

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
May 6, 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

Bob & Sandi Pepler, Joyce Berger, Doug Buskirk, G.L. Scott, Brian McCoy, Grace McCoy, Donna & Doc Stewart, WY News Editor Malea Burke, Ryan Barker, Jamie and Danny Hambarian, Amber P Vickie Barta, Cynthia Knapp, Gayle Gavagan, Marysue Costello, Lisa Carter, Fire Chief Scott Waldron, Assistant Fire Chief Shane Grube, NPS Les Brunton, Gallatin County Deputy Matt Stubblefield, Randy & Kim Wakefield, Tom Cherhoniak, Kerry Parker, Cory Meyer, Cassandra Graham, Attorneys Brian Gallik & Jecyn Bremer, multiple other community members

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 \$75,655.65. (Forsythe, Costello)
- 2) Motion carried to approve the Consent Agenda, which includes the minutes of the April 22, 2014 Town Council Meeting and the Securities Report dated May 1, 2014. (Johnson, Costello)
- 3) Motion carried to approve the new business license and location for Bear Country Burrito Company. (Johnson, Costello)
- 4) Motion carried to approve the request to waive the resort tax bond for Bear Country Burrito based on a satisfactory payment history by the owners, Jaime and Dan Hambarian, for their other business. (Costello, Forsythe)
- 5) Motion carried to approve the business license update and parking plan for Westgate Station. (Forsythe, Johnson) Parker abstains.
- 6) Motion carried to approve the new business license application for Hokulia Shave Ice (Johnson, Costello) Parker abstains.
- 7) Motion carried to reconsider the action taken at the April 22, 2014 meeting to confirm Aaron Frank as a permanent police officer. (Costello, Schmier) Parker and Forsythe are opposed. At the April 22, 2014 Town Council Meeting, the Council motioned to confirm Aaron Frank as a permanent member of the Police Department. The motion failed and Frank was not confirmed.
- 8) Motion carried to confirm Sergeant Aaron Frank as a member of the West Yellowstone Police Department. (Schmier, Johnson) Parker and Forsythe are opposed.
- 9) Motion carried to approve Resolution No. 648, a resolution to write off uncollectible ambulance bills. (Johnson, Costello)

Council Comments

Mayor Schmier says he would like to recognize the passing of Margarite Shomler, who recently passed away at the age of 106. She was the daughter of the Stewarts, some of the earliest inhabitants of West Yellowstone, which was known as Riverside at that time. Her younger brother Walt was thought to be the first baby ever born in West Yellowstone.

Public Comment Period

Cynthia Knapp, President of the WY Chamber, addresses the Council about community concerns of “free-floating trash.” She recognizes the efforts that have been made in recent years by the town by the Public Services Department and the annual Town Clean-Up and acknowledges improvements. She says that prior to this year’s Town Clean-Up, the Chamber is asking the Town to consider sending letters to all businesses that store their dumpsters on public property and remind them that is a privilege and they are responsible for keeping those areas clean. She says they would also like to see more pet clean up stations and would like the Town to schedule a work session to discuss the current garbage/litter ordinance.

Tim Heideman asks why the Council is considering confirming a police officer that has been found to be inept by other law enforcement agencies. He says that there should be evaluations on this officer and he questions the competency of those who conducted the evaluations.

DISCUSSION

- 1) Schmier abstains from claim #30871, Forsythe abstains from claim #39870.
- 3) Greg Forsythe explains that the Grizzly Park Architectural Committee has approved the plans for Bear Country Burrito. Town Clerk Liz Roos explains that the original parking plan for Yellowstone Aerial Adventures did account for a food service location.
- 5) Roos explains that a deli was added in the building sometime in the last year or two and the business had not updated its license application
- 7) Cory Meyer, a firefighter for the Hebgen Basin Fire District addresses the Council on behalf of the International Association of Fire Fighters, local unit. He says that they have had multiple issues with the police department over the past year and encourages the Council to keep moving towards protecting the safety of the community.

Council Member Forsythe asks Berger what is the current status of Sergeant Frank. Berger confirms that Frank is on administrative leave with pay. Forsythe says that considering that the entire police department is under investigation and evaluation by Gallatin County and he cannot support confirming a police officer until they know the results of the investigation.

