

Town of West Yellowstone

Tuesday, September 23, 2014

West Yellowstone Town Hall, 440 Yellowstone Avenue

7:00 PM

TOWN COUNCIL MEETING AGENDA

Pledge of Allegiance

Purchase Order

Treasurer's Report

Claims ∞

Consent Agenda: **September 9, 2014, Town Council Meeting** ∞

September 16, Town Council Work Session ∞

Business License Applications

Advisory Board Report(s)

Operations Manager & Department Head Reports

Assignments Report

Council Comments

Public Comment Period

NEW BUSINESS

Application to Maintain an Encroachment, Fremont Communications ∞

Discussion/Action

Yellowstone Historic Center Request to Extend Lease for Office Space ∞

Discussion/Action

Memorandum of Understanding for Law Enforcement Services ∞

Discussion/Action

Selection of Hiring Committee for Chief of Police

Discussion/Action

Correspondence/FYI

Meeting Reminders

- MLCT Conference Agenda, October 8-10, 2014 ∞
- MMIA Municipal Training, October 24, 2014 ∞
- Fall Recreation Activities Letter ∞



Policy No. 16 (Abbreviated)
Policy on Public Hearings and Conduct at Public Meetings

Public Hearing/Public Meeting

A public hearing is a formal opportunity for citizens to give their views to the Town Council for consideration in its decision making process on a specific issue. At a minimum, a public hearing shall provide for submission of both oral and written testimony for and against the action or matter at issue.

Oral Communication

It is the Council's goal that citizens resolve their complaints for service or regarding employees' performance at the staff level. However, it is recognized that citizens may from time to time believe it is necessary to speak to Town Council on matters of concern. Accordingly, Town Council expects any citizen to speak in a civil manner, with due respect for the decorum of the meeting, and with due respect for all persons attending.

- No member of the public shall be heard until recognized by the presiding officer.
- Public comments related to non-agenda items will only be heard during the Public Comment portion of the meeting unless the issue is a Public Hearing. Public comments specifically related to an agenda item will be heard immediately prior to the Council taking up the item for deliberation.
- Speakers must state their name for the record.
- Any citizen requesting to speak shall limit him or herself to matters of fact regarding the issue of concern.
- Comments should be limited to three (3) minutes unless prior approval by the presiding officer.
- If a representative is elected to speak for a group, the presiding officer may approve an increased time allotment.
- If a response from the Council or Board is requested by the speaker and cannot be made verbally at the Council or Board meeting, the speaker's concerns should be addressed in writing within two weeks.
- Personal attacks made publicly toward any citizen, council member, or town employees are not allowed. Citizens are encouraged to bring their complaints regarding employee performance through the supervisory chain of command.

Any member of the public interrupting Town Council proceedings, approaching the dais without permission, otherwise creating a disturbance, or failing to abide by these rules of procedure in addressing Town Council, shall be deemed to have disrupted a public meeting and, at the direction of the presiding officer, shall be removed from the meeting room by Police Department personnel or other agent designated by Town Council or Operations Manager.

General Town Council Meeting Information

- Regular Town Council meetings are held at 7:00 PM on the first and third Tuesdays of each month at the West Yellowstone Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.
- Presently, informal Town Council work sessions are held at 12 Noon on Tuesdays and occasionally on other mornings and evenings. Work sessions also take place at the Town Hall located at 440 Yellowstone Avenue.
- The schedule for Town Council meetings and work sessions is detailed on an agenda. The agenda is a list of business items to be considered at a meeting. Copies of agendas are available at the entrance to the meeting room.
- Agendas are always published at least 48 hours prior to Town Council meetings and work sessions. Agendas are posted at the Town Offices and at the Post Office. In addition, agendas and packets are available online at the Town's website: www.townofwestyellowstone.com. Questions about the agenda may be directed to the Town Clerk at 646-7795.
- Official minutes of Town Council meetings are prepared and kept by the Town Clerk and are reviewed and approved by the Town Council. Copies of approved minutes are available at the Town Clerk's office or on the Town's website: www.townofwestyellowstone.com.

09/19/14
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TOWN OF WEST YELLOWSTONE
Claim Approval List
For the Accounting Period: 9/14

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Report ID: AP100

* ... Over spent expenditure

Claim	Vendor #/Name/	Document \$/	Disc \$						Cash
Check	Invoice #/Inv Date/Description	Line \$		PO #	Fund Org Acct	Object	Proj	Account	
40214	2204 Republic Services	137.02							
	9/17/14 Balance transfer/billing period crossover. Talked to Harry at Republic Services, this bill is actually for the last 18 days in July that we had								
	service. Should be the very last bill. er								
	09/06/14 dumpster lease police	137.02		POLICE	1000 411258	534		101000	
40215	266 Utilities Underground Location	34.58							
	4085288 08/31/14 excavation notifications	34.58		WATER	5210 430500	357		101000	
40220	65 Tractor & Equipment Co	1,000.00							
	H4532901 09/03/14 air compressor tool	1,000.00		STREET	1000 430200	220		101000	
40224	2558 Hebgen Basin Fire District	45,563.00							
	09/15/14 Sept 2014	45,563.00		FIRE	1000 420400	357		101000	
40225	146 Morrison-Maierle, Inc	130.00							
	19178 09/08/14 PD online backup	70.00		DISPAT	1000 420160	398		101000	
	19179 09/08/14 Town Offices online backup	60.00		FINADM	1000 410510	356		101000	
40286	2826 Montana Underground	206,608.74							
	4 09/05/14 alley reconstruct, final	208,695.70		ALLEY	4070 430230	937		101000	
	4 09/05/14 1% MT Contractors Tax	-2,086.96		ALLEY	4070 430230	937		101000	
40287	277 DEPARTMENT OF REVENUE	2,086.96							
	09/05/14 1% MT Contractors Tax	2,086.96		ALLEY	4070 430230	937		101000	
40288	1417 DYER GROUP, LLC	7,000.00							
	14030 09/05/14 alley project engineering	7,000.00		ALLEY	4070 430230	937		101000	
40289	2673 First Bankcard	1,576.76							
	07/29/14 Gusher, work session	87.76		LEGIS	1000 410100	220		101000	
	08/08/14 National Recreation membership	159.00		REC	1000 460440	335		101000	
	08/13/14 MT Whitewater, AA 8/13/14	1,200.00*		SUMREC	1000 460449	871		101000	
	08/20/14 Heise Hot Springs, AA 8/20/14	130.00*		SUMREC	1000 460449	871		101000	
40290	2291 American Express	1,477.10							
	08/15/14 Dell, Deputy Computer	806.84*		FINADM	1000 410510	216		101000	
	08/21/14 B&N.com, e-book	4.74		LIB	2220 460100	215		101000	
	08/22/14 Amazon, bags for food/clothing	45.48		HELP	7010 450135	220		101000	
	08/28/14 Dell, new server (aka Brain)	609.99*		FINADM	1000 410510	216		101000	
	08/28/14 USPS, shipping	10.05		FINADM	1000 410510	311		101000	

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40291	2673 First Bankcard	1,632.91					
	07/29/14 Backwater, Inc., propeller	139.00		SEWER	5310 430600	220	101000
	07/29/14 Yell Aerial Adv, AA 7/29/14	267.80		WATER	5210 430500	357	101000
	08/04/14 Send It Home, shipping	31.40		WATER	5210 430500	357	101000
	08/11/14 Send It Home, shipping	30.24		WATER	5210 430500	357	101000
	08/13/14 AirDistributor, blower system	362.59		WATER	5210 430500	220	101000
	08/13/14 AirDistributor, blower system	362.58		SEWER	5310 430600	220	101000
	08/13/14 Elite Kubota, mower belt	36.36		PARKS	1000 460430	361	101000
	08/13/14 TrailersPlus, trailer deposit	250.00*		PARKS	1000 460430	941	101000
	08/14/14 Fairfield Inn, Helena, Patters	152.94		WATER	5210 430500	370	101000
40292	2855 Basic Computer Troubleshooting &	350.00					
	11 09/15/14 IT support	245.00		FINADM	1000 410510	356	101000
	9 09/09/14 IT support	105.00		SOCSER	1000 450135	357	101000
40293	2616 David Arnado	528.00					
	09/16/14 travel to Denver, ICC testing	528.00		BLDINS	1000 420531	370	101000
40294	2507 Silvertip Pharmacy	61.04					
	081414/01 08/21/14 Rx	18.61		HELP	7010 450135	358	101000
	082614/01 09/02/14 Rx	12.00		HELP	7010 450135	358	101000
	090314/01 09/04/14 Rx	20.00		HELP	7010 450135	358	101000
	091014/01 09/09/14 Rx	10.43		HELP	7010 450135	358	101000
40295	1331 West Yellowstone Foundation	350.00					
	09/14/14 UPDL refund	350.00		UPDL	2210 214000		101000
40296	2764 HD Supply Waterworks, Ltd.	4,054.52					
	C820496 09/11/14 curb stop replacement parts	4,054.52		WATER	5210 430550	937	101000
40297	999999 YELLOWSTONE HALF MARATHON	1,500.00					
	C820496 09/15/14 refund Expo bond	1,500.00		RT	2100 214000		101000
40298	1454 Big Sky Publishing	427.99					
	1144497 08/15/14 Display Ad, Sewer Inventory	60.00		ADMIN	1000 410210	327	101000
	1152868 09/05/14 Police Chief Ad	367.99		ADMIN	1000 410210	327	101000
40299	999999 ROBERT OR JANA E GALANIS	350.00					
	09/17/14 refund UPDL deposit	350.00		UPDL	2210 214000		101000
40300	999999 KARLA VEGA	350.00					
	09/10/14 refund Povah deposit	350.00		POVAH	2210 214001		101000

