

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting & Work Session
August 4, 2015

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

OTHERS PRESENT: Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Chief of Police Scott Newell, Social Services Director Kathi Arnado, Assistant Public Services Director David Arnado, Head Dispatcher Brenda, Martin, Ryan Barker, Tom Cherhoniak, Richard & Teri Gibson, Randy Wakefield

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

Portions of the meeting are being recorded.

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

ACTION TAKEN

- 1) Motion carried to approve the June 2015 Treasurer's Report and Securities Report dated 7/29/15. (Forsythe, Johnson)
- 2) Motion carried to approve the claims which total \$178,807.37. (Forsythe, Parker)
- 3) Motion carried to approve the Consent Agenda, which includes the minutes from the July 21, 2015 Town Council Meeting and the July 28, 2015 Work Session. (Johnson, Parker)
- 4) Motion carried to approve the letter to Anna Callahan, US Forest Service Realty Specialist, and authorize the Mayor to sign. (Parker, Costello)
- 5) Motion carried to confirm the appointments of Bob Logar and Michael Hansen as supervisors of the Gallatin Conservation District for three year terms. (Costello, Forsythe)
- 6) Motion carried to appoint Jennifer Jordan to the Health Care Services Advisory Board for a three year term. (Johnson, Forsythe)
- 7) Motion carried to approve the request from the Holiday Inn to section off a portion of the north parking lot of the interior park of Block 25 to provide a safe parking area for the Rod Run participants. (Parker, Costello)

Public Comment Period

No public comment is received.

Council Comments

John Costello mentions that he, Patterson, Tom Cherhoniak, and multiple other community members met with the Montana Department of Transportation this afternoon to discuss making the highways more bicycle friendly.

DISCUSSION

- 3) Forsythe asks about the statement in the previous meeting indicating that Community Health Partners is supposed to recommend an individual to serve on the Health Care Services Advisory Board. Mayor Schmier explains that they reviewed CHP's agreement and the resolution that established the board and that was not actually true.

- 4) Mayor Schmier explains that the Forest Service has requested another letter acknowledging some final changes to the road reservations in the 80 acres. Mayor Schmier reads the letter aloud, which indicates that the changes are acceptable to the Town.
 - 5) Mayor Schmier explains that it was recently determined that the Town was a part of the Gallatin Conservation District. Town Clerk Liz Roos explains that the Clerk & Recorder recently established that since this district was established in the early 1960s, before West Yellowstone incorporated in 1966, then West Yellowstone is by default part of the district and a portion of our property tax supports the district. The clerk for the board has requested that the Town Council confirm the appointments of Bob Logar and Michael Hansen as supervisors on the district board.
- A) **Advisory Board Reports:** Public Services Superintendent James Patterson reports that the Planning Board met last night and is working on the Growth Policy. They will meet twice a month for the next couple months so they are prepared to have it adopted by the end of the year. He also reports that the Parks & Recreation Board met last week and their primary discussion was about the trail around Town, improvements that are scheduled for Pioneer Park, and building a small gazebo that was discussed a couple years ago.
- B) **Operations Manager/Department Head Reports:** Mayor and Acting Operations Manager Brad Schmier thanks the staff for their extra efforts recently. Schmier reports that the Council's candidate of choice was made an offer of employment last week but that individual declined to accept the position. They will be meeting with the Prothman Company to decide where to go from here. Public Services Superintendent James Patterson reports on various maintenance activities of his department including well maintenance and repairing all the water shut off valves throughout Town. They also rebuilt part of the street sweeper in the last week and changed the pump on the railroad well. Schmier asks what the Town's involvement will be in the Rod Run. Patterson explains that he will have additional staff on this weekend and briefly describes the routes the cars will follow to enter the park on Saturday. He says they will do their best to open up the highways as quickly as possible after the parade. Chief of Police Scott Newell explains that the main computer in dispatch went down last week which necessitated a quick trip to Billings by Head Dispatcher Brenda Martin. They are back up and running but expecting Morrison-Mairele to come down next week to figure out how to set up a server in dispatch so this does not happen again. He says the application period for patrol officers closed on Friday. They received multiple applications but none that are Montana Post Certified. Newell describes some recent calls they have handled through the Police Department and the problem they are having with the perceived turn lane from Canyon/Highway 191 onto Highway 20. Finance Director Lanie Gospodarek reports that she is still working on finishing up the Capital Improvement Plan. They have had a lot of meetings to schedule and attend recently as well. Social Services Director Kathi Arnado received six applications for the assistant position and are hoping to conduct interviews on Thursday of this week. She mentions that food donations from the Bozeman Food bank are down and Habitat for Humanity has been in touch about reaching out to the Hispanic population.

