

WEST YELLOWSTONE TOWN COUNCIL  
**Town Council Meeting**  
**June 4, 2013**

COUNCIL MEMBERS PRESENT: Mayor Jerry Johnson, Brad Schmier, and Doc Stewart, Pierre Martineau, and Tom Cherhoniak

OTHERS PRESENT: Operations Manager Becky Guay, Public Services Superintendent James Patterson, Chief of Police Gordon Berger, Sergeant Aaron Frank

The meeting is called to order by Mayor Jerry Johnson at 7:00 PM in the Povah Community Center

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 pay the claims, which total \$108,985.05. (Stewart, Martineau)
- 2) Motion carried to approve the Consent Agenda, which includes the minutes of the May 21, 2013 Town Council Meeting and the May 30, 2013 Work Session. (Stewart, Martineau)
- 3) Motion carried to approve the retail sales addition to the business license for the Buffalo Bar. (Martineau, Stewart)
- 4) Motion carried to approve the parking plan for the Buffalo Bar, pursuant to WYMC 17.42.090, Section L, to provide 18 parking spaces on-site with the condition that the business provide a sign directing customers to additional parking area in the interior park. (Stewart, Martineau)
- 5) Motion carried to table the CTEP Entry Sign & Landscaping Authorization to Act as Sub-Recipient. (Schmier, Cherhoniak)
- 6) Motion carried to approve Resolution No. 636, a Tourism Business Improvement District Budget Amendment for FY 2013. (Schmier, Martineau)
- 7) Motion carried to approve the request to waive the resort tax penalties for Beartooth Barbeque. (Stewart, Martineau) See next motion.
- 8) Secondary Motion carried to reduce the resort tax penalty for Beartooth Barbeque to \$131.60. (Stewart, Schmier)
- 8) Motion carried to approve the Outside Amplification Permit for the Yellowstone Cycle Tour. (Stewart, Cherhoniak)
- 9) Motion carried to approve the request from the WY Chamber on behalf of the Yellowstone Cycle Tour to park approximately 80 support vehicles on the public property west of the Povah Center along south side of Yellowstone Avenue. (Martineau, Stewart)

**Council Comments:** Tom Cherhoniak mentions that airport manager Jeff Kadlec was at a Council Meeting a few months back and he noted recently that his name was spelled incorrectly. Mayor Johnson congratulates the 2013 West Yellowstone High School Senior Class, who graduated last week, a class of 8 individuals.

**Public Comment Period:** West Yellowstone News Editor explains that she has been asked multiple times about the eight Blackhawk helicopters that were in the area over the weekend. She explains that the helicopters were part of a National Guard Air Division from Georgia and they were traveling through after training regiments with the Canadian military and stopped to refuel and see the sights.

**Presentation: National Smokejumper Center Update**

Mark Petroni of the National Smokejumper Center briefly updates the Council about the summer staffing and programming at the center this summer. He says they have been fortunate to obtain some grants and have an ambitious construction schedule for the summer. He says they have been consulting with Public Services Superintendent James Patterson on the plumbing and appreciate the assistance. He says they have a new flag pole at the center, erected by Sage Parker and the local boy scouts as an Eagle Scout project. He says the new pole is really neat and was built using the plans for flag poles that were put up at Forest Service stations in the 1920s. Petroni says they have opted to install electric heat in the buildings due to the fact that the buildings are only used in the summer. He says it didn't make sense to install a large forced air furnace in the buildings and they would like to sell it to offset some of their costs. The group briefly discusses what to do with the furnace and whether it needs to be surplus, etc. The Council indicates the staff will get back to Petroni on that issue. Martineau asks if the smokejumpers are going to move the flag burning pit. Petroni explains that the pit was originally an Eagle Scout project for another individual and therefore could not be part of this project, but they are going to move the monument and work with the local boy scout troop to move that pit and have a flag retirement ceremony.

