

WEST YELLOWSTONE TOWN COUNCIL  
**Work Session & Town Council Meeting**  
**June 3, 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

Assistant Public Services Superintendent David Arnado, Scott Clark, Tom Cherhoniak, Court Clerk Joyce Berger, Randy Wakefield, Fire Chief Scott Waldron, Assistant Fire Chief Shane Grube, Duston Portman, Brian McCoy, Grace McCoy, Michael Collins, Jewlz Collins, Bailee Parker, Aderhold, Kyla Binfet, Sandi Pepler, Brenda Martin, Olivia Gospodarek, Mike and Gayle Gavagan, Ed Geiger, Benny McCracken, Georgia McMillan

The Work Session is called to order by Mayor Brad Schmier at 6:00 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.

#### **WORK SESSION**

---

Mayor Schmier calls the meeting to order and explains that the purpose of this work session is to discuss the FY 2015 budget. Finance Director Lanie Gospodarek briefly explains how the budget is put together and how to read the reports that are before the Council. She also explains fund accounting and some of the restrictions that are on the money that are in those funds. She explains that she has met with all the department heads to scrutinize the budget requests before they were put into the budget. She also explains the notes she adds to the budget to help everyone remember what is included where. Mayor Schmier directs the group back to the beginning of the General Fund and suggests they start working through the expenditures. Operations Manager Becky Guay explains that the Legislative Budget is the Council's budget and that is where they include expenditures like the donations the Town makes to the Yellowstone Foundation Bus and the fireworks show that is put on by the Chamber. Guay explains that the Administration budget is her budget. Johnson asks about the moving expenses for three employees in that budget. Guay explains that money is set aside to cover up to three new employees who may work for any department. They group briefly considers the finance budget, planning, elections, and engineering. Costello asks about the additional \$20,000 that was added to the Legal Services budget. Guay explains that they are aware of at least one potential lawsuit and felt they should appropriate additional funds to cover additional legal expenses. Costello asks multiple questions about the fund balance and what happens to the money that is left over in the fund at the end of the year. Guay explains that the money remains in the fund but Costello indicates that he will meet individually with Gospodarek for further clarification. The group briefly considers the budgets for each building that is owned and maintained by the Town.

The work session is adjourned at 6:45 PM. The Council Meeting is called to order at 7:00 PM.

#### **ACTION TAKEN**

---

- 1) Motion carried to approve Purchase Order #6211 to purchase a new copier from Terrell's Office Machines for the Police/Dispatch Department for \$5495.00. (Schmier, Parker)
- 2) Motion carried to approve Purchase Order #6214 to Universal Blower Pac, Inc. to purchase three new Gaendra Blowers for the sewer system for \$8500.00 (Johnson, Parker)

- 3) Motion carried to approve Purchase Order #6213 from Sabol and Rice for... (Johnson, Costello)
- 4) Motion carried to approve the claims which total \$39,663.07. (Johnson, Parker)  
Forsythe abstains from claim #39770.
- 5) Motion carried to approve the Consent Agenda, which includes the minutes of the May 20, 2014 Work Session and May 20, 2014 Town Council Meeting. (Johnson, Parker)
- 6) Motion carried to approve Resolution No. 650, a budget amendment resolution for FY 2014. (Schmier, Parker)
- 7) Motion carried to approve the Outside Amplification Permit for the Wild West Yellowstone Rodeo car from June 18 through August 30, 2014 between the hours of 12 Noon and 7 PM. (Forsythe, Parker) Parker is opposed.
- 8) Motion carried to approve the Application to Maintain an Encroachment in accordance with the recommendations from Town Engineer Dick Dyer. (Johnson, Costello)
- 9) Motion carried to appoint Tom Cherhoniak to the Airport Advisory Board and relieve Dennis LaFever of his responsibilities of serving on the board. (Johnson, Costello)
- 10) Motion carried to approve the Repurchase Banking Services Agreement with FSB. (Johnson, Parker)
- 11) Motion carried to approve Resolution No. 469, a resolution canceling outstanding municipal warrants. (Johnson, Costello)

### **Council Comments**

Council Member Cole Parker reports on the recent success of the Girls High School Track Team at the Class C State Tournament. Coach AJ Chlebnik reports that the team took 2<sup>nd</sup> Place at the District Meet, 3<sup>rd</sup> Place at the Divisional Meet, and 2<sup>nd</sup> Place at the State Meet. Bailee Parker and Jewlz Collins won five of the six events they competed in and the whole community is very proud of their success. Jewlz Collins, Olivia Gospodarek, Bailee Parker, and Kyla Binfet display the trophies they brought home. Mayor Schmier compliments the students for not just their ability, but their dedication and determination to succeed.

### **Public Comment Period**

Scott Clark addresses the Council on behalf of the Yellowstone Community Aquatic Center. He explains that the Center approached the Council a little more than a year ago and requested land from the Town to build the facility. He says the Council at that time asked them to commission a feasibility study to determine how an aquatic center would do in West Yellowstone. He says that they hired Property Counselors out of Seattle, Washington to do the study and are ready to present the results to the Town at a work session. The Council agrees to meet with Scott and will schedule a work session in the near future.

Police Officer Brian McCoy addresses the Town Council. He says he is here tonight with a heavy heart to submit his resignation from the Police Department, effective at 6:00 AM on June 8, 2014, four days before the end of his probationary period. He thanks the Town for the opportunity to live and work in West Yellowstone. He admits that there have been challenges in the department over the past year and leadership issues, but feels the department can succeed. McCoy shakes hands with the Council Members and leaves the meeting.

Fire Chief Scott Waldron says he came prepared this evening to respond to a citizen who indicated he was coming to complain tonight about campfires. He says that there are some conflicting codes between the Town and the International Fire Code and they can work on clarifying that. He says that the IFC allows 36" fires as a ceremonial fire. He says he just wants

direction from the Town as how to address ceremonial or campfires. Guay indicates that she and Waldron will get together and discuss the issue.

Tom Cherhoniak says that there was \$28,000 put into the budget this year for a pavilion. He says that he has been trying to figure out how to make that project happen. The Council discusses the project and the fact that a location for the structure has not been agreed upon. After discussion, they suggest that the Downtown Improvement District and Parks & Recreation Advisory Board meet together to discuss location. The Council Members all indicate they would support reallocating the money into this year's budget. Gospodarek says that on the work session on the 24<sup>th</sup> of June, they will discuss Capital Expenditures and that would be a good time for the Council to discuss it.

### **Public Hearing: FY 2014 Budget, Resolution No. 650**

Mayor Schmier reads Resolution No. 650, a resolution amending the FY 2014. The hearing was advertised in the May 23 and May 30, 2014 editions of the West Yellowstone News. No public comment is received.