7:45 PM – The Council adjourns into Executive Session at the request of the Public Services Superintendent to discuss a personnel issue. No action is taken.

The meeting is adjourned. (8:15 PM)

ATTEST:

Mayor

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Special Town Council Meeting
August 6, 2015

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

OTHERS PRESENT: Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Mike Moore-West Yellowstone News, David Arnado-Deputy Public Services Superintendent, Social Services Director Kathi Arnado, Tom Cherhoniak, John Hodgson by speakerphone of the Prothman Company

The meeting is called to order by Mayor Brad Schmier at 2:00 PM in the West Yellowstone Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana

Public Comment Period & Council Comments

No comments are received.

- 1) Motion carried to approve Resolution No. 668, a resolution exempting Pioneer Park from the open container prohibition during the Yellowstone Rod Run Event on August 8, 2015. (Parker, Forsythe)

- 1) The group discusses whether the hours that are noted in the resolution are sufficient and there is brief discussion about extending the hours until later. Johnson says in the past there has been discussion about charging a fee to call a special meeting. He says that they don't call special meetings very often but it can be very inconvenient even though this is a valid event.

- A) The Council discusses the recruitment process for a new Operations Manager. Interviews were conducted two weeks ago and the selected candidate turned down the job. The Council discusses aspects of how the recruitment has gone so far and what their options are now. John Hodgson of the Prothman Company is present by speakerphone at the meeting. Hodgson summarizes some options going forward including: hiring an interim Operations Manager and repeating the recruitment, which likely will require reviewing the salary and benefits package. Hodgson describes the process they use to place an interim Town Manager, usually a retired City Manager that doesn't want to work full-time, year round. He also describes the timeline for going through the reopening process. He says that if they can agree on a salary/benefits package they could post the position again by next week. The process to advertise and review applications would take four to five weeks. Costello asks about the difference in the quality of candidates they would be considering if they increase the salary. Hodgson responds that increasing the salary at least \$10,000 will encourage people that are already city managers in other municipalities. He says that even the people that applied this time around had not been city managers very long. He points out that West Yellowstone is a very unique and is not really a community of 1200 people. Hodgson also recommends that they consider offering more vacation time to a new manager that would commensurate with their years of experience in the field or in government. Hodgson and the Council discuss multiple factors that affect hiring a new manager. Hodgson suggests that he send out a new job profile with recommended changes to the salary and benefits page to the Council to review by early next week. After further discussion, the Council decides to end the call and discuss the details and then call Hodgson back tomorrow. The Council takes a short break.

When the Council reconvenes, Costello says that it takes so long to train a new person that he does not think bringing in an interim manager is worth their time. The Council discusses the suggestions from the Prothman Company and increasing the salary and benefits package and what direction they want to go with the recruitment process. The Council agrees to not hire an interim manager, review the revised profile that Hodgson is going to prepare, and investigate the real cost to relocate.

The meeting is adjourned. (3:45 PM)

August 6, 2015
Town Council Special Meeting
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Mayor

ATTEST:

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL

Work Session August 11, 2015

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

OTHERS PRESENT: Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Social Services Director Kathi Arnado, Chief of Police Scott Newell, Jeremy Weber-West Yellowstone News, Pierre Martineau, Marc Shepherd, Mary Davis, Corinne Fagerburg, Drew Barney, Jennifer Jordan, Marysue Costello, Doug Edgerton, Melissa Butler

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

Public Comment Period

Pierre Martineau credits the Police Department and Public Services Department with all their efforts over the weekend during the annual Yellowstone Rod Run. He says there were people everywhere and they handled it very well.

Council Comments

Council Member Parker says that they have an extensive knapweed problem in Town. He says that there are properties all over town that are infested and strongly recommends that they do something about it. He asks if they have a law that requires people to take care of it on their private property, but there is not.