Cynthia Knapp encourages the Council to hold off on this vote until the investigation has been settled. Parker asks Berger twice if the County is handling all felony investigations and Berger responds that both agencies are working together on felony investigations. Gallatin County Deputy Matt Stubblefield says that his boss has told him that the County is handling all felony investigations in West Yellowstone. Guay says that the Town’s attorney nor herself have not been informed of that.

Advisory Board Reports

Parks & Recreation Advisory Board Chair, Vickie Barta, reports to the Town Council regarding the location of the ice rink in the northwest corner of Pioneer Park this past winter. She says that there appears to be agreement from nearly everyone that moving the rink to the new location was a success. She says that the Kids N Snow events had the highest attendance at the February event that they have had since the event series was started. She says that Westmart reported that they rented nearly twice as many sets of skates this year so it worked out well. She says they do recommend making that a permanent location for the rink. She says their first priority for improving the rink is to pour a concrete pad. She says that Patterson is working with

the board to put some numbers together and they will bring that back to the Council for budget consideration. She also reports that she and Patterson were planning to meet with a representative from the DEQ to discuss using recycled materials from to improve the Frontier Trail. The DEQ representative had to cancel the meeting so they are rescheduling for next week. She says she will come to the next Town Council meeting and present more information on that subject.

John Costello reports on the first meeting of the **911 Advisory Board**. Costello says the meeting was well attended. Fire Chief Scott Waldron was elected Chair and Sheriff Brian Gootkin was elected vice-chair. There was also agreement that they will contact the director of the Gallatin County Dispatch Center for assistance. Costello says that they do believe there are some serious issues in the dispatch center which will require some significant financial expenditures over the next couple of years. Costello says the board is planning to meet monthly for the short-term, but eventually expect they will scale the meetings back to quarterly meetings. Parker asks what one of the issues may be. Waldron says that there are a variety of concerns, which is why they felt it would be beneficial to bring in someone from outside the area to evaluate the system. He says the real problem may be that they can't identify the problem. He there are concerns that range between the console and management, so those are issues they will be working on.

Operations Manager's Report: 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 interviews scheduled for April 30 have been postponed until tomorrow, May 7, 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. Staff contacted pastors at all the churches in town, and they have either not responded to our call or indicated that they would announce the need for volunteers at their church services. **911 Advisory Committee** – The Committee met on April 30, 2014 at 4:00 p.m. in the Council Chambers. **Access & Easement Discussion with Forest Service (80 Acre Purchase)** – We have received a list of appraisers from the Forest Service and will be developing a Request for Proposals to conduct the appraisal. **West Yellowstone Foundation Listening Session** – I attended the listening session yesterday with about 40 other attendees. We had great discussions about what areas that WYF may wish to focus on in the next three to five years. We focused on areas in which WYF could partner with other organizations, like the Town, to accomplish shared goals. The consensus of the group was that we need to focus on solving housing issues and also join together to lay out a vision for the development of the 80 acres.

Parker asks why the police officer hiring is on hold. Guay responds that due to the recent concerns about the police department, she and the Mayor agreed to hold off on hiring another officer at this time. Parker asks if the interviews for police officer will be open to the public. Guay says that candidates are interviewed both by the Police Commission and an interview panel, so whether the interviews will be open is up to candidate. Parker also asks if the Head Dispatcher interviews will be open to the public and Guay responds that they are not.

The meeting is adjourned. (8:15 PM)

Mayor

ATTEST:

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL

**Work Session
May 13, 2014**

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

OTHERS PRESENT: Finance Director Lanie Gospodarek, Operations Manager Becky Guay, West Yellowstone Chamber of Commerce Representatives Cynthia Knapp, Marysue Costello, Marge Wanner, Grizzly & Wolf Discovery Center Curator John Heine

The meeting is called to order by Mayor Brad Schmier at 8:00 AM in the West Yellowstone Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana

Public Comment Period

No public comment is received.

