

**JANUARY 12<sup>TH</sup>, 2021,** The Three Forks City Council met at the Three Forks City Hall (Council Chambers), 206 Main Street and via Zoom. (Zoom is a virtual meeting tool being used due to COVID-19 and social distancing guidelines.) The meeting was presided over by Mayor Gifford. Mayor Gifford called the meeting to order at 7:00 P.M. He reminded the audience this meeting was recorded, Zoomed, and streamed on our Facebook page.

**ROLL CALL:** Mayor Sean Gifford, City Council members George Chancellor, Deb Mickelberry, Dennis Nelson, City Treasurer Kelly Smith and City Clerk Crystal Turner, Gallatin County Sheriff Sergeant Austin Owens were present at City Hall. Gene Townsend and Steve Dahl and City Attorney Susan Swimley were present via Zoom. Erin Schattauer was excused.

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

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

**GUESTS:** Gloria Howland, Brad Eastty, Dennis DeLaittre, Jason Kovnesky (Cub Scout 3523 Leader) and Nicolai, Kooper and Griffen Kovnesky (Scouts from Pack 3523), Joe Petersen, Konnie Ewan, Cheryl Menard, Chuck Wambeke, Casey Elmore were present at City Hall. Via Zoom Gallatin County DES Coordinator Patrick Lonergan, Belgrade News Editor Diana Setterberg, Crystal Sharp and Caden Sharp (Scout Pack 3523). Jeremiah Theyes of Great West Engineering joined at 7:10.

Mayor agenda adjustment to accommodate allowing people with quick items to leave due minimize COVID exposure.

#### **NEW BUSINESS**

##### **Proclamation Declaring February 1-7, 2021, as Cub Scout Pack 3523 and National Scouting Week**

Mayor Gifford read the proclamation into the record in its entirety.

Cub Scout Pack 3523 Leader Jason Kovnesky spoke to the Council about the local pack, sponsored by the Three Forks United Methodist Church. He reported this pack has a tremendous membership, growing by 10 new scouts this past year and is still working hard to meet, in person and virtually so they can continue growing and nurturing our youth. The Pack beat any of its previous records last fall by selling over \$25,000 in popcorn sales! Scouting is something near and dear to Jason's heart - noting

without the safety training his older sons learned in Scouts he believes his youngest son would not be here today. (Kooper learned vital life-saving lessons and when his brother had a seizure, Kooper turned him on his side and then went for help.) Jason also expressed he grew up as a Scout and loves being able to pass on this tradition to not only his own children but also the many boys and girls in Pack 3523. Jason then asked the Scouts present to speak a little about Scouting.

Nicolai Kovnesky introduced himself and said he enjoys scouts and is working on planning for the Camporee for the end of this month, and work segments for the badge achievements. Kooper Kovnesky stated he loves going on camps and shooting "bb" guns.

Jason closed his presentation in appreciation of Three Forks' support to scouting.

Councilman Nelson moved that we approve Proclamation 2021-01 proclaiming February 1-7, 2021, as Cub Scout Pack 3523 and National Scout Anniversary Week. Councilman Townsend seconded the motion.

**Motion Passed Unanimously.**

**Proclamation Declaring in Perpetuity December 1-7 in Memoriam of MHP Trooper David J. DeLaittre**

Mayor Gifford read the proclamation into the record in its entirety. He then acknowledged Trooper DeLaittre's service, Dennis (Denny) DeLaittre's service and Sgt. Owens service to our community. He said that every day he thinks of the loss of Dep. Mason Moore, and those who are currently serving our community.

Denny DeLaittre thanked the City for the continuous support to remembering David, Mason, and all the fallen officers in the state of Montana.

Councilman Chancellor moved to approve Proclamation 2021-02. Councilwoman Mickelberry seconded the motion.

**Motion Passed Unanimously.**

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

Brad Eastty said he read a quote on the City's website about volunteerism being a rare breed of people. He added, "The last 17 years I served as a volunteer to the Three Forks Fire Department." He recapped his dismissal as a volunteer firefighter due to his actions at a motor vehicle accident on March 6, 2020. He said that due to the confusion, the long process and

his exhaustion in waiting for a decision on how to proceed getting back on the Fire Department, he signed the letter dated September 4, 2020 from the Mayor reiterating the facts to date and denying reinstatement. The September 4<sup>th</sup> letter said if he desired to resign (which was offered in Mr. Eastty's letter dated June 23, 2020), to sign and return this letter. Mr. Eastty took a pen and signed the letter and gave it to the City Clerk.

**CONSENT AGENDA**

- a. Claim Paid due to Timeliness to Record Alley Abandonment Easement (Approved via Resolution #337-2020) in the Amount of \$38.00 on 12/9/20
- b. Claim Paid due to Timeliness in the Amount of \$200 on 12/14/20
- c. Claims Paid due to Timeliness in the Amount of \$179,237.01 on 12/17/20
- d. Claim Paid due to Timeliness to Mail Utility Bills in the Amount of \$158.67 on 12/31/20
- e. Claims for Approval
- f. Three Forks Rodeo Arena Board Claim Paid due to Timeliness in the Amount of \$465.49 on 12/23/2020
- g. Three Forks Rodeo Arena Board Claims for Approval
- h. Minutes of 11/10/2020
- i. Increase to labor rate in the "Request for Public Records Policy"
- j. Pledged Security Report as of 12/30/2020

Crystal Turner said Gene Townsend had suggested a higher half-hour rate to her yesterday. She asked Gene if he wanted to leave the rate as presented or discuss it further. After much discussion, and possibly confusion due to the virtual meeting's audio quality, it was agreed to leave the rate as presented in the consent agenda.

Councilman Nelson moved to approve the Consent Agenda as listed.

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

**Motion Passed Unanimously.**

**PUBLIC HEARINGS**

**Public Hearing and Decision on a Resolution Adopting the Gallatin County Hazard Mitigation Plan Updates as of December 2020**

Patrick Lonergan explained the purpose of a Hazard Mitigation Plan (HMP). He noted the City of Three Forks has been a partner since 2006. This resolution adopts the updates of the defined processes and how Gallatin County will handle a variety of emergencies. Most recently, the HMP was used for the COVID-19 pandemic this past year. The updates are based on trainings and public meetings held over the past five years.

Mayor Gifford read the resolution into the record in its entirety, noting it would be Resolution #339-2021.

Councilman Townsend made a motion to approve Resolution #339-2021, a resolution of the Three Forks City Council adopting the Gallatin County Hazard Mitigation and Community Wildfire Protection Plans updates as of January 2021. Councilman Nelson seconded the motion. No other comments or questions were spoken.

**Motion Passed Unanimously.**

#### **REPORT OF OFFICERS**

Chuck Wambeke focused his report on the bleacher project and the donation efforts. They have really geared their attention to recruiting donations; they only planned on spending \$150,000 of their own money but spent \$200,000 - which was all their checking and savings. The Board took on the effort to raise \$120,000. "As of the end of the year we raised \$125,000 in donations towards this project. That is pretty impressive in the tough year we have been through. With all the organizations that have suffered through this year, not being able to hold their annual fundraisers, it is impressive we accomplished that when we are all asking for help from the same people. I was just thrilled we were able to bring that together by the end of the year. That money has replenished our bank account, we have about \$40,000 in the checking and the upcoming payment is \$17,000. We have enough to get us through to July we believe," Chuck said.

He said the Board now needs to be thinking about the future and if we will be able to hold an event this year. They have discussed recognition of those who have contributed to the project. Perhaps something on the wall in the cook shack as folks are waiting in line to eat they could see a recognition wall. Chuck also reported, "We elected new officers: Casey Elmore will take over as president. I will help Casey in this transition. Diane Vinson will be the new Vice President, and Adam Miller will remain the Treasurer. We also put out a request for proposals to recruit a new executive secretary. Christina [Kamps] has done a tremendous job for us the past eight years but she has several responsibilities. She has committed to staying on until the transition is done.

"Coming up in 2021 it appears like we may be getting back to normal. I don't know if that will happen yet. We have set the High School rodeo dates for May 1 & 2 though, assuming we will. The annual rodeo is slotted for July 16 & 17. In addition, we would like to put on a concert on July 15 of Three Forks local bands and musicians as a little fundraiser.

George Chancellor thanked the board for their efforts. Dennis Nelson said, "Nice job on the fundraising - you guys put a lot of time and effort and have done a great job." Mayor Gifford said he appreciated all of the board's work and congratulated Casey on his new position.

City Attorney Susan Swimley left the virtual meeting due to no audio on her end. City Treasurer Kelly Smith and City Clerk Crystal Turner were not asked to provide a report at this time (but are asked later in the meeting).

#### **NEW BUSINESS**

##### **Cheryl Menard Request to Waive Impact Fees on a Single-Family Residence at 102 East Front Street**

Kelly Smith explained Ordinance #3-6-2 regarding impact fees. "If the removal of the old trailer house, and the request to place a new trailer on this property occurred within 90 days of each other, this would not have been before the Council. However, Cheri took it out, cleaned up the lot, the place needed a lot of work, now she is ready to put a new trailer on this lot. The interpretation of the ordinance has been that since it is a new, it requires impact fees."

Cheri Menard introduced herself and said she is requesting the Council to waive the fee. "It's a continued impact, not a new impact. It will never be a rental again - I will be moving in. The renters' trashed it so I had to remove it. The delay occurred in selling my home in Townsend." She stated the impact has been there since the late 1960s. "Ordinance #3-6-2 states it creates an additional demand on the City's facilities. But when I took the trailer off I assumed I would still get a bill, and I did not during the time the trailer was removed. The service lines are still there. The impact is not new."

Dennis Nelson stated he believed since the taxes are paid, and some of that go towards fire protection - and it was an easy one for the Fire Department during that time since it was a vacant lot, that still supports the fire department. So he could agree with no fire impact fee.

The Mayor asked if there was any public comment. There was no public comment."

Dennis Nelson asked the Council, "Do we set a precedent with the 20-month open span - but I kind of question the 90 days as well since you can't

build a house in 90 days either. I'm open to suggestions." Kelly Smith said she felt when the City finishes the Growth Policy and we revisit our Zoning Ordinances, the Impact Fee Ordinance will also be looked at. "I think it's hard to understand because the 90-day term is in a different section of the Zoning Code," Kelly said.

Mayor Gifford said this year has been extraordinary, and the use is the same. In fact, he believes it will be an improvement to this property to have a new house on it. Holding anyone to the 90-day window, given COVID and other circumstances, we should have some forgiveness in that aspect.

Councilman Nelson made a motion we waive all the impact fees for Cheri Menard, under the circumstances, for the project she is looking forward to. Councilman Chancellor seconded the motion. Gene Townsend questioned the motion be read again - he had trouble hearing it due to technical difficulties. He asked Cheri, "You said this was due to COVID your house not selling quickly?" Cheri replied, "Yes."

**Motion Passed Unanimously.**

**Joe Petersen Request to Appeal Impact Fees on Vacation Rental at 223 South Main Street**

Kelly Smith said Mr. Petersen has asked to put an additional structure on the corner of the Saddlery lots, to be used similarly as the existing short-term rental in the back of the Saddlery. Again, due to the change of use, she sent letter to him noting impact fees due.

Joe Petersen said he always wanted to add a structure to that lot and attach it to the building, but Kelly had explained the building restrictions to him because of the floodplain. "Because of COVID their business was also hit so they moved into the short-term rentals. They built one within the Saddlery building. He now proposes putting an additional short-term rental building in, and had the ground surveyed and it is out of the floodplain in this location. They would tie into the existing water and sewer line at the Saddlery. They have a business plan which projected out the occupancy rate at just 30%, matching the existing rental rate of the other short-term rental in the Saddlery.

Deb Mickelberry asked Dennis Nelson if that would meet his argument about fire impacts too. Dennis Nelson said this is a new structure that will need to be protected by the Fire Department, so no. George Chancellor said the fire impact fee is pretty fixed from his perspective. The water/sewer impact fees we played with for previous applications - so he would think the payment to only 30% request would be in exchange to be

open only 30% of the time. Joe Petersen said he did not realize the fire impact fee was separate. He understands it is a new building. Joe said he would be fully acceptable paying the full fire impact fee. He added, "Really I'm just trying to keep my dollars together as we go; if I don't have to pay as much all at once it will help."

Dennis Nelson said to Mr. Petersen, "You have the capability of being open all 12 months of the year." Mr. Petersen responded that he does not have anyone planned in the existing rental until the end of March. "It just sits sometimes and I'm not interested in long term rentals. Once in a while if a salesman for the Saddlery comes out we'll offer it to them. It gets used 30% of the year so that is why I came up with 30% of the cost. It's used less than 100 days/year," Joe reported.

Dennis Nelson agreed this application would require full Fire Impact fees, and he is open to 30% of the water/sewer impact fees. Gene Townsend said he thinks this would be setting poor precedent. "I do not want to get into if someone is only renting something a percentage of the time. Denny, you said the fire danger goes on whether or not there is a building, and they are hooked up to sewer and water and use our streets when they come to stay. Asking for 12-months to pay it off too, well we're not a bank and I think that is a bad thing to start. We don't need to do the book work and verification of how much this place was rented moving forward," Gene said. Dennis asked then if Gene is suggesting full impact fees? Gene said yes.

Mayor Gifford asked if there was any public comment. Seeing none, he closed public comment.

Joe Petersen said he understands where Gene is coming from, but from records he know it will only be rented 30% of the time. "It's fair, it's good for the whole town as these people come in. We already have sewer and water here; I totally understand the fire impact but it's a good thing for all of us in the city," Joe closed with.

Councilman Townsend moved we deny Mr. Petersen's request for the impact fee reduction. Councilman Nelson seconded the motion.

**Motion Passed Unanimously.**

**Approval of Sublease Agreement Between the City of Three Forks and the Gallatin Valley Golf Association to Operate and Maintain a Public Golf Course on Land Leased by the City from Fish, Wildlife & Parks**

Crystal Turner explained since working for the City she has been searching for the sublease of the Fish, Wildlife & Park (FWP) land the Headwaters Golf Course utilizes. However, she has never come across a signed copy. When Water Lemons, LLC donated the dock to the City and it was installed at the ponds, FWP added an addendum to the lease between the City and FWP. Crystal took this opportunity to redraft the lease and incorporate the addendums of 1984 and the addition of the dock. Then, she drafted a sublease from the City to the Golf Course and had the city attorney and the FWP attorney review both. Basically, it documents the process we have been operating under: the Golf Course is responsible for the taxes and lease payments, for maintaining all that land for public recreation, it mimics the 10 year term the City has with FWP on its lease. The Gallatin Valley Golf Course board approved the lease at its meeting in December.

Councilman Nelson moved we approve the sublease agreement between the City of Three Forks and the Gallatin Valley Golf Association to operate a golf course. Councilman Townsend seconded the motion. There was no public comment.

**Motion Passed Unanimously.**

#### **Review and Approval of the Ice Rink Use and Maintenance Policies**

Mayor Gifford described he wanted to ensure the City is doing everything right with the ice rink. Crystal Turner explained when the ice rink was still an idea, she reached out to MMIA about insurance liability. They suggested specific maintenance and signage to educate the users and to reduce injury. With that in mind these policies were written.

Mayor Gifford said he has been spending two hours every evening to maintain the rink. He is recruiting volunteers, so the maintenance policy would be just for the staff and volunteers' use. "Tomorrow is forecasted at 50-degrees, so no skating for a while," he said.

Councilman Nelson said he does not have any problem as written. I move we approve the maintenance and preparation outlines as presented for this year and if they need to be changed or edited in the future we will.

Councilmen Townsend and Chancellor seconded the motion in unison. There was no public comment.

**Motion Passed Unanimously.**

The Mayor realized he skipped over **REPORT OF OFFICERS** and asked if there were any.

City Clerk Crystal Turner reported she had emailed the Water/Sewer Committee in hopes of scheduling a meeting with Craig Pozega to discuss HB14 at the Legislature and the next phase of the water project which would be drilling test wells. After discussion, the meeting was scheduled for January 19<sup>th</sup> in evening.

City Treasurer Kelly Smith had nothing to report.

**REPORTS FROM COUCIL COMMITTEES (if any)**

Dennis Nelson said January 21<sup>st</sup> will be a Budget Committee meeting at 3PM. This would be to review the first 6 months of this fiscal year, mainly the general fund. If the other council members want copies from Crystal or Kelly he encouraged them to review the reports and then the Committee can discuss them at the February Council meeting.

Gene Townsend said he would like to schedule a Streets & Alley Committee and Parks Committee (as they are the same Council members) meeting some afternoon because he wants to tour specific sites, so it cannot be a night meeting. He will reach out to Erin Schattauer and Wendell Ewan to find a time.

**UNFINISHED BUSINESS**

There was no unfinished business.

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

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

**MAYOR & COUNCIL ANNOUNCEMENTS**

Gene Townsend thanked the Budgeting and Auditing committee, and Kelly Smith - his taxes went up \$500/year but only \$0.78 for the City taxes. The City has done a great job and should be commended for spending so frugally and not increasing taxes.

Gene also said, "In light of what happened in Washington D.C. last week, I would like to take the time to tell the Mayor, the Council and City Staff - it is a pleasure to work with you all. Despite our differences, which we will always have, we work well together, and I appreciate all of you for working together. We do a good thing for our citizens."

Mayor Gifford said we received \$8,665 in donations for the ice rink which does not include the in-kind donations. Chris Richards bought rubber matting, Ryan Ewan made a bench to sit on to put your skates on, Eric Raube, whose brother David made goal posts for hockey and Chris Kennedy painted them, Ramsey Hardwood Floors is making light posts to string lights back and forth across the ice so we can skate at night. "Thank you - it saves me from driving to Bozeman every day to take my kids to practice," Sean said. He also thanked Kanta Products for its large donation which pushed us over the top to purchase all the equipment and supplies to install the rink. He thanked everyone and said, "The ice rink is near and dear to my heart."

The Mayor also reported the City received \$171,109.11 in donations this past year. "That's a phenomenal number from our community members' pockets to help us do these things for our town," he said.

**AGENDA ITEMS FOR NEXT COUNCIL MEETINGS:**

There will most likely not be a meeting on January 26<sup>th</sup>. For the next meeting would be February 9<sup>th</sup>.

**ADJOURNMENT**

Councilman Chancellor moved to adjourn. Councilman Townsend seconded - meeting was adjourned by consensus at 8:24PM.)

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Sean Gifford, Mayor

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Crystal Turner, City Clerk

**FEBRUARY 9<sup>TH</sup>, 2021,** The Three Forks City Council met at the Three Forks City Hall (Council Chambers), 206 Main Street and via Zoom. (Zoom is a virtual meeting tool being used due to COVID-19 and social distancing guidelines.) The meeting was presided over by Mayor Gifford. Mayor Gifford called the meeting to order at 7:00 P.M. He reminded the audience this meeting was recorded, Zoomed, and streamed on our Facebook page.

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

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

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

**GUESTS:** Matt and Kelly Bugland, Jeanine Eastty, Gloria Howland, Terry Anderson Monica Lane, Joe Petersen, and Gallatin County Sheriff Sgt. Owens were present at City Hall. Attending via Zoom were Diana Setterberg of the Belgrade News, Jessica Salo of Great West Engineering, and Cody & Emilee Iddings.

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

Jeanine Eastty spoke on behalf of Brad Eastty requesting a letter from the City saying he was terminated or resigned so they have it for when he is eligible for retirement. She also requested a letter thanking him for his 17 years of service, and that she would be advocating for the Fire Department Volunteers to change policies and ensure the City does not "wrongfully terminate" any others.

**CONSENT AGENDA**

- a) Claims Paid due to Timeliness in the Amount of \$29,653.30 on 1/25/2021
- b) Claim Paid due to Timeliness to Mail Utility Bills in the Amount of \$158.44
- c) Claims for Approval
- d) Three Forks Rodeo Arena Board Claims for Approval
- e) Minutes of 1/12/2021

- f) Task Order #8 with Great West Engineering for Flood Mitigation Planning
- g) 2-year ACH Origination Agreement with Manhattan State Bank to Process Utility Billing and Payroll Electronic Payments

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

**Motion Passed Unanimously.**

#### **PUBLIC HEARINGS**

##### **Public Hearing and Decision on a Resolution Electing the Chairman/Woman of the City Council**

Crystal Turner explained finding this is the step to elect the Council chair, for a term to be determined by the Council, while she was reading the City Charter. She read the resolution into the record in its entirety noting this will be Resolution #341-2021.

Councilman Dahl moved to elect Dennis Nelson as the President of the Council again, until the end of his term. Councilwoman Mickelberry seconded the motion. Erin Schattauer asked Dennis if he would mind serving in this role again, and perhaps for longer. Dennis said he does not mind, but as he has said already this is his last term and it expires the end of this current year. Mayor Gifford asked if the motion needed to be amended to reflect Dennis' comments. Crystal explained no, as she knew Dennis' term expires the end of 2021 so as Steve was making his motion she wrote "for the term of 1 year and expiring December 31, 2021" to reflect "the end of his term".

**Motion Passed Unanimously.**

#### **REPORTS FROM COUCIL COMMITTEES (if any)**

Gene Townsend reported the Parks Committee and Streets & Alleys Committee (same members so dual purpose meeting) met to look at needed improvements at John Q. Adams Milwaukee Park like concrete and paving. Then they also discussed street reconfiguration at Montana Street and Front Street, like a round-about. Steve Johnston attended onsite at that meeting. Crystal Turner relayed George Chancellor's comments; he could not attend tonight's meeting but stopped in to report he was opposed as a Committee member to spending any city funds to request engineers give us ideas. Instead, he would rather the Committee or Council come up with the idea then ask an engineer to design what they decided they want to install. Gene and Erin Schattauer were agreeable with that. Dennis Nelson encouraged that be

done quickly so the Budget Committee could include any solution in the FY21/22 budget.

Dennis Nelson reported the Budget Committee met almost 2 weeks ago to review the current fiscal year first half of the budget. He is happy to report all departments are well within their expenditures. The Committee has not heard about any unexpected items coming up, so looking good overall. At end of April, they will meet again to review Quarter 3 and start planning for the FY21/22. He requested that all departments have their budgets submitted around the 1<sup>st</sup> of May.

#### **UNFINISHED BUSINESS**

##### **Update of Floodplain Mitigation Status and Process, and Possible MSU Senior Design Capstone Unit's Team Help**

Jessica Salo of Great West Engineering, introduced herself as one of the engineers who worked on the floodplain mitigation project. (She gave a background that based the results of DNRC and FEMA's remapping, it shows an increase risk to Three Forks of properties in the floodway.) There was an opportunity for the City to submit a grant to FEMA's Building Resiliency Infrastructure & Communities (BRIC) program. The City wanted to pursue this funding since the new mapping could be adopted in the next few years. The City needed a proposed floodplain mitigation strategy and project to be included in the grant application. Great West performed the study and identified a grass-lined channel project which was designed to capture flood waters and divert them back to the Jefferson River. This was a feasibility study, or a planning study, but was needed in order to apply for the funding. This project could cost approximately \$5,000,000. If successful in award, the BRIC program could pay for up to 75% of the total cost. Because of the BRIC grant deadline being December that part moved very rapidly.

Currently, Great West is still assisting the City in any BRIC grant application assistance that may be required. They will continue to meet with landowners to discuss any landowner concerns to see if those can be addressed in the final design. She pointed out that BRIC funding does not allow the use of eminent domain, so condemnation of anyone's property is not an option for the mitigation project. Great West will also assist the City in any communication and negotiations with the Montana Department of Transportation regarding culverts needed for the proposed crossing of Highway 2 in the mitigation project. Great West will also assist in the research and development of a funding strategy for the remaining balance not funded via BRIC, and discussions of a proposed flood protection

district which would be needed to help with operation and maintenance of the channel and any repayment of loans required to fund the project.

Jessica also updated the Council that Montana State University (MSU) contacted Great West Engineering about the potential of using the feasibility study as a design project in the civil engineering program. Great West Engineering provided a copy of the study and MSU believes it fits well in their Capstone 2 project when/if we ever get into the design. This allows college students to take the recommended project and design it ahead of the engineers. This allows MSU to do some of the work and contribute to the project (cost sharing) so this is something the City could decide to allow as the project moves forward.

**Request by Terry Anderson to Discuss with City Council the Draft FEMA Flood Insurance Rate Maps**

Terry Anderson spoke to the Mayor and staff thanking them for the time given today- he stated he is impressed with staff's knowledge and for the Council's willingness to speak with him. He and his wife plan to move out here and build a house on the property they own near where the mitigation channel is proposed to go. He and Monica Lane Guenther (his wife) signed a letter of opposition to the mitigation project (he distributed the letter to the Council and several others which is included in the packet), noting he is speaking for he and his wife only, not the rest of the Lane family. He believes the City has "the cart before the horse". He understands FEMA is part of the federal government and knows they choose areas to remap from time to time - but he feels this started with a request from DNRC, not the City as he initially referred to in his first letter. Mr. Anderson thinks the City should back up and let the landowners know what is going on before submitting any grant applications.

He continued that in his opinion, FEMA and its surveyors' draft mapping have not considered a variety of conditions including global warming. "In my mind, global warming means less rain which in turn means less flooding. It's worth asking how this got started and how it came about," Mr. Anderson said. He does not feel DNRC should be able to request remapping on the City's behalf. He also questioned the implications of remapping: how many acres have been moved out of the floodplain and into the floodway? "Just eyeballing it this looks like a few sections [around 3,000 acres] moved into the floodway! Once in, you're screwed. It took land that wasn't 'at risk' before but is now at this 1% chance of major risk. How much value has been taken away from landowners whose property are moved into the floodway?" he asked. He thinks the City should at least ask if this is a regulatory taking by the federal government? "I

think we have a Governor and Congressional delegation which would help voice our questions to FEMA taking our land," Terry said.

Mr. Anderson continued that he was astounded at the lack of foresight that went into the 3,600-foot long, 100-foot wide, 5-foot deep channel. "I learned today that Headwaters Economics just takes the maps as given and then asks 'how can we move forward with a mitigation?'. I'm glad to have heard the Mayor say today that eminent domain is not an option. I just got a copy of the [mitigation project] budget today; haven't looked at it but heard that it does include paying for easements. However, what if the landowners, who haven't been spoken to yet to the best of my knowledge, will not sell? Then what would you do? If it was Monica and I's land, I would have my lawyer on it. What about irrigation and return flows, what about ice in this frigid weather, what about the 2-foot water table that freezes just because it's winter?" he questioned.

Mr. Anderson closed his presentation by saying, "Going for mitigation gives FEMA all the reasons to ignore the arguments people like Marvin (Schmitt) put forward. If they give the money for a FEMA BRIC grant can you return it when we prove their data is incorrect and these maps do not get adopted as presented?"

Mayor Gifford thanked Mr. Anderson for his presentation and for attending the meeting with the Commissioners earlier in the day. The Mayor hopes to keep the dialogue open between the City, County and landowners. Mr. Anderson complimented the Mayor on his efforts today by getting the County Commission to think about their part in this and that they will need to work on their stake in this too. They will need to help provide funding as much as these affected landowners.

#### **REPORT OF OFFICERS**

##### **Great West Engineering Discussion and Decision on Task Order #7 to Draft City of Three Forks Design Standards and Task Order #9 Water Project Phased System Improvements Beginning with Test Well(s)**

Craig Pozega started by explaining the need for Task Order #7: the City has no adopted design standards. There is a draft which was prepared by the City's previous engineer, but there is no evidence the draft was adopted by the Council. That draft is now 10+ years old. Craig said, "A good example was the last development asked the Council what it wanted for a city streets. We ended up saying "design it to City of Bozeman's standards" because we do not have adopted ones." Craig added Great West reviewed the 2006 draft and it is pretty generic. "As your City Engineer,

I feel you should have some design standards and have some say as your community feels the pressure of developers wanting to come into the City of Three forks and grow. The 2006 draft is missing some current standards and doesn't address how your streets will look. How does your water/sewer department want things connected? Do they want HDPD pipe or PVC pipe? We want to get all that incorporated. It will intermix with Subdivision Regulations and Zoning Ordinances too," Craig said. This task order includes reviewing all those various documents and working with City staff to update. Craig feels this is a good time since the City is already working on the Growth Policy as well. "We will work with our staff to make sure they all work together," he said.

The Task Order was presented at \$30,000. Craig said it was more than he anticipated, but when he drafted the effort it will take, the City will have documents that work together and designs that work for the City of Three Forks - not generic Small Town, USA.

Erin Schattauer questioned Task 1 in this Task Order: regarding reviewing documentation from other communities - what is the criteria of choosing the towns? Craig replied some will be small communities like Three Forks but will look at bigger cities too, like Bozeman because they have felt a ton of development. "We are open to what you want us to look at, but we will look statewide to garner design standards from other communities," Craig said.

Dennis Nelson asked what Craig thought the price would be (rather than \$30,000). Craig replied he was not exactly sure, but he had some sticker shock. Denny asked what a good community would be to compare Three Forks to, "I don't want to be compared to Bozeman or Great Falls." Craig gave the example of water hydrants - if you do not determine a standard you may have several different manufacturers installed and then your fire department has to have several different "keys" to open the hydrant. Same with various types of water shutoff valves - and the Public Works Department having to have different tools to open/close the valves.

Gene Townsend asked how long it would take to put this together. Craig said it will depend on the Council: how often do they want to meet to review the drafts, how enthusiastic are they to have it complete? Craig felt he could come back in 1.5 months with a bunch of information, but warned the Council it will have homework to do. Craig added, "We could set the schedule around what the Council is comfortable with." Gene also questioned how much input he could give? "I'm not speaking for the rest of the Council, but what do I know about designing a road?" he asked.

Craig said Gene is probably right, but he wants the Council to at least read the documentation, so there are no surprises. Staff will be heavily involved in input.

City Attorney Susan Swimley commented she would say this kind of work is something Great West Engineering is well known for and you should definitely be taking advantage of their expertise.

Dennis Nelson asked Craig for an idea on funding sources for this work. Craig made everyone laugh and said, "I'm an engineer." Dennis asked if impact fees could be used. City Treasurer Kelly Smith commented that impact fees could not be used for this, but if this is something the Council wants (most Zoning ordinances have not changed since the 1980s), we also need to update our Floodplain ordinance and this will all get tied together with their review. She said there is money which has not been spent this fiscal year within the General Fund that the Council could redirect to be used.

There was no public comment.

Councilman Townsend make the motion to accept the Task Order #7 for Great West Engineering. Councilman Nelson seconded the motion.

**Motion Passed Unanimously.**

Task Order #9 - Craig informed the entire Council he spoke to the Water/Sewer Committee last month after the City had inquiries regarding more developments just outside city limits. "These developments come in and want the City Engineer to write a letter saying the City has adequate water and sewer capacity to serve future developments. We have been able to say yes, until now. The City is at its limit of water capacity that meet Department of Environmental Quality (DEQ) standards. For new developments coming in, we won't be able to write such a letter. You have to meet your maximum daily demand (usually in the summer) with your largest producing wells is out of service. The City has multiple wells. However they are aging, and if one goes out in the summer you will just barely be able to meet the maximum daily demand," Craig explained.

"We knew this was coming. We did the PER (preliminary engineering report) and wrote a grant application which is at the Legislature right now. We hope House Bill #14 gets funded; Erin [Schattauer] testified before the Legislature in support of the bill. Phase 1 [of the PER] was to just determine we need a new well and do the hydrologic investigation. Now it's time to find that location. We already know water is "bad" around

Three Forks with total suspended solids and arsenic we deal with. Hopefully we find one without those defects, but maybe not and the City will be faced with having to treat/deal with it," Craig explained. Great West's part in this Task Order is to help design/engineer test wells and sample/analysis whatever is found. "It may be a couple test wells. This task order is all the engineering time with that work. This was also included in the PER. The funds to have the driller actually drill the test well is not included in this, but our work to help them and be onsite is included," Craig said. He added Great West also met with the City's water rights attorney to discuss some benefit that the City to do this now and not wait to see how the Water Court finds for other small communities for the "Growing Cities Doctrine".

Dennis Nelson asked if the \$65,000 presented will cover all the necessary cost for two test wells or just one? Craig said he has included looking at having to drill up to two test wells in this task order.

Gene Townsend said he has been involved a lot in the past with "searching for water in Three Forks" and to be honest, have had no luck. He said, "Tell me your thoughts on finding water?" Craig replied they will be looking in the Madison aquifer and are expecting to find water that will need treated. He said there just is not as much water in the Jefferson aquifer.

There was no public comment.

Councilman Townsend commented we need water; there is no doubt about that, without it we would not have a town. He thinks it is very important we proceed to look for more water and find a good treatable source, so I move to approve Task Order #9. Councilwoman Schattauer seconded the motion.

**Motion Passed Unanimously.**

### **City Attorney Water Rights**

Susan Swimley reported that Dana Pepper with River & Range Law Firm has been representing the City of Three Forks since 2018 as you can see on my bills the last few years. "The Water Court is going through final adjudication. We have been watching what happens for other communities' water rights that may negatively impact the City. We are also monitoring the Town of Manhattan's actions, as it will give us some indication on what the Water Court finds on their water rights and how Three Forks will proceed with its own arguments before the Court. This is an appropriate time for me to give you an update on what your water rights attorney has been working on. Dana Pepper will submit a change application towards

adjudication," Susan explained. She added, "This will cost more money Denny," and he and others chuckled.

Gene Townsend explained that years ago cities used to drill wells and then apply for water rights. It seemed like they only approved water rights applications for municipalities, after Montana Power approved the application. "They had all the rights in the State of Montana pretty much. Has it changed now that we are in a 'closed basin'?" Susan replied that most municipalities are watching a law that came out of Colorado called the 'Growing Cities Doctrine'. "If we have a Growth Policy and that policy says the City intends to grow then we can make a claim for water via the Growing Cities Doctrine. It helps us preserve those rights and be able to use the water when we find the drinkable water. It is a specific and nuanced law," she told the Council.

She stated she did not think the Council needs to approve the hiring of a water rights attorney because you already have one. "I will work with Dana in the next couple months to ensure that her time will run through my budget, but we weren't sure how much the Council was aware of what that fee has cost to date, and how much this change application will cost," she reported.

#### **NEW BUSINESS**

##### **Board Appointment: Zoning & Planning Board**

Mayor Gifford read the board appointment memo into the record in its entirety.

Councilman Townsend moved to accept Matt Jones and Mike McDonnell as Zoning & Planning Board members. Councilman Nelson seconded the motion. There was no public comment.

**Motion Passed Unanimously.**

##### **Council Election of Zoning & Planning Board Liaison per Section 76-1-222, MCA**

Crystal Turner reported that while researching Montana law for the Growth Policy updates, she came across this law stating the Council will elect a member of its body to serve on the Zoning & Planning Board for the entirety of their term. The City has typically voted on a member to serve until they do not wish to serve any more, and has not taken official action via resolution or anything. George Chancellor currently is the liaison and wishes to remain as such - his term does expire the end of 2021. Crystal just wanted to explain to the Council that come January the

Council will need to elect a member for this seat to serve until their term expires. Mayor Gifford asked if there needs to be a motion. Crystal said she felt we could take the Council's consensus to allow George to serve in this position if they still agree to such. The Council agreed. No further action until January 2022.

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

Matt Bugland, American Legion and VFW. They normally host the Americanism program normally held at United Methodist Church on the 3<sup>rd</sup> Wednesday of February. "We sing America the Beautiful, and the Star Bangled Banner, we have our local pendants and plaques presented. Due to COVID restrictions and in order to keep our community safe, we will kick it off on Main Street at 6PM on 2/16/2021," Matt said. He added this falls right after President's Day and so asked City to keep flags up on Main Street one extra day.

**MAYOR & COUNCIL ANNOUNCEMENTS**

Gene Townsend informed the Council he submitted three grants for trail work. Two of these were due 2/1/2021, the other was due in December. "I should find out awards in April or May if the City is successful. Think I will put in for another AARP grant for the trails system but will ask permission when I find out more about the grant details," Gene said.

