

**** Page 1** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING
CITY OF THREE FORKS, MONTANA, MAY 14TH, 2024**

MAY 14TH, 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 George Chancellor, Gene Townsend, (Warren) Garret Buchanan, Ed Tharp, and Reagan Hooton. Roxi McDermott was excused. City Treasurer Kelly Smith, City Clerk Crystal Turner and Office Assistant/Code Enforcer Wally Ziegler were present at City Hall. City Attorney Susan Swimley and City Engineer Susan Hayes attended via Zoom.

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 recorded and may be streamed via Zoom and on our Facebook page.

GUESTS: John Sinrud, Kenneth Gibson, Gloria Howland. Leann Bryant (Three Forks Chamber President), Gallatin County Planning Director Sean O'Callaghan attended via Zoom.

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

Leann Bryant, President of the Chamber of Commerce stated they have started the process with Montana Department of Transportation to petition closing Main Street from 4PM Friday (July 19th) to 1AM Saturday (July 20th) and again at 8AM Saturday (July 20th) to 1AM Sunday (July 21st), which is the customary and usual request, unless the City Council has any changes prior to the Chamber submitting the application. The Council was fine with the requested times. Mrs. Bryant also said she understands the City will split the cost of the dumpsters on Main Street with the Chamber for Rodeo Dayz. This will cost \$332 to each entity which is a reduced rate by L&L Site Services.

CONSENT AGENDA

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

- a. Three Forks Rodeo Arena Board Claims Paid to Event Staff at High School Rodeo on 4/27/2024 Totaling \$1,500
- b. Reissued Checks for 2023 High School Rodeo Checks on 4/27/2024 Believed to have been unclaimed/uncashed for a Total of \$58.50 (On

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- 4/29/2024 Learned these had been cashed, but not cancelling payment due to City Clerk error.)
- c. Claim Paid due to Timeliness to Mail Utility Bills on 4/30/2024 in the Amount of \$198.68
 - d. City Claims to be Paid
 - e. Three Forks Rodeo Arena Board Claims to be Paid
 - f. Council Minutes of 4/23/2024
 - g. Service Agreement with Red Eye Rodeo to Provide Stock at the Junior and High School Rodeo Held 4/27- 4/28/2024 in the Amount of \$13,645 (Approved by TFRA Board 4/9/2024)
 - h. Draw #18 in the Total Request of \$6,902.75 - ARPA Minimum Allocation Grant in the Amount of \$5,099 and Local Fiscal Recovery Grant in the Amount of \$1,803.75
 - i. Task Order #4 for the Water System Preliminary Engineering Report, Amendment #3 for an Estimated Total of \$300,000 for Additional Services
 - j. Extension to Service Contract with Lee Nellis for Providing Impact Fee Consulting Services through 12/31/2024

George Chancellor questioned claim 147812 and asked who was in possession of the tool. Kelly Smith replied it is a Dewalt leaf blower and it is here at City Hall to clean the sidewalks. Mayor Johnston said there had been a gas leaf blower here at City Hall previously, but he did not think it was safe to store a gas-powered tool near/above the boiler so approved the purchase of a battery powered one.

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

Motion Passed Unanimously.

PUBLIC HEARINGS

Approval of Letter to Gallatin County Commission asking them to Adopt the City's Growth Policy

Mayor Johnston read the drafted letter into the record.

Gene Townsend said, "Several years ago we went to expand the area outside the City limits and it failed." City Clerk Crystal Turner corrected Mr. Townsend that the 1-mile boundary passed, but the interlocal agreement between the City and the County has never been signed. "After updating the Growth Policy, we can begin this process again which is this step to ask the County to accept/adopt the City's Growth Policy, and then we can work on a new interlocal agreement," Crystal explained.

Councilman Buchanan moved to approve the letter to the Gallatin County Commissioners. Councilman Townsend seconded the motion.

There was no public comment.

Motion Passed Unanimously.

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**Public Hearing and Decision on the Zoning and Planning Board's
Recommendation of a Conditional Use Permit Request by Kenneth Gibson and
Barrett Snyder for a Multi-Family Residential Triplex for Property Located
at Lots 1 and 2, Block 4, Northwest Townsite, Commonly Known as 623 E.
Neal Street**

George Chancellor read the planner's staff report into the record.

