

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
January 7, 2014

COUNCIL MEMBERS PRESENT: Mayor Jerry Johnson, Brad Schmier, Doc Stewart, John Costello, Tom Cherhoniak

OTHERS PRESENT: Operations Manager Becky Guay, Finance Director Lanie Gospodarek, Chief of Police Gordon Berger, Town Attorney Jane Mersen

The meeting is called to order by Mayor Jerry Johnson at 7:00 PM in the Povah Community Center

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.

Mayor Johnson thanks Stewart and Cherhoniak for their time and dedication to the Town and for their willingness to serve on the council. He also thanks the staff for their hard work and says that they have really got a lot of things accomplished over the last couple of years.

The first order of business is to swear in the new council members, Greg Forsythe and Cole Parker. Town Clerk Liz Roos administers the Oaths of Office for Forsythe and Parker. The next item is election of the Mayor and Deputy Mayor. Costello nominates Brad Schmier and the motion is seconded by Forsythe. Schmier accepts the nomination. Johnson says that he thinks Schmier is the most qualified individual at the table. The motion is passed unanimously.

Mayor Schmier asks for nominations for Deputy Mayor. Forsythe nominates John Costello and it is seconded by Parker. Costello accepts the nomination and the motion passes unanimously.

ACTION TAKEN

- 1) Motion carried to nominate Brad Schmier to be the Mayor for 2014. (Costello, Forsythe)
- 2) Motion carried to nominate John Costello to be the Deputy Mayor for 2014. (Forsythe, Parker)
- 3) Motion carried to approve the claims, which total \$48,278.68. (Johnson, Costello)
- 4) Motion carried to approve the Consent Agenda, which includes the minutes of the December 3, 2013 Town Council Meeting, December 10, 2013 Town Council Meeting, and December 17, 2013 Town Council Meeting & Training Session. (Johnson, Costello)
- 5) Motion carried to the approve the Application to Maintain an Encroachment made by DP Holdings LLC (commonly known as Ernie's Bakery & Deli) to replace a damaged sign on public property in the interior park of Block 10. (Johnson, Costello) Motion fails by unanimous vote.
- 6) Motion carried to reappoint John Greve to the Marketing and Promotions Fund Advisory Board for a term of three years. (Johnson, Forsythe)
- 7) Motion carried to approve the six applications for the Colothing Bank Ad Hoc Committee: Doug Buskirk, Grace McCoy, Brian McCoy, Corinne Fagerburg, Salle Engelhardt, and Bob Everest. (Forsythe, Johnson)
- 8) Motion carried to approve the Outside Amplification Permit for the Fun Run Sled Dog Races on January 18-19, 2014 between the hours of 8 AM and 1 PM. (Johnson, Costello)
- 9) Motion carried to approve the Special Event Permit and request for assistance made by Charlotte Mooney/Klondike Dreams to run a sled dog race down Yellowstone Avenue on February 2, 2014. (Johnson, Costello)

Council Comments

Parker says he got a call last night about the ice skating rink and asks why it is not open. Patterson says that they poured it again this week and it didn't freeze hard enough last night so they had to let it sit another day. Forsythe says that based on the numbers from skate rentals at Westmart, they had a phenomenal response during the Christmas and New Years period and it appears that the new location is working out very well. Parker says he has also heard requests for a port-a-potty. Patterson says that a lot of people do not realize that the restrooms in the city park are open. Parker suggests a sign. Costello says that he saw a comment on Facebook from Rose Patnode where she offered to make a sign and perhaps they should take her up on that. Costello asks Town Attorney Jane Mersen what the proper procedure is for Council Members contacting the attorney and whether such inquiries should go through the Operations Manager or the Mayor, first. Mersen says that there is no hard and fast rule so it is really up to the Council as to how to handle that. She says that in other municipalities they typically went through the Mayor, mostly for the purpose of keeping the bill from the attorney under the control. Schmier asks Johnson how it has been handled in the past. Johnson says that such inquiries usually went either through the Mayor or the Operations Manager. The Council agrees to discuss this with Guay at a later date.

Public Comment Period

No public comment is received.

