

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
November 5, 2013

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

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

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.

ACTION TAKEN

- 1) Motion carried to approve purchase order #6206 to Lew Schwab Tire for six snow tires and o-rings for the grader for \$8815.00. (Stewart, Cherhoniak)
- 2) Motion carried to approve purchase order # 6207 to ColdCreek Cabinets Inc. & Evergreen Cabinets for \$16,328.81 furnishings for the Town Hall. (Stewart, Schmier)
- 3) Motion carried to approve payment of the claims, which total \$34,266.53. (Stewart, Schmier)
- 3) Stewart asks a couple questions about the claims but is satisfied with the answers from the staff.
- 4) Motion carried to approve the Consent Agenda, which includes the minutes of the October 15, 2013 Town Council Meeting, October 22, 2013 Work Session, and October 29, 2013 Snow Management meeting. (Stewart, Cherhoniak)
- 5) Motion carried to approve the new business license application for BZ Rentals, dba Firehole Cottage to operate a nightly rental and one RV space. (Schmier, Costello) See next motion.
- 6) Secondary Motion to approve contingent upon the proper approvals from the County Health Department. (Stewart, Schmier)
- 7) Motion carried to table the clothing bank location recommendation. (Schmier, Stewart)
- 8) Motion carried to accept the recommendation from the committee to select the firm of Kasting, Kaufman and Mersen, P.C. to provide legal representation for the Town of West Yellowstone. (Costello, Stewart)
- 9) Motion carried to approve Resolution No. 641, a resolution establishing the West Yellowstone Police Commission. (Stewart, Cherhoniak)

Council Comments

Mayor Johnson says that today is election day and commends the candidates that were willing to run for office this year and wishes them well. He says that if he is re-elected, he looks forward to working with the other elected members in the future.

Public Comment Period

Grace McCoy addresses the Town Council and explains that she has had the privilege to work with the clothing bank over the past six weeks and thanks the Town for the opportunity to serve the community.

DISCUSSION

- 7) Mayor Johnson explains that the next topic on the agenda is the future location of the clothing bank. Social Services Director Jack Dittmann prepared a summary of the history, operation, and location of the clothing bank, which was included in the Council Packet. Operations Manager Becky Guay explains that it is the recommendation of the Department Heads to move the clothing bank back into the Union Pacific Dining Lodge. She says that they came to this recommendation because the building is compliant with ADA, it will be heated through the winter because the YHC is occupying it, and it will be run by volunteers. Stewart clarifies that the clothing bank can remain in the basement of the Baptist Church until April 1, 2014. He says that when they built the new Town Hall, they did so with the understanding that Social Services would move out of the UPDL entirely. He says they were assured by Dittmann that they could offer all the same services from the Town Hall that they offered in the UPDL. Johnson says he thinks the clothing bank should be moved to the basement of the Town Hall. The employees can access the basement. Schmier says that he knows his viewpoint is not going to be popular, but he questions why it is the responsibility of the Town government to provide a clothing bank. Forsythe says that when they moved Social Services into the new building, the Town never indicated that they would cut services. Cherhoniak says that he thinks it is a valuable service and a good thing for the Town to provide. Diane Konieczny, Grace McCoy, and Corinne Fagerburg also express support for the clothing bank. Johnson reiterates that the new space for Social Services was designed to provide the same amount of space as in the UPDL. Dittmann points out that they also stored clothing in the hallway and that due to the sprinkler system, they cannot stack food as high in the food bank. Ed Geiger says that the timing of this discussion is somewhat difficult because the YHC is in the process of negotiating future management of the UPDL, which includes use of those other rooms for possible meetings and conventions. The Council agrees that this topic warrants more discussion before a decision is made.
- 8) Operations Manager Becky Guay explains that procedure that was followed to prepare a recommendation for legal services representation for the Town. Guay explains that they formed a committee that included two council members, the Police Chief, Finance Director, and Operations Manager to interview and prepare a recommendation for the Council. The recommendation from the committee is to select the firm of Kasting, Kaufman and Mersen, P.C. and in particular, Jane Mersen, to represent the Town. Mayor Johnson says that he has been involved with the Town's current firm (McKenna Law Firm) for many years and although there has been criticisms, they have done a very good job. He says he was not on the committee that made the recommendation but supports McKenna Law Firm for their history and experience. Stewart says there were some concerns brought up about preparedness for court by McKenna's firm. Jane Mersen introduces herself and assures the Council that they have no concerns about traveling to West Yellowstone to provide service to the Town whenever necessary. Guay indicates that upon direction from the Council, she will start negotiating a contract and bring it back to the council within a couple weeks.
- Guay expresses appreciation to Jim McKenna for his service and dedication to the Town over the past several years. Mayor Johnson agrees and thanks McKenna for his many years of service.
- 9) Schmier questions the language about the term lengths that is included in the resolution. Town Attorney Jim McKenna explains that the statute is not well written, but the Supreme Court ruled several years ago that it was legal to appoint the three members to one of the three year, four year, or five year terms in order to provide for staggered terms. Guay indicates they will advertise to fill the positions on the commission as well as for a new police officer.

