

WEST YELLOWSTONE TOWN COUNCIL  
**Town Council Meeting & Work Session**  
**January 5, 2016**

COUNCIL MEMBERS PRESENT: Mayor Jerry Johnson, Brad Schmier, Pierre Martineau, Cole Parker, Greg Forsythe

OTHERS PRESENT: Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Chief of Police Scott Newell, Social Services Director Kathi Arnado, County Commissioner Don Seibert, Gallatin County Administrator Jim Doar, Tom Cherhoniak, Lew Scott, Richard & Teri Gibson, Randy Wakefield, Yellowstone Airport Manager Jeff Kadlec, Police Officers Anthony Kearney and Matt Lovingier, Gallatin County Deputy Sheriff Matt Stubblefield, Fish & Game guy, Helene Rightenour, WY News Editor Jeremy Weber

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.

Oath of Office is administered to Pierre Martineau and Greg Forsythe by Town Clerk Liz Roos.

**ACTION TAKEN**

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- 1) Motion carried to appoint Jerry Johnson to serve as Mayor for 2016. (Schmier, Martineau) Forsythe is opposed, motion passes.
- 2) Motion carried to appoint Brad Schmier to serve as Deputy Mayor for 2016. (Johnson, Forsythe) Motion is unanimous.
- 3) Motion carried to approve the claims which total \$33,803.21. (Schmier, Martineau)
- 4) Motion carried to approve the Consent Agenda, which includes the minutes of the December 8, 2015 Town Council Meeting and December 22, 2015 Town Council Meeting. (Parker, Martineau)
- 5) Motion carried to confirm the appointment of Chief of Police Scott Newell. (Johnson, Forsythe)
- 6) Motion carried to approve the Second Modification to the 911 Interlocal Funding Agreement with Gallatin County. (Martineau, Schmier)
- 7) Motion carried to accept the recommendation from the Mayor and table the Police Unit Collective Bargaining Agreement pending the requested memorandum from the Finance Director. (Martineau, Schmier)

**Public Comment Period**

No public comment was received.

**Council Comments**

Council Member Greg Forsythe recognizes County Commissioner Don Seifert and Gallatin County Administrator Jim Doar. Forsythe also suggests planning a work session shortly after Town Manager Daniel Sabolsky starts to discuss priorities and goal setting.

## DISCUSSION

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- 1) Mayor Schmier thanks the Council and community for their support over the past two years and then nominates Jerry Johnson to serve as Mayor for 2016.
  - 5) The Council moves to confirm the appointment of Chief of Police Scott Newell. Newell has worked for the Town of West Yellowstone for one year. Council Member Parker asks Deputy Stubblefield if the relations between the Town Police Department has improved with the other law enforcement agencies in the area. Stubblefield responds that they have most definitely improved.
  - 6) Town Attorney Jane Mersen explains that she has worked with representatives from Gallatin County to develop a Second Modification to the Interlocal Emergency 911 Dispatch Agreement. The agreement outlines how the delinquent funding will be addressed and how the funding will be calculated in the future. Commissioner Seifert says that the County will remit half of the amount that is delinquent next week and then the second half by June 15. The entities agreed that Gallatin County owed the Town a total of \$179,000, half will be paid now and half will be paid in June. Teri Gibson says she thought the County owed the Town considerably more money. Johnson says that this was complicated to work out, but they believe this is the amount of money that was collected for 911 services from the tax base. Mersen clarifies that she is not sure the \$179,000 is what was actually collected and that the confusion stemmed from the annexation of the Town by Hebgen Basin Fire District. Because of the annexation, the taxable value increased. Mersen also explains that the \$179,000 that is owed includes the payment for FY 2016 of approximately \$98,000.
  - 7) Mayor Johnson explains that the next item on the agenda is the Police Unit Collective Bargaining Agreement. He says that he believes that this agreement includes a lot of information and it is a lot of information to absorb in three days. He says that serving on the negotiation committee with Finance Director Lanie Gospodarek and Chief Newell was very positive, but he thinks they need a little more time to understand what is included in the agreement. He says that he has asked Gospodarek to put together a memorandum that outlines the changes to the agreement from the previous agreement and the associated costs.
- A) **Advisory Board Reports:** Pierre Martineau reports that the Parks & Recreation Advisory Board met this week and they are preparing to submit a grant application to the Povah Family Foundation to construct an amphitheater in the City Park. Forsythe says that at their next meeting they are planning to work on a 1 year, 5 year, and ten year plan. The Council briefly discusses whether it is wise to have two council members sitting on the same advisory board.
- B) **Town Manager/Department Head Reports:** Mayor Johnson asks Schmier to deliver the report for the manager as he has been serving in that capacity for the last eight months. He briefly mentions that the Health Care RFP has been released, the police contract is nearly wrapped up, and they are preparing to sign the Purchase & Sale agreement for the 80 acres soon. Public Services Director James Patterson says they have been working for the most part on snow plowing and keeping the streets clear. Finance Director Lanie Gospodarek reports that the annual report has been submitted and they recently completed the annual financial audit. Social Services Director Kathi Arnado met with Bozeman Job Service today and is working on bringing them to West Yellowstone to provide training. She also reports that they are working on a grant to the Yellowstone Foundation for the endowment and the Christmas Star program was a success. Chief of Police Scott Newell reports that the Interlocal 911 agreement has been worked out, they had several arrests due to bar fights and credit card theft over the weekend but all is well.