Mayor Gifford reported on today's earlier meeting with the Gallatin County Commissioners and affected neighboring landowners to discuss the mitigation project. One action item which came out of the meeting was to have Great West estimate what it would cost to have an appeal letter written, possibly land surveyed, to submit to FEMA as an appeal. Craig Pozega spoke, since Great West is the City Engineer, it would be prudent to use a third party, or disinterested person to do that work but we could put together a good scope of services for a qualified third party to do which the City could then request quotes. This would be in order to discuss with the landowners and the County on an appeal to FEMA.

Matt Bugland and Sean Gifford discussed if there is an option of going back to the State [DNRC] and asking them to use 'lucky Lidar'? Kelly Smith said that Marvin Schmitt is not reading the ground elevation maps correctly. Craig Pozega added that the existing data is lidar and is incredibly accurate.

Mayor Gifford said if we just could put an estimate together so he can give it to the landowners and the County, it would be beneficial to answer the landowner concerns that we are moving too fast.

Kelly Bugland thanked the City for [as Mr. Anderson stated earlier] "putting the cart before the horse" because it is appreciated the City was proactive rather than reactive. Mayor Gifford said, "The City is trying to meet everyone's needs ahead of this, but I told the County Commissioners I don't speak for the Council members. I wasn't expecting a large group like it was, but it was good to clear out misunderstandings. We cleared the fear that we are using eminent domain, it's not part of our grant application, not a City intent or goal. Overall, it was a good conversation."

**AGENDA ITEMS FOR NEXT COUNCIL MEETINGS:**

There will most likely not be a meeting on January 26<sup>th</sup>. The next meeting would be February 9<sup>th</sup>.

**ADJOURNMENT**

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

**Motion Passed Unanimously** and the meeting was adjourned at 8:38PM.

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Sean Gifford, Mayor

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Crystal Turner, City Clerk

**MARCH 9<sup>TH</sup>, 2021,** The Three Forks City Council met at the Three Forks City Hall (Council Chambers), 206 Main Street and via Zoom. (Zoom is a virtual meeting tool being used due to COVID-19 and social distancing guidelines.) The meeting was presided over by Mayor Gifford. Mayor Gifford called the meeting to order at 7:00 P.M. He reminded the audience this meeting was recorded, Zoomed, and streamed on our Facebook page. (The Zoom link to "Go Live on Facebook" never worked so this meeting was not streamed on Facebook.)

**ROLL CALL:** Mayor Sean Gifford, City Council members George Chancellor, Deb Mickelberry, Dennis Nelson, and Steve Dahl, City Treasurer Kelly Smith, City Attorney Susan Swimley and City Clerk Crystal Turner were present at City Hall. Gene Townsend was present via Zoom. (Councilwoman Erin Schattauer resigned her seat on 2/22/2021 due to moving out of Three Forks.)

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

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

**GUESTS:** Jeanine Eastty, Gloria Howland, and Ron & Mickie Imberi.

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

There were no public comments for items not on the agenda. Mayor Gifford closed public comment.

**CONSENT AGENDA**

- a. Claim Paid due to Timeliness on 2/11/2021 in the Amount of \$66.10
- b. Claims Paid due to Timeliness on 2/19/2021 in the Amount of \$93,706.38
- c. Claim Paid due to Timeliness to Mail Utility Bills on 2/26/2021 in the Amount of \$163.30
- d. Claims for Approval
- e. Three Forks Rodeo Arena Board Claims Paid due to Timeliness on 2/19/2021 in the Amount of \$641.95
- f. Three Forks Rodeo Arena Board Claims for Approval
- g. Minutes of 2/9/2021
- h. Award of 2 Year Independent Contractor Agreement to Christina Kamps to Serve as the Executive Secretary for the Three Forks Rodeo Arena Board at \$425/month

i. Record Destruction Request #17

Mayor Gifford asked if there were any items the Council wished to pull from the consent agenda. Councilman Townsend said item "h" states 2-year contract but also has a 1-year term written in the second paragraph. Crystal Turner explained that Christina Kamps has agreed to a 2-year contract so Crystal will make the edit.

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

**Motion Passed Unanimously.**

**PUBLIC HEARINGS**

**Public Hearing and Decision on a Resolution Electing the Chairman/Woman of the City Council**

Crystal Turner explained the proposed changes due to most of the ordinances state "fee to be set via resolution as determined by the City Council". However, the Zoning Ordinances have not been codified to reference that the fee will be determined by resolution of the Council. "If this resolution were to pass tonight as written, the proposed zoning fees would not be in effect until the zoning ordinances are updated to state the same," Crystal said. She then read the resolution into the record which states the reasoning why the proposed increase for each fee, or addition of a new one. Crystal also stated that Three Forks will remain the least expensive municipality in Gallatin County for these same fees. She reached out to Townsend in Broadwater County, and reviewed Gallatin County's fees, the Towns of Manhattan and West Yellowstone and others in Montana to come up with the recommendations presented tonight. There were no Council questions.

Public Comment: Gloria Howland said that chickens is not listed on the Fee Schedule. (Crystal replied she believed that fee is codified within the animal control ordinance as well.) Mickie Imberi questioned the proposed zoning fees (she joined the meeting a little late). Crystal Turner explained the zoning changes again and that they would not be in effect until the ordinance was updated.

Gene Townsend commented that change is needed, "These fees have been on the books for a number of years, and minor things I have done with the Fire Department the cost of publications especially with the larger newspapers has really increased. There is no reason the citizens of Three

Forks should bear the brunt of the costs to change something for one person's application. I think this is the right idea," Mr. Townsend said.

Councilman Nelson moved that we accept Resolution #341-2021, a resolution of the Three Forks City Council amending the fee schedule to increase park reservations, floodplain, and zoning fees, and create new fees for development review as laid out on the format Crystal and Kelly have put together and presented to us this evening. Councilmen Chancellor and Townsend seconded the motion in unison.

**Motion Passed Unanimously.**

#### **REPORT OF OFFICERS**

City Treasurer Kelly Smith reported that MMIA (the City's insurance carrier) has announced it estimates a 2-4% increase to employee benefits this year. She also reported that Randy Carpenter has not been able to keep up with the amount of the work lately and he requested help from Jerry Grebenc with Great West Engineering to help out on a subdivision application. "Crystal and I, and Sean agreed to spend some of the Task Order #1 towards this help," Kelly said.

City Clerk Crystal Turner reported Erin Schattauer had intended to attend the Chamber dinner in 2020, which was cancelled due to COVID. The Chamber has rescheduled the dinner for 2021, but now that Ms. Schattauer has resigned Crystal asked if there is another Council member who would like to attend. Deb Mickelberry and Dennis Nelson both expressed a little interest. Crystal will find out the confirmed scheduled date, location and time and get back to Dennis and Deb.

City Attorney Susan Swimley did not have anything to report at this time.

Gallatin County Sheriff Office Sgt. Austin Owens distributed the law enforcement statistics from November to February 15. These are calls for service, and are just the City of Three Forks calls. It does not include anything Heidi Jones-Magee does for Code Enforcement. There was a total of 587 calls for service during this time. "In comparing stats to similar sized agencies we are pretty busy; a couple hundred over other small size communities. This does not include what Heidi does," Sgt. Owens said. Dennis Nelson asked what other calls (587 minus the calls listed in the report) were for. Sgt. Owens said those would be things like VIN inspections, public assists, and flag down.

**REPORTS FROM COUCIL COMMITTEES (if any)**

Steve Dahl reported on Water/Sewer committee met ex parte to discuss changes to the ordinance amendments drafted after their last meeting. The draft did not accurately capture what one Committee member remembered, so Steve asked Dennis what he remembered in order to finalize a draft to be sent to Susan Swimley.

**UNFINISHED BUSINESS**

There was no unfinished business.

**NEW BUSINESS**

**Request for City to Set Policy on Sidewalk Implementation/Construction and Growth Discussion**

Jeanine Eastty said she started her homework but it is not complete yet so not ready to speak on this topic yet. Her biggest concern is that streets are iced over and elderly cannot walk on the sidewalks because it is too icy. She asked this discussion be moved to another agenda.

**Request for Clarification on Records Request Policy (Jeanine Eastty)**

Mrs. Eastty said, "My husband put in the records request for his personnel file on 11/29/2020 and we were sent the documentation on 2/15/2021, a total of 75 days. I had to request to receive additional pages which were not provided as requested, and I have paid all the money for these copies," Jeanine said. She then read from the City's Personnel Policy regarding the steps taken for disciplinary action, and stated she is still missing documentation from her husband's records request. She raised many questions (and paused for an answer however, Mrs. Swimley asked her to continue reading her questions so they could be addressed later) as she read through the Personnel Policy. She raised several questions/clarification on items in the records provided to her. Mrs. Swimley said she appreciates Mrs. Eastty's time and diligence, however the request for records was made by Brad Eastty, and until Mrs. Eastty provides the City with a Power of Attorney to discuss Mr. Eastty's personnel records, none of her questions will be answered nor additional documentation will be provided. "There is no guarantee that all your questions will be answered, or answered to your satisfaction," Susan said.

Mrs. Eastty stated that every single thing she has tried, the City has thwarted it. She even had to go to the Fire Department to read her husband's resignation, and it still is not on correct in the minutes. "I'm just asking that out of 437 pages of confidential documents, none

were between March and April, which means no investigation took place," Jeanine said. "Of just the documents I received, I guess I won't have any resolution because I'm not putting my husband through what he has already been through with the City. There are NO annual appraisals for firefighters," Jeanine said. She closed with, "You didn't follow any of your policies." George Chancellor said he knows for a fact an investigation took place. "How can you say that?" George asked. Crystal Turner replied, "She is not stating that, she is stating no investigation occurred before the Council investigation." Susan Swimley added, "That is her opinion."

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

Mickie Imberi stated she attended on the Water/Sewer committee meeting that Steve Dahl touched on earlier tonight, and she would like the Council to give more head's up to the multi-family homeowners than the standard posting process if any future meetings will be scheduled.

**MAYOR & COUNCIL ANNOUNCEMENTS**

Mayor Gifford reported the outdoor skating season is over. "I was hoping it would get cold and freeze again, but it doesn't look like it will so we will be tearing down the ice rink and putting it away for spring-fall," he said.

**AGENDA ITEMS FOR NEXT COUNCIL MEETING:**

Gene Townsend asked for permission to apply for 2 grants: Athletic Brewing Company, and AARP be on the 3/23/2021 agenda. Crystal Turner reported the Council appointment of the Council seat is the only other item scheduled for 3/23. One letter of interest has been received so far from Alex Blackburn.

**ADJOURNMENT**

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

**Motion Passed Unanimously** and the meeting was adjourned at 8:04PM.

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Sean Gifford, Mayor

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Crystal Turner, City Clerk

**MARCH 23<sup>RD</sup>, 2021,** The Three Forks City Council met at the Three Forks City Hall (Council Chambers), 206 Main Street and via Zoom. (Zoom is a virtual meeting tool being used due to COVID-19 and social distancing guidelines.) The meeting was presided over by Mayor Gifford. Mayor Gifford called the meeting to order at 7:00 P.M. He reminded the audience this meeting was recorded, Zoomed, and streamed on our Facebook page.

**ROLL CALL:** Mayor Sean Gifford, City Council members George Chancellor, Deb Mickelberry, Gene Townsend, Dennis Nelson, and Steve Dahl, City Treasurer Kelly Smith, City Clerk Crystal Turner, and Street Superintendent Wendell Ewan were present at City Hall.

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

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

**GUESTS:** Alex Blackburn, Gloria Howland, Pamela Waggener, Nancy Todd

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

There were no public comments for items not on the agenda. Mayor Gifford closed public comment.

**CONSENT AGENDA**

- a. Claims for Approval
- b. Service Agreement with Kolberg Concrete, Inc. to Replace Sidewalk at Fire Hall/Old City Shop Located at the Corner of E. Date Street and 1<sup>st</sup> Avenue E. (\$2,623.50)

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

**Motion Passed Unanimously.**

**PUBLIC HEARINGS**

There were no public hearings scheduled.

**UNFINISHED BUSINESS**

There was no unfinished business.

**NEW BUSINESS**

**Appointment of Vacant Council Seat**

Mayor Gifford said there are four letters from interested persons in the Council's packets and asked if the Council members or anyone wished for him to read the letters. No one requested him to do so. He stated he would like to give the candidates up to 5 minutes to speak to the Council, in order the letters of interest were received.

Alex Blackburn introduced himself and said he is new to the community; he has lived here 2 years and recently joined the Board of Adjustments. He would like to give back to Three Forks; he loves this community and wants to contribute to it. He would like to see the town grow responsibility.

Pam Waggener stated she has lived in Three Forks since 1995. Her goal is to give back to the community which has been very generous to her.

Greg Travis was not present.

Nancy Todd said she grew up in TF, raised her kids here, and soon will be opening a business on Main Street with her daughter. Deep investment in the community and worked full time while raising her kids so never served in capacity like this. Now that they are grown she feels like she has time now to serve her community.

Board questions: Gene Townsend asked the candidates what vision they have for Three Forks? Or what projects you would like to see done in the town? Alex Blackburn said the face of the town is changing. Some residents who were here a long time are moving or passing on to the younger groups coming in. He does not want to see the town lose its character as new people move in though. He would like to maintain the existing culture, and to steer young families towards continuing the culture of the small community. "I don't worry about leaving something in my yard, I feel safe here. I enjoy going to the store and addressing people I see by name. Maintain that persona would be my priority. But at the same time we can't stay stagnant, and have to change, but I hope we can do that smartly," Alex replied.

Nancy Todd responded that from growing up in Three Forks, she would like to see the same as Alex said. She loves that you know your neighbor, can walk down the street and feel safe, visit with whomever because you know them. "It's challenging because she knows the town is growing so

quickly," she said. Housing prices really concern her. She would like to troubleshoot how to help the existing residents with that challenge (of rising home prices). "I know the City can't do much about housing prices, but perhaps we can help face these challenges in other ways," Nancy said.

Pam Waggener said she is concerned about the Growth Policy and the City having sufficient, good quality water, along with infrastructure that must be taken into consideration as we grow. "Anything I can do to add to that - find resources to help with this challenge to ensure a more stable community and government, that would be my pet project," Pam stated.

George Chancellor said, "I'm sure you are familiar we are developing a new Growth Policy. Have any of you filled out the questionnaires on [www.envisionthreeforks.com](http://www.envisionthreeforks.com)? Alex replied yes; Nancy said she has not done it alone, but submitted questionnaire responses with her daughter; Pam replied yes.

Gene Townsend stated, "Hopefully you're well aware of the actions the City Council, Mayor and Staff have taken to make changes on the new floodplain maps coming out. What are your feelings on that? Could you support what we have done so far? We are probably going to have pass a bond issue or mill levy in some way to come up with the \$1.25M match up front or the ongoing maintenance costs." He added, "There is no wrong answer - our opinions are all going to differ. I just want to know your thoughts on the project so far."

Pam Waggener replied, "What the City has done so far is good, but it does take money. Grants are a good thing - the more we can do without taxing people more for this would be wrong." Goes with the Growth Policy too - if we understand what the Growth Policy will provide in revenue for the City in turn maybe that will help. She said she is not privy to all the details which would made good sense [to the Council in its recent decisions], but she is willing to learn and understand more. She will then take that information back to the constituents and explain to them 'what and why' it is needed.

Nancy Todd stated she did know about the application for the FEMA grant and that the community would have to come up with some of the funds, but this is an urgent and huge issue the community needs to address.

Alex Blackburn said thus far he is supportive of the City's plan. "I am not currently in the floodplain but will be with the new maps. What are the long-term [cost breakeven point] of paying flood insurance versus the

potential tax (what will it do to my property?) is something to be considered. If we don't move forward, this town will become stagnant and that is not what I want to see for Three Forks. As residents of Three Forks, everyone should be very concerned with this issue as it affects our entire town."

There was no public comment.

Crystal Turner read from the City's Charter Section #2.09, which states the vote shall be at least four members for the replacement of a vacant Council seat. She also explained to the candidates that tonight's appointment is only through December 31, 2021, as the Charter says the appointed person must run in the next municipal election which is in November 2021. Filing begins in April to be on the November ballot.

The Council then took a written vote and passed them down to the Mayor. Mayor Gifford read the votes aloud and announced a total of 5 votes for Nancy Todd.

Mayor Gifford gave the **Oath of Office** to Nancy Todd. Nancy took her seat at the Council table.

Dennis Nelson spoke to the candidates about not giving up. "Tonight's candidates were impressive, and I will finish my term this year and not re-run so there will be vacancies later this year," Denny said. George Chancellor echoed Denny's sentiment and added, "Don't give up folks. You were also both impressive."

**Authorization Allowing Headwaters Trail System to Apply for a Grant through the American Association of Retired Persons ("AARP")**

Gene Townsend said he has purchased 6 benches, 3 bicycle racks and signage of "you are here" with the last AARP grant received, and truncated domes at the crossings where we installed new trail. "This time with this grant I'm going to ask for asphalt to try and complete the corner of Montana & Jefferson Streets to where it hooks into the school. If that happens it will be continuous from Missouri Headwaters all the way to Droulliard Fishing Access," Gene said. He will be asking for \$25,000.

Councilman Chancellor moved to authorize Gene to apply for a grant to the Trails System through AARP. Councilwoman Mickelberry seconded the motion.  
**Motion Passed Unanimously.**

**Authorization Allowing Headwaters Trail System to Apply for a "Two for the Trails" Grant through Athletic Brewing Company**

Gene Townsend stated he just learned about this one via Rails to Trails Conservatory. This is a brewery in the State of Vermont. They will put up a fairly large sum of money for recreational trails. "I don't know the limits for this one, but I will put it in for more asphalt again. This one is not due until May and I don't know how much he can ask for, but I will ask for the max allowable," Gene said.

Steve Dahl said he went to their website and learned about the company, which was started by a gentleman who wanted to promote a healthy lifestyle. Steve read many reviews saying even though it is non-alcoholic many people said it was the best beer they have ever tasted. "I only wish you had some for us to sample tonight," Steve said. Gene added that if awarded, they will attend a ribbon-cutting ceremony and provide all the beer too, and you can purchase it locally at Joe's Parkway and Smith's Grocery store.

There was no public comment.

Councilman Nelson moved we allow Gene to apply for the Athletic Brewing Company "Two for the Trails" grant that has been described. Councilman Dahl seconded the motion.

**Motion Passed Unanimously.**

Gene reported he was authorized by the Council in January to apply for a Rails to Trails grant and that has been submitted. He also put in a grant application for crack and seal coat for the oldest part of the trail on 7<sup>th</sup> Avenue and goes to the Madison River. That grant is from funds collected via HB24 which was passed last Legislative session.

Last, Gene received notice he was awarded \$10,000 for asphalt on the trail from the Dopplet Foundation through Rails to Trails. There will probably be a press release on that in the next week or so. He thanked the Council for its support to keep applying for these grants.

**REPORTS FROM COUCIL COMMITTEES (if any)**

**Recommendation from Streets & Alleys Committee to Purchase a Hot Box, Cold Planer and Asphalt Recycler Utilizing a Combination of Streets Capital Improvement (#4004), Streets General Operational (#1000), and Gas Tax (#2820) Funds**

George Chancellor explained they discussed a couple items at the Committee meeting: BARSAA funds of \$55,000 for FY20/21. (The City budgeted to receive this but was not sure of the exact revenue until just recently when it received a letter from the State.) The Committee recommends spending these funds at \$17,000 on mag-chloride, \$12,000 on gravel, \$15,000 on asphalt patching, and \$15,000+/- for the "Cottonwood Street Project" by John Q. Adams Milwaukee Railroad Park.

Other part of the meeting was about purchasing asphalt repair tools for Wendell. We looked at a 6-ton asphalt hot box and recycler, and a cold planer. "The hot box melts the old hot mix, and costs \$56,000. There's a mixing style hot box from Normont that is \$83,000 - this piece of equipment would be the most efficient unit as far as time and energy goes (manhours and heating the asphalt). We also looked at a cold planer, which is a grinder attachment for the skid steer, it costs \$20,000 and the only maintenance is for the teeth. Some of that Gas Tax and some from Wendell's budget," George reported. Gas Tax has about \$600,000 saved in its fund, but purchasing these tools would utilize some Streets Capital Improvement Funds, General Fund - Streets Account as well as Gas Tax.

Dennis Nelson asked what the hot box price was again? George replied, "\$56,000. Normont has new Mixer for \$83,000, or a used demo that has 11 hours on it for \$78,200. That piece of equipment is the most efficient for manhours and energy." Gene Townsend added it also works better for the city crew. "It handles smaller amounts of asphalt. Looks like a cement mixer; Wendell said it'll batch about a ton at a time, and do 12Ton/hour," Gene said. Wendell Ewan stated, "Last year we estimated to repair 6Ton/day - we had to guesstimate - and we ended up throwing away a lot of asphalt. We patched 60Ton of asphalt overall. This would allow us to use what we pull up, reheat it, reconstitute it, and roll it back down. It takes away purchasing asphalt, and less manhours. If we haul our waste to Knife River, they'll take it but they charge us to dump it, and then they re-use it anyway. The difference between hot box and recycler - hot box reheats old asphalt but it does not mix it. With a recycler, you can throw in asphalt shingles, asphalt from the road, and re-use the product." Gene said at the meeting he and George were both in favor of the recycler. Gene explained the manhours: one employee leaves an hour ahead of time to go to the plant, if you aren't first in line you sit there for half hour or an hour, and then the ride back to Three Forks. During that time, the asphalt is cooling and we could lose 3 hours a day for one trip, let alone if we don't have enough material for the job.

Deb Mickelberry asked if we purchased a recycler - does Wendell have a preference: new or used? Wendell said it is a fairly new machine with only 11 hours and he gets to demo it tomorrow. Dennis Nelson asked about delivery of the cold planer equipment. Wendell said the best price he could get is from Belgrade H&E Equipment, but he is unsure of the lead time. Normont has the equipment in stock in Great Falls. Gene Townsend added the City needs to think about the paved streets. "I was a senior in High School when the City first paved a street. The City used Gas Tax on next paving project for 2<sup>nd</sup> Avenue, 3<sup>rd</sup> Avenue and 4<sup>th</sup> Avenue East, so that asphalt is 40-something years old and we only chip seal to keep it maintained. The spring break up all over town (from frost coming out of the ground) is disintegrating the pavement all over town," Gene said.

Kelly Smith added, from the financing side of it, "We can't use the new BARSAA funds for equipment. Gas Tax has roughly \$35,000 remaining for equipment which could be spent, Wendell has about \$15,000 in his budget he won't be spending this fiscal year. \$58,000 could come out of Street CIP funds (we have about \$225,000 in that account). We didn't budget for this, but we have the money so I don't feel we should wait until next fiscal year to designate this. We have the money, and we need to repair some of the streets."

Dennis agreed to get on it before summer starts. "Hot plant in Belgrade has middle-April as its open time. As Chairman of Budget Committee, those CIP accounts we have put away really paid off in other programs we have put together. Our frugality has paid off because we have put money away in these CIP funds when we have saved."

Public Comment: Alex Blackburn asked if this is replacing any currently owned equipment? Dennis said no. Alex asked, "Does it get subcontracted out or leased normally then?" Wendell Ewan replied that the City does it in house. "Crack sealing used to be done on our own too but we can't rent a router at all this year so we will have to go out to bid for that. Patching, the City has done but it's time consuming and we may end up wasting quite a bit of material as it cools and becomes unusable. Hot mix leaves the plant at 330-degrees and starts cooling. We have roughly an inch on top which cools to 200-degrees by the time we get back to Three Forks. We can mix it in, but it is way harder to work with," Wendell explained.

Councilman Townsend moved we purchase the used asphalt recycler from NORMONT in Great Falls, and the cold planer from H&E Equipment.  
Councilman Chancellor seconded the motion.

**Motion Passed Unanimously.**

**REPORT OF OFFICERS**

Street Superintendent Wendell Ewan did not have anything to report.

City Treasurer Kelly Smith did not have anything to report.

City Clerk Crystal Turner reported she will be recording a training session on Human Resources topics: hiring and all the documentation that goes with it.

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

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

**MAYOR & COUNCIL ANNOUNCEMENTS**

Gene Townsend reported he had received an email from a group called the 'Iron Riders' who plan on travelling through Montana in 2022. It's a duplication, in honor of the 125<sup>th</sup> anniversary, of the US Army's 25<sup>th</sup> Infantry bicycle corps 'Iron Rider' which left Missoula June 14, 1897, and St. Louis on July 23<sup>rd</sup>, 1897. "We are recreating the 1900-mile 41-day trip during June and July of 2022." The original route did not come through Three Forks; they came along the Missouri by way of Townsend, Toston, Clarskston and into Logan. Because of the Three Forks Museum, [the author of the email] said it makes sense for them to keep Three Forks in the loop on their trip. "I thought, in 1897 bikes couldn't have been too sweet of a ride and they rode on mostly dirt roads. I'll keep you up to date and I'm looking forward to this next year," Gene said. Dennis Nelson said it was highlighted on Backroads of Montana (PBS show) recently. Deb Mickelberry said the original intent was to replace horses with bicycles, and she believed they ended up carrying the bikes more than riding them, and they did not end up replacing horses.

Mayor Gifford reported the ice rink has been put away for the season; he thanked Wendell for his help and Erin Schattauer for her help. The Mayor reported the City is still working on CARES reimbursement from the County for law enforcement. He explained to the Council that the City paid monies to the Sheriff Office for law enforcement, but the County got reimbursed because that is how CARES money was distributed. Essentially, we paid for law enforcement but the County received our payment and CARES reimbursement. We have asked for our share of that reimbursement and are

waiting to hear back from the County Sheriff's Office if they agree with the number Kelly Smith proposed.

The Mayor also provided an update that the Legislature and Governor's office have contacted the City to learn more on the floodplain mitigation project to see if any of the American Recovery Plan money could go towards that as the "local match".

The Mayor will be leaving Thursday for Ft. Bragg. He will be gone for three weeks.

Lastly, the Parks Committee will meet on 4/13 at 6PM to discuss a location to pour a concrete pad for the ice rink next year. He has submitted a request to GCC (cement plant at Trident) to provide the concrete in their annual community service project. There has also been interest in a skate park in town, so a gentleman is going to apply for a grant for that and then would like to meet with the Committee to discuss award, location, etc.

Kelly Smith reported NBC Montana News will be here tomorrow to interview her on the floodplain issues too.

**AGENDA ITEMS FOR NEXT COUNCIL MEETING:**

- a. Public Hearing and Decision on a First Reading of an ordinance Amending Title 11, Chapter 20, Section 2 to Edit Zoning Fees within the Ordinance and Change to be Established via Council Resolution
- b. Chamber Request to Continue Farmer's Market for Summer 2021 Season at John Q. Adams Milwaukee Railroad Park
- c. Decision on the Zoning & Planning Board's Recommendation on the Three Forks Market RV Campground Expansion (Located at Lots 1, 2A through 5B, Block 12 of the Headwaters Addition) per the Subdivision Regulation Section VII "Providing Multiple Spaces for Recreational Camping Vehicles or Mobile Homes"

**ADJOURNMENT**

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

**Motion Passed Unanimously** and the meeting was adjourned at 7:52PM.

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Sean Gifford, Mayor

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Crystal Turner, City Clerk

**APRIL 13<sup>TH</sup>, 2021**, The Three Forks City Council met at the Three Forks City Hall (Council Chambers), 206 Main Street and via Zoom. (Zoom is a virtual meeting tool being used due to COVID-19 and social distancing guidelines.) The meeting was presided over by Mayor Gifford. Mayor Gifford called the meeting to order at 7:00 P.M. He reminded the audience this meeting was recorded, Zoomed, and streamed on our Facebook page.

**ROLL CALL:** Mayor Sean Gifford, City Council members George Chancellor, Deb Mickelberry, Gene Townsend, Dennis Nelson, Steve Dahl and Nancy Todd, City Treasurer Kelly Smith, Gallatin County Sheriff Sgt. Austin Owens and City Clerk Crystal Turner were present at City Hall.

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

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

**GUESTS:** Bill & Karen Buttelman, James Hennessy, Gloria Howland, Brooke Pestel, Mickie Imberi, Matt & Kelly Bugland. (At 8:10PM Brent Miller and Rick Lamb arrived at City Hall.)

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

Mayor Gifford asked Sgt. Owens if he would like to give his report now. Sgt. Owens gave his report for calls for service, (see packet) which was only calls in Three Forks' city limits. "Seems like we are right where we usually are, maybe 50 more calls this year vs. last year at this time," Sgt. Owens said. Mayor Gifford apologize for putting Sgt. Owens on the spot, but asked if they feel they are working more outside of town than in the city's limit. Sgt. Owens replied, "Yes, three calls today were for service in city limits, the rest (maybe eight) were outside of city limits. We go to Clarkston and all the way down to Sappington. We are one-on-shift at times; other deputies do listen and if the on-shift deputy is tied up with another call, Gallatin County Sheriff Office does float a deputy our way. But we are getting called away from town more than we used to."

There was no other public comment.

**CONSENT AGENDA**

- c. Claim Paid to Mail Utility Billing on 3/31/2021 in the Amount of \$161.33
- d. Claims for Approval
- e. Minutes of 3/9/2021 and 3/23/2021
- f. Zoning & Planning Board Minutes of 11/19/2020
- g. Board of Adjustments Minutes of 6/23/2020 and 2/23/2021
- h. Records Request Policy Amendment Version 3 to Include Professional Staff Time to be Chargeable as Incurred by the City
- i. Service Agreement with Harmon Enterprises Construction, Inc. to Pain the Arsenic Treatment Plant (\$2,228.85)
- j. Pledged Security Report as of 3/31/2021
- k. Receipt Adding more Pledged Securities to Cover Bank Balance

Councilman Townsend moved to accept the Consent Agenda. Councilman Nelson seconded the motion. There was no public comment or any requests to pull a consent item.

**Motion Passed Unanimously.**

**AGENDA adjustment** by Mayor Gifford to move the Chamber item up, if the Council allows. The Council agreed.

#### **NEW BUSINESS**

##### **Chamber Request to Continue Famer's Market for Summer 2021 Season at John Q. Adams Milwaukee Railroad Park**

Leandra Hill stated she has requested a park reservation on behalf of the Chamber, and has already submitted an application from the Gallatin County Health Department. The Chamber would like to begin Farmer's Markets on June 3<sup>rd</sup>, going through the end of September. They will be renting a port-a-potty for the park and operate similarly to last year per the Gallatin City-County Health Board's COVID-19 recommendations. They will have hand washing stations as well.

Councilman Townsend moved to allow the Three Forks Chamber of Commerce to use John Q. Adams Railroad Park for their farmer's market at the dates from June 3 through the last Thursday in September. Councilman Chancellor seconded the motion.

There was no public comment.

**Motion Passed Unanimously.**

#### **PUBLIC HEARINGS**

**Public Hearing and Decision on a First Reading of an Ordinance Amending Title 11, Chapter 20, Section 2 to Edit Zoning Fees within the Ordinance and Change to be Established via Council Resolution**

Mayor Gifford introduced this ordinance and asked Crystal Turner to read it into the record and explain the changes to the Council and public. Crystal read what would be, if adopted, Ordinance #388-2021 into the record in its entirety.

Gene Townsend questioned this, since the Council passed the fee increases via resolution. "Was that not legal?" Gene asked. Crystal explained the ordinances for zoning fees are codified at specific amounts. So even though the Council approved increasing the zoning fees, we cannot charge those fees until the ordinances are amended to reflect that the Council increase those fees in the codified ordinance, or change the ordinance to allow the fees to be set by a resolution adopted by the Council. So, this ordinance reflects the latter.

There was no public comment.

Councilman Nelson moved we accept Ordinance #388-2021, and ordinance amending Title 11, Chapter 20, Section 2 to edit fee language to established via resolution adopted by the City Council. Councilman Chancellor seconded the motion.

**Motion Passed Unanimously.**

**Public Hearing and Decision on a First Reading of an Ordinance Amending Title 9, Chapter 4, Section 1 "Basic Sewer Rates" to Treat Each Dwelling Unit as a Single-Family Residence Regardless of the Number of Dwelling Units within a Building**

Mayor Gifford introduced this ordinance and explained that this, with the next ordinance to be heard, will be read in sequence. Then he will ask for public comment and discussion as these ordinances go hand in hand. He informed the Council that each ordinance will have its own motion for approval or denial. Mayor Gifford then read proposed ordinance, which would be #389-2021, into the record. He asked is Steve Dahl or Denny Nelson would like to take over reading? Steve Dahl took over reading in paragraph 2.

**Public Hearing and Decision on a First Reading of an Ordinance Amending Title 9, Chapter 2, Section 3 "Water System Rules" to Treat Each Dwelling Unit as a Single-Family Residence Regardless of the Number of Dwelling Units within a Building**

Steve Dahl read this ordinance into the record in its entirety. This would be Ordinance #390-2021 if adopted.

Council Questions for Water/Sewer Committee: Gene Townsend asked if there is a Title and Section [within the ordinances] that covers commercial? Crystal Turner answered no. The City's ordinance does not differentiate between residential or commercial, or any other type. Gene asked, "What covers commercial?" Kelly Smith said, "Central Business District will stay the way they are right now. That is not a change being proposed in this ordinance." Gene continued, "What if there is multifamily in a commercial building?" Kelly Smith asked the Committee to answer this question. Gene continued, "If we are only talking about residential, what applies to the commercial with a residence inside?" George Chancellor replied each unit will have a meter on it. Deb Mickelberry clarified, "I think Gene is saying what if City Hall had an apartment upstairs?" Denny said, "We are not addressing the commercial sections in town at this point in time." Gene said, "So if I own all that across the street (pointing across Main Street) and I put apartments above all them, what would I have to do? Will there be a meter for each apartment unit?" Crystal replied if you are building new or remodeling, yes. The existing ones will not change per the Committee's direction at this point. Crystal attempted to sum up the Committee's previous discussions, "The Council's decision last year was that all units in all new construction will have individual meters. Now, Rule 22 is being clarified that in Residentially Zoned districts and within mobile home parks, the ordinance will include each unit in existing structures will also be considered a separate residential unit no matter if it has one meter to serve the building."

