

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting & Work Session
January 6, 2015

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, Randy Wakefield, Helene Righenour, Mike Gavagan, Nansi Cisneros, Ryan Barker, Marysue Costello, HBFD Assistant Chief Shane Grube, Robert Godwin, Kyle Goltz, Scott Clark, Scott Waldron, Richard & Terri Gibson, Tom Cherhoniak, Doc & Donna Stewart, Carol Leasure, Chipper Smith, Doug Buskirk, Pierre Martineau, Barbette Ott

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.

WORK SESSION

Mayor Brad Schmier calls the meeting to order. The topic for the work session is a discussion about the proposed West Yellowstone Aquatic Center. Mayor Schmier explains that they have been presented a proposed resolution that would allocate land for the project as well as a draft of a legal deed. Schmier asks Scott Clark, President and CEO for the West Yellowstone Aquatic Center, if he has any new information he would like to present. Clark explains that they have consulted their lawyers, and they feel that pursuing a "Deed With Possibility of Reverter" was a better approach for taking possession of the land instead of a long-term lease. Clark explains that this approach still guarantees that the land would be returned to the town in case of failure, whereas a lease would not be accepted by a financial institution. Schmier says he had not understood that the parcel of land they are asking for is that large, essentially all of Block 33 from Hayden to Iris Street. Clark explains that when he met with Public Services Superintendent James Patterson to calculate parking, they determined that in order to comply with the parking ordinance. He says that they felt it was better to ask for more than they need and then convert whatever they don't use to green space. Forsythe asks for input from the Town Attorney, Jane Mersen, on the issue. Mersen points out a couple issues that she has concerns about in both the resolution and deed. She says that if the Town indicates it wants to pursue this project, then she thinks they can adjust the documents so the Town is protected. Schmier says that he thought the direction they were going was that the Board for the Aquatic Center was going to raise money to come back to the Town to prove they have the support they need. It seems that now they are approaching it from the other direction. Forsythe asks multiple questions about the need Clark is expressing for a specific parcel of land. Clark says that the donors he has talked to have clearly expressed that they think the Town needs to show support and commitment for the project before they donate money, so they have had to turn the approach around. Schmier asks John Gospodarek, as a representative for the School Board, how the school feels about it-specifically the language that deeds any assets to the school in case the project fails. John Gospodarek says that the current School Board has not voted on the issue, but the previous board did vote to support it. He also says that he is on the board for the Aquatic Center, he understands that it is the Council's job to plan for what would happen should it fail, but he thinks that is highly unlikely. He says that they have largely based their projections on how many people go to the Grizzly & Wolf Discovery Center. He says that he knows families are looking for things to do in the evenings and there are examples such as Fairmont Hot Springs that show this type of facility can succeed. He says that as he understands it, the school could only inherit assets and no liabilities. Clark adds that they estimate the annual cost to operate the facility at \$1 million, they are estimating it will cost \$4 million to build, which is why the goal is to raise \$5 million before starting construction. Costello says that he has concerns about the information that has been presented, because he also thought the Town was expecting a different result. He says that he thinks the resolution and the deed are a mess. Mersen agrees and says that she has gone back and forth with the other attorney, Jim Shaw, but did not have specific direction from the Council

on which way they want to go. She says that she thought this was a good time to stop and meet with the Council again to discuss and decide how to proceed. The Council asks Mersen several specific questions about conditions and stipulations the Town may want to require. Johnson asks if the project will fail if they don't get the land from the Town. Clark answers that will set them back for sure. He also points out that they seem quite confident in the business plan, so why haven't they been able to raise enough money to just buy land. Clark says that there are no parcels left that are large enough, and they weren't in a position to purchase land when there was. Johnson asks Forsythe if the Yellowstone West Medical Center project is able to still raise money or get donations for leased land rather than deeded land. Forsythe says he can relate to the position the aquatic center is in. Costello says he does not see how it would make a difference to a donator whether they have a 100-year lease or a deed. The group acknowledges that a financial institution is going to be more comfortable with a deeded piece of property and collateral. Schmier states that what they need to do is direct legal counsel to draft documents that reflect what the Council is actually comfortable with. Patterson says that they also need to take a careful look at how much land they actually need for the facility. He says that they have not actually calculated parking requirements and the parcel they are discussing is a very large piece of property. Guay also suggests that they consider how much oversight the Town wants to have over what is actually included in the facility. Mersen suggests that by the next meeting, she could work on preparing both a long-term lease and a deed as well as work on the resolution for consideration by the Council. The Council considers having another meeting but agrees to direct Mersen to work on the documents for the Council to review in the near future. Johnson specifically asks Mersen to outline the pros and cons of a lease versus deed. The work session is adjourned at 7:05 PM.

