

WEST YELLOWSTONE TOWN COUNCIL

**Work Session  
December 2, 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, Jeremy Weber, West Yellowstone News Editor, Merrick Young, Tim & Nancy Heideman, Carol Leasure

The meeting is called to order by Mayor Brad Schmier at 5:30 PM in the West Yellowstone Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana

Council Comments:

**Public Comment Period**

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Mayor Schmier calls the meeting to order and explains their purpose this evening is to discuss the Resort Tax exemptions as listed in the Resort Tax Ordinance and what seems to be confusion between different store owners around town about what is taxable and what is not. Brad starts with the Goods and Services Subject to Resort Tax list. Discussion ensues about food prepared at a convenience store or grocery store vs. prepared and served at a restaurant. Everyone agrees that we need to look at the tax from the perspective of taxing the tourist. Jerry Johnson points out that the original exemptions were made before the existence "C" stores (convenience stores) but times change and along the way we haven't reviewed or updated the list as we should have. And we have let the Town Office staff do the interpreting or have requested legal opinions on separate items. Johnson says that we need to be somewhere between Big Sky and West Yellowstone where Big Sky taxes everything and we have exemptions. He suggests that to accommodate the theory that the tourist is who should be taxed, maybe the Virginia City model would satisfy where they only impose the tax for 6 months each year. Schmier expresses the view that whatever we decide the goal would be to eliminate the disparity of what is being done between establishments. Parker asks how the list for goods & services subject to resort tax came about. Guay responds that a request by a business owner prompted the list which, Gospodarek adds, came about over the years from legal opinions and other interpretations that came up from review requests. Parker asks about people who claim that they are exempt from paying the tax. Guay and Gospodarek confirm that it is a locally imposed tax that no one is exempt from. Johnson reiterates that he thinks that we should be working on the exemption list not the list of what is subject to the tax. Johnson suggests that having definition for unprepared or unserved would help, Tim Heideman agrees for served versus unserved in particular. 'Prepared on the premises' was a distinction option made by Cole Parker. Schmier asks for input on pre-filled propane tanks and everyone agrees that it is still fuel and should be exempt. Carol Leasure asks why snowmobiles and boats are exempt but not skiis. Johnson clarifies that the tax was creating enough of a difference on major purchases like boats and snowmobiles that people would travel out of town to purchase elsewhere in Montana putting the local merchants at a disadvantage and that no one advocated for ski sales at the time the exemptions list was being created. Johnson suggests, that the staff to call Gardiner, Whitefish, Red Lodge, Virginia City, Big Sky, & St. Regis to find out what each resort tax imposing community does on this front. Schmier asks those present to give direction on which way to proceed. Costello suggests forming a committee and thinks that those who really care should put their heads together. Schmier reiterates that the merchants need some clarification and says that maybe they need to massage the list, clean it up and then let the merchants weigh in on that. Greg thinks that Jerry was on the right track with getting input from the other communities and districts then have a work session in the summer and ask everyone public or committee what they think about the different choices and pick from that. Johnson states that Schmier seems to be the more passionate person and asks what would he like to see. Schmier says that he thinks that every food item in his convenience store should be considered groceries and be done with it. But that was just his opinion. The discussion comes to a close with guidance given to the staff to research other communities' method of exemption.

The meeting is adjourned. (6:55 PM)

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Mayor

ATTEST:

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Finance Director

WEST YELLOWSTONE TOWN COUNCIL  
**Town Council Meeting**  
**December 2, 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, Jeremy Weber, West Yellowstone News

Richard Gibson, Terri Gibson, Jeremy Weber-West Yellowstone News, Marysue Costello, Doc Stewart, Randy Wakefield, Helene Rightenour, Brenda Martin-Head Dispatcher, Scott Clark, Gerald Schmier, Glen Loomis,

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 \$54,581.52. (Forsythe, Parker)
- 2) Motion carried to approve the Consent Agenda which includes the minutes of the November 18, 2014 Town Council Meeting and with the change that Johnson was not present and did not make a motion as stated in the minutes. (Johnson, Parker)
- 3) Motion carried to approve the selection of Rocky Mountain Appraisals to conduct the appraisal on the 80 acres of Forest Service land adjacent to the Town. (Costello, Forsythe)
- 4) Motion carried to adopt Resolution #658 adopting the Single Family Equivalency Table as revised in November 2014. (Forsythe, Parker)
- 5) Motion carried to appoint Liz Roos as the Ex-Officio Member of the Local Government Study Commission (Costello, Johnson)
- 6) Motion carried to approve Resolution #659 to lobby the State Legislature to allow for an additional 1% levy in Resort Tax for Historic Preservation and infrastructure support within the jurisdiction. (Costello, Parker)

**COMMENT PERIOD**

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Public Comment Period: Terry Gibson would like to request that the skiers use the sidewalks during ski fest or even just walk single file down the middle of the road instead of 10 across.

