

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
January 2, 2018

COUNCIL MEMBERS PRESENT: Jerry Johnson, Brad Schmier, Pierre Martineau, Chris Burke, 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

Pat Barnes, Helene Rightenour, Richard & Teri Gibson, Tom Cherhoniak, Randy Wakefield-Fall River Electric, Marysue Costello-WY Chamber, Denice Sabolsky, Grant Jackson, Bob Patzke

The meeting is called to order by Mayor Jerry Johnson at 7:00 PM in the 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.

Town Clerk Liz Roos administers the oath of office to newly elected council member Chris Burke.

ACTION TAKEN

- 1) Greg Forsythe nominates Brad Schmier, seconded by Pierre Martineau, to be the Mayor for 2018. (Forsythe, Martineau)
- 2) Pierre Martineau nominates Greg Forsythe, seconded by Chris Burke. Schmier nominates Johnson, no second, motion fails. Motion passes for Forsythe to be the Deputy Mayor for 2018. (Martineau, Burke)
- 3) Motion carried to approve the claims, which total \$121,631.02. (Martineau, Forsythe)
- 4) Motion carried to approve the Consent Agenda, which includes the minutes of the December 5, 2017 and December 19, 2017 Town Council Meetings, as amended. (Martineau, Forsythe)
- 5) Motion carried to approve the updated business license for Four Winds Storage with the stipulation that they are not to conduct any new commercial business on the property until the building moratorium is lifted. (Johnson, Burke)
- 6) Motion carried to appoint Steve Larson to the Marketing and Promotions Advisory Board and re-appoint Gloria Evans and Marysue Costello all for 3-year terms. (Forsythe, Martineau)
- 7) Motion carried to appoint Brad Schmier to be the Town Council representative on the Health Care Services Advisory Board. (Forsythe, Martineau)
- 8) Motion carried to appoint Chris Burke to be the Town Council representative on the Planning Board. (Martineau, Forsythe)
- 9) Motion carried to adopt the Safety Policy as written. (Forsythe, Martineau)

Public Comment Period

Bob Patzke asks if it is possible to put in the paper when Town Council meetings will be held. Greg Forsythe says that they are making progress on the learning center. The electric and plumbing are roughed in, they are putting the fire suppression system in next week and then will move on to insulation. They have also put the rock on the exterior and just started the wood siding. He also says that they rented more ice skates out this weekend than they ever have, which shows a lot of activity at the rink

Council Comments

Council Member Greg Forsythe asks if they could get the agenda on Friday morning as well as the Manager's Report. Schmier thanks everyone for the progress they made in 2017 and what they accomplished. Chris Burke says that he feels fortunate to start out in this position surrounded by a lot of knowledge and feels they can move forward in a positive way. Jerry Johnson also asks everyone to remember Bonnie Cross, a long-time resident who recently passed away. Johnson says that he noticed that the Town buildings are about the most boring buildings in town during the holidays and says they should budget for lights for the Town buildings next year.

DISCUSSION

- 3) Schmier asks about the claim to Montana Underground for sewer line cleaning, which is significantly over budget. Finance Director Lanie Gospodarek explains that an error was made when the budget was approved and they only put \$34,000 in that line for that purpose when they were anticipating \$68,000. However, the bill for came in at \$87,196, nearly \$20,000 over what should have been budgeted. Gospodarek also explains that they have only spent 20% of the sewer fund budget, an enterprise fund, so far this year and they have a fund balance of over \$650,000. She says she does not anticipate that they will not go over budget for this fund, but they will be watching it closely. Forsythe questions at what point do situations such as this come before the Council and expresses concern about this situation. He questions whether it would be appropriate to turn in a bill for the learning center that is \$70,000 over budget. Patterson explains that this bill came in as high as it did because of the unanticipated need to clean the lines in the Madison Addition for the proposed project on Electric Street and to ensure that there are no other problems. Forsythe says that they need to determine at what point this sort of thing needs to be addressed so they are not caught short. Schmier points out that this line will be overdrawn but the fund will not. Sabolsky says that going forward they are going to work on keeping the Council informed when costs significantly exceed estimates.
- 5) The Council considers the business license application for Four Winds Storage, an update to their existing business license. Town Manager Dan Sabolsky explains that he and Patterson met with the applicants, Geoff and Billie Richards. He says that the bake shop is connected to the system but the applicants have agreed not to use the water until the building moratorium is lifted. They are applying for their permits from the health department and will pressure test the lines, but will not utilize the system otherwise. They also will not use the new rental cabin until the moratorium is lifted unless they let some family members stay in it during the summer months. Sabolsky says that they agreed to these conditions. The Council discusses how to ensure that the conditions are met but not jeopardize other projects that are waiting to proceed once the moratorium is lifted. Patterson says that the connections were made before the moratorium was put in place, but were not permitted.
- A) **Advisory Board Reports:** Town Manager Dan Sabolsky reports that he attended the Parks & Recreation Advisory Board meeting recently. He says that they provided input on the summer recreation survey, discussed a park at the area where Obsidian and Iris Street cross, a shredded tire surface at the playground in the Park rather than sand, and why the grant application for the Frontier Trail was unsuccessful.

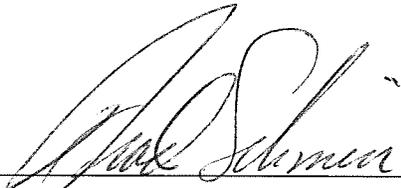
- B) **Town Manager & Department Head Reports:** Town Manager Dan Sabolsky reports that Land Solutions is making progress on updating the zoning code, which they would like to have in place before the building moratorium is lifted. The Safety Policy is on the agenda tonight for approval. The sewer plan for the Electric Street housing project is being submitted to Montana DEQ and he is working on a development agreement with the owners of the project. He has been working with Assistant Public Services Superintendent David Arnado on creating a new process and forms for building and zoning permits. They have made progress on the nightly rentals ordinance and the first draft was in the packet for this meeting. Tentative agreements have been reached with both the Employees Unit and the Police Unit for collective bargaining agreements. They are working on getting the documents put together and ready for approvals. He reports that they have had inquiries from multiple legal firms and attorneys regarding the legal services RFP that is due January 12. He also mentions that he would like to have the MSU Local Government Center come down to conduct a strategic planning session with the Council and administration of the Town.

Social Services Director Kathi Arnado recognizes the success of Social Services Assistant Vely (Irma) Vazquez who has completed her six month probation and obtained multiple certificates already. She says that the Christmas Star program for underprivileged children in the community was very successful this year and they received additional items from the Montana Salvation Army. She also mentions that they have received \$24,000 in grant funding this year for the community help fund and been able to grow their endowment that is held by the Yellowstone Foundation to \$80,000. Chief of Police Scott Newell says that New Years Eve was great and they didn't have a single call for service that night. Snow and ice conditions do prevail and they have been responding to multiple vehicle accidents and slide-offs. Finance Director Lanie Gospodarek reports that she met the deadline and submitted the Annual Financial Report this past week. They have been busy with winter business, collective bargaining activities, working on the business license ordinance, and preparing for the annual audit. She also reports that resort tax collections for December were down but there is a major player that has not paid yet. Public Services Superintendent James Patterson reports that they have having trouble with the pump station in the Madison Addition. He says that at this time, they are having to manually turn it on and off every couple hours. He says they are hoping to have the correct parts here by Thursday and the tech to install them here on Friday. They are also working on getting a new pump for that station. He says he is also working on getting the numbers together for the improvements at the Dining Lodge. They intend to rehabilitate the bathrooms in the Firehole Room, the windows in the Firehole Room, and the doors. They are also working on the water and sewer lines on that end of the building in anticipation that they will be able to use that room during the winter in the future. Forsythe comments that the streets look good.

- C) Sabolsky explains that the first draft of the ordinance is included in the packet for this meeting. He says he has worked with a committee of residents to ensure nightly rentals are prohibited. The group discusses the section that prohibits campers or RVs being plugged in longer than six hours at a time. Committee members Grant Jackson and Richard Gibson defend the language and claim that living in RVs in the Madison Addition has been a problem. Johnson argues that if he has a cousin coming up to visit, they should be able to stay in his RV for a couple days. Gibson says that the covenants that are in existence are very difficult and costly to enforce and they want the Town to back up the covenants.

The meeting is adjourned. (9:05 PM)

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Mayor

ATTEST:





Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
January 16, 2018

COUNCIL MEMBERS PRESENT: Brad Schmier, Jerry Johnson, Pierre Martineau, Chris Burke, 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

The meeting is called to order by Mayor Brad Schmier at 7:00 PM in the Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.

Portions of the meeting are being recorded.

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WORK SESSION

Mayor Brad Schmier calls the work session to order and explains that the purpose of this meeting is to discuss the current status of the water and sewer system with Town Engineer, Dick Dyer. Schmier says they would like to specifically discuss the status of the new water well, engineering for the new well, and status of the IP (infiltration & percolation) beds. Schmier summarizes that they have already dug a test well west of town and the results were good, but they have not started drilling the actual water well. Town Engineer Dick Dyer reports that the Town has been in grandfather status for the sewer system since the year 2000, but expansion of the IP beds is desired to improve operation and therefore a groundwater discharge permit is needed. DEQ has approved the discharge permit application and is currently drafting the permit. He says the draft permit is expected by the end of January, will be opened for public comment and likely adopted in April. Design for the additional IP bed can be submitted after public comment and construction can be accomplished this summer. The Council asks specific questions about the timing of the project. Dyer says he expects they will be permitted and ready to bid the project in June and construction in July. The Council asks questions about designing the beds ahead of time and other options to ensure the project is completed this summer. Dyer says he doesn't expect having any trouble finding contractors to bid on the project.

Dyer explains that the Town has provided needed permissions and authorizations to the developer of the Electric Street housing project, who has prepared plans and submitted plans to DEQ to construct the sewer line extension. He says the construction would begin in the spring, either by the developer's contractor as part of the development agreement or by a Town-hired contractor. He says that there will be a time saving if they allow the developer to use their contractor but the Town will oversee the project.

Dyer explains that the results of the test water well were good and shows a picture of clean water pumping out of the test well at 200 gallons per minute. He distributes the design of the production well, a well that will be drilled at a depth of 215 feet. He says that they anticipate being able to get 600-800 gallons per minute from the completed well. The current water rights permit that they have is for 760 gallons per minute. He says that the design is complete and with the DEQ-required source water protection study and delineation report prepared for the new well, they are now ready to request DEQ approval for the new water well. He says that they have requested a price proposal for construction from the driller of the test well. Dyer recommends soliciting bids in March and drilling the well in April. Pump and water quality testing could be completed in May. Forsythe asks why are they waiting until March to solicit bids and questions why the project is taking so long. Dyer explains that the design of the well is more complicated than most and he understands that there are several developers that are anxious to start their projects, but he is hesitant to make any promises or date certain. He says they have consistently stated that the lines will be laid and the well will be functional by next summer. Chris Burke asks, as a new Council Member, why there is a sudden push to get this project done yesterday. He says that he understands that there is a process to follow, but he doesn't understand why it is a rush now. Dyer says that he appreciates the acknowledgement that there

is a process they must follow, especially considering the pressure for growth and expansion on the Town during the summer months. He explains that for over 30 years, Whiskey Springs has produced ample amounts of water, averaging around 2400 gallons per minute. However, the flow over the last three years has been reduced significantly and they have had to rely on the other wells in town. Burke asks for clarification about the water situation and how much water is available as compared to how much water the town needs. He says there is a lot of misconception in the community about the purpose, need, and motivation behind the building moratorium and suggests they make an effort to clearly communicate the information. Johnson says that as he remembers it, drilling the well in November was the best case scenario and everything just didn't come together that fast. Dyer agrees and points out that in this climate, it is very difficult to drill without freezing during the winter. He explains that the location of the new water well is in the very southeast corner of the new 80 acres. He displays a map showing the location of the well and intent to lay the water pipeline along the South Plateau road to connect to the existing system. Dyer also displays plans that show the pump design, well house, standby generator, and other details of the project. He explains that the well house will protect the well and must be 100 feet from all other property boundaries. He says they have essentially carved out 200 square feet in the corner of the 80 acres for this purpose and they will not be able to use that property for anything that could possibly contaminate the well. He says building materials and items like pipe, valves, and accessory items may be stored on the property. They could not store anything like fertilizer or fuel. Schmier questions the cost of this portion of the project and whether it is included in the cost of drilling the well. Dyer says that drilling the well will cost between \$175,000 and \$190,000. He says that this portion of the project, including the well house, will cost another \$200,000-\$225,000. Sabolsky says that they have set aside \$500,000 for the entire project and it is Dyer's opinion that the project can be completed in its entirety for that amount. He also explains that once the Town annexes the 80 acres, that portion of the South Plateau road will become an extension of Iris Street and that is why they will place the water line on the east side so it lays just behind the curb and gutter once it is developed. Burke says he has some more questions that he can get answered by communicating directly with Dyer and Services Superintendent James Patterson. Dyer says he will respond to Burke's questions directly. Forsythe requests that Dyer put together a timeline for the projects so they can know and communicate accurately with the public. He says that it is his opinion that they should do whatever they can to expedite the projects and Dyer says that he will, with the Town's permission, acknowledging that there are some risks. The Council thanks Dyer for his work and encourages him to proceed.

ACTION TAKEN

- 1) Motion carried to approve the claims, which total \$154,149.84. (Martineau, Forsythe) Schmier abstains from #44048 and #44069 to Jerry's Enterprises, Forsythe abstains from #44071 to Westmart Building Center. Burke abstains from #44089 to Morning Glory Coffee & Tea.
- 2) Motion carried to approve the Consent Agenda, which includes the minutes of the January 2, 2018 Town Council Meeting. (Forsythe, Martineau)
- 3) Motion carried to approve the new business license for Big Sky Photography and Design made by Nubia Allen. (Martineau, Burke)
- 4) Motion carried to approve the recommendation from the Marketing and Promotions Advisory Board to award \$15,000 to SnowShoot 2019 (held in 2018) event. (Forsythe, Martineau)
- 5) Motion carried to appoint Trish Barnes to the Health Care Services Advisory Board for a term of three years. (Martineau, Burke)
- 6) Motion carried to approve Prospera Group to enter into an agreement with Think Tank Design Group on behalf of the Town of West Yellowstone to create a conceptual plan for development of the 80 acres. (Martineau, Burke)

- 7) Motion carried to accept the Big Sky Trust Fund Grant in the amount of \$6,999.
(Martineau, Burke)

At 9:15 PM, the Town Council adjourns into Executive Session to discuss pending litigation.
The Council reconvenes at 9:45 PM

- 8) Motion carried to authorize Town manager Dan Sabolsky to negotiate on behalf of the Town in the Gordon Berger pending litigation. (Martineau, Burke)

Public Comment Period

WY Chamber of Commerce Executive Director Marysue Costello thanks the Town and anyone else that assisted with all the events in town this past weekend. She says there were over 300 skiers in town, an ice fishing tournament on Hebgen Lake, and the Kids n Snow event. She asks for assistance with parking on the edges of town for the dog sled rides as the lots are being filled with snow. She says there is going to be a China workshop on February 27, hosted by the University of Montana, at the Holiday Inn. She also reports that Idaho is planning for a reconstruction of Targhee Pass and they are in the planning stages at this time. She says they know that road construction must happen but they need to watch this and make sure that they never have road construction on Highway 20 and Highway 191 at the same time.

Council Comments

Mayor Brad Schmier points out that they distributed copies of Policy #42 to the Council Members tonight. He says that this policy is for everyone to reference as to how council meetings are conducted. He also thanks staff and Dyer for attending the meeting. Johnson asks everyone to remember Joanne Girvin as her father just passed away and Robert Mamer, commonly known as "Jules," who lived here over 40 years, he was an eccentric but well-known member of the community. Burke says that he took an a second job this year driving snowcoach and has many guests that spoke highly and favorably about their experiences here in West Yellowstone.

DISCUSSION

- 4) Johnson explains that this project actually costs over \$125,000 to put on so \$15,000 is only a small part of it and it actually brings a good deal of business to town.
- 6) Sabolsky explains that the first step in developing the 80 acres is to select a consultant to develop a conceptual plan for development of the 80 acres. Northern Rocky Mountain Economic Development District released the RFP on behalf of the Town and four responses to the RFP were received: Forsgren & Associates, Stahly Engineering & Associates, Stoa Management, Inc., and Think Tank Design Group, Inc. Prospera Group is a group that manages the grant they received from the Big Sky Trust Fund and will manage the grant. The Town's match to the grant is \$14,900. Sabolsky also explains that Land Solutions is stepping aside from this project in order to allow the Town to proceed in another direction.
- 7) Sabolsky says that this motion will allow him to sign any necessary documents to accept the grant and work with Prospera Group.
- A) **Town Manager & Department Head Reports:** Town Manager Dan Sabolsky distributes copies of the Federal Register which establishes the deed restrictions at the Yellowstone Airport north of Town. Sabolsky says that the Airport wishes to get those restrictions lifted for the purpose of developing 65 acres commercially. Sabolsky says that they have not been approached at this time for support but he has concerns about the type of development that may occur and its impact on the Town. He is also aware of casual conversations with the National Park Service about developing a transportation hub at that location. The deadline for commenting on the deed restrictions is January 19, 2018. Sabolsky says that they received four proposals for the Legal Services RFP. He suggests forming a committee to review the proposals and suggests including Chief Scott

Newell, himself, and perhaps a member of the Town Council. He reports that the CEO for Kelly Inns was in Town last Friday and came to see him. He says that he met with her and they discussed the new hotel project as well as some of the water issues surrounding that project. He thanks Town Engineer Dick Dyer for his thorough review of the project and specific instructions that were sent to the project architect, engineer, and CEO. Sabolsky reports that the Chamber of Commerce discussed at their last meeting to ask the Council to consider exempting entrance fees for events in order to make West Yellowstone more competitive with other event venues. Sabolsky says Yellowstone National Park is planning to conduct a traffic flow study at all the entrances to the Park. Sabolsky says there is a conference call this Friday for all Resort Tax Communities that he intends to participate in. He says they are still working on the business license ordinance revisions, safety policy implementation, and distributed a survey regarding the Summer Recreation Program.

Public Services Superintendent James Patterson reports that the Madison Addition Lift Station is now fully operational and he doesn't have to stop by every couple hours to flip a switch any longer. He says it is up and running and working well. He says they are still cleaning up snow from the last snowstorm, worked on the alleys today and will work on corners tomorrow. He says the Kids n Snow event last weekend was quite successful and he's even had requests to make the snow hill bigger. They briefly discuss how to discourage sledding off the back of the hill, which is much steeper and more dangerous. He asks everyone for suggestions for Christmas lighting so he can plan ahead for new Christmas lights next year. Patterson also mentions that in the spring, the flow from Whiskey Springs is the lowest. He says that they have the most water in the fall, and this past fall they had more water than they had had the previous year. **Police** Chief Scott Newell reports that there has been no shortage of crashes and vehicle accidents. He mentions that long-time resident, Robert Mamer, aka Jules, passed away last week. He says they were conducting a welfare check and determined he had been dead for a couple days. His property has been secured and thanks to Yellowstone Basin Bank for allowing them to use their change counter to count all the change that was found in the house. He also mentions that on Sunday he is leaving on a three-week vacation. Head Dispatcher Brenda Martin, Officer Curtis, and mutual aid will cover for him while he is out of town. **Finance** Director Lanie Gospodarek reports that their office has been pretty much status quo but they are gearing up for the annual financial audit on Thursday of this week. **Social Services** Director Kathi Arnado reports that they are gearing up for tax season to help low income residents file their taxes and she is preparing for shoulder surgery on February 23.

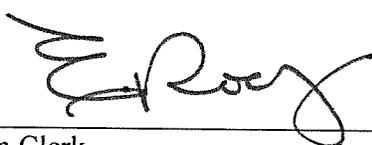
- B) Sabolsky explains that he has made a few more changes to the nightly rentals ordinance and has distributed copies. He says that the Madison Addition covenants have been interpreted to prohibit nightly rentals and restrict workforce housing in the past. He explains that this new draft of the ordinance reinforces this and will make it very clear that nightly rentals are not permitted in the Madison Addition.

The meeting is adjourned. (9:50 PM)



Mayor

ATTEST:



Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
February 6, 2018

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

OTHERS PRESENT: Town Manager Daniel Sabolsky, Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Officer Neil Courtis, Social Services Director Kathi Arnado

Richard & Teri Gibson, Fire Chief Shane Grube, Head Dispatcher Brenda Martin and her son, Lucas Aston, Moira Dow, Mindie Morris, Lauren Andersen, Terri Beth Dumsday, Doc and Mrs. Deconotour, Kaitlyn Johnson, Jerry Schmier, Bob Patzke, Grant Jackson

The meeting is called to order by Mayor Brad Schmier at 7:00 PM in the Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.

Portions of the meeting are being recorded.

The Treasurer's Report with corresponding banking transactions is on file at the Town Offices for public review during regular business hours.

ACTION TAKEN

- 1) Motion carried to approve the claims, which total \$373,451.72. (Forsythe, Martineau)
- 2) Motion carried to approve the minutes of the January 16, 2018 Town Council Meeting. (Johnson, Martineau)
- 3) Motion carried to approve the first reading of Ordinance No. 266, as written. (Forsythe, Martineau) Johnson is opposed.
- 4) Motion carried to authorize the payment of \$100,000 to Community Health Partners as agreed upon in the risk share agreement. (Martineau, Johnson)
- 5) Motion carried to accept the recommendation to finance the Siegel Learning Center through First Security Bank with a 7-year fixed rate amortized over 10 years. (Martineau, Johnson) Forsythe abstains.
- 6) Motion carried to approve the revised staffing plan, dated 1/30/18. (Forsythe, Martineau) Johnson is opposed.
- 7) Motion carried to appoint the current members of the Town Council as members of the Board of Adjustments. (Forsythe, Martineau)

Public Comment Period

Town Clerk Liz Roos invites everyone to attend the high school basketball games this week and promises that they will be great games and worth attending.

Council Comments

Council Member Greg Forsythe says that he thinks it is time address adequate medical care in West Yellowstone and encourages the Town to put some time into this problem very soon. Mayor Schmier says that he did have a phone conversation with the auditor and was pleased to hear that there were no red flags or significant concerns to address.

Presentation: Custer-Gallatin Forest Service Plan Update, District Ranger Jason Brey
District Ranger Jason Brey explains that they are halfway through the process of developing a new plan for the Custer-Gallatin Forest. He explains that the public comment period is now open through March 5, 2018 and now would be the time to comment. He says that proposed plan does recognize Whiskey Springs as a municipal water supply and designated recreation emphasis areas such as the Rendezvous Ski Trails and the north shore of Hebgen Lake. He says they are recommending adding a sliver of wilderness area adjacent to the Lee Metcalf wilderness area. Forsythe asks who else works on this committee. Brey says they have a core staff that works on forest planning including a wildlife biologist, a rec planner, a vegetation ecologist, and staff that is familiar with this forest. Johnson asks how long does a "wilderness study area" remain a "wilderness study area." Brey says that they basically wait until Congress decides to designate it as such or release it for use.

Public Hearing: Ordinance No. 266, an ordinance that regulates tourist homes, living in recreational vehicles, and workforce housing in the Madison Addition to minimize the potential negative impacts on this residential neighborhood. Mayor Schmier opens the hearing and reads the short version of the ordinance to the audience and offers copies of the full ordinance, which includes all the definitions, to anyone that would like one. Grant Jackson, President of the Board of Director of the Madison Addition Property Owners Association addresses the Council. He says that the Board of Directors strongly supports Ordinance No. 266 and urgently request it be adopted as soon as possible. Bob Patzke says that he also supports the ordinance and encourages the Council adopt it. Moira Dow says she also supports the ordinance and only suggests steeper fines for violations. Jerry Schmier says he also supports the ordinance. Mayor Schmier invites anyone that opposes the ordinance to speak. Mindy Morris says she favors most of the ordinance but questions why workforce housing is being regulated or prohibited in the Madison Addition. Mayor Schmier acknowledges an email from Udo Freund and his wife, Janet, who strongly favor the passage of the ordinance. He also acknowledges two letters of opposition, one from Josh Gregory and the other from Courtnie Gregory. They do not favor passage of the ordinance and Schmier reads a portion of the lengthy letters. Teri Gibson says that she lives in the Madison Addition and favors the ordinance as it is written. Terri Beth Dumsday says that she is also in favor of the ordinance. No other comments are offered and Mayor Schmier closes the hearing.

DISCUSSION

- 3) Town Manager Dan Sabolsky explains that they would have liked to put heftier fines in the ordinance but they are limited to what is allowed by state law, \$300 for the first offence and \$500 for each subsequent offense, but violators can be cited daily. Sabolsky says that in the zoning code, they already allow up to 4 unrelated people in a house and that is also allowed by this ordinance and the existing covenants. Sabolsky says that he will add a map to the ordinance that exhibits the boundaries of the Madison Addition. He adds that both of the housing projects that are being planned in the Madison Addition will have development agreements where it will be clear that nightly rentals are not allowed. Johnson asks if the homeowners association has voted or discussed this issue at a meeting. Grant Jackson responds that they have not formally discussed it. Sabolsky adds that the association intends to adopt similar language after this ordinance is approved. Johnson says that disagrees with the language that pertains to living recreational vehicles. He says that he thinks it should simply say that no one may live in a recreational vehicle. He says they fought to have the right to park and prepare their recreational vehicles and not have to worry about being regulated or how long it is plugged in. Schmier reads the definitions from the ordinance that relate to workforce housing and encourages anyone that is interested to get a full copy of the ordinance. Rich Gibson says this issue has been discussed at the homeowners association meetings multiple times. He says he believes the issue has been agreed upon by the majority of the people that attend the meetings. Patterson suggests that the association send out a mail ballot to gauge support from all the property owners in the Madison Addition.

- 4) Mayor Schmier explains that the town budgeted \$100,000 as the risk share with Community Health Partners for calendar year 2017. Forsythe says that he reviewed the financial records provided by CHP for the last four years. He points out that there have been significant increases in revenue, including patient collections and donations, but a decrease in federal grant funding. He points out increases in expenses and administration costs. He says that the overhead allocation has increased 50%. The Council discusses the operation of the clinic by CHP. Schmier says he has also had questions about their overhead costs but also acknowledges that they have taken steps to expand their hours and provide more services.
- 5) Mayor Schmier explains that they have proposals from the two local banks to finance the Siegel Learning Center. Sabolsky says that contrary to rumors, he did not favor one bank over the other. Finance Director Lanie Gospodarek says that it was nice to have a proposal from Yellowstone Basin as they have not always responded to requests for banking services. However, First Security Bank has worked with the Town on multiple projects and was able to offer a financing proposal that is more advantageous to the Town. She recommends accepting the option from First Security Bank for a 7 year fixed rate amortized over 10 years. Forsythe asks if the loan is for \$650,000 or \$750,000? Gospodarek explains that according to the agreement with the West Yellowstone Foundation, they are not obligated to give the Town the last \$100,000 it committed to for another two years, which means the Town would have to borrow that \$100,000 for two years. The Council asks multiple questions about the financing options.
- 6) Town Manager Dan Sabolsky explains that in preparation of the collective bargaining agreements and the upcoming budget, he would like to add a new position to the staffing plan, an Executive Assistant to the Town Manager. He says he would like to create it at this time so it can be included in the collective bargaining agreement. He also says he would like to eliminate the senior recreational counselor and just hire three recreational counselors. He says that this change was agreed to by the Recreation Coordinator and Public Services Superintendent. He says they also realized that based on current negotiations, the wage for this senior counselor was getting very close to what we pay full-time year round employees and that did not seem appropriate. He requests approval of these modifications so they may proceed with the agreements and work on funding for the new position. Johnson expresses concerns about not yet knowing what the new position will cost or the wage. He feels that they are getting ahead of themselves by approving the staffing plan now.
- 7) Schmier explains that in the past, the Council has always acted as the Board of Adjustments, but they can find no official action to designate that. Sabolsky says that legal counsel recommended making a motion to appoint the current Council as the Board of Adjustments and they will follow up that action with an ordinance. He says the ordinance will detail that sitting council members will always sit as members of the Board of Adjustments.
- A) **Town Manager Report/Department Head Reports:** Town Manager Dan Sabolsky reports that he asked Town Engineer Dick Dyer to submit monthly status reports on current projects. He says that he has seen a draft of the report for this month and the Council can expect to see that report this week. Representatives from Bozeman Health/CHP were in Town last week to research what types of services and needs we have in West Yellowstone. The Electric Street project by Ridgetop Properties will be seeking a variance at the next meeting in regards to their site plan. The Safety Committee met last week and discussed issues and current concerns and immediately addressed some snow and ice issues at the Povah Center. They are still trying to finish up the drafts of the collective bargaining agreements and they hope to have them completed soon. The Legal Services RFP responses have been received and Chief Newell, Council Member Forsythe and himself are going to conduct an initial review and will eventually ask the finalists to come down and make presentations. Sabolsky says he met with the developer of the Moonrise property (northwest corner of the Madison Addition) and the

proposed development. He says that the preliminary plans include up to 138 housing units, a buffer zone between existing houses, and a 2 acre park in the middle of the development. He says they are working on putting together a working group to address water sampling issues. Council Member Johnson requests copies of the legal services RFPs prior to the presentations.

Social Services Director Kathi Arnado reports on traffic in the Social Services department, particularly unemployment and housing issues. She mentions a large furniture donation from the Wyndham Resort. Officer Neil Curtis reports in place of Chief Newell, who is on vacation. He says operations at the Police department have been smooth in his absence. Curtis explains that the Town has been in possession of a Dodge Durango since last fall when the owner was arrested and sent to jail. The mother of the owner intended to come from Colorado to get the vehicle. The vehicle was stored out at the sewer lagoon but then the vehicle was seriously vandalized. He says that they have proposed to the mother that they will reimburse her \$1100 for the vehicle and junk the vehicle. He says that they should probably consider a fence for the area. Finance Director Lanie Gospodarek reports that the auditor came last week to audit FY 2017. They are still in the process of responding to her requests but things seem to be going well. She also mentions progress on the Town's Annual Financial Report and working with Patterson to add up the costs of maintaining the dining lodge. Public Services Superintendent James Patterson reports on snow removal, clearing snow from the roof at the dining lodge, and remodeling the bathrooms on the east end. He says that they have looked into putting up a fence at the sewer lagoon to meet up with the fence that is around the airport runway. He says the quote was \$100,000 so they are looking at other options. He says the roads are very slick right now and they have been working on clearing back the snow at the intersections.

Sabolsky says that Johnson inquired at the last meeting about the Growth Policy. He says that they are currently \$147 under budget but they are expecting one more bill from that project of approximately \$1300.

- B) Town Manager Dan Sabolsky says that they met with Town Employee Dan Hoskins this morning and discussed some of the current issues. Hoskins indicated that he was comfortable working through this problem with the administration and did not need to appear before the Council this evening. Hoskins confirmed this desire to be removed from the agenda through a text to Sabolsky.

Correspondence/FYI/Meeting Reminders

Sabolsky presents the current site plan for the Electric Street project and the variance they expect to request at the next meeting. Dated December 21, 2017, Fran Penner-Ray writes to thank the Town for its support of nordic skiing. There is a Gallatin County Hazard Mitigation planning meeting scheduled for Thursday, February 8, 2018 here at the Town Hall. Sabolsky also mentions an email from a gentleman that wishes to sell Flathead Cherries in West Yellowstone and purchase or be deeded one of the interior parks. ☺

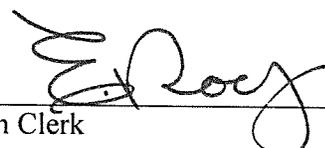
The meeting is adjourned. (9:00 PM)



Mayor

ATTEST:





Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
February 20, 2018

COUNCIL MEMBERS PRESENT: Jerry Johnson, Pierre Martineau, Chris Burke, 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

The meeting is called to order by Deputy Mayor Greg Forsythe at 7:00 PM in the 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.

Deputy Mayor Greg Forsythe reminds those present that the agenda was updated after it was first released on Friday. The public hearing and associated action on the variance request from Ridgetop Properties was removed at the request of the applicant. They did receive two comments on the variance request, from Evan Matthews and John Costello, which they will keep on file in the event that the request is submitted again.

ACTION TAKEN

- 1) Motion carried to approve Purchase Order #6757 to IntelliChoice DBA E Force for \$20,800.00 for annual license and support for the CAD/RMS (Martineau, Burke)
- 2) Motion carried to approve Securities Report dated February 13, 2018 and Treasurer's Report dated February 5, 2018. (Johnson, Burke)
- 3) Motion carried to approve the claims, which total \$114,704.00. (Martineau, Johnson) Burke abstains from #44150, Forsythe abstains from #44191.
- 4) Motion carried to approve the Consent Agenda, which includes the minutes from the February 6, 2018 Town Council Meeting. (Martineau, Burke)
- 5) Motion carried to table the new business license application update for High Mark Rentals. (Johnson, Martineau)
- 6) Motion carried to table the second reading of Ordinance No. 266, an ordinance that establishes and clarifies regulations in the Madison Addition. (Martineau, Burke)
- 7) Motion carried to approve Resolution No. 708, a resolution exempting the beer garden area from 9.12.020 of the WY Municipal Code, public drinking, and approve the Outside Amplification Permit, Special Event Permit, and Exposition License for the Snowmobile Expo that will be held March 9-11, 2018. (Johnson, Martineau)

Public Comment Period

No comments are received.

Council Comments

Johnson recognizes the Public Services Department for handling the storm that came through over the weekend and getting it cleaned up so quickly. Martineau recognizes Officer Courtis for his efforts at the school and his relationships with the students. Burke also thanks the Public Services Department for their hard work on the storm but points out that it was very difficult to get through the intersections that were blocked and they should be careful of that. Forsythe says that they are ahead of schedule for the Siegel Learning Center and the fire suppression system is being installed this week.

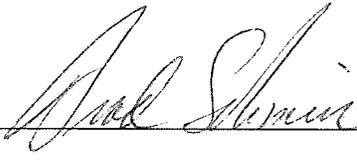
DISCUSSION

- 6) Town Manager Dan Sabolsky explains that they did receive comments on the ordinance today and recommends tabling the ordinance until the next meeting. He says they received a letter from Boone & Karlberg, P.C. on behalf of Ridgetop Properties and West Development LLC this afternoon. The Town Attorney is reviewing the letter and will respond accordingly. Johnson asks about the comments from Ken Oravsky about living in an RV during construction. Sabolsky says that after reviewing the covenants, it is somewhat confusing about whether it is allowed. He explains that the original covenants do allow residing in it during construction with permission, but a later amendment to the covenants prohibits living in an RV under any condition. Sabolsky says that he can add language to the ordinance that would allow living in an RV under certain conditions as approved by the Town Council.
- 7) Travis Watt, Snowmobile Events Chair from the WY Chamber of Commerce, addresses the Town Council about the annual Snowmobile Expo, March 9-11, 2018. He explains that the event this year will be nearly identical to last year except that have eliminated the motorcycle show on Madison Avenue that they have had for the last couple of years. He says the only major problem they had last year was maintaining the fire lane but Public Services has moved the snow pile back this year and they don't think that will be a problem.
- A) **Advisory Board Reports:** Teri Gibson reports on behalf of the Planning Board. She reports that the board met last week and discussed setting up email addresses for members of the Planning Board. They also discussed the proposed development on Tract 4B in the Madison Addition. They discussed the setbacks, street maintenance responsibility, sidewalks, and snow removal for the project.
- B) **Town Manager & Department Head Reports:** Town Manager Dan Sabolsky reports that they put together a group with some expertise to work on water sampling procedures. He reports that the developer of the project on Electric Street by Ridgetop Properties withdrew their variance application over the weekend so there will be no action on that tonight. The collective bargaining agreements are almost ready for release and to be voted on by the membership and then the Council. Construction of the Siegel Learning Center is proceeding and slightly ahead of schedule. They released a survey for the Summer Recreation Program and responses are coming in slowly. Now that Police Chief Scott Newell has returned from vacation, they will start review of the responses to the legal services RFP. Sabolsky says he will participate in a conference call tomorrow regarding needs and improvements to the West Gate entrance to Yellowstone National Park. He also reports that he has asked the Department Heads to review the current Capital Improvement Program and they will schedule a work session to discuss priorities and whether they need to make some changes.

