

WEST YELLOWSTONE TOWN COUNCIL  
Town Council Meeting & Work Session  
October 20, 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, Helene Righenour, Janae and Josh Van Leeuwen, Nansi Cisneros, Head Dispatcher Brenda Martin, Ryan Barker-Forsgren Associates, Melinda Hardy, Quinn Hardy, Sabrah Van Leeuwen, Jeff Kadlec-Yellowstone Airport Manager, Michele DesRochers, Doc & Mrs. Decontour, Tom Cherhoniak, Pierre Martineau, John Greve-MAP Fund, Travis & Katrina Mann, Jeremy Weber-WY News, Gallatin County Sheriff Deputy Matt Stubblefield, MT Highway Patrol Officer Marcus Cook

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.

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 Purchase Order #6731 to American Welding & Gas to purchase a sand spreader for \$7949.00. (Johnson, Forsythe)
- 2) Motion carried to approve the Treasurer's Report and Securities Report for September 2015. (Forsythe, Costello)
- 3) Motion carried to approve the claims which total \$427,832.03. (Forsythe, Parker) Schmier abstains from claim #41408, Forsythe abstains from #41429 and #41430.
- 4) Motion carried to approve the Consent Agenda, which includes the minutes of the September 29, 2015 Town Council Meeting with the noted correction that Cole Parker was not present. (Parker, Costello)
- 5) Motion carried to approve and sign the engineering agreement with The Dyer Group. (Johnson, Costello) Forsythe and Parker are opposed, motion passes.
- 6) Motion carried to approve the Marketing and Promotions Fund Award Recommendation to Wild Bill Productions, LLC for \$17,000 for Wild Bill Days 2016. (Johnson, Costello)
- 7) Motion carried to appoint Norma Salinas to the Health Care Advisory Board for a term of four years. (Johnson, Forsythe)
- 8) Motion carried to approve the Health Care Services Agreement Lease Clarification. (Johnson, Parker)
- 9) Motion carried to approve the Town Attorney Fee Agreement with Kasting, Kauffman & Mersen, P.C. (Costello, Forsythe)

**Public Comment Period**

No public comment is received.

### **Council Comments**

Council Member Cole Parker mentions a letter in today's Bozeman Chronicle from a local resident that suggests that record visitation numbers is not good for Yellowstone Park. Parker disagrees with the letter and says he thinks the Town should welcome many more and work towards development and expansion of the Town.

Forsythe says the improved shoulders on the streets in the Madison Addition look great and should preserve those roads for several years. Costello asks when the boards at the ice skating rink will go up and Patterson responds they will be put up next week.

Chief of Police Scott Newell says that at the last meeting there was a request to implement an ordinance that prohibits drones but he says that there is currently a law that prohibits drones within five miles of an airport without authorization. Jeff Kadlec says they really don't have authority to prohibit such drones if they fly under 400 feet, but that they are just required to notify them. He says the FAA is somewhat behind the curve on the technology.

### **DISCUSSION**

---

- 5) Mayor Schmier explains that after multiple consultations between Dyer, Town Attorney Jane Mersen, Mayor Schmier, and Patterson, they have finalized the engineering agreement. Mayor Schmier points out that they originally discussed a two-year agreement but the agreement in front of them is for three years. Dyer points out that this is a non-exclusive agreement and the Town may hire other professionals as it may see fit. He says the agreement may be renewed on consent of the Town but cancelled upon 30 days notice. He also notes that the Town owns documents but any use beyond intended purpose will be without liability to the Engineer. Greg Forsythe says that he believes it is time to put out a new RFP for engineering services and would prefer a one-year agreement and then the release of an RFP after a new manager is hired. Schmier also comments that he thought they had agreed to a two-year term and was surprised to see a three-year term in the agreement. Patterson says that he has reviewed the agreement and believes it allows the Town to do whatever it wants and can hire outside consultants. He says he doesn't think it matters if it is a one-year, two, or three year agreement. Town Clerk Liz Roos points out that releasing an engineering RFP is a time-consuming and expensive process and does not recommend putting that on the new manager anytime soon after that person is hired.
- 8) There is brief discussion among the Council about whether the agreement extends the current agreement or just clarifies the language and the Council confirms it is just a clarification.
- 9) Mayor Schmier explains that the Town Attorney Fee Agreement is essentially the same as the one approved by the Town two years ago with the removal of Kent Kasting as he has retired.
- A) **Advisory Board Reports:** Parker reports that the **Health Care Advisory Board** met last week, is recommending the appointment of a new member later this evening and is ready to present their final recommendation to the Town Council on the health care Request for Proposals (RFP) process. Once they get that put together they want to meet with the Town Council to discuss the recommendation. Patterson reports that the **Planning Board** met last night and is almost finished with the Growth Policy, which they anticipate bringing before the Town Council in November.