### **DISCUSSION**

---

- 1) Schmier clarifies that this copier was not a budgeted item but the older copier failed and they do have enough funds in the budget to purchase the new one. Forsythe asks Martin if the copier that was selected is adequate, she indicates that it is.
- 2) Patterson explains that they need two blowers in each building and they have two that are out of order. He wants to purchase three blowers at this time so they have a backup. Forsythe does point out that they really don't have a choice on this one... ☺
- 3) Patterson explains that this blowers costs more because they have to have the company come up and install it. They can install the other blowers themselves.
- 7) Sandi Pepler says she enjoys the presence of the car, Ed Geiger says it adds an interesting element to West Yellowstone in the summer. Guay says she likes the "horns" on the car.
- 9) The Council directs the staff to send Dennis LaFever a letter thanking him for his service and relieving him of serving on the board.
- A) **Advisory Board Reports:** Fire Chief Scott Waldron reports to the Council on the 911 Adivosry Board Meeting. He says that the board met recently and discussed technology improvements that can be made in the dispatch center. They are putting together a technology committee to work on some of the issues.
- B) **Operations Manager & Department Head Reports:** Operations Manager Becky Guay reports on current issues: **Recruitments-- Police Officer** – We are currently recruiting for a POST-certified police officer. Applications received by June 6 will receive priority consideration, **Facilities Technicians** – We are currently recruiting for one full-time, seasonal, facilities technician to focus primarily on the management and operations of the Union Pacific Dining Lodge, **Seasonal Full-time Laborer** – We are still recruiting for a full-time season laborer to perform various parks, refuse removal and janitorial duties. We would also like to welcome back Richie Howe, as a seasonal laborer in the Public Services Department. Congratulations on your recent graduation from high school. Go Wolverines! **911 Advisory Committee** – The Committee met on May 21. Jerry Dupler, Timberline Communications, gave a brief report about the equipment review he conducted at the Dispatch Center on behalf of Fire Chief Scott Waldron. He reported that staff could benefit from additional training and also indicated that our equipment setup was somewhat unusual, but appeared that most of it was functioning properly. I am working with Brenda Martin, Head Dispatcher, to review training needs. The 9-1-1 Committee is working to put together a "technical subcommittee" to review equipment

requirements. **Dispatch Center Generator** – The Town experienced a power outage on May 25, causing 9-1-1 operations to switch over to the generator at the Dispatch Center. There was a delay in staff opening the doors of the generator room to help cool the equipment which could have resulted in a total system failure. Fortunately, staff from Hebgen Basin Fire District and the Town responded in time to keep the generator up and running. We are currently working to install a large, thermostatically-controlled fan that will automatically begin operation when the temperature in the room exceeds a given set point, and will also look at installing doors with more and/or larger louvers to help keep the temperature within the generator's operation range. **Parks and Recreation Advisory Committee** – The Committee will meet on May 28 to discuss the costs associated with moving the skating rink permanently to Pioneer Park, including pouring a concrete pad for the rink, installing new lighting and other improvements. James Patterson is researching costs for these activities and we will include them in this year's Capital Improvement Plan (CIP). The Committee also discussed possible improvements to the loop trail, using recycled materials generated by the Town, Yellowstone National Park, and potentially historic materials salvaged during the deconstruction of historic structures from the surrounding area. **Union Pacific Dining Lodge** – There were two events held in the UPDL this past weekend. We are working the kinks out and hope to have a full-time staff person on board in the near future to manage the facility. Thanks go out to Public Services and Social Services staff for working diligently to ensure the facility was ready to host its first events. **Parkway Drainage Project** – Montana Underground has started construction on the parkway drainage project for the summer. The project is expected to be completed in approximately 6 weeks. After the drainage improvements are completed, Town staff will grade the parkways to their final elevations. We will be placing a notice in this week's newspaper to update the public about this project. **Town Cleanup** – Cleanup day will be on June 14. We will be mailing letters, co-authored by the Chamber of Commerce and the Town, to local businesses and those holding snow encroachment permits to remind them of the cleanup and suggest the businesses "adopt-a-parkway" to help reduce litter and keep the Town looking its best. **Resort Tax Collections** – With only one month to go in the fiscal year, resort tax collections are up 6.08% over last year, even with significant decline in collections experienced during the closure of Yellowstone Park last October (collections were down by 63,710 or nearly 41% over October of 2012). The resort tax collection table is attached to this report for your reference.

Guay says that she did receive correspondence from that they were not received in time to include in the packet, one from Robbie Hermanson about the wages for temporary truck drivers and the other from Laura Burke regarding the fact that her water line was cut by the contractor doing the alley reconstruction project. She will respond to these letters and include it on the next agenda. Johnson says that now that it's spring, the "creeping" on to Town property has begun. He has noticed travel trailers parked on Town property that are connected to utilities and with Town Clean Up approaching they should be diligent about cleaning things up. Mayor Schmier asks the Department Heads if they have anything to report. Patterson explains that the letter Becky received from Laura Burke is because her water line was cut by Montana Underground working in the alley. He says that the shut-off valve was accidentally crushed. The Burkes knew they were without water at 6:30 PM but did not report the problem until 12:30 AM and he did not hear his phone when Dispatch tried to reach him in the middle of the night. He says the problem was fixed first thing the next this morning. Mayor Schmier asks Berger about his response at a previous meeting when he stated that someone from the Police Department was at the school every day. Schmier says that according to the report from Sheriff Gootkin, Gootkin checked with the school who indicated that has not been the case. Mayor Schmier asks Berger for an explanation. Berger clarifies that they are in the vicinity of the school every day but not necessarily in the school building every day. He refers to a letter from School Superintendent Lael Calton and response from Berger that was distributed to the Council about the issue prior to the meeting. Forsythe says that when Officer Conlon was working as the School Resource Officer, he was in the school at least three days a week. When he asked that question in the previous meeting, he

clearly meant “in the school” not just driving through the driveway. Guay says that they extremely short-staffed in the Police department and they do not have the manpower to place an officer at the school as much. She says they do not have an agreement with the school for a minimum number of hours and the school does not help fund that officer. She says that she is somewhat confused about the letter from Calton. She says that earlier in the year, she and Chief Berger met with Calton who indicated they did not need an officer at the school on a daily basis. She says that when they can get up to a fully staffed department and a new School Superintendent is hired, hopefully they can straighten out these details. Parker says that he has observed officers spending considerable amounts of time parked at various businesses and it seems to him that if they would allocate some of that time to the school then they wouldn’t have this problem. Schmier asks Berger if he has done anything since the MOU (Memorandum of Understanding) with Yellowstone National Park was cancelled. Berger says that he has not done anything and has not talked to anyone from the Park Service. Schmier asks if he has plans to do anything about it. Berger says that he does but he has been too busy and short-staffed to address it yet. He says its going to get worse before it gets better. Gospodarek indicates that the Finance Department is going well, they are working on the budget. Jack Dittmann says that they are getting a lot of volunteers for the clothing bank and food bank. He also adds that the Social Services Department is spending a lot of time at the school counseling students. Schmier asks the Department Heads what can the Council do to help them do their jobs. Only Berger responds and says that the Council should just let him do his job.

#### **CORRESPONDENCE**

---

Forsythe asks Berger if he had an attorney prepare his response. Berger says he prepared it and had an attorney help him with it so it was “Politically Correct” because he tends to be very blunt. Forsythe says he doesn’t have a problem with being blunt. He says the report that was prepared by Sheriff Gootkin came from Berger’s employees. He questions why Berger felt it was necessary to use an attorney to respond. Berger says that considering everything that has happened recently he felt he needed to respond that way. Forsythe asks Berger if he prepared all the footnotes and references in the letter. Berger says that he looked that information up, from Homeland Security in Salt Lake. He says he and his attorney worked on it together. Guay clarifies that an employee has the right to consult legal counsel. Forsythe says he wants to know what they are going to do to fix this problem. He says he feels sorry for Officer McCoy, who just resigned tonight because he was not trained properly. He also feels sorry for the Sergeant, who also has not received the training he needed. Schmier says the department is clearly in turmoil and asks Berger what he is going to do about it. Berger says that he wants to the Council to communicate directly with him. He says that none of the newer Council Members have ever contacted him directly to find out what is going on. He suggests that they contact the Sheriff’s Office instead. Forsythe, Parker, and the rest of the Council deny contacting the Sheriff’s Department. The Sheriff stated that he first came down due to concerns from Berger’s employees. Forsythe asks who initiated the DCI investigation. Guay says that because of concerns that were raised last fall, she asked Gootkin to contact DCI with the permission and knowledge of the Mayor and Council at the time. Forsythe says he doesn’t understand how Berger can ask them to support him if none of the other agencies in the area or his employees do. He says the union steward from the Fire Department questioned his leadership, the Park Service canceled their MOU, and the Sheriff’s Department has also expressed serious concerns.

