

WEST YELLOWSTONE TOWN COUNCIL  
**Work Session & Town Council Meeting**  
**October 7, 2014**

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

OTHERS PRESENT: Operations Manager Becky Guay, Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Social Services Director Jack Dittmann

Gale Loomis, Brock Kelley, Joyce Berger, HBFD Chief Scott Waldron, Head Dispatcher Brenda Martin, Sandi Pepler, Scott Clark, Randy Wakefield, Tom Cherhoniak, HBFD Assistant Chief

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**

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- 1) Motion carried to approve the claims which total \$136,015.16 (Schmier, Costello) Forsythe abstains from 40378, Schmier abstains from 40358.
- 2) Motion carried to approve the Consent Agenda which includes the minutes of the September 23, 2014 Town Council Meeting and the September 30, 2014 Town Council Work Session. (Johnson, Forsythe)
- 3) Motion carried to approve the business license application (update) for the West Yellowstone Economic Development Council, Inc. (WYED). (Johnson, Forsythe)
- 4) Motion carried to approve the request made by Rocky Hermanson on behalf of the Library Board of Trustees to construct a deck and later a media space as an addition to the library building. (Costello, Johnson)
- 5) Motion carried to reappoint Kathleen Brandis to the position of City Court Judge for the Town of West Yellowstone for a 4-year term, January 1, 2015 through December 31, 2018. (Forsythe, Schmier)
- 6) Motion carried to approve Policy #13, contingent upon adding language about notifying property owners when a tenant's utility bill is delinquent and upon review of the policy by Town Engineer, Dick Dyer. (Johnson, Costello) Forsythe is opposed.
- 7) Motion carried to appoint Cole Parker to serve on the Chief of Police Interview Panel. (Forsythe, Schmier) Johnson is opposed, Schmier, Forsythe, and Costello are in favor.

**Council Comments**

Forsythe reports that he attended the Criminal Justice Coordinating Council (CJCC) meeting last week in Bozeman. He mentions that Shelley Johnson of the Drug and Alcohol Program made a very informative presentation, and says that is a really good program to have in our community. Johnson also credits the staff for all the work that has gone into planning for the Montana League of Cities & Towns conference that is here in West Yellowstone this week.

**Public Comment Period**

Charles Gallard addresses the Council and says he would like to open a discussion with the Town about the possibility of opening a medical marijuana dispensary in West Yellowstone. He explains that he understands that the Town has an ordinance that prohibits anything that is prohibited by federal law, but points out that marijuana for medical use is allowable under Montana law. He currently operates a dispensary in Big Sky. Richard Gibson expresses strong disapproval for the proposal. Gallard asks the Council to consider amending the current

ordinance to allow a dispensary. He says that he estimates that there are currently about 100 card-holders in West Yellowstone. He says that he has about 25 customers in West Yellowstone at his dispensary in Big Sky. The Council asks multiple questions about Gallard's proposal. Doug Buskirk asks a couple questions and says that he read an article recently that said that Gallatin County has the highest number of card-holders and providers in the state. The Council asks multiple questions about the state law, how it is enforced, and how he would operate his business in West Yellowstone. Teri Gibson also asks questions but expresses disapproval for the proposal. Forsythe says he would have a difficult time approving an ordinance that would allow medical marijuana. Gallard says he is not expecting an answer this evening, but would like the Town to consider allowing it to benefit the people in the community that use medical marijuana. He asks the Council to think and research his proposal for a couple weeks and he will ask to come back at a later date to discuss it with them again.

