinances necessary to aid in the collection or reporting of resort taxes and in the expenditure of resort tax revenue; ~~and~~

(c) except as provided in subsection (2), if approved by four of the five board members, issue bonds to provide, install, or construct any of the public facilities, improvements, or capital projects authorized as provided in subsection (1)(a) and pledge for repayment of the bonds the revenue derived from the resort tax; and

(d) submit to the qualified electors of the resort area district the question of whether to levy the additional resort tax

provided for in 7-6-1503(1)(b)(i) for infrastructure.

(2) A Except for bonds pledging resort tax revenue raised from an additional resort tax levy for infrastructure provided for in 7-6-1503(1)(b)(i), a resort area district may not issue bonds to construct any single-purpose public facility, improvement, or capital project in an amount exceeding \$500,000 without the approval of a majority of the qualified electors voting at an election conducted in accordance with Title 13, chapter 1, part 5.

(3) The provisions of 7-6-1506(3) apply to the issuance of bonds by a resort area district, and the board of directors shall conclude that the projected useful life of the public facilities, improvements, or capital projects will be greater than the term of the bonds that were issued to construct the public facilities, improvements, or capital projects.

(4) Resort tax revenue that is pledged by a resort area district to the repayment of bonds must be sufficient to pay the principal and interest on the bonds in each year when the principal and interest is due. Bonds do not constitute debt for the purpose of any statutory debt limitation. A Except for bonds pledging resort tax revenue raised from an additional resort tax levy for infrastructure, a resort area district may not issue bonds pledging proceeds of the resort tax for repayment unless the board of directors in the resolution authorizing issuance of the bonds determines that the annual principal and interest payment on the bonds issued will not cumulatively exceed 25% of the average of resort tax revenue received by the district during the preceding 5 years. Bonds may not be issued for a term longer than

the remaining duration of the resort area district.

(5) A resort area district may not commit cumulative annual debt service payments that exceed 70% of the revenue raised from an additional resort tax levy for infrastructure provided for in 7-6-1503(1)(b)(i). Debt service payments do not constitute debt for the purpose of any statutory debt limit. The additional resort tax levy for infrastructure may not be collected when the bonded obligation ceases unless the board submits and the qualified electors approve the additional levy for infrastructure as provided in 7-6-1504 and 13-1-501 through 13-1-505.

(6) Debt service payments may not be issued for a term longer than the remaining duration of the resort area district."

{Internal References to 7-6-1542:

7-6-1501 \*x 7-6-1532 \*x 7-6-1535 \*x 7-6-1536 \*x

7-6-1541x 7-6-1541 \*x}

NEW SECTION. **Section 6. {standard} Effective date.** [This act] is effective on passage and approval.

- END -

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TOWN OF WEST YELLOWSTONE  
**Planning Board Public Hearing**  
**Moonrise Meadows Development**  
**January 29, 2019**

PLANNING BOARD MEMBERS PRESENT: James Patterson-Chair, Chris Burke, Teri Gibson, Chipper Smith, Rob Klatt, Randy Wakefield

COUNCIL MEMBERS PRESENT: Mayor Brad Schmier, Pierre Martineau

OTHERS PRESENT: Town Manager Daniel Sabolsky, Dave DeGrandpre-Land Solutions, Inc., and approximately 50 members of the community

The meeting is called to order by Chairman James Patterson at 7:00 PM in the Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.

Portions of the meeting are being recorded.

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Chairman James Patterson calls the meeting to order and introduces the members of the Planning Board. The purpose of the meeting is to take public comment pertaining to the Moonrise Meadows Minor Subdivision Application to develop approximately 21 acres of R-4 zoned land at the northwest corner of the Madison Addition. He also introduces Dave DeGrandpre of Land Solutions, a contract planner hired by the Town of West Yellowstone to review the application. Patterson explains that DeGrandpre will present his evaluation, then they will hear from the developer, and then they will take public comment.

DeGrandpre explains that he has prepared a staff report that he will highlight, explaining that the application is to develop 5 lots and 180 new condominium dwelling units on Tract 1 (PUD Tract) at the northwest corner of the Madison Addition subdivision. DeGrandpre explains that it is his recommendation to adopt his report as findings of fact and grant conditional approval subject to at least 18 conditions. DeGrandpre points out initial concerns about the increase in traffic that will be generated by the development and that there is only one entrance/exit to the subdivision as well as sight distance and snow storage. He briefly addresses review criteria such as fire hazard and mitigations, impacts on local services. He points out that the developer has estimated an impact of up to 72 more students in the local school but explains that Montana law prohibits a local government for assessing a developer for school funding. He emphasizes that it is his recommendation that they require a second ingress/egress to the subdivision, noting that it is very unusual to allow this kind of development with only one way in and out.

