

**** Page 1** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING
CITY OF THREE FORKS, MONTANA, SEPTEMBER 9TH, 2025**

SEPTEMBER 9TH, 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 Randy Johnston, who called the meeting to order at 6:00 P.M.

ROLL CALL: City Council members Ed Tharp, Gene Townsend, George Chancellor, Roxi McDermott, and (Warren) Garret Buchanan were present. Reagan Hooton was excused. City Treasurer Kelly Smith and City Clerk Crystal Turner were also 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 that this meeting was audio and video recorded and may be streamed via Zoom and on our Facebook page.

GUESTS: Cherie Murbach (County Health Department), Jessica Salo (Great West Engineering), Robert Buccholz, Trevor and Kerry Walter (candidate for House District 69), Gloria Howland were all present in City Hall. Levi Howell (Great West Engineering), and Mark Pospicil (Studio Collective) attended via Zoom.

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

There were no public comments or concerns for items not on the agenda.

CONSENT AGENDA

- a. City Claims Paid on 8/29/2025 to Mail Utility Bills and Claim #148993 Totaling \$246.92
- b. Three Forks Rodeo Arena Board Claims to be Paid
- c. City Claims to be Paid
- d. Council Minutes of 8/12/2025
- e. Zoning and Planning minutes of 7/22/2025
- f. Service Agreement with ACME Asphalt to Conduct Alley Apron Paving and Some Patching Throughout Town (\$76,800)
- g. Service Agreement with Solutions Engineered, LLC to Prepare Schematic Layout for Proposed Bleacher Expansion (\$4,500)
- h. Service Agreement with Studio Collective to Design/Illustrate Diagrams in Zoning Code Rewrite Chapters (not to exceed \$5,000)
- i. Draw #2 from HB355 SLIPPA Grant for the Three Forks Library Totaling \$36,988.48 (Signed by Mayo 8/26/2025 and Submitted to State)

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j. Jefferson River Flood Mitigation Project FMA Draw #4 Totaling \$73,232.00

k. Draw Packet #34 for the Water Project Totaling \$391,951.04: ARPA Competitive #11 for \$337,373.48, ARPA Minimum Allocation Grant #18 for \$54,526.49, and Local Fiscal Recovery #29 for \$7,187.87

Councilwoman McDermott moved to approve the Consent Agenda. Councilman Tharp seconded the motion. There were no public questions.

Motion Passed Unanimously.

PUBLIC HEARINGS

Presentation on Montana Clean Indoor Air Act, Which now Includes the Prohibition of Electronic Smoking Devices in Public Spaces

Cherie Murbach presented her PowerPoint slideshow about the Montana Clean Indoor Air Act, and explained that because Montana adopted this later than other states we learned more from other states. She said data shows youth use is down since 2001. "They are the primary user of e-cigarettes though, and grades 9-12 show that current users are at 24%, which can harm long-term brain development since the brain is still developing until age 25," Ms. Murbach said.

"Vapes are sold as water vapors - that's the plume you see people exhaling. However, there are micro toxins and oils from flavors that are so small they get past the normal protection in our lungs. This means you are inhaling those tiny particles when someone is exhaling near you," she explained. Cherie continued, "Every County is required to have a response plan. Gallatin County does have an enforcement plan, you can call or visit our website to file a complaint, or if you have any questions. All public places are required to have the Clean Indoor Air Act sign."

Gene Townsend asked if someone is guilty of breaking the Clean air act, what the consequences would be and specifically if there is ant penalty. Cherie replied, "Yes, if they go into the bar and are smoking, it is on the business to stop that behavior. If there is a complaint to the Health & Human Service, there isn't a huge penalty at this time. It is an educational system. I call or email people stating what the law is, and that they cannot violate it. If you [the business] get more than one complaint in seven days, you get a second violation letter. If you get another complaint in the next week, you get a third letter. The fourth offense then gets forwarded to the Sheriff. To be honest, we have never had that happen." Gene asked since youth is a target, is there an education program for the schools? Cherie said yes, but she has had difficulty getting into the Three Forks School to present/educate. She said feel free to give out her email or phone number to anyone at the school.

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Public Hearing and Decision on a Resolution Cancelling the Contests for the Expired and Unexpired Councilmembers and Mayor in the 2025 General Election and Removing these Races from the Ballot

Mayor Johnston read what would be Resolution #457-2025 once adopted into the record in its entirety.