- C) **Sewer Lagoon Lease:** Schmier explains that the Town had concerns about some of the details of the lease, which has been shared with Jeff Kadlec of the Yellowstone Airport and Montana Aeronautics Division. Kadlec explains that they have reviewed the requested changes and believes they can work everything out. The group briefly discusses how long it would take for the Town to remove the sewer lagoon from the property, if required. Patterson says it would take a minimum of two years to get permission from DEQ to move the sewer lagoon and they should ask for three years. Kadlec indicates that is a fair request and will take that back to his people. The group also discusses the language following the fee schedule which says the lessor may reevaluate the entire agreement at its discretion, including the fee schedule. Kadlec says he will also address that sentence and prepare the document for approval at the next Council Meeting on January 19. Kadlec says another issue is the existence of a shooting range for the police department on the property, which the State maintains was never approved nor is an approved use of the property. Schmier suggests that they address the shooting range in a separate document. Mersen suggests that they just add the shooting range as an approved use to the document.

### **CORRESPONDENCE**

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Dated December 31, 2015, resident Steve Larson sends an email complaining about the fireworks that are allowed on New Years Eve.

The meeting is adjourned. (8:15 PM)

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Mayor

ATTEST:

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Town Clerk

WEST YELLOWSTONE TOWN COUNCIL

**Work Session**  
**January 12, 2016**

COUNCIL MEMBERS PRESENT: Mayor Jerry Johnson, Brad Schmier, Greg Forsythe, Cole Parker, Pierre Martineau

OTHERS PRESENT: Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Social Services Director Kathi Arnado, Chief of Police Scott Newell, Head Dispatcher Brenda Martin, Chris Burke, Richard Gibson, Kirstin Goldstein

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 comments are received.

**DISCUSSION**

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Mayor Johnson calls the meeting to order and explains that the purpose of this meeting is to discuss the priorities and current projects for the new Town Manager, Dan Sabolsky. Mayor Johnson mentions multiple current issues including the acquisition of the 80 acres from the Forest Service, Health Care Request for Proposals, Sewer Lagoon lease, Police Collective Bargaining agreement, 911 funding agreement with Gallatin County, updating Town Policies, updating the Employee Personnel Policy Manual, Grizzly Internet transfer. Council Member Forsythe recommends making contact with the Town Attorney and getting updated on the pending lawsuits with the Playmill and Sergeant Frank. He also suggests meeting one on one with each Council Member and preparing for growth as it pertains to the water and sewer systems. Schmier adds that it is time to review the water and sewer rates, and says that they should have received the information from Town Engineer Dick Dyer to proceed with that. Martineau says that housing is a major problem and says they need to focus on employee housing because he fears there will be a severe shortage this summer.

The Council reviews the goals the Council discussed two years ago and considers items that are still relevant such as making Town processes more user friendly, following up on permits and licenses, involving the manager in the community, fixing job descriptions and the staffing plan.

The meeting is adjourned. (12:40 PM)

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Mayor

ATTEST:

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Town Clerk

WEST YELLOWSTONE TOWN COUNCIL  
Town Council Meeting & Work Session  
January 19, 2016

COUNCIL MEMBERS PRESENT: Mayor Jerry Johnson, Brad Schmier, Pierre Martineau, Cole Parker, Greg Forsythe

