

WEST YELLOWSTONE TOWN COUNCIL
Special Meeting
August 4, 2014

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

OTHERS PRESENT: Operations Manager Becky Guay, Public Services Superintendent James Patterson, Social Services Director Jack Dittmann, Town Attorney Jane Mersen, Chief of Police Gordon Berger and Berger's Attorney, Brian Gallik

Gordon Berger's Attorney Brian Gallik, Doug Buskirk, G.L. Scott, Skip Morris, Hebgen Basin Fire District Assistant Chief Shane Grube, Sandi Pepler, Head Dispatcher Brenda Martin, Mike Gavagan, Doc and Donna Stewart, Karrie Taggart, Craig and Terry Menzel, Joe Dorich, WY News Editor Jeremy Weber, Shannon Klatt, Scott Johnson, Tom Cherhoniak, Mary Vaessen, Ramona Stubblefield

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

Public Comment Period

Mayor Schmier asks for public comment for items that are not on the agenda. Howell asks what is on the agenda, Schmier reads "Potential Personnel Action, Chief of Police Gordon Berger." Stewart asks if they will be allowed to comment on the agenda item. Schmier says that the agenda item is a personnel issue and they will not accept public comment on that item. Mersen says that the public may make general comments but not comment on the item that is on the agenda. Morris says that as a retired football coach, he never appreciated people that came to him and told him how to coach or told him how to teach. He says that there are administrators in place that are in the position to evaluate the position of Police Chief. Morris says that he sees people on the Council that were involved with him as a coach that had no business in that. He says the Council should be listening to their administrator and the administrator's evaluations. He says the Council's job is not to hire and fire but to take the recommendation from the administrator. Doc Stewart says that through the course of his career, he hired hundreds of managers and not all of them have made decisions he agreed with. He says that the Council should carefully consider the financial ramifications of their decisions, they have been here before and have paid for that. Shannon Klatt says she doesn't understand what is going on, Berger has worked for the Town for 25 years and she doesn't understand why they suddenly have a new Council that wants to get rid of him. Bill Howell says he has lived in West Yellowstone for a lot of years. He says that Berger has given a lot to this Town and disagrees with how things are being done. Tom Cherhoniak says that Berger is knowledgeable and compassionate about his job and thinks he should continue to be the Chief. Jeremy Roberson says he is not as educated on this issue as some, but he doesn't think they need a "by the book" kind of Chief in this Town. Scott Johnson says that growing up in this town he always appreciated the local feel of our local police force.

Mayor Schmier explains that the purpose of the meeting is to discuss potential personnel action regarding Chief of Police Gordon Berger. Schmier asks Berger if he would like to keep the meeting open to the public or adjourn into closed session. Berger indicates he would like to close the meeting, the meeting is adjourned into closed session at 7:15 PM.

The meeting is reconvened at 8:00 PM. Mayor Schmier announces that the Council has agreed with and voted to accept the recommendation from the Operations Manager to terminate Gordon Berger as Chief of Police.

The meeting is adjourned at 8:02 PM.

Mayor

ATTEST:

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Work Session & Town Council Meeting
August 5, 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

Gale Loomis, Brock Kelley, Joyce Berger, HBFD Chief Scott Waldron, Head Dispatcher Brenda Martin, Sandi Pepler, Scott Clark, Randy Wakefield, Tom Cherhoniak, HBFD Assistant Chief Shane Grube, Bridger Cunningham, WY News Editor Jeremy Weber, Forsgren Engineering Representatives Ryan Barker and Huck

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

Portions of the meeting are being recorded.

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

ACTION TAKEN

- 1) Motion carried to approve the claims which total \$227,620.96. (Johnson, Forsythe) Schmier abstains from claim 40172, Forsythe abstains from claim 40132.
- 2) Motion carried to approve the Consent Agenda which includes the minutes of the July 15, 2014 Town Council Meeting, July 22, 2014 Work Session, July 29, 2014 Work Session. (Johnson, Forsythe)
- 3) Motion carried to approve the new business license for Tao's Tea House. (Costello, Forsythe) Parker is opposed.
- 4) Motion carried to table the Application to Maintain an Encroachment made by Fremont Communications. (Schmier, Parker)
- 5) Motion carried to approve the Application to Maintain an Encroachment made by the Days Inn to pave a portion of the interior park of Block 18 behind the Days Inn. (Schmier, Costello)
- 6) Motion carried to deny the request to waive resort tax penalties made by Melanie Bricker, Controller for the Kishan Group, Inc., the company that operates the Best Western Weston Inn. (Forsythe, Parker)
- 7) Motion carried to table Resolution No. 564. (Schmier, Costello)
- 8) Motion carried to appoint Council Member Jerry Johnson to serve on the negotiating team on behalf of the Town. (Schmier, Parker)
- 9) Motion carried to budget for an expenditure of up to \$10,000 in the FY 2015 budget to hire a professional negotiator. (Johnson, Costello) Forsythe is opposed.
- 10) Motion carried to appoint Mayor Brad Schmier to serve on the negotiating team for union negotiations with the Montana Public Employees Association. (Johnson, Costello)

Council Comments

Forsythe says that they discussed recycling in previous meeting and he thinks it is important that the Town participate in a recycling program. Patterson says that Two Seasons Recycling picked their recycling bins up last week

Johnson says that regardless of whether you agree or disagree with the action taken by the Council last night, the Council is committed to moving forward and fixing the problems in the Police Department.