Mayor Schmier calls the meeting to order and explains that they are here today to discuss Policy #7, the policy that determines exempt status as to collecting resort tax. Council Member John Costello distributes an edited copy of Policy #7, which essentially expands the definition of who is required to collect resort tax from only 501(c)(3) to all certified non-profit entities. The group debates the definition of a special event and how changing this policy would affect non-profits such as the Grizzly & Wolf Discovery Center as well as the Chamber of Commerce. They consider what qualifies as a special event and they discuss what is actually taxable. Heine explains that the GWDC is going to try to embark on a capital campaign to raise \$7 million dollars over the next ten years to expand their exhibits. He says they may hold a series of special events to raise money, will such events qualify as special events? The group considers whether an event held on property owned by the entity requires a Special Event Permit. The group considers the "Big Sky Approach," meaning that the resort tax in Big Sky is collected on everything and there are no exemptions. The group considers the intent behind Policy #7 and whether they should be focusing on what is taxed rather than who is taxed. Mayor Schmier suggests they amend the Policy to exempt the community based organizations that are already exempted, but everyone else must apply to the Council for an exemption. The group refers to the resort tax ordinance, which outlines items that are exempt and imposes the tax on all establishments. They also consider fund-raisers such as a community benefit for someone that needs help with healthcare costs. Costello suggests they schedule this item for a Town Council meeting in the near future and see who shows up. The group agrees to scale the policy back to essentially the first paragraph that only exempts specific community organizations. Any other organization must specifically apply for an exemption.

The meeting is adjourned. (9:05 AM)

Mayor

ATTEST:

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL

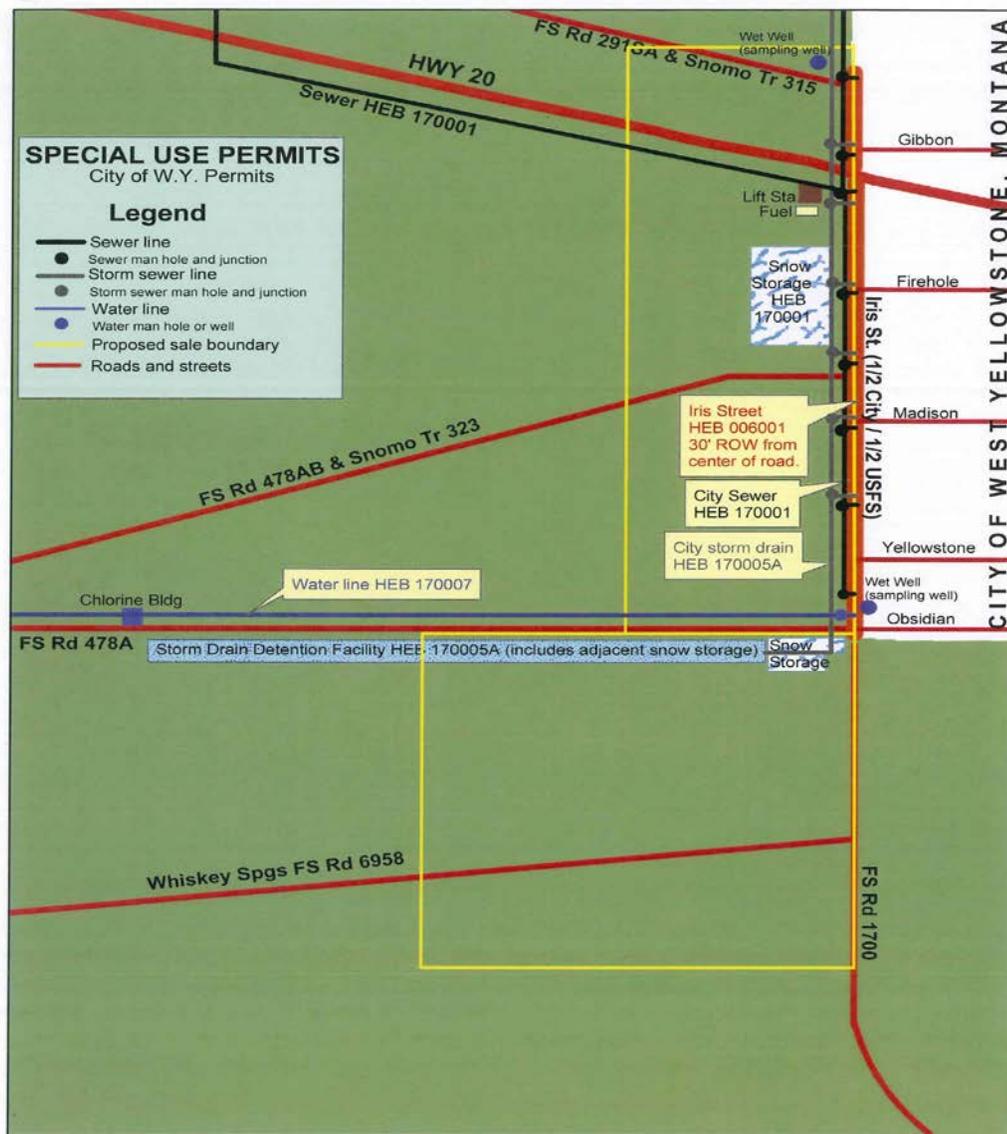
Work Session
May 20, 2014

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

OTHERS PRESENT: Operations Manager Becky Guay, Town Engineer Dick Dyer, Public Services Superintendent James Patterson, Finance Director Lanie Gospodarek, USFS Representatives Cavan Fitzsimmons and Mary Erickson, Clyde Seely, John Stallings, John Knapp, Rob Klatt, Kristy Coffin, Tom Cherhoniak, Kent Swanson, Hailey Swanson, Ryan Barker, Marysue Costello, Patti Hostetter, Dave Magistrelli, plus other members of the community

The meeting is called to order by Mayor Brad Schmier at 1:00 PM in the West Yellowstone Town Hall, 440 Yellowstone Avenue.

The purpose of the meeting is to physically tour the 80 acres of Forest Service land that is being considered for purchase by the Town. District Ranger Cavan Fitzsimmons walked the area with the group to show the approximate boundaries of the two parcels of land that could be annexed by the Town.



ATTEST:

Mayor

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
May 20, 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

Officer Brian McCoy, Grace McCoy, Doc Stewart, Donna Stewart, Joyce Berger, Brian Gallik, Doug Buskirk, Ed & Brenda Geiger, Mark Petroni, Barry Hicks, Tom Cherhoniak, Lewis Scott, Dustin Portman, Cynthia Knapp, Kurtis Holtzen, David Arnado, Brenda Martin, Michele DesRochers, Marysue Costello, Ryan Barker, NPS Park Ranger Julie Hannaford, City Judge Katy Brandis, Court Reporter, Fire Chief Scott Waldron, Assistant Fire Chief Shane Grube, Gallatin County Sheriff Brian Gootkin, Sheriff Deputy Matt Stubblefield, Sheriff Deputy Mike Gavagan, Gayle Gavagan, and multiple other community members

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 # 6210 to Aeration Works to purchase a front air bubbler for the sewer pond #1 for \$27,939.00. (Forsythe, Johnson)
- 2) Motion carried to approve the claims which total \$108,918.27. (Johnson, Forsythe)
- 3) Motion carried to approve the Consent Agenda, which includes the minutes of the May 6, 2014 Town Council Meeting and the May 13, 2014 Town Council Work Session. (Schmier, Forsythe)
- 4) Motion carried to approve the business license application for Whiskey Springs Cabins. (Forsythe, Costello)
- 5) Motion carried to approve the new location for Canton Express at 17 Canyon Street. (Johnson, Parker)
- 6) Motion carried to appoint Chipper Smith to the Planning Board. (Parker, Forsythe)
- 7) Motion carried to appoint Doug Schmier to the Airport Advisory Board. (Costello, Parker)
- 8) Motion carried to appoint Greg Forsythe to represent the towns in Gallatin County on the Gallatin County Criminal Justice Coordinating Council. (Forsythe, Parker)
- 9) Motion carried to deny the request to waive the \$25 late fee. (Schmier, Johnson)
Forsythe abstains. Johnson, Schmier, Costello, and Parker vote in favor of the motion.