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Check	Invoice #/Inv Date/Description	Line \$		PO #	Fund	Org	Acct	Object	Proj	Account
40301	999999 BUFFALO SPIRIT TRADING POST	500.00								
09/10/14 RT Bond refund		500.00		RT	2100		214000			101000
40302	547 WY Chamber of Commerce	500.00								
09/10/14 RT Bond refund		500.00		RT	2100		214000			101000
40303	2416 Buffalo Field Campaign	500.00								
09/10/14 RT Bond refund		500.00		RT	2100		214000			101000
40304	999999 MADISON AVENUE OLD TOWN PHOTOS	500.00								
09/10/14 RT Bond refund		500.00		RT	2100		214000			101000
40305	999999 EXPLORER CABINS AT YELLOWSTONE	500.00								
09/10/14 RT Bond refund		500.00		RT	2100		214000			101000
40306	999999 WEST YELLOWSNOW	500.00								
09/10/14 RT Bond refund		500.00		RT	2100		214000			101000
40307	999999 HUCKLEBERRY ANNE'S	500.00								
09/10/14 RT Bond refund		500.00		RT	2100		214000			101000
40308	999999 DOGGY DEN W A LITTLE KITTY ON	500.00								
09/10/14 RT Bond refund		500.00		RT	2100		214000			101000
40309	999999 YELLOWSTONE BIG GUN FUN	500.00								
09/10/14 RT Bond refund		500.00		RT	2100		214000			101000
40310	999999 NYMPH'S EMPORIUM	500.00								
09/10/14 RT Bond refund		500.00		RT	2100		214000			101000
40311	999999 CHINA FUN	500.00								
09/10/14 RT Bond refund		500.00		RT	2100		214000			101000
40312	999999 RV FIX IT PRO/ FRED LAURENTS	500.00								
09/10/14 RT Bond refund		500.00		RT	2100		214000			101000
40313	999999 COACHMAN LLC	500.00								
09/10/14 RT Bond refund		500.00		RT	2100		214000			101000
40314	999999 EAGLE'S PROPERTY MANAGEMENT	500.00								
09/10/14 RT Bond refund		500.00		RT	2100		214000			101000

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Check	Invoice #/Inv Date/Description	Line \$		PO #	Fund Org Acct	Object	Proj	Account	
40315	2835 Corner Cenex	70.00							
081814/01	08/18/14 fuel, help fund	40.00		HELP	7010 450135	231		101000	
090414/01	09/04/14 fuel, help fund	30.00		HELP	7010 450135	231		101000	
40316	2654 Community Health Partners	453.45							
08/28/14	immunizations, PS staff	453.45*		SEWER	5310 430600	351		101000	
40317	54 Bozeman Daily Chronicle	228.80							
08/21/14	annual subscription	228.80		LIB	2220 460100	215		101000	
40318	2201 Grizzly Internet, Inc.	45.00							
09/01/14	monthly internet service	45.00		LIB	2220 460100	345		101000	
40319	633 Bozeman Trophy & Engraving	25.00							
7413 08/29/14	notary stamp, Vanleeuwen	25.00		DISPAT	1000 420160	220		101000	
40320	764 General Distributing Co.	42.16							
259711 08/31/14	compressed 02	42.16		STREET	1000 430200	220		101000	
40321	254 Firehole Fill Up/Economart	202.20							
08/31/14	fuel	202.20		PARKS	1000 460430	231		101000	
40322	2821 Teton Turf & Tree Farm	2,790.00							
13330 08/25/14	trees/shrubs Town Hall	2,790.00		PARKS	1000 460430	365		101000	
40323	2737 Rebecca Guay	482.70							
08/06/14	reimb travel, BZN	67.14		POLICE	1000 420100	370		101000	
09/16/14	reimb travel, Helena	208.00		ADMIN	1000 410210	370		101000	
09/19/14	reimb travel, BZN	207.56		ADMIN	1000 410210	370		101000	
40324	75 Montana League Cities/Towns	1,040.00							
09/19/14	conf regis, Schmier	110.00		LEGIS	1000 410100	380		101000	
09/19/14	conf regis, Costello	110.00		LEGIS	1000 410100	380		101000	
09/19/14	conf regis, Forsythe	110.00		LEGIS	1000 410100	380		101000	
09/19/14	conf regis, Johnson	110.00		LEGIS	1000 410100	380		101000	
09/19/14	conf regis, Guay	110.00		ADMIN	1000 410210	370		101000	
09/19/14	conf regis, Roos	110.00		FINADM	1000 410210	370		101000	
09/19/14	conf regis, Gospodarek	110.00		FINADM	1000 410210	370		101000	
09/19/14	conf regis, Holtzen	110.00		FINADM	1000 410210	370		101000	
09/19/14	conf regis, Patterson	110.00		WATER	5210 430500	370		101000	
09/19/14	donation-Alec Hansen retiremen	50.00		LEGIS	1000 410100	220		101000	

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Claim	Check	Invoice #/Inv Date/Description	Vendor #/Name/ Line \$	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
40325		2140 MMIA MONTANA		20.00					
	09/19/14	5K regis		20.00		FINADM	1000 410510	870	101000
40326		1387 MONTANA RURAL WATER SYSTEMS		200.00					
	2014043012	09/15/14 annual membership		200.00		WATER	5210 430500	335	101000
40327		2880 City of Victor		500.00					
	09/19/14	EIS, Yell Grand Teton loop		500.00		LEGIS	1000 410100	870	101000
40328		2531 Briggs Roofing Company		11,186.00					
	2014-265	09/09/14 material deposit, Library ro		3,066.00		LIBBLD	2220 460120	366	101000
	2014-266	09/09/14 materials deposit, clinic ro		8,120.00		CLINIC	1000 411251	920	101000
40329		2421 NAPA Auto Parts		606.49					
	08/31/14	auto supplies		28.22		POLICE	1000 420100	361	101000
	08/31/14	auto supplies		578.27		STREET	1000 430200	220	101000
40330		1417 DYER GROUP, LLC		19,505.00					
	14040	09/18/14 general engineering		595.00		WATER	5210 430500	354	101000
	14040	09/18/14 general engineering		595.00		SEWER	5310 430600	354	101000
	14040	09/18/14 general engineering		1,105.00		ENGIN	1000 411040	354	101000
	14039	09/18/14 groundwater study		15,000.00		SEWER	5310 430640	354	101000
	14042	09/18/14 general engineering-Tao's Inn		1,020.00		ENGIN	1000 411040	354	101000
	14041	09/18/14 general engineering-Geysers Inn		1,190.00		ENGIN	1000 411040	354	101000
		# of Claims	50	Total:	319,615.42				
					319,615.42				

Fund/Account	Amount
1000 General Fund	
101000 CASH	\$68,459.56
2100 Local Option Taxation-Resort Tax	
101000 CASH	\$8,500.00
2210 Parks & Recreation	
101000 CASH	\$1,050.00
2220 Library	
101000 CASH	\$3,344.54
4070 Parkway Construction/Mtn	
101000 CASH	\$215,695.70
5210 Water Operating Fund	
101000 CASH	\$5,839.07
5310 Sewer Operating Fund	
101000 CASH	\$16,550.03
7010 Social Services/Help Fund	
101000 CASH	\$176.52
Total:	\$319,615.42

WEST YELLOWSTONE TOWN COUNCIL
Work Session & Town Council Meeting
September 9, 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, Public Services Superintendent James Patterson, Social Services Director Jack Dittmann

Vickie Barta, Randy Roberson, Jason Pond, Randy & Kim Wakefield, Li Zhang, Kathy Arnado, David Arnado, Doug Buskirk, Jerry Schmier, Brenda Martin, Sandi Peppler, Bob Peppler, Richard and Terri Gibson, Carole and Bill Howell, Louise Cochrane, Cynthia Knapp, Helene Rightenour, Ramona Stubblefield, Gayle Gavagan, Les & Laurie Brunton, Kristy Coffin, Willie Binfet, Marge Wanner, Scott Johnson, Jeff Heaney, Gallatin County Deputies Mike Gavagan and Matt Stubblefield, Mike Slevin, Jeanine Roberson, Tim Whitman, Rocky Hermanson, Tom Cherhoniak, Wendy Swenson, Jeremy Roberson, Jeremy Weber-WY News Editor, Maggie Merriman, Jason Howell, Millie Mellberg, Bridger Cunningham, Hebgen Basin Fire District Assistant Chief Shane Grube, Hillary McCray, Benny McCracken, Ed Geiger, and multiple other community members