Election of the Mayor and Deputy Mayor 2015

Following the Pledge of Allegiance, Mayor Schmier explains that at the first meeting of every year, the Council selects a Mayor and then Deputy Mayor for the upcoming year from the members of the Council. He says that they have received emails supporting Jerry Johnson for Mayor from four local residents. Mayor Schmier invites the public to comment on the election of the Mayor. Doc Stewart reads a statement that earnestly implores the Council to select Jerry Johnson to be the Mayor for 2015. Schmier says that he has enjoyed being the Mayor for the past year. There have been ups and downs and it has not always been fun, he says that he has no problem going forward and asks Jerry Johnson if he would accept the nomination. Johnson says that if this Council is willing to support him as Mayor he would be happy to serve. Schmier also states, that if it is the will of the Council, he is willing to serve again as the Mayor.

Schmier makes a motion to appoint Jerry Johnson to be the Mayor for 2015, but the motion fails for lack of a second. Forsythe makes a motion to appoint Brad Schmier to serve as Mayor for 2015, seconded by Parker, motion carries. Schmier makes a motion to appoint Jerry Johnson to serve as Deputy Mayor for 2015, seconded by Costello, motion carries.

ACTION TAKEN

- 1) Motion carried to appoint Brad Schmier to be the Mayor for 2015. (Forsythe, Parker)
Motion is unanimous.
- 2) Motion to appoint Jerry Johnson to be the Deputy Mayor for 2015. (Schmier, Costello)
Motion is unanimous.
- 3) Motion carried to approve the claims which total \$60,269.38. (Costello, Schmier)
Schmier abstains from #40609 and Forsythe abstains from #
- 4) Motion carried to approve the claim to HBFD (December 2014) for \$45,563. (Costello, Forsythe).

- 5) Motion carried to approve the Consent Agenda which includes the Treasurer's Report from November 2014 and Securities Report dated 12/31/14. (Johnson, Forsythe)
- 6) Motion carried to approve the Lease Agreement between the Town and the Yellowstone Historic Center for the Union Pacific Dining Lodge. (Costello, Parker)
- 7) Motion carried to acknowledge Hebgen Basin Fire District Resolution 12-1-14, a resolution offering to purchase the Emergency Services Building at 400 Yellowstone Avenue from the Town of West Yellowstone for \$200,000. (Johnson, Costello)

Presentation: 911 Advisory Board, Dispatcher of the Year

Hebgen Basin Fire District Chief Scott Waldron explains the 911 Advisory Board decided to annually recognize a dispatcher for outstanding service. He comments that dispatchers are the "unsung heroes" of emergency services and they are truly vital to smooth operation of an emergency situation. A vote was taken by all the agencies that utilize the dispatch service and Nansi Cisneros was selected for this year. Waldron displays a plaque they ordered to hang at the Police Department and also presents Cisneros with a gift card and card.

Public Comment Period

Marysue Costello, Executive Director for the West Yellowstone Chamber of Commerce, invites the Council and anyone else that may be interested to the workshop the Chamber and the Montana Office of Tourism is offering on January 27, 2015 on welcoming Chinese visitors to Montana.

Mike Gavagan announces that he just received a text from Head Dispatcher Brenda Martin, her new baby girl has arrived and all is well!

Council Comments

Council Member Johnson mentions the Stevenson family, former residents of West Yellowstone. Their son is paralyzed but was recently featured on the NBC Today Show and is making great strides. He also welcomes new Chief of Police Scott Newell and is confident they are on their way to building one of the best police departments in the state.

Forsythe asks if Guay has got a response on how resort tax is collected in other communities. Guay says she has heard back from Red Lodge and Whitefish but due to the holidays they have not accomplished much on that topic. Schmier also explains that the feedback they have heard back from Montana House District 64 Representative Kerry, is that there is not much support from other legislators to increase the resort tax and he is not inclined to push it much harder.

