

**CITY OF THREE FORKS, MONTANA, MARCH 12<sup>TH</sup>, 2024**

**MARCH 12<sup>TH</sup>, 2024**, 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, Roxi McDermott, (Warren) Garret Buchanan, and Ed Tharp. Reagan Hooton attended via Zoom. Gene Townsend was excused. City Treasurer Kelly Smith and City Clerk Crystal Turner, City Planner Randy Carpenter, and Impact Fee Consultant Lee Nellis were all present at City Hall. City Attorney Susan Swimley, City Planning Consultant Jerry Grebenc and Water Project Engineer Susan Hayes (both of Great West Engineering) attended via Zoom.

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

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

**GUESTS:** Alex Blackburn, Rachael Tollison, Bret Robinson, Amy Laban, Mike Stenberg, Christina Cavanaugh, Gloria Howland, Aly Fendler were present at City Hall. Matt Jones attended via Zoom.

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

Bret Robinson said he has met with the Streets & Alleys Committee via zoom in the past, because he does not live here full time. He started with questions about a requirement in his conditional use permit regarding planting trees, and Kelly Smith interrupted to remind The Council cannot make a decision on requests during public comment. (She then pulled him aside and quietly informed him she would find out what he would need to do to request a change in the CUP.)

**CONSENT AGENDA**

Mayor Johnston read the Consent Agenda into the record as follows:

- a. Claim Paid due to Timeliness to Mail Utility Bills on 2/29/2024 (\$187.93) Totaling \$120,363.12
- b. Council Minutes of 2/13/2024
- c. City Claims to be Paid
- d. Three Forks Rodeo Arena Board Claims to be Paid
- e. Service Agreement with Jacob's Livestock for Two More Years (Through July 2025) of Rodeo Stock Contractor at \$23,500/year

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- f. Continued Service Agreement with AE2S for Supervisory Control and Data Acquisition (SCADA) Software Programming Services for Water and Sewer Programs (\$20,000 task order)
- g. Draw #16 for the Water Project in the Amount of \$17,340.39 of the City's ARPA LFR Funds
- h. Service Agreement with Solutions Engineered, LLC (and subcontract to TD&H Engineering) for Headwaters Trail System Extension to Carpenter Road for Surveying, Wetland Surveying (if required), Design and Permitting, Construction Administration (up to \$33,000)

Councilman Chancellor moved to approve the Consent Agenda. Councilwoman McDermott seconded the motion.

There was no discussion.

**Motion Passed Unanimously.**

#### **PUBLIC HEARINGS**

**Public Hearing and Decision on a Resolution Amending the Fee Schedule to Include the Additional Dog Permit Application and Renewal Fee; the Lost Dog Tag Fee; and to Amend the Subdivision Exemption Application Fee Pursuant to 76-3-207(4), MCA; and the Zoning & Planning Board's Recommendation on After-the-Fact Floodplain and Zoning Permit Fees**

Mayor Johnston read the title of the Resolution, and said it will be #418-2024 if approved, and read it into the record in its entirety.

Crystal Turner commented on the proposed fees being that it takes more time to do the initial application for dogs than it does for a follow up; the Legislature increased the minimum fee for exemptions so Crystal encouraged increasing Three Forks' fee to match; and the Accessory Dwelling Unit application/permit fee is recommended to be set at the rate in the resolution, but it will not be charged until the injunction is determined.

Garret Buchanan asked how much time it takes for the inspection? Crystal replied that it takes two people at half-hour each typically, then the staff report write up.

Councilman Chancellor moved to approve Resolution #418-2024, a resolution of the Three Forks City Council amending the Fee Schedule to add an additional dog permit application fee, additional dog permit annual renewal fee, replacement dog tag fee, add the hourly rate or professional services incurred by the City for the after-the-fact floodplain and zoning permit fees, increase the subdivision exemption application review fee to match state law, and to add an accessory dwelling unit review fee.

Councilwoman McDermott seconded the motion.

Garret asked if Crystal believed \$100 would be enough, to which Crystal Turner answered yes. Christina Cavanaugh clarified that the Additional Dog Permit was only for those with more than 3? Crystal replied yes.

