

**** Page 1** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING
CITY OF THREE FORKS, MONTANA, MAY 27TH, 2025**

MAY 27TH, 2025, The Three Forks City Council met at the Three Forks City Hall at 206 S. 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 chaired by Mayor Johnston, who called the meeting to order at 6:00 P.M.

ROLL CALL: City Council members George Chancellor, (Warren) Garret Buchanan, Ed Tharp, Gene Townsend, Roxi McDermott, and Reagan Hooton (via Zoom) were present. City Clerk Crystal Turner and Code Enforcement/Office Assistant Wally Ziegler were also present at the meeting. City Engineer Susan Hayes was present via Zoom. City Treasurer Kelly Smith was excused as she attended the National Floodplain Conference.

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: Sarah Jorgenson, Janet Jorgenson, and Meghan Hay.

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

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

CONSENT AGENDA

- a. City Claims to be Paid
- b. Three Forks Rodeo Arena Board Claims to be Paid
- c. Council Minutes of 5/13/2025
- d. Amendment #4 to Great West Engineering's Service Contract - Task Order #4 for the Water System Preliminary Engineering Report for (\$53,000)
- e. Amendment #7 to Great West Engineering's Service Contract - Task Order #9 for the Water System Improvements Project (\$62,000)
- f. Change Order #1 with CK Architectural Fabrication to Build an Additional 10 feet of Handrail (\$1,000)
- g. Change Order #1 with Emerine Contracting to Add Pit Run to Stabilize Subgrade in Street Repairs for the Water Main Replacement Project (\$4,423)
- h. Service Agreement with Kunesh Custom Improvements, LLC to Complete Trim/Soffit Repair, and Paint Around the new ADA Door at the Library (\$1,500)

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- i. Draw #1 from the Flood Mitigation Assistance (FMA) Grant for the Jefferson River Mitigation Project (\$110,103.68)
- j. Service Agreement with Solutions Engineered, LLC to Provide Engineering for Headwaters Trail System Maintenance Recommendations and Design for 2025/2026 (\$8,000)
- k. Mayor's Signature on a Request to Extend Contract with Montana Coal Endowment Program (MCEP) to 3/31/2026

Councilman Chancellor moved to approve the Consent Agenda. Councilman
Tharp seconded the motion. There was no public comment.

Motion Passed Unanimously.

PUBLIC HEARINGS

There were no public hearings.

REPORT OF OFFICERS

City Clerk Crystal Turner provided an update on the Municipal Summit held last week in Belgrade (see packet for details).

REPORTS FROM COUNCIL COMMITTEES (if any)

There were no Council Committee updates.

UNFINISHED BUSINESS

Flood Mitigation Project Update

Kelly Smith will report at the next meeting how the presentation for the Jefferson River Floodplain Mitigation Project at the National Conference in New Orleans.

Water Project

Susan Hayes, Engineer with Great West Engineering, provided an update on the Water Main Replacement project. She informed the Council there has been good communication with the contractor and the City, however they are running into challenges with street repair after the geotechnical analysis. (613) "Unfortunately, some material is very unstable underneath the pavement which is making it difficult to pave after they've completed their projects. There is a lot of clay, the base layer is of poor condition. Elm Street was good, but 2nd Avenue East and Cedar have been very challenging. The geotech was surprised since we did take borehole samples prior, but those did not come up with any issues during those tests," Susan said.

Mayor Johnston asked about 2nd Avenue between Date & Cedar, "Will we need to repave because of the "alligating" and everything else that is going

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on?" Susan Hayes said she will discuss that with Water/Sewer Committee this Friday.

Susan continued, "They have been asked to drive in the trench area, but they have to go around at times in order to dump materials. I asked them not to pave those streets because I want to get a better idea of what funding we have available, how far that is going to go, and what areas will need the most attention. It may be best to pave a wider width since the subgrade is so unstable."

Gene Townsend said, "On 2nd Avenue East, from Elm to Date, was paved in 1968 or 1967 with material DOT had over-crushed, so they offered to do some paving in Three Forks. They came in and paved, and just paved over the existing gravel roads. On some of the others where they were paved in 1979-1981, it was done differently and was engineered to be actual roads. I anticipate you will find this issue on 1st if you ever have to work on that street. The City fathers chose areas around the churches, downtown and the Fire Department so it did not look like the City was favoring any certain individuals. It is getting close to 55 years old, it was done when I was in high school and it has not had any major work other than chip seals since it was installed." Susan agreed. She said, "Every time you dig it up, Steve has had to in the past, but the size of the equipment the contractors are driving on the roads now is harder on the streets than the City's small equipment to do maintenance. I'm a little more aware of what we will run into, but I don't love doing large change orders in a project. This is why we require a 10% contingency. I want to be able to find the best way to put that money forward into the project, so that the Public Works crew does not have to deal with it in the next few years if it starts falling apart."

