

JANUARY 11TH, 2022, The Three Forks City Council met with the Three Forks Rural Fire District Board of Trustees at the City Hall (Council Chambers), 206 Main Street and via Zoom. (Zoom is a virtual meeting tool which the City began using due to COVID-19 and social distancing guidelines, and continues to use to encourage participation from the safety of one's home.) The meeting was presided over by Mayor Randy Johnston. Mayor Johnston called the meeting to order at 6:00 P.M.

ROLL CALL: City Council members George Chancellor, Deb Mickelberry, Nancy Todd, Gene Townsend, Steve Dahl, and Brooke McLees. City Treasurer Kelly Smith, City Clerk Crystal Turner and Keith Aune, Fire Chief for both the City Fire Department and Rural Fire District were present at City Hall. Three Forks Rural Fire District Trustee Chairman Roger Nerlin was also present in City Hall. (Gene Townsend is also the secretary for the Rural District.)

The record reflected a quorum was present of the City Council, but only had the attendance of one (1) Rural Fire Trustee. It was decided to proceed with the meeting and let Mr. Nerlin take the information back to the Rural Board to make an official decision on the Interlocal Agreement amendment #3 at a future meeting.

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

Mayor Johnston reminded the audience this meeting was recorded and streamed via Zoom and on our Facebook page.

GUESTS: No public present.

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

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

**JOINT CITY COUNCIL / THREE FORKS RURAL FIRE DISTRICT ANNUAL MEETING
Discussion on Updating Policies to Reflect Fees for Special Events Request and Fees for
Optional Out of District Use of Vehicles**

Roger Nerlin expressed concern for renting the fire vehicles. "There is a TV show called *Homestead Rescue* and the producers asked for a fire truck to come fill up their pond. The Rural doesn't fill up fill sites. And if we started this practice we would have to fill more and more. Our fire trucks are to fight fires – and that's what they should be available to do," Roger said. He said he was afraid these TV crews are going to ask this more often, especially now that there is a permanent set built in Butte. "I would hate to see the fire trucks out being used for entertainment and not available for firefighting," Roger stated. The Council and Chairman Nerlin discussed other departments being more available to contract services like this request. Discussion regarding the new Bridger Brewing facility in

Broadwater County and hoping the owners do not anticipate the fire trucks sitting out there on site when they start holding concerts. The Rural District does not even want them [private companies] to think we will be available for hire. "I don't want our volunteer firemen to take the responsibility of standing duty – they should be responding to emergencies for fire only," Roger expressed.

Nancy Todd asked what the current policy says regarding hauling/delivering water, or attending events. Both Gene Townsend and Roger Nerlin replied that nothing is written regarding this. George Chancellor thinks the City should let the Rural have its own policies on this, and the City will not interfere. Deb Mickelberry added [regarding the agenda topic of setting fees], "If we decide not to contract out we wouldn't be setting fees, and the policy could simply be "We are not for rent". Steve Dahl asked, "If someone else hauled the water, does the City want to be the producer of the water?" Crystal Turner replied that yes, we want to sell bulk water. The City's water rights allow for this and we have enough rights to sustain the sale(s).

Gene Townsend moved that the Three Forks Rural firemen do not use fire dept vehicles or fire dept equipment for special events, and I don't see any reason for fees as we aren't recommending doing it. (I know the Fire Department does special events like their breakfast and for parades, but we don't want to be pumping/hauling water outside the district.) Nancy Todd seconded the motion.

Motion Passed Unanimously.

Mayor Johnston continued the meeting's discussion by moving to the next agenda item.

Discussion and Update on the Following Items within the Interlocal Agreement:

a. Officers & Firefighter

There are currently eighteen (18) volunteers. Gene Townsend gave kudos to Keith Aune and the department for growing the number of volunteers. "You're doing an excellent job recruiting," he said.

b. Services Provided

No updates.

c. Consideration and Adoption of the Third Amendment to the Interlocal Agreement

Mayor Johnston read Amendment #3 into the record. Gene Townsend said this is just updating the same agreement since our last agreement expired. This will automatically renew every 5 years unless either party notifies the other party in writing. Both groups/boards will continue to meet annually in January.

Gene Townsend moved to accept the third amendment to the agreement for the City. Deb Mickelberry seconded the motion. **Motion Passed Unanimously.**

d. Update and Report Addressing Issues in Broadwater County

Roger Nerlin said the District still has one lot of land out there, and is still considering to build a facility but nothing set in stone yet. "Broadwater County is sending taxes to the Rural District now, and they seem to be discussing it for their next budget as well. There are 700-800 houses out there who are getting fire protection for \$14,000/year and the City of Three Forks' residents are paying much more than that – those kind of things need to be worked out between both [Gallatin and Broadwater] County Commissions," Gene said. "Commercial buildings are expensive and they can't expect us to build a building on \$14,000/year budget. I feel like Darrel Folkvord is working on trying to equalize that," he added. The \$14,000 annual payment is from a mill levy – for all taxes, but not specific from each house in the district.

e. Inventory

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No updates.

f. Budget

Chief Keith Aune said Self Contained Breathing Apparatus (SCBA) bottles are to be tested every 5 years, that would be due again in 2022. At the 15-year mark SCBAs will need to be replaced. Keith suggested to start replacing some at year 13 so we can start a rotation. Dual band portable radios are \$3,800/each and mobile radios are \$5,800/each, “We got 2 mobiles for mutual aid this budget year,” he reported adding, “It would be smart to buy one portable each year (budget every other year for each entity or half the cost to each annually).” Keith reported the FCC license had expired and we have been working to renew it with the State. The department responded to 210 calls this last year, which is up about from the previous year. He said they are receiving more calls during the business hours which is tough since most of the volunteers work outside of the District during the day. George Chancellor suggested the Chief allot the appropriate amount in his annual budget presented to the City, to get bottles tested and add to the replacement of a number of them. He said there is Capital Improvement Funds for this. Kelly Smith confirmed the City has started setting aside money in the CIP fund – but the City will need to add it to the new Plan to ensure we always are replacing them in a good rotation. Kelly added, “We are half way through the year and the Fire Department has only spent 24%, so I wanted to note that Keith is doing a good job at controlling costs.” Gene Townsend said Rural would budget to split cost of those bottles. Gene added, “And just so you all know, the Rural is looking at replacing a couple of wildland trucks this coming budget year too.”

g. Discussion on Possible New Fire Hall

Chief Keith Aune said he really hopes both entities think about a new building. “Our existing building is old and decrepit – I’m nervous about an earthquake and it being able to withstand the damage.”

ADJOURNMENT

Councilman Chancellor made a motion to adjourn. Councilman Townsend seconded the motion. **Motion Passed Unanimously** and the meeting was adjourned at 6:50PM.

Randy Johnston, Mayor

Attest: Crystal Turner, City Clerk

Roger Nerlin, Chair TF Rural Fire District

Attest: Eugene Townsend, District Secretary

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ROLL CALL: City Council members George Chancellor, Deb Mickelberry, Nancy Todd, Gene Townsend, Steve Dahl, and Brooke McLees. City Treasurer Kelly Smith, City Clerk Crystal Turner, and Gallatin County Sheriff Deputy Tim Clark were present at City Hall. Great West Engineer Susan Hayes, City Planner Randy Carpenter, and City Attorney Susan Swimley attended 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 Johnston. Mayor Johnston reminded the audience this meeting was recorded and streamed via Zoom and on our Facebook page.

GUESTS: Rocky Hamilton of Manhattan (candidate for House District 69), Alan Hulse of Montana Municipal Interlocal Authority, Dan Clark of Local Government Services, Gloria Howland, Jan Lien and Pat Downey of Magris Talc, Kathy White, Tanya Andreasen, and Masen Knudsen were present at City Hall. Diana Setterberg of the Belgrade News was on Zoom. (It is unknown if other public attended via Zoom and did not sign in with a screen name as City Hall showed "speaker view" only.)

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

Rocky Hamilton introduced himself, said he will be running for HD69 this legislative session and was here to learn how he can be of help for the people of Three Forks.

CONSENT AGENDA

- a. Claims Paid due to Timeliness on 12/21/2021 in the Amount of \$35,071.01
- b. Claim Paid due to Timeliness to Mail Utility Bills in the Amount of \$176.64 on 12/30/2021

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- c. Claims for Approval
- d. Three Forks Rodeo Arena Board Claims Paid due to Timeliness on 12/21/2021 in the Amount of \$65.00
- e. Three Forks Rodeo Arena Board Claims for Approval
- f. Minutes of 12/14/2021
- g. Board of Adjustment Minutes of 6/24/2021
- h. Task Order #13 with Great West Engineering to Prepare Bidding/Contract Documents and Technical Specifications for the 2022 Chip Sealing Project of Streets within Street Maintenance District #1 (\$8,000)
- i. Amendment #4 to Task Order #1 with Great West Engineering - Increase the Total Task Order Amount by \$20,000 to Cover General Engineering Needs as Needed (Not Specific to Any Project)
- j. RM88 Record Destruction Request #19
- k. Service Agreement with Tarlow, Stonecipher, Weamer & Kelly, PLLC to Represent the City in Connection with Easement Issues Associated with the Flood Mitigation "Confluence Project"
- l. Accept the Three Forks Rodeo Arena Board's Recommendation to Appoint Christina Kamps as the Executive Secretary
- m. Subdivision Exemption Certificate for DeHaan Construction as Required by Conditional Use Permit to Condominiumize 152, 154 and 156 S. Iowa Street (formerly known as 504 W. Milwaukee Street)

Gene Townsend asked for specifics, as noted on the claims for approval, "Swimley Law bill for \$243.00 in Ambulance work, Susan are you going to report on that tonight?" Mrs. Swimley said she would in her Officer Report.

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

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on the Zoning & Planning Board's Recommendation for a Request for a Conditional Use Permit by Mason Knudsen to Make an Existing Multi-family Residential Duplex within the Home Conform to the Residential District Zoning Regulations, Located at Lots 11 & 12, Block 5 of Buttelman's Addition, Commonly Known as 303 W. Adams Street

Zoning & Planning Chairman George Chancellor read the staff report, as well as the Zoning & Planning Board's draft minutes which stated the recommendation of approval without any conditions.

Gene Townsend asked when the City made a call/policy not to pave if the property is in the floodplain? George Chancellor said a while back the

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Board recommendation this at the recommended of the Floodplain Administrator, because graveled land is more permeable to soak up stormwater, rather than pave it and let it run onto someone else's property. "This request is to make an existing use conform - and had no issues in the past. We have waived the paving in the floodplain in the past, but this particular project is surrounded by dirt roads and alleys. There is a permeable paving product which can be used for future requirements," George explained on behalf of the Zoning board.

There was no public comment.

There was no applicant presentation.

Councilman Chancellor moved to approve the conditional use permit for Masen Knudsen to make the existing multi-family use within the home to make conforming, located at Lots 11 & 12, Block 5 of Buttelman Addition, commonly known as 303 West Adams Street. Councilman Dahl seconded the motion.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution Setting the Term of Council Chair

Mayor Johnston read the resolution into the record in its entirety, noting it would be #360-2021 if approved.

George Chancellor said he would prefer to see 2-year terms. There were no other comments.

Councilman Chancellor make a motion to set the council chairman or woman for two years. Councilman Townsend seconded the motion.

Motion Passed Unanimously.

REPORT OF OFFICERS

Gallatin County Sheriff Deputy Clark reported on the calls for service from 12/15/21 - 1/11/22 as follows (document submitted is in the packet): 3 911 hang-ups, 0 abuse, 0 agency assist, 1 burglar alarm, 1 dead animal, 4 warrants, 1 assault, 0 burglary, 10 civil, 1 unattended death, 1 disorderly conduct, 1 unknown disturbance, 1 domestic disturbance, 1 drug, 12 follow ups, 2 fraud, 0 missing person, 1 parking, 30 patrol checks, 4 public assists, 1 public education, 0 sexual crimes, 7 school resource officer, 1 suicide threat, 1 suspicious, 2 threats, 1 reckless driving, 17 traffic stops, 2 criminal trespass, and 0 truancy for a total of 106 calls for service to date.

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Gene Townsend asked why these do not get written into City Court? Dep. Clark replied, "Do you want to pay the City Attorney more often than to prosecute these?" Kelly Smith said replied the City Attorney would only need to work/charge the City if they plead guilty. Gene Townsend asked, "The why do we pay for a City Court if there aren't any tickets written into it? Seems it could be more convenient for our citizens to pay any fines in city limits." Deputy Clark replied one can pay online and does not have to drive into to Bozeman to pay their fines. Susan Swimley added the City has to provide a court for the purposes of ordinance violations that are not covered by state statutes.

City Treasurer Kelly Smith reported on upcoming trainings for the Council.

City Clerk Crystal Turner reported on a Growth Policy goal, which is still in draft, about the City Council "acquiring lands in the floodplain". She does not think this is a goal the City Council will consistently budget for and asked if it should be removed from the draft prior to its first public release. George Chancellor said to go ahead and have it removed. Crystal said she is still gathering quotes on the roof replacement of the gazebo at Stevenson Park. Last, she asked the Ordinance Committee to schedule a meeting in January to discuss the street maintenance and lighting district inconsistent charges for larger lots.

City Attorney Susan Swimley informed the Council of her work on the Ambulance District issues, which are still in progress. The District boundaries do not extend to Broadwater County and the Ambulance District has been serving this area. The District could revise its interlocal agreement to include this area as the growth is still happening out there - but then it makes a 3-party interlocal agreement. She suggested having a discussion with Broadwtaer County for who can be appointed to the board.

REPORT OF COUNCIL COMMITTEES (if any)

There were no council committees to report.

NEW BUSINESS

Presentation Regarding Roles of Elected Officials, Employees & Volunteers

Alan Hulse with the Montana Municipal Interlocal Authority (MMIA) introduced himself, as well as Dan Clark Director of Local Government Center (LGC), to talk about the roles and responsibilities of various employees for the new elected officials and employees. He provided a brief explanation of the four programs MMIA provides: Liability, Property,

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Health Benefits, and Worker's Compensation, all of which the City of Three Forks participates in. There are varying "traffic lanes" where one may cross over into the employee side of coverage or the elected official side of liability based on a decision. He gave several examples of checks and balances to ensure coverage is properly distributed, and how the City's ordinances and charter help designate which "traffic lane" one's duties may fall under.

Dan Clark introduced himself - he congratulated Brooke McLees and Randy Johnston on their new roles. He and Alan like to travel around the state and meet the new elected officials and help them out. The LGC has been a department of Montana State University for 37 years. Its purpose is to provide technical assistance, research and training to local governments around the state.

Dan Clark provided each elected official a copy of the Montana laws defining the roles and responsibilities of the local governing body: the City Council. He also went into the day-to-day duties and how those relate to each of the council members as well as the mayor. 'Stay in your lane' and do not cross over the duties as outlined and provided for in the state laws (MCA), the City Charter, and the City's ordinances. "They may overlap - how you work together, via collaboration and teamwork with the other entities. Really what the public wants from you is a well-run, efficient, sustainable government," Dan explained.

Alan Hulse explained medical benefits, wage loss, and rehab benefits. "You could have 100 safety policies, and an employee violates 99 of them - they still get covered. I want to talk tonight about liability - the City Charter, if you don't stay in your lane it can create liability exposure for your community and potential you personally." He showed an insurance policy and how it defines what they cover. If someone is harmed because of your actions, or inactions, MMIA has a contractual obligation to stand in the City's shoes. When you start crossing the lines - like Council directing staff, that is where you get into the hostile work environment claims because one not responsible for staff is giving orders. Alan said, "One example is that a City Council person requested information from staff, but led to a daily demand of information so the allegation by the employee says it is a hostile work environment." He said he is not saying this to scare anyone. Another example: A City appointed a tree board - what is their role? Their role is to advise the Council, look at and study tree issues, then come back to the Council with recommendations for action. One particular Tree Board chair decided there were hazardous trees hanging over a sidewalk, so this chairperson took the liberty of cutting and "fixing" the trees. However, many trees happened to be on private property. A property owner filed a claim against the City for ruining their trees, and adding this chairperson was he acting on behalf of the City. Alan asked, "Was this person acting within the scope of his

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job duties? No." Alan mentioned several upcoming trainings in case any of the elected officials were interested in attending.

Service Agreement with Magris Talc (formerly Imerys) per Ordinance 9-4-9 meant to Provide Water and Sewer Services Outside City Limits

Pat Downey and Jan Lien were present on behalf of Magris Talc.

Susan Swimley said there are several edits Kelly Smith caught while she was reviewing the draft, and it has been sent off to Magris to review.

Original agreement in 2001 was a 20-year agreement to provide service, stated the water and sewer lines became city property, provided City access to the site and said at the end of the term the plant would annex. The first amendment appears to have occurred in 2006 modifying the way payment in lieu of taxes would be calculated. The second amendment in 2011 modified the payment requirements as well, and the third amendment again modified the payment calculations back to the 2001 original agreement. There was a fourth amendment, erroneously titled the "3rd" which extended the term for one year. We are now technically considering a fifth amendment.

Susan said, "We couldn't come up with language that would allow them to keep their wells." She needs correct legal descriptions, corporate addresses, and direction on the term of the agreement before it could be considered a final draft. Magris would like the terms set somewhere between 15-20 years. Susan said, "I was thinking 5 years, and I would still like to overcome the zoning problem. I would prefer the plant come into the city limits [annex] to stabilize the mill value and tax dollar correlation. Also, I have written some language that allows the City (if something goes wrong at the sewer treatment plant) to still get into the talc plant if needed. We need easements for our water/sewer main lines running through Magris property."

Gene Townsend asked when Susan would like the Council to decide on the blanks in the draft? Susan said at a minimum, she would like consensus from the Council on the term now. Pat Downey said, "Magris has not had a lot of time to look at this draft, so we are requesting more time. We also have a few comments back from their legal counsel, and have not seen Kelly's edits. This is kind of new for both Jan and I," Pat said. Susan asked for the Magris legal counsel's markups she can review those.

Randy Johnston added the city discharges the waste from the talc plant into the wastewater treatment plant. "Our discharge permit gives all the parameters. If you would like to see what is coming out of the plant, we could have one of our operators go out and do a sample. I would like to see perhaps installing a meter to the effluent of the talc plant going out. We don't know how much is coming out of the [talc] plant into our

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sewer. When we first started this agreement there was only one boiler, but then they added more and more at the [talco] plant," Mayor Johnston requested a flow meter on the sewer line."

Susan said today she started researching flow meters for the Four Corners Water & Sewer District; she may have some information she could share for free. Her concern is for the components of the discharge from the [talco] plant, not the volume. From the office building it is toilets flushing, coffee down the drain, dishes, and normal household discharge. "It's the plant we need to know more about what it being discharged. Or maybe we just focus on language that if the plant makes modifications it has to notify the City of the changes. We need to get a process in place because we won't always be the people in the room to work on this in the future," Susan stressed.

Gallatin County Regional Housing Study Presentation (Randy Carpenter)

City Planner Randy Carpenter explained the Regional Housing Study which came from the "Seat at the Table" project. The common theme is simple: there is a major shortage of housing. There is no way to keep up with the demand as defined in the report. Randy highlighted and explained that the growth rate in Gallatin County has exceeded the inventory of homes by almost double (4% growth with only 2% additional homes built). He added that home sale and rental rates have increased dramatically while wage rates have increased by only half the cost, leaving unaffordable homes for the majority of the community. Home sale prices increased over 9%, rentals increased over 5% while wages increased just over 4%.

So how does this affect the community? The Cost burden is defined as paying more than 30% of your household income for housing. Exceeding 30% means households have insufficient income for life necessities including food, clothing, transportation and healthcare. The data found that 50% of renters and 24% of homeowners are in this "exceeding 30% category". In Three Forks specifically, roughly 1,000 people leave the city every day and commute to work in Bozeman (or near) which adds an additional \$754.00/month to your monthly expenses to pay for transportation.

"We need more housing, and affordable housing," Randy said, "as we will continue to grow. It's estimated another 2.2% growth is projected through 2026, meaning Three Forks will need to add 217 new homes."

How can we improve? Many employers are getting active to create workforce housing projects, and provide childcare in house - or a cooperative of businesses are joining together to provide childcare. Many employers are also paying higher wages to attract employees. "Remember this data is already 1 year old and we are seeing the effects, but it is probably realistically worse already," Randy said. Currently HRDC, Habitat for Humanity, HAVEN, and the Headwaters Community Housing Trust are programs designed to help provide affordable housing. However, there are fewer

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than 200 homes purchases in Gallatin County via assistance through these organizations. Housing trusts are something new and some cities and towns are looking at these types of projects. "So where does that leave us?" Randy asked. "We need more multi-family housing. It's the cheapest housing to build. We need to think about apartments and townhomes and condos are projects the City would like to see happen in the near future. Three Forks zoning is too restrictive, in my opinion. We make it harder to build the more affordable housing. As your planner, I would recommend the City consider more districts that allow multi-family by right, rather than by conditional use permitting," Randy said.

Randy Carpenter said the demand is growing in Three Forks, and the community and boards will be the ones deciding how Three Forks will grow. If it is decided you do not want to grow any more, the prices will just go up more and more.

Tanya Andreasen introduced herself saying that, "One Valley Community Foundation has partnered with Future West [Randy's day job] to try and figure out how to get more development housing and provide housing by pairing government funds with private philanthropy and non-profit works/service providers. I am the person who is trying to connect people with the projects," Tanya said.

Gene Townsend said it disturbs him a little; he has lived in the valley all his life. It does not seem that the county in general has maintained any of its former affordable housing though. "The little trailer court by the hospital, the trailer court by what is now Universal Athletics, the one on Bridger Drive - all these have been demolished for new construction. Randy [Carpenter] said he suggests we change Three Forks Zoning to make building better and easier. Does anyone try and preserve the old trailer parks? I bet that 3-story condo they built in place of the trailer court near the hospital was pretty spendy. Just tonight's news says \$500,000 for a new home, and that is not affordable to me," Gene sighed.

Nancy Todd said her daughter and family have been trying to buy a home for 5 years and they either get outbid or the inventory is just not available. "I will definitely be reaching out to you for more information. But how do we retain the affordable housing? You displace those people in Bozeman, they migrate to Belgrade, Manhattan, and Three Forks. Maybe our housing is cheaper than there, but not for long," Nancy said.

Tanya Andreasen said the Town of West Yellowstone just purchased 80 acres. They are landlocked by either National Park, the state of Idaho, or Forest Service, so they really have limited inventory of land to even build on. "The Town has decided to deed restrict 20 acres to be used for workforce housing. It will be developed privately, but the Town Council, interested citizens, and the Fire District, are all pooling money together to fund

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design work with an engineer, and work with local developers, to build affordable homes to their workforce. One of the ways those homes will stay affordable is that they will be held in the community land trust - the land in all perpetuity would be owned by the trust partners. The house could sell - but the land stays in the trust - so that keeps the cost of the sale in the future down since you don't own the land," Tanya explained.

Randy Carpenter added that they hope the City of Three Forks will engage in the community discussion. "We'd love to do a project with Three Forks as part of the housing trust. It's bigger than just getting a shelter over people's head - but how do we want our community to be? I don't want Bozeman to be like Jackson, WY. It changes the essential characteristics of the community," Randy said.

Board Appointments: Zoning & Planning Board

Mayor Johnston read the board appointment memo into the record.

Councilman Townsend moved to appoint the four people who have put in applications on the Three Forks Zoning & Planning Board. Councilwoman Todd seconded the motion.

Motion Passed Unanimously.

Board of Adjustments & Appeals

Mayor Johnston read the board appointment memo into the record.

Councilman Chancellor moved to appoint Bill Walton to fill the remainder of the term that will expire April 30, 2022. Councilman Townsend seconded the motion and asked if Bill would consider staying on for another term since this one expires the end of April? Crystal Turner said she had not reached out to Mr. Walton about that yet, but would.

Motion Passed Unanimously.

Elect Council President per Section 2.06 of the City Charter

Mayor Johnston explained to the Council, now that it set a 2-year term for chair earlier via Resolution #360-2021, it needs to select a chair to that seat.

Councilwoman Mickelberry said she would like to appoint Gene Townsend. Councilwoman Todd seconded the motion.

Motion Passed 5:0, Gene Townsend abstained.

UNFINISHED BUSINESS

Update on Floodplain Mitigation Project

Kelly Smith updated the Council that the City has submitted both the Flood Mitigation Grant and the BRIC grant to the State Disaster and Emergency Services. "We made all the changes and updates as suggested by FEMA

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Region 8 staff. DES will submit to the Feds on the 28th of January. Then we'll see," she announced.

Update on Water System Improvement Project

- **Review, Discuss and Accept Results from Morris Land Surveyors for Well #1 and #2 on Conner Kent Limited Partnership**
- **Discussion and Decision on Pursuing Additional Test Well on Conner Kent Limited Partnership Property (at location indicated in Hydrogeologic Report)**
- **Discussion and Direction on Whether to Offer Land Trade or Pursue an Easement for Future Drinking Water Well on Conner Kent Limited Partnership Property**

Susan Hayes, engineer from Great West, reported the surveying is complete of the legal description around Well #2. It is larger than we anticipated and goes all the way to the river tributary. Where the fence around Well #1 is the city owns land quite a bit outside the fence, and where Well #2 fence is pretty much is the land the city owns. She now needs direction as to whether or not the Council wishes to pursue another test well on this property since there is more land than we thought, or pursue drilling another test well elsewhere on the Kent's land and swap this land with them, or whatever other option the Council wishes to present. "To close out the survey portion of this project, I think the Council needs to decide if it wants to accept the results as depicted in the diagram in your packet, or establish new property corners. I think we can call this task closed for the time being and do not need to have additional work performed. Gene Townsend asked if the City decided to drill another well where Well #2 is, would this diagram be sufficient to drill another well there? Susan Hayes replied no because you need to have 100-feet all around the well. The existing well does not have 'zone protection' as required by the Department of Environmental Quality, but if we drill another well we would need to have zone protection. Around Well #1 there is more space, but could be complicated because of the infrastructure built around it. There was discussion on the existing water rights for Well #1 and agreed to have further discussions with Dana Pepper to answer specific questions.

Gene Townsend asked if the City has received results on water quality yet for the test well at the water tank. Susan Hayes replied, "No, nothing yet." Randy Johnston said he called Energy Labs and was told the City should get full analytical report around the 18th or 19th.

Susan Hayes continued that she needs direction on how to proceed on a conversation with the Kents. She recommended to drill a well near Well

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#2. Randy Johnston offered to initiate getting a meeting scheduled with the Kents: Susan Hayes, Randy, Bill & Bonnie Kent, and the Water and Sewer Committee. He hopes to get something setup the week of January 24th.

Susan Hayes said she has not heard from the drillers yet but hopes they will be setting up for Well #6 redrill next week.

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

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

MAYOR & COUNCIL ANNOUNCEMENTS

Randy Johnston said he would like to setup a Budget Committee meeting to review through Quarter 2 of the fiscal budget. He also offered to setup tours with Nancy Todd and Brooke McLees to see the water and sewer systems so the previous discussion would make more sense.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: February 8, 2022

- Three Forks Rodeo Arena Board of Directors Annual Report
- Rudd & Company Present Audit Results for FY20/21
- Possibly Magris Talc Service Agreement

ADJOURNMENT

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

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

Randy Johnston, Mayor

Crystal Turner, City Clerk

**** Page 15** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING
CITY OF THREE FORKS, MONTANA, FOR ALL OF 2022**

FEBRUARY 8TH, 2022, The Three Forks City Council met at the Three Forks City Hall (Council Chambers), 206 Main Street and via Zoom. (Zoom is a virtual meeting tool which the City began using due to COVID-19 and social distancing guidelines, and continues to use to encourage participation from the safety of one's home.) The meeting was presided over by Mayor Randy Johnston. Mayor Johnston called the meeting to order at 6:57 P.M.

ROLL CALL: City Council members Deb Mickelberry, Nancy Todd, Gene Townsend, Steve Dahl, and Brooke McLees. George Chancellor was excused. City Treasurer Kelly Smith, City Clerk Crystal Turner, Three Forks Rodeo Arena Board Chairman Casey Elmore, and Gallatin County Sheriff Deputy Tim Clark were present at City Hall. City Attorney Susan Swimley attended via Zoom.

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

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

GUESTS: Rachel Ticknor, Theresa and Shane Brandhorst, Gloria Howland, Shelly Dahl, Jim Phillips, Dane Hancock of Rudd & Company were present at City Hall; and Kathy White attended via Zoom.

PUBLIC COMMENTS/CONCERNS (For items not on the agenda)
Seeing none, Mayor Johnston introduced the Consent Agenda.

CONSENT AGENDA

- n. Claims Paid due to Timeliness on 1/24/2022 in the Amount of \$18,203.83
- o. Claim Paid due to Timeliness to Mail Utility Bills in the Amount of \$179.67 on 1/31/2022
- p. Claims for Approval
- q. Three Forks Rodeo Arena Board Claim Paid due to Timeliness in the Amount of \$50.09 and to Reissue a Check in the Amount of \$24.00, both on 1/24/2022
- r. Three Forks Rodeo Arena Board Claims for Approval

**** Page 16** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING
CITY OF THREE FORKS, MONTANA, FOR ALL OF 2022**

- s. Minutes of Joint Three Forks Rural Fire District Board and City Council 1/11/2022
- t. Minutes of City Council Meeting 1/11/2022
- u. Minutes of Zoning and Planning Board Meetings on 11/18/2021 and 12/16/2021
- v. Pledged Security Report as of 12/31/2021
- w. Agreement for Custody of Pledged Securities Adding \$580,000 to Pledge
- x. Extension of Memorandum of Understanding with Headwaters Economics regarding Representation for Three Forks Regarding the "Confluence Flood Mitigation Project"
- y. 1-Year ACH Origination Agreement with Manhattan State Bank to Process Utility Billing and Payroll Electronic Payments
- z. Request for Record Destruction form RM88 #20 to destroy outdated ACH authorizations

Gene Townsend reported that after the joint meeting of the Three Forks Rural Fire District, the Board did get together to meet last week and agreed to the Third Amendment to the Interlocal Agreement. He had a question for Kelly Smith regarding the security pledges being different. "What is this one for \$580,000?" Kelly Smith answered, "As our bank account gets bigger, since FDIC only insures up to \$250,000, the bank buys bonds and securities to secure our money over \$250,000."

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

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on a Resolution Authorizing Tarlow, Stonecipher, Weamer & Kelly, PLLC to be Appointed as Special Counsel on Behalf of City Attorney for the Confluence Flood Mitigation Project

Mayor Johnston read the resolution, which will be #361-2022 if approved, into the record in its entirety.

Councilman Dahl moved to approve Resolution #361-2022, a resolution of the Three Forks City Council authorizing Tarlow, Stonecipher, Weamer and Kelly, PLLC to be appointed as special counsel on behalf of the City Attorney for the Flood Mitigation Project. Councilman Townsend and Councilwoman Todd seconded the motion in unison.

Motion Passed Unanimously.

Public Hearing and Decision on a Request for a Conditional Use Permit from Rachel Ticknor for the Property Located at Lot 9, Block 21 of Original Townsite, Commonly Known as 315 3rd Avenue East. Said Application is to

CITY OF THREE FORKS, MONTANA, FOR ALL OF 2022

Operate a Home Business of an Esthetician Shop in the Existing Structure in the Residential District Designation

Zoning Official and Board Member Kelly Smith provided the staff report presentation and recommendation of the Zoning & Planning Board meeting held January 20, 2022. The Board recommends approval with a conditions that any signage be no larger than 2-feet square on the business and that clients only park on the alley.

Deb Mickelberry asked if there had been any public comments received. Kelly Smith replied no. Gene Townsend asked if there was sufficient parking in the alley for the required spaces in the 20x20 feet area. Kelly Smith said yes, and there are two additional spaces in the garage.

Applicant Rachel Ticknor said she will only have one client at a time, no employees, and wants to bring more business to Three Forks. She already has clients in Bozeman ready to come to Three Forks.

There was no public comment.

Councilman Townsend moved to accept the application for conditional use. (Kelly Smith asked if any conditions would be included that the Board recommended.) Mr. Townsend added, with the conditions being parking in the rear of the building and the business sign be limited to 2-square feet. Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously.

REPORT OF OFFICERS

Gallatin County Sheriff Deputy Clark reported on the calls for service from 1/12/22 - 2/8/2022 as follows (document submitted is in the packet): 2 Homicide, 5 911 hang-ups, 0 abuse, 2 agency assist, 1 burglar alarm, 0 warrants, 0 assault, 0 burglary, 4 civil, 2 unattended death, 0 disorderly conduct, 1 unknown disturbance, 2 domestic disturbance, 1 drug, 30 follow ups, 0 fraud, 1 missing person, 3 parking, 19 patrol checks, 4 public assists, 1 public education, 1 sexual crimes, 9 school resource officer, 0 suicide threat, 1 suspicious, 1 threats, 2 reckless driving, 1 DUI report, 6 traffic stops, 0 criminal trespass, and 0 truancy, 4 welfare checks and 1 barking dog for a total of 134 calls for service to date.

Three Forks Rodeo Board Chair Casey Elmore reported they had an incredible year. "The attendance was 'through the roof' at the rodeo. 3,700 people on Friday, and 3,500 people on Saturday, went through the gates. We held a concert on Thursday night which had only 270 people in attendance, but overall we brought over 7,000 people to Three Forks. We have paid four [correction to the record this should be 3] loan payments on the bleachers. We are trading in two of our old tractors and acquiring an

**** Page 18** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING
CITY OF THREE FORKS, MONTANA, FOR ALL OF 2022**

upgrade and newer than what we have, but used, tractor which is a huge improvement to our equipment fleet. We are excited to try new things again this summer, although may not do a concert.

"Revenues this year were huge. We are still seeking volunteers. We have a lot of improvements, and we need volunteers badly so if anyone is interested please send them my way," Casey said.

Gene Townsend said he was on the Rodeo Board too. He thanked the Council for having the faith and letting us take the bleacher loan out. "That was a \$500,000 project and the bleachers are a welcome addition. It has turned out well for us. I also want to thank the volunteers and all those who donated money toward the bleacher project. We hope we have the good crowd again, but maybe it was because the pandemic and folks wanted to get out of the house. I run the concession stand and we ran completely out of hamburgers and hot dogs and have never had that kind of problem where we run out of food before. The whole valley, and area, really supported the rodeo and we appreciate it," Gene said as he expressed his gratitude. Casey Elmore closed his report.

City Treasurer Kelly Smith reported the Three Forks School will be closing the kitchen during construction and will need to have a portable kitchen outside the building on the sidewalk/street area of Neal Street. "It will be a 24-foot trailer where the busses currently drop off students, starting March 17th through June, and moved in the summer to the new parking lot, when they need to prepare summer meals. The school, as a public entity, is somewhat exempt from zoning but we want to announce what happens in case the public questions you. It will have a generator running, and will be parked for longer than 72-hours," Kelly reported. She added there is a food storage trailer now on the sidewalk (and has been there all school year) which has not received any complaints.

Kelly also reported the City's BARSAA (new Gas Tax) funds will be just over \$64,000 for the current fiscal year. (This is one the City guesses on the revenue since the State does not release the amounts for the last calendar year until January, which is mid-fiscal year.) The resolution will happen at next month's meeting. Typically, we use these funds for maintenance items like salted sand for the paved streets, and gravel and magnesium chloride on the unpaved streets. If there is anything the Council would like to see in the resolution different this year, please let her know.

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City Clerk Crystal Turner reported Executive Forum training for elected officials March 2-4 in Choteau.

City Attorney Susan Swimley did not have anything to report.

REPORT OF COUNCIL COMMITTEES (if any)

Steve Dahl said the Ordinance Committee met with Magris (Pat Downey and Jan Lien) discussing what they would like to see on the extension of the "in lieu of annexation" agreement. Magris' staff will meet with Kelly Smith to finalize the payment structure. Magris will send their edits to Susan Swimley after the Committee's accept/reject of each line item. The Committee is still working on it.

Mayor Johnston would like to schedule a Budget Committee in the next few weeks to review the existing Fiscal Year and start chatting about the next fiscal year.

UNFINISHED BUSINESS

Update on Floodplain Mitigation Project

Kelly Smith updated the Council that Jeremiah Theys informed us there are three options for the Hazard Mitigation Planning Grant, so we are going to meet next week and discuss that process. She also spoke with one of the landowners where Alternative 2 is located and feels comfortable that we will be able to negotiate an easement. She added, "Nothing is in writing, but the discussion was good."

Update on Water System Improvement Project

Crystal Turner updated for Susan Hayes of Great West that Red Tiger Drilling mobilized at Well #6 site yesterday and began drilling today in hopes of finding better water. The City would have to abandon the existing Well #6 if water is found to be good/usable, and that well is turned off right now due to the "cone of compression". Also, the water test results for quality for the first test well are available if the Council wished to see those they are on Great West's website, or Crystal can forward the link to the Council if they wish to see them.

NEW BUSINESS

Audit Results & Presentation for Fiscal Year 2020-2021, which Ended June 30, 2021 (Rudd & Company)

Dane Hancock, of Rudd & Company, thanked the Council and specifically thanked Kelly Smith and Crystal Turner for providing all the documents in

**** Page 20** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING
CITY OF THREE FORKS, MONTANA, FOR ALL OF 2022**

a timely manner the auditors requested to conduct the audit. "It is fairly boilerplate but some of this is required communication," Dane explained. He described the letter from the audit firm first, which talks about how the audit was conducted. Then he dove into the financial statements.

Dane Hancock directed the Council to the Management Discussion & Analysis section starting on page 5. "This is a great Reader's Digest version of the city's overall status," Dane told the Council. He then directed them to page 19 for the Statement of Net Position. "Pages 21 and 22 show if the City had a profit or loss that would be listed here. The majority of change is the new debt, and new assets, brought about by the purchase of the new bleachers," Dane explained. He described the Balance Sheets. "This is 'What debt to we have to pay within the next year?' which just adds clarity to what is going on in the overall city financials," Dane said. "Pages 26-27 show the Revenues, Expenses and Changes, the Capital Outlay number which is around \$400,000 [the bleachers]. The other new thing on these pages are the principal payments for the debt of the bleachers. Page 29-30 is the detail of the Water and Sewer funds. Earlier it was presented as 'business type activities' which are combined. If you want to know what is going on specifically with Water or Sewer, this breaks it down separately here showing revenues and expenditures, and overall cash flow," Dane informed the Council.