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**Motion Passed Unanimously.**

**Public Hearing and Decision on a Resolution Adopting the Revised City of Three Forks Zoning Map**

Mayor Johnston read the resolution into the record in its entirety, noting it would be #419-2024 if adopted.

Councilman Buchanan moved to accept Resolution #419-2024. Councilman Tharp seconded the motion.

There was no Board discussion nor public comment.

**Motion Passed Unanimously.**

**REPORT OF OFFICERS**

City Treasurer Kelly Smith reported MMIA has sent the preliminary health insurance premium increase, which is predicted at 10-12% higher than this year. "They usually tell us a higher percentage increase than what gets finalized, but that is their preliminary number," Kelly explained.

City Clerk Crystal Turner reported that Wally Ziegler still does not have Zuercher access from the Gallatin County Sheriff Office yet. The HB355 SLIPA funding applications were all submitted to the Department of Commerce today. And also, Broadwater County sent Crystal an email saying they are going through their Future Land Use Map update and asked her to share the public input part on the City's Facebook page. "They understand it is geared towards the southern end of the county, the "Wheatland area", but would accept comments from residents in city limits because Boadwater County's growth does affect us. "If one wants to learn more about it and provide input, it is on the City's Facebook page for the link," Crystal said.

City Attorney Susan Swimley said the United States Supreme Court is going to hear the appeal of Grants Pass vs. Johnson, which is based on the Idaho case that says the government cannot enforce homeless people living on public lands. "This has been a hot topic about homelessness on public lands and rights-of-way, so it will be interesting to see how they decide," Susan explained.

Mayor Johnston asked about the RCREI / Jefferson Street width issue Susan was working on for Mr. Bret Robinson. Susan said, "Kelly [Smith] is right. The street is the wider width (at 70-feet, not 35) so they need to design and adjust to our 70-foot width unless they can prove otherwise."

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

(Mayor Johnston did skip this, but the Water Project Update was the next discussion item in Unfinished Business, so the Water & Sewer Committee's report is in the UNFINISHED BUSINESS section of these minutes.)

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**UNFINISHED BUSINESS**

**Flood Mitigation Project** - Nothing to update.

**Water Project Update** - Garret Buchanan reported the Water/Sewer Committee met last week with Steve Johnston and Susan Hayes regarding the proposed water looping behind the talc plant. Currently, looping around the talc plant does not serve more than one user. He stressed there was a stronger need to run a secondary line behind Kyd Road to have better water redundancy flows, increase hydrant flow for potential emergencies, so we spoke with Susan Hayes and tried to find a loop that would serve a bigger user base of town.

Susan Hayes explained the 2012-2013 PER had identified this looping need, but we did a slight update for the 2019 project and that loop had still not been done but we identified some more pressing needs and amended the PER. Susan said, "At the Water/Sewer meeting we had originally discussed this loop behind the talc plant could potentially assist the southwest development (and the developer was going to pay for a portion of the main line). This development is a long way out still; what if the road design changes, what if the plat changes, what if they continue constructing the subdivision it still has to go through annexation. So, we wondered if there was any other way to benefit the existing city in the near term with this grant money. So, Steve [Johnston] recommended a redundant transmission main into town. The one coming down Colter Trail - small diameter line now that could be upgraded and utilizing the developer's current layout, knowing they will be installing water line past the old sewer lagoons - it's a much smaller project so capital cost to the City will be less. The developer can pick up the line proposed on the screen (shown in red). The City would have to take on - Great West Engineering (GWE) would have to get acceptance from the funding agencies since this proposed project wasn't included in the PER. Typically, when we identify changes in the scope, we just need to let the funding agencies know and tell them why, and they typically allow it if it has justification and I think we have good justification. From GWE's standpoint - we haven't surveyed this, so it would require some additional engineering costs to do the survey, coordination with funding, completing preliminary design, prepping docs for review, etc. Is it OK to move forward with this and have GWE put together a Task Order?"

Mayor Johnston asked where would the line attach in town? Ed Tharp replied it would be replacing the existing 4-inch line and switching to 10-12 inch lines which would connect on 7<sup>th</sup> Avenue E.

Councilman Tharp moved to accept Great West to put a task order together for this alteration. Councilman Buchanan seconded the motion.

There was no public comment. Mayor Johnston said he thought this was a wonderful idea! "Great for looping the other side of town in, as now it comes in only on 4<sup>th</sup> Avenue East," he said.