The meeting is adjourned. (8:30 PM)

---

Mayor

ATTEST:

---

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL  
**Pre-Season Fire Coordination Work Session**  
**June 10, 2014**

COUNCIL MEMBERS PRESENT: Mayor Brad Schmier, John Costello, Greg Forsythe

US FOREST SERVICE REPRESENTATIVES PRESENT: Hebgen Basin District Ranger Cavan Fitzsimmons, Marianne Baumberger, Fred Jones, Tim Brickell, Mike Gagen, Liz Daly, Jeff Hill

YELLOWSTONE NATIONAL PARK REPRESENTATIVES PRESENT: Dan Hottle, Tara Ross, Les Brunton

OTHERS PRESENT: Operations Manager Becky Guay, Dispatch Supervisor, Brenda Martin, Hebgen Basin Rural Fire Chief Scott Waldron, WY Chamber Marketing Coordinator Wendy Swenson

The meeting is called to order by Mayor Brad Schmier at 12 Noon in the West Yellowstone Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana

---

Mayor Schmier calls the meeting to order and introductions are made. Hebgen Basin District Ranger Cavan Fitzsimmons explains that this is their opportunity to ask questions and figure out who will be involved should a wildfire start in the vicinity of West Yellowstone. Marianne Baumberger explains that communication is very important during wildfire events and they need to understand consider all the affected agencies and organizations. Fred Jones briefly describes the 2013 Fire Season. He explains that there were 29 fires on the Gallatin in 2013 for a total of 12,000 acres, but the Emmigrant Fire was by far the largest. The Two Top and Mosquito fires were closest to West Yellowstone. Rainfall was fairly typical during the early summer months, but then they only received .22 inches of rain in August. He explains that this is a very unique area because they are in the proximity of three states and they have to consider how to handle fires that are close to state borders. Last year, everything dried out in August and then the fires started. September followed with 3 inches of rain, which was a pretty unusual pattern. Jeff explains that the 2013 season was extremely busy in this region and they were screaming for resources. Forsythe asks if the Forest Service communicates directly with the media. Baumberger explains that the Information Officer communicates directly with the Incident Command on the fire and then with the local media and the Associated Press. Sometimes, the national media will pick up the story but usually it comes from their affiliates. Dan Hottle, Public Relations Officer for YNP, explains that most of the news doesn't go past the regional news stations unless they do have an event that threatens Old Faithful. He says that last year, they had smoke in the area that actually came from fires two states away. He says it is difficult to communicate to tourists that the smoke is not from fire in the area. Baumberger says that she relies and appreciates Marysue Costello with the Chamber. The Chamber does a really good job of getting the word out and communicating with the tourists, hotel operators, etc. Fitzsimmons illustrates how last summer when the Two Top fire started, Marysue contacted him and asked for information she could send out in a "tweet." Fitzsimmons says that she released a tweet that the Forest Service was aware of the fires and the fires were staffed. He says that turned out to be highly effective and the phones at the Forest Service immediately stopped ringing. Baumberger explains that in this area, the Chamber is very helpful and they are able to send people out to distribute information. They also put up information boards around the community and down into Island Park and update them daily. Waldron says they also have a portable radio station that they can use to broadcast information. Baumberger says that she is always looking for the best way or person they can communicate with during a fire incident. Guay asks, that in the case of an evacuation, how do they handle a resident that refuses to leave. Baumberger says that the laws differ by state, but if a resident over the age of 18 refuses to leave, they do not have to. The Sheriff's Department will remove any children in the home, but an adult may stay. Waldron says that he has encountered that and they usually just make it clear that they will not return to perform any rescue services. He says as the flames and noise gets bigger, most people leave.

Fitzsimmons briefly describes the mitigation and fuel treatment efforts that have been conducted in the vicinity of West Yellowstone and projects that are underway. Fred Jones points out areas on the map where fuel has been reduced to establish fire breaks that will protect structures as

well as help out Yellowstone National Park. He also explains efforts they are making on the south plateau to open roads and make them accessible for fire equipment. He says they are making efforts to buffer roads around Rainbow Point and Duck Creek. Fitzsimmons emphasizes that they have made a lot of proactive efforts over the last three years to increase their chances of success. He explains that fuel reduction does not prevent fires, it only increases their chance of success. Schmier asks what is being done in Island Park, on the west side of the divide and to reduce the likelihood of fires coming over the divide. Liz Daly answers that they are not actually doing very much on the east side of their district. She says that is because there really isn't any development on the east side of their district and that is where they want fire to do its natural thing. The other issue is laws that protect grizzly bear habitat, so they have to rely on what Fitzsimmons can organize on this side of the divide. They usually concentrate more on protecting the subdivisions in their area. Mike Gagen also points out that in the case of a fire, they have to prioritize against what is also going on in the area. He says that during the Two Top fire last summer, they had multiple other fires in the area and they had to decide where to devote their resources.

The group discusses how a possible evacuation would be handled, a phone tree, and distribution of information. Baumgartner says that the word "evacuation" is a very scary word and they need to be careful and make sure the information is accurate before it spreads around. Fitzsimmons says that they need to get everything set up so if he or another key person is gone, they should be able to communicate as if that person was here. Mayor Schmier reminds the group that there are other groups that will come to help in the event of a major fire. In 1988, sprinkler pipe from Idaho was sent up and set up all around town and at Old Faithful which he believes made a major impact and helped saved the Town. Fitzsimmons suggests that they schedule more training this fall to help and educate local leaders. Guay asks how Yellowstone Park handles an evacuation. Hottle responds that their first priority is to empty the Park. There is more discussion and all that are present agree to continue to work to improve communications.

The meeting is adjourned. (12 Noon)

---

Mayor

ATTEST:

---

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL

**Work Session**

**June 10, 2014**

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

OTHERS PRESENT: Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Chief of Police Gordon Berger

The meeting is called to order by Mayor Brad Schmier at 6:00 PM 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. The purpose of the meeting is to discuss the budget for FY 2015. Finance Director Lanie Gospodarek says they would like to start by finishing the discussion of the General Fund tonight. She first describes the changes that have been made since the last meeting. The Council discusses multiple changes and budgeted items in the General Fund. They briefly discuss the annual contribution to Hebgen Basin Rural Fire District to provide fire protection for the Town. Based on the average of resort tax collection increases for the last five years, they anticipate that contribution will be just over \$546,000 for FY 2015. The Council asks multiple questions about salaries, the salary survey, and placement in the pay scale. The Police, Building Inspections, and Road & Street Services budgets are discussed. They have added \$25,000 to the sidewalk budget this year. Patterson explains that they need to start working on complying with the ADA (American Disabilities Act) around Town. He says that the federal law was passed nearly twenty years ago and they need to show efforts to comply. The Council agrees that there are multiple areas in town that need to be replaced. They discuss signage for the parkways and additional money to improve the empty lot east of the Town Hall, between the Town Hall and the Foundation Building. They also discuss purchasing additional bear-proof garbage cans and agree to add funds for six more garbage cans. Recreation, insurance, and the risk-share for Community Health Partners (CHP) are also discussed. CHP requested \$75,000 for the last fiscal year and they are anticipating that the request this year will be the same. Ed Geiger asks about the plan to turn management of the Union Pacific Dining Lodge over to the Yellowstone Historic Center. He says that in order to move forward, they have been working with attorney Mike Lilly to put that agreement together. He questions whether the Town is going to budget money to support the YHC to take over management. The group agrees that the Council indicated it wanted to move forward toward turning it over to the YHC. The work session for "Special Requests" is scheduled for July 8, 2014 and the Council advises Geiger to prepare something for that work session.