OTHERS PRESENT: Town Manager Daniel Sabolsky, Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Chief of Police Scott Newell, Social Services Director Kathi Arnado, Town Engineer Dick Dyer, Town Attorney Jane Mersen, Head Dispatcher Brenda Martin, Officer Matthew Lovingier, Officer Anthony Kearney, WY News Editor Jeremy Weber, Helene Rightenour, Richard & Teri Gibson, Jason Pond (Grizzly Internet), Jacob Larsen (Safelink Internet), Kirstin Goldstein, Lew Scott, Jeff Kadlec (Yellowstone Airport), Randy Wakefield (Fall River Electric), Tom Cherhoniak

The meeting is called to order by Mayor Jerry Johnson 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 Treasurer's Report dated January 12, 2016 and Securities Report dated January 4, 2016. (Martineau, Schmier)
- 2) Motion carried to approve the claims, which total \$85,776.30. (Schmier, Martineau) Schmier abstains from #41625 and #41700.
- 3) Motion carried to approve the Consent Agenda which includes the minutes of the January 5, 2016 Town Council meeting and January 12, 2016 Town Council Work Session, with corrections to who was present. (Forsythe, Schmier)
- 4) Motion carried to transfer the business license for Las Palmitas to Daniel Pelayo. (Martineau, Parker)
- 5) Motion carried to approve the request to waive the resort tax bond for Las Palmitas based on a satisfactory payment history by the new owner in the past. (Schmier, Martineau) Johnson is opposed.
- 6) Motion carried to approve the new business license application for Big Sky Gaming, LLC (Martineau, Schmier)
- 7) Motion carried to ratify the Collective Bargaining Agreement for the West Yellowstone Police Protective Unit of MPEA. (Martineau, Forsythe)
- 8) Motion carried to approve the appointments of Jerry Johnson (Town Council Representative), Kay Mathews, and Barbara Klesel to the Marketing and Promotions Fund Advisory Board. (Parker, Martineau)
- 9) Motion carried to approve Resolution No. 673, a resolution authorizing the Mayor to enter into and execute and perform the Purchase and Sale Agreement for the purchase of 80 acres of US Forest Service land. (Martineau, Parker)
- 10) Motion carried to approve the Wastewater Treatment Lagoon Site Lease Agreement between the Town and the State of Montana, Department of Transportation, Aeronautics Divison, effective for ten years. (Schmier, Martineau)
- 11) Motion carried to approve the Shooting Range Use Agreement, effective for ten years. (Martineau, Parker)

- 12) Motion carried to authorize Town Engineer Dick Dyer to proceed with an additional water supply study. (Schmier, Martineau)
- 13) Motion carried to authorize the staff to allocate the funds to complete the groundwater study and move forward with the DEQ discharge permit process. (Johnson, Schmier)
- 14) Motion carried to accept the proposal from Morgan Pavement to extend the current slurry seal contract for two more phases to complete the town, provided it is budgeted and the current project withholds through the winter. (Forsythe, Parker)
- 15) Motion carried to approve the assignment on the Grizzly Internet Development Agreement conditioned upon the Town's approval of Safelink's ability to prove its financial ability to meet the financial obligations including insurance, bonding, indemnification and to add a completion date by the end of 2017 as well as enforcement or damages provisions. (Forsythe, Martineau)
- 16) Motion carried to approve the business license transfer of Grizzly Internet to Safelink Internet. (Forsythe, Martineau)
- 17) Motion carried to approve the new business license for Northwest Data Com for fiber optic construction services. (Schmier, Parker)

#### **Public Comment Period**

Lew Scott addresses the Town Council and recommends that the Town Council adopt a comprehensive water and sewer management plan, which would include the authority to deny building permits based on the capacity of the systems. Scott also suggests adding a permanent agenda item titled "water and sewer system status."

#### **Council Comments**

Council Member Schmier welcomes Town Manager Dan Sabolsky and expresses how happy they are that he is here and hopes his family can join him soon.

#### **DISCUSSION**

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- 7) Mayor Johnson explains that this item was tabled at the last meeting and they requested a memo from the negotiating team to answer some of the questions that came up. Finance Director Lanie Gospodarek sent a memo out to the Council comparing the proposed contract to the previous contract. The Council asks various questions about the proposed contract, which are answered by union steward Anthony Kearney. Police Commissioner Richard Gibson encourages the Council to approve wages for police officers that are commensurate with agencies in the region. He says that they need to ensure that they are not just a training ground for new officers or a retirement job for people at the end of their career.
- 9) Town Attorney Jane Mersen explains that this resolution gives the Mayor the authority to sign the Purchase and Sale agreement once it is ready, but strongly recommends that the Town hold a public hearing prior to actually signing the document. Tom Cherhoniak says he thinks it would be prudent for the public to know what the Town is going to do with the property before it is purchased. He says he doesn't think they should approve the sale until that is determined.
- 10) Jeff Kadlec, Manager for the Yellowstone Airport addresses the Council regarding the final draft of the sewer lagoon lease and shooting range agreement. He briefly describes the changes made to the lease since the last time it was discussed. Town Attorney Jane Mersen indicates that she is satisfied with the lease as it is now written. There is brief discussion about how long it would take to remove the lagoon from airport property should that be required. Patterson points out that they could easily remove the facility within three years, but the environmental clean up could take longer. Richard Gibson