- B) **Operations Manager and Department Head Reports:** Public Services Superintendent James Patterson reports that his department is getting ready for winter. They are picking up trash cans and working on equipment. Mayor Schmier asks if he is satisfied with the slurry seal project. He says that he is, there are some spots that are rougher than he would like but they expect it to smooth out once it gets warm. Social Services Director Kathi Arnado reports that as the season winds down a lot of people are seeking assistance for unemployment. They do not have many jobs open right now and one of the freezers in the Food Bank is not staying cold enough so they are going to have it serviced this week. Finance Director Lanie Gospodarek reports that they have been working on the Operations Manager recruitment process, sewer inventory, balancing, audits, bargaining with the Police Department, financing for the 80 acres purchase, and 911 funding through Gallatin County. Chief of Police Scott Newell reports that the police department has been very busy and mentions that they have had a couple unattended deaths, trouble with the 2011 Ford Expedition, there will be a parade later tonight for the Junior High football team, they are advertising for a new dispatcher, recruiting for a police officer through the Montana consortium, and they are working with Morrison Mairele to set up a server and more functional dispatch center. Operations Manager and Mayor Brad Schmier mentions multiple outstanding issues the staff and Council are working on.

Mayor Schmier administers the oath of office for Sabrah Van Leeuwen as a police officer for the Town of West Yellowstone.

**Engineering Report:** Town Engineer Dick Dyer reports on a multiple engineering issues. He reports that the spring at Whiskey Springs has recovered and is now flowing over weir in the spring box. He says that the ability of the Town to approve additional large users is questionable due to uncertainty of water supply. He says that they need to consider expanding water supply for growth, additional wells, and fluoride reduction. He recommends taking steps to examine the alternatives and authorize the Town Engineer to work with the Public Services Superintendent to conduct a preliminary planning study to determine the best approach, estimated to cost \$8,000 to \$10,000. The Council asks multiple questions about how to increase water supply for the Town. Dyer describes the need to expand the IP beds (infiltration/percolation) to provide more capacity for discharge or treated effluent. He explains that the current groundwater study is now being completed and it will require additional investigation and they must make a formal detailed application for a land application discharge permit from DEQ before expansion can be obtained. This process will cost approximately \$60,000. The group briefly discusses amending the budget to fund this process. Patterson recommends against waiting until the next budget cycle so they may actually have the permit by then and can start constructing new beds. Dyer also describes his experience in community planning, working with developers, and encourages the Council to approach the development of the 80 acres on a pro-active basis. Patterson says he would like approval from the Council to start inviting Dyer to attend Planning Board meetings to assist the board with the growth police and looking ahead. The Council indicates that would be acceptable and Finance Director Lanie Gospodarek explains that they do budget money annually for general engineering in the General Fund.

- C) The Council briefly discusses the Resort Tax Ordinance and whether it needs to be revisited, specifically in regards to groups that may be exempt from collecting the tax. The Council agrees to schedule a meeting to discuss the ordinance and also considers limiting the amount of public comment so the Council will have time to discuss it as well.
- D) The Council discusses the recent appraisal of the sewer lagoon property and how to proceed with the negotiation of the lease payment with the Aeronautics Division. Jeff Kadlec, Manager for the Yellowstone Airport explains that the appraisal has been sent to the State Certified Appraiser who will review the appraisal. The group agrees that they need to schedule a meeting with the Aeronautics Division.

The meeting is adjourned. (9:00 PM)

---

Mayor

ATTEST:

---

Town Clerk

## WEST YELLOWSTONE TOWN COUNCIL

### Work Session October 27, 2015

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

OTHERS PRESENT: Chief of Police Scott Newell, Finance Director Lanie Gospodarek, Social Services Director Kathy Arnado, Tom Cherhoniak, Head Dispatcher Brenda Martin, Ryan Barker-Forsgren & Associates, Jessie Vincent-Health Services Advisory Board member, Moira Dow-WYSEF Director

The meeting was held at 1:00 PM in the Town Hall Council Chambers.

#### **Public Comment Period**

No public comment is received.

