

CITY OF THREE FORKS, MONTANA, ALL OF 2020

JANUARY 14TH, 2020, The Three Forks City Council met with the Three Forks Rural Fire Board at City Hall at 206 Main Street. The meeting was presided over by Mayor Gifford. The Mayor called the meeting to order at 6:00 P.M.

ROLL CALL: City Council members George Chancellor, Gene Townsend, Deb Mickelberry, Steve Dahl, Dennis Nelson, Erin Schattauer were present. Three Forks Rural Fire Board members Justin (Bill) Kamerman, Dale Kober, Roger Nerlin, and Bruce Felz; Duane Visser was absent. City Clerk Crystal Turner and City Treasurer Kelly Smith were also present. Fire Chief Keith Aune was absent.

The record reflected a quorum present, with the attendance of six (6) Council members, and a quorum of the Rural Fire Board with four (4) members and the meeting was held.

The **Pledge of Allegiance** to the American Flag was led by Mayor Gifford. Mayor Gifford reminded all in attendance that the meeting was being recorded.

GUESTS: No public present.

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

The Rural Fire Board will hold an election this year. Two candidates, Dale Kober and Roger Nerlin, are up for election this year and the notices have already been sent to the newspapers.

JOINT CITY COUNCIL / THREE FORKS RURAL FIRE DISTRICT ANNUAL MEETING

- a) Discussion and Update on the Following Items within the Interlocal Agreement:
 - a. Officers & Firefighters (Limit 28 Volunteers)
 - b. Services Provided
- b) Update and Report Addressing Issues in Broadwater County
- c) Inventory
- d) Budget
 - a. FY2019/2020 Issues
 - b. Budget for FY2020/2021
 - c. Update on Fire Hall Remodel
- e) Discussion on Possible New Fire Hall

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Officers & Firefighters

Chief Aune was not present to provide this report.

Services Provided

Chief Aune was not present to provide this report. Gene Townsend, Secretary for the Rural Board, spoke regarding the potential fire hall in Broadwater County. Is it practical to place a building here when the District covers all the way to almost Norris on Madison Road near the Blackford's Fishing Access site.

Updated and Report Addressing Issues in Broadwater County

Gene Townsend said the Three Forks Rural is concerned about the amphitheater. They have concerns about the amphitheater and events that will be held there which may require standby volunteer firefighters. The Rural Board would like to see the Broadwater County Commissioners more engaged with the Rural District and with the Three Forks City Council. Mayor Gifford agreed, and he has received the same reaction from the Broadwater County Commission: that they simply say they appreciate our comments but they do not take them into consideration in the planning. We pay a lot of money for Law Enforcement and they spend a lot of time in Broadwater County too - concern the fire fighters would be doing the same thing. The initial quote for this new fire station was \$3,000,000 and it is only four miles from the City's fire station. "Is that really necessary?" the Mayor questioned.

Mayor Gifford is also concerned about not being able to take the fire truck over Old Town bridge.

Gene commented on grass fires taking over quickly, so it goes from a rural grass fire to the residences out in Broadwater County. Roger Nerlin added there are 600 acres with 900 homes on it now.

Dennis Nelson spoke regarding the gate at Mountain Vista Estates subdivision being closed still, but no one seems to have a problem with it that is living out there. He did speak to the Broadwater County Commissioners about this safety concern.

Inventory

Chief Aune was not present to report if inventory was complete. Gene Townsend stated the Rural has not added a significant amount of inventory. They have purchased wildland "turnouts" and we pay for half

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any new or replacement turnouts for the volunteers. Biggest item was the refill station for the SCBA bottles, and Kelly Smith added the biggest item the City purchased was probably the thermal imager. Gene said the pumps were all tested. (Crystal Turner will get a copy of the inventory for both the Rural and the City.) The Montana Department of Environmental Quality donated a lot of spill cleanup stuff. They had a lot of extra inventory and so donated some to each volunteer fire department near an interstate.

Steve Dahl asked about air firefighting taking off from the Three Forks airport to help fight wildfires.

Budget - FY2019/2020 Issues

Gene Townsend said they have a copy of the City's budget before the City and Rural board members tonight to review. Dennis Nelson reported the Budget is just past the 50% mark and is at 94% spent. They have already warned the Department that no other purchases can occur. Rural has not even expended 50% yet. To catch Erin Schattauer up on Fire Department issues, Gene explained the Rural has 5 fire vehicles at the city hall station and the city only has one fire truck. "Our budget is still in good shape. We carry a larger budget because we have more equipment and a larger area to cover; we share the same firefighters, but they belong to the City. We split a lot of bills 50/50." Roger Nerlin offered if anyone on the City Council would like a tour [of the Rural's equipment] they would be happy to show them all the inventory. Gene said Chief Aune did request the Rural to upgrade its brush trucks this coming year.

Budget for FY2020/2021

Kelly Smith reported Chief Aune had given her a prepared budget request for two sets of turnouts, wildland turnouts for Rural and boots, and extraction units. He would also like to purchase steel lockers (\$5-8,000) which would be split between the City and Rural. He also requested the City and Rural consider paying for their awards dinner banquet. Gene said the Rural has always used a lot of caution when it comes to paying for things like an awards dinner, because they are using taxpayer dollars. Dennis Nelson felt the same coming from the City's standpoint. "As far as the City's budget we probably will not start meeting until April," Dennis said. Mayor Gifford said he talked to the elected fire department officers, as he would like to see them help Chief Aune out more. "Budgeting may not be his strongest suit, and I want to help Keith succeed and the fire department succeed. I feel like they maybe are setting him up to not help out as much as they are, and they are elected too and

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should take some ownership and responsibility," the Mayor said. Kelly added Keith is getting better every year with his budget.

Update on Fire Hall Remodel

Mayor Gifford said the City had requested quotes from construction companies and they came either way higher than our \$15,000 anticipated budget, or incomplete. Harmon Construction will not even provide a quote but said their rough numbers would be around \$25-40,000. We have another quote for \$10,300 but it was not ADA compliant and did not include the electrical or plumbing labor. We are still waiting for one more quote. "We could work on upgrading the existing electrical, there are claims the electrical is tripping the breakers often," the Mayor reported. Erin Schattauer asked what the next steps will be if there are no quotes within the budget. Mayor Gifford said that budget amount will roll over to the next budget. Dennis added the budget committee will talk about it this upcoming fiscal year proposals too, "But that money was specifically earmarked for this and cannot be used on anything else." Mayor Gifford said the building is in dire need of some "TLC". Gene Townsend said it has done well for being an old jail. There have been some upgrades in the past, but a lot of times the volunteers did the construction too.

Discussion of Possible New Fire Hall

Mayor Gifford stated the building will eventually need replaced. It is lacking storage, the doorways are small, and they are not ADA compliant. "Perhaps going to the taxpayers for a new building is the best option in the future," Mayor Gifford said. He continued, "My grand ambition would be a joint building including City Hall, Fire Hall, Community Center; I think it is something we should be thinking about." Deb Mickelberry asked where that would be located. The Mayor said, "We do own other property around town - one is the rodeo grounds property. I'd like to see them succeed more and perhaps grow on other land. The School also has land which is in the floodplain and floodway and they really have no plans to build there - that may make a good place for a rodeo grounds. We do own some other lots around town too. This is just something we should be thinking about as the City continues to grow." The Mayor asked, "How long do we keep putting money into a building that may be inadequate?" Roger Nerlin asked if the City has any capital improvement monies set aside. Dennis Nelson said yes, but not for this project. Perhaps remodeling the current fire hall is the best option. Erin Schattauer asked if the City office feels the need for a new facility. Kelly Smith responded we had the electrical checked out because we felt it was unsafe, but it was OK. Crystal Turner added we rearranged to make this room for functional but

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there is still a lot of wasted space in the back. If the Council was thinking about moving to a single facility, it would be pointless to spend money on making this building energy efficient for instance. There was discussion on letting the School try to succeed on its bond request first before we ever start a conversation with the public on a bond for a new City building/Fire Hall. Typically, when multiple groups are going out for bond requests at the same time, one fails because taxpayers do not support multiple bonds at the same time. Gene Townsend said, "We live in Gallatin County, and I don't know if \$3,000,000 would even touch it - even if we didn't build a Taj Mahal. We could limp it along a little while longer perhaps by doing a \$15-20,000 bathroom upgrade and not have to build a new facility."

ADJOURNMENT

Mayor Gifford asked if there were any other items to come before these Boards tonight and if not, he would entertain a motion to adjourn. Councilman Townsend moved to adjourn this meeting. Councilman Chancellor seconded the motion. There was no public comment.

Motion Passed Unanimously. (6:45 P.M.)

Sean Gifford, Mayor

Crystal Turner, City Clerk

Three Forks Rural Fire District Chair

Eugene Townsend, Secretary

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JANUARY 14TH, 2020, The Three Forks City Council met in session at City Hall at 206 Main Street and was presided over by Mayor Gifford. Mayor Gifford called the meeting to order at 7:00 P.M. for the FIRST meeting of JANUARY 2020.

PRESENT: Council members Deb Mickelberry, Erin Schattauer, Gene Townsend, George Chancellor, Steve Dahl, and Dennis Nelson were present. City Attorney Susan Swimley, City Treasurer Kelly Smith, and City Clerk Crystal Turner were also present.

The record reflects 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 Gifford. He reminded the public the meeting was being audio recorded and to follow the policy on the backside of the agenda.

SWEARING IN OF NEW COUNCIL MEMBERS

Mayor Gifford administered the Oath of Office to Steve Dahl, Erin Schattauer and Debra Mickelberry.

GUESTS: Doug and Sam Bell, Merissa and Reid Hayes, Robert & Dean Buchholz, Catherine Wirtz, Mike and Gloria Howland, Susan Frost, Scott and Connor Murphy, Matt Bugland, Chris Lien, Caitlyn Butler, Rylin Bronson, Jason, Nicolai and Grifen Kovnesky, Bud Mohler, Amber and Brayden Veltkamp, Tom and Jack Benedict, and Christina Enderes.

Mayor Gifford asked if there were any **PUBLIC COMMENTS/CONCERNS** not on the agenda. Seeing none he introduced the Consent Agenda.

CONSENT AGENDA

Approval of the Following:

- a. Claims Paid due to Timeliness in the Amount of \$31,115.04 on 12/30/2019
- b. Claim Paid due to Timeliness to Mail Utility Bills and to Northwestern Energy in the Amount of \$6,117.90 on 12/31/2019
- c. Claims per List
- d. Three forks Rodeo Arena Claims Paid due to Timeliness in the Amount of \$170.63 on 12/30/2019
- e. Three Forks Rodeo Arena Claims per List

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- f. Quarter 4 2019 Pledged Securities Report
- g. Meeting Minutes of 12/10/2019
- h. Zoning and Planning Meeting Minutes from 8/15/2019 and 11/21/2019
- i. Three Forks Rodeo Arena Board of Director's Executive Secretary Contract with Christina Kamps at \$425/month
- j. Record Destruction Document RM88 Request #10
- k. Three Forks Rodeo Arena Board of Director's Recommendation to Cash out CDs #7000058 in the Amount of \$3,741.44 and #7000583 in the Amount of \$6,553.88 and Transfer Balance to Savings at First Community Bank
- l. Allow Mayor to Sign Letter of Support for Gallatin County Emergency Management's Homeland Security Grant Application

Councilman Townsend motioned to approve the consent agenda. Councilman Nelson seconded the motion.

Motion Passed Unanimously.

Mayor Gifford said he was amending the agenda to address the Scouts present tonight first.

AGENDA ADJUSTMENT: NEW BUSINESS

Proclamation Declaring February 1-7, 2020, as Cub Scout Pack 3523 and National Scouting Week

Mayor Gifford read the proclamation into the record.

Councilman Townsend made a motion to approve Proclamation #2020-01, a proclamation declaring February 1 -7, 2020, as Cub Scout Pack 3523 and the National Scout anniversary week. Councilman Chancellor seconded the motion.

Motion Passed Unanimously.

Jason Kovnesky said he asked some of the Scouts to say their favorite part of scouting to the Council. Ray Lau was Jason's scout leader when he was a scout. Jason said, "You'll see them doing food drives, helping folks, community service projects, learning about how to give back to the community, conservation (from an energy perspective) and tonight is good for them to see how government works. Our troop is known throughout the State of Montana, as we have a high achievement rate of Eagle Scouts. These Cubs look up to the Scouts."

Jason asked two scouts to tell the Council their favorite part of Scouting: Reid Hayes introduced himself and said he started scouting last

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year in September. He wanted to start Scouts to try something new and make new friends. Nicolai Kovnesky introduced himself and said he has been scouts for 5 years; he is a Webelo/Arrow of Light rank until he becomes a Boy Scout and enjoys making new friends. Dean Buchholz, Eagle Scout, spoke regarding his road to achieving this rank he has learned a lot, learned how to finish commitments, every step of the way you want to say "I've done enough" but scouts has taught him perseverance. Jason thanked the Council for the proclamation.

Congratulation to Dean Buchholz on Obtaining his Eagle Scout

Mayor Gifford read the letter of congratulations into the record on his recent achievement and present it to Dean once the Council members signed the letter.

(Back to regular agenda order.)

PUBLIC HEARINGS

Public Hearing and Decision on a Request by Christina Enderes, of Hearken Counseling, for a Conditional Use Permit to Operate a Home Occupation within the Residential Premises Located at Lot 4, Block 22 of the Original Plat of Three Forks (Plat D-18), More Commonly Referred to as 316 3rd Avenue East

Mayor Gifford introduced this item and turned the hearing over to George Chancellor to report on. George Chancellor read the staff report into the record and recapped the recommendation for approval of the Zoning & Planning Board.

Applicant presentation: Christina Enderes said the Landlord does not want them to put the proposed building on the property, so they will convert the existing garage and use that as the office space.

Councilman Nelson moved we approve the application for the conditional use permit for Christina Enderes, for her part time counseling business.
Councilman Chancellor seconded the motion.

The Mayor said prior to a Council vote he would like to open the hearing up to public comment: Matt Bugland asked if there would be a bathroom in the facility? Christina Enderes said no - that was discussed for the shed, but there is not a bathroom in the garage. Customers are only there about 30-45 minutes.

Mayor Gifford closed public comment.

Motion Passed Unanimously.

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Public Hearing and Decision on an Application by Lien Rentals, LLC for a Zone Text Amendment to Allow Daycare Facilities in Neighborhood Highway Business District

George Chancellor recapped the staff report and recommendation for approval by the Zoning & Planning Board. We recommend it should be a conditional use so the people in the surrounding areas have a say in what is going on around their homes.

There was no applicant presentation.

Deb Mickelberry questioned that Chris Lien would only have to apply for a conditional use permit then if this zone text amendment were approved. Kelly Smith said yes. If it were just a permitted use, they would just be allowed to open without any City input.

Dennis Nelson said he does not have a problem, "I think it's a good move and a good location and meets the needs of our community. And it will put some operation in that presently empty building." Steve Dahl asked for a map of where this daycare would open. Crystal Turner clarified this is not an application to open a daycare before the Council - there is not a specific location nor map included in the packet as this is a zone text amendment to conditionally allow daycare facilities in all lands zoned Neighborhood Highway Business.

Councilwoman Mickelberry moved to allow daycares to be allowed in parcels Neighborhood Highway Business or Central Business District as conditional use. Councilman Chancellor seconded the motion. There was no public comment.

Motion Passed Unanimously.

Public Hearing and Decision on a First Reading of the Ordinance to add Daycare Facilities as a Conditional Use in Neighborhood Highway Business (NHB) District

Mayor Gifford read the ordinance into the record in its entirety, he corrected the fourth "Whereas" by removing the additional word "the" in the sentence "...daycare facilities are conditional uses in the some of the residential zoning...". This would be Ordinance #386-2020. Crystal Turner asked for clarification, based on Councilwoman Mickelberry's motion to include CBD as conditional use - should the ordinance reflect that? The ordinance was drafted and advertised as a conditional use in NHB only.

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The Council and Susan Swimley agreed this ordinance could move forward and asked Crystal to draft another ordinance for CBD.

There was no public comment.

Councilman Townsend moved to approve Ordinance #386-2020, an ordinance of the Three Forks City Council amending Title 11, Chapter 7, Section 3: NHB Neighborhood Highway Business District to include daycare facilities as a conditional use. Councilman Chancellor seconded the motion.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution Cross-Deputizing the Gallatin County Sheriff Officers to Enforce City of Three Forks Municipal Ordinances

Mayor Gifford read the resolution into the record in its entirety. Gene Townsend noted that Dep. Allmendinger (who passed away) and Chaplain Hiebert are still listed on the exhibit, so perhaps the Gallatin County Sheriff Office did not provide a current list. Crystal Turner asked if the Council's motion could be to approve the resolution "with the deputies as of today" and she will ask the Sheriff Office for an updated list. [On 1/15/2020 Crystal spoke with Tracey Schumacher who said Chaplain Hiebert is still part time, and Sheriff Gootkin wants to keep Dep. Allmendinger on the list.]

Councilman Townsend moved to accept Resolution #316-2020, a resolution cross-deputizing the Gallatin County Sheriff Officers to enforce Three Forks' ordinances with the current staff roster. Councilman Nelson seconded the motion.

Motion Passed Unanimously.

REPORT OF OFFICERS

Three Forks Rodeo Arena Board of Directors' Annual Report

Chuck Wambeke asked for this item to be continued to March.

Kelly Smith reported on the Street maintenance and Street Lighting that the County bills for us. The County did not bill the same amount for Street Lighting as what we sent them in the resolution and billed for SID #30 that was finished last year. The County Treasurer has since fixed this error - she refunded the 14 properties who were charged SID #30, and will pay us the shortfall for Street Lighting but the difference to each property will appear on next year's tax bill to reimburse the County

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Treasurer. She also sent the 14 SID #30 property owners a letter written to them explaining the error. However, this error has turned out to be a good thing as we realized with them doing our billing, we do not need the Black Mountain SAMSID program which will save us \$2,600/year.

Crystal Turner reported on upcoming trainings the Council may be interested in attending: Montana Rural Water School in Great Falls in March, and the Elected Officials training in May in Bozeman. The Council is invited to attend the Fire Department awards dinner at the Sacajawea on 1/21/2020 at 6PM. Crystal has completed the 1099s, 1095s, and W2s and submitted them to employees and vendors. She has also sent out dog license renewal letters.

Susan Swimley did not have a report.

REPORTS OF COUNCIL COMMITTEES

Dennis Nelson said he and Steve Dahl of the Water & Sewer Committee - Met last Monday, January 6th, to discuss the Kamps' request for an alternate sewer average rate and recommend using the months of February, June, October and December, which average 8500 cubic feet. They also discussed the inconsistencies of meters on multi-family dwelling units.

Budget Committee meeting is scheduled for 1/23 at 4PM to review through 2nd Quarter expenditures.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Board Appointment - Zoning & Planning Board

Mayor Gifford read the board appointment memo into the record.

Councilman Townsend moved to accept the recommendation to appoint Kelly Smith and Amy Laban for the term of two years on the Planning & Zoning Board. Councilwoman Schattauer seconded the motion.

Motion Passed Unanimously.

Council Approval to send the Code Compliance Officer to CIT Training at \$125.00

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Mayor Gifford explained this training is offered by the Gallatin County Sheriff Office and is a training to understand and deal with mental health issues and how to de-escalate such events.

Councilman Nelson made a motion [to approve] of the sending of our code compliance officer to the training. Councilman Dahl seconded.

Motion Passed Unanimously.

Gene Townsend asked what CIT stands for, and Mayor Gifford replied "Crisis Intervention Training".

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

Matt Bugland - jumping back to the Planning & Zoning recommendation regarding the site plan for the counseling center at a residence, said, "The parking area has been completely negated based on their submitted drawing. It doesn't layout now that they will be using the garage. I feel the Council hastily jumped to approve this when she changed the plan on the spot tonight. By not using the shed building and using the garage instead, it negates the off-street parking that was laid out for the existing residential use." George Chancellor questioned if Matt assumes the garage is used for parking? Matt said it does not matter - but it was laid out in the drawing and said it would be used for parking. Now there is not three car spaces available.

Gene Townsend said to be honest he had not gone to look at the property. Matt Bugland said this use will increase alley traffic, now has less parking and essentially parking will have to be available where the building was supposed to go, which is in the center of the lot. Just food for thought.

Matt Bugland also asked the status of the portable speedometer flashing light. Deb Mickelberry said she is in process of researching this. Mike Howland asked if the Sheriff can enforce the speeding issues - we pay \$300,000/year and he sees everyone speeding up and down Jefferson Street. Susan Swimley said she would have the fiscal discussion with Mr. Howland after the meeting.

Mayor Gifford closed public comment.

MAYOR & COUNCIL ANNOUNCEMENTS

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Gene Townsend read the MMIA fall newsletter and gave kudos to the city employees on its award for the loss prevention for 3rd class cities. He also congratulated the city employees for 100% participation in the health screening - that saves the City money in the long run so thank you.

Gene recapped that he had asked the permission of the City Council to apply for the Recreation and Trails grant last November - and he is still working on that and realized he does not have an easement on City property/City right-of-way or sidewalk. On Jefferson Street the trail would go between current Jefferson Street and close to the Buttelman's fence in the right-of-way. He has spoken with Roland and Mable Deane for easement on their property too. Susan Swimley asked if the trail will all be in the City tight-of-way or some on private property too. Gene replied it will all be within the City right-of-way, but it will abut private property owners mentioned above so he gave them a head's up too. Gloria Howland asked if he will have a problem with people parking on the trail when/if it is installed. Gene replied no, he believes it will act as a sidewalk and clean up that edge of the street. Anytime he has approached anyone on the trails near the ponds about parking on the trail, they have been apologetic and moved their vehicles off the trail immediately. He will need a letter of permission to include in his grant application. Crystal Turner will draft one for the Mayor's signature.

Councilman Chancellor moved to approve [giving Gene a letter of permission for the trail in the right-of-way]. Councilman Nelson seconded the motion.

Motion Passed Unanimously. (Susan Swimley and Crystal will work on encroachment policy later.)

Mayor Gifford congratulated the new council members and the mayor on the election - welcome!! He then reported he was out last week to take some veteran's fishing in the Warriors on Quiet Waters group he serves on. "Wendell and I walked the Willow Creek ditch (barrow pit) with Lezlie Kinne to determine ownership. She took photos and will bring the information back to Judge Holly Brown to determine who is responsible for maintenance on the barrow pit. Wendell Ewan has been working to get the water flowing further downstream. We do have some movement on this process. Hopefully will get the culvert fixed soon," said Mayor Gifford.

AGENDA ITEMS FOR THE NEXT COUNCIL MEETING: 1/28/2020

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- Public Hearing and Decision on a Second Reading of the Ordinance to add Daycare Facilities as a Conditional Use in Neighborhood Highway Business (NHB) District
- Public Hearing and Recommendation on a Request by Susan Frost, with Approval of Property Owner Lien Rentals, LLC., for a Conditional Use Permit to Operate a Daycare Facility at the Property Located in Part of Tract 6, in the South Half of the Southeast Quarter of the Northwest Quarter in Section 25, Township 2 North, Range 1 East, more Commonly Referred to as 223 N. Main Street
- Public Hearing and Decision on a First Reading of the Ordinance to add Daycare Facilities as a Conditional Use in Central Business District (CBD)

ADJOURNMENT

Councilman Chancellor moved to adjourn. Councilwoman Mickelberry seconded the motion. There was no public comment.

Motion Passed Unanimously. (8:19 P.M.)

Mayor Sean Gifford

Crystal Turner, City Clerk

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JANUARY 28TH, 2020, The Three Forks City Council met at City Hall at 206 Main Street. The meeting was presided over by Mayor Gifford. The Mayor called the meeting to order at 7:00 P.M.

ROLL CALL: City Council members George Chancellor, Deb Mickelberry, Erin Schattauer, Gene Townsend, Steve Dahl, and Dennis Nelson were present. City Clerk Crystal Turner, City Treasurer Kelly Smith, and Water Superintendent Randy Johnston were also present.

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 Gifford. Mayor Gifford reminded all in attendance that the meeting was being recorded.

GUESTS: Broadwater County Sheriff Meehan, Dean Buccholz, Shelley Dahl, Dane Hancock, Axon Parker (Three Forks Voice), Susan Frost, Jon & Christina Kamps, and Carl "Bud" Mohler.

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

Mayor Gifford asked if anyone had any public comments that were not on the agenda. Seeing none, he introduced the Consent Agenda.

CONSENT AGENDA

- m. Claim Paid due to Timeliness to Three Rivers Precision Detailing in the Amount of \$275.00
- n. Claims per List
- o. Three Forks Rodeo Arena Claims per List
- p. Meeting Minutes of 01/14/2020
- q. Hach Service Agreement for the Headworks Building UV Sensor
- r. Zoning and Planning Meeting Minutes from 12/19/2019
- s. Amendment to Task Order #1 with Great West Engineering for General Engineering Services - Increase by \$5,000
- t. Task Order #4 with Great West Engineering for Water System Preliminary Engineering Report in the Amount of \$45,000

Mayor Gifford asked if anyone wished to pull an item from the Consent Agenda, and if not, he would entertain a motion.

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

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Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on a Second Reading of the Ordinance to add Daycare Facilities as a Conditional Use in Neighborhood Highway Business (NHB) District

Mayor Gifford asked if anyone wanted this ordinance read into the record again, and if not, he would not be reading it aloud again. No one protested.

Councilman Townsend made a motion to accept Ordinance #386-2020 an ordinance of the Three Forks City Council amending Title 11, Chapter 7 Neighborhood Highway Business district to include daycare facilities as a conditional permitted use. Councilman Chancellor seconded the motion.

Motion Passed Unanimously.

Councilman Townsend asked the Mayor if we should allow for public comment. The Mayor offered to open it back up for public comment; Crystal Turner stated the Mayor did ask everyone in the room if they had any comments and no one said anything (so she did not feel the public was denied its right to speak).

Public Hearing and Decision on a First Reading of the Ordinance to add Daycare Facilities as a Conditional Use in Central Business District (CBD)

Mayor Gifford read the ordinance into the record in its entirety, noting this would be ordinance #387-2020.

Councilman Nelson made a motion that we accept the first reading of Ordinance #387-2020, an ordinance of the Three forks City Council amending Title 11, Chapter 8A Central Business District to include daycare facilities as a conditional permitted use. Councilwoman Mickelberry seconded the motion. There was no public comment.

Motion Passed Unanimously.

Public Hearing and Decision on a Request by Susan Frost, with Approval of Property Owner Lien Rentals, LLC, for a Conditional Use Permit to Operate a Daycare Facility at the Property Located in Part of Tract 6, in the South Half of the Southeast Quarter of the Northwest Quarter in Section 25, Township 2 North, Range 1 East, more Commonly Referred to as 223 N. Main Street

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Zoning & Planning Chairman George Chancellor read the staff report into the record, noting there were no opposing comments from the public regarding this conditional use. There were all positive reports.

Susan Frost introduced herself and said she had a daycare for eight years and another group establishment in her home; she has lived in the community for 20 years. She has people contacting her asking her to open childcare again. She has been approved by the State of Montana, but it has not been inspected by the State Building Department yet (that is scheduled for tomorrow). She does have people already signed up if this application goes through. She stated her philosophy in childcare is learning by play, and she used to work at Head Start. The building will be setup in centers for learning. She is very excited to get started.

Board Discussion: Dennis Nelson asked why she would only be open three hours. Susan Frost clarified she is approved for 12 children all day, and for three hours (like after school care) she can go up to 16 children. Erin Schattauer asked about staffing. Susan replied she has one staff currently in process of being certified and others who are interested in applying as substitute help. Erin also questioned the public comment at the Zoning & Planning meeting regarding fencing for the outdoor play area. Susan said Sayers Fence will install when the ground is thawed, but right now there is only temporary fencing.

Public Comment: Christina Kamps spoke in support of Susan Frost; Christina's former business partner's children were taken care of by Susan when she formerly had a daycare.

The Mayor closed public comment.

Councilman Chancellor moved we approve the conditional use permit for Susan Frost to operate a daycare facility at 223 N. Main Street.

Councilman Dahl seconded the motion.

Motion Passed Unanimously.

Presentation and Acceptance of the Audit of City of Three Forks' Financials for Year Ended 6/30/2019 (Rudd & Company)

Dane Hancock introduced himself as the lead auditor for the City's finances. He believes the audits themselves have gotten easier over the years and he credited Crystal Turner and Kelly Smith's efficiencies in their duties for that. He brought the Council's attention to page 3 to the auditor's unmodified, clean opinion for the City of Three Forks.

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Overall, it is a clean audit. He detailed the assets (page 16) and liabilities (page 17) and then on page 19 he highlighted the \$500,000 forgiven loan of the water project has finally been allowed to hit the books as forgiven and State paid for.

Next, Dane discussed the Balance Sheet of the General Fund, Three Forks Rodeo Arena and Gas Tax Apportionment (page 20). On page 23-24 it shows the governmental funds increased from roughly \$1.4 million to \$1.5 million. This is because of debt being paid ahead of schedule. Dane then drew everyone's attention to page 26 which breaks down the Water and Sewer funds (business-type activities) which make up the majority of monies for the City. He explained the State of Cash Flows (page 29 & 30) break down the detail of cash flowing in and out of the Water and Sewer funds. He explained that was the majority of the financials and the rest of the audit is roughly 35 more pages of footnotes.

Gene Townsend asked about GASB changes - about a decade ago there was a huge change, are these almost done now? Dane said no. That was GASB 34 Gene is thinking of, but recently we had GASB 88 is the most recent change. GASB 68 was the pension change, which was only four years ago and now we are at #88. "I don't foresee any GASB changes slowing down - hence the reason we have so many footnotes to the audit report," Dane said.

The auditors review internal controls heavily too - you cannot just have one person opening the mail and signing the checks - you need another set of eyes on everything. We look at all that and we have not noticed any issues there regarding internal processes. He also highlighted there were no prior year findings to report, none this year either and of all the audits he works on this is rare that a company is working so efficiently. Dane closed with, "This is my 6th year of working with the City and Julie Kostelecky and I are usually here together but we are fortunate to work with the City. It just is getting easier each year and you guys are running very efficiently."

Gene Townsend asked, now that the Fire Relief Association is in the 'black', will we have to have another actuarial study. Dane said yes.

Councilman Townsend made a motion to approve the audit of the City of Three Forks' financials, performed by Rudd & Company. Councilman Nelson seconded the motion. Public Comment: Kelly Bugland thanked Kelly Smith, Crystal Turner and the Mayor for their diligence in fiscal responsibility.

Motion Passed Unanimously.

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REPORT OF OFFICERS

Kelly Smith reported the Council will have to adopt a budget amendment for Fund #2821 BARSAA (new gas tax). "When we did our budget, we estimated \$43,000 of revenue but they do not confirm the revenue until January. We just received our letter that we will actually be receiving \$55,681 so we will need to do a budget amendment," Kelly said.

We were approved for our \$30,000 grant application to redo the Growth Policy.

Gene Townsend asked of the new gas tax, "Do we have to spend it in two years?" Kelly said no, she believed the City has five years, "So we spend BARSAA gas tax first and let regular gas tax revenue build."

Mayor Gifford asked Deb Mickelberry to explain to the Council her suggestion for using BARSAA funds. Deb said she and Wendell Ewan are researching a flashing speed sign that is portable and would be used to collect data. One portable sign so it could be moved around town, two batteries and would be around \$3,500. She and Wendell are wondering if the Council would be agreeable to spending gas tax money to order one, or even two, of these to put around town and help calm traffic. Erin Schattauer asked if solar powered models were also quoted. Deb was unsure. Sheriff Meehan said he quoted these too and they are roughly \$3,700 for solar backup ones. He highly recommended. Erin asked if specific areas have been identified by the public as needed most? Deb said yes, 2nd Avenue East by the school, 7th Avenue East, Jefferson Street, and Front Street have all been mentioned in public hearings. Kelly Smith suggested adding this language to the resolution required when requesting the City's funds to be allocated.

Councilman Townsend said he would make the motion to at least do one, (comments not part of the motion regarding solar power) put on the gas tax resolution the purchase of this sign for \$3,500. Councilman Nelson seconded the motion. Public Comment: Kelly Bugland remembered this conversation roughly three years ago and then-Sgt. Peterson did not recommend them. Gene said he thinks the City needs to try something new, "When I see them in Bozeman and the sign says I'm going 37 mph and it's 25 mph zone, I slow down!" Mayor Gifford asked Randy Johnston to correct him if he was wrong, but he believed this would also allow the City to perform its own traffic studies. Kelly Bugland argued what is the point if there

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is not law enforcement around? Erin Schattauer said she believed they are warranted to bring about self-awareness to slow down. Sheriff Meehan said they are good to use for studies so you can report to Sheriff Gootkin high times of problem areas and ask then for more coverage during those times. "We could all use more data," Sheriff Meehan said. Shelley Dahl suggested an educational letter, and even to the school too, to remember the speed limits around town.

Motion Passed Unanimously.

Crystal Turner did not have anything to report.

Broadwater County Sheriff Meehan spoke regarding the emergency services building which was discussed at the south end of Broadwater County. He apologized as he has not attended the meetings anymore since he got upset that the County said they would come up with the money for that when they tell him they don't have any money for public safety. They expect me to raise roughly \$800,000 in revenue for the jail, but nothing is levied for the jail. There are 45 inmates in the jail right now, most of which will leave when Lewis & Clark County opens their new jail.

He also spoke regarding his displeasure with the potential of a 3,500-seat amphitheater and brewery opening at the south end of Broadwater County as well since he does not have enough law enforcement to cover something of that size. Hopefully we will get the County Commissioners to approve [putting this vote on a ballot to the public] a public safety mill levy. If that does not get approved, he will probably have to close the Broadwater County jail. He also was awarded a COPS grant which is now a 5-year program (First year 100% paid by the grant, second year 75% paid, third year 50%, fourth year 25% and by the fifth year your department has to pay for that officer fully).

Dennis Nelson asked if the public safety mill levy would be specifically for his department. Sheriff Meehan said yes.

Mayor Gifford thanked Sheriff Meehan stating, "Kelly Bugland is on the ambulance, my wife is on the ambulance, a lot of my friends are deputies and they are usually outgunned and outnumbered - I don't want a wakeup call about another deputy or have another memorial here in Three Forks."

Sheriff Meehan asked for help if anyone sees anyone dumping garbage, stuff you'd normally take to the dump - now that Broadwater County dumps are locked up folks are just dumping large items in the road right-of-ways.

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If you see things start being dumped in Three Forks, please let him know as they are probably Broadwater County residents finding a spot to dump their trash.

Sheriff Meehan said he and Sheriff Gootkin have been talking about cross-deputizing Gallatin County (GC) Sheriff Deputies and Broadwater County (BC) Sheriff Deputies so that when GC deputies are closer to respond to accidents or ambulance back up calls in BC, they can respond to those calls, and vice versa BC deputies can respond to GC calls.

Kelly Bugland said Deputy Carosella is doing a great job on this end of the county.

REPORT OF COUNCIL COMMITTEES

Budget Committee - Dennis Nelson reported they met last week to review the Quarter 2 financials in the General Fund. "It is in good shape," he was happy to report. "One department already knows they are pretty much spent for the rest of the year," Dennis added. The Committee will start looking at department fiscal year budgets for FY20/21 early May.

Kelly Smith explained the water fund loan payments, operation and maintenance, and charges for services. She will be tracking this monthly and report to the Council. Dane highlighted the water expenditures in his presentation earlier tonight and we had to speak with Anna Miller of the Department of Natural Resources and Conservation to explain why we spent more than 110% of revenue last fiscal year that our loan document allows for.

Randy said he will fix something when it breaks, like he had to regarding the arsenic treatment plant. Or just like last August when the motherboard died, it cost \$10,000 to replace it. Gene explained Kelly is just saying we have to monitor this closely and explain to the loan company when we spend more than we are charging for services. The City has saved revenues, and no one is saying we should not fix broken equipment. We just need to make sure we communicate with our loan providers.

UNFINISHED BUSINESS

Request by Jon & Christina Kamps to Use Alternate Four Months' as a Sewer Average for #0798

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Steve Dahl read a few excerpts from the Kamps' letter dated 11/7/2019. "The annual debt obligation totals \$26,000, more than last year's income of \$22,000," the letter said. The letter continued they were exploring other financing options, but they would like to report they do not put solids in the sewer system. Steve reported the Water & Sewer Committee met and feel the City could offer them the lowest four months of 2019 (February, June, October and December which would average 8,500 cubic feet) charged for the first four months of this year. Since the Kamps' letter was received, it has been suggested there could be a leak in their equipment which may be the culprit of their high-water use.

Randy Johnston asked if the Kamps determined if they had a leak in their equipment. Christina said they are still investigating but believe it may be something with their reverse osmosis (RO) system. Randy said his issue is the City paid \$13,000 this year to clean the sewer line from Imerys, to the carwash all the way to the lumber yard and towels, mud, grease are all found in the lines [from Imerys and the carwash]. Christina said they have a baffled system, so a shop towel would not have come through their system, but she could see mud getting into the City's sewer from their business. They do have to clean it out often at their facility.

The Committee wants to look at this again in May, and the Kamps need to have all their investigation done in order to change it further, or it will go back to the regular winter average.

George Chancellor asked if they keep track of how many cars are washed each month. Christina replied in the automatic system they can track numbers. However, she had never done the conversion from gallons to cubic feet and once she did, the numbers did not jive for the number of gallons they should be using per car wash times the number of cars washed. They will investigate more. Randy asked if they had a bypass in their RO system? Christina said there is also a continual drip at the back side of the meter, somewhere near the backflow preventer. George asked Randy if they shut their machines down, could he see if the meter is running? Randy said yes, there is a register and the diamond will turn if there is a leak. George said he has a hard time agreeing to do this [reduction in sewer rate] again.

Councilman Dahl made a motion to use the four alternate months as sewer for #0798. Councilwoman Schattauer seconded the motion.

Motion Passed Unanimously.

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NEW BUSINESS

Approval to Allow Red Ants Pants Music Festival to Showcase a Giant Red Ant Sign in John Q. Adams Milwaukee Park for the "MontANTa" Statewide Scavenger Hunt

Crystal Turner explained she receives notifications from the Red Ants Pants music festival and thought it was interesting their request to find locations to host a banner of a giant red ant in hopes of bringing folks to small communities on their way to the festival. Crystal sent the email to the Chamber and the Mayor. The Chamber thought it was a great idea to bring more people to town. Brooke Luegers suggested somewhere within John Q. Adams Milwaukee Park. Crystal asked Gene Townsend, who serves on the Three Forks Historical Society, if they would mind (if the Council approved this) for it to be on the depot building. Gene said they would not like anything attached to the depot building, but there is a free space where the Kiwanis sign used to be or on the caboose would be an acceptable location. "It is a state-wide scavenger hunt with the grand prize of a VIP weekend pass," Erin Schattauer added.

Councilwoman Schattauer made a motion for approval to allow Red Ants Pants music festival to showcase a giant red ant sign in John Q. Adams Milwaukee Park for the "MontANTa" statewide scavenger hunt. Councilman Townsend seconded the motion. There was no public comment.

Motion Passed Unanimously.

Proclamation Declaring April 22, 2020 Arbor Day

Mayor Gifford read the proclamation into the record. He mentioned he signed this already so that he could submit a grant application to DNRC. This would be Proclamation #2020-02.

Councilman Townsend made a motion to approve the proclamation. Councilman Nelson seconded the motion. There was no public comment.

Motion Passed Unanimously.

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

There was no public comment.

MAYOR & COUNCIL ANNOUNCEMENTS

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Gene reported he submitted the Recreation & Trails grant, noting the deadline is not until this Friday. "This is the first time I've submitted early!"