There are several pages explaining footnotes in the audit, the main one Dane pointed out is on page 70 regarding the Floodplain Mitigation Project. "This explains what is going on with the proposed project, the grants being applied for and what the City is still applying for. Page 71 is included because COVID is still around and does cause uncertainty in the financials/revenues because of it. Footnote 17 describes the Auditor's Qualified Opinion, which says the Pension Liability (for the Fire Relief Association) is not on the books and we just want the reader to know what that means." Dane added, "The rest is basically required information, and additional supplemental information since the City has so many different funds. We don't present them separately but roll them all up in what we title as the 'Non-Major Funds' on pages 79-88."

Councilman Townsend moved to accept the annual financial report prepared by Rudd & Company for the fiscal year ending 2021. Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously.

**** Page 21 ** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING
CITY OF THREE FORKS, MONTANA, FOR ALL OF 2022**

Proclamation Declaring Arbor Day on April 29, 2022

Mayor Johnston read the proclamation into the record.

Councilman Townsend made a motion to accept the Arbor Day Proclamation for 2022. Councilwoman Todd seconded the motion.

Motion Passed Unanimously.

Discussion and Decision to go out for Request for Proposals (RFP) or Task Order the Contracted Engineering to Draft a Capital Improvement Plan (CIP)

Crystal Turner explained to the Council that, following the City's Purchase Policy, we would normally go out for request for proposals for qualified firms or individuals to draft a capital improvement plan for the City. "Great West Engineering was the selected firm the last time the City had a professional CIP completed. Great West is now the City Engineer, so would the Council be comfortable with asking Great West to provide a task order under our existing contract, or would the Council prefer the City to put out a RFP and seek proposals from a variety of firms?" Crystal asked. She added that Randy Carpenter has recommended Great West, complimenting Jerry Grebenc's work on other CIP's and saying availability for other firms would be difficult, where Great West has the staff and availability to perform this for the City in this calendar year.

Kelly Smith informed the Council, "We would prefer Great West. We love working with them, they are knowledgeable in all our varied projects, and always have the City's best interest in mind. We don't want to assume the Council wants to use Great West though." Kelly suggested it may go smoother than the Growth Policy work has done by using a local firm. Susan recommended Jerry Grebenc, "The City could not ask for a better professional." Deb Mickelberry prefers to use a local firm. Gene Townsend agreed and said he has worked with Great West numerous times and appreciates their knowledge of grants as well which may help to pay for completing a CIP.

Councilman Townsend made a motion we make an offer to Great West Engineering to draft a capital improvement plan. Councilwoman Todd seconded the motion.

Motion Passed Unanimously.

Discussion on Amending Street Lighting and Street Maintenance Districts for Larger Parcels

Crystal Turner explained she and Kelly found a handful of properties which are larger than most platted lots of the subdivisions within Three Forks.

**** Page 22** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING
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These are larger parcels on the exterior of the city limits which have been assessed for Street Lighting and Street Maintenance taxes like 7,000-square-foot lots. These were found while trying to reconcile what the City would tax in the current fiscal year to the County's records to divide it among all properties within each district.

Some properties had just changed ownership, so Crystal made the call to the County Treasurer to adjust the square footages on these properties to be accurate, and not assessed on the lesser square footage. Those remaining parcels which did not change ownership were sent a letter explaining what was found and to prepare for next year's assessment at the actual square footage, as that is the language both districts use. The letters also informed the property owners that Crystal would bring this up to the Council and see if it wished to amend the assessment language. The staff report explains each parcel in detail.

Susan Swimley recommended the Council take questions of any public tonight, and tabling any decision for 2-4 weeks, as it is a lot of information to digest. She also said the City could ask the League of Cities and Towns to lead a modification in State law so cities/towns could have more flexibility with the Street Lighting (7-12-4323 and 7-12-4324, MCA) like they have for Street Maintenance (7-12-4422 and 7-12-4425, MCA) districts.

Jim Phillips asked if all the properties affected were in the city limits. Crystal Turner answered yes.

Gene Townsend suggested the Streets & Alleys Committee could meet to review this and try come up with a recommendation. The other Council members agreed.

Councilman Townsend motioned to table the discussion on amending the Street Lighting and Maintenance District, I'm gonna say at this time to allow the Streets & Alleys Committee to meet and try to come up with an equitable way to assess these parcels. Councilwoman Todd seconded.

Motion Passed Unanimously.

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

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

MAYOR & COUNCIL ANNOUNCEMENTS

**** Page 23** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING
CITY OF THREE FORKS, MONTANA, FOR ALL OF 2022**

Mayor Johnston reminded the Council he would like to setup a Budget Committee meeting. He thanked the Council for their patience in his lack of experience in running a meeting. He also thanked Crystal and Kelly who he said have been very helpful.

Gene Townsend reported he sits on a committee that is doing a master plan for Headwaters State Park. There have been notices in the newspaper. "The draft proposal is out for public review, and I would like people to comment on the master plan," Gene said. Crystal Turner said she could share it on the City's Facebook page. Gene added the committee is talking about riverbank stabilization, expanding the campground, discussing commercializing the park where it loses the significance of history of the first people in Montana.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: March 8, 2022

- Award of Parks Mowing Proposal
- Public Hearing and Decision on a Resolution Requesting the Distribution of the Bridge and Road Safety and Accountability (BARSAA Gas Tax) Program Funds to be Distributed to Three Forks for Fiscal Year 2021/2022
- Public Hearing and Decision on the Zoning & Planning Board's Recommendation of Approval with Conditions on a Request by Lien Rentals, LLC to Amend the Zoning Code to Add "Work/Live Dwellings" as Permitted Use in Title 11, Section 7
- Public Hearing and Decision on the Zoning & Planning Board's Recommendation of Approval on a Request by Lien Rentals, LLC to Amend the Zoning Designation from Agricultural to Neighborhood Highway Business for Property Located at Tract 5 (*being part of South Half of the Southeast Quarter of the Northwest Quarter*) of SD 24R-11
- Possibly Memorandum of Understanding with Gallatin County for ARPA funding for the Water Project
- Possibly Magris Talc Service Agreement

ADJOURNMENT

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

Motion Passed Unanimously and the meeting was adjourned at 8:34PM.

Randy Johnston, Mayor

Crystal Turner, City Clerk

**** Page 24** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING
CITY OF THREE FORKS, MONTANA, FOR ALL OF 2022**

MARCH 8TH, 2022, The Three Forks City Council met at the Three Forks City Hall (Council Chambers), 206 Main Street and via Zoom. (Zoom is a virtual meeting tool which the City began using due to COVID-19 and social distancing guidelines, and continues to use to encourage participation from the safety of one's home.) The meeting was presided over by Mayor Randy Johnston. Mayor Johnston called the meeting to order at 6:57 P.M.

ROLL CALL: City Council members George Chancellor, Deb Mickelberry, Nancy Todd, Gene Townsend, and Steve Dahl. Brooke McLees was excused. City Treasurer Kelly Smith, City Clerk Crystal Turner, and Gallatin County Sheriff Deputy Tim Clark were present at City Hall. City Attorney Susan Swimley and City Engineer Susan Hayes attended via Zoom.

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

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

GUESTS: Riley Dundas, Keeana Billington, Bob Dundas, Johanna Dundas, Gloria Howland, Chris Lien, and Jan Lien were present at City Hall; Pat Downey attended via Zoom.

PUBLIC COMMENTS/CONCERNS (For items not on the agenda)
Seeing none, Mayor Johnston introduced the Consent Agenda.

CONSENT AGENDA

- aa. Claims Paid due to Timeliness on 2/17/2022 in the Amount of \$13,877.16 to not Incur Late Fees
- bb. Claim Paid due to Timeliness to Mail Utility Bills in the Amount of \$179.32 on 2/28/2022
- cc. Claims for Approval
- dd. Three Forks Rodeo Arena Board Claims for Approval
- ee. Minutes of Joint Three Forks Rural Fire District Board and City Council 1/11/2022
- ff. Minutes of City Council Meeting 2/8/2022
- gg. Fourth Amendment to Magris Talc (formerly Imerys Talc) to Extend the Service/Annexation Agreement, which Expires March 27, 2022, to June 27, 2022

**** Page 25** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING
CITY OF THREE FORKS, MONTANA, FOR ALL OF 2022**

Gene Townsend questioned the claim to Roto-Rooter which the explanation stated was an error on the part of Northwestern Energy. Crystal Turner explained the City is compiling other costs incurred due to this error and will be billing Northwestern Energy for reimbursement.

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

Motion Passed Unanimously.

(Crystal Turner did not voice this at the meeting but noticed an error in the 2/8/2022 minutes on the Consent Agenda for approval tonight. The minutes said the Mayor introduced a public hearing regarding appointing special counsel on behalf of the City Attorney for the Flood Mitigation Project as Resolution #362-2022 which is incorrect, and Councilman Dahl's motion said approval of #361-2022. Crystal looked up the resolution number on the resolution index and confirmed it was resolution #361-2022 on 2/8/2022 and will edit the minutes prior to the Mayor's signature.)

PUBLIC HEARINGS

Public Hearing and Decision on a Resolution Requesting the Distribution of the Bridge and Road Safety and Accountability (BARSAA Gas Tax) Program Funds to be Distributed to Three Forks for Fiscal Year 2021/2022

Mayor Johnston read the resolution, which will be #362-2022 if approved, into the record in its entirety.

There were no questions from the Council or public.

Councilman Townsend moved to pass, or accept, or vote on Resolution #362-2022. Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously.

Public Hearing and Decision on the Zoning & Planning Board's Recommendation of Approval with Conditions on a Request by Lien Rentals, LLC to Amend the Zoning Code to Add "Work/Live Dwellings" as Permitted Use in Title 11 Section 7

Zoning & Planning Board Chairman and Council liaison George Chancellor reported on the application and the Board's recommendation to approve the zoning text amendment in Section 11-7-3 Neighborhood Highway Business, Conditional Uses (not 'Permitted Uses' as requested) to allow work-live with no more than 50% being residential, condominiums would not be permitted, and only owned by one person (entity).

CITY OF THREE FORKS, MONTANA, FOR ALL OF 2022

Applicant Chris Lien of Lien Rentals, LLC said the main reason for this request is that a lot of his employees cannot afford to live here. A lot of businesspeople here in town say the same thing and this is one avenue he can provide to try and recruit quality employees to the area. Chris said, "Probably one or two of the units we build will be under Three Forks Lumber & Ready Mix for our employees. We foresee the others would be for rent for other employers. It would look very similar to our Monarch building which would be for large equipment but with a living area in the back end of the building."

Gene Townsend said he noticed there is an ad for Three Forks Lumber in the newspaper for the last few months trying to hire employees, and he commended Chris and Jan for doing this to bring people here to work. "It's better than being a horse pasture and the community does need it," Gene said.

Gloria Howland questioned the 29-day limit listed in the Neighborhood Highway Business conditional uses. Kelly Smith explained this is just a sub-definition under "hotels/motels". "Anything 28-days or less is considered short-term rent, and 29-days and longer is long-term rent."

Councilman Chancellor moved to amend the text in 11-7-3 Neighborhood Highway Business, Conditional Uses, of the Zoning Code to include "Work-Live" with the additional text stating work-live buildings must not be more than 50% residential, not permitted to convert buildings to condominiums, and the whole legal property must be owned by one owner or entity. Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously.

Public Hearing and Decision on the Zoning & Planning Board's Recommendation of Approval on a Request by Lien Rentals, LLC to Amend the Zoning Designation from Agricultural to Neighborhood Highway Business for Property Located at Tract 5 (being part of the South Half of the Southeast Quarter of the Northwest Quarter) of SD 24R-11

Zoning & Planning Board Chairman and Council liaison George Chancellor reported on the application and the Board's recommendation of approval to change the zoning map classification from Agricultural to Neighborhood Highway Businesses for this property.

There were no board questions nor public comment.

Councilman Chancellor moved to approve the zone map amendment of Tract 5 located in Section 25, Township 2 North, Range 1 East, being part of the south half of the southeast quarter of the northwest quarter from an Agricultural zoning designation to Neighborhood Highway Business.

Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously.

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REPORT OF OFFICERS

Gallatin County Sheriff Deputy Clark reported he has forgotten to provide the total calls for service by Officer/Deputy, so stated that will be in future reports. He distributed a Calls for Service report to the Council from 2/8/2022 - 3/8/2022 as follows (document submitted is in the packet): 7 911 hang-ups, 0 abuse, 4 agency assist, 1 animal (which turned out to be a barking dog) call, 1 burglar alarm, 1 assault, 6 civil, 1 civil standby, 2 trespass calls, 2 disorderly conduct, 2 domestic disturbance (1 became a felony arrest), 18 follow-ups, 4 foot patrols, 1 fraud, 2 motor vehicle accidents, 1 noise report, 1 out w/ vehicle, 2 parking violations, 17 patrol checks, 9 public assists, 6 public educations, 12 School resource officer events, 2 special events, 4 suicide threats, 1 subject stop, 3 suspicious, 1 traffic crime (which was a hit and run), 3 traffic crime reckless, 1 traffic hazard, 6 traffic stops, and 2 truancy for a total of 126 calls for service.

Dep. Clark also broke down the calls by individual deputies for just Three Forks were Clark: 79, Dep. Fiona Mott: 104, Dep. Gray Hill: 79 (training with Dep. Clark). He reported the Sheriff Office has hired an Animal Control Officer finally, and he will be out here on Wednesdays once his training is complete. Last, Dep. Clark asked for prayers for recently deployed deputy Derrick Pawlikowski.

City Treasurer Kelly Smith reported there may be a 3-5% increase in the health insurance from MMIA in the next budget year. Kelly also reported she will not be present for the April meeting.

City Clerk Crystal Turner did not have anything to report.

City Attorney Susan Swimley reported Three Forks has taken the lead on sorting out issues of the Three Forks Area Ambulance District. "Rest assured there was a non-profit corporation, then the County created the district, shortly thereafter that the non-profit changed its name to match the County district interlocal name which, after 25 years, ended up causing quite a bit of confusion between the two entities. George Chancellor and I met with the Gallatin County Commission to communicate ideas of how to create, or reorganize the existing Board. We will keep you posted," Susan said.

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George Chancellor added Gallatin County will do their own district and Broadwater County Commission would be responsible for its own part of the district. Susan corrected that statement, that Gallatin County and Broadwater County plan to meet at the Ambulance Barn tomorrow. "They don't have an agenda so we pray they do not discuss anything of significant public interest," she said. "I have contacted a Broadwater Commissioner and they agreed to add us to the agenda on one of their upcoming agendas to further discuss."

Susan then thanked the Council for the approval of the fourth extension to the Magris contract. She does have an agreed [contract] draft back from Magris, however it was not received in time to be on this agenda.

Dep. Clark asked if Susan wanted him to attend the meeting at the Ambulance Barn. Susan said she did not think that would be necessary but that he was welcome if he wished to attend.

REPORT OF COUNCIL COMMITTEES (if any)

Nancy Todd reported the Streets & Alleys Committee met to review the State Laws which allow for special improvement districts on the methods to assess fees. The recommendation will be forthcoming to amend the Street Lighting District to remove the large parcels from the district. For the Street Maintenance District #1, the Committee recommends a combination of methods which would include a total area with a maximum of the total area to be 21,000 square feet.

UNFINISHED BUSINESS

Update on Floodplain Mitigation Project

There was no news to report on this project; we have not heard any news from FEMA BRIC. The City is investigating applying for a Hazard Mitigation Grant. We hope to have an update in June.

Update on Water System Improvement Project

1. Discussion and Decision on Related Increase in Costs for the Test Pumping at Well #6

Susan Hayes reported that the screens and labor to complete a 72-hour pump test will increase the project by \$12,000 for Red Tiger, and additional costs for Great West Engineering would be roughly \$3,000, which will be presented in a future task order amendment.

**** Page 29** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING
CITY OF THREE FORKS, MONTANA, FOR ALL OF 2022**

Gene Townsend asked what the well will be backfilled with. Susan reported it would be bentonite and silica sand. The screen is then set on top of it. Gene asked what depth the water is coming from. Susan replied roughly 238-feet deep with three decent sections.

Randy Johnston asked her to report on the meeting today with the Kent's. Susan did and said Morris Land Surveyors went out last fall to produce a map of the boundaries of the property the City owns; the property the Kent's were selling was taken off the market. They were agreeable to finding another location on their property. They are concerned about ditches and utilizing them in the future. We will do another site visit with the hydrogeologist with the Kent's and take a look at a few spots agreeable to both parties. It makes sense to utilize the existing transmission line up to the water tank, as well as hopefully make good use of the Kent's for their agriculture. We need a 100-foot area around any well. She will try to get something scheduled during the test pumping while the hydrogeologist is in Three Forks.

Gene also asked regarding Well #6, if we find significantly more water, what happens there with water rights. Susan Hayes talked to Dana Pepper about this to verify the number of water rights associated with each well. Gene also asked what Ms. Pepper's recommendation would be on the test well at the water tank, which came with roughly 94 gallons per minute. Susan Hayes recommended waiting until results from Well #6 are received, as well as any test well drilled on the Kent's property too. There was a lot of discussion regarding various wells, how much the City pumps/produces at each, and rearranging water rights for each well, including the new one(s).

Councilman Townsend moved a allow a 72-hour pump test at a cost of an additional approximate \$12,000, and the approximate cost of \$3,000 for additional engineering, which she also said 'may not be used'.
Councilman Chancellor seconded the motion.

Motion Passed Unanimously.

Crystal Turner said change orders will come before the Council on a consent agenda with specific details as well - this is just a "head's up" that the original project will cost more.

2. Discussion and Decision to Convert Well #6 to a Public Water Supply Well

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Gene Townsend asked for clarification, "Isn't Well #6 already a public supply well?" Susan Hayes said, "How does the City wish to approach this?" We do not have the screen yet, so Susan just wanted to make sure the Council was still in the mindset of her recommendation to get screens and test this well, assuming DEQ will approve it at full use if we get results that show the water quality is good. Gene said, "In my opinion, we keep moving along and hopefully have more water by summer."

Councilman Townsend made a motion to continue to convert Well #6 to a public water well supply. Councilman Dahl seconded the motion.

Motion Passed Unanimously.

NEW BUSINESS

Decision to Accept the Parks Committee Recommendation for Mowing, Spring & Fall Cleanup, Weed Control and Fertilizer be Awarded to B&B Lawncare/Spraying Services for 3 years beginning 1-1-2022 through 12-31-2024

Mayor Johnston recapped the Committee's minutes to those present (in packet), which explained there were two bids received - both agreed to a 3-year contract, some did not include all areas on the RFP so Crystal reached out to each to ensure the Committee would compare "apples to apples".

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

Joanna Dundas said their bid is more than the other bid the City received, but it does include business insurance and fuel has significantly increased this past year. Their bid also includes three additional locations which were not previously covered by a contractor (Lift Station on Oak Street, Bellach Park, and Well #5 on Hickory & 4th Avenue East). George Chancellor and Randy Johnston reminded all that although the previous contract included fall and spring cleanups of the parks, the contractor just mowed over everything and did not bag it. B&B has said they will pick up and haul away all the branches/twigs, and then clean up the parks, mow and bag for these seasonal major cleanups.

There was no public comment.

Councilman Townsend moved to accept the bid proposal from B&B Lawncare and Spraying Services for a contract of three years. Councilwoman Todd seconded the motion.

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Motion Passed Unanimously.

Discussion and Decision on Implementing a Moratorium on Zoning Map and Zoning Text Amendments until the Growth Policy is Complete and Zoning Codes are Re-written

Kelly Smith said the Zoning & Planning Board questioned, since the Growth Policy is so close to completion, should we wait on accepting any more zone text change applications.

Susan Swimley informed the Council it cannot pass a moratorium unless there is a significant public health and safety hazard. "If someone comes in and requests it, we will have to process it. If people come in with a full application, and pay the fee, the City has to work on it," Susan said.

No action taken.

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

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

MAYOR & COUNCIL ANNOUNCEMENTS

Mayor Johnston asked if he could schedule a Budget Committee March 28 at 3 or 4pm? (The Committee agreed 3PM.)

The Mayor then reported he will meet with the Code Compliance officer tomorrow and ride around. He wants to go over some inventory on the community decay sheets with her as well. Mayor Johnston then reported to the Council that Wendell Ewan gave verbal notice of retiring from the City at the staff meeting last Friday, for an end date of work April 29th.

There were no Council reports.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: April 12, 2022

- Possibly Memorandum of Understanding with Gallatin County for ARPA funding for the Water Project
- Possibly Magris Talc Service Agreement
- Adult Use Marijuana ordinance
- Possibly Water/Sewer Ordinance Amendments which conflict with the City's Public Design Standards

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ADJOURNMENT

Councilman Townsend made a motion to adjourn. Councilman Dahl seconded the motion.

Motion Passed Unanimously and the meeting was adjourned at 8:20PM.

Randy Johnston, Mayor

Crystal Turner, City Clerk

CITY OF THREE FORKS, MONTANA, FOR ALL OF 2022

APRIL 12TH, 2022, The Three Forks City Council met at the Three Forks City Hall (Council Chambers), 206 Main Street and via Zoom. (Zoom is a virtual meeting tool which the City began using due to COVID-19 and social distancing guidelines, and continues to use to encourage participation from the safety of one's home.) The meeting was presided over by Mayor Randy Johnston. Mayor Johnston called the meeting to order at 7:01 P.M.

ROLL CALL: City Council members George Chancellor, Deb Mickelberry, Nancy Todd, Gene Townsend, Steve Dahl and Brooke McLees. City Clerk Crystal Turner, and City Hall Administrative Assistant JR Tonjum were present at City Hall. City Treasurer Kelly Smith was excused. City Attorney Susan Swimley was absent.

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

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

GUESTS: Gloria Howland, Justin Stenger, and Jennifer Boyer (running for Gallatin County Commission) were present at City Hall; Stacie McDonald and Pam Waggener attended via Zoom.

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

Stacie McDonald asked the Council for a letter of support for a ConnectMT grant on behalf of Visionary Broadband of Wyoming, who has operations in Red Lodge and Butte, to submit a grant to bring fiberoptic broadband to this area. She shared her screen (via Zoom) with maps of the potential areas in and around Three Forks which would benefit if they were successful in a grant award to bring fiberoptic broadband to Three Forks. They can only apply for places which are considered unserved or underserved. All the area shown on Map 1 would be covered in Phase 1. She submitted a template letter (can be found in the packet).

Gene Townsend asked how much the grant is requesting. Ms. McDonald was not able to answer that, but would reach out to the grant writer and get back to the Council. Gene also asked if signing such a letter would obligate the City in any way. Ms. McDonald said no, and encouraged if any

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other entities were applying and requested a letter of support, to send one for their application as well. The more ConnectMT hears about Three Forks the better - whomever wins the grant would help increase internet speed in this area. George Chancellor was supportive. There was hesitation by the Council to sign a letter without it being on the agenda.

The Council directed the City Clerk to draft a letter for the Mayor's signature to be included with their grant application prior to April 28th. Ms. McDonald thanked the Council.

Seeing no more public comment, the Mayor introduced the Consent Agenda.

CONSENT AGENDA

- hh. Claims Paid due to Timeliness on 3/24/2022 in the Amount of \$32,041.92
- ii. Claims Paid due to Timeliness to Mail Utility Bills and Active911 in the Amount of \$191.20 on 3/31/2022
- jj. Claims for Approval
- kk. Three Forks Rodeo Arena Board Claims for Approval
- ll. Minutes of the City Council Meeting 3/8/2022
- mm. Minutes of Zoning and Planning Board Meetings on 1/20/2022
- nn. Service Agreement with Christina Kamps for Executive Secretary duties for the Calendar Year 2022
- oo. Service Agreement with B&B Lawncare and Spraying Services for the Calendar Years 2022-2024
- pp. Engagement Letter with Dorsey Whitney to Serve as Bond Counsel for the Water Project (DNRC Drinking Water State Revolving Fund Loan Program)
- qq. Notice of Intent to Montana Municipal Interlocal Authority to Cover the Three Forks Community Library for Fiscal Year 2022/2023 through a Separate Underwritten Policy
- rr. Notice of Intent to State Disaster and Emergency Services Division to Opt-Out of the Regional Multi-Hazard Planning Process
- ss. Great West Engineering Task Order #9, Amendment 2 Extended Pump Test Observation and Evaluation - Total Cost \$3,000

Crystal Turner said if the Council wanted to wait on the MMIA item it could wait until the May meeting and still be to MMIA by their deadline.

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

Motion Passed Unanimously.

CITY OF THREE FORKS, MONTANA, FOR ALL OF 2022

PUBLIC HEARINGS

Public Hearing and Decision on a First Reading of an Ordinance Amending Title 11, Chapter 4 Uses; District Regulations, Section 3 "Adult Use Marijuana" to Conform with Marijuana Regulation and Taxation Act per Title 16, Chapter 12, MCA

Mayor Johnston read the ordinance, which will be #392-2022 if approved, into the record in its entirety.

Gene Townsend verified this was only aligning with the new legislative changes. There were also questions about the tax.

Councilman Chancellor moved that we accept Ordinance 392-2022, an ordinance amending Three Forks' municipal ordinance of Title 11, Chapter 4, Section 3 to conform with the Marijuana Regulation and Taxation Act per Title 16, Chapter 12, MCA. Councilman Townsend seconded the motion.

Motion Passed Unanimously.

Public Hearing and Decision on a First Reading of an Ordinance Amending Title 9 Water & Sewer, Chapter 2 Water System Regulations, Section 3 Water System Rules, Section 4 Rules Regulating Plumbing, Section 6 Water Rates and Charges, Section 7 Fire Hydrants and Valves, and Section 10 Sand Point Well Connections to align with standards adopted by the City Council via the Public Design Standards in October 2021

Mayor Johnston read the ordinance, which will be #393-2022 if approved, into the record in its entirety. After the Mayor read the ordinance out loud, Crystal Turner explained she noted a few typos (noted in red on the copy in the packet) which would be fixed before the second reading on May 10. George Chancellor questioned if check valves were installed on all meters, preventing homes that violate 9-2-10 from connecting sandpoint wells. Randy Johnston answered that check valves are not installed. Crystal Turner said the Public Design Standards may have this defined for new installations and she would confirm with Jessica Salo (Great West Engineering). There was discussion regarding adding that check valves be installed before meters on all new construction anyway.

Councilman Townsend moved to approve Ordinance #393-2022, with the amendment attached that all new water hookups shall have a check valve installed before the meter, if it's in the design standards this rule is not needed. Councilwoman McLees seconded the motion.

Motion Passed Unanimously.

Public Hearing and Decision on a First Reading of an Ordinance Amending Title 11 Zoning Regulations, Chapter 7 NHB Neighborhood Highway Business District, Section 3 Conditional Uses to include "Work-Live Development" with conditions that No more than 50% of the Development may be residential in Use, Condominiums are not Permitted; Development Owned by One Owner or Entity

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Mayor Johnston read the ordinance, which will be #394-2022 if approved, into the record in its entirety.

There were no comments or questions by the Council nor public.

Councilman Chancellor motioned to approve ordinance #394-2022, an ordinance of the Three Forks City Council amending Title 11, Chapter 7 "Neighborhood Highway Business District", Section 3 to add Work-Live as a conditional use. Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution Adopting the Revised Zoning Map per Section 11-1-3B and 11-1-3D of the Three Forks Zoning Code

Mayor Johnston read what would be Resolution #363-2022 into the record in its entirety.

Councilman Townsend made a motion to accept Resolution #363-2022, a resolution of the Three Forks City Council to adopt the revised Zoning Map per Title 11, Chapter 1, Section 3-B and 3-D of the Three Forks Zoning Code. Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Clerk Crystal Turner reported on behalf of Kelly Smith that the Sheriff's Office has been charging the City last year's amount in the contract for law enforcement for the past two quarters. This quarter they realized their error and sent an invoice for the full amount and the balance owed from Quarters 1 and 2. Kelly reached out to the County and asked since there had not been a Code Officer provided for the past 9 months, which the contract states will be provided one day a week by the County, would they consider the lesser amount for the first two quarters. They agreed, so the Council will see a partial increase this quarter as well as Quarter 4.

Crystal then reported that she has completed the Cyber Security application for coverage, and Property Inventory updates for MMIA. She questioned if the Council would be agreeable to Arbor Day trees being planted at the Rodeo Grounds, if they can get an irrigation system working to water them and ensure the trees' vitality; unless the Council had another location in mind. The Council said that would be fine. Crystal also informed the Council that Wendell Ewan would like to keep his current city-issued cell phone. "I researched it and he has had it for 4 years, the City paid for it, but it was around \$400 at the time. I told him I'd

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ask you guys if he could have it or buy it, maybe something like \$50 is what I suggested to Wendell." (No action taken at this time, but see the Mayor & Council Announcements section.) Crystal also reported that if any council members are interested in attending the Elected Official Municipal Institute the first week of May, there is still time to register so please let her know if you wish to attend. "This is a great training for new and returning elected officials, they keep you up to date on legislative changes and you can share your wins/losses with other communities and learn from each other's experiences," Crystal encouraged. To date, Mayor Johnston is the only one attending. Last, Crystal report Judge Wanda Drusch has given her resignation effective June 30th. Her term actually expires December 31st, but the Judge is retiring. Crystal will advertise the Request for Proposal for this position.

There were no other officers present to report.

REPORT OF COUNCIL COMMITTEES (if any)

Gene Townsend reported on behalf of the Budget Committee - "Overall the FY21-22 budget looks good. It's a little early to ask for next year budgets from the department heads, but Crystal did send out an email reminder to the department heads asking them to have their budgets to Kelly Smith by mid-May," Gene said.

Steve Dahl reported on behalf of the Water Sewer Committee - "We met with Susan Hayes to discuss Well #6, and the test well there we will call Well 6A." Mayor Johnston added they will start installing screens today, then we do a 72-hour pump test (to determine actual production) followed by testing of the water in that production. There are time constraints because we have to get the water quality approved by DEQ prior to using the water in our system. Mayor Johnston continued, "Steve Johnston had informed the Committee of lead/copper inventory must be complete and to DEQ by 2024." He explained, "For instance, my plumbing was installed in 2004 and it is poly. Any [service] lines in the Original Plat are still lead gooseneck with a galvanized line running into the house. Those we have had to repair, we know will have a poly gooseneck leaving the main, but the service line may still be galvanized. I would like to record this data on the Utility Billing meter accounts as we learn of each one. The inventory will be given to the state. Our last lead/copper test was good for three years. But I do think with this change they will require the cities to test daycares, senior centers/assisted living, and school. I

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did help the school last year with 41 tests. Steve and I will get together this winter to conduct the inventory."

UNFINISHED BUSINESS

Update on Floodplain Mitigation Project

There is no update on the Flood Project.

Update on Water System Improvement Project

We already discussed the Water Project in the Committee reports.

NEW BUSINESS

Discussion on Judge Position

Crystal Turner already reported this in Officer reports.

Discussion on Use of Magnesium Chloride as Dust Mitigation of Gravel Roads - budgeted to have done in FY21/2; Want to do?, or Wait to do in FY22/23 and Save Money Towards Paving?

Gene Townsend said during the Budget Committee Kelly asked this be brought up - what do we want to do? Keep using mag chloride or save the money by not spraying with mag chloride with the plan to pave later. "So, the Committee discussed it but it's roughly \$15,000/year and it does hold the dust down for the City of Three Forks. I think saving this [annual] money would take forever to save enough to pave one road," Gene said. His recommendation is that the City continue applying mag chloride annually. "If we want to think about doing something different we need to spend more time coming up with a plan," he added. George Chancellor concurs.

Board Appointments - Library Board of Trustees

Mayor Johnston read the Board Appointment Memo into the record.

Crystal Turner added that Heidi Jones-Magee also submitted an application just yesterday. Crystal informed Heidi that she would inform the Council, but her submission was not timely to be in the packet tonight. She added that in June another term expires on this board and Heidi's application could be considered at that time.

Councilman Townsend moved to accept the applications of the two new applications Kathy White (expiring in 2025) and Kelly Gesker (expiring in 2024). Councilman Dahl seconded the motion.

Motion Passed Unanimously.

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

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Jennifer Boyer introduced herself to all present and state she is running for Gallatin County Commission. She complimented Three Forks on holding such a great, efficient and super productive meeting. She left cards of her contact information for anyone interested in chatting with her about Three Forks or County issues.

MAYOR & COUNCIL ANNOUNCEMENTS

George Chancellor reported he attended the joint Commissioners meeting of Gallatin, Broadwater, Rural Fire, City Fire, and Ambulance Districts on the 6th, "And absolutely nothing came from it. Broadwater County likes the status quo," George said. He reported he asked Susan Swimley to draft a letter to the County asking them to explain the benefits to the City of the Interlocal Agreement and to provide the reasons? "If there are none, I propose the City submit a withdrawal of the Interlocal Agreement," George said. George made the same proposal to the Ambulance District Board to consider it as well. "There was a little balking - there are some on the board wanting to serve 'our neighbors' but there needs to be other arrangements made (i.e. service charge on individual lots of \$29 is what Whitehall charges). George expressed his frustration on Broadwater County's expectation of Ambulance and Fire Service operated by Gallatin County residents and paid for by them as well. Gene Townsend said the Rural Fire District always has issues with Broadwater saying "you'll [Rural District] service this area" because the Rural does not have any of the fireman - they are City of Three Forks' employees so the City should be involved in that conversation too," Gene said.

Crystal Turner added there is another meeting continuing this discussion, and others like bridges between Gallatin and Broadwater counties, scheduled for 4/20/2022, which is being advertised for just in case a quorum of the Council's attends.

Councilman Townsend made a motion to give Wendell his 5-year old cell phone as a retirement gift. Councilman McLees seconded the motion.

Motion Passed Unanimously.

Mayor Johnston reported 4/22 is Earth Day and he and the city staff will be picking up trash along the highway, trails and parks. "What I would like to do is each year we should plan on a cleanup around Earth Day," the mayor said.

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Mayor Johnston asked the Council, "What to do with the pool? In speaking with Wendell it leaks so bad because we never knew there was a shutoff valve (a 4-inch PVC with a plug in it). One day when fixing the fence we found an old valve that was installed in the 1950s. Perhaps replacing that valve would fix the leak, but we just do not know," Mayor Johnston said. Crystal added with the dry winter and shortage of water during the Water Project, does the Council wish to fix the leak or just not open the wading pool this year. "At times, this is a glorified baby-sitting position where people drop off their kids and our staff attempts to be the disciplinarian; some of the kids are just unruly and our staff gets pretty tired of it or has to ban certain individuals from the pool. I just don't see a reason to open the pool and spend taxpayer dollars to pay staff, as well as waste treated water to fill the pool every day when it could be a very dry year," Crystal said. Gene Townsend said to check the valve - fill it partly and see if it holds to see if it is something simple to repair. "Then we may only have to fill it once a week, but I agree with Crystal if we have to fill it daily it is wasting valuable water," Gene said. Brooke McLees and George Chancellor concurred. The Council directed the Mayor to work with Public Works staff to see if the valve could be repaired. If so, repair it. If not, we will not open the pool this summer.

Last Mayor Johnston said with summer coming up, and the heavy use of Stevenson Park (we already have four large party reservations and Summer Rec will use it again) he had asked Crystal to get a quote for two additional outhouses. The existing latrine there just is not sufficient for 70+ people at parties or 100+ kids during Summer Rec. For the end of May, and the months of June, July, and August I would like to spend the \$85/month for two port-a-potties to take burden off the main latrine in Stevenson park." The Council agreed to this expense.

Mayor Johnston reported for Code Enforcement Officer Heidi Jones-Magee (copy in packet) on the violations she has been working on in the month of March: 2 abandoned vehicles (both have been resolved), 0 weed violations, 0 garbage/refuse violations, 8 community decay letters sent out (none resolved and no responses from the property owners yet), 19 trees over the sidewalk/right-of-way area letters sent out (none resolved but 3 responses with corrective action dates), 1 parking violation (resolved), and 0 dog issues (barking, at large, etc.) with a total of 150 sites visited.

Gene Townsend said he noticed a couple chunks of concrete from deteriorating sidewalks on Date & Elm near Main Street and asked that

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staff pick up the debris. The Mayor said he would ensure Public Works takes care of it.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: April 12, 2022

- o Public Hearing and Decision on a Second Reading of an Ordinance Amending Title 11, Chapter 4 Uses; District Regulations, Section 3 "Adult Use Marijuana" to Conform with Marijuana Regulation and Taxation Act per Title 16, Chapter 12, MCA
- o Public Hearing and Decision on a Second Reading of an Ordinance Amending Title 9 Water & Sewer, Chapter 2 Water System Regulations, Section 3 Water System Rules, Section 4 Rules Regulating Plumbing, Section 6 Water Rates and Charges, Section 7 Fire Hydrants and Valves, and Section 10 Sand Point Well Connections to align with standards adopted by the City Council via the Public Design Standards in October 2021 [one addition to this ordinance may make it be the "first" reading again]
- o Public Hearing and Decision on a Second Reading of an Ordinance Amending Title 11 Zoning Regulations, Chapter 7 NHB Neighborhood Highway Business District, Section 3 Conditional Uses to include "Work-Live Development" with conditions that No more than 50% of the Development may be residential in Use, Condominiums are not Permitted; Development Owned by One Owner or Entity
- o Public Hearing and Decision on a First Reading of an Ordinance Amending Title 9 Water and Sewer, Chapter 5 Building Sewers; Industrial Wastes which Contradict with the Three Forks Public Design Standards Adopted 10/12/2021
- Possibly the Memorandum of Understanding with Gallatin County for the ARPA funding of the water project

ADJOURNMENT

Councilman Chancellor made a motion to adjourn. Councilwoman McLees seconded the motion.

Motion Passed Unanimously and the meeting was adjourned at 9:03PM.

Randy Johnston, Mayor

Crystal Turner, City Clerk

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MAY 10TH, 2022, The Three Forks City Council met at the Three Forks City Hall (Council Chambers), 206 Main Street and via Zoom. (Zoom is a virtual meeting tool which the City began using due to COVID-19 and social distancing guidelines, and continues to use to encourage participation from the safety of one's home.) The meeting was presided over by Mayor Randy Johnston. Mayor Johnston called the meeting to order at 7:01 P.M.