Public Comment: Brooke Pestel said she liked what Gene brought up and feels if the City addresses residential, mobile home parks and multi-family, why can't they address the commercial areas at this time too? She asked, "Doesn't this change have an expense to the City to codify the ordinance?" Crystal Turner answered yes. Brooke continued, "So, remember there will be additional codification expenses down the road when we [the City] finally decide to deal with the commercial buildings. These should all be considered at the same time." Kelly Bugland asked the City Council to table this discussion until it does its due diligence in regard to researching. She posed, "What have other towns done? No one will answer this, except Steve regarding somewhere in regard to a city on the east coast. What about a discount for multi-family? We were told Susan [Swimley] wouldn't support a discount unless the committee could find supporting evidence that multi-family uses less than single-family. So, did you do research as I asked for multi-family?" Kelly B. said she found

a study from 2019 by using Google search "**water usage for single family versus multifamily**" - quick summary reported that in all cases the multi-family units use less gallons per day than single-family. "How much less? A mean range of 140-gallons less per day and is supported by Housing and Urban Development (HUD) and the utility allowance schedule shows there is clearly a difference in multi-family compared to single-family," Kelly relayed from the study. She posed to the Council: Who are tenants in multi-family? They are typically younger, low income, smaller households, a lot single parents or elderly. Proportionately, these units do not typically include dishwashers and clothes washers, thus using less water. Mickie Imberi spoke that changing this ordinance will affect a number of folks in our town. "This is a revenue-generating proposition by the City of Three Forks. It's not reflective of the health of safety by having the ordinance as written. Regarding Gene's commercial question - we asked that at the committee meetings too. New builds make sense; but not the existing apartments inside commercial buildings that are there. I purchase properties as an investment knowing how it will set rates - this change will affect my tenants' rates. I have over four senior citizen tenants on fixed incomes, which will affect their rents \$90/month. I pay for all my multi-family units. This is just a billing situation, a revenue generator for the City. You are not considering the teachers and elderly that live in these units and that is discriminatory. I plead for you to vote this down or consider grandfathering us in," Mickie said. Matt Bugland said that he spoke at the first [committee] meeting he attended and asked what the City's definition of commercial is; just a [zoning] district or a commercial building? He added he cannot go forward with his comments until the Council answers that question. Steve Dahl said they [the Committee] are not talking about commercial. Matt continued that there was discussion regarding 'more than 4 units requiring a commercial loan - and that would be the definition of commercial'. He said in the "old hospital" which has 9 units, he believed 8 of the 9 tenants are teachers. We take a lot of pride in making that building nice, and having nice tenants, and you could probably ask law enforcement for proof that they have not had nearly as many calls for service there. He cannot turn on/off water to each unit without turning off water to another unit within the building - will I have to call the City every time someone vacates one of the units? Matt continued, "There are people living in RVs on single-family lots - they should be paying 2 minimums too." The Mayor allowed Brooke Pestel to speak again if she was going to touch on something new, and it did not take up time for someone who wanted to speak that has not yet. Brooke stated Kelly Bugland touched on HRDC (Human Resource Development Council) that they differentiate between multi-family and single-family dwellings by subsidizing income for low

incomes households. HRDC gives \$15/month to help water bills for multi-family, but it gives \$20/month on single-family dwellings. "Thereby, a similar governmental agency trying to make money and say they are helping people, see a difference between single- and multi-family. Old construction does not have the same amenities new construction has like dishwashers. We conducted research with municipalities similar to the population of Three Forks, and those other communities do not segregate multi-family or they grandfather in the older/converted buildings. Please look at tabling this issue," Brooke said. Gloria Howland said she is single-family homeowner. She asked, "Why should I have to pay every month and your tenants don't? I make less per month than any teacher I'm sure, but I pay my \$100/month. Maybe my housing cost is less. I think maybe the commercial should be included - but other people shouldn't pay every month and not have everyone else pay in."

Mayor Gifford read comments in support of all units paying water and sewer minimums from Leonard Malby, Mary Bentz, Betty Schlepp (and added she does not think anyone should be grandfathered in), Joe tucker, Tom & Cindy Gibson, Amy Laban (who added in her written statement that as the number of residents grows so does demand on the City's water and sewer systems. She wrote "These are common sense policies by distributing the cost to all using the system in a fair manner; multi-family shouldn't be grandfathered.") Larry Bjorndal wrote in favor of minimum fees for all water/sewer users; Gwendolyn (Jean) Farnum, Richard Owen, and Jean Leith all sent letters of in favor of minimums per each unit.

Steve Dahl replied to the public comment. "We did do research - when it comes to multi-family, there just is not a lot of info out there to support a discount for multi-family. The comparisons have too many variables - garden bathtubs vs. showers only. As far as empty units - I don't think the City should have to cover the landlord's expenses. If you bought a home to rent out and start a business that way - that is your business expenses. The City has the responsibility to cover its costs and those costs are supported by base rates. Our responsibility it to provide clean and safe drinking water to the citizens, and it is not free. We have upcoming expenses with our water project looking about \$3,000,000 and an existing loan of \$430,000 - we still have a \$3,500,000 outstanding loan balance for our last sewer project. It's not about giving landlords a break; it's about every residence paying its fair share as a residence."

George Chancellor thanked Steve Dahl for answering the question on what the impetus was of what started these ordinance changes. George added, "I would like to mention to those in the audience as a council member, as a

council, we don't do anything to fish in money from those we serve. We drive a pretty tight budget; we've been in the black for 8 years now. It offends me a little bit that one says we are doing this just to get money. We are literally trying to cover costs. I don't appreciate the fact that you are saying the Council does this for financial gain."

Gene Townsend commented to Brooke Pestel that HRDC is not a government agency - it is non-profit, as he is on the HRDC board. The government does not subsidize HRDC.

Councilman Dahl moved we approve Ordinance #390-2021, an ordinance amending Title 9, Chapter 4, Section 1 "Basic Sewer Rates" and Ordinance #389-2021, an ordinance amending Title 9, Chapter 2, Section 3 "Water System Rules". Councilman Townsend seconded the motion.

**Motion Passed Unanimously.**

#### **REPORT OF OFFICERS**

City Treasurer Kelly Smith reported MMIA has said health insurance will not have a rate increase this year. She also reported a company named DOXO, which collects utility payments then sends the entity a payment on behalf of the customers, says they have 14 customers in Three Forks. They send us 14 individual checks and want to know if they can pay us once/month automatically into our checking account. (The Council was not comfortable with this.) She stated the City of Three Forks will be receiving \$497,000 via ARPA (the second phase of CARES Act) to be used on water, sewer and broadband infrastructure. 50% should arrive this year, and the remaining 50% is anticipated to be distributed one year later. The State of Montana will get \$910,000,000 in additional ARPA funds; the Legislature still has to determine how that will be distributed. Great West is watching HB632 on additional funds for the water project. Kelly also reported the Gallatin County Sheriff Office (GCSO) is finally reimbursing the City of Three Forks for the 3/12/2020-6/30/2020 CARES Act reimbursement they received for law enforcement. City Hall had drafted a letter the Mayor signed and sent to the GCSO stating we paid them and they were reimbursed via CARES Act and asked if they would consider reimbursing Three Forks its share of that. Dennis Nelson asked if the reimbursement would replenish the same account the expense came from. Kelly replied it could be used for anything so the Council can determine where it wants to receipt that. Gene Townsend asked if they would reimburse the full \$330,000 and Kelly said no. She estimated the City would receive roughly \$150,000 back, but the County responded with a little less than that citing administrative fees. "They have agreed to a \$70,000+ reimbursement

and will calculate another reimbursement for 7/1/2020-10/31/2020," she said. Lastly, she reported on behalf of Steve Johnston that he would like to meet with Water/Sewer Committee to discuss a trade Scenic City has proposed to jet our sewer lines if they can dump effluent in our old Wastewater Treatment Plant cells. "They've done it in the past but without a contract and would like to discuss or negotiate an agreement," Kelly said.

City Clerk Crystal Turner reported normally this time of year we start advertising for the Wading Pool attendants, and since the City intends to re-open the Wading Pool this year she will begin those advertisements. Also, MMIA has sent the City an 11-page application regarding cyber security. "They have covered us in the past, but now they are asking for more detailed steps of how the City stores and tracks electronic information. It may require more annual training by the City employees to comply with the requirements MMIA has set forth," Crystal said.

City Attorney Susan Swimley did not have anything to report.

**REPORTS FROM COUNCIL COMMITTEES (if any)**

There were no Council Committee reports.

**NEW BUSINESS**

**Discussion and Recommendation to Amend the Capital Improvement Plan to Include Extension of Water and Sewer Mains to "Buttelman's Field" based upon a Request by James and Carley Hennessy**

Kelly Smith explained the City's impact fee ordinance and that there is a process to go through when services are expanded. "The Hennessy's are building and will need to extend the main to get water and sewer service. Eventually others who build there would connect to that main. If the city adds this main extension to its CIP resolution, this would give them the opportunity for when impact fees are collected from others connecting to this main, to extend the reimbursement to the Hennessy's who are extending the mains at their own expense.

George Chancellor asked are there any plans to subdividing this area?

Karen Buttelman said, "It depends on what happens with the new flood maps. If it's floodway it won't be able to be divided." George asked, "Should we make an investment of water and sewer mains, using city funds for one house? Kelly replied, "The City isn't putting any money out for this - the Hennessy's are but if the City includes the extension of the water and

sewer mains in its Capital Improvement Plan, it would allow them [the Hennessy's] to request reimbursement of impact fees if any growth does occur." Gene Townsend verified the mains will be designed to our standards. James Hennessy said, "Yes, the City (Steve Johnston and Great West) have reviewed the design." Gene said the City did this on Birch Street years ago and it was not documented well and the developer never got reimbursed which he felt was unfair. He wants to ensure something is documented so that people know they will have to reimburse the Hennessy's should they develop in this area. Kelly explained, "People would pay the impact fees to the City and we would repay the Hennessy's. The ordinance details the credit system but only allows for a 5-year term." Nancy Todd said she thinks this would be fair, considering the floodplain changes. The rest of the Council agreed.

No action taken at this time, there is consensus of the Council to amend its Capital Improvement Plan and include this water and sewer main extension.

**Decision on a Request by James and Carley Hennessy to Extend the Excess Impact Fee Credits from Five (5) to Ten (10) Years**

James Hennessy echoed Kelly Smith's comments adding, "With the new floodplain map, I know the City is working on mitigation plans and options to prevent that data from going into place. Carley and I have been working on this for over 18-months and started before the new maps were released to the public. With all the obstacles the City has to go through in order for the mitigation plan to go through, we think it will take more than 5 years for development to come to Buttelman's Field. We are requesting to extend the credit system from 5 to 10 years for our project."

There was no public comment.

Susan Swimley said she agrees with Mr. Hennessy's statements and asked the Council to support this request, as well as later add to the agenda to amend the Impact Fee Ordinance to reflect all requests for credits of the Impact Fees be extended from 5 years to 10 years. "There will be a special agreement drafted, and exception to the ordinance for this item in CIP list specific to Hennessy's," Susan said.

Gene Townsend asked, "So everyone on these credits would get 10 years?" Susan replied 5 years was documented because the Growth Policy is supposed to be reviewed every 5 years, but ideally [growth policy] it does not happen that fast.

Councilman Townsend moved to that affect we change the excess impact fee credits from 5 years to 10 years. Councilwoman Mickelberry seconded the motion.

**Motion Passed Unanimously.**

**Decision on the Zoning & Planning Board's Recommendation on the Three Forks Market RV Campground Expansion (Located at Lots 1, 2A through 5B, Block 12 of the Headwaters Addition) per the Subdivision Regulation Section VII "Providing Multiple Spaces for Recreational Camping Vehicles or Mobile Homes"**

George Chancellor recapped that so far, the City has dealt with the conditional use permit, the abandonment of the city alley and the preliminary plat review criteria. He read the staff report and recommended conditions from the Zoning & Planning Board (see Zoning & Planning Board Minutes of 3/25/2021 for detail of conversation leading to the modifications to the staff report's recommended conditions) as follows: Approve all conditions with change of #3.B to have aprons paved upon Milwaukee and Dakota being paved, removing condition #8, #9 being changed to open space plan removed from first sentence because we don't have one, that 9.A retention pond be grass, #10 taking out D, and taking out condition #11 completely, and that landscaping be done within one year of the RV park becoming operational.

There were no Board discussion or questions for Rick Lamb or Brent Miller. There was no public comment.

Councilman Townsend moved to accept the Zoning & Planning recommendation on the Three Forks Market Campground Expansion. Councilman Chancellor seconded the motion.

**Motion Passed Unanimously.**

**Proclamation Declaring April 30, 2021 Arbor Day in Montana**

Mayor Gifford asked Crystal Turner to read the proclamation into the record. Crystal Turner noted this would be Proclamation #2021-03.

Councilman Townsend moved to accept the Arbor Day proclamation. Councilman Nelson seconded the motion.

**Motion Passed Unanimously.**

**UNFINISHED BUSINESS**

**Decision on a Resolution to Amend the Capital Improvement Plan to Include Extending Water and Sewer Mains to Buttelman's Field, More Particularly to**

**a "Part of the Northeast Quarter of the Southeast Quarter, and Park of the Southwest Quarter in the Southeast Quarter Located in the West of Buttelman Addition" (RDC10950)**

Crystal Turner recapped the discussion earlier on the Capital Improvement Plan amendment to include the water and sewer main extensions - this resolution would ratify that earlier discussion. She then read the resolution into the record and noted it would be Resolution #342-2021.

There were no Board questions or comments, nor any public comment.

Councilman Townsend moved to accept Resolution #342-2021, a resolution of the Three Forks City Council amending the adopted Capital Improvement Plan. Councilman Nelson seconded the motion.

**Motion Passed Unanimously.**

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

Mickie Imberi requested that the City Council consider the commercial buildings for your water & sewer ordinance changes.

**MAYOR & COUNCIL ANNOUNCEMENTS**

Gene Townsend reported he is working on the realignment of Montana Street. "The property on file at the Clerk & Recorder's office has been surveyed, and the buildings and corrals on the property owner's land are actually located in the middle of our platted street. TD&H Engineering performed the survey and it been flagged, the property owner has been notified and will be moving the fence and buildings. The street will be "cut in" the way it should be," Gene said. He explained the City did a land exchange in 1999 for Jefferson Street and it should have been brought to 66-feet and is still only 33-feet.

Gene reported the Three Forks Rodeo Arena Board held a meeting and are proceeding with holding a Junior & High School Rodeo. Gene visited with Lori Christenson of the Gallatin City-County Health Department to lay out the rules for the event. Social distancing in the grandstands will be easy but cook shack will be marked to maintain six feet apart standing in line and sitting at tables. This will be held May 1 and 2. The Board discussed the July rodeo, but has not decided yet. Gene is supposed to meet with Matt Bugland of the VFW.

Mayor Gifford thanked the Parks Committee for meeting today. He also received a reimbursement for the ice rink liner today, since it was cut

several feet short by the company we bought it from. He commented the new addition to the Headwaters Trail on W. Jefferson looks great.

**AGENDA ITEMS FOR NEXT COUNCIL MEETING:**

- d. Public Hearing and Decision on a Second Reading of an ordinance Amending Title 11, Chapter 20, Section 2 to Edit Zoning Fees within the Ordinance and Change to be Established via Council Resolution
- e. Public Hearing and Decision on a Second Reading of an ordinance Amending Title 9, Chapter 4, Section 1 "Basic Sewer Rates" to Treat Each Dwelling Unit as a Single-Family Residence Regardless of the Number of Dwelling Units within a Building
- f. Public Hearing and Decision on a Second Reading of an ordinance Amending Title 9, Chapter 2, Section 3 "Water System Rules" to Treat Each Dwelling Unit as a Single-Family Residence Regardless of the Number of Dwelling Units within a Building

**ADJOURNMENT**

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

**Motion Passed Unanimously** and the meeting was adjourned at 8:40PM.

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Sean Gifford, Mayor

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Crystal Turner, City Clerk

**MAY 11<sup>TH</sup>, 2021,** The Three Forks City Council met at the Three Forks City Hall (Council Chambers), 206 Main Street and via Zoom. (Zoom is a virtual meeting tool being used due to COVID-19 and social distancing guidelines.) The meeting was presided over by Mayor Gifford. Mayor Gifford called the meeting to order at 7:00 P.M. He reminded the audience this meeting was recorded and streamed via Zoom and on our Facebook page.

**ROLL CALL:** Mayor Sean Gifford, City Council members George Chancellor, Deb Mickelberry, Gene Townsend, Dennis Nelson, Steve Dahl and Nancy Todd, City Treasurer Kelly Smith, City Attorney Susan Swimley, Gallatin County Deputy Ryan Douma and City Clerk Crystal Turner were present at City Hall.

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

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

**GUESTS:** Skip Milner, Jason DeHaan, Travis DeHaan, Ron & Mickie Imberi, Colt James, Ed Guza (attorney for Mickie Imberi), Judy Dellinger, Gloria Howland, Jackie Haines, Kelly Bugland, Tim Hawke, Matt Bugland, and Chuck Wambeke. Present via Zoom was Jill Lorash, Diana Setterberg (Belgrade News), and David Curry.

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

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

**CONSENT AGENDA**

- l. Claims Paid due to Timeliness on 4/22/2021 in the Amount of \$101,619.74
- m. Claim Paid to Mail Utility Bills on 4/30/2021 in the Amount of \$158.13
- n. Claims for Approval
- o. Three Forks Rodeo Arena Claims Paid due to Timeliness 4/22/2021 in the Amount of \$675.00
- p. Three Forks Rodeo Arena Claims for Approval
- q. Minutes of 4/13/2021
- r. Zoning & Planning Board Minutes of 10/15/2020 and 3/25/2021
- s. Task Order #10 with Great West Engineering to Provide Solicitation Package for Obtaining Contracting Pricing for Crack Sealing (\$800.00)

t. Contract with All in One Contracting, Inc. to Provide Crack Routing and Sealing of Paved Streets throughout Three Forks for a Total of \$12,260.00

Kelly Smith explained to the Council that the Junior & High School Rodeo issues payout checks to the winning participants. The recent event had a total of \$21,641.32 total checks written out which the Council will not see on any claims approval list. The Council will see the expenses and revenues in the Cash Report and Budget Reports for revenues and expenses. (Kelly creates a journal voucher for checks as they clear daily noting each payee, and this will be reconciled against the bank statement each month.) She also reported preliminary numbers for the Junior & High School Rodeo appear it netted about \$4,700, which is a record.

Councilman Townsend moved to accept the Consent Agenda. Councilman Nelson seconded the motion. There was no public comment or any requests to pull a consent item.

**Motion Passed Unanimously.**

#### **PUBLIC HEARINGS**

#### **Public Hearing and Decision on a Resolution Requesting Distribution of Bridge and Road Safety and Accountability (BARSAA Gast Tax) Program Funds for the Fiscal Year 2020-2021**

Mayor Gifford read the resolution into the record in its entirety. He asked City Treasurer Kelly Smith to elaborate. Kelly explained this is the "new gas tax" revenue the Legislature approved three years ago. It is a requirement to submit a resolution to the State to request the funds allocated to each city/town. "We actually under budgeted this because there was discussion that due to the COVID-19 pandemic people would travel less so there would not be as much tax revenue. Actually, we are allocated about \$55,000 so we will have to do a budget amendment later this year," Kelly said. Gene Townsend asked what the resolution number would be. Mayor Gifford said it would be #343-2021.

Councilman Chancellor moved to approve Resolution #343-2021, a resolution of the Three Forks City Council requesting distribution of Bridge and Road Safety and Accountability Program Funds for the fiscal year 2020-2021.

Councilman Nelson seconded the motion.

**Motion Passed Unanimously.**

**Public Hearing and Decision on a Second Reading of an Ordinance Amending Title 11, Chapter 20, Section 2 to Edit Zoning Fees within the Ordinance and Change to be Established via Council Resolution**

Mayor Gifford asked the public if anyone wished for him to re-read the ordinance into the record in its entirety. Kelly Bugland requested a second reading. City Clerk Crystal Turner read the ordinance into the record in its entirety. There were no Board questions or discussion. There was no public comment.

Councilman Townsend moved to accept Ordinance #388-2021, and ordinance amending Title 11, Chapter 20, Section 2 to edit zoning fees within the ordinance and change to be established via Council resolution. Councilman Chancellor seconded the motion.

**Motion Passed Unanimously.**

**Public Hearing and Decision on a Second Reading of an Ordinance Amending Title 9, Chapter 4, Section 1 "Basic Sewer Rates" to Treat Each Dwelling Unit as a Single-Family Residence Regardless of the Number of Dwelling Units Within a Building**

Steve Dahl read Ordinance #389-2021 in its entirety into the record for the second reading. He continued on reading the next agenda item before discussion.

**Public Hearing and Decision on a Second Reading of an Ordinance Amending Title 9, Chapter 2, Section 3 "Water System Rules" to Treat Each Dwelling Unit as a Single-Family Residence Regardless of the Number of Dwelling Units Within a Building**

Steve Dahl read Ordinance #390-2021 in its entirety into the record for the second reading.

Mayor Gifford stated that since these ordinances are similar, he allowed Mr. Dahl to read both into the record to hear the public comment for both, all at once. He realizes there may be several people who wish to speak and asked people to keep their comments to three minutes, and to be respectful.

Public Comment: Ed Guza, representing Mickie Imberi who he stated owns several properties in town which will be directly affected by these ordinances. He said that perhaps this change should happen, but procedurally a rate change falls under public hearing processes defined in Section 69-7-111, MCA. He requested the process be restarted following this code. He noted the Montana Consumer Council needs to be alerted as well for all rate changes.

Kelly Bugland spoke that at two meetings she and her husband have requested this item be tabled until proper research has been done. "In all the research I have received from Kelly [Smith] and Crystal this last week, multi-family is significantly different than single-family," Kelly Bugland explained to the Council. She cited the usage for the "old hospital's", the Iron Horse's, a duplex (2 families), and a single-family residence. She explained the City's "snowbird" policy to those present, and stated that this change makes it so this option is not available on multifamily units. (This statement is inaccurate as one could complete the "snowbird" application in a multifamily unit if it is metered separately.) She added that multi-family apartments cannot be sold individually, nor do they have the same amenities as single-family residences (the apartments could be applied to condominium-ize). She has contacted several towns in the County, all whom she says grandfather in the older buildings. She encouraged the Council to grandfather existing buildings, such as her 1914 building.

Mickie Imberi stated the City is not providing more services, but it is charging more for the same service. Mickie said, "We are not getting a second water meter, we are not getting any more service - and who are you going to charge? The property owner? The tenant?" She said, "I will again argue the commercial aspect, if you are going to consider this and do this equitably, consider all."

Matt Bugland said this ordinance is not about resources being provided. "I question this started with anyone complaining that *'man there are people living in duplexes paying one water bill and hey I'm paying for a water bill and living in one house.'* This is a targeted ordinance. I know no one wants to talk about it but people are renting out spaces in their yards for RVs to park and have people live there; people are renting out their garages. Two of the people who supported this ordinance at the last meeting have multiple generations living in their homes. This ordinance is a revenue generator. If you want to wash clothes you can. You don't go downstairs and see that someone else already is using the washing machine. If you want to wash your car you can; you don't get ready and then realize there is only one hose bib on the entire building housing 9 families/singles. If you cook tacos (pointing to someone in the audience), you (pointing to someone else in the audience) don't have to smell it. Is there a kickback to going in and providing a second meter? Why aren't we account for it properly? If it can be metered, meter it. If it can't be metered, come up with a rate that makes sense not just the existing base rate." [Mr. Bugland stated to the Council that from reports

provided by City Hall, 9 commercial businesses used over 2,501 cubic feet (CF), and 5 commercial businesses used between 2,001-2,500 CF. He also reported 5 residential structures used over 2,501 CF and 7 residential structures used between 2,001-2,500 CF. These reports did not differentiate commercial business types, nor residential structure types. They were water usage of last month's readings only. They were not provided to the Council at the meeting but are in the packet for future reference.]

Tim Hawke spoke in agreement with Mickie and Matt. He stated he lives in what would be considered a single-family dwelling, but says it is a 1-bedroom with barely half a bathroom which would technically qualify for a minimum charge. [Mr. Hawke lives in a home that had a meter removed and it now shares a meter with the other house on the same lot. Usage for both homes is summarized on one bill; the other single-family dwelling on this lot is a 3-bedroom.] He said this is a complicated issue but seems the fees are too broad when they all do not fall under the same blanket.

Kelly Smith stated in doing the research requested by Matt Bugland - she found 266 residences that use under 300 CF of water last month per the report provide to Mr. Bugland. The old hospital usage averages 2,600 CF each month, which calculates to 289 cubic feet per unit. "That is more usage per unit than the minimum 100 CF for a charge of \$29.50," Kelly Smith said.

With no further public comment, the Mayor closed public comment.

Susan Swimley said she appreciated Mr. Guza's comments, however she does not agree with him that the Council has failed to meet the notice provisions as she does not agree this is a change in rate or classification. Mrs. Swimley said, "This is up to you - The Council has not charged water/sewer to several multi-family units which is not consistent among all multi-family structures, and the information the Committee has brought the Council has been discussed for over a year. I ask the Council, at a minimum, that you at least re-adopt the findings Councilman Dahl made at the first reading." She added her feelings would not be hurt if the Council wished to start over.

**Comments/Findings from 4/13/2021 meeting:**

Steve Dahl replied to the public comment. "We did do research - when it comes to multi-family, there just is not a lot of info out there to support a discount for multi-family. The comparisons have too many variables - garden bathtubs vs. showers only. As far as empty

units - I don't think the City should have to cover the landlord's expenses. If you bought a home to rent out and start a business that way - that is your business expenses. The City has the responsibility to cover its costs and those costs are supported by base rates. Our responsibility is to provide clean and safe drinking water to the citizens, and it is not free. We have upcoming expenses with our water project looking about \$3,000,000 and an existing loan of \$430,000 - we still have a \$3,500,000 outstanding loan balance for our last sewer project. It's not about giving landlords a break; it's about every residence paying its fair share as a residence."

Nancy Todd asked this basically is just stalling the issue for another 90-days or so by sending out a notice and re-reading? Susan replied she cannot predict the outcome, but if the Council wishes to send a notice, then the City may as well start over with a new ordinance number and modify the language. Dennis Nelson said he is taking into consideration the comments from the public and Mr. Guza's statements. Dennis said, "I don't have a problem with following up with a notification to all property owners, but I don't want to change any comments in the ordinance." Deb Mickelberry respectfully disagreed to Ms. Imberi, "You say you aren't getting additional services. What you are getting is service without the full payment. I don't have a problem with the notices going out, but I feel the same outcome will play out."

Councilman Chancellor moved table this issue until there is notice given on every water bill, and that we maintain the readings that we've had, and at some point we will readdress this issue as a second reading after we all made appropriate notices, in the papers and at the banks and everywhere we go, and put it on everyone's water bill. Councilman Townsend seconded the motion.

**Motion Passed Unanimously.**

**Public Hearing and Decision on the Zoning & Planning Board's Recommendation on a Request for a Conditional Use Permit by DeHaan Construction for a Multi-Family Structure (Three 1,650-sq. ft Units), with the Intent to Condominium-ize the Dwellings Per Section IX "Condominiums" in the Three Forks Subdivision Regulations, Located at Lot 1, Block 9, of Headwaters Addition, Commonly Known as 504 W. Milwaukee Street**

Zoning Chairman George Chancellor read the staff report into the record including staff's recommended conditions which are that the applicant will apply for a and receive a flood control variance, and the applicant will submit a condo declaration and request a subdivision exemption certificate from the City of Three Forks. The Zoning & Planning Board met on April

15, 2021, and added two additional conditions: limit the dogs allowed in the condominium declaration to 1 per unit (where normally 3 per dwelling are allowed as defined in Ordinance #6-4A-3), and the condominiums will have to fit within the required setbacks. (Technically the Zoning & Planning Board removed the flood control variance condition - see Z&P minutes of 4/15/21.)

Jason DeHaan, DeHaan Construction, stated they have revised the original plan to meet the floodplain setbacks, and have proceeded with their engineer to survey the site. They have filled out the floodplain permit application so that process is ready to go if this conditional use permit is approved. "We elected to reduce the size of one of the garages to accommodate the floodplain setbacks. We have agreed to the limited dogs in the condo bylaws," Jason said.

Deb Mickelberry clarified they are building it per required setbacks, rather than applying for a floodplain variance? Susan Swimley asked if the applicant was in agreement of the redesign, and that this is what they want: they do not want to apply for the floodplain variance. Mr. DeHaan said they do not wish to apply for variance since they could meet the setbacks by reducing a garage. "We had hoped to provide three units with two-car garages each, but one of the units will have a one-car garage now," Jason stated.

Public Comment: Chuck Wambeke, speaking on behalf of the Chamber of Commerce supports this project. Gloria Howland asked if each unit would have separate water meters.

Applicant Rebuttal: Jason DeHaan said, "Yes, actually we would prefer that since they will be selling them."

Dennis Nelson said he is familiar with the DeHaan's reputation around the valley, "My hat's off to you. The design is right and it looks very professionally done. We need additional units and I think it's a good move."

Councilman Nelson moved to approve the conditional use permit.

Councilwoman Mickelberry and Councilman Chancellor seconded the motion in unison.

**Motion Passed Unanimously.**

**Public Hearing and Decision on the Zoning & Planning Board's Recommendation on a Request for a Conditional Use Permit by David Curry to**

**Add a Residential Rental Apartment in an Existing Building in the Central Business District, Located at [Part of] Lots 1 & 2, Block 17 of the Three Forks Original Townsite, being 40' x 85' on W. Side, Commonly Known as 15 E. Cedar Street**

Zoning Chairman George Chancellor read the staff report into the record and the recommendations of the Zoning & Planning Board made at their meeting on April 15, 2021. He said there was little discussion and no public comment on this.

David Curry did not have anything to add to his application but is available for questions.

Public Comment: Chuck Wambeke, speaking on behalf of the Chamber of Commerce supports this project.

Steve Dahl asked if he could find out about the construction that has already occurred as the building does not look exactly the same as the picture in the application.

Applicant Rebuttal: Mr. Curry said the building needed several repairs and had many small rooms within. The front door was changed and brought to today's commercial codes. The change in the conditional use permit will not affect the building footprint at all.

Gene Townsend said that he has heard a lot of praise on the new doors and even was questioned if another church was going in Three Forks because of the nice doors.

Councilman Townsend made a motion to accept the application for a conditional use permit for Mr. David Curry. Councilman Nelson seconded the motion.

**Motion Passed Unanimously.**

**REPORT OF OFFICERS**

City Treasurer Kelly Smith reported she reached out, on behalf of the Parks Committee, to Triton Construction regarding pickleball lines on the tennis court. They replied they can add the lines for \$585/per court if the surface is clean and ready to go. Gene Townsend added, when discussed at the Parks Committee meeting, none of us were opposed to pickleball, but we should keep Marcia Anderson's generous donation in mind that it be a tennis court. He said the Council can disagree with Committee if it would

like. Mayor Gifford said he agrees with the Committee - the surface is very expensive.

City Clerk Crystal Turner had nothing to report at this time.

City Attorney Susan Swimley had nothing to report at this time.

Gallatin County Sheriff Deputy Ryan Douma reported on behalf of Sgt. Owens the calls for service between April 14 and May 11, 2021. There were 145 calls for service during that time, 4 agency assists to Montana Highway Patrol and 12 additional calls to Broadwater County. There were also 43 calls that were for Broadwater County but came through to Gallatin County's dispatch. He went through the list of calls. Deb Mickelberry asked about other calls: 145 calls, but the numbers in the report do not add up to 145. Dep. Douma replied those would be responses to ordinance questions, traffic patrol and welfare checks that are not in the report. George Chancellor thanked the Sheriff Office for watching the stop signs better.

#### **REPORTS FROM COUNCIL COMMITTEES (if any)**

Dennis Nelson reported for the Budget Committee that it met to review the third quarter. "It's a pleasure to say we are fiscally and financially sound. All of our departments are under budget and without doubt we will be able to finish the end of the year without overages."

Gene Townsend reported he met with several tree service companies at John Q. Adams Milwaukee Railroad Park to inspect the pine trees. Several need sprayed for spider mites and scale and one tree which is almost completely dead was recommended to be removed and the stump ground down to the grass level.

#### **NEW BUSINESS**

**Decision on Recommendation to Forego the Required Actuarial Study (Section 19-18-503, MCA) for the Three Forks Fire Relief Association due to Cost of the Study versus Actual Expense to Retirees.**

Kelly reported the City has not finalized the FY19/20 audit because our auditors were requiring an actuarial study to be performed on the Fire Relief Association balance. Kelly reached out to other towns to see who performed their audits since Richard Firestone is now retired. She received quotes from the companies named, the cheapest being \$5,000. The Relief Association pays out roughly \$13,000/year in retiree firefighter

benefits. Every other year the actuarial study would need updated but not a full review, and they would charge half the cost in the "off years". Kelly said, "In researching and discussing with other towns, some say they just take the finding in their audit. However, since the City began with studies we must continue with studies and our auditors will not just put a finding in our audit. If we do not have an actuarial study completed, our auditors have said they will not provide the City with an unqualified opinion [unqualified means no issues, and qualified means issues with the City's financials]. So, I reached out to Craig Pozega and Craig Erickson at Great West, who said they did not believe a qualified opinion (regarding the Fire Relief Association) would hurt the City for any grant or loan awards," Kelly informed the Council.

Mayor Gifford said he understands the actuarial study would cost almost half of the annual payouts. "If it doesn't hurt us perhaps we should take the hit and save the money to be spent on our retirees," Mayor Gifford said. Kelly agreed; she added the City cannot go back to the other calculation method allowed in MCA since we opted to perform an actuarial study; now we must stick with actuarial studies. Susan Swimley said her only concern would be that without an unqualified audit it could hurt the City when it needs multiple funding sources for big projects. She suggested when the City does a preliminary engineering report for a large project in the future, perhaps it pays to perform the actuarial study in order to ensure the City has an unqualified audit. Susan suggested since that scale of project takes years, perhaps the City could plan ahead and do the studies the two years prior to the project hitting the ground. Gene Townsend asked what the Relief Association fund looked like at the last actuarial study. Kelly replied the fund was "overfunded" at that time.

There was no public comment.

Councilman Townsend moved to forego the required actuarial study for the Three Forks Relief Association. Councilman Nelson seconded the motion.

**Motion Passed Unanimously.**

### **Organizing a Parks and Trails Cleanup Day**

Jill Lorash said she noticed a lot of garbage around the parks and trails and was just curious if the City would be willing to hold or to initiate a cleanup day. "I live by the rodeo grounds and there is always a lot of garbage that blows in around those empty lots but I notice there is a big uptick of garbage in the parks and trails too," Jill said. She is just

curious what the City's policy is and hopes the City will initiate a cleanup every spring.

Gene Townsend said that for several years on National Trails Day, we organized a trail cleanup which this year would be June 5<sup>th</sup>. "But the last 2 years I hosted it, it was just the Brownie Scouts and me and my wife. We will definitely work with you on the Trails System cleanup and I would be willing to work you with and help organize. Heck, maybe even the Trails System could come up with the money to buy hotdogs and have a BBQ for those who help out," Gene said.

Crystal Turner reported volunteers from Lexus Nexus recently cleaned up the trails for 5 hours - as a work community service project. The City provided the garbage bags but they did not want help other than from their employees. Crystal will get contact information of Gene, and the Girls and Boy Scout Troop leaders to Jill.

#### **UNFINISHED BUSINESS**

There was no unfinished business on the agenda.

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

Chuck Wambeke, Chamber of Commerce, introduced Jackie Haines, the new Executive Director of Northern Rocky Mountain Economic Development District (now called the Bridger District). "She's taking over for Rob Gilmore. The City and Chamber have been working with the District for several years. I met with Jackie a few times this past month to pick up where we left off pre-COVID."

Jackie introduced herself and informed the Council the District has a new revolving loan fund. "We have \$1,500,000 to lend out to businesses so if you know anyone looking for funds we could do partnership loans with the banks. I am excited to continue the partnership with City," she said.

Chuck Wambeke, on behalf of the Three Forks Rodeo Arena Board, reported the Junior & High School Rodeo held last weekend was a success. "Things went really well, we had a great turnout. We did well financially, which it has been a long time since we have done well financially on high school rodeo. Kudos to Gene and his helpers in the cook shack. And we had record number of participants," he reported.

**MAYOR & COUNCIL ANNOUNCEMENTS**

Gene Townsend announced he was at the Open Lands Board meeting last night on his submitted grant application. "The money is from the Open Lands mill levy on your taxes - this is the first year they divided it out towards parks and trails. There will be two more meetings before we know if we are successful with this grant application," Gene said.

Mayor Gifford reported the City received the MMIA Loss Control Award in the Liability Program - for the 3<sup>rd</sup> class cities. This is for the lowest incurred dollars over the past 5 years. "Not to brag on our town, but close management and eye on our finances and our wonderful staff is what gets this done," Mayor Gifford said.

He continued that he did not get awarded the Tourism Grant he submitted for the ice rink. "I'll keep trying, and we are moving forward with a permanent location for the rink. This means we'll be moving the volleyball court to Bellach Park. If you haven't seen already, there is a beach area being installed by the middle pond - we are going to install some rocks to prohibit boat launch in this area and will add signage," the Mayor reported. "I have also been working with Lucky Flynn from GCC-Trident who agreed to fund half the concrete and all the labor for the ice rink's home. We have staked out an area which will also house a full-size basketball court in the summer and house the ice rink on it in winter. The engineer recommends rebar, which I have spoken to Chris Lien at Three Forks Lumber & Ready Mix and they can do a fiberglass mesh in the concrete for strength. The pad will be 4-inches thick and this will be sufficient per Chris," Mayor Gifford said.

