

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
October 1, 2013

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

OTHERS PRESENT: Town Attorney Jim McKenna, Social Services Director Jack Dittmann, Finance Director Lanie Gospodarek, Chief of Police Gordon Berger, Sheriff Brian Gootkin, Dispatcher James Longworth, Sergeant Aaron Frank, Mrs. McCoy, Kathy Hopkins, Jake Schmier, Jerry Schmier, Greg Forsythe, Ed Geiger, Gail Loomis, WY School Science Teacher Sara Randle plus six students, Willie Binfet, Assistant Fire Chief Shane Grube, Kyle Goltz Fire Chief Scott Waldron, Social Services Assistant Kathy Arnado, Assistant Superintendent of Public Services David Arnado, Kurt Holtzen, Sherie Holtzen, Sheriff Deputy Matt Stubblefield, Scott Clark, Fall River Regional Manager Randy Wakefield, Cynthia Knapp, Benny McCracken, Officer Neil Courtis, Court Clerk Joyce Hanna

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 pay the claims, which total \$141,409.00. (Stewart, Cherhoniak) Johnson abstains from #39288.
- 2) Motion carried to approve the Consent Agenda which includes the minutes of the September 17, 2013 Town Council Meeting and September 24, 2013 Work Session. (Stewart, Cherhoniak)
- 3) Motion carried to approve the Application to Maintain an Encroachment made by Sara Randle and Jo Stevens of the West Yellowstone School to locate three geocaches on public property. (Stewart, Cherhoniak)
- 4) Motion carried to approve the use of the entire building of Fire Station 1 (10 South Faithful Street and 400 Yellowstone Avenue) by the Hebgen Basin Rural Fire District and establish a deadline of November 1, 2013 to begin negotiations on whether to sell or lease the building to the HBFD and the terms of such lease or sale. (Stewart, Schmier)
- 5) Motion carried to approve the Library Services Contract with Gallatin County for FY 2014. (Stewart, Schmier)

Council Comments

Mayor Jerry Johnson reports that lifelong resident Susie Whitman who has been battling cancer got a clean bill of health last week and that is great news.

Public Comment

No Public Comment is received.

Presentation: Gallatin County Sheriff Brian Gootkin

Sheriff Brian Gootkin addresses the Council and substantial crowd in attendance. He briefly introduces himself and explains that he was a deputy for several years in Big Sky before being elected as the sheriff. He says he has no time for politics and rumors and he is here to set the record straight. He says he wants to make it clear that they are not investigating the West Yellowstone Police Department. He says that if they do receive complaints about police investigations, they are obligated to follow up, and they have had multiple inquiries and complaints. He says it is not their responsibility to act as internal affairs for the police department, that is the responsibility of the Town Council. He says they are always willing to

offer assistance to the West Yellowstone Police Department. He says they did have some questions about training but understands that the Town is addressing those concerns. He also makes it clear that he will not answer any questions about the Chief of Police or any internal issues in the department. Stewart asks how many complaints have been received by the Sheriff's office. Gootkin says he cannot actually provide an accurate answer because some of the complaints have come to his lieutenants, but it does seem like there is a new call daily. Schmier asks if the Sheriff's office is stretched to cover West Yellowstone. Gootkin says no, they have a new deputy in Big Sky, which is being funded by Big Sky's resort tax. McKenna asks about concurrent jurisdiction for felonies, which traditionally has been lead by the West Yellowstone Police Department, and if that going to change. Gootkin answers that it will not. Forsythe asks about procedure for felonies. Gootkin explains that they work with the WYPD and follow up if there are any questions about an investigation. Rocky Hermanson asks for clarification about the chain of command. Gootkin says town residents are also residents of Gallatin County and therefore are under the jurisdiction of the county as well as the Town Police Department. Cynthis Knapp questions whether a new officer that has not attended the academy should be the field training officer. Gootkin says he can only respond in regard to his department, but they typically require a significant amount of training before becoming a training officer. Stewart asks Gootkin if he has any concerns about the safety of the citizens or ability of the officers to respond in West Yellowstone and he says that he does not.