John Sinrud, on behalf of the applicant Kenneth Gibson, directed the Council to on page 3 of the Zoning & Planning meeting minutes and said, "Since there is no condo or regulations for any HOA, there will be a condition to limit the number of dogs other than those for service animals per the Montana Fair Housing requirements, and that pylons will be installed to prevent driving through." He added this has been a pleasant process to go through with Kelly Smith and Three Forks in general.

Gene Townsend questioned the pylons under the structure, "I assume those are to get the structure out of the floodplain?" Mr. Sinrud explained the building requirements for the floodplain and the variance the applicant obtained. He added that parking under the building will be available, as there will be roughly 8-feet [height] clearance. Gene asked how many bedrooms will be in these units? John Sinrud said they are roughly the same for each unit, but a few square feet difference: one bedroom on the main floor and three on the upper floor. He also explained the tandem parking style proposed under the units. Gene said he is impressed because he always felt this was the lowest lot in Three Forks. "I didn't think much for anything ever being on this lot after the old grandfathered trailer that was there had been removed," he said. Mr. Sinrud said, "The intent is to bring value up to everyone's property and don't make it a *fly by night* or *as cheap as possible*." He also highlighted other upgrades, such as lighting, that will make these units feel very open and well lit. They directed the Council to page A3 in the site plan/drawings to see the exterior of the structure showing horizontal lap siding, transom lights, board and bat to break up the monotony of the side view of the building. The stairs will be steel.

Garret Buchanan asked if there would be any barriers/enclosures on the underneath part of the building. There will not be. Garret also asked how parking would work. Mr. Sinrud said there are 6 spaces for the residents, which are tandem under the structure but there will also be space available in the setback along 7th Avenue E. where driveways will be, which would provide enough room for 6 more vehicles. "It would be tightly parked, but there will be plenty of on-site parking," he said.

Public Comment: Gloria Howland asked what the applicant's opinion was of affordable housing? Mr. Sinrud said he is the president of the Montana Landlord Association and stated he thinks, "It is based upon not just the market, but not chined [like chincey] and truly livable and enjoyable for

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the people that will be living there. Affordable truly is mobile home parks and there should be many more mobile home parks approved out there. It should be the benefit and pride of the mobile home park owner, and the tenants themselves, that maintain the quality of living." Kenneth Gibson said he has worked on low-income projects here in town and they were single 1-bedroom, all ground level, and nothing more to it. "There is a lot more required for this type of project because of engineering for the structure to be on the steel package, without dirt work. If I have to put another \$400-500,000 in for dirt work that would increase the cost of the rental," Mr. Gibson said. Mr. Sinrud added that raising the ground to comply with the floodplain would add another \$100-120,000 to the cost of this project. He said, "I still think mobile homes are the most affordable living you can get in the State of Montana."

Garret Buchanan asked if the intent for this project was to remain as one owner or sold individually? Mr. Sinrud said they would have to request that of the City Council to subdivide as condominiums or anything down the road, and at that time we would still have to deal with the condo ownership for maintaining the land.

Councilman Townsend moved to accept the application for the Conditional Use Permit for Kenneth Gibson and Barret Snyder for the address of 623 Neal Street. Ed Tharp seconded the motion. George Chancellor asked Mr. Townsend to include the first condition is that all statements and explanations of this use presented in this application for a triplex are made conditions of approval, 2) that no more than two dogs per unit with possible exception for service animal/fair housing requirements, and 3) condition for parking pylon to prevent drive throughs would be added to that motion. Councilman Townsend modified his motion to include that no more than two dogs per unit, and the conditions for pylons to be installed to prevent driving through. George Chancellor asked, "What about the first one - which is based on Susan's [Swimley] recommendation previously that we should always make this a condition of approval?" Councilman Townsend said, "Let me start over."

