

**** Page 1** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING
CITY OF THREE FORKS, MONTANA, NOVEMBER 12TH, 2024**

NOVEMBER 12TH, 2024, The Three Forks City Council met at the Three Forks City Hall (Council Chambers), 206 Main Street and via Zoom. (Zoom is a virtual meeting tool which the City began using due to COVID-19 and social distancing guidelines and continues to use to encourage participation from the safety of one's home.) The meeting was presided over by Mayor Johnston. Mayor Johnston called the meeting to order at 6:00 P.M.

ROLL CALL: City Council members Gene Townsend, (Warren) Garret Buchanan, Ed Tharp, and Reagan Hooton. Roxi McDermott attended via Zoom. George Chancellor was excused. City Treasurer Kelly Smith and City Clerk Crystal Turner, and City Attorney Susan Swimley was present at City Hall.

The record reflected a quorum with the attendance of five (5) Council members and the meeting was held.

The **Pledge of Allegiance** to the American Flag was led by Mayor Johnston. Mayor Johnston reminded the audience this meeting was audio and video recorded and may be streamed via Zoom and on our Facebook page. The Mayor also reminded all to familiarize themselves with the policy of conduct for this public meeting on the back of their agenda.

GUESTS: Gloria Howland, Library Director Jaime Ewan (arrived around 6:30PM) .

PUBLIC COMMENTS/CONCERNS (For items not on the agenda)

CONSENT AGENDA

Mayor Johnston read the Consent Agenda into the record as follows:

- a. City Claim Paid due to Timeliness on 10/9/2024 Totaling \$5.00
- b. City Claims Paid due to Timeliness on 10/24/2024 Totaling \$387,454.55
- c. City Claim Paid due to Timeliness on 10/31/2024 to Mail Utility Bills in the Amount of \$213.72
- d. City Claims to be Paid
- e. Three Forks Rodeo Arena Board Claims Paid 10/24/2024 Totaling \$2,243.70
- f. Three Forks Rodeo Arena Board Claims to be Paid
- g. Council Minutes of 10/8/2024
- h. Zoning and Planning Minutes from 9/19/2024
- i. Pledged Securities from Manhattan Bank through 9/30/2024
- j. Member Securities from First Security/Glacier Bank through 9/30/2024

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- k. Headwaters Trail Maintenance Agreement between Gallatin County Road & Bridge Department and the City of Three Forks
- l. Draw #22 for the Water Project (Signed by Mayor on 10/9/2024) for ARPA Local Fiscal Recovery (LFR) Reimbursements of \$5,731.38
- m. Draw #23 for the Water Project for ARPA Local Fiscal Recovery (LFR) Reimbursements of \$5,093.38
- n. Service Agreement with Harmon Construction to Perform the Remodel at City Hall (\$43,531.41)
- o. Service Agreement with Harmon Construction to Perform the Addition at the Fire Hall (\$52,020.14)
- p. Journal Vouchers, Revenue Vouchers (7/24-10/24) and Cash Report
- q. Contract with Gallatin County for Library Funding for Operations at \$85,679 and for Building Repairs at \$20,874

Councilman Townsend moved to approve the Consent Agenda. Councilman Tharp seconded the motion.

Motion Passed 5:0.

PUBLIC HEARINGS

Public Hearing and Decision on a Second Reading of an Ordinance Amending Title 7, Chapter 2, Section 15: School Area Parking Restrictions

Mayor Johnston asked the Council and public if anyone wished for him to read the ordinance into the record in its entirety again. No one wished for him to re-read Ordinance #403-2024.

There were no additional comments by the Council members on this ordinance.

Councilman Buchanan moved to approve Ordinance #403-2024, an ordinance amending Title 7, Chapter 2, Section 15: School Area Parking Restrictions.

Councilman Tharp seconded the motion.

There was no public comment.

Motion Passed 5:0.

Public Hearing and Decision on a Resolution Amending the Fiscal Year 2024-2025 Budget and Mills to be Levied

Mayor Johnston read the resolution, which would be #433-2024 if approved, into the record in its entirety.

Gene Townsend asked Kelly Smith, "So, the taxable valuation of our mill went down from what we previously received?" Kelly replied, "No, the dollar amount of the mill went up. We had originally budgeted to tax 79.64 mills, but still add the 10 voter-approved mills. Now it's 79.7 (a small difference of .06 in mill value which was roughly \$49 more each mill). One thing we did not foresee, the County is giving more money to the Library because of this, so we may have to do a budget amendment to

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include that additional revenue." Susan Swimley clarified, "We would have to raise ours [revenue budget] because the County is giving the City more money and the agreement we have with the County says we will keep our library open to the County residents."

Gene asked if the County levies mills for the Library, do they use the value of the mill for the County or the City? Kelly replied she thinks it is based on a calculation for all libraries. Susan shook her head in agreement.

Councilman Buchanan moved to approved #433-2024, a resolution of the Three Forks City Council Amending the Fiscal Year 20224-2025 Budget and Mills to be Levied. Councilwoman Hooton seconded the motion.

There was no public comment.

Motion Passed 5:0.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported we have everything submitted to the auditors, who will be here the first week of December. Craig Shepherd completed the City's Annual Financial Report earlier than ever, and all is uploaded to the Auditors for them to get started.

City Clerk Crystal Turner reported the Impact Fee recommendations will be presented to the Council in December and Lee Nellis wants you to be able to digest the data and recommendation awhile. The first meeting in January is also the date we hold the joint Three Forks Rural Fire District meeting. Lee Nellis' agenda item may be an hour with presentation, questions, discussion, the Impact Fee Advisory Committee being present. Would the Council rather hold a second meeting in January? Council said yes.

Next, Crystal reported the Lead/Copper inventory has been done and was submitted to DEQ on time. "Thought I was done, for now anyway, but there is another deadline of 11/16/24 to get the *lead, galvanized, and unknown* inventory owners a notice. The DEQ draft has a "here's our city plan to replace" section, but the Council has never discussed such a plan yet. I would like the Water/Sewer Committee, or the Budget Committee, or both maybe, discuss whatever the City's plan may be, if any. Our existing ordinance already states that all property owners are responsible for their service lines, fixtures, and protection of meters."

Crystal also reported the City has two spare tablets available, if any Council members want to use that instead of me printing a paper packet for you anymore, please let me know. Gene and Reagan said they would like to use them and forfeit a paper copy in the future. Garret said he would like one as well when/if another is available.

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Last, "City Hall will be moving to Library basement hopefully, beginning in January, for the remodel work. We would like to close a few extra days, and perhaps send the water/sewer bills out early in December, so we can move and setup and be ready to open in January."

City Attorney Susan Swimley did not have a report but commented that Bozeman's lead/copper letters sent to the customers simply said, *You may have a lead line, or You may have a galvanized line, and you may need to replace it.*

REPORT OF COUNCIL COMMITTEES (if any)

There have been no Committees which have met lately.

UNFINISHED BUSINESS

Flood Project - No update, the team held a meeting on Election Day and did not realize we were off, so it is postponed until December.

Water Project - Randy Johnston relayed the new well's 72-hour test showed it is producing 220 gallons per minute!

Well 6 went down. Troubleshooting occurred, pulled the pump and found a wire that had a small nick in it which arced out and killed the pump. Steve Johnston asked Red Tiger who installed it, and they warrantied the work.

NEW BUSINESS

Parliamentary Procedure and Board/Council Meeting Efficiency

Susan Swimley explained she provided the Council a 2-page memo to talk about the public meeting procedure. "I am a big proponent for consistency, which helps establish the process for all meetings but also when you have contentious items you have a habit to flow the meeting in a consistent manner," Susan said. The process and consistency are very important to establish to ensure the public feels like they are here, heard, and their time is not used inefficiently.

Two kinds of topics: Legislative and Quasi-judicial.

A quasi-judicial hearing is when you have an application, and you hear from the applicant, take comments, it is important to make sure everyone gets heard - but stay away from the debate. You are going to make a decision. You probably are not going to make everyone in the room happy. However, there are meetings where you will make everyone happy too.

She explained the process in detail, which is highlighted as a guide on the back of everyone's nameplates. "Typically, you begin with the application. That is typically when you have a Staff Reports. The Staff

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Report explains 1) this is what our ordinance says, 2) this is what we've done in the past. Then you ask the questions to be engaged and informed in every step. We don't interrupt the staff report when we have questions, we can write them down and wait until the step when you have the opportunity to ask staff, or the applicant, your questions.

"Then comes public comments - and the same process is followed. If you have questions about the public's comment, ask them so that you can fully understand. Perhaps it's a chicken ordinance - they don't like it or whatever. You need to separate your role in the process. Your job is to get the facts so you can apply the application to the ordinance as written," Susan detailed.

She added, "During this process, you may come across an ordinance you don't like how it was written. You hold that, or a note about it, but your obligation is to apply the ordinance as it is written and adopted. Staying true to the application at hand, sometimes you may ask for an applicant rebuttal. Something may have come up (she gave several examples like a chicken application, or a zoning application). If you don't know how a specific ordinance is applied - that is good discussion but you bring it back to the board for action and decision which can be used as the momentum for change to the process. Perhaps the Council has to have a discussion to determine how the Council is going to decide - but at some point someone has to make a motion, and someone has to second it in order for you to discuss the decision at hand. The debate between the applicant, the Board, the public or staff - this is not helpful to the process at hand."

Returning to the action part of the hearings, Susan said, "You don't have to vote for it just because you made the motion. You don't have to vote for it if you second the motion. But those two things must happen in order for the Board to discuss it. That at least provides the public the knowledge of what the Board is going to decide upon. You could vote yes or no to the motion. *Calling for the question* means I've had enough debate, and let's vote on it."

Susan asked, "Remember in the earlier discussion and examples we said we didn't like a particular ordinance? Say it's a chicken ordinance and I'll pick on Gene because he doesn't want to allow chickens in town at all. So, let's say someone wants to have 12 chickens. (Originally the Council set a cap [of the number of permits allowed] for a reason: it is the least invasive, set a number [of 6 total hens] because we have small lots, etc. but the Council proposes changing it to allow 12 chickens per lot.) Gene votes no to granting the 12 chickens. Someone is not going to like that decision and may want you to re-hear it. That's where we got to be really careful. If I was the unhappy applicant and I keep arguing my position, I'm hijacking your meeting. I would be getting unfair attention that the people who don't want chickens are not getting. I, as the applicant, really want to have a discussion at the next meeting to come up with a

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change to the chicken ordinance. If another Council member or the Mayor says "Does the Council want to review the chicken ordinance?" then it goes on the next meeting. That is a legislative question before you as the Council (changing the ordinance).

"If I want a CUP (conditional use permit), or I want a reduction on my sewer rates, or I want a variance from the 6 chickens and get 12, these are quasi-judicial decisions. So, when an applicant talks to you about it at the Post Office, the grocery store, etc., you need to tell them, *"That is an application and needs to be discussed at the meeting."* You are sitting as the judge in that application: you are hearing the facts, you are applying your judge's decision to the regulations as written. If you are approached, you should warn them and tell them no [to the discussion]. If this happens to you, I prefer at the beginning of the hearing that you recite it on the record to the rest of the decision makers about anyone who has provided you with special/private information. That way, staff hears it, the applicant hears it, the public can address it, each entity can address it during their time. That is how you address ex parte communication. Now, when you are talking about legislation - you are fair game anywhere. Anyone can give you their opinions at the grocery store, the Post Office, or wherever. You do not have to report that, you can, but because it's legislative - that's called lobbying."

Garret Buchanan repeated in his own words to ensure he understood. Susan gave an example of a Zone Text Amendment which would apply to all properties in that zoning district. "This is an application, but it doesn't just apply to the property owner you may be speaking with. It gets a little confusing - but if it is a legislative process, and not an application - it's fair game," she answered.

Susan ended with "We've lost the art of debate when we allow that free for all in the meetings. You reduce stress, you reduce the time of your staff, you provide a consistent outcome to the public - they know what to expect. Not to mention it is probably easier for the Clerk to have you raise your hand and the Mayor/Chair acknowledge each so the clerk can hear one person at a time. You will develop a habit, a cadence, so that even when there is just a small group, you are consistently running the meetings."

Gene Townsend asked, "What is the proper way to be recognized? I always raise my hand?" Susan replied there are 16 versions of Roberts Rules of Order, so the best way is to have the Council discuss this and decide.

Discussion Regarding Bulk Water Sales Affecting Three Forks Rodeo Arena's (TFRA) Operation & Maintenance

Gene Townsend said at the last TFRA Board meeting they were approving the bills and wondered why the Northwestern Energy bill was so much higher when there had not been any events going on. "We [the TFRA Board] put

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that pump in, we drilled that well. It was to be used to fill the water truck which waters the arena. This was to reduce disturbances in the City's water when we used a lot. The well has been used a lot for bulk water sales this summer, and we're paying the bill. So, we wondered, do we get the revenue? Crystal told us no at the meeting. But the Board is wondering if there was maybe a fair way to do it to be more equitable to both departments," Gene relayed for the Rodeo Board.

Kelly Smith said she thinks, from the accounting side of it, the City could pay the power bill for the Rodeo Board during those months when bulk water is highly used. Gene added that Whobee Hughes (the Arena Manager) had to go fill the water truck from a fire hydrant because there was a line of trucks waiting for bulk water.

Garret Buchanan asked questions in order to formulate some ideas. "Over time, it's mostly the movie and the construction companies this summer, which was the perfect storm." Kelly suggested she could look at the overall year and compare it to last year's bills, and have the City pay the TFRA back the difference. The Council liked that. Gene or Crystal will relay to the Board.

Discussion on Holiday Closures

Crystal Turner said the Library Board discussed closing for Christmas Eve for its staff as well as Christmas Day. "I spoke with Public Works and City staff and we were hoping we could take extra days off, using vacation or comp time accrued - or unpaid - and close 12/26 and 12/27," she asked. The Council seemed agreeable to this as long as staff used it's own vacation time. Crystal then said, "During the move of City Hall, and Jaime is here now so hopefully we are moving to the Library." Jaime Ewan interjected that the Library Board met tonight at 5:15PM and agreed to allow City Hall staff to move into the basement. "Their only concern is to have the City pay for the overage of utilities," she said. Crystal continued with requesting that due to the move, City Hall also be closed to the public on 12/30 and 12/31, but have staff working to pack and move, and setup everything so we can open on 1/2/2025. The Council agreed to this. Crystal will prepare a resolution for the holiday and move closures, which will be on the 12/10/2024 agenda.

Approval Allowing Gene Townsend to Submit a Grant Application for \$100,000 to the Montana Trail Stewardship Program, and a Grant Application for \$100,000 to the Montana Recreational Trails Program

Gene Townsend, Headwaters Trail Department Head, said he would like the Council's approval to apply to Gallatin County for an Open Space Grant again in the amount of \$100,000 (this one is not on the agenda). "This will continue the trail from Rae Creek - by TMC gravel pit - MDT has indicated they will allow an encroachment permit to Carpenter Road (about 9/10 of a mile plus 2 pedestrian bridges for irrigation ditches). We

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don't want a culvert - they plug up at the times they need the water the most. A pedestrian bridge is estimated at about \$50,000 per bridge

The Council was in agreement to allow Gene to submit all three grant applications.

Gene said he will have Ahren Hasting talk to Cody Johnston with Montana Department of Transportation to get the encroachment permit started.

PUBLIC COMMENTS/CONCERNS (for items not on the agenda)

There was no public comment for items not on the agenda.

MAYOR & COUNCIL ANNOUNCEMENTS

Mayor Johnston said he met with MDT Director Ted Jones, "He was on his way out to training, but we have a meeting setup for winter to discuss my concern about the Droulliard Trail culvert - that runs through DeLaittre Memorial Park, under the trail and into Buttelman's field, and is used for irrigation. The State was mowing that side (north of the highway) last year and the big wheel fell through the culvert. They came in and injected some concrete slurry in it to repair it, but I want to present when the City gets the permit for the flood mitigation project, that at that same time the City could replace that culvert. Another thing was brought up today with Bob Crosiar about speed signs. There is money in the budget to order two more flashing "your speed is" and Crystal submitted coordinates to MDT to update the encroachment permit today for that," Randy said. Last, he would like to talk to MDT about installing signs at the crosswalk of Main Street and West and East Cedar Streets, per the Gottlob's recommendation at a previous meeting.

Mayor Johnston then read a letter from Asst. Fire Chief Charles Eastty about the structure fire on Colorado Street last week.

There were no Council announcements.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: December 10, 2024

- a. Annual Headwaters Trail Report
- b. Annual Three Forks Rodeo Arena Report
- c. Decision on Application for "Additional Dog Permit" by Peter Furman and Amber Castle at 324 W. Front Street
- d. Resolution to close additional days at the Library on 12/24, Public works on 12/26-12/27, and City Hall 12/26-12/31 (working days on 12/30-12/31 but City Hall closed physically while packing/moving)

ADJOURNMENT

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Motion to adjourn the meeting was made by Councilman Townsend, seconded by Councilman Tharp. **Motion Passed Unanimously.** The meeting was adjourned by acclimation at 7:34P.M.

Randy Johnston, Mayor

Crystal Turner, City Clerk

DRAFT