DISCUSSION

- 3) West Yellowstone School Science Teacher Sara Randle addresses the Town Council and explains the geocache project that she and Technology Teacher Jo Stevens are working on with 8th and 9th grade students. She explains that geocaching is an activity that has become quite popular over the last decade. Participants hide "geocaches" of information in obscure locations and other seekers use websites or smartphones and GPS coordinates to locate the cache. She explains that their purpose today is to obtain permission to hide three geocaches on public property. The actual containers are very small and often magnetic. The three proposed locations are on the Union Pacific Water Tower, Union Pacific Stagecoach Pavilion, and close to the Union Pacific Railroad Car. Cherhoniak asks why the students are learning about this. Randle explains that the project requires safe internet practices, learning to read latitude and longitude, mapping, topography, and applying technology. Randle also explains that when people find one of their geocaches, they log it on the website.
- 4) Mayor Johnson explains that last week they held a Work Session with representatives from the Hebgen Basin Fire District concerning the future use of the office space in Fire Station One at 10 South Faithful. He says it was a beneficial meeting and there was agreement that space should be occupied by the fire department. Fire Chief Scott Waldron agrees and thanks the Council for the consideration. Cherhoniak says they also have an obligation to the YHC and perhaps they should wait until they settle that as well. Johnson says that is a good point but they have had discussion about other locations for the YHC that may work out better. Schmier also points out that when that building was constructed 20 years ago, the purpose was to house emergency services. The Town moved in "temporarily" and it turned into 20 years. Johnson also says that after reading the Interlocal Agreeent with HBFD, it is clear that the intent was to turn that space over to HBFD when the Town Offices moved out.
- A) Operations Manager/Department Head Reports: Operations Manager Becky Guay

The meeting is adjourned. (8:00 PM)

Mayor

ATTEST:

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
October 15, 2013

COUNCIL MEMBERS PRESENT: Mayor Jerry Johnson, Brad Schmier, and Doc Stewart, 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

Doug Buskirk, Brian McCoy, Grace McCoy, Don Decontour, Bill Howell, Sue Knapp, Corinne Fagerberg, Joyce Hanna, Cole Parker, Randy Wakefield, Greg Forsythe, new pastor, bus driver Brenda Martin, Kristy Coffin, Betty McCracken, Diane Konieczcy, and multiple other community members

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 payment of the claims, which total \$172,390.29. (Stewart, Cherhoniak)
- 2) Motion carried to approve the Consent Agenda, which includes the minutes of the October 1, 2013 Town Council Meeting. (Stewart, Cherhoniak)
- 3) Motion carried to appoint SJ Shepherd and Lacey Trowbridge to serve on the Library Board of Trustees, as recommended by Rocky Hermanson, Chair for the Library Board of Trustees. (Cherhoniak, Stewart)
- 4) Motion carried to authorize the purchase of blue lights for the downtown area in the amount of \$1239. (Cherhoniak, Johnson) See next motion.
- 5) Secondary Motion carried to move funds in the amount of \$620 from an unknown source to the downtown improvement district to pay for lights. (Stewart, Chernoniak)
- 6) Motion carried to authorize the release \$1500 for engineering for the pavilion. (Cherhoniak, Stewart)
- 7) Motion carried to approve the distribution of a survey prepared by the DID, pending final approval. (Schmier, Chernoniak)
- 8) Motion carried to disband the Public Safety Commission and reestablish the Police Commission. (Schmier, Cherhoniak)

Council Comments

Cherhoniak asks if there will be a ballot box in the Town Offices on election day. Town Clerk Liz Roos explains that there will be a ballot box in the Town Offices and the offices will be open from 8 AM until 8 PM on election day. A sheriff's deputy will pick up the ballot box after 8 PM and transport it to Bozeman.

Public Comment Period

Pastor Benny McCracken addresses the Council and says that a person from the City Offices came to the clothing bank that is now at the Baptist Church and indicated that the Council was going to make a statement concerning the clothing bank at this meeting. Johnson says that topic is not on the agenda and they are not prepared to make a statement tonight. He asks who

indicated that was going to happen, but McCracken declines to identify the person he talked to. There are several questions from the public about when will the Town take back the clothing bank but the Council does not give a definitive answer. Johnson also explains that the basement of the new building is empty but cannot be accessed by the public because there is not an elevator in the building. Guay adds that West Yellowstone is the only municipality in the state that provides a social services department, a food bank, job services, mental health services, etc.

Presentation: Gallatin College

Janet Heiss Arms, assistant dean for the Gallatin College, addresses the Council and community members present to explain the Gallatin College mill levy that will be on the election ballot in a couple weeks. She explains that the mill levy will assess all property owners in Gallatin County \$2.08 annually for a \$100,000 in assessed property value. Greg Forsythe asks where the campus is located. She says that they have classroom space in Bozeman but will also be offering classes in West Yellowstone.