ROLL CALL: City Council members George Chancellor, Deb Mickelberry, Nancy Todd, Gene Townsend, and Steve Dahl were present at City hall. Brooke McLees was absent. City Clerk Crystal Turner and City Treasurer Kelly Smith were present at City Hall. City Attorney Susan Swimley was present via Zoom.

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

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

GUESTS: Nathan and Meghan Hay, Shane and Theresa Jenkins, Gloria Howland, D.K. and Lavonne Brooks, Tyler Vander Zwaag were all present at City Hall; no one from the public attended via Zoom.

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

Tyler Vander Zwaag spoke regarding surveying and purchasing a portion of the right-of-way adjacent to his property at 15 W. Birch Street. His fence is currently outside his property line (was like that when he purchased the land) and he would like to replace the fence but knows it should not be in its current location. The Streets & Alleys Committee will schedule a meeting to further discuss this.

Theresa Jenkins spoke on behalf of the Three Forks Chamber of Commerce regarding their request to replace/add banner flags and poles (on the sidewalk side) on the street light posts along Main Street. The Town Property Committee will schedule a meeting on this topic.

Seeing no more public comment, the Mayor introduced the Consent Agenda.

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CONSENT AGENDA

- tt. Claims Paid due to Timeliness in the Amount of \$11,478.34 on 4/22/2022
- uu. Claim to Mail Utility Bills in the Amount of \$180.39 on 4/29/2022
- vv. Claims for Approval
- ww. Three Forks Rodeo Arena Board Claims for Approval
- xx. Minutes of 04.12.2022
- yy. Minutes of Zoning and Planning Board Meetings on 2/17/2022
- zz. Amendment #5 to Task Order #1 with Great West Engineering for General Engineering Services
- aaa. Easement between the Headwaters Trail System and Donald and Beth Derby for a portion of the Headwaters Trail "Jefferson Street Connection" to cross Tract A-2 of COS 2068
- bbb. Easement between the Headwaters Trail System and Dimock Farms, Inc. for a portion of the Headwaters Trail "Jefferson Street Connection" to cross Tract A of COS 1626

Mayor Johnston said that there was not a signed easement returned yet, so Item #i will be pulled and continued to a future meeting.

Councilman Townsend made a motion to approve the Consent Agenda [as amended]. Councilman Chancellor seconded the motion. There was no public comment.

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on the Zoning and Planning Board's Recommendation for a Conditional Use Permit by Nathan and Meghan Hay to Operate a Home Business of Spa/Facials/Retail and Massage in the Existing Detached Garage Structure for Property Located at Lots 7-8, Block 37, Milwaukee Land Company's 1st Addition, Commonly Known as 1 N. 4th Avenue East

Mayor Johnston read the Staff Report prepared by Randy Carpenter. The Zoning & Planning Board recommended approval of the conditional use permit with conditions of a maximum two-foot square sign on the building, no appointments after 6PM, and parking in the designated parking spots, at its 4/21/2022 meeting.

Mayor Johnston read a letter from Mickie Imberi into the record which asked the Council to consider following the criteria of the Board of Barbers and Cosmetologists requiring space build-out, space usage, having a standalone entrance and exit, a separate address, a designated break room, proper plumbing and ventilation, as well as high traffic especially with the school construction.

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Nathan Hay addressed Mickie Imberi's comments as follows, "Regarding having its own address and space usage, not sure what she means. Regarding having its own entrance, exit, proper plumbing and ventilation: Yes, all of that is part of the design with the contractor. It won't be used as a garage anymore, it will all be used as the studio. The subcontractors for other services Meghan does not provide - that was nixed in the last meeting. Regarding her comment of contractors and this being next to the school, Meghan is the only person providing services, so there will only be one customer at a time, and it is not generating a lot of traffic."

Nancy Todd said she believed it would be the applicant's job, not the City's, to ensure the board of barbers and cosmetologists' rules are being followed, "That you would be the only employee, so parking does not appear to be an issue. I feel like all of Mickie's concerns in her letter have been addressed."

Councilman Townsend made a motion to approve the application for a conditional use permit for Nathan and Meghan Hay for a spa facial in the garage detached, by appointment only, no employees, it states in the staff report what she can and can't do by the Zoning & Planning Bboard with the conditional use. Councilwoman Todd seconded the motion.

Kelly Smith asked the Council to include the conditions, "No appointments after 6pm, and the sign with your motion that was amended that no appointments could begin after 6pm. Meghan clarified that the "last appointment" would start at 6pm. Councilman Townsend agreed to amend his motion, and Councilwoman Todd agreed to amend her second.

Motion Passed Unanimously.

Public Hearing and Decision on a Second Reading of an Ordinance (#392-2022) Amending Title 11, Chapter 4 Uses; District Regulations, Section 3 "Adult Use Marijuana" to Conform with Marijuana Regulation and Taxation Act per Title 16, Chapter 12, MCA

Mayor Johnston read Ordinance #392-2022 into the record in its entirety again, for the second reading.

D.K. Brooks asked if the City Council intends to tax. Gene Townsend replied it is almost impossible to put this type of business on Main Street because of the distance requirements from churches and schools. Crystal Turner reminded the Council medical marijuana, and now recreational marijuana, is conditionally allowed in all districts except the agricultural zone. Gene Townsend questioned if the City did not create a tax before 1/1/2022 would it have to create one by 1/1/2023 before any shops open? The Council could have created a tax for any existing shops, but there were none so yes, it could implement a tax in the future. Mayor Johnston asked if a tax were implemented, would it include the 1-mile jurisdiction. Crystal answered no, as the City has not taxing authority outside of city limits.

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Councilman Townsend made a motion to pass Ordinance #392-2022, an ordinance amending Three Forks' municipal ordinance of Title 11, Chapter 4, Section 3 to conform with the Marijuana Regulation and Taxation Act per Title 16, Chapter 12, MCA, and note that this is the second reading of this ordinance. Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously.

Public Hearing and Decision on a Second *(could be the First reading again if addition to Rule 25 is accepted)* **Reading of an Ordinance (#393-2022) Amending Title 9 Water & Sewer, Chapter 2 Water System Regulations, Section 3 Water System Rules, Section 4 Rules Regulating Plumbing, Section 6 Water Rates and Charges, Section 7 Fire Hydrants and Valves, and Section 10 Sand Point Well Connections to align with standards adopted by the City Council via the Public Design Standards in October 2021**

Rule 25 discussion - Jessica Salo of Great West Engineering said the Public Design Standards mention check valves, but there is not a specific rule requiring them in residential structures so the additional language proposed will suffice, but also the Public Design Standards should be amended to be more clear. The Council agreed to include this addition to Rule 25, so Mayor Johnston read the entire ordinance into the record for a first reading (as amended) which included a new sentence at the end of Rule 25 which reads, "All new water hookups shall have a double check-valve backflow prevention assembly installed downstream of the water meter."

Councilman Chancellor moved to approve Ordinance #393-2022, an ordinance of the Three Forks City Council amending or omitting rules in 9-2 which contradict with the Three Forks Public Design Standards adopted 10/12/2021. Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously.

Public Hearing and Decision on a Second Reading of an Ordinance (#394-2022) Amending Title 11 Zoning Regulations, Chapter 7 NHB Neighborhood Highway Business District, Section 3 Conditional Uses to include "Work-Live Development" with conditions that No more than 50% of the Development may be residential in Use, Condominiums are not Permitted; Development Owned by One Owner or Entity

The Mayor asked if there was anyone who requested a full reading of this ordinance from the Council or public. There were no requests for an additional full reading.

Councilman Townsend made a motion to approve Ordinance #394-2022, an ordinance of the City Council amending Title 11, Chapter 7 "Neighborhood Highway Business District", Section 3 to add Work-Live as a conditional use. Councilwoman Todd seconded the motion.

Motion Passed Unanimously.

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Public Hearing and Decision on a First Reading of an Ordinance Amending Title 9 Water and Sewer, Chapter 5 Building Sewers; Industrial Wastes which Contradict with the Three Forks Public Design Standards Adopted 10/12/2021

This item has been pulled and continued to May 24, 2022.

Public Hearing on a Resolution of Intent by the Three Forks City Council to Amend the Boundaries of Special Improvement District "Street Lighting District #1"

Mayor Johnston read what would be Resolution #364-2022 if adopted into the record in its entirety.

Gene Townsend asked about the extension of protest period time, and if the Council would be adopting anything tonight. Crystal Turner explained yes, the first legal notice of this public hearing was published on April 24, so the protest period began at that time. "Tonight is the first reading, and if approved, we will mail a copy of the resolution of intent to every user in the District, then hold another public hearing for final decision on May 24th, which is more than the required 15-day protest period from first date of publication," she explained to the public and Council.

Councilwoman Todd moved to accept Resolution #364-2022 a resolution of intent by the Three Forks City Council to amend the boundaries of Special Improvement District "Street Lighting District #1". Councilman Townsend seconded the motion.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution Amending Wages and Compensation of the Public Works Department for Fiscal Year 2021-2022

Mayor Johnston read the resolution into the record, noting it would be #365-2022 if adopted.

There were no Council questions, or public comment.

Councilman Chancellor moved that we adopt Resolution #365-2022, a resolution of the Three Forks City Council amending wages and compensation of the Public Works Department for Fiscal Year 2021-2022. Councilman Dahl seconded the motion.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith did not have anything to report. The Council welcomed Kelly back to work.

City Clerk Crystal Turner reported to the Council that there are several requests for proposals (RFPs) out; the City Attorney one obviously just

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closed but the City Judge and City Planner positions have also both been posted. Also the "grant administration" work that Great West Engineering has been handling for the City should be posted as an RFP, so that will also be advertised for. She also reminded the Council with all the applications and ordinance changes, there will be two meetings in both May and June, and that June has four or five zoning applications on the agenda already.

Susan Swimley reported on the Tillotson Training for city attorneys, and she pointed out that Three Forks is far ahead of other communities on things like personnel policies, so she thanked the staff and Council for working on these things. When MMIA announced that they will no longer be covering libraries, the City of Three Forks is already working on getting coverage for the Library Board. Susan reminded the Council of Milwaukee Road's huge right-of-way due to an old easement. "During the training, I learned that the Town of Phillipsburg may have tackled that issue so I'm in touch with their attorney to bring that up. Also, George and I have been in touch with the Three Forks Area Ambulance District and Gallatin County - we will probably come back at the next meeting with a report but this is not ready for action yet. The intent is a method to pursue resolving conflicts via the interlocal agreement," Susan explained.

Crystal added MMIA sent out a draft interlocal for city/towns and the library boards so she will populate it and send it to Susan Swimley for review, then on to the Library Board for adoption at one of their meetings before the Council will see it.

There were no other officers present to report.

REPORT OF COUNCIL COMMITTEES (if any)

Budget Committee - Gene Townsend said they reviewed the legal services RFPs received and both were very comparable. It is the Committee's recommendation to award the contract to Susan Swimley Law. He also reported the Budget Committee should start preparing the FY22/23 budget.

UNFINISHED BUSINESS

Update on Floodplain Mitigation Project

Crystal Turner reported the Flood Mitigation group met via Zoom last week - DNRC announced FEMA has had another hiccup with a contractor, so the maps are further delayed for adoption. Potentially a round of public hearings could begin this fall.

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Update on Water System Improvement Project

Mayor Johnston reported on Well 6A - concrete seal was recommended, and used, rather than what the drillers typically use to seal screens (bentonite), so it plugged up the screens and sealed the newly drilled well. "We are back on track with a new well that was drilled last week and screens have been installed. They will bring down the machine to do the pump test soon. I was supposed to meet with Bill & Bonnie Kent Monday, but with 6-inches of snow in Bozeman Monday morning we postponed to a future date when it's not muddy and we could slip," Mayor Johnston reported.

NEW BUSINESS

Decision on Recommendation to Award 2-Year Contract to _____ for Legal Services

The Budget Committee reviewed the proposals and recommended a 2-year contract be awarded to Swimley Law.

There were no Council or public comments.

Councilman Chancellor moved to draft a contract with Susan Swimley for another 2-years for legal services. Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously.

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

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

MAYOR & COUNCIL ANNOUNCEMENTS

Mayor Johnston reported for Code Enforcement Officer Heidi Jones-Magee (copy in packet) on the violations she has been working on in the month of April: 2 abandoned vehicles (certified letters sent), 2 weed violations (letters sent), 0 garbage/refuse violations, 6 community decay letters sent out (2 resolved from March, three responses, 1 new letter sent), 19 trees over the sidewalk/right-of-way area letters sent out (none resolved but 3 responses with corrective action dates), 1 parking violation (resolved), and 0 dog issues (barking, at large, etc.) one sighting/call for dogs at large, and one barking all retrieved/notified quickly and resolves, for a total of 159 sites visited.

Mayor Johnston said he would like to volunteer to mow the Headwaters Trail System. "I have checked with Kelly and Crystal and it can be done via

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under the proper Work Comp code, but I want to use the City's equipment (Kubota) so would like the Council's permission. I would also like to mow around the rodeo grounds," Mayor Johnston said. He continued, "I could be signed off on the equipment as trained and that retained in file. And I'd like to volunteer training on the sweeper too."

Councilman Chancellor moved that we let Randy Johnston, Mayor of City of Three Forks, mow and clean streets as required. Councilman Townsend seconded the motion.

Public Comment: Gloria Howland said she has seen Randy mow many times, "You just like to mow?" Mayor Johnston replied, "I just like the town and the trails looking nice. We get a lot of use out of them on both ends and a lot of people stop me when I'm mowing and thank me for taking care of them. I will also be volunteering to help Gene on some trail maintenance this year too."

Motion Passed Unanimously.

Gene Townsend announced to the rest of the Council, "We did meet and do some job interviews for Wendell Ewan's position, who is taking vacation the rest of the month. We offered a position to a gentleman from Washington. He needs to sell his house out there, and then they will be moving out here and hopes to start the end of this month. He was obvious to be a good hire, with a lot of experience and a licensed water operator already. He and his wife want to come to the smaller town." Crystal Turner said that the candidate has sold his house and will be here May 30th and plans to start with the City on June 1st.

Gene added there were four interviewees, three were very qualified, excellent candidates, one without as much experience but all good candidates.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: May 24, 2022

- Public Hearing and Decision on a Second Reading of an Ordinance Amending Title 9 Water and Sewer, Chapter 5 Building Sewers; Industrial Wastes which Contradict with the Three Forks Public Design Standards Adopted 10/12/2021
- Public Hearing and Decision on a Second Reading of an Ordinance Amending Title 9 Water & Sewer, Chapter 2 Water System Regulations, Section 3 Water System Rules, Section 4 Rules Regulating Plumbing, Section 6 Water Rates and Charges, Section 7 Fire Hydrants and Valves, and Section 10 Sand Point Well Connections to align with

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standards adopted by the City Council via the Public Design Standards in October 2021

- Public Hearing on a Resolution to Adopt the Amended Boundaries of Special Improvement District "Street Lighting District #1"
- Possibly the Memorandum of Understanding with Gallatin County for the ARPA funding of the water project

ADJOURNMENT

Councilman Chancellor made a motion to adjourn. Councilman Townsend seconded the motion.

Motion Passed Unanimously and the meeting was adjourned at 8:43PM.

Randy Johnston, Mayor

Crystal Turner, City Clerk

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MAY 24TH, 2022, The Three Forks City Council met at the Three Forks City Hall (Council Chambers), 206 Main Street and via Zoom. (Zoom is a virtual meeting tool which the City began using due to COVID-19 and social distancing guidelines and continues to use to encourage participation from the safety of one's home.) The meeting was presided over by Mayor Randy Johnston. Mayor Johnston called the meeting to order at 7:00 P.M.

ROLL CALL: City Council members George Chancellor, Deb Mickelberry, Nancy Todd, Brooke McLees, Gene Townsend, and Steve Dahl were present at City Hall. Gallatin County Sheriff Sgt. Desmond Doonan and City Treasurer Kelly Smith was present at City Hall. City Clerk Crystal Turner was excused.

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

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

GUESTS: Kathy White, Lindsay Metcalf, Colter Metcalf were present at City Hall. Vinnie Filippini, Roland Deane, and Jessica Salo (Great West Engineering) were present via Zoom.

PUBLIC COMMENTS/CONCERNS (For items not on the agenda)
Seeing no public comment, the Mayor introduced the Consent Agenda.

CONSENT AGENDA

- ccc. Claims for Approval
- ddd. Three Forks Rodeo Arena Board Claims for Approval
- eee. Minutes of 5/10/2022
- fff. Contract Amendment #2 for Service Agreement with AE2S for \$20,000

Councilman Townsend made a motion to approve the Consent Agenda [as amended]. Councilman Chancellor seconded the motion. There was no public comment.

Motion Passed Unanimously.

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PUBLIC HEARINGS

Public Hearing and Decision on a Second Reading of an Ordinance (#393-2022) Amending Title 9 Water & Sewer, Chapter 2 Water System Regulations, Section 3 Water System Rules, Section 4 Rules Regulating Plumbing, Section 6 Water Rates and Charges, Section 7 Fire Hydrants and Valves, and Section 10 Sand Point Well Connections to align with standards adopted by the City Council via the Public Design Standards in October 2021

Mayor Johnston said this ordinance was read in full at the last meeting and he would not be reading it again unless requested to. No Council or public requested a second, full reading.

Councilman Chancellor made a motion that we accept ordinance #393-2022, an ordinance amending Title 9 Water and Sewer, Chapter 2 Water System Regulations, Section 3 Water System Rules, Section 4 Rules Regulating Plumbing, Section 6 Water Rates and Charges, Section 7 Fire Hydrants and Valves, and Section 10 Sand Point Well Connections to align with the standards adopted by the City Council via the Public Design Standards.

Councilman Townsend seconded the motion.

Motion Passed Unanimously.

Public Hearing and Decision on a First Reading of an Ordinance (#395-2022) Amending Title 9 Water and Sewer, Chapter 5 Building Sewers; Industrial Wastes which Contradict with the Three Forks Public Design Standards Adopted 10/12/2021

Mayor Johnston introduced the ordinance and started reading what will be #395-2022, into the record completely, then asked the Council members to take turns reading two pages each since the ordinance is 19-pages.

Gene Townsend said on page 12, should be "by the City of Three Forks", not the Town of Three Forks and then asked for the definition of appurtenances (which are accessories or attachments - valves, fittings, pipes - to the plumbing in this instance). Gene asked about the industrial discharges and why the ordinance does not have a rate on what the City would charge someone like a portable toilets business for instance. Kelly Smith replied that would be set in the rate structure, which does not have to be in the ordinance. "This leaves it for the City Engineer to determine the pollutant type and a calculation the engineers would do, and then charge them accordingly to use our discharge permit," Kelly explained. Gene asked if the City needed to even accept that kind of discharge. Mayor Johnston and Kelly Smith answered no. Gene asked if there were any RV dumps in town. Kelly replied she believed there are three in town: at the daycare facility at the edge of town, the former Cash Dollar/Sinclair gas station across from the Conoco gas station, and at the Market & RV Park. She added that Mr. Lamb does not let anyone use the dump station even if the RV Park has an open space. Gene brought this up because there was someone who had tapped into the Manhattan Sewer System and dumped toxic

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pollutants and it ended up making the Town's sewer facility go septic. "This is something we should address and ensure we know what people are putting in our sewer treatment," Gene stated. Gene noted another typo on page 1 in the notice 'whereas statement' that says 'and around town are physical locations' and should be 'at physical locations'.

Councilman Townsend made a motion to approve Ordinance #395-2022, an ordinance of the City of Three Forks Council amending Title 9, Chapter 5, Sewer System Regulations which contradict with the Three Forks Public Design Standards adopted on 10/12/2021. Councilwoman Todd seconded the motion.

Motion Passed Unanimously.

Public Hearing on a Resolution (#366-2022) to Adopt the Amended Boundaries of Special Improvement District "Street Lighting District #1"

Mayor Johnston explained the resolution of intent was heard at the last Council meeting on May 10, 2022. He read the resolution to adopt into the record. The Mayor confirmed with Kelly Smith that the City had not received any protests at this point.

Gene Townsend asked what the City would do if the City received protests tomorrow, June 25th, since the resolution states that date of acceptance. Kelly Smith said there have been a lot of people calling and coming in requesting clarification and so far, none have protested it. Lindsay Metcalf noted the date of approval says June 24, 2022, as well. (This resolution was originally scheduled for a June 12 hearing date for adoption, so June 25th would have worked fine. However, on the last Friday of April when Zoning use and change permits are due in order to be heard the following month, the City received six applications. In an effort to not have a long meeting on June 12, the City Clerk organized a second meeting in May to hear the items that were already in process. Notices were adjusted with all the newspapers to be scheduled on alternate dates, and the resolution had edits. These were missed.) There was no other public comment.

Councilman Townsend moved to approve City of Three Forks, Montana Resolution #366-2022, a resolution by the Three Forks City Council to amend the boundaries of Special Improvement District "Street Lighting District #1". Councilman Dahl seconded the motion.

Motion Passed Unanimously.

REPORT OF OFFICERS

Mayor Johnston said City Treasurer Kelly Smith does not have anything to report, and that City Attorney Susan Swimley is not present. He introduced Sgt. Doonan. Sgt. Doonan said he is the new sergeant in the Three Forks area and just wanted to come to a meeting and let them all

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know he was here in Three Forks now, and that he had been with the Sheriff's Office for three years. The Council welcomed Sgt. Doonan.

REPORT OF COUNCIL COMMITTEES (if any)

Deb Mickelberry stated she and Brooke McLees met with Theresa Jenkins-Brandhorst, who represented the Chamber of Commerce who is looking at wanting to replace the old worn-out Christmas decorations as well as add something which could be used year-round. Deb said there were examples in the Council's packet that show banners with double-sided brackets. They are asking if the City would be interested in sharing the cost of the brackets. The flags would be bought by the businesses sponsoring them, and could be holiday flags, announcements, attractions, local businesses, etc. The brackets they have found are about \$150-196/each, "I counted fourteen poles down Main Street which would be a cost of \$2,688 but they are interested in extending this all the way down to the Library," Deb explained. "They are not asking for a confirmation yet, but if the City is interested in cost share. There is approval by Northwestern Energy already, and they need to reach out to the State of Montana to find out about the highway right-of-way. They will work closely with the VFW about the flag etiquette with the American Flags also on the Main Street light poles." Gene asked who would be responsible for putting up the flags. Deb said the Chamber would be - and the City could still put up its American Flags but the Chamber would be responsible for installing and changing these banner flags. There was discussion regarding flag etiquette and nothing being above the American Flag. Some Council members believed the brackets could be shopped around for to find something that may be cheaper, as this one quote seems very expensive. The Council asked Brooke McLees (who is also on the Chamber board) to relay to the Chamber to shop around for other bracket options so the Council could consider its contribution, to ensure proper permitting by the Department of Transportation is acquired, as well as contacting VFW regarding banners not being higher than the bottom of the American Flags, or other rules.

Councilman Townsend made a motion to table this banner/flag proposition from the Chamber and come back with written permission from Northwestern Energy, written permission from the Montana Highway Department and the particulars George and everybody is talking about. I'm with George \$196 is a little spendy and I think until we get more information on this. Brooke McLees asked a question to Kelly Smith on once that information is collected, where would it go next, Committee or Council? Nancy Todd and Kelly Smith both answered it would go back to Committee. Councilman Chancellor agreed and seconded the motion. There was no further discussion.

Motion Passed Unanimously.

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Budget Committee - Gene Townsend said he spoke with Kelly Smith today about setting up a budget committee meeting, probably early June.

Kelly Smith reported the Streets & Alley Committee meeting is tomorrow, May 25, 2022, at 4PM.

UNFINISHED BUSINESS

Update on Floodplain Mitigation Project

There was nothing to report.

Update on Water System Improvement Project

Mayor Johnston said he would be meeting with Great West Engineering tomorrow, and the hydrogeologist and will be going out to the Kent farm to look for a location for another test well. "We are also doing a pump test on the well at #6, and then will do quality samples," the Mayor said.

NEW BUSINESS

Board Appointment - Three Forks Community Library Board

Mayor Johnston read the board appointment memo into the record.

There were no Council or public comments.

Councilman Chancellor moved to approve Diane Althans to the Library Board of Trustees. Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously.

Vinnie Filippini Discussion of Possible New Building for a Mix of City / Chamber / Residential Uses

Vinnie Filippini introduced himself and tried to explain to the Council his proposal but had a terrible internet connection and was dropping out. The Council asked if he could meet in person instead, and the connection was completely lost. Kelly Smith explained he had spoken to her and wanted to build another building on his vacant lots between the Three Forks Café and the Jefferson Building. He is interested in knowing if the City Office would be interested in moving on the main level and put the Chamber upstairs. If so, he would build it to suit for the City's purposes. Just curious on any interest.

Gene Townsend said he is not interested in that and believes it to be "bad business". Nancy Todd asked what if the City outgrows the space. Kelly Smith said as we keep growing, we will need to think about renovating the current City Hall because there is a lot of unused space in the back of City Hall, and when we have high attendance at meetings it is hard to maneuver around. There is probably a more efficient use of space in here

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to setup the desks and get work done without taking valuable space during meetings.

The Council asked Vinnie to submit something in writing so that they could review and discuss his proposal a little more depth, and to attend in person.

Appeal by Colter & Lindsay Metcalf of Impact Fee Determination

Kelly Smith said there is a letter she provided to the Metcalf's after their zoning permit approval, stating they would owe impact fees due to the new structure with a request for water and sewer service lines extended from the home into this building. All citizens have 30-days to appeal the determination of impact fees, so that is what is before you tonight.

Colter Metcalf introduced himself and said they intend to build a 20x30 foot shed which is for storage, and use 20x20 for a common space, referred to as a "man cave". "I want to be upfront and want to pay my fair share to the City. The city has done a lot for me, but I think this use will have a minimal impact on the City. I believe \$4,934 to impact the water and sewer systems is excessive and is what is designed for a full-size house. This is an extension of our home, a pretty small use that would have minimal impact. No washing machine, no shower, not designed to live in, not interested in renting it out. We have rental properties in Bozeman for that, and this is strictly for entertaining. I was hoping there was a little wiggle room in the impact fees so that is why we are here," Colter explained to the Council.

George Chancellor asked if the design includes a vanity sink in the bathroom. Colter Metcalf answer yes, one vanity sink and one bar sink. "If you guys think it is a full impact, I won't argue with you because I respect the City and respect what you guys do," Colter added. Deb Mickelberry asked if this would be connected to the existing meter, or would it have a different meter. Kelly Smith said in her mind it would be on the same house meter, because it will not be its own rental unit. "If the ordinance changes to allow accessory dwelling units and they wished to request a change in use for the building at that time, then a separate meter should be installed," Kelly added. Gene Townsend stated he was opposed to the reduction of impact fees. "I have always voted against these requests. The impact still goes on to our sewer and water system, and I don't know of any time we have ever stepped out and not assessed impact fees at the full price," Gene said. Kelly Smith said the City has:

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Cheryl Menard when she removed a trailer and replace by another manufactured home, a reduction to the original RV Campground at 50% since it could only be open for six months of the year. Lindsay Metcalf asked if the \$4,934 is the same for a new residence. Gene answered yes. Lindsay continued that she did not believe a 10-toilet new house and a 1-toilet shed should be charged the same. Gene said what bothers him is that once it is done, it is done. If you guys sell it and converts it into a rental, adds a shower, kitchen, and space for laundry, then it does impact our system fully and we would have no way of knowing that change. Kelly Smith said the City could require a non-conversion agreement be signed and recorded on the property so if the property does sell the new owners would fully know that conversion would be illegal unless zoning changes to allow it, and full impact fees then would be paid. Gene asked the Metcalf's what they believed the fee should be. Colter offered the City to open negotiations, he had a number in mind but would be happy to any reduction of the full amount. There was discussion regarding the Airbnb that requested a reduction in impact fees, and it was denied because it is allowed to be rented year-round, and it is booked almost the entire year. Kelly said, "Many people add plumbing to accessory buildings without the City's knowledge and Lindsay and Colter were completely honest since the first conversation of them wanting to build a shed." Steve Dahl asked if the shed would be placed upon a permanent foundation. Gene again said, "Throw me a number," to which Lindsay started the negotiation by saying, "\$1,000." George Chancellor rebutted at 60%. Lindsay asked if that was 60% off or what they would have to pay, and George clarified they would pay 60% of the standard fee. They bantered back and forth down to 50%.

Councilman Townsend made a motion that we reduce the wastewater and freshwater fees, each by 50%, do it equally to each one, and put a non-conversion language in the motion that they would be required to be filed with the County and go with the property. Councilwoman McLees seconded the motion.

Motion Passed Unanimously.

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

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

MAYOR & COUNCIL ANNOUNCEMENTS

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Mayor Johnston reported there is a meeting scheduled tomorrow, for Streets and Alleys Committee.

Nancy Todd asked how the Council would go about changing the meeting times to 6PM. "I get up for work at 4AM and these meetings are getting longer and later," she said. Deb Mickelberry said she would not mind the meetings being earlier. Gene Townsend said he wondered about staff having time to go eat dinner before the meeting with getting off at 5PM. Mayor Johnston asked what the rest of the Council thought: George Chancellor preferred keeping it at 7PM noting he does eat an evening meal as well (but joked that he could skip one once in a while), Gene said he is retired so could go either way, Steve Dahl said 6PM or 7PM would work for him, and Brooke McLees said she liked 6PM. Kelly Smith informed the Council it was in ordinance so the ordinance would have to be amended to change the meeting times. Deb joked that when she and Nancy are no longer on the Council, they could switch it back. The Council directed staff to draft an ordinance change for the next meeting.

Mayor Johnston reminded the Council he would not be at the next meeting as he would be on vacation.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: June 14, 2022

- Public Hearing and Decision on the Zoning & Planning Board's Recommendation of Subdivision Review Requested by RCREI, Inc. of a RV/Travel Trailer Park/Campground (Four RV sites, 3 Cabin sites) Located in Tract 1 of the Southeast Quarter of the Northeast Quarter of Section 26, Township 2 North, Range 1 East, Commonly Known as 126 E. Jefferson Street
- Public Hearing and Decision on the Zoning & Planning Board's Recommendation on a Conditional Use Permit Request by Peggy Gazy to Make an Existing Non-Permitted Apartment within the Home Conform to Residential Zoning, Located at Lots 11 & 12, Block 7 of the Northwest Townsite, Commonly Known as 512 E. Cedar Street
- Public Hearing and Decision on a Recommendation of the Zoning & Planning Board on a Request for Conditional Use Permit by David Smith and William Robinson to have a RV/Travel Trailer Park within the 1-Mile Zoning Boundary of the City of Three Forks, Located at Parcel A-1 of COS 3068 (located in Section 25, Township 2 North, Range 1 East), Commonly Known as TBD MT-Hwy 2/Frontage Road
- Public Hearing and Decision on the Zoning & Planning Board's Recommendation on an Amendment to an Approved Conditional Use Permit for Rick & Valerie Lamb to Allow Rental of the Service Building, and a Residential Apartment within the Service Building (already

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constructed for use of the camp hose, or potential rental in the future), Located at Lot 4A-1, Block 12 of Headwaters Subdivision, Commonly Known as 95787 MT-Hwy 2/Frontage Road

- Public Hearing and Decision on the Zoning & Planning Board's Recommendation on a Conditional Use Permit Request by TSB Montana, LLC (with permission of property owner Rob Norman) to Operate a Marijuana Dispensary within the 1-Mile Zoning Boundary of the City of Three Forks, Located at Tract A of COS 991 (located in Section 25, Township 2 North, Range 1 East), Commonly Known as 279 MT-Hwy 2/Frontage Road
- Public Hearing and Decision on a Second Reading of Ordinance #395-2022 Amending Title 9 Water and Sewer, Chapter 5 Building Sewers; Industrial Wastes which Contradict with the Three Forks Public Design Standards Adopted 10/12/2021

ADJOURNMENT

Councilman Chancellor made a motion to adjourn. Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously and the meeting was adjourned at 9:35PM.

Randy Johnston, Mayor

Crystal Turner, City Clerk

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CITY OF THREE FORKS, MONTANA, FOR ALL OF 2022**

JUNE 14TH, 2022, The Three Forks City Council met at the Three Forks City Hall (Council Chambers), 206 Main Street and via Zoom. (Zoom is a virtual meeting tool which the City began using due to COVID-19 and social distancing guidelines, and continues to use to encourage participation from the safety of one's home.) The meeting was presided over by Council Chairman Gene Townsend. Chairman Townsend called the meeting to order at 7:01 P.M.

ROLL CALL: City Council members George Chancellor, Brooke McLees, Steve Dahl, Deb Mickelberry, Nancy Todd, and Gene Townsend were present at City hall. City Clerk Crystal Turner and City Treasurer Kelly Smith were present at City Hall. City Attorney Susan Swimley was 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 Chairman Townsend. Chairman Townsend reminded the audience this meeting was recorded and streamed via Zoom and on our Facebook page.

GUESTS: Kate Dinwiddie, Alex Blackburn, Brent MacDonald, Gloria Howland, Barbara Mutter, Kim Todd, Rob Norman, Raeleen Roadarmel, Vince Vaccaro, Dana Vaccaro, Kelly Bugland, and Dr. Wes Stucki were present at City Hall.

PUBLIC COMMENTS/CONCERNS (For items not on the agenda)
Seeing no public comment, Chairman Townsend introduced the Consent Agenda.

CONSENT AGENDA

- a) Claim Paid due to Timeliness to Mail Utility Bills in the Amount of \$181.68 on 5/31/2022
- b) Claims for Approval
- c) Three Forks Rodeo Arena Board Claims for Approval
- d) Minutes of Zoning and Planning Board Meeting on 4/21/2022
- e) Service Agreement with Jacob's Livestock to Provide Stock for the July 2022 Rodeo in the Amount of \$19,500.00
- f) Two-Year Service Agreement with Susan Swimley for Legal Services
- g) Two-Year Service Agreement with Randy Carpenter for Planning Consultant Services
- h) ARPA Subrecipient Agreement with Gallatin County for \$559,000 to be used on the City's Water Project

**** Page 61** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING
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- i) Interlocal Agreement for Records Storage between the City and Fairview Cemetery District
- j) Memorandum of Understanding between the City of Three forks and the Three Forks Community Library Board of Trustees for Insurance Coverage Purposes
- k) Pledged Securities Report as of 3/31/2022

Chairman Townsend asked if anyone wanted to remove any item from the Consent Agenda for discussion. City Attorney Susan Swimley stated she did not wish to remove this item, but said there is a clause that if Gallatin County does not get the next \$12,000,000 in the next round of ARPA funding, the County could rewrite the memorandum of understanding and remove that commitment. "I spoke with the County today and they are not concerned at all about not receiving ARPA funds. They thought they would have confirmation today [from the Governor's office] but have not received it yet," Susan said. She asked if any of the Council was concerned; there were no verbal comments.

Councilman Chancellor made a motion to approve the Consent Agenda.

Councilman Dahl seconded the motion. There was no public comment.

Motion Passed Unanimously.

Chairman Townsend said he had a request from a Councilperson to ask if there was any problem to move Unfinished Business Item C, regarding the Ambulance Service District, to be heard now before Public Hearings so that those interested did not have to sit through long public hearings. There were no objections to this agenda adjustment. There were no Council objections. Chairman Townsend asked if there were any public objections; there were none with those present. [Vince Vaccaro arrived roughly at 7:15PM and wished to speak on this topic, read later in these minutes.]

UNFINISHED BUSINESS

Three Forks Area Ambulance Service District (continued from 9/2021) - Public Comments, Discussion and Decision to Withdraw from the 1992 Interlocal Agreement and send Notice to Gallatin County Commission of Decision of 30-days to Termination (pursuant to Paragraph 1 of the Interlocal Agreement)

Chairman Townsend opened public comment on this item.

Kate Dinwiddie, legal counsel for the Three Forks Area Ambulance Service District, received and reviewed this information. The board was set to discuss and decide on the memo provided to the City Council at its meeting last night, and have a position in writing to provide tonight if the City wishes, but there was a noticing issue and were not legally able to discuss and decide last night. "Pertaining to the Interlocal Agreement,

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the District does not own any real or personal property as subject to disposition in Paragraph 5 - all assets were acquired or are currently held by the non-profit corporation as identified in Susan Swimley's memo, including the ambulance and all current inventory. Grants applied for were acquired through the non-profit EIN#. The Ambulance Barn and associated debt were acquired and are held in the non-profit's name, and there are no tax levies on record. This information pertains directly to the discussion to withdrawal from the Interlocal," Kate Dinwiddie explained. She said there are board members present tonight if they wish to speak in their own capacity, and the Ambulance Board's meeting will be held on Thursday, June 16, 2022, as re-noticed she informed the Council.

There was no public comment. There were no board questions or concerns.

Councilman Chancellor moved that the City of Three Forks withdraw from the 1992 interlocal agreement. Councilwoman McLees seconded the motion. There was no further discussion.

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on the Zoning & Planning Board's Recommendation of a Minor Subdivision Review Requested by RCREI, Inc. of a RV/Travel Trailer Park/Campground (Four RV sites, 3 Cabin sites) Located in Tract 1 of the Southeast Quarter of the Northeast Quarter of Section 26, Township 2 North, Range 1 East, Commonly Known as 126 E. Jefferson Street

Zoning Chairman George Chancellor read the staff report into the record in its entirety. He said the Zoning & Planning Board recommended this application, pending all the 24 conditions (on pages 5-9) in the staff report are met.

Chairman Townsend questioned Kelly Smith to confirm there is a three-year term for the applicants to complete the conditions. Kelly answered yes, "Per the Montana Subdivision and Platting Act the applicant is provided three years to complete all conditions. They also have an opportunity to apply for a one-year extension if they cannot achieve that," Kelly said.

Public Comment: Gloria Howland commented if gophers were considered as part of the wildlife habitat by the Board. There was no response from the Council.

Deb Mickelberry asked if these [RVs] were limited to six months as well. Kelly Smith said yes, the conditional use permit has the condition which limit operational dates from May through November (because of FEMA and the flood ordinance. These conditions tonight are specific to the subdivision review. Steve Dahl asked what would be done in the surrounding area known as Buttelman's field? George Chancellor replied there could be housing

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someday, but that would depend on the floodplain maps. Steve Dahl said, "I'm trying to envision future residential in Buttelman's field (knowing that would be a separate subdivision review) but an RV park next to housing?" George Chancellor said the Buttelman's are still running their land agriculturally, but if the floodplain mitigation goes through he guessed they would try to subdivide it. Kelly Smith explained the four spots of the RV park will face the storage buildings across Jefferson Street. "So across from the actual RV spots is zone Industrial. The two bigger cabins are for the owners when on site, the small one would be rented as a short-term rental," Kelly explained.