DISCUSSION

- 3) Schmier explains that there is one addition to the claims list tonight, \$890 for the annual financial report filing fee. Costello asks what that fee is for. Gospodarek answers that not only do they have to submit a very detailed financial report to the State on an annual basis, they have to pay to submit it.
- 4) The minutes are approved. Stewart and Cherhoniak also indicate they approve the minutes as written.
- 5) Schmier explains that the application is to replace a sign that we recently destroyed by a car accident. Forsythe asks if the sign is on city property. Stewart explains that the sign was located in the interior park. Stewart says that the sign has been there a very long time, since before he owned the business. If the encroachment is approved, he will also have to get a permit from the State and then a sign permit from the Town. Forsythe asks if there are many other signs on public property. Johnson responds that he doesn't know of any other signs that are on public property. The Council asks about the size of the sign. Stewart responds that it would be 6' by 8' and between 8' and 10' tall. Forsythe questions whether approving this will open it up for everyone else asking to put up signs on public property. He admits that he had never thought about the fact that that sign was on public property. Schmier asks that since the sign has been there forever, does it set a legal precedence. Mersen says that their code outlines a process for sign permits and encroachments. Approving this encroachment does not mean they have to approve the next application. Costello says that considering how long the sign was there, they should approve it. Johnson says that he thinks the sign should only say "Parking" and not actually identify "Ernie's Deli." The Council considers how to handle the request. Mersen encourages the Council to take public comment on the issue. Marysue Costello suggests that the sign should resemble the parking signs in the downtown area for the sake of consistency and identification. The Council asks Stewart if he would be satisfied with a sign that just said "Parking." Stewart answers that he is not willing to spend \$3000 on a parking sign. The Council votes on the application as written and it is not approved.
- 6) Johnson commends Greve for his past service on the MAP Board as a very dedicated and hard-working board member. Town Clerk Liz Roos clarifies that there is still one more vacancy on the board. Marysue Costello also expresses appreciation for Greve's efforts on the board in the past.

- 7) Benny McCracken asks the Council to consider appointing someone from the Hispanic community to serve on this board. He says that part of the community utilizes the clothing bank and he thinks they should be involved. Forsythe asks McCracken if he is willing to encourage someone from that community to apply. McCracken says he will do what he can. Stewart questions whether race can be a qualification to serve on the committee. The Council responds that they cannot, but agree it would be a benefit. Parker suggests they post the notice in Spanish and perhaps they will get a more diverse response. Johnson says he has already offered to represent the Council on this committee. He asks Mersen if the committee members must be appointed by the Council and she indicates that they should be appointed by the Council.
- 9) Charlotte Mooney of Klondike Dreams explains that she is requesting permission to run the International Pedigree Stage Stop Sled Dog Race (IPSSSR) down Yellowstone Avenue on February 2, 2014. To do this, they need two alleys of snow down the street, approximately two feet tall and five feet apart. Fire Chief Waldron expresses concern about getting the ladder truck or other emergency vehicles out of the Fire Station in the case of the emergency. The Council asks Patterson how he feels about the request. Patterson says that this will cost quite a bit of money. He says it will take them six to seven hours to haul the snow with all the trucks and the grader and then another six to seven hours to remove the berm. Schmier estimates that the berm could be there as long as three days. Patterson says they would probably have to build the berm through the night, but they should consider overtime and personnel costs. Mooney says this race is part of an 8-day race, the largest race in the lower 48 states and second only to the Iditarod. The Council asks Berger how he feels about the request. Berger says he has the same concerns as the Fire Department, emergency response. Schmier asks if they interested parties can get together and work out some solutions and bring this back to the Council. He says the Town has to consider the cost of building the berm, but they also need to work out the concerns from the Fire and Police departments. Stewart and Cherhoniak both voice support for the event and encourage the Council to approve the request. Mooney shares more information about the race and the route for the dog sleds. Johnson expresses support for the race and thinks they need to make an effort to encourage spectators to come out and witness the race. Forsythe asks why they want to go down Yellowstone rather than Madison. Mooney explains that historically when they ran dog races through West Yellowstone, they always went down Yellowstone Avenue-right in front of the Union Pacific buildings. The Council encourages Mooney to work with the Fire, Police, and Public Services Department on the details so the event can happen without endangering the public.
- A) Operations Manager/Department Head Reports: Johnson explains that Operations Manager Becky Guay called him today, she is fighting strep throat and bronchitis and will not be here this evening. She did tell him that she has no concerns about the Fire Departments proposal to establish a 911 Advisory Board and they will work on putting that together.

