

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**

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- 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**

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- 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)

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Mayor

ATTEST:

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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.

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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)

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Mayor

ATTEST:

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Town Clerk

WEST YELLOWSTONE TOWN COUNCIL  
**Work Session & Town Council Meeting**  
**September 23, 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

Gallatin County Sheriff Brian Gootkin, Randy Wakefield, Head Dispatcher Brenda Martin, Sandi Pepler, Fire Chief Scott Waldron, Helen Rightenour, WY News Editor Jeremy Weber, Police Commissioners Bill Howell and Richard Gibson, Teri Gibson, YNP Ranger Tara Ross, Garrett Ostler, Sheriff Deputies Mike Gavagan and Mike Stubblefield, Ramona Stubblefield, David Rightenourk, Ed Geiger, Tom Cherhoniak, Dawn Lundigran

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

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**

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- 1) Motion carried to approve the claims which total \$103,919.72. (Schmier, Costello)
- 2) Motion carried to approve the Consent Agenda, which includes the minutes of the September 9, 2014 Town Council Meeting and September 16, 2014 Town Council work session. (Costello, Parker)
- 3) Motion carried to approve the Application to Maintain an Encroachment made by Fremont Communications in accordance with the recommendation from the Town Engineer to extend fiber optic line to First Security Bank at 106 S Electric Street. (Schmier, Costello)
- 4) Motion carried to extend the lease for office space for the Yellowstone Historic Center for one year. (Johnson, Parker)
- 5) Motion carried to approve the Memorandum of Understanding with Gallatin County for the provision of law enforcement services. (Schmier, Parker)
- 6) Motion carried to select a council member to work with the Police Commission to interview Chief of Police applicants. (Schmier, Parker)
- 7) Motion carried to appoint Council Member Forsythe to the Chief of Police Interview Committee. (Costello, Parker)

**Council Comments**

Johnson mentions that the polling place for the upcoming election has been moved to the Povah Community Center instead of the school. Costello clarifies that the ballot this fall will not be a mail-in ballot as the last couple elections have been.

**Public Comment Period**

Ramona Stubblefield distributes copies of a letter from Gallatin County Sheriff Deputy Matt Stubblefield's attorney, Stephen C. Pohl, to former Chief of Police Gordon Berger. Ed Geiger informs the Council that the Union Pacific Dining Lodge is going to be spotlighted in an upcoming issue of Northwestern Bride magazine. Sheriff Deputy Mike Gavagan reports to the

Council that Deputy Rob Burns is going to retire on December 1, 2014. He has served the West Yellowstone community as both a town police officer and then Sheriff's Deputy for 28 years. Burns' nomination has also been accepted for the prestigious lifetime achievement award from the Montana Board of Crime Control.

## **DISCUSSION**

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- 1) Schmier explains that a couple claims from the last meeting were accidentally carried forward and included on this list, so the adjusted total is \$103,919.72. Schmier asks about the engineering bills from Dick Dyer for reviewing the plans for two new hotels that are under construction. Patterson explains that Dyer bills the Town for those services and the Town then passes those costs on to the owners of the project. Costello asks if this same practice would apply to the charges Dyer incurred for reviewing the encroachment applications from Fremont Communications. Patterson says that is correct.
- 3) Mayor Schmier explains that Fremont Communications has worked out an alternate route for the fiber optic line
- 4) Ed Geiger says that the current lease automatically renews annually, but they wanted to make sure everyone was on the same page.
- 5) Town Attorney Jane Mersen explains that they sent out a final version of the MOU today. She points out that the words "including oversight and administrative assistance" on the first page as well as a paragraph that indicates how the Town will work with the Sheriff's Department to ensure supervisory duties are handled. She says that representatives will meet tomorrow to outline those duties and that list will become part of this agreement. She says that she worked closely with County Attorney Chris Gray on this, but the final agreement still needs to go before the County Commission. Sheriff Brian Gootkin says they also want to address the 911 response issues and mentions that he met with Head Dispatcher Brenda Martin earlier today. Forsythe asks if there is an expiration for this MOU? Gootkin says no, although the commission did suggest it. He says that they feel it is important to provide the support until the Town has hired a new Chief of Police. Johnson asks if there are really any questions they could ask the Sheriff that he would not answer in the absence of this MOU. Gootkin responds that there is not. Schmier summarizes that this is just an open-ended agreement to work together until they get things in the police department worked out.
- 6) Schmier explains that the next item is to select the other individuals that will provide input to the Police Commission through the interview process for Chief of Police. Mersen explains that in her experience, including one Council Member, a member of another law enforcement agency, works well. She discourages them from making the committee too large, which makes it hard to schedule interviews. She doesn't think it is necessary to include more than one Council Members and certainly not a quorum. Forsythe says he thinks it would be better to include a representative from more than one outside law enforcement agency in order to better represent the concerns of those agencies. Mersen suggests that that one representative could represent the concerns of all the other agencies. She says that she thinks it is more effective to keep the committee quite lean so they can get things done. Johnson says that until earlier this week, he was also thinking they should involve more than one agency, but now he thinks the Sheriff or whoever they select is fully capable of conveying those concerns. He says the Park Service has indicated that they would go along with whatever the Sheriff recommended. Costello clarifies that they are actually talking about a committee of seven: three members of the Police Commission, a council member, a representative from outside law enforcement, the Operations Manager, and another Department Head. The Council discusses with Mersen how to best structure the process and composition of the interview panel and the laws that govern the proceedings of the Police Commission. Mersen says that she thinks the Town has discretion to establish the procedure for the Police Commission. Mersen says the Police Commission will review the applications, eliminate