Randy Johnston invited Steve Dahl and Erin Schattauer on a tour of the water and sewer systems.

Mayor Gifford said the Japanese Memorial dedication will be Saturday, February 1st at 10AM at Veteran's park. Weather is forecasted to be great.

The Mayor met with Senator Daines representative regarding floodplain and Federal Emergency Management Administration (FEMA) guidelines. The State Department of Natural Resources & Conservation (DNRC) will be here to present to the Council on February 11th to explain the future remapping process. Kelly Smith added DNRC is prepared for questions and they know they will get "beat up" but they want to go over the hydrology studies too. Gene Townsend asked if there would be a lot of public present and if we needed to move the meeting to a larger location. Kelly will keep tabs on those mentioning attending so we can move to the Annex if needed.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: 2/11/2020

- Three Forks Rodeo Arena Board of Director's Annual Report
- Public Hearing and Decision on a Second Reading of the Ordinance to add Daycare Facilities as a Conditional Use in Central Business District (CBD)
- Presentation by DNRC of Upcoming Floodplain Mapping Process

ADJOURNMENT

Mayor Gifford asked if there were any other items to come before these Boards tonight and if not, he would entertain a motion to adjourn. Councilman Nelson moved to adjourn this meeting. Councilman Chancellor seconded the motion. There was no public comment.

Motion Passed Unanimously. (8:47 P.M.)

Sean Gifford, Mayor

Crystal Turner, City Clerk

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JANUARY 29TH, 2020, The Three Forks City Council met at City Hall at 206 Main Street. This special meeting was presided over by Mayor Gifford. The Mayor called the meeting to order at 7:02 P.M.

ROLL CALL: City Council members George Chancellor, Deb Mickelberry, Erin Schattauer, Gene Townsend, Steve Dahl, and Dennis Nelson were present. City Clerk Crystal Turner and City Treasurer Kelly Smith were also present.

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 Gifford. Mayor Gifford reminded all in attendance that the meeting was being recorded.

GUESTS: Shelley Dahl, Ryan Vanderwerff, Matt Bugland, Christina Kamps, Mike Lane, Adam Miller, Ahren Hastings (TD&H), Larry Wabeke, Casey Elmore, Whobee Hughes, Chuck Wambeke, and Kelly Bugland.

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

Mayor Gifford asked if anyone had any public comments that were not on the agenda. There was no public comment for items not on the agenda.

NEW BUSINESS

Presentation by the Three Forks Rodeo Arena Board on New Bleachers for the Rodeo Grounds, and Decision to Allow the Board to Apply for Financing in Order to Proceed with Construction this Fiscal Year

Chuck Wambeke thanked the Council for meeting special tonight outside of their regular schedule. "The Board works on the City's behalf to manage the arena. We are all volunteers, and we are all just trying to make this a better place to live. We are all on the same team," Chuck informed the Council. Chuck then introduced all the Board members to the Council.

"After the 2017 rodeo when we had a woman fall through the bleachers, we started really addressing the pressing issue to replace them. We came to the Council two or three times on how to replace the bleachers. As we went through the process, we realized we were not really financially stable enough to have a down payment. We did more research, found out the Van Winkle Stadium was going to be scrapped so we pursued that option. We

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worked with the Bozeman School administrators, Jackson Contracting, and hired TD&H Engineering for the structural engineering aspect, all in hopes of acquiring those bleachers. We performed soils testing and got all the information to the contractors, and they came back with a quote that is practically the high end of 3-years' ago cost for brand new bleachers. This was due to the retrofitting needed to be performed to bring the used bleachers up to current standards," Chuck reported. He continued reporting the history of research done via Sourcewell, and with a company out of Texas who only sell used bleachers (but those do not have original drawings and we do not know if they meet Montana Codes).

After all that, the Board came to the conclusion the better option is to just buy new bleachers. They went back to Dant Clayton (a Sourcewell provider) and said, "Here are our minimum requirements, please give us a quote." Chuck explained they took their numbers and added on what the Board believes it will cost to prepare the site. "We will have to do some demolition, install concrete and electrical. The times have changed and us volunteers cannot go out there and just build new ones," Chuck said. "We are a dedicated Board willing to take on this project, and we have been working on it for the past two and half years," he continued. "Tonight, we are asking for the Council's decision if the City wants the Board to continue moving forward with this project, and how much will they allow the Board to borrow."

Gene Townsend explained when the City took over the Rodeo Board in 1994 or so, the City said, "If these volunteers don't want to take on this annual rodeo we will tear down the arena and build houses. After the City took it over, the Board has made a lot of improvements to the arena itself, we have added new buildings, we have wells and underground sprinklers." Gene continued, "Rodeo weekend is a huge deal for Three Forks. Class reunions are centered around it, the Chamber holds a parade, there is a lot going on that weekend for Three Forks - the rodeo is important to the [economy of the] City."

Deb Mickelberry asked if the Board is waiting for approval on the grants and loans before they plan to place the bleacher order. She said she feels like we are putting the cart before the horse if we order bleachers and then apply for loans. Chuck answered that may be the case a little, but what are the chances Rural Development does not fund this? Deb agreed they may fund it, but you may not get the terms you have budgeted for. Kelly Smith informed the Board and Council she has not submitted anything to Rural Development yet, pending approval from the City Council.

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Chuck said they have put the budget together and if they were to borrow \$500-600,000 we could afford to pay the \$30,000/year payment. Kelly Smith interrupted that Rural Development requires a 10% add-on payment which has not been factored into the annual payment. Chuck continued to state his case that the economic impact to Three Forks and tourism the rodeo brings is a good thing for the community.

Deb said she is looking at this from a banker's point of view, "This is not bricks and mortar, it may have a 30-year life and you're looking at a 35-year loan. That just doesn't make sense to me." Chuck said the rodeo attendance numbers were 1800 in 2017, and we have 2000 seats and sell over 2500 tickets per night now. "I think we will be back in less than three years to talk about remodeling the cook shack and growing other buildings because our numbers will continue to grow," Chuck said. He continued, "Can the City house another 1500 attendees (lots more people in Three Forks over rodeo weekend)?" [Meaning the rodeo patrons will visit our gas stations, hotels and motels, restaurants and other businesses.] Deb said, "What I'm getting at is you say you make \$20,000 revenue annually and yet are budgeting to pay a \$30,000 payment. Is that because you are expecting to grow?" Chuck teased they'll refinance and said, "There is risk. We are talking about other avenues to pay that debt down quicker; we do have some reserves. It is the dedication of this Board which is going to make the difference."

Erin Schattauer thanked the Board for its hard work and due diligence on researching this project. "You are talking about growing, do you think this project will suit the current needs and the needs of the near future, and is this the best decision for seating at this point?" Chuck replied it will serve our needs into the future, but he is not sure for how long. Christina Kamps added that in addition to 3000 new seats we will still retain the 500 seats that the Three Forks High School gave us about 15 years ago. Erin asked what the timeline would be - could this be ready for this summer? Chuck said he hoped so, they would work with Dant Clayton who said they could have this done by July 4th if we get going ASAP. Deb asked what Dant Clayton's deadline is to ensure a July 4th completion date. Chuck said everything is negotiable, and when he spoke with Dant Clayton the other day they said if they had the order within a couple weeks they could still make it happen this year. Deb questioned to Kelly Smith directly, "Will we have the answer on funding by then?" Kelly Smith replied she does not know: it is dependent upon Rural Development's workload.

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Erin asked about fundraising and marketing efforts. She asked, "Are we trying to make this something more and more people are attracted to; what are those efforts exactly?" Christina answered she is most excited about a singer/songwriter who is opening for Blake Shelton, and then playing Frontier Days. We could bring him in for a reasonable cost (which would generate revenue on Thursday prior to rodeo). "We did a conservative guesstimate of generating \$30,000 in revenue. This would extend rodeo weekend by starting it on Thursday. Matt Bugland added it would work well to advertise the facelift of the rodeo grounds and that it is available to rent for "your" event. Chuck said he is also working on other grant options: Federal Water and Land Conservation. "We just have never qualified for grants in the past, we just aren't that kind of facility. I am not sure grants are feasible, but we will just have to earn it," Chuck said.

Mike Lane added another grant opportunity is with the Open Lands Department with Gallatin County. "It is a \$25,000 grant we qualify for as long as the property is publicly owned, and we may qualify for another County \$150,000 grant from Open Space Program funds," Mike said. Kelly Smith questioned obtaining grants which cannot be used to pay down the loan. Matt Bugland said other improvements could be made, like the press box, with those granted monies instead of paying on the loan. Gene Townsend reminded those grants also will have some local match that will need to be budgeted. "If the Board were granted \$175,000 between those two grants, it may have a \$1 for \$1 match so we need to consider that as well," Gene said. Kelly continued there are other Rural Development grant opportunities too we could research. Chuck hopes to drum up a lot of local support and donations. "We have had people donate to our bleacher fund for the last 17 years!" Chuck said.

George Chancellor said, "Over 17 years, the average has been \$11,000 [donations] a year - but I know that most of the donations have been received in the last few years. But at an average of \$11,000/year, you have a \$27,000 annual payment, which is dependent on attendance. I really appreciate your enthusiasm, but the City is stuck with that [debt] if something doesn't happen. If you order the bleachers before our loan comes in and we can't swing it, it's an \$86,000 penalty out of your pocket, which is dang near half of your money. That is a pretty big risk." Chuck agreed there is risk but believes ordering the standard package of bleachers there will be less risk. He continued trying to sway the Council saying, "We have done our due diligence, this is a good

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project." Christina Kamps asked if it was fair to compare the financial risk to the safety risk of continuing to let people sit on the current bleachers. Ahren Hastings, of TD&H said, "This group has absolutely done its due diligence, and tried every possible avenue to get the most cost-effective product. I would put it back on the Council if it doesn't feel comfortable for this amount of debt, what is the alternative? The safety and accessibility risk? The growing attendance with Gallatin County continually growing? The current facility cannot house the event anymore and there is risk there. I understand there is financial risk too. The safety is paramount as far as I'm concerned. From an outsiders' point of view, I don't know if there is a more cost-effective way to do it."

Kelly Bugland brought up the 2020 All-Class reunion, which she believes will draw even more attendance to rodeo weekend.

Steve Dahl said the statement that sticks out to him is, "*The Rodeo Board has a strong history in repaying its debt.*" I built a shop here and within just a few years I had to build another one because you grow." Chuck agreed, you must continually invest in your business to carry forward especially if you want to grow. Steve said, "I think Christina said it best: Yes, there is risk in the financials but what's the risk if someone falls off?" The new bleachers would be safer, made of aluminum, having aisles, and handicap seating. Steve said he took his grandson to the rodeo 2 years ago, and there was standing room only so they leaned next to the fence. Christina said another benefit to this new style of bleachers would be to offer reserve seating.

Chuck commented this Board works on the rodeo all year, "They are already meeting with rodeo stock contractors, rodeo managers, we sell tickets online, we take credit and debit cards now, we have an ATM and security officers." Christina added Three Forks was the field trip destination for the Jefferson County rodeo - who sent 15 people from their Board to learn from Three Forks' rodeo and how they do everything so well. Chuck, "We take responsibility as volunteers and manage the property to the best of our ability."

Adam Miller spoke to Deb, as a banker himself, we need to know if the Board can do this. He said, "Yes, financing bleachers for 30 years is crazy to me too but we need approval so we can know what we need to do to properly fundraise and apply for grants." Deb asked what the bottom line is they are asking to borrow? Chuck said it was a roughly \$700,000 project. Deb questioned the Board plans to put \$150,000 down so they do

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not need to borrow \$700,000. Chuck agreed. Chuck said he would like to be approved to borrow \$600,000, putting down \$100,000 from the Three Forks Rodeo Arena's account.

Dennis Nelson said he called Ahren (Hastings) today to ask him a couple questions about Jackson Contracting's estimates, like did they include demolition costs? The answer was no and having sat through many Rodeo Board meetings the volunteers had always thought they could find someone locally to help with that. He questioned if \$100,000 was enough for site preparation. "I don't believe this includes any contingency either, which is roughly 15-20% in Gallatin County. I'm looking at the Board needing to borrow \$600,000 - is that really enough?" Dennis asked. He then asked Adam (Miller) if the Board could afford that payment. Adam could not guarantee it, but feels their current attendance covers all the existing expenses so every extra person would be straight profit. Ahren said \$100,000 seems very conservative. "Assuming we get approval now, we will put together actual bid documents to put out to contractors. This is a conceptual design so we can look at moving forward to sharpen the pencils and make this a real project," Ahren said.

Deb asked Kelly Smith, "If we borrow \$600,000, does that jeopardize other departments?" Kelly said, "Yes, it will limit what other departments can borrow, as every loan will effect what you can take out in the future." Kelly commented that 2 years ago the Council approved \$200,000 for this project. Now we are looking at \$500-600,000. "I am conservative and was a banker too, but I think it would be at least a 35-year loan. Rural Development has a variable rate; it has been low for a long time, but it could go up and you have to prepare for that," Kelly said. She emailed Dant Clayton today and brainstormed if the two extensions on the sides were removed, she believed we could do a 20-year loan and still have 2400-2500 seats. "You could use the donations to put more seating on the sides later. I don't think, as the City Treasurer, the citizens should pay for a loan for a one-weekend event. I think we should look at borrowing less and getting more grants. I don't think we should start out at \$750,000. 35-years is a long time for a variable rate. There are other grants with the Department of Commerce we could apply for," Kelly said. She continued that if safety is the main concern, she suggests replacing the 2000 seat area now, and any project later could be added: the press box, additional side seating. "We don't borrow money to pave streets or do other improvements in town - so the citizens shouldn't be strapped to cover the loan payment if the rodeo isn't successful. I'm not saying the Board isn't doing an excellent job, I'm just conservative." Chuck argued the

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taxpayers are not paying for it, the rodeo attendees are. Kelly replied if the rodeo is not successful the citizens will have to pay as the General Fund has to cover the debt payment.

Mayor Gifford said he and Kelly looked over the numbers today; she has been working really hard on this and he is more comfortable with borrowing the lesser amount while still meeting the safety needs. "I'm not a gambler, especially with taxpayer money," Mayor Gifford said.

Deb Mickelberry would like to have a loan approved before we send a purchase order. Ahren Hastings said the bleachers would not be complete for this year's rodeo if we must wait for funding approval prior to ordering the bleachers. Deb is concerned about going through the ordering process and the loan does not go through. "The contract says 15% contract end fee," Deb said. Chuck interjected, "It's all negotiable. Yes, I'd like to have a little more done with the loan before ordering, but this is what we have right now."

Mayor Gifford commented on Kelly Smith's sheet of "Option 1" and "Option 2" - Option 1 being 3500 seats at \$700,000 overall project cost and Option 2 being 2400 seats at \$510,000 project cost. The Mayor continued he would prefer the Council approve the lesser amount borrowed. Chuck Wambeke suggested the Council authorize Kelly to pursue the higher number and have the Board start working towards the lower number. He continued, "We start working towards the \$500,000 total project budget, but you authorize Kelly to borrow \$700,000." Kelly Smith said she would not recommend the Council do that - she feels it is too much for too long of a risk.

Kelly Bugland said she does not believe the 2500 seats answers Erin's earlier question that it would meet the needs of our growing population. Christina Kamps said she is excited about the suggestion to phase the project because currently the section of bleachers consumes 210-feet and the larger proposed bleacher set is 168-feet, leaving 42-feet of free space, 21-feet on each side. With reducing the width of the bleachers by 38-feet, we would have space to put in two sections of 625 seats later. We would have a safer smaller seating capacity now, but this could help with fundraising. Instead of having extra seat installed, and asking for donations to recoup money, we could market it with we need to build more, please donate. This gives us the option to grow even bigger than we expected with donations by not purchasing the larger set of bleachers now.

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Ahren asked if there was a way the Council could move forward with approving the Board to continue pursuing this, "What does the Council feel comfortable allowing us to borrow in order to move forward? We can create a project that fits in that dollar amount and through fundraising or something else we can grow more later. I know from construction and bidding, if we can't keep moving forward, we will not have this done this year," Ahren said.

Public Comment: Matt Bugland spoke that Three Forks seems to be revitalizing Main Street, when you talk about adding a new bleacher set and more shops that are popping up in town, it shows the town is growing and expanding. A new bleacher set could be part of that overall town facelift. Ahren Hastings said his wife's grandparents grew up here, he feels strongly tied to this community - so he is not just an engineer on this project he wants it to succeed like any other person in Three Forks. Kelly Bugland said every Board member brings something special to the Board. Be it streamlining the concession area, or implementing new policies to have a safer event, we all bring unique ideas. "I am from this town and like the small town feel, but I've had the opportunity to live in larger towns and cities and bring the ideas implemented there," Kelly said. Ryan Vanderwerff is a contractor attending the meeting because he heard about the bleacher project. "I am from a big city and love the small-town aspect of what the rodeo brings. I visited the site today and feel that safety is a main concern," Ryan said.

Mayor Gifford closed public comment.

Gene Townsend referred to Option #2 - Kelly Smith has given us good advice regarding the City's finances. I think for us to show our good faith as a Board we should put our whole \$150,000 down. That will make our Board and others involved go out and raise more money. There is nothing saying those donations cannot be used to build our reserves back up. Most people that give money do not put a stipulation on it. I love the idea of the bigger project, but I like the idea of the \$310,000 because it reduces some of our risk and gives us around 3000 seats. "Kelly Smith is doing a great job looking out for the City. She's doing her job and I respect that," Gene said.

Chuck agreed, but pushed for a little buffer like \$350,000. Steve Dahl asked about terms. Kelly Smith said 20-years would roughly equate to a \$22,000/year payment. "You could use the excess profit to reinvest in more seating, or setup reserves," she encouraged.

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Councilman Townsend made a motion the City Council do the \$310,000 and a 20-year term. Councilwoman Mickelberry seconded the motion.

Motion 5:0. Dennis Nelson recused himself.

There were questions if that motion gave the Board authorization to proceed and authorization to purchase the bleachers? "Can we go ahead and make the order with Dant Clayton, and use the engineering firm to continue with this project?" Chuck asked.

Councilman Townsend moved to allow the Fair Board to go ahead with the other 2 items and that's final design and talking with the bleacher manufacturer. (There was discussion between Chuck and Gene if that included authorization to make the purchase to finalize the project). Councilman Townsend continued: To accept the last two items Chuck mentioned that final engineering to proceed with that and when that's done to go ahead and ordering of the bleachers (Gene asked Chuck if that includes the dirt work and any other project purchases as required to fulfill the project.) Kelly Smith interjected that they have to have money to do that. Chuck argued they have enough money to do the site work and prep - noting that would be considered our contribution. George Chancellor asked Kelly Smith about the down payment. Discussion of many voices regarding going out to bid if the project goes over \$80,000 versus requests for proposals.

Ahren Hasting said he proposes the Council allow the Board to make the order prior to final engineering, bids and proposals of dirt being done. If the motion is made so the purchase can be made after all the design is complete. He suggested the motion be: Authorization to make the order with Dant Clayton and finalize design and procure bids for the estimate of the foundation and site prep work.

Councilman Townsend withdrew his original motion.

Councilman Townsend moved to allow the City Treasurer to pursue a loan at \$310,000 and simultaneously with bleacher manufacture Mr. Clayton and put final site specs together to run concurrently to keep things moving. Councilwoman Schattauer seconded the motion.

Motion Passed 5:0. Dennis Nelson recused himself.

Gene Townsend again thanked Kelly Smith for all her work. We met with Rural Development (RD) a couple years ago, and he wanted to note that the

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City got that meeting setup quickly because of Kelly's contacts with the RD staff.

Chuck thanked everyone for spending a couple hours on a Wednesday night to hash this out. "I think this is something our community needs to do and I appreciate the Council giving us the authorization to move forward," Chuck said.

George Chancellor asked that Gene Townsend (since he is on the Three Forks Rodeo Arena board) to provide an update at the Council meetings.

ADJOURNMENT

Mayor Gifford asked if there were any other items to come before these Boards tonight and if not, he would entertain a motion to adjourn.

Councilman Townsend moved to adjourn this meeting. Councilwoman Scahttauer seconded the motion. There was no public comment.

Motion Passed Unanimously. (8:55 P.M.)

Sean Gifford, Mayor

Crystal Turner, City Clerk

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FEBRUARY 11TH, 2020, The Three Forks City Council met at City Hall at 206 Main Street. The meeting was presided over by President Nelson. The President called the meeting to order at 7:00 P.M.

ROLL CALL: City Council members George Chancellor, Erin Schattauer, Gene Townsend, Steve Dahl, and Dennis Nelson were present. Deb Mickelberry was excused. City Clerk Crystal Turner, City Treasurer Kelly Smith, and City Attorney Susan Swimley were also present.

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 President Nelson. President Nelson informed everyone that Mayor Gifford had an Army engagement so he was asked to chair the meeting tonight. He thanked Sean for his service to our country. He then informed the public there is a podium tonight and asked that anyone wishing to speak during public comment would please go to the podium, state their name and address into the record so the Clerk could accurately reflect that in the minutes. He then reminded all in attendance that the meeting was being recorded.

GUESTS: Chuck Wambeke, Shelley Dahl, Mike Lane, Carl "Bud" Mohler, Axon Parker (Three Forks Voice), Matt Bugland, Jeannita Bjorndal, and Bert Brandon.

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

President Nelson asked if anyone had any public comments that were not on the agenda. Seeing none, he introduced the Consent Agenda.

CONSENT AGENDA

- a. Claim Paid due to Timeliness to Mail Utility Bills in the Amount of \$159.67 on 01/31/2020
- b. Claims per List
- c. Three Forks Rodeo Arena Claims per List
- d. Minutes of Joint Rural Fire & City Council Meeting 01/14/2020, City Council Meeting 01/28/2020, and Special Meeting of the City Council on 01/29/2020
- e. ACH Origination Contract with Manhattan State Bank

President Nelson asked if anyone wished to pull an item from the Consent Agenda, and if not, he would entertain a motion.

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

Motion Passed Unanimously.

President Nelson amended the agenda to **NEW BUSINESS** to read the resignation letter of the Project Manager into the record before any discussion and decision on the Dant Clayton Offer of Sale which was under **UNFINISHED BUSINESS.**

NEW BUSINESS

Accepting the Resignation of Dennis Nelson as Project Manager on the Three Forks Rodeo Arena Bleacher Project

Councilwoman Schattauer moved to accept the resignation. Councilman Townsend seconded the motion.

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on a Second Reading of the Ordinance to add Daycare Facilities as a Conditional Use in Central Business District (CBD)

President Nelson said this was read into the record at the last meeting and he would not be reading it again unless someone requested. No one requested him to read it again. There was no public comment.

Councilman Chancellor we accept ordinance #387-2020, an ordinance of the Three Forks City Council amending Title 11, Chapter 8A: CBD Central Business District to include daycare facilities as a conditional permitted use. Councilman Townsend seconded the motion. There was no further discussion nor public comment.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution of Intent to Annex and Incorporate within the Boundaries of the City of Three Forks, Montanan known as Tract 3A-1 of Certificate of Survey 942A (Located in the West Half of the Northwest Quarter of Section 36, Township 2 North, Range 1 East)

President Nelson read Resolution #317-2020 into the record in its entirety.

Gene Townsend asked for clarification that the Council's decision tonight is simply to advertise the resolution to annex in the newspapers. Susan

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Swimley said yes, because the landowner is not the signor on the application so we have to follow different Montana Code Annotated rules.

There was no Public Comment.

Councilman Townsend moved accept Resolution #317-2020, a resolution of intent to annex and incorporate within the boundaries of the City of Three Forks, Montana known as Tract 3A-1 of Certificate of Survey 942A (located in the west half of the northwest quarter of Section 36, Township 2 north, Range 1 east. Councilman Chancellor seconded the motion. There was no further Council comments nor public comments.

Motion Passed Unanimously.

REPORT OF OFFICERS

Three Forks Rodeo Arena Board of Directors' Annual Report

Chuck Wambeke spoke to the Council on the last year's events and finances. Last year the Three Forks Rodeo Arena held 35 events covering 50 days. Attendees and participants combined totaled approximately 9,100 people, which includes the annual rodeo. Income since July 1st is roughly \$120,000. Expenses were roughly \$98,000. Improvements made this past year were most due to safety. They were to where the bucking stock exits the arena, we rebuilt the stripping shoot, modified the arena so they do not have to drive around the spectators during the rodeo. Hauled in more sand for the arena, which sand is standard maintenance. The NRA rodeo had 4,630 spectators which is a little bit down from the last two years' ago, but we competed with the Gallatin County Fair which held a large concert on Friday night. Friday numbers were down a bit, but Saturday's numbers were higher than the Saturday the year before. Generated about \$29,000 in advertising revenue. Big part of our year was focused on bleachers, which we discussed in great detail last week.

Erin Schattauer asked if the rodeo falls on the same weekend as the Gallatin County fair again this year. Chuck said yes and they just learned they will hold a concert on Friday night again, which competes with the rodeo. Chuck explained that roughly 10 years ago the rodeo would have around 1,000 attendees, and when the fair fell on the same weekend our numbers would drop to around 600. He continued, "But now it doesn't knock us down too much now. Our dates are set by the NRA and if we tried to change weekends it would be difficult for us to adapt to." Gene Townsend added that he noticed last year people came to the rodeo but told him while (waiting in line in the cook shack) they planned to leave by

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8:30 so they could still attend the concert in Bozeman. Gene said, "The third weekend in July is considered the "primo" weather day for rodeos. We have had rain before but never had weather cancel our event."

Debt Compliance Report for Water and Wastewater Accounts

City Treasurer Kelly Smith explained her debt compliance spreadsheet with the Council regarding the Water and Sewer Funds. Loans within these funds require the City to generate 110% ratio of revenue compared to expenses. "You take the charges for services and divide it by Operation & Maintenance and the loan payments for next year added together (interest cannot count towards that, but it can include impact fees). Last year we were under this 110% threshold due to the unexpected Arsenic Treatment Plant repairs. We spent so much more and were at only 88% - which alerted our auditors. Currently the Water Fund is at 149% and Sewer Fund is at roughly 285%.

City Clerk Crystal Turner did not have anything to report.

City Attorney Susan Swimley did not have anything to report.

REPORT OF COUNCIL COMMITTEES

There were no Council Committee reports.

UNFINISHED BUSINESS

Mayor's Signature on the Dant Clayton Offer of Sale Contract for 1,907 Seats for \$412,130 or for 2,286 Seats for \$473,800

President Nelson reviewed the two options of grandstands. The Council needs to decide which grandstand project it wishes to go with.

Gene Townsend asked Chuck Wambeke to explain the options in more detail. Chuck Wambeke said we discussed the 1,900-seat quote at the special meeting on 1/29/2020. Following that meeting the Board met and that configuration of 25 rows does not give enough footing arrangement clearance to do anything under the bleachers later. The Board would rather install five more rows of seating now and pay the extra money, so that when we do utilize the space below the bleachers will not have their structural integrity need to be modified.

George Chancellor asked if this is in line with the decision the Council made last week. Gene answered, "The decision made last week only allowed

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the Board to apply for a loan up to \$310,000. We have also started a major fundraising project. With the future of the fairgrounds we are willing to raise that excess money and go for the bigger project." Chuck agreed with Gene's statement.

Kelly Smith asked what happens if the Board does not raise enough to pay the loan. Gene said that was a good question and said a long time ago they [former Board members] took out a personal loan to build the arena in the past. "We did raise that money and it too was a risky loan. We would be willing to do that again. I think it is important to get as many seats in there as we can," Gene said. He continued, "The Board still intends to rent bleachers from Lewis & Clark County fairgrounds, and Mike [Lane] and I will go pick up borrowed bleachers from Belgrade too in an effort to have enough seating for a large successful event. I understand this is all for one event, there are other events, but numbers of this size only happen at the annual rodeo in July. This is good for the town and I think it's important we keep building on this. I hope the rest of the Council continues to have the faith in the Board."

Erin Schattauer asked for more information on the fundraising efforts. Gene said they basically made up a list of people that quite honestly, they felt have money and are supporters of rodeos. They are drafting a donation request letter and will be handwriting letters to those they have divvied up to each Board member. We are confident we can raise that money right here in this area.

Steve Dahl said the difference in seating in the two options is only 379 seats.

Public Comment: Mike Lane spoke as a member of the Gallatin County Open Lands Board, which is still accepting grant "applications" at this time but the County does not have the application form complete yet. We still have time to apply for money this calendar year. Matt Bugland spoke he truly believes in what the Rodeo Board is doing; he also volunteers so much at the rodeo he hardly gets to see the event but he knows a lot of people come and attend it. I see this enhancement a revitalization of the entire community. The Board is talking about holding outdoor movies, with an inflatable movie screen, and that is just one idea. "Every Board member has a successful business; there are no failed businesses among these volunteers," Matt said. He believes so much in this cause he would loan \$10,000 of his money if he has to in order for the Board to meet its

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donations requirements. "If I wasn't in Iraq, I came back for rodeo weekend. It's the gathering place and time for Three Forks."

Public comment was closed.

Councilman Chancellor moved we allow the mayor to sign the Dant Clayton offer for 2,286 seats for \$473,800. Councilwoman Schattauer seconded the motion.

Motion Passed Unanimously.

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

There was no public comment.

MAYOR & COUNCIL ANNOUNCEMENTS

There was no Mayor announcement.

There were no Council announcements.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: 2/25/2020

There are no items scheduled so this meeting will most likely be cancelled.

ADJOURNMENT

President Nelson asked if there were any other items to come before these Boards tonight and if not, he would entertain a motion to adjourn.

Councilman Townsend moved to adjourn this meeting. Councilman Dahl seconded the motion. There was no public comment.

Motion Passed Unanimously. (7:46 P.M.)

Sean Gifford, Mayor

Crystal Turner, City Clerk

MARCH 10TH, 2020, The Three Forks City Council met at City Hall at 206 Main Street. The meeting was presided over by Mayor Gifford. The Mayor called the meeting to order at 7:00 P.M.

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ROLL CALL: City Council members George Chancellor, Deb Mickelberry, Erin Schattauer, Gene Townsend, Steve Dahl, and Dennis Nelson were present. City Attorney Susan Swimley, City Planner Randy Carpenter, Water Superintendent Randy Johnston, City Treasurer Kelly Smith, and City Clerk Crystal Turner were also present.

The record reflects a quorum present, with the attendance of six (6) Council members and the meeting was held. Reminder the meeting is being audio recorded, and audio- and video-streamed on our Facebook page.

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

GUESTS: Brit Fontenot, Matt Bugland, Steven & Joanna Lightner, Lisa Ledoux, Zoe Hauser, Jean Leith, D.K. & LaVonne Brooks, Mike & Gloria Howland, Ryan Krueger, Shelley Dahl, Ahren Hastings, Brent Miller, Melvin & Vangie Friegen, Carole & Tye Fandrich, Chuck Wambeke, Bert Brandon, Rick Lamb, Rick Orizotti, Dean Bucholz, Sheri Brown, Diane Fuhrman, Mary Hinsen, and Jason Hensley.

City Attorney Susan Swimley commented about recording meetings without stating it aloud to those being recorded. She warned it may be considered a crime.

Mayor Gifford informed the public the process the public hearings will take place and asked for respect and order at all times during the meeting. He reminded all present of the Policy and Conduct at Public Meetings which is printed on the back of the agenda.

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

Mayor Gifford then asked if anyone had any public comments that were not on the agenda. Matt Bugland - stated he "kicked a trailer off" three of his properties this week that appears to have someone living in the camper and rotating through town to various destinations. He asked what the status of the draft ordinance regarding prohibiting living in campers was. He has already called the Gallatin County deputies and talked to [9-1-1] dispatch regarding ordinance enforcement. He asked that the ordinance drafted a year ago could be resurrected.

CONSENT AGENDA

- a. Claim Paid due to Timeliness on 2/28/2020 in the Amount of \$13,064.20
- b. Claims per List

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- c. Three Forks Rodeo Arena Claims per List
- d. Meeting Minutes of Zoning and Planning Board 1/16/2020
- e. Meeting Minutes of City Council 02/11/2020
- f. Approval to Extend Contract with TD&H Engineering Regarding the Bleacher Project

Mayor Gifford asked if anyone wished to pull an item from the Consent Agenda, and if not, he would entertain a motion. Gene Townsend asked Susan Swimley what Hawley Troxell did regarding the Imerys bankruptcy as charged in Claim #144631. Susan answered Imerys has requested to extend their bankruptcy plan until 6/5/2020. Hawley Troxell are trying to get responses so we know if Imerys' plan will be to annex (as the previous agreement stated) or attempt to contract for services. Gene said he has heard the plant is ready to be sold again.

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

Motion Passed Unanimously.

With the Council's permission Mayor Gifford asked for the School Board presentation and then NRMEDD presentation to be moved to first on the agenda in order to clear space in City Hall.

NEW BUSINESS

Presentation by the Three Forks School District J-24 Regarding Proposed Improvements to the School Which Will Require Bond Support

Sheri Brown, a member of the School Board, thanked the Council for their service and thanked the Mayor for amending the agenda. She stated she will be brief; the purpose of her presentation is to educate the public.

The School is asking for a \$25,000,000 bond for K-12, which will appear as two ballot items. However, if one passes and one fails - the whole project fails. They cannot do bond one without the other. Ballots will be mailed out 4/17/20, and ballots are due by 5/5/20. "It's the taxpayer money and we want to do a good job with the taxpayer's assets, but it is drastically needed. There are three main pillars we focused on: safety, space and infrastructure. Safety is the first pillar. There is not one area of the school which has fire suppression. Traffic is a mess in the neighborhood around the school. The second pillar is space; we haven't had a capital improvements bond for 20 years. We have experienced a 45% increase in population with no bonds. We have done everything we can to stretch the current dollars but can no longer accommodate the growing

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population. The third pillar is infrastructure. Some plumbing, HVAC and electrical within the school are from 1951." Mrs. Brown asked the public to approach a School Board member if you want to learn more. "We have an open-book and open-door policy even if you were not given that courtesy in the past. We have ordered portables - you will see those at the school next year. We have enforced our out-of-district policy so that population is decreased. Financial controls are better and in action. Even I was a skeptic [at the last bond] and am very confident now in the Board's and Administration's decision," Sheri said.

"This will be a significant financial impact to our community: roughly \$16.00 per every \$100,000 of Department of Revenue assessed value. There are tax assistance programs and Kelly Smith has been very supportive and is very knowledgeable if anyone needs help determining the increase to their own tax bill. We can help you at the school, there is a calculator on our website, and we have tax assistance forms available at the school and the City Hall," Sheri said as she closed her presentation.

Courtesy Review and Presentation of Northern Rocky Mountain Development Council's Recommendation of City's Zoning Map and Ordinances

Lisa LeDoux, introduced herself, Brit Fontenot the Economic Development Director for the City of Bozeman, and Ryan Krueger with Intrisik Architecture. She also thanked the Mayor and Council for the agenda adjustment. Lisa said, "We provide business assistance services, grant writing assistance, and community development programs that she would like to talk about tonight. The program they are currently working on is called the Region Cooperation Program, (which she provided packets for the City) and then she turned it over to Brit Fontenot and Ryan Krueger who comprise the Community Assessment Team (CAT).

Brit Fontenot said he would like to see the rural and urban areas of the county better mesh together and close the urban/rural divide. The recommendations of the CAT team suggest lowering regulatory requirements for residential land. They also suggest as Three Forks updates its Growth Policy, to incorporate business recruitment strategies, including airport and drone technology which can offer economic opportunities. Lisa continued, "As FEMA updates its [floodplain] map ensure their data is correct before adopting them." She then turned it over to Ryan Krueger who talked about his experience in other states to use better data. He also suggested to think outside the box and look at community "recreation areas" such as alley revitalization and increase public utilization of these public lands. Ryan closed with, "We realize there is a lot of

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information here and that the Council has a very full agenda tonight, but in the coming weeks we will be working with Randy Carpenter to help work on local initiatives."

PUBLIC HEARINGS

Public Hearing and Decision on a Resolution to Annex and Incorporate within the Boundaries of the City of Three Forks, Montana known as Tract 3A-1 of Certificate of Survey 942A (Located in the West Half of the Northwest Quarter of Section 36, Township 2 North, Range 1 East)

Mayor Gifford read the resolution into the record. Bert Brandon provided Kelly Smith with the original signed annexation agreement.

Bert Brandon was present on behalf of the applicant but did not have any presentation.

Susan Swimley stated the City did not receive any objections to this annexation. She also added, "Generally it is in the best interest of the City and the citizens of Three Forks to annex this property."

There was no public comment.

Councilman Townsend moved to accept Resolution #318-2020, a resolution of to annex and incorporate within the boundaries of the City of Three Forks, Montanan known as Tract 3A-1 of Certificate of Survey 942A located in the west half of the northwest quarter of Section 36, Township 2 North, Range 1 East. Councilman Chancellor seconded the motion.

Motion Passed Unanimously.

Public Hearing and Decision on a Request by Rick and Valerie Lamb for a Conditional Use Permit on Lots 1A through 5B of Block 12, Headwaters Addition to Tree Forks to Allow the Expansion of the Three Forks Market Campground by 20 Space per Section

Susan Swimley asked the Council members who will recuse themselves to leave the room at this point. Deb Mickelberry and Steve Dahl both excused themselves to the court room.

Mrs. Swimley explained that Title 11 Section 17 explains the requirements for travel trailer parks. The Council's job is to review the application meets the conditions set forth in this code, and that it does not conflict with regular zoning, which Randy Carpenter will go over when he presents his staff report. She distributed copies of 11-17 to the Council.

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She then explained in this application it suggests a 10-foot setback rather than the 25-foot setback as required in Title 11 Section 17. She reminded the Council they are not here tonight to make any decisions on a variance to the zoning regulations as one has not been applied for nor advertised. Public participation has been very involved already - which is great and we are happy there are so many people willing to provide their input, but as representatives of the City of Three Forks it is extremely important that all members of the government must be made my people who do have irrevocable closed minds. The City has not completed significant training to its board members. "As such, if a variance were to go before the Board of Adjustments, I am prepared to recommend removal of four of the five board members and wait to hold the variance hearing until four board members can be appointed," Susan said. "You are not to consider public sentiment; statements like, 'I don't like it, or I don't want it,' are not useful. Statements that address impacts, like parking, noise and the like are to be considered. Listen to the application and apply the facts," she told the Council. Susan handed out copies of 11-12-1, 11-12-2, and 11-12-4, regarding conditional use permits. She again reminded the Council to listen to the presentation and think about that specifically as it is presented in this application. When the Council considers the staff report, the public comment: listen and asks for facts. She then explained the public hearing process and reminded the Council to not engage in conversation but write down questions during public comment or applicant presentation. "You will answer these questions, or ask more, during the board discussion. This is a public meeting, but not a public forum. Everyone will be given time to speak, but not shouting out and engaging from the audience a group conversation will not be tolerated," Susan said.

Randy Carpenter highlighted his staff report. Travel trailer parks are not listed like other uses in a specific district. They are allowed anywhere, but only via conditional use permit. "In January, I presented this proposal to the Zoning & Planning Board as 23 pads and 12 directly accessing onto Milwaukee Street. The Board tabled it due to public comment that there would be too much traffic on to Milwaukee. The applicant reduced to 20 pads closest to Milwaukee Street would not be accessed directly onto the street but now use an interior driveway. It is important to note if the City grants this Conditional Use Permit, and a subsequent variance, the Travel Trailer park would still need to be approved as a subdivision," Randy explained.

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Randy read his staff report into the record and provided the recommended seventeen conditions he and the Zoning & Planning Board came up with (see staff report in packet).