DISCUSSION

- 6) The Council discusses the proposed lease agreement with the Yellowstone Historic Center. Costello says he does not recall discussion about the utilities, specifically that the Town would cover the majority of the utilities for the first couple of years but gradually decrease the amount they pay. Forsythe asks a couple of questions about how the maintenance of the building will be handled. Carol Leasure of the YHC and James Patterson explain they have not worked out all the specific details, but essentially the Town will handle any major repairs but the YHC will handle daily issues.
- 7) Costello reads the Hebgen Basin Fire District (HBFD) Resolution 12-1-14. The resolution essentially expresses the interest of HBFD in purchasing the Town's building at 400 Yellowstone Avenue, commonly known as the Emergency Services Building or Fire Station One, for \$200,000. Doc Stewart asks what action the Town is contemplating about this resolution this evening. Costello answers that he thinks it is an offer to purchase. Stewart says that he thinks the fire department does a great job in the community. He points out that the Town already subsidizes the fire department at over \$500,000/year and provides the building. He thinks the Town should expect fair market value for its property and that there is no way it would appraise for only \$200,000, much

less insure it for that amount. Mayor Schmier asks Guay to share details from the Interlocal Agreement between the Town and HBFD. Guay shares the major points from the current agreement. Johnson expresses concern that they should not vote on this issue tonight. He says he does not think the general public has had the opportunity to hear or comment on this issue. Guay says that there is actually a process they have to follow to sell real property, which requires public notice, etc. Chipper Smith clarifies that the offer is just for the building, not the land, and the Council agrees. Robert Godwin explains that they want to make some significant improvements to the building and it seems logical to take over ownership. He says that they arrived at \$200,000 because that is essentially what the District can afford considering the renovations they will need to complete. Doug Buskirk asks if an appraisal has been conducted, Godwin says there has not. He says that they did not want to incur any costs until they were certain this proposal would move forward. Johnson makes a motion, seconded by Costello, to table HBFD Resolution 12-1-14, a proposal to purchase the building at 400 Yellowstone Avenue. After further discussion about the correct procedure to follow, Costello withdraws his second, motion dies. A new motion is carried to acknowledge the HBFD resolution but not take any other action at this time.

- A) **Operations Manager & Department Head Reports:** Operations Manager Becky Guay reports on current issues: **Recruitments - Police Officer** – Chief Newell is reviewing the applications that were previously scored by the Police Commission and has made contact with the most highly ranked applicants to see if they still wish to be considered for the job. All but one of the candidates is still interested in the positions. We need to hire three additional officers to be fully staffed. **Labor Negotiations** – We are waiting for the Association’s representative to reschedule sometime this month. **Local Government Study Commission** – The West Yellowstone Local Government Study Commission met today and will begin holding monthly meetings. These meetings are open to the public. **Public Services Department** – Plowing, plowing and more plowing! **Dispatch Center** – Head Dispatcher Brenda Martin is currently in labor, anticipating the birth of a daughter in the very near future. Brenda and Chief Newell have taken steps to ensure the smooth operation of the Dispatch Center during her absence. **Audit Exit Interview** – The Mayor, any other interested Council members and I need to complete an exit interview with the Town’s auditor before January 20, 2015. I request that we schedule this conference call as soon as possible. **Appraisal of 80 acres** – A pre-appraisal working meeting will be held on December 18. Forest Service land staff Anna Callahan, John Hickey, and Kimball Frome and District Ranger Cavan Fitzsimmons and Todd Stiles met with the Town’s appraiser Andy Cornish and his associate, Julie Smith, Councilmember Costello, James Patterson and I to discuss the Appraisal Assignment Package prepared by the Forest Service for the 80 acres. Federal regulations require the appraisal to be completed as if the property was being sold to any private individual or company. A draft schedule for the project is attached. Also attached is a document that instructs the appraiser as to the disposition of Forest Service special use permits that affect the property and a draft of the reservations that the Forest Service will retain (easements) on the property to be transferred to the Town. **Montana Mayors and City Managers Forum** – MMIA and the League of Cities and Towns is holding training for Mayors and Managers on March 4-5 in Helena (see attached). Please let Liz or I know if you are interested in attending.