**DISCUSSION**

---

- 4) The Council discusses the parking situation for the Buffalo Bar. The Town has received some complaints about the parking impact the new business has created, which caused additional review of the parking plan. It has been determined that an error was made by the Town when the parking was originally calculated and the owner, Rod Sainsbury, was led to believe he only needed 6 parking spaces. It was later discovered that the business should actually provide 26 spaces because the short-term parking factor was incorrectly applied because the staff and Sainsbury were referring to an older version of the parking ordinance. Sainsbury has since made modifications to the property under the assumption that only 6 spaces were required on-site. The Council discusses the issue with Sainsbury and considers possible solutions to the problem. The parking ordinance does authorize the Council to reduce the number of parking spaces required because of access to the interior park in that block that can be used for parking. Public Services Superintendent James Patterson indicates his only concern is snow storage and cautions Sainsbury to ensure they are prepared to store snow somewhere other than on parking spaces. Chief of Police Gordon Berger indicates he has no concerns.
- 5) Guay explains that she has discussed this with West Yellowstone Chamber Director Marysue Costello about this grant and requests that the Council table the item again and expect to have things worked out by the next meeting.
- 7-8) The Council discusses the request from Beartooth Barbeque and consider the fact that the business has a good payment history and showed good faith by paying the penalties in full. The Council ultimately decides to reduce the penalties to the one-time \$50.00 late payment fee plus 10% of the tax due for a total of \$131.60.
- A) **Operations Manager & Department Head Reports:** Operations Manager Becky Guay Reports on current issues. **Town Hall Project** – A walk-through with the architect is scheduled for next Tuesday. We'll update you with the date and time when we receive that information. We are working with a representative from Morrison Maierle to assess network and data needs throughout the building. **Police Patrol Officer Recruitment** – We are completing testing for one of the candidates. **Website** – Big Fork web is finalizing details to go live with the site. New site will be up and running before the end

of the fiscal year on June 30. **Planning Board Training** – Planning Board Members Pierre Martineau, Kim Howell, Cole Parker and James Patterson, along with Liz Roos and I attended the “Planning 101” training session on May 23, 2013 in Ennis. **UPDL Window Replacement Project** –I contacted the architect last week to see if he had a bid from the contractor yet. Mike continues to work on getting estimates from his supplier to determine whether he can hold his previous bid on the west windows in the Firehole Room. **Tot Lot Installation** – The Tot Lot arrived today. We will be working to install the new equipment this week. **Street Striping** – Town crews have been busy striping streets throughout town. We will be purchasing a walk behind spray painting unit to help with on-going striping needs. **Water Meter Installation Project** – All commercial meters will be installed by the end of the month. **In-Establishment Sewage Degreaser Program** – Staff is continuing to install degreaser pumps in food service locations. We will provide the degreaser to the businesses free of charge in order to prevent grease buildup problems in our sewer lines and treatment plant. **Septic Dump Station at Wastewater Treatment Plant** – We have received the drawings and specifications from Town Engineer Dick Dyer. The construction specifications are more complex than staff anticipated, therefore, we have requested that Mr. Dyer secure bids from several firms to complete the installation. We will not complete this project by June 30 as previously reported, but will ask to re-appropriate the funds set aside in this year’s budget to complete the project. **Business Licenses** – Staff in the Town office are keeping busy renewing business licenses. All licenses must be renewed by June 30. **Capital Improvement Plan and Budget** - We are working to complete a draft of the FY 2013-2014 CIP. Department Heads have all provided budget requests.