Public Comment Period

William David Nieke addresses the Council. He accuses the Council and previous elected officials, and the sons of previous elected officials of committing illegal acts, registering illegal vehicles, and connecting illegal sewer lines. The Council clarifies that Nieke's property is outside of the Town limits.

Tom Cherhoniak says he was disappointed to learn of the Council's decision to terminate Gordon Berger and commends Johnson for voting against it.

DISCUSSION

- 1) Parker asks for additional detail about the claim to Kasting, Kaufmann & Mersen. He asks if it include calls from Council Members to Town Attorney Jane Mersen. Guay answers that it does and clarifies Town policy on Council Members contacting the attorney.
- 3) The Council briefly discusses parking for buses, seating, etc.
- 4) The Council discusses the Application to Maintain an Encroachment made by Fremont Communications to lay fiber optic cable in Town right-of-way along the west side of Dunraven between Gibbon and Parkway D Roos reads emails from Dyer. Group agrees that the project will be much simpler if they get an easement from the adjacent property owner, Ron Spainhower. If Spainhower will not grant the easement, Fremont could drill under the sidewalk for 183 feet but that would be much more expensive.
- 5) Schmier explains the application is to lay new pavement on a portion of the interior park of Block 18, behind the Days Inn. Schmier says that they have allowed this in other places in Town and usually just require that the paving is done to city specifications. Costello asks if this application will be a problem with the new alley drainage. Patterson says it will not and drains will be installed by the property owner.
- 6) The Council discusses the request. Forsythe says they set a precedence recently and feels like they are obligated to deny the request. Costello asks if that is how the Council has traditionally dealt with such requests. Town Clerk Liz Roos explains that the Council has waived the penalties in the past for medical reasons. Schmier clarifies that the penalty is \$50 and then \$249.49 is the administrative fee that the business kept but was not entitled to because they did not pay by the 20th of the month. After the vote, Schmier requests that they explain to the bookkeeper how the fees are calculated and the difference between the penalty and the administrative fee.
- 7) The Council discusses Resolution No. 564. Costello questions the language under item #2, where it says "the Town would lease or donate real property." Costello says he doesn't recall ever agreeing to donate property and suggest they remove the phrase "or donate" from that sentence and the rest of the Council agrees. Johnson questions the language that requires in the event of any failure of the project that the ownership of the real estate reverts to the Town. He says the Town may not want that responsibility and says they may want to require the removal of the facility. Costello says they may want to make it optional for the Town to take over the property. The Council considers tabling the resolution in order to work out more detail. Johnson says he is still uncomfortable

with not identifying how much land they are considering leasing to the facility. Costello makes a motion, seconded by Parker, to approve the resolution with amendments. After further discussion, Parker withdraws his second and the motion fails for lack of a second.

- 8) Operations Manager Becky Guay gives the Council a brief presentation about collective bargaining for public employees in Montana. She also shares a memo prepared by Town Attorney Jane Mersen about the subject. Mersen and Guay both recommend that the Town hire a professional negotiator to assist the Town. She says she did make contact with an individual she has worked with in the past and he is willing to represent the Town for \$50.00/hour. Parker suggests they appoint a second member of the Council to serve on the negotiating team in order to gain some experience for the next round of negotiations. The Council discusses appointing a second member of the Council to serve on the negotiating team. Forsythe says he would be willing to do it but he is not willing to just be a fly on the wall and would like to participate. Costello says he is “committed out” and cannot make the time to do it. Schmier agrees to do it.
- A) **Advisory Board Reports:** Fire Chief Scott Waldron reports that the 911 Advisory Board is continuing to meet, looking to fill the public at large vacancy. He says one of the issues they are looking at is the fact that if the center goes down all calls are forwarded to Livingston. Livingston does not have the ability to page our departments so they would like to change that to the Bozeman dispatch center. Patterson reports that they had a joint meeting with the Planning Board and Rec Board last week and are working on the growth plan, etc.
- B) **Operations Manager/Department Head Reports:** Guay reports that they are still waiting for background checks on the two officers applications, one has been approved but she has not been able to get a hold of the other candidate to determine if he wants to continue through the process. They received 17 new applications for police officer that were due August 1 and they will distribute copies to the Police Commission tomorrow.

Patterson explains that they have received a request from Chipper Smith to remove a couple trees from the interior park of Block 6 to allow drive through access from his property through the interior park and for snow plowing. He says he is okay with the request but just wanted to let the Council know what is going on. He also reports that Montana Underground has completed their portion of the alley project but they are going to still be doing some work in town. They are starting to work on grading the alleys and filling in the holes left from the project. He says the water system is in good shape and they have been testing fire hydrants and most of them are in good shape. The lawn at the park survived the Yellowstone Rod Run last weekend, too.

Dittmann reports that the pace at the food bank is more than the Community Help Fund can support. Last month, they distributed 3400 pounds of food, their highest month ever. He explains that in the past they have determined eligibility entirely by income level, but they realize they may need to add other restrictions. He says that the food bank in Big Sky does not service J-1 employees. He says that 28% of their customers are J-1s and 43% are not montana residents.