DISCUSSION

Mayor Schmier calls the meeting to order and explains that the first topic of discussion is the resort tax ordinance and they are here at the request of West Yellowstone Ski Education Foundation (WYSEF). Drew Barney addresses the Council and questions why the ordinance was updated this spring and why their events are now subject to the tax. Mayor Schmier explains that they spent considerable time this spring reviewing the ordinance to make it fair to all. Barney questions why, after nearly 30 years, they are requiring non-profits to collect the tax. Council Member Johnson explains that the discussion started initially with the Chamber and the entrance fees for the World Snowmobile Expo each year. Barney challenges that non-profits have never had to pay resort tax, but Johnson points out that the Grizzly & Wolf Discovery Center and the Yellowstone Historic Center pay resort tax, both are non-profit entities. There is extensive discussion between the Council and Barney about the applicability of the resort tax ordinance to non-profit events. Doug Edgerton says they have been compared to other businesses, but WYSEF has one paid employee. The only way they could collect the tax is to deduct 3% from their gross sales and remit it to the Town. Parker asks if there is a limit to how much they can charge for entrance fees for a race. Director Moira Down explains that their governing body limits participation fees to \$35. Dow questions why they are subject to the tax just because her office is in Town. Marysue Costello, Executive Director for the Chamber of Commerce, asks the Council to consider exempting organizations that reinvest a certain amount into the community. She points out that the ski trails and snowmobile trails are vital to the winter economy. Council Member Costello says that earlier this year, they spent many hours working on the current ordinance and he questions whether they want to start over. Edgerton suggests that they just allow WYSEF to petition the Town to be added to the exemptions in the ordinance. Johnson says that they spent countless hours trying to determine how and what kind of organizations should and should not be subject to collecting the tax. Shepherd argues that there probably are no other organizations in the community that gives back to the community on the same scale. The issue is debated at length. Barney points out that Councils change and says that if they have to start collecting the tax, they will eventually have to come before the Council to ask for funding to support their organization. Finance Director Lanie Gospodarek explains that they recently confirmed with the Town attorney that a policy cannot override an ordinance. Schmier explains that they believe that the people that come to Town expect certain services such as police, fire, and ambulance, services that are provided through resort tax, and they think it is reasonable to expect those participants to pay a little bit to support those services. Barney emphasizes that collecting the tax will take away from the programs they already provide. The Council agrees to schedule a meeting in the near future where they will discuss exempting

specific entities through the ordinance and they will make sure the representatives of WYSEF are aware of the meeting. Council member Greg Forsythe states that he donates money to multiple organizations in Town, including the ski foundation. He says that when the cost of lumber goes up, what he charges at his store goes up. He says that at some point, they are going to have to reevaluate how they run their organization. He asks them to consider working with the Town and helping them support everything they provide.

Mayor Schmier explains the next item of discussion is the recruitment of a new Operations Manager. John Hodgson of the Prothman Company has revised the position profile and made suggested changes. The most significant suggested change is increasing the salary to a range of \$95,000 to \$120,000. Costello says that it boils down to either increasing the salary or reducing the qualifications. The Council discusses at length what approach they want to take considering that they were not able to hire a qualified candidate the first time through the process. Parker suggests reviewing all of the original applicants and considering some of the lesser qualified applicants that show potential. Johnson says that if they're going to consider paying someone \$120,000, they should definitely expect someone that is worth that salary. Patterson points out that its not all about the salary and they really don't know what a person is like until they hire them. Costello says that he thinks they should reduce the suggested salary, open the recruitment up again, but then review all of the applicants. After discussion, the Council agrees to raise the salary range to \$80,000 to \$100,000, include a deferred compensation option, move up the closing date, advertise more actively in the region-specifically regional newspapers and the Montana League of Cities and Towns. The Council agrees to play a more active role when it comes to reviewing the applicants from the beginning.

The meeting is adjourned. (8:15 PM)

Mayor

ATTEST:

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting & Work Session
August 18, 2015

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

OTHERS PRESENT: Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Chief of Police Scott Newell, Social Services Director Kathi Arnado

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

Portions of the meeting are being recorded.

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

ACTION TAKEN

- 1) Motion carried to approve the claims which total \$166,411.33. (Johnson, Parker) Schmier abstains from #41220 and Forsythe abstains from #41223.
- 2) Motion carried to approve the Consent Agenda, which includes the minutes of the August 4, 2015 Town Council Meeting, August 6, 2015 Special Town Council Meeting, and August 11, 2015 Town Council Work Session. (Johnson, Forsythe)
- 3) Motion carried to approve the new business license application for Squeaky Clean Montana, LLC to operate a cleaning service in West Yellowstone. (Johnson, Parker)
- 4) Motion carried to approve the business license transfer for Bear Country Baker & Eatery to Tricia Ellston and Shelly Thiemer to operate a bakery in West Yellowstone. (Parker, Johnson)
- 5) Motion carried to approve the request to waive the resort tax bond for Bear Country Bakery & Eatery based on a satisfactory payment history by owner Shelly Thiemer, contingent if the Thiemer severs her partnership that the other owner be required to post the bond unless the mandatory bond period has passed. (Johnson, Parker)
- 6) Motion carried to approve the recommendations from the Marketing and Promotions Advisory Board to award \$9600 to the 2015-2016 West Yellowstone Sled Dog Races and \$3000 for the 2015-2016 Kids N Snow events. (Forsythe, Costello)

Public Comment Period

No public comment is received.