Finance Director Lanie Gospodarek reports that they have been working on finishing up the collective bargaining agreements. They are also wrapping up the audit that was conducted for FY 2017 by Morgan Scarr of Amatics CPA Group. She mentions a webinar she will participate in tomorrow about maximizing use of the gas tax funds that come from the State through matching funds. She also mentions an email she received today in reference to a recent conference call among the resort tax communities about increasing the resort tax authority to 4%. The Big Sky Resort Area led that effort to the legislature during the last session but it was unsuccessful.

Chief of Police Scott Newell thanks Officer Courtis for managing the department while he was on vacation. He says they had multiple very serious calls and the officers handled them well. He also reports that he completed the third stage of Drug Recognition Evaluation school in Phoenix prior to his vacation.

The meeting is adjourned. (7:50 PM)



Mayor

ATTEST:





Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
March 6, 2018

COUNCIL MEMBERS PRESENT: Brad Schmier, Jerry Johnson, Pierre Martineau, Chris Burke, Greg Forsythe

OTHERS PRESENT: Town Manager Daniel Sabolsky, Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Chief of Police Scott Newell

WY News Reporter Dustin Jones, Don Perry, Richard & Teri Gibson, Randy Wakefield-Fall River Electric, Grant Jackson

The meeting is called to order by Mayor Brad Schmier at 7:00 PM in the Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.

Portions of the meeting are being recorded.

The Treasurer's Report with corresponding banking transactions is on file at the Town Offices for public review during regular business hours.

ACTION TAKEN

- 1) Motion to approve the claims, which total \$61,424.80. (Martineau, Burke)
- 2) Motion to approve Consent Agenda, which includes the minutes of February 20, 2018 (Martineau, Forsythe)
- 3) Motion to approve Highmark Rentals Business application update to add 6 ATVs to rent during the summer season. (Johnson, Forsythe)
- 4) Motion carried to table Ordinance No. 266. (Johnson, Burke)
- 5) Motion carried to waive the Resort Tax Bond for Markov Rentals. (Martineau, Johnson) Schmier and Burke are opposed.
- 6) Motion carried to approve the Development Review Services contract with Land Solutions. (Martineau, Forsythe)

Public Comment Period

No public comment is received.

Council Comments

Jerry Johnson asks about Social Services Director Kathi Arnado. Sabolsky responds that Arnado had surgery on her shoulder last week and is planning to have minor surgery on her hands this week. Johnson says that he also attended some of the Snow Shoot events last week and it was very successful. He mentions some health problems that long-time residents Jim Reiter, Lynn Gieschen, and Jack Heid are facing and encourages everyone to keep them in their thoughts. Schmier echoes Johnson's comments about the Snow Shoot event and says they should be proud to have that event here in West Yellowstone. The recent Rendezvous Ski Race from this past weekend is also mentioned, over 650 skiers raced last Saturday. Council Member Chris Burke points out that the importance of water and sewer service outweighs events and they should not forget that. He thanks Patterson and Sabolsky for working on the issue.

DISCUSSION

- 3) Johnson states that they denied a similar business license for this same property last summer, but this application is quite different and the issues surrounding the previous application don't seem to be present in this application. They agree that the parking looks to be adequate.

- 4) Mayor Schmier explains that the Council asked the Madison Addition Homeowners Association to find out how its membership feels about the proposed Ordinance No. 266. Grant Jackson, president of the homeowners association, reports that they sent out 264 letters to members of the association. As of today, they have received 164 responses. Of those responses, 134 were in favor of the ordinance and 34 were opposed. Sabolsky directs the Council to the final version of the ordinance and points out some language changes and additions. Sabolsky says that they are still waiting for Town Attorney Jane Mersen to talk to the law firm from Missoula that questioned the ordinance by letter. He recommends tabling the ordinance again this evening but planning to vote on it at the next meeting.
- 6) Town Manager Dan Sabolsky explains that our current subdivision regulations are severely out of date. They have contracted with Land Solutions to update the regulations in anticipation of a couple of proposed subdivisions. He says that they feel like they are not ready to conduct subdivision reviews and therefore should contract with Land Solutions to do these reviews until the Town is ready. Sabolsky says that they perform this service for other communities, including the City of Bozeman, and are therefore well qualified. He says that the maximum amount of this contract is \$20,000. He says he wants to make sure they are prepared to handle any large projects that are on the horizon. They discuss covering the cost of the contract and Sabolsky explains that any costs incurred that they can pass on to the developer will be.

A) **Advisory Board Reports**

Healthcare Services Advisory Board: Mayor Schmier reports on behalf of the board and mentions a new program for the school to address bullying. Everyone at the meeting was in agreement that they should try to bring this to the West Yellowstone School. Minutes for this meeting were approved by the board chair and are available.

Music in the Park: Don Perry addresses the Town on behalf of the Chamber and the Music in the Park events. He explains that last summer, after acquiring the new portable stage, they leased the stage out to other events in Bozeman on three occasions. He says the first thing they learned after transporting the stage to the other locations was that they need to know their location and know where are the hazards, obstacles, power lines, power sources, etc. He says they also learned a lot about setting up the stage correcting and calculating loads on all the trusses. He also mentions watching the weather and being prepared for storms with tarps. Another issue was protecting all the cables to ensure they were not trip hazards for the public and creating issues for the performers. He says the events were very enlightening and they learned a lot. He says it's a good way to raise money for the music program. He says he's not pushing for that necessarily, but it was worth their time. He says that right now, they have six shows planned in West Yellowstone for this summer but they are just starting the permits and applications.

Parks & Recreation Advisory Board: Sabolsky mentions the recreation survey and his hope to bring results to the next meeting.

- B) **Town Manager & Department Head Reports:** Town Manager Dan Sabolsky reports that they are in the process of reviewing the responses to the RFP legal services. There will be a Safety Committee meeting tomorrow at 10:30 am. Sabolsky also reports on Electric Street housing project. The project owner's legal counsel has suggested changing the Town's ordinance for that area, but they declined their help on this. He reports that the union representation has copies of the police and employee unit contracts and they are just waiting for a response. He mentions that some issues were raised by the union but feels that he has addressed those concerns. Recreation survey reminder postcards went out at the end of last week so they are going to give it a little bit more time in the hopes of getting more responses. Regarding the aquatic center project, Sabolsky says he will be doing research on other aquatic centers to get information for comparison. He also mentions a memo from Town Engineer Dick Dyer that all councilmembers received by email. Schmier asks about business license ordinance

revision. Sabolsky says he is hoping to be able to move forward with that soon. Schmier also asks about whether or not Dick Dyer is okay with the Town contracting with Forsgren for assistance with water testing. Sabolsky responds that he has not actually talked to Dyer about using Forsgren but he doesn't think Dyer has enough time. Johnson clarifies that Sabolsky and Newell are going to the prospective law firms to interview them about providing legal services for the town. Forsythe says they have discussed splitting the legal services contract into two parts, general town business and land use and then criminal or court services. He also asks for more explanation about the union contracts. Sabolsky explains that both contracts have been forwarded to the union headquarters in Helena and they are waiting for a response.

Public Services Superintendent James Patterson reports that Forsgren will be in town next week to work on the water testing procedures. He says Dyer is aware that they are working with Forsgren, he would have like to been included but he is okay with it. He says they are moving a lot of snow and struggling to find new places to store it. He attended the Montana Rural Water Conference in Great Falls last week. He says he has also been reviewing the tapes provided by Montana Underground, who ran cameras through the sewer lines. He mentions a session he attended at the conference that discussed ways to replace portions of the lines without having to dig up and rebuild the entire line. He also mentions work and upgrades they are doing on the Union Pacific Dining Lodge in advance of the next summer season. They are also assisting with preparations for the Snowmobile and Power Sports Expo later this week. He also adds that they will have all the parts they need for the chlorine building next week and will be prepared to chlorinate the water if the need arises.

Finance Director Lanie Gospodarek reports that the audit is complete and council members are invited to attend the post audit conference with the auditor this Thursday. She says they are working their reconciliation processes, the capital improvement plan, and utility costs for the Union Pacific Dining Lodge. She says she also attended the Chinese Tourism workshop in town last week and will attend the MMIA board meeting next week.

Police Chief Scott Newell reports that his department has been weather dominated over the last couple of weeks. He says there have been a lot of people in town but Highway 20 was closed on multiple occasions which created issue of where to put people while they wait.

FYI/Correspondence

Mayor Schmier points out the patient statistics report from Community Health Partners for calendar year 2017. The Council also acknowledges a letter from the Gallatin Conservation District requesting reappointment of the incumbents that represent West Yellowstone on the board. The Council is also presented with a revised business plan from the West Yellowstone Community Aquatic Center organization and request to assistance and an opportunity to meet with the Council.

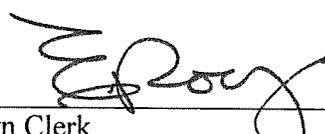
The meeting is adjourned. (9:00 PM)



Mayor

ATTEST:





Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
March 20, 2018

COUNCIL MEMBERS PRESENT: Brad Schmier, Jerry Johnson, Pierre Martineau, Chris Burke, Greg Forsythe

OTHERS PRESENT: Town Manager Daniel Sabolsky, Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Yellowstone Star Reporter Dustin Jones, Richard & Teri Gibson, Bob Lindstrom, Carrie Pope, Udo Freund, Grant Jackson, Shelley Theimer, Randy Wakefield-Fall River Electric, Dave DeGrandpre-Land Solutions

The meeting is called to order by Mayor Brad Schmier at 7:00 PM in the Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.

Portions of the meeting are being recorded.

The Treasurer's Report with corresponding banking transactions is on file at the Town Offices for public review during regular business hours.

ACTION TAKEN

- 1) Motion carried to approve the claims, which total \$77,951.79. (Forsythe, Martineau) Burke abstains from #44250, Schmier abstains from #44272
- 2) Motion carried to approve the Consent Agenda, which includes the minutes of the March 6, 2018 Town Council Meeting. (Martineau, Burke)
- 3) Motion carried to approve the first reading of Ordinance No. 266, an ordinance that regulates tourist rentals, workforce housing and living in recreational vehicles in the Madison Addition. (Johnson, Forsythe)
- 4) Motion carried to reappoint Bob Logar and Michael Hansen as Urban Supervisors representing West Yellowstone on the Gallatin Conservation District and invite them to attend a Town Council meeting to describe their purpose. (Johnson, Burke)
- 5) Motion carried to authorize Town Manager Dan Sabolsky to write and submit a grant to the West Yellowstone Foundation for \$2500 to purchase defibrillators for Town buildings and police vehicles. (Johnson, Forsythe)

Public Comment Period

No public comment is received.

Council Comments

Martineau announces that on April 21, 2018, the Baptist Church will host a free barbeque. He says that this year marks the 110th anniversary for the community. Brad Schmier asks everyone to keep Norma Martin in their thoughts, Norma is currently in the hospital. Mayor Schmier requests an update on the projects that are one the Capital Improvement District this year.

DISCUSSION

- 1) Johnson points out that they paid over \$200 for tipping fees for the last two weeks as well as \$500 for recycling. He says there are recycling bins at the transfer station and thinks they have the manpower to transport the recycling themselves. Forsythe asks for clarification about the data plans for the police laptops, a possible duplicate charge on the First Bankcard bill as well as a late fee charge. The Council suggests looking into online payments for the credit cards to avoid future late fees.

- 3) Mayor Schmier explains that although they have already approved the first reading of Ordinance No. 266, they have made some changes and felt that it would be appropriate to have another first reading of the ordinance. Sabolsky points out all the changes that have been made in the current draft. The ordinance addresses the Madison Addition regarding tourist rentals, workforce housing and living in recreational vehicles. He also acknowledges a letter from Boone & Karlberg, P.C. they received today that opposes portions of the ordinance. Grant Jackson, President of the Board of Directors for the Madison Addition, addresses the Council in support of the ordinance. He says that they have now received 153 responses in favor of the ordinance by property owners in the Madison Addition. They have received 37 responses that are opposed to the ordinance for a response rate of approximately 75%.
- 5) Sabolsky explains that they wish to apply for a grant from the West Yellowstone Foundation for the purpose of purchasing defibrillators for all the Town buildings and police vehicles. He says that the entire cost will probably be close to \$17,000 and they intend to apply for \$2500 from the Foundation. They have also received a \$10,000 donation towards the project.
- A) **Advisory Board Reports:** Town Manager Dan Sabolsky reports that the Safety Committee met last week and minutes from that meeting were emailed out to the Council. He says they are going to work on sharing more meeting information with the Council.
- B) **Town Manager/Department Head Reports:** Town Manager Dan Sabolsky reports that MPEA is reviewing the Collective Bargaining Agreements that the Town presented and he hopes to hear back from them by the end of the week. He also reports on a group that met this week to discuss use and maintenance of the ice rink. He says that he is meeting tomorrow in Bozeman with ThinkTank to discuss the study of the 80 acres. He points out the lease for the Siegel Learning Center is on the agenda tonight but it should be just for discussion, no action tonight. They are still on track to open the center in May or June. He reports that they have received a few more responses to the survey about the summer recreation program, but they are still disappointed in the response rate. He reports that they are pursuing a grant through Yellowstone Park to address traffic issues, signage, congestion, safety, restrooms, etc. They are working on the business license ordinance and process and intend to present it to the Council soon. He says the Safety Committee is making progress but they still had an incident last week when employees did not follow protocol. Earlier today, Patterson, Dave DeGrandpre and himself met with Hibernation Station about a potential housing project as well as with Big Sky Anglers interest in building a lodge and HRDC to discuss a housing project. The Council members ask questions about some of the projects and bid openings for the water well drilling and associated improvements later this week.

Public Services Superintendent James Patterson reports that the bids for cleaning and rehabilitating the IP beds will be let soon after the well projects. He says they are working on the restrooms and bar at the Union Pacific Dining Lodge and that is going well. He says his guys are doing well. He says the spring flow was high last fall but they haven't evaluated it this spring yet. Martineau asks if the Town has the water supply to support the proposed aquatic center. Patterson says that they would probably only fill the pools once or twice a year, so only at those times would be it a significant impact. He says that their chlorinator is ready to run and they will have to run it for 14 days. They will only run it at a .2 ppm residual and most people will not even notice it. He also notes that Tim Heideman's crew is doing very well on the Siegel Learning Center and working well. Forsythe asks about the roof leaks in the Town Hall last week. Patterson says that the roof did leak again and believes they need to remove the rain gutters from the north side of the building.

Finance Director Lanie Gospodarek reports on conducting employee evaluations, working on payroll, department budgeting, and financing for the Siegel Learning Center. She says that First Security Bank has been purchased by Glacier Bank but they are fortunate that they already have the financing planned out.

- C) Sabolsky explains that the packet for this meeting included a copy of the lease for the Siegel Learning Center to Little Rangers Learning Center, Inc. He says that the board for Little Rangers is reviewing the lease and he requests that the Council let him know if they have any comments or concerns. He says they also need to determine what the lease payment will be per year. Johnson points out a couple issues in the lease that need to be addressed or corrected before approval. The Council agrees to schedule a work session prior to the next Town Council to discuss the lease.
- D) Sabolsky reports that he, Council Member Forsythe and Chief Newell visited the three law firms that responded to the Legal Services RFP. They wish to invite Griffith & Cummings and then Chris Gray to present to the Council at the April 3, 2018 meeting. Kasting, Kaufman & Mersen (current representation) will present on April 17, 2018.
- E) Mayor Schmier says that they need to plan to evaluate Town Manager Dan Sabolsky, which they have traditionally done in the spring of each year. The Council discusses the process. Sabolsky says he will start on the self-evaluation portion of the contract and they can plan to do the actual evaluation after the second meeting in April. Johnson says he will forward blank copies of the evaluation form to the Council this week.

CORRESPONDENCE

Dated March 20, 2018, John M. Newman of Boone & Karlberg P.C. writes to express concern and opposition to Ordinance No. 266. Dated March 20, 2018, Bob Lindstrom writes to suggest changing the approach to the proposed West Yellowstone Community Aquatic Swim Center.

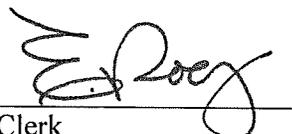
The meeting is adjourned. (9:00 PM)



Mayor

ATTEST:





Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
April 3, 2018

COUNCIL MEMBERS PRESENT: Brad Schmier, Jerry Johnson, Pierre Martineau, Chris Burke, 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

The meeting is called to order by Mayor Brad Schmier at 5:30 PM in the 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 the purpose of the work session is to discuss the lease of the Siegel Learning Center to the Little Rangers Learning Center (LRLC). Town Manager Dan Sabolsky explains that they reviewed the leases they have currently with other entities. He explains that they lease several town owned buildings to other entities, which range from \$1.00 to \$100.00 per year with the exception of leasing the clinic building to Community Health Partners for \$100.00 per month. Bruce McPherson is present on behalf of Little Rangers Learning Center. McPherson indicates that the center cannot afford to pay very much rent. He suggests paying only \$1 per year or that they pay \$100 a month but the money is set aside for scholarships. He says their current budget is finite because they can legally only allow 37 children in the center and bring in teachers accordingly. He says the center currently has outstanding debt of \$40,000 because they had to purchase a fire suppression system for the church and to cover shortage that was needed to make payroll. He says that their operating budget has been balanced for the last three months and they are preparing to launch a fund raising campaign and hope to raise \$10,000 to \$20,000. He says he does not expect that they will ever run at a profit, but as a non-profit do not expect to. He points out that they have not anticipated paying much rent and hopes that any excess will be used to grant scholarships to families that cannot afford to come. He says they are doing the best they can to pay the teachers fairly so they don't lose them. He says they participate in every state program they can to get services and food and low or no cost. Mayor Schmier says that it has already been proven that the Town is committed to the program through the donation of the land and funding of the building. Sabolsky explains that the lessee will be responsible for all interior maintenance and utilities, unless it is a major system failure. The Town will be responsible for the exterior and snow removal. Johnson suggests charging \$120 per year for rent and challenges LRLC to set aside \$100/month for scholarships. The Council discusses Johnson's proposal and how to implement that. Forsythe agrees with Johnson's proposal and points out that although they charge \$100/year for the clinic they give the clinic between \$75,000 and \$100,000 a year to operate. The Council also requests that the annual rent payment is paid once a year by July 1. McPherson also mentions that the Governor will be here later this month and will participate in a ribbon cutting ceremony at the Siegel Learning Center. He encourages the Council to be aware and participate in the activities that will take place while he is here.

Town Council Meeting
6:00 PM
Legal Services Presentations

Griffith & Cummings, PLLC

Mindie Cummings and Alanah Griffith introduce themselves as practicing attorneys based in Big Sky, Montana. They explain that they have 30 years of combined legal experience in the areas most pertinent to West Yellowstone. She says they are detailed and diplomatic negotiators,

strong litigators and have strong communication abilities. She says that they are located close to West Yellowstone and are experienced in both sides of Gallatin County's governmental operations. Cummings explains that she currently sits on the Gallatin County Planning Commission. Cummings also explains that they understand that the Town wants to be a priority client and are prepared to respond to that. They understand that growth management and economic development are major issues. In March, they met with Town Manager Dan Sabolsky, Police Chief Scott Newell and Council Member Forsythe. At that meeting they also discussed coordination with Federal and State Agencies, affordable housing, human resources, infrastructure, access to County Government and sustainability. Cummings elaborates on each topic that was discussed at the meeting and outlines progressive steps they can take. Griffith describes her experience litigating both civil and criminal cases. Schmier asks if they represent or previously represented other towns in Montana. Griffith responds that they have not, but have much relevant experience and have worked on both sides of issues that involve municipalities. Cummings adds that she was in-house counsel for the Big Sky homeowners association, the largest association in the state although Big Sky is not incorporated. Griffith says that she has reviewed Ordinance No. 266 (regulations in the Madison Addition) that is on the Town's agenda tonight and would recommend some changes. She says that this is a hot topic in the state right now and they deal with it frequently. Johnson asks the attorneys to define affordable housing. Cummings responds that the term affordable housing is a context based term. She says that it is based on the current need and sometimes really means attainable housing or targets a particular sector. They indicate that they will bill the town by the hour and use of their associate attorney will be at a reduced rate for misdemeanor and minor issues. Forsythe asks Newell about the discussion they had about not requiring the attorney to be present at all court proceedings. Newell says they did talk about that and how they don't necessarily need the attorney present at initial appearances. Griffith and Cummings agree that they can easily work with that and possibly just appear by Skype.

Gray Law Office

Chris Gray introduces himself and explains that he has a degree in Biology from the University of California and a law degree from Gonzaga in Spokane, WA. He obtained his law degree in 1991 and has lived in Gallatin County since 1995. He has extensive experience working with governments and currently represents the Central Valley Fire District and Gallatin County. He is also very experienced as a prosecutor. He mentions specific experiences that include drafting legislation including ordinances and resolutions, subdivision and zoning regulations, employer and employee issues on a daily basis, negotiated contracts and agreements, construction projects, disputes, in-house legal offices, extensive experience advising County Commissioners on planning and zoning issues, create employee and internal policies, defend suits against governments, financing and bonding of projects, solid waste issues. Gray describes his approach to advising governments as straight forward where the facts are presented, pros and cons, and how to proceed. He says he always remembers that the client is really the taxpayers. He says that one of the biggest problems he has observed over the years is "off the cuff" legal advice. He feels strongly that they should always take the time to do things right. Gray says that his firm is just one person and he opened in 2016 after working for Gallatin County for 15 years. He says he doesn't have direct staff but does hire other attorneys on a project or contract basis. He has associates he works with, especially with criminal law experience, when he needs additional help. He explains that he prefers to work with clients on a flat fee basis, which is a newer way to approach legal services but he thinks it encourages responsible and better service. He says that the Town would be an "anchor client" meaning it would be a priority. He says he would be an attorney that is cost effective and responsible. Forsythe clarifies that the flat fee would include all other use of associate attorneys for a flat fee. Johnson asks what the fee would be and he answers \$8500 per month and would include attendance at one council meeting per month and all travel expenses. Johnson asks about his experience with collective bargaining or union negotiations. He says that he has but only associated collaterally because the county attorney's office is not involved in union negotiations. Johnson also asks about membership with the MMIA. Gray says that he has worked with MACO (Montana Association of Counties) extensively, a very similar entity, and believes he would also be able to work with MMIA.

The Council adjourns for a ten minute recess at 6:50 PM.

ACTION TAKEN

- 1) Motion carried to approve the claims, which total \$63,306.14. (Martineau, Burke)
- 2) Motion carried to table Ordinance No. 266. (Forsythe, Johnson)
- 3) Motion carried to accept and award the West Yellowstone Production Well Drilling to O'Keefe Drilling for \$146,802 and award the Water System Improvements project to Montana Underground for \$409,830. (Forsythe, Martineau)
- 4) Motion carried to approve the lease for the Siegel Learning Center to the Little Rangers Learning Center Board of Directors for \$120.00. (Martineau, Burke) Forsythe abstains.
- 5) Motion carried to accept the recommendation from the Planning Board to approve the parking and site plan dated March 1, 2018 from Big Sky Anglers for a lodging facility and allow retail space as determined by available parking spaces. (Schmier, Forsythe)

Public Comment Period

No public comment is received.

Council Comments

Schmier calls attention to the updated Capital Improvement Plan (CIP) and the highlighting to indicate which projects have been completed, are underway, or have been post poned. Chris Burke reports that he attended a Made in Montana tradeshow in Helena and there was an attendance of over 7000 people at the show. Martineau reports that he attended meetings in Bozeman that focused on homelessness and Medicare cutbacks. He says that HRDC is moving forward with a "tiny homes" project that they hope will help with the homelessness issue. Several of the OPA (Office of Public Assistance) offices across the state have closed and are causing problems.

DISCUSSION

- 1) Forsythe abstains from #44318. Burke abstains from #44308. Schmier says that he asked Finance Director Lanie Gospodarek to explain some of the overages on the phone bills. Gospodarek responded by email but also explains that the overages are a combination of switching phone service from CenturyLink to Blackfoot and delayed billing.
- 2) Mayor Schmier explains that the next item on the agenda is the 2nd Reading of Ordinance No. 266 and he recommends tabling the ordinance. Jamie ?? of Boone & Karlberg, P.C. addresses the Council on behalf of their client Ridgetop Properties, Inc. and West Development, LLC. He says he has talked extensively with the Town's counsel, Jane Mersen, about revisions to the ordinance but noted that those revisions have not been made. He says that he would be happy to work with the Town to make the ordinance more acceptable but also asks if the Town intends to table the ordinance that they let them know. He says that his client's main concern at this time is that the ordinance is ambiguous. His client owns two large parcels in the Madison Addition and is reluctant to proceed with development until that is determined. Forsythe suggests that Jane Mersen let him know if they intend to table the ordinance again at the next meeting.
- 3) Mayor Schmier reports that they released the received bids for two projects associated with drilling the new water well for the Town. Schmier asks Town Engineer Dick Dyer to present an overview of the bids and recommendation. Dyer explains that they received four bids for the production well. He says that they did prepare the engineer's estimate and release it prior to releasing the bid. He says the apparent low bidder is O'Keefe Drilling of Butte, MT. He says he has worked with the bidder previously and they have excellent references as well as all the proper equipment. He recommends awarding the bid to O'Keefe Drilling. He says they received six bids for the Water System

Improvements project and the apparent low bidder is Montana Underground of Helena. Montana Underground has done multiple projects in West Yellowstone and proved to be a reputable company. He points out that their bid is significantly less than the other bids that were received, but is close to the engineer's estimate. Dyer says he has had multiple discussions with the owner and they are comfortable that they can complete the project as bid. He says that although they have worked with the company before, he still checked references and recommends awarding the bid to Montana Underground. Dyer explains that the combined cost of both projects is \$556,000 and there will be additional cost of running power. He says they have an established budget of \$650,000 which included \$500,000 for the well and \$150,000 for fluoride treatment. He says the fluoride level in the test well was 3 ppm, which is below the maximum contaminant level of 4 ppm and they do not believe defluoridation will be required. He recommends using the \$150,000 that was set aside for fluoride treatment for the project. He encourages the Council to move forward and award the projects to the low bidders. Forsythe asks questions about the specs for the project, why the well house will cost so much, and if the project can be completed on their time schedule. Schmier clarifies that the time schedule presented on March 18, 2018 that they are still waiting for DEQ approval. Dyer says that he was in Helena last Friday but was unable to get many answers. Dyer says that O'Keefe hopes to start drilling on April 16, 2018 and expect it will take 2 weeks to complete the drill. They are anticipating starting construction of the well house and pipeline in mid-May and completion in July. The Council discusses with Dyer and Randy Wakefield of Fall River Electric the additional cost of running power to the well house. Wakefield says that considering they intend to develop the 80 in the near future they should prepare to run enough power and a transformer. He says he cannot give them an accurate estimate at this time by Dyer says based on similar projects that it should cost between \$20,000 and \$30,000. Forsythe requests that all change orders be sent directly to Patterson and/or Sabolsky who can keep the Council informed about the progress of the project. Johnson also asks about ensuring that the noise from the generator is managed as quiet as possible.

- 4) Sabolsky explains that at the work session, the Council agreed to set the lease amount at \$120.00 per year.
 - 5) Sabolsky explains that the Planning Board has reviewed the plans for the Big Sky Angler Lodge in Grizzly Park. He says that the Planning Board has recommended approval of the plan with the stipulation of no retail. The Public Services Department and Fire Department have approved the plan. Town Engineer Dick Dyer has some concerns about the 11' driveway and some water and drainage issues that don't pertain to the site plan. Sabolsky says that the plan has 3 extra spaces that could be used for limited retail, but the Planning Board had concerns about allowing retail that would overwhelm the area with customers. The Council discusses the recommendation to approve the site plan and whether retail should be addressed. The development has obtained a permanent easement from the neighboring property (Povah Family) to provide fire and parking access. Questions have also been raised about where snow will be stored if the lodge is open during the winter. Dyer points out that there is a town-owned utility easement on the north edge of the property that they should consider. He also says that he has concerns about the 11' driveway that provides access to parking on the east side of the property.
- A) **Advisory Board Reports:** Teri Gibson reports on behalf of the Planning Board. She says that they met on March 28, 2018 and discussed the Big Sky Anglers project to build a lodging facility in Grizzly Park.
 - B) **Town Manager & Department Head Reports:** Town Manager Dan Sabolsky reports that Social Services Director Kathi Arnado has returned to work after being out for surgery. The ballots have been released to the employees to vote on the collective bargaining agreements. He says that the department heads and himself are working to complete all performance evaluations. He says they have released the job announcements for the Seasonal Laborers and Summer Recreation Counselors. He says he has met with representatives from the proposed Aquatic Center. He says he is also

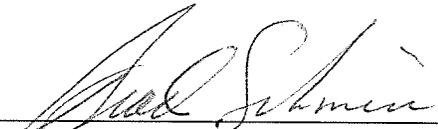
looking into how the Povah Center is being rented and accounted for. He says they are also looking into land use application fees and anticipate updating those as we update the subdivision regulations. He says they have the final draft of the business license ordinance and would like to schedule a work session. He says that it looks like they are not going to be able to borrow dump trucks from Yellowstone National Park in the winter going forward. He says they are going to look in purchasing more trucks, leasing trucks, or maybe purchasing trucks and leasing them to YNP during the summer. He also says that they did set up new email addresses for the Planning Board but had to promptly delete them because the email system crashed.

Police Chief Scott Newell reports that they had a lot of domestic issues last week during spring break. They got their live scan fingerprint system installed and working. He also reports that YNP District Ranger Tara Ross has accepted another position with the park service and they expect to hire a new district ranger.

Finance Director Lanie Gospodarek thanks Deputy Clerk Lisa Johnson for covering the office last week during spring break. They are preparing for the budget season, business license renewals. Resort tax collections were up last month and she is preparing to release a request for proposals for auditing services.

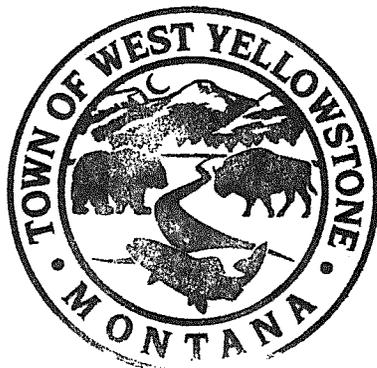
- C) Town Manager Dan Sabolsky explains that the terms on the **Planning Board** are going to expire in the near future. He says that there has been some debate about whether members of the board can reside outside of the town limits. He says that from reading the code and discussing it with the attorney, they feel that all of the board members should be residents of the town because the town has no jurisdiction outside the limits. He is still seeking clarification about the one member to be designated by the County and whether that individual must live inside the Town limits. He says that he get solid answers to that question before they proceed as five seats on the board are expiring in the next two months.

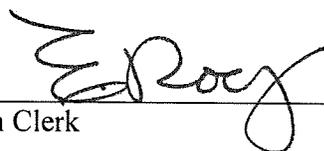
The meeting is adjourned. (9:00 PM)



Mayor

ATTEST:





Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
April 17, 2018

COUNCIL MEMBERS PRESENT: Brad Schmier, Jerry Johnson, Pierre Martineau, Chris Burke, 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

The meeting is called to order by Mayor Brad Schmier at 6:00 PM in the 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. The topic for the work session is revisions to the Business License Ordinance. Town Manager Dan Sabolsky explains that the draft that was included in the packets is a result of multiple drafts and efforts by himself and the staff of the Town Office. The Council discusses proposed changes to the ordinance and asks questions. They discuss the definition of business, license transfer procedure, and resort tax bond refunds. They also discuss the business license revocation process. The group also discusses allowing or not allowing nightly and monthly rentals on the same business license. Sabolsky points out several typographical errors and clarifications. The group also reviews a combined permit application for special events and exposition events. They also discuss the proposed fee resolution. Town Manager Dan Sabolsky states that they will make the changes as discussed and send the revisions out to the Council before proceeding.

LEGAL SERVICES PRESENTATION

Jane Mersen, shareholder for Kasting, Kauffman & Mersen, introduces herself to those in attendance. Mersen has served as the Town's attorney since November of 2013. She explains that she suggested to the Town Manager that the Town go through a Request for Proposals process. She says she saw that as an opportunity to get more acquainted with the Council and reintroduce herself to the community. She explains that her firm is based in Bozeman and provides legal advice to the Town and defense in the City Court. She explains that they have several staff members that specialize in different areas including litigation, criminal and civil cases, employment law, and local government. She explains that she is well acquainted with the Montana Municipal Interlocal Authority (MMIA) and serves on the MMIA amicus committee. She expounds on her experience on both sides of collective bargaining. She says she has worked on the Town's resort tax ordinance, litigating non-payment of tax, and approaching the legislature about increasing the resort tax. She reports that they have the highest rating a firm can get from a national peer ranking system and they are licensed in Montana, Idaho, and Utah. She also represents the Town of Manhattan but would remain the lead attorney for West Yellowstone. She says she has the staff to rely on when necessary, including John Kauffman and Lillia Tyrell. Bob Hansen is retired but also does contract work for the firm. She also says that they are willing to leave their rates at the same level as they were when the 2015 contract was approved. Burke clarifies that she means the rates will remain the same for the next two years and Mersen agrees.

ACTION TAKEN

- 1) Motion carried to approve the claims, which total \$132,270.39. (Johnson, Forsythe)
- 2) Motion carried to approve the Consent Agenda, which includes the minutes of the March 20, 2018 and April 3, 2018 Town Council Meetings. (Martineau, Burke)

- 3) Motion carried to reject the current version of Ordinance No. 266. (Forsythe, Martineau)
- 4) Motion carried to appoint Brock Kelley to the Tourism Business Improvement District Board of Trustees as the large hotel representative for a term of four years. (Johnson, Martineau)
- 5) Motion carried to donate \$1000 to the Fall River Electric distributed energy generation system project at the West Yellowstone School. (Johnson, Forsythe)

Public Comment Period

Marysue Costello, Executive Director for the West Yellowstone Chamber of Commerce, reminds the group that this Saturday, April 21, at 9:30 AM, there will be a public comment opportunity on the Custer Gallatin National Forest Plan at the Hilton Garden Inn. She reminds everyone that as soon as they leave the boundaries of West Yellowstone, they are almost on the Custer Gallatin Forest and they should be very concerned about the plan.

Council Comments

Mayor Brad Schmier reports that this morning he was asked to read during storytime at the Library and says it was a great experience. He also reports he will be out of town for about ten days at the end of the month. Johnson reports that his son, Keith and friend April, just made it down from climbing Mount Everest and are back in Katmandu. Chris Burke reports that he spent the last two days at the Governor's Conference on Tourism in Big Sky and says it was a great conference and he learned many things.