- B) Betty Richey addresses the Town Council pertaining to refuse and litter issues in the downtown area. Richey says this is a recurring problem throughout town and she has been actively seeking support from other citizens about the problem and names multiple people that agree with her on this issue as well as members of the Downtown Improvement District (DID) and the Community Assessment Action Team (CAAT). She displays multiple pictures of areas in town that show improper storage of garbage and general litter. She also indicates that she already feels like the Town staff and Police department are ignoring the problem. Richey emphatically complains about other citizens and business owners that she claims are not appropriately handling their trash and recycling. The Council discusses the issue at length with Richey and the staff. Mayor Johnson asks if Richey has any recommendations. Richey suggests passing an ordinance with required penalties for littering and shares some examples from Ennis and Bozeman. Schmier says that he thinks the vast majority of the community takes care of their own trash, but there are a few violations that need to be addressed. Mayor Johnson suggests that this topic be discussed during the next supervisor’s meeting and they work on addressing individual litter and trash issues around Town. He reminds Richey that democracy is not fast, but it is fair. He says they cannot fix this problem tomorrow, but they will work on it. Richey says that she knows has the support from the DID and CAAT and they would like to be part of the effort. Richey gives the staff the pictures of violations that she has taken, Mayor Johnson thanks her for her time.

The meeting is adjourned into Executive Session at 9:15 PM to conduct the performance review for Operations Manager Becky Guay. Mayor Jerry Johnson will act as clerk during the session.

The meeting is adjourned. (10:15 PM)

---

Mayor

ATTEST:

---

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL  
**Town Council Meeting**  
**June 18, 2013**

COUNCIL MEMBERS PRESENT: Mayor Jerry Johnson, Brad Schmier, and Doc Stewart, Pierre Martineau, and Tom Cherhoniak

OTHERS PRESENT: Social Services Director Jack Dittmann, Finance Director Lanie Gospodarek, Chief of Police Gordon Berger

The meeting is called to order by Mayor Jerry Johnson at 7:00 PM in the Povah Community Center

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 Purchase Order #6204 to Trailers Plus to purchase two 6 x 10' dump trailers for \$9,000.00 and #6205 to Columbia Paint to purchase a paint sprayer from Columbia Paint for \$5,936.00. (Stewart, Martineau)
- 2) Motion carried to pay the claims, which total \$407,690.91. (Stewart, Schmier)
- 3) Motion carried to approve the Consent Agenda, which includes the minutes of the June 4, 2013 Town Council Meeting. (Martineau, Stewart)
- 4) Motion carried to approve the business license application for Utah Transportation Group, LC (Martineau, Cherhoniak) See Next Motion.
- 5) Secondary Motion carried to table the business license application and parking plan for Utah Transportation Group, LC. (Cherhoniak, Stewart)
- 6) Motion carried to approve that the Town act as the sub-recipient for the Community Transportation Enhancement Program (CTEP) and authorize Operations Manager Becky Guay to sign the agreement. (Martineau, Cherhoniak)
- 7) Motion carried to accept the recommendation from Mayor Jerry Johnson and Chief of Police Gordon Berger to appoint Brian McCoy to the position of police officer for the Town of West Yellowstone. (Martineau, Stewart)
- 8) Motion carried to award the contract for the Septic Dump Station that will be constructed at the wastewater treatment plant (sewer lagoon) to Saurey Construction for \$18,274. (Stewart, Martineau)
- 9) Motion carried to extend Resolution No. 603, a resolution indicating the Town's intention to make 300 linear feet on Yellowstone Avenue available to the West Yellowstone Medical Center for a length of time to yet be determined. (Stewart, Schmier) See Next Motion
- 10) Secondary Motion carried to renew and extend Resolution No. 603, a resolution indicating the Town's intention to make 300 linear feet on Yellowstone Avenue available for up to three years from tonight. (Schmier, Stewart) Johnson is opposed, motion carries.
- 11) Motion carried to approve Resolution No. 637, a resolution writing off uncollectable ambulance accounts. (Stewart, Cherhoniak)

**Council Comments:** The Council congratulates Pierre Martineau on his recent appointment to the County Commission. Town Clerk Liz Roos explains that they have been discussing the procedure to fill his seat on the Council with the Gallatin County Clerk & Recorder, the County Attorney, and the Town's Attorney but they are not sure yet how to handle the situation. The filing period to run for Town Council on the ballot in November closes June 27, 2013.