those that do not meet the minimum qualifications, and then the Operations Manager will set up interviews. Following the interviews, the Police Commission will recommend the top candidates to the Council. The Council may opt to schedule an open house to allow the public to meet with the Council. The Operations Manager will also recommend applicants to move forward to the other tests such as a background check and psychological exam. They discuss at length whether the Police Commission should rank the applicants. Fire Chief Scott Waldron says it is silly not to rank the candidates, that is the purpose of holding interviews. He also says that the Sheriff would be fully capable of representing the interests of the Fire District and he encourages them to utilize him.

- 7) Bill Howell points out that there is a state law that precludes the Commission from recommending or ranking the candidates. Richard Gibson says that the other people that participate will give input and “stars will shine” as they work through this process. Costello asks how long will background checks take. Gootkin says up to thirty days. Johnson clarifies that includes reference checks, too, because a criminal background check does not take that long. The group discusses how much time the entire process will take. Garrett Ostler says that the community trusts the decisions the Council and Commission will make and suggests that taking the time for the public to meet the candidates is unnecessary.
- A) Operations Manager/ Department Head Reports: Operations Manager Becky Guay reports on current issues: **Recruitments:** Police Officer – Per the direction of the Council, the Police Commission has placed officer candidate interviews until we are further along in the hiring process for a Chief of Police. We have called the applicants and let them know about this delay. Chief of Police – A total of 16 applications were received. The Police Commission is currently reviewing the applications. **Labor Negotiations** –Our first negotiating session will be held tomorrow, September 24 at 11:00 a.m. at the Town Hall Conference Room. I attended the Montana Labor Negotiation and Arbitration Conference last week in Bozeman. The sessions were very informative and will the Town will benefit from several of the strategies discussed at the conference. **MOU with Sheriff’s Office for Interim Law Enforcement** – This item is on your agenda for later this evening. **911 Advisory Committee** – The Committee cancelled its September meeting. **Public Services Department** – Public Services completed landscaping efforts around the Town Hall and are preparing for winter activities. **Sewer Connection Audit** – James has verified the information submitted on the sewer connection surveys and we are now ensuring that this information matches that is shown in our billing program. We are trying to implement changes in the billing system to ensure that bills match the physically verified connections effective with the October bills generated at the end of October. **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** – We placed a notice on the MLCT list serve and determined that many jurisdictions have donated \$50 toward a retirement gift for Alec. **Meeting with Hbfd** – Mayor Schmier, Councilmember Costello and I met with Robert Godwin, Kyle Goltz, Chief Waldron and Assistant Chief Grube on September 10 to review the fire department’s budget as required by the Town’s agreement with Hbfd. The parties also discussed the eventual sale or long-term lease of the Emergency Services Building to the District. Mr. Godwin explained that Hbfd board members and staff were seeking to meet with counsel at the County Attorney’s office to discuss potential methods to facilitate the sale/lease of the building. **Canyon Street Resurfacing and Stop Light Project** – The MDT reports that the contractor has been selected but MDT will not issue a notice to proceed until at least November, which effectively means that construction activities will NOT begin until the spring of 2015. If the contractor has not completed the project by Memorial Day they have to button it up until after Labor Day so there will be no construction activities occurring during the busiest of the tourist season. **Montana League of Cities and Towns Conference** – The Town Office staff is busy preparing for the Conference which begins at the UPDL on October 8. See the attached information for a schedule of events.