CORRESPONDENCE

Dated July 16, 2014, Fire Chief Scott Waldron writes to address the controversy surrounding the sale of the Emergency Services Building to Hebgen Basin Fire District. Costello asks if this letter means the committee should get together again to discuss the future of the Emergency Services Building (Fire Station One). Waldron says he is going to put the issue on their next board meeting agenda and he will get back to them with more information.

The meeting is adjourned. (8:15 PM)

Mayor

ATTEST:

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Work Session & Town Council Meeting
August 19, 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

Judge Katy Brandis, Gallatin County Sheriff Deputy Matt Stubblefield, Ramona Stubblefield, Gallatin County Sheriff Brian Gootkin, Randy Wakefield, Sandi Peppler, Head Dispatcher Brenda Martin, Dispatcher Michele DesRochers, HBFD Chief Scott Waldron, Chipper Smith, Jeremy Roberson, Scott Johnson, WY News Editor Jeremy Weber, Li Zhang, Dick Finley, Marysue Costello, multiple other community members

The meeting is called to order by Mayor Brad Schmier at 6:00 PM in the West Yellowstone Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.

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

WORK SESSION

Mayor Schmier calls the meeting to order. The purpose of the work session portion of the meeting is a final review of the FY 2015 budget. Schmier requests that the staff point out any changes that have been made to the budget since the last meeting. Finance Director Lanie Gospodarek explains that they did make a significant change to the rehabilitation of the historic generator building. The original bid was to replace the roof and other structural improvements but did not include the windows. To include the windows, the bid was increased to \$77,000. The TBID is willing to throw in \$10,000 if the Town will complete the project. Greg Forsythe questions whether they could just rebuild the entire building for \$77,000? Public Services Superintendent James Patterson says they possibly could, the building is only about 1000 square feet, but adds that the Yellowstone Historic Center is going to contribute \$10,000 so the true cost to the Town will be between \$50,000 and \$55,000. Mayor Schmier asks if they would be better off to spend the money on the Union Pacific Dining Lodge (UPDL). The Council generally agrees that the project is very expensive but needs to be done. Schmier says this is essentially a placeholder in the budget, adopting the budget does not necessarily mean they will proceed with the project. Costello asks if any money has been allocated for the bathrooms in the UPDL, the staff indicates there is not. Patterson says they have budgeted only enough to insulate the walls at the UPDL with spray foam, \$14,500. Gospodarek points out another change in the budget is the inclusion of \$10,000 for a professional negotiator for union negotiations. She also points out that MMIA is going to cover the replacement of the roof on the historic water tower, less the deductible. Gospodarek also points out that the Cash Reserve Worksheet shows a reserve of \$148,000 for the bond on the Town Hall. Forsythe asks if the Capital Improvement Plan has been updated. Guay responds that it has not been finished yet but they will bring it to the Council for adoption within a couple weeks. Council Member Johnson joins the meeting. Mayor Schmier asks Johnson since he is on the TBID Board of Directors, if he thinks it would be acceptable to the TBID if they completed the generator building project in phases, over a couple of years. Johnson says he thinks that would be acceptable but they probably would have to amend the TBID budget after adoption this evening. Schmier asks Johnson if he has any questions about the budget. Johnson questions whether the \$30,000 for the YHC to take over management of the UPDL is still in the budget. Schmier says that it is but it is just a placeholder at this point. Johnson says he does support the \$10,000 to hire a professional negotiator, but he thinks they should go into the first meeting with just Becky, Brad, and himself. He says he thinks they can seek the assistance of a professional negotiator if they get to that point after that.

The work session is adjourned at 6:45 PM. The regular meeting convened at 7:00 PM.

ACTION TAKEN

- 1) Motion carried to approve the claims which total \$165,329.80. (Johnson, Parker)
- 2) Motion carried to approve the Consent Agenda, which includes the minutes of the August 4, 2014 Special Town Council Meeting and the August 5, 2014 Town Council meeting. (Forsythe, Parker)
- 3) Motion carried to approve Flying M Transportation Service, contingent upon obtaining all applicable permits for a transportation service. (Johnson, Costello)
- 4) Motion carried to approve the Variance Request made by C.S. Construction on behalf of Dick and Lyn Findley, acting as the Board of Adjustments. (Forsythe, Johnson) The Council is unanimously opposed to the request, motion fails.
- 5) Motion carried to approve Resolution No. 655, a resolution to set the mill levy for FY 2015 for a total of 93.91 mills. (Costello, Forsythe)
- 6) Motion carried to approve Resolution No. 656, a resolution to adopt the budget for FY 2015. (Costello, Parker)
- 7) Motion carried to approve the Application to Maintain an Encroachment made by Fremont Communications to install fiber optic cable partially on public property on the east side of Dunraven, pending written approval from the adjacent property owner, Ron Spainhower, and compliance with public works standards. (Johnson, Parker)
- 8) Motion carried to table Resolution No. 654 until the additional required information is obtained. (Johnson, Parker)
- 9) Motion carried to appoint Shane Roos to the 911 Advisory Board. (Johnson, Forsythe)

Council Comments

Mayor Johnson points out that June resort tax collections came in nearly \$60,000 more than last year and July is looking like an increase as well.

