

**Big Sky Resort Area District  
Minutes from February 12, 2003  
Board of Directors Open Meeting**

Attending: Carol Collins, Chair  
Renae Schumacher, Director  
Jim Muscat, Vice Chairperson  
Dorothea Jude, Big Horn Boutique Owner

Walter Ainsworth, Director  
Sarah Ouellette, Office Administrator  
Heidi Peacock, Treasurer-Secretary  
Lori Blue, Moosely Montana Owner

- 1) Public Comment: Dorothea Jude and Lori Blue present to express their discontent with the Snow Express. Apparently, the drivers are not coming through their parking lot to make their "whistle stop" as scheduled. They have called Meg O'Leary recently to inform. In addition, board told them to go to the Transportation Dist. meeting as they did not really have a say in their scheduling, but did hear them out and thought they had legitimate complaint.
- 2) Carol Collins, chair called meeting to order at 12:25
- 3) Walter made motion to approve the minutes of the Dec. 12, 2002 open meeting, Renae 2<sup>nd</sup>, all were in favor.
- 4) Tax Items: Cigarettes: Board decided that this should *not* be a taxable item. No one is taxing them at this time. Carol thought it was considered a "grocery" item and board considered that because the State was taxing, they did not think we could too. Fish and Game Licenses: No, considering the Fish and Game Dept. require it. Board did not think it was a luxury item. Gaming: After discussion as to whether or not this should include lottery tickets and or the poker/keno and machines and gaming tables, the board decided we should get a legal opinion on this. Currently no one is taxing either. The ordinance specifically mentions "gaming" as a taxable item.
- 5) Westfork Rid: Sarah gave a brief update on pending RID. Westfork had a meeting earlier in the week and according to their engineer, Lee Evans they did not have enough of their votes back to move forward with the County Commissioners to continuing forming the RID. They had until May however to get at least over 50% in order for the commissioners to even consider it. Technically they need 60%. Currently their status of Petition for the proposed RID was 23.9% for the RID and 32.2% against. A "No" response is equivalent to an "against" response. Paul Pariser from Firelight Meadows has voted against and he has at least 171 votes.
- 6) Allocation and Application Dates-Board discussed amendments to the application and made their final changes. Sarah is to revise and post that they are available. Sarah is to look into having the meetings at Bucks and to have the allocations on June 4 instead of the 10. Jim made motion to approve these dates: Applications due on April 9, 2003, Q&A Forum on May 21, 2003 and allocations on June 4, 2002. Walter 2<sup>nd</sup>.. All were in favor.

  
Heidi Peacock

- 7) Sheriff Agreement: Carol said that Madison County would only sign on for one year instead of the three that the agreement stated for fye 03. Carol approved this change and has initialed the agreement. It is finalized with both Madison and Gallatin County Commissioners signatures.
- 8) Carol Collins, Chair report: She said she was asked by the Big Sky Comm. Corp. to write a letter to the Natl. Park Assn. in support of the Ousel Falls parking lot for a grant they are writing. Jim asked that she Email each member a copy first and after discussion, Walter made a motion to approve, Heidi 2<sup>nd</sup>. All were in favor. Carol briefed the board on the Governance Committee stating that the Senate has passed it so far and currently the “non-residents” are still on the bill.
- 8) Next meeting is scheduled for March 19, 2003. Open meeting adjourned

**Big Sky Resort Area District  
Minutes from March 19, 2003  
Board of Directors Open Meeting**

Attending:	Carol Collins, Chair	Walter Ainsworth, Director
	Renae Schumacher, Director	Sarah Ouellette, Office Administrator
	Jim Muscat, Vice Chairperson	Heidi Peacock, Treasurer-Secretary

- 1) No Public Comment
- 2) Carol called meeting to order at 12:05
- 3) Walter made motion to approve the minutes of the open meeting for Feb. 12, 2003, Jim 2<sup>nd</sup>, all in favor.
- 4) Budget: There was discussion about wages, bad debt, income, etc. changes were to be made by Sarah to present to board at next meeting.
- 5) Sales Tax: Carol briefed board on bills in Senate, the board decided they wanted to have Mona Jamison continue to go forward and represent the BSRAD by attending these legislation meetings, etc. Jim feels we should get an update or report from Mona every so often. Heidi made motion for board to agree to cap this legislation representation at \$5000.00, Walter 2<sup>nd</sup> and all were in favor.
- 6) Old Business/Governance: Carol mentioned there is a BSOA meeting on March 21 at 9 AM. She said the bill might actually be pulled from legislation.
- 7) Open Meeting adjourned at 1:00