The Council also discusses the Enterprise Funds, Water and Sewer utilities. Gospodarek explains they don't have a lot of discretion in these funds because the funds are mandated to support themselves. They briefly discuss metering the Forest Service and National Park compounds. Patterson explains that replacing the big meters at the compounds would cost over \$30,000. He says he wants to put normal size meters on the buildings in the YNP compound, which would be significantly cheaper, but he is not sure what he wants to do about the 6" meter at the Forest Service compound. He does point out that the snow-hauling trucks that YNP loans the town every year are very valuable and saves the Town a lot of money, so he doesn't want to get to picky about how things are set up. Costello asks about the lease for the sewer lagoon. Gospodarek explains that they lease the land the sewer lagoon sits on from the Montana Aeronautics Division.

The meeting is adjourned. (8:15 PM)

June 10, 2014  
Town Council Work Session  
Minutes, Page 2

---

Mayor

ATTEST:

---

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL  
**Work Session & Town Council Meeting**  
**June 17, 2014**

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

OTHERS PRESENT: Operations Manager Becky Guay, Chief of Police Gordon Berger, Public Services Superintendent James Patterson, Social Services Director Jack Dittmann, Town Engineer Dick Dyer

The meeting is called to order by Mayor Brad Schmier at 6:00 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.

### **WORK SESSION**

---

Mayor Schmier calls the meeting to order. He explains the purpose of the meeting is to discuss the Potential Performance Analysis for the West Yellowstone Community Aquatic Center. Mayor Schmier turns the meeting over to Scott Clark to discuss the analysis as conducted by Property Counselors of Seattle, WA. Clark briefly describes the information included on each page of the analysis. The analysis compares the proposed facility to similar facilities in Montana and Wyoming. Scott says that "The Wave" in Whitefish, Montana, is set up most similarly to their proposed facility with the exception that they expect tourism to heavily support the proposed facility in West Yellowstone. The analysis compares the communities that support each facility, how they were originally funded, size, and whether they operate at a profit or deficit. The analysis summarizes "Lessons Learned" and recommendations made by the operators of the other eight facilities. Clark emphasizes that one of the biggest difference between their proposed facility and the existing facilities is size and tourism. Their proposed facility is only 30,000 square feet and they only expect to capture 5% of their revenue from the local population. Clark points out statements in the analysis that support building the facility. He says that they expect 140,000 to 150,000 people to visit the aquatic center in the first year, but the number in the performance analysis is only 60,000 to 80,000 annually as a full recreation center with indoor/outdoor aquatics. Clark also suggests that there are two large corporations in West Yellowstone that will support and help build the facility. Forsythe asks Clark what are they asking of the Town. Clark says they are asking for a long-term lease to house the facility. He suggests the land west of the Povah Center, but is not sure exactly how much land they would need based on square footage and parking. They have previously estimated that the building and parking would extend as far as Hayden. Costello asks Clark where will the money come to build the facility. He says that he has been told that if they put on a united front that includes the community members, businesses, and the Town, that money will come from the large corporations-money that they would otherwise be giving to the IRS. Costello, as do other Council Members, raise several questions about the cost to build the facility, operating costs, and potential annual deficit. Forsythe does point out that they have lost a lot in their community over the last couple years and this is the first proposal that has come before them to bring people to Town. He says he thinks they should at least consider an agreement where the Town will lease the land if the Community Aquatic Center can raise a minimum of \$3.5 million before they break ground. The Council agrees that this topic warrants more discussion but they must adjourn to prepare for the Town Council Meeting.

### **ACTION TAKEN**

---

- 1) Motion carried to approve Purchase Order #6215 to David Steed Co. to purchase a portable, diesel-powered air compressor for \$7500.00. (Johnson, Costello)
- 2) Motion carried to approve the claims which total \$301,937.12. (Forsythe, Parker) Schmier abstains from claim #40008.

- 3) Motion carried to approve the Consent Agenda, which includes the minutes of the June 3, 2014 Work Session and Town Council Meeting, June 10, 2014 Pre-Season Fire Coordination Work Session, and the June 10, 2010 Work Session. (Johnson, Costello)
- 4) Motion carried to approve the business license transfer of the Hideaway Trailer Park and waive the resort tax bond based on a satisfactory payment history by Schmier Family Partnership. (Costello, Johnson) Schmier abstains.
- 5) Motion carried to approve the new business license application for Montana Mobile Tech (Costello, Johnson)
- 6) Motion carried to move forward with the process to determine if they need to raise utility rates. (Johnson, Parker)
- 7) Motion carried to instruct the Public Services Department to conduct an inventory of sewer connections. (Johnson, Parker)
- 8) Motion carried to adopt Resolution No. 651, a resolution to employ the requirements of the Government Accounting Standards Board (GASB) 54. (Costello, Parker)
- 9) Motion carried to accept the results of the 2013 Audit and authorize the Mayor to sign the Management Representation Letter. (Johnson, Parker)

#### **Council Comments**

Parker says that there was a half-marathon in the community last weekend and he has heard that it was quite successful and they want to return next year. He says he has heard that they were somewhat disappointed with the amount of support they received from the Town and he hopes the Town can be more involved in the future.

#### **Public Comment Period**

Mike Gavagan addresses the Council as a resident and someone that worked for twenty years in the field of engineering. He asks if the cooling system and fan for the generator that supports the 911 System has been tested, particularly in hot weather? He says that her performed some calculations and has serious concerns about the size of the room and lack of air conditioning. He strongly suggests they hire a HVAC engineer to evaluate the way things and set up and ensure it will work during an emergency.

#### **Presentation: Emergency Response and Interagency Cooperation, Hebgen Basin Fire Chief Scott Waldron, Gallatin County Sheriff Brian Gootkin, Yellowstone National Park West District Ranger Tara Ross**