Councilman Chancellor moved that we approve the preliminary plan with the twenty-four conditions for the travel trailer park, that will contain four trailer pads, three short-term cabin rentals and an accessory garage. Councilwoman Mickelberry seconded the motion. There was no further discussion.

Motion Passed Unanimously.

Public Hearing and Decision on the Zoning & Planning Board's Recommendation on a Conditional Use Permit Requested by Peggy Gazy to Make an Existing Non-Permitted Apartment within the Home Conform to Residential Zoning, Located at Lots 11 & 12, Block 7 of the Northwest Townsite, Commonly Known as 512 E. Cedar Street

Zoning Chairman George Chancellor read a letter of support from Wesley Milner, and the staff report into the record in its entirety. City Attorney Susan Swimley asked the Council to consider one additional notice that, "by granting this conditional use permit the City of Three Forks is not opining that the apartment meets residential building standards or rental requirements." She continued, "I offer this since we do not have a building inspector and we do not enforce building codes." George Chancellor said that comment came up in Zoning & Planning as well and Kelly Bugland assured the Board that there were basement ingress and egress and all that. Susan Swimley replied, "That's fine, but I do not recommend the City make an opinion on it without any building code or inspector." Council agrees to add that condition.

Gene Townsend reported this home was a basement apartment first, built maybe in in the 1950s or 1960s, but then the son came in and finished the upstairs. "The basement was lived in for 30 years before the upstairs was ever finished," he said.

Kelly Smith reminded the Council the conditions of the second minimum residential water and sewer fee [per Ordinance #9-4-1 and #9-2-3, Rule 22] and the impact fees to be paid on the additional residential unit. Kelly Bugland added that the applicant has the right to appeal the impact fee.

Councilman Chancellor moved that we approve the request for a conditional use permit for the apartment at 512 E. Cedar, with the conditions of the

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additional water and sewer fee, and the verbiage Susan Swimley suggested that by granting this conditional use permit the City of Three Forks is not opining that the apartment meets residential building standards or rental requirements, and the impact fees. Councilwoman McLees seconded the motion.

Public comment: Kelly Bugland, on behalf of Peggy Gazy, "As the licensed rental manager for the property and that is why they are here tonight to make this use legal by obtaining a conditional use permit. We will be contesting the impact fees later."

There were no other comments.

Motion Passed Unanimously.

Public Hearing and Decision on the Zoning & Planning Board's Recommendation on a Conditional Use Permit Request by TSB Montana, LLC (with permission of property owner Rob Norman) to Operate a Marijuana Dispensary within the 1-Mile Zoning Boundary of the City of Three Forks, Located at Tract A of COS 991 (located in Section 25, Township 2 North, Range 1 East), Commonly Known as 279 MT-Hwy 2/Frontage Road

Zoning Chairman George Chancellor read the staff report into the record in its entirety. Gene Townsend questioned the required parking spaces, and Kelly Smith said those spaces were based on an estimated building size and the applicant has since stated they would be using a smaller building so will not need 12 parking spaces. Deb Mickelberry asked if the preschool nearby is considered a school as well and meets the distance requirements. Kelly Smith replied that it is just a daycare, not a preschool, but meets the 500-foot distance from door to door. Nancy Todd asked if main school expands, would the marijuana business have to comply with the 500-feet if their front door was closer. George Chancellor said this use, if approved, would predate that change and be grandfathered.

Dr. Wes Stucki present, CEO of Top Shelf Botanicals. "We have twelve dispensaries throughout the state and am here to answer any questions you may have." Gene Townsend asked how old one has to be to buy marijuana. Dr. Stucki said 21 years old. Steve Dahl asked about the signage on the road saying "We're talking 500-feet from a church or school. You are on a road that goes by the school. To me the fact that it's the first thing you see when you come into town kind of bothers me. Which way will the sign be facing?" Dr. Stucki said there will not be the word *marijuana* or a picture of leaf on the sign. "The building was an old gas station and the first thing people have seen coming into town for years. We will probably put about \$75,000 into improving that building, trim the bushes back (not removed), no flashing lights, it will be very discreet. We do upscale dispensaries. It will have the word dispensary, our name, and our logo is a mountain top, and the green cross which is universal," Dr. Stucki said. Rob Norman said to Steve Dahl, "I won't allow any loud signage, and it hopefully in a better character than the equipment rental business that just moved onto the property. I won't allow any signage on

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the street or anything like that. But it will be on the building. It will not be gawdy." Steve Dahl also asked what dimensions for such a business sign are allowed. No one was certain of the sign dimension limitations, but that would be defined by the Department of Transportation since Frontage Road is a state highway. Steve also asked Dr. Stucki if he owned any of the dispensaries south of Kalispell. Dr. Stucki replied he owns one north of Kalispell. Steve said that there are a ton just leaving the airport and headed towards Columbia Falls which look dumpy and he did not want to see that.

There was no public comment.

Gene Townsend clarified the site plan and parking spaces conditions the Zoning & Planning Board imposed have now been met? Kelly Smith said yes.

Councilman Chancellor moved to approve the conditional use permit for the adult use marijuana business in the City's 1-mile extra-territorial zoning with the condition that the site plan denote required parking.

Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously.

Public Hearing and Decision on a Second Reading of Ordinance #395-2022, an Ordinance Amending Title 9, Chapter 5 "Sewer System Regulations" which Contradict with the Three Forks Public Design Standards Adopted 10/12/2021

Chairman Townsend said this was read in its entirety at the last meeting and does not need to be read fully again unless someone requests it. (It was not requested to be read again.)

There was no public comment.

There were no Council comments or questions.

Councilman Dahl moved to approve an ordinance of the Three Forks City Council amending Title 9, Chapter 5 "Sewer System Regulations" which contradict with the Three Forks Public Design Standards adopted 10/12/2021, Ordinance #395-2022. Councilman Chancellor seconded the motion.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported Caitlyn, from Sen. Tester's office called today to see if we had any flooding issues with all the rain, or if there was anything else they could do for us. (For posterity: several communities around Yellowstone National Park were flooding during the month of June 2022.)

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Kelly also reported that there are several towns placing the question on the ballot to the community whether or not to ban marijuana being sold in their towns. "The new law changed seven types of marijuana uses: cultivators, distributors, CBD manufacturing, etc... We have never talked about if the Council wants to let the voters decide if it wants to allow this in the city limits," Kelly explained. She pulled up West Yellowstone's resolution and the ballot language which is an all or nothing question to the people. "In Deer Lodge they are putting each type on the ballot, so cultivation could be allowed but not manufacturing based on the ballot results. If the Council is interested in doing one or the other of those, we believe we'd have to have a resolution done before August 1 to get it to the Election Administrator to place the language on the ballot. Anytime we have anything on the ballot there would be an election cost so the Council would need to consider that as well," she said. Nancy Todd thinks it would be only fair that the towns people have a say. "I would like to see it on the ballot, as all or nothing," Nancy said. George Chancellor asked if Three Forks already had any manufacturers. Crystal Turner answered yes, there is one. Susan said she believes the difference in West Yellowstone and Deer Lodge is that they never allowed it in their city/town limits prior to the law change, where Three Forks did. Nancy asked if the City could still place the question on the ballot, and then would grandfathering work for the one business already in operation? Susan Swimley would have to refresh herself on the previous discussion held in December 2021. Brooke McLees questioned that manufacturing of CBD oil is not marijuana. Crystal Turner explained the business owner who came before the City Council to obtain a business license for manufacturing CBD oil, stated he has a license to transfer raw product to this facility, then manufacture it, then also another license to transfer the final CBD product to his store-front in Four Corners. Brooke then questioned if the pharmacy is able to sell CBD oil. It was discussed that the pharmacy is selling an end product, not manufacturing anything from marijuana nor transporting it. George Chancellor is not sure the question needs to be on the ballot, "The City can review these on the case-by-case basis with the way the ordinance is currently written." Gene Townsend asked Susan to get the Council some information to help them to act on whether or not to place, or not place, on the ballot by the June 28 meeting? Susan said yes, she could. Gene said, "That gives us time if Council decides to have it done before August 1."

City Clerk Crystal Turner distributed Code Compliance Officer Heidi Jones-Magee's monthly report. She then reported that she attended the Municipal Summit on June 2, and highly encouraged the Council and Mayor to attend

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these in the future. "They are fantastic educational presentations for newly elected, and seasoned officials," she said. She distributed to the Council the highlights from the June 2nd meeting which included: the overall explanation of why government is necessary and the roles we play to facilitate the public's best interest, budget highlights and preparing for the upcoming budget year including how to get your public engaged, general versus self-governing powers, upcoming Legislative session issues the League to Cities and Towns is already concerned about (they will send information to the cities and towns as these sessions occur and encourage each person to submit comments or attend which can be virtually attended) and retirees/hiring/succession training. Brooke McLees asked, since it almost happened today, what happens if a motion does not get a second. Crystal explained it dies for lack of a second. "So, then what happens?" Brooke asked. Crystal explained Roberts Rules of Order state that there is to be no discussion at all until a motion on the table has a second. If it does not receive a second, it dies and the governing body moves on with a different motion (one to deny, an amended motion to approve with different conditions, etc.).

Crystal also distributed a copy of 7-1-111, MCA which deny self-governing powered cities/towns specific things. Last, she reported to the Town Property Committee that Northwestern Energy has responded regarding the Chamber of Commerce's request to have banners and flags on the street light poles. "Northwestern Energy said it would be fine as long as they meet the height regulations of not being lower than 7-feet over the sidewalk or parking spaces side," she said.

City Attorney Susan Swimley did not have a report. Gene Townsend asked her about the article on the water rights of Belgrade, but he knows that Three Forks was kind of tagging along regarding water rights. Susan answered by explaining 'statutory right to lurk' where you get notice of everything on the topic and if anyone makes a move that affects you, you can interject. Mrs. Swimley gave the Council an update of Belgrade's summary judgment, the status of Manhattan's case, and then Trout Unlimited's request to the Water Court to call the "Growing Cities Doctrine" and have the Montana Supreme Court intervene. This is set to be briefed the end of June she believes, whether or not that Trout Unlimited can even appear now. She asked if the Council had any questions on the Ambulance item? There were none by the Council. Vince Vaccaro from the Ambulance District asked to speak and was allowed. "I came in late, so I missed your decision but if you withdraw from the Interlocal, you give all the responsibility over to the nonprofit and the people of the City lose

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some ability to sit on the board and be appointed by the City Council," he said. Mrs. Swimley replied that all the finances have been run by the nonprofit, the entity is a nonprofit. The assets are owned by the nonprofit so the essentially the City has not ever really had a say in how it operates. She added, "I don't know how much oversight you [the Council] ever really had, you certainly did not provide financial support and neither did the County." Vince rebutted, "You gave up oversight for authorization of those who speak for you by appointing them to the Board." Dana Vaccaro, speaking as a private citizen, says she lives in the district. "Basically, the board will dissolve and they will reconstruct a new nonprofit? How are assets resolved?" she asked. Gene Townsend repeated that there is no City tax money ever involved. She asked, "Who owns the assets and how is it handled when dissolved?" George Chancellor replied, "As I understand it the nonprofit and the district were two different entities, and everything has been handled by the nonprofit in the past." Nancy Todd clarified Mr. Vaccaro is concerned the Council gave up its right to appoint members and is now giving that authority to the nonprofit? Vince said yes. George Chancellor said the City of Three Forks has had no historical responsibility except for appointing board members.

There were no other officers present to report.

REPORT OF COUNCIL COMMITTEES (if any)

Gene Townsend reported on behalf of the Budget Committee: met to review the end of year financials and are good health. He reported they have received three departmental budgets so far to review for the upcoming fiscal year. The goal is to meet again before next Council meeting.

UNFINISHED BUSINESS

Update on Floodplain Mitigation Project

Kelly Smith reported that it sounds like BRIC grant awards will not be awarded until end of summer (probably late August) because the funding is tied up in Congress at this time.

Update on Water System Improvement Project

There was no discussion regarding the water project at this time.

NEW BUSINESS

Three Forks Rodeo Arena Board of Directors

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Chairman Townsend read the board appointment memo into the record.

Councilman Chancellor moved to reappoint Chuck Wambeke and Mike Lane.

Councilman Dahl seconded the motion.

There were no comments or questions about these appointments.

Motion Passed Unanimously.

Board of Adjustments, Appeals & Variances

Chairman Townsend read the board appointment memo into the record.

There was no public comment.

Councilwoman Todd moved to appoint Bill Walton and Alex Blackburn to the Board of Adjustments, Appeals and Variances. Councilwoman Mickelberry

seconded the motion.

There was no further discussion.

Motion Passed Unanimously.

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

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

MAYOR & COUNCIL ANNOUNCEMENTS

Gene Townsend said there are six picnic tables down at John Q. Adams Milwaukee Railroad Park. "All six sit on the railroad tracks, because lawn mowers move them off and they are too heavy for our volunteers to move back and forth. Would the Council approve the purchase three umbrellas with stands and place three tables on the concrete slab in the sun, on the concrete pad which was poured two years ago?" he asked. "I will pay for some little plaques to be made that ask folks not to move them and secure the umbrellas when done using them, as well as add to the closing checklist for Depot volunteers to ensure the umbrellas are down and closed," he said. He has priced umbrellas and stands at \$390.00 for all three at Ace Hardware in Manhattan. George Chancellor asked why not pour another pad near the railroad track so the mowers do not have to move them back and forth? As far as Farmer's Market goes they get moved where the sun is not. Gene said he has spoken with the Dundas' who do not mind moving them out of the way to mow, "The other three could be places by the apple tree and exterior displays for now so that we don't have to pour another pad. City Treasurer said there is money in the Parks budget."

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Gene said. George Chancellor, Steve Dahl, Nancy Todd, Deb Mickelberry, and Brooke McLees are all OK with this purchase.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: June 28, 2022

- Public Hearing and Discussion on a Resolution of Intent on a Draft of the Three Forks Growth Policy
- Public Hearing and Decision on a First Reading of an Ordinance Amending the Specified Time of Scheduled City Council Meetings in Title 1, Chapter 6, Section 5
- Public Hearing and Decision on a First Reading of an Ordinance Amending Title 5, Chapter 5 Weeds to Redefine the Duty of a Property Owner to Remove Weeds, Authorizing the City to Take Action and Charge the Property Owner, and Providing Penalties
- Public Hearing and Decision on a Resolution of Intent to Amend the Assessment Method of Special Improvement District "Street Maintenance District #1"
- Marijuana ballot language

ADJOURNMENT

Councilman Dahl made a motion to adjourn. Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously and the meeting was adjourned at 8:55PM.

Randy Johnston, Mayor

Crystal Turner, City Clerk

**** Page 71** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING
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JUNE 28TH, 2022, The Three Forks City Council met at the Three Forks City Hall (Council Chambers), 206 Main Street and via Zoom. (Zoom is a virtual meeting tool which the City began using due to COVID-19 and social distancing guidelines, and continues to use to encourage participation from the safety of one's home.) The meeting was presided over by Mayor Randy Johnston. Mayor Johnston called the meeting to order at 7:00 P.M.

ROLL CALL: City Council members George Chancellor, Brooke McLees, Steve Dahl, Deb Mickelberry, Nancy Todd, and Gene Townsend were present at City Hall. City Clerk Crystal Turner, City Treasurer Kelly Smith, and to-be-appointed City Judge Pamela Waggener were present at City Hall. Susan Hayes of Great West Engineering was 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 Johnston. He reminded the audience this meeting was recorded and streamed via Zoom and on our Facebook page.

GUESTS: Diana Setterberg of the Belgrade News attended via Zoom.

PUBLIC COMMENTS/CONCERNS (For items not on the agenda)
Seeing no public comment, Mayor Johnston introduced the Consent Agenda.

CONSENT AGENDA

- ggg. Claims Paid due to Timeliness on 6/20/2022 in the Amount of \$7,169.95
- hhh. Claims for Approval
- iii. Three Forks Rodeo Arena Board Claims for Approval
- jjj. Council Minutes of 5/24/2022
- kkk. Service Agreement with Great West Engineering to Provide Grant Management Services per Contracted Rates in the General Engineering Contract
- lll. Service Agreement with Ascent Tech to Provide ATMs and Wi-Fi at the 2022 NRA Rodeo
- mmm. Three Forks Market RV Park & Campground Extension Final Plat Approval

The Mayor noted that the applicant has withdrawn item #g of the Consent Agenda until a future date.

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Councilman Townsend made a motion to approve the Consent Agenda.

Councilman Chancellor seconded the motion.

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on a First Reading of an Ordinance Amending the Specified Time of Scheduled City Council Meetings in Title 1, Chapter 6, Section 5

Mayor Johnston read the ordinance, which would be Ordinance #396-2022, into the record in its entirety.

Gene Townsend asked for clarification on changing the ordinance to set by a resolution. Gene said, "The city council is not here for its members; we're here for the public and them being able to be here. I think about those people who work away from Three Forks and may not be home to attend a meeting by 6PM in the future." Deb Mickelberry agreed but said when we have these long agendas, "I don't think the public likes to sit here all night either."

Councilman Chancellor moved that we approve Ordinance #396-2022 amending the specified time of scheduled City Council meetings. Councilwoman Mickelberry seconded the meeting.

Motion Passed 5:1, Gene Townsend opposed.

Public Hearing and Decision on a First Reading of an Ordinance Amending Title 5, Chapter 5 Weeds to Redefine the Duty of a Property Owner to Remove Weeds, Authorizing the City to Take Action and Charge the Property Owner, and Providing Penalties

Mayor Johnston read the ordinance, which would be Ordinance #397-2022, into the record in its entirety.

George Chancellor said he is glad this is being done. Gene Townsend asked, "When it says D) Removal by the City, does it include spraying [of weeds]? Crystal Turner replied that Montana Code Annotated has a separate law on the handling of noxious weeds, but this is to amend a noncompliance, so yes it should cover spraying. Brooke McLees asked about liability for any harm done to pets if you spray for weed maintenance. "Let's say I spray and my neighbor's cat comes over and dies because they get on the poison, would I be liable?" she asked. Crystal said anyone can be sued for anything, but this is about taking care of tall vegetation. "That is the majority of what we deal with, we want it to be shorter than 6-inches and if it's a lot full of dandelions we would just cut it, not spray it," Crystal said. Kelly Smith added, "The City is not going to want to spray as it requires a licensed sprayer, and there is a separate MCA which defaults to the County to handle noxious weeds."

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There was no public comment.

Councilman Townsend made a motion to accept Ordinance #397-2022, amending Title 5 Public Health & Safety, Chapter 5 Weeds to redefine the duty of a property owner to remove weeds, authorizing the City to take action and charge the property owner, and providing penalties. Councilwoman Todd seconded the motion.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution of Intent to Amend the Assessment Method of Special Improvement District "Street Maintenance District #1"

Mayor introduced what would be Ordinance #367-2022. Crystal Turner read it into the record and explained the process of the Streets & Alley Committee's recommendation to change this assessment method.

There was no public comment received to date, and Crystal Turner said she personally reached out to the property owners who have parcels exceeding 1-acre. There was no public comment in City Hall.

Councilwoman Todd moved to approve Resolution #367-202, a resolution of intent to amend the assessment method of special improvement district "Street Maintenance District #1". Councilman Townsend seconded the motion.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution of Intent on a Draft of the Three Forks Growth Policy

Mayor Johnston introduced the Resolution of Intent as #368-2022 and read it into the record entirely.

Crystal Turner recapped the City has been working on creating this draft for almost two years now. For those who have not reviewed it yet, Chapters 1 and 2 and basically history and statistical data of Three Forks. Chapters 3 and 4 are the "meat" of the Growth Policy. They detail the various types of zoning designations - this is not a zoning map, but does depict where the City expects to have residential, denser residential like multifamily or apartments, industrial, commercial, public lands, etc. She encouraged the Council members to read through Chapters 3 and 4 in detail.

Each chapter has been available on the website, in City Hall, links pushed out via Facebook and email, news articles and more to spread the word. The City created surveys, and it all started right when COVID shut all of Montana down. Once the state started to slowly reopen, we handed the printed surveys out to the Senior Center to be delivered with the senior meal delivery, we had them available as printed copies at the counters in the cafes when people picked up to-go orders. With the help of Logan

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Simpson, we've held 17 stakeholder interviews, 145 surveys returned, and over 2,500 website visits.

She then covered what the Zoning & Planning Board suggested for some final edits, such as to clarify "greenway buffer", that what is titled "Commercial" may be changed to "Downtown", and add more definition to "Mixed Use/Light Industrial". The Board discussed in detail what qualifies as industrial. Also in the "Residential" section we actually missed that "single family homes" are primary use. Also, Zoning member Amy Laban gave a thorough spell check and grammar review and has made several suggestions, which have been forwarded on to Logan Simpson to edit. Knowing there will be more public hearings, the resolution is left blank for the future meeting dates. However, those hearings will be advertised in the newspapers, on the website, Facebook page and around town. The City will send out emails as well on the water/sewer bills alerting the public when the final draft is ready for review. "There will be some final edits, but we still ask that you read through Chapters 3 and 4 and ensure it all makes sense to you, and that this is what your constituents also foresee future growth types," Crystal said. "I believe the Steering Committee did an excellent job at re-wording the goals and policies in Chapter 4 from "maintain" to "encourage continuation of" various joint meetings. For instance, we meet annually with the Rural Fire District but not with the School and that may be helpful to both governing bodies. The Zoning Board highlighted if Policy 3-7 is something the City wants to enforce, or is this something that can be discussed at a joint School-City meeting, as building a school is really the school's responsibility. Some pictures will also be changed to better depict what the Steering Committee and Zoning and Planning Board believe better show future styles, not existing building styles. Also, I think the Council really needs to look at the Strategic Action Plan. Are these the goals the Council wants to work on in the next five years?" she asked.

Crystal Turner, Kelly Smith, and Randy Carpenter will work on these edits with Logan Simpson and bring back a final draft to both the Zoning and Planning Board and the City Council, but please review the copy with the suggested edits mentioned tonight will remain on the website homepage.

Kelly Smith said the sooner we complete the Growth Policy, then we can move on to the Capital Improvement Plan and Impact Fee Study which the City has been awarded grants towards that work.

There was no public comment.

Councilman Chancellor made a motion we accept Resolution #368-2022, a resolution of intent on the draft of the Three Forks Growth Policy.

Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously.

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REPORT OF OFFICERS

City Treasurer Kelly Smith did not have a report tonight.

City Clerk Crystal Turner reported that she reached out to Republic Service and L&L Site Services to see if we could get some dumpsters for Rodeo weekend down Main Street. "The Public Works department would like to remove the white trash cans - they really do not hold a lot and have to be emptied 4 times a day," she said. L&L Site Services offered eight 2-yard dumpsters for free, so I offered the City would at least pay the hauling fee since fuel prices are so high. The white cans will be removed Friday the 15th, and the dumpsters will be delivered Thursday the 14th and picked up Monday the 18th.

Crystal also reported the School has a summer enrichment program from High School kids and Lisa Malmquist has reached out to see if there are any community service projects they could help with. The Warming Hut is in dire need of a fresh coat of exterior paint. The City could purchase the paint and supplies, but these students would do the labor and earn school credit. She asked what color pattern the Council would like to see.

Judge Pamela Waggener suggested a beige yellow theme goes with the city parks, rather than something artistic. Crystal said the City repainted the dugouts at Bertagnolli last year and they were painted white with a red accent, which matches the school colors. Those colors would also be easily touched up if we stay consistent between parks.

The Mayor asked if Crystal had ordered a dumpster for the 4th of July to be placed in Bellach Park. Crystal said she had.

There were no other officers present to report.

REPORT OF COUNCIL COMMITTEES (if any)

Gene Townsend reported on the marijuana update from Susan Swimley. Mrs. Swimley's memo explained that the City may prohibit, by election, cultivators, manufacturers, medical dispensaries, recreational dispensaries, combined-use licensees, testing labs, and marijuana transport facilities. The Council discussed putting it on the ballot for specific types of marijuana related businesses. They agreed it they would like to put a full discussion on this matter on the July 12th agenda.

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UNFINISHED BUSINESS

Update on Floodplain Mitigation Project

Nothing to update on at this time.

Update on Water System Improvement Project

- i. Discussion on Plan to Negotiate Easements of Drinking Water Well on Kent Limited Partnership Land, Including Land Swap, Payment Options
- ii. Discussion on Siting Wells on the Developer's Property Along Kyd Road - Lease or Obtain Ownership of Well Sites
- iii. Decision on Task Order 9 Amendment 3 (attached)
 1. Design and Permitting of Well 6A to Move to Construction/Connection to System Pending Water Quality Results,
 2. Permitting and Preliminary Design of 5 Additional Test Well Sites
- iv. Additional Items - Information Only - no decision
 1. Consider Bidding Out 2 Additional Wells Later This Summer - (could take 6 months to get them drilled as drillers are still very busy and getting bids and then getting on the schedule could be challenging. See figure for proposed locations)
 - a. By Completing the Preliminary Design/Permitting Prior to Construction They can be Connected to the System a Bit Faster if Successful (quantity and quality).
 2. Move Forward with Test Wells 2C and 2D First
 - a. Developer Indicated They are Happy to Work with the City on Siting 2 Wells
 3. Continue to Work with the Kents to Drill Proposed Test Well 2A, wait on 2B
 4. Design of Distribution System Improvements
 - a. Timing goals - Construction in 2023?
 - b. Task Order for design at July 12th meeting

Susan Hayes recapped the test well at [what is being called] Well #6A. Hyalite Engineering and Cook Development discussed with the City they would be willing to work with the City on a couple test well sites on their property. Susan said, "If the test well works out good at Well #2, then would the Council want to abandon the real Well #2?" She did not recommend this. "Evaluation of other wells first, #9 and #10 do not have the best water quality - perhaps discontinue them in the future," she said. These are future Council decisions. Council members asked if the map is suggesting further away from Well #2, or the Madison aquifer, do we get less arsenic? Susan answered no, it was just a suggestion by Bill Kent. "He's looking at pivots in that area, and his suggested location [for a well] would not interfere with his agriculture. Dave (hydrogeologist) did not think it would be great water producer, but could be better quality. Regarding other options for test Well #2A. Randy Johnston suggested the Water and Sewer Committee meet with me at a committee meeting to discuss the rest," Susan said.

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Regarding Task Order #9, Susan explained this would be to determine if Well #6A could be brought into distribution, and for additional test well sites - \$62,500 of additional work. Susan Hayes said we will not take the next step on Well #6A until we get quality results.

There was no discussion nor public comment.

Gene Townsend asked about the preliminary design, permitting, SWDAR test wells noting five sites, but there are only four referenced on the map. Susan Hayes replied the fifth well is at the water tank and not on the map, but has already been drilled, perforated, and tested. If the City wants to increase production we would redrill, install screens, and then pump test that well too," Susan said.

Councilman Townsend moved to accept Task Order No. 9, Amendment #3 for \$62,500. Councilman Dahl seconded the motion.

Motion Passed Unanimously.

The remaining discussion items will be held at a Water and Sewer Committee meeting on 7/7/2022 at 2:30PM.

NEW BUSINESS

Appointment of Pamela Waggener to the City Judge Position Effective 7/1/2022 through 12/31/2022

Mayor Johnston introduced Pam to all present and said she has already been appointed by him, but this would officially begin July 1st and run through Judge Drusch's term expiration of December 31, 2022. He then administered the Oath of Office to Pamela Waggener.

Approval of the Updated "Small Purchase Policy"

The Budget Committee had previously been asked if staff could increase the spending limits in the Small Purchase Policy since the MCA increased the limit on going out to bid. Then staff asked if it could omit getting quotes for small purchases like under \$3,000 and prefer local Three Forks vendors when quotes and work performance is deemed similar.

Councilman Townsend suggested purchases between \$2,500-5,000 be the first category, \$5,001-\$10,000 for the second category, and leaving the third category as presented (which increased the max from \$25,000 to \$79,999 per MCA). (Gene agreed that local vendors may be given preference.)

Councilman Chancellor seconded the motion.

Motion Passed Unanimously.

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

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

MAYOR & COUNCIL ANNOUNCEMENTS

Permission to close Kansas St on July 3 for roping at Rodeo Grounds, and July 15 and 16th for Rodeo.

Councilman Chancellor moved to close Kansas Street on July 3, July 15 and 16 for rodeo events. Councilwoman McLees seconded it.

Motion Passed 5:0 – Gene Townsend abstained.

Crystal Turner said she would post this on the City's Facebook page and website.

Mayor Johnston thanked Gene Townsend for covering for him at the last meeting. "Gene has been working really hard to get a power source installed in Three Forks for electric cars to recharge. The Historical Society is looking into that at the Depot. The Mayor said he hopes the Council will be supportive of that. Gene Townsend said that Montana Department of Transportation is talking about it too, "Charging stations are needed, and help folks travel to your community. Electric cars go around 300-500 miles and then need to recharge. This would not be an extravagant charging station. Charging takes about 45 minutes and they could go through the museum during that time, because owners don't like to let it get "empty". If installed at the museum, it will help the rest of town and draw others to Three Forks and our businesses," Gene said.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: July 12, 2022

- Public Hearing and Recommendation on a Request for a Conditional Use Permit from Matt and Kelly Bugland for the Property Located at Lot 9, Block 18 of Buttelman's Addition (Plat D-34) Commonly Known as 123 East Jefferson Street. Said Request is for Approval to Build a Multi-Family Residential Duplex Within Residential District Designation
- Public Hearing and Decision on a Second Reading an Ordinance Amending the Specified Time of Scheduled City Council Meetings in Title 1, Chapter 6, Section 5
- Public Hearing and Decision on a Second Reading of an Ordinance Amending Title 5, Chapter 5 Weeds to Redefine the Duty of a Property Owner to Remove Weeds, Authorizing the City to Take Action and Charge the Property Owner, and Providing Penalties

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- Public Hearing and Decision on a Resolution to Amend the Assessment Method of Special Improvement District "Street Maintenance District #1"
- Discussion on Whether or Not to Draft Ballot Language for November ballot on Specific Items Limiting or Prohibiting Recreational Marijuana within the City Limits of Three Forks

ADJOURNMENT

Councilman Chancellor made a motion to adjourn. Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously and the meeting was adjourned at 9:17PM.

Randy Johnston, Mayor

Crystal Turner, City Clerk

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JULY 12TH, 2022, The Three Forks City Council met at the Three Forks City Hall (Council Chambers), 206 Main Street and via Zoom. (Zoom is a virtual meeting tool which the City began using due to COVID-19 and social distancing guidelines, and continues to use to encourage participation from the safety of one's home.) The meeting was presided over by Mayor Randy Johnston. Mayor Johnston called the meeting to order at 7:00 P.M.

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

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

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

GUESTS: Kathy White, Gloria Howland, and Kelly Bugland were present at City Hall. Diana Setterberg of the Belgrade News attended via Zoom.

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

Seeing no public comment, the Mayor Johnston introduced the Consent Agenda.

CONSENT AGENDA

- nnn. Claim Paid due to Timeliness to Mail Utility Bills on 6/30/2022 in the Amount of \$180.75
- ooo. City Claims - June claims paid in July
- ppp. Claims for Approval
- qqq. Three Forks Rodeo Arena Claim paid on 6/29/2022 in the Amount of \$1,137.11 to Reimburse City for Payrolls of February-June 2022
- rrr. Three Forks Rodeo Arena Claims - June claims paid in July
- sss. Three Forks Rodeo Arena Board Claims for Approval
- ttt. Minutes of Zoning and Planning Board Meeting on 5/26/2022
- uuu. Minutes of Board of Adjustments Meetings on 12/22/2021
- vvv. Service Agreement with Frontier Security to Provide Security Services at the Rodeo July 15 and 16, 2022 at \$45.00/hour (Total Estimate for all Manhours \$2,340.00)

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There was no discussion or items pulled from the consent agenda.

Councilman Townsend made a motion to approve the Consent Agenda.

Councilman Chancellor seconded the motion.

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Recommendation on a Request for a Conditional Use Permit from Matt and Kelly Bugland for the Property Located at Lot 9, Block 18 or Buttelman's Addition (Plat D-34) Commonly Known as 123 East Jefferson Street. Said Request is for Approval to Build a Multi-family Residential Duplex within the Residential District Designation

Zoning & Planning Board Chairman George Chancellor read the staff report into the record and recapped the Board's recommendation for approval.

"During the Planning and Zoning meeting there were no comments of opposition, and the building will look just like the one next door, and we approved it at our meeting," George reported. Kelly Smith corrected the staff report that this applicant has a detached garage, not an attached garage.

Gene Townsend questioned if the lot is 75-foot-wide. Kelly Bugland answered yes. Mayor Johnston said he believed it would look really nice.

There was no public comment.

Councilman Chancellor made a motion that we approve the request for the conditional use permit for Matt and Kelly Bugland, for the property located at Lot 9, Block 18 of Buttelman's Addition, commonly known as 123 East Jefferson Street. Councilman Dahl seconded the motion.

Motion Passed Unanimously.

Public Hearing and Decision on a Second Reading an Ordinance (#396-2022) Amending the Specified Time of Scheduled City Council Meetings in Title 1, Chapter 6, Section 5

Mayor Johnston said he read this ordinance in full at the last hearing, and asked if anyone would like a second complete reading. There were no requests. There was no public comment.

Councilman Chancellor made a motion that we approve Ordinance #396-2022, an ordinance amending the specified time of the scheduled Council meetings to be set by resolution. Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously.

Public Hearing and Decision on a Second Reading of an Ordinance (#397-2022) Amending Title 5, Chapter 5 Weeds to Redefine the Duty of a Property

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Owner to Remove Weeds, Authorizing the City to Take Action and Charge the Property Owner, and Providing Penalties

Mayor Johnston said he also read this in full at the last hearing, and asked if anyone would like a second complete reading. There were no requests. There was no public comment.

Councilman Townsend made a motion to accept Ordinance #397-2022, and ordinance amending Title 5 Public Health and Safety, Chapter 5 Weeds to redefine the duty of a property owner to remove weeds, authorizing the City to take action and charge the property owner, and providing penalties. Councilwoman Todd seconded the motion.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution to Amend the Assessment Method of Special Improvement District "Street Maintenance District #1"

Mayor Johnston read what would be Resolution #369-2022 if approved, into the record completely. He asked Crystal the resolution of intent's so it could be filled into this resolution, which was #367-2022. Mayor Johnston asked if any protests have been received through today? Crystal Turner reported none have been received.

Mayor Johnston asked if there were any questions on this resolution. There were none. There were no public comments or questions.

Councilman Chancellor moved to approve Resolution #369-2022, a resolution to amend the assessment method for Street Maintenance District #1.

Councilwoman McLees seconded the motion.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith did not have anything to report.

City Clerk Crystal Turner reported she would like to schedule a Streets & Alleys Committee meeting; she emailed the members and just asked it be set at their earliest convenience.

There were no other officers present to report.

Appointment of Fire Department Chief, Assistant Chief and Secretary per the Fire Department Business Meeting 7/5/2022

Mayor Johnston read the highlighted part of the 7/5/2022 Fire Department's Business Meeting minutes.

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Councilman Townsend moved we accept the election results for chief and assistant chief as Keith Aune as Chief, and John Whitesitt as Assistance Chief. Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously.

The Secretary position will be on the next agenda since it is not included in the Fire Department minutes.

REPORT OF COUNCIL COMMITTEES (if any)

There were no Council Committee at this time.

UNFINISHED BUSINESS

Update on Floodplain Mitigation Project

Nothing to report on BRIC news at this time. Kelly Smith said Great West is still working to move forward with the Special Improvement District. Gene Townsend asked if the City was at all capped for an amount, and if it would have to sell bonds. Kelly Smith said we could apply for a State Revolving Fund (SRF) loan rather than selling bonds.

Update on Water System Improvement Project

- i. Decision on Agreement with Conner Kent Limited Partnership to Drill a Test Well on Property in Section 30, Township 2 North, Range 2 East; Swap Ownership of Existing Well #2 Site if Well Produced Quality Drinking Water, AND Drill a Second Test Well on Same Property if the First Test Well Does Not
- ii. Decision to Prepare Solicitation Bids for Two Additional Wells

Susan Hayes clarified via email to Crystal Turner on 7/11/22 that these corrections in bold be made: "...Swap Ownership of Existing Well **#1** Site if Well Produces s Quality Drinking Water, AND Drill a Second Test to the **south of the first test well**..."

There were no questions, and there was no public comment.

Councilman Chancellor made a motion that we have Great West continue work with the Kents on the well projects. Councilman Townsend seconded the motion.

Motion Passed Unanimously.

NEW BUSINESS

Discussion on Whether or Not to Draft Ballot Language for November ballot on Specific Items Limiting or Prohibiting Recreational Marijuana within the City Limits of Three Forks

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George Chancellor asked for Crystal Turner and Kelly Smith's opinion if we believe this was needed. Crystal Turner said, in her opinion no, because as the ordinance is currently written every application would come before both the Zoning & Planning Board and the City Council for public hearings, public input, conditions, limitation, etc. Nancy Todd disagreed, and said to her understanding, without this being on the ballot the public does not get to decide if it wants to continue to allow marijuana businesses in the city limits. "If the people of the town say *"No, we don't want those businesses in city limits,"* then we will still see the applications, but we could deny it at that point, right?" Nancy questioned. Crystal said no, you cannot deny it if they are conditionally allowed and the application meets the ordinance. Crystal argued, "There has been no public opposition at any of the previous applications. I have received one email asking why the public was not informed after the last application in the 1-mile jurisdiction was decided upon - and it had been published eight times in three different newspapers, posted around town and on the website and Facebook page - so I disagree the public has not had a chance to voice its opinion," Crystal said. Nancy said that will always happen. Nancy said a ballot would allow the public to have a say in whether these types of businesses should be allowed in town. She added this could be the opportunity to make the public even more aware. "What will happen if we don't give the public this chance, we'll get an application if they meet all the conditions and we will have to allow them to operate," Nancy said.

