

**JANUARY 10<sup>TH</sup>, 2023,** The Three Forks City Council met with the Three Forks Rural Fire District Board of Trustees at the 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 Randy Johnston. Mayor Johnston called the meeting to order at 5:00 P.M.

**ROLL CALL:** City Council members George Chancellor, Nancy Todd, Gene Townsend, Steve Dahl, and Brooke McLees were present. Deb Mickelberry was excused. City Attorney Susan Swimley, City Treasurer Kelly Smith, City Clerk Crystal Turner, Fire Chief Keith Aune, Assistant Fire Chief John (David) Whitesitt were present at City Hall. Three Forks Rural Fire District Trustee Chairman Roger Nerlin, Dale Kober and Hannah Roadarmel were present in City Hall. (Gene Townsend is also the secretary for the Rural District.)

The record reflects a quorum of both the City Council and Three Forks Rural Fire District present and a meeting will be held.

The **Pledge of Allegiance** to the American Flag was led by Roger Nerlin.

Mayor Johnston reminded the audience this meeting was recorded and streamed via Zoom.

**GUESTS:** Butch and Elizabeth Barton, Shane Brandhorst.

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

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

## **JOINT CITY COUNCIL / THREE FORKS RURAL FIRE DISTRICT ANNUAL MEETING**

### **A. Discussion and Update on the Following Items within the Interlocal Agreement:**

#### **a. Officers & Firefighter**

There are currently nineteen (19) volunteers, but a few have not been very active.

#### **b. Outside Agreements**

Crystal Turner stated this was an agenda item last year, the Council/Rural made a motion at its joint meeting in 2022 saying each entity would come up with their own policies. The Rural Fire District did set a policy that their equipment is to be used for fighting fires first priority, and if other entities need the services on standby, fees were set for that.

#### **c. Services Provided**

186 calls provided this past year. "We are down from 220 or so last year, but that is a good thing," Chief Aune said. There were no major structure fires. Out of 186 total calls for the year Keith attended 155 calls, Trevor 168, the third most calls attended by Jason Kelsey with 99 calls.

#### **d. Emergency Medical Response**

Keith Aune said there are 9 interested in taking the training but the training is about \$1,000/each. They have to do 30 hours of fire training and 40-50 of medical training. Roger Nerlin asked what does that do for the firefighters? "Can they administer IVs or nursing work?"

he asked. Chief Aune said it would just be basic medical first aid until ambulance crews arrive. There was discussion on 911 calls and 40-minute response time from AMR due to lack of consistent volunteers at the Three Forks Ambulance Service District. Keith will know more after the meeting with the County on the 24<sup>th</sup>. Gene Townsend said, “The Rural Board’s concern has always been that we don’t want to volunteer you to do so many tasks and burn you out. We have wanted you to be first and foremost firefighters.” Dave Whitesitt said the highest majority of calls are traffic accidents, he is guessing around 60-70% of all calls. “Next highest is probably wildland/grass fires. We have been responding to more medical calls and those [calls] have been in town. This is usually a mutual aid call from AMR asking us to go assess the situation and let them know if there is minor first aid to be done or if they need to head this way.

**B. Update and Report Addressing Issues in Broadwater County**

Roger Nerlin said, “During a meeting at the Ambulance Barn a while back that [Broadwater County Commissioner] Darrel Folkvord said something that intrigued me. He said he wants to build a building but wants all our equipment in it.” Keith Aune said if we had a brush truck or something similar to be housed in their building, that would make good sense. “I have 5 volunteers who live in that area and have to drive all the way into town and get the trucks and then head back out there. We have actually lost volunteers because by the time they get to the Fire Hall, often times there are not trucks available anymore. So those volunteers discontinued serving TFVFD. If we had equipment out there, even if Broadwater County builds the building, we could probably be able to get those firefighter volunteers to rejoin,” Chief Aune explained.

**C. Finance & Budget**

**a. FY2022/2023 Issues (if any)**

Rural budget is in good shape. City budget is under budget this year.

**b. Budget for FY2023/2024 (anticipated purchases split cost)**

Gene Townsend – Three Forks Rural Fire has ordered a new brush truck. “We still don’t have a chassis for it though, so it’s slow to being built. Chassis keep getting used on Ford F150 and F250; this is a F550 we would have built, but Ford can sell those consumer trucks quicker so they keep using the inventory.” Gene added that one thing they should start replacing are the SCBA bottles. The bottles expire at 15 years, we are 5 years in and would like to consider a rotation for the bottles. Chief Aune agreed, he would like to start replacing around year 8 so we can get them all on a rotation schedule which couple replace 2-4/year. There are 24 bottles total. This would be a split cost between the City and Rural. Keith added that he learned at a Willow Creek training the other night that Districts are going to voice pagers. “They are \$750/each vs. the ones we have now at \$300/each. We are also looking at wanting everyone to have uniform pants. We all have matching shirts but everyone wears their own pants and I would like us all to have a sharper look,” Keith said. George Chancellor said Carhartts are \$90/each. Dave Whitesitt replied that is a uniform for a construction worker, not a firefighter. Last, Chief Aune announced that this Sunday is the firefighter banquet.

Gene stated as a City Council member, “Keith, I’d like to thank you. As firefighters you do a lot and get out of bed in the middle of the night, leave your jobs to attend fires and vehicle accident calls. I’d like to thank all of you for what you do.”

The trustees of the Rural previously asked the wreckers/tow trucks to start billing the insurance companies for their time and vehicles and supplies used at vehicular accidents. That income has been able to provide new lights and other equipment for

the Rural Fire District. Keith informed the Council the firefighters only bill when they are out there more than 2 hours. The reason this started is because the equipment is not being used by the taxpayers for major accidents on the highway so most insurance companies understand and agree it's a viable cost and pay when invoiced. "But some do argue it," he added.

Hannah Roadarmel was introduced by Gene. She is a newest member on the Rural District as of August 2022.

**D. Property and Inventory**

Inventory has not changed much, we bought 2 sets of turnouts last year that need to be added to the inventory list. The crew is working on inventory tonight at their training at 7PM.

**e. Joint Existing Property & Future Joint Purchases**

**f. Station Maintenance**

The fire crew thanks the City for adding janitorial cleaning by Jeanette. "She does a great job," Keith said.

Painting of stripes in front of fire truck bays should probably occur this summer too. Keith will get a quote, but city crew may be able to do it.

**E. Liability**

Crystal Turner commented about liability of providing the general public, and more often school children for sporting events, rides on the fire trucks. This came about based on the 10/31/2022 notice on the Trick-or-Treat on Main Street poster offering rides. "I really think the firefighters need to think about the liability of people sitting unbuckled, legs dangling over the edge, on top of a fire truck. Often they are throwing candy hard to their friends/peers on the street which can cause them to lose balance. Some sort of waiver should be drafted when people ride the fire trucks alerting them of the inherent dangers. Many of these riders are minors and would need parental consent. Perhaps the Fire Department could check with the Rural and City prior to offering these to ensure what all needs to be done in order to reduce liability.

**ADJOURNMENT**

Councilman Townsend made a motion to adjourn. Councilman Chancellor seconded the motion. **Motion Passed Unanimously** and the meeting was adjourned at 5:28PM.

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Randy Johnston, Mayor

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Attest: Crystal Turner, City Clerk

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Roger Nerlin, Chair TF Rural Fire District

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Attest: Eugene Townsend, District Secretary

**JANUARY 10<sup>TH</sup>, 2023,** 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

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distancing guidelines and continues to use to encourage participation from the safety of one's home.) The meeting was presided over by Mayor Randy Johnston. Mayor Johnston called the meeting to order at 5:56 P.M.

**ROLL CALL:** City Council members George Chancellor, Nancy Todd, Gene Townsend, Steve Dahl, and Brooke McLees were present at City Hall. Deb Mickelberry was excused. City Attorney Susan Swimley, City Treasurer Kelly Smith, City Clerk Crystal Turner, Gallatin County Sheriff Sgt. Desmond Doonan, Assistant Fire Chief John Whitesitt were present at City Hall. Great West Engineer Susan Hayes, City Planner Randy Carpenter, and Gallatin County Sheriff Drew Ellis attended via Zoom.

The record reflected a quorum present, 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 streamed via Zoom and on our Facebook page.

**GUESTS:** Rick Orizotti, D.K. Brooks, Gloria Howland, Meghan Gayle, Carole Fandrich, Aly and Ken Fendler

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

**CONSENT AGENDA**

- a. Claims Paid due to Timeliness on 12/28/2022 in the Amount of \$122,622.97
- b. Three Forks Rodeo Arena Board Claims Paid due to Timeliness on 12/30/2022 in the Amount of \$346.45
- c. Claim Paid due to Timeliness to Mail a Portion of Utility Bills on 12/30/2022 in the Amount of \$38.25
- d. Council Minutes of 12/13/2022
- e. City Claims to be Paid
- f. Three Forks Rodeo Arena Board Claims to be Paid
- g. Draw #4 for Local Fiscal Recovery (ARPA) Fund Reimbursements for Water Project in the Amount of \$24,349.30 and \$507.00 in Local Contribution
- h. Amendment #4 to Task Order #9 with Great West Engineering to Complete Separate Submittal of Permitting Documents for Additional 5 Wells, Prepare Bid Documents, Advertise, Evaluate, Complete Contracting for 2 Observation Wells and up to 3 Supply

Wells, and Construction Services of all 5 Wells including Meetings, Onsite Services, Aquifer Testing, Reporting and Documentation (\$236,500)

Councilman Townsend moved to accept the Consent Agenda. Councilman Chancellor seconded the motion. There was no public comment.

**Motion Passed Unanimously.**

#### **PUBLIC HEARINGS**

##### **Public Hearing and Decision on the Zoning & Planning Board's Recommendation on an Amendment to the Conditional Use Permit Requested by Rick & Valerie Lamb, as A & L Investments, LLC, to Construct an Awning on the Southwesterly and Southeasterly Side of the Storage Building, and Relocate the Proposed Outdoor Fire Pit Location**

Susan Swimley asked permission to speak first. She stated prior to opening with the staff report the Council will need to first establish a quorum of the Council who are able to vote on this matter. Previously Councilman Steve Dahl had not been voting on any A & L matters since the original application. As of the Planning and Zoning Board meeting in November, there had been a request (and she believed concurrence) that Councilman Chancellor not be involved based on his opinions of the application/applicant. I believe he can fairly and without consternation hear this application. "With that it would only leave three members of the Council being able to vote," she said and turned it over to Rick Orizotti, legal representative for A & L Investments (Rick & Valerie Lamb).

Rick Orizotti said that to address meeting a "quorum" the applicant would prefer the City Council address this application, for this firepit and awning meeting only we waive our previous objection to Mr. Dahl. "However, we are not willing to waive Mr. Chancellor because of previous comments made in the Zoning & Planning Board meeting and based upon those comments we do not believe he can be fair and impartial as a decision-maker on this matter," Mr. Orizotti said.

George Chancellor said, "I stated in the Planning & Zoning meeting that I had no objection to the fire pit and the awning, and it is recorded as such. My objection is that Rick [Lamb] is trying to destroy the integrity of the agreement and that directly affects the Council and Boards' decisions."

Susan Swimley commented though that she believed when it came to the Zoning & Planning vote whether or not to approve the application, Mr. Chancellor voted against it, correct? George said, "Yes, I did for reasons of integrity of the Council and the agreement you built." Mrs. Swimley said, "Based on those actions, in my opinion it makes it appear that you cannot look at this application without having been influenced by Zoning Enforcement. I stand with my opinion that you cannot impartially

hear this application. If Mr. Chancellor disagrees, I guess the Mayor can have the Council vote on whether or not he can sit impartially on this application." George Chancellor said, "I agree there is the possibility of that perception, but I also stated in the meeting that I don't care that he has those. I do care about the integrity of this board and I will do my best to maintain that."

Rick Orizotti said he understands but with respect to the agreement Mr. Chancellor refers to, "This is an agreement between the City and the Lamb's. Let me back up. During the minutes of that [Zoning] meeting, Mrs. Swimley gave her legal opinion that that agreement allows, does not preclude or prohibit, a party from presenting an application to make an amendment. That agreement does not prohibit that. If you do not agree with that, or will not accept that legal opinion, it seems to me that is again another indication that you cannot sit in a fair and impartial manner; that your mind is already made up. Regardless if you are in favor of the awning and firepit, it appears you will vote against it because there can be no amendments." George Chancellor said, "I will sit quietly and not vote, under protest." Susan Swimley noted Mr. Chancellor's protest. She added that in her opinion, she knows George Chancellor to be a man of honesty and integrity and if he says he can set those previous opinions aside, she believes he will.

Mrs. Swimley continued that she originally requested that Mr. Dahl and Mrs. Mickelberry to leave the room when they recused themselves. "The reason I ask that is if you are unable to vote and participate, many times people consciously or unconsciously make a body movement, utter a noise, shift in their chair, things that other people perceive as "comment" opposing. I make the same request now. It is up to the Mayor to make a decision about your physical location." Mayor Johnston agreed to allow George to remain at the table.

Public Comment: D.K. Brooks spoke that he is not privy to all that is being discussed, but the comments tonight greatly concern him about perceptions. "Sometimes we don't get to the truth when voices are not allowed to be heard. That is his [George's] job to make his opinions about the integrity of the city's agreement, so I am not pleased about this and having a Council member be forced to leave the room because he cannot present his case in an unbiased matter." Gloria Howland agreed with D.K. Brooks adding, "Like D.K. I got "fired" from my volunteer job here because of different opinion than some members on the board. It's not right." D.K. Brooks added, "I have attended a number of Council meetings, board meetings, and other proceedings. I have seldom heard the Council say 'NO' [to an application]. I have been told you must have a very substantial reason to say no. Well, if you don't agree with the issue and don't agree with what is being proposed, you can say 'NO', can you not? You don't have to say yes and rubber stamp everything that comes along."

Mr. Orizotti said the duty of the Council is to be fair and impartial. "They have taken an Oath to that affect, to analyze the evidence. Mr. Chancellor has stated he is in favor of the firepit and awning but will not vote for it because he is opposed to allowing any amendments to the agreement. That, in my opinion, is not being reasonable, fair and impartial. His mind is already made up, and it's made up on a false promise."

Susan Swimley asked Brooke McLees to express her concerns on the record as well. "My son recently started working for Mr. and Mrs. Lamb, and I went to lunch with Kelly Smith this weekend. I didn't know the parameters of when I should recuse myself and so I asked Kelly. She suggested I speak with Mrs. Swimley so I did today, and she explained it. My son working there is not a reason that I need to recuse myself." Susan asked Brooke, "Do you believe you can hear the information and make a fair decision?" Brooke said, "Yes, my son works for the Lamb's and I believe I can make an impartial decision, and think I can vote fairly."

Susan Swimley then address Mr. Dahl. "You heard the applicant will waive any previous issue of your appearance of close mindedness on the application. Are you willing to sit tonight and listen to the application, public comment and be fair and impartial?" Steve Dahl answered, "Absolutely."

The quorum reflects: Councilmen Dahl and Townsend, and Councilwomen Todd and McLees.

City Planner Randy Carpenter provided the presentation via Zoom and entered his amended staff report into the record, which was only in reference to two of the application's three requests: fire pit location and awning on the storage building. He highlighted the recommendation of approval of the completion of the awning on the southwest and southeast sides of the storage building and the propose location of the outdoor fire pit.

Rick Orizotti introduced himself again as presenter on behalf of the applicants, Rick & Valerie Lamb of A&L Investments. "As Randy made clear in his staff report it is just an amendment to the conditional use permit to add an awning to the building and move the proposed fire pit location. The Lambs cannot attend tonight as they are on a long-ago planned vacation. This firepit is for the patrons of the RV park to sit around and visit and enjoy each other's company. Rick Lamb was asked a question at the Zoning & Planning Board meeting if the firepit was far enough away from the buildings for fire safety. Rick Lamb stated then yes, and that fire trucks can easily move around it. There will not be a firepit at each RV slot, but a community one. Mrs. Lamb also stated at the Zoning

meeting that quiet hours are at 10:30 and they are strictly enforced. I would like to address the agreement; I'm sure Council members know of the written agreement between the City and the Lamb's. The agreement is dated 7/21/2022 which provides that in the event - let me back up. The original conditional use permit had 17 conditions. In April of 2021 there was an amendment to allow the construction of a storage building. A revised site plan was attached to that application for amendment. It basically removed the pavilion shown on the original plan, changed landscaping and added exterior lighting. There were four additional conditions, but that request was ultimately approved by this Council. The words were in one condition were *storage of personal property and equipment of the owners*. As the council members know, when they built this building, part of the infrastructure on the main floor is for a commercial kitchen for like catering, but it has not been complete nor will be used as such unless the Council will approve it. They also built some infrastructure for an apartment upstairs. There is no stairway yet, but the rooms are pretty much finished, electricity and plumbing is installed but neither have ever been used, nor will ever be used unless approval is obtained by the [governing] body. That is the background for the agreement mentioned tonight. It provides valuable protections to the City in the event that this building is used for anything other than storage, including a temporary restraining order, and more. That is a good tool for the City. I want to address Section 3 in the agreement, which discusses the use of the private bathroom *Until the City approves, it will only be used for private storage*. In my view, and I know Susan [Swimley] agrees, that language does not preclude us from filing an amendment to the conditional use permit. Part of that amendment which you are considering tonight: two you will hear tonight, the third is use of the apartment to be heard in the future. In November, we only went before the Planning Board for the two issues before you tonight. On January 19<sup>th</sup> the Zoning & Planning Board will hear the apartment issue."

Board Questions/Comments" Gene Townsend said to Mr. Orizotti, "In your presentation the original firepit was always there, but now is in a different location? However, you never mention the awning, which is partially up right now, and it was not in any of the previous presentations/site plans presented. How do you respond to that the awning has been started without permission?" he asked. Rick Orizotti replied, "I don't have any explanation other than it was starting to be built without approval." Susan Swimley stated that was one of the events that led to the enforcement agreement. Gene continued, "My point was the counselor made reference to these things were OK because they were always on the site plan, yet the awning was not." Susan replied that the firepit was

mentioned in meetings, but to her understanding there was never a site plan for it either.

Nancy Todd said the City has an after-the-fact fees. "In regards to the awning work being done prior to approval, does this come into play? Mrs. Swimley replied yes, it is part of the fee structure. She added, "I don't know what was charged for this application but the City does charge more because of things like this because they take way more staff time."

Gene Townsend commented on the agreement which was entered into in July, "But that agreement has never come before the City Council." Susan Swimley said she cannot explain why. She has an email she thought was sent but learned late last year it never made it to the City. Susan stated she was not the only person designing the agreement; Kelly Smith and George Chancellor were also involved. She does not think the agreement is unenforceable as the Mayor signed on behalf of the City. She agrees that process-wise it is an anomaly.

Public Comment: D.K. Brooks respectfully requested the Council deny the request for the awning on the fact that it was started without permission. Gloria Howland also requested the Council deny this request based on Mr. Lamb should have to follow the rules like everyone else. Carole Fandrich spoke in favor of the application noting just one firepit for all is good rather than a whole bunch of them. She added, "The awning is good, in Montana you need an awning. He has come now to request permission so I am in favor."

Applicant Rebuttal: Rick Orizotti asked, "Is it good enough to say no because he started the awning? I think that because when he was given notice that he did not have permission to do that awning Mr. Lamb stopped immediately and applied for the change. The Council needs to consider if this is a reasonable amenity for the facility? Does it present negative impacts to the neighborhood? I would say it does not where customers can gather in the shade or get out of the weather."

Board Discussion: Nancy Todd specifically addressed D.K. Brooks, "I totally understand where you are coming from. However, my understanding of, and please be assured I am not just rubber stamping any application, but I understand we have to have a reasonable reason to say "NO". If the approval of the firepit and awning is going to have an impact to the community, we could mitigate that. I think if we have gross violations of our CUPs then in my opinion I think we have a problem in enforcement and that is where the focus needs to be then. By following the rules we have

set in place, this is not going to effect the integrity of this Council. If there are constant violations that are becoming an issue that needs to be address separately and in a different forum." Brooke McLees said, "There was an instance where I voted Yes, but in my heart I wanted to vote against it. There was no reason for me to vote against based on our regulations, and sometimes we have to say yes when we want to say no by going along with what our regulations say. Just understand that sometimes it's not the way you see it from your chair."

Councilwoman Todd added, "I do not see a negative impact or anything needing mitigated for approval of this request."

Councilman Townsend moved to approve the amendment to the conditional use permit for Rick Lamb to add an awnings on two sides of his building and a firepit. Councilwoman Todd seconded the motion. Gene Townsend said he is disappointed that a long-time Council member, and member of the Planning Board, was ostracized tonight about his opinion at a meeting. "We sit here and listen to Mr. Brooks' recommendation to deny. There is nothing wrong with him [George Chancellor] saying he doesn't recommend the approval of this request based on not doing it the right way. That's my opinion. I would like to hear what Mr. Lamb has to say. I know we're going to hear the request for an apartment at our next meeting and I was here when the original request took place and there was never any mention of an apartment, yet we're going to hear it now. I have known George a long time; he is an honest man and he is doing what he thinks is right. I think for lack of a better term, I think George got crapped on tonight." Brooke McLees asked for a copy of the agreement. Nancy Todd informed Brooke the agreement is in the packet. Nancy added, "We do allow requests to amend. When this was first agreed on, I don't believe the Live/Work zone was even in the regulations. So now that it is zoned for Live/Work he could ask for that. Why couldn't he?" she questioned to the rest of the Council. Gene said, "That isn't what I said. He [Mr. Lamb] put that apartment in there and built it before it was zoned to allow it, and before he asked permission. I would certainly consider it if he came back and requested it, but it's hard when you know it's already there." Nancy replied that goes back to the enforcement issue/discussion.

Randy Johnston said a zoning enforcement person was discussed at the Budget Committee yesterday and that is something that the Council will need to consider in the future. The Mayor called for the question.

Steve Dahl said that based on the application and what is being asked for, he would vote yes. Gene Yes. Nancy Yes. Brooke Yes.

**Motion Passed 4:0, George Chancellor abstained.**

**Public Hearing and Decision on a Resolution Amending the Fee Schedule**

Mayor Johnston read the resolution into the record in its entirety, noting it would be #389-2023 if approved. The Mayor continued by explaining to the Council that the exhibit has been updated to add the professional services time, which is highlighted in yellow.

Councilman Townsend made a motion to approve Resolution #389-2023, a resolution of the Three Forks City Council amending the Fee Schedule to reference Ordinance #11-20-1(A), which allows for professional services to be charged to the applicant. Councilwoman McLees seconded the motion.

**Motion Passed Unanimously.**

#### **REPORT OF OFFICERS**

Assistant Fire Chief John (Dave) Whitesitt introduced himself to those who may not have met him before. He said that he used to attend monthly but thought that was overkill and bored the Council members. He will start coming quarterly. "There were 186 calls for service in 2022. Most of those are [vehicle] accidents on the interstate and on Hwy 287. The next highest service calls are grass fires, and then a mix of calls. Our training hours for the last quarter included a number of different trainings. We call it driving training - we take probationary firefighters out and show them how to drive the equipment. We trained with Churchill Equipment in Amsterdam on farm equipment extrication. We practiced scenarios of people being caught or pinned and need removed from equipment. We did an annual training of HazMat, defensive fire, fire float path, and air bag training.

"Some issues we are having - like everyone else - is staffing. We continue to struggle with staffing. Most people have jobs not in Three Forks and so during the day, and on weekends sometimes, we have issues with staffing," Asst. Chief Whitesitt explained. He reported there are 16 active firefighters and 3 on probation. "We also struggle with the building. The building is old and outdated in every way and is not meeting the needs as a fire department. It creates safety issues itself during training to train and moving around it - and we breathe the old exhaust fumes every Tuesday at training. We spend roughly 150 hours training down there every quarter. There is no office space for a chief - so the paperwork is generally wherever he can put it. When there are issues with personnel we have nowhere private to meet and discuss. The main area is a kitchen, a bathroom, and office. We did update the bathroom facilities but they still are not really adequate. As the city grows this building is going to be increasingly used and I have requested it before, the office space here at City Hall, the Court may not be adequate anymore so my request is a multipurpose building that houses the

city hall, courts and the firehall. The property you own at the existing location on E. Date Street - I have no idea if it's large enough space to house all that, but the building has not met the Fire Department needs for a very long time. It is up to the Council to figure out how to finance it."

Last, Asst. Chief Whitesitt told the Council this is your fire department, and he would be happy to come report to the Council on whatever it wants to hear about. However, he wants to talk about the things the Council is interested in. "If you don't want to hear about the calls for service for instance, I will remove it from my report. Or if there is something you want to hear about, please let me know," he reported.

Gene Townsend thanked Dave, and all the firefighters for their time and for what they provide to the community. Randy Johnston also thanked the department.

Gallatin County Sheriff Sgt. Doonan reported there were 1,900 calls for service in 2022. He does not have a more in depth breakdown at the moment.

City Treasurer Kelly Smith reported the City Hall phones have gone down 2-3 times today. "We don't know what is going on. We may need to consider a new system. This is an old system from the former police department when it dissolved in 2013. We have called for support but they did tell us the city's existing phone system is now obsolete so they will look for parts."

City Clerk Crystal Turner reported that the Gallatin County Commissioners have agreed with the Streets & Alleys Committee and the Council's recommendation to reduce the speed and install flashing "your speed is" signs south of Three Forks on Main Street/Old Yellowstone Trail to the Talc Plant. We hope to hear back from MDT based on the County Commissioner's letter soon. She also reported that there is an Executive Forum on March 1-3, 2023, in Helena. "This is for elected officials and city/town managers, not the day-to-day staff members," she said. This is where you learn from your peers in others towns on how they handle particular issues, or even talk about how to handle staff with other managers/leaders when Three Forks struggles with that." She encouraged all the Council and Mayor to attend and to let her or Kelly know if they needed to register any of them and make hotel accommodations.

**REPORT OF COUNCIL COMMITTEES (if any)**

Gene Townsend reported the Budget Committee met yesterday with Randy Johnston and staff, and D.K. Brooks was also in attendance. Basically, the budget is in good shape. "Some things we'll talk about in the next budget year too, but things you should think about are the wading pool - last year it was leaking water and it's just getting to be more issues than this old man thinks it's worth. We have problems with water quality, getting it tested, we need to review the wading pool before we get into the summer months. Maybe there are alternatives, it is a well-used facility but we need to be careful about public health too, licensing, etc. We also talked about small street paving projects to go along with the development on W. Ivy Street. They are scheduled to pave about 1.75 blocks and maybe would we be better off to talk to the neighboring property owners and try to finish the block. We also talked about sewer and water rates - our sewer fund is in excellent shape. Our water fund, we are still drilling wells, we are working on that and financially not in the best shape. The girls have suggested lowering the sewer rate \$5/month and increasing the water rate \$5/month so that it is a wash to the residents but better funding to the water fund. D.K. asked about the City buying flags for Veteran's Park. Our recommendation is to certainly take money out of the parks fund this year and help the Veteran's park buy some flags. We will also look at the possibility of another flagpole down there for the Space Force. The only thing highlighted as overspent was me: the Trails - but I was over in revenue too so I'm still in the black. The trail system did a large maintenance project this year as you know but we have received all the grant money now," Gene reported.

Randy Johnston added we discussed a possible zoning enforcer too.

**UNFINISHED BUSINESS**

**Streets & Alleys Committee Amended Recommendation to Sell a Portion of Railway Avenue from the Existing Property Pin between Lots 16 and 17, Block 14 of Three Forks Original Townsite (extending at an angle for 22-feet from the existing right-of-way edge towards W. Birch Street) to Tyler Vander Zwaag for a Total of \$3,500**

This will be continued to 2/14/2023.

**Update on Floodplain Mitigation Project**

Kelly Smith reported we have a project meeting at 10AM tomorrow. The next step is to hold meetings with the landowners.

**Update on Water System Improvement Project**

Randy Johnston informed the Council that Red Tiger Drilling said they will be on site with Steve Johnston to set the next pump on Well 6A and plumb it into the wellhouse next week. Susan Hayes said she did not know that so thanked Randy for the update. Susan asked if Steve had the plumbing done on Well 6A. Randy said he did not believe it was complete yet.

Susan Hayes thanked the Council for approving Task Order #9, Amendment #4 on the consent agenda tonight. "That gets us to the next phase - which is the bid project and award to O'Keefe Drilling. They will work with HydroSolutions. We will just go one by one with the site plan of the proposed wells. We should have a schedule back from O'Keefe by the Council's February meeting. We also received DEQ's approval for up to five permitted and design of the next wells, so we are good to go as soon as we get O'Keefe's schedule and their signed contract," Susan informed the Council. Randy asked if we permit a particular well but then do not use it, how long does that DEQ approval last? Susan said she is unsure but she thinks at least 5 years. "You do have to drill within a certain distance of the spot proposed to and approved by DEQ," she said.

Gene Townsend asked what the goal for gallons per minute is that the City is trying to attain. Susan responded the City is seeking an additional 200-400gpm. Regarding the distribution line looping and surveying of the existing cast iron pipe we tried to do the inventory this week but there was too much ice/snow on the road this week in order to conduct accurate surveying. "The drone was unable to be used, which gives the most accurate data, because of the ice on the roads still. We pulled the surveyor off today and will track conditions and get them back when the roads are in better shape. This does delay the distribution improvements because once we have the survey, we can develop the bid requirements and get that out early-mid summer, in hopes of getting a contractor on board by fall. It may be a late fall or even waiting until 2024 to do that project.

**NEW BUSINESS**

**Mayor Appointments of Council Committees for 2023**

Mayor Johnston left the Council Committees the same as 2022, but there is a new list provided to each Council.

**Announcement of Mayor Appointment of City Judge for Term 2023-2026**

Mayor Johnston appointed a new judge, Carl (Bud) Mohler. He is scheduled for Friday, January 13, 2023, to do orientation and swearing in.

**Decision Whether or Not to Open Negotiations with the Gallatin County Sheriff Office Pursuant to Article IV of the Interlocal Agreement for Law Enforcement Service within the City of Three Forks (County Contract #2014-063)**

Gene Townsend said they discussed this too at the Budget Committee yesterday and asked if they even need to open it if we are happy with the existing language and price. Susan Swimley said she does not have the contract in front of her but she believed it does just continue if neither party opens negotiations. Sgt. Doonan said if there is any specific issues the Council will like to see, code enforcement wise, please just ask him and he will kick it out to his deputies. Mayor Johnston asked that when the Code Enforcement officer comes every Wednesday, that he stop in City Hall and chat with Crystal and Kelly about complaints or ongoing issues.

Councilman Townsend made a motion to not open negotiations with the Gallatin County Sheriff Office. Councilwoman Todd seconded the motion.

**Motion Passed Unanimously.**

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

Aly and Ken Fendler spoke on a positive note, "We live at 214 4<sup>th</sup> Avenue East, but are building a new home at 108 3<sup>rd</sup> Avenue East. We just wanted to acknowledge that Kelly and Crystal have been awesome to work with in all of our experiences so far. They are patient, kind, and willing to hear all of our brain-dead questions. They are experts and we are sorry we missed the budget committee meeting because they deserve a raise," Mrs. Fendler said. Crystal and Kelly thanked Aly for those comments, and teased they would keep that information for the next budget session.

D.K. Brooks stated that he planned on being quiet and taking everything in tonight but the earlier comments on perception tonight forced him to speak. "I was the one that thought the City did close door agreements because I perceived the City had agreed to things with Mr. Lamb outside of the public process. I came down and very loudly voiced my concerns at a meeting. The next morning George Chancellor was at my door to explain what had happened, but I was enlightened on things. If I think things are being done wrong I will speak out, and if I'm wrong I will admit I am wrong. But I will speak out. However, I'm still having difficulties getting over the perception, or opinion, that there isn't a lot of rubber stamping going on. I don't hear a 4:2 vote, or a 3:3 vote, the votes are usually unanimous."

**MAYOR & COUNCIL ANNOUNCEMENTS**

Gene Townsend reported he attended a webinar regarding National Trails Day today, which in 2023 will be on April 22. "Randy had mentioned in a previous meeting doing a cleanup day, around Arbor Day. I would like to partner with the City, as the Trails, to do a ribbon cutting and tree planting ceremony at John Q. Adams Milwaukee Railroad Park, and invite the community to help out and participate. We would like to do a food menu too and entice people to ride their bikes or walk to the Depot instead of bringing a car and make it a plus day for the planet," he asked. Mayor Johnston said he would be delighted to co-host such an event.

**AGENDA ITEMS FOR NEXT COUNCIL MEETING:** January 24, 2023

- Joint meeting with the Zoning & Planning Board Regarding Process for Zoning Enforcement

**ADJOURNMENT**

Mayor Johnston asked for a motion to adjourn. Councilman Chancellor "so moved" to adjourn. Councilwoman McLees seconded the motion.

**Motion Passed Unanimously** and the meeting was adjourned at 9:42PM.

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Randy Johnston, Mayor

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Crystal Turner, City Clerk

**JANUARY 24<sup>TH</sup>, 2023**, The Three Forks City Council met with the Three Forks Zoning and Planning Board at the 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 Randy Johnston. Mayor Johnston called the meeting to order at 6:00 P.M.

**ROLL CALL:** City Council members George Chancellor, Nancy Todd, Gene Townsend, Deb Mickelberry, and Brooke McLees were present. Steve Dahl resigned January 13, 2023. City Attorney Susan Swimley and City Clerk Crystal Turner were present at City Hall. Three Forks Zoning & Planning Board members: (George Chancellor,) Amy Laban, Matt Jones and Kelly Smith were present in City Hall. Niki Griffis was excused. Randy Carpenter attended via Zoom.

The record reflects a quorum of both the City Council and Zoning and Planning Board present and a meeting will be held.

The **Pledge of Allegiance** to the American Flag was led by Mayor Johnston.

The Mayor welcomed **GUESTS:** Gloria Howland

Mayor Johnston reminded the audience this meeting was recorded and streamed via Zoom.

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

There were no public comments 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. Extension Request of CDBG Planning Grant Contract #MT-CDBG-PL-20-20 and MCEP Planning Grant Contract #MT-ARPA-PL-23-686, to Rewrite the Capital Improvement Plan
- d. Request for an Exemption from Subdivision Review for a Relocation of Common Boundary Lines Outside a Platted Subdivision for the Three Forks Development, LLC for Property Located in a Portion of Section 36 and the Southwest Quarter of Section 25 in Township 2 North, Range 1 East

Councilman Townsend moved to accept the Consent Agenda. Councilman Chancellor seconded the motion.

**The Council voted unanimously.**

There were no **PUBLIC HEARINGS.**

There were no **OFFICER REPORTS.**

There were no **COUNCIL COMMITTEE REPORTS.**

There was no **UNFINISHED BUSINESS.**

**NEW BUSINESS**

**Discussion Regarding Process for Zoning Enforcement**

Susan Swimley distributed a packet, explaining that in order for her to get to enforcement of anything she wished to provide some history of the zoning laws. Statutory authority to protect public health, safety and welfare by regulating and restricting the height, size of structures, lot yards, density of population, location of uses, buildings, structures, industries, residents, etc. “That’s enough broad language to allow lawyers to fight forever. What we traditionally understand of zoning is Euclidian zoning – we put uses next to each other that are similar, or if abutting uses are dissimilar, we place a “step down” use as a buffer.”

Susan covered quite a bit of information in the packet distributed including a history of zoning, the creation of special zoning districts, who makes the decisions regarding zoning, what a quasi-judicial decision is and more. She explained that some of these laws came about because huge sprawls of residential is not good for “neighborhood”, meaning they do not have a store, or park, or sidewalks – things that could be safely walkable for the public’s health and safety. “So zoning has evolved.

Today there is a brand new phase in zoning – maybe it was a good idea to have neighborhoods like the old days. We now see zoning codes evolve back to what they were originally that have “pods” where people don’t have to drive distances to do all these things. You guys sit here as City Council and Planning & Zoning (P & Z) Commission as the decision-making bodies. The P & Z provides and assists the Council in making the final decision, which may or may not have additional conditions.

“The City Council sits (as does the P & Z) as a quasi-judicial body. You get an application, a staff report, public information and you take that information and apply it to the applicable regulations. I bring that up because it’s always an issue in a small town that you will hear about an application. You can listen to public’s opinion outside of a public hearing on legislative actions all day – that’s called lobbying. But when you have an application in front of you – you listen to the facts and apply those facts to the regulation to make your decision.”

Susan continued on the enforcement side of zoning regulations (see page 2 of the handout) which methods include seeking criminal conviction, processing an application for the property to be in compliance, entering into an agreement which binds the uses of the property, etc. She emphasized the sentence, “. . .to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use. . .” saying, “This long list has been amended over time to include what people did, or consider as changes – the loopholes which have been worked around. In Montana we all want to be free to do what we want, but also be free enough to regulate our neighbor: preservation of property rights, but we must have balance.

“In response to the legislative authority, the City of Three Forks adopted 11-21-1 which says violation of the code constitutes a misdemeanor (a crime). The remedy is to collect a fine, and the court could put the violator in jail.” Susan Swimley is obligated to follow through with pursuing a criminal action: the violation must be in writing, in the name of the City of Three Forks, concise of what is the offense charge, the name of the person charged, when it happened with specifics, and tell potential violations. A claim must be filed and sworn under oath. “If I pursue something that is enforcing your zoning as a crime, I have to be able to say this person did this thing at this time and supply enough facts to convince a judge that there is probable cause to believe. There must be a reasonable suspicion. This is important and when I do that and certify to the court that this is a viable violation, I also must have in my file that these allegations are based on facts. I told you the first time, you don’t get to judge the person. You may only look at their actions, what they have done.” She continued regarding enforcement, “If I don’t have that belief [that all the history is documented], I can’t file the criminal complaint.”

Once charges are filed, a Judge gets to decide if a warrant is issued, and then the violator could be arrested, booked into the Detention Center and be issued a summons saying “come to court and enter a plea”. The next steps are discovery, motions, all steps in the court case before a Judge can hear the case. Remember that for every criminal action the court or jury has to be convinced beyond a reasonable doubt. She gave the example, “Think of kids – maybe there is 5 kids in a room and there is crayon on the wall and they all say “I didn’t do it”. As a parent you can do whatever you want with the discipline. But there is not a reasonable doubt to pin it on just one child. If it was an Oreo cookie pie on the counter and you go do something outside, when you come back and there is cookie all over one of the children’s face, or the dirty dish is under their bed, etc. . . .these are the evidence supporting that one child is the violator. If we charge someone in zoning, and there is a determination that there was not plausible cause, they can file money damages against the City. These are hard [cases] to win, these are arguing about what other people heard/thought, and it still doesn’t fix the zoning violation that is in place.” She also added, “If I get 100 convictions, but none can pay the fines

– that is another part of the judicial process which still does not fix the zoning violation. I believe Civil Actions are the better way to fix the issue. Civil Actions involve equity: what is fair,” Susan explained.

Next Susan provided three examples of Zoning violations specifically from Three Forks: Joan Burwell retained an attorney because she believed her neighbor’s garage was in violation. She sent a picture from her property, of the neighbor’s garage, which showed a pergola and carport on her property which had not been permitted and were within the setback. After inquiry it turned out the carport had been there about 7 years and the pergola about 20 – but both would have required permits. Records on the City’s side were not easily produced, but the City did not believe she obtained permits for either of these structures. So, we asked her to provide copies if she had them. One thing that must happen when we enter in zoning/code enforcement is we have to be able to tell the Judge we are consistently enforcing our zoning. If we are not [consistent], if we do not have a program, that results in other defenses against us: targeted prosecution, retaliation, it could be a violation of their constitutional rights. “When Mrs. Burwell’s issue came up, because she made the complaint, where is the fairness scale if these things have been there all this time? The City can’t provide good records, no one has complained about her structures, etc. Is that fair to Mrs. Burwell to ask her to produce all this when she has a valid inquiry on her neighbor’s garage? I helped Kelly Smith edit the letter she drafted, and did not want it sent out until we have at least 3 other examples of similar violation correspondence/inquiry. This is because the first thing her attorney is going to ask is *Who else are you investigating?* Is this a single case – or is there consistent enforcement?” Susan explained the remedy options: Could Mrs. Burwell move the carport out of the setback? Sure, but I didn’t feel good about asking her to move a pergola that had been there forever, and no one was complaining about it. In the end what would it accomplish? For this situation, I chose to write a letter to the Council asking them to consider whether or not these are worthwhile zoning violations to pursue criminally. I intentionally left out the property owner’s name because people knew her – this is a small town – they have opinions about property owners. Based on the fact the pergola and carport had been there for years, there were no complaints, moving it would render the carport useless the Council agreed. We did ask that neither structure be moved or enhanced, and when and if they sell this property they should disclose this existing allegation. That way the future owner would know it’s grandfathered in as is, but should not have been built as is.”