Council Comments

Council Member Parker asks about the recent training scenario at the Yellowstone Airport. Fire Chief Scott Waldron responds that they did recently conduct a training drill at the facility and it was very successful. He briefly describes what they felt like they learned from the exercise. Mayor Schmier publicly welcomes Brenda Martin as the new Head Dispatcher and Health Hansen as an Equipment Operator and welcomes them to the staff. Council Member Johnson thanks Sheriff Gootkin for his quick response to the misinformation that was shared at the last meeting. He also comments on a recent email that circulated among the Council about notifying the Council about new hires. He says that he disagrees with the suggestion that the Council

should be informed before an offer is made. He says it is still a small town and the Council does not need to be notified until the applicant has accepted the job. Johnson also mentions the pavilion that is in the budget as requested by the Downtown Improvement District, Forsythe clarifies they have not settled on a site. Johnson also reminds the mayor that he is the chair for the Cemetery Board and they need to schedule their annual meeting. Forsythe asks about police presence at the school as was brought up at the last meeting. Berger responds and states that they have an officer at the school every day and they respond any time they are called.

Public Comment Period

Mark Petroni addresses the Council on behalf of the National Smokejumper Center. He briefly updates the Council on the programs that are being offered at the center this summer, staffing, and successful grant-funding. He explains that they have obtained several grants that they are using to offset transportation costs for school trips to come to West Yellowstone and visit the center along with the Grizzly & Wolf Discovery Center and Imax Theater. He says they pay \$1.00/mile for bus travel for several schools and expect to bring over 500 kids to West Yellowstone in the next month. He says they also use these funds to offset travel costs to bus local kids to the USFS Bear Creek facility in the Madison Valley for outdoor education.

Marysue Costello, Executive Director for the West Yellowstone Chamber of Commerce, addresses the Council regarding the Community Assessment Action Team (CAAT). She explains that the group was able to obtain CTEP funding this year to purchase a new sign for the Chamber building to advertise it as a Visitor Information Center. They are also working towards minimal landscaping around the sign. Costello says that at the previous meeting they presented a letter that requested the Town send out letters reminding local business owners that they are responsible to clean up around dumpsters that are on public land. She says they also want to encourage local businesses to participate in the Town Clean Up.

Presentation: Gallatin County Sheriff Brian Gootkin

Sheriff Gootkin addresses the Town Council and explains that back in March he met with representatives from the Town and felt the meeting was very productive. He says that he provided the report that was included in tonight's meeting packet, which contains information that came directly from West Yellowstone Police Officers and dispatchers that were interviewed by members of his department. He explains that he assigned Patrol Lieutenant Ryan Stratman and Sergeant Brad Hickok to review training in West Yellowstone. Gootkin also mentions that their original intent was to only interview the officers, but dispatchers requested to participate in the process. He directed his lieutenant to consult Chief Berger before doing that and that did not happen, and he apologizes for that. Mayor Schmier asks Gootkin to summarize their findings. Gootkin says that training has clearly improved over the past year, but basic teaching, investigation, and support in the department is significantly lacking. He emphasizes that there is obvious distrust within the police department. Forsythe asks what Gootkin recommends. Gootkin says he could make some recommendations but until the Council addresses the leadership issues it would be irrelevant. Parker asks Berger how he feels about the report and specifically about the statement that the Chief and Sergeant are unaware of the investigations the officers are working on. Berger says that he only knew about the investigations if the officers told him about them. He says they have personalities that are difficult and they have made significant effort to improve that over the past eight months. He says he has read the Sheriff's report once but has only had it for two days and would like to read it again and respond. Gootkin also says that in his office, if anyone in his office was the subject of a criminal investigation, they would be immediately put on paid administrative leave. Schmier asks Chief Berger when he will respond to the report, Berger says he will respond in writing before next TC meeting. Parker asks Guay for her response to the report from Gootkin, she says she has no response at this time. Forsythe asks Town Attorney Jane Mersen for more information about the possible pending criminal charges against Chief Berger. Mersen explains that she has contacted Prosecuting Attorney Marty Lambert and requested a copy of the report from the Department of Criminal Investigation, but has been unable to obtain any information. She says she has made multiple requests and asked for an expedited hearing but has been unable to make any progress. Forsythe clarifies that the investigation was actually initiated by the Town, Guay and Mersen

confirm his statement. Gootkin explains that the Town cannot request a DCI investigation and therefore it went through him. Guay explains that there were allegations into conduct in the police department that were more than she could investigate and she and the previous council/mayor decided last fall to request the investigation. Forsythe asks Mersen about acting on the recommendation from Gootkin. Mersen says that according to the Charter, they cannot terminate or suspend a department head without a Council approval and the Council cannot take action without placing it on the agenda. She advises the Council not to take action on that recommendation tonight but they could schedule another meeting and notice it properly. Cynthia Knapp says that at the last meeting there was confusion about who was handling felony investigations and asks for clarification. She also asks about the status of the mutual aid agreements with YNP. Schmier shares an email from Gootkin that clarifies that the Town and the Sheriff's department are mutually working on felony investigations. Guay answers that they have had no communication with YNP regarding the mutual aid agreement.