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Susan Hayes and Mayor Johnston discussed existing cast iron and asbestos water mains and when they will be replaced.

Susan also provided an update on the well drilling part of this project, "We are 4 weeks out before O'Keefe should be here to drill the next wells 2C (near Ridge View Subdivision) and the Tank well (by the water tank). We are working with the County right now because Steve [Johnston] asked if we can get access off Kyd Road so the drillers do not have to go through the marshy area which would set back the project schedule. We will submit the encroachment permit to the County this week. City crews would build the access, and I will investigate if the City's match funds can be used for the material and labor to do this work," Susan explained.

#### **Update on Revised Draft of Buildout Analysis and Impact Fee Advisory Committee's Report**

Randy Carpenter introduced this agenda item. "Growth pays its own way. We believe Three Forks will experience growth much more in the next 10 years than it has in the past 10 years. Gallatin County has doubled in population, and we believe the share of that growth will be seen here. One, because of cost being cheaper in Three Forks, the commute isn't that bad, there may be homes available here too after the floodplain project is done, and Three Forks is a nice community," Randy said. "The City adopted a Growth Policy update a couple years ago. Now we are working with Great West to develop a Capital Improvements Plan (CIP). This will identify the infrastructure needed to serve the City, guided by the Growth Policy, the timing for that growth, and how to pay for that infrastructure. Lee Nellis is working to develop a schedule of Impact Fees which is essentially a schedule to guide how new growth pays for the needed infrastructure," he stated.

Lee Nellis introduced himself and said, "Nobody should be surprised that Three Forks will double in population in the next 10 years. If the housing cost differential stays what it is, and lots become available when the flood mitigation project is finalized, it could really change Three Forks dramatically. In order to finance that, you will need to develop impact fees. You have used them in the past and are still, but they need updated, and infrastructure needs complete to make those fees fair and justifiable," Lee informed the Council. "You need to know how much it will cost to put in those infrastructure improvements. Great West is behind schedule, and we still do not have all those projects listed yet, but once we do I will need about one month to provide you a draft schedule."

Garret Buchanan asked for an example of how an impact fee would show up for a regular individual. Lee Nellis said, "Every community runs them differently, normally I pull a building permit and there are impact fees needing to be paid in order to get the building permit. Those are kept in separate funds for each of the projects identified in the CIP. When the

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time comes to build the infrastructure, you use the impact fees to help fund that. You can't pay to fix what's already broken so the discussion about cast iron mains - that deficiency already exists. Impact Fees couldn't be used to pay for that. But the new line where the southeast development may come in, some of impact fees could be used for that improvement to the transmission line. If the developer says, "I'll build it" you can waive the impact fee and let them build it to your standards."

**First Presentation of Draft Capital Improvement Plan (CIP)**

(This is a 45-page document, distributed via email and Crystal Turner offered to print it out for those who want it. Everyone is to view it on their own and then discuss it further at our April meeting. For those not attending the April meeting, please send your comments/suggestions.)

Jerry Grebenc introduced himself and said, "We use all sorts of acronyms and slang in engineering. A CIP is a prioritized list of capitalized infrastructure. We have to admit that our clients sometimes include major equipment like trucks. CIPs include a schedule for completing projects and purchasing equipment and identifies options to funding those projects. Why does Three Forks need a CIP? The Council is to prioritize projects we will provide listed for you. Then you plan for and budget for infrastructure improvements. An updated CIP makes you way more competitive for state infrastructure grants and loans as well. This is the first working draft that we've distributed today - it needs a lot more feedback and input from the Council, particularly on those projects. Any and all feedback is essential to this project, so I encourage you to read it and provide feedback at the next meeting."

Crystal Turner said the draft is available for the public as well on the City website.

**NEW BUSINESS**

**Accepting City Engineer's and Streets & Alley's Committee Recommendation of Street Maintenance District #1 Chip Seal Project Bid Award**

The bids were opened on February 8<sup>th</sup>, and then Karl Yakawich with Great West Engineering reviewed them all in detail. Mr. Yakawich recommended Hollow Contracting, Inc. for 1, 2, and 3. The Streets & Alley's Committee reviewed the bids as well at their meeting on March 8<sup>th</sup> to learn a little more about the difference between project 3 and project 3A which uses a little lower quality oil but it still dries within the day so will not hold up people getting home. The Committee recommends Hollow Contracting, Inc. for 1, 2, and 3A.