Susan stressed, “When these things come to me it’s always “what are the defenses, what are our liabilities, is this going to help, will we get resolution or bigger fight?”

Susan said she has a shed on her own property. She and her husband wanted to put a shed up and it made the most sense to put it against the fence. “Bozeman also has setbacks about not placing structures on the property line. We spoke with our neighbors and told them we wanted to place the shed along the fence. They were fine with that, we were fine with that and also wanted to put a shed along the fence. I know that when I sell my house I will need to disclose this nonconformity of the city’s zoning,” she explained.

The second zoning violation example was of someone who came in to obtain a business license. In that application we learned this person was operating a daycare in their home without a conditional use permit. We tried to get the applicant to submit a full conditional use permit application, and then they asserted to their lawyer that the staff was not telling the applicant what they needed to hear in order to submit a complete application. Their complaint was that staff was “stonewalling,” “not listening” and “obstructionists”. This sets the City up for the applicant to say “the City is not treating me fairly.” In this case we had her admission she was running a daycare, we had pictures of internet

posts/advertisements, initially she and her husband were listed as property owners, we amended the violation letter to only the wife because she was the only one in title.

The third example was A & L Investments with the RV Park expansion. “The apartment structure inside this building is not the issue for the enforcement agreement that you have all heard about. The City agreed through a conditional use permit amendment that the RV park could expand the number of sites and build a storage building that would contain public bathrooms, and the rest of the space was to be used for personal use. She said, “We don’t regulate the use – we want to know what people are building. The building goes up, the City finds out there is an apartment built above the bathrooms and a structure for a commercial kitchen on the main floor. The applicants apply for the amendments to use the commercial kitchen, and to rent out an apartment. The neighbors were very upset that the use was now going to be an event center for weddings, graduation parties, bar mitzvahs, etc. The applicant comes to say *“I want my approval to open my 20 RV parks and my building”* but the City looks and thinks *“the building has all this other stuff...”* The City had public hearings to amend its zoning to allow work/live in the Neighborhood Highway Business District, so at the same time the applicant starts constructing an apartment. Their application comes through and all anyone can think of is *event center* and no questions were discussed about the apartment.

“When we have CUPs, we typically put conditions on them. Someone should go through and say *“Does this application meet all the conditions, all the zoning regulations?”* I’m not sure who’s duty that is by contract or job description, but it is not mine. If you can have one firepit – someone needs to go through the application and look on the site plan for one fire pit. If there are to be 2 parking spaces, someone reviews and ensures the application covers that. Then it goes above that person if there are any issues or questions not answered by the regulations. For example: *“They say there is 3 parking spaces, I count enough space for 4 parking spaces”* on each application.

Regarding the A & L Investment application, the apartment nor an event center have been used. No one believes they won’t be used in violation, but at the point the applicant asks for final approval of their 20 RV spaces and bathrooms, these things are already physically there and the City has a huge question mark, but no evidence [of a violation]. Susan said, “This is one of the really difficult things about zoning enforcement. You have to have facts about violations. Because they had the intention to use it by asking permission, even though they withdrew their first application, I took the liberty of drafting an agreement to outline everything. We didn’t have an actual violation yet. They had permission to build a private storage building. If they want to build an apartment inside and fill it full of boxes, they have that right to do so. The City was not in a position to say that there was any violation. However, the applicants did have RVs parked in the wrong locations so we corrected that and entered into the agreement allowing them to open for business.” Mrs. Swimley’s analysis of the A & L Investment alleged violation is the last two pages of her handout. “They installed heaters without written permission to alter the building. They said it was because they didn’t want the water to freeze. We live in Montana and if you don’t protect your plumbing, things freeze and burst and you can cause property damage. A & L did not have permission to install those heaters though, so yes, they were in violation. It was winter and they were closed as an RV park. What would an injunction to close immediately do to help the City? We also have to prove to the Court that it is worth a business closing its doors and not making money. Yes, they violated the agreement but again the Court would say they have the right to protect their property. There wasn’t enough evidence to go to Court [with the violations]. It didn’t seem equitable to me to tell a Court that they [the applicants] can’t protect their property because they may violate their signed agreement.”

Mrs. Swimley continued reporting that in the 2+ years Heidi worked for the City, she only received one official complaint to follow up on. She added that she has not received any since Heidi resigned. She noted that there are number of approved CUPs around town. She asked if the City staff go around and verify conditions are still being met? "George has a CUP," she said. "We don't know what George is doing with his CUP. We don't have anyone going to check the CUPs to determine if they are all operating in conformance." She stated she brought this up to have the Board and Council members think about targeted violations/enforcement. "The A & L Investments applications are not "Rick and Val Lamb". They do perpetuate the City referring to the applications as "Rick and Val" by continuing to put their own names on the applications [rather than the owner's name of A & L Investments], and we accept the applications. We accept applications without verifying the property ownership. So, are we targeting Rick Lamb for instance because a bunch of people say he's a bad person? Or are we being consistent with A & L Investments the same as the Lamb's and other applicants?" she asked the Council and Board members. Mrs. Swimley continued that this is not a science, it is an art. The City must prove the facts which violate the zoning regulations, as well as prove the City is continually and regularly enforcing its regulations.

Brooke McLees asked about a pergola in example #1; Brooke said she had one on her property when she purchased it and it is gone now, "But that was a violation?" Kelly Smith said not necessarily, it may have been previously permitted when she purchased her house. There was discussion about neighbors building and why zoning exists in the first place – it is not about personalities. Enforcement is not about turning in your neighbors; it is about protecting the public health and safety originally. Each violation needs to be investigated, and we need to come up with multiple solutions to address each of these issues as they come up.

The City Council members said they understand that consistent enforcement needs to happen more often. "The City shouldn't wait to rehire the Code Enforcement position. This responsibility cannot fall to Crystal and Kelly, they have full time duties. The City could consider hiring a part-time person who has dedicated office hours to review zoning applications. Three Forks is growing – it's probably time to think about someone who has the time and experience to dedicate to reviewing that campers, trailers, RVs, dogs, etc... all adhere to the ordinances. The ACLU is actively looking to advance the plight of homeless people. Boise had homeless people laying in the parks, laying in the doors and lobbies of government buildings. The ACLU came in and sued Boise for not providing enough homeless beds. The 9<sup>th</sup> Circuit Court said you cannot remove homeless people if you do not provide enough beds for them. It has made cities nervous to enforce the living-in-campers-and-RVs ordinances. Do we want people living in campers? No, they are not safe for 12-month-a-year living. We know we live in a housing shortage, but the ACLU is actively looking for cases that advance their goal of housing, specifically that RVs can be housing, and allowing homeless to live wherever they wish on public property. Three Forks does not need to be the test case for this. Bozeman is now only going to allow campers in front of construction sites, so people have found the loophole to put up construction fencing and call it construction in order to have RV camps living there," Susan warned the Council.

Kelly Smith asked what happens if the Council wants the example of the shed over the property line enforced? Brooke McLees said, just speaking for herself, she said if we are going around town looking at everything then yes, but if you are walking for your own enjoyment no. Kelly said it is hard not to see the enforcement issues when she is just leisurely going through town. "How do you turn the blind eye when not on the clock?" she figuratively asked. Amy Laban questioned about code enforcement and consistency stating that daycares were the hot topic for a bit. "Do you just have to focus on being consistent in regulating daycares, or all the zoning is being regulated evenly to be

enforced? Does the City have to demonstrate there is a consistent effort to have residents comply with all zoning regulations?" she asked. Gene Townsend said we all have an idea of what is right or wrong. "I understand Brooke says she's not the kind of person who doesn't want to mention that her neighbor is violating something. But she was upset a marijuana shop was going into the home she grew up in. That's why she said she voted for it, because there was nothing in the regulation that could support her voting against it. When we let these minor violations slide it makes it hard to enforce these big things," Gene said. Susan said if a Council member is the one who submits the violation to be enforced, then they could not vote at the hearing [for a new CUP or amendment to an approved CUP]. They would be the witness at that point.

Amy Laban said, speaking of zoning, "As we dig in and rewrite the Growth Policy stuff that we can tackle the number of CUPs that are issued in general. Perhaps we can cut down on those by shoring up our zoning descriptions, boundaries, etc... If one doesn't have to look at every single CUP – because there are limitations on what is typically conditioned that would help too." Susan advised not to take something that has already been allowed or conditionally allowed and no longer allow them in zoning. "That won't go over well, but you could say things we thought would be compatible in this/that zone we no longer feel is appropriate for that zone. Policy discussions do happen and the Board should be doing that, and ultimately it could change uses in a particular zone," she suggested.

Matt Jones asked, using Susan's example of her own nonconforming shed on her property, "What do you do about that?" he asked. He continued, "If you are OK with the shed being there, and say a new owner moves in and the city knew about it and for 10 years had done nothing, and because the neighbors were fine with it all until the new neighbor came in, can they then sue the city for knowing and not doing anything for 10 years?" Susan replied, "That goes back to the equity, like the Burwell example. It becomes a defense of the enforcement." She again recommended that Three Forks hire a part-time person who maybe is Code Enforcement as well as Zoning Official, hopefully someone who has experience for a neighboring community like Manhattan or Belgrade so they could start working through these issues. Susan said, "This person could get a huge subdivision application and that would take priority because it has more time needed to review all the criteria. But then, like Crystal said, once done they could go back to code enforcement duties like parked vehicles in the winter when you cannot plow around them. In the spring everything is blooming and weeds and lawns get long, and tree branches flourish making walking, driving around or parking near them impossible. "This is what the Code Enforcer could be working on when not processing zoning and planning applications," she recommended.

Kelly Smith said the Council has budgeted for Great West Engineering, who has a certified planner on staff, to handle the major or minor subdivision applications if received. "The Council budgeted enough [money] for one of each those applications in a fiscal year," Kelly said.

Gene Townsend said that Three Forks used to have a building inspector. "It was a part-time job and it turned over quickly because usually it was someone taking the job to supplement their income. We will need to decide if we can make this job worth someone's time with planning experience and code enforcement experience." Nancy Todd added, "And back them up when the public comes to complain about them trying to make them get a permit for something." Gene said, "So Susan, you want us to work on hiring someone to help out with all this." Susan replied, "Well, you should think about it. You are growing."

Crystal Turner said she agrees with Amy's suggestion to change the zoning to permit what the most standard conditional use permits get for conditions. "I think this would alleviate some of our

volunteer's time, perhaps Z & P would go back to only six meetings/year if so." She also suggested increasing after-the-fact permit fees. "They take more time and maybe we should make them ten times the normal permit fee?" Crystal then asked, "Or does that new code we just referenced in the Fee Schedule resolution that states *you may be responsible for all professional fees associated with additional review of this application cover it?*"

Mayor Johnston said at the last meeting we decided we would have Susan's fees, engineer's fees, in there. "Why can't we have board fees and get the volunteers paid so we can retain some of them?" George Chancellor replied, "We don't do this for pay." Matt Jones added, "But it wouldn't hurt."

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

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

Mayor Johnston reminded the Council of the items for the 2/14/23 City Council (see agenda for specifics).

**ADJOURNMENT**

Councilman Townsend made a motion to adjourn. Councilwoman Todd seconded the motion.

**Motion Passed Unanimously** and the meeting was adjourned at 7:55PM.

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Randy Johnston, Mayor

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Attest: Crystal Turner, City Clerk

**FEBRUARY 14<sup>TH</sup>, 2023,** 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 Randy Johnston. Mayor Johnston called the meeting to order at 5:59 P.M.

**ROLL CALL:** City Council members George Chancellor, Nancy Todd, Gene Townsend, and Deb Mickelberry were present at City Hall. Brooke McLees attended via Zoom. (Steve Dahl resigned as of 1/13/2023.) City Attorney Susan Swimley, City Planner Randy Carpenter, City Treasurer Kelly Smith, City Clerk Crystal Turner were present at City Hall. Great West Engineer Susan Hayes attended via Zoom.

The record reflected a quorum present, 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 streamed via Zoom and on our Facebook page.

**GUESTS:** Rick Orizotti, Rick, Valerie and Emma Lamb, Ed Tharp, Meghan Gayle, Tyler Vander Zwaag, Trish Gillam, Casey Elmore, Brent Miller, and Gloria Howland, and Mike Howland were present at City Hall. No one attended via Zoom.

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

**CONSENT AGENDA**

- i. Claim Paid due to Timeliness to Mail the Utility Bills in the Amount of \$187.70 on 1/31/2023
- j. City Claims to be Paid
- k. Three Forks Rodeo Arena Board Claims to be Paid
- l. Joint Three Forks Rural Fire District/City Council Minutes of 1/10/2023, City Council Minutes of 1/10/2023
- m. Contract with O'Keefe Drilling to Drill Two Observation Wells and Three Public Water Supply Wells for \$560,150 (Pending Submittal of Insurance Requirements and Payment and Performance Bonds)
- n. Approval of Sales/Marketing Director Contract to Christina Kamps based on Three Forks Rodeo Arena Board of Director's Recommendation
- o. Approval of Advertising Salesperson Contract to Christina Kamps based on Three Forks Rodeo Arena Board of Director's Recommendation
- p. Pledged Securities Report as of 12/31/2022
- q. 1-Year ACH Origination Agreement with Manhattan State Bank to Process Utility Billing and Payroll Electronic Payments
- r. Draw #5 for Local Fiscal Recovery (ARPA) Fund Reimbursements for the Water Project in the Amount of \$26,171.94

George Chancellor asked if there was an answer on the \$75/quart of oil on claim #146794 to Three Forks Motor Supply. Kelly Smith answered yes, saying it listed the full price, but was discounted to \$44/quart, and it is a special oil used for the compressor. Crystal Turner added that all the pending documentation has been received for the O'Keefe contract too (consent agenda item #e).

Councilman Chancellor moved to accept the Consent Agenda. Councilman Townsend seconded the motion. There was no public comment.

**Motion Passed Unanimously.**

**UNFINISHED BUSINESS**

**Streets & Alleys Committee Amended Recommendation to Sell a Portion of Railway Avenue from the Existing Property Pin between Lots 16 and 17, Block 14 of Three Forks Original Townsite (extending at an angle for 22-feet from the existing right-of-way edge towards W. Birch Street) to Tyler Vander Zwaag for a Total of \$3,500**

Mayor Johnston read the Staff Report into the record.

There was no Public Comment.

Applicant: Tyler Vander Zwaag said he did not have anything to add, and believed the presentation was fair.

Councilman Chancellor made a motion that we approve this sale of the 1100-square feet to Tyler Vander Zwaag including the conditions listed in the summary. Councilman Townsend seconded the motion.

**Motion Passed Unanimously.**

Crystal Turner said what she would prepare for the next steps and send documentation to Mr. Vander Zwaag.

**PUBLIC HEARINGS**

**Public Hearing and Decision on the Zoning & Planning Board's Recommendation on an Amendment to the Conditional Use Permit Requested by Rick & Valerie Lamb, as A & L Investments, LLC, Seeking Approval of a Work-Live Development on the Property Located at Lot 4A-1, Block 12 of the Headwaters Addition, Commonly Known as 95787 MT-Hwy 2/Frontage Road Which Contains Conditionally Approved RV Campgrounds, Service Building and Three Forks Market. This application Requests use of a Work-Live Development of 1-bedroom Apartment within the Service Building above the RV Campground Restrooms with Second Floor Access Stairs and a 10' x 12' Exterior Deck on the Southeasterly Side, with Designated Parking Spaces**

Randy Carpenter presented his staff report to the Council. He provided the background of this full application, then reviewed the process, and finally read five recommended conditions:

1. Applicant shall install a shut off valve for the apartment water as well as a water meter which measures and reads the use of water for the apartment. The installation of the shut off valve and the water meter shall be in full compliance with the municipal code. The applicant shall notify the City no less than ten (10) days in advance of the installation of the valve and meter.
2. The areas inside of the service building which are not approved for the RV Campground bath area and this apartment, with exterior deck,

shall remain and be used for personal storage of the landowner at all times.

3. All statements of mitigation and explanations of use presented in this and the previous applications are made conditions of this approval.
4. The apartment shall be subject to year around same quiet hours as the RV Campground being 10:30 p.m. to 8 a.m. daily.
5. The applicant shall file a deed restriction in favor the City of Three Forks which precludes the CUP property from being divided or subdivided utilizing the Montana Unit Ownership Act (condominium act).

Possible additional conditions discussed at Zoning & Planning meeting but Randy Carpenter is not recommending them as conditions since they are already part of the requirements in the Zoning Code:

1. Applicant shall pay impacts fees for the apartment.
2. Applicant shall pave and designate the two required parking spaces for the apartment.

Council Questions: Gene Townsend asked Randy Carpenter to explain condition #5 to him. Susan Swimley answered that one of the requirements of work-live units is that they can never be condominiumized. "This [condition] is my best attempt to clarify and put on the record that there is no possibility of selling this unit individually," Susan explained.

Applicant Presentation: Rick Orizotti, representing A & L Investments (Rick and Valerie Lamb), introduced Brent Miller (Gaston Engineering & Surveying) who designed the site plan on behalf of the applicants. Mr. Miller explained the applicant is asking for use of an apartment. "Once that use was added to the NHB zoning, the applicants submitted an amendment to their approved conditional use permit. We already proposed to have a separate water meter to be installed for the apartment. None of the improvements are located in the floodplain," he added.

Mr. Orizotti said he understands the Council knows this application very well and hopes the Council will agree with the recommendation of the Zoning & Planning Board. "We are in agreement with all five of Randy Carpenter's recommendations, and we will work with Susan [Swimley] to get the proper deed restriction recorded. We agree with the parking and impact fees required in the ordinance. I asked Kelly Smith for help with that code prior to the meeting but do not remember the code number. Kelly Smith provided '*All permanent off street parking spaces and access thereto shall be paved, except the parking areas for single-family dwellings which could be surfaced with coarse gravel*'. This is an apartment though, it is not a single-family dwelling so I would ask for consideration, if the Council can even consider that with respect to the ordinance, if the Council would relieve the requirement to pave for the apartment. The area

is already gravel, the rest of the campground area is all gravel, and this [apartment parking location] is behind the paved market area," Mr. Orizotti asked.

George Chancellor asked if Mr. Orizotti considered the apartment a commercial endeavor? Mr. Orizotti agreed, it is intended to be rented and not used for family.

Public Comment: Mayor Johnston read three letters of opposition into the record from Diane Fuhrman, D.K. and LaVonne Brooks, and Tom Vander Vos. Gloria Howland spoke in opposition. She asked that if a place is only open six months out of the year for the camp host or caretaker - should the apartment only be allowed to be occupied for the half year, unless it is an employee on the market?

Applicant Rebuttal: Rick Orizotti stated that the apartment is not intended to be provided for the camp host of the RV park. He said again that there has not been a violation of the permit by building the apartment as it has not been used. He respectfully disagreed with the question to limit the use of the apartment to six months. Regarding Mr. Vander Vos' comments tonight, he did support the sale of this property and signed the petition to vacate the alley reserving the use as an easement to the neighboring properties, but that is really not relevant to the issue tonight.

Board Discussion: Susan Swimley said when the City adopted the work-live ordinance the Council did not tie the occupancy to being employee-related to the property. "You do have another conditional use that has work live and with one unit being residential and the other being commercial, and you did say they couldn't only be rented out separately because the entire plan was to provide those large garages for the residences available. (This is a planned unit development she refers to, not a conditional use permit.) Unless you can find a reason to reduce the number of months, you do not have the authority to say it has to be tied to the RV park." Mayor Johnston said the applicant requested not to pave for the apartment, "So Council please don't forget that request." Kelly Smith replied that the Council required paving for a recent multi-family residence in the commercial district to pave the parking and delineate it every two years as a condition, so she encouraged the Council to be consistent.

Gene Townsend hopes that as an outcome of this hearing, no matter the decision tonight, is to come to the City prior to any use or construction so that we can amend applications prior to building things, "Paying attorneys cost you a great deal, it cost the City a great deal - we both need to be upfront with each other as much as possible. I really think this would save you time and money, and in the end this whole process I think is going to take a long-time healing. We heard from some of the members of the community, and the letters we got. If we are going to see

an application for a conditional use, or a building expansion - that we cover everything we can think of up front."

Councilman Townsend moved to accept the amendment to the conditional use permit with the conditions listed #1-5 and I would like add condition #6 "applicant shall pay impact fees for the apartment" and #7 "applicant shall pave and designate the two requires parking spaces for the apartment" for a total of seven conditions for this application.

Councilwoman Todd seconded the motion. George Chancellor asked does "designate" mean lines or signage that it is for the apartment? Gene Townsend said he read "designate" is parking for people that live in the apartment. If he has to paint a yellow line halfway through it, so be it. It be designated two parking spots for the apartment. Councilwoman Todd agreed to amend her second to the motion.

**Motion Passed Unanimously.**

Gene Townsend asked if Rick Lamb would get with Mr. Vander Vos to get some of his complaints in his letter corrected/addressed. Mr. Lamb said yes, he would try to get together. "The water he is complaining about was due to the city pumping that well out," Rick explained. Kelly Smith said she wrote Mr. Vander Vos back to correct a lot of the misinformation in his email. She will send a copy of that email to Rick Orizotti.

**Public Hearing and Decision on a Resolution Amending the Capitalization Threshold by Increasing it from \$5,000 to \$10,000**

Mayor Johnston read the resolution in its entirety into the record, noting it would be Resolution #390-2023 if adopted.

Crystal Turner noted there was a typo in the 4<sup>th</sup> *Whereas* which should be "Resolution #208-2004, not #208-204.

Nancy Todd asked for clarification, "This just means that they are able to purchase up to \$10,000, or what does that mean?" she asked. Kelly Smith explained, "We are a government and have to depreciate our assets, even though we do not have to file taxes. So with the increased cost in everything, increasing the threshold helps us to not have to depreciate everything."

Public Comment: Mike Howland said he was in favor of this change.

Councilman Chancellor moved we approve Resolution #390-2023, a resolution to amend the capitalization threshold for the financial reporting purposes, to \$10,000. Councilwoman Mickelberry seconded the motion.

**Motion Passed Unanimously.**

**REPORT OF OFFICERS**

**Three Forks Rodeo Arena Director Annual Report**

Casey Elmore reported to the Council, "We had an outstanding rodeo. In July 2022 attendance on Friday night was just around 2,200 and 3,300 on Saturday night. This is down about 160 people total from the year before, but we raised ticket prices and increased revenue about 25%. We opened the rodeo grounds area to food truck vendors, which helped streamline the cook shack, and we opened a second beer garden.

"We purchased a new tractor last year and it worked great this year at maintaining the arena. The Board is unsure on making an additional principal payment on the bleacher loan or not just yet. We want to hold one more rodeo and then decide whether we will recommend paying off the existing loan or pay for additional bleachers. This summer looks like we'll have more booked than last year. We had 20 events last year and already have that many booked for July 2023."

George Chancellor thanked Casey and the Board adding, "I'm glad it's doing well."

City Clerk Crystal Turner reported first to verify if any of the Council wanted to attend the Executive Forum in Helena. No Council or the Mayor wished to attend.

[Lost internet connection - brief recess.]

Crystal Turner continued her report: She reported that the Legislature has been very active this session at drafting bills which remove the local governing body's right to govern things like zoning, subdivision and other land uses. Crystal has written letters of opposition on the following House and Senate bills on behalf of the City of Three Forks: HB337, SB268, HB328, SB262, SB251, SB291 and SB292, and SB379; and support on HB76. She provided detailed examples of how the City of Three Forks (and many other cities/towns) would not be able to comply with some of these proposed laws like HB328 which would require a transcribed and video to be posted on the city's website within 24-hours of the meeting. HB337 would limit the lot size the Council could set when drafting its zoning laws. SB251 would require municipalities to go back to the voters every other election to ensure those mills voted in perpetuity are still what the community wishes. This would really impact services and staff provided by the Library by spending money on an election. SB291 and 292 are regarding voter turnout requirements and if enough people do not show up to the ballot box the bonds and mill levies for vote may not pass. She said, "You can't force the voter to the ballot box and this would take away the right of the city to provide essential services by saying something passed

but only 25% of registered voters cast their vote so it's void." HB76 was actually a good bill and is intended to merge regular gas tax and BARSAA gas tax.

Gene Townsend the "party in charge has always been the party in control" and it amazes me that the Legislature wants to control everything we are doing.

Crystal added that the Ordinance Committee met on January 19<sup>th</sup> and in that she was assigned a variety of action items to draft a Recording in Public Places policy, an amendment to an ordinance regarding chickens to include an annual inspection and annual renewal fee (like dogs have), and also an amendment to the ordinance regarding trash containers (defining sizes, timeliness to haul to dump, and allowing trailers). All these have been drafted and sent to the City Attorney for review. Another item reported on was Carli Davis from the State inquired about holding a Waste pesticide Disposal Event in Three Forks at the Rodeo Grounds. Crystal has been in communication with Christina Kamps for this. Gene Townsend suggested Crystal ask the airport manager of Pogreba Field Airport first since they already have an ag station which already handles pesticides. The Mayor asked if old cans of paint would be accepted? Crystal will ask Ms. Davis.

City Treasurer Kelly Smith reported that Jessica Salo is doing research on wastewater CIP RRGL grants. "Great West would complete the grant application at no charge and said they think they could get it done by the 24<sup>th</sup> deadline. We have not done a wastewater PER since 2012," she said. Kelly will work with Steve Johnston on project suggestions like the lift station (which last addition was done in 1978). The Council consented to let Great West Engineering submit a RRGL grant.

Kelly also reported she is working to draft a Homeland Security grant application which is due by 2/16. "Years ago, me and Wendell put in for fences around all the existing wellhouses. We sent the same info to Patrick Lonergan at DES saying that we may be interested in using the grant for fencing existing, and any new wells. They [DES] will decide on 2/16 to see if they will submit our project to the State," she reported.

Kelly informed the Council there is a new GASB 87 this year, "Our audit is done but not scheduled for presentation yet. GASB 87 is about leases - the City has long-term leases for the Sheriff office space, and also the cell tower on the Water Tank property. They are 20-year leases, and this was not part of the existing audit scope. The auditors prepared a report for the City to meet GASB 87 and it will be \$2,500 for that extra work to

prepare the lease spreadsheets." Gene Townsend asked if the Council would see a change order for that additional amount, and the Clerks informed him the bill was in the claims on the Consent Agenda tonight.

Lastly, Kelly reported that for FY22/23 the City just received notification from the State saying the BARSAA funds will be \$66,172.92 which is about \$5,000 more than last year. She added, "Hopefully HB 76 passes and streamlines the process so we don't have to do this separate step and we will know the amount when the budget is set in the future."

**REPORT OF COUNCIL COMMITTEES (if any)**

Randy Johnston reported Randi Strickland submitted a letter to the Streets and Alleys Committee or full Council, about speed on 7<sup>th</sup> Avenue East and asking for visual, flashing speed signs. Crystal Turner explained the Public Works Director, Steve Johnston, had already been researching signs and found a set of two that offer more than our current three flashing radar signs, for less than we paid previously. Kelly said, "He had enough money in his budget to purchase two signs and has ordered them."

Crystal and Kelly added that there are still other traffic issues because of the school construction, like new travelled paths to the school to drop kids off, as well as the busses dropping off at the school. Mayor Johnston said he has been in communication with the Gallatin County Sheriff on how to best address this once the construction is over, because the construction companies are still using the parking lot as their staging area.

**NEW BUSINESS**

**Appointment of Council Member to Complete the Vacant Term expiring December 31, 2023**

Mayor Johnston said there has been one letter of interest submitted by Ed Tharp.

Councilman Townsend moved to accept Ed Tharp for the City Council to fill the vacancy. Councilman Chancellor seconded the motion.

**Motion Passed Unanimously.**

Gloria Howland asked if any public comment is accepted on this item, which it was and should have been asked for prior to the motion. She then asked what qualifications does one need? Crystal Turner said the qualifications are to be 18 years of age, able to legally vote, and live within the area he represents (city limits).

Mayor Johnston administered the Oath of Office to Ed Tharp and Mr. Tharp sat at the Council table.

**Board Appointment to the Three Forks Rodeo Arena Board of Directors**

Councilman Chancellor moved we approve Ryan Pestel for the Board.

Councilman Townsend seconded the motion.

**Motion Passed Unanimously.**

Crystal Turner said she had reached out to Ann Price, who has said at the last Three Forks Rodeo Arena Board of Directors meeting, about applying for the Executive Secretary position but she has not heard a response from her yet.

**Flood Mitigation Project Update**

Kelly Smith reported the City will have to do an environmental and historic preservation (EHP) study regarding the mitigation project. "We held a project meeting at 3PM today to prepare for our first meeting with the landowners. We also have a meeting this Thursday with FEMA about the biological assessment and steps to get funding for this first phase of steps," she explained.

Deb Mickelberry asked about the Madison dikes, "FEMA does not recognize our dike out here. Could we ever be in the same situation with our channel at all in the future?" Kelly Smith answered yes, that could happen. Susan Swimley answered if the Dike District had as-built drawings showing structural steel in there, the District could submit that information to FEMA to request certification and then they would recognize them as flood prevention. Gene Townsend said he believes they were built by the power company, and most likely have steel within them but there is no way of proving it is not just old vehicles. Randy Johnston said (as a board member of the Madison Dike and Drain District) every year he gets a call from Kenneth Wade from the Kansas City office of the Army Corps of Engineers. "Every year he says he is coming then gets busy with floods and doesn't make it. Maybe when we aren't so busy on the Jefferson side, we may look into getting that certified on the Madison," he said.

**Water Project Update**

**a) Approval of Easement Agreement with Three Forks Development, LLC to Construct up to Four Production Wells and Three Observation Wells in Section 36, Township 2 North, Range 1 East** Mayor Johnston, and several Council members took turns reading the easement into the record. Susan Hayes added Well 6A is online as of today, and that the O'Keefe Drilling contract was also on the Consent Agenda for approval tonight which will be the contractor to drill the wells on the land referenced in the easement.

**b) Schedule Water/Sewer Committee meeting - 3/7/2023 at what time?**

Susan Hayes added Well 6A is online as of today with two bac-t tests

proved negative. Hopefully the well will be able to be connected to the drinking water supply system later this week. Susan thanked the Public Works Department.

The Committee - which Ed Tharp is now on - will hold their meeting on the 7<sup>th</sup> at 2PM.

Gene Townsend asked if we are far enough from the railroad tracks on the location of proposed well site #2B? Susan Hayes said yes we need to be a certain distance away but we meet those requirements. Susan expects to hit the same aquifer as the other wells nearby. Infiltration through the clay soil is almost impassable - so if something like a railcar tipped over the aquifer is well protected.

Councilman Townsend moved to approve the easement agreement with Three Forks Development, LLC to construct up to four production wells and three observation wells in Section 36, Township 2 North, Range 1 East.

Councilman Chancellor seconded the motion.

**Motion Passed Unanimously.**

#### **Review and Approval of the Public Works Director Job Description**

Crystal Turner explained that the job was created and Steve Johnston was promoted to this position, but the job description had just never been approved. The Mayor informed the Council this was done when Steve was hired as the Director. Crystal added that Steve has signed this job description.

Councilman Townsend moved to approve the Public Works Director job description.

Councilwomen Todd and Mickelberry seconded the motion in unison.

**Motion Passed Unanimously.**

#### **Review and Approval on Amendments to the Three Forks Drug and Alcohol Testing Policy Addressing Marijuana**

Crystal Turner explained on page 5 we had added in marijuana when it was legalized to be recreational. She said she brought this to the Council when marijuana was allowed medically - but at that time the Council could not agree on whether to add it into the policy or not. It is now added that it cannot be used when on shift or have it in the employee's possession while on shift. She said, "MMIA recommends not having separate rules for employees who have CDLs and those who do not, so on page 6 you will see new additions to address that." Crystal reported the remaining changes are minor, like adding the specific MCA when referenced rather than just saying "MCA" and fixing a couple typos.

Councilman Townsend moved to approve the changes to the Drug & Alcohol Policy as presented tonight.

Councilman Tharp seconded the motion. (Public Comment was not asked for.)

**Motion Passed Unanimously.**

**Discussion and Decision on Whether or Not to Add Back to a Policy Regarding Weapons (or Firearms)**

Governments are authorized to limit the carrying of weapons within city buildings and vehicles. Crystal said, "The City had a healthy debate a few years ago and updated the policy to allow people to have concealed and open carry weapons in the buildings by just removing any reference. If the Council wishes to address weapons now, given the Governor's recommendation for open carry without a permit, MMIA suggests adding the word "unauthorized" before weapons. Susan Swimley said when the law first changed, it allowed governments to pass their own law prohibiting carrying of firearms but the City of Three Forks chose not to do that.

The Council's consensus was to not address changing the policy at this time.

**Review and Approval on Amendments to the Personnel Policy**

Crystal Turner again provided the updates/edits, "I added *Human Resources* to the welcome letter that says to ask the Mayor for any clarifications as I just don't believe any of the mayors have enough experience on the day-to-day tasks of human resources. The next is on page 16, a definition for Independent Contractor was added including insurance requirements. Page 18 has a typo which should read "evaluation" not "employee"." She asked if the Council wanted to include Juneteenth as a holiday to the Policy. "This is a federal holiday now but the Policy says we will recognize State holidays, and the State did not include it," she explained.

Regarding the sick leave, the employees have been able to donate sick time to another employee and have been allowed for this to happen at any time one employee feels like giving to another employee. However, the policy reads that the receiving employee must be at zero before receiving any donations. "We either need to stick to the policy, or change the policy, so we wanted to let you know what has been practiced for over a decade before recommending any change," she said. George Chancellor asked how one person in one job description donates time to a person of another job description? Crystal replied, "It's just straight hours: 1 for 1."

Susan Swimley said the Policy reads now that you must be at zero before you could receive any, which does not particularly work well for a single pay period if you have 12 hours left and must use them all before being able to receive and then use any donated hours. There was discussion regarding tracking the donated time and if one employee that received donated time ended up quitting, any remaining time would go back to the donor. Nancy Todd said, from the Human Resource side that is an administrative nightmare. "I also worry that one would feel pressured to donate," she said. Crystal said the policy does address that already, that no one should feel pressured to which Nancy interrupted, "I'm not saying that any of our employees would pressure another employee but that one would feel pressured if everyone else gave to someone, and you did

not. That's why we didn't even allow it at Wheat Montana," she said. There was discussion regarding short-term disability, and donated time at the various places the Council members have worked or currently work. Susan added this really came up because it says that the recipient must be at zero before being eligible. Gene Townsend suggested removing the language. Nancy said she did not care either way, as long we followed the written policy. There was more discussion regarding abuse of the system, and how it could have been really needed, like during the pandemic when not having enough time, and how it may force an employee to come back to work when they may not feel well enough to return to work. Nancy suggested just changing the policy to not restrict anyone from giving any sick time until they are out of sick time. "Just allow it, if we're going to allow it," she said. She recommended keeping in the language of maintaining a minimum of 40 hours for the originating employee, so one does not leave oneself without any.

The Mayor asked if this needed a vote, and Crystal replied yes and reminded the Council it would also need to answer the question regarding Juneteenth. Susan Swimley explained it Juneteenth was Emancipation Day in Texas which is why this came about, it was changed to be recognized as a Federal holiday. Mayor Johnston asked if the banks would be open or not. Deb Mickelberry said that Glacier Bank was not going to adopt it, but some of the banks they regularly work with in other states did adopt Juneteenth so they would not be able to do business with them. "So we did adopt it and go with the Federal holiday," Deb said. Susan Swimley added, "It is a day that banks can be closed." Yes, since it is federal the post office will be also be closed. Gene Townsend asked what Kelly and Crystal thought about adding Juneteenth to the list of holidays. Crystal Turner said, "I don't care, I really don't but just wanted to get it addressed while we were making other edits to the Personnel Policy." Kelly Smith said, "We get a lot of holidays, we don't need it."

Gene Townsend asked that Crystal make the changes discussed and then bring it back to review at the next Council meeting.

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

There were no other public comments.

**MAYOR & COUNCIL ANNOUNCEMENTS**

Mayor Johnston commented that he would like to start advertising for the Code Enforcement and Zoning Official position. Crystal Turner corrected, "The job description says Code Enforcement and Animal Control and does mention zoning, but I think the job description needs to be reviewed. It talks about building codes which Three Forks does not have, it talks about housing - like living in RVs maybe? - but does not talk about parking violations and it should cover that. I propose we look at this job

description and have Susan look it over first," she said. Crystal will make the edits in track changes, then provide to Susan Swimley and Randy Johnston who will look over it at their next meeting prior to advertising.

Gene Townsend announced to the Council that he will be submitting two more grant applications: AARP Community Challenge Grant for outdoor exercise equipment at the ponds that favors 50+ age people. "This grant could allow us to install equipment, material under the equipment, installation and a border for outdoor exercises. "There is no match required, and I am only competing against the rest of the USA." The other grant is a maintenance grant through the Open Space Bond program of Gallatin County. "After the good people of Gallatin County passed to finance conservation easements, they also set aside money for local projects outdoor recreation." The Council gave him permission to apply for both grants without a motion.

**AGENDA ITEMS FOR NEXT COUNCIL MEETING:** March 14, 2023

- Public Hearing and Decision on the Zoning and Planning Board's Recommendation to Amend Ordinance 11-2-2: First Reading of an Ordinance Adding a Definition of "Meeting Hall"
- Public Hearing and Decision on the Zoning and Planning Board's Recommendation for a Request by Kelly Smith for a Conditional Use Application to Operate a Home Occupation of Short-Term Vacation Rental
- Public Hearing and Decision on a Resolution of Intent to Add a 4-Inch Water Meter Base Rate, and to Restructure Minimum (Base) Sewer and Water Rates

**ADJOURNMENT**

Mayor Johnston asked for a motion to adjourn. Councilman Tharp "so moved" to adjourn. Councilwoman Todd seconded the motion.

**Motion Passed Unanimously** and the meeting was adjourned at 8:27PM.

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Randy Johnston, Mayor

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Crystal Turner, City Clerk

**MARCH 14<sup>TH</sup>, 2023,** 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 Randy Johnston. Mayor Johnston called the meeting to order at 6:00 P.M.

**ROLL CALL:** City Council members George Chancellor, Deb Mickelberry, Nancy Todd, Gene Townsend, Ed Tharp and Brooke McLees were present at City Hall. City Attorney Susan Swimley attended via Zoom; City Treasurer Kelly Smith, City Clerk Crystal Turner were present at City Hall.

The record reflected a quorum present, 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 this meeting was recorded and streamed via Zoom and on our Facebook page.

**GUESTS:** Mike and Gloria Howland, Cathey Misener, Tim and Breanna Denson, County Commissioner Jennifer Boyer were present at City Hall. There was no public attending via Zoom.

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

Cathy Misener asked about garbage being stored in a truck bed trailer and only being taken to the dump every six months or so. Crystal Turner replied that hauling trash at least every two weeks is on the agenda for a first reading of that ordinance change tonight.

**CONSENT AGENDA**

- s. Three Forks Rodeo Arena Claim Paid due to Timeliness on 2/17/2023 in the Amount of \$16,398.26
- t. City Claims Paid due to Timeliness and Pay VISA Electronically on 2/17/2023 in the Amount of \$9,089.36
- u. Claims Paid due to Timeliness on 2/28/2023 in the Amount of \$484.21 (\$168.10 credit on USPS account for over a decade that was utilized to offset cost)
- v. City Claims to be Paid
- w. Three Forks Rodeo Arena Board Claims to be Paid
- x. Joint City Council/Zoning and Planning Board Minutes of 1/24/2023

- y. Zoning and Planning Minutes 11/17/2022 and 1/19/2023
- z. Interest and Journal Vouchers for January and February 2023
- aa. Pledged Securities Report as of 2/28/2023
- bb. Encroachment Permit Application to Montana Dept. of Transportation to Install Two New Dry Wells on Main Street
- cc. Great West Engineering Task Order #15 for Flood Mitigation Project Phase 1 for \$202,700.00
- dd. Draw #6 Request for Water Project Funding from ARPA MAG funds in the Amount of \$25,358.04 and ARPA LFR funds in the Amount of \$4,787.23

Councilman Townsend moved to accept the Consent Agenda. Councilman Chancellor seconded the motion. There was no public comment.

