

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
April 8, 2014

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

OTHERS PRESENT: Operations Manager Becky Guay, Finance Director Lanie Gospodarek, Chief of Police Gordon Berger, Public Services Superintendent James Patterson, Social Services Director Jack Dittmann, Brenda Martin, Randy Wakefield, WY Chamber Representatives Travis Watt and Marysue Costello, Kurtis Holtzen, Wes and Moira Dow, Tom Cherhoniak, Joyce Berger, County Commissioner Pierre Martineau, Ryan Barker, Gallatin County Deputy Matt Stubblefield, Assistant Fire Chief Shane Grube

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 \$58,962.42. (Forsythe, Johnson) Forsythe abstains from #39807, Schmier abstains from #39801.
- 2) Motion carried to approve the Consent Agenda, which includes the minutes of the March 18, 2014 Town Council Meeting. (Johnson, Costello)
- 3) Motion carried to approve the first concert for the Andrew Gromiller and the Organically Grown Band on 4/10/14 and request a report from the staff before the subsequent performances. (Forsythe, Costello) Johnson and Parker are opposed.
- 4) Motion carried to approve the new business license application for Basic Computer Troubleshooting & Setup. (Forsythe, Johnson)
- 5) Motion carried to approve the new business license application for Montana Turtle. (Costello, Schmier)
- 6) Motion carried to approve the Application to Maintain and Encroachment to place a shed on the (Forsythe, Parker) Johnson is opposed.
- 7) Motion carried to approve the Application for Outside Amplification Permit for the 2014 West Yellowstone Community Concert Series (Music in the Park). (Johnson, Forsythe)
- 8) Motion carried to approve Resolution No. 647, a resolution to exempt the concert area from the open container law during the Music in the Park events during the 2014 summer season. (Forsythe, Parker)
- 9) Motion carried to approve the Special Event Permit for the 2014 Music in the Park events and allow the performing group CDs to be sold during and after the shows. (Costello, Forsythe)
- 10) Motion carried to approve the Professional Services Agreement between the Town and All Secure, Inc. to provide secure protective custody holds for the WY Police Department in Bozeman when waiting to see a mental health professional. (Costello, Parker)

Council Comments

Council Member Johnson reports that the Stevenson Family, a family that used to live in West Yellowstone was recently spotlighted on national television. Their son ?? was paralyzed in a motorcycle accident and he is one of four individuals in the country that is using a remote frequency to control his paralyzed limbs for up to three hours a day. He says it is very exciting advancement for his condition.

Public Comment Period

WY Chamber of Commerce Executive Director Marysue Costello invites everyone to a meeting at the visitors center on April 22. The Yellowstone National Park Superintendent Dan Wenk will be in attendance. Topics of discussion will include summer construction projects and other current issues. Travis Watt thanks the Town for all of its support during the winter season and specifically during the snowmobile EXPO. They are still waiting for a lot of the information about the event to come in but he can report that attendance was up by 160 people this year for a total attendance over the weekend 6008. He says that preliminary information indicates that room nights also increased. Most of the comments they heard were positive, too. He says they will come back with a full budget report once all the bills come in.

Ryan Barker of Forsgren Associates addresses the Council to let the Town know that they are planning to be in the area one or two days a week this summer and would be happy to assist the Town with anything they need.

DISCUSSION

- 1) The Council asks multiple questions about the bill for recycling from Two Seasons Recycling for \$600/month. Patterson and Guay explain that this fee covers all the recycling for the Town. Bins will be provided in all of the buildings by Two Seasons.
- 3) Council discusses business license application for Andrew Gromiller and the Organically Grown Band. The Council asks multiple questions about whether this type of use is allowed in the Povah Center. The Council refers to Policy 24. The Council considers approving the license conditionally. They discuss conditions such as not allowing alcohol or only approving the first concert.
- 6) Moira Dow addresses the Council on behalf of WYSEF, the Chamber of Commerce, and the After School Ski Program to request permission to erect a 10' x 12' shed adjacent to the Trailhead Building for the purpose of storing skis and equipment used by the After School Ski Program. She says they intend to purchase a shed that will blend with the natural surroundings but they will probably have to remove a couple trees. They will not be sure until after the snow melts. Johnson says he would rather see them put in something permanent with a concrete foundation. Dow agrees that would be preferable but that is a matter of finances.
- 10) Schmier explains that this agreement is with a private security company that can provide custody of individuals that are being held in protective custody on the occasion that there is a significant wait to see a Gallatin County mental health professional in Bozeman. Cherhoniak asks if this firm has police powers. Guay responds that they do not. She also explains that this firm came highly recommended and is used by the City of Bozeman Police Department. She also points out that their hourly rate is very reasonable.
- A) **Operations Manager/Department Head Reports** Operations Manager Becky Guay reports on current issues: **Police Officer Hiring Process** – The Police Commission has selected six candidates to participate in the testing and interview phase of the hiring process. Four out of six candidates have agreed to be interviewed. **Head Dispatcher Hiring Process** – We received five applications for the head dispatcher position. **Protective Custody Policy and Procedure** – A draft of an agreement with All Secure (private security) firm from Bozeman is on your agenda this evening. All Secure would provide security in the event that the police department transports a person in Protective

