

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
March 5, 2013

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

OTHERS PRESENT: Operations Manager Becky Guay, Social Services Director Jack Dittmann, Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, 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 pay the claims, which total \$14,508.24. (Stewart, Schmier)
- 2) Motion carried to approve the Consent Agenda, which includes the minutes of February 19, 2013 Work Session and Town Council Meeting. (Stewart, Schmier)
- 3) Motion carried to table the Request for Variance of the Off-Street Parking Ordinance made by CTA Architects on behalf of Delaware North Companies. (Stewart, Cherhoniak)
- 4) Motion carried to table the Application to Maintain an Encroachment for parking made by CTA Architects on behalf of Delaware North Companies. (Stewart, Martineau)
- 5) Motion carried to approve the Mutual Aid Agreement with Fremont County for law enforcement. (Stewart, Martineau)
- 6) Motion carried to approve the Special Event Applications for the Swap Meet and Motorcycle Streetstyle and authorize the Mayor to sign the Montana Department of Transportation Special Events Street Closure Permit. (Stewart, Schmier)
- 7) Motion carried to approve the Application to Maintain an Encroachment and assistance request from the Holiday Inn, contingent upon approval by the Fire Chief. (Stewart, Martineau)
- 8) Motion carried to approve the 3-year audit contract with Junkermier, Clark, Campanella, Stevens, P.C. (Martineau, Schmier)
- 9) Motion carried to appoint Jeff Schoenhard and Jerry Johnson to the Tourism Business Improvement District Board of Directors. (Martineau, Stewart) Johnson abstains.
- 10) Motion carried to appoint Jeremy Roberson, Randy Roberson, Doc Stewart, and Jason Howell to the Sign Review & Appeals Board. (Stewart, Schmier)
- 11) Motion carried to re-appoint Pierre Martineau as the Council Representative on the Parks & Recreation Advisory Board. (Johnson, Stewart) Martineau abstains.
- 12) Motion carried to appoint Jessica McCrossin to the Healthcare Services Advisory Board. (Johnson, Cherhoniak)

Council Comments

Schmier mentions that they are in the second week of SnowShoot, an event that invites the press to review and report on next year's snowmobile models. He says things appear to be going quite well and they expect the event will return again next year.

Public Comment Period

WY News Editor Abbie Tumbleson reports that she participated in a conference call earlier this week with Yellowstone National Park Superintendent Daniel Wenk, due to the federal government imposed "sequestration," the park will open this year on April 26 rather than April 19.

Public Hearing: Off-Street Parking Variance & Encroachment Requests along Grizzly Avenue, made by CTA Architects on behalf of Delaware North Companies

Derek Zwickey, Regional General Manager of Delaware North Companies, addresses the Council pertaining to the development. He says that there have been two occurrences since the last time they were present that he wants to mention. The Grizzly Park Architectural Committee has met and approved the development. They also learned that the alleyway that runs north from Grizzly Avenue to the Clubhouse and Kelly Inns is owned by Kelly West Ventures and is not public right of way. They requested an easement from the owners, who were at first reluctant and then denied the easement for parking access. He explains that they have redistributed those parking spaces along Grizzly Avenue on their plans. Kurt Ratz of CTA Architects displays the revised plans to the Town Council and points out where the spaces were relocated. Bob Horne, a planning consultant, addresses the Town Council to describe his review of the development. Horne explains that he has worked for multiple public clients in Montana and Idaho and even for the City of Jackson Hole. Horne prepared a staff report that was included in the Town Council's packets. Horne explains that the applicant has applied for a variance from the off-street parking requirement to not provide parking on-site and an encroachment to provide the parking partially on public property. He also explains that if the requests are approved, Delaware North would also need to grant an easement to the Town to put the public sidewalk on private property. Horne also addresses the variance criteria that the Council must follow, acting as the Board of Adjustments. He points out that when the lots on the south side of Grizzly were originally developed, they had parking "rights" on Lot 13, just to the south of the lots. Those parking rights were sold and although that is not a land hardship, it is a unique situation. Horne also points out that the traffic volume on Grizzly Avenue is very light and it is a very wide street. Horne says that the variance criteria set out in the code has been substantially met and also finds little or no adverse impacts associated with the encroachment permit. Horne also advises that the Council could condition the variance such as requiring approval from the Town Engineer on the specifications. Town Engineer Dick Dyer also addresses the Council. Dyer prepared a memo that addresses the pros and cons of the development. He says there are certainly positive aspects to the proposal such as economic development. Dyer says that after looking at the plans tonight, he recommends that they require angle parking rather than head-in parking because it requires less space to back out and reduces safety concerns. He also advises the Council to consider setting a precedent for future developments. Dyer also states that although they have not yet officially made a request, DNC has indicated that they would like the Town to vacate the 40' right of way between Lots 8 and 7. Dyer says he does not recommend vacating that right of way but considering other options if they do grant the other requests. No other public comment is received, the hearing is closed, 7:50 PM.