Councilman Buchanan moved to adopt Resolution #457-2025, a resolution cancelling the contests for the unexpired council...

Councilwoman McDermott seconded the motion.

Crystal Turner commented on remaining 2-year seat.

Motion Passed Unanimously.

Public Hearing and Presentation on the Wastewater Preliminary Engineering Report (PER)

Jessica Salo, P.E. introduced herself, and then introduced Levi Howell, P.E. who appeared on Zoom, both from Great West Engineering (the City's contracted engineering firm). Levi began with a slideshow presentation to the City Council to share the preliminary engineering report, funding opportunities, environmental impacts, and allow for public comment for the Wastewater Treatment System.

Levi said, "The last PER for the Wastewater Plant was done in 2006. In 2014, the Wastewater Treatment Plant was improved. This document is required for funding agencies and grant applications to say the engineering has been thought out for the possible projects. Great West evaluated the existing lift station, collection system, which was first installed in 1916 with clay tile pipes, then CIPP, then AC pipe, PVC pipe and in 2006, a lot of that clay pipe was slip-lined. The current treatment system was built in 2014. It is a covered lagoon system with mixing lagoons, then a polishing reactor and finally a UV process before being discharged to the Madison River. Great West has verified flows: the average is just over 400,000/gallons/day. That is a lot of water, and shows that there is a lot of "I&I," which stands for infiltration and inflow. We should be around 200,000/gallons treated per day."

Next, Levi showed a chart where 200,000 gallons/day is what is expected for the treatment and the blue line is the actual monitored monthly flow. "As you can see, it spiked significantly and could be from sump pumps connected to the City's sewer system (which is not allowed pursuant to Ordinance 9-5-13.A), manhole lids, leaking service lines, broken and cracked pipe sections. It really spiked at 750,000 gallons, but right now it is more at the average expected flow. Because of that spiked I&I, we set flow meters in manholes for about two weeks and retrieved data from 3AM-5AM when we anticipate the lowest inflows. However, in some basins monitored, we saw up to 81 gallons/minute which is a lot of flow for the middle of the night. We compared this to the 2006 flows, and some areas

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are improved but others have increased not decreased as expected. This can make you hit your capacity of the treatment facility."

Levi said they estimate 50-80 sump pumps are connected to the City's wastewater collection system. "This is, as groundwater comes up, sump pumps pump it out and sometimes they are connected to the City's sewer treatment facility. Some are pumped out onto the street too. But ordinance 9-5-13 states pumping into the sewer system is prohibited. Not sure everyone knows that they are not supposed to be doing this, but we recommend a lot of public outreach that these are prohibited - that they affect the wastewater treatment plant's capacity, add to the cost of treatment, etc. Rates are based off domestic use and we expect a home to put out so many gallons/day, and those sump pumps could be adding 3-4 times the normal water to be treated. Remember, it costs money to treat water, that's why we have rates. If we meet the capacity of our treatment plant, we can't grow without expanding the treatment plant. Another option would be that you can charge those using sump pumps the amount of capacity they are using at the treatment plant. If they are using four times the capacity of a single-family home, they should pay four times the base rate. We can verify that with CCTV and flow monitoring," Levi informed the Council. This is something the Council will need to address in the future.

Alternative projects proposed within the PER are:

- CCTV inspections (estimated \$297,660 cost)
- Collection System Repair (estimated \$2,500,000 cost)
- Upsize trunkline (estimated \$2,597,760 cost)
- Replacing existing force main and generator (estimated \$1,371,450 cost)
- Replace existing pumps (estimated \$250,000 cost) (This is recommended to replace within the next couple years and electrical included)
- Emergency Storage lagoon cell use (estimated \$995,000 cost) (Existing system was designed to treat up to 3,300 people total connected to the system so this would be an overflow option. This was planned for 20 years of growth, to get us through the year 2040.)
- Wastewater Treatment Plant expansion (estimated \$6,200,000 cost)

(\$14,211,870 total if all projects were completed.)

Levi continued, "For the CCTV project, which could be done in the spring of 2026, SRF [State Revolving Fund] is a potential funding option, which is a loan of up to \$300,000 (currently at a rate of 2.5% interest), unless the City has the funds to pay for that project, then a Renewalbe Resource Grant & Loan (RRGL) grant of \$125,000 is another funding source." Levi said that an Environmental Assessment was not required for this PER because all the alternatives are located in the public right-of-way. We

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did send out requests for comments to a bunch of agencies but do not anticipate receiving any comments back."