The meeting is adjourned. (8:40 PM)

Mayor

ATTEST:

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Joint Meeting with Hebgen Basin Fire District
September 30, 2014

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

HEBGEN BASIN FIRE DISTRICT BOARD MEMBERS PRESENT: Robert Godwin, Gay McBirnie, Kyle Goltz, Ken Davis, Nancy Heideman

OTHERS PRESENT: Operations Manager Becky Guay, Public Services Superintendent James Patterson, Jeremy Weber-West Yellowstone News, Pierre Martineau, Rocky Hermanson, Tom Cherhoniak, Irene Siddons, Debbie Fleming-HBFD Clerk, Shane Grube-Assistant Fire Chief, Scott Waldron-Fire Chief

The meeting is called to order by Mayor Brad Schmier at 6:00 PM in the Emergency Services Building at 400 Yellowstone Avenue, West Yellowstone, Montana.

Public Comment Period

No public comment is received.

ACTION TAKEN

- 1) Motion carried to approve payment of the claims, which total \$11,780.00. (Costello, Parker)

DISCUSSION

Mayor Schmier calls the meeting to order. The Town Council briefly discusses and then approves payment of two claims from the Marketing and Promotions Fund. The main purpose of the meeting is to discuss the proposal from Hebgen Basin Fire District to purchase the Emergency Services Building at 400 Yellowstone Avenue for \$200,000. HBFD Chair, Robert Godwin, says that they think there are three options pertaining to the building: the Town could accept the offer of \$200,000 for the building and approve a long-term lease for the land, the Town could decline the offer to sell but HBFD would continue to use the building, or the Town terminates the Interlocal Agreement for fire protection and after two years, the Town will take over operation of the Fire Department and Emergency Services Building. Godwin points out that the Interlocal Agreement between the Town and HBFD stipulates that the use of the building is provided by the Town in exchange for fire protection. Schmier clarifies that what Godwin means is that HBFD won't provide service any longer if they don't have use of the meeting. Costello says that before this discussion goes much farther, he thinks it is important that they order an appraisal in order to quell the rumors and speculation in the community. Rocky Hermanson questions the Town's responsibility to fund HBFD considering the tax base outside of Town, too. He also says the Town should decide if they really want to sell the building before they order an appraisal. Johnson says he thinks this issue has spiraled out of control and it is unfortunate they have reached this point. He says that he does not think it is necessary to change how they are doing things, the interlocal agreement is working well now. Parker agrees with Johnson, but acknowledges he does not entirely understand why HBFD wants to purchase the building. Godwin says that there are a couple reasons including justifying to the County why they are spending money on the buildings, including it in their capital plan, and simplifying maintenance and improvement costs. The group discusses aspects of the Interlocal Agreement. Mayor Schmier says that he was involved when the agreement was originally signed and says that he really doesn't have any concerns other than possibly renegotiating the payment from the Town. He points out that when the agreement was signed, no one had any idea that resort tax collections would increase at the pace that they have. Greg Forsythe says that as a business owner, he understands why owning the building has advantages over leasing. He asks the group to consider what value the building has to the Town. There is agreement that the value is the fact that HBFD provides fire and ambulance protection. Johnson says they are a lot closer now to acquiring the 80 acres from the Forest Service. He questions whether this building will be adequate to provide service to that additional 80 acres. Fire Chief Scott Waldron says that from an apparatus standpoint, he thinks this building is adequate to store their equipment and if their next engine is configured correctly they could even reduce the number of apparatus. Johnson

disagrees, based on the amount of equipment and things that are stored outside, he thinks they need more space. Schmier says that he thinks they should wait until they know more about the 80 acres and what is available. Guay says that if the Town decides not to sell the building, then she thinks the Town should be involved with funding major upgrades such as the roof. Forsythe says that he doesn't understand why they wouldn't consider selling the building. He says the Town could use the \$200,000 and it's better for the Fire Department. Costello says that its apparent they are not going to come to a decision this evening, and suggests that they put this on the agenda for the next meeting and vote whether to sell or not. Ken Davis explains that he thinks it is valuable for the fire district to own the building. He says that even though they are a district and have their own board, but the County is not going to allow them to spend the kind of money they need to on a building they do not own. He illustrates that the fire district got into a difficult situation with Station 3 and if there was one lesson they learned, it was to own your own assets. Patterson says he agrees that leasing the building is not an ideal situation, but he also thinks they should wait until they know how things are going to work out with the 80 acres. Schmier says that if they do decide to sell the building, he thinks they need to earmark the money for something specific so it does not just disappear into the general fund. Guay suggests using it to buy the 80 acres and Schmier says they could make real improvements in Pioneer Park. Forsythe says that relationships are very important and points out that they have worked hard over the last couple of years to build a good relationship between the two entities. Rocky Hermanson says doesn't think selling the building is a bad idea, but that they should sell it for fair market value. The Council agrees to vote on the issue at the Town Council meeting next week.