Guay adds that she received the appraisal instructions today for the 80 acres of Forest Service land and will start working on hiring an appraiser for the land tomorrow.  
Dittmann announces that the West Yellowstone School is engaging in a competition with the Big Sky School to see which school can collect more food for their local food banks during the week leading up to the football games between the two schools on October 11, 2014.

The meeting is adjourned. (8:15 PM)

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Mayor

ATTEST:

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Town Clerk

## WEST YELLOWSTONE TOWN COUNCIL

### Work Session September 30, 2014

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

OTHERS PRESENT: Operations Manager Becky Guay, Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Social Services Director Jack Dittmann, Jeremy Weber-West Yellowstone News Editor, Ed Geiger and Carol Leasure-Yellowstone Historic Center

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

#### **Council Comments**

Greg Forsythe gives a report on the police commission meeting to plan for Chief of Police interviews on October 16th and 17<sup>th</sup>. He is unavailable for the interviews and he was going to recommend that Cole Parker be on the commission instead. Jerry Johnson gives a report on bargaining unit negotiations and he said that they will meet a second time. He also states that they will present a draft to the Council prior to presenting it for ratification. Mayor Schmier mentions that he has received a letter from Judge Brandis indicating that she would like to be reappointed to her position as the Judge. Her current appointment expires at the end of the year but there is a certification school in November that as the Judge, she must attend. Brandis points out that there is no reason for her to attend the training if she is not reappointed. John Costello says they have had considerable discussion over the last couple days about the appraisal for the 80 acres. He says that they had anticipated completing the appraisal by the end of 2014 but that is clearly not going to happen. Guay agrees but says they are moving forward and she is hoping to have it finished by April 30, 2015.

#### **Public Comment Period**

No public comment is received.

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Mayor Schmier calls the meeting to order and explains their purpose this evening is to discuss the management of the Union Pacific Dining Lodge (UPDL) by the Yellowstone Historic Center (YHC). Schmier welcomes Ed Geiger and Carol Leasure of the YHC to the meeting and asks them to explain the current position of the YHC on this issue. Leasure references a letter the YHC sent to the Town in August requesting that they delay the takeover of the UPDL until September 30, 2015. She explains that their board felt like taking over management in the middle of the summer season was not wise and they are already behind as far as marketing efforts go. She says that what they would really like to do is work cooperatively with the Town to manage the building next year. She says that since their offices are in the building, they would be able to handle reservations, deposits, check-in responsibilities, etc. Geiger says they would like to be involved with those duties next year before they completely take over management. He says they have been involved with most of the people that have reservations for 2015 already as most of them stopped by this season to look at the building. Leasure says their biggest concern for next year is that they haven't been able to market or promote the building for next year, which means the rates will likely stay low like they are currently. Geiger expresses confidence that they will be able to charge considerably higher rates because they will offer additional services with those rates. Schmier says that they have had a lot of discussions about managing the building and they first need to determine whether the Town wants to turn over the management. Geiger says that he believes there is positive support from business owners in the community for the YHC taking over the building. Patterson says that he has not heard comments from anyone about the YHC taking over. He does not think it is necessary to market the building, it markets itself. He does not think it is appropriate to spend taxpayer money for advertising. He says that it is booked clear through September 30 of next year, if they need to raise the rates they can. He says he would be more than happy to get rid of the responsibility, but he knows that is not going to happen. The Town would still own the building and he would still be down there taking care of things. Schmier clarifies that although the YHC wants to delay taking over management, they still are requesting funding during this fiscal year. Leasure says that there are still costs associated with managing and administering the people that rent the