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

ACTION TAKEN

- 1) Motion carried to approve Purchase Order #6697 to Jake's Automotive to purchase four radial tires for the loader for \$9600.00. (Johnson, Parker)
- 2) Motion carried to approve the claims which total \$372,014.21. (Johnson, Schmier)
- 3) Motion carried to approve the Consent Agenda, which includes the August 19, 2014 Town Council Meeting and August 26, 2014 Town Council Work Session. (Johnson, Parker)
- 4) Motion carried to accept the Conceptual Development Plan for Pioneer Park. (Johnson, Parker)
- 5) Motion carried to approve and write a letter of support for the RAC grant for surfacing of the Frontier Trail around the perimeter of West Yellowstone. (Johnson, Parker)
- 6) Motion carried to move forward with maintaining a locally controlled police department. (Johnson, Parker)
- 7) Motion carried to approve the request from Hebgen Basin Fire District to pave the strip of public property directly west of Fire Station One. (Schmier, Forsythe)
- 8) Motion carried to deny as written the Application to Maintain an Encroachment made by Fremont Communications. (Costello, Forsythe)
- 9) Motion carried to approve the Library Services Contract as written based upon approval by the Town's legal counsel and the correction of the year in item #3. (Johnson, Costello)
- 10) Motion carried to approve the Capital Improvement Plan with the noted correction to the streetlight schedule. (Johnson, Schmier)

Council Comments

Cole Parker commends the local high school football team for winning their first two games, a nice change from the last couple of years. He also recognizes the efforts and success of the volleyball and cross country team.

Public Comment Period

Wendy Swenson and Cynthia Knapp address the Council on behalf of the WY Chamber of Commerce. Swenson and Knapp distribute a letter that outlines a proposal to place window wraps with pictures and/or advertising in the interior and exterior of businesses that close during the winter season. Richard Gibson suggests the Town consider using policeone.com for recruiting officers and a police chief.

Public Meeting-Pioneer Park Conceptual Plan

Mayor Schmier explains that the Parks & Recreation Advisory Board put this plan together last summer and tonight they are accepting comments and opinions on the plan. Vickie Barta, Chair for the Parks & Recreation Advisory Board and Council Member Greg Forsythe briefly describes how the board developed and put this plan together. Barta points out that they took into consideration things like existing water lines, preserving green space, existing trees, and the success of the Kids n Snow program this past year. Forsythe adds that they feel like all of the current events and activities that are held in the park will still be able to take place. Mayor Schmier reads a letter from Chip Smith who expresses support for the ice rink and conceptual plan, but disagrees with the selected location for the ice rink because it will reduce the amount of grass and open space in the park. Barta says that they are reducing the grassy area on the northwest corner, but the plan also includes improvements that will open up the southeast corner. Mike Slevin says he likes the plan but suggests any water feature planned for the southeast corner is moved farther into the park for safety reasons and to keep kids farther away from the highways. Gayle Gavagan says the plan is beautiful and agrees that they need something to draw people into the park. The majority of the audience indicates that they like the plan. Cynthia Knapp encourages them to plan the ice rink so that it could be covered sometime down the road. She also says that the marketing committee of the Chamber is strongly in favor of this. Michael Keator suggests turning the rink so it faces the entire park in the event that pad is used for a stage or another event. Randy Roberson says he is happy to see this kind of a proposal and thinks the Town is headed in the right direction to improve the community with things like this. Scott Johnson agrees and says when his kids were young and they traveled, they were always looking for a place like this for cheap and fun entertainment. Mayor Schmier asks for feedback on the parking lot layout and the majority of those present indicate they like the proposed layout. Schmier also points out that the southeast corner is currently being used as parking for a couple businesses, which could be contentious. Marge Wanner says she also likes that idea of turning the rink so it faces the rest of the park. Patterson says they could try turning the rink as suggested this winter and see how that works because they won't be able to pour concrete until next spring anyway.

DISCUSSION

- A) Operations Manager/Department Head Reports: **Recruitments**
- Police Officer – The Police Commission will be conducting interviews of police officer applicants on Monday, September 15, beginning at 10 a.m. at the Town Hall. We made a job offer to one candidate who had successfully completed the background check and psychological evaluation, but she had already accepted a position in Texas.
 - Chief of Police – Applications are due this Friday, September 12. We reached out to Red Lodge to see if any of their top Chief candidates may be interested in submitting and application. Several candidates appear to be interested in applying in West Yellowstone.

Labor Negotiations – We have tentatively scheduled our first negotiating session on September 24. I will be talking with the Union's negotiator next week to firm up the details. **MOU with Sheriff's Office for Interim Law Enforcement** – I just received the final draft of the MOU that has been approved by both the County and Town Attorneys and will place it on the next Council

agenda for action. **911 Advisory Committee** – The Committee met on August 20. One of the topics of discussion was the potential use of a CAD system at the dispatch center. Dispatchers are currently trying out one CAD program. **Public Services Department** – Public Services have nearly completed landscaping efforts around the Town Hall. Thanks to a donation received several years ago, a sand volleyball court will be installed on the southeast corner of the lot come spring. James Patterson has ordered a new liner for the ice skating rink. He is concerned that even if the Council approves the draft plan this evening, it is getting too late in the season to pour a concrete pad for the rink. If a permanent location for the rink is approved by the Council, concrete and lighting improvements are on tap in the spring. **Sewer Connection Audit** – The response from the letters sent to sewer customers has been great. James is now working to physically inspect all connections to verify the information submitted on the questionnaires. He reports that the inspections are going well and jibe well with the questionnaires. **Prescription Drug Take-Back Program** – The Police Department will be receiving unused prescription medications from the public to ensure that the drugs are disposed of properly at the Povah Center on September 27 from 10 a.m. until 2 p.m. **Alec Hansen Retirement** – Alec Hansen has been the executive director of the Montana League of Cities and Towns for 32 years. He and his wife will be joining us at the League Conference here in West Yellowstone in October. The President of the MLCT, Jani McCall, a Councilmember from Billings is planning to purchase a Best Buy gift card for Alec to honor his many years of service and has asked member cities to contribute toward its purchase. I recommend that we donate a minimum of \$50 toward this effort. Also, if you would like to say a few words in honor of Alec, please email Dave Nielsen at mlct@mt.net.

- 2) Schmier points out the claims include a final payment for the alley reconstruction and drainage project, nearly \$208,000. Costello asks if the Town owns a Ford Expedition, Town Clerk Liz Roos responds that they actually own two Ford Expeditions, a 2010 and 2011 and they are used by the police department. Costello also asks what is Avtec, noting a claim for a \$1500 maintenance fee. Head Dispatcher Brenda Martin explains that is the radio in dispatch and the maintenance fee covers support for one year. Schmier asks about the claim to Century Link for 255-9710 for \$995.98 and asks if it is correct. Roos explains that line is a 911 trunk for the emergency response system and that line costs nearly \$1000 every month. Forsythe abstains from #40264, Schmier abstains from #40262.
- 4) Parker says that when they are considering this, they shouldn't get hung up on trees because trees die, break, etc. He says they may want to tear out some trees and plant shorter, healthier trees. Johnson says they should remember this is a living document and they will make adjustments as they move forward, but if they don't start now then when will they start? He says that as they budget for improvements they will discuss changes and new ideas. Schmier agrees and reminds everyone that ideas and priorities change. Bill Howell says that in reference to the Rod Run, there is a filmmaker that attended a couple years ago that provided a lot of national exposure. That filmmaker is planning to return again next year, and West Yellowstone is one of only two places he has ever returned to, which can only benefit the Rod Run. Schmier agrees and says that they want to continue to support that event.
- 5) Vickie Barta explains that on behalf of the Parks & Recreation Committee, she and April Heesacker are working on a Recreation Advisory Committee (RAC) grant, which is due September 30, 2014. Barta says they would like to apply for funding to surface the Frontier Trail that goes around the perimeter of West Yellowstone. She says they have support from the Forest Service, which has offered use of equipment as the match. Barta says they are requesting approval for this from the Council and community support-specifically Council Members that would be willing to call members of the RAC. Barta says one of the members of the RAC is local resident Jason Howell. Jason Howell is present and shares how the RAC is composed and explains that he is a Category One member, which considers general use trails. Barta asks Howell is phone calls to specific members are effective. Howell suggests letters of support from the Town, Chamber, local businesses, etc.