DISCUSSION

- A) **Advisory Board Reports:** Martineau briefly reports on a Gallatin County Mental Health meeting, Gallatin County Parks Board meeting, and a local meeting held by the Yellowstone West Medical Center. Cherhoniak and Finance Director Lanie Gospodarek also attended the meeting.

- B) **Operations Manager's & Department Head Report:** Operations Manager Becky Guay reports on current issues: **Water Meter Installation** – Staff continues to install water meters, focusing on residential customers. **Town Hall Project** –Addressing ADA issues with the architect and contractor. **Police Sergeant Hiring Process** – Psychological testing results were submitted by Dr. Watson yesterday. The Chief and I are reviewing the results and will make hiring recommendations to the Council in the near future. **Police Patrol Officer Recruitment** – 17 applications for patrol officer were received last Friday. Chief Berger is working with Police Commissioners to begin the review process. **Website Development** – Looking good! **DNC Hotel Development Proposal** – Public hearing scheduled for this evening. **Planning Board Training** – Staff has contacted the Montana Association of Planners to inquire about training provided for planning board members. We are working to schedule training jointly with Madison County board members. **Preparations for EXPO** – Staff has been moving and stacking snow to prepare for EXPO. James reports that things are looking good.

Mayor Johnson asks for more information about the Police Sergeant hiring process. Guay says that the Police Commission is reviewing the second candidate and they expect to bring a recommendation to the next Council meeting.

Dittmann clarifies that they actually only received 14 applications for the Police Officer position as one applicant applied three times and another one applied twice.

- 3) The Council, acting as the Board of Adjustments, discusses the Variance and Encroachment Applications. Schmier asks what is the width of Grizzly Avenue. Dyer answers that the street is 45' wide, curb to curb. Stewart clarifies that the total right of way is 85'. Horne cautions the Council about approving the variance tonight, especially considering that the plans were recently revised. The group briefly considers Horne's assessment that Grizzly Avenue is a low traffic street. Guay points out that Horne was not able to observe the street during the summer season and that is not really an accurate assessment. Cherhoniak says that he does think the curb stops are a good idea. Ratz explains that the current plans provide a 7-foot sidewalk and then there would be a 2.5' overhang to comply with ADA access. Dyer points out that the current sidewalks are ten feet wide. Schmier asks what is the rationale for providing 90 degree parking rather than angle parking. Ratz explains that they are able to provide more parking spaces using the 90 degree configuration, as it is done in other municipalities in the State. Johnson says he would not be in favor of approving the variance request tonight, especially with the recent changes. He also does not like the 90 degree parking. He asks Chief of Police Gordon Berger if it is legal to cross the center line to get into a 90-degree parking stall. Berger answers that it is not, but it is also not legal for angle parking. Dyer points out that when they design parking lots, they usually need 24' behind a parking stall for the vehicle to back out into traffic. The current plan only provides 21' so they are risking backing out into the other lane. Stewart asks why they do not want to just put parking all the way along the street. Ratz explains that there are a couple reasons including maneuvering around existing streetlights and infrastructure as well aesthetic appeal. Stewart suggests that DNC could just deed the sidewalk property back to the town in order to avoid any liability issues. Dyer suggests that put together a development agreement that addresses all the issues in the same document. The Council discusses tabling the requests until the next meeting, and whether they need to re-advertise a public hearing since the proposal has changed. Zwickey addresses the Council and explains that they are not going to ask the Town to abandon the 40' right of way between Lots 7 and 8. Schmier suggests that they schedule a work session between the Council and the applicant to work out all the details. There is brief discussion about involving the Planning Board in the process.

- 6) Mayor Johnson explains the next item on the agenda is various events that are planned for Expo weekend. Johnson says the swap meet will be similar to last year's and they are going to provide a porta-potty. Marge Wanner of the Snowmobile Events Committee addresses the Council and briefly describes what is planned for this year.