Crystal Turner said, "My argument would be that if there are so many people in town against this business type, where have they been on the previous applications? In my opinion the public is saying it does not care if there are shops here." Crystal added. Nancy offered, "I don't disagree with that, but it could be where someone gets really involved and starts campaigning for those votes. I don't know why you would keep something off the ballot when you could allow the public to decide." "After the Zoning meeting and Council's last hearing, you all said you did not want to see a bunch of pot shops as you drive into town. If a ballot gets voted down, that will be the only thing you see as you come into town. There would no longer be a Council say on those businesses, you would have all the shops along Frontage Road next to the last applicant. Broadwater County did not approve any facilities within its boundaries, which means the closest they can get to Broadwater County is Three Forks' jurisdiction," Crystal said.

George Chancellor asked if the City needs to modify our ordinances, or make a new one to not have any more marijuana businesses? Crystal and

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Kelly Smith jumped in together saying you cannot do that now, the law has passed to legalize recreational use of marijuana. The only way to disallow it would be to put it on the ballot. Susan Swimley added that was what she brought to the Council in December and the Council chose not to change the ordinance because it currently required all businesses to apply for a conditional use permit.

Kelly Smith offered her opinion as well, per George Chancellor's request. Kelly said since there has not been a lot of public outcry, it seems like a lot of money to spend. Mayor Johnston asked how much it would cost, and Kelly said an election would cost roughly \$3,000 and more if the Council decides on specific ballot language. The more language on the ballot the more it costs. Mayor Johnston agreed, rather than the six [Council] deciding, it would be the townspeople to deciding. Crystal asked what the other Council members felt then, since only Nancy has said she believes it should be on the ballot. George Chancellor said since it has passed for medical years ago, and now recreational, what makes us think it would not pass here in Three Forks? Kelly Smith said it did pass in Gallatin County, but who knows for the City proper exactly. "The taxing of marijuana passed and was highly supportive for a tax by Three Forks voters, but not sure what the turnout was for just 'recreational use'," Kelly said. George said he would like to do this as inexpensively as we can. Brooke McLees said then it should be "for/against" on the ballot. Nancy said she would rather spend the money. If the public votes it down, then if we are up here deciding on an application we can answer back to the public when they argue 'you didn't give me a say'. "That way if it does pass and we do have approval processes for CUP's we can stand back on that," Nancy said. Gene Townsend said he was opposed to putting anything like that on the ballot. "First of all, I think we were elected to make the decisions for the people, and if you can't make that decision why are you here? If we can't make these decisions and put everything on the ballot it's going to be a convoluted mess. This will have to go through legal review, to make sure it's written correctly, and no matter what it is going to cost the City money. "I'm not a marijuana fan, but I think it's here to stay. I think we have five bars that have caused more hardship, legal issues, parental and marital problems thanc marijuana has. I have a hard time putting on the ballot something we say we are trying to legislate morals," Gene said. "We owe it to the people we represent to hear each one. And we will get [tax] money; the County tax will be divvied to each community. Enough people in the state have said we are going to smoke pot, we are going to sell it, we are going to buy it - now we (the City of Three Forks) must deal with it," Gene ended with.

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Kathy White agrees with Gene Townsend but questioned when the best time is to input her opinions on signage, and size, and hours for applications. George Chancellor replied she could show up at the meeting and protest. Kelly Bugland added that you do not even have to show up, you could submit comments in writing. Gene Townsend added that Kathy White could provide those comments at either hearing: Zoning and Planning, or the Council hearing, and be heard twice. "Public comment can be considered for the vote. If this room was full of 40 people against it, that would weigh heavily on my vote. That is a legal thing to do," he said. "If no one is here, that says to me that no one is against it," he added. (There was a lot of discussion at the same time and City Attorney Swimley said that she had no idea if the clerk could hear in order to take the minutes, but she could not hear anything so neither could the rest of the public. The Mayor called for a motion.)

Steve Dahl said he does not want to see our town overrun by these businesses and he has seen some towns like that. "I was hoping somehow it could have said that we don't want multiple businesses and that's all you see as you come into our community," Steve said.

Councilwoman Todd moved to draft a ballot measure on prohibiting marijuana businesses in the Town of Three Forks. Susan Swimley - asked for a clarification, "Is that all the types listed in my memo?" Nancy Todd said yes, "All or none." Councilman Dahl seconded the motion.

Vote: George Chancellor: no; Deb Mickelberry: no; Nancy Todd: yes; Gene Townsend: no; Steve Dahl: yes; Brooke McLees: no.

Motion failed 4:2 to not place this measure on the ballot and these businesses will fall under the current ordinance.

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

Kelly Bugland said she was confused regarding communication in City departments. "I submitted a request for my drain to be cleaned, and it was dealt with and cleaned by the City, but then the reply in email that any future requests be sent to the Montana Department of Transportation (MDT). Now I see city workers sweeping Main Street, painting the angled lines along Main Street. So who's responsibility is it? Do I ignore the response from the City about asking MDT to handle future requests, or not, since the City employees and City equipment are still being used on what is **not** their right-of-way?" Kelly asked. Mayor Johnston said the City always has swept Main Street and cleaned out the drains. Any new drains on the State highway need to be put in for a request by the Montana

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Department Transportation. Mayor Johnston said, "The City painted the lines. MDT is not sweeping the street - or they do in the middle of the day when there are cars parked all along the street. You can't see the lines to delineate parking spaces anymore and they were just painted last year by the State but are not visible any longer. By keeping Main Street clean and everything else, a drain is a drain and we should help out to keep it clean. We can go out and vacuum up that water." Nancy Todd agreed with Kelly Bugland's statement and concern. "We have a terrible drainage issue in front of The Shoppe and sent at least two emails and left four or five voicemails for MDT. We were told that we would have to ask the City to install a drain. Mayor Johnston asked who told her that and she replied, "Cody Johnston." "Anything done on a state highway we [the City] have to get a MDT permit," the Mayor explained. "The most recent was a request for new service connection to the laundromat - and the State wanted as-builts of how deep the line is and where they would be installed." Nancy Todd asked who pays for the work then if it is in their state-right-of-way. Kelly Smith said she believes the problem is that the City has the equipment to do the work, but the State needs to approve that work is designed and angled appropriately to drain correctly. "The drain outside of City Hall fills when it rains an inch, and it's full with mud and it creates an ice rink in winter. MDT needs to be involved and because they are the only ones who can truly fix the problem," Kelly said. Mayor Johnston said he will get with Public Works crew and they can apply for a permit and see what they can do to take care of it. To Kelly Bugland he said, "Yes, we take care of the drains because the State does not have the equipment for it."

Gene Townsend said Main Street was built on a swamp, "You can look at the old pictures. There used to be a bridge from the Sac hotel to the Sac park - that's how bad the swamp was. The drains on 1st Avenue East, none hardly work. 2nd and more east, where there is more gravel, those drains work well. Where we have tried to install drains on gravel roads, they work for about a year. Think about it - what happens when it rains on a gravel street? It fills with mud. We have tried to dig those drains down deeper, and we just never get to gravel," Gene said.

MAYOR & COUNCIL ANNOUNCEMENTS

Mayor announcement - He did not have a report from Code Compliance Officer Heidi Jones-Magee as she is on vacation.

"At our last staff meeting, I asked Public Works to write down a monthly report - and Steve, our supervisor has presented this for you tonight. It

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shows our Council what has been going on. There was a training of our new employee, they replaced concrete at the Library, cleaned up the City yard, cleaned and painted pool at Stevenson Park and started on the basketball hoops, and we installed sod around the ice rink concrete pad, Wastewater Treatment Plant we pulled weeds, there was a DEQ site inspection, the new employee street swept, installed a French drain and finished gravel on Jefferson Street. Gravel was added on some streets, and grading on all gravel roads is in process. Asphalt patching around new sidewalks was also completed," the Mayor announced to the Council.

Mayor Johnston announced he read in the Three Forks Voice the Trails Department got a maintenance grant. Gene Townsend said it is a \$54,000 grant, which is difficult to get anything done with, but he is grateful. Gene explained the easement progress for the connection of the Jefferson Street trail extension from John Q. Adams Milwaukee Railroad Park to the trail outside the golf course.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: August 9, 2022

- Public Hearing on a Resolution Setting the Time of City Council Meetings to 6:00PM
- Public Hearing on a Resolution to Amend the Fee Schedule to Include the Activation/Suspension Fee for After Hours Requests, to Set the Initial Water Connection Application fee, and to Set a Toxic Pollutant Charge
- Public Hearing and Recommendation on a Request by Three Forks Development, LLC to Amend the Zoning Code to Reinstate Section 11-6B-1 RM Residential Medium Density District (removed by Ordinance 267, 2/11/2003)
- Public Hearing and Recommendation on a Request by Three Forks Development, LLC to Amend the Zoning Code to Amend Section 11-6B-6 Yard Requirements: from "Side yard abutting interior lot lines, : Ten feet (10)" to ": Five feet (5)"

ADJOURNMENT

Councilman Chancellor made a motion to adjourn. Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously and the meeting was adjourned at 8:09PM.

Randy Johnston, Mayor

Crystal Turner, City Clerk

**** Page 89** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING
CITY OF THREE FORKS, MONTANA, FOR ALL OF 2022**

AUGUST 9TH, 2022, The Three Forks City Council met at the Three Forks City Hall (Council Chambers), 206 Main Street and via Zoom. (Zoom is a virtual meeting tool which the City began using due to COVID-19 and social distancing guidelines, and continues to use to encourage participation from the safety of one's home.) The meeting was presided over by Mayor Randy Johnston. Mayor Johnston called the meeting to order at 7:00 P.M.

ROLL CALL: City Council members George Chancellor, Nancy Todd, Steve Dahl, and Brooke McLees were present at City Hall. Deb Mickelberry and Gene Townsend were excused. City Clerk Crystal Turner, City Treasurer Kelly Smith, and Gallatin County Sgt. Desmond Doonan were present at City Hall. City Attorney Susan Swimley attended via Zoom.

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 Johnston. Mayor Johnston reminded the audience this meeting was recorded and streamed via Zoom and on our Facebook page.

GUESTS: Gloria Howland, Peggy Gazy, Rick Lamb, Valerie Lamb, Emma Lamb, and Brent Miller were present at City Hall. Diana Setterberg of the Belgrade News attended via Zoom.

PUBLIC COMMENTS/CONCERNS (For items not on the agenda)
Seeing no public comment, Mayor Johnston introduced the Consent Agenda.

CONSENT AGENDA

- www. Claim Paid due to Timeliness to ClearFly (Global Net) for Library Telephones (bill was in stack to be paid, but not posted on the Claim Approval List at 7/12/22 Council Meeting) in the Amount of \$87.47
- xxx. June Claims Paid in July due to Timeliness on 7/25/2022 in the Amount of \$13,877.86
- yyy. July Claims Paid due to Timeliness and to not Incur Late Fees on 7/25/2022 in the Amount of \$50,153.50
- zzz. Claim Paid due to Timeliness to Mail Utility Bills on 7/29/2022 in the Amount of \$194.75
- aaaa. Claims for Approval

**** Page 90** A SUMMARY OF PROCEEDINGS OF THE CITY COUNCIL MEETING
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- bbbb. Three Forks Rodeo Arena Board Claims Paid due to Timeliness on 7/28/2022 in the Amount of \$400.00
- cccc. Three Forks Rodeo Arena Board Claims for Approval
- dddd. Council Minutes of 6/14/2022, 6/28/2022, and 7/12/2022
- eeee. Zoning and Planning Board Meeting Minutes of 6/16/2022
- ffff. Pledged Securities Report as of 6/30/2022
- gggg. Water Project Draw #1 for RRGL grant in the Amount of \$84,582.55
- hhhh. Three Forks Market RV Park and Campground Extension Final Plat Approval
- iiii. Engagement Letter with Rudd and Company to Perform Financial Audit for the Fiscal Year ended June 30, 2022
- jjjj. Engagement Letter with Craig Shepherd to Conduct the Annual Financial Report for the Fiscal Year ended June 30, 2022
- kkkk. Records Destruction Request RM88 #21 (old ACH forms from accounts not used for 3 years, I-9s for employees no longer working with City after 1-year, electronic copies of business licenses not renewed since 2017, old contracts/service agreements expired in 2012 and 2013)

Crystal Turner commented that the item K is incorrect and should only be a draw in the amount of \$54,503.47. There were no other comments or questions.

Councilman Chancellor made a motion to approve the Consent Agenda.
Councilwoman Todd seconded the motion.

Motion Passed Unanimously.

NEW BUSINESS

Appeal by Peggy Gazy of Impact Fee Determination

Mayor Johnston read the letter from Kelly Smith to Ms. Gazy into the record, along with Ms. Gazy's letter of appeal in response to the impact fee determination for new sewer use.

George Chancellor said he is hesitant to waive the impact fee because there will soon be auxiliary homes, and everyone will request the same thing. He proposed, just from him, to have 60% paid and would allow payments. Steve Dahl believes that would be reasonable and fair, he does believe there should be an impact fee whether reduced or not he was willing to discuss.

Peggy Gazy said she is excited to be part of our community and to make this upgrade to the community. She is happy to hear the Council would consider a payment plan too, as she approaches retirement that would be helpful on her fixed income.

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Kelly Smith said, "For \$1,830.00 over 36-month would be \$50.83/month, and \$76.25 if the Council opted for 24 months." Council is agreeable to either and left it to Ms. Gazy to decide. Ms. Peggy Gazy picked 36 months.

Councilman Chancellor moved that we give Peggy Gazy a reduction in impact fees to \$1,830.00 to be paid at \$50.89 for 36 months. Councilwoman McLees seconded the motion. Susan Swimley interrupted the Council and asked them to produce findings of fact that support a 40% reduction. "For instance, is this due to her owning her home for more than 10 years, and that there are not any added bathrooms since purchase?" George Chancellor replied that this came about because Ms. Gazy changed her downstairs rental unit to be a legally conditioned approval for a multi-family dwelling. Mrs. Swimley asked the Council to support a reduction given ordinances #3-6-2 and #3-6-10. Susan asked, "Did the change of use as a rental trigger the impact fee, but because she has owned her house and always had two bathrooms the use is not significantly increasing, and thus justifies the reduction?" George Chancellor, Nancy Todd, Brooke McLees and Steve Dahl agreed.

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing on a Resolution Setting the Time of City Council Meetings to 6:00PM per 1-6-5 (Ordinance #396-2022)

Mayor Johnston read the resolution, which would be Resolution #370-2022 if approved, into the record.

There were no Council questions, but Gloria Howland asked if August 11th had already occurred. Crystal Turner explained she writes everything in past tense; the 6:00PM meeting starting on 8/23 would be after the 11th. She apologized as that does sound confusing.

Councilman Chancellor moved to approve Resolution #370-2022, a resolution of the Three Forks City Council setting the time of Council meetings to 6:00PM. Councilwoman Todd seconded the motion.

Motion Passed Unanimously.

Public Hearing on a Resolution of Intent to Amend the Assessment Method of Special Improvement District "Street Maintenance District #1"

Crystal Turner read the resolution, which would be Resolution #371-2022 if approved, into the record in its entirety. She explained to the Council her findings as going through the changes the Council directed after its 6/28/2022 decision on this special improvement district's assessment.

There were no Council comments nor public comments.

CITY OF THREE FORKS, MONTANA, FOR ALL OF 2022

Councilwoman Todd moved to adopt Resolution #371-2022, a resolution of intent by the Three Forks City Council to amend the assessment method of Special Improvement District "Street Maintenance District #1".

Councilwoman McLees seconded the motion.

Motion Passed Unanimously.

(City Attorney Susan Swimley was excused from the remainder of the meeting.)

Public Hearing on a Resolution Adopting and Levying the Assessments for the 2022-2023 Street Maintenance District #2 (Ridge View Subdivision)

Mayor Johnston read the resolution, which would be Resolution #372-2022 if approved, into the record. Crystal Turner said she is awaiting the exhibit that would be included with this resolution from the Gallatin County Treasurer, "The amount will be the same as assessed last year, but the ownership names would have changed in this exhibit."

There were no Council questions nor public comments.

Councilman Chancellor moved to adopt Resolution #372-2022, a resolution adopting and levying the assessments for the 2022-2023 Street Maintenance District #2, Ridge View Subdivision. Councilman Dahl seconded the motion.

Motion Passed Unanimously.

Public Hearing on a Resolution Adopting and Levying the Assessments for the 2022-2023 Street Light District #1

Mayor Johnston read the resolution, which would be Resolution #373-2022 if approved, into the record. Crystal Turner explained that on average, with removing those large parcels from the district boundary the remaining lots absorb that assessment, which is roughly 19-cents for most properties.

Councilman Dahl moved to adopt and levy the assessment for the 2022-2023 Street Lighting District, Resolution #373-2022. Councilwoman McLees seconded the motion.

Motion Passed Unanimously.

Public Hearing on a Resolution Amending the Fiscal Year 2021-2022 Budget to Acknowledge Unanticipated Revenues and Amend Expenditures Exceeding the Original Appropriations

Mayor Johnston read most of the agenda, but then handed it over to Kelly Smith to read over the table and explain each line to the Council and public. As she read aloud, Kelly caught a few errors and noted them for edit prior to the Council's decision: the description in the table, on page 2 for fund #7120 said "Water Project 2019" when in fact it is for "Fire Relief Agency Fund"; she also noted that Fund #4005 Parks Capital Improvement Fund listed the incorrect account in the "MAIN ACCOUNT" column of the table (it should be Account #383000 for Revenue and Account #460410 for Expense).

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There were no Council questions nor public comment.

Councilman Chancellor made a motion to accept resolution #374-2022, a resolution amending the Fiscal Year 2021-2022 budget to acknowledge unanticipated revenue and expenditures exceeding the original appropriations. Councilman Dahl seconded the motion.

Motion Passed Unanimously.

Public Hearing on a Resolution Adopting the Preliminary Budget for Fiscal Year 2022-2023

Mayor Johnston read the resolution, which would be #375-2022 if approved, into the record in its entirety. He informed the Council, the final budget will be ready to be adopted by August 23, 2022. It must be adopted by September 8, but the first Council meeting in September would be too late. Kelly Smith said she may not be able to attend, as she will be dropping her daughter off at college but may Zoom into the meeting virtually. The Budget is pretty much the same as last year's proposal. Some things that were completed this past fiscal year are obviously removed from the preliminary budget, and staff has some questions on where the Council would recommend budgeting some revenues. We will also need to schedule a Budget Committee to finalize the remaining questions.

There was no public comment.

Councilwoman Todd moved to accept Resolution #375-2022, a resolution of the Three Forks City Council adopting the preliminary budget for Fiscal Year 2022-2023. Councilwoman McLees seconded the motion.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith did not have anything to report.

City Clerk Crystal Turner did not have anything to report.

Sgt. Desmond Doonan reported the rodeo went well and there were not any major issues adding, "Relatively small incidences, and everyone pretty much stayed safe. I will have numbers for you at the next meeting I attend."

REPORT OF COUNCIL COMMITTEES (if any)

Streets & Alleys - Nancy Todd reported the committee met on 8/1 with Tyler Vander Zwaag to discuss his request to purchase some of the right-of-way. "We had previously asked him, instead of selling him the property we suggested perhaps we could trade the property if he would be willing to

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finish the sidewalk. He got a quote for 8x30 feet of sidewalk finished at \$2,400. He also did get quotes on the property to be surveyed (\$1,600-2,000). He did not want to do it yet until he knows if the City would be willing to sell him the land. We plan to move forward and are awaiting a legal determination from the city attorney, and we will get it surveyed and think it would be great to square this property up. Kelly Smith did warn the Committee about giving away land and setting that precedent," Nancy reported.

The Committee also discussed the School request to participate in our sidewalk program. Mrs. Todd explained the history of the program being that Precision Concrete came in and did a trip hazard assessment. City would absorb costs to remove and haul the old concrete away if the property owner would install new sidewalks. The City has budgeted an average of \$5,000/year to cover these expenses. "The School wanted to remove 9,500-feet of concrete. We generally remove 5-foot sidewalks and the School has 10-foot sidewalks. These sidewalks have not been deemed safety hazardous either. We discussed it and Steve Johnston said he had inspected the concrete and factored 168-yards of sidewalk to be removed (which equivalates to 42 truckloads) and he felt this was too much concrete to put in our old dump so we would need to take it to the Logan Landfill. That would take roughly a week of our staff's labor. In the end, we recommended the program was intended for safety hazards and smaller scale projects, and so informed the School their request was too large, too expensive and kind of unnecessary.

Kelly Smith said we need to schedule a Budget Committee meeting too - hoping for 3:00PM Monday the 15th.

UNFINISHED BUSINESS

Appointment of Joshua Miller as Fire Department Secretary, per Chief Aune
Mayor Johnston read Keith Aune's recommendation to appoint Josh Miller.

Councilman Chancellor made a motion to accept Josh Miller as the secretary to the Firefighters from July 1, 2022 to June 30, 2023. Councilman Dahl seconded the motion. George asked why it is necessary to appoint the department secretary. Crystal Turner answered that the Chief and Secretary are paid positions. "This could be done just in the Salary Resolution adopted in conjunction with the budget, but they sent us a list of who they voted on so I put this on the agenda. We really only need to know per the ordinance who the Chief and Secretary are. The Fire Department does not need to inform us because most of those other positions are not paid positions, but it is appreciated for them to keep us in the loop," Crystal said.

Motion Passed Unanimously.

Update on Floodplain Mitigation Project

Kelly Smith announced to the Council that the City was notified it has been selected for the second round of reviews for a Flood Mitigation Assistance Grant award for 75% of the project cost!!

The map adoption, at the FEMA level, has been delayed again. Even though we have been alerted of a flood mitigation project award, FEMA will still move forward with the public hearings and adoption of their new maps alongside the work of our project. "They still move ahead and will work on adopting changed maps when/if the project is complete," she informed the Council.

Update on Water System Improvement Project

Decision to Move the Gallatin County Local Fiscal Recovery Funds Awards of \$59,000 to the Minimum Allocation Award of \$500,000 therefore, making a new Minimum Allocation Award of \$559,000 and Removing the Local Fiscal Recovery Award

Mayor Johnston informed the Council we are basically combining these two grants.

There were no Council questions, nor public comments.

Councilman Chancellor moved that we move the Gallatin County Local Fiscal Recovery Funds Award of \$59,000 to the Minimum Allocation Award of \$500,000 therefore making a new Minimum Allocation Award of \$559,000 and removing the Local Fiscal Recovery Award. Councilwoman Todd seconded the motion.

Motion Passed Unanimously.

Susan Hayes provided an update on Well 6A mostly. Need to permit additional test wells and permit to construct the connection of 6A to the system. The City's water supply is having a hard time keeping up currently so have separated out the permitting and design for now, so we can push forward with getting 6A permitted through DEQ as quickly as possible. Hoping to have the engineering design for her to review by this Thursday from DEQ. DEQ will try and fast track the review. "We'll address the high-water demand and the inability to keep up with the demand in our write up to DEQ. Our wells are pumping nonstop right now to keep up with water demands in the City," Susan explained.

Randy Johnston has taken the draft easement to the Kent's last week and asked them to have any comments back to us by end of August.

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Susan will have the task order for looping and replacement of cast iron pipe at the August 23rd agenda.

Steve Dahl asked where we are at with the Red Tiger drilling schedule? Susan Hayes answered that the City is not on the schedule yet because we have to put together the new bid packages. We may ask them to set the pump on Well 6A when we get it permitted, but nothing yet for additional test wells drilled.

Randy Johnston said he did inform the Kents the City would like to have the comments back by end of August. He asked if Susan Hayes has received any calls from them. Susan replied no and asked Mayor Johnston to check in with them by end of next week just in case.

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

None.

MAYOR & COUNCIL ANNOUNCEMENTS

Mayor Johnston announcement - he thanked George Chancellor for making the new city gavel and stand for public meetings. It is made of cherry wood.

He then distributed a monthly report from the Code Enforcement Officer: 5 letters sent regarding abandoned vehicles (3 remedied), 20 letters on weeds/noxious weeds (18 remedied), 2 community decay letters with 2nd notice sent and nothing resolved, 4 tree violation letters. Heidi was gone on vacation for a week so I plan to get with her again next week to drive around as I've seen several things I would like addressed.

Crystal Turner informed Sgt. Doonan that Deputy Eugene Joh will be helping the Code Enforcement Officer on permitted chicken inspections.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: August 23, 2022, at 6PM as amended earlier tonight:

- Public Hearing and Decision on a Resolution Amending the Assessment Method of Special Improvement District "Street Maintenance District #1"
- Public Hearing and Decision on a Resolution Adopting and Levying the Assessments for the 2022-2023 Street Maintenance District #1
- Public Hearing on a Resolution to Amend the Fee Schedule to Include the Activation/Suspension Fee for After Hours Requests; to Set the

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Initial Water Connection Application; to Set the "Sewer Only" New Customer Fee, to Set a Toxic Pollutant Charge; to Set the Cost of Work, Administrative Fee and Penalty for the City Performing Removal of Weeds on Private Property

- Public Hearing on a Resolution Setting the Wages and Salaries of the Appointed City Officers and Employees for the Fiscal Year 2022-2023
- Public Hearing on a Resolution Adopting the Fiscal Year 2022-2023 Budget
- Public Hearing on a First Reading of an Ordinance Repealing Title 1 Administration, Chapter 9 Ambulance Service District
- Public Educational Segment Regarding the Flood Mitigation Project and the Possible Special Improvement District

ADJOURNMENT

Councilman Chancellor made a motion to adjourn. Councilman Dahl seconded the motion.

Motion Passed Unanimously and the meeting was adjourned at 8:30PM.

Randy Johnston, Mayor

Crystal Turner, City Clerk

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AUGUST 23rd, 2022, The Three Forks City Council met at the Three Forks City Hall (Council Chambers), 206 Main Street and via Zoom. (Zoom is a virtual meeting tool which the City began using due to COVID-19 and social distancing guidelines and continues to use to encourage participation from the safety of one's home.) The meeting was presided over by Mayor Randy Johnston. Mayor Johnston called the meeting to order at 7:00 P.M.

ROLL CALL : City Council members George Chancellor, Gene Townsend, Deb Mickelberry, Steve Dahl, and Nancy Todd were present at City Hall. Brooke McLees was excused. City Clerk Crystal Turner and Gallatin County Sheriff Sergeant Desmond Doonan were present at City Hall. (Dep. Tim Clark arrived at 7:30PM.) City Treasurer Kelly Smith was excused. City Engineers Jessica Salo and Jeremiah Theys, and Nathan Bilyea of Jackson Murdo Bond Counsel, attended via Zoom. The record reflected a quorum present, with the attendance of five (5) Council members and the meeting was held.

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

GUESTS: Gloria Howland were present at City Hall. (Kris Smith of Headwaters Economics logged in via Zoom at 6:16PM.)

PUBLIC COMMENTS/CONCERNS (For items not on the agenda)
Seeing no public comment, Mayor Johnston introduced the Consent Agenda.

CONSENT AGENDA

- a. City Claims to be Paid
- b. Three Forks Rodeo Arena Board Claims to be Paid
- c. Service Agreement for Trial of FREDSense Equipment for Arsenic Testing in the Amount of \$854.85
- d. Council Minutes of 08/09/2022
- e. Great West Engineering Task Order #4, Amendment #2 to the Water System Improvements Project in the Amount of \$161,000

Councilman Townsend made a motion to approve the Consent Agenda. Councilwoman Chancellor seconded the motion.

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on a Resolution Amending the Assessment Method

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of Special Improvement District "Street Maintenance District #1" Mayor Johnston read the resolution in its entirety, which would be Resolution #376-2022 if approved, into the record.

There were no Council questions. There was no public comment.

Councilman Chancellor made a motion that we accept Resolution #376-2022, a resolution amending the assessment method of Special Improvement District "Street Maintenance District #1" . Councilwomen Todd and Mickelberry seconded the motion in unison.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution Adopting and Levying the Assessments for the 2022-2023 Street Maintenance District #1

Mayor Johnston read the resolution, which would be Resolution #377-2022 if approved, into the record.

Crystal Turner said there still have not been any objections received. There was no public comment.

Councilman Townsend moved approval of Resolution #377-2022, a resolution of the Three Forks City Council adopting and levying the assessments for the 2022-2023 Street Maintenance District #1. Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution Adopting and Levying the Assessments for the 2022-2023 Street Lighting District #1

Mayor Johnston read the resolution, which would be Resolution #378-2022 if approved, into the record.

Mayor Johnston noted there were no objections have yet been received. There was no public comment.

Councilwoman Mickelberry moved to accept Resolution #378-2022, a resolution adopting and levying the assessments for the 2022-2023 Street Lighting District #1 . Councilman Townsend seconded the motion.

Motion Passed Unanimously.

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

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2023

Mayor Johnston read the resolution, which would be Resolution #379-2022 if approved, into the record.

Gene Townsend asked why page 1 says 109.22 mills and page 2 says 119.72. Crystal Turner answered that it because we add the voter-approved mills to those that will be levied for a total of 119.72.

Councilman Townsend moved to accept Resolution #379-2022, 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 Fiscal Year beginning July 1, 2022 and ending June 30, 2023. Councilman Chancellor seconded the motion.

Motion Passed Unanimously.

The Mayor realized he missed asking for public comment and did so at this time. There was none.

Public Hearing and Decision on a Resolution Establishing Wages and Compensation for the Appointed City Officers and Employees for Fiscal Year 2022-2023

Mayor Johnston read the resolution, which would be Resolution #380-2022 if approved, into the record.

There were no Council questions, nor public comment.

Councilman Chancellor moved that we accept resolution #380-2022, a resolution establishing wages and compensation for the appointed city officers and employees for Fiscal Year 2022-2023. Councilwoman Todd seconded the motion.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution Adopting the Budget for Fiscal Year 2022-2023

Mayor Johnston read the resolution, which would be Resolution #381-2022 if approved, into the record.

Crystal Turner explained the prior resolution (#379-2022) is how the City receives revenues, other than the fee-based funds like Water and Sewer. "This one goes in more detail on the expenditure side," she added then verbally provided the changes to the budget from the preliminary budget (which are highlighted in yellow in the exhibits to the resolution in the packet).

Gene Townsend asked if the Council should "pad" the Sheriff budget if needed because of the contract changes. Crystal Turner replied

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that there is no need, as the law enforcement contracts does not expire in this fiscal year being decided. "Negotiations may begin before the end of the fiscal year, but it will be for service/price starting July 1, 2023," Crystal added.

Councilman Chancellor made a motion that we accept Resolution #381—2022, a resolution adopting the budget for Fiscal Year 2022—2023.
Councilman Townsend seconded the motion.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution to Amend the Fee Schedule to Include the Activation/Suspension Fee for After Hours Requests; to Set the Initial Water Connection Application; to Set the "Sewer Only" New Customer Fee, to Set a Toxic Pollutant Charge; to Set the Cost of Work, Administrative Fee and Penalty for the City Performing Removal of Weeds on Private Property

Mayor Johnston read the resolution, which would be Resolution #382—2022 if approved, into the record.

Crystal Turner explained the majority of changes are self-evident in the ordinances updating them, but that she copied the Town of Superior's fees for the weed ordinance. George Chancellor said he is happy to see that this will be done. Deb Mickelberry ensured the \$40.00 fee for after hours turn on/off water service is still the same. Crystal answered yes. The ordinance was updated while making other edits to Title 9 Water & Sewer, Chapter 4 Sewer Rates to remove the fee from that specific ordinance and replace the wording with "fee to be set via resolution". There is no proposal to increase the water turn on/off fee.

Councilman Townsend made a motion to accept resolution #382—200, a resolution amending the Fee Schedule to include the activation/suspension fee for afterhours request, to set the initial water connection application fee, to set the "Sewer Only" new customer fee, to reference that the City Engineer will determine the cost of toxic pollutant charges based on data of what will be dumped, and to set the cost of work, administrative fee and penalty if the City performs removal of weeds on private property.

Councilwoman Todd seconded the motion.

Motion Passed Unanimously.

Public Hearing and Decision on a First Reading of an Ordinance Repealing

Title 1 Administration, Chapter 9 Ambulance Service District

Mayor Johnston asked George Chancellor to read the ordinance, which would

be Ordinance #398—2022. Councilman Chancellor read the ordinance in its entirety into the record.

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There was no public comment.

Gene Townsend questioned that removing this ordinance, is the City sure that the Ambulance District does not own any property or equipment. Crystal Turner reminded the Council that at one of the Council's meetings in June, the Ambulance District's attorney, Kate Dinwiddie, came and spoke stating they investigated the overlap of duties and responsibilities and stated on the record all the ambulances and building, debts, etc. were in the name of the Three Forks Area Ambulance Service District Non-Profit entity. She added, "The decision to disband the Ambulance District was made then. This is just cleaning it off the city's ordinance book since both Gallatin County and City of Three Forks terminated the interlocal agreement."

Councilman Chancellor made a motion that we accept Ordinance #398-2022 an ordinance repealing Title 1 Administration, Chapter 9 Ambulance Service District. Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Clerk Crystal Turner requested a Water & Sewer Committee meeting be scheduled. The Water and Sewer Committee members agreed to hold the meeting on 9/1/22 @ 3PM .

Gallatin County Sheriff Sgt. Desmond Doonan reported on the service call numbers and distributed them to the Council . Calls for service within the City limits : 3 Domestic, 3 family disturbances, 5 disorderly conducts, 1 disturbance gunshot, 2 unknown disturbances, 3 sex crimes, 1 animal bite, 3 assaults, 3 fights in progress, 30 patrol checks, 26 traffic stops, 1 fraud, 5 theft, 11 suspicious reports and 1 DUI. 411 total calls for service 6/1-8/23. Sgt. Doonan said, "In addition to that, there were 12 officers staffing Three Forks during the rodeo events . "

Steve Dahl questioned regarding traffic stops , "There is a lot of crossing Main Street, which is an illegal U-turn . Do you issue many of these tickets?" he asked. Sgt. Doonan replied that Dep. Clark pulled someone over last Thursday for that same thing, so yes they do issue warnings and tickets if needed for this offense. Crystal Turner said she has tried to create "Did You Know?" articles that are posted on the website, and pushed out through the email and

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Facebook . "U-turns have been talked about and I have tried to educate the public about, but I really think the issue is that people just don't think it's a real "U-turn" when they don't turn all the way around. Crossing the double yellow line and not leaving the State highway to entering private property is considered an illegal U-turn .

Main Street is a state highway and the State's right-of-way is from one side of the street's building face to other side's building face," Crystal said.

REPORT OF COUNCIL COMMITTEES (if any)

Gene Townsend informed the Council the Budget Committee held a meeting on 8/15/2022 to do those expenses and revenues Crystal explained earlier tonight. "Kelly spent quite a bit of time on the Library's struggle for funding. That's why we budgeted more revenue towards them to help them get that. A lot of money is budgeted on the Flood Grant project, which we have to budget for even if we haven't seen the money yet. May not all come to fruition but we budgeted for the project anyway," Gene reported. He recapped some of the other highlights Crystal had mentioned earlier as well.

UNFINISHED BUSINESS

Update on Floodplain Mitigation Project

a. Discussion on Grant Award from Flood Mitigation Assistance Program City Engineer with Great West Engineering and engineering lead on this project, Jeremiah Theys, provided a brief summary of the history since the City learned of new Federal Emergency Management Agency (FEMA) maps . He recapped how the City, Great West and Headwaters Economics worked together to try to come up with a flood mitigation solution. The new FEMA maps place most of the west side of the town in the floodway, meaning a "no build zone", and the rest of the town deeper in the floodplain. He said the City was not successful the first time around, but this year we submitted to both Building Resilient Infrastructure and Communities (BRIC) and Flood Mitigation Assistance (FMA) grants and was successful with an FMA award at 75% of the project cost . "This allows the City to go ahead with the flood mitigation project and then also work on renouncing the FEMA/DNRC maps. The grant isn't 100% successful yet - the City has been selected for further review which will be Environmental Historical Preservation review first . If all is well there then the City would be awarded. They'll also further review a detailed analysis of the project benefit cost analysis (BCA) . If everything is a go they will notify the State of Montana (we are a subapplicant of the State) of award. In all the

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projects I've been involved with I can only remember one that did not get into the funding stage because the applicant did not anticipate the significant amount of environmental work to be done, so they withdrew. I don't see that being the case, I think Three Forks will be successful," Jeremiah said.

b. Discussion of Flood Mitigation Project Special Improvement District and Assessment Structure

Jeremiah Theys explained the next step will be working on the 25% the City will have to come up with to the balance of funds. He explained the project team is recommending creating a special improvement district (SID) for the funding mechanism to repay the City's 25% portion of the overall project. Great West Engineering has been working with Headwaters Economics to put together some numbers for what would be feasible if the City did a district. He likened it to the street maintenance and lighting districts. "Initially we started [looking at] a larger district with some county parcels within the boundary. But essentially the County would also have to create a district and then the City and County would enter into memorandums of understanding and/or interlocal agreements, so we just omitted those few parcels and just made the district boundary it city limits," Jeremiah said. Potential benefits are reducing the overall risk of flooding, which in turn eliminates the potential requirement to carry flood insurance, it has an improving impact to city services (water, sewer and street infrastructure, buildings, essential services). [District boundary was shown on screen.]

Jeremiah continued reporting that he met with the Budget Committee last week to briefly inform them of what an assessment structure could look like. He pulled all the parcel information from Cadastral, and pulled different assessment options the State Statute allows the governing body to charge for the overall project. An SID is an opportunity to finance the balance due. In working through the process, we came up with 2 assessment types. Keep in mind we have to exclude federally owned land, but we also excluded parcels owned by the City of Three Forks or Gallatin County :

a. First assessment option is "per parcel" assessment.

Everyone

that has a geocode and parcel would have a flat fee associated with it. The proposal is \$3,000,000 which includes easement acquisition and the 25% match of construction, rounded up. The number is not set in stone

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- right now it is just for planning purposes. A 20-year loan considered here. We could look at other funding options to go out 30-40 years, but State Revolving Fund (SRF) is 20-years so that is what is propose. Nathan Bilyeu with Jackson, Murdo & Grant said that the City cannot go over 20 years for a SID. Jeremiah continued, that 129 parcels are vacant land so those were separated out. "If there's not a building on there now they wouldn't be required to hold flood insurance. So, I just populated \$50/year for those vacant lots.

