

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
September 3, 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 # 6281 for the purchase of a new vehicle (2014 Interceptor) for use by the police department. (Stewart, Schmier)
- 2) Motion carried to pay the claims, which total \$90,279.59. (Stewart, Schmier) Johnson abstains from paying claim 39160
- 3) Motion carried to approve the Consent Agenda which includes the minutes of the August 20, 2013 Town Council Meeting and the August 27, 2013 Town Council Meeting and Work Session with the Montana Aeronautics Division/Yellowstone Airport. (Cherhoniak, Stewart)
- 4) Motion carried to approve the staffing plan change to include 1 Pre-K Teacher (625 hours/year at \$20.00/hour), 1 Pre-K Assistant (625 hours/year at \$150.00/hour) and 1 Language Instructor (60hours/year at \$20.00/hour) under the direction of the library director.(Stewart, Schmier)

Council Comments Johnson mentions Liz Roos' mom's passing. And asks that we reach out to Liz and her family as we see them around town. Cherhoniak recognizes those who helped out with the Cycle Tour and mentions Randy Roberson's willingness and that of others to store bicycles for the tour. Stewart mentions how pleased he is with the landscaping being done by the public services department. He then asks how the word would get out if the town needed to be evacuated. Johnson states that it would probably be put out on the radio station and that Mandy got updated information onto the website this time, but that they could still talk about it to discuss other ways to get the information out.

Public Comment Period Cavin Fitzimmons, Hebgen Lake Ranger District Ranger & Incident Commander Jay Northcott . Northcott started off with stating that the in-briefing was really smooth and that the work with the local fire department and the ranger district has been working well. He described the Two Top Fire which was started by a lightning strike and stated that it amounted to 138 acres but that the terrain was somewhat difficult. He said that the fire was pretty well contained and that he didn't really have any concerns. Alex Stone fields the question posed by Johnson about the lag time of a morning attack. He states that pilots usually work until sundown and the mentions the constraint of a 14 – hour duty call among other things. Stone clarifies that aircraft only support the boots on the ground as the people on the ground are the ones that put out the fires. Greg Forsythe asks if the fire is 100% contained and Jay states that it is only 40% contained currently. Guay asks that they clarify the “trigger points” which is the plan for what if scenarios they may face. Schmier asks for an estimated date of containment. Northcott says he doesn't have it but that he is not too concerned and that he expects that the next few days will bring a resolution.

Greg Forsyth of West Yellowstone establishes that he had about 10 minutes worth of discussion and asks Mayor Johnson for the extension of the standard 3-minute limit for public comment. Johnson grants his request and Forsyth distributes a 3-page handout to the council. Forsyth begins by addressing his concerns over the spending on the Town Hall project. He says that he had asked the town of information on how much the town has spent so far on the building of the new Town Hall and that he received that information. He then presented his own figures of what he estimated were costs that have been incurred that he thought had not been planned for or budgeted for and stated that he felt that the basement included in the Town Hall design was unusable space. Overall, he presents his view that the cost of the building was more than was presented to the public prior to the project. He moves on to question the council's recent decision to pursue the storm drainage project of the parkways and complete all of the blocks instead of just the 9 that were originally budgeted for and asks the council what their plan is with regard to paying back the Street Construction Capital Fund from which \$200,000 will be moved from that fund to the Parkway Construction Capital Fund with a budget amendment at the next council meeting. Johnson fields the question by clarifying that, the parkway drainage project has been in the Capital Improvement Plan for the last several years to address springtime flooding and pooling in the parkways in the springtime. And that these are the first steps towards fully developing the interior parks. He states that the plan is to reimburse the funds to the Street Construction Capital Fund at a rate of \$50,000/year. Forsyth then poses specific scenarios to council members Johnson and Schmier such as a snowmobile guide taking people into Yellowstone National Park and running off the trail into the river and drowning. After presenting a scenario he asks the respective council member what happens after these events to the businesses that employ the guides. He poses another scenario to Councilman Stewart in which 3 youths come into Doc's business and steals two \$70.00 bottles of wine only to have one of the three come back in and distinguish himself from the crime but pay for what had been stolen. In Forsyth's scenario, the police have been summoned and the youth in question are not underage and he asks Stewart whether or not he would charge the youth. Stewart responds that if restitution had been made he probably wouldn't request that they be charged. Forsyth responds that he doesn't feel this was the correct answer. Operations Manager, Becky Guay asks Forsyth to be specific as to what he is referring to. He responds stating that he is referring to the police officers of the Town. He then says that someone has come to him as a police commissioner with the issues he tried to illustrate with the above scenarios and that he wanted the issues to be taken care of by the operations manager. He voices the accusation that there are people who are drunk on the job, lack training and incompetent in the police department. Johnson asks if he had ever shared this information with anyone until today. Forsyth answers that he had at a council meeting already but admits that he did not provide any facts and states that it is not his role as a commissioner to act on behalf of the town or bring information to the operations manager. He states that he believes that the operations manager should be finding this out herself. Johnson thanks Forsyth for his comments.