Last, Mayor Gifford reported he emailed Melissa Jenkins at the Chamber. In 2019 the Legislature passed a bed tax and about \$13,000/year should be distributed to Three Forks which was intended for downtown/business district improvements. "To my knowledge, none has been distributed to Three Forks," and he asked Chuck to verify that. Chuck said he believed nothing has been directed to the Chamber. Mr. Gifford and Mr. Wambeke said they would work together to track it down - it should be spent on tourism here in Three Forks.

**AGENDA ITEMS FOR NEXT COUNCIL MEETING: June 8, 2021**

- FY2019-2020 Audit Report Presentation
- Public Hearing and Decision on the Zoning & Planning Board's recommendation for a multi-family structure with intent to

condominium-ize at Lot 1, Block 9 of Headwaters Addition, commonly known as 610 W. Front Street.

- Possibly the Water and Sewer Ordinance amendments

**ADJOURNMENT**

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

**Motion Passed Unanimously** and the meeting was adjourned at 8:32PM.

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Sean Gifford, Mayor

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Crystal Turner, City Clerk

**JUNE 8<sup>TH</sup>, 2021,** The Three Forks City Council met at the Three Forks City Hall (Council Chambers), 206 Main Street and via Zoom. (Zoom is a virtual meeting tool being used due to COVID-19 and social distancing guidelines.) The meeting was presided over by Mayor Gifford. Mayor Gifford called the meeting to order at 7:00 P.M. He reminded the audience this meeting was recorded and streamed via Zoom and on our Facebook page.

**ROLL CALL:** Mayor Sean Gifford, City Council members George Chancellor, Deb Mickelberry, Gene Townsend, Dennis Nelson, and Nancy Todd, City Treasurer Kelly Smith, Gallatin County Sheriff Sergeant Owens and City Clerk Crystal Turner were present at City Hall. Councilman Steve Dahl was excused. 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 Gifford.

**GUESTS:** Carlie Peterson, Pat Blazick, Christi Blazick, D.K. Brooks, Gloria Howland, Brian Rauser, Brad Eastty, Dave Anderson, Dane Hancock, and Mike Hansen.

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

Brad Eastty returned his Fire Department radio and pager.

**CONSENT AGENDA**

- k. Claims Paid due to Timeliness on 5/21/2021 in the Amount of \$56,786.37
- l. Claim Paid to Mail Utility Bills on 5/28/2021 in the Amount of \$156.00
- m. Claims for Approval
- n. Three Forks Rodeo Arena Claims paid due to Timeliness on 5/28/2021 in the Amount of \$1,753.13
- o. Three Forks Rodeo Arena Claims for Approval
- p. Minutes of 5/11/2021
- q. Zoning & Planning Board Minutes of 4/15/2021
- r. Service Agreement with Richard Williams Enterprises to Install a Metal Roof on the Arsenic Treatment Plant (\$4,060)
- s. Amendment #3 to Task Order #1 with Great West Engineering for General Engineering Services (\$13,000)
- t. Agreement between Three Forks School District and the City Outlining Responsibilities During the Replacement of the Water Main Serving the School

u. Engineering Services from TD&H for the Jefferson Street Trail Extension to the High School/Golf Course (\$6,000)

Councilman Townsend moved to accept the Consent Agenda. Councilman Nelson seconded the motion. There was no public comment or any requests to pull a consent item.

**Motion Passed Unanimously.**

#### **PUBLIC HEARINGS**

**Public Hearing and Decision on the Zoning & Planning Board's Recommendation on a Request for a Conditional Use Permit by Rauser Builders, LLC for a Multi-Family Structure (Three 840+-sq. ft Units), with the Intent to Condominium-ize the Dwellings per Section IX "Condominiums" in the Three Forks Subdivision Regulations, Located at Lot 1, Block 9 of Headwaters Addition, Commonly Known as 610 W. Front Street**

George Chancellor, Chairman of the Zoning & Planning Board read Randy Carpenter's staff report into the record and recapped the Board's recommended conditions for approval: 1) applicant will submit a condo declaration [to the City] and request a subdivision exemption from the City, and 2) expand the storage spaces to 76-square-foot minimum.

Brian Rauser was available for comments and questions but stated he did not have any presentation.

Public Comment: Pat Blazick spoke in opposition to this application (see Zoning & Planning Board minutes of 5/20/2021 for specifics but she cited objection to multi-family housing due to being too close together and not enough space for children to play or vehicles to park). With no other comments, the Mayor closed public comment.

George Chancellor added the Zoning & Planning Board also recommended a third condition: that there could only be one dog per unit, and the applicant said they already had that limitation in their draft condo declarations.

Applicant Rebuttal: Mr. Rauser waived his time for rebuttal.

Board Discussion: Dennis Nelson asked if there were other negative comments. George replied, "No." Deb Mickelberry clarified all setbacks will be met with the proposed application. George answered, "Yes."

Councilman Townsend moved to approve the request for a conditional use permit at 610 W. Front Street, with the Zoning Board's conditions attached. Councilman Nelson seconded the motion.

**Motion Passed Unanimously.**

**Public Hearing and Decision on a Resolution Disbanding the Existing Plan the City has for Montana Voluntary Employees' Beneficiary Association and Adopting a New One**

Crystal Turner read the resolution into the record in its entirety noting it would be resolution #344-2021. She read a new "whereas" received today and recommended by Melanie Denning of the Department of Administration - Retirement Division as follows:

*Whereas, Current MT VEBA HRA rules and IRS requirements state that "eligible participants" may be defined as all employees who separate from employment from the City of Three Forks (or from a smaller work group defined by the City), if they are eligible for sick leave and group benefits, receive an employer contribution for benefits and participate in the employer's retirement program.*

Councilman Nelson motioned to accept Resolution 344-2021, a resolution of the Three Forks City Council disbanding the existing plan the City has for Montana Voluntary Employees' Beneficiary Association and adopting a new one, as recommended in the remaining document. Councilwoman Mickelberry seconded the motion. There was no public comment.

**Motion Passed Unanimously.**

**Public Hearing and Decision on a Resolution Rescinding Resolution #319-2020 and Terminating the State of Emergency due to COVID-19, as the Council no Longer Finds Conditions Exist to Continue an Emergency**

George Chancellor read the resolution into the record in its entirety saying it would be resolution #345-2021.

No comments/questions from the Council or public.

Mayor Gifford closed public comment.

Councilman Nelson accepted Resolution #345-2021, a resolution terminating Resolution #319-2020 which declared a state of emergency due to COVID-19. Councilwoman Todd seconded the motion.

**Motion Passed Unanimously.**

**REPORT OF OFFICERS**

City Clerk Crystal Turner reported that there are four Council and one Mayor, seats up for election this November. Dennis Nelson, Gene Townsend

and George Chancellor's terms are expiring the end of 2021, and Nancy Todd is only filling the remainder of Ms. Schattauer's term but has to run in the next election. Dennis has said he will not be running. Crystal confirmed with the Election Office earlier today only Gene Townsend has filed for the Council seats and one filing for Mayor has been received. She reminded those who wish to run that the deadline is June 21 at 5PM. It is open to anyone 18 years of age or older, a resident of the City of Three Forks, and meet the requirements in the Constitution of Montana.

City Treasurer Kelly Smith reported another \$85,225 from the Gallatin County Sheriff Office reimbursement of CARES Act money should be received by the end of the month. She would like to discuss with the Budget Committee where to receipt that.

Gallatin County Sheriff Sgt. Owens provided Three Forks' city limits calls/statistics - just service in city limits. "We handle Clarkston and Willow Creek too, and help other entities as needed, but I wanted to provide you with the calls within the town for the past month," Sgt. Owens said. Gene Townsend requested extra patrol at the ponds during the 4<sup>th</sup> of July holiday.

City Attorney Susan Swimley had nothing to report at this time.

#### **REPORTS FROM COUNCIL COMMITTEES (if any)**

Dennis Nelson reported the Budget Committee would like to meet to draft a preliminary budget on July 7<sup>th</sup> at 3PM. They will discuss departmental requests, proposed raises, increases to staffing in some departments, so we can present the Council with a preliminary budget hopefully in mid-August.

#### **NEW BUSINESS**

##### **Kennel License Application by Carlie Peterson at 307 1<sup>st</sup> Avenue East**

Mayor Gifford read Sgt. Owen's inspection report of 307 1<sup>st</sup> Avenue East. Crystal Turner explained the application received and read the conditions the Council set on the last two kennel applications. Gene Townsend clarified about 4 dogs (she has 3, boyfriend has 1 so 4 on property). He questioned the cleanup service she has. Carlie said she pays a kid to come scoop the waste weekly. Gene asked if in the 6 days without pickup, is there a smell from heat on the waste after 6 days and four dogs? Carlie said they have not had any issues with that.

There was no public comment.

Councilman Chancellor moved we approve the application for a kennel license for Carlie Petersen. Councilman Townsend seconded the motion.

**Motion Passed Unanimously.**

**Impact Fee Appeal Request by Rick Lamb for Addition of RV Park at Three Forks Market due to Only in Operation Six-Months/Year**

There was no applicant present so the Mayor asked if the Council wished to continue the item. The Council was in agreement to continue the request and decision without the applicant present at the meeting. Mayor Gifford read the request into the record signed by Ricky Lamb.

Kelly Smith explained how they came up with the calculation of fees - \$9,543 for sewer for a 1" line, \$2,786 for water, and \$2,006 for fire. For a total of \$14,335. Mr. Lamb does have a non-conversion agreement filed with the County that he can only be open for business six months per year. Dennis Nelson asked how that could be amended. Kelly Smith replied the ordinance would have to be amended first.

There was no public comment.

Susan Swimley respected they are only open six month a year, she advised the Council that impact fees are for the impact to the facilities. The City has to have the facilities available whether or not they are used or the connected business/residence is open or not. "The usage does not affect the impact to the system. The logic that because it's only open half the year escapes me and I would like to hear the rationale behind the Council's support to this request," she said.

Nancy Todd spoke about Joe Petersen - he requested a reduction because his Air BnB would only be rented part of the time as well, and the Council denied that request. Dennis Nelson said, "We do have to keep the sewer plant running and wells running and pumping water - even if they are closed." Gene Townsend agreed with Nancy, "We still have fire trucks sitting in the fire hall, and water to be drilled, pumped and treated, and he's [Market RV Campground] is still impacting the system whether he uses it or not. I agree 100% with Susan," George Chancellor asked if the water is shut off and everything does the City have the right to charge him? Susan responded yes, for impact fees. She added, "If he shuts off the water, he gets a discounted rate for the lack of use of the service provided. It's infrastructure versus operation to me."

Nancy agreed, "If a fire occurs, we still have to send someone out there in a vehicle. If we run out of water, we still have to have water supplied when people want to turn on the faucet." Mayor Gifford agreed with the Council's reasoning. Dennis Nelson agreed as well, "We have to keep it up and running all year, even if it's [business] shut down, or snowbird rate. I don't think we set a precedent with the last decision to reduce them for the 9 RV spots. I think \$14,000 is a fair impact fee to charge."

Gene Townsend explained when the City adopted impact fees the idea was to help the people that are already here and paying for operational charges. Prior to impact fees the use rates/fees were all supporting any new infrastructure. Impact fees are for new connections to save funds to improve the infrastructure. Those that have lived here and used the system all these years have already helped pay for infrastructure and rates. "We have just been talking about spending \$3 million on a water project, and this fee helps protect the water rate increase. It does not go away but will lessen it to those existing users. It's a new impact to the system," Gene said.

Councilman Townsend motioned to accept the impact fees as calculated.

Councilman Nelson seconded the motion.

**Motion Passed Unanimously.**

#### **Audit Report and Presentation for Fiscal Year Ending June 30, 2020**

Dane Hancock with Rudd & Company to review the June 30, 2020, audit report. We completed our audit in December 2020 but were holding out on finalizing it until the Council had a decision on the actuarial report. "I believe a month ago you guys decided to forego that study. The majority of changes from last year's report will be because of that decision to forego an actuarial report (of the Fire Relief Association's funds)," Dane explained.

He said Rudd is providing a qualified opinion specifically related to the Fire Relief Association that is no longer on the books. "I understand the City would rather use the funds towards paying the retirement benefits than paying the cost to figure out (prove) the overall liability," he said. [The City's last report showed the city to be over-funded.] There is a \$251,000 increase to your overall position because we removed the pension liability.

Gene Townsend questioned GASB rules. "Seems like every 3 or 4 years they change these rules," Gene stated. Dane replied, "They are close GASB 90 now, the pension liability is GASB 73. The overall thought is they want to make it as simple as possible for the readers [of the audit report] to have the information," Dane added. He covered net pension liability on

page 17. Page 18 shows revenues and expenses; Page 22 shows statement of changes in those balances; Pages 64 and 65 these are the updated footnotes of your audit. There are four or five paragraphs specifically relating to the floodplain information, trying to explain that remapping and possible mitigation solution to the readers. Dane continued, "There is also a footnote for the Coronavirus pandemic - it's great to hear you approved the overall hope it is coming to an end and are stating there is no longer an emergency. We still note it since this was for the year ending June 30<sup>th</sup>, 2020, and we are conservative. Footnote 17 specifically relates to the Relief Association. Footnote 18 is in regard to the qualified opinion."

Gene Townsend asked, "Tell me about Footnote 14. Why is the floodplain affecting the audit?" Dane responded, "It is not, but it may have a financial impact to the City and so we include it in our report. Our report on internal controls and financial compliance, overall the City looks really good. We do show a material weakness by not having the pension liability on the books."

Gene said, "Just because it isn't on the books we really have to keep track of it still. We are full of "young bucks" now on the Fire Department but I don't want future Council's to look at the debt and have to go back out to the public to raise money to increase the tax levy to pay retirement to our volunteer firefighters. All the retirees and getting old and dying off (he looked at Denny and everyone laughed)." Kelly Smith added that the Council could choose to do an actuarial study every five years or so - the finding/qualified opinion would come off that year, then go back on the years the City does not do the study. Dane closed by saying regarding internal controls, if we had any issues getting information from your staff we would note that here. We have not had any issues nor do we have any concerns about Kelly or Crystal's tracking of the financials." Gene said, "Good job Kelly and Crystal," and Denny added, "Thanks girls."

**Decision to Appoint Incumbent Board Members Bob Logar and Michael Hansen as Three Forks and Manhattan Representatives on the Gallatin Conservation District for 3 Year Terms, to Expire May 14, 2024**

Mayor Gifford read the letter from the Conservation District into the record.

Michael Hansen introduced himself. He said he has served for the City of Three Forks for several terms already but never met any of the City elected officials or staff. "I am a soil specialist as my field of work. I retired from US Soil Conservation Service in 2010. I also serve on the Montana Association of Conservation Districts as Director for Region #6, and am currently the President of the Gallatin District. So, if you don't reappoint me I get to duck out of that," Michael said. Everyone laughed.

Gene Townsend said the Soil Conservation District used to hold a large dinner in Three Forks each year. A potato farmer was the president of everything then. "Anyway, we appreciate your work," Gene said. Michael appreciated the Council's support.

There was no public comment.

Councilman Nelson moved to reappoint both of the incumbents to the positions described to the Conservation District. Councilman Townsend seconded the motion.

**Motion Passed Unanimously.**

#### **UNFINISHED BUSINESS**

There was no unfinished business on the agenda.

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

None.

#### **MAYOR & COUNCIL ANNOUNCEMENTS**

Gene Townsend reported he attended the Gallatin County Commission meeting today and was informed the Trails were awarded \$75,000 from the Open Land Board. "This will give me just about all the funding needed to complete that [connection from Jefferson to Oak] trail," Gene said. He also received notice from Fish, Wildlife & Parks the Trails received \$15,000 maintenance grant to use on crack sealing on the oldest part of the trail. "I was also present when they approved Lori Christenson to the County Health Director position, if Bozeman agrees at their meeting tonight," he added.

On Saturday we will hold a Parks and Trails cleanup Saturday, meeting at City Hall at 9AM and cleanup for 2 hours. Then we will eat a BBQ lunch at Stevenson Park after a couple hours of cleanup.

Also, there is a beaver problem at the Interstate-90 culvert. Crystal Turner said we got our permit to trap the beaver(s) today and she gave it to TC1 Wildlife.

Mayor Gifford reported there was one beaver dead on Talc Road, and one dead on I-90. He added the volleyball court at Bellach Park is already being used, and a bench will be installed (paid for by the dock donor).

Mayor Gifford met with Sen. Tester's Office today and Gallatin County Commissioner Zach Brown to discuss strategies for flood mitigation. "Kelly and Crystal attended too. Kelly felt it went well, hopefully they can get information on our grant with FEMA sooner, and Sen. Tester's office was like 'Why isn't flood mitigation considered infrastructure?'" Mayor Gifford said. Everyone left with their own action items. The County is getting lots of money from ARPA and going to try to see if there are ways to help pay for it with their new funds. The Mayor reported Wendell trained two new pool attendants today, and Crystal reported their safety and CPR training is scheduled for Friday. The Wading Pool will open on Monday June 14<sup>th</sup>.

The Mayor reported that a Flood Mitigation project landowner meeting is scheduled for June 15<sup>th</sup>. He will miss it but encouraged all Council members to attend if they wish to. He also thanked Kelly and Crystal for clean audit report.

**AGENDA ITEMS FOR NEXT COUNCIL MEETING:** June 22 or July 13, 2021

Nothing schedule for June 22 at this time. July has:

- Public Hearing and Decision on a Zoning & Planning Board Recommendation for a Request to Amend the Conditional Use Permit by Rick and Valerie Lamb on Lots 4A-1 of Block 12 Headwaters Addition to allow the Service Building west of the Three Forks Market and not Attached to It
- Public Hearing and Decision on a Zoning & Planning Board Recommendation to Amend Zoning Text in 11-8A-2 "Permitted Uses" to Include "*Beverage, bottling, and distribution in facilities up to 7,000 square feet*" by Roam MT, LLC and Battle Ridge Rentals, LLC
- Approval of Grant Application to Montana Coal Endowment Program's ARPA Funds for Water Supply Project (Craig Pozega)

**ADJOURNMENT**

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

**Motion Passed Unanimously** and the meeting was adjourned at 8:32PM.

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Sean Gifford, Mayor

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Crystal Turner, City Clerk

**JULY 13<sup>TH</sup>, 2021,** 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 Gifford. Mayor Gifford called the meeting to order at 7:00 P.M. He reminded the audience this meeting was recorded and streamed via Zoom and on our Facebook page. (There were technical difficulties getting Zoom to "go Live to Facebook" for the first 20 minutes.)

**ROLL CALL:** Mayor Sean Gifford, City Council members George Chancellor, Deb Mickelberry, Gene Townsend, Steve Dahl, Dennis Nelson, and Nancy Todd, City Treasurer Kelly Smith, Gallatin County Sergeant Owens and City Clerk Crystal Turner 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 Mayor Gifford.

**GUESTS:** Ashley Galgerud, Hafden Galgerud, Camille Bjorndal, Preston (Whobee) Hughes, Rhonda Buckalew, Darren Cline, D.K. Brooks, Rikayla Bjorndal, Keith Aune, Trevor Aune, Josh Williams, Josh Miller, Jason Kelsey, Brandi Williams, Tiffany Barsotti, Jeanine Eastty, Kira Gifford

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

Jeanine Eastty spoke regarding her husband, Brad Eastty's, termination. She feels bullied and intimidated by the responses of the City to her actions, as well as unwelcomed to come into City Hall. She relayed the timeline of events including the date of the incident which began the investigation, up to two week's ago when Mr. Eastty returned his radio and pager to the Mayor at a City Council meeting. Mrs. Eastty also informed the Council she was told she may not proceed on any further documentation or discussions regarding Mr. Eastty's dismissal without first providing a Power of Attorney to the City Attorney. She distributed a copy of Brad's dismissal letter to the Council members. She thanked the volunteers in the room for their service.

**CONSENT AGENDA**

- a) FY20/21 Claims Paid due to Timeliness on 6/28/2021 in the Amount of \$174,618.75
- b) FY20/21 Three Forks Rodeo Arena Claims Paid due to Timeliness on 6/28/2021 in the Amount of \$1,559.51
- c) FY20/21 Claims Paid Due to Timeliness and to Mail Utility Bills on 6/30/2021 in the Amount of \$21,828.78
- d) FY20/21 Three Forks Rodeo Arena Claim Paid due to Timeliness on 6/30/2021 in the Amount of \$69.29
- e) June FY20/21 Claims for Approval Totaling \$22,413.54
- f) Claims for Approval
- g) Three Forks Rodeo Arena Claim paid due to Timeliness on 7/1/2021 for \$2,406
- h) June FY20/21 Three Forks Rodeo Arena Claim for Approval
- i) Three Forks Rodeo Arena Claims for Approval
- j) Zoning & Planning Board Minutes of 5/20/2021
- k) Board of Adjustment Minutes of 5/11/2021
- l) Service Agreement with Republic Services for Additional Weekly Pick-up of 4-yard Dumpster at City Shop for the Summer (\$205/month)
- m) Service Agreement with Hach Service Partnership for Maintenance of the UV system at the Wastewater Treatment Plant for FY2021/2022 (\$967)
- n) Service Agreement with Levi Blom to Perform on 7/15/2021 as the pre-Rodeo Entertainment (\$1,800)
- o) Service Agreement with Frontier Security & Consulting to Provide Security at the Concert on 7/15/2021 and the Rodeo on 7/16 & 7/17/2021 (\$2,910)
- p) Service Agreement for Livestock at 2021 Rodeo with Jacobs Livestock Rodeo (\$19,500)
- q) Amendment of Contract with All In One Contracting, Inc. to Provide Crack Routing and Sealing of Paved Streets Throughout Three Forks (was estimated at 10,000 linear feet, but ended up with an additional 20,768 linear feet for grand Total of \$37,721.57; contract expired 6/30/21)
- r) Grant Award Contract between Headwaters Trails and Gallatin County Open Space Levy Fund for \$75,000
- s) Agreement for Custody of Pledged Securities Adding \$500,000 to Pledge
- t) Engagement Letter with Rudd & Company to Begin Audit for Fiscal Year Ending June 30, 2021

Councilman Townsend moved to accept the Consent Agenda. Councilman Chancellor seconded the motion. There was no public comment or any requests to pull a consent item.

**Motion Passed Unanimously.**

**MAYORAL AGENDA ADJUSTMENT - NEW BUSINESS**

**Mayoral Recognition of Volunteer Fire Departments' Swift Acts at the Willow Creek Fire**

The Mayor honored the volunteer firefighters with the "Medal of Courage" which is given for acts of bravery or shows courage in initial capability. "Their actions were instrumental in preventing the loss of life and personal property as the fire threatened roughly 50 homes in potential danger. The successful and safe initial response to the fire prevented a tragedy from occurring. Three Forks Fire Department and Willow Creek Fire Department firefighters distinguished themselves while serving as the first responding firefighters. Their personal bravery and devotion to duty were in keeping with the highest traditions of fire service. They distinguished themselves while serving as the first responding firefighters and it reflects great credit upon themselves and the City of Three Forks. I would like to thank you guys. I sat in a briefing with Governor Gianforte and DNRC when they held a stakeholders meeting. They said if it wasn't for you guys and your initial response the fire would have been ten times worse - you pretty much had it out before the State even responded to the fire. I want to recognize every one of you guys for that bravery and for that courage and appreciate you guys showing up today," Mayor Gifford said. He then handed a medal to the following firefighters: from Willow Creek: Ashley Galgerud, Hafden Galgerud, Camille Bjorndal, Preston (Whobee) Hughes, Rhonda Buckalew, Darren Cline, and Jeremy Bjorndal. From Three Forks Fire: Keith Aune, Trevor Aune, Josh Williams, Josh Miller, Jason Kelsey; and from Three Forks Ambulance Service District: Brandi Williams and Tiffany Barsotti.

**PUBLIC HEARINGS**

**Public Hearing and Decision on a Zoning & Planning Board Recommendation for a Request to Amend the Conditional Use Permit by Rick and Valerie Lamb on Lots 4A-1 of Block 12 Headwaters Addition to Allow the Service Building west of the Three Forks Market and not Attached to It**

George Chancellor recapped the Zoning & Planning Board's meeting and recommendations. The Board recommended two additional conditions: no storage of non-property owner equipment or gear, and that the building is not for rent for other activities.

There were questions by the Council about laundry facilities being in the proposed building, and if the applicant met the State building code requirements.

*[Crystal Turner asked the Council and Mayor to recess for a moment. She could not get the Zoom meeting on screen at City Hall to show the view of whomever is speaking larger, nor share the screen to post the documents in the Council's packet. She could not get either her, or Kelly Smith who was also logged in as an administrator, to be able to "go Live on Facebook" or share screens. The meeting reconvened in roughly 5 minutes.]*

Kelly Smith informed the Council the original 16 conditions are in the packet staff report. Gene Townsend asked how many conditional uses can one do on one piece of property? Kelly Smith answered this is not a new conditional use, this is an amendment. Kelly added that one property has had several conditional use permits but each one over-rides the previous request/approval, but Susan Swimley may be able to confirm that.

Councilman Townsend moved to accept the application for a conditional use permit for Rick and Valerie Lamb and the application is to amend the condition of use of the Three Forks Market Campground. Councilman Nelson seconded the motion.

Public Comment: Gloria Howland asked if this is where the community picnic area and firepit was to be? "So, there's not going to be anywhere they can gather anymore at all?" Gloria asked. Kelly Smith replied yes, it is that location and campers can gather in the building. The Zoning & Planning Board made a condition that the building will be for campers' use, and not be rented out for other (public) use. Gloria continued, "Only 1 shower for women and 1 for men, with maybe 250 people camping?" Kelly Smith replied there are two showers for each and that is more than the State requires. "Remember these are full-service campers and RVs," Kelly said. D.K. Brooks said the proposed drawing of the service building shows the detail has long storage bays; the Lamb's said there will be amenities for people to gather but with this much storage area how can people gather and have a good time with all this stuff stored within? "Men's showers and toilets and women's showers and toilets are at the far end of the building," D.K. said. He asked that the record reflects he and his wife oppose this application. There were no more public comments. The Mayor closed public comment.

**Motion Passed Unanimously.**

Kelly Smith asked if that earlier motion includes the Planners' conditions or the Zoning & Planning Board's conditions? Crystal Turner re-read the motion aloud and stated it did not.

Councilman Townsend moved to amend the conditional use permit for a service building and include the Board and Staff's following conditions: 1) landscape sprinkler system and maintenance plan shall be adhered to, 2) the service building shall provide trash facilities, water facilities, separate bathrooms and showers for men and women, 3) no storage of non-

property owner equipment or gear, 4) the building is not for rent for other activities. Councilman Nelson seconded the motion.

**Motion Passed Unanimously.**

**Public Hearing and Decision on a Zoning & Planning Board Recommendation to Amend Zoning Text in 11-8A-2 "Permitted Uses" to Include "Beverage, bottling, and distribution in facilities up to 7,000 square feet" by Roam MT, LLC and Battle Ridge Rentals, LLC**

George Chancellor read the staff report and recommendation in the Staff Report, and the Zoning & Planning Board's discussion regarding the square footage allowance. "Randy Carpenter believes that 6,000 square feet is too large for Central Business and recommended 3,500, but the Zoning Board did not want to recommend that small of space. The Board settled on 7,000 with the consent of the Council, who can change that square footage amount as it sees fit," George explained.

Randy Carpenter said the Central Business District is really the core of a community, with valuable land. "I do not believe it is a good use for something that may consume such a large area of this precious space which is more for retail. After the Board's discussion and upon doing more research, I am less concerned with the tasting room size, but the brewery/manufacturing size does not need to dominate the downtown area," Randy said. "Breweries in Bozeman and Belgrade are as follows (brewery, tasting room, kitchen as applicable): Bozone 4,400, MAP 8,000, Outlaw Brewery 8,000, Madison River (not in a downtown location) 23,000-square feet. Breweries bring employment, they bring commerce downtown, they bring a lot of good to a community. There are technical rules about how they operate, but really they are no different than a bar or restaurant. However, is a stand-alone brewery the right use in a downtown area, in Three Forks' Central Business District (CBD)? If it is just brewing and bottling, that seems to me to be more of an industrial use," Randy said. "The Council could require a retail setting (like a taproom) to be a requirement in the CBD. The Council could limit the square footage, but it should include a retail/storefront aspect," he suggested.

Cody Ham, applicant, spoke about the differences in breweries, as well as not hindering their future growth by setting a smaller number of square footage now. "Based on the size of the operation you still need large open space within the building. As you grow you have to drive forklifts within the brewery. I feel like 6,000-square feet is an acceptable size. There are quite a few buildings that size already in the CBD are already that large, some are over 10,000 and still accommodate parking," Cody said. "The area we are planning to build is near the grocery store, a

Family Dollar, it is not exactly downtown or Main Street. The building is across from the Family Dollar and a motel, and near rental spaces, but could have four different retail businesses within it," he added.

Board Discussion: Dennis Nelson asked what the standard size of a commercial lot on Main Street is (25-foot wide and 140-foot deep). Denny said, "So, at this request, one would need at least 2 lots and then allow for off-street parking. I have no problems with this, I just want to point out that this is pretty standard size of other commercial lots." Deb Mickelberry said regarding parking, we have considered employees and patrons, "How many employees do you intend to have Cody?" Kelly Smith interjected that is only an example; the reason behind the Board's recommendation on Neighborhood Highway Business (NHB) is because everything in NHB is allowed in Central Business District (CBD) and that way the City does not have to change two ordinances. She and Crystal Turner added that this application is not for a specific brewery at this time (so the number of employees is unrelated) but it is regarding changing the ordinance to allow breweries in this area and if so, at what square footage.

Public Comment: D.K. Brooks, not opposed to breweries, but for a brewer water quality is a concern and needs to be researched by a potential brewer. He also asked what capacity of water would be used and would it affect the common citizenry.

Gene Townsend replied to D.K. Brooks, "We are not talking about a specific brewery. We are speaking about adding a new part in our regulations to allow this type of business. At the time the City receives an application for a brewery business, we will need to know their water consumption." Nancy Todd addressed Mr. Brooks noting that water quality was a consideration and brought up; on page 6 of the staff report there were several inquiries regarding the City Engineer saying the City's water could afford a brewery with 10,000-gallon/month consumption. D.K. Brooks thanked Nancy for that information.

There was no applicant rebuttal.

Councilman Townsend motioned to amend zoning text 11-8A-2 Permitted Uses, to include beverage bottling and distribution in facilities up to 7,000 square feet (Councilman Chancellor clarified this should be Chapter 7 for Neighborhood Highway Business) yes, in Neighborhood Highway Business. Councilwoman Todd seconded the motion.

**Motion Passed Unanimously.**

**REPORT OF OFFICERS**

City Clerk Crystal Turner reported on the following items: she asked the Council while the City is updating its personnel policies if it wished to honor the State's recreational marijuana use, or just not recognize anything that is not federally legal. She added she is still waiting for input from the City Attorney and contracted labor attorney on the Fire Department Handbook, the Personnel Policy and the Safety Policy drafted edits. Crystal informed the Council the Election Office said filing for municipal elections is now closed. There will be no need to hold a primary election per §13-14-115(2) (A), MCA unless the Council wishes to hold one. If the Council holds a primary, we would have had to adopt a resolution by July 1<sup>st</sup>. Crystal learned of this requirement on June 28<sup>th</sup> so on behalf of the Council she informed the Election Administrator we would not wish to hold one since we could need meet notice requirements. Last, regarding the Three Forks Rodeo Arena: Ascent Technical Services provides wi-fi and the ATM machines at the rodeo. She apologized for not having this agreement on the Consent Agenda tonight but only received the agreement on Friday past the deadline. They do not charge the Three Forks Rodeo Arena for anything, just want permission signed to be on the City's property. Also there will be four more claims paid due to timeliness and checks given to the Rodeo Secretary which were not on the Consent Agenda tonight either. These are vendors which require payment upon the completion of the rodeo, but again nothing was submitted on time in order to have those ready for tonight's agenda. They are: Jacob's Livestock, 406 Rodeo Stock, Let's Rodeo, and Levi Blom Music, LLC. Those will be on the 7/27/2021 consent agenda as "Paid due to timeliness".

City Treasurer Kelly Smith did not have anything to report tonight.

City Attorney Susan Swimley thanked the Rodeo Board, Kelly and Crystal for all their hard work on getting the contracts documented for the Rodeo and covering the statutory requirements of the City.

**REPORTS FROM COUNCIL COMMITTEES (if any)**

Gene Townsend reported the Streets & Alleys Committee met on July 6<sup>th</sup>. The Committee recommended to the Council to cost share a repaving of Oak Street all the way to the property lines of 421 E Oak Street and 123 N 4<sup>th</sup> Avenue E. This section of the road is only 33-feet wide; the remaining 33-feet was never deeded to the City during the expansion of the school at its last property acquisition. However, a narrow street forces "traffic

calming" and around this area we would like to promote that. The School intends to have a parking lot, and will install "No Parking" signs in front of these two properties to ensure a full 33-feet of driving space is provided. George Chancellor added the School's construction engineer said this is the easiest city he has worked with, and appreciated and complimented the Council, committee, and City staff - all the entities are working so well together. This will be in a bill later before the Council when the School finishes the phase of the project and will included in the upcoming budget. The cost is roughly \$15,000 for the City's half.

Dennis Nelson reported the Budget Committee met on July 7<sup>th</sup> to review the end of FY2020/2021's financials which had a strong finish to the budget. The Committee thanked everyone for keeping their eye on the finances and kept that at or under budget. The Committee briefly touched on the FY2021/2022 budget. "We talked about raises on full-time personnel, and we are proposing the Council approve a 10% raise for all the full-time employees. First off, as a thank you for all the hard work they do and have done during that difficult year. Second, we want to keep the people we have, and third you can go to fast food and start at just under \$20/hour. The cost of living in the nation has risen incredibly, but in Gallatin Count especially," Denny said. Gene Townsend said he felt it is appropriate to give this size of raise to our employees, "We just probably went through a year we hope to never go through again. I think it's really nice that you are offering that kind of increase. I think the city crew, Sean for keeping the offices open as much as he could, keeping the public active by Zoom - the City did not stop, the sewer or water did not stop, and I think everyone did a good job. I appreciate it," Gene said. George Chancellor brought up having the Code Enforcement Officer report to the Council at a monthly or quarterly basis to inform them on what activities are being done. "There seems to be a gap in communication between our Sheriff Office and our Ordinance Enforcement. We want to get it straightened out before we approach a negotiation contract for more law enforcement," George said. "We hoped to have Sean start the ball rolling on those discussions," Denny said.

#### **UNFINISHED BUSINESS**

There was no unfinished business on the agenda.

#### **NEW BUSINESS**

**Approval of Grant Application to Montana Coal Endowment Program's ARPA Funds for Water Supply Project (Craig Pozega)**

Craig Pozega provided an overview of this grant. "The City has its existing water project right now, which is funded by MCEP (which is the new acronym for TSEP). This includes the new wells, the expanding of the arsenic treatment plant that went to the Legislature last year and was approved for a RRGL and TSEP grants in the sum of \$750,000. For all these grants you must meet the target rate (a certain percentage of the median income of the households in the area). Great West has identified some looping needed, a new line to the Talc Plant, and replacing old cast iron mains - those were all added to the existing water project and made it so the City is at the required target rate, and thus eligible to put in for this application. There is a loan component at \$1.4 million, which is still less than the existing project, but all the other projects would be done in this grant if successful. This grant will be more onerous, but the Legislature took away the traditional dollars that fund the MCEP grant and are using the ARPA funds competitively," Craig explained. Gene Townsend said he would make the motion for any grant application - everyone laughed. Gene added he loves grants, since you do not have to pay them back.