**Motion Passed Unanimously.**

#### **PUBLIC HEARINGS**

**Public Hearing and Decision on the Recommendation by the Zoning & Planning Board of a Request for a Conditional Use Permit Application by Kelly Smith, to Operate a Short-Term Vacation Rental (Example "Air BnB") for the Property Located at Lot 4, Block 11, Buttelman Addition, Plat D-20, more Commonly Known as 7 N. Kansas Street**

Zoning & Planning Chairman and Council Liaison George Chancellor read the staff report into the record and recapped what happened at the Zoning meeting on 2/16/2023, which included a recommendation of approval with three conditions (see staff report).

Applicant Testimony: Kelly Smith said if you go through Air BnB they collect the tax for you and submit it to the State on your behalf.

There were no Council Questions or Comments.

There was no Public Comment.  
Mayor Johnston Closed Public Comment.

There was no applicant rebuttal.

Councilman Townsend moved to accept the application for CUP for Kelly Smith for 7 N. Kansas Street for a temporary rental of a master bed and bath for an Air BnB occupation. Councilwoman Mickelberry seconded the motion.

**Motion Passed Unanimously.**

**Public Hearing and Decision on a First Reading of an Ordinance Adding a Definition of "Meeting Hall" to Title 11, Chapter 2, Section 2**

Mayor Johnston read the ordinance, which would be Ordinance #399-2023 if adopted, in its entirety into the record.

Gene Townsend asked Kelly Smith to confirm that "meeting halls" are only allowed in the Central Business District, so if someone wanted to use this definition in another zone would they have to apply for a conditional use permit? Kelly answered no, it is only allowed in CBD, "So one would have to apply to change that zone to allow meeting halls." Gene asked if the Methodist Church Annex is allowed to continue its use, or the church across the street from his home that he knows is in Residential Zoning District. Kelly and Crystal explained that the use is grandfathered, and unless ceased for more than 90 days, would be allowed to continue without adhering to the zoning.

Councilman Chancellor moved to approve Ordinance #399-2023, and ordinance adding a definition of "Meeting Hall" to Title 11, Chapter 2, Section 2 of the Three Forks Zoning Code. Councilman Tharp seconded the motion.

**Motion Passed Unanimously.**

[Susan Swimley could not hear due to the Zoom link - video was fine but audio was intermittent and she disconnected.]

**Public Hearing and Decision on a First Reading of an Ordinance Amending Title 6, Chapter 4, Article B regarding "Livestock and Fowl" to Implement an Annual Inspection and License Renewal Fee**

Mayor Johnston read the ordinance, which would be #400-2023 if adopted, in its entirety into the record.

Gene Townsend asked why the in the second "Whereas" it mentions dogs. Crystal Turner responded it was to support the reasoning for adding that chickens should also be licensed annually, like dogs.

Public Comment: Gloria Howland asked about the consenting to come onto the property, "How much head's up will the City provide?" she asked. She also asked, "What if the cop is on your property to check chickens and a dog bites you?" Sgt. Doonan replied that usually the officer will leave a contact on the door or fence asking you to reach out to the Gallatin County Sheriff Office, and not just go into the coop to count chickens.

Mike Howland asked, "If you are trying to hide something, you're going to get caught eventually, but otherwise you are opening yourself to liability if you let someone's dog out, or get bit, etc." Mike asked why the trial period of 30 [chicken] permits has not ended. Kelly Smith answered it was never a trial period, it was originally for 15 permits and was increased to 30. Brooke McLees asked if the 30 permits is full. Kelly replied no. Gloria Howland asked if the 12-months inspection date and what the fee will be when it is written "determined by City Council resolution". Crystal Turner explained the City will not hit the 12-month from original permits obviously, but it will be much like the "It's time to renew your dog license" letter the City send out; and the fee is recommended in the fourth whereas of the Ordinance to be \$10/year. Crystal said, "For quite some time we have been removing the actual fee from ordinances and

inserting the *'to be determined via resolution set by the City Council'* so that fees can be changed without changing the law.

Councilman Chancellor moved to approved Ordinance #400-2023, an ordinance amending Title 6, Chapter 4, Article B "Livestock and Fowl" to implement an annual inspection and renewal fee. Councilwoman McLees seconded the motion.

**Motion Passed 5:1, Gene Townsend opposed.**

**Public Hearing and Decision on a Resolution Accepting the Recommended Amendments to the Zoning and Planning Bylaws**

Mayor Johnston read the Resolution, which would be #391-2023 if adopted, into the record in its entirety.

Crystal Turner explained the bylaws have not changed since the creation of the board in 1996. However, previous staff changed some of the ways it handled processing applications, and the nights of the meetings. "Kelly and I have been working on a draft for a couple years and just updating it as we remembered what had changed, and also some recommended changes. The changes are highlighted in yellow in the packet's copy, but mostly it is just changing things like the term "Master Plan" to "Growth Policy" and adding specific MCA references. Also Susan Swimley emailed Crystal today to recommend that on page 7, letter "I" that says "Chairperson shall ask if all those who wish to speak have spoken..." should be moved up to after "f"." Crystal explained.

There was no public comment.

Councilman Townsend moved to adopt Resolution #391-2023, a resolution of the Three Forks City Council accepting the recommendation of the Zoning & Planning Board to update the Board's bylaws. Councilman Tharp seconded the motion.

**Motion Passed Unanimously.**

**Public Hearing and Decision on a Resolution Setting the Salary of the City Judge**

Mayor Johnston read the Resolution, which would be #392-2023 as adopted, into the record in its entirety.

There were no comments from Council.

Public Comment: Mike Howland asked who the judge is now. Kelly Smith reported his name is Carl Mohler.

Councilman Chancellor moved to approve Resolution #392-2023, a resolution of the Three Forks City Council establishing the compensation for the appointed City Judge at \$200.00. Councilwoman Mickelberry seconded the motion.

**Motion Passed Unanimously.**

Crystal Turner interrupted the meeting - The ordinance regarding garbage is missing from the agenda but she did notice it in the newspapers, around town, on the City's website and Facebook page, but missed adding the first reading onto tonight's agenda. Crystal reported that she contacted Susan Swimley during this meeting to say that this next item was missed on the agenda but was legally advertised, and asked if the City Council could still hear the first reading of the next ordinance. The 2<sup>nd</sup> reading is listed below on the "Upcoming Agenda's" list of public hearings. Susan responded to Crystal yes, it met the notice requirements.

**Public Hearing and Decision on an Ordinance Amending Title 5 Public Health and Safety, Chapter 4 Garbage and Refuse to Modify the Size of Container Required and Add the Frequency to be Emptied**

Mayor Johnston read what would be Ordinance #401-2023 into the record in its entirety.

The Mayor asked, "Are there any board or Council comments?" Gene Townsend asked how will this ordinance be enforced? "I mean it - if it is supposed to be dumped every two weeks, is someone going to go around every two weeks and ensure it is dumped?" Ed Tharp said the crows are all over the trash in his neighborhood as his neighbors only put the trash in an open trailer (not covered).

Public Comment: Cathey Misener agreed with Gene's question - how will it be enforced? "My neighbor does this [stores his trash in a shed] and doesn't haul it regularly. There's a major mice problem now. There's also a dog on the property and the waste doesn't get picked up but two times a year, and it stored in a shed; the smell is horrendous. Who is going to go around every 2 weeks and make sure it taken care of? Deb Mickelberry said it is better than what we had - which was not an ordinance without enough detail, now we can address it and if the property owner does not take care of it. Cathey asked if she notices garbage is not hauled away every two weeks, can she report that. Crystal Turner answered yes, "We have a complaint form that anyone can fill out and submit - it would be considered the same as the officer/deputy witnessing a violation." Mayor Johnston asked if the City could use the door hangers? Crystal Turner said the Gallatin County Sheriff Office has commented they like the door hanger idea but want Susan Swimley to review and approve them prior to there use. Gloria Howland commented on fly tight, saying that even the cans provided by the service providers are not really fly tight. Crystal Turner replied, "This is not perfect. Even my own L & L can is warped from the sun, but the can is doing its best. L & L isn't going to replace it because the lid has a slight gap, so I think this would be another law that is left to the discretion of the officer. If a bag of animal feces or a dead bird is in there, it's going to attract a lot of flies. When dumped timely the problem goes away," Crystal said. Sgt. Doonan agreed that it would be at the discretion of the officer - and

explained the complaint could be called into the nonemergent line or submitted or filed as a written complaint here [at City Hall].

Councilman Townsend moved to accept ordinance #401-2023, an ordinance amending Title 5 Public Health and Safety, Chapter 4 Garage and Refuse to modify the size of container required and add the frequency to be emptied. Councilman Tharp and Councilwoman Todd seconded in unison.

**Motion Passed Unanimously.**

**Public Hearing and Decision on a Resolution of Intent to Add a 4-Inch Water Meter Base Rate, and to Restructure Minimum (Base) Sewer and Water Rates**

Mayor Johnston read the Resolution, which would #393-2023 if adopted, into the record in its entirety.

Gene Townsend asked if the School requested a 4-inch main? Kelly Smith said they have five bills total, but have merged three of the accounts to one with this new meter that serves the whole school. Kelly added that they save a little money by reducing two minimum charges on those two other accounts.

Public Comment: Nathan MacLaren asked about the school saving money by changing the meter. They just passed a \$25 million bond, so they are saving this money? Kelly Smith explained they had two two-inch meters and one three-inch meter on the school, which is now consolidated which in turn saves money. Mr. MacLaren said it appears that he will still get a net increase on his bill by 12% based on the 5/8-inch water meter. Kelly said no, he will have a reduction in his sewer rate as well which ends up being a wash for the minimum water and sewer charges combined.

There were no other public comments.

Councilman Chancellor moved we approve Resolution #393-2023, a resolution of intent to add a 4-inch water meter base rate, and to restructure the minimum (base) sewer and water rates. Councilman Townsend seconded the motion.

**Motion Passed Unanimously.**

**REPORT OF OFFICERS**

City Treasurer Kelly Smith reported that with the improvements at the corner of Montana and Jefferson Streets, "It's been learned that Jefferson may be 70-feet or just 35-feet wide. I had the County [Clerk & Recorder] pull all the deeds and plats they could find. Two surveyors have found that this road is 35-feet, and two others are saying 70. The Clerk & Recorder in the plat books wrote "discrepancy in width of Jefferson Street". That area has been in the city limits since 1911. So, it should be 70-feet when subdivided. We can't prove it on this roughly two block

section though. At one time the City vacated a portion of Montana Street and rearranged it. The vacation language written by the attorney at that time said 35-feet when it should have said 70." Kelly said, "The options are hire someone to do a lot more research. But the County did that for us and found the discrepancy. Another option is we could approach the owners of the property and ask them to sign an easement or vacate the land - the City may have to pay them for that land. Then file something that says that new distance."

Gene Townsend said, "When I started the trail on the south end of Jefferson Street where it meets Front Street, I spoke with the property owner [Buttelman] and asked about the trail being next to his fence and said '*Do you feel your fence is a pretty accurate representation of the property line?*' and he said yes. Montana Power had just put in utility poles and they wanted to make sure they were not on his property. Kelly assed she cannot find a discrepancy on that end - but to be clear I think if we do something like a vacation or easement, we have both property owners sign to be clearer on the record. Gene asked if the property owners are willing to sit down and visit with us [the City] about this? Kelly said she explained to the northern end property owner these options so far and he said he appreciated it and to let him know what happens. Gene said, "My understanding is we would have to get it appraised." Kelly answered, "We could get a market opinion rather than an appraisal. We also recently did a sale of an alley and part of Railway at \$3/foot." Gene agrees with Kelly that whatever is decided we need to get the width of Jefferson Street to 70-feet and recorded. "If the floodplain project is complete, and all this land comes out of the floodplain, that is going to be prime area for development so we will need to have a full road. You go all along Jefferson on the Buttelman's property and the fence is back, then you get to this property, and we always thought the previous property owner was trying to utilize as much land as possible but didn't own it." George Chancellor asked what would the cost be to determine our research? Kelly said she does not know and it may be cheaper to just buy the land and not research. George and Gene agreed. Cost of research is 50/50 shot - but if it is not the City's property we still have to spend money to purchase the property. Gene said why not go back to the engineer's who found 70-feet and ask what their notes say? Find out approximately the cost per hour and approximately the number of hours to research. Gene added, "And then also sit down with the property owners over there and see if they are willing to accept a reasonable price for this land, are they even willing to negotiate?" Kelly will reach out to the property owner, and Crystal will reach out to some sort of expert researcher. Mayor Johnston would like this to go before the Streets & Alley Committee too.

Kelly Smith also reported some of the Floodplain Mitigation project staff met with Leo Lane today and then Leo went on site with Jeremiah Theys and seems amicable for the project. Last, she reported she will not be at the next meeting.

Gallatin County Sheriff Office Sgt. Doonan reported his deputies responded to 342 calls for service in Three Forks to date this year. "We've been pretty busy to date. 57 of those call are School Resource Officer (SRO) generated events." He asked if any of the Council wished for a copy of his handout. Brooke McLees asked him to explain what an SRO does. Sgt. Doonan said it is when a deputy reports to the school or various events, it could be education like an antibullying campaign, but most of the time it is investigative work.

Mayor Johnston reported there was a water emergency tonight with our new hire Bob [Crosair]. "We had the Gallatin County Sheriff with us since we were on private property without property owner permission."

City Clerk Crystal Turner asked the Council what it believed was a benefit to being a Three Forks Chamber member. She said, "I get the Library being a member especially with Fawn being on the Board and she wants to promote the events of the Library. I understand the Rodeo Board being a member as well with the Rodeo Weekend full of events. However, I don't understand City Hall being a member. We don't promote businesses, we don't recruit new business to town as a City. Most of the public think we are the Chamber and ask us how they can sign up to be a Farmer's Market member, or return the address book updates to City Hall when they are supposed to go to the Chamber. This is just me - but I don't see a benefit for \$100/year. So please think about continuing this membership."

Crystal also reported that she spoke at a "Clerk's Panel" at the Executive Forum in Helena last week to a bunch of city/town mayors and council members about Clerk duties and the roles of the elected officials. Also, she will be presenting a training at Clerk Institute in May in Bozeman.

**REPORT OF COUNCIL COMMITTEES (if any)**

Gene Townsend reported on the Water & Sewer Committee meeting held on 3/7/2023. They discussed Well 6A is online and holding steady. Susan Hayes cautioned the Committee to keep an eye on the well when weather gets hotter, but so far so good producing 50gpm. O'Keefe Drilling is supposed to start in April on the Cook Development property with the test and

observation wells. "We are hoping for 100gpm on them. Susan is concerned because O'Keefe is on a job at Deer Lodge right now so she is hoping they can stick to the schedule. We also talked about the lead/copper curb box and line inventory," Gene reported. Ed Tharp added when the City gets done, if there is sufficient water found, we may only need two new wells instead of three.

#### **UNFINISHED BUSINESS**

##### **Flood Mitigation Project Update (as applicable)**

Stated previously in Kelly's Treasurer Report.

##### **Water Project Update (as applicable)**

Nothing other than the Water & Sewer Committee report.

##### **Review and Approval of the Personnel Policy, per Edits Made by the Council on 2/14/2023**

Crystal Turner said she took a stab at the language for sick time being transferred to another employee. It was presented in the packet on page 21.

Mayor Johnston said comp time is not capped and this is new to him so he asked Kelly to explain. She explained if you work 41 hours in a week, you have the option to bank the one extra hour as time and one-half hour worked extra as "comp time", or take it pay at 1.5 times your normal rate in that pay check. "It's a wash for the City and currently any comp time accrued is paid out every June 30<sup>th</sup>. So, if you don't use it, you get paid out. However, MMIA has recommended a cap at possibly 40 or 80 hours because at a minimum, new employees earn 15 vacation days," she said.

Nancy Todd said her opinion is we need to cap it if you are going to offer it at all, especially with the small staff we have here because if someone is gone a lot it will cause a lot of headaches. Randy Johnston explained he would like to table this and get with Budget Committee. Gene Townsend asked why? Nancy asked if the financial aspect is different. Kelly said no. Nancy questioned on banking/accruing and getting paid for that same time. Kelly explained no, it is one or the other. "You can bank the time and use it later, or you can get paid for it now - both at time and a half earned. If you do not use it by June 30<sup>th</sup>, you get a bigger paycheck as it's all paid out." Gene asked if the number of hours staff are getting on comp time is increasing. Kelly said yes, it is larger than it ever has been since she has worked here. Gene said most companies would say that if you have that much overtime or comp time, should we be addressing hiring another helper? "It tells me that, and I don't want to burn out our employees. Before we go away tonight, I suggest we cap comp time accrual at 40 hours, but let the employees hear that. Take that back to the employees and let them know they can come back with comments at the next meeting," he said.

Discussion on hiring a new helper in Public Works. Gene said he has talked to Public Works Director Steve Johnston who has reservations about hiring when he is still training a new hire. Gene said, "But we also need it. Soon there is street patching to be done and a lot of other side projects to finish up. If you are putting on two or three more wells there will be that much more testing and sampling." Nancy supported this. Randy said he is thankful Wendell offered to help train for street duties part time. "New hire Bob, will be taking his water test in Great Falls at the end of the month. It's always good though to have more trained and licensed, we are getting to that time of year when we need bodies out there," the Mayor said. Gene added, "Wendell and Randy retired but we only added one position. We could always advertise and if we don't get great applicants we don't have to hire."

Councilman Townsend made a motion we accept the changes to the sick leave policy as proposed by Crystal in the Employee's Handbook. Councilwoman Todd second the motion.

**Motion Passed Unanimously.**

Kelly Smith asked if there was any public comment on that since the Mayor had forgotten to ask. No one said they had any questions or comments.

**Discussion on Wading Pool Expenses and Whether or Not to Open for 2023**

Crystal explained the costs with a requirement by DEQ to install a backflow preventer, staffing, training, and pool testing/treatment requirements which add up to roughly \$8,500/year. Kelly Smith added it would go down to \$6,000/year after the backflow preventer expenses. "I just think it's a huge waste of treated water when we need water. There are out-of-town day camp groups that are so large they can't even all come into the pool at once, which makes the local kiddos not be able to use it. Also any pool over 24-inches of water must adhere to the same standards as a full pool for chlorination and testing. The wading pool will hold 30-inches so we could keep it less full, or fill it and treat it," Crystal said.

Gene Townsend said he understands where Crystal is coming from, but he is not a fan of cutting the recreational opportunity. "These are little kids - I do think you should tough it out and go swim at the ponds like we did, but I also get it." Nancy Todd sees a lot of kids trying to use it daily. Brooke McLees said that growing up here it is sentimental to her and she would not want it closed. Mayor Johnston said that chlorine residual tests are done on site, and not sent in for testing so it would not be that expensive. George Chancellor said 4-5 years ago we were looking at a splash park and for about \$250,000. That was a relatively small splash park which recycles water. "Is that no longer an option?" he asked.

There was discussion on grants and funding opportunities but Crystal and Kelly were unwilling to take on this research or added responsibility at this time with all the other work they have going on.

Councilman Townsend moved to open the wading pool this year for at least eight weeks and hire two people to lifeguard at the pool. Councilman Chancellor seconded the motion. Deb Mickelberry asked about keeping the pool to 24-inches. Gene suggested filling it and treating or shocking it. "I'm justifying this that over the years the City paid for all the baseball and we don't do that anymore. We used to hire about four high school kids to work in the City each summer and help out at the parks, we don't do that anymore. By hiring two young people to help out we are still giving back to our community and providing some work experience," he said.

Public Comment: Gloria Howland suggested charging a \$1 to all for the use of the wading pool. Nancy Todd said not all can afford to pay and we may end up turning away kids that need this opportunity. Gloria suggested just charging the day camps who come to use the pool. Crystal Turner said it may not be fair (legal) to not charge all users. Kelly Smith said the Town of Lima charges only non-residents. Someone said that Bozeman charges all users, residents or not.

**Motion Passed Unanimously.**

## **NEW BUSINESS**

### **Review and Adoption of the "Recording in Public Places" Policy**

Mayor Johnston read the Recording in Public Places policy as proposed.

There has been quite a bit of vandalism this year: the Warming Hut was vandalized and the door ripped off the hinges, toilet paper has been burned in the outhouse at Helton-Peterson Park, the Rodeo Grounds metal building was broken in and the Cook Shack was attempted to be broken into all this month. Sgt. Doonan thinks it would be great to be able to add cameras.

Mayor Johnston asked what the cost of cameras are and number of cameras needed. Sgt. Doonan said the City would not need to capture audio, just simple black and white footage would help a lot at detecting license plates. George Chancellor added as long as they are high resolution. Kelly Smith said a game cam is \$40.00. Gene Townsend said last year the museum installed cameras and did use them for a gentleman who ran through the fence. "The license plate was too blurry to read, but the video helped," Gene said. Sgt. Doonan said they have been successful with game

cams and they are fairly inexpensive. He will provide some recommendations for purchase.

There was no public comment.

Councilman Townsend moved to accept the recording in Recording in Public Places Policy for the City of Three Forks. Councilwoman Todd second the motion.

**Motion Passed Unanimously.**

**Acceptance of the Fire Department's Recommendation to Appoint Audrey Newman and Samuel Givins as Probationary Firefighters**

Mayor Johnston read Asst. Chief Whitesitt's letter of recommendation to move Audrey Newman and Samuel Givins as probationary firefighters and start the background investigations.

Councilman Chancellor moved to accept the Fire Department recommendation to appoint Audrey Newman and Samuel Givins [correct spelling is Givins but agenda was misspelled] as probationary firefighters. Councilman Tharp seconded the motion.

**Motion Passed Unanimously.**

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

No other public comments.

**MAYOR & COUNCIL ANNOUNCEMENTS**

Mayor Johnston said has setup a meeting with Sheriff Springer to renegotiate our law enforcement contract. "I have contacted our attorney and the three committee members so we can meet at 2PM on 3/23 at the jail. It was brought up tonight by our office staff that maybe the group should get together before we go meet with them to have an agenda and items to discuss. I would like to meet this Thursday around 2PM if that works for the committee? Kelly [Smith] will join us at the Detention Center with the financial numbers for the contract discussion too," he said.

Gene Townsend reported that he did apply for two more grants: the Open Lands Board grant for trail maintenance for the Drouillard Trail and the section going to the Magris baseball fields. "I am also putting in with AARP for workout equipment to be placed at the ponds for 55+ age exercises. That loop between the two ponds is quite popular with people who have had hip, or knee surgeries," Gene said.

There were no other Council announcements.

**AGENDA ITEMS FOR NEXT COUNCIL MEETING:** April 11, 2023

- Public Hearing and Decision on a Second Reading of an Ordinance Adding a Definition of "Meeting Hall" to Title 11, Chapter 2, Section 2
- Public Hearing and Decision on a Second Reading of an Ordinance Amending Title 6, Chapter 4, Article B regarding "Livestock and Fowl" to Implement an Annual Inspection and License Renewal Fee
- Public Hearing and Decision on a Resolution to Adopt Adding a 4-Inch Water Meter Base Rate, and to Restructure Minimum (Base) Sewer and Water Rates
- Public Hearing and Decision on a Second Reading on an Ordinance Amending Title 6, Chapter 4 Garbage and Refuse to Modify the Size of Container Required and Add the Frequency to be Emptied

**ADJOURNMENT**

Mayor Johnston asked for a motion to adjourn. Councilman Tharp "so moved" to adjourn. Councilman Chancellor seconded the motion.

**Motion Passed Unanimously** and the meeting was adjourned at 8:36PM.

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Randy Johnston, Mayor

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Crystal Turner, City Clerk

**APRIL 11<sup>TH</sup>, 2023,** 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 Randy Johnston. Mayor Johnston called the meeting to order at 6:00 P.M.

**ROLL CALL:** City Council members George Chancellor, Deb Mickelberry, Nancy Todd, Gene Townsend, Ed Tharp and Brooke McLees were present at City Hall. City Attorney Susan Swimley and City Clerk Crystal Turner were present at City Hall. City Engineer Jessica Salo attended via Zoom. City Treasurer Kelly Smith was excused.

The record reflected a quorum present, 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 this meeting was recorded and streamed via Zoom and on our Facebook page.

**GUESTS:** Andrey Newman, Colleen Hudspeth, Gloria Howland, Sharon Schlaeppi and Kelly Bugland were present at City Hall. Virgil Sheridan of L&L Site Services attended via Zoom.

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

Audrey Newman inviting the Council and public to Friday night's Town Hall Community Meeting regarding discussing Ambulance Service in this area. "You being our leaders, it would be extremely beneficial if you were able to attend this open house. This will be an open, honest dialogue with opportunities to offer solutions, answers questions and provide education. This is not a place to blame others or point fingers. It will be held this Friday, April 14<sup>th</sup> at 7:30PM at the old Ruby Theatre, the Three Forks Bible Church now."

Colleen Hudspeth also spoke about the needs of the Ambulance Service. She reminded all present of the upcoming EMT training at the Ambulance Service Building. Ed Tharp offered, "I believe I read somewhere that the training is \$1,200, isn't that correct?" "Colleen confirmed the price.) Ed continued, "If the training was a little less expensive you may get more volunteers." Colleen replied that the Three Forks Area Ambulance is offering scholarships. Audrey Newman added that she actually work for Whiteline (who is providing the training). "The normal rate is \$1,200 so we've dropped it to \$800 to get a better chance of participation." Audrey asked Colleen how many EMTs come from Bozeman. Colleen could think of five but said there could more she is forgetting. Brooke McLees said, "When we call 911, what happens?" Colleen replied that a page gets sent out, "We get paged for TFA but at the same time AMR and Central Valley also get paged." Brooke responded, "My mom went to the hospital twice recently and both times AMR responded." Colleen answered, "If someone from Three Forks is available, we do respond. But we are not always available. A lot of times AMR responds with us. Sometimes AMR jumps in our ambulance with us and assists on the way to the hospital."

(Crystal Turner noticed all microphones were muted on the screen even though the computer and desktop microphones were showing unmuted. She asked the Mayor to pause the meeting to try and troubleshoot, and chat with those present online. The meeting was recessed - but recording did not stop - until 6:27PM while Bobby Lauver came to City Hall to help correct the issue.)

**CONSENT AGENDA**

- a. City Claims Paid due to Timeliness on 3/22/2023 in the Amount of \$65,309.40
- b. Claim Paid due to Timeliness to Mail Utility Bills and other Bills on 3/31/2023 in the Amount of \$11,986.99
- c. Claim Paid due to Timeliness to Register Judge Mohler to the Spring Judge's Conference on 4/3/2023 in the Amount of \$300.00
- d. City Claims to be Paid
- e. Three Forks Rodeo Arena Board Claims to be Paid
- f. City Council Minutes of 2/14/2023 and 3/14/2023
- g. Extending the Service Contract with Great West Engineering for 2-Years
- h. Service Agreement with Lee Nellis for up to \$15,000 to Assist Great West Engineering and City Staff in Preparing Impact Fees upon Completion of the Capital Improvements Plan
- i. Three Forks Rodeo Arena Board of Directors' Recommendation to Hire Crystal Turner as the Executive Secretary for One Year (\$400/month gross)
- j. Water Project Draw #7 in the Amount of \$7,454.02 from ARPA Minimum Allocation Grant Funds and \$900.00 from the City's ARPA Local Fiscal Recovery Funds

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

**Motion Passed Unanimously.**

**PUBLIC HEARINGS**

**Public Hearing and Decision on a Second Reading of an Ordinance Adding a Definition of "Meeting Hall" to Title 11, Chapter 2, Section 2**

Mayor Johnston stated he would not be reading Ordinance #399-2023 into the record again unless someone requested him to.

No one requested a second full reading. There were no questions from the Council nor public.

Councilman Chancellor moved we approve Ordinance #399-2023, an ordinance adding a definition of "meeting Hall" to Title 11, Chapter, Section 2. Councilman Townsend seconded the motion.

**Motion Passed Unanimously.**

**Public Hearing and Decision on a First Reading of an Ordinance Amending Title 6, Chapter 4, Article B regarding "Livestock and Fowl" to Implement an Annual Inspection and License Renewal Fee**

Mayor Johnston stated he would not be reading Ordinance #400-2023 into the record again unless someone requested him to.

No one requested a second full reading. There were no questions from the Council nor public.

Councilman Townsend moved to approve Ordinance #400-2023, an ordinance amending Title 6, Chapter 4, Article B regarding "Livestock and Fowl" to implement an annual inspection and license renewal fee. This is the second reading of this ordinance. Councilman Tharp seconded the motion.

**Motion Passed 5:1, Gene Townsend opposed.**

**Public Hearing and Decision on an Ordinance Amending Title 5 Public Health and Safety, Chapter 4 Garbage and Refuse to Modify the Size of Container Required and Add the Frequency to be Emptied**

Mayor Johnston stated he would not be reading Ordinance #401-2023 into the record again unless someone requested him to.

George Chancellor requested a second reading and offered to read it into the record.

There were no questions by the Council nor public.

Councilman Chancellor made a motion that we approve Ordinance #401-2023, an ordinance amending Title 5 Public Health and Safety, Chapter 4 Garbage and Refuse, to modify the size of the containers required and add a frequency to be empties. Councilwoman Mickelberry seconded the motion.

**Motion Passed Unanimously.**

**Public Hearing and Decision on a Resolution to Adopt Adding a 4-Inch Water Meter Base Rate, and to Restructure Minimum (Base) Sewer and Water Rates**

Mayor Johnston read the Resolution, which would given #394-2023, into the record in its entirety.

There were no Council nor public comments.

Councilman Townsend moved to approve Resolution #394-2023, a resolution to adopt adding a 4-inch water meter base rate and to restructure the minimum water and sewer base rates. Councilman Chancellor seconded the motion.

**Motion Passed Unanimously.**

**Public Hearing and Decision on a Resolution to Adopt the Amended Public Design Standards**

Mayor Johnston read the Resolution into the record, which would be #395-2023 if adopted, in its entirety. City Engineer Jessica Salo explained the changes in the exhibit, which were shown on the screen in track changes, and explained each one. She will provide a clean copy after adoption.

There were no Council nor public comments.

Councilman Townsend moved to accept Resolution #395-2023, a resolution to adopt the amended Public Design Standards. Councilwoman McLees seconded the motion.

**Motion Passed Unanimously.**

#### **REPORT OF OFFICERS**

City Clerk Crystal Turner reported that she has a couple items but asked that she hand over after her first report to Virgil Sheridan of L&L Site Services. Mayor Johnston agreed. Crystal explained that the City went out for Requests for Proposals (RFP) for garbage services for the City around 3 years ago. We entered into a contract with Republic Services. "That contract ended at the end of 2022 and Republic offered to continue a month-to-month contract and honor the same rates. Recently L&L reached out to me to see if the City would be interested in changing providers as they are the only local provider." Virgil Sheridan introduced himself on Zoom as the locally and veteran-owned garbage service provided. He said, "The Community gives back to us and we would love to give back to them." He explained he would just be honored to be considered for the City of Three Forks' contract. He has provided numbers to Crystal who informed him the Budget Committee would most likely look them over first, prior to making any recommendation for the upcoming budget yet. "Republic gives us free dumpsters as part of their contract for 4<sup>th</sup> of July, Christmas tree dumpsters. However, L&L has also provided this free service to the community and we needed additional dumpsters for rodeo this past year and L&L provided them and even offered it all free of charge," she said. Crystal explained the City did pay for mobilization and fuel charges to L&L for these dumpsters. Gene Townsend said, "Are we just playing a favorites game? Are we going to offer the same opportunity to Republic to give a new price too?" Crystal answered yes, we would definitely extend that opportunity to Republic. Sharon Schlaepfi asked if this would affect the residential customers. Crystal answered no. Mr. Sheridan thanked the Council for the few minutes to address them, and this opportunity.

Crystal continued reporting that in October 2022 the Council agreed to staff sending a letter to the County Commissioners requesting they send on another request to Montana Department of Transportation (MDT) for speed

reduction signs to be posted on S. Main Street/Old Yellowstone Trail all the way to the Talc plant at Bench Road. MDT has finally responded; they had several retirements and staff changes since October. "MDT's reply is that if the City applies for an encroachment permit they would happily allow the City to install flashing speed indicator signs at the City's expense. This is also something that could be considered at the upcoming budget discussions for next fiscal year.

**REPORT OF COUNCIL COMMITTEES (if any)**

Gene Townsend reported the Sewer and Water Committee met a few weeks ago. "Well 6A is complete and online. It's doing 130gpm and staying there at that production, and the recovery rate is good." There was discussion on the water quality being softer. Mayor Johnston said Wells 9 and 10 are not being run right now, and Red tiger is working on them now. He added, "Well 10 has a hole in the column pipe which connects to the pump and reduced production to 10gpm but they are working on it now." The Mayor said at the next meeting he will have pictures to show the Council/public of this repair. Gene reported Susan Hayes had also reported that O'Keefe Drilling is scheduled to begin the test wells this month. Crystal Turner said Susan Hayes emailed that O'Keefe should be onsite Monday, April 17<sup>th</sup>.

Mayor Johnston said Red Tiger is using a new scale inhibitor. "It used to be you had to pull the pumps, acid it and brush to clean it. This is no longer needed with the use of the inhibitor. They shoot it down there for 30 hours and it's cleaning, and then flush the waste to the wastewater," he said.

**UNFINISHED BUSINESS**

**Review and Approval of Drug & Alcohol Testing Policy Additional Definition of THC, Including Tolerable Level, and Edit Regarding the Pre-Employment Testing Authorization Form**

Mayor Johnston highlighted the changes can be found on Page 3, page 6, and Page 24. Crystal Turner explained not all positions require pre-employment testing but Public Works, anyone with access to the money, and any safety positions like the Wading Pool attendants. Nancy Todd asked if the City does random testing or just post-accident. Crystal Turner replied the policy addresses it but it has yet to be implemented since there are only five full-time employees. She said that we do post-accident testing as well if the damage exceeds \$1,000. Susan Swimley added that it is hard to prove anything is "random" when there are that few employees.

Councilman Townsend moved to approve the Drug & Alcohol testing policy, additional definition of THC including a tolerable level and edit regarding the pre-employment authorization testing form. Councilwoman Todd seconded the motion.

**Motion Passed Unanimously.**

**Review and Approval of the Personnel Policy, per Edits Made by the Council on 3/14/2023**

Crystal Turner reported that last month we adopted changes to this policy as Version 6, which has not been reprinted and distributed to the employees since the Council also wanted to include the cap on comp time. "So this will be Version 7 which just includes the change to capped comp time at 40 hours," Crystal said. "I did email all the employees as requested by the Council at the last meeting so that they knew this was coming and that they had the opportunity send comments or come tonight to discuss this," she reported. The only change can be found on page 15.

There were no Council questions nor public comment.

Councilman Chancellor moved we approve the changes to the Personnel Policy amending the comp time accrual cap. Councilwoman McLees seconded the motion.

**Motion Passed Unanimously.**

**Flood Mitigation Project Update (as applicable)**

**Approval to Submit a State Revolving Fund (SRF) Loan Application in the Amount of \$3,000,000 at 2.5% Interest**

Crystal Turner explained the status of the floodplain mitigation project to date. "The loan would fund the balance of the entire project after the FEMA grant. Kelly Smith did ask Great West before she left for vacation if the City must borrow it all, and we have not seen the response yet. Essentially the SID would pay for this loan."

Gene Townsend asked if the City submitted the application or Great West. Crystal Turner replied Great West submits the application if approved and after the mayor signs the application. Gene also asked if the State automatically approves it since we are backing it up with the SID? Susan Swimley answered she believed so, since the City already has the mechanism in place to repay it but you don't have to accept it all if you do not need it all.

There was no public comment.

Gene Townsend said he would love to make this motion because he has never asked for \$3,000,000!

Councilman Townsend moved to submit to the State Revolving Fund the loan application in the amount of \$3,000,000 at a 2.5% interest rate.

Councilman Chancellor seconded the motion.

**Motion Passed Unanimously.**

**Water Project Update (as applicable)**

There was no further updates.

**NEW BUSINESS**

There was no New Business.

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

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

**MAYOR & COUNCIL ANNOUNCEMENTS**

Mayor Johnston said he has several items to report tonight, "We all met Bobby Lauver when he came down to fix out sound system tonight. The school donated this system - so we would like to thank them." The Mayor also reported the City has let out a bid notice for a chipseal project, with bid opening at 3PM on May 1<sup>st</sup>. He said everyone will be notified if the Council wishes to come to that. "Red Tiger drilled a new well at Bertagnolli Park. At first, we went down 130-feet, the first 60-feet we did not get water. But now we are getting 35 gallons per minute so it will take this park off the city system and just have an irrigation well."

The Streets & Alley Committee is Ed, Brooke and Nancy. "Kelly has been communicating with the owner of RCREI, his name is Bret from Texas, and we would like to meet with you regarding the discrepancy on the width of Jefferson Street. Could anyone meet on the 18<sup>th</sup> or 19<sup>th</sup>?" he asked. Mayor Johnston would like the Streets & Alley Committee to be there. Ed Tharp said he can be here at 2:30, Nancy Todd agreed and Brooke McLees will try to attend. Crystal Turner to advertise for 2:30pm on the 18<sup>th</sup> of April and get back to Bret Robinson.

He also reported the Public Works Department is working to give him a street inventory for patching requirements. He said we have a lot of "alligating" going on in the streets. Where the chip and seal project is going to be I would like to get those repaired before the chip seal over it. I will let you know at the next meeting what kind of quotes we can get. We also go approval from the State and have ordered drains to be installed on Main Street in front of The Shoppe and by the Books & Moore

store." Nancy Todd said thank you to whomever got that approval!! "I saw Steve [Johnston] out there measuring today."

The Mayor also said he contracted Young's Tree and Forestry to spray the trees. "He has done it in the parks before and spray the pine trees for scale."

Next, Mayor Johnston reported roughly 2-3 weeks ago he met with George, Nancy and Gene (Public Safety Committee) and also Susan Swimley met with the Gallatin County Sheriff Office and negotiated a new contract. He asked how long the contract was. Susan Swimley replied it was a five-year contract and she had sent it to Kelly Smith to ensure her dates for the fiscal years matched that. (The Mayor did not report, but this contract also has a 4% increase.) He then referred to Crystal Turner asking that the Council had a copy of this in their packets. Crystal replied no, believing the Mayor was still talking about the Sheriff contract. He held up a draft job posting and Crystal did have copies ready and distributed them to the Council and public.

Mayor Johnston read the draft job posting advertisement for two part-time positions of Code Enforcement & Animal Control, and City Hall Assistant. He said the wage is still to be decided. He wants to change the application closing date. "We've been talking about this for 2-3 months and I would like to know what the Council would like to do. I talked with Susan - and the Sheriff Office could train our Code Enforcement and how to do communication. He turned it over to Susan Swimley who said, "I don't think from the standpoint of skills in investigation, we don't need someone who is required to have Code Enforcement background, but this person needs to be able to read our codes, have good common sense, read the situation and understand when there is a complaint or when they witness something that it needs to be documented they can communicate with the City Attorney and other staff, and the Sheriff to develop the skills to document an investigation. The goal is to correct the issue. It's not to create neighborhood disputes. This will take an interesting personality characteristic, and I think it would be beneficial to combine with the City Hall Assistant as this person would learn by answering the calls and helping in the office to learn the processes and where to direct various issues. This would free up your very hard-working office staff so I think this would be a good combination. I am advocating for a full-time position which communicates with the Clerks. Once you get a routine you could create a system to go through the Code Enforcement, and then only have to deal with anomalies and have more time to help out in City Hall. I know you don't want to hear this Gene, but I drive by McDonald's every

day and they advertise for \$17/hour. I don't know what anyone else gets paid [at the City] and how that would play out but think about the fact that \$17-20 might not be enough." George Chancellor replied that Belgrade McDonald's is advertised at \$21/hour.