Mrs. Hayes then provided a brief update on the Water Supply Project. O'Keefe has been south of Well #12, and drilled a Well #13 which they are estimating 250 gpm. Well #12 was designed for 250 gpm, and she does not expect it to be any different since its location is so close to Well #12. "As long as water quality comes back the same as tests, these wells will meet the demand of the 20-year growth. Not just the Water PER of 2019, but also the demands anticipated for growth that Lee and Randy have come up with. These wells would put you [the City] in the position to serve that growth when it occurs," Susan said. She added that the next steps are to get these wells connected to the distribution system. The one contract amendment on the Consent Agenda tonight was to connect Wells #11, 12, and 13 to connect them to the distribution system. I need to finish the design report and then that will go to DEQ. We have a plan to execute all the grant funding and this is all coming together well," Susan said. It will be a bit of a crunch to get it all done this summer in order to utilize all the grant funding since it all must be used by the end of 2025.

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Mayor Johnston asked this should get us into the year 2040 then? Susan agreed that is what she meant when she said *by the Growth Policy, Lee and Randy projections*.

NEW BUSINESS

Consideration and Decision on Sarah Ralston Jorgenson Application for an Additional Dog Permit Located at 105 E Adams St

Mayor Johnston informed the Council that the City received an application for an additional dog permit on 5/1/2025. He read that the applicants have five dogs, two of which are owned by the property owner (Sarah's father), and Sarah and her husband own three dogs. They state they will not replace the overage of dogs when the oldest ones pass, which would make them compliant with three, if this application is approved.

The Mayor then highlighted some of the City law 6-4A-3; he then read Sarah's application letter into the record. The Mayor also read into the record Gallatin County Sheriff Dep. Greydanus' inspection report, noting that Code Compliance Officer Wally Ziegler attended that inspection as well.

Board Questions: George Chancellor commented that the City went down this road before, and had these same promises made, none were followed nor [promises] kept, which pretty much tore a neighborhood in half. "I would like to avoid that again if we could. Conditions to be would be that complaints are dealt with, and that there is more immediate action. Garret Buchanan asked how old the oldest dog is. Sarah Jorgenson said she does not know how old "Mutt" is, "He has no teeth, he is blind and deaf. My dad has had him for four years, he inherited him from her aunt who came to live with my dad while she suffered from cancer. Odin is 6, Cash is 3.5 and all others are over 10 years," she said.

Mayor Johnston said to George Chancellor specifically that the Council that Dep. Greydanus' report says there have been zero complaints. He asked Sarah how long she has lived at 105 E. Adams Street. Sarah answered they have lived there since June 2024. The Mayor said, "So it's been a year without complaints." Gene Townsend echoed George's comments, "When we OK'd the situation on 1st Avenue there were no complaints, there were going to be bark collars as well. If something does go wrong, if we start getting complaints, that we will address the complaints right away. I'm not opposed to giving them a license, but I don't want it to get out of hand."

The Mayor asked Crystal, "So, how would we do that, how would get them a permit and make them complaint?" Crystal Turner said, "I am no Susan, but I think she would advise you that if you intend to deviate from your own law - you changed this law less than a year ago and said four [dogs] was

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the maximum. She has five, if you approve this you are going against your own ordinance. You should have significant findings on the record as to why that would be. No offense Sarah, but I don't see you can have five, the law says the max is four." Garret Buchanan said the ordinance specifically says, "...with or without an issued permit, the max is four." Applicant Rebuttal: Sarah Jorgenson said, "When we moved in with my dad, the max of four was not applied yet. We knew we were combining to have more than three to have a kennel license. But I moved in with my dad to help because he's older and needed help with finances too, and we combined our household, if I knew the law was going to change I would have just stayed in our house and continued to pay his water bill and his groceries. I am asking not having to put a dog down before it's at the end of its life."