Presentation: West Yellowstone Chamber of Commerce, FY 18 Report and FY 19 Preview

Marysue Costello and Marketing Director Wendy Swenson address the Council to report on the distribution and allocation of bed tax dollars that come back to West Yellowstone. Costello explains that back in 1988, the Town agreed to turn this responsibility over to the Chamber to spend the money on marketing efforts. Swenson reports that the Chamber Marketing Committee is funded by the state lodging tax (bed tax) and tasked with creating and implementing an annual marketing plan and budget. The committee has goals to attract visitors and expand effectiveness to target the market as accurately as possible. She reports that in 2017, nearly \$2.5 million dollars was collected in West Yellowstone, which is remarkable for the size of our community. Of that amount, approximately 10% of the funds come back to the Chamber/Visitors Bureau to be spent on marketing. She reports that they saw increases in bed tax, resort tax, and therefore marketing funds last year. They have seen a 10% increase in the use of the Chamber's website, 2% increase in mobile traffic and a 6% increase in social media. She highlights their current marketing campaigns which include the "Heart of" Campaign and campaigns that target, fall, winter and spring. She mentions joint ventures they tried out and some that they will repeat. She says that they were able to purchase reports through the State on Visa card spending trends that breaks out spending habits by state and foreign countries so they can see what categories are the most popular. She explains that combined with TBID, they were able to purchase the rights to advertise on the TripAdvisor page for West Yellowstone, which gets an estimated 293,000 impressions per year. By controlling the advertising on that page they ensure that competing destinations are not being advertised on that page. She briefly describes other ventures such as promoting the Utah-Yellowstone travel loop and ad buys with the TBID. Swenson describes the 2017-2018 Budget Detail, year to date and moving the annual audit up to be able to anticipate extra funds. She highlights the preliminary budget for FY 2019, pointing out if they put at least \$100 in each line item, they can shift funds to that line if necessary.

Presentation: Bryan Case, General Manager for Fall River Electric, addresses the Town Council. He explains that Fall River Electric is a community partner that serves West Yellowstone. Fall River is currently working with the West Yellowstone High School to raise \$35,000 to construct a distributed energy generation system at the school to provide educational opportunities in the fields of wind and solar power generation. This sort of renewable energy is one of the leading approaches to utility service. The installed system will include a wind turbine and solar panels as well as real-time display at the school. He says they are conducting this project here in West Yellowstone as well as at North Fremont High School in Ashton and Teton High School in Driggs, ID. He explains that they have been able to raise most of the money they need for the project and are looking for approximately \$8000 from the community.

DISCUSSION

- 1) Forsythe asks about #44215 and clarifies one of the electric bills is for the structures in Pioneer Park. Schmier abstains from #44332 and #44317 to Jerry's Enterprises.
- 3) Town Attorney Jane Mersen says that based on the responses, complaints, and opinions on the current Ordinance 266, she recommends that the Council reject this ordinance as written so they may revise and work on some of the definitions. She says that questions have been raised about the definition of a family and they should approach it by use rather than family makeup. Sabolsky asks Mersen to address whether short-term or nightly rentals are currently allowed in the Madison Addition as well as living in an RV. Mersen says that under the current zoning, every "R" zone in the Madison Addition has a list of permitted uses and conditional uses and nightly or short-term rentals are not permitted uses. Residing in an RV is also not a permitted use. The R-4 zone does allow "efficiency units" but they are still not allowed to be rented on a nightly or short-term basis. Sabolsky says that they want to make sure the public still understands that these uses are not permitted uses already. Bill Howell clarifies that nightly rentals are not allowed in any of the "R" districts and that is all that is in the Madison Addition. Richard Gibson asks how long it will take to rewrite the ordinance and bring it back to the Council. Mersen says she thinks they can do it in 30 days or less and Sabolsky agrees. Udo Freund asks if a violation of the nightly rental portion of the ordinance can be cited per night or per stay. Mersen says she believes they can be cited per night. Teri Gibson says they should be able to cite per room per night. Mersen also admits that the way the ordinance is currently written, there is nothing that prohibits renting a house for 30 days at a time but only staying for a few days of the month.
- 5) The Council discusses if it is appropriate to donate to the Fall River project at the school and whether it is appropriate for the Town to donate. After discussion, they agree that they have already donated to school projects in the past.
- A) **Town Manager & Department Head Reports:** Town Manager Dan Sabolsky reports that Land Solutions has almost finished the first draft of the revised zoning code and subdivision regulations. They are also making progress with ThinkTank through the planning grant and preparing a plan for the 80 acres. The Safety Committee is meeting regularly and has had conversations with the safety inspector from the State. He says he expects that they will be inspected again in the near future and they are hoping that they are ready. He reports that the ballots for the collective bargaining agreements were returned but it was determined that something went wrong and the ballots were counted incorrectly by MPEA (Montana Public Employees Association). The Town has requested that the vote be conducted again and this time they are verifying names and addresses to make sure the correct contract is sent to each member. He reports that they met with the developer for the housing parcel at the northwest corner of the Madison Addition. They have seen a preliminary plan and anticipate a subdivision application in the near future. He reports that they didn't get as many responses to the Summer Recreation survey as they anticipated, but they did get some valuable feedback. The Recreation Coordinator is working on the brochure and planning for this summer. They hope to put it before the Parks & Recreation Board prior to releasing it to the public in

May. He also reports on the grant from the West Yellowstone Foundation which includes the purchase of defibrillators for all of the Town buildings. The Fire Department will also refresh the staff on the training they received earlier this year about the use of defibrillators. Johnson inquires about the snow that was removed from a private lot and deposited on the Town's property on the west side of Town. He says that the snow appears to be full of limbs and debris and questions whether permission was granted. It is determined that permission was not granted and Public Services Superintendent James Patterson says he will take care of the issue. Johnson asks if the Town intends to rent out the stage this summer, but Sabolsky responds that it sounds like the group agreed that it was more work than is worth it to haul it out of town.

Chief of Police Scott Newell reports that his staff has been very busy including responding to an accident where a tractor trailer collided with a herd of 5 buffalo. He also mentions picking up a fugitive from Oregon that was wanted for an \$80,000 warrant for distribution of methamphetamines. He says that two dispatchers are currently attending training in Havre. Forsythe asks for clarification about the voting to approve the collective bargaining agreements. Sabolsky responds that it appears several officers were sent the wrong contract and ballots.

Finance Director Lanie Gospodarek reports that they are preparing to release an RFP for audit services and budget preparations. They will attend the Municipal Institute in Billings the second week of May and she mentions that Town Clerk Liz Roos will be teaching a couple classes at the institute this year. They are also preparing to renew business licenses for the summer season.

Social Services Director Kathi Arnado reports that she is happy to be back from extended sick leave. She says today was the last day to file taxes on time and they assisted 14 people with filing, down from 22 people last year. The food bank is operating well and Frank Bezold has been valuable to keep it running while she was out. She also thanks Social Assistant Vely Vazquez and the Public Services Department for picking up the slack while she was gone.

Public Services Superintendent James Patterson reports that Dyer spoke to DEQ today. They have not received permission to start drilling the well yet, but the driller has ordered the pipe and they expect to be able to move forward by the time it arrives. He reports that they are working on getting the summer equipment ready to go and will start sweeping the streets next week. He says they have taken down all the holiday lights and says he doesn't think they should put the blue lights back up next year. He says they seem to only last one season and they only had four strands that worked by the time they took them down this year. He says the snowflakes seem to last much longer and perhaps they should purchase more of them. He says they will turn the chlorine on tomorrow to run one cycle, which will take a couple weeks. He says they only have to run one cycle and it will only be at .2 ppm, considerably less than they have had to run in the past. He says he hasn't been to the spring recently but appears to be running very strong. He hopes to be able to get to the spring by the middle of May, weather permitting. He says they knocked down the snowhill in Pioneer Park. He says that he thinks they should look at the light poles on Highway 20 and says it may be time to replace them. He also mentions improvements at the dining lodge and that they expect it to be put back together before the first summer event.

- B) Legal Services RFP Process: Sabolsky asks the Council how they would like to proceed. The Council recommends a work session where they can discuss a recommendation from the committee that met with the top responders. After discussion, the group agrees to schedule the second meeting in May on the 14th with a work session to be followed by the regular meeting.
- C) Sabolsky explains that the term for the current judge will expire at the end of the year. It is determined that it has been 12 years since they released an RFP for the position and

April 17, 2018
Town Council Meeting
Minutes, Page 5 of 5

agree that it is time to open it up. The current judge has been reappointed twice, each term is four years. Sabolsky agrees and says that there is important training in the fall that whoever the judge is should attend. The Council agrees and recommends that they prepare to release an RFP for the municipal judge position.

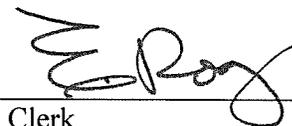
The meeting is adjourned. (9:45 PM)



Mayor

ATTEST:





Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
May 3, 2018

COUNCIL MEMBERS PRESENT: Jerry Johnson, Pierre Martineau, Chris Burke, Greg Forsythe

OTHERS PRESENT: Town Manager Daniel Sabolsky, Fire Chief Shane Grube, Drew Barney, Brian Benike, Chipper Smith, Bill Howell, Randy Wakefield-Fall River Electric, Marc Shepherd, Richard & Teri Gibson

The meeting is called to order by Deputy Mayor Greg Forsythe at 7:00 PM in the Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.

Portions of the meeting are being recorded.

The Treasurer's Report with corresponding banking transactions is on file at the Town Offices for public review during regular business hours.

ACTION TAKEN

- 1) Motion carried to approve the claims, which total \$133,277.59. (Martineau, Burke) Burke abstains from #44382.
- 2) Motion carried to approve the Consent Agenda, which includes the minutes of the April 17, 2018 Town Council Meeting. (Johnson, Martineau)
- 3) Motion carried to approve the business license application for Braeve Construction, LLC made by Brian Benike. (Martineau, Johnson)
- 4) Motion carried to table the first reading of the business license ordinance until the next meeting. (Johnson, Forsythe) Martineau is opposed, motion passes.
- 5) Motion carried to table Resolution No. 709, business license fees. (Johnson, Martineau)

Public Comment Period

Chipper Smith comments that he had heard rumor of the development review group that Sabolsky mentioned earlier and strongly supports that. He also supports acknowledgement and courtesy of notifying the Grizzly Park Architectural Committee or Madison Addition Architectural Committee. He also says that developing a process to issue zoning permits is also a very good idea.

Council Comments

Council Member Jerry Johnson reports that on Saturday, May 12, there will be a celebration of Life for Clyde Whitman. He says that he recently met the owner of Firehouse Subs franchise, a company owned by firemen, and encouraged the Fire Department to apply for their grant program. Forsythe introduces Jeff Hamill, the new editor for the West Yellowstone Star. Chris Burke reports that he just returned from attending the Montana Housing Conference in Butte, where he learned a lot about developing affordable housing, specifically about community land trusts. Pierre Martineau reports on the "tiny homes" project in Bozeman that are being developed by Montana State and HRDC to assist the homeless. He says they are planning to build approximately 100 tiny homes. Forsythe says that considering this is an election year, he thinks that they need to start discussing increasing the resort tax and perhaps they should meet with their local representatives. Johnson reiterates comments he has made before and says that they can't just sit back and wait for someone else to do it, they will need to handle it themselves. The Council agrees that they need to maintain leadership on it, Johnson says they should consider budgeting to hire a lobbyist.

DISCUSSION

- 1) Johnson asks about the attorney fees, noting that the last month's bill was over \$8000. Sabolsky answers that they budgeted \$150,000 for the year and have spent less than \$100,000 so far this budget year. He also explains that the last month was costlier than usual because of court activity and work on the nightly rental ordinance. Johnson asks about the progress Land Solutions on updating the zoning code and subdivision regulations. He also asks about the repairs to the 2018 Dodge Ram and the window replacements at the Union Pacific Dining Lodge.

- 3) Sabolsky says that they have requested that when the applicant gets all the registration and permits from the State, that copies are provided to the Town. Brian Benike explains that he has registered with the Secretary of State and is working on his contractor's license and workers comp, he is attempting to get all his permits and licenses in order before starting jobs.

- 4) Deputy Mayor Greg Forsythe explains that the business license ordinance is on the agenda for first reading this evening. The Council discusses the proposed ordinance. Johnson expresses concern about the statement that includes the lease of residential facilities under the definition of business. The group also discusses the statement that requires a separate business license for every nightly rental. He also says that on the fee resolution, campgrounds should be charged the same amount per site as per hotel room. Burke agrees with Johnson that the language is a little confusing about rentals, but he thinks it is explained well enough. Chipper Smith says that he has some concerns about the document. He says it would be nice if it was clear what changes were made from the current document. He has talked to multiple council members about his concerns. He questions the clarity of the definition of "lodging facility," particularly in reference to home or vacation rentals. He questions the statement that requires all nightly/vacation rental units to have separate business licenses and whether a hotel needs a separate license for every room. He says that he owns a building with five short-term rentals and questions whether he needs five separate rental units. The group discusses the language and multiple suggestions are made to clarify and make clear. Marc Shepherd agrees with the statements made by Smith. He also complains that the changes made from the original ordinance are not clear and considering it is first reading, it should be noted. Shepherd agrees with Smith that it is not right to require separate licenses for each nightly unit. Drew Barney addresses the Council and questions why residential rentals will now be required to purchase a business license. He says it only increases the cost to the owner to provide housing. He also questions why they are charging per unit for residential units. Barney says that he disagrees with the suggestion to differentiate between rental units and employee housing because everyone he rents to is someone's employee. Shepherd says he commends the Town for working on the ordinances but suggests it is time to bring in someone that is an expert in this area. The Council agrees and says they have done that. Following the motion, Richard Gibson points out that considering that they expect to have further discussion about the ordinance, he believes they should table the ordinance before approving first reading. Barney asks the Council Members how they feel about requiring a license for residential rentals. Johnson says he does not think they should, but the rest of the Council does. Forsythe says that this ordinance is important and he believes they should take their time to do it right. Martineau makes a motion, seconded by Burke, to approve the first reading of the ordinance. Forsythe and Johnson are opposed, motion fails. A second motion is passed to table the first reading until the meeting.

- A) **Advisory Board Reports:** Teri Gibson reports on behalf of the Planning Board, which met last week. She says that they discussed an employee housing cabin proposal at Hibernation Station and parking at the new Kelly Inn. Town Manager Dan Sabolsky reports that the Parks & Recreation Advisory Board met last week and reviewed the results of the summer recreation survey and the brochure for this week's program. They have asked Coordinator Brandy Holland to set up a program that would enable her to

send a group text to parents of the children in the program. They also discussed the Capital Improvement Plan including the ice rink, Pioneer Park, Frontier Trail, and casting pond behind the UPDL. Johnson asks about the informal committee that met to discuss improvements to the ice rink. Sabolsky explains that he got some people together that are experienced with ice hockey and rinks and they are just doing some research for the purpose of making recommendations to the Parks & Recreation Board.

- B) **Town Manager's Report:** Town Manager Dan Sabolsky reports that the staff for the Town Office is attending the Municipal Institute in Billings next week. He will remain in the office with assistance from Social Services Assistant Vely Vazquez and Court Clerk Kerry Parker. He reports that they have ordered defibrillators for the Town Hall, Povah Center, UPDL and all police cars. Fire Chief Shane Grube helped them order the units and will provide a refresher for everyone as how to use the units. The units are being funded through a grant from the Yellowstone Foundation save \$3500 from the Town. Both collective bargaining units will vote tomorrow on the proposed contracts and they hope to have the results soon. Town Attorney Jane Mersen has sent a first draft of the nightly rentals ordinance. He reports that staff also met today to work on a commercial building process and zoning permit process. They participated in a conference call with representatives from the Yellowstone Half Marathon today. They are working out the details to make sure collections are handled correctly. The legal services RFP process will be discussed at a work session at the next meeting and hope to make a recommendation at the next meeting. He is meeting with the engineer from the Moonrise Development property tomorrow. They have six applications for summer recreation counselor positions and five applications for seasonal laborers in the Public Services department. On behalf of Public Services Superintendent James Patterson, he reports that the new water production well has been drilled and is looking good. They are recommending drilling a little deeper than originally planned to get very good water flow. His department is also working on grading the alleys, sweeping the streets, and addressing safety concerns in the Town buildings. He also reports that Finance Director Lanie Gospodarek and School Resource Officer Neil Curtis are both in the park this week participating in the Expedition Yellowstone trip with the 6th grade class.
- C) Sabolsky explains that due to some questions from the Planning Board, Town Attorney Jane Mersen prepared a memo explaining that four seats should be town residents and the seat that is designated by the County may be someone that lives outside the town limits. The Council also discusses the procedure they should follow to fill the five positions. The appointments will be made at the next council meeting. They currently have 10 applications for five seats. Chipper Smith questions whether the Town Attorney's interpretation of MCA 76-1-221 regarding the definition of resident freeholder and if that means where the individual resides or if the individual just owns property. The group discusses the question at length. Bill Howell says that he is happy to hear there are so many people interested in serving on the board. He suggests that when they have to decide who will serve one and two year terms, that they just put the names in a hat and draw them out.

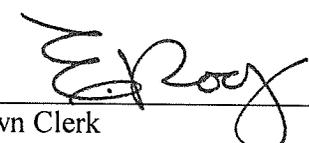
The meeting is adjourned. (10:00 PM)



Mayor

ATTEST:





Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
May 14, 2018

COUNCIL MEMBERS PRESENT: Brad Schmier, Jerry Johnson, Pierre Martineau, Chris Burke, 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

The meeting is called to order by Mayor Brad Schmier at 5:30 PM in the 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

Public Comment Period: SJ Shepherd addresses the town regarding the Planning Board and reads a written statement. She emphasizes that according to state law and the Town Municipal Code, the Planning Board is only an advisory board. She also questions the current interpretation of the term "resident freeholder" and asks the Council to consider whether property and business owners in West Yellowstone should be able to have input and affect planning decisions.

The work session topic is a discussion of the Legal Services Request for Proposals process. Mayor Brad Schmier explains that Chief of Police Scott Newell, Town Manager Dan Sabolsky, and Council Member Greg Forsythe conducted in-person visits to each of the three top respondents. Schmier asks each member of the committee to share their impressions of each firm. Sabolsky speaks first and describes the pros and cons of each firm. Cummings and Griffith is based in Big Sky, would likely make the Town a priority client, they have isolated planning and land use experience, they may be sympathetic to developers, comfortable and willing to learn, but not a lot of litigation experience. The partnership was established in September of 2017 and Forsythe agrees that they are strong in subdivision and land use development. Sabolsky says that Christopher Gray is also looking for a major client, has some experience in the county prosecutors office, is a soft spoken individual, and is a one-person office. His intention is to sub out any work he isn't experienced in or is limited on time. His proposal is to charge a flat fee per month for main services, but extraordinary services outside the normal scope of work would be at an additional fee. Newell says that he felt that Christopher Gray was well ahead of the other two firms. He says that Gray is hungry for work and anxious to establish a solid business. Newell says he also showed an ability to utilize technology and understands the use of video evidence, which he really values. He points out that they recently converted to a court of record, which is a technology based system. He had concerns about Cumming and Griffith and strongly preferred Gray. He points out that currently with Kasting, Kauffman and Mersen (KKM), they get the junior attorney every time they have court. Sabolsky says that they have been with KKM for several years now. He says that Mersen is very busy and is sometimes slow to respond. Bill Hansen recently retired from the firm, so they do not have any HR (human resources) expertise and he feels she lacks planning and land use experience. Sabolsky says that he was somewhat concerned about Griffith and Cummings because of the statement made at a previous council meeting regarding Ordinance 266. They stated that one of the definitions in the ordinance was ruled as unconstitutional in district court. It turned out to just be a legal opinion from a city attorney. He says that Mersen has been good, but with the frequent turnover with their junior staff, it has been difficult for her to keep up. Martineau says that when we was with the County, he felt that Gray was very direct and didn't hesitate to deliver less than popular news. Schmier says that he has a lot of respect for Mersen and says that she helped him considerably a few years back when they were between managers. He says that he spoke to her frequently and appreciated her assistance. He says that Cummings and Griffith do not have a lot of litigation experience, but he isn't sure that is all that necessary. He also points out that their contract with Mersen is not exclusive and they could always reach out to another

firm for specific assistance. Forsythe asks about HR experience for Griffith & Cummings or Chris Gray. Sabolsky says that Alana Griffith had some experience with union negotiations but Gray has served as chief counsel to the County Commissioners and dealt with multiple personnel issues. Johnson says that he did some research on his own. He feels that Griffith & Cummings are not what they are looking for. He says that he heard multiple good recommendations about Chris Gray but also points out that Mersen is well connected with multiple resources. Schmier says that he believes there is a lot of benefit from what Kasting, Kauffman & Mersen can offer. Martineau expresses concern about response time and level of service from Mersen. Newell says that he is frustrated with Mersen's office leading up to court day, says that when court is on Fridays they are bombarded with requests on the preceding Wednesday. He also disapproves with the practice of allowing defendants to appear in court by Skype or video conferencing. Just last Friday they had a truck driver contest a speeding ticket and he was actually driving his truck during the appearance. He says the prosecution has to agree to such video appearances and he disagrees with that. He doesn't mind pre-trial and initiatory appearances, but feels that defendants should actually appear before the judge. The Council discusses who to contact when Mersen is not available and if there is someone else to contact. Forsythe says that Mersen has worked well for the Town and helped them through some difficult situations. He says that he thinks Mersen is overloaded but they could talk to her about who else to contact when she isn't available. He says that he likes Griffith & Cummings and their presentation was well done, they have relevant land and planning experience, and wouldn't have a problem using them. He says he was not impressed with Chris Gray and his intent to sub-contract out a lot of the work. He says that Gray did indicate he would be willing to consider another legal based position with the Town. Burke agrees with Forsythe because of Mersen's experience and depth with the Town. He thinks they need to clearly communicate their expectations and is also open to using Cummings & Griffith for land development issues if necessary. Martineau says he is okay with Mersen, but also agrees that they need to be specific about what they expect and response time.

The work session is adjourned at 6:35 PM.

ACTION TAKEN

- 1) Motion carried to approve the claims, which total \$123,573.72. (Forsythe, Martineau) Schmier abstains from #44463, Forsythe abstains from #44438.
- 2) Motion carried to approve the minutes of the May 3, 2018 Town Council Meeting. (Martineau, Burke)
- 3) Motion carried to approve the 1st reading of the Business License Ordinance, to include minor changes as noted. (Forsythe, Burke)
- 4) Motion carried to approve Resolution No. 709, a resolution setting business license fees. (Forsythe, Burke)
- 5) Motion carried to approve the variance request made by Hibernation Station to construct a 800 square foot building, four-bedroom structure to be used as workforce housing with the condition that the outside sprinkler system be disabled until the water moratorium is lifted. (Burke, Martineau)
- 6) Motion carried to approve the recommendations from the Marketing and Promotions Fund Advisory Board to award \$17,500 to Music in the Park, 2018 Series and \$1200 to the West Yellowstone Chamber, Marc Willson Seminars for Community Business. (Forsythe, Martineau)
- 7) Motion carried to select Kasting, Kauffman and Mersen to provide legal services to the Town of West Yellowstone for a term of two years. (Forsythe, Johnson)
- 8) Motion carried to appoint Bill Howell to the Planning Board. (Johnson, Schmier) Burke, Forsythe, and Martineau are opposed, motion fails.

- 9) Motion carried to appoint Tim Daley to the Planning Board. (Johnson, Burke) Forsythe, Schmier and Martineau are opposed, motion fails.
- 10) Motion carried to appoint John Costello to the Planning Board (Johnson, Martineau) Burke is opposed, motion passes.
- 11) Motion carried to appoint Randy Wakefield to the Planning Board. (Johnson, Martineau) Motion passes.
- 12) Motion carried to appoint Dennis Hojen to the Planning Board. (Johnson, Forsythe) Schmier, Martineau, Forsythe are opposed, motion fails.
- 13) Motion carried to appoint Teri Gibson to the Planning Board. (Johnson, Martineau) Johnson, Schmier are opposed, motion passes.
- 14) Motion carried to appoint Jason Brey to the Planning Board. (Johnson, Martineau) Motion passes.
- 15) Motion carried to accept the Collective Bargaining Agreement with the Police Protective Unit of MPEA as written. (Forsythe, Burke) Johnson is opposed.

Public Comment Period

Bill Howell says that he has had a couple kids as well as grandkids ask why West Yellowstone doesn't have a skatepark. He says that skateparks can be purchased pre-made and suggests putting one in the city park. He says he understands there have always been concerns about liability, but he thinks it would be a good activity to have available. He encourages the Council to consider funding one during the next budget cycle.

West Yellowstone Chamber of Commerce Executive Director reports that tomorrow, Yellowstone Park Superintendent Wenk will be in Town to discuss multiple issues that affect the park and West Yellowstone. She also invites everyone to participate in the business passport program to showcase new businesses. She also mentions that 20 students from the school have signed up to give blood next week.

Council Comments

Council Member Burke reports that he has attended several conferences over the last couple weeks including the Governor's Conference on Tourism, Housing, and the Montana Municipal Institute in Billings last week. He says we are very fortunate to have the resources and staff that they have. He says we also need to be very careful to follow the laws and build on our strengths by staying within the scope of our responsibilities. Council Member Johnson says he walks around town frequently and had noticed the abundance of garbage. People that plow snow need to be reminded that it is their responsibility to clean up the areas where they plow. He says that he is thrilled that they acquired the 80 acres, but they cannot forget about the original townsite and taking care of the infrastructure. Patterson says that their water lines are actually in very good shape and some good decisions were made when it was put in, but there are sewer lines that they need to plan to replace.

Public Hearing: Ordinance No. 266, Business License Ordinance Revisions

Mayor Schmier opens the hearing and reads the hearing notice. Marc Shepherd addresses the Council regarding the proposed ordinance. He again points out that it would be a lot easier to understand if the changes to the ordinance were clearly identified. He says that although they changed the language regarding rental units, the term rental unit is not defined. He says that he believes some of the language is still open to interpretation and encourages them to keep working on it. Chipper Smith says that he agrees with Shepherd. He says he met with Sabolsky after the last meeting and was satisfied that they agreed on the intent, but he is still confused by the language. He also questions whether there should be clarification about residential or monthly rentals, especially in the Madison Addition. He explains that he has had both monthly

and nightly rentals for many years and points out the federal government views monthly rentals differently than nightly. He says nightly rentals are considered a commercial activity and must be reported differently and perhaps they should consider issues like that. He also encourages the Council to take another look at the Growth Policy that was adopted a couple months ago.

Public Hearing – Variance Request, Permitted Use, Hibernation Station

Mayor Schmier calls the hearing to order and reads the hearing notice. The hearing was advertised in the May 4, 2018 and May 11, 2018 editions of the West Yellowstone Star. Public Services Superintendent James Patterson reads the recommendation from the Planning Board, which discussed the request at a meeting on May 11, 2018. The Planning Board prepared a list of findings for the Town Council to consider. Tom Cherhoniak, an employee at Hibernation Station, speaks in favor of the project. No other public comment is received.

- 3) Mayor Schmier says that he agrees that they need to make this ordinance as clear and concise as possible. Sabolsky agrees and says that there are a few sections of the ordinance that they could work on. Finance Director Lanie Gospodarek points out a language edit regarding contractor licenses and a couple typographical corrections. The group discusses how to clarify the language surrounding nightly and monthly rentals. The staff explains that they really just want to ensure that nightly and monthly rentals are not on the same license. Johnson says the simplest way to accomplish that is to not require business licenses for monthly or residential rentals. Burke asks why are they now going to require licenses for residential rentals. Gospodarek explains that the current ordinance conflicts with the current fee resolution and they need to correct that. The group discusses the language in the ordinance at length.
- 4) The Council discusses Resolution No. 709 and makes minor grammatical corrections.
- 5) The Council discusses the variance request to build an employee housing cabin at Hibernation Station. The Council also considers the findings from the Planning Board. Johnson points out that the applicant has proposed disconnecting their outside sprinkler system until the water moratorium is lifted. Patterson says that Town Engineer Dick Dyer did the calculations and verified that by disconnecting the outside sprinkler system the net usage would be less than they are using now. Patterson says he has that information in an email and they will include that in the file. Schmier also states that he wants the record to reflect that approval of this structure is for workforce housing only. Forsythe makes a motion, seconded by Martineau, to approve the variance request made by Hibernation Station. After discussion, Martineau withdraws his second and the motion fails for lack of a second.
- 7) The council encourages Sabolsky to discuss some of the concerns that were brought up in the work session with Mersen prior to finalizing the contract.
- 10) The Council considers the ten applications received for Planning Board. There are currently four seats available on the board that, pursuant to advice from the Town's legal counsel, must live inside the limits of the Town. One more seat on the board shall be filled after designation by the County Commission, which may be an individual that lives outside of the Town limits. Seven of the applicants reside within the town limits and three do not. The Council votes on multiple motions (See motions #8-#14). Johnson thanks Bill Howell and Tim Daley for their years of service on the Planning Board. Schmier explains that the six applications that were not appointed will be forwarded to the County for consideration for designation for the final seat. The County is advertising the position until May 29 and then will make a designation soon thereafter. The Council agrees to draw randomly from a cup to determine terms. The Council agreed to appoint two individuals to one-year terms and two individuals to two-year terms to provide for staggered terms.

- 17) Mayor Schmier explains that the Police Protective Unit contract has been approved by the members. Sabolsky highlights the major changes in the contract. If approved, the officers will all receive \$1.00/hour for the first year of the contract, then a 3% raise for the next year and then a 2% raise for the third year. He points out that they adjusted the hours for the nighttime differential, clarified the disciplinary procedures, and clarified that part-time employees will receive benefits on a pro-rated basis. Johnson says that he did not have time to read the contract as he did not receive the version that highlighted all the changes until Friday night. He says that he is not comfortable voting on a document he has not had time to review.
- A) **Advisory Board Reports:** Public Services Superintendent James Patterson reports that the Planning Board met last week and discussed the variance request made by Hibernation Station, the Povah RV Park plans, and parking plan for the new Kelly Inn. Mayor Schmier reports that the Health Care Services board met last week and discussed operation of the clinic.
- B) **Town Manager and Department Head Reports:** Town Manager Dan Sabolsky reports that he met by phone last week with the engineer for the Moonrise development project as well as Dave DeGrandpre of Land Solutions to discuss the subdivision process for the project. The Police Protective Association Collective Bargaining Agreement was approved by a vote of 4 to 1. He reports that he met with Clyde Seely and Travis Watt on behalf of proposed improvements at Yellowstone Alpen Guides on Yellowstone Avenue. He says they will be submitting a new site/parking plan and will likely need to apply for a variance to the parking ordinance or purchase cash in lieu parking spaces. He says they are continuing to work on the building and development application process. They had a good response to the summer positions and intend to interview applicants this week. ThinkTank/Prospera are continuing to work on the plan for the 80 acres and intend to hold a public meeting in the near future. He is also working on getting the hockey rink group together again to discuss improvements to that activity.

Chief of Police Scott Newell reports that May 15 is national remembrance day for officers that are killed in the line of duty. He says that the department has raised over \$3000 for Special Olympics and successfully participated in the torch run last week. He also mentions responding to DRE (drug recognition evaluation) requests in Yellowstone Park, participating in disaster recovery drills, and pickup in calls this month.

Finance Director Lanie Gospodarek mentions that the staff of the Town Office attended training in Billings last week. Business license renewals have begun and they are working towards closing out the fiscal year and preparing the budget for the next year.

Public Services Superintendent James Patterson says they need to plan a day for the annual Town Clean Up, although there has been some effort around town already. They are also planning to clean up the cemetery prior to Memorial Day. The streets are covered in dirt and they are working to sweep as much as possible. He says that the Holland twins and some people from FreeHeel & Wheel took it upon themselves to pick up the east side of Boundary Street and the school kids cleaned up the park. The learning center is going well and they expect to finish on schedule. The well drilling is going well and they will be installing casing tomorrow. They are also doing maintenance on the chlorine building. They are finishing up their remodeling on the Union Pacific Dining Lodge, the flooring looks great and they hope to have 3 coats of varnish on the floor by Thursday. They will put more garbage cans out this week around town. He says that he went up to the spring and the flow looked good, but they won't be sure until the first part of June. He also has three contractors coming to look at the roof of the Town Hall and the roof at the UPDL. Schmier asks for clarification about drilling the well, as discussed at the previous meeting. Patterson explains that they didn't drill any deeper than expected, but they did decide to put the screen in 30 feet longer so they will have a better draw.

May 14, 2018
Town Council Meeting
Minutes, Page 6

The meeting is adjourned. (10:15 PM)



Mayor

ATTEST:





Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
June 5, 2018

COUNCIL MEMBERS PRESENT: Jerry Johnson, Brad Schmier, Pierre Martineau, Chris Burke, 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

The meeting is called to order by Mayor Brad Schmier 7:00 PM in the Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.

Portions of the meeting may be recorded.

The Treasurer's Report with corresponding banking transactions is on file at the Town Offices for public review during regular business hours.

ACTION TAKEN

- 1) Motion carried to approve the claims, which total \$332,557.73. (Johnson, Martineau) Burke abstains from #44507. Forsythe is opposed, motion passes.
- 2) Motion carried to approve the Consent Agenda, which includes the minutes of the May 14, 2018 Town Council meeting. (Johnson, Forsythe)
- 3) Motion carried to approve the new business license application for 617 Maintenance made by James Hain to operate a business as a handy man. (Martineau, Burke)
- 4) Motion carried to approve the new business license for Tacos El Mirador Mexican Food, Inc. to operate a mobile food truck at 11 Yellowstone Avenue. (Martineau, Burke) Forsythe is opposed, motion passes.
- 5) Motion carried to approve the approved site plan for Yellowstone Point S to include parking space #1 on the parking plan, require the purchase of 4 cash in lieu parking spaces, contingent upon the owner signing a covenant with the Town for mixed and shared parking between 617 and 555 Yellowstone. (Johnson, Martineau)
- 6) Motion carried to approve the business license application for Yellowstone Point S to operate a retail tire store and general automotive repair shop, waive the resort tax bond, and approve snow encroachments to store snow on public property across from 617 and 555 Yellowstone Avenue. (Johnson, Burke)
- 7) Motion carried to appoint Chipper Smith, the individual designated by the County Commission to the Planning Board for a two year term. (Forsythe, Martineau)
- 8) Motion carried to approve the Outside Amplification Permit for the Wild West Yellowstone Rodeo to operate a car on the streets with amplified sound to advertise the rodeo events that occur outside of Town. (Martineau, Johnson) Schmier is opposed,
- 9) Motion carried to accept the recommendation form the Planning Board to accept the site plan for the Kelly Inn Annex on the condition of entering into a covenant with the Town to provide mixed and shared parking between the three properties. (Johnson, Martineau)
- 10) Motion carried to approve the site plan for the Ventures West Employee RV Site Plan. (Forsythe, Martineau)
- 11) Motion carried to approve the Outside Amplification permit and Event Permit for the 2018 Music in the Park event series. (Forsythe, Burke)

- 12) Motion carried to approve Resolution No. 711 a resolution lifting the open container ordinance during the 2018 Music in the Park events from one hour before the beginning of each show until one hour after the end of each show. (Johnson, Forsythe)
- 13) Motion carried to approve Outside Amplification Permit and Event Permit for the 2018 Yellowstone Rod Run. (Martineau, Forsythe)
- 14) Motion carried to approve Resolution No. 712, a resolution lifting the open container law during the 2018 Yellowstone Rod Run, August 3-4, 2018 between the hours of 10:30 AM and 10:00 PM. (Johnson, Martineau)
- 15) Motion carried to approve the second reading of Ordinance No. 266, business license regulations. (Martineau, Burke)
- 16) Motion carried to approve Resolution No. 710, a resolution to write out \$50.00 of outstanding warrants. (Johnson, Martineau)
- 17) Motion carried to approve the staffing plan amendment, dated June 5, 2018, to include a part-time summer recreation counselor. (Forsythe, Burke)
- 18) Motion carried to approve the Collective Bargaining Agreement with the MPEA Employees Unit for the fiscal years of 2018, 2019 and 2020. (Forsythe, Martineau)

Public Comment Period

Neil Pringle of Ventures West addresses the Council regarding the RV Park at the corner of Highway 20 and Faithful Street. Pringle says that Ventures West has been working on putting in an RV Park for employee housing for 9 months and have complied with all necessary standards and permits. He says that he is concerned that this other RV Park is being allowed to operate without complying with any of the regulations and operate as a business.