*Heidi Peacock*

*Carol L. Collins*

**Big Sky Resort Area District  
Minutes from June 4, 2003  
Board of Directors Open Meeting-Allocations**

Attending: Carol Collins, Chair  
Renae Schumacher, Director  
Jim Muscat, Vice Chairperson  
Mona Jamison, Attorney  
Walter Ainsworth, Director  
Sarah Ouellette, Office Administrator  
Heidi Peacock, Treasurer-Secretary

- 1) Public Comment: Devon White voiced his support for the Transportation District's application, says it should be a free service, wants funded at 100%. Mike Scholz spoke in support of Transportation District and has petition with 19 business signatures for support. Marne Hayes feels board should fund Westfork road reconstruction, as does Bill Dutton, Frank Calvin- Sheriff, who feels it goes way beyond the Westfork HOA maintenance, as does Tom Owen, Laura Larocco wants BS Comm. Corp land purchase funded and all of BSOA's applications; esp. the Task Force Study on Affordable Housing. JC Knaub wants board to support Softball and Skateboard park applications, Roberta Crew supports Library request, Curly Shea asks for support of Chamber of Commerce. Meg O'Leary also supports Chamber's request.
- 2) Briefing: Carol Collins, Chairperson briefed the public on the protocol of meeting: She explained that there was not an agenda, but rather every allocation decision would be based on motions and a vote. Stated that none of the allocations were final until board voted on the resolution for the allocations amounts in its entirety at the end of the meeting. She said that all the requests here in front of the board were legal entities that the board could fund if desired. She mentioned that the American Legion Post 99 application could not be funded legally because the constitution prohibits governmental entities from allocating cash grants to individuals and corporations even if it is for a charitable organization.  
(For the record, the applications total \$1,531,380.45 and the board has previously approved \$1.2 million to allocate for this fiscal year.)
- 3) Allocations: Jim Muscat made motion to fund the Gall Co Cons. Vol Fire Dept for \$252,882 for capital expenses, including the final payment on the ladder truck. Heidi 2<sup>nd</sup>, Walter said he wants to cut the total request by 15% for a total decrease of \$60,000.00. Jim said the Fire dept. has stated that they could "run on their own" with out the Resort Tax, Heidi said that they need to look into mill levy as the board has asked before. Carol wants to fund this amount of \$252,882, but suggested to board to allow Fire Dept. to spend those funds on what ever line items they see as necessary. Jim and Heidi withdrew their motions after discussion and Jim made a new motion to fund the Fire Dept for the \$252,882 and to allow them to spend it as they see fit as per their application; the BSRAD board did not define the items that the funds could be spent on. Heidi, 2<sup>nd</sup>, all were in favor, motion passes.