- A) **Advisory Board Reports:** Vickie Barta, Chair for the Parks & Recreation Advisory Board reports that they recently met with the organizers of the Kids N Snow events. She says that several questions came up at the meeting that they couldn't answer and they wanted to put them before the Council. She says the skating rink is being moved to Pioneer Park this winter. The first question was whether they need to post "Skate at your own risk" signs at the rink. The staff indicates they have purchased such signs and they should still be around. Greg Forsythe says the signs are in the shack. She says they have other questions about establishing the 120cc snowmobile track in the park, signage for that, advertising banners in the park all winter, storing firewood, the fire pits, garbage collection, and portable toilets. After further discussion, the Council agrees they should have a work session with the advisory board and the organizers of Kids N Snow. Barta also explains that they need power at the ice rink for the Kids N Snow events. She says that her husband, Todd Barta of Barta Electric, believes he can run power from the existing streetlight to a temporary panel attached to the ice rink shack.
- B) **Operations Manager's Report: Town Hall Project** –Two local firms, Cold Creek Cabinets and Evergreen Cabinets combined forces to submit a joint bid to build and install furniture and cabinets in the Town Hall. Their bid of \$16,328.81 was more than \$2,000 less than a cabinet maker out of Billings. Staff recommends that the Council approve the purchase order on tonight's agenda for this work. Plans are included in the agenda packet. Court will be held in the courtroom this Friday. **UPDL Window Replacement Project** – Construction should begin later this week or early next. **Parkway Drainage Improvements Project** – The contractor has completed work in Alley A and Dunraven, Alley D and Dunraven and Alley A and Faithful. Last week the contractor worked on Alley A and Geysler and then Alley B and Electric and Faithful, and then go back to Alley A at Faithful and work westward. Contractor will be completing work for the season this week. **Legal Services RFP** – The evaluation committee presents its recommendation this evening for action by the Town Council. **Affordable Housing** – Staff participated in a conference call on October 28 to discuss the status of the project and also assess next steps. The group is currently hoping to submit an application to obtain CDBG Planning Grant to prepare a feasibility assessment for proposed affordable housing development. The request to obtain a \$30,000 planning grant will require a commitment of \$10,000 from the Town or another source, bringing the total feasibility study cost to \$40,000. The first step in preparing the feasibility study will be to conduct a housing needs assessment. The group is proposing that the Town use \$5,000 from its CDBG Revolving Loan Fund to engage the Bozeman Human Resources Development Council (HRDC) to prepare the needs assessment. The expenditure of \$10,000 for matching funds for the CDBG Planning Grant and the \$5,000 for the needs assessment are NOT currently in the Town's operating budget and would require the Council to approve a budget amendment. **Public Services** – Crews are getting ready for winter and helping finish up the move into Town Hall. Crews have changed the banners on Highway 20, put up the lighted snowflakes and blue lights on light poles around town, picked up bicycle racks and chairs in the downtown area, and have blown out all sprinkler systems in parks and around Town buildings. Trash cans will be removed and stored behind the museum and all water will be turned off in the UPDL this week. A big THANK YOU goes out to public services personnel for all their help in moving. **YHC Lease for Rainbow Room in UPDL** – Staff amended the draft lease as discussed at the last work session and it is currently being reviewed by the Town Attorney.

The meeting is adjourned. (8:20 PM)

ATTEST:

Mayor

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL

Work Session
November 14, 2013

COUNCIL MEMBERS PRESENT: Mayor Jerry Johnson, Brad Schmier, John Costello

OTHERS PRESENT: Operations Manager Becky Guay, Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Chief of Police Gordon Berger, Recreation Coordinator Brandy Holland, West Yellowstone Chamber of Commerce/Kids n Snow Event Representatives Marysue Costello, Cynthia Knapp, Jan Stoddard, Kristy Coffin, Parks & Recreation Board Chair Vickie Barta

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

Portions of the meeting are being recorded.