Travis Watt addresses the Town Council on behalf of the Winter Events Committee and the 2018 Snowmobile EXPO and Races. He says that they were elated to come out with a small profit following the 2017 EXPO. He says that they haven't yet decided what they will do next year regarding the event, but they appreciate all the assistance from the Town, staff, and Fire Department.

Council Comments

Council Member Martineau reports on attending the local government summit with Sabolsky in Twin Bridges. He says that he made some good connections about employee safety, public swimming pools, and found it very interesting. Council Member Johnson mentions the passing of the Town's oldest resident, Ellen Daley, who passed away last week at the age of 97. He encourages everyone to remember the Daley family. He also asks everyone to remember the Scarborough family, previous residents who experienced a tragic accident last weekend.

DISCUSSION

- 1) Forsythe says he is opposed specifically to the bill from the Dyer Group. He says that he thinks the Town deserves a better explanation for a bill this large, it should be itemized and they should be billed more than once a year. Sabolsky asks the Council if they would like to see copies of the bills for the specific information. Forsythe agrees and also with the legal bills because they are using public funds and it should be clearer to the public.
- 4) Johnson asks for clarification about where on the property the taco truck will be parked. The Council also briefly discusses the regulations that were established for mobile food vendors last year. Johnson says he would like to know where the truck is going to be moved to every day.

- 6) Sabolsky explains that the Planning Board reviewed the application yesterday and recommended that ten of the parking spots on the original parking plan are impractical. The Planning Board agreed with the proposal to reduce the parking spots by 50% based on the fact that a large majority of the snowcoach clients are picked up at their hotel by the snowcoach. After removal of the ten spots and reduction of the required spots, the business would still need to purchase 5 parking spots through the cash-in-lieu option. The Council considers the analysis that was prepared by Sabolsky and reviewed by the Planning Board. Clyde Seely explains that the tire shop portion of the business will operate only on a limited basis in the winter while the snowcoaches are operating. Seely says that he understands the highest use for the business may seem to be in the winter, but in truth it will be summertime when there is plenty of space to park. He questions the spaces that were deemed impractical by the Planning Board and explains how each of them could be logically accessed. Patterson explains how the Planning Board concluded to remove some of the spots. Schmier says he is good with the recommendation from the Planning Board. Burke says that he only questions the removal of parking space #1, which appears to be accessible.
- A) **Town Manager & Department Head Reports:** Town Manager Dan Sabolsky reports that Land Solutions is making progress on the zoning code update and has worked on multiple development reviews. He reports that he met with Erik Nelson of ThinkTank regarding the planning for the 80 acres. Thomas Danehower from MMIA will be onsite next week to discuss safety procedures with the Safety Committee. The Development Review Group has met multiple times over the past couple weeks and will be meeting with three different property owners tomorrow about current and proposed projects. They have developed a new application form for zoning permits and development review. He has reviewed a draft from Attorney Jane Mersen regarding nightly rentals and is still working on that ordinance. He has a draft of the legal services agreement and will meet with Mersen at the end of the week to discuss some of the current issues and propose better communication strategies. Yellowstone National Park has sent a letter of support for the project to improve the west gate to YNP and they plan to resubmit that application. The ice rink group has met and has ideas for improving the rink over the next couple of years. The defibrillators have been purchased and installed and he thanks the fire department for their assistance and planning training for use. The Governor and Lieutenant Governor will be here this Thursday, June 7, 2019 for the ribbon cutting ceremony at the Siegel Learning Center.

Public Services Superintendent James Patterson reports that the Town is looking pretty good and credits his department for working hard to clean up debris, garbage and mow all the lawns. He says that they assisted with putting in the parking lot at the Siegel Learning Center. He says water usage seems to be down a little and he doesn't think the town is completely full yet. Town Engineer Dick Dyer reports that the well drilling is completed and they are in the process of doing a 3-day pump test. They are pumping around 400 gallons per minute, less than they were expecting, but it is still putting out 625,000 gallons per day. He says that combined with the railroad well, which pumps around 550 gallons per minute, that is enough to support the Town on a peak summer day. He says they recommend proceeding with the remainder of the permitting process through Montana DEQ to get approval for the water quality. He says they ran into a few delays but are on schedule to start to proceed with building the line and pump house within a few weeks. Patterson says they have received their permit for the sewer lagoon and as of July 1 will be able to treat wastewater.

Finance Director Lanie Gospodarek reports that they are working through the last part of the fiscal year. Business licensing is very busy right now. Summer recreation sign ups are in process. First Security Bank is merging with Glacier National Bank, which is requiring the updating of some agreements. She also says they closed on the loan for the Siegel Learning Center.

Chief of **Police** Scott Newell reports that they are experiencing normal summer business. **Social Services** Director Kathi Arnado reports that she and Vely Vazquez attended a meeting in Billings with the Montana Food Bank Network. Vely has been with the Town for over a year now and her association with the Hispanic community has allowed them to serve that part of the community much more than in the past.

- 8) Forsythe clarifies that they will only be advertising the rodeo and not horseback riding. Schmier says that he has voted in favor of this request in the past but believes it is time to stop. He says that if they approve this request, they cannot turn down other requests for the same kind of activity permission and they don't want to have multiple cars operating in the same fashion. Bob Patzke asks if there is a decibel limit for the speaker on the car. Schmier says that they have not imposed a decibel limit in the past but requested that the noise level be kept to a reasonable level.
- 9) Sabolsky explains that in order to provide enough parking for the Kelly Inn Annex, they need approval to utilize mixed and shared parking from the Kelly Inn and Clubhouse Inn.
- 15) Town Clerk Liz Roos explains that they made two minor changes to the ordinance at the last meeting, to clarify that nightly rentals need to be licensed separately from residential rentals and licenses for out of town contractors that do not need to collect resort tax may be issued administratively.
- 16) Sabolsky says that the nature and scope of the Yellowstone Aquatic Center has changed somewhat and he recommends scheduling time at a future meeting to have a full discussion about supporting the project. Mayor Schmier agrees that they need to gain a better understanding of the current plan for the project. Bob Lindstrom explains that the original plans have not actually changed, but the plan is now to add a 2000 square foot learning center to focus on *Thermus Aquaticus* and STEM (science, technology, engineering and math) research. Lindstrom says that they hope to obtain bio-tech money to support the project. He says the first point they need to work on is the land for the project, initially discussed as a lease and then they hope to be able to purchase 5 acres from the Town. He says that they intend to go after grants to build the facility as well as to support operational and maintenance costs. He explains that Thomas Brock discovered *Thermus Aquaticus* while living here in West Yellowstone, which is the basis for DNA research.
- 17) Sabolsky says that they would like to hire one additional part time recreation counselor for the summer recreation program. He says this person would primarily work on the days that the program goes swimming, field trips, and on bike rides, up to 24 hours per week. He says that they have already hired 3 counselors but considering that the program often has close to 40 kids participating on a daily basis, it would be a good thing. He says they estimate the new position will cost between \$3800 and \$4200 for the summer. He also points out that they have only hired two laborers for the Public Services department so there is a cost savings there.
- 18) Sabolsky explains that after months of negotiations they created a final document. To summarize the changes from the previous contract, the employees will receive \$1.00/hour increase retroactive to July 1, 2017. As of July 1, 2018 they will receive \$.60/hour and as of July 1, 2019 they will receive \$.50. Sabolsky explains that they clarified the status definitions, use of holiday time, the definitions of shift change and schedule change, non-paid lunch breaks, holiday time will be counted as time worked, cleaned up the discharge and discipline section, grievance procedure, equipment and uniform purchasing procedures, clarified pro-rating benefits for part-time employees, and removed the section that the allowed for compensation to obtain EMS certifications and to respond to ambulance calls. The life insurance coverage for the employees was also increased from \$20,000 to \$50,000 to match the coverage enjoyed by the police unit.

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Town Council Meeting
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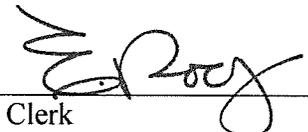
The meeting is adjourned. (10:30 PM)



Mayor

ATTEST:





Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
June 8, 2018

COUNCIL MEMBERS PRESENT: Mayor Brad Schmier, Jerry Johnson, Pierre Martineau, Chris Burke, Greg Forsythe

OTHERS PRESENT: Finance Director Lanie Gospodarek

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

Public Comment Period

No public comment is received.

ACTION TAKEN

- 1) Motion carried to approve the claim to purchase the Siegel Learning Center from Westmart Building Center for \$955,000. (Johnson, Martineau) Forsythe abstains.
- 1) Finance Director Lanie Gospodarek explains that the Town is borrowing \$650,000 to fund the center. This combined with a donation from the West Yellowstone Foundation for \$250,000 and private donations of \$55,000 add up to \$955,000.

Greg Forsythe comments that the building has turned out great and he thinks this is one of the best projects the Town has ever done.

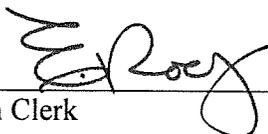
The meeting is adjourned at 12:05 PM.



Mayor

ATTEST:





Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
June 19, 2018

COUNCIL MEMBERS PRESENT: Jerry Johnson, Brad Schmier, Pierre Martineau, Chris Burke, Greg Forsythe

OTHERS PRESENT: Town Manager Daniel Sabolsky, Finance Director Lanie, Public Services Superintendent James Patterson, Chief of Police Scott Newell, Social Services Director Kathi Arnado

Dave DeGrandpre-Land Solutions, Dusty Dunbar, Maggie Anderson, Shelley Theimer, Linda Eagle, Kendra Eagle Owens, Karen Eagle, Richard & Teri Gibson, Mike Collins, John Greve, Jeff Schoenhard, Brandy Holland, Denise Sabolsky, Jeff & Karen Matthews, Kyle & Rachael Burden, Randy Wakefield, Doc & Donna Stewart, Tim Whitman, John McLaughlin, Grant Jackson, Bob Patzke

The meeting is called to order by Mayor Brad Schmier 5:30 PM in the 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 at 5:30 PM and asks for public comment. The first topic on the work session agenda is updated support for the proposed West Yellowstone Aquatic Center. Bob Lindstrom addresses the Council and explains that the project has been expanded to include a STEM (science, technology, engineering, math) learning center and will focus on the famous bacteria from the Yellowstone region, thermus aquaticus. He explains that the plan is that the project will be operated by a non-profit group through the West Yellowstone School. He points out that they have received an enthusiastic letter of support for the project from the superintendent and acquired another from the West Yellowstone Chamber of Commerce this afternoon. He says that they intend to pursue funding for the project from bio-tech firms and grants. He says that all they are asking from the Town at this point is the dedication of 5 acres of land for the project on the condition that they are ready to proceed with the project in approximately one year. Forsythe points out that the only place that the Town has 5 acres would be in the new 80 acre parcel, but they will not have any infrastructure in that parcel in the next year. Lindstrom says that they know they have to keep that vague, but they think they will need 3-5 acres. Lindstrom says that 5 acres is a generous amount, but says he can keep his grant applications vague about the precise amount of land for the project. Johnson says he has concerns about giving up 5 acres in the new 80 acres parcel after working so hard to get that land. He also says they haven't seen anything that guarantees that the school is willing to take responsibility for the project. Lindstrom says they have full support from multiple board members and the project so far has been funded by the school. Sabolsky drafted a letter of support for the project from the Town Council, which Lindstrom is satisfied with. The Council agrees to sign the letter of support for the West Yellowstone Aquatic Center.

The next item of discussion is the Capital Improvement Plan (CIP) for FY 2019. Finance Director Lanie Gospodarek presents the plan and explains that in FY 2018 they proposed \$3,490,417 in expenditures and actually spent \$2,093,005 on capital projects. She also displays the amounts budgeted in each fund. To complete everything that is planned for FY 2019, they will need to transfer \$1,123,580 from the resort tax fund to the capital fund. She also presents the current cash reserve worksheet, which shows proposed revenues and expenditures for the next year, broken out by fund. The Council also discusses the proposed projects and expenditures individually. Sabolsky points out the projects that were not completed in FY 2018 that have been moved to FY 2019 including the volleyball court, sewer line repair on Electric, and constructing new infiltration ponds (in progress). Mayor Schmier says that the volleyball court has been on the list for too long and they need to just get it done. They discuss replacing the roof on the Town Hall, Patterson says he has received one bid for the project but is seeking

more. He also asks about the cost to connect the new well to the water system. Forsythe asks about the \$100,000 for new boards and extending the ice rink. He says that they already have a difficult time maintaining and clearing the rink that they have. He says that they should look at putting a roof over it before they ever look at expanding it. Sabolsky says that the group that is working on it feels they should get it to the right size before building a roof. The group also discussed a temporary roof but it took too much manpower to put up and take down the temporary roof. Sabolsky says that they anticipate assistance from members of the ice rink group to clear it and intend to assign that to the Recreation Coordinator, too. Johnson asks about the additional lights in the park and agrees with Forsythe that they should wait and put money away until they have enough to do the entire project. Johnson asks questions about the plow attachment for the loader in FY 2020. He also says he has no problem purchasing a new administrative vehicle if the staff would just use it, which is in policy already. He also asks about the new dump trucks and if they are certain that they will not be able to use the Yellowstone Park trucks going forward. Patterson says they are not sure yet if they will be able to use them again. He also asks about replacing the 2008 Ford for Public Services, Patterson says they are having a lot of trouble with that truck and need to replace it. Johnson says he would prefer to just get a couple projects done instead of just putting money away on multiple projects. Forsythe says, that after talking to the auditor, he would like to have a small fund or place to set aside money for unexpected costs. Sabolsky says they discussed setting up an emergency fund and the group considers unexpected expenditures like the grant to Fall River for the solar project at the school.

The work session is adjourned at 6:50 PM. Town Council meeting begins at 7 PM.

ACTION TAKEN

- 1) Motion carried to approve the Treasurer's Report and Securities Report. (Johnson, Forsythe)
- 2) Motion carried to pay the claims, which total \$162,162.24. (Forsythe, Martineau) Forsythe abstains from #44541. Schmier abstains from #44548. Burke abstains from #44571.
- 3) Motion carried to approve the Consent Agenda, which includes the minutes of the June 5, 2018 Town Council Meeting. (Martineau, Burke)
- 4) Motion carried to approve the Mayor to sign the Proclamation, a proclamation honoring Sam and Ida Eagle and their contribution to the Town of West Yellowstone. (Johnson, Burke)
- 5) Motion carried to table the Conditional Use Application/Planned Unit Development made by HRDC for a Community Land Trust Townhome Development to give the council more time to research and verify the information that has been presented. (Johnson, Forsythe) Martineau and Burke are opposed, motion passes.
- 6) Motion carried to approve the award recommendation from the Marketing and Promotions Fund Advisory Board to award \$5000.00 to the Diamond P Shootout. (Forsythe, Martineau)
- 7) Motion carried to table the request from Kelly Inn Ltd. To share the cost of fire/water lines for the Kelly Inn Annex. (Johnson, Martineau)

Public Comment Period

Bob Patzke asks about the status of the ordinance regarding approved uses in the Madison Addition. Sabolsky answers that the revised ordinance is in progress and he is working with the Town's attorney on that issue. Kendra Eagle Owens thanks the Town for the recognition of Sam and Ida and their contribution to founding the community. She invites everyone to attend the ice cream social at the UPDL this Saturday and to purchase tickets to the banquet that evening when the Lieutenant Governor will be the keynote speaker.

Council Comments

Council Member Johnson asks everyone to remember Rob and Shannon Klatt and family as they lost their son, Andy Klatt, last week. Martineau credits the Police Department for its professional appearance at the grand opening of the Little Rangers Learning Center. Mayor Schmier says the Little Rangers Learning Center is open and thanks everyone that worked on that project.

Public Hearing: Conditional Use Application, Planned Unit Development (PUD)

Human Resource Development Council (HRDC), District IX, Community Land Trust Townhome Development. The public hearing was advertised in the June 1 and June 15, 2018 editions of the West Yellowstone Star. Mayor Schmier invites representatives of HRDC to present the project and then to be followed by a staff report from Dave DeGrandpre of Land Solutions LLC. Brian Guyer of HRDC addresses the Town Council and attendees. He explains that HRDC completed a housing needs assessment in West Yellowstone in 2015. He says that the results of that assessment indicated a need for more affordable housing in West Yellowstone, which was also a result of the Growth Policy adopted by the Town last year. He says that HRDC was approached by John and Patricia Scott, lot owners in the Madison Addition, to purchase their lot to be used to provide affordable housing in West Yellowstone. He says the proposed project will provide three affordable housing units that are in accordance and design with the neighborhood. Susan Rigg of HRDC presents the plans for the townhomes, which include three attached residences. One residence will be a two-bedroom unit and the other two will have three bedrooms. She points out that they made multiple efforts to maintain landscaping and vegetation. She says they are requesting two relaxations for the development including reducing the space required between driveways and the common open space requirement for townhome projects. She says that there have been multiple questions about the project but they also found several sections of code that appear to be in conflict. She also addresses the language in the Madison Addition Protective Covenants, conflicts and interpretations. Guyer explains that the townhomes will be built using a land trust model, where they can require that the homes are used as primary residences and appreciation is capped at 2% - 3%. He says they have implemented this model in Bozeman and found it to work well. He says that they do need to create three lots to ensure the project succeeds because it makes it much easier for homebuyers to get financing and each homebuyer would sign a land lease for the land underneath the homes. HRDC would maintain ownership of the land. He says the target price for the homes is \$250,000 and they anticipate that buyers could afford to purchase if they make \$55,000 to \$80,000 per year. Burke asks if they looked at building residences for people with even lower annual incomes. Guyer says that based on the housing assessment and being able to construct the homes they felt this was the target price to be. Guyer also mentions down payment assistance programs from the federal government where that amount would be paid back when the homeowner sells the residence.

Dave DeGrandpre of Land Solutions LLC, a consultant hired by the Town of West Yellowstone. DeGrandpre prepared a staff report for this project, which he admits is a confusing proposal. He explains that the report is generally in support of the project with some conditions. He explains that following his presentation he will ask the Council to adopt the report as findings of fact, and if they do not, alter the report to something they can adopt. He explains that the proposed project is to build three townhomes in the R-3 district. He says that the WYMC has standards for the R-3, but there are other standards for townhome developments. He explains that the proposed development complies with the zoning for townhome developments. DeGrandpre compares the

proposal to the development standards, but because the development is also considered a PUD, relaxation of the standards is appropriate as has been requested. DeGrandpre also outlines the review criteria for the Council to apply to the conditional use permit including the use conforms to the objectives of the growth policy and intent of the zoning code, use will not adversely affect nearby properties or their occupants, use meets density, coverage, yard, height and all other regulations, public hearings have been held after required legal notices and the public has been given a chance to be heard on the matter. Based on the findings in his report, DeGrandpre recommends that the Town Council approve the project on the conditions that the lot development and construction will substantially comply with all plans submitted with the application, the applicant shall file an amended plat with the Gallatin County Clerk & Recorder citing the townhome exemptions from the Montana Subdivision and Platting Act, and the applicant shall submit a final version of the ground lease contract documents.

Michael Collings addresses the Council and says that there have been confusion about the zoning of Washburn Circle and many people believe the zoning is actually R-2. He said that the land has been represented as R-2 by realtors and is further supported by the fact that only one curb stop was installed for each lot. He also questions the legality of subdividing the lot into thirds rather than in half. Maggie Anderson addresses the Council on behalf of the Madison Addition Architectural Committee and also questions whether the correct zoning is being applied. She shares a statement that indicates that the outer rim of Washburn Circle was zoned as R-2 in 1995. John McLaughlin says that he put in all the utility hookups on Washburn Circle and is certain that the intention of the developer was for the outside perimeter of Block 22 to be single family dwellings but allow multi-family dwellings in the interior. McLaughlin says he also has the original price sheet for those lots, which identifies those lots as R-2. Dusty Dunbar says that the design is compatible with the neighborhood and credits the Town for taking steps to provide affordable housing. She questions the sloped roof on the middle unit, pointing out it will create a snow issue on the drive way and plowing may be difficult. She says that they should consider space for a storage shed on the property so the garages don't become storage areas. Doc Stewart disputes several statements made earlier, he says that the land leases only allow 2% appreciation, maintenance fees are \$50/month, and the median income for this area is \$39,000 based on research he did online. He also disputes characterizing the development as a PUD. He says that attempting to develop one lot as a PUD is not appropriate. He says that the minimum requirement for a PUD in the code is 2 acres. He says this development needs multiple variances and the zoning is questionable. He says, at a minimum, a duplex would be more appropriate. Kyle Burden addresses the council and says that a tri-plex is not appropriate in that area. He says that there is plenty of traffic and speed on that street and obviously the developers haven't spent any time in the area. He says that all they are asking for is exceptions and there is plenty of evidence against the project. Mayor Schmier acknowledges and reads written comments, all in opposition to the project, from John McLaughlin, Kyle & Rachel Burden, Matt & Kelly Burden, Jeff Matthews, Don & Patsy Detonocour, and Tim Whitman. Schmier also reads an email written by Moira Dow on behalf of the Madison Addition Property Owners Association Architectural Review Committee which questions the zoning and minimum lot size requirements to subdivide lots. Doc Stewart also says that the PUD requirements include covenant requirements and says none of that was submitted. Susan Rigg responds that the walls will be 2" x 6" as energy efficiency was important. She says that she doesn't know anything about the possible change in zoning but they can only go by what is the official zoning map on file with the city. She also says they will file covenants of course, as required, once the project is approved. She also points out that that the covenant that refers to subdividing lots in R-3 only applies to Blocks 10, 11, 12 and 13, which are several blocks north of the lot in question.

- 2) Forsythe asks about the claim to purchase a washer and dryer for Social Services. Johnson asks if there will be additional expense to hook up the washer and dryer and Patterson answers in the affirmative and explains that there will as they have to bring electric and water lines to the basement to hook them up.
- 5) Mayor Schmier says it is disheartening that HRDC has made multiple attempts to assist with the housing shortage in West Yellowstone but it seems that we always chase them away. Johnson says that he was on the Council in 1995 but he truly can't remember if it

was rezoned. He says that obviously there were people that purchased property believing it was R-2. He says there are too many unanswered questions on this project for them to approve it tonight. Burke says that they have to base their decision on the official map for the town, which shows the area as R-3. He says HRDC is experienced with putting families in homes and five years down the road, we would have three families living in and contributing to our community. He says that if they turn this down, HRDC is going to turn away and they are going to need their help. He says he would vote in favor of the project. Martineau agrees with Burke and says this is the information that we have and this is the map that we have. Forsythe says he hates making decisions with only a few days to research and realizes that there are a lot of things to consider. Johnson says that there is no reason they can't take the time to research and make sure they are making the right decision, which could mean tabling the proposal tonight. Schmier questions, zoning aside, whether it is legal to subdivide the lot into three separate lots. He says he cannot vote in favor of a proposal that breaks the law. Burke says that he believes HRDC has done everything necessary to comply with the zoning regulations and is only asking for two relaxations regarding common space and driveways. Johnson says that he thinks DeGrandpre's report is well written and he selected the zoning section that best fit the project. Kyle Burden says that they are absolutely against the project because they fear the affect a tri-plex on the street will have on property values. Jeff Matthews commends the council for looking at affordable housing, but guarantees that after working in low-income areas for over 30 years, there are better options. He says they are asking people who live in \$500,000 homes to risk their property values by allowing this to their detriment.

- 6) Sabolsky says that several people have asked why the Diamond P Shootout is eligible to receive MAP Funds if the event doesn't take place in town. Johnson says that the board has discussed this extensively and ultimately came to the conclusion that although the event takes place outside of town, it still brings people to the area and benefits the town.
 - 7) Sabolsky explains that the Kelly Inn Annex hotel on Grizzly Avenue has requested the Town share in the cost of placing the water/fire line on Canyon Avenue. Sabolsky explains that when the project was constructed, they were instructed to tie into the water line that runs down the railroad bed, which would give them a better water flow. However, the project tied onto the water line at the Kelly Inn. He says that they then recommended that they loop the line and running a line from the hydrant for fire suppression. Jeff Schoenhard explains that due to the street "no-cut" policy, they were unable to tie into the water line on the south side of Grizzly Avenue and had to go the other direction. In the end they have had to tear up the driveway all the way across the existing Kelly Inn and they have expended \$116,000 already trying to straighten it all out. They have also already paid \$88,000 in connection fees to the Town. After discussion, it is determined that they don't even have a cost estimate for the water/fire line and can't determine how much they are requesting assistance with. Sabolsky says that the Development Review Group will meet to consider this and work out the details.
- A) **Advisory Board Reports:** Teri Gibson reports that the Planning Board met today to discuss the HRDC Townhome project today. The board had concerns about complying with the covenants and that the project does not have approval from the Madison Addition Architectural Committee. They also had concerns about splitting the lot and whether it should be a PUD (Planned Unit Development). Gibson says the recommendation from the board, although the board did not vote, was to require approval from the Madison Addition Architectural Committee and address two conflicts they found in the West Yellowstone Town Code.
 - B) **Town Manager/Department Head Reports:** Town Manager Dan Sabolsky reports that the developer of the Moonrise Project is meeting with Erik Nelson to discuss the correlation between the project and the development plan for the 80 acres. Thomas Danehower of MMIA came last week to work on safety procedures and reported that they have seen a decrease in claims from West Yellowstone. The Development Review

Group met last week to discuss a couple properties that need to be brought into compliance with Town Code. They decided to put together compliance agreements with the property owners to work towards bringing them into compliance. Both collective bargaining agreements have been approved and are finished. He says that he has a draft contract from Kasting, Kaufman & Mersen for legal services. He and Chief Newell will meet with Mersen next week to discuss communication strategies. Sabolsky says they have received two responses for the position of Town Judge, one is from the current judge and responses are due by the end of the month. He mentions plans and improvements for the casting pond behind the Union Pacific Dining Lodge. He says that the Eagle family has requested that the Town pass a proclamation recognizing Sam and Ida Eagle. He also mentions the hiring of summer help: Lucas Peterson, Easton Roos and Easton Jackson have been hired as laborers and Hayley Hain, Danna Ochoa, Maria Morales and Kestly Jessop have been hired as summer recreation counselors. Town Clerk Liz Roos adds that they have 55 children signed up for the Summer Recreation field trip tomorrow.

Public Services Superintendent James Patterson thanks the Eagle Family for donating a pine tree that will be planted tomorrow in front of the Museum. He says they applied magnesium chloride to the alleys to control dust but all the rain washed some of it away. He says that they have had to replace a lot of sprinklers in the park this year and they are making progress on the IP beds at the lagoon. He says the water samples from the new well all came back with good results. He says they are waiting for approval from DEQ for the project and they expect to start the rest of the project in the next couple of weeks. The Council asks Patterson to find out if they could get approval from DEQ to proceed but not connect the pipe until they have final project approval. Patterson says they can ask Town Engineer Dick Dyer to make that request. He also says that they have to remember that expanding the IP beds is just as important as the additional water supply because they can't accept the wastewater until the lagoon is ready. The Council asks several questions about progress on both projects.

Finance Director Lanie Gospodarek reports that it is budget season and they are busy putting that together. Town Clerk Liz Roos has been working on implementing a new email server and the new collective bargaining agreements.

Social Services Director Kathi Arnado reports that that her office has been very busy, especially while Social Services Assistant Vely Vazquez was away on vacation. She says that the Montana Food Bank Network will be on site this week to conduct an audit and assess what the needs of the community are.

- C) Sabolsky presents a draft of the proposed zoning fees and subdivision fees structure. He says they have also put together a Zoning Permit Process and Commercial Site Plan Review document. He asks the Council to look over the documents and welcomes comments. He intends to put a resolution on the next agenda to adopt the fees.

Town Manager Evaluation

Town Manager Dan Sabolsky waives his right to close the meeting to the public. Mayor Schmier returns each council member a copy of the evaluation they each completed. Mayor Schmier also explains the procedure he followed to compile and average the scores assigned by each council member. The final average score was 4.14 out of a possible 5 points. Each council member shares personal critique and generally commends him for being focused, taking problems head on, making progress, and his dedication to the Town. He is also cautioned about spreading himself too thin and encouraged to hire an assistant. He is also commended for being involved in the community as well as his family. Schmier states that he has received letters of support for Sabolsky from John Costello, Barbett & Larry Ott, Buck Taylor-Community Health Partners, Don Seifert-Northern Rocky Mountain EDD, Grant Jackson-Madison Addition Property Owners Association Board, Carrie Pope-West Yellowstone Foundation, and Clyde Seely.

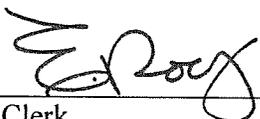
June 19, 2018
Town Council Meeting
Minutes, Page 7 of 7



Mayor

ATTEST:





Town Clerk

WEST YELLOWSTONE TOWN COUNCIL

Work Session

June 26, 2018

COUNCIL MEMBERS PRESENT: Brad Schmier, Jerry Johnson, Pierre Martineau, Chris Burke, 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

The work session was called to order at by Mayor Brad Schmier 8:00 AM in the Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.

Public Comment Period

No public comment is received.

DISCUSSION

The topic of the work session is the General Fund budget for FY 19. Mayor Schmier asked Lanie Gospodarek to present said proposed budget to the meeting. Gospodarek gave a brief overview of government accounting, including funds. She then began by addressing the revenue portion of the budget, indicating that most of the property tax revenues will go towards operational expenses, with small portions going to each the GO Bond and the library. During the revenue presentation, there was discussion on the Planning & Zoning fee income, with Greg Forsythe asking why they had dropped last year, and Gospodarek surmised that it may be a combination of the Town not doing commercial building inspections, and lack of building due to the water moratorium. Greg Forsythe asked about the rental income from the Povah Center, wondering how often it rented out and if the rental income reported was a true indication of the number of times it rented last year. A discussion ensued regarding which entities are required to pay rent and which are not. Mayor Schmier inquired about the substantial increase of this coming year's Resort Tax being transferred, and Gospodarek pointed out the salary increases due to the negotiated CBA, the new Executive Assistant position, as well as the discretionary fund for the Council.

Lanie Gospodarek then reviewed the proposed expenditures for FY 18. She indicated that the WY Foundation has requested an additional \$5000.00 over last year's amount, and that this year the Chamber would be \$6000.00. Jerry Johnson asked if the line item in the budget for Music in the Park could be struck, and the money (which is to be used only for repairs or equipment for the Mobile Stage) could be indicated in a line item under Parks. Gospodarek indicated she would make that change. Forsythe asked about the Research/Engineering fees and why they were so high, and pursuant discussion indicated that much of it would be paid back by the outside entities that Dick Dyer did the research for. There was discussion regarding the air conditioning units to be installed into the clinic, as well as the inspection for the UPDL building. Newell indicated that the police budget remained essentially the same as FY17. Discussion was held regarding the Fire Department employee allocation. Sabolsky explained that last year the staffing plan of the fire department was equivalent to having a new employee, and so the funds were required to pay for the coverage. He indicated that the Town would continue to fund the \$88,000.00 for the new employee. Johnson stated that he would recommend that the Town request more documentation of the use of the funds and Gospodarek said she would add the line item. Forsythe asked why the employer contributions are so much lower in the Social Services department and Gospodarek explained that one of the employees is covered on her husband's plan (also an employee) and that the other employee could be on an employee/child plan, which is also less expensive. Forsythe

indicated that he would like to see the part time employees broken out from the full time employees in line items, Sabolsky asked if Gospodarek would check to see how much it would cost to pay off the heavy equipment that we are currently making payments on. She indicated that she would do that. Forsythe indicated that he had some concerns about the amount of money that Community Health Partners' contract indicates they could get from the Town (up to \$100,000) when they have had a huge raise in revenue. Sabolsky said that the financials can be reviewed, and the payment could be adjusted as needed, as the \$100,000 is a "placeholder." The group discussed the Gas Tax revenue and what it can be used for.

After discussion regarding the next council meeting, it was decided to have a budget work session at 6:00 on Tuesday July 3rd, followed by a council meeting at 7:00.

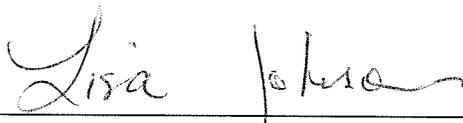
The meeting is adjourned. (9:30 AM)



Mayor

ATTEST:





Deputy Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
July 3, 2018

COUNCIL MEMBERS PRESENT: Jerry Johnson, Brad Schmier, Pierre Martineau, Chris Burke, Greg Forsythe

OTHERS PRESENT: Town Manager Daniel Sabolsky, Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson

Bob Patzke, Teri Gibson, Moira Dow, Kyle Burden, Tim Whitman, Grant Jackson, Bill Howell, Doc & Donna Stewart, Jeff Matthews, Helene Rightenour, Rachael Burden, Jennifer Jordan, Jeff Schoenhard, Brenda Holland

The meeting is called to order by Mayor Brad Schmier 6:00 PM in the 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. The topic of the work session is to discuss the enterprise funds for the FY 2019 budget. Finance Director Lanie Gospodarek explains that they will first discuss the water and then sewer funds. She explains that these funds are enterprise funds, which means they are supposed to support themselves through user fees and not by taxpayer funds. Gospodarek explains that they are expecting revenue for the water funds similar as the past couple of years as well as connection fees for some larger projects including the Kelly Inn Annex, the new Siegel Learning Center, and Big Sky Anglers. They discuss the expenditures for the water fund including salaries for a full-time water operator at the master level. Gospodarek explains that they also fund a portion of the salary for the Deputy Town Clerk from the water fund. The Council briefly discusses the condition of the Employee Personnel Manual that the department head shall always make at least 110% of the salary of the highest paid person in that department. Gospodarek points out some routine expenses they have to plan for including a preliminary engineering report and maintenance fees for the GIS system that was installed by Stahly Engineering. Johnson asks about the pension expense under 510600 and how that differs from employer contributions to retirement. Gospodarek explains that is really just an entry required by GASB 68, they really just have to "book" the expenditure and then complete the transaction through a journal voucher. The Council reviews the water capital fund and Gospodarek explains transfers in and out of the fund and the balance of the construction of the new water well. The group moves on to the sewer fund, which has revenue expectations based on similar use and connections for the same projects. Gospodarek points out expenditures planned for the sewer fund, noting that 25% of the salary for the Public Services Superintendent is in this fund. They also note planned expenditures for storage and \$5000 increase in the land lease for the lagoon. They have also budgeted \$100,000 for a fence around the lagoon. They have budgeted for the sewer line on Electric Street, the ongoing pump station project in the Madison Addition, additional IP (infiltration and percolation) beds and pumps. She explains that they do have water and sewer capital funds, which are funded by transfers from the operating funds. Mayor Schmier asks Gospodarek if these funds are in good standing and she says that they are, the revenue is sufficient to cover operating costs. The group briefly discusses the rate increase that will go into effect at the end of July and efforts that should be made to inform the public.