DISCUSSION

- 4) Kristy Coffin and Betty Richey of the Downtown Improvement District address the Town Council with multiple requests. The first request is for a little more than \$1239 to purchase more blue holiday lights to put in the downtown area. Money for the lights has not been budgeted. Coffin explains that they have attempted to piece together the lights that they already have, but that has not worked and they need to purchase these lights to be able to put up the same number of lights as they have in the past. The Council and staff briefly discuss possible ways to cover the purchase. Schmier asks if the board has considered approaching the downtown businesses to pay for the lights. Coffin says they have not but they do think they are running out of time to do that. There is brief discussion about approaching the downtown businesses and Johnson offers \$100 on behalf of the Westpark Mall. Greg Forsythe, owner of Westmart, says that he will cover the rest of the half (\$520) if the Town will come up with the other half.
- 6) There is discussion about the location of the pavilion. Cherhoniak is adamant that the request is for engineering only in the proposed location in the historic district. Johnson points out that the location for the pavilion was not necessarily agreed upon. Costello clarifies that the engineering is just for building, not necessarily the location. There is ample discussion about the location and Richey is adamant that if they do not build the pavilion in the proposed location then the Downtown Improvement District Advisory Board wants no part of it.
- 7) The Downtown Improvement District Advisory Board is recommending that they distribute a survey, a sample which was included in the packet. Coffin and Richey indicate that they may adjust the survey as needed prior to sending it out. Roos asks for clarification about what exactly is being requested by the Town such as preparing and mailing the survey. Guay says that she told the board that the Town would pay for the postage for the survey.
- 8) Operations Manager Becky Guay explains that a couple years ago the Town erroneously formed a Public Safety Commission rather than a Police Commission. After further research, the Town Attorney has recommended that they disband the current Public Safety Commission and establish a Police Commission in accordance with the Montana Code Annotated. Motion carried to disband the Public Safety Commission, made by Schmier, motion fails for lack of a second. Schmier makes another motion, which passes. The Council directs the staff to do what is necessary to reestablish the Police Commission in accordance with state law.

DISCUSSION

- A) Operations Manager's Report: Operations Manager Becky Guay reports on current issues: **Town Hall Project** –We will be working with a cabinet maker to install built-ins in the front office. Dick Anderson has completed the punch list items and the Town has accepted the building as of October 7, 2013. The one year warranty period is now in effect. Social services moved into their new space and the food bank and other services provided by the department are open. **UPDL Window Replacement Project** – Construction should begin later this week or early next. **Parkway Drainage Improvements Project** – The contractor has completed work in Alley C between Faithful and Geyser and began work in Alley D at Electric. This week the contractor will finish up Alley D at Electric and complete work on the east end of that block at Dunraven and will begin working on Alley A starting between Dunraven and Electric and moving west from there. **Monitoring Wells for Wastewater Treatment Plant** – The two test wells were drilled last week and testing is on-going. **Legal Services RFP** – The evaluation group has selected interviewed three firms on October 3 and met again on October 7 to rank the candidate firms. I am checking references of the top ranked firm. This item will be on the agenda on the first Council meeting in November. **Recruitment for Deputy Town Clerk** – Sheri Holtzen has accepted the position of Deputy Town Clerk. Tomorrow will be her first day of work with the Town. Welcome, Sheri. **Affordable Housing** – The meeting scheduled on October 4 was cancelled and has not been rescheduled to date. **United Women's Club** – I gave a presentation to the United Women's Club about on-going and upcoming projects in Town.

CORRESPONDENCE

Dated October 4, 2013, Mike Gavagan writes to tender his resignation as a police officer for the Town. Dated October 10, 2013, Mayor Jerry Johnson signed letters for the Montana Congressional Delegation and President Barack Obama expressing disappointment and concern about the impacts of the government shutdown on West Yellowstone.

The meeting is adjourned. (8:40 PM)

Mayor

ATTEST:

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL

Work Session
October 22, 2013

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

OTHERS PRESENT: Social Services Director Jack Dittmann, Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Chief of Police Gordon Berger

Yellowstone Historic Center Representatives: Ed Geiger, Carol Leasure, Glen Loomis

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.

Public Comment Period

No public comment is received.