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

Public Comment Period

No public comment is received.

Mayor Johnson calls the meeting to order and explains that the purpose of the meeting is to discuss the details of the recurring Kids n Snow events that are planned for this winter season in Pioneer Park. The event has previously been held at the ice skating rink on leased property on the east side of South Faithful Street, but the rink has been relocated to the northwest corner of Pioneer Park for at least this season. Those involved previously agreed that it was necessary to have a meeting to work out all the details of the events, which is typically held over four weekends during the winter season. The first issue to be discussed is signage for the rink and sledding hill. The Town has signs that were put up at the previous location that say "Skate at your own risk" or "Sled at your own risk." Patterson indicates that he will make sure the signs are put up. The next item discussed is allowing the small snowmobiles (120 cc or less) in the park on a small track that will be constructed with a snowmobile trail groomer. The group debates fencing the track off, tearing it up after each event, or just allowing the small snowmobiles in there at any time. Stoddard explains that during their events, they require parents to sign a liability waiver before their kids can ride the provided snowmobiles on the track. The group also discusses the fire pits. The organizers explain that they use an elevated barrel that shouldn't damage the grass underneath the snow and they just need to figure out where to store the rings between events. The group also discusses garbage and how to control it and get rid of it following the events. The organizers indicate they will make sure the garbage is taken care of. Patterson says he think they should just find a young person that will take responsibility for picking up the area after each event, like a boy scout. He also says it would be fine if they put the garbage in one of the Town's dumpsters, but there will not be a garbage can or dumpster in the park. Barta says they would also like to use the benches that are in the park that are used for flag football/soccer for putting on/taking off skates. Patterson says that is fine but they will need to move them when it snows so they don't get buried. They also consider moving the aluminum bleacher over to provide seating, but acknowledge they will be cold and slippery. Marysue Costello clarifies that the fires are okay as long as they are not on the grass. Patterson agrees and says what he means is just that the fires are not directly on the grass, they must be elevated on cement bricks or on a sled. They discuss how much space is available in the garage (old Fire Station) that is in the park. Patterson says that there is a lot of gym equipment in there for the police officers, but it does not appear it is used much. He says if they can move that equipment then they will have a lot more space. They also discuss putting power on the light pole. Patterson points out which lightpole the power will be installed on. Stoddard asks if it is okay for them to plug their sound system in during the events and the Town indicates that will be fine. The group discusses when will the ice be put down. Patterson says that they are waiting for enough snow to cover the ground so they can smooth it out and then put down the liner. He says if they get snow this weekend they might be able to put the ice down next week. The group also discusses putting up a banner sign to advertise the event through the winter. They consult the sign ordinance and determine that a temporary banner sign may, with the approval of the

Public Services Superintendent, be put up for the winter season. Barta says the last issue they need to discuss is providing a port-a-potty in the park for the season. Patterson says they are not going to do that and the group expresses dismay...but then Patterson says they are going to keep the public bathrooms open and heated through the winter. He says he believes they can heat the bathrooms for a comparable amount as a port-a-potty would cost for the entire winter. He says they will also plow a trail using their small blower on the skid-steer from the rink to the bathrooms. Public Services will open the bathrooms in the mornings and the Police will lock them up in the evenings. The group agrees that will be a positive thing for the community. The organizers ask if they need to obtain additional permission if they add other activities to the events such as a snowshoe walk. The Council indicates that activities like that can be covered as part of the Special Event permit process. Johnson directs the discussion back to the small snowmobile track and points out that they did not really decide how to handle that issue. Patterson says he thinks it would be great if that track was there for the whole winter. The group considers potential problems such as kids riding their snowmobiles without parents present or larger snowmobiles being ridden in the park. Johnson suggests signage that says no snowmobiles over 120 ccs and adult supervision required. He also suggests that they put the track up for the first event and then monitor how it is used until the January event, which will include Christmas week. The group agrees that they will just need to monitor the situation. They discuss several minor details including advertising for the event, access to the park, and a follow-up meeting after the first event in early January. Costello also reminds Patterson that they are going to meet to evaluate the lighting and space in the garage and they agree to meet next Wednesday.

- 1) Motion carried to approve the claim to Cold Creek Cabinets, Inc. for \$8,164.40. (Costello, Schmier)

- 1) Mayor Johnson explains that this claim is for 50% of the desks/furnishings for the new Town Hall. They are hoping to get the furniture finished and moved in prior to holding an open house for the building in December.