Council Comments

Council Member Parker thanks the Mayor, Deputy Mayor, and Department Heads for stepping up and taking on additional responsibilities during this period they are without a manager. Forsythe asks about the Health Care Services RFP and Parker indicates they are proceeding with the document. He also asks about the status of the 80 acres acquisition. Patterson explains that he forwarded an email tonight from the Forest Service that reiterates that since the road reservations have been altered, the appraisal must also be reviewed and the Town will be responsible for that cost. Forsythe asks about the status of the Fire Department building and lease. Schmier responds that is not ready for consideration yet but they are working on the lease document with the Town Attorney.

DISCUSSION

- A) **Advisory Board Reports:** Patterson reports that the Planning Board met last week and is still working on the Growth Policy and states that they are approximately 2/3 of the way done with the document. Jennifer Jordan reports that the Health Care Services Advisory Board met a couple weeks ago and discussed the RFP process. They are meeting again tomorrow here at the Town Hall. The Council briefly discusses the cemetery and the availability of plots.
- B) **Operations Manager/Department Head Reports:** Mayor and Acting Operations Manager Brad Schmier reports that he has been in contact with John Hodgson of the Prothman Company about the schedule for the reopened recruitment of a new Operations Manager. Hodgson has sent a proposed schedule and possible newspaper outlets to advertise the position with. The Council discusses Hodgson's suggested advertising outlets. Parker says he would prefer to be more involved in the recruitment process and suggests that Hodgson send them all the applications he receives on a weekly basis. The Council recommends adding the Great Falls Tribune, Salt Lake Tribune, and Post Register newspapers. They also suggest making sure Wyoming is covered somehow, whether by the newspaper or league of cities.

Social Services Director Kathi Arnado reports that they received a full bison for the food bank, they have interviewed for a Social Services Assistant, and received a donation from a local individual of \$200 to purchase coats for the clothing bank. Finance Director Lanie Gospodarek reports that she has reconciled collections with the court, the budget is almost finished. Chief of Police Scott Newell reports that he has been working with the police commission to select candidates for interviews and they are planning for September 10. He expects to interview seven candidates. He says that Wednesday nights are tending to be quite busy due to disco night at a local bar and Saturday nights have also had more events recently. He says they are assisting the Park every couple days with accident investigations. Public Services Superintendent James Patterson says they are tearing apart Pioneer Park to install the ice rink and parking lot but expect to come in under budget. They are also requesting proposals for slurry seal for the Town streets. He says they have also been doing some weed spraying around Town.

The meeting is adjourned. (8:00 PM)

Mayor

ATTEST:

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL

Work Session August 25, 2015

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

OTHERS PRESENT: Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Social Services Director Kathi Arnado, Town Engineer Dick Dyer, Town Attorney Jane Mersen

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

Public Comment Period

No public comment is received.

Council Comments

Council Member Parker asks if anyone has heard from Scott Clark about the proposed aquatic center. No one that is present has any information to share. Social Services Director Kathi Arnado announces that she has offered the position of Social Services Assistant to a local resident. That person has verbally accepted but still needs to give notice at her current job.

DISCUSSION

- A) Mayor Schmier calls the meeting to order and explains that they have scheduled this meeting to meet with Town Engineer Dick Dyer to discuss the current status of the water system, sewer system, streets, and his engineering contract. He turns the time over to Dyer to explain each function.