DISCUSSION

- A) Operations Manager's Report: **Two Top and Mosquito Fires** – The Forest Service PIO will present an update this evening. **Town Hall Project** – Walk through with Architect and Contractor was completed. Dick Anderson will finish punch list items this week, except concrete in front of building. Will also still need drywall contractor to retape ceiling seams. Furniture should arrive this week. We'll lay sod this week, sprinklers are in, hardscape has been installed and trees are planted. We will wait on shrubs until the spring. **UPDL Window Replacement Project** – A second bid in the amount of \$48,165.83 was obtained from Rand Olsen Construction for the Firehole Room windows. I've asked the architect to get the contract documents ready for Council approval. **Septic Dump Station at Wastewater Treatment Plant** – Waiting on final inspection. **Parkway Drainage Improvements Bids** – James Patterson is meeting with a representative from Montana Underground today. Staging/construction will begin on September 9. **Legal Services RFP** – The Town received six proposals for legal services. The evaluation group will be meeting this week to select firms to interview. **Year-End and Financial Reporting** – Now that the budget has been adopted, the Finance

Department is working on year end closing and preparing financial reports. **Recruitment for Deputy Town Clerk** – Applications are due September 11, 2013. **Affordable Housing** – Working with State to clarify CDBG revolving loan fund availability.

- B) Schmier establishes that this is a budgeted item. Johnson asks what will happen to the old vehicle. Becky Guay says that it will go to James Patterson, Public Services Superintendent and that the flat bed that he is currently using will be used by members of his department.
- C) Operations Manager’s Report: Operations Manager Becky Guay reports on current issues:
- D) Library staffing request by Library Board and Foundation: Guay asks to make a comment/clarification that the memo is incorrectly describing language instructor and teaching assistant wages and that the figures should be reversed. Rocky Hermanson comments that these programs have been started and have grown and that these programs need to be better and more legally managed. Grant monies and donations are for “extra” things and these programs are considered “extra”. It is established that the budget amendment that allows for the expenditure in the form of payroll that will be routed through the library budget will be introduced at the next meeting after the required number of hearing notices. Rocky Hermanson gives a quick summary in the evolution of these programs and their growth and the need to go from a small program to employment of a bigger staff for such burgeoning programs that now require more qualified individuals.

Correspondence

Resignation Letter from Mandy Munger
Letter from Lois Klatt
Ops mgr. letter to WY Foundation

Meeting reminders Hebgen Basin Fire District and YHC

The meeting is adjourned. (8:40 PM)

Mayor

ATTEST:

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
September 17, 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

WY School Technology Teacher Jo Stevens, WY News Editor Abbie Tumbleson, Delaware North Representatives Pete Donau, Alicia Thompson, and two more, Yellowstone Historic Center Executive Director Ed Geiger, Greg Forsythe, Assistant Public Works Superintendent Dave Arnado, Officer Brian McCoy, Mrs. McCoy, Joyce Berger, Fall River Representative Randy Wakefield

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 \$89,242.81. (Stewart, Schmier)
- 2) Motion carried to approve the Consent Agenda, which includes the minutes of the September 3, 2013, as amended. (Stewart, Schmier)
- 3) Motion carried to approve Resolution No. 640, a Budget Amendment Resolution. (Stewart, Cherhoniak)
- 4) Motion carried to appoint Alicia Thompson to the TBID Board of Directors. (Stewart, Schmier)
- 5) Motion carried to award the project to complete the windows in the Firehole Room at the Union Pacific Dining Lodge to Rand Olson Construction, LLC. (Stewart, Schmier)

Council Comments

Mayor Johnson expresses condolences for the family of Don Buettner, who recently passed away. Buettner worked for the Town as the Building Inspector for many years and then moved on to working for the State of Montana. He also mentions the recent shooting at the US Naval Shipyard in Washington DC where twelve innocent victims were gunned down and expresses condolences for the families of the victims. Council Member Schmier mentions that prior to the meeting this evening he drove down some of the alleys that already have drainage and some that do not. In light of the substantial rain they received today, it was very obvious which alleys have drainage and he is looking forward to completing the project.

Public Comment Period

Technology Jo Stevens addresses the Council and explains that she and Science Teacher Sara Randle received \$1000 grant to incorporate a geo-caching program. They have implemented this program into their curriculum and are seeking permission to place some geo-caches on Town property. She recommends that the Council visit www.geocaching.com or www.geotours.com and they will bring more information to the next meeting.