Sheriff Brian Gootkin addresses the Council. He thanks the Council for their time and says that the comments made earlier this evening are a good segue to what they want to discuss. He says that they asked to be on the agenda so they could have back and forth dialogue with the Council this evening. He first of all points out that his department did not conduct an "investigation" of the West Yellowstone Police Department, but they jointly agreed with Becky and Jerry to do an "evaluation" of the department. Gootkin says that previously, there was an allegation that the former Sergeant, Matt Stubblefield, had destroyed the records. He says that Becky testified in District Court last week that they do have training records. He asks for copies of the records. Guay asks for permission to respond to that allegation. She clarifies that when that request was first made, they could not find all of the records and they did question whether they may have been destroyed by Stubblefield. She says that since then they have found that the records were divided between the files in her office and in the police department and they now have copies of everything in both locations. The Sheriff asks if he can have copies. Parker says that he has seen in writing somewhere the allegation that Stubblefield destroyed the records. Gootkin agrees. Gootkin says that the response to the evaluation that was prepared by Chief Berger and his counsel did not address the lack of leadership in the department. He points out that this is a small department and they did not have these problems under Chief Pronovost. Gootkin shares

an example of a current detention officer who has been accused of inappropriate conduct with an inmate. That detention officer was immediately placed on leave until the investigation is completed. Gootkin also mentions the Phillips DUI case from last November. He says that charges have still not been filed, which would have been the fourth DUI for him. Phillips was involved in another DUI a few months later and was arrested by County. They are still working on filing charges from the November incident. Guay interrupts and says that the hearing last week was to testify about obtaining the results of the investigation that was conducted by the Department of Criminal Investigation. She says they have been advised by the Town Attorney that we do not have enough information to put Berger on leave, not sufficient for personnel action. She says the hearing was an attempt to obtain the information. She says they have met with the Sheriff multiple times over the past several months and made efforts to improve the Police Department, but it is clear that the Sheriff will not be satisfied until Gordon Berger is removed as the Police Chief. She says they have made multiple changes and just want to work with everyone. Gootkin continues. He says that this is exactly why they are here tonight. They are very frustrated with the lack of leadership by the Chief and the Operations Manager. He has never recommended any sort of personnel action against Berger. He has recommended paid administrative leave, which is absolutely appropriate when someone is the subject of a criminal investigation. He apologizes for offending Guay, but they need to be addressed. Guay states that she is not going to listen to this and leaves the meeting, followed by Social Services Director Jack Dittmann. Dittmann returns after a few minutes but Guay does not.

Johnson asks Gootkin for a specific list of what they need to change to improve the police department. He agrees that they need to work together and move things along faster. Gootkin says that they have offered help but their help has not been accepted or requested. Parker clarifies that the review by the Sheriff department was an agreement between the Town and Sheriff. Gootkin agrees and says that their ultimate recommendation tonight is to establish an emergency response council.

Tara Ross, Supervisory Ranger for the West District, reads a letter from Tim Reid, Chief Ranger for Yellowstone National Park (YNP). The letter summarizes the withdrawal of the mutual aid agreement/memorandum of understanding (MOU) between the Town and YNP in September 2013. He says they have serious concerns about response times, investigations, program standards, and officer safety. She says that they also have serious concerns about the fact that there is only one officer on duty in West Yellowstone now and in the summer. She says that if there is a true emergency, of course they will respond, but they are not willing to uphold the MOU at this time. She says they have been responding to incidents in Town by responding when the Sheriff Deputy requests it, but Reid has serious concerns about the liability of that situation. Schmier clarifies that the MOU is really the pooling of resources. Parker asks if the MOU is more than deputizing officers to act independently in the Park. Ross responds that it is more and includes the enforcement of federal laws. Johnson interprets the letter from Reid and asks Ross if YNP will reinstate the MOU based on the recommendation from the Sheriff when the West Yellowstone Police Department meets their standards. Ross agrees with Johnson's statement and emphasizes that their intent is to work with everyone.

HBRFD Chief Scott Waldron addresses the Council. He says that the population in Town seems to be up 1000% and the police department is down 30%. He says that a term they often use in emergency services is "standard of coverage" or an "acceptable level of response." He says that their standard is to send at least one paid staff and another trained volunteer or member from another agency to respond to any call. He says that the police department does not have a standard of coverage. He says they do not have anyone to back them up when there is an incident. Johnson says that what he really wants to know is specifically what they need to do to correct the problems. He says that rather than shooting at moving targets they need a specific list. Waldron restates that they do not have a standard of coverage. He says that Berger said he will ask for help when he needs it, but when will they know that they need help. He says they have four officers, but if that is enough why are they hiring two more. What are the triggers that will require a request for help? He says that they are not making any progress if they are just doing the same things over and over. Hiring new officers will not correct the problem. Waldron,

on behalf of Gootkin and Reid, requests a work session where they can sit down and identify the problems and as a team, work towards a solution.

Parker asks what are the triggers for asking for help. Berger says it is a policy. He says that a PFMA (partner-family member assault) automatically requires a call for backup. Waldron says that is not happening. Forsythe says they have been discussing this for six months. He asks if anything has changed. Waldron says it has not. He says that throwing a new officer out on the street with no training or supervision is not making improvements. Forsythe asks Gootkin what do they need to do. Gootkin says it is not a numbers issue but it comes down to training, training, training. He acknowledges that he said Officer McCoy would never make a good law enforcement officer. He says that if the hiring process has not changed, then the problem will not go away. He also asks why can't the council make a decision to form this commission tonight and schedule a work session later. Schmier responds that mostly because it is not on the agenda for action but they will definitely schedule another meeting.

## **DISCUSSION**

---

- 2) Johnson explains that the reason the total is so high this time is because they are making the semi-annual payment on the GO Bond.
  
- 6) Town Engineer, Dick Dyer, introduces himself and explains that he has been the engineer for West Yellowstone for 26 years. He says that he has been involved in the construction, maintenance, and upgrades of the utility system and works closely with the Public Services Department and Superintendent Patterson. Dyer summarizes that rate analysis methodology and advises the Council to consider annual inflationary rate adjustments. He says that even though current revenue may cover expenses, they will likely see large increases when the system is expanded if the Town acquires the 80 acres. Dyer describes the water rate structure and usage rate. He explains that in general, increasing the base rate tends to have a greater impact on residential users while increasing the usage rate tends to have a greater impact on large water users (commercial). Dyer says that they recommend increasing the current water usage rate from \$.40/1000 gallons to a minimum of \$.46/1000 gallons, which would increase the residential rate approximately \$1.00/month. Dyer describes the calculations for establishing the water connection fee, currently \$1500 for a typical household, and recommends keeping the fee at the same level and that it be universally applied to new connections. Dyer says that the sewer rate is based on a flat monthly fee for a typical household, called an equivalent user. Dyer's analysis is that revenues are covering expenses but there have been significant costs lately to keep the system running. He recommends leaving the rate as is but considering an inflationary adjustment to cushion future user rate increases. The sewer connection fee is \$2900 per equivalent user and he recommends leaving the fee at that level.

Dyer says that there is a growing problem in Town with people connecting to their existing sewer service line and adding facilities that produce increased sewer flow, without specific permission or paying the associated connection fees and costs. Dyer says that the existing sewer ordinance allows for periodic review of properties in Town to determine if connections are accounted for. He recommends that they conduct a community-wide inventory of sewer use and user rates be adjusted accordingly. The Council asks Dyer multiple questions about dealing with unauthorized sewer connections. Johnson summarizes that the sewer fund is ahead of expenses and the water fund is slightly behind. Parker asks if our system is adequate for the new hotels. Dyer says that it is but they will get to a point where it needs to be expanded. Schmier asks if anyone knows if they can expand on the current property they lease from the Airport for the sewer lagoon. Dyer says that they can expand on the property that they lease, the stumbling block has been from the DEQ (Department of Environmental Quality), who will not allow the Town to expand until the groundwater studies are complete. He says that depending on how the acquisition of the 80 acres proceeds, they will have to consider that.

- A) **Advisory Board Reports:** Mayor Schmier says that he did recently meet with some representatives from Habitat for Humanity and there will be more meetings come up. Hopefully they will be eligible for grant money in the community.

Downtown Improvement District (DID): Parker says the DID met recently and finalized their recommendation for the pavilion. Don Perry, a member of the board, says that they also discussed finishing the signs at the entrance to town.

Planning Board: Patterson says the Planning Board did meet and reviewed the plans for two new hotels. He says the parking for both facilities was approved but there is a height issue with one of them where the elevator is. He says they also started updating the Growth Policy.