Rick Orizotti spoke on behalf of the applicants Rick & Valerie Lamb. Mr. Orizotti spoke regarding the purpose of the ordinance and how he believed the Lamb's application meets the criteria set forth in the ordinance. He touched a little on the floodplain and said this property would need backfill four- to five-feet to bring into compliance - so residential use would be cost prohibitive.

Brent Miller of Gaston Engineering also spoke on behalf of the applicants. He explained to the Council of the revised site plan, "Every space will have water, sewer and power. The service building will be near the grocery store. It will be locked via a combination lock that campers will be provided and will only be available to campground patrons. In addition to the three streetlights, every pad will have a light. Every pad will be 18-feet by 8-feet. Traffic will be centralized to two driveway entrances. The proposed 20 travel trailer units are roughly the same traffic trips-per-day as 12 residential units. Rick [Lamb] has established campground rules and he is willing to include some of the recommended conditions into his rules, like no open fires except in the pavilion area." He addressed screening requirements and said that screening along the alley is not essential; the neighbors are industrial businesses and the City's public works shop and well house. Brent said he thinks they have adequate space around the campground and do not need the 25-foot setback. Brent's interpretation of the ordinance is that the Council could approve that request. He would like a concession on the landscaping recommended condition as they will be required to have a landscaping plan later in subdivision review, and they will hire a landscape architect to design that.

Applicant Presentation: Rick Lamb said he spoke to a trailer sales company in Billings who told him the best-selling trailers are 36-feet. "The quality of people who can afford that will be my customers," Rick said. He screens every customer, has to be 15 years or newer. "We just don't let anyone in there. Everything will be run professionally, just like the store and campground are now," he added. He gave credit to his great employees. Said it will be a positive thing to the community. Rick commented on the property values across the street and around the area, "I checked with Cadastral and the ones across the street went up in value more than the ones on the east side of town."

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Rick Orizotti stated there is confusion with respect to this [governing] body, and if they can make a decision to relax the 25-foot setback. "We respectfully disagree and request that this body make the decision tonight as they have the authority," Mr. Orizotti stated. He then addressed the conditions and said the applicant agrees with all the conditions except for the 25-foot setback variance which must be granted by the Board of Adjustment, and the condition regarding going through conditional use again if the property was ever sold (however, this condition had already been removed). He addressed each condition. Susan Swimley asked if Mr. Lamb also agreed with the condition regarding the hours of operation and quiet time.

Board Discussion: Gene Townsend asked about the previous comment regarding an alley "not being a public street." Susan Swimley clarified it is a public right-of-way but not as wide as a street. Gene asked Mr. Orizotti because they said they are "tailoring their park for retirees" is that discriminatory and will that be something the City would be liable for. Gene said Mr. Lamb had stated in his presentation that most of his customers would be retired. Mr. Orizotti said they are not a senior-only facility; they will accept others meeting the criteria (15 years newer, size, etc...) which is usually attained via their retired target market. Dennis Nelson said he believed they were speaking to the "age of the trailer" and asked about a 25-year old airstream that are nice - will those be turned away? Rick Lamb said as long as they are nice looking he would accept them. Dennis warned Rick about what he accepts/turns away.

Dennis then asked Susan Swimley and Rick Orizotti about the Council not making a decision on a variance. "Susan says the Council cannot but Rick says he feels we can. How do we as a Council proceed?" Dennis asked. Susan said there is not a variance application included. She added, "Rick's interpretation is they the Council can look at the intent of the zoning ordinance and the design, and find the design meets the intention of the ordinance. I guess I would have to tell you that kind of thing ends in a "lawyer's answer". They are asking you to make an interpretation on the southerly property line. The zoning regulation says 25-foot to allow the addition of landscaping and mitigating the impacts and the applicant is saying they feel they have met those mitigants. Do you think it meets the regulation, as ultimately that is the decision before the Council." She added, "It would be difficult to send this to the Board of Adjustment, but it is not impossible."

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There was discussion regarding the length of a truck pulling a camper-trailer, and then towing another vehicle behind it being too long to fit on the parking pad as designed. The applicant's representatives stated there are side parking pads for the additional vehicle too. There was a lot of discussion about possible RV lengths, with a towed vehicle's length, trailers and side-by-sides being towed that really did not bring about any further conditions and was just for clarification.

Public Comment: Mike Howland spoke in opposition to the RV park expansion because it was zoned residential and he would like to see more homes in this town. He also feels property values will decrease, and the City would lose property tax revenue because of the residential versus commercial values. D.K. Brooks spoke in opposition due to reduced property values, increased traffic, and loss of residential lots. He had requested the Zoning & Planning Board recommendation a condition of paving Milwaukee, and he asked the Council to consider this condition as well. He said people are opposed to this application because they do not want an RV park in the middle of town - they belong on the edge of town or out of city limits. Diane Fuhrman spoke regarding Mr. Lamb's comment of increased property values - she disagrees. She compared the sewer/water charge to the existing RV campground as well as taxes - and compared to residential properties the City will be losing tax revenue and water/sewer fees. Shelley Dahl spoke in opposition due to increased traffic and "vagrant" neighbors, congestion with the number of RV/campers, and congested parking during events the rodeo grounds are used, and pedestrian safety along Milwaukee Street especially children. Shelley Dahl asked Susan Swimley, since the property is not all one piece of property, how can the utility building be connected to the market and not centralized to the RV park. LaVonne Brooks spoke in opposition due to lost residential lots and said residential units are badly needed in Three Forks. Gloria Howland spoke in opposition due to view obstruction, increased traffic and road deterioration, loss of property values, lot of tax revenue, and loss of neighborhood feel. She also is concerned about drug trafficking. She asked what constitutes an emergency (for allowed generator use), asked where will visitor parking will be, and if there is enough room (for emergency vehicles in the alley) if the variance is granted. Gloria wants to know how many petition signatures were collected. Zoe Hauser spoke as an employee of the Market and in support of the project due to her knowledge of how strict the Lamb's are. Zoe said, "They maintain the property well, it's visually appealing, the Lamb's require dog cleanup and don't mess around with those who not follow the rules." For the neighbors concerned about traffic, she can attest to the customers booking for the

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entire summer. They turn away several customers a year because people want to stay in this nice environment. These lots have been available for 20 years and no one has taken the opportunity to develop residential units on it. People who retire from this community and move away, are the customers who want to stay at the campground and come back to visit their family. They spend money in our local community and our county when they are not shopping here in Three Forks. Joanna Lightner spoke her concern of those requesting signatures for the petition against the project which she felt were based on lies. She overheard one person requesting signatures say the customers will bring drugs into town and they are homeless folks. Many people who signed the petition were not provided accurate facts. Carole Fandrich spoke in support of the application due to having more business and improvement to the land. She will miss the vacant land, but she looks forward to growth in Three Forks and this area is surrounded semi-commercial already. She does not want to lose the opportunity for tourists to come to our lovely town. Even if people say these lots were unaffordable to build residential units, it is good to see development. Matt Bugland spoke highly of Mr. Lamb personally, however he is opposed to the RV campground when residential units are needed. He suggested swapping land with FUBAR and having the RV campground at the edge of town and residential development in these lots. He is concerned that the property does not remove interior property lines because if it sold the utility building may not be available to the expansion portion of the park.

Mayor Gifford read a letter into the record of support from Lavon Flynn, citing she believed not many people actually came in to review the plans and has not heard any complaints about the existing RV campground. He also read a letter of support to the 15-foot setback from Tom Vander Vos if it is granted on both sides (his property too) of the alley. He also read a letter of opposition from LaVonne Brooks for reasons stated above including the request by Mrs. Brooks asking the Council to think about potential future bonds to improve the City and School.

Kelly Smith said there were two signature pages submitted for the petition opposing the application. She verified the petition signatures as follows: 148 live within the City limits, 7 own property in the City but do not live in the City, 2 live within the 1-mile jurisdiction, and 10 are out of area completely or we could not confirm their residency due to no address on being on the petition. Kelly also stated there are 843 total residential structures in the City limits.

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Mayor Gifford closed public comment.

Rick Orizotti, provided a rebuttal on behalf of the Lamb's. The costs to develop the land for residential use due to the floodplain would not provide affordable housing. The location of this proposed RV park blends with this neighborhood because of the existing park and grocery store. He said the screening which will buffer the residential, it borders the City shop and Vos Electrical shop. The utility building will be built with this development even though it is on a different legal description. The grocery store has available parking for visitors. Everyone has stated the Lamb's operate the existing travel trailer park well, and that signage will be adequate to address all the other concerns.

Brent Miller, rebuttal on behalf of the Lamb's. A license is required by the Department of Public Health and Human Services (DPPHS) for the RV park - he does not see that splitting off the parcels and selling them could ever occur because of that licensing requirement.

Board Discussion: George Chancellor said this is the third time he has sat through a hearing on this application. He said, "The ordinances are to be uniform across the town. This property was available to develop upon before the floodplain requirements and no one built residential units on this land then. Regarding teacher housing - they don't make enough to purchase a home built to those requirements. These conditions came based on public comment at the previous hearings. We have heard your comments and come up with conditions #8-17 to appease your concerns. I don't believe the amount of resistance to the community's concerns has been done as the public here tonight is claiming. I don't believe there is a reason other than you are still unhappy about this application, that we cannot approve the application with the conditions."

Dennis Nelson is still concerned about the parking pad size. Brent Miller disagreed because the subdivision review process will still have to occur and there will be mitigations then. Susan Swimley said when we get to that point, she and Randy Carpenter have some proposed language to address that concern. Gene Townsend has a problem with variances to setbacks - it opens a door to others requesting the same. The reason for setbacks are for emergency vehicles to access property. Gene asked, "Correct me if I'm wrong, but as I understand it this can't go forward unless we have a decision regarding the setback and 15-feet/" Susan replied, "No, the Council could decide to make the applicant apply for a variance. Another possibility is to say all space move back and the applicant must honor the

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25-foot setback, or you could find the applicant has met the intent of the regulation."

Brent Miller said in the Subdivision Regulations has a setback that no one can be in the setback within 25-feet but it says "street and highway" not "alley". An alley is not a traditional road to travel.

Mayor Gifford requested that he be able to provide his comments. He does not feel the applicant can ask for the Council to forego them going to the Variance Board. He agrees with a lot of George's comments. The Mayor suggests the applicant adjust it or the Council make them go to the Variance Board for the setback.

Susan Swimley said the issue raised regarding the support utility building is a good one - she proposed "The support services building is required for the spaces along Milwaukee (20 spaces)." She also would like to propose the condition, "RV park shall have a State-issued license" so if for some reason, which they all agreed is already defined as condition #1.

Councilman Chancellor moved we approve the conditional use permit for Rick & Valerie Lamb on Lots 1A-5B of Block 12 Headwaters Addition to Three Forks to allow the expansion of the Three Forks Market Campground, 20 spaces per Section 11-17 of the Three Forks Zoning Code with all the conditions from the staff recommendations, they also need to go the Variance Board for a variance along the alley for 15-feet and add the condition of the support services building, and #17 is omitted.

Councilman Townsend seconded the motion.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Clerk Crystal Turner reported she has researched another company to perform nightly backups of City Hall computers and the firewall. We currently pay Morrison-Maierle roughly \$2,400/year for provide nightly backups for 3 computers only and "firewall as a service". We do not own any of the equipment. Crystal has asked for a quote from Alpine Computing who has performed all our Information Technology in-house when needed, and he proposed purchasing the firewall equipment with a 3-year warranty (technology will probably change within 3 years so he feels this is adequate) and nightly backups and storage on-site, off-site and in the cloud for all 5 City Mall computers and system server. Buying equipment has an upfront cost so factoring all that over a yearly amount would

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reduce the City's existing cost by \$1,100/year. Crystal recommends cancelling the contract (which Morrison-Maierle did not provide one to the City for FY19/20 as requested so the prior years' service agreement rolled over) with Morrison-Maierle and entering a new one effective 4/1/2020 with Alpine Computing.

City Treasurer Kelly Smith reported the initial increase in health care costs is 5-7%, and reported on the water/sewer debt requirements 127% and 142% for water and sewer respectively. She also reported the new Public Works truck arrived Friday.

City Attorney Susan Swimley did not have anything to report.

REPORT OF COUNCIL COMMITTEES

There were no Council Committee reports.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Council Interpretation of Zoning Definition of Cannabis Extraction Business within the Central Business District

Susan Swimley explained her letter to the Council asking for their interpretation of cannabis extraction. This is a legal business, this request is frequent enough we need the Council to decide what it would compare to the listed permitted uses. The application has stated his process is similar to dry cleaners (chemicals used) and bakeries (heating products).

Jason Hensley said he is approved by the State DPPHS, there will be no foot traffic at this location. He explained his metric manifest tracking form when the product comes from seed, to when he utilizes it, to extraction, and then back to the actual dispensary. Nothing will be sold out of this location - he has a dispensary in Bozeman. He has been trained on his machine by the manufacturer in Colorado. Jason is the only employee. He realizes his neighbors are a wrestling group, which practices on Tuesdays and Thursdays and he makes sure he is not working during time, nor on Sunday since there is a church across the street.

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Deb Mickelberry asked if it creates any odor. Jason said yes, but not like growing or smoking would as it is in a closed-loop system. "It is all retained but all byproduct is captured and re-used," Jason explained. Steve Dahl asked what kind of odor, as he loves the smell of bakeries, but not the smell of marijuana. Jason said if there is an odor enough for people outside the building to smell, then he is doing something wrong. Gene Townsend clarified, "This is an existing business, right and you just wants to make it legal?" Jason answered, "Yes."

Councilman Townsend made a motion we accept the zoning permit application for Jason Hensley for his extraction business, and that this be included in our allowed uses, finding extraction business are substantially similar to those permitted uses in the Central Business District to dry cleaners and bakeries. Councilman Nelson seconded the motion.

Motion Passed Unanimously.

Decision on Water and Sewer Committee's Request for a Moratorium on Decreasing the Number of Water Meters

Steve Dahl explained the Committee met a couple weeks ago to discuss inconsistencies in residential units which have one or more meters. "We want to establish a moratorium on removing any meters until we can learn more," Steve said.

Gene Townsend asked what this would do to the RV campground service connections. Dennis Nelson said yes, it would affect the RV parks. Crystal Turner and Kelly Smith both argued no, as the Council adopted an ordinance specifically for RV campgrounds last fall.

Matt Bugland asked how reverse-applied this will be for a residential structure with only 5 connections. Susan Swimley said Mr. Bugland is 3 steps ahead of where the Council is at right now.

Councilman Dahl made a motion to approve a moratorium on the number of meters placed on a residential area. Councilman Townsend seconded the motion.

Motion Passed Unanimously.

Crystal Turner tried to question the action just taken saying, "That motion does not say anything or clarify the recommendation of the Water & Sewer Committee. Dennis explained its intent is to if you have multi-dwelling unit building after the passage of this moratorium you cannot remove any meters.

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Decision on Water and Sewer Committee's Suggestion to Require Future Construction to Install One Meter per Residential Unit

Dennis Nelson said, "From here on out - for every building that has more than one unit, every unit will have a meter on it."

Councilman Nelson moved that in the future that any new construction or remodeled construction will have one water meter established per unit.

Councilman Chancellor seconded the motion.

There was no public comment.

Motion Passed Unanimously.

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

There was no public comment.

MAYOR & COUNCIL ANNOUNCEMENTS

Does anyone want to attend the Chamber of Commerce dinner as a representative of the City. Erin Schattauer is interested in going. She will check her calendar.

There were no Council announcements.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: 3/24/2020

There are no items scheduled so this meeting will most likely be cancelled.

ADJOURNMENT

Mayor Gifford asked if there were any other items to come before these Boards tonight and if not, he would entertain a motion to adjourn.

Councilman Nelson moved to adjourn this meeting. Councilwoman Mickelberry seconded the motion. There was no public comment.

Motion Passed Unanimously. (10:13 P.M.)

Sean Gifford, Mayor

Crystal Turner, City Clerk

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MARCH 18TH, 2020, The Three Forks City Council met at City Hall at 206 Main Street. The meeting was presided over by Mayor Gifford. The Mayor called the meeting to order at 5:30 P.M.

ROLL CALL: City Council members George Chancellor, Deb Mickelberry, Erin Schattauer, Gene Townsend, Steve Dahl, and Dennis Nelson were present. City Clerk Crystal Turner and City Treasurer Kelly Smithwere also present.

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 Gifford.

GUESTS: There were no public present.

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

There were no public comments. The Mayor closed public comment.

PUBLIC HEARINGS

Public Hearing and Decision on a Resolution of Declaration of Emergency due to COVID-19

Mayor Gifford read to the Council a declaration he prepared regarding the background, how quickly the virus is spreading, essential services remaining open for Three Forks, the community support with volunteering in Three Forks, and the plans for the near future. Mayor Gifford intends to cancel all further public hearings after tomorrow night's Zoning & Planning meeting. Then the Mayor read the resolution into the record, noting this would be Resolution #319-2020.

Gene Townsend asked if the City office will be closed. Mayor Gifford said limited public access has been implemented but the City Office is currently open. Gene also asked about how we will go about paying bills - would a conference call be acceptable to approve them? Kelly Smith answered we could conference call and have the Council here, but we would have to allow the public to participate so perhaps they could call in rather than be in the room. Crystal Turner also said we have been paying "due to timeliness" on previous agendas so we could continue with that process. Crystal explained if we do any meetings via conference call that every deciding member must remain on the line for the duration of the

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meeting. Kelly suggested the claims approval list could be emailed to the Budget Committee to proof prior to paying the bills.

Gene also asked if the rest of the staff are still working? The Mayor said yes, the public works department is still operational but he has asked them to distance themselves as much as possible while performing their duties. Dennis Nelson asked if the Library was open. Mayor Gifford said they are open for curbside service at the moment. Kelly Smith added they also have implemented limited public access hours. George Chancellor said, "As far as paying the bills go, we have been letting the City staff determine what needs paid due to timeliness - let's continue operating that way."

Mayor Gifford said the next Council meeting is not scheduled until 4/14/2020, as there was nothing scheduled for the 3/24/2020 agenda at this time.

Dennis Nelson requested that preliminary budgets be submitted to the Budget Committee by the first of May. The Mayor said the Fire Department already submitted its proposed budget.

Dennis also offered to deliver groceries or grocery shop if anyone needs it. He said Family Dollar is opening half hour earlier for senior citizens starting Monday. Erin Schattauer requested we continue to share the Food Bank's wish list of donations which are currently cereal, canned fruit, canned soups, etc. She also asked that the City continue sharing as much helpful information as we can on our social media and website.

Gene said yesterday volunteers filled 50 food boxes at the Food Bank. "You can't come in and shop now but call and tell them you are in need and they will get a box ready for you," Gene said. Erin asked if the school is still doing lunch boxes. Kelly answered, "Yes, 5 days a week, and will begin Clarkston delivery next week."

Councilman Nelson moved we approve Resolution #319-2020, a resolution of the City of Three Forks of declaration of emergency due to Covid-19.

Councilman Townsend seconded the motion.

Motion Passed Unanimously.

Deb Mickelberry announced that First Security Bank will close their lobby at noon tomorrow, until further notice.

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Gene said all of us need to be thinking, if this continues for an extended time, how we will conduct business.

Mayor Gifford said from the City's standpoint - we provide essential services which must stay running. We need water and sewer operational. That is why he encouraged closing offices to the public. If staff gets ill we cannot continue to provide these services at the same level. The Sheriff has not made any official statements yes, but Mayor Gifford is concerned with Ambulance and Firefighter volunteers - those calls are not reducing and our volunteers are being exposed (possibly).

ADJOURNMENT

Councilman Townsend moved to adjourn. Councilman Chancellor seconded the motion.

Motion Passed Unanimously.

(Meeting adjourned at 6:05PM.)

Sean Gifford, Mayor

Crystal Turner, City Clerk

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APRIL 14TH, 2020, The Three Forks City Council met at City Hall at 206 Main Street and via Zoom. (Zoom is a virtual meeting tool being used due to COVID-19 and social distancing guidelines.) The meeting was presided over by Mayor Gifford. The Mayor called the meeting to order at 7:00 P.M.

ROLL CALL: Mayor Gifford and City Clerk Crystal Turner were the only two present at City Hall; Council members George Chancellor, Deb Mickelberry, Erin Schattauer, Gene Townsend, Steve Dahl, and Dennis Nelson were present via Zoom meeting, as well as City Treasurer Kelly Smith and City Attorney Susan Swimley.

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 Gifford. The Mayor reminded all that the meeting was being video and audio recorded.

GUESTS: There were no public present, but Phillip Kedrowski, Chuck Wambeke and Eric Fendler were also present via Zoom.

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

There were no public comments. The Mayor asked Kelly Smith if anyone has commented via the Facebook page. Kelly Smith said no, but the audio was terrible - although it was cleared up by now. The Mayor then closed public comment.

CONSENT AGENDA

- a. Claims Paid due to Timeliness on 3/24/2020 in the Amount of \$62,617.93
- b. Claim Paid due to Timeliness to Mail Utility Bills in the Amount of \$158.63
- c. Claims per List
- d. Three Forks Rodeo Arena Claims Paid due to Timeliness on 3/24/2020 in the Amount of \$314.41
- e. Three Forks Rodeo Arena Claims per List
- f. Meeting Minutes of City Council 3/10/2020
- g. Meeting Minutes of City Council 3/18/2020

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- h. Service Agreement with Alpine Computing for Nightly Backups at \$500 initial setup then \$75/month and Firewall at \$900 initial purchase and \$150 one-time setup (no monthly charge)
- i. Pledged Securities Report as of 3/31/2020

Councilman Nelson moved to approve the Consent Agenda. Councilwoman Schattauer seconded the motion.

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on a Request by Eric Fendler for a CHANGE to a City Council-Designated Parking Location to his Council-Approval Conditional Use Permit to Construct a Residential Fourplex Structure for the Property Located at Lots 1-4, Block 65 of the Milwaukee Land Company's 2nd Addition, Commonly Referred to as 704 S Main Street

Councilman Chancellor recapped the Zoning & Planning meeting, and then asked Kelly Smith to recap the Staff Report provided by Randy Carpenter. Kelly also read Zoning & Planning Board member Roger Nerlin's motion from their March 19, 2020 meeting into the record. This included striping the parking spaces, flaring the driveway entrance, and installing a sidewalk on Hickory Street.

Philip Kedrowski, asked if the sidewalk material could match the "sidewalk" on Main Street. There was discussion and explanation that the "sidewalk" on Main Street is asphalt and actually part of the Headwaters Trail System. Mr. Kedrowski asked if the sidewalk for this project can be asphalt as well. The Council said no, they believed sidewalks should be made of concrete. George Chancellor added the Zoning & Planning Board has always considered the sidewalk as needed due to American with Disabilities Act (ADA) units, and that it would be made from concrete. Mr. Kedrowski said he would amend the site plan and resend it to Kelly Smith tomorrow.

Mayor Gifford asked if there was any public comment. No one said anything so he closed public comment.

Councilman Nelson moved we approve the revised plans to move parking spaces over to come off of W Hickory Street with the changes Roger designated at the Zoning & Planning meeting: the flared corners at the sidewalk, adding the sidewalk be constructed of concrete rather than asphalt to match the trail on Main Street. Councilman Chancellor seconded the motion.

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Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported on the water and sewer funds' debt compliance.

City Clerk Crystal Turner reported for Randy Johnston that he got quotes to spray for scale and spider mites in the spruce trees in the City's parks. The Council approved \$20,000 in tree maintenance for this year's budget so Randy will go ahead and get the scale sprayed now, and then later Young's Tree Service will treat for spider mites probably in May or June.

City Attorney Susan Swimley did not have anything to report.

REPORTS FROM COUNCIL COMMITTEES (if any)

Crystal Turner asked if the Town Property Committee has read the email she forwarded regarding solar power additions on the city buildings. They had not seen the email yet but will review it.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

There was no New Business.

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

There was no other public comments.

MAYOR & COUNCIL ANNOUNCEMENTS

Erin Schattauer thanked all the staff for keeping the Council and public updated daily with the happenings and cases affected in Gallatin County. She said the staff is doing a phenomenal job sharing information on Facebook, and the website, and email updates.

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Mayor Gifford said he would like to reopen the city park areas as weather permits. He would like to have Heidi Jones-Magee disinfect the playground equipment daily, and may need to purchase some sort of sprayer to accomplish this. The Council said that would be fine. He would also like to start opening up the city office again, and allow both clerks to work in the office maybe starting on April 24th as the Governor's directives start to lift. This is of course dependent upon the State and County Health Department lifting those directives.

Mayor Gifford also said the May meeting has quite a few items of significant public interest and he believes we could do Zoom but also may need to have the meeting in a larger area to comply with the 6-foot social distancing requirement.

Dennis Nelson said the Budget Committee should at least review the Expenditure and Revenue reports. Crystal Turner said after she printed the checks tomorrow she would print the Expenditure vs. Actual and Revenue vs. Actual reports and email them to Steve Dahl and Deb Mickelberry, and print a hardcopy for Dennis Nelson.

Kelly Smith asked that the purchase of the budgeted mini-excavator be on the next agenda, as she has gotten numerous quotes and Steve Johnston has reviewed them and made a recommendation to purchase one.

ADJOURNMENT

Councilman Nelson moved to adjourn. Councilman Chancellor seconded the motion.

Motion Passed Unanimously.

(Meeting adjourned at 7:25PM.)

Sean Gifford, Mayor

Crystal Turner, City Clerk

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APRIL 23RD, 2020, The Three Forks City Council met at City Hall at 206 Main Street and via Zoom. (Zoom is a virtual meeting tool being used due to COVID-19 and social distancing guidelines.) The meeting was presided over by Mayor Gifford. The Mayor called the meeting to order at 4:00 P.M.

ROLL CALL: City Council members George Chancellor, Steve Dahl, and Dennis Nelson were present in City Hall; Erin Schattauer and Gene Townsend were present via Zoom, and Deb Mickelberry was absent. City Clerk Crystal Turner and City Treasurer Kelly Smith, Wastewater Superintendent Steve Johnston were also present.

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 Gifford.

GUESTS: Ahren Hasting was in attendance via Zoom.

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

There were no public comments. The Mayor closed public comment.

CONSENT AGENDA

- a. Claims Paid due to Timeliness to Visa and Wex in the Amount of \$8,126.91
- b. Record Retention Destruction Requests: RM88 #11 and #12

Councilman Townsend moved to approve the Consent Agenda. Councilman Nelson seconded the motion. There was no public comment.

Motion Passed Unanimously.

PUBLIC HEARINGS

Notice to Proceed Awarded to Earth Surgeons Excavation, LLC in the Amount of \$58,463.94 to Perform the Foundation and Site Civil Work for the Three Forks Rodeo Arena Bleacher Replacement Project

Mayor Gifford turned it over to Ahren Hastings. Ahren presented to the Council he reached out to four different contractors to perform the onsite civil and foundation work to prepare the site for the bleachers Dant Clayton is manufacturing. All four contractors were companies Ahren has worked with in the past and are based in Montana. Two replied that they

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could not provide a quote as they are already booked up. The other two companies are the quotes in the packet today. Both quotes are within a few hundred dollars of each other, but Ahren is recommending Earth Surgeons. Their quote includes a couple different site visits, and they are anxiously awaiting this notice to proceed so they could start as early as next week if awarded to them.

Kelly Smith said that they still do not know the Rural Development loan status, but she hopes to hear back next week. Ahren Hastings replied that he has informed the contractor that information as well.

Gene Townsend reported they discussed this at their Three Forks Rodeo Arena meeting this past Monday, and they have also received word from two banks (First Security and First Community banks here in Three Forks) they would be interested in loaning the money if it is not funded via Rural Development. They also accepted Ahren's recommendation of Earth Surgeon's.

Dennis Nelson asked if Ahren has worked with Earth Surgeons in the past. Ahren said, "Yes, numerous times. They are a quality contractor and do very good work and are reasonably priced. I was happy to see their quote was the lowest."

Erin Schattauer asked if the timeline for this summer's rodeo will be affected? Ahren said not yet, but if we hold off much longer it probably would be affected. Right now Dant Clayton is still on schedule for an estimated delivery May 26th.

Councilman Chancellor moved we proceed to award Earth Surgeons Excavation, LLC in the amount of \$58,463.94 to perform the site foundation and site civil work for the Three Forks Rodeo Arena Bleacher Replacement Project. Councilwoman Schattauer seconded the motion.

Motion Passed Unanimously.

Decision to Purchase the Budgeted Mini-Excavator for the Public Works Department from Tractor & Equipment Company for \$65,319.00

Kelly Smith explained the Public Works department currently rents a mini-excavator, and the Budget Committee recommended in the current fiscal year budget to buy a new truck and our own mini-excavator.

Mayor Gifford said we currently rent a mini-excavator which will save the city money in the long run by owning its own. Dennis Nelson asked how

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much we spend on rental now. Kelly Smith said the City spends roughly \$6,000/year.

Steve Dahl asked what kind of time frame the life of the excavator is. Steve Johnston thought it could easily last 40 years. "We do so many different jobs with it, it would last longer than a construction company since it is not worked daily," Steve said.

There was no public comment from Zoom participants, and no public comment on Facebook. Mayor Gifford closed public comment.

Councilman Townsend made a motion to approve to purchase of the budgeted mini-excavator for the public works department from T&E Company for \$65,319.00. Councilman Nelson seconded the motion.

Motion Passed Unanimously.

Mayor Gifford spoke to the new reopening mandates issued by the State of Montana. The waiving of late fees is extended until May 24th, 2020, or until the end of the emergency. Phase 1 will begin April 26th. Monday April 27th, previous designations of essential and non-essential will discontinue. Any health facilities must screen individuals prior to any treatment. Increased cleaning and sanitizing is required, and minimizing travel of non-essential individuals must continue. Social distancing recommendations should remain in full force for all activities. Campgrounds, group use areas and playgrounds may be open at discretion of local managers.

On May 4th restaurants bars, breweries, distilleries, may open at 50% capacity with increased cleaning/sanitization protocols. They may continue to offer take-out and delivery options. Tables must be 6-feet apart, no groups larger than 6, no self-service condiments.

Schools can reopen for in-classroom teaching May 7th, at the discretion of local school boards.

Parks may be reopened starting May 4th. The Mayor informed the Council, "We bought a sprayer and will be disinfecting parks daily - not a perfect situation but it's better than nothing and we can adhere to the State's mandates and help minimize risks. We still ask that people maintain a 6-foot distance please.

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City Hall will partially reopen to the public on April 27th. Zoning & Floodplain issues usually need to be handled in person - otherwise please continue utilizing existing resources. The Public Works building will remain closed to the public. Thank you for your time, and for your participation with these rules, but the virus has not left yet.

Next Council meeting, the Mayor would like to seek a larger venue. "We can still do it via Zoom and in person maintaining 6-feet if you all are comfortable with that," the Mayor said.

ADJOURNMENT

Councilman Nelson moved to adjourn. Councilman Chancellor seconded the motion.

Motion Passed Unanimously. (Meeting adjourned at 4:17PM.)

The Mayor clarified he forgot to close the meeting with public comment opportunities. Kelly Smith reported there were no comments on Facebook, and Crystal Turner reported there were no comments via Zoom.

Sean Gifford, Mayor

Crystal Turner, City Clerk

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MAY 12TH, 2020, The Three Forks City Council met at the Three Forks Ambulance Barn at 2 E. Hickory Street and via Zoom. (Zoom is a virtual meeting tool being used due to COVID-19 and social distancing guidelines.) The meeting was presided over by Mayor Gifford. The Mayor called the meeting to order at 7:13 P.M.

ROLL CALL: Those present at the Ambulance Barn were Mayor Gifford and City Council members Steve Dahl and Dennis Nelson, as well as City Attorney Susan Swimley and City Treasurer Kelly Smith. Erin Schattauer, Deb Mickelberry, Gene Townsend and George Chancellor were present via Zoom. City Clerk Crystal Turner was present at City Hall and attended via Zoom as well.

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 Gifford.

GUESTS: Matt Bugland, Joe Thielen, Nadene Wadsworth, Traci Sears and Tiffany Lyden (those 3 of DNRC), Chuck Wambeke, Aly Gill, Julie Kostelecky, Karen and Bill Buttelman, Susan Hays, James Hennessy, Mable Deane, Lath & Michele McLeod, Whitney Brunner, Bruce Meighen and Randy Carpenter were in attendance via Zoom. Once we were able to connect Zoom to our Facebook live page (at varying times) Connie Nelson Depner, Don Seifert, Jake Magnus, Becky Ewan, Emilee Iddings, Fawn Venzor, Brian Bjorndal, Kelly Bugland, Amy Laban, Lana Kolokotronis, Kira Gifford, Julie Wambeke, Matt Jones joined the meeting. At the Ambulance Hall were D.K. Brooks, Mike & Gloria Howland, David Boyd, Diane Fuhrman, Roland Deane.

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

There were no public comments. The Mayor closed public comment.

CONSENT AGENDA

- u. Claim Paid due to Timeliness to Mail Utility Bills in the Amount of \$160.78
- v. Claims per List
- w. Three Forks Rodeo Arena Claims per List
- x. Meeting Minutes of Zoning and Planning Board 2/20/2020
- y. Meeting Minutes of City Council 04/14/2020 and Special Meeting 04/23/2020
- z. Boundary Relocation Exempt from Subdivision Review for Mable Deane at Tracts 1A, 1B and 1C of COS 2063 and Tract 2A of COS 2063A

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- aa. Record Retention Destruction Request RM88 #13, #14 and #15
- bb. Ratifying Contract with Earth Surgeons Excavation, LLC to Include Prevailing Wages for an Updated Contract Amount of \$62,447.94
- cc. Task Order #5 with Great West Engineering to Provide Professional Services to Draft a Grant Application for the Water System Preliminary Engineering Report (Estimated Amount \$12,000)

Councilman Townsend moved to approve the Consent Agenda. Councilman Nelson seconded the motion. There was no public comment.

Motion Passed Unanimously.

PUBLIC HEARINGS

Opening of Proposals for Legal Services for a Two-Year Contract

Mayor Gifford stated only one proposal was received, from Swimley Law. No decision will be made tonight - we anticipated opening multiple bids and having to take them under consideration. This will be for appointment for a two-year contract at the next Council meeting.

Request for Removal of Board of Adjustment Members D.K. Brooks, Gloria Howland, Diane Fuhrman and Charlie Christensen

City Attorney Susan Swimley explained the need to remove the board members (see letter from Susan Swimley regarding "conflict of interest - remove BOA members"). She explained the government has two functions: legislative and quasi-judicial. When sitting on a city board in that quasi-judicial board you are considering the information in the application against the rules in the documented laws and policies. So it is expected when sitting in a quasi-judicial position to be fair and impartial. She said she is sure the Council remembers an application to expand the RV park in town. Many people in the town were against it and expressed their opinions on the street. The unfortunate part is that four of the Board of Adjustment members signed the petition opposing the RV park application. "That, in and of itself, became a problem because the Zoning & Planning Board and City Council recommended the applicant go to the Board of Adjustment and get a variance," Susan said. "So, the appearance is made of opinion since four of the people had already opposed the development altogether," she continued. "This is the thing I hate about my job; these are good people whom I appreciate their work and volunteering on a board for the City," Susan stated. "Because the Council required the condition for the applicant to obtain a variance approval from the Board of Adjustment, the applicant will always feel 'they didn't get a fair shake' from the board members who have already signed the petition of opposition," Susan explained.

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Diane Fuhrman said she disagreed. Susan replied there would be a chance for Ms. Fuhrman to speak in a moment, but at this time it is the opportunity for the Council to ask questions of her. Steve Dahl said everyone in the neighborhood, including himself, received a notice of public hearing for this conditional use permit application. "In that notice it states 'if you are opposed' and where to submit comments," Steve said and continued, "So these neighbors, who may not have been properly trained may be opposed to the notice they received as a neighbor of the application." Susan Swimley said she would not argue with that as a citizen member. However, she explained as a volunteer or an elected official representing the city, you are choosing to put on a different hat and be fair and impartial.

Gene Townsend said he had never heard of such a thing, removal of board members, in all his time in government. He said he was unaware that was even an option - citizen, neighbor, or board member. "The people who sit on these boards I have a lot of respect for as you see your neighbors and may be opposed or supportive and you still have to live next to them and that takes guts," Gene said. George Chancellor commented there should have been some policies in place to explain to board members about commenting on applications. Susan asked for Council comments to wait for board discussion. She also reminded the Council that they should not be making a decision until they have heard all the information. (There were no Council questions for Susan Swimley at this time; moving on to Public Comment.)

Board member comments: D.K. Brooks read a letter to the Council stating he does not believe he has violated his role as a board member; in fact, he feels his rights have been violated. As a neighbor, he is directly affected by what happens at the Three Forks Market Campground expansion. Three members did speak against the campground expansion at the Zoning & Planning meeting, mostly because the staff report said, "Such use will not adversely affect neighboring properties." U.S. Constitution 14th Amendment provides Mr. Brooks the right to due process prior to the City soliciting applications to the Board of Adjustment prior to his (and other member's) removal from the Board. Mr. Brooks requested records of scheduling this public hearing. "It was mainly out of ignorance that 4 of the 5 board members signed the petition as they are neighbors, and we are not irrevocably close minded as the City Attorney stated we were," Mr. Brooks said. "We must not allow the fear of litigation from doing what is right or just for the sake of this community," he said in closing. (Those

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attending the meeting via Zoom had extreme difficulty in hearing Mr. Brooks' presentation. Crystal Turner asked for Mr. Brooks to re-read his notes into the record, closer to the microphone so that all the Council members could hear the information. After he did, Susan Swimley thanked him for taking the time to re-read his letter.)

Gloria Howland also spoke to the Council regarding the definition of "close minded" and argued they were not close minded to this application. She stated she was never trained regarding all the duties her position on the Board required, like what she could or could not do. She said it was unfair to advertise their positions before the board members were removed from the Board.

Diane Fuhrman spoke to the Council regarding her opposition to the RV park is due to it negatively affecting her personal property. She would also sit on the Board and do it fairly and justified per the regulations. She knows the other board members would have done so as well.

Mayor Gifford asked if Charlie Christensen was in attendance electronically - after Kelly Smith and Crystal Turner searched both the Zoom and Facebook sites it was determined he was not in attendance.

Public Comment: Mike Howland spoke that volunteers are doing their best for the City; Matt Bugland asked for clarification - regarding if there were almost 200 signatures on any petition but it did not fit with the town's rules as written - if we negate those people from the pool of people who can sit on the board are not we skewing the board in the opposite direction and only selecting board members who think "rules don't have to apply"? [The point is the City is looking for volunteers who are not skewed either way - but those who are objective to look at the rules as written and uphold those rules. If the rules are wrong, there are processes to amend the rules (ordinances)]. There were no others who spoke for public comment, so Mayor Gifford closed public comment.

Susan Swimley read excerpts from her original letter - understands people are upset and she is not trying to minimize their feelings, "Montana law states quasi-judicial decision making must not have an irrevocable closed mind on the subject. The subject was an application for an RV park, these four people signed a petition against the RV park - so that's the evidence that these four people have an irrevocably closed mind. Additionally, on page 2 based on the application the 4 members cannot sit on the variance request because they have each demonstrated their close mindedness on this

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application." The letter continues, "If they do not tender their resignation, please schedule a public hearing to remove these members because they are close minded ON THIS TOPIC." Susan agrees this is partly due to a lack of training, but it is not a lot different than her saying to the Council that when someone stops at the grocery store or post office and wants to talk to you about an application - you stop them and say tell me at the meeting so all making the decision can have the same information." She continued, "This is not a character flaw - I'm not saying these people are close-minded; I'm saying they are close-minded as to the RV park. The RV park is the application before the Board of Adjustment at this time and I must ask the Council to remove them. The Council can appoint new people and then ask these four to reapply. You can only remove BOA members if they resign or for due cause. Their decision to sign the petition is that cause. No one has been appointed to replace any of the current members. The City advertises for volunteers all the time knowing we need to always be recruiting volunteers," Susan said. Council: you are now sitting in a quasi-judicial position to hear all the same information presented tonight and need to take all the facts under consideration to form your decision.