Councilman Townsend moved to allow Great West to make a grant application to the Montana Coal Endowment Program ARPA funds for the Water Supply Project. Councilman Nelson seconded the motion.

**Motion Passed Unanimously.**

**Board Appointments: Three Forks Rodeo Arena Board of Directors; Three Forks Community Library Board of Trustees**

Mayor Gifford read the board appointment memo for the Rodeo Board into the record.

Councilman Nelson moved to approve Adam and Casey's applications for another 3-year term to the Three Forks Rodeo Arena board of directors. Councilman Chancellor seconded the motion.

**Motion Passed Unanimously.**

Mayor Gifford read the board appointment memo for the Library Board into the record.

Councilwoman Mickelberry moved to accept Rikayla Bjorndal's application to the Three Forks Community Library Board of Trustees. Councilman Nelson seconded the motion.

**Motion Passed Unanimously.**

**Discussion and Decision Regarding Funding Removal of Richardson's Ground Squirrels (Gophers) Throughout the City**

George Chancellor said his yard and front porch are infested with gophers, "They are way farther into town than normal- the banks have them all over their lots on the way to Main Street. I think we should do something about it." Dennis Nelson joked that he had some .22 shells to take care of them (shooting is not allowed in town). Gene Townsend said this

happened years ago as the railroad area started being developed. The City hired a trapper to remove them, but he does not know how we will get on private property to remove them. Mayor Gifford said he would look into it and report back to the Council.

**Acceptance of Fire Department Officers Elections to Appoint Keith Aune to Fire Chief and Joshua Miller to Fire Secretary**

Councilman Townsend moved to approve the appointments. Councilman Nelson seconded the motion.

**Motion Passed Unanimously.**

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

There was no public comment for matters not on the agenda.

**MAYOR & COUNCIL ANNOUNCEMENTS**

Gene Townsend said on behalf of the Rodeo Board he wished to request the City approves the closure of Kansas Street during the rodeo. He realized this request is late, and apologized, but safety it probably should be closed. The Council OK'd this request during the rodeo.

Mayor Gifford said he is still available via cell phone, however he has been guiding for fishing more often now and not in City Hall as much.

**AGENDA ITEMS FOR NEXT COUNCIL MEETING: July 27, 2021**

- First Reading of an Ordinance Amending Title 9 Water & Sewer, Chapter 4 Sewer Service Rates and Charges, Section 1 Basic Sewer Rates to Reclassify all Dwelling Units in the Residential Districts and within Mobile Home Parks, to be considered as Individual Units
- First Reading of an Ordinance Amending Title 9 Water & Sewer, Chapter 2 Water System Regulations, Section 3 Water System Rules to Reclassify all Dwelling Units in the Residential Districts and within Mobile Home Parks, to be considered as Individual Units

**ADJOURNMENT**

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

**Motion Passed Unanimously** and the meeting was adjourned at 8:40PM.

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Sean Gifford, Mayor

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Crystal Turner, City Clerk

**JULY 27<sup>TH</sup>, 2021,** 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 Gifford. Mayor Gifford called the meeting to order at 7:00 P.M. He reminded the audience this meeting was recorded and streamed via Zoom and on our Facebook page.

**ROLL CALL:** Mayor Sean Gifford, City Council members George Chancellor, Gene Townsend, Dennis Nelson, Steve Dahl, and Nancy Todd, City Treasurer Kelly Smith, and City Clerk Crystal Turner were present at City Hall. Councilwoman Deb Mickelberry was excused. 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 Gifford.

**GUESTS:** Larry Weidinger, Amy Gibson, Marcie Murnion, Gloria Howland, Kelly Bugland, Mickie Imberi. On Zoom: Elizabeth Barton, Diana Setterberg (Belgrade News), and Debi Randolph (Broadwater County Commissioner).

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

Amy Gibson spoke on behalf of Three Forks Concerned Citizens against the Headwaters Rest Stop. "We are your neighbors, we are your children's educators, we are members of your congregation, we are your customers and clients, our children attend school and play with your children, our dollar is as valuable as yours, our taxes pay for your children's school. Unlike you, we are poorly represented within our local government. Please, we are asking for your help to stop this rest area. The only thing separating us from you is the Jefferson River. In the words of Thomas Jefferson himself, 'The issue today is the same as it has been throughout all history, whether man shall be allowed to govern himself or be ruled by a small elite,'" Mrs. Weidinger said on behalf of the 800+ citizens who have signed a petition against the rest stop.

(Some Council members and members of the audience signed the petition presented by Mrs. Weidinger.)

**CONSENT AGENDA**

- u) FY20/21 Claims for Approval Totaling \$7,042.29
- v) FY21/22 Claims for Approval
- w) FY20/21 Three Forks Rodeo Arena Claims paid on 7/14/2021 Totaling \$28,750
- x) FY21/22 Three Forks Rodeo Arena Claims for Approval
- y) Minutes of 6/8/2021
- z) Pledged Security Report as of 6/30/2021

Councilman Townsend moved to accept the Consent Agenda. Councilmen Dahl and Nelson seconded the motion in unison. There was no public comment or any requests to pull a consent item.

**Motion Passed Unanimously.**

**NEW BUSINESS**

**Concerns Over the Thursday Night Concert Held at the Rodeo Grounds (Marcie Murnion)**

Marcie Murnion, resident of Three Forks for 24 years, spoke to the Council thanking the Rodeo Committee and Council for the continued sponsorship of the rodeo. "It brings a lot to the community and I fully support it. The Thursday night concert was new to me, and I was surprised. It has been brought to my attention the Rodeo Committee is considering holding more events like that and I encourage the Council to be involved in discussions prior to holding those events and making those decisions. It affects the residents that live in the area," Marcie pleaded.

Gene Townsend said he is on the Rodeo Committee and thought the information was provided to the public sufficiently; it was on the posters which were all over town and announced on the radio too. "This was our first concert event. In 2019, we spent over \$500,000 on new bleachers. The pandemic hit and we didn't get to have a rodeo. So, we did some serious fundraising to make our first two payments. About the first of April we still did not know if we would be able to hold the rodeo as we know it. Finally in May, the Health Board cleared the event. We were looking at events and venues to help pay off the loan for the bleachers. The concert did not make any money (\$116 profit), so not sure it will happen again. After Friday and Saturday night at the rodeo, and 2000 hamburgers later in the cookshack, our crews were taxed, and I don't want to work anymore rodeo events. People were hot and felt sick, and we were short volunteers overall. I apologize if we kept you awake. It was not the intent. There was also bad luck - we were supposed to start at 7PM - the gentlemen delivering the stage blew out a tire and that set back the start of the concert. But there will be some serious consideration before holding more events like this," Gene explained.

Marcie said she was really disappointed the City did not go ahead and hold the rodeo last year anyway. Other towns did, aside from their health

department's recommendations. "I can't emphasize enough though that this is not a good venue for a concert - it's a residential area," she said. Gene said he certainly understands and will take this information back to the Rodeo Board to discuss our failures and success. He closed with, "I appreciate your support of the rodeo."

#### **PUBLIC HEARINGS**

#### **First Reading of an Ordinance Amending Title 9 Water & Sewer, Chapter 4 Sewer Service Rates and Charges, Section 1 Basic Sewer Rates to Reclassify all Dwelling Units in the Residential Districts and within Mobile Home Parks, to be considered as Individual Units**

Mayor Gifford read Ordinance #389-2021 into the record in its entirety.

Crystal Turner explained the "defined below" reference as read in the ordinance is not being changed and is already defined in 9-4-1-A. Kelly Smith stated that City Hall sent out just about 1,100 letters, took over 5 hours of each of her and Crystal's time to make the 4-page copy, and stuff the envelopes, print labels, purchase the labels, etc. (This does not include the time spent drafting the 4-page letter or the attorney's time to review it.) Crystal added it was published three times in three newspapers meeting the requirements in MCA for our area.

Public Comment: Kelly Bugland, "With all that cost associated how come that commercial was not included? We specifically asked for it to be included with the justification that it be "fair across the board"." Mrs. Bugland wants more information on the numbers, which she felt can be manipulated a variety of ways. She asked, "Are those 277 customers snowbirds at all?" Gene Townsend commented he thought within the "old hospital" there were all individually metered? Kelly Bugland said no, there were five meters, but not individual for each unit per se. She continued that it is very difficult as the plumbing was added to over the years and criss-crosses units, as does the electricity meters.

Mickie Imberi asked the Council again to consider the commercial properties that have residences in them that are not specific to the commercial use. "If this is equal and fair those guys should have to pay their fair share as well. As Kelly [Bugland] stated - you spent the time and the money to send out the notifications you could have at least included them [the commercial units]. I have 2 units that are duplexes and I have a 5-plex. Those units can't be replumbed. It is plumbed different because they were single-family homes and reconfigured to be multi-family." She asked the Council to grandfather in the existing multi-family units.

Mayor Gifford closed public comment.

George Chancellor said he cannot record the number of times he has been approached to charge all residential units equally. He said, "You asked

for fair and equitable and I don't see any other way around it than charging a household unit." Kelly Bugland argued, "But you're not. You are not including the commercial." Steve Dahl interjected, "We chose not to include the commercial; that was back in Committee meetings so did not present that to the rest of the Council." Kelly Bugland replied the question, "How is that saving the taxpayers money?" George rebutted, "Were you interested in saving the taxpayers money when you brought an attorney here? Which caused the City to spend more money by noticing the same change?" Kelly Bugland said, "I didn't," (and pointed to Mickie Imberi). Mickie Imberi said, "Yes, I did." Dennis Nelson chimed in saying he does not get a reduction by being a single person in a residential home and he uses less water than most others. Gene Townsend believed this was the best bargain [as presented]. "You can't tell me if you live in a place that has septic and a well that you don't have expenses. People miss the City stuff if they don't have it. It all costs money; our costs go up, just like yours. We are trying to do the best for our people. The residents don't think we're doing it fairly right now. The Water & Sewer Committee spent a lot of time working on this ordinance change. Water is a good deal and I understand there may be some inequity - it's no fun to get up in the morning and the power is off or the water is off. We are doing our best and most equitable," he said. Mickie replied that the City is going to charge more money than what they are actually using. George rebutted that all the money is going to pay for your use of the service. There was discussion and arguing back and forth about the 5-plex's usage between Mickie and Dennis.

Kelly Smith provided data saying, "The ones you are arguing about use an average of 300 cubic feet of water per unit. Each unit in that 5-plex uses on average more water than Denny does as a single-family home." Kelly Bugland asked for the data to be shared with her, and Kelly Smith replied she would email it first thing tomorrow morning.

Councilman Chancellor moved to approve the first signing of Ordinance #389-2021, an ordinance amending Title 9 Water & Sewer, Chapter 4 Sewer Service Rates and Charges, Section 1 Basic Sewer Rates to reclassify all dwelling units in the residential districts and within mobile home parks, to be considered as individual units. Councilman Nelson seconded the motion.

**Motion Passed Unanimously.**

**First Reading of an Ordinance Amending Title 9 Water & Sewer, Chapter 2 Water System Regulations, Section 3 Water System Rules to Reclassify all Dwelling Units in the Residential Districts and within Mobile Home Parks, to be considered as Individual Units**

Mayor Gifford read Ordinance #390-2021 into the record in its entirety.

No public comment in the City Hall or on Zoom.

Mayor Gifford closed public comment.

Councilman Nelson moved we accept the first reading of Ordinance #390-2021, an ordinance amending Title 9 Water & Sewer, Chapter 2 Water System Regulations, Section 3 Water System Rules to reclassify all dwelling units in the Residential Districts and within mobile home parks to be considered as individual units. Councilman Townsend asked if the motion said "first reading" as he believed it should be the "third reading". Councilman Chancellor said he thought the Council started all over, and seconded the motion.

**Motion Passed Unanimously.**

#### **REPORT OF OFFICERS**

City Treasurer Kelly Smith reported that a home on Front Street, a couple years ago some people bought the property and it had an unapproved apartment in it which they wanted to rent out. They came and requested the conditional use permit, were approved, but could not pay the impact fees. They were granted a payment plan to bring that into compliance. She informed the Council that property is currently for sale, but all impact fees have been paid in full now and Crystal will prepare a lien release for the property to be sent to the Clerk & Recorder's office.

She also reported there were 330 applications submitted for ARPA "pot C" by the 7/15/2021 deadline asking for a total of \$857 million and only \$250 million is available. "Great West said there's a good chance we won't get any of that money for the water project. As most of you know, officially the BRIC grant was denied as well for the flood mitigation channel project. We met with the State Disaster & Emergency Services (DES) today, but no one knows why Three Forks' application made it through Rounds 1 and 2, but in closed-door Round 3 there is no input as to what was discussed or how applications in this session were rated. Three Forks' application was the best submittal from the State, as we have been told by DES. They suggested some minor edits which could be made in the two documented phases. Without knowing the criteria for the third phase, we are not sure what to improve for resubmittal."

Kelly also reported that Craig Shepherd is ready for us to submit all documentation for him to work on the FY2020-2021 AFR. Also, there are eight building projects in the works right now in town. Last, as part of the new FEMA Community Rating System (CRS) - flood elevation certificates are sent to FEMA annually to be audited. Kelly explained, "If even one has errors we can drop from an 8 to a 10 score, meaning loss of discount rating." Kelly informed the Council she will be out of the office starting 7/29 through 8/9/2021.

City Clerk Crystal Turner reported the full-time employees held the VEBA meeting on Monday 7/26/2021. She said, "I have signed the updated 'Employer Adoption Agreement' and sent it with the tally of the votes today to the Department of Administration." She also reported the Gallatin County Sheriff Office work program Sergeant reached out to the City offering to have the City participate in the Inmate Work Program. The Work Program (low security inmates) came after rodeo and cleaned up the rodeo grounds, and they returned yesterday and cleaned up parks and Main Street. Crystal has completed an application to be open-ended and cover a wide variety of chores which could be completed throughout the year. Next, Crystal reporting she is still waiting on input from Lilia Tyrell and/or Susan Swimley on the Personnel Policy updates, the Safety Policy and the Fire Department Volunteer Handbook.

City Attorney Susan Swimley was no longer online to provide a report.

**REPORTS FROM COUNCIL COMMITTEES (if any)**

Streets and Alleys - Gene Townsend said he has been in contact with Ahren Hastings with Thomas Dean & Hoskins (TD&H) to put a bid out for that small paving project on Cottonwood Street to be in conjunction with the Jefferson Street Trail project.

Mayor Gifford reported a citizen requested a stop sign and traffic study for the intersection of 2<sup>nd</sup> Avenue West and West Grove Street and that he believes he will need to get on the Streets & Alleys Committee agenda too. He forwarded the information to Wendell Ewan and Wendell has asked Kelly Smith to look up accident history at this location.

**UNFINISHED BUSINESS**

There was no unfinished business on the agenda.

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

Kelly Bugland questioned the trail along the Jefferson Street, "Will the puddles be addressed?" Gene replied yes, those will be addressed and repaired.

Larry Weidinger asked if there is anything they can do to get on the Council's agenda. Gene and Crystal explained process to Mr. Weidinger. Gene asked if the Broadwater County Commission has done anything like

you're asking the City Council to do? Mrs. Gibson-Weidinger said yes but they have not received any call returns from the Commission office.

**MAYOR & COUNCIL ANNOUNCEMENTS**

Gene Townsend reported a very successful rodeo was held this year, as far as I know the biggest one we have ever held both nights. "At about 5:30 that night I was breaking down cardboard - those new bleachers were already full and the rodeo wasn't going to start for over an hour. We made a lot of money which really helps us pay the bills and we appreciate the support." He then thanked the volunteers and everyone for attending.

Gene also reported that he, Kelly and Crystal met with Senator Tester's representative today at 4PM. "We gave her a lot of info on the BRIC grant in hopes she can see if the Senator has any sway in that third phase of scoring." Additionally, Gene explained the culvert at I-90 along the Trail was finally cleared today. "The beaver beat us and had rebar and everything plugged in there. Cody Johnston and Ace Meskimen of Department of Transportation cleared it today.

Mayor Gifford reported the Fire Department and Ambulance did helicopter training last week and tonight and it was open to the public. "The ice rink pad will wait until cooler weather to be poured," he reported.

Gene said the Historical Society got the final coat of black paint on the locomotive, then green and white pinstriping will occur. When it is done they will move down to the caboose and it will be sandblasted and repainted. "If you want some entertainment this painting crew is from Pine Bluff, Arkansas and Queens, New York, and they are funny! One of them worked in railcar shop in Pine Bluff for 42 years. An individual is paying for the locomotive to be painted and the Historical Society is paying and fundraising for the caboose repaint."

**AGENDA ITEMS FOR NEXT COUNCIL MEETING: August 10<sup>th</sup>, 2021**

- Second (Fourth) Reading of an Ordinance Amending Title 9 Water & Sewer, Chapter 4 Sewer Service Rates and Charges, Section 1 Basic Sewer Rates to Reclassify all Dwelling Units in the Residential Districts and within Mobile Home Parks, to be considered as Individual Units
- Second (Fourth) Reading of an Ordinance Amending Title 9 Water & Sewer, Chapter 2 Water System Regulations, Section 3 Water System Rules to Reclassify all Dwelling Units in the Residential Districts and within Mobile Home Parks, to be considered as Individual Units

- Public Hearing and Decision on a Resolution Adopting & Levying the Assessments for the 2021-2022 Street Maintenance District No. 1
- Public Hearing and Decision on a Resolution Adopting & Levying the Assessments for the 2021-2022 Street Maintenance District No. 2 (Ridge View Subdivision)
- Public Hearing and Decision on a Resolution Adopting & Levying the Assessments for the 2021-2022 Street Light District No. 1

**ADJOURNMENT**

Councilman Nelson so moved to adjourn. Councilman Townsend seconded the motion.

**Motion Passed Unanimously** and the meeting was adjourned at 8:15PM.

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Sean Gifford, Mayor

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Crystal Turner, City Clerk

**AUGUST 10<sup>TH</sup>, 2021,** 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 Gifford. Mayor Gifford called the meeting to order at 7:00 P.M. He reminded the audience this meeting was recorded and streamed via Zoom and on our Facebook page.

**ROLL CALL:** Mayor Sean Gifford, City Council members George Chancellor, Deb Mickelberry, Gene Townsend, Dennis Nelson, Steve Dahl, and Nancy Todd, City Treasurer Kelly Smith, City Clerk Crystal Turner, Water Superintendent and Mayoral Candidate Randy Johnston, and Gallatin County Sheriff Sergeant Austin Owens were present at City Hall. City Attorney Susan Swimley 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 Gifford.

**GUESTS:** Larry Weidinger, Amy Gibson, Three Forks School Superintendent Rhonda Uthlaut, Jack Dyer, Randy Johnston, and Gloria Howland. Diana Setterberg (Belgrade News) was present via Zoom.

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

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

**CONSENT AGENDA**

- aa) Claims Paid Due to Timeliness to Mail Utility Bills on 7/30/2021 in the Amount of \$161.11
- bb) FY21/22 Claims for Approval
- cc) FY21/22 Three Forks Rodeo Arena Claims for Approval
- dd) Pledged Securities Report through July 31, 2021

Councilman Nelson moved to approve the Consent Agenda. Councilmen Townsend and Chancellor seconded the motion in unison. There was no public comment or any requests to pull a consent item.

**Motion Passed Unanimously.**

**NEW BUSINESS**

**Three Forks School Request to Hold Homecoming Parade down Main Street (MT-Hwy 2) on October 1, 2021**

Superintendent Uthlaut said she was present if the Council had any questions. Gene Townsend asked if the School had been communicating with Law Enforcement about this event. Sgt. Owens replied this was the first he had heard of this request. Crystal Turner said Mr. Heys has obtained a permit from the Department of Transportation already, but was unsure if he had opened discussion with the Sheriff Office. Sgt. Owens will put it on their calendar.

Councilman Townsend made a motion to allow the Three Forks School District to hold a homecoming parade down Main Street on October 1<sup>st</sup>. Councilman Nelson seconded the motion. No further discussion.

**Motion Passed Unanimously.**

**Jack Dyer Request for Four Alternate Months to Become Sewer Average per Ordinance #9-4-1**

Mayor Gifford read Mr. Dyer's letter into the record.

Jack Dyer said he cannot be sure what has been going on. "On the second page you'll notice we have had an issue with our Pure Water System. However, they did not keep real good records. We know they were at our house in December, and in January I called them and told them it was not working right. They came back out - we paid them for that work but from

January until May the usage kept increasing. They could not say what was going wrong; I've checked all our sprinklers and made sure there are no leaks. There was a valve making a hammering sound and Pure Water came back to inspect but did not bring parts to correct it. They never came back, so I had them remove the system," Mr. Dyer explained.

Gene Townsend asked several questions about getting recouped by Pure Water. Mr. Dyer said he wants to wait until this month's reading. Gene said he knows Mr. Dyer's son-in-law and thinks very highly of him. Randy Johnston spoke up stating, "This wasn't his fault [meaning Jack Dyer's], he is just asking for last year's average to be used instead." Jack said he would be happy to meet in the middle [of last year's winter average and this most recent winter's average].

Councilman Townsend moved to table Mr. Dyer's sewer average bill until the next Council meeting on August 24<sup>th</sup>. Councilman Chancellor seconded the motion.

**Motion Passed Unanimously.**

**Letter to Gov. Gianforte Opposing the "Headwaters Rest Area"  
(Mayor/Council may sign individually demonstrating their opposition on this letter from the City, collectively)**

Amy Gibson explained to the City Council the background and what she has learned to date regarding the Headwaters Rest Area. She has prepared a letter to Governor Gianforte on behalf of the Council and Mayor and hope the Council will sign it and send it to the Governor's office to halt this project completely. She then read the drafted letter into the record.

Gene Townsend asked about paragraph 2 - has Broadwater County campaigned to get this rest area moved there? Amy replied not publicly - but Broadwater County must have approved it. However, they did not hold any meetings that were noticed well enough to let the community attend. "Have you gone to the Broadwater County Commissioners?" Gene asked. Amy said no. Gene continued, "Do you feel that would be a waste of your time?" Amy answered, "Yes, sir. I have placed calls to the Commissioners but have not heard back from their office at all." Gene added he is impressed they have received 1,300 signatures - kudos to you! Denny said he was impressed with the letter. "It's well written, direct and to the point," he said.

Gene asked Sgt. Owens to explain what "calls for service" means. Sgt. Owens said that could be anything. Gene said to Sgt. Owens, "Your call log you handed us earlier shows 94 calls for service to Broadwater County." Sgt. Owens replied, "Yes, but only 20 were responded to because no one else did from Broadwater." Larry Weidinger asked Sgt. Owens to explain how the agency assists works. Sgt. Owens explained looking through the call log these are calls that come to the closest 911 dispatch, may not be in our jurisdiction but we can respond quickly until other help arrives. Nancy Todd added to that by noting that the other 74

calls, Gallatin County Sheriff Office (GCSO) was unable to respond to? Sgt. Owens said the calls for service are not always needing law enforcement; it could be a medical need. However, there is not always someone available to respond to other agencies because we may be on our own requests for service. "I don't speak for the Sheriff, but I'm 1,000% against this. I know the workload this will add to the GCSO," Sgt. Owens said. Gene Townsend said, "The problem is Broadwater County. And now they're putting a brewery out there - don't get me started! And that's why I asked if you went to Broadwater County. I really feel it's them that's the problem. They approved subdivision after subdivision without any thought of the services needed being so far away. We have to respond to fires out there and I'm the secretary of the Rural Fire Board and I can tell you we do not get a whole lot of money from Broadwater County."

Amy Gibson replied that this community is growing, we cannot stop this growth. "But where are we going with the development? There is drug and human trafficking going on at all rest stops. We need to turn that intersection around to something that will benefit the community. Broadwater County needs to address this. They'll keep okaying subdivisions but not send more money to help out fire departments, law enforcement, or raise taxes to help the county residents. Because I'm not getting the County's ear, I'm going straight to the governor asking for help."

Nancy Todd asked if Amy has researched about the legality of public notice? "I noticed there is nothing in your letter about that," Nancy said. Amy responded she is researching that issue but has left legalities out of this letter. "I have also requested a meeting with the Governor, to address our constitutional rights, which we feel have been violated since there were no public hearings," Amy said. Larry Weidinger asked if anyone had heard if taxes will be raised due to cover law enforcement or fire protection that would be sent to the GCSO or to the Rural Fire District. No one had heard of any talks like that. Mayor Gifford said he believed this was going in the Tax Economic Development District (TEDD) boundary, so they will not be paying any increase toward the County; it will go into the TEDD. Denny Nelson asked if she got ahold of Rep. Walt Sales? Amy replied no.

Public Comment: Jack Dyer said he cannot believe the Broadwater County Commission does not have an office down on this end of the county. Gene Townsend answered the Gallatin County Sheriff Office has graciously offered to share the space here in town and said that they had a deputy assigned to the southern end of the County. However, with the low wage they pay the deputy could not afford to live down here. Broadwater County struggles with keeping the department staffed.

With no further public comment, Mayor Gifford closed public comment.

Dennis Nelson said we fought Broadwater County for 20 years, from the time I got on the Volunteer Fire Department to City Council - it's been an ongoing war whether it's dollars for emergency services: sheriff, ambulance, fire - my heart goes out to the emergency service providers. Dennis Nelson said to keep in mind we (City of Three Forks) are in year 3 of 5 with Gallatin County negotiated contract for law enforcement. "Are we going to have to ask for more help to address or help what's going on up there by Wheat Montana area? We need to get Broadwater County on board here. I'll sign this letter right now."

Councilman Nelson motioned that the Three Forks City Council fully support this completely, sign it with the Mayor and Councilmember's signatures and send it with Amy and Larry up to the Governor Gianforte. Councilwoman Todd seconded the motion.

**Motion Passed Unanimously.**

Mayor Gifford said he believed this is the only area in the State of Montana that has memorials for fallen law enforcement officers, and he does not want to see a third. "I think Gallatin County does well to respond and Broadwater County needs to start paying attention. I feel for our officers and deputies, and my wife serves as a volunteer EMT and I worry about them all when they go to a call and are waiting 20-30 minutes for Broadwater County to arrive on scene."

#### **PUBLIC HEARINGS**

**Public Hearing and Decision on a Resolution Calling for the 2021 General Election and Notifying the Gallatin County Election Administrator of its Desire to Conduct the Election by Mail Ballot in Accordance with §13-19-202, MCA (Signed by Mayor 8/3/2021 due to timeliness of §3-1-405(2), MCA)**

Crystal Turner explained that the County Election Office needs to have a resolution stating the City's desire to hold a mail ballot election versus a polling place election by a certain date per MCA. Crystal did receive notifications from the Election Administrator telling all the cities/towns in Gallatin County of this but the final request was received 7/29/2021 which was after the last Council meeting. The resolution needed to be approved prior to tonight's meeting (August 9<sup>th</sup>). She apologized for not catching the date details in the Election Administrator's early emails, and then read the resolution into the record in its entirety, noting it was given the #346-2021.

Gene Townsend asked what the cost is to send someone down to monitor the ballot box. Crystal Turner answered they no longer send anyone down from the County (employees or volunteers); they train the City staff to do that and watch the ballot box while we are working. Crystal added, "And now they have ballot box 'watchers' who must sign in with the County Elections office first, then we get notified they will be here in City Hall. What we have done, because it was disrupting during the day at City Hall, is

setup a zoom meeting and point the camera to the ballot box and give the watcher the zoom meeting ID so they could watch from their vehicle."

Crystal Turner also explained that the Election Administrator has notified the City that we can cancel the uncontested races at the next meeting, but we have to wait until the deadline of August 30<sup>th</sup> to ensure no one files as a write-in candidate.

There was no public comment.

Councilman Townsend moved to approve Resolution #346-2021, a resolution calling for the 2021 general Election and notifying the County Election Administrator of the City's desire to conduct the election by mail ballot in accordance with 13-19-202, MCA. Councilman Nelson seconded the motion.  
**Motion Passed Unanimously.**

**Public Hearing and Decision on Second (Fourth) Reading of an Ordinance Amending Title 9 Water & Sewer, Chapter 4 Sewer Service Rates and Charges, Section 1 Basic Sewer Rates to Reclassify all Dwelling Units in the Residential Districts and within Mobile Home Parks, to be considered as Individual Units**

Mayor Gifford read the ordinance into the record in its entirety. This is Ordinance #389-2021.

There was no public comment.

Councilman Nelson made a motion to approve the fourth, second/fourth reading, of Ordinance #389-2021, an Ordinance Amending Title 9 Water & Sewer, Chapter 4 Sewer Service Rates and Charges, Section 1 Basic Sewer Rates to reclassify all dwelling units in the residential districts and within mobile home parks, to be considered as individual units.  
Councilman Dahl seconded the motion.  
**Motion Passed Unanimously.**

**Public Hearing and Decision on Second (Fourth) Reading of an Ordinance Amending Title 9 Water & Sewer, Chapter 2 Water System Regulations, Section 3 Water System Rules to Reclassify all Dwelling Units in the Residential Districts and within Mobile Home Parks, to be considered as Individual Units**

Mayor Gifford read the ordinance into the record in its entirety. This is Ordinance #390-2021.

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

Steve Dahl said really what this is all about is that those who get water/sewer services within a municipality, the City splits the cost of the service across the board to all users. "We share the cost equally - it's a matter of sound economics," Mr. Dahl said.

Councilman Dahl moved to approve Ordinance #390-2021, an Ordinance Amending Title 9 Water & Sewer, Chapter 2 Water System Regulations, Section 3 Water System Rules to reclassify all dwelling units in the residential districts and within mobile home parks, to be considered as individual units. Councilman Chancellor seconded the motion.

**Motion Passed Unanimously.**

**Public Hearing and Decision on a Resolution Adopting & Levying the Assessments for the 2021-2022 Street Maintenance District No. 1**

Mayor Gifford read the resolution into the record in its entirety, noting it would be Resolution #347-2021 if adopted.

Crystal Turner said this is the same amount the City assessed last year. Gene Townsend asked if there have been any objections. Crystal said none have been received to date, unless someone speaks up tonight.

The Mayor called for public comment; seeing none he closed Public Comment.

Councilman Townsend moved to approve Resolution #347-2021 a Resolution Adopting & Levying the Assessments for the 2021-2022 Street Maintenance District No. 1. Councilman Nelson seconded the motion.

**Motion Passed Unanimously.**

**Public Hearing and Decision on a Resolution Adopting & Levying the Assessments for the 2021-2022 Street Maintenance District No. 2 (Ridge View Subdivision)**

Mayor Gifford read the resolution into the record in its entirety, noting it would be Resolution #348-2021 if adopted.

Gene asked if any protests have been received. Crystal replied there have not been any received.

The Mayor called for public comment; seeing none he closed Public Comment.

Councilman Nelson moved to approve Resolution #348-2021 a Resolution Adopting & Levying the Assessments for the 2021-2022 Street Maintenance District No. 2 Ridge View Subdivision. Councilman Townsend seconded the motion.

**Motion Passed Unanimously.**

**Public Hearing and Decision on a Resolution Adopting & Levying the Assessments for the 2021-2022 Street Light District No. 1**

Mayor Gifford read the resolution into the record in its entirety, noting it would be Resolution #349-2021 if adopted.

Crystal Turner said no protests have been received to date on this assessment either.

The Mayor called for public comment; seeing none he closed Public Comment.

Councilman Chancellor made a motion to approve Resolution #349-2021, a Resolution Adopting & Levying the Assessments for the 2021-2022 Street Light District No. 1. Councilwoman Mickelberry seconded the motion.

**Motion Passed Unanimously.**

#### **REPORT OF OFFICERS**

City Treasurer Kelly Smith said she had nothing to report as she just came back to work today but had a wonderful vacation. She reported her daughter would like to go to Harvard but probably a little out of reach. "She loved Boston University and will most likely apply," Kelly said of Saryna.

City Clerk Crystal Turner explained she already reported on the possible cancellation of Mayor and unexpired council seat if they both remain unopposed so that we can save the City some money. She read the personal invitation to Mayor, Council and Employees from the Three Forks Historical Society's open house and ice cream social on 8/18/21 at 6PM.

Water Superintendent Randy Johnston reported the storm this past weekend had several electrical strikes and major winds which knocked out the SCADA (water/wastewater computers) system. He said he just happened to look on the tablet and saw the lift stations were out, Well 2 was out, and so he went to Lift Station on Oak first but the generator would not start. The UPS' for all will be replaced. "We only have about 45 minutes before sewage starts backing up in houses when those systems go down. Steve and Wendell, and Northwestern Energy all helped out from 3-8pm on Sunday to get that equipment up and running," Randy reported.

Sgt. Owens apologized for missing the last couple Council meetings. He said, "We have been busy, but we did have the Three Forks Rodeo during the past month's calls so that spikes my report a bit." Gene Townsend asked if there were any leads on the vandalism of the benches at Bellach Park. Sgt. Owens replied not yet. Mayor Gifford said he and Sgt. Owens discussed ways to improve the efficiency of the Ordinance Officer by getting clearance in the GCSO system to build cases so they have all data to start a case when it is time to write a ticket. They are trying to get that process to run more efficiently.

#### **REPORTS FROM COUNCIL COMMITTEES (if any)**

There were no Council Committees to report.

**UNFINISHED BUSINESS**

There was no unfinished business on the agenda.

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

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

**MAYOR & COUNCIL ANNOUNCEMENTS**

Mayor Gifford reported the ice rink slab will have half of it poured tomorrow with the GCC-Trident crew.

**AGENDA ITEMS FOR NEXT COUNCIL MEETING:** August 24<sup>th</sup>, 2021

- Public Hearing and Decision on a Resolution Amending the Budget of Fiscal Year 2020-2021
- Public Hearing and Decision on a Resolution Adopting the Preliminary Budget for Fiscal Year 2021-2022

**ADJOURNMENT**

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

**Motion Passed Unanimously** and the meeting was adjourned at 8:35PM.

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Sean Gifford, Mayor

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Crystal Turner, City Clerk

**AUGUST 24<sup>TH</sup>, 2021**, 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 Dennis Nelson. President Nelson called the meeting to order at 7:00 P.M. He reminded the audience this meeting was recorded and streamed via Zoom and on our Facebook page.

**ROLL CALL:** City Council members George Chancellor, Gene Townsend, Dennis Nelson, Steve Dahl, Deb Mickelberry, and Nancy Todd, City Treasurer Kelly Smith and City Clerk Crystal Turner were present at City Hall. Mayor Sean Gifford was expected to arrive late and take over officiating the meeting.

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 President Nelson.

**GUESTS:** Gloria Howland, Randy Johnston.

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

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

**CONSENT AGENDA**

- ee) Claims for Approval
- ff) Three Forks Rodeo Arena Claims for Approval
- gg) Minutes of 7/13/2021
- hh) Record Destruction Request #18 (Form RM88) for Financial Records FY2011/2012 to FY2015/2016, Timecards FY2011/2012 to FY2016/2017, Accounts Receivable FY2011/2012 to FY2012/2013, and Business Licenses 10-2016 to 9/30/2018
- ii) Engagement Letter with Craig Shepherd to Conduct the Annual Financial Report to the Year ended June 30, 2021
- jj) Task Order with TD&H Engineering to Inspect new Water Main Line at City's Request for new School Addition (\$5,401 Estimate but will be time & expenses bills based on actual time)
- kk) Advertising Salesperson Contract with Christina Kamps for 2021 Three Forks Rodeo Grounds Marketing (12% of Sales)

Councilman Townsend moved to accept the Consent Agenda. Councilman Chancellor seconded the motion. There was no public comment or any requests to pull a consent item.

**Motion Passed Unanimously.**

#### **PUBLIC HEARINGS**

##### **Public Hearing and Decision on a Resolution Amending the Budget of Fiscal Year 2020-2021 to Acknowledge Unanticipated Revenues and Amend Expenditures Exceeding Original Appropriations**

President Nelson read what will be Resolution #350-2021 if adopted, into the record in its entirety.