Councilman Townsend moved to accept the application for the Conditional Use Permit for Kenneth Gibson and Barret Snyder for the address of 623 Neal Street including these conditions: 1) is that all statements and explanations of this use presented in this application for a triplex are made conditions of approval, 2) that no more than two dogs per unit with possible exception for service animal/fair housing requirements, and 3) condition for parking pylon to prevent drive throughs. Ed Tharp seconded the motion. Susan Swimley thanked the Council for following her advice.
Motion Passed Unanimously.

Public Hearing, Comment and Input on Working Draft of Capital Improvements Plan (CIP)

This item has been continued until the June 11, 2024, meeting.

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REPORT OF OFFICERS

City Treasurer Kelly Smith did not have anything to report.

Code Compliance/Office Assistant Wally Ziegler reported he is continuing to work on parking issues throughout town and educating the public that we do have ordinances (laws). "After it quits raining, I will be working on yard inspections," he said.

City Clerk Crystal Turner reported she attended the Montana Municipal Institute last week in Fairmont. She provided training on public notices, preparing the Council packets, and recording of public meetings - and attended several training sessions regarding Payroll, Short Term Investment Plan opportunities, administrative duties of the City Clerk, ethics (which the gift amount has been updated to \$100 in MCA and will need to be updated in the Personnel Policy as well), Black Mountain trainings, Human Resources (HR) like leave policies and hiring and interviewing best practices, internal controls, board and committee engagement (lots of consolidations going on in an effort to not have so many vacancies) and holding Zoom "webinars" rather than meetings to prevent Zoom bombing, the Voter Review process coming later this year, Tax Increment Finance Districts, forming relationships with the media and Freedom of Information Act (FOIA), land use updates by Kelly Lynch, intergenerational communication, and advanced meeting administration tips. We also attended an underground tour of Butte which was really cool. She thanked the Council for budgeting for training because she always learns something during these trainings. "I will have some recommended updates to the Hiring and Personnel Policies because of these trainings.

Crystal also reported that the MMIA renewal for deductibles has been set at \$1,000 for equipment, \$1,000 for vehicle and \$5,000 for real/personal property claims. She asked if the Council wanted to change these at all. Options are \$1,000, \$2,500, \$5,000, \$10,000, \$25,000 or \$100,000. She told the Council they do not need to make a decision tonight, but to give it some thought and send her any changes via email.

Last, Crystal had emailed the Attorney Request for Proposals to the Budget Committee for review and asked the Budget Committee to keep her in mind when it schedules the meeting.

REPORT OF COUNCIL COMMITTEES (if any)

There were no Council committee updates.

UNFINISHED BUSINESS

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Flood project - Kelly Smith reported the United States Fish and Wildlife Service (USFWS) has all they need to do their Biological Assessment but they will not have a decision to Three Forks until July. We are trying to get it earlier, so that we can actually get a grant award. She said, "If it's July we are probably looking at not being able to being construction until 2026."

Water Project - Susan Hayes thanked the council for approving the contract amendment. She will explain it in more detail now since she lumped all the phases into one in this change order and contract amended language. These duties include finalizing preliminary design (due to the loop change), final design, bidding service and permitting for the new 2,000 lineal foot water main (at 8- and 10-inches instead of existing 4-inch), engineer services through construction phase, weekly project meetings throughout construction, and post-construction closing. Susan explained the current status of the most recent well to the Council. She wanted to run all the changes and proposed improvements by Public Works prior to finalizing any design though. Gene Townsend agreed we should check with Public Works before making any decision. He asked about how long the digging would take place. Susan estimated 5 months, assuming 300-feet a week is complete. Gene told Susan the fall has the lowest water level. "If we are digging up streets then we also know we won't be able to patch them if it's too late in the year and the asphalt plants are shut down," he said.

Mayor Johnston asked, on the well itself, "What was the final gallons per minute, and was it tested?" Susan said she would get to that, and is hesitant to give a gallons per minute (gpm) yet. She continued, "When they were drilling the well, and remember the pump test results aren't done yet, but it looks like we will get over 200 gallons per minute from that well. We do not have water quality results yet either, but with its proximity to the test well drilled last year, which this well would be connected to the same aquifer, we have no reason to believe that this well which is only 20-feet away, would be any different. We won't have Steve take the samples until they are doing the pump testing. They took samples when they were screening so they can screen properly based on the sieve size." Gene said that was good news on the well. He added, "Potentially the City could have 300gpm with these two wells in the project thus far." Susan agreed and added that there are options regarding a 24-hour test to find the recovery time, or pump it where you expect to run it at all the time and do that test for 72-hours.