For the lots with residences and businesses built upon them, it would come to roughly \$158.00/year. This would include the maintenance component the amount would just be less once the main loan for construction was paid off, similar to the Street Maintenance and Lighting resolutions you passed earlier tonight," Jeremiah said.

b. Utilizing taxable value as a percentage of your assessment is

another way to assess those in the proposed district. "A home with a lower value would have less associated risk for insurance repayment. The next tier of the assessment would be for commercial parcels, which there are 213 of. Those folks would ultimately have the biggest benefit [to a mitigation solution].

Their risk of flooding - the value of commercial properties are typically higher, a flood would affect revenue of their business, so we could consider businesses to pay a higher percentage of the overall assessment based on their market

value. If you have a commercial building, or a building/home of significantly more value the risk is higher; the cost would be higher for the assessment," Jeremiah explained. He believed taxable value as an assessment mechanism would make sense to the public. The average taxable value within the city limits is

\$221,000 (which includes vacant lots but that is the average).

"Everyone would start at that \$221,000 baseline. The assessment fee for that would be from the increased taxable valuation over

\$221,000. (Copy of the assessment excel spreadsheet is included

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in the packet.)
[Lost internet connection with Jeremiah.]

Nathan Bilyeu introduced himself as a lawyer with the firms of Jackson, Murdo & Grant which provide counsel for bond issues like this. "I sat through your budget process so see that you already have some special improvement districts in place. You can include just city properties which streamlines the process significantly. When including the county properties in an SID or RID (rural improvement district), the City would have to concur with the County's resolutions - which is not insurmountable but does make it more complicated.

First steps to create the Special Improvement District would be the Resolution of Intent, which lays out the district boundary, what type of assessment method the Council intends to move forward with, and where the public can make protests, open the 30-day public comment period. It is then published once a day for two weeks and sent to every property owner in the district. At the end of the 30-day comment period, folks need to have submitted a written protest to the proposed district. "If those responsible for paying 50% of the cost of the project (based on the assessment method) protest, then that district as defined would be defeated. (The Council could try an alternate method and try again if it chose to.) At the hearing you count the written protests received, and then any public comments are taken as well. Most of the time the public hearing has lots more questions than protests. You can work in the maintenance cost as well - or if you want to spell out a separate assessment later you could do that too. If there are not protests of 50% of those in whatever assessment method is decided upon, the City moves forward with closing on the loan. The assessments would be collected on the property taxes, and those collections are what is used to pay the debt service," Nathan explained.

Nathan Bilyeu continued, "One common question is why isn't there an election on this?" Mr. Bilyeu said the district's process is defined in Montana State Law. "I'll be at the hearing to help you answer any questions the public may have. You must have a written protests submitted by 5PM - the law does not have any wiggle room on that. So, if they come to the hearing thinking they can protest with verbal comments at 6PM, they can't. Verbal protests do not count at

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all. Protests must be written in order to be received by 5PM at that time so you can count them up. The City must verify the unanimity of the property ownership. A property owner could submit a written protest, then withdraw the protest at the hearing though if they have their questions answered," Nathan explained.

Gene Townsend asked what the timeline is, "If the City does get this adopted, when do we get it on the county tax bills?" Nathan Bilyeu said we will be shooting for November 2023 to be the first tax bill. Realistically project construction would be 2024.

Mayor Johnston asked when the resolution would need to be heard then given Jeremiah and Nathan's recommendations for construction. Crystal Turner said she thought she and Jeremiah had agreed 9/13/2022 would be the first public hearing, however that is also the night the Growth Policy is scheduled. Crystal said, "There is a potential for a lot of public at both those hearings and I think we should schedule them on two separate nights." Nathan said he could have the Resolution of Intent ready by drafted for a 9/27 Council meeting. Crystal asked if the assessment method must be decided at the public hearing, or if amended would it require another public hearing, so two really? George Chancellor said that in the Budget Committee meeting they discussed the Committee would recommend whatever assessment method would be more inclined to pass. "Do we need to have another committee meeting to make that formal recommendation?" he asked. Mr. Bilyeu said no. Jeremiah Theys stated there are pros and cons on the two alternatives and their recommendations. Great West Engineering said they will clean up the data and confirm with City Hall (as Cadastral is not always as up to date as the City's utility billing system may be with new ownerships) and then get the information to Nathan for the resolution of intent. George asked if there could be a condition that if someone builds on their vacant lot later, after being assessed the flat fee, can the City change the amendment to that lot and catch it up? Nathan answered no, because SIDs have to be pre-payable.

"On the day you make the assessment, one could come in a pay it off completely. If it went from residential to commercial or vice versa it still says the same as the day the assessment was created, and because of that reason you may want to do a flat rate for all parcels. Something for you all to think about. For instance, you may know a

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certain parcel is going to be developed in the next two years, or it's already under subdivision. You guys probably have a pretty good sense on which undeveloped parcels are going to be developed or developed soon, so it comes down to your political judgment." Nathan explained.

Gene Townsend asked, "But your recommendation is to create a district that has a fee per parcel?" Nathan replied that is the most common assessment method but he is not making a recommendation either way. "Many communities avoid the taxable value approach as it creates situations where one or two payers are bearing a large portion of the entire cost. You can have lawsuits, albeit frivolous, but they have to be settled before you can close on your loan. The law does allow that process - but have seen it hang up the adoption of the district," Nathan explained.

Jeremiah Theys said this is a good point for discussion. "I have seen a lot go through just as per parcel because it tends to be cleanest methodology. I like the distinction on commercial because there does seem to be a significant benefit to those parcels. (For instance, the lots DeHaan Construction is developing would all be considered vacant parcels - but all currently under construction.) Crystal and Kelly should get with me to go over the vacant parcel lots to provide "findings" on why we will assess under-construction parcels at the average rate rather than the vacant lot fee," Jeremiah said. Nathan agreed and said that is legal.

Staff work internally on vacant parcels - meet with the Committee on the assessment structure, then the resolution of intent will be scheduled for 9/27.

Update on Water System Improvement Project

Mayor Johnston said he will meet with Susan Hayes on Friday to go over the questions the Kent's have on the contract.

NEW BUSINESS

Decision to Award 2022 Headwaters Trail System "Crack Seal and Seal Coat" Bid to Yellowstone Pavement Solutions in the Amount of \$67,145.00

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Gene Townsend reported this was a pretty good (low) bid; he expected higher. TD&H Engineering has verified the contractor's cost because of this expectation. "We may possibly be able to do more work. This project

will start on 7th Avenue East and Talc Road, and go around the two ponds, out to the Madison River and back. We will crack seal and seal coat and try to fix a majority of the bad tree root spots. We may fill in on a raised area to get away from tree roots too. This outfit is ready to go,"

Gene said.

There was no public comment or Council questions.

Councilman Chancellor made a motion that we award the 2022 Headwaters Trail System crack seal and seal big to Yellowstone Pavement Solutions in the amount of \$67,145. Councilwoman Mickelberry seconded the motion. **Motion Passed 4:0, Councilman Townsend abstained.**

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

Gloria Howland complained about weeds all along Milwaukee Road. There was discussion about this being in the right-of-way and how the City should maintain the road. Mayor Johnston said he will try to get staff to get the Milwaukee Road kochia weeds taken care of in the right-of-way on the grain elevator side. He said he also noticed work needs done around the recycle bins too and will get working on that. [Technically, per ordinance #5-7 all property owners are responsible for weed/vegetation and tree growth adjacent to all sides of their private property TO the center of the right-of-ways.]

MAYOR & COUNCIL ANNOUNCEMENTS

There were no other Mayor or Council announcements.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: September 13, 2022, at 6PM :

- Presentation and Discussion of Flood Mitigation Project Status
- Public Hearing and Decision on a Resolution of Intent to Create a Special Improvement District "Jefferson River Flood Mitigation Special Improvement and Maintenance district"

ADJOURNMENT

Councilman Chancellor made a motion to adjourn. Councilman Townsend seconded the motion.

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Motion Passed Unanimously and the meeting was adjourned at 8:20PM

Randy Johnston, Mayor

Turner, City Clerk

Crystal

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SEPTEMBER 13TH, 2022, The Three Forks City Council met at the Three Forks City Hall (Council Chambers), 206 Main Street and via Zoom. (Zoom is a virtual meeting tool which the City began using due to COVID-19 and social distancing guidelines and continues to use to encourage participation from the safety of one's home.) The meeting was presided over by Mayor Randy Johnston. Mayor Johnston called the meeting to order at 6:00 P.M.

ROLL CALL: City Council members George Chancellor, Gene Townsend, Deb Mickelberry, Steve Dahl, and Brooke McLees were present at City Hall. Nancy Todd attended via Zoom. City Clerk Crystal Turner and City Treasurer Kelly Smith were present at City Hall. There were no staff that attended 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 Johnston. Mayor Johnston reminded the audience this meeting was recorded and streamed via Zoom and on our Facebook page.

GUESTS: Scott Hazelton was present at City Hall. Patrick Downey (of Magris) and James Hennessy attended via Zoom.

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

Seeing no public comment, Mayor Johnston introduced the Consent Agenda.

CONSENT AGENDA

- llll. Claim Paid due to Timeliness to Mail Utility Bills on 8/31/2022 in the Amount of \$197.56
- mmmm. Claims for Approval
- nnnn. Three Forks Rodeo Arena Board Claims for Approval
- oooo. Council Minutes of 8/23/2022
- pppp. Amendment #5 to Extend the Service Agreement with Magris Talc
- qqqq. Zoning and Planning Board Meeting Minutes of 7/14/2022

Mayor Johnston noted regarding the agreement extension with Magris, he plans to meet with Susan Swimley to find out how many more extensions we will need if we cannot get this agreement done by the end of December.

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Gene Townsend said he thought after the Committee meeting months ago, all we needed to do is get the numbers in the document and that we had agreed on everything previously, "I'm just surprised this is not done yet," Gene added. Mayor Johnston agreed and said, "It just keeps getting extended, so I'll see what's going on." Gene asked if they made their payment in lieu of taxes. Kelly Smith said yes, and they paid based on the new amount agreed upon.

Councilman Townsend made a motion to approve the Consent Agenda.
Councilman Chancellor seconded the motion.

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on a Second Reading of an Ordinance Repealing Title 1 Administration, Chapter 9 Ambulance Service District

Mayor Johnston asked if anyone wished for him to read the ordinance into the record again, and no one responded they wished for him to.

He asked for Council discussion/comments or public comment. There were none.

Councilman Chancellor motioned to approved Ordinance #398-2022, an ordinance of the Three Forks City Council repealing Title 1 Administration, Chapter 9 Ambulance Service District. Councilman Dahl seconded the motion.

Motion Passed Unanimously.

Public Hearing and Decision on a Resolution to Adopt the Amended Growth Policy

Mayor Johnston read the resolution into the record in its entirety and said it would be Resolution #383-2022 if approved.

Kelly Smith said she touched base with Randy Carpenter this afternoon to remind him of Council meetings being moved to 6PM and he had forgotten that, so will not be attending in person tonight but will log in via Zoom any moment. Crystal Turner said Megan Moore with Logan Simpson was in a similar situation and had another meeting at 6PM but would log in via Zoom as soon as she was finished with her other meeting. The Mayor asked if any Council members had questions, noting he had a few. Kelly Smith offered to answer questions, and said Crystal Turner and George Chancellor could also try to answer questions until Randy Carpenter and Megan could attend.

Gene Townsend commented on page 1-4 where it says the MCA "that a Growth Policy is a living document and can be amended from time to time" so as a

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City Council should we set a time annually to review it. "I have been involved with a lot of organizations that have policies and we talk about it a few times and it sometimes it gets put a shelf and draws dust until the State says you have to adopt a new Growth Policy. A lot of work went into this document by our people and I think we should set a date that we review it annually, say every September," Gene said.

He continued on page 1-5, "What is the bullet about incentive mechanisms?" Crystal Turner said she believes it for things like when a developer gives the City money in lieu of making a park, or business tax incentives Kelly added. Gene commented that he believed this document was very well written. On page 1-18 "creating a complete community that can support all our resident's needs?" I wrote in quotes here "Interesting". That is a broad statement. Gene said he thinks it is great to have big goals to provide the needs and wants for all within the community, but that we (as a Council) also need to think about what a small community can actually afford? George Chancellor said he believes that goal means the public can come to the Council if they need something and then the Council makes a judgment if we can afford it or not.

Gene continued, "On page 2-3 the bullets say "our big ideas" well whose big ideas are they really? The Steering Committee's? I see these ideas and usually you can attach a dollar sign to each suggestion. When you *Address stormwater infrastructure needs* that will come with a big price tag. Did we put something in this document that is unattainable?" George Chancellor said he did not believe anything was unattainable. Gene added, "If you go to the second bullet - if we can *maintain housing affordability* we would be the biggest hero in Gallatin County ever created. These ideas have been studied. The Seat at the Table group dealt with identifying affordability in housing, and gathering the public's comments but then how does the City say 'You can't ask for \$700,000 for your house?' (Randy Carpenter joined via zoom at 6:15PM.) We can't do that, but we can direct our growth to say what kind of housing we would like to see in a community and where." George Chancellor said he believed the aim is address growth in the best way that makes sense for the community as well as hopefully homes are affordable when developments are built. Kelly Smith chimed in, "We aren't maintaining housing, but I see that as addressing that affordability in zoning ordinances. If we allow denser lot space, or more houses on a single lot; the medium density residential we no longer have in our zoning code - looking at that and bringing that back based on the Council's desire to provide affordability is an option. If everyone wants big lots and big houses, they won't be affordable," Kelly said. Deb Mickelberry agreed, "If everything is zoned Single-Family Residential, if we allow a duplex, which is more affordable - that's how I see it too [addressing zoning]." George informed the Council the Zoning and Planning Board is dealing with that now since someone has requested medium density residential be reinstated.

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Kelly Smith reminded the Council that after the Growth Policy is adopted the City will need to look first at amending the residential zoning code. "Randy Carpenter will probably talk about it later, but we want to have an advisory committee comprised of some council members, zoning board members, Ralph Johnson will help us, some developers' ideas all brought together to come up with a draft amended zoning code," Kelly said.

Gene continued his commentary on page 4-3, "Do we have any existing ordinances that create barriers to the success of agricultural activities? Or who are we to encourage agricultural properties to apply for property tax exemptions? Every rancher I know will tell me to mind my own business when it comes to their financials. I don't feel like we can say you should raise grain rather than alfalfa." Kelly said she believes it to be more about uses of the land - and in the City's case the only agricultural operation and zoned land within the city limits is Buttelman field.

There was discussion on broadband - page 4-4, #2-2 mentions a goal (our big ideas) regarding ensuring adequate internet is available in the City. "Is this really a city goal to make sure every house has internet?" Gene asked. Megan Moore said if the City were to pursue a grant for broadband having that statement in the policy allows the City to lean on the goal of the community has voiced its desire to have better internet. Kelly introduced Megan to the Council (via Zoom).

Gene continued on page 4-6, #1-3 says support the relocation of structures within the 100-year floodplain zone. He questioned the goal because the Council does not really wish for people to move their homes outside of town. Kelly explained this is a FEMA goal. "If a community has repeated loss, but Three Forks doesn't have any repeated loss, a goal like that aligning with FEMA's goal may show the projected growth area is only outside of the floodplain, hence you could lean on this goal when applying for food mitigation grants too," she explained. Gene continued on page 4-7, #2-6 - he said he was not trying to criticize [the document] but these [all of his comments] are just the things that popped up in his mind as he read the draft Growth Policy. There was discussion of open space/trails/floodwater retention as examples of 'multi-use open space' to be addressed during development. For example, if a development is required to have stormwater retention, that it could be landscaped to serve as an open space for the nearby residents as well as a place to have rain water runoff or snow plowed to. Page 4-9, #7 regarding tax increment finance (TIF) district, Gene said, "I'm not opposed to that, it could be good, but I question if we can form a Tax Increment Financing District and then not use it until a later date? Can you just have it on the books and implement later? Do you do it all of Main Street, or a specific area?" Gene continued discussing Tax Increment districts near the Hwy 287/I-90 Interchange, and some others in Bozeman. Kelly Smith explained the difference between TIFs and TEDDs, which a TEDD is what was created in Broadwater County. Randy Carpenter said he highly doubts you can

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establish a TIF district and not follow through with establishing the improvements. "You would have to change the way you do the taxing - you essentially freeze the revenues in that district at a base level and then as development are complete with that tax set aside," Randy explained. Gene asked if a TIF do-able in a small town? Randy added the challenge with a TIF you bond for the improvements, and then those increment of taxes don't go to the various other entities until the improvements are paid off. But if there is an increment created by additional development then you have no funds to pay off those bonds.

Randy apologized for tuning in late and for attending via Zoom rather than being in person at City Hall. "I intended to be in Three Forks and just getting ready to leave when Kelly texted me reminding me the meeting was at 6. I'm used to Planning Boards meetings, and they start at 7'" Randy stated. "This is about choice, and right now I think Kelly said it best: the only choice in Three Forks right now is large square footage, detached developments which are expensive. The Council, and Zoning & Planning, will implement the Growth Policy through updates to the zoning code, and at that time you can choose to determine exactly what you mean by "higher density" or "slightly higher density". I suggest low, medium, and relatively high-density defined districts. It could be on the books in zoning codes, yet not created on the map," Randy explained. He said the Steering Committee had a lot of really good discussions about priorities, as did the Zoning & Planning Board, and we made a number of changes to the Strategic Action Plan goals and their priority levels to address these same things the Council members are now discussing.

Kelly Smith asked if any of the Council members had any more comments on the goals in the Strategic Action Plan. Gene Townsend mentioned the goal #4 to pursue an interlocal agreement with Gallatin County (for an extraterritorial planning area). "We did all our due diligence years ago and had everything ready for adoption, and the County dropped us like a hot potato - do you feel the current administration is more agreeable to an interlocal?" Gene asked. Randy Carpenter replied yes and said that statutorily the City of Three Forks may extend its zoning to that 1-mile area. "The County will not stand in the way of that and they, per County Planning Director Sean O'Callaghan, would prefer to have something in writing now. I strongly believe the County Commission would like to see a MOU [memorandum of understanding]," Randy expressed. Mayor Johnston asked about the airport and the meeting he, and some of the Pogreba Field Airport board members had to discuss having water and sewer available to the airport so they could bring more businesses in. Kelly Smith added that the board wanted the infrastructure paid for by the City though, and that it not the process. "They wondered how the new work/live development was getting serviced by water and sewer and they were not, and we informed them work/live is paying to extend the water and sewer mains and add service lines," she said.

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Crystal Turner said she was contacted by the Town of Manhattan recommending Three Forks ensures their draft Growth Policy has met all the items listed in 76-1-601, MCA. Crystal said everything listed in the email from Manhattan she finds as follows:

1. There is no discussion on the public engagement portion or description of those efforts in the document.
 - a. Crystal's response would be that Page 2-2 addresses the public engagement. "I know we had several public outreach meetings and emails, Facebook posts, website posts, etc. We have minutes of committee meetings and records of the newspaper articles, social media blasts and emails sent."
2. 76-1-601-3-viii sand and gravel resources. Even if these resources are not present it still must be addressed or a reference to a Town document that addresses this
 - a. Crystal's response is "These are not addressed in our document."
3. 76-1-601-c, In its entirety.
 - a. Crystal stated, "This relates to projected trends for the life of the growth policy for each of the following elements and I believe our document addresses these well."
4. 76-1-601-d Lacks any comment about existing policies or regulations
 - a. Crystal said she believes all of Chapter 4 in our document addresses this.
5. 76-1-601-e Lacks an infrastructure strategy section
 - a. Crystal said that infrastructure is addressed numerous times throughout the document, specifically in Chapter 2.
6. 76-1-601-f-ii What constitutes a revision to the growth policy?
 - a. Crystal stated Three Forks' Growth Policy on page 1-5 explains this.
7. 76-1-601-f-iii A timetable for review and revision as necessary.
 - a. Crystal asked, "Why must this be written within the document if MCA states every 5 years it needs to be reviewed and revised if necessary?"
8. 76-1-601-g No coordination strategy is present.
 - a. Crystal's response was that Three Forks' Growth Policy's table of action items in the end of the document says we will continue to work with the County to adopt a MOU. Chapter 4 details the annual meetings with school, neighboring counties, and the Rural Fire District.
9. 76-1-601-j No comments on the WUI or fire susceptibility.
 - a. Crystal said that we do discuss the fire protection relationship with the Rural Fire District and we discuss in the Goals in Chapter 4 to study a mechanism to expand fire service.

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Megan Moore said she agrees that on page 1-4 where 76-1-601(f)(ii), MCA mentions a timetable for reviews and revisions as necessary could be enhanced. There was discussion about the former gravel pits (the three ponds at Bellach Park were formerly gravel pits) as well as one used when the Highway Department removed the viaduct on MT Hwy 2 to the southwest of town and they rebuilt the road, and one existing one east of the ponds near the interstate. It was agreed perhaps a map showing the former and existing gravel pits in the future land use area map would be beneficial.

Randy Carpenter explained the interim local government committee (at the State level) has had some really in-depth discussions on land use and how it is defined in growth policies. "I suspect there will be significant changes in state statute on what is required on growth policies. Not that the cities will have to rewrite immediately, but wanted to flag that for the Council," he said.

Mayor Johnston asked if there was any Public Comment. There was none.

Councilman Chancellor moved to approve Resolution #383-2022, a resolution to adopt the amended Growth Policy. Included in this would be on be Section 1-4 a timetable for review [of the Growth Policy itself], and Section 1-7 a mention of conditions of sand and gravel pits. Councilman Townsend seconded the motion.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith said regarding the Flood Mitigation Project, "We have been working on the assessment method options and process for creating a Special Improvement District. This will be on the next meeting on 9/27."

City Clerk Crystal Turner reported the League of Cities and Towns will be 10/5-10/7 in Kalispell. "If anyone is interested in attending please let us know ASAP so we can register you and find hotel accommodations." She also said she has worked with Montana Department of Transportation who was updating the "Adopt a Highway" contract. The City will still be responsible for trash cleanup along MT Hwy 2 coming into town from the interstate, and by the airport headed out back to Hwy 287.

REPORT OF COUNCIL COMMITTEES (if any)

Gene Townsend reported the Streets and Alleys Committee met on 9/8 to discuss the right-of-way on Birch/Railway request. TD&H attended as well and gave us a proposal to find the pins of Railway, which is a huge 95-foot wide street. We were waiting to give Mr. Vander Zwaag a response

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until we know where the street really lays (does not always line up with the travelled path). "I thought the gentleman from TD&H made a good presentation," he added. George Chancellor said that Gaston Engineering also provided a quote, and Crystal was tasked to reach out to them to ensure their quote was for the exact same specifications. "As long as we are looking at apples to apples, I had no preference," he said.

Councilman Townsend motioned to use TD&H to locate the survey markers and place pins on Railway and W. Birch Street so we can go ahead to work with the property owner who wishes to purchase it. Councilman Chancellor seconded.

Motion Passed Unanimously.

Gene added that the City really can not go ahead with anything with the property owner until we actually know where the property lines are, so this is just to define that and then decide what to do with his request for part of the right-of-way. "If you go north on Railway past Birch the tree and parking there is really encroaching on the street and we need to get that cleaned up too. As well as the alley behind the hardware store on Main Street, which backs up to Railway," he said.

Steve Dahl reported the Water & Sewer Committee met 9/1 to discuss the water project. He said that Susan Hayes discussed the permits required on the new Well #6A - the size of the well and the deviation from 100-foot clearance being requested to 75-feet. They also discussed the old wells when abandoned needing to be capped, and the meeting with the Kents on test Well #2A. The Kents were not in favor of that test well, and more in favor of Well #2B proposed location. Susan Hayes questioned if that would have good quality though. Any future new wells must have 100-foot radial clearance. Discussion on backup generators which are no long allowed. Susan Hayes recommended three more test wells to get enough water for our growth.

Mayor Johnston provided an update on the 75-foot deviation request is at the City Shop and the location of Well 6A. All the chemicals we use in regular daily processes, they are considered volatiles, like weed spray and fuel, but we can move some of that stuff over to the old shop to meet this requirement. "We probably will move most of it, but some will stay there and must be outside a visible border defining the 75-feet. We have questions about fuel in vehicles being allowed too," he said.

Regarding diesel generators if power goes out, the Mayor said, "Steve [Johnston] & Matt [Miller] thought up by the tank would be a good spot for a generator. And there is natural gas there so could be without diesel fuel. And yeah, negotiations kind of fell through with the Kent's so we will move to discussions with the Cook property nearby."

UNFINISHED BUSINESS

Update on Floodplain Mitigation Project (if any)

Mayor Johnston said we already talked about this and will discuss in more detail on the 27th.

Update on Water System Improvement Project (if any)

Mayor Johnston said Steve Dahl gave you a detailed water project update.

NEW BUSINESS

There was no new business.

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

There was no public comment.

MAYOR & COUNCIL ANNOUNCEMENTS

Mayor Johnston announced that over the weekend he came down to mow a certain lot. "My habit is [when he was an employee] to go to the shop and check the SCADA, was used to being 30 feet was 25 and going down! (He was explaining the level of water in the storage tank.) We had a power bump and it took Well #2 offline and didn't communicate correctly. So, it was deadheading up against the flow meter. I went around to the plant and there is a big valve, it finally broke loose after I got a big wrench and was able to it to break loose. We have a very good public works staff and I think they need another tool for a SCADA alarm system for a run/fail on a well they get notified immediately. One worker lives in Manhattan and the other in Belgrade so they aren't here all the time. We have the software but how will it notify the Public Works folks? We could install a dialer system for low water alarm for instance, it will start dialing out. I've been working with Kelly on the budget and this dialer will cost about \$4,000 - but it's not in the approved budget but we could split the cost from water and sewer," he informed the Council. "I will be teaching Matt how to winterize the parks irrigation systems this week too." Gene Townsend asked how the water volume is now. Mayor Johnston said it is holding now. "We switched all the parks to every other day watering when we needed to keep the tank more full, and we sent letters to high users asking them to reduce consumption and that helped a little," he explained.

There were no Council announcements.

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AGENDA ITEMS FOR NEXT COUNCIL MEETING: September 27, 2022, at 6PM:

- Presentation and Discussion of Flood Mitigation Project Status
- Public Hearing and Decision on a Resolution of Intent to Create a Special Improvement District "Jefferson River Flood Mitigation Special Improvement and Maintenance district"

ADJOURNMENT

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

Motion Passed Unanimously and the meeting was adjourned at 7:28PM.

Randy Johnston, Mayor

Crystal Turner, City Clerk

CITY OF THREE FORKS, MONTANA, FOR ALL OF 2022

SEPTEMBER 27TH, 2022, The Three Forks City Council met at the Three Forks City Hall (Council Chambers), 206 Main Street and via Zoom. (Zoom is a virtual meeting tool which the City began using due to COVID-19 and social distancing guidelines and continues to use to encourage participation from the safety of one's home.) The meeting was presided over by Mayor Randy Johnston. Mayor Johnston called the meeting to order at 6:00 P.M.

ROLL CALL: City Council members George Chancellor, Nancy Todd, Gene Townsend, Steve Dahl and Brooke McLees were present at City Hall. Deb Mickelberry was excused. City Engineer Jessica Salo (of Great West Engineering), Nathan Bilyeau of Jackson, Murdo & Grant, City Clerk Crystal Turner, City Treasurer Kelly Smith were all present at City Hall. Headwaters Economic staff Kristin Smith attended via Zoom.

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

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

GUESTS: Alex Blackburn, Robert & Pat Jones, D.K. & LaVonne Brooks, Jennifer Boyer, Bill & Karen Buttelman, Nick Buttelman, Kelli Cazier, Gloria Howland, and Dennis Nelson were present at City Hall. Diane Vinson Kolberg and Mickie Imberi both attended via Zoom.

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

D.K. Brooks read the legal agreement between Rick & Valerie Lamb and the City regarding use of the service building located at the Three Forks Market RV and Campground. He complained that there were conditions of approval written and agreed upon in a public meeting, but now the City's legal counsel has entered into a separate agreement(s) that apparently bypasses the Council's decision(s). Mr. Brooks said he strongly opposes the actions taken by the legal entities as it leaves the impression that normal Council procedures were bypassed. Mayor Johnston said this would be taken under consideration.

Kelli Cazier spoke regarding the youth in Three Forks being instructed to not abide by the 15 mph speed limit signs and asked if there was a site study ever done, and if so when. She said it is her belief the Council

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many years ago agreed in a public meeting to set the speed at 15 mph, perhaps when the roads were all gravel. "I understand if it's a state highway or a school zone a study needs to be done, but this was brought to my attention and if this [the speed limit signs] is incorrect and an accident occurs does this put the City at a liability? I'd rather see it stay at 15. If we need to do the study can the City conduct one, or does it need to change the signs to match the legal speed limit?" she posed to the Council.

Gallatin County Sheriff Office Sergeant Doonan said they will enforce a posted speed limit if they witness an infraction. Kelli Cazier said to him, "I would really like to see that enforced."

CONSENT AGENDA

- rrrr. Claims for Approval
- ssss. Three Forks Rodeo Arena Board Claims for Approval
- tttt. Zoning and Planning Board Meeting Minutes of 8/29/2022
- uuuu. Service Agreement Amendment of FREDSense Equipment for Arsenic Testing (previous amount \$854.85 - new agreement has phased timeline for a total of \$852.80 for Phase 1 Notice to Proceed, \$252.80 for Month 2 of Phase 1, and \$252.80 for Month 3 of Phase 1, with options for purchasing equipment in Phase 2 + \$252.80/month)
- vvvv. Contract with Gallatin County to Provide Library Services to County Residents at the Three Forks Community Library for FY2022-2023 in the Amount of \$73,988.00
- www. Service Agreement with Acme Asphalt to Complete Remainder of "Jefferson Street Trail Connection" in the Amount of \$70,592.00
- xxxx. Service Agreement with TD&H Engineering to Perform Surveying of Railway Avenue in the W. Birch Street to W. California Street Intersections in the Amount of \$3,500.00

Gene Townsend questioned Item D, "We're gonna try this equipment for arsenic testing for three months, then if we decide we like it we have the option to purchase it?? Crystal Turner replied yes.

Councilman Townsend made a motion to approve the Consent Agenda.

Councilman Chancellor seconded the motion.

Motion Passed 5:0.

NEW BUSINESS

Discussion and Decision on Assessment Method for a Special Improvement and Maintenance District to Construct (and Maintain in Perpetuity) a Flood Mitigation Conveyance Channel Outside the City Limits for the Purpose of

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Diverting Flood Waters back to the Jefferson River to Protect and Reduce Flood Risk both In and Outside the City Limits of Three Forks

City Engineer Jessica Salo presented the Special Improvement District and proposed boundary. "The boundary includes the yellow dotted area of the city limits, excluding Ridge View Subdivision and the lower portion of the Pogrega Field Airport (the runway). It benefits the majority of the properties in the city. We did not include county parcels in the SID boundary, although there are some properties that could benefit but it is a less cumbersome process to exclude properties in the Gallatin County," Jessica explained. "We are assuming the City will receive the full 75% in a FMA grant from FEMA, and a loan of \$3,000,000 from SRF for the rest. This is a maximum amount assumed to be borrowed, but the City may not need to borrow this much," she added.

Jessica then explained Assessment Method 1A which is a total number of parcels in the district divided by the total amount borrowed, with an estimate \$3,873.11 per parcel over the 20-year loan, or \$193.66/year. Assessment Method 1B is a per parcel and type of parcel. "So, we segregated vacant land, or a house on two parcels (that became one parcel), and then commercial vs. residential. We came up with 75 vacant parcels (\$100), 196 developed commercial parcels (\$400), and 722 residential parcels. For the residential parcels the cost would equate to \$147.37/year for 20 years, or \$2,947.37 if paid in full," Jessica said. She then explained Assessment Method 2 which is based on [what Gallatin County's tax bill calls] market value. "We took the average assessed value of a parcel, which is \$225,000, and that would be assessed the base of \$3,000 total, or \$150/year for the 20-year loan. Parcels with values higher than \$225,000 would be assessed via an equation (see packet). There is really no perfect solution in this process, we want to make it as fair and equitable per parcel," she told the Council. She added, "Nathan will have some input based on his experience with creating SIDs. She added the per lot assessment Method 1A is a common method. Nathan has told us the assessed value when used can run into some legal complications.

Ms. Salo then explained the maintenance aspect of the channel once constructed would cost roughly \$20,000 annually to maintain the ditch and culvert, maintain erosion and slope repair, mowing and trimming, etc., or \$20/year per parcel (see Exhibit C).

Nathan Bilyeau of Jackson, Murdo and Grant Law Firm explained the bond side of funding the project. "The reason it is important to work with a

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conservative estimate is because it will cap what you can assess. Once you decide the assessment method, we can populate the resolution of intent and we send that resolution of intent to every parcel owner in the proposed district boundary. That opens a 30-day public comment and 17-day protest period. Sometimes there may be ones you missed where a home sat smack in the middle of two parcels, so neither alone could be developed upon. Those could be amended and change the overall amount to each parcel owner like 35-cents when corrected. But that is what the public comment period is used for," Nathan explained. He continued that 50% of those responsible for the cost of the assessment can protest the creation of the district. "If you use the taxable value method, those people who are responsible for paying 50% of the cost, if they protest that method type would fail. You could opt for another assessment method and start the process over if you wish, but you can only select one method at a time to send to the community to protest or not," he described.

George Chancellor said the parcel assessment by parcel type is the least expensive method for the majority of people, in his opinion. "Commercial properties would be assessed at like \$400, residential at \$150, and vacant lots \$100," George said. (This is the 1B method.) Gene Townsend said, "When I looked at the three assessments I immediately did not like the third method. That would lead to lots of headaches. I look at 1A and 1B - which actually are pretty close. I am thinking, *"What's the fairest way to all?"* and I thought if you assessed everyone the same, whether residential or commercial, that would be the fairest way. I lean towards Method 1A."

Gene added, "In all the years I've been involved in city government, every time the floodplain comes up it gets worse. With this new map what they [FEMA] are proposing, even though it hasn't been adopted yet, puts everyone in the floodplain and it gets really expensive. My thought is if we can get the City of Three Forks out of this floodplain, or most of the city out of it, and be fair in our assessment the whole town benefits. We can talk if commercial should be paying higher, but I feel that everyone in town is eventually going to benefit from what we do here."

Brooke McLees said she would be in favor of Method 1B. Steve Dahl said he is in favor of Method 1A. Nancy Todd said she was still thinking about it. Kelly Smith read Deb Mickelberry's comment since she could not attend tonight: Deb would like to see Method 1A. "Not all commercial properties have income. Vacant properties benefit the same as any other property, as they can build upon in the future. By far the easiest way to assess, and

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I feel the fairest would be Method 1A." (See packet for Deb's emailed comments.)

Public Comment: Pat Jones stated her next-door neighbor has 11 acres and they \$3,200/year for flood insurance. She said, "Remember that the insurance will not pay unless it floods and runs over the top of the land." Mayor Johnston replied that parcel would still benefit from the creation of this district to construct the channel but will not be taxed for it because as you saw that they are out of the proposed SID boundary due to being in the county.

Nathan Bilyeau stated one thing to consider as a potential complication, however if it is perfectly legal but he seen it cause hiccups a couple times. "The vacant parcel will be set the assessed amount at the day you create the SID. They could build the next day. I have seen it create political headaches for communities. You close the public protest, you create the assessment, then someone starts building," he said.

Kelly Smith asked if the Council chose Method 1A and someone annexes, would the full amount be reassessed if people subdivide, or annexed in? Nathan replied yes, if the city makes the determination, or finding of fact, which says they benefit. Kelly reiterated that this project is to mitigate Jefferson River floodplain only, not the Madison River floodplain.

Nancy Todd said she is leaning towards Method 1A, which allows any protests to be handled fairly.

Public Comment: Dennis Nelson commented that after his review today, he recommends to the Council to implement 1A. "Simplest, fairest, easiest process, and the 200-lot developer waiting to come in would have to pay into as well fairly and equally," he said. There was no further public comment.

Mayor Johnston asked the Council to make a motion for a recommendation on a specific method.

Councilman Townsend moved to approve using assessment method 1A for the assessment method on this SID. Councilman Dahl seconded the motion.

Motion Passed 5:0.

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PUBLIC HEARINGS

Public Hearing and Decision on a Resolution of Intent to Create Special Improvement and Maintenance District #34 for the Purpose of Constructing Flood Mitigation Infrastructure Near the City of Three Forks for the Benefit of Certain Properties In and Near the City, Providing for the Financing, Maintenance and Incidental Costs of Such Improvements through the Issuance of Special Improvement District Bonds and FEMA Grants

Mayor Johnston read the resolution of intent into the record, noting if adopted it would be Resolution #384-2022.

George Chancellor said that the Council has not opted for the boundary. Crystal Turner said the boundary was presented on page 2 of the SID memo, unless the Council chooses to amend it. There were no comments to amend the boundary as proposed.

Kelly Smith clarified in second whereas, should the total be \$7,152,375 because that's the total cost? Nathan replied no because this is the construction cost (the land acquisition is not included). Kelly continued that the fourth whereas says the City has received FEMA grants, "But we have not received them yet." Nathan agreed to amend the language to read "anticipates receiving". Kelly continued the fifth whereas, should we add "up to" between the words "borrow" and "\$3,000,000"? Nathan agreed. Section 1 of the resolution will be filled in with \$3,873.11/parcel in the blank spot, and Section 7 will insert "Assessment Method 1A". Nathan added the MCA should be listed at 7-12-4162(3), MCA; the assessment per parcel cost would be \$3,873.11, followed by "\$213.66" in the *no more than*. Section 8 will remain the twenty (20) years; the estimated assessment per parcel should be filled in with \$193.66. Kelly said she noticed a few times **Improvements** is capitalized and other times it is not, and they should be consistent. Crystal Turner added that the words **levees** is also used in the resolution which should all be changed to channel. Kelly continued on page 3 the first-year annual assessment would be in 2023. She asked, "Do we have to tax for the maintenance since it will not even be built yet?" Nathan answered that you could tax later, but if you need to collect assessments in order to do the work than you would want to collect early, so that could be amended in the resolution if needed as well. Kelly and Crystal said there are also **counsel** references which should be changed to **council** and remove the commission and change to "council" there in Section 11. Crystal Turner looked at the calendar and said if the notice of intent was ready by Thursday, the earliest publication would be October 4 in the Bozeman Daily Chronicle. The following publication dates were added to the draft resolution: Three Forks Voice 10/5/22, 10/12/22, and 10/19/22, Bozeman Daily Chronicle 10/4/22, 10/16/22, and 10/23/22, and in the Belgrade News on 10/6/22, 10/13/22, and 10/20/22.