There were no comments or questions by the Council or public. President Nelson closed public comment.

Councilman Chancellor moved to approve Resolution #350-2021, a resolution of the Three Forks City Council amending the Fiscal Year 2020-2021 budget to acknowledge unanticipated revenues and amend expenditures exceeding the original appropriations. Councilwoman Mickelberry seconded the motion.

**Motion Passed Unanimously.**

##### **Public Hearing and Decision on a Resolution Adopting the Preliminary Budget for Fiscal Year 2021-2022**

President Nelson read what will be Resolution #351-2021 if adopted, into the record in its entirety.

Gene Townsend asked how much the mill levy increased over the last year. City Treasurer Kelly Smith explained it has increased about \$700/mill, but with the formula for calculating mills, the City cannot tax as many mills due to the increase. "Overall, it increased the revenue about \$10,000 though," Kelly explained. Gene and Kelly discussed the math and that the City would be using some of its cash reserves to meet the proposed budget since the revenue is not increasing the same as the proposed expenditures. Then Kelly highlighted and explained the main changes of the budget to the Council and public present (and online). "Within the General Fund on page 1, part of my salary comes out of City Court but since we do not do much in the Court, we are taking 5% of my salary and moving it to Planning. 25% of the proposed new part-time City Hall employee will come out of Financial Administration, then Planning, and Water and Sewer. All departments include the proposed raise too. On page 3 we have \$20,000 remaining in the Growth Policy contract, and we budgeted increases to do a Flood Mitigation work, a CIP and Impact Fee studies - we budgeted a total

of \$50,000 (which we will apply for grants for as well) but we learned today it would cost about \$85,000."

Gene said, "I'm glad we are changing this because in the last year this City has seen so many more applications for Zoning and Planning changes and applications." Kelly joked, "Randy Carpenter thinks the City will fire him since he keeps recommended some of these studies, which are costly, to be done." She also explained we got an estimate for Great West's help if we have more major, minor, or Planned Unit Development applications. "We are budgeting for those but not sure we will actually receive any subdivision applications. Next fiscal year we will budget for an Impact Fee Study as well; if we are going to continue to charge impact fees we need to have a professional study done to support any fees charged," Kelly explained. She continued, "On page 4, the Fire Department has asked to include more turnouts, uniforms, helmets, battery packs, a color printer/scanner/copier, thermal imager, angel lights, smart TV/monitor, and a chimney sweep in their budget. On page 5, the biggest change is in 'Professional Services' for Roads & Streets - the Public Design Standards draft has been provided for a first review to the Public Works Department.

"On page 6, the Veteran's of Foreign Wars requested another flagpole be installed to represent the Space Force. It is in the budget but put on the "back burner" for now since the current [Federal] Administration is not recognizing this division of the military. The Parks budget also includes the gopher exterminator and bench replacements, or park equipment, at Bellach Park. We kept the same in Trees for maintenance (spraying and trimming). Law Enforcement will increase a bit this year per our contract. Code Enforcement has not changed much in its budget," Kelly explained.

She continued her presentation for the Three Forks Rodeo Arena budget (page 9), "We used this past year's High School rodeo's numbers (which is in the previous fiscal year), and the actual expenses from the July NRA Rodeo. They have requested a new tractor (\$30,000) and to include an extra principal payment on their loan this year since they had a successful rodeo." There was discussion regarding the interest rate on the InterCap loan for the bleachers, which was adjusted in February 2021 to 2.25%. Kelly and Deb Mickelberry recommended paying the extra principal payment which reduces the total interest paid over the lifetime of the loan.

The Library budget on page 11, Kelly said, "They budgeted to spend more than they are bringing in, but the Board has approved spending some of its cash reserves. They have many outdoor games, a stroller, etc that you can check out from the Library - and they want to expand that 'rental service'." There were many positive comments by Nancy Todd, Kelly Smith and George Chancellor about the Library.

Page 15 is the Street Maintenance Account, "We have the cash to pay for the chip seal project and not use Gas Tax money. On page 17, we received a new liner for the ice rink since the one they shipped last year was too short. Sean will apply for a grant. The concrete pad for the ice rink is complete - and we will have 2 basketball courts to install, when not used as an ice rink." She continued, "There's not a lot planned from Gas Tax (page 18) other than the Council approved cost-share of the School's project and fixing Oak Street. We are also budgeting to pave the caboose area at the Visitor's Center on Cottonwood Street.

"Regarding BARSAA, the budget is planned to spend these funds on magchloride and salt, and Wendell will order 2 solar radar signs. One will be placed near the school as a permanent reminder, the other will move around as well." George Chancellor informed the Council these radar signs do keep the data which can be provided to Law Enforcement so they know when there is the most, and fastest traveling, traffic.

The Trails Department has budgeted the remaining connection of Jefferson Trail at the end on Montana Street to Museum/Depot. "This cost includes the increase in engineering for this extension but the Trails received grants this past year and has enough cash saved to cover this expense." Kelly continued, "The Library's Capital Reserve fund, the Board wishes to fix the entryway doors and the ice jam issue, as well as some repairs to the ceiling in the library main hall. Parks Capital Improvement's budget includes a new merry-go-round at Helton-Peterson Park and the concrete pad of the ice rink. GCC-Trident Cement donated \$5,000 towards the concrete (and donated the labor to pour the concrete) and the City has to pay for the remaining balance. Fire Capital Improvement fund includes \$10,000 for new radios and \$8,000 for electrical to finally connect the generator the department received two fiscal years ago."

For the Enterprise Funds Kelly explained, "Water has a few increases, engineering for the School's project and City's request to add on the loop, and new UPS' for SCADA computers, possible requirement for a single audit due to ARPA funds received, and new meters for all these new developments (which would be split 50/50 with Sewer)." Kelly said she

wants to sit down with Randy and Steve to review the negative cash. "Some is due to the City having always budgeted for if everyone were to retire/quit in the same fiscal year and paying out the vacation/sick time accrued. However, Randy is retiring and it will hit us a little but not that hard. I don't like the negative cash though, so I want to review with the department one-on-one," Kelly said. She continued, "Water Impact Fees - we say we'll spend about \$70,000 this year on the project." Dennis Nelson added the City has two projects coming up that will pay back into that fund. Kelly resumed, "Water Project - I added the \$500,000 from ARPA towards the water project, we will pay out of Fund #5295 first, then #5215 after all that runs out."

Kelly reported, "Sewer looks good. Also has a little increase in overall expenditures, half the meters I spoke of earlier, Randy has requested a blanket for the generator at the Wastewater Treatment Plant, bigger payments on the loan, expenses for electrical and gas, but really no major changes." George Chancellor asked how long the fuel line is [from the generator to the wastewater treatment plant]. Randy Johnston answered, "It's pretty long - it cools the fuel and gets "gummy" this blanket will help that. When the generator kicks on, it is operating the UV lights and the Ridge View Lift Station, and heat in the buildings." Kelly continued, "I have budgeted to spend sewer impact fees, but nothing is really anticipated to be constructed - it's mainly so we don't have to do a budget amendment if we do end up spending some sewer impact fees."

(Mayor Gifford texted he's on his way)

Councilman Townsend made a motion to accept Resolution #351-2021, a resolution of the Three Forks City Council adopting the Preliminary Budget for Fiscal Year 2021-2022. Councilwoman Todd seconded the motion in unison.

There was no discussion or public comment.

**Motion Passed Unanimously.**

Discussion about the blanket for the generator at the Wastewater Treatment Plant. It is not showing in the preliminary budget just adopted, but will be included in the final budget on September 14<sup>th</sup>.

#### **REPORT OF OFFICERS**

City Treasurer Kelly Smith reported Steve Johnston has asked her to investigate the apprenticeship program for Water and Wastewater Operators through the National Rural Water Program.

City Clerk Crystal Turner did not have anything to report.

**REPORTS FROM COUNCIL COMMITTEES (if any)**

There were no Council committee reports.

**UNFINISHED BUSINESS**

There was no unfinished business on the agenda.

**NEW BUSINESS**

**Reinstatement of Ryan Merkel to the Three Forks Volunteer Fire Department as a Probationary Firefighter**

Crystal Turner reported Mr. Merkel has previously served as a volunteer fireman and now has time to do so again.

Councilman Townsend made a motion to accept Ryan Merkel as an applicant to the Three Forks Volunteer Fire Department. Councilman Nelson seconded. There was no further discussion.

**Motion Passed Unanimously.**

**Recommendation to Award Bid(s) for Headwaters Trail System "Jefferson Street Connection - 2021"**

Crystal Turner reported for Ahren Hastings that the City received three bids: Boyd Morgan for \$154,000 (but was incomplete since he did not include a Department of Labor certification), Helena Sand & Gravel for \$148,861, and ACME, Inc. for \$145,210. Ahren Hasting has vetted these companies and is recommending awarding the project to ACME, Inc.

Councilman Townsend made a motion to accept the bid from ACME Construction from Butte Montana to construct the trail connection. Councilwoman Mickelberry seconded the motion. There were no comments.

**Motion Passed Unanimously.**

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

Gloria Howland questioned if the Library has other doors the patrons could use when/if the Library does the project to fix the ice jamming area. Kelly Smith said yes, they are on the north side of the building along Grove Street.

**MAYOR & COUNCIL ANNOUNCEMENTS**

The Mayor was still not present, so there was no Mayoral report.

There were no Council announcements.

**AGENDA ITEMS FOR NEXT COUNCIL MEETING:** September 14<sup>th</sup>, 2021

- Ordinance to include Beverage, Bottling and Distribution as a permitted use in the Neighborhood Highway Business District
- Off-street parking ordinance to address Beverage, Bottling and Distribution (not required per the City's Planner)
- Establishing the Mills for the FY2021/2022 Budget
- Wage/Salary Resolution
- Final Budget Resolution

**ADJOURNMENT**

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

**Motion Passed Unanimously** and the meeting was adjourned at 8:01PM.

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Sean Gifford, Mayor

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Crystal Turner, City Clerk

**SEPTEMBER 14<sup>TH</sup>, 2021,** 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 Sean Gifford. Mayor Gifford called the meeting to order at 7:00 P.M.

**ROLL CALL:** City Council members George Chancellor, Gene Townsend, Dennis Nelson, Deb Mickelberry, and Nancy Todd, City Treasurer Kelly Smith, City Clerk Crystal Turner, and Gallatin County Sheriff Sergeant Austin Owens were present at City Hall. Councilman Steve Dahl was excused.

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

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

**GUESTS:** Alex Blackburn, Gloria Howland, Randy Johnston.

**PUBLIC COMMENTS/CONCERNS** (For items not on the agenda)  
There were no public comments for items not on the agenda.

**CONSENT AGENDA**

- ll) Claim Paid due to Timeliness in the Amount of \$198.98 to Mail Utility Bills
- mm) Claims for Approval
- nn) Three Forks Rodeo Arena Claims for Approval
- oo) Minutes of 7/27/2021, 8/10/2021, and 8/24/2021
- pp) Amendment #1 to Increase the 11/2018 Approved Service Agreement with Advanced Engineering and Environmental Services (AE2S) by \$10,000
- qq) Amendments to Existing Task Orders with Great West Engineering:
  - a. Task Order #4, Amendment #1 - Water System Preliminary Engineering Report - Increase by \$60,000 for Additional Services to be Provided
  - b. Task Order #9, Amendment #1 - Water System Improvements Phase 1 - Increase by \$40,000 (\$10,000 for evaluation of drilling a well, \$30,000 to drill a test well) to Increase Water Capacity

- c. Task Order #11 (brand new task order) - Drafting ARPA Grant Application Including Project Schedule and Budget for \$7,686.25

Gene Townsend asked to pull items E) and F)a, F)b, and F)c for more detail. He asked of the task orders what work would be specifically done by AE2S for the increase of \$10,000. Crystal Turner answered this is a general time and expense (T&E) service agreement where the Public Works employees calls AE2S as needed for SCADA/HMI/PLC software and hardware issues. Gene then asked how the increases to Great West Engineering's task orders would be paid. Kelly Smith answered the Council has already deemed that all ARPA funds the City receives (either from Pot A, Pot B, or the competitive Pot C) will be budgeted to the Water PER and project. However, the City ranked 103 of 240-something for Pot C funding, so the City will most likely not receive any of that ARPA money. Gene asked if these increases were already in the budget or if the Council would need to adjust that tonight before adopting the FY21-22 budget. Kelly replied they are already budgeted in the FY21-22 budget.

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

**Motion Passed Unanimously.**

#### **PUBLIC HEARINGS**

##### **Public Hearing and Decision on a Resolution Cancelling the Contests for Mayor and the Unexpired Councilmember Seat in the 2021 General Election and Removing these Races from the Ballot in Accordance with 13-1-403(4), MCA (Signed by Mayor on 8/31/21)**

Mayor Gifford read the resolution into the record in its entirety, noting it was given Resolution #352-2021 and was signed by him on 8/31/2021 due to deadlines for the Election Department to order ballots to be printed.

There were no questions from the Council members nor public.

Councilman Chancellor moved to approve Resolution #352-2021, a resolution of the City of Three Forks cancelling the contests for Mayor and the unexpired Councilmember seat in the 2021 General Election and removing these races from the ballot in accordance with 13-1-403(4), MCA.

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, 2021, and Ending June 30, 2022**

Mayor Gifford read the resolution into the record in its entirety, noting it would be #353-2021.

Gene Townsend asked what the Entitlement revenue amount was last year. Kelly Smith replied it is roughly \$1,500 more than last year. Then he asked about the Local Option Tax revenue. Kelly Smith said she has budgeted to receive \$82,500, which is lower than what the City received the year before. She explained this is an unknown amount of percentage of vehicle registrations the City will receive, so she usually budgets less than whatever was received the previous year. Kelly added of the total property taxes, not counting the additional voted-upon mills, revenue is increased about \$10,000 even though we are not collecting as many mills as last fiscal year.

There were no public comments.

Councilman Nelson moved to accept Resolution #353-202, a resolution of the Three Forks City Council 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, 2021 and ending June 30, 2022. Councilwoman Mickelberry seconded the motion.

**Motion Passed Unanimously.**

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

Mayor Gifford read the resolution into the record in its entirety, noting it would be #354-2021.

Gloria Howland asked if there are any job openings. Crystal Turner replied that there will be positions advertised soon.

Councilman Chancellor moved to accept #354-2021, a resolution of the Three Forks City Council establishing wages and compensation for the appointed City officers and employees for Fiscal Year 2021-2022. Councilwoman Todd seconded the motion.

**Motion Passed Unanimously.**

**Public Hearing and Decision on a Resolution Adopting the Final Budget for Fiscal Year 2021-2022**

Mayor Gifford read the resolution into the record in its entirety, noting it would be #355-2021.

Kelly Smith explained the changes since the preliminary budget hearing: there was \$5,800 in Water that was duplicated in the Sewer fund, so she deducted that, and for the Sewer fund a jumping jack compacter, a TV camera to record/trace sewer lines, and jetting the sewer lines were added.

There was no public comment.

Councilman Townsend moved to accept Resolution #355-2021, a resolution of the Three Forks City Council adopting the Fiscal Year 2021-2022 budget. Councilmen Nelson & Chancellor seconded the motion in unison.

**Motion Passed Unanimously.**

**Public Hearing and Decision on a First Reading of an Ordinance Amending the Code in Title 11, Chapter 7 Neighborhood Highway Business to Include "Beverage, Bottling and Distribution" as a Permitted Use in Section 2**

Mayor Gifford read the drafted Ordinance #391-2021 and read the entire document into the record.

There were no questions from the Council. There were no public comments.

Councilman Chancellor moved to approve Ordinance #391-2021, and ordinance amending Title 11, Chapter 7 "Neighborhood Highway Business District", Section 2 to add "Beverage, Bottling & Distribution Facilities" as a permitted use. Councilwoman Mickelberry seconded the motion.

**Motion Passed Unanimously.**

**Public Hearing and Decision on a Resolution Authorizing Submittal of the Montana Coal Endowment Program (MCEP) Infrastructure Planning Grant Application**

Mayor Gifford read the resolution into the record in its entirety, noting it would be #356-2021.

Gene Townsend asked how much the City could apply for. Kelly Smith answered the City could apply for \$40,000, with a \$10,000 match. She added for Mr. Townsend and the Council's edification, "The \$10,000 match is in the budget already," and everyone smiled.

Councilman Nelson moved we accept Resolution #356-2021, resolution authorizing to submit the Montana Coal Endowment Program's Infrastructure Planning Grant, that the Mayor can submit that grant app. Councilwoman Todd seconded the motion.

**Motion Passed Unanimously.**

**REPORT OF OFFICERS**

Gallatin County Sheriff Sergeant Owens reported there are a couple quick changes: Dep. Douma has been promoted to Detective so will not be working a shift in Three Forks anymore. "Congratulations to him," Sgt. Owens said, "But as of right now there are three deputies assigned to Three Forks. We bid for positions in December. We have a trainee right now, and when complete with field training, will have someone bid for Douma's location."

He issued mid-August to mid-September statistics, noting they are "pretty average". Crystal Turner noted there was less assistance to Broadwater County calls. Sgt. Owens said Broadwater County has been a little better about sending deputies down here.

The council thanked Sgt. Owens and the deputies for their service and for Sgt. Owens reporting tonight.

City Treasurer Kelly Smith reported there will be a meeting on 9/22/2021 at 2pm here at City Hall with the Mayor, City Planner Randy Carpenter, Broadwater and Gallatin County Commissioners; all the Council members are invited if they wish to attend. The topics will be growth, Broadwater County's growth policy, and funding for bridge replacements in Old Town.

Kelly said she would like to have a Parks Committee and a Streets & Alleys Committee meeting - which happen to be the same Council members. Mornings are preferable to work with Wendell Ewan. Topic for discussion for Parks Committee is to pick out park equipment (merry-go-round, basketball hoops), and then for the Streets Committee the topics are public design standards, and Wendell has received a traffic sign request from a citizen.

Last, Kelly reported Montana Rural Water is asking if the City would sign a letter of support for a training facility they are submitting a grant in hopes of constructing a building. She asked if any Council members had an issue with Sean Gifford signing the drafted letter, and none did.

City Clerk Crystal Turner asked about the fire department appointments. She said to her knowledge, the Council has always appointed volunteers to "probationary status" but she cannot find any requirement in the Fire Department Handbook, or the Personnel Policy for this step and she wondered if Dennis Nelson or Gene Townsend had any history. Neither had any light to shed on this topic. Crystal suggested that since volunteer firefighters are considered similar to employees that the Mayor just appoint them to probationary status and then report to the Council at each

Council meeting. No Council members had an issue with this. Crystal explained this would expedite the process and allow volunteers to begin training sometimes two to three weeks earlier than having to wait for a Council appointment.

Crystal also reported the City of Three Forks will celebrate its 113<sup>th</sup> birthday on Friday, September 17<sup>th</sup>. The City was founded in 1908 and she reached out to Christina Kamps at the Lewis & Clark Journal in hopes of her writing a piece on that accomplishment - and provided her with Gene Townsend's contact information for historic questions.

#### **UNFINISHED BUSINESS**

##### **Jack Dyer Request for Four Alternate Months to Become Sewer Average per Ordinance #9-4-1: Requested to Meet in the Middle of 2019 and 2020's Winter Averages**

Crystal Turner explained she did the math for "meeting in the middle" as Mr. Dyer requested at the last Council meeting. That would be the difference of 2019's winter average to 2020's winter average. 2019 average was 410 cubic feet (CF) and 2020 average was 1140CF. Meeting in the middle would mean the Dyer's sewer rate would be amended to 775CF (or \$80.40/month, rather than the \$105.85 he is currently being charged).

Councilman Townsend made a motion to adjust the sewer average to Jack Dyer to 775 for his average. Councilman Nelson seconded the motion.

**Motion Passed Unanimously.**

##### **Update on Water Rights Issues (Dana Pepper)**

Ms. Pepper explained the water rights adjudication issue. Montana created a water court and has been busy figuring out everyone's water rights. The Court proceeding hears each entity's water right abstracts. "I am getting those abstracts to accurately reflect what the City of Three Forks' water rights should be. This is developing rapidly and we want to ensure that Three Forks retains the rights it is legally entitled to," Dana explained.

Dennis Nelson asked if the City is using all its water rights and protecting them the best we can. Ms. Pepper said yes.

Mayor Gifford asked if the Regional Water Network (Bozeman, Belgrade, Manhattan group trying to create a regional district) would affect Three Forks' water rights? Dana replied she is unsure but she will look into it.

**NEW BUSINESS**

**Decision on Whether or Not to Recognize Substances which are Legal by the State of Montana, but not Federally, in Order to Finalize the City of Three Forks' Drug & Alcohol Testing Policy**

Crystal Turner explained she has been working on updates to the Fire Department Handbook, the Personnel Policy, the Safety Policy, and finally the Drug & Alcohol Testing Policy - but did not do much to this last policy yet because updates are time consuming. Before changing anything, Crystal wanted to know if the Council is going to address/accept marijuana now that it is legal in Montana. Nancy Todd said she would prefer not, since how can one tell if someone is intoxicated now or was last week, "Without knowing a tolerable level how could we even test for it?" she asked. Sgt. Owens answered there is a "tolerable level" now which someone can be under the influence which is 5 anagrams - the equivalent to 0.08 in alcohol. "It is measurable," he said. Crystal said the Council could decide to not recognize marijuana at all since it is still Federally illegal. George Chancellor retorted the Feds are not really recognizable themselves, so maybe the Council should go with the State's recommendations. The other Council members agreed.

Nancy added, "I would recommend if testing is post-accident to set parameters at \$X damage to property, and/or personal injuries. From my experience at Wheat Montana, you have to have at least two people trained on detection and you can't just say, 'Hmmm, I think so-and-so is exhibiting signs under the influence.' It is really hard to enforce. The trained individuals have to both witness it, document what they witness, then have the other person observe and agree for reasonable suspicion all without explaining to that other person what you are trying to detect because you can influence their opinion." She suggested getting rid of reasonable suspicion entirely.

Deb Mickelberry agreed that testing could be if any property is damaged, or injuries occur, then a blood test would be warranted. Nancy asked if Crystal is wanting a recommendation. Crystal replied she would like a decision/motion on how to proceed; she has spent many hours on these policies and does not feel the need to continue working on the Drug & Alcohol policy if the Council is not going to recognize State-legal marijuana because the policy stands as written then. Nancy said knowing that marijuana has an acceptable legal level she thinks the City should recognize it. Gene Townsend suggested she make that motion.

Councilwoman Todd moved to accept the acceptance of marijuana in the drug and alcohol policy, as the acceptable level. Councilman Townsend seconded the motion.

**Motion Passed Unanimously.**

Crystal Turner will work on drafting those edits, send it to MMIA and our attorney for review, so it may be a month before the Council sees a draft.

**Decision to Accept the Final Draft of the Three Forks Volunteer Junior Firefighter Program (Volunteers Approved Draft at their 9/7/2021 Business Meeting)**

Crystal Turner explained the Firefighters have been working on this program for a few years. Josh Williams brought a few different department's policies, and Crystal and Susan meshed what would fit for Three Forks and cross referenced that to the Department's Handbook for of-age volunteers. The Department has approved this at their last business meeting and is ready to start recruiting, pending Council approval.

Councilman Nelson moved to approve. Councilman Townsend seconded the motion.

**Motion Passed Unanimously.**

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

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

**MAYOR & COUNCIL ANNOUNCEMENTS**

Gene asked to add "Welcome to Three Forks" electrical repairs to the Parks Committee agenda on Friday, 9/17/2021 at 9AM.

Mayor Gifford reported the Ice Rink concrete slab is done. He is having a carpenter check out the warming hut to see what repairs would cost. Also, he will be submitting a Montana Tourism Grant application tomorrow - he will be asking for \$94,000 for a refrigeration unit that would keep ice up to 50-degree days in the winter.

**AGENDA ITEMS FOR NEXT COUNCIL MEETING: September 14<sup>th</sup>, 2021**

- Public Hearing and Decision on a Second Reading of an Ordinance Amending the Code in Title 11, Chapter 7 Neighborhood Highway Business to Include "Beverage, Bottling and Distribution" as a Permitted Use in Section 2
- Decision to Accept all Edits in the Three Forks Personnel Policy Manual (last update May 2021) and Adopt Version 5
- Decision to Accept all Edits in the Three Forks Volunteer Fire Department Handbook (last update July 2021) and Adopt Version 3
- Decision to Accept all Edits in the Three Forks Safety Policy (last update 2016) and Adopt Version 3
- Bids for Trail Crack Sealing?

**ADJOURNMENT**

Councilman Townsend moved to adjourn.

**Motion Passed by acclimation** and the meeting was adjourned at 8:15PM.

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Sean Gifford, Mayor

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Crystal Turner, City Clerk

**SEPTEMBER 28<sup>TH</sup>, 2021,** 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 Sean Gifford. Mayor Gifford called the meeting to order at 7:00 P.M.

**ROLL CALL:** City Council members George Chancellor, Gene Townsend, Dennis Nelson, Steve Dahl, and Nancy Todd, City Treasurer Kelly Smith, City Clerk Crystal Turner, and Gallatin County Sheriff Sergeant Austin Owens were present at City Hall. Councilwoman Deb Mickelberry was excused.

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

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

**GUESTS:** Gloria Howland, Rick Weisser.

**PUBLIC COMMENTS/CONCERNS** (For items not on the agenda)  
There were no public comments for items not on the agenda.

**CONSENT AGENDA**

- rr) Claims for Approval
- ss) Three Forks Rodeo Arena Claim Paid due to Timeliness on 9/16/2021 for \$600
- tt) Three Forks Rodeo Arena Claims for Approval
- uu) Minutes of 9/14/2021

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

**Motion Passed Unanimously.**

**PUBLIC HEARINGS**

**Public Hearing and Decision on a Second Reading of an Ordinance Amending the Code in Title 11, Chapter 7 Neighborhood Highway Business to Include "Beverage, Bottling and Distribution" as a Permitted Use in Section 2**  
Mayor Gifford read Ordinance #391-2021 into the record.

There were no questions from the Council. There were no public comments.

Councilman Chancellor made a motion that we approve Ordinance #391-2021, an ordinance of the Three Forks City Council amending Title 11, Chapter 7 "Neighborhood Highway Business District", Section 2 to add "Beverage, Bottling & Distribution Facilities" as a permitted use. Councilman Townsend seconded the motion.

**Motion Passed Unanimously.**

#### **REPORT OF OFFICERS**

City Clerk Crystal Turner did not provide a report.

City Treasurer Kelly Smith did not have provide a report.

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

George Chancellor reported the Parks Committee met last week on 9/17 to discuss the electrical issues on the "Three Forks Welcome" sign and making a plan to get that repaired. Gene Townsend explained the electrical line was traced to the front of the "Welcome" sign. "Something shorted out and is causing the breaker to kick so we'll take a look at repairing that, but the electrician outfits are pretty busy these days and hard to get ahold of." George said the Committee discussed replacing the merry-go-round at Helton-Peterson Park and reviewed a 6-foot, 8-foot, and 10-foot replacement pieces. "What was there was a 10-foot so I pushed for that one," George said. Kelly Smith stated the difference is \$2-3,000 (including shipping) from 6-feet to 10-feet. The Committee agreed and there is enough money in the CIP Park fund to replace a 10-foot merry-go-round. The Committee also discussed installing four new hoops, backboards and poles at a cost of roughly \$5,000 at the ice rink pad in Stevenson Park. George reported they also considered the Conrad property (triangular shaped lot next to the Post Office which has been neglected for several years). Kelly Smith said, "We sent a letter to the surviving daughter asking if they would consider donating it to the City. She called today and wanted to know what price the City would pay. I explained it's an odd-shaped lot and would be difficult to build on. The woman had done a little research and said that market value is roughly 59% of the \$55,000 taxable value, so suggested a sale of around \$90,000. I informed her there are many easements running through this property making it difficult, but not impossible, to build on and suggested the donation again but said I would relay the price to the Council," Kelly reported. Gene Townsend warned caution on any response. Kelly Smith said the City needs to stop maintaining the property - it costs the taxpayers and we are unable to recoup the expense. George asked why it cannot be recouped.

Crystal Turner replied that our attorney has not found law to support the City going onto private property to maintain it and then sending a bill for the expenses or placing a lien on the taxes. She said, "Other cities/towns do this, but Susan has not recommended whatever MCA those towns are using to support their ordinances." Dennis Nelson does not think it is necessary at all, "Let it die there." Gene suggested the better route could be to have the newly formed Skate Park Association write a letter instead. "As a 501(3)c the property owner may be more amenable to donating it to them," he said. Kelly said a response could explain the building hardships, the taxes each year, the maintenance expense, and existing conditions of the property, or not respond at all. In closing, George said the Committee also talked about extending the beach area south of the dock at Bellach Park. "Sand would cost less than \$700 so we thought that would be a good use of Park funds too," he said.

Nancy Todd reported the Streets Committee also met on 9/17 and reviewed the draft Public Design Standards with Great West Engineering and Wendell Ewan, who spoke on behalf of Steve Johnston and Randy Johnston's input for edits. "We recommended some changes that will be edited and brought to the Council in the near future for final adoption," Nancy said.

Gene Townsend added to the Streets Committee report that Wendell had received a stop sign request for the intersection of E. Oak Street & N. 5<sup>th</sup> Avenue E., due to the new parking area of the school. Wendell will study traffic a bit before responding to this request. Crystal Turner reported Wendell also received a request for an ADA parking space at the Sacajawea Hotel too. "They used to have one painted in front of Pompey's Grill and a sign on the building designating it. Not sure what happened to the signage but the paint has worn off. They are at least requesting the street be repainted, and the one in front of the 'Cottages' too," she said.

#### **UNFINISHED BUSINESS**

There was no Unfinished Business.

#### **NEW BUSINESS**

##### **Board Appointment: Board of Adjustments/Appeals**

Mayor Gifford read the Board Appointment memo into the record, noting Michele McLeod is the only applicant.

Councilman Townsend moved to accept the application from Michele McLeod for the appointment to the Board of Adjustments. Councilman Nelson seconded the motion.

**Motion Passed Unanimously.**

**Decision to Accept all Edits in the Three Forks Personnel Policy Manual (last update May 2021) and Adopt Version 5**

Crystal Turner prepared a bulleted list of changes in the policy and explained each item edited in the policy (see packet for detail of changes). There was concern by Nancy Todd regarding the last sentence in the Discipline Policy stating that "failure to sign the disciplinary warning is considered insubordination" as it may lead to further discipline rather than resolving the original issue. She believed it to be against State Law but said it may have just been company policy at her former employer and asked that Crystal find out more information. Kelly Smith noted that "calendar" days is defined in all areas of the Grievance Policy section except for one and suggested it be added after "14" to be consistent. Crystal added there are two additional acknowledgement/permission forms created that will accompany this policy: the paycheck release form and the final paycheck withholding detail and release.

Councilman Townsend moved to approve the changes to the Personnel Policy, dependent upon Lilia Tyrell's advice on the insubordination and adding "calendar" after 14 days in the Grievance Policy section. Councilman Nelson seconded the motion.

**Motion Passed Unanimously.**

Crystal further explained that once approved every employee must resign the acknowledgement page. We will provide 30-days to allow everyone time to read through the policy amendments and return the acknowledgement form. She plans on meeting with the Fire Department on the 3<sup>rd</sup> Tuesday in November.

**Decision to Accept all Edits in the Three Forks Safety Policy (last update 2016) and Adopt Version 3**

Crystal Turner reviewed the changes made to the Safety Policy (see packet for bulleted details).

Councilman Chancellor all the edits in the Three Forks Safety Policy. Councilman Nelson seconded the motion.

**Motion Passed Unanimously.**

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

Rick Weisser spoke regarding the Conrad property, "She wants too much." He suggested the City declare it condemned since no one has ever taken responsibility for the maintenance, and use it and take it over.

Gloria Howland requested the City purchase another "your speed is" sign. Kelly Smith said the City ordered two more this year. Gloria requested it be placed on Milwaukee Street. Mayor Gifford said he would ask Gallatin County Sheriff Office to patrol this area more as well.

**MAYOR & COUNCIL ANNOUNCEMENTS**

Gene Townsend reported the contractors finished paving today on Cottonwood Street and are finishing cleanup. He is still work on getting legal descriptions for easements to some property in order to extend the Trail on the North side of Hwy 2 (N. Main Street) and across to the grain elevator so we can connect the trail outside of school property.

Mayor Gifford submitted the Tourism grant for the Ice Rink. He feels he needs Gene's grant-writing skills, but said he believes his submittal is better than last year's.

The Mayor also reported he did an ABC News interview talking about the rink and already donations have started coming in.

**AGENDA ITEMS FOR NEXT COUNCIL MEETING: October 12<sup>th</sup>, 2021**

- Public Hearing and Decision on an Application for Conditional Use Permit for a Camping Facility at Property Located in Tract 1 Southeast Quarter of the Northeast Quarter (SE4NE4) and the Northeast Quarter of the Southeast Quarter (NE4SE4) of Section 26, Township 2 North, Range 1 East **AND** Lot 12A of Block 18 in Buttelman's Addition (Plat D-34-B), More Commonly Referred to as 126 East Jefferson Street
- Public Hearing and Decision on a First Reading of an Ordinance Amending Title 7, Chapter 2, Section 15 "School Area Parking"
- Fire Department Handbook changes
- Possibly the final amendments to Personnel Policy
- Decision to Accept all Edits in the Three Forks Volunteer Fire Department Handbook (last update July 2021) and Adopt Version 3
- Gallatin County Commission Presentation on November Bond Issue to Fund New Courts Facility

**ADJOURNMENT**

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

**Motion Passed Unanimously** and the meeting was adjourned at 7:59PM.

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Sean Gifford, Mayor

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Crystal Turner, City Clerk

**OCTOBER 12<sup>TH</sup>, 2021,** 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 Sean Gifford. Mayor Gifford called the meeting to order at 7:00 P.M.

**ROLL CALL:** City Council members George Chancellor, Deb Mickelberry, Gene Townsend, Steve Dahl, Nancy Todd, and Dennis Nelson. City Treasurer Kelly Smith, City Clerk Crystal Turner, Water Superintendent (and incoming Mayor) Randy Johnston, and Gallatin County Sheriff Sergeant Austin Owens were 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 Gifford. Mayor Gifford reminded the audience this meeting was recorded and streamed via Zoom and on our Facebook page.

**GUESTS:** Gloria Howland, Thomas Kober, Barbara Mutter, Michelle "Mickey" Palo, Kira Gifford, Rocky Hamilton, Commissioner Joe Skinner were present in City Hall. Bret Robinson, Jessica Salo, Susan Hayes attended via Zoom.

**PUBLIC COMMENTS/CONCERNS** (For items not on the agenda)  
There were no public comments for items not on the agenda.

**CONSENT AGENDA**

- a) Claims Paid to Mail Utility Bills on 9/30/2021 in the Amount of \$189.00
- b) Claim Paid due to Timeliness on 10/06/2021 in the Amount of \$2,475.00 (to save 1%)
- c) Claims for Approval
- d) Three Forks Rodeo Arena Claims
- e) Minutes of Joint Broadwater County, Gallatin County and City Meeting 9/22/2021
- f) Pledged Security Report as of 9/30/2021

Gene Townsend asked what the "2x4 tiles" are on the Macon invoice (Claim #145786). It was explained those are the Americans with Disabilities Act

truncated domes which are placed at intersections of sidewalks/streets or trails/streets. This particular invoice was for ADA tiles on the new trail section. Gene also corrected that Sappington is in Gallatin County so he recommended editing the joint 9/22/2021 minutes to replace "Jefferson" to "Gallatin".