asks if they have received an answer to whether the land could be sold to the Town. Kadlec responds that they did ask but the only response they have received so far is that the State would not support such a sale. He says that they have asked for further clarification and he will share that information once he receives it. Lew Scott asks various questions about which agency actually owns the property. Kadlec explains that the State of Montana holds a deed to the property but there is a reversion clause where the property would revert to the federal government should it no longer be used as an airport.

- 11) Kadlec describes the Use Agreement which allows the Town to use the Yellowstone Airport property as a firing range. Mersen points out two paragraphs that the Council should consider, one pertaining to proper clean up of the area and the other indemnifying the State from any claims that may result from use of the range. She acknowledges that it is unlikely the State would agree to remove either paragraph but does want the Council to understand what they are agreeing to. Jason Pond, president of the local shooting club, points out that they are already maintaining a shooting range on Forest Service property and they would be willing to work out a use agreement for the police department to privately use the established range.
- 12) Town Manager Dan Sabolsky explains that there have been multiple discussions about the need to expand the water supply in the past. He explains that the water supply over the past two years has been low and they are requesting permission to evaluate all the possible water supply sources to increase supply. The study is expected to cost up to \$15,000, which would be paid for from the water fund. Lew Scott asks whether the Town has sufficient water supply for the coming summer and if the Town has the authority to impose a building moratorium. Patterson responds that the current water system is adequate for what they have now and the spring flow could quite possibly rebound this spring. Scott says he does not think the Town's ordinances would allow them to impose a moratorium. The group briefly discusses the issue, Dyer says they have discussed other approaches including public notice and distributing information about the issue.
- 13) Sabolsky explains that they have initiated a groundwater study over the past couple years and they now need to complete the study and proceed with the DEQ discharge permit. They estimate it will take two months to complete the groundwater study and about eight months to obtain the discharge permit, total cost close to \$100,000. The completion of the study and discharge permit process will be funded from the enterprise funds, \$25,000 to complete the groundwater study and \$75,000 for the discharge permit process.
- 14) Public Services Superintendent James Patterson explains that Morgan Pavement, the contractor that did the slurry seal project on the streets last summer, is willing to guarantee the same price if the Town will agree to contract with them to lay the seal on the next section of town this summer. Patterson says their unit cost was very competitive and recommends approving their request. Patterson says that he told them they wanted to wait until the snow melts so they can see how the product held up through the winter, but recommends agreeing to their proposal. Schmier asks if the recent drop in oil prices would lower the unit cost any more, but Dyer explains that it is unlikely because their unit price was so competitive in the first place.
- 15) Jason Pond of Grizzly Internet explains to the Council that he has sold the assets of Grizzly Internet to Safelink Internet. He says that this is an opportunity to expand Grizzly Internet and he will head up the fiber installation division here in West Yellowstone. The transfer of the business to Safelink is contingent upon the transfer of the development agreement and Safelink agrees to complete the West Yellowstone fiber installation prior to any other projects. Mersen explains that as long as Safelink can provide the required insurance, bond, and indemnification the Town can transfer the agreement and offers to compose a one-page agreement to finalize the transfer. Jacob

Larson, Director of Operations for Safelink Internet, introduces himself to the Council and briefly describes the company. Larsen explains that it is in their best financial interest to complete the project as quickly as possible. Forsythe asks if they are willing to agree to a date to complete the project. Larsen says that their goal is to complete the Town by the end of the summer in 2016, but hesitates due to unforeseen circumstances. Forsythe suggests including a projected completion date of 2017 in the agreement. The Council agrees to approve the assignment of the development agreement on approval by legal counsel and review by the Town Manager.