Custody to Bozeman for evaluation by a Mental Health Professional. **Clothing Bank** – Public Services and Social Services staff and volunteers moved clothing racks, shelving units and clothing from the basement of the Baptist Church and other locations into the basement of the Town Hall last week. Social Services and volunteers are beginning to set up the clothing bank and are discussing operational issues prior to opening to provide clothing to the public. **Water Bills** – The water bills issued this month contained a notice about the naturally occurring high levels of fluoride in the Town’s water. Montana Department of Water Quality requires this notice to be issued to the public. **Canyon Street Project** – The Montana Department of Transportation is expected to let the bid for the project on August 21, 2014, and construction activities won’t begin until 30-days after the letting. Yellowstone Avenue from the entrance to Yellowstone Park back to the intersection with Canyon Street, then north on Canyon to the concrete will be milled and filled. A traffic signal will be installed at Canyon and Yellowstone Ave. and the lanes will be reconfigured with new striping. Pavement will only be chip sealed north of the concrete on Canyon. MT will NOT be improving the stormwater channels on Canyon during this project. **Animal Licensing** – Animal licenses for the 2014-2015 license year are now available for purchase at the Dispatch Center. **UPDL Window Restoration Projects** – The first project for restoration of the UPDL windows has received its final inspection and we are waiting for the final invoice from the contractor. The second project for the windows on the east side of the Firehole Room is progressing according to schedule. Window re-installation has occurred, however the glazing is not in accordance with the insulated unit requirement of the drawings. The architect will be addressing this issue with the contractor. **CTEP Project** – the Committee will be meeting with the project engineer and the County CTEP grant manager this Friday to discuss the bid specifications and process.

Costello suggests including representation from the 911 Advisory Board on the interview panel. Guay explains that the Personnel Policy Manual outlines how the interview panel is to be composed of Town employees of various age, supervisory status, and both genders. The Council asks a couple more questions about the process. Forsythe asks how many of the applicants were local and Dittmann answers that all five were local.

Canyon Street-Schmier adds that MDOT is planning to do a mill and fill project from the edge of Town to the Duck Creek “Y” on Highway 191 this summer as well. He says he would expect they will time those projects about the same time.

The meeting is adjourned. (8:15 PM)

Mayor

ATTEST:

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
April 22, 2014

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

OTHERS PRESENT: Operations Manager Becky Guay, Finance Director Lanie Gospodarek, Chief of Police Gordon Berger, Public Services Superintendent James Patterson, Social Services Director Jack Dittmann, County Commissioner Pierre Martineau, John Greve, Doc Stewart, Sergeant Aaron Frank, Joyce Berger, Ryan Barker-Forsgren Associates, Assistant Public Services Superintendent David Arnado, Town Employee Kurtis Holtzen, Jason Pond, Brenda Martin, Sandi Peppler, Katie Ostberg, WY Chamber of Commerce Representatives Marysue Costello, Wendy Swenson, and Jan Stoddard, Randy Wakefield, WY News Editor Malea Burke, Tom Cherhoniak, Gayle Gavagan, Richard & Teri Gibson, Scott Clark, Yellowstone Historic Center Director Ed Geiger, Gallatin County Sheriff Deputies Matt Stubblefield and Mike Gavagan

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.

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ACTION TAKEN

- 1) Motion carried to approve the claims which total \$48,916.28. (Johnson, Costello)
- 2) Motion carried to approve the Consent Agenda, which includes the minutes of the April 8, 2014 Town Council Meeting. (Johnson, Costello)
- 3) Motion carried to approve the new business license for Canton Express, LLC to operate a food service business, contingent upon obtaining all the proper permits and approvals from other entities. (Johnson, Costello)
- 4) Motion carried to waive the Resort Tax Bond for Firehole Trading Company on behalf of Ventures West, Inc. (Costello, Parker)
- 5) Motion carried to approve the request from Robert Stuart Pollard to forgive the ambulance debt in the amount of \$1759.00. (Costello, Parker)
- 6) Motion carried to approve the recommendation from the Marketing and Promotions Fund Advisory Board to award Black Mountain Productions \$7500 for the 2014 Community Concert Series. (Johnson, Parker)
- 7) Motion carried to approve the amended staffing plan dated April 22, 2014. (Johnson, Parker)
- 8) Motion carried to confirm Officer Aaron Frank as a police officer. (Johnson, Parker) Johnson is in favor, Parker and Costello are opposed, Schmier abstains. Motion fails.
- 9) Motion carried to appoint Cole Parker to Downtown Improvement District Advisory Board. (Johnson, Costello)