Jim Christensen addresses the Council and expresses dissatisfaction about the noise level from social events at the Union Pacific Dining Lodge. He says there was a wedding there this past weekend and the music was extremely loud until 2 AM. They did call the police and he was dismayed to hear his wife's name used over the police scanner, which he felt was a breach of confidentiality. This is a frequent problem and he requests that the Town do what is necessary to

keep the noise down to an acceptable level. Mayor Johnson says they will ask the police department to look into the issue.

Abbie Tumbleson, Editor for the West Yellowstone News, announces that she has accepted a job in Newport, OR and will be moving in approximately two weeks. She says that she has enjoyed her time in West Yellowstone and learned a lot.

Presentation: Larry Gibson of Alert Pro Security Services

Gibson says that he read in some meeting minutes from last year that the Town was considering surveillance camera. He demonstrates a couple different types of video surveillance systems that his company can provide. Gibson says that he would like the opportunity to bid any security and camera installations. He estimates that it would cost between \$4000 and \$5000 to set up a full system at the Union Pacific Dining Lodge.

Public Hearing: FY 2014 Budget Amendment

Mayor Johnson opens the hearing and reads the hearing notice. The hearing was advertised on the September 6 and 13, 2013 editions of the West Yellowstone News. Mayor Johnson also reads Resolution No. 640, a budget amendment resolution that would move \$200,000 from the Streets and Road Construction Fund to the Parkway Construction Fund for the purpose of completing the drainage project in all of the parkways this year. The resolution also creates a new expenditure of \$6,550.84 in the Library Fund to compensate instructors for the Pre-Kindergarten and Language Instruction programs. The new expenditures will be reimbursed with funds from the Library Foundation. Johnson points out that a sentence was added to the resolution indicating that the Town intends to reimburse the Street Construction Fund over the course of the next four years. Greg Forsythe asks where the money to reimburse the Street Construction Fund will come from. Johnson responds that the money will come from the general fund, which is essentially all the funding sources lumped together. No other comments are received.

DISCUSSION

- 2) Stewart points out that in Greg Forsyth's comments, he did not refer to the "police department" but to "two new officers."
 - 3) Schmier clarifies that the purpose of this transfer is to get the project done without having to borrow money and pay interest. Johnson adds that the library transfer is to ensure that the employees that are working for the preschool program are being paid legally. He says that the Library has started some great programs and the funding for the program has been raised and is held by the Library Foundation
 - 4) Alicia Thompson, Regional Director of Sales and Marketing for Delaware North Parks & Resorts, introduces herself to the Council. She explains that she is excited to have this opportunity to serve on the TBID Board of Trustees. She actually resides in Bozeman but says she will have no problem attending the TBID monthly meetings. She will represent the Holiday Inn on the Board as one of the only 100+ hotels in town.
 - 5) Operations Manager Becky Guay recommends that the Council approve the agreement with Rand Olsen Construction, LLC to complete Alternate II (Firehole Room) of the UPDL Window Replacement Project. The cost of the project comes to \$55,845.83. The Town has \$56,500 budgeted for the project, which includes \$10,000 from the TBID and \$20,000 from a Union Pacific Grant that was obtained by the Yellowstone Historic Center. The rest of the project will be funded from resort tax.
- A) **Operations Manager/Department Head Reports:** Operations Manager Becky Guay reports on current issues and projects:

Cherhoniak/Schmier asks about last week's "press release" that alleged that our police officers do not have the correct training. Guay says that contrary to some of the

statements that have been made, the Town does have a robust training program. She says that some of the certifications for some of the officers had expired, but they are well on their way to correcting those deficiencies. She says they did receive a letter from the National Park Service indicating that they wished to terminate the existing mutual aid agreement, but the NPS did not contact the Town to verify any of the information it had received. She says they are also working on tracking down where all the information came from, but the County Sheriff is out of reach for the next week so they will follow up when he returns. Schmier suggests that once they do get everything cleared up, that they put something in the newspaper to clear up any misconceptions.

Johnson asks Patterson if they will be able to have any of the October Council Meetings in the new building. Patterson says that they may be able to have the first meeting of the month there if they can get the platforms re-carpeted and moved. If not, it will be the second meeting of the month. Johnson suggests that they think about having a public open house in the building in November.