Water System: Dyer first describes the present water supply for the Town which comes from Whiskey Springs. He explains that spring production has been down for the last two years, which is an anomaly. He explains that they have had to supplement water flow with the Railroad Well, which is very high in fluoride. The spring water is not high in fluoride, but they have managed to stay in compliance by mixing the two sources together. The group discusses the water flow as compared to the output into the sewer lagoon. Patterson estimates they are pushing out 900,000 gallons per day, peak use is 1.7 gallons per day. Dyer recommends that they plan for additional water supply. Alternatives include additional springs or additional wells. There is another spring they can extend into, which typically produces as Whiskey Springs and will require water rights, environmental clearance and DEQ approval. Council Member Parker asks if their current situation produces enough water to support the Town currently. Dyer answers that they are maintaining what they have, but the group discusses whether they could provide enough water for another large development or hotel. Dyer points out that drilling new wells do not typically produce very much water and fluoride content/removal must also be considered. Dyer recommends that the best solution is to add an additional well and fluoride treatment facility. He estimates the approximate cost would be \$1.6 million plus time to complete a study, water rights, funding sources, DEQ approval, design and construction. Mayor Schmier asks if the wells in the Madison Addition are functional. Dyer explains that there are two wells in the Madison Addition, but they never were able to produce very much water and have not been online for several years. In the event of an emergency, it would be worth it to flush them out and start them up, but not in the long run. The group discusses multiple options for increasing water supply. Dyer explains that they are in this situation because the spring flow has decreased to significantly less than what has been normal for the last 30 years, and it has done that two years in a row. The group agrees that they need to follow up on all possible options. Patterson indicates that he will talk to the Forest Service about some of these options.

Sewer: Dyer describes the groundwater study and expansion of the existing wastewater treatment and disposal facilities. DEQ will not consider expansion until a groundwater study is completed to specifically document the nature and extent of the nitrogen in the

groundwater plume from the old treatment plant. He explains that completion of the groundwater study will trigger the need for a discharge permit, which will also require continual monitoring and testing. Dyer recommends they plan to expand the IP beds (infiltration/percolation) beds. Patterson explains that his concern is eliminating the water that accumulates over the summer season. Dyer explains they have reserve capacity for treatment, but getting rid of the water is the problem. It is unlikely that the current lagoon will support the 80 acres expansion. Dyer recommends that they proceed with the discharge permit application, including presentation and negotiation with DEQ. Patterson estimates it will cost \$150,000 to build a couple IP beds, but it will take two years to get clearance from DEQ. Schmier points out that they not only have a water supply problem but a water discharge problem, too.

Streets: Dyer explains that the streets in Town are 27 years old, expected service life is 25-30 years. The streets have held up very well but they are starting to show signs of wear. The base gravels are in good shape and four years ago the Council started budgeting to build up a fund to replace the asphalt. He recommends that they continue to build this fund until they decide to completely replace the asphalt. He says that bids are out currently for a Type III slurry seal coat on Yellowstone Avenue, Madison Avenue, and the westerly five blocks of Gibbon Avenue. The Town has budgeted \$185,000 for this project and bids will be opened this Friday afternoon. They will then be able to determine exactly how much of the streets can be sealed.

Engineering Contract: Dyer explains that he has served as the Town Engineer for nearly 30 years. He has periodically been reselected through a competitive RFP process, most recently in 2011. He has provided general day-to-day engineering services on an on-call, as-needed basis (no retainer). He also provides services for larger special projects and negotiated under more specific contracts. He briefly addresses the scope of work that would be covered in a general Town Engineering contract. Dyer has provided a draft agreement that has been reviewed by the Town Attorney, Jane Mersen. Mersen has made some recommendations to the draft and Mersen explains that she does want to run the language through MMIA in reference to liability and insurance requirements. Mersen says she will send everything to MMIA and let the Town know. Dyer indicates that is acceptable, but points out that requiring additional insurance may affect his cost and rate. The Council discusses the length of the contract and whether they should release a RFP (Request for Proposals) for engineering services. Patterson says that Dyer has been good to work with and they are making an effort to make sure the Town has copies of all Town plans, reviews, and records. Schmier recommends that they work out the insurance language, plug in an hourly rate, and put it on the next agenda for consideration of a two year contract.

- B) The next item of discussion is the FY 2016 Budget. The Council anticipates adopting the budget at the next Town Council meeting, September 1, 2015. Mayor Schmier explains that they need to make some adjustments to remain in compliance, consider additional costs for recruiting an Operations Manager, manager salary, legal expenses, etc. They consider whether they need to budget more legal fees for the litigation with the Playmill Theater, but eventually determine that \$100,000 is adequate. They need to reduce expenditures by approximately \$50,000 to meet bond counsel requirements. The Council agrees to not fund the grass between Hayden and Iris and the toilet vault at the Electric Street courts, both projects were only going to be partially funded for FY 2016.

(8:30 PM) The Council adjourns into Executive Session to discuss pending litigation with Town Attorney Jane Mersen.

ATTEST:

Mayor

Town Clerk