The meeting is adjourned. (8:50 PM)

Mayor

ATTEST:

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
November 19, 2013

COUNCIL MEMBERS PRESENT: Mayor Jerry Johnson, Brad Schmier, and Doc Stewart (by speakerphone), John Costello and Tom Cherhoniak

OTHERS PRESENT: Operations Manager Becky Guay, Public Services Superintendent James Patterson, Social Services Director Jack Dittmann, Finance Director Lanie Gospodarek, Chief of Police Gordon Berger, County Commissioner Steve White, Newly Appointed 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.

ACTION TAKEN

- 1) Motion carried to approve Purchase Order #6208 for \$10,925.40 to purchase six new tires for the grader from Jake's Automotive. (Schmier, Cherhoniak)
- 2) Motion carried to approve payment of the claims, which total \$359,337.28. (Stewart, Cherhoniak)
- 3) Motion carried to approve the minutes of the November 5, 2013 Town Council Meeting and November 14, 2013 Work Session. (Cherhoniak, Schmier)
- 4) Motion carried to table the future of the clothing bank until the last meeting in January and assemble a committee to work with the Council on the issue. (Schmier, Chernoniak)
- 5) Motion carried to approve the MAP Fund recommendations for the Kids N Snow Events, \$5000, and Hebgen Lake Ice Fishing Tournament, \$3500.(Cherhoniak, Schmier)
- 6) Motion carried to appoint Bill Howell to a 5-year position on the Police Commission. (Stewart, Cherhoniak) Motion fails. Stewart votes in favor, Johnson, Schmier, Costello, and Cherhoniak votes against.
- 7) Motion carried to table the Police Commission appointments until the next regularly scheduled meeting. (Costello, Cherhoniak)
- 8) Motion carried to approve the request by the Hebgen Basin Rural Fire District to remodel Station 1 at 400 Yellowstone Avenue. (Cherhoniak, Schmier)
- 9) Motion carried to approve the legal services contract with the law firm of Kasting, Kauffman, & Mersen, P.C. to provide legal counsel for the Town of West Yellowstone for a period of two years. (Stewart, Cherhoniak)

Council Comments

Cherhoniak asks if the Thanksgiving baskets are being delivered or picked up. Dittmann answers that they will be actually be picked up by the recipients. Johnson says that he has discussed combining the annual employee Christmas party with an open house for the new Town Hall. He says they also should think about the grocery store gift certificates they usually give to the employees at Christmas and if they are going to do that this year. Schmier commends Patterson for getting the sledding hill in the city park started already thanks to the recent snowstorm. Ed Geiger asks what items the foodbank is short to fill the Thanksgiving baskets. Dittmann says they can use anything, but whatever they do not have they will be able to get from the Gallatin Valley foodbank on Sunday before the baskets are distributed next Monday. He specifies that they could use more stuffing, pumpkin pie mix, potatoes, and turkeys.

Public Comment Period

No public comment is received.

DISCUSSION

- 1) Mayor Johnson explains that the purchase order that was approved at the previous meeting was only for four tires, but the grader requires six. Patterson solicited new bids and determined that the best price was actually from Jake's Automotive, a local vendor.

- 4) The Council discusses the future of the clothing bank. Guay says that the recommendation from the Department Heads is to move the clothing bank back into the Union Pacific Dining Lodge. She suggests that the Council table this issue until the first meeting in February so they do not have it coming up on every agenda until then. The Council agrees to discuss the issue before making a motion. Cherhoniak says that he supports moving the clothing bank back into the UPDL. Costello says he has put some thought into this and talked to several people. He suggests that they close the clothing bank down on April 1, 2014. He then proposes reopening it on October 1, 2014 in the basement of the Town Hall, staffed by volunteers, and stock only winter clothing, boots, etc. He says they should investigate installing an electronic "stair-chair" to make access to the basement ADA compliant, which his research indicates will cost between \$2700 and \$4200. Schmier says that is a very interesting proposal. Stewart says that it is unfortunate that in a community with five churches there is not a volunteer organization that will take it over. He agrees that it does not belong in the UPDL and should be in the Town Hall as originally intended. Johnson says that he has also talked to several people and there are a lot of people that agree the Town should not be in the clothing business. He also cautions the group that if they push the decision out too far they may forget and they need to be sure to address it before April 1. Ed Geiger suggests putting together a committee of community leaders to discuss the issue and come up with a solution. The group discusses the issue at length. Fire Chief Scott Waldron says that there are two organizations in the area that are very good at this, GoodWill in Bozeman and Deseret Industries in Rexburg. He asks if they have ever looked into or asked one of those organizations to oversee the project.