CORRESPONDENCE

Dated December 15, 2013, Fire Chief Scott Waldron writes to express concerns about the current issues in the Dispatch/911 Center and request the formation of a 911 Advisory Board. Johnson restates that from his conversation with Guay earlier today, she completely supports establishing a 911 advisory board and they can work on establishing that board at the next Town Council Meeting. Waldron addresses the Council and explains that all the agencies that use the Town's dispatch share responsibility for the problems they are having. He says that as he explained in the letter, he thinks they need to form a 911 advisory board to work on some of these problems. Berger explains that the Dispatch Sergeant has been in touch with Teton Communications and they are planning to update their software and equipment in the near future.

The meeting is adjourned. (8:35 PM)

Mayor

ATTEST:

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Work Session
January 13, 2014

COUNCIL MEMBERS PRESENT: John Costello, Cole Parker, Greg Forsythe,

OTHERS PRESENT: Operations Manager Becky Guay, Finance Director Lanie Gospodarek,

The meeting was held at 2:00 PM in the Conference Room at the Town Hall

Public Comment Period

No public comment is received.

DISCUSSION

Deputy Mayor Costello calls the meeting to order and asks for public comment. The purpose of the meeting is to discuss the budget for FY 2014, municipal budgeting in general, and other related topics for the benefit of the new council members. Finance Director Lanie Gospodarek explains fund accounting, the code-specific requirements of municipal budgeting and reporting and the fund balance policy. As the group reviewed the budget for 2013-2014 fiscal year they discussed revenues and expenditures budgeted for the different funds and the differences in requirements of spending in each type of fund. Operations Manager, Becky Guay explained some of the types of projects the town pays for and out of which funds and how those projects can be financed. Guay and Gospodarek covered fund balance and oversight provided by council during the budgeting process. Costello, Forsyth and Parker all ask questions to clarify their understanding about different aspects of the budget.

The meeting is adjourned. (4:15 PM)

Deputy Mayor

ATTEST:

Finance Director

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
January 21, 2014

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

OTHERS PRESENT: Operations Manager Becky Guay, Finance Director Lanie Gospodarek, Chief of Police Gordon Berger, Public Services Superintendent James Patterson, Social Services Director Jack Dittmann, HBFD Scott Waldron, Doc Stewart, Doug Buskirk, Joyce Berger, Grace McCoy, Marge Wanner, Kim Howell, Travis Watt, John Greve, Brenda Martin, Sandi Peppler, Salle Engelhardt, David Arnado, Kurtis Holtzen, Marysue Costello, Tom Cherhoniak, Corinne Fagerburg, Newspaper, Randy Wakefield

The meeting is called to order by Mayor Brad Schmier at 7:00 PM in the Povah Community Center

Portions of the meeting are being recorded.

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

ACTION TAKEN

- 1) Motion carried to approve Purchase Order #6209 to Teton Commuications, Inc. to purchase two computers with Avtec Console Software for \$5983.00. (Johnson, Costello)
- 2) Motion carried to approve the claims, which total \$136,919.48. (Johnson, Costello) Forsythe abstains from Claim #39594 to Westmart Building Center, Schmier abstains from Claim #39599 to Jerry's Enterprises.
- 3) Motion carried to approve the Consent Agenda, which includes the minutes from the January 7, 2014 Town Council Meeting and the January 13, 2014 Budget Work Session. (Johnson, Parker)
- 4) Motion carried to approve the new business license application for Espresso West (2nd Location) at 625 Highway 20, West Yellowstone, Montana, to operate a drive-through espresso business. (Johnson, Parker)
- 5) Motion carried to waive the request to waive the Resort Tax Bond for Espresso West (2nd Location) at 625 Highway 20. (Costello, Parker)
- 6) Motion carried to appoint Kim Howell to the MAP Fund Advisory Board. (Johnson, Forsythe) Parker is opposed.
- 7) Motion carried to award both Marketing and Promotions Fund applications to the West Yellowstone Chamber of Commerce Snowmobile Events Committee: \$7500 for Snow Shoot 2015 and \$7960 for the Snowmobile Expo 2014. (Costello, Johnson)
- 8) Motion carried to accept the applications and appoint Blaize "Doc" Stewart and Kathy Arnado to the Clothing Bank Ad Hoc Committee. (Forsythe, Parker)
- 9) Motion carried to approve the Outside Amplification Permit for the International Pedigree Stage Stop Sled Dog Race for February 2, 2014. (Johnson, Costello)
- 10) Motion carried to appoint Mayor Schmier and Council member Costello to the committee to discuss and make recommendations for the future use of Fire Station One/ESB at 400 Yellowstone Avenue. (Forsythe, Parker)
- 11) Motion carried to approve the Funding Agreement for 2013 Montana Air and Congestion Initiative Program Equipment grant for the purchase of a new Flush (water) truck. (Costello, Parker)