Public Comment Period

No public comment is received.

Public Hearing: Variance Request, Setback Reduction, 723 N Electric Street

Mayor Schmier opens the hearing and reads the request from the application. The hearing was advertised in the August 8 and August 13, 2014 editions of the West Yellowstone News. Mayor Schmier invites public comment and reads a letter of opposition from Larry Yuva, a resident of the Madison Addition. Johnson asks if the Madison Addition Architectural Committee has approved the variance. Patterson says that they have approved the request. Forsythe asks if the Planning Board has reviewed the request. Patterson says the Planning Board did review the request and decided they were okay with the request as long as the Architectural Committee is. Chipper Smith, the builder for the project, speaks on behalf of the property owners, Dick and Lyn Findley. He explains that the Madison Addition Committee has reviewed the request and the proposed building will not stick out farther than any other buildings on the street or cul-de-sac. Smith also says that the neighboring property owners have indicated that they do not have any concerns. Schmier says that it sounds like they just want the variance so their view of the forest is not obstructed. Costello says that he believes a variance should only be granted for a hardship situation. Sandi Peppler says that she thinks the variance should be approved.

Public Hearing – FY 2015 Municipal Budget, Final Budget Hearing

Mayor Schmier opens the hearing. Johnson suggests that the Operations Manager briefly highlight the major projects that are included in this budget. Guay asks Finance Director Lanie Gospodarek to assist. Guay describes the capital projects including completion of the parkway

drainage project, set aside money for paving and crack-sealing of the streets, money for sidewalk maintenance, paving and permanent lighting for the ice skating rink, replace the roof on the historic water tower, sewer lagoon project completion and groundwater study, completion of the generator building restoration project. Guay also describes the sources of revenue the Town receives. Schmier asks if any members of the public have questions. Scott Johnson says that it seems like a stoplight at the intersection of Yellowstone and Canyon would be beneficial. Schmier responds that the State is actually going to install a stoplight at that intersection this fall. Jeremy Roberson asks how much law enforcement actually costs the Town. The staff adds up numbers from the previous fiscal year and determines that it cost just under \$1 million dollars to provide law enforcement and dispatch services for one year.

DISCUSSION

- 1) Mayor Schmier explains that claim 40180 was corrected to be \$212.38 rather than \$21,237.50. Johnson asks if they have been able to work out a new rate for recycling with Two Seasons Recycling. Patterson says they have not yet so this will be the last bill until they get that figured out.
 - 3) The Council considers the request, clarifies that the business is going to operate from the Kelly Inn until the owners secure permanent housing.
 - 4) The Council discusses the request. Schmier says he agrees with Costello that a variance should be granted for a hardship, not just a convenience. Johnson asks Patterson if he has the email that informed him of why the Madison Addition Architectural Committee the reasons they think it should be allowed, but Patterson does not have access to the email during the meeting.
 - 6) Johnson says that he is in favor of the budget except for the \$30,000 they have allocated to support the YHC to manage the UPDL, which is included in the Parks budget. Forsythe says he understands that budgets are really just a guess. He says he is concerned about the cost of law enforcement and how to plan for that. He is also concerned about what the upcoming union negotiations will cost. Forsythe says he fears they will reach a point where the resort tax will be maxed out and he is concerned about the amount of money the Town has borrowed. He says that they may have to address the mill levy or delay projects until they have the funds.
 - 8) The Council discusses the current version of Resolution 654. Scott Clark says that his architect has asked them to figure out what the parking requirement will be and then they can calculate the amount of property they need. Scott Clark explains that the West Yellowstone School is the supporting organization for their 501c3 status. He says that the bylaws mandate that in the case the 501c3 fails, the property reverts to the school. Guay says that could be a problem for the Town. Costello agrees and says that the Town is not going to approve building the facility on Town property if that is the case. Guay suggests that the Town's attorney and Clark's attorney discuss the details.
- A) **Operations Manager/Department Head Reports:** Operations Manager Becky Guay reports on current issues: **Recruitments** Police Officer – The Sheriff's Office completed the background check on a candidate today. This candidate has also passed the other required examinations. I plan on making this candidate a job offer this week (depending on this evening's discussion about the future of police services). The other two candidates that were interviewed by the Police Commission have withdrawn from the recruitment process. Police Commissioners completed their reviews of 17 additional applications today and the Commission will be meeting in the near future to select candidates to interview. Chief of Police – We are ready to begin recruitment for a Chief of Police. Council member Costello suggests we consider engaging a professional search firm to assist with this recruitment. **Labor Negotiations** – I have been contacted by the Union's representative and we will be establishing a date to hold our first session. **MOU with Sheriff's Office for Interim Law Enforcement** – Jane Mersen has developed a