Request by RCREI, Inc. for a Decision to Change the Subdivision Approval Granted June 14, 2022, Regarding Condition #7, Planting Trees Along E. Jefferson Street

No applicant present at City Hall or on Zoom. Susan Swimley asked if the applicant was notified of this hearing's date and time. Kelly Smith replied the applicant requested to be on the agenda, she informed him the

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date and time of the hearing and Crystal Turner emailed him the packet and Zoom link last Friday to the email he commonly communicates to the City from.

Susan Swimley informed the Council, "I'm in the same position I was when he asked the last time. This is a condition of his preliminary subdivision approval, and the landscaping is also a condition of his CUP. The condition was put in place for purposes of the criteria of the Subdivision and Platting Act. He needs to express a hardship and explain to the Council why he has a hardship, which cannot be a financial hardship. The landscaping was required, as is along all of your streets. I do understand it's a large lot and he is not developing the full lot at this time, and essentially the basis for his request. But I read the letter, and I am not seeing how he has provided anything to change the Council's requirement."

Gene Townsend said, "About a month ago, you sent us a letter that you believe Jefferson Street is 70-feet wide and he has actually encroached into the street then, correct?" Susan responded that when you go look at the fence along Jefferson Street, and the trail is in the right-of-way (R/W), the fence jogs about 10-feet closer to the trail at RCREI's property. All the rest of the fencing down the street remains farther away. She added, "We don't need him to take down the fence, but if he is to plant trees, he needs to plant them back at the edge of the R/W. If we need that R/W, we have the right to take down the fence."

Garret Buchanan clarified with Mrs. Swimley that Mr. Robinson would have to provide a reason why the Council would not grant this condition. She replied yes. Gene Townsend said he feels that at the last meeting most of the Council felt it was a requirement and he does not see anything to change his mind.

Public Comment: Gloria Howland said she believed the Council already made a decision.

Councilman Chancellor moved to deny the request by RCREI on a decision to change the subdivision approval conditions granted on 6/14/2022.

Councilman Townsend seconded the motion.

Motion Passed Unanimously.

NEW BUSINESS

Regional Housing Coalition Presentation

Mark Bond introduced himself to the City Council. He explained the organization of the One Valley Foundation, which he said Gene Townsend sat on the board for several years, to the Council. "We connect people that care with everyone and anything that matters. We work with local donors who want to give back to the community, but who may not know where the

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needs are. We filter out those donations to the organizations that need it thereby supporting the nonprofit ecosystem here in Gallatin County. We amplify the generosity of the community, you may be familiar with Gallatin's Give Big event which garners millions of dollars donated every year. One topic that causes issues is housing; you guys were talking about it tonight." He showed a slide of the team from One Valley on the screen, and noted that he is the contact for the housing coalition.

"The Housing Coalition began in 2018 with a *Seat at the Table* to have local discussions about what the issues are. We had 78% of the over 1,000 people who sat at these tables say that housing was what the community needs most. In summer of 2021, One Valley worked with a firm to conduct a housing study. That was a major piece of data that helped us find what the needs are so we can know what to work on. Housing is not keeping up with the growth and jobs, as well as wages are not keeping up. The numbers have shifted over the last 3 three years, but the core is still true. We did second round of *Seat at the Table* and got all the county involved, from West Yellowstone to Four Corners to the northern part of the county, and there is a lot of angst and anger. We want to try to bring those voices together, bridge divides, not continue to live in 'silos' of our own knowledge. The Coalition is really focused on bringing together the key stakeholders who work on housing in Gallatin County. Not just a County Commissioner and 1-2 people from the nonprofit community. It's happening all over Gallatin County, and all the larger region. We spent 8 months before launching the Coalition to recruit various agencies and entities. We have private housing developers, business owners, banks and other financial institutions, elected leaders, and planning departments to all get in one room and find ways to work together more effectively. We also want to find solutions on ways to fix policies or find ways to build more attainable and affordable housing for folks," Mark explained.