Public Comment Period

Wanner says she would like to credit the Town and specifically James Patterson with the success of relocating the ice skating rink to the city park. She says that the Kids N Snow event last weekend was a huge success and she was really impressed with how it worked out.

DISCUSSION

- 1) Forsythe asks where in the budget these computers will come from. Gospodarek explains that the purchase will come out of the 911 Budget, Fund 2850. He clarifies that this is the same place that the recorder for the dispatch center is budgeted.
 - 2) Parker asks about the claim to the Wagner Group. Guay explains that shortly before John Knapp resigned, he withdrew \$3000 from his unreimbursed medical account, which was \$1000 more than he had contributed at that point in the year. Per IRS regulations, the Town is obligated to pay that \$1000 back to the Wagner Group. Knapp was asked to pay the \$1000 back to the Town, but he refused. Johnson asks about the claim to McKenna Law Firm and how much more work we are expecting McKenna to do. Guay says there are just a couple issues he is still wrapping up. They did ask McKenna to prepare the Legal Counsel opinion for the Annual Financial Report as he was the Town's attorney for the entire fiscal year that is covered by the report.
 - 4) Johnson asks Patterson if the parking is adequate and he responds that it is.
 - 5) Finance Director Lanie Gospodarek reports that the owners have a satisfactory payment history with their other business.
 - 6) The Council agrees to discuss the appointment to the MAP Fund Advisory Board prior to making an appointment. Two applications have been received for one position on the MAP Fund Advisory Board, from Janna Turner and from Kim Howell. John Greve explains that the resolution and ordinance that govern the MAP Fund establish that the board shall be composed of no less than three and no more than seven persons. Johnson gives a brief description of the responsibilities for serving on the board and how the money is distributed. Forsythe asks about the relationship between the Chamber of Commerce and the MAP Fund. Johnson explains that there is a representative from the Chamber on the MAP Fund Advisory Board, but otherwise there is no direct relationship. Johnson does point out that Howell is already serving on the Downtown Improvement District and Planning Board. Howell is present at the meeting and says she is very interested in serving on the board, cares about the marketing of West Yellowstone, and has the time to devote to the board.
- A) **Operations Manager/Department Head Reports:** Operations Manager Becky Guay reports on current issues: **Town Hall Project** – The Town has completed the final draw on the Resort Tax bonds for the Town Hall Project. The total bond amount is \$1,480,866; \$119,134 less than the \$1.6 million authorized by the InterCap program. Window treatments are being installed today. Town staff discovered a leak in the roof above the east stairwell. Dick Anderson Construction (DAC) responded in a timely fashion and had staff working on the problem most of last week. They hired a firm to steam the ice off the roof so they can get at the problem, and will be back this week to continue repairs. We will also be discussing a long-term fix for the problem so it doesn't happen in the future. All work to fix the current problem is being handled under the warranty provision of the Town's agreement with DAC. **Dance Program** – The Town's dance instructor, Madeline Barth, informed us today that she is resigning effective immediately to take a position in Bozeman. Our recreation coordinator is attempting to secure another dance teacher, however the options appear to be limited. We will refund the full cost of the program to the participants unless we are able to continue the program in the next few weeks. We have posted a notice on the Town's website to inform the public. **Police Officer Hiring Process** – The Police Commission hopes to meet this week to begin the review process. **Police Vehicle Purchase** – The new police SUV has