- 4) Walter made a motion to fund the Sheriff Dept for \$87,661.00, Renae 2<sup>nd</sup>, all were in favor, motion passes.
- 5) Walter made a motion to fund the Friends of the Library request for \$38,542.00, Heidi 2<sup>nd</sup>, All were in favor, motion passes.
- 6) Jim made a motion to fund the Big Sky Comm. Corp for \$150,000.00, Renae 2<sup>nd</sup>. Discussions: Heidi does not agree with appraisal, thinks an independent one needs to be performed, but does go along with this \$150,000.00 request because she feels that “we couldn’t lose at that amount.” After much discussion, it was agreed, that if the board should fund this entity for this request in the future, that the board would want that independent appraisal done. Resort Tax office will hold this \$150,000.00 until the BS Comm. Corp has acquired their full funding to purchase land. This condition should be in contract. All were in favor, motion passed.
- 7) Walter made a motion to fund the Skate Park Request at \$4442.95, Renae 2<sup>nd</sup>, All were in favor, motion passed.
- 8) Renae made a motion to fund the Softball Application for \$8826.50, Walter 2<sup>nd</sup>, Jim stated it was a safety issue and that they should finish what was started. All in Favor, Motion carried.
- 9) Renae made a motion to roll over \$9882.69 for Spur Rd Trail Study, Walter 2<sup>nd</sup>, All were in favor. Motion carried.
- 10) Heidi made a motion to fund the BSOA request for \$25,000.00 for Signage. Renae 2<sup>nd</sup>. All were in favor.
- 11) Renae made a motion to roll over the BSCW&S Dist. #363 request of \$15,000.00 for aerial photography, Heidi 2<sup>nd</sup>, Jim abstained from voting. Everybody else was in favor, motion carried.
- 12) Walter made a motion to fund the one-time Zoning Agent in the amount of \$20,000.00, Heidi 2<sup>nd</sup>, Heidi feels that the Gall Co. has forced us to fund this service and that they (the County) should step up to the plate. Jim concurs- doesn’t want to set a precedence. Walter feels we have a chance to solve some of our own problems. Renae agrees we have a problem but doesn’t want to fund the full amount. Carol and Renae think it’s possibly a problem to fund this under the “Gallatin County” umbrella. Vote: Walter for it and the rest of the board members voted against (Carol, Jim, Heidi & Renae). Motion failed.
- 13) Renae made a motion to fund the BSCW&S Dist. #363 request of \$74,720.00, Heidi 2<sup>nd</sup>, Walter said he is opposed because the BSCWS has the capability to fund themselves; coupled with the fact that BSCWS already receives \$500,000.00 off the top of the budget. Heidi and Jim pointed out that the Water Dept. is separate from the Sewer District. Jim is refraining from voting (Mona pointed out that he legally did not have to.) Carol agrees with Walter but said we need water storage. Vote: Carol, Heidi and Renae were in Favor, Walter opposed, motion carried.
- 14) Jim made a motion to fund the BSSR for \$11,600.00 for their final truck payment. Heidi 2<sup>nd</sup>, All were in favor. Motion passed.
- 15) Heidi made a motion to fund the BSSR request for \$7750.00 for operational expenses, Walter 2<sup>nd</sup>, Board discussed that in the future they would like more of a breakdown on the specific equipment to be purchased; although this is

not a condition of the funding. All board members were in favor, motion carried.

- 16) Walter made a motion to fund the BSOA for the \$7500.00 for Select Services. Jim 2<sup>nd</sup>, all were in favor, motion passed.
- 17) Walter made a motion to fund \$80,000.00 of the Chamber request to exclude the Photo Library line item, Renae 2<sup>nd</sup>, Jim Muscat stated that this is a necessary entity, but thinks the businesses that belong to the Chamber need to step up. Carol supports but wants request decreased to \$60,000.00 and to allow the Chamber to spend as they see fit-within the perimeters of their application. Vote: Renae, Walter and Heidi were all in favor, Jim and Carol were opposed. Motion passed.
- 18) Heidi made a motion to fund the Chamber request of \$40,000.00 and that this new motion would super cede the initial motion, this motion would exclude the Photo Library and the Public Relations hiring, Jim 2<sup>nd</sup>. After some discussion as to how they could spend it, Heidi made a substitute motion to fund \$60,000.00 of the Chambers request and to allow them to spend as they see fit within the perimeters of their application, Renae 2<sup>nd</sup>, Renae, Carol and Heidi were in Favor, Jim and Walter were opposed. Motion carries.
- 19) Walter made a motion to fund the BSAA for \$30,000.00, Renae 2<sup>nd</sup>. Renae said she would like to see the amount lowered. Jim agrees. Thinks they should be self-supporting. Walter said they are trying to improve their service. Carol is concerned with their budget and feels it's hard to read and that they should be self-supporting. Heidi said she was refraining from voting (She did not state why, however; legally Heidi did not have to refrain from voting.) Walter, and Renae were in favor, Jim and Carol were opposed. Motion denied.
- 20) Renae made a motion to approve \$20,000.00 for the BSAA, Walter 2<sup>nd</sup>, Walter, Jim, and Renae voted in favor, Carol was opposed. Heidi did not vote, (Heidi did not give a reason for refraining from voting; however, legally she did not have to refrain.) Motion passed.
- 21) Walter made a motion to fund \$335,950.00 for the Transportation District request, Heidi 2<sup>nd</sup>. Jim said they've really increased the request a lot from previous year. Said a nominal fee to charge shouldn't be such a burden. Walter mentioned that low-income employees also use buses. Renae doesn't want to fund full amount. Heidi said she received about ten emails with concern about the times the bus runs and not about the possibility of a fourth bus. Walter, Heidi, Carol and Renae were in favor, Jim was opposed. Motion passed.
- 22) Renae made a motion to fund the BSOA Ousel Falls Trail request for \$37,940.00 Heidi 2<sup>nd</sup>, Heidi opposed to the parking lot study funding in request, Walter agrees and wants to support \$20,000.00, Renae made a substitute motion to fund \$29,400.00 to exclude the parking lot cost. Walter 2<sup>nd</sup>, All were in favor.
- 23) Walter made a motion to fund the BSSEF for \$29,140.00, Heidi 2<sup>nd</sup>. Heidi mentioned that the Junior Olympics were successful and supports all but the snowmobile. Walter made a substitute motion to fund \$20,140.00 to exclude the snowmobile, Heidi 2<sup>nd</sup> and stated that the fundraiser could have been more successful. Jim agrees with Walter and wants it to be more self-sufficient.