Gene Townsend asked about flow monitoring, as shown on Levi's presentation on slide 13 (see packet). "It seems like the two biggest problem areas are 1st and 2nd Avenues East. If you were to do the TV monitoring and some repair work (like the slip-line years ago), wouldn't that be done first and then go from there and monitor again?" Levi said the pipes [the City mains] are likely OK, "But typically where the service lines come into the main, that's where you will see the infiltration. The CCTV would tell us if it is the service lines, and then replace those. Regarding slip-lining, if the pipe diameter reduces too much, you can run into other issues. We would look at that though. I suspect that a lot this inflow is coming through from service lines."

Garret Buchanan asked if by "services" does Levi mean the homeowner's pipe? Levi replied yes. Mayor Johnston said when the slip-line project was done in 2007, the City was concerned about services. "We did go and see the ones in use, for example the block by the Catholic Church, there are 3 homes on one side of the block and then the church on the other side. But there were 28 connections in that one block of the City's main. So those old pipes could be letting in roots and water. When we did this, there were a couple of years when groundwater was really high. We actually had to open up a valve and release the water in the old dry [wastewater lagoon] cells we used to use," the Mayor explained. Garret asked what other funding opportunities there were. Jessica Salo said SRF was the best source, accompanied with a RRGL [Renewable Resource Grants and Loans] grant. Gene asked if they figured out what that would do to sewer rates? Jessica said they ran costs through two SRF scenarios, each with different terms, "And with the data Crystal and Kelly provided us, your current rates are sufficient."

Mayor Johnston asked if we found those sump pump users, how would the City go about finding how much they are sending to be treated? Levi said you could install a flowmeter (an ultrasonic one) and meter what is actually coming out of their service at peak time. "That would be, in conjunction with the homeowner's knowledge, CCTV it and get a good idea of how much is coming out of each home, how much on average, that would be an opportunity to say *If you have a sump pump, it costs us this much, and we will charge you.* Gene said charging them more will not help us eliminate our problem with treating the water though. "Some folks, during nice weather pump it out onto their lawn. If you shut that pump off, their basement could flood, or their living space could flood. We will still be dealing with treating more water, groundwater or gray water, at our treatment facility."

Garret said this makes sense for the first phase to find more information. Then the second phase is to determine the infiltration. He said, "From the sump pumps he has installed [not necessarily in Three Forks; Mr.

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Buchanan is a plumber], they are run outside onto the yard, and they typically have no water in the winter to pump." Gene said, "When we finished the new system in 2014, the question then was if things would change with the EPA regulations and would we have to start treating more because we discharge to the river. "Is that still in the future?" Gene asked. Jessica Salo answered yes. Levi Howell replied that the existing treatment plant was designed in order to expand. "But hopefully we will not have to expand it for 15-20 years," Levi added. Mayor Johnston said the City owns about 50 acres at the wastewater plant. Kelly Smith said there have been two properties fill in their basements because they could not keep groundwater out of them. The Mayor said the Water and Sewer Committee will need to delve into this report deeper.

Public Comment: Gloria Howland said she will probably be dead by the time the City has to implement any of these.

Mayor Johnston said it is amazing the amount of groundwater throughout town when you dig anything up to work on it. It would be good to get things tightened up. Gene Townsend said he does not think we should sweep this under the rug, but actually discuss it and make a plan to address each project. "If we are treating groundwater, we are paying for it. The more our pumps runs, more electricity, the more treatment supplies, the more testing. This needs to stay on the front burner. Hopefully, by the end of the month we will be done with the water main replacement project, and should have the newly drilled wells online by 2026 so we could start working on the Wastewater," Gene recommended.

Garret Buchanan agreed with Gene and said, "If you don't have water and a proper way to treat it; this is super boring stuff but also super important stuff for us to deal with it. Let's keep it on the front burner."

Kelly Smith asked if this means the City does not want to borrow money from the Sewer Fund for the City's Floodplain Project? "We discussed loaning the Jefferson River Flood Mitigation Project funds from the Sewer Fund, rather than an SRF loan," Kelly said. Gene replied he still believes borrowing from the Sewer Fund is a good idea, but if the City does not have the cash to do a sewer project that comes up urgently, that may be something to think about.

REPORT OF OFFICERS

City Clerk Crystal Turner and City Treasurer Kelly Smith did not have anything to report.