Gene Townsend questioned if there are actual bonds to be purchased. Nathan answered a bond is basically a promissory note for a public entity.

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"We aren't selling bonds. SRF is loaning the City the money," he said. Gene added it was a good deal too to be locked in at 2.5% with the way interest rates are going. Nathan agreed and next year it will be a higher rate from the State Revolving Fund.

Dennis Nelson asked on page 3 (end of Section 8) it says we will be billed twice a year. Mr. Nelson would prefer once, like the other city assessments.

Crystal Turner read Angela Lehr's letter into the record (included in packet).

Mickie Imberi asked if construction does not start until 2024, when will it be completed, and why would the City charge maintenance prior to the completion of the project? Nathan Bilyeau explained the levy is technically for each "benefitted parcel" which often matches per lot, but not always exactly per lot. "There are some parcels where the house covers two lots, so that would be one benefitted parcel. Regarding the year to assess for maintenance question, the City will not be able to tax any earlier than whatever is noted in the resolution of intent, but it could tax later. You often times need those monies to pay the levy back. You bill and they get paid in November and May and the note may be due prior to that. Same with maintenance monies needed in 2024 maybe. You would have to run that in 2023 to collect them prior to when needed. The City could choose not to assess the maintenance until later though," Nathan explained. The City will actually pass a separate resolution to send to the county assessor when they are ready to tax the maintenance. Crystal Turner asked if that is similar to the Street Lighting and Street Maintenance assessments. Nathan said yes. "If no dirt is moved, even if the City wanted to pass the maintenance assessment, without the benefit the City legally could not do it," Nathan said.

Someone asked if the Council decided on assessing two times a year or once. Dennis Nelson thought it would be easier once a year. Kelly Smith said (coming from lending side), those with a mortgage it will be hard to calculate their escrow accounts. For that reason, Nancy Todd and Brooke McLees liked to keep the assessment at twice a year, just split it evenly.

Steve Dahl asked, "I could pay off the amount in total though and not pay it over 20 years, correct?" Nathan answered, "Yes, and there are actually conditions of sale of property usually which require that too."

Councilman Chancellor motioned to approved Resolution #384-2022, a resolution of intent to create a Special Improvement and Maintenance District No. 34, for the purpose of constructing flood mitigation infrastructure near the City of Three Forks for the benefit of certain properties in and near the City, providing for the financing, maintenance, and incidental costs of such improvements though the issuance of special

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improvement district bonds and FEMA grants, as amended per discussion.
Councilman Townsend seconded the motion.

Motion Passed 5:0.

REPORT OF OFFICERS

City Treasurer Kelly Smith said Zoning & Planning Board is short two members, but both need to be in the 1-mile jurisdiction, "So if you have anyone you know could be interested, please encourage them to volunteer their time and apply for the board." She also reported the Board of Adjustments has a vacancy as well

City Clerk Crystal Turner did not have anything to report.

Sgt. Doonan did not have anything to report.

REPORT OF COUNCIL COMMITTEES (if any)

Streets & Alleys Committee met with TD&H Engineering to begin surveying W. Birch and Railway Avenue.

UNFINISHED BUSINESS

Update on Floodplain Mitigation Project (if any)

Mayor Johnston said there was nothing else to report on this tonight.

Update on Water System Improvement Project (if any)

Crystal Turner updated that Susan Hayes has heard back from Montana Department of Environmental Quality regarding Well 6A and the 75-foot radius, and she will update the Water/Sewer Committee on 10/3 at 3PM here at City Hall.

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

Gloria Howland said the trails are looking great. Gene Townsend thanked Sgt. Doonan for the help out there. "There is caution tape, cones, rebar, etc. all warning of construction and people still walk right through it. I'm sure someone is in trouble at home for walking on that new asphalt and then back inside a house," he said.

MAYOR & COUNCIL ANNOUNCEMENTS

No updates or announcements.

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AGENDA ITEMS FOR NEXT COUNCIL MEETING: October 11, 2022, at 6PM:

- Public Hearing and Decision on the Zoning & Planning Board's recommendation on a Conditional Use Permit Requested by Harrington

ADJOURNMENT

Councilman Chancellor made a motion to adjourn. Councilman Dahl seconded the motion.

Motion Passed Unanimously and the meeting was adjourned at 7:43PM.

Randy Johnston, Mayor

Crystal Turner, City Clerk

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OCTOBER 11TH, 2022, The Three Forks City Council met at the Three Forks City Hall (Council Chambers), 206 Main Street and via Zoom. (Zoom is a virtual meeting tool which the City began using due to COVID-19 and social distancing guidelines and continues to use to encourage participation from the safety of one's home.) The meeting was presided over by Mayor Randy Johnston. Mayor Johnston called the meeting to order at 6:00 P.M.

ROLL CALL: City Council members George Chancellor, Deb Mickelberry, Nancy Todd, Gene Townsend, Steve Dahl and Brooke McLees were present at City Hall. City Clerk Crystal Turner, City Treasurer Kelly Smith were all present at City Hall. City Attorney Susan Swimley attended 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 Johnston. Mayor Johnston reminded the audience this meeting is recorded and streamed via Zoom and on our Facebook page.

GUESTS: Rocky Hamilton (candidate for State Senate House District 69), and Gloria Howland.

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

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

CONSENT AGENDA

- a. Claim to Mail Utility Billing on 9/30/2022 in the Amount of \$194.14
- b. Claims for Approval
- c. Three Forks Rodeo Arena Board Claims for Approval
- d. Council Minutes of 9/13/2022

Councilman Townsend made a motion to approve the Consent Agenda.

Councilman Chancellor seconded the motion.

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on the Zoning & Planning Board's Recommendation on a Conditional Use Permit Requested by Harrington Company

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to Add a Second Residential Apartment in an Existing Building in the Central Business District, Located at Lot 10, Block 17 of the Three Forks Original Townsite, Commonly Known as 217 S Main Street

Zoning & Planning Board Chairman and Council Liaison George Chancellor read the staff report and recapped the Zoning & Planning Board's recommendation into to the record. George explained there was very little discussion and no public comment at the Zoning meeting. The Board recommended approval of this application with three conditions: 1) The parking space design shown in the "unconventional Parking" be used; 2) Those parking spaces must be demarcated; painting must be done every two years; 3) The parking area must be paved.

There was no applicant present.

There was no public comment.

Board Discussion/Decision - Kelly Smith informed the Council that the applicant will also be required to pay impact fees as this is a change in use, per definition of Ordinance 3-6-10(G). Councilman Chancellor made a motion we approve the conditional use permit for the Harrington Company for a residential apartment at 217 S. Main. Councilman Townsend seconded the motion. Crystal Turner asked if Mr. Chancellor's motion is to include the conditions recommended by the Zoning and Planning Board. Councilman Chancellor added, "Including all the conditions in the recommendations and the addition of the condition that the zoning committee applied." Councilman Townsend included that addition in his second.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported that she and Kris Smith of Headwaters Economics presented to the Montana Association of Planners in Billings on the 28th of September on the Three Forks' flood mitigation project.

She also reported that Fawn Venzor found a box of gun locks that she asked the Council how they wished staff to distribute them, encouraging giving them to Dennis DeLaittre for his gun raffles.

City Clerk Crystal Turner reported that Megan Moore with Logan Simpson sent a nice thank you card to Randy Carpenter, Kelly Smith and herself for all their effort in helping to complete the new Growth Policy.

REPORT OF COUNCIL COMMITTEES (if any)

Water & Sewer Committee - Mayor Johnston reported that they are still working on the Well 6A project. Steve Johnston and the mayor, along with

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Gene Townsend and Susan Hayes met last Friday to look at how to connect the well to the system.

UNFINISHED BUSINESS

Update on Floodplain Mitigation Project (if any)

Crystal Turner reported 53 of the SID notice of intents have been returned due to undeliverable mailing addresses - Kelly Smith had the idea to use the mailing address we have in Utility Billing instead, even though we do not have to, to ensure the property owners all receive the notice of intent. Many people when they purchase their homes do not have a mailing address setup at the post office yet, so they input their physical address which ends up on the State's library of property ownership records, Cadastral. Cadastral is the required place to get the ownership information when mailing legal notices, so we are going an extra step to ensure everyone receives the notice of intent.

Update on Water System Improvement Project (if any)

Nothing additional to update.

NEW BUSINESS

Presentation on the Gallatin Rest Home Mill Levy (Rest Home Administrator Darcel Vaughn)

Darcel introduced herself and then said the County Rest Home is the only skilled-nursing facility left in Gallatin County. "Of 120,000 Gallatin County residents, this is the only option for elderly care with skilled nurses, otherwise you have to go to the hospital. The Gallatin Rest Home is a 69-bed facility. The County Commission has been supportive of the rest home for many years through the general fund (\$1.2 million this past budget year). However, the rest home is still operating in debt annually because that money only covers operational costs, not capital outlay," she explained. Mrs. Vaughn asked everyone to reach out to our Legislators to ask where they stand on Medicaid. We are asking on the November 8 ballot for 9 mills, which would earn the rest home about \$3,900,000 annually.

Staffing is hard, they have 50 job openings right now. We have more contracted employees right now than staff, which costs more money, but we want to ensure our seniors are taken care of. The State reimburses the rest home \$213/day per Medicaid patient, but it costs over \$313/day, so we are operating \$100/day per Medicaid patient in the hole. Mrs. Vaughn said, "Many of us would love to just go to sleep and peacefully not ever worry about nursing homes or assisted living. But most of us will not; we

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will need some sort of after-care to help do meals, bathe, and other basics. The majority of assisted living [facilities] in Bozeman are private pay. There are some that accept Medicaid, but most do not because they can decide when they are privately owned and operated," Darcel explained.

If assessed at the full nine mills, it would generate \$12.15 per \$100,000 of assessed value of property per year. If this mill levy does not pass the Commissioners have two options: 1) close the rest home, or 2) sell the rest home. There are companies interested in buying it, but since the last couple that were purchased privately (and lost over \$1 million/year in operational costs) it will be unlikely they will keep it open for Medicaid beds. She added, "The reality is, that after we spend all our assets, most of us will need to utilize Medicaid."

Mayor Johnston said he personally went through this with his mother, who was in Park Haven, but she broke a bone and ended up in Mountain View - "I have heard many people say that it is a nice facility. I think this mill levy is needed. Look at the valley now, some of us in this room may be there," he said.

Ron Vaughn spoke and said, "It's a great facility to wash dishes too!" Mrs. Vaughn said her husband has been helping at the rest home for over a year because they are so short staffed.

Gene Townsend said he commends Mr. and Mrs. Vaughn for what they do. "I've had family there, and my wife was a nurse and attended patients at the rest home, and it's really in crisis. Not only in Gallatin County but everywhere. It's getting harder and harder to find a place to put an elderly person, or even when you need medical help temporarily. It's only \$12/month (per assessed value of \$100,000) - I used to say a pack of cigarettes but nowadays it's probably a couple lattes, and I think it is a small price to pay to take care of our elderly," Gene said. He added that Mountain View and Bridge Care got torn down because the land was worth more than operating the elderly homes. Darcel agreed, "Montana has lost 10% of its skilled nursing facilities just this year!" Brooke McLees said her mother has been there, but the thought of her having to go so far away if something happens to the County rest home, she thinks \$12/month is totally worth it!

Decision Whether or Not to Hold Alternate Meeting Date for November 8 due to the Holiday on Election Day

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Kelly Smith explained she needed the response to this questions Crystal Turner has posed last week so that she could get out the Zoning & Planning notices, or else she would have had to send notices twice (once for each hearing). "I heard from four council members that said to keep the meeting on the 8th of November," Kelly said, "so I have sent the notices out for that." [November 8th is a legal holiday due to the election falling on an even-ending-year. The City Offices will be closed during the business day.]

Discussion and Decision to Write a Letter of Support to Magris Talc's Federal Grant Application(s) to Improve Pedestrian and Traffic Safety on Bench Road/Old Yellowstone Trail

Mayor Johnston read the letter from Jan Lien at Magris Talc.

Crystal Turner commented that the letter sounds like Magris also want the City to be the applicant to these grants. Gene Townsend agreed and added that any federal grant will probably ask for a feasibility study. "There is a lot of new money out there targeted towards pedestrian safety and alternative forms of transportation. I hate the idea of dumping on our staff to write a grant at this time. First of all, our priorities are the floodplain issues and getting that going, as well as other city projects already in the works. I would like to ask Great West Engineering if they know what programs are available, and user them as a resource of information. There are all the ingredients to make a good grant: baseball fields, kids, safety, railroad tracks, etc.," Gene said.

There was discussion that a letter of support to be included in grant applications would be pretty easy and cheap to provide. However, what about the School being the applicant. Is this a tunnel or will there be a bridge over Old Yellowstone Trail, or the railroad tracks? Gene said he would like to see the fields have a little more legwork done before the City gets the pedestrian crossing all in order. The Council wondered what grants Magris, or the School is thinking about using. There was agreement to hold a meeting to find out more information and invite Mat Marx, Clay Feliciano and Katie Magnus to a discussion with Magris, School representatives, and City staff. Nancy Todd agrees and feels it would best to get a meeting together with representatives from all the entities.

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

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

CITY OF THREE FORKS, MONTANA, FOR ALL OF 2022

MAYOR & COUNCIL ANNOUNCEMENTS

Mayor Johnston will be meeting with Dep. Clark and Sgt. Doonan regarding speed signs and stop signs. "We did put one stop sign down at 5th and Oak where the new traffic is for the school and are considering three more at that 4-way stop (one from the parking lot). We will do a study, the three of us," he reported.

Mayor Johnston reported the Code Enforcement officer is leaving the City - she was given the opportunity to be a counselor at her church in the summers and work in the school the rest of the year. The Council asked if he would advertise to replace the position right away. Mayor Johnston replied he thought it would be best to wait until spring when it gets a little busier.

Deb Mickelberry asked how will Mayor Johnston will go about doing the speed and stop sign study? Mayor Johnston said, "Dep. Clark brought up we have stop signs all the way down 7th, but Tim thought it should be on every street like Cedar, Date, etc. We will also be looking at changing the signs to 25 mph; the two officers will be helping me with that." Brooke McLees said a ton of people zoom down Ash Street as well. Deb Mickelberry said Ash, Date and Elm have no stop signs at all on those streets, so people speed down there!

City Attorney Susan Swimley stated it has long been a problem in Three Forks to have 15 mph speed zone signs that were installed without any study. Enforceability of 15 mph is best at school and near parks. "You can do a speed study, and if the speed study warrants a lesser speed, then you can write an ordinance to reduce the speed," Susan advised.

There were comments by Steve Dahl and Nancy Todd that there is no enforcement of people who fly right by the stop signs at all the parks, and on the 4-way along Milwaukee. Brooke McLees suggested having the cops start issuing tickets for all the areas that people are blowing past the stop signs. Gene Townsend explained the 15 mph speed signs were installed due to what was a constant huge dust cloud over Three Forks when there was nothing but dirt roads; the Council made a motion to set the speed limit at 15 mph. "Then the roads got paved but we kept the speed limit signs. I think most of us drive 20mph, so if you change the signs to 25, you'll drive 30," he said. Nancy asked if the signs were up before that MCA was enacted, and if so, would they be grandfathers? Susan Swimley said no. George Chancellor asked if the Council could we make a motion to do the

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speed study? Gene urged to learn what a study would cost, then decide. Crystal Turner will ask Great West Engineering to provide a quote for a speed study. Brooke McLees asked how the City decides where stop signs get place. Crystal explained that the ordinances regarding traffic signs designates authority to the Mayor to decide where to place stop signs, or any traffic regulations.

Gene Townsend wished to thank Kelly Smith, Crystal Turner, Headwaters Economics, Great West Engineering, Jackson, Murdo & Grant for all their hard work on the Flood Mitigation project. "I can't believe how fast our staff got all the notices done, I remember working on SIDs in the past and it seemed like it took weeks to get all the mailers done and our staff finished it in just a few days," Gene expressed in his gratitude.

Gene also extended thank to George Chancellor, and Kelly again, for their work on the Zoning & Planning Board. He said, "Every meeting we have something zoning related it seems like, and many other years we had nothing. I appreciate it!!"

AGENDA ITEMS FOR NEXT COUNCIL MEETING: October 25, 2022, at 6PM:

- Public Hearing and Decision on a Resolution to Create Special Improvement and Maintenance District #34 for the Purpose of Constructing Flood Mitigation Infrastructure Near the City of Three Forks for the Benefit of Certain Properties in the and Near the City, Providing for the Financing, Maintenance and Incidental Costs of Such Improvements through the Issuance of Special Improvement District Bonds and FEMA Grants

ADJOURNMENT

Councilwoman McLees made a motion to adjourn. Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously and the meeting was adjourned at 6:58PM.

Randy Johnston, Mayor

Crystal Turner, City Clerk

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OCTOBER 25TH, 2022, The Three Forks City Council met at the Three Forks City Hall (Council Chambers), 206 Main Street and via Zoom. (Zoom is a virtual meeting tool which the City began using due to COVID-19 and social distancing guidelines and continues to use to encourage participation from the safety of one's home.) The meeting was presided over by Mayor Randy Johnston. Mayor Johnston called the meeting to order at 6:00 P.M.

ROLL CALL: City Council members Deb Mickelberry, Nancy Todd, Gene Townsend, and Steve Dahl were present at City Hall; Brooke McLees attended via Zoom. George Chancellor was excused. City Treasurer Kelly Smith, City Engineer Jeremiah Theys and Bond Counsel Nathan Bilyeau were present at City Hall; 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 Johnston. Mayor Johnston reminded the audience this meeting is recorded and streamed via Zoom. (The meeting was not streamed to the City's Facebook page this meeting.)

GUESTS: Gloria Howland

PUBLIC COMMENTS/CONCERNS (For items not on the agenda)
There were no public comments on items not on the agenda.

CONSENT AGENDA

- e. Claims for Approval
- f. Three Forks Rodeo Arena Board Claims for Approval
- g. Council Minutes of 9/27/2022 and 10/11/2022
- h. Amendment #6 to Task Order #1 with Great West Engineering to Provide General Engineering Services in the amount of \$20,000
- i. Pledged Securities Report as of 9/30/2022
- j. Record Destruction Request #22 (I-9 forms older than 1 year of former employees/volunteers, applications not hired for position in 11/2019, ACH processed payments)

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Councilman Townsend made a motion to approve the Consent Agenda.

Councilman Dahl seconded the motion.

Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on a Resolution to Create Special Improvement and Maintenance District #34 for the Purpose of Constructing Flood Mitigation Infrastructure Near the City of Three Forks for the Benefit of Certain Properties In and Near the City, Providing for the Financing, Maintenance and Incidental Costs of Such Improvements through the Issuance of Special Improvement District Bonds and FEMA Grants

Mayor Johnston read what would be assigned Resolution #385-2022 into the record, noting the corrections would be that there have been zero protests received to date.

Gene Townsend commented that when you have a creation of a SID that has zero protests, people have done a wonderful job to get the information out to the public explaining the purpose of the project. "This is really, really amazing. Good work to the city crew for working so hard to get this out," Gene said.

There was no public comment.

Councilman Townsend moved to approve res #385-2022, a resolution relating to the determination to create Special Improvement District #34 for the purpose of constructing flood mitigation infrastructure near the City of Three Forks for the benefit of certain properties in and near the city, providing for the financing, maintenance and incidental costs of such improvements through the issuance of special improvement district bonds.

Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously.

Mayor Johnston asked if Nathan Bilyeau or Jeremiah Theys had anything to add. Nathan said, "I have worked on many of these SIDs and it is very rare to single-digit protests, let alone no protests, so you have a very good team and obviously the city excelled and explaining to the city residents what it going on and building rapport." Jeremiah said, "The work by Crystal and Kelly and with the community since the beginning of this project and being successful in a FEMA grant for 75% of the project costs; the outreach done last year...I think folks really understand the benefits of this district. The big picture is it will protect the majority of the community from the Jefferson floodplain. We are just

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starting, there is a ton of work to begin now but getting the financing lined out is the largest hurdle." Kelly Smith reminded the Council that the City has not received a letter of award yet, but it is very hopeful since we were selected 'for further review' and they will issue a request for more information. However, upon providing that to FEMA we should have a letter of award in January or February." Gene added that we have not mentioned the hard work done by Headwaters Economics yet and they have been a vital member of the team. Kelly Smith added that was a main talking point in her and Kris Smith (Headwaters Economics) presentation at the Montana Association of Planners in September: vital to have a good team.

Public Hearing and Decision on a Resolution Assessing Bills Left Unpaid Pursuant to City Code #5-5-3-E (Weed Removal Assessments)

Mayor Johnston read what would be Resolution #386-2022 into the record in its entirety. Deb Mickelberry asked to correct the legal description on the Family Dollar's lot: should be Range 2E not "R2#".

Public Comment: Gloria Howland said, "It's about time the City can take care of these properties."

Mickelberry moved to approve Resolution #386-2022, a resolution of the Three Forks City Council assessing bills left unpaid pursuant to City Code #5-5-3-E. Councilman Dahl seconded the motion.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported the Annual Financial Report (AFR) is nearly complete, it should be done by the 1st of November. She also reported the Auditors will be here in December. Lastly, she informed all if they want to see the property tax bills online, they are available online at the Gallatin County Treasurer's Office website.

There were no other officer reports.

REPORT OF COUNCIL COMMITTEES (if any)

There were no Council Committee reports.

UNFINISHED BUSINESS

Update on Floodplain Mitigation Project (if any)

There were no further updates on this project.

CITY OF THREE FORKS, MONTANA, FOR ALL OF 2022

Update on Water System Improvement Project (if any)

Mayor Johnston said last week he met with Susan Swimley, Susan Hayes, and Dana Pepper to discuss our water rights. He reported that they have compiled all the City's existing water rights and the City has just over 1,000 acre-feet, which is equivalent to 700-gallons a minute. He also reported that DEQ has authorized a reduction of the 100-foot radius at Well #6A to 75-feet, which has been signed and sent back to DEQ. That is good for the shop because we would not be able to park all the equipment there if we had to comply with the 100-feet due to the size of the lot. Susan Hayes is also working to get at least three bids on the pump. Red Tiger has already provided a quote, but she is trying to follow the City Purchase Policy and get three if possible.

Decision to Open Certificate of Deposit(s) with Opportunity Bank for 14-Months at 2.5%, for Three Forks Rodeo Arena Board and City Funds

Kelly Smith said the City has two CDs now with Opportunity Bank: one for almost \$30,000 and another for almost \$50,000. Adam Miller brought this up asking if the Rodeo Board could move the money from a savings account into a CD to earn more interest. "It made us think that is a pretty good rate right now, and money the City is not using for the next 14-months, like the Flood Mitigation money set aside which is not used immediately on the project could gain a little more. I am unsure if it is all city funds combined for the \$250,000 FDIC insured, or if Rodeo money could be insured for \$250,000 and city money could also be insured at \$250,000," Kelly explained. Deb Mickelberry asked what the penalty was for closing the existing CDs out early, to which Kelly replied, "One month of interest. Which the two CDs we have, we are earning .3% on currently." Gene Townsend said he just switched the Rural Fire Department CDs and was not charged the penalty because he was a "new Opportunity Bank customer" because of the changeover in the bank. They discussed the Flood Mitigation money since it will not be needed immediately - even if all combined at \$250,000 this is a good opportunity for the City.

Councilman Townsend moved to open certificate of deposit at Opportunity Bank for 14-months at 2.5% for the Three Forks Rodeo Arena Board and City funds. Councilwoman Mickelberry seconded the motion.

Motion Passed Unanimously.

Approval to Remove Charles Wambeke, Sean Gifford and Christina Kamps from the Three Forks Rodeo Arena Checking and Savings Accounts, and add Randy Johnston, Casey Elmose and Adam Miller (leaving Gene Townsend, Crystal Turner and Kelly Smith on both accounts)

Deb Mickelberry asked if Christina would no longer be writing checks. Kelly Smith explained she has given her notice as the Executive Secretary for the end of 2022. Kelly added that there are pre-signed checks by Christina which we will not swap the checking account over until those are used up but wanted to get the savings account done now.

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Councilwoman Mickelberry moved to update signers on these accounts as recommended. Councilwoman Todd seconded the motion.

Motion Passed Unanimously.

Kelly Smith said if anyone knew anyone who would like to be the secretary for the Rodeo Board to please us know; we went out to RFP last year but did not receive any letters of interest.

Decision to Donate Gun Locks Purchased by the Three Forks Marshall's Office to _____

Gene Townsend said he has been thinking about this since the last meeting and thought the Logan Gun Range may also be a good place to donate these so that they can get used, they certainly are not doing any good in the Library basement. "There is also a gun range behind the Town Pump we could split these up to," Gene added. Kelly Smith suggested Denny DeLaittre could give one out with each gun he has as prizes for the Memorial raffle. Deb Mickelberry said we could also advertise it as them being free from City Hall. Nancy Todd said we could contact Patricia Cutler, and Kelly added perhaps the Mason Moore Foundation would know where to donate them as well.

No motion made, just divvy them up.

Discussion and Decision to Submit a Letter to the Gallatin County Commission to Request that Montana Department of Transportation Conduct a Speed Study on S. Main Street to Roughly Wenkuuni Lane past Magris Talc Plant

Mayor Johnston read the drafted letter to the Gallatin County Commissioners. The Council discussed the 15mph speed limit suggestion since the school athletic fields could be reduced at that speed, because it could be considered a park. Gene Townsend said the word "travelled" is misspelled [it is accepted both with one and two "l's"]. Mayor Johnston asked how the trips/house number is generated. Kelly Smith said it is a standard for a residential unit that 8 trips/day is average. Discussion that a speed study could verify that folks travel faster than the posted speed limit, which could backfire on the City's intent to keep traffic slow along this section of the road. The Council opted to amend the letter to request a "flashing speed sign" instead of a speed study. There was a suggestion on installing a speed bump, which are only legal in a residential subdivision anymore. There was discussion that citizens and possibly industries would help cost-share the expense if MDT will not pay for a radar speed sign, as long they provided permission for the City to install one on the State Highway.

Gene Townsend said, "I think we should write a letter to the District Office in Bozeman, asking the State Highway Department if they would be willing on a cost-share basis to put up some of these speed indicator

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signs.” Kelly Smith added that the City limits have been extended to the Work/Live development “Headwaters PUD” and should have the 25-mph extended to at least the end of that property. Gene added he understands there have been complaints from citizens and we should act on those; but we may be a little ahead of the game on the ballfields at this time.

Councilman Townsend moved to send a letter to Montana Department of Transportation Bozeman District Office to request speed indicator signs on both directions near Talc Road, and we can determine later where we could put them. Councilwoman Todd seconded the motion.

Motion Passed Unanimously.

NEW BUSINESS

There was no New Business.

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

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

MAYOR & COUNCIL ANNOUNCEMENTS

Mayor Johnston reported the City received an award from MMIA for the lowest loss of liability.

Gene Townsend announced the contractor for the last section of trail to be paved has been snowed on his Big Sky job, so will be able to start in Three Forks on Monday.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: November 8, 2022, at 6PM:

- Zoning and Planning Board’s Recommendation on a Request for a Conditional Use Permit Requested by Kevin Underwood to Operate a Home Occupation of Custom Gunsmithing at Lots 3 & 4, Block 5 of Buttelman’s Additions, Commonly Known as 314 W. Front Street

ADJOURNMENT

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

Motion Passed Unanimously and the meeting was adjourned at 6:52PM.

Randy Johnston, Mayor

Crystal Turner, City Clerk

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NOVEMBER 8TH, 2022, The Three Forks City Council met at the Three Forks City Hall (Council Chambers), 206 Main Street and via Zoom. (Zoom is a virtual meeting tool which the City began using due to COVID-19 and social distancing guidelines and continues to use to encourage participation from the safety of one's home.) The meeting was presided over by Mayor Randy Johnston. Mayor Johnston called the meeting to order at 6:00 P.M.

ROLL CALL: City Council members George Chancellor, Deb Mickelberry, Nancy Todd, Gene Townsend, and Steve Dahl were present at City Hall; Brooke McLees attended via Zoom. City Treasurer Kelly Smith was present at City Hall; City Clerk Crystal Turner was excused.

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

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

GUESTS: Marcia Underwood, Patrick Lonergan, Morgan Underwood, Kevin Underwood, Mike and Gloria Howland, Jace Courage, Glen Underwood

PUBLIC COMMENTS/CONCERNS (For items not on the agenda)
There were no public comments on items not on the agenda.

CONSENT AGENDA

- k. Claim Paid due to Timeliness to Mail Utility Bills on 10/31/2022 in the Amount of \$180.85
- l. Claims for Approval
- m. Three Forks Rodeo Arena Board Claims for Approval
- n. Council Minutes of 10/25/2022
- o. Zoning & Planning Board Meeting Minutes of 9/15/2022
- p. Record Retention Destruction Request RM88 #23 and #24 (old loan documents paid off, court bank deposit slips and stubs for account closed in 1997)

Councilman Townsend made a motion to approve the Consent Agenda.
Councilwoman Mickelberry seconded the motion.

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Motion Passed Unanimously.

PUBLIC HEARINGS

Public Hearing and Decision on the Zoning & Planning Board's Recommendation on a Conditional Use Permit Requested by Kevin Underwood to Operate a Home Business of Gunsmithing Services to Restore, Repair and Build Custom Legacy Rifles and Pistols, Located at Lots 3 & 4, Block 5 of Buttelman's Addition, Commonly Known as 314 W. Front Street

Zoning & Planning Board Chairman and Council Liaison George Chancellor read the staff report into the record.

There was no applicant presentation.

Public Comment: Mike Howland and Gloria Howland spoke in favor of this; Gloria adding, "He is very responsible. If he was my kid, I would be proud."

Steve Dahl said, "This same residence had a business before, right? And that worked out pretty good."

Councilman Chancellor moved that we approve the conditional use permit for Kevin, at 314 W. Front Street with the conditions listed: that the condition be used only for the purpose of gunsmithing, custom rifle building and custom cartridge loading, no live ammo will be allowed to be chambered in any firearm by any client on the premises, if any smokeless powder is present it will be stored in a wooden box with 1-inch thick walls, maximum of 10,000 small primers may be stored on the premises, customers are to be served by appointment only, hours shall be not before 8AM nor after 9PM, a maximum sign area to be 2-square feet on the alley entrance, upon completion of getting all the licenses that the fire department conduct a safety inspection and the applicant shall conform to safety recommendations by the Fire Department representative, and that the business license will be issued upon proof of a Federal Firearms License.
Councilwoman Todd seconded the motion.

Motion Passed Unanimously.

REPORT OF OFFICERS

City Treasurer Kelly Smith did not have anything to report. There were no other officer reports.

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REPORT OF COUNCIL COMMITTEES (if any)

Gene Townsend reported a Water/Sewer Committee met on 11/3. He said, "Nancy Todd, Steve Johnston, Susan Hayes and I met to discuss the response from DEQ approving the 75-foot radius from the Well #6A at the City Shop. Susan is still waiting for quotes on the construction to connect Well #6A. Also, she said is preparing a bid advertisement to go out for the next wells to be drilled in the Cook Development property. If we are fortunate enough to find enough water on two sites, we probably would not go for a third site. We would like to get this out so she can open bids and prepare a recommendation to the Council at its December 13th meeting but I think we need a motion."

Councilman Townsend made a motion that we allow the [City] Engineering firm to prepare a proposal to request bids drilling three new wells sites, this is part of our project to get more water and allow them to do that.
Councilman Chancellor seconded the motion.

Public Comment: Mike Howland asked how many more wells, how much more money, and how much more expansion is the City planning on doing to provide more water? Gene Townsend said this is part of the City's ongoing Water Project, which is to provide more supply, and Cook Development is willing to allow us to drill these (what would be public drinking water not private) on their property. Kelly Smith said there has been grant funds awarded to the City and all that will be used before the City borrows anything. We do not know what we will need to borrow yet because the project depends on the treatment of water found.

Motion Passed Unanimously.

UNFINISHED BUSINESS

Update on Floodplain Mitigation Project (if any)

Kelly Smith reported that we have sent the Special Improvement paperwork to the County and are just waiting for next year to have it on the tax bills. Great West is also in a holding pattern until we hear more from FEMA.

Update on Water System Improvement Project (if any)

Nothing new discussed.

Mayor Johnston said that a couple Council meetings ago, the Council asked Kelly and Crystal to get quotes on a traffic study. "Kelly and Crystal went to work and got in touch with a company named Abelin Traffic Services. He read the letter from Bob Abelin into the record, which in summary says a speed study would be 30-60 days and weather dependent. The cost is \$5,200. The letter states, "Typically statutory speed limits on local routes are set to match driver behavior and roadway operations characteristics. To match the existing 15mph speed limits on these routes

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it would be necessary to show that existing driver behavior matches the desired speed limit."

Deb Mickelberry asked if the Council does not do the speed study, are we required to change our signs? Mayor Johnston said around the parks and school it could be left at 15mph but the rest would be 25mph. Deb asked if the Mayor is continuing to do studies with the Sheriff about where stop signs could be installed? Mayor Johnston said he has not conducted any yet. Deb said, "I know we aren't supposed to use a stop sign to control speed though." There was discussion about enforcement if the existing signs are left as is. Steve Dahl asked if there was any way that certain areas could be reduced, "I live on Milwaukee and they travel way faster down that road." Randy said he would bring this up at his next meeting with Susan Swimley. Nancy Todd questioned where we would get the information on "driver behavior" and Randy replied that it would be the data Abelin Traffic Services would be collecting. Gene Townsend said he thinks they will find there is no supporting reasons to go beyond the State statute and keep our lower speed limits, so I think it will be a waste of money. Deb Mickelberry agreed and added there is not much accident data supporting lower speeds.

Public Comment: Mike Howland said, "If you do a speed study, you're going to find that the people travel 35mph and then have to change the signs to that, so I say you just change the signs. We should just have it enforced when someone is caught going 26mph, they should get a ticket."

Mayor Johnston said he could meet with Susan Swimley, but this has been brought up to other mayors too and would like to know what the Council wishes for the City to do. Gene Townsend said he believes the City will be money ahead to remove the 15mph speed limit signs except for around the parks and the school, and then post coming into town on both sides that *the speed limit is 25mph throughout town unless posted otherwise* and why can't we also add *strictly enforced*? He added he thinks the City would be better off to purchase more radar signs and post them around town. Deb Mickelberry agreed.

The Mayor asked for a motion to deny the traffic study then. Gene Townsend explained Parliamentary procedure that one would make the motion in a positive, not a negative, and if it is not seconded that leaves the answer that motion has died.

Councilman Chancellor made a motion to accept the traffic study in the amount of \$5,200.

Motion died for lack of second.

NEW BUSINESS

Presentation and Adoption of the 2022 Gallatin County Emergency Management Plan Updates (Patrick Lonergan, DES)

CITY OF THREE FORKS, MONTANA, FOR ALL OF 2022

Patrick Lonergan introduced himself and said before the Council tonight is an update for 2022 of the County's emergency management plan which does include the City of Three Forks. We have updated websites, phone numbers, and then the biggest change is including the management plan for the Big Sky area. "The main highlight of this document is that outlines all the roles and responsibilities for the principal executive officer(s) for each area. In Montana Code Annotated, we operated under Title 10 which has a lot of antiquated language and the terminology is a little weird. Most folks think that is going to a Town Manager or something, but really for most cities it is the Mayor. The Principal Executive Officer can implement curfews, emergency ordinances, etc. based on the governing body's adoption of a resolution in the case of emergency or disaster." He asked if the Council had any particular items, they wished for him to speak to. "Because of COVID we ended up revising all portions of the Plan, so typically you see five different dates because we would spread out all the reviewing, but since we had more time alone to study, we were able to review and update all Annexes listed in the resolution this year," Patrick explained.

Public Comment: Mike Howland asked if Mr. Lonergan's organization governs all the emergencies or disasters? Patrick replied, "Govern is a strong word, but really we help define what to do, who to contact, what to document, so the governing body is prepared. If we were hit by a hurricane, we could go to the hurricane section and then enact the steps planned out in this document based on that disaster. For COVID we used several of these to continue operating and providing the public a service." Mike continued that if the City agrees to adopt this plan, then DES will be able to manage it and tell the City what to do? He added, "Is this totalitarian?" Patrick said, "Oh no, not from me. We, DES, is a coordinating organization." Kelly Smith helped by explaining if Three Forks were to have a flood, we could use the planned steps to ensure we coordinate with the various entities to get disaster funding or communicate with what agencies who have experts which can help, and things like that. Gene Townsend said, "If you think about what happened in Clark and Carbon County this spring, if we would have had to wait for 48-hour to address emergency issues due to public notice requirements, this helps us fix water running down the street and then ratify it at the next meeting. So we can address issues right away that need to be addressed like transportation in and out of town - Three Forks would be an island in a major flood, you pretty much take a bridge to get out the area in every direction," Gene explained.

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Councilman Townsend moved to allow Mayor Johnston to sign the document and continue to work with the Emergency Management people and Gallatin County.
Councilman Chancellor seconded the motion.

Motion Passed Unanimously.

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

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

MAYOR & COUNCIL ANNOUNCEMENTS

Mayor Johnston announced that Matt Miller has provided his two-weeks' notice so we will be advertising for that position again. Also, the mayor has been working with Susan Swimley and she updated him this week that the Magris Agreement has been sent to Magris' attorney. Hopefully that will be done and on an agenda before the end of this year.

Gene Townsend said there are two outstanding items on the final addition of the Jefferson Trail.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: December 13, 2022, at 6PM:

- No meeting scheduled for 11/22 due to holiday - Happy Thanksgiving to you all!
- Public Hearing and Decision on the Zoning & Planning Board's Recommendation on a Conditional Use Permit Requested by Rick & Valerie Lamb, as A & L Investments, LLC to Complete an Awning on the Southwesterly and Southeasterly Side of the Storage Building, to be Rented Year-Round, Including Adding Stairs and a Deck Attached to the Outside of the Service Building on the Southeasterly Side, with Designated Parking, as Well as Move the Proposed Outdoor Fire Pit Location
- Public Hearing and Decision on a Resolution Cross-Deputizing the Gallatin County Sheriff Office Deputies to Enforce City Ordinances

ADJOURNMENT

Mayor Johnston said the meeting was adjourned (without a motion, second or vote) and wished everyone a Happy Thanksgiving at 6:49PM.