- B) Mayor Johnson says the next item on the agenda is a discussion with the Yellowstone Historic Center about office space and future management of the Union Pacific Dining Lodge. Ed Geiger, Executive Director for the YHC, explains that it would be their preference to keep their offices in the building and feels that is an advantage for the YHC and the Town. Guay says that this item was discussed in the staff meeting and they think the YHC should at least assume the responsibility of the utilities during the winter, which average approximately \$9700 for the period between October and May. She says it is also the recommendation of the staff that the YHC assumes the responsibility of managing the building because otherwise there is really no reason for the YHC to be in the building. She says they feel that the YHC could operate their office from any location if it is not tied to managing the building. Stewart says that he read the letter from Social Services Director Jack Dittmann and has concerns about turning the management over to an outside party because of maintenance and upkeep issues. Geiger suggests holding a work session to work through some of these issues and the Council agrees.

The meeting is adjourned. (8:35 PM)

Mayor

ATTEST:

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL

Work Session September 24, 2013

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

OTHERS PRESENT: Operations Manager Becky Guay, Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Town Council Candidate Cole Parker

HEBGEN BASIN RURAL FIRE DISTRICT: Fire Chief Scott Waldron, Assistant Fire Chief Shane Grube, Board of Trustees Chair Robert Godwin

The meeting was held at 6:30 PM in the Povah Community Center.

Public Comment Period

No public comment is received.

DISCUSSION

Mayor Johnson calls the meeting to order and explains that the purpose of the meeting is to discuss with the Fire Department the future use of Fire Station One, sometimes referred to as the Emergency Services Building (ESB) and the Town Offices at 10 South Faithful Street. Johnson asks the representatives of the Fire District to elaborate on short-term and long-term plans they have for the building, considering that the Town Offices will be moving into the new Town Hall over the next couple of weeks. Godwin says that the building needs a lot of work. The roof has been patched but needs further maintenance, they have had a couple documented complaints since their offices are non ADA compliant because they are not on the ground floor. He says the building could certainly use some improvements to the façade so it will fit in better with the new buildings on the block in the historic district. They need to come to some sort of an agreement as to who is responsible for making all these improvements. He suggests that the Town consider keeping the land but selling the building to the Fire District. The new Search and Rescue Building as well as the WY Foundation Transit Facility are both built on the Town's land but owned by each organization. Johnson asks if the building is large enough to serve the needs of the Fire District for the foreseeable future. Godwin and Waldron respond that it is and even if the Town acquires the 80 acres from the Forest Service. Godwin says their biggest problem with the building is the fact that the offices are not ADA accessible to the public and the need to separate the office/training space from the living space for the paid staff. Johnson points out that it is unlikely that they would be able to put together a sale agreement for the building prior to the election and asks if a future Council only wanted to sign a long-term lease, would that affect their plans for fixing up the building. Godwin says they really have two questions, will they be allowed to move into the space when the Town Offices move out and if purchasing the building is an option. The group briefly discusses the language in the agreement that pertains to the future use of the building. Godwin says that if they are not allowed to occupy the downstairs space in the building, they will have to find another location for their office space. They know that sooner or later there will be an ADA accessibility problem or lawsuit. Stewart says he had not previously considered selling the building and questions whether they would ask the Town to finance the purchase. Godwin says they will have to consider that, but that will depend on a lot of different factors. Johnson acknowledges that the ADA argument is compelling and they have to consider that. Schmier asks what is the Town's long-term plan or future use of the building. He asks if the Town has a need for the building and they should consider that before they sign off on a sale or long-term lease. Costello says that it sounds like they need to first decide when the Town Offices will be out of the building and after that is accomplished, consider a long-term lease or sale of the building. Cherhoniak says they should still consider the needs of some of the other groups the Town has obligations to. Johnson says he believes the intention of the Council that approved the Interlocal Agreement was that the Town would turn the entire building over to the Fire Department when it moved out. Guay asks if a lease payment was ever anticipated from the Fire Department. Johnson says no and Waldron points out that is part of the problem. He says that in the absence of a lease it is somewhat unclear who is responsible for major maintenance or repairs. The Council agrees that the Interlocal Agreement makes it pretty clear that the use of the building is for the Fire Department once the Town moves out. They also agree that they should put this topic on the next Town Council Meeting agenda and formalize that

decision. He also reiterates that they should set a deadline for future discussions about leasing or selling the building. The group discusses the ISO rating for the entire district, which directly affects property insurance rates. The Town's current rate is a 4, which is as low as it has ever been. Costello asks if the rate is as low as it will likely ever be. Waldron says that is a cost analysis and they have to consider equipment and number of employees or volunteers and its unlikely the number will go lower. He also points out that the difference in insurance premiums between a 4 and a 2 is miniscule. Schmier restates that the intent of the building has always been to be used to provide emergency services, going back to when it was originally built. The Council agrees to put this topic on the agenda for action on the next Town Council Meeting.

The meeting is adjourned. (7:30 PM)

Mayor

ATTEST:

Town Clerk