Ed Tharp said, "After the last experience, it turned really nasty in the end." Sarah Jorgenson asked if it would make a difference that one of their dogs is gone Sunday-Friday and with her husband while trucking, so that fifth dog is only home Friday evening until Sunday afternoon. Crystal Turner said she thought that would be a good finding, as there is no requirement to license your dog if you work in town but do not live in town. She provided the example if you live in Elk Ridge, for example, but work in town Monday through Friday from 8AM-5PM, your dog would not be required to be licensed. Sarah asked, in the event she had to put down a fifth dog, would she have to go through this application again. George Chancellor said the rule is cut and dry at four dogs. Garret Buchanan said, "If you get approved for four, I do not see that you would have to return to do this again." George Chancellor agreed that if you had four dogs, and you were approved for four, he did not see that she would have to return and reapply. Garret added, "This is not fun, but we want to be as fair as possible."

Councilman Buchanan moved to approve the dog permit for the Jorgenson family for four dogs. Councilman Chancellor said he wished to make a modification to that motion with conditions that if we [the City] get half a dozen barking dog barking complaints, that we get to remove the additional dog, [meaning down to three dogs]. [There was discussion and questions which Crystal interrupted to remind there was no second to the motion so no one could discuss anything until there is a second.] Councilman Townsend seconded the motion. Sarah Jorgenson asked if this is the same conditions that were placed on other applicants, and the Council replied this is the first time [since the new ordinance]. Sarah asked if she gets to decide which dog to put down.

Board discussion: Reagan Hooton asked, "If we approve this, are we telling her she must put a dog down?" Crystal Turner said, "Or rehome it". Wally Ziegler said, "This is ridiculous." Roxi McDermott agreed. Sarah Jorgenson said that no one will adopt an older dog, you see all the old dogs at the Shelter. Reagan said she does not think it is right [to require the applicant to put a dog down]. Roxi McDermott agreed. Code

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Compliance Officer Wally Ziegler said, "Here we have a customer that is trying to do the right thing, and here we are saying she has to put a healthy dog down. It doesn't make any sense to me. Why aren't we trying to put strict conditions like George suggested, if we get so many complaints it comes back to City Council to be evaluated?" George Chancellor replied, "I don't want to reevaluated it for 6-8 weeks." Wally replied, "First of all, Stacey moved in with six dogs, she didn't ask anybody, there were 100 complaints. This is a totally different situation with someone trying to do the right thing, paying the fees to get licensed and kennel license." George said, "Does our ordinance consider that? No, it says four dogs, period. I do feel bad, I have a dog." Garret Buchanan verified that there is a motion and second and we are just in board discussion right now. Crystal Turner confirmed. He then asked if this is voted down, could the Council make a different motion and discuss and vote on it. Crystal confirmed again. Councilman Buchanan called for the vote. Motion Failed: 3: Garret Buchanan, Roxi McDermott, and Reagan Hooton asked for clarification if she voted no what happens, then voted no. Motion Tied 3:3 so goes to the Mayor for a tie-breaker vote. Mayor Johnston voted no. **Motion Failed.**

Councilman Buchanan moved to approve the additional dog permit for the dogs that are currently living at the Jorgenson house, with the condition that if there as six complaints are brought to us, their kennel license is removed, with the understanding that as dogs leave your family they are not going to be replace as quick as humanly possible. Councilwoman McDermott seconded the motion.

Vote: George Chancellor and Gene Townsend vote no; Ed Tharp, Garret Buchanan, Roxi McDermott and Reagan Hooton voted yes. **Motion Passed.**

Sarah Jorgenson thanked the Council. Councilman Buchanan thanked Sarah for her patience adding, "I know no one had an easy time making that decision tonight and hope it does not bite them in the butt." Sarah said she will work very hard to not make that happen.

AGENDA ADJUSTMENT: Determination of Use Requested by Sawdust & Steel Brewery, Located in the Central Business District, to Hold Outdoor Events in the Parking Lot

Mayor Johnston read Sawdust & Steel Brewing's application letter. He also read Susan Swimley's opinion on the application.

Applicant Presentation: Meghan Hay did not have many additional details. She said, "Breweries have to have everyone gone by 9, we have to stop serving at 8, the music has to be stopped by 8:30, and everyone cleared out of the area by 9. We will have a temporary fence to go around the property and per Department of Revenue. Alcohol cannot leave the temporary fence. The owner of the property owns the neighboring property, which is vacant, and so the required off-street parking can occur there. June 13 is the only date planned, but we may like to do one or two more

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through the summer if the Council agrees this use is allowed in the Permitted Uses of Central Business." She added that this is a way more downscaled event than our neighbors up the hill, which she loves to attend as well. She felt it was an effort to bring the community together.