He gave an example that last fall, an advocacy group petitioned the City of Bozeman and Gallatin County to create a housing authority: what would drawbacks be, what would upsides be? "We were able to pull all the right people in the room quickly because it is not a government - to discuss and help understand all the intricacies. We provided the information to both governments, they both ended up voting to reject the creation of a housing authority. But out of that we have been able to create a few working groups to dig into these core issues. We meet on a quarterly basis, or about every 3-4 months. Those meetings take place all over Gallatin County to provide opportunities for people to attend from everywhere. However, even if they have to drive two hours, it does not seem to deter people from showing up they see the value in what we are doing to find solutions for residents in our community. The four working groups tasks are:

- Finance - Can the County bond and leverage revenue bonding? This may spur development for attainable housing. This group will also work

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with banking/financing and support our private sector partners to make a development more cost effective. There may also be work that can be done in the margins, as well as advocate for policy changes by the Legislature.

- Communications Working Group - to help unify a communications plan from all these various organizations so that Gallatin County, Belgrade, Three Forks, are not all saying something different. This would be more effective to the end user.
- Permanent affordability - Mark explained there are some deed restriction housing that has been created to provide more affordable housing. "If someone is making 80% of AMI, they can still afford to buy with these kinds of projects. We are trying to figure out how to do that in a more effective way and how we can improve. We are currently working on an Executive Summary, and I will share it with you when we are done.
- Homelessness - Gallatin County, the City of Bozeman, and HRDC are working together to be discuss the urban camping issue which we are seeing all over the valley. They will have their first meeting this Thursday.

Mr. Bond said he had a really great meeting with Garret a couple weeks ago who has agreed to be the representative for Three Forks. He added that Manhattan has had some changes and they are now attending the Coalition meetings with the Mayor and the City Planner Scott Hazelton.

Gene Townsend said he was impressed with such a detailed presentation without notes! Reagan Hooton was glad to hear all this work is happening. Garret Buchanan said his intent is to attend these meetings and, "Anything that could potentially affect our town, I will plan on reporting that back to the Council. We don't want to miss anything, or if something big is shaking, we don't want to get left behind." Gene added it really seems that all the local government entities have said something needs to be done and they are all working together. "I remember a time when we wouldn't get together and try and fix anything, but I think people have changed and really understand they need to work together in order to make any positive change," Gene said.

Request by City Attorney for City Council to Decide Whether or Not to Draft and Adopt a Policy Governing Prayer in Public Meetings

Susan Swimley said this is less urgent now, "However, you do not have a policy on prayer in meetings. The Fire Department, with gracious discussions with the Mayor, has decided they will conduct their prayer before calling the meeting to order. There is no legal analysis to be done anymore, as the prayer is now not part of the public meeting nor requires anyone in the public meeting to partake or participate. You can still discuss it if you wish," she told the Council.

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Gene Townsend thanked Mayor Johnston for meeting with the Fire Department and finding a resolution. The Mayor said, "On page one, the first thing I thought we would need to bring up, because I sensed there would be a little bit of friction here tonight, is that no one has requested the Fire Department to cease prayer. The purpose was to identify how to go about prayer. Number two, I was invited to hold the prayer before the next meeting."

Reagan Hooton questioned if the City needed to amend a current policy? Garret Buchanan said he feels it was handled as positively as it could have been. "I know it's our job to pick and make rules, but I don't like to dictate to people without hearing their opinion. I still feel there is hypothetically a time that this could come up in the future, and we may be right back here to discuss this again." Reagan asked for clarity from Susan Swimley if the Council needed to decide now, table it for later, or send to the Ordinance Committee. Susan agreed that is what is before the Council. Garret said he felt the Council should table it until something else comes up. George Chancellor said to let it drop. Gene said, "In my opinion, the proper way to do this would be to have it go before the Ordinance Committee and if they decide to do what George just said, then yes we probably would be better just letting it drop, but not just dropping it here. I feel it should go to the Ordinance Committee."