ACTION TAKEN

- 1) Motion carried to approve the purchase order #6759 to Montana Underground, Inc. to install an outfall line at the sewer lagoon for \$41,141.91. (Martineau, Burke)
- 2) Motion carried to approve the claims list, which totals \$51,826.54. (Johnson, Martineau) Forsythe abstains from #44614.

- 3) Motion carried to approve the Consent Agenda, which includes the minutes of the June 19, 2018 Town Council Meeting and June 26, 2018 Work Session. (Johnson, Martineau)
- 4) Motion carried to table the request for Conditional Use/Planned Unit Development made by HRDC Community Land Trust Townhome Development. (Burke, Martineau)
Johnson and Forsythe are opposed, motion passes.
- 5) Motion carried to table the request from Kelly Midwest Ventures to share the cost of the fire/water lines until the Town receives a written request that details the amount of money they are requesting from the town. (Forsythe, Johnson)

Public Comment Period

No public comment is received.

Council Comments

Pierre Martineau announces that the Klatt family is having a memorial for their son, Andy, this Friday. He says that in lieu of flowers, the family has requested donations to Community West Outreach, a local community organization that addresses mental health issues.

Chris Burke says he had the opportunity to attend the Eagle Family celebration last Saturday and enjoyed listening to the Lieutenant Governor at the event. He also attended Cal Dunbar's memorial today, another prominent and influential resident of our town.

Forsythe says that they really need to discuss the fireworks ordinance and consider the liability of allowing them. He says that fireworks seem to be getting bigger and louder. Schmier suggests putting the topic on a work session after the 4th of July and discuss changing the ordinance. The Council agrees to discuss it later in the summer.

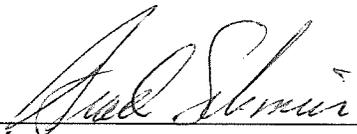
DISCUSSION

- 4) Mayor Schmier explains that the Conditional Use Application/Planned Unit Development HRDC Community Land Trust Townhome Development was tabled at the last meeting. He says that the Town Attorney has recommended tabling the issue again tonight to give her more time to research. Schmier says that it has been determined there was a zoning hearing in November of 1995 to consider a proposal to rezone the Washburn Circle. He says a motion was made to approve the proposal, but that conflicts with the existing zoning map and that needs to be clarified. He says he doesn't think they can act on this proposal until they figure that out. Forsythe says that they should discuss the application as they are asking for adjustments or relaxations as an R3 zone before they even discuss the zoning issue. Sabolsky clarifies that the project could only be allowed if the zoning is determined to be R3 but it would not be allowed if it is R2. There is ample discussion about how the proceedings were concluded in 1996, whether the existing map is correct, and conflicts in the zoning code.
- 5) Sabolsky explains that he has received no new information about the request. Jeff Schoenhard says that the change in the plans resulted in an extension of 405 feet of line, which cost approximately \$116,000. Sabolsky says that they did discuss this in December, but at that time the discussion was about looping the line of about 100 feet and it was only expected to cost around \$7000. Schoenhard says that they are expecting the town to pay for half of the added cost. Sabolsky says that they only discussed paying for the pipe, not labor or installation. The Council listens to descriptions of the circumstances from Schoenhard, Sabolsky, and Patterson. Patterson explains that the original plans were to connect to the line on the south side of Grizzly Avenue. He says that the Town recommends connecting to the line in the railroad right of way but they instead connected to the line at the existing Kelly Inn. There is some debate about how the line should have been connected. Schmier asks if there is any benefit to the town considering how the line was connected. Sabolsky says that it will allow the Town to

loop the line which improves water pressure and fire suppression ability. Sabolsky says his recommendation is to pay for the materials for that additional 100 feet of line.

- A) **Town Manager/Department Head Reports:** Town Manager Dan Sabolsky reports that they closing date for judge appointment was last Friday and they did receive three applications: one from the current judge, one from the sitting judge in Ennis, and a local resident, Rich Gibson. He also reports that he met with Town Attorney Jane Mersen about the zoning questions on Washburn Circle and she recommends that the council table the issue tonight to give her time to do additional research. Public Services Superintendent James Patterson says that Engineer Dick Dyer has been in communication with Montana DEQ about getting final approval to drill the well. DEQ indicated that they don't anticipate any problems getting final approval to drill the well, but due to the holiday this week they won't issue final approval until next week. Patterson says they can't proceed until the final approval is granted and DEQ intends to finish the review the beginning of next week. He says the last water sample was evaluated on Monday and they are hopeful that they will have permission to proceed next week. He also mentions that they are done chlorinating the water and ran the final cycle today. Johnson asks about the "aroma" that has been noticed coming from the lagoon. Patterson says the aerators have earthquake switches and one of the switches has become weak and tends to turn off. He says they adjusted that switch today and believe it will not be a problem in the future because if one aerator is down it is noticeable in town. Schmier asks Patterson if he has a good idea of how long it will take to complete the well project. Patterson says that if they can get started by the middle of the month, the well should be online by mid-September, possibly sooner, but there are no guarantees.

The meeting is adjourned. (8:15 PM)



Mayor

ATTEST:





Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
July 10, 2018

COUNCIL MEMBERS PRESENT: Jerry Johnson, Brad Schmier, Pierre Martineau, Chris Burke, Greg Forsythe

OTHERS PRESENT: Town Manager Daniel Sabolsky, Finance Director Lanie Gospodarek

The meeting is called to order by Mayor Brad Schmier 8:00 AM in the 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 announces that the topic of the meeting is to discuss special requests and the special revenue funds for the FY 2019 budget. They first discuss the special requests. Finance Director Lanie Gospodarek explains that the West Yellowstone Foundation has requested an additional \$10,000, in addition to the \$15,000, to support the bus that travels between West Yellowstone and Bozeman. In recent years, they have only requested \$15,000 but have seen a drop in funding from the State and are asking the Town to assist with that shortfall. Forsythe says that considering the amount of money that the Foundation has contributed to community projects, he would definitely support it. Gospodarek also explains that the Foundation did not bill the Town before the end of the year for the \$15,000 that was budgeted in FY 2018, so that amount will be rolled over into FY 2019. Schmier asks if there is a set amount that the Town sets aside for special requests. Gospodarek responds that there is not necessarily a set amount, it is usually determined by priority and need. She also explains that they are currently short by approximately \$160,000 that they will need to work out. Sabolsky adds that they do think they can work out the \$160,000 shortfall by adjusting other areas of the budget. Schmier suggests they discuss the merits of each special request. Johnson says that they have incrementally increased the allocation for the bus over the years and it may be time to do that, but he thinks a \$5000 increase would be more appropriate than a 75% increase. Burke asks if the Foundation would have to cut back on services if they don't get the additional \$10,000. Sabolsky says that the director indicated they would have to look at things and decide if they could fund the bus without the additional money. Schmier says he is inclined to agree with Johnson that \$5000 would be a more appropriate increase but doesn't want to see services cut back. Forsythe says the Foundation has helped out considerably and he still supports the additional \$10,000. Burke says that he agrees with Forsythe and thinks the bus service is very important and they should support the additional funding. Martineau supports the request but acknowledges he is on the board for the WY Foundation and probably shouldn't vote. Schmier says he is willing to support the additional \$10,000 for this year only and it should not be assumed that it will be funded at that level in the future. The next request is for \$100,000 to Community Health Partners to operate the medical clinic. The letter received requests \$100,000. Forsythe says he has the same concerns as before, and points out that the revenue increased substantially, but the request for support from the Town has not decreased. He says that he understands expenses go up along with additional revenue, but he thinks there should be some explanation. Gospodarek explains that the federal funding obtained by CHP was already granted to support the clinics that already exist in Gallatin County, which were in operation before they took about the clinic here in West Yellowstone. Forsythe says he is willing to grant up to \$75,000. Sabolsky says that the contract that they have obligates the Town to fund them up to \$100,000 and they need to at least have \$100,000 available. Burke says he is new to this, but wants to be sure that they aren't questioning the motives. He says that healthcare is constantly changing and prices are increasing and they don't want to risk losing the service. Martineau points out that according to their numbers, their patient count increased 53%, which led to increases in other expenses. Johnson agrees with Sabolsky that they need to budget \$100,000 and then CHP will make the request for disbursement during the year. Sabolsky asks the Council to let him know what questions they have for CHP and he will work on setting up a meeting with CHP representatives to work through that. The West Yellowstone Chamber of

Commerce has requested \$29,000 to support operations of the facility and then \$6000 for fireworks. The operations support request is the same amount as last year but the fireworks request is an increase from \$4000 to \$6000. Both requests are already in the budget as requested. John Heine, Executive Director for the Grizzly & Wolf Discovery Center (GWDC), addresses the Council to request \$15,000 to help finish the new Banks of the Yellowstone Riparian Habitat, an exhibit that will illustrate the complexities of Yellowstone with the addition of live river otters, cutthroat trout, arctic grayling, etc. He explains that the new building and exhibit has been under construction for the last couple of years and it will be a world recognized exhibit. He says they are in the process of raising the last \$600,000 for the project through grants, donations and operation funds through May 2019. Heine also explains that with the completion of the project, they do expect to increase the admission prices and generate a \$15,000 increase in resort tax collections from the GWDC. They have seen consistent increases in admission every year and increases in resort tax collections. The group discusses utilizing the money in the CDBG (Community Development Block Grant) and how that money could assist the GWDC. Sabolsky says he will look into using that money and explains that he has already worked on updating the program and regulations. The Council encourages the staff to pursue options to assist the GWDC project with those funds. The Council briefly discusses resort tax collections. Sabolsky says that they feel that they are being cautious about budgeting because there could very well be a decrease or depression in collections due to supply. There are many hotels under construction in the region, which could drive the price down for rooms in West Yellowstone. They also briefly discuss the impact of nightly rentals and trends in retail.

The next item of discussion is the Special Revenue funds, funds that can only be spent for specific purposes. Gospodarek briefly describes the Marketing and Promotions (MAP) fund, Tourism Business Improvement District (TBID), Off Street Parking fund, Parks and Recreation-teen center, volleyball court, community garden, recreation program scholarships, the Library, cemetery funds, and drug forfeiture. She explains that they do receive funds every year from the Gas Tax that can be used for street and road associated costs. 25% of gas tax funds can be set aside for capital purchases. She says they are also anticipating additional funds this year, BARSAA Gas Tax funds, which can be spent like other gas tax funds but not for capital purchases. The 911 fund is supported by money from the County and provides support for the dispatch center. The final payment for the 911 dispatch center remodel is due in August 2019 but they did budget for that final payment in this fiscal year as they expect to be able to make that payment from this fund prior to the end of the year. She briefly covers the crime victims assistance fund. They don't receive funds for this purpose any longer and the service has been transferred to the county. Gospodarek briefly explains the Community Help Fund, the trust fund that is administered by the Social Services Department. The fund was originally created by the local churches but was turned over to the Town to assist people with travel vouchers, medical prescriptions, and the food bank.

Gospodarek explains that at this point, all the revenue has been put into the budget and at the next meeting, they will discuss possible cuts to bring the budget into balance.

Public Comment Period

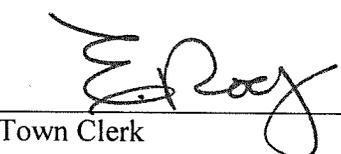
No public comment is received.



Mayor

ATTEST:





Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
July 16, 2018

COUNCIL MEMBERS PRESENT: Brad Schmier, Jerry Johnson, Pierre Martineau, Chris Burke, Greg Forsythe

OTHERS PRESENT: Town Manager Daniel Sabolsky, Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Chief of Police Scott Newell

Parks & Recreation Board Members: Moira Dow, Liz Watt, Jennifer Jordan

Fire Chief Shane Grube, Bob Patzke, Denice Sabolsky, Richard & Teri Gibson, Tim Whitman, John McLaughlin, Kyle & Rachael Burden, Randy Wakefield, Jeff Schoenhard, Garrett Ostler, Grant Jackson, various other community members

The meeting is called to order by Mayor Brad Schmier at 5:30 PM in the 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 the purpose of the work session is to discuss the capital funds and capital projects for FY 2019. Finance Director Lanie Gospodarek explains that after the last meeting, they had a shortfall of approximately \$166,000 in the budget. Gospodarek describes the adjustments that they have made to the budget since the last meeting, including reducing the ADA Accessibility improvements to the intersections from \$80,000 to \$70,000. A new administrative vehicle was pushed back from the FY 2019 budget to FY 2020. They had originally allocated \$200,000 to the fund the future repaving of the streets but backed that down to the traditional allocation of \$125,000. A new pickup for Public Services to replace the 2008 Ford was budgeted at \$55,000 from resort tax, but that has been reduced to \$40,000 and the rest will come from the water and sewer funds. They reduced the set aside for a new radio system to \$10,000 and the sprinkler system was reduced from \$60,000 to \$50,000. They also made reductions in the general fund in order to balance the budget. Mayor Schmier clarifies that any projects that were not completed in FY 2018 have been reallocated plus new projects budgeted. Town Manager Dan Sabolsky explains that if they can, they will break down some of the projects in pieces so they can accomplish some of the work as the funding is available such as streetlights or surfacing the Frontier Trail. Johnson asks about the allocation to purchase two dumptrucks in the event that they cannot borrow the trucks from the Yellowstone Park Service this winter. Sabolsky explains that YNP is probably not going to lend the trucks to the Town as they have in the past. He says there is still a possibility, but they decided it was in their best interest to budget to purchase two trucks. Johnson says that the toilet vault at the tennis courts has been on the capital plan for years but they don't seem to make any progress. Forsythe suggests just putting in a portable toilet for just the summer. Johnson calls attention to the letter from the Parks & Recreation Advisory board. He says that they discussed the ice rink at the last meeting and he thought the Council was against expanding the rink but it is still in the budget for \$50,000. Jennifer Jordan, Parks & Recreation Board member, expresses opposition to expanding the ice rink and points out that they can't seem to maintain the rink that they have. She says that the board supports a roof over the existing rink, but not giving up any green space for an expanded rink. She also points out that if they actually build everything that has been suggested for Pioneer Park and won't have any green space left. Forsythe says he would like to see them spend money on conceptual planning to enclose or cover the rink in the winter. Sabolsky says he would like to expand the concrete this year and look into replacing the boards. He says they would like to expand it 15 feet to the east and 80 feet to the south. They would also have to move the basketball hoops and lights. Forsythe agrees with the board members and their concerns about maintaining the rink they have. Johnson says they should move the \$50,000 to FY 20 because it isn't enough money to do any of the things they have talked about. He says they should use that money to do some investigation and figure out what they can do. Forsythe

says he doesn't think they need to go the full 80 fee to the south. Martineau suggests breaking the expansion of the concrete up over the next several years. Johnson says they are not considering the recommendation from the advisory board that is in front of them. Liz Watt, Parks & Recreation Board Member, says that they are not necessarily against the expansion of the rink, but they were never given a plan for the rink so they could understand what the changes would be. Forsythe suggests budgeting \$20,000 towards parks improvements and \$30,000 towards expanding and/or improving the ice rink. He says he'd like to see a drawing of the proposed rink. The Council agrees and specifies that they want to see plans and they should also be submitted to the Parks & Recreation board. Moira Dow suggests a new master plan for Pioneer Park, noting that the current plan is 5 years old. The Council agrees and says a new master plan for the park should come out of the \$30,000. Sabolsky asks for direction about how to expend the \$30,000. The Council indicates that they should work on a parks master plan and get an idea of what the other costs of the project will be such as moving the basketball hoops, lights, the roof, and concrete. Schmier questions the \$50,000 to replace the roof on the Town Hall and whether they need to replace the entire roof. Patterson says the roofer that looked at it recommended they remove the rain gutters, but maybe all they need to do is replace the north side of the roof. Gospodarek briefly describes the status of the remaining capital funds. Forsythe says he still has questions about some of the projects on the plan and asks the Council to schedule another work session to discuss those specific projects including replacing the roof at the Town Hall, volleyball court in Pioneer Park, purchase of two dump trucks, climbing boulder at Pioneer Park, ice rink expansion, and the sprinkler system at Pioneer Park.

The work session is adjourned at 6:55 PM. Regular meeting starts at 7:05 PM.

ACTION TAKEN

- 1) Motion carried to approve payment of the claims, which total \$302,960.46. (Forsythe, Johnson) Schmier abstains from #44642 and #44655. Burke abstains from #44674.
- 2) Motion carried to approve the Consent Agenda, which includes the minutes of the July 3, 2018 Town Council Meeting and July 10, 2018 Town Council work session. (Martineau, Burke)
- 3) Motion carried to approve the new business license application for Let's Get Sewing made by Kathy Boyd to operate a sewing and hemming business. (Forsythe, Martineau)
- 4) Motion carried to approve the request made by the Human Resource Development Council (HRDC) for two "relaxations" of technical requirements in Title 17, which the staff report adequately addresses and which is allowed under the Planned Unit Development provisions of Title 17; the requested R3 zoning relaxations referenced in the code by 17.20.200 (separation of driveways) and 17.40.090 (individual yards in lieu of common space), and based on the information provided by HRDC this project substantially complies with the Town of West Yellowstone Growth Policy. (Burke, Martineau) Burke votes in favor, Martineau abstains, Forsythe, Johnson, and Schmier are opposed. Motion fails.
- 5) Motion carried to partner with Kelly Inns Ltd. to pay for the cost of the pipe and fittings for the distance between points #1 and #2 on the presented map up to a cost of \$10,000. (Johnson, Burke) Forsythe is opposed, motion passes.
- 6) Motion carried to approve Resolution No. 713, a resolution adopting the preliminary budget for FY 2019. (Johnson, Martineau)

Public Comment Period

Kyle Burden thanks the community, the Public Services department, and Don Perry for the success of the Music in the Park event on July 4. He says the football team did a fundraiser selling food that evening and did very well.

Council Comments

Johnson says that Mr. Schulberg, a former resident and his family that lived here for many years, passed away recently in Butte. Mayor Schmier says he would like them to look at more cross walks, particularly on Highway 20, because the traffic is just getting heavier. He acknowledges that will take some cooperation with the State but it needs to be addressed.

DISCUSSION

- 4) Mayor Schmier explains that the Conditional Use Application/Planned Unit Development made by HRDC to develop a Community Land Trust Townhome Development was tabled at the two previous meetings. Schmier says that based on extensive research, they have been provided evidence that the area in question is zoned R-3. He says the item before the Council is to consider two relaxations to allow the project to proceed. Burke makes a motion to approve, seconded by Martineau. Schmier asks for public input. Forsythe asks Sabolsky to first explain the procedure. Sabolsky says that if the Town Council approves the project, the Town's involvement will be satisfied. At that point, the project will go before the Madison Addition Architectural Committee for approval. Forsythe asks if there are an appeal process for the decision. Mersen says that there isn't an appeal process in the existing zoning, but a member in good standing could file an objection. Schmier reviews the requested relaxations, one is that there must be 50 feet separation between driveways. He says that he doubts all the driveways in the Madison Addition are 50 feet apart. Schmier says the other relaxation requested is to split the lot into three parcels. Mersen agrees but also points out that the lots do meet the minimum lot sizes. Sabolsky further explains that each home will be on a separate lot that is leased from HRDC. Kyle Burden addresses the Council and expresses concerns about the impact of the project on the area. In addition to the zoning issues, he questions the median income numbers that have been presented, actual affordability, and whether the infrastructure is actually adequate. Brian Guyer of HRDC addresses the Council. He says that the HRDC is a non-profit and they are legally obligated to go by the median income numbers for Gallatin County as determined by the federal government. He says that they know that number is thrown off by salaries in Bozeman and Big Sky. He says that they accommodate that through the sale price of the units. He also explains that they are experienced building high quality homes and vet all potential homebuyers through a required home owners education course. Tim Whitman asks for clarification about the minimum lot sizes and it is explained that the minimum lot size is 1600 square feet. Moira Dow, Secretary for the Architectural Review Committee, explains that they did put the proposal before their attorney. She says that according to their attorney, Wayne Jennings, the section that pertains to Townhomes overrules the PUD section. Chris Burke shares a section from the Growth Policy that encourages increased density in order to provide more affordable housing. Johnson says that in November of 1995, he voted to change the zoning for that area to R-2. He says he knows that was the motion, but there is no evidence that it was ever changed to R-3. He says they have made multiple considerations to provide one more home on that street, without any consideration for the 20 something property owners in that area. He says that when the Growth Policy was presented and adopted last year, they were told over and over it was just a plan. Now it appears it is a policy and now they are being told they must adhere to the policy. Pierre Martineau discloses that he sits on the board for HRDC and believes he must abstain from the vote. The vote is called for, Burke is in favor, Johnson, Schmier and Forsythe are opposed, motion fails. Schmier says that the reason he voted against it is there is just too much confusion about the project. Martineau states that for a town that desperately needs housing, this council has now turned down two housing proposals and that sends a very clear message.

- 5) Mayor Schmier explains that they have also twice tabled the request from Kelly Inns Ltd. to share the cost of the fire water lines to feed the Kelly Inn Annex motel. Kelly Midwest Ventures has requested the Town pay for half of the total cost for the new hydrant, water lines and street asphalt replacement which totaled \$114,184.00. Sabolsky explains that the suggestion that they considered during their multiple conversations last year was to pay for the pipe only to complete the loop of the fire line, expected to cost around under \$10,000. Johnson asks if the Town is liable for requirements set by the Fire Department, if they are deemed to be incorrect. Mersen responds that they are not. Regional Manager Jeff Schoenhard explains that they are building a very similar hotel in Sioux Falls and have had to adhere to the same international codes, but have not been held to the same regulations. Fire Chief Shane Grube says that the only requirement they have set that exceeds the international code is based on the lack of staffing and mutual aid in this area and not in regard to water flow, access, or pressure. Grube explains that the original pressure tests for the new structure were conducted in October when the Town was empty. The Fire Department made the recommendation to loop the line to improve pressure. Schoenhard disputes and says that when the tests were conducted, the occupancy of their other hotels was around 75% to 80%. There is significant discussion about the sequence of events and how the issue developed. Forsythe calls attention to statements made by Brenda Schmidt, President/CEO for Kelly Inns, Ltd., in the letter dated July 12, 2018. Forsythe points out that Kelly Inns Ltd. Made multiple decisions on their own without correspondence or communication with the town and they should not be held responsible for that. Johnson asks Sabolsky about the discussions that were held to ensure the loop of the line to improve water pressure. Sabolsky explains that they realized that they could avoid long-term problems and complaints by participating enough to ensure the line was looped, which they expected to cost less than \$10,000. Johnson says he agrees with Forsythe and also understands Sabolsky's rationale to cover the cost of just the pipe, but they would need to see the actual cost of the pipe and fittings.
- 6) Finance Director Lanie Gospodarek explains that they must adopt the final budget by the first meeting in August or within 30 days of receiving the mill value from Gallatin County.
- A) **Advisory Board Reports:** Mayor Schmier acknowledges that the Parks & Recreation Board met last Friday and their report was discussed at the work session earlier tonight.
- B) **Town Manager/Department Head Reports:** Town Manager Dan Sabolsky reports that the owner of the Electric Street Project has indicated that the project is on hold and they may consider selling the property. They are making progress on the revisions to the Zoning Code and Subdivision regulations and proposed zoning fees. They received three applications for the position of City Judge and are doing some research about residency requirements and whether the judge must be an attorney. He says they have been working on job descriptions for the 911 Communication Center manager, Assistant Public Services Superintendent, and Recreation Coordinator.

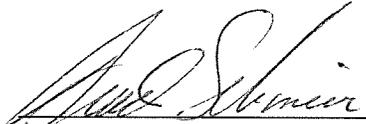
Chief of Police Scott Newell reports that they are reaching their typical summer incidents and mentions multiple accidents, traffic violations, and an increase in nighttime activities. Officer Lovingier has tendered his resignation effective August 4, 2018 and they do have an exit interview scheduled.

Social Services Director Kathi Arnado reports that her office has been busy, they had a successful food bank audit. Traffic from J-1s and seasonal employees has been somewhat reduced.

Public Services Superintendent James Patterson reports that he just returned from vacation and replaced sod at the Chamber building. Montana DEQ has put the sewer system approval on hold because DEQ is requesting proof that the IP beds they are working on are not new and have been there for years. He says that he is working with Engineer Dick Dyer and multiple other sources to verify that those are not new beds. This has come up because the lagoon was not a permitted lagoon until July 1 of this year. He says that Dyer sent an email last week detailing the steps they have taken to get the new well approved, but they are still waiting for DEQ to approve the well.

- C) Mayor Schmier explains that they received a letter from the Montana Department of Transportation, Aeronautics Division, expressing concerns about possible incompatible land use near the Yellowstone Airport that could result in hazards to air navigation, obstructions to flight paths, visual obscurations, or noise-related incompatible land use.

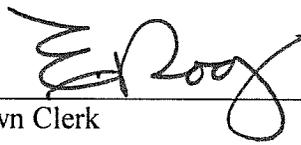
The meeting is adjourned. (9:15 PM)



Mayor

ATTEST:





Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Work Session
July 24, 2018

COUNCIL MEMBERS PRESENT: Mayor Brad Schmier, Jerry Johnson, Chris Burke, Greg Forsythe, and Pierre Martineau

OTHERS PRESENT: Town Manager, Daniel Sabolsky, Finance Director, Lanie Gospodarek, Public Services Superintendent, James Patterson, Police Chief Scott Newell, Chamber of Commerce Executive Director, Marysue Costello, Parks & Rec Advisory Board Member, Moira Down, Katie Moen reporter for the West Yellowstone Star

The meeting is called to order by Mayor Brad Schmier at 8:00 AM in the Town Hall Council Chambers

Portions of the meeting are being recorded.

Public Comment Period

No public comment is received.

Council Comments

Council Member Johnson mentions an email that he sent out on the weekend about materials as well as vehicles on the tennis courts/basketball courts. Patterson says he will talk to them. Discussion ensues about which public property Safelink should be using to stage the fiber optic installation project.

DISCUSSION

The Council has been provided with an abridged version of the Capital Improvements Plan Summary Table (Table 7) with 6 items about which Councilman Greg Forsythe requested discussion from the council. Greg starts discussion with #4 on the table, the Town Hall roof. Forsythe asks James Patterson if the whole roof needs to be done and whether or not we can reduce that number by only doing a replacement of just ½ the roof. Forsythe says he would like to see that the gutters remain and that if we add the heat tape that could help. Chris Burke clarifies that we are replacing just the north section of the roof and adding tape. Daniel Sabolsky asks how long we have before replacement would be necessary on the other side of the roof and Forsythe and Patterson concur that the south facing portion of the roof should last 30-40 years. Patterson also mentions the problems with the vents that allow snow to come into the Judge's Chambers and the Court Clerk's Office. Jerry Johnson asks if we can use vent covers in addition to raising the vents as proposed by Patterson. Johnson then asks Forsythe whether this is a patchwork project or a complete overhaul of the north side. Forsythe states that it is a complete replacement of that side

The Parks & Recreation Advisory Board discussed a location in the City Park for the volleyball court at their meeting yesterday. The site selected is just south of the expanded skating rink. Martineau states that his donation is what started this and asks if he should take his donation back or move it another project such as the climbing boulder or the skating rink. Moira says that they really are not having a problem with putting the court in but are just hoping to see that it gets done. The group discusses using sand as opposed to another kind of surface. Patterson says he has built a number of them and he has always seen that sand is used. It is agreed that this should get done by next spring.

The group moves on to discuss dump trucks and whether or not it is a viable option to lease them as opposed to buying them. Patterson talks about the information he gathered on leasing them and explains that this is expensive and unlikely. Trucking companies don't like to lease their trucks so they make it expensive; so he looked into purchasing used ones. Forsythe says he thinks this is the best way to go. Burke agrees. As far as leasing they can use Chris Kachur as backup plan and Johnson says if they are leasing he would prefer we stay local. Patterson says that Kachur is amenable to this relationship.

The next item on the list for discussion is the Climbing Boulder. Moira Dow of the Parks & Recreation Advisory Board explains that \$15,000 is only a portion of what it would cost and that fund raising is going to be required. Sabolsky states that the fund raising required would be done in association with Conrad Anker, a famous climber and North Face Team Captain. Dow clarifies that we have only budgeted \$15,000 and Pierre Martineau clarifies that the amount that the Town needs to put up \$50,000. The project/purchase will move to FY 20 and more research will need to be done on the amount. Marysue Costello of the West Yellowstone Chamber of Commerce, asks if there was a minimum percentage of donation required to be put up by the Town. Sabolsky answers that there is not. The decision was made by the Parks & Rec. Advisory Board that the \$15,000 budgeted for this year will move to the ice rink project taking that amount from \$30,000 to \$45,000.

It is clarified that the ice rink will be extended to 210 feet and widened to 80 feet for the now \$45,000 that is in the CIP for this project. Dow says that they would like to make sure that now that there is more concrete that this is also a multiuse space, whether it is by incorporating the other elements of the park plan such as a splash park or skate park elements. Schmier says he would prefer the skate park and Johnson disagrees and says that he thinks the skate park is a waste of time. Dow mentions that a challenge of skate parks is drainage. Johnson also questions a splash park but acknowledges the point of view that if we are just covering everything up with concrete for only one purpose and would defer to the Parks & Rec Advisory Board. Schmier asks if we are all on board for expanding the ice rink. Burke expresses concern that there isn't a plan for the park and Dow adds that the sprinkler system is a priority because it affects everything else. Sabolsky states that they are getting a plan together and that a Parks & Rec. Survey will be done in the fall. They discuss that a well thought out plan that would allow them to move forward in the spring with the ice rink expansion.

The council then moves to speak more specifically about the sprinkler system for Pioneer Park and Forsythe states that Mike Williams, from Flying R Irrigation, said he would be willing to help us lay it out and provide guidance to the public works department. Johnson asks if the well at the park can support the sprinkler system there. Patterson says not currently but that they are checking into whether or not the pump size could be increased to get the job done. Forsythe clarifies that we are looking at newer, better sprinkler heads that would make it so that fewer sprinklers would be required. Martineau asks if the pump could handle it and Patterson that the existing pump went out last fall and that we are currently watering the park on water from the spring. Burke states that it sounds like we are on track for the \$50,000 budgeted for this project and Patterson adds that this number does not include the replacement of the pump for the well.

Johnson brings up a few personal items of concern. The sewer line installation he doesn't think is a priority. Sabolsky reminds him that the funds for that come from the sewer fund. Johnson then states that he thinks that a real bathroom needs to be put in at the tennis courts. Johnson he has conceded to the port-a-potty these last few years but it has never happened and now he thinks it is an insult to our community members that we have nothing there. It was established that previously it was on the CIP with an expected cost of \$50,000. Sabolsky states that plans for a toilet were designed for two places the interior park downtown and the tennis courts but that it was then determined that they would not fund these projects. Schmier and Johnson say they remember the design work for the interior park restrooms but not the tennis court restroom. Burke says if we still have the plans then we should move forward with the restroom for the tennis court. Schmier asks if that can be paid for with water or sewer funds. Sabolsky and Gospodarek say they will look into that possibility. Dow mentions that re-surfacing the tennis courts was part of the discussion of the Parks & Rec. Board but Patterson and Sabolsky say that it has been determined that the tennis courts are not in bad shape. Sabolsky also mentions that this was in the CIP but was considered maintenance rather than an improvement and therefore would not be budgeted as a capital item. Johnson asks that we put \$10,000 back in for the ADA corners – back up to \$80,000 from the \$70,000 it was reduced to. Johnson asks about the mag chloride test and if it could be moved up to this fiscal year. Patterson says he has enough Mag Chloride pellets to do the interior park behind the grocery store because it is the smaller interior park so that the funding doesn't need to be moved in the CIP for FY 19. Patterson says that the

best way to do it is to windrow the dirt to the middle of the parkway, the mix it with oil and then roll it but that we don't have all of the right equipment.

Forsythe reminds the council that Johnson once said that we need to worry about current issues rather than focusing on future ones but he asks about whether or not there is money in the budget for lobbying for the additional 1% RT. Sabolsky confirms that 30K has been budgeted for this in the General Fund. Forsythe then states that he continues to believe that the Town of West Yellowstone needs a real medical facility. Johnson says that he had gotten a contact name for someone that deals with rural health

Schmier summarizes the discussion and outcomes of the meeting so far stating that everyone is good on the amounts of \$125,000 for dump trucks, \$50,000 for the sprinkler system and \$30,000 for the Town Hall roof. Forsythe asks if the new well has been used yet. Patterson says no.

Patterson updates the council on his meeting with DEQ yesterday about the sewer lagoon.

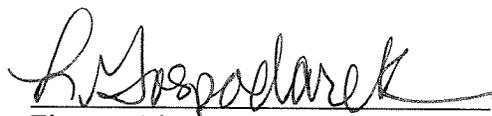
Martineau asks if there is a forest service campground at the end of Iris street. It is decided that there is nothing official there. It is stated that people feel like it is cheaper to pay the fine for camping in a place that it is not authorized than it is to find a camp site.



Mayor

ATTEST:





Finance Director

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
August 7, 2018

COUNCIL MEMBERS PRESENT: Jerry Johnson, Brad Schmier, Pierre Martineau, Chris Burke, 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

The meeting is called to order by Mayor Brad Schmier 6:00 PM in the 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. The topic of the work session is to discuss planning for the 80 acres on the western border of the Town. The property was purchased by the Town from the Forest Service last year. Schmier introduces Erik Nelson of Think Tank Development Group in Bozeman. Think Tank has been contracted by the Northern Economic Development to prepare a planning report for the new 80 acres. He explains that their intent is to prepare a plan that reaches the greatest social, economic and environmental potential to facilitate a high quality of life for residents and a growing economy. He points out existing conditions and challenges including limitations on commercial growth, non-existing manufacturing sector, and limited supply of buildable property which equates to high housing costs. He briefly describes development strategies that can be implemented to maximize growth. Nelson displays a conceptual map that illustrates a way to develop the property as a mixture of industrial, residential, public use, and commercial. He explains that they should consider specific guidelines for the gateway district, which is the entry to the Town. Nelson's plan extends the existing streets into the new parcels and has multiple access points to the Forest Service. John Costello points out that all of the acreage on the plan is bordered by streets, which eliminates any private property touching Forest Service. He points out that in the interest of returns, property that borders the Forest Service is very valuable. Marysue Costello says that there have been many discussions in the past about involving the public in the planning process and encourages the Council to do that. Nelson explains that if he was approaching this as a developer, he would break the parcels into five minor subdivisions, which would then be broken down into blocks and lots. He briefly discusses zoning strategies and specifically calls attention to the 9 acres on the north side of Highway 20. He says that the residential density would be higher than what is allowed in the Madison Addition at this time in order to encourage affordability. The Council discusses the next steps in the process and how or when to involve the public. The Council agrees that the initial plan is a great place to start. Johnson asks Nelson to make recommendations about zoning and density. Burke says that they need to really define the zoning so there are no questions. Nelson explains that the mixed use industrial/residential area is a zoning that they don't currently have in West Yellowstone but has worked well in other places. Nelson says that there are many tools they can use to incentivize development as they work through this process.