- 6) John Costello says that he is going to vote for this motion, but feels like they need to do their best to reconstruct the police department. Costello says he thinks they need to move forward with hiring a Police Chief, but move the closing date back and take Gibson's suggestion to widen the net and solicit more applications. He says he would like to see 30 or 40 applicants, not just 6 or 7. He also suggests holding off hiring any new officers until a chief is hired so the Chief can be a part of that process. Guay explains that the Police Commission recommended at their last meeting that they should proceed with interviews by the Police Commission next week but then delay final hiring until a Chief has been hired and can be a part of the final selection process. Costello continues and suggests that between now and when a Chief is hired, someone with a wealth of law enforcement experience and a wealth of West Yellowstone law enforcement experience should be put in charge of the day to day running of the department. He believes the Sheriff can provide that person. Costello also suggests that the Council appoint a three-person board composed of two law enforcement persons and the Operations Manager to make the final decisions as to who to hire based on the recommendations of the Police Commission. Cole Parker thanks everyone that took the time to comment and express their thoughts concerning the future of the police department. He says at the last meeting there were a lot of accusations and emotions, but the Sheriff Department has only done what they asked of them. He says that contracting out services is not a new idea, and he would like to thank the Sheriff and his deputies for their assistance through this difficult time. Parker says he asked questions and listened to the answers at the last meeting. He witnessed a lot of passion and conviction, both from new and long-term residents. Parker says that he recommends hiring a Chief and let the Chief hire their staff. He says that the Chief should report directly to the Council, and if that is not possible, then to two members of the Council. Johnson says he agrees with several things that have been said, but he thinks they need to stop sabotaging their hiring process by halting the process. He says that if they choose to proceed with the hiring process, they wouldn't be in the wrong if the Police Commission got it down to a small number of applicants to interview. Johnson says he thinks they have to stop trying to train administrative staff, they need to spend the money to go out and hire professionals. Costello says that in Red Lodge, once they narrowed it down to just a couple candidates, they had a casual evening to where members of the community had an opportunity to mingle with the top candidates in an informal setting. Schmier says he is also in favor of rebuilding the police department. He says that they heard a lot from the community on this topic at the last meeting but invites comments from the public. Richard Gibson says he agrees with the proposal to invite the community to meet the top candidates. He also suggests giving the applicants an assignment for that event, such as how they would handle a particular situation. Michael Keator introduces himself and shares his law enforcement background. He says that the first thing they should consider their training program and how that is maintained. He says their training standards and documentation is very important and their biggest obstacle. Rocky Hermanson thanks the Council for being willing to serve on the Council. He also encourages the Council to hire someone with experience. He says he thinks they are moving in the right direction and how things have been done previously is somewhat irrelevant. Greg Forsythe says he is also in favor of maintaining a local police department. He says that as a Town, they need to restructure what they can offer a police officer. He says they have lost four officers over the last couple years, whether for economic or leadership issues. He asks if they are offering enough money or housing to bring that many new officers to West Yellowstone. He also thinks they need to work towards bringing all the law enforcement agencies in this area so they can work together. Forsythe also says he would like to see someone with law enforcement expertise in charge of the department while they work toward rebuilding the department. Schmier clarifies that voting in favor of this motion will effectively end the discussion about contracting law enforcement services through Gallatin County.
- 7) Mayor Schmier says the next agenda item is a request from Hebgen Basin Fire Department to pave the driveway between Fire Station One (400 Yellowstone Avenue) and the Search and Rescue Building directly to the west. According to the interlocal agreement, any improvements in excess of \$10,000 must be approved by the Town.

Grube explains that the pavement will make snow removal and water drainage much better.

- 8) The Council considers the Application to Maintain an Encroachment made by Corey Packer of Fremont Communications to install a new fiber optic line under and then down the west side of South Electric to First Security Bank. Costello questions why they are requesting the location of the line on the west side of the street rather than using the utility easement that goes behind the lots along South Electric and will not interfere with the Town's water lines. The Council asks Patterson to consult with Town Engineer Dick Dyer and propose the alternate route.

- 10) Costello asks why they approve a Capital Improvement Plan. Johnson says the document essentially solidifies what they put into the budget and provides a framework for future planning. He also says they talked about a few things tonight he would like to add to the plan. Guay points out a couple modifications that have been made to the plan since the last time it was before the Council. She says the blower they are installing at the lagoon has been ordered and typically needs to be replaced every five years. She says they added the surfacing of the Frontier Trail because they knew that was being discussed. She says they changed the pavilion/public benefit project to "To Be Determined" and added the elevator at the Town Hall. Johnson asks why construction of an aquatic center is on the plan, Guay says that has been there since before she was hired. He also questions the workforce housing and says that was originally discussed as housing for town employees, not a community workforce. Johnson also points out some corrections that need to be made to the street lighting projects.

The meeting is adjourned. (9:20 PM)

Mayor

ATTEST:

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL

Work Session
August 26, 2014

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

OTHERS PRESENT: Operations Manager Becky Guay, Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson

The meeting is called to order by Mayor Brad Schmier at 1:00 PM in the West Yellowstone Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana

Public Comment Period

Town Clerk Liz Roos reports that the Junior High football team beat Sheridan 31 to 0 yesterday, the first game the junior high football team has won in three years! Helene Rightenour says she would like the opportunity to comment on the subject of this meeting later on as well. She says that she has heard rumor that the Council is considering opening up the recruitment for a Chief of Police to do a nationwide search. She says her experience has been that if they hire a Chief from back east or outside of this region, it's likely they will not stay because they or their family will not want to live here.

Mayor Schmier opens the meeting and explains that they scheduled this meeting with the Police Commission at the request of a couple council members and asks them to share their thoughts. Council Member Forsythe says he felt it was important for the council to sit down with the Police Commission and discuss how the police department should be managed moving forward both immediately and long-term. He says he would really like to hear what the members of the Police Commission think they should do to move forward. Johnson says that he and Mayor Schmier attended the last Police Commission Meeting and there were a lot of great ideas tossed around and he thinks those ideas should be shared with the group. Mayor Schmier summarizes that the recruitment for chief of police closed last Friday, he asks Guay how many applications were received. Guay responds that they received 17 applications. Johnson asks how many of that 17 are qualified. Guay estimates that 15 of the applicants meet the minimum qualifications. Gibson asks if the job was advertised nationwide. Guay explains that it was posted online in several places and they received applications from all over the country. She also explains that Social Services Director Jack Dittmann will go through the applications and redact any information that should not be considered, then the police commission will review the applications and make recommendations. Doc says he agrees with Rightenour's comments that they know that there are a lot of people that will not enjoy living in this climate. Gibson says he thinks they need to make sure they don't eliminate people just because they don't come from a place that gets cold. He says that he only worked for one police department but his plan was always to move here when he could, they just need to hire the right person. Howell agrees and says people will come and go, they just need to work through it and do the best they can. Johnson says he has a couple pointed questions for the Police Commission. He says that in the past they have used people from other agencies to be a part of the interview or scoring process and he asks if they think they should do it that way, but they would not have the final say. He also asks if they think they should hire the Police Chief first and then fill the officer positions or should they conduct the recruitments at the same time. Howell says he has thought from the beginning that they should hire the Chief first. He says he can't imagine hiring the officers without input from the new Chief. Patterson says he agrees with Howell. He says that when he ran his own business, he always felt it was more effective to personally hire the people that will work for him. He says this is the ideal opportunity to build the department and hire the people they need. Gibson says he thinks it would be fine to have some officers from other agencies participate in the process, especially because he thinks it will give some "buy-in" for the Sheriff's Office or the Park because they will know they helped hire these people. However, in the future, they should handle all hirings in-house using the staff, commission, and council. He says that he's never seen a situation where the Chief sat in on the oral boards, but the Chief should review the applications and scoring. Lew Scott says that the reason they are required to have a Police Commission in Montana is to provide another filter so there are no opportunities for nepotism or other illegal acts. He says that the Police Commission also has administrative powers and can act on civil matters. Doc says he doesn't have a strong feeling on whether they

should hire a Chief or officers first. Doc says that the Chief will be required to adhere to a collective bargaining agreement and he must know and understand that document. He says that he has read statements that the Sheriff's Department pays better than the Town, but he is a skeptic of that statement. He acknowledges that they are just about to start negotiations, and suggests that they compare everything and he will be surprised if Gallatin County actually treats their people better than the Town. Schmier asks the group how they feel about hiring a qualified officer to oversee the process, as was suggested at the last council meeting. Costello says he would like to hear more about the good ideas from the last Police Commission meeting. Johnson says those ideas are what they are talking about now. He says that they talked about building the department so they have a mix of officers, both rookies and those with substantial experience. Johnson says they're going to have to accept that they will have turnover and their track record is actually pretty good. He says that 3 to 5 years is about all they can expect, but they should be able to work with that. Schmier redirects the discussion back to the hiring process and asks the Police Commission if they are comfortable with the process. Johnson explains that he spoke to one of their previous chiefs, Bill Pronovost, and clarified that they did use officers from other agencies during the oral interviews. The group discusses whether interviews should be open to the public. Guay says that this has been discussed in the past, and says that the Town Attorney recommended that the interviews be public unless the officer requests that they be conducted in private. Costello says he questions the fact that after the police commission and interviews are completed, the Operations Manager will bring a name to the Council to be appointed-but the Council knows nothing about the person and has nothing to base their votes on. Johnson says that they are elected to make those decisions. Costello agrees and says that therefore the interviews should be public so Council members could attend. Johnson says that in the past, they would narrow it down to three applicants that were deemed acceptable and the Operations Manager could offer the job to the first and keep the other two on a list for another six months should there be another vacancy. The group discusses how and to what extent the Council should be involved with interviews and what should happen next. Forsythe says it sounds like the members of the Police Commission are recommending that they do solicit help from an outside agency to participate in the interviews. He says he does think they should hire the Chief first and they should proceed with that process. Gibson says he doesn't understand why they can't do both at the same time. He says they should schedule the interviews for Chief and set up the initial interviews for patrolmen, too. This suggestion is also discussed. Howell asks the Council if they would like to host a public reception for the candidates as they did in Red Lodge. The Council agrees they would like to do that and the group discusses how Red Lodge handled their recent recruitment of a Chief. Johnson says that he thinks the interview panel for should include the Police Commission as well as the Operations Manager, a Town Department Supervisor, representatives from two outside law enforcement agencies, and then the Council or a couple members of the Council. Schmier asks if there is anyone present that disagrees with that suggestion. No one does and Schmier asks Johnson to work with Guay to work that out. Schmier asks the Police Commission to select two outside agencies to send a representative for the interviews. Howell asks if it would be appropriate to request a specific individual and says that Rob Burns would probably be an ideal representative from the Sheriff's Department as he has been a part of the community for many years. Guay indicates that she will write this process down and send it out for everyone to review.