The meeting is adjourned. (7:10 PM)

Mayor

ATTEST:

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting & Work Session
January 20, 2015

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, Chief of Police Scott Newell

WY News Editor Jeremy Weber, HBFD Chief Scott Waldron, Assistant Fire Chief Shane Grube, Brock Kelley, HBFD Chair Robert Godwin, Scott Clark, Jason & Tashara Pond, Head Dispatcher Brenda Martin & Reilynn Martin, Alpine Motel, Richard & Terri Gibson, Skip Morris, Rocky Hermanson, Doc & Donna Stewart, Pierre Martineau, Doug Schmier, Neil Pringle, City Judge Kathleen Brandis

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ACTION TAKEN

- 1) Motion carried to approve Purchase Order #6700 to Norland Manufacturing to purchase a chute for the (new) 1992 Stewart-Stevenson snow blower for \$8500.00. (Schmier, Parker)
- 2) Motion carried to approve the claims which total \$146,937.78. (Costello, Forsythe)
- 3) Motion carried to approve the Consent Agenda, as amended, which includes the minutes of the December 16, 2014 Town Council Meeting, January 6, 2015 Town Council Meeting, and January 13, 2015 Joint Meeting with Hebgen Basin Fire District. (Johnson, Parker)
- 4) Motion carried to table the proposal to purchase until they have an appraisal, encourage Hebgen Basin Fire District to share the cost of the appraisal, if not the Town will fund the entire cost of the appraisal. (Costello, Johnson) Parker is opposed, Forsythe abstains, motion passes.
- 5) Motion carried to table the Application to Maintain an Encroachment made...until the Work Session/Special Meeting scheduled for February 10, 2015 at which time they anticipate voting on the entire proposal. (Johnson, Parker)
- 6) Motion carried to reappoint Gloria Evans and Marysue Costello to the Marketing and Promotions Board for 3-year terms. (Parker, Johnson)
- 7) Motion carried to increase Brandis' current salary of \$31,056.03, by 3.25% and they consider anything beyond that at a later date. (Johnson, Costello) Forsythe and Parker are opposed.

Public Comment Period

Richard Gibson asks why are they only planning to hire two officers now instead of three. Guay explains that they have an arbitration hearing scheduled for May regarding a termination of an officer. She says that she felt it would be prudent to delay hiring that third officer until after that hearing.

Council Comments

Costello asks Patterson if the roof leaks in the Council Room are new, and points out some newly developed leaks in the ceiling. James says that they are new and he has notified Dick Anderson Construction. Forsythe inquires if Patterson believes the problems they have had with the building are an architecture or builder problem. Patterson says he thinks it is both. He says that he thinks the real problem is the put the roof on the building when it was cold and he doesn't think it sealed correctly. Council Member Schmier says that he attended the farewell party for Hebgen Basin District Ranger Cavan Fitzsimmons over the weekend. He says the party was well attended and says that Fitzsimmons will most definitely be missed. Mayor Schmier calls attention to the Operations Manager evaluation forms that have been distributed to the Council. He requests that they be completed and returned to him by the middle of next week. They will conduct the performance evaluation and contract review for the Operations Manager at the February 3, 2015 Town Council meeting.

DISCUSSION

- 2) Forsythe asks questions about the auditing procedures and recent audits. Gospodarek explains that Amatics, CPA audited the Town's finances and Dellinger & Gallagher audited 12 randomly selected businesses for resort tax and TBID compliance.