#### **Council Comments**

Mayor Schmier says that they need to discuss the format of the interviews for Town Operations Manager. They are going to conduct eight interviews tomorrow by Skype (video-conferencing). The Council agrees to discuss this some more at the end of the work session.

#### **DISCUSSION**

---

- A) Mayor Brad Schmier explains that the first topic of discussion is a Request for Proposals (RFP) for a Health Care Services Provider. The Health Care Services Advisory Board has put together a draft RFP that they are recommending the Town release. Council Member Cole Parker serves on the advisory board and briefly describes the process the board followed to put together this draft. The Council discusses a timeline for releasing the RFP and accepting proposals. They consider how long they should allow for entities to respond and also consider an initial outreach to determine if any of the entities are interested in responding. They also discuss advertising and contacting all providers within a 250 mile radius. The Council agrees they should make an outreach effort prior to actually accepting proposals. Mayor Schmier suggests having the entities that respond come and make a presentation to the Council and the community. They tentatively agree to allow themselves up to 60 days to review responses and to release the RFP by December 1, 2015. Proposals will be due by March 1, 2016 and the contract terms will be from January 1, 2017 through December 31, 2021. The Council discusses the standards and requirements that will be expected to be included in the proposals. The Council discusses subcontractors as opposed to recruiting specialists. The Council discusses the level of care that should be required as well as minimum hours of operation. The group agrees that the Town expects coverage five days a week between the hours of 8 AM and 5 PM, year round with expanded hours during the summer. The Council works through the remainder of the document and makes minor changes. The Council agrees that the Town Attorney will need to review and approve the document before it can be released. The Council discusses the evaluation criteria and ratings and considers how required components as opposed to preferred components. They consider which services are most important and how the value of each component should be determined. The Council members independently work on Appendix B and they will meet again to determine how each service should be valued. Mayor Schmier asks the Council members to also consider who will be the point of contact for the Town for the RFP and who will evaluate the proposals. The Council agrees to meet again on this topic next week.
- B) The next item of discussion is funding through Gallatin County for the Town's 911 Center. Chief of Police Scott Newell explains that the Town entered into a contract with the County in 2008 which provides a 9 mill levy tax for support of the 911 Center. The contract defines the total taxable valuation as the sum of the West Yellowstone and Hebgen Basin Fire District taxable valuations. He explains that the mill valuation for the Town and Hebgen Basin have changed, but the payments to the Town from Gallatin County have not changed. Town Attorney Jane Mersen has agreed with Newell and Finance Director Lanie Gospodarek that the County owes the Town \$442,725. County Administrator Jim Doar agrees that the 911 payments should have been reflective of the

changing mill valuation since the contract was signed in 2008. However, he contends that when Hebgen Basin Fire annexed the Town in 2008, the Hebgen Basin Fire mill valuation now includes the West Yellowstone mill valuation and that this calculation was counted twice. Gospodarek points out that they do believe that the County has collected the money and was collected from the taxpayers twice, it is just the distribution of that money that is in question. She says that if the County is not going to forward the money to the Town, it should return the money to the taxpayers. The Council agrees that they should hold their position and a meeting will be scheduled with the County to discuss the topic.

- C) The Council discusses the Resort Tax Ordinance, specifically how it applies to non-profit entities. Mayor Schmier says this topic has been discussed at length in the past and he thinks they need to establish a mechanism to allow exemptions. He says that it appears they agree that they don't need to tax the school or any school-related activities. He suggests that they create a process for non-profit organizations to apply for an exemption. Johnson agrees and says he first wants to know if they can legally require the school or a church to even collect the tax. He suggests establishing criteria for organizations or specific events and that if they adequately comply then that activity is exempt. Johnson shares four examples of criteria such as affiliated with the school or church, donating proceeds back to the community, the event is a fund-raiser, or proceeds go directly to the cause. Forsythe also suggests making an exception where the entrance fee is set by a national organization. Costello questions whether an event that pays salaries, hires groomers, etc. can really be considered a fund-raiser. Johnson also asks if someone profits from an event, should that be exempt. The group considers how applications should be considered, whether by event or organization, and application deadlines. After further discussion, Johnson offers to put together a list by January 1, 2016 that includes criteria that would establish whether an event is exempt. WYSEF Director Moira Dow asks for clarification about upcoming events and whether the tax should be collected. It is determined that at this point, the only avenue for not requiring the collection of the tax on upcoming events would be through a variance.

The meeting is adjourned. (3:30 PM)

---

Mayor

ATTEST:

---

Town Clerk