Randy Johnston, Mayor

Crystal Turner, City Clerk

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NOVEMBER 22ND, 2022, The Three Forks City Council met at the Three Forks City Hall (Council Chambers), 206 Main Street and via Zoom. (Zoom is a virtual meeting tool which the City began using due to COVID-19 and social distancing guidelines and continues to use to encourage participation from the safety of one's home.) The meeting was presided over by Mayor Randy Johnston. Mayor Johnston called the meeting to order at 6:00 P.M.

ROLL CALL: City Council members George Chancellor, Deb Mickelberry, Nancy Todd, Gene Townsend, Brooke McLees, and Steve Dahl were present at City Hall. City Treasurer Kelly Smith and City Clerk Crystal Turner were present at City Hall; Susan Hayes attended via Zoom. Gallatin County Sheriff Sgt. Des Doonan arrived about 6:20PM.

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

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

GUESTS: There was no public present.

PUBLIC COMMENTS/CONCERNS (For items not on the agenda)
There were no public comments on items not on the agenda.

CONSENT AGENDA

- q. Claims for Approval**
- r. Three Forks Rodeo Arena Board Claims for Approval**
- s. Council Minutes of 11/8/2022**
- t. Zoning & Planning Board Meeting Minutes of 10/20/2022**

Steve Dahl questioned the impact fee refund listed in claim #146624. Kelly Smith explained the applicant has decided not to build on that lot this year even though they had submitted a zoning permit and paid for the impact fees.

Councilman Townsend made a motion to approve the Consent Agenda.
Councilwoman Todd seconded the motion.

Motion Passed Unanimously.

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PUBLIC HEARINGS

There were no public hearings.

REPORT OF OFFICERS

City Treasurer Kelly Smith reported she has opened new Certificates of Deposits (CDs) per the Council's direction at the 10/25/2022 Council meeting. The Three Forks Rodeo Arena Board opened a CD with \$100,000, the water CD of \$50,488.91 and sewer CD of \$29,497.54 were rolled over, and the Flood Mitigation CD was opened with \$70,013.55 for a grand total of \$250,000 of 9-months CDs at 3.05%.

She reminded the Council they approved the Street Maintenance District #1 assessment set in resolution at \$48,000. The County technically only taxed for \$46,000 because the found "duplicate" tax parcels and did not tax them. The "duplicates" were listed because of the remaining square footage after the Treasurer set the limit to align with the decision in Resolution #376-2022. Kelly asked the Council if it wished to leave the taxed amount as is, and if so want to amend the resolution, or have the Treasurer fix the "duplicate" amount not taxed by distributing it evenly over the remaining lots, and resend the tax bills. After some discussion, the Council opted not to rebill nor change the resolution to be accurate - because the City is taxing less than the resolution said. It would be more costly with city (to amend the resolution) and county staff's time, and mailing/postage than worth recouping the roughly \$2,000 left untaxed if rebilled. Gene Townsend said, "With the \$2.00 savings, everyone could use it towards their Christmas presents. It is not worth rebilling."

Kelly also reported - which she assumed would be for the Ordinance Committee, "We have a code on trash receptacles: they have to be containers with handles and cannot exceed the largest size that the providers offer. There are a lot of property owners that store their trash in a trailer and haul the trailer to the dump on their own. Technically all those people are in violation." She asked the Council/Committee, "Do you want to change the ordinance?" George Chancellor questioned if it was allowed if the trailer was on the street vs. on private property. There was discussion regarding a few complaints from neighbors about blowing trash from the trailers. The City sent letters reminded the property owners they had to haul it timely, and the letter said "remember to tarp it when you take it to the landfill" but some folks took that as tarping was the only thing needing to be done.

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George said he preferred to leave the ordinance as is. Gene Townsend stated the history behind this ordinance was when the City stopped providing garbage service, "It went out to vote in Manhattan, Belgrade and Three Forks for their citizenry about signing up for garbage service or hauling their own." Steve Dahl said he would like to see the Ordinance Committee meet and come up with the conditions.

City Clerk Crystal Turner reported that MMIA sent the City the presumption coverage quote for volunteer firefighters. "The cost was \$121/firefighter last year, looks like \$108/firefighter for FY2022-2023. Last year the Council did not opt in for this additional coverage. Volunteer firefighters are not losing a job if they cannot fight a fire; this is a volunteer position and does not provide wages. Last year each firefighter had to complete an in-depth questionnaire for us to even get a quote, and the letter came with one week's notice. Does the Council want me to get a new quote and cover the firefighters for this additional work comp?" she asked. The Budget Committee members said no, and they will schedule a meeting early in January.

Crystal also reported that she has been communicating with MMIA about the Fire Department offering rides in the fire trucks, or participating in parades and letting the school sports teams ride on top (not seat belted and throwing candy to the visitors of the parades). "I feel this is a safety issue and that riders should at a minimum not be throwing anything from the trucks so that they do not lose their balance, as well as those riding should sign up (minors have parents' signatures) on a waiver/acknowledgement of potential hazards prior to riding on the fire trucks," Crystal said.

She also reported that Abelin Traffic was notified of the Council's decision not to conduct a speed study regarding the 15mph speed limits throughout town, and Mr. Abelin agreed that was a good decision by the Council. Last, she said the Great West Engineering Christmas Party is 12/2/2022 from 4-8PM in Helena if anyone would like to attend.

REPORT OF COUNCIL COMMITTEES (if any)

There were none at this time.

UNFINISHED BUSINESS

Update on Floodplain Mitigation Project (if any)

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Kelly Smith reported that FEMA Region 8 folks will be touring the damage that took place in Red Lodge, Montana flooding this past year, and want visit Three Forks on 12/6 at 10AM on their way from Helena to Red Lodge. Council members are welcome to come meet them if anyone is interested. "Our core group of Headwaters Economics and Great West Engineering will be present," she said.

Update on Water System Improvement Project (if any)

Recommendation of Awarding a Service Contract to Red Tiger Drilling for Well 6A Pump Completion Tasks (Less Weld of \$1,375 and Purchasing a VFD of \$2,956.80) for a Total of \$18,615.15

Susan Hayes reported she received four quotes (see packet for amounts) but Red Tiger was the lowest, and they are local which the City's Purchasing Policy does prefer when possible. "Not sure of Red Tiger's schedule, but I did let them know this was on tonight's agenda for decision," Susan stated. Susan worked with Crystal to draft the service agreement and sent it over to Red Tiger, so that will be on the next agenda once signed by Red Tiger.

Steve Dahl asked why, on the breakdown, it shows \$18,615.15 but the Red Tiger bid shows \$22,946.95. Susan answered we subtracted the welding work, which will be done in-house by city employees, and then also the VFD drive which the already purchased because it had a long lead time.

Councilman Chancellor moved to award the service contract to Red Tiger Drilling for the Well #6A completion tasks for \$18,615.15. Councilwoman Mickelberry seconded the motion. There was no other discussion.

Motion Passed Unanimously.

Susan Hayes also reported the test wells are out to bid, bidding closes on 12/6 at 3PM. We hope to get a few bids so that we can remain competitive, but the bid was sent out to several drillers. She will have a recommendation on the 12/13 agenda. We have discussed with DEQ and they have approved the construction of the well.

NEW BUSINESS

Authorizing Randy Johnston (Mayor) to Perform Specific Duties in the Absence of Public Works Staff on Specific Scheduled Dates

Randy Johnston explained that with Matt Miller's resignation, our remaining staff already had vacations planned over the holidays. There are specific dates Randy has offered to help the Public Works Department and Crystal Turner has prepared the dates and tasks for the Council's review: 11/24 - 11/27/2022 (which Randy corrected will need to begin 11/23/2022 as Steve Johnston will head out of town early afternoon), and also on the dates of 12/28/2022 - 1/8/2023.

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"If it's all right with the Council I'd like to help out and do the checks. Weather doesn't look bad so I don't think I'll have to do any sanding," Randy explained. "Hopefully we will have a new hire to help out in the December dates, and we also have Bill [Wilson] (BRV Contracting) to help," Randy said. George Chancellor asked how "being your own boss" sounds? He said, "I don't feel really good about this. I think the Mayor job needs attended to and not distracted by other duties." Randy said there is always a chance of a frozen meter and we can't take that chance and leave a house flooded, or without water. "I would have the on-call phone but I am not going to be out there 24/7," Randy said. George asked if Matt Miller is available to help out at all? Randy said Matt has his new job.

Crystal Turner explained the worker's compensation codes will need to be adjusted to reflect this higher-risk work for the entire quarter, as MMIA bills the City quarterly. "Randy has been provided an iPad to monitor the water and wastewater systems and a WEX gas card will be provided as needed. He will use a City vehicle and bobcat, as well as the sanding truck as needed," Crystal explained to the Council. She also informed them that Randy will be helping with a wastewater sample collection on January 3rd.

Nancy Todd said this is probably not ideal but someone needs to be approved to do it. "When you look at positions in the private sector, when you are the manager, or top guy, and everyone else is off you do need to step up and do the daily work," she said. Randy replied, "I know how to run the system, I did it for 30 years. If there is a leak on the street, I know how to isolate it and shut it down. When he's [Steve] gone I just want to do the helpful checks, and then come do my mayor emails, and then be done for the day."

Gene Townsend said, "What has been brought to light in my eyes is that we really need to make an effort to get our Public Works Department filled. We can't wait to advertise this [position] or have any more excuses. We re-interviewed someone tonight and have another interview scheduled next week, but these positions need filled. That still only gives us two people and only one trained. We need to stress to Steve Johnston that during the winter months when it is slow, he needs to train these guys. He is the one that said "*Don't hire someone [a third public works employee] right now because I don't have time to train them*". I think we need to get these people hired and take the time to train them. This is a bad

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situation and if it wasn't for Randy to offer to help we would really be hurting and Steve would have to stay home. I know he [Steve] made his plans 3 years ago and they were shut down due to the pandemic, but we can't run with half a crew anymore. We need to get these positions filled, the two guys hired, trained and up to speed alone. Randy has offered to help train, and has told us that he is still training Steve on some of the tasks he used to do. I really think Steve needs to be the trainer from here out - we really need him to step up. He needs to be the trainer - not have two trainers and the new person be shown one way and then another way...it's up to him as the Public Works Director, as the boss, to get his staff trained. I don't have a problem with this list because I think we are in a bind, but we need to get folks hired and up to speed. If Steve needs help training then he can ask for it, and if he can't do it then we can address that at that time."

Councilman Townsend moved to authorize Randy Johnston to perform the work to be done for the dates to be as presented. Councilman Chancellor seconded.

Motion Passed Unanimously.

Crystal Turner asked for one copy to be signed by all Council members which will be filed in Randy Johnston's personnel/mayor file.

Authorization to Purchase Media for the Arsenic Treatment Plant that was not Budgeted (if needed)

Randy Johnston reported for Steve Johnston saying that the City is struggling a bit with the arsenic treatment plant. Randy said you have to be below .01 PPM for arsenic, and tests are currently running .018 and .016 -and DEQ has been calling Steve about these test results. "Steve has got ahold of Brian at Pure Water. In 2019, Brian helped us get the [arsenic treatment] plant refurbished and they are working to get the iron working and the plant calibrated again. The media is starting to fail and needs to be removed and replaced. The media is porcelain sand and when the water comes in and the pumps inject iron, before the iron and chlorine, the iron makes the arsenic cling to the media so the water coming out of the plant is arsenic-free. About every three hours it goes on backwash and reuses the media. Last time we purchased media it was \$16,000. Kelly [Smith] said the previous media lasted 13 years and this has only been 3 years so this expense was not budgeted for in this year's budget," Randy explained. Kelly Smith said that if this is going to be a consistent purchase, we will have to look at raising water rates.

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George Chancellor asked why the first media lasted so long. Randy Johnston explained that he thinks because it was given to us by Kinetico, and when Brian found this other media it was "to be like" that same original media and maybe it is just not as good of quality. "When we started the plant in 2006 we were told the media should last 10-15 years," Randy said. George asked if we should shop around to other suppliers. Randy answered that according to Brian, this provider has as close of media as what the plant originally was designed for. "Kinetico went bankrupt though and we can't get the media the plant was designed for, so we worked with DEQ, and Pure Water helped us find a comparable media," Mayor Johnston said. George replied that if we have to order it [to be compliant], to order it, "but the difference between 13 years and 3 years at \$15-25,000 that's a good amount of money we should try and find a beneficial product." Brooke McLees agreed that that City should be shopping around to verify this is a good price. Randy said to the Council, "Once it goes south, it goes south." Brooke McLees said she thinks there needs to be some more research done.

Mayor Johnston explained that DEQ used to only require testing annually, and then it went to quarterly. "That's what got us into trouble last time, was we had a whole year in between testing and I am the one who suggested we do it monthly so that if it started to fail, we knew right away. Diane Jordan at DEQ has been very patient with us, knowing we are in violation, but working to fix the issue promptly." He continued about the history of his backwash test processes and various trial/error results. He will have Steve work with Brian to ensure that we get the best media for our system but we will rely on Pure Water's recommendation. Gene Townsend said he agrees with Brooke. "If Pure Water is going to help us, I'd like them to stay with it - not just come on Monday morning for instance and fix it and walk away and hope it keeps working. Did we get bad media? Is the iron a problem?" Gene asked. Randy replied there is a balance needed for calibration. Mayor Johnston spoke of a former idea to install a reverse osmosis system (which was not recommended as a viable option for Three Forks' water treatment). Gene Townsend said he wants to see an operation manual to help the operator(s) on how to run the Arsenic Treatment Plant, and ensure it is doing what it is supposed to do and so that whomever we hire we have written guidelines on how to operate these plants.

Brooke McLees asked if Pure Water is the only company that provides this service? Randy replied, "You could hire engineers to figure it out, but I've been saying it's just the media. Kinetico sold out their business to

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various companies so there isn't anyone left." Crystal Turner interjected that she believes Brooke is asking if we are spending the City's money per the Purchase Policy rules, meaning if there are other companies besides Pure Water that can supply media, have we received other quotes for the same or comparable products. Brooke agreed that is what she meant by her question. Gene Townsend said that Butte Silverbow discharges arsenic-free water and it may be worth a call to them to see where they get their media and how their system works. Crystal said she will take it on and ask the Butte Silverbow Public Works Department for references. Randy said, "Only way it's going to go away is for us to quit using Well #2 and drill the rest of the wells and get them online assuming they won't have the arsenic." Someone asked how long have we been out of spec? Randy replied that Steve informed him about three months ago. Randy said, "We previously have just contacted Pure Water to have them come check it. We can find out what other plants use too." Kelly Smith said that if we find the new wells drilled also to have arsenic, part of the water supply and distribution project includes expanding the Arsenic Treatment Plant.

Councilman Townsend moved to authorize for the Water Department to purchase media on an as needed basis to improve the Arsenic Treatment Plant - ordering it and getting it may hold up if - to purchase if needed and also like to say that if they decide to purchase to let the Council know the situation immediately. Councilman Chancellor seconded the motion adding, "Let's still get our research done to spend our money wisely."

Motion Passed Unanimously.

Mayor Johnston welcome Sgt. Doonan and offered to go back to **REPORT OF OFFICERS** - Sgt. Doonan said he did not have anything to report tonight.

City Clerk's Annual Business License Report Pursuant to 4-1-9(C)

Crystal Turner distributed a copy of the business licenses on record between 10/1/2021 through 9/30/2022, and those that have renewed effective 10/1/2022 and those who have not. There are several on the report which have called City Hall to alert us that they are no longer doing business in Three Forks or are seasonal and will pay for their license when they come back to Three Forks to do business. She asked the Council if they wished for her to just send the list of those doing operating businesses and not licensed to the Gallatin County Sheriff Office for enforcement or not. The Council said to work with the Gallatin County Sheriff Office, and Sgt. Doonan will work with Susan Swimley on how to enforce.

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

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

MAYOR & COUNCIL ANNOUNCEMENTS

Mayor Johnston reported he will be attending the school Christmas Program on 12/13 so Council Chairman Townsend will be running the meeting. He also reported that he will be meeting on the 13th of December with Susan Swimley, Rick Lamb and their attorney regarding the easement/alley/gate. He will also be meeting with Susan Swimley on the 8th to discuss legal to-do items.

There were no Council reports.

AGENDA ITEMS FOR NEXT COUNCIL MEETING: December 13, 2022, at 6PM:

- Public Hearing and Decision on the Zoning & Planning Board's Recommendation on a Conditional Use Permit Requested by Rick & Valerie Lamb, as A & L Investments, LLC, to Complete an Awning on the Southwesterly and Southeasterly Side of the Storage Building, and Move the Proposed Outdoor Fire Pit Location (the Apartment part of the application has been continued to a January Zoning meeting)
- Public Hearing and Decision on a Resolution Cross-Deputizing the Gallatin County Sheriff Office Deputies to Enforce City Ordinances
- Public Hearing and Decision on a Resolution Supporting the 2022 Legislative Resolutions Proposed by the Montana League of Cities and Towns
- Three Forks Library Director Annual Report
- Headwaters Trails Annual Report
 - Headwaters Trail System to Apply for the Montana State Park Fish, Wildlife & Parks' Trails Stewardship Grant and the Recreational Trails Grant

ADJOURNMENT

Councilman Chancellor motioned to adjourn. Councilwoman Todd seconded the motion. Meeting was adjourned (without the vote taken) at 7:09PM.

Randy Johnston, Mayor

Crystal Turner, City Clerk

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DECEMBER 13TH, 2022, The Three Forks City Council met at the Three Forks City Hall (Council Chambers), 206 Main Street and via Zoom. (Zoom is a virtual meeting tool which the City began using due to COVID-19 and social distancing guidelines and continues to use to encourage participation from the safety of one's home.) The meeting was presided over by Council President Gene Townsend. Mayor Randy Johnston was excused. Council President Townsend called the meeting to order at 5:57 P.M.

ROLL CALL: City Council members George Chancellor, Deb Mickelberry, Nancy Todd, Gene Townsend, and Brooke McLees were present at City Hall. Steve Dahl was excused. City Treasurer Kelly Smith, City Clerk Crystal Turner, Library Director Fawn Venzor, City Attorney Susan Swimley, Gallatin County Sheriff Sgt. Desmond Doonan were present at City Hall; Great West Engineers Jerry Grebanc and Jessica Salo attended via Zoom.

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

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

GUESTS: Mike and Gloria Howland, Tyler Vander Zwaag, Trish Gilliam.

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

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

CONSENT AGENDA

yyyy. **Claim Paid due to Timeliness to Mail Utility Bills on 11/30/2022 in the Amount of \$190.12**

zzzz. **Claims for Approval**

aaaaa. **Three Forks Rodeo Arena Board Claims for Approval**

bbbbb. **Council Minutes of 11/22/2022**

cccc. **Board of Adjustments Meeting Minutes of 6/30/2022**

dddd. **Extension of Republic Services Contract for Garbage Services at Various City Locations**

eeee. **Draw #2 for DNRC and RRGL Reimbursements for Water Project in the Amount of \$70,496.53**

ffff. **Draw #3 for Local Fiscal Recovery (ARPA) Fund Reimbursements for Water Project in the Amount of \$26,773.68**

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- ggggg. **Sixth Amendment to the Water/Sewer Agreement with Magris Talc (Successor in interest to Imerys whom the previous Agreement was with) Extending the Term**
- hhhhh. **Service Agreement with Red Tiger Drilling to Complete Pumps Tasks at Well 6A for \$18,615.15**
- iiiiii. **Request for 9-Month Extension for MCEP and CDBG Planning Grants to be Used for Capital Improvement Program Project**
- jjjjj. **Three Forks Rodeo Board's Recommendation to Increase the Monthly Salary for the Arena Groundskeeper to \$438.55 (\$400.00 Net) per Month Effective 12/5/2022**
- kkkkk. **Task Order #14 with Great West Engineering to Update the City's Capital Improvement Plan for an Estimated Total of \$75,000**

Councilwoman Todd made a motion to approve the Consent Agenda. Councilman Chancellor seconded the motion.

Motion Passed Unanimously (4:0).

PUBLIC HEARINGS

Public Hearing and Decision on a Resolution Cross-Deputizing the Gallatin County Sheriff Office Deputies to Enforce City Ordinances

President Townsend read what would be Resolution #387-2022 if approved into the record in its entirety.

Mike Howland asked about the enforcement officer the city hired previously. "Does this get rid of that job?" he asked. President Townsend said no, but the Council has opted to fill that position at a later date. Mr. Howland said as long as the priorities are set [by the Gallatin County Sheriff] that they cover the bigger events when they need to but then cover us too. Crystal Turner explained this resolution does not define what the Sheriff Office does - this is just allowing the current deputies from all over the County to enforce the City's ordinances - and is done annually as the deputy numbers/names change. Sgt. Doonan said that once in a while deputies from the Bozeman area do cover Three Forks. He thinks this is a good idea.

Seeing no more public comment, nor from the Council members, President Townsend asked for a motion.

Councilman Chancellor moved we approve Resolution #387-2022, a resolution providing for appointment of Gallatin County Sheriff Deputies to be Cross Deputized to Enforce Three Forks Municipal Ordinances. Councilwoman

Mickelberry seconded the motion.

Motion Passed Unanimously (4:0).

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(Crystal Turner informed Gene Townsend that he still has the right to vote even though he is officiating the meeting.) Gene Townsend vote YES;

Motion Passed Unanimously (5:0)

Public Hearing and Decision on a Resolution Supporting the 2022 Legislative Resolutions Proposed by the Montana League of Cities and Towns

President Townsend read what would be Resolution #388-2022 if approved into the record in its entirety. He stated he was not going to read the League's resolutions, and offered that if anyone had questions or wanted to say something about a specific League of Cities and Towns' resolution, please speak up.

Susan Swimley stated she wanted to ensure the Council members have read the resolutions, particularly the #2022-3 Housing. "I am all about affordable housing - it's a great idea. I believe it provides the base to propose Legislation that would help larger communities. It is so vague though that I think we just don't know if it would be detrimental to places like Three Forks. Gene Townsend agreed that we want to support affordable housing, but how you get there is not in that resolution. Gene started with, "I guess if you go back one Legislature that repealed the law that towns like Bozeman had to require so much affordable housing," and Susan added, "They did, but that was overturned and now Bozeman requires it as part of annexation rather than subdivision." Crystal Turner said she and Kelly Smith read these as well and wondered how a law like that would be funded. We also worried about the talk regarding "tiny houses" being legislatively allowed to subdivide land with an exemption.

Gene stated that only #2022-3 has garnered discussion, but could the Council exclude one of the resolutions? Crystal Turner said she believed yes, such as if the Council only supported three resolutions it could amend the resolution to reflect that. Susan Swimley agreed. Crystal added another resolution she and Kelly read through all of the resolutions, and there are others that are very vague or questionable for Three Forks to support. One is Resolution #2022-7 regarding financially supporting the City of Colstrip. "Kelly and I were discussing this today and thought *Did the State support the City of Three Forks when the railroad pulled out and our economy was devastated?*". Crystal continued with the marijuana aspect in the ACTION #4 within Resolution #2022-8 which we assume is using marijuana tax to support emergency service (law enforcement) yet does not specifically state that is the intention, #2022-10 regarding building codes which only seem to benefit bigger cities who have adopted building codes (so Three Forks could take or leave this one), and #2022-11 ... President Townsend interrupted that nit picking each

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resolution apart is silly. These are saying the League supports these specific topics. "I imagine the Montana Association of Counties submits something similar, but I have never seen the League have this kind of organization ahead of time," Gene said. He added that if the City of Three Forks does not like a particular bill that goes before the Legislature we could speak in opposition. Crystal Turner asked, "How do you submit support via this resolution then voice opposition later? That does not seem right." Susan Swimley agreed that there are already 5,000 bill markers and so this does help get organized once the bill markers become actual bills out of committee. "That is what you are doing: saying you support something when the bills finally get heard at the Legislature," Susan added. "I think these may be the most controversial and perhaps a split between their membership and quite possibly why the League is asking for support for these topics to help them decide what the cities and towns want the Legislature to work on. This is a complete guess, but is a possibility that is the intention and why it is garnering so much discussion here tonight," Susan stated. Gene asked what the Council would like to do. George Chancellor said to toss Resolution #2022-3. Gene said that if the Council wishes to remove any of the resolutions as exhibits, to make a motion regarding removing that one, then vote on the City's resolution as a package.

Councilman Chancellor moved to remove Resolution #2022-3 HOUSING from the League of Cities and Towns' resolution. Councilwoman Mickelberry seconded the motion. Nancy Todd asked why? "Yes, it is broad but the action is to encourage bills that finance the development of housing that are affordable," she said. Susan Swimley replied that the resolution as written is so broad we do not know what they are going to call "affordable". "It may very well be that they will look to support bills that do the tiny house thing and that does not support Three Forks' goals. It may not say that - but it is too broad, we do not know what we are agreeing to with this language," Susan clarified. Nancy Todd asked why this would bind the City from speaking against something later. Susan replied, "This is direction to the League on what the League is going to do on behalf of its members. When these things start coming through, it will be hard to keep track of. It causes controversy at the League if we vote yes, then go speak in opposition at the hearing. It could be pretty confusing to the Legislature, and to the League."

Motion Passed Unanimously (5:0)

President Townsend asked if there was any public comment. There was no public comment.

Councilman Chancellor moved that we approve the resolution package submitted by the League of Cities and Towns with the exception of Resolution #2022-3. Councilwoman McLees seconded the motion.

Motion Passed Unanimously.

REPORT OF OFFICERS

Three Forks Library Director Annual Report

Fawn Venzor distributed the Library's statistics which were from July 2021-June 2022 to all those present and to the Council. She highlighted the Summer Reading program: tickets were distributed for every twenty minutes read and the reader could put the ticket in a tub for a drawing for a particular prize. There were XX prizes available. "The Library also hosted a Farmers Market dinner and story time which netted about \$1,700. Most recently, the Christmas Stroll housed 40 gingerbread houses at the Library and we found judges for this event. We started a Book Club that only had 5 members initially and has grown to 14+. We are just growing everywhere! We are appreciative of all the City does for us at the Library," Fawn exclaimed.

Brooke McLees asked if there is any chance of changing the Book Club night, as they fall on the Council meeting nights? Gene Townsend asked if the Library ever considered forming a joint district with the neighboring counties? Fawn replied, "Yes, when I was on the Board [of Directors] we discussed that with Broadwater County and they would not entertain that idea, and there is a lot of footwork to be done, just like a fire district, when crossing county lines," she said. "So it did not go far," Fawn said.

Headwaters Trails Annual Report

Gene Townsend reported this is his annual time to request permission to submit for a few grants, noting those two last year he was awarded. He said the "shared path" fee you can opt in to pay on your vehicle registration goes to these grant funds. He did not get an award for the Recreation Trails grant this past year, but he will keep trying and submit again this coming year. Gene also said he will again apply for the Fish, Wildlife and Parks stewardship grant. The Council agreed to allow his submittal for these grants.

"In June, we utilized TD&H Engineering to prepare a bid to have work done in August to complete the crack seal cleaning and coating/repair, and then

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the final addition of the Jefferson Trail Connection. We received easements from Dimock Ranches and Don & Beth Derby - so the trail from Jefferson Street is complete now all the way from Droulliard Fishing Access to the Headwaters State Park. We have pretty much eliminated the trip hazards on the oldest part of the trail. We were very pleased on the contractor's bid and work performance," Gene reported.

"We were able to tag the City on to that work too and crack sealed the parking lot at Bellach Park and resealed it too, so that saved some money by having them come out and do both projects. This was roughly \$15,000 more than the quoted price for just the Trails work, but we would save on mobility costs by having them do this while they were on site," Gene said. He stated the Trails also installed a couple benches this past year, purchased from the AARP grant money awarded last year. One bench was installed at the Depot and one out by "the old bowling alley" (which is near the interstate and where the trail is a 1-mile loop near the interstate), and we installed bike racks at the Depot and the old bowling alley. "Signposts are installed, but the eight signs will be installed in Spring. The Trail was not completed so we waited to post them until the trail was complete so we did not confuse users where to go when that area did not exist yet - those were all purchased by the AARP grant too," Gene said.

Mr. Townsend reported this is the 25th year of the Headwaters Trail System! He will be applying for grants again, "Some will be successful and some will be unsuccessful but overall we have been pretty successful and received nearly \$1.3 million in grants. For 25 years I have had a partner with the Talc Plant. All the grants I've written, they have agreed to the match contribution even with the four or so different owners," he stated. "I'd like to leave you with a quote: *Trails are community-based infrastructure, and one day they will connect everyone, everywhere.* - Ryan Chapman," Gene declared.

Last, Gene reported the Trails held the Headwaters Bank Run again this year, which had not been done in three years because of the pandemic. "Attendance numbers were a little light but we were happy to get back to it. It's sponsored by the local banks who are very generous with the Trails. We hope next year we can improve our numbers again. We also did a fundraiser at the Farmer's Market - and we sold out of bacon cheeseburgers and brats. Really appreciate that [support] from the community," Gene acknowledged. The Council agreed to accept the annual

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report of the Headwaters Trails and to allow Gene to apply for grants to continue the work of maintenance and additional trails.

City Clerk Crystal Turner reported that she had sent draft letters to the Streets and Alleys Committee after their site visit on 12/1/2022 regarding the survey of Railway Avenue near W. Birch Street. Both the owners of the hardware store and the old "Bud Lilly's Angler Retreat" are encroaching into the right-of-way and should clear out their landscaping/storage from the alley and/or street. She is awaiting a response still from the Committee members before sending those letters out. She also reported that the Fee Schedule (most recently adopted via Resolution #382-2022) does not specifically state that professional services expenses (like from the City Attorney or City Engineer) can be recouped from the applicant however it does specify this in Ordinance #11-20-1-A. She asked if the Council wanted her to update the Fee Schedule to reflect this, as the most recent five zoning applications have incurred an average of \$1,200 in just engineering professional services that are not reflected in the application fee of \$500. The Council agreed.

City Treasurer Kelly Smith reported for Sgt. Doonan - and distributed the "Calls for Service" to the Council and Clerk. Kelly did not have anything to report as the Treasurer.

REPORT OF COUNCIL COMMITTEES (if any)

Streets and Alleys Committee Recommendation to Trade Tyler Vander Zwaag a 22-foot Portion of Railway Avenue Right-of-Way for 30-feet of Sidewalk Extended on W. Birch Street at Lots 17 & 18, Block 14 of Three Forks Original Townsite

Gene Townsend recapped the history of the initial request by Tyler Vander Zwaag and the meetings held to date. Susan Swimley provided advice after reading this item when the Council packet was posted, and asked the Council to make findings that this "trade" would be beneficial to the City of Three Forks. Gene said he took the liberty of suggesting this recommendation without asking Susan Swimley's opinion. (The Committee had asked the attorney for advice on this question in June, but proceeded before a reply was given.) Susan explained that sidewalks are the property owner's responsibility to install, construct and maintain; not the City's responsibility. Yes, sidewalks are in the City's right-of-way, so owned by the public, but not City responsible for maintaining them. "So, we are trading land and have incurred expenses for something the property owner is already required to install?" she posed to the Council.

She continued, "Yes, it's our property but we do not have to do the weed control and garbage pickup on the property. The property owner has done

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those things as you stated he was picking up trash even during your site visit. Can the Council find a way to apply the those costs of what would be the City's if we were to expend funds to clean the streets? Are there findings you could make stating that rather than expend those labors and bring it up to the standard it should be, it would be better for the City not to spend that money and allow Mr. Vander Zwaag to improve the land?" she suggested. Gene Townsend clarified she was asking the Council to make it a win/win? Susan agreed. Gene said, "It's currently a weed patch, the rest of Railway to the north the property owner has a bunch of trees growing in the city property, which the owner has not maintained but we could have them maintain them with our existing ordinances," he said. Susan explained, "If you can make findings that we are not giving away the land, then yes." George Chancellor said Mr. Vander Zwaag has a bid for \$3,000 to complete the sidewalk, so asked if that was a \$3,000 contribution. He asked, "Can we sell the land for \$3,000 and complete the sidewalk ourselves?" Nancy Todd agreed that would be relieving the City's obligation to install sidewalks and maintain them. Crystal Turner and Kelly Smith both said the City ordinances state that the property owner is responsible for installing, maintaining, and repairing everything in front of private property to the center of the right-of-way. So it is already the property owner's responsibility to install the sidewalk. "If we install sidewalks for him, then why has everyone else in town recently replaced theirs at their own expense?"

Tyler Vander Zwaag informed the Council this land outside of his actual property line was already fenced in when he purchased the property. "This all started because I wanted to replace the fence and found the fence to be outside my property. However, the property is not used for anything - it is not driven on, nor does it have sidewalks. Basically, all I was trying to do is install a new fence. I still want to follow the City's sidewalk ordinance." Gene and George explained Steve Johnston calculated roughly 1100SF. The last public right-of-way the City sold, due to lack of use and inaccessibility to public other than the neighboring property owners, was sold for \$3.00/SF so this is in line with the same price two years ago.

Susan Swimley said because it was put on the agenda as a trade, "Discretion being the better part of valor, I would have you guys agree tonight for your intention and ratify it at the next meeting that you changed your recommendation. Or just table it until the next meeting as a sale: Exchange of funds for vacating a portion of the property."

Crystal Turner reminded the Council that the surveying quote was only for a portion of the work. The work done so far will cost the City roughly \$3,500 so the City is the only one to have expended funds at this point. Setting the new property pins will cost \$1,500.

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Councilman Chancellor said to move this to the next meeting, write up all the costs, and give Tyler the chance to review it.

UNFINISHED BUSINESS

Update on Floodplain Mitigation Project (if any)

Kelly Smith reported staff, Great West Engineering and Headwaters Economics had our first meeting with DNRC and FEMA Region 8 to discuss environmental impacts. Wetlands and a rare orchid found near the existing pond were discussed in great detail. "They cannot approve our grant award until we finish this [environmental] phase of things, and they can't give us any money until that phase is done. However, the project timeline started at initial 'notice of award' even though the City has not been given written notice of grant award," Kelly explained. The City has \$400,000 set aside towards this project and other street projects in a capital improvement fund. "Does the Council want to start the SRF loan process so we can start getting some revenue in so we can complete these required environmental tasks? It's in the budget to expend the money," she asked. Gene Townsend suggested the City start the SRF loan process so as not to impede grant funding coming in. "I still think it is a huge benefit to Three Forks [as a City], and to the people of Three Forks paying flood insurance," Gene said. Nancy Todd and George Chancellor agreed.

Update on Water System Improvement Project (if any)

Water Project Update - Recommendation of Bid Award to O'Keefe Drilling for Two Observation Wells and Three Public Water Supply Wells Drilled for a Total of \$560,150.00, Pending Work can be done by March and DEQ Approves the Design

Jessica Salo reported on behalf of Susan Hayes tonight. "The bids for this work were due by 3PM on 12/6, only one bid was received and O'Keefe Drilling has been reviewed and their work deemed satisfactory. We will hold off the award until January because Susan has asked DEQ for final review of this next step. It would also allow O'Keefe time to project their workload and be able to agree they could do this work by March. The Contract allows 60 days for our award so there is no hurry this has to be done and awarded tonight," Jessica explained.

Regarding the ongoing Distribution and Design of the Water Supply and Improvements Project - Red Tiger is currently ordering supplies and hope to have Well #6A connected in January.

Gene asked about the 3 wells, "It is my understanding from November when the Committee met, if we found enough water we may only need 2 wells. Would that be a cost savings of the \$560,000 if we find a lot of water in

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less number of wells?" he asked. Jessica said yes, that is her understanding. "Whatever capacity we can get out of the wells will determine the number of wells needed," she said. Gene asked what observation wells are. Jessica said to her understanding, observation wells are necessary to complete the analysis on the capacity of the well. It is required as part of this well-drilling process. Susan Swimley said she believes one drills observation wells, tests for volumes that are drawn down from the well, You then look at the observation wells to see how much they are affected and how quickly they recover. Jessica agreed that is what she understands as well.

Councilman Chancellor made a motion that we accept the bid and award the Engineer's recommendation to O'Keefe Drilling for two observation wells and three public water supply wells drilled for a total of \$560,150.00, pending that the work can be done by March, and DEQ approves the design. Councilwoman Mickelberry seconded the motion. There was no public comment nor Council comments/discussion.

Motion Passed Unanimously.

NEW BUSINESS

Proclamation Declaring April 21, 2023, as Arbor Day in Montana

President Townsend read the Proclamation into the record. He explained this helps the City by obtaining an Arbor Day grant for when we replace or plant new trees.

Deb Mickelberry asked for clarification on if Arbor Day will be on the 21st or 28th? Crystal confirmed it will be on the 28th which is a Friday and Mayor Johnston said last year we will pair it with Earth Day and do cleanup that day as well.

Councilwoman Todd moved to approve the Proclamation for Arbor Day to be April 28, 2023. Councilman Chancellor seconded the motion. There was no further discussion.

Motion Passed Unanimously.

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

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

MAYOR & COUNCIL ANNOUNCEMENTS

There was no Mayor report.

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Gene Townsend reported there was a Committee meeting with Streets & Alleys but since we have discussed and changed it all tonight, there is no need to report more on it.

AGENDA ITEMS FOR NEXT COUNCIL MEETING:

There will not be a meeting on 12/27.

For January:

- Joint Three Forks Rural Fire District and City Council Annual Meeting (1/10/2023 at 5PM)
- For 1/10/2023 6PM Council Meeting: Public Hearing and Decision on the Zoning & Planning Board's Recommendation on a Conditional Use Permit Requested by Rick & Valerie Lamb, as A & L Investments, LLC, to Complete an Awning on the Southwesterly and Southeasterly Side of the Storage Building, and Move the Proposed Outdoor Fire Pit Location

ADJOURNMENT

Councilman Chancellor motioned to adjourn. Councilwoman Todd seconded the motion. Meeting was adjourned (without the vote taken) at 7:32PM.

Randy Johnston, Mayor

Crystal Turner, City Clerk