CORRESPONDENCE

Dated February 21, 2013, Jamie McCray writes to the Council to ask for resolution on multiple water service issues. David McCray addresses the Council to summarize the letter. Operations Manager Becky Guay has prepared a response to each issue and shares it with the Council and McCray. Dated February 28, 2013, Mayor Johnson writes a letter of support for SkyWest Airlines to operate with an Essential Air Service subsidy from the US Department of Transportation.

The meeting is adjourned. (9:00 PM)

Mayor

ATTEST:

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL

Work Session March 12, 2013

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

OTHERS PRESENT: Chief of Police Gordon Berger, Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Bob Horne-Consultant, Applied Concepts, Rob Klatt, Cole Parker, Tim Daley and Bill Howell-WY Planning Board, Representatives from Delaware North Companies: Derek Zwickey, Pete Donau, Jason Fatouros, Wes Schmidt, Roy Olson, Becca Pape (legal counsel), and Wes Baumgartner (CTA Architects)

The meeting was held at 6:00 PM in the Povah Community Center.

Public Comment Period

No public comment is received.

DISCUSSION

Mayor Johnson calls the meeting to order and asks everyone present to introduce themselves. Derek Zwickey, briefly describes Delaware North Companies' decision to invest and expand in West Yellowstone starting with winning the concessionaire contract in Yellowstone National Park in 2002. In 2009, they purchased the Holiday Inn and then the Gray Wolf, Yellowstone Park Hotel, and eventually the Madison Apartments complex. He says that they started looking at the available property along Grizzly Avenue and originally considered a 200-unit resort with a water park. They eventually abandoned that idea because it wasn't affordable and they couldn't acquire all of the property. They downsized the plan to this current plan which includes 50 individual cabin-like units. The current plan will require an encroachment and variance to provide enough parking and was presented at the Town Council Meeting on March 5, 2013. There were several questions brought up at that meeting which led to scheduling this meeting. Zwickey points out various features of the current plan such as a proposed pond, hot tubs, and fire pit. Cherhoniak says he thinks they should include some handicapped spaces on the south side of Grizzly Avenue. Wes Baumgartner of CTA Architects indicates that would be easy to accommodate. Schmier asks for clarification of the exact location of the property lines. Baumgartner points out the location of the property lines on the plans. Stewart asks for more detail about the snack shack and the dimensions. The shack is 12' x 14' and two parking places have been provided on the current site plan. The shack will have an open grill and serve items such as buffalo burgers and hot dogs. The group discusses multiple aspects of the proposal. Mayor Johnson asks exactly how much of the parking is on public right of way. The group explains that the majority of each parking space is on public right of way, but the sidewalk would be relocated on to the private property. Tim Daley of the Planning Board asks specifically for the rationale for asking to put all of the parking on public property. Zwickey answers that in order to make the development aesthetically pleasing, preserve trees, and work economically, they feel this variance is necessary. He says that it is their understanding that the lack of available parking is what has prevented any development on those lots. Daley says that it appears to him that they could eliminate a couple cabins on each lot and provide the parking on-site, as is required throughout the rest of town. He also suggests that this will set a strong precedence for approval of similar variances in town. Schmier states that he thinks there is a big difference between development in the B-3 zone and the B-4 zone, the zone of the proposed development. Bob Horne points out that another option they consider is relocating some of the parking to the alley between lots 7 and 8, which would open up some space on Grizzly Avenue. Zwickey indicates they could change the plan to accommodate that if it is the desire of the Council. Stewart questions the engineering layout of the parking spaces and whether they meet the conditions of the municipal code. Schmier clarifies that the entire cost of the project will be covered by Delaware North and there will be no cost to the Town. Zwickey confirms that. The discussion returns briefly to water lines and storm drain connections. Patterson states that he would be very interested in seeing the plans for the water connections as soon as possible. The preferred approach is probably to install one large meter that will serve the entire property. Johnson asks Horne if they need to figure out all the details and specifications of the development before they vote on the encroachment or variance. Horne points out that he prepared a memo last week that is still in draft form that listed seven suggested criteria for the