ACTION TAKEN

- 1) Motion carried to approve Purchase Order #6760 to DTI Trucks to purchase two 2001 Freightliner FLD112 Dump Trucks for a total of \$124,500. (Martineau, Burke)
- 2) Motion carried to approve the Purchase Order #6761 to The Third Element to purchase a backup PSAP generator for the 911 Center for \$83,855. (Martineau, Burke)
- 3) Motion carried to approve the claims, which total \$472,924.57. (Forsythe, Martineau) Forsythe abstains from #44743 to Westmart Building Center.

- 4) Motion carried to approve the Consent Agenda, which includes the minutes of the July 16, 2018 Town Council Meeting and July 24, 2018 Town Council Work Session. (Johnson, Forsythe)
- 5) Motion carried to approve the business licenses applications for Madison Plaza LLC, one license for 7 nightly rentals and one license for 8 long term rentals and one long term RV spot. (Johnson, Burke)
- 6) Motion carried to appoint Grant Jackson, Ken Davis and Rocky Hermanson to the Cemetery Board for a term of two years. (Forsythe, Martineau)
- 7) Motion carried to reappoint Doc Decontour to the Police Commission for a term of five years. (Forsythe, Martineau)
- 8) Motion carried to approve the site plan for the Phase 1 of the Wagon Wheel Hotel at 608 Gibbon with the condition of complying with all requirements made by the Town Engineer, Fire Department and State Building and Health Departments. (Burke, Forsythe)
- 9) Motion carried to approve the site plan for the Yellowstone Country Inn at 234 Firehole with the condition of purchasing 8 parking spaces for \$1200 each, complying with all requirements made by the Town Engineer, Fire Department, and State Building and Health Departments. (Forsythe, Martineau)
- 10) Motion carried to approve the current employment contract for Town Manager Dan Sabolsky with the following conditions: extension of contract through January 10, 2023, increase his compensation by 3% retroactive to 7/1/17, increase compensation by 4% retroactive to 7/1/18, an automobile allowance of \$185/month effective July 2018, extend the time period to use accumulated excess hours until 12/31/19 not to be extended again, and allow Sabolsky to cash out up to two weeks of paid vacation leave every fiscal year. (Forsythe, Martineau)

Public Comment Period

Randy Wakefield of Fall River Electric reports that the Member Appreciation event will be September 6. He also reports that the wind/solar project that the Town contributed to will be here at the West Yellowstone School. He says of the three communities, West Yellowstone raised the most money for the project.

Bill Howell mentions the National Geographic Yellowstone Live series that is streaming on TV this week is absorbing almost all the available bandwidth in the area and may be causing some of the internet and email issues they are experiencing.

Council Comments

Chris Burke says he attended the Yellowstone Historic Center event a few weeks ago and encourages everyone to support the center. He says that National Geographic is posting on Facebook throughout the day as part of the Yellowstone Live series and it is creating a lot of good publicity for the community.

Johnson mentions that Wayne Hermanson passed away last week as well as "Tiny" Roberson and encourages everyone to keep both families in their thoughts.

Schmier says that in response to the recent HRDC issue, he believes they should address the zoning on Washburn Circle and consider changing the zoning. Sabolsky says that residents of Washburn Circle have already contacted him and expressed interest in changing the zoning.

DISCUSSION

- 6) Schmier explains that there will still be one vacancy on the Cemetery Board. He says he has also reviewed the cemetery regulations in the municipal code and says he is going to work on ensuring that the board fulfills its responsibilities.
- 8) Sabolsky explains that the Development Review Group and the Planning Board have reviewed and approved the parking/site plan for the Wagon Wheel Hotel at 608 Gibbon Avenue. The project, when completed, will require 32 parking spaces and the plan provides 32 spaces.
- 9) The Council discusses the site plan for the Yellowstone Country Inn at 234 Firehole. Sabolsky reports that this project has been reviewed by the Development Review Group and Planning Board. The project requires 61 parking spaces and can only provide 53. They are requesting approval to purchase 8 spaces, which will allow them to provide over 80% of their parking on-site.
- A) **Advisory Board Reports:** Teri Gibson reports to the Council on behalf of the **Planning Board**. Gibson reports that at the last meeting, they reviewed the parking for the Yellowstone Country Inn and discussed the new RV spots at the Buffalo Crossing RV Park.

Rich Gibson reports on behalf of the **Police Commission** meeting last week. They discussed recruiting a new police officer and planned another meeting for the 21st of August.

- B) **Town Manager/Department Head Reports:** Town Manager Dan Sabolsky reports that he has worked through the first draft of the revised zoning code and it is a good start. He has started reviewing the subdivision regulations. Sabolsky says that HRDC is looking at other options to develop the property on Washburn Circle. The grant they were awarded to fund the planning process by ThinkTank has been extended for six months. He has had some conversations with the Forest Service about storing snow on Forest Service property that was positive. He says that Forsgren & Associates has evaluated our IP Beds at the lagoon and has made some recommendations to improve safety and function at the lagoon. Three applications were received for the Judge position, but only two are eligible. They have received a full application for the Moonrise Development project in the Madison Addition. Funds are being raised to improve the casting pond behind the Union Pacific Dining Lodge. He says they are working on multiple job descriptions including the 911 Communications Manager-which has been ruled as not eligible to be in the union. He is also working on job descriptions for the Recreation Coordinator and Deputy Public Services Superintendent, a Water/Sewer Operator and possibly a mechanic. Johnson asks about a plan for bathroom at the tennis courts. Sabolsky responds that they do have a plan for a one-seat bathroom that was originally developed for the downtown area but that they could build at that location.

Town Engineer Dick Dyer addresses the Council regarding the new water well. He says that the well was approved yesterday by DEQ and the project is proceeding. He says that DEQ was concerned about use of the IP beds at the lagoon that have been there for many years but were not in service. He says that DEQ had questions about the well, which were thoroughly answered, and they have been allowed to start the project. He says they can give the contractor direction to start. He says that there are some outstanding questions about water rights concerning the flow at the South Fork. He says they could transfer water rights from Whiskey Springs or one of the wells to ensure they have enough for the new well. He explains that DNRC could have objections to the affected flow, but he believes that the water rights issue could be mitigated. Sabolsky explains that when they met with DNRC, they did not anticipate any issues transferring the water rights, but there is a chance that there could be an objection during the comment period. Forsythe says that he thinks they should proceed with the project. He says that hopefully

everything will go smoothly and they will be able to use the well by spring. Forsythe says he would like to move ahead and get the building built and lay the pipe. He says that according to Patterson, they have not even used the Railroad Well this summer. He says they should consider scheduling a meeting to lift the water moratorium. Burke says he is not confident that they have the information they need to lift the moratorium and feels that the records are messy. Sabolsky says he recommends they take the risk to proceed with the project. They have businesses that are investing in this Town and have good indication that they can work through all of this. The Council agrees and encourages the staff to proceed. Dyer also explains that the lagoons are properly treating the wastewater. He explains that they did receive the discharge permit from DEQ and have moved forward with bringing the other IP beds into service. He says that there are some issues at the lagoon that needs to be addressed, but there is nothing imminent or anything that is threatening our current permit. Burke says that he was at the lagoon last Friday and believes there are bigger problems. Sabolsky asks Dyer to explain why there was water spilling over the liner at the lagoon last Friday. Dyer says that he didn't say there weren't any issues. Sabolsky asks when was the last time Dyer was at the lagoon. Dyer says he was there this evening and a few months ago. Johnson points out that Dyer is the engineer and not the operator. He says that they have staff and a Town Manager that should be responsible to noting problems and notifying Dyer.

Patterson adds that he and Council Member Forsythe looked at Christmas decorations in Bozeman last week and picked out some lights to put on the street light poles that should last much longer than they have in the past. Finance Director Lanie Gospodarek reports that the office has been very busy with closing out the fiscal year, finishing up the budget, and they are hoping to hire another person in the new future. Social Services Director Kathi Arnado reports that they are working on an apprenticeship program through the school and the Job Service to encourage youth in Montana to stay in the state. She says they are also working on a program to encourage women to excel. She credits Dewey Dumsday for being an integral part of the apprenticeship program. Forsythe adds that Dumsday actually contacted Briggs & Stratton and obtained 13 small engines for the high school kids to work on. Officer Anthony Kearney reports in place of Chief Newell. He reports that Officer Matthew Lovingier has resigned and has taken a job with Coeur d Alene, Idaho police department. He reports that the Rod Run this weekend went well, they are planning for the new generator, Officer VanLeeuwen is in Billings taking mass shooter preparedness training, there was a minor burglary last weekend and typical summertime activity.

- C) Schmier explains that the appointment for the current judge will expire at the end the year. Sabolsky says that when they put out the legal services RFP, they put together a committee to interview and review the candidates. He says they could follow that process again or they could just interview the applicants at the council meeting. Schmier asks first if they are satisfied with having two only two applicants. The Council discusses putting it back out, but note that they did advertise for six weeks the first time. After further discussion, they agree to schedule to meet with both applicants at a work session in September. Whoever is appointed will need to attend training in November.

CORRESPONDENCE

Dated July 24, 2018, Melissa Alder, Jack Hart and Rachel Spence send letters in support of a bathroom facility at the tennis courts.

9:25 PM – The Council adjourns into Executive Session to discuss the Town Manager's Employment Contract. Notes will be taken during the Executive Session by Council Member Chris Burke.

10:35 PM – The Council reconvenes into open session. See Motion #10.

August 7, 2018
Town Council Meeting
Minutes, Page 5 of 5



Mayor

ATTEST:





TOWN CLERK

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
August 22, 2018

COUNCIL MEMBERS PRESENT: Jerry Johnson, Brad Schmier, Pierre Martineau, Chris Burke, Greg Forsythe

OTHERS PRESENT: Town Manager Daniel Sabolsky, Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Social Services Director Kathi Arnado

The meeting is called to order by Mayor Brad Schmier 7:00 PM in the Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.

Portions of the meeting are being recorded.

The Treasurer's Report with corresponding banking transactions is on file at the Town Offices for public review during regular business hours.

ACTION TAKEN

- 1) Motion carried to pay the claims, which total \$223,721.21. (Martineau, Burke) Burke abstains from claim #44777 to Morning Glory Coffee.
- 2) Motion carried to approve the Consent Agenda, which includes the minutes of the August 7, 2018 Town Council Meeting. (Forsythe, Burke)
- 3) Motion carried to approve Resolution No. 714, a resolution setting the mill levy for the Town of West Yellowstone for Fiscal Year 2019 for a total mill levy of 90.50. (Martineau, Burke)
- 4) Motion carried to approve Resolution No. 715, a resolution adopting the FY 2019 Budget and Capital Plan for the Town of West Yellowstone and the Tourism Business Improvement District (TBID) Budget for FY 2019. (Burke, Martineau)
- 5) Motion carried to approve Resolution No 716, a resolution supporting legislation to authorize resort communities to increase the resort tax by an additional 1%, not to exceed 4%, as amended. (Forsythe, Martineau)
- 6) Motion carried to approve the first reading of the new ordinance allowing the Town Council to set and change review fees for zoning applications by resolution. (Martineau, Burke)

Public Comment Period

Teri Gibson addresses the Town Council and requests crosswalks at every junction in town as well as yellow stripes down the center of every street. She says that such changes would help manage traffic and reduce confusion.

Council Comments

Chris Burke says that he has been approached about putting in a school zone or reduced speed zone in the vicinity of the new learning center. He says that last week he attended the Governors Symposium on Innovation in Billings last week. He says it was an incredible event and hopes they will be able to take advantage of the opportunities that exist and encourage innovation in the new 80 acres.

Public Hearing: FY 2019 Municipal Budget

Mayor Schmier calls the hearing to order and reads the hearing notice. Finance Director Lanie Gospodarek summarizes how the budget is divided into separate funds for specific purposes. The general fund is used to operate and maintain the Town. Special revenue funds are used for specific purposes. Resort tax funds are used in multiple places, but include revenue for the general fund as well as the capital fund. She explains that they also manage and adopt the budget for the Tourism Business Improvement District (TBID). Other special revenue funds include 911 system and the library. She says they have only one debt service fund, which is for

the General Obligation (GO) bond. Large purchases such as vehicles, equipment, buildings are budgeted in the capital fund. Enterprise funds are used to operate and maintain the utility systems. The Town also maintains a Trust & Agency fund for the Community Help Fund. No public comment is received. Mayor Schmier closes the hearing.

DISCUSSION

- 3) Richard Gibson asks how could they find out if they can increase the mill levy so that the Town can levy more mills. Gospodarek says she believes that is a legislative decision but she will inquire at the county level.

- 5) Forsythe says that he thought they agreed to remove all language from the resolution that refers to historical preservation. The group discusses this and agrees that was part of the reason the original attempt to increase the tax authority failed at the legislature. Changes are made to the resolution to remove references to historical preservation in the resolution. Schmier clarifies that if the legislature votes to amend the law as requested by this resolution, the citizens of West Yellowstone would still have to vote in favor of increasing the tax before any changes could be made.

- 6) Mayor Schmier reads the ordinance out loud. Sabolsky explains that the fees in the current zoning ordinance have not been amended since 1992. The new ordinance will all the council to set fees by resolution and amend as necessary. A draft of the proposed resolution is also presented and read out loud by Mayor Schmier.

- A) **Advisory Board Reports:** Richard Gibson reports on behalf of the Police Commission, which met yesterday. So far, they have received five applications for the position of police officer. The position will close at the end of the month and the commission intends to meet again to review the applicants.

- B) **Town Manager/Department Head Reports:** Town Manager Dan Sabolsky reports that he will meet with Land Solutions next week to go over the first draft of the revised subdivision regulations and zoning code revisions. He is also planning to meet with Erik Nelson of ThinkTank to discuss the conceptual plan for the 80 acres that was presented to the Town Council at the last meeting. HRDC is working on revising their application to build three town houses in the Madison Addition, one of the revisions will be to reduce the number of driveways from three to two, but they are still intending to build three homes. He says he received an email from the Madison Addition Homeowners Association encouraging the Town to push the owners of the Electric Street housing project to either finish the project or sell the property. Assistant Public Services Superintendent Dave Arnado has been working on code enforcement and making significant progress. They discussed at the last meeting that they will meet with the two applicants for the judge position in early September. The summer recreation program has wrapped up for the summer and they are planning to hold a parent meeting and follow up with staff to evaluate how the summer went. Next week, they intend to meet with Forsgren Associates to work on the lagoon plan for running the system. Dan Hoskins is retiring at the end of the month. They are recruiting for a police officer and will start the process to fill Hoskins' position. They are planning a small retirement party for Hoskins at noon on August 30. Sabolsky recognizes and thanks their summer season employees, including Easton Roos, Easton Jackson, Lucas Peterson, Hayley Hain, Danna Ochoa, Kestly Jessop and Maria Morales.

Public Services Superintendent James Patterson reports that they are working on the ADA ramps on the sidewalk entries at the intersections. He says they have made a lot of progress at the lagoon and keeping tabs on the spring flow. He says that the season is slowing down and so is the trash collection. Patterson asks the Council if he should proceed with the fence project at the lagoon. The Council indicates that they agree with bidding and building the fence before winter sets in. Schmier asks Sabolsky about any

progress on getting additional cross walks on Highway 20. Sabolsky says that he sent that request over a year ago and just heard back this week. The group discusses the requirement from the State to move the radar trailer from the right of way on Highway 20. Sabolsky points out that speeding on Highway 20 immediately increased as soon as they did so they are working on finding another location to use it on the highway.

Finance Director Lanie Gospodarek reports that the budget is finished, they have signed a contract with a new auditing firm, starting to work on the annual budget report, and hope to fill the vacancy in their department as well.

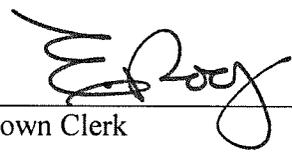
Social Services Director Kathi Arnado reports that things are going well in her department. They are working on a new program for women in the workplace and have had assistance from some court ordered community service workers.



Mayor

ATTEST:





Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
September 5, 2018

COUNCIL MEMBERS PRESENT: Jerry Johnson, Brad Schmier, Pierre Martineau, Chris Burke, Greg Forsythe

OTHERS PRESENT: Town Manager Daniel Sabolsky, Finance Director Lanie Gospodarek, Public Services Superintendent James Patterson, Police Officer Anthony Kearney, Social Services Director Kathi Arnado

Jeff Schoenhard, Randy Wakefield, Richard & Teri Gibson, Helene Rightenour, Cynthia Knapp, Leah Sherman, Moira Dow, Kerry Parker, Kathleen Brandis, Fire Chief Shane Grube, Greg Johnson, Pat Barnes, Darrin Hauck, Brian Benike, Kyle Burden, Bob Patzke, Liz Watt, Mike & Gayle Gavagan, Ken & Mary Davis, Shelley Johnson, Bill Howell

The meeting is called to order by Mayor Brad Schmier 6:00 PM in the 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 the meeting is to interview two applicants for the position of City Judge. The first applicant to be interviewed is sitting judge, Kathleen Brandis. Judge Brandis introduces herself and expresses her desire to continue to serve as the Judge as she has since 2007. She says that she feels like the court is operating well, she has had only two appeals and both were prior to becoming a court of record. She explains that she finished law school in the top of her class and has substantial courtroom experience. She says, generally speaking, she is a very ordinary person with a husband and two children. She also teaches part-time at Montana State University and mentions that she recently received a teaching award from MSU. Schmier asks why Brandis wants to be the judge. Brandis says that it is not an easy job, but she takes it seriously and thinks it is very important to be the third branch of government to uphold the law. She explains that they are a misdemeanor court or court of limited jurisdiction, which gives them an opportunity to rehabilitate and avoid going down the road toward felony convictions. Schmier asks about Brandis' qualifications, to which Brandis defers as her resume explains it in detail and she already covered it. Schmier asks about her strengths as a judge. Brandis answers that she always starts court on time. She holds attorneys to their word and avoids continuances, pointing out that they have a transient community and it is in their best interest to be efficient. Schmier asks about Brandis' weaknesses. She says she has many and admits that she is sympathetic to children and doesn't like it when a plea deal is reached for lessor punishment if a child was harmed during the crime. She says that the docket for this court has grown immensely and they have expanded to handle that. Schmier asks about the increase in juvenile crime. Brandis says that can be attributed to multiple factors but supports revitalizing the recidivism reduction task force in the community. She supports working with child offenders to reduce violations and defer convictions. Schmier asks about the composition of juries adequately reflects the community at large. Brandis answers that it is difficult in this community because of the transient nature of the workforce. She explains that the jury pool is no longer based on being registered to vote but based on drivers licenses, which provides for a broader rule. Schmier asks about the search and seizure statutes. Brandis answers that Montana has very strong privacy laws, which means a persons privacy rights outweigh federal privacy laws. Schmier asks about setting bail amounts and payment schedule. Brandis responds that they follow the recommended bail amounts as established across the state. She explains that they do set up time pay agreements and she doesn't worry about the amount they pay, but just that they make the payments that they agreed to make on time to avoid ending up back in court. Schmier asks if she ever wakes up at night and worries about whether she made the wrong decision in court. Brandis answers that she does wake up at night and her biggest regret was not becoming a court of record sooner. She explains that she was very annoyed after a jury trial when the jury came back with a guilty verdict and the defense

attorney already had the appeal prepared in his briefcase. Schmier asks if she is aware of any circumstances where she would need to excuse herself. Brandis explains that she does not live in West Yellowstone, which means she doesn't know anyone and doesn't know much about people that live here. She says there could be such situations and they are trained on such. Schmier asks about ruling on a case or violation that is not well versed. Brandis says that she does her homework and she is prepared for court. If she is unsure, she takes a recess to do some research and does not rule from the bench. Schmier asks how she would handle poor representation of a defendant. She says that absolutely happens, particularly with public defenders who haven't had time to meet with defendants. In that situation, she will call a recess to give the attorney time to meet and prepare with the defendant. Schmier asks what her vision for the future is of the court system. She says that she thinks they are running as a well-oiled machine, but their biggest challenge is going to be population growth and an expanded docket. She says that she has always been willing to expand the number of days per month that they hold court, but it remained the desire of the prosecutor and defense attorneys to just have court one day per month. She says that she thinks she is doing a great job and thanks the Council for the opportunity.

Rich Gibson addresses the Council and Schmier asks him to introduce himself. Gibson explains that he served in the army with an honorable discharge from 1972-1976. He started with the Auburn Police Department as an animal control officer in 1982 and has experience working as a police officer, narcotics investigator, police sergeant, taught drug recognition classes and various levels of police leadership. He was considered an expert in the areas of traffic investigations, search warrant procedures, drug recognition. He proposes to provide four to six court days per month to ease the impact on both departments. Gibson says they currently have a court of almost no consequence, says that sentences are very light. He says that as a retired police officer, he says he will not show favoritism to police officers. He thinks they should split the docket to separate criminal matters from others. He understands that there will be a training curve and he will attend training this fall. If appointed, he will attend other courts to gain knowledge. Schmier asks why Gibson wants to be the judge. Gibson says he sees a need and wants to give back to the community. Schmier asks what are his qualifications. Gibson says he has extensive law enforcement experience and has spent a lot of time sitting in court. Schmier asks what his greatest strength is. Gibson says his greatest strength would be understanding the law and understanding that it is fluid and changes over time. Schmier asks about weaknesses. Gibson says his weakness would be to see a violation as a violation and separate from the human condition. He says that in court, they should prosecute the violation not the offender. Schmier asks about high numbers of juvenile offenders. Gibson says that he believes there is a lack of community involvement. He says they need to get the community involved with juveniles outside of school and church activities. Schmier asks if he thinks the composition of juries is an adequate representation of the community. Gibson says the court system does as well as it can. Schmier asks what are the pros and cons of using the drivers license system to draw juries. Gibson says that it is a pro and a con that they have a pool of people to draw from, but they don't reach the people who are not part of that pool. Schmier asks about the distinction between the US government and Montana constitution regarding search and seizure rights. Gibson answers that Montana's constitution places an extra burden on the law enforcement officer. Schmier asks about setting bail amounts and payment schedules. Gibson says they need to set payment schedules based on needs and months on the calendar. He says bail amounts will depend on violence as part of the crime, previous criminal history, and individual circumstances. Schmier asks Gibson if he ever wakes up in the middle of the night thinking about a case or issue that he wishes he had handled differently. Gibson says that he has and describes a bank robbery case that involved a gun, which turned out to be the robbery of a person at a bank. He was the officer in charge, saw the perpetrator's vehicle leaving. He used his vehicle to barricade the perpetrators so they didn't escape and approached the car by himself even though he saw the gun, masks, and the bag of money. Schmier asks if there are any types of cases he would need to disqualify himself. Gibson says that if someone he was involved with personally, that could happen, but there are techniques that can be used to avoid being influenced. Schmier asks how Gibson how he deals with difficult people. Gibson says he tends to blunt and upfront, polite and assured. He says he would stop court if needed but believes that if you start with a professional attitude and respect then that will be returned and there will be no issue. Schmier asks how would he deal with an individual that represents themselves. Gibson says he would follow the law and make

sure they understood the proper steps. Schmier asks how would he handle areas of the law that is unfamiliar. Gibson says that prior to court, he would ask to see every citation and documentation to research before court. Schmier asks how Gibson would handle a defendant that is being poorly represented. Gibson says that he would meet with the attorneys and ensure they are prepared, but if he knew for sure that the attorney was not he would take the steps necessary to make sure they are fairly represented. Schmier asks about a need for more mandatory mediation and settlements. Gibson says that he supports mediation and settlements, but doesn't see a need for more mandatory requirements. Schmier asks about the changes he would advocate for as a judge. Gibson says he would like to see more court dates per month, he would like to see more business done at the beginning of the week so they are prepared by Friday and not need to work on things over the weekend. Schmier asks why the Council should select him as the judge. Gibson says the other candidate is a fine attorney. He says he sees this opportunity as a challenge. He says he lives in this community and will make himself available almost 24/7. He says he would like to advance the community's sense of law enforcement. Johnson asks if Gibson has sat in on our court prior to applying for this position. Gibson says that prior to applying he has, he has studied the MCA and done some studying about the requirements. Martineau asks if Gibson, after being in law enforcement for so long, would see this as an opportunity to get even. Gibson describes a previous experience where he related and bonded with individuals from a dangerous part of town and the law is a beautiful thing.

The work session is adjourned at 7:08 PM. The regular meeting begins at 7:15 PM.

ACTION TAKEN

- 1) Motion carried to approve the claims, which total \$234,468.49. (Martineau, Burke) Burke abstains from #44864 to Morning Glory Coffee & Tea, Forsythe abstains from claim #44862 to Westmart Building Center.
- 2) Motion carried to approve the Consent Agenda, which includes the minutes of the August 22, 2018 Town Council meeting with the correction of noting that Jerry Johnson was not present. (Martineau, Forsythe)
- 3) Motion carried to approve the second reading of Ordinance No. 267, an ordinance allowing the Town Council to change building and zoning fees by resolution. (Forsythe, Martineau)
- 4) Motion carried to adopt Resolution No. 717, a resolution that sets building and zoning review fees. (Martineau, Burke)
- 5) Motion carried to table the Application to Maintain an Encroachment made by Innovative Construction/Wagon Wheel Hotel to store construction materials on the interior park of Block 10. (Martineau, Burke) Johnson and Burke are opposed.
- 6) Motion carried to hire Buffalo Services LLC and Forsgren & Associates, Inc. to help the Town with water and wastewater issues for a one-year contract. (Martineau, Burke)
- 7) Motion carried to appoint Dustin Hojen to the Planning Board. (Burke, Martineau) Motion fails, Burke is in favor, Johnson, Schmier, Martineau and Forsythe are opposed.
- 8) Motion carried to appoint Bill Howell to the Planning Board. (Martineau, Johnson) Motion fails, Johnson and Martineau in favor, Schmier, Burke and Forsythe opposed.
- 9) Motion carried to appoint Rob Klatt to the Planning Board, through June 1, 2019. (Schmier, Burke) Motion passes, unanimous.

Public Comment Period

Kyle Burden addresses the Council pertaining to the zoning issue on Washburn Circle. He asks the Council to take care of that issue prior to considering any other applications for projects in that area.

Jeff Schoenhard addresses the Council regarding the building moratorium. He encourages the Council to address the moratorium and they would like to know if they can start taking reservations for next summer. He says that businesses are starting to wrap up for this year and planning for next year and they need to know what to expect.

Council Comments

Greg Forsythe asks for clarification about the process to change the zoning in the Madison Addition and whether the Homeowners Association has to approve it. Sabolsky explains that the property owners in that area could file an application to rezone that area, or it could be initiated by the Town Council.

Chris Burke acknowledges Melissa Alder for sitting on a Montana Outdoors board and her efforts to protect public lands.

Presentation: commUNITY West Outreach, Curfew Ordinance Proposal

Mike Gavagan addresses the Town Council on behalf of the commUNITY West Outreach to propose the consideration of a curfew ordinance. Gavagan explains that the draft ordinance was prepared after considerable input from local law enforcement. He says that they feel the ordinance is reasonable and will be effective. He says that curfews in general were originally designed to reduce crime. He says that today, curfew laws are designed to actually protect unsupervised or neglected children. He explains that under current law, there is nothing that prevents a minor child from being out in the middle of the night. A curfew ordinance would enable the law enforcement to return the child to their home and determine why the child is not at home or not being supervised. Gavagan shares multiple statistics and reasons to support the ordinance. Forsythe asks if the violation would be issued to the juvenile or the parents. Gavagan responds that the juvenile would be cited but as a juvenile and it would not ever show on their record as an adult. He explains that their purpose is to actually make contact with the child, take them to their home, and determine why they are on the street unsupervised in the middle of the night.

Public Hearing: Ordinance No. 267, Planning & Zoning Review Fees

Mayor Schmier calls the hearing to order. The hearing was noticed in the West Yellowstone Star and the Bozeman Daily Chronicle. Mayor Schmier summarizes the changes made in the ordinance. Town Manager Dan Sabolsky points out that the fee structure for building and zoning fees haven't changed since 1992. Forsythe says that he agrees with the changes that are being proposed. Cynthia Knapp asks how much are the fees going to go up? Sabolsky explains that the new fee structure will be set out by resolution, but will be based on the square footage of the home.

DISCUSSION

- 1) Forsythe asks about the bill for over \$12,000 to repair the 1977 International. Patterson responds that is the truck they obtained from the park service years ago and they use it to haul snow. Schmier asks about the large number of refunds for the summer recreation program. Sabolsky explains that a number of parents paid for the program up front but their kids did not attend as much as expected and therefore are due a refund.
- 5) Sabolsky explains that Patterson, Fire Chief Grube, and himself met with Talbot yesterday to discuss this request. They requested a map of the area he was asking to use but did not receive it prior to the meeting. Talbot indicated he needed to store the trusses and large beams specifically but would fence the area. Sabolsky recommends tabling the request until they have additional information. Schmier says that they had several issues this summer in interior park this summer and they discussed making sure everything was

cleaned up before approving a new permit. Sabolsky refers to an email from Heidi Hauck about a separate issue involving a transformer and Talbot was asked to address that issue before proceeding. Darrin Hauck complains about the transformer issue and the fact that they haven't been able to collect for the damages caused to their property. Hauck suggests that the Town cut a check to the Haucks to pay for the damages and withhold the money from a bond they should collect from Talbot. He also complains about having to stack snow because of the hole that was dug on the property. Cynthia Knapp also complains about damages to her property caused by the transformer issue and that she has not been reimbursed. She says that they dealt with 46 days of a cabin sitting on the interior park this summer which negatively affected her business.

- 6) Sabolsky explains that he would like to hire Buffalo Services, LLC and Forsgren & Associates, Inc. to assist and train our staff with the operation of the water and sewer systems, a process that will take approximately 2 to 3 years. He anticipates that Buffalo Services, LLC will spend about 20 hours a week working on this and they expect Forsgren & Associates, Inc. to spend about 20 hours a month. He expects Buffalo Services to cost around \$3000/month and Forsgren to cost \$2000/month for a total of \$60,000 per year. Schmier asks how Sabolsky arrived at these estimates and Sabolsky explains that he met with both firms to calculate their needs and how long it would take to get everything running smoothly. Schmier says that he doesn't think this has much to do with their relationship with the existing engineer, this is operation of the system, not engineering. Johnson asks why are they going to fill the vacancy created by Dan Hoskins departure if they are going to spend \$60,000 to operate the system by outside sources. He also asks why they need to hire both firms, points out that Greg Johnson of Buffalo Services, LLC has been involved with our system since it was built. He also asks if our Executive Assistant, Lisa Johnson, is a part of Buffalo Services LLC? Sabolsky and Johnson answer that she is not. Johnson also asks if she has been consulted on the details of this proposal and Sabolsky assures that she has not. Forsythe asks if Buffalo Services is a licensed engineer, but Sabolsky explains he is a licensed water/wastewater operator. He asks why they need both firms, but Sabolsky explains that they need the engineering services from Forsgren and operation expertise from Johnson. Schmier asks Patterson for his input. Patterson says he has not been involved in any of the discussion and therefore cannot comment on the proposal. He admits that they had some issues this summer for various reasons, but they have got everything working well now. He knows why they got behind but he's not going to throw anyone under the bus. He has no issues with Greg Johnson or with Forsgren, but says that since this is a public works issue, he should have been included in these discussions. He doesn't dispute that they need some help, his staff is still very new and he is the only fully licensed operator that we have save Greg Johnson's wife, Lisa Johnson, but that isn't part of her duties for the Town. Patterson says that his biggest issue is they kind of skirted around Dick Dyer, their engineer. He says he would have liked to have been included in these discussions. Sabolsky counters that there were discussions held that included Patterson but due to other issues they proceeded with the plan. Schmier says he is very disappointed to hear that their Public Works Superintendent was not included in the discussions about this. Johnson clarifies that Burke, Martineau and Schmier were invited to observe the lagoon prior to the meeting in August. He asks Forsythe if he was invited, he indicates that he was but he was not available. Johnson asks why he wasn't invited and points out that he was in town and available. Cynthia Knapp suggests that they approve the contract contingent upon review and approval by the finance department and public works. Schmier thanks Knapp for her comment but points out that this is an emergency situation and they need to proceed.
- 7) Mayor Schmier explains that they have four candidates for the open position on the Planning Board. Town Clerk Liz Roos explains that she contacted the three candidates from the last recruitment that live in town and asked if they would like to be reconsidered to serve on the board. Bill Howell and Dustin Hojen responded that they would like to be reconsidered, but she did not hear back from Tim Daley. The other candidates are Rob Klatt and Brian Benike. Schmier references an email he sent to the other council

members expressing support for appointing Rob Klatt. Johnson makes a motion to appoint Brian Benike to the Planning Board, motion fails for a lack of a second. Burke makes a motion to appoint Dustin Hojen, seconded by Martineau. Motion fails, Burke is the only one in favor. Burke says he would like to see fresh ideas on this committee and points out that everyone that applied used a council member as a reference except Hojen. Johnson says that Rob Klatt has extensive education and experience in this field and does not think he will be beholden to anyone.

- A) **Advisory Board Reports:** Rich Gibson reports on behalf of the Police Commission. He reports that the commission met this week and reviewed the applicants for police officer. They received 12 applicants and narrowed it down to 5, which they will interview on September 12, 2018.
- B) **Town Manager & Department Head Reports:** **Town Manager** Dan Sabolsky reports that regarding the current building moratorium, they are going to monitor water flow and wastewater capacity over the next couple of weeks and then review the results and consider whether they can lift the moratorium. He reports that he met with Erik Nelson of ThinkTank last week about the plan for the 80 acres and specific easements. He also met with Jason Brey of the US Forest Service regarding winter sports access and utilizing the 80 acres in a productive way. He says they should be ready for a public work session to discuss planning and development of the 80 acres. He says that Land Solutions is working on subdivision regulations and revising the zoning code. He reports that Officer Anthony Kearney and himself have started doing research on fireworks and they will be seeking direction from the council about amending the current ordinance. Sabolsky says he received preliminary plans for a Hampton Inn that is planned to be built on the campground next to Two Top Snowmobile Rental. HRDC is revising their plan to build three housing units on Washburn Circle. The current plan only requests one relaxation of the zoning code. A \$50,000 grant has been awarded for the YNP Westgate Project, which requires a 1 to 1 match. The Town has committed to \$25,000 and they are seeking additional funds from the State of Montana and/or Yellowstone National Park. Johnson asks about the proposal to rezone or clarify the zoning of the outer rim on Washburn Circle. He says that he would like the Council to determine that prior to entertaining any new proposals that request relaxations. Sabolsky says that one of the property owners did request a zoning application but it has not yet been submitted. Johnson says that he would like the Council to address that before a new application is submitted. Johnson asks about the application from Moonrise and who have the plans been sent to. Sabolsky says they have been sent to agencies like the Fire Department, Forest Service, and school.

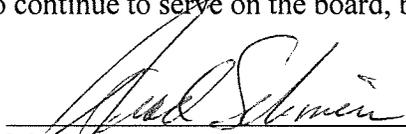
Public Services Superintendent James Patterson reports that they installed a new pump in the well in the park today. They are going to start work on the sprinkler system in the park next week. They are working on installing the ADA ramps at the intersections around town. The new dump trucks arrived this week. All but one of the ponds at the lagoon have been rehabilitated this year. Recreation Coordinator Brandy Holland and Lucas Peterson have been working on mowing and cleaning up town getting ready for winter. They are going to release the job announcement for a new equipment operator this week. Forsythe asks about starting the wellhouse and transmission line project and Patterson says they are going to start next week. Forsythe asks about the expanded fence at the park, Patterson says that he hasn't been able to get any other bids but the one vendor that gave him an estimate will be here next week to propose some other options.