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

**Motion Passed Unanimously.**

Susan Swimley said, to save folks' time that may be present for the Ambulance Board item, when the Mayor gets to New Business and the appointment to the Three Forks Ambulance board she will be asking the Council not to take any action on this item due to a conflict with bylaws and the City/District interlocal agreement until she can do more research. The Mayor asked if next month's Council meeting would be enough time, to which she responded yes.

Councilman Chancellor moved to table the Ambulance board appointment. Councilman Nelson seconded the motion.

**Motion Passed Unanimously.** (The majority of public present left the meeting.)

**PUBLIC HEARINGS**

**Public Hearing and Decision on an Application for Conditional Use Permit for a Camping Facility at Property Located in Tract 1 Southeast Quarter of the Northeast Quarter (SE4NE4) and the Northeast Quarter of the Southeast Quarter (NE4SE4) of Section 26, Township 2 North, Range 1 East AND Lot 12A of Block 18 in Buttelman's Addition (Plat D-34-B), More Commonly Referred to as 126 East Jefferson Street**

Zoning Board Chairman George Chancellor read the staff report into the record. He noted that all the same conditions the Three Forks Market & RV Campground were held to were recommended for this application as well, except no fencing will be required, no enclosed dog walking area, and no camp host on site.

Gene Townsend asked about the little red dots on the site plan, "Is that the update for proposed street lighting?" George answered yes. Dennis Nelson said he assumed the applicant would come with a full set of drawings after approval then? George replied yes. Deb Mickelberry asked if the [Zoning] Board had any public comments from neighbors across the street. George said Roland Deane attended the Zoning & Planning meeting commenting traffic on Jefferson Street is already heavy.

The applicant, Bret Robinson, introduced himself to the Council. He stated he understands the comparison to the other RV campground, however his will primarily be for personal use, and he has cleaned up the property from its

former state. He understands there are guidelines and rules that must be adhered to but he feels this will be a good thing for the community.

Gene Townsend asked if City sewer and water is available to the property? Kelly Smith replied the mains are nearby but not currently served to this property. Gene asked if the cabins would be self-contained and no sewer/water to those? Kelly answered no, they would connect a service line to the main and all cabins and RV campsites would be served by the City.

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

Councilman Townsend made a motion to accept the application for a conditional use permit. Councilman Chancellor seconded the motion. Crystal Turner asked if the motion includes all the proposed conditions in the staff report? Gene Townsend replied Yes, with all the conditions.

**Motion Passed Unanimously.**

**Public Hearing and Decision on a First Reading of an Ordinance Amending Title 7, Chapter 2, Section 15 "School Area Parking"**

Mayor Gifford read Ordinance #392-2021 and read the entire document into the record.

Crystal Turner reported where it states in this ordinance that it is "perpendicular parking" is now incorrect. The parking physically is angled parking now that the construction is complete on the north-side, so that would need edited. Gene Townsend questioned the wording above "A" which defines dates and times that are allowable, "If the south-side of Oak Street which borders with the residences, there will be no parking whatsoever any time." Kelly Smith agreed that is the intention. Gene disagreed and said the language as written makes that unclear. Crystal asked Sgt. Owens how he would interpret the way it reads. Sgt. Owens responded he felt the wording is clear enough. Kelly suggested that if Ordinance 7-2-6(K) which states that "any place where official signs prohibit parking" stands, the signs already posted on the south side of Oak Street may make this ordinance a moot point. Susan Swimley suggested she and Crystal meet to further discuss and come back with a better draft at a later date.

Councilman Townsend made a motion to table Ordinance #392-2021.

Councilman Nelson and Councilwoman Todd seconded the motion in unison.

**Motion Passed Unanimously.**

**REPORT OF OFFICERS**

City Treasurer Kelly Smith asked if one or two of the Council members would like to join in on the monthly FEMA BRIC (and other grant opportunity) meeting. She said, "The group sometimes asked us "does the

City want to do that" and Crystal and I don't really have any authority to make those decisions." Gene Townsend volunteered.

City Clerk Crystal Turner reported on Lilia Tyrell's updates to the Personnel Policy. Ms. Tyrell suggested not removing that if an employee refuses to sign a discipline letter that would constitute a separate discipline measure. It is not against State law to require a signature and discipline for lack of signature. She also advised against allowing a written rebuttal.

Crystal also reported the FEMA update by DNRC will take place sometime after January (it was originally expected in fall of 2021).

Gallatin County Sheriff Sgt. Owens reported on the calls for service from September 15-October 12, 2021.

Water Superintendent Randy Johnston started to report on the water project; Crystal interrupted that is later on the agenda and would be covered in more detail.

City Attorney Susan Swimley did not have anything to report.

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

Gene Townsend reported on behalf of the Streets & Alleys Committee: paving of Cottonwood Road is complete and looks good.

**UNFINISHED BUSINESS**

There was no Unfinished Business.

**NEW BUSINESS**

**Gallatin County Commission Presentation on November Bond Issue to Fund New Courts Facility**

Commissioner Joe Skinner provided a presentation on the court facility bond this year. He wanted to educate the Council (and public present/watching) in case they had any questions from their constituents. "The Commission is proposing a new court facility on the Law & Justice Center's current site. The County is asking for a \$29,000,000 bond." He said, "Most people may ask themselves - 'Why would I go to the court?' Well you go for a variety of reasons not just criminal: jury duty, marriage licenses, divorces, children, restraining orders, etc. The current Law & Justice Center (L&J) is disastrous in its present situation.

Seventeen years ago, when I became a Commissioner, they said the same thing, and it hasn't gotten any better it's worse. We've had several proposals to the voters which have been turned down in the past, we hope this is the right project for the voters. It was built as a Catholic high school in the 60s. The structural integrity is failing. We have made good use of it and it has been used well, but I think it is time for something different," Commissioner Skinner said.

He continued, "Courts are very volatile and emotional. We have victims and the accused rubbing shoulders in the tight hallways. You have family members in dispute, jurors and counselors running into each in the hall, detainees from the Detention Center walking the halls with the public, they are escorted but it's dangerous. The current L&J is too small, there is a log jam of cases. We have three District [Court] Judges doing the case load of six or seven. That is what is causing the civil cases to be pushed out to later dates; criminal cases hold precedence. This is getting increasingly worse."

Commissioner Skinner said, "We lobbied the Legislature this spring for a 4<sup>th</sup> District Court Judge which will help with the case load, but we are mandated by Statute to provide a court room for the Judge and so without the space these inefficiencies will continue. I think this is a very bare bones proposal - and there is no Plan B. If this does not pass all our other options will cost more in the long run (renting space in the Bozeman market, building another building like we did the 'temporary remote' court room in 2006 which is still being used). We have worked hard to save your money by reducing the size of the footprint and the number of people in the building."

"How are you going to build a \$38,000,000 building with \$29,000,000 you ask? We have saved money to contribute to the project, and this is dependent upon taking advantage of bond premiums (we have a good bond rating)," Commissioner Skinner explained. He continued, "It will cost \$33/year on a \$500,000 market property. Here is what I ask you all to think about:

- Will my vote make it safer for the people working there?
- Will my vote make it safer for myself and family when we go there?
- Can we make it more efficient?
- Will it be cost effective?
- Is this fiscally responsible?

He closed with, "The Gallatin County Commission takes fiscal responsibility very seriously. Ballots will be mailed on October 13<sup>th</sup>. You can return them via mail, vote in person if you don't trust the mail, or drop them off here at City Hall."

Dennis Nelson asked if the contractor is already picked out? Commissioner Skinner said yes, it was just continued from the last bond. Gene Townsend asked where the L&J will be located. Commissioner Skinner said on the

north side of campus next to the Detention Center. Gene also asked when the City of Bozeman will be out. Commissioner Skinner answered he believed it would be next spring.

**Board Appointment: Three Forks Ambulance Board of Directors**

Item tabled until the November 9<sup>th</sup> meeting (see motion earlier in the meeting).

**Library Director Presentation**

Item tabled until the November 9<sup>th</sup> meeting (Library Director was ill).

**Approval of the Three Forks Volunteer Firefighter Handbook (Edition 3.0 dated September 2021)**

Crystal reported the following updates are included in the draft before the Council. The Fire Department has read these edits/revisions at two separate business meetings and voted to approve the version before you tonight at their meeting last week.

- Rearranged the entire handbook to start off and create a hyperlinked table of contents.
- Changed the word "policy/policies" in most of the introduction and general requirements sections to "procedures". Some things are City policies, but many of these rules are departmental procedures.
- Added to the Code of Conduct section that not only do you represent the Department and the City's property, that this includes wearing uniforms when not on duty like at the grocery store, in a restaurant or bar, or even at a private gathering.
- Moved job descriptions to the beginning. Added the City ordinance references for duties of Chief and Secretary.
- Added which positions are elected by the Department and how to go about putting your name in for one of those positions.
- Clarified the Equal Employment Opportunity, Harassment, Grievance, Discipline policies and then referred to the City's Personnel Policy so we do not contradict each other. Added the American with Disabilities Act section too.
- Active Status talks about eligibility here mostly, so moved that you have to live in the district to this section (which was formerly tucked away towards the end).
- After clarifying all the positions, we talk about safety (safety first) and PPE, then get into the specifics of the job.
- Probation was clarified, and all those duties/jobs leading up to Chief officers.
- Procedures - how they drive, driving their own vehicles, alcohol use - all that is listed at the end of the Handbook.

- Removed all the disciplinary steps that said they would be performed by the Chief and referred to the updated Discipline steps in the City's Personnel Policy.

There were no Council questions. There were no public comments.

Councilman Nelson made a motion to approve the Three Forks Volunteer Fire Department Handbook as it's been placed and put together by the volunteers themselves. Councilwoman Todd seconded the motion.

**Motion Passed Unanimously.**

### **Updated on Water Project**

Susan Hayes informed the Council that if the City went out to bid for the entire project it would be well over the \$80,000 limitation per State statute. Great West proposed doing the test wells as two separate projects so we could fall under the City's purchasing policy. "We recommend you drill the first test well up at the current tank site. As Randy Johnston mentioned earlier tonight, we met at the site to review a location. Randy also met with Red Tiger today to pick out a site for the other test well. Crystal Turner has put a draft service agreement together, to survey the City's land in the middle of the Kent property where the existing Well #2 is.

Regarding the second test well, we want to drill an entirely new one. When we started this process the recommendation was to drill up by the tank site and second well south of the existing well #2 (outside the City on Kent property). At that time the Kent's were trying to sell that property - so we were a bit in limbo. The property is not for sale now. We will survey, then draft a lease agreement if they are agreeable to a second well there. We are in a good position to do the first test well, determine the quality, and then work on the second [test well].

Randy Johnston said the location would be inside the water tank fence, so right by existing power and our [water] main, whereas at the Kent's property we would have to run power and mains. Dave Donahue will be monitoring the cemetery wells to see if the status goes down.

Gene Townsend asked if the Cemetery's water has ever been tested for arsenic? Randy replied yes. "Their lower well had it, their upper well did not. So there is two different water formations up there," Randy explained. Gene asked how much water the Cemetery's well produces? Susan Hayes replied that Dave [Donahue] said he thinks they are capable of producing more than what the Cemetery pumps at, so the yield is unknown. "Our goal is to get 200gpm but we are using geologic and hydrologic information. But in the end this is a test well so keep that in mind," she said. Randy said he has the necessary bottles on order for testing the water so we can test it immediately for gross alpha, radon, arsenic when we hit water. Gene asked, "Looking at the scope of 10 years' growth

- is 200gpm going to take care of our problems for lack of water?" Susan Hayes replied, "No, it won't' we need 2 of wells with that kind of production. We will (GWE task approved last month) go out for bid of redrilling well #6 too but we still need to continue pursuing a second test well. The preferred location is still on the Kent property but we need to come up with the City's belief for best approach. We also need to determine exactly how much property the City owns that is currently encircled by the Kent's land. We have gotten a quote to complete a survey for that land. When the City has the total property size mapped, we probably have enough space we could drill another well there. The City needs to think about how to approach the lease agreement. She said she will need some direction from the City on what it would like to see included like potential payment, etc.. It appears there is maybe ½ acre available in this land. She informed the Council she has requested several quotes for surveying and found the lowest, from a reputable surveyor for \$3,951 for survey and \$650 for title policy. This will give the City more information on how to move forward with this property for a second test well.

Dennis Nelson asked what the cost of one test well was. Susan Hayes replied Red Tiger quoted \$45,835. Dennis added he thinks it would be a good idea to have that survey done (on the Kent land).

Councilman Townsend made a motion that we continue and have the survey completed and possibly have that done in the end of November.

Councilman Nelson seconded the motion.

**Motion Passed Unanimously.**

### **Approval of the Standards for Design and Construction for the City of Three Forks**

Jessica Salo provided a brief overview of the design standards and how they were developed. She began with, "What is the purpose of design standards and why did we do this?"

Design and construction standards establish the requirements for any modifications to public infrastructure or new public infrastructure within the City. The main purpose of design and construction standards is to establish uniformity in methods and materials and ultimately, make operations and maintenance easier through consistent and compatible materials and construction methods. The standards will also assist design engineers, developers, and contractors with the preparation of design reports, plans, and specifications. With standards in place, the planning and design process should be more straightforward and eliminate some of the questions and back and forth communication with regards to requirements. As you are aware, Three Forks has had many recent requests for development, so these standards are timely and could be put to use in the immediate future.

Many existing cities in Montana currently have design standards so there is a lot of existing information to pull from, however, we did not simply copy another city, as we wanted to make sure these standards are specific to Three Forks.

Great West developed an initial draft version for Three Forks by first developing a format and structure for the document. Applicable technical criteria were then incorporated through review of other city standards and adjustment as necessary based on Great West's experience in designing improvements for other communities in Montana of similar size. Each chapter was then reviewed by Great West practice leaders with specific expertise in their design area. For example, a seasoned municipal design engineer reviewed the water and sewer chapters, a transportation engineer practice lead reviewed the transportation chapter, etc.

From this initial draft, Great West met with City public works staff as well as the Streets & Alleys Committee to further refine the document specifics.

A brief overview and highlights of the document:

- Document is approximately 50 pages and consists of 8 chapters.
- The introduction chapter talks about the purpose and how this document relates to other Three Forks documents such as City ordinances and subdivision regulations. It also mentions updates and talks about deviations from the standards and when that could apply.
- Chapters 2 and 3 specify design requirements for water and sewer improvements. Technical criteria covered includes processes for sizing mains and services, pipe material and fitting specifications, and location requirements.
- Chapter 4 specifies requirements for storm drainage improvements which include elements such as channels, culverts, inlets, storm sewers, and detention ponds.
  - Applicability of Chapter 4 standards applies to development projects that will increase impervious area by 10,000 square feet or more or redevelopment projects that will increase impervious area by 5,000 square feet or more.
  - Chapter 4 also talks about approved hydrologic methods and gives the rainfall data to be used for developing peak flow rates.
  - Design storms shall be the 2-year for detention and retention facilities, and all other elements designed to the 10-year event (channels, pipes, inlets, etc.). Everything also evaluated at the 100-year event to assess potential flooding impacts.
- Chapter 5 relates to transportation infrastructure (roadways, sidewalks, signs, paths, etc.).
  - Traffic study is required when developments increase traffic by 200 trips per day or more.

- o Provides a table of street features to be considered based on street type (bike lanes, parking lanes, sidewalks, etc.).
- Chapters 6 and 7 detail submittal requirements (plans, design reports), and the review and approval process (specifies review timeframes, etc.).
- Chapter 8 details construction procedures.
  - o prior to construction such as permits, fees, traffic control plans, and preconstruction meeting.
  - o Notices and coordination with the City
  - o Construction inspection and quality control procedures
  - o Post-construction and project acceptance procedures
- Appendices could be checklists, forms, etc.

With the draft standards becoming adopted, there are a number of ordinances that may be outdated and would conflict with the design standards. The majority of these have to do with water and sewer service line construction. Great West has provided a list of ordinance updates and revisions that conflict with design standards to the City. There are also a few items within the subdivision regulations that conflict.

Currently the document specified 8-feet for new trails since the City's existing trails are 8-feet wide. However, this is kind of touchy as other communities specifications state that multiuse pedestrian/bike/pet path are 10-feet. If the Council wants to keep it at 8-feet Jessica recommends calling it something else.

Gene Townsend reported the Committee went over this in detail at our meeting on the 17<sup>th</sup>. "We really need to do this, especially for our Public Works department so they can tell developers 'These are our standards and they are the same for everybody'. I feel it is pretty darn complete. Not worried about the 10-foot as I have all the trail I can build in town," Gene said.

Dennis Nelson said he believes it is as complete as anything he has worked with in past construction jobs. "This will be an advantage for our staff, so they do not have to run down answers to questions from the public. Crystal and Kelly will be able to hand this out and save a lot of time running down questions," Denny said.

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

Councilman Nelson moved to approve the initial draft for standards and design for the City of Three Forks. Councilman Townsend seconded the motion.

**Motion Passed Unanimously.**

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

There were no comments or concerns that were not on the agenda.

**MAYOR & COUNCIL ANNOUNCEMENTS**

Mayor Gifford explained a letter Kelly Smith received from DNRC to FEMA regarding a new insurance program which is called **Risk 2.0** - basically flood insurance rates are going up. State DNRC Amanda Caster sent a letter to FEMA, and I forwarded it on to Tester and Daines' offices too. Received word back from Daines office. "This is just really a detriment to Three Forks, and we're going through new maps too - and now rate hikes. If the Council wants to sit in on a phone call at all please let me know," Mayor Gifford said.

Kelly Smith added that risk ratings are supposed to make flood insurance based on risk, like normal insurance. "If you don't have a risk your rates will go down. The concern of DNRC is that it is propriety info on how they will now be judging rates. In the past if someone asked us to explain their flood insurance rate, we could send it to DNRC and they would have answers as to why it is a certain amount. They could also make recommendations for improvements. Now they have no guidance to property owners because the Risk 2.0 seems to be done in a "black box", so they will not be able to answer the public's questions," Kelly explained. Mayor Gifford added, "They used taxpayer dollars to do this, but then say it is propriety data. So DNRC's comments from the public and our government are warranted. This was supposed to be in effect 10/10/2021 and it has not been adopted yet." Kelly added that DNRC is afraid Montana will see 18% increases due to Risk 2.0.

**AGENDA ITEMS FOR NEXT COUNCIL MEETING:** November 9<sup>th</sup>, 2021

- Board Appointment: Three Forks Ambulance Board of Directors
- Library Director Presentation
- (Possibly) Public Hearing and Decision on a (redrafted) First Reading of an Ordinance Amending Title 7, Chapter 2, Section 15 "School Area Parking"
- Public Hearing and Decision on the Zoning & Planning Board's Recommendation on a Request for a Conditional Use Permit by DeHaan Construction for a Multi-Family Structure (Six Units), with the Intent to Condominium-ize the Dwellings per Section IX "Condominiums" in the Three Forks Subdivision Regulations, Located at Lots 7-9, Block 66 of Milwaukee Land Co 2<sup>nd</sup> Addition, Commonly Known as 713 2<sup>nd</sup> Ave. W
- Public Hearing and Decision on Zoning and Planning Zoning & Planning Board's Recommendation on a Request for a Conditional Use Permit by

Michael Volesky for a Home Occupation of Taxidermy, Located at Lot 5, Block 10A of Headwaters Addition, Commonly Known as 628 Linda Lane

**ADJOURNMENT**

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

**Motion Passed Unanimously** and the meeting was adjourned at 8:25PM.

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Sean Gifford, Mayor

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Crystal Turner, City Clerk

**NOVEMBER 9<sup>TH</sup>, 2021,** 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 Sean Gifford. Mayor Gifford called the meeting to order at 7:00 P.M.

**ROLL CALL:** City Council members George Chancellor, Deb Mickelberry, Gene Townsend, Steve Dahl, Nancy Todd, and Dennis Nelson. City Treasurer Kelly Smith, City Clerk Crystal Turner, Water Superintendent (and incoming Mayor) Randy Johnston, Library Director Fawn Venzor, 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 six (6) Council members and the meeting was held.

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

**GUESTS:** Gloria Howland, Gina Bennett, Travis DeHaan, Jason DeHaan and Brooke McLees. Karen Page attended via Zoom.

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

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

**CONSENT AGENDA**

- g) Claims Paid to Mail Utility Bills on 10/13/2021 in the Amount of \$50 to Refund a Business License
- h) Claims Paid due to Timeliness on 10/26/2021 in the Amount of \$12,335.56
- i) Claims for Approval
- j) Three Forks Rodeo Arena Claims
- k) Council Minutes of 9/28/2021
- l) Zoning and Planning Board Minutes of 8/19/2021 and 9/23/2021
- m) Service Contract between Gallatin County & Three Forks Library to Serve Gallatin County Residents in Fiscal Year 2021-2022 in the Sum of \$72,515
- n) Approval of Service Agreement with Red Tiger Drilling to Drill a Test Well at Water Tank Location
- o) Approval of Service Agreement with Morris Land Surveyors to Survey Well #1 and #2 on the Conner-Kent Ranch

Councilman Townsend moved to accept the Consent Agenda except for the item asked to be pulled. Councilman Nelson seconded the motion. There was no public comment.

**Motion Passed Unanimously.**

Dennis Nelson pulled #145838 due to a personal purchase request for reimbursement and the receipt showing less than the reimbursement request. Crystal Turner said she missed the discount on the receipt, and the request is for the full amount. Mr. Nelson commented on the item and the timing of it. George Chancellor said just pay the part that was paid, not the discount. Dennis asked the Council if it needs to be adjusted and resubmitted or rejected completely. Gene Townsend said to pay only the amount paid.

Councilman Townsend made a motion that we only pay the \$94.96 because of the discount. Councilman Chancellor seconded the motion.

**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 DeHaan Construction for a Multi-Family Structure (Six Units), with the Intent to Condominiumize the Dwellings per Section IX**

Zoning Board member Kelly Smith read the staff report into the record. She stated the Zoning & Planning Board made a recommendation to approve with the conditions they submit the condo declarations, limit each unit to 1 dog per unit, and amend the condo declarations to state that and the 72-hour parking limit to match the City's ordinances. She read the letters of support and opposition received into the record.

The applicant, Travis DeHaan, introduced himself to the Council. He stated this property is next to an existing rental property (the 3-story "old hospital"), there is plenty of parking; they are providing double the amount required by the City's code, and the parking is off the alley and tucked away from the street.

Dennis Nelson asked, "Will the management company be able to take care of the 72-hour parking for boats, trailers, etc.?" Travis DeHaan replied yes, the management company can be called for any complaints and will contact the owners to adhere to the rules.

Debra Mickelberry said she appreciated them adding the parking limitation to the condo declarations.

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

Steve Dahl asked if the DeHaan's are ever looking to have this area paved? Travis DeHaan said no, not the public street. "Ivy Street is not the frontage, it's the side yard and we have not considered paving it," Travis said.

Councilman Townsend moved to approve the application for conditional use permit for DeHaan Construction Incorporated with the two conditions that are the applicant will submit a condo declarations and request a subdivision exemption certificate from the City of Three Forks.

Councilman Nelson seconded the motion.

**Motion Passed Unanimously.**

Gene Townsend said he showed the design to members of the public - they appreciated the garages and the extra parking. Dennis Nelson said the town needs it, it looks like a good addition. They asked about pricing, which the DeHaan's hope to be around \$400,000.

#### **REPORT OF OFFICERS**

City Treasurer Kelly Smith reported for Randy Carpenter - he would like to present the Regional Housing Study at the next Council meeting. The report/presentation would take about half hour. Kelly also reported the City has been going back and forth with Imerys, now Magris, they had a 20-year contract to annex. "We did approve a 1-year extension last March due to the bankruptcy and being bought out. That comes to another conclusion March 2022. They'd prefer not to annex and do another contract," Kelly

said. Do you want us to send this discussion to a Committee? Dennis Nelson asked, "If we did decide not to annex will the billing all be renegotiated and all that?" Kelly answered that is up to the Council to negotiate and determine. George Chancellor and Dennis Nelson discussed terms. Kelly interjected, "This needs to be discussed in a committee level for those details. But the ordinance says if you have water and sewer service you are supposed to be annexed." Susan Swimley added that she and Kelly need Council direction in order to proceed. Gene Townsend said he was mayor when this came about. "They originally petitioned to annex, and it was a 3:3 vote and the Talc Plant did not want me to be the tiebreaker since I was an employee so they came up with the contract. Water/Sewer Committee should meet with Susan and Kelly.

City Clerk Crystal Turner reported while working with the County Treasurer this year to have her bill the special assessments, she found several large tract parcels in the Street Lighting and Street Maintenance District #1 which are being charged the same as 7,000 square foot lots when these parcels are 1-acre or more. Crystal did some research and can find no documentation as to why, nor any authority in the creation of the districts to charge larger lots differently. She has informed these property owners, so the Council may get calls. They will be charged as is this year, but the letter gives them one year notice that unless the Council changes the creationary documents, they will be charged as defined in the special assessment documentation next tax year.

Crystal also reported that Three Forks has again won the MMIA 2020/2021 Loss Control Achievement Award in the Liability Program for third class cities. This is due to our lack of claims and work to minimize liability. She also asked the Council if it wished to have a public meeting on November 23, as she does have an item which could be scheduled but it is no hurry and can wait until the December meeting. The Council opted for no second meeting in November since it would fall on the Thanksgiving week. Last, she reported she would like all the incoming elected officials to attend the December 14<sup>th</sup> Council meeting so they could be sworn on and take their Oaths of Office.

City Attorney Susan Swimley did not have anything to report.

Water Superintendent Randy Johnston did not have anything to report.

Gallatin County Sheriff Deputy Clark introduced himself. He said he has been a resident deputy here for 1 year. He reported Sgt. Owens has left the Gallatin County Sheriff Office and went back to Manhattan Police

Department. He provided the Council and public the statistics for October 13 through November 9 total calls for service were 143: 12 traffic stops in city limits, (month before was in the 30s). Not as many people out and about with the colder weather. There were no crashes, no domestics, a couple disorderly conducts, no family disturbances, 3 unknown which turned out to be nothing, no sex crimes, 8 911 hang-ups, 0 assaults, 0 burglaries 0 drugs (was at least one with MHP in city limits but goes under agency assist because MHP stopped them), 3 welfare checks, 5 thefts, 1 criminal trespass, 3 criminal mischief, 3 frauds, 8 civil calls (like civil disputes that go to court), 1 threats, 4 suspicious, 4 agency assists, 4 Probation & Parole, 1 harassment, 32 Broadwater County calls (12 that deputy sheriffs actually responded to).

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

There were no Committee reports.

**UNFINISHED BUSINESS**

**Three forks Community Library Director Annual Report**

Library Director Fawn Venzor distributed statistical information.

"When COVID happened we closed doors and offered curbside service. We slowly opened and did a little more service, and we sure shuffled a lot of puzzles around. A lot of puzzles were donated after that. We went 'fine free' during COVID, meaning no late fees; all of Gallatin County offer that. Right now we are charging a \$10 privilege fee for out-of-county patrons (which we have a lot because of the Three Forks residents that live in Broadwater County, but we also have a few Madison County patrons). We had a great summer reading program with 18 jars of prizes. 1,057 tickets were distributed for books read to put in these jars for a drawing to win it.

"We also held a 'trunk-or-treat' during COVID and gave out 110 books. We held a magic show this summer outside. We are slowly moving back inside of the building. We maintained story time online on our Facebook page. We have held rock painting class, going to have a gnome class. Christmas will have a hide-n-seek secret kindness missions, following a book. There are 50 secrete missions suggested in this book we are going to share with everyone. The Library will host the gingerbread house display during the Christmas Stroll. We are told we are ahead of the curve by many other libraries. Our numbers are up, we have hired 2 new part-time employees to help with that," Fawn explained.

Gina Bennet asked, "Did the books I found make it back to you?" Fawn answered yes. She added, "We try to be as forgiving as possible - we want you to come in and we want you to come back! We aren't a quiet library. I'm not a quiet librarian. Thank you for being so understanding with everything going on in my life."

#### **Update on Water System Improvement Project**

Susan Hayes, engineer from Great West, reported on the Red Tiger Drilling contract awarded tonight on your consent agenda. "We checked with them last week - they hope to mobilize next week sometime and start drilling that test well at the water tank," she said. Gene Townsend asked if there is any idea on how far/deep they will go? Susan estimated about 300-feet. Dennis Nelson asked what the cost per foot is. Susan said they caught her off guard; Crystal Turner said she would look it while Susan continued her report.

Regarding the second test well, we went out to bid a second time because no bids were received on the first advertisement. "We have extended the drilling timeframe. We want them drilled early so we can test the quality and hopefully start using them by next summer. But we did not get any bids so we revised it to begin by 2/1/2022 and additionally asked if that does not work to propose an alternative schedule, in hopes of getting better feedback. Bids due 11/17," Susan said.

Crystal answered the 6-inch well is \$80/ft, and the option B is 8-inch and \$98/ft. Susan said they said 6-in was recommended and is adequate.

Kelly Smith added she has been working with LaNette Jones of Great West on the numbers for the grant money we are getting, possible DNRC loan forgiveness, and operation and maintenance costs are factored in. "There are 2 options (1 with competitive ARPA money received and 1 without). Worst case scenario water rates could be raised \$8/dwelling unit, but we have discussed sewer revenue is a little higher than expected because of loans being paid off, so that could be reduced and water rates increase. Could be a wash, or a possible \$5 overall rate increase. This does include the assumption the City will use cash it has on hand (impact fees too) to reduce the overall loan amount borrowed," Kelly said.

Randy Johnston said the nutrients for sewer will start in 2022 so we may have added costs. George Chancellor asked if it is prudent to raise rates now ahead of the project. Kelly replied it is already estimated at \$8 - but we will discuss details in Committee and this is the projected worst case scenario.

**UPDATE ON FLOODPLAIN MITIGATION PROJECT**

Jeremiah Theys of Great West provided an update. "The City has been working with Headwaters Economics and Great West Engineering to look at funding opportunities to reduce flood risk based on FEMA's new flood (unadopted at this time) maps. The maps were introduced to the City a year ago and really limit development, further expands folks into the floodplain requiring more flood insurance. It really limits growth on the land in the floodway. We all partnered and completed a feasibility study and the results are on the map behind the Council. We submitted a grant for FEMA's BRIC funding in December 2020, but the community was unsuccessful. We have debriefed with FEMA Region 8 and State Disaster & Emergency Services and they were really supportive of our application. However, Region 8 did not get any funding. We came up with two viable projects." He explained Alternative #1 (yellow on map in packet) and then Alternative #2 (green on map). "We proposed Alternative #2 because it take less land to construct, removes more land out of the floodplain and all the land the City, which would be designated floodway," Jeremiah said.

Kelly Smith added, "We though Alternative #2 was dead, but we have been approached by the landowner with a land swap option now which has changed our options. I do not have a timeframe at this point if dealing directly with the landowner (vs. the land purchase and swap scenario). Not sure if it'll change again, but at least we have an option for Alternative #2 again. There are couple variations I have presented tonight based on the easement requested in Alternative #2, or the multiple easements required for Alternative #1. It will cost the City money. The shorter channel is more effective to remove floodwaters and frees up more land to be developed in the future." Kelly explained. She said, "Does the City want to pay \$9,000,000 for a longer channel or overpay for an easement that is more effective on the shorter channel? That is what will be up to the Council."

Jeremiah said this is the decision before the board tonight. "When we were told that [Alt. #2] wasn't an option we moved forward with the Alternative #1. But now we have a number to work with for Alternative #2. So we need to know the Council's direction. Right now, the City's match is about the same between the two project, given the easement requested price tag."

Brooke McLees asked with all this, does it need to be fairly quickly? Kelly Smith answer there are factors, but we have not sat down with the landowners to work out all these requests yet, but yes. Gene Townsend

asked, "If we do Alternative #2, the preferred one, it's less ditch to maintain, it includes benefits to more properties. If we complete Alternative #2, is that going to make people not in the floodplain and they could not have to carry flood insurance. Jeremiah answered, "That is correct." Gene asked what the average cost of flood insurance costs. Deb Mickelberry answered it is based on what you owe on the home. Kelly Smith said the average premium is \$1000-2000/year. Sean Gifford said that may be the average, but his is more than that. Insurance is not required if there is no mortgage, but of course FEMA still encourages carrying the policy. Gene said, "So if we spend this amount - is it actually going to save (our citizens) money? If you're going to spend \$1,000 to \$2,000 a year on flood insurance, I'd gladly spend this in a district to pay so much a year if it got me out of flood insurance." Jeremiah said he is unsure the exact number of premiums, because there are folks that have paid off their mortgages and no longer carry this insurance, but it will definitely save the citizens money in the long run. Brooke McLees said if this project does not remove all the properties from the floodplain designation and she still has to pay because her property is left in the floodplain, she would be very upset. There was discussion regarding the Madison River floodplain and if the Jefferson is removed it may reduce the overall base flood elevation on the Madison as well, lowering the overall risk. Brooke said she also read about the infrastructure bill and how it may help Three Forks. Jeremiah responded, "There is an opportunity but that bill is still being written by the (federal) Legislature. There are maybe some strings attached to other funding sources so we will meet with State DES about these grants and the requirements down the road. ARPA is ineligible - levies, flood dikes fall under the SRF program with the State. However, the commitment to decide is if the City will pay the 25% match and assume all the risk that Alternative #2 doesn't get the easement signed and we have to go back to amending a funded grant to work on Alternative #1."

Nancy Todd asked, "What's the difference in removing properties from the floodplain on those two projects? Just the land in between the two projects" Jeremiah explained the floodway is removed with both projects. We show 186 parcels in that floodway. It limits anything one can do for remodel, definitely building is not allowed - no new development. You cannot be elevated above the BFE (base flood elevation) in the floodway, no build area at all." Deb Mickelberry said if we went after the \$5,000,000 project and BRIC is awarded, but Alternative #2 is taken off the table we have to come up with the \$4,000,000 gap. Jeremiah said yes, that is the case. Kelly Smith asked if FEMA would allow a scope adjustment, and then we could figure out working on Alternative #1 instead with the same award

money? Jeremiah believed so saying, "The intent is still there just the cost would be the difference. FEMA would be approached to do an amendment. Both alternatives would be addressed in our application."

This concluded the overview of where the City stands with both project flood mitigation options.

**Decision to Commit up to \$2,800,000 Towards a Flood Mitigation Project (Cash, In-kind, Loans, Special Improvement District, etc.)**

Councilman Nelson made a motion we go for the allocation of \$2.8 million in the mitigation project, that we approve the \$2.8 million.

Councilman Chancellor seconded the motion.

**Motion Passed Unanimously.**

**Decision to Proceed with Alternative #1 (longer channel) or Alternative #2 (shorter channel)**

Councilman Chancellor made a motion we proceed with Alternative 2, the shorter channel. Councilman Townsend seconded the motion.

**Motion Passed Unanimously.**

**Approval of a Letter of Intent for to Participate in the 2022 Building Resilient Infrastructure & Communities (BRIC) Grant to the State of Montana Disaster & Emergency Service Department**

Mayor Gifford explained this just notifying the State we will be applying. Crystal Turner explained the project cost is blank on the letter in their packet since we were unsure how the previous decision was going to go. Jeremiah Theys added we have to notify the State because they are the applicant from the State of Montana and we are a sub applicant.

Councilman Townsend moved to submit a letter of intent to participate in the 2022 Building Resilient Infrastructure & Communities (BRIC) grant.

Councilman Nelson seconded the motion.

**Motion Passed Unanimously.**

**Approval to Submit a Building Resilience Infrastructure and Communities (BRIC) Grant on or Before December 10, 2021, for the Jefferson River Flood Mitigation Project**

Jeremiah Theys explained this is where his work really starts. He added that Headwaters Economics has been a great partner and they are ready to get started and help us draft a great application.

Gene Townsend asked what the total amount to be requested would be.

Jeremiah said this would be for just over \$5,000,000. Kelly Smith added

this must be submitted prior to the next Council meeting, hence the reason it is before the Council for a decision tonight.