- 6) Mayor Johnson asks the Council if they would like to discuss the appointments to the Police Commission individually or as a package. Cherhoniak says as a package, Costello says he doesn't want to approve any of them yet and would like to discuss it first, and Schmier says he would like to consider them individually. Stewart says they should also consider the applicants individually and points out that they need to determine which applicant will take which term. Stewart motions, seconded by Cherhoniak, to appoint Howell. Costello says they have advertised for less than two weeks for Police Commissioners and says that he thinks they should delay making these appointments until the next meeting, to give the public a little longer to consider applying. Schmier says he thinks they have three good applicants but doesn't see a problem with waiting another couple weeks and finding out how long of terms the applicants are interested in. Guay explains that they are currently advertising for a new police officer and the deadline is December 4, 2013. The motion fails and the Council is clear that their intention is to postpone these appointments until the first meeting in December in order to give the public a couple more weeks to apply.

- 8) Guay explains that the Hebgen Basin Rural Fire District is now occupying the space vacated by the Town Offices and would like to make improvements to the space. The estimated cost is in excess of \$10,000 and according to the lease, they must ask for permission from the Town before making the improvements. Johnson asks if the improvements need to be inspected. Patterson says he would like to look at it. Waldron explains that the Fire District employees expect to do most of the work except for the electrical.

- 9) Guay explains that Jane Mersen of Kasting, Kauffman, and Mersen was selected at the previous meeting to provide legal counsel for the Town. Guay summarizes the legal services contract that is on the agenda for approval this evening.

DISCUSSION

- A) Operations Manager and Department Head Reports: Operations Manager Becky Guay reports on current issues: **Town Hall Project** – We will be melting the snow and ice off the concrete entryway on the north side of the Town Hall, placing down a mat or carpet and sanding the walkway to help prevent unsafe conditions while allowing the public to access the building via that door. Crews sealed the grout and tile in the building foyer last week. Todd Barta will be installing additional electrical outlets and telephone jacks in the town offices and the courtroom. Liz and Jerry are working to get historic pictures of the town printed to hang on the walls. We have tentatively scheduled an open house/employee holiday party for Thursday evening, December 19. **UPDL Window Replacement Project** – Pre-construction meeting is scheduled for this Thursday, November 21 at 1:30 p.m. at the UPDL. **Parkway Drainage Improvements Project** – The contractor has completed all work for the winter. **Public Services** – Crews began plowing last Saturday and are ready for winter activities. The skating rink is in the process of being moved to Pioneer Park. We will pack and smooth snow to get a level base on which to place the rink liner. Lights and electrical outlets have been installed around the rink and kids sledding hill area and crews have blown snow onto the park that will be used to create the sledding hill. James reports that the recently-implemented weekly safety meetings are going well, are very informative, and have resulted in more safety awareness among the crew. **YHC Office Space Lease in UPDL** –The YHC has submitted a letter (Attachment A) requesting that the draft lease be modified to allow the YHC to lease both their current space in the “Rainbow Room” and also the “Court Room”. This item will be placed on the next Council agenda for discussion/action. **Discussions on Management of UPDL** – YHC has prepared a draft outline of its UPDL management proposal for review (Attachment B). We are attempting to schedule a meeting to begin negotiations. **Discussion with HBFD about Lease/Purchase of Emergency Services Building** – I’ve talked with the Fire Chief about scheduling a meeting to begin these discussions. **Police Department** – The Chief has prepared two more policies for review by the Town Attorney, officers, and MPEA including Partner/Family Member Assault and Complaints and Internal Investigations. The department will be holding expandable baton training sometime in December and, with the City of Bozeman Police Department, is co-sponsoring Partner/Family Assault and Prosecution training in West Yellowstone on January 29, 2014. We will pick up the new police SUV in Livingston later this week. **Social Services** – Staff will be preparing turkey baskets for at least 67 families this year, the most baskets ever. Delivery will take place on Monday, November 25. Social services is also assisting the United Women’s Club with the Christmas Star program to provide gifts for disadvantaged children.

The meeting is adjourned. (8:40 PM)

Mayor

ATTEST:

Town Clerk