## **DISCUSSION**

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- 1) Costello asks about the software maintenance fees for Black Mountain Software, Forsythe asks about the street bond refund for Fall River Electric. Forsythe also asks how frequently are they being billed by the Gallatin County Sheriff's Office for law enforcement services. Guay responds that they intend to bill monthly but they have only been billed twice so far.
- 3) The Council briefly discusses the parking plan for the updated license application. The building will be used for classroom/educational use which will include minimal overnight accommodations such as students sleeping in sleeping bags on the floor.
- 4) The Council discusses the request from the Library Board of Trustees and Librarian Bruce McPherson to add a railed-in deck that will be eventually closed in. The new space will be used as a media space. Guay says that if the Council approves this request, they will have to pass a budget amendment to allow the expenditure.
- 5) The Council discusses the request from Judge Brandis to be reappointed to the position of City Court Judge. Brandis' second term as judge will conclude December 31, 2014. Forsythe asks questions about how the Judge is paid. Brandis explains that after serving as the Judge for eight years, she is still making less than her predecessor. She has been willing to sign an employment agreement, but she is not actually obligated to do that. Brandis explains that there is a judge's school and recertification test that will be offered in late November. She says it would be in the Town's best interest to send whoever is going to be their judge to that school, which is why she is requesting to be reappointed now. Johnson says that in his experience on the Council, they have both advertised before reappointing and also just reappointed the sitting judge. Guay says that she whole-heartedly supports the reappointment of Brandis and shares multiple examples. Johnson suggests that they consider her reappointment first and discuss the salary issues at another time and Brandis agrees. Buskirk also speaks in support of Brandis as does County Deputy Matt Stubblefield.
- 6) Finance Director Lanie Gospodarek explains the reasons behind the update to Policy #13, billing practices.
- 7) Johnson says he wishes Parker was present tonight because he does not want to talk about him while he is not here. He expresses concern that Parker does not have experience with law enforcement or even hiring practices. He says that Parker did not even understand in January that the police department is a department of the Town of West Yellowstone. He thinks Parker is the least qualified member of the Council. He says he has heard Council members at this table comment that they are not qualified to hire a police chief, so why are they now recommending the least qualified member of the Council to participate? Costello says that he thinks Parker will learn a lot through this process, and questions how else will he learn those things. Costello says he thinks Parker could do a very good job.

- A) **Advisory Board Reports:** Council Member Johnson reports that the negotiating team for the Town for the collective bargaining agreements is almost ready. They are going to meet a couple more times and negotiate again next week.
- B) **Operations Manager/Department Head Reports:** Operations Manager Becky Guay delivers a brief report: Police commission selected six applicants to interview for the position of Police Chief, all six have confirmed and interviews will be held October 16 & 17, 2014 They issued invites to Yellowstone National Park (YNP) and the Sheriff's office to participate. The Sheriff has accepted and will be here personally but Head Ranger Tara Ross responded that the YNP could not participate due to privacy and federal regulations. The Police Commission is going to meet next week to put together interview questions, working with Social Services Director Jack Dittmann. Guay says she met with the Sergeant, Mayor, & Sheriff and worked on some details of law enforcement services MOU, our two officers are switching schedules to reduce overtime for the County deputies. Guay says she has handed out copies of the draft Request for Qualifications (RFQ) to solicit an appraiser for the 80 acres. The Town Attorney and Forest Service have approved it. They will send the RFQ out to the list of Forest Service approved appraisers this week. The negotiating team has met twice since the first session with the union. They will meet again later this week and negotiate again on October 14 & 15, 2014. The Town staff has been very busy getting ready for the Montana League of Cities and Towns conference that starts tomorrow. She reminds the Council of the reception on Wednesday evening at the Imax Theater and Grizzly & Wolf Discovery Center and the banquet at the Union Pacific Dining Lodge on Thursday.

The meeting is adjourned. (8:45 PM)

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Mayor

ATTEST:

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Town Clerk

WEST YELLOWSTONE TOWN COUNCIL  
**Work Session & Town Council Meeting**  
**October 21, 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, Public Services Superintendent James Patterson, Social Services Director Jack Dittmann

Head Dispatcher Brenda Martin, Sandi Peppler, Randy Wakefield, WY News Editor Jeremy Weber, John Greve, Katrina and Travis Mann

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**

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- 1) Motion carried to approve the claims which total \$89,289.00. (Johnson, Forsythe)
- 2) Motion carried to approve the Consent Agenda which includes the minutes of the October 7, 2014 Town Council Meeting. (Forsythe, Costello)
- 3) Motion carried to approve the Marketing and Promotions Fund Recommendations to award \$5000 to the Kids N Snow, 2014-2015 Event Series, \$3500 to the Hebgen Lake Ice Fishing Festival 2015, and \$12,500 to Wild Bill Days. (Johnson, Parker)

### **Council Comments**

Mayor Brad Schmier thanks the staff for all their hard work, he says the last couple months have been very trying and he really appreciates their efforts. He also mentions the recent MLCT conference, which took a lot of extra work and turned out very well.