Mayor Johnson opens the meeting, the first topic of discussion is office space for the Yellowstone Historic Center. Mayor Johnson and Council Member Schmier met with representatives from the YHC a couple weeks ago to discuss the matter. The YHC would prefer to remain in the space they currently occupy in the Union Pacific Dining Lodge year round. The Town has recently moved the Social Services Department and the Court out of the building and has been considering closing the building down during the winter. The YHC has indicated that they are willing to pay the Town \$500 per month to offset the cost of the utilities year round. Stewart asks if there are any other options being considered. Johnson says that they have considered some other options but it is definitely the preference of the YHC. Patterson says that he thinks if they are going to have people in that building year round, they really need to hire a contractor to spray some foam and insulate under the floor properly. He says they were under that building at least six times last winter fixing broken pipes. With fewer people in the building this year, it could be even worse. He adds that it is his opinion that they should winterize the building properly and then move the clothing bank back into that building. He points out that the building already has an ADA ramp and could be managed by volunteers. He thinks if they are going to use the building year round, it could be used for more than one use. The clothing bank has recently been moved to the basement of the Baptist church, but that is only a short-term solution. If it is moved to the basement of the new Town Hall, volunteers cannot manage it as only employees can go into the basement per the ADA. Mayor Johnson redirects the discussion back to office space for the YHC. Costello asks if the YHC could operate for this winter without the bathrooms. Leasure and Geiger indicate they could do that if necessary, but obviously would not be preferable. The Council briefly considers taking money from the Generator Building project to do the foam insulation. Patterson says he will have to call and get estimates to get the foam insulation put in. The Council considers how much they are willing to spend on the insulation out of this budget or if they should hold off until the next budget year. Cherhoniak suggests \$10,000 but Johnson thinks that is high. Stewart suggests \$6000. Patterson says they will also have to hire a plumber to move the plumbing, which will probably cost \$1000-\$1500, and that must be done before the insulation is put in. Johnson says that if this was his property, he would look into other options and plan to do this project next summer. Patterson says the building has already froze up twice this winter, they were able to thaw the pipes before they split but its already been a problem. Johnson says the YHC might have to operate this winter without the bathrooms. Schmier asks if the YHC can operate out of their office in library this winter. Geiger says he is moving out of that office in the next couple of days into the room in the basement at the request of the Library Board. The discussion moves on to the proposed lease agreement. Leasure says they have a couple questions about the draft agreement. She says they would appreciate snow removal by the town from the sidewalk/driveway between the generator building and the UPDL, its too large to do with a shovel. Leasure says they already carry the required amount of liability insurance and brought copies of the insurance this evening. Geiger

says there is no language about snow removal from the room and wants to make sure the town will handle that. Patterson says that the snow removal is not a problem, it's the Town's building and they will take care of it. Leasure asks why the initial term is ten months. Guay explains that she picked September 30 because that falls at the end of the summer season, which would be a good time to revisit the lease. Geiger also points out that the ceiling in the back of the room they occupy (old Library or Rainbow Room) is sagging and needs to be repaired. Patterson says he is aware of that but has not had time to get that repaired this year, but it will get done. The group discusses language and description of space. Leasure asks if they would be allowed to move across the hall and occupy the former courtroom as well. Guay says they have discussed using that space for the clothing bank. Leasure says they would like to use their current room for storage and move the offices and some winter exhibits into the courtroom space. They would be able to turn the heat off in the Rainbow Room and just heat the courtroom. Guay points out again that if they're going to heat more than one room they should consider the clothing bank or another function. Leasure suggests they stay in the Rainbow Room for this winter but that they have the opportunity to meet with the Town prior to allowing another function in the courtroom space. Johnson summarizes that the YHC is willing to pay \$500 per month for office space in the building, they Town will handle snow removal, and the Town will talk to the YHC before another function is allowed in the building. Loomis encourages the Town to work towards establishing a real historic district and using those buildings to preserve heritage and history, not to go backwards by using it for things it was not intended. Johnson says the other topic they should discuss is managing the building and eventually turning that over to the YHC. Leasure says they would definitely like to move towards that but are not quite ready to take it over. Dittmann says they start sending out contracts in January and is happy to hand over that responsibility. Johnson says they have considered handling the reservations and payments out of the Finance Office. He says they could possibly hire or reimburse the YHC for another employee that would be responsible for showing the building, inspecting, and cleaning checks on the building. They discuss possible options for operating the building and sharing the responsibility between the Town and the YHC. Loomis points out that recent figures provided by Operations Manager Becky Guay indicate that the Town loses \$20,000 a year on that building. The ideal situation would be to get that number down to zero. They estimate that occupancy is approximately 75% and the group agrees that it would be difficult to increase that because of the limitation of available hotel rooms. Geiger says that if they leave things the way they are, the Town is going to continue to subsidize running the building to the tune of \$20,000 to \$25,000 per year. He says there are groups that come to Town and spend thousands and thousands of dollars, but only have to pay \$600 to use that facility. He says he doesn't think it is really used by that many locals, which is the reason they have kept the cost low. He says there is absolutely no marketing of the building and the Town must decide how much it wants to invest to make it more functional. Johnson says they should decide if they want to reimburse or support the YHC for running the building or if the Town should manage it. Johnson suggests that they put together a staff member committee that includes a council member to meet with the YHC to work this out. They briefly consider the fact that four of the five council members are on the ballot, which leaves Costello to be on that committee. Guay indicates that they will put the lease agreement on the next agenda and work on putting together a staff committee to work out the management portion of the building.