Carol is not in favor. Voting in favor was Jim, Heidi, Walter and Renae and Carol was opposed. Motion passed.

- 24) Renae made a motion to fund Buckridge Grooming for \$13,500.00, Heidi 2<sup>nd</sup> and all were in favor.
- 25) Walter began discussing the Westfork Request of \$100,000.00 to fix Pine Drive/Westfork Entrance and thought that the businesses should pay for it.. Based on BSRAD being located in the Westfork Subdivision, Walter made a motion for the BSRAD to contribute \$10,000.00 to the Westfork Assn. for the Pine Dr. road maintenance. Carol stated if this motion were passed, this money would have to come out of BSRAD budget, not the allocations. Heidi 2<sup>nd</sup>. Carol mentioned that our budget for FYE 2003-2004 has previously been approved and if this motion passes then the BSRAD board would need to amend their budget. Bill Dutton, of BSWB stood and said their business was also willing to contribute. Carol stated that the board has spent several million dollars on the sewer district infrastructure so why couldn't the board spend a little on this to get it taken care of. She said that the development brought it on and that it is very important to take care of it. She brought up the fact that some of the businesses have offered contributions. Walter said that the stipulation of contributing the \$10,000.00 would be based on Westfork raising the balance to fix it. Vote: Walter and Heidi voted in favor. Jim, Carol and Renae were opposed. Motion failed.
- 26) Renae made a motion to fund \$35,000.00 of the Westfork application, Heidi 2<sup>nd</sup>, Walter said he doesn't want to set precedence. Jim feels this amount is fair. Carol feels this is a unique road access. Vote: Carol, Renae and Jim were in favor, Heidi and Walter were opposed, Motion carries.
- 27) Renae made a motion to fund \$10,000.00 on the BSOA 191 Trail repair request, Jim 2<sup>nd</sup>. Heidi was concerned with maintenance expenses with resort tax dollars. Carol, Jim and Renae were in favor, Heidi and Walter were opposed. The motion carries.
- 28) Renae made a motion to fund \$10,000.00 for the Gall. Co. Zoning Agent application and reduce the Transp. Dist. funding by \$3000.00 in order to fund this, Walter 2<sup>nd</sup>. It was noted that this contract would be with a Gallatin County agent only, Renae and Walter were in favor, Carol, Heidi and Jim were opposed. Motion failed.
- 29) Renae made a motion to fund the Big Sky Comm. Corp Winterfest at \$1218.00, Heidi 2<sup>nd</sup>, Walter said that the money they raise is donated to another entity, so why should the BSRAD fund. Renae and Jim concur. It was stated that this money was mainly for the purchase of tents-which other people could borrow if necessary. Jim, Carol and Renae were in favor. Heidi and Walter were opposed. Motion carries.
- 30) Renae made a motion to add the balance of the funds available, \$5867.55 to the Westfork Pine Drive previous motion/funding. Heidi 2<sup>nd</sup>. Renae, Jim and Carol were in favor, Heidi and Walter were opposed. Motion passed.
- 31) Jim Muscat made a motion to approve the resolution on the previous motions totaling \$1.2 million dollars in allocations. Heidi 2<sup>nd</sup>, All were in favor. Motion carries

Public Comment after allocations: Mike Scholz congratulated the board on their hard work, Devon White thanked the board for funding the entities that bring in more tax dollars. The following people also thanked the board: Dee Rothschilder, Laura Larocco, Debra Dietz, Marne Hayes, Bill Olson, and Marlene Fontana. The meeting was adjourned at approximately 4:20 P.M.