draft MOU for discussion this evening. The County Attorney's Office will not be able to complete their review of the MOU until next week. **Wildlife Mitigation at the Airport** – James Patterson, Sgt. Aaron Frank and I met with Airport Manager Jeff Kadlec to discuss strategies to mitigate wildlife from the airport property. James is keeping a bird log at the sewage treatment lagoon to help the airport determine the scope of the wildlife problem. The police department has agreed to assist the airport in their mitigation efforts once the airport obtains the required depredation permits. **911 Advisory Committee** – The Committee will meet tomorrow, August 20 at 2:00 p.m. here at the Town Hall. **Bullet Proof Vest Grant** – The police department received a \$1,166 grant from the U.S. Department of Justice toward the purchase of three new bullet proof vests. **Public Services Department** – Public Services is grading the parkways now that the drainage improvements are complete. They started on the west side of town and will work their way east. Crews have completed all clean up and maintenance at the sewage treatment plant. **Sewer Connection Audit** – Staff issued a letter about the audit currently underway of the number and location of service connections to the sewer system. We have already received a significant number of responses back from the public. Responses are due to the Town Office by August 31. James reports that he has received several inquiries about the proper way to establish connections from business owners. **Social Services** – Jack is working on options to either increase revenue or decrease the amount of food required for the food bank, and will be bringing a report to the Council in the near future. Jack and Kathy are also experimenting with different options for the clothing bank to accommodate the lack of volunteers from the community. **Local Government Study Commission** – the County Clerk and Recorder reports that only one West Yellowstone resident has filed a declaration of nomination to be elected to the Local Government Study Commission. All declarations must be received by the Clerk and Recorder's Office by 5:00 p.m. this Thursday, August 21. There is no filing fee and the candidates are nonpartisan.

Dittmann clarifies that they have a lack of volunteers for the clothing bank during the times they would prefer so they are experimenting with different schedules.

- B) Judge Brandis addresses the Council and shares concerns she has with citations being written under this agreement into District Court in Bozeman rather than the West Yellowstone City Court. She says she obviously has a personal interest in this because she likes being the judge in West Yellowstone, but she feels it is unnecessary to write citations into court in Bozeman. She says that could create considerable hardship for people that are cited in West Yellowstone if they have to travel to Bozeman to appear. Sheriff Gootkin addresses the same topic. He says his concern is if they are going to bring Bozeman-based deputies down here to patrol, it is much more convenient for them to appear and write tickets into court in Bozeman. He says a possible solution may be that the deputies that reside in West Yellowstone write tickets into the West Yellowstone Court and the ones that reside in Bozeman write tickets into District Court.

Jeremy Roberson asks what is the duration of the agreement. Schmier says that the agreement is temporary but an end date has not been determined. Roberson asks if the Town is still recruiting new officers? Johnson says that they are, but Forsythe says that is up for discussion. Johnson asks Gootkin if the agreement must be approved by the Board of County Commissioners. Gootkin says that they will once it has been approved by the finance director and county attorney. Johnson asks if the rate of \$40/hour will increase if the demand is higher than expected. Gootkin says they arrived at \$40/hour by averaging all the costs but says that is a really good rate, its usually closer to \$65/hour.

- C) Mayor Schmier says that they have a couple of options concerning the police force in West Yellowstone. He says they have the option of exploring all their options including rebuilding the current police department or contracting out law enforcement services. Parker asks how soon do they want to address this. Schmier says he thinks they need to address it in the near future, that they shouldn't be hiring officers if they're going to make a change. Costello requests that Gospodarek calculate exactly what it costs the Town to

operate a police department including personnel, equipment, buildings, insurance, etc. He also requests that Guay discuss with the Sheriff what it would cost the County to take over law enforcement and the various options and levels of coverage. Johnson says he has not heard from the citizens of Town whether they want to even consider contracting out law enforcement. He thinks they should establish that, first. Costello says they should be prepared with all the information before they make any decisions. HBFD Chief Scott Waldron says that he has been involved with several consolidations or annexations in the State and they should not fear the process. He says they will learn a lot about what it costs to provide law enforcement. Scott Johnson says he grew up in West Yellowstone, and always appreciated having a local police force. Jeremy Roberson agrees and says he has talked to a lot of people in the community and nearly everyone agrees with having a local police department. He thinks if they delay rebuilding they will miss opportunities to hire qualified people. Gootkin says he agrees and respects what has been said. He says that there is no reason to stop the hiring process for a new Chief while they are looking into this option, because that process will take some time anyway. Guay asks about the patrol officer applicant that has recently completed the process. Gootkin says they were involved with the background investigation which was conducted by virtually the same standards, so he recommends going ahead and hiring the applicant. Judge Brandis points out that local code enforcement would be a challenge for Sheriff Deputies. She says they provide a lot of local services to defendants in West Yellowstone that she fears would be lost if they switched to county law enforcement. Parker says that he has never got the impression that the Sheriff and his deputies want to take over law enforcement in West Yellowstone, but that they are willing to help out as long as we need it. He also inquires about the status of the mutual aid agreement with YNP. Gootkin says that YNP has made it clear that when the Town has hired a competent chief and reestablished the department, the mutual aid agreement will be put back in place immediately. Parker says he thinks the Council needs to address this as soon as possible and determine what direction they are going. A work session is tentatively scheduled for Monday, August 25, to discuss costs and other ramifications of contracting law enforcement services with Gallatin County.