Schmier says the other topic they need to discuss is current supervision of the Police Department. He says that in the absence of the Chief, the Operations Manager is in charge of the department. He asks Guay, Sergeant Frank, and Head Dispatcher Brenda Martin how that is going. Frank says he communicates with Guay almost every day. Guay agrees, says she talks to Martin frequently, too. She says that administrative tasks are not being taken care of. Schmier asks if they are having any issues dealing with the Sheriff's deputies. Guay says they've had a couple issues where calls for service have been left on Frank's or Curtis's desk with no other information. Frank says that he has pretty good communication with Deputies Burns, Stubblefield, and Gavagan, so they are at least maintaining. Johnson asks who does Curtis answer to? Frank says he answers to him, but he doesn't see him very often so they leave notes for each other. Schmier says he's uncomfortable with that and says they should be having some face-to-face interactions. Doc and Gibson both suggest that they do whatever is necessary to make sure Curtis and Frank have the opportunity to brief each other on whatever may be going

on. Frank says he has no problem adjusting his schedule to make sure they have time for that. The group discusses the need for more help and daily operations. Howell says there are several qualified people in this community that could help as an interim chief. Forsythe says he would like to see the Sheriff's Department put in charge of the department on an interim basis. He says that he thinks Guay is over her head. There is some discussion about handling felony investigations, shift coverage, and supervision in the department. The Council considers bringing in someone else to supervise the department. Costello says that he thinks they could do no better than to ask Rob Burns to run the department for the next two months, Burns is a long-time deputy for the Sheriff that is planning to retire in December. Forsythe says there is no difference between hiring Burns and just contracting with the Sheriff's Department to run the department. Gibson says that if Burns is planning to retire in December, his calendar is already scheduled so he can finish everything he is involved with by the time he actually retires. The group agrees that they need to talk to Burns and find out if he is willing and it is even a possibility. Johnson says they need to talk to the Sheriff, first, and see if he is willing to let them go. Martin says that Deputy Stubblefield also has a lot of experience in West Yellowstone and actually worked as the interim chief at one time. Schmier says that what they are really discussing is whether they want to contract with the County to run the department on an interim basis, which there was pretty strong opposition from the public to do just that on a permanent basis. Doc asks if or why aren't they utilizing the Highway Patrol for accidents. He says that Highway Patrol is specifically trained to investigate accidents. Johnson asks if someone is going to call the Sheriff and find out if they can supervise the entire department. Schmier says he will make that call. The group discusses who else should be contacted from the other law enforcement agencies to find out if they will participate in the interview process.

The meeting is adjourned. (3:15 PM)

Mayor

ATTEST:

Town Clerk

APPLICATION TO MAINTAIN AN ENCROACHMENT

Town of West Yellowstone
Gallatin County, Montana

DATE: 09/19/2014

APPLICANT: Fremont Communications

MAILING ADDRESS: 110 E. Main St. St. Anthony, ID

PHYSICAL ADDRESS: Same

PHONE: 208.624.7120

INTEREST IN PROPERTY: Install Fiber Optic Line To Provide High Speed Internet/Data

OWNER OF RECORD'S SIGNATURE: 

1. LEGAL DESCRIPTION:

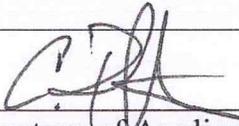
Subdivision: Grizzly Park

Block: _____ Lot: _____

Zoning District Number: B-4

2. Please describe specifically the construction and size of the proposed encroachment. On the reverse of this application, please provide a sketch of the proposed encroachment. Please see attached sketch.

See Attached Map


Signature of Applicant

09/19/14
Date

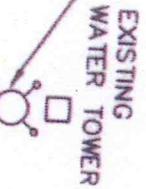
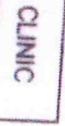
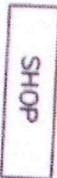
AST 60.00'

EAST 67.50'

ELECTRIC STREET

S 89°31'00" E 7.50'

TOWN OF WEST YELLOWSTONE
DEDICATION FOR ELECTRIC STREET
0.574 ACRES



TOW

POINT
BRA:
OF S

64°55'44" E - 34.98'

S 61°40'44" E - 34.98'

S 58°35'18" E - 35.73'

N 00°05'24" W 334.83'

N 00°05'24" W

S 00°05'24" E 333.28'

N 88°51'41" E 806.32'

5.20'

0.53'

2.010 ACRES

4

BLOCK 1

50.34'

NORTH 251.48'

NORTH 240.00'

20' EAST

140.00'

125.98'

125.98'

128.29'

140.03'

140.03'

125.98'

125.50'

128.29'

140.03'

140.03'

125.98'

125.50'

128.29'

140.03'

140.03'

125.98'

125.50'

128.29'

140.03'

140.03'

125.98'

125.50'

128.29'

3

0.408 AC

0.405 AC

2

0.446 AC

1

0.352 AC

0.347 AC

1

0.352 AC

0.347 AC

2

0.446 AC

10

0.446 AC

8

0.153 AC

5

0.857 ACRES

1

1.102 ACRES

5

0.857 ACRES

5

0.857 ACRES

5



20'

342.3'

0.857 ACRES

5

200.00'

NORTH

1.102 ACRES

1

240.00'

140.00'

140.00'

195.00'

ELECTRIC STREET

185.01'

108.00'

180.00'

180.00'

248.19'

348.19'

348.19'

200.00'

EAST

240.00'

140.00'

140.00'

195.00'

ELECTRIC STREET

185.01'

108.00'

180.00'

180.00'

108.00'

EAST

232.57'

20'

20'

20'

01.153 ACRES

8

0.153 ACRES

8

Elizabeth Roos

From: Winston Dyer <wdyer@thedyergroup.com>
Sent: Friday, September 19, 2014 10:43 AM
To: James Patterson; 'Elizabeth Roos'
Cc: CPacker@fremontsolutions.com
Subject: Fremont Fiber Optic Route - First Security Bank

James and I held an on-site meeting with Corey Packer from Fremont Communications to review the proposed fiber optic route going to the bank using the available utility easements associated with the property parcels along the way. We appreciate John Costello's making us aware of the existence of those utility easements.

We determined we could start from Fremont's existing fiber line on the east side of Electric Street and bore under the street going to the west on an alignment that would keep us well north of the existing east-west sewer line in that area. The fiber optic line would continue to be installed going west, parallel to and just south of the north property line of Lot 3 (Block 1) in the 30 ft. wide utility easement. Again this would be well away from the existing sewer line.

At the northwest corner of Lot 3 the fiber optic would then turn south in the utility easement along the back of Lots 3 and 2. It would be installed just east of the westerly property line and would be held as close as possible to the property line to keep the 10 foot utility easement open for other needs in the future.

Upon reaching the southerly end of Lot 2 the fiber optic line would pass over our existing storm drain line at a 90° angle and would be bored under the bank parking lot over to the bank building.

We're satisfied that the above described route (reviewed in the field with the utility company) will allow installation of the fiber optic line in such a manner that it will not constitute any appreciable interference with our existing Town utilities. The new line will be buried 36" deep, there will be sufficient separation in the parallel installation with our existing sewer line along the north end, and all other Town utilities will be crossed at a 90° angle.

We recommend this route be approved, subject to our earlier suggested condition that Fremont Communications holds the Town harmless from any potential damage that may occur to the utility within Town rights-of-way, property, and/or easements:

"Fremont Communications agrees to indemnify and hold harmless the Town of West Yellowstone from any and all liabilities associated with relocation, repair, and/or maintenance of the installed fiber-optic facilities in the Town rights-of-way, properties, and/or easements – **provided the Town takes reasonable protective measures** (such as calling for line locates and carefully excavating) when working near the fiber-optic line installation."

Please let us know if there are any further questions or concerns. Thanks...Dick

Winston R. Dyer, PE
The Dyer Group, LLC
208.390.9700 v, 656.8808 f
wdyer@thedyergroup.com

Elizabeth Roos

From: Winston Dyer <wdyer@thedyergroup.com>
Sent: Friday, September 19, 2014 1:00 PM
To: CPacker@fremontsolutions.com
Cc: James Patterson; 'Elizabeth Roos'
Subject: Town Encroachments

Corey:

You had called me in response to my email earlier this morning recommending the Town grant the requested encroachment permit for a fiber optic line going to the bank in the Electric Street area subject to inclusion of a hold harmless clause. **Specifically you had expressed concern over our recommended condition for the permit that the utility company hold the Town harmless from any damage that may occur after the allowed installation of the utility.** Additionally, you expressed concern that the incorporation of such a provision may set an undesirable precedent for Fremont Communication's work with other municipalities in Montana with regard to similar situations.