Finance Director Lanie Gospodarek reports that the budget report is due at the end of September. She is working on a phone audit to determine whether they are being charged appropriately for what they need. She has turned in the job description to hire a new finance clerk. She did some mill levy research to determine why they can only levy what they are levying at this time. She says they will bring a new resolution to the council soon that will enable them to request and receive gas tax funds. The employee pool recently participated in a health screening for all employees.

Social Services Director Kathi Arnado reports that they are seeing a new trend of people coming in that are here for the winter. They are scheduling a women in the workplace seminar in October. She also reports that she has been invited by the State of Montana to testify before congress in Washington about the current farm bill.

Police Officer Anthony Kearney reports in place of Chief Scott Newell. He mentions that they are going to interview five applicants for police officer position next week. Labor Day weekend was very busy with lots of traffic stops and calls for service.

- C) Sabolsky explains that following the end of the Summer **Recreation Program** this summer, they had a meeting with Recreation Coordinator Brandy Holland to discuss the how the program went this summer, what should be improved, and parent feedback. He explains that she has been given multiple assignments to work on including starting the flag football and soccer programs, getting involved with other recreation programs in the community such as basketball, tennis and Kids n Snow. He also suggests expanding the Recreation Advisory board to include representatives from other activities as already mentioned. Forsythe asks if there is a procedure in place to remove someone from a board if they just aren't participating. Sabolsky says that they usually visit with that individual to determine whether they want to continue to serve on the board, but they could ask the Council to make that decision.



Mayor

ATTEST:





Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
September 18, 2018

COUNCIL MEMBERS PRESENT: Jerry Johnson, Brad Schmier, Pierre Martineau, Chris Burke, Greg Forsythe

OTHERS PRESENT: Town Manager Daniel Sabolsky, Finance Director Lanie Gospodarek, Chief of Police Scott Newell, Social Services Director Kathi Arnado

Judge Kathleen Brandis, Court Clerk Kerry Parker, Officer Anthony Kearney, Officer Sabrah Van Leeuwen, Fire Chief Shane Grube, Helene Rightenour, Richard & Teri Gibson, Li Zhang, Tom Cherhoniak, Jeff Schoenhard, Chris Talbot, Cynthia Knapp, Moira Dow, John McLaughlin, Kyle Burden, Randy Wakefield

The meeting is called to order by Mayor Brad Schmier 6:00 PM in the 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 work session to order and explains that the purpose of the work session is to discuss the grant for the Yellowstone National Park (YNP) Westgate Project through the Northern Rocky Mountain Economic Development District (NRMEDD). Rob Gilmore, Executive Director, explains that the district is comprised of a 27-member board, the majority of which are elected officials, which focuses on economic development in the region. About a year ago, they became aware of the fact that YNP was conducting transportation studies and saw an opportunity to participate. Working with YNP with the support of the Montana congressional delegation, they were able to obtain a \$50,000 grant from the Economic Development Administration, which will be matched by \$50,000 of local monies to fund the project. The study will focus on access to Yellowstone through the Westgate entrance and the increase in visitation to the park over the past ten years. Of the \$50,000 matching funds, \$25,000 will come from YNP and the Town and possibly other entities will provide the other \$25,000. Gilmore explains that the project is scheduled to be completed by the fall of 2019. Sabolsky explains that they did put money into the budget for this purpose and points out several places in the budget that could be used. He recommends that the Town spend \$12,500 in this fiscal year and \$12,500 in the next fiscal year to match the grant. Sabolsky says that this is a unique opportunity to cooperate with YNP and watch out for the interests of the Town. Gilmore explains that this project is in its infancy, but they expect to work through the next year to identify strategies to alleviate traffic issues surrounding access to the park through the west gate. Mayor Schmier encourages Gilmore to hold as many meetings as possible in West Yellowstone to gather comments from the public.

ACTION TAKEN

- 1) Motion carried to approve the Treasurer's and Securities Reports dated September 6, 2018. (Johnson, Martineau)
- 2) Motion carried to approve the claims, which total \$1320.00 (Martineau, Burke)
- 3) Motion carried to approve the claims, which total \$167,533.86. (Forsythe, Martineau) Schmier abstains from claims #44914 and #44916 to Jerry's Enterprises.
- 4) Motion carried to approve the Consent Agenda, which includes the minutes of the September 5, 2018 Town Council Meeting. (Forsythe, Johnson)

- 5) Motion carried to deny the Application to Maintain an Encroachment Application made by Chris Talbot/Innovative Construction. (Johnson, Burke) Forsythe abstains, Schmier is opposed, Johnson, Burke and Martineau vote in favor, motion passes.
- 6) Motion carried to support the grant from the Economic Development Administration/Small Business Administration for the Yellowstone Westgate Project through the Northern Rocky Mountain Economic Development District (NRMEDD) up to \$25,000 over the course of two budget years. (Forsythe, Burke)
- 7) Motion carried to reappoint Kathleen Brandis to the position of City Judge. (Johnson, motion fails for lack of a second.) See next motion.
- 7a) Motion carried to appoint Richard Gibson to position of City Judge for a term of four years beginning in January of 2019. (Martineau, Burke) Johnson is opposed, Forsythe abstains, Martineau, Burke and Schmier are in favor, motion passes.
- 8) Motion carried to approve Resolution No. 718, a resolution requesting the distribution of bridge and road safety and accountability program funds from the State of Montana Department of Transportation in the amount of \$10,970. (Forsythe, Martineau)
- 9) Motion carried to approve Resolution No. 719, a resolution expanding the size of the Parks & Recreation Advisory Board to nine individuals. (Burke, Martineau)

Public Comment Period

Randy Wakefield thanks the Police Department, Fire Department, and the Forest Service for their assistance to Fall River Electric in repairing the pole that was damaged last week.

Council Comments

Council Member Jerry Johnson reminds everyone that this is Homecoming Week at the West Yellowstone School. He says that they have invited all the players from the first West Yellowstone football team in 1968 to appear at the game on Saturday. Kyle Burden also announces that the high school team will play White Sulphur Springs on Saturday as will the Junior High team. The volleyball team will host Harrison that evening and the State Champion Cross Country team will run in Butte on Thursday. Johnson also mentions the recent passing of Susie Whitman and asks everyone to keep the family in their thoughts. Schmier says that the Gallatin County Health Department is seeking support to include the prohibition of e-cigarettes in the Clean Indoor Air Act. Everyone on the Council received a letter from Matt Kelley of the health department requesting support. Johnson suggests that each council member respond to the email and share their thoughts. Sabolsky says he can put together a letter of support. Chris Burke mentions that he attended The Happening on behalf of the WY Foundation last weekend and thanks the Town and staff for supporting it.

DISCUSSION

- 3) Schmier asks about the claim to purchase grills for the park. Sabolsky explains that they purchased three outdoor grills for Pioneer Park and they will be installed in the picnic area next spring.
- 5) Mayor Schmier explains that at the previous meeting, there was an Application to Maintain an Encroachment made by Chris Talbot of Innovative Construction to use a portion of the interior park to store construction materials during the building process for a new hotel. Talbot provided a basic map showing the location they would like to use to store the materials. Schmier explains that there were concerns from the neighbors about use of that property that were expressed at the last meeting. Talbot was present at the meeting but left due to a family emergency. Sabolsky says that as he understood it, the request was to store the large beams and materials until they could get the building shelled in for the winter. Cynthia Knapp says that she was paid this afternoon by Talbot

for the damage to her property earlier this year. The Council briefly discusses a similar permit issued to the Days Inn last year when that motel was under construction.

- 7-7a) Mayor Schmier explains that the current appointment of the Judge will expire at the end of the year. He says that the sitting judge must attend training in the fall so they deemed it appropriate to make this appointment before the term is up. Forsythe says he will abstain from voting on this decision. Martineau says he has always like Judge Brandis but was impressed with the presentation made by Richard Gibson. Burke says that he was also most impressed with Richard Gibson. Johnson says that after listening to the presentations at the previous meeting and reviewing their qualifications, he thinks Brandis is hands above. Schmier says that Brandis has done a lot for the court here in West Yellowstone over the last 12 years. He says it is a difficult decision to make because of a sitting judge with all those qualifications and another that has never sat in that chair.
- 8) Mayor Schmier explains that Resolution No. 718 is a resolution that allows the Town to apply for reimbursement for funds that were used on the slurry seal street project last year.
- 9) The Council discusses the proposed resolution to expand the Parks & Recreation Advisory Board. Johnson asks if the existing board is in favor of expanding the board. Sabolsky says that the majority of the board was present at the last meeting when it was discussed, but it has not actually been presented to the board. Moira Dow, chair for the Parks & Recreation Advisory Board, addresses the Council and expresses frustrations that stem from serving on the board. She says that the board has made multiple recommendations and requests but they have ignored or told that they are just an advisory board.
- A) **Advisory Board Reports:** Mayor Schmier reports that the Health Care Services Advisory Board met last Friday. He reports that Buck Taylor of Community Health Partners was present as well as the local dentist, Dr. Davies. They are going to work on an arrangement that would enable clients of CHP to get care from the dentist. He says they also discussed a request from the Gallatin County Health Department to include electronic cigarettes (e-cigarettes) to the list of substances/activities that are prohibited in public buildings.

Chris Burke requests that advisory board meetings such as the Planning Board and Health Care Services share their meeting dates with the clerk so they can be posted on Facebook.

- B) **Town Manager/Department Head Reports:** Town Manager Dan Sabolsky reports that they have put an application before the Montana DNRC to transfer water rights. He says there are concerns about taking water from the Madison River, based on data collected in 1980 and a masters thesis. DNRC has recommended that the Town meet with MT Fish, Wildlife & Parks to work on an agreement to transfer water rights, which will take several months. Fish, Wildlife & Parks has junior water rights from the Madison River. Sabolsky says that this is a new process for the staff at DNRC. He explains that the other option is to attempt to prove that there is more water flowing through the Madison River than their data suggests by doing stream flow studies or hire a hydrologist to interpret the data using a different model. He says that they are going to consult with a water rights attorney to get advice on how to proceed, but they expect to pursue the first option first. Sabolsky reports that they are planning to replace the liners in the cells A & B at the lagoon. He says that by the next council meeting, they should have a good idea of what the capacity is and how much development can they support at this time. He also explains that they intend to install a valve at the water tank to control water flow, they are measuring the flow through the chlorine building every day, and monitoring one of the wells in the Madison Addition-which is flowing better than expected. They also installed some metering equipment in one of the pumphouses to monitor flow to the lagoon. Sabolsky reports that they have been seeking referrals for a lobbyist to work on

increasing the resort tax by 1%. He says he will work on making some connections and support at the Montana League of Cities & Towns conference next week in Butte. There is a meeting scheduled later this week with the group that wants to improve the casting pond behind the Union Pacific Dining Lodge. They have two police officer vacancies and one in Public Services for an equipment operator.

Finance Director Lanie Gospodarek reports on submitting the 911 Expenditure Report, purchasing two investment CDs through Buchanan Capital, preparing for the renewal of the TBID, resort tax audits, and installing a meter at the YNP compound. Social Services Director Kathi Arnado reports on her recent trip to Washington DC to testify regarding the US Farm Bill, which directly affects the SNAP (Supplemental Nutrition Assistance Program) and food assistance programs. Chief of Police Scott Newell reports that it has been a very busy September. He thanks the WY Foundation for the donation towards purchasing AEDs for the police department, and utilized one last week on a call. He reports that Officer Dan Palmer tendered his resignation this weekend and gave two weeks notice. The Police Commission and hiring committee met last week and recommended continuing the recruitment process and background investigation with the top candidate. They are going to meet again and discuss the candidate that came in second and how to proceed.

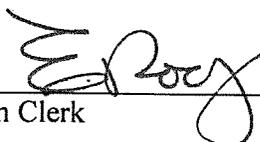
- C) Mayor Schmier explains that there has been significant discussion over the past couple of months about the zoning or changing the zoning for the area known as Washburn Circle in the Madison Addition. Sabolsky says that there are two options to accomplish the change, either the Council initiates the change or the process is initiated by the property owners. Johnson says that he thinks the Town should initiate the process because he thinks it was the intent of the Town and the requestor to zone that area as R-2. Sabolsky says that if the Town initiates the process, they must be very careful considering that they already know that HRDC bought a lot with the intention of developing it under R-3 zoning. Kyle Burden addresses the Council and presents a petition from property owners in Block 22, 23, and 24 as well as other property owners in the Madison Addition. Burden passionately encourages the Council to take the lead and handle the issue. He says that there are property owners that have paperwork that indicate the lots were sold under the premise of being zoned R-2. The Council discusses the issue at length. Sabolsky says that he will work with the attorney to develop a process they can work through to ensure they follow the proper procedure and make sure all the necessary public notices and hearings are held.



Mayor

ATTEST:





Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Public Meeting & Town Council Meeting
October 9, 2018

COUNCIL MEMBERS PRESENT: Jerry Johnson, Brad Schmier, Pierre Martineau, Chris Burke, 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

John and Marysue Costello, Brian Guyer, Bob Patzke, Grant Jackson, WY Star Reporter Katie Moen, Executive Assistant Lisa Johnson, Atanas Markov, Jeff Schoenhard, Steve Larsen, Evan Mathews, Rob Klatt, Maggie Anderson, Gibson Bailey, Tom Buchanan, Drew Barney, Chris Daniels, Moira Dow, Randy & Jeanine Roberson, Bob Lindstrom, John Greve, Richard & Teri Gibson, Terry Marsden, Tom Cherhoniak, Melissa Alder, Guo Hui Lu, Anthony Kearney, Sabrah Van Leeuwen, Ryan Lindhart, Kim and Randy Wakefield, Jeff Watt, Rachel Spence, Rachel Burden, Brenda Martin, Helene Rightenour, Chris Talbot, and several other community members

The meeting is called to order by Mayor Brad Schmier 6:00 PM in the 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.

PUBLIC MEETING

Mayor Schmier calls the meeting to order and introduces Erik Nelson of ThinkTank. Nelson has developed a conceptual plan for development of the recently acquired 80 acres. Nelson presents the plan, highlighting zoning strategies and housing approaches. The plan includes mixed use industrial and residential areas, particularly close to US Highway 20. The plan also includes high density residential as well as low & medium density housing. Nelson invites everyone to review the proposed plan over the next couple of weeks and suggests that people are welcome to make suggestions and ask questions. Any comments can be delivered to the Town Clerk, Liz Roos, and she will forward them to Nelson. Mayor Schmier invites the members of the audience to comment. Bob Lindstrom says that he really appreciates log buildings and suggests incorporating log building techniques into the zoning and development. Maggie Anderson asks about the industrial development area and whether housing will be required as part of the development. Nelson says that the thoughts behind that was to encourage more small businesses, not necessarily hospitality and restaurants. Schmier agrees that this area would be to encourage opportunity and entrepreneurial functions rather than commercial businesses. Sabolsky says that when they updated the growth policy last year, it was clear that they did not want more hotels in the 80 acres. He also points out that the Town owns this land, so when the Town sells it, the buyer will enter into a development agreement that would give the Town some control over how it is developed. Evan Mathews questions the section of land on the north side of Highway 20. He says that land is very valuable and would go a long way towards funding the development of the residential areas. Nelson says that regardless of how that area is developed, he believes that developing that corridor as an entrance to the Town is very important and will hopefully set the tone and style of the Town. Forsythe asks if they will create a new zoning code and/or covenants for the mixed use area. Sabolsky says that is likely since at this time, the B-3 zoning in the old part of town is quite open. Forsythe asks about the timeline of the development of this project and speculates that it could be up to five years before anything is built out there. Sabolsky says that the housing part could probably be ready sooner if they have the infrastructure ready. He says the mixed-use area will be more difficult to work through since that's a new approach in this community. Forsythe asks if they would work with a professional developer like they do in bigger cities. Sabolsky says that they likely would, but they would put together a very detailed development agreement to ensure it is done the way the Town wants and needs. Randy Roberson agrees with the suggestions that have already been made, specifically controlling the type of commercial development. Roberson says an alternative to using a developer, particularly

for the housing, they could use a planner or housing organization to do that part and save considerable amount of money. Sabolsky says that is definitely a viable option and says that there are non-profit housing organizations that could work with the Town and they can certainly pursue that. Schoenhard asks if they used a target for how much housing is needed for the Town to support the workforce. Nelson says that there were conversations about capacity and what the utility system can or will be able to support. He says that residential development is allowed and encouraged throughout the entire parcels. Nelson also explains that their goal is also to encourage in-fill in the existing town which improves property values. Marysue Costello asks if there is a way prohibit the residential areas from being turned into nightly home rentals. Sabolsky says that there is and they will include that. Jeff Watt asks if there plans to allow trailer houses or residential RVs in this area. He says that there are trailer park areas all over town right now and these trailers are sitting on very valuable land. Schmier points out that when the Madison Addition was developed 30 years ago there was a section for trailers, but there were no takers and the zoning was eventually changed. Watt suggests that they allow that in some way to move that use out of the commercial area of town. Teri Gibson says that on one of the maps, there were four possible locations for the city shops. She says that she thinks they should put the city shops down by the well lot on the southeast corner. Forsythe asks about areas to store snow, pointing out that the high density areas will struggle with that. Nelson says the thinking on that was to push the snow to the outer boundaries. He says they haven't entirely addressed the issue of where residential snow would be stored. Moira Dow asks if the existing alleys will actually be extended as streets. Nelson says that is the idea to provide more street frontage to all the new lots. Burke asks if there are any strategies they could use to encourage in-fill in the existing town. Nelson says there are some ways, such as impact fees in the new area. He says that opening up a new industrial area will impact that based on supply and demand, so they will want to address that. Nelson says that the easiest way to encourage in-fill development is a growth boundary, which they essentially already have. He says that the downfall of in-fill development, such as what is occurring in Bozeman, is that the in-fill development is very expensive. Rob Klatt says that he thinks this plan looks better than anything they have seen in the past and believes they are on the right path. He says that he thinks they need to be very careful about the development of the industrial area and that they shouldn't even refer to it as commercial. He says one approach to encouraging in-fill development is a reduction in parking requirements, which is a give and take strategy. Nelson agrees and says that has worked in Bozeman but you almost have to create a parking problem to solve the problem, such as building a parking garage. Bob Patzke asks about street widths and dimensions. Nelson says that this is a conceptual plan, but it is drawn to scale. The street widths are 60 feet save Madison and Yellowstone are 90 feet wide. Schmier encourages everyone to share their comments on this subject with the Town. He says they really want input from the residents and make sure they do their best to provide what the community needs and wants. He says that housing is a definite need and they will pursue options that will provide and control that. The group discusses collecting all the comments and then organizing them to be presented to the Council as well as shared with the Council. Teri Gibson asks about reserving a portion of the land for a parking structure. Nelson says that typically, the price per square foot for property needs to increase substantially to warrant a parking structure, but they may want to consider reserving a city lot for surface parking. Tom Buchanan says that they have discussed the kind of businesses they do not want in the business area, but what kind of businesses do they want? Nelson says that based on the discussions so far, they want to pursue non-hospitality based businesses, sometimes described as cottage industries. Rob Klatt says that there has been significant development in Bozeman of the mixed use approach where they may have a shop or garage on the bottom and a house on top. Nelson says that often the housing on top isn't even for the business owner but for employees. Schmier asks the audience if they think this plan is moving in the right direction. Maggie Anderson says that she agrees with Klatt's comments and that this is the best plan they've seen in many years. Nelson says that there is great opportunity here to fulfill their needs and keeping it affordable. Roberson says that he wants to make sure that they ensure there is a place for first-time homebuyers. He says they need to regulate and allow modular homes, which sit on permanent foundations. Schmier agrees and says that they seem to all agree that keeping this affordable is vital to the growth of the community. He again encourages the audience to send in comments and suggestions to the clerk. Nelson says that this plan does not really include space for other community uses such as healthcare or school and they may need to pursue that. Johnson says

that this is the second time that the Forest Service has worked with the Town to address housing. He says they need to make sure they don't mess it up. He says he thinks the industrial/business area in the plan is too large and suggests that they back off from developing the land around the highway. He also says they need to decide who they are and what they want to represent to visitors. There should be a seamless entrance from our Town to Yellowstone National Park. Jeff Watt asks what is the timeline to actually move this process along. Schmier says they have not actually decided that, but they do want to move this along. Marysue Costello says that it does sound like this group mostly agrees that this is moving in the right direction. Sabolsky also offers to meet with anyone that is interested to discuss ideas and comments and he will forward that information on to Nelson. Schmier says that he and any of the other council members would also be happy to talk about it with anyone in the community.

The public meeting is adjourned. (7:25 PM)

Mayor Schmier calls the Town Council meeting to order at 7:35 PM. Schmier announces that they are going to change the agenda slightly and swear in their newly hired police officer, Juan Trujillo, at this time. Schmier introduces Trujillo and administers the oath of office for Trujillo.

ACTION TAKEN

- 1) Motion carried to approve the claims, which total \$161,409.26. (Martineau, Burke)
Forsythe abstains from #44995 to Westmart Building Center, Burke abstains from #44972 to Morning Glory Coffee & Tea.
- 2) Motion carried to approve the Consent Agenda, which includes the minutes of the September 18, 2018 Town Council Meeting. (Forsythe, Martineau)
- 3) Motion carried to approve the new business license application for Bare Strength Personal Training made by Layna Polansky to work as an independent contractor for personal training. (Burke, Forsythe)
- 4) Motion carried to accept the recommendation from the Marketing and Promotions Fund Advisory Board to award \$6500 to the Kids N Snow program for 2018-2019 season. (Martineau, Forsythe)
- 5) Motion carried to accept the Rezoning Process as presented. (Forsythe, Burke)
- 6) Motion carried to appoint Lacey Trowbridge to the Library Board of Trustees for a term of five years. (Burke, Martineau) Forsythe abstains.
- 7) Motion carried to appoint Neil Courtis to the Parks & Recreation Board for a term of four years. (Schmier, Martineau)
- 8) Motion carried to appoint Rachel Spence to the Parks & Recreation Board for four years (Martineau, Burke)
- 9) Motion carried to appoint Amy Freed to the Parks & Recreation Board for a four year term. (Forsythe, Martineau)
- 10) Motion carried to appoint Brandi Brown to the Parks & Recreation Board for a three year term. (Forsythe, Burke)
- 11) Motion carried to appoint Lindsey Charlton to the Parks & Recreation Board for a three year term. (Martineau, Johnson)

Public Comment Period

Marysue Costello, Executive Director for the WY Chamber of Commerce, compliments the Town's efforts to invite and inform the community about the public meeting on the 80 acres.

Council Comments

Council Member Jerry Johnson announces that long-time resident, John Nash, recently passed away. His wife, Byllie Nash, was our head dispatcher for many years. Council Member Greg Forsythe thanks everyone for coming to the meeting earlier tonight and suggests that they plant the trees along Highway 20 next year so they will be well established by the time the rest of the parcel is developed. Council Member Chris Burke reports that he recently attended the Montana League of Cities & Towns Conference along with Mayor Schmier and other staff members. He says it was very informative and educational. Schmier says that he also enjoyed the conference and connected with elected officials from other jurisdictions. He says it was very interesting to hear how other communities address the same problems that we have here. Council Member Pierre Martineau reports that he attended the Governor's Conference on Aging in Helena. He said one of the problems they are seeing in the state is elderly on fixed incomes that cannot afford to live in communities that have become more affluent, especially in Gallatin County.

DISCUSSION

- 5) Sabolsky presents an outline for a Rezoning Process. He says that their current zoning code is very old and they are working on revising it. He explains that they designed this process, with input from legal counsel, to handle rezoning requests until the new code is finished and can be adopted, which is a lengthy process. Johnson asks if a new project application is submitted before the rezoning application, will it fall under the current rules. Sabolsky answers that it does. The Council asks questions about the process and how requests will be handled by the staff, Planning Board, and then the Council.

- 7) Sabolsky explains that they recently expanded the Parks and Recreation Advisory Board to nine positions, which added four positions to the board. Don Perry has recently resigned from the board so they need to appoint five people.

- A) **Advisory Board Reports:** There were no advisory board meetings in the past two weeks. Schmier announces that the Cemetery Board of Trustees is going to meet tomorrow, October 10, 2018 at 1 PM, here at the Town Hall.

- B) **Town Manager & Department Head Reports:** Town Manager Dan Sabolsky reports on conversations he has had with the owner of the Electric Street housing project. They have inquired about the status of the project, the fence, and removal of excess logs. He says they are expecting a new application from HRDC to construct a tri-plex in the Madison Addition in the near future. He says they just heard a great presentation by ThinkTank for development of the 80 acres and that project is going well. He reports that he met with representatives of the Yellowstone Nature Connection, formerly known as the National Smokejumper Center, last week. He says they are reapplying for grants, which is their primary source of funding and has solicited support from the Town. They would like to partner with the Town to improve the appearance of Dunbar park and the public areas around their buildings. He says he is working on a new Request for Proposals for engineering services, which they intend to release in the near future as the contract with The Dyer Group expires this month. He has started on an agreement with the new judge, Richard Gibson. He met briefly with Tim Burton of the Montana League of Cities & Towns about increasing the resort tax, but feels they need to pursue this on their own. There is also discussion about pursuing a gateway communities tax in the legislature. There is going to be a meeting of the resort tax communities at the end of November that is planning to attend. He says that the Safety Committee and Safety Policy have been implemented and they have made a lot of progress. He also mentions that last week the West Yellowstone Foundation was honored by KZBK TV station in Bozeman as an outstanding community non-profit. Little Rangers Learning Center was honored the week before. He also mentions that he intends to take about 10 days off in November to go hunting! Johnson asks about the Moonrise Project. Sabolsky says that they have preliminary plans, which have been shared with the school, the engineer, and Land Solutions for feedback. Burke says that before they go to the meeting with the

other resort communities or engage a lobbyist, he would like to make sure they have clear and agreed upon language to express what they are pursuing.

Public Services Superintendent James Patterson reports that they only received one application for the position of Equipment Operator so they are going to extend the deadline for a few more weeks. Patterson says they have put up three strands of LED lights on Madison Avenue and encourages everyone to drive by and look at them. They are going to start laying well lines for the new well and foundation for the well house next Monday. He has three employees in Bozeman this week attending training to get certified as water and/or sewer operators. They put in a new propane tank at the police station to support the generator. He also mentions that they are having a lot of trouble with grease in the pump station in the Madison Addition and encourages everyone to avoid washing grease down the drains. Johnson asks about cleaning up the concrete that was leftover from the ADA corners and encourages the Public Services staff to pick up the remnants. He says that they also need to smooth out the dirt/grass next to those corners. He asks about the dirt piles in some of the interior parks. Patterson says that is fill for some of the projects that are underway and will monitor that they are not left for the winter.

Finance Director Lanie Gospodarek reports that they will be facilitating resort tax audits next week. She has been working on a resort tax and TBID collection report and waiting for responses from the new auditors.

Social Services Director Kathi Arnado reports that she was part of the Women in the Workplace workshop that was put on last week at the school through the Montana Apprenticeship program and Job Service. She also reports on the upcoming expiration of expanded Medicaid and funding that may be established through Initiative I-185 that will be on the ballot in November.

Chief of **Police** Scott Newell reports that Officer Trujillo started working this week. He is a native of Twin Bridges and speaks multiple languages. He is doing great so far. Officer Palmer submitted his letter of resignation a few weeks ago but then was able to obtain suitable housing and rescinded his resignation. He mentions a recent crime where several cars were broken into but they have recovered all the stolen items and caught the perpetrator. He also mentions a hit and run incident that they are also investigating.

- C) Town Manager Dan Sabolsky introduces Dave Noel of Forsgren Associates as well as Greg Johnson of Buffalo Services to discuss the current status of the water and sewer system. Noel presents a graph that reflects the water and wastewater production and use over the past three years. The graph also shows the water capacity that the Town has coming from the wells and Whiskey Springs. Noel says that at this time, the water supply is more than adequate for the demand, assuming the water quality is satisfactory. He says that if they were to lose Whiskey Springs and have to rely just on the wells they have, they would lose approximately 950,000 gallons per day. He explains that in a dry year, they could meet their current demand with conservation efforts. At this time, they have a capacity of over 2 million gallons per day. Sabolsky asks Noel to address the anticipated demand once the projects that are waiting to start become operational. Noel says that if they implemented some conservation approaches, they could support these projects. He says, for example, that a 180 home subdivision would add about 22,500 gallons used per day. Noel explains that they are permitted to pull 2.6 million gallons out of Whiskey Springs, but he based his estimates on taking 1.3 million gallons per day. Sabolsky explains that this is the peak time of the year and the spring is flowing very strong. Johnson asks how many gallons do they need on reserve. Fire Chief Shane Grube answers that they need 420,000 for fire control. Greg Johnson explains that the holding tank holds right around 940,000 gallons. Noel emphasizes that what they are measuring is the flow rate, not the volume in the tank. He says that they operate the tank based on usage and maintain it at the upper third or quarter of the tank. Schmier asks about the flow rates on the wells. Greg Johnson says the wells in the Madison Addition

produces 50 gallons per minute and 100 gallons per minute and then the railroad well produces about 510 gallons per minute. He also explains that there is a good possibility that the first well could be increased to 100 gallons per minute just by putting in a bigger pump. He says that when that well was first put in they always intended to put in a bigger one as the Madison Addition developed. Noel summarizes that at this time, they have plenty of water supply and do not need to restrict usage.

Noel explains that the same chart shows the influent flow of wastewater to the lagoon. He explains that during the winter, when there is the least demand on the system, they average about 300,000 gallons per day to the lagoon. They tend to peak around 600,000 gallons per day in mid-summer. He explains that their realistic goal is to break down 80% of organic solids into the discharge system. He says that their current system is designed to effectively handle 300,000 gallons per day. Their system can handle up to 600,000 gallons per day for a short period of time, but only for a short period of time. He explains that they recently obtained a new permit for the lagoon that permits them to discharge 675,000 gallons per day. He says the only restriction on the permit is a nitrogen limit of 314 pounds per day. He says that essentially they have a much bigger gap between wastewater discharge and capacity than with water. Noel says they could implement some measures to increase the discharge capacity for wastewater, which would require some new permits from the Department of Environmental Quality (DEQ). These options include additional IP (infiltration and percolation) beds, mechanical evaporators, or even an algae machine to reduce clogging in the IP beds. Johnson asks which permits will be the toughest to get from DEQ. Noel says that he does not know that for sure, but he thinks it will be more difficult to get more IP beds approved than the mechanical evaporators. He says that since the lagoon is newly permitted, DEQ didn't have a lot of historical data to review and that could affect the permit. He says that a mechanical evaporator would probably be easier to get permitted. He anticipates that when the existing permit is renewed, he believes DEQ will require more restrictive limits for nitrogen discharge and they will have to implement more mechanical measures to treat the discharge. Noel says that the lagoon system is a proven system that works, they just have to decide how much to expand. Noel answers multiple questions from the council about how to improve the current efficiency of the IP beds. He says they have some maintenance and efficiency issues that need to be corrected. He says that at this time, their system is breaking down about 50% of organic solids. During the peak of the summer, it was more like 18%, so that needs to be improved. Sabolsky asks what do they need to do before they can allow more development to operate. Noel says that to allow more discharge, they should either bring more IP beds online or install an evaporator. A single evaporator could discharge 50,000 gallons per day and they would probably only need to run the evaporators during the peak seasons. Sabolsky asks if they bring either two IP beds approved or three evaporators, how much development could they support. Noel says that would allow the discharge of another 150,000 gallons, which is equivalent to 500 homes or maybe 700 hotel rooms. After further discussion, the council requests that an action item be placed on the next agenda to proceed with a plan to expand the discharge at the lagoon through additional IP beds and/or evaporators.

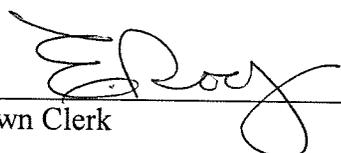
The meeting is adjourned. (10:20 PM)



Mayor

ATTEST:





Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
October 23, 2018

COUNCIL MEMBERS PRESENT: Jerry Johnson, Brad Schmier, Pierre Martineau, 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

Garrett Ostler, Richard & Teri Gibson, Mike Moore, Justin Spence, Shelley Johnson, Helene Rightenour, Craig & Stephanie Borash, Chris Talbot, Randy Wakefield, Jeff Schoenhard, Bob Patzke

The meeting is called to order by Mayor Brad Schmier 7:00 PM in the Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.

Portions of the meeting are being recorded.

The Treasurer's Report with corresponding banking transactions is on file at the Town Offices for public review during regular business hours.

ACTION TAKEN

- 1) Motion carried to approve the claims, which total \$110,045.23. (Forsythe, Martineau)
- 2) Motion carried to approve the Consent Agenda, which include the minutes of the October 3, 2018 Town Council Meeting. (Martineau, Johnson)
- 3) Motion carried to approve the Marketing and Promotions Fund Advisory Board recommendations to award \$4850 to the 2018 Rodeo Run Sled Dog Race, \$13,000 to the 2019 Snowmobile Expo, Power Sports and Race Event, \$5000 to the WY/Hebgen Lake Ice Fishing and NAIFC Tournament, \$10,112 to the 2019 Yellowstone Rendezvous Race, and \$14,207 to the 2018 Yellowstone Ski Festival. (Forsythe, Martineau)
- 4) Motion carried to approve Resolution No. 720, a resolution establishing the compensation for the City Judge at an annual amount of \$35,000. (Martineau, Forsythe) Johnson is opposed, motion passes.
- 5) Motion carried to approve the site plan for the Marsden Cabins as presented. (Forsythe, Martineau)
- 6) Motion carried to approve the site plan for Westgate Auto to add four short-term rental units and an office at 103 S Electric Street. (Martineau, Forsythe) No vote, see next motion.
- 7) Secondary motion carried to approve the site plan for Westgate Auto at 103 S Electric Street to add four short-term rental units and an office, contingent upon approval by the Town Engineer and Hebgen Basin Fire Department and in accordance with the recommendation from the Planning Board. (Johnson, Martineau)
- 8) Motion carried to appoint Robert (Bob) Patzke to serve on the Cemetery Board for a term of two years. (Forsythe, Martineau)
- 9) Motion carried to replace the section of Sabolsky's contract that allowed the pay out of two weeks of vacation time with an annual bonus in the amount equivalent to two weeks of regular gross compensation to be applied annually in December. (Forsythe, Martineau)

Public Comment Period

Shelley Johnson says she has a letter she would like to read regarding compensation for the new Judge, but she will wait for that item to come up on the agenda.

Council Comments

Martineau says that the high school football team has a playoff game this weekend and he reminds everyone that passes will not be accepted so fans must pay to attend. He also says he attended a commUNITY Outreach meeting today and asks if there has been any progress on the curfew ordinance. Sabolsky says that he has not, but he will meet with Mike Gavagan to discuss it further. Forsythe says that Arnado has sent out many letters this summer about code violations and hopes most of those are taken care of by spring. He also congratulates the Girls Cross Country Team for taking first place at the state meet. Johnson mentions that the boys football team took second in the conference.