Councilman Buchanan moved to table this to a later date. Councilman Chancellor seconded the motion.

Public comment - Gloria Howland said that as long as there is no later date.

Motion Passed Unanimously.

Decision to Accept/Reject MMIA's Quote for Presumption Coverage for Volunteer Firefighters at \$113.50/firefighter per year (Additional Work Comp Coverage)

Mayor Johnston read the MMIA quote for workers' compensation optional presumption coverage for volunteer firefighters into the record.

Some Council members thought the City was not covering the firefighters for any Workers Compensation. Gene Townsend said that firefighters are at a higher risk of some cancers, the foam used (which is used because of the airport) is also known to have caused cancer. "For roughly \$2,000/year it's a pretty cheap insurance policy for a volunteer who may get something. I'm sure there have been volunteer firefighters that have gotten cancer, and I never heard of any of them coming back and saying it was caused by their work - more so from the 2 packs of cigarettes we used to smoke/day. There are 14 firefighters right now, and to be honest, there's about 6 who show up all the time. It's getting harder and harder, just the like the ambulance, to get volunteers. We did the gas cards reward policy, but maybe this would be another small token as well of appreciation of our firefighters," Gene stated. Ed Tharp said he totally

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agreed with Gene. "It may not be something we use all the time, and maybe it could be an incentive to have someone come on board. "It's not that much and may be a good deal (to a firefighter) down the road," Ed said. George Chancellor said he thinks it is a very small action that the Council could do for the people who are doing so much to protect us. "I think it would be a good idea," he said. George then asked if we could cover the ones who are showing up. Crystal Turner said it would be like any other policy: that what you do for one, you do for all. Kelly Smith said for those who do not show up to many calls, they would have to prove they acquired cancer from their firefighting duties and if they were not at many events, that may be harder to prove.

There was no public comment.

Councilman Townsend moved to accept the Work Comp presumption coverage for certain cancers and other diseases for the volunteer firefighters, this would be in the amount of \$113.50 per firefighter per year. Councilwoman Hooton seconded the motion.

Motion Passed Unanimously.

Kelly Smith added, "This would be added to their budget not deducted correct?" Gene Townsend said he thinks we should add it to the total budget.

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

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

MAYOR & COUNCIL ANNOUNCEMENTS

Mayor Johnston did not have anything to report.

Gene Townsend announced (and proposed to the Council), "Last Friday I received word from AARP on the grant to build a picnic pavilion at John Q. Adams Park, that this was unsuccessful. My wife will put up half the money for this, if the City's park account would put up the other half. In my application I asked for a little over \$15,000 - my wife is willing to put up at least \$7,500 if the City Parks." Kelly Smith informed the Council that they had budgeted to replace the gazebo roof which has not been done yet this year and so there is about \$40,000 left in the budget. Garret Buchanan said he would like to take advantage of the [Pat O'Brien] Townsend foundation grant.

Public Comment: Gloria Howland asked for clarification on the design of the pavilion. Gene explained the concrete pad is already there, so this is a pole building with a metal roof, on the south end of the Depot in John Q. Adams Milwaukee Railroad Park. "What happens is during Farmer's Market the tables are out on the grass, and the lawn mowing people come in

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and move them to on top of the railroad tracks, and so this would provide a permanent location for the tables and remove any trip hazard and need for the lawn mowers to move this equipment. As well it will provide a nice covered area if the weather isn't cooperative. And it will be near the new bathroom down there," Gene said. The Council asked if it should make a motion. Crystal Turner said the money is already approved in the budget in this account, and if they are opting not to spend the budgeted amount for the gazebo roof, it is already in the budget.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: June 11, 2024

- Public Hearing, Comment and Input on Working Draft of Capital Improvements Plan (CIP)
- Zoning Conditional Use Permit?

ADJOURNMENT

Motion to adjourn the meeting was made by Councilman Tharp, seconded by George Chancellor. The meeting was adjourned by acclimation at 7:58P.M.

Randy Johnston, Mayor

Crystal Turner, City Clerk