Rob Yeakey of the Yeakey Family Trust is present at the meeting. He introduces Matt Hausauer, Project Civil Engineer for C & H. Also present is Dean Burgess and Steven Clayton of Studio H Design. Hausauer explains that they do agree with the report and recommendations as presented by DeGrandpre. He says that they do intend to add a second ingress and egress that will most come to and from Hayden Street. Bob Abelin of Abelin Traffic Services. addresses the board and the public. He explains that traffic planning is a very subjective topic but is something they should talk about. He says that the level of traffic on Hayden at this time is approximately 1000 cars a day, based on traffic counts they took last May. He says peak traffic hours are right around 100 cars per hour. He says that this project is expected to create around 1300 cars per day and increase peak hour traffic conditions to 200 cars per hour, or an average of one car every 15 seconds. He says that is an increase, but questions whether that is truly a traffic problem. He says the other concern is the intersection with Highway 20. He says that they look at the average traffic volumes but acknowledges that they see a 400% traffic difference between summer and winter. He explains that there will likely be traffic delays at that intersection during the summer months, but questions whether they should design to that. He says that Montana Department of Transportation (MDT) has concurred with their study, but they need to consider strategies to address that. He says the obvious solution is a traffic signal, but MDT agreed that would only be useful for a few months during the summer. The rest of the year it could potentially cause more delays and rear end crashes. He affirms that there really is not a good way to mitigate the traffic issue during those heavy summer months. Patterson suggests a full traffic signal at the intersection for the heavy summer months but changing it to a flashing caution light the rest of the year. Abelin says that would be an unusual approach and he doubts MDT would agree to

that, but it's a possibility. He says a "round-about" is another possibility, but the general consensus from the audience indicates that is not a popular idea. Teri Gibson asks questions about the estimated traffic impact and MDT's review of the traffic. Abelin explains that the accepted factors used by the Institute of Traffic Engineers, calculates traffic flow based on primary land use to determine average daily trips. The group briefly debates the validity of the traffic numbers, DeGrandpre explains how the factors are determined based on Institute of Traffic Engineers (ITE). Chipper Smith says that regarding traffic on Hayden, during the summer months, people are going to get creative to avoid those difficult intersections. Gibson clarifies that the developer has agreed to add a second entrance/exit but questions where it will be. Hausauer explains that they will put that entrance/exit to align with Cascade Avenue.

The meeting is opened to public comment. Richard Gibson expresses concerns about traffic volumes during the school year and establishing appropriate sight distances year-round. Town Manager Dan Sabolsky expresses concerns about liability to the town due to geometric sight distances, vision triangles, and design standards says they need to consider straightening out Hayden and widening the street. DeGrandpre requests that the developer produces a graphic showing that second entrance/exit that details sight distances so the Town's engineer can evaluate. Diane Konieczny says that she is mostly concerned about both entrances/exits dumping onto Hayden. She says she thinks the development is good, she would like to see less units but understands that is their decision. Richard Gibson says that the impact on Hayden is going to be greater than they anticipate and recommends that they find another way to enter/exit the development. Dave Graff says he is currently building in the Madison Addition and questions whether anything is being done to control traffic speed and if there will be a homeowner's association to mandate maintenance. He states that he has served on the Ogden, Utah Planning Commission and wonders why the conditional use is being considered. DeGrandpre explains that there are two components to the project and explains that the Planning Board is considering the subdivision application under the Montana Land Use and Platting Act. The Planning Board will make a recommendation on that. The second component is a Conditional Use Application before the Town Council which is required by the zoning and the only variant that is being requested is to allow building height up to 37 feet as only 32 feet is normally allowed. Graff closes his comments by stating that he thinks the density of this development is too great. John Juracek says that he walks Hayden Street nearly every day of the year and agrees that this development is needed, but the density is too great, and they shouldn't have two entrances/exits from Hayden. Arloa Stewart says that her driveway is adjacent to the current entrance to Moonrise and says that they already have traffic issues. She says that what they really need to do is put in sidewalks to make it safer for pedestrians. Lauren Anderson adds that they also walk that area and agrees that they need to consider pedestrian safety, but believes the development is a good thing for the community. Multiple comments are made suggesting a second entrance/exit from the development through Forest Service property on the west side to connect with Iris Street. Rick Fairbanks says that it is uncommon to put the densest part of the subdivision in the back of the subdivision. He says that the 400% traffic increase is unique to their community and its nearly impossible to access Hayden as it is in the summer months. He suggests a land swap for property in the new 80 acres. Gary Hendricks says he sent a letter expressing concerns, specifically traffic increases, and possible violation of the existing covenants in the Madison Addition. He says it conflicts with the Town's zoning ordinances, he believes the structures are incompatible with surrounding homes, has concerns about his property value, and the impact on water and sewer systems. John Layman agrees with Hendricks comments and says that this development is not conducive to the existing homes in the area. He says he understands that the Town needs housing and believes that this development would be more appropriate in the new 80 acres. Layman says that he did some development in southern California and says that the traffic studies were conducted by both the developer and the city/state and it should be approached that way. David Konieczny asks who are the targeted buyers for the units? Rob Yeakey says that they anticipate having units that start at \$191,000. Konieczny says there are very few people in this town that can afford even that. Dustin Hojem expresses concerns about the impact of the traffic on Hayden, especially around the school. He asks if the moratorium for building will be lifted and if the infrastructure is in place. Patterson responds that they will not lift the moratorium just for this project, but they will ensure that the