Mayor Johnston said he and Susan also talked about that the job say zoning enforcement too. "There are courses and schools we can send our employees to, to learn more about zoning and floodplain, and even inspections. I'd like to get this advertised but what are your feelings?" he asked the Council. Gene Townsend thinks it is a good deal. "One of the things we discussed one meeting ago was about the garbage throughout town so we just made changes to that ordinance and hauling it every other week. That is exactly the thing this person could look into." Gene said while driving around the other day he saw a pig the other day! Susan Swimley said it is an emotional support pig and has been vetted. Kelly Bugland said it has been there for years. Gene brought up that the Council spoke about another person on the city works crew too, but basically Bob and Steve would like to try it as is right now with Wendell's help part-time and finish getting Bob trained before hiring. "Taking on one person at a time and making sure it's done right is the important thing." Mayor Johnston agreed with Susan and we need some help here. "Right now Kelly is on vacation and Crystal is running back and forth between desks," he said. Crystal replied that she just puts a sign on the door when she goes to the post office or like today had to go measure a couple zoning permit. Mayor Johnston said George has brought up inspections in the past, "So if we could this person trained on Zoning and the Floodplain too that would really help out."

Kelly Bugland spoke regarding the Code Enforcement position, "My complaint regarding code enforcement goes, if it gets to the City Attorney's desk, it just sits there. I have an issue because I'm noticing a lot of illegal sheds and mobile homes moved into town that are older than the dates allowed. I learned the City's loophole though: if you have an out-of-state address, you cannot be touched by the City. By my dad's house there is a brand-new shed that has just been installed within the last month that is inches from the property line. Down by the rodeo grounds is another one like this that just got siding on it. It's very frustrating when you have a very few number of people trying to do the right thing. It's like if you don't get caught it's ok. I'm just told when I complain about these things - that the City is aware of it and they have turned it over to the city Attorney and we'll follow up if we hear back." Susan replied - I have not received a new shed complaint in three years. So, if there is a shed complaint, it has not come to me." Mayor Johnston said

the shed by the rodeo grounds, is Fregien's shed. Crystal Turner interrupted and said if that is the shed Mrs. Bugland is referring to, it applied for a zoning permit prior to construction and was approved, is well within the property's setbacks and meets zoning requirements. "I'd go back to talking about streets and curb and gutters. It is deceiving when looking at the ground where the property lines are without curbs and gutter, but the concrete pad that is on the alley in front of the garage is all within the property line, and the shed you mention is farther behind that," Crystal said. She added we talk about 35-foot wide streets here, 70-foot there, 95-foot over there, and 66-foot everywhere else - it makes it very difficult for the naked eye to discern. Mayor Johnston said this is why a Code Enforcement position is needed. Brooke McLees said it sounds like Mrs. Swimley would like this to be one person, "If that's what you want I think you need to advertise it that way. If you want one person then advertise it as a full-time job with two job descriptions." The Mayor said whoever gets the job and sees these things he/she would communicate with the City Attorney and that would involve taking pictures and everything else. Gene Townsend said the job posting does say "two part-time or one full-time position." Brooke thinks it should be advertised as just one position. She also asked about the City's process to following up with the original complainant. Crystal Turner said that when someone complains to her, or submits a form, she does not always respond to the original complainant. Nancy Todd agrees and feels it would be good communication to the public to report back that the City addressed the issue(s).

Councilman Townsend moved that we submit the ad to seek applications for the positions of either two part-time positions or one-full time position for Code Enforcement & Animal Control and City Hall assistant.

Councilwoman Todd seconded the motion.

**Motion Passed Unanimously.**

Crystal Turner asked to go back on the previous Mayor reported items: corrected the bid opening is 5/4, not 5/1 as reported. "And I know the Mayor invited you to all to come, but that is not typically how it works. It gets tricky with the quorum issues, so if you all are attending please let me know so I can advertise it."

Gene Townsend reported he has requested to postpone the Trails Day celebration. "We will try to find another date, life is too busy for me right now." He also reported that he has submitted four grant applications and heard back from two. "The Recreation Trails grant to extend the trail east towards Logan has been awarded \$75,000. We will

have a \$14,000 match that Magris has agreed to for that one. Also I met with Ahren Hasting yesterday - one stipulation that MDT said they would work on an encroachment permit was **IF** I got the grant, so now Ahren can work on that. Also, I submitted to the Open Space Bond - other projects grant and was also recommended for an award at \$100,000! The final decision goes before the County Commission next Tuesday. That grant is for maintenance." Gene continued specifically address Gloria Howland, "Please tell Mike - the trail seal is bad that he reported to me. I sent pictures to Yellowstone Paving Solutions and they agreed to come back and make it right." There are still two grants awaiting decisions, one is for maintenance the other for exercise equipment.

Ed Tharp asked if the bridge that will be needed extending towards Logan is going to be expensive? "Have you any thoughts on a culvert instead?" he asked. Gene replied that he has talked to the owner of irrigation ditch who said the last thing they want in their ditch is a culvert. So, we would probably be looking at a bridge there but I know of three coming out nearby in Willow Creek next week (everyone laughed) but they are probably a little too big," he said.

Mayor Johnston said he forgot one more thing to report. He has received many complaints, as has the Council, about the material used on the roads. "One example is a lady which has had 6 flat tires on a brand-new vehicle. Some of the clay binder is just disintegrated anymore so it leaves like arrowheads out there on the road. I talked with Public Works and will be changing our road mix and get it from A.M. Wells. We will use the remaining pipestone rock as a base for paving." Gloria Howland agreed with the rock being like arrowheads.

Crystal Turner said she also forgot one thing to report and relayed Three Forks School Superintendent Rhonda Uthlaut's message asking if any of the City Council or Mayor would be willing to emcee their open house event on Thursday night at the School. If anyone is interested, please let Crystal know by tomorrow, the 12<sup>th</sup>.

**AGENDA ITEMS FOR NEXT COUNCIL MEETING: May 9, 2023**

Nothing on the agenda at the time of this meeting.

**ADJOURNMENT**

Mayor Johnston asked for a motion to adjourn. Councilman Townsend moved to adjourn the meeting. Councilman Chancellor seconded the motion.

**Motion Passed Unanimously** and the meeting was adjourned at 7:56PM.

**Mandatory Harassment** training postponed to another night.

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Randy Johnston, Mayor

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Crystal Turner, City Clerk

**MAY 9<sup>TH</sup>, 2023,** 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 Randy Johnston. Mayor Johnston called the meeting to order at 6:00 P.M.

**ROLL CALL:** City Council members George Chancellor, Nancy Todd, Gene Townsend, Ed Tharp and Brooke McLees were present at City Hall. Deb Mickelberry resigned on May 2, 2023. City Attorney Susan Swimley, City Treasurer Kelly Smith, City Clerk Crystal Turner, and City Planner Randy Carpenter were present at City Hall. Jerry Grebenc (Great West Engineering) attended via Zoom.

The record reflected a quorum present, 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 streamed via Zoom and on our Facebook page.

**GUESTS:** Gloria Howland, Dane Hancock (Rudd & Company), and Lee Nellis were present at City Hall. Justin Higginbotham arrived at 6:35PM.

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

There was no public comment.

**CONSENT AGENDA**

- ee. City Claim Paid Electronically due to Timeliness on 4/18/2023 to WEX in the Amount of \$624.02
- ff. City Claim Paid Electronically due to Timeliness on 4/20/2023 to VISA in the Amount of \$5,920.91
- gg. City Claims Paid due to Timeliness Including Claim to Mail Utility Bills on 4/28/2023 Totaling \$16,389.02
- hh. Three Forks Rodeo Arena Board Claims Paid due to Timeliness on 4/28/2023 Totaling \$238.97
- ii. City Claims to be Paid
- jj. Three Forks Rodeo Arena Board Claims to be Paid
- kk. City Council Minutes of 4/11/2023
- ll. Pledged Securities Report as of 3/31/2023
- mm. Designating Steve Johnston and Bob Crosiar as State Surplus Authorized Representatives
- nn. Interest and Journal Vouchers for March and April 2023
- oo. Draw #8 in the Amount of \$3,679.02 from the City's Minimum Allocation ARPA Funds and \$1,521.00 from the City's Local Fiscal Recovery ARPA Funds
- pp. Amendment #7 to Task Order #1 with Great West Engineering in the Amount of \$20,000 for General Engineering Services
- qq. Gallatin County Open Space Grant for \$100,000 to the Headwaters Trail System for Maintenance

Mayor Johnston thanked Gene Townsend for all his hard work at submitting grants [to improve maintenance or build new] for the Headwaters Trail. "I just wanted to thank you for spending all your winter months trying to get some of this additional money," Mayor Johnston said. Gene thanked him for the acknowledgement.

There was no public comment.

Councilman Chancellor moved to accept the Consent Agenda. Councilman Townsend seconded the motion. There was no public comment.

**Motion Passed Unanimously.**

**PUBLIC HEARINGS**

**Public Hearing and Decision on a Resolution and Petition to Abandon a Portion of Railway Avenue near W. Birch Street, Roughly 1,100-square feet of Railway, Adjacent to Lots 17 and 18, Block 14 of the Original Plat of Three Forks**

Mayor Johnston said this would be Resolution #396-2023 and read it into the record entirely.

Susan Swimley said Tyler Vander Zwaag reached out and wanted to know if he needed to be here tonight, because he was working out of town. Susan told him no she did not think that was necessary as the decisions and comments leading up to this stage in the process had already been stated on the records of those meetings.

Kelly Smith noted she believed there was a typo in the "now therefore be is resolved" section that should read "market" not "marked". Crystal Turner said Kelly is correct and Mr. Johnston had noted that needed edit, as well as he rearranged the sentence in #4 of the fifth "Whereas". Mayor Johnston added they also fixed a grammar error in the second "Whereas". Crystal said she fixed these earlier today so the one in the Mayor's packet is correct, so he read it into the record accurately.

There were no other comments by the Council or public comment. Councilman Chancellor moved we approve Resolution #396-2023, a resolution of the Three Forks City Council abandoning a portion of Railway Avenue at W. Birch Street for a sum of \$3,500.00. Councilwoman Todd seconded the motion.

**Motion Passed Unanimously.**

**Public Hearing and Decision on a Resolution Amending the Fee Schedule to Add an Annual Renewal Fee for Chicken Permits Pursuant to Ordinance #6-4A**  
Due to the confusion on edits in the last resolution, Crystal Turner asked if the version the Mayor had reflects changes pursuant to Ordinance #6-4B-2-1, and not 6-4A. Everyone had the correct version.

Mayor Johnston asked Council President Gene Townsend to read Resolution #397-2023 into the record, which he did in its entirety.

There was no discussion from the Council nor comments by the public.

Kelly Smith reported there have been three calls since the letters we sent out alerting chicken permit holders of the upcoming inspections and have been informed those three no longer have chickens. Gene Townsend said, "Well the letters are already helping."

Councilwoman Todd moved to accept Resolution #397-2023, a resolution of the Three Forks City Council amending the fee schedule to add an annual renewal fee for chicken permits pursuant to Ordinance #6-4B-2-1. Councilman Tharp seconded the motion.

**Motion Passed 4:1, Gene Townsend opposed.**

**Public Hearing and Decision on Ratifying the Closure of City Hall Monday, May 1, 2023, from 1 P.M. to 4 P.M.**

Mayor Johnston said this would be Resolution #398-2023 into the record in its entirety.

The Mayor stated, "Well this already been done so probably no public comment."

Councilman Chancellor moved that we ratify the resolution of Three Forks City Council of Three Forks, Montana, ratifying the closing of city hall from 1-4pm on Monday, May 1, 2023. Councilwoman McLees seconded the motion.

**Motion Passed Unanimously.**

**Public Hearing and Presentation by Rudd & Company on FY2021/2022 Audit Report, and Acceptance Thereof**

Dane Hancock presented the draft audit report for fiscal year ending June 30, 2022. He said, "A big thank you to Crystal and Kelly for giving us all the information we request to do our audits, and also thank you to Gene who we asked a lot of questions to this past month, along with Susan's responses. So, thank you everyone to help us draft the audit." He directed the Council to the Overall Financial Statements, which Rudd & Company breaks into two reports starting on page 2. "There is no change since our last report but we do address the lack of the pension study for the Fire Relief Association," Dane explained, "All the other opinions in this report are clean." He explained pages 2-5 and how it explains they used their professional judgment. He directed the Council and public to page 6, which is the Management Discussion & Analysis, which is the laymen's term of the entire audit report adding this is where you would start to read in order to understand the entire audit report. He then directed all to page 20 for the overall set of financial statements - all the governmental and business type activities. "Business type activities are the Water and Sewer Funds," he explained. This includes all capital assets and any debt associated with those accounts. Page 24 is the governmental fund financial statements, which do not have debt or capital assets included in them. "When you look at the budget each year this should closely align with these," he said. Page 36 starts the notes of the financial statements, which will provide a lot more detail that goes along with the numbers. "If you see any numbers in the financial statements this will give you a lot more information and detail to help understand those numbers." He highlighted Governmental Accounting Standards Board (GASB) 87 related to leases. "The overall thought here is that before the adoption of this standard, there could be leases the City has signed on which are not reflected in the financial statements. So, you will see new line items and new footnotes capturing two leases (Sheriff Office space and Cell Phone Tower space at the water tank property) showing the overall obligation the City has," he reported. "Page 40 is where we have extracted that GASB 87 change." Page 75 explains the subsequential events since our audit. "If you had a significant new grant you received, or new debt, those would be included here in that footnote," Dane explained. He also touched on GASB 96 regarding leased software, but did not believe the City will have to address this as they do not long-term lease any software at this time. Lastly, he directed all to pages 94-95 which is the Independent Auditors

Report on Internal Control. "We do feel it is a material weakness not to have an external opinion on the fire relief association liability, so you will see that noted here again," Dane said.

Gene Townsend asked if the auditors are talking about the City using Black Mountain Software and having a long-term contract with them? Dane answered yes, that was the thought but learned the City is under a year-to-year contract for their software. Gene continued, "Is it still the case with the Fire Relief Association that there is still no one in the State of Montana that can perform an actuarial study for us? I don't think there is anything drastically wrong but we can't find anyone to even do the study." Susan Swimley said, as she recalled the cost benefit analysis showed the City would pay five times more than it pays annually in pension liability to do the study. "You knew this was going to happen on the audit, you were aware of it and the Council decided it made more sense to put the money toward the pension and keep track of it as best you can." Kelly Smith added that she updates the actuarial report provided by the last study, every year based on new retirees, those who has passed away and no longer drawing pension. "We have over sixteen times in the account versus what is being paid out yearly, so we are keeping a high balance," she said. Crystal Turner added that while at the Municipal Institute last week, there are several other cities doing the same thing as Three Forks with their relief associations.

Councilman Townsend moved to accept the audit report as presented by Rudd and Company. Councilman Chancellor seconded the motion.

**Motion Passed Unanimously.**

#### **REPORT OF OFFICERS**

City Treasurer Kelly Smith reported that Deb Mickelberry resigned from the Board and we are currently accepting letters of interest through May 23. She reported the City was unsuccessful on a grant award for the Wastewater Preliminary Engineering Report, nor the Homeland Security Grant to fence around the new wellheads. MMIA has notified the City the health insurance benefits will increase 9% next fiscal year. She reminded the Council there is a Municipal Summit, which is a free training put on by MMIA and the Local Government Center, held in Townsend later this month. She had emailed the Parks Committee trying to coordinate a meeting with Justin Higginbotham regarding the skate park in Stevenson Park. The Committee agreed on May 15<sup>th</sup> at 5PM.

City Clerk Crystal Turner asked the Council if it wanted to keep the Wading Pool hiring notice for a \$9-11/hour wage range? The Council agreed and said to go ahead and advertise it. Gene Townsend asked if any of the former employees would come back this year? Crystal answered no, they

will not be back. She stated we hope to hire three part-time employees so that there is two-people coverage at all times the wading pool is open.

Kelly added that Justin Higginbotham intends to host a 5K run beginning and ending at Stevenson Park to fundraise for the skate park. Crystal said she and Kelly reached out to MMIA regarding any additional insurance necessary for the race and is awaiting an answer. "There is money in a skate park account that the City has received as donations which could be used to cover the casual volunteers," she said. Last, she reported she attended the Montana Municipal Clerk Institute last week and there is a lot of information to report to the Council, but some highlights are minutes and retention of the audio/video recordings and backing up the signed minutes on the server so that these official records are retained and saved in the event we lost City Hall. There are also a lot of changes coming up because of the Legislature's new laws which more details will come out later for each individual training sessions.

City Attorney Susan Swimley reported she also attended the Tillotson Conference the same time as Clerk Institute and she received several compliments on city staff, which she thought would be nice for the Council to hear. There was a presentation on what cities can and cannot do regarding a variety of zoning issues, "I was sitting with attorneys from small cities and towns where we thought we could pool our resources together to split the cost to rewrite some of the zoning ordinances," she said.

**REPORT OF COUNCIL COMMITTEES (if any)**

Ed Tharp reported the Streets & Alleys Committee met to discuss the 35-foot right-of-way vs. 70-foot right-of-way on Jefferson Street with RCREI. "He probably doesn't want to just give it to us, but we determined we could hire a professional researcher to check on all this paperwork pertaining to the property. In the end we agreed to do more research on both Mr. Robinson (RCREI) and City side until we meet again," Ed reported.

**UNFINISHED BUSINESS**

**Flood Mitigation Project Update (as applicable)**

Kelly Smith updated the Council that Great West has completed the site survey for the historical preservation aspect of the project. Almost all the data is prepared on the environmental issues of the Utes Lady Tresses. "We will not be dredging or making larger the existing pond, so should not be encroaching much on the existing Utes Lady Tresses (a rare iris which

blooms every three years) which we knew were [growing] there. The plan is to install a culvert and the culvert's location may need to be altered so that we do not disturb any known flower locations," she stated. "Today we had a our monthly project call and Headwaters Economics had been invited to Washington, D.C. to talk about how to best help rural communities and they asked a lot of specific questions about Three Forks' project. We are in D.C. right now and the project is progressing well. We hope to receive the official award of the grant by September," she said.

(Per Jessica Salo's email in the packet: Field survey was completed and we will begin on the base mapping and channel alignment preliminary design in concurrence with related environmental work. The preliminary design work is anticipated to take place through the summer.)

**Water Project Update (as applicable)**

Mayor Johnston reported on Susan Hayes' email (in the packet) to City staff that O'Keefe Drilling was ready to come out a few weeks ago but then the weather delayed them and they moved on to another project that was ready. Susan will be checking in weekly with them and will let the City know when the plan to mobilize is final, but probably not until the week of 5/22/23. Regarding the water distribution project - Great West has started the base mapping. Utilizing survey data collected, they will continue on with the planned schedule of getting design complete and approved later this summer or early fall, so that part of the project can go out to bid and be constructed summer of 2024. Susan also sent City staff more information on the DEQ-required lead service line inventory, which Crystal has been working on as time allows.

**NEW BUSINESS**

**Review of Audit Proposals and Acceptance of Recommended Award for Audit Services for Fiscal Years Ending 2023-2025**

Two proposals were received:

1. Denning, Downey & Associates for three years as follows: FY 2023 \$32,500, FY 2023 \$34,500, FY 2024 \$36,500 with single federal audits for the above listed years at \$4,750, \$4,950, and \$5,300 respectively for Federal Audits, \$2,750, \$2,915, and \$3,090 for SEFA Preparation and \$750, \$850 and \$950 for data collection.
2. Rudd & Company for three years as follows: FY 2023 \$26,500, FY 2024 \$27,500, FY 2024 \$29,000. No single audit prices were provided.

Councilman Townsend moved to accept make award to the audit proposal from Rudd & Company for the audit years 2023 to 2025. Councilman Tharp seconded the motion.

**Motion Passed Unanimously.**

Gene Townsend added he appreciated the continued good work, and thanked for the significantly lower bid that made his decision easy. Dane Hancock said he appreciated the business.

**Review and Approval to Refund:**

- i. RCREI, LLC \$916.92 Street Lighting 2021
- ii. RCREI, LLC \$770.06 Street Maintenance 2021
- iii. Hennessy \$602.55 Street Lighting 2021
- iv. Hennessy \$445.82 Street Maintenance 2021
- v. Higginbotham \$350 for CUP Application, \$150 was deducted for Advertising and Planner Services Before Determined did not Meet City Ordinance

Kelly Smith explained, earlier that Ed Tharp spoke earlier about the Streets & Alleys Committee with RCREI. "Bret had mentioned in that meeting how much they had paid in Street Lighting and Street Maintenance and so I looked into it. After we corrected the ordinance [assessment method] we did it per the original setup of the but only had the two new property owners pay the higher amount and gave notice to the other existing property owners. We gave each of the existing owners a heads up it would change in the next year and be significantly higher unless the Council changed the assessment method, which it did. So, my recommendation, since there are the only two who paid this higher amount, is to refund that. Also, Justin Higginbotham paid \$500.00 for the Conditional Use Permit (CUP) application. Then we learned his CUP was not applicable due to the two homes he owns being on separate lots; they do not qualify as a home business on separate lots. We spent \$150.00 and I thought it be good to refund him the balance," Kelly said. She added he will probably return with an alternative application, but he would pay the \$500.00 application fee for that new application at the time of submittal.

Gene Townsend asked what the Street Lighting and Street Maintenance costs will be for RCREI and Hennessy. Kelly answered they were removed from the Street Lighting District (lighting districts do not have the flexibility to choose multiple assessment methods), and the Street Maintenance District fee will be around \$175.00 based on whatever the Council sets the total amount for each year.

Councilman Townsend made motion to approved the refunds for RCREI, Hennessy and Higginbotham. Councilman Chancellor seconded the motion.

**Motion Passed Unanimously.**

**Explanation of the Capital Improvements Plan Process, Discussion on Recommendations and Requests by City Departments, Presentation of the Results from the Public Surveys, and Next Steps Towards Defining a Capital Improvements Plan and Establishing Impact Fees**

Randy Carpenter introduced both Lee Nellis and Jerry Grebenc, and briefly explained that the City is just beginning to review a Capital Improvement

Plan before we can set and adopt and Impact Fee Schedule to pay for those capital programs. He introduced Jerry via Zoom.

Jerry said there are a lot of handouts, which he will not read verbatim. "We take inventory of all facilities and equipment and infrastructure. These are things most businesses do not consider but cities do: water, sewer, fire, police, streets. Funding agencies want to see that cities and towns have done the research saying these identified things are important assets to the residents.

"So, then we gather input and guidance from the residents. We did a simple survey online and provided the survey in print form. We received 80 responses which is not a stellar response rate but better than nothing. Water and sewer were identified by a majority of residents as the best improvements the City has done in the last 5-10 years. The most critical things the public wants the City to focus on are streets, water, and addressing growth and emergency services. In your handout you will see the written section of comments people can input anything - you will see a lot of duplications. We simply took them from the Survey Monkey and published them. If you see three "I don't know" that is how people actually responded. We asked every department to give us their priority list. We really need to know what every department has a priority so the Council can make a decision collectively as to what is important. At this point, the real need we need to beef up is the priority list from the City departments. Once you have a priority list you can then identify how to pay for them: grants, Special Improvement Districts, loans, etc. Hopefully you'll formally adopt a plan and use it for budgeting purposes each year," Jerry stated. He added that Lee Nellis will talk more about important dates on how the City may adopt an update to the Impact Fee Ordinance.

Gene Townsend asked about "Emergency Services" in the survey results, it does not break down for fire, ambulance and law enforcement separately so are people rating it "poor" because of the lack of ambulance service. "It would be nice to know if we broke them out are people referring to the lack of ambulance, or is it because of the Police Department or Fire Department?" Gene asked. The Mayor asked

Lee Nellis introduced himself and thanked Kelly and Crystal for their hospitality. He commented on his experience, this is his 49<sup>th</sup> year working on Impact Fee schedules. He reviewed his PowerPoint presentation. Lee stated the City cannot use impact fees for remodeling unless it adds capacity for the City. "People will say impact fee increase the cost of building, which they do, but they also add value," he added. The basic rules are that they can only be used for capital facilities, and only serve new growth. Impact Fees require strict accounting. You must hold the fees in separate accounts, you have to refund them sometimes if you don't use them to build the facilities specified, and they have to be used within a reasonable timeframe. Most states' laws set a time, but Montana

has left it open. I would say 10 years is too long to hold onto to someone's money," Lee said. "The first step, which is was Jerry is working on now, is to list facilities for which a fee may be charged."

Secondly, set the level of service. He explained deficiencies versus improvements due to growth/capacity. The level of service is used to evaluate capacity of existing facilities and help you decide how much capacity is additionally needed. For example, if the City adopts a level of service standard that a city should have five-acres of parks per 1,000 people, but the population is 2,000 then impact fees could pay for the additional park.

Third, you determine build out: How much new development do you expect to serve? "This is when you discuss infill and new growth, based on the updated Growth Policy the City approved late last year. There is probably a little less infill in Three Forks than other communities based on the floodplain. You do have an interesting reality if your floodplain mitigation project is successful, then you will have land open to the possibility of development within the city limits. So we will have to think about facilities that development will need," Lee said.

Kelly/Crystal will post for the public to read. The fourth step is assessing the capacity of each facility. "It can be challenging based on the housing mix and planned unit developments already in existence. There must be an Advisory Committee [in order to adopt Impact Fees] and one thing they will have to do is make some assumptions about growth, you may even want to include your Zoning & Planning Board. Fifth step: figure out what the build-out is, based on a little science and guessing too, but it leads to:

- a. Can a facility serve the existing population? If yes - ok.
- b. If not how big is the deficiency, and do you have a strategy to close that gap? If you do not have a strategy, you cannot charge an impact fee.
- c. Divide the deficiency from the cost of serving build-out.

Sixth step: will a facility serve only part of the anticipated build-out? If you have enough water or enough sewer capacity, you don't charge. We review each of these and ask these questions individually. Then you need to know if some facilities only support a certain facility, like a lift station that only serves a specific area of town. You must make a geographic decision, and we call those "benefit areas" and hopefully we don't have a lot because they get hard to administer.

Seventh step: calculate trial impact fees. Divided the cost of added capacity by the build-out, including benefitted areas.

Eighth step: is there a better way to pay for it? If so, use that avenue. "Another question you'll have to answer, because people say impact fees increase the cost of development, some people choose to budget the amount

of the impact fee to cover it to create some affordable housing. This is a way the City can make a real difference in affordable housing. The Legislature made laws that will change a bunch of things that the City will have to do that will not really make a difference in providing affordable housing. However, this is a way you can actually make a difference. It is not something you have to do, but I wanted to bring it up at the beginning so you can think about it."

Lee then said the City would finalize the proposed fees based on all those steps. There is nothing that requires the City to charge the maximum defensible fee, and nothing that requires charging a fee at all. "You have a lot of significant choices. Once agreed upon by the Council, we write the new [impact fee] ordinance," Lee said.

Gene Townsend said the City is already talking about future growth for a subdivision which wishes to annex south of town, "I've heard even up to 800 homes. If the price of land is better than Bozeman, we are going to see more growth here. Can you look at the whole 800 units to set your impact fees?" Lee replied that relatively big, relatively rapid growth, this is where impact fees help you the most. Gene continued by asking why roads were never mentioned? Lee replied that road do not normally make the impact fee list, but they can be. "We all think there is a lot of traffic if we can't make a left turn immediately. Small towns and counties are often disappointed with the collection of impact fees for new roads, because traffic studies and other tasks needed to be conducted to support a new road are difficult to make them feasible," Lee answered. There was discussion on roads and the 1912 forefathers thinking ahead and installing sidewalks. The next growth times were in the 1970s and 1980s and the City went away from that [sidewalk] requirement. Gene said he feels this did away with the safety factor for pedestrians. "Roads are not meant to have pedestrians on them," he said. Lee agreed and said homes with adjacent sidewalks or trails are easier to sell because of that traffic. Gene said to Lee, "You mentioned the Legislature - but I think about Bozeman and they went pretty aggressive on their impact fees a while back and got taken to court. I worry about that for Three Forks. I know we all are going to try to do them right, but when you have the Legislature that comes out with anything about "affordable housing" they've done away with the requirement to have any of those things," Gene exclaimed. He commented on the public's input in the survey notes that said "pave Wheatland Road" which is not even in the city limits. "We can't use city funds to do anything outside our jurisdiction," Gene reminded the public.

Susan Swimley said most of town has sidewalks and City has been trying to do maintenance on the old existing ones by offering free removal if a property owner would install new ones. "There is a big chunk of town has no sidewalks. That's one example where we are not particularly spending an investment. We philosophically understand the advantage of sidewalks, and we want to require sidewalks and capture money to repair those in

need. Can sidewalks be installed if that is all the City does, with Road Impact Fees?" she asked. Lee said yes, but the answer may just be that it is not feasible to charge impact fees for that if you cannot spend them as fast as growth comes because remember they are not for existing deficiencies.

Gene Townsend reiterated what he learned, "Don't use impact fees if we have other ways to pay for it. First thing that came to my mind, we just shifted money from one fund to another (sewer to water) so can you set an impact fee for the sewer that is reasonably lower, like if future Legislature says we have to remove chlorine from the water, or remove phosphates. If you have to have new equipment, you could use impact fees for that?" Lee replied the City would probably use its sinking fund use it first. Susan Swimley asked Mr. Nellis for him to consider proposing, when this conversation gets deeper into the specific projects, all the options available. "Let's use sidewalks as the example," she said. "The City tries to help residents out by removing the old concrete if they would replace their sidewalks. But there isn't any sort of funding by the City to add sidewalks where they should exist, like you mentioned for connectivity even if it is an existing deficiency." Lee said he definitely would include these in a more in-depth conversation with the Council.

Randy Carpenter said what Lee is going to tell you is here is what the City can do under State Statute, and what you can legally charge. "That doesn't mean that is what you have to charge - you could choose to charge \$0. But it's important to remember that the costs don't go away, but the whole community will have to cover that cost. Gallatin County completed an Impact Fee Study just for transportation. They hired a firm, went through Statute - and per bedroom you could charge \$X. County Commissioner's decided OK, but we're not going to charge it. So that does happen," Randy explained.

Lee Nellis closed his presentation with, "This process is not going to get fired up right away, we need Jerry and his troops to finish the CIP."

**Discussion and Decision on Whether or Not to Conduct a Mail-Only Ballot or Provide a Polling Place for the November 2023 General Election**

Crystal Turner recommended to the Council to do a mail-only ballot as it saves several dollars due to not having to hire election judges, 80% of voters are registered absentee anyway. There was discussion regarding the cost of an election, which was close to \$2,000 for the last mail ballot. Kelly Smith added that is the cost if there are just elected official seats, not additional ballot measures. Susan Swimley said she believed the judges required would be six, because they do it in shifts, and would begin at 6AM and then must stay until the end, then return the ballots to the Courthouse and reconcile everything.

Brooke McLees preferred for the City to have a drop off site and then do mail only. Ed Tharp agreed.

Councilman Townsend agreed and moved to do mail only ballot and provide a drop off for the 2023 general election. Councilwoman McLees seconded the motion.

**Motion Passed Unanimously.**

Gloria Howland asked if she could speak on this issue. The Mayor apologized for missing "public comment" again. Gloria said she liked that the City would have a drop off option because by the length of time the mail takes, you cannot really trust that it will get to the Election Department in time.

**Discussion and Decision to Renew a 5-year Contract with Gallatin County Sheriff Office to Provide Law Enforcement Services in the City Limits**

Crystal Turner reported Kelly Smith found a typo in the contract sent that was in the packet; the annual fees were not what was agreed upon. Kelly reached out the Drew Ellis with the Gallatin County Sheriff Office and the correct document is on screen showing the agreed upon 4% increase. The correct hardcopy is in the Mayor's packet though and this was negotiated with the Public Safety Committee. Gene Townsend said we negotiated about County Code Enforcement and spent over an hour discussing. "It was pretty easy - they shot us one price, we countered, and they accepted," he said. George Chancellor agreed it was a good conversation. Susan Swimley appreciated it was easily agreed upon by both sides. "It was definitely helpful they gave us their high and their low [rate]. This is good, stable revenue for Gallatin County Sheriff Office and helps the city and this end of the County," she said.

Councilman Townsend moved to accept the five-year contract with the Gallatin County Sheriff Office to provide law enforcement services in the city limits. Councilman Chancellor seconded.

**Motion Passed Unanimously.**

Gloria Howland asked, "Did they ever say the percentage of calls going out to Broadwater County?" George Chancellor replied they do have an interlocal agreement with other counties to go to calls when no one else can, but they need to communicate that with the County Commissioners. Gene Townsend added that he thinks we made it clear to Dan's (Springer) attention that we are getting the short end of the stick with Broadwater County getting our guys on their calls. "It's the [Broadwater] County Commission's problem though, not the [Gallatin] Sheriff. When the rest area opens, there is supposed to be a law enforcement office attached to that, but they may have the same issue of their deputies not finding affordable housing," Gene added. There were additional comments regarding the rest area's water issues, if the sewer was connected yet, and other affordability issues for deputies in

Discussion on rest area and tentative opening date, potable water, sewer (port-a-potties out there now).

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

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

**MAYOR & COUNCIL ANNOUNCEMENTS**

Mayor Johnston reported he hired the new code enforce officer, Wally Ziegler. He also reported we did not receive any bids on the chip seal project for Street Maintenance District #1. "So, the guys will continue to work on streets in house and patching. Great West will consult with their transportation group and get back to the City on recommended next steps," the Mayor said. Also Great West Engineer has Jim Gold out and about in town performing Pavement Service Evaluation Rating (PASER) analysis of the city streets - so this is data on where the chip seal ends, "He goes up and down the streets inspecting where chip seal left to "curb" and other defects and repairs needed." The Mayor reported there was a picnic table donated to the Rodeo Grounds by Jon and Joan Hessen. Lastly, he said Sandra Ng took care of all the old dead flowers on the pork chop and replanted flowers and bulbs.

There were no Council reports.

Mayor Johnston will not be in attendance at the next meeting so Gene Townsend will facilitate it.

**AGENDA ITEMS FOR NEXT COUNCIL MEETING: May 23, 2023**

- Appointment of vacant Council seat
- Harassment training

**ADJOURNMENT**

Mayor Johnston asked for a motion to adjourn. Councilman Tharp moved to adjourn the meeting. Councilman Chancellor seconded the motion. Motion Passed Unanimously and the meeting was adjourned at 8:09PM.

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Randy Johnston, Mayor

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Crystal Turner, City Clerk

**MAY 23<sup>RD</sup>, 2023,** 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 Council President Eugene (Gene) Townsend. Mayor Randy Johnston was excused due to a family event. President Townsend called the meeting to order at 6:00 P.M.

**ROLL CALL:** City Council members George Chancellor, Gene Townsend, Ed Tharp and Brooke McLees were present at City Hall. Nancy Todd was also excused due to a family event. City Treasurer Kelly Smith, City Clerk Crystal Turner, Code Compliance/Office Assistant Wally Ziegler, and Gallatin County Sheriff Sergeant Doonan were present at City Hall.

The record reflected a quorum present, with the attendance of four (4) Council members and the meeting was held.

The **Pledge of Allegiance** to the American Flag was led by President Townsend. Mr. Townsend reminded the audience this meeting was recorded and streamed via Zoom and on our Facebook page.

**GUESTS:** Pat Downey (Magris) attended via Zoom.

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

Brooke McLees announced there will be another Community Town Hall Meeting regarding Emergency Medical Services in our Community on Thursday, June 1, 2023, at 7PM right here at City Hall. We need more community input, more people involved to discuss how to improve our ambulance service.

**CONSENT AGENDA**

- rr. City Claims to be Paid
- ss. Three Forks Rodeo Arena Board Claims to be Paid
- tt. City Council Minutes of 5/9/2023
- uu. Records Destruction Request #25 on Form RM88 to Shred ACH records for Accounts not Used, I9 Forms for Former Employees, Audio and Video Recordings of Council Meetings, Board of Adjustment and Zoning & planning, and Informal Committee, Electronic Dog License Tags not Renewed, and Electronic Business Licenses not Renewed, Pursuant to the Record Retention Schedule Guidelines

vv. 7<sup>th</sup> Amendment to the Magris Service Agreement Pursuant to #9-4-9  
Extending the Terms

There was no public comment.

Councilman Chancellor moved to accept the Consent Agenda. Councilwoman  
McLees seconded the motion. There was no public comment.

**Motion Passed Unanimously.**

#### **PUBLIC HEARINGS**

There were no public hearings scheduled.

#### **REPORT OF OFFICERS**

City Clerk Crystal Turner did not have anything to report tonight.

City Treasurer Kelly Smith reported she asked the employees if they would like her to ask the Council about closing on July 3 or 5 since the holiday falls on a Tuesday this year. Most agreed to requesting closure of July 3 in order to have a four-day weekend. There was discussion about using vacation and/or accrued compensatory time, as well as taking time off unpaid for those not eligible to use vacation yet. The Council agreed and will vote on a resolution to close the city departments July 3, at the next meeting.

Gallatin County Sheriff Sgt. Doonan reported from April 1 to May 1 there were 148 calls for service inside the city limits, and May 1 to date there were 106. He also reported he and Sheriff Code Compliance Officer Eugene Joh have been working with Wally Ziegler (new City Code Compliance) on trying to improve the process.

#### **REPORT OF COUNCIL COMMITTEES (if any)**

George Chancellor reported the Parks Committee met with Justin Higginbotham who wants to get a skate park rolling in Three Forks near the ice rink location in Stevenson Park. He is going to begin trying to generate funds with a 5k walk/run to build the skate park. Once there is enough money to build the skate park the City would take it over.

#### **UNFINISHED BUSINESS**

**Flood Mitigation Project Update (as applicable)**

No update.

**Water Project Update (as applicable)**

No update. No well driller on site yet.

**Fundraiser 5k Race to Generate Funds to Build a Skate Park in Stevenson Park Sanctioned as a City-Sponsored Event or a Private Event?**

Crystal Turner explained that any city event which utilizes volunteers is required to apply for casual event coverage. Crystal has spoken with MMIA directly before submitting an application and things to consider are: is it a donation or required to pay to participate, is there a health/physical waiver of liability the participants will complete, what kind of duties will the volunteers be responsible for, who will train those volunteers, will any post-race snacks be provided, who is preparing them, etc. Sgt. Doonan said he and another deputy could be in the area that day, and asked what day the run is schedule for. The Council members were not excited about alcohol being available, even if it was donated and handed out for free. "There is just too much liability," Gene Townsend said and Crystal added, "There is also required training for servers of alcohol and our insurance does not cover anything like that." Kelly Smith said she believed Mr. Higginbotham said at the Streets and Alleys Committee meeting that there is someone like Bridger Brewing who was going to provide free beer. The Council agreed that if the provider is licensed with the State, and can show a copy of the catering license and a Certificate of Insurance they would allow it. Crystal will work with Mr. Higginbotham on the remaining details, and training of volunteers, and be on site during the event, so that it could be a city-sanctioned run.

**NEW BUSINESS**

**Appointment to Fill City Council Seat Vacancy**

Roxi McDermott submitted a letter of interest for the vacant seat. President Townsend said, "She currently works at First Security Bank, has lived in the community for 9 years and just got promoted at the bank too." He asked Mrs. McDermott if she wished to add anything? She said, "She just wanted to be more involved in the community and was happy to answer any questions the Council or public may have."

Ed Tharp said he thinks she would be a good fit on the Council.

Councilman Chancellor moved we have Roxi McDermott fill the rest of the vacant term left by Deb Mickelberry. Councilman Tharp seconded the motion.

There was no public comment.

**Motion Passed Unanimously.**

**Board Appointment to the Board of Adjustments**

President Townsend read the Board Appointment Memo into the record.

Councilwoman McLees moved to appoint Brooke Chancellor to the Board of Adjustments. Councilman Tharp seconded the motion.

Kelly Smith corrected the memo as there are actually two vacancies on this board. She added, "Brooke is willing to do this but she would like to get off the board so if we could do a better job recruiting volunteers she would appreciate the City appointing two others. There is already a meeting scheduled on June 1, and Brooke graciously agreed to this appointment."

**Motion Passed Unanimously.**

**MANDATORY HARASSMENT TRAINING**

There was a discussion to move this to the end of the meeting but it is mandatory so we could adjourn after all business is done but then stay for the training. Kelly Smith recommended we end the recording and streaming to the City's Facebook page after the meeting, but then reopen the recording so those not present tonight could watch it.