Diane Fuhrman argued these were their personal opinions and will not affect their job or decision. "We still have an open mind and will do the right thing," Diane said. Gloria Howland agreed and offered to recuse herself on this application, just like she believes Doug Fairhurst should from any decisions by the Zoning & Planning Board since he also signed the petition. Kelly Smith explained that with variances the ordinance states there must be 4 votes to affirm the change - if they all recused themselves there would be no one to vote on the application. D.K. Brooks said he also is disappointed with the fact to remove him and the other board members.

Deb Mickelberry recused herself from discussion and decision to remove the Board of Adjustment members, as she is a member of the same board and one of the members is her sister.

Erin Schattauer echoed Susan's statement that this is an unfortunate situation, which should be used as a learning opportunity for the City to get training to board members. In Erin's opinion, the Council does not have any other option but to remove these members from the board.

Gene Townsend questioned if the City can even get enough people to fill the board (speaking from experience of the lack of volunteers). "How will

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we handle the existing applications waiting to be heard?" Gene asked. Susan Swimley replied there are a couple choices: keep advertising until we have a quorum (which may delay holding a hearing), or if we do not have a Board of Adjustment, we may have to force it back to the Council to relook at the condition they required of the applicant. If the applicant is required to obtain a variance for the conditions the Council imposed, and we fail to provide the statutory/ordinance obligation, the applicant would probably succeed in fighting that conditional requirement.

Dennis Nelson clarified that if the Council does not fill the board then another option is to come back to the City Council who would act [on the variance decision] instead of the Board of Adjustment? Susan Swimley replied, "No, you would have to address the fact that you imposed a condition that would be impossible for the applicant to fulfill."

Steve Dahl questioned the difference between Board of Adjustment and the Zoning & Planning Board. Kelly Smith explained the Zoning & Planning board is a recommending board to the Council; the Board of Adjustment only hears appeals of the Zoning Official's determination of the ordinance. Their decision is final and if the applicant disagrees they take that appeal to District Court.

Councilman Chancellor moved that we remove D.K. Brooks, Gloria Howland, Diane Fuhrman and Charlie Christensen from the Board of Adjustment.
Councilwoman Schattauer seconded the motion.

Motion Passed 3:2, Dennis Nelson and Steve Dahl opposed; Deb Mickelberry recused herself.

Mayor Gifford thanked the board members for coming in tonight.

Public Hearing and Decision on a Resolution of the City Council Requesting Distribution of Bridge and Road Safety and Accountability (BARSAA Gas Tax) Program Funds

Mayor Gifford read the resolution into the record in its entirety, noting it would be #320-2020 if approved.

Councilman Townsend moved to pass resolution #320-2020, a resolution of the Three Forks City Council Requesting Distribution of Bridge and Road Safety and Accountability (BARSAA Gas Tax) Program Funds. Councilman Nelson seconded the motion.

Motion Passed Unanimously.

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Public Hearing and Decision on a Resolution of Intent to Annex and Incorporate within the Boundaries of the City of Three forks, Montana a Portion of Land Adjacent to the City of Three Forks Located in the Southwest Quarter of Section 26, Township 2 North, Range 1 East (Buttelman Ranches, Inc.)

Mayor Gifford read the resolution into the record noting it would be #321-2020.

Gene Townsend questioned "Whereas" #9 regarding "payment of cash in lieu of water rights". Susan Swimley explained because of the City's water situation, the City either asks the applicant to give us water rights, or pay us money to build up a fund to buy more water rights. This land only has irrigation water rights. Former City Engineer Brent Miller calculated the previously annexation and we are unsure of any other adopted policy. We are currently working Great West to recalculate.

There was no public comment. Mayor Gifford closed public comment.

Dennis Nelson said that cash in lieu of water rights does not seem relevant; in his opinion it is unnecessary.

Councilman Townsend moved to accept Resolution #321-2020. Councilman Chancellor seconded the motion.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith shared her screen from the laptop at the Ambulance Barn so the rest of those attending the meeting could see her report of the debt compliance on the water and sewer funds. She also said the computer that runs the SCADA system for the water and sewer plants died and needed an immediate replacement. She also reported she went through and capitalized some of the items purchased this year which were over \$5,000.

City Clerk Crystal Turner had nothing to report.

City Attorney Susan Swimley said that she has worked on a variety of topics for Three Forks - her invoice reflects the details.

REPORTS FROM COUCIL COMMITTEES (if any)

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Water & Sewer Committee - Update of 4/28 and 5/1 Committee Meetings Regarding Water Preliminary Engineering Report (PER) Options for Future Needs and Growth and Approval of Recommendation to Proceed with Alternative S1 and T3 (page 13 of PER)

Steve Dahl recapped the Committee meetings held to bring those present up to date on the various projects Great West Engineering had proposed as options. The Committee has selected the option to obtain (purchase) land in the general vicinity of Well #2 (Connor's well), drill a test well on the land acquired in hopes of it being similar to the output in Well #2. Most likely it will include arsenic in the water and will need to be treated - so an expansion to the Arsenic Treatment Plant. This option, if all goes well, would cost just over \$1.1 million.

Great West Engineering Vice President Craig Pozega introduced Engineer Susan Hayes. Susan Hayes said there were several water treatment options, including reverse osmosis (RO) but RO can be very costly. The Arsenic Treatment Plant already exists and could be expanded to increase capacity to the system if a new water source also has high levels of arsenic.

Gene Townsend asked where would a new well be drilled? Susan Hayes answered it would be in the general vicinity of well #2 just like in last PER in 2002. Relocating water right from existing point of diversion to new point of diversion; we cannot just go and put a well wherever we want. This project would be a phases approach: Phase 1 would not proceed to Phase 2 unless viable water is found. Gene also asked, "So the existing Well #2 would eventually go away?" Susan replied, "Yes, the new well (call it "X") would hopefully be in the same vicinity but will most likely still have arsenic. Arsenic in the existing well exceeds maximum contaminant levels (MCLs), but other wells in town have poor aesthetic qualities like sodium, iron, and since you already have a treatment plant the rest of the [treated] water is good quality. The treatment plant could handle the treatment. Gene asked if we will have more capacity. Susan replied, "Hopefully, but the two phased approach is to drill another well with more capacity or better quality, but the current treatment plant could not handle treatment of all that gallons per minute (gpm) without expansion."

Dennis Nelson asked Susan Hayes to clarify that the first well is going to be a test well, then expand from there if viable water is found, or drill a second well to get more water if we need. Susan agreed.

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UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

DNRC Presentation on Mapping Process and Floodplain Management

Kelly Smith introduced the Department of Natural Resources & Conservation (DNRC) staff present at the meeting via zoom. Traci Sears said they prepared a video "Floodplain 101" to play and then they would open it up for question & answers. (Crystal Turner played a 16-minute video DNRC had sent which was also available to view on the website.)

Mayor Gifford asked if this updated mapping would be better or worse for Three Forks. Nadene Wadsworth said she does not know yet. Erin Schattauer asked Nadene to explain the process of what next steps when FEMA's draft information is complete. Nadene answered hopefully it will be post COVID and we can sit down with the public and hold a meeting, and get it all in one round of open house/public meetings. We can setup more meetings as the community wants/needs.

Q&A with DNRC

Matt Bugland commented his concern as to where the re-mapping process is coming from. Traci Sears said it typically comes from insurance purposes. Matt Bugland asked if anyone has ever been re-mapped out of the floodplain - or does FEMA just re-map to require insurance. Tiffany Lyden said the purpose is to remap those higher areas of risk. The bottom line to have more current and accurate information. Derek Swenson asked a question on Facebook, "Why isn't there concern when a new structure is being built in town about the displacement of water due to the requirements to build the property up so much higher than the grandfathered structures?" Traci Sears said it ultimately comes down the community's ordinance. There are two ways to elevate a structure: 1) based on fill, or 2) using stem walls. Most people choose to use fill because of aesthetics, but it is up to the property owner to keep that displaced water from damaging other properties. Gene Townsend asked about the possibility to seek certification of the existing dikes and levies. Nadene Wadsworth commented on the levies structural integrity, but there is opportunity to having the Army Corps of Engineers recertify them. Nadene added, "We are hoping to have preliminary maps by fall 2020, but the entire process takes a few years."

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Approval of Zoning & Planning Board's Recommendation to Enter into a Service Agreement for Preparing a Comprehensive Growth Policy Update

George Chancellor said, "At our meeting last night we recommended Logan Simpson, not Great West or Cushing Terrell. I had a hard time because Logan Simpson and Cushing Terrell supplied a bid on the first shot and Great West Engineering did not supply an amount but gave us a nice brochure. Upon questioning a price, they supplied a bid which came in after-the-fact which I think is pretty unfair, so the Zoning & Planning Board recommended Logan Simpson."

Bruce Meighen of Logan Simpson said, "We are very excited to work with Three Forks. I think we provided a great proposal. We appreciate it."

There were no Council questions nor public comment. There were no Facebook comments.

Councilman Chancellor made a motion that we enter into a service agreement with Logan Simpson to prepare a comprehensive Growth Policy Update.

Councilwoman Schattauer seconded the motion.

Motion Passed Unanimously.

Approval of Staff Recommendation of Award to Rudd & Company for Auditing Services for Fiscal Years Ending June 30th, 2020, 2021 and 2022

We got 3 proposals: Amatics, Anderson Zurmuelen, and Rudd & Company. Rudd & Company came in with the lowest bid; we are familiar with working with them and will go ahead and recommend Rudd & Company. Dennis Nelson said, "Rudd has done a great job for us in the past and I don't see a reason to change it." Susan Swimley asked if that was a motion.

Councilman Nelson moved to enter into agreement with Rudd for the upcoming years' audit.

Councilman Chancellor seconded the motion.

Board Discussion: Gene Townsend state he personally does not have anything against Rudd. He continued, "One thing in the future, it's sometimes a good idea to look at new accountant and firms for a different set of eyes on our books. They been our auditors for six years - and after what happened at the School maybe it's time to mix things up." Kelly Smith said that this would be our third 3-year contract with them.

Julie Kostelecky spoke via Zoom and said with some other firms they audit, they bring in other auditor partner or team members so your staff is not working with the same team. She said if the Council would like that they would be happy to accommodate.

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Motion Passed Unanimously.

Discussion on the City Applying for a Rural Development Grant to Bring Broadband Access to the City of Three Forks

This item was pulled. The grant window time has come/gone.

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

David Boyd - introduced himself as the Progreba Field Airport Manager and resident of Three Forks. There will be a project at the airport - specifically for firefighting and the use of drones. They are in the process of getting FAA approval to allow these large drones to fly into the airport - they take off and land vertically. "The drones are big enough that they must adhere to the same rules as pilots flying in/out. The drones have equipment allowing other airplanes to see them, they have tail numbers, they are the real deal. Bridger Aviation is also interested in helping us make some improvements to our building. We will meet with them tomorrow at the airport meeting."

MAYOR & COUNCIL ANNOUNCEMENTS

Dennis Nelson still has his budget reports that Crystal Turner and Kelly Smith printed out but said he has yet to setup a meeting. He will do so in the next couple weeks.

Gene Townsend reported the Three Forks Food Bank is open at its new location. Also, on Monday the 18th is a Rural Fire Board meeting - we are not setup for Zoom - so we are trying to limit the number of people in attendance. 3 things on their agenda: acceptance of election results, swearing in new trustees, and setting the 2020-2021 budget. Last, he received a letter from Fish, Wildlife & Parks on April 28th awarding Gene with the Recreation Trails Grant application he submitted in January and he will be receiving \$60,000! Gene will work on the west side (Jefferson Street area) and Imerys will cover the \$15,000 match. The Headwaters Trail System will budget \$15-20,000 too. He hopes to begin work late summer. Gene thanked the Council for allowing him to apply for this grant.

Update on COVID Testing of our Wastewater and Approval of Monthly Expenditure

Mayor Gifford reported he has been talking with the Gallatin City-County Health Department (GCCHD) about wastewater testing and trying to find "hot

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spots" throughout the County. The Mayor is still waiting for the GCCHD to narrow down the price (GCCHD says it could be \$5-10,000/month).

Dennis Nelson questioned if this is the best bang for our buck, because Montana State University is doing the same testing so why do we need to. Mayor Gifford said MSU is the lab to perform the testing. Dennis wants to know what we get for the money, what test results really tell us - what good is that information going to do for Three Forks if we determine we all had the virus already? Mayor Gifford explained test results will be able to tell if we have an outbreak of COVID for asymptomatic - essentially if people do not believe they are sick and do not go get tested but our wastewater will tell us if we have it here in Three Forks. Denny shared concern results may only tell us someone stayed at the hotel/motel in town and had it and has now left our area.

AGENDA ITEMS FOR NEXT COUNCIL MEETINGS: 5/26 OR 6/9

- **5/26 Recommendation to Award the Two-Year Contract for Legal Services**
- **5/26 Board appointments**
- **6/9 Presentation and Public Input Regarding Water Preliminary Engineering Report Options for Future Needs and Growth**

ADJOURNMENT

Councilman Nelson moved to adjourn. Councilman Chancellor seconded the motion.

Motion Passed Unanimously. (Meeting adjourned at 9:40PM.)

The Mayor clarified he forgot to close the meeting with public comment opportunities. Kelly Smith reported there were no comments on Facebook, and Crystal Turner reported there were no comments via Zoom.

Councilman Nelson moved to adjourn. Councilman Dahl seconded the motion.

Motion Passed Unanimously.

Sean Gifford, Mayor

Crystal Turner, City Clerk

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MAY 26TH, 2020, The Three Forks City Council met at City Hall, 206 Main Street and via Zoom. (Zoom is a virtual meeting tool being used due to COVID-19 and social distancing guidelines.) The meeting was presided over by Mayor Gifford. The Mayor called the meeting to order at 7:00 P.M.

ROLL CALL: Mayor Gifford and City Council members present at City Hall were George Chancellor, Deb Mickelberry, and Dennis Nelson, as well City Treasurer Kelly Smith and City Clerk Crystal Turner. Erin Schattauer, Steve Dahl, and Gene Townsend were present via Zoom.

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 Gifford.

GUESTS: Gloria Howland

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

There were no public comments. The Mayor closed public comment.

CONSENT AGENDA

dd. Claims per List

ee. Three Forks Rodeo Arena Claims per List

Steve Dahl said claim #144779 to MSU was for a training he attended; he really appreciated the opportunity to take this class as he learned a lot. Erin Schattauer agreed - it was a great class and thanked the City for being able to attend.

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

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on a Resolution Amending the Fiscal Year 2019-2020 Budget for Expenditures Exceeding the Original Appropriations

Mayor Gifford read what will be Resolution #322-2020 into the record in its entirety. There were no Council no public comments. Mayor Gifford closed public comment.

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Councilman Townsend moved to accept Resolution #322-2020. Councilwoman Schattauer seconded the motion.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported that she still does not have an update on the Rural Development loan (for the bleacher project). Rural Development is rating all applications at this time. They contacted Kelly last week and requested four more items, which she provided. She hopes to hear their decision soon.

City Clerk Crystal Turner asked if the Water & Sewer Committee wished to meet regarding the Three Rivers Car Wash sewer average account, as stated at the January 28th meeting. Dennis Nelson and Steve Dahl of the Committee stated they wish to keep it as stated at that meeting: the average will go back to the original winter average for these last two bills since the Kamps have not brought any further investigation items to the Committee. Crystal explained that will be increase for May and June's bills than what has been negotiated, but in July their average will go down as they have repaired some leaks and used less water.

REPORTS FROM COUCIL COMMITTEES (if any)

The Budget Committee will meet early June.

UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

Recommendation to Award the Two-Year Legal Services Contract to Swimley Law

Mayor Gifford explained no other proposals aside from Swimley Law's has been received.

Councilman Nelson motion to award the 2-year legal service contract to Swimley Law. Councilwomen Mickelberry and Schattauer seconded the motion.

Motion Passed Unanimously.

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Board Appointment: Board of Adjustments

Mayor Gifford read the Board Appointment memo into the record. Crystal Turner added there will be training provided by the Local Government Services for Council members and all volunteers in June. This will be mandatory and will cover ex parte communication, right-to-know/right-to-participate, open meeting laws and management, roles & responsibilities, legislative versus quasi-judicial. This training will be recorded so that those who cannot attend can watch it prior to attending their next meeting.

Gene Townsend said, "I looked over the three applications and I would like to say that I am pretty impressed with the resumes of all three applicants, and their experience. I feel we are getting great members here, and if you need a motion to accept these applications, I will do that at this time." Councilman Nelson seconded the motion.

Motion Passed Unanimously.

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

Gloria Howland was happy to hear there is a scheduled training for new board members.

MAYOR & COUNCIL ANNOUNCEMENTS

Gene Townsend reported he recently submitted another grant application for the Headwaters Trail System to AARP Community Betterment Grants. \$25,000 grant for signage, bike racks, benches, and submitted it May 15th. We hope to hear back in August if successful.

He also reported the usage of the trail has been unreal with the amount of people out there this past weekend. "Ponds area gets tremendous use. Hopefully, people are practicing their social distancing." Gene said.

Dennis Nelson said he was stopped by a local citizen to say "thank you" to all the City folks (council, crew, staff); he and a number of the "coffee group" said they are greatly impressed with how the City has handled the COVID pandemic with getting news out there, and for the work they have done to reopen the parks, to keep the public informed at home by streaming meetings.

Mayor Gifford reported that Gallatin County has said they will pay for the sewer system testing. They want to come out Thursday to inspect the sewer

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plant. "It will be the same tests they are doing in Big Sky; the idea is to get ahead if there is a crisis. My thoughts are if they find no traces of COVID there would be no reason to keep us closed up," Mayor Gifford explained. If any Council members wish to attend please meet at City Hall at 1PM Thursday. Erin Schattatuer asked how soon results will be provided back to the City? Mayor Gifford said he was unsure, but said that is a good question to ask on Thursday.

AGENDA ITEMS FOR NEXT COUNCIL MEETINGS: 6/9

- **Presentation and Public Input Regarding Water Preliminary Engineering Report Options for Future Needs and Growth**
- **Discussion and Decision Regarding Cancelling the 2020 Rodeo**

Mayor Gifford said the Three Forks Rodeo Arena Board asked if the Council could give them until June 23rd to allow the decision for cancelling the rodeo or not. "In speaking with some business owners that may not give them enough to time to order supplies, or return ordered supplies," the Mayor said. He suggested moving the decision up to the June 9th agenda.

He also reported he spoke to the mayor of Choteau today and their rodeo is scheduled for July 4th but they are thinking of cancelling too. "The further we push this decision out the harder it is for the businesses to adjust," he said.

Gene Townsend said he has already informed the Rodeo Board that he and his cook crew will not do the rodeo this year. "I am 70 and do not feel it's safe to put that amount of people and heat in the cook shack. But I also heard today that the Health Board sent an email to the Chamber [of Commerce] that they will not allow any health permits for nonprofits in the month of July - which refers to the food offered by nonprofits at the farmer's market. That part of the farmer's market will be cancelled at least to the first of August then. I also see the Gallatin County Commissioners cancelled the county fair. The reunion committee cancelled the all-school reunion this year as well. But I am not in favor of having the rodeo this year. I just don't think it's safe. I put out notice this week that the Headwaters' Bank Run will be cancelled this year. I know another member of the Fair Board feels the same," Gene said.

Mayor Gifford asked when they meet next - Gene thought it's the 2nd Monday in June.

**** Page 83 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL
CITY OF THREE FORKS, MONTANA, ALL OF 2020**

ADJOURNMENT

Councilman Nelson moved to adjourn. Councilman Chancellor seconded the motion.

Motion Passed Unanimously. (Meeting adjourned at 7:30PM.)

Sean Gifford, Mayor

Crystal Turner, City Clerk

CITY OF THREE FORKS, MONTANA, ALL OF 2020

JUNE 9TH, 2020, 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 being used due to COVID-19 and social distancing guidelines.) The meeting was presided over by Mayor Gifford. The Mayor called the meeting to order at 7:00 P.M. He reminded the audience this meeting was recorded, as well as streamed on our Facebook page.

ROLL CALL: Mayor Gifford and City Council members George Chancellor, Erin Schattauer, Deb Mickelberry, Dennis Nelson, and City Treasurer Kelly Smith. Gene Townsend and City Attorney Susan Swimley were present via Zoom. Steve Dahl was absent, and City Clerk Crystal Turner was excused.

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 Gifford.

GUESTS: Tara Forsberg, Chuck Wambeke, Gloria Howland, Diane Phillips, Kelly Bugland, and Karen Cobb. Brooke Luegers attended via Zoom. There may have been others watching on Facebook which were not documented as to who was watching.

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

There were no public comments. The Mayor closed public comment.

CONSENT AGENDA

- a. Claim Paid due to Timeliness to Mail Utility Bills in the Amount of \$162.30
- b. Claims per List
- c. Three Forks Rodeo Arena Claims per List
- d. Minutes of 5/26/2020
- e. Logan-Simpson Service Agreement to Prepare an Updated Growth Policy not-to-exceed \$40,000

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

Motion Passed Unanimously.

PUBLIC HEARINGS

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Public Hearing and Decision on a Resolution to Annex and Incorporate within the Boundaries of the City of Three Forks, Montana a Portion of Land Adjacent to the City of Three Forks Located in the Southwest Quarter of Section 26, Township 2 North, Range 1 East (Buttelman Ranches, Inc.)

(This item was requested to be continued by the applicant until further notice.)

Public Hearing and Presentation Regarding the Next Phase of the City's Water System Improvements Project

Kelly Smith brought up the Great West Engineering presentation and shared the screen for all to see. Susan Hayes of Great West Engineering then went through the presentation. Great West factored a 2% growth rate through the year 2040, and so looking at a population of roughly 3,188. That is the population number we will be using for demand, distribution, and size of the water system. We look at the demand needed if Well #2, our best producing well, were to be nonoperational. That number is 240-gallons per minute needed with Well #2 down. Susan continued by explaining in great detail the phases and steps to be taken to acquire new land, drill a new well, test that well, and depending on the water's results, the treatment options. The Water & Sewer Committee met on April 28 and May 1 to review the possible options and have recommended to move forward with "Alternative S1 + Alternative T3" (found on page 13 of the Three Forks 2020 Water PER handout). This alternative would be completed in phases as well, with a total cost of \$3,140,000. This included the possible user rate increases per month. The City will submit grant applications in hopes to offset costs to the users to both the Treasurer State Endowment Program (TSEP) (max \$625,000 grant) and the Department of Natural Resource and Conservation (DNRC) (max \$125,000 grant). The City is likely eligible for State Revolving Fund (SRF) loan forgiveness as well which is up to \$500,000. The estimated water rate increase is \$20-21 per user if all grants and loan forgiveness is attained. With no grants or loan forgiveness is attained the estimated water rate increase would be between \$24-25 per month. The last portion of the engineering for this project is the environmental assessment. Susan stated she has already reached out to the local, state and federal agencies regarding the environmental impacts.

Next steps are to apply for the funding grants. We have this public outreach meeting today, and another one scheduled for July 14th. We will then work on the design while we are waiting to hear back from the funding agencies.

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Dennis Nelson asked about the construction start time and if it would begin in 2022. Susan Hayes answered probably not because of the phased style of this project - the source of supply needs to occur first. If the City were to wait until 2022 it would not be done in the grant funding cycle we would be applying for. Gene Townsend asked if there was any possibility that the arsenic tolerable levels get stricter (by the Environmental Protection Agency). Susan said she has not heard any of that from the EPA but the City does have the option to blend and the City's treatment plant is capable but may require an additional filters. The [filtration] media may need to be changed out more frequently as well. There was discussion regarding drilling one well with a large capacity, or two moderately sized capacity wells being preferable. Susan said she has estimated it with two moderately sized wells.

There was no public comment.

Public Hearing and Decision on a Resolution to Submit the City's Application for Department of Commerce's Treasure State Endowment Program Funding and Department of Natural Resource & Conservation's Renewable Resource Grant Program Funding for the City's Water System Improvements Project

Mayor Gifford read the resolution into the record in its entirety. This would be resolution #324-2020 if adopted.

Councilman Townsend made a motion to accept Resolution #324-2020.

Councilman Nelson seconded the motion.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported on the Water and Sewer Funds debt ratio. Water is at 180% and Sewer is at 279% so we should be fine with our auditors this year. The City has also received its BARSAA money for streets improvements in the amount of \$55,681.

City Attorney Susan Swimley did not have a report.

REPORTS FROM COUCIL COMMITTEES (if any)

There were no Committee reports.

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UNFINISHED BUSINESS

There was no Unfinished Business.

NEW BUSINESS

Decision on a Request by Buttelman Ranches, Inc. for a Relocation of Common Boundary Lines Outside a Platted Subdivision

Mayor Gifford informed the Council this item was requested to be continued by the applicant until further notice.

Review of City Planning Services Proposals, and Recommendation to Award a Two-Year Contract

Kelly Smith explained every two years the City goes out for proposals on the attorney, engineering and planning services. We have received three proposals: Randy Carpenter, Intrinsik Architecture and KLH Engineering Services. In the past the City has paid a stipend of \$250.00 per month which worked for our former planner, Ralph Johnson. Randy Carpenter accepted that for the last two-year contract but did say the City is much busier than it used to be. "When we went out for proposals this time we did request an hourly rate instead," Kelly explained.

There were no public comments nor Council questions.

George Chancellor said he would like to stay with Randy Carpenter, "I think he has done a great job." Kelly Smith added that Randy Carpenter's proposal is the lowest cost too. Dennis Nelson said he does not have any experience with any of these folks who have submitted, and asked Kelly for a recommendation. Kelly explained she felt any of the three would do well for the City noting some of the firms have certified floodplain managers which would be good for the City, but she agreed Randy has done well for the City. Erin Schattauer said things are getting busier, "Does Randy have a team supporting him or is he on his own?" Kelly said Randy does have another full-time job but he would be on his own as the City's planner. Erin asked if Kelly had talked to Randy about if he felt he could still do the work with another job and the City getting busier. Kelly said he has stated he feels he can still accomplish the duties of City Planner.

Kelly Bugland asked if Randy Carpenter was still the planner for the Town of Manhattan as well. Kelly Smith said yes. Mayor Gifford asked if there were any public comments on Zoom or Facebook. After it was determined there were none, Mayor Gifford closed public comment.

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Councilman Townsend moved to accept Randy Carpenter's proposal as the City's Planner. Councilman Chancellor seconded the motion.

Motion Passed Unanimously.

Chamber Request to Continue Farmer's Market for 2020 Summer at John Q. Adams Milwaukee Park

Diane Phillips was in attendance and reported this would be the 8th year. She believes they can adequately socially distance the booths, and believes this event to be essential. Diane has already checked with the Health Department who advised no cooked food in July, but that they will review it again in August, and she handed out applications for vendor so the Council could review them. The Chamber will not be holding its annual stick horse race to adhere to social distancing and not have frequently touched services. They will have hand washing stations and vendors will have to wear gloves and bag the customer's merchandise. The Health Department recommended costs be rounded to the nearest dollar so that change does not have to be given, and folks would have accurate dollar amounts.

Gene Townsend said he would like to commend Diane for her efforts. "She has done a phenomenal job with this event and I know her to always do her homework and will ensure everyone follows the COVID guidelines," Gene said. Chamber President Brooke Luegers was in attendance via Zoom but did not provide any comments.

Councilman Townsend made a motion to allow them to hold the Farmer's Market at John Q. Adams Milwaukee Railroad Park. Councilman Nelson seconded the motion.

Public Comment: Gloria Howland spoke in support of the Farmer's Market.

Motion Passed Unanimously.

Council Decision on a Recommendation by the Three Forks Rodeo Arena Board to Hold, Cancel or Postpone the 2020 Rodeo

Chuck Wambeke reported to the Council about the possibility of holding the rodeo this year in light of the COVID. He and some of the other Board members asked the regular volunteers if they would still be willing to help this year (ticket takers, beer sales and arena help are all willing). 80% of the financial sponsors were approached to see if they would be willing to sponsor this year and all were supportive. "We have checked with two insurance carriers to verify they would cover a rodeo, and they

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will. We also checked with the NRA and they recommend we have a 'hold harmless' agreement but not sure exactly how we would implement that," Chuck said. "The revenue potential (based on 2800 people showing up which is our new seating capacity) ranged between \$80,000-\$170,000. We have to have 1000 people per night to break even," Chuck explained. He continued, "We do need to get a beer license to sell alcohol. Gene [Townsend] spoke to Brian Gootkin who said he would sign off on a license." Gene Townsend interrupted, "I spoke with Sheriff Gootkin who said he didn't have a problem but he would want to talk to the City's Attorney, Susan Swimley, first." Chuck continued, "The stock and security contractors are on board to work the rodeo. As a Board we decided not to serve food so we would offer food trucks to come in and provide food to the spectators. We checked with the local food trucks, who are both on board to come in. But what's the public support? We took a ballot box at the café, we had a survey online and Facebook and personally spoke to the public. Overall, 89% were supportive of holding a rodeo."

Chuck Wambeke reported that of those living and working in Three Forks 88.2% support holding the rodeo and 84.1% would attend. Even those over 65 years of age: roughly 82% support and 69% said they would attend. "In going through the Central Business District, I spoke with 16 business owners, 15 were supportive. One I spoke with, (and a second here tonight at this meeting spoke in concern so 17 business owners total) said that their Main Street business is not her primary source of income," Chuck said.

The Rodeo Board met last night to relay this recommendation to the Council: Wait until July 1st to make any decision, and if there has been a Governor announcement that Montana will be in Phase 3 by the scheduled rodeo date (which is July 17th & 18th) then the rodeo be held. If not, we tentatively postpone until August 28th & 29th, and confirm such on August 8th. So, by close of business on August 7th, if the Governor's office has announced Montana will be in Phase 3 by August 28th & 29th, then we hold it then, otherwise cancel it."

Deb Mickelberry asked Chuck is they could still get their stock on short notice of August 8th. Chuck answered yes. Chuck added he spoke with the restaurant manager of Pompey's Grill and the Sacajawea, Matt Isreal, and the owner of the Plaza Bar, Eric Raube, who would like at least two weeks' notice. Deb Mickelberry said all other rodeos have cancelled - will there even be participants? Chuck answered yes, the stock contractors are still eager to hold rodeos so they are anticipating participants. He added,

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"Big Timber will hold their rodeo in Phase 2, and Ennis are still planning their rodeo over Fourth of July. Choteau still plans to hold theirs as well. The Rodeo Board wants to see us in Phase 3 in order to hold a rodeo." Dennis Nelson asked for clarification on Chuck's description of Phase 3, as far as unlimited people - no social distancing, is this a cast in stone description you are getting from Helena and the Governor? Chuck answered it is based on the Governor's directive. Erin Schattauer asked Susan Swimley about the beer license Sheriff Gootkin is deferring to her, "What are your thoughts?" Susan Swimley said she is more than willing to work with the Rodeo Board on completing the application for the liquor license as long as the City is not the liable party. Erin asked if the disclaimer Chuck mentioned on the tickets (hold harmless language) sufficient. Susan said, "In Phase 3 the only restriction is that those who are vulnerable remain home and take precautions. So, I think any disclaimer would be fine."

There was no public comment at City Hall. Matt Bugland spoke via Zoom and stated it was a great opportunity for those who are excited to get out and participate. One recommendation he would make is that we open up the online failsafe to preserve rodeos past, present and future: let them buy tickets online and make donations. It is an open air environment and I believe it would be ok to hold during Phase 2. Brooke Luegers spoke the Chamber is in support - if the rodeo goes forward the Chamber would follow suit and piggy back with the Rodeo Dayz (street dance, street fair, parade, or a variety of those, etc.) We hope it brings the economy back and so we fully support it.

Mayor Gifford read a letter of concern into the record from the City's Public Works employees regarding more overtime to clean up than normally spent, with so many other events across the State being cancelled. He then read a letter from Eric & Angie Raube (owners of the Plaza Bar) stating support of postponing the rodeo until the end of August. Mayor Gifford read another letter from Jenae Israel stating the rodeo to be non-essential and concerned with other events being cancelled around the State that we will have a high number in attendance in town. He also read a letter from Tara Forsberg, owner of Stageline Pizza, who spoke in concern if the community can handle a potential record number in attendance safely. She questioned if the businesses could handle going back to Phase 1 with most being shut down if we were to have an outbreak of COVID, let alone parents going back to homeschooling, not being able to go to gyms, or get haircuts. She encouraged cancelling the rodeo in hopes this virus dies down so we can resume some sense of normalcy in 2021.

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Public Comment: Tara Forsberg echoed her letter, urging the Council to cancel this year's rodeo. Karen Cobb spoke in concern as well that even if the rodeo is postponed to August, it still will attract a large crowd with the potential of bringing the virus here. Kelly Bugland spoke that just because we do not hold an event, that will not encourage people to not come to Three Forks. "Unless we close our borders completely to visitors, we should go out and enjoy life," Kelly said. Brooke Luegers spoke that the Chamber decision was to allow the community to participate or not. Tara Forsberg is on the Board and she was in support of allowing the businesses to decide to participate or not. Mayor Gifford closed public comment after verifying there were no other comments on Facebook at that time.

Rebuttal: Chuck Wambeke urged the Council not to cancel the rodeo, "It's our source of revenue and we have half a million dollars worth of bleachers sitting down there now that we will have ramifications of that decision to not hold a rodeo and how to pay for them."

George Chancellor said he believes he could support an August rodeo. "July has too many "ifs" in it, but if we will be in Phase 3 I could support a later date," George said. Mayor Gifford said he would support whatever the Council will decide, but he prefers they push the rodeo out to a later date as the State will eventually be in Phase 3 and that would be a safer time to hold a rodeo. The Mayor stated he is not "anti-rodeo" but he has done a lot of calling to other communities to see what they are doing, and spoken with the public a lot in hopes of doing this the right, and smart way. Deb Mickelberry asked if Phase 3 only allows 500 people in a large group, will the Rodeo Board be back to the Council asking them to still hold the rodeo. Chuck Wambeke answered the Board is assuming the opportunity for large groups without a limitation of group size at the end of August in order to hold this year's rodeo. Dennis Nelson said he wants to keep the community safe and Gallatin County keeps seeing new cases every day. "The virus is coming and there's nothing we can do to stop it," he said. Dennis would support an August date, but not July as scheduled. He likes the Board's recommendation of having two weeks' notice to order supplies and prepare or call it off. Erin Schattauer said she is all for the rodeo and was very excited about having new bleachers, however it is a very different world right now. "I have never lived through a pandemic and I have no idea what the future holds for us," Erin said. She is concerned that even if we are in Phase 3, we still will not know how big an event this will be as everyone will want to get out and

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about again. Erin stated she supports reevaluating this in early August and see what happens in other places, like Ennis' rodeo.

Councilman Chancellor made a motion under the condition we are in Phase 3 and there are no gathering restrictions that we hold the rodeo in the month of August, 28th & 29th of August. Councilman Nelson seconded the motion.

Motion Passed Unanimously.

Board Appointments:

Library Board & Board of Adjustments

Mayor Gifford read the board appointment memo into the record.

Councilman Nelson made a motion to appoint Diana Wainwright to the Library Board of Trustees, and Brooke Chancellor to the Board of Adjustments for the terms described in the memo. Councilwoman Schattauer seconded the motion.

Motion Passed 4:0, 1 abstention (Councilman Chancellor abstained since Brooke is his wife).

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

MAYOR & COUNCIL ANNOUNCEMENTS

Erin Schattauer read a letter into the record regarding the injustices occurring nationwide. She requested the Council look into its policies and follow the Gallatin County Sheriff's Office in stating to the community they practice stringent practices. Mayor Gifford suggested this go to the Public Safety Committee. Erin asked this be on a future agenda for the Council to task that Committee with reviewing and updating its policies to ensure they are current and to prohibit racial profiling and use-of-force.

Gene Townsend thanked Cub Scout Pack 3523 for hanging a variety of different birdfeeders they had made, as well as picked up trash all along the Headwaters Trail System, last Saturday on National Trails Day.

Gene would also like to meet with the Parks Committee soon as we have 3-4 trees that have not budded yet and he believes they have died and will want to replace them. Mayor Gifford said the City has not spent its Arbor Day grant money yet this fiscal year. Gene asked how much that grant was;

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Mayor Gifford said \$750.00. George Chancellor asked how many trees we could purchase for that much. Kelly Smith answered typically 2-3 trees are purchased. George argued he just purchased one and is going to be planted and it cost him about that much. Gene teased, "We're not that lazy George, we plant our own trees." The room laughed. Matt Bugland said anyone who wants to dig up the mature trees next to the quilt shop can have them.

Mayor Gifford said Wagner's Nursery is repairing the planter box on the "pork chop" which was damaged last year. Kelly Smith explained it was approved by the Department of Transportation but needs to be smaller.

Mayor Gifford said he would like to see Gloria Howland serve on another board. She politely declined at this time.

AGENDA ITEMS FOR NEXT COUNCIL MEETINGS: 6/23

(Nothing scheduled at this time.)

ADJOURNMENT

Councilman Nelson moved to adjourn. Councilman Chancellor seconded the motion.

Motion Passed Unanimously. (Meeting adjourned at 8:51PM.)

Sean Gifford, Mayor

Crystal Turner, City Clerk

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JULY 14TH, 2020, 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 being used due to COVID-19 and social distancing guidelines.) The meeting was presided over by Mayor Gifford. The Mayor called the meeting to order at 7:00 P.M. He reminded the audience this meeting was recorded, Zoomed, as well as streamed on our Facebook page.

ROLL CALL: Mayor Gifford and City Council members George Chancellor, Deb Mickelberry, and Dennis Nelson were present at City Hall. Gene Townsend, Steve Dahl and Erin Schattauer were present via Zoom. City Treasurer Kelly Smith, City Clerk Crystal Turner and Gallatin County Sheriff Sgt. Dan McDonough were present.

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 Gifford.

GUESTS: Mike Lane, Chuck Wambeke, Gloria Howland

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

There were no public comments. The Mayor closed public comment.

CONSENT AGENDA

- ff. Claims Paid on June 30th for Fiscal Year Ending 6/2020, Includes Mailing Utility Bills in the Amount of \$37,809.17
- gg. Claims for Fiscal Year Ending 6/2020 paid in July Totaling \$28,647.02
- hh. Claims per List
- ii. Three Forks Rodeo Arena Claims Paid on June 30th for Fiscal Year Ending 6/2020 the Amount of \$62,602.97
- jj. Three Forks Rodeo Arena Claims for Fiscal Year Ending 6/2020 paid in July Totaling \$1,309.70
- kk. Three Forks Rodeo Arena Claims per List
- ll. Meeting Minutes of City Council 05/12/2020
- mm. Board of Adjustment Meeting Minutes 6/26/2019 and 10/9/2019
- nn. DNRC - RRGL Draw Request #1 in the Amount of \$15,000 Signed due to Timeliness
- oo. TSEP Draw Request #1 in the Amount of \$15,000 Signed due to Timeliness
- pp. Mayor to Sign Annual Financial Report (AFR) Engagement Letter with Craig Shepherd to Conduct FY19/20 AFR in the Amount of \$3,300

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qq. Mayor to Sign Project Agreement with FWP, Recreational Trails Program for \$60,000 Trails Grant

Dennis Nelson asked for more information on Claim #144899 for the Three Forks Rodeo Arena Board regarding ordering and purchasing coolers when it is uncertain if we will be having a rodeo this year. Chuck Wambeke answered it was authorized by the board as these items are a hot seller. The Board still anticipates having a rodeo, and they have a long lead time. Dennis accepted this justification but commented that it seems unnecessary during this uncertain time.