Council Member Greg Forsythe says that it appears there are a lot of tour buses in Town and parking is starting to be a problem. He suggests that this is something they think about, whether this is something they need to assign to the new police chief or address from the Council table. He says he has had one hotel owner in his office complaining about it multiple times who even brought him a DVD to review. Patterson says that they have been watching the increase in buses in Town, he says they easily have 20 to 25 buses in Town every night during the summer.

Council Member Cole Parker says that he has heard complaints from a couple citizens that they do not have a handrail in front of the Town Hall. He suggests they either install a railing or paint the edge of the steps yellow so they are visible. Patterson says he has already ordered new railings for the backside of the Dining Lodge and he can look into getting a railing for this building, too.

### **Public Comment Period**

No public comment is received.

### **DISCUSSION**

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- A) **Advisory Board Reports:** Council Member John Costello reads the minutes from the 911 Advisory Board Meeting, held last week. Communication issues, equipment improvements, and a "Dispatcher of the Year" award were discussed.

- B) **Operations Manager/Department Head Reports:** Operations Manager Becky Guay reports on current issues. **Recruitments:** Police Officer – On-hold until Chief of Police is hired, Chief of Police – The Police Commission interviewed six (6) candidates last Thursday and Friday. Assisting the Commission were Sheriff Gootkin, Councilman Parker, Social Services Director Dittmann and the Operations Manager. The Police Commission has developed a short list of three candidates and we are beginning a background check and psychological evaluation of one of the candidates. **Labor Negotiations** –The Management Team responded to the Association’s opening proposal during a series of meetings on October 14 and 15. The Association has provided a counter to the Town’s proposal, which the team has reviewed and is drafting a response for presentation to the Association at our next meeting on November 13 and 14. **Public Services Department** – Public Services crews have started trimming trees and bushes that encroach over sidewalks, streets and parkways. Montana Underground has been cleaning drains and valve boxes in preparation for winter. Town crews are following behind to exercise valves and note those that are in need of additional maintenance or replacement. **RFQs for Appraisal of 80 acres** – Requests for Qualifications were issued to the appraisers on the list provided by the Forest Service. Responses are due November 7. **Resort Tax Random Compliance Audits** – The auditor was in Town last week to perform random audits on 12 businesses for resort tax compliance.

Public Services Superintendent James Patterson says he has found a snow blower that he thinks they should consider looking at. It is currently in Oregon and he would like to go look at it. He says that it is not new, but appears to be in very good condition and it is open for bid, starting at \$36,500. Guay explains that purchasing another blower is on the Capital Improvement Plan for FY 2016, estimated at \$250,000, which is considerably more. He distributes pictures of the machine for the Council to look at. The Council agrees that it would be a good idea to send Patterson out to look at the machine.

Patterson also explains that the reason they are making the effort to clean out the main line water valves is because they determined that at least half of them were so filled with dirt and sand, they could not be turned off. He says that if they were to have a major water leak, they wouldn’t have been able to turn the water off.

Social Services Director Jack Dittmann reports that the West Yellowstone School beat the Big Sky School in the food drive competition (aka The Battle of 191) by 900 pounds. He also mentions the support they have received from the highschool volleyball team recently, they have been volunteering at the food bank, helping to sort repackage bulk items.

- 3) Forsythe asks for an explanation of how the Marketing and Promotions Fund operates for the benefit of the newer council members. Johnson explains that several years ago, there had been several suggestions for the Town to establish a marketing fund. The Town held public hearings and then amended the resort tax ordinance to allocate 2.5% of the 3% tax that is collected by the merchants in Town to a marketing and promotions fund. The Town established an advisory board to consider applications and make recommendations to the Town Council as to how the money should be awarded. Guidelines have been established for how the money should be allocated, specifically to be used for marketing and promotions of events. Schmier explains that the Marketing and Promotions Advisory Board has recommended awarding \$5000 for the Kids N Snow Events, \$3500 for the Hebgen Lake Ice Fishing Festival, and \$12,500 for the Wild Bill Days. Parker asks Katrina and Travis Mann specific questions about Wild Bill Days, a new event that intends to offer two nights of concerts in West Yellowstone over the second weekend of March, coinciding with the annual snowmobile Expo. Randy Wakefield of Fall River Electric says that he has discussed with the Manns the need for power at the city park. There are currently two services in the city park, 200 amps at each service. Travis Mann indicates that would be an adequate, but Patterson points out that they would need more outlets to service everything.

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The meeting is adjourned. (8:15 PM)

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Mayor

ATTEST:

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Town Clerk