While we certainly respect that concern, I responded that we recently received potential claims for additional compensation on a Town project where interference with existing installed utilities required extra time and effort for the contractor to deal with in properly constructing the Town project. Our objective is to see that the Town avoid such situations in the future where private utility companies are freely occupying the public rights of way in a for-profit enterprise...without compensation to the Town and with potential liability to the Town for future repair, relocation, damage, etc. of the utility once it's installed.

In short, I am confident the Town's position is that they are more than happy to allow utilities to freely occupy the public right of way for the potential improvement in quality of life to the residents and visitors that such occupancy may bring...but they are not willing to do so if it creates liability and risk for the Town in granting that permission to occupy the public way.

As you and I discussed, whatever provision we can have in the encroachment permit that honors this objective without creating problems for your company elsewhere in the state is just fine, but the Town must have some type of assurance that they are not taking on any liability before they will allow the requested encroachment. Alternately, Fremont Communications may wish to acquire its own private easement wherein they are in control and can therefore expect compensation if relocation is needed or damage to the utility occurs.

Now I am not an attorney and therefore cannot speak with legal authority on this matter, but I did do some research into the situation that I think will be helpful to all involved. First, I researched the Montana Code provision that indicates that utilities can be compensated up to 75% once they are installed and if they are requested to be moved or relocated in the future (MCA 60-4-403). In reading that and referring back to MCA 60-4-401 (2) it clearly states that such compensation is only for utility relocations on federal-aid or state highways. Therefore it appears that this mandatory compensation provision does not apply to utilities installed in town rights-of-way, property, and/or easements.

In the absence of some other state code or policy that would apply in such a situation (I conducted brief research but did not find any), then one would turn to the ordinances of the Town of West Yellowstone for governing law and policy in this situation. Chapter 12.16 of the West Yellowstone Town Code is the governing ordinance with regard to encroachments on Town property and rights-of-way. It indicates that encroachments on the public way are not allowed unless permission is granted via an encroachment permit...which is the process we are going through at the moment.

Note that Section 12.16.050.A.3 reads as follows:

“3. All encroachments allowed pursuant to these permits shall be issued with the express understanding that the town is not responsible for damage to the encroachments which may be occasioned by ordinary use, including snow plowing and street maintenance by town employees. Unless an encroachment permit states otherwise, the permit is revocable at will at any time and for any reason by the town council.”

It would appear from this material that the Town automatically receives protection from the risk of liability for installed utilities – so therefore while the hold harmless condition I recommended to the Town certainly would help clarify the specific desire and the intent in this case, the Town may already be covered by the provisions of the Ordinance under which the encroachment permit is issued.

We will be happy to recommend the Town move forward with our recommended approval of the encroachment permit without the stipulated hold harmless clause (because the existing Town Ordinance already provides such desired protection) if having the hold harmless included is a big issue for you. Thanks...Dick

Winston R. Dyer, PE
The Dyer Group, LLC
208.390.9700 v, 656.8808 f
wdyer@thedyergroup.com



YELLOWSTONE
HISTORIC CENTER

THE HERITAGE OF TRAVEL TO YELLOWSTONE

Post Office Box 1299

Phone/Fax:

406-646-7461

West Yellowstone, Montana 59758

E mail: info@yellowstonehistoriccenter.org
Website: www.yellowstonehistoriccenter.org

September 11, 2014

Ms. Becky Guay, Town Manager
Town of West Yellowstone
PO Box 1570
West Yellowstone, MT 59758

Dear Becky,

I am writing to you on behalf of the Yellowstone Historic Center's Board of Directors concerning our agreement with the Town of West Yellowstone for utilizing space in the Union Pacific Dining Lodge for YHC's administrative offices. The current agreement, dated December 1, 2013, renews automatically for consecutive one-year terms (based on renewal date of September 30 annually) for a maximum of five years, unless either party exercises their respective rights to terminate the agreement as outlined therein.

We appreciate the support the Town has extended to YHC through the use of space in the Dining Lodge for our administrative offices. We trust that our on-site presence and oversight of daily activities in the Dining Lodge has been a benefit to the Town. We feel this presence is even more critical as we move forward with the transfer of Dining Lodge management responsibilities.

We look forward to our continued presence in the Dining Lodge for another year per the terms of this agreement. Please let me know if any action is required on YHC's part to proceed with the automatic renewal of this agreement. Thank you in advance for your assistance in this matter.

Sincerely,

Carol Leasure
Financial Secretary, Yellowstone Historic Center
On behalf of Rawhide Johnson, Chair of the Board of Directors

MEMORANDUM OF UNDERSTANDING
TOWN OF WEST YELLOWSTONE/GALLATIN COUNTY SHERIFF'S
OFFICE

This Memorandum of Understanding, (“MOU”) is made on the ___ day of _____, 2014, between the Town of West Yellowstone, the (“Town”), the Gallatin County Sheriff’s Office, the (“Sheriff”) and Gallatin County, the (“County”).

RECITALS:

WHEREAS, Section 7-11-102, MCA, permits local governments to make the most efficient use of their powers by enabling them to cooperate with other local governmental units on a basis of mutual advantage and thereby to provide services and facilities in a manner that will accord best with the factors influencing the needs and development of local communities;

WHEREAS, Section 7-11-301(2) allows local governments to directly contract for consolidation and transfer of services without the formalities of an interlocal agreement;

WHEREAS, the Town is currently in need of assistance providing law enforcement services to the citizens and businesses within its boundaries and the Sheriff is willing and able to provide such assistance on a temporary basis;

WHEREAS, the Mayor of the Town has appointed an Acting Police Department Administrator to temporarily fulfill the law enforcement duties set forth in Section 7-32-4105, MCA;

WHEREAS, To the extent necessary or allowable by law, the Town, through its Acting Police Department Administrator makes a standing request for assistance to the Sheriff pursuant to Section 44-11-101, MCA throughout the period this MOU is in effect; and

WHEREAS, the County and the Sheriff are agreeable to rendering such law enforcement services, understand the temporary needs of the Town and agree that the Sheriff can provide such services as are necessary and that the Town will pay a set hourly fee for the services provided as set forth in detail below:

NOW THEREFORE, the parties agree as follows:

1. The recitals set forth above are incorporated herein in full.
2. The purpose of this MOU is to provide the terms and conditions of the agreement between the parties for the Sheriff to provide law enforcement coverage for the Town on a temporary basis and for payment for such services.
3. The Sheriff will provide a sufficient number of deputies to cover the shifts requested by the Town.

4. The Town shall provide a calendar to the Sheriff in order to schedule shifts for August and September. The Sheriff will notify the Town on a weekly basis the names of deputies that will be covering the requested shifts. If the Town continues to need coverage into October, a calendar for October will be provided to the Sheriff no later than September 15, 2014.
5. Any deputies working in the Town shall answer directly to the Sheriff however they shall coordinate with the Town Police Sergeant or designee on a day to day basis regarding any issues that may arise.
6. For the offenses of Assault (§45-5-201, MCA), Partner or Family Member Assault (§45-5-206, MCA) or an offense under Title 61, Chapter 8, Part 4, MCA, that occur within the boundaries of the Town the Sheriff has the exclusive option to charge the crime in Gallatin County Justice Court and have the offense prosecuted by the Gallatin County Attorney's Office. Any felony investigations started by the Sheriff shall be completed by his deputy and prosecuted by the County Attorney's office.
7. The Sheriff has been provided a memorandum from the Town regarding Court procedures and shall provide the same to the Deputies for offenses that are charged in the West Yellowstone City Court.
8. The Town shall continue to maintain its police vehicles, including insurance and such vehicles may be used by the deputies if necessary to perform their duties as set out herein.
9. The Town shall pay the Sheriff the rate of \$40.00 per hour for each hour worked by his deputies within the Town, pursuant to this agreement. The Sheriff must submit claims for the amounts due before either the 1st or 3rd Tuesday of each month in order for the Council to consider the bill at its next meeting.
10. The Town agrees to approve the payment of said claim at the first meeting to be held after the claim is received.
11. The Sheriff and the Acting Police Department Administrator shall be responsible for the day-to-day administration of this MOU.
12. The rendition of such services, the standards of performance, the discipline of deputies and other matters incident to the performance of such services and the control of personnel so employed shall remain with the Sheriff under this MOU and subject to the policies and procedures established by the Sheriff.
13. The County and Sheriff shall maintain liability insurance for the activities of Sheriff in providing law enforcement services to the Town under this MOU. The County and Sheriff shall assume liability for, defend against and hold harmless the Town from all costs or damages including attorney's fees for injury to persons or property caused by the negligence of or intentional misconduct of the Sheriff or Sheriff's personnel in

providing or failing to provide such law enforcement services to the Town. The Town shall assume liability for, defend against, and hold harmless the County and Sheriff from all claims and costs of damages including attorney fees for injury to persons or property caused by the Town in its negligent or intentional misconduct in administration of the terms and conditions of this MOU or failing to provide auto insurance for Town motor vehicles driven by deputy Sheriffs.