The meeting is adjourned. (8:15 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

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

Gallatin County Sheriff Brian Gootkin, County Administrator Jim Door, Gallatin County Commissioner Pierre Martineau, KZBK Reporter Adam Bell, Jeremy Weber, Dennis LaFever, Joyce, Teri/Richard Gibson, Cynthia Knapp, Tom Cherhoniak, Dave Rightenour, School District Superintendent Mary Mararet Williams, Barbara and Larry Ott, Helene Rightenour, Skip Morris, Brenda Martin, Sandi Pepler, Louise Cochane, Jerry Schmier, Ramona Stubblefield, Rocky Hermanson, Tim Daley, Scott & Heather Johnson, Kaitlyn Johnson, Jeanine Roberson, Ed Geiger, Mike Slevin, Jeremy Roberson, Clyde Seely, Bill Howell, Gallatin County Deputy Matt Stubblefield, Fire Chief Scott Waldron, Assistant Fire Chief Shane Grube

The meeting is called to order by Mayor Brad Schmier at 6:30 PM in the West Yellowstone Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana

Council Comments

Council Member Johnson says that at the last Council Meeting, he felt like Judge Brandis was not given the respect she deserves when she spoke during the public comment period. People in the crowd as well as at the table were speaking over her and he wants to apologize for that. Forsythe says that he has not made a decision on the subject at hand tonight but thinks they can work together on this. Schmier says that he would like to thank Operations Manager Becky Guay and Public Services Superintendent James Patterson for getting the speed counter set up on Highway 20.

Public Comment Period

Barbett Ott, manager for Yellowstone Basin Bank, says that she does not want the Sheriff to handle law enforcement here in Town. She says she is the manager of the bank and has never even met the Sheriff. Mary Margaret Williams, the new School Superintendent, asks the Council to take into consideration how the officers will work with the school. Larry Ott asks how they got to this position where they have only two officers when they should have six. Mayor Schmier responds that is a long and complicated answer, but essentially they lost a couple officers because they went to work for other agencies. They also lost mutual aid support and have not been successful in hiring new officers due to various reasons including lack of housing or lack of qualifications. Scott Johnson asks if the Town is currently recruiting new officers. Schmier says that they are. Johnson also asks how long it will take to hire the officers they need. Guay says they have one offer out to a potential officer but that person has not responded. The latest recruitment yielded 17 or 18 applications with several that are POST-certified. The Police Commission is meeting tomorrow to rank and select candidates to be interviewed. If they are able to make offers to POST-certified candidates, it will still take about 2 months to get through the background investigation and psych evaluation. If the candidates are not, they do have one spot reserved at the academy in January, they were not able to reserve a spot for the session that starts in September. Johnson asks if the process they are following is standard for other Towns like West Yellowstone. Guay says that it is, depending on how you define other Towns like West Yellowstone. It is standard to conduct background investigations and a psych evaluation, but how that is approached does vary somewhat.

Mike Slevin asks if we are being strong-armed to turn to the Sheriff Department to fill those spots. Ott asks if any officers we hire would be able to transfer to the Sheriff Department if we turn over to them. Sheriff Gootkin says he will cover that in his presentation. Slevin asks if the Sheriff Department has a say in who the Town may hire now. Schmier says no, but they are accepting assistance from the Sheriff. Ramona Stubblefield asks if they can bring back Officer Conlon, an Officer that worked for the Town for many years. Schmier says he does not have the answer to that but assumes Conlon would have to apply.

Mayor Schmier calls the meeting to order and explains that the purpose of this meeting is to discuss contracting law enforcement services with Gallatin County. Schmier emphasizes that this meeting is for information only, no decisions will be made tonight.