- B) **Operations Manager & Department Head Reports:** Operations Manager Becky Guay reports on current issues:

**Recruitments**

- Police Officer – We are currently recruiting for a POST-certified police officer. We received three applications by June 6, two from POST-certified candidates. The police commission will conduct interviews of these applicants next week. Five additional applications were received after June 6.
- Facilities Technicians – We have received applications and will be making offers for seasonal facilities technicians.

**911 Advisory Committee** – The Committee will meet tomorrow, June 18 at 2:00 p.m. here at the Town Hall. **Campfires in Town/Burn Permits** – Chief Waldron and I are meeting tomorrow at 10 a.m. to discuss these issues. **Dispatch Center Power Outage and Generator** – A thermostatically-controlled fan has been installed in the generator room that will automatically begin operation when the temperature in the room exceeds a given set point. In addition, new batteries for the uninterruptable power supplies (UPSs) have been installed. **Town Cleanup** – Cleanup day was held on Saturday. About 40 volunteers and staff picked up trash around town despite the cold windy weather. Councilmen manned the barbeque and cooked up burgers and dogs after the event. Unfortunately, even with the all the publicity and letters sent to the business community, no one stepped up to “adopt-a-parkway.” **Request to Release Confidential Criminal Justice Information** – Berger Investigation – A hearing was held in District Court Judge Salvagni’s Court last Friday about the Town’s request to the County Attorney for a limited release of the Department of Criminal Investigation’s investigation into Police Chief Berger and the Town’s Police Department. Judge Salvagni heard arguments from both sides and directed both the County Attorney and the Town Attorney to prepare an Order by June 20<sup>th</sup> for the Judge’s consideration. **Public Services Department** – The contractor is removing the steps at the Union Pacific Dining Lodge (UPDL) today and hopes to pour new concrete on Thursday. James has received estimates for roof repairs on various Town buildings. These projects will be included in the Capital Improvements Plan and the FY 14-15 budget as required. The street sweeper should be back up and running tomorrow. Lastly, Montana Underground is currently working in Parkway C and are on schedule to wrap up the project by the end of the month.

Forsythe questions whether it is appropriate to hire or even interview police officer candidates prior to learning the results of the DCI investigation. Johnson asks why wouldn’t they move forward? He suggests that if there is a problem there would be no one left and don’t they want a police department? Forsythe asks that if they don’t have a police chief to run the department, who would be responsible for training new officers? Johnson says that Sheriff Gootkin has offered to step in and help them keep going if they did find themselves without a chief. Parker asks why did they only request “limited release” and not full disclosure of the investigation. Guay says that the attorneys agreed that in order to protect the integrity of any potential charges that may be filed, limited disclosure would be appropriate. Forsythe asks if the Police Department has requested assistance from the County to cover shifts. Guay says they have not and defers to Berger to talk about the schedule they are working with just four officers. Berger explains that they are covering all the shifts with four officers, he and Sergeant Frank work day shifts, Conlon and Curtis work night shifts so they have not required assistance as of yet.

Johnson asks how much longer will the alley drainage project take? Patterson answers that they expect to be completely finished by mid-July.

**FYI/CORRESPONDENCE**

---

Dated May 31, 2014, Robbie Hermanson writes to express criticism of the low wages he was paid when he worked for the Town during March as a temporary truck driver. The Council agrees that a temporary driver with a CDL should be paid at the temporary equipment operator level. The Council acknowledges that they probably need to adjust the staffing plan to accommodate that. The Council acknowledges two other items that were not in the packet: correspondence between Laura Burke and the Operations Manager and a letter of response from Chief Gordon Berger to questions raised by the Mayor and Council.

The meeting is adjourned. (8:15 PM)

---

Mayor

ATTEST:

---

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL

**Work Session**

**June 19, 2014**

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

FOREST SERVICE REPRESENTATIVES: District Ranger Cavan Fitzsimmons, Natural Resource Specialist Todd Stiles

OTHERS PRESENT: Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Charlotte Mooney, WY News Editor Jeremy Weber

The meeting is called to order by Mayor Brad Schmier at 6:00 PM 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. The first topic on the agenda is a discussion of relocating the Forest Service roads that go through the 80 acres that the Town is considering for potential purchase to the south and west of Town. The Forest Service has indicated that they must maintain access to those roads if the Town purchases the land and where those roads end up will affect the appraisal. Mayor Schmier first points out that the road/snowmobile trail that crosses the old airport is not on the map. Forest Service Natural Resource Specialist Todd Stiles explains that is not actually a Forest Service Road, although it is heavily used. The designated Forest Service roads, 6973 and 6973A, run along each side of the drainage ditch and the Old Railroad Grade from the intersection of Yellowstone and Iris. Costello asks whose responsibility will it be to move the roads and who will pay for that. Fitzsimmons says that the Forest Service does not need to move the roads, so if they are moved the Town will be responsible for doing that. The Council briefly discusses Road 6780, the road that runs to the west of Town, off of Parkway D. The group agrees that road does not need to be moved. The group discusses 6973 and 6973A and considers consolidating those roads into one along the Old Railroad Grade. The Town's water line runs along the railroad grade, too. They consider several options how to ensure the roads connect and access is preserved. They also consider maintaining the commonly used road that crosses the Old Airport and eliminating one or more of the designated roads. Forsythe points out that the areas south of Madison Avenue are covered with trees, which would most likely be the residential area where it would be better to have less recreation activity. Guay says that she received an email from Ann Callahan today who indicated that the Forest Service is not going to be able to perform the Environmental Assessment (EA). Fitzsimmons confirms that the Forest Service people that would conduct the EA cannot do it this year. At a previous meeting, Bob Dennee had indicated that the Forest Service could conduct the EA. Costello summarizes that the current suggestion is to eliminate 6973A, preserve 6973, and initially maintain the road/trail that crosses the Old Airport even though it isn't a designated road. The group discusses the road as it isn't designated but is maintained by the Forest Service. They consider whether maintaining the road incurs liability for the Forest Service and if they should look into getting the road designated. Fitzsimmons says they have to consider how many miles of road they can have in the district. Schmier points out that they are eliminating mileage through this process so that should allow for more mileage. The group discusses 6958, otherwise known as the Whiskey Springs Road. The prevailing opinion is to eliminate the connection from 1700 (South Plateau Road) and building a new road from the junction of 6973 and 6973A south to connect to 6958. Costello points out that 1700 will also be on town property. Johnson asks if the Forest Service will have to get a special use permit from the town to keep that road open but Stiles says they will maintain easement. The group considers moving the road to the east to line up with Iris or possibly just moving the road to the south end of the parcel. Costello clarifies that if they relocate the roads as discussed, the Town will be dealing with three road easements. Stiles agrees and then points out that there are also two trail easements. Schmier says that a couple years ago they relocated the snowmobile access to the South Plateau Trail from the southwest corner of Town to access off of South Electric. He says that in hindsight, that was a poor choice because Electric is such a busy and narrow street. Fitzsimmons says that the ski trails are a designated ski area and they are required to keep those uses separate. He thinks it

would be highly unlikely that the Forest Service would consider moving the trail back to South Plateau. The group discusses moving that access up to South Canyon, a much wider and less traveled street. Fitzsimmons says that they would probably consider that and suggests that they propose it. He recommends that the Town send a letter proposing the change, especially since they are already discussing moving access points.