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

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

**MAYOR & COUNCIL ANNOUNCEMENTS**

Gene Townsend reported he and Kelly Smith were on a webinar today and asked her if she caught what opened his eyes: that by the year 2036 there will be more people in the US over the age of 65 than there will be 18 or younger. That is the first time it will happen in the history of our country.

**AGENDA ITEMS FOR NEXT COUNCIL MEETING: June 13, 2023**

- Public Hearing and Decision on a Resolution Calling for the 2023 General Election to be Conducted by Mail Only with City Office Ballot Drop Off Location

President Townsend welcomed Wally [Ziegler] and thanked him for attending.

**ADJOURNMENT**

President Townsend asked for a motion to adjourn. Councilman Tharp moved to adjourn the meeting. Councilman Chancellor seconded the motion.

Motion Passed Unanimously and the meeting was adjourned at 6:29PM.

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Eugene Townsend, Council President

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Crystal Turner, City Clerk

**MANDATORY HARASSMENT TRAINING**

The meeting adjourned and all staff and Council members were required to stay and participate. George Chancellor left and will do the training at a later day.

**JUNE 13<sup>TH</sup>, 2023,** 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 Randy Johnston. Mayor Johnston called the meeting to order at 6:00 P.M.

**ROLL CALL:** City Council members George Chancellor, Gene Townsend, Ed Tharp, Nancy Todd and Brooke McLees were present at City Hall. Roxi McDermott was excused due to a work event. City Treasurer Kelly Smith, City Clerk Crystal Turner, and Gallatin County Sheriff Sgt. Des Doonan were present at City Hall. City Attorney Susan Swimley was present 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 streamed via Zoom and on our Facebook page.

**GUESTS:** Gloria Howland, and Three Forks School Superintendent Rhonda Uthlaut

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

Kelly Smith read the Three Forks Area Ambulance May report submitted to City staff on June 1<sup>st</sup>, which was requested to be provided to the City Council.

**CONSENT AGENDA**

- ww. City Claim Paid due to Timeliness to Mail Utility Bills on 5/31/2023 in the Amount of \$204.55
- xx. City Claims to be Paid
- yy. Three Forks Rodeo Arena Board Claims to be Paid
- zz. City Council Minutes of 5/9/2023
- aaa. Memorandum of Understanding with AARP for Headwaters Trail Grant
- bbb. Service Agreement with Invictus Security Group to Provide Security at the NRA Rodeo in July (\$2,760.00)
- ccc. Service Agreement with Jacob's Livestock as Stock Contractor at the NRA Rodeo in July (\$23,500.00)
- ddd. Cancelling Service Agreement with Proforma for Background Screening Services
- eee. Service Agreement with Praesidium for Background Screening Services (Partnered with MMIA)
- fff. Draw #9 in the Amount of \$35,033.73 from the City's Minimum Allocation ARPA Funds and \$6,080.98 from the City's Local Fiscal Recovery ARPA Funds

There was no Council discussion.

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

**Motion Passed Unanimously.**

**PUBLIC HEARINGS**

**Public Hearing and Decision on a Resolution Calling for the 2023 General Election to be Conducted by Mail Only**

Mayor Johnston read the resolution, which would be Resolution #399-2023, into the record in its entirety.

Councilman Chancellor moved to approve Resolution #399-2023, a resolution of the City of Three Forks calling for the 2023 General Election and notifying the Gallatin County Election Administrator of its desire to conduct the election by mail ballot pursuant to Section 13-19-202, MCA.

Councilwoman Todd seconded the motion.

Public Comment: Crystal Turner reminded those interested in filing for the Council seats, the deadline to file is June 20<sup>th</sup> and it would be for Nancy Todd, Ed Tharp, and Roxi McDermott's seats.

**Motion Passed Unanimously.**

**Public Hearing and Decision on a Resolution for Closing of City Departments All Day on Monday July 3, 2023**

Mayor Johnston read the resolution, which would be Resolution #400-2023, into the record in its entirety.

Gene Townsend asked if any public comment had been submitted. Crystal Turner and Kelly Smith answered no.

Councilman Townsend moved to accept Resolution #400-2023, a resolution of the Three Forks City Council closing city departments all day on Monday, July 3, 2023. Councilman Tharp seconded the motion.

Public Comment: Gloria Howland asked how the resolution can be advertised at future dates? Kelly Smith explained it is advertised that the offices will be closed.

There was no public comment.

**Motion Passed Unanimously.**

**REPORT OF OFFICERS**

Sgt. Doonan reported there had been 153 calls in May for service, and 106 in June. Gene Townsend thanked the Gallatin County Sheriff Office, because he heard the burglar was caught at a robbery which occurred recently. Sgt. Doonan corrected that the investigation and arrest are "pretty close."

City Treasurer Kelly Smith did not have a report.

City Clerk Crystal Turner reported the 5k skatepark fun run/race had low turnout. "I think Justin [Higginbotham] was pretty disappointed as he expected a large turnout, but I told him we learned a lot on how to improve for next time and perhaps he could host another one later in the summer." Crystal also reported that Public Works had completed the DEQ-required backflow preventer installation on the wading pool, but the equipment was not approved by DEQ so it has to be redone. She also said the new wading pool hires have completed First Aid and CPR certifications and will do orientation later this week.

**REPORT OF COUNCIL COMMITTEES (if any)**

Gene Townsend reported on the Budget Committee meeting held last week. "We looked at the need for the floodplain mitigation project and how we can help provide the match money for the grant. We have not received all the departments' budget requests for FY23/24. We kicked around, well I'll just throw out to the Council to be thinking in the next year or two, that

we talked about street paving. Paving is pretty popular with some people, and unpopular with others, depending on who you ask. We talked about Railway Avenue which has become a heavy traffic street. The City crew is out there graveling and grading almost weekly. We got a lot of folks who live north of us, and with the bridge being closed at Old Town - right after the market that is the most direct route to the Post Office. You come off the highway doing more than 25mph and hit the gravel road. Would the Council consider using gas tax funds that could be used for paving a street like this? It doesn't benefit just a few households; yes, there are a couple businesses on that road, but maybe pave that street? We could get an engineer to look at it this winter and prepare some bid proposal sheets? I think this would give back to most of the citizens in Three Forks. We also talked about resurfacing the tennis court, am I forgetting anything George?" George replied, "No, that sounds about right." Gene added, "Oh yeah, we talked a bit about employee raises, I think George threw out 6%." (Gene waited for George's response and then he laughed, as did many others in the room.) Gene continued, "The Consumer Price Index is between 6-10%, so we should be looking at something around 4-6%. Losing any of our employees is my scare - we need to be competitive in the wage field. In all honesty, it's not much cheaper to live in Three Forks any more than Bozeman and I want to maintain employee retention," Gene stated as he finished his committee report.

#### **UNFINISHED BUSINESS**

##### **Flood Mitigation Project Update (as applicable)**

Kelly Smith reported we had a short meeting last week. "The DNRC is not sure why Three Forks maps aren't progressing with public hearings and adoption, because Broadwater and Jefferson County's maps are in process of adoption," she said. We are hoping to hear about our FEMA award in August or September.

Gene Townsend asked about the Gallatin floodplain because he heard that Roger Nerlin's property was being removed from the floodplain and he was confused. Kelly did not have an answer and curious of how accurate that information was.

##### **Water Project Update (as applicable)**

The only update is that the well driller is still not on site.

#### **NEW BUSINESS**

##### **Appeal by There Forks Public Schools of Impact Fee Determination**

Mayor Johnston read the Impact Fee Determination letter written by Kelly Smith and sent to the Three Forks School District.

Superintendent Uthlaut said that this request is for the modular units - when children have to go to the restroom they have to leave the building and go across the parking lot. "It's a safety and security issue when they have to leave and now that we have the littles out there, an adult needs to leave with them. It's not an addition, these are existing students just in an additional classroom who have already been using the facilities. It's more of a safety concern because the new school is all locked down now. When someone wants or needs to come in, they have to enter specific doors and then are only granted access once announcing their business and staff would approve/disapprove their entry. To be transparent, there is something new, one of the new uses [of the modular units] we will have is an early childhood learning center. One licensing requirement is that there is running water in the building. I don't see this as an additional burden I see it as a way to keep these kids safe," Ms. Uthlaut stated.

Council Discussion: George Chancellor asked Kelly Smith to relay to the rest of the Council the stuff the school did for the City during construction. Kelly replied, "The school donated the polycom system to the City for our meetings." George Chancellor said he does not have a headache over this, except for maybe the fire impact fees. Ms. Uthlaut said she was unsure what that entails so asked the Council to further explain the building/fire impact fee. Kelly Smith explained City did not charge impact fees originally when these modular buildings were brought in because they were to be temporary.

Public Comment: Gloria Howland understands the school is not using more or less water as they still have the same [number of] children in there. She agrees the fire impact fee should not be waived.

Nancy Todd asked George for confirmation that he thinks the City could probably absorb the water and wastewater impact fees? "But because fees weren't paid initially on the structures they should be paid at this time?" Nancy asked. George Chancellor replied yes.

Councilman Townsend moved to accept the appeal of Ordinance #3-6-17 related to the Water, Sewer and Fire impact fee for School District #J24.  
Councilman Tharp seconded the motion.

Board discussion: Gene Townsend agreed with George's point, but stated that both entities are supported by tax dollars. "To take tax dollars out of the School's system to put in the City's system doesn't make sense to me. I don't see that it adds a lot to the fire department, it's only \$2,000. I also feel bad that the bond issue did not pass for the school and I feel we can absorb this cost and help the school out," Gene said. Ed Tharp agrees with Gene's comments.

**Motion Passed Unanimously.**

Rhonda Uthlaut thanked the Council. "I really appreciate the action tonight. I totally understand the perception, so just thanks from the School," she said. Gene Townsend commented this past Christmas time he had the pleasure (in his Santa suit) of taking the school tour. "One thing my wife and I commented on is how well the architects meshed the two systems. It really seems seamless and I am very impressed," Gene said. Rhonda appreciated his comments adding, "I have had school teachers move rooms several times and not complain about it." Rhonda said she knows there are a lot of class reunions too that will be back this summer, and they have taken consideration to retain all the awards and pictures from previous graduation classes. All that will be back up if those reunion folks want to tour it as soon as construction is over.

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

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

**MAYOR & COUNCIL ANNOUNCEMENTS**

Mayor Johnston reported on the Code Enforcement monthly update:

- 110 letters sent, including 2 city employees
- 8 letters regarding abandoned or unregistered vehicles
- 8 letters regarding properties without addresses or illegible address numbers
- 3 letters regarding new garbage ordinance (like truck beds used as garbage containers)
- 5 annual chicken permit inspections have been completed
- Several days spent on DEQ's lead/copper service line inventory
- Continue to process utility payment, answer phones and assist walk-in customers with various issues
- Ride along with Belgrade Code Compliance to learn best practices and personal safety techniques

This reminded Gene that he forgot to talk about the Code Enforcement departmental budget requests, one of which was the mobile CAD computer system the Gallatin County Sheriff Office uses and recommends. We would like to put that in next year's budget.

Mayor Johnston also reported on the request from Big Sky Rail Passenger System for a letter of support to bring passenger trains back to southern Montana.

Ed Tharp said, "I see it's an annual thing, but if it doesn't fly does it shed off the \$400?" Mayor Johnston said that is a good question, but he interprets the request for \$400 OR write a letter of support, OR both. Kelly Smith showed the rail plan on the screen: it goes through Helena, Butte, Three Forks, and would go through Bozeman too.

Public Comment: Gloria Howland and Rhonda Uthlaut both were excited for it and said it would be awesome.

Board Discussion: Gene Townsend said everyone knows he loves trains and thinks it would be awesome, but not sure where you could really get on the train? "It's a wonderful idea, there's a depot in Helena, but none in Whitehall or Bozeman anymore, there is still one in Livingston. I think there are a lot of things that still have to be answered and before we start writing any checks, I think we should see what the State is going to finance." Brooke McLees offered to do more research before the next meeting, she wants to know how much traction Big Sky Passenger Rail has so far. "Are we simply talking about just bringing AmTrak back?" she asked. Kelly read from the website the goal and plans.

Councilwoman McLees moved that we donate the \$400.00 to the Big Sky Passenger Rail Authority and write them a letter of endorsement.

Councilman Townsend seconded the motion.

**Motion Passed 4:1, George Chancellor opposed.**

Mayor Johnston announced that he spoke with Ted Johnson who is our new Bozeman Director at the Department of Transportation, Bozeman office. The talked about millings, "They won't have any this year but he said he would give me a heads up when they do." (Millings are old asphalt roads scraped off the road and ground up to be recycled and reused on other roads.)

Ed Tharp stated the golf course just got millings and paved the golf cart trails.

**AGENDA ITEMS FOR NEXT COUNCIL MEETING: June 27, 2023**

- Sacajawea Holdings, LLC and Folkvord Investments, LLC petition to vacate the alley in Block 4 of the Original Plat of the Town of Three Forks
- Decision to Close Kansas Street for rodeo events in July 2023

**ADJOURNMENT**

Mayor Johnston asked for a motion to adjourn. Councilman Tharp moved to adjourn the meeting. Councilman Chancellor seconded the motion. Motion Passed Unanimously and the meeting was adjourned at 7:10PM.

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Randy Johnston, Mayor

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Crystal Turner, City Clerk

**JUNE 27<sup>TH</sup>, 2023,** 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 Randy Johnston. Mayor Johnston called the meeting to order at 6:00 P.M.

**ROLL CALL:** City Council members Gene Townsend, Ed Tharp, Nancy Todd, Roxi McDermott and Brooke McLees were present at City Hall. George Chancellor was excused. City Treasurer Kelly Smith and City Clerk Crystal Turner were present at City Hall.

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

The **Pledge of Allegiance** to the American Flag was led by Mayor Johnston. Mayor Johnston reminded the audience this meeting was recorded and streamed via Zoom and on our Facebook page.

**GUESTS:** Dean Folkvord

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

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

**CONSENT AGENDA**

ggg. City Claims to be Paid

- hhh. Three Forks Rodeo Arena Board Claims to be Paid
- iii. City Council Minutes of 6/13/2023
- jjj. Change in Service Agreement Terms with Republic Services at 306 Railway Avenue to Increase to Twice-a-Week Pickups (\$280.00/month base)
- kkk. Service Contract with Ascent Technical for \$500.00 to Provide Wi-Fi and an ATM at the July Rodeo
- lll. Independent Contractor Contract with Olivia Leininger and Audrey Snellman to Perform Half-Time Specialty Act at July 2023 Rodeo (\$750.00/each)

There was no Council discussion. (No public comment was asked for.)

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

**Motion Passed Unanimously.**

#### **PUBLIC HEARINGS**

#### **Public Hearing and Decision on a Resolution on a Petition by Sacajawea Holdings, LLC and Folkvord Investments, LLC to Vacate the Alley in Block 4 of the Three Forks Original Plat**

Mayor Johnston read the resolution into the record in its entirety, which would be #401-2023.

Dean Folkvord, President of both Folkvord Investments, LLC and Sacajawea Holdings, LLC did not have any additional comments.

Gene Townsend asked who will be responsible for maintaining the sewer line if the Council approves this. Crystal Turner replied the City would still be responsible for the sewer main in this area, and that is why she recommended an easement. Mayor Johnston said there is a manhole on the Ash street side and the Neal Street side [of the alley], and it was slip-lined during the last project and in good condition but we [the City] will still maintain and clean it. Kelly Smith corrected the fee for the vacated alley, which should be more - based on the math of a 20-foot wide easement, times 300-foot long is 6,000SF x \$3/SF = \$18,000. There was discussion by the Council including Mr. Folkvord on changing the cost in the resolution to \$18,000. Gene asked about future building on the land. "Will there still be public access to the property?" he asked. Crystal replied if the alley were vacated, the owners could erect a fence and prohibit public access, but the easement would state that buildings would not be built, or existing buildings not added onto, that are within the 20-foot wide area. Mayor Johnston added, "John Q. Adams, the founder of our town built the Sacajawea and they just built right over the sewer line." Gene corrected that the building has been there since roughly 1910, and the sewer went in around 1916 so they must have had to bore under the building.

There was no public comment.

Councilman Townsend moved to accept Resolution #401-2023, a resolution of the Three Forks City Council vacating the alley in Block 4 of the Original Plat of Three Forks with the edits to Whereas #3 that it read June 27 and item #7 to change to \$18,000, because it's going to be double the square feet, and the "now therefore be it resolved" changed too. The 27<sup>th</sup> day of June. Councilman Tharp seconded the motion.

**Motion Passed Unanimously.**

#### **REPORT OF OFFICERS**

City Treasurer Kelly Smith did not have a report.

City Clerk Crystal Turner reported on the upcoming election candidacy filing forms not being filed timely by two of the Council members re-running for seats this November, and another did not file with the Office of Political Practices.

#### **REPORT OF COUNCIL COMMITTEES (if any)**

There were no Council Committee reports.

#### **UNFINISHED BUSINESS**

##### **Flood Mitigation Project Update (as applicable)**

Crystal Turner reported that archeologists were onsite Friday and Saturday to finalize their inspection. The project continues to move forward.

##### **Water Project Update (as applicable)**

Mayor Johnston read Susan Hayes' email regarding the project status (see packet for full report). Essentially, drillers will be on site next week.

##### **Approval of Letter of Support to Big Sky Passenger Rail Authority**

Mayor Johnston read the letter into the record. The Mayor thanked Crystal for the letter and complimented her on the way it was written for the Council. Gene Townsend and Nancy Todd both said it after the recent derailment, a passenger rail may be a pretty hard sell. Nancy added, "That was my first thought too when I saw the news!"

Councilman Tharp moved to approve the letter of support. Councilwoman McLees seconded the motion.

**Motion Passed Unanimously.**

**NEW BUSINESS**

**Board Appointments:**

Mayor Johnston read the board appointment memo for the **Three Forks Rodeo Arena Board of Directors**.

Councilman Tharp moved to reappoint the existing board members.

Councilwoman McDermott seconded the motion.

**Motion Passed 4:0 - Gene Townsend abstained as he is on the board.**

Mayor Johnston read the board appointment memo for the **Three Forks Library Board of Trustees** and said he was very impressed with Mr. Heidmann's application.

Councilwoman Todd moved to accept Saylor Heidmann to the Library Board.

Councilwoman McLees seconded the motion.

**Motion Passed Unanimously.**

**Decision to Close Kansas Street during Rodeo Events the Weekend of July 14 and 15, 2023**

Crystal Turner explained the Three Forks Rodeo Arena Board's recommended closures of Kansas Street (from Hwy 2 to Milwaukee Street) were as follows: Friday 7AM-12PM, then Friday night 5PM to 10ish, & Saturday night 5-10ish

Councilman Townsend moved to close Kansas Street for July 14 and 15 Three Forks Rodeo from Friday 7AM-12PM for slack, then Friday night 5PM to 10ish, & Saturday night 5-10ish. Councilwoman Todd seconded.

**Motion Passed Unanimously.**

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

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

**MAYOR & COUNCIL ANNOUNCEMENTS**

Mayor Johnston informed the Council that our Library Director, Fawn Venzor, just lost her husband and he sent her and her family deep condolences during this difficult time.

Gene Townsend said, "We can now announce that the City was a recipient of the AARP grant, and order the senior citizen exercise equipment to be installed at Bellach Park totaling at least \$13,099, which is the amount I applied for and was granted."

Brooke McLees said the Three Forks Area Ambulance Board meeting is on Monday July 10 at 6:30PM at the Ambulance Barn and she encouraged the public to attend.

**AGENDA ITEMS FOR NEXT COUNCIL MEETING: July 11, 2023**

- Appeal of Invoice Sent by City for Sewer Service Line Repair at 9 E. Birch Street
- Kennel Permit Application Decision Pursuant to Ordinance #6-4A-3
- Approval of Montana Coal Endowment Program (MCEP) Infrastructure Planning Grant Application and Resolution Authorizing the Submittal Thereof

**ADJOURNMENT**

Mayor Johnston asked for a motion to adjourn. Councilwoman McLees moved to adjourn the meeting. Councilman Tharp seconded the motion. Motion Passed Unanimously and the meeting was adjourned at 7:10PM.

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Randy Johnston, Mayor

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Crystal Turner, City Clerk

**JULY 11<sup>TH</sup>, 2023,** 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 Randy Johnston. Mayor Johnston called the meeting to order at 6:00 P.M.

**ROLL CALL:** City Council members George Chancellor, Gene Townsend, Ed Tharp, Nancy Todd, Roxi McDermott and Brooke McLees were present at City Hall. City Treasurer Kelly Smith and City Clerk Crystal Turner were present at City Hall. City Attorney Susan Swimley attended via Zoom.

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 this meeting was recorded and streamed via Zoom and on our Facebook page.

**GUESTS:** Stacey Adams, Gloria Howland

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

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

**CONSENT AGENDA**

- mmm. City Claim Paid due to Timeliness to Mail Utility Bills, and FY2022/2023 Invoices on 6/30/2023 in the Amount of \$32,412.33
- nnn. City Claims to be Paid
- ooo. Three Forks Rodeo Arena Board Claims for June (FY22/23) Totaling \$796.91
- ppp. Three Forks Rodeo Arena Board Claims to be Paid
- qqq. City Council Minutes of 6/27/2023
- rrr. Northwestern Energy New Construction Customer Agreement for Additional Power Pole and 220 Service at Rodeo Grounds
- sss. Draw #10 in the Amount of \$9,433.05 from the City's Local Fiscal Recovery ARPA Funds
- ttt. RM#88 Form Requesting to Destroy the Following Records: 1099 Forms 2011-2017, W2 Forms 2011-2017, County Tax Receivable Reports and Reconciliation FY2013/14 - 2017/18, Water/Sewer Receivable Reports and Adjustment Journals FY2013/14 - 2017/18, Revenue Receipts FY2013/14 - 2017/18, Timecards FY2015/16 - 2017/18, City and Three Forks Rodeo Arena Claims FY2015/16 - 2017/18, Quarterly 941, Work Comp and Unemployment Reports FY2013/14 - 2017/18

There was no Council discussion. (No public comment was asked for.)

Councilman Chancellor moved to accept the Consent Agenda. Councilwoman McLees seconded the motion.

**Motion Passed Unanimously.**

**PUBLIC HEARINGS**

There were no public hearings.

**REPORT OF OFFICERS**

City Treasurer Kelly Smith did not have a report.

City Clerk Crystal Turner reported that three applications have been received for the Library Director position; the Library Board will meet tomorrow and work on scheduling interviews. Fawn Venzor will attend the interviews and provide input as well. Crystal also reported that Nancy O'Donnell was the last member of the Friends of the Library and Nancy has graciously turned over everything to the City including a check for almost \$1,400.00 to the Library. "Fawn is working on others who may be interested in picking up a *Friends* group," Crystal said.

City Attorney Susan Swimley did not have anything to report. Mayor Johnston said he set up a meeting with her assistant to meet with Susan Swimley on August 10<sup>th</sup>.

**REPORT OF COUNCIL COMMITTEES (if any)**

There were no Council Committee reports.

**UNFINISHED BUSINESS**

**Flood Mitigation Project Update (as applicable)**

Kelly Smith reported the group met today and the City/Great West is still waiting for Fish, Wildlife & Parks to reply on historic preservation report, and then we can submit that to FEMA.

**Water Project Update (as applicable)**

Crystal Turner read Susan Hayes' email from 7/11/2023 at 3:30PM regarding O'Keefe's status of drilling (see email in packet).

**NEW BUSINESS**

**Kennel Permit Application Decision Pursuant to Ordinance #6-4A-3**

Mayor Johnston read Ms. Adams' letter explaining her permit application. The Mayor then read Gallatin County Animal Control Officer Joh's inspection report stating the premises were clean and in the process of installing a fence. The animals looked healthy and had access to food and water. He then read the following letters of public comment into the record:

- Opposition by Jean Leith
- Concern of barking by Saylor Heidmann but not necessary in opposition nor support
- Support from Nicole Stockinger
- Support from the Carrier Family
- Support from the Shakespeare Family

George Chancellor said he walked around the property and noticed it is well kept, has fencing nearly completely installed, and that he did not hear any dogs barking at that time.

Gene Townsend asked how many dogs require a kennel permit. Mayor Johnston replied that it has varied for what is allowed, but one must obtain a kennel license for anything more than three dogs. Kelly Smith recommended the Council be consistent with conditions it has previously imposed on other kennel license applicants.

Stacey Adams spoke about her dogs, her work schedule, her friends in the neighborhood so far, as well as her landlord who is working with her to provide a home at a reasonable rent while she helps remodel the place. She has purchased a new barking machine and it is working. She commented on interactions she has had with Ms. Leith stating she has waited for her to get home from work at midnight, and then harassed the dogs with a weed eater at 7AM the next day. Ms. Leith has banged pots and pans outside the window at them, as well as yells at the dogs through the fence. Stacey said she feels bad for what has happened between herself and Ms. Leith, but she also has been harassed by Ms. Leith and had to call the Sheriff Office for support. She no longer engages with Ms. Leith and tries to just ignore the comments Ms. Leith shouts when Stacey is outside.

Public Comment: Gloria Howland said she appreciates Ms. Adams' rescuing the animals. "If it was my decision, you'd have it!" she said.

Council comments: Gene Townsend asked for Susan Swimley's opinion if the Council proposed conditions that would fix the number [of dogs] at six, it cannot increase, and if anything happens to the current six they shall not be replaced. Susan Swimley agreed.

Stacey Adams agreed to those conditions.

Councilman Townsend moved to accept the kennel license application with the condition the number of dogs be at six, and in the future if anything happens to any of the dogs they will not be replaced. Councilman Chancellor seconded the motion.

**Motion Passed Unanimously.**

**Approval of Montana Coal Endowment Program (MCEP) Infrastructure Planning Grant Application and Resolution Authorizing the Submittal Thereof**

Mayor Johnston read the MCEP resolution, which will be given #402-2023 once approved, into the record completely.

Gene Townsend asked if the City already had a current wastewater preliminary engineering report (PER). Kelly Smith responded, "Ours is a little outdated (2012), this would include updated capacity with the new plant as well as any future additional treatment that may be required by the Environmental Protection Agency." Gene asked how much match money

would be required. Kelly said the letter sent to the Legislature in February agreed to \$50,000 in local matching funds. Kelly added the City has been awarded RRGL (renewable resource grants) for the planning grant as well. Gene asked if the City would have to go out for request for proposals (RFP) to qualified firms who could conduct the PER for us? Crystal Turner replied no, as the City went out to RFP for the engineering firms to do tasks like these and the Council awarded that contract to Great West Engineering at a public meeting.

There was no public comment.

Councilman Chancellor moved to approve the Resolution #402-2023, a resolution approving the Montana Coal Endowment Program Instructure Plant Grant application. Councilwoman Todd 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 & COUNCIL ANNOUNCEMENTS**

Mayor Johnston informed the Council of Wally Ziegler, Code Compliance Officer report for June (see packet). The Council was impressed at how much he has accomplished. Mayor Johnston said a gentleman told him the other day how nice it is to see the town being cleaned up. The Council asked about certain properties and vehicles; Kelly Smith explained that the "red tags" have been adhered to quickly and have been educational to many residents. Crystal Turner explained a face-to-face conversation that occurred yesterday was very pleasant and we hope to see small changes within one week.

Mayor Johnston asked if there is a time we could schedule a Budget Committee meeting. George Chancellor said any day next week other than Thursday. Gene Townsend said he could try and make anything work next week. Roxi McDermott said she could do any day in the afternoon at 3PM.

Gene Townsend reported, in case any of the Council members get calls, that the Chamber does have permission to close Main Street on July 14<sup>th</sup> at 5PM (until 2AM) and again on July 15<sup>th</sup> probably around 10AM (until 2AM).

There were no other Council Announcements.

**AGENDA ITEMS FOR NEXT COUNCIL MEETING: August 8, 2023**

- Public Hearing and Decision on the Zoning and Planning Board's Recommendation of a Conditional Use Permit for Multi-family Housing by Darren Hutton on Lot 9, Block 51 of Milwaukee Land Company's 2<sup>nd</sup> Addition, Commonly Known as 615 4<sup>th</sup> Avenue West
- Public Hearing and Decision on the Zoning and Planning Board's Recommendation on Three Forks Development, LLC's Request for Final Plat Approval of the Headwaters Planned Unit Development

**ADJOURNMENT**

Mayor Johnston asked for a motion to adjourn. Councilman Chancellor moved to adjourn the meeting. Councilwoman McLees seconded the motion. The meeting was adjourned at 6:50PM.

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Randy Johnston, Mayor

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Crystal Turner, City Clerk

**AUGUST 8<sup>TH</sup>, 2023,** 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 Randy Johnston. Mayor Johnston called the meeting to order at 5:59 P.M.

**ROLL CALL:** City Council members George Chancellor, Gene Townsend, Ed Tharp, Nancy Todd, and Roxi McDermott were present at City Hall. Brooke McLees was excused. City Treasurer Kelly Smith and City Clerk Crystal Turner, and City Engineer Susan Hayes were present at City Hall. City Attorney Susan Swimley 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:** Jeannita Bjorndal, Darren Hutton, Gloria Howland

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

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

**CONSENT AGENDA**

- uuu. City Claims Paid to Close June FY22/23 Totaling \$11,433.81 on 7/31/2023
- vvv. City Claims Paid due to Timeliness to Mail Utility Bills Totaling \$206.23 on 7/31/2023
- www. City Claims to be Paid
- xxx. Three Forks Rodeo Arena Board Claims Paid due to Timeliness on 7/12/2023 Totaling \$9,678.93
- yyy. Three Forks Rodeo Arena Board Claim Paid due to Timeliness on 7/13/2023 for Added Money Payout Totaling \$13,000.00
- zzz. Three Forks Rodeo Arena Board Claims Paid due to Timeliness on 7/25/2023 Totaling \$28,080.22
- aaaa. Three Forks Rodeo Arena Board Claims to be Paid
- bbbb. Council Minutes of 7/11/2023
- cccc. Pledged Securities Report as of 6/30/2023
- dddd. Interest and Journal Vouchers for May, June and July 2023
- eeee. Final Plat Approval for "The Headwaters Condominium" (Work/Live), Located at the Corner of Old Yellowstone Trail (Main St.) and W Ivy.
- ffff. Draw #11 Totaling \$58,409.67: \$49,846.25 from ARPA MAG and \$8,563.42 from the City's ARPA LFR Funds
- gggg. Engagement Letter with Craig A. Shepherd to Perform the Annual Financial Report for the Year Ended June 30, 2023

Mayor Johnston said he would like to now pull Item K from the Consent Agenda and introduced Jeannita Bjorndal. City Clerk Crystal Turner interrupted the Mayor explaining the correct process.

Councilman Townsend moved to approve the consent agenda with Item K pulled by the Mayor. Councilman Tharp seconded the motion.

**Motion Passed Unanimously.**

Mayor Johnston invited Jeannita Bjorndal to speak regarding the Headwaters Condominium final plat. Mrs. Bjorndal complained that the builder was not being a good neighbor, that they had to haul a lot of blown garbage from the construction to the dump. She also complained that there are two accesses on Old Yellowstone Trail. Kelly Smith responded that MDT agreed to a second entrance for fire access only, but it should be gated. "There were two entrances into the development that were approved: one on W. Ivy Street and one on Old Yellowstone Trail," Kelly explained. Then Mrs. Bjorndal asked if W. Ivy Street was finished being paved. Kelly Smith again responded to her that the developer paved what they were required to pave. "They are not nice to the neighbors, they didn't clean up garbage,

there is excessive noise, there was speeding of the trucks who hauled in and out all the dirt," Mrs. Bjorndal stated. Gene Townsend agreed with the truck traffic, mentioning the first bunch of dirt that was hauled in would not compact so it was required to be hauled out, and new dirt hauled in, "So there was a lot of additional truck traffic." Mrs. Bjorndal added that the trucks cut the corners of the road and drove in their yard and now there is a huge divot in the gravel area. She continued that the construction workers do not park in the designated parking lots and instead park on W. Ivy Street. She asked if the gravel shoulder where her daughter lives (corner of Main Street and W. Ivy Street) and son-in-law parks is going to be fixed.

Kelly Smith said perhaps the project manager, who is online via Zoom would like to respond. Bryan Tate replied, "The work was done in accordance with the approved plans. With respect to the neighbors, we have responded to every phone call we have received. In regard to construction, it is noisy and we respect that it is an annoyance to the neighbors. However, it seems that you have pulled the approval of this item which was approved by the Zoning & Planning Board with a recommendation of approval, so I feel a little flatfooted by hearing all this now."

George Chancellor said, "As far as parking goes, why can't the workers park in the parking lot?" Bryan replied that requirement to his workers would be an easy fix. He will remind all the workers. George said to Mrs. Bjorndal, "I agree construction noise is loud, but it is also a necessary evil for the time being." Jeannita Bjorndal said she agreed. "They should be more careful with their garbage though," she added. Bryan Tate agreed and said they want to be good neighbors. "Moving forward, a clean construction site, a safe construction site, worker parking - all this will all be addressed," he said.

Councilman Townsend moved that the Council accept Item K in the Consent Agenda. Councilman Chancellor seconded the motion.

**Motion Passed Unanimously.**

#### **PUBLIC HEARINGS**

#### **Public Hearing and Decision for a Conditional Use Application for Multi-family Housing by Darren Hutton on Lot 9, Block 51 of Milwaukee Land Company's 2<sup>nd</sup> Addition, AKA 615 4<sup>th</sup> Avenue W.**

Mayor Johnston turned the presentation over to the Zoning & Planning Board Chairman George Chancellor who read the staff report into the record.

Gene Townsend asked of Mr. Hutton, "Are you going to live in one unit or rent both out?" Darren Hutton replied that he would live in one.

There was no further statement from the applicant, and there was no public comment.

Councilman Chancellor moved to approve the application for CUP to change a single-family home to a 2-family home on 615 2<sup>nd</sup> Ave West. Councilman Tharp seconded the motion.

**Motion Passed Unanimously.**

**Public Hearing on a Resolution Amending the Fiscal Year 2022-2023 Budget to Acknowledge Unanticipated Revenues and Amend Expenditures Exceeding the Original Appropriations**

Mayor Johnston read the resolution, which would be #403-2023 once adopted, into the record in its entirety.

City Treasurer Kelly Smith explained in more detail to the Council about the City receiving unanticipated revenues (grants and donations received), hence more expenditures in those same funds and accounts listed in the resolution.

There were no Council questions.

There was no public comment.

Councilman Townsend moved to accept Resolution #403-2023, a resolution of the Three Forks City Council amending the fiscal year 2022-2023 budget to acknowledge unanticipated revenues and amend expenditures exceeding the original appropriations. Councilman Chancellor seconded the motion.

**Motion Passed Unanimously.**

**Public Hearing and Decision on a Resolution Adopting and Levying Assessments for the 2023-2024 Street Light District #1**

Mayor Johnston read the resolution, which would be #404-2023 once adopted, into the record in its entirety. He asked City Clerk Crystal Turner if any objections had been received to date, to which she answered, "No."

Gene Townsend asked Kelly Smith, since he believed Northwestern Energy is going to have a rate increase this year, if the City has taken that into consideration. Kelly said yes, but there is a cushion in that fund so she is not recommending an increased assessment to the taxpayers.

There were no public comments.

Councilman Chancellor moved to approve Resolution #404-2023, a resolution adopting and levying the assessments for the 2023-2024 Street Light District #1. Councilwoman McDermott seconded the motion.

**Motion Passed Unanimously.**

**Public Hearing and Decision on a Resolution Adopting and Levying Assessments for the 2023-2024 Street Maintenance District #1**

Mayor Johnston read the resolution, which would be #405-2023 once adopted, into the record in its entirety. He asked City Clerk Crystal Turner if any objections had been received to date, to which she answered, "No, unless there are any that are spoken tonight."

There were no public comments.

Councilman Townsend moved to accept Resolution #405-2023, adopting and levying the assessments for the 2023-2024 Street Maintenance District #1, with the noted correction in the second "Now therefore be it resolved" that it read \$55,000. Councilman Chancellor seconded the motion.

**Motion Passed Unanimously.**

**Public Hearing and Decision on a Resolution Adopting and Levying Assessments for the 2023-2024 Street Maintenance District #2**

Mayor Johnston read the resolution, which would be #406-2023 if adopted, into the record in its entirety. He asked City Clerk Crystal Turner if any objections had been received to date, and she again answered, "No."

There were no Council comments, no public comment.

Councilwoman Todd moved to approve Resolution #406-2023, a resolution adopting and levying assessments for the 2023-2024 Street Maintenance District #2. Councilman Tharp seconded the motion.

**Motion Passed Unanimously.**

**Public Hearing on a Resolution Adopting the Preliminary Budget for Fiscal Year 2023-2024**

Mayor Johnston read the resolution, which would be #407-2023 once adopted, into the record in its entirety.

Crystal Turner explained the exhibits for both the revenue and expenditures have been on the website since last week, and Kelly Smith will bring them up on the screen in City Hall, but that there was also a printed copy on the Council's table. "This is tiny font and a lot of pages so I did not print a copy for each of you since it is preliminary and easier to read on the TV screen," she added.

Gene Townsend asked, "We are passing this resolution because the legislature says we have to?" Kelly Smith replied no, "We have to adopt a preliminary budget in order to work off it until we get the DOR taxable valuation. We have not received that yet from the DOR, other towns have. There is an online calculator, so I went online today and tried [to determine Three Forks' mill value], but not sure how accurate it is. We assume the mill's value will increase, but the calculator anticipates an \$1,800.00/mill increase which seems high to me. If that is the case, then we would assess fewer total mills," Kelly explained.

Kelly continued, "A lot [of the budget] is done; we are close we just don't have the mills/revenues yet. The preliminary budget will be operated on until the final approval occurs in September." Gene Townsend commented on how budgets had been done historically. There was an explanation regarding MACO's suggested language which should be included

in the preliminary and final budget resolutions, addressing SB332. The voted-upon mills were not even required to be addressed in the resolutions, but Three Forks is taking them into account and including language. "That's why we added the sentence to the fifth "Whereas" about the voted mills of 10.5. Gene Townsend commented on the Fire Relief Association Fund that can tax up to 10 mills. Kelly Smith said, "Yes, we **can** (emphasis) but have not taxed the full 10 mills the last three years. 3 mills were taxed 3 years ago, 2 mills 2 years ago, and that is what I am proposing again this year." Gene asked about Permissive Mills. Kelly explained the only one she knows Three Forks assessed in the past was for health insurance, and the City does not need to do that at this time.

There were no more Council comments.  
There was no public comment.

Councilman Townsend made a motion to accept Resolution #407-2023, a resolution adopting the preliminary budget for Fiscal Year 2023-2024.  
Councilman Chancellor seconded the motion.

**Motion Passed Unanimously.**

#### **REPORT OF OFFICERS**

City Treasurer Kelly Smith reported she was glad to hear the Council approved Craig Shepherd's engagement letter to do the City's AFR. She has sent him everything to begin the FY2022-2023 AFR. "We were first in his queue. This report has to be complete by 12/31 annually so I am glad we are first," she said. Kelly also reported the CDs for the Three Forks Rodeo Area, and the Water CD and Flood Mitigation Project are all coming to their expiration dates. She asked the Council to consider moving the CDs to First Security Bank which is offering 5.08% interest on 5-month CDs right now. "We can roll these over, or extend the terms, and ask the other banks for additional quotes," she added. She did question if the Rodeo Board has \$200,000 in a CD if the same bank would only FDIC insure additional City CD funds for the remaining \$50,000 in the banks, or the full amount. Adam Miller is researching this for Opportunity Bank. Kelly said the Flood Mitigation money in a CD is just around \$70,000 and not needed right away so the City could move it to a longer CD, or to another bank. Gene Townsend said he does not like the idea of soliciting bids over the telephone, or calling one bank and saying "they'll do this". "I think we should ask what kind of rate would you give us, and time on it and present it to all banks. I would prefer that," he said. Ed Tharp asked if there would be any penalties if they renew because the City has not made a decision at the term date, and then we cancel it and move the funds to another bank? Kelly answered yes, "They mature on 8/17 at Opportunity Bank. The main thing I would like to know is how long the Council would like to go on the Flood [CD]. I wouldn't recommend past a 7-month CD." Gene said he thinks we should shop around a little bit. Kelly asked if the Council just wants her to find the highest interest rate since we only have until the 17<sup>th</sup>? Gene replied, "Yes, why would we

go with the lowest?" Roxi McDermott said First Security Bank's CDs are 5.08% and she will bring Kelly paperwork tomorrow.