14. No party shall assign, transfer, or convey any right or obligation set forth in this MOU without the prior written consent of the other party. The undersigned represent that they have authority to enter into this MOU.
15. This MOU constitutes the sole and entire agreement between the parties hereto. No other terms or conditions shall be binding upon either party unless accepted in writing. This MOU supersedes any previous oral or written agreements between the parties.
16. All persons employed by the Sheriff in providing general law enforcement services to the Town shall be considered County employees, and they shall not have any benefit, status or right of Town employment. The Town shall not be liable for direct payments of salaries, wages or other compensation to the County employees providing general law enforcement services to it. The Town shall not be liable for indemnity to any County employee for injury or sickness arising out of his or her employment in providing law enforcement services to it. For the sole purpose of giving official status to their acts in performing this MOU, every County Sheriff's deputy or employee engaged in providing general law enforcement services to the Town shall be considered an agent of the Town.

Notwithstanding the date of signatures of the parties, the terms and conditions of this MOU become effective on the day first written above by:

GALLATIN COUNTY MONTANA

TOWN OF WEST YELLOWSTONE

BY: Pierre Martineau
Its: Chair, Board of County Commissioners

BY: Rebecca Guay
Its: Operations Manager

GALLATIN COUNTY SHERIFF

Brian Gootkin

Montana League of Cities and Towns
Tentative Agenda (9/4/2014)
2014 Annual Conference
"MEETING CHALLENGES – MANAGING CHANGE"

WEDNESDAY, OCTOBER 8				
TIME	LEAGUE	ROOMS	TIME	ATTORNEYS
7:30 a.m.- 5:00 p.m.	Registration (Holiday Inn Conference Center)	LOBBY		
8:00 a.m.	Municipal Clerks Meeting	ELECTRIC		
8:00 a.m.	Public Works Directors Meeting	GEYSER		
7:30 a.m. – Noon	City Managers Meeting (meet in Treehouse Room for breakfast)	TREEHOUSE then CANYON		
12:45 p.m.	MLCT/MMIA 5k Fun Run	RENDEZVOUS TRAILS		
2:00 p.m.	Legislation-Resolutions Committee	BOARD		
3:00 p.m.	MMIA Board of Directors Meeting	CANYON		
4:00 p.m.	MLCT Audit Committee Meeting	TREEHOUSE		
5:00 p.m.	MLCT Board of Directors Meeting	ELECTRIC		
6:30 p.m.	President's Reception (For all conference attendees!!)	IMAX Theater/Grizzly Discovery Center		
THURSDAY, OCTOBER 9			THURSDAY, OCTOBER 9	
7:30 a.m.- 5:00 p.m.	Registration	LOBBY	8:00 a.m. - 8:30 a.m.	Legal Seminar Sign In (10.0 CLE Total/includes 1 Ethics)
7:45 a.m.	League Committee Meetings <ul style="list-style-type: none"> • Nominating • Credentials • Finance & Dues • Conference Site 	BOARD LOBBY TREEHOUSE ELECTRIC		
8:30 a.m.	Opening General Session <ul style="list-style-type: none"> • Call to Order • Presentation of Colors • Pledge • Invocation • Mayor's Welcome • Response from 1st VP • Roll Call • Introductions 	GEYSER Jani McCall Becky Guay Dave Nielsen Brad Schmier Susan Nicosia Agnes Fowler Jani/Dave	8:30 a.m. – 10:00 a.m.	CANYON ROOM Current Water Issues Affecting Municipalities 1.5 CLE Tim Cooper Jim Nugent Greg Sullivan

9:00 a.m. – 9:45 a.m.	Montana's Economic Outlook: Still Better Than the Rest of the US?	GEYSER Patrick Barkey		
9:45 a.m.	COFFEE BREAK	HAYDEN HALL	10:00 a.m.	COFFEE BREAK - HAYDEN HALL
10:15 a.m. – 11:45 a.m.	CONCURRENT SESSIONS Workshop I Water, Water Everywhere, But Need a Right. Workshop II Reappraisal, Deja Vu Again. 2014 Model Floodplain Regulations	GEYSER Candace Payne Millie Heffner David Donahoe ELECTRIC Mike Kadas, DOR Director DNRC Representative	10:15 a.m. - 11:45 a.m.	GEYSER ROOM Workshop I (w/MLCT) Water, Water Everywhere, But Need a Right. 1.5 CLE
11:45 a.m. - 1:00 p.m.	Lunch w/Guest Speaker	UNION PACIFIC HALL Lt. Gov. Angela McLean	11:45 a.m. - 1:00 p.m.	UNION PACIFIC HALL Lunch w/MLCT
1:00 p.m. – 2:00 p.m.	Guest Speaker	GEYSER AG Tim Fox	1:00 p.m.- 2:00 p.m.	GEYSER ROOM Guest Speaker AG Tim Fox 1.0 CLE
2:00 p.m. – 3:00 p.m.	CONCURRENT SESSIONS Workshop I Bonds—More Hereditaments Workshop II Joe Menicucci Educational Program— Cybersecurity Breaches Workshop III MS4 Discussion with DEQ	GEYSER Aaron Rudio John Tubbs ELECTRIC Inga Goddijn BOARD DEQ and MS4 City Officials	2:00 p.m.- 3:00 p.m.	CANYON ROOM Contracting in the Cloud Cort Jensen Karen Stambaugh 1.0 CLE
3:00 p.m.	Coffee Break	HAYDEN HALL	3:00 p.m.	Coffee Break – HAYDEN HALL

3:15 p.m. – 4:00 p.m.	CONCURRENT SESSIONS Workshop I Cybersecurity—Knock, knock, Who’s There? Cyber-feasance. Workshop II Small Town, Big Needs Workshop III MS4 Discussion with DEQ (continued)	GEYSER Inga Goddijn (MMIA sponsored) ELECTRIC Robert Murdo Steve Troendle Anna Miller BOARD DEQ and MS4 City Officials	3:15 p.m.- 4:00 p.m.	GEYSER ROOM Workshop I (w/MLCT) Cybersecurity—Knock, Knock, Who’s There? Cyber-feasance. .75 CLE
4:15 p.m. – 5:00 p.m.	CONCURRENT SESSIONS Workshop I Workplace Security—Run, Hide and Fight. Workshop II—Civility and Order in Meetings	ELECTRIC Torey Keltner GEYSER Dan Clark Jim Smith	4:00 p.m.- 5:00 p.m.	CANYON ROOM Lobbying: Rules for Elected Officials and Public Employees 1.0 CLE Jamie MacNaughton
6:30 p.m.	Social Hour, if you will.	UNION PACIFIC HALL	6:30 p.m.	UNION PACIFIC HALL
7:30 p.m.	Annual Banquet (Entertainment – “The Kind”)	UNION PACIFIC HALL	7:30 p.m.	UNION PACIFIC HALL Annual Banquet w/MLCT
	FRIDAY, OCTOBER 10			FRIDAY, OCTOBER 10
7:30 a.m.	Inspirational Breakfast	UNION PACIFIC HALL	7:30 a.m.	Inspirational Breakfast w/MLCT
8:15 a.m.	MLCT Annual Business Meeting <ul style="list-style-type: none"> • Roll Call • President’s Report • Exec Dir Report • Committee Reports • MMCT/FOA Report • Old Business • New Business • Adopt Legislative Package • Election of Officers • Adjournment 	GEYSER Agnes Fowler Jani McCall Dave Nielsen Various Chairs Stacy Ulmen Jani/Dave Jani/Dave Chair Jim Nugent Jani/Dave	8:00 a.m.- 9:00 a.m.	CANYON ROOM Criminal Law Update Ole Olson 1.0 CLE

9:00 a.m.	MMIA Annual Business Meeting	GEYSER	9:00 a.m.- 10:15 a.m.	CANYON ROOM Practical Criminal Law Training Ole Olson 1.25 CLE
9:45 a.m.	MMIA Board of Directors (follows annual meeting)	BOARD		
9:45 a.m.- 10:15 a.m.	Workshop I Volunteers Taking Ownership Of The Community. Workshop II Department of Commerce Is Helping Challenges.	GEYSER Torey Keltner ELECTRIC Kelly Lynch		
10:15 a.m.	Coffee Break	HAYDEN HALL	10:15 a.m.	Coffee Break – HAYDEN HALL
10:30 a.m. – 11:15 a.m.	Housing Challenges	GEYSER Tom Hanel Rick Norby Pierre Martineau	10:30 a.m.- 11:30 a.m.	CANYON ROOM City Attorney Roundtable 1 CLE
11:15 a.m. – 11:55 a.m.	What’s Bubbling Up in Yellowstone?	GEYSER Doug Kehl		
Noon	Luncheon Address of President-Elect Installation of Officers Urban Forestry Excellence Awards Awards, Prizes, Drawings	HAYDEN HALL Paula Short, DNRC Patrick Plantenberg, MUCFA	Noon	HAYDEN HALL Luncheon w/ MLCT and Depart