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

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on a Resolution Accepting the Withdrawal of Buttelman Ranches Petition for Annexation

Mayor Gifford read the resolution into the record in its entirety, noting it will be Resolution #323-2020. Crystal Turner explained the applicant has decided to create a smaller lot, with land already within the City's limits. The Council will see a boundary realignment application in the future.

There was no public comment at City Hall, nor on Facebook or Zoom.

Councilman Nelson motioned to accept Resolution #323-2020, acknowledging the withdrawal of the annexation petition for articles of incorporation for the Buttelman land ranch, Buttelman Ranch land description as drawn.

Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously.

Public Hearing and Presentation Regarding the Next Phase of the City's Water System Improvements Project

Susan Hayes gave a presentation on the City's water system improvement options for the second public hearing.

Susan Hayes of Great West Engineering then went through the presentation. Great West factored a 2% growth rate through the year 2040, estimated the population of roughly 3,188. That is the population number we will be using for demand, distribution, and size of the water system. We look at the demand needed if Well #2, our best producing well, were to be

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nonoperational. That number is 240-gallons per minute needed with Well #2 down. Susan continued by explaining in detail the phases and steps to be taken to acquire new land, drill a new well, test that well, and depending on the water's results, the treatment options. The Water & Sewer Committee met on April 28 and May 1 to review the possible options and have recommended to move forward with "Alternative S1 + Alternative T3" (found on page 13 of the Three Forks 2020 Water PER handout). This alternative would be completed in phases as well, with a total cost of \$3,140,000. This included the possible user rate increases per month. The City will submit grant applications in hopes to offset costs to the users to both the Treasurer State Endowment Program (TSEP) (max \$625,000 grant) and the Department of Natural Resource and Conservation (DNRC) (max \$125,000 grant). The City is likely eligible for State Revolving Fund (SRF) loan forgiveness as well which is up to \$500,000. The estimated water rate increase is \$20-21 per user if all grants and loan forgiveness is attained. With no grants or loan forgiveness is attained the estimated water rate increase would be between \$24-25 per month. The last portion of the engineering for this project is the environmental assessment. Susan stated she has already reached out to the local, state and federal agencies regarding the environmental impacts.

Next steps are to apply for the funding grants. Tonight's hearing is the second public outreach meeting. We will now work on the design while we are waiting to hear back from the funding agencies.

Steve Dahl asked about looping the water system - does this help with the brown water we see from time to time? Susan replied no, that is sediment that you are seeing and really needs to be removed. "You are talking about total suspended solids (TSS), but flushing of the lines helps best reduce sediment," Susan explained.

Gene Townsend asked how much room is available in the present Arsenic Treatment Plant building - would we have to expand the building footprint and is the present building suitable? Susan said we would need to expand it to add 4 more filters, but it would need a little larger space; she estimated \$15-20,000 for that expansion. Gene also clarified Susan reported the City would increase the capacity with the back washing but how would that affect our sewer? Susan responded it would not quite double it, but it will increase the water going to the wastewater treatment plant but nothing the system could not handle.

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Erin Schattauer verified Susan has included additional filters and expanding of the building in these costs. Susan said yes, she has. Erin also asked if anything aside from meetings, like funding sources, that could be affected by COVID-19. Craig Pozega answered that COVID could affect the State's revenues, so that is a difficult question to answer at this point. The State may not fund grant or loan programs as much as they have in past years because they may need to use the revenue towards COVID relief. Craig continued, "Some of you Council members have been through this numerous times - and each Legislative session someone tries to use TSEP funds to fill a hole somewhere else. We could see that again." Erin verified Craig means that nothing is finite yet, that funding sources may not be available. Craig said the City will be kept informed of what is going on at the Legislature and provide notice of hearings to comment on or even come to Helena to testify.

There was no public comment at City Hall, nor on Facebook or Zoom.

No action necessary at this step.

Public Hearing and Decision on a Resolution Accepting the Determination that an Environmental Assessment is Appropriate for the Water System Improvements Project

Mayor Gifford read what would be Resolution #325-2020 into the record in its entirety.

Councilman Townsend made a motion to accept the resolution. Councilwoman Schattauer seconded the motion. There was no public comment.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution Adopting a Detailed Preliminary Engineering Report on the Water System Improvements Project Conducted and Prepared by Great West Engineering, Inc.

Mayor Gifford read what would be Resolution #326-2020 into the record in its entirety.

Councilman Townsend made a motion to pass Resolution #326-2020.

Councilman Nelson seconded the motion. There was no public comment in City Hall, on Zoom or on Facebook.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported on the Water and Sewer Funds debt ratio, which she distributed to the Council and shared it on the screen. The final debt ratio in the Water Fund was 141% so we met the goal of 110%

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which meets our loan agreement. The Sewer Fund was at 155% meeting the sewer loan agreement debt compliance as well.

Kelly asked if the Water & Sewer Committee would be meeting again to finish the multi-residential units vs. number of meters discussion they began in February? Steve Dahl replied he would get it scheduled.

City Clerk Crystal Turner reported on the two construction quotes for City Hall repairs. She is recommending the higher quote at \$2,100 due to the lower quote does not include soffit and concrete repair where birds and wasps are getting into the City Hall attic. She also reported she is in process of gathering quotes for tree trimming on Main Street from Ash to Date to meet the State of Montana's needs for chip sealing. The State is requiring 20-foot high clearance when our ordinance only requires 7-feet. She also ordered sneeze guards for the City Hall front desks. Last, she reported on the Growth Policy Steering Committee recruitment efforts made so far: 18 letters of recruitment sent out today with roughly 6 living in the 1-mile jurisdiction, and advertised around town and in the Belgrade News. Chuck Wambeke volunteered to serve on this committee.

Gallatin County Sheriff Sgt. McDonough reported calls for service are increasing daily and he is going to bring back the call volume quarterly to the Council.

REPORTS FROM COUCIL COMMITTEES (if any)

Budget Committee - Dennis Nelson said they met last week to review the FY19/20 expenditures. He continued, "We did review the line items for the upcoming year to put the upcoming budget together. Kelly added a COVID account - this is so we can track our expenses due to the pandemic and then submit for reimbursement to County and FEMA. We also discussed raises for all employees at 2%. We looked at going into the upcoming year at the same dollar amount overall, but move it around. No increase in taxes. We are asking City Council to consider 5% reduction in all departments across the board." Kelly Smith explained the Three Forks Relief Association 10-year sunset to the Council. There will be a little reduction in people's City taxes due to the Relief Association not being taxed at 10 mills. Dennis continued, "We left the discussion of the rodeo bleacher funding alone until after we discuss that tonight."

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Mayor Gifford thanked the Budget Committee for its hard work, and for keeping the City "in the black". "Most cities can't say that," Mayor Gifford said.

Erin Schattauer read Alison Brennan's question (from Zoom) about the City's existing program to help low income families which was mentioned earlier. Mayor Gifford said the City receives monetary donations almost monthly from people who just say "apply that to someone who needs it". Craig Pozega informed the Council that USDA does have a program and said they will come and talk to communities about their program. However, he has not worked with any communities who have implemented or adopted it. "Representatives from USDA would probably be happy to come and talk about that but I know it's not easy to get, and not widely used," Craig said. Alison Brennan asked, "If someone wants to donate, how do they do that?" Mayor Gifford and Kelly Smith explained you can just send money to City Hall and say it is for any family in need, or specify someone if you wish. The City then sends a letter to the customer saying "An anonymous donation has been applied to your account". Mayor Gifford added that if anyone is having COVID-related issues they can come talk to him specifically to work something out.

Presumptive Coverage - Kelly Smith explained MMIA implemented an additional Workman's Compensation coverage that would cover the volunteers for fire-related cancer. The quote is \$191/volunteer firefighter. The Budget Committee felt this is a full Council decision and not just their call. Gene Townsend said he believe the Three Forks Rural Fire District bought a policy last year for cancer from the same company that covers their trucks, which may also cover the cancer. Kelly Smith asked if they would be willing to share the policy so we can ensure we are not both covering this, if the Council chooses to opt to purchase this policy. Gene will get a copy to Kelly Smith.

UNFINISHED BUSINESS

Discussion and Decision on Funding Three Forks Rodeo Arena Bleacher Project Pay Application #3 to Dant Clayton for \$379,040

Kelly Smith reported she received a letter from Rural Development denying us for the loan and grant we applied for in February. However, we heard verbally today that the Intercap loan is being submitted for approval at \$310,000. We need Susan Swimley to review the loan documents, and if we get the loan it can take up to four weeks to fund.

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Chuck Wambeke, President of the Three Forks Rodeo Arena board stated he read the letter from Rural Development today and thinks we should meet with them once more to talk that we proceeded in good faith and that we applied prior to ever beginning the project; to explain that everyone and Rural Development got sent home due to COVID but we were under a deadline to provide a notice to proceed. He offered to volunteer to have the conversation with Rural Development, the Council, Sean, and Kelly perhaps. "Let's put a team together to figure out the timeline of events and take them to Rural Development. I don't think it should be a done deal. I'm offering to help out with that," Chuck said.

Fundraising - we have been actively pursuing raising donations. We have raised just under \$70,000 and received another commitment today for \$10,000 bringing the total donations to almost \$80,000. "Our original goal was \$110,000, we have since increased that goal to \$120,000 goal to include Davis-Bacon wages and State permitting. We have done a print campaign, placed ads in the Lewis & Clark Journal and the Three Forks Voice, are holding an online campaign on our Facebook page. The Belgrade News and Three Forks Voice have been sharing that on their Facebook pages too. We made budget requests to the Governor's office, and the Federal Government designated \$1.5 million to Montana, so I sent in a request for funds and explained how we have been impacted on the bleacher project because of the COVID pandemic. I have not heard back from the Governor's office yet. I also submitted a request to Murdoch's for their community support funding. Murdoch's has asked for more information, which was provided last week and I am waiting to hear back on that now. Our board members have made lots of phone calls too," Chuck reported.

At last night's Rodeo board meeting they discussed the status and how best to move forward. We need another \$50,000 to fulfill our commitment. We reviewed and amended our call list and will continue pursuing that, as well as online and print campaigns. The board has received requests for "naming rights" and if one donated a significant amount of money could they name the grandstand? "I didn't feel comfortable answering that question so am bringing that question to the Council. We have told businesses that have contributed these are advertising dollars but not made specific promises yet. We will advertise but we aren't sure what that looks like yet, but these businesses will get a lot of lip service for the business donations," Chuck said.

Chuck asked if the Board could sell non-refundable tickets to the rodeo scheduled for the end of August? "We still anticipate holding a rodeo on

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August 28 & 29th; and we know we have to be in Phase 3. We would like to start our typical rodeo campaign and move forward with online ticket sales at regular prices, with the caveat that if the rodeo gets cancelled due to the pandemic we tell people up front that we are using that to the bleacher fund."

George Chancellor said, "You sold us on the bleacher project, and I'm pretty much going to shove this back in your lap. You take care of meeting with Rural Development, and I don't think you need our permission to name the project." Crystal Turner interjected as a side note to naming City-owned facilities, that if the Council decides it is OK to name the bleachers (based on a sizeable donation) she would believe the Council would need to formalize the name via a resolution, like the Council did when it renamed Milwaukee Park to John Q. Adams Railroad Park.

Chuck replied to George that he does not think he should be the only one to go talk to Rural Development (RD). Kelly Smith said she has spoken with them, "We broke 3 of their rules and I didn't get the feeling they were willing to negotiate and see if they'll reconsider." Mayor Gifford said he is not trying to be pessimistic, but he thinks they are not willing to reconsider. However, he offered to call in with Chuck to speak with the RD representatives.

Deb Mickelberry spoke that she does not want the City to miss the InterCap loan opportunity. Chuck replied, "Let's still pursue that but also go talk to RD."

Kelly Smith asked if the Board had decided something at their last meeting regarding recognition for various donation sizes; she heard rumors of \$5,000-\$9,999 being on a donation wall [and other recognition for higher increments]. "What is the procedure and the increment amounts?" she asked. Chuck explained they talked about it but have not finalized anything yet.

Kelly Smith explained the InterCap loan would be for \$310,000, with terms of 10 years at a 2.5% adjustable rate (which is adjusted every February); the annual payment would be around \$34-36,000 payment. Mayor Gifford said he feels more comfortable with a 10-year term so the City is not burdened with the debt for a long term. He warned the Rodeo board to be careful about ticket sale language so it is very clear that no refunds will be given. Erin Schattauer requested to review the wording for early ticket

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sales/bleacher fundraiser (if the rodeo is cancelled) prior to advertising that. Steve Dahl agreed with Erin.

Chuck asked about communications with Dant Clayton - whose invoice is due 7/25, "If we aren't getting funding until August, I offer to talk to Dant Clayton to negotiate and explain our situation, and shoot for 0% interest, no late fee, and ask if a partial payment would be acceptable."

Councilwoman Mickelberry moved to move forward with the [InterCap] loan, and the tickets after reviewing verbiage. Councilman Nelson seconded the motion.

Motion passed 5:1, Councilwoman Schattauer opposed.

Directing Public Safety Committee to Review Personnel Policy's Sections Regarding Harassment, Discrimination, Use of Force, et al

Erin Schattauer thanked Dan McDonough for his attention and time to this matter. Erin said, "The Gallatin County Sheriff Office is revamping policies on use of force - it is going up for review and approval with the Sheriff. I would like to schedule a meeting of the Public Safety Committee to review those policies, and invite Sgt. McDonough to talk to us about the policies employed by the Sheriff Office." (Gene Townsend, Steve Dahl and Erin comprise the committee.) Gene will take the lead and schedule a meeting and invite Sgt. McDonough to setup a meeting at the earliest time.

George Chancellor asked why we are spending city time and money to review Sheriff Office policies. Erin replied, "Because they are reviewing and amending their policies now and we employ the Sheriff Office; I'd like the City to have input before they adopt them."

NEW BUSINESS

Presentation from Northern Rocky Economic Development District (NRMEDD) Regarding COVID Response Efforts

Rob Gilmore, Director of the NRMEDD, reported the District was tasked to help measure the impacts of COVID and assess the local economic condition. "To make that happen we launched surveys in April and May. The business community was actually very cooperative, we received more than 440 business responses - and including 11 from Three Forks," Rob said. "The surveys reviewed produced more than 1,000 pages of business data - this information was used to base our Team's action plans; for example, the surveys identified 150 businesses that needed further assistance. For each request we worked with local banks, public entities, and chambers to

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coordinate resources for each of the companies. In the end we did not find a single company that we felt was left without resources."

He reported results from some of the questions:

Q2 - Early in the pandemic we needed to know business status // and the first bits of info were encouraging:

87% said they were open or planned to reopen
10% said they were mostly closed or not sure when they will reopen (these were mostly phase III companies who could not open)
3% of companies said they were fully closed, and had no plans to reopen

Q3 - We needed to know if companies were adding or losing employees?
78%, had no change in number of employees or added employees during the virus - actually 5% added employees
22% permanently reduced employees

Q10 - We asked companies to rate their economic condition?
41% said they could sustain through the crisis
57% said they were concerned for their viability - mostly financing, PPP

Q12 - We asked what are you most dependent upon?
41% indicated tourism is the single biggest dependency, but we received 102 comments detailing economic dependencies

Q13 - What phase are you eligible to reopen?
90% said they would be eligible to open in either phase I or phase II
10% said they would have to wait until phase III to reopen

In addition to surveys our organization also formed the Southwest Montana Lighthouse Committee - the purpose is to have a standing group of individuals that are willing to respond to monthly questions about key economic and social matters.

Last week we received the following feedback from the Lighthouse committee:

- 88% said more of their recent purchases are online and out of the area.
- 74% are still moving freely throughout the community
- 83% think it is wise that public events and venues are closed.
- 63% think strong measures are needed to prevent the spread of COVID-19
- 53% have constant stress in their lives resulting from COVID
- 71% have confidence in the leadership of local and state leaders

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- There was almost no confidence in national leadership
- 19% have no confidence in government leadership
- 67% believe the virus is not contained, that public health and the economy are likely to get worse.

There were 2,700 paycheck protection loans given.

Rob closed with, "We have no illusions the virus is far from over, we have not seen the worst impact yet, and that our business development work is only in the early stages." (See packet for full report.)

**Council Approval of Three Forks Volunteer Firefighter Officer
Appointments: Chief Keith Aune, Assistant Chief John Whitesitt, and
Secretary Josh Miller**

Councilman Nelson moved we approve the Three Forks Volunteer Fire Department officer appointments of Keith Aune as Chief, John Whitesitt and Assistant Chief and Josh Miller as Secretary. Councilman Chancellor seconded the motion. There was no public comment.

Motion Passed Unanimously.

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

Gloria Howland complained that we are still experiencing fireworks popping off daily throughout town.

MAYOR & COUNCIL ANNOUNCEMENTS

Gene Townsend reported the City crew, with the Arbor Day funds, purchased and planted four new trees: 1 at Bellach Park (ponds), and three at John Q. Adams park by the "Welcome to Three Forks" sign. Gene also reported he received a letter from the Department of Revenue (which had been an outstanding action item of his from the City Attorney), which says, "Headwaters Trail System: we have approved your tax-exempt status."

Gene also wanted to follow up on fireworks, especially considering Gloria Howland's comment. "Does anybody besides me believe we need to review our fireworks ordinance? Mainly because fireworks have changed greatly since I was a kid. I'm not opposed to fireworks, but we heard them starting July 2nd, and are still hearing them even last night. Fireworks have changed in size and I guess they are large and make lots of noise and I probably personally know at least 10 people (mostly animal owners)

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requesting changes to this ordinance," Gene stated. If he asked the ordinance committee to meet would everyone be willing to discuss this? (They answered yes.) Sgt. McDonough said he would like to be at the meeting too when Gene coordinates it.

Erin Schattauer thanked the City for having the dumpsters at the ponds over the Independence Day weekend. "I think it was much less of a mess there after the 4th than in year's past," Erin said.

She also questioned testing for COVID in our wastewater and how that works. Mayor Gifford explained we have not received our results from last week yet, but results from sixth test showed a slight trace of COVID. "Typically, what they've seen after a slight trace is a positive result, which can help the medical profession prepare for larger outbreaks. It's just a diagnostic tool that if we have large outbreaks, we can get more manpower here to do COVID site testing in Three Forks for instance. We have not triggered that need yet," Mayor Gifford explained. When the mayor gets more information he will send it on to the Council members. Other community results are posted on the County Health Department's website. Mayor Gifford said, "It's rumors spreading on social media that we have COVID. We are still testing; they don't stop because they found positive cases," said Mayor Gifford.

Mayor Gifford then showed off the drug take back box we acquired at City Hall. The Missouri River Drug Task Force was awarded grants to place these boxes in various locations across the County to help keep unused prescription medications out of our wastewater (which eventually returns to the rivers). He also said the City staff purchased a new disinfectant called Maxxclean to disinfect the parks' playground equipment. He would like to keep Heidi Jones-Magee cleaning parks and checking inventory of the playground equipment and cleaning up broken glass. Maxxclean claims to disinfect and last 4 days. We are using it at City Hall as well to disinfect all the furniture and door handles.

AGENDA ITEMS FOR NEXT COUNCIL MEETINGS: 7/28

- Resolution for Intercap loan for the Bleacher Project
- Resolutions for the Annual Assessment and Levy of Street Maintenance Districts #1 and #2 and Street Light District #1

ADJOURNMENT

**** Page 106 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL
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Councilmen Chancellor and Townsend moved to adjourn in unison. Councilman Chancellor seconded the motion.

Motion Passed Unanimously. (Meeting adjourned at 9:05PM.)

Sean Gifford, Mayor

Crystal Turner, City Clerk

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JULY 28TH, 2020, 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 being used due to COVID-19 and social distancing guidelines.) The meeting was presided over by Mayor Gifford. The Mayor called the meeting to order at 7:00 P.M. He reminded the audience this meeting was recorded, Zoomed, and streamed on our Facebook page.

ROLL CALL: City Council members George Chancellor, Deb Mickelberry, and Dennis Nelson were present at City Hall, as well as City Treasurer Kelly Smith and City Clerk Crystal Turner. Mayor Gifford, Gene Townsend, Steve Dahl and Erin Schattauer were present via Zoom.

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 Gifford.

GUESTS: Gloria Howland

Because Mayor Gifford was having issues via Zoom. Council President Dennis Nelson presided over the meeting until Mayor Gifford could log back into Zoom.

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

There were no public comments. President Nelson closed public comment.

CONSENT AGENDA

- rr. June FY19/20 Claims
- ss. Claims per List
- tt. Three Forks Rodeo Arena June FY19/20 Claims
- uu. Three Forks Rodeo Arena Claims per List
- vv. Meeting Minutes of City Council 06/09/2020
- ww. Interlocal Agreement with the Three Forks Dike & Drain District to have the City Store and House the District's Records
- xx. Pledged Security Report as of June 30, 2020
- yy. Sign a Contract with TD&H Engineering Regarding the Three Forks Trails - Jefferson Street Connection Engineering Proposal for \$12,000

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

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Motion Passed Unanimously.

(Mayor Gifford resumed presiding over the meeting.)

PUBLIC HEARINGS

Public Hearing and Decision on a Resolution Authorizing Participation in the State of Montana Annual Adjustable Rate Tender Option Municipal Finance Consolidation Ace Bonds (Intercap Program) Approving the Form and Terms of the Loan Agreement and authorizing the Execution and Delivery of Documents Related Thereto for the Three Forks Rodeo Arena Bleacher Project

Mayor Gifford read the resolution into the record in its entirety. This resolution will be #327-2020 if approved.

Deb Mickelberry asked if Susan Swimley had reviewed the loan yet. Kelly Smith said Susan has reviewed the resolution and is still reviewing the loan documents.

Councilman Nelson moved to approve Resolution #327-2020, a resolution authorizing participation in the State of Montana annual adjustable rate tender option municipal finance consolidation ace bonds, and approving the form and terms. Councilman Dahl seconded the motion. There was no public.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution of the Three Forks City Council Adopting & Levying the Assessments for the 2020-2021 Street Maintenance District #1

Mayor Gifford read the resolution into the record in its entirety. This resolution will be #328-2020 if approved.

Gene Townsend asked if there had been any objections received. Kelly Smith replied that none had been received at City Hall. Dennis Nelson asked what the total amount taxed was last year, "I think it was \$46,900?" Kelly Smith said she increased it 2%.

Councilman Townsend moved to approve a resolution adopting and levying the assessments for 2020-2021 Street Maintenance District #1, I believe resolution is #328-2020. Councilman Nelson seconded the motion.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution of the Three Forks City Council Adopting & Levying the Assessments for the 2020-2021 Street Maintenance District #2 (Ridge View)

City Clerk Crystal Turner read the resolution into the record in its entirety. This resolution will be #329-2020 if approved.

Councilman Nelson moved we approve Resolution #329-2020 a resolution of the Three Forks City Council adopting and levying the assessments for the

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2020-2021 Street Maintenance District #2 Ridge View Subdivision.
Councilman Chancellor seconded the motion. No further discussion nor public comment.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution of the Three Forks City Council Adopting & Levying the Assessments for the 2020-2021 Street Lighting District #1

City Clerk Crystal Turner read the resolution into the record in its entirety. This resolution will be #330-2020 if approved. Crystal said the reason we do these so early is because we must get the totals to the County Treasurer to verify the splits to each lot in advance of her creating the actual tax bills.

Councilman Townsend made a motion to accept resolution #330-2020 the street light assessments for this year. Councilwoman Mickelberry seconded the motion. There was no public comment.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Clerk Crystal Tuner had nothing significant to report.

City Treasurer Kelly Smith reported she has submitted for COVID reimbursements in the amount of roughly \$5,000 but said it looks like we will only get \$4,000 back. She said, "They won't cover the special Council meeting, they won't cover gas for the Code Enforcement Officer because it was already budgeted."

Kelly also reported we have had several Steering Committee applications submitted and if anyone else is interested please send them to City Hall.

"Tomorrow we should have our reports from the County for our June property taxes so we'll know how we ended for the year. Then I will get the year end info to Craig Shepherd to do the AFR," Kelly said then added, "Tonight was the Intercap loan, so I will start the loan documents A.S.A.P. If the Council is OK with it, we would like to send Dant Clayton their payment as soon as the loan is funded because we have already received one collection call." Gene Townsend said he does not have a problem with paying ahead of the Council meeting and ratifying that action on the next agenda. Dennis Nelson agreed. Erin Schattauer asked how the fundraising efforts are going. Kelly Smith said we have not received much this week, but the Board members are still soliciting funds.

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George Chancellor said he believed the Council asked for a monthly report. Crystal Turner explained Chuck Wambeke said he would try and Zoom into the meeting, but he was traveling so just must not have been able to log in this evening. Gene (on behalf of the Board) said he and Mike Lane are still soliciting folks almost daily. Gene plans to reach out to Marcia Anderson's daughter (Marcia's husband owned the C.A. Ranch), even though Marcia has passed on the family was really supportive of projects in Three Forks, "I just don't want to leave a message on a voicemail though," Gene said. George asked if anything came from the pre-ticket sales idea. Gene said, "It is my understanding the Council really didn't want us to do that? Maybe I was mistaken. That part was Christina and Chuck's to handle so I can't speak to that. As I recall they didn't want to charge for a fundraiser if the Council was going to decide to cancel the rodeo."

(Diana Johnson of the Belgrade News joined the meeting via zoom 7:23)

REPORTS FROM COUCIL COMMITTEES (if any)

Water & Sewer Committee - Steve Dahl said they held a meeting today trying to wrap their brains around residential vs. commercial-residential (multi-family homes) and the number of meters on each. "We had public input today which added more to our list of things to consider. We will get with Kelly [Smith] again to try to come up with a way to proceed," Steve reported. On Friday morning he will come to City Hall to meet with Kelly. Dennis Nelson added the Committee needs a sound definition of residential or commercial - like anything over 5 residences in one building, or hotel/motel, before proceeding.

UNFINISHED BUSINESS

Council Decision on a Recommendation by the Three Forks Rodeo Arena Board to Hold, Cancel or Postpone the 2020 Rodeo

Mayor Gifford (who was now in City Hall since his internet connection was not strong) reported he received a few emails last week from the bar owners, based on planning purposes, requesting to have this decision sooner than August 11.

Deb Mickelberry stated she thought the City Council had already decided we [Montana] had to be in Phase 3 in order to hold a rodeo. Mayor Gifford said yes, and it is not looking promising to be there by end of August. However, some bar/restaurant owners are asking for a solid decision now.

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He said he wished he had Phase 3 criteria to read to the Council. Crystal Turner looked it up online and read it aloud:

- For ALL INDIVIDUALS there is no limit on group size, however everyone should consider minimizing contact time with others and limit time spent in crowded environments.
- OUTDOOR RECREATION Interstate tourism travel resumes. Campground, group-use facilities, playgrounds and visitor centers are fully open.

Gene Townsend said, "I really feel it is not in the best interest for the people in Three Forks for us to hold this rodeo. I don't think it's going to get any better. I don't see us going to Phase 3, in fact I worry about us going back to Phase 1. I say it's time to throw the towel in and not have a rodeo - and just continue fundraising."

Deb Mickelberry said she agreed.

Erin Schattauer agreed with, "I don't see us going to Phase 3, and yes perhaps going backwards with case numbers increasing. I would rather see our local businesses stay open by being safe."

Dennis Nelson agreed. "I don't foresee Phase 3 [at the end of August] and I would be opposed to trying to put on a rodeo which may have a lot of problems," he said.

Steve Dahl agreed to cancelling the rodeo at this time.

Public Comment - Gloria Howland agreed the rodeo should be cancelled.

Councilwoman Schattauer moved to cancel the 2020 rodeo. Councilman Chancellor seconded the motion. There was no further public comment, nor any comments to read into the record from Facebook or Zoom.

Motion Passed Unanimously.

NEW BUSINESS

Board Appointments: Three Forks Rodeo Arena Board of Directors

Mayor Gifford read the board appointment memo into the record.

Councilman Nelson Moved that we accept, well appoint, Gene Townsend and Preston "Whobee" Hughes for the extended three-year term for the Three Forks Rodeo Board. Councilman Chancellor seconded the motion.

Motion Passed 5:0, Gene Townsend abstained.

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Board Appointments: Library Board of Trustees

Mayor Gifford read the board appointment memo into the record.

George Chancellor asked if there are any comments on Angela's job so far? Kelly Smith replied that she has heard a number of positive comments about what Angela has brought to the board.

Councilman Chancellor made a motion that we retain Angela Lehr on the Library Board of Trustees. Councilman Townsend seconded the motion.

Motion Passed Unanimously.

Council Appointment of Jorgen Bjerckness as a Probationary Firefighter

Crystal Turner explained the City also received an application from Ian Dauberspeck last Friday - which was after the deadline of adding him to the agenda. "However, he completed his background check and with this kind of agenda item never having negative public input, I wonder if the Council might approve both Jorgen and Ian to probationary firefighters?" Crystal asked the Council.

Councilman Nelson moved to approve both Jorgen [Bjerckness] and Ian [Dauberspeck], both who have passed their background checks, so that Crystal can prepare the paperwork and both can attend training on Friday. Councilwoman Schattauer seconded the motion.

Motion Passed Unanimously.

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

There was no public comment or concerns for anything not on the agenda. Mayor Gifford closed public comment.

MAYOR & COUNCIL ANNOUNCEMENTS

Erin Schattauer thanked everyone who volunteers to be on boards and to serve as firefighters. Thank you!!

There were no other Council announcements.

Mayor Gifford thanked everyone for taking care of the City while he was out of town last week taking wounded veterans down the river fishing with the Warriors on Quiet Waters group. George Chancellor asked how the flow was on the Smith [River]? Sean said, "It's getting low, but we didn't have to drag the boats for miles. Fishing was really good."

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AGENDA ITEMS FOR NEXT COUNCIL MEETINGS: 8/11

- Resolution amending the FY19/20 Budget
- Resolution adopting the preliminary FY20/21 budget
- Public Hearing and Decision on a request by Alison Brenan for a CUP for backyard agriculture
- Public Hearing and Decision on a request by Roland Deane Jr for a CUP for an apartment at Sky View Storage

Crystal Turner explained the first bullet is not written on the Council's 7/28/2020 agenda, however we will amend the numbers of the previous budget prior to adopting the current fiscal year's budget. Dennis Nelson said he wants to have another Budget Committee meeting before 8/11. Gene Townsend would like to comment on the 2% raise for employees as previously suggested. "I felt it's a little light. Should I wait until the August Council meeting? Or can I input that earlier - I think the rest of the Council should know I feel: I think or employees do an excellent job and think they deserve better than a small cost-of-living adjustment," Gene said. Dennis Nelson agreed and said the 2% was just a suggestion. He would be happy to entertain more comments from the other Council members as soon as Kelly and Crystal get it input into the computer.

ADJOURNMENT

Councilman Nelson moved to adjourn. Councilman Chancellor seconded the motion.

Motion Passed Unanimously. (Meeting adjourned at 7:45PM.)

Sean Gifford, Mayor

Crystal Turner, City Clerk

AUGUST 11TH, 2020, 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 being used due to COVID-19 and social distancing guidelines.) The meeting was presided over by Mayor Gifford. The Mayor called the meeting to order at 7:00 P.M. He reminded the audience this meeting was recorded, Zoomed, and streamed on our Facebook page.

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ROLL CALL: Mayor Sean Gifford, City Council members Deb Mickelberry, and Dennis Nelson, as well as City Treasurer Kelly Smith, City Clerk Crystal Turner, and Sgt. Dan McDonough were present at City Hall. Gene Townsend, Steve Dahl, Erin Schattauer, and City Attorney Susan Swimley were present via Zoom. George Chancellor was excused.

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 Gifford.

GUESTS: Roland Deane and Gloria Howland were present at City Hall, and Mable Deane via Zoom.

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

There were no public comments. Mayor Gifford closed public comment.

CONSENT AGENDA

- zz. Claims Paid due to Timeliness to Mail Utility Bills in the Amount of \$160.65
- aaa. Claims per List
- bbb. Three Forks Rodeo Arena Claims per List
- ccc. Meeting Minutes of City Council 07/14/2020
- ddd. Audit Engagement Letter with Rudd & Company to Conduct FY 2019-2020 Audit
- eee. Request for a Common Boundary Relocation Exempt from Subdivision Review by Buttelman Ranch Inc.

Councilman Nelson moved to approve the Consent Agenda. Councilman Townsend seconded the motion. There was no public comment.

Motion Passed Unanimously.

UNFINISHED BUSINESS

Update from Budget Committee Regarding FY 2020-2021 (Meeting Held 8/11/2020 at 3PM)

Dennis Nelson recapped the Committee's input of the preliminary proposed budget from the meeting held at 3PM today. The Committee reviewed last year's expenditures department by department and he asked Kelly Smith to

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finish the report by highlighting the changes and observations the Committee is proposing.

Kelly Smith said the main thing she would like to point out to the Council is she has suggested paying off a Water loan (Series 06 Drinking Water) five years early. This only has \$125,000 remaining, and the Water fund has cash to cover it, as well as it would reduce the debt demand in the monthly rates by \$2/month per user. This may be beneficial in the upcoming fiscal year as the City considers water rate increases for the water project discussed in June and July. She noted the Fire Department has requested more in their Personal Protective Equipment (PPE) line item because of new volunteer firefighters. "We received the Department of Revenue's mill value and the mills came in at \$2,889 so we will have about \$10,000 additional tax revenue," Kelly said. "Everything else we are leaving close to what last year's budget was. There is no new equipment budgeted this year (no mini-excavator or truck like last year). We did budget for the water rights attorney in the water fund," she said.

Dennis also reported the Capital Improvement Fund for Streets has been co-designated for Floodplain in the event there are additional expenses regarding floodplain mitigation. The Committee is recommending revenue disbursements from the City's checking account interest to go to the Water Fund; State Entitlement will be distributed just like it was last year. Kelly explained Imerys has a 20-year agreement for city services before they are required to annex, so this would be the last year she believes the City will get Imerys' money in lieu of taxes. Susan Swimley confirmed the agreement expires March 2021. "We are unsure of that income at this point after the annexation or if it gets hung up due to their bankruptcy," Kelly said. Dennis added the Growth Policy is coming up so we will have more expenses there and the Council should designate revenue to the various Capital Improvement Plans' funds based on the Growth Policy rewrite. The Committee suggests leaving the cell tower lease [at the water tank] designated towards the Trails fund this year. Kelly Smith also updated the budget for vacation/sick leave payout fund just in case everyone quits or retires all in the same year. "We increased the Pandemic account as COVID continues to hang around," she said.

Regarding staff raises this year Dennis said, "We started out at [a suggested staff cost of living (COLA) increase] 2%, and took Gene's comment from last week about a higher raise - we'd like the Council's input on raises. Crystal's research showed 2.4% as the average national COLA, but she also did research on resort towns, and Gallatin County is a

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more expensive location to live. I would like to hear the Council's thoughts." Gene Townsend commented, "I don't think that's quite significant. I've been following the price of groceries and food products - all of us have seen this price increase. All our employees eat and I would like to see the City employees get a 3.5% raise this year. In 1976, when I joined the City Council the wages were \$25.00 a meeting. In 44 years, they have only increased to \$70.00 a meeting. I would also like to see that rate increase to \$100.00 a meeting. We have been meeting once a month quite often, so I don't think it will be a severe impact but I also think the Council members do a significant amount of work and put in a lot of their time and I feel we should get paid for that," Gene said. Kelly explained for every .5% increase in wages, it roughly raises the budget (all the funds paying into salary) about \$1,500/year. Erin Schattauer asked for more information on how many full time employees the City has. Kelly explained we have 6, but this does not include the Library. However, the roughly \$1,500 does include the Judge and part time staff (Code Enforcement, Janitor). Kelly explained the Library sets its own hourly wage amounts for its employees and once that Board makes its recommendation to the Council, we will include it in the budget as well. Gene added he, "Spends time with employees around town and in the office and I really feel we have a great bunch of city employees. I've never been told they can't do something; they don't say *can't do something* ever. You see these people in the community all the time; they are working hard. I really appreciate their hard work." Gene said. Dennis Nelson agreed. Erin Schattauer said she agrees with a 3.5% increase.

Councilman Nelson made a motion that we approve the resolution to increase the wages for all full time city employees, and part time employees, to increase 3.5% and would also like to include in that motion that the City Council members be raised to \$100.00 per meeting per month. Councilman Townsend seconded the motion. (To be heard on 8/25/2020 or 9/8/2020.) There was no public comment on Zoom or Facebook, and no public comment in city hall.

Motion Passed Unanimously.

With nothing else from Budget Committee, Mayor Gifford gave his compliments to the City employees for the past years' work. Mayor Gifford also thanked the staff as well and the Budget Committee for its effort in putting forth this fiscal year's budget.

PUBLIC HEARINGS

CITY OF THREE FORKS, MONTANA, ALL OF 2020

Public Hearing and Decision on a Resolution Amending the 2019-2020 Budget to Acknowledge Unanticipated Revenues and Amend Expenditures Exceeding the Original Appropriations

Kelly Smith explained to the Council the purpose of this resolution - at the end of each fiscal year, if the City went over expenditures we have to acknowledge that, and if we get more revenue than expected we have to acknowledge those as well. We also had two transfers: BARSAA account got more than anticipated in the budget set so we had to match more in the expenditures. We also received more money from the County for the Library than expected and we moved that from their regular fund to the capital improvement building fund. It was pointed out that only two expenses were over budget, the rest were revenues received more than anticipated (budgeted).

Mayor Gifford read the resolution into the record in its entirety. This resolution will be #331-2020 if approved.

Councilman Townsend moved to approve Resolution #331-2020. Councilman Nelson seconded the motion. There was no public comment on Zoom or Facebook, and no public comment in city hall.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution Adopting the Preliminary Budget for Fiscal Year 2020-2021

Mayor Gifford read the resolution into the record in its entirety. This resolution will be #332-2020 if approved.

Gene Townsend again thanked the Budget Committee for its hard work and time in creating this document. "I also want to extend thanks to Sean, Kelly and Crystal who have done significant work on preparing this budget," Gene said.

There was no public comment on Facebook, Zoom or from those present at City Hall. Mayor Gifford closed public comment.

Councilman Nelson moved to approve a Resolution #322-2020, a resolution adopting the preliminary budget for the fiscal year 2020-2021, with the additional notation that the resolution for additional wages and City Council pay will be in the upcoming meeting's budget. Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously.

Public Hearing and Decision on a Request by Alison Brennan for Conditional Use Permit to Operate a Home Occupation of "Backyard Agriculture" Within the Residential Premises Located at Lot 2, Block 66 of the Milwaukee Land Co's 2nd Addition to Three Forks (Plat D-29), Commonly Referred to as 706 1st Avenue West

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Crystal Turner read the Zoning & Planning Board's motion to approve the conditional use permit request, along with the conditions of "all rabbits must be contained, no complaints on smell." Deb Mickelberry asked if there are complaints, can a CUP be revoked? Kelly Smith answered yes, that is her understanding: it is a condition of use so if those conditions are not met the permit could be revoked. Susan Swimley (via Zoom) shook her head in agreement to Kelly's response. Kelly Smith provided the recap of the staff report and Zoning & Planning Board's recommendation.