Gene Townsend asked if there must be conditions and this is only for one date. He was confused because Susan Swimley's memo mentions more understanding for a conditional use. Crystal Turner explained that Sawdust & Steel is not asking for a conditional use permit, even though that application was used. "The event type she explains is not specifically listed in the Central Business District (CBD) Permitted Uses. This is similar to the marijuana extraction business that opened up in CBD and those weren't listed either so the applicant told the Council he does a little of this, like some chemicals are used similar to dry cleaners and some manufacturing processes are performed which are allowed. Meghan asking if the Council agrees her planned event is similar to permitted uses listed such as Restaurants, Bars/Cocktail Lounges, both of which already on Main Street host similar events."

The Mayor reread Susan Swimley's last sentence, "This is a great start to such events that an application to one event will give all involved more insight into the issues that could arise, if another event is sought."

Board Questions: Gene Townsend asked if they need permission to do one event or the use? Crystal Turner replied it is for the use. George Chancellor asking why Sawdust is even asking the Council permission, when the Sac does this. Crystal replied it is to better define and understand permitted uses in CBD. Ed Tharp asked if the Council is approving this one event and they have to come back for future events? Crystal again said no, "Your decision will clarify the permitted uses in CBD."

Councilman Buchanan moved to approve application for Zoning Permit for Sawdust & Steel Brewing and approve this use as an allowed zoning use in Central Business District. Councilman Tharp seconded the motion.

Reagan Hooton asked, "If we vote this, is it only allowed this specific date?" Crystal answer no. Gene Townsend called for the question.

Motion Passed Unanimously.

Approval of Personnel Policy Updates Version 10

Crystal Turner explained upon renewal application for insurance from MMIA, she was asked if there were any policy changes. Crystal uploaded Version 9, which was based on recommendations learned at the 2024 Clerk Institute. "However, MMIA's staff had changed since the last time we sent them our policy, so the new HR specialist provided additional recommended changes." She went through the bulleted list of changes to the Council (see packet).

Garret Buchanan asked about immediate family definition - his take is to use the definition in "Sick Leave". Ed Tharp agreed.

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Councilman Buchanan moved to approve the changes to the Personnel Policy with the amendment of Immediate Family being defined as more permissive. Councilman Tharp seconded the motion.

Motion Passed Unanimously.

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

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

MAYOR AND COUNCIL ANNOUNCEMENTS

Mayor Johnston announced the Budget Committee will meet on 6/3 and he got ahold of Karl Yakawich with Great West Engineering, "Since I said at the last meeting I wanted to work on the Transportation Plan, Karl informed me the grant submittal is June or July and is a 4:1 match." The Mayor said he also got with the MDT again, and the crosswalk signs will be coming in the "near future" not sure how long that is exactly. "I will be meeting with the State Hydrologist, Trevor Little, on what they can do to repair the culvert running under I-90. I will try to meet prior to the June meeting. Also, I've been in touch with Jessica Salo and Levi Howell - they will be monitoring sewer manholes for I&I infiltration and hope to have some information to report to you on June 10th as well," he said.

There were no Council announcements.

The next meeting will be on June 10, 2025, and will have the following items:

- Public Hearing and Decision on a Second Reading of an Ordinance Adding the Southeast Zoning District to the Zoning Code (Chapter 22);
- Public Hearing and Decision on a Second Reading of an Ordinance Adding a Landscaping Chapter to the Zoning Code (Chapter 23);
- Public Hearing and Decision on a Resolution Accepting the Amended April 2025 Service Area Reports and the Impact Fee Advisory Committee's Recommended Impact Fees for Fire, Water, Wastewater, Transportation, and Municipal Buildings;
- Public Hearing and Decision on a Resolution of Intent to Increase the Minimum (Base) Sewer and Water Rates by up to 10% and 15% Respectively;
- Public Hearing and Decision on a Resolution of Intent to Declare Certain Property as Surplus No Longer Necessary to Conduct City Business and Authorizing Its Sale or Disposal; and
- Possibly a Public Hearing and Decision on a First Reading of an Ordinance Repealing the Existing Impact Fee Ordinance and Adopting the Amended Version

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ADJOURNMENT

Motion to adjourn the meeting was made by Councilman Tharp, seconded by Councilwoman McDermott. The meeting was adjourned without a vote taken by the Mayor's gavel at 7:39P.M.

Randy Johnston, Mayor

Crystal Turner, City Clerk