Mayor Schmier asks Sheriff Gootkin and County Administrator Jim Door to present the information they have. Gootkin says that there are still a lot of questions to answer, but he appreciates the opportunity to have this discussion. Gootkin introduces the new County Administrator Jim Door, who explains that he just moved to Bozeman from Maine and from a town that went through a very similar issue. He says that they filled a gymnasium with concerned citizens and ultimately decided to contract law enforcement with the County but it was a very emotional and difficult issue to work through. Gootkin and Door distribute a draft of a proposed law enforcement budget if the County were to assume responsibility. Gootkin says that first of all he wants to make it clear that he met with Head Dispatcher Brenda Martin last week to discuss the operation of the dispatch center and jail, but they have no intention of taking over those services, too. He says he knows there is a lot of concern about that and wants to make that clear from the beginning. He also says that they have already taken a similar approach in Three Forks, but they have learned that they have to be flexible as they work this out. Gootkin says their approach would be to station a Sergeant and four deputies in West Yellowstone. Their estimated cost over the next three years is an average of \$556,420. The Town has budgeted \$631,907 for law enforcement for FY 2015. Gootkin says that they do write tickets in Three Forks into Justice Court because that was how Three Forks wanted to do it, and they do enforce the local ordinances. Schmier says that he spoke to the Mayor of Three Forks and came to the understanding that Three Forks did not want to maintain its own court and preferred that all citations be written in to Justice Court. Parker clarifies that if they did station five deputies in West, they would likely be Rob Burns, Mike Gavagan, Matt Stubblefield, Neil Courtis and Aaron Frank would remain the Sergeant? Gootkin says no, he says that Burns, Gavagan, & Stubblefield are already deputies. Gavagan is expecting to move into Burn's position when he retires. As far as Courtis and Frank go, they would evaluate them and place them as appropriate if they are able to pass their qualifications. Parker also asks if one of the deputies would be assigned as a school resource officer. Gootkin says they would and points out that they have a deputy assigned in Big Sky to Ophir School. Schmier clarifies that they would have 24/7 coverage. Gootkin agrees but explains that does not mean there is someone on shift every hour of the day, he says there will be periods of time where they do not have someone on shift but there would someone on call. Schmier says that currently they have at least one officer on duty and then one Sheriff Deputy also on duty. He asks if that would be cut to only one. Gootkin says no, they would have a West Yellowstone schedule to cover the Town plus the two resident deputies that are stationed in the County. Gootkin also points out that they would pay their officers in West Yellowstone as they do their Big Sky Deputy which includes a \$900/month housing allowance. He says that has worked well in this area because they have very little turnover. Jeremy Roberson asks if when the Town was fully staffed, did they have one or two police officers on at a time? Guay responds that they scheduled one patrol officer and then either the Chief or Sergeant was also on duty. Helene Rightenour says that when she was a dispatcher, they had problems with there would be a call from outside the city limits and the Sheriff deputy would be in Big Sky. The Town police officer would then have to respond and assess the situation, which left the Town uncovered. Gootkin says they would handle that situation the same way it has been covered in the past. Deputy Matt Stubblefield explains that when he was an officer for the Town, if they had to respond outside of Town then they would also notify another officer or the next officer to come on shift so someone would be available to respond. Kirwin asks if the dispatch and detention center would be also taken over by the Sheriff. Schmier says that they have just learned tonight that the Sheriff's proposed budget does not include the dispatch or detention center. Gootkin agrees but says that the Sheriff Department would supervise the dispatch center and jail, but they would be Town employees and on the Town payroll. There is brief discussion about moving dispatch services also to the County, but Gootkin points out they have a unique situation down here and that is why it is not being considered at this time. Cynthia Knapp asks about the shifts and if the County deputies go off shift at 10 PM. Stubblefield clarifies that his current schedule is that he comes on shift at noon and his shift is supposed to end at 10 PM, but in the last two weeks he has rarely gone home before midnight and last night did not go home until 3 AM. Sheriff Gootkin answers multiple

questions from community members. Skip Morris asks questions about covering shifts and overtime. Gootkin explains that the proposal is to provide 7 officers in this area for the price of 5 since the County is already providing two deputies. Chip Smith asks why they have only 2 deputies in this area now. Gootkin says they just did a staff analysis and when they do have a deputy that is overwhelmed, then they add another deputy. Cynthia Knapp asks how often the WY deputy is in Big Sky. Stubblefield says that historically, the WY deputies have had to respond frequently to Big Sky but they recently added another position in Big Sky and he has only gone to Big Sky for special events this summer. Knapp asks if they lose another deputy in Big Sky will they have that situation again. Gootkin says that one of the two out-of-town deputies would respond, the Town would not be left uncovered. Chip Smith says it seems like they need more coverage in West Yellowstone in the summer and less in the winter and they should hire seasonal officers. Helene Rightenour says that it may seem like they need more help in the summer season, but the needs change with the seasons. She says that during the winter they have more domestic situations, excessive drinking, and social issues during the off-seasons because tempers are short when people are low on money. Rocky Hermanson encourages the Council to take this issue to the community. He says that he is a lifelong resident and cares deeply about this community. He feels strongly that the local personalized attention a local police department can give to the community is very important. Hermanson has issue with comments made by the Sheriff in the newspaper and says that if Gallatin County sees West Yellowstone as a strain on its department then they shouldn't get involved. Another resident asks if contracting out law enforcement services will reduce the Town's liability. Mayor Schmier says that it seems like it is the Town's responsibility to provide the service, but it does not necessarily matter who is providing it. Williams says it seems like they are losing sight of the real issue. Forsythe asks Stubblefield about support from the Park Service. Stubblefield says that Gallatin Patrol provides a steady force but they have declined their number of personnel in recent years. Highway patrol has had a pretty steady turnover but currently have an officer in Town that looks like he will stay for a while. He says they also have support from the Forest Service and the Department of Labor. Forsythe says that he feels like it is beyond his and the Town Manager's knowledge to recruit and select officers and that is why they need assistance from the County. He says that Town Management, regardless of who it is, does not necessarily have the knowledge needed to select quality officers. He says that they have not done very well recently when it comes to selecting a police force. Hermanson says that they don't have to reinvent the wheel, and the Sheriff will help them through this. Scott Johnson says this option is taking the easy way out and they have several new council members that are getting ready to throw away 40 years of a police force. Several members of the Council take offense to the suggestion that they have already made that decision and Mayor Schmier emphasizes that this meeting is just to gather information. Bill Howell says that he is on the Police Commission and takes offense to Forsythe's comments. He says that the members of the Police Commission are well-qualified and they are meeting again tomorrow and hope to hire a post-certified officer very soon. He says the adverse publicity the Town has received has not made hiring any easier. He also points out that if they were doing such a poor job hiring officers, then the Sheriff would not have hired away two of our officers. Howell also points out that the budget presented by the County is for five officers, but the Town has historically employed six for roughly the same amount of money. Gibson says that he is also on the Police Commission and feels strongly that they need to hire a qualified chief as soon as possible so that person can be part of the hiring other officers. He says they, including the commission, council, and Town manager, can work together to hire qualified individuals. Gibson says they are considering giving the power to an individual almost 100 miles away. He says they should not have this department run by a sergeant, they need to hire a qualified and professional Police Chief. Ramona Stubblefield asks who would hire a Police Chief if that is what they decide to do. She says that the last time a Chief was hired it did not go so well and suggests they at least take assistance from Sheriff Gootkin. Schmier says the Council hires all department heads but reminds everyone that they are gathering information at this point and they will not make a decision without giving the community an opportunity to comment further. Barbara Ott asks Sheriff Gootkin several questions about coverage and how the transition would take place. Chief Waldron says that the former Police Chief has taken a lot of hits over the default of the Police Department, but he says there was also a lack of oversight by the Town management and encourages the Council to ensure that is in place before hiring another Chief. Clyde Seely says he has tremendous respect