Gene Townsend asked what the total number of rabbits would likely be. Kelly Smith said 30 was discussed. Gene asked if all the rabbits are adults. Kelly answered the applicant stated no, they would be various ages. The applicant stated at the Zoning & Planning meeting she culled roughly one pound of wool per year per rabbit. Gene asked what the applicant plans to do if there is any smell. Kelly said the applicant stated she currently open composts the manure, but she said if anyone does complain of the smell it will be changed to a close composting system. Kelly reported she has driven by several times and not smelled anything yet. Gene asked, "Where will she sell her produce?" Kelly replied Mrs. Brennan sells at Farmer's Market now. Gene continued, "What about when that's over?" Kelly replied, "She will probably also be out of produce by that time." Gene said, "And what about the wool? Where is it sold?" Kelly said Mrs. Brennan reported at the Zoning & Planning meeting that she sells wool online, and rabbits will sold on site if someone wants to buy them. Gene said, "So we have a pallet and chicken wire fence to contain 30 rabbits?! A few years ago, this town had a rabbit problem- and we all know what rabbits do well. I will probably vote against this because I feel that people move to a town or city because they don't want to be around agriculture. If you want all that you should live in the country. You all know how I feel about chickens too. I don't feel we should have a rabbit farm in the City limits," Gene said. Kelly said that is one thing the applicant stated on the record: is that she bought her home in Three Forks because she checked our ordinances and we do not have any laws limiting rabbits in town. Erin Schattauer agreed with Gene; Erin is worried about the population control. "Will they be slaughtered?" Erin asked. Kelly said that is unknown but it did not sound like that would be happening. Deb Mickelberry asked if the Council were to adopt a rabbit ordinance this application, if approved, would be grandfathered in. Susan Swimley shook her head in agreement. Crystal Turner explained the Council could impose more conditions than the Zoning & Planning Board recommended. 30 total rabbits were discussed but that did not make it into the motion. Steve Dahl asked if the rabbits he has around his business were the ones Gene is speaking of. Gene said yes.

The Mayor asked Kelly Smith to read her motion into the record from the Zoning & Planning meeting verbatim from the 7/16/2020 minutes. Gene asked about the structures on her site plan - are those structures already there? Kelly answered "No, just slabs but she plans on getting the zoning permit for a greenhouse in fall of 2020." Mayor Gifford asked if the

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Council could limit the number of rabbits. Susan Swimley answered yes, as part of the conditional use process. "If Mrs. Brennan were to keep rabbits as pets and not sell the wool or rabbits she could have any number she liked until we get to the point of nuisance like odor or noise. We have no ordinances for rabbits so as pets she could have as many as she likes. That's why, per the minutes it seems, the Zoning & Planning Board put those conditions so the City has a remedy if the neighbors start to complain," Susan explained.

Gloria Howland reminded the Council the minutes state that Alison Brennan said she hoped the total number of rabbits would not include babies.

No applicant present to give a rebuttal.

Mayor Gifford said he personally does not know what an appropriate amount of rabbits to have would be. Deb agrees with Gene - feels it is something to be done outside city limits. Discussion regarding if the Council denies this: If she does not sell wool, eggs, rabbits, etc. from her home she could still have all the rabbits she wants. Erin said she would be more comfortable voting for this if there were a cap on the number rabbits - knowing it is not easy to enforce but something we could have as another remedy. Dennis Nelson agreed.

Councilman Nelson moved we approve the application for conditional use permit for Alison Brennan for her backyard agricultural operation at the specified address, with the stipulation or recommendation that the number of rabbits allowed, not including babies, to be 30. Councilwoman Schattauer seconded the motion. No further discussion nor public comment.

Motion Passed 4:2, Townsend and Dahl opposed.

Kelly Smith asked about the Zoning & Planning Board's recommendation for a condition about the neighbor complaints on smell.

Councilwoman Mickelberry moved to approve the conditional use permit allowing her to have 30 rabbits, not including babies, they must be contained on the property and if there is complaint by the neighbors the C.U.P. will be revoked. Councilman Nelson seconded the motion.

Motion Passed 4:2, Townsend and Dahl opposed.

Mayor Gifford said moving forward the City should probably look at ordinances on pets and various types of animals.

Public Hearing and Decision on a Request by Roland Deane, Jr. for a Conditional Use Permit for a Caretaker's Apartment at Sky View Storage Located in Tracts 1A, 1B, and 1C of Certificate of Survey #2063 (Acres 5.99) Commonly Known as 11 South Montana Street

Crystal Turner read the Zoning & Planning board's motion of recommendation with the conditions that it be used for a caretaker only, a non-conversion

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agreement be filed, and that if the property is sold a new conditional use permit must be applied for.

Kelly Smith said that Randy Carpenter has said it meets the intent of the Zoning. She added this property is zoned General Industrial-Transitional and said that Roland Deane had testified that it may make it safer on site and keep others that do not belong on the property out.

Erin Schattauer said she noticed in the Zoning & Planning minutes the board held discussion about the minimum square footage of the caretaker's residence. Kelly Smith said the City's ordinance states a minimum of 900 square feet, unless the home is multi-family. Erin said, "So it needs 67 more square feet to be 900? And has the applicant agreed to that?" Roland Deane said, "Yes, there is a great room attached to it so we can adjust the floor plan to meet the 900 square feet."

Public comment - Gloria Howland said this caretaker will be right near her [storage] unit so she is happy to have someone watching over it.

Roland Deane said he did not have anything to add, he felt the application is self-explanatory.

Councilman Nelson made a motion that we approve the conditional use permit that Roland Deane has submitted for a caretaker's apartment for his Sky View Storage area, with the requirement that all the conditions put forth by the Zoning & Planning board are met. Councilman Townsend seconded the motion. There was no public comment.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith did not have anything to report.

City Clerk Crystal Tuner reported the Department of Labor & Industry (DL&I) audited the City on its safety practices last week via phone. Crystal had to provide equipment safety training documentation, a picture of the employee board, proof of fire extinguishers, and orientation documentation regarding general safety training for any new employees this past year. DL&I did say the City needs to beef up our onsite safety training for the Public Works Department. Crystal has spoken with Wendell Ewan regarding what topic would be most beneficial to them, and it was decided that "Confined Space" would be the best. DL&I will help us with that language. MMIA also offered several safety training topic binders they will send to us in the next few weeks which offer office, ergonomic, general, and detailed safety training plans. When we begin weekly staff

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meetings again, we will discuss a general safety topic that applies to everyone as well.

City Attorney Susan Swimley gave the Council a thumb's up for a good job on the discussion regarding the conditional use permits, stating on the record why a member may be opposed to the application, and not voting in full agreement because of such good discussion held. She reported she also met in an online meeting today with the Imerys' bankruptcy lawyer. "They may have a buyer for all the Johnson & Johnson plants - which may not include the Three Forks plant but I will be back to the Council later on with timing regarding what to do with our service contract for water and sewer that expires in March 2021."

Sgt. McDonough did not have a report. Mayor Gifford jokingly asked, "It's been really quiet in Three Forks?" Sgt. McDonough replied, "No, it's not all quiet in Three Forks, but not enough is public to report."

REPORTS FROM COUCIL COMMITTEES (if any)

Public Safety Committee - Erin Schattauer reported they held a meeting on July 29th regarding the use-of-force policy by the Gallatin County Sheriff Office. "We went over recent changes with Sgt. McDonough and Code Enforcement officer Heidi Jones- Magee. We had conversations regarding reasonable intervention. We also discussed "duty to report" to superiors when use-of-force is used. Dan spoke to us about 40 hours of training each deputy takes annually regarding active listening, de-escalation techniques, and practice scripts on how to mitigate/minimize use-of-force. This policy has now been signed by Sheriff Gootkin. It does not include "no choke hold". The Sheriff's Office does not have body-cams yet, but the meeting was very informative and helpful to understand how our law enforcement is using these policies, and to hear the training the deputies undergo."

Gene Townsend thanked Erin for her hard work on setting up the meeting and the information she brought from her research to the meeting. Erin thanked Gene for his appreciation and said she believes it should be an ongoing discussion.

Water & Sewer Committee - Steve Dahl reported they met last week to talk about the inconsistency of (due to unclear definitions) commercial apartments, commercial duplexes, commercial businesses, and residences. He said, "Some have one meter, some have multiple. I think the best way

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we can deal with these inconsistencies is to have each unit have a meter and charge a minimum," Steve said. "I think we'll focus on one meter and one meter charge per dwelling unit. It will actually work better as the City goes into its review of increasing water rates for the upcoming water project." No other Council members had any input.

NEW BUSINESS

Board Appointments: Three Forks Rodeo Arena Board of Directors

Mayor Gifford read the board appointment memo into the record. He added Diane Kolberg comes from family who owned the rodeo grounds in Thompson Falls, "So, she brings experience to the board."

Councilman Nelson moved that we approve the application by Diane Kolberg to serve on the Three Forks Rodeo Board. Councilwoman Schattauer and Councilman Townsend seconded the motion in unison.

Motion Passed Unanimously.

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

There was no public comment or concerns for anything not on the agenda. Mayor Gifford closed public comment.

MAYOR & COUNCIL ANNOUNCEMENTS

There were no Council announcements.

Mayor Gifford said DNRC and FEMA started remapping the Three Forks area for the Jefferson River potential flooding. "We plan to meet with the Headwaters Economic group tomorrow to discuss possible mitigation programs if we need to implement a project after we get FEMA's new maps. We hope to apply for a grant which may add culverts or something to help ease the flood burden to the City of Three Forks. I'm not hopeful that there will be good news for Three Forks," Mayor Gifford said. Approval of the draft maps may take several years, however we want to be proactive in mitigation options.

AGENDA ITEMS FOR NEXT COUNCIL MEETINGS: 8/25

- Resolution setting the FY2020-2021 budget

**** Page 123 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL
CITY OF THREE FORKS, MONTANA, ALL OF 2020**

ADJOURNMENT

Councilman Nelson moved to adjourn. Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously. (Meeting adjourned at 8:25PM.)

Sean Gifford, Mayor

Crystal Turner, City Clerk

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AUGUST 25TH, 2020, 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 being used due to COVID-19 and social distancing guidelines.) The meeting was presided over by Mayor Gifford. The Mayor called the meeting to order at 7:00 P.M. He reminded the audience this meeting was recorded, Zoomed, and streamed on our Facebook page.

ROLL CALL: Mayor Sean Gifford, City Council members Deb Mickelberry, George Chancellor, Dennis Nelson, as well as City Treasurer Kelly Smith and City Clerk Crystal Turner were present at City Hall. Gene Townsend, Steve Dahl, and Erin Schattauer were present via Zoom.

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 Gifford.

GUESTS: Gloria Howland were present at City Hall.

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

There were no public comments. Mayor Gifford closed public comment.

CONSENT AGENDA

- fff. Claims per List
- ggg. Three Forks Rodeo Arena Claims per List
- hhh. Meeting Minutes of City Council 07/28/2020 and 08/11/2020
- iii. Zoning & Planning Meeting Minutes from 03/19/2020, 05/06/2020, 05/11/2020

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

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, 2020, and Ending June 30, 2021

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Mayor Gifford asked Crystal Turner to read the resolution in its entirety into the record.

Kelly Smith explained the exhibit and noted that in FY2016-2017 we taxed 175.34 mills, this year we are taxing 140.67 mills so roughly 35 mills less. If you use this year's mill value, that is \$100,412 we are not taxing [that would be if we still taxed 175 mills]. "Some was because loans were paid off, and the Fire Relief is in a better situation. I just found it interesting that we taxed more mills in 2016 than now," Kelly said. Dennis Nelson said that states a compliment to the staff of the City and the Council who have been diligent at balancing the budget and holding expenses down. Mayor Gifford said, "I know I compliment the Budget Committee every time we talk about this, but it is true that they and the staff are doing a phenomenal job." The Mayor asked for any Council comments or public comment. Seeing none, he asked for a motion to approve the resolution.

Councilman Nelson moved to approve Resolution #333-2020, 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, 2020, and ending June 30, 2021. Councilman Chancellor seconded the motion. There was no public comment on Zoom or Facebook, and no public comment in city hall.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution Establishing Wages and Compensation for the Appointed City Officers and Employees

Mayor Gifford read the resolution into the record in its entirety, noting it would be resolution #334-2020.

Public Comment: Gloria Howland said, "I wish I worked for the City."

Crystal Turner said she apologized because the Council's current salary is \$70.00/meeting, not \$75.00 as the math would add up if they are increasing their salary to \$100.00/meeting. She will correct the error on the third "whereas" in the resolution and will reprint it as corrected to reflect a \$30.00/meeting increase for the Council members. Mayor Gifford closed public comment.

Councilman Townsend moved to approve Resolution #334-2020, wages and compensation. Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution Adopting the Final budget for Fiscal Year 2020-2021

City Treasurer Kelly Smith stated she would read what would be resolution #335-2020 if adopted, into the record. Kelly explained she will read corrections to the Sewer Fund into the record that are not reflected on

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the Council's copies before them. The Sewer budget has been amended since the packets were made last week because the blower at the Headworks building has failed. "We are now ordering a new one, getting the current blower refurbished to be a spare on the shelf, and that increased the Sewer expenditure budget by \$16,000," Kelly said. She then read the resolution into the record in its entirety, as amended. Highlights of the budget Kelly pointed out were, "City Court has been reduced because that is where we put Code Enforcement last year and is now in its own account. City Planner went from a stipend to an hourly rate per the contract approved this year. We budgeted for park equipment but it's something that the Council should think about: we have had new playground equipment ready to be assembled and installed but our staff has been too busy to get to it - perhaps we could pay the company \$4,000 to assemble and install and relieve our staff of that duty. On page 11, for the Three Forks Rodeo Arena we have reduced the revenue by not having the annual rodeo but assume we will still hold the High School rodeo. We also added the Intercap payment," Kelly explained. "The Water Fund has new tires for Randy's truck (split 50/50 with the Sewer Fund) and 50 new meters are included in this year's budget. Also, we have had \$65,000 budgeted for Object Code #350 Professional Services - so I've reduced that by \$35,000, but we are replacing part of the SCADA so \$6,500 of that will go towards SCADA. The Arsenic Treatment Plant's Object Code #230 (Repair & Maintenance Supplies) is increased by \$7,500 because we have had more repairs than expected the last couple budget years. 'Series 06 Drinking Water Loan' will be paid off (5 years early) this year. Sewer Fund #230 will include the other 50% of Randy's truck tires, 50% of the meters, a submersible transducer and Scenic City cleaning," Kelly reported. "Also, the Fire Relief Association has been reduced by 5 mills," she said.

(During Kelly's presentation and updates to the budget, a man who signed into Zoom under the name Dan Gordon joined the meeting and then profane language and sexually mature actions took place on screen. We ended the Zoom meeting immediately and took a minute to figure out how to continue the meeting without a quorum present at City Hall. Crystal Turner called Erin Schattauer on one phone, Kelly Smith called Gene Townsend and Steve Dahl on other phones - all three Council members were placed on speaker phone to participate in the meeting.)

Councilman Chancellor made a motion to approve Resolution #335-2020 to adopt the City's fiscal year 2020-2021 budget. Councilman Nelson seconded the motion. There was no public comment by Gloria Howland, who was the only public present at City Hall.

Motion Passed Unanimously.

REPORT OF OFFICERS

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City Treasurer Kelly Smith reported the City sent a letter to Sheriff Gootkin requesting a portion of the CARES Act money his office received for his staff's regular time and overtime. It seemed only fair that since we pay for his services and yet his office gets 100% of his budget refunded via the CARES Act, that the City request some sort of reimbursement to cover the additional time city employees spent on COVID-related duties.

Kelly also reported on the Three Forks Rodeo Board's financial situation. "Their CD will be cashed out next week, and moved to their checking account, as they will be out of cash," Kelly reported to the Council.

City Clerk Crystal Tuner reported, on behalf of the Public Works department, they will shut off the water at the City's main on 1st Avenue West between Grove and Hickory Streets to repair the main tomorrow (Wednesday the 26th), after 10am in hopes everyone is at their place of work.

REPORTS FROM COUCIL COMMITTEES (if any)

There were no Council committees to report.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

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

There was no public comment or concerns for anything not on the agenda. Mayor Gifford closed public comment.

MAYOR & COUNCIL ANNOUNCEMENTS

Gene Townsend read a letter of award from the AARP for a Trails Grant in the amount of \$25,000 he was awarded!

Mayor Gifford reported the City did receive roughly \$2,500 from the CARES Act, but like Kelly explained we did send a diplomatic letter requesting

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more reimbursed money from the Sheriff's CARES Act received funds as we did pay for their contract. It would be roughly \$50,000 of our contract's wages for law enforcement. Other cities with their own police or first responder departments you will see them getting more money back because they can get 100% of their budgeted staff's time and overtime back via the CARES Act, where the City of Three Forks contracts for law enforcement and is not eligible to request that labor back.

AGENDA ITEMS FOR NEXT COUNCIL MEETINGS: 9/8/2020

- Resolution revising Street Lighting District #1
- Headwaters Planned Unit Development

ADJOURNMENT

Councilman Nelson moved to adjourn. Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously. (Meeting adjourned at 7:41PM.)

Sean Gifford, Mayor

Crystal Turner, City Clerk

CITY OF THREE FORKS, MONTANA, ALL OF 2020

SEPTEMBER 8TH, 2020, 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 being used due to COVID-19 and social distancing guidelines.) The meeting was presided over by Mayor Gifford. The Mayor called the meeting to order at 7:00 P.M. He reminded the audience this meeting was recorded, Zoomed, and streamed on our Facebook page.

ROLL CALL: Mayor Sean Gifford, City Council member George Chancellor, City Treasurer Kelly Smith and City Clerk Crystal Turner were present at City Hall. Gene Townsend, Steve Dahl, and Erin Schattauer were present via Zoom. Dennis Nelson and Deb Mickelberry were excused.

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 Mayor Gifford.

GUESTS: Gloria Howland was present at City Hall. Matt Bugland arrived at 7:15PM.

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

There were no public comments. Mayor Gifford closed public comment.

CONSENT AGENDA

- a. Claim Paid due to Timeliness to mail Utility Bills in the Amount of \$159.92
- b. Claims per List
- c. Three Forks Rodeo Arena Claims per List
- d. Meeting Minutes of City Council 08/25/2020
- e. Zoning & Planning Meeting Minutes from 07/16/2020
- f. Treasurer's Recommendation to Cash out Three Forks Rodeo Arena Board First Community Bank CD #700527 and Deposit at First Security Bank Checking

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

Motion Passed Unanimously.

NEW BUSINESS

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Memorandum of Understanding with Headwaters Economics to Assist the City Investigate Flood Mitigation Solutions

Kristin Smith introduced herself and gave a brief overview of who Headwaters Economics is what they are all about. They are a non-profit research group based out of Bozeman, with staff who have specialized in growth policies, community development petitions, and education. Kris explained her experience has been working with governmental agencies and rural communities on economic development strategies. She then introduced Patty Gude, the Associate Director and Founder of Headwaters Economics.

Kris continued, "We are a non-profit, and typically work with communities facing fire impacts, but we are starting a program at Headwaters which will focus on helping communities manage their flood risk. This is a new program for us, but we are modeling it off our Community Assistance in Wildfires program. We work with over 70 communities throughout the country. Research and technical assistance provided by us is offered free of charge to the community. What that looks like in practice is dependent upon the community's need. When we kicked off this project I thought we would work with communities in the Midwest given the flooding on the Mississippi last year. COVID really changed all that and so we looked towards communities closer to home which is great for Three Forks. We are here to help your community to provide technical assistance, research, data printing, finding consultants to provide professional designs or assistance - we can pay for all that."

Gene Townsend asked about what their strategy will be, "How will you attack this? We have been working with flood issues since the 1970s but it has progressively gotten more restrictive." Kris replied they would like to find a range of options to help Three Forks. We are looking at working with Great West Engineering who has been working on the new flood maps with DNRC, and see if they have ideas on how we can mitigate risk in Three Forks. That would involve community members and have lots of public engagement. We may have engineers do a survey (of the entire town) to see, or we thought we could offer Great West Engineering a contract to come up with some engineering solutions - we could pay up to \$50,000 to start checking out those options." Patty added, "We want to be able to offer the community a wide range of solutions and give you an inventory of those solutions with costs of implementing some. If you were able to implement one or two, it could really reduce risk to some of those in the community."

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Erin Schattauer asked if there are other communities who have dealt with this similar situation to glean information from them. Patty answered, "Our team has spent the last six months with floodplain managers, city managers to get up to speed on of what a community's specific need(s) may be and how Headwaters can help mitigate risk. We believe we know the questions to ask an individual community now so that we can aid in how to get funding, engineering actual mitigation solutions, and so forth. That has typically been in the wildland fire arena; flood mitigation is new to us, but we are not coming without any background knowledge and how to work with communities. We will be able to put Three Forks in touch with other communities who have implemented successful mitigation programs."

(Patty's internet cut out so Kris Smith took over her presentation.) Kris stated candidly this is a pilot flood program, "We have never worked with other communities on flood issues, but we are very excited to begin. We are very aware of what we know and what we don't know and how we can move towards a solution on Three Forks' flood issues." Erin said it sounds like a great opportunity for us and be a good partnership! Kelly Smith said we are really excited to work with Headwaters. Mayor Gifford said he is also excited and he would like to focus on seeing if the City could even be removed from the floodplain. Matt Bugland suggested the existing levies being certified to achieve that. The Mayor, Kelly Smith and Crystal Turner discussed that is a goal - it may not be financially attainable but certainly a goal worth attempting and will be one of the menu of options presented to the City.

Councilman Chancellor moved that we accept the memorandum of understanding. It sounds like a really good deal and it sounds like we can gain a lot of knowledge from this. Councilmen Dahl and Townsend seconded the motion in unison.

Motion Passed Unanimously.

Board Appointment: Three Forks Ambulance Service District

Mayor Gifford read the Board Appointment Memo for Barbara Mutter into the record, and he stated, "She is an asset to the Ambulance District and the Fire Department."

Councilman Chancellor moved to reappoint Barbara Mutter. Councilwoman Schattauer seconded the motion.

Motion Passed Unanimously.

PUBLIC HEARINGS

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Public Hearing and Decision on a Request for Preliminary Plat Approval of the Headwaters Planned Unit Development (Owned by Three Rivers Development, LLC) for a 32-Unit Live/Work Development Located on the Southwest Corner of South Main Street/Old Yellowstone Trail and West Ivy Street (Tract 3A-1 of COS 942A)

This item has been continued to a date not set yet due to the applicant not submitting an updated Traffic Impact Study. The applicant did submit it on Friday, but not in time for staff to review and complete the revised Staff Report. Most likely this will be heard at the first meeting in October.

Public Hearing and Decision on a Resolution Revising Res. #330-2020 Adopting & Levying the Annual Assessments for the 2020-2021 Street Lighting District #1

Mayor Gifford read the resolution into the record in its entirety, noting it would be resolution #336-2020, which is increasing the Lighting District assessment by \$6,160.00 to a sum of \$45,860.00

There was no public comment.

Councilman Townsend moved to approve Resolution #336-2020, reassessing the streetlights for the City of Three Forks. Councilman Chancellor seconded the motion.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith did not have anything to report.

City Clerk Crystal Tuner did not have anything to report.

REPORTS FROM COUCIL COMMITTEES (if any)

Water/Sewer Committee - Steve Dahl reported the Committee met to review inconsistencies on duplexes, triplexes, fourplexes, mobile home units - we have situations that some of these have a meter for each unit and some have one meter for the whole building. The Town of Sheridan uses "equivalent dwelling units" (EDU) and we are recommending that each unit be charged the minimum water and sewer rate no matter if it has a meter on each unit or not. There are a lot of variables that we will work out with the City Attorney.

George Chancellor asked if there are any measures for an apartment that uses 1 person or 3-4 people? Steve said yes, we could but we need to define the minimum in multi-family units. "The real question is the number of units within a property or building, that within each one of those there is a basic charge for each and that is where we need to begin."

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Kelly Smith suggested we come up with an array of options to distribute to the Council at the next meeting to show the existing variables.

There were no other Council Committees to report.

UNFINISHED BUSINESS

There was no unfinished business.

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

There was no public comment or concerns for anything not on the agenda. Mayor Gifford closed public comment.

MAYOR & COUNCIL ANNOUNCEMENTS

Gene Townsend reported he walked the trail on the west side of town last week with Ahren Hastings (of TD&H Engineering) and Wendell Ewan to prepare documentation to hopefully go out to bid on the Jefferson Street trail addition. "We hope we can still get some trail built this year - we may not get it paved but we'll see what we can get done during 2020," Gene said.

Mayor Gifford will be out of State for the next two weeks, and possibly miss the next meeting if he must quarantine. He would like to be present if the Water/Sewer Committee presents - so please hold that until the October meeting.

AGENDA ITEMS FOR NEXT COUNCIL MEETINGS: 9/22/2020

Nothing at this time.

ADJOURNMENT

Councilman Chancellor moved to adjourn. Councilman Dahl seconded the motion.

Motion Passed Unanimously. (Meeting adjourned at 7:39PM.)

Sean Gifford, Mayor

Crystal Turner, City Clerk

OCTOBER 13TH, 2020, 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 being used due to COVID-19 and social distancing guidelines.) The meeting was presided over by Mayor Gifford. The Mayor

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called the meeting to order at 7:00 P.M. He reminded the audience this meeting was recorded, Zoomed, and streamed on our Facebook page.

ROLL CALL: Mayor Sean Gifford, City Council members George Chancellor, Debra Mickelberry, and Dennis Nelson (who did not arrive until 7:10), City Attorney Susan Swimley and City Treasurer Kelly Smith were present at City Hall. Council members Gene Townsend, Steve Dahl, Erin Schattauer, City Planner Randy Carpenter and City Clerk Crystal Turner were present via Zoom.

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 Gifford.

GUESTS: Present at City Hall Gloria Howland, Matt & Kelly Bugland, John Edwards, Rick Remitz, Michelle Varda, LaVonne & David Brooks were present at City Hall. (Rick Orizotti, Rick Lamb and Brent Miller arrived in City Hall at 9:15PM.) Present via Zoom and/or watching on Facebook were Rick Orizotti, Rick Lamb, Brent Miller, Amy Laban, Ahren Hastings of TD&H Engineering, Philip Kedrowski of Red Leaf Engineering, Broadwater County Sheriff Meehan, and Bert Brandon.

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

There were no public comments. Mayor Gifford closed public comment. Crystal Turner noticed Sheriff Meehan had just joined via Zoom and not having an item on the agenda she believed he intended to speak during Public Comment. Mayor Gifford re-opened Public Comment.

Broadwater County Sheriff Meehan said he just wanted to inform the Council he applied for, and received, a COPS grant to hire three additional deputies. He just hired the third deputy on October 5th so they will have two additional deputies to tend to issues on the south end of Broadwater County - Three Forks. He thanked the Council for their patience and encouraged a continued relationship of mutual aid. Mayor Gifford then closed public comment.

CONSENT AGENDA

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- jjj. Claims Paid due to Timeliness on 9/18/2020 in the Amount of \$34,845.11
- kkk. Claim Paid due to mail Utility Bills in the Amount of \$161.76
- lll. Claims per List
- mmm. Three Forks Rodeo Arena Claims per List
- nnn. Meeting Minutes of City Council 9/8/2020
- ooo. Service Contract between Gallatin County & Three forks Library to Serve Gallatin County Residents in Fiscal Year 2020-2021 in the Sum of \$70,441
- ppp. Lease with Fish, Wildlife & Parks for Maintenance and Improvements of Tract A-1 and Tract B of C.O.S. 789B Commonly Referred to as the "Three Forks Ponds", "Bellach Park" and a Portion of the Headwaters Golf Course

Councilman Townsend moved to approve the Consent Agenda. Councilwoman Schattauer seconded the motion. There was no public comment.

Motion Passed 5:0.

NEW BUSINESS

Pogreba Field Airport Board President John Edwards to Discuss Fire Impact Fees at the Airport

John Edwards, President of the Pogreba Field Airport Board, spoke saying they receive no money from the City for any improvements at the airport. "90% of our revenue is received by the FAA; what are you going to do for us? The impact fees keep going up. I pay \$500 in taxes to the City. The last hangar constructed was charged \$1,200 in impact fees. We've been approached by a couple corporations who would like to come in but without the infrastructure we can't accommodate them. Maybe the City could start a plan to bring in sewer and water to the airport. We'd like you to give us something in writing on what the impact fees are used for and why we have to pay them. We need pavement redone and can't afford it. Can we get some money from Three Forks to help pay for some of these improvements?"

Mayor Gifford said he would like to see some of the smaller air traffic that arrives in Bozeman to come into Three Forks. Mr. Edwards said one of the corporations interested in coming to Three Forks would have more than 100 employees but without sewer and water they cannot even initiate discussions. He added he did not think Three Forks' airport would ever be the size of Belgrade's or Billing's. Mayor Gifford said he would email John Edwards and work on explaining this.

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(Dennis Nelson arrived.)

Pogreba Field Airport Board President John Edwards to Discuss Plans for Water and Sewer Lines being Extended to the Airport

(This item was lumped in with Mr. Edwards' comments above.)

Appointment of Ian Schilf to Probationary Firefighter Status

Mayor Gifford read Asst. Chief Whitesitt's email recommending Ian's appointment. He asked if Mr. Schilf also applied to be a volunteer on the Three Forks Ambulance District, which Matt Bugland answered he believed so.

Councilman Nelson moved to appoint Ian Schilf as a probationary firefighter. Councilman Chancellor seconded the motion.

Motion Passed Unanimously.

Acceptance of TD&H's Recommendation to Award Service Contract for the Jefferson Street Trail Extension to the Headwaters Trail System

Gene Townsend spoke since he said he did not see Ahren Hasting via Zoom. Gene read the recommendation of TD&H to award the contract to Westslope Corporation noting their bid is higher than expected at \$124,000, but some Trails' money will be used as well as Imerys has agreed to help offset the grant funds.

George Chancellor asked Gene if he was concerned about any cost overruns as he sees the bid does not include concessions and jumps right to time & materials' pricing. Gene said he would defer to Ahren Hastings. Ahren Hastings said as far as any cost overruns, with the relatively simple scope for this project, he would be surprised if there are any. "If we do run into something unforeseen that would cause a higher cost, we always have the option to reduce the length paved this year and get a good portion of the work complete this year. No grade change, straight shot shouldn't be anything for cost overrun that I can see," Ahren said. George thanked Ahren.

Mayor Gifford called for public comment; seeing none he closed public comment.

Councilwoman Schattauer moved to accept TD&H's recommendation to award the service contract for the Jefferson Street Trail extension to the Headwaters Trail System. Councilwoman Mickelberry seconded the motion.

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Motion Passed Unanimously.

Crystal Turner interrupted and asked for clarification regarding who the Council is awarding the contract to. Councilman Schattauer amended her motion to include the City is awarding the contract to Westslope Corporation. Councilman Mickelberry agreed.

Motion Passed Unanimously.

Acceptance of City Attorney's Recommendation to Extend the Service Contract to Imerys for One Year, Expiring March 2021 (Agenda said 2020, but should be extended until 2021)

Susan Swimley explained the process thus far. This contract would extend our service contract, which benefits an out-of-district customer. At the end of our 20-year contract, Three Forks Imerys Plant is being sold. was to annex into the City or get their own water/sewer service. The company filed bankruptcy last year and currently all the assets are being sold. For any new purchaser it does not leave much time for a petition annexation to be received and allow the City time to process the request before March. "We with the help of a bankruptcy attorney, it is our recommendation to extend the contract for a year to March of 2022, which gives the owner time to extend the sale due to the bankruptcy, and then enter a new contract if that is what the new buyer wants to do. I am happy to answer any questions," Susan explained.

Mayor Gifford called for public comment; seeing none he closed public comment.

Councilman Townsend made a motion to extend the contract with Imerys for one year. Councilman Nelson seconded the motion.

Motion Passed Unanimously.

Decision to Allow Shawn Lehr to Utilize Rodeo Grounds for a Drive-In Theatre

Mayor Gifford explained that Shawn Lehr met with the Rodeo Board. They want to shoot for next spring so he will be back before the Council early next year to explain his proposal.

PUBLIC HEARINGS

Public Hearing and Decision on a Request for Preliminary Plat Approval of the Headwaters Planned Unit Development (Owned by Three Rivers Development, LLC) for a 32-Unit Live/Work Development Located on the

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Southwest Corner of South Main Street/Old Yellowstone Trail and West Ivy Street (Tract 3A-1 of COS 942A)

Rick Remitz introduced himself and Michelle Varda. He said they have Bert Brandon and Philip Kedrowski online.

Randy Carpenter entered his staff report into the record and read much of it aloud including in detail the 37 conditions recommended by staff and the Zoning & Planning board:

1. The final plan must be in conformance with the approved preliminary plan.
2. The final plan submittal shall meet the requirements under subsection of 11-11-3B of the Three Forks Zoning Ordinance.
3. The final plan submittal shall include a site plan showing land use data, lot lines, easements, and public rights of way.
4. The final plan submittal should include a landscape and open space plan, with indication of maintenance program and guarantee, that includes the following elements:
 - a. The retention ponds shown on the site should be built not only to hold storm water but should be integrated into the surrounding property and planted with aquatic vegetation, as shown in the example photo below.
 - b. All street rights-of-way contiguous to the proposed development site not used for street pavement, curbs, gutters, sidewalks or drive aisles should be landscaped, and must include one large canopy tree for each 50 feet of total street frontage rounded to the nearest whole number.
 - c. The landscape plan should show specific plant species, and those species should be drought tolerant species. The landscape plan should provide 75 percent or greater of the proposed trees and shrubs as drought tolerant species as defined in the latest edition of the Montana Nursery and Landscape Association's Drought Tolerant Plants for the Montana Landscape.

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d. Acceptable plant materials are those identified as hardy in Zones 1 through 4. The characteristics of the zones are described in The Western Garden Book, Sunset Publishing Corporation as amended.

e. Plant materials should meet the following minimum size requirements at the time of installation (depending on the standard measuring technique for the species):

□ Large canopy and non-canopy trees must have either:

(1) For deciduous trees a minimum caliper of one and one-half inches to two inches; or (2) For evergreen trees a minimum height of eight feet.

□ Small canopy and non-canopy trees must have either:

(1) For deciduous trees a minimum caliper of one inch; or (2) For evergreen trees a minimum height of six feet.

All other non-turf plantings must meet American Nursery and Landscape Association standards.

f. Permanent irrigation systems should be provided to all landscaped areas. The use of hose bibs on the exterior of existing or proposed structures is not an acceptable method of landscape irrigation unless the landscaped area is adjacent to the existing or proposed structure. All irrigation systems and landscaped areas must be designed, constructed, operated and maintained so as to promote water conservation and prevent water overflow or seepage into the street, sidewalk or parking areas. The HOA irrigation system should have its own meter and the HOA will be responsible for those water costs.

g. The landscape plan should include, for each live/work unit setback area, at least one canopy or non-canopy tree for each 50 lineal feet of the adjacent area.

h. For each 5,000 square feet of total landscape open space area between 5,000 and 25,000 square feet and for each 10,000 square feet of total landscape areas in excess of 25,000 square feet a landscape plan must include three of the elements in the table below from each column A and B. When the preceding calculation results in a fraction the

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amount of landscaping required is rounded up to the next whole number.

Column A	Column B
1 large canopy tree	3 evergreen shrubs and 3 deciduous shrubs
1 large non-canopy tree	2 small ornamental trees
2 small ornamental trees	2 large evergreen trees

5. To enhance the pedestrian access to and from this development, a sidewalk should be installed along the south side of W. Ivy Street.

6. A final subdivision plat shall be included in the application for final plan review per the City's subdivision regulations.

7. A final utility plan shall be included in the application for final plan review.

8. Within three (3) years after approval of the preliminary plan, the applicant shall file with the City Clerk a final plan and request final plan approval for all or part of the development. If no final plan is filed within this time limit, the right to proceed under the preliminary plan shall expire.

9. Application for final review must be submitted after receipt of the FEMA Letter of Map Revision based on fill (LOMR).

10. A development agreement that lists the allowed commercial uses in the live/work units shall be provided with the final plat.

11. Covenants cannot be changed without prior written consent of the City.

12. The structures should exhibit a more residential architectural design. See the photos below for examples of architecture that better balances commercial and residential design.

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13. The applicant should remove Section 10, "Removal or Partitioning - Subdivision; Consent to Removal".

14. An 8-foot privacy fence should be installed on the west and south sides of the property.

15. The PUD covenants should disclose that the neighboring properties have dust, noise, unusual hours and an agriculture/industrial nature.

16. There should be no more than one rental lease per unit. The original developer can rent units until sold. The covenants need to clarify this.

17. The utility plan does not show the existing water line in W. Ivy Street. The existing water line in W. Ivy Street should be shown as well as how the new development will tie into it.

18. The plan view does not show a water service to each individual unit and details were not provided for the individual water service connections and details. Each unit will need to be individually metered per City code 9-2-3, Rule 7 and drawings and plans for service connections and sizes for each unit will need to be provided to the City during final design.

19. It will be important for the applicant to demonstrate the existing system has adequate capacity to handle the additional water demands from the development in the submittal to DEQ. Water use within the City will need to be evaluated and assessed as to whether the existing supply is sufficient to handle additional water demands. The analysis should also include a hydraulic evaluation to assure suitable system pressure is provided throughout the system as well as adequate fire flow availability.

20. The total build-out population of the development is 112 people, and the Three Forks wastewater treatment system has been designed for a population of 2,500. The applicant should verify the current service population of the wastewater system and then assess whether the addition of 112 people is within the 2,500 tolerance.

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21. The preliminary plan shows a service connection to each building. Details were not provided for sewer service connections planned for each unit. Drawings and plans for service connections and sizes for each unit will need to be provided to the City.

22. The applicant should demonstrate that all downstream wastewater collection and treatment facilities have capacity to handle the additional flows from the proposed development.

23. Although the retention ponds are sized appropriately for the increase in runoff during a 2-year storm, an explanation of where the remaining volume of runoff goes for each basin should be provided. The remaining runoff not contained in the retention pond is allowed to leave the site, as it did in pre-development conditions, but a brief explanation of the flow patterns should be provided to ensure the runoff is not creating additional ponding or inundating buildings.

24. Approach culverts are shown under each approach to the development. They are called out on the Grading & Drainage Plan as 18" CMP culverts. No indication is given in the report or on the plan as to areas that drain to these culverts or if significant offsite watersheds contribute to their flow. The developer should provide hydrologic and hydraulic calculations for each of these culverts.

25. The culvert under the approach to W. Ivy Street may allow offsite runoff to flow to Retention Pond 2 or allow excess runoff not contained in Retention Pond 2 to flow to the W. Ivy Street right-of-way. No roadside drainage ditch is apparent on the plan. In addition to calculations, a brief narrative should explain the purpose of this culvert and where stormwater flows from and to.

26. An explanation of how the adverse effects from a 100-year storm are mitigated by the detention ponds should be provided. In a storm event of that magnitude, the volume of runoff exceeds the ponds capacity. The applicant should show where the excess runoff flows to and whether any homes or buildings, including offsite, are threatened by runoff exceeding the capacity of the ponds.

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27. The covenants must include a schedule for fire hydrant maintenance approved by the Three Forks Fire Department.

28. The covenants must include a plan for snow removal to ensure fire hydrants are accessible 12 months a year.

29. The covenants must include a fire hydrant flushing schedule approved by the Three Forks Fire Department.

30. The applicant must dedicate the 33' of W. Ivy Street per the annexation agreement and show that dedication on the final subdivision plat.

31. The applicant must develop W. Ivy Street to a City standard. W. Ivy Street is currently a graveled surface and the applicant has proposed to pave W. Ivy with 4-inches of asphalt. W. Ivy Street should be reconstructed to a standard one-foot base thickness and cross section before paving from Old Yellowstone Trail to the west edge of the applicant's property.

32. The applicant should provide documentation that delivery truck access can be accommodated with the interior roads (turning movements, turnarounds, etc.).

33. The alignment of 1st Ave W. does not line up with the proposed W. Ivy St "Driveway". They should align the approach or show just cause as to why it is not feasible and does not reduce safety at the intersection.