Council Comments: Schmier says that council members should have received information in an email about the essential air service and that a request for proposals has been put out with a deadline for application of December 18, 2014. Johnson states that this topic is very important to the Town of West Yellowstone. Schmier says that the Ski Fest seemed to be a success. James Patterson suggests that we plow the area to the west of the Povah Center for additional parking for this event in the future. Greg Forsythe says that Rob Burns just had his last day for the Sheriff's Office and we should write a letter or send something in appreciation. Johnson then raises the issue of the background check of our proposed Chief of Police hire and states that the background check is taking a new direction. That the investigation is now centered on the accusation that Jerry Johnson gave the questions for the interview to the applicant ahead of time rather than whether or not the candidate's background is clear. He states that he let it go after speaking with others involved when it first came up, but now that the hire of the new police chief

is being delayed that this is an even more unacceptable than being accused falsely. He states that whoever started this needs to stop it now.

**Advisory Board Reports:** Cole Parker states that the Planning & Zoning Board met and they discussed 80 acre development, the Town's Growth Policy and businesses we could attract that could potentially bring employment to town.

## DISCUSSION

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- A) **Operations Managers Report:** Johnson asks if going to arbitration for the Conlon grievance is a positive or negative. Guay responds that it is positive and it could solve the issue of the unfair labor practice and eliminate the possibility of two verdicts as a result. Schmier asks if the bargaining is moving along. Johnson addresses the fact that we have tried to meet but that the meeting in November was postponed to December 16 and 17 and that he finds the lag time very frustrating.
- 3) Guay explains that they received two responses to the Request for Qualifications. She has spoken with Mr. Cornish and that the price would be approximately \$10,000.00. Mr. Cornish's firm was endorsed by the Forest Service real estate specialists. Glen Loomis asks about the recommendation. Guay clarifies that in addition to having recent experience working with the forest service this firm would also be available to do the appraisal in a timely manner.
- 4) Schmier clarifies that there is not a rate change or increase just the adoption of an updated table
- 5) Forsythe states that he didn't like the process for the appointment/election of the folks on the Local Study Commission. He feels as though the council should have been able to appoint.. Schmier agrees that it was a bit of a mess but that it was the election administrator's call and Guay adds that it was also that State Attorney General's office that dictated the outcome. Schmier redirects the conversation to appointment of the Ex-Officio member of the study commission.
- 6) Schmier clarifies that this resolution was presented to late into the legislative session the last time. Richard Gibson asks why the language says up to 1% instead of just 1%. Glen Loomis states that the original language about the 3% also states that it can be up to 3% because it isn't a requirement that the levy be the full 3%. Terry Gibson asks about the infrastructure reference and was under the impression that this meant infrastructure anywhere in the jurisdiction rather than just the historic district. Loomis states that the town would need to interpret that definition. Terry says that she understands that this was designed to make it so other communities that this would or could affect would be more likely to support it. Schmier also explains that this must pass in the state legislature before it gets addressed by the town. Forsythe asks about the Town Council's power of decision making. Glen Loomis states that there is an agreement in place between the YHC and the Town that they would have a five year plan of the improvement of the historic district. Jerry raises concerns that someone needs to champion this and see it through. Cole Parker volunteers stating that he sees this as important. Loomis points out that people need to show up in Helena when it comes up as well. Johnson states that he is never in favor of adding taxes but that he would support the resolution in an effort to support the opportunity for people to be heard and vote on the issue.

Meeting Reminder: The next Council meeting is scheduled for December 16, 2014 at 1:00pm. A work session is planned for 6:00pm prior to the January 6<sup>th</sup> town council meeting to discuss the Aquatic Center.

The meeting is adjourned. (8:17 PM)

ATTEST:

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Mayor

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Finance Director

WEST YELLOWSTONE TOWN COUNCIL  
**Town Council Meeting**  
**December 16, 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, Social Services Assistant Kathi Arnado, Jeremy Weber-WY News, Gallatin County Sheriff Brian Gootkin, Pat & Ginger Povah, Randy Wakefield, Doc & Donna Stewart, Les Brunton-YNP Law Enforcement, Richard & Terry Gibson, Doc & Mrs. Deconotour, Helene Rightenour, Dispatcher Nansi Cisneros, Head Dispatcher Brenda Martin, Sandi Pepler, Ryan Barker-Forsgren & Associates, Gallatin County Deputy Mike Gavagan, Scott Newell and family, Doug Buskirk, WY Police Officer Neil Curtis, Scott Clark, Carol Leasure-YHC, Gallatin County Deputy Matt Stubblefield, Tara Ross-YNP Law Enforcement

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.