The Council discusses the situation with Bulldog Cable, the cable franchise that recently notified the Town that they were discontinuing service in West Yellowstone. The system was turned off and abandoned May 12, 2014. The group considers what to do with the cable wire and boxes that have been left behind. The franchise agreement outlines a process to hold a public hearing and revoke the franchise. The group agrees to follow the process to revoke the franchise and remove any leftover wires and boxes from Town property. Randy Wakefield of Fall River Electric says that there are several places in town where there are cable boxes on electric poles. The group advises him that they should also remove anything that was left behind. Patterson says that Montana Underground, the company that is doing the alley drainage project, is just cutting all the cable it encounters because it was never marked when they called for locates.

The meeting is adjourned. (8:15 PM)

---

Mayor

ATTEST:

---

Town Clerk

WEST YELLOWSTONE TOWN COUNCIL  
**Special Town Council Meeting & Work Session**  
**June 24, 2014**

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

OTHERS PRESENT: Operations Manager Becky Guay, Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Assistant Public Services Superintendent David Arnado, Social Services Director Jack Dittmann, Firefighter Steward, Brenda Lloyd, Helene Rightenour, Sandi Pepler, Brenda Martin, Hebgen Basin Fire Chief Scott Waldron, Gallatin County Sheriff Brian Gootkin, Doc Deconotour, Mrs. Deconotour, Jeremy Weber-WY News Editor, Tara Ross-YNP, Jerry Schmier, Richard Bartlett, Louise Cochrane, Kenneth Anderson, Bill Howell, Jamie McBirnie, Ramona Stubblefield, Michele DesRochers, Richard Gibson, Terri Gibson, multiple other members of the community

The meeting is called to order by Mayor Brad Schmier at 6:00 PM in the West Yellowstone Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana

**Public Comment Period**

Kenneth Anderson, resident, inquires why Officer Conlon was fired. Guay responds that it is a confidential personnel matter and they will not be releasing any information. Brenda Lloyd asks why Brian McCoy was let go? Guay responds that Office McCoy resigned. Charles Watson says that Kevin Conlon has done a lot of good for the school system and the kids in this Town and losing him as an officer for the Police Department is a big loss. Anderson asks if the reason he was fired is a matter of public record. Schmier answers that personnel matters are not. Brenda asks how many officers are left? Mayor Schmier responds that they have three. She asks how are they going to cover everything with so many tourists in Town? Schmier says that they are going to bring in other police officers to cover shifts. Sandi Pepler asks who are the other officers that are going to come here? Schmier says he does not have that information yet.

**SPECIAL MEETING**

---

- 1) Motion carried to approve payment of the claims, which total \$7500.00 and \$36,453.40. (Johnson, Parker)

**Public Hearing: FY 2013-2014 Budget Amendment, Resolution No. 652**

Mayor Schmier reads the hearing notice. Finance Director Lanie Gospodarek explains that by law, they cannot expend more money out of any fund than was budgeted. She says that because of higher than expected TBID collections, they amount that was distributed to the TBID Board of Directors was higher than was budgeted. She explains that they have a similar situation in the Library Fund so they need amend the budget to allow for more expenditures than were originally anticipated. Mayor Schmier reads the resolution. No public comment is received.

- 2) Motion carried to approve Resolution No. 652, a FY 2013-2014 Budget Amendment Resolution. (Johnson, Parker)

The special meeting meeting is adjourned. (6:25 PM)

**WORK SESSION (6:30 PM)**

---

**Public Comment Period**

No public comment is received.

- A) The first topic on the work session section of the meeting is a discussion of the Special Revenue Funds for FY 2015. Finance Director Lanie Gospodarek briefly explains that special revenue funds are funds that are set aside for a specific purpose. The money that the Town receives for specific purposes and that cannot be used for anything else are put into individual "special revenue" funds. She explains that when they built the Town Hall, Intercap required the Town to set up a special revenue fund to make the bond payments and carry a 10% reserve in that fund. She also explains the Resort Tax fund. She explains that they estimate how many resort tax collections the Town will receive and

then add an additional \$500,000. They do not budget to spend that additional \$500,000. State law requires that if the Town collects more than was budgeted, they must return that amount back to the taxpayers, which would be an insurmountable task. They include the additional \$500,000 to ensure the Town doesn't have to do that. Gospodarek also explains auditing and administrative costs for the resort tax fund. The resort tax fund also includes the debt service payment for the Town Hall, anticipated to be \$325,000. The Council briefly discusses the rest of the items included in the resort tax fund. The next fund that is discussed is the Marketing and Promotions (MAP) Fund. Gospodarek explains that 2.5% of the resort tax goes into this fund and is administered through the MAP Fund Advisory Board for marketing and promoting West Yellowstone. The Council also discusses the Tourism Business Improvement District (TBID) fund and Off-Street Parking. Guay explains that when the off-street parking ordinance was established, money that was collected was designated for the interior park that it was collected from. The off-street parking ordinance has been updated since then, but the money that was originally collected must still be spent in the designated parks. Gospodarek briefly describes the Parks/Rec Teen Center fund, Parks-Volleyball Court fund, Community Garden fund, and Smoking Waters Day Camp Scholarship Fund. She explains that she met with Head Librarian Bruce McPherson today and they discussed the Library fund budget. They are still waiting for numbers from the County to determine how much revenue to expect in addition to the 7 mills the Library receives from property tax. Gallatin County allocated \$47,000 last year for the Library. Gospodarek explains that the Town supplements the Library budget by just over \$84,000. Johnson asks if that number is negotiable. Gospodarek says that it is. Guay explains that if the Council wants to meet with the Library Board they can set that up. Gospodarek explains that the Drug Forfeiture Fund is set up to cover overtime wages for police officers that participate in drug-related police work or "sting" operations. Forsythe asks why the expenditures have dropped, Gospodarek explains that John Knapp was the last drug officer that received wages from that fund. She also explains that the revenue source is somewhat random and comes from the Missouri River Drug task force, based on money that is confiscated from drug busts. Gospodarek briefly describes the CDBG fund, she explains that entities that serve low-income people in the community through housing or economic development avenues can apply for low-interest loans from this fund. Costello asks what the balance is in that fund. Gospodarek determines the balance is just over \$100,000. She briefly describes the cemetery funds and then gas tax fund. Gas tax revenue is received quarterly from the State, 25% of gas tax funds can be spent on capital equipment and the rest goes to road and street projects. Gospodarek describes the 911 Emergency fund. Revenue in this fund comes from the State for 911 services and the rest comes from a Gallatin County mill levy. They expect just under \$80,000 in revenue this year. The mill levy revenue from Gallatin County is used to make the payment on the upgrade project that was completed at the Dispatch Center, approximately \$25,000/year. The last special revenue fund is the Community Transportation Enhancement Program (CTEP). The money in this fund was originally received from the County to fund the trees, pavers, benches, and bike racks in the downtown area in 2010-2011. There is still some money left in this fund and they anticipate spending just over \$3800 towards the new signs at the WY Chamber/Visitor Information Center.