encroachment permit. He explains that the criteria would allow them to grant preliminary approval and proceed toward final plans. Johnson says his concern about Grizzly Park has always been the impact a development like this would have on the sewer lagoon and water source, Whiskey Springs. Patterson says that last summer, the sewer lagoon was nearly at capacity, but they did do a lot of work to the lagoon last year. The discussion returns back to relocating some of the parking to the alley, and Horne advises that if the Council wants to make that a requirement they can make it a condition of the encroachment permit. Patterson suggests that they also require the developer to remove the original sidewalk that will remain after the new spaces are installed and that they landscape all the way to the curb. There is brief discussion about the lighting and reference to the memo from Town Engineer Dick Dyer. Zwickey indicates they would prefer to leave the light poles where they are and emphasizes that the lights they will install will be covered and not create light pollution. Johnson polls the group and asks if anyone else has questions. Johnson explains that the Council will act as the Board of Adjustments on the variance, but may accept recommendations from citizens and the Planning Board. Rob Klatt asks about the process and a public hearing. Johnson explains that the Public Hearing was held at the last meeting, but they will accept more public comment at the next meeting. There is brief conversation about the building permit process and snowload requirements. Zwickey says he believes they have been engineered to accommodate a 150 lb snowload, but he will check. Zwickey indicates they will make the suggested changes and send out a new plan prior to the meeting next week.

The meeting is adjourned. (7:15 PM)

Mayor

ATTEST:

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
March 19, 2013

COUNCIL MEMBERS PRESENT: Mayor Jerry Johnson, Brad Schmier, Pierre Martineau, and Tom Cherhoniak, Doc Stewart participates in the meeting by speaker-phone

OTHERS PRESENT: Operations Manager Becky Guay, Social Services Director Jack Dittmann, Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, 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 pay the claims, which total \$196,385.26. (Martineau, Schmier)
- 2) Motion carried to approve the Consent Agenda, which includes the minutes of March 5, 2013 Town Council Meeting and March 12, 2013 Work Session. (Martineau, Cherhoniak)
- 3) Motion carried to approve the new business license for Photos by Sandi, Inc. for a basic license fee of \$50 plus the \$500 resort tax bond. (Martineau, Cherhoniak)
- 4) Motion carried to authorize the Mayor to appoint Aaron Frank to the position of Police Sergeant, based on the recommendation from Operations Manager Becky Guay, the interview committee, and Police Commission. (Martineau, Cherhoniak)
- 5) Motion carried to deny the request from Brunton and require that she remit the additional \$175 to pay a total rental fee of \$350. (Cherhoniak, Martineau)
- 6) Motion carried to approve the Special Event Permit for the 2013 West Yellowstone Community Concert Series "Music in the Park" to take place in Pioneer Park June 21 or 22, July 4 or 14, July 28, and August 10. (Cherhoniak, Martineau)
- 7) Motion carried to approve the Application for Outside Amplification Permit for the 2013 Music in the Park events between the hours of 5 PM and 10 PM. (Martineau, Schmier)
- 8) Motion carried to approve Resolution No. 631, a resolution exempting the concert area of Pioneer Park from Section 9.12.020 of the West Yellowstone Municipal Code (open container) for the 2013 Music in the Park events. (Martineau, Cherhoniak)
- 9) Motion carried to allow retail sales by Black Mountain Productions to sell the CDs (compact disc recordings) for the performing bands, resort tax will be collected. (Martineau, Cherhoniak)

Council Comments

No comments are made.

Public Comment Period

Bryan Case, General Manager for Fall River Electric explains that they have done some tree trimming in West Yellowstone in the past, but they intend to address that more aggressively this spring. He says this process is addressed in their existing franchise agreement. He says that trimming trees is a sensitive issue but it is necessary to maintain safety and reduce fire hazards. He says they will send out a notice to property owners so they are informed about the process and mark the trees before they start trimming. They plan to start the process in late April and hope to finish before Memorial Day. If not, they will return after Labor Day in order to avoid the summer crowds.