**Public Comment:** Greg Forsythe addresses the Council concerning the recent hiring procedure used to hire two officers in the police department. Forsythe says that he thinks there is a lack of management in the process and the point system the Town uses is flawed. He says that although the Police Commission is part of the hiring committee, they were not consulted when the job was offered to the candidate that came in second on both recruitments. Forsythe says that when this happened a second time, he asked Operations Manager Becky Guay for an explanation as to why the preferred candidate was rejected. He was told that information could not be released and then asked what testing was conducted after the interviews. Guay informed him that they conducted physical and psychological testing as well as a background check. Forsythe asked if they sought a second opinion but was told the Town could not afford that, a cost of approximately \$800. Forsythe questions whether that is actually true. He challenges the decision that was made to move on to the next candidate and briefly describes the scoring procedure. He suggests that this is a case of sexual discrimination and that it is very likely a lawsuit will result.

Abbie Tumbleson, Editor for the West Yellowstone News, announces that Joe Eagle recently passed away and that a memorial service will be held this Saturday, June 22, 2013 at the Community Protestant Church.

## **DISCUSSION**

---

- 2) Stewart asks if the paint sprayer on the claims list is the same one as the purchase order. The staff explains that it is and that it was not a budgeted item, but Patterson and Guay determined there were enough funds left in the budget to purchase it so the Town could do its own striping and curb painting.
- 4) The Council discusses the parking plan and raises several questions about access to the parking spaces and calculations. Johnson suggests that they table the application and parking plan until Patterson returns from vacation and they can discuss it with him.
- 6) The Council discusses the Community Transportation Enhancement Program (CTEP) grant and who is actually the contractor. With assistance from West Yellowstone Chamber Executive Director Marysue Costello, they determine that the Town is the sub-recipient for the grant and the Chamber is the contractor. Costello states that the Chamber is prepared to provide the local share which totals \$4,342.00.
- 7) Chief of Police Gordon Berger recommends to Mayor Johnson that the Council appoint Brian McCoy to the position of police officer.
- 8) The Council reviews the bids and Town Engineer Dick Dyer's recommendation to award the contract for the Septic Dump Station to Saurey Construction.
- 9) The Council discusses the length of time they should extend the resolution. The letter submitted by the West Yellowstone Medical Center requests an extension of two years. Schmier, a member of the board for Yellowstone West Medical Center, says that two years is what they are asking for but they would certainly accept a longer timeframe.
- 10) The Council discusses whether extending the resolution three years rather than two is a substantial change and would require a new resolution. Johnson questions the legality of extending the resolution longer than the original two years.

June 18, 2013  
Town Council Meeting  
Minutes, Page 3

- A) Department Head Reports: Finance Director Lanie Gospodarek reports that the new website is going to go live on June 26, 2013.

**CORRESPONDENCE/FYI**

---

Dated June 11, 2013, the State of Montana Department of Administration writes to notify the Town that they have reviewed and accepted the audit results for FY 12. Also enclosed is a copy of the 2012 Water Quality Report.

The meeting is adjourned. (8:15 PM)

---

Mayor

ATTEST:

---

Town Clerk

## WEST YELLOWSTONE TOWN COUNCIL

### Work Session

June 25, 2013

COUNCIL MEMBERS PRESENT: Mayor Jerry Johnson, Pierre Martineau, Tom Cherhoniak, Brad Schmier, Doc Stewart

OTHERS PRESENT: Operations Manager Becky Guay, Chief of Police Gordon Berger, Finance Director Lanie Gospodarek, Assistant Public Services Superintendent David Arnado

The meeting was held at 6:30 PM in the Povah Community Center.

#### **Public/Council Comment Period**

Schmier says that they need to recognize Officer Mike Gavagan for his recent act of heroism for administering CPR and saving a local girl's life. The group agrees and Chief Berger says he intends to recognize Gavagan properly. Mayor Johnson says that they have been contacted by the Montana Aeronautics Division and they would like to meet with the Council later this summer to discuss operation of the Yellowstone Airport.