Councilman Chancellor moved to grant the bid award to Hollow Contracting, Inc. for 1, 2, and 3A. Councilman Tharp seconded the motion.

There was no public comment.

**Motion Passed Unanimously.**

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**Public Discussion on Zoning Code Rewrite, Process, Calendar, Etc. with Zoning & Planning Board and Impact Fee Advisory Committee Members**

Lee Nellis reviewed his slide show (see packet for printout). He explained it would be beneficial to have Three Forks' code written to allow more things under administrative review - define what is required right in the Zoning Code so it is easier. If you generally give the same conditions, just put those conditions as a requirement right in the permit process. Randy Carpenter said pictures of existing development and recommended/suggested development styles would be beneficial in a new Zoning Code rewrite. "It would be good to have the Zoning & Planning Board go on a tour too to see what they could put in the zoning code so that you can build something people understand easily," he added. Lee said, "I think we'll draft it a neighborhood at a time, and possibly adopt it a neighborhood at a time. That may not be completely true - there may be a couple we adopt at a time. The physical geography works that way."

Alex Blackburn asked, "In the Build Out Analysis, will you call out what *industries* are and what are inside and what is outside the city limits. A lot of people get timid when hear that word." Lee said we don't want to focus hard on use. There are so many expressions of what it could be: small scale, large scale, what is an industry exactly - is it manufacturing? If someone has a steel building and distributes potato chips out of that building. That is industrial. However, the seed/grain elevator is industrial, and the talc plant is industrial. A simple example from Boulder, Colorado said "*Don't make your building shiny and metal*" for their reasons. For Three Forks that could be: *Don't make your building higher than 35-feet*. Well, why? We don't have a ladder truck for fire, and we have an airplane flight path over town. You come up with your justifications for how it looks, how intense the zoning is, what makes the most sense for your community, and then I can come up with a checklist that makes it easier to administer," Lee explained.

**Board Appointments:**

**Impact Fee Advisory Committee** - Mayor Johnston read the board appointment memo.

Councilman Chancellor moved that we approve Christina Cavanaugh for the Impact Fee Advisory Committee. Councilwoman McDermott seconded the motion.

**Motion Passed Unanimously.**

**Gallatin Conservation District** - Mayor Johnston read the board appointment memo.

Councilwoman McDermott moved to appoint Bob Logar and Michael Hansen to the Gallatin Conservation District. Councilman Tharp seconded the motion.

**Motion Passed Unanimously.**

**Appointment of Probationary Firefighters Kyle Markham and Brandon Yoder**

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Mayor Johnston read Asst. Fire Chief Whitesitt's letter of recommendation to appoint both as probationary firefighters to the Three Forks Volunteer Fire Department.

Councilman Chancellor approved Kyle Markham and Brandon Yoder as probationary firefighters for the Three Forks Fire Department.  
Councilwoman McDermott seconded the motion.

**Motion Passed Unanimously.**

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

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

**MAYOR & COUNCIL ANNOUNCEMENTS**

Mayor Johnston announced that he, Crystal Turner and Sgt. Des Doonan will be touring the school parking along the streets, and signage and traffic flow now that the construction is over. Crystal added that there are some inconsistencies in what the ordinance states is how each area should park, but not all are being followed correctly. There are some concrete barricade blocks along N. 4<sup>th</sup> Avenue E. that encourage perpendicular parking which makes this block very narrow for the remaining two-way traffic.

George Chancellor read the Three Forks Area Ambulance monthly update.

**AGENDA ITEMS FOR NEXT COUNCIL MEETING: April 9, 2024**

- Public Hearing and Discussion on Draft Capital Improvement Plan (CIP)

**ADJOURNMENT**

Motion to adjourn the meeting was made by Councilman Chancellor. Councilwoman McDermott seconded the motion. The meeting was adjourned by acclimation at 7:50P.M.

After the meeting was adjourned, Crystal Turner provided annual harassment training to all board members and Council members present at City Hall.

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Randy Johnston, Mayor

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Crystal Turner, City Clerk