Fall River Propane Presentation

JT Hill of Fall River Propane addresses the Town Council and explains that they are a separate but wholly owned subsidiary of Fall River Electric. He says that they would like to install a 30,000 gallon bulk skid tank on the property owned by Fall River at 31 Geyser Street. He says they do not anticipate any problems and it will significantly reduce delivery times to customers in the area. He says the propane to fill the tank will be delivered by semi-trucks, similar to how Northern Energy's fuel is delivered in the same area. The Council asks several questions about the measurements and exact placement of the proposed tank. Johnson says we also have a letter from the Hebgen Basin Fire District and he agrees that they should require approval from the Fire Department prior to approving the placement of such a tank. Guay says that after reviewing the zoning code, a "utility station" is permitted as a conditional use in the B-3 zone and she recommends going through that process. Johnson adds that the similar tank owned by Northern Energy has been in place since before they had applicable ordinances. Schmier asks how far will this tank be from the nearest residence and how is that lot being used now. Hill answers that he's not exactly sure how far the nearest residence is, but Fire Chief Scott Waldron estimates that the home across the alley is about 75 feet away. Hill also explains that the lot is currently being used by a local contractor who is storing heavy equipment on the lot and renting the shop. He is planning to be off the lot by the end of May and they hope to have the new tank in and operating by July 1. Schmier asks is a conditional use permit requires a public hearing. Guay answers that it does, but they estimate they can advertise and go through the process in two weeks. Chief Waldron addresses the Council and refers to his letter that was distributed to the Council this evening. Waldron expresses concerns about the approval process for something like this, and worries that the Fire District could not approve something, but then the Town could approve it. Waldron suggests a permitting process and that it should be addressed in the inter-local agreement. He offers to work with Operations Manager Becky Guay on that issue and the Council encourages them to do that. Johnson adds that a couple years ago, the Council asked Public Works to work with the Town Engineer on staking the boundaries of the interior parks. He says they need to know exactly where those boundaries are and they should not be relying on Fall River's power poles. Patterson indicates he will get in touch with Town Engineer Dick Dyer.

Public Meeting: Off-Street Parking Variance & Encroachment Requests, Grizzly Avenue

Mayor Johnson explains that the parking variance and encroachment applications from CTA Architects on behalf of Delaware North have been pulled, so there is no need to have meeting or take public comment on this issue.

DISCUSSION

- 3) Stewart asks if this application requires a license from the Department of Transportation or common carrier permit from Yellowstone National Park. Johnson says that since they will be transporting less than 15 people, they do not need a special permit.
- 4) Mayor Johnson reads the memo from Operations Manager Becky Guay recommending the appointment of Aaron Frank as Police Sergeant. Guay's memo also explains the process that was followed by the interview committee and Police Commission to arrive at that recommendation.

- 5) The Council discusses the request from Laurie Brunton to waive the balance of the rental fees she incurred by using the kitchen at the Povah Community Center as a licensed caterer in November of 2013. Guay points out that Brunton was informed that this was going to be discussed this evening. Mayor Johnson asks Guay to read the memo she prepared in response to the request from Brunton. Guay reads her memo and the Council discusses the details and circumstances that surrounded the issue.
- A) **Advisory Board Reports:** Cherhoniak says that they are having a Healthcare Services Advisory Board meeting later this week. Chief of Police Gordon Berger attended the quarterly county law enforcement meeting last week here in West Yellowstone, prior to the annual Snowmobile Expo.
- B) **Operations Manager & Department Head Reports:** Operations Manager Becky Guay reports on current issues: **Water Meter Installation** – Staff continues to install water meters, focusing on residential customers. **Town Hall Project** – Drywall installed in ceiling. Proceeding according to schedule. **Police Sergeant Hiring Process** – Hiring recommendation on tonight’s Council agenda. **Police Patrol Officer Recruitment** – Police Commission has completed its review of applications. Compiling results and will schedule interviews with the Police Commission in the near future. **Website** – Progress is good. **DNC Hotel Development Proposal** – DNC has pulled their application for a variance and is proceeding with a plan that will include all required parking on DNC property. **Planning Board Training** – Staff has contacted the Montana Association of Planners to inquire about training provided for planning board members. We are working to schedule training jointly with Madison County board members in May. **Audit** – The annual audit is complete and responses to audit findings were sent to the State today. Audit findings were minor in nature and staff has taken steps to ensure future compliance.

Finance Director Lanie Gospodarek and Deputy Town Clerk Mandy Munger report that the new website is looking good, they are expecting to have all the content in by the second week of April and to launch the site by the end of April.

Johnson commends the Public Services Department for their hard work and efficiency clearing the streets when everything melted off last week. He also acknowledges that they have several volunteers driving trucks the first night they were working on it. Guay adds that they have been able to keep the overtime at a minimum, too. Martineau asks about the overtime in the Police Department. Berger says it is being spread out pretty evenly between the three remaining officers and he has also been covering shifts.

CORRESPONDENCE/FYI

Dated March 8, 2013, Operations Manager Becky Guay writes Peggy Lynn, President of the West Yellowstone Garden Club, to express support for grant funds from the West Yellowstone Foundation. Dated March 8, 2013, Becky Guay writes to express support for the West Yellowstone Outdoor Education Center’s application for a West Yellowstone Foundation Grant.

The meeting is adjourned. (8:35 PM)

Mayor

ATTEST:

Town Clerk