DISCUSSION

- 2) Johnson asks why the bill for the Town Attorney is so high this month. Guay responds that in the past month they had significant charges for court representation, civil issues, and work with the Sheriff's office regarding on-going challenges in the Police Department. Schmier abstains from 39929. Johnson points out that the travel reimbursements for himself and Costello to attend training are incorrect. It is determined that those claims do not belong on the list and are removed from the total.
- 7) Cherhoniak announces that he also applied to serve on the Airport Advisory Board. Town Clerk Liz Roos explains that his application was received after the agenda and packet were distributed and his application will be on the agenda for the next meeting.
- 8) The next item of discussion is appointing a member of the Town Council to the Gallatin County Criminal Justice Coordinating Council. Judge Kathleen Brandis explains that in accordance with the by-laws for the CJCC, a representative from the towns in Gallatin County rotate serving on the council each July. Brandis explains that the Council holds semi-monthly meetings and they are extremely informative and addresses crime, prevention, mental health services, etc. in Gallatin County. Brandis encourages the Council to appoint one of themselves tonight to participate and believes it to be a very valuable function in the County.
- 9) The next item on the agenda is a request from Yellowstone Wildlife Cabins to waive the \$25 late fee that was assessed for a late payment. Forsythe asks multiple questions to clarify the situation. Johnson points out that businesses actually have 30 days to remit the tax. Schmier says that being in business he has realized that you have to pay things on time or pay the penalties.
- A) **Operations Manager's Report:** Operations Manager Becky Guay reports on current issues: **Police Officer Recruitment** – The Mayor and I have discussed the need to open recruitment for an officer as soon as possible. Because it has been nearly six months since receiving applications for an entry level officer position, we recommend that all applications received be rejected and candidates notified that they may reapply for any future recruitments. We will begin advertising for POST certified applicants immediately. **Head Dispatcher Recruitment** – Brenda Martin accepted the position of Head Dispatcher and will begin work immediately. Welcome, Brenda. **Equipment Operator Recruitment** – Heath Hansen accepted the position of Equipment Operator in the Public Services Department and will start work on June 2. Welcome, Heath. **Other Recruitments** – The Town is currently recruiting for a seasonal parks maintenance worker for the Public Services Department. **Clothing Bank** –Volunteers have stepped forward to staff the clothing bank and it is now open on Tuesdays from 8 a.m. to 12 p.m. and on Thursdays from 12 p.m. to 4 p.m. Donations are accepted only during the hours that the clothing bank is open. **911 Advisory Committee** – The Committee is meeting tomorrow, May 21 at 2:00 p.m. at the Town Hall. Minutes from the last meeting are

attached. **Parks and Recreation Advisory Committee** – The Committee will meet on May 28. **Access & Easement Discussion with Forest Service (80 Acre Purchase)** – Walk through was today. **Union Pacific Dining Lodge** – We tried to turn the water on in the building last week but encountered some major water leaks. Williams Plumbing has been called to in to fix the problems. Staff will begin preparing the building for the summer rental season this week. The primary contact for those wishing to rent the building is now Brandy Holland at 640-1676, or people may contact the Town Office for assistance. The Public Services Department will be primarily responsible for building operations and maintenance this summer. **Parkway Drainage Project** – Montana Underground is back in town and beginning construction on the parkway drainage project. Updates will be provided as the project moves forward. **Cemetery Cleanup** – Town staff will be performing maintenance on Fir Ridge Cemetery in preparation for the Memorial Day holiday. **Town Clean-up** – Cleanup day will be on June 14.

Mayor Schmier finds that the privacy rights of Operations Manager Becky Guay exceed the merits of public disclosure and therefore closes the meeting to the public at 8:35 PM.

The meeting is adjourned. (9:55 PM)

Mayor

ATTEST:

Town Clerk