- 4) Mayor Schmier asks for public comment on the proposal to sell the Emergency Services Building to HBFD. Cherhoniak says they should sell the building. Rocky Hermanson says that he thinks it would be good to sell the building to the Fire Department but the Town should get fair market value for the building. Skip Morris says that he thinks they should consider a couple of things such as the potential acquisition of the 80 acres from the Forest Service, that the Fire District may have to raise taxes to be able to purchase the building, a lot of people think the building is worth more than \$200,000, and that the Town itself could use the building to store its own equipment. Doc Stewart agrees with Hermanson and says the building should be appraised before they agree on a sale price. Schmier also asks the Council Members to share their opinions. Parker says that he has talked to several people on the topic. He also wonders what may happen after the 80 acres are acquired and the fire department does not need it. Forsythe says he thinks the Town could use the \$200,000 and they could consider an option to buy it back should the fire department decide they no longer want it. He says the roof needs to be replaced and the Town will have to be involved with major repairs. Costello says that an appraisal is a risk for both sides. He says that he did talk to a prominent commercial appraiser who estimated it would cost \$4000, he could probably do it in February and they would get the results in March. Costello says he is in favor of selling the building and if an appraisal is necessary, that is acceptable, too. Johnson says that he has heard many reasons why selling the building is good for the fire department but has not heard why it is beneficial to the Town. He says they are discussing projects that will "grant away" all the land on Yellowstone Avenue and the 80 acres may not come through. He says they should consider this carefully because they cannot make more land. Costello says should remember that the bulk of the money that supports HBFD comes from resort tax and property tax collected in the city limits. Schmier says he understands why HBFD wants to own the building, but questions whether the Town needs the building and if the Town will have a need for it six years from now when the current interlocal agreement expires. He says he agrees with Johnson that there is no rush to sell the building and suggests revisiting the issue in a couple years when they no more about the status of the 80 acres. Costello suggests ordering the appraisal, which will take at least six weeks, so they will at least have something to base their decision. Schmier asks HBFD District Chair Robert Godwin if they will consider sharing the cost of the appraisal. Godwin says no and explains that they decided \$200,000 was what they could afford to pay for the building. He says that it makes no difference to his board what the appraisal may come in at.

- 5) **Fiber Optic Build:** Brian and Patty Watson, owners of the Alpine Motel says that one of the most important things people ask for when renting hotel rooms is good internet service. Neil Pringle of Ventures West says that reliable communications in Town is very important to both the businesses and visitors to Town. Skip Morris also voices support for the proposal, points out that the quality of Grizzly Internet's service has improved substantially over the last couple of years. Doug Schmier says that the internet is here to stay and says he strongly supports advancing a local company to provide this service, and points out that somebody is going to do it sooner or later. Rocky Hermanson agrees and says it is great to have a local company that wants to do this. Schmier also expresses support for the project, and says he is very excited about the prospect. Guay summarizes an email they received from Town Engineer Dick Dyer today and recommends that approval is only granted pending the acceptance of a development agreement between the Town and Grizzly Internet.

Schmier asks Jason Pond of Grizzly Internet what challenges he anticipates with this project. Pond says that he has talked extensively with the natural gas company. He says one of his biggest concerns is the gas lines and wants to make sure they don't run into gas lines. He says the corner lots, particularly in Old Town, are very difficult to access because they will need private easements. He also has some concerns about abandoned and unmarked lines they may run into when installing the lines. He agrees with most of the points raised by the engineer, but does not agree that he should be responsible for repairs if someone else hits one of his lines. He says that is not what is required by state law, he says that if he locates and marks his lines as required by the 811 program he should not be held responsible. Parker asks if there is a limit to the bandwidth they will offer. Pond explains that fiber optics can provide substantially more service than what is available. The group discusses the order of things that need to happen to include putting together a development agreement, review by legal counsel for the Town and Grizzly Internet, as well as consultation with the Town Engineer. The Council indicates support for the project and a work session/special meeting is scheduled for February 10, 2015.

- 7) The Council discusses compensation for the City Judge. Kathleen Brandis was reappointed as the Judge by the Town Council in November 2014 but her compensation has not been addressed. Brandis has requested an increase from her current salary of \$31,056.03 to \$35,000 with an annual raise of 3.25%. The Council discusses the request. Costello points out that the request is actually a 12.7% increase. He asks Johnson, considering that they are in the midst of union negotiations, how he feels about the request. Johnson says he would prefer not to address the annual increases until after the union negotiations have been completed. After the vote, there is discussion about whether the motion delays further discussion for a year or until just a later date. Johnson clarifies that his motion only delayed discussing her compensation until a later date.
- A) **Advisory Board Reports:** Council Member Parker reports that the Planning Board met last week and reviewed a proposal from China Town restaurant to add on to their building and purchase parking spaces. The Planning Board approved the request but Patterson explains that he still needs to meet with the owners to review some measurements before it comes before the Council. They are also working on updating the Growth Policy.
- B) **Operations Manager/Department Head Reports:** Operations Manager Becky Guay reports on current issues: **Recruitments Police Officer** – We made an offer to a candidate to whom we had previously offered a patrol officer position (the candidate rejected the previous offer but had recently inquired if we would consider hiring her). She has rejected our most recent offer. We are in the process of scheduling interviews with candidates previously selected by the Police Commission. The interviews will occur the week of February 9, 2015. **Labor Negotiations** – The Association's Representative has provided several dates for negotiations. We have responded with our availability and are waiting for his reply. **Public Services Department** – Several of the toilets at the UPDL were broken or cracked, so crews are working to replace all the toilets with new