34. Detailed construction plans (road plans, road typical sections, trail typical sections, signing) will need to be provided. Construction details will need to be provided for pavement, curbs, gutters, sidewalks, etc. Roadway subgrade or geotechnical properties will need to be considered in the new roadway construction in order to conform with City Subdivision Regulations.

35. 103 parking spaces proposed including 4 accessible parking spaces and 1 van accessible space meets ADA requirements. An accessible route must be provided from the accessible parking space to the entrance. The proposed van accessible isle appears

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to be located directly in front of the Unit #28 garage; thus, parking at this unit's garage door must be reserved for handicap accessible vehicles.

36. Based on the grading & drainage plan, it appears ADA parking spaces are steeper than 2%, presumably for drainage reasons. Parking spaces will not be ADA-compliant which requires 2% or less in any direction for the parking space and adjacent access aisle. Also, access aisles are needed for each ADA space.

37. The applicant plans to pursue a Municipal Facilities Exclusion (MFE) through the City. It is recommended the proposed PUD go through DEQ subdivision review in lieu of the MFE.

Applicant Presentation: Phillip Kedrowski of Red Leaf Engineering, on behalf of the applicant, said Mr. Carpenter has done a good job presenting the project. Philip wanted to clarify a couple things regarding the capacity of water supply in condition #19. "It's a little overbearing to require a complete hydraulic model of the existing system. It is our understanding that the City would have already reviewed the application and have capacity when it annexed this property into the City's limits. Regarding condition #20, our application anticipates adding 112 people which is within the City's capacity. Regarding condition #22, "We will provide calculations for the wastewater demands of the Headwaters development, however determining if the City has capacity is the responsibility of the City. It was our understanding that the City of Three Forks determined that they have adequate wastewater collection and treatment capacity as a pre-requisite to approving the annexation."

Regarding condition #24, Philip said, "Currently there are no significant drainage ditches nor culverts existing in these locations. We are not aware of any offsite watersheds contributing to these areas. We simply placed these culverts as a best management practice. The minimum culvert size for specified in the Gallatin County roads standards is 15" so we simply increased this slightly to 18". It is our opinion that no further analysis is necessary."

Regarding condition #26, Philip said, "We believe this is beyond the requirements specified in DEQ 8 and we are not aware of any City regulation requiring this analysis. Please clarify what regular, rule, or law is driving this requirement."

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For condition #30, the response was, "The applicant is willing to give this land to the City, however the applicant believes there is a monetary value associated with this land that the city should consider. The amount of land that this requirement forces the applicant to gift the City is 0.35 Acres, which is 15,430.7 SF. For reference, the typical city lot size in Three Forks is 7,000 SF. So, this dedication is equivalent to more than two city lots. A city lot (if you can find one) costs around \$50,000, so two city lots would have a value of approximately \$100,000. We recognize this land does not have the value equivalent to two city lots, however we believe 50% of that value is reasonable. We would request the city to consider this as \$50,000 towards any cost sharing agreement outlined in the next condition #31." Philip continued regarding #31, "W. Ivy Street is currently a graveled surface and the applicant is - we can't find a City standard for this cross section, people on the [Zoning & Planning] board agreed it didn't necessarily need to be to City standard, paving is one thing but bringing it to a City standard may be excessive. I spoke to Randy [Carpenter] about this - if this development would provide 70% of the traffic, then we could provide 70% of the improvement and the City to provide the rest. It was just a discussion with Randy. Like I said we haven't been able to find a City standard, so I looked for a [Gallatin] County road standard and at the City of Bozeman's standard."

Philip then asked Kelly Smith to open the spreadsheet he had sent so all could see it on the screen. Philip continued, "Option 1 we literally just pave the existing W. Ivy Street, give the land [33-feet] to the City but leave it up to the City down the road to align W. Ivy Street properly and build it (due to it not lining up properly in the right-of-way). Option 2 would be to go to the County road standard, no sidewalks or curb and gutter, paved but water would shed off either side to a drainage ditch. However, we have planned that retention pond only to fit this project. Option 3, what we'll call the "Cadillac" plan, and what matches Bozeman's standard is full paved road, curb, gutter, sidewalk, boulevard. None of the costs in this spreadsheet are based on bids, but they are based on former projects we have done. This is just a step further to show the Council what it could cost to do these options."

"After the Planning [board] meeting the City asked us to have the traffic engineer reevaluate the traffic study without the second access onto Old Yellowstone Trail. There would be a total of 324 trips per day on this portion of Ivy so if the City were to entertain a cost-share, we could base it on the 69% of impacts by the developer," Philip explained.

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(Option #1 cost range \$4.50 - \$6.50/square foot; Option #2 cost range \$175-225/square foot; Option #3 cost range \$275-325/square foot.) For Condition #38 Philip described, "We believe that the MFE exists specifically for this type of review. It allows the City control and streamlines the sanitation act review process. We believe it's not in the best interest of the City to require DEQ subdivision review on projects within the City's jurisdiction." This closed the applicant's presentation.

Susan Swimley asked that Mayor Gifford ask the City Engineer to weigh in on the applicant's suggested modifications to the City's conditions. "The way I read the comments was they applicant believes their contribution is the land dedication to the City. You still need to ask your City Engineer if they agree to the applicant's amended language to Conditions #19, 20, 22, 24, and 38 regarding the MFE," Susan said.

George Chancellor said he does not have issues with agreeing to Gallatin County road standards (Option #2) for Condition #31, adding, "They agreed to a sidewalk on Ivy and I think we can stick to that on his side. As far as paving the street, I think they should pave the whole street to Gallatin County standards and one sidewalk on their side."

Craig Pozega, City Engineer agreed to the applicant's responses to Conditions #19, 20, and 22. Craig stated, "As far as the capacity of the City's water system (availability and treatment of sewage) the capacity is there and we did say that already early on in this process. We are not asking for models of the entire system, but we are wanting to see how this development will affect our system. If they are discharging a certain amount of volume, it will impact our system - downstream, manhole issues, etc. We need to be careful about the volume they intend to discharge and how that affects the downstream side of the system. Same with the water: where they tie into our system for their needs, if they are going to have sprinklers or higher demands how will that affect the distribution in the immediate area.

Susan Swimley asked if the Council is agreeable to adopt Craig's language with the clarification the City Engineer is not requesting a city-wide model, or does the Council want to adopt the developer's language? Craig explained, "I don't believe we said, "City wide modeling" and our language may be interpreted different than intended. But it was written for how I believe I just described it. I would prefer my conditions as written."

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Craig continued, "Culverts as specified in Condition #24, they need to be sized appropriately. We need to know how those are being sized and what is going to be flowing through them. Regarding Ivy Street, I definitely believe it needs to be designed to a standard. Four inches of asphalt over the existing street I certainly would not like to see that from an engineering perspective. I think it needs to be designed and constructed in a manner that won't be an issue down the road - this road will become a City responsibility. Where will the water run off - you don't want to flood anyone out. I believe it needs to be designed appropriately."

Craig continued regarding the traffic count - we saw the count looked right; it will be about a 70% increase of traffic to the development. We exercised using Bozeman's [street] standards. I know this is not Bozeman, but the impact fee for traffic (if we were Bozeman) would be around \$300,000. Impacts are not just on the immediately adjacent streets - there are different impacts of added volume throughout the rest of the community. Lastly, regarding the MFE versus DEQ submittal - it is my understanding similar developments like this the City had DEQ review these and there is a little bit of precedent so that weighed into my recommendation. Also, an additional review by DEQ is not a bad thing," Craig stated.

Mrs. Swimley asked if the Council had any more questions or comments. Gene Townsend commented he is opposed eliminating any 66-foot wide streets. "Even if we don't have adopted standards - that the way it's been laid out since the town was started in 1908. I imagine at one time the property owners put forth 33-feet of right-of-way as has always been a condition of annexation. If you look at Jefferson Street you can see the example of where that 33-feet is. I think we need to stick to the 66-foot wide streets," Gene said.

Public Comment: Matt Bugland said he would provide contact information for Legacy Communications (the neighboring property) to communicate paving on the south side of W. Ivy Street.

With no other public wishing to speak on this property, Mayor Gifford closed public comment.

Applicant Rebuttal: Philip Kedrowski said they are not demanding the City pay, we just wanted the City to consider the investment of land is being "given" is equivalent to two city lots so please take that into consideration.

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Board Discussion: Deb Mickelberry agrees with the Gene on the width of the street because she does not want to see another Linda Lane and cause a really crowded street. She said you cannot even turn around without hitting another vehicle. I also feel conditions #19-22 need to be taken care of. Susan asked, "Deb, how so?" to which Deb answered she would want the applicant to go through DEQ. Susan helped guide the Council along asking, "That is condition #38, so would you have them submit an MFE or to DEQ?"

Rick Remitz commented if going through DEQ it would take them between 18- to 36-months to get approval. That will significantly delay the project. As I keep digging into this project, he believes in having the road correct. He added, "I am not trying to get around all the requirements, but as we try to get around these costs, I am not selling these at Bozeman costs, not even close. So, if the conditions go overboard, we lose the opportunity to bring in 32 roofs. Raw material costs have already increased 65%. What we looked at when we bought the land and how we can develop it, as a developer we wonder if it is worth the risks, is it worth curb and gutter, is it worth DEQ, etc. there is no way I can price a home and make any money on it." He continued, "I can tell you, you are so much faster than Gallatin County or Bozeman which is great, but on the other hand we bought land we want to develop and the City desperately needs more houses. I have been looking here for years and have not been able to make anything work. However, all these costs added to the equation, but at the end of the day I cannot price these houses for the investment you are wanting me to put in. However, on the other side I could increase profit for the neighboring properties, and I do think the road should look what the future will look like but we will have to amend the retention ponds and if we have to curb and gutter this it will kill the project. As you all know, I am part of the brewery project and I want to do it right but at the end of the day it is a lot of risk. If we must put in \$300,000 to pave, curb and gutter, I just want you guys to understand the economics of how this [a development project] works. Kelly Smith said the engineer provided the higher cost of paving options at \$190,000; meaning it would cost each unit roughly \$6,000. Susan Swimley interjected that we were in Board discussion, applicant rebuttal already occurred and asked, "Or has the Council reopened applicant rebuttal?" Mayor Gifford confirmed the meeting was in Council discussion/decision.

Deb Mickelberry stated she agrees with the Engineer's language on conditions #19, 20, 22 - with the clarification we are not asking the developer to provide modeling for the entire city system. Susan suggested

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to put that language, with the clarification that it is not "city wide" modeling, in a motion and that would take care of those. (No motion was made.) Susan continued prodding the Council, saying, "For condition #24, is this what the Council wants? The applicant has said they just put them in an this is oversized - is the culvert your Engineer has stated in this condition the right size?" (The Council did not respond.) Susan asked George Chancellor to weigh in his comments. George said, "I haven't a clue. If the standard is 15-inches and they install 18-inches, what do I know?" Susan suggested the Council defer to their Engineer's conditions or ask the applicant to provide the hydrology justifying a smaller culvert.

Dennis Nelson commented about drainage ditches and culverts adding, "This may not even address the floodplain issues; therefore, I think we need to see the hydrology. Because if the drainage is directed into the holding pond, and that is not designed properly we will see water all over W. Ivy Street. I want our engineer to review those hydrology reports." Susan continued along with each condition stating #26 has to do with the development of retention ponds and Kelly Smith has already pointed out to the Council in her notes that they will have to deal with this in the floodplain permit part anyway. The Council can require it now, or it will be required in the floodplain permit aspect. Dennis suggested including this requirement now.

Susan then moved on to condition #30 and 31 regarding the dedication of, and paving Ivy Street. "I have heard the Council say it is going to be dedicated," Susan said. Dennis agreed but is confused about the cost sharing basis. Susan said her interpretation is they are not asking for \$50,000 they are just letting you know what that amount of land is worth on the market. Cost sharing comes in on #31. Sounds like the Council agreed to sidewalks, but the Traffic Impact study shows about 100 cars per day, and at full buildout this will generate more than 300 trips per day. Susan continued, "Gene Townsend made a comment every street has been 66-feet on the plat. Half the town has curb and gutter and sidewalks and half the town doesn't, and I don't know what happened to the decision making in the meantime but you are looking at the future of Three Forks, and you make those decisions. So, what do you want that future to look like?" Susan asked. Dennis Nelson said a few years back there was a proposal for a large development which included curb and gutter and the Council then felt it was appropriate.

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Erin Schattauer asked if Kelly Smith would share the document with the 3 paving options again please (which Kelly did). Gene said his understanding is these options were put forth by the developer - they are not part of the PUD application. Susan said the staff proposed condition #31 as written. Gene said, "My question is what would the cost to the City of Three Forks be? We have to choose option 1, 2, or 3?" Susan explained no, those options were suggestions to the City by the developer and the City can choose one and split it, or not split it and have the developer pay for any/all of it.

Erin Schattauer asked about the design standards. Craig Pozega said the City may not have an adopted standard, but because one of the things they recommend based on the traffic study is to pave to regular base. Erin continued by asking if there is anything in the past the City has ever set a standard for a new development like this. Crystal Turner explained there has not been a development of this size before the City in over a decade. There was a document presented by Gaston Engineering to the Council, but we cannot prove its adoption. Susan steered the conversation back to whether there being an adopted standard or not, the Council needs to look at the choices before it, based on the development's impact. "What is the reasonable mitigation for the traffic that will be generated from this development? You need to decide what that is - leave it as is, County-standard gravel with a hump in the middle so water drains off each of the sides, or what they're calling the "Cadillac" with pavement, curb and gutters. The only information you have to base that decision on is currently the street has about 100 trips, and this development will increase that to 300 trips per day at full build out," Susan said. Dennis Nelson said he thinks the Council needs to go with the staff requirement of the 1-foot build up on the base, and he does not think the City should be held to a cost sharing agreement either. "I don't think it's the City's responsibility to help the developer keeps costs down. We have to think about the citizens of Three Forks and the future of this community, and I think we need to stay with what staff has required," Dennis said. Mayor Gifford said the only thing he thinks the City could bend on to save the developer time and money on would be to not require the developer to go through DEQ which would save him time and money. Craig Pozega agreed they can review the MFE for the development.

George Chancellor asked if it is a possibility to not make the paving 66 feet wide but a decent two-lane road? Philip Kedrowski corrected it is not 66-feet of pavement - that the right-of-way is 66. He said it is important to view the cross sections as Ivy Street is not running parallel

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with the City's right-of-way. Gene Townsend agreed - the pavement is around 35 to 40 feet with sidewalks, curb, gutter area taking up roughly 11-feet on each side of the right-of-way. Philip added they are not proposing the right-of-way be less than 66-feet, but that perhaps the developer be obligated to improve it at its current width. Mayor Gifford asked Craig Pozega what the best option is for the City to accommodate the traffic and to prevent flooding from water runoff. Craig said he is coming at this condition from an engineering design and would recommend what the group has referred to as the "Cadillac: The City of Bozeman's standard". Mayor Gifford suggested the Council go with the recommended conditions, and work with the developer on Condition #38 to try and save some time and money for the developer. Susan Swimley clarified the Mayor is suggesting the Council use the staff report conditions, as written, except with #31 clarified to curb, gutter and pavement as addressed by the City engineer, #38 simply say the applicant shall pursue an MFE through the City. Susan further added, The planned unit development meets criteria of zoning & sub regs by using the city staff recommended conditions as presented including #31 which was modified slightly tonight by the City Engineering who is recommending the curb gutter and paving, that the applicant presented and the only modification to the staff's conditions is to #38 so that the applicant shall pursue a municipal facilities exclusion which would be through the City which not require the applicant to submit to DEQ. With those conditions in the staff report and the findings that it meets the criteria in your regulations which are also set out in the staff report. Erin Schattauer just wants to understand that 19, 20, and 21 are also not needed to assess the entire system. Councilwoman Mickelberry said "So moved". Councilman Nelson seconded the motion.

Motion Passed Unanimously.

(There was a brief recess to allow some people from the room to clear to allow Rick Lamb and his team to enter City Hall due to social distancing guidelines. Rick Lamb, Rick Orizotti and Brent Miller joined the meeting at City Hall.)

Public Hearing and Decision on a Petition to Abandon the Alley Between Milwaukee Street and Railway Ave off Dakota Street. The Location is Behind the City Shop Alley from Dakota Street to the Three Forks Market and RV Property.

Susan Swimley read over the criteria the Council needs to review for the abandonment of an alley. Part of the value of the property being sought, turn it over to the applicant and ask questions afterward.

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Brent Miller, Gaston Engineering and representative of the applicant, spoke that they met with Randy Carpenter, Susan Swimley and applicant onsite to discuss the site plan and setback along the alley. While onsite Susan made the suggestion, they could petition to abandon the alley. That idea was circulated with City Staff and since the alley was never fully built and appears it is unnecessary that was the direction for the petition.

Rick Orizotti, attorney for the Lamb's, explained their meeting and then addressed Kelly Smith's memo regarding this petition. He stated the applicant has proposed taking over maintenance of the alley and will completely reconstruct it. Owners of Lots 6 & 7 will be granted full access across the property. Mr. Orizotti said he concurs with Ms. Smith's comparable pricing but asked the Council to provide input regarding compensation to the City. With the help of Susan Swimley, we estimated \$3/square foot, but we proposed \$1/square foot and we believe Kelly's comparable properties can be developed, whereas an alley cannot be developed. Regarding the final two items Ms. Smith raised, he said, "Yes, plats can be amended for several reasons or circumstances, but we are not asking for a plat amendment. The petition itself is self-executing; the plat won't be amended. The alley would just be vacated." Last, Mr. Orizotti agreed these lots are already nonconforming size, as Ms. Smith had outlined in her memo [vacating the alley will only enhance the nonconformity]. Brent Miller addressed Exhibit D in the Petition to Abandon the Alley (page 11 of their submittal). He noted during that plat's survey which relocated the alley, that is where Kelly Smith noted the City losing 15-feet.

Susan Swimley explained while onsite Randy Johnston said, "Why don't we get rid of that alley and then I won't have to mow it," and that is what sparked her curiosity to abandon it. The alley does not provide adequate access for an ambulance or fire truck to turn around without a cul-de-sac, there are no utilities located in it, so why would it not be a viable solution? She said she calculated low because it is unusable land anyway, it is located in the floodplain as well. "If you are concerned the property is going to be used for some type of permanent dwelling in the future, we could record something that encumbers the land to address that nothing can be built on the site [for this use] so they could rededicate the land to the City when it will be used for residential purposes," Susan said.

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Mayor Gifford explained the City does not have much precedent; prior requests have come to the Council and been denied. Susan Swimley did not know that to be true, but confirmed it does not get requested often as she was the person who developed the form in the 1990s while working for the County; that is where the City of Three Forks got its form. "You can look at precedent, but it's not binding. You need to look at this petition and decide if it is best for the City or not," she said. Mayor Gifford said his second concern is if Rick (Lamb) does decide to subdivide because townhouses are more profitable in the future, would he have to give that property back to the City? Susan said yes if that is the condition decided upon by the City Council. Mayor Gifford warned he did not want the City to set precedent and then get into a legal mire later. Susan said she has every confidence they will draft a document that will protect the City if that is an important issue to the Council.

Deb Mickelberry stated she will be recusing herself from the discussion and decision, as she has a conflict of interest. Susan Swimley said she also spoke with Councilman Dahl earlier because this is an alley abandonment, and not about the RV conditional use permit, he does not have a conflict and can sit through this hearing and participate in the decision.

Dennis Nelson asked that this property will not need to be resurveyed. Brent Miller said that is correct - it is already surveyed. George Chancellor asked for a clarification that this does not modify the plat only being for reasons of public health and safety. Is not the abandonment of an alley modifying a plat? Brent answered, "No, the platted area is already surveyed. This plat has already been amended twice, but we aren't amending it. The petition does that for us. When we do an amended plat there has to be a reason for it - the language should read something like, 'The plat may only be amended if it does not violate public health and safety.'" Susan added that any amended plat is governed by 76-3, MCA and there are petitions to abandon or create roads are under Title 7, which is a completely different section of the State Law.

Steve Dahl questioned that by abandoning the alley does it increase his lot size, does there still not have to be a road there - and if there is a road there does it have to fall under certain guidelines as far as easements? Brent there will still be an easement, which will be 20 feet wide, the lots will increase in size. There is really no difference: it will still provide an easement for utilities and access. We are moving the property line and changing the wording," Brent said.

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George Chancellor asked, "What happens when our City dump truck drives in there and then drives back out your road full of mud?" Rick Orizotti responded, "It [the City's dump truck] has the right to do that. It would have the right to use that access as it sees fit." Susan added the caveat that would only take place if the Council agrees to this.

Public Comment: Matt Bugland commented that an alley is required for the zoning of that property and believed the City is now rezoning the property. Susan replied it not required for zoning, it is required for subdividing property. Gloria asked if the property is no longer subdivided then? Kelly smith answered the lot lines are still there. Matt Bugland stated he believes the alley is still required then. Susan said the Council is going through the process of deciding abandonment right now. Kelly Bugland was present when the Council previously heard a petition to abandon an alley and voted not to do that because it was not in the best interest of the public. She does not see, with as much opposition as there has been, that the Council could decide to abandon this alley. D.K. Brooks said if the City abandons the alley that is a permanent decision. "I don't understand why the City would abandon an alley just because someone does not want to mow it. I know what your legal counsel has said, but we know what happens in real life. This City is growing and developing, and we aren't here to change the zoning - it's still zoned Residential Medium Density, but our interpretation the alley needs to stay there. How can the desires of one party override the negative impact of multiple properties?" Gloria Howland agreed with D.K. Brooks' comments. She said, "Just because the RV property doesn't fit in the property he has, should you just give him the land to make it fit. He should try to make his development fit into the property as it exists." Matt Bugland echoed his earlier comment that an alley is required because the land was subdivided. Kelly Bugland reminded the Council other alley abandonment petitions were denied. She added, "Many are in opposition to this RV park and I can't see how the Council can approve the alley abandonment because of the sheer number of people opposed to the RV park." D.K. Brooks said a CUP is not permanent. He closed with, "If the alley is abandoned, that will be permanent. I think the alley needs to stay there and should not be abandoned just because the city staff doesn't want to mow it. How can the desires of one party override the impact endured by so many?"

Mayor Gifford closed public comment.

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Applicant Rebuttal: Brent Miller stated alleys are 20-feet wide, how many you do think are open 20-feet wide? The City no longer must maintain this land, the City gets compensation by doing this, it's a win/win. Rick Orizotti also commented the applicant has agreed to a deed restriction for the residential use as Susan Swimley suggests. He added, "This is a unique situation which benefits everyone."

Council Discussion: Mayor Gifford said in his opinion if the applicant had built the RV park to fit within his own property this would not even be before the City so he felt we are using a lot of City resources on this subject. The applicant's team asked if they could respond. Susan Swimley said no, citing this application is a petition to abandon an alley and not a RV park use application.

Erin Schattauer said the application clearly shows it meets the criteria and the alley is not necessary here. I am comfortable adopting, with the conditions discussed tonight, that if developed for residential use the land (alley) be given back to the City. Her only question was recommendation on a price per square foot. Susan said her recommendation was \$3/square foot, but she is not a realtor. She added Kelly Smith had good comparables so the Council could use those. If the Council cannot agree and wants to delay this decision, she could get more information to the Council. Dennis Nelson said he agrees with Erin's point. I see no reason that the abandonment cannot go through. He believes the \$3/square foot is a realistic figure.

Councilwoman Schattauer moved that we abandon the alley between Milwaukee and Railway off Dakota Street, with the condition that if it reverts back to residential use that it will be rededicated to the City, and with the other condition that the City will be compensated at a rate of \$3.00 a square foot for the piece of land. (Susan Swimley asked, "And get the easements?") Yes. Councilman Nelson seconded the motion.

Motion Passed 4:1:1, Steve Dahl opposed, Deb Mickelberry recused herself.

REPORT OF OFFICERS

City Treasurer Kelly Smith, City Clerk Crystal Tuner and City Attorney Susan Swimley did not wish to provide reports due to the time.

REPORTS FROM COUCIL COMMITTEES (if any)

There were no Council Committees to report.

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UNFINISHED BUSINESS

There was no unfinished business.

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

Matt Bugland asked if the City has done anything regarding RVs being parked in town and hooked up to water and power, and propane - basically a residential use. Mayor Gifford said, "It's almost 10 o'clock at night and he will speak with the Ordinance Officer about that."

Mayor Gifford closed public comment.

MAYOR & COUNCIL ANNOUNCEMENTS

No Council announcements.

Mayor Gifford would like to put the ice rink back in Stevenson Park. He has spoken with MMIA and it would be covered by insurance, but the City will need to follow maintenance procedures and guidelines. He asked Gene Townsend for historical knowledge of the former rink. Gene said we used to flood the area and the chinook winds would take the ice away. Sean said to mitigate that you put a border in and a vinyl cover down, and he has volunteers to do the maintenance. The Mayor will be applying for grants and is willing to put in some of his own money, and then also the Parks Account has funds available. He will also be cleaning out the old warming hut, which is currently used for storage by the Three Forks Youth Recreation Task Force.

George Chancellor asked about the borders and vinyl bottom if they are reusable. Sean said they would be 2x12 and removable and reusable. "I still need to work out with Wendell and Ben Linkenhoker to take care of the maintenance of the ice. I am looking for a motion from the Council to create a fund number specific to this ice rink." Kelly Smith explained the fund would be separate, much like the Bertagnolli fund, so we had a clear way to receipt donations.

Councilman Chancellor moved to create an ice rink in Stevenson Park, maintained done by volunteers, at a minimum cost to the City. Councilman Nelson seconded the motion.

Motion Passed Unanimously.

Mayor Gifford thanked the Council and assured them he will "put his money where his mouth is" and help maintain it.

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AGENDA ITEMS FOR NEXT COUNCIL MEETINGS: 9/22/2020

There are no items on the agenda currently.

ADJOURNMENT

Councilman Chancellor moved to adjourn. Councilman Nelson seconded the motion.

Meeting was adjourned without a vote. (Meeting adjourned at 10:03PM.)

Sean Gifford, Mayor

Crystal Turner, City Clerk

OCTOBER 20TH, 2020, The Three Forks City Council met in session at City Hall at 2 E. Hickory Street (Three Forks Ambulance Barn) and was presided over by Mayor Gifford. Mayor Gifford called the meeting to order at 7:00 P.M. for a special meeting in October 2020.

PRESENT: Council members Erin Schattauer, Gene Townsend, George Chancellor, Steve Dahl, and Dennis Nelson were present. Deb Mickelberry was excused. City Attorney Susan Swimley, Attorney Lilia Tyrrell (of Kasting, Kaufmann & Mersen, P.C.) on behalf of the City of Three Forks, and City Clerk Crystal Turner were also present.

The record reflects 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 Gifford. He reminded the public the meeting was being audio recorded.

GUESTS: Kelly Smith, Matt & Kelly Bugland, Brandi Williams, Cortney Kober, Joshua Miller, Melissa Jenkins (Three Forks Voice), Charles & Leana Eastty, Brad Eastty, Laura Plumb, Marjorie Edwards, Chuck & Tina Wambeke, Tyler Oehmcke, Ian Daubenspeck, Kira Gifford, and Quentin Mortonario.

Mayor Gifford recused himself from officiating the meeting since the matter involves him as mayor, and requested that City Attorney Susan Swimley run the meeting. Mrs. Swimley asked that everyone speak loud and clear enough to have their words recorded accurately since we all have masks on.

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AGENDA ADJUSTMENT: PUBLIC COMMENT (FOR MATTERS NOT ON THE AGENDA)

Moved public comment not on the agenda to now...no one stepped forward with any public comments for items not on the agenda.

Public Comment was closed.

NEW BUSINESS

Decision to Close Meeting to the Public, per Section 2-3-203(3), MCA, Unless Volunteer Waives their Right to Privacy

Mrs. Swimley said the Mr. Eastty waived his right to privacy already (via email on 10/16/2020 at 11:32PM). She reminded the Council members this is not a new investigation.

Determination of Investigative Findings of Volunteer Firefighter Appeal

Mrs. Swimley reported the City received a grievance which was routed to the Council President, Dennis Nelson, who chose Erin Schattauer to serve on an Investigative Committee with him to review the grievance. The investigative committee has interviewed all parties involved and tonight's hearing is to present their findings and recommendations. Susan stated that if the Council has questions they need to direct those questions to Erin Schattauer or Dennis Nelson regarding the investigation; questions regarding the process shall be directed to Lilia Tyrrell. She asked if anyone on the Council has questions at this point, to which they answered "no". She also explained that the public is allowed to be present since Mr. Eastty has waived his right to privacy, but they are not allowed to comment. She asked if Mr. Eastty wished to present any additional statements to the Council, which he said he did.

Mr. Eastty said he was here to seek his reinstatement as a firefighter as well as fight for future firefighters. He explained what he did on the scene of March 6, 2020, noting his friend was the person at the scene of the accident. He demonstrated what he had to do on the scene of the accident, noting why he had to remove his gloves. He noted what he believed are several errors in the investigative report, and asked the Council if they each had read it (all said yes, they had). [Mrs. Swimley reminded Mr. Eastty he is not to ask questions of the Council, and that if the Council has questions they need to address those questions to the committee members: Erin and Denny.] Mr. Eastty continued that he did not have 20 minutes on scene to make decisions. He argued that March 10 is the first day that he was notified that any blood test was needed. (He said many more words - does his presentation need to be verbatim?)

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(Tina Wambeke took a pictures starting at 719, is this ok?) Brad played a voicemail of March 10 at 11:10AM from Chief Aune saying Brad would need to fill out a "work comp form with the City". At 2:09PM Brad said he received a text from Chief Aune stating Brad would need to file the work comp form with City Hall and get his blood drawn since he cut himself on scene, as per policy. He stated Chief Aune would not communicate with language like this normally, and he knew it was from the City not the Chief.

Brad cited that Mayor Gifford violated his HIPPA rights...He stated he never received the letter dated June 26th. He disagreed he was disrespectful regarding the March 10 letter from Chief Aune, but did not deny he returned the letter to City Hall and refused a blood draw. He said he made no threats, and if his tone was threatening he apologized for that behavior. He added, "If you were found to have to stand up for your civil rights you may have a different tone as well." Brad stated not only were his civil rights violated by the Mayor of the City you reside in and served for the Fire Department for 18 years, but his investigator found that the policies referenced, employment laws, the constitution of the State of Montana, constitution of the United States, HIPPA, bans on unreasonable search and seizure (he trailed off and did not state specifically these were violated). "We recommend that the Council find Brad Eastty violated Section 6.8," in the letter (again, per this Clerk's interpretation, Mr. Eastty trailed off and was unclear as to why he is referencing this particular section of the recommendations). Mr. Eastty did express to the Council that after stating that his wife tried to communicate with Mayor Gifford and Mayor Gifford would not discuss the matter with her citing privacy, Brad stated he learned via Stacy Bellamy (Three Forks Ambulance Service) that Mayor Sean Gifford had asked Stacy if Brad had obtained a blood draw before attending Three Forks Ambulance Service calls, which in turn violated Mr. Eastty's privacy issues. Brad said he tried to get a blood draw at Belgrade Urgent Care, but was turned away with having a doctor's order. He explained this to Stacy who informed a Dr. Baird, who said he would personally draw Brad's blood for a baseline sample if Brad arrived at 10PM at the Bozeman Deaconess Hospital Emergency Room that same night. (He turned around to address the public, however Mrs. Swimley asked him to address the Council only.) In closing, Brad requested the Council reinstate him with one condition: that he be allowed to redo his training for 2019 and 2020 hours.

Susan Swimley said the Council can now ask the investigators any questions they may have. Gene Townsend asked if the letters were sent via certified or registered mail. Erin & Denny responded the July 1st letter was sent

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via certified. "June 26 was sent via registered mail, June 4 was sent registered mail, and the March 13th letter was sent certified," Erin reported. George Chancellor asked Denny if the blood test requirement was verified in policy? Denny answered that from his understanding it is required in the Volunteer Firefighter Handbook. Steve Dahl asked in the investigative finding's document on page 1 it stated that someone offered him [Brad] medical PPE gloves which he does not accept. Steve continued, "I saw the leather gloves (the gloves demonstrated at the meeting appeared fabric, not leather) tonight but I wear lots of gloves and can someone please explain to me why he didn't take the gloves offered?" Susan Swimley interjected, "It's not anybody who can answer this question - ask the investigators." Denny said it is his understanding it was not PPE gloves but structural gloves - and his understanding it would be worn under the structural gloves. Denny said it would be virtually impossible to hold a c-spine while wearing structural gloves. However, he did not have the medical gloves underneath and did not put them on when he was offered them. Erin added, "We have a report from the incident dated the 6th of March, which she passed down to Steve Dahl to review, which said: Single vehicle MVA entrapment, Logan-Trident road, Life Flight, "Firefighter Brad Eastty did not put on medical gloves even after an EMT offered them to him." Denny added, "Those reports are filed on every dispatch, even if cancelled before they leave town."

George asked if Denny concurs that the letters were not sent exactly when they were supposed to be? Denny said the only information they had of when the letters were sent are the dates of the letters. "We were unaware that Mr. Eastty did not receive the June 26th letter as he stated tonight. Gene asked if the Committee concurs with the 73 days that Mr. Eastty said that they did not reply within the 60 days? Denny answered, "Yes."

Steve Dahl said Brad made reference to the fact that nothing of a blood test is required. "Is it in policy of the City of Three Forks that you have to have a blood test after cutting yourself?" Denny said it is required if it is for any type of workman's comp report but if it not a blood borne pathogen exposure, "The big issue here is the mixing of the blood." Steve Dahl asked, "It is in writing that it is required?" Denny replied, "To my knowledge it is, yes."

Susan Swimley stated since there are no other questions, the Investigative Committee outlined three possible courses of actions: 1) deny the reinstatement, 2) reinstate immediately, or 3) reinstate with conditions. If the Council chooses the third course of action, the suggested conditions are as follows: He would be suspended for a period of 6 months, during the 6 months Mr. Eastty should attend an anger management course,

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and retrain on the safety protocol, fully review the safety manual and personnel manual. After that suspension, the Committee recommends a 6 month probation period, during which Mr. Eastty must retrain on accident vehicle protocols, full review of the City's personnel and safety policies, and attend all [Fire Department] trainings and meetings. The committee split on the next recommendation, which would include Mr. Eastty's move for suspension to probation being subject to a vote of the Three Forks Volunteer Fire Department membership.

Susan continued that Mr. Eastty has asked for reinstatement to probationary status until he has the training hours to be fully reinstated. Your next step is to ask the Investigative Committee any questions regarding their recommendation.

Gene questioned the Committee, "With these recommendations, is the Committee open to recommendations from this group?" Denny replied, "Yes, it's a Council decision. We would take other observations or insertions. These were our starting points." Erin added, "We saw this as an opportunity to find holes in our [City's] processes, things that weren't followed on both sides, and you'll see that in our additional recommendations. But really I think the intent is to address that we prepare our people in all the ways we can."

George Chancellor commented how teams work together, both the City Council and the Fire Department, when a thing like this arises there are hard feelings that are hard to get around. I would like to know if the Fire Department will be able to get over this and work with Mr. Eastty. I have no desire whatsoever, we have a good Council and a good Mayor, and we don't need any kind of friction to interrupt our quality of business over this sort of thing." Susan Swimley said if the Investigative Committee has a response they can reply to that comment, but if you have a procedural questions I suggest you ask your employment attorney for procedure (policy) questions. George replied he just wants there to be a team, we have to be together, and it is my concern at this point."

Lilia Tyrrell said you could ask the investigators, "Do you have any understanding what impact of Mr. Eastty's reinstatement would be on the Fire Department or the Fire Department's relationship with the Council, to get a better understanding of what that would look like." George directed his question stands to the Investigative Committee, "Do you think there will be hard feelings on the Fire Department's part if Mr. Eastty is reinstated with or without conditions?" Erin replied, "Yes, based on the interviews there is certainly some tension there, but I think we could encourage some work done internally to help address that tension." Ms.

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Tyrrell advised the Council to follow the procedure, which is the grievance procedure. Did Mr. Eastty violate the PPE policies, or interactions with City employees, and does that conduct arise of lack of reinstatement, reinstatement, or reinstatement with conditions and what those conditions might be.

Gene asked, "Did the Committee have the opportunity to sit with Mr. Eastty and interview him?" The Committee replied yes.

Denny explained the prospective firefighter process, the interview and background check, application, and then appointment by the City Council based on the recommendation of the Three Forks Fire Department. "This is one of the conditions I feel that should go back to the Fire Department that the Fire Department does recommend Mr. Eastty should be (re)appointed as a probationary firefighter. In my opinion it says they support Mr. Eastty's request for reinstatement. There does have to be trust; the, 'Who's got my back?' is a real and critical situation to the team." Denny said.

Susan walked the City Council through the Committee's recommendations:

1. Do you find that Mr. Eastty violated the City Safety Manual when he did not wear the required PPE when he attended to the MVA on 3/6/2020?
 - a. Gene Townsend answered yes, he feels Mr. Eastty violated the PPE policy by not wearing gloves. "Let's remember these are volunteers, mistakes to cause unforgiving results. I admire his work still."
 - b. George Chancellor and Steve Dahl agreed.
2. Did Mr. Eastty violate the Three Forks Safety Manual when he did not report to the nearest health facility for evaluation and treatment?
 - a. Steve Dahl answered yes, adding he read in the Safety Policy it does state you are to be tested when exposed.
 - b. George Chancellor and Gene Townsend did not disagree.
3. Did Mr. Eastty violate City policy when he failed to follow the directive of Chief Aune when he failed to obtain a baseline blood draw?
 - a. Steve Dahl, George Chancellor and Gene Townsend agreed Mr. Eastty violated this policy.
4. Did the City make the resources available for Mr. Eastty to obtain a blood draw and treatment?
 - a. George Chancellor said yes.
 - b. Gene Townsend and Steve Dahl did not disagree.
5. Did Mr. Eastty fail to follow all regulations?

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- a. Steve Dahl, George Chancellor and Gene Townsend agreed Mr. Eastty violated this policy.
6. Do you find that Mr. Eastty violated the Three Forks Personnel manual, requiring professional behavior, based on his conduct in the City Office on 3/10/2020?
- a. Gene Townsend did not believe Mr. Eastty violated this policy. "Being involved in City Government as long as I have, I have seen many people raise their voices in certain manners. I wasn't there but even I may speak in a raised voice."
- b. George Chancellor said yes he violated this policy, but added, "I believe that considering the gravity of the situation that a calmer voice would be better approach. When people start yelling, the communication level drops."
- c. Steve Dahl said, "The fact that they had to close the door..." (However, Susan reminded the Council that occurred at the June meeting and she asking the Council of Mr. Eastty's actions in March.) Steve agreed this could be based on the intensity of the situation at hand, so no.
- d. Erin Schattauer believed this behavior violated the policy.
- e. Dennis Nelson agreed with Gene and Steve that this is understandable given this situation. "I wasn't there, so do not know how high this incident went, but no I don't believe he violated the policy."

Susan continued that this Appeal is asking for reinstatement. "The Committee gave you three options: You can 1) deny, 2) reinstate, or 3) reinstate with conditions, and you heard Mr. Eastty's request for reinstatement with a different condition (reinstatement with 2019 and 2020 training hours counted). Please remember the Investigative Committee is split on the final condition."

Gene Townsend recommended his vote would be reinstate with the conditions: that he be on probation for 6 months, and to complete anger management program and retrain on safety procedures and undergo a full review of the Three Forks Personnel Policy Manual.