*Carol L. Collins*

**Big Sky Resort Area District  
Minutes from September 10, 2003  
Board of Directors Special Open Meeting**

Attending: Carol Collins, Chair  
Renae Schumacher, Director

Heidi Peacock, Secretary-Treasurer  
Sarah Ouellette, Office Administrator

- 1) Public Comment: None
- 2) Carol Collins, chair called meeting to order at 9:35 am
- 3) Carol briefed board on reason for meeting: Gallatin County Election Officer wants to conduct our upcoming election on November 4, 2003 via mail. However, the county has informed us that the board can contest that if they would rather have a public election. Carol had spoken with personnel at the Clerk and Recorders office as well with Jean Palmer who works at our Big Sky Post Office and is also an election judge to get an understanding of the cost and projected turnout. Results are as follows: To have the ballots mailed, etc. the cost is approx. \$494.00, which would include postage, instructions and the envelopes. The cost of the Public Election would run approx. \$294.00, which would include the cost of the three judges.

After some discussion, the board felt they would have a better turn out at a publicly held election. Board also felt it was more cost effective.

Heidi Peacock made a motion to have the election conducted in Big Sky instead of via mail. Renae Schumacher 2<sup>nd</sup>, All were in favor.

A resolution was drafted and signed by all of the above in attendance and mailed to the Gallatin County.

- 4) Meeting adjourned at 9:50 am.

Approved 12/10/03



**MINUTES FROM THE B.S.R.A.D. NOVEMBER 12, 2003 OPEN MEETING**

**Attending:**

Carol Collins, Chairperson

Renae Schumacher, Secretary-Treasurer

Jim Muscat, Vice Chairperson

Mona Jamison, Attorney

Sarah Ouellette, Office Administrator

Al Malinowski, Director

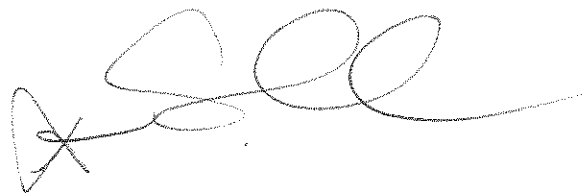
Lance Child, Director

- 1) Public Comment: None
- 2) Carol Collins, chairperson called meeting to order at 12:05
- 3) Jim made a motion to approve minutes of the Sept. 24, 2003 open meeting, Renae 2<sup>nd</sup>, all were in favor.
- 4) New Business-Elect Officers: Before electing Carol briefly described the respective positions' responsibilities and noted the terms were for four years. Renae made a motion for Carol Collins to remain as the Chairperson, unanimous vote in favor. Renae made a motion for Jim Muscat to remain as the Vice Chairperson, unanimous vote in favor. Jim made a motion to elect Renae as the Secretary-Treasurer, unanimous vote in favor. The newly elected board members, Al, Lance and Carol were given Oath's of Candidacy to sign for County records.
- 5) Bank Accounts: Carol stated that it was necessary to remove the previous board members, Walter Ainsworth and Heidi Peacock as signers and add the new board members, Al Malinowski and Lance Child as signers on the following accounts: Montana Short Term Investment Pool (STIP), Big Sky Western Bank accounts = Money Market 503460, operating 105260, checking 105341, CD's #10573, 10574 and CD 10575, and American Bank accounts = CD 631000461. Al Malinowski made a motion to remove Walter and Heidi and to add Lance and himself, Lance 2<sup>nd</sup>. All were in favor. It was noted that all of the accounts require two signers except checking #105341
- 6) Old Business, Public Reporting on Collections: In the previous open board meeting Bob Donovan requested that the BSRAD office begin publicizing a collections report on a regular basis. After some discussion, the board did not want to do this because this information is already public knowledge upon request. Renae said I could send Bob Donovan a copy from time to time. On this topic, it was asked why the District didn't publicly print businesses that had taxes in arrears. Mona said it was illegal and that the District does have a "legal opinion" on it.
- 7) Legal Opinion #54 was handed out on Non-Profit organizations and whether or not they can legally collect and pay resort tax: Mona said the District should