necessary infrastructure will be put in place before the project can be built. Jason Brey, District Ranger, says that it is a terrible precedent to look to federal land to solve a problem created by private interests. However, he says the Forest Service would possibly consider an application from the Town for a road from the development to connect to Iris. But he says the application would likely take up to two years to get through the environmental studies and then they may still not get the answer that they want. Rob Yeakey, the developer, points out that the land in question has been zoned R-4, high density since it was developed in 1984. He says that it is unfortunate that the Town only reserved one entrance/exit to the development at that time. Gay McBirnie agrees with previous statements that having two entrances/exits on Hayden will create serious safety hazards and they must come up with something else. Les McBirnie says there should be an exit out of the development to the west to connect to Iris Street. Chairman James Patterson asks for any more public comment and then closes the comment period.

Chris Burke asks the developer if they considered the impact on the new owners in the development and the one entrance/exit. Yeakey responds that they did and based on the International Fire Code, they can build up to 200 units with one entrance/exit. Patterson asks Yeakey if they reduce the number of units is it still profitable. Yeakey answers that the affordable housing goes away, and he must spend more per unit. He points out that he spent more on this piece of land than the Town did for the entire 80 acres. Smith says that there is actually more congestion and sight distance problems on the east side of the Madison Addition than on the west. He says that the Town should probably work with the developer to establish a pedestrian plan for the entire subdivision. He says that even though he doesn't like the safety concerns or increase in traffic, if they proposal falls within the established parameters, they must review it fairly. He has heard people complain for years that that parcel had one home on it and should have been apartments. Now they have someone that is going to build residences, which is the best way to provide affordability. He says that if they deny the application without valid reason, the developer will sue, and the Town will pay while the development goes forward. He adds that perhaps they really need to look at sidewalks and pedestrian paths.

DeGrandpre directs the Planning board to the recommended conditions he prepared for the Preliminary Plat Approval. He explains that although concerns have been expressed, the zoning for the area is R-4, high density. The developer is not asking for any kind of variances for density or parking. He says the biggest concern that has come out tonight is traffic and they briefly discuss speed limit, which is currently set at 25 mph. Sabolsky says he believes 25 mph is as low as they can go, but they will ask the Chief of Police. Patterson says a suggestion made in a previous meeting was to build the entrance wider so there are two lanes in and out. Yeakey says they did consider that but there is a town ordinance that it would conflict with. It is suggested that they consider that and applying for a variance. The board, engineers and Sabolsky discuss whether the appropriate sight distances exist to ensure intersection safety at the main entrance/exit. The board discusses requiring the second entrance/exit to be built to the standards of the town streets. They also discuss the sight triangle at length and ask the developer and his engineers to present a plan that exhibits the appropriate lengths. Greg Forsythe says that it is the responsibility of the Town to make the right decision, even if they don't like it. DeGrandpre explains that it is not the Town's role to enforce covenants, even though the homeowners may feel differently, an opinion backed up by the Town's administration and the Town's attorney. The board discusses affordability of the units. Teri Gibson says that she thinks \$191,000 is affordable and the majority of the board agrees. They agree that is a price that will be affordable to someone. The board discusses the easement at the northeast side of the development, where Fairbanks pointed out that the buffer zone between the existing homes and the development is reduced. Yeakey agrees that can be corrected and they can expand that easement in that area. The board considers snow storage and whether there is adequate space. Hausauer explains that they used the standard from the British Columbia snow storage design to determine how much space is necessary. He explains that there is essentially 15' on each side of the road for snow storage. Sabolsky contends that the sight lines and snow storage is not adequate. He says that at a minimum, the Town will have to haul snow from the lots around the entrance. Yeakey says that he will donate the remainder of the lot they will use for the second entrance/exit for snow storage. Patterson emphasizes that snow corners are a hazard and they

struggle to keep the sight lines available. He encourages the engineers to consider that as they re-work the plan for that area. Abelin says that the proposal to put a 4-way stop at that intersection may work and they will go back and study that. DeGrandpre says that based on board discussion, he suggests the board adopt the staff report as findings of fact, grant preliminary approval with recommended and amended conditions, including street right-of-way instead of easements, extending open space to the northeast corner of the subdivision, and change condition #10 to have second ingress/egress built to city standards and paved within a 60-foot right-of-way. Sabolsky asks if the plan they bring back doesn't meet all the requirements and the board has already conditionally approved it, what do they do then? The board considers scheduling and whether to table the application and meet again in two weeks or vote conditionally tonight. The group then discusses that if they change the intersection to a 4-way stop, the sight triangle issue goes away, especially if they develop a 52-foot wide egress.

Motion carried to table the Preliminary Plat Application for the Moonrise Meadows Subdivision until the next Planning Board Meeting on February 12, 2019. (Burke, Gibson)

The meeting is adjourned, 10:15 PM.

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Chair

ATTEST:

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Town Clerk