George Chancellor asked for clarification, "This is reinstatement with all conditions include all the recommendations of the Committee, correct?" Susan said no, it is slightly different than the Committee's recommendation, and please remember there is a split on the firefighters voting to allow him back in, and Gene did not include that nor the suspension.

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Gene asked the Committee if there is a personnel file on Mr. Eastty, and was his personnel file part of the investigation? Denny replied they only reviewed the letters regarding this incident, and to his knowledge his personnel file is in the Fire Hall. Erin Schattauer added they did inquire of the Fire Chief if there were letters or reprimand or other instances documented for negative behavior in the past and they were told 'no'. "As far as we know there are no documents for violations [in his personnel file]," Erin said.

Steve Dahl stated it sounds like everything recommended under #3. Susan agreed, other than it does not include suspension.

Erin Schattauer would add the recommendation should also include Mr. Eastty is up on training, as required by the Fire Department, and also attend the training meetings. George Chancellor asked Denny, "If we go through this first conditions, is it still up to the Fire Department whether he gets back?" Denny replied, "With what Gene presented no, but I would like the Council to seriously consider that aspect. I think the Fire Department should be brought into that."

Lilia Tyrrell clarified the options on the table as she feels the Council is blending the recommendations right now. One option is suspension with a transition to a probationary period if certain conditions are met. If you move forward with this option, there is a question mark in there as to whether the Fire Department must vote to move Mr. Eastty into a probationary period. Another option is automatic probation with specified conditions, which is what Gene has presented to the Council. Gene added he believed it has always been up to the Firefighters to recommend to the Council a new recruit to probationary status. Gene added, "I am not a current member of the Fire Department so an unsure of their protocols, however I have always assumed the Department always votes on the acceptance of a member and that is included in my recommendation as my assumption." Lilia reiterated the Council is looking at a 6-month suspension with move to probation period, with a question still on whether or not the Fire Department membership votes on Mr. Eastty being released to a probationary status (Gene's recommendation which does not include suspension); or move straight to probation while completing the recommended training.

George Chancellor asked if the Council could have Mr. Eastty remain on suspension until the required training programs are completed and which may alleviate the entire 6-month suspension, and then go to probation period if he finished the training earlier than 6-months? Susan said yes, that is a possible recommendation. "If he wants back in that bad, then he

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could get it done before 6-months, and still the Fire Department ought to agree they want him back. Is 6months a designated time in a policy somewhere?" Denny answered no, it was just a number Erin and I came up with it, it could be 1 or 10 months.

Susan verified the Council understands that Mr. Eastty must be allowed to attend training during this time in order to qualify? The Council agreed and no one objected to allowing Mr. Eastty to train during the suspension period (assuming they vote for that recommendation, which is not what Gene Townsend's recommendation included).

Denny Nelson said he is leaning toward Gene's recommendation but wants to include the Three Forks Firefighters' approval prior to being place back into the probation status. This is an important issue Denny feels to include in the overall recommendation. George said he would agree with that addition and no suspension. He would want all the required training (anger management, personnel and safety policy refreshers, etc.) completed during probation period.

Gene said he proposed the recommendation as is because he feels there is plenty of blame to go around. Gene said, "I have a problem with the City being at 73 days to respond when we had 60 days to do it. When I was involved in grievance matters at the Talc Plant, a timeline violation threw the whole thing out the door. We didn't hold up our end of the deal. Also, I really feel that all the letters should be sent certified so we know the person got them. That's why did not suggest suspension. Brad made mistakes, but those mistakes will be atoned with increased training and moving him back to probationary status again. If it goes before the body of the Fire Department Volunteers, and they don't recommend him this decision will be back before us anyway." George asked if a vote of the volunteers is out of our normal process. Ms. Tyrrell stated the Three Forks Volunteer Firefighter Handbook does discussion an officer panel who recommends volunteers to be appointed to probationary status by the City Council. She added, "Denny's proposal somewhat complies with the handbook by allowing the department to allow him back in and allow his reinstatement." George clarified if the Council were to put him on probation for a set time, and he does the work, he is just back as an active firefighter, correct? Lilia replied, "If you vote yes to reinstatement and it goes to the Three Forks Volunteers for vote, which follows the handbook's policy, it will be before the Council to appoint him to probationary status at some point down the road, as is the normal process."

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Susan clarified: Mr. Eastty be reinstated as a probationary Fire Department member, complete anger management program, retrain on the safety procedures, review the Three Forks Personnel Policy, retrain on the Motor Vehicle Protocols, review the Fire Department Policy and City's Safety Policy, attend all Fire Department trainings, and the Fire Department follow the protocol in the Three Forks Volunteer Firefighter Handbook for recommendation to be on probation. Council agreed.

Motion Passed Unanimously.

Mrs. Swimley moved on to the additional recommendation of the Investigative Committee that both the Mayor and Chief Aune attend suitable leadership programs to allow them to learn and bring back information to be incorporated into other trainings.

Gene Townsend said he felt this is a good recommendation, "With Mr. Eastty, we said he had to do this to get back onto the Fire Department. Are we setting any time constraints on the Mayor or Chief to complete these?" Susan said the Council can direct them and set a deadline. Gene said, "And if they refuse?" Lilia Tyrrell said it would become a disciplinary matter. Erin said, "We see this as an opportunity to look at our own policies and procedures, in order to grow from this and do things differently in the future we thought it would be beneficial for our leaders to attend those trainings and bring back and share with their staff. We want them to be prepared in dealing with issues in the future." George asked Erin, "You don't believe the procedures followed had their own lessons with everyone concerned already?" Erin replied, "This is a growing moment for our City and we can look at how to handle things better and prepare for that in the future." There was discussion regarding MSU's Local Government Center, Montana League of Cities and Towns, MMIA, and other entities which provide leadership training. City Clerk Crystal Turner will work on coordinating these training opportunities and extending them to the rest of the Council and Supervisors as well.

Councilman Townsend moved to accept he additional recommendation that the Investigative Committee made as in this paragraph, (discussion regarding time frame and lack of trainings due to the COVID-19 pandemic) and we talk to MMIA and Dan Clark we can probably set it up in a small group session in the evenings to accommodate day jobs, but I would really like to see it ASAP, but within the next 6 months. Lilia added it really is fair to the other employees set to a deadline for your leadership as well. Steve Dahl asked if the Council can we add to that the type of equipment we use, for all type of gloves for more dexterity that are still safety protocol citing the importance of proper equipment. Susan Swimley said the Council

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can recommend to the Fire Department and to its leadership to review their PPE policy and resources. Susan asked, "How does the council feel about that?" Denny replied that falls under National Fire codes and under their rules. "You can't just go to the hardware store and pick up different gloves," Denny said. Susan suggested following the Rural/City Interlocal agreement and discuss this at the annual meeting. Councilman Nelson seconded the motion (which includes the Leadership training).

Motion Passed Unanimously.

ADJOURNMENT

Councilman Chancellor moved to adjourn. Councilwoman Townsend seconded the motion. There was no public comment.

Motion Passed Unanimously. (8:45 P.M.)

Mayor Sean Gifford

Crystal Turner, City Clerk

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NOVEMBER 10TH, 2020, 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 being used due to COVID-19 and social distancing guidelines.) The meeting was presided over by Mayor Gifford. The Mayor called the meeting to order at 7:00 P.M. He reminded the audience this meeting was recorded, Zoomed, and streamed on our Facebook page.

ROLL CALL: Mayor Sean Gifford, City Council members George Chancellor, Deb Mickelberry and Dennis Nelson, City Treasurer Kelly Smith and City Clerk Crystal Turner, Gallatin County Sheriff Sergeant Austin Owens were present at City Hall. Gene Townsend, Steve Dahl, and Erin Schattauer were present via Zoom.

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 Gifford.

GUESTS: Brad Eastty, Teri Whitesitt were present at City Hall. Attending Via Zoom: City Attorney Susan Swimley, Tiffany Lyden, Traci Sears and Nadene Wadsworth of Department of Natural Resources and Conservation (DNRC), Kristin Smith and Patty Gude of Headwaters Economics, Russ Anderson of Michael Baker Engineering, Jeremiah Theyes, Shay Bodine and Jessica Salo of Great West Engineering, Diana Johnson of the Belgrade News (7:20PM), and Steve Story DNRC Bureau Chief (7:31PM).

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

Sgt. Austin Owen introduced himself as the new Sergeant responsible for the Three Forks area.

Brad Eastty spoke to the Council regarding the letter dated 10/21/2020 which stated he needs training and a vote of the Fire Department. He attended last week's departmental business meeting where he was told by the volunteers they were unaware of his firing, and hence his reinstatement (with the conditions mention above). He wishes to attend the 11/24/2020 training and needs to ensure he can participate if the department has yet to take a vote on his reinstatement.

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CONSENT AGENDA

- qqq. Claims Paid due to Timeliness on 10/19/2020 Totaling \$18,800.97
- rrr. Claims Paid due to Timeliness on 10/22/2020 Totaling \$15,348.37
- sss. Claim #145105 Reissued on 10/28/2020 (which was included in Item A above)
- ttt. Claim Paid due to Timeliness to Mail Utility Bills in the Amount of \$159.87
- uuu. Claims per List
- vvv. Three Forks Rodeo Arena Claim Paid due to Timeliness on 10/15/2020 Totaling \$2.00
- www. Three Forks Rodeo Arena Claim Paid due to Timeliness on 10/22/2020 Totaling \$36.00
- xxx. Three Forks Rodeo Arena Claims per List
- yyy. Meeting Minutes of City Council 10/13/2020
- zzz. Zoning and Planning Meeting Minutes from 8/20/2020
- aaaa. Pledged Security Report as of 09/30/2020
- bbbb. Mayor's Signature on Service Agreement with Westslope Corporation in the Amount of \$123,990.500 to Construct the Jefferson Trail Addition to the Headwaters Trail System
- cccc. Service Agreement with AE2S to Provide General Instrumentation and Controls on the Public Works' SCADA Systems through 12/31/2022 Not to Exceed \$20,000
- dddd. Service Agreement with VITU for Vehicle Registration Searches for the Code Enforcement Officer's Use at a Fee of \$2.77 per Search (Month to Month Term)

Councilman Townsend moved to approve the Consent Agenda. Councilman Nelson seconded the motion. There was no public comment.

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on a Request for a Conditional Use Permit by Teri Whitesitt to Operate a Home Occupation of a Pottery Studio at Lots 9-10, Block 36 of Milwaukee Land Company's 1st Addition, Commonly Known as 111 N. 4th Avenue E.

George Chancellor, President of the Zoning & Planning Board, read Randy Carpenter's staff report into the record and then relayed the Zoning & Planning Board's recommendation for approval.

Kelly Smith read a letter of support from Sylvia Vander Wall.

Applicant Presentation: Teri Whitesitt said she has been making pottery for years and sells it at Farmer's Market and the Emerson but she gets people who call her and just want to shop her inventory or take lessons.

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She wants to be legal and allow people into her studio to purchase inventory, and to provide lesson as a service to the community.

Public Comment: Dennis Nelson, as a neighbor, supports this application.

Councilman Chancellor moved to approve the conditional use permit for Teri Whitesitt at 111 North 4th Avenue East, for a pottery studio. Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously.

REPORT OF OFFICERS

Gene Townsend, on behalf of the Three Forks Rodeo Arena Board, reported on the financial status of fundraising. Since January 2020 - raised a total of \$92,844. Some of that has already been spent on the construction of the bleachers. "Fundraising began when the high school and annual rodeos were cancelled. In August we kicked off 'No Go Rodeo' for donations and advertising. We have taken in \$4,308.02 in "ticket" sales, \$6,245 in what would have been regular advertising if there was a rodeo in July - companies who supported their regular advertising costs. The ending cash balance in October is \$11,771," Gene reported.

"We are still raising money with the 'No Go Rodeo' and we are asking our tried-and-true sponsors if they would still do their sponsorship this year even though we did not hold a rodeo. Many are willing to participate. We are still hopeful to raise the rest to the \$17,754 payment due in February," Gene said.

Dennis Nelson asked if there will be a gun raffle still this year. Gene said they are still looking into this. The Board has done some gift basket drawings, "We gave away hamburger patties as a drawing for our 'No Go Rodeo' ticket sales, the Headwaters Golf Course donated a golf bag to be raffled off. The community has just been real supportive," Gene said appreciatively.

Erin Schattauer asked if the Board was considering anything for Christmas Stroll this year, and if he knew of any grants available for events that were cancelled due to COVID-19. Gene replied he has looked into a couple grant opportunities but did not believe they qualified. He is unsure if the Christmas Stroll is really going to happen when Gallatin County has limited groups to 25 people maximum.

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REPORTS FROM COUCIL COMMITTEES (if any)

There were no Council Committees to report.

NEW BUSINESS

Board Appointments: Three Forks Rodeo Arena Board of Directors & Zoning & Planning Board

Mayor Gifford read the board appointment memo for the **Rodeo Board**.

Councilman Nelson moved to appoint Ryan Hamilton to the Rodeo Board.
Councilwoman Schattauer and Councilman Chancellor seconded in unison.

Motion Passed Unanimously.

Mayor Gifford read the board appointment memo for the **Zoning & Planning Board** into the record.

Councilman Nelson made a motion to appoint Nikki Elmore to the Zoning & Planning Board. Councilman Chancellor seconded the motion.

Motion Passed Unanimously.

Approval for the Mayor to Submit an Application to the Montana Department of Commerce's Tourism Grant Program to Support the Addition of an Ice Rink in Stevenson Park (nothing in packet)

Mayor Gifford reported he has garnered \$2,900 in donations to date, which includes a grant from the Vail Veteran's Association. The Mayor said, "I would like to apply for a Montana Department of Commerce Tourism grant for 2021 to promote a winter economy of hockey tournaments where people would stay in our hotels and eat in our restaurants and bars." He hopes to apply for \$50,000 to purchase a refrigeration unit to offset warm winter weather.

Dennis Nelson asked when the grant would be awarded. Kelly Smith thought January, deadline to apply is November 30th. Mayor Gifford said the community seems supportive and he would like to include maintenance funds in the next year's budget.

Councilman Nelson moved to approve the Mayor's submittal for the grant program to support the ice rink. Councilman Dahl seconded the motion.

Motion Passed Unanimously.

Presentation by DNRC on Flood Study and Draft Madison and Jefferson Rivers Floodplain Maps Update

Kelly Smith reminded the Council the Department of Natural Resources and Conservation (DNRC) held a "Floodplain 101" meeting in May at the Ambulance Barn where they informed us that they were in process of remapping the City of Three Forks. "Tonight's presentation is follow-up to that initial meeting," Kelly said. She then introduced Nadene Wadsworth of DNRC.

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Nadene thanked Kelly for the introduction, and then she introduced Steve Story, Traci Sears and Tiffany Lyden all with DNRC. She presented a PowerPoint presentation explaining why floodplain maps are important and what the maps are used for. "Maps should accurately reflect the flooding risk, so maps do get updated periodically as the technology improves. Maps are critical tools for local floodplain managers, and local, state and federal emergency management for communicating and managing flood risk," Nadene said.

"The City of Three Forks has been mapped since 1975. We are at the point in the project where we want to get the public's participation. We are still a few years away from these maps being adopted and finalized by FEMA, which would replace the City's current maps. There is a project webpage you can view information, maps, and where upcoming meetings will be posted: www.floodplain.mt.gov/madison

"Blue is the 100-year floodplain and what falls into the City's floodplain regulations. If the property owner has a mortgage the lender would require flood insurance in these areas. Red hatching on the map is considered the floodway in a 100-year flood event. There are stricter regulations in the floodway, and no new buildings are allowed in the floodway. Brown is what is considered the 500-year flood event and does not require insurance from the lender and is available at a lower rate. Our map viewer takes all the draft maps and puts it into a more user-friendly version of the maps. These went live to today!" Nadene explained. "Our contractors found that during a 100-year flood event, water is splitting off the Jefferson River and tries to make its way back to the Jefferson in two main locations. This is a change from the current adopted maps. We call this the 'Jefferson Split'. Within the project webpage there are five tabs on the left: Tab 1 shows the draft maps and Tab 2 shows the current floodplain maps. Tabs 3 and 4 will compare the proposed 100-year floodplain and floodway to the current floodplain and floodway. Within Tabs 3 and 4 anywhere you see green, this is proposed removal from the floodplain or floodway. Anywhere you see red is added to the floodplain or floodway. Blue means no change from existing maps. Although the new study shows similar floodplain results, the new study does show significant new risk of flooding and now places some properties in the floodway. The structures on the map represent the rooftops of those structures."

Nadene encouraged everyone to review the draft data. "The public's review is a big portion of the remapping process. We will start scheduling meetings with the City staff's help and have already selected December 2, 2020, and January 6, 2021," Nadene said. The first open house will be geared more towards the mitigation projects which will be discussed later this evening, and the second open house is geared to the floodplain mapping process only. Because of Gallatin County's restrictions on public

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gatherings, the City is working to host two locations to house people physically as well as virtual options.

Council questions: Dennis Nelson asked if Nadene could narrow down "a few years" in the timeline of FEMA's adoption process. Nadene replied that these are technical maps and we want the public's input (if there were not COVID-19 mandating things, the timeline could be shorter), so maybe end of 2022 but it will depend on the review process.

Gene Townsend asked, "In 2011 we hired an engineering firm and received a FEMA grant, but what has changed to put the City into the floodplain more than in 2011?" Nadene believed this was due to a smaller area being surveyed before; now the study encompasses for miles upstream. Dennis Nelson clarified that the State and its contractor are now taking into account a larger volume of water, coming through the Whitehall Valley? Russ Anderson, of Michael Baker Engineering who performed the study replied, "Yes, this study addresses a larger volume of water. "The hydrology work they used to run the models to create these maps included analyses of data from around Meridian Bridge. We used new terrain and topography data available which did not previously identify flood risk. There is a split, or flow path, which has a direct impact on the Three Forks community which begins about 2 or so miles above the bridge," Mr. Anderson explained. Gene responded, "If you travelled upstream to the 'point of rocks' that is where water went out its banks in 1948. It wasn't volume of water which caused it, it was an ice jam due to one of the coldest winters on record in Montana." Gene said he was not trying to discredit the engineers are saying, "But basically the City of Three Forks is a floodplain which has never flooded and with this study you're ending just about all growth in the City of Three Forks. I've lived here all my life and I guess it just bothers me. Now all the way down on 5th and Elm I'll have to carry flood insurance? What brings in that much water? You're talking about water going out of the banks at the 'point of rocks', two miles up the river than even the bridge at Droulliard Fishing Access." Russ said he cannot speak to the previous maps, but reported that they were not evaluated the same way. Gene argued, "What makes your data better than theirs? You shot the same information that they did." Russ said he knows the maps were not analyzed the same way in the past as they have analyzed them now; there is new information that was not incorporated previously.

Tiffany Lyden said, "The studies incorporated in the 2011 maps just started at the [Droulliard] bridge; it did not start upstream, so it did not allow them to capture what was happening upstream. And now that we are taking that into account some of the water is being diverted east even before it gets to the bridge."

Steve Story, Water Operations Bureau Chief with DNRC, explained a couple big differences between the two studies performed: the level of information has higher integrity than ever before. We get accurate

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terrain data, a three-dimensional view of the ground which was not available in past studies. It makes a big difference in telling us where the water is going to go. The modeling methodology used today has advanced significantly in the last 20 years, and really in the last 10 years. "We have gone from antiquated one-dimensional modeling to two-dimensional modeling and shows us where the water is going to go based on ground topography in the simulations. We verify the data from USGS records to help calibrate that information." Steve Dahl asked if there is any record of flooding in Three Forks. Russ and Steve both said no.

Erin Schattauer said she sees the glaring obvious thing is one whole side of town is going to be in the floodway. "How do we tell the residents this? How do we message that they can no longer build over there? I respect you can't answer this yet perhaps, but as a town where do we go from here?" Nadene replied, "We realized this is going to be a big impact the community. We have been working with Kelly Smith, Crystal Turner, Great West and Headwaters Economics to try and help find a way which will allow the City to still grow and develop. Mapping happens; we identified the risks, and the city helps facilitate that. We have the messaging to give to the residents, but it's going to go hand-in-hand with the City's work with Great West on mitigation solutions." Erin continued, "What ability do people have - what can people do, what feedback are you looking for? I want to empower our residents to get involved. I noticed the 90-day appeal process, what does that mean exactly, what power do we have as a community to protect ourselves?" Nadene replied, "There is a long list of criteria which has to meet FEMA's guidance to challenge the maps. That's what the FEMA 90-day appeal is meant for landowner or resident to present better tech data that could potentially dispute the maps. We encourage the public and landowners to start making comments [on DNRC's project website] and reviewing the documents on the website." (Nadene flipped from the PowerPoint presentation to the website and zoomed into Three Forks to demonstrate how the public can access this information. On Tab 5 she demonstrated you can see the elevation of every structure in town.)

Kris Smith, with Headwaters Economics, suggested moving over to the next presentation, for the sake of time, so the Council and public can hear the presentation by Great West about the ideas to mitigate the flood risk proposed by these new maps.

Great West Engineering Presentation on Proposed Floodplain Mitigation Projects

Jeremiah Theyes, of Great West Engineering, excitedly began his presentation with, "There is a silver lining! The answer to Gene's questions is that the proposed maps say 1,860 cubic feet per second (cfs) would be coming into town. As the City's engineering firm, we were made aware of these impacts early on. The City was largely in the floodplain before, it's still in the floodplain, more structures being brought in but it's not new. During this process the DNRC had their contractor Michael

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Baker look at mitigation concepts. 'Is there a way we can capture this overflow running along Hwy 2 and get it back to the Jefferson and not come into Three Forks?' Based on preliminary concepts it appeared there are some viable options. They presented that information to the City. At the same time the folks at Headwaters Economics reached out to the City informing them they would usually be working on wildfire mitigation projects but they recently were awarded a grant for floodplain mitigations. Headwaters reached out to the City staff when they heard of the potential new mapped flood impacts. It really was the perfect storm of various entities coming together, at the same time these maps are coming out. Everyone got to develop a mitigation strategy."

Jeremiah continued, "Knowing these maps have a huge potential impact on the economy: insurance premiums, business impacts, restriction on developments. Headwaters hired Great West Engineering to embark on a feasibility study - which we are in the middle of the process. Right now, we are at a time where there is an opportunity to apply for some FEMA building resilient infrastructure communities (BRIC) grants. But these alternatives I will show are viable mitigation projects we could apply for via this funding program. We could get 75% of the mitigation program funded, but there is an urgency because the applications are due by December 15th. That's why we are having this meeting with the Council now so we can have outreach with the public about the detail of the maps and the DNRC/FEMA process later - but we want to be able to get an application into FEMA for the BRIC opportunity."

Jeremiah explained they laid out two alternative areas. For alternative 1, the goal is to capture flow essentially along Sebena Road, taking it across Highway 2, running to the North across Front Road, following a low line channel and heading back to the Jefferson River. Another alternative is running it down Hwy 2. This conveyance channel is a sizeable structure. We are still working on the shape and component but 100-foot wide and 5-feet deep.

Alternative 2 would be going back on Highway 2 and to the existing natural ponds and enhancing the ponds, or crossing at the access of the [DeLaittre Memorial] park, or even adding culverts in several locations of Highway 2. This alternative shows a significant reduction in flooding in Three Forks. These seem to be viable projects - although both are a lot of work and have significant costs. Jeremiah showed high level concept of the contour line-to-contour line of the channel overlaid on the property if that project was chosen.

Another alternative to be addressed in the feasibility study is to build a levee around the community to protect it from overland flow and flooding. The cost and likelihood of it getting funded via BRIC, with less expensive and viable projects available - this is not rated as high. Levees could have a huge impact on the community though. Great West has not laid it out yet but could probably be placed anywhere west of the community. "We

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haven't put much time into that unless the community wants us to. But if the conveyance channel will function better and allow more for development and expansion than a levee alternative would, we felt this would not be something to put as much time into yet," Jeremiah stated.

If the Council wants us to keep moving forward with the feasibility study, we will begin engaging the landowners. We would have to establish easements on the private land, we would want to bring Montana Department of Transportation (MDT) into the conversation as we will have to cross their land and we hope to bring them on as a funding partner. "They have impacts here too and it would be nice to have them as a stakeholder. We will have to do a benefit cost analysis (BCA) and economic benefit loss due to flooding, quality of life, impacts all brought into that consideration. We will also investigate fund matching options, and we would like to work with Kelly and Crystal to hold the first public engagement meeting, which is tentatively set for December 2nd. Then we will continue working on reporting to the Council on the feasibility study. Remember there is a silver lining because it looks like we have some viable alternatives to help reduce the flood impacts in Three Forks," Jeremiah concluded.

Gene Townsend thanked Jeremiah for the cfs data. "I think we all agree to the 100-foot wide canal around Three Forks. Does FEMA buy in to that? I mean if that happens does that take the west side of Three Forks out of the floodway, and could we develop that ground? Right now it's in the city limits but it's undeveloped. I also want to know if the [Army] Corps [of Engineers] has anything to do with it?" Jeremiah responded that yes, FEMA and the Corps would be involved if the City builds a levee. For a flood conveyance channel, no they would not be involved in the project side. The DNRC has their process, but for the mitigation project if completed prior to the maps being adopted they would have to incorporate revisions to their maps. If the project is done after the maps are adopted, the City would apply for the Letter of Map Revision with the data. Based on our modeling it is predicting significant reduction.

Gene asked if the City spends the money on this project are we going to get some relief? Jeremiah answered, "Yes, it appears so."

Dennis Nelson asked, "What happens in a 'few years' when FEMA raises the bar another couple feet on us? Have you looked at future improvements to meet future requirements?" Jeremiah responded that Great West is looking at the current (proposed maps) conditions and working to mitigate those. "We can't predict the regulations 20 years down the road. But I think

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within the maps become the regulatory FP maps, these are viable alternatives to mitigate against them," Jeremiah said.

Erin Schattauer said she is glad the City is looking at these options now and asked if the project would get ahead of the maps being finalized. Jeremiah answered completing the project and maps concurrently is the best hope, but ahead would be great. He continued, "Related to the BRIC funding we'll know if we are successful toward the end of 2021. Working through the design we could be building the mitigation prior to the maps' adoption. However, they may become adopted prior to the construction and we would apply for revisions to those maps. Erin asked, "Assuming we are working on the same timeline, based on the two alternatives presented tonight, is there one rising to the top which looks better?" Jeremiah said Alternative 2 appears to be less costly (yellow on the map) with more flexibility in the future because the land is undeveloped at this time. We could expand to the south if future mapping predicts more flow; the channel could be dug deeper, add length or add width. These are concepts now but there will be revisions and opportunities arise.

Steve Story asked that Jeremiah Theyes speak to BRIC funding what it covers and what the scope is. Will property or easement acquisition be included? Jeremiah responded they have budgeted easement acquisition into the project. "The last quarter of 2021 BRIC would be notifying applicants of potential funding, realistically it may be closer to 2022 before funding strategies are in place to move forward. Then we would move into permitting and design phase, moving dirt in 2023 but probably more like 2024," Jeremiah explained.

Kris Smith stated Headwaters will help provide data and resources to complete the BCA. She said the BCA essentially defines, "If no one does anything, this would be the cost (loss) to the community; and then also put together an estimate of this mitigation project and the benefits to the community would be outlined in the BCA too. We have also been speaking with Great West to help find match funding option. We are still working on how we can assist with that."

Dennis asked, what are the upstream communities of Twin Bridges, Ennis (which is on the Madison watershed), Waterloo, doing to mitigate any increased flood risk. Tiffany Lyden said that is a good question, the DNRC has been working with the other communities as well on this and are working through the public outreach, just like we are with Three Forks in the process. She added, "When we get to the point of public meetings and

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outreach, we do that in a coordinated fashion. The impact to the communities are varied depending on what their results are showing. You can pan around on the Project Website Viewer and see. Madison County - a lot of them are operating under "flood prone" maps, not FEMA maps, so this will be the first time they have more detailed information."

Deb Mickelberry clarified the two parallel timelines (FEMA's and the mitigation project), and if the maps are adopted prior to the project being complete, would all the added properties have to get flood [insurance]? Nadene Wadsworth said the FEMA timeline is tentative - but yes if the maps went in effect before the mitigation is complete the community members would have to purchase flood insurance.

Mayor Gifford asked if the Council needed to make a motion. Crystal Turner explained it was not advertised that way, but she believed Great West is looking for a consensus at this point, for example if the Council wanted to do nothing (which is an option although all the Council members balked at doing nothing) Great West needs to know that.

Erin commented Alternative 2 sounds the best. If the option exists to leave Alternative 1 open, she does not want to rule that out. Dennis agreed and said the City should focus on Alternative 2 most and not rule out [Alternative] 1 but would like to get the financial information. Gene asked if DNRC will work with us on this. Nadene enthusiastically replied, "Fully! It was our contractor and one of our engineers who helped find some alternatives. All of us are willing to help your community." Gene agrees with Erin and Jeremiah, it seems like Alternative 2 is best, but what do I know? However, it appears to have less ditch to take care of and less land to acquire." Steve Story echoed DNRC will help Three Forks provide the information and maps to the public, delivering the data to help the community identify and mitigate, but we have limited capacity on how to deliver that to you. Erin asked again if one option is rising to the top? Jeremiah said no, both are very viable but a bit early to tell which is best just yet. George hoped we had more financial information before selecting an alternative, but leaned to Alternative 2 as well. Deb agreed, and we all concur we want to apply for BRIC funding.

Kelly Smith thanked everyone for their hard work on pulling together the alternatives and communication between the State and engineers, and the Headwaters Economics group for all being there for Three Forks, "The stars are aligning and I am really excited to help Three Forks get out of the floodplain if we can."

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UNFINISHED BUSINESS

There was no unfinished business.

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

There was no public comment or concerns for anything not on the agenda. Mayor Gifford closed public comment.

MAYOR & COUNCIL ANNOUNCEMENTS

Gene Townsend reported the Jefferson Street Trail project is finishing up that 6/10 of a mile has been paved. He is working on signage for the trail which would include a map, mileage information, 'you are here signs', and will add 6 benches, 2 bike racks, and truncated domes from the AARP grant received.

Erin Schattauer thanked Gene for his work on the new Headwaters Trail addition on Jefferson Street. She request staff keep the Council posted on the mitigation project. She also thanked Mayor Gifford for the ice skating project too - this is very exciting!

Mayor Gifford reported he attended a leadership training yesterday, got himself and most of the supervisors of the City through Harassment training today too. He has received a \$1,500 grant from Vail Veterans which will be going towards the ice rink. Another larger company in town is going to decide how much money they could give us, or if they will provide a concrete pad for multi-use/season sports. Last, he thanked Kelly & Crystal, "They have been putting in a lot of hours to help out with all these projects we have presented tonight."

AGENDA ITEMS FOR NEXT COUNCIL MEETINGS: 12/08/2020

- Public Hearing and Decision on a Resolution Authorizing the Submittal of a Grant Application for FEMA BRIC Grant Through the Montana Disaster Emergency Services
- Public Hearing and Decision on a Resolution Abandoning the Alley Between Milwaukee Street and Railway Avenue off Dakota Street
- Public Hearing and Decision on a Resolution to Cross-Deputize Gallatin County Sheriff Deputies to Enforce City of Three Forks' Ordinances

**** Page 181 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL
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ADJOURNMENT

Councilman Nelson moved to adjourn. Councilman Chancellor seconded the motion.

Motion Passed Unanimously. (Meeting adjourned at 9:39PM.)

Sean Gifford, Mayor

Crystal Turner, City Clerk

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DECEMBER 8TH, 2020, 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 being used due to COVID-19 and social distancing guidelines.) The meeting was presided over by Council President Dennis Nelson. President Nelson called the meeting to order at 7:02 P.M. (We had technical difficulties at City Hall preventing the meeting from starting on time.) He reminded the audience this meeting was recorded, Zoomed, and streamed on our Facebook page.

ROLL CALL: Council President Dennis Nelson officiated the meeting in Mayor Gifford's absence. City Council members George Chancellor, Deb Mickelberry and Steve Dahl, City Treasurer Kelly Smith and City Clerk Crystal Turner, Gallatin County Sheriff Sergeant Austin Owens were present at City Hall. Gene Townsend and Erin Schattauer were present via Zoom.

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 Dennis Nelson.

GUESTS: Gloria Howland

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

There were no items of public comment.

CONSENT AGENDA

- eeee. Claim Paid due to Timeliness to Mail Utility Bills in the Amount of \$159.11
- ffff. Claims Paid due to Timeliness on 11/20/2020 (see highlighted in packet)
- gggg. Claims per List
- hhhh. Three Forks Rodeo Arena Claims per List
- iiii. Minutes of Special City Council Meeting 10/20/2020
- jjjj. Amendment #2 to Task Order #1 with Great West Engineering by \$10,000 for General Engineering Services
- kkkk. Task Order #6 with Great West Engineering in the Amount of \$3,500 Specifically for MPDES Permit Renewal Support
- llll. Service Agreement with Clearly via Global Net to Install a Telephone Line for the Library (Signed due to Timeliness on 11/17/2020)

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

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision Authorizing the Mayor's Signature on the Submittal of a Grant Application for FEMA BRIC Grant Through the Montana Disaster and Emergency Services

Crystal Turner and Kelly Smith "tag teamed" the explanation that the Council heard about the FEMA maps at the November 10th meeting, then the DNRC held a public hearing for the community members alone with Great West Engineering's mitigation alternatives on December 2nd. Mayor Gifford is out of town, but knowing the Council and community supported Alternative 2 we moved forward with having Sean Gifford sign the letter of intent to be included in the FEMA Go website to submit the BRIC grant. Kelly Smith added the City's match portion would be just over \$1.2 million, but our in-kind contribution, such as City staff performing the excavation work, would count towards that \$1.2 million. We have another year to work on additional non-federal funding sources to help us get to the \$1.2 million match.

Erin Schattauer noted the application mentions we are applying for funding for Alternative 2 - has more work been done to zero in on that option? What if another option is better? Kelly Smith replied that the two smallest channels benefit the City the most to remove property from the floodplain and floodway, and it is also the least expensive option. Kelly added 30% contingency is included in the budget as well.

Councilwoman Mickelberry approves the Mayor's signature on the submittal of a grant application, for a FEMA BRIC grant for Disaster and Emergency Services. Councilwoman Schattauer seconded the motion. No other comments or questions.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution Abandoning the Alley Between Milwaukee Street and Railway Avenue (off Dakota Street)

(Kelly Bugland arrived at 7:15.)

President Nelson read the resolution into the record, noting it would be #337-2020.

Councilman Chancellor moved to approve a resolution of the Three Forks City Council abandoning the alley between Milwaukee Street and Railway Avenue, off Dakota Street. Councilwoman Schattauer seconded the motion.

Motion Passed Unanimously. Dennis noted the exhibit to the resolution is the private access and utility easement which will be recorded by the City and has been signed by all the petitioners.

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Public Hearing and Decision on a Resolution to Cross-Deputize Gallatin County Sheriff Deputies to Enforce City of Three Forks' Ordinances

President Nelson said this will be Resolution #338-2020, and then read the resolution into the record in its entirety.

There were no Council questions or comments. Kelly Bugland said it was nice to call 9-1-1 and have a deputy on duty and in town.

Councilman Chancellor moved to approve Resolution #338-2020 a resolution providing for the appointment of Gallatin County Sheriff deputies to be cross-deputized to enforce City ordinances. Councilman Dahl seconded the motion. There were no other comments.

Motion Passed Unanimously.

Public Hearing and Decision on a Request for Conditional Use Permit by Amy Rowan to Construct a Second Apartment Above the Property Located at Lot 10, Block 14 of the Three Forks Original Townsite, More Commonly Referred to as 120 S. Main Street

George Chancellor read the staff report and the Zoning & Planning board's recommendation to approve with the following conditions: 1) parking requirements be met, 2) the parking spaces are 9 feet by 18-feet (or request and obtain a variance), and 3) the applicant acquires all State permits.

Public comments: Kelly Bugland questioned where the Construction Zone is in regards to this building. Kelly Smith answered and showed where the Construction Zone would be housed on first floor in the back, behind Books & Moore. Kelly Bugland asked, "What about the van, and the food truck?" Kelly Smith said the planner said the kids do not drive so no additional parking would be required for that use.

Councilman Chancellor moved to approve the Conditional Use Permit for Amy Rowan, with the conditions that the parking requirements are met, the parking spaces are 9- by 18-feet, or they may request a variance, and the applicant acquires all State permits. Councilwoman Schattauer seconded the motion. There were no further discussion or questions.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Attorney Susan Swimley said she did not have anything new to report.

City Treasurer Kelly Smith asked the Council's recommendation of where it would like the \$25,000 for the alley abandonment to be receipted. She

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recommended the Streets & Alley and Flood Capital Improvement fund. Deb Mickelberry agreed with Kelly Smith's recommendation and said they may need it for the flood mitigation project. Erin Schattauer agreed. Kelly Smith also reported the ice rink shipped and should arrive in the next 7-10 days to offload and start setup.

City Clerk Crystal Turner reported she met with the Headwaters Golf Board members today, who approved the sublease of the land the City leases from Fish, Wildlife & Parks. That will be on the next agenda. She also worked on a public records request that took almost 8 hours of her time to complete, and the Public Records Request Policy only charges \$10 for the first hour, and \$20 for each additional hour, to complete these tasks. She is going to recommend to the Council to increase this fee to at least cover close to the hourly wage of the lowest-paid employee. There is a significant loss of staff time to complete these requests that takes away from daily duties.

REPORTS FROM COUCIL COMMITTEES (if any)

Steve Dahl reported on behalf of the Water/Sewer Committee - their recommendation for multi-family unit rate change of \$29.50 minimum for 100 cubic feet (cf) for each unit. If there is only one meter but two units, the minimum would be \$29.50x2 for 200cf, then \$1.55 for each additional 100cf over 200cf. For buildings with 5+ units the recommendation is to have a reduced minimum, such as \$20 for the first 100cf of water, and \$40 for the first 400cf of sewer. The Committee wanted the Council's input first; then staff will verify with Susan Swimley the correct process (notify every rate user, notify only multi-family users, then resolution and/or ordinance amendments). The Council agreed to move forward with the Committee's recommendation.

NEW BUSINESS

Approval for Headwaters Trail System to Apply for the Montana State Park Fish, Wildlife & Parks' Trails Stewardship Grant and the Recreational Trails Grant

Gene Townsend said he would like to apply for a \$70,000 Recreation Trails grant; which has a 25% match that Imerys has always covered & he expects they will again this year. Gene also would like to apply for Parks' Trails Stewardship Grant that was established via the 2019 Legislature. This grant can be used for trail maintenance and he would like to submit for 2 miles of maintenance starting at 7th Avenue and headed to the Madison

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River, which would include crack seal & seal coat. Estimated grant of \$30,000, with a 10% match, which would be paid out of Trails fund. The grant award would be February 2021.

Councilman Chancellor moved to allow Gene to request two grants to the Headwaters Trail System. Councilwoman Mickelberry seconded the motion. There was no further discussion or public comments/questions.

Motion Passed Unanimously.

UNFINISHED BUSINESS

There was no unfinished business.

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

There was no public comment or concerns for anything not on the agenda. President Nelson closed public comment.

MAYOR & COUNCIL ANNOUNCEMENTS

No Mayor announcement.

There were no Council announcements.

AGENDA ITEMS FOR NEXT COUNCIL MEETINGS:

There will most likely not be a meeting on December 22nd. For the next meeting, which would be January 12:

- Sublease with Headwaters Golf Course
- Resolution to approve the Emergency Management Plan, assuming FEMA approves Gallatin County's update.

ADJOURNMENT

Councilwoman Mickelberry moved to adjourn. (No one seconded - meeting was adjourned by consensus at 7:47PM.)

Sean Gifford, Mayor

Crystal Turner, City Clerk