Councilwoman Mickelberry moved to approve the submission of a BRIC grant on or before December 10, 2021, for the Jefferson River Flood Mitigation Project. Councilman Townsend seconded the motion

**Motion Passed Unanimously.**

**Letter of Intent to Participate in the 2022 Flood Mitigation Assistance (FMA) Grant to the State of Montana Disaster & Emergency Services Department**

Crystal Turner explained the City may not apply for FMA because it has stipulations we may not want to agree to and may not submit. However we would be too late by the next Council meeting if we learned otherwise to have the Council's letter signed. Jeremiah Theys added the Flood Mitigation Assistance (FMA) program is based on repetitive loss and the City of Three Forks has not had any, so we may be ineligible. Kelly Smith added we will not submit the FMA if we confirm the City residence would be required to carry flood insurance even after the project is complete.

Councilman Nelson made a motion to approve Letter of Intent to participate in the 2022 Flood Mitigation Assistance (FMA) grant to the State of Montana Disaster & Emergency Services Department. Councilman Chancellor seconded the motion.

**Motion Passed Unanimously.**

**Approval to Submit a Flood Mitigation Assistant (FMA) Grant on or Before December 10, 2021, for the Jefferson River Flood Mitigation Project**

Mayor Gifford echoed this contingent upon whether or not it benefits the City.

Councilman Townsend made a motion to Submit a Flood Mitigation Assistant (FMA) Grant on or Before December 10, 2021. Councilman Nelson seconded the motion.

**Motion Passed Unanimously.**

**Approval to Submit an Application to the Hazard Mitigation Grant Program in Spring 2022 for the Jefferson River Flood Mitigation Project**

Jeremiah Theys said the State gets money whenever there is a disaster, a Presidential declaration of disaster, then the State gets 15%. Typically, it can be used for flood, fire, whatever the loss was for. "We would then apply for hazard mitigation. But it's based on the money each county or community is impacted. They had a call for applications in September for

fires 2 years ago, and then with the fires last year and some this year, they are expecting a lot of applicants and a couple million dollars this spring. It's not enough to fund the entire project but is an opportunity to apply to pay for some of this project. Not sure what it would pay for exactly yet, maybe design? There is no call for applications yet but we are anticipating that call and want to be ready."

Councilman Townsend made a motion to approve to submit an application to the Hazard Mitigation Grant Program in the spring of 2022, for the Jefferson River Flood Mitigation Project. Councilman Chancellor seconded the motion.

**Motion Passed Unanimously.**

#### **NEW BUSINESS**

George Chancellor proposed a resolution limiting the total dollar amount for clothing allowances, for items listed in safety manual. Exceptions could be made for increases over \$150.00 (per employee). He requested this be on 12/14/2021 agenda.

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

Gina Bennett spoke regarding changing the ordinance allowing accessory dwelling units (ADUs). "How does the community go about asking the Council to amend that? What can I do to help the city change that?" she asked. Kelly Smith said that several ordinances would require change: minimum square footage, detached structures, contiguous foundations, etc. Gina said, "Compared to other communities across the country and local, they have maximum requirements, not minimum square footages. Accessory Dwelling Units could be a maximum no bigger than the initial residence. The current law limits a lot of people for affordable housing options. We could help take care of family members in these smaller units and in Three Forks we are not allowed to do that." Gene Townsend asked if this was to address tiny houses. Gina said no, it is more about providing more housing options.

Crystal Turner introduced JR Tonjum to the Council, the new part-time employee helping in City Hall.

Gloria Howland thanked the City for putting the radar sign on the corner of Railway and California. Gina Bennett said there is a lot of speeding on Main Street too. Dep. Tim Clark said he does park at Library and at the former Wolf Den and can see both ways all down Main Street.

**MAYOR & COUNCIL ANNOUNCEMENTS**

Gene Townsend asked if the City has received any applications for the Public Works position? Crystal Turner answer yes, 3 complete and 1 incomplete which was returned to the applicant.

Gene added regarding the Trails Department, he is still working on easements and an encroachment permit from MDT.

Mayor Gifford just wanted to report on the Ambulance and asked for consensus from the Council. "There are issues with the Ambulance Service - response is down. I would like to move forward, I've spoke with Dr. Birrer, to get our basic life support (BLS) license back for the Fire Department, it would run like Manhattan. It would not be a transport service, they would get a signed refusal for treatment or initiate treatment until AMR or Central Valley could get here. It would be staffed by board certified EMTs. I am unsure of the requirements yet, but just wanted the Council to know I am looking into this since the Ambulance District has lack of staff. I envision it would run very similar to the Manhattan Fire Department. Is it OK I move forward with it or just leave it alone?" Council said good idea and go ahead.

Gene Townsend asked about the update on the Ambulance board appointment? Susan Swimley asked George Chancellor to volunteer to help communicate with the County and possibly Broadwater County to work to correct the Interlocal Agreement before proceeding.

**Ice Rink and Warming Hut Update**

Mayor Gifford received a sizable donation from Eric & Angie Raube, in memory of her mother Kathy Horvath - he requested consensus from the Council to put a donation plaque honoring her? Council said OK do it!

**AGENDA ITEMS FOR NEXT COUNCIL MEETING:** December 14<sup>th</sup>, 2021

- CUP Volesky Home occupation
- Resolution abandoning the school streets/alleys
- Resolution clothing allowance maximum

**ADJOURNMENT**

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

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

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Sean Gifford, Mayor

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Crystal Turner, City Clerk

**DECEMBER 14<sup>TH</sup>, 2021,** 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 Sean Gifford. Mayor Gifford called the meeting to order at 7:02 P.M.

**ROLL CALL:** City Council members George Chancellor, Gene Townsend, Steve Dahl and Dennis Nelson. City Treasurer Kelly Smith, City Clerk Crystal Turner, City Attorney Susan Swimley, Water Superintendent (and incoming Mayor) Randy Johnston, and Gallatin County Sheriff Deputy Tim Clark were present at City Hall. Great West Engineer Susan Hayes attended via Zoom. Deb Mickelberry and Nancy Todd were excused.

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

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

**GUESTS:** Gloria Howland, Brooke McLees, Michael Volesky, Rick Weisser, Jan Lien, Pat Downing, Ron Loucks, Harry Creason, Whitney Carr, JoAnne Iszler, and Rhonda Uthlaut, Superintendent of the Three Forks School. (It is unknown if public attended via Zoom.)

**PUBLIC COMMENTS/CONCERNS** (For items not on the agenda)  
There were no public comments for items not on the agenda.

**CONSENT AGENDA**

- v. Claims Paid due to Timeliness on 11/24/2021 in the Amount of \$18,198.93
- w. Claims Paid due to Timeliness on 11/24/2021 in the Amount of \$5,575.56
- x. Claims Paid to Mail Utility Bills on 11/30/2021 in the Amount of \$179.02
- y. Claims for Approval to be Paid
- z. Three Forks Rodeo Arena Claims Due to Timeliness on 11/24/2021 in the Amount of \$589.10

- aa. Three Forks Rodeo Arena Claims Due to Timeliness on 11/24/2021 in the Amount of \$139.33
- bb. Three Forks Rodeo Arena Claims to be Paid
- cc. 10/21/2021 Zoning & Planning Minutes
- dd. 10/12/2021 & 11/9/2021 City Council Minutes
- ee. Letter and Encroachment Permit Signed by Mayor Acknowledging Installation and Maintenance of a Crosswalk at MT Hwy-2 and N. 2<sup>nd</sup> Avenue East for the Headwaters Trail System Submitted to Montana Department of Transportation

Councilman Townsend moved to accept the Consent Agenda. Councilman Nelson 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 to Operate a Home Occupation of Taxidermy by Michael Volesky, Located at Lot 5, Block 10A of Headwaters Addition, Commonly Known as 628 Linda Lane**

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 with conditions. George said, "It was a lively meeting and took a while to come up with a consensus."

Susan Swimley asked how much acetone is in the business area and what it is used for. Mike Volesky said he has a small container (like one would have to remove nail polish) and it is used for cleaning. She also asked for it to be elaborated from what is written in the Zoning minutes as "stuff in a normal garage". "What does that mean?" Susan asked. Mike Volesky said it was just brought up during discussion, but his garage holds gasoline, oil, acetone, etc. that are in almost every garage. The gasoline is for the lawn mower. However, most chemicals in the garage are not used in the business.

Council questions: George Chancellor asked why this business is being advertised before legal status has been given. Mr. Volesky said he needs to establish a clientele and get the word out. Steve Dahl asked if Mr. Volesky is planning to stay in this location permanently or would he be moving to another location? Mr. Volesky answered that he is looking into another location already and wants to be more than a "mom and pop" shop, but that is where he has to start. Gene Townsend asked, "Does it bother you to be in a neighborhood and try to run a business when everyone in the neighborhood is opposed to you?" Mike Volesky answered, "They don't like animals, or they don't know the process and just signed because they are friends with whomever was soliciting the signatures. Lots of people just

sign petitions without knowing the details of them." Dennis Nelson asked about Mr. Volesky parking his 3 vehicles and then working in the garage, "How will you accommodate parking for your customers?" Mike Volesky replied that once he gets the license, his cars will be moved.

Mayor Gifford read a petition of opposition into the record signed by Melvin and Vangie Fregien, Ron Loucks, Jack Dyer, Lonny & Denise Babcock, Travis Keil, Jessica and Tyler Oehmcke, Russel Fregien, Glenn Dahlberg, Lucky Flynn, Curtis Rogers, Greg and Sarah Overman, Tim Myers, JoAnne Iszler, Travis Woodland, Brian Weitersen, and Harry Creason. The Mayor also read a letter of opposition from Mickie Imberi into the record.

Public Comment: Ron Loucks said he spoke with a taxidermist in Butte which told him that 1 in 50 business that try taxidermy succeed because most get in trouble for using unapproved chemicals. JoAnne Iszler spoke about the parking noting the applicant's vehicles are not just parked in front of his own home, they are parked all over the street.

Seeing no more public comment, the Mayor closed Public Comment.

Applicant Rebuttal: Mike Volesky said the street is a public street and he has a right to park on any street. "Company who comes [to visit] can park anywhere on the street. As far as traffic [he pointed to JoAnne Iszler], she drives up and down the street four times a day. The guy who came and got the signatures doesn't park on it - he parks on the alley side. There really is not lot of traffic on that road, and if you want to get picky about it let's put up one of those traffic strips and count it. There are a lot of potholes, she (pointing to JoAnne Iszler) is correct, but the City should maintain the road better," Mr. Volesky rebutted.

Board discussion - Susan Swimley asked the Council to make some findings and have discussion about the conditions as proposed by the Zoning & Planning Board. She asked, "Do those conditions reduce the adverse impacts on the nearby property or residents? Does it change the character? Balance off what you heard about the concerns and the impacts of this request. If the majority of the concerns are not mitigated, only if you cannot come up with conditions to mitigate the impact, then you could deny it. This is not about parking on the street. The ordinances require adequate parking and the applicant does have adequate parking space available." She suggested to the Council they could set a time limit and inspect the conditions of the conditional use permit.

Steve Dahl said, "With a whole neighborhood full of signatures against this - that is enough for me to say it is not good to be there. I feel it is a good example of government to listen to the people. The location and type of business is not characteristic of the neighborhood." Susan Swimley asked what is it that cannot be mitigated? Steve Dahl replied, "I believe everyone has a right to vote on it." Susan replied, "The Zoning Board has addressed smell by the work having to be done inside and not have the garage door open except for loading (and she suggested adding 'unloading'). The Zoning Board suggested it could be revoked if there are complaints of smell. They have limited the hours to appease the neighborhood," she said. George Chancellor said he believes the advertisement saying, "I'm open for business" and he has a storage compartment in his back yard which already violates the setbacks. "He has a propensity to not following rules, so I do not feel comfortable letting this approve," George said. Susan - based on other conduct you want to deny this? George replied that he is inclined to.

Gene Townsend asked how the applicant deals with skulls. "Do you boil them or beetles?" Mr. Volesky answered, "I don't do them, I outsource that." Susan asked if that concern could be mitigated by saying he cannot clean skulls on site. Gene Townsend asked, "So there are no hides tanned on site?" Mike Volesky replied, "Once the skulls are cleaned they go in the freezer." Gene asked the applicant to confirm the little bit of waste generated is gone within a day. Mike said yes.

Kelly Smith commented regarding the shed mentioned previously; it is in the wrong location but she has already spoken with the applicant and there is a plan to move it in the next couple months. Deputy Clark stated he has been in a lot of taxidermy shops, and if it is done right, there is no foul smell.

Councilman Townsend made a motion to approve the conditional use permit, with the conditions placed upon it by Zoning & Planning Board, and also the condition that this permit be reviewed in one year to let us hear of any complaints or odors or whatever that may come from the property (but I think he has met the criteria with the condition use, and they are allowed and we never had any complaints on one that was allowed previous, until I can see that he is not living up to his end of the deal I think he should have a chance). Susan Swimley clarified if Gene is including Randy Carpenter's conditions in the staff report, the Zoning Board conditions as listed on page 3 of the draft Zoning minutes, and a condition that there is someone present for drop off and pickup? Gene answered yes, and to have someone there to receive the goods. Susan asked Gene if he wanted to

add a condition about cleaning the skulls onsite? Councilman Townsend added a condition that no skulls be cleaned onsite by beetles or boiling.

Kelly Smith recapped the conditions as follows:

1. No business equipment or byproduct of the business be kept outside at any time.
2. No signage be allowed.
3. The garage door remain closed at all times unless loading or unloading.
4. The conditional use permit can be revoked if any complaints on smell are received at City Hall regarding this operation. The City will investigate and may revoke the conditional use permit.
5. Business hours are no more than Monday through Friday 8am-5pm, and Saturday and Sunday 10am-4pm.
6. All patrons of the business must park in the three designated spots in front of the garage at all times.
7. Term for 1 year and then reviewed by the City Council.
8. Someone be present for dropping off or picking up animals.
9. No cleaning of skulls onsite by beetles or boiling.

Councilman Nelson seconded the motion.

**Motion Tied 2:2 - Councilmen Dahl and Chancellor opposed.**

Mayor Gifford voiced his concern of neighborhood businesses due to additional traffic, his concern regarding chemicals and storage, and the number of citizens against the application. **Vote: opposed.**

The conditional use permit application was **denied.**

**Public Hearing and Decision on a Resolution of a Petition by Three Forks School District #J24 to Abandon the Alley North of Neal Street, South of Oak Street between N. 3<sup>rd</sup> Avenue E. and N. 4<sup>th</sup> Avenue E., and the 1-block Section of N. 3<sup>rd</sup> Avenue E. which is South of Oak Street and North of E. Neal Street**

Mayor Gifford read the resolution into the record in its entirety, noting it would be #357-2021 if approved.

Susan Swimley said this has been a discussion for almost two years, and every "I" has been dotted and every "T" has been crossed.

The Mayor asked if there was any public comment. Seeing none, he closed public comment.

Councilman Chancellor moved to approve Resolution #357-2021, a resolution of a petition by Three Forks School District #J24 to abandon the alley north of Neal Street, south of Oak Street between N. 3<sup>rd</sup> Avenue East and N.

4<sup>th</sup> Avenue East, and the 1-block section on N. 3<sup>rd</sup> Avenue East which is south of Oak Street and north of E. Neal Street.

Councilman Dahl seconded the motion.

**Motion Passed Unanimously.**

**Public Hearing and Decision on a Resolution Setting a Clothing Allowance to Cover Personal Protective Equipment for Employees with a Maximum of \$150.00/Year**

Mayor Gifford said this would be Resolution #358-2021 if adopted, and then read the entire resolution into the record.

Gene Townsend asked that this was just skipped as being included in the Salary Resolution this year - and so this will cover it moving forward? Kelly Smith said that is correct. Dennis Nelson asked if fire department personal protective equipment (PPE) would be maxed at \$150.00 per volunteer as well. Crystal Turner replied no, as their duties require specific safety gear which is included in their budget.

Public Comment - Rick Weisser asked if the amount, due to the cost of everything increasing, should be increased. Gene Townsend said the last sentence in the "now, therefore be it resolved" section covers items over \$150.00. Without more public comments, Mayor Gifford closed public comment.

Councilman Nelson made a motion to approve Resolution #358-2021, a resolution of the Three Forks City Council setting a maximum clothing allowance for personal protective equipment needed to perform job duties. Councilman Chancellor seconded the motion.

**Motion Passed Unanimously.**

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

Mayor Gifford said this would be Resolution #359-2021 if adopted, and then read the entire resolution into the record. He asked if there was any public comment. Seeing none, he closed public comment and asked for a motion.

Councilman Nelson made a motion to approve Resolution #359-2021, a resolution providing for the appointment of Gallatin County Sheriff Deputies to be cross-deputized to enforce Three Forks municipal ordinances. Councilman Townsend seconded the motion.

**Motion Passed Unanimously.**

**REPORT OF OFFICERS**

City Treasurer Kelly Smith reported the City finally received the 5-year audit results from FEMA flood division, which began in July 2019. "We

remained a Class 8, meaning everyone that has FEMA flood insurance will still receive a 10% discount," she stated. Kelly also reported the City has received \$30,000 in Community Development Block Grant (CDBG) money towards the Capital Improvement Plan (CIP) to be rewritten.

City Clerk Crystal Turner reported there is a MMIA board vacancy if anyone is interested to serve. The deadline is December 17<sup>th</sup> if you want to put your name in for appointment consideration.

City Attorney Susan Swimley informed the Council we [the City] missed the term end-date of the Interlocal Agreement with the Rural Fire District, so she has drafted a third amendment to it, which will be discussed at the January joint meeting. She also worked with the Water & Sewer Committee regarding the Magris Talc contract to continue service outside of city limits. They were supposed to annex after 20 years from the last agreement, but they do use a large amount of water and it is not in the City's best interest to have them utilize treated, potable water in their boilers. She believes there is a way to define language to allow them to continue using their private wells for the boilers and still contribute to the water & sewer accounts.

Gallatin County Sheriff Deputy Clark reported on the calls for service from 11/10/2021 to today: 10 9-1-1 hang-ups, 0 abuse, 2 agency assists, 1 building alarm, 0 burglar alarms, 1 holdup/panic alarm, 1 animal bite, 1 assault, 1 burglary, 7 civil issues, 1 unattended death, 2 disorderly conducts, 1 family disturbance, 1 unknown disturbance, 0 domestic abuse, 0 drugs, 24 follow-ups, 2 fraud, 1 missing person, 1 overdose, 4 parking, 28 patrol checks (these are as requested, like at the school or security checks), 1 lost/found property (which was a dog), 6 public assist, 1 public education, 1 security check, 2 sexual crime, 2 school resource officer calls, 1 suicide threat, 5 suspicious, 3 threats, 2 reckless driving, 19 traffic stops, 2 criminal trespass, and 1 truancy. (Dep. Clark explained the difference of threats and suicide threats: threats are direct threats to another individual, whereas a suicide threat is a call for yourself.)

Kelly Smith inquired about traffic stops and if any tickets are being written, as none come to the City Court. Dep. Clark responded he has issued some tickets but has written them into the County court. Crystal Turner asked if the dog bite reported earlier had a ticket issued, and if so would that not come into the City's Court? Dep. Clark replied the victim did not wish to press charges. Randy Johnston asked why the helicopter is landing in the park rather than at the airport. Dep. Clark

responded these are life and death situations and time is of the essence. Gene Townsend questioned what the Broadwater County assist calls were for specifically. Dep. Clark said not all assists are to Broadwater County; they may be Montana Highway Patrol and other agencies.

Water Superintendent Randy Johnston said he would ask that Susan Hayes of Great West Engineering report on the water project status.

### **Headwaters Trails System Annual Report**

Gene Townsend said last year he asked the Council permission to apply to two grants, and in the beginning of 2021 grant writing commenced. "We submitted Rails to Trails for \$10,000, to Recreation Trails for \$70,000, to the Montana Trails Stewardship program for \$30,000, to AARP for \$25,000, to 'Two for the Trails' from the Athletic Brewing Company for \$50,000, and we requested \$75,000 from the Gallatin County Open Space program totaling \$260,000 in requests. We received a Rails to Trails award for \$10,000, two awards from Recreation Trails which were \$15,000 for maintenance and for \$52,500 (local match of 25% is supported by Magris Talc for \$13,500), a Montana Trails Stewardship award for \$20,000, and \$75,000 from Gallatin County Open Space for a total of \$152,500 received in grant funds. This is my biggest year ever in grant awards. I finally heard back in August from the Athletic Brewing Company, who said they had the most applications ever received (he thought probably due to COVID as everyone was shut down) and Headwaters Trails was unsuccessful in that grant."

Gene continued, "We just finished up construction on the Jefferson Street Trail extension. I visited with the School Board and we will not continue through school property." Gene thanked Chris & Jan Lien for the offer to allow the trail on their property but with the trees and hurdles it is just not the best fit. "We looked across the street and with the Montana Department of Transportation (MDT) and the Derby's property (which has easements that predate WWII on Dimock's property), the State has really restricted use in their right-of-ways. MDT has agreed to allow the City to encroach in their right-of-way, so that was on the consent agenda tonight. This coming spring we'll complete that trail and hire a contractor to paint the crosswalk on the highway. We will work with the School to ask them what they want him to do with the existing trail in the school yard. We want to make it known to people that we do not want them going into the school area on their bicycles or anything else during school hours," Gene stated.

With grant funds received in 2020, he had eight signs and maps made of the trail system made which will be installed this coming year. "This will give us a continuous trail from the Headwaters of the Missouri to Drouillard Fishing Access, so 8 miles of paved trails," Gene happily reported.

Maintenance on the oldest part of the trail (along Talc Road) will take place in spring or summer of 2022 (crack seal maintenance project). "We installed two more benches this past year, and did some bank stabilization on the third pond. Thank you to Brian Todd who rebuilt the foot bridge to the latrine near the third pond, and thanks to Karen Walton who stained it."

Gene profusely thanked the volunteers who help with the trail maintenance: for mowing and those who help spray weeds, for plowing snow in the winter, and those who pick up trash. He also thanked the users of the trails: runners, walkers, bicycler's and roller-bladers. Gene added, "I figure as a rough guess there are 150 people a day on the trails." He plans on holding a run in June 2022. "This is a major fundraiser for the Trails and we missed it because of COVID," Gene said. Last, he thanked City crew and staff for all their help.

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

**Water & Sewer Committee Update on Annexation Discussion with Magris Talc**

Steve Dahl said, and as Susan Swimley reported earlier, the Committee met in late November to discuss the 20-year service agreement. He explained, "When we met, Magris' #1 concern was their wells, the implications of their water usage on our sewer treatment plant, reduction of their tax impact on the Rural Fire Department, and taxes owed by the plant. However, Kelly Smith figured Magris would save about \$21,000 [in taxes] by annexing into the City. Susan touched already that she is drafting a new agreement. Gene Townsend asked, "So you're rewriting it completely?" Susan Swimley replied yes, stating that essentially the Committee's unanimous suggestion was to try find balance on the impacts to our Water and Sewer, and the value to the City's available drinking water. Susan said, "I just wrapped it up today anticipating the Council will proceed with another contract but left the term blank since the Committee was not unanimous on the length. We want to make sure that anything that goes through the boilers and to our treatment plant is all explained in the agreement. Magris could always change the direction and decide it wants to annex and the City could then consider ending the service agreement if that occurred. Gene Townsend said the City water is 270 hardness and

wells out there is 35-40 hardness so the plant would be going through 50 pallets of salt a day to get the water soft enough to efficiently run through the boilers. Magris changed to air cooled compressors to help conserve the water usage.

Randy Johnston added that the City does weekly, monthly, quarterly and semi-annual water testing. "Our main concerns are oil in our waste, and from the samples at Magris there is no oil found. If there are any changes in our water output at all, I do talk to the plant first. That is why we clean our lift stations to see what's going on with the users. What we see most often is kitchen grease."

The Council's consensus is to renegotiate the contract at the January meeting. Pat Downing of Magric Talc said they would be agreeable to a short amendment for now, so that they have something documented in the event both parties cannot agree to a new contract by the March deadline. Dennis Nelson urged for a longer-term contract. Pat Downing said, "If there is anything we need to change, we want to be able to plan for those especially if there is some sort of capital outlay [expense to Magris]. Coming out of Chapter 11, I don't think we could have asked for a better new owner. Magris is a private corporation, who is investing in the business. We will have more than seven-figures in capital assets, and they are excited to bring on a new customer too. We are strong, we have hired 5 [employees] at Sappington, 10 at Three forks (but 3 have also retired). Despite the 2018 labor lockout, which was not good for either party, the union steering committee and the plant has renegotiated another 6-year term contract 3 months ahead of schedule. Magris' preference is for a longer contract with the City, helps us plan better."

#### **UNFINISHED BUSINESS**

##### **Update on Floodplain Mitigation Project**

Kelly Smith explained the City has submitted the BRIC and FMA grant applications to the State, as of today they are finalized. The State has until January 28 to submit to FEMA. We will discuss drafting the submittal to the Hazard Mitigation grant in January. Gene Townsend thanked Kelly and Crystal for all their hard work. Kelly thanked Great West Engineering and Headwaters Economics profusely for their contributions.

##### **Update on Water System Improvement Project**

Susan Hayes, engineer from Great West, reported first on Well #6 saying there is no final schedule yet but it is intended that Red Tiger would

begin in January for the Well #6 replacement. Their bid is the recommended bid.

She continued her report by explaining the work done at the new well site near the Water Tank, "Pump testing at the new well site by the water tank is being conducted. The drillers just started to hit water at 296-feet (contract was for 300-feet). In discussions with the Mayor and the Water staff, it was decided to drill deeper. They drilled down to 503-feet, hit water along with clay, sand, water, repeated layers like that. Encountering those various sand layers, the driller guessed this well would produce about 250gpm. Today's test was to check the draw down and then we will test the water quality. If all goes well, they increase the pump rate, but draw down would be increased. So, we stepped back and determine the 24-hour pump test at 100gpm. We want to determine a sustainable pumping rate. Water quality testing samples will be taken on Thursday. It will take at least a week to see the results." She added there is a change order before the Council tonight for that additional drilling.

(Regarding the Change Order) There will be a bit of a deduct because instead of installing a specific screen in the well, they just perforated the casing because the sand layers were so intermittent.

Gene Townsend asked, "You'd be happy at 100gpm?" Susan Hayes replied, "Not exactly where we want to be but the well is there and we did find a good amount of water." Gene added, "But that doesn't meet our need." Susan replied, "Correct. The City needs at least two more wells. The Council could say pause on this and try another location. The other location is closer to Well #2 (on Kent property) but still has the issue of an easement. I believe the surveyor was complete late last week? (Randy Johnston said the surveyor is still working on it.)" Susan added, "You are losing flow on Well #6 so we hope to get that one repaired and maybe get 200gpm total the City needs. It was producing around 40gpm when we stopped using it because it kept decreasing production, but it used to produce between 80-100gpm." Gene said he believes repairs need to occur at Well #6 because it was a good producer, and perhaps just the methods used are what deteriorated its production. Gene asked, "Are you planning on going deeper with Well #6, or do you intend to work on the gravel pack that was somewhat controversial and believed to cut off flow in that well?" Susan explained a new well will be drilled right next to the existing Well #6 in the same pump house. Gene asked about depth of the sand hit when drilling at the water tank. Susan said the largest she remembers hearing was 12-feet of sand, but she knows they hit 2-feet, 4-

feet and 6-foot sandbars so were much happier with the 12-feet. However, she has not seen the full well log report yet.

Dennis Nelson asked for clarification on the 200gpm found at the drill site at the water tank. Randy Johnston said the City only has 400gpm for the whole city right now, so 100gpm is a good thing. Gene said he is not disagreeing 100 more gallons per minute is a good thing. "I am glad about finding this water, but it still is not enough for the growth proposed. We could not add a 150-unit subdivision. Conservation has helped, increase in water rates helped that because people don't waste it when they have to pay high rates for their usage. But in the end, we still don't have enough water." Randy said he was happy to have 100 more gallons a minute. Gene added, "But we're still not done. We aren't where we need to be yet to accommodate the projected growth." Susan Hayes said the goal is to add 200-250gpm to meet the City's needs while limiting the number of wells needed to drill. If we get 80-100gpm, the City will need more wells. "We anticipated two new wells; maybe the City will have to drill three or four. It will cost more to drill and operate these wells," she said.

**Decision to Award Bid to Red Tiger Drilling for the Drill Replacement Well at Well #6, Installation of, and Completion of Aquifer and Pump Testing in the Amount of \$62,329.00**

Councilman Townsend motioned to award a bid to Red Tiger for the drill replacement well at Well #6 in the amount of \$62,329.00. Councilman Chancellor seconded the motion.

**Motion Passed Unanimously.**

**Approval of Change Order #1 with Red Tiger Drilling to Increase the Test Drill Cost at the Water Tank (Approved 11/9/2021 for \$45,835.00) by \$16,240.00 due to Drilling Performed an Additional 203 feet @ \$80/foot**

Councilman Nelson moved to approve Change Order #1 to Red Tiger for the test drill cost for the additional cost of \$16,240 for the additional 203-feet at \$80/foot. Councilman Townsend seconded the motion.

**Motion Passed Unanimously.**

**Decision to Renew and/or Add to Certificates of Deposit #7000575 and #7000726 in Water / Sewer Funds**

Kelly Smith explained these CDs have been the same since she began working for the City. "Crystal pointed out to me that the Council should really approve or deny their renewals. So, I looked into it and believe that since the Sewer CD is less than \$30,000 with .05% higher than our current checking rate interest, the Council could add to the CD if it wanted, or just cash it out. The Water CD is almost at \$50,000 and I will recommend

the City use all its reserves toward the water project before just increasing the rates. Water CD is actually at .65% and our checking account earns .25%." She reported these are both six-month CDs. "Water amount is really close to what the reserves were for previous projects so it was probably set aside from that," Kelly said. Gene Townsend asked if Kelly has talked to the lending institutions to see what rates they would offer. Kelly said she has not. George Chancellor asked if Kelly has a preference. She said, "For Water I recommend cashing it out and using towards the current project. But Sewer we don't have an immediate plan to spend this on, so maybe we could add a little more money to it and get a higher rate?" Kelly said. She will investigate and report back to the Council.

Councilman Townsend moved to table any action on those two certificates of deposit until we hear back from our Treasurer. Councilman Nelson seconded the motion.

**Motion Passed Unanimously.**

#### **NEW BUSINESS**

##### **Appointment of Kira Gifford to the Three Forks Volunteer Fire Department as a Probationary Firefighter**

Mayor Gifford said he knows this is a break from protocol but did not want to be accused of any nepotism by appointing his wife.

Councilman Townsend made a motion to appoint Kira Gifford to the Volunteer Fire Department as a probationary firefighter. Councilman Chancellor seconded the motion.

**Motion Passed Unanimously.**

##### **Decision for the City to Join and Sign the Low-Income Home Water Assistance Program (LIHWAP) Contract with the Department of Public Health and Human Services 2021-2023**

Kelly Smith explained this is Federal ARPA money given to the State. The State will allow customers to apply for income assistance towards water and sewer charges. The City must enter into a contract with the State Department of Public Health and Human Services. This will help our customers out. It does not cost the City anything to participate and it is only a 2-year program at this time. Gene Townsend said this is a good deal for low income people, it would help customers a lot who are struggling. "I am involved with HRDC and I think this is a good thing. It's similar to the funds customers can ask for help with towards energy costs." He asked that the State will administer the program, and Kelly responded yes.

Councilman Chancellor made a motion that we join and sign the Low-Income Home Water Assistance Program. Councilman Nelson seconded the motion

**Motion Passed Unanimously.**

**Gallatin County Regional Housing Study Presentation (Randy Carpenter)**

This item has been continued to January.

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

Whitney Carr questioned if a skate park coming into Three Forks. Crystal Turner replied there is an individual in town interested in adding a Skate Park. He has come to the Parks Committee and asked permission to place one in a city park, and is working on a non-profit to be able to apply for grants. She added Magris Talc Plant has already donated \$500 towards its creation.

Rick Weisser asked if any land acquisition has happened for the floodplain mitigation project, and if the City would use eminent domain? Kelly Smith said the City would be attempting to acquire easements, not land acquisition, and eminent domain is not an option. She said, "The land needed is not in the City limits so the City would not have authority to use eminent domain even if it wanted to. Additionally, FEMA grants do not allow eminent domain to be used with their funds."

Dep. Clark asked if there have been any discussions to replace street signs that are faded or illegible, like along Main Street. Crystal Turner explained Main Street is a state highway so Montana Department of Transportation would be the contact. She added for city streets, Dep. Clark could speak directly with Street Superintendent Wendell Ewan.

**MAYOR & COUNCIL ANNOUNCEMENTS**

Gene Townsend asked the Council's permission to apply for more grants through Fish, Wildlife & Parks, and to the Recreation & Trails Stewardship programs. George Chancellor, Steve Dahl and Dennis Nelson agreed.

Dennis Nelson took this time to say, "We put together a certificate of appreciation for you Sean," and read the words to all. He then stood and shook Mayor Gifford's hand and gave him the certificate. Denny said, "Good luck with fish guiding and if you ever want to run again please do!"

Mayor Gifford returned the favor and thanked Dennis Nelson for his 15 years of service on the Council and Zoning & Planning Board. Denny stood and thanked everyone - he said he was under good mayoral leadership the whole time. He said the two ladies sitting at the front are a huge influence and help to the entire political operation of the City. Thank you for the Fire Department and working with me through ups and down, and

working with the Gallatin County Sheriff to taking over our law enforcement. Believe me I'm going to miss it."

Sean announced this was his last Council meeting as mayor. He thanked the Council for their support. He drew special thanks to George Chancellor saying he really appreciated his insight, as well as his woodworking skills. "I will try not to lean back in these chairs you've repaired. But in all honesty, you speak the truth: the hard truth. You are always insightful and meaningful." Sean then recognized Gene Townsend, "I don't think people in town know how much you impact this community. He has in hands in everything to help this town run; like keeping history in the museum, and with the trails throughout town." Sean echoed his appreciation of Gene's service to the City as mayor and council. Sean continued, "Steve, you pour your heart and soul into this job - your research into the water and sewer rates was very thorough and that's just one example of the dozens of things you have worked on. I really appreciate. Denny, your reputation proceeds you, I even hear about you at Warrior and Quiet Waters." He thanked Denny for volunteering on the fire department too, noting it is a small group of people that volunteer for many things and help make towns run. Sean said he appreciated each employee individually noting the numerous tasks done outside of business hours by each employee. Mayor Gifford closed with, "I will miss it, it's been a pleasure and an honor."

Kelly Smith announced Friday, December 17<sup>th</sup> from 9am-12pm there will be a retirement party honoring Randy Johnston, with cake, for his years of service and wishing him well with his new chapter.

#### **SWEARING IN OF NEWLY ELECTED OFFICIALS**

Mayor Gifford asked Brooke McLees, Randy Johnston, George Chancellor and Gene Townsend to stand in the front of the room. He read them the words in the Certificate of Election, then asked each of them to raise their right hands. He then asked them to repeat after him as he administered the Oath of Office. Mayor Gifford handed them each their Certificate of Election/Acclamation and congratulated each newly Elected Official. Crystal Turner had them sign their oaths and will send them to the County Clerk & Recorder.

#### **AGENDA ITEMS FOR NEXT COUNCIL MEETING: January 11, 2022**

- 6PM 1/11/2022 - Special Joint Meeting with the Three Forks Rural Fire District Board

- 7PM 1/11/2022 -
  - MMIA Presentation on Roles of Elected Officials, Employees & Volunteers
  - Public Hearing and Decision on the Zoning & Planning Board's Recommendation of 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
  - Gallatin County Regional Housing Study Presentation

**ADJOURNMENT**

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

**Motion Passed Unanimously** and the meeting was adjourned at 9:18PM.

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Randy Johnston, Mayor

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Crystal Turner, City Clerk