**League of Cities and Towns
 Public Works Directors Meeting
 October 8, 2014
 Holiday Inn
 West Yellowstone, MT**

Local Technical
 Assistance Program

- **8:30 am** Small Urban Area Funding
 Carol Strizich, Helena Transportation Planning, MDT
- **9:00 am** City of Sidney Pavement Management
 PASER Program
 Jeff Hintz, City of Sidney Public Works Director
 Steven Jenkins, LTAP Director
- **10:00 am** Break
- **10:15 am** City Works Management System
 - Water
 - Streets
 - Signals
 - Parks
 Craig Woolard, City of Bozeman Public Works Director
 John Van Delinder, City of Bozeman Street Superintendent
- **11:30 am** Lunch
- **12:30 pm** Cooperative Highway Projects
 - Funding and Project Selection
 Jeff Ebert, Butte District Administration, MDT
 Dustin Rouse, Butte Engineering, MDT
 Paul Johnson, Helena Transportation Planning, MDT
- **1:30 pm** Hot Topic – What is a Complete Street?
 - Policy Guidance
 - Pedestrians
 - American with Disabilities Act
 - Work Zone Signing
 - Right of Way Issues
 - Leadership

City Building 5010
 Bozeman, MT 59717-3910

Tel (406) 994-6100
 Tel (800) 541-6671
 Fax (406) 994-5353
 Email mlitap@coe.montana.edu

2:30-5:30 pm Tours:

Do's and Don'ts of Town Hall Construction
 James Patterson, West Yellowstone Superintendent of Public Services
 MDT Intersection



AGENDA
SEMI-ANNUAL MEETING
M M C T & F O A
Wednesday, October 8, 2014
8:00 a.m.

Holiday Inn, 315 Yellowstone Avenue West
West Yellowstone, Montana

1. **Call to Order and Introductions**
 2. **Approve Minutes**
 - a. Semi-Annual Meeting from May 7, 2014 in Billings, MT
 - b. Executive Board Meeting from August 15, 2014 in Helena, MT
 3. **Treasurer's Report**
 - a. Claims
 - b. Financial Report
 4. **Committee Reports**

(Note: All committee reports will be approved in one motion after the last report has been presented)

 - a. Education – Brenda Schneider
 - b. Finance & Audit-Doris Pinkerton
 - c. Fund Raising – Cheri Fuhringer
 - d. Silent Auction-Stacy Ulmen
 - e. League Secretary-Agnes Fowler
 - f. Courtesy – Mary Corey
 - g. Convention-Town of West Yellowstone
 - h. Website – Chelsea LaBelle Peterson/ Nikki Brummond
 - i. MMCT&FOA Achievement Award-Lanie Gospoderek
 - j. IIMC – Stacy Ulmen
 - k. APT US&C –
 - l. GFOA – Jessie Hogg
 - m. Memorial Scholarship –Jodie Campbell
 - n. Legislative – Ron Barndt
 - o. Newsletter-Liz Roos
 - p. Nominating-Carolyn Schmoeckel
 - q. Records Retention-Marty Rehbein/ Mary Corey
 - r. Historian-Agnes Fowler
 - s. Welcoming-Jodi Campbell
 5. **District meeting reports** (10 Districts)
 - a. Select District Chair Person
 - b. Select City and Date for District meeting
 - c. Report from each District by new Chairperson
 6. **Old Business**
 - a. Bylaws Update
 - b. Committee Vacancies
 - c. Website Update
 7. **New Business**
 - a. Payment method for MMCT/FOA Volunteers (purchasing items for the Association)
 8. **Elections**
 - a. Election of Officers
 - b. Election of League Secretary
 - c. Installation of Officers
 9. **Concerns or questions from association members**
- 9:00 a.m. (Clerk/Treasurer Panel)
"The Design and Implementation of Financial Policies"
10:00 a.m. (Dan Clark, Director, Local Government Center, MSU)
"Negotiating Techniques"
12:01 p.m.
Clerk's Luncheon and Tour of West Yellowstone Downtown Improvement Projects (noon to 2:00 p.m.)

FREE MUNICIPAL TRAINING

MSU Extension Local Government Center (LGC) and the **The Montana Municipal Interlocal Authority (MMIA)** are partnering to bring **FREE municipal training to your region**. Come ready to discuss with your colleagues interesting scenarios that will give you greater insight in to municipal management and governance. Topics covered include:

- Montana Code of Ethics and Related Scenarios
- Effective Meeting Management using Parliamentary Procedure
- Common municipal workplace injuries and how to prevent them from happening in the first place
- Scenarios Related to Liability, Work Comp, Risk Management
- Overview of the Coverage Provided by the MMIA
- Special or Additional Coverage You may not be aware of
- What happens if you forget to “cover something” or don’t cover it for a high enough value
- Employee benefits

There will be a Q & A session and time to network with your peers. Lunch will be provided and brought onsite for your convenience.

Training Dates and Regions

Training Date	Region	Register By	Times
October 23, 2014	Helena	10/16/14	9:00 AM – 4:00 PM
October 24, 2014	Ennis	10/17/14	9:00 AM – 4:00 PM
October 28, 2014	Lewistown	10/21/14	9:00 AM – 4:00 PM
October 29, 2014	Glasgow	10/22/14	9:00 AM – 4:00 PM
October 30, 2014	Glendive	10/23/14	9:00 AM – 4:00 PM
October 31, 2014	Billings	10/24/14	9:00 AM – 4:00 PM
November 12, 2014	Butte	11/05/14	9:00 AM – 4:00 PM
November 19, 2014	Kalispell	11/12/14	9:00 AM – 4:00 PM
November 20, 2014	Missoula	11/13/14	9:00 AM – 4:00 PM
December 11, 2014	Great Falls	12/11/14	9:00 AM – 4:00 PM

Register online at <https://www.surveymonkey.com/s/2014MuniRegionalTrainingRegistration> or call **Ashley Kent** at the LGC (406) 994-6694 with the following formation:

- Session data & location you will be attending
- Name
- Position
- Email address
- City/town
- Phone number
- Food allergies/restrictions

Have questions or need more information?

Contact **Ashley Kent** at the LGC (406) 994-6694 or **Laura Wigen** at MMIA (800) 635-3089



September 18, 2014

Dear Parents & Participants,

The fall recreation season is ready to kick off and I wanted to fill you in on what is planned for the next several weeks. I really appreciate all the help from parents and volunteers that are keeping the programs going. Listed below is what I'd like everyone to be aware of:

- **Dance...**
Clogging Dance Classes are running on Tuesday and Wednesday's this fall. Classes begin on September 16th & 17th. For more information on these classes please call Katie at 208-351-9673. Classes take place at the Povah Community Center. (\$35)

- **Soccer...**
Youth Soccer for Boys and Girls K-5 will begin on Monday, September 22 at 4PM at the City Park. For more information call me anytime. (\$20, Jersey \$15)

- **Flag Football...**
Flag Football for Boys and Girls K-5 will begin on Thursday, September 25 at 4PM at the City Park. (\$20, Jersey \$15)

Parents may register their children anytime at the Town Hall, 440 Yellowstone Avenue. Reversible jerseys are recommended for participation in all sports and may also be paid for at the Town Hall. Please remember that you may trade jerseys that are in good condition in for larger sizes as your child grows through our programs. **If you are interested in volunteering or coaching either Flag Football or Soccer please call me at 406-640-1676 or come to the City Park.** I look forward to seeing you all next week. Happy Fall!

Sincerely,

Brandy Holland
Town of West Yellowstone Recreation Coordinator



TOWN OF WEST YELLOWSTONE MONTANA

naturally inviting

September 19, 2014

Mr. Cavan Fitzsimmons, District Ranger
USDA Forest Service
Hebgen Lake Ranger District
P.O. Box 520
West Yellowstone, MT 59758

Dear District Ranger *Cavan*-Fitzsimmons:

Thank you for your letter dated September 9, 2014 regarding the process we will all be following to address special use permits (SUPs) on the 80 acres that the Town of West Yellowstone may purchase from the Forest Service.

We understand and are in agreement that special use permit HEB006001: Iris Street Private Road SUP, will be revoked upon completion of the transaction. The following SUPs will be modified to remove any facilities and/or use that would fall on land that will be owned by the Town at the completion of the transaction:

- HEB170005A: Liquid Waste Disposal Area SUP
- HEB170001: Sewage Transmission Line SUP
- HEB170007: Water Transmission Pipeline SUP

Portions of these permits which remain on National Forest System lands will remain valid and subject to permit provisions.

The Town grants the Forest Service permission to provide the Town's contact information to current Forest Service permittees that may be impacted by this proposed transaction. We also approve your draft letter to these permittees. Our contact information is as follows:

Rebecca C. Guay, Operations Manager
Town of West Yellowstone
P.O. Box 1570
West Yellowstone, MT 59758
406-646-7795 or rguay@townofwestyellowstone.com

Thank you for the opportunity to work together on this important project.

Sincerely,

Becky

Rebecca C. Guay
Operations Manager