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 \$85,972.01. (Johnson, Parker) Schmier abstains from #40453 and #40532, Forsythe abstains from #40559.
- 2) Motion carried to approve the Consent Agenda, which includes the minutes of the December 2, 2014 Work Session & Town Council Meeting. (Johnson, Costello)
- 3) Motion carried to approve and authorize signing the Letter of Engagement with Rocky Mountain Appraisals to appraise the 80 acres of Forest Service, cost not to exceed \$10,000. (Costello, Parker)
- 4) Motion carried to approve the recommendation from the Marketing and Promotions Fund Advisory Board to award \$7500 to the West Yellowstone Chamber of Commerce Snowmobile Events Committee for the 2016 Snow Shoot event, scheduled for February 15-March 6, 2015. (Johnson, Costello)
- 5) Motion carried to accept the recommendation to hire Scott Newell to be the Chief of Police for West Yellowstone. (Johnson, Parker) Motion is unanimous.

#### **Public Comment Period**

Ryan Barker of Forsgren Associates greets the Council and wishes them a Merry Christmas. No other public comment is received.

#### **Council Comments**

Council Member John Costello says that he attended the Emergency Management Land exercise hosted in Bozeman on December 4, 2014. He says it was a very interesting and educational meeting to prepare for possible emergencies in Gallatin County. He also mentions that there will be a farewell reception tomorrow at the Gallatin County Courthouse for Pierre Martineau as his term as County Commissioner is coming to an end. Forsythe inquires whether the resolution they passed to urge the Montana Legislature

#### **DISCUSSION**

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- 5) Doc Stewart addresses the Council and encourages them to accept the recommendation and hire Mr. Scott Newell to the position of Chief of Police. He says this has been a very long process and it is time to move forward. Gallatin County Sheriff Brian Gootkin says that he understands there have been some questions about how long it took the County to

complete the background investigation for Mr. Newell. He explains that a background investigation can sometimes be accomplished in as little as two weeks, but frequently take longer. He says that they provided an in-depth report to the Town, but did not make a recommendation. He says that an investigation will uncover strengths and weaknesses for any individual. He says that he feels strongly that Mr. Newell's strengths are exactly what is needed in West Yellowstone to rebuild their police department. He offers to answer any questions. Guay summarizes a memo she prepared that describes the process and results of the Chief of Police recruitment process. In her memo, she also describes Mr. Newell's background, experience, and recommends the Council hire Mr. Newell to be the West Yellowstone Chief of Police. Mayor Schmier also shares three emails that were received today to encourage the Council to hire Newell. Doc Detonocour addresses the Council and says that jurisdictional issues are common issues between law enforcement organizations and encourages them to remember those issues can be dealt with. Mayor Schmier says Newell comes with extensive background and experience and he will go on record as supporting this recommendation.

Forsythe says he agrees with the recommendation, but as he has said in previous meetings, he disagrees with the process. He thinks the Council should have the opportunity to meet and talk to candidates before they are actually hired. He also points out that they discussed early on in the process that they would bring in the top candidates for a "Meet and Greet" type of event and that did not happen. He reiterates that he does not have a problem with the candidate that was selected, just the process. Costello agrees with Forsythe and says that he has discussed the process at length with the Town Attorney. He says that he hopes that the Local Government Study Commission will address this matter in the near future through that process.

- A) Operations Manager and Department Head(s) Report: Operations Manager Becky Guay reports on current issues: **Recruitments - Police Officer** – On-hold until Chief of Police is hired, **Chief of Police** – Recommendation on your agenda today. **Labor Negotiations** – The negotiations scheduled for today and tomorrow were cancelled by the Association's representative. He will reschedule after the first of the year. **Local Government Study Commission** – The West Yellowstone Local Government Study Commission, consisting of Marysue Costello, Richard Gibson and Doc Stewart, met on Friday, December 5 and members attending the training sponsored by the Local Government Center in Bozeman on December 8 and 9. **Public Services Department** – We're waiting for snow and ready to go! The new-to-the-Town snow blower was delivered last week. The skating rink has been flooded and should be ready for Kids and Snow this weekend. The sledding hill could use more snow, but Mother Nature will have to help with that. **RFQs for Appraisal of 80 acres** – A pre-appraisal working meeting will be held here on Thursday, December 18 at 10 a.m. Andy Cornish of Rocky Mountain Appraisals, Forest Service and Town representatives will be attending. **Yellowstone Historic Center Management of the UPDL** – Staff met with Carol Leasure from YHC yesterday and discussed the draft lease agreement for YHC management of the UPDL. Carol is meeting with her executive committee on Thursday and hopes to have a response to our proposal after the meeting.

The meeting is adjourned. (8:15 PM)

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Mayor

ATTEST:

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Town Clerk