#### **DISCUSSION**

---

Mayor Johnson opens the meeting and asks Operations Manager Becky Guay and Finance Director Lanie Gospodarek to discuss and describe the FY 2014 General Fund Budget. Guay explains that they have having a couple challenges with the budget software and believe some of the salary percentage increase numbers are incorrect. Guay points out that they have set up a separate budget for the new Town Hall and plan to take all the major purchases for the new building out of that budget. Johnson asks Guay and Gospodarek to briefly describe each individual budget of the General Fund. Gospodarek explains some of the basic tenets of fund accounting so the group can follow along. She briefly points out some of the changes in the Legislative and Administration budgets. The Council discusses the budget for the court, which does include \$7000 for furnishings and equipment in the new building. Guay explains that the Judge has put together a list of things she believes they need in the new building. She also explains that architect Dale Nelson is working on a design for the courtroom/council chamber so the room can be used for both. The discussion moves on to the budget for the Finance department. Stewart asks about the increase in travel and Gospodarek explains that she is planning to attend the Association of Public Treasurer's conference in Texas later this summer. The group also discusses phone and internet access in the new building and the possibility of setting up the system on the fiber optic line that was brought in by Fall River Electric last summer. They put \$2000 into the elections budget since a municipal election will be conducted this year. They also have put money into Planning and Research Services, specifically for the sign reimbursement program and a possible Yellowbook appraisal of the 80 acres of Forest Service land. The Legal Services budget is for town attorney representation. The group discusses the fact that this is the year that their current agreement with McKenna Law Firm will expire July 31, 2013. The Council indicates that they should release a Request for Proposal for legal services and accept other proposals. The budget for the new Town Hall includes multiple estimates for furnishings, utilities, and maintenance. Gospodarek explains that they hope they will be able to tighten up this budget and specifically identify the necessary expenses prior to budget adoption. The budget for the Union Pacific Dining Lodge has not changed much from previous years. Gospodarek points out that a significant part of this budget hinges on whether the Yellowstone Historic Center will remain in the building year round. They briefly discuss a surveillance system for the building. Gospodarek explains that the budget for the Emergency Services building is currently blank, but today they decided to budget for a couple of months of utilities in the building assuming it will take some time to move out. They also discuss the building budgets for the parks building, Povah Community Center, Trailhead Building, Chamber, and Police/Dispatch Center. The budget for the Police Department has no major changes. Chief Berger explains that they are going to quit using the electronic ticket system and go back to writing paper tickets. He says they have had nothing but problems with the electronic system and they don't write enough tickets to justify the headache. They also discuss the budget for operating the jail. The budget for Fire Protection is based on the formula that averages the increase in resort tax over the last five years. The money goes directly to the Hebgen Basin Fire District to support fire suppression services in the Hebgen Basin, this years it appears it will top \$520,000. The group discusses the budget for Roads and Street Services, Storm Drainage, and

Sidewalks. The Council agrees that they need to leave the \$25,000 in the sidewalk budget as there are multiple areas in town that need to be repaired. They briefly discuss the Social Services budget and note that it is almost identical to last year except they are not purchasing a car this year. The Council asks a couple questions about the Parks budget but no changes are made and it closely resembles the budget from last year. The Recreation and Summer Recreation budgets are very similar to years past. They briefly discuss a proposed shelter at the tennis courts and costs that may be associated with relocating the ice skating rink. Gospodarek briefly describes the budgets for debt service, employee leave payouts, and insurance. She explains that they currently do not have anything budgeted for the risk share for Community Health Partners. Guay explains that the Healthcare Services Advisory Board is meeting later this week and will make a recommendation to the Council. CHP has suggested the Town contribute \$75,000 to support the clinic.

The meeting is adjourned. (9:10 PM)

---

Mayor

ATTEST:

---

Town Clerk