

**** Page 1** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING
CITY OF THREE FORKS, MONTANA, MARCH 11TH, 2025**

MARCH 11TH, 2025, The Three Forks City Council met at the United Methodist Church of Three Forks "Annex", 116 E Cedar 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 6:05 P.M.

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

The record reflected a quorum with the attendance of six (6) 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 that this meeting was audio and video recorded and may be streamed via Zoom and on our Facebook page.

GUESTS: Gloria Howland, Riley Dundas, and Kathleen McCord were present at the Annex. Jeff and Janice Cochrane joined via Zoom.

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

There were no public comments on items not on the agenda.

CONSENT AGENDA

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

- a. City Claims to be Paid
- b. Three Forks Rodeo Arena Board Claims to be Paid
- c. City Claims to be Paid Due to Timeliness \$8,597.60
- d. City Claims to be Paid Due to Timeliness \$44,283.18
- e. Council Minutes of 1/14/2025 (Joint TF Rural Fire Board & Council), 1/28/2025
- f. Zoning and Planning Board Minutes 1/27/2025 & 1/29/2025
- g. Service Agreement with Absolute Drywall, Inc. for City Hall Remodel (\$7,192.80) (Signed by Mayor on 2/18/2025)
- h. Change Order for Harmon Enterprises Construction, Inc. for Adding Tin from Ceiling as a Chair Rail. (\$3,962.81)
- i. M.C. Wholesale Inc. City Hall Lighting \$4,799.00
- j. Change order for Pierce Carpet Outlet for Repairing Subfloor before Installation (Signed by Mayor of 2/19/2025)

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- k. Draw #27 for the Water Project Totaling \$ 29,465.51 all from ARPA Minimum Allocation Grant (MAG) Funding
- l. Draw #1 for City Hall from State-Local Infrastructure Partnership Act (HB355) in the amount of \$80,401.82
- m. Draw #1 for the Library from State-Local Infrastructure Partnership Act (HB355) in the amount of \$34,655.70
- n. Award of Garbage Service for the City Departments to L&L Site Services, Inc. (Only Bidder)
- o. Award of Park Mowing & Weed Management Proposal

Mayor Johnston asked if there were any questions. He then stated, "We have Riley here from B&B mowing, and it looks like you were awarded the bid." Randy then offered to read off the bids to the Council. The Council said they had them. Gene Townsend said to Riley, "I really appreciate the job you and your dad do down at the museum." Riley replied, "Thank you." Randy added, "We have had a lot of compliments."

There were no other questions from the Council on any items on the consent agenda.

Councilman Chancellor moved to approve the Consent Agenda. Councilwoman McDermott seconded the motion. There was no public comment on the consent agenda items.

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on the Zoning and Planning Board's Recommendation on 2/20/2025 for a Conditional Use Application for a Cycle Studio by Kathleen McCord on Lot 4, Block 58 of Milwaukee Land Company's 2nd Addition, Commonly Known as 616 4th Avenue East

Mayor Johnston asked Reagan Hooton to read the staff report as she is the liaison from the Council to the Zoning and Planning Board. (See Packet.)

Mayor Johnston then read the letters submitted from the public:
Opposed - Gordan Lane and Janice Cochrane and Kris Peyer and Darryl Prokop, mainly due to possible parking issues and noise. Support - Crystal Turner and Sheri Brown based on a great addition to the City.

Mayor Johnston asked the applicant if there would be any noise with this business. George Chancellor commented those types of bikes always come with mufflers. Everyone laughed. Kathleen McCord said there would be music going, "The garage is insulated, the doors are insulated, and it would not be any louder than someone working on a vehicle with music playing." She went on to say she put those hours as she does not know what hours clients would want to come. Kathleen will be the only employee, so 2 classes a day would be physically the maximum she could do, and it would not be every day. She will be cognizant of her neighbors.

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Gene Townsend asked for clarification if the 4 parking spots were required in the ordinance, and with no employees and only 3 clients at a time, where did 4 spots come from? Kelly replied you are required to have 2 spots for residential use, and the business calculation is based on the square footage of the garage added the other 2. Gene said he drove down the alley today and was not sure where the 4 spots would be. Kelly shared the diagram on screen which the applicant supplied. "On the north side of the garage the fence would have to be moved away from the alley at least 18 feet, then from the north property line to the other fence there should be 4 spots," she said. Gene then asked if the reason the Zoning Board limited the garage doors not being open from 7 to 9 AM was due to the noise concerns of the neighbors? Kathleen answered him and said "Yes".