REPORTS FROM COUNCIL COMMITTEES (if any)

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George Chancellor said the Ordinance Committee met last week regarding increasing the allowed number of chicken permits, "We batted that around for a while. Then we discussed changing the ordinance to disallow water/sewer accounts to be placed in a tenant's name, and then we discussed u-turns on Main Street and possibly repealing that ordinance. That was the only thing we did make a recommendation for and it was to leave that ordinance as is, in case the Sheriff ever wants to enforce it." George continued, "Options on the water/sewer topic were: 1) do nothing, 2) Put accounts into Landlord's name 30 days after ordinance passes and refund deposits onto accounts, 3) As tenants move out bills are put into landlord's name going forward, Tenant can pay the bill, can get email bills, just in landlord's name. Past due letters will only be sent to landlord only, 4) As tenants move out, bill are put into landlord's names until 1/1/2027. Then all remaining accounts are transferred to the landlord name giving over a year for leases to be changed. Matt Bugland suggested increasing the fees for changing out each account, but that does not address the deposit liability. We didn't want to put anybody in any imposition. Some landlords told their tenants they would have to increase rent \$150-200/month to cover the bill and for administering it. There were a variety of letters all opposing any change. However, it was my thought to change in the long run we follow option 3A (as tenants move out we do)."

Kelly Smith explained the four options she drafted and provided to the Committee and public at that meeting. Garret Buchana asked if option 3A does the best problem-solving for the staff workload. "It seems to balance everything with the least amount of pain for the landlord and tenant," Garret said. Gene Townsend asked to discuss the existing process. Crystal Turner and Kelly Smith explained the process of making copies of late letters for landowners, and transferring or applying water deposits to final bills when deposits do not benefit the City in any way; they are more beneficial to the landowner when/if they get stuck with the final bill. "But the rental deposit should include that as well, so the tenant is having to come up with two deposits to pay two entities," Kelly said. Gene agreed option 3A benefits the majority the best, and added he feels it is a good practice to communicate with the landlord when the account is late, but not sending duplicate late letters seems like a reasonable change.

Gene asked, "If I'm a renter and I pay first month, last month and deposit - what's is for?" Kelly Smith replied it is typically for damages [to the rental unit], the final month's rent, and any outstanding balances. She then explained Bozeman's process. "The bill stays in landowner's name - a physical bill gets mailed to the property, and the tenant is responsible for paying for that which is stated in my lease. As the owner, I get a copy of the bill via email. The bills do not need to be estimated. The tenant can still call or come in and find out how much is owed," she said.

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Roxi McDermott said her recommendation is to do option 3A and get rid of deposits. Ed Tharp and George Chancellor agree.

Roxi McDermott said she recommends 10 more chicken permits. Ed Tharp agrees. George Chancellor says no, so 2:1. Crystal Turner will draft a resolution to increase the chicken permits to 40 total and the full Council can decide.

UNFINISHED BUSINESS

Flood Mitigation Project Update

Kelly Smith informed the Council that the encroachment permit as been submitted to the Montana Department of Transportation. Jeremiah Theys has met with the County Floodplain Administrator, who is well aware of our project and working to align the adoption of the map sections in our project's part of the County. Jeremiah also met with the property owners to put flags in the ground and give a visual view to the owners of what the channel will look like last week too. Kelly added, "Crystal, me and Randy met with the Buttelman's to start thinking about a cost for the easement. They didn't have a number in mind yet, but will get back to us."

Water Project

Crystal Turner reported that this project is finishing up the Water Main Replacements this week, and paving will occur next week. "All around the school will be a mess next week as they close specific intersections and partial blocks to repave where they dug up. I have posted it on our website, emailed it out to those who have signed up to receive our news, posted it on our Facebook page, spoke with the School Administrators to get this news out to the parents, and texted everyone I know who lives in the vicinity to get that word out of the detours."

NEW BUSINESS

There was no new business.

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

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

MAYOR AND COUNCIL ANNOUNCEMENTS

Mayor Johnston read the letter from the Department of Commerce that stated we could not submit a grant for a Long Range Transportation Plan since we already have an existing grant for the Zoning Rewrite and Subdivision Regulations project. "Commerce encouraged us to submit in the near future - but we can't have two grants from them at the same time," the Mayor reported.

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The next meeting will be on October 14, 2025, and will have the following items:

- Resolution to increase the chicken permits by 10 to a total of 40
- First Reading of Chapters 1, 2 and 3 of the Zoning Rewrite

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 7:40P.M.

Randy Johnston, Mayor

Crystal Turner, City Clerk