- A) **Advisory Board Reports:** Public Services Superintendent James Patterson reports that the Planning Board met yesterday and is continuing to work on the Growth Policy.
- B) **Town Manager & Department Head Reports:** New Town Manager, Daniel Sabolsky, addresses the Council and presents his first report: **Water and Sewer Issues:** Mr. Patterson and I met with the Dick Dyer, City Consulting Engineer, regarding the next steps in addressing the future needs of the Town's water and sewer systems. As a result of this meeting, there are two items on this week's Council's Agenda to study possibilities for increasing the Town's water capacity. On the sewer side, there is an item on the Agenda to finish the groundwater study and gather the necessary documentation to obtain a DEQ discharge permit and to gain approval to potentially expand the sewer lagoon. Also, in this meeting, Mr. Dyer discussed with Town staff about reviewing Town water and sewer rates. West has rates that are some of the lowest in the State, that is not necessarily a bad thing. However, there are grants and low interest loans for water and sewer improvements that are not available to the Town due to our extremely low rates. **Recreation Scholarships:** At our weekly management team meetings there was some discussion on re-invigorating our recreational scholarship program for families in need. Kathi Arnado and Brandy Holland will be taking the lead on this endeavor. They will be focusing on developing the framework on how they will proceed. They will be developing marketing materials, in English and Spanish that will be available throughout town. The police officers will have copies they will distribute when interacting with the public. The final program will be presented to local foundations and individuals seeking funding. **School Recycling Program:** Debbie Paisley and some students from her political science class met with Chief Newell and myself about utilizing a golf cart to transport recyclable materials from the school to the local recycler. The Chief pointed out there was a number State laws that regulate use of golf carts on public roads. For the time being, the Town will assist the students in transporting their recyclables. James Patterson will assist the students by moving the materials and asking the recycler for any assistance that he can provide. At the same time, the Chief will provide technical assistance to the school about making the golf cart "street legal." **WYED Consulting Contract – Public Input Project:** I have met with Kirsten Goldstein, too many times to count, regarding the WYED's efforts to gather the necessary information for the 80 acre development. Last week, I had the opportunity to meet one-one with two board members of WYED. This morning, I met with the entire board of WYED to discuss the ways the Town and WYED can work together on future development projects. Ms. Goldstein has scheduled numerous public forums about the 80 acre development. In addition, it is my understanding; she has met with all council members regarding the project. I am exploring the possibility about making all employees attend one of these focus groups. **Police/Dispatcher Related Issues:** I have met with dispatcher manager and her entire staff. They made me aware of some of the training and technology issues facing their department. The Mayor, Chief, and I will be meeting this week to address some of the training needs of the Department. The Chief and I have meet numerous times regarding the union contract, RFPs for new 911 technology, and equipment needs. He and I also will be taking walking tours of the Town to meet with local businesses and citizens. **Food Bank Training:** Kathi Arnado and I have met to discuss the training needed by Social Service employees to comply with regulations set forth by the Regional FoodBank. Ms. Arnado has arranged to have the training conducted on site with very limited disruption of services provided at her department. **Town Related Items:** Reviewed the following documents: Police Union past and future contract, City Charter, Employee Union

Contract, Employee Manual, Pending Lawsuit Information, Capital Budget, Budget, Grizzly Development Agreement, Sewer Lagoon Lease, Gun Range Lease, a very large package from the Town Engineer, and resumes for the vacant positions in the Police Department. **Meetings (Partial List):** WYED Board Meeting, Dispatcher Meeting, Planning Committee Board (2), Meeting with Chamber Director, Town Engineer, Council Work Session, Fire Chief and Assistant Chief, Editor Yellowstone News, Legal Council, a Local Sheriff Deputy, Debbie Paisley and students (West Schools), and numerous West employees. **Public Events Attended:** Ice Fishing Tournament, Sled Dog Race, High School Basketball Game. It is great to be here in West and I appreciate everyone's patience with me as I learn what makes this community, government, and schools so great.

Chief of Police Scott Newell reports that January has been busy, especially with DUIs and bar-related incidents. Finance Director Lanie Gospodarek reports that they have been working with new manager Dan Sabolsky and finishing up some year-end reporting. Social Services Director Kathi Arnado reports on management training, movement of a freezer to the basement which helped stabilize the temperature in the food bank, and tracking their activities in the department. Public Services Director James Patterson reports that the grader has been out of commission but expect to have it running again tomorrow. They have primarily been focusing on snow removal and finishing up the remodel in the Police Station. Forsythe asks if the check has been received for the 911 funding from Gallatin County, but Newell indicates they have not yet received it. Schmier asks Patterson how the ventilation of the attic of the building is going this season. Patterson says the system seems to be working well and they haven't detected any ice in the roof yet this year.

The meeting is adjourned. (9:30 PM)

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Mayor

ATTEST:

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Town Clerk