Kelly Smith also reported that George Chancellor went to the Legislative Summit in Livingston which covered a lot of the legislative changes. "There are some that will affect Three Forks. One that will affect the Library, but in a good way, because they will get more State Aid. I haven't looked at all of them, but I did look at 12 that will affect zoning. A bill that went through requires ADUs [accessory dwelling units] be allowed on all residential lots, without paying impact fees, no parking requirements, no special circumstances, you can't require an ADU to be owner-occupied, can't set a maximum height, can't make City zoning more restrictive than the State law. One bill says tiny homes have to be considered in the City zoning. We will be working on rewriting our zoning code - so we'll take these into consideration. But one bill I am going to send to Great West Engineering, I'm sure they know about it already, but it is regarding impact fees. Also, we have 24-hours to have our recorded meetings on the website or social media. We are ahead of the game on that one, but it is now a law that you have to post recordings of the meetings on your city/town website or social media," Kelly reported.

City Clerk Crystal Turner reported she has been in communication with Jasmine Hall of the Gallatin County Election Office who asked if the Council would like to cancel the General Election and appoint the one person filed for the Council seat by acclimation. Crystal explained, "We have three Council seats, all four-year terms but those appointed most recently must run in the next available General Election. We had Ed Tharp file timely, and there are two seats still available which one could file as a write-in candidate. Shall I just prepare the resolution for the September 12<sup>th</sup> meeting assuming we'll have the same number of people filed for seats?" The Council agreed to go ahead and just prepare it, and if more people file we will hold the election.

City Attorney Susan Swimley did not have a report.

**REPORT OF COUNCIL COMMITTEES (if any)**

Gene Townsend reported the Budget Committee met twice since June, "Kelly Smith was asked to place in the Parks budget a new roof for the gazebo. I also forgot to mention after the last meeting that we included resurfacing the Anderson Tennis Courts and will add pickle ball lines again once resurfaced. I believe we came to the recommendation of 5% increase to all. We did have it brought to our attention afterwards that we have two employees on probation still right now and we do want to keep our employees happy. We suggested Randy sit down with Robert and Wally and give them a review. If he feels they are progressing, he could give them the same raise as the other employees. We are all happy with Wally's Code Enforcement Reports. I have some contact with Robert, and Randy has a lot of daily contact with him but he can run any equipment and has been a real

go-getter. Last year we made a tremendous hire with Mr. Miller but it didn't last and he found a higher paying job. Four Corners Water and Sewer District offered him at least \$95,000, so the Gallatin Valley is a very competitive market, and it's an expensive place to live. We need to retain our employees," Gene said. He spoke more on rental prices and home prices and said he wanted to laugh at the Legislature making the budget resolution state a *home of \$100,000* because he has no idea where you could get one in the Gallatin Valley. George Chancellor said from his perspective, what Wally is doing is showing around town. Roxi McDermott said, "My neighborhood is looking so much better too." Gene said he noticed when he was spraying weeds the boats and campers that were parked for months on the trail along Jefferson Trail were gone.

**Budget Committee Update, and Discussion Regarding Wage Recommendations and Definition of New Hire/Probationary Employees Involving Cost of Living Adjustment (COLA)**

Gene Townsend reported the Budget Committee also recommended an increase for the Janitor position to \$20.00/hour.

Mayor Johnston said, "So my job is to do an appraisal with Wally and Robert?" Kelly Smith replied, "If the Council says so; is that what the Council wants?" Ed Tharp said he would hate to lose either of them. Nandy Todd agreed and said a permanent change in the handbook for probationary employees should be updated. Roxi McDermott agreed too.

Trails Report - Gene also reported that the exercise equipment has been ordered with the AARP grant, and it will be installed at Bellach Park. The company is 10-14 weeks out for delivery Kelly added. She told the Council, "We are getting nine new pieces of equipment designed for seniors."

**UNFINISHED BUSINESS**

**Flood Mitigation Project Update (as applicable)**

Kelly Smith reported the biological assessment was submitted to FWP. "Our easement attorneys will meet with us on 8/25. Jeremiah thinks we can draft everything except the legal description. FEMA folks touring the state and will be stopping by tomorrow to view our project site," she also informed the Council.

**Water Project Update (as applicable)**

City Engineer Susan Hayes reported she came to Three Forks later in the day to observe the test well inspection sites so that she could also attend the Council meeting. "It took a while to get O'Keefe here because the site was not cooperating due to weather. Every time we delayed, they bumped us further down their schedule. When they finally arrived, they drilled on the west side of Kyd Road behind the Talc Plant. They drilled the last few days of June. Sand lenses were found which were thought may be able to produce water, but Dave with HydroSolutions noted there was a

lot more clay than he anticipated. So, there could be issues," she explained. "Due to these the results, I will not be recommending to move further with test pumping this first well," she said.

"We will recommend O'Keefe move to the third selected side, and they have an opening in September in their schedule so we are on the calendar for that 3<sup>rd</sup> site in September. It is close to an older well that has a well log, albeit incomplete. It is a wetter site but I want to bring fill in so the rig doesn't get stuck. That would require a change order though, so I will be preparing that for the Council. Not sure of the cost yet but I will bring it to the Council to consider," Susan said.

Mrs. Hayes also reported the Talc Plant was concerned of our crew onsite because of their PPE (personal protective equipment) requirements due to them falling under mine safety (MSHA). She suggested a 10-15 foot easement right along the property line on the developer's land would be better than a site on the Talc Plant's property. "I think probably having the water line on the Talc Plant's property is not the best long-term solution. A [water] main on the developer's property could be better accessed, and hooked up when/if they develop that area," Susan said. She added that Montana Rail Link (MRL) may require an additional easement (a crossing of our water main under the railroad) and explained the time it takes to get the permit from them. There was discussion between Gene Townsend, Nancy Todd and Susan Hayes regarding the transition from MRL to BNSF and the timeline of the transition. There was also discussion on BNSF insurance coverage requirements for new permits (some up to \$10,000,000) but if the City shows them what we have prior to submitting the permit, rather than submitting a permit and them responding "you need X in insurance," they have been more agreeable to amend the requirement. The City is still on schedule to submit to DEQ for [the well] approval this fall, and she plans to get bidding out this winter for spring - summer construction. There were no more questions for Susan.

#### **NEW BUSINESS**

##### **Approval of Recommendation to Award Contract to Yellowstone Pavement Solutions for the Headwaters Trail System 2023 Crack Seal and Coat Maintenance Proposals**

Gene Townsend reported the plan is to take a section of trail from Hwy 205 to Headwaters State park, "The gophers have really done a lot of damage. Only one bid from Yellowstone Paving Solutions was received in the amount of \$116,963.63. The grant received for this work was \$100,000 but there is enough cash on hand to make up the difference," Gene confirmed with Kelly Smith.

Councilman Chancellor moved to approve the recommendation to award a contract to Yellowstone Pavement Solutions for the Headwaters Trail System 2023 Crack Seal and Coat Maintenance Proposals. Councilman Tharp seconded the motion.

**Motion Passed 4:0, Townsend abstained.**

**Approval of Recommendation to Award Contract to ACME Asphalt for the Headwaters Trail System 2023 Logan Trail Extension**

Gene Townsend reported this one is for working on the trail a little more to extend it to Logan. "I have been working with the Manhattan Trail group to us get connected, and I'm just planning on going as long as I can. The kicker on this one is I would like the approval of recommendation to award, with the stipulation it won't be awarded until an encroachment permit is obtained by MDT. We need to get a copy of the signed trail agreement with the County for MDT's final review," Gene said. He added he has been awarded a grant in the amount of \$75,000; \$14,000 is a match from Magris. "So that's \$89,000 and we'll have to use some of our funds, the bid is \$99,5000," Gene said.

Councilman Chancellor moved that we approve the recommendation to award the contract to Acme Asphalt for the Headwaters Trail System Logan trail extension, under the condition that we receive an encroachment permit from MDT first. Councilwoman Todd seconded the motion.

**Motion Passed 4:0, Townsend abstained.**

**Approval of Three Forks Volunteer Fire Department Recommendations of Officer Appointment for FY2023/2024**

Mayor turned to page 2 of 2 of the Fire Department's minutes noting, "Elections: Keith Aune ran unopposed for the position of Fire Chief and John Whitesitt ran unopposed for the position of Assistant Fire Chief." (The Mayor read other internal officer appointments as well. Crystal Turner explained is it only required for the Council to appoint Chief and Assistant Chief positions.)

Councilman Townsend moved to approve the appointment of Chief to Aune and Assistant Chief to Whitesitt. Councilwoman McDermott 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 & COUNCIL ANNOUNCEMENTS**

Mayor Johnston reminded the Council that at the last meeting the Council approved a kennel license, which has had several complaints by a couple of neighbors. "We are still investigating the complaints. I will have more info for the Council at the next meeting, if we have it on the agenda at all," he said.

Gene Townsend announced the Rodeo board meeting held last night discussed the 2023 rodeo statistics. 2023 was a great success. "We have rented the arena out in September for the Bozeman High School Rodeo. They lost their place at the Gallatin County Fairgrounds this year, but they are going to

come down here and do their High School rodeo. We would like to request from the Council to close Kansas Street for those two days. We also thought can we just use our common judgment when closing Kansas. We didn't close it for the High Winds Youth Rodeo, which basically really was just little kids and we probably should have [closed it]. Whobee stressed safety should be first when closing the street because the kids just ride and don't look and the horses don't always love cars driving by." Gene asked if the Council has a problem with the Rodeo crew closing Kansas Streets during such events? Nancy and Roxi both did not have any issues.

**AGENDA ITEMS FOR NEXT COUNCIL MEETING: September 12, 2023**

- Public Hearing and Decision on a Resolution Adopting and Establishing the Mills to be Levied, Designating the Percentage Breakdown for the State of Montana Entitlement Share, and Designating the Breakdown for the Local Option Tax for the Fiscal Year Beginning July 1, 2022, and Ending June 30, 2023
- Public Hearing and Decision on a Resolution Establishing Wages and Compensation for the Appointed City Officers and Employees for Fiscal Year 2022-2023
- Public Hearing and Decision on a Resolution Adopting the Budget for Fiscal Year 2022-2023

**ADJOURNMENT**

Councilman Chancellor moved to adjourn the meeting. Councilman Tharp seconded the motion. The meeting adjourned at 7:52PM.

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Randy Johnston, Mayor

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Crystal Turner, City Clerk

**SEPTEMBER 5<sup>TH</sup>, 2023,** 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 Randy Johnston. Mayor Johnston called the meeting to order at 6:00 P.M.

**ROLL CALL:** City Council members George Chancellor, Gene Townsend, Ed Tharp, Nancy Todd, Brooke McLees and Roxi McDermott were present at City Hall. City Treasurer Kelly Smith and City Clerk Crystal Turner were present at City Hall.

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

**GUESTS:** D.K. Brooks

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

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

**CONSENT AGENDA**

- hhhh. City Claims Paid via Check on 8/18/2023, and Electronically Paid on 8/25/2023 due to Timeliness Totaling \$2,180.74
- iiii. City VISA Claim Paid Electronically due to Timeliness on 8/23/2023 Totaling \$6,775.17
- jjjj. City Claims Paid due to Timeliness on 8/25/2023 Totaling \$35,128.47
- kkkk. City Claim to Mail Utility Bills on 8/31/2023 in the Amount of \$206.23
- llll. Three Forks Rodeo Arena Board Claims Paid due to Timeliness on 8/25/2023 Totaling \$1,438.49
- mmmm. City Council Minutes of 8/8/2023

Councilman Townsend moved to approve the consent agenda. Councilman Tharp seconded the motion.

**Motion Passed Unanimously.**

**PUBLIC HEARINGS**

**Public Hearing and Decision on a Resolution Adopting and Establishing the Mills to be Levied, Designating the Percentage Breakdown for the State of Montana Entitlement Share, and Designating the Breakdown for the Local Option Tax for the Fiscal Year Beginning July 1, 2023, and Ending June 30, 2024**

Mayor Johnston read the resolution, which would be #408-2023 once adopted, into the record in its entirety.

Gene Townsend asked a few questions: what are the numbers the percentages in the two brackets Library Operating and Capital Improvements? Kelly Smith clarified, "You mean how much money does that mean?" Gene said yes. Kelly answered that the State Entitlement 80% equates to \$175,576. The Library will get \$8,230 and Flood will get \$35,664. "The Option Tax 90% is approximately \$91,000, and 10% is \$9,000. We don't know for sure how much option tax we will get every year because it depends on how many

vehicles are registered," she explained. Gene asked, "This is also determined by population of the town?" Kelly said yes, pursuant to §61-3-537, MCA. Gene added, "So those running around town with 43 [license] plates, we aren't getting any money on that?" Kelly replied no.

Kelly Smith further explained the details of the General Fund, which is budgeted to spend a lot this year. "If it gets tight, I will recommend taking some from the Street/Flood Capital Improvement Fund back to Streets Account in the General Fund," she said.

There were no Council questions.

There was no public comment.

Councilman Townsend moved to accept Resolution #408-2023, a resolution adopting and establishing the mills to be levied, designating the percentage breakdown for the State of Montana Entitlement Share, and designating the breakdown for the Local Option Tax for the fiscal year beginning July 1, 2023, and ending June 30, 2024. Councilwomen Todd and McDermott seconded the motion in unison.

**Motion Passed Unanimously.**

**Public Hearing and Decision on a Resolution Establishing Wages and Compensation for the Appointed City Officers and Employees for Fiscal Year 2023-2024**

Mayor Johnston read the resolution, which would be #409-2023 once adopted, into the record in its entirety. Kelly Smith questioned if the Code Enforcement Officer and Public Works Operator positions, "Are those retroactive too?" Gene Townsend answered yes. Kelly stated she thought so but it was not written in the review documentation. Gene asked if the Mayor had conducted the performance reviews yet. Mayor Johnston said yes and both were more than satisfactory. Gene asked about the City having a Court Clerk and a Deputy Court Clerk. He asked (pointing to Kelly, then to Crystal), "Are you the Court Clerk and you are the deputy?" Kelly Smith answered yes. He asked how often anything happens in the Court. Kelly replied not very often.

D.K. Brooks did not have any public comment.

Councilman McDermott moved to accept Resolution #409-2023, a resolution establishing wages and compensation for the appointed City Officers and employees for fiscal Year 2023-2024. Councilwoman McLees seconded the motion.

**Motion Passed Unanimously.**

**Public Hearing and Decision on a Resolution Adopting the Budget for Fiscal Year 2023-2024**

Mayor Johnston read the resolution, which would be #410-2023 once adopted, into the record in its entirety. Kelly Smith noticed the third "Whereas" in the resolution states the same as the preliminary budget resolution,

and since then the City has received its taxable valuation from the Department of Revenue. Crystal Turned edited the paragraph while the Mayor continued to read the resolution. Kelly Smith then explained to the Council this is a newly required paragraph that is to be included in the budget resolutions, and Montana Association of Counties (MACo) provided a table/spreadsheet to break down the millage, "However, I do not think their table is accurate. It does not break it down into a dollar amount, it only looks at mills." Gene Townsend asked about the \$7 Million for the flood project fund. "That's a lot of money for the little town of Three Forks," he said. Kelly Smith agreed and added, "We have a lot of big budget items right now." She then read the third "Whereas" into the record as corrected.

Public Comment: D.K. Brooks had a request to include in the budget. He represented VFW #7621, the Ray Lau Post. D.K. explained, "In 2019, the Federal Government authorized the Space Force as a military branch. In Veteran's Park we have flagpoles for all the other service branches, but we do not yet have a flagpole for the Space Force. It is my understanding that this request was brought to the Council before, but for whatever reason that request did not come to fruition. I apologize for coming at the eleventh hour, and I had intended to attend the Budget Committee meetings but my summer got away from me and I did not attend. We would like to request \$3,500.00 in the budget to purchase the flagpole that is the same as the existing flagpoles already in the park. I checked on the [flagpole] website today and this quote apparently is still current. This is a 20-foot flagpole quoted under this full request, but digging the hole, concrete, and labor to set it is also included in my \$3,500 request."

Gene Townsend said he remembers that the Budget Committee said it would purchase all the flags, but the VFW was to purchase the flagpole, and then the City would pay for the electricity. George Chancellor agreed that was how he remembered it as well. D.K. Brooks rebutted he believed the leaders at that time may have agreed to something he was unaware of. "However, the [VFW] funds have dwindled since then and we are trying to raise funds to build a community center on the lot we own behind the Motor Supply, but we are still a long way from doing that." Crystal Turner added that she was on the City Council when then-president Dick Aune requested the flagpoles and the City agreed then to pay for the electricity and allow the installation in the city park. She found the minutes of the Budget Committee mentioned tonight and the minutes do state that the Committee recommended the City pay for flag replacements annually (or as needed) and that the VFW was to purchase the flagpole. Gene Townsend asked what the VFW is going to contribute? Mr. Brooks said they would find the donated labor, and provide the concrete. Gene said, "I guess it's none of my business but is the VFW in any position to help pay this? I think you made pretty good money when you had your thing going with the Sacajawea and hoped that even though you gave a lot it back to

the community, the VFW put some of it away for later." Mr. Brooks said he agreed. Gene said he believes everyone should have some skin in the game.

Councilman Townsend moved that the Council contribute \$1,750 towards this project in partnership with the VFW, which would be half of the request. Councilman Tharp seconded the motion. George Chancellor said he did not want to part with the money until they can demonstrate they have done something up front. Kelly Smith suggested that later in the year, because if everything goes through that is already included the budget, there may not be enough money to include this. Councilman Townsend amended motion to include upon availability of the funds as of 1/1/2024, per George's recommendation the VFW proves some action as well." Councilman Tharp agreed to the amendment.

Kelly Smith offered to review the remaining General Fund highlights to the Council.

Crystal Turner asked for point of order because there is a motion and second on the table - she asked the Council if there were any other discussion items on the amendment to the budget and if not, to vote on the motion on the table and then have Kelly provide her input.

**Motion to include \$1,750 into the General Fund passed Unanimously.**

Kelly Smith reviewed on the screen with the Council the exhibits to the budget Resolution. She highlighted \$80,000 expenditure on the CIP, Impact Fees reviews and then ordinance rewrites to match the Growth Policy. Replacing the roof on City Hall is included in this budget, which has not been done that anyone can remember in the past 40 years. The Fire Department did well on their budget last year, they left \$13,000 on the table so some items were carried over to this year's budget. We don't know yet if we have to purchase the other 35-feet on Jefferson Street with the RV/Cottages are. We hope not to have to pay for this public street but the legality of ownership is still unknown and if we had to purchase it, going with the prices/foot we charged in the past, the 35-feet could cost about \$76,000. Streets for a new vac truck, so sucking up the water by the Shoppe like Nancy had asked for a drain. It's a pretty expensive piece of equipment but split by Gas Tax, Streets, and Sewer? Mayor Johnston said it would be greatly used and work much better than the 1993 vac trailer we currently have. Kelly continued, "This is a \$300,000 piece of equipment but I budgeted some out of each account." Gene Townsend asked if we would get rid of the trailer, "I don't want to see us just parking it out back like the sweeper was parked. I hope we can sell it."

Kelly continued with the General Fund highlights, "Doors for warming hut, Peterson Park, and Bellach Park need replaced. We are also going to clean out our pit vault toilets in all the parks. The tennis court needs resurfaced, probably will not happen until June 2024 at a cost of \$16,000. Stevenson Park's gazebo roof is budgeted for replacement, as well as asphalt patch/repair to the parking lot at Bellach Park." Gene asked for

a breakdown on roof repairs - he felt the City Hall roof should be priority. Kelly continued there is \$10,000 budgeted for tree spraying and trimming in all the parks. "The Cell Tower lease revenue usually gets directed toward a needy department. The new GASB says leases have to be amortized over 20 years. Auditors had us break down each lease this past year - so it just shows as an expense to receipt it into the General Fund and then transfer out to the Streets/Flood Capital Improvement Fund. "The General Fund is the biggest change from last year, we have budgeted almost \$300,000 more than spent last year but then again everything may not actually happen this fiscal year. We budgeted \$100,000 more than what was actually spent last year," she added.

She also went over the Gas Tax fund which includes a portion the possible paving of Railway Avenue, explained the Trails fund, mentioned the chip seal project in the Street Maintenance District #1, and said the Fire Department building needs new A/C and furnace. "All impact fees from Water will be transferred out towards the project. Water reserved money will transfer about \$200,000 towards the project. Sewer Impact fees - we budgeted \$300,000 to spend, but it's just in case the budget and not really anything specifically requested this year. You can discuss it, amend or omit some of the things we have presented to you," Kelly said.

Gene asked what the cap is for cash reserved for the budget, "Is it 50%?" Kelly answered, "With a General Fund budget of just over \$1 Million, we could have up to \$500,000 in savings. If all expenses go through we will not have 50% of the General Fund budget remaining in savings. We would be down to about 23% if we spend all that is proposed, but we have had a lot of these items in the budget for years and have not been able to get them completed." Gene said he understands it is just a hefty budget this year. Kelly said the City has been fortunate enough to not have to spend all its cash in the past, but if we are taxing the people we should spend it on things that benefit them. Gene agreed especially you have to have a roof over your City Hall and I think that is priority over a gazebo roof (which I have a tender spot for). I think that Marcia Anderson who donated all that money to build the better tennis court, we should take care of it and if we are getting roots coming up that needs to be repaired. There are a lot of people that use the tennis court. I like the idea of the vac truck to help get rid of water around town when our drains are full.

Councilman Townsend moved to approve Resolution #410-2023, a resolution adopting the budget for fiscal year 2023-2024, as amended in the 3<sup>rd</sup> Whereas that Kelly read to us, and also what we added for the VFW for \$1,750 for a flagpole at Veteran's Park.

Councilman Chancellor seconded the motion.

**Motion Passed Unanimously.**

**Public Hearing and Decision on a Resolution Cancelling the Contests of Full-Term Councilmember Seats in the 2023 General Election, Declaring**

**those Filed as Appointed by Acclamation, and Removing these Races from the Ballot in Accordance with Section 13-1-403(4), MCA**

Mayor Johnston read the resolution, which would be #411-2023 once adopted, into the record in its entirety.

Councilman Chancellor moved to approve Resolution #411-2023, a resolution of the Three Forks City Council cancelling the contests of full-term Councilmember seats in the 2023 General Election, declaring those who filed by the statutory deadline as appointed by the acclamation, and removing these races from the ballot in accordance with Section 13-1-406(4), MCA. Councilwoman McLees seconded the motion.

**Motion Passed Unanimously.**

**REPORT OF OFFICERS**

City Treasurer Kelly Smith did not have anything to report.

City Clerk Crystal Turner reported the Three Forks Chamber dinner will be held on September 16<sup>th</sup> if any Council members or the Mayor would like to attend, please let us know so we can purchase tickets. She reminded all that the Montana League of Cities and Towns conference is October 11-13, 2023, in Helena if anyone wishes to attend that too. Also Cherie Murbach with the Gallatin County Environmental Health Department reached out asking if the Council would like to meet with her to discuss smoke-free parks. "I told Cherie this would be best to meet with a Committee first, so perhaps the Parks Committee?" The Parks Committee agreed to let Crystal try and schedule something.

**REPORT OF COUNCIL COMMITTEES (if any)**

There were no Council Committee to report.

**UNFINISHED BUSINESS**

**Flood Mitigation Project Update (as applicable)**

Kelly Smith did not have anything to update (most of the project update was provided in the budget presentation).

**Water Project Update (as applicable)**

Crystal Turner read Susan Hayes' email (see packet) regarding O'Keefe Drilling getting back on site Wednesday 9/6 and going to try to drill another test site further up the hill.

**NEW BUSINESS**

There were no New Business items.

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

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

Brooke McLees informed the Council that she stepped away from trying to help with the Ambulance Service District/Board and has offered to help with the Friends of the Library. The Friends intend to hold a book and bake sale on Friday, October 13<sup>th</sup> and Saturday, October 14<sup>th</sup>, 2023.

**MAYOR & COUNCIL ANNOUNCEMENTS**

Mayor Johnston reported the employee evaluations went well. He informed the Council that Friday is the regional Housing Coalition meeting at the Ambulance Barn with the One Valley group. "I went to the last meeting in the spring in West Yellowstone and feel they are important [meetings]," Mayor Johnston said. He invited the Council members to attend.

Gene Townsend thanked the Budget Committee and, "For all the help Kelly and Crystal gave us to help with the budget - I appreciate it." He reported we will be having another rodeo this weekend, it is a junior and high school rodeo put on by the Bozeman Riding Club.

**AGENDA ITEMS FOR NEXT COUNCIL MEETING: September 12, 2023**

- Commissioner Boyer's presentation on the Gallatin Watershed Collaboration's Drought Deluge Adaptive Management Plan
- Jean Leith's request for definition of "Nuisance Dog"
- Kennel License Application by Hotalen/Torrescano/Tatum
- Kennel License Application by Carrasco

**ADJOURNMENT**

Councilman Chancellor moved to adjourn the meeting. Councilman Tharp seconded the motion. The meeting adjourned at 7:25PM.

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Randy Johnston, Mayor

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Crystal Turner, City Clerk

**SEPTEMBER 12<sup>TH</sup>, 2023,** 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 Randy Johnston. Mayor Johnston called the meeting to order at 6:00 P.M.

**ROLL CALL:** City Council members George Chancellor, Gene Townsend, Ed Tharp, Nancy Todd, Brooke McLees and Roxi McDermott were present at City Hall. City Treasurer Kelly Smith, Code Enforcement/Office Assistant Wally Ziegler, City Attorney Susan Swimley, and Gallatin County Sheriff Sergeant Doonan and Deputy Sella were present at City Hall. 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 this meeting was recorded and may be streamed via Zoom and on our Facebook page.

**GUESTS:** Jean Leith, Dana & Denis Christenson, Cheryl & Adrian Carrasco, Cathey Misener, Stacey Adams, Liz Shakespeare, Gloria Howland, Leslie & Jim Drummond, and County Commissioner Jennifer Boyer. In attendance via Zoom were Jan Lien (Magris), Aly Fendler, Dara Torrescano and Patrick Downey (Magris).

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

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

**CONSENT AGENDA**

- nxxx. City Claims to be Paid
- oooo. Three Forks Rodeo Claims to be Paid
- pppp. Out-of-City Limit Water and Sewer Service Agreement with Magris Talc Pursuant to Ordinance #9-4-9
- qqqq. Engagement Letter with Rudd and Company to Perform FY2022/2023 Audit
- rrrr. Contract with Rudd and Company, PLLC for Year 2 of the 3-year Contract (\$27,500)
- ssss. Service Agreement with Yellowstone Pavement Solutions as Recommended on 8/8/2023 to Perform Maintenance on the Headwaters Trail System for \$116,963.63
- tttt. Contract with Gallatin County for Library Services at the Three Forks Community Library for FY2023/2024 in the Amount of \$78,919.00
- uuuu. Draw #12 for the Water Project in the Amount of \$4,251.58 of the City's ARPA Local Fiscal Recovery (LFR) Funds
- vvvv. Service Agreement with TD&H for Engineering Services for the Logan Trail Extension for \$9,000.00
- wwww. Tri-Party Agreement with First Security Bank for Public Funds Exceeding \$250,000.00 FDIC

xxxx. Service Agreement With Yellowstone Pavement Solutions for Additional Maintenance Work in the Amount of \$13,780.00

(Item "J" was not submitted timely and so automatically pulled from the Consent Agenda.)

City Attorney Susan Swimley asked to pull item "c" from the Consent Agenda stating she believed there should be some discussion on it before the City enters into a 20-year agreement.

Councilman Chancellor moved to approve the consent agenda with the exception C which will be moved to another part of the agenda for this evening and we strike number J of the Consent Agenda. Councilwoman McDermott seconded the motion.

**Motion Passed Unanimously.**

Mayor Johnston turned it over to Susan Swimley to discuss item "C". Mrs. Swimley said that this is a long-term agreement and Magris has been a good partner in all discussions. She was not part of the negotiations in Section 8, which is where the payment schedule is, so if you have specific questions on that she asked the Council to please ask those who negotiated the payments. Mrs. Swimley said, "We did this intentionally so that Magris does not have to annex into the City, so that they do not have to give up their wells. That would affect their and our water rights which if they lost them would be a bigger burden to the City. She also discussed the wastewater samples. From the legal standpoint, Section 21 is important in the event that Magris sells to another company, this agreement will continue with any successors. There is a way for either side to end the contract if needed, but I don't think we will ever need that." Gene Townsend said the financial obligation is included in the agreement and he saw there is an annual increase and does not have any issues with it. No other Council members did either.

Councilman Townsend moved to accept item "C" the Out-of-City Limit Water and Sewer Service Agreement with Magris Talc Pursuant to Ordinance #9-4-9. Councilwoman Todd seconded the motion.

**Motion Passed Unanimously.**

#### **PUBLIC HEARINGS**

There were no Public Hearings.

#### **REPORT OF OFFICERS**

City Treasurer Kelly Smith reported the annual FEMA review was complete; this was a more informal review and not an in-person review where everything is submitted for review electronically. She reported the City scored 100%.

Kelly also said that Crystal had sent an email after the last Council meeting to Brooke McLees, Nancy Todd and George Chancellor about scheduling the Parks Committee meeting with Cherie Marbach, and she has not seen any response to that request.

Gallatin County Sheriff Sergeant Desmond Doonan reported on the calls for service in the city limits through June were 242 calls that month, July had 243 calls, August 206 calls, and September 80 to date so right on track for last year's calls.

**REPORT OF COUNCIL COMMITTEES (if any)**

There were no Council Committees to report.

**UNFINISHED BUSINESS**

**Flood Mitigation Project Update (as applicable)**

Kelly Smith reported we are still waiting for Fish, Wildlife and Parks (FWP) to finish their review and provide a recommendation to FEMA in order for them to award our grant. The easement attorneys are working on the initial draft easements for the property owners. The longer the FWP review and FEMA's grant award goes, may extend construction to 2025.

**Water Project Update (as applicable)**

Mayor Johnston reminded all the first test well did not provide enough water. O'Keefe Drilling has started a second test well and is about 315-foot deep now and found good sand and gravel bars, which is hopeful. (Mayor Johnston was reading Susan Hayes' email, see packet for complete update.)

**NEW BUSINESS**

**Gallatin Watershed Collaborative Presentation of the Drought Deluge Adaptive Management Plan, Overview, Questions and Consideration of Three Forks Participation**

Gallatin County Commissioner Jennifer Boyer introduced herself and distributed her PowerPoint presentation and a draft project proposal. She thanked the Council and Mayor for taking time on the agenda for her tonight. "I recognize that the Gallatin [River] is not in your backyard. However, I believe there may be areas of this project that you may be interested in. I got engaged in this project because my background is in water protection. My very first job in Montana was working in the Big Hole watershed, on the Madison in Butte-Silverbow County, where ranchers and landowners were facing an endangered species listing. That project still is active today and is the model of our approach." She giggled that the acronym for this project is DDAMP, "So not too wet and not too dry." Commissioner Boyer continued her presentation on the three objectives: lessen the impacts of water scarcity and excess; voluntary dry-response and water conservation; establish long term approaches to watershed

resiliency. She has been working with the Gallatin Watershed group which has been working over the past several years on water quality, floodplain concerns and mitigation, and conservation.

Commissioner Boyer continued, "We are experiencing rapid change with population growth, changing land use practices, increasing demands on our water resources, calls for great coordination and outreach to inform, respond to and mitigate the impacts of drought and deluge. The West has always experienced times of water excess and scarcity, but current conditions make impacts more severe. This isn't new. The Gallatin River Task Force in the upper Gallatin, the City of Bozeman, the Gallatin Watershed Collaborative have all been working towards this same goal. We are just trying to bring all these efforts together, which relies on consistent messaging to the public as well. It can be really confusing if the City of Bozeman is mandating restrictive watering of lawns when other communities aren't facing the same resource conservation goal, so similar messaging to the public needs to be coordinated."

She highlighted the Drought Dashboard website and available literature. "I am a believer that when you bring local people together to solve complicated problems you get better results." She liked hearing of the City's floodplain mitigation and drilling for drinking water projects earlier tonight and said, "This fits perfectly into what I am talking about tonight. The more we can build mitigation options/solutions we can slow the water's release back to the rivers and reservoirs. I would also like to ask if there are any suggestions for communication strategies and hope the City will be interested in partnering. This is not prescriptive at all where it is rigid, but I hope the City has some buy into this project." Commissioner Boyer said there are a variety of ways Three Forks could partner. "I realize we have the Jefferson and the Madison on either side of the community. I came to Three Forks, because as a town in our county, when the Gallatin is experiencing dry conditions, your community is in the same situation. I want to encourage voluntary conservation and long-term mitigation strategies, and hopefully identify the level of drought we are in. Even when there are green fields all around us, it does not take long for a couple hot weeks to change our environmental drastically." She encouraged public input, participation in the meetings, the City having a place at the table on the Committee, or perhaps a valuable technical advisory citizen volunteer. She asked if there were any questions.

Gene Townsend thanked Commissioner Boyer for coming and said that Three Forks usually does not see the Madison [River] get too low. "Water is a premium. A couple of years ago we did ask the community to cut back on watering lawns because our wells were just not keeping up with the demand. We do have a little problem and that is called sand point wells. Pretty much everyone in Three Forks is on one, so it is hard to tell people not to water their lawns if they are using their own groundwater well. But we can certainly encourage the conservation of treated water," he said. Gene

asked if Mrs. Boyer's group has reached out to the Jefferson water users, and said he thinks it would be a good thing for the City to be part of the Drought DDAMP group. Commissioner Boyer said she will return with an update at a future date.

**Discussion and Response to Complaint Letter by Jean Leith Regarding Granted Kennel License for 406 1<sup>st</sup> Ave E., and Response to Mrs. Leith's Request for Determination of What Exactly Constitutes a "Nuisance" within Ordinance #4-6A-11**

Mayor Johnston invited Jean Leith to speak first. She stated her neighbor's dogs at 406 1<sup>st</sup> Avenue East have ruined the quiet enjoyment at her property. Ms. Leith said, "These dogs are 15-feet away from my house. They create a cacophony of noise throughout the day. Due to the proximity of the dogs to her house, they are loud and even with windows closed are disruptive. People walking by, riding bikes or anything tends to set the dogs to barking, although it not prolonged barking it occurs frequently throughout the day." She then played video footage of the dogs barking from her phone which was too small to show the room so she turned the volume up to hear the dogs barking. Ed Tharp asked if this was a constant occurrence. Ms. Leith said no, it could be quiet for two hours but then an eruption like that will occur. "That was on a Sunday at 9:10PM," Ms. Leith said. "I am a dog lover and recently had to put down my own friend of 16 years (93 in people years). Normally this is not part of a neighborhood noise, although dogs do disrupt a neighborhood at times. I contacted Stacey in June when it appeared to me that I was not going to get my sleep or enjoy quiet enjoyment of my property. She assured me she had a bark machine and bark collars. I have not seen any of these tools. I have confronted her a few times, and once she put her hand to head and said *I can't deal with this right now* and she walked away. There was another time I confronted her which was not as friendly because I had no sleep the night before. The next morning, I was contacted by the Sheriff Office to say a harassment complaint was filed against me. I have not observed bark collars, the dogs are free to roam in and out of the house while Stacey is at work or out late at night. I wrote a letter to the Council opposing the kennel license, but the Council approved it in spite of my objection. I have contacted the City Attorney regarding my complaints and was assured that there is a City ordinance that addresses Nuisance Dogs in #6-4A-11." She continued to explain she has purchased her own sonic bark machines and mounted them on her fence facing the dogs. One disappeared within a couple of days. She wondered how effective one or two machines could be for six barking dogs and even contacted the company of the machine to ask about its effectiveness and was told to give it two weeks. However, the other machine was missing before that time. "I have spoken to other neighbors who have said the barking also bothers them and they resort to turning up the radio or television rather than be involved in confrontation. The constant barking is affecting my health, sleep, and ability to have a normal life. I encourage the Council to withdraw the kennel license or enforce the remaining issues promised by

Stacey. If not, I ask that the ordinance be revoked and appropriate money and criminal penalties be set."

Leslie Drummond spoke on behalf of Jean Leith as well. She complimented her mother's property. "Jean is a kind, considerate neighbor. She is constantly improving her property both inside and out. Her gardening skills prove a sanctuary for my mother, who often takes a nap after hours of gardening in the backyard. The previous two renters in [what is now] Stacey's house were often given pies, and the children that lived there were given Easter baskets. She invites neighbors to holiday dinners, drove them to doctor's appointments, and checks on former elderly neighbors while mowing their lawns. She even let former neighbors use her electricity to run space heaters in the old shed. She is not a busy body looking for things to complain about. She makes decisions based on her own merits and not what others tell her. Her sleep is constantly interrupted at night and she finds it difficult to fall back to sleep after being woken up at these hours. This is taking its toll on her health. The stress is making her into someone I do not recognize. We are worried about her health and what the stress is doing to her. She deserves to live peacefully in her own home. Turning up the music and moving to the back of her property like neighbors do, is not something she should have to do. Six dogs in a residential neighborhood, especially when the occupant is away from the property, is not a good plan. The status quo is not working and I ask that you address the situation."

Dana Christenson, 415 1<sup>st</sup> Avenue East, spoke that she agrees with Mrs. Drummond's comments about Jean being a friendly neighbor. We would much rather have our windows open in the summer, but we cannot do that anymore or we hear the barking dogs. "I don't understand why the kennel license was even issued. To me it should be fostering dogs, or making a living, or a care giver for animals to give medications. Just to have six dogs, when an ordinance says you can only have three, doesn't make sense to me," Dana said.

George Chancellor commented in support of Jean Leith. "I have been by that house several times before this week, and the dogs are running around the yard, barking, and no collars. When that woman left here, she said she would be getting bark collars. Barking dogs every time I go by. I've gone and parked across the street and they even come out and bark at me. Personally, I want to question Des about why there have not been any citations." Sgt. Doonan we have been to both residences 22 times for service calls. Of those, in person myself or the County Animal Control has attended the calls. The reason we have not issued citations is that we try to give it 15 minutes of unprovoked barking. We wait and see if the dogs bark after the distraction walks/rides by. Every dog that barks every 15 minutes if we issued a citation for would be astronomical in Three Forks. George asked if Sgt. Doonan had suggestions. Sgt. Doonan declined. George asked what the Council is to do then - discussion and response, or just discussion?

Mayor Johnston said he would like to follow the order of the meeting. He asked if there was any other public comment.

Stacey Adams, 406 1<sup>st</sup> Avenue East, said she did order bark machines rather than bark collars because she thought that collars would not work well on little dogs. The company said it was delivered, and to a woman, but it was not delivered to her. Stacey said the boy that watches her dogs while she is at work even went to Ms. Leith's house to ask if the package was delivered to her accidentally. "I have other witnesses too. Crystal said she has witnessed Jean emitting a noise from her phone while standing at the edge of my property, and also from her window. Crystal has witnessed it and heard it. She even said she thinks Jean just has to win this battle." *(City Clerk Crystal Turner's note, as she was not in attendance at this meeting. If Ms. Adams' intention is to refer to Crystal Turner this statement is false. Crystal Turner has said she witnessed Jean standing at the edge of her property while talking to a neighbor and has heard Jean playing classical music loudly with all the windows open. Crystal has not said that she believes Jean Leith to 'want to win this'.)* "I have stopped parking my vehicle on her side of the property so that she cannot see me. My neighbor Lindsey has witnessed Jean putting her hand over the fence antagonizing my dogs. I have had threatening text messages sent to my phone and threatening mine and my dogs' lives. There has been a poison hot dog thrown in my yard. There is no reason for her to come out at 11 o'clock at night to yell at me about my dogs. I have someone putting them away early. So basically, a lot of what has been said is just not true. You say she's not a busy body or anything, well I was helping Liz put it in some fence posts and she [Jean] came and said have you seen a chi-weenie." George Chancellor asked Stacey if the shock collars do not work. Stacey said no, "Not on the little dogs. They move around, they are very active dogs." George replied, "You assured this body that you would control the barking and I have not seen that happen." Brooke McLees asked if the Council would be allowed to see the text messages. Sgt. Doonan said he can attest to witnessing them, he does not have them with him but could provide them. It is an ongoing investigation but appears someone sent them from a purchased-spoof phone number. Nancy Todd asked, since the bark collars or machines do not work, what Stacey Adams' plan is? Ms. Adams said she spoke with a trainer who recommended another bark machine type.