for the Sheriff's Department, but feels that the responsibility to protect and serve the people should remain with the Town and falls ultimately to the Town Council. He says they need to hire the right people and work so they can be proud of it again. Dave Nieke says that this Town is corrupt. He makes more allegations about illegal plumbing and impersonating federal officers. Officer Stubblefield escorts Nieke from the meeting. Teri Gibson points out that if they hire new officers, they are probably going to uproot their family and quit another job to move here and that is not fair if the Town is going to go ahead with this. Guay says that she is getting a lot of questions about that, particularly from potential Police Chief candidates. Schmier says that he has been asked by many people why they are considering this, but he has also been asked why they haven't considered it and they just need to look at both sides of the situation. Mike Slevin asks if the Town offers a living allowance. The Council responds that they do not and Slevin asks if they could. The Council responds that is something they could consider. Richard Gibson says that is a common thing that is offered by police departments in areas like WY. Hermanson says he does appreciate what the Sheriff does for the community and does not expect Forsythe or anyone else on the Council to be hiring experts. Barbarta Ott asks if the Council has a timeline to make this decision. Schmier says they do not but they do want to address this as quickly as possible. Johnson agrees and says he thinks the Council needs to figure out very soon if they want to proceed with this, but then it will take several meetings and a lot of time to figure out the nuts and bolts of the contract if they do want to proceed. Jeremy Roberson presents a copy of petition that includes 212 signatures from town residents and another 80 from individuals that do not live in West Yellowstone but do work in Town. Ott asks if they have addressed how the local court would be handled. Schmier says they have discussed that briefly but not made any final decisions. Jeremy Roberson says the Sheriff said he would not backfill with officers from Bozeman that would have to travel to WY to appear. Schmier clarifies that discussion was in reference to the temporary MOU they are currently working out. Guay adds that they compromised with the Sheriff that the officers that live locally will write tickets into the city court. Gootkin agrees and says he has also learned that they have video capabilities and that would make appearances much simpler and they are working on that. Gootkin also addresses Hermanson's comments and says that they do not view WY as the "black sheep" of Gallatin County, that is why they are here and why they got involved with things nearly a year ago. He also points out that he is an elected official, so if the people do not like how he is doing things and can vote him out of office. Johnson clarifies that the numbers from Gallatin County are for five deputies, and the Town currently budgets to employ five officers plus a chief. He also questions the loss of local oversight on local issues. Guay also points out that \$631,907 is what the Town budgeted for law enforcement, but over the last couple of years they have spent considerably less. She explains that they typically budget enough to ensure that they don't come up short. Gootkin adds that personnel costs are by far the biggest chunk of a budget so if they have vacancies they will save considerably. Schmier shares the results of the unofficial poll that was put on the website for the West Yellowstone News, 90 in favor of keeping the department, 85 in favor of contracting with the county. Louise Cochrane says she thinks they need to evaluate the hiring process and use the Sheriff's assistance to find quality people. James Patterson says he has attended every meeting this has been discussed. There has never been any serious discussion about the Sheriff Department taking over the Police Department. He says this has been totally blown out of proportion and this meeting was just to discuss another option and to determine how everyone felt. He says he agrees with Richard Gibson's comment that they need to hire from the top, and find a Chief to be involved with hiring the officers that will work for him. He says they must rely on the Sheriff's Department for at least another six months, maybe longer. Everybody needs to play in the same sandbox and work together. He says the Council will not make the decision to disband the police department that will be made by the community. Jerry Schmier says that the Sheriff hired a couple of their guys, maybe they should hire some of his. Mayor Schmier thanks everyone from coming and appreciates the input. Council member Johnson suggests that they put an item on the agenda for the September 9 Town Council meeting so the Council can vote whether to proceed with this option. Gootkin says he will not be able to attend the meeting on the 9th, but he does not think he needs to be. He says as a fellow elected official, he will respect whatever decision they make. Dennis LaFever asks if the Council is going to vote on the issue on the 9th, will they not put it before the community for a vote? Schmier says he thinks they would only put it before the community if the decision by the Council is to continue to consider contracting out law enforcement service.

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The meeting is adjourned. (8:45 PM)

Mayor

ATTEST:

Town Clerk