never have exempted Non-Profits initially, especially as a “category.” According to the case law in this opinion, it is necessary for non-profits to collect if it is for a commercial profit for a person or entity. Exempt sales would be intended for goods and services such as bake sales or car washes by the Boy Scouts, or a theater production by an amateur drama group for example. Mona recommended that the board repeal Section 10R of Ordinance 98-01, and has given the following as points of discussion: 1) Does the board want to exempt 501-3C i.e. the Rotary Club and the Boy Scouts? 2) Review opinion and begin thinking about what changes are necessary in Ordinance 98-01..

- 8) Events form: Handout was in board packet and board has decided it is not necessary to pursue, but rather would amend the ordinance in reference to the above issue.
- 9) Affordable Housing: Bob Donovan was present at previous meeting and requested the board discuss on future agenda. Bob was not present at today’s meeting. Carol made a statement that the board cannot be speculative on future applications. Jim said a “vehicle” needs to be created first on this issue. Carol also stated that the board *does* have the authority to place funds aside for certain projects like this if a request is made and approved during the District’s regular allocation period.
- 10) Financial Statements-There was some brief discussion on the budget vs actual. Emergency Funds- Carol mentioned that she was not a supporter of this fund, as did Jim. Mona reminded the members that it took all members to approve funding from this account; however, to change the resolution it only takes 2/3 of the board to change. Place on next meeting’s agenda.
- 11) Next meeting is scheduled for December 10, 2003. Meeting adjourned at 1:30.

approved 1/14/04



**MINUTES FROM THE B.S.R.A.D. DECEMBER 10, 2003 OPEN MEETING**

**Attending:**

Carol Collins, Chairperson  
Renaë Schumacher, Secretary-Treasurer  
Jim Muscat, Vice Chairperson

Public: Mindy Nowakowski  
Sarah Ouellette, Office Administrator  
Al Malinowski, Director

- 1) Public Comment: None
- 2) Carol Collins, chairperson called meeting to order at 12:05
- 3) Renaë S. made a motion to approve minutes of the Nov. 12, 2003 open meeting, Al M. 2<sup>nd</sup>, all were in favor.
- 4) Collections Procedures: Administrative Officer provided a handout which outlined current collections procedures, legalities and examples of Non Payments letter and Enforcement letter. After discussion the board decided that the Administrator should be consistent in terms of the "courtesy" phone calls or letters. Additionally, board has requested a written policy as to when these calls, letters, etc. will go out and how long taxpayers have until they would receive a Non-Pymt. letter. Basically, come up with time frame after they have received such a call or letter.
- 5) Goal Setting Meeting: Carol C. said if board did hold this meeting, then it would open to the public, but would not be run by an agenda. Board agreed to meeting and decided it would be held some time in beginning of Feb.
- 6) Public Mtg: The administrator had passed out an example of the previous short public survey and asked board if they were interested in holding a public input meeting as had been done in the past. Jim M. suggested that maybe the board perform a mass mailing type of questionnaire instead of a meeting. After discussing, ultimately the board decided not to hold meeting or do a mailing. They did not feel it was necessary. Mindy N. suggested that if the board did do a questionnaire, that it should be a short one. She also suggested that the board think about creating a web-site which could have copies of our various ordinances and forms, etc. available
- 7) Old Business-Non Profit Organizations: A copy of the Ordinance 98-01 as well as opinion #54 was provided. After reviewing both documents, Jim said that he doesn't think the board should exempt any non-profits from collecting resort tax-it should be across the board. Mona has recommended from the previous meeting that the board remove section 10R from the ORD 98-01. Carol reminded the board, (taken from opinion #54) that basically unless it is a non-commercial for-profit organization, then they (business or organization) are subject to collect tax.

Carol wants Administrator to speak with Mona regarding language of the above recommended change. Also, under section 9G, "movie and vcr rentals", change to "movie and related equipment rentals."

- 8) Emergency Fund: A copy of the Ordinance explaining this was provided. After some brief discussion it was requested that this item be placed on a future agenda.
- 9) Financials- Reviewed.
- 10) Next Meeting scheduled for Jan 14, 2004. Meeting adjourned at 1:45.