Susan Swimley reminded the Council you are discussing a response to a complaint letter. "I understand that there may be an exchange of information, but you are not reopening the kennel license application. You would need to provide notice to revoke the kennel license if this body chooses. This is not a hearing about the kennel license. If you want to give the Sheriff's Department more clear direction on what you want to see done, that is in your power but you are not here to discuss the kennel license." Sgt. Doonan addressed George Chancellor regarding why the Sheriff Office has not issued a citation, "Those 22 calls are not all dog

barking. There are a number of disorderly conduct calls, trespass calls, and erroneous noise complaints. "I make it clear to my deputies that they are to come with an unbiased approach," he said.

Cathey Misener, 419 1<sup>st</sup> Avenue East, spoke that she believed she and Jean Leith to be friendly neighbors all these years. "I sit on my front porch every morning and drink coffee, smoke cigarettes, and know what is going on in the neighborhood." She spoke of the fact that Jean had changed. The noise machine she witnessed, which she said sounded like it was coming from Jean Leith's backyard was a howling sound, "which of course is going to make dogs bark. I have seen Jean reach over the fence to pet the dogs, to scream at the dogs, I have seen her feed the dogs. I have text messages, I have video, I have my phone hear and you are all welcome to look at that." Mrs. Misener said she believes Jean just wants to win this. "I have never seen her like this. Crazy can happen at any age. If you are really going after a dog that is barking, go behind Jean's house where this another dog barking. There are two constant barking dogs at the yellow trailer across from Stacey's. The people that own the restaurant on the corner have two dogs that bark a lot. I have a dog. There are dogs all around us that bark at times. There are people in the little green house that have five dogs." She encouraged the Council to look at the whole neighborhood and see if one complaint is just getting worse and worse.

Mayor Johnston asked Susan Swimley for her recommendation of what to do. Mrs. Swimley said she does not have a recommendation, but offered the Council could reconsider this application at a later date or ask staff to look at the ordinance and amend it.

Nancy Todd asked Jean Leith if the Council revoked the kennel license, and she had to get rid of three of the dogs and there would still be three there. "Do you think that would help?" Nancy asked. There would still be dogs there. Mrs. Leith believed it would help.

Jean Leith said she does not know where some of this information is coming from, especially the texts and threats. "It seems like they are insinuating that I am responsible for all this. Why would I want a package from her house? I would not even go in there to get it. What would I do with six bark collars? If she had these collars that were delivered, I would like to see the order and if they are missing, I would like to see the tracking record. I spoke with the delivery men in the area and asked if they remember delivering a package and to whom, and they replied that if they left it unattended their policy is to state where they left it and take a picture of it." Cathey Misener started to interject; Mayor Johnston stopped the side conversations. Nancy Todd said that the Sheriff Office, she is sure, is looking into investigating any of the complaints or stolen products.

Mayor Johnston said he would like to have the meeting on October 10<sup>th</sup>, to have a recommendation on what to do. "We need to study the situation and put out there to see what everybody has to say." Nancy Todd asked if the Mayor means a decision on the revocation of the kennel license. Susan Swimley asked the same, "Do you want the Council to think about it for a month and then come back and decide how to proceed, or just decide to determine what constitutes a nuisance, or revoke the kennel license. You (meaning the governing body) do not get to make a decision on what is a nuisance, that is at the discretion of the Gallatin County Sheriff Office. Ed Tharp agreed the Council should think about it for a couple weeks and then decide if they want to have a hearing to consider revoking the kennel license. Nancy Todd agreed. Gene Townsend thought perhaps it should be a special meeting for just this discussion and then bring the recommendation to the October 10<sup>th</sup> Council meeting. George Chancellor recommended directly to Stacey Adams to make huge efforts to address the barking dogs. "It doesn't sit well with me when someone said they will do all these things to this Board, then we get all these complaints." Cathey Misener asked what you do if someone provokes the dogs though? Susan Swimley said that decision is not for the Council. Gene Townsend told a story about he and a long-time neighbor laughing that kids would walk home every day and run a stick along the chain-link fence and the dogs would just go crazy. "I don't think it's right, or fair, that on a busy street that a dog barks when people go by. I really have a problem with the thought of five dogs in a household. I can't get it straight in my mind why that is even a thing. I went on my trail system today to water and every time I go out there I have to clean up dog poop. I know it's people just being lazy dog owners, but I think Gallatin Valley is dog crazy. I went to the Sweet Pea parade with there were dogs on leashes still walking down the sidewalk and running over people. Even people who live on ranches don't have five dogs. We need to look at this with common sense and a resolution to satisfy the neighbor and satisfy the dog owner." There was discussion with Stacey about her rescued dogs. Gene added he does not have a problem with people who want to have pets, but he feels too many of anything (including chickens) he believes that no one needs that many dogs. "I would like the dogs to quit barking, I would like you both to enjoy your neighborhoods," Gene said. Nancy Todd asked if there is a certain period of time that the revocation needs to be noticed if we have this decision on a meeting? Kelly Smith said it requires 48 hours' notice. There was discussion regarding trying to find a date to meet prior to the October 10<sup>th</sup> meeting to discuss just this item.

Gloria Howland commented to Stacey Adams that she does not have to wait to have dog barking deterrents mailed to her, and suggested she shop in Bozeman at PetSmart. Stacey Adams replied that she works all the time and does not go to Bozeman.

**Discussion and Decision on a Kennel License Application Requested by Hotalen, Torrescano and Tatum Pursuant to Ordinance #4-6A at 620 E. Ash Street**

Mayor Johnston read Sheriff Dept. Joh's report and George Chancellor immediately questioned the three different names on the application. Kelly Smith clarified they are all family living in the same home.

Dara Torrescano provided her testimony including the numerous dog breeds and training she has provided to them over the years.

Mayor Johnston asked Sgt. Doonan if there have been any complaints on this property, to which Sgt. Doonan answered, "There have not."

George Chancellor said he drove by today, and his presence did provoke the dogs to bark but he also witnessed feces on the deck and in the yard and it smelled. Miss Torrescano replied that it has been difficult for her to keep up with the feces since she and Devon Hotalen both work in Bozeman. She just moved in and intends to clean it up and sanitize/disinfect as she is unaware how long it has been out there. Nancy Todd asked how many dogs in total; Dara replied 5 total, "I brought 3 and Sabrina had 2 already." She added that they plan on living here for about two years and then moving out in 2025.

There was no public comment.

Susan Swimley reminded the Council that in the past they have set a condition that when a dog passes away the owner is not entitled to replace it by adding another dog. Nancy Todd said she knows Sabrina Tatum personally and speaks highly of her character.

Councilman Townsend made a motion on the application for a kennel license for the applicants named here with the stipulations, I can put several conditions on this I believe, the one that Susan just mentioned that if anything happens to the dogs that are there now, whether whatever to get down to the number of three which we think is ideal, and also in the future if there's any complaints on the amount of dog feces or smell that this license can be revoked. Again, we will have (Brooke McLees suggested adding barking complaints) those are my conditions. Down to three, that the area has to be kept clean and I noticed on your letter that you wrote us says sometimes two days it takes to clean up. I can't imagine five dogs and two days, I guess you get tolerant to that. If there is excessive barking or complaints of excessive dog barking the kennel license can be revoked. Councilwoman Todd seconded the motion.

Motion was 3:3 (Chancellor, Tharp and Townsend opposed). The Mayor is the tie breaker vote, and after commenting on the feces and barking and it can be revoked if those conditions are violated, voted to approve.

**Motion Passed 4:3.**

**Discussion and Decision on a Kennel License Application Requested by Adrian and Cheryl Carrasco Pursuant to Ordinance #4-6A at 13 E. Hickory Street**

Mayor Johnston read Deputy Joh's inspection report into the record. The Carrasco's have two elderly French bulldogs, and a four-year-old Boston Terrier. They would like to get a fourth dog for the younger dog to play with and when the elderly dogs pass away, they do not intend on getting more dogs. Deputy Joh said there was one complaint on record in 2018 at this address. There was discussion about when the Carrasco's purchased this home and Mrs. Carrasco said it was mid-2018 and she was unaware of any complaints. It was agreed that the complaint for this address was for the previous owner.

Applicants Adrian and Cheryl Carrasco stated they do not plan on getting more dogs when the 13- and 14-year-old passes and they do not plan on breeding dogs either. Susan Swimley said she appreciated the applicants asking permission before getting a fourth dog.

George Chancellor said he drove by this morning and saw two little dogs. There was no barking at all and it was a nice backyard. "I totally appreciate you doing this up front instead of after the fact like everybody else," George said. Brooke McLees asked how long French bulldogs typically live. Mrs. Carrasco said "Frenchie's" do not generally live that long but since they are mixed with Boston Terrier they may live longer. "They are a couple of old ladies, but they are holding on," Cheryl Carrasco said. "The 14-year-old is deaf, 13-year-old is blind. You probably saw the blind one and the young one because I bet the deaf one didn't hear you coming," Cheryl added. The Council laughed.

There was no public comment.

Cheryl Carrasco said when they get another dog, it probably would not be until the spring, "So how long does a kennel license last? Will it still be good in the spring?" Kelly Smith answered that you would not pay for it until you get the fourth dog. The individual licenses run by calendar year, so when you get the kennel license and license your dog it is good for the year. Susan Swimley stated, "You get three dogs, before you get the fourth dog you are supposed to get a kennel license, otherwise it is presumed a nuisance."

Councilman Townsend moved to accept the application for kennel license for Adrian and Cheryl Carrasco. I think they put their own stipulations on this, and I appreciated especially on the back of their application that they are replacing their older dog when they die and they didn't want to get any more. I appreciated that, so I will make that motion to accept. Councilwoman McLees seconded the motion.

**Motion Passed Unanimously.**

#### **Board Appointments:**

##### **Impact Fee Advisory Committee Members**

Mayor Johnston read the board appointment memo.

Kelly Smith explained this committee will review the capital improvement plan (CIP) and then make recommendations on the impact fees in order to complete projects on the CIP due to growth.

There was no public comment.

Councilman Townsend moved to accept the applications from Diane Kolberg, Alex Blackburn, Mike Stenberg, Aly Fendler and Kelly Smith to the Impact Fee Advisory Committee. Councilman Chancellor seconded the motion.

**Motion Passed Unanimously.**

### **Three Forks Community Library**

Mayor Johnston read the board appointment memo.

There was no public comment asked for.

Councilman Townsend moved to accept the application to the Three Forks Community Library Board for Deanna Foster. Councilwoman Todd seconded the motion.

**Motion Passed Unanimously.**

Gene Townsend said he would like to ensure we send a letter of thanks to Rikayla Bjorndal if the City still does that. Mayor Johnston said we do still send those letters. (Crystal Turner had already sent a certificate of appreciation to Mrs. Bjorndal before her vacation.)

### **Discussion and Approval of Version 8 of the Three Forks Personnel Policy Manual**

Mayor Johnston read over the proposed changes, and Gene Townsend explained the City Clerk's memo.

There was no public comment asked for.

Councilman Chancellor made a motion to accept the changes to the Three Forks Personnel Policy Manual. Councilwoman Todd seconded the motion.

**Motion Passed Unanimously.**

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

Gloria Howland, being the only public present at the meeting, was directly asked if she had any other comments on anything tonight. She did not.

### **MAYOR & COUNCIL ANNOUNCEMENTS**

Mayor Johnston reminded all that he sits on the Madison Dike & Drainage District board. "I was fortunate enough to participate in the floodplain meeting where the engineer was there and I was able to chat about the district. We have to meet with then-Judge Holly Brown, and have to do a budget, and we have to inspect annually. I thought it was a pretty easy

job, or so I was told. We may have to increase our mills, and may have a special meeting, to try to beef up our reserves and fix spots on the dike where ice has deteriorated it. This year we received notice that our \$3,000 insurance policy is now going to \$13,000 per year. So, we may need to increase the mills that we collect. The reason we have the insurance, the three people we have on there [the board], we can be sued personally for our decisions and actions. During the meeting with Kelly and FEMA I shared this news and they said that once we get the Jefferson side completed, they could help us figure out a way to get it certified. I spoke with Sara [Hartley] at State DES and Jeremiah Theys at Great West who said we could fill out a request form which I believe is due by November 1<sup>st</sup>. We had investigated this before and it was going to cost our district \$40,000. I feel as a district, after we fix the Jefferson, this is the next phase to get Three Forks totally out of the floodplain," Mayor Johnston said. He added they will be investigating grant opportunities.

George Chancellor asked if we are going to make another capital fund? Kelly Smith said no, the Dike District is not part of the City it is its own district. George asked if the City would administer it though. Kelly replied no, the District would be responsible for collecting the mills/funds and paying for the study and improvements.

**AGENDA ITEMS FOR NEXT COUNCIL MEETING: September 26, 2023**

- Capital Improvement Plan presentation with Lee Nellis

**ADJOURNMENT**

Councilman Tharp moved to adjourn the meeting. Councilwoman McDermott seconded the motion. The meeting adjourned at 8:10PM.

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Randy Johnston, Mayor

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Crystal Turner, City Clerk

**SEPTEMBER 26<sup>TH</sup>, 2023,** 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 Randy Johnston. Mayor Johnston called the meeting to order at 6:00 P.M.

**ROLL CALL:** City Council members George Chancellor, Gene Townsend, Ed Tharp, Nancy Todd, Brooke McLees and Roxi McDermott were present at City Hall. City Treasurer Kelly Smith, City Clerk Crystal Turner, Public Works Operator Bob Crosiar, City Planner Randy Carpenter, and Impact Fee Consultant Lee Nellis were present at City Hall. City Attorney Susan Swimley and City Engineer Jessica Salo joined via Zoom.

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

**GUESTS:** Gloria Howland, Impact Fee Committee Members Alex Blackburn, Aly Fendler, Mike Stenberg, and Zoning & Planning Board member Amy Laban were present at City Hall. Impact Fee Committee Member Diane Kolberg joined via Zoom.

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

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

**CONSENT AGENDA**

yyyy. City Claims to be Paid

zzzz. Three Forks Rodeo Claims to be Paid

Councilman Townsend moved to approve the consent agenda. Councilwoman McDermott seconded the motion.

**Motion Passed Unanimously.**

**PUBLIC HEARINGS**

There were no Public Hearings.

**REPORT OF OFFICERS**

There were no officer reports.

**REPORT OF COUNCIL COMMITTEES (if any)**

George Chancellor reported the Parks Committee declined to meet with Cherie Murbach of the Gallatin County Environmental Health regarding the possible legislation prohibiting smoking in public parks, or public places. Crystal Turner relayed this decision to Ms. Murbach.

**NEW BUSINESS**

**Presentation on Vacuum Truck Options and Decision to Purchase (Approved in FY23/24 Budget)**

Public Works Operator Bob Crosair asked if he should review all the quotes, and George Chancellor recommended he just give the sales pitch. Bob provided an overview of each of the quoted machines. Mayor Johnston asked if this equipment would require a CDL, to which Bob replied no. The Mayor asked what kind of chassis this equipment had and Bob explained it is a Freightliner. Bob said this could be picked up in Billings, "There was another unit similar to this one but the distributor was out of Oregon so the price on that was \$40,000 more. This proposal does not have the SourceWell discount, which I believe for this company is a 3% savings." Gene Townsend asked if the cost includes the front camera or if that is ordered separately and in addition to this price. "Yes, they don't provide it and we would have to source that separately. A single operator could work it with the camera when going over a drain box. Safety was a big factor for me as I researched these. My second pick would be the Ditch Witch, but we would lose the sewer jetting option," Bob answered. Gene clarified the Vactor was the only machine which had the ability to jet sewer pipes. Bob replied yes and said the two ditch witches, which are several thousand less than the Vactor, do not have that capability. Gene asked how big of a tank is on the truck. "If we have two days of solid rain, will you have to empty it often?" Gene asked. Bob replied we will lose 400 gallons of holding tank without the trailer but are able to go out and dump it. "It really would be beneficial to pull up to the drain hole and do it once by seeing it with the camera and get our work done quickly," Bob added. Gene did not see a reason to keep old equipment and recommended selling it, unlike the old sweeper we kept around. Bob explained the old sweeper was kept in case the new one did not cleanup Main Street after the Rodeo Street Dance, but now that we know the new ones picks up trash on the street just as well we can sell the old one. Bob added that the vacuum trailer is 30 years old. "We have had to do a lot of maintenance, it's starting to rust inside that will be irreparable too," he said. Kelly Smith added we can offer our old equipment to the other cities/towns via the listserve. "It may be more beneficial for a small town than the general public," she said.

Councilman Townsend moved to approve the quoted price of \$323,000 from Vactor, the justification to go with higher bid because it has the sewer jet with the equipment. Councilman Tharp seconded the motion.

There was no public comment.

**Motion Passed Unanimously.**

**UNFINISHED BUSINESS**

**Presentation and Discussion of a Rough Draft Capital Improvement Plan (CIP) and Impact Fee Build Out Analysis**

Lee Nellis introduced himself. He is happy to be back in Three Forks and said to the Council, "As always, your staff is incredibly helpful. That

last presentation was a good example of how you can use impact fees. That vac truck will be able to be used for more than ten years, which would make it eligible for impact fee funds. That equipment is not currently in your capital improvement project list, but that is exactly why we need to develop detailed list. Jessica Salo is working on that now based on the department's input and the communities' requests done on social media and surveys. I would like to end tonight with an open-ended conversation."

Lee Nellis went through his PowerPoint presentation (see packet for slides). Impact Fees must have very detailed accounting records. You need to be able to spend the funds collected within ten years (which makes it a capital item), and you cannot remedy existing deficiencies. Lee said the easiest example to explain, although probably not the best use for Three Forks, is to demonstrate how to use impact fees for parks. Alex Blackburn asked if in that example you could only use the additional required, not the deficient amount? Lee said yes, if the parks were deficient by 4 acres and a new subdivision came in, you could not required them to do more than the regulations say to pay for those 4 acres. "Technically, impact fees are not hard you just have to be very methodical." Gene asked if we can do that for water, we have a deficiency right now so when can we not do that? Lee said, "Ah, I'll talk more about water later specifically." Gene asked, "When do we not have a deficiency?" Lee replied that is a great question. "Great West Engineering will say you need X gal/water/per day/per person. One for storage, one for production in the system. There is a level of service standard, but can you take care of existing population?" There was discussion on proposed subdivision south of town not to proceed until we have enough water to supply to the subdivision, and always playing a game of *catchup*. Lee suggested he continue his presentation as many of these questions will be answered.

Mr. Nellis provided various examples of potential projects. There are several steps to defining a well-planned capital improvement plan:

- a. List facilities in which fees may be charged.
- b. Set the level of service.
- c. Determine build-out.
- d. Assess the capacity of each facility.
- e. You have build-out costs for adding capacity but need to think of geography.
- f. Will the facility serve only part of anticipated build-out?
- g. Calculate trial impact fees.
- h. Ask yourselves some good questions about better way(s) to pay for capacity. Will fees accumulate rapidly enough to be useful? Will the City pay impact fees for perpetually affordable units? Affordability is a real consideration these days.
- i. Finalize proposed fees.

Gene Townsend asked about the ever-increasing requirements by other entities like the EPA or DEQ for treatment of water or wastewater; can impact fees be used for those new requirements? Lee said yes.

Impact Fee Advisory Committee will have three tasks:

1. Review the CIP on approved.
2. Advise on build-out, starting tonight.
3. Review proposed fee schedule.

The Committee can decide how to operate too: as individual reviewers or as a group at a meeting. The wild card in all this is climate change migration. Lee said, "160,000,000 people live at the coasts. If even just 1% moves to the Rocky Mountains, that is a huge impact. If 1/100<sup>th</sup> of 1% move to Three Forks it is still a huge impact. We have a lot of uncertainty. We will have Great West Engineering growth projections and the Growth Policy projections about what Three Forks shares with growth in Gallatin County. With the floodplain project, which seems to be moving forward, can you produce enough water?" he asked. Lee also asked the Council what their attitude is about growth? "In the Growth Policy it mentions a possible 600 new dwelling units over the next 20 years. All systems can be expanded, it's just a matter of money. But is it always a good idea?" he rhetorically asked of the Council.

Let's talk about it:

- Library isn't big enough
- Fire Hall isn't big enough
- City Hall isn't big enough
- Sewer system could be expanded
- Water system is undercapacity
- School is too small (although not something the City can charge impact fees for)

George Chancellor spoke of modular improvements asking, "If we are adding to it could it be confused with maintenance?" Lee said yes, that is why you have a detailed list in the CIP. Gene asked of Randy Carpenter, "I was always told if a developer comes in you can't deny it just because you don't like it. If they say I bought this property and here's what I want to do, if we say you have to do x, y, z, and they agree you can't deny that correct? 20 years ago if I told everyone in this room that you would have 800 homes by Wheat Montana you would have told me I was crazy. Same with if I said the fullest school bus went to Clarkston. We are talking about what Three Forks is going to look like in 20 years and we need to remember that." Randy said regarding the development project question, that is correct. There was discussion about vacant land, especially after the floodplain mitigation project goes through, becoming buildable. "With a few improvements to the Madison Dike you could have all sorts of developable land to the east of town too." Randy Carpenter directed all to look at the future land use map behind Gene Townsend on the wall at

City Hall and pointed to the expected growth areas. Gene said he worries about [having enough] water. Randy Carpenter agreed, "There is close to 520 acres highlighted in yellow (and vacant lots in town) of developable land either already in City limits or within the future land use map. If you gross 3 homes per acre you are suddenly at 1,500 new homes. You think about subdivision and not being able to deny them - that's a yes and no. One way the City can encourage more growth than you may think, or reduce it, is through zoning. If you were to say for Buttelman's field you can only do one home per acre, that's as dense as we want. But if you say 10 homes per acre, that's bigger developable land." There was discussion on agricultural land west of the interstate, this is a real possibility of development if that land was mitigated from flood risk. Lee said you have some control over quality here in Three Forks. "Growth uses the parks, uses the library, uses your roads, it may be better to have growth in city limits where you benefit from the taxes of the growth and have some sort of say in where and how it grows. If you say *Hey we're not going to build that stuff* the growth will go elsewhere, and as you know it'll be over in that Wheat Montana area of rural sprawl. More growth will occur and less benefit and control of that growth," Lee said.

Alex Blackburn asked about water rights which resulted in discussion on annexation and acquiring those water rights when annexation occurs. Lee Nellis said you could also figure out how to use surface water rights that come off ag land, but at least you have that option. Alex agreed that for Three Forks a lot of our burden comes from the Wheatland area. Can impact fees be implemented for our growth due to that population growth since it is affecting our city? Lee answered no. There are special districts that could be created, but you must have cooperation on the other side of the river and it is Lee's understanding that you do not have cooperation on the other side of the river. (Meaning Broadwater County and Gallatin County, and more specifically Three Forks proper, do not have a relationship where Broadwater County helps pay for the services Three Forks and Gallatin provide to the southern end.)

Lee posed to the Council, "Can you guys add 600 dwelling units with this [city] office?" Gene answered no, and said it is already too small. Lee said he sat in the Library the other day and worked and was surprised that it is BUSY! He asked, "Do you need to think about increasing its capacity as well?" George Chancellor said, "It seems to me that impact fees, the way they are set up, we must have a buildup [of funds]. We can't do something up front and use impact fee to fix something in the future." Mike Stenberg gave the example of the proposed Cook development: impact fees would be paid for a possible 200, 300, 500 or even 600 lots out there. Then there was a lengthy discussion on housing costs in Bozeman, the jobs available in Bozeman and the housing costs in Three Forks. This included the median home price in Bozeman, and the assumption the median home price in Three Forks must be around \$500,000. Discussion on how homes sizes have grown from the 1960s at 500SF per home, to now it being normal to have a 3,000SF home. Randy Carpenter asked Mike how much impact

fees are in Bozeman; he answered around \$15,000/residential structure. Randy then asked what they are in Three Forks and Kelly Smith replied just under \$6,000. There were comments about other towns fighting growth for years and now they are impacted without proper planning and proper water and sewer capacity and/or treatment.

Next steps are reading material homework which Lee will send out to the Impact Fee Advisory Committee and Zoning & Planning Board. He said we will then set up a Zoom meeting. "Then we'll discuss that after build-out and send it to the Planning Board," Lee said.

**Flood Mitigation Project Update (as applicable)**

Nothing to update.

**Water Project Update (as applicable)**

Mayor Johnston reported that he spoke with Dave Donohue, Hydrogeologist, who feels we could get 100gpm out of the most recent test well, so pump test next and then analytical report.

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

Gloria Howland said she would like to see what you can do to get more public involved in these meetings. There was discussion on how to recruit more involvement. Crystal Turner announced the City meets and exceeds the minimum requirements of noticing specific public hearings in the newspaper. "We advertise three times as much of the required because public hearings are published in the Bozeman Daily Chronicle, Belgrade News and Three Forks Voice. Everything else is not legally required to be in the newspapers (as well as those we do notice in newspapers) are physically posted in five locations (these locations are the three banks, the Post Office, and City Hall window) around town for those not on social media, and put on our website, Facebook page and even emailed out to those signed up to receive news from us. Gloria said those were all places she does not physically visit,, nor does she have internet, so wondered how others like herself could hear about what the City is working on. Crystal added that when there are large projects the City is working on we have added display ads in newspapers since not everyone reads the legals section, and posted at the cafés, the Hardware Store and Main Street Office who allow public notices to be taped to their walls and windows, "What else could we be doing?" Gloria did not provide any specific recommendations, she just wanted to know how we could get more people involved. Brooke McLees appreciated that without going to those physical locations or finding the news online that Gloria shows up to every meeting to know what the City is doing as well as participate in the discussions. Amy Laban said that much of the world does learn about what is going on via electronic means, and she shares a lot of the City's posts on her personal social media page to let her neighbors and friends know what is going on. "The problem is they would be here if it is of utmost importance to them. You can find out what is going on in a variety of

ways and it is my responsibility as a citizen of Three Forks to figure out what is going on, so I feel it's everyone else's responsibility to figure out for themselves what is happening in our town," Amy said.

#### **MAYOR & COUNCIL ANNOUNCEMENTS**

Meeting of October 10<sup>th</sup> is the first Council meeting; the Mayor said he would like to have all those involved in the dog issue discussion of 1<sup>st</sup> Avenue East, to be invited to the next meeting which would be held on 10/10/2023.

Gene Townsend said, "If you all remember during the budget process, we put some funds for the possible purchase of a portion of Jefferson Street because of the controversy of the engineers not knowing if we own the 70-foot or 35-foot. Today we received an email from the landowner asking for the status. We don't have any direction yet, so my question to the Council is if we keep with topic with the Auditing & Budgeting Committee or do you want to switch that to Streets & Alleys Committee to work on a solution?" It was said by members of the Streets & Alleys Committee that it is fine to leave it with the Budget Committee. Gene added, "We need to talk to Susan about it too to find out how to prove we own the land or not." Meeting set for Tuesday, October 3<sup>rd</sup> at 4PM.

Mayor Johnston also reminded the Council it was included in the budget for a new hire in Public Works. "We talked about it quite a bit, but problem I see we are getting new equipment, more things to do and less manpower to run it and get things done, so we should get that position advertised. I want you guys to be thinking about this, I don't think we can have a decision tonight." Gene Townsend stated it was already in the budget, so he thinks the Council can make a decision tonight. Councilman Townsend moved that we advertise a job opening in the City Public Works department, I guess it's called a laborer, and we can go out and we've done this once before but we didn't have a lot of luck before but we can go out again, and depending on experience and work around. Councilman Chancellor seconded.

**Motion Passed Unanimously.**

#### **AGENDA ITEMS FOR NEXT COUNCIL MEETING: October 10, 2023**

- Discussion and Decision on a Revocation of Kennel License at 406 1<sup>st</sup> Avenue East
- Request for Ordinance Committee to review the kennel license - and remove it from the existing language or not.

#### **ADJOURNMENT**

Councilman Tharp moved to adjourn the meeting. Councilwoman McDermott seconded the motion. The meeting adjourned at 7:50PM.

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Randy Johnston, Mayor

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Crystal Turner, City Clerk

**OCTOBER 10<sup>TH</sup>, 2023,** 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 Randy Johnston. Mayor Johnston called the meeting to order at 6:02 P.M.

**ROLL CALL:** City Council members George Chancellor, Gene Townsend, Ed Tharp, Nancy Todd, Brooke McLees and Roxi McDermott were present at City Hall. City Treasurer Kelly Smith, City Clerk Crystal Turner, and Gallatin County Sheriff Sgt. Doonan were present at City Hall. City Attorney Susan Swimley joined via Zoom.

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

**GUESTS:** Jean Leith, Gloria Howland, Denis & Dana Christensen, Rob & Shiela Hepp.

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

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

**CONSENT AGENDA**

- aaaaa. Claim Paid due to Timeliness to Mail Utility Bills and Refund to PayGov Totaling \$256.17 on 9/29/2023
- bbbbb. City Claims to be Paid
- ccccc. Three Forks Rodeo Arena Board Claims to be Paid
- ddddd. Council Meeting Minutes of 9/5/2023, 9/12/2023
- eeeeee. Record Destruction Request #27 on Form RM88 - Volunteer Firefighter Applications and Training Documents Who Resigned in 2012 and 2013

fffff. Water Project Draw #13 of ARPA Minimum Allocation Grant (MAG) Funds in the Amount of \$13,762.84 and ARPA Local Fiscal Recovery (LFR) Funds in the Amount of \$18,675.08, and ARPA Competitive Grant Funds in the Amount of \$25,931.41

Councilman Chancellor moved to approve the consent agenda. Councilwoman McDermott seconded the motion.

**Motion Passed Unanimously.**

#### **PUBLIC HEARINGS**

There were no Public Hearings.

#### **REPORT OF OFFICERS**

There were no officer reports.

#### **REPORT OF COUNCIL COMMITTEES (if any)**

Gene Townsend reported for the Auditing and Budgeting Committee that they met, along with City Staff and Attorney Susan Swimley, on the Jefferson Street right-of-way issue. The engineering firm feels Jefferson Street is only 35-feet wide on the north end of Jefferson. He reported, "The Committee, attorney, we all agree the Jefferson Street is 70-foot right-of-way and we are going to maintain that position as far as Jefferson St. is concerned."

#### **UNFINISHED BUSINESS**

##### **Discussion and Decision on Whether or Not an Authorized Kennel License at 406 1<sup>st</sup> Avenue East is Operating Improperly Pursuant to Ordinance #6-4A-3.C**

Mayor Johnston read Mrs. Swimley's staff report into the record. Susan Swimley stated that there is confusion in the minutes. Her staff report is a timeline of events that have taken place.

Mayor Johnston asked if Sgt. Doonan had any information to add. Sgt. Doonan said he has not received new barking complaints. He did say they have ongoing investigations regarding the placement of the fence and staples being added to the fence without permission the Sheriff Office is currently investigating.

Roxi McDermott said she remembered the applicant, Stacey Adams, stating the barking machine was not working at the first meeting and that we had a stipulation that she had to replace it. Susan Swimley said the Council may have discussed that but it was not made into the form of a motion nor a condition of approval. Kelly Smith reported Ms. Adams has provided proof that she was refunded the cost for 5 barking machines which never arrived. Brooke McLees asked if she replaced them or bought more bark collars instead. Kelly replied that no evidence of either has been

provided to City Hall. Nancy Todd asked if there is any legal process that stands up to say that she had to always have barking machines or collars. Susan said unfortunately not. "That discussion about the barking machine was not a required condition of approval in the motion," Susan said. Gene Townsend asked if Ms. Adams had licensed all her dogs now, and Crystal answered yes. Brooke asked if there was a specific timeline to license them. Crystal replied, "Not in the ordinance. I sent a letter after the kennel license was granted to pay \$50 for the kennel license and \$15 for each remaining three dogs, along with proof of rabies vaccination." Crystal said she typically inputs a 30-day due date, but upon reviewing the letter she sent, there was no due date specified.

Public Comment: Mayor Johnston read Jean Leith's letter into the record. Jean asked if there actually are bark machines on Ms. Adams' property. Jean said she felt after reading the minutes of 9/12/2023 she had to defend herself of all these accusations. Jean said she had two bark machines on her property to deter the barking; one was stolen. Denis Christensen said from the audience, "If she has them, they clearly are not working." Mayor Johnston asked if Sgt. Doonan has seen any machines. He replied he has not nor had any of his deputies. Susan Swimley called for a point of order. "Mr. Mayor, when people speak in the meeting they need to come to the podium and state their name and address for the record. This is exactly why the last minutes are difficult to decipher who said what." The Mayor asked Mr. Christensen to come to the podium if he has additional comments. Denis Christensen, 415 1<sup>st</sup> Avenue E., said he had his back door open last night which is facing the other direction of Ms. Adam's place, and had to get up and close the door due to hearing the barking. "The dogs clearly disturb the peace in the neighborhood," Denis said. Susan Swimley asked Mr. Christensen if he called the cops. He said no, he has [called them] enough and nothing happens, "So why bother anymore?" Robert Hepp, said he is Jean's son-in-law and lives in Bozeman. "When we pull up, the dogs go crazy. They bark awhile and it's very disturbing. Three dogs are little yippers, one is a big lab that is extremely deep throated. It would drive any one here mad. These dogs can get in and out any time, so anyone walking or riding a bike by, the dogs get set off. I don't know this woman but she has gone out of her way to lie about what is going on. She doesn't have any intent on buying bark collars. We were at mom's house on Sunday and it was business as usual. Jean spent \$7,000 to put up a fence to ensure the dogs don't see her when she is in her own yard to prevent barking." Shiela Hepp, Jean's daughter and lives in Bozeman said, "Part of the problem is she comes home late at night after work. The 'kennel' is her living room and they are allowed to come in and out all day long and then it starts at night again when she gets home from work." Crystal Turner commented about the minutes of 9/12/2023. "Since Mrs. Leith said she felt she needed to defend herself, I do want to note that I added my own comments to the minutes since I was not in attendance on September 12<sup>th</sup>. If it was intended when both Stacey and Cathey referred to Crystal saying something, if they meant this Crystal, that was misconstrued and I inserted what I actually said into

the minutes for the record." Mayor Johnston said he saw that and it is noted. Gloria Howland said she does not live near these people but her impression is that they need to rework this license and include the animals are not being taken care of if they are barking all the time.

Board Discussion: Brooke McLees asked Susan Swimley regarding the revocation of the license, the ordinance says 'upon complaint'. Brooke asked, "She said she would have bark collars and bark machines, and she has not done that so does that prove improper [as the staff reports states the Council must find this application to be operating]?" Susan replied that it is confusing when listening to the records. "You [meaning the Council] didn't require it as part of the kennel license and the kennel license rules don't automatically require that the owner control the barking. You need to decide if she is operating her kennel properly. You have the report form the Gallatin County Sheriff Office Animal Control saying the dogs have access to food and water, and that the place is clean and animals have access to go potty." George Chancellor said he has been by in the past several weeks and the dogs are out and they do not have bark collars on them and the dogs are barking. "We discussed this with her at the last meeting and she said she was uncomfortable putting the collars on the dogs. They [meaning the dogs] are a nuisance. She is gone all the time, they have food and water, but they are not getting enough attention to have that many dogs around," George said. Brooke said Ms. Adams said she was going to remedy this. "She said she would do this, that and the other and we have discussed it enough. I feel we need to revoke this," Brooke said. Nancy Todd asked what the definition is of 'provoke', I feel like walking down the public sidewalk is not provoking. Sgt. Doonan said the Sheriff's standard practice is that someone walking down the street, or a squirrel goes up the tree, and the dogs barks: that is provoked. "An officer has to show up and witness the dog unprovoked, start barking and continue bark for 15 minutes. This is what we call an unbiased investigation and they are done this way. We need to get called in real time. Many calls we receive are days or weeks after the fact. If we show up and they sit there for 15 minutes and no barking, in this type of case there is not much we can go off. This is our standard practice. We cannot go off a phone recording," Sgt. Doonan said. He added that if a ticket were written it is a \$50 fine. Kelly Smith clarified that if the ticket was written under the City's ordinance, the first offense is a \$100 minimum fine and not more than \$500 per occurrence.

Nancy said she agreed with Brooke, "But unfortunately, I do not feel we have the legal standing to do that. When we approved the license, we did not put a condition in about anything to deal with barking. We absolutely should have. I think we were under the impression that all that was under control." Gene Townsend said he made the motion to approve this kennel license, "When I made it I didn't put in any stipulation on it. I did that in good faith. After listening to the applicant say how well-mannered they were and she had a handle on barking, and I even voted for it. To set the record straight, those who know me know I'm not a dog

lover. Personally, I really feel that six dogs in one household is way too many dogs. I guess when I made that motion, I just was acting in good faith that what she told us on the record she was going to do. In my opinion right now, she has not done that. There are still way too many complaints, the dogs are still barking, and there are still six dogs there. I think we can revoke this based on my motion because it was made on the premises that what she said to us has turned out not to be true." Nancy said she could support that adding, "It's like lying on your application."

Councilman Chancellor made a motion that we revoke the kennel license, get rid of three of the dogs within 30 days, and in the meantime put bark collars on the dogs and control the barking of the dogs. Councilman Townsend seconded the motion. Board discussion: Brooke McLees asked what happens is she does not get rid of three of the dogs. Susan Swimley replied that if the motion passes as it was stated, and she [Ms. Adams] does not get rid of three in the 30 days, she will send a notice to Ms. Adams and we will have the Sheriff go over and remove three dogs and take them to go to Heart of the Valley. Mayor Johnston said he is happy to hear the Council provide 30 days' notice and said maybe the dogs can find a new loving home.

**Motion Passed Unanimously.**

Jean Leith said, "I would like to be assured of peace and quiet for 30 days and I'm sure Christensen's will too." George Chancellor asked Mrs. Leith for 30 days of patience so the City can work on it. Denis Christensen said, "If we have to bite our tongues for 30 days, that is easy after this summer." Sgt. Doonan urged the residents not to 'bite their tongues' and encouraged they call 911 in real time.

**Flood Mitigation Project Update (as applicable)**

Nothing to update.

**Water Project Update (as applicable)**

Nothing to update.

**NEW BUSINESS**

**Ordinance Committee to Review and Discuss, then Provide Recommendation to the Council on Whether or Not to Edit or Remove the Option to Obtain a Kennel License in #6-4A-3**

Ord. Committee will meet 10/17 at 4pm.

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

George Chancellor said he was elected to the Ambulance Service Board last night. He then read the report of the Three Forks Area Ambulance Community Update for August & September 2023 (see packet).

**MAYOR & COUNCIL ANNOUNCEMENTS**

Mayor Johnson said the Montana League of Cities and Towns (MLCT) sent a letter about raising their membership dues. He highlighted the League's letter stated it has not raised dues for inflation since 1981 and if it had it would have roughly double its annual revenue. Over the past couple years the League has hired a Public Affairs Director and now a Financial Service Program Coordinator to help cities and towns when they are short staffed as well as provide guidance for the new clerks. They would like to hire a contract lobbyist to handle more of the Legislative issues and a full-time Assistant Paralegal. Crystal Turner had provided him the breakdown of how the fee increases would take place if approved. Crystal explained to the Council that each cities' dues are based on population at \$0.48/person and they proposed increasing the dues to \$2.00/person. Our current dues are \$952.67/year and they propose a three-year implementation, "So, I am just guessing they'll take a third, a third, a third increase over the next three years until they get to the just-under \$4,000/year dues." The Mayor then read a letter of support from the City of Choteau's mayor for the dues increase.