building. Schmier asks how much does the YHC propose that they would need during this fiscal year. Leasure says they think half of the \$30,000 that was budgeted would allow them to do what they want to do between now and July 1, 2015. Dittmann clarifies that YHC's marketing plan is to attract a new demographic that is willing to pay higher rates and therefore they must market to that demographic. He also suggests that the demographic that currently uses the building will be pushed aside. Geiger counters that by the time people rent the building for \$300 and then rent the tables and chairs from YHC, they aren't really spending any more money. Forsythe asks Patterson how much it cost the Town to manage and supervise the building this summer. Patterson estimates it cost the Town between \$12,000 and \$15,000 for his guys to clean and take care of it and then Brandy to take the reservations. Forsythe says he would like to see the YHC manage the building, but he is struggling with the fact that the YHC wants \$15,000 to follow the staff along during May and June of 2015. The group debates what is the most effective way to handle reservations and correspondence with customers. Schmier says it is not important right now to worry about the details of taking reservations, but they need to look at the entire picture. Schmier says that what he struggles with is that the YHC is going to keep all the rental income and still request money from the Town. Leasure says that they have to look at the entire business plan because after five years they will no longer need financial support from the Town, other than maintenance and capital expenses. Schmier points out that after five years, the YHC could just walk away. Geiger says that in that case, they would be left with a better building with a rate structure and new clientele. Guay points out that the agreement they are looking at stipulates that the Town and YHC will seek grant funding for the building, but the Town will be responsible for any additional funding for capital improvements. Geiger admits that the Town will have discretion and will have to decide what improvements they can afford to fund. Schmier points out that if their business plan depends on those improvements, it will not work. Geiger responds that they would adjust that plan as necessary, just like the Town does when it does not have enough money to fund a project. Schmier says that he thinks they need to take some time to think about this proposal. Costello says that it appears that there are multiple employees of the Town in the room this evening that do not want to turn the building over to the YHC and he asks why. Dittmann says that as Town employees, it is their responsibility to advise the Council as to what is in the best interest of the Town. He says this is not in the best interest of the Town to turn this over to the YHC. Guay agrees and says that there is definitely room for improvement of how they run the building, but they think they can accomplish that. Patterson also agrees. He does not think the business plan is reasonable and they already have the staff to run the building. He says he cannot justify spending taxpayer money to do something they are already doing. Schmier suggests they consider how the Town and YHC could work together to run the building. Leasure asks directly if they are going to move ahead with the draft agreement. Schmier answers that in light of the staff feedback they received tonight, he does not think they can move forward with it. Forsythe says that he has not been on the Council that long, but they have been discussing this for a long time. He says that if they cannot live with this agreement, then the Town should come up with a proposal and find out if the YHC can live with it. The Council agrees and Guay indicates that she can work on putting that together.

Mayor Schmier explains that the second agenda item tonight is to discuss goals for the Council and also for the Operations Manager. He says that he has given some thought to issues they have had over the last 12 to 24 months. He says that he has concerns over projects or proposals that seem to have just been dropped or forgotten. The group does discuss improving communication between the Council and staff and giving clearer direction about what needs to happen next. Johnson says he would like to change the current terms for Council members, a change that has to be made in the Charter. He says that when they have had three new Council members elected at the same time, it has drastically slowed down progress. He recommends changing the way the terms are staggered so there is never more than two seats up for election. Johnson says he would also like to see the job descriptions worked on. He thinks they have some strange things in some of the job descriptions that need to be straightened out. The group discusses this issue at length. Forsythe says he would like to see the rules changed so that people that live outside of Town can serve on the Town Council. Costello says he thinks they would have to change state law to accomplish that. The rest of the group agrees and voting rights about the item are discussed briefly. Costello says that he thinks that due to some of the issues they have dealt with over the last several months, they have missed an important thing: the local government study

commission. He says that he thinks establishing that commission through the upcoming election is vitally important and they need to be prepared for that. The group agrees and staff indicates they will find out what the deadlines are for filing as write-in candidates as there will only be one name on the ballot. Schmier asks if doing business with the Town is user-friendly. The group discusses what the challenges are for doing business with the Town and specifically discusses business licenses. Guay says she would like to clean up the encroachments around Town, she believes the Town is starting to look somewhat cluttered with old vehicles and stored materials. Schmier says he thinks they need to review and update the list of items that are subject to the resort tax. He thinks the merchants would appreciate more guidance about which items should actually be taxed. The group agrees that this should be reviewed and discuss planning a work session and inviting public input. Schmier says that he thinks the Operations Manager should become a bigger part of the community. He thinks it is valuable to be recognized and involved. Patterson says he thought it was a good thing when the previous Operations Manager went on the radio once a week and published his report in the newspaper. Guay offers to make sure her report is sent to the newspaper every week. Johnson says that at one time, the school superintendent, operations Manager, Mayor, Chief of Police and even President of the Chamber used to meet once a month for lunch or coffee to discuss current issues in the community.

The meeting is adjourned. (9:40 PM)

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Mayor

ATTEST:

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Town Clerk