The next item on the agenda is a sign for the new Town Hall. Patterson suggests they get a big rock slab and have "Town of West Yellowstone" and the address and the Town seal chiseled on the rock. He says there is a place in Bozeman and in Idaho that can do something like that. Patterson says he will get some proposals for such a sign and share at the next Council Meeting. Cherhoniak having a contest at the school to design the sign. They also briefly discuss putting the Town's website address or a smartphone tag that directs to the site on the sign.

The next agenda item is a discussion of Resolution No. 538, the resolution that establishes the purpose of the Downtown Improvement District. Johnson says that when the DID was established, they had a specific purpose and he felt the Council should discuss it. He says the Town has decide what the Council wants this board to do before they can tell the board what to do. Johnson points out that the resolution assigns the board to develop a strategic plan for the downtown commercial area and specifically address issues including interior park development,

parking issues, beautification, a sign ordinance, and tree planting. They also discuss the fact that they have multiple boards that appear to be working on the same issues such as the Parks Advisory Board, Community Action Assessment Team (CAAT), Downtown Improvement District, etc. They consider getting all the groups together to discuss the overlap. Costello suggests they include the Chamber with those other organizations. Kim Howell says she thinks it's a good thing that the Council is talking about it because there seem to be different opinions. She says that perhaps the DID wants to be more than an advisory board. The group discusses the role of the DID at length. Howell emphasizes that they just need some direction and they want to know what the city needs. There is discussion about the focus of the group, what its original purpose was, and what it should be doing. The discussion turns to the proposed pavilion and its location. Cherhoniak is adamant that the only location the group has ever presented is in the historic district between McDonalds and the Museum. Johnson points out that the Council has never approved that location. They budgeted \$28,000 for a pavilion but a location has never been approved. He adds that since the pavilion was first suggested, they learned that they had to move the ice skating rink and it was decided to move it to Pioneer Park. They asked the Parks Advisory Board to put together a conceptual plan for Pioneer Park and that plan included a pavilion. Howell indicates that they will wait until they hear from the Town to get together with the other relevant organizations. She says that they are going to put the holiday lights up tomorrow but they won't meet again until they hear from the Town.

The meeting is adjourned. (8:50 PM)

Mayor

ATTEST:

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL

Work Session
October 29, 2013

COUNCIL MEMBERS PRESENT: Brad Schmier, and Doc Stewart

OTHERS PRESENT: Public Services Superintendent James Patterson, Chief of Police Gordon Berger, Doug Schmier, Jerry Schmier, Sherrie Williams, Ron Wilkes, Charles Watson, Cedar Shannon, Sue Gathridge, Milan Ivankic, Don Hill, Jack Whitman, Bob Perez, Jim Hostetter, Doug Edgerton, Bill Howell, Clyde Seely, Don Perry, Sue Gatheridge, Randy Wakefield, Greg Forsythe, John Stallings, Scott Johnson, Chris Kachur, Bill Arnado

Public Services Superintendent James Patterson briefly describes the procedures the Town will follow this year for snow removal. He explains that the Town is going to handle all the permits for any snow that is pushed onto Forest Service property. The Forest Service is going to require the Town to spray for weeds in the spring in any area that snow is pushed onto. He says that they will split the cost of spraying for those weeds among the contractors that push onto the forest. He says that snow encroachment permits can be obtained through from the Town Offices using the same process they have followed in the past. He briefly describes the route the Town crew will follow to clear the streets, starting with the most heavily traveled streets. Doug Edgerton interrupts and asks if anything is changing in his area (Obsidian Avenue). Patterson responds that there are no changes unless he is going to push onto the forest. He says he is not and leaves the meeting. Patterson explains that the Town will follow the same procedure, push snow to the middle and then haul away. He says that if any private contractors need to haul snow they can haul to the drainage ditch area, not the old airport. He says the Town will haul to the old airport but do not want other snow dumped there. Members of the audience ask questions about specific areas in Town. Patterson emphasizes that any snow that is left in the right of way must be removed the same day.

The meeting is adjourned. (7:20 PM)

Mayor

ATTEST:

Town Clerk