George Chancellor commented he went to the MLCT meeting in Livingston and learned so much about all the work they had done during the Legislative Session that affects Three Forks. "They [the Legislature] changed it so can't charge impact fees for, ADUs we can't charge for water and sewer hookups to them, it'll all end up costing the City a lot of money. Some of these things took place before we even knew and I we can't do anything about it and we don't have time for us to get this information until after the fact. And after the fact there is nothing but going to court for us to do." Crystal Turner said, "There is still no time for you to change the Legislature. Paying two more staff members at MLCT is not going to change that. There were over 2,000 bills at the Legislature this past year and MLCT staff had to pick the most pressing that would effect local governments. They did a great job disseminating the information to the cities and towns. I think having more staff members to divvy that out would be very helpful as they had to just shoot out emails saying this bill may effect you but we don't even know how yet exactly. You went to one training George, but they offer free training almost every six weeks, and are heavily involved in the two conferences annually (these two cost to participate), they have online tutorials for new elected officials. They put out a lot of good information and speak on our behalf when we are not present. I had close to 400 emails from this past Legislative Session and maybe wrote nine opposition emails on behalf of the City of Three Forks. I would guess that took up 40 hours of my time writing and emailing the various Legislative Committees. Kelly even goes over almost every weekend to help another town. Jodi Rogers that is mentioned in the letter is a former clerk who is helping other towns for the 60+ new clerks. No one is going to this year's League meeting and that is why they are asking for this proxy vote," Crystal said.

Gene Townsend said he was the third vice president for the MLCT board when his mayorship ended. "They provide an invaluable service to the cities and towns. The discussion on this item alone will probably take most of the afternoon. This will be scrutinized by all the towns, not everyone will be there and that's why they are asking for a proxy. The MLCT helps like 138 small towns that are members, or at least I think about that many cities and towns. What they [MLCT] do just for us during the Legislature time, they do so much to help towns. The Legislative issue alone, for \$4,000 you'd never have a lobbyist for that price and there are cities who pay for their own. We really got stuck with some dufus laws this time around. I personally know Jodi Rogers and she was the clerk of Choteau for a number of years and she will do a great job with the League helping other communities. The training they put on for the clerks are fabulous and invaluable for our employees. I don't know how they haven't increased fees as much, I'm sure MMIA is carrying them now."

Ed Tharp agrees they do so much that the average person does not know. "When you go to the League meetings, or these trainings, there is a lot you pick up that you would never have guessed it going on. They are a wonderful, wonderful organization," Ed said.

Gene added that there is a stigma that these big conferences are for partying, but honestly you sit down for dinner or drinks with the mayor or council person from Choteau or any other town and learn they are dealing with barking dog issues too. "You can learn from other communities how they handled the situations and they can help you out. You build relationships and that is invaluable," Gene added.

There was no other Board Discussion.  
There was no public comment.

Councilman Townsend moved we, by a proxy vote, support the League in their dues increase to \$2.00 per population in the towns. Councilman Tharp seconded.

**Motion Passed Unanimously.**

Mayor Johnston said he had a volunteer work for City today: Mike Bertagnolli worked on the trails. "His work provides one day/year for volunteering." The Mayor also announce he has a new job as the Galavan bus driver. "The job has been open since May 4<sup>th</sup>. I saw the need, I have a CDL Class B license, so I applied." Nancy Todd thanked Randy for doing this job. She knows there are several people that go to Bozeman for dialysis and need to get there. "So, thank you for doing that," she said. Randy said he will also do the book exchange for the Library and take in borrowed books from Library. He asked permission to park the Galavan bus at the City Shop; he has already spoke with Steve Johnston about it.

Brooke McLees announced the Library Book Sale is this Friday & Saturday and encouraged all to attend.

**AGENDA ITEMS FOR NEXT COUNCIL MEETING: November 14, 2023**

- Public Hearing and Decision on a Resolution Amending/Adding Wages and Compensation for a Part-time Position in Fiscal Year 2023-2024 Which was not Previously Included in Resolution #409-2023
- Board Appointment Confirmation of Gallatin County Commission's Recommendation on the Zoning & Planning Board
- First Reading of Dog/Kennel License Changes

**ADJOURNMENT**

Councilman Tharp and Councilwoman McLees moved to adjourn the meeting in unison. The Mayor hit the gavel and adjourned the meeting at 7:22 PM.

\_\_\_\_\_  
Randy Johnston, Mayor

\_\_\_\_\_  
Crystal Turner, City Clerk

**NOVEMBER 14<sup>TH</sup>, 2023,** 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 Randy Johnston. Mayor Johnston called the meeting to order at 6:02 P.M.

**ROLL CALL:** City Council members George Chancellor, Roxi McDermott, Nancy Todd, Gene Townsend, Ed Tharp, and Brooke McLees were present at City Hall. City Treasurer Kelly Smith, City Clerk Crystal Turner, and Gallatin County Sheriff Sgt. Doonan were present at City Hall. City Attorney Susan Swimley joined via Zoom.

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

**GUESTS:** Racheal Tollison, Gloria Howland

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

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

**CONSENT AGENDA**

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

- ggggg. Council not meeting between 10/10 and 11/14:
  - i. TFRA Claim paid due to Timeliness on 10/11/2023 in the Amount of \$1,000.00 to Sponsor a Kids' Event at NRA Finals in Kalispell 10/27/2023
  - ii. Two Claims Paid on 10/25/2023 Electronically due to Timeliness to VISA and WEX totaling \$6,647.18
  - iii. Claims Paid due to Timeliness on 10/27/2023 Totaling \$254,210.86
  - iv. Claims Paid due to Timeliness to Mail Utility Bills on 10/31/2023 in the Amount of \$204.78
  - v. Three Forks Rodeo Arena Claims Paid due to Timeliness on 10/27/2023 Totaling \$3,064.91
- hhhhh. City Claims to be Paid
- iiiiii. Three Forks Rodeo Arena Claims to be Paid
- jjjjj. Council Meeting Minutes of 9/26/2023 and 10/10/2023
- kkkkk. Three Forks Rodeo Arena Board's Recommendation to Renew 1-Year Contract for the Following Positions:
  - i. Sales & Marketing Director at 12% of Sales
  - ii. Advertising Salesperson at \$425/month
- lllll. Tri-Party Agreement with Glacier/First Security Bank for Three Forks Rodeo Arena Checking/Savings/CD Funds Over \$250,000 which Exceed the FDIC Insurance
- mmmmm. Pledged Securities Report (Manhattan Bank) as of 9/30/2023
- nnnnn. Journal Vouchers through 10/31/2023

Gene Townsend requested to discuss item "h" saying, "Is the JV thing, what you are doing is balancing the accounts?" Kelly Smith answered that it depends on the JV (journal voucher). Some are from us transferring money between [bank] accounts, or corrections to coding. We just thought it would be a good idea to share with you what we are doing." She continued explaining the first ones [on the printed report] are interest allocation JVs, this is what was earned in our bank accounts. The others are fees from WAVE (online Rodeo payments) since those payments do not go through the City's Cash Receipting program; they go straight to the bank because they are invoices paid online.

Councilman Townsend moved to approve the consent agenda. Councilman Chancellor seconded the motion.

**Motion Passed Unanimously.**

**PUBLIC HEARINGS**

**Public Hearing and Decision on a Resolution Amending/Adding Wages and Compensation for a Part-time Position in Fiscal Year 2023-2024 Which was not Previously Included in Resolution #409-2023**

Mayor Johnston read the resolution into the record entirely, which would be #412-2023.

There was no Council discussion nor public comment.

Councilman Townsend moved to approve Resolution #412-2023, a resolution amending or adding wages and compensation for a part-time position in Fiscal Year 2023-2024 which was not previously included in Resolution #409-2023. Councilwoman Todd seconded the motion.

**Montion Passed Unanimously.**

**REPORT OF OFFICERS**

City Treasurer Kelly Smith reported the City Hall staff arrived at work yesterday and found the boiler to not be functioning. The boiler is from 2009 and the first technician to inspect it for repair said the heat exchanger is dead and provided a replacement boiler quote for \$9,500. She added that the City could also get a quote to switch over to forced air and get rid of a boiler. Gene Townsend said boilers are kind of impractical. "For a building this size, it's inefficient. They have pretty good forced air systems anymore that work well. I think it would be a good move to get a quote to replace the A/C unit with a furnace to do both," Gene said. Mayor Johnston agreed that a furnace would be much more efficient.

Kelly Smith also reported good news, "We didn't have it in the budget but Crystal and I learned about HB355 in a webinar last week, where the State has set aside money for all the communities specifically on repair and maintenance of existing municipal infrastructure. We must provide a list by the end of December and hold a public hearing in early 2024, submit the list to the Department of Commerce by 3/30/2024. The Council could opt to use the funds on multiple things, replacement and repair/maintenance of existing infrastructure - there is a 25% match though. There is \$172,000 from the State we could ask for, and then our match would be \$57,000. We could look at remodeling City Hall. We found out those safes probably will remain in their locations. Estimates of the red safe's weight is 3,500-4,500 pounds," Kelly explained.

City Clerk Crystal Turner reported on the following:

- Great West Engineering has invited all the City staff and elected officials to their Holiday Open House at their Helena office on December 1<sup>st</sup> from 4-8PM.
- The City uses the credit card processing provider PayGov. Another company, CertifiedPayments.net, has reached out offering a reduction of 0.25% of the credit card fee. "PayGov charges 3% to the customer,

the City does not incur any expenses. In my experience, PayGov has been very friendly and helpful in their customer service any time we have needed them and unless the Council would like to switch so the customer saves the quarter-percent, I would not recommend switching anything on our end." The Council agreed to leave it as is.

- Commissioner Boyer sent an email today inviting all the Elected Officials to attend the focus group on the County's Strategic Direction meeting. This will be held on December 15<sup>th</sup> at noon. Crystal said she forwarded the email to all the Council members and printed it out for them tonight in their packet so that they can participate.
- Broadwater County Commissioners also sent an email asking for letters of support for their proposed Emergency Services building in the southern end of their county (near Bridger Brewing). "I think it would be a good idea to have the City, Mayor or all the Council too, sign a letter of support. The southern end of the county utilizes so much of Gallatin County's resources, it would make sense to submit a letter of support." Sgt. Doonan agreed and said he would get some data on calls for service out to Broadwater County that Gallatin County has responded to first. He said they may also want to write a letter directly from the Gallatin County Sheriff's Office.
- Susan Hayes has requested a Water/Sewer Committee to discuss status of the well drilling project and ask the Committee to make some recommendations before she provides a full report to the Council. It was agreed the meeting would be held on Friday, November 17<sup>th</sup> at 3PM at City Hall.

Gallatin County Sheriff Office Sergeant Doonan reported that September was a busier than normal month with 559 calls for service. He has coordinated to have horse-mounted patrol law enforcement presence for Christmas Stroll. Gene Townsend asked about something he read in the police reports, "I thought after your fourth DUI you went to Deer Lodge. Is that not the case anymore?" Sgt. Doonan responded that it can depend on length of time in between convictions. Susan Swimley added a person may have six DUIs but spaced out enough over time that changes things. Gene said the newspaper reported that on 4<sup>th</sup> Avenue East in Three Forks they pursued someone and he had 6 DUIs. "I was thinking about them hitting a person, running over a dog/cat, and it must be pretty hard to pay insurance and all that with that many DUIs," Gene added. Sgt. Doonan said that does not preclude them from driving. There was additional conversation regarding high-speed chases and that threatening safety of the general public. Sgt. Doonan added the Sheriff's Office is in process of installing "Star Chase" in all their vehicles. This shoots a magnetic dart to the bumper or tailgate of the vehicle they are pursuing so that deputies no longer pursue them, "We just track them and then we can catch up with them later. We are one of the first [Sheriff Offices] trying them out in cold temperatures," he said.

City Attorney Susan Swimley did not have anything to report.

Mayor Randy Johnston said after the first of the year he will try to schedule Thursday meetings again to meet with Susan monthly.

**REPORT OF COUNCIL COMMITTEES (if any)**

Water/Sewer Committee scheduled for 11/17/23 at 3PM here at City Hall.

The Ordinance Committee met on 10/10/2023 to discuss changes to the Dog/Kennel ordinance. The committee provided directions on the updates they would like to see in the ordinance. Crystal is to draft those amendments, and this will be discussed at the next meeting.

**UNFINISHED BUSINESS**

**Flood Mitigation Project Update (as applicable)**

There was nothing new to report.

**Water Project Update (as applicable)**

Crystal Turner recapped the updates in Susan Hayes' email (see packet for full email), which requested a Water and Sewer Committee meeting.

**NEW BUSINESS**

**Board Appointments**

**a) Mayor's Appointment of Rachael Tollison to the Zoning and Planning Board after Gallatin County Commission's Designation Pursuant to Article V.A.3. of the Bylaws**

Mayor Johnston read the appointment into the record. There was no Council discussion or public comment. Councilman Chancellor moved to approve Racheal Tollison to the Zoning & Planning Board. Councilman Tharp seconded the motion. **Motion Passed Unanimously.**

**b) Board of Adjustments and Appeals**

Mayor Johnston read this appointment into the record. There was no Council discussion or public comment. Councilman Townsend moved to accept Ken Fendler to the Board of Adjustment. Councilwoman McDermott seconded the motion. **Motion Passed Unanimously.**

**c) Three Forks Rodeo Arena Board of Directors**

Mayor Johnston read this appointment into the record. There was no Council discussion or public comment. Councilman Chancellor moved to appoint Ann Price to the Three Forks Rodeo Arena Board of Directors. Councilwoman Todd seconded the motion. **Motion Passed Unanimously.**

**d) Three Forks Community Library**

Mayor Johnston read this appointment into the record. There was no Council discussion or public comment. Councilman Townsend moved to accept Cathy Elmore to the Library Board. Councilwoman McLees seconded the motion. **Motion Passed Unanimously.**

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

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

**MAYOR & COUNCIL ANNOUNCEMENTS**

Mayor Johnston announced Bob Crosiar got his Wastewater license. The Mayor reminded the Council he will get an increase in his hourly wage pursuant to his offer letter. The Mayor informed the Council the City has posted the Public Works General Laborer job opening. "We have received two applications already. Gene and Ed, I would like you to be on the interviewing committee," Mayor Johnston said. The Mayor also reported on a letter to Fish, Wildlife and Parks (FWP) that Crystal Turner drafted regarding the new conservation license requirement on all FWP lands. "The first two ponds, Bellach Park and a portion of the golf course are all on FWP land. The City leases this land and maintains the park and ponds, we have a dock there that a lot of kids swim and fish in, and the City subleases quite a bit of land to the golf course. All this is for the purpose of public recreation, so we really don't feel that everyone needs to have a conservation license in these areas," he said. He read a portion of the letter to the Council, adding that he will let the Council know if we hear anything from Director Temple (full letter in packet).

George Chancellor reported on the Three Forks Area Ambulance Community Update for October 2023 (see packet). The Ambulance Board would like to do a lifeguard course for the City wading pool workers in 2024 for CPRs and First Aid.

Gene Townsend relayed that the Rural Fire District took delivery of a new brush truck, a Ford 350. Keith Aune and Jason Kelsey went to Nebraska and got it and drove it back. He informed all present that the Rural and City's agreement is that any equipment could be used in the City if needed. "We have a little over \$200,000 invested in this truck, there's no radio installed yet. At our December meeting we may decide to get rid of one of our older trucks."

Gene also would like to ask permission to apply for his [trail] grants. "One is the Montana Trail Stewardship grant program and the other is the Recreation Trails grant, both up to \$100,000. The Stewardship grant has a 10% match requirement, the Recreation Trails is a 25% match. We've used both in the past. I got a \$75,000 grant last year from Stewardship program. The grant process opened 11/1 and closes 1/15/2024 but I am required to have proof in the minutes that the Council approves the submission of the grant applications," Gene said.

Councilman Chancellor moved that we allow Gene to apply for the Montana Trail Stewardship Grant Program and the Recreational Trails Program.  
Councilman Tharp seconded the motion.

Motion passed 5:0, Gene Townsend abstained.

Gene also stated Magris put up the match for the \$75,000 grant last year, and we were going to extend the trail further along to Logan. "The Department of Transportation (DOT) said they would work with us last year if we got the grant, and then denied the encroachment because it was for a recreational trail. They said if we had a destination to Carpenter Road MDT would approve it (which would require a crossing and an irrigation ditch crossing). I even had an email from Gallatin County that they would accept the trail as part of Gallatin County and the Bridge and Road crew would take over the maintenance of the trail. I thought about it for several weeks before sending a response to the Director of MDT, and I'm glad I did because if I had replied immediately I may have said the wrong thing. Well, two weeks ago I got an email from MDT that they accepted the County's offer to take it over and amended their decision to approve the encroachment permit. So, it got too late in the season to finish this extension of the trail since we did not have the encroachment permit. We had already bid the paving portion and released the bid, but now it's too late in the season for paving." Gene thanked his wife for correcting his letter several times before sending it to MDT.

Last, Gene also commented that the Headwaters Trail also goes through FWP land, and asked if people would have to have a conservation license to use the trail too? Crystal Turner replied that is a good question, and one which will be brought up when/if the City is offered a meeting with FWP.

Kelly Smith said she forgot to report this earlier, but the City received the marijuana option tax revenue last month. The County paid the first quarter (the tax was not in effect a full quarter) and all of the second quarter revenue. "So far, we have received \$4,500." Kelly asked Gene if he knew about the special account in the marijuana tax for trails? Gene said yes, he did.

**AGENDA ITEMS FOR NEXT COUNCIL MEETING: December 12, 2023**

- Public Hearing and Decision on a Resolution Pursuant to HB 355 Infrastructure Funding Naming Potential City Projects for FY23/24
- Public Hearing and Decision on a Resolution Amending #401-2023 (Approved on 6/27/2023) Item #7 which Incorrectly Stated 3,000 Square Feet but was Actually 6,000 Square Feet
- Public Hearing and Decision on a Resolution Providing for Appointment of Gallatin County Sheriff Deputies to be Cross Deputized to Enforce Three Forks Municipal Ordinances
- Three Forks Library Director Annual Report
- Headwaters Trails Annual Report
- Appointing the Vacant City Council Seats
- Arbor Day Proclamation for April 26, 2024

**ADJOURNMENT**

Councilman Tharp moved to adjourn the meeting. The Mayor hit the gavel and adjourned the meeting at 7:09PM.

\_\_\_\_\_  
Randy Johnston, Mayor

\_\_\_\_\_  
Crystal Turner, City Clerk

**DECEMBER 12<sup>TH</sup>, 2023,** 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 Council President Gene Townsend. President Townsend called the meeting to order at 6:01 P.M.

**ROLL CALL:** City Council members George Chancellor, Roxi McDermott, Nancy Todd (via Zoom), Gene Townsend, and Ed Tharp. Brooke McLees was absent due to illness. City Treasurer Kelly Smith and City Clerk Crystal Turner were present at City Hall. City Attorney Susan Swimley, as well as City Engineers Susan Hayes and Jessica Salo, 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 President Townsend. President Townsend reminded the audience this meeting was recorded and may be streamed via Zoom and on our Facebook page.

**GUESTS:** Mike Stenberg, Jamie Nimmick, Casey Elmore, Lindsie Diebold, Garret Buchanan, Reagan Hooton, Gloria Howland, Alex Blackburn, Aly Fendler, Amy Laban were all present at City Hall. Racheal Tollison and Lee Nellis (consultant on the Impact Fees) attended via Zoom.

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

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

**CONSENT AGENDA**

Council President Townsend read the Consent Agenda into the record as follows:

- a. City Claim Paid Electronically on 11/27/2023 in the Amount of \$2,089.84
- b. Claim Paid due to Timeliness to Mail Utility Bills on 11/30/2023 in the Amount of
- c. \$197.93
- d. Claims for Approval
- e. Three Forks Rodeo Arena Board Claims for Approval
- f. Council Minutes of 11/14/2023
- g. Draw #14 for the Water Project Signed on 11/28/2023 due to Timeliness
- h. Requesting \$27,816.18 of the City's ARPA Local Fiscal Recovery (LFR) funds and \$23,465.00 from the City's ARPA Competitive Grant funds

President Townsend asked if there were any public or Council wishing to pull and discuss any consent agenda items. There were none.

Councilman Chancellor moved to approve the consent agenda. Councilwoman McDermott seconded the motion.

**Motion Passed Unanimously.**

#### **PUBLIC HEARINGS**

**Public Hearing and Decision on a Resolution Amending \$401-2023 (Approved on 6/27/2023) Item #7 which Incorrectly State 3,000 Square Feet but was Actually 6,000 Square Feet**

City Clerk Crystal Turner read the resolution into the record entirely, which would be #415-2023.

There was no public comment nor Council discussion.

Councilwoman McDermott moved to approve Resolution #414-2023, a resolution amending \$401-2023 Item #7 which incorrectly stated 3,000 square feet but was actually 6,000 square feet. Councilman Tharp seconded the motion.

There was no further comment.

**Motion Passed 5:0.**

**Public Hearing and Decision on a Resolution Providing for Appointment of Gallatin County Sheriff Deputies to be Cross Deputized to force Three Forks Municipal Ordinances**

President Townsend read the resolution into the record entirely, which would be #416-2023.

There was no public comment on this resolution.

There were no Council comments or questions on this resolution.

Councilman Chancellor moved to approve #415-2023. Councilman Tharp seconded the motion.

**Motion Passed 5:0.**

**REPORT OF OFFICERS**

**Three Forks Rodeo Arena Board of Directors' Annual Report** - Casey Elmore introduced himself. He reported that that July rodeo was good and about the same as last year. 6,000 attended: roughly 3,400 on Friday and 3,200 on Saturday. "I feel we can get more local people in there, we are doing exploratory work with the engineers on the expansion of the bleachers to get a wing on each end. We want to see what it costs, get through another rodeo, and hopefully next fall could do the construction. We do have quite a bit of money in the bank - right now we put that in CDs to cover our note's interest rate increase."

He continued, "We did some maintenance, and replaced our groomer. We put in a lot of sand (every 2-3 years we have to do this). We hired a second secretary - she [Crystal Turner] made it through a year and hasn't quit yet," Casey joked. "We are trying to install a power pole on the west end. We are going to put a 400 amp service on the west end. We just have too many vendors and they run generators. That's ok but it gets loud and annoying. We are on hold due to Northwestern Energy." Casey said that he believes this was the busiest year since he has been on the board, and added the arena was booked all summer and they even picked up another youth rodeo which was held in the fall.

George Chancellor thanked Casey and Ed Tharp told Casey, and to relay to the Board, "Good job." Gene Townsend said he wanted to give a lot of credit to Casey, "He's done a really great job and works very hard. It's been challenging with all the people we have coming in (attendance-wise during rodeo). One year we were still selling tickets at 9PM and the rodeo is usually over by 9:30PM. We cut it off this year (about 7:30PM) which caused some hard feelings. But we had to worry about parking, getting out in an emergency. Anyway, you've done a great job and I want you to know that."

City Clerk Crystal Turner reported on the Business Licenses for 2022-2023 and 2023-2024 (see packet for full detail). She asked the Council if it wished for her to turn over those remaining ten unlicensed businesses to the Gallatin County Sheriff, and the Council said yes. She also reported on the support letter for the southern end of Broadwater County's EMS building. "If no one else has any comments, I will pass it around for signature tonight." There were no other edits so Crystal printed the letter for the Council's signature (those not present tonight can sign another day). Last, she reported that she attended a Regional Housing Coalition meeting for the Mayor on 11/17/2023. "The biggest info I learned is that Belgrade's population was anticipated to be about 12,000 at the 2020 census and it ended up being just over 14,000. Belgrade already has just over 5,000 lots/townhomes approved and platted within the City limits. Once all those are built, estimated 2.5 people per household, it would add another 14,000 to Belgrade - so Belgrade will be

over 28,000 in population in the near future. The growth is coming and we will feel it very soon as well so it's good we are working on our CIP and Impact Fees, and the our zoning code."

City Treasurer Kelly Smith reported we have been talking about moving the safes to the courtroom so we can move Wally Ziegler out here to learn more of the city hall tasks. "If we could move the safes to the back, we could have all three of our desks out here. We finally got someone to quote us - they require a waiver signed regarding the safe falling through the floor though. The quote was \$2,000." George and Gene think we can move it instead using a borrowed pallet jack, some muscle, Public Works using the loader to move the safe around back. "Let's talk about it some more," Gene said and added the crew at the Three Forks Historical Society moved a 2,450-pound safe into the museum. "It was also over a wood floor. All we did was put it on plywood and move it to the center of the building. We did have a lot of volunteers lined up."

**Headwaters Trails System Annual Report** - Gene Townsend reported that his first grant applied for last year was the Recreation Trails grant, which had a 25% local match. "In February we submitted a AARP challenge grant for exercise equipment at the ponds. We requested \$13,099 to cover the equipment and plastic borders. In March, Gallatin County Open Space grant was applied for: \$100,000 for trail maintenance. We were awarded that in April. The AARP also awarded us the \$13,099 - equipment was ordered and is still pending to be shipped. In July we hosted the Headwaters Bank Run, with over 100 runners this year. We did not hold a food night at the Farmer's Market due to a scheduling conflict with the Chamber this summer."

Gene continued that there was a lot of maintenance along Frontage Road and to the Headwaters State Park was done. "We did not do the extension towards Logan because MDT wouldn't grant an encroachment permit. That was overturned but the engineer recommended waiting for better weather to go out to bid. We will extend to Ray Creek - and maybe gravel even further. We are working east and working with the Manhattan Trail System to eventually connect. Buchanan has done a tremendous amount of work with Cenex Harvest States. We have a grant request submitted for a feasibility study for this project - once done that will allow us to put in more grant applications with the Highway Department and Federal Highway Departments."

Gene said this past year the trail signage and crosswalk at the grain elevator was completed, and a couple bike racks and benches were also installed. He thanked Magris Talc for always providing the local match for these grants. He thanked the local banks for their sponsorships for the annual run. "It's a great fundraiser for us and without their help it wouldn't be as profitable event as it is. I'd like to thank Kelly Smith, Crystal Turner and the city crew for helping me scan documents and all the things they help us do. I'd like to thank all the donors, volunteers, trail users - those who mow, plow snow, spray weeds, the citizens really

accepted and continued support the trail system. He thanked Pat [his wife] for all her help and support in all the things she does to help him administer the trail system. "We plan on doing the same thing with grant submittals this year."

George Chancellor thanked Gene for all his work, "Three Forks is outstanding because of the trails, it's just one more reason that Three Forks is a great place," he said.

City Attorney Susan Swimley did not have anything to report.

**REPORT OF COUNCIL COMMITTEES (if any)**

Public Safety Committee - Gene Townsend reported that he and George Chancellor met with Susan Swimley and several Gallatin County Sheriff deputies/captains to discuss the Code Enforcement process and try to streamline it. They all left with action items and we plan to meet again to follow up.

Water/Sewer Committee - Gene Townsend reported that he, Ed Tharp and Susan Hayes met a couple weeks ago about the well project. "We know the gallons/minute and quality of water we are going to get. One is 100-125 gallons per minute (gpm) and the other is 75-100gpm which together would give us about 200gpm more for the City. Susan asked us what our recommendation was, and we gave her the go ahead to continue going forward."

Susan Hayes updated that she is still working with O'Keefe to get them on the schedule for 2024, so they do not get too busy with other bids and jobs and forget to get us back on the schedule. Uranium and gross Alpha tests came back as good. She met with Dana Pepper, the City's water rights attorney, about any wells drilled in the future. She gave me the go ahead to keep moving forward like we did with Well 6A to ensure the City was moving the same direction as the Water Court has been recommending.

Ed Tharp added the originally planned water main line is right against the Magris Talc plant property boundary. We recommended moving farther south and closer to Bench Road as well. Susan added that with the distribution side of the water project there will some cast iron replacement and looping.

Councilman Chancellor moved that we continue the progress on the water wells. Councilwoman McDermott seconded the motion.

Public Comment: Mike Stenberg, Hyalite Engineers, thanked Susan Hayes for moving the mains' locations in order for the potential development to utilize the same and share funding. Susan Hayes said with the limited length, dewatering will probably be needed. We will consider when we put

the contract documents together. That is more of a constructability rather than a routing issue.

**Motion Passed 5:0.**

George Chancellor provided the Three Forks Area Ambulance updates for October and November (see packet for TFAA's printed reports).

## **NEW BUSINESS**

### **Discussion and Decision on Creating a List of Potential City Repair and Maintenance Projects for FY23/24 Pursuant to HB355**

President Townsend attempted to explain what House Bill 355 is, "As I understand it we need to come up with a list of potential ideas, or if you had ideas you were to send those to Kelly. I think that is what this spreadsheet she has created is for."

Gene suggested replacing the furnace and A/C unit at City Hall. He also recommended looking into more efficient lighting for City Hall.

Crystal explained HB355, "This was passed in the last Legislature and is funding from the State for municipal infrastructure repairs and maintenance only." Kelly Smith added once the City submits its list to the State, the State still has a priority level and has to approve whatever we submit. "But the State has set aside \$172,000 and does require a 25% local match." Kelly said the spreadsheet is a snapshot of potential projects from the draft CIP Jessica Salo is working on. "Some of those projects are new and not repair and maintenance, so will not be eligible," she said. Kelly would like to add ADA access improvements to the Library to the list, fire suppression for either City Hall, Fire Hall and/or Library (one/two, or all), remodel of cook shack at the rodeo grounds, chip seal repairs could be eligible. Crystal Turner highlighted the eligible projects on the spreadsheet in orange in the packet as follows:

- Water Treatment Plant Chemical Feed Pumps and Valves (parts for the feed pumps, check valves and injectors would be eligible)
- Replacement of the fire hydrant at N. 5<sup>th</sup> Ave. E. and Oak Street
- Replacement of the fire hydrant at W. Birch Street and Railway Ave.
- Lift Station cleaning
- Sewer jetting
- Fire Hall fire suppression
- Fire Hall remodeling to have a second bathroom, and added shower
- City Hall fire suppression
- City Hall roof repair
- City Hall move wall further back and technology upgrades (for better space during Council meetings and for virtual meetings)
- Library ADA automatic door replacement from double to single
- Library fire suppression

Public Comment: Amy Laban said that City Hall is small, cramped and getting uncomfortable in here. She would move any City Hall remodel or rearrangement up the list.

George Chancellor asked if there are any improvements needed at the Cook Shack at the rodeo grounds. Gene replied that the Board has replaced the cook stove, the swamp cooler, the freezers, and so they are doing pretty good. May as well put it on the list though Kelly said since the State will ultimately rank the projects. She also said we have been working to get quotes on the boiler change to a furnace, the least expensive was \$14,000. George also asked if a work truck replacement would apply. Kelly said no. He also asked if anything on the Floodplain Mitigation Project would apply. Kelly said no. Gene asked if the safe falls through the floor when we move it, if that would qualify. Everyone laughed, but agreed it would be a repair. Amy Laban asked if you could upgrade technology like for better cameras, microphones? "Virtual meetings have been a struggle," she said. George asked if any Streets and Road Maintenance could be specified in the list. Kelly said she would find out from Steve Johnston if there is anything specific to include in this list for HB355. The Council did not have any other projects to add to the list.

**Appointment of Two Vacant City Council Seats and Administering the Oath(s) of Office (Terms to Expire 12/31/2025)**

President Townsend said we have three letters of interest for two vacant council seats. The Council has two vacancies because Nancy Todd has decided not to run again and no one else filed for that seat, and Roxi McDermott does wish to run again but did not submit her election filing paperwork in time. He opened the floor first to Garret Buchanan.

(Warren) Garret introduced himself and said he has lived here for about five years and grew up in another Montana town. Gene Townsend asked if he had any feelings on how the City should look at growth. "With what is happening in the valley right now, it is growing, even north of us in Broadwater County it is growing." Gene clarified, "Do you think it should continue or are you the type of person who thinks it shouldn't grow?" Garret replied, "It's hard to argue with an avalanche. Looking toward the future will make those growing pains a lot less, trying to do our best to support the way of life and reasons we live in Three Forks. Even with a bunch more people in it, we don't have to lose our sense of community."

Reagan Hooton introduced herself and said she is fairly new to Three Forks. She was born and raised in Bozeman, left for many years and is back in Montana now. "I think Three Forks is a great place and has been very welcoming. I am interested in development, zoning, trails, I would like to see green spaces and preserving nature. I am a bookkeeper for work, have done some volunteering on nonprofit projects and boards." The Council asked the same question to Reagan as it had Garret about growth. "It's going to happen. I definitely used to be, growing up in Bozeman and seeing the changes over the years, you wish they wouldn't come but it

happens. I like that Bozeman is talking about more density rather than more sprawl. I don't like density, but it makes sense to me now and especially since I want to see more green spaces. I want others to feel welcomed here like I was welcomed back."

Roxi McDermott introduced herself to those who did not know her. She is the branch manager of First Security Bank in Three Forks, has a daughter who works at the clinic and one still in high school. "I love being involved in the community and I feel like I've joined more in that the last six months, but I want to continue it. I think growth in this community is inevitable. I think it's good and bad. As a city, and I've learned so much since joining the City Council, the more people we have in the city limits is good rather than sprawled outside of town. There are a lot of people moving outside the city limits and that affects the city greatly, so I think with all the growth we have had around we still have a lot to fix. But I know we can do it."

There was no public comment.

Councilman Chancellor moved to nominate Roxi McDermott and Garret Buchanan. Councilwoman Todd seconded the motion.

Susan Swimley recommended nominating one for one seat and stating why, and that Roxi should not vote for her own nomination.

President Townsend clarified that the Council will first consider the nomination of Roxi McDermott. Board Discussion: Gene added, "I would vote for her and have had the pleasure of working with her for the past six months. She has shown a lot of interest, wanting to learn what we are doing down here. Believe it or not, a lot of times it is very mysterious what City Council does and we don't stop and take the time to explain to new council people why or what we are doing. She has always asked us to slow down and explain why we are doing this or that." Ed Tharp said she has done a really good job in the last six months, and I would like to see her not leave. George Chancellor said Roxi has worked with him on several committees and is very attentive to her duties. Nancy Todd said she would support Roxi as well. She has enjoyed working with her. (That was the "roll call" style vote and reason why.) **motion Passed 4:0.**

President Townsend stated we are open for one more Council position. "That is between Garret and Reagan. We now have five people voting and still have to have four in the affirmative per the Charter. Anyone want to make a motion on the next position available?"

Councilman Chancellor moved to nominate and vote for Garret who is a local artisan and shows good interest in the City. Councilwoman Todd seconded the motion. Board Discussion: Roxi McDermott said she also supports and would vote for Garret, it seems he is very interested in the community and I would like to see what he can do. Ed Tharp said he would vote for

Garret and felt he would be a great asset to the Council. Gene would vote for Garret but things need to be said. "I actually think between the two, actually all three of them, this is one of the better slates of candidates I have seen with people expressing interest in being on the Council. One thing that bothers me, is that I really get unhappy when we don't use the process we should be - which is filing for a council seat and going through the election process. I don't think we can go wrong with whomever we pick, but I would like to stress that I don't want to discourage Reagan to participate in meetings nor file to run for a seat at the next election. We will have five seats up for election next time. I will vote for Garret." (George Chancellor nor Nancy Todd added any comments.) **Motion Passed 5:0.**

City Clerk Crystal Turner administered the oath to both Roxi McDermott and Garret Buchanan for the term beginning 1-1-2024. She explained that the Oaths must be on file with the County Clerk and Recorder prior to their first meeting. The originals will be mailed to the Clerk & Recorder, and a file kept here at City Hall. She added she will do an orientation with Garret prior to the January meeting.

Nancy Todd said, as this was her last meeting on the City Council, "It has been an honor to serve on the Council and represent Three Forks. I really enjoyed working along dedicated individuals committed to maintaining and improving the quality of life in our little town. I want to wish the Council continued success in serving our community.

President Townsend reciprocated Nancy, and read a certificate of appreciation to her. He said she could pick it up when she was feeling better and visited City Hall.

**Arbor Day Proclamation for April 26, 2024**

City Treasurer Kelly Smith read the proclamation into the record.

Councilman Chancellor moved to approve the Arbor Day Proclamation.

Councilman Tharp seconded the motion. There were no other comments.

**Motion Passed 5:0.**

**Discussion and Decision on a Kennel License Application Requested by Jamie and Robert Nimmick Pursuant to Ordinance #4-6A**

President Townsend read the Nimmick's application letter. He then read Deputy Joh's inspection report.

He asked if there was any public comment.

Jamie Nimmick introduced herself and said she would answer any questions of her. Ed Tharp asked if her dogs bark much? Jamie answered, "No, when they are outside and someone walks by if they bark I call the dogs back in because I wouldn't want to hear them barking if I was the neighbor. They are inside dogs most of the time."

Councilman Chancellor moved to give Jamie and Robert Nimmick a kennel license for four dogs with the condition that if any dogs pass away that they not replace it. Councilman Tharp seconded the motion.

Board Discussion: Mr. Tharp said (to Mrs. Nimmick) that he would like to add that if anything down the road becomes a nuisance to the neighbors, that we will be speaking with you directly. "I want you know that since we had recent issues with other kennel licenses, so I want you to be aware of that." Mrs. Nimmick acknowledged Mr. Tharp's comment.

**Motion passed 5:0.**

**Discussion on Ordinance Committee Recommendations to Dog Licensing and Kennel License Ordinance; Answering staff Questions in Order to Proceed to First Reading Draft**

Crystal Turner said the Ordinance Committee met in mid-November to review/edit the Animal Control "Dog" ordinance to specifically address kennels not being commercial and to hopefully address nuisances. However, after that meeting Crystal drafted what she believed the Committee's recommendations were but there are still a few outstanding questions before presenting a first reading of a draft ordinance. (See packet for full report.) With the recommendations agreed upon by the Council tonight, Crystal will edit the draft and notice a first reading to be scheduled on January 9<sup>th</sup>.

**Mayor Appointment, or Council election. Of Council Representative as the Council Member on the Public Safety Committee Pursuant to Article V.A.4 of the Interlocal Agreement with the Gallatin County Sheriff Office**

Ed Tharp volunteered to serve on this committee. George Chancellor also volunteered. Ed withdrew his name.

President Townsend moved to appoint George Chancellor on the Public Safety Committee pursuant to Article V.A.4 of the Interlocal Agreement.

Councilwoman McDermott seconded the motion. No public.

**Motion Passed 4:0. George Chancellor abstained.**

**UNFINISHED BUSINESS**

**Flood Mitigation Project Update (as applicable)**

Kelly Smith reported that as of 12/7/2023, Fish, Wildlife & Parks (FWP) requested the biological assessment, which used Utes' Ladies Tresses (a rare orchid known in the vicinity of the DeLaittre Park pond) 2022 survey data, to be updated in our assessment using 2023 data. Jeremiah Theys said he would get this information updated and back to FWP.

**Water Project Update (as applicable)**

No more to report.

**Presentation and Public Comment on Update of Buildout Analysis and Impact Fees**

Lee Nellis said that everyone should have the copy of the buildout analysis he sent. "With assistance from Randy [Carpenter], Crystal and Kelly, we have picked the land base of the City of Three Forks apart. We have come to a reasonable conclusion on how much land can be developed. This includes the potential density of residential development given the terrain restrictions. The report concludes with an analysis for the City's next steps. Most important is to have everyone read the full document, think it through, and decide how they feel about the amount of growth projected in planning for future infrastructure." Lee would like to tentatively schedule an Impact Fee Advisory Committee meeting in January.

Gene Townsend stated he read the full document today and likes how the population is posed. "You just said *it seems like every time the projected growth in GC or Bozeman, it's been low*. I think doing a document like this, I think would be better off to err on the side of a higher population estimate. I think if Three Forks has a property available that is out of the floodplain, has access to City sewer and water, that we are going to see some pretty robust building in Three Forks. I appreciate what you presented here."

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

Reagan Hooton questioned the demolition of the trailer near the recycle bins and asked when they are going to finish that, as garbage is being blown away from the site. Kelly Smith said the owner is out of town, but employees are working on it, and she will get ahold of someone tomorrow to follow up.

Gloria Howland asked if Gene has ever considered any plaque for Jim Phillips for all his walking, View from the Trails books, and all he did to support the trails. Gene said he had not thought of that, and Jim was a good friend but he was a very private person and may not like such acknowledgement. "I'll talk with Diane (Jim's widow) about it after the holidays," he said.

**MAYOR & COUNCIL ANNOUNCEMENTS**

There were no Council announcements. Everyone was wished a Merry Christmas.

**AGENDA ITEMS FOR NEXT COUNCIL MEETING: January 9, 2024**

Joint Rural Fire District meeting at 5PM, and then followed by Council meeting at 6PM with Library Director's Annual Report on the agenda so far.

**ADJOURNMENT**

The meeting was adjourned at 8:35PM by President Townsend's gavel hitting the table.

Eugene Townsend, Council President

Crystal Turner, City Clerk