DISCUSSION

- 4) Mayor Schmier explains that Resolution No. 720 is a resolution establishing the compensation for the City Judge at an annual amount of \$35,000. Johnson asks how they arrived at the amount of \$35,000. Sabolsky explains that the salary for this position is tied to the position and not necessarily the sitting judge. Shelley Johnson shares a letter expressing concern about the lack of education and experience of the new judge. She also expresses concern about the fiscal responsibility of the town by having to fund the time and effort it will take to train the new judge as well as setting his salary just slightly less than the sitting judge.
- 5) Sabolsky explains that the Marsden Cabins site plan is to build four rental cabins on one lot. The Council asks multiple questions about access to the parcel, which will only be from Alley A.
- 6-7) The Council reviews the site plan for Westgate Auto to add four rental units and an office to the existing building. Forsythe explains that the Grizzly Park Architectural Committee reviewed the plans earlier today and did grant approval. He points out that the buildings on these lots are built to the lot lines and there are no setbacks. Sabolsky clarifies that that there are no setbacks in the B-4 zoning.
- A) **Advisory Board Reports:** Public Services Superintendent James Patterson reports that the Planning Board met last week and discussed the Marsden Cabins site plan and the Westgate Auto Site Plan. Mayor Schmier reports that the Cemetery Board also met and Ken Davis has agreed to serve as the chair for that board. Town Manager Dan Sabolsky reports that the Parks & Recreation Advisory Board is going to meet on Thursday, October 25, 2018 at 4:30 PM.
- B) **Town Manager & Department Head Reports:** Town Manager Dan Sabolsky reports that they have received several comments from the public regarding the plans for the new 80 acres and they anticipate finalizing that plan in early December. He reports that he spoke to Mitch Simon about concerns about the fence, storage, and trees on the parcel east of Electric Street, Tract 4A. He is meeting with Pat Kinney of Yellowstone National Park tomorrow regarding the West Gate Project. He says he is going to approach the County Commission to solicit funds for that project. The engineering Request for Proposals (RFP) was released this week and they have already had eight firms request information. The Parks & Recreation Advisory Board is meeting this week and he hopes to start the process of drafting a recreation survey they can release in January. He says that he has been working with the West Yellowstone Foundation for funding for community projects. This same effort last year yielded \$100,000 that was spent in the community. He has met with representatives from the Yellowstone Historic Center about improving and enhancing the casting pond behind the Union Pacific Dining Lodge. They also discussed improvements and repairs to that building. Water and sewer issues will be discussed later this evening. The Chamber is supporting a Rails to Trails project that would build a trail from Town to Reas Pass. He says that he intends to write a letter of support for the project and asks the Council for their feedback. Johnson says he supports that but would like it more if it wasn't only for non-motorized traffic. Sabolsky says he will write up the letter and send it out to the Council and would try to include language

that encourages balanced use between motorized and non-motorized use. After discussion, Sabolsky suggests asking someone from the Forest Service to come in and explain the project in more detail.

Public Services Superintendent James Patterson reports that they have started putting up Christmas lights around town and they are also going to put heat tape on the north side of the Town Hall. They have some repairs to do at the Union Pacific Dining Lodge and they're getting ready for snow. The contractor poured the foundation for the new well house building today and they are preparing to install the electrical. Johnson asks about the new water line in Alley D and whether it should be lowered to grade. Patterson says that he will talk to the contractor about lowering the valve box. Chief of Police Scott Newell reports that he has been working nights with their new officer, Officer Trujillo. He says that they have had multiple drug related incidents and one suicide call for help. The new generator will be installed in a few weeks, which they expect to install early in the morning during which 911 calls will be routed to Bozeman.

- C) Town Manager Dan Sabolsky reports that he has engaged two individuals that specialize in water rights and hydrogeology. He says that now that they have determined that Whiskey Springs has rebounded and is flowing strong, they have the time to consider all their options pertaining to water rights and whether transferring them to the new well is the right approach. He says that in November, the Town could consider lifting the water moratorium. He says the not so good news is that about the capacity at the sewer lagoon. He says that it has been recommended that they install three evaporators at the sewer lagoon and submit all the information to DEQ. At the previous meeting, Dave Noel of Forsgren Associates indicated that adding the three evaporators would allow development up to 500 housing units. Sabolsky says the DEQ does not have a formal process to approve evaporators, but they have been encouraged to recycle and reuse the wastewater in an environmentally friendly way especially considering their proximity to Yellowstone National Park. DEQ will conduct a site visit once the evaporators are installed. He says that this is a short-term solution that will likely cost \$400,000 to \$500,000. He says the long-term solution will likely be a mechanical plant that will cost \$7-\$8 million. He says that DEQ realizes that our lagoon has some issues and is willing to work with us toward correcting them. He says the \$500,000 will cover three evaporators, aerators, and membrane that will allow development. Sabolsky recommends carefully allowing development to come online through a sewer moratorium and keeping track of the impact from each project. He says they might allow all the current projects to proceed but holding back to ensure there is enough capacity for new housing, etc. Craig Borash clarifies that the short-term solution should be in place by spring if not sooner. Teri Gibson recommends impact fees for new projects and the Council explains that they do already assess substantial water and sewer impact fees.

At 8:45 PM, the meeting is closed to the public to discuss a personnel issue with Town Manager, Dan Sabolsky. The public meeting reconvenes at 9:10 PM.

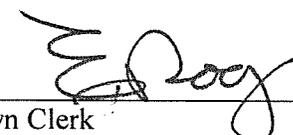
The meeting is adjourned at 9:15 PM.



Mayor

ATTEST:





Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
November 6, 2018

COUNCIL MEMBERS PRESENT: Jerry Johnson, Brad Schmier, Pierre Martineau, Chris Burke, 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

Helene Rightenour, Richard & Teri Gibson, John Greve, Randy Wakefield, Jeff Schoenhard, Jonathan Heames

The meeting is called to order by Mayor Brad Schmier 7:00 PM in the Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.

Portions of the meeting are being recorded.

The Treasurer's Report with corresponding banking transactions is on file at the Town Offices for public review during regular business hours.

ACTION TAKEN

- 1) Motion carried to approve Purchase Order #6685 to Billion Dodge to purchase a new 2019 Dodge Durango for the Police Department for \$49,847. (Martineau, Burke)
- 2) Motion carried to approve the claims, which total \$108,764.75. (Martineau, Forsythe) Forsythe abstains from #45086 to the Westmart Building Center for \$1424.72, Burke abstains from #45057 to Morning Glory Coffee & Tea for \$33.75
- 3) Motion carried to approve the Consent Agenda, which includes the minutes of the October 23, 2018 Town Council Meeting, as amended. (Martineau, Forsythe)
- 4) Motion carried to approve the Request for Variance West Yellowstone Municipal Code 17.23.020 made by Hibernation Station to build a second employee housing cabin at 212 Gray Wolf Avenue in the B-4 Zone. (Martineau, Forsythe) See next motion.
- 5) Secondary motion carried to approve the Request for Variance West Yellowstone Municipal Code 17.23.020 made by Hibernation Station to build a second employee housing cabin at 212 Gray Wolf Avenue in the B-4 Zone under the same terms and conditions as the variance granted to Hibernation Station on May 14, 2018. (Martineau, Johnson)
- 6) Motion carried to approve the request to waive the resort tax bond for the business license transfers to White Geyser Properties. (Johnson, Martineau)
- 7) Motion carried to approve the Marketing and Promotions Fund Recommendations to award \$13,100 for the Skijor West National Championship Finals, \$16,500 for Snow Shoot 2020 (held in 2019), and an additional \$1925 for the Rodeo Run Sled Dog Race 2018. (Forsythe, Martineau)
- 8) Motion carried to approve Resolution No. 721, a resolution declaring the intent to recreate a business improvement district promoting tourism in West Yellowstone. (Johnson, Martineau)

Public Comment Period

No public comment is received.

Council Comments

Martineau says that he has heard several complaints about the appearance of plywood over the windows downtown on the businesses that are closing down for the winter. Johnson says that the TBID has a program to provide images and artwork to put in those windows rather than plain wood and agrees to contact the business owner that is currently putting up the plywood. Johnson says that he wants to remind everyone that they have been working towards providing affordable housing for West Yellowstone since the late 1990s. He says that they need to provide space for a trailer park and manufactured homes. He says nearly a third of that new area is designated as commercial at this time and if they are going to do that, that area shouldn't be developed yet and they really should focus on housing. He says that affordable or entry level housing isn't just condos and duplexes. He also says that he doesn't think they need to move Public Works yet. Maybe they should set land aside, but it doesn't need to be moved yet. Chris Burke says that they need a balanced approach to entry level housing but should think about the long-term results of different types of housing.

Public Hearing: Application to Maintain a Variance, Permitted Uses in the B-4 Zone, Hibernation Station Employee Housing Cabin

Mayor Schmier opens the hearing and explains that the public hearing is a requirement of a variance application. The hearing was advertised in the October 26 and November 2, 2018 editions of the West Yellowstone Star. No public comment is received.

DISCUSSION

- 2) Mayor Schmier asks about the claim to Advanced Pump & Equipment for \$7,588.55 and asks why a purchase order was not presented and if the purchase is in the budget. Patterson explains that the unit was installed at the spring to measure the water flow and was not originally budgeted, but they do have the funds in the water fund to pay for it. Schmier points out that they have a process for this type of a purchase and they should follow it. Johnson requests that a purchase order is presented at the next meeting.
- 3) Burke points out that he was not present at the meeting and his name will be removed from the minutes.
- 6) Gospodarek confirms that the applicant has a satisfactory resort tax payment history for other businesses in town.
- 8) Town Clerk Liz Roos explains that this is the first resolution required to re-create the TBID, which was originally established for ten years and expires next year.
- A) **Advisory Board Reports:** Town Manager Dan Sabolsky reports that the Parks & Recreation Board met last week and discussed developing a new plan for Pioneer Park. He says they also discussed putting out a recreation survey to the community. He says they also talked about partnerships and working with the people that are already running programs in the community. They also discussed supporting the Kids n Snow program and Summer Recreation.
- B) **Town Manager & Department Head Reports:** Sabolsky apologizes for not having time to put out a written report this week, but he does have a few items to mention. He spoke with Kevin Germaine from Big Sky about the proposal to increase the resort tax, what went wrong last time, and contact with a potential lobbyist. He says he has had some conversations with legislators about how to present the proposal and what would be an acceptable approach to get the increase approved. He says that after today's election results are made public, he will start contacting legislators and working on that issue. He says that he has talked to nearly 20 engineering firms that are interested in responding to the Engineering Request for Proposals. Sabolsky says that an employee did file a complaint with the Department of Labor & Industry regarding cleaning up a sewer leak. He says they invited representatives from Department of Labor to come down and evaluate the problem and help them figure out how to take care of the problem. They

sent the staff to confined space training on Monday of this week where they were all able to get certified. They also are going to get the necessary equipment to do that job and are moving forward. He says there will be a meeting on November 29 regarding the West Entrance Project. He says he did send a letter to the County Commission requesting support in funding that project. He says they received an application to rezone the Washburn Circle area and are working on that. Sabolsky says he is going to start working the Bruce McPherson to develop job descriptions and salary ranges for the two employees at the library that are now represented by the union. He says that he also had a discussion with Pat Kinney from NPS about issues they have had with Xanterra bringing employees from inside the park and just dropping them off in West Yellowstone with no place to go. Johnson asks if he did any reference checks on the water rights attorneys they are intending to hire. Sabolsky says he did but has not signed any agreements yet and would welcome any comments.

Public Services Superintendent James Patterson reports that they need to change the meter at the sewer lagoon and anticipate replacing it in December. Patterson says that the hours at the transfer station have changed to Tuesdays and Thursdays and Saturdays. He says they are working on the road equipment and are almost ready to plow snow. He says they are putting holiday lights up on the street light poles, the Town Hall, and new learning center. He says that with the temperatures dropping, they are going to get the ice rink poured and set up soon. They are also going to try to build a small rink off to the side for younger kids. He says that the intersections have been sanded, but they are still very slick as the snow packs down. They will continue to work on them.

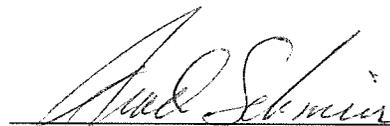
Finance Director Lanie Gospodarek reports that she is focusing on the annual report. Social Services Director Kathi Arnado reports that they are getting ready to put out Thanksgiving baskets to needy families. She says they are going to receive 36 turkeys from the Montana Food Bank Network and they are also going to receive 400 pounds of meat from the Hunters Against Hunger. Families can still sign up for turkey baskets and the Christmas Star program. They are seeing an increase in unemployment filings, but they expect that this time of year. She says she is working with Patty from Community Health Partners to develop a parenting class. Chief of Police Scott Newell reports an increase in vehicle accidents due to winter conditions. He reports that they participated in the drug take back program with the DEA and have taken in over 1300 pounds of unneeded medications. They are working on 911 texting capabilities and their new officer, Juan Trujillo, has completed field training and is patrolling independently. Patterson reports that the water line from the new well has been laid and will be ready to be used once the rest of the project is complete.

- C) Sabolsky explains that they have had a lot of interest and are expecting multiple responses to the Engineering RFP. He says they need to decide what process to follow to review the responses and narrow down the pool to the best responses. He suggests that they consider selecting one engineer or firm to be the main engineer, but also pre-select a couple other firms they can use to for specific projects. He says he intends to do more research on this approach and report back. Johnson says that he thinks the Council should be able to review all the responses and then have a work session to review them. He says if there is an overwhelming number of responses, they may need to establish a committee to narrow it down but he thinks the Council should have the opportunity to see all the responses.
- D) Sabolsky reports that they are making progress on the water and sewer issues. They are going to meet with Dave Noel of Forsgren Associates and Colby from Northwest Pipe later this month to work on the calibration at the spring. They are planning to have a conference call with the water rights attorney at the end of the month. They are working on getting more employees in the Public Services department licensed as operators. He says that they have drafted the letter for DEQ requesting approval of the evaporators at the lagoon and intend to send it with a packet of information to DEQ later this week. They also expect that DEQ will come and visit the lagoon site to evaluate. He says that

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Town Council Meeting
Minutes, Page 4 of 4

they have at least three employees that are interested and anxious to obtain all the licensing and become certified operators for the system. Sabolsky explains that they hope the existing liners can be repaired and they can avoid having to replace them until they get to the point where they need to build a wastewater treatment plant. He says that they are going to request to install four evaporators and hope that will allow them to approve new use. Schmier asks when will they be able to lift the building moratorium. Sabolsky says that they need to get approval from DEQ to install the evaporators. Once that happens, they should be able to lift it.

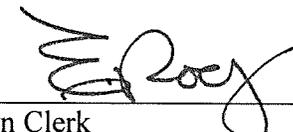
The meeting is adjourned. (9:15 PM)



Mayor

ATTEST:





Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
November 20, 2018

COUNCIL MEMBERS PRESENT: Brad Schmier, Pierre Martineau, Chris Burke, Greg Forsythe

OTHERS PRESENT: Town Manager Daniel Sabolsky, Town Clerk Liz Roos, Fire Chief Shane Grube, Teri Gibson

The meeting is called to order by Mayor Brad Schmier 7:00 PM in the Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.

Portions of the meeting are being recorded.

The Treasurer's Report with corresponding banking transactions is on file at the Town Offices for public review during regular business hours.

ACTION TAKEN

- 1) Motion carried to approve Purchase Order #6763 for \$7588.55 and #6765 for \$23,360.71 to Advanced Pump & Equipment to purchase a meter and mission control for Whiskey Springs and repairs to the sewer grinder and #6766 to Les Schwab Tire for \$7650.64 to purchase two tires for the CAT 938 Loader. (Martineau, Burke)
- 2) Motion carried to approve the claims, which total \$330,507.21. (Martineau, Forsythe)
- 3) Motion carried to approve the Consent Agenda, which includes the minutes of the November 5, 2018 Town Council Meeting. (Martineau, Burke)
- 4) Motion carried to appoint Denice Sabolsky to the Library Board of Trustees for a five-year term. (Burke, Martineau)
- 5) Motion carried to approve the 2018 Mistletoe Magic Event Permit and waive the resort tax bond and vendor fees for the event. (Martineau, Burke)
- 6) Motion carried to approve the event permit for Spirit of the North Sled Dog Adventures event from December 15, 2018-January 5, 2019 and reduce the resort tax bond from \$1500 to \$500. (Forsythe, Martineau)

Public Comment Period

Teri Gibson says that she recently observed a fair amount of debris falling out of the truck of the contractor that is taking down the old Mormon church on Gibbon and wondered if that will cause problems for snow plowing.

Council Comments

Martineau reports that the TV District met yesterday and there are now 9 channels available through a digital signal in West Yellowstone. Burke reports that he has been invited as a Montana Ambassador to attend Capital Days in Helena the week of January 8, 2019, which may conflict with a council meeting.

DISCUSSION

- 5) Sabolsky explains that he has met with the organizers of the Mistletoe Magic Craft Bazaar and the Town is working with them to sponsor the event. He explains that the organizers intend to donate the proceeds from the booth rental fees to CommUNITY West Outreach. He says the Town is allowing use of the Povah Center for the event.
- 6) Sabolsky explains that Spirit of the North Dogsled Tours has applied to operate dogsled tours from the parcel of property at the west end of Alley D that is owned by the Town but was formerly owned by the Forest Service. The operator has requested that the Council waive the resort tax bond for the operation, the bond for an event is usually

\$1500. The Council discusses the event, the fact that it operates from Town Property, the impact on the neighbors, and posting the bond.

- A) **Town Manager's Report:** Town Manager Dan Sabolsky reports that the letter to Montana DEQ regarding the use of evaporators at the sewer lagoon has been sent by registered mail and they hope to hear back within a couple weeks. He says that if the proposal is approved, they will be able to approve up to 500 more users into the system and the Council will need to decide how to handle that. He says that next week the Public Services Department will be meeting with Greg Johnson and Dave Noel of Forsgren Associates. He says they are going to work on helping and tutoring the staff so they can pass the water and sewer certification tests. Sabolsky says that there will be a meeting next week in Big Sky regarding increasing the resort tax authority by the legislature. The Big Sky board has agreed to take a back seat in the process and will support the effort monetarily. Officer Anthony Kearney was injured on duty last week and has been put on light duty, so he has been working on personnel related issues and will continue to work with the office staff until he is released back to full duty. He announces that he will be in Helena on December 5-6, 2018 to meet with city managers from around the State, which may be a good time to make contact with key people about moving forward with the resort tax proposal. Monika Black, assistant librarian, has tendered her resignation. Sabolsky explains that both of the assistant librarian positions were added to the union contract this year and since both positions were already filled, salary ranges were not assigned. Since this will be a new hire, they intend to establish the salary range to be equivalent to the Deputy Town Clerk, Court Clerk, and Social Services Assistant. Forsythe says that he recently discussed the proposal to increase the resort tax with Glen Loomis, who recommended that they use the term "tourist related" to describe the projects they need the money to accomplish. Sabolsky agrees and says they intend to prepare a specific and concise list of projects that they need the funding to accomplish that the legislators can quickly review. Forsythe says he was looking at the budget and wondering about funding for the new sewer evaporators. He asks about the funding for the Executive Assistant and if that position is being paid for out of the Administration budget entirely. Sabolsky says at this time, only 25% of that persons salary is coming from his budget. He adds that they have enough money in the depreciation sewer fund to pay for the evaporators.
- B) The Council discusses the Engineering Request for Proposals/Qualifications process. Mayor Schmier reports that they received nine responses to the public request and the staff is seeking direction from the Council. Forsythe says he thinks the staff should narrow the results down to three and then present to the Council. All nine responses have been forwarded to the Council. The remaining council members agree with Forsythe's recommendation.

The meeting is adjourned. (8:45 PM)



Mayor

ATTEST:





Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
December 4, 2018

COUNCIL MEMBERS PRESENT: Jerry Johnson, Brad Schmier, Pierre Martineau, Chris Burke, 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

Shelley Johnson, Jonathon Heames, Joe Moore, Fire Chief Shane Grube, Head Dispatcher Brenda Martin, Police Officers Sabrah VanLeeuwen and Anthony Kearney, Benny McCracken, Tara Ross, Julie Hannaford, Mary Davis, Mike and Gayle Gavagan, Katie Moen-West Yellowstone Star, Brad & Stacey Schmier, Marvin Fielding-Keller Associates

The meeting is called to order by Mayor Brad Schmier 7:00 PM in the Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.

Portions of the meeting are being recorded.

The Treasurer's Report with corresponding banking transactions is on file at the Town Offices for public review during regular business hours.

ACTION TAKEN

- 1) Motion carried to approve the Securities Report and Treasurer's Report dated October 28, 2018. (Johnson, Forsythe)
- 2) Motion carried to approve the claims, which total \$88,717.61. (Martineau, Burke) Forsythe abstains from #45174 to Westmart Building Center.
- 3) Motion carried to approve the Consent Agenda, which includes the minutes of the November 20, 2018 Town Council Meeting. (Martineau, Burke)
- 4) Motion carried to approve the Application for Outside Amplification Permit and the Application to Maintain an Encroachment for the Christmas Stroll Events on Saturday, December 15, 2018. (Forsythe, Burke)

Public Comment Period

Gallatin County Commissioner Steve White addresses the Council and audience. He explains that he has represented this part of Gallatin County for the last twelve years, but was unsuccessful at getting elected for a third term. He thanks everyone for the opportunity he had to represent this area and it has been a great honor to serve as their commissioner. He reports that while serving on the Logan Landfill Board, they have been able to achieve the purchase of the land adjacent to the Logan Landfill which will enable them to move the landfill to County land.

Marvin Fielding of Keller Associates addresses the Council. He explains that they responded to the recent Engineering Request for proposals and just wanted to take the opportunity to introduce himself.

Council Comments

Mayor Schmier says that they talked to a representative from a recycling business in Idaho Falls. He says that they come to West Yellowstone on a fairly regular basis and recycle things like electronics and appliances. Schmier says he hopes to improve their recycling options in the future and this may be part of it.

Chris Burke reports that they drove a shuttle for two days during the Yellowstone Ski Festival and was impressed with the participation and activities during the week.

Jerry Johnson says that he has observed several businesses in town with boards on their windows and wonders how they should address that. He mentions that Clay Vines graduates next week

from POST for Department of Livestock. He also mentions that Nona Smith passed away last week. Mayor Schmier suggests they require businesses that board up their windows for the winter to use boards that match their buildings.

Public Hearing – Protest Hearing, Tourism Business Improvement District

Mayor Schmier opens the hearing. The hearing was advertised in the November 16, 23 and 30, 2018 editions of the West Yellowstone Star. Notice of the public hearing was mailed to all the real property owners in the commercial districts of West Yellowstone. No public comments are received.

DISCUSSION

2) Johnson asks for clarification about where the funding is coming from for the replacement grinder for the sewer system. Patterson explains that they decided to delay some other projects this year and use budgeted money to pay for the grinder. Forsythe also asks questions about the court restitution process, refunding court overpayments, and the employee lunch claim.

A) **Town Manager & Department Head Reports:** Town Manager Dan Sabolsky reports that they are still waiting to hear back from Montana DEQ regarding the letter requesting permission to use evaporators at the sewer lagoon. They had a meeting last week with Greg Johnson of Buffalo Services and Town employees to work out procedures and training to run the wastewater and freshwater systems. He reports that he met last week with Erik Nelson of ThinkTank to discuss the plan for development of the 80 acres. Nelson is close to finishing their report and would like to have another work session with the Town Council before finishing it up. The Plans for the HRDC project in the Madison Addition have been received as well as a re-zoning application for Washburn Circle. Sabolsky reports that he attended a meeting last week with multiple government agencies to discuss the west gate project for Yellowstone National Park. He also reports that there is a meeting scheduled later this week to rebuild the casting pond behind the Union Pacific Dining Lodge. Sabolsky says that he has been using Anthony Kearney while he is on light duty to update all the job descriptions for all of the Town employees. Officer Daniel Palmer has resigned effective December 18, 2018. Newly appointed judge Richard Gibson can no longer serve on the Police Commission so they are advertising for a new person to serve on that commission. Two applications were received for the Assistant Librarian position and they intend to interview on Friday. The Music in the Park committee met last week, Don Perry is looking to move away from the area so they are working on keeping that event going without him. He also reports that he will be in Helena tomorrow and the next day meeting with City Managers and Administrators from around the state.

Chief of **Police** Scott Newell reports that Officer Palmer has been hired by Stillwater County. He says that they are working with Stillwater County to sell his bulletproof vest to them since it is good for three more years. Newell also reports that he has been doing some research about whether people that have been sentenced to serve time can serve that time in a holding facility such as the Town's jail. He says he plans to discuss the issue with the Town Attorney.

Social Services Director Kathi Arnado reports that the Thanksgiving Baskets program went well but they only distributed 48 baskets this year, down from 68 last year. She says that unemployment filings and food bank usage is also down, which appears to indicate that their community is doing well. She says they received a bunch of turkeys from the Missoula Food Bank and are preparing for the Christmas Star program.

Finance Director Lanie Gospodarek reports that she has been working diligently on the Annual Finance Report, their office is also processing multiple event permits and supporting the Town Manager. Johnson asks about hiring a deputy clerk as Lisa Johnson transferred over to being the Executive Assistant. Sabolsky says that they are working on

reorganizing some of the departments and office space and hopes to work on that after the first of the year.

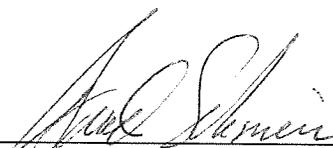
Public Services Superintendent James Patterson reports that they finished the sledding hill at the city park. Kids n Snow starts next week and the ice rink should be ready. They are putting the roof on the well house for the new well this week. They are putting a few more holiday lights up and working on smoothing out the streets. Chris Burke says they have a lot of problems with snow piling up on the sidewalks, particularly in front of businesses that are closed for the winter. Schmier agrees and says that this is a problem every year and they need to do something about it.

- B) Mayor Schmier reports that they have a draft ordinance before them to consider a curfew that would be imposed on minors under the age of sixteen years of age between the hours of 12 AM (midnight) and 5 AM. Sabolsky explains that they put this draft together after looking at several other ordinances in other cities. He says they are looking for feedback from the Council on how to proceed. Mayor Schmier expresses concerns about government overstepping its bounds, but acknowledges this ordinance may give law enforcement a tool to address issues late at night. Burke says that he thinks this is a good idea and says they are a legislative body with the power to enact such laws. Johnson asks if a minor can allow law enforcement to enter a home. Newell says that barring any life threatening circumstances, they would always get a search warrant before entering a home. The Council asks multiple questions about the ordinance and procedures. Tara Ross, Victims Assistance Manager for the National Parks Service, says that she does believe there are human trafficking problems in our town and a curfew would be a good thing. Officer Anthony Kearney says the focus of this ordinance is the safety of the children. Sabolsky says that he will talk with the Town Attorney about the ordinance tomorrow and prepare for first and second readings in January.
- C) Mayor Schmier says they have a draft to review to amend the fireworks ordinance. They have made multiple changes to the existing ordinance and are seeking feedback. The Council discusses the changes and locations from which fireworks could still be lit. There is also discussion about shortening the time that fireworks can be discharged, height limits, and enforcement. Sabolsky explains that they will continue to work on this and prepare to bring it back so a new ordinance can be adopted prior to next summer.
- D) Town Manager Dan Sabolsky reports that he attended a meeting with other Resort Tax Communities last week. The majority of the meeting was a discussion of the current law, but Sabolsky presented the proposal to lobby the legislature to increase the taxing authority to 4%. He said most of the communities supported the idea and he will be meeting with some of other city managers at the meeting he is attending in Helena this week. He is also planning to meet with representatives from Big Sky, which is interested in supporting the effort monetarily.
- E) Sabolsky says that he has asked Chief Newell, James Patterson, Fire Chief Shane Grube and Executive Assistant Lisa Johnson to evaluate the proposals along with himself. They intend to narrow the proposals down to three that they will then present to the Council. Copies of all the proposals have also been sent to the Council. He expects they will have a work session in late January or February to review the top three proposals.

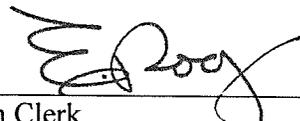
The meeting is adjourned. (9:00 PM)

ATTEST:





Mayor



Town Clerk

WEST YELLOWSTONE TOWN COUNCIL
Town Council Meeting
December 18, 2018

COUNCIL MEMBERS PRESENT: Jerry Johnson, Brad Schmier, Pierre Martineau, Chris Burke, Greg Forsythe

OTHERS PRESENT: Town Manager Daniel Sabolsky, Public Services Superintendent James Patterson, Chief of Police Scott Newell, Social Services Director Kathi Arnado

Jonathon Heames, Court Clerk Kerry Parker, Helene Rightenour, Richard & Teri Gibson, Jeff Kadlec, Fire Chief Shane Grube, Head Dispatcher Brenda Martin, Greg and Lisa Johnson, Rachel and Justin Spence, Joe & Molly Moore, Randy Wakefield-Fall River Electric, Drew Stroberg-Acting District Ranger Hebgen District, Eric Heaps, Mandy and Taylor DeTienne, Dave Noel & Kevin of Forsgren Associates, Kaitlin Johnson & Ellen Butler – Yellowstone Historic Center

The meeting is called to order by Mayor Brad Schmier 7:00 PM in the Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.

Portions of the meeting are being recorded.

The Treasurer's Report with corresponding banking transactions is on file at the Town Offices for public review during regular business hours.

ACTION TAKEN

- 1) Motion carried to approve Purchase Order #6768 to A & E Architects to perform an on-site condition assessments of the Union Pacific Depot (museum) and Dining Lodge for \$20,820.00. (Martineau, Burke) Johnson and Forsythe are opposed.
- 2) Claims, (Martineau, Forsythe) Burke abstains from claim #45197 to Morning Glory Coffee & Tea for \$33.75. Forsythe clarifies that the contract with Buffalo Services is for \$3000/month.
- 3) Motion carried to approve the Consent Agenda, which includes the minutes of the December 4, 2018 Town Council Meeting. (Martineau, Burke)
- 4) Motion carried to approve the new business license application for BSA Lodging, LLC dba Golden Stone Inn and approve the request to waive the resort tax bond. (Forsythe, Burke)
- 5) Motion carried to approve the business license application for Mountain Ops, a backcountry guide service. (Martineau, Forsythe)

Public Comment Period

No public comment is received.

Council Comments

Mayor Schmier mentions the Town Christmas Party last Friday and comments on how great the food was! He also wishes everyone a Merry Christmas. He also says that they will appoint a new Mayor in January for 2019 and he is willing to accept that appointment for another year, if it is the desire of the Council. Council Member Martineau mentions that he recently attended the Little Rangers Christmas Program and it was great. Council Member Johnson reports that he attended a meeting today at the Bozeman Chamber of Commerce where there was a presentation to establish a 4% Gateway Community tax, where any county that is close to a National Park would be eligible to establish a tax. He says that he thinks they should pay attention to this, because it could potentially affect their effort to raise the resort tax and they should even consider whether they should use pursue the new tax. Chris Burke requests that the staff make an effort to make sure the drivers of the snow hauling trucks abide by the speed limit and exercise extreme safety. Council Member Forsythe says that the Kids n Snow program is great

and comments that the Sabolsky family really supports the event. He also thanks the staff and Jim from the senior center for the great meal at the Christmas Party.

Mayor Brad Schmier administers the Oath of Office for Judge Richard Lee Gibson.

Presentation: Acting District Ranger, Hebgen District, Drew Stroberg, addresses the Town Council to encourage local representation on the Forest Service Resource Advisory Council. He explains that this Council determines funding for projects and they believe that local representation would be beneficial and would help obtain funding for projects in our area. Sabolsky says that he has the application forms and he will forward them to anyone that is interested in participating.

DISCUSSION

- 1) Sabolsky explains that when they put the budget together, they estimated this project would cost around \$10,000, so they intend to pay for half of it from that part of the budget and the rest from the \$200,000 that is budgeted for historical preservation in the capital plan. Forsythe expresses concerns about not having accurate estimates during the preparation of the budget for projects to avoid surprises like this. Johnson agrees.
- 4) The Council asks questions about the guest lounge portion of the application. Joe Moore explains that they have applied for an off-premises beer and wine retail license, which requires that they sell a certain amount of groceries or food products on-site along with the beer and wine.
- 5) Forsythe asks what is the location for the business? Schmier points out that the application says that the guides will meet their clients at trail heads outside of town. Johnson says that he believes the license application should include a physical address, even though the owners live in the Madison Addition. The Council agrees and requests that the physical address for the owners be added to the application.
- A) **Town Manager/Department Head Reports:** Town Manager Dan Sabolsky reports that he has been utilizing Officer Anthony Kearney to work on job descriptions for all positions with the Town. He reports that they have received applications to rezone Washburn Circle, approve the HRDC townhome project, and approve the Moonrise Development. He anticipates multiple hearings and progress on these projects in January. He attended the resort tax meeting in Big Sky and he has had multiple discussions with representatives from that community about support for lobbying the legislature to increase the tax authority by 1%. He reports that he met recently with Drew Stroberg, Acting District Ranger, about signage at the trailheads and access to the forest through the 80 acres. He says that he conducted an exit interview with Officer Dan Palmer today. He also participated in a meeting with the new judge, Richard Gibson, Court Clerk Kerry Parker, Chief Newell, and Town Attorney Jane Mersen to discuss scheduling and procedures for court.

Dave Noel of Forsgren Associates addresses the Council and reports that Montana DEQ has reviewed the request to utilize evaporators at the lagoon. He says that the biggest concern at DEQ is approval of a short-term project that could turn into a long-term. He says that he has composed a letter to respond to DEQ that describes the short-term solution to the lagoon and then the long-term solution. He briefly describes the short-term and then long-term plans that are outlined in the letter. He also explains that in order to get everything approved, they will likely need to make some trips to Helena to assure DEQ that they are serious about correcting these issues and will follow through.

Public Services Superintendent James Patterson reports that Kids n Snow last weekend went very well. The sledding hill is in great shape and so is the ice rink. He says that they are working on repairs and maintenance at the jail, Povah Center. He says they

haven't had a lot of snow yet and are also planning to replace the floor in the main room at the Povah Center.

Social Services Director Kathi Arnado reports that they are working with the United Women to operate the Christmas Star Program to provide Christmas gifts for needy children in the community. She reports that they acquired over 1500 pounds of meat from the Hunters for Hunger program for the food bank. She says they still have approximately 60 turkeys to give out before Christmas, too.

Chief Scott Newell reports on multiple car slide offs, forgery charges, a stalking and trespassing charge, and right now are in process of charging an individual with their 3rd DUI. He says that they just released the recruitment to hire a new officer to replace Daniel Palmer.

- B) Mayor Brad Schmier explains that a letter of support has been drafted and already sent to the Office of Aviation Analysis in Washington DC in support of SkyWest Airline's proposal to operate as the Essential Air Service carrier at the Yellowstone Airport for the upcoming season. Schmier also explains that the proposal is to expand air service at the airport from May 9th to October 13th, which adds almost a month on each end of the season.
- C) Town Manager Dan Sabolsky reports that the selected committee has reviewed all of the proposals that were received in response to the Engineering Services RFP. He says that the top candidates they agreed on are Forsgren & Associates and Stahly Engineering. He says he would like to invite both firms to come and make presentations to the Council in January. He says there was essentially a tie between the third and fourth best responses so he recommends just hearing presentations from the top two at the beginning.

CORRESPONDENCE

Dated December 13, 2018, Ken Davis-Chair for the West Yellowstone Cemetery Board of Trustees, writes to request that the Town Council appoint the Public Services Superintendent to also act as the Cemetery Superintendent and also take on the responsibility of opening and closing graves and adopt a resolution to set fees to offset such costs.

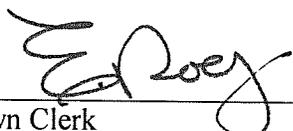
The meeting is adjourned at 9:00 PM.



Mayor

ATTEST:





Town Clerk