- B) Mayor Schmier explains that the second topic on the Work Session Agenda is a discussion of Emergency Response/Interagency Cooperation as was requested by representatives of Hebgen Basin Fire District, Gallatin County Sheriff's Office, and Yellowstone National Park law enforcement. Chief Waldron and Assistant Chief Grube from the Hebgen Basin Fire District, Gallatin County Sheriff Brian Gootkin, and Tara Ross and Less Brunton of Yellowstone National Park are present to participate in the discussion. Fire Chief Scott Waldron explains that they feel the police department is in worse shape now than it has ever been and they need to work towards some solutions. Mayor Schmier asks for public comment, Kenneth Anderson reiterates his concerns about firing Officer Kevin Conlon. Schmier asks for council comments. Forsythe says that the Council needs to address this problem. He has only been on the council for six months and it has been a problem for longer than that. Parker agrees and says that he has also

been on the council for only six months but he has received a lot of calls from residents who expressed a lack of confidence in the Chief of Police (COP) and City Manager especially since the firing of Conlon. He says that he also hopes they can start towards a solution but is not sure what they can accomplish without the presence of the Chief of Police this evening. Johnson asks if they have an agenda. Waldron says that they do but says they really just want to discuss three specific points: hiring of new officers, training, and standard of coverage. He also questions what can be accomplished in the absence of the Chief. Guay says she would like to respond to that. Guay says that Berger is on patrol tonight and they determined it was more important for him to protect the public than attend this meeting. Waldron says, that without sounding too negative, that is more “smoke and mirrors” and the Chief could easily respond to a call from this meeting. Waldron first addresses the hiring process and questions what can be done to avoid problems they have had in the past. Schmier says they do have a process and Guay offers to describe the process. Guay explains the multiple steps to the process the Town adopted to screen and review applicants. Waldron asks if they hired an officer this week. Guay says that the police commission interviewed an applicant this week. Guay continues to describe the steps of the hiring process. In summary, the police commission screens and interviews applicants and then recommends eligible applicants to the Town to conduct its routine hiring process. She points out that the Council adopted a new hiring process in January. Costello asks when the eligible applicants are turned over to the Town, who is then involved. Guay says the personnel policy manual outlines what a hiring committee should be composed of, usually herself, the department head, and other employees representing both sexes and various supervisory levels. Gootkin asks who conducts the background checks. Guay says it is conducted by the police department, they do not have the budget to send someone to another state to interview previous employers. Parker asks how are background checks conducted by the County. He says they do an extensive check, more than a criminal background check and calling references listed on the resume. Schmier asks if the County is willing to assist with background checks and what is the cost. Gootkin says they would absolutely be willing to do that that at this point they are not worried about costs, only concerned with helping this get better. Forsythe asks if the Town did not hire the preferred applicant from the Police Commission, would the Town go back to the commission before moving on to another candidate. Guay clarifies that the Police Commission only recommends or certifies applicants that they deem suitable to serve as an officer, they do not rank the candidates. Waldron says that one of their concerns is that the Town does not utilize any outside law enforcement agencies on the hiring committees, a practice that has been used in the past. The group discusses the makeup of interview panels in the past. Assistant Fire Chief Shane Grube points out that he sat on numerous hiring committees under Chief Pronovost as a State of Montana Department of Livestock officer. Waldron says that in the interest of moving forward, they feel that involving other agencies in the hiring process gives them some ownership in that hire. He says that nobody can do it alone, here, and they have to work together. Guay says that if they want to include someone from an outside entity to be on the panel, they would need to amend the policy. She also points out that the individual being interviewed has the right to keep the interview private. Parker asks if the interview that was conducted earlier this week was public. Guay says that it was, but then it is determined that the interview was not posted publicly. Jerry Schmier says that all he knows is he has lived here for 47 years and they have always worked closely with the Sheriff’s Department and Yellowstone National Park. They could have never done it without them and he doesn’t understand why this problem exists. Waldron says they agree with that statement and that is why they are here tonight. He says they have been coming to the Council for months asking for change and the Council nods their heads, but nothing has changed.

Sheriff Gootkin addresses common core training. He acknowledges that every department is going to handle training differently. He says that the one thing they did establish through the review of the department is that the field training has been very inconsistent. He says that he understands that an experienced officer does not need as much field training as a new officer, but it was clear that there is no set minimum of

required training and he recommends that be established. Forsythe asks the Sheriff who does their training. He says they have a Sergeant that is in charge of field training and several field training officers. Rangers Tara Ross and Les Brunton of Yellowstone National Park indicate that they also follow a similar process and new officers are trained for a minimum of three months. Johnson asks the panel what they would think if the Town hired its own part-time or seasonal training officer, someone that is up on their accreditation but doesn't necessarily work full-time. Gootkin says that a lot of small departments conduct training in-house, but it would be up to the Town how to implement that. He says that anything they develop will be better than the way it has been done. Waldron asks Guay if they have a training process. Guay says that in the past they have not, but Sergeant Frank is working on developing a training protocol and looking at the protocols that are being used in other small jurisdictions. Brunton suggests they look at the program in Ennis and says it is a very effective. Ross suggests that when they do hire a new officer, that new officer should be "glued" to the Sergeant or training officer for quite some time. Waldron asks if they have a plan to get assistance in the short-term. The Council indicates they do not know what they are going to do yet. Guay says that they are trying to hire a post-certified officer in order to avoid some of the issues they've had in the past. Gootkin says that if they are going to do their own training, the first thing they need to do is send that officer to Field Training Officer (FTO) school. Guay says that they do have Frank signed up for FTO school but she can't remember the dates right now. Waldron says that in regards to Chief Berger, he has not indicated that he is willing to accept help. Parker says that he has heard that the County has offered to help since January and he also understands YNP would like to help but cannot? Ross explains that as was explained in the letter last week, they cannot assist until the Memorandum of Understanding is back into effect. Gootkin says they have actually been offering help since last September but he cannot explain why it is not being accepted.

Waldron explains that the last topic they would like to discuss is standard of coverage. He says they have serious concerns about the fact that they now only have three officers and concerns about covering shifts. Guay says the shifts are being covered and they are doing their best to hire more officers. Waldron says that having one officer on shift with no backup is not acceptable. Guay says that they are doing their best to minimize calls outside the jurisdiction and they have called on the Sheriff's department to back up their officers. Gootkin says that to return to Parker's question about assistance, they cannot cover all the shifts with three officers. He says he cannot believe the Chief of Police is not here tonight to respond to questions about his department. All he or even Guay had to do was call him and ask for an officer to cover the town during the meeting. Guay says that she did contact the Sheriff's Department and got a price for coverage, but her question is how to handle that situation on the ground and determine who the officers report to. Gootkin says the Council saw his email last week because Berger had reached out to the City of Belgrade instead. Guay says that Berger was attempting to reach out to post-certified officers that would be interested in coming down here to work as temporary officers. She says that was a cheaper option than contracting with the County. Forsythe says you can't put a price on law enforcement and they dismissed an officer with no plan how to cover the shifts! Guay says the shifts are covered. Brunton points out that Berger said at the last meeting that they require two officers to respond to any violent crime. Guay admits the situation is less than perfect but the remaining officers know they can be called out at any time. Brunton asks if we have officers on call, but Guay states that they do not have officers on-call. Waldron says that he hopes that in the next 24 to 48 hours they will have a meeting with the Chief and figure out what they are going to do to cover the town. He strongly encourages the Town to work on a training policy and put it into action. They also feel like the Town should consider using outside law enforcement in their hiring process, they will likely get a better product. Waldron says they should also consider a way to evaluate the progress. The Council agrees and Johnson suggests they meet at a work session on a monthly basis and evaluate their progress. He asks the Council to think about what they want to see from their Police Department. The group agrees that the Sheriff, Guay, the Mayor, and Chief of Police will set up a meeting in the next 24 to 48 hours.

June 24, 2014  
Town Council Work Session & Special Meeting  
Minutes, Page 5

The meeting is adjourned. (8:45 PM)

---

Mayor

ATTEST:

---

Town Clerk