ones. The existing toilets are so old it is difficult to get parts to fix them. Crews have also installed a partition wall in the basement of the Town Hall to allow for secure storage of Town records. Crews are planning to lay laminate flooring in the basement of the Povah center next week. **Water Tank Valve** – James Patterson has been increasingly concerned about rapidly fluctuating water levels in the water tank. At times, the water level is so low that the railroad well pump has been running nearly constantly (during this time of year, the well should not be needed). At other times, the tank is nearly full. After monitoring the situation for several months, James and the crew determined that the problem is being caused by a faulty valve on the tank. Crews report that the valve was full of rust. Representatives from Pump Tech should be here this week to rebuild the valve, a fix that should last 4 to 5 years. The Town will need to plan to replace this valve within this timeframe. **Body Camera's for Police Officers** – Chief Newell is planning to order body cameras from Taser International, at a cost not to exceed \$2,500. This expenditure is in the police budget and is strongly supported by the Town Attorney. Data storage will be accomplished on-site. **Audit Exit Interview** – The Mayor, Deputy Mayor and I participated in an exit interview with the Town's auditor last Wednesday. The auditor indicated that she is issuing an unqualified opinion (clean audit) on the Town's finances. Town staff successfully addressed all audit comments in last year's audit, and the auditor only had two fairly comments in this year's audit. any other interested Council members and I need to complete an exit interview with the Town's auditor before January 20, 2015. I request that we schedule this conference call as soon as possible. **Appraisal of 80 acres** – The Forest Service has issued supplemental instructions to the appraiser. Mr. Cornish is proceeding on this basis. **Revision to the Limit on the Resort Tax** – Mr. Loomis reports that Kerry White's bill to increase the limit on the resort tax, HB 262, was introduced at the State legislature today (see attached). Also attached is the text of the amendment. The bill was referred to the house taxation committee. Staff will continue to monitor the progress of the bill and report back to the Council. **Resort Tax Items** – Staff has received information from the following resort tax communities and areas on their method of collecting resort tax and the items on which they collect it: Virginia City, Red Lodge, Whitefish, Big Sky, Cooke City, and Craig. We have not heard from St. Regis. Staff is compiling the information and will submit it to the Council when it is complete. **Time Clocks** – Several months ago, the Council asked staff to research using time clocks for Town staff. Liz Roos has been compiling information, and will present it to Council at an upcoming meeting. It appears the best alternative will be to use the module from Black Mountain software, since it will interface directly with the Town's payroll program. We do not have a quotation from Black Mountain on the cost, yet. **Support Letter for EAS for Sky West Airlines** – Attached is a letter we submitted to the Office of Aviation Analysis in support of Sky West's proposal to continue Essential Airline Services (EAS) to the West Yellowstone Airport in the summers of 2015 and 2016. **Land for an Aquatic Center** – the Town Attorney has prepared the attached DRAFT response to the Council's request to provide information about the pros and cons of a long-term land lease versus a deed with a reversionary clause. The Mayor has asked me to provide this draft to the Council for your comments and questions prior to finalizing the draft.

Forsythe asks Chief Newell to look into parking on the street, especially vehicles that impede snow removal. Parker asks a couple follow up questions about the body cameras for police officers. Newell responds and explains that the cameras are ruggedized and do work in cold weather. He explains he is familiar with the system and says the picture and audio is very good.

CORRESPONDENCE

Received January 16, 2015, Udo and Janet Freund write to express concerns about dogs running loose in Town. Dated January 15, 2015, Sheriff Brian Gootkin sends an email to Tim Reid, NPS Law Enforcement, encouraging the National Park Service to reinstate its mutual aid agreement with the Town of West Yellowstone for law enforcement support.

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The meeting is adjourned. (9:25 PM)

Mayor

ATTEST:

Town Clerk