been delivered to the Town. The new SUV has been assigned to Sgt. Aaron Frank. **Dispatch User's Group** – The Town Attorney and I are discussing the structure of this proposed committee and will have recommendations for the Council at your next meeting. **Procedures to Access the Services of the Town Attorney** – Ms. Mersen and I are working on a procedure and will have recommendations for the Council at your next meeting. **Finance Department** – the Finance Officer successfully completed and submitted the Annual Financial Report to the State Department of Administration and is preparing for the annual audit for FY 12-13. Auditors will be in here beginning tomorrow. **Management of UPDL** – Town staff has been meeting with representatives from the Yellowstone Historic Center (YHC) to discuss YHC's proposal to take over the management of the UPDL. YHC staff will seek approval of their proposal and funding request by their Executive Council on January 28. If approved, YHC would like to schedule a meeting with the Town's UPDL ad-hoc committee the week of February 3. If the committee recommends approval of the proposal, YHC will seek final approval from its full board on February 11. The proposal will then be submitted to the Town Council for final action at the February 18th Council Meeting.

Costello asks about the warranty for the new Town Hall in reference to the recent roof leaks. Guay says that the warranty is for one year. Costello questions whether this problem will then extend the warranty for the roof. Guay says she certainly intends to discuss that with Dick Anderson Construction as the one-year warranty will expire before they get through a second winter. Patterson further explains that there was a vent in the roof that had a leak, which caused more hot air in the roof on the east side of the building. He says they really won't know if their solution of adding more vents will solve the problem until next winter because they have removed all the snow and ice from the roof. He clarifies that there are at least two leaks and possibly another.

Forsythe asks about the plans to establish the Police Commission and obtain some outside help prior to hiring another police officer. Guay says they are meeting later this week to discuss procedures, she will explain the hiring process they currently follow, and distribute the applications. Forsythe reiterates that he thinks they should solicit assistance from outside the Town as was discussed at an earlier meeting. Johnson clarifies that the responsibilities of the Police Commission are outlined in state law and will be given to the commissioners along with the minimum qualifications for police officers. Minimum qualifications in Montana are pretty basic, must be 18 years old, citizenship, and a high school graduate. Guay says that state law dictates that police commissioners establish a process for evaluating applications, which must be approved by the Council. Forsythe asks if the commission is going to establish the process and start reviewing applications at the same meeting, before the Council has reviewed and approved the process. Guay says that they need to move this along, their officers are working a lot of overtime. Schmier also questions whether they should start reviewing applications before the Council approves the process. Forsythe agrees. Guay says then that she will not distribute the applications this week and will hold off until after the process has been approved by the Council.

Johnson credits the staff for their dedication to the building project and says that is the reason the project came in under budget. He also asks Gospodarek to ask the auditors tomorrow what it will cost to "piggy-back" an audit for the TBID to the audit they are working on for the Town.

- 8) The Council discusses the applications from Blaize "Doc" Stewart and Kathy Arnado. Guay explains that Arnado is the member of the town staff that ran the clothing bank while it was under the purview of the Town. She says that they must have had somewhat of a miscommunication and she says it probably isn't necessary to appoint Arnado as she will obviously participate with the group to work on the issue.
- 10) Johnson recommends that they appoint Mayor Schmier and Council Member Costello to the committee to meet with representatives of the Hebgen Basin Fire District to discuss

the future use of Fire Station One/ESB Building at 400 Yellowstone Avenue. Johnson says that Schmier has been on the Council for the past four years and therefore is familiar with the agreements and contracts that have affected that building. He says the Costello has a long history and experience with real estate and emergency services in this area. Doug Buskirk asks if they will appoint any members of the public to serve on the committee. After discussion, the Council and Guay agree that they don't need to appoint any members of the public to the committee but the meetings will be open to anyone from the public that may be interested. There will be opportunity at a later time for the public to comment before any action is taken. Patterson indicates that he would also be interested in participating in those meetings.

- 11) Guay explains that the total cost of the truck is \$174,533.08 and the Town's share is only \$23,422.34 or 13.42%. The truck will be delivered in August of 2014. Patterson adds that West Yellowstone has been identified as a high-particulate area, which is why they qualified for the grant.

CORRESPONDENCE

Dated November 7, 2013, US Senator Jon Tester writes to respond to the Town's letter concerning the recent government shutdown and share insight about the effect the shutdown had on Montana's economy.

The meeting is adjourned. (8:15 PM)

Mayor

ATTEST:

Town Clerk