Council Comments

Cole Parker says that the new signs at the entrances to Town look very nice. Parker says he has also heard discussion about a spring cleanup event. He suggests they also consider a fall cleanup because a lot of the trash they clean up in the spring seems to be leftover from the summer/fall season. He also says he has a couple other questions. He acknowledges that he is a new council member and may not understand what information he should have. He asks if there is any

information he can have about the investigation into the Police Department and the outcome of that investigation. Guay responds that is not a public investigation and is being conducted by an outside agency and therefore they do not have any information about it. Jerry Johnson commends James Patterson and the Public Services Department for getting the street sweeper out and putting it to work as soon as the streets were clear.

Public Comment Period

Ed Geiger says that on behalf of the First Baptist Church he would like to make a couple comments. He says that the members of the church are really just waiting for some direction from the Town to determine when they can help out. He says he also thinks there is some miscommunication about operating the clothing bank, when it is available, and when donations are accepted. Johnson and Schmier respond and indicate that there are still details that need to be worked out for actually operating the clothing bank. Guay clarifies that at this time, the Town is not accepting any donations and neither is the First Baptist Church.

Presentation: WY Chamber of Commerce, Accommodations Tax Marketing Budget FY'15

Wendy Swenson, Marketing Director for the West Yellowstone Chamber of Commerce addresses the group. She presents a brief presentation that includes statistics about Montana Tourism. Yellowstone National Park had 3.1 million visitors in 2013, roughly 1.2 million came through the west gate to the Park. She describes three target markets: family travelers, geo-travelers, and active mature travelers. She says another active market in West Yellowstone is international travelers but they do not target this group due to funding. The total accommodations tax collected in West Yellowstone in 2013 was just over \$1.5 million. Of that amount, the Chamber expects to receive \$164,000 to use for marketing. Swenson briefly describes the goals and objectives of the marketing fund for the coming year. Swenson also describes the budget for FY 2015 which includes print, online, radio/TV, and administrative costs. Johnson asks Swenson what she thinks about the information they heard earlier today that the Park is planning to extend the season at Canyon and allow 500 rooms to be open later into the fall. Swenson says she thinks anything the Park does to extend the season only helps them. They also discuss the scheduled construction in the Park this summer will actually push more people to West Yellowstone. Swenson also mentions that they have redesigned the Chamber's website to make it more tablet and smartphone friendly and are expecting to launch it shortly.

DISCUSSION

- 7) Guay explains that it is the staff's recommendation to amend the staffing plan by reducing the number of Facilities Technician positions from three full-time equivalents (FTE) to two FTEs plus one Seasonal Facilities Technician that will primarily manage the Union Pacific Dining Lodge. They also recommend increasing the number of Seasonal Laborers from one half-time FTE to two half-time FTEs for a total of one FTE. The staff also recommends that instead of allowing for the hire of one Temporary Part-Time Roof Shoveler that they allow the Public Services Director to maintain a list of eligible truck drivers that may be called to work on an as-needed basis during the winter plowing season.
- 8) Mayor Schmier explains that they have a letter from the Chief of Police Gordon Berger recommending the confirmation of Aaron Frank as a police officer for the Town of West Yellowstone. Frank completed his probationary period on April 1, 2014. Operations Manager Becky Guay states that she agrees with the Chief and recommends they appoint him to the Police Department. Town Attorney Jane Mersen briefly describes the process that is outlined in the state law that the Council must follow when confirming a police officer. She explains that once the officer completes the 365-day probation, the Council must confirm him/her as an officer unless they have good cause to not make the confirmation. Doc Stewart addresses the Council and expresses support for the confirmation of Officer Frank. Parker clarifies that the Chief of Police and Operations Manager feel that Officer Frank has the knowledge, skills, and ability to serve as the Sergeant for the West Yellowstone Police Department. Guay agrees with that statement. Parker asks for more information about the required one-year probationary period. Guay

responds that Frank was evaluated twice during his first year and met or exceeded the expectations for the position. Parker asks if the Sergeant is expected to train other officers. Guay answers that the Sergeant does train other officers, but it is not explicitly part of the job description. Costello comments on the process and points out that as a Council, they know very little about the employee yet are asked to confirm him as an officer after the probationary period has been completed. He says his only avenue to learn more about the officer was to talk to other officers and individuals that work with him, as well as discuss the situation with the Town Attorney. He says that based on the research he has conducted and after a lot of thought, and acknowledging that not confirming Mr. Frank this evening will put the Town in a difficult position, he will not vote in favor of confirming Frank as a police officer. Johnson asks Costello to share the information he gained from his extended conversation with Town Attorney Jane Mersen. Costello asks Mersen if she remembers the details from their conversation. Mersen shares case law from a similar situation that involved the City of Thompson Falls. In this case, the city refused to confirm an officer that had also completed his probationary period. The officer filed a lawsuit that went clear to the Montana Supreme Court and was decided in favor of the officer. Mersen reiterates that state law mandates that they must confirm the officer unless they have good cause for dismissal. Schmier says that he has also talked to many people on both sides of the issue. He says that at this point, without good cause for dismissal, he does not think there is just cause not to confirm Frank. He also says that because he has not been able to confirm some information that has come to him, he is going to abstain from the vote. Johnson asks Schmier on what basis does he think it is appropriate for him to abstain from voting on an issue he was elected to consider. Schmier says he does not have enough information to make a smart decision and he will have to live with that.

Following the failed vote to confirm Frank, Johnson indicates that he is ashamed of the Council for voting the way they did. Fire Chief Scott Waldron tells the Council “good job” and leaves the room. Guay expresses extreme disappointment in the Council for the action it just took. She says that their action has put the Council in probable position for legal action by the Sergeant and wants to make sure that is part of the record.

- 9) The Council discusses the current composition of the advisory boards.
- A) **Advisory Board Reports:** Library Report, Head Librarian Bruce McPherson addresses the Town Council and those in attendance. He explains that he is not actually a librarian, but used one frequently for 40 years as a college professor. He says he accepted the position with the goal of making the library modern. He says he has been watching carefully to what is happening to libraries across the country and observed funding cuts and downsizing as a result of the economic recession. He says that they have no idea what will happen to small town libraries. He thinks it is important to preserve the library, but they only have about 60 people in this community that actually read books from the library. He says they also provide computer access and children’s programs. McPherson briefly shares some statistics from the past year. He says that they have had just over 13,000 adults come into the library and 4000 children. They have checked out approximately 5000 books and have over 14,000 books in the library. They calculated the replacement cost of the books to be about \$250,000. He thinks it is important to preserve the traditional use of the library, but they have also added weekly ESL classes, a preschool program, and a bilingual summer reading program. McPherson says that nationwide there is solid support for libraries, but only about 30% of the population actually uses the library. He says one of their greatest achievements is their pre-kindergarten program. Half of the class that will graduate this year and continue on to kindergarten comes from a Spanish speaking home and will be able to start school speaking English. McPherson says that he does expect that Montana will follow the rest of the country and make pre-kindergarten education a mandate within a couple of years.

- B) **Operations Manager/Department Head Reports:** Operations Manager Becky Guay reports on current issues: **Police Officer Hiring Process** – The Police Commission has selected six candidates to participate in the testing and interview phase of the hiring process. Four out of six candidates have agreed to be interviewed. **Head Dispatcher Hiring Process** – The selection committee will be interviewing two candidates this Wednesday, April 30, 2014. **Clothing Bank** – Storage for the clothing bank has been set up downstairs in this building. We have been unable to secure volunteers to facilitate the regular operation of the clothing bank, but have a notice posted in the Bits and Pieces section of the West Yellowstone News. **Social Services** – Jack reports that 29 new clients accessed the food bank last week, in addition to the clients normally served. Fish from the Red Rocks reservoirs began arriving on Saturday. Staff processed and wrapped 70 fish at the Povah Center on Saturday, providing a much needed source of protein to food bank clients. One freezer has gone out and will need to be replaced using monies from the Community Help Fund. **CTEP Project** – The CAAT Committee met with the project engineer and the County CTEP grant manager to discuss the bid specifications and process. Due to limited availability of funding, the project was revised to include only a new sign and hardscape at the visitor center. **Town Hall Building** – DAC and subcontractors were on site last week to begin repairs to the building. **911 Advisory Committee** – Chief Berger has set the first meeting of the Advisory Committee on Wednesday, April 30, 2014 at 4:00 p.m. in the Council Chambers. **Business License – Andrew Gromiller and the Organically Grown Band** – The band performed in the Povah Center on April 10. We received no complaints from the public. Officer McCoy checked the event and reported that those in attendance were well behaved and the event was over by 9:30 p.m. Brandy Holland reports that there was NO damage done to the Povah Center. Mr. Gromiller is not sure if the band will be coming back to West Yellowstone in the future. **Access & Easement Discussion with Forest Service (80 Acre Purchase)** – Deputy Mayor Costello, James Patterson and I met with Cavan Fitzsimmons and Todd Stiles from the Forest Service to discuss moving accesses to Forest Service roads/trails that currently cross portions of the 80 acres west of town. We agreed to meet again once the snow melts to walk the parcels. The Forest Service will survey/locate the parcels as soon as it is feasible so we can determine parcel boundaries, roads, trails, etc.

The meeting is adjourned. (9:45 PM)

Mayor

ATTEST:

Town Clerk