Kathleen then asked the Council if any businesses in town had ever had an amendment made for the parking ordinance. She had discussed at the Zoning meeting having her clients park at Stevenson Park and walk the block to her house. George said the park would be public parking. Gene added that the ordinance states you must have so much off-street parking. Kathleen asked if there was a way to get an amendment to the off-street parking? Kelly said Ms. McCord could ask for a variance from the variance board for the off-street parking, as that Board hears variance from the ordinances. Mayor Johnston brought up when Concord Harvest Church went in there was an issue with enough parking. He brought up the Church only operated on Sundays and the Library was closed on Sundays, so the Church members could park at the Library. Kelly clarified that is allowed by ordinance, if the other off-street parking area is within 300 feet of the business and the owner of the other area signs a perpetual agreement allowing that parking for the future.

Mayor Johnston asked if there any other public comments, Gloria Howland said none from her, Janice Cochrane (on zoom) said no comments from her.

Councilman Buchanan made a motion to approve the Conditional Use Permit for Kathleen McCord using the 9 conditions that were list in the motion from the zoning and planning board. Councilman Tharp seconded.

Motion Passed Unanimously.

The nine conditions from the Zoning Board were:

- 1) All statements and explanations of use presented in the application for Kat McCord are made conditions of the approval.
- 2) The applicant shall provide four parking spaces on the property with gravel.
- 3) The existing fence and chicken coop shall be moved to allow a minimum of 36 linear feet of parking space to the west of the garage so that four spaces can be accommodated. Parking spaces shall be at least 9' by 18' in size.
- 4) The use shall be limited to three customers at a time.

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- 5) The cycling studio's operating hours shall be limited to six days a week, 7:00 AM to 8:00 PM.
- 6) Signage shall be limited to a 2-foot by 2-foot sign.
- 7) No Employees
- 8) Only 2 classes per day
- 9) Doors of garage cannot be open from 7-9 AM

REPORT OF OFFICERS

City Treasurer Kelly Smith reported MMIA has provided their annual estimate of upcoming health care costs. This year they are estimating the same as last year a 9-13% increase. In the end, health care costs did not go up as high as the estimate last year. Kelly also reported that American Tower, the company renting the land by the water tank is in the last 5-year term of the lease. They would like to start talks about getting an extension in place. The current lease expires in 2030, and we have been told by competitors of American Tower, we must have had a tough negotiator for this lease, as the terms are very good for the City. Kelly would suggest telling them to make an offer and we can go from there. Susan explained the reason we would like a much longer lease but the reason we required a shorter-term lease is the cell tower industry is continuously changing, and short terms give the City the ability to change with industry and the economy. Garret Buchanan thought the shorter term and asking for more money would be great for the town. George Chancellor wanted to know what we get now. Kelly stated we get about \$14,500 now, with a 3% annual increase. From what she has seen from other communities we could be getting \$20,000. This revenue stream can be placed wherever the Council chooses, year by year. The Council decided to ask them to make an offer and see where it goes.

City Attorney Susan Swimley reported she first had a question for Susan Hayes, regarding the site title opinion for the distribution line project. Susan Hayes replied to her, and ARPA and she would email the information over to Susan S. Susan S. then reported she has been working with the Impact Fee Advisory Committee and the impact fee project should be wrapped up soon. She reported the Council will start seeing some zoning coming forward, but she has modified the format, so it might be month or more delayed before reaching the Council. This would be the process of updating the zoning ordinances. "Now that the City is almost done with the impact fee project, the Council will see some older stuff coming up. The Hennessey payback agreements will be ready to sign, since with the mitigation channel being constructed soon, this area will be able to grow. The payback agreement will be for 10 years," Susan reported. Reagan Hooton asked for clarification regarding the zoning chapters coming to the Council. This would be the chapter the Zoning Board has been discussing and improving over, starting about 4 months again, and going forward. The City Council will have final approval of all the chapters.

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REPORT OF COUNCIL COMMITTEES (if any)

There were no Council Committee reports

UNFINISHED BUSINESS

Flood Project

Kelly Smith reported the presentation in Missoula went well, and we received a lot of good feedback. "The New Orleans presentation will be in May. We have a meeting tomorrow with the team, to see what is next," she said. Great West and Kelly had a meeting with the Montana Department of Emergency Services (DES) as the FEMA grant is passed through them. The meeting was to discuss the process of requesting money from DES. We will start drawing on the FEMA funds soon, so that will be on future agendas. Jeremiah Theys with Great West is talking with Montana Department of Transportation (MDT) as we would like to have 3 large culverts under the highway, they are suggesting 4. Mayor Johnston asked if they had done the bore samples yet, she said last week they did.

Water Project

Susan Hayes reported we had the bid opening for the distribution line replacement on 2/26/2025. The City received 8 bids to replace the cast iron main in town. The engineer's estimate was \$2.4 million, the low bid was \$1.92 million. The bids were split up into schedules with alternates in case the bids came in high the work could be split up. After discussing with Steve Johnston, the fire hydrant replacement part of the project, Steve thought Public Works could replace them for less money, so that alternate was taken out. It was decided to put the recommendation for the base bid and the first 2 alternatives. The low bidder was Emerine from Anaconda. Great West has worked with them before, and Susan has called other communities they have done work for to get references. There were no negative comments. Susan is recommending awarding the bid to Emerine for the base bid and Alternatives 1 and 2. She stated, "We did not get this on the agenda for this evening due to timing, and Susan Swimley has said we could set up a zoom Council meeting for Friday, potentially. I'll leave that up to you." Kelly clarified it was completely her fault it did not get on the agenda. "It was requested in Susan's email to me to have it on tonight's agenda, but without Crystal working, it was missed," Kelly explained. Susan Swimley added she thought Friday as it meets the 48-hour notice deadline, and since Kelly will be out next week, and Crystal will only be working 2 hours a day, it would be left to Wally (Ziegler) and that would not be fair to him. Ed Tharp stated Friday worked for him, Gene Townsend said he would be in Wyoming. Roxi McDermott, Garrett Buchanan and George Chancellor all said they could make it on Friday. The Council decided 2PM would work. Gene asked if the contractor had a problem with the start date and completion date. Susan Hayes has discussed the time frame with them, since the ARPA money must be spent by the end of 2025. They did not seem to have any issues with that.

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Susan Hayes then updated the Council on the water supply project. She said, "Well 12, the 200 gpm (gallons per minute) well we drilled last fall, Great West is working on the well house design and connecting infrastructure. Hopefully it will be constructed in the fall of 2025. Well #11 is the tank well. O'Keefe came out and put a camera down the test well. They will be doing the 72-hour pump test to see if we still get the 75 gpm that was projected from this well. We would like to have the test done before going to DEQ to convert it to a public supply well. The last well we have going, is lucky #13. We are looking to drill a test well just to the southeast of Well #12." Susan is in the process of getting an access permit to build an access road to this well site for the drillers. "We will drill the test well and then we will connect it to the system. Once that well is done, we should be done with the water supply project," she said. Gene asked Susan, "Since it is lucky #13, will we get 300 gpm from it?" Susan replied she would be happy with 100 gpm.

NEW BUSINESS

There was no new business.

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 wanted to ask if anyone saw the new Vector truck going around town cleaning up the water around town. Roxi McDermott said it was amazing, especially around First Security Bank. The Vector truck holds about 500 gallons of water, and it is much faster and easier than the old trailer.

Mayor Johnston then brought up the City Office and the progress. He explained how the heat pump works for both heat and cooling. There was discussion about the insulation going in and the uneven floors. The plan is to move in the 1st or 2nd week of April. There was discussion regarding what the City Hall building was originally built for. No one knew.

Roxi had a few Council announcements regarding the Chamber of Commerce. She is the executive secretary for the Chamber. She wanted to let the Council know they have 4 officers and 6 Board members; they are a full Board now which they have not been for some time. They are going to have Prospera come in to meet with businesses. They have a ribbon cutting coming up at The Shoppe on Tuesday March 18th from 5 to 7 PM. The Chamber dinner is March 29th at Headwaters Livestock from 5:30 to 10 PM, there will be a live auction there. Dinner will be provided by Naida's night off, and Desert by Melissa from Busy Bee Bakery. Ed Tharp asked Kelly to register him for the Chamber dinner. Last, Roxi reported she is starting

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a coalition, called communities that care. The introduction to it will be March 17th, from 5:30 to 6:30 PM at the Christian Center. It is for children in the community to try to help prevent youth behavior problems before they develop. It is a county wide thing. There will be dinner provided as well.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: 4/8/2025

- Nothing so far

ADJOURNMENT

Motion to adjourn the meeting was made by Councilman Tharp, seconded by Councilman Chancellor. The meeting was adjourned by acclamation at 7:22P.M.

Randy